

IN RE: **PETITION FOR SPECIAL HEARING** *

NE/S Golden Ring Road, 240' SE c/line of
Golden Ring & Race Roads *

(7312 Golden Ring Road) *

15th Election District *
7th Council District *

Wayne P. Sullivan, et ux
Petitioners *

BEFORE THE
ZONING COMMISSIONER

OF
BALTIMORE COUNTY

Case No. 2008-0606-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal owners of the subject property, Wayne G. Sullivan and his wife, Debra Sullivan, through their attorney Donald E. Pallett, Esquire. The Petitioners request a special hearing for a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-107(a)(2), 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.), to permit the redevelopment of a site located in a riverine floodplain and to allow grading, paving, landscaping, and other site work for the construction of a replacement building, within the floodplain. The subject property and the requested relief are more particularly described on the site plan submitted, which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Wayne Sullivan, property owner; Patrick O'Keefe, self employed consultant; Torrence M. Pierce, PE and Gerry P. Powell, MCE, both with Frederick Ward Associates, the consulting firm who prepared the site plan; and Donald E. Pallett, Esquire, attorney for the Petitioners. Also present and participating

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Date 9-2-08
By [Signature]

at the hearing was David L. Thomas, PE with the Baltimore County Department of Public Works, who supports the petition. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject irregularly shaped 13.50 acres of property is bisected by the Stemmers Run Stream and located entirely within the floodplain zone. Rossville Boulevard forms the border on the northeast side and Golden Ring Road on the south side directly east of Race Road in the Golden Ring/Essex area of Baltimore County. The area is made up of predominantly industrial and commercial uses. The property, which is zoned M.H. and M.L.-I.M. consists of four (4) parcels identified on Maryland Tax Map 90 as Parcels 151, 490, 10 and 11. As shown on the colorized aerial photograph (Petitioners' Exhibit 2), Parcels 490, 151 and 11 have been improved with several buildings and storage areas used as Sullivan's Garage for the repair, dismantling and sale of used motor vehicle parts. The total square footage of these buildings is approximately 10,000 square feet. Parcel 151 to the north of the Stemmers Run Stream is used primarily for the storage of vehicles and auto parts. For the zoning history of the site, see Case No. 76-205-SPH which approved the property as a non-conforming junkyard use that has operated at this location since the early 1940's. The buildings are now outdated and obsolete and need to be either renovated or replaced. The Petitioners are desirous of razing or removing most of the buildings that have existed on the property for many years and reconstructing in their place a 10,400 square foot shop building on the southwest corner of the tract, which will be set back further away from Golden Ring than the damaged building known as 7308 Golden Ring Road. The reconstruction will require one (1) acre of land disturbance (equivalent in area to the buildings being demolished) and will be placed on three (3) feet of compacted backfill that will raise the building slab elevation to 17.6 feet. The Petitioners do not propose to expand the building envelope footprints anymore than that which have existed

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BY [signature]

on the property in the past. They simply are consolidating the square footage occupied by five (5) buildings into one (1) building. However, in order to proceed with the plans, a special hearing for a waiver is necessary due to the fact that the proposed building is within the 100-year floodplain.

The Sullivan's obtained title to the property in 1985 and while making improvements and achieving a more aesthetically pleasing operation in the locale, they now seek to make a substantial investment in the area through redevelopment of the tract. The construction is impacted by the floodplain not created by the Stemmers Run Stream bisecting the property, but by a railroad bridge located to the south and east of the site in the vicinity of Orems Road and Golden Ring Road. The dynamics of the flooding, as explained by Messrs. Sullivan and Pierce, is a backing up of water along Golden Ring Road that first affects the southern portion of the subject site before reaching Parcel 151 and finally the northern portions of the property¹ where vehicles are stored. Mr. Sullivan pointed out that gasoline and motor oil are removed from these stored vehicles prior to their placement on Parcel 151 and taken from the site by FreeState. In other words, a typical floodplain area is associated with an existing natural resource, such as the stream that would limit or prevent development and to protect the resource from erosion and other problems. This situation is different. As Mr. O'Keefe explained, the drainage zone in this sector of Golden Ring Road results in overland flow which creates a 100-year floodplain. Mr. David L. Thomas, a professional engineer with the Department of Public Works, has reviewed and approved the proposals stating that "to raze existing commercial buildings in the riverine

¹ As noted on the site plan – Petitioners' Exhibit 1 – a proposed future emergency entrance onto Rossville Boulevard at the northern portion of the site was not reviewed by Edward Adams, Director, Department of Public Works (DPW), when he provided his Department's recommendation, dated July 21, 2008. This improvement would require approximately 800 cubic yards of compacted fill and is outside the scope of DPW's approval comment and, therefore, this Order. This request will be further considered and handled in the building permit process pursuant to B.C.C. Section 32-4-414(c)(2).

CHIEF MEDICAL FOR FILING
Date 9-2-08
By [signature]

floodplain area and replace them with a single building designed to reduce the risk due to the flooding hazard at the site . . . is appropriate to the constraints of this site". He further notes that flood venting and elevation of mechanical and electrical items will be required by code and must be provided.

Having considered all the evidence and testimony on this issue, I am persuaded to grant the Petition for Special Hearing. I find that the Sullivan's have demonstrated that their request meets the standards for granting a waiver under B.C.C. Section 32-4-107 and 32-8-303. The Sullivan's have articulated good and sufficient reasons for the waiver and that a denial of the waiver would result in exceptional hardship. Obsolete, outdated buildings will be replaced with a modern building built to current standards. Furthermore, the proposed site and backfill will improve the situation on the property and the proposed work will not incur public expense or create a nuisance.

Based on all the evidence presented at the hearing, I also find that the proposed work will not adversely impact any downstream properties or public safety. Because this property is north of the railroad tracks and a large area of forest, there are no downstream properties to be impacted. Further, the proposed work will not result in any significant change to the floodplain elevation and will not impact any other property owner. For all these reasons, I find that Petitioners are, thus, entitled to the relief requested by way of the Petition for Special Hearing.

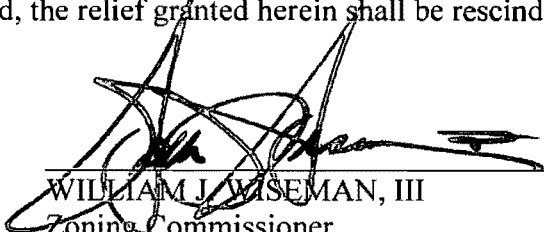
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of September 2008, that the Petition for Special Hearing seeking approval of a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.),

ORDERED FOR FILING
Date 9-2-08
By [Signature]

Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-107(a)(2), 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.) to permit the rebuild/replacement of a building in a riverine floodplain and to allow grading, paving, and other site work and road improvements within the floodplain, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. Petitioners may apply for their 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, the relief granted herein shall be rescinded.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9-2-08
By [signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7312 GOLDEN RING ROAD
which is presently zoned MH/ML-1M

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing for a **waiver** pursuant to Section 500.6. BCZR; Section 3112.0, Building Code; and Sections 32-4-414, 32-4-107, (a) (2), 32-8-301 to permit the rebuild/ replacement of a building in a riverine floodplain.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

✓ WAYNE P. SULLIVAN

Name - Type or Print

X Wayne P Sullivan

Signature

✓ Debra M Sullivan

Name - Type or Print

Debra M Sullivan

Signature

7318 GOLDEN RING ROAD 410-686-8536

Address

Telephone No.

BALTIMORE, MD.

21221

City

State

Zip Code

Representative to be Contacted:

P.M. O'KEEFE, SR

Name

523 PENNY LANE

443-841-5055

Address

Telephone No.

COCKEYSVILLE, MD. 21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2008-0606-SPH

REV 9/15/98

Reviewed By th Date 7/3/08

ORDER RECEIVED FOR FILING

Date 9-2-08

By BSW

JUSTIFICATION TO ACCOMPANY PETITION FOR SPECIAL HEARING

As a result of the Baltimore County Consent Decree to upgrade and clean up pollution caused by sanitary sewer deficiencies in the Stemmers Run Sewershed and Pumping Station, major infrastructure upgrades and repairs have been ongoing in recent years. The new Pumping Station and 60-inch Gravity Sewer Construction projects impact Sullivan's Garage Property. Currently and over the past year, massive trench excavations at the Sullivan's garage site have led to structural failures at Sullivan's business. In view of the unsafe working conditions at the site, four (4) structures need to be razed to allow completion of the aforementioned project. The intended razing will total 10,400 sq. ft. of building loss onsite. A replacement building of 10,400 sq. ft. is planned in one location at the highest point along Golden Ring Road. The owner cannot operate his business without this replacement garage. The razing of the 10,400 sq. ft. of existing structures will mitigate the construction of a new steel building garage at the southwest corner of this site. Additionally, the replacement garage is at the highest elevation of the site and is intended to be as flood safe as can possibly be constructed at this time. Since there are certain time constraints that Baltimore County must comply with for the Consent Decree, Sullivan will accept an interim replacement building at this better site location for his garage business rather than go out of business altogether. Other than losing 10,400 sq. ft. of existing building space and replacing that with the same square footage of new building, there will be no other changes to the Sullivan's garage site.

Wayne Sullivan

WAYNE SULLIVAN

2008-0606-SPH

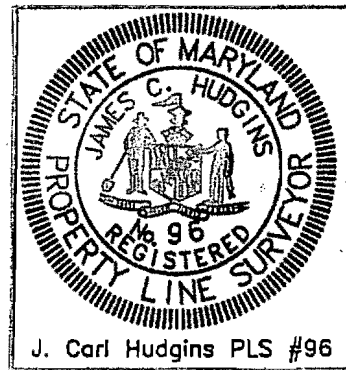
ZONING DESCRIPTION

PETITION FOR SPECIAL HEARING

SULLIVAN'S GARAGE – WAYNE AND DEBRA SULLIVAN

BEGINNING for the same on the northeasterly side of Golden Ring Road at a point distant two hundred forty (240') feet southeasterly from the corner formed by the intersection of the northeasterly side of Golden Ring Road and the southeasterly side of Race Road and running thence southeasterly binding on the northeasterly side of Golden Ring Road one hundred seventy five (175') feet ; thence northerly two hundred 9200'0 feet; thence northwesterly sixty five 965'0 feet; thence northerly twenty-five (25') feet ; thence northwesterly one hundred ten (110') feet ; thence southerly on a line parallel with Race Road two hundred twenty five and 60/100 (225.60') feet more or less to the point of beginning .

Containing 0.87 acres of land , more or less . Also known as # 7308 Golden Ring Road and located in the fifteenth election district . As recorded among the land records of Baltimore County in Deeds 7018 / 120 and 14850 / 406 Etc.



2008-0606-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18416**

PAID RECEIPT

Date:

7/3/08

BUSINESS ACTUAL TIME DTM
 7/3/2008 7/03/2008 15:47:44 2

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount	Rest
001	006			6150				325.00	CR NO

REF W02 MAIL TEVA SEE
 RECEIPT # 597174 7/03/2008 DFLN

5 502 ZONE VERIFICATION

018416

Recpt Tot \$325.00

\$325.00 CR \$1.00 CA

Baltimore County, Maryland

Total:

325.00

Rec

From:

Pat M. O'Keefe, SR

For:

Wayne S. HAWK
17308 Golden King Rd
Bellaire Md 21229

2008-0606-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

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: # 2008-0606-SPH

7312 Golden Ring Road
N/east side of Golden Ring Road, 240 ft. s/east of c/line of Golden Ring & Race Roads
15th Election District

7th Councilmanic District
Legal Owner(s): Wayne Sullivan

Special Hearing: for a waiver to permit the build/replacement of a building in a riverine floodplain.

Hearing: Thursday, August 21, 2008 at 2:00 p.m. In Hearing Room 1, Jefferson Building, 105 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 8/609.Aug. 5 179924

CERTIFICATE OF PUBLICATION

8/7/2008

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 8/5/2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/07/08

Case Number: 2008-0606-SPH

Petitioner / Developer: Donald Pallett, Esq.~Mr. & Mrs. Sullivan~
Patrick Michael O'Keefe, Sr.

Date of Hearing (Closing): AUGUST 21, 2008

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
7312 GOLDEN RING ROAD

The sign(s) were posted on: AUGUST 5, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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:

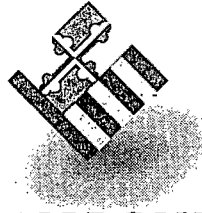
Item Number or Case Number: 20080606 SPH
Petitioner: WAYNE SULLIVAN
Address or Location: #7308 GOLDEN RING ROAD, BALTO. 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: WAYNE SULLIVAN
Address: 7318 GOLDEN RING ROAD
BALTO., MD. 21221
Telephone Number: 410-686-8536

Revised 2/20/98 - SCJ

2008-0606-SPH



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 22, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW 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: 2008-0606-SPH

7312 Golden Ring Road

N/east side of Golden Ring Road, 240 ft. s/east of c/line of Golden Ring & Race Roads

15th Election District – 7th Councilmanic District

Legal Owners: Wayne Sullivan

Special Hearing for a waiver to permit the build/replacement of a building in a riverine floodplain.

Hearing: Thursday, August 21, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Donald Pallett, 11450 Pulaski Highway, White Marsh 21162
Mr. & Mrs. Sullivan, 7318 Golden Ring Road, Baltimore 21221
P. M. O'Keefe, Sr., 523 Penny Lane, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 6, 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, August 5, 2008 Issue - Jeffersonian

Please forward billing to:
Wayne Sullivan
7312 Golden Ring Road
Baltimore, MD 21221

410-686-8536

NOTICE OF ZONING HEARING

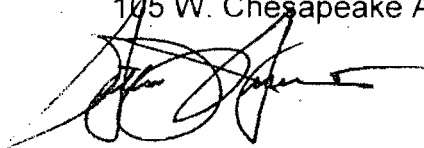
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CASE NUMBER: 2008-0606-SPH

7312 Golden Ring Road
N/east side of Golden Ring Road, 240 ft. s/east of c/line of Golden Ring & Race Roads
15th Election District – 7th Councilmanic District
Legal Owners: Wayne Sullivan

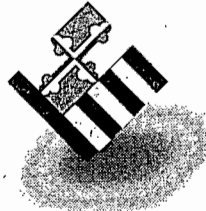
Special Hearing for a waiver to permit the build/replacement of a building in a riverine floodplain.

Hearing: Thursday, August 21, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building,
105 W. 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

Donald E. Pallett
Parker & Pallett, LLC
11450 Pulaski Hwy.
White Marsh, MD 21162

TIMOTHY M. KOTROCO, *Director*
~~August 13, 2008~~ *Permits and
Development Management*

Dear: Donald E. Pallett

RE: Case Number 2008-0606-SPH, 7312 Golden Ring Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 3, 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,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Wayne P. & Debra M. Sullivan, 7318 Golden Ring Rd., Baltimore, MD 21221
P.M. O'Keefe Sr., 523 Penny Ln., Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 1, 2008

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

SUBJECT: 7312 Golden Ring Road

INFORMATION:

Item Number: 8-606

Petitioner: Wayne and Debra Sullivan

Zoning: MH

Requested Action: Special Hearing

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AUG 06 2008

BY:.....

SUMMARY OF RECOMMENDATIONS:

The use of the property as a junkyard and service garage has existed in this site since the 40s. In general the designated zoning permits such.

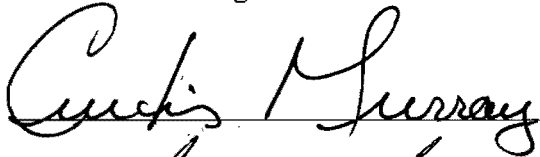
However such uses have a significant impact on the environment and particularly in a riverine floodplain where the structures and materials stored on site can be swept down stream doing physical as well as environmental damage.

Serious consideration should be given to the potential physical and environmental impacts of anything rebuilt on the site, which has already been cleared of buildings.

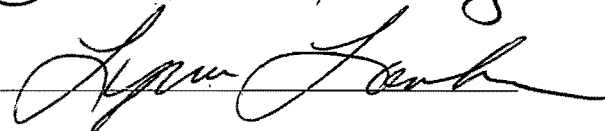
Site design and the latest environmental protection technology should be required of the applicant to ensure no further damage is done to the site or the river and the properties down stream. Ultimate purview of such is deferred to DEPRM.

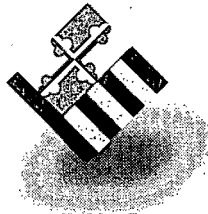
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY
MARYLAND

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

July 14, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 14, 2008

Item Number: 0603, ~~0606~~

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



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: JULY 14, 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 2008-0606-SPH
7312 GOLDEN RIDGE RD.
SULLIVAN PROPERTY
SPECIAL HEARING

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. 2008-0606-SPH.

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,

Fo 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

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works

DATE: July 21, 2008

SUBJECT: Case No. 08-606-SPH
7308 Golden Ring Road (Sullivan's Garage)
Waiver for construction in Riverine Floodplain

RECEIVED
JUL 23 2008

BY:.....

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

Case No. 08-606-SPH involves a waiver to Section 32-4-414 BCC to raze existing commercial buildings in the riverine floodplain area and replace them with a single building designed to reduce the risk due to the flooding hazard at the site.

The proposed building shall comply to the extent practicable with the building code requirements for construction in the floodplain area. The Plat to Accompany Zoning Petition for Special Hearing dated 5/5/08 indicates a lowest floor elevation lower than the usual flood protection elevation plus one foot freeboard. This is the result of practical considerations involving a tradeoff between grading disturbance and vehicular access that is appropriate to the constraints of this site. Flood venting and elevation of mechanical and electrical items as required by code must be provided.

This department recommends approval of the waiver subject to the conditions noted above.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; William Wiseman, Zoning Commissioner; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau; Tom Vidmar (attn: Paul Dennis), DEPRM; Pat O'Keefe, petitioner's representative

BW 8/21
2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 04 2008

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *DLV*
DATE: August 1, 2008
SUBJECT: Zoning Item # 08-606-SPH
Address 7312 Golden Ring Road (7308 Golden Ring Rd.)
(Sullivan Property)

Zoning Advisory Committee Meeting of July 14, 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).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X 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: The site is located within the Intensely Developed Area of the Chesapeake Bay Critical Area and must meet 10% pollutant reduction, and buffer requirements.

Reviewer: Paul Dennis

Date: July 28, 2008

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7312 Golden Ring Road; NE/S Golden Ring
Rd, 240' SE c/line of Golden Ring & Race Rds* ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts
Legal Owner(s): Wayne P. Sullivan * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-606-SPH
* * * * *

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

JUL 15 2008

.....

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 15th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to P.M. O'Keefe, 523 Penny Lane, Cockeysville, MD 21030 & Donald E. Pallet, Parket & Pallett, LLC, 11450 Pulaski Highway, White Marsh, MD 21162, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vW5.3)

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Account Identifier: District - 15 Account Number - 1502652870

Owner Information

Owner Name:	SULLIVAN WAYNE G	Use:	COMMERCIAL
	SULLIVAN DEBRA	Principal Residence:	NO
Mailing Address:	8927 PHILADELPHIA RD	Deed Reference:	1) /14850/ 406
	BALTIMORE MD 21237-4312		2)

Location & Structure Information

Premises Address	Legal Description
7312 GOLDEN RING RD	.2984 AC
	350 SE RACE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
90	14	10						3	Plat Ref:

Special Tax Areas

Town

Ad Valorem

Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		13,000.00 SF	06

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	21,500	77,600		
Improvements:	0	0		
Total:	21,500	77,600	58,900	77,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: SULLIVAN WAYNE G	Date: 12/07/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14850/ 406	Deed2:
Seller: SULLIVAN WAYNE G	Date: 09/26/1985	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7018/ 120	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

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MAP** [click here...](#)

Debra Wiley - Sullivan's Garage Flood Plain Waiver Case

BW 8/21

2 PM

2008 - 606

From: Donald Rascoe
To: Wiley, Debra; Wiseman, Bill
Date: 07/22/08 4:17 PM
Subject: Sullivan's Garage Flood Plain Waiver Case

Bill & Debbie,

Tim asked that Bill hear this flood plain waiver case. All the county agencies will recommend approval.

Sullivan's Garage
7308 Golden Ring Road
Case # 2008-606
August 21, 2008
2 PM

Donald T. Rascoe
Deputy Director
Department of Permits
and Development Management

111 West Chesapeake Avenue
Towson, Maryland 21204

410-887-3353 (work)
410-887-5708(fax)

PLEASE PRINT CLEARLY

CASE NAME 7312 Dade Ring Rd
CASE NUMBER 2008-0600-SPH
DATE 8-21-08

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Tory Pierce Frederick Ward Assoc.	5 South Main St	Bel Air, Md. 21015	tpierce@fredward.com
Wayne Sullivan	7318 Golda Ring Rd.	Balto Md. 21221	
PATRICK O'KEEFE	523 PENNY LA	HUNT VALLEY 21030	
Gerry Powell	5 S. Main St. Bel Air, Md	Bel Air Md 21015	gpowell@fredward.com
Don Pallett	11450 Pulaski Hwy	White Marsh, Md. 21162	donpallett@aol.com

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ENGINEERS

PLANNERS

SURVEYORS

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410-893-1243 fax

ARCHITECTS

ENGINEERS

PLANNERS

SURVEYORS

PLEASE PRINT CLEARLY

CASE NAME 7308 Golden King Rd
CASE NUMBER 08-606-SPH
DATE 8/21/08

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Dave Thomas

DPW

dthomas@...



Case No.: 2008-0606-SPH 7312 Golden Ring Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	AERIAL PHOTOGRAPH of Surrounding	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

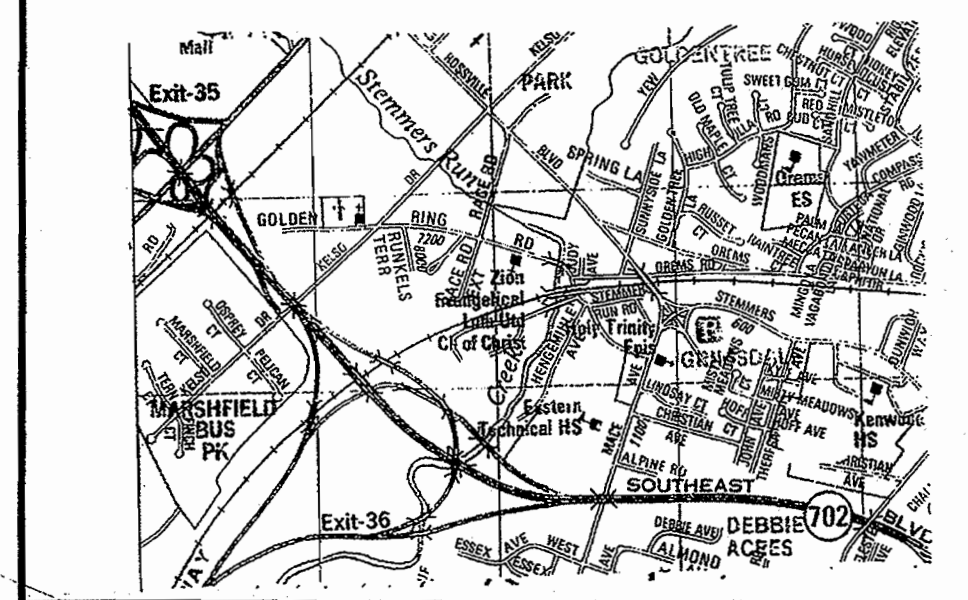
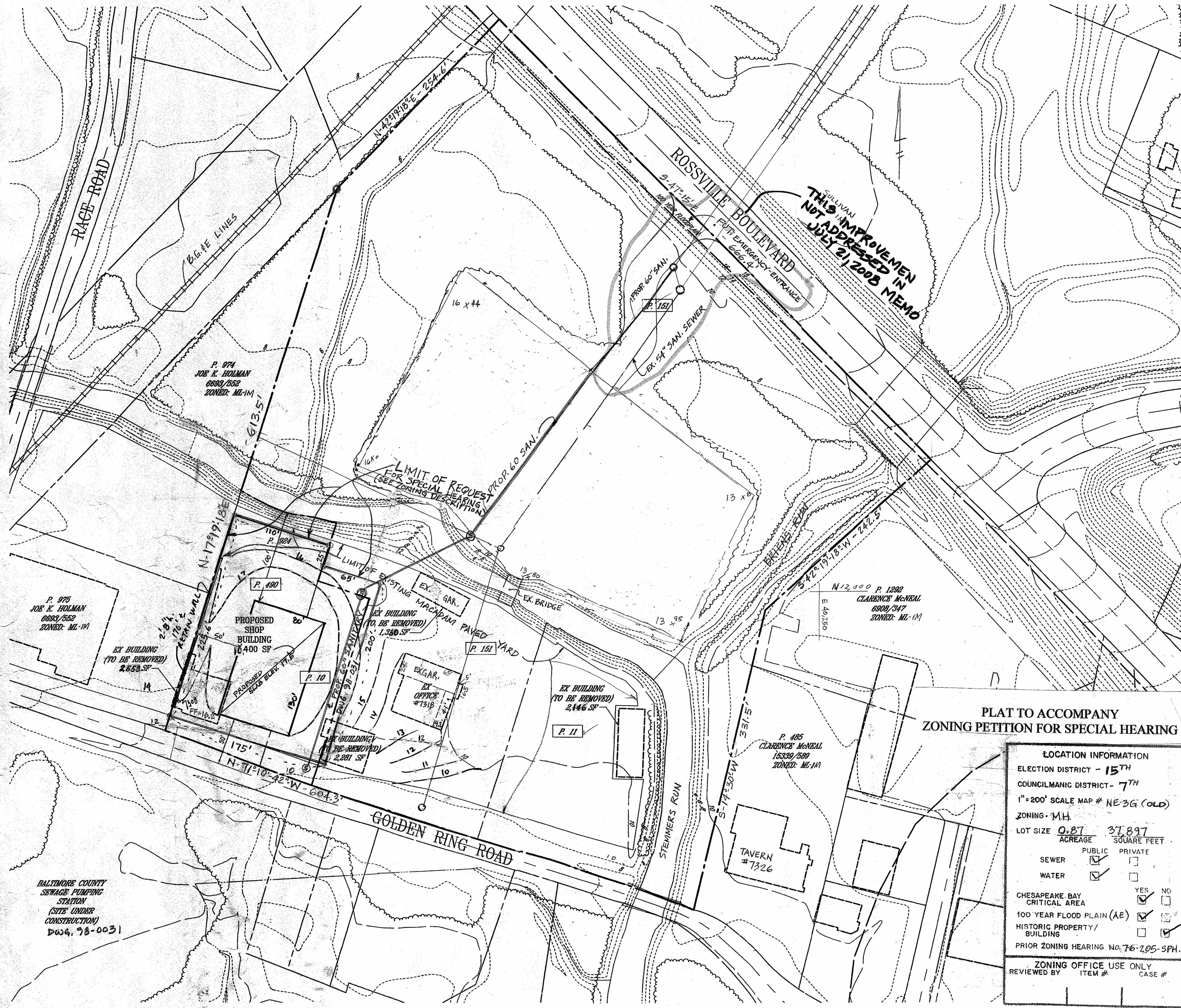
50 yds

50 yds
50 yds



PETITIONER'S

EXHIBIT NO. 2



VICINITY MAP
1"=2000'

DEVELOPMENT SUMMARY

PARCEL	OWNER	DEED	AREA
151	WAYNE SULLIVAN, ETAL	14850/410	11.78 AC
480	WAYNE SULLIVAN, ETAL	7018/120	0.57 AC
10	WAYNE SULLIVAN, ETAL	14850/408	0.03 AC
11	WAYNE SULLIVAN, ETAL	13773/438	0.96 AC
TOTAL ACRES			13.34 AC

GENERAL NOTES

- 1) TOTAL AREA OF BUILDINGS TO BE RAZED=10,404 S.F.
- 2) TOTAL AREA OF REPLACEMENT GARAGE=10,400 S.F.
- 3) ENTIRE WORK AREA IS A MACADAM PAVED LOT AND EXISTING BUILDINGS
- 4) PROPOSED SHOP BUILDING TO HAVE FLOOD PASSAGE LOUVER VENTS ON BOTH THE EAST AND WEST OVERHEAD GARAGE DOORS (8 EACH)-TOT=100 S.F.
- 5) ALL MECHANICAL AND ELECTRICAL EQUIPMENT TO BE SET ABOVE ELEVATION 20.0 (3' ABOVE SLAB)
- 6) NO ADDITIONAL PAVING OR IMPERVIOUS MATERIAL TO BE INSTALLED ON SITE. ALL WORK IS LIMITED TO THE EXISTING IMPERVIOUS LOT.
- 7) ALL EXISTING PARKING TO REMAIN AS IS, THE 2 EMPLOYEES TO PARK INSIDE THE GARAGE.

ZONING HISTORY:

REASON FOR SPECIAL HEARING	BEFORE THE ZONING COMMISSIONER
1. Petition for Special Hearing	
2. Change of Zoning District	
3. Change of Use	
4. Change of Subdivision	
5. Change of Lot Lines	
6. Change of Easements	
7. Change of Other	

This matter comes before the Zoning Commissioner as a result of a Petition filed by Charles W. and Hildred R. Brewer, for a Special Hearing to approve the nonconforming use of the subject property as a junk yard, including the dismantling and storage for sale of used motor vehicle parts. Said property is located on the northeast side of Golden Ring Road, 240 feet east of Race Road to the Fifteenth Election District of Baltimore County.

Testimony indicated that an auto parts, junk yard business has been in operation at the subject location since the early 1940's and that the Petitioner has operated his auto parts, junk yard business at this location since 1953. Mr. Paul Fischer, a long-time resident of the area, indicated that he recalls the dismantling of automobiles and the storage of junk vehicles since the early 1940's. In fact, some of the Protestants, present at the hearing, indicated that the sale of parts, junk vehicles, etc., has existed on the subject property for many years.

Several residents, in protest to the subject Petition, indicated that they felt that the junk and/or disabled vehicles should not be stored in front of the lot along Golden Ring Road, as it was not aesthetically appealing. Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, nonconforming use does exist.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of June, 1976, that the Special Hearing to approve the nonconforming use of the subject property as a junk yard, including the dismantling and storage for sale of used motor vehicle parts should be and the same is hereby GRANTED, from and after the date of this Order.

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY
ZONING PETITION FOR SPECIAL HEARING

LOCATION INFORMATION	
ELECTION DISTRICT - 15 TH	
COUNCILMANIC DISTRICT - 7 TH	
1"=200' SCALE MAP # NE-3G (OLD)	
ZONING - MH	
LOT SIZE	0.87 37,897
ACREAGE	SQUARE FEET
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA	☒ YES ☐ NO
100' YEAR FLOOD PLAIN (AE)	☒ YES ☐ NO
HISTORIC PROPERTY/BUILDING	☐ YES ☒ NO
PRIOR ZONING HEARING NO. 76-205-SPH.	
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM # CASE #

OWNER/DEVELOPER	WAYNE SULLIVAN 8927 PHILADELPHIA ROAD BALTIMORE, MD 21237
SITE PLAN	REPLACEMENT GARAGE SHOP 7308-7316 GOLDEN RING ROAD SULLIVAN GARAGE LOCATED ON GOLDEN RING ROAD
ARCHITECTURAL	762-A JULY 1976 STATE OF MARYLAND
DATE	5/5/8
DRAWING NO.	C-1
SCALE	1"=50'