IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
S side Old Milford Mill Road, 500 feet W
of Milford Industrial Road
3rd Election District
2nd Councilmanic District
(4315-4321 Old Milford Mill Road)

* BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

Richard Rothstein; Milford Mill Industrial, LLC Petitioners **CASE NO. 07-437-SPHA**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Milford Mill Industrial, LLC by Richard Rothstein, member. The Petitioners are requesting special hearing relief for property owned at 4315-4321 Old Milford Mill Road. The Variances requested are as follows:

- From Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R) to permit side building setbacks of 4 feet in lieu of the required 30 feet, to permit a front building setback of 35 feet in lieu of the required 50 feet, to permit side building setbacks of 2 feet in lieu of the required 60 feet, and to permit a rear building setback of 0 feet in lieu of the required 30 feet for an existing building;
- From Section 409.8A.4 of the B.C.Z.R. to permit a setback of 0 feet in lieu of the required 10 feet, for parking within a right-of-way of a public street;
- From Section 409.4.C of the B.C.Z.R. to permit the continuation of existing parking aisles 20 feet and 21 feet wide in lieu of the required 22 feet.

The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an amendment of and affirmation of Case No. 74-91-A; and a modified parking plan pursuant to Section 409.B.12 and the continued use of existing

6-21-60

parking in a public right-of-way; and the continuation of existing landscaping in lieu of that required by the Landscape Manual and the existing lighting pursuant to B.C.Z.R. Section 409.8.A.1 and Landscape Manual Section IV.A.3.

The property was posted with Notice of Hearing on May 25, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 5, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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 the 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 Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 16, 2007 which contains restrictions. ZAC comments were received from the Office of Planning dated April 20, 2007. That Office does not oppose the Petitioner's request provided any future development that takes place on either of the subject lots shall adhere to the current parking and landscaping guidelines in effect at that time. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Richard Matz with Colbert Matz Rosenfelt, Inc., who prepared the site plan and Richard Rothstein for Milford Mill Industrial, LLC, Petitioner. Deborah Dopkin, Esquire, represented the Petitioner. 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

Ms. Dopkin proffered that the subject property is a fully built out warehouse and office complex located at the end of Old Milford Mill Road and the abandoned railroad tracks of the Western Maryland Railroad as shown in Exhibit 1, the redline Plat to Accompany. She indicated that the tenant of the two story brick building which fronts on Old Milford Mill Road (the front portion of 4319 Old Milford Mill Road) would like to purchase the building and land on which it is located. The Petitioner agreed and presented the DRC with a proposed two lot industrial

subdivision which would contain the building being sold (the front of 4319) and some parking on lot 2 while the remainder of the property will be located on lot 1.

She noted that no new construction is proposed but rather the request for variances and special hearing reflect existing conditions in relation to the proposed subdivision lot lines and the tract boundaries. She noted that considering the size of the building being sold, proposed lot 2 does not have sufficient parking. However the overall site has more than enough parking. Consequently the Petitioner will lease parking spaces to the buyer in a 5 year term lease so that 15 spaces will be provided for lot 2.

In addition she noted that when public water was made available to the property many years ago the County obtained additional right of way for Old Milford Mill Road. She opined that given the dead end character of this road, the County will never actually widen and improve the road. Nevertheless some parking spaces are located in the County right of way as shown triggering the request for a variance for setback from the roadway under Section 409.8 A 4. In addition the existing parking area does not meet the drive aisle widths by one or two feet.

Finally she noted that the front portion of the 4319 building on lot 2 does not meet the current setback requirements having been constructed many years before zoning was imposed on the property. While certain zoning deficiencies involving the relationship of the building to the tract boundaries could be addressed by a request for non conforming uses, the Petitioner wants to clean up the setbacks on the site by variance so that the lot can be sold without lingering questions.

She indicated that the property is surrounded by railroad and industrial uses with no residences nearby. She opined that the property is unique from a zoning standpoint because of existing buildings on site, and the property's long narrow configuration. She pointed out that it

would not be practical to move the buildings to meet the current regulations and there will be no density affected as this site is zoned and used industrially. Finally she indicated that granting the requested relief would not adversely affect the community as there are no changes or construction planned. The requests are strictly to document existing conditions.

Findings of Fact and Conclusions of Law

In regard to the requests for variances, the requests reflect the physical relationship of the existing building at 4319 to the tract boundaries and to the new subdivision line. The building was constructed prior to zoning being imposed on the site and so qualifies as that kind of special circumstances or conditions which are peculiar to the land or structure which is the subject of the variance request and make the property unique from a zoning perspective. For example the front portion of the 4319 building is attached to the wholesale bakery building behind it and consequently cannot meet the rear yard setback of 30 feet for this ML zoned property. These are the kind of special conditions which make the impact of the zoning regulations different on the subject property when compared to others in the district.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly it would be impractical to move the building to comply with the tract boundary setback requirements. It is true that the Petitioner chose to locate the new subdivision lines of lot 2 and therefore variances from these lines could be self imposed. However the Commission has recognized three exceptions to the prohibition against self imposed variances, the first of which is to reflect existing conditions. For example there may be a barn which all would like to save remaining in a new subdivision which is too tall or which violates a setback requirement against new subdivision lines. This Commission has consistently found that the existing condition (the barn) falls within the first

exception to the rule. Similarly I find that the subject building is an existing condition which also falls within the first exception.

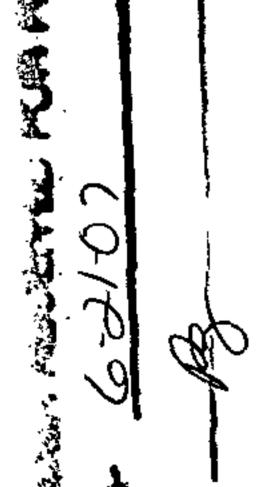
Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare. No new construction is proposed so that no new burden will be placed on public facilities or change to the pattern of development of the community.

In regard to the request for Special Hearing, I will grant the requests as I find the request meet the spirit and intent of the regulations, there will be no adverse impact on the community and the proposed use meets the criteria of Section 502.1 for the reasons above.

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' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of June, 2007 that the Petitioners' requests for Variances is as follows:

- From Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R) to permit side building setbacks of 4 feet in lieu of the required 30 feet, to permit a front building setback of 35 feet in lieu of the required 50 feet, to permit side building setbacks of 2 feet in lieu of the required 60 feet, and to permit a rear building setback of 0 feet in lieu of the required 30 feet for an existing building;
- From Section 409.8A.4 of the B.C.Z.R. to permit a setback of 0 feet in lieu of the required 10 feet, for parking within a right-of-way of a public street;



• From Section 409.4.C of the B.C.Z.R. to permit the continuation of existing parking aisles 20 feet and 21 feet wide in lieu of the required 22 feet.

are hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an amendment of and affirmation of Case No. 74-91-A; and a modified parking plan pursuant to Section 409.B.12 and the continued use of existing parking in a public right-of-way; and the continuation of existing landscaping in lieu of that required by the Landscape Manual and the existing lighting pursuant to B.C.Z.R. Section 409.8.A.1 and Landscape Manual Section IV.A.3 are hereby GRANTED subject to the following:

- 1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code) to the extent these regulations are applicable.
- 3. Any future development that takes place on either of the subject lots shall adhere to the parking and landscaping guidelines in effect at that time; and
- 4. The Parties shall enter into a lease or easement for parking spaces on lot 1 to allow the building on lot 2 sufficient parking to meet the parking regulations which shall be for a term at lease 5 years in duration..

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

Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY



IAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 20, 2007

DEBORAH DOPKIN, ESQUIRE 409 WASHINGTON AVENUE, SUITE 1000 TOWSON, MD 21204

Re: Petition for Special Hearing and Variance

Case No. 07-437-SPHA

Property: 4315-4321 Old Milford Mill Road

Dear Ms. Dopkin:

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

John V. Murkhuz

for Baltimore County

JVM:pz

Enclosure

c: Richard E. Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore MD 21209 Richard Rothstein, Milford Mill Industrial, LLC, 4321 Old Milford Mill Road, Baltimore MD 21208



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at:	4315-4321 Old Milford Mill Road	
	presently zoned <u>ML</u>	

UNAVAILABLE FOR HEARING 4/18/9.

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

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

See Attached

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

zoning regulations and restrictions of Baltim	nore County adopted purs	suant 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:	•	Legal Owner(s):								
	•	Richard Rothstein Milford Mill Industrial	I, LLC							
Name – Type or Print		Name – Type or Print								
Signature	-	Signature								
Address.	Telephone No.	Name - Type or Print		_						
City	State Zip Code	Signature								
Attorney For Petitioner:		P.O. Box 5797	410-4	-486-9080						
		Address.	Teleph	one No.						
Deborah Dopkin, Esq.		Baltimore	MD	21282						
Name - Type or Print		City	State	Zip Code						
Signature () Apple	<u></u>	Representative to be Contacted:								
Law Offices of Deborah Dopkin, P.A.		Richard E. Matz, P.E.								
Company		COLBERT MATZ ROSENFELT, INC								
409 Washington Avenue, Suite 1000	410-821-0200	2835 Smith Avenue, Suite G	410-€	653-3838						
Address	Telephone No.	Address		one No.						
Towson	MD 21204	Baltimore	MD	21209						
City	State Zip Code	City	State	Zip Code						
		OFFICE USE ONLY								
Case No. 07-437-SP1	4A	ESTIMATED LENGTH OF HEARING								

Attachment - Special Hearing Petition - 4315-4321 Old Milford Mill Road

An amendment to and affirmation of Case No. 74-91-A; and

a modified parking plan pursuant to Section 409.B.12 and the continued use of existing parking in a public right-of-way; and,

the continuation of existing landscaping in lieu of that required by the Landscape Manual and the existing lighting pursuant to B.C.Z.R. Section 409.8 A.1. and Landscape Manual Section IV.A.3.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 4315-4321 Old Milford Mill Road

which is presently zoned ML

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 of thereof, 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)

Reasons to be presented at hearing.

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

THE PURPLES

I, or we, agree to pay expenses of above V regulations and restrictions of Baltimore Co	· • • • • • • • • • • • • • • • • • • •	ting, etc and further agree to and are to be bounded to the zoning law for Baltimore County.	by the zoi	ning							
• • • • • • • • • • • • • • • • • • •		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):									
		Richard Rothstein Milford Mill Industrial, I	LLC								
Name - Type or Print		Name — Type or Print									
Signature		Signature									
Address.	Telephone No.	Name - Type or Print									
City	State Zip Code	Signature									
Attorney For Petitioner:		P.O. Box 5797	410-4	186-9080							
		Address.	Teleph	one No.							
Deborah Dopkin, Esq.		Baltimore	MD	21282							
Name - Type or Print	•	City	State	Zip Code							
Signature (Maple	in	Representative to be Contacted:									
Law Offices of Deborah Dopkin, P.A.		Richard E. Matz, P.E.									
Company		COLBERT MATZ ROSENFELT, INC									
409 Washington Avenue, Suite 1000	410-821-0200	2835 Smith Avenue, Suite G	410-€	353-3838							
Address	Telephone No.	Address	Teleph	one No.							
Towson	MD 21204	Baltimore	MD	21209							
City	State Zip Code	City	State	Zip Code							
		OFFICE USE ONLY									
Case No. 07-437-5P	i l n	ESTIMATED LENGTH OF HEARING_		1							
Case 140. 01-731-31	##	UNAVAILABLE FOR HEARING4/18/19	20	5 785							

Attachment – Variance Petition – 4315-4321 Old Milford Mill Road

Variance from

Section 255.1 and 238.2, to permit side building setbacks of 4 feet in lieu of the required 30 feet;

to permit a front building setback of 35 feet in lieu of the required 50 feet;

to permit side building setbacks of 2 feet in lieu of the required 60 feet; and

to permit a rear building setback of 0 feet in lieu of the required 30 feet for an existing building;

Section 409.8A.4 to permit a setback of 0 feet in lieu of the required 10 feet, for parking within a right-of-way of a public street;

Section 409.4.C to permit the continuation of existing parking aisles 20 feet and 21 feet wide in lieu of the required 22 feet.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

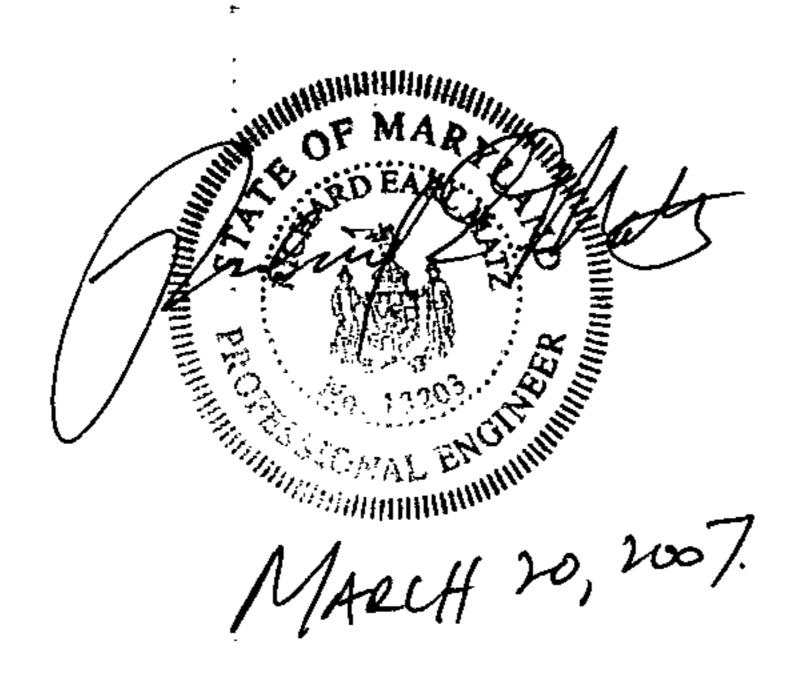


ZONING DESCRIPTION 4315-4321 OLD MILFORD MILL ROAD

Beginning at a point on the south side of Old Milford Mill Road, which is 70 feet wide, at a distance of 500 feet, more or less, west of Milford Industrial Road, which is 60 feet wide, thence the following courses and distances:

S 32°41'27" E, 35.00 ft.; S 29°31'17" E, 114.64 ft.; S 12°25'16" E, 189.00 ft.; S 09°16'41" E, 74.42 ft.; thence by a curve to the right, with a length of 69.58 ft. and a radius of 45.00 ft.; S 10°41'34" E, 540.01 ft.; S 79°18'26" W, 196.53 ft.; N 10°41'34" W, 714.29 ft.; thence by a curve to the left, with a length of 195.50 ft. and a radius of 1943.49 ft.; thence N 57°33'51" E, 212.48 ft. to the Point of Beginning

As recorded in Deed Liber 14877, Folio 229, and containing 4.67 acres. Also known as 4315-4321 Old Milford Mill Road and located in the 3rd Election District, 2nd Councilmanic District.



	CEIFT II STURM S	Went Total Control Con	Bultipore (County, Mary Land		CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE DATE OF THE ACCOUNT OF THE OWNER OWNER OF THE OWNER OWNE	RECEIVED NILLOWY & USO US	FOR ITEM # 1137 101-437 SPLIN	Wass-mall and miles of his 2	WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER

*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: # 07-437-SPHA
4315-4321 Old Milford Mill Road
5/side of Old Milford Mill Road
5/side of Old Milford Mill Road, 500 feet west of Milford Industrial Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Richard Rothstein, Milford Mill Indus-The Zphing

Legal Owner(s): Richard Rothstein, Miltord Mill Industrial, LLC

Special Hearing: for an amendment of an affirmation of Case No. 74-91-A; a modified parking pian pursuant to Section 409.8.12 & the continued use of existing parking in a public right-of-way; & the way continuation of existing landscaping in lieu of that required by the Landscape Manual Section IV.A.3. Variance: to permit side building setbacks of 4 ft. In lieu of the required 30 ft. and to permit a front building setback of 35 ft. In lieu of the required 50 ft. and to permit side building setbacks of 2 ft. In lieu of the required 60 ft.; and to permit a setback of 0 ft. in lieu of the required 10 ft. In lieu of the required 22 ft. In lieu of the required 22 ft. In lieu of the continuation of existing parking aisles 20 ft. and 21 ft. wide in lieu of the required 22 ft.

Hearing: Wednesday, June 20, 2007 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosiey Avenue, Towson 21204.

J. WISEMAN, III WILLIAM

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.

JT 6/613 June 5

, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY ö each once in

The Jeffersonian

- Times Arbutus Times Catonsville

 - Towson Times
- ls Times Owings Mil
- NE Booster/Reporter

North County News

Mulus

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 05/28/07

Case Number: 07-437-SPHA

Petitioner / Developer: Deborah Dopkin, Esq.~Richard

Rothstein~~Richard Matz

Date of Hearing (Closing): June 20, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 4315-4312 OLD MILFORD MILL ROAD

The sign(s) were posted on: 05/27/07

(See attached Photos)

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



CASE # 07-437-5PHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM 407, COUNTY COURTS BLDG.
PLACE: 401 BOSLEY AVENUE TOWSON 21204

DATE AND TIME: AT 4:00 A.M.
SPECIAL HEARING FOR AN

POSTPOREMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY 10 CONFIRM HEARING CALL 887~3391

DO NOT REMOVE THIS SICH AND POST UNTIL DAY OF NEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

ZONING NOTICE

AGE TONS, INC

CASE #_07-437-SPHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM 407. COUNTY COURTS BUILDING PLACE: 401 BOSLEY AVENUE TOWSON - 21204

DATE AND TIME: WEDNESDAY. JUNE 20.2007

REQUEST: SEIBACKS OF 4. FT. IN LIEU OF THE
30 FEET AND TO PERMIT A FRONT BUILDING
SETBACK OF 35 FEET IN LIEU OF THE REQUIRED
50 FEET AND TO PERMIT SIDE BUILDING
SETBACKS OF 2 FEET IN LIEU OF THE
REQUIRED 60 FEET; AND TO PERMIT A REAR
BUILDING SETBACK OF 0 FEET IN LIEU OF
THE REQUIRED 30 FEET FOR AN EXISTING
4315-4321 OLD MIFORD MILL ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 07-437-5PHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM 407, COUNTY COURTS BLOG.
PLACE: 401 BOSLEY AVE. TOWSON 21204

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES MECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



JAMES T. SMITH, JR. County Executive

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

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: 07-437-SPHA
4315-4321 Old Milford Mill Road
S/side of Old Milford Mill Road, 500 feet west of Milford Industrial Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Richard Rothstein, Milford Mill Industrial, LLC

Special Hearing for an amendment of an affirmation of Case No. 74-91-A; a modified parking plan pursuant to Section 409.B.12 & the continued use of existing parking in a public right-of-way; & the way continuation of existing landscaping in lieu of that required by the Landscape Manual Section IV.A.3. Variance to permit side building setbacks of 4 ft. in lieu of the required 30 ft. and to permit a front building setback of 35 ft. in lieu of the required 50 ft. and to permit side building setbacks of 2 ft. in lieu of the required 60 ft.; and to permit a rear building setback of 0 ft. in lieu of the required 30 ft. for an existing building, and to permit a setback of 0 ft. in lieu of the required 10 ft., for parking within a right-of-way of a public street; and to permit the continuation of existing parking aisles 20 ft. and 21 ft. wide in lieu of the required 22 ft.

Hearing: Wednesday, June 20, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204 Richard Rothstein, P.O. Box 5797, Baltimore 21282 Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 4, 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

Tuesday, June 5, 2007 Issue - Jeffersonian

Please forward billing to:

Richard Rothstein RAR Landscaping P.O. Box 5797 Baltimore, MD 21282 410-486-9080

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-437-SPHA

4315-4321.Old Milford Mill Road

S/side of Old Milford Mill Road, 500 feet west of Milford Industrial Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Richard Rothstein, Milford Mill Industrial, LLC

Special Hearing for an amendment of an affirmation of Case No. 74-91-A; a modified parking plan pursuant to Section 409.B.12 & the continued use of existing parking in a public right-of-way; & the way continuation of existing landscaping in lieu of that required by the Landscape Manual Section IV.A.3. <u>Variance</u> to permit side building setbacks of 4 ft. in lieu of the required 30 ft. and to permit a front building setback of 35 ft. in lieu of the required 50 ft. and to permit a rear building setback of 0 ft. in lieu of the required 30 ft. for an existing building, and to permit a setback of 0 ft. in lieu of the required 10 ft., for parking within a right-of-way of a public street; and to permit the continuation of existing parking aisles 20 ft. and 21 ft. wide in lieu of the required 22 ft.

Hearing: Wednesday, June 20, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Rosley Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTEȘ: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 07-437-SPHA
Petitioner: MILFORD MILL INDUSTRIAL, LLC
Address or Location: 4315-4321 OLD MILFORD MILL RD.
PLEASE FORWARD ADVERTISING BILL TO: Name: Reclard Rothstein-,
Address: RAR Landscaping
P.O. BOX 5797
Baltinose Md. 21282
Telephone Number: 40-486-9080



JAMES T. SMITH, JR. County Executive

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

June 11, 2007

Deborah Dopkin, Esquire Law Offices of Deborah Dopkin, P.A. 409 Washington Avenue, Suite 1000 Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 07-437-SPHA, 4315-4321 Old Milford Mill Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2007. This letter is not an approval, but only a NOTIFICATION.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Call Rillall W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf Enclosures

People's Counsel

Richard Rothstein Milford Mill Industrial, LLC P.O. Box 5797 Baltimore 21282 Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G. Baltimore 21209

Jm 6-20-07

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 20, 2007

DECEIVED APR 2 5 2007

BY:____

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-437- Special Hearing and Variance

The Office of Planning has reviewed the above referenced case(s) and accompanying site plan. This office does not oppose the petitioner's request provided any future development that takes place on either of the subject lots shall adhere to the current parking and landscaping guidelines in effect at that time.

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

Prepared By:

Division Chief:

CM/LL

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

4315-4321 Old Milford Mill Road; S/S Old

Milford Mill Rd, 500' W Milford Industrial Rd

3rd Election & 2nd Councilmanic Districts

Legal Owner(s): Milford Mill Industrial, LLC

Petitioner(s)*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-437-SPHA

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/documentation filed in the case.

PÉTER 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 5th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

APR 0.5 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco, Director - Permits and Development Management

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

May 16, 2007

SUBJECT:

Zoning Item

07-437-SPHA

Address

4315-4321 Old Milford Mill Road

Milford Mill Industrial

Zoning Advisory Committee Meeting of April 2, 2007

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

<u>X</u> Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Forest conservation regulations may be met by either offsite afforestation or fee in lieu unless a forest conservation exemption is requested and granted.

Reviewer:

Jonathan Bowman

Date: May 16, 2007

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 4, 2007

Department of Permits & Development

Management

OST

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 9, 2007

Item Nos. 07-427, 429, 430, 431, 433,

434, 435, 436, and 437

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03042007.doc

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

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

April 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting_Of April 2, 2007

Item Number: 427 through 438

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.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File





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

Maryland Department of Transportation

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Date: APRIL 3,2007

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

RE: **Baltimore County**

Item No. 7-437-5PHA

4315-4321 OLD MILFORD MILL RD MILFORD MILL INDUSTRIAL, LLC

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.7-437-5PHA

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,

K Steven D. Foster, Chief
REngineering Access Permits

Division

SDF/MB

August 17,2007

Baltimore County, Maryland Code Enforcement Division - Room 213 111 West Chesapeake Ave Towson, Maryland 21204

D	EC	<u> </u>	3	₹₩∑፮ 2007.	
	AUG	2	1	2007.	
B`	Y:				

Dear Mr. James Thompson:

I am writing to you in reference to Case No.06-437-x, Petition for Special Exception for the property address of 4231 Wards Chapel Rd, Marriottsville Maryland 21104.

On November 9, 2006, M's Carolyn Whittington, legal owner and Humane Domain, LLC, Lessee were granted by Commissioner William J. Wiseman III, a special exception. Please see attached copy of petition.

It has now been nine months since the petition was granted and there is still the item number 6 (permanent fence to be installed to the south side of the existing road)that still has not been completed.

In reference to item 6, you can see by the enclosed photograph that the fence that was required to be erected has not. They have parked a trailer in that part of the driveway or they use pieces of 2 by 4 lumber with a bucket to block it, or some sort of farm equipment parked there. I have witnessed several times when the driveway has been opened up to let vehicles in.

It has also come to my attention that the operating hours have not been as granted. The commercial dog training classes were to be in operation on weekdays from 4:00 p.m. until 8:30p.m., Saturdays only noon until 5:00 p.m.. At first I though perhaps its was just an occasional class that would stay past the allowed time. However, an occasional class has now turned into an every day event.

Below is a list of some of the days that they decided to make their own hours:

Monday March 26,2007-8:45 p.m.
Friday March 30,2007-8:55
Friday April 27,2007- 8:50
Wednesday May 9,2007 -9:20 p.m.
Thursday May 17, 2007 -9:11
Friday May 18,2007 -9:45
Thursday June 7,2007 -9:05 p.m.
Saturday June 16,2007 -7:00 p.m.
Wednesday June 20,2007 -8:45 p.m
Wednesday June 27,2007 - 9:00 p.m.
Thursday June 28,2007 - 8:50p.m.
Thursday July 12,2007 - 9:16 p.m.

Wednesday July 18,2007 -9:30 P.M. Thursday July 26,2007 -9:00 p.m. Monday August 6,2007 - 8:50 p.m. Tuesday August 7,2007 -8:55 p.m. Wednesday August 8,2007 -9:30 p.m. Thursday August 9,2007 - 9:00 p.m Tuesday August 14,2007 - 8:55p.m. Wednesday August 15,2007 -8:55p.m. Thursday August 16,2007 - 8:55p.m.

The agreement was that all classes were to be over and everyone off the property by 8:30 p.m. By reviewing the previous list you can see that this is not an occasional practice. My concern is that their fall season is about to start for them and what is to stop them from increasing their hours even later.

I am asking nothing more than for them to honor the agreement that has been made. If they would like to change this agreement then they need to file the proper paper work with the zoning commission.

I will go as far as to say that Ms. Whittington may not be fully aware of the lack of compliance by her lessee, Humain Domain, LLC.as her house sits behind the barn.

I would appreciate you taking the time to investigate this matter and respond back to me. Thanking you in advance.

Şincerely,

Nancy Smith

4233 Wards Chapel Rd

Marriottsville, Md 21104

410-922-0795

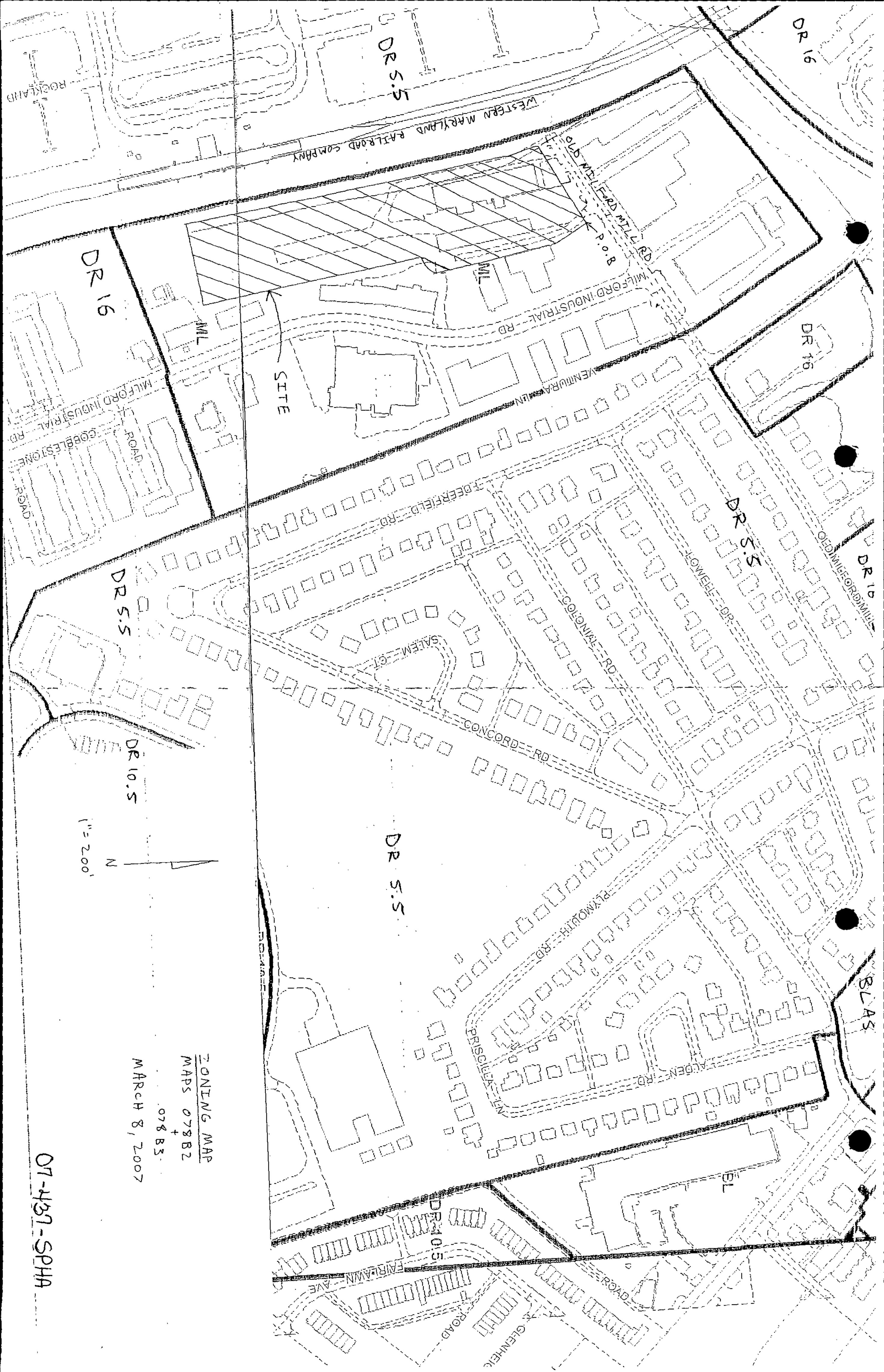
cc: William J. Wiseman, III

PLEASE PRINT CLEARLY

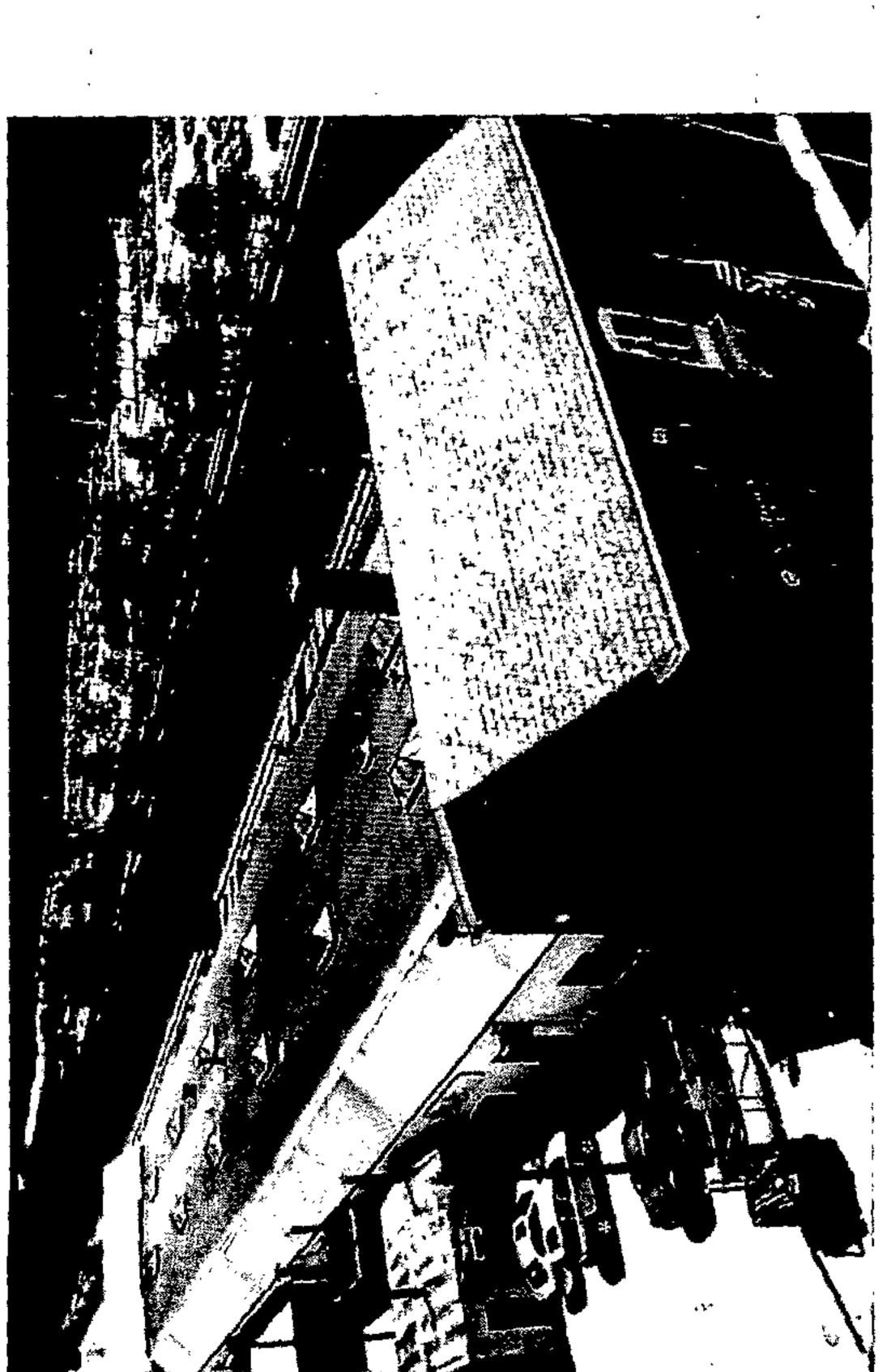
CASE NAME CASE NUMBER DATE

ETITIONER'S SIGN-IN SHEET

E- MAIL	ddopkin @dorkin lad. es											
CITY, STATE, ZIP	Towson MD 21204	и	Max									
ADDRESS	405 Washington Ave Ste 1000	2835 Smith Ave Ste G	4321 018 M.1/1 Ca									
NAME	Deboran Dopkin	10	Richard Rothstein									







2 K

