11/2011

IN RE: PETITION FOR VARIANCE

E/S Philadelphia Road, 170' S of the c/l

Spotswood Rd.

(9911 Philadelphia Road)

15th Election District

* FOR

6th Council District

* BALTIMORE COUNTY

Goodwin Realty, LLC

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance for the property known as 9911 Philadelphia Road, located in the White Marsh community of northeastern Baltimore County. The Petition was filed by the owner of the subject property, Goodwin Realty, LLC, by its managing member, Jeffrey Goodwin, President, through their attorney, Sebastian A. Cross, Esquire. The Petitioner seeks relief from the Baltimore County Zoning Regulations ("BCZR"), as follows: 1) From Sections 255.1 and 238.2 to allow a side yard setback of 6 feet in lieu of the required 30 feet; and 2) From Section 409.8.A.1 to allow a landscaping strip of 0 feet along the parking lot turn-around in lieu of the required 6 feet, per Baltimore County Landscape Manual. The subject property and requested relief are more particularly shown on the plat accompanying the Petition for Variance, a copy of which was submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner were Jeffrey A. Goodwin, President of Goodwin Realty, LLC; and, David Rudisil, with Frederick & Ward Associates, the land planner/surveyor/engineer who prepared the site plan. Also present was Petitioner's counsel, Sebastian A. Cross, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested parties at the hearing. In addition, telephone calls in support of the

HER RECEIVED FOR FILING

Petitioner were received from the Nottingham Improvement Association and Baltimore County's Department of Economic Development.

The subject property under consideration is located on the east side of Philadelphia Road, just south of Spotswood Road in White Marsh. The property contains approximately 3.58 acres in area, zoned ML-IM, and is currently improved by a single-family dwelling and shed. The subject of the Petition relates to the proposed development of three office buildings, each measuring 80' x 160' in dimension, which will be utilized by the type of industrial uses allowable in ML-IM zones. The subject property is located away from Philadelphia Road and borders vacant lots to the north and south and CSX rail lines to the east. Access is provided through an existing access drive running eastbound from Philadelphia Road back to the subject property.

Two variances are requested as they relate to setbacks proposed for this development. The first variance is for a 6-foot side yard setback in lieu of the required 30 feet. The second request is for a 0-foot setback at the terminus of the two parking lots to allow for greater circulation in and out of parking spots. These cutouts have been labeled "turnabouts" by the Petitioner and are shown on the site plan along the southern property line. These 6-foot curb cutouts are proposed so cars could more easily back in and out of the parking spaces in the last parking row adjoining these turnabouts. The Department of Planning submitted a comment addressing these turnabouts and asked that variance relief be denied for this 0-foot setback, in lieu of the 6 feet landscape transition area requirement.

As to these setback variance requests, I am persuaded to grant the variance for a 6-foot side yard setback. This site is uniquely shaped due primarily to its extreme narrowness and adding. Furthermore, this site would be impossible to develop within strict keeping of the

A TIES

ORDER RECEIVED

zoning regulations due to the large setback requirements of ML-IM zones. I also find the Petitioner demonstrated that a practical difficulty would be sustained if relief were denied. As noted above, the unusual shape of the property would render conformance with the regulations unduly burdensome, and adherence to the setback requirements would prohibit reasonable use of this property. Finally, relief can be granted in such a manner so as not to be detrimental to other adjacent properties. As also noted above, the site of the proposed improvements exists adjacent to non-developed land and office building development is a desired and appropriate use of ML-IM zoned land.

As to the requested variance to allow a landscape transition area of 0 feet in lieu of the required 6 feet, a request was made at the hearing by the Petitioner to withdraw this request in reaction to Planning's opposition. Therefore, I will deny Petitioner's request for this variance and these turnabouts will not be developed.

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 for the side yard setback shall be granted and denied as to the variance from landscaping requirements.

day of October, 2005, that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations to allow a side yard setback of 6 feet in lieu of the required 30 feet for an office building development, in accordance with Petitioner's Exhibit 1, be and is hereby **GRANTED**, subject to the following restrictions:

1. The Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

RFLING

- Within sixty (60) days of the date hereof, the Petitioner shall consult with Avery Harden, the Landscape Architect for Baltimore County to develop a suitable landscape plan for the subject property. A copy of the plan shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
- When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.1 for a 0 ft. landscaping strip along parking lot turnabouts in lieu of the required 6 ft., per the Baltimore County Landscape Manual, be and is hereby DENIED.

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

October 25, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Sebastian A. Cross, Esquire Goodwin Realty, LLC 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

E/S Philadelphia Road, 170' S of the c/l Spotswood Road

(9911 Philadelphia Road)

15th Election District – 6th Council District

Goodwin Realty, LLC - Petitioners

Case No. 06-071-A

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and denied in part, 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. Jeffrey Goodwin, Goodwin Realty, LLC 8707 Harford Road, Baltimore, Md. 21234 Office of Planning; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 9911 Philadelphia Road

which is presently zoned: ML-IM

I/We do solemnly declare and affirm, under the penalties of

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date _____

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):

From BCZR Sections 255.1 and 238.2 to allow a six foor yard setback in lieu of the required 30 feet. From BCZR Section 409.8.A.1 for 0' of landscaping strip along parking lot turnarounds in lieu of the required 6' per the Baltimore County Landscape Manual.

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.

Case No.

JRBV 9/15/98

PEDER FE

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Goodwin Realty, LEX Goodwin Realty, L Name - Type or Pent Name Type of Price JEFFREV A. Godwin JEFFREYA Godwin Signature Jeffrey A. Goodwin Signature leffre A. Goodwin, President (410) 882-0303 11847 Glen Arm Road Name - Type or Print Telephone No. Address **MD** 21057-9452 Glen Arm Zip Code City Signature State 11847 Glen Arm Road (410) 882-0303 Attorney For Petitioner: Address Telephone No. 21057-9452 MD Sebastian A. Cross Glen Arm Zip Code State Name - Type or Print City Representative to be Contacted: Signature Sebastian A. Cross Gildea & Schmidt, LLC Name Company 410-234-0070 300 East Lombard Street Suite 1440 410-234-0070 300 East Lombard Street, Suite 1440 Telephone No. Address Telephone No. ddress 21202 MD **Baltimore** 21202 MD Baltimore Zip Code City State Zip Code City State OFFICE USE ONLY 06-071-A

Reviewed By _____



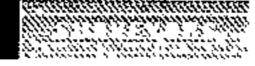
Box 727, 5 South Main Street Bel Air, Maryland 21014-0727 410-879-2090 410-893-1243 fax

www.frederickward.com

ARCHITECTS

ENGINEERS

PLANNERS



July 20, 2005

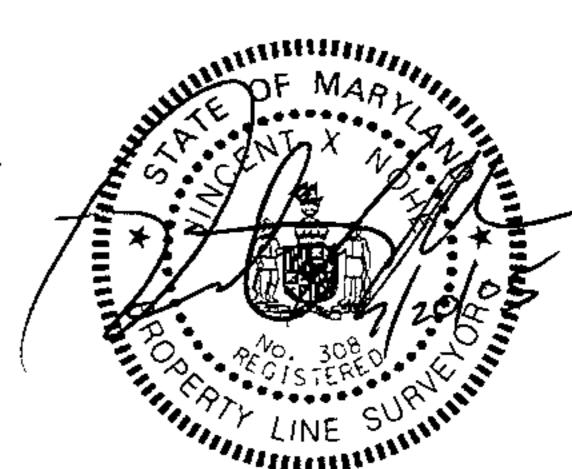
3.5714 Acre Parcel of Land, Surveyed for Goodwin Realty, LLC, Located at 9911 Philadelphia Road, Fifteenth Election District, Baltimore County, Maryland

BEGINNING for the same at a ½" iron pipe heretofore set on the northwesterly right of way line of the CSX Transportation, Inc. railroad at the division line between Lot 8 and Lot 9 as shown on an untitled plat recorded among the land records of Baltimore County in Plat Book WPC 7, folio 37. Said point of beginning bears coordinates, referenced to the Maryland Coordinate System (NAD83/91) of North 616938.6933 and East 1467975.9786. Thence, from the point of beginning, leaving the CSX Transportation, Inc. right of way and binding on the said division line between Lot 8 and Lot 9 and on the division line between Lot 6 and Lot 7, as now surveyed,

- 1) North 58°20'12" West, passing over, at 742.22 feet, a pinched pipe heretofore set and continuing, for a total distance of 761.51 feet to a point lying South 58°20'12" East 15.01 feet from a ¾" bolt heretofore set in the division line between Lot 3 and Lot 4 on the northwesterly side of a thirty foot wide street as shown on the said plat recorded at Plat Book WPC 7, folio 37. Thence, binding along the center of said street (unimproved),
- 2) North 31°39'48" East 200.28 feet to intersect the southwesterly side of a fifteen foot wide roadway shown on the aforesaid plat recorded in Plat Book WPC 7, folio 37 at a point lying South 58°24'46" East 19.39 feet from a ¾" bolt heretofore set and South 58°24'46" East 504.29 feet from a iron pipe heretofore set of the southeasterly side of Maryland Route 7, Philadelphia Road and on the division line between the said fifteen foot roadway and the parcel designated as Church on the aforesaid plat. Thence, binding in part on the south westerly side of said roadway and in part on the southwesterly outline of a cemetery lot and in part on the sixth or South 49°51' East 590.2 feet line of that tract or parcel of land conveyed by John J. Franckowiak and Josephine M. Franckowiak to John J. Franckowiak and Josephine M. Franckowiak by a confirmatory deed dated October 25, 1993 as recorded among the land records of Baltimore County in Liber SM 10314, folio 360,
- 3) South 58°24'46" East, passing over at 783.42 feet, a 2" iron pipe heretofore set and continuing, for a total distance of 788.02 feet to intersect the aforesaid right of way line of the CSX Transportation, Inc. railroad. Thence, binding thereon,
 - 4) South 39°09'48" West 203.07 feet to the point of beginning.

CONTAINING 3.5714 acres (155569 square feet) of land, more or less.

BEING all of that tract or parcel of land conveyed by Iacoboni Realty, LLC to Goodwin Realty, LLC by a deed dated August 24, 2000 as recorded among the land records of Baltimore County in Liber SM 14676, folio 278.



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 or the property identified herein as follows:

Case: #06-071-A

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline o Spotswood Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Goodwin Realty, LLC, Jeffrey Goodwin Variance: to allow a 6-foot side yard setback in lieu of the required 30 feet and to allow 0' of landscaping strip along parking lot turnabouts in lieu of the required 6 feet.

Hearing: Tuesday, September 27, 2005 at 2:00 p.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 Com-

missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 9/135 Sept. 8

CERTIFICATE OF PUBLICATION

9/8
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofs uccessive week s, the first publication appearing
on <u>9/8</u> ,20 <u>05.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
- North County News

LEGAL ADVERTISING

•	
BALTIMORE COUNTY, IMARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT	FROM: FROM: FOR: FOR: WHITE. CASHIER PINK AGENOV

	Transact Venuer Venuer 1060s	FOR:
Fall Lough - Count , dan - Land		FROM:
11-11/140 ON TOTAL	AMOUNT \$ 50 CO	
SELECTE # 390109 AV31/2003	ACCOUNT	DATE 8/30/05
MOID RECEIPT	TY, MARYLAND FINANCE RECEIPT (20) - 006 - 6150 RECEIPT	BALTIMORE COUNT OFFICE OF BUDGET & I

4911 PhilAD.



RE: Case No.: Oo O 71-A

Petitioner/Developer: GOODWIN REALTY Date of Hearing/Closing: 9-27-05 **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: _ 9911 PhILADELPHIA RD 9-11-05 The sign(s) were posted on _ (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

Department of Permis de de 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

August 31, 2005

CORRECTED 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: 06-071-A

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline of Spotswood Road

15th Election District – 6th Councilmanic District

Legal Owners: Goodwin Realty, LLC, Jeffrey Goodwin

Variance to allow a 6 foot sideyard setback in lieu of the required 30 feet and to allow 0' of landscaping strip along parking lot turnarounds in lieu of the required 6 feet.

Hearing: Tuesday, September 27, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Jeffrey Goodwin, 11847 Glen Arm Rd., Glen Arm 21057-9452

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 12, 2005

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

300 E. Lombard Street, Ste. 1440

Thursday, September 8, 2005 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC

410-234-0070

Baltimore, MD 21202

CORRECTED 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: 06-071-A

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline of Spotswood Road

15th Election District – 6th Councilmanic District

Legal Owners: Goodwin Realty, LLC, Jeffrey Goodwin

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Hearing: Tuesday, September 27, 2005 at 2:00 p.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.



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





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

August 30, 2005

CORRECTED 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: 06-071-A

butty Kotroco

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline of Spotswood Road

15th Election District – 6th Councilmanic District

Legal Owners: Goodwin Realty, LLC, Jeffrey Goodwin

<u>Variance</u> to allow a 6 foot sideyard setback in lieu of the required 30 feet and to allow 0' of landscaping strip along parking lot turnarounds in lieu of the required 6 feet.

Hearing: Monday, September 26, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Jeffrey Goodwin, 11847 Glen Arm Rd., Glen Arm 21057-9452

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 10, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 8, 2005 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC

300 E. Lombard Street, Ste. 1440

Baltimore, MD 21202

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: 06-071-A

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline of Spotswood Road

15th Election District – 6th Councilmanic District

Legal Owners: Goodwin Realty, LLC, Jeffrey Goodwin

Variance to allow a 6 foot sideyard setback in lieu of the required 30 feet and to allow 0' of landscaping strip along parking lot turnarounds in lieu of the required 6 feet.

Hearing: Monday, September 26, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake 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

August 16, 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: 06-071-A

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline of Spotswood Road

15th Election District – 6th Councilmanic District

Legal Owners: Goodwin Realty, LLC, Jeffrey Goodwin

Variance to allow a 6-foot side yard setback in lieu of the required 30 feet for a side yard.

Hearing: Monday, September 26, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Jeffrey Goodwin, 11847 Glen Arm Rd., Glen Arm 21057-9452

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 10, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 8, 2005 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

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: 06-071-A

9911 Philadelphia Road

E/side of Philadelphia Road, 170 feet south of centerline of Spotswood Road

15th Election District – 6th Councilmanic District

Legal Owners: Goodwin Realty, LLC, Jeffrey Goodwin

Variance to allow a 6-foot side yard setback in lieu of the required 30 feet for a side yard.

Hearing: Monday, September 26, 2005 at 2:00 p.m. in Room 106, County Office Building,

11/1 West Chesapeake 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 ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number:06-039-A	
Petitioner: Goedwin Ralty LLC	
Address or Location: 11847 Glen Arm Road	·····
PLEASE FORWARD ADVERTISING BILL TO: Name:	<u></u>
Address: 300 F. Comband 54. Suite 1440 Bult: Md 21202	
Telephone Number: 9/0 234 -09 70	·· · ·································

Department of Permits and Development Management

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





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

September 19, 2005

Sebastian A. Cross Gildea & Schmidt, LLC. 300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Cross:

RE: Case Number: 06-071-A, 9911 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 30, 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,

U. Callielle Calling

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Goodwin Realty, LLC. Jeffrey A. Goodwin 11847 Glen Arm Road Glen Arm 21057-9452



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

Fire Department

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





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

August 10, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: August 15, 2005

Item No.: 067 076

1. The fire marshal's office has no comments at this time.

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

Acting Lieutenant David Heath Fire Marshal's Office 410-887-4881 MS-1102F

cc: File





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

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

Maryland Department of Transportation

August 11, 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. 071 (BPR)

MD 7

9911 Philadelphia Blvd.

Mile Post 4.71

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. However we will require the owner to obtain an access permit through our office and as a minimum the following will be conditioned to the permit:

• A traffic impact analysis. The final design for any required roadway improvements will be determined following the review and approval of the traffic impact analysis.

Should you require any additional information regarding this subject, please contact Larry Gredlein at 410-545-5606 or by E-mail (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

J. J. Gredlein

Engineering Access Permits Division



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

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

Maryland Department of Transportation

Date: 9.6.65

Baltimore County

Item No. 276-271 - A

RE:

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

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a trate 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

P. J. sall

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MM

DATE:

September 7, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 15, 2005

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

06-068

06-070 6-071

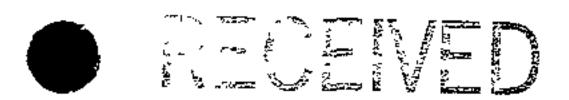
06-074

06-075

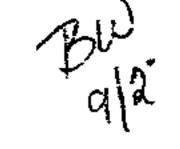
06-076

Reviewers:

Sue Farinetti, Dave Lykens



DATE: September 19, 2005



BALTIMORE COUNTY, MARYLAND SEP 2 1 2005

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9911 Philadelphia Road

INFORMATION:

Item Number:

6-071

Petitioner:

Goodwin Realty

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 in lieu of the minimum required 30 feet. However the Office of Planning recommends denial of the petitioners request to permit a 0 foot landscaping strip along the parking turnarounds in lieu of the required 6 feet. In addition to the aforementioned, submit a complete landscape plan to Avery Harden, Baltimore County Landscape Architect for review and approval of the subject site.

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

Division Chief:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 19, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 22 2005

Item No's: 07, 071, 172, 073, 074, 075, and 076

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-08192005.doc

PETITION FOR VARIANCE RE:

9911 Philadelphia Road; E/side Philadelphia

Road, 170' S c/line Spotswood Road

15th Election & 6th Councilmanic Districts Legal Owner(s): Goodwin Realty, LLC

by Jeffrey A. Goodwin, Manging Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-071-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 11th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed w, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202 TELEPHONE 410-234-0070 FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM

LAWRENCE E. SCHMIDT

DAVID K. GILDEA

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

LSCHMIDT@GILDEALLC.COM

DAVIDGHLDEA@GHLDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

August 30, 2005

W. Carl Richards, Jr.
Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Commercial Revision Filing/9911 Philadelphia Road

Goodwin Realty, LLC Case No.: 06-071-A

Dear Carl:

Attached please find a revised commercial filing for the above referenced property. This filing originally received Case No. 06-071-A and is currently scheduled for a hearing on September 26, 2005.

The revision involves amending the requested variance to add relief for Section 409.8.A.1 of the BCZR to permit a 0' landscape strip along parking lot turnaround in lieu of the required 6' per the Baltimore County Landscape manual. The previous site plan, property description and zoning map still pertain to the revised filing.

Please inform this office of any obligation these changes will result in for my client in regard to the posting and advertising requirements. Also, please contact this office if there is any additional information required. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: dls

Cc: Jeffrey A. Goodwin, Harbor View Contractors
David Rudisill, Frederick Ward Associates, Inc.

Lawrence E. Schmidt, Esquire



300 EAST LOMBARD STREET

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JOSEPH R. WOOLMAN, III JWOOLMAN@GH.DEALLC.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

August 2, 2005

Sent Via Hand Delivery Only

Mr. Bruno Rudaitis Permits & Development Management 111 W. Chesapeake Ave., Room 111 Towson, MD 21204

Re: Harbor View Contractors/9911 Philadelphia Road

Case No.: 06-071-A

Dear Bruno:

In regard to the comment on the existing condition plan section of the filing for the above referenced development, it appears as though the note in the center of the property "Lot line to be eliminated" is in error. This portion of the site plan was previously used for a DRC request in 2003 which consolidated the two lots into one and received a limited exemption for another proposed development. As such, this lot line no longer exist as the two lots have been consolidated into one lot and this note was not omitted in error. I apologize for any confusion this may have presented.

Please find attached both the DRC request letter dated September 8, 2003 as well as the DRC approval issued on October 9, 2003.

Should you have any questions regarding this matter or are in need of any additional materials, please contact me at your earliest convenience. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: dls Enclosures

CC: Jeffrey A. Goodwin, Harbor View Contractors

David Rudisill, Frederick Ward Associates, Inc.

David K. Gildea, Esquire



DAVIDGILDEA GILDEALLC.COM

301 NORTH CHARLES STREET
SUITE 900

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM BALTIMORE, MARYLAND 21201 TELEPHONE 410-234-0070

JOSEPH R. WOOLMAN, III
JWOOLMAN & GILDEALLC.COM

TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

D.DUSKY HOLMAN DHOLMAN GILDEALLC.COM

STUART W. COX

SCOX GILDEALLC.COM

September 8, 2003

Mr. Timothy Kotroco Office of Permits & Development Management 111 W. Chesapeake Avenue Room 109 Towson, Maryland 21204

Re: Harbor View Contractors/9911 Philadelphia Road

Dear Mr. Kotroco:

Harbor View Contractors hereby requests the Director of the Department of Permits and Development Management to issue a limited exemption, pursuant to Baltimore County Code Section 26-171(b)(1) and 26-171(b)(9) for the proposed development on the above referenced property. The development proposes a lot line adjustment and will constitute a "minor development" pursuant to Baltimore County Code Section 26-171(b)(9).

The lot line adjustment involves consolidating the two existing lots into one lot of record for the development. A minor development, as defined by Baltimore County Code Section 26-128 means "a development (1) with no public works agreement … ." The proposed development will not have a public works agreement and, therefore, constitutes, as a matter of law, a minor development pursuant to Baltimore County Code Section 26-171(b)(9).

The granting of the limited exemption pursuant to Baltimore County Code Section 26-171(b)(1) and 26-171(b)(9) will exempt the proposed development from the requirements of the Baltimore County Code Sections 26-202 and 26-206. The proposed development must comply with all other applicable Sections within Article 5, "Development Regulations," of Title 26, "Planning, Zoning and Subdivision Control," of the Baltimore County Code, as well as all requirements of the Baltimore County Zoning Regulations.

As you know, the granting of a limited exemption pursuant to Baltimore County Code Sections 26-171(b)(1) and 26-171(b)(9) does not exempt, in any way, the proposed

Mr. Timothy Kotroco September 8, 2003 Page 2



development from a full substantive review of a Development Plan. All substantive issues will be addressed pursuant to the statutory scheme as clearly outlined in Article 5 of Title 26 of the Baltimore County Code, "Development Regulations."

The DRC and the Director of Permits and Development Management act as gatekeepers of procedural issues in ruling on requests for limited exemptions pursuant to Baltimore County Code Section 26-171. The statutory scheme of Baltimore County Code Section 26-171 does not envision the DRC or the Director of the Department of Permits and Development Management to address any substantive issues at the DRC level, rather, clearly mandates that its role is solely to address procedural issues. Particularly, the DRC and the Director of the Department of Permits and Development Management are to review a proposed development and make a decision on a procedural issue of whether a proposed development is exempt from certain Sections of the Development Regulations. Nowhere in the statutory scheme of Article 5, "Development Regulations," of Title 26 of the Baltimore County Code does it mandate or require the DRC or the Director of Department of Permits and Development Management to address any substantive issues.

The clear language of Article 5, "Development Regulations," of Title 26 of the Baltimore County Code mandates that all substantive issues regarding the proposed development, that is, stormwater management issues, public works issues, floodplain issues, etc., be addressed after the decision on the procedural issue of whether a limited exemption should be granted. This substantive review is not to occur at a DRC meeting.

The proposed development will require a lot line adjustment and meets the definition of a "minor development" as no public works agreement is required. A limited exemption pursuant to Baltimore County Code Sections 26-171(b)(1) and 26-171(b)(9) should be granted as a matter of law. There is no ambiguity in the language of there sections and the proposed development meets the clear language which defines a minor development.

Respectfully submitted,

Sebastian A. Cross

SAC: bhb Enclosure

CC: Donald Rascoe, Permits and Development Management Jeffrey Goodwin, Harbor View Contractors Geoffrey Glazer, Kann and Associates, Inc. David Rudisill, Frederick Ward Associates, Inc. David K. Gildea, Esquire

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

ORC#	
County Use Only	
This application must be assessed to the state of the sta	Filing Date:
 This application must be accompanied by the following: One copy of the completed DRC application form checklist Three copies of this DRC application, completed in full. Three copies of a letter of request (attach one to each DRC 4. Nine copies of the plan folded to 8 ½ x 11 inches. \$40 fee (check made payable to Baltimore County and non 	application).
Project Name: 9911 Philadelphia Road	PDM File #:
Project Address: 9911 Philadelphia Road	Zip Code: 21237 ADC Map #: 29
Councilmanic District: 6th Election District: 15th	
Tax Account No(s): 1503230900	Zoning: ML-IM
Engineer: Frederick Ward Associates, Inc.	Engineer's Phone No.: (410)879-2090
Applicant: Sebastian A. Cross, Esquire	Applicant's Phone No.: (410)234-0070
Address: 301 N.Charles Street, Suite 900	
Baltimore, MD Zip Z	Email: scross@gildeallc.com
Is this an antenna? Yes XNo If "Yes" check one of the fo	
REQUESTED ACTION (TO BE COMPLETED BY I	A
 (x) Limited Exemption under Section 26-171 (b-1) () Material Amendment to the plan () Plan Refinement () Waiver of public works standards () Requires a Zoning () Special Hearing; () Special () Other 	-
This application must be accompanied by a written request. T	hat request must be in the farm of a lower to the

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant an must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building an on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

c: Council, Planning, DEPRM

2/11/2002

Baltimore County Government Department of Permits and Development Management



111 West Chesapeake Avenue Towson, MD 21204

410-887-3335

October 9, 2003

Sebastian A. Cross 301 N. Charles St., Suite 900 Baltimore, MD 21201

> RE: Philadelphia Road 9911 Philadelphia Road DRC Number 092903G; Dist. 15C6

Dear Mr. Cross:

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

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

The DRC has, in fact, met in an open meeting on September 29, 2003, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (B) (9).

Sebastian A. Cross Philadelphia Road October 9, 2003 Page 2

In order to further process your development plan, submit two check prints, of the plan, prepared in accordance with Section 26-203 of the development regulations, one completed, signed and sealed copy of the Development Plan Checklist, and a copy of this letter to this office.

Be advised that in addition to development review fees, Phase 2 review fees may apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 9th day of October 2003, ordered and decided that the recommendations of the DRC are hereby adopted.

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

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Larry Gredlein at 410-545-5600.

Sincerely,

Timothy Kotroco

Director

TK:DTR:dak

c: Kristin Weis File Larry Gredlein

DATE	CASE NUMBER	CASE NAME

TELLICIER'S SIGN-IN SHEET

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										202		E- MAIL

Case No.:	06-	071	Å	
 				

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Sité PLAN				
No. 2	Nothingham Superil Box.		,		
No. 3					
No. 4					
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