IN RE: PETITION FOR VARIANCE

NW side Philadelphia Road, at NE side Summit Avenue 14th Election District 7th Councilmanic District (7400 Philadelphia Road)

N & G, LLC; Gregory Siciliano Petitioner

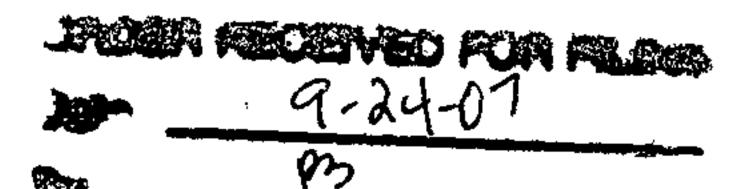
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 07-585-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Gregory Siciliano on behalf of the legal owner of the subject property, N & G, LLC. Petitioner is requesting variance relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 4 and 5 feet, respectively, in lieu of required 30 feet, and to permit a rear yard setback of 27 feet in lieu of required 30 feet. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Gregory Siciliano for N & G, LLC, his attorney, John B. Gontrum, Esquire, and Brian Dietz with Dietz Surveying, Inc., 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 a rectangular-shaped parcel, angled at the front on Philadelphia Road, and contains 20,433 square feet zoned B.R. The property is improved with an existing two-story block building consisting of warehouse and office space. The existing building is approximately 60 feet wide and 30 feet deep with a pitched roof and contains 2,145 square feet. Petitioner owns and operates a floor preparation business at the site, which uses a cement-like material for leveling sub-floors floors prior to installing floor material such as terrazzo, concrete, and pavers. The business is involved mostly in commercial and



industrial applications, mostly in the northern Virginia and District of Columbia areas, as well as Maryland. Petitioner proposes to construct a two-story addition to the existing structure, approximately 30 feet wide by 30 feet deep with a similar pitched roofline containing 1,400 square feet, for a proposed total building coverage of 3,545 square feet.

The existing building has been on the subject property for many years and is located within six feet of the eastern property line approximately 27 feet from the rear property line to the north. Petitioner's proposed addition will extend the building west, bringing it to within five feet of the street right-of-way at Summit Avenue. Hence, Petitioner requests variance relief from the 30 foot rear yard setback requirement, and from the 30 foot side yard setback requirement. Photographs of these areas were marked and accepted into evidence as Petitioner's Exhibit 3A through 3C. In support of these requests, Petitioner points to the commercial nature and use of the area, as well as the multitude of other zoning within a relatively small area, including B.L., B.R., and D.R.5.5. Petitioner also notes that there is a commercial building to the east and a packaged goods/bar across Philadelphia Road to the south. In addition, Petitioner submitted a letter of support from the neighbor immediately behind the subject property, and potentially the property most effected by the proposed addition, Antoinetta Sterner of 1601 Summit Avenue. The letter was marked and accepted into evidence as Petitioner's Exhibit 2, and indicated that Ms. Sterner had met with Petitioner to discuss his plans and had reviewed the drawings for the proposed addition, and that Ms. Sterner supported Petitioner's application for variance.

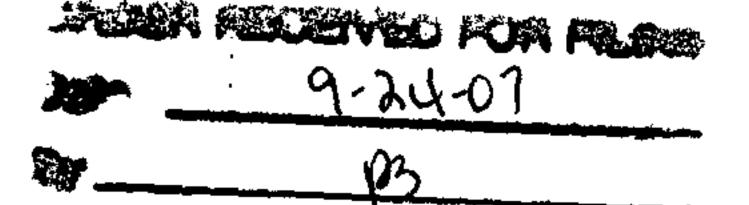
The property is surrounded by a chain link fence and entry to and exit from the property is at an entrance on Summit Avenue. The paved portion of Summit Avenue is approximately 20 feet wide. The area between the edge of Summit Avenue and the paving on Petitioner's property consists of a grassy area with a slight swale for drainage. Because of the configuration of the lot and construction of the existing building, no other placement for the proposed addition is deemed feasible. It is anticipated that the addition will allow outside storage to be brought inside the

building and will result in an overall improvement in the appearance of the property. In addition, Mr. Dietz, Petitioner's consultant, opined that were the variance request granted and the addition constructed, visual sightlines going in and out of Petitioner's property would still be maintained.

The Zoning Review Committee (ZAC) comment dated July 25, 2007 from the Office of Planning indicates that it does not oppose Petitioner's variance requests. In addition, the ZAC comment dated July 5, 2007 from the State highway Administration (SHA) indicates that based on the State Highway Access Manual Guidelines, the side road access from Summit Avenue is appropriate for Petitioner's use. It also states that further consultation with the SHA office will be necessary to determine the adequacy of the existing macadam sidewalk and handicap ramp along the property.

An investigation by Petitioner subsequent to the hearing indicated that the existing right-of-way width is actually 40 feet and not the 30 feet as depicted on Petitioner's Exhibit 1. Accordingly, in order to meet the terms of the variance requested, it is necessary that the site plan be amended to reflect the correct right-of-way width, and the building be diminished in width by approximately five feet. If Petitioner consents to this modification, then the conditions reflected on the zoning variance site plan will accurately reflect the actual field conditions. This is a case where the actual right-of-way width is substantially larger than the paved area on Summit Avenue. Given that the Department of Public Works has not commented further on the issue, it can be assumed that no further road widening is proposed in the near future, and that the variance as requested with the plan amended can be granted.

Based on the testimony and evidence, I find that the property is 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. Finally, I find Petitioner's variance requests, with the amendments and modifications as stated in the previous paragraph, 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 variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED this 270° day of September, 2007 by this Deputy Zoning Commissioner, that Petitioner's variance requests from Section 238.2 of the Baltimore County Zoning Regulations to permit side yard setbacks of 4 and 5 feet in lieu of required 30 feet, and to permit a rear yard setback of 27 feet in lieu of required 30 feet are hereby GRANTED.

The relief granted herein shall be subject to the following:

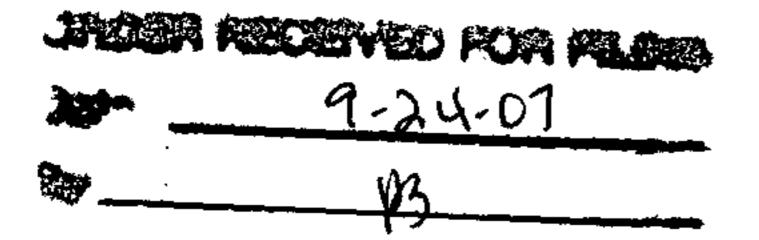
- 1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall consult with the State Highway Administration (SHA) office in order to determine the adequacy of the existing macadam sidewalk and handicap ramp along the property and shall obtain SHA review and approval of the existing sidewalk and handicap ramp, or any changes or modifications thereto.
- 3. Petitioner's Exhibit 1 site plan shall be amended to reflect the correct right-of-way width on Summit Avenue of 40 feet instead of 30 feet. Furthermore, Petitioner shall diminish the width of the proposed addition by a minimum of five feet in order to meet the terms of the side yard variance requested.

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

HOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 24, 2007

JOHN GONTRUM, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. 210 W. PENNSYLVANIA AVENUE TOWSON, MD 21204

Re: Petition for Variance
Case No. 07-585-A
Property: 7400 Philadelphia Road

Dear Mr. Gontrum:

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: Brian Dietz, Dietz Surveying, Inc., 8119 Oakleigh Road, Baltimore MD 21234



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7400 Philadelphia Road which is presently zoned B.R.

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 Attachment

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

See Attachment

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.

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,			NOU	CC	
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Address	<u> </u>	Telephone No.	Name - Type or Print	Z. //.	<u> </u>
City	State	Zip Code	Stynature		
Attorney For Pet	itioner:		7400 Philadel	phia Road	410-488-6424
	Ę		Address		Telephone No.
John B. Gont	trum Esquire		Baltimore	MD	21237
Name Type or Print		<u></u>	City	State	Zip Code
1885		<u></u>	Representative to	be Contacted:	
Signature Whiteford, T	Paylor & Prest	on, LLC		Gestam	
Company 210 W. Penns	sylvania Ave.	410-832-2055	Name	<u></u>	
Address Towson	MD	Telephone No. 21240	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
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REV 9/15/98		01		<u> </u>	
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N & G L.L.C. ZONING VARIANCE PETITION

VARIANCES SOUGHT:

1. From BCZR Section 238.2 to permit side yard setbacks of 4' and 5' in lieu of required 30' and to permit a rear yard setback of 27' in lieu of required 30'.

REASONS:

*,

The existing building has been on the site for many years located within 6' of the eastern property line and approximately 27' from the rear property line. The Petitioner wishes to add an extension on the building bringing it to within 5' of the street right of way for Summit Avenue. Because of the configuration of the lot and the construction of the building no other placement for the addition is feasible. It will allow outside storage to be brought inside the building and permit an overall improvement in the appearance of the property.

Brian R. Dietz

Professional Land Surveyor #21080

8119 Oakleigh Road, Baltimore, MD 21234 Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
7400 Philadelphia Road

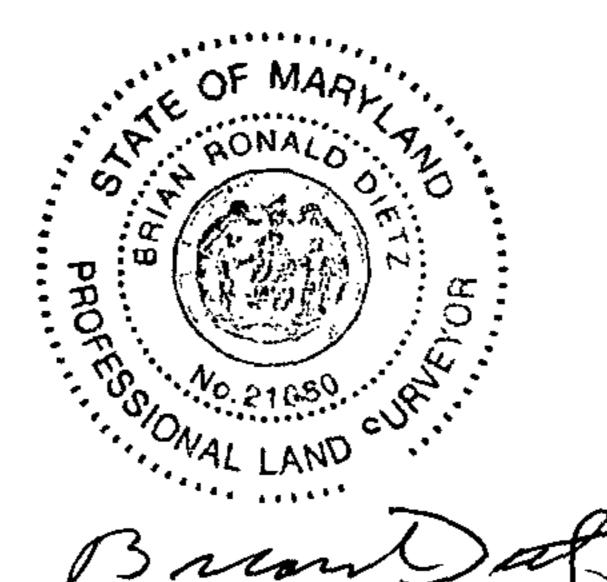
January 26, 2007

Beginning for the same at the intersection of the Northwest side of Philadelphia Road (60 feet wide) with the Northeast side of Summit Avenue, (30 feet wide). Running thence with the East side of Summit Avenue

- 1. North 26 degrees 19 minutes 04 seconds West 195.14 feet, thence leaving said Summit Avenue and running and binding on the herein petitions land the 3 following courses and distance viz;
 - 2. North 63 degrees 40 minutes 56 seconds East 100.00 feet,
 - 3. South 26 degrees 19 minutes 04 seconds 168.44 feet, to the North side of Philadelphia Road, and thence running and binding on the North side of Philadelphia Road
 - 4. South 48 degrees 43 minutes 57 seconds West 103.51 feet, to the place of beginning.

Containing 0.417 of an acre of land or 18,164 sq.ft. of land more or less.

Also known as 7400 Philadelphia Road and located in the 14th Election District, 7th Councilmanic District.



Page 1 of 1

CERTIFICATE OF POSTING

		•	RE: Case No.: 07-585-A
in the second			Petitioner/Developer: CREGOLY
•			SICILIANO
			Date of Hearing/Closing: 8-24-0
	Baltimore County Department of Permits and Development Manag County Office Building, Room 11: 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN:-Kristen Matthews ((410)	ement 1	
		©© (~3374} ₹	
	Ladies and Gentlemen:	•	
	posted conspicuously on the prope	enalties of perjury the erty located at: Philadeland	the necessary sign(s) required by law were
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		Sincer	ely,
*********			(Signature of Sign Poster) (Date)
	ZONING NOTICE		SSG Robert Black
_	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER THE SON ME	j	(Print Name)
•	PLACE THE ROLL TO THE TO THE TOTAL THE		1508 Leslie Road
	A NO TO SELECT OF THE SECURITY AS LOSS OF THE PROPERTY OF THE		(Address)
	to on martin of the bit was the state of the		Dundalk, Maryland 21222
		; ;	(City, State, Zip Code)
			(410) 282-7940
			(Telephone Number)
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WHITE - CASHIER PINK - AGENCY YEL	For	Rec From:			+-	Orgn Sub Rept.		BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE No. MISCELLANEOUS RECEIPT	
CASHIER'S VALIDATION					1.02 C.	TAN MARKET	Date: 10 14 6 10 10 10 10 10 10 10 10 10 10 10 10 10		
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HEARING HEARING

The Coning Commissioner thority of the Zoning Act and Regulations of Baltinore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #07-585-A
7400 Philadelphia Road
N/west side of Philadelphia
at northeast side of Summit

Avenue 14th Election District 7th Councilmanic District 1 eqal Owner(s): Gregory

Variance: to permit side vard setbacks of 4 and 5, feet in lieu of the required 30 feet and to permit a rearlieu of the required vard setback of 27 feet in lieu of the required 30 feet. Hearing: Friday, August 24, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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. WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of 60

The Jeffersonian 泫

- Arbutus Times
- Catonsville Times
 - Towson Times
- Owings Mills Times

NE Booster/Reporter

North County News

Mulus

LEGAL ADVERTISING



JAMES T. SMITH, JR. County Executive

July 12, 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: 07-585-A

7400 Philadelphia Road

N/west side of Philadelphia at northeast side of Summit Avenue

14th Election District – 7th Councilmanic District

Legal Owners: Gregory Siciliano

Variance to permit side yard setbacks of 4 and 5 feet in lieu of the required 30 feet and to permit a rear yard setback of 27 feet in lieu of the required 30 feet.

Hearing: Friday, August 24, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204 Gregory Siciliano, 7400 Philadelphia Road, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 9, 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

Thursday, August 9, 2007 Issue - Jeffersonian

Please forward billing to:

Gregory Siciliano 7400 Philadelphia Road Baltimore, MD 21237 410-488-6424

NOTICE OF ZONING HEARING

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7400 Philadelphia Road

N/west side of Philadelphia at northeast side of Summit Avenue

14th Election District – 7th Councilmanic District

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401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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.

Eor Nowens	aper Advertising:	
FUI MOMONA		
ttem Number	er or Case Number:	
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Petitioner: _	N+G,LLC	
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PLEASE FU		
Name:	Gregory Siciliano	
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Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 15, 2007

John B. Gontrum, Esquire Whiteford, Taylor & Preston, LLC 210 W! Pennsylvania Avenue Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 07-585-A, 7400 Philadelphia Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 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. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

N & G, LLC Gregory Siciliano 7400 Philadelphia Road Baltimore 21237

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

Maryland Department of Transportation

July 5, 2007

John D. Porcari, Secreta LECETO

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

RE:

Baltimore County Item No. 07-585-A

MD 7 (Philadelphia Road)

at Summit Avenue N & G, LLC Property 7400 Philadelphia Road

Variance- To permit side yard set backs of 4 and 5 feet in lieu of required 30 feet and to permit a rear yard set back of 27

feet in lieu of required 30 feet.

Dear Ms. Matthews:

This is in reference to our ongoing review of the ZAC Agenda plan on the subject of the above captioned. We understand that the aforementioned submission illustrates request to a proposed 2 story block office addition to allow a professional office use with on site parking.

Based on a review and evaluation of existing conditions our inspection reveals that access to the property is via an existing connection to Summit Avenue. In accordance with the State Highway Access Manual Guidelines the side road access is appropriate for this use. Further consultation with this office is necessary to determined adequacy of the existing macadam sidewalk and handicap ramp along the 7400 Philadelphia Road property. Please include our remarks in your staff report to the Zoning Commissioner.

Should you have any questions regarding this matter, please 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.

Engineering Access Permits

Division

ery truly yours,

SDF/MB

Cc: Ms. Erin Kuhn, Ade-Traffic, SHA

Mr.-John-Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Greg Sicilliano, Applicant, N & G, LLC

My telephone number/toll-free number is Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ECETWE JUL 27 2007

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-585- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to permit a side yard setbacks of 4 feet and 5 feet in lieu of the required 30 feet and to permit a rear yard setback of 27 feet in lieu of the required 30 feet...

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



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

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

Maryland Department of Transportation

July 5, 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. 07-585-A

MD 7 (Philadelphia Road)

at Summit Avenue N & G, LLC Property 7400 Philadelphia Road

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Should you have any questions regarding this matter, please 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.

A Steven D. Foster, Chief

Engineering Access Permits
Division

21,1110

SDF/MB

Cc: Ms. Erin Kuhn, Ade-Traffic, SHA

Mr. John Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Greg Sicilliano, Applicant, N & G, LLC

My telephone number/toll-free number is ______

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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: July 2, 2007

58S

Item Number: 573 through 578 and 580 through 594

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 583, 586, 587, 588,589, 590, 591, 592, and 594

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-07052007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-585- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to permit a side yard setbacks of 4 feet and 5 feet in lieu of the required 30 feet and to permit a rear yard setback of 27 feet in lieu of the required 30 feet...

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Division Chief:

CM/LL

RE: PETITION FOR VARIANCE

7400 Philadephia Road; NW/S Philadelphia

Rd, NE/S Summit Avenue

14th Election & 7th Councilmanic Districts

Legal Owner(s): N&G LLC

Petitioner(s)

BEFORE THE BOARD

OF APPEALS

FOR

IOIC

BALTIMORE COUNTY

07-585-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

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 16th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 1 6 2007

Peter Rimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

PLEASE PRINT CLEARLY

CASE NUMBER DATE 8-24-07

PETITIONER'S SIGN-IN SHEET

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CITY, STATE	2	Om Peraco									
ADDRESS	MEL	CAVLECGH 1									
NAME	Medial	15K4AN DIE/2									

. 07-585-A

Case No.: 0/ 383 - 7

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Bon	
No. 2	Lette of Typort	
No. 3	Photon of Site	
No. 4		
No. 5		
No. 6	-	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 5, 2007

JOHN GONTRUM, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. 210 W. PENNSYLVANIA AVENUE TOWSON, MD 21204

Re: Petition for Variance

Case No. 07-585-A

Property: 7400 Philadelphia Road

Revised Plat to Accompany

Dear Mr. Gontrum:

Thank you for your letter of October 25, 2007 concerning the above-referenced matter. As there is nothing that needs to be clarified, altered, or changed from this end, I am forwarding your letter and the accompanying site plan to the Zoning Review Office for inclusion in their zoning file.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

WHITEFORD, TAYLOR & PRESTON L.L.P.

SUITE 1500
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

50 CORPORATE CENTER
SUITE 750
10500 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3585
TELEPHONE 410 884-0700
FAX 410 884-0719

JOHN B. GONTRUM

DIRECT NUMBER

410-832-2055

JGontrum@wtplaw.com

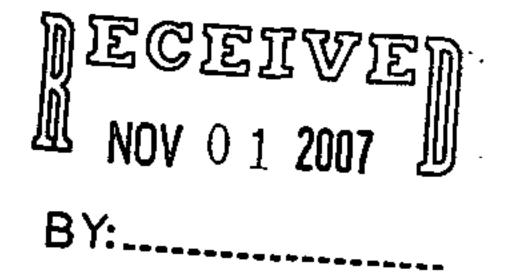
Suite 400 210 West Pennsylvania Avenue

Towson, Maryland 21204-4515

410 832-2000 DIRECT FAX 410 339-4058 www.wtplaw.com SUITE 400
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WASHINGTON, D.C. 20036-5405
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SUITE 300
3190 FAIRVIEW PARK DRIVE
FALLS CHURCH, VIRGINIA 22042-4510
TELEPHONE 703 836-5742
FAX 703 573-1287

October 25, 2007



Honorable Thomas H. Bostwick, Deputy Zoning Commissioner Zoning Commissioner's Office 401 Bosley Avenue, Suite 405 Towson, MD 21204

Re: Case No. 07-585-A

7400 Philadelphia Road

REVISED Plat to Accompany Petition for Zoning Variance

Dear Mr. Bostwick:

My apologies that the attached Revised Plan could not provided to you sooner. As you are aware, the hearing in this matter was held on Friday, August 24, 2007. During the hearing, the issue regarding the road width for Summit Avenue was identified. Specifically, the existing right-of-way is actually forty (40) feet wide and not thirty (30) foot wide as originally depicted on Petitioner's Exhibit 1. Attached hereto is the revised site plan showing the accurate forty (40) feet wide right-of-way for Summit Avenue. Please note that the surveyor, Brian Dietz, advised that the width of the building did not need to be reduced. The plan submitted and accepted as Petitioner's Exhibit 1 simply contained a typographical error with regard to the right-of-way width for Summit Avenue. The surveyor has confirmed that the survey was correct, all property lines are correctly shown on the plan, and everything is correctly shown in relationship to all property lines. We apologize for any confusion this caused.

By copy of this letter, Mr. Dietz will provide the Zoning Office with a copy of his revised Plat 2 accompany Petition for Zoning Variance so that they may substitute Petitioner's Exhibit 1 so that the correct Summit Avenue right-of-away of 40 feet is documented. Again, nothing else needed to change on the plan.

Tom Bostwick, October 25, 2007 Page 2

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Please do not hesitate to contact me with any questions or concerns.

Very truly yours,,

John B. Gontrum

JBG:vm Enclosure

cc: Brian Diétz

392242

P.001/001



Antoinetta Sterner 1601 Summit Avenue Baltimore, Maryland 21237

December 28, 2006

Zoning Review Department of Permits And Development Management 111 West Chesapeake Avenue, Room 111 Towson, Maryland 21204

> Zoning Variance Application Re: 7400 Philadelphia Road Baltimore, Maryland 21237

To Whom It May Concern:

The purpose of this letter is to address the zoning variance application which is being submitted by Gregory Siciliano regarding his property located at 7400 Philadelphia Road.

I am a residential neighbor of Mr. Siciliano, and I own the property located at 1601 Summit Avenue, Baltimore, Maryland 21237. My property borders and is located directly behind his property at 7400 Philadelphia Road. I have met with Mr. Siciliano to discuss his plans, and I have reviewed the drawings for the building addition which is proposed to be built on his property.

I have no objection to the proposed building addition, and I support Mr. Siciliano's application for a variance to permit the construction of the addition.

Sincerely,

Antoinetta Sterner

antoinetta Sterner

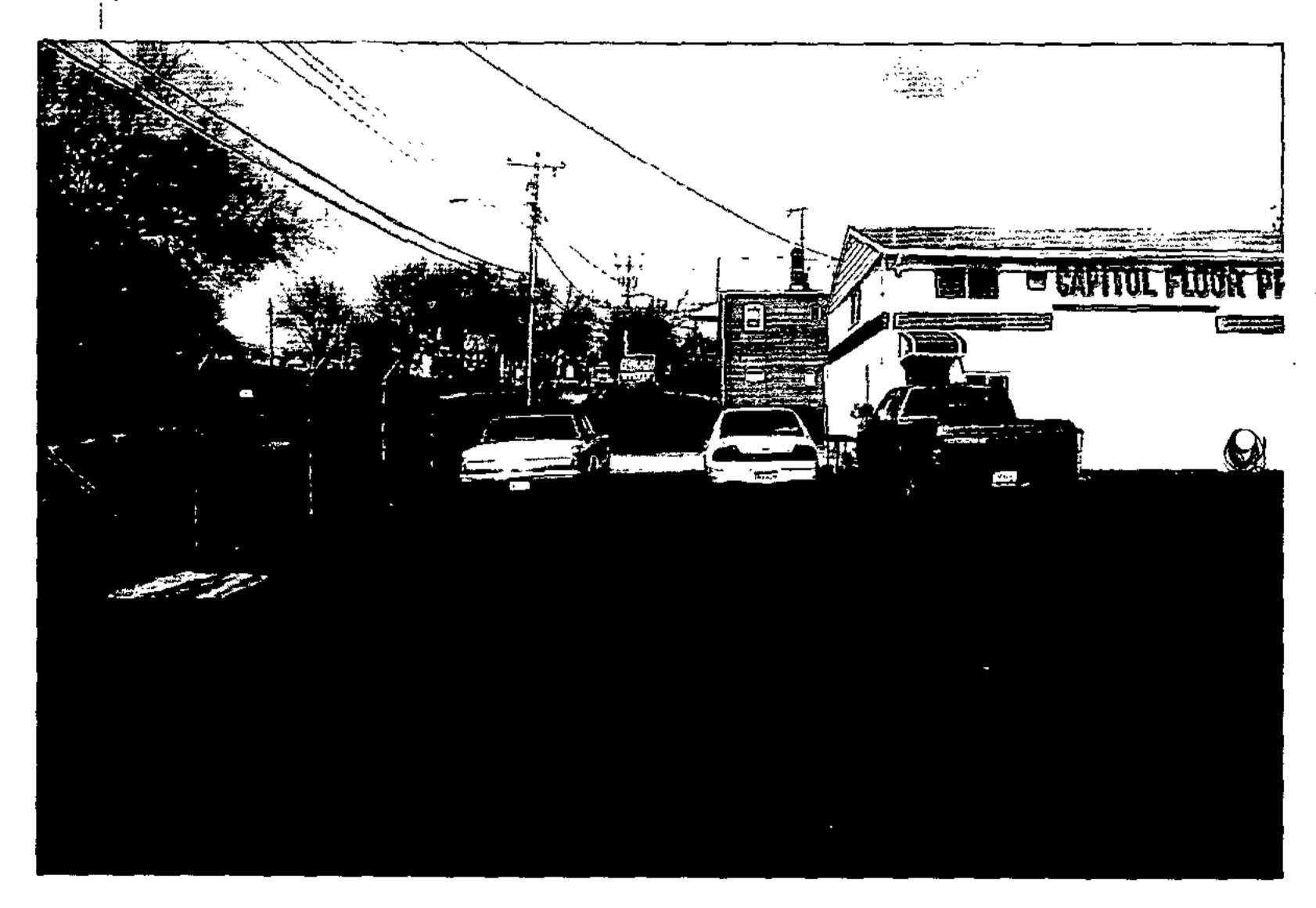
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