RE:	PETITION FOR VARIANCE 9 McCann Avenue; S/S McCann Avenue, 255' c/line York Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): Frederick Matusky, Managing Member of McCann F&S, LLC Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-283-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to, Frederick Matusky, 10604 Beaver Dam Road, Hunt Valley, MD 21030 and Edward C. Covahey, Jr. Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
DEC 06 2005
Per ...

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

9 ~~MC~~ McCann

- ACCESS TO REAR SPACES

- LOT LINE ADJUSTMENT. WHAT ABOUT PROPERTY LINE?

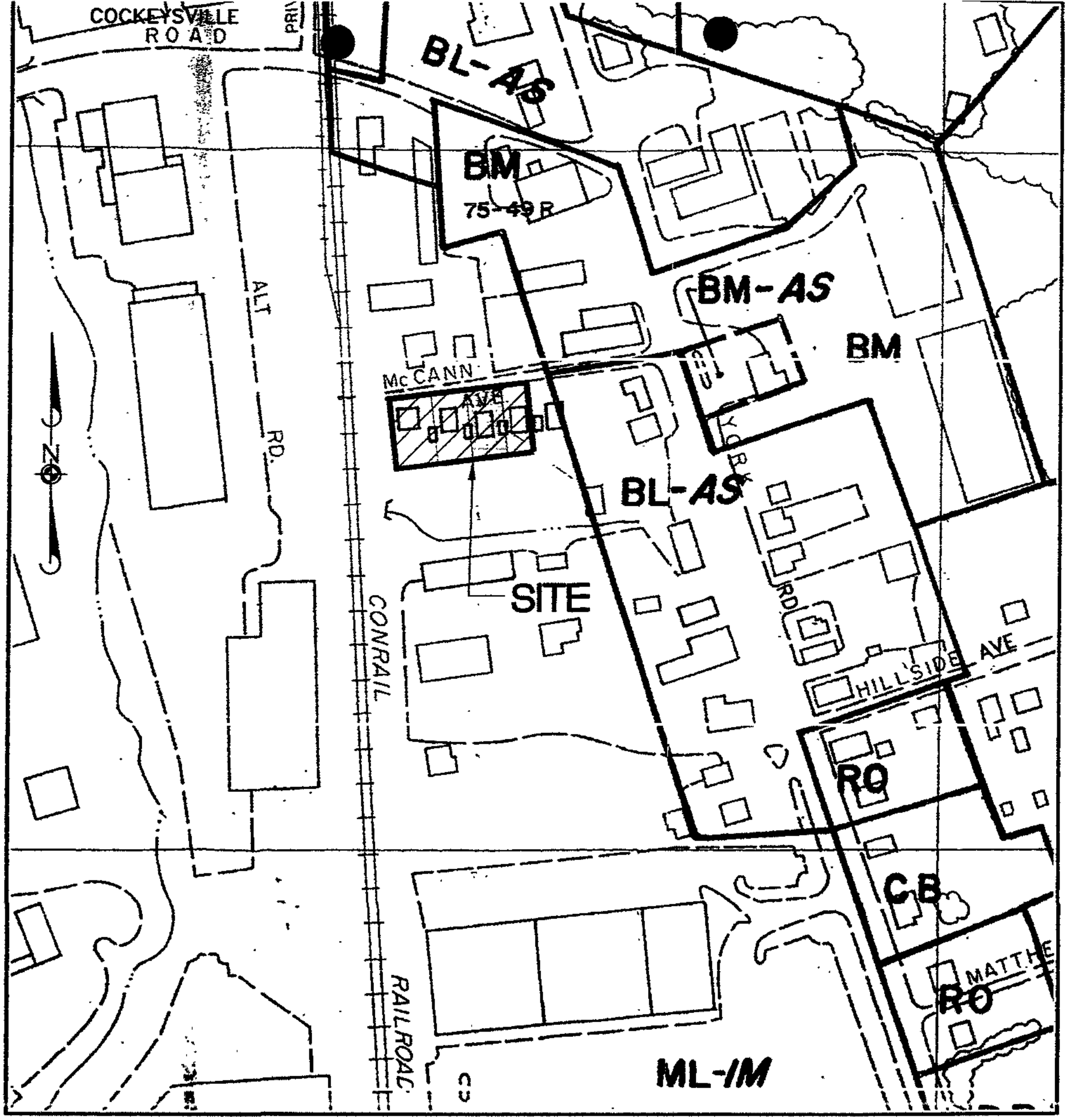
- BACKING OUT ON ST., NOT COVERED BY 10ft. FROM R-of-WAY VARIANCE.

1. ACCESS TO REAR - GRANTED PER CASE # 05-180-A. 16 FT. DRIVEWAY IN LIEU OF 20 FT. (SEE GENERAL NOTE #19.)

2. BACKING ONTO PUBLIC R/W AGREED TO BY RAHEE FAMILI, P.E., PDM FOR PREVIOUS CASE # 05-181-A. APPROVAL DUE TO DEAD END STREET WITH A LIMITED NUMBER OF USERS.

Doug Kennedy
11-29-2005

KCW ENGR. TECH.
410-281-0033



BALTIMORE COUNTY

ZONING MAP

KCW ENGINEERING TECHNOLOGIES

KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele (410) 281-0033
Fax (410) 281-1065
www.KCW-ET.com

PLAT TO ACCOMPANY PETITION
for ZONING VARIANCES

PROPERTY OF McCANN F and S

7, 9, 11 and 13 McCANN AVENUE

BALTIMORE CO., MARYLAND ELECTION DISTRICT – 08
SCALE: 1"= 200' COUNCILMANIC DISTRICT – C3

THEREFORE, IT IS ORDERED, this 7 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

CASE NO. 05-180-A

1. from Sections 255.1 and 238, to allow a front yard setback from centerline of road of 45 ft. in lieu of the minimum required 50 ft., a side yard setback of 4.0 ft. and 7.5 ft. in lieu of the minimum required 30 ft. and a rear yard setback of 21 ft. in lieu of the minimum required 30 ft.;
2. from Section 409.4.A, to allow a driveway width for two-way movement of 16 ft. in lieu of the minimum required 20 ft.; and
3. from Section 409.8A.4, to allow parking spaces closer than 10 ft. to right-of-way line.

CASE NO. 05-181-A

1. from Sections 255.1 and 238, to allow a front yard setback from centerline of road of 45 ft. in lieu of the minimum required 50 ft., a side yard setback of 3.0 ft. and 8.5 ft. in lieu of the minimum required 30 ft. and a rear yard setback of 21 ft. in lieu of the minimum required 30 ft.;
2. from Section 409.4.A, to allow a driveway width for two-way movement of 16 ft. in lieu of the minimum required 20 ft.; and
3. from Section 409.8A.4, to allow parking spaces closer than 10 ft. to right-of-way line.

CASE NO. 05182-A

1. from Sections 255.1 and 238, to allow a front yard setback from centerline of road of 45 ft. in lieu of the minimum required 50 ft., a side yard setback of 2.0 ft. and 23.0 ft. in lieu of the minimum required 30 ft. and a rear yard setback of 5 ft. in lieu of the minimum required 30 ft.;
2. from Section 409.8A.4 to allow parking spaces closer than 10 ft. to right-of-way line

be and they are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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;
2. The Petitioner must comply with the ZAC comments received from DEPRM dated November 17, 2003, a copy of which is attached hereto and made a part hereof;
3. **The Petitioner must comply with the ZAC comments received from the Office of Planning dated November 19, 2004, a copy of which is attached hereto and made a part hereof;**
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

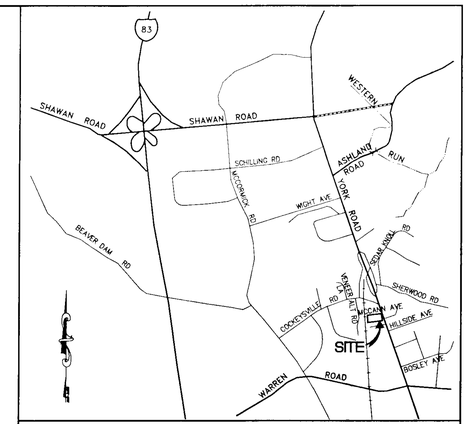
John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

VARIANCE REQUESTED

#9 McCANN AVENUE

1. Variance requested from BCZR Sections 255.1 and 238 to allow: Side Yard setback of 0 ft. in lieu of minimum required 30 ft. Rear Yard setback of 20 ft. in lieu of minimum required 30 ft.



VICINITY MAP SCALE: 1" = 2000'

GENERAL NOTES

1. **OWNER:** McCANN F&S, LLC
   10604 Beaver Dam Road
   Hunt Valley, MD 21030
   Attn: Fred Matusky
   Tele: 410-581-0060
2. **LOCATION:** #9 McCANN AVENUE
3. **DEED:** Liber 18489, folio 406
4. **ELECTION DISTRICT:** 08
   COUNCILMANIC DISTRICT: C3
5. **ZONING:** ML-IM
6. **EXISTING LAND USE:** Residential
7. **PROPOSED LAND USE:** Commercial – Office, Warehouse, Storage
8. **UTILITIES:** Public Water and Sanitary Sewer are existing.
9. **LIGHTING:** Lighting of parking areas shall be directed downward and away from residential properties and public rights-of-way.
10. **LANDSCAPING:** A Landscape Plan shall be prepared in accordance with the Baltimore County Landscape Manual.
11. **STORMWATER MANAGEMENT:** This project shall comply with the requirements of Baltimore County's Stormwater Management regulations.
12. **FOREST CONSERVATION:** This project shall comply with the requirements of Baltimore County's Forest Conservation regulations.
13. **HIGHWAY WIDENING:** Developer shall grant to Baltimore County at no cost a Highway Widening of 10 ft. along McCann Avenue.
14. **ADDRESS:** #9 McCANN AVENUE
    TAX MAP: 51, Parcel 440
    ACCOUNT NO.: 0813000878
    SUBDIVISION: Lot 3-3A, "John A. McCann Property"
    AREA: 0.114 ac. ±
15. **BUILDING AREA:** Office = 1,760 s.f. (40' x 44')
    Storage = 1,760 s.f.
    Total Bldg. Area = 3,520 s.f.
16. **BUILDING SETBACKS:**

	Required	Proposed
Front:	25' from R/W	25'
	50' from C/L	45' *
Side:	30'	0' **, 9.5' *
Rear:	30'	20' **

    * Variance granted per Case No. 05-180-A.
    **** Variance requested.**
17. **PARKING REQUIRED:** Office: 1,760 s.f. x 3.3 ps/1000 sf. = 6 ps
    PARKING PROVIDED: = 6 ps
18. **FLOOR AREA RATIO:** 3520 / 4950 = 0.7 < 3.0
19. **PREVIOUS ZONING HISTORY:** Case No. 05-180-A.
    Variance granted per Deputy Zoning Commissioner's Order dated December 7, 2004.
    1. From Sections 255.1 and 238, to allow a front yard setback from centerline of road of 45 ft. in lieu of the minimum required 50 ft., a Side Yard setback of 4.0 ft. and 7.5 ft. in lieu of the minimum required 30 ft., and a Rear Yard setback of 21 ft. in lieu of the minimum required 30 ft.
    2. From Section 409.4.A, to allow a driveway width for two-way movement of 16 ft. in lieu of the minimum required 20 ft.
    3. From Section 409.8A.4, to allow parking spaces closer than 10 ft. to right-of-way line.

PLAN TO ACCOMPANY PETITION for ZONING VARIANCES

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www.KCW-ET.com

No. 10743 REGISTERED PROFESSIONAL ENGINEER
11-21-2005
Douglas L. Kennedy

REVISIONS	
DATE	DESCRIPTION

KCW J.O.	2030178
SCALE:	1"= 30'
DATE:	NOV. 18, 2005
DESIGNED:	YN
DRAWN:	YN
CHECKED:	DLK
DRAWING NO.:	Z-9

PROPERTY of McCANN F&S, LLC.

9 McCANN AVENUE

8th ELECTION DISTRICT COUNCILMANIC DISTRICT 3

BALTIMORE COUNTY, MARYLAND