

IN RE: PETITION FOR VARIANCE

S side Sulphur Spring Road, 300 feet
W of c/l Willow Road
13th Election District
1st Councilmanic District
(2211 Sulphur Spring Road)

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

Golf of Warminster, LLP;
J. Michael Pruitt
Petitioner

*
* **Case No. 08-403-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 J. Michael Pruitt on behalf of the legal owner of the property, Golf of Warminster, LLP, and Earl McDonald on behalf of the company leasing the property, Eastern Lift Truck Co., Inc. Petitioners are requesting variance relief from Section 238 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard/rear yard setback of 5.38 feet at the narrowest point on the south side of the property in lieu of the required 30 feet in order to construct an expansion of the improvements of 2,660 square feet (28 feet by 95 feet), resulting in a variance of 24.62 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 1.¹

Appearing at the requisite public hearing in support of the variance request were Petitioner Earl McDonald on behalf of Eastern Lift Truck Co., Inc., and his attorney, Robert W. Cannon, Esquire. Also appearing in support of the requested relief was Antonio Ancona, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

¹ Due to a clerical error, the Petition accidentally referred to the subject property as "2212 Sulphur Spring Road" instead of the correct address: "2211 Sulphur Spring Road." At the outset of the hearing, Petitioner's counsel, Mr. Cannon, motioned to amend the Petition accordingly, and the motion was granted.

COPIES RETAINED FOR FILE
JAN 5.19.08
[Signature]

Testimony and evidence offered revealed that the subject property is an irregular-shaped lot containing approximately 101,466 square feet of land zoned primarily M.L.-I.M. with a small section of D.R.5.5 toward the northern end of the property. The property is located on Sulphur Spring Road near Hammonds Ferry Road in the Halethorpe area of Baltimore County and is improved with an existing commercial building. The property is owned by a corporate entity, Golf of Warminster, LLP, and is leased by Eastern Lift Truck Co., Inc. ("Eastern Lift"), who carries on a forklift service company. Eastern Lift is engaged in the business of selling, renting, and repairing parts for forklifts and primarily works with the Yale Industrial Trucks Company. The existing building is approximately 20,000 square feet, which Eastern Lift has divided into office space and a storage and repair shop. In order to expand and properly conduct their business, which carries on approximately 75 jobs, Eastern Lift has proposed to build a 2,660 square foot addition to the southeast corner of the existing building. The addition will be a one-story structure built to the same elevation as the existing building, and the area encompassing the proposed addition will lie entirely in the M.L.-I.M. zone.

Further evidence demonstrated that the property is situated between a B & O Railroad right-of-way to the east and a large-scale truck terminal to the south of the property. Petitioners submitted several photographs of the property and surrounding area, which were marked and accepted into evidence as Petitioners' Exhibits 2, 3, and 4. Exhibit 2 provides an overhead view of the property, Exhibit 3 shows the close proximity of the site to the railroad right-of-way, and Exhibit 4 provides a view of the truck terminal. The proposed addition will be located at the southeast corner of the property between the areas used for the railroad tracks and truck terminal.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments received from the Department of Environmental Protection and

FROM RECEIVED FOR FILE
5.19.08
[Signature]

Resource Management dated March 25, 2008 indicate that the property must comply with the Forest Conservation Regulations.

After careful consideration, I have determined that the requested variance should be granted. Based on the testimony and evidence referenced herein, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is uniquely shaped and is located between a railroad right of way and a large-scale truck terminal. Additionally, a sizeable drainage ditch located on the eastern edge of the property limits the location of the proposed addition and essentially mandates the construction of the addition in its proposed location. These are the type of peculiar circumstances that make the regulations disproportionately impact this property as compared to others in the district. Therefore I find the property unique in a zoning sense, and I further find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. In particular, testimony revealed that Eastern Lift would not be able to continue to carry on their business in the current location without the proposed expansion.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed addition is located entirely in the M.L.-I.M. zone and will not have any negative impact -- visually or otherwise -- on the residential D.R.5.5 area to the north of the property. Thus, I find that this variance meets the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

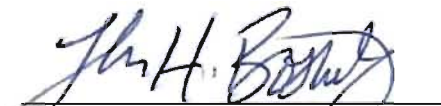
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

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5-19-08
[Signature]

THEREFORE, IT IS ORDERED this 19th day of May, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 238 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard/rear yard setback of 5.38 feet at the narrowest point on the south side of the property in order to construct an expansion of the improvements of 2,660 square feet (28 feet by 95 feet) instead of the required 30 feet resulting in a variance of 24.62 feet be and is 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 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

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5.19.08
PJ



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2212 Sulphur Spring Road
which is presently zoned ML-IM * D.R.55

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) 238 to permit a sideyard/rearyard setback of 5.38' at the narrowest point on the south side of the property in order to construct an expansion of the improvements of 2,660 square feet (28' X 95') instead of the required 30' resulting in a variance of 24.62'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) the required expansion in this location would facilitate an efficient growth of the Petitioner's operations and would not result in the loss of the loading dock area, parking spaces, or block the front entrance.

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:

Robert W. Cannon
Name - Type or Print _____ City _____
Signature Robert W. Cannon
Company Saul Ewing LLP
500 East Pratt Street, 8th Floor
Address _____ Telephone No. _____
Baltimore MD 21202
City _____ State _____ Zip Code _____
Phone No.: 410-332-8816

Legal Owner(s):

Golf of Warminster, L.L.P.
Name - Type or Print _____
Signature J. Michael Pruitt
J. Michael Pruitt, AGENT
Name - Type or Print _____
Signature Earl F. Mc Donald, AGENT
c/o Eastern Lift Truck Co., Inc.
2211 Sulphur Spring Road (410)247-8844
Address _____ Telephone No. _____
Baltimore MD 21227
City _____ State _____ Zip Code _____

Representative to be Contacted:

Antonio Ancona
Name _____ (301)
1686 Village Green, Suite 201 261-6936
Address _____ Telephone No. _____
Crofton MD 21114
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. OR-403-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 5/15/08
DROP-OFF

REV 9/15/98

NOT RECORDED FOR FILING

5.19.08

po

Exhibit A**Legal Description**

All that certain lot or parcel of land situate and lying in Baltimore County, Maryland, and more particularly described as follows:

TRACT I:

BEGINNING for the same at a stake driven in the ground in the westerly right of way line of the Baltimore and Ohio Railroad at the beginning of the whole tract of land of which the parcel now being described is a part and which said whole tract of land is described in a Deed dated September 7, 1949 and recorded among the Land Records of Baltimore County in Liber T.S.S. No. 1757, folio 527, from Albert Z. Wilson and M. May Wilson, his wife, to John R. Wailes and John B. Wailes; and running thence from said place of beginning, binding on the first line of said whole tract of land north 81 degrees 40 minutes west 483.60 feet to the end of the said first line; thence binding on the second line of said whole tract of land and running north 23 degrees 57 minutes east 389.60 feet to the end of said second line and to intersect the south side of Sulphur Spring Road; thence binding on the third line of said whole tract of land and binding on the said south side of said Sulphur Spring Road and running south 81 degrees 57 minutes east 22.44 feet to the end of said third line; thence binding on the fourth and fifth lines of said whole tract of land the two following courses and distances, viz: south 08 degrees 03 minutes west 140 feet and south 81 degrees 57 minutes east 175 feet to the end of said 5th line; thence for lines of division the two following courses and distances, viz: south 08 degrees 03 minutes west 60 feet and south 79 degrees 50 minutes east 188.42 feet to intersect the eighth line of said whole tract of land and to intersect the said westerly Right-of-Way line of said Baltimore and Ohio Railroad; thence binding on part of said eighth line of said whole tract of land and binding on the said westerly Right-of-Way line of said Baltimore and Ohio Railroad and running south 22 degrees 31 minutes west 164.64 feet, more or less, to the place of beginning. Containing 2.302 acres of land, more or less.

Tax Account No.: (1) (13) 13-15-270040

TRACT II

BEGINNING for the same on the southwest side of Sulphur Spring Road and which point of beginning it also at the end of the second line of the parcel of land recorded among the Land Records of Baltimore County conveyed by deed dated June 17, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3370, folio 263 from John S. Wailes, and his wife, et al. to Ohio River Realty Company and running thence on the southwesterly side of Sulphur Spring Road North 01 degrees 57 minutes west 28 feet, and thence leaving the aforesaid road and running south 8 degrees, 3 minutes west 83 feet

ore or less to intersect the second line of the hereinabove mentioned conveyance and
inning thence on said second line north 28 degrees, 57 minutes east, 85 feet more or less
the place of beginning.

ax Account No.: (2) (13) 13-15-270041

Title Insurer: Fidelity National Title Insurance Company of New York
through its Agent Tri-State Commercial Closings, Inc.

Property Address: 2111 Sulphur Spring Road, Baltimore, MD 21227

Grantee's Address: C/O Eastern Lift Truck Co., Inc.
Route 73 and East Linwood Ave.,
Maple Shade, NJ 08052

*These documents are original documents as obtained from Baltimore County records.



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: # 08-403-A

2212 Sulphur Spring Road

S/side of Sulphur Spring Road, 300 feet west of centerline of Willow Road

13th Election District - 1st Councilmanic District

Legal Owner(s): Golf of Warminster, LLP, J. Michael Pruitt

Variance: to permit a side yard/rear yard setback of 5.38 feet at the narrowest point on the south side of the property in order to construct an expansion of the improvements of 2,660 square feet (28 feet by 95 feet) instead of the required 30 feet resulting in a variance of 24.62 feet.

Hearing: Wednesday, May 7, 2008 at 11:00 a.m. in Room 106, county Office Building, 111 West Chesapeake 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/23 Apr. 22

170888

CERTIFICATE OF PUBLICATION

4/24/2008

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 4/22/2008.

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

J. Wickings

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11143**

PAID RECEIPT

Date: 2/20/08

BUSINESS ACTUAL TIME DRW
 2/29/2008 2/28/2008 14:33:04 4

REC 4506 WALKIN KNOX KXM
 >>RECEIPT # 615814 2/28/2008 OFI

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00

Dept 5 528 ZONING VERIFICATION
 011143

Recpt Tot \$325.00
 \$325.00 OK \$.00 CA
 Baltimore County, Maryland

Total: 325.00

Rec

From: EASTERN LIFT TRUCK Co, INC.

For: 403 08-~~744~~1-A 2212 SULPHUR SPRING RD.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-403-A

Petitioner/Developer: GOLF OF WARMINSTEER LLC
J. MICHAEL PRUITT

Date of Hearing/Closing: MAY. 7, 2008

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

Attention: **Christen Matthews**

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

2212 SULPHUR SPRING ROAD

The sign(s) were posted on APRIL 18, 2008
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE

CASE # 08-403-A

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

ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD. 21204

PLACE:

WEDNESDAY, MAY 7, 2008

DATE AND TIME:

AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A SIDE YARD/REAR
YARD SETBACK OF 5.38 FEET AT THE
NARROWEST POINT ON THE SOUTH SIDE OF THE PROPERTY
IN ORDER TO CONSTRUCT AN EXPANSION OF THE
IMPROVEMENTS OF 2,600 SQUARE FEET (28 FEET BY 95 FEET)
INSTEAD OF THE REQUIRED 30 FEET RESULTING IN A
VARIANCE OF 24.62 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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



ZONING NOTICE

CASE # 08-409-A

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

PLACE
DATE AND TIME
REQUEST

APPROPRIATE FOR THE...
DO NOT...
APPROPRIATE

**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: 08-403-A

Petitioner: Golf of Warminster

Address or Location: 2212 Sulphur Spring Road, Baltimore, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert W. Cannon, Esquire

Address: Saul Ewing LLP

500 East Pratt Street, 8th Floor

Baltimore, MD 21202

Telephone Number: 410-332-8816

Revised 7/11/05 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 17, 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: 08-403-A

2212 Sulphur Spring Road

S/side of Sulphur Spring Road, 300 feet west of centerline of Willow Road

13th Election District – 1st Councilmanic District

Legal Owners: Golf of Warminster, LLP, J. Michael Pruitt

Variance to permit a side yard/rear yard setback of 5.38 feet at the narrowest point on the south side of the property in order to construct an expansion of the improvements of 2,660 square feet (28 feet by 95 feet) instead of the required 30 feet resulting in a variance of 24.62 feet.

Hearing: Wednesday, May 7, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Robert Cannon, 500 East Pratt Street, 8th Fl., Baltimore 21202
J. Michael Pruitt, Eastern Lift Truck Co., 2211 Sulphur Spring Road, Baltimore 21227
Antonio Ancona, 1686 Village Green, Ste. 201, Crofton 21114

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 22, 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, April 22, 2008 Issue - Jeffersonian

Please forward billing to:

Robert Cannon
Saul Ewing
500 East Pratt Street
Baltimore, MD 21202

410-332-8816

NOTICE OF ZONING HEARING

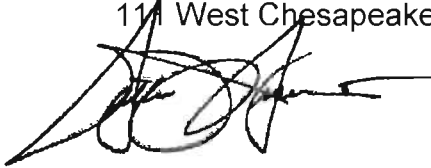
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-403-A

2212 Sulphur Spring Road
S/side of Sulphur Spring Road, 300 feet west of centerline of Willow Road
13th Election District – 1st Councilmanic District
Legal Owners: Golf of Warminster, LLP, J. Michael Pruitt

Variance to permit a side yard/rear yard setback of 5.38 feet at the narrowest point on the south side of the property in order to construct an expansion of the improvements of 2,660 square feet (28 feet by 95 feet) instead of the required 30 feet resulting in a variance of 24.62 feet.

Hearing: Wednesday, May 7, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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

April 30, 2008

Robert W. Cannon
Saul Ewing LLP
500 East Pratt Street, 8th Floor
Baltimore, MD 21202

Dear Mr. Cannon:

RE: Case Number: 08-403-A, 2212 Sulphur Spring Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 2, 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
Golf of Warminster, LLP J. Michael Pruitt c/o Eastern Lift Truck co., Inc. 2211 Sulphur
Spring Road Baltimore 21227
Antonio Ancona 1686 Village Green, Suite 201 Crofton 21114



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400, 403, 404, 405, 406, 407, 409, 410, 411, 412, 413, 414, 415, 416 and 417

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc

11:11
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

RECEIVED
MAR 14 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-403- Variance**

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

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

Prepared By:

Curtis Murray

Division Chief:

Tom Johnson

CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MARCH 10, 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. B-403-A
2212 SULPHUR SPRING RD
PRUITT 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. B-403A.

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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BW 5/7
11 am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 25 2008
BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 25, 2008

SUBJECT: Zoning Item # 08-403-A
Address Eastern Truck Lift Co.
2212 Sulphur Spring Road

Zoning Advisory Committee Meeting of March 10, 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:

_____ 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: J. Russo

Date: March 14, 2008

RE: PETITION FOR VARIANCE * BEFORE THE
2212 Sulphur Spring Rd; S/S Sulphur Spring Rd *
300' W c/line Willow Road * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Golf of Warminster, LLP * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-403-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.

RECEIVED

MAR 11 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

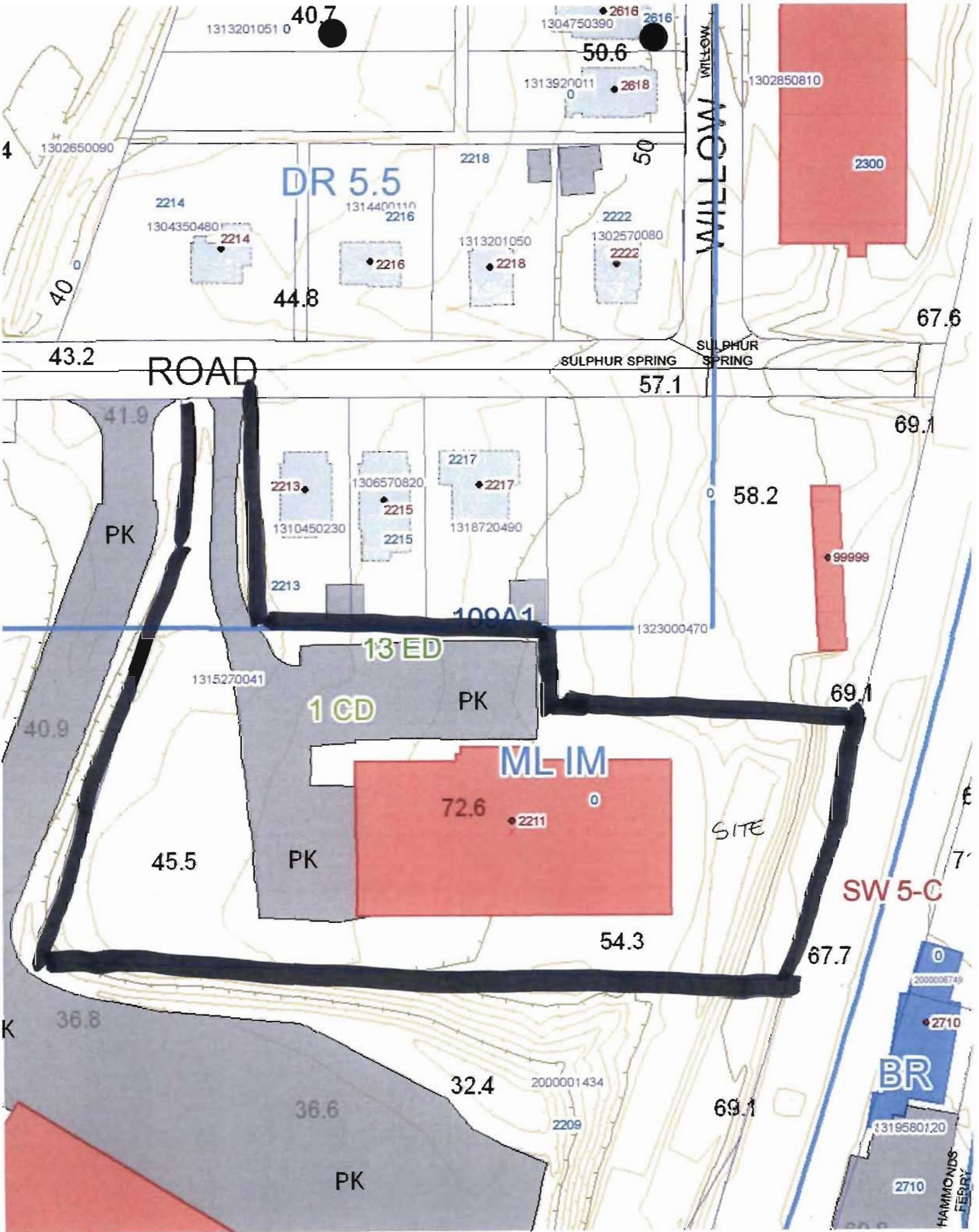
I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Antonio Ancona, 1686 Village Green, Suite 201, Crofton, MD 21114 and Robert Cannon, Esquire, Saul Ewing, LLP, 500 East Pratt Street, 8th Floor, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]



08-403-A

Case No.:

08-403-A

Exhibit Sheet

Petitioner/Developer

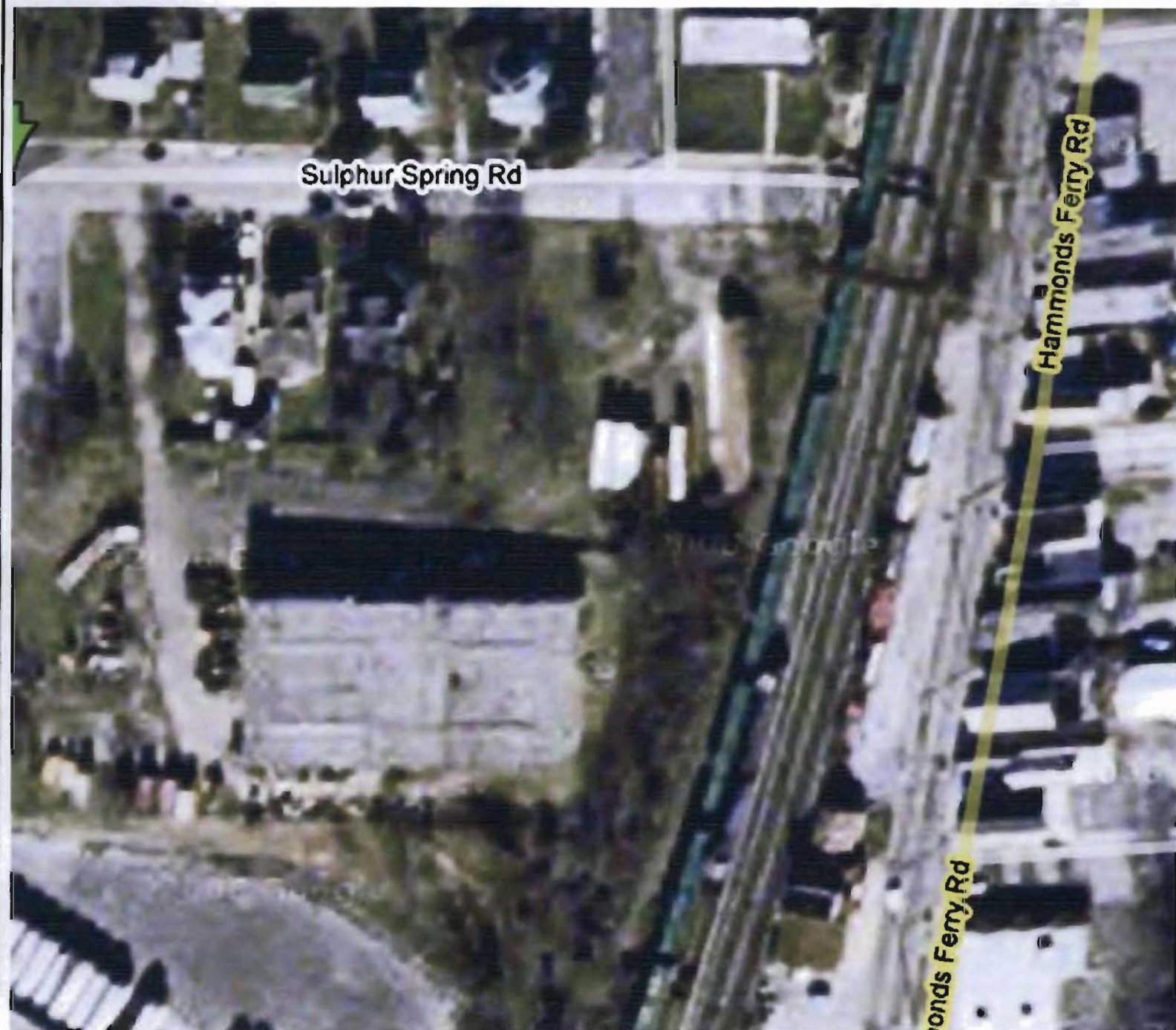
Protestant

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



PETITIONER'S

EXHIBIT NO. 2



PETITIONER' S

EXHIBIT NO. 3



7/18/2007

PETITIONER' S

EXHIBIT NO.

4

President, Ancona & Associates, Inc.,

1686 Village Green, Suite 201, Crofton, Maryland 21114 Tel: 301 261 6936

EXPERIENCE PROFILE

Practicing in the fields of engineering and project management for more than 30 years. Knowledgeable of local and national building codes and related structural design manuals (NEC, NFPA72, NFPA13, ASD, LRFD, ASCE 7-95, ACI 530-95, TIA/EIA-222-F, etc.), ADA, electrical (NEC), mechanical (IMC), plumbing (IPC), life safety and fire protection codes (NFPA101, NFPA72, NFPA13, etc.). Developed complete engineering plans for civil engineering, structural, electrical, mechanical, plumbing, fire alarm and sprinkler systems for many architectural/engineering projects such as government buildings, restaurants, general offices, residential and commercial buildings. Performed structural, mechanical, fire alarm and sprinkler systems inspections under the PG County inspection program. Performed electrical inspection for State of Maryland, Prince George's County and Anne Arundel County electrical projects and fire alarm projects.

EDUCATION

Recent Continued Education Courses and Seminars:

<i>Hallow Structural Section Short Course, AISC/STI, PA,</i>	<i>1998</i>
<i>Soil Basics for Engineers, Auburn University, LA,</i>	<i>1999</i>
<i>Floor Vibration Seminar, AISC</i>	<i>1999</i>
<i>Life Safety & Security Seminar, Ellenco, Inc., MD,</i>	<i>2000</i>
<i>Erosion and Sedimentation Control, State of MD,</i>	<i>2000</i>
<i>Practical Steel Design, AISC Seminar</i>	<i>2002</i>
<i>Fire Protection System Design and Construction</i>	<i>2006</i>

Rensselaer Polytechnic Institute, Troy, NY.

Ph. D., Nuclear Engineering and Science 1977

Rensselaer Polytechnic Institute, Troy, NY.

M.S., Nuclear Science 1970

University of Hartford, West Hartford, Conn.

B.S., Electrical and Electronic Engineering 1968

PROFESSIONAL ENGINEER LICENSES AND CERTIFICATIONS

- Connecticut, Maryland, Virginia, District of Columbia, Delaware, New Jersey, Pennsylvania, Alabama, Louisiana, Florida and New York.
- Certified as an electrical inspector by the state of Maryland Fire Marshall's Office
- Certified by the National Council Of Examiners for Engineering and Surveying

U.S. PATENTS ISSUED

- Digital Function Generator for Two Independent Variable with Interpolation Pat. No. 3,676,655
- Digital Controlled Oscillator, Serial No. 61731

MEMBERSHIPS

A. Ancona, President of A. Ancona & Associates, Inc.

PETITIONER'S

EXHIBIT NO.

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- National Fire Protection Association
- Building Official and Code Administrators International, Inc.
- National Council of Examiners for Engineers and Surveying
- American Society of Civil Engineers
- American Nuclear Society (Not currently active)

EMPLOYMENT HISTORY

ANCONA & ASSOCIATES, INC.

President, 1988 - Present

Provide professional engineering and consulting services for architectural planning and design. Develop civil including roof and site drainage, structural, electrical, mechanical, plumbing, fire protection, and sound control engineering plans for new and existing buildings and for site development. Perform electrical inspection for State of Maryland, Prince George's County and Anne Arundel County electrical and fire alarm projects. Perform structural analyses and design of existing and new structures including buildings, communication towers, monopoles, water tanks, and foundations. Coordinate permit application process and serve as liaison between clients and local authorities. Coordinate mechanical system testing, and review and approve mechanical system air balance reports. . Testify as an engineering expert witness at town board meetings.

UTILITY ASSOCIATES, INTERNATIONAL

Associate Physicist, 1977 - 1989

Performed nuclear reactor core and plant data analysis. Correlated data with computed variables, such as power distribution, control rod insertion, reactivity, and exposure. Evaluated and analyzed reactor engineering and physics problems including fuel cladding expansion and structural integrity. Development of theoretical three dimensional nodal code and performance evaluation.

UNIVERSITY OF MARYLAND

Instructor, 1984 - 1986 (part-time)

Taught Electrical Engineering courses such as Signal and System Theory, and Electric Circuits for Reactor Radiation Detection and Measurement. Responsible for grading student's work and preparation of lectures and test papers.

RENSSELAER POLYTECHNIC INSTITUTE

Graduate Assistant, 1976 - 1977

Developed nodal code methods using response matrix principles. Solved continuous diffusion theory equations using the Fourier analysis. Implemented response matrix methods into the EPRI SIMULATE code which is currently used worldwide.

COMBUSTION ENGINEERING, INC.

Senior Physicist, 1970 - 1976

Development of nuclear reactor design methods. Prepared code manuals and code quality assurance testing procedure. Analyzed Maine Yankee Reactor experimental data including cross-sections, 3-D power distributions, fuel burnups, moderator temperature reactivity and expansion coefficients and xenon oscillation.

CHANDLER EVANS, COMPANY

Electronic Engineer, 1968 - 1970

Designed gas turbine digital fuel controls and hybrid analog and digital engine/control simulators, which were then built, tested and placed in production.

GENERAL ELECTRIC COMPANY, D.A.D.

Engineering Aide, 1966 - 1968

Analyzed abrasion and temperature rise of power conductor contact surfaces. Developed digital computer programs for the analysis of continuous beam deflection, power busway conductor expansion, and power busway repulsion forces under short circuit. Designed and built low power time delay sequential electronic circuits.

DESIGN INFORMATION: (EXISTING CONDITIONS)

- 1.) Jurisdiction - Baltimore County, Maryland
2.) Applicable Codes

IBC 2003
IMC 2003
2003 IBC Article 9
2002 National Electric Code
2003 Baltimore County Building Code
2003 NFPA 101 Life Safety Code State Fire Prevention
Current NFPA 13
Current NFPA 72A

3.) Building Use and Occupancy

Use Group: Warehouse with Storage 'S-1' and Business 'B'
No change in use group.

4.) Type of Construction: II-B

5.) Building Height and Area Allowable (IBC Table 503 and Section 504.2 & 506.3) Allowed

Height - 21 Feet, 1 Story
Area - 22,700 SF
S-1, II-B unsprinklered Area, 1 story. 17,500 SF
Sprinkler Allowance, 300% 52,500 SF

Bldg Perimeter = 710 ft, frontage = 615 ft, 62%
allowed area increase = 362% 10,900 SF
TOTAL ALLOWED 63,400 SF
80,900 SF

6.) Fire Protection System:

Existing supervised automatic fire suppression system with new Fire Alarm System
3 hour fire wall between S-1 and B Usage.
Existing sprinkler systems to be upgraded to meet current code requirements.

7.) Occupancy Load (IBC Table 1004.1.2)

a. Warehouse, W 16900SF/500 = 34 occ.
b. Business, B 5800SF/100 = 58 occ.
Total 22700 SF = 92 occ.

8.) Egress Components:

Required: 32 occ. x .2" (inches per occ) = 6.4"
Provided: (3) 3'0" exit doors = 33" x 3 = 99"
Total Provided = 99"

Business Occupancy

Required: 58 occ x 0.2"/occ = 11.6"
Provided: (4) x 3'0" exist doors = 132"

9.) Travel distance to exits (NFPA-101, 2003, Table 4.2.6) < 250 ft.

10.) The building is HC accessible. Existing bathrooms are in compliance with ADA.

FLOOR AREA RATIO CALCULATIONS:

NET SITE AREA: 101,466 SQ. FT.
GROSS SITE AREA: 101,466 SQ. FT.
GROSS FLOOR AREA: 22,700 SQ. FT.

$$\frac{\text{GROSS FLOOR AREA}}{\text{GROSS SITE AREA}} = \frac{22,700 \text{ SQ. FT.}}{101,466 \text{ SQ. FT.}} = 0.224$$

NOTE:

THERE ARE NO COMMERCIAL PERMITS ASSOCIATED WITH THIS PROPERTY.

NOTE:

THERE IS NO ZONING HISTORY, CRG, DRC OR WAIVERS FOR THIS PROPERTY.

NOTE:

THERE ARE NO PROPOSED SIGNS FOR THIS PROPERTY AT THIS TIME. ANY NEW SIGNS WILL COMPLY WITH SECTION 450 BCZR.

TRACT AREAS

TRACT I:
IN ZONE DR 5.5: 6871.3 SQ. FT
IN ZONE ML IM: 93408.4 SQ. FT
COMBINED AREA: 100279.7 SQ. FT

TRACT II:
IN ZONE DR 5.5: 1199.49 SQ. FT

NUMBERED NOTES:

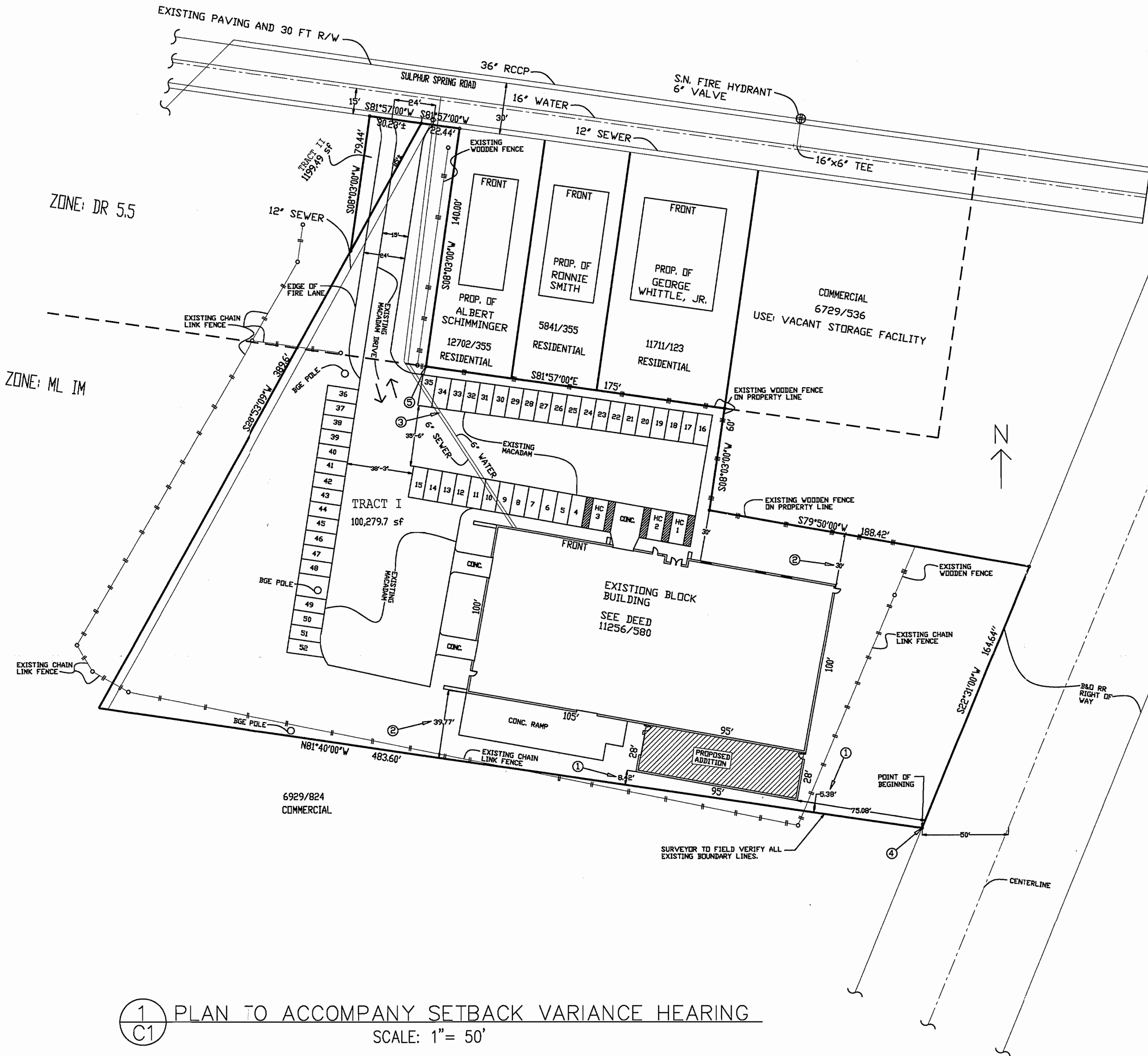
1. PROPOSED SETBACK
2. EXISTING SETBACK
3. APPROXIMATE LOCATION OF EXISTING WATER AND SEWER LINES. NO CHANGE IS PROPOSED FOR THESE LINES. ANY FUTURE CHANGES MUST BE FIELD VERIFIED.
4. APPROXIMATE NORTHERNLY DISTANCE FROM POINT OF BEGINNING TO CENTERLINE OF SULPHUR SPRING RD IS 385 FT. APPROXIMATE EASTERNLY DISTANCE FROM POINT OF BEGINNING TO CENTERLINE OF B&O RAILROAD IS 50 FT.
5. EXISTING IRON PIN

NOTE:

CALL MISS UTILITY BEFORE YOU DIG.

SCOPE OF WORK:

1. BUILD ~2,660 SF ADDITION TO EXISTING BUILDING
EXISTING TOTAL BUILDING FLOOR AREA = ~20,000 SF
TOTAL NEW BUILDING AREA = ~22,700 SF
2. BUILDING AREA INCREASE = 2,660 SF



NOTE:

THIS SITE LIES WITHIN ZONES "ML IM" AND "DR 5.5"
ELECTION DISTRICT: 13
COUNTY COUNCIL DISTRICT: 1

TAX ACCOUNT NUMBER: (1) (13) 13-15-270040

TAX ACCOUNT NUMBER: (2) (13) 13-15-270041

NOTE:

THIS DRAWING IS BASED ON THE SITE PLAN BY WILLIAM E. PETHERBRIDGE, PLS, DATED 2-14-2000. ALL SETBACKS SHALL BE FIELD VERIFIED BY LICENCED LAND SURVEYOR

PROFESSIONAL CERTIFICATION:

I, ANTONIO ANCONA, HEARBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAW OF THE STATE OF MARYLAND, LICENSE NO. 10894, EXPIRATION DATE: APRIL 14, 2008.

CERTIFICATION:

THIS IS TO CERTIFY THAT THE IMPROVEMENTS INDICATED ARE LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY AND SHOULD NOT BE USED FOR THE ERECTION OF FENCES OR ANY OTHER IMPROVEMENTS.

Antonio Ancona
ANTONIO ANCONA, PE
MD. LIC. NO. 10894

02-21-08
DATE

REVISIONS

SITE PLAN FOR

PERMIT NUMBER:

EASTERN LIFT TRUCK COMPANY, INC.
2211 SULPHUR SPRING RD
HALETHORPE, MD 21227

ENGINEERING BY:

ANCONA AND ASSOCIATES, INC.
1686 VILLAGE GREEN, SUITE 201, CROFTON MD 21114
TEL. 301-261-6936

ENGINEER:

ANTONIO ANCONA, P.E.
MD. LIC. NO. 10894
1686 VILLAGE GREEN, STE 201
CROFTON, MD 21114

DATE:

FEB 21, 2008

SCALE

1" = 50'

DRAWN BY:

BM

CHECKED BY:

AA

SHEET NO.

C1



DWG. NO.:

AA-07-057

SHEET NO.

C1

PETITIONER'S

EXHIBIT NO. 1

08-403-A