| | | |
|---|---|---|
| **IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE** | * | BEFORE THE |
| S side of Wilkens Avenue, 100 feet E of Leeds Avenue | * | DEPUTY ZONING |
| 13th Election District | * | COMMISSIONER |
| 1st Councilmanic District **(4043 Wilkens Avenue)** | * | FOR BALTIMORE COUNTY |
| 4043 Wilkens Avenue Trust, Ron Guy *Legal Owner* | * | **Case No. 07-561-XA** |
| | * | |

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

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by Ron Guy on behalf of 4043 Wilkens Avenue Trust. The Special Exception is requested pursuant to Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow living quarters in a commercial building per Section 233.4 of the BCZR. The Variance requests are as follows:

- From Section 232.2.B of the B.C.Z.R. to permit a 0 foot side yard setback in lieu of the required 10 feet; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit a 0 foot setback in lieu of the required 10 feet from the right of way on Wilkens Avenue; and
- From Section 409.8.A.1 of the B.C.Z.R. to permit a 0 foot landscape buffer in lieu of the required 10 feet.
- From Section 409.6.A.2 of the B.C.Z.R. to permit nine parking spaces in lieu of the required 11 spaces[1].

A description of the subject property and the requested relief are depicted in the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1, and more accurately

[1] The original Petition did not include this requested variance relief. However, based on Zoning Advisory Committee comments received from the State Highway Administration (SHA) concerning the parking configuration shown on the site plan, Petitioner moved to amend the Petition, based on the amended site plan, to include variance relief from the requirements of Section 409.6.A.2. The amendment was granted without objection.

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Date 9-20-07
By PB

reflected in the amended site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the special exception and variance requests was Petitioner Ron Guy for the 4043 Wilkens Avenue Trust, his attorney, Francis X. Borgerding, Esquire, and Bruce Doak, with Gerhold Cross & Etzel, Ltd., the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular, L-shaped parcel located near the corner of Wilkens Avenue and Leeds Avenue in the Arbutus area of Baltimore County. The subject property surrounds a Royal Farm Store that is located directly on the corner of Wilkens Avenue and Leeds Avenue. The subject property is improved with an end-of-group, two story brick dwelling that is part of a cluster of row houses fronting Wilkens Avenue. Attached to the side of the dwelling is a one-story, ground level, stone commercial dwelling. The structures are more fully depicted in the photographs which were marked and accepted into evidence as Petitioner's Exhibits 3A and 3B. There is a macadam parking area in front of the dwellings, and a concrete strip running between the Royal Farm Store building and the commercial dwelling. This area is depicted in the photograph which was marked and accepted into evidence as Petitioner's Exhibit 3I. Behind the dwellings and running along the back of the Royal Farm Store building is additional macadam for parking. This area is depicted in the photographs which were marked and accepted into evidence as Petitioner's Exhibits 3K through 3N.

The subject property is zoned B.L. and abuts areas zoned D.R.5.5. As a result, the subject property is surrounded by mixed uses of residential and commercial. The two-story

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PB

dwelling was built in the 1930's, prior to any zoning regulations, and the one-story commercial dwelling was added in the 1950's, prior to the present zoning regulations. In the past, the two-story dwelling has always been used as a residence. The one-story, ground level addition has always been used for commercial purposes, in conjunction with the basement of the two-story dwelling. Although separate structures, the ground level addition and the basement of the original dwelling are connected with existing openings between the structures.

Petitioner recently purchased the subject property in May 2006. He wishes to make improvements and perform renovations to the dwellings and generally clean up the parking areas. However, before doing so, he wishes to formalize the present uses of the property as a mix of residential and commercial to ensure those uses can continue in accordance with present zoning regulations. Thus, Petitioner filed the instant Petitions for determinations by this Commission.

The request for Special Exception is to allow living quarters in a commercial building pursuant to Section 233.4 of the B.C.Z.R. In support of this request, Mr. Doak testified that the present uses in the area are a mix of residential and commercial. There are row homes and single-family homes situated on both sides of Wilkens Avenue, as well as businesses, such as the Royal Farm Store, also located on Wilkens Avenue. Mr. Doak indicated that if the Special Exception was not to be granted and the entire property dedicated to commercial use, this would actually be adverse to the community and the locale because it would result in more traffic and congestion, as well as parking problems. He also indicated that living quarters in a commercial building is a permitted use, by special exception. Mr. Doak also rendered the opinion, based on his expertise in surveying and land use and development as applied to the zoning regulations, that the granting of the special exception would not be detrimental to the health, safety, and

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Date 9-20-07
By BM

general welfare of the community, nor would it negatively impact any of the other criteria enumerated in Section 502.1 of the B.C.Z.R.

As to the request for variance, Mr. Doak indicated that the subject property is unique in that the lot is very narrow and wraps around existing structures. It is surrounded almost completely by macadam and/or concrete. He also indicated that the existing structures and the macadam parking areas and concrete sidewalks have been in place for a very long time, and that it would be unduly burdensome for Petitioner to meet the 10 foot side yard setback requirement on the existing dwelling, as well as the setbacks contained in the Section 409.8.A Design Standards for parking facilities at the location.

In addition, Mr. Doak addressed the Zoning Advisory Committee (ZAC) comment from the State Highway Administration (SHA) dated June 22, 2007, and the request for variance from the parking requirements of Section 409.6.A.2 of the B.C.Z.R. The comment indicated that SHA reviewed the site plan and also performed a field inspection. The inspection revealed that the existing entrance from the subject location onto Wilkens Avenue (MD Route 372) could potentially cause a safety problem for vehicles backing onto the travel portion of the road when exiting the property. The comment also referred to the State Highway Access Manual which requires that driveways similar to the subject property have turnaround capability, and indicated Petitioner's current plan was inconsistent with that requirement. As such, SHA did not recommend approval of the Petitions.

However, Mr. Doak indicated that the site plan was amended in order to comply with SHA's comments, as shown on Petitioner's Exhibit 2. In particular, Mr. Doak indicated the parking configuration on the original site plan (Petitioner's Exhibit 1) had been changed. Rather than having three parking spaces in the area in front of the dwellings, adjacent to Wilkens

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Date 9-20-07
By PB

Avenue, the parking there was reduced to only one space, in order to allow for more than enough space for turnaround capability. In addition, parking in the area adjacent to an alley on the south side of the property was also increased by one space. This results in a net loss of one parking space, from 10 spaces to nine. Mr. Doak indicated that the commercial/service use of the property required eight parking spaces and that the residential use required three spaces, for a total of 11 spaces. Although Mr. Doak believes there is enough room for three vehicles to park and enter and exit the property, as depicted on the original site plan, it was necessary to reconfigure the parking plan in order to comply with the SHA comment, thus resulting in the present shortfall.

In regard to the Special Exception request, in a B.L. zone, Section 233.4 of the B.C.Z.R. permits living quarters in a commercial building by special exception. Before any special exception may be granted, it must appear that the use for which the special exception is requested will not have a negative impact on the criteria set forth in Section 502.1 of the B.C.Z.R. In the instant matter, based on the evidence set forth above, I find the request meets the criteria of Section 502.1 and will grant the request to permit living quarters in a commercial building.

In regard the Variance requests, it is clear the property is a narrow lot with a thin L-shape. In addition, the dwelling is configured such that part of it is clustered with row homes and can be used for either residential or commercial purposes, while another part has the look and prior use as purely commercial. Hence, I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. In order to comply with the landscape buffer and setback requirements, Petitioner would need to tear up existing concrete

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Date 9-20-07
By M

and macadam. It would also result in further loss of required parking spaces and would make use of the property for its allowable purposes untenable. Moreover, in light of the ZAC comment from SHA and Petitioner's efforts to address SHA's turnaround requirements, compliance with the parking requirements of Section 409.6.A.2 of the B.C.Z.R. becomes even more formidable.

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.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th day of September, 2007 that Petitioner's request for Special Exception pursuant to Section 502.1 of the B.C.Z.R. to allow living quarters in a commercial building per Section 233.4 of the B.C.Z.R. is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's requests for Variance relief as follows:

- From Section 232.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 foot side yard setback in lieu of the required 10 feet; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit a 0 foot setback in lieu of the required 10 feet from the right of way on Wilkens Avenue; and
- From Section 409.8.A.1 of the B.C.Z.R. to permit a 0 foot landscape buffer in lieu of the required 10 feet; and
- From Section 409.8.A.2 of the B.C.Z.R. to permit nine parking spaces in lieu of the required 11 spaces;

are hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 9-20-07
By M

The granting of the relief herein is subject to the following:

1. Petitioner may apply for any permits required and be granted same upon receipt 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 9-20-07
By PM

**Gerhold, Cross & Etzel, Ltd.**
*Registered Professional Land Surveyors • Established 1906*
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

## CERTIFICATE OF POSTING

**RE: CASE# 07-561-XA**
**PETITIONER/DEVELOPER:**
**Ron Guy, 4043 Wilkens Avenue Trust**
**DATE OF HEARING: August 22, 2007**

**BALTIMORE COUNTY DEPARTMENT OF**
**PERMITS AND DEVELOPMENT MANAGEMENT**
**COUNTY OFFICE BUILDING, ROOM 111**
**111 WEST CHESAPEAKE AVE.**
**TOWSON, MARYLAND 21204**

**ATTENTION: KRISTEN MATTHEWS**

**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**

**LOCATION:**
4043 Wilkens Avenue

(see page 2 for full size photo)

**POSTED ON: 8/03/07**

**SIGNATURE OF SIGN POSTER**

**Bruce E. Doak**

**GERHOLD, CROSS & ETZEL, LTD**
**SUITE 100**
**320EAST TOWSONTOWN BLVD**
**TOWSON, MARYLAND 21286**
**410-823-4470 PHONE**
**410-823-4473 FAX**

**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: # 07-561-XA**
4043 Wilkens Avenue
S/side of Wilkens Avenue, 100 feet east of Leeds Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s): Ron Guy, 4043 Wilkens Avenue Trust

**Special Exception:** to allow living quarters in a commercial building per Section 233.4 of the BCZR. **Variance:** to permit a 0 foot side yard setback in lieu of the required 10 feet and to permit a 0 foot setback in lieu of the required 10 feet from the right-of-way on Wilkens Avenue and to permit a 0 foot landscape buffer in lieu of the required 10 feet.

**Hearing: Wednesday, August 22, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning 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 8/611 Aug. 7 144498

# CERTIFICATE OF PUBLICATION

8/9/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/7/, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

THOMAS H. BOSTWICK
*Deputy Zoning Commissioner*

September 20, 2007

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Special Exception and Variance
Case No. 07-562-XA
Property: 4043 Wilkens Avenue

Dear Mr. Borgerding:

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.

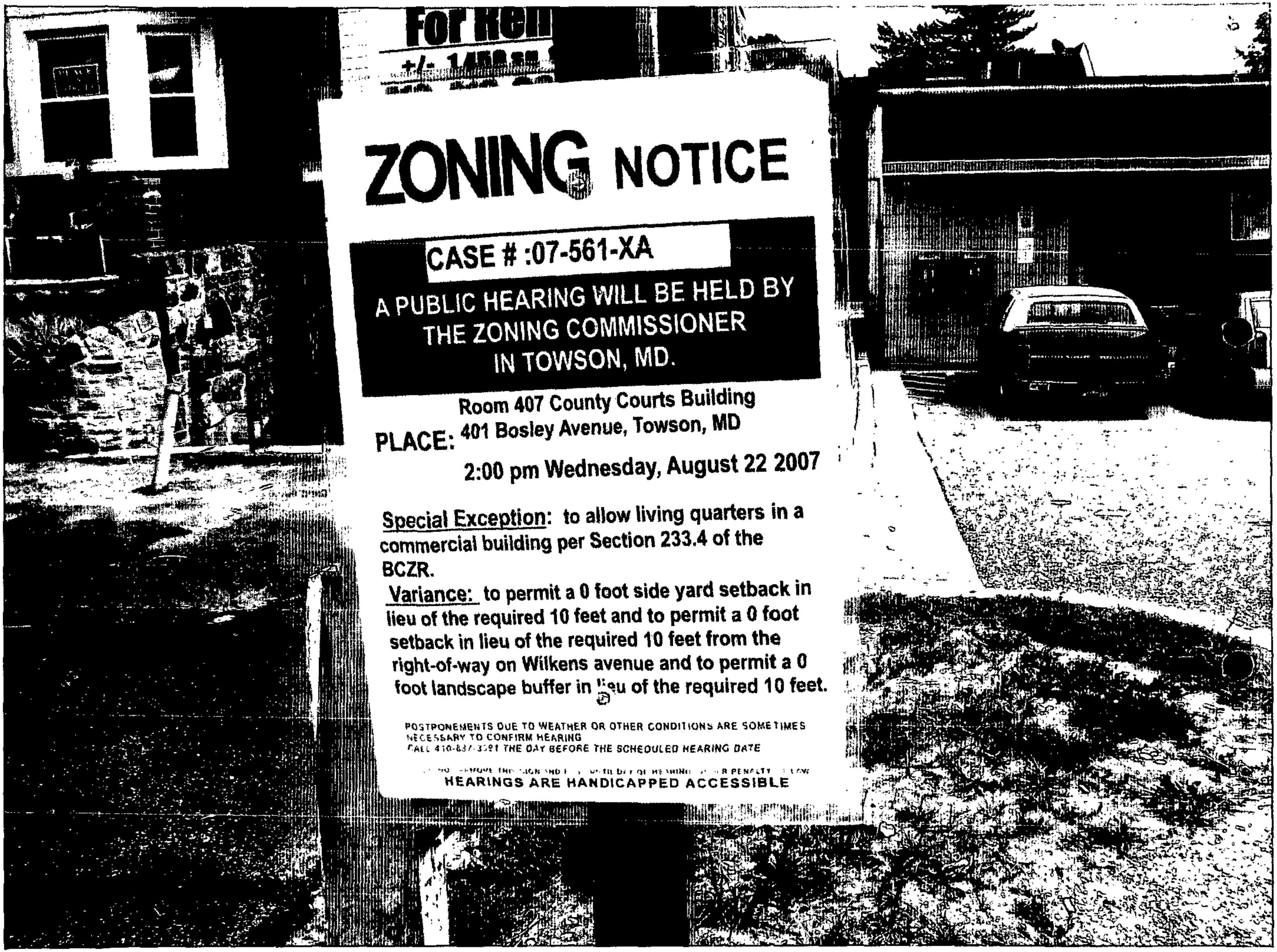
Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bruce Doak, Gerhold Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Suite 100, Towson, MD 21286
Ron Guy, 4043 Wilkens Avenue Trust, 8480 Baltimore National Pike, #154, Ellicott City MD 21043


For Rent
+/- 1450 SF
ZONING NOTICE
CASE # :07-561-XA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.
Room 407 County Courts Building
PLACE: 401 Bosley Avenue, Towson, MD
2:00 pm Wednesday, August 22 2007
Special Exception: to allow living quarters in a commercial building per Section 233.4 of the BCZR.
Variance: to permit a 0 foot side yard setback in lieu of the required 10 feet and to permit a 0 foot setback in lieu of the required 10 feet from the right-of-way on Wilkens avenue and to permit a 0 foot landscape buffer in lieu of the required 10 feet.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
HEARINGS ARE HANDICAPPED ACCESSIBLE

Sign to be made
Posted

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

July 3, 2007
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: 07-561-XA**
4043 Wilkens Avenue
S/side of Wilkens Avenue, 100 feet east of Leeds Avenue
13th Election District – 1st Councilmanic District
Leal Owner: Ron Guy, 4043 Wilkens Avenue Trust

Special Exception to allow living quarters in a commercial building per Section 233.4 of the BCZR. Variance to permit a 0 foot side yard setback in lieu of the required 10 feet and to permit a 0 foot setback in lieu of the required 10 feet from the right-of-way on Wilkens Avenue and to permit a 0 foot landscape buffer in lieu of the required 10 feet.

Hearing: Wednesday, August 22, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Frank Borgerding, 409 Washington Avenue, Ste. 600, Towson 21204
Ron Guy, 8480 Baltimore National Pike, #154, Ellicott City 21043
Bruce Doak, 320 E. Towsontown Blvd, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 7, 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.

| | | |
|---|---|---|
| RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE | * | BEFORE THE |
| 4043 Wilkens Avenue; S/S Wilkens Avenue 100' E of Leeds Avenue | * | ZONING COMMISSIONER |
| 13th Election & 1st Councilmanic Districts | * | FOR |
| Legal Owner(s): 4043 Wilkens Avenue Trust Petitioner(s) | * | BALTIMORE COUNTY |
| | * | 07-561-XA |

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

## 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 3rd day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED
JUL - 3 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

July 3, 2007

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: 07-561-XA**
4043 Wilkens Avenue
S/side of Wilkens Avenue, 100 feet east of Leeds Avenue
13th Election District – 1st Councilmanic District
Leal Owner: Ron Guy, 4043 Wilkens Avenue Trust

Special Exception to allow living quarters in a commercial building per Section 233.4 of the BCZR. Variance to permit a 0 foot side yard setback in lieu of the required 10 feet and to permit a 0 foot setback in lieu of the required 10 feet from the right-of-way on Wilkens Avenue and to permit a 0 foot landscape buffer in lieu of the required 10 feet.

Hearing: Wednesday, August 22, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Frank Borgerding, 409 Washington Avenue, Ste. 600, Towson 21204
Ron Guy, 8480 Baltimore National Pike, #154, Ellicott City 21043
Bruce Doak, 320 E. Towsontown Blvd, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 7, 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, August 7, 2007 Issue - Jeffersonian

Please forward billing to:
Frank Borgerding
409 Washington Avenue, Ste. 600
Towson, MD 21204

410-296-6820

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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 NUMBER: 07-561-XA**
4043 Wilkens Avenue
S/side of Wilkens Avenue, 100 feet east of Leeds Avenue
13th Election District – 1st Councilmanic District
Leal Owner: Ron Guy, 4043 Wilkens Avenue Trust

Special Exception to allow living quarters in a commercial building per Section 233.4 of the BCZR. Variance to permit a 0 foot side yard setback in lieu of the required 10 feet and to permit a 0 foot setback in lieu of the required 10 feet from the right-of-way on Wilkens Avenue and to permit a 0 foot landscape buffer in lieu of the required 10 feet.

Hearing: Wednesday, August 22, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 07-561-XA

Petitioner: 4043 Wilkens Avenue Trust

Address or Location: 4043 Wilkens Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frank Borgerding

Address: 409 Washington Avenue, Suite 600
Towson, MD 21204

Telephone Number: 410-296-6820

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

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

August 15, 2007

Frank Borgerding
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Dear Mr. Borgerding:

RE: Case Number: 07-561-XA, 4043 Wilkens Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21286
4043 Wilkens Avenue Trust Ron Guy 8480 Baltimore National Pike #154 Ellicott City 21043

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

State Highway Administration

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

Maryland Department of Transportation

June 22, 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. 07-561XA
MD 372 (Wilkens Avenue)
100' east of Leeds Avenue
4043 Wilkens Avenue
Trust Property
Special Exception and Variance

Dear Ms. Matthews:

We have reviewed the site plan to accompany a request for special exception and variance on the subject of the above captioned, which was received on June 18, 2007. A field inspection reveals that the existing entrance onto MD 372 (Wilkins Avenue) could potentially cause a safety problem for vehicles backing onto the MD 372 traveled lane when exiting the site. The State Highway Access Manual requires that driveways similar to the subject have turn-around capability. This design allows for a more efficient means of ingress/egress. To that end, and based on available information the proposed parking area accessing MD 372 is inconsistent with current State Highway requirements. Therefore this office does not recommend the Trust Property at 4043 Wilkins Avenue Item # 07-561-SPHA approval at this time.

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

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB
Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director
Department of Permits & Development Management

**DATE:** June 27, 2007

**FROM:** Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting
For July 2, 2007
Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, and 572

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-06272007.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

July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

Item Number: 555 through 572 561

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

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director
Department of Permits and
Development Management

**DATE:** July 13, 2007

**FROM:** Arnold F. 'Pat' Keller, III
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 07-561- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

**Prepared By:** _____

**Division Chief:** _____

CM/LL

W:\DEVREV\ZAC\7-561.doc

TB 8/22 2pm

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director
Department of Permits and
Development Management

**DATE:** July 13, 2007

RECEIVED
JUL 16 2007
BY:

**FROM:** Arnold F. 'Pat' Keller, III
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 07-561- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

**Prepared By:** Curtis R. Murray

**Division Chief:** Lyn Lanham

CM/LL

W:\DEVREV\ZAC\7-561.doc

# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at 4043 Wilkens Ave

which is presently zoned BL

**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 SEE ATTACHED

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

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

**Legal Owner(s):**

4043 Wilkens Avenue Trust att
RON GUY

Name - Type or Print

Signature

Name - Type or Print

Signature

8480 BALT. NATIONAL PIKE #154

Address — Telephone No.

ELLICOTT CITY MD 21043

City — State — Zip Code

**Attorney For Petitioner:**

FRANK BORGERDING

Name - Type or Print

Signature

Company

409 Washington ave Suite 600 (410) 296-6820

Address — Telephone No.

Towson MD 21204

City — State — Zip Code

**Representative to be Contacted:**

BRUCE DOAK @ G.C.&E.

Name

320 E. TOWSONTOWN BLVD 823-4470

Address — Telephone No.

TOWSON MD 21286

City — State — Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 6/15/07

Case No. 07-561-XA

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 9-20-07

By M

**SPECIAL EXCEPTION REQUESTED**
4043 WILKENS AVENUE

TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING PER SECTION 233.4 OF THE B.C.Z.R.

07-561-XA

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

**for the property located at** 4043 Wilkens Ave

**which is presently zoned** BL

**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) TO BE PRESENTED AT HEARING

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:***

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

***Attorney For Petitioner:***

Frank Borgerding
Name - Type or Print

Signature

Company

409 Washington Ave Suite 600 (410) 296-6820
Address — Telephone No.

Towson MD 21204
City — State — Zip Code

***Legal Owner(s):***

4043 Wilkens Ave Trust
Ron Guy
Name - Type or Print

Member
Signature

Ronald E. Guy, Member
Name - Type or Print

Signature

8480 Balt. Nat'l. Pike #154 410-418-9694
Address — Telephone No.

Ellicott City MD 21043
City — State — Zip Code

***Representative to be Contacted:***

BRUCE DOAK c/o Gerhold Cross & Etzel
Name

320 E. Towsontown Blvd, Suite 100
Address — Telephone No.

Towson, MD 21286
City — State — Zip Code

**OFFICE USE ONLY**

**ESTIMATED LENGTH OF HEARING** _____

**UNAVAILABLE FOR HEARING** _____

**Case No.** 07-561-XA

PLEASE ACCEPTED FOR FILING

Reviewed By JNP Date 6/15/07

*REV 9/15/98*

9-20-07

BM

**VARIANCES REQUESTED**
4043 WILKENS AVENUE

FOR A 0' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' PER SECTION 232.2.B OF THE B.C.Z.R.

FOR A 0' SETBACK IN LIEU OF THE REQUIRED 10' FROM THE RIGHT OF WAY ON WILKENS AVENUE PER SECTION 409.8.A.4 OF THE B.C.Z.R.

FOR A 0' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10' PER SECTION 409.8.A.1 OF THE B.C.Z.R.

07-561-XA

**Gerhold, Cross & Etzel, Ltd.**
*Registered Professional Land Surveyors • Established 1906*
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.geclimited.com

**May 24, 2007**

**ZONING DESCRIPTION**
**SUNDANCE GROUP LLC PROPERTY**
**4043 Wilkens Avenue**
**Baltimore County, Maryland**

All that piece or parcel of land situate, lying and being in the Thirteenth Election District, First Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the South side of Wilkens Avenue, 100 feet from the intersection of the East side of Leeds Avenue and the South side of Wilkens Avenue, thence running along the South side of said Wilkens Avenue.

1) North 66 degrees 49 minutes 00 seconds East 34.00 feet.
2) South 23 degrees 11 minutes 00 seconds East 120.00 feet.
3) South 66 degrees 49 minutes 00 seconds West 34.00 feet.
4) South 65 degrees 30 minutes 00 seconds West 100.00 feet.
5) North 24 degrees 30 minutes 00 seconds West 20.00 feet.
6) North 65 degrees 30 minutes 00 seconds East 100.00 feet.
7) North 23 degrees 11 minutes 00 seconds West 100.00 feet to point of beginning.

Containing 6071 sq. ft. of land, more or less.

**Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.**

5/24/07

07-561-XA

Case No.: 07-561-XA

Exhibit Sheet

| | Petitioner/Developer | Protestant |
|---|---|---|
| No. 1 | Site Plan | |
| No. 2 | Amended Site Plan | |
| No. 3 | Site Plan showing vantage point of photographs | |
| No. 3A-3N | Photos of site | |
| No. 5 | | |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | | |

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-561-XA
DATE

# PETITIONER'S SIGN-IN SHEET

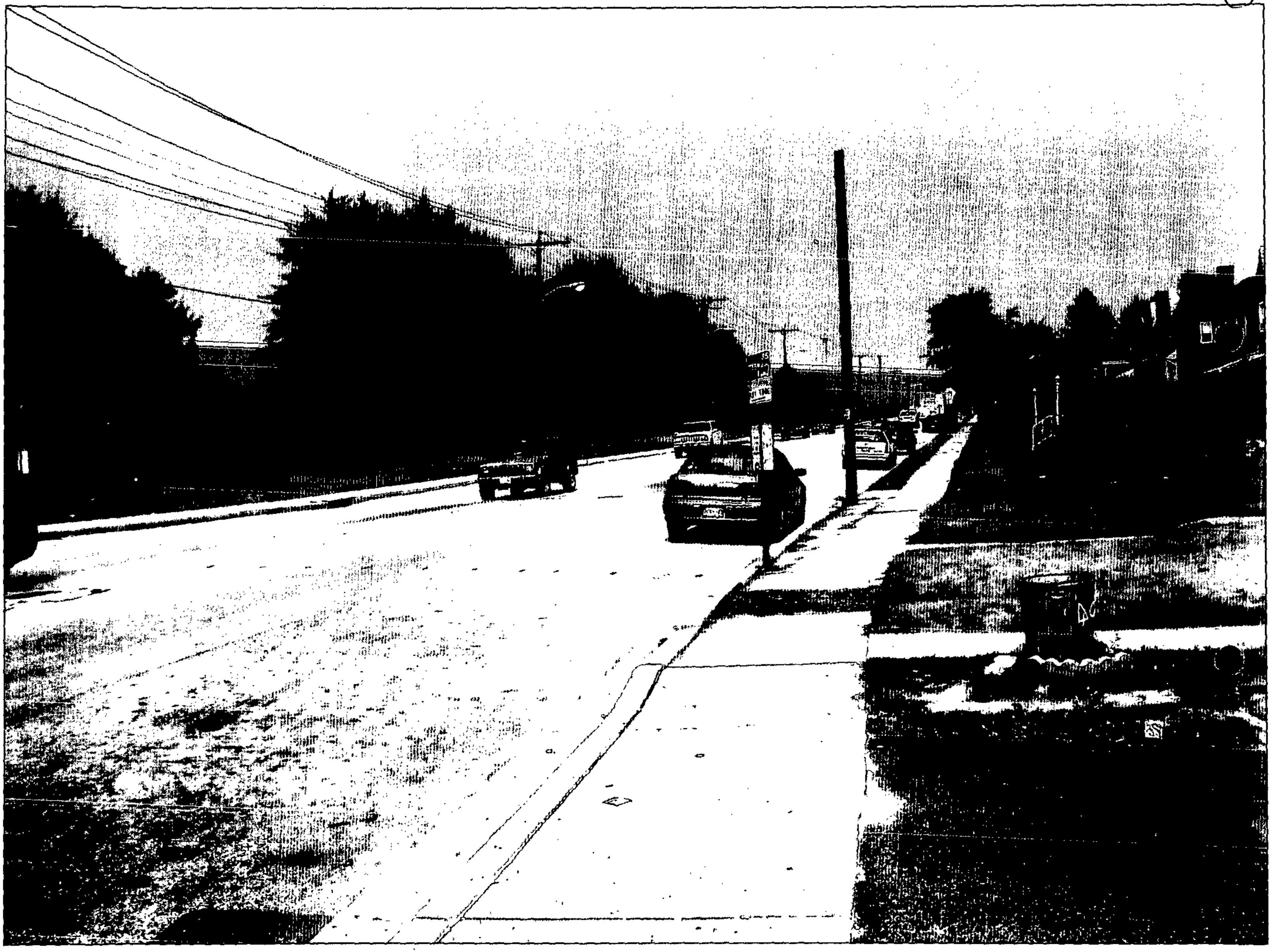
| NAME | ADDRESS | CITY, STATE, ZIP | E-MAIL |
|---|---|---|---|
| Ron Guy | 8480 Balt. Nat'l. Pike, #154 | Ellicott City, MD 21043 | RonGuy@GMAIL.com |
| Bruce Doak | 320 E. Towsontown Blvd | Towson MD 21286 | |
| Gorhold Cross & Etzel | | | |
| Francis X. Borgerding Jr. | 409 Washington Ave suite 600 | Towson MD 21204 | |

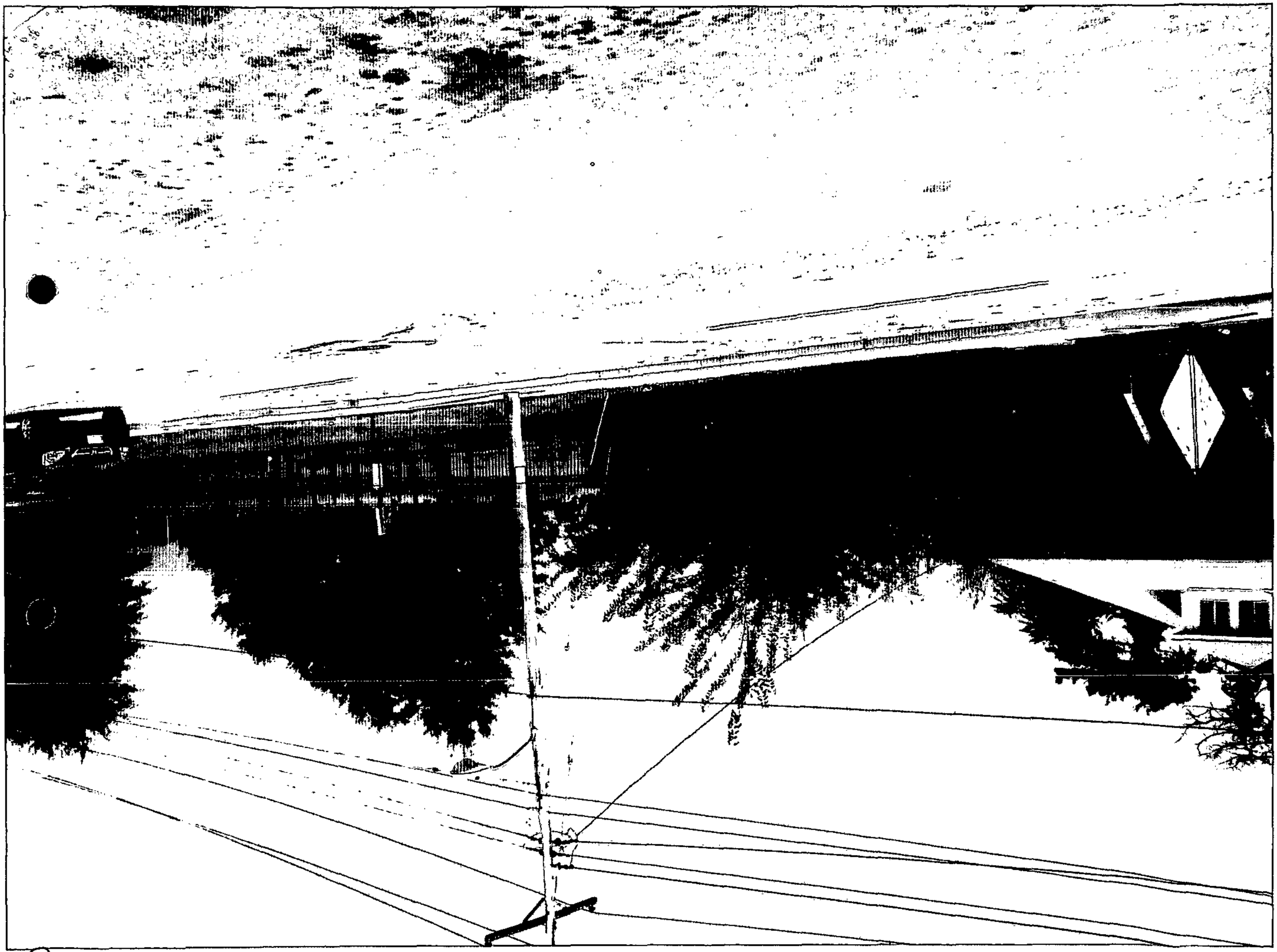
(B)

For
+/- 14
410-4
ZONING NOTICE
CASE # :07-561-XA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.
Room 407 County Courts Building
PLACE: 401 Bosley Avenue, Towson, MD
2:00 pm Wednesday, August 22 2007
Special Exception: to allow living quarters in a commercial building per Section 233.4 of the BCZR.
Variance: to permit a 0 foot side yard setback in lieu of the required 10 feet and to permit a 0 foot setback in lieu of the required 10 feet from the right-of-way on Wilkens avenue and to permit a 0 foot landscape buffer in lieu of the required 10 feet.
HEARINGS ARE HANDICAPPED ACCESSIBLE

(A)

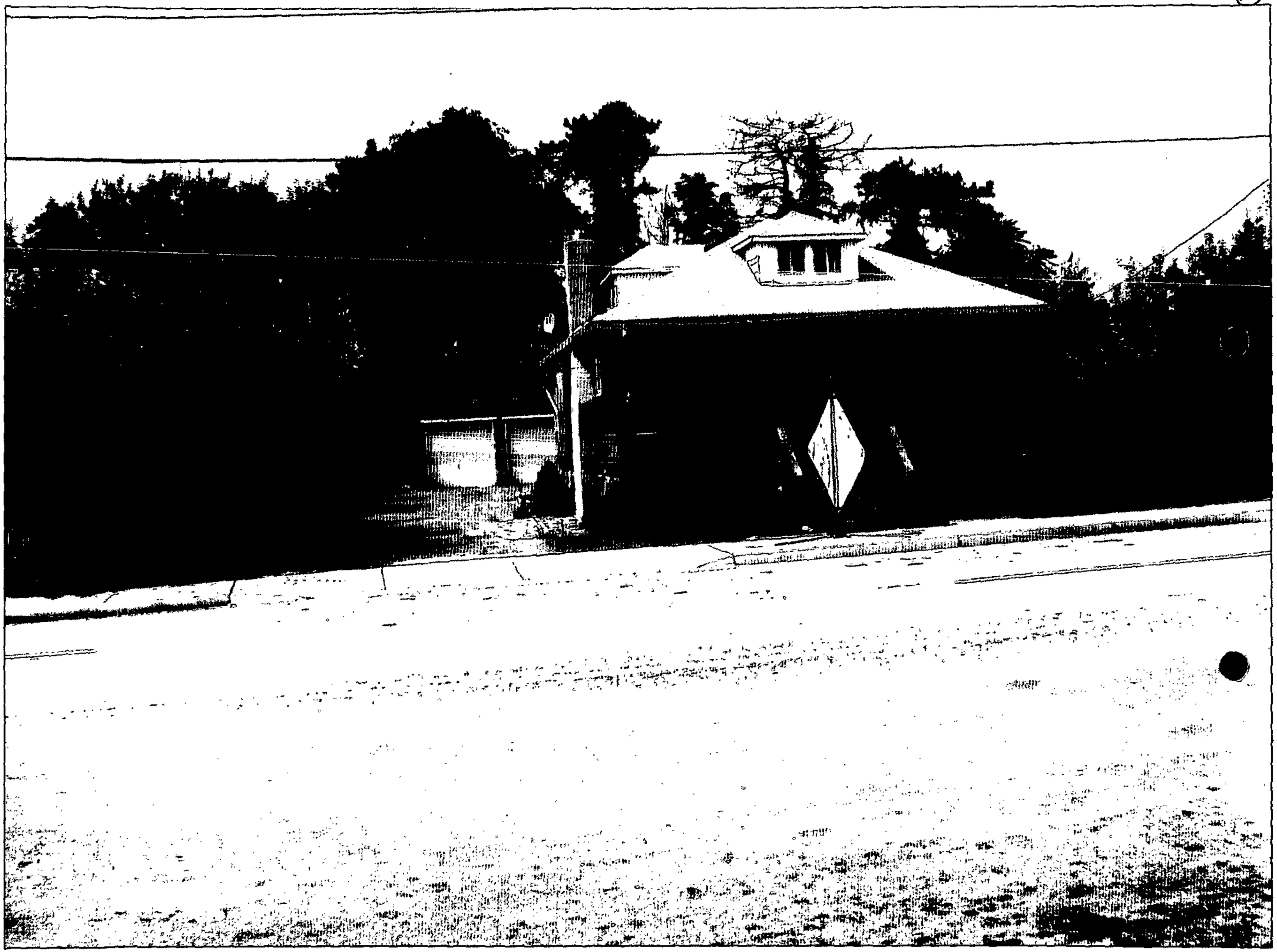
D





2

(F)



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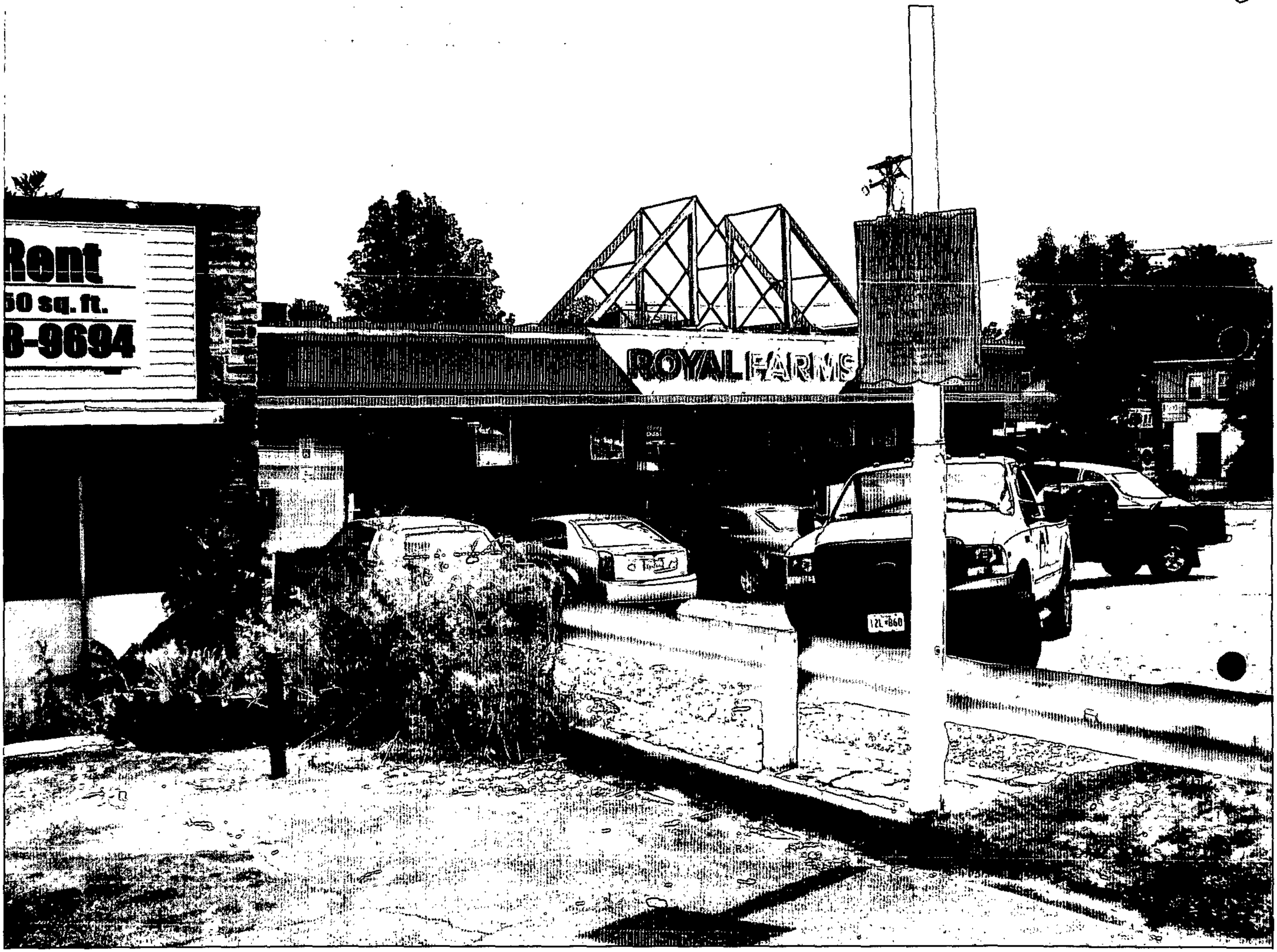
Fresh
Daily


Rent
50 sq. ft.
8-9694
ROYAL FARMS

(I)

Tim Scruggs
Custom Cues

**BALTIMORE COUNTY, MARYLAND**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

No. 29293

DATE 6/15/07 ACCOUNT R-001-006-6150

AMOUNT $ 700.00

RECEIVED FROM: Sundance Group LLC

FOR: Variance/Special Ex - 4043 Williams Ave
(4043 Williams Avenue Trust) 07-561-XA

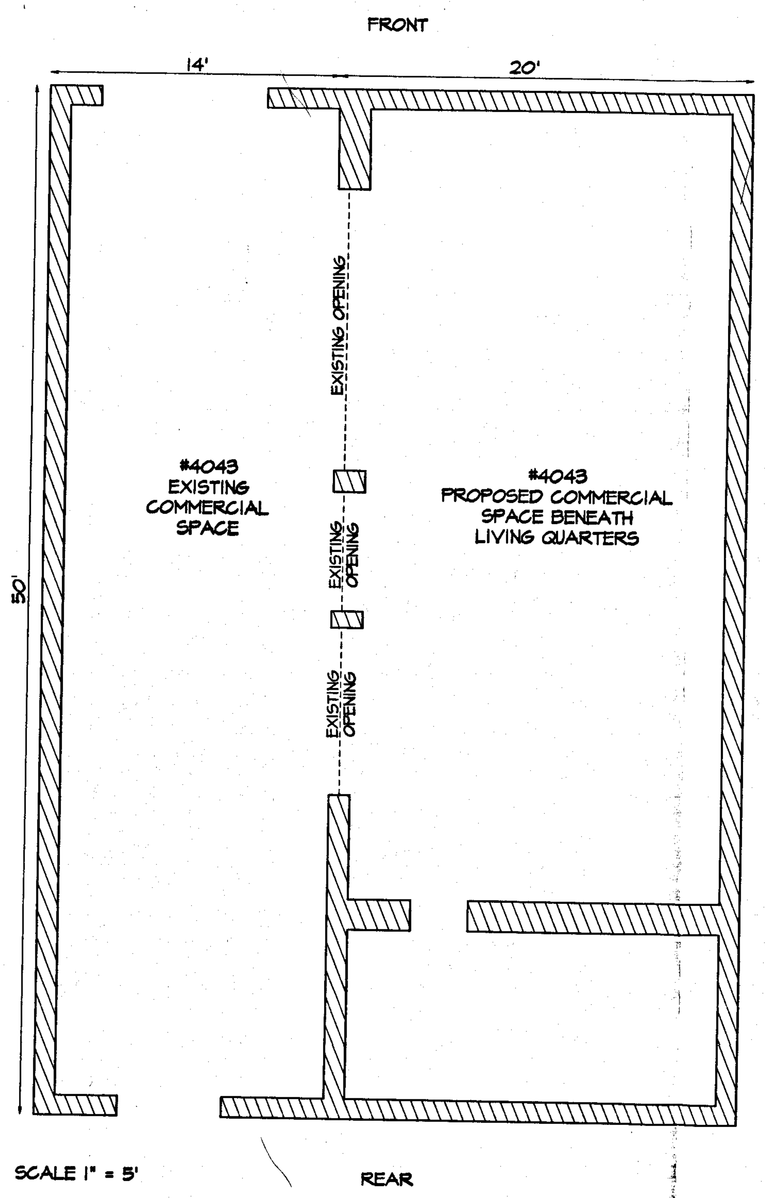
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

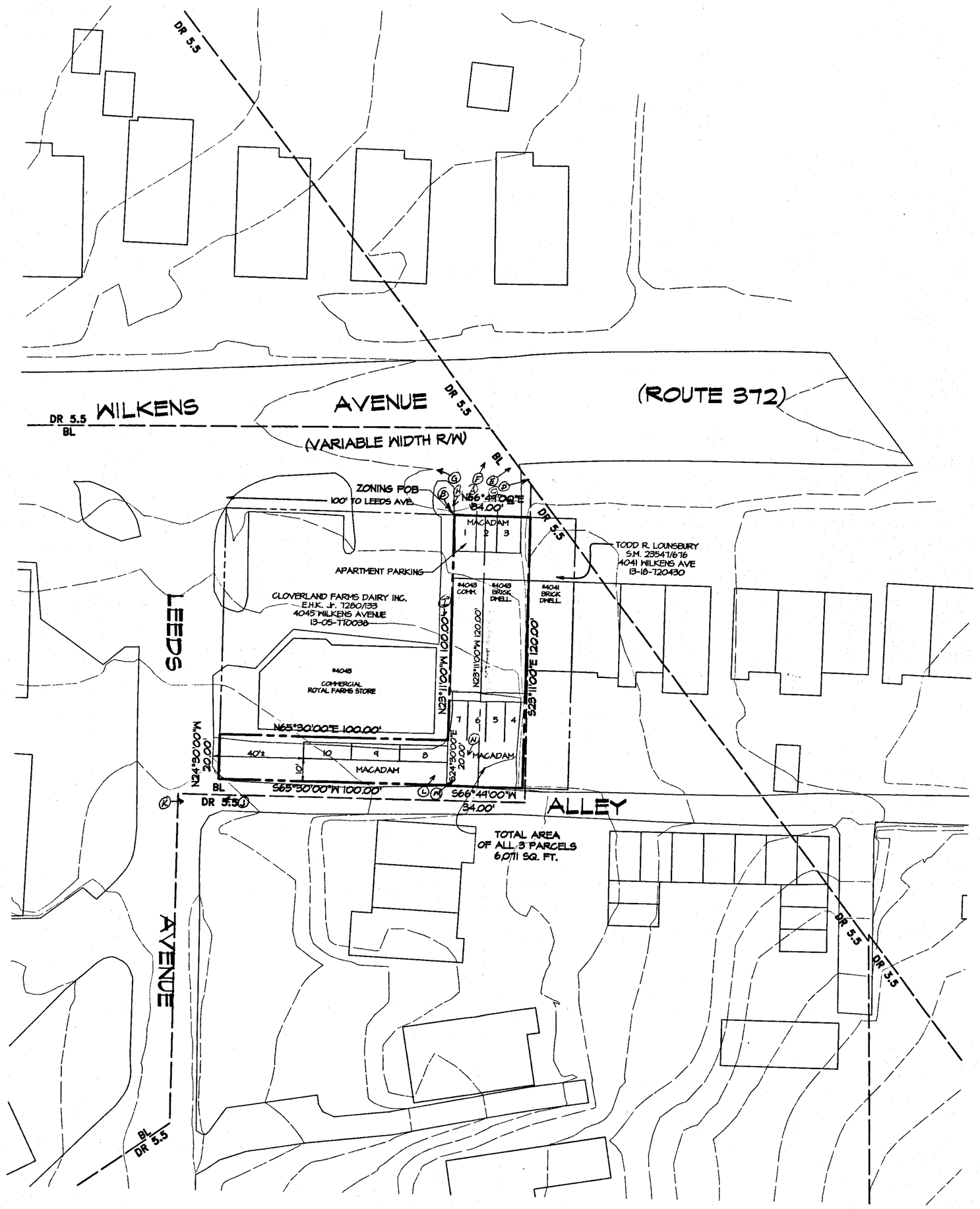
| BUSINESS | ACTUAL | TIME | DRAWER |
|---|---|---|---|
| 6/18/2007 | 6/15/2007 | 15:10:40 | 2 |

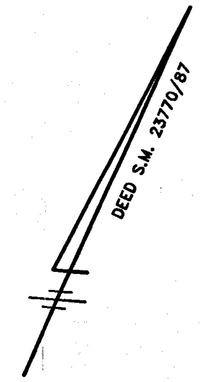
REF 0302 MAIL ITEM JEE
>>RECEIPT # 519192 6/15/2007 OFLI
Rept 5 329 Zoning Verification
CR NO. 029293
Recpt Tot $700.00 CK $700.00 CA $0.00
Baltimore County, Maryland

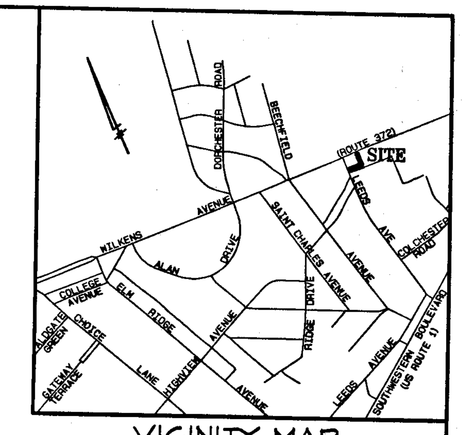
CASHIER'S VALIDATION




SCALE 1" = 5'




VICINITY MAP
1" = 2000'

## GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 23770/87.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 101C2.
3. CENSUS TRACT 430400 REGIONAL PLANNING DISTRICT 325
   WATERSHED PATAPSCO SUBSHERSHED 74
   SCHOOL DISTRICT, ELEMENTARY - HALETHORPE E.S., MIDDLE - ARBUTUS M.S., HIGH - CATONSVILLE H.S.
   A.D.C. MAP & GRID 42 A4
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

PETITIONER'S EXHIBIT NO. 3

## SPECIAL EXCEPTION REQUESTED

TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING PER SECTION 233.4 OF THE B.C.Z.R.

## VARIANCES REQUESTED

FOR A 0' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' PER SECTION 232.2.B OF THE B.C.Z.R.

FOR A 0' SETBACK IN LIEU OF THE REQUIRED 10' FROM THE RIGHT OF WAY ON WILKENS AVENUE PER SECTION 409.8.A.4 OF THE B.C.Z.R.

FOR A 0' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10' PER SECTION 409.8.A.1 OF THE B.C.Z.R.

## LEGEND

EXISTING BUILDING
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS

## PARKING CALCULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED

1.25 X 2 APARTMENTS = 3

1700 SQ. FT. OFFICE SPACE
3.3 SPACES PER 1000 SQ. FT. = 6

TOTAL PARKING SPACES REQUIRED = 9

PARKING SPACES PROVIDED = 10

STATE OF MARYLAND
BRUCE EDWIN DOVE
No. 10001
PROFESSIONAL LAND SURVEYOR
6/18/07

## DEVELOPER

RON GUY
c/o SUNDANCE GROUP LLC
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

## OWNER

4043 WILKENS AVENUE TRUST
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

*Plan to Accompany Photographs*

# PLAN TO ACCOMPANY A REQUEST FOR SPECIAL EXCEPTION & VARIANCES

# 4043 WILKENS AVENUE TRUST PROPERTY

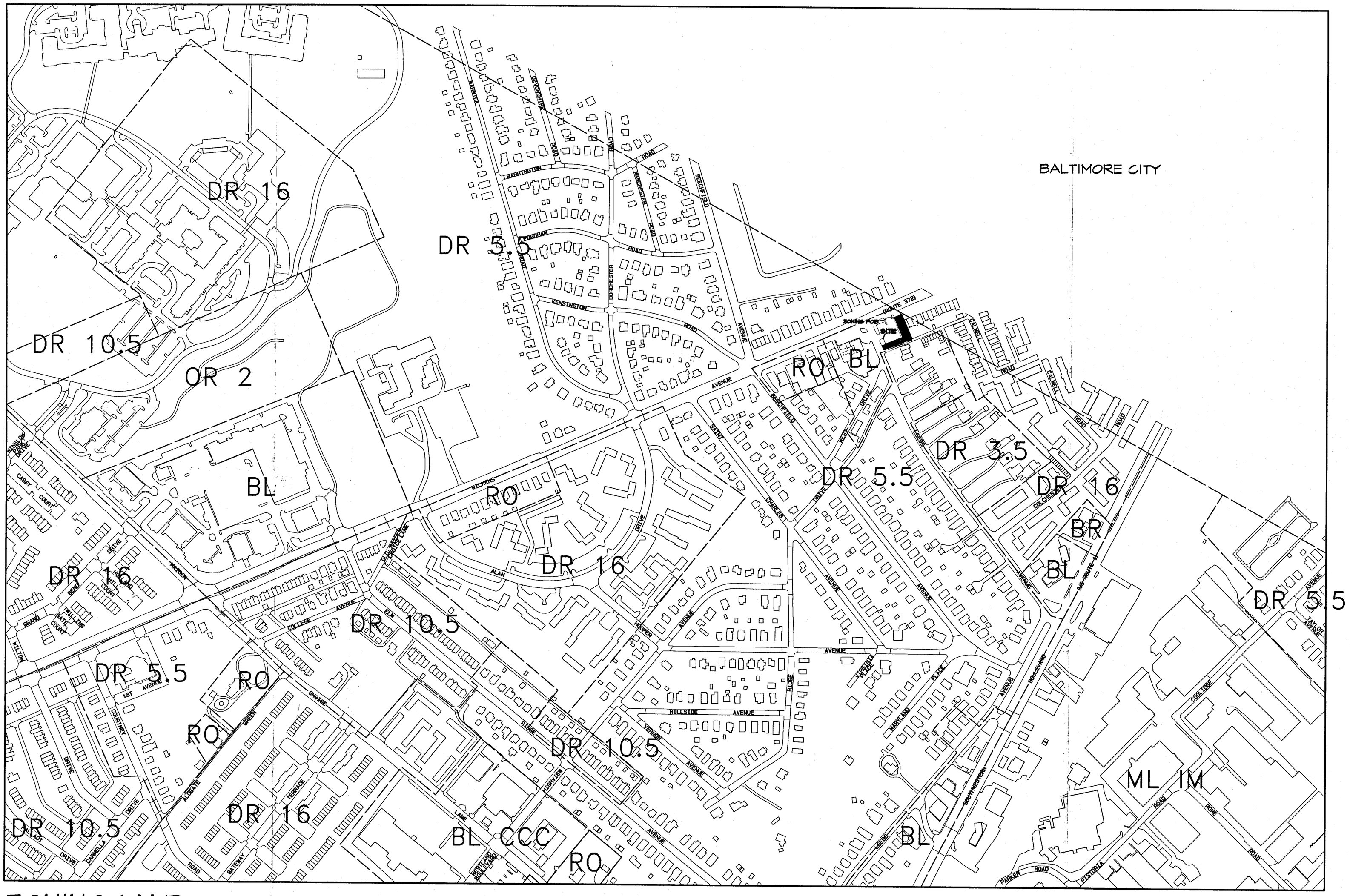
4043 WILKENS AVENUE
Deed Ref: S.M. No. 23770 folio 87
Tax Account No.: 13-20-660080
Tax Account No.: 13-20-660090
Zoned BL; GIS Tile 101C2
Tax Map 101; Grid 12; Parcel 903
Tax Map 101; Grid 12; Parcel 826
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: MAY 15, 2007


GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470


| REVISION | DATE |
|---|---|
| REVISED OWNERSHIP INFORMATION | 6/15/07 |
| REVISIONS PER JEFF FURLOW | 6/13/07 |

COMPUTED: DRAWN: SMH CHECKED: FILE:X:\GUY WILKENS\ZONING PLAT REVISED.pro

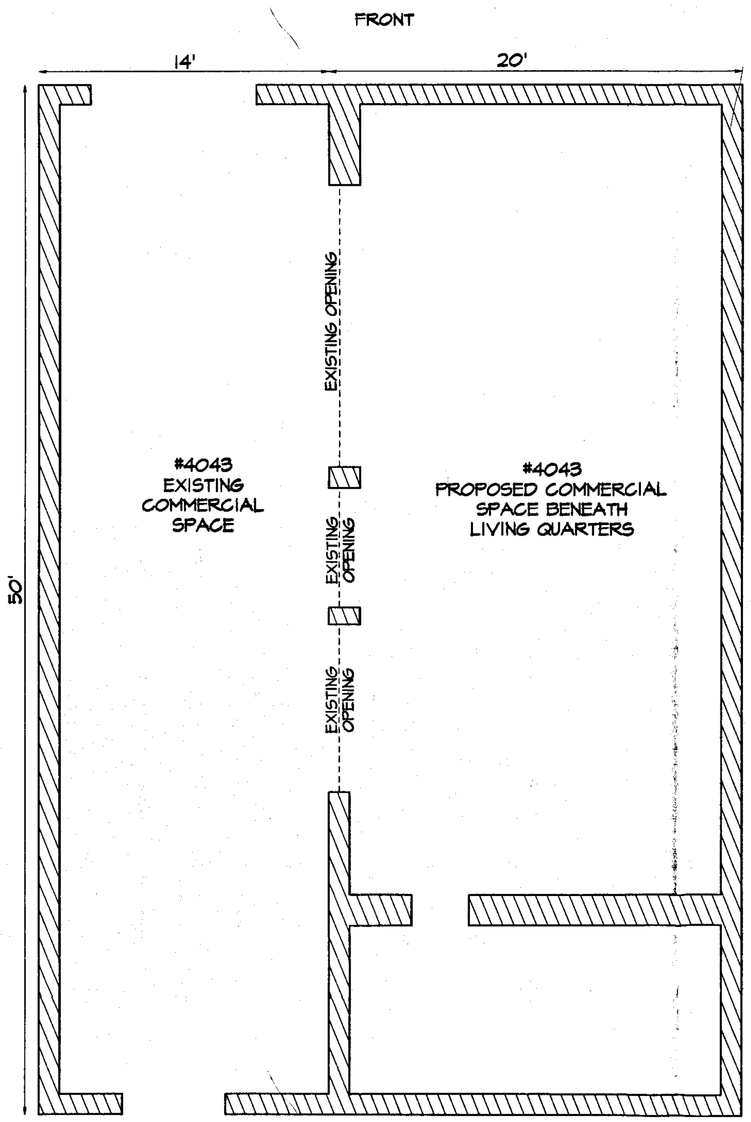



ZONING MAP

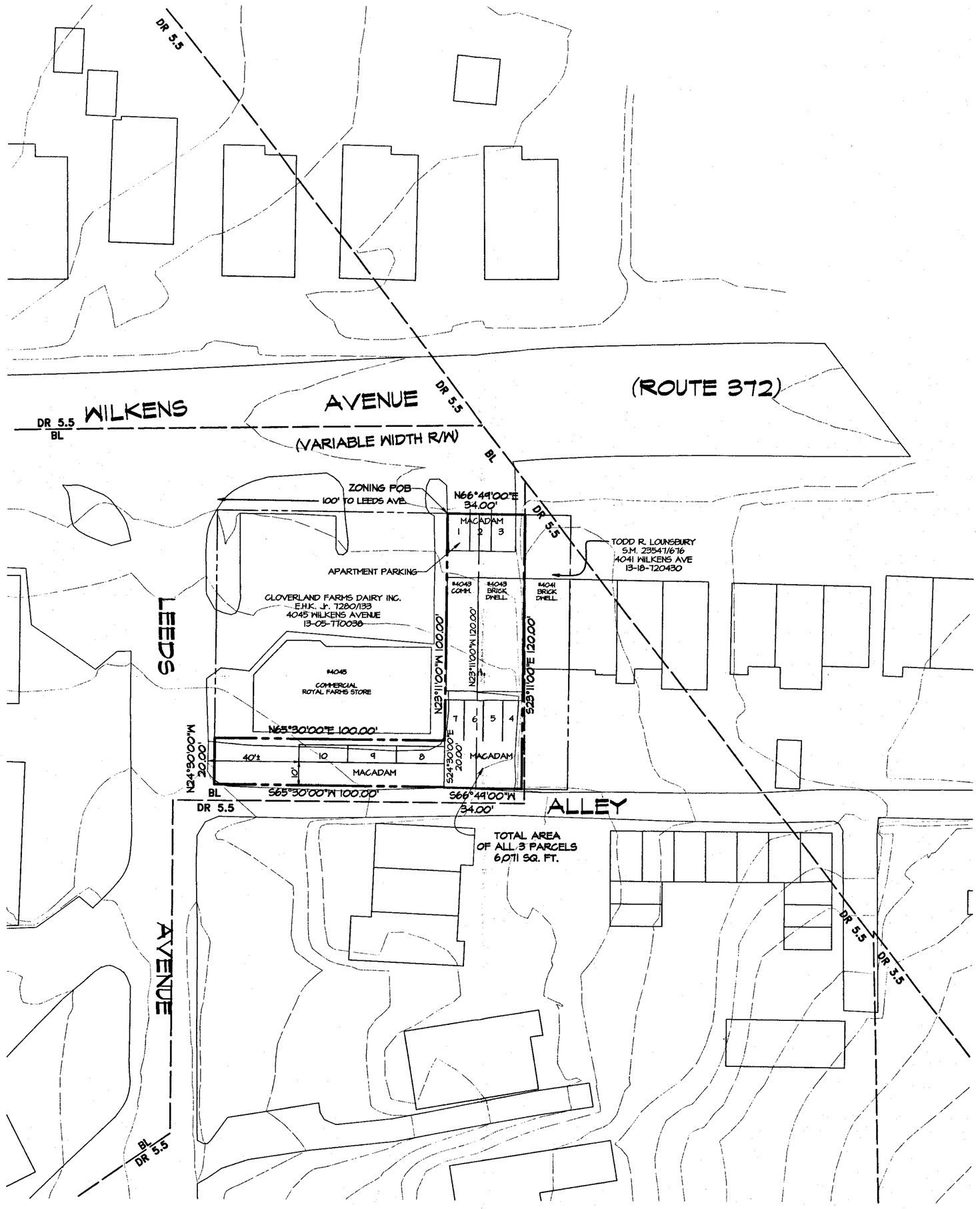
GIS TILE: 10102

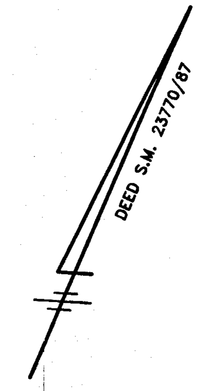
SCALE: 1" = 200'

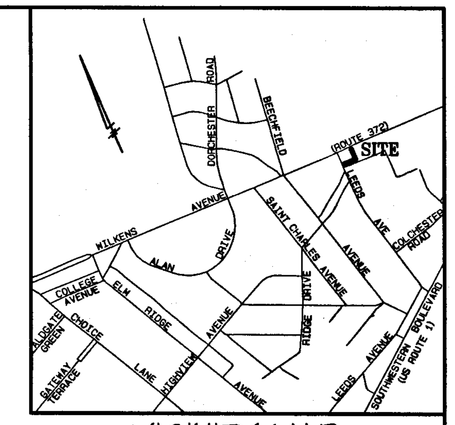
07-561-XA




SCALE 1" = 5'




VICINITY MAP
1" = 2000'

## GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 23770/87.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 10102.
3. CENSUS TRACT 430400 REGIONAL PLANNING DISTRICT 325
   WATERSHED PATAPSCO SUBSEWERSHED 74
   SCHOOL DISTRICT: ELEMENTARY - HALETHORPE E.S., MIDDLE - ARBUTUS M.S., HIGH - CATONSVILLE H.S.
   A.D.C. MAP & GRID 42 A4
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

## SPECIAL EXCEPTION REQUESTED

TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING PER SECTION 233.4 OF THE B.C.Z.R.

## VARIANCES REQUESTED

FOR A 0' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' PER SECTION 232.2.B OF THE B.C.Z.R.

FOR A 0' SETBACK IN LIEU OF THE REQUIRED 10' FROM THE RIGHT OF WAY ON WILKENS AVENUE PER SECTION 409.8.A.4 OF THE B.C.Z.R.

FOR A 0' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10' PER SECTION 409.8.A.1 OF THE B.C.Z.R.

## LEGEND

EXISTING BUILDING
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS

## PARKING CALCULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED

1.25 X 2 APARTMENTS = 3

1100 SQ. FT. OFFICE SPACE
3.3 SPACES PER 1000 SQ. FT. = 6

TOTAL PARKING SPACES REQUIRED = 9

PARKING SPACES PROVIDED = 10

## DEVELOPER

RON GUY
c/o SUNDANCE GROUP LLC
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

## OWNER

4043 WILKENS AVENUE TRUST
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

STATE OF MARYLAND
BRUCE EDWIN GERHOLD
No. 10001
PROFESSIONAL LAND SURVEYOR
6/14/07

# PLAN TO ACCOMPANY A REQUEST FOR SPECIAL EXCEPTION & VARIANCES

# 4043 WILKENS AVENUE TRUST PROPERTY

4043 WILKENS AVENUE
Deed Ref: S.M. No. 23770 folio 87
Tax Account No.: 13-20-660080
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Zoned BL; GIS Tile 10102
Tax Map 101; Grid 12; Parcel 903
Tax Map 101; Grid 12; Parcel 826
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

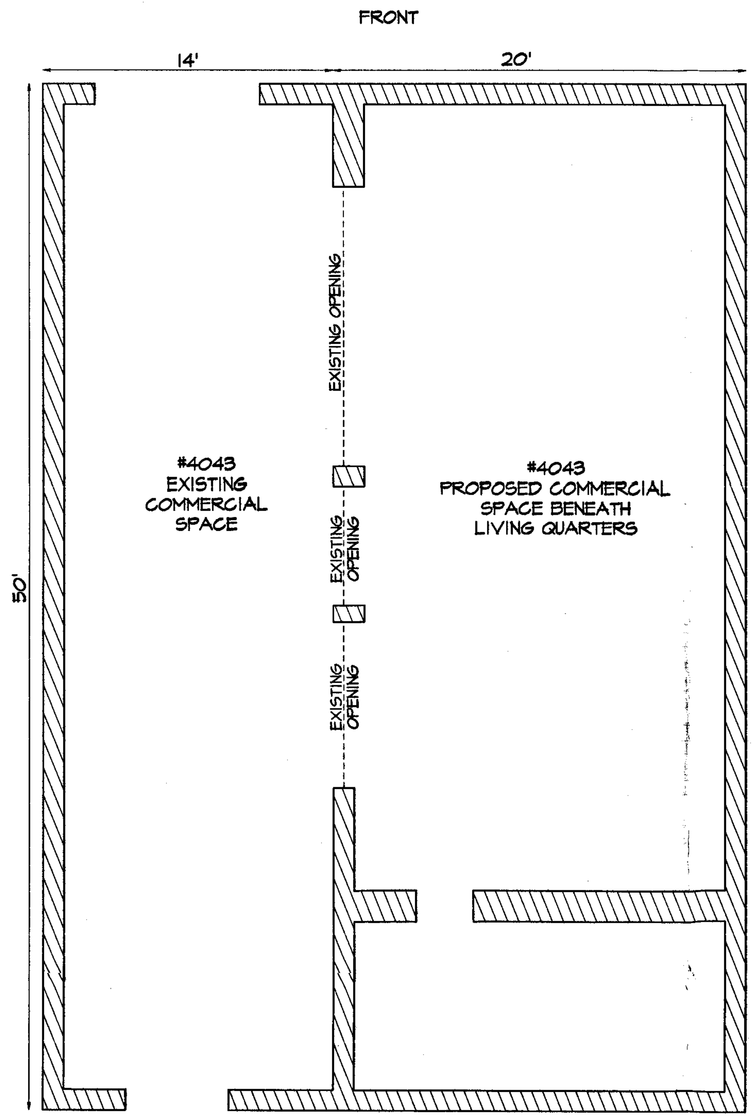
Scale: 1"=30' Date: MAY 15, 2007

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

| REVISION | DATE |
|---|---|
| REVISED OWNERSHIP INFORMATION | 6/13/07 |
| REVISIONS PER JEFF FURLOW | 6/3/07 |

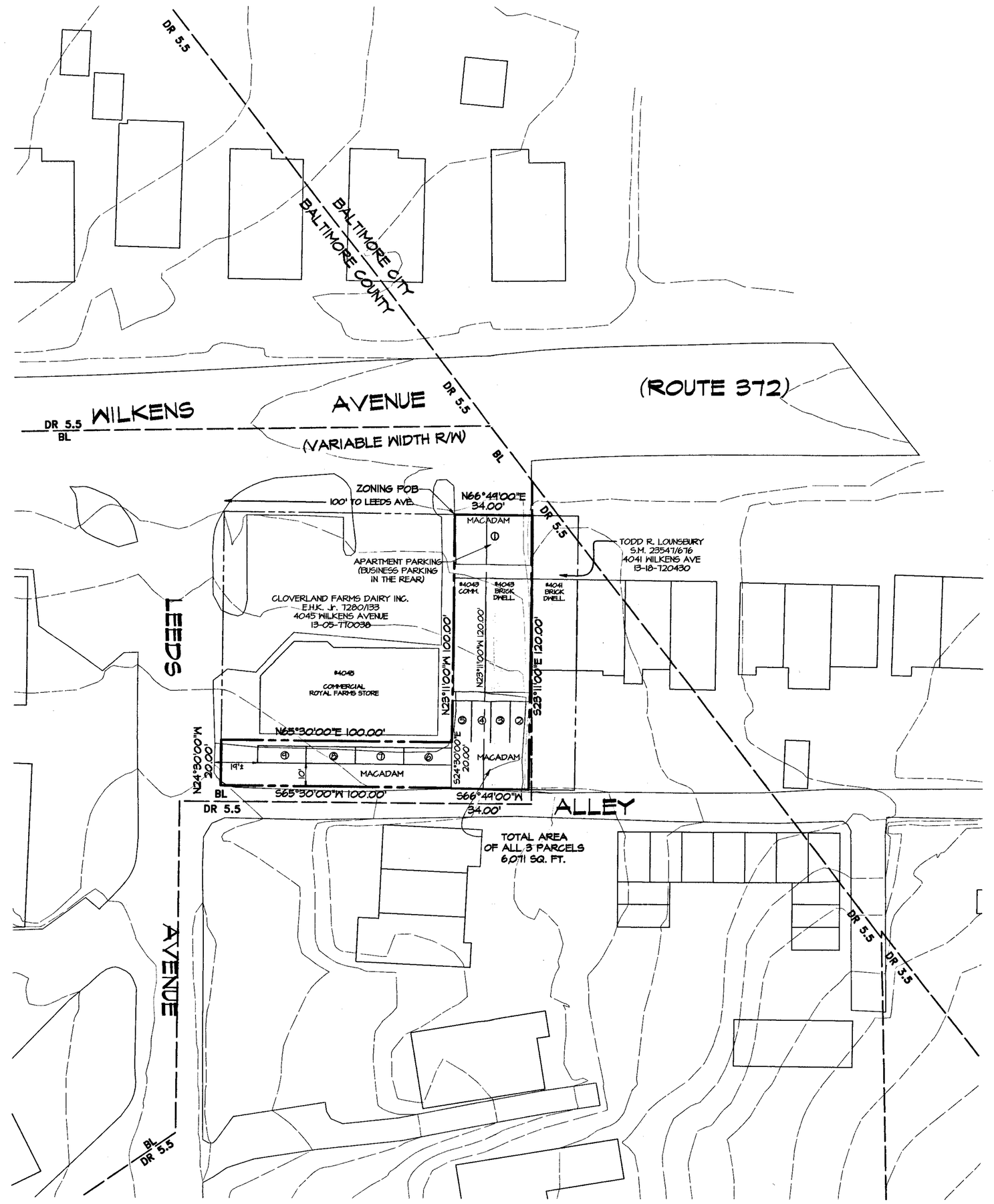
COMPUTED: DRAWN: SMH CHECKED: FILE: X:\GUY WILKENS\ZONING PLAT REVISED.pro

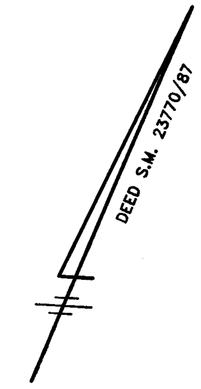
07561-XA

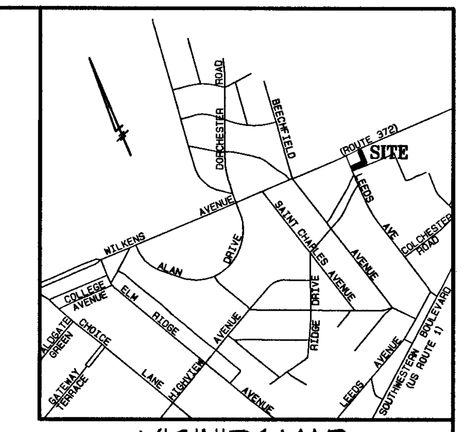



SCALE 1" = 5'

REAR




VICINITY MAP

1" = 2000'

## GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 23770/87.
2. THE TOPOGRAPHY SHOWN HEREON HAS TAKEN FROM BALTIMORE COUNTY GIS TILE 101C2.
3. CENSUS TRACT 430900 REGIONAL PLANNING DISTRICT 325
   WATERSHED PATAPSCO SUBSENERSHED 14
   SCHOOL DISTRICT: ELEMENTARY - HALETHORPE E.S.; MIDDLE - ARBUTUS M.S.;
   HIGH - CATONSVILLE H.S.
   A.D.C. MAP & GRID 42 A4
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7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

PETITIONER'S

EXHIBIT NO. 2

## SPECIAL EXCEPTION REQUESTED

TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING PER SECTION 233.4 OF THE B.C.Z.R.

## VARIANCES REQUESTED

FOR A 0' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' PER SECTION 232.2.B OF THE B.C.Z.R.

FOR A 0' SETBACK IN LIEU OF THE REQUIRED 10' FROM THE RIGHT OF WAY ON WILKENS AVENUE PER SECTION 409.8.A.4 OF THE B.C.Z.R.

FOR A 0' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10' PER SECTION 409.8.A.1 OF THE B.C.Z.R.

## LEGEND

EXISTING BUILDING

EXISTING PAVING

PROPOSED PAVING

ZONING LINE

PROPERTY LINE

CONTOURS

## PARKING CALCULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED

1.25 X 2 APARTMENTS = 3

1700 SQ. FT. OFFICE SPACE
3.3 SPACES PER 1000 SQ. FT. = 6

TOTAL PARKING SPACES REQUIRED = 9

PARKING SPACES PROVIDED = 9

## DEVELOPER

RON GUY
c/o SUNDANCE GROUP LLC
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

## OWNER

4043 WILKENS AVENUE TRUST
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

STATE OF MARYLAND
JEFF EDWIN DORF
REGISTERED
PROPERTY LINE SURVEYOR
6/22/07

# AMENDED PLAN TO ACCOMPANY A REQUEST FOR SPECIAL EXCEPTION & VARIANCES

# 4043 WILKENS AVENUE TRUST PROPERTY

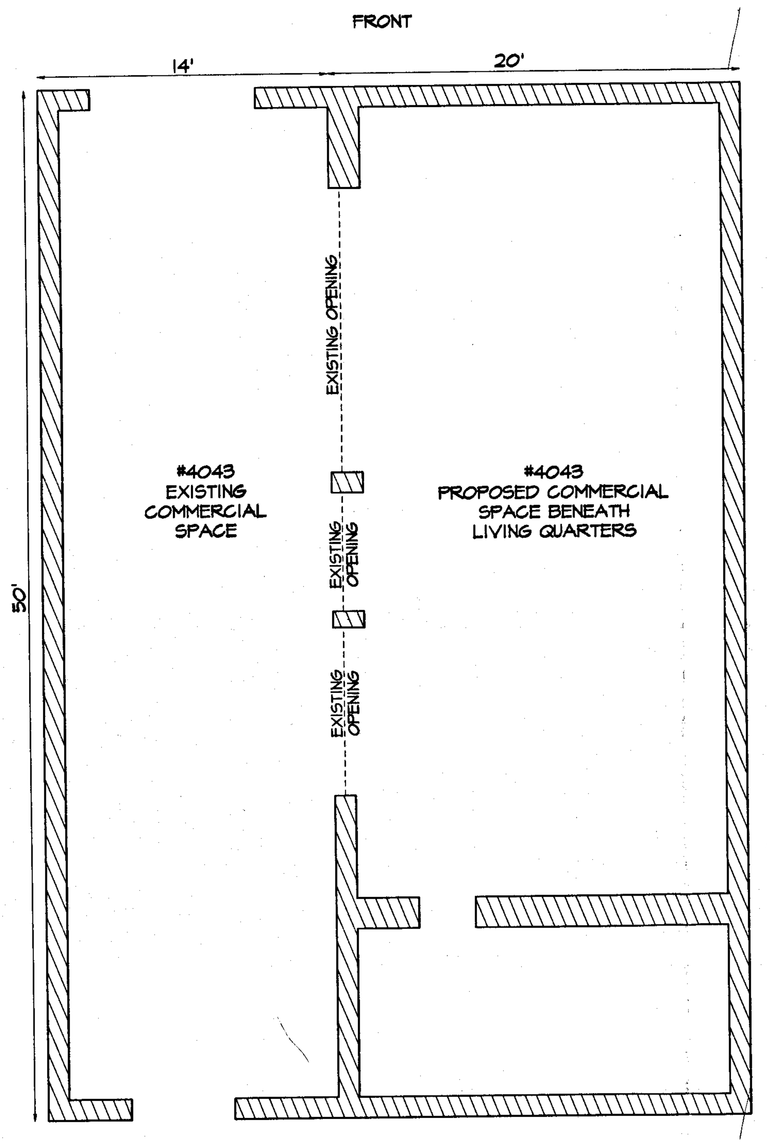
4043 WILKENS AVENUE
Deed Ref: S.M. No. 23770 folio 87
Tax Account No.: 13-20-660080
Tax Account No.: 13-20-660090
Zoned BL; GIS Tile 101C2
Tax Map 101; Grid 12; Parcel 903
Tax Map 101; Grid 12; Parcel 826
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: MAY 15, 2007

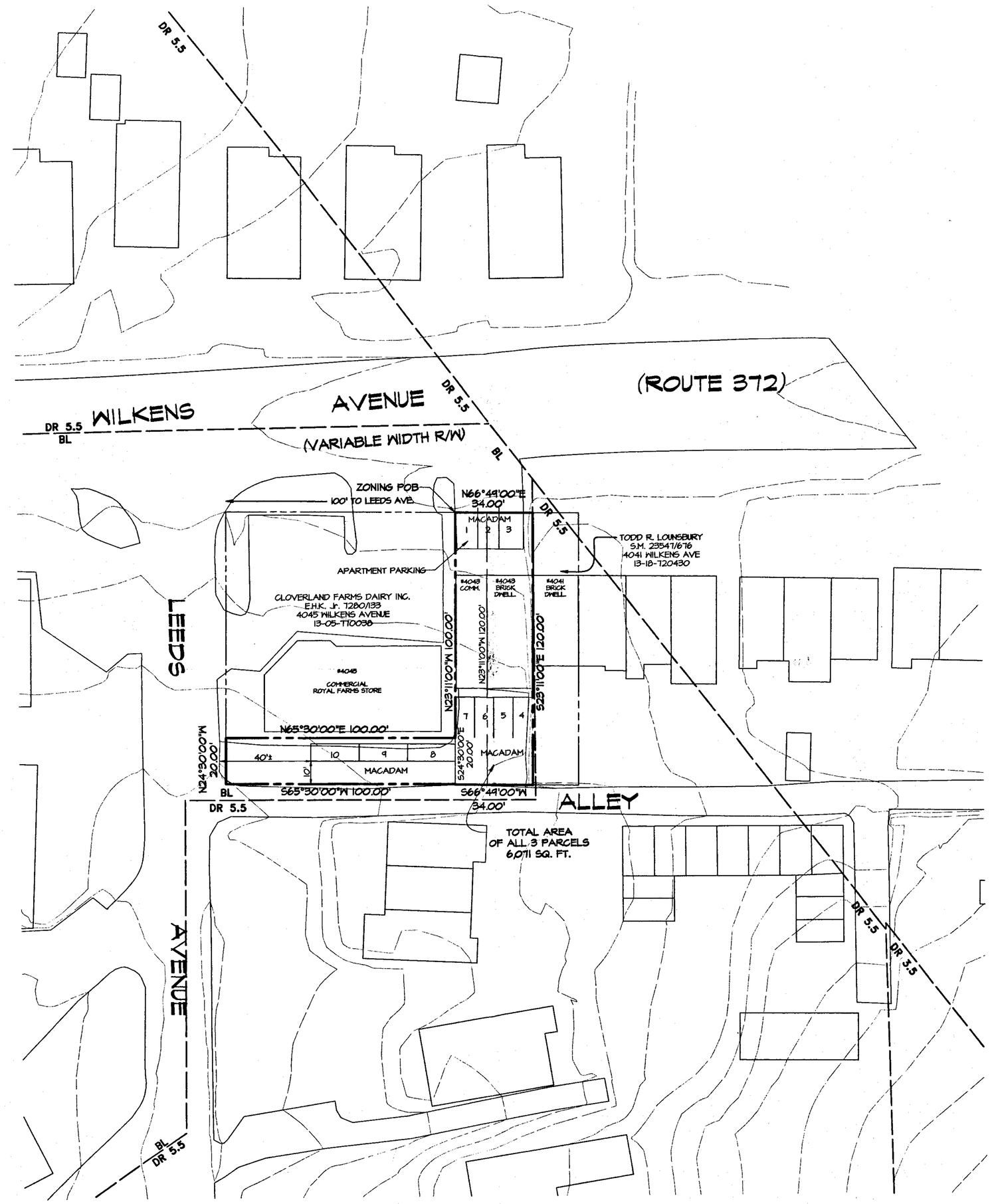

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

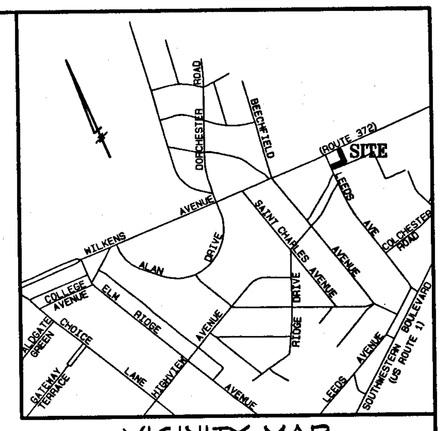

| REVISION | DATE |
|---|---|
| REVISED PARKING | 6/21/07 |
| REVISED OWNERSHIP INFORMATION | 6/15/07 |
| REVISIONS PER JEFF FURLOW | 6/3/07 |

| COMPUTED: | DRAWN: SMH | CHECKED: | FILE:X:\GUY WILKENS\ZONING PLAT REVISED.pro |
|---|---|---|---|




SCALE 1" = 5'






VICINITY MAP
1" = 2000'

## GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 23770/87.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 10102.
3. CENSUS TRACT 430900 REGIONAL PLANNING DISTRICT 325
   WATERSHED PATAPSCO SUBSERWSHED 74
   SCHOOL DISTRICT: ELEMENTARY - HALETHORPE E.S.; MIDDLE - ARBUTUS M.S.; HIGH - CATONSVILLE H.S.
   A.D.C. MAP & GRID 42 A4
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

PETITIONER'S
EXHIBIT NO. 1

## DEVELOPER

RON GUY
c/o SUNDANCE GROUP LLC
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

## OWNER

4043 WILKENS AVENUE TRUST
8480 BALTIMORE NATIONAL PIKE #154
ELLICOTT CITY, MD

## SPECIAL EXCEPTION REQUESTED

TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING PER SECTION 233.4 OF THE B.C.Z.R.

## VARIANCES REQUESTED

FOR A 0' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10' PER SECTION 232.2.B OF THE B.C.Z.R.

FOR A 0' SETBACK IN LIEU OF THE REQUIRED 10' FROM THE RIGHT OF WAY ON WILKENS AVENUE PER SECTION 409.8.A.4 OF THE B.C.Z.R.

FOR A 0' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10' PER SECTION 409.8.A.1 OF THE B.C.Z.R.

## LEGEND

EXISTING BUILDING
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS

## PARKING CALCULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED

1.25 X 2 APARTMENTS = 3

1700 SQ. FT. OFFICE SPACE
3.3 SPACES PER 1000 SQ. FT. = 6

TOTAL PARKING SPACES REQUIRED = 9

PARKING SPACES PROVIDED = 10

STATE OF MARYLAND
BRUCE EDWIN GERHOLD
PROFESSIONAL LAND SURVEYOR
No. 10191
6/18/07

PLAN TO ACCOMPANY A
REQUEST FOR SPECIAL
EXCEPTION & VARIANCES

# 4043 WILKENS AVENUE TRUST PROPERTY

4043 WILKENS AVENUE
Deed Ref: S.M. No. 23770 folio 87
Tax Account No.: 13-20-660080
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| REVISION | DATE |
|---|---|
| REVISED OWNERSHIP INFORMATION | 6/15/07 |
| REVISIONS PER JEFF FURLOW | 6/8/07 |

| COMPUTED: | DRAWN: SMH | CHECKED: | FILE:X:\GUY WILKENS\ZONING PLAT REVISED.pro |
|---|---|---|---|

07-561-XA