

IN RE: PETITION FOR VARIANCE

W side of Washington Blvd., 325 feet S
of Sulphur Spring Road
13th Election District
1st Councilmanic District
(3928 Washington Blvd.)

3928 Washington Boulevard, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2009-0200-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 Gary Cearfoss on behalf of the legal owner of the subject property, 3928 Washington Boulevard, LLC. Variance relief is requested as follows:

- From Section 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building setback of 35 feet in lieu of the required 50 feet from the property line; and
- From Section 238.2 of the B.C.Z.R. to permit side and rear yard setbacks of a minimum of 5 feet in lieu of the required 30 feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were Petitioner Gary Cearfoss with 3928 Washington Boulevard, LLC, John B. Gontrum, Esquire attorney for Petitioner, and Rick Richardson, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the public hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property containing approximately 0.543 acres of land zoned B.R. The property is located on the north side of Washington Boulevard near the intersection of Sulphur Spring Road in the Halethorpe area of Baltimore County. Petitioner submitted a series of photographs, which were

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marked and accepted into evidence as Petitioner's Exhibits 2A-H. The photographs, along with the site plan, reveal that the property is improved with an existing 1,189 square foot one-story structure that is connected to the north side of a larger 2,137 square foot two-story office building. The existing structures are located west of a parking area that occupies the majority of the center of the property. The office building, which is an attractive structure as depicted in several of the submitted photographs, is accessed from the south via a paved driveway that connects to Washington Boulevard.

Further evidence revealed that this commercial property contains the primary office for Steel Building Specialists, a company that constructs and maintains steel structures for commercial clients. Petitioner is now proposing to construct a one-story 1,584 square foot warehouse building in the northeast corner of the subject property. Petitioner submitted a rendering of the proposed structure, which was marked and accepted into evidence as Petitioner's Exhibit 3. Similar to a model home in a new development, the proposed steel structure will essentially demonstrate the type of work that Steel Building Specialists performs for its clients, while also providing an additional area for storage of materials for the business. Petitioner's Exhibits 2E and 2F depict the area where the proposed structure would be located. The large gum tree on the right side of the photographs would not be removed and would continue to provide coverage and separation between the proposed building and the existing structures on the neighboring property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 10, 2009, which indicate that the existing building has an attractive appearance. The proposed building will be visible from Washington Blvd. The proposed building should be required to be architecturally

~~CONFIDENTIAL~~
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~~_____~~
~~_____~~

compatible with the existing building. Submit architectural elevations with building materials specified to the Planning Office for review and approval. Comment was also received from the State Highway Administration dated February 20, 2009, which indicated that additional improvements or expansion of the use would require reconstructing the entrance to meet current State Highway Guidelines for Access to Commercial Property. Therefore, SHA requests that the County require the applicant to obtain an SHA Access Permit as a condition of granting the relief.

Considering all of the testimony and evidence presented, I am convinced that the variance requests should be granted. It should be noted that the variance relief requested under Section 238.1 of the B.C.Z.R. seeks only to legitimize the 35-foot setback that currently exists between the office building and Washington Boulevard. The relief sought under Section 238.2 of the B.C.Z.R. seeks approval for a 5 foot setback that will be created by the construction of the proposed one-story warehouse building in the northeast section of the property.

Initially, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The property is irregularly shaped and uniquely constrained by topography and the existence of a large storm drain pipe running diagonally through the center of the property. Testimony at the public hearing also revealed that Petitioner has a friendly working relationship with the owner of the irregular-shaped parcel that lies to the east and north of the subject property. In fact, Petitioner consented to the neighboring owner constructing a now existing warehouse building that is set back only 4.7 feet from the northeast corner of the subject property. Due to the close working relationship that these neighbors maintain, I find the 5 foot setback that would be created by the proposed structure can be granted without causing any inconvenience or harm to the surrounding locale. The property lies in a commercial district where the properties are used to support local businesses. I am

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convinced that granting this variance will benefit Steel Building Specialists without having any negative impact on neighboring properties.

I also find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. Testimony revealed that the subject property is essentially built into a hill that places severe limitations on the potential location of the proposed building. The potential location is further limited by the existence of a large storm drain pipe marked with a diagonal broken line on the site plan. Thus, I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship since Petitioner would be unable to obtain any additional storage space to assist the business. Finally, I find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 16th day of April, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance requests as follows:

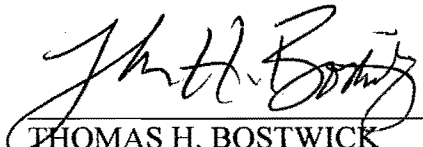
- From 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building setback of 35 feet in lieu of the required 50 feet from the property line; and
- From 238.2 of the B.C.Z.R. to permit side and rear yard setbacks of a minimum of 5 feet in lieu of the required 30 feet

be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

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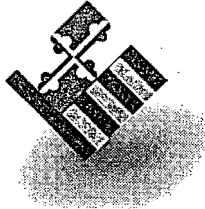
1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit architectural elevations with building materials specified to the Office of Planning for review and approval prior to issuance of any building permit.
3. Petitioner must comply with the SHA comment by obtaining an SHA Access Permit in order to expand the existing use of the property.

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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4.16.09
M



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 16, 2009

JOHN GONTRUM, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

Re: Petition for Variance
Case No. 2009-0200-A
Property: 3928 Washington Blvd.

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Gary Cearfoss, 3928 Washington Boulevard LLC, 1028 Plum Creek Drive, Crownsville MD
21032
Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500, Timonium MD
21030



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 3928 Washington Boulevard
which is presently zoned BR

Deed Reference: 16512 / 592 Tax Account # 2400007578

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)

238.1 to permit a building setback of 35' in lieu of required 50' from the property line; from \$238.2 to permit side and rear yard setbacks of a minimum of 5' in lieu of the required 30'.

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

The front yard setback variance is for a large standing existing building. The side and rear yard setbacks are for a proposed building on a irregularly shaped lot; and for such other reasons as will be presented at the time of the 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

1 W. Pennsylvania Avenue 410-832-2055

Address

Telephone No.

Towson, Maryland 21204-5025

City

State

Zip Code

Legal Owner(s):

3928 Washington Boulevard, LLC

Name - Type or Print

Signature

By: Gary Cearfoss

Name - Type or Print

Signature

1028 Plum Creek Drive

Address

410-247-9300
Telephone No.

Crownsville, Maryland 21032-1322

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Case No. 2009-0200-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

D.T.

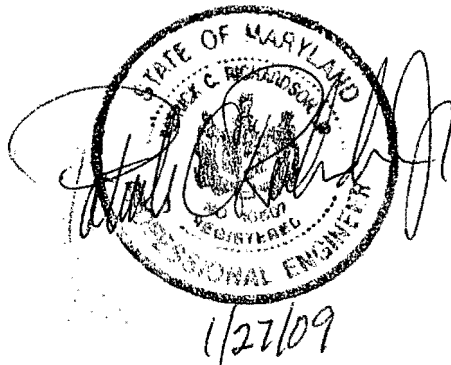
Date

2/4/09

**ZONING DESCRIPTION
3928 WASHINGTON BOULEVARD
13TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the West side of Washington Boulevard approximately 325 feet south of Sulphur Spring Road, thence running and binding on the west side of Washington Boulevard right-of-way (1) South 45 degrees 25 minutes 00 seconds West 116.70 feet, leaving said right-of-way and the following courses and distances, (2) North 44 degrees 25 minutes 00 seconds West 150.00 feet, (3) North 45 degrees 25 minutes 00 seconds East 118.80 feet, (4) South 79 degrees 08 minutes 00 seconds East 17.01 feet, (5) South 23 degrees 41 minutes 00 seconds East 101.52 feet, (6) South 38 degrees 24 minutes 34 seconds East 41.39 feet, to the point of beginning;

Containing a net area of 20,205 square feet, or 0.464 acres of land, more or less.



2009-0200-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No: **35053**

Date: **2/4/09**

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				335. ⁰⁰

Total: **335.⁰⁰**

Rec

From: **WHITEFORD TAYLOR + PRESTON LLP**

For: **2009-0200-A**

3928 WASHINGTON BLVD.

D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS DATE TIME DAY

2/04/2009 2:04/2009 09:24:54

TRF NO. MAILING DATE DRG

RECEIPT # 487276 2/04/2009 DFL

5-528 ZIVON VERIFICATION

013055

Receipt Tot \$335.00

\$335.00 Ch \$0.00 Ch

Baltimore County, Maryland

**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: #2009-0200-A

3928 Washington Boulevard
W/side of Washington Boulevard, 325 feet south of Sulphur Spring Road

13th Election District — 1st Councilmanic District

Legal Owner(s): 3928 Washington Boulevard, LLC

Variance: to permit a building setback of 35 feet in lieu of the required 50 feet from the property line; to permit side and rear yard setback of a minimum of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, April 1, 2009 at 10:00 a.m. in Room 104, 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 3/7/05 Mar. 17

196750

CERTIFICATE OF PUBLICATION

3/19, 2009

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 3/17, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 20090200-A

Petitioner/Developer: _____

3928 Washington Boulevard, LLC.

Date of Hearing/closing April 1, 2009

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

Attn : Kristin 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 .

3928 Washington Blvd. W/side of Washington Boulevard, 325 feet south of Sulphur
Spring Road

The sign(s) were posted on _____ March 17, 2009
(Month, Day, Year)

Sincerely,

Robert Black 3-17-09
(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)

ZONING NOTICE

CASE # 2009-0200-A

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

Room 104 JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

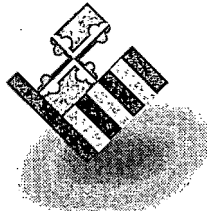
DATE AND TIME WEDNESDAY, APRIL 1, 2009 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A BUILDING SETBACK OF
35 FEET IN LIEU OF THE REQUIRED 50 FEET FROM THE
PROPERTY LINE; TO PERMIT A SIDE AND REAR YARD SETBACK
OF A MINIMUM OF 5 FEET IN LIEU OF THE REQUIRED 30 FEET

TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 4, 2009
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: 2009-0200-A

3928 Washington Boulevard

W/side of Washington Boulevard, 325 feet south of Sulphur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: 3928 Washington Boulevard, LLC

Variance to permit a building setback of 35 feet in lieu of the required 50 feet from the property line; to permit side and rear yard setback of a minimum of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, April 1, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John Gontrum, Whiteford, Taylor & Preston, 1 W. Pennsylvania Ave., Towson 21204
Gary Cearfoss, 1028 Plum Creek Drive, Crownsville 21032-1322

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 17, 2009.**
- (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 17, 2009 Issue - Jeffersonian

Please forward billing to:

Gary Cearfoss
3928 Washington Blvd, LLC
1028 Plum Creek Drive
Crownsville, MD 21032-1322

410-247-9300

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: 2009-0200-A

3928 Washington Boulevard
W/side of Washington Boulevard, 325 feet south of Sulphur Spring Road
13th Election District – 1st Councilmanic District
Legal Owners: 3928 Washington Boulevard, LLC

Variance to permit a building setback of 35 feet in lieu of the required 50 feet from the property line; to permit side and rear yard setback of a minimum of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, April 1, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN
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.

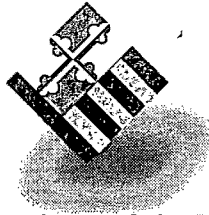
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0200-A
Petitioner: 3928 WASHINGTON BOULEVARD, LLC
Address or Location: 3928 WASHINGTON BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY CEARFOSS
Address: 3928 WASHINGTON BOULEVARD, LLC
1028 PLUM CREEK DRIVE
CROWNSVILLE, MD 21032-1322
Telephone Number: 410-247-9300



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 26, 2009

John B. Gontrum
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Ave.
Towson, MD 21204

Dear: John B. Gontrum

RE: Case Number 2009-0200-A, 3928 Washington Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 4, 2009. 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 black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
3928 Washington Blvd., LLC; 1028 Plum Creek Dr.; Crownsville, MD 21032-1322

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 10, 2009

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

SUBJECT: 3928 Washington Boulevard

INFORMATION:

Item Number: 9-200

Petitioner: 3928 Washington Boulevard, LLC

Zoning: BR

Requested Action: Variance

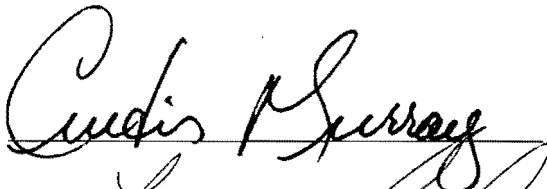
SUMMARY OF RECOMMENDATIONS:

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

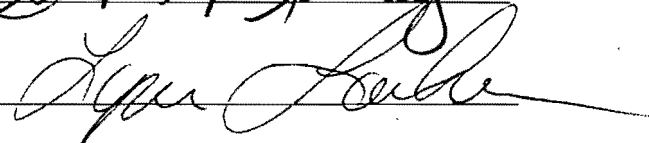
The existing building has an attractive appearance. The proposed building will be visible from Washington Boulevard. The proposed building should be required to be architecturally compatible with the existing building. Submit architectural elevations with building materials specified to the Office of Planning for review and approval.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 18, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2009
Item Nos. 2009-0200, 0203, 0205,
0206, 0207, 0208, and 0209

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

DAK:CEN:lrk
cc: File
ZAC-02232009-NO COMMENTS



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

February 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 16, 2009

Item Numbers ~~0200~~, 0203, 0204, 0205, 0206, 0207, 0208, 0210

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

February 20, 2009

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

RE: Baltimore County
Item No. 2009-0200-A
US 1 (Washington Boulevard)
325' south of Sulphur Spring Road
3928 Washington Boulevard, LLC
Variance

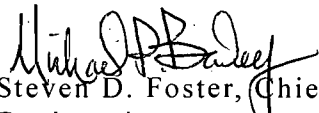
Dear Ms. Matthews:

This is in reference to the ZAC Agenda Case Number 2009-0200-A for the property located at 3928 Washington Boulevard, which was received on February 19th. We understand that the applicant desires to further improve the property by adding a 1-story 1,584 s/f building. Also, we note that the applicant is requesting consideration for variance approval in lieu of County requirements for building setbacks from the property line.

Additional improvements or expansion of the use would require reconstructing the entrance to meet current State Highway Guidelines for Access to Commercial Property. Therefore, this office requests that the County require the applicant to obtain an SHA - Access Permit as a condition of Variance Case No. 2009-02000-A approval for expansion to the existing use. 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 ¹ 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
Ms. Carole DeMilio, Office of Counsel, Baltimore County

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 VARIANCE * BEFORE THE
3928 Washington Boulevard; W/S Washington *
Blvd., 325' S of Sulphur Spring Road * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): 3928 Washington Blvd, LLC* FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 09-200-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

FEB 26 2009

.....

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 26th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, One W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE 4/1/09

[illegible]

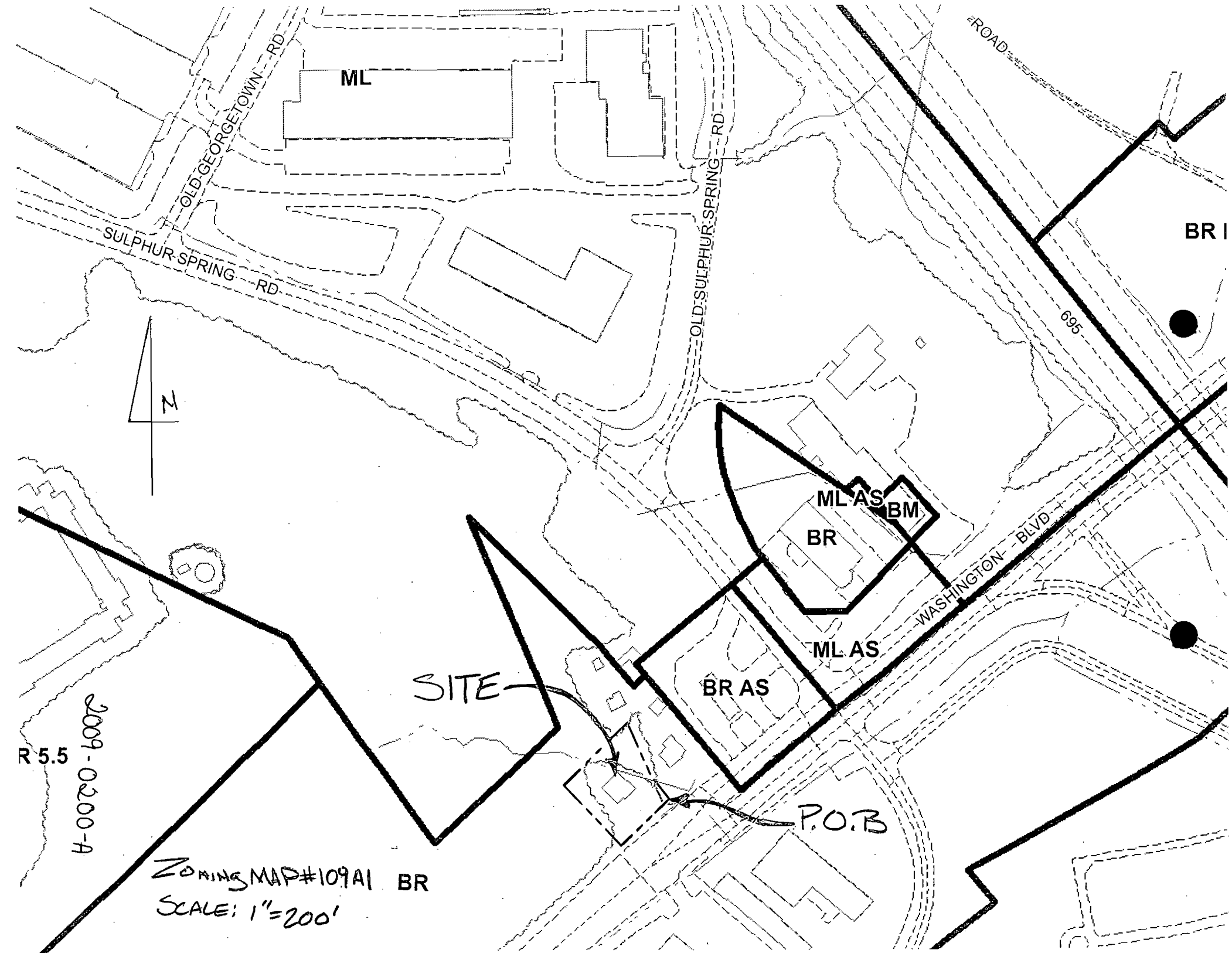
Case No.: 2009-0700-A

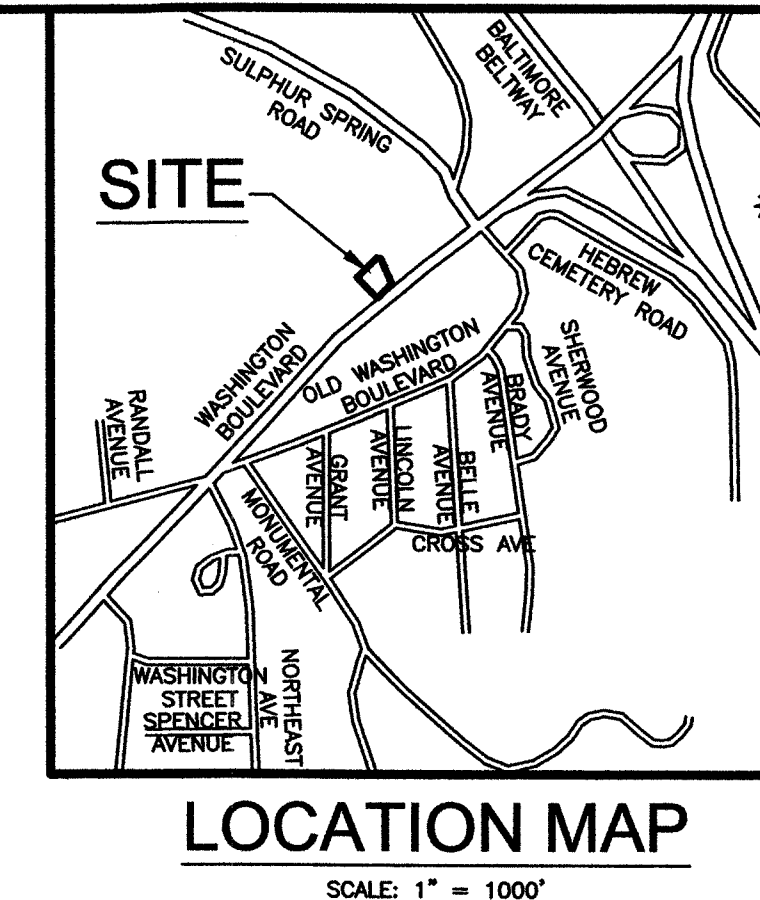
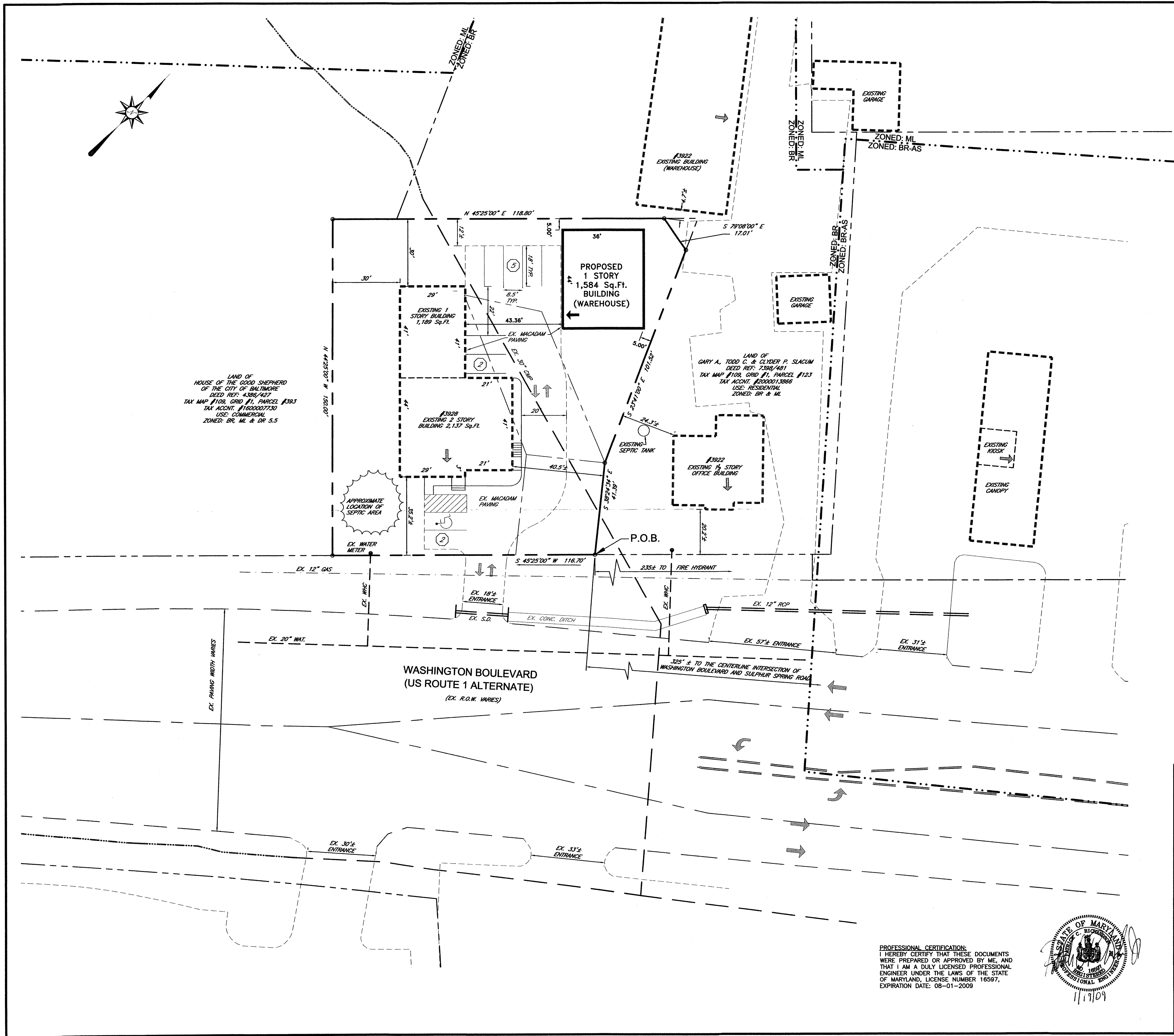
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2 A-H	PHOTOS	
No. 3	Rendering of proposed structure	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





GENERAL NOTES:

- OWNER: 3928 WASHINGTON BOULEVARD, LLC
1028 PLUM CREEK DRIVE
CROWNSVILLE, MARYLAND 21032-1322
- SITE AREA:
GROSS: 23,659 Sq.Ft. or 0.543 Ac.±
NET: 20,205 Sq.Ft. or 0.464 Ac.±
- BUILDING AREA:
EXISTING: 5,463 Sq.Ft. (1 STY.=1,189, 2 STY.=2,137 PER FLOOR)
PROPOSED (1 STORY): 1,584 Sq.Ft.
TOTAL: 7,047 Sq.Ft.
- UTILITIES
PUBLIC WATER.
PRIVATE SEPTIC.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100510F, PANEL # 510 OF 580 DATED SEPTEMBER 26, 2008.
- PARKING CALCULATIONS
REQUIRED:
OFFICE: 2,081 Sq.Ft. @ 3.3 PER 1,000 = 7 SPACES
WAREHOUSE: 1 PER EMPLOYEE AT LARGEST SHIFT = 1 SPACE.
TOTAL: 8 SPACES
PROVIDED:
9 SPACES (1 HANDICAPPED, 8 REGULAR)
- SETBACKS FOR BR:

	REQUIRED	PROVIDED
FRONT	50'	35*
SIDE	30'	5*
REAR	30'	5*

* = VARIANCE REQUIRED
- HEIGHT OF STRUCTURE:
MAX. PERMITTED: 40'
PROVIDED: EXISTING: 26' PROPOSED: 25'
- DEED REF: 16512/592 & 20635/308
- TAX ACCOUNT: #2400007578 & 1316350090
- COUNCILMANIC DISTRICT: 1st
- REGIONAL PLANNING DISTRICT: 325A
- CENSUS TRACT: 4304
- WATERSHED: PATAPSCO
- ZONING: BR
(PER 1"=200' ZONING MAP 109A1)
- TAX MAP #109, PARCEL #24
- NO PREVIOUS ZONING CASES ON FILE.
- PREVIOUS PERMITS FOR BUILDING ADDITION ISSUED IN 2002.
- FLOOR AREA:
MAXIMUM PERMITTED: 2.0
EXISTING: 5,463 ÷ 23,659 = 0.23
PROPOSED: 7,047 ÷ 23,659 = 0.30
- NO SIGNS ARE PROPOSED.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- PREVIOUS DRC 061002A(A-7) FOR BUILDING ADDITION.

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY
ZONING VARIANCE PETITION
FOR

3928 WASHINGTON
BOULEVARD, LLC
3928 WASHINGTON BOULEVARD

13TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	01-12-09	08103	1 OF 1

PETITIONER'S

EXHIBIT NO.

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



A - East on Washington Blvd



PETITIONER'S

EXHIBIT NO. 2A-H

B- west on Washington Blvd



C- FRONT OF OFFICE BUILDING ON SITE



D - west across rife rocky area - Zany sign on left



8 - East side of property toward location of proposed building



F. REAR OF SITE Looking AT AREA OF PROPOSED BUILDING

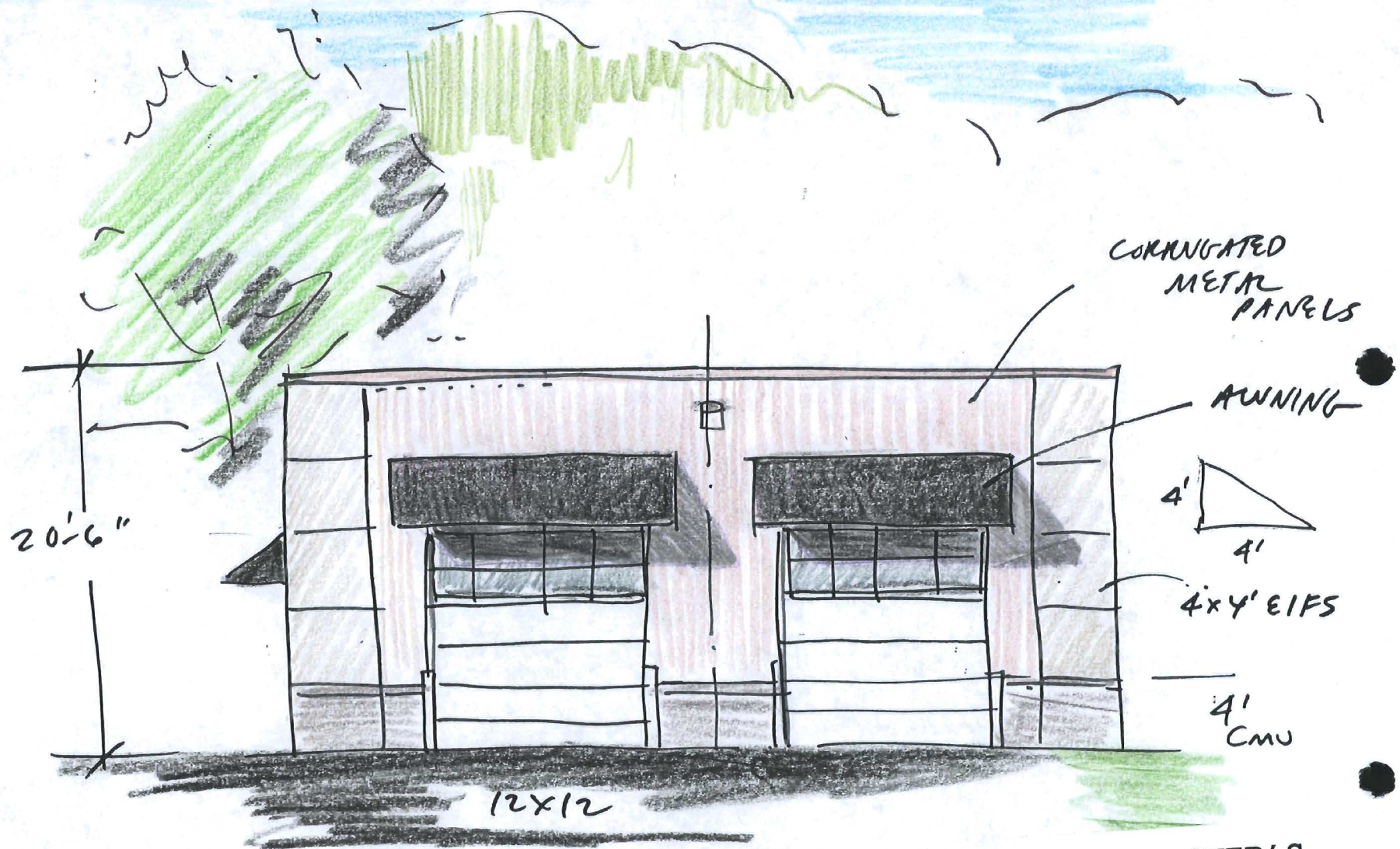


G Looking East from area of proposed building toward neighbor's site



H. from rear Boston corner of proposed building and street





PETITIONER'S
EXHIBIT NO. 3

3928 WASHINGTON BLVD
BALTIMORE COUNTY, MD

TB 4/1
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 10, 2009

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

RECEIVED

SUBJECT: 3928 Washington Boulevard

MAR 11 2009

INFORMATION:

Item Number: 9-200

ZONING COMMISSIONER

Petitioner: 3928 Washington Boulevard, LLC

Zoning: BR

Requested Action: Variance

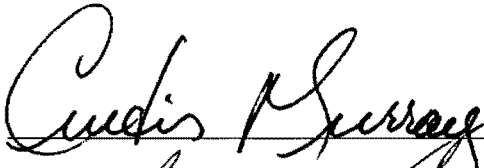
SUMMARY OF RECOMMENDATIONS:

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

The existing building has an attractive appearance. The proposed building will be visible from Washington Boulevard. The proposed building should be required to be architecturally compatible with the existing building. Submit architectural elevations with building materials specified to the Office of Planning for review and approval.

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

Prepared by:



Division Chief:
AFK/LL: CM

