

IN RE: PETITION FOR VARIANCE

NW side of Red Lion Road,
1,940 feet +/- from c/l of Allender Road
11th Election District
5th Councilmanic District
(11332 Red Lion Road)

D. Harrison, LLC;
Doug Harrison, Managing Member
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-302-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 Doug Harrison, Managing Member, on behalf of the legal owner of the subject property, D. Harrison, LLC. Petitioner is requesting variance relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the front yard of a building (existing) to be two feet from the front property line in lieu of the required 75 feet; to permit the rear yard of a building (existing) to be 21 feet in lieu of the required 50 feet; to permit the rear yard of a building (existing) to be 31 feet from the rear property line in lieu of the required 50 feet; and to permit the side yard of a building (addition to existing building) to be 21 feet in lieu of the required 50; and from Section 253.4 of the B.C.Z.R. to permit parking (existing) other than for passenger automobiles to be 48 feet from the residential zone boundary in lieu of the required 100 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 requests was Edward F. Kelley on behalf of the property owner and C. William Clark, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Rick Richardson with Richardson

ORDER RECEIVED FOR FILED
3-31-08
B

Engineering, LLC, the professional engineer 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 property containing approximately 6.473 acres of land zoned M.L. with a small strip of D.R.3.5 along the southern edge of the property. The property is located on the west side of Red Lion Road near the intersection of Allender Road in the White Marsh area of Baltimore County and is improved with two existing structures. The first existing structure is an approximately 1,200 square foot two-story brick building located approximately two feet from the front property line along Red Lion Road. The second structure is a larger 5,297 square foot one-story building located west of the first structure along the southern edge of the property. Petitioner submitted several photographs of the existing structures which were marked and accepted into evidence as Petitioner's Exhibits 2A through 2C.

Further evidence demonstrated that Petitioner uses the existing structures on the property to maintain two businesses: Innovative Cutting, Inc, and Rebar Locator, Inc. Innovative Cutting specializes in non-destructive and destructive solutions for bulk concrete removal and offers services such as diamond core drilling, wire sawing, concrete demolition and placement, and concrete sawing. Rebar Locator uses high-resolution antennas to inspect and analyze concrete structures prior to drilling. The companies frequently work together but also advertise their independent services to the general public. While the majority of the requested relief in this Petition seeks to legitimize existing conditions, Petitioner has also requested a variance from minimum side yard requirements in order to build a 54 foot by 40 foot addition to southwest side of the existing one-story building. Petitioner will use the additional space for storage to keep larger items such as company vehicles out of the elements and the public view.

3-31-08
pg

For the convenience of the undersigned Deputy Zoning Commissioner, Petitioner submitted a summary of the regulations affected by the variance request, which were marked and accepted into evidence as Petitioner's Exhibits 3A through 3C. Petitioner also submitted a closer view of the site plan highlighting the existing buildings and setbacks, and a bullet point list of the five setback requirements affected by this Petition, which were marked and accepted into evidence as Petitioner's Exhibit 4A and 4B. A document from the Department of Permits and Licenses was also submitted to demonstrate that the one-story existing storage building was constructed in 1993. The document was marked and accepted into evidence as Petitioner's Exhibit 5.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated February 11, 2008. The comments indicate that there are buildings located on the site that are not shown on the site plan.¹ The subject variances appear to be requested to relieve an existing condition. That Office does not oppose the requests provided the site plan corrections are made. Comments were received from the Department of Environmental Protection and Resource Management dated February 14, 2008 which states that the property must comply with the Forest Conservation Regulations and the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The majority of the relief sought in this Petition seeks to legitimize existing conditions, and the only relief pertaining to the proposed addition is to allow a side setback of 21 feet in lieu

¹ The structure referred to by the Office of Planning is a small shed that is located in the space where Petitioner has proposed to build an addition to the storage building. Petitioner submitted a picture of this structure, which was marked and accepted into evidence as Petitioner's Exhibit 6. This structure is not shown on the Site Plan because if the requested variance is approved, the shed will be removed when the proposed addition is constructed in its place.

COPIES DESTROYED FOR FILE

3-31-08

PM

of the required 50 feet. I find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship since Petitioner would be forced to remove existing structures that do not currently meet the minimum setback requirements for D.R.3.5 and M.L. zones. I am also convinced that the imposition of zoning disproportionately impacts the subject property as compared to others in the zoning district. The proposed location of the addition as part of the storage building is logical since the rear of the property is constrained by environmental conditions. The evidence demonstrated that approximately one-third of the property is unbuildable due to a stream that cuts through the property and its location in a flood plain.

Furthermore, 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. The proposed addition will actually benefit the surrounding locale by allowing Petitioner to store large items such as work vehicles out of the elements and out of the public view. Additionally, there were no Protestants in attendance at the hearing and Petitioner has for years operated the businesses where commercial vehicles have parked closer to the residential boundary than technically allowed by Section 253.4 of the B.C.Z.R. without any objection. Thus, I find that the requests meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 31st day of March, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the front yard of a building (existing) to be two

ORDER RECEIVED FOR FILED
3-31-08
By

feet from the front property line in lieu of the required 75 feet; and to permit the rear yard of a building (existing) to be 21 feet in lieu of the required 50 feet; and to permit the rear yard of a building (existing) to be 31 feet from the rear property line in lieu of the required 50 feet; and to permit the side yard of a building (addition to existing building) to be 21 feet in lieu of the required 50; and from Section 253.4 of the B.C.Z.R. to permit parking (existing) other than for passenger automobiles to be 48 feet from the residential zone boundary in lieu of the required 100 feet be and are hereby GRANTED, subject to the following.

1. Petitioners are advised that they may apply for any required building 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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 RESERVED FOR FILED
3-31-08
pz



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 11332 Red Lion Road
which is presently zoned ML/DR 3.5

Deed Reference: 25387 / 635 Tax Account # 1116060450

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.) Practical difficulty, as will be evidenced at a hearing on this Petition.

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:

C. William Clark

Name - Type or Print _____

Signature C. William Clark

Signature _____

Nolan, Plunhoff & Williams, Chtd.

Company _____

502 Washington Ave., 700 (410) 823-7800

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

D. Harrison, LLC

Name - Type or Print _____

Signature Doug Harrison

Signature _____

Doug Harrison, Managing Member

Name - Type or Print _____

Signature _____

11332 Red Lion Road (410) 344-9601

Address _____ Telephone No. _____

White Marsh MD 21162

City _____ State _____ Zip Code _____

Representative to be Contacted:

Rick Richardson

Name _____

30 E. Padonia Road (410) 560-1502

Address _____ Telephone No. _____

Timonium, MD 21093

City _____ State _____ Zip Code _____

Case No. 08-302 A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by Jim Date 1.11.08

REV 8/20/07

ORDER REVIEWED FOR FILING

3-31-08

13

Attachment to Petition for Variance

Variances from § 255.2:

(1) to permit the front yard of a building (existing) to be 2' from the front property line in lieu of the required 75'.

(2) to permit the rear yard of a building (existing) to be 21' in lieu of the required 50'.

(3) to permit the rear yard of a building (existing) to be 31' from the rear property line in lieu of the required 50'.

(4) to permit the side yard of a building (addition to existing building) to be 21' in lieu of the required 50'.

Variance from § 253.4:

(1) to permit parking (existing) other than for passenger automobiles to be 48' from the residential zone boundary in lieu of the required 100'.

**ZONING DESCRIPTION
11332 RED LION ROAD
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the northwest side of Red Lion Road, 60 feet wide right of way; at a distance of 1,940 feet more or less, from the centerline intersection of Red Lion Road and Allender Road, 50 feet wide; and binding on said northwest side of Red Lion Road the following courses and distances, (1) South 35 degrees 21 minutes 33 seconds West 327.77 feet, to a point on a curve, thence Southwesterly by a tangential curve to the right having a radius of 3000.00 feet, an arc length of 98.40 feet, the chord of said arc bearing (2) South 36 degrees 16 minutes 32 seconds West 98.39 feet, thence leaving Red Lion Road (3) North 57 degrees 34 minutes 38 seconds West 574.17 feet, (4) North 34 degrees 16 minutes 08 seconds East 529.97 feet, (5) South 50 degrees 24 minutes 57 seconds East 303.51 feet, (6) South 58 degrees 48 minutes 57 seconds East 148.71 feet, (7) South 35 degrees 21 minutes 33 seconds West 75.00 feet, (8) South 58 degrees 48 minutes 57 seconds East 134.43 feet to the point of beginning as recorded in Deed Liber 18093, Folio 742. Being Lot #1,2 & 3 in the subdivision of The Property of Green Contracting Company as recorded in Baltimore County Plat Book #61, Folio #133.

Containing 281,970 square feet or 6.473 acres.



1/10/08

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: #08-302-A

11332 Red Lion Road

N/West side of Red Lion Road, 1940 feet +/- from centerline of Allender Road

11th Election District - 5th Councilmanic District

Legal Owner(s): D. Harrison, LLC

Variance: to permit the front yard of a building (existing) to be 2 feet from the front property line in lieu of the required 75 feet and to permit the rear yard of a building (existing) to be 21 feet in lieu of the required 50 feet and to permit the rear yard of a building (existing) to be 31 feet from the rear property line in lieu of the required 50 feet and to permit the sideyard of a building (addition to existing building) to be 21 feet in lieu of the required 50 feet and to permit parking (existing) other than for passenger automobiles to be 48 feet from the residential zone boundary in lieu of the required 100 feet.

Hearing: Tuesday, March 11, 2008 at 9:00 a.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/2/808 Feb. 26

164808

CERTIFICATE OF PUBLICATION

2/28/, 2008

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 2/26/, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09730**

Date: **1.11.08**

PAID RECEIPT

BUSINESS ACTUAL TIME DEM
 1/11/2008 1/11/2008 09:19:55 1

REC'D BY: WALKIN JRIC JHR

>>RECEIPT # 361243 1/11/2008 OFLH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount	Dept
001	006			6150				325.-	

Total: **325.-**

Rec From: **HARRISON, LLC**

For: **08-302-A**

5 528 ZONING VERIFICATION

009730

Recpt Tot \$325.00

\$325.00 CR \$1.00 CA

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-302-A

Petitioner/Developer: D. HARRISON

LLC

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11332 RED LION RD

The sign(s) were posted on

2-45-08

(Month, Day, Year)

Sincerely,

Sheet Road

(Signature of Sign Poster)

2-26-03

(Date)

SSG Robert Black

(Print Name)

1508 Lexlie Road

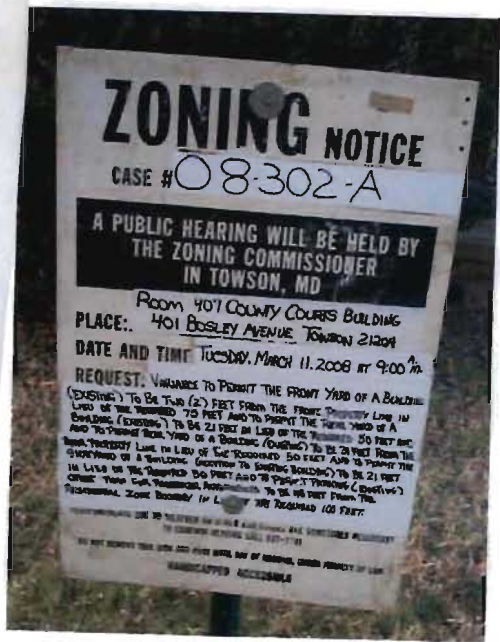
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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: 302

Petitioner: D. Harrison, LLC

Address or Location: 11332 Red Lion Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. William Clark

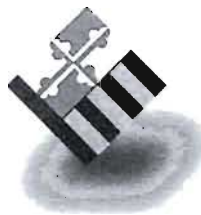
Address: Nolan, Plunhoff & Williams, Chtd.

502 Washington Avenue, Suite 700

Towson, Maryland 21204

Telephone Number: (410) 823-7800

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

January 30, 2008

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 08-302-A

11332 Red Lion Road

N/west side of Red Lion Road, 1940 feet +/- from centerline of Allender Road

11th Election District – 5th Councilmanic District

Legal Owners: D. Harrison, LLC

Variance to permit the front yard of a building (existing) to be 2 feet from the front property line in lieu of the required 75 feet and to permit the rear yard of a building (existing) to be 21 feet in lieu of the required 50 feet and to permit the rear yard of a building (existing) to be 31 feet from the rear property line in lieu of the required 50 feet and to permit the sideyard of a building (addition to existing building) to be 21 feet in lieu of the required 50 feet and to permit parking (existing) other than for passenger automobiles to be 48 feet from the residential zone boundary in lieu of the required 100 feet.

Hearing: Tuesday, March 11, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: C. William Clark, 502 Washington Avenue, Ste. 700, Towson 21204
Doug Harrison, 11332 Red Lion Road, White Marsh 21162
Rick Richardson, 30 E. Padonia Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 25, 2008.**
- (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, February 26, 2008 Issue - Jeffersonian

Please forward billing to:

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Avenue, Ste. 700
Towson, MD 21204

410-823-7800

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: 08-302-A

11332 Red Lion Road

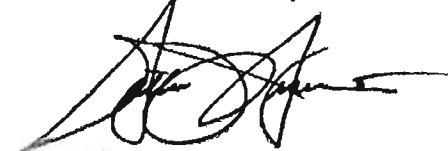
N/west side of Red Lion Road, 1940 feet +/- from centerline of Allender Road

11th Election District – 5th Councilmanic District

Legal Owners: D. Harrison, LLC

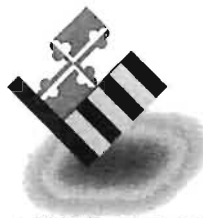
Variance to permit the front yard of a building (existing) to be 2 feet from the front property line in lieu of the required 75 feet and to permit the rear yard of a building (existing) to be 21 feet in lieu of the required 50 feet and to permit the rear yard of a building (existing) to be 31 feet from the rear property line in lieu of the required 50 feet and to permit the sideyard of a building (addition to existing building) to be 21 feet in lieu of the required 50 feet and to permit parking (existing) other than for passenger automobiles to be 48 feet from the residential zone boundary in lieu of the required 100 feet.

Hearing: Tuesday, March 11, 2008 at 9:00 a.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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

March 5, 2008

C. William Clark
Nolan, Plumhoff & Williams, Chtd.
502 Washington Avenue
Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 08-302-A, 11332 Red Lion Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2008. 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

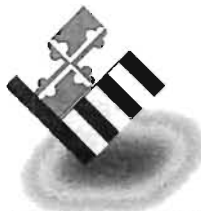
WCR:amf

Enclosures

c: People's Counsel

D. Harrison, LLC Doug Harrison, Managing Member 11332 Red Lion Road White
Marsh 21162

Rick Richardson 30 E. Padonia Road Timonium 21093



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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.

. 1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 30, 2008

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

RE: Baltimore County
Item No. 8-302-A
11332 RED LION ROAD
HARRISON PROPERTY
VARIANCE

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. 8-302-A.

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,

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS- 02042008.doc

TB

3-11-08

9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
FEB 15 2008

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *DL*
DATE: February 14, 2008
SUBJECT: Zoning Item # 08-302-A
Address 11332 Red Lion Road
(D. Harrison, LLC Property)

Zoning Advisory Committee Meeting of January 28, 2008

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

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

X 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).

X 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:

Reviewer: Regina Esslinger

Date: February 14, 2008

TB
3-11-08
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 11, 2008

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

SUBJECT: 11332 Red Lion Road

INFORMATION:

Item Number: 8-302

Petitioner: D. Harrison, LLC

Zoning: ML and DR 3.5

Requested Action: Variance

RECEIVED
FEB 11 2008

BY:

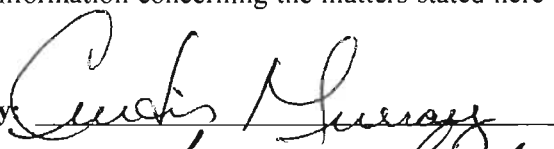
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan and offers the following:

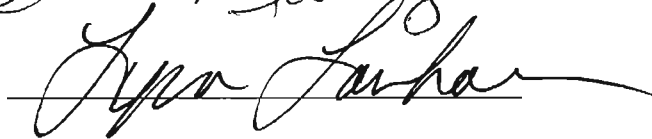
1. There appears to be buildings located on the site that are not shown on the site plan. Correct the site plan accordingly.
2. The subject variances appear to be requested to relieve an existing condition. The Office of Planning does not oppose the subject requests provided the aforementioned corrections are made.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM



RE: PETITION FOR VARIANCE * BEFORE THE
11332 Red Lion Road; NW/S Red Lion *
Road, 1,940' c/line Allender Road * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts *
Legal Owner(s): D. Harrison, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-302-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Rick Richardson, 30 E. Padonia Road, Timonium, MD 21093 and C. William Clark, Esquire, Nolan, Plunhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

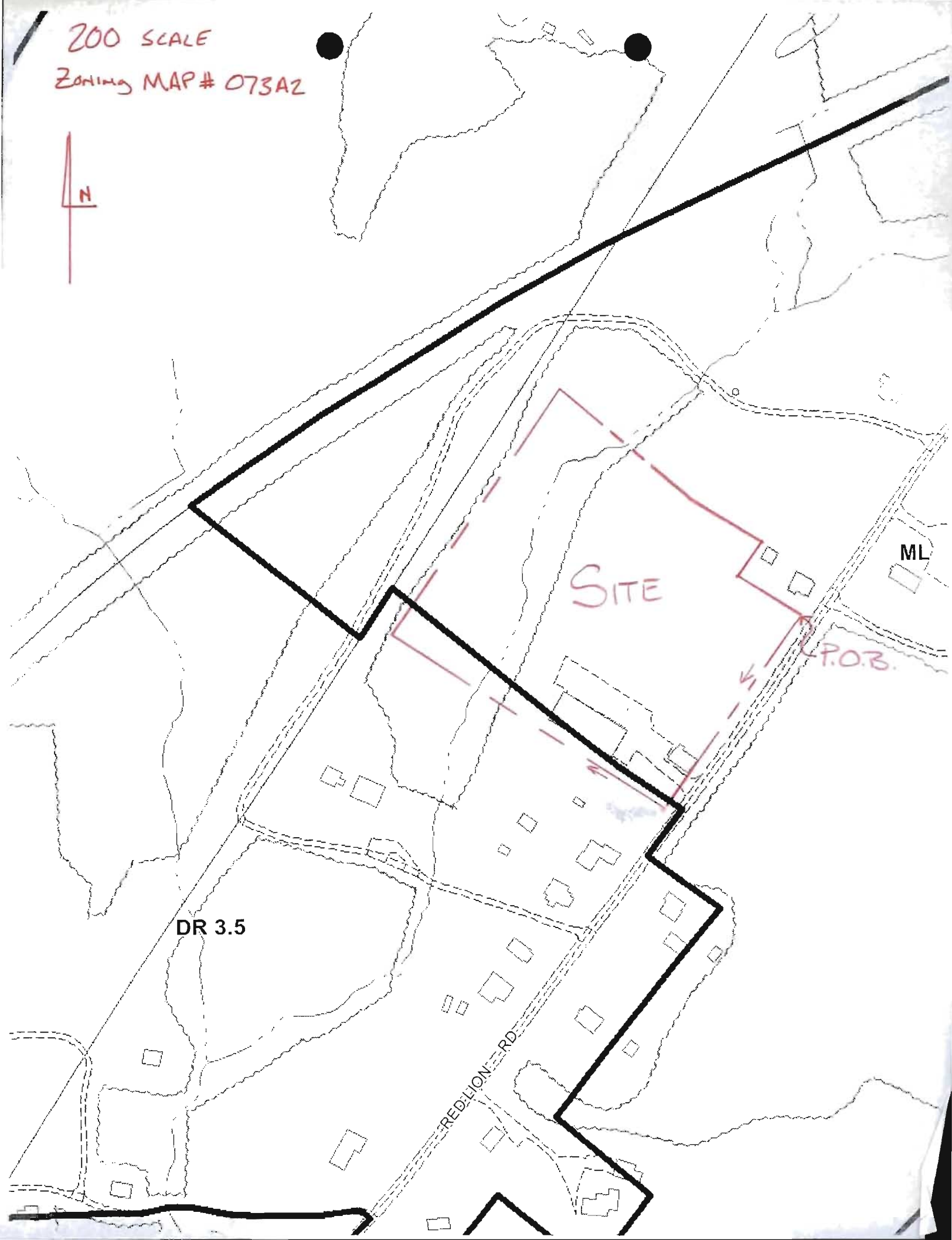
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME D. HARRISON, LLC.
CASE NUMBER 08-302 A
DATE 3/11/08

[illegible]

200 SCALE
Zoning MAP # 073A2



DR 3.5

RED LION RD

SITE

ML

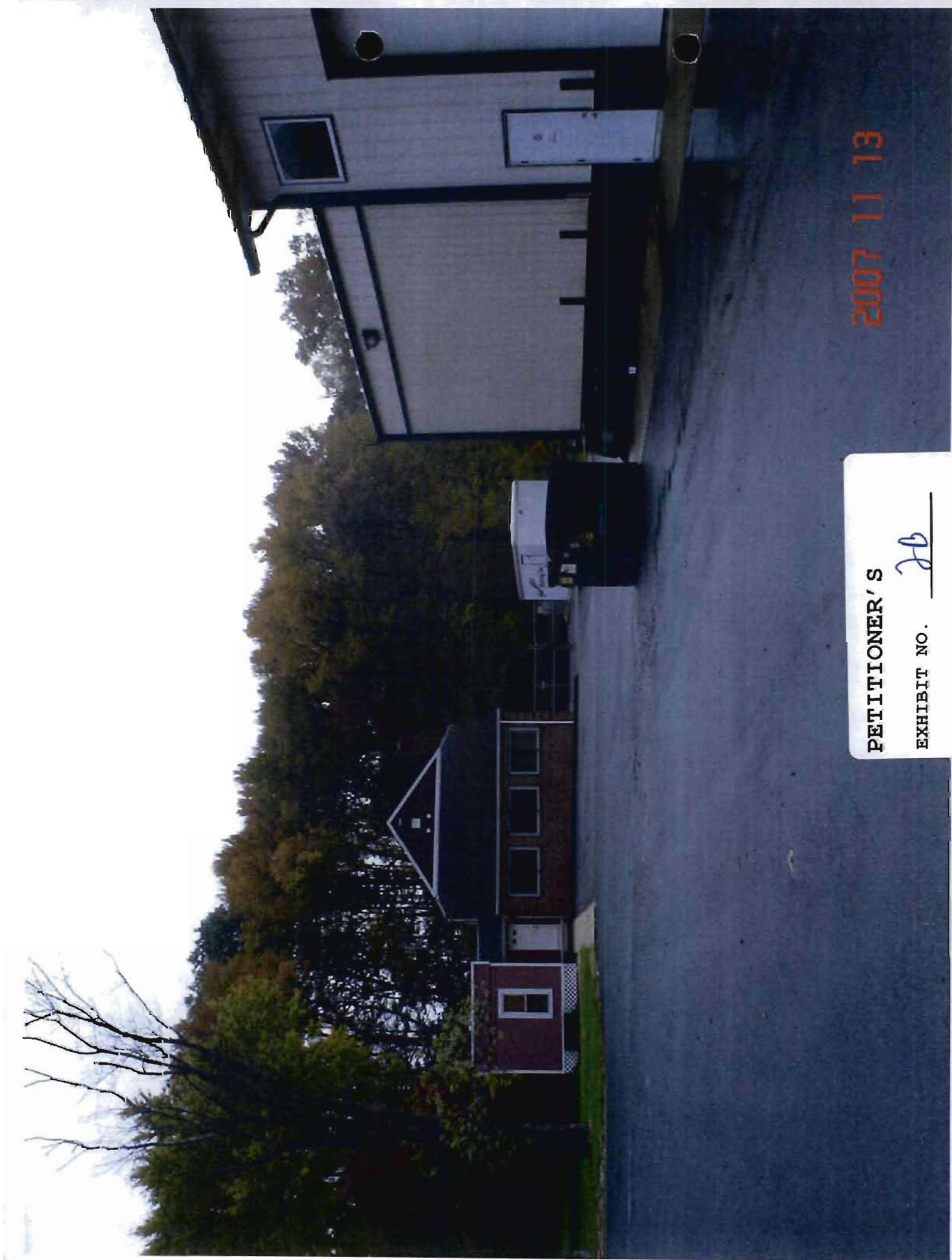
P.O.B.



PETITIONER'S

EXHIBIT NO. 2A

2007 11 13



2007 11 13

PETITIONER'S

EXHIBIT NO.

20

PETITIONER'S

EXHIBIT NO. AC

2007-11-13



be established within 100 feet of such a right-of-way. [Bill Nos. 176-1981; 31-1984; 137-2004]

- 253.5 Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of Section 270, the provision in this section shall control.

Section 254

M.L. Zone Height Regulations

[BCZR 1955; Bill No. 56-1961²⁰]

Height unlimited, except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or three stories if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Section 300).

Section 255

M.L. Zone Area Regulations

[BCZR 1955; Bill Nos. 56-1961; 85-1967]

- 255.1 The area regulations in the M.L. Zone shall be the same as those in B.R. Zone unless such B.R. Zone regulations conflict with the provisions of Section 255.2.²¹

- 255.2 Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, or within 100 feet of the right-of-way of an existing or proposed interstate highway, other freeway or expressway, which motorway is officially so designated by the State Highway Administration, Maryland Department of Transportation, and/or the county, the front, side and rear yards shall be as required in M.R. Zone (see Sections 243.1, 243.2 and 243.3).

PETITIONER'S

EXHIBIT NO. 3A

²⁰ Editor's Note: A literal reading of Section 3 of Bill No. 56-1961 would indicate that Section 254 of the Zoning Regulations was changed to read, in its entirety, as follows: "(See Section 255.1 and 300)." It has been assumed, however, that it was not the intent of the bill to repeal the language set out here as preceding that parenthetical reference.

²¹ Editor's Note: Part of former Subsection 255.1, added by Bill No. 56-1961 was revised by Bill No. 85-1967 and redesignated as Subsection 255.2.

Manufacture of musical instruments, precision instruments, clocks, watches, toys, novelties, wrought iron products, rubber or metal stamps and other small moulded rubber products

Neighborhood car rental agency, subject to Section 408A [Bill No. 122-2005]

Office and office buildings and medical clinic [Bill No. 37-1988]

Printing, lithographing or publishing plant

Public utility uses

Research institute [Bill Nos. 76-1964; 85-1967]

Transit facilities, rail passenger stations subject to Section 434, transit centers and transit storage repair yards [Bill No. 91-1990]

Warehouses (inclusion of wholesale sales area permitted, provided it is clearly incidental to the warehouse function) [Bill No. 18-1976¹⁴]

Accessory uses [Bill No. 18-1976]

241.2 The following uses are prohibited:

Dwellings

241.3 No outside display or storage of products or materials of any kind is permitted in the front, side or rear yards.

241.4 If required, screening shall be provided by structure and/or planting, of such nature and in such locations as may be specified by the Director of Planning.

Section 242

M.R. Zone Height Regulations

[BCZR 1955, Section 251; Bill No. 56-1961]

Same as in the B.L. Zone.

Section 243

M.R. Zone Area Regulations

[BCZR 1955, Section 252; Bill No. 56-1961]

Minimum requirements, except as provided in Article 3, shall be as follows:

243.1 Front yard. The front building line shall be not less than 75 feet from the front property line.

243.2 Side yard: 50 feet measured from the side property line.

243.3 Rear yard: 50 feet measured from the rear property line.

243.4 Proximity of structures to residential zones. No building or other structure shall be closer than 125 feet at any point to the nearest boundary line of a residential zone.

243.5 Floor area ratio (see definition in Section 101). Maximum permitted floor area ratio (FAR) 0.4, except in the case of a one-story building, not more than 25% of the land area may be covered by any such building(s). [Resolution, November 21, 1956]

¹⁴ Editor's Note: This bill also repealed "Warehouse, storage."

PETITIONER'S

2-73

02 - 15 - 2006

EXHIBIT NO.

3B

3. Commercial kennels and private kennels, subject to Section 421. [Bill No. 87-2001]
4. Radio or television broadcasting studios.
5. Racetracks.
6. Riding stables, commercial.
7. Shooting ranges.
8. Trailers, nonaccessory, subject to the provisions of Section 415, except that trailer parks are not permitted.
9. Used motor vehicle outdoor sales areas.
10. Veterinarians' offices.

D. The following miscellaneous uses:¹⁸

1. Signs, outdoor advertising (see Section 450). [Bill No. 89-1997]
2. Wireless telecommunications towers, subject to Section 426. [Bill Nos. 64-1986; 30-1998]
- 3.¹⁹ Commercial recreational facilities. [Bill No. 21-1996]

E. Combinations of the uses listed in this subsection or combinations of such uses with uses which are permitted as of right.

253.3 Scope of restricted production. For the purposes of this section, "restricted production" shall include only the assembly, manufacture or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating or other comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which the use may be described.)

253.4 Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, only passenger automobile accessory parking and those uses permitted in M.R. Zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. Zones as limited by the use regulations in Section 241 established within 100 feet of the right-of-way of an existing or proposed freeway or expressway so designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to § 32-4-404 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may

¹⁸ Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

¹⁹ Editor's Note: Former Subsection D.3, regarding after-hours clubs, was repealed by Bill No. 36-2000. Said bill also provided for the renumbering of former Subsection D.4 as Subsection D.3.

be established within 100 feet of such a right-of-way. [Bill Nos. 176-1981; 31-1984; 137-2004]

- 253.5 Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of Section 270, the provision in this section shall control.

Section 254

M.L. Zone Height Regulations

[BCZR 1955; Bill No. 56-1961²⁰]

Height unlimited, except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or three stories if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Section 300).

Section 255

M.L. Zone Area Regulations

[BCZR 1955; Bill Nos. 56-1961; 85-1967]

- 255.1 The area regulations in the M.L. Zone shall be the same as those in B.R. Zone unless such B.R. Zone regulations conflict with the provisions of Section 255.2.²¹
- 255.2 Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, or within 100 feet of the right-of-way of an existing or proposed interstate highway, other freeway or expressway, which motorway is officially so designated by the State Highway Administration, Maryland Department of Transportation, and/or the county, the front, side and rear yards shall be as required in M.R. Zone (see Sections 243.1, 243.2 and 243.3).

²⁰ Editor's Note: A literal reading of Section 3 of Bill No. 56-1961 would indicate that Section 254 of the Zoning Regulations was changed to read, in its entirety, as follows: "(See Section 255.1 and 300)." It has been assumed, however, that it was not the intent of the bill to repeal the language set out here as preceding that parenthetical reference.

²¹ Editor's Note: Part of former Subsection 255.1, added by Bill No. 56-1961 was revised by Bill No. 85-1967 and redesignated as Subsection 255.2.

LAND OF
E. KISSINGER SR.
WILEY KISSINGER
REF: 12018/530
VP #73, GRID #14,
PARCEL #275
CNT. #18000000414
ZONED: DR 3.5
E: RESIDENTIAL 1

PETITIONER' S

EXHIBIT NO.

4A

EXISTING GRAVEL
STORAGE AREA

EXISTING
PAVING

**PROPOSED
1 STORY
ADDITION
2,160 Sq.Ft.**

EXISTING
1 STORY

**EXISTING
2 STORY
BUILDING**

**EXISTING
DWELLING**

EXISTING
DWELLING

**EXISTING
DWELLING**

**EXISTING
DWELLING**

$L=98.40'$
 $R=3000.00'$
 $\Delta=01^{\circ}52'45''$
 $-C\ LEN=98.39$
 $BRG=S\ 36^{\circ}16'$

Attachment to Petition for Variance

Variances from § 255.2:

[MR Set backs)

Building
A

- ① (1) to permit the front yard of a building (existing) to be 2' from the front property line in lieu of the required 75'. (MR - 243.1)

A

- ② (2) to permit the rear yard of a building (existing) to be 21' in lieu of the required 50'. (MR - 243.2)

B

- ③ (3) to permit the rear yard of a building (existing) to be 31' from the rear property line in lieu of the required 50'. (MR - 243.3)

Addition

- ④ (4) to permit the side yard of a building (addition to existing building) to be 21' in lieu of the required 50". (MR - 243.2)

Variance from § 253.4:

(ML -)

⑤

- (1) to permit parking (existing) other than for passenger automobiles to be 48' from the residential zone boundary in lieu of the required 100'.

PETITIONER'S

EXHIBIT NO.

4B



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B168686 CONTROL #: C-1003-93 DIST: 11 PREC: 05
DATE ISSUED: 07/26/93 TAX ACCOUNT #: 2200002182 CLASS: 07

PLANS: CONST 3 PLOT 9 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 11332 RED LION RD
SUBDIVISION: PROP OF GRN CONTRAC CO

OWNERS INFORMATION

NAME: THRAPPAS, JOHN & PATRICIA ANN
ADDR: 2403 ROMNEY RD 21085

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

TENANT:

CONTR: JAEGER INC

ENGR:

SELLR:

WORK: CONST. STORAGE BLDG. ON REAR OF PROPERTY. POLE
CONSTRUCTION. TO BE USED FOR STORAGE OF BLDG.
CONST. SUPPLIES & EQUIPMENT.
53'9"X104'9"X22=5630SF. WAIVE DATA SHEETS PER
A.L.B.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: STORAGE BLDG.
54,000.00 EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: INDUSTRIAL STORAGE BUILDING

FOUNDATION: SLAB

BASEMENT: NONE

SEWAGE: PRIV. EXISTS

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 1.853AC

FRONT STREET:

SIDE STREET:

FRONT SETB: 160

SIDE SETB: 52/30

SIDE STR SETB:

REAR SETB: 312

PETITIONER'S

EXHIBIT NO. 5

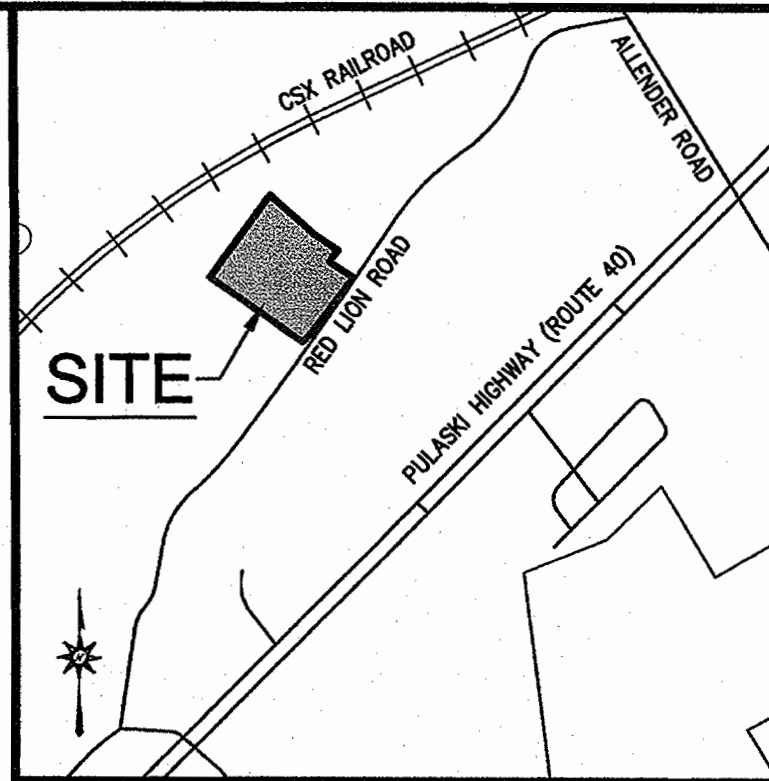


PETITIONER'S

EXHIBIT NO. _____

6

2007 11 13



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: D. HARRISON LLC
11332 RED LION ROAD
WHITE MARSH, MARYLAND 21162-1406
- SITE AREA:
GROSS: 6.765 Ac.± or 294,692 Sq.Ft.
NET: 6.473 Ac.± or 281,970 Sq.Ft.
- UTILITIES
WATER: PUBLIC
SEWER: PUBLIC
- DEED REF: 18093/742
- PLAT REF: 61-133
- TAX ACCOUNT: #2200002183
- COUNCILMANIC DISTRICT: 5th
- WATERSHED: LOWER GUNPOWDER
- ZONING: ML & DR 3.5
(PER 1"=200' ZONING MAP 073A2)
- TAX MAP #73, GRID #14, PARCEL #306.
- BUILDING USES:
EXISTING: EQUIPMENT STORAGE FACILITY/COMMERCIAL
PROPOSED ADDITION: NO CHANGE
- BUILDING AREAS:
EXISTING: 8,699 Sq.Ft.
PROPOSED ADDITION: 1 STORY, 22' HIGH, 2,160 Sq.Ft.
- SITE IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- PARKING TABULATION:
SPACES REQUIRED: 1 PER EMPLOYEE ON THE LARGEST SHIFT. 20 EMPLOYEES = 20 SPACES
SPACES PROVIDED: 21 SPACES (20 REGULAR & 1 HANDICAPPED)
- SETBACKS FOR PROPOSED BUILDING:

	REQUIRED	PROVIDED
FRONT	"A" & "B"	"A" "B"
SIDE	75'	2'
REAR	50'	77'
		20.5'
		31'
- REGIONAL PLANNING DISTRICT: 317B
- CENSUS TRACT: 4113.02
- IMPERVIOUS AREAS:
EXISTING: 87,492 Sq.Ft. = 31.0%
PROPOSED: 87,732 Sq.Ft. = 31.1%
- NO KNOWN PVIOUS PERMITS ON FILE.
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- C.R.G. MEETING WAVIER 89-89 GRANTED 4-13-89
- F.A.R. 12,151/294,692 = 0.041
- ANY PROPOSED SIGNS ARE TO CONFORM TO BCZR.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY
ZONING PETITION
FOR

11332
RED LION ROAD

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	DNM	1" = 50'
	DATE:	JOB NO.:	SHEET NO.:
	01-02-08	07099	1 OF 1

PETITIONER'S

EXHIBIT NO. 1

