IN RE: PETITION FOR SPECIAL EXCEPTION

N/S E. Joppa Road, 510' W of the c/l

Loch Raven Boulevard

(1616-1628 E. Joppa Road)

9th Election District

5th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-179-X

Joppa Associates, L.P., Owners;

ABC Rental Center, Inc., Contract Purchasers *

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by ABC Rental Center, Inc. ("Petitioners"), through its attorneys, Dino C. La Fiandra and Whiteford, Taylor & Preston, LLP. The Property is owned by Joppa Associates Limited Partnership, which joined in the Petition for Special Exception, and was present through a representative at the hearing. The Petition seeks a Special Exception for a Contractor's Equipment Storage Yard in the BR zone pursuant to Section 236.4 of the Baltimore County Zoning Regulations (BCZR). 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 requisite public hearing in support of the request were Mr. Lee Lightner, president of ABC Rental Center, Inc., and Dan Blevins, a professional engineer with the firm of Whitney, Bailey, Cox, and Magnani. Mr. La Fiandra was present as counsel for the Petitioners. Ms. Donna Spicer of the Loch Raven Community Council was present representing the views of that group, which will be discussed below.

The subject property (the "Property") is located on the north side of East Joppa Road, approximately 510 feet from the intersection of E. Joppa Road and Loch Raven Boulevard. The Property contains a total of approximately 2.76 acres, but the Petition for Special Exception seeks

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approval of a Contractor's Equipment Storage Yard on an area of only 1.88 acres. The balance of the Property will be put to other uses, possibly retail uses by tenants, which are not the subject of the Petition for Special Exception, or the hearing.

Mr. Lightner explained the business of ABC Rental Center ("ABC"). ABC has two other locations, one in Columbia, Maryland and one in Catonsville, Maryland. ABC rents small to large sized tools and equipment to individuals, contractors and industrial users. The tools are either picked up by the customers or are delivered. Consequently, there is regular movement on and off the site by cars and trucks. Deliveries typically are made by a roll-off type truck, although deliveries are made by other vehicles as well.

Mr. Blevins described the site plan, which he prepared. The property is roughly rectangular, and the proposed Special Exception area for the Contractor's Equipment Storage Yard (the "Use Area") is shown in gray. The Use Area has approximately 97 feet of frontage along E. Joppa Road at the east side of the property. The Use Area extends to the rear property line, and as it moves toward the rear, it eventually expands to encompass the entire width of the Property from east to west. It is in this rear yard that the contractor's equipment will be stored.

There were two site plans entered as exhibits. Exhibit 1 is the site plan which was filed with the Petition for Special Hearing. Exhibit 2 is a redlined version of Exhibit 1, which shows minor changes to the design of the site. The principal difference between Exhibits 1 and 2 is that on Exhibit 1, the Petitioners proposed that the site would be served by two 24-foot curb cuts. On Exhibit 2, the Petitioners propose two 30-foot curb cuts to serve the site. There is also a minor reduction in the number of parking spaces, from 86 shown on Exhibit 1 to 80 shown on Exhibit 2. As the Petitioner is seeking approval of Exhibit 2, references to the site plan in this Order shall be Exhibit 2.

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The Property is presently improved with a vacant building which was formerly used as a bowling alley. This building will remain. There is also an existing smaller vacant building closer to E. Joppa Road toward the west side of the property. This building was formerly a dry cleaning establishment and is apparently the subject of an order by the Maryland Department of Environment. In accordance with that order, this site plan proposes the removal of that building.

The entire building will be renovated for the intended uses. The portion of the building shown in gray on the site plan will be used for indoor storage of equipment, offices, and customer service/display area dedicated to ABC. As noted earlier, the portion of the building not shown in gray on the site plan will be used by tenants for other uses, most probably retail.

The entire rear yard and most of the east side yard will be fenced appropriately for security of the contractor's equipment storage. There will be security lighting as well, probably through the use of wall mounted and pole-mounted light fixtures. Lighting will be reviewed and approved by the Baltimore County Landscape Architect.

The site plan shows a number of parking spaces within the Use Area. These parking spaces within the Use Area are illustrative only, to show that there is adequate parking in the parking lot to meet the parking requirements generated by the proposed use within the special exception area. These spaces are not intended to be dedicated parking spaces for the use and the intention is that ABC's customers, as well as those of the other uses on site, may park anywhere within the parking area. It should be noted that the parking spaces are not to be part of the equipment storage area. Storage and display of equipment, vehicles and material is permitted in accordance with Section 238.4 of the BCZR (not more than 15 feet in front of the required front building line).

Mr. Blevins testified that there is no aspect of the proposed use or the proposed site which gives him concern that this site is not well suited for this proposed use. There will be no adverse

effects above or beyond those typically associated with a contractor's equipment storage yard generated by this use at this location.

The Office of Planning does not oppose this Petition, but has requested certain conditions on approval. These proposed conditions are listed in its staff report from the Director of Planning to the Director of Permits and Development Management dated October 24, 2005. This staff report is attached to this Order and is incorporated herein by reference. The Petitioner has agreed to all of the proposed conditions. The proposed conditions speak for themselves, but can be briefly summarized as follows:

- 1. Petitioner shall consider brick or stone for commercial signage, elevations for which shall be submitted to the Office of Planning for review and approval prior to issuance of a sign permit.
- 2. Residual commercial signage related to the "AMC Bowling Lanes" shall be removed.
- 3. Pedestrian connections between the existing sidewalks along E. Joppa Road and the proposed "retail" space (not technically a part of this Petition or the hearing) shall be provided.
- 4. A full landscape plan, in accordance with the Baltimore County Landscape Manual, shall be submitted to the Baltimore County Landscape Architect (Avery Harden) for review and approval.

Moreover, it should also be noted that this proposed use will not generate traffic above and beyond that which was generated by the previous use. The Office of Planning noted that this plan will seek to improve ongoing traffic concerns at the intersection of East Joppa Road and Loch Raven Boulevard.

Donna Spicer of the Loch Raven Community Council ("LRCC") appeared at the hearing. She indicated the general support of the LRCC for the proposed use at the proposed location. Nonetheless, she did express some concerns. She briefly inquired about whether all exiting traffic could be directed to leave the site through the westerly access point. The Petitioner and Mr. Blevins

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offered several reasons why that would be impractical or unfeasible, particularly related to the requirements of truck traffic visiting the site, and the desire to keep as separate as possible the contractor's equipment storage yard from the other retail uses. I asked Mr. Blevins about the safety of allowing ingress and egress from the easterly access point, particularly when a car may be exiting the site at the location while a truck is trying to enter the site at that location. I was satisfied with his response as it related to turning radii, aisle width, and the turning lane present in Loch Raven Boulevard. Mr. Blevins and Mr. Lightner indicated that a similar configuration at ABC's Catonsville location works well and without incident.

Ms. Spicer expressed concerns about the type of signage that will be used at this location. I find her concern a reasonable one, and I believe that giving the Office of Planning the authority to review and approve the signage before a sign permit is issued adequately addresses her concern.

I am easily satisfied that the relief requested in the Petition for Special Exception meets the requirements of Section 502.1 of the BCZR. I find that the proposed use at the proposed location will not create any adverse effects above or beyond those inherently associated with the proposed use, irrespective of its location within the zone. The site seems well suited for this proposed use, and I shall grant the Petition for Special Exception, subject to the conditions listed below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County this day of November 2005 that the Petition for Special Exception for a Contractor's Equipment Storage Yard, in accordance with a redlined site plan dated October 25, 2005 and marked as Petitioner's Exhibit 2, be and hereby is GRANTED, subject to the following conditions:

1) Petitioner shall submit sign elevations to the Office of Planning for review and approval prior to the issuance of sign permits. If the Office of Planning and the Petitioner cannot agree on appropriate signage, the Petitioner may seek the approval of this Zoning Commissioner by letter, with a copy to the Office of Planning and Donna Spicer of the Loch Raven Community Council.

- 2) Residual commercial signage associated with the former "AMC Bowling Lanes" shall be removed, including those signs along East Joppa Road and Loch Raven Boulevard (those which the Petitioner has the legal right to remove).
- 3) Pedestrian connections shall be made between the "Future Tenant Space" and the existing sidewalks along East Joppa Road.
- 4) A full landscape plan shall be submitted to Mr. Avery Harden, the Landscape Architect for Baltimore County, for review and approval. This plan shall conform to the requirements of the Baltimore County Landscape Manual.
- 5) The Parking Area shown on Petitioner's Exhibit 2 shall not be used for storage or display of vehicles, equipment, or material, except as provided in BCZR § 238.4.
- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the

Baltimore County Code.

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DESCRIPTION OF THE PROPERTY OF

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

November 10, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

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

RE: PETITION FOR SPECIAL EXCEPTION

N/S E. Joppa Road, 510' W of the c/l Loch Raven Boulevard

(1616-1628 E. Joppa Road)

9th Election District – 5th Council District

Joppa Associates, LP, Owners; ABC Rental Center, Inc., CP - Petitioners

Case No. 06-179-X

Dear Mr. LaFiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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 taily yours.

Oning Commissioner

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Mark Blum, Joppa Associates, L.P.

233 E. Redwood Street, Baltimore, Md. 21202

Mr. Lee Lightner, President, ABC Rental Center, Inc.

800 Geipe Road, Catonsville, Md. 21228

Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234

Mr. Michael P. O'Hara, 4205 Deer Park Road, Randallstown, Md. 21133

People's Counsel; Case File

IN RE:

1616-1628 E. JOPPA ROAD

N/S E. JOPPA ROAD 510' W of LOCH RAVEN BLVD

PETITION FOR SPECIAL EXCEPTION

* BEFORE THE

* ZONING COMMISSIONER

* OF

* BALTIMORE COUNTY

* Case No: 06-179

* * * * * * * *

MEMORANDUM

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by ABC Rental Center, Inc. ("Petitioners"), through its attorneys, Dino C. La Fiandra and Whiteford, Taylor & Preston, LLP. The Property is owned by Joppa Associates Limited Partnership, which joined in the Petition for Special Exception, and was present through a representative at the hearing. The Petition seeks a Special Exception for a Contractor's Equipment Storage Yard in the BR zone pursuant to BCZR § 236.4. No variance relief is requested or necessary.

Appearing at the requisite public hearing in support of the request were Mr. Lee Lightner, president of ABC Rental Center, Inc., and Dan Blevins, a professional engineer with the firm of Whitney, Bailey, Cox, and Magnani. Mr. La Fiandra was present as counsel for the Petitioners. Ms. Donna Spicer of the Loch Raven Community Council was present representing the views of that group, which will be discussed below.

The subject property (the "Property") is located on the north side of East Joppa Road, approximately 510 feet from the intersection of E. Joppa Road and Loch Raven Boulevard. The Property contains a total of approximately 2.76 acres, but the Petition for

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Mr. Lightner explained the business of ABC Rental Center ("ABC"). ABC has two other locations, one in Columbia, Maryland and one in Catonsville, Maryland. ABC rents small to large sized tools and equipment to individuals, contractors and industrial users. The tools are either picked up by the customers or are delivered. Consequently, there is regular movement on and off the site by cars and trucks. Deliveries typically are made by a roll-off type truck, although deliveries are made by other vehicles as well.

Mr. Blevins described the site plan, which he prepared. The property is roughly rectangular, and the proposed Special Exception area for the Contractor's Equipment Storage Yard (the "Use Area") is shown in gray. The Use Area has approximately 97 feet of frontage along E. Joppa Road at the east side of the property. The Use Area extends to the rear property line, and as it moves toward the rear, it eventually expands to encompass the entire the entire width of the Property from east to west. It is in this rear yard that the contractor's equipment will be stored.

There were two site plans entered as exhibits. Exhibit 1 is the site plan which was filed with the Petition for Special Hearing. Exhibit 2 is a redlined version of Exhibit 1, which shows minor changes to the design of the site. The principal difference between Exhibits 1 and 2 is that on Exhibit 1, the Petitioners proposed that the site would be served by two 24 foot curb cuts. On Exhibit 2, the Petitioners propose two 30 foot curb cuts to serve the site. There is also a minor reduction in the number of parking spaces, from 86

shown on Exhibit 1 to 80 shown on Exhibit 2. As the Petitioner is seeking approval of Exhibit 2, references to the site plan in this Order shall be Exhibit 2.

The Property is presently improved with a vacant building which was formerly used as a bowling alley. This building will remain. There is also a existing smaller vacant building closer to E. Joppa Road toward the west side of the property. This building was formerly a dry cleaning establishment and is apparently the subject of an order by the Maryland Department of Environment. In accordance with that order, this site plan proposes the removal of that building.

The entire building will be renovated for the intended uses. The portion of the building shown in gray on the site plan will be used for indoor storage of equipment, offices, and customer service/display area dedicated to ABC. As noted earlier, the portion of the building not shown in gray on the site plan will be used by tenants for other uses, probably retail.

The entire rear yard and most of the east side yard will be fenced appropriately for security of the contractor's equipment storage. There will be security lighting as well, probably through the use of wall mounted and pole-mounted light fixtures. Lighting will be reviewed and approved by the Baltimore County Landscape Architect.

The site plan shows a number of parking spaces within the Use Area. These parking spaces within the Use Area are illustrative only, to show that there is adequate parking in the parking lot to meet the parking requirements generated by the proposed use within the Use Area. These spaces are not intended to be dedicated parking spaces for the use and the intention is that ABC's customers, as well as those of the other uses on site,

may park anywhere within the parking area. The parking spaces are not to be part of the equipment storage area. Storage and display of equipment, vehicles and material is permitted in accordance with BCZR § 238.4.

Mr. Blevins testified that there is no aspect of the proposed use or the proposed site which gives him concern that this site is not well suited for this proposed use. There will be no adverse effects above or beyond those typically associated with a contractor's equipment storage yard generated by this use at this location.

The Office of Planning does not oppose this Petition, but has requested certain conditions on approval. These proposed conditions are listed in its staff report from the Director of Planning to the Director of Permits and Development Management dated October 24, 2005. This staff report is attached to this Order and is incorporated herein by reference. The Petitioner has agreed to all of the proposed conditions. The proposed conditions speak for themselves, but can be briefly summarized as follows:

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- 3. Pedestrian connections between the existing sidewalks along E. Joppa Road and the proposed "retail" space (not technically a part of this Petition or the hearing) shall be provided.
- 4. A full landscape plan, in accordance with the Baltimore County Landscape Manual, shall be submitted to the Baltimore County Landscape Architect (Avery Harden) for review and approval.

It should also be noted that this proposed use will not generate traffic above and beyond that which was generated by the previous use. The Office of Planning noted that this plan will seek to improve ongoing traffic concerns at the intersection of East Joppa Road and Loch Raven Boulevard.

Donna Spicer of the Loch Raven Community Council ("LRCC") appeared at the hearing. She indicated the general support of the LRCC for the proposed use at the proposed location. Nonetheless, she did express some concerns. She briefly inquired about whether all exiting traffic could be directed to leave the site through the westerly access point. The Petitioner and Mr. Blevins offered several reasons why that would be impractical or unfeasible, particularly related to the requirements of truck traffic visiting the site, and the desire to keep as separate as possible the contractor's equipment storage yard from the other retail uses. I asked Mr. Blevins about the safety of allowing ingress and egress from the easterly access point, particularly when a car may be exiting the site at the location while a truck is trying to enter the site at that location. I was satisfied with his response as it related to turning radii, aisle width, and the turning lane present in Loch Raven Boulevard. Mr. Blevins and Mr. Lightner indicated that a similar configuration at ABC's Catonsville location works well and without incident.

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I am easily satisfied that the relief requested in the Petition for Special Exception meets the requirements of Section 502.1 of the BCZR. I find that the proposed use at the proposed location will not create any adverse effects above or beyond those inherently associated with the proposed use, irrespective of its location within the zone. The site seems well suited for this proposed use, and I shall grant the Petition for Special Exception, subject to the conditions listed below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County this _____ day of ______, 2005 that the Petition for Special Exception for a Contractor's Equipment Storage Yard be and hereby is GRANTED, in accordance with Petitioner's Exhibit 2, a redlined site plan dated October 25, 2005, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Petitioner shall submit sign elevations to the Office of Planning for review and approval prior to the issuance of sign permits. If the Office of Planning and the Petitioner cannot agree on appropriate signage, the Petitioner may seek the approval of this Zoning Commissioner by letter, with a copy to the Office of Planning and Donna Spicer of the Loch Raven Community Council;
- Residual commercial signage associated with the former "AMC Bowling Lanes" shall be removed, including those signs along East Joppa Road and Loch Raven Boulevard (those which the Petitioner has the legal right to remove).
- 3. Pedestrian connections shall be made between the "Future Tenant Space" and the existing sidewalks along East Joppa Road.
- 4. A full landscape plan shall be submitted to the Baltimore County Landscape Architect for review and approval. This plan shall conform t the requirements of the Baltimore County Landscape Manual.
- 5. The Parking Area shown on Petitioner's Exhibit 2 shall not be used for storage or display of vehicles, equipment, or material, except as provided in BCZR § 238.4.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

William J. Wiseman, III
Zoning Commissioner/Hearing Officer
for Baltimore County

348151



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V 09/15/98

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1616-1628 E. Joppa Road

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the

Contractors Equipment Storage Yard.

Property is to be posted and advertised as prescribed by the zoning regulations.

zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. 444 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: Legal Owner(s): ABC Rental Center Inc. Joppa Associates Limited Partnership Name - Type or Print Name - Type or Print PRESIDENT Signature By: Lee Lightnek, President Signature By: Joppa Associates, Inc., 410-685-4606 800 Geipe Road Mark Blum 410/744-2323 Address Telephone No. Name - Type or Print Catonsville, Maryland State Zip Code Signature **Attorney For Petitioner:** Redwood Street Address Telephone No. Dino C. LaFiandra Baltimore, Maryland 21202 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Whiteford, Taylor & Preston, LLP Dino C. LaFiandra, Esq. Company Name 410-832-2000 210 W. Pennsylvania Ave. 410-832-2000 <u>Pennsylvania Ave</u> Address Telephone No. Address Telephone No. Towson, Maryland 21204 -Maryland State Zip Code Zip Code OFFICE USE ONLY ZHRS 7/ ESTIMATED LENGTH OF HEARING Case No. ___ UNAVAILABLE FOR HEARING Reviewed By NA

FIVED BY JLL BROP-OFF

"ZONING DESCRIPTION FOR SPECIAL EXCEPTION" TO ALLOW CONTRACTOR'S STORAGE YARD IN DESIGNATED ZONE BR FOR THE PROPERTY KNOWN AS 1616 & 1628 E. JOPPA ROAD TAX MAP 70; PARCEL 86; 9th ELECTION DISTRICT; BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT on the former north side of Joppa Road (40' wide). Said point of beginning being approximately 510' west of the centerline of Loch Raven Boulevard (variable width),

THENCE leaving said Point of Beginning the following nine (9) courses & distances, viz;

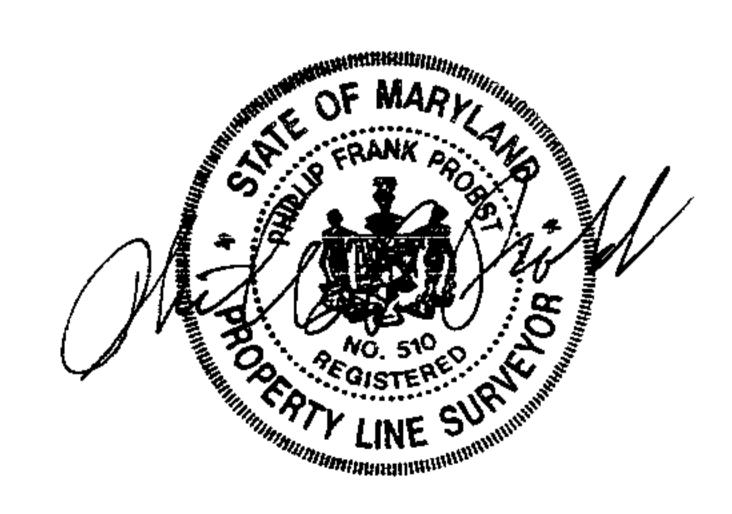
- (1) North 04 degrees 20 minutes 20 seconds West 549.23 feet,
- (2) South 87 degrees 55 minutes 00 seconds West 204.32 feet,
- (3) South 00 degrees 47 minutes 00 seconds East 233.18 feet,
- (4) North 52 degrees 52 minutes 45 seconds East 111.34 feet,
- (5) South 04 degrees 07 minutes 15 seconds East 160.00 feet,
- (6) North 85 degrees 52 minutes 45 seconds East 10.64 feet,
- (7) South 04 degrees 07 minutes 15 seconds East 166.47 feet,
- (8) North 86 degrees 01 minutes 00 seconds East 43.96 feet,
- (9) North 82 degrees 52 minutes 00 seconds East 54.00 feet,

To the point of beginning,

CONTAINING an AREA of 1.88 ACRES of land, more or less.

BEING a portion of the parcels of land as described in a deed from Donald W. Zang to Joppa Associates Limited Partnership, dated July 14,2003 and recorded among the Land Records of Baltimore County in Liber 18480, Folio 352, Containing 123,013 sf. / 2.82 acres +/-. Also known as 1616 & 1628 East Joppa Road and located in the 9th election district.





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: #06-179-X

1616-1628 E. Joppa Road
N/side of East Joppa Road, 510 feet west of centerline
of Loch Raven Boulevard 9th Election District

5th Councilmanic District

5th Councilmanic District
Legal Owner(s): Joppa Associates Limited Partnership,
Mark Blum, President
Contract Purchaser: ABC Rental Center, Inc., Lee

Lightner, President
Special Exception to allow a contractor's equipment stor-

age yard. Hearing: Wednesday, October 26, 2005 at 9:00 a.m. in Room 407, County Courts Ballding, 401 Bosley Ave-nue, 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 10/678 Oct. 11

CERTIFICATE OF PUBLICATION

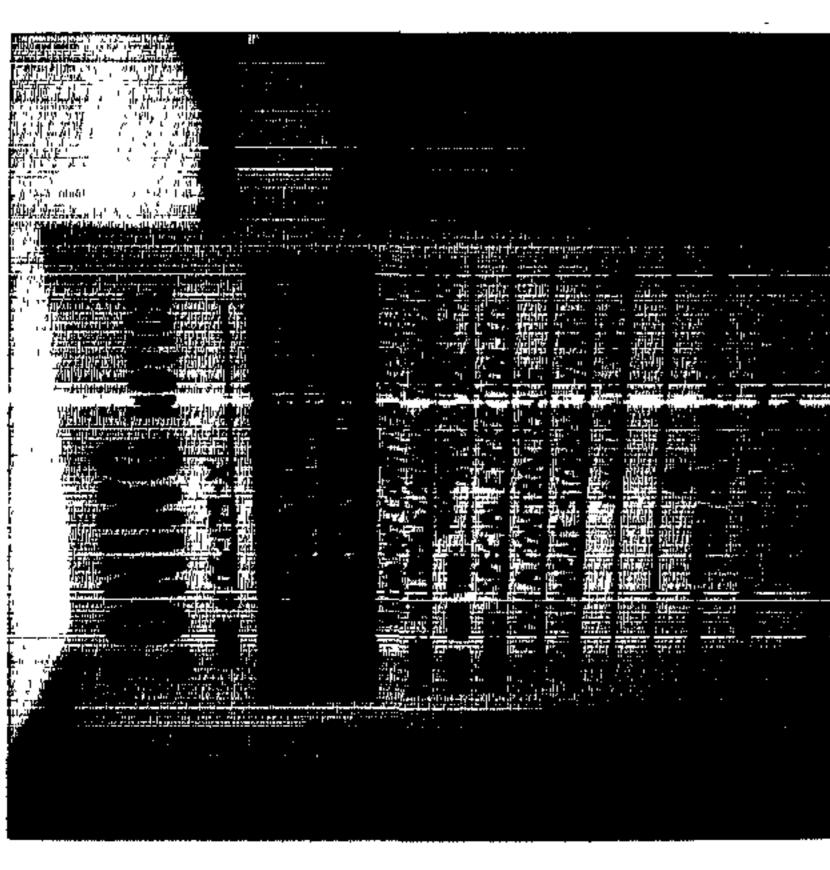
10/13/, 2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 10 11 ,20 <u>05</u> .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 9/23/25 ACCOUNT 2006 6/50 AMOUNT \$ 380.00 FOR: SPX 1616 - 28 & 60PM RD. FOR: SPX 1616 - 28 & 60PM RD.
CASHIER'S VALIDATION	HE WILL THE WINE BY THE HAME AND SHEET THE HAME WILL BY T

CERTIFICATE OF POSTING

ATT	ENTION: KRISTEN MATTHEWS Date October 13, 2005
RE	Case Number 06-179-X Petitioner/Developer. DWO LAFRIAUDA/MARK BLUM/DAW BLEVINS. Date of Hearing Closing Octobul 26, 2005
were	This is to certify under the benalties of perjury that the necessary sign(s) required by law posted conspicuously on the property located at $1616-1628E.JOPPARDAD$
	The sign(s) were posted on October 11, 2005 (Monin, Day, Year)
	$\mathcal{L}_{\mathcal{A}} = \mathcal{L}_{\mathcal{A}} = $



(Signature of Sign Poster)

Printed Name of Sign Poster)

523 PENNY LANE (Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

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.

For Newspaper Advertising:
Item Number or Case Number: $06 179 \chi$
Petitioner: ABC RENTAL CENTER, INC.
Address or Location: 1616 \$ 1628 E. JOPPA POAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: LEE LIGHTNER
Address: ABC RENTAL CENTER, INC.
BOO GEIPE POAD
CATONSVILLE, MD. 21228
Telephone Number: (410) 744-2323

Department of Permits 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

October 5, 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: 06-179-X

1616-1628 E. Joppa Road

N/side of East Joppa Road, 510 feet west of centerline of Loch Raven Boulevard

9th Election District – 5th Councilmanic District

Legal Owners: Joppa Associates Limited Partnership, Mark Blum, President

Contract Purchaser: ABC Rental Center, Inc., Lee Lightner, President

Special Exception to allow a contractor's equipment storage yard.

Hearing: Wednesday, October 26, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204 Mark Blum, 233 E. Redwood Street, Baltimore 21202 Lee Lightner, 800 Geipe Road, Catonsville 21228

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



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 11, 2005 Issue - Jeffersonian

Please forward billing to:

Lee Lightner ABC Rental Center, Inc. 800 Geipe Road Catonsville, MD 21228

410-744-2323

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N/side of East Joppa Road, 510 feet west of centerline of Loch Raven Boulevard 9th Election District – 5th Councilmanic District

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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

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





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

October 24, 2005

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

Dear Mr. LaFiandra:

RE: Case Number: 06-179-X, 1616-1628 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 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, Call Rill Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Joppa Associates Limited Partnership Mark Blum 233 Rdwood St. Baltimore 21202
ABC Rental Center Lee Lightner 800 Geipe Road Catonsville 21228



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 Oct. 6,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18, 2005

Item No.: 167 thru 174 174 thru 184 Also case # 05-502-A

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

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

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File



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



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

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

Maryland Department of Transportation

Date: 10.4.05

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

RE: Baltimore County

Item No. 179 JLL

C

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

1. 1. Smell

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 19, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 17, 2005

Item No. 179

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

This site is within a traffic deficient shed (Joppa Road & Loch Raven Boulevard) no building permits can be issued.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 179-10192005.doc

BALTIMORE COUNTY, MARYLAND

INTÉR-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

FICEVED

DATE: October 24, 2005

OCT 2 (2005

SUBJECT:

1616-1628 East Joppa Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 6-179

Petitioner:

ABC Rental Center, Inc.

Zoning:

BR

Requested Action: Special Exception

The petitioner should be aware that the subject property is located within an ongoing community plan study (e.g. East Joppa Road Corridor Study - Phase II). This community planning effort was initiated by resolution 47-03, whereas the County Council recognizes that this portion of East Joppa Road is "...in need of streetscape improvements, business revitalization and development, and environmental remediation"

Further, this plan will seek to improve ongoing traffic conditions at the intersection of East Joppa Road and Loch Raven Blvd, which is currently operating at an "F" level of service.

SUMMARY OF RECOMMENDATIONS:

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

- 1. Petitioner should consider materials such as brick or stone for commercial signage. Similar examples can be found at nearby businesses along East Joppa Road - "Radio" Park", "Orchard Business Park", "Applebee's", and "Joppa Place." Submit sign elevations for to the Office of Planning for review and approval prior to the issuance of any permits.
- 2. Residual commercial signage associated with the former "AMC Bowling Lanes" shall be removed. This includes those located along East Joppa Road as well as the existing sign found along Loch Raven Boulevard.

- 3. Pedestrian connections shall be made between the proposed "retail" space and the existing sidewalks along East Joppa Road.
- 4. A full landscaping plan shall be submitted to Avery Harden, Baltimore County Department of Permits and Development Management for review and approval. This plan shall be in conformance with the Baltimore County Landscape Manual.

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

Prepared by:

Division Chief:

AFK/LL: CM

RE: PETITION FOR SPECIAL EXCEPTION *

1616-1628 East Joppa Road; N/S Joppa Rd,

510' E c/line Loch Raven Blvd

9th Election & 5th Councilmanic Districts

Legal Owner(s): Joppa Associates Ltd Pship,*

Mark Blem-President

Contract Purchaser(s): ABC Rental Center, Inc*

Lee Lightner, President

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-179-X

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 documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Low dimner wan

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 5th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 West Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

Рег....

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

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY SUITE 495 COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

DINO C. LA FIANDRA

DIRECT NUMBER

410 832-2084

DLafiandra@wtplaw.com

210 West Pennsylvania Avenue Towson, Maryland 21204-4515 410 832-2000 Fax 410 339-4031 www.wtpław.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314-1685
TELEPHONE 703 836-5742
FAX 703 836-3558

The same of the sa

November 10, 2005

NO / 3 9 2005

ZONING LUMINGSONER

Hon. William J.Wiseman, III Baltimore County Zoning Commissioner 401 Bosley Avenue, Suite 405 Towson, MD 21204

Re: Case No. 06-179 (1616-1628 E. Joppa Road)

Dear Mr. Wiseman:

I have had the opportunity to speak with Ms. Spicer about my letter of November 3, and we have agreed on a few minor changes. They are as follows:

- 1. The document will be called a "Memorandum." Obviously, you may use it as you deem appropriate.
- 2. I have added a statement on page 3 (end of third full paragraph), that the lighting will be reviewed and approved by the Baltimore County Landscape Architect.
- 3. On the top of page 4, I have indicated that Parking spaces are not to be part of the equipment storage area, and that storage and display of equipment, vehicles and materials is permitted in accordance with BCZR § 238.4.
- 4. I have added a statement related to traffic on the top of page 5.
- 5. I have added the following condition: "The Parking Area shown on Petitioner's Exhibit 2 shall not be used for storage or display of vehicles, equipment or material, except as provided in BCZR § 238.4."

Hon. William J.Wiseman, III November 10, 2005 Page 2

I have provided Ms. Spicer by fax with a copy of the Memorandum and a copy of this letter.

Should you have any questions, please contact me.

Sincerely

Ďino C. La Fiandra

DCL:

Enclosure

C: Ms. Donna Spicer



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

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

DINO C. LA FIANDRA

DIRECT NUMBER

410 832-2084

DLaftandra@wtplaw.com

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 202 351-0573

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

September 12, 2005

Via Hand Delivery Mr. W. Carl Richards, Jr., Supervisor Zoning Review Bureau 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

Re: DROP FILING for 1616-1628 E. Joppa Road

Dear Mr. Richards:

Enclosed please find a Petition for Special Exception for a Contractor Equipment Storage Yard in the BR zone for the above referenced property. Specifically, the following materials are enclosed:

3 Petitions for Special Exception (originals)

12 Plans to Accompany Petition for Special Exception

1 Advertising Form

3 Copies Zoning Description

3 Copies Zoning Map

1 Check for \$380.00 (filing fee)

1 Marked Up Plat per John Lewis

I note that John Lewis has previously reviewed this petition and the plan to accompany the petition with my client's zoning consultant, Dan Blevins of Whitney Bailey Cox & Magnani. Mr. Blevins has made certain adjustment to the plan based on Mr. Lewis's comments. A "marked-up" zoning plan, with Mr. Lewis's suggested revisions, is also enclosed for your comparison and to facilitate the processing of this application. Furthermore, there are no outstanding zoning violations related to this property.

Should you have any questions, please contact me.

Sincerely,
Dino C. La Fiandra

Enclosure

C: ABC Rental Center; Dan Blevins

344188

179

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

KEEPIN ZONIM-FILE# OG-179-X

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 <u>all</u> 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.
- When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

HOUGH INITIALLY REVIEWED

BY THIS OFFICE FOR MINIMUM

STANDARDS THE DROP-OFF

HAD TO BE RETURNED FOR

REVISIONS WHICH NOW APPEAR

TO SATISFY MINIMUM FIRML

STANDARDS

JULINTAKE FILING. 9/25/05 3/22/05 JLL/rjc

Daniel BlevinsProject Manager/Engineer

WHITNEY, BAILEY, COX & MAGNANI, LLC - 2001 to Present

Daniel Blevins has over 20 years of vast experience in design engineering, permitting and construction administration of residential projects in Baltimore, Carroll, Frederick and Garrett counties. He has established excellent working relationships with the review and permitting authorities of these various County jurisdictions as well as with both State and Federal agencies. Relevant project experience includes the following:

Hanover Hospital East Expansion - Project Engineer for Caring Way Road improvements.

Battle Monument School, Baltimore, MD - Project Engineer. Design and preparation of construction drawings for the condensate drainage system associated with the proposed ventilation units.

CCBC Telecommunication Phase 3, Baltimore, MD - Project Engineer. Design 11 smart classrooms and site utility conduit for Dundalk, Essex and Catonsville Community Colleges of Baltimore County.

Arbutus Middle School, Baltimore, MD - Project Engineer. Design systematic renovation to the existing school services to be provided: Topographic survey; new public water meter; sidewalk and curb repairs; permits, utility abatements; right of way plats for utility easements; erosion and sediment control plans; and construction phase services.

350 Clubhouse Drive, Hunt Valley, MD - Project Engineer. Modified the existing private sanitary sewer system at the existing building to include a sanitary sewer monitoring manhole.

28 Ritters Lane, Reisterstown, MD - Project Manager. Provide a feasibility study for a residential site to determine the site constraints and possible minor subdivision of three lots.

2321 Cavesdale Road, Owings Mills, MD - Project Manager. Provide a feasibility study for a residential site to determine possible subdivision and site constraints.

Edwards Lane, Bowleys Quarters, MD - Project Manager. WBCM provided wetland delineation of approximately one acre residential parcel for a single family house. WBCM flagged the wetlands to be surveyed by others.

Granite Road Property, Timonium, MD - Project Engineer. Project consists of 3 existing parcels of land which comprises approximately 85 total acres. The project shall be developed into 24+/- single family residential subdivision of approximately 1.5 acre lots with private well and septic systems. The public roads will be open section with drainage swales to public stormwater management facilities. Rural Suppression Water Tanks will provide fire protection for the community. The existing historic house will remain within the subdivision.

10202 Liberty Road, Randallstown, MD - Project Manager / Engineer for the preparation of a feasibility study for 3.18 acres + of commercial (BR-CR Zoning) and residential (RC-5) property.

PETITIONER'S

3

Daniel Blevins Continued

Columbia Palace - Center Park Drive - Design and prepare construction documents for raising existing structure and construction of food store and retail shops.

Ft. Washington SHopping Center, Prince George's County, MD - Project Architect. Perform As Built survey and drawings on existing shopping center and 1 pad building to determine square footage for leasing.

1005 Leeds Avenue, Baltimore, MD - Project Engineer. Design and prepare site plan for grading, layout, stromwater management and sediment control of a parking expansion for an existing apartment building.

300 Clubhouse Drive - Design and prepare construction documents for 4-story office building with underground parking garage.

8125 Stayton Drive, Howard County, MD - Project Engineer. Recommendations for paving renovations.

26 Lombardy Drive, Baltimore, MD - Project Manager. Prepared and processed petition for variance associated with a zoning voilation for a previously constructed garage.

Middle River Middle School, Baltimore, MD - Project Manager. Baltimore County Public School systematic renovations for this project consist of resurfacing of the existing bus loop in front of the school, replacement of damaged sidewalks on school property, revise water service to accommodate the proposed fire protection system and provide adequate storm drain.

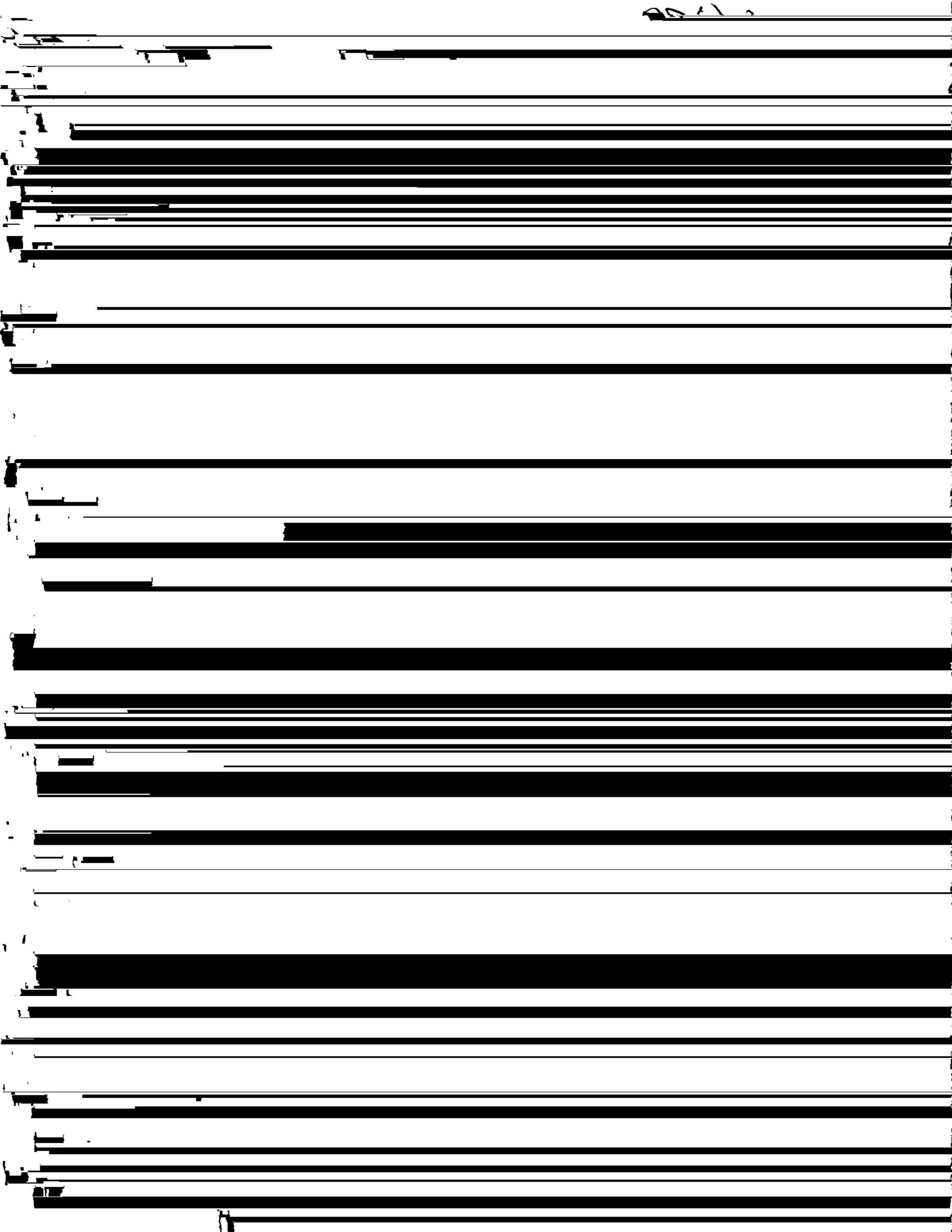
SCRIF, Webster Field Annex, Patuxent River, MD - Project Engineer. Design a new SCRIF Facility Parking Lot, Driveway, Storm Water Management and Water Quality Facility, water, sewer, and storm drain connection and erosion and sediment control devices.

AAFB Renovate MFH Maintenance Facility Building #4796 - Project Manager. Design utility modifications for renovation of MFH Maintenance Facility Building #4789 and conduct for communication line.

FANX Parking Lot Rehab/Lighting, Linthicum Heights, MD - Design the rehabilitation of the FANX-NSA Complex parking lot. The upgrade of the site lighting. The investigation and design of an on-site vehicle bridge repair.

CITIZEN'S SIGN-IN SHEET

								2. (DR) (Dr)	DOWN Spicer	NAME
								4205 Des Park 84	8719 Eddington Rd.	ADDRESS
								DAY NO	グ	CITY, STATE, ZIP
								on Stanson	FAX 410-668-0569	E-MATL



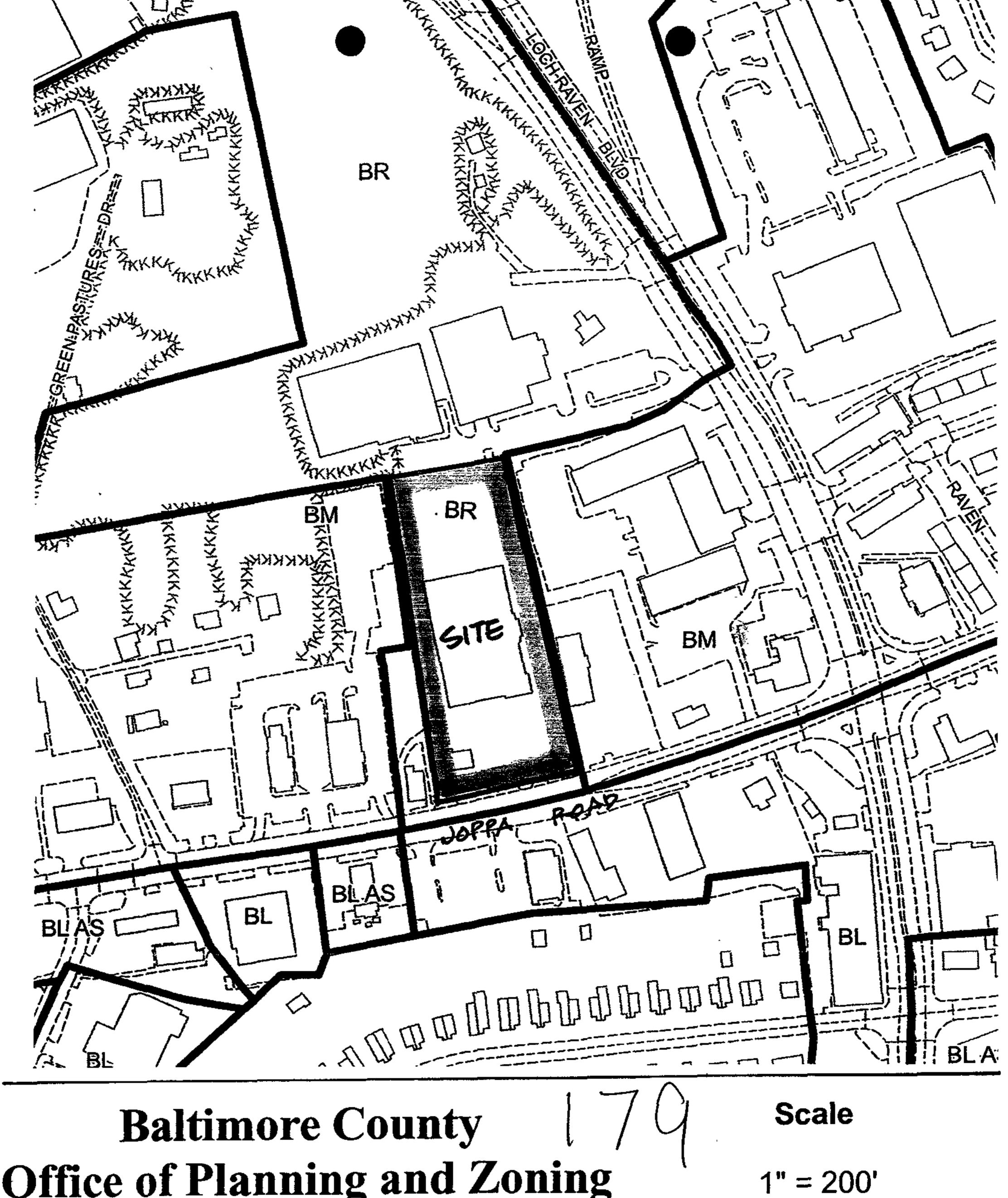
Case No.:	06-	179	<u>X</u>	
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Exhibit Sheet

Petitioner/Developer

Protestant

3.T 1	
No. 1	ORIGINAL SITE PLAN.
	(accompanying Patition)
No. 2	(preoritanium 157, 110m)
	Red Line - Revised 10/25/05
	AMENDED SITE PLAN
No. 3	· · · · · · · · · · · · · · · · · · ·
	DANIEL BLEVINS - CV
NTo 4	WHITNEY, BAILEY, COY : MAGNANE
No. 4	
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
140. 11	
No. 12	




Office of Planning and Zoning Official Zoning Map


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