

IN RE: **PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE**

S/S Westminster Pike (MD Rte. 140), 75' NE
C/line of Westminster Pike & Reisterstown Rd.

(11 Westminster Pike)

4th Election District

3rd Council District

SCD Housing IV, LLC
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* **Case No. 08-353-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, SCD Housing IV, LLC, and its managing member Subhash C. Dhanesar, through their attorney, John B. Gontrum, Esquire. The Petitioner requests a special exception to permit the use of a service garage in a B.L.-C.C.C. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, Petitioner seeks a variance from Section 303.2 of the B.C.Z.R. to permit a front yard setback of 8 feet in lieu of the required 47 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

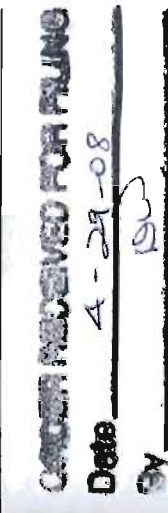
Appearing at the requisite public hearing in support of the request were Subhash C. Dhanesar, managing member of SCD Housing IV, LLC, and Patrick C. Richardson, P.E., of Richardson Engineering, LLC, the consultants who prepared the site plan. John B. Gontrum, Esquire, appeared as attorney for the Petitioner. There were no Protestants or other interested persons present.

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Date 4-29-08
By [Signature]

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the west side of Westminster Pike, just north of its intersection with Reisterstown Road, also known at this point as Main Street or Maryland Route 140. The property has approximately 167 feet of frontage on Westminster Pike, but because the property is angled on Westminster Pike the property is about 120 feet deeper on the south side than it is on the north boundary. The rear of the site is only 72.6 feet wide. The property is currently improved by two (2) buildings, both of which extend into the proposed right-of-way of Westminster Pike. Indeed, one building is only within a couple of feet of the curb line. Under Petitioner's proposal both buildings would be razed. A new structure would be erected improving current site conditions as will be discussed below. As illustrated on the site plan, a retail and carry out store are planned on the eastern portion of the property with an automotive service garage with four (4) service garage bays toward the rear or western end of the site. The total development would be 6,900 square feet. Amenity open space exceeding the requirements of the County would be placed along the new right-of-way line for Westminster Pike.

To the south of the property on Westminster Pike is an existing service station and car wash and to the north is a bank with a drive-through lane adjacent to the property. Across Westminster Pike from the site is a convenience store with gas pumps. All of these properties including the property subject to this hearing were raised as part of a zoning issue in the Comprehensive Zoning Map Process (C.Z.M.P.) by the Baltimore County Council for proposed B.M. zoning in Issue 3-143. None of these uses or the proposed rezoning appears to conflict with Petitioner's proposed use of the site.

The service garage will have no outside storage of damaged and disabled vehicles and is intended for light mechanical work only. As noted, the 2,100 square feet for this use will



provide four (4) service bays. Adequate parking is provided for both the proposed service garage and retail area.

The variance request is from the "averaging" of setbacks required by B.C.Z.R. Section 303.2. The gas station to the south of the site does not front on Westminster Pike, but fronts on another road further to the south. It sits over 58 feet from Westminster Pike, and all of the setback area is paved. The bank building to the north is set back over 34 feet, in part to provide egress from the drive-through area and for parking. Consequently by averaging the two (2) setbacks, the required building setback for the subject site would be over 46 feet.

The setback required by the B.C.Z.R. appears particularly inappropriate given the fact that the site has existed for decades with two (2) buildings almost encroaching into the existing right-of-way. Consequently, it is clear that Petitioner's proposal improves the existing situation by allowing Westminster Pike to be widened to its ultimate 66 feet of right-of-way. The new building will only sit 8 feet back of the proposed right-of-way, but that is still 18 feet further from the travel lanes than the current buildings. The amenity open space in the front of the site presents a more attractive appearance than parking or paving, and an attractive building façade would also greatly improve the existing situation. Strict compliance with the regulations will unduly restrict the use of the land due to its shape and site constraints.

Apparently, the County agencies concur in this conclusion, for there were no adverse comments to the proposal. The Office of Planning correctly indicates that the building and site plan "should be designed to improve the image of this corridor." Any redevelopment of the site, of course, is subject to the development process of the County. The access permit issue raised by the State Highway Administration, as well as the plans required by the Office of Planning, must be addressed in the normal course of the development process.

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Date 4-29-08
BY [signature]

I am persuaded that the shape of the subject property as well as its relationship to the buildings generating the required setback creates a unique condition, and strict compliance with the setback requirements would create a practical difficulty. I find that the use proposed will not be detrimental to the surrounding locale and will meet the spirit and intent of the regulations and I will, therefore, grant the requested variance.

The requirements of B.C.Z.R. Section 502.1 must also be met in order to approve the special exception use. Essentially, the applicant must show that the use can be carried out at the location proposed without detrimental impact to the health, safety and general welfare of the locale. As construed, however, by the appellate courts of this State in *Schultz v. Pritts*, 291 Md. 1 (1981), and *Mossberg v. Montgomery County*, 107 Md. App. 1 (1995), it is not merely the existence of adverse potential impacts of the use that warrant the denial of a requested special exception. The courts have noted that adverse impacts from a proposed special exception are inherent. The test to be applied is whether the anticipated impacts are exacerbated at the proposed location relative to their impact elsewhere in the zone.

Based on the information presented, it is amply clear that granting the special exception requested will not be detrimental to the health, safety or general welfare of the locale. There are no deficient intersections in the area, and the improvements to the site should actually aid in diminishing traffic congestion on Westminster Pike. The site is served by public water and sewer, and there is adequate capacity for the needed service. The site is not being overcrowded, and the proposed service garage use given its location in the rear of the lot should not present any issues for the adjoining property owners.

There were no adverse Zoning Advisory Committee (ZAC) comments to the special exception from any of the County agencies. The Office of Planning comment on the review and

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Date 4-29-08
By [signature]

approval of the architectural elevations and materials is well advised. Upon due consideration of the testimony and evidence presented, I am persuaded that the special exception request should be granted but with conditions. One of the attributes of the service garage proposal is the absence of an area for damaged and disabled vehicles; consequently, such vehicles should not be stored on the site.

Based upon the testimony and evidence presented in this case, I find that the property is unique in a zoning sense. I further find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. Finally, I find that Petitioner's special exception and variance requests can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety or general welfare of the locale.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of April 2008 that the Petition Special Exception to permit the use of a service garage in a B.L.-C.C.C. zone pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front setback of 8 feet in lieu of the required 47 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following conditions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own

COPIES RECEIVED FOR FILING
Date 4-29-08
By [signature]

risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Prior to the issuance of any building permits, Petitioner shall provide the Office of Planning with architectural elevations, sign, landscape and lighting plans for its review and approval.
3. Prior to the issuance of any building permits for the relief granted herein, Petitioner shall apply and be granted a State Highway Administration (SHA) access permit.
4. No body or fender work shall be performed on the site including the painting of vehicles.
5. No vehicles in a damaged or disabled state may be stored or allowed to remain on the property for more than thirty (30) days.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 4-29-08
By [signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 11 Westminster Pike

which is presently zoned BL-CCC

Deed Reference: 22561 / 560 Tax Account # 0407029870

0407029871

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 A service garage in a BL-CCC zone. PER SECTION 230.13

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

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP

Company

410-832-2022

210 W. Pennsylvania Ave., St. 400

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

SCD Housing IV, LLC

Name - Type or Print

Signature

SUBASH DHANESAR

Name - Type or Print

Signature

126 W. Cherry Hill Rd. 410-499-5268

Address

Telephone No.

Reisterstown, Maryland 21136-3023

City

State

Zip Code

Representative to be Contacted:

John B. Gontrum

Name

410-832-2022

210 W. Pennsylvania Ave., Suite 400

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 08-353-XA

REV 07/27/2007

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

ORDER RECEIVED FOR FILING

Date 4-29-08

By DW

Reviewed By D.T. Date 2/5/08



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 11 Westminster Pike

which is presently zoned BL-CCC

Deed Reference: 22561 /560 Tax Account # 0407029870

0407029871

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)

303.2 to permit a front yard setback of 8' in lieu of permitted 47'.

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

Existing buildings on site currently have no setback from street right of way acreage, setback created by larger properties including corner property; and good and sufficient reasons to be provided 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:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP

Company

410-832-2022

210 W. Pennsylvania Ave., St. 400

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

SCD Housing IV, LLC

Name - Type or Print

Signature

SUBASH DHANESAR

Name - Type or Print

Signature

126 W. Cherry Hill Rd. 410-499-5268

Address

Telephone No.

Reisterstown, Maryland 21136-30232

City

State

Zip Code

Representative to be Contacted:

John B. Gontrum

Name

410-832-2022

210 W. Pennsylvania Ave., Suite 400

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Office Use Only

Case No. 08-353-XA

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by D.T.

Date 2/5/08

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 4-29-08

By [Signature]

**ZONING DESCRIPTION
11 WESTMINSTER PIKE
AKA WESTMINSTER ROAD
(MARYLAND ROUTE # 140)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the south side of Westminster Pike also referred to as Westminster Road (Maryland Route #140), a ultimate 66 foot wide right of way; at a distance of 75 feet more or less, from the centerline intersection of Westminster Pike and Reisterstown Road also being referred to as Main Street (Maryland Route #140), 65 feet wide; thence leaving said right of way the following courses and distances, (1) South 86 degrees 35 minutes 02 seconds West 313.87 feet, (2) North 10 degrees 11 minutes 04 seconds West 72.60 feet, (3) North 77 degrees 51 minutes 36 seconds East 191.37 feet, (4) South 56 degrees 13 minutes 38 seconds East 167.29 feet, to the point of beginning.

Containing a net area of 22,812 square feet or 0.52 acres.



A circular professional engineer seal for the State of Maryland. The seal contains the text "STATE OF MARYLAND", "ALEXANDER C. RICHARDSON", "REGISTERED PROFESSIONAL ENGINEER", and "1992". A handwritten signature is written across the seal, and the date "2/4/08" is written below it.

08-353-XA

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: #08-353-XA

11 Westminster Pike

S/side of Westminster Pike, 75 feet n/east of centerline of Westminster Pike & Reisterstown Rd.

4th Election District - 3rd Councilmanic District

Legal Owner(s): SCD Housing IV, LLC

Special Exception: for service garage in a BL-CCC zone per Section 230.13. **Variance:** to permit a front yard setback of 8 feet in lieu of permitted 47 feet.

Hearing: Wednesday, April 9, 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/3/823 Mar. 25

167886

CERTIFICATE OF PUBLICATION

3/27/2008

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 3/25/2008.

- ☒ 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. 00787

Date: 2/5/08

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				705

Total: 705

Rec
 From: WHITEFORD TAYLOR & PRESTON LLP

For: 02-053-1A
WESTMINSTER PIKE
D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BUSINESS ACTUAL TIME INH
 2/06/2008 2/05/2008 15:26:07 1
 REG 1501 WALKIN JRIC JHR
 >>RECEIPT H 363907 2/05/2008 07/11
 Dept 5 528 ZONING VERIFICATION
 00787
 Rept Tot 1705.00
 1705.00 (2) 1.00 (2)
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-353-XA

Petitioner/Developer: SCD HOUSING
IV, LLC

Date of Hearing/Closing: 4-9-08

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:

11 WESTMINSTER PIKE

The sign(s) were posted on 3-25-08
(Month, Day, Year)

Sincerely,

Robert Black 3-31-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 20, 2008
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: 08-353-XA

11 Westminster Pike

S/side of Westminster Pike, 75 feet n/east of centerline of Westminster Pike & Reisterstown Rd.

4th Election District – 3rd Councilmanic District

Legal Owners: SCD Housing IV, LLC

Special Exception for service garage in a BL-CCC zone per Section 230.13. Variance to permit a front yard setback of 8 feet in lieu of permitted 47 feet.

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

Timothy Kotroco
Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204
Subash Dhanesar, 126 W. Cherry Hill Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 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, March 25, 2008 Issue - Jeffersonian

Please forward billing to:
Subash Dhanesar
SCD Housing IV, LLC
126 W. Cherry Hill Road
Reisterstown, MD 21136

410-499-5268

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: 08-353-XA

11 Westminster Pike

S/side of Westminster Pike, 75 feet n/east of centerline of Westminster Pike & Reisterstown Rd.

4th Election District – 3rd Councilmanic District

Legal Owners: SCD Housing IV, LLC

Special Exception for service garage in a BL-CCC zone per Section 230.13. Variance to permit a front yard setback of 8 feet in lieu of permitted 47 feet.

Hearing: ~~Wednesday~~, April 9, 2008 at 9:00 a.m. in Room 407 at County Courts Building,
4401 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: 08-353-XA

Petitioner: SCD HOUSING IV, LLC

Address or Location: 11 WESTMINSTER PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUBASH DHANESAR

Address: SCD HOUSING IV, LLC

126 W. CHERRY HILL RD.

REISTERSTOWN, MD 21136-3023

Telephone Number: 410-499-5268



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

April 2, 2008

John B. Gontrum
Whiteford Taylor & Preston LLP
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 08-353-XA, 11 Westminster Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 5, 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
SCD Housing IV, LLC Subash Dhanesar 126 W. Cherry Hill Road Reisterstown 21136-3023



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

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 11, 2008

Item Number: 342, 343, 344, 345, 346, 347, 350, 351, 353, 354

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (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: March 4, 2008

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

SUBJECT: 11 Westminster Pike

INFORMATION:

Item Number: 8-353

Petitioner: SCD Housing IV, LLC

Zoning: BL- CCC

Requested Action: Variance

The petitioner requests a variance from Section 303.2 of the BCZR to permit a front yard setback of 8 feet in lieu of the permitted 47 feet. The petitioner also requests a special hearing from Section 230.13 of the BCZR to allow a service garage in a BL-CCC zone.

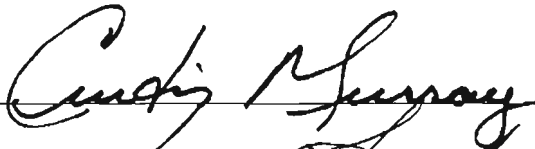
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no comment on either the variance or special hearing request, however this office would like to note that the subject property is included in the 2008 CZMP process as issue number 3-143 to change the existing zoning BL-CCC to BM.

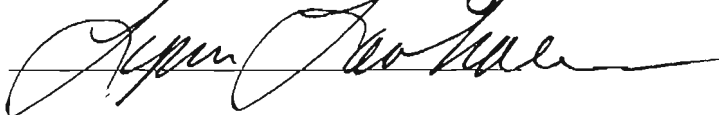
Additionally, relief should be subject to review and approval of architectural elevations, sign, landscape and lighting plan. The building and site plan should be designed to improve the image of this corridor.

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

Reviewed by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 14, 2008

FROM: ^{DAK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2008
Item Nos. 08-342, 344, 345, 346, 347,
350, 351, 352, 353, and 354

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

DAK:CEN:clw

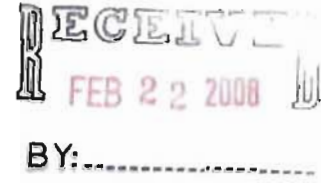
cc: File

ZAC-NO COMMENTS-02142008.doc

BW
4/9
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: February 21, 2008
SUBJECT: Zoning Item # 08-353-XA
Address 11 Westminster Pike
Reisterstown, Md. 21136

Zoning Advisory Committee Meeting of February 11, 2008

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

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

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

_____ 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: J. Russo

Date: 2/15/08



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

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

Maryland Department of Transportation

February 19, 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. 8-353-XA
MD 140 (Westminster Pike)
75' n/e Reisterstown Road
Reisterstown Center
Special Exception
Variance

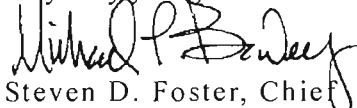
Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 8-353-XA for the above captioned, which was received on February 14, 2007. We understand that his application illustrates a proposal to redevelop an existing site to a commercial use with surface parking for twenty four (24) vehicles as depicted on the plat to accompany zoning variance and special exception dated January 28, 2008.

We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that a permit is required for improvements along the subject property fronting MD 140 (Westminster Pike). Therefore, this office requests that the County require the applicant to obtain an SHA - Access Permit as a condition of Special Exception and Variance Case No. 8-353-XA approval for the Reisterstown Center 11 Westminster Pike property. Please include our comments in staff report to the Zoning Hearing Officer.

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.

Very truly yours,


for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County
Mr. Patrick C. Richardson, Engineer, Richardson Engineering, LLC
SCD Housing IV, Inc., Applicant/Owner

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

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
11 Westminster Pike; S/S Westminster Pike, * ZONING COMMISSIONER
75' NE c/line Westminster Pike & Reisterstown Rd *
4th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): SCD Housing IV, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 08-353-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/ 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 12th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

FEB 12 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME 08-353-XA
CASE NUMBER 11 WESTMINSTER PIKE
DATE 4/9/08

[illegible]

200 SCALE
ZONING MAP # 04881



O 3

WESTGATE WAY GEROED AVE

DR 3.5

BM

ML

RO

O 3

RO

DR 10.5

CANTATA CT

HARVEST VIEW RD

WOLF AVE

BL CCC

BL

BL AS

SITE

LP.O.B.

08-353-XA

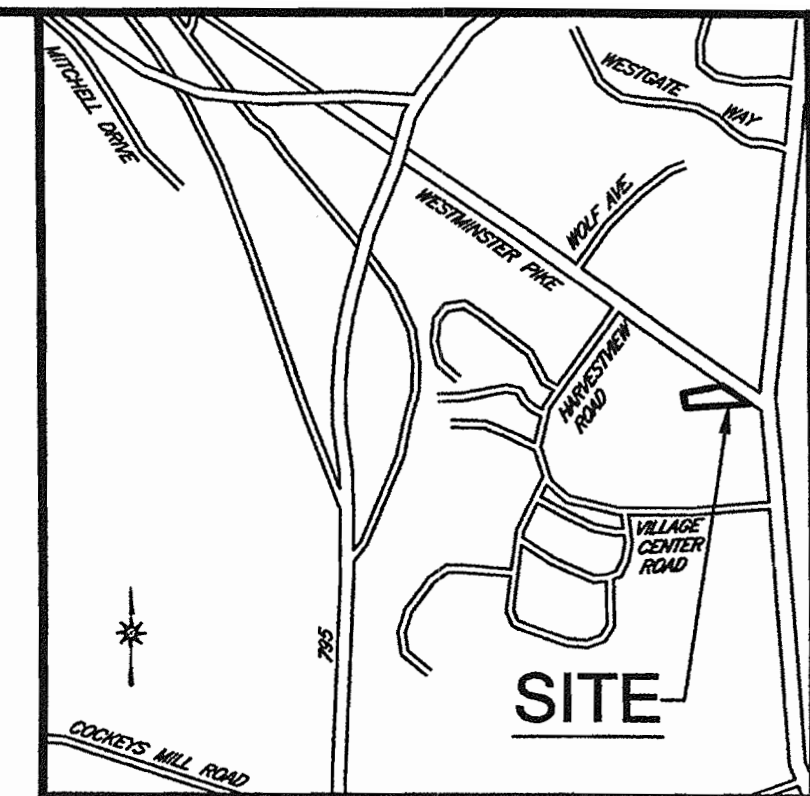
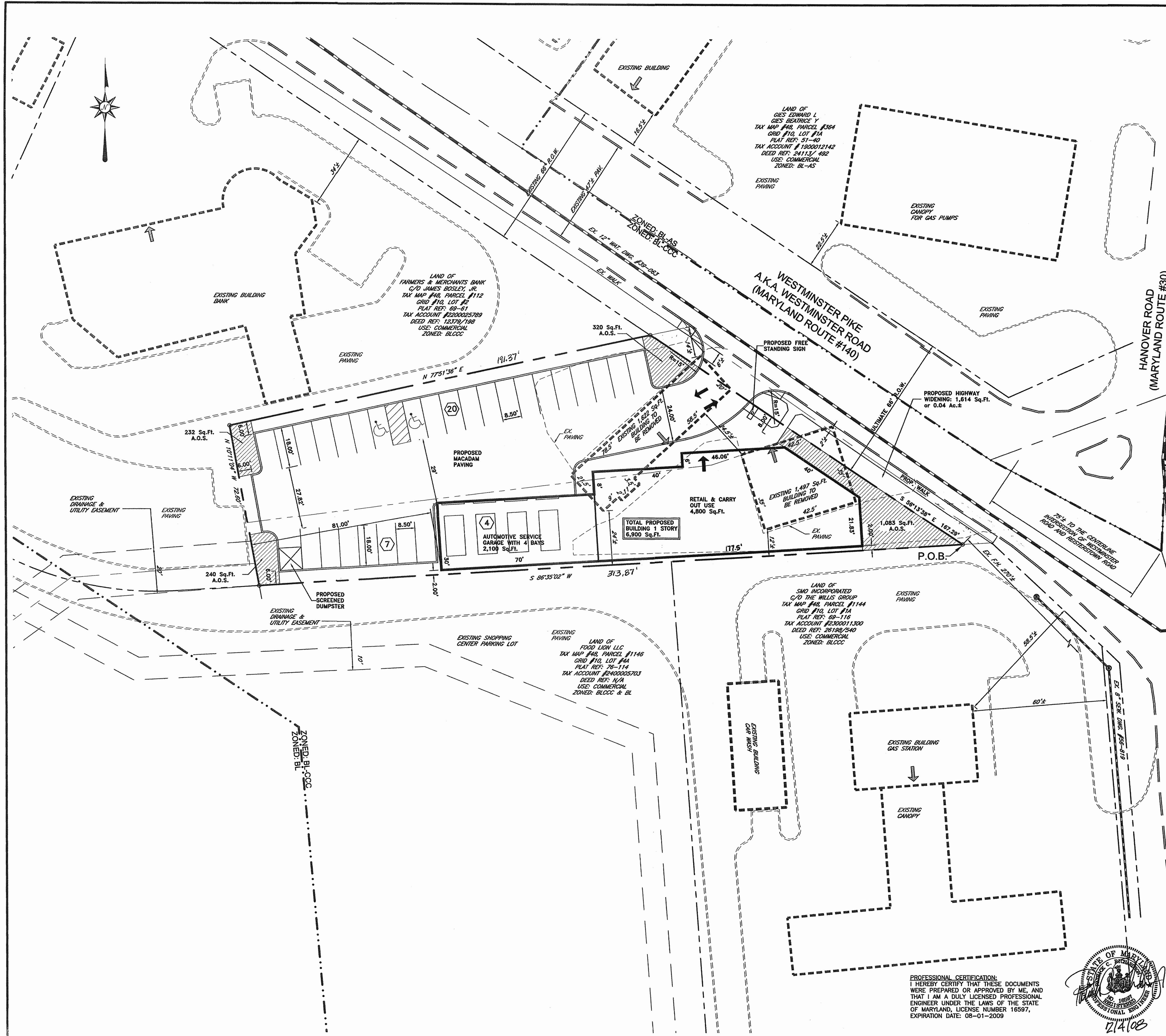
Case No.: 08-353-XA 11 Westminister Pike

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



GENERAL NOTES:

- OWNER: SCD HOUSING IV LLC
126 WEST CHERRY HILL ROAD
REISTERSTOWN, MARYLAND 21136-3223
- SITE AREA:
GROSS: 27,988 Sq.Ft. or 0.640 Ac.±
NET: 22,812 Sq.Ft. or 0.520 Ac.±
- BUILDING AREAS:
EXISTING: 3,119 Sq.Ft. (TO BE REMOVED)
PROPOSED: 6,900 Sq.Ft.
TOTAL: 6,900 Sq.Ft.
- UTILITIES
WATER: PUBLIC SEWER: PUBLIC
- THE SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- USES:
EXISTING: GARAGE
PROPOSED: MULTI-USE
1. GARAGE
2. RETAIL
3. CARRY-OUT RESTAURANT
- PARKING:
USE Sq.Ft. REQUIRED PROVIDED
GARAGE 2,100 3.3/1000=7 7
RETAIL / CARRY-OUT 4,800 5/1000=24 24
TOTAL 31 31
(2 HANDICAPPED, 29 REGULAR)
- SETBACKS: REQUIRED PROVIDED
FRONT 46.25' 8.0'
SIDE NONE 2.0'
REAR NONE 81.0'
- DEED REF: 22561/560
- TAX ACCOUNT #0407029870 & 0407029871
- COUNCILMANIC DISTRICT: 3rd
- WATERSHED: LIBERTY
- FLOOR AREA RATIO:
MAXIMUM PERMITTED: 4.0
PROVIDED: .247
(6,900 ÷ 27,988 = .247)
- ZONING: BL CCC
(PER 1"=200' ZONING MAP 048B1 & 048B2)
- TAX MAP #48 PARCEL #403
- AMENITY OPEN SPACE:
MINIMUM PERMITTED: 0.2
PROVIDED: 0.27
(1,875 ÷ 6,900 = .27)
- PROPOSED SIGN TO CONFORM TO BCZR.

Richardson Engineering, LLC

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

08-353-XA

PLAN TO ACCOMPANY ZONING VARIANCE & SPECIAL EXCEPTION FOR

REISTERSTOWN CENTRE 11 WESTMINSTER PIKE (MD. RTE. #140) (ALSO REFERRED TO AS WESTMINSTER ROAD)

4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	CND	1" = 30'
DATE:	JOB NO.:	SHEET NO.:	
01-28-08	07121	1 OF 1	

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-01-2009



PETITIONER'S
EXHIBIT NO. /