



IN RE: PETITION FOR VARIANCE
SE side Pulaski Hwy, 49 feet E
c/l Contractors Road
15th Election District
7th Councilmanic District

7th Councilmanic District (8411 Pulaski Highway)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

New Horizon Properties, LLC;

Brian N. Bankard

Legal Owners

Standard Equipment Company;

Roy Neal, President

Contract Purchaser

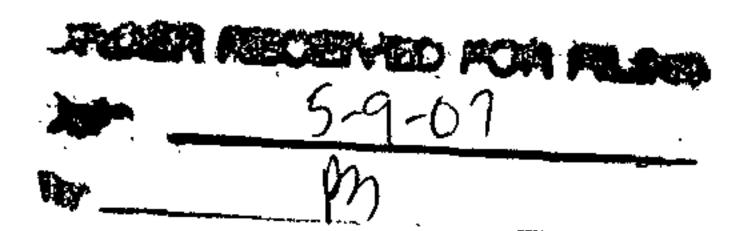
*

CASE NO. 07-401-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, New Horizon Properties, LLC; Brian N. Bankard and Standard Equipment Company; Roy Neal, President, the contract purchaser. The Petitioners are requesting variance relief for property located at 8411 Pulaski Highway. The variance request is from Section 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 8 feet in lieu of the required 25 feet where the front property line is not on a dual highway and in the alternative, 8 feet in lieu of the required 50 feet if the Zoning Commissioner determines that the dual highway applies regardless of the front of the building; and from Section 238.2 to permit a rear yard setback of 10 feet in lieu of the 30 feet required.

The property was posted with Notice of Hearing on April 23, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 24, 2007 to notify any interested persons of the scheduled hearing date and relief requested.



Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

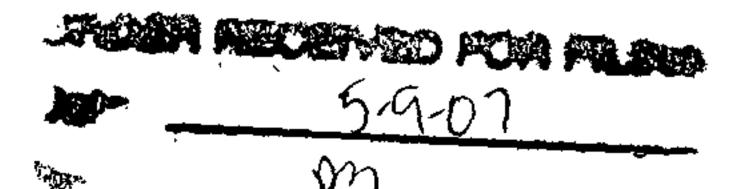
The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated March 22, 2007 which contain requests for conditions and a copy of which is incorporated into the file of this case.

Interested Persons

Appearing at the hearing on behalf of the variance request were Rick Richardson from Richardson Engineering LLC, Dave Turney, and Standard Equipment Company, Roy Neal. Howard Alderman, Jr., Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.809 acres +/- zoned ML-IM and improved by Standard's storage yard for John Deere equipment. The property is located at the intersection







of Pulaski Highway and Contractors Road and is an assemblage of two smaller parcels (nos. 1056 and 688). Standard also leases a very large building south of Contractors Road in which it presently sells and services John Deere equipment.

The Petitioners propose to construct a 1,680 square foot one story office building which will be used as an equipment sales office. Mr. Alderman proffered the lots are highly irregular in shape as shown on exhibit 1 as the result of the oblique angle which Contractors Road makes with Pulaski Highway. He noted that neither the owner or the contract purchaser had anything to do with configuring the property as shown.

The need for variance arises because the property's trapezoidal shape limits the area in which a practical building can be erected on site. He noted that if he moves the building west to reduce or eliminate the rear yard setback variance, two side yard setback variances would be required. Seeking to avoid these variances, and still construct a practical design, the building is setback 10 feet from the rear property line in lieu of the 30 feet required under the ML regulations. He noted that he contacted the property owner to the east, Alban Tractor, who has no objection to the request.

In regard to the front yard setback, Mr. Alderman noted that the request would allow 8 feet from the internal boundary line between parcels. He first noted that no variance is needed under the doctrine of zoning merger enunciated in *Friends of the Ridge v BGE* 352 Md 645, 724 a2d 34 (1999) as this boundary line is internal to the property. However if a variance were needed, he opined that the proposed building fronts on Contractors Road and not Pulaski Highway and so 25 feet setback would be required. However in the alternative, if the proposed building fronts on Pulaski Highway, the required setback would be 50 feet as this would be a dual lane highway. He presented excerpts from the Zoning Commissioner's Policy Manual to support the former interpretation.

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In regard to the Planning Office comment that the Petitioner submit landscape, lighting and signage plans to the Planning Office before approval of the requested variances, Mr. Alderman noted that a grassy strip already exists along Pulaski Highway as shown by the photographs of exhibit 4. He opined that this strip is what the Planning Office is seeking. He objected to review by the Planning Office before any decision in this case. He opined that there is no State beautification program in this section of Pulaski Highway.

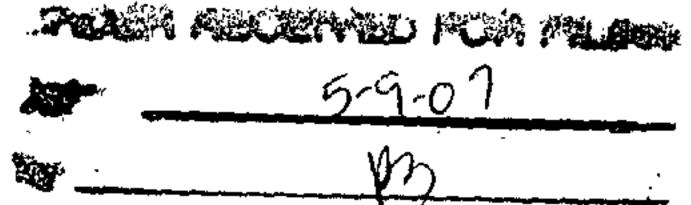
Findings of Fact and Conclusions of Law

I agree with Mr. Alderman that there is no need for a front yard setback variance under the *Friends of the Ridge* case. The owner has declared in this public forum that it wants the two parcels which comprise the property to merge. Once merged, there is no internal boundary line from a zoning standpoint from which a variance may be granted. I will deny the requested front yard setback variance as unnecessary. Whether the building fronts on Contractors Road or Pulaski Highway is moot.

In regard to the rear yard setback variance, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is trapezoidal in shape being located at the intersection of Contractors Road and Pulaski Highway. This peculiar shape causes the need for the rear yard setback.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. One could argue that someone could design a trapezoidal shaped building to fit the site and not require a variance but this would be impractical and enormously expensive compared to the rectangular shape proposed.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is a sales office building in an industrially zoned and used area. In



regard to the comments from the Planning Office I see no reason to require review by the Planning Office prior to my decision on the rather mundane rear yard variance request. On the other hand, even though I see there is a grassy strip along Pulaski Highway, it would be helpful to have the existing landscaping reviewed by the County to determine if any further plantings need be made. Therefore I will require the Petitioner to submit a landscape and lighting plan to the Baltimore County Landscape Architect for review prior to building permit. Signage will be in accord with the regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, this ______ day of May, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 238.2 to permit a rear yard setback of 10 feet in lieu of the 30 feet required is hereby GRANTED subject to the following conditions:

- 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. The Petitioner's accepted the condition of approval that they could not obtain a building permit until the public sewer line was operational at their property.
- 2. The Petitioner shall submit a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval prior to building permit.
- 3. Signage will be in accord with the zoning regulations; and

IT IS FURTHER ORDERED that the Petitioner's variance request from Section 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 8 feet in lieu of the required 25 feet where the front property line is not on a dual highway or in the alternative, 8 feet in lieu of the required 50 feet if the Zoning Commissioner determines that the

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dual highway applies regardless of the front of the building is hereby DENIED as unnecessary as there is no need for any variance from an internal boundary between parcels;

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

OHM V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 9, 2007

HOWARD ALDERMAN, ESQUIRE LEVIN & GANN 502 WASHINGTON AVENUE, 8TH FLOOR TOWSON, MD 21204

Re: Petition for Variance
Case No. 07-401-A
Property: 8411 Pulaski Highway

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500, Timonium MD 21030 Roy Neal, Standard Equipment Company, 5399 Agro Drive, Frederick MD 21703



Petition for Variance

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: <u>Legal Owner(s):</u> NEW HORIZON PROPERTIES, LLC Standard Equipment Company Cos Wear Name - Type or Print Name - Type of Print By: By: Signature Signature BRIAN N. BANKARD 410-687-1700 5399 Agro Drive Telephone No. Name - Type or Print Address MD 21703 Frederick City Zip Code Signature State 410-827-5539 112 GOVERNORS WAY ROAD NORTH Attorney For Petitioner: Telephone No. Address Howard L. Aiderman, Jr., Esquire 21658-7706 MD QUEENSTOWN State Zip Code Jame - Type or Print City Representative to be Contacted: P.C. Richardson, Jr., PE RICHARDSON ENGINEERING, LLC Levin & Gann, PA Nottingham Centre, 8th Floor Name Company 502 Washington Avenue 410-321-06000 410-560-1502 30 E. PADONIA ROAD Telephone No. Telephone No. Address Address 21093 MD TIMONIUM Towson, MD 21204 Zip Code City State Zip Code City State OFFICE USE ONLY 07 - 401 - AESTIMATED LENGTH OF HEARING _____ Case No. UNAVAILABLE FOR HEARING Reviewed By REV 9/15/98 received for freder

Attachment 1 PETITION FOR VARIANCE

CASE NO: _	07	
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Address:

1 1 m

8411 PULASKI HIGHWAY

Legal Owner:

New Horizon Properties, LLC

Lessee:

Standard Equipment Company

REQUESTED RELIEF:

A variance from Baltimore County Zoning Regulations Section 255 and:

i) from Section 238.1 to permit a front yard setback of 8 feet in lieu of the required 25 feet where the front property line [ZCPM §1-3.c] is not on a dual highway and, in the alternative, 8 feet in lieu of the required 50 feet if the Zoning Commissioner determines that the dual highway applies regardless of the front of the building; ii) from Section 238.2 to permit a rear yard setback of 10 feet in lieu of the 30 feet required; and iii) to approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

JUSTIFICATION:

- A. Irregular shape of property;
- B. Small size and tapered property lines; and
- C. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

Page A1

Item #401

30 East Padonia Road, Suite 500 Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

ZONING DESCRIPTION 8411 PULASKI HIGHWAY 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the Southeast side of Pulaski Highway, a right-of-way 150 feet in width, at a distance of 49 feet from the centerline intersection of Pulaski Highway and Contractors Road, a right-of-way varying in width, thence binding on said southeast side of Pulaski Highway, (1) curving to the left in a northeasterly direction on an arc having a radius of 25,539.79 feet and a arc length of 220.00 feet, thence leaving said right-of-way, (2) South 25 degrees 37 minutes 26 seconds west 162.48 feet to a point on the north side of Contractor Road, thence following Contractors Road the following courses and distances, (3) South 72 degrees 30 minutes 00 seconds west 141.82 feet, (4) North 17 degrees 30 minutes 00 seconds bast 140.2 feet, (5) South 72 degrees 30 minutes 00 seconds West 58.95, (6) North 39 degrees 35 minutes 48 seconds West 71.72 feet to the point of beginning.

Containing a net area of 0.56± acres or 24,421 square feet of land, more or less.



Item # 401

THE RECEIPT OF THE PROPERTY OF		CASHIER'S VALIDATION	
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT ACCOUNT ACCOUNT ACCOUNT S S S S S S S S S S S S S	FOR: Zomital Mror rol case #07-401-A	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	

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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: # 07-401-A

8411 Pulaski Highway
S/east side of Pulaski Highway, 49 feet east of centerline of Contractors Road

15th Election District - 7th Councilmanic District Legal Owner(s): New Horizon Properties, LLC Contract Purchaser: Standard Equipment Company Variance: to permit a front yard setback of 8 feet in lieu of the required 25 feet where the front property line is not on a dual highway and in the alternative, 8 feet in lieu of the required 50 feet if the Zoning Commissioner determines that the dual highway applies regardless of the front of the buuilding and to permit a rear yard setback of 10 feet in lieu of the 30 feet required.

Hearing: Tuesday, May 8, 2007 at 9:60 a.m. in Room 407, County Courts Building, 401 Bosley Avenue,

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) 887-3868.

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

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in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was published 24 ,2007 _successive weeks, the first publication appearing

William

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-401-A Petitioner/Developer: STANDARI EQUIPMENT COMPANY Date of Hearing/Closing: MAY 8, 2007 **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: ASKI HIGHWAY 4-23-07 The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** CASE # O 1 1() A (Print Name) A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD 1508 Leslie Road (Address) PLACE: HOT COURT COME BULLING PLACE: HOT BESTER ARE TOWN ME 21200 DATE AND TIME THE DATE MAY 8 2007 AT 9 MA ... Dundalk, Maryland 21222 REQUEST: VALLANCE TO FEMALE A FROM SHIPME OF BIRT N LIGHT THE REGISTED 25 FORT HANDE THE FRONT PROBERTY LINE IS NOT (City, State, Zip Code) (410) 282-7940 (Telephone Number)

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HAMPEAPPED ACCESSIBLE

RECEIVED

APR 27 2007 0つ-つら

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-401-A

8411 Pulaski Highway

S/east side of Pulaski Highway, 49 feet east of centerline of Contractors Road

15th Election District – 7th Councilmanic District

Legal Owners: New Horizon Properties, LLC

Contract Purchaser: Standard Equipment Company

<u>Variance</u> to permit a front yard setback of 8 feet in lieu of the required 25 feet where the front property line is not on a dual highway and in the alternative, 8 feet in lieu of the required 50 feet if the Zoning Commissioner determines that the dual highway applies regardless of the front of the building and to permit a rear yard setback of 10 feet in lieu of the 30 feet required.

Hearing: Tuesday, May 8, 2007, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

LAN VI

Timothy Kotroco Director

TK:klm

C: Howard Alderman, 502 Washington Avenue, 8th Fl., Towson 21204 Brian Bankard, 112 Governors Way Road North, Queenstown 21658-5539 Roy Neal, 5399 Agro Drive, Frederick 21703 P. C Richardson, Jr., PE, 30 E. Padonia Road, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 23, 2007.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Túesday, April 24, 2007 Issue - Jeffersonian

Please forward billing to:

Roy Neal Standard Equipment Co. 5399 Agro Drive Frederick, MD 21703 410-687-1700

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: 07-401-A

8411 Pulaski Highway

S/east side of Pulaski Highway, 49 feet east of centerline of Contractors Road

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Hearing: Tuesday, May 8, 2007, at 9:00 a.m. in Room 407, County Courts Building,

1 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN'II

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.



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: 07-401-A	-
Petitioner: NEW HORIZON PROPERTIES, LLC	
Address or Location: 8411 PULASKI HIGHWAY	- -
PLEASE FORWARD ADVERTISING BILL TO: Name: Roy NEAC	
Address: STANDARD EQUIPMENT CO.	
5399 AGRO DRIVE	
FREDERICK, MD 21703	
Telephone Number: 410-687-1700	

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 3, 2007

Howard L. Alderman, Jr., Esquire Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 07-401-A, 8411 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 2007.

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.

W. Carl Richards, Jr. Supervisor, Zoning Review

Wery truly yours, Call Rolls

WCR:amf

Enclosures

c: People's Counsel

New Horizon Properties, LLC Brian N. Bankard 112 Governors Way Road North Queenstown 21658-7706

Standard Equipment Company Roy Neal, President 5399 Agro Drive Frederick 21703 P.C. Richardson, Jr., P.E. Richardson Engineering, LLC 30 E. Padonia Road Timonium 21093

Fire Department

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



Baltimore County

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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, (401,)

402, 403, 405, 406, 407, 408, 409.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880

MS-1102F

cc: File



Visit the County's Website at www.baltimorecountymd.gov



Martin O'Malley, Governor Anthony, Brown, Lt. Governor

Maryland Department of Transportation

Date: MAKCH 15, 2007

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

RE:

Baltimore County

Item No. 7-401A

8411 PULASKI HIGHWAY

NEW HORIZON PROPERTIES LLC

John D. Porcari, Secretary Designate

Neil J. Pedersen, Administrator

VARIABLE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-401-4.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

500

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 22, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Z

Zoning Advisory Petition(s): Case(s) 07-404

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the following condition are met:

Provide a landscape plan in addition to a lighting and signage plan to the Office of Planning for review and approval prior to the Zoning Commissioner rendering a decision on the subject case.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 19, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2007

Item Nos. 07-389, 390, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405

and 408

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

DAK:CEN:cab cc: File

ZAC-NO COMMENTS-03262007.doc

PETITION FOR VARIANCE RE:

8411 Pulaski Highway; SE/S Pulaski

Highway, 49' E c/line Contractors Road 15th Election & 7th Councilmanic Districts

Legal Owner(s): New Horizon Properties, LLC*

Contract Purchaser(s): Standard Equipment Co.

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-401-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 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 23rd day of March, 2007, a copy of the foregoing Entry of Appearance was mailed Richardson Engineering, LLC, 30 E. Padonia Road, Timonium, MD 21093 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

母级 23 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

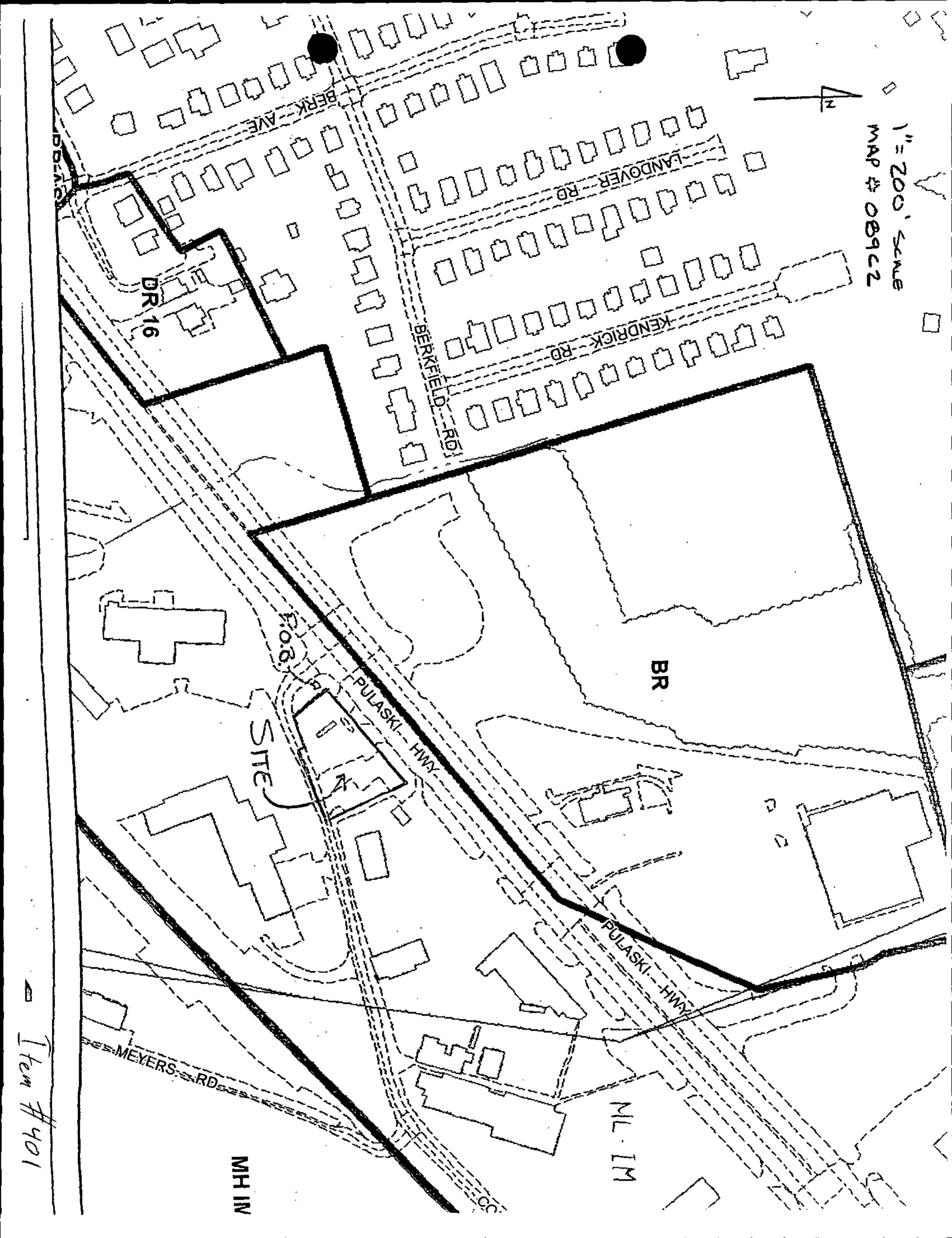
er Max Simmerman

PLEASE PRINT CLEARLY

CASE NAME O7401-A
CASE NUMBER 8411 PULASEL HWY
DATE 5/8/07

PETITIONER'S SIGN-IN SHEET

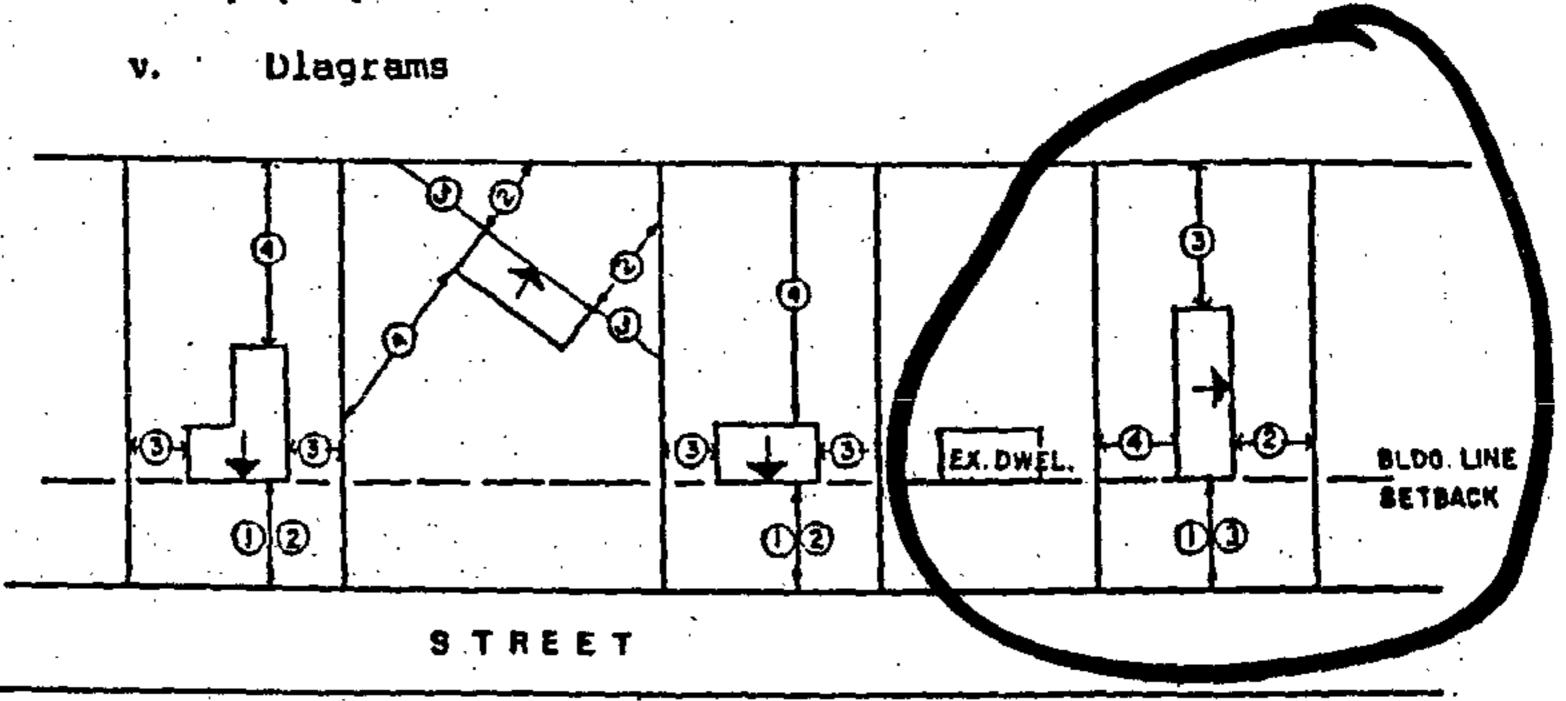
E- MAIL					
CITY, STATE, ZIP Hactos MD 21120	Bar My 2122	TIMOWIUM MTD 21030			
ADDRESS 22 June 122	SD Wellingthe the July Son	30 6 PADDUM PD ST 500.			
MAME 163 Nea Q	Hound Maine or	Kee Lichardon			



Information Sheet METHOD OF MEASURING SETBACKS

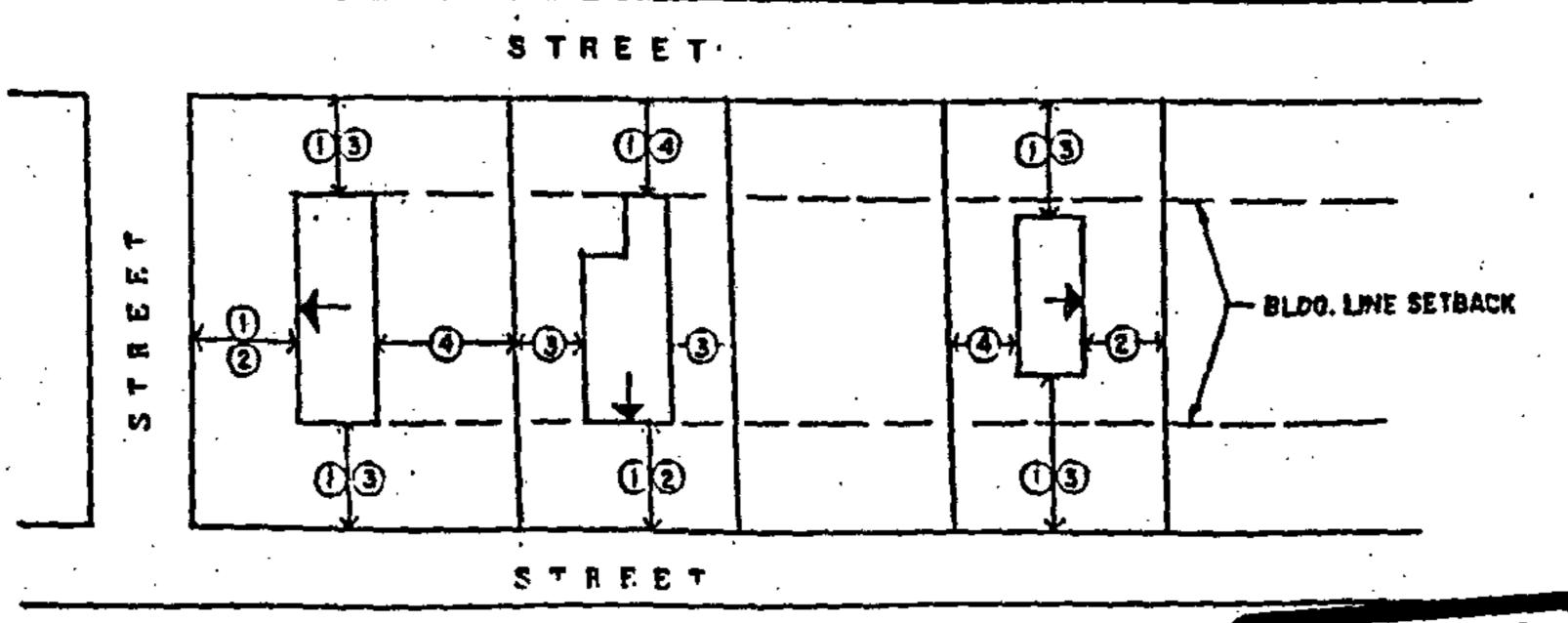
IN ALL ZONES, EXCEPT R.C.'s

- Street Frontage & Building to Lot Line Orientation
 - The front setback distance is measured radial or perpendicular to the road or front right-of-way.
 - Bide and rear setback distances are measured by extending the foundation wall lines to the nearest intersection of the property line.
- The building line setback required by the lot's zoning 111. classification must be maintained from all abutting street frontages.
- Additionally, if a building is oriented so as to face or front a lot line other than a street, applicable front, side and rear setbocks relative to the building's front must also be maintained as required by the property's class.



- 1. Street Building Line Sethack (If two setbacks conflict the greater of the 2. Front Yard Sethack two shall be maintained)
- 3. Side Yard Setback
- 4. Rear Yard Sethack

*FRONT OF BUILDING



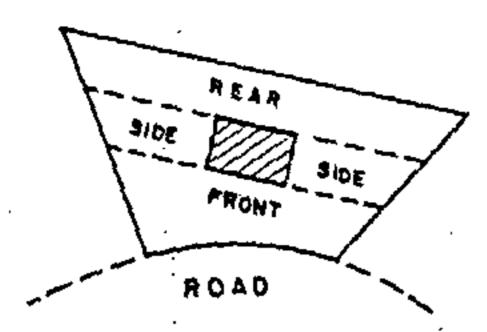
1-1.3a

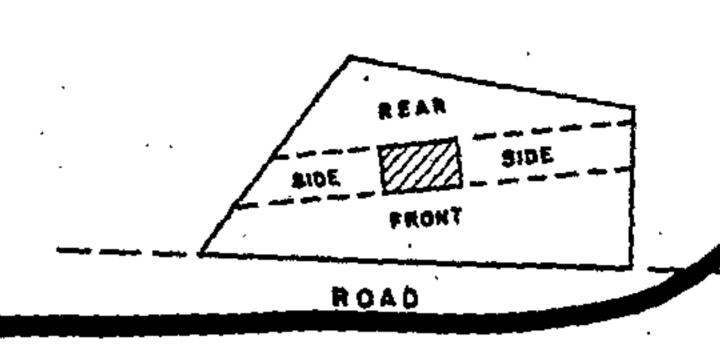
PETITIONER'S EXHIBIT APPROVE

METHOD OF DETERMINING YARD AREAS

All yard areas are determined by extending the foundation walls to the property lines for delineation

.....ALL ZONES





RTA vs non-RTA SETBACKS

Within Residential Transition Area: Facing Residential

Buffer Width:

Building Front......50'
Building Side......75'
Building Rear.....75'
Focing Parking......75'
Note: (for all other setbacks,
use Out of Transition requirements)

Building Height......35' maximum Building Length......130' maximum

Distance between facing elevations is 1-1/2 x the height of the highest building. (See Policy on Next Page)

Outside Residential Transition Area:

"Height to Height" Requirements
(Distances between facing elevation)
(See Policy on Next Page)

Building Length.....300' maximum

ALL-STATE LEGAL*

STATE LEGAL*

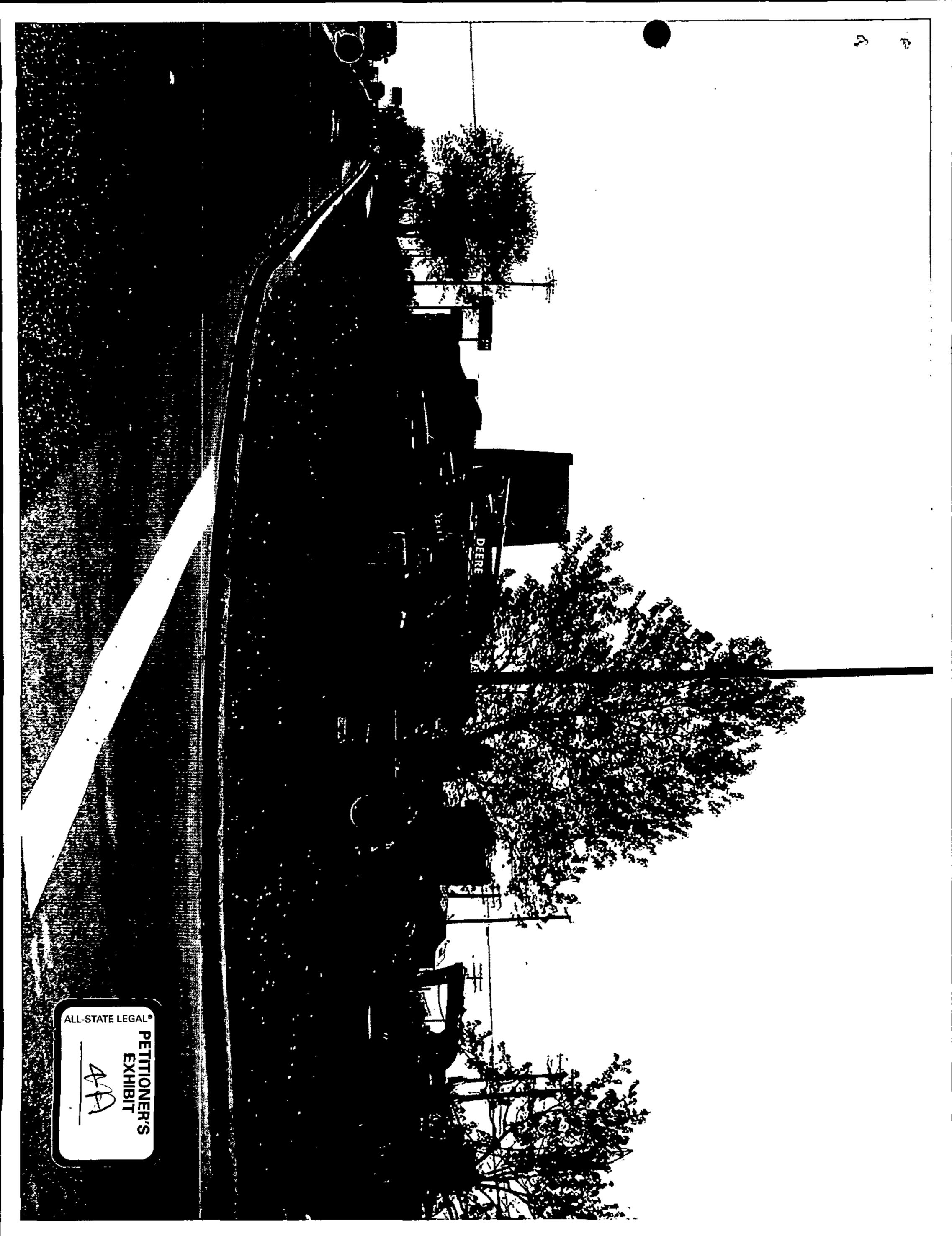
ALL-STATE LEGAL*

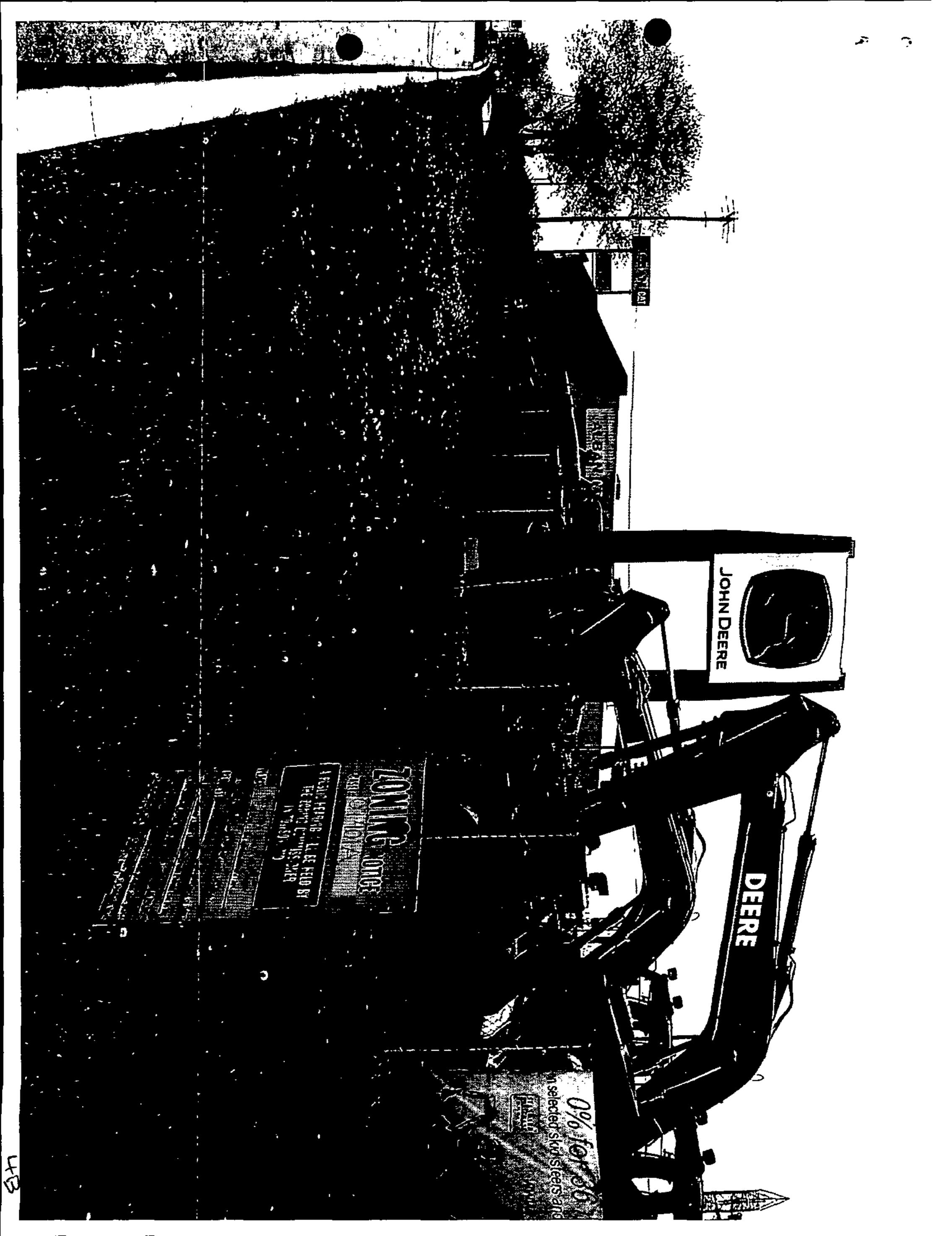
Baltimore County

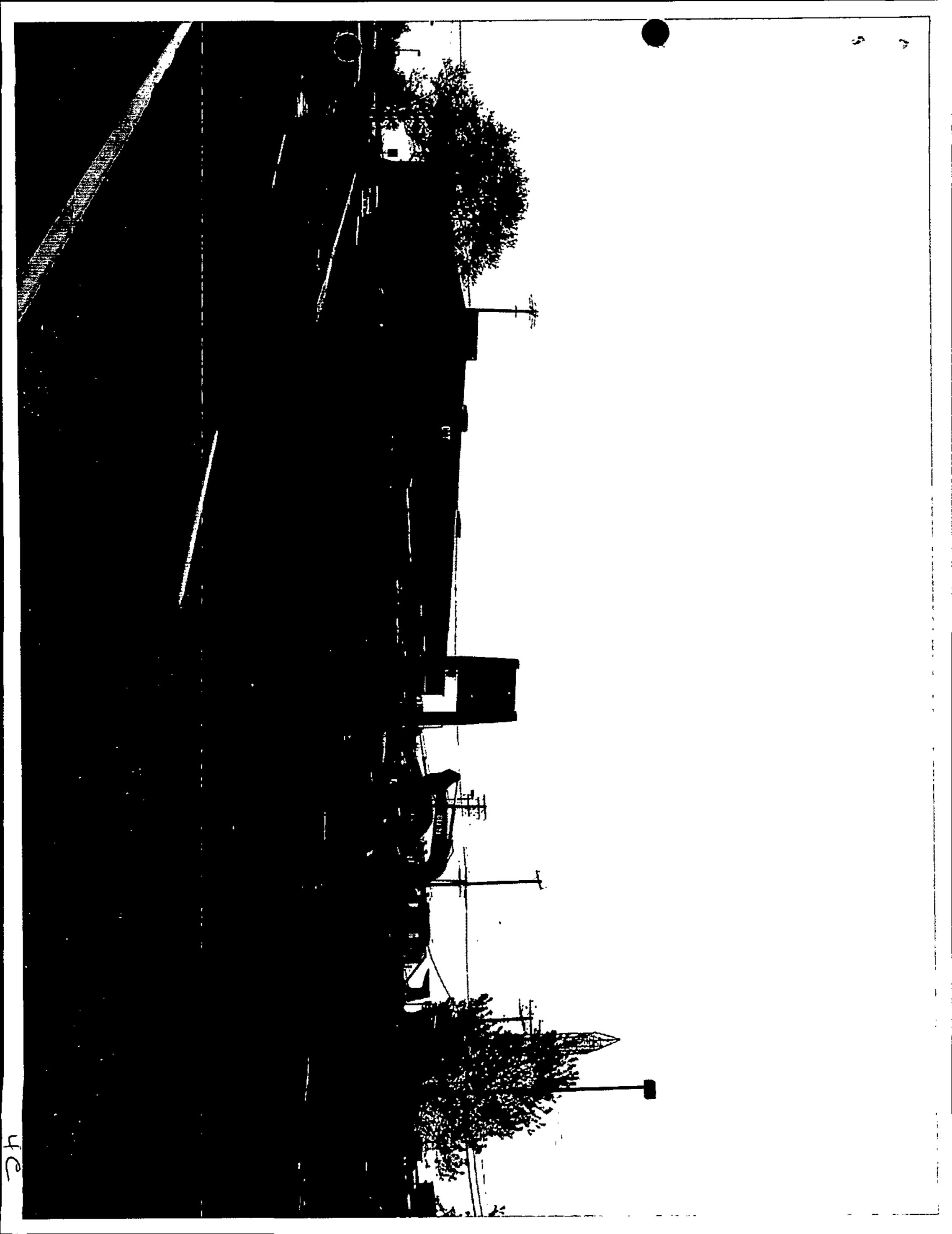
Zoning Regulations

Information Sheet

1-1.3c







ANDARD EQUIP ZMZ

