



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 810 Essex Avenue

which is presently zoned M.L./D.R. 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

A modification to the non-conforming use granted in Case No. 76-245 V, C-76-483 to permit a storage building for contractor's equipment storage.

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:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP

Company

1 W. Pennsylvania Ave., St. 300

410-832-2055

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Richard M. Golabieski, Jr.

Name - Type or Print

Signature

Susan M. Golabieski

Name - Type or Print

Signature

812 Essex Avenue

443-352-5790

Address

Telephone No.

Baltimore, Maryland 21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2009-0232-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

Date

3/5/09



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 810 Essex Avenue
which is presently zoned M.L./D.R. 5.5

Deed Reference: 12918 / 455 Tax Account # 2200014005

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)

253.4 to permit a contractor's equipment storage building within 0' of a residential zone boundry,

IN LIEU OF THE REQUIRED 100'.

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

The zone boundary is within the Petitioner's property use and the use is pre-existing use regulations. Petitioner proposes to place existing outside equipment storage within building permitting a more attractive looking site and for such other reasons as may be presented at 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 Ave., Suite 300 410-832-2055

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Richard M. Golabieski, Jr.

Name - Type or Print

Signature

Susan M. Golabieski

Name - Type or Print

Signature

812 Essex Avenue 443-352-5790

Address

Telephone No.

Baltimore, Maryland 21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by W Date 3/5/09

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

No. **35203**

Date: **3/5/09**

PAID RECEIPT

DEBITESS ACTUAL FTR DRN
 3/05/2009 3/05/2009 104.213 2
 MAIL JVA JEP
 RECEIPT # 02575 3/05/2009 978
 5 520 ZONING VERIFICATION
 0. 035203
 Rec'd 1st \$450.00
 \$450.00 EX \$4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Use
001	806	0000		6150						650.00	02

Total: **650.00**

Rec From: **Whitford Taylor & Partners LLP**
 For: **810 Essex Ave**
21221 **2069-0232 CPHA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: 2009-0232-SP4A

Petitioner: RICHARD & SUSAN FIOLABIESKI

Address or Location: 810 ESSEX AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN FONTRUM

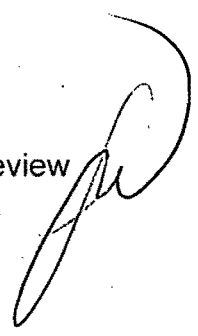
Address: 1 W. PENNSYLVANIA AVE, SUITE 300
TOWSON, MD 21204

Telephone Number: 410.832.2000

Revised 7/11/05 - SCJ

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: March 11, 2009
TO: Zoning Commissioner and File
FROM: Leonard Wasilewski, Planner II, Zoning Review
SUBJECT: Petition for Variance and Special Hearing
Case No. 2009-0232-SPHA
810 Essex Avenue



A recent petition for variance and special hearing was taken in by me on March 5, 2009 during the electric black out. After the filing appointment, I observed that the engineer and the attorney for the petitioner, John B. Gontrum failed to provide all of the zoning history on the plan. Case number 1994-0296 was excluded. After notifying Mr. Gontrum about this situation, he said to continue the process and he will either amend the site plan prior to the hearing or he will withdraw this petition.

Please call me if you have any questions.

LW

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****MAY 04 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: May 4, 2009
SUBJECT: Zoning Item # 09-232-SPHA
Address 810 Essex Avenue 1
Golabieski Property)

Zoning Advisory Committee Meeting of March 23, 2009

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

Reviewer: JWL

Date: 5/4/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2009
Item Nos. 2009-0232, 0233, 0234, 0237,
0240, 0241, 0242, 0243, 0245, and 0246

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

DAK:CEN:lrk
cc: File
ZAC-03302009 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 31, 2009

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

RECEIVED

SUBJECT: 810 Essex Avenue

APR 07 2009

INFORMATION:

Item Number: 9-232

ZONING COMMISSIONER

Petitioner: Richard and Susan Golabieski

Zoning: DR 5.5 and ML

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The business is spreading beyond the limits of the approved hearing limitations and zoning. There are trucks and other construction equipment on all of the contiguous properties shown on the plan.

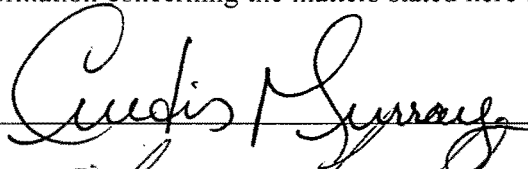
Also, the screening around the property, particularly behind the adjacent residential properties is in poor condition.

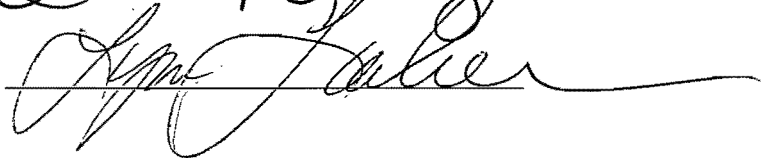
All equipment must be moved to the ML zoned portion of the property, and the screening repaired and planted along the front and sides of the property.

The site should be cleared of debris to make room for equipment.

The proposed pre-engineered buildings must be enclosed with a skin that is compatible with the colors and materials of the surrounding residential structures. Provide elevations and materials samples to the Office of Planning and Zoning Commissioner prior to the subject hearing.

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

Prepared by: 

Division Chief: 
AFK/LL: CM



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 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0232, 0233 and 0239

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
410-887-4881 (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

Date: March 23, 2009

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

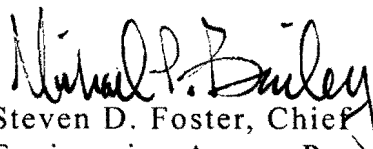
RE: Baltimore County
Item No 1009-0132-SHA
810 ESSEX AVE
GOLABIESKI PROPERTY
SPECIAL HEARING

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. 2009-232-SHA

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
810 Essex Avenue; N/S Essex Avenue, 50' W * ZONING COMMISSIONER
c/line of Vale Crest Court *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Richard & Susan Golabieski *
Petitioner(s) * BALTIMORE COUNTY
* 09-232-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
APR 06 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 6th day of April, 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

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID

(SEARCH ON THIS FIELD):

Case Type Prefix: Case Year: Case Number: Case Type Suffix:

Existing Use:

19940296

1994

0296

SPHA

Legal Owners/Petitioner

(SEARCH ON THIS FIELD):

Richard M. Golobieski, Jr.

House/St.
Number:

House/Street
Number Range:

House/St.
No. Suffix:

Prefix
Dir.:

Pre. Type:

Street Name (SEARCH ON THIS FIELD):

Suf. Type:

Suffix
Dir.:

Suite/Apt./Unit
Number:

810

N

Essex

Ave

Property Description (SEARCH ON THIS FIELD):

N/S of Essex Ave. 285' E of the c/l Cherlyn Road

Existing Zoning Classification:

Area:

Election District: 15th

Councilmanic District:

Critical Area:

Floodplain:

Historic Area:

Prior Zoning Cases:

Violation Cases:

Concurrent Cases:

Related Case # 1:

Related Case # 2:

Tax Account ID:

Déed Liber #:

Deed Folio #:

Miscellaneous Notes

1.)

1.)

2.)

2.)

3.)

3.)

Contract Purchaser:

Attorney:

Petition Reviewer:

Petition Reviewer 2:

Petition Filing Date:

Day of Week:

Hearing Date:

Hearing Time:

Hearing Location:

Closing Date:

Commissioner Hearing Continued From

Commissioner Hearing Rescheduled From

Formal Request For Hearing

Case Number:

1994 0296

SPHA

Petition Type # 1:

SPECIAL HEARING

Petition Request # 1

to retain 4 storage containers on the subject property

Petition Type # 2:

VARIANCE

Petition Request # 2:

to permit a front yard setback of 59 feet in lieu of the required 75 feet; to permit a stone paving in lieu of the required durable and dustless surface; to permit an unstriped parking area in lieu of the required striped parking spaces

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot
Scale Map
Reference:

Existing Use:

--

Proposed Use:

--

Existing Zoning Classification

--

Requested Zoning Classification:

--

1000 Foot
Scale Map
Reference:

--

Existing District:

--

Requested District:

--

Variance Type:

--

Special Hearing Type:

--

North/South Coordinate:

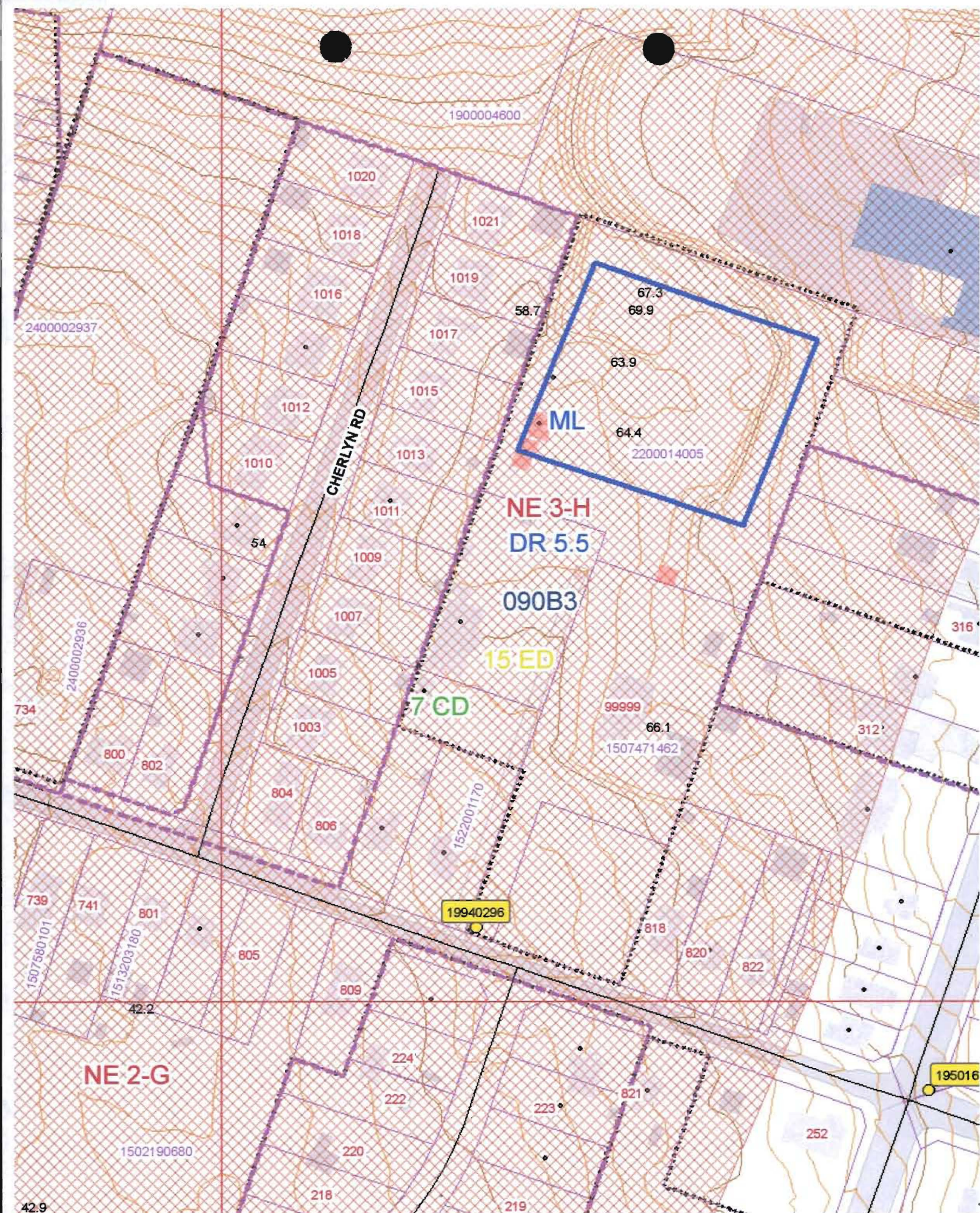
--

East/West Coordinate:

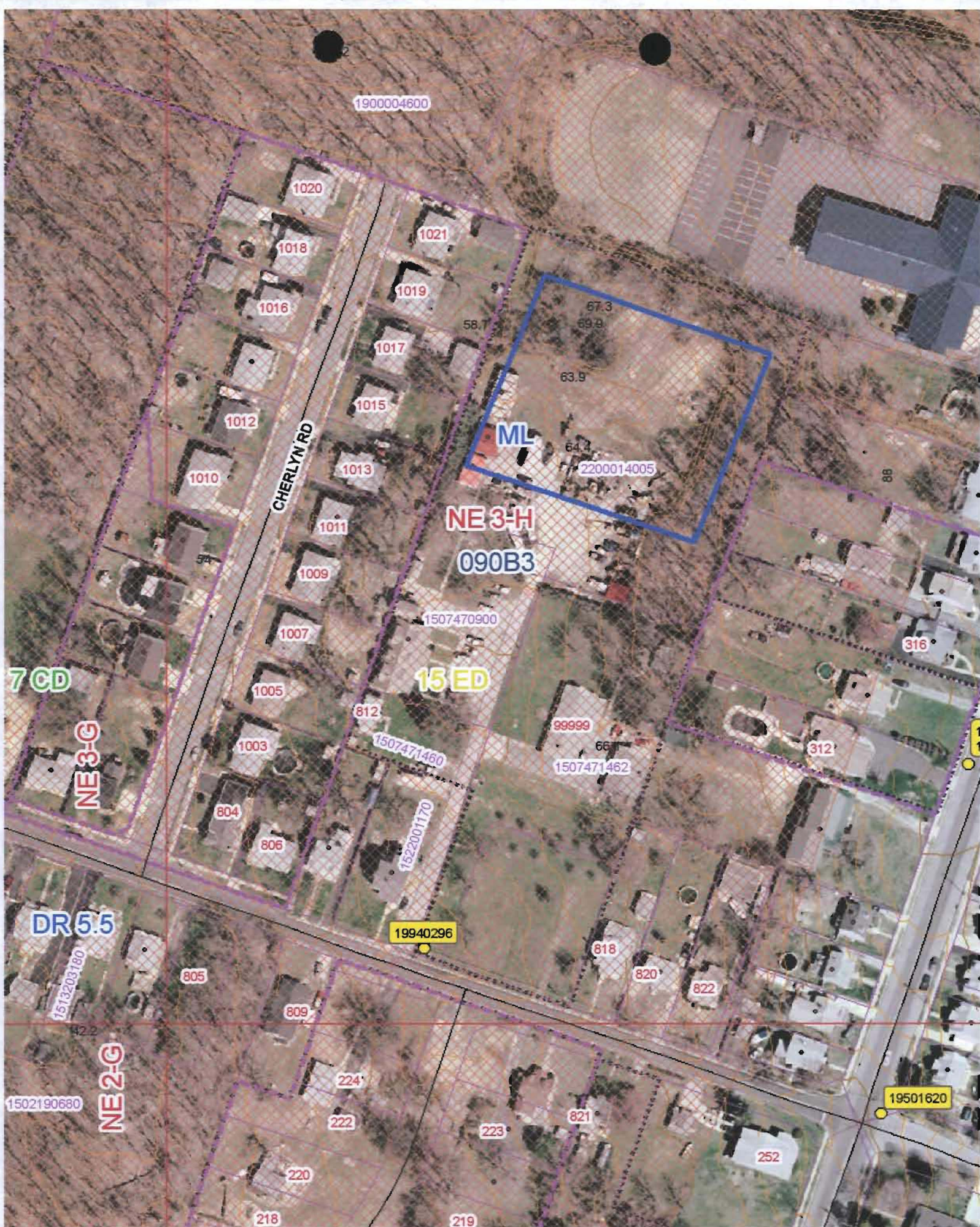
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Census Tract:

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2009-0232-SPHA



2009-0232-SPHA

IN THE MATTER OF THE
THE APPLICATION OF
RICHARD M. GOLABIESKI
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE NORTH
SIDE OF ESSEX AVENUE, 285'
EAST OF C/L OF CHERLYN ROAD
(810-H ESSEX AVENUE)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-296-SPHA

* * * * *
O P I N I O N

This case comes before the Board on appeal from a decision of the Zoning Commissioner in which the special hearing and variances were granted with some restrictions. At the onset of the hearing, Mr. Golabieski, the Appellant /Petitioner, made a special note that his appeal was only to the order requiring that the four trailers in question be removed within 90 days. The Board will note that there was no one at all present for the hearing except the Appellant /Petitioner.

Mr. Golabieski stated to the Board that he now has the proper zoning on the property that would permit the four storage containers in question to remain. The Board will amend the plan to delete the words "to be removed" from the four storage containers in question so shown on the plan. Mr. Golabieski further testified that at some time in the future he proposes a 12,000 sq. ft. storage building, and that he would be agreeable to removing all the trailers once he receives an occupancy permit for the proposed storage building. He further testified as to the screening that was already in place, and that it was his intention to install the additional screening. He made a special note that there were absolutely no protestations from any of the neighbors adjoining the site.

In open deliberation, the Board agreed to allow Mr. Golabieski to keep the four storage containers in question for a limited period of time and will so order.

This property was the subject of prior Case No. 76-245-V in which the Petitioner was granted a nonconforming use of the property as a Contractor's Storage and Equipment Yard on March 28, 1978 by the Board of Appeals. The Petitioner is desirous of constructing a one-story building of 12,000 sq.ft. to provide inside storage space for his construction equipment. Mr. Golobieski testified that the proposed building would not only be an improvement to the site but would protect expensive construction equipment from the elements. Due to the size of the lot and its location immediately adjacent to a residential community, the relief requested is necessary in order to develop the site as proposed. Access to the property is by way of a narrow driveway which is approximately 20 feet wide and extends approximately 440 feet to the property. It is significant to note that the Petitioner's family owned much of the property which surrounds the site and over the years, they subdivided the property for residential uses.

As to the relief requested for a variance to front yard setback requirements, this is an internal variance in that the front property line from which it is measured is leased by the Petitioner and will therefore not affect any other property. If the variance were denied, the Petitioner could not proceed with the proposed improvements. The other variances are necessary for the internal parking layout and the surface of the lot. The Petitioner indicated that the requested variances were necessary in that the heavy machinery he stores on the site would destroy a macadam paved parking lot, thus, a crusher run or stone paved parking lot seems appropriate in terms of the intended use of the site. However, in response to the Department of Public Works' comments dated February 15, 1994, the Petitioner agreed to pave the driveway entrance to the site.

ORDER RECEIVED FOR FILING

Date

By

3/14/94

[Signature]

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. As noted herein, the subject property has been used as a contractor's equipment storage yard for many years. As to the storage containers, Petitioner's Exhibit 1 indicates that there are currently eight (8) trailers on the site, four of which are to be removed. The Petitioner indicated that he would like to retain the other four (4) trailers for storage space until such time as construction of the building has been completed. It does not appear that the granting of this relief will be detrimental to the health, safety or general welfare of the surrounding community, and thus, the Petition for Special Hearing shall be granted to permit four (4) containers to remain on the property until such time as construction of the new building is completed. However, as a condition of this relief, the Petitioner shall remove the other four (4) containers within ninety (90) days of the date of this Order. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING

Date

By

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances were not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief sought shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of March, 1994 that the Petitioner shall be permitted to retain four (4) storage containers on the subject property,

ORDER RECEIVED FOR FILING

Date

By

in accordance with Petitioner's Exhibit 1, and as such, the Petition for Special Hearing, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 255.2 to permit a front yard setback of 59 feet in lieu of the required 75 feet; from Section 409.8.A.2 to permit a stone paving in lieu of the required durable and dustless surface; and from Section 409.8.A.6 to permit an unstriped parking area in lieu of the required striped parking spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit 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.

2) The special hearing relief granted herein is limited to the four (4) storage containers marked on Petitioner's Exhibit 1, which shall be permitted to remain on the site until such time as the proposed building is completed. However, the four (4) containers shall be removed immediately upon completion of said building. The other four (4) containers which are to be removed shall be removed within ninety (90) days of the date of this Order and/or prior to the issuance of any building permits.

3) Prior to the issuance of any use permits, the Petitioner shall submit a Landscape Plan for review and approval by the Baltimore County Landscape Architect.

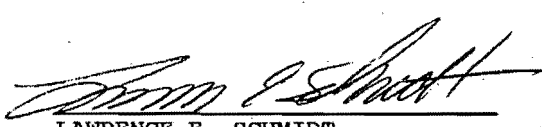
4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date

By

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

0012918 4

Tax ID No. 22-00-014005
810 N. Essex Avenue

This Deed, MADE THIS 4th day of June

in the year one thousand nine hundred and ninety-eight by and between
RICHARD M. GOLABIESKI, JR., party

Grantor
of the first part/and
RICHARD M. GOLABIESKI, JR. and SUSAN M. GOLABIESKI, husband and wife, parties

of the second part, Grantees.

for no consideration,
WITNESSETH, That/~~NO COPIES OF THIS INSTRUMENT~~

the said RICHARD M. GOLABIESKI, JR.,

do th grant and convey to the said
RICHARD M. GOLABIESKI, JR. and SUSAN M. GOLABIESKI, husband and wife, as tenants
by the entirety, their assigns, the survivor of them, his or her

personal representatives/~~successors~~ and assigns, in fee simple, all that property ~~XXXXXXXXXXXXXXX~~ situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AS No. 810 N. Essex Avenue, more particularly described on the attached sheet marked "DESCRIPTION".

2009-0232-SPHA

DESCRIPTION

BEGINNING at a point on the existing north line of ESSEX AVENUE (a 30 foot right of way), said point being at the southwest corner of that tract of land recorded in Liber 4048 at folio 224, Baltimore County Land Records; thence North 19° 04' 15" East, leaving the said ESSEX AVENUE North line and proceeding along the aforesaid tract West line a distance of 434.74 feet to a point for corner; thence North 70° 55' 45" West, leaving the said tract West line and proceeding for a line of division through that tract of land recorded in Liber 3422 at folio 403, Baltimore County Land Records, a distance of 132.20 feet to a point in the West line of the second referenced tract, a point for corner; thence North 19° 26' 37" East, along the second referenced tract West line, a distance of 300.00 feet to the Northwest corner of said tract, a point for corner; thence South 70° 39' 11" East, along the North line of both previously mentioned tracts, a total distance of 297.81 feet to the Northeast corner of the first mentioned tract, a point for corner, thence South 19° 16' 14" West, along the East line of said first referenced tract, a distance of 353.31 feet to a point for corner; thence North 70° 55' 45" West, leaving the first referenced tract East line and proceeding for a line of division, a distance of 154.32 feet to a point for corner; thence South 19° 04' 15" West, a distance of 380.00 feet to a point in the said ESSEX AVENUE North line, a point for corner; thence North 70° 55' 45" West, along the said ESSEX AVENUE North line, a distance of 12.00 feet to the PLACE OF BEGINNING and containing a gross area of 102,935 square feet or 2.3631 acres of land.

TOGETHER with and subject to the use in common with other, the right to use of a 20 foot road right of way for ingress and egress as previously established by Deed in Liber TBS No. 1769, folio 320, Baltimore County Land Records.

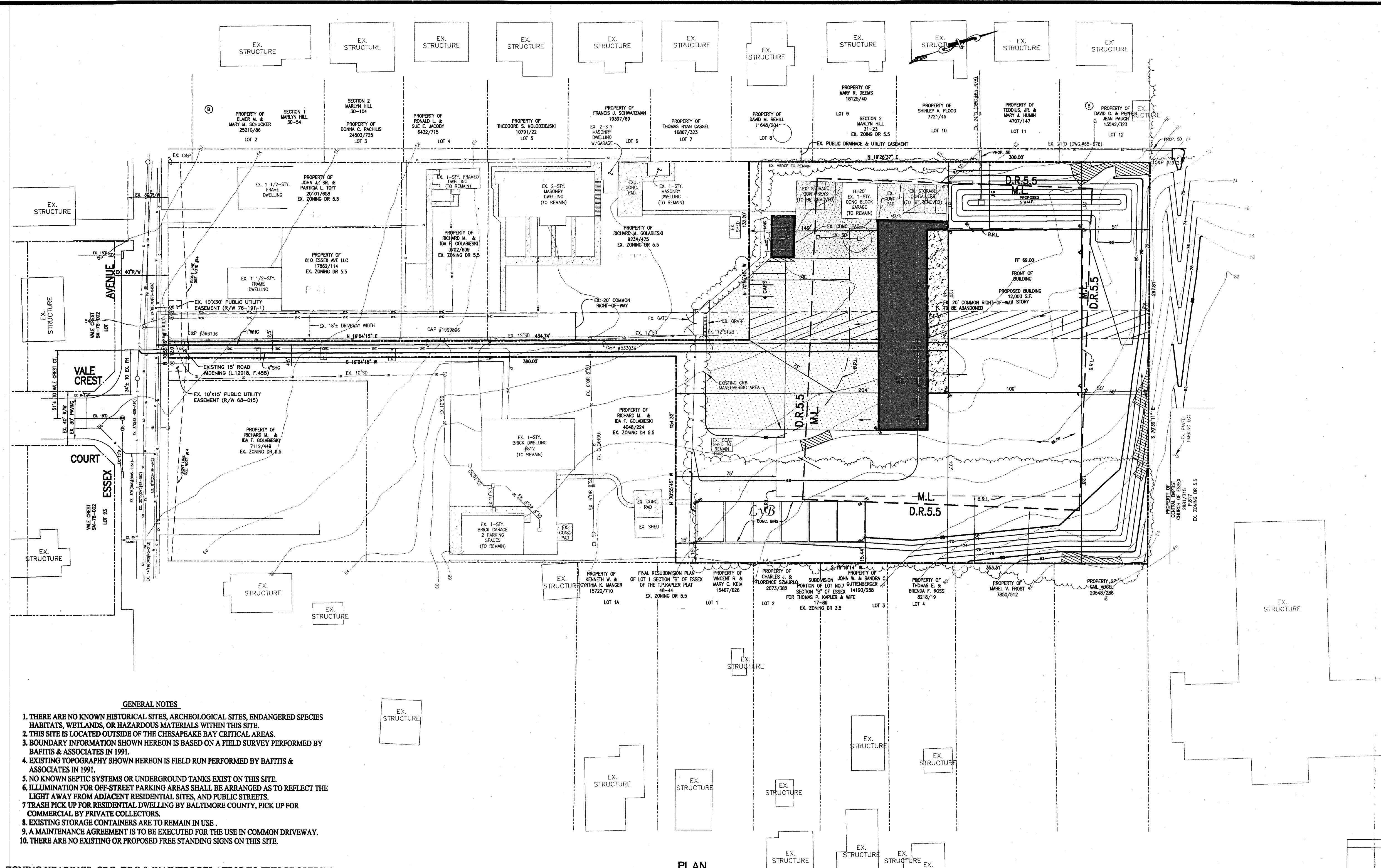
SAVE AND EXCEPT a 15.00 foot widening to be dedicated to Baltimore County for ESSEX AVENUE and containing 180 square feet, leaving a net area of 102,755 square feet or 2.3589 acres of land.

BEING PART of the property which by Deed dated September 19, 1962 and recorded among the Land Records of Baltimore County in Liber WJR No. 4048, folio 224 was granted and conveyed by Maryanna Golabieski, widow, unto Richard M. Golabieski and Ida F. Golabieski, his wife.

BEING ALL of the property which by Deed dated October 30, 1961 and recorded among the said Land Records in Liber WJR No. 3915, folio 122 was granted and conveyed by George H. Lovers and Evelyn C. Lovers, his wife, unto Ida F. Golabieski.

BEING THE SAME property which by Deed dated August 12, 1992 and recorded among the said Land Records in Liber SM No. 9420, folio 223 was granted and conveyed by Richard M. Golabieski and Ida Frances Golabieski, his wife, unto Richard M. Golabieski, Jr.

THE SAID Ida F. Golabieski is also known as Ida Frances Golabieski.



- NOTES**
- OWNER: RICHARD M. GOLABIESKI, JR. AND SUSAN M. GOLABIESKI, HIS WIFE 812 ESSEX AVENUE, BALTIMORE, MD. 21221-4721
 - ELECTION DISTRICT NO. 15 AREA OF TRACT: 102,938 SQ. FT. OR 2.363 AC. DEED REFERENCE: 12918/455 GROSS AREA OF = 2.363 AC. OR 102,938 S.F. ROAD WIDENING = 0.004 AC. OR 180 S.F. NET AREA = 2.359 AC. OR 102,758 S.F.
 - ZONING MAP NUMBER NE 48, ZONED DR 5.5 & ML
 - CENSUS TRACT: 4503 REGIONAL PLANNING DISTRICT: 328 SCHOOL DISTRICT: ESSEX 7th COUNCILMATIC DISTRICT WATERSHED: BACK RIVER SUB WATERSHED: NORTHEAST CREEK
 - TRACT USE: EXISTING - CONTRACTOR'S STORAGE AND EQUIPMENT MAINTENANCE PROPOSED - CONTRACTOR'S STORAGE AND EQUIPMENT MAINTENANCE PARKING FOR 4 EMPLOYEES, SPACES REQUIRED 4, SPACES PROVIDED 7.
 - THERE ARE TWO EXISTING ACCESSORY STRUCTURES ON THIS SITE ALONG WITH EIGHT STORAGE CONTAINERS.
 - THERE ARE NO KNOWN EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND TANKS ON THIS SITE.
 - LOCAL OPEN SPACE IS NOT REQUIRED, NO DESIGNATED GREENWAYS ARE AFFECTED.
 - THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1954. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
 - TAX MAP 90, BLOCK 21, PARCEL 1365 TAX ACCOUNT #15220014065
 - THERE ARE NO ZONING LINES WITHIN 200 FEET OF THE PROPERTY, EXCEPT AS SHOWN.
 - ALL SITE RUNOFF WILL BE CONVEYED TO A SUITABLE OUT FALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATER BODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
 - ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
 - DOWN SPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO STORMWATER MANAGEMENT FACILITY WHERE FEASIBLE.
 - THE AREAS BETWEEN THE SIGHT LINE AND THE CURB MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTION WHERE POSSIBLE.
 - THE PROPOSED BUILDING WILL BE SERVED BY EXISTING PUBLIC WATER AND SEWER IN ESSEX AVENUE.
 - THE ISSUANCE OF THE BUILDING PERMIT AND ALL GRADING WILL BE DONE IN ACCORDANCE WITH THE STANDARD PLAN FOR SEDIMENT AND EROSION CONTROL APPROVED BY THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT.
 - THE PROPERTY HEREON DOES NOT LIE WITHIN ANY 100 YEAR FLOOD HAZARD AREA SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY, MARYLAND COMMUNITY PANEL NUMBER 240010 0505B, MAP REVISED 1981.
 - SOILS TYPE L-1/B LOAMY AND CLAYEY LAND 0-5% SLOPES.

THIS PLAN IS TO ACCOMPANY THE REQUEST FOR VARIANCE AND SPECIAL HEARING TO CONSTRUCT A BUILDING FOR CONSTRUCTION EQUIPMENT AND STORAGE. ZERO FEET FROM A RESIDENTIAL BOUNDARY IN A 'ML' ZONE.

- GENERAL NOTES**
- THERE ARE NO KNOWN HISTORICAL SITES, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, WETLANDS, OR HAZARDOUS MATERIALS WITHIN THIS SITE.
 - THIS SITE IS LOCATED OUTSIDE OF THE CHESAPEAKE BAY CRITICAL AREAS.
 - BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY BARTIS & ASSOCIATES IN 1991.
 - EXISTING TOPOGRAPHY SHOWN HEREON IS FIELD RUN PERFORMED BY BARTIS & ASSOCIATES IN 1991.
 - NO KNOWN SEPTIC SYSTEMS OR UNDERGROUND TANKS EXIST ON THIS SITE.
 - ILLUMINATION FOR OFF-STREET PARKING AREAS SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES, AND PUBLIC STREETS.
 - TRASH PICK UP FOR RESIDENTIAL DWELLING BY BALTIMORE COUNTY, PICK UP FOR COMMERCIAL BY PRIVATE COLLECTORS.
 - EXISTING STORAGE CONTAINERS ARE TO REMAIN IN USE.
 - A MAINTENANCE AGREEMENT IS TO BE EXECUTED FOR THE USE IN COMMON DRIVEWAY.
 - THERE ARE NO EXISTING OR PROPOSED FREE STANDING SIGNS ON THIS SITE.

ZONING HEARINGS, CRG, DRC & WAIVERS RELATING TO THIS PROPERTY

1. ZONING HISTORY - CASE #76-245V, C-76-483

THEREFORE, IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 27TH DAY OF MAY, 1976, THAT THE OPERATION OF A JUNK YARD MUST CEASE, I.E., THAT ALL JUNK, DEBRIS, UNLICENSED VEHICLES, CARGO-TYPE BOXES, AND CONTAINERS MUST BE REMOVED WITHIN 90 DAYS FROM THE DATE OF THIS ORDER.

IT IS FURTHER ORDERED THAT AS THERE APPEARS TO BE A LEGAL NONCONFORMING USE FOR A CONTRACTOR'S EQUIPMENT STORAGE YARD, THIS MATTER IS HEREBY DISMISSED SUBJECT TO THE FOLLOWING:

- APPROVAL OF A SITE PLAN BY THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.
- THE OPERATION OF HEAVY CONSTRUCTION EQUIPMENT AND COMMERCIAL VEHICLES ON THE SUBJECT PROPERTY IS RESTRICTED TO 8:00 A.M. TO 6:00 P.M., MONDAY THROUGH SATURDAY.

ALL OF THE ABOVE MUST BE OBTAINED WITHIN SAID 90 DAYS.

AMENDED ORDER

NUNC PRO TUNC

THEREFORE, IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 28TH DAY OF MAY 1976, THAT THE ORDER PASSED IN THIS MATTER SHOULD BE AND THE SAME IS HEREBY AMENDED, "NUNC PRO TUNC" TO INCLUDE THE REMOVAL OF THE TRAILER.

COUNTY BOARD OF APPEALS ORDER

FOR THE REASONS SET FORTH IN THE AFOREGOING OPINION, THE COUNTY BOARD OF APPEALS HEREBY ORDERS, THIS 28TH DAY OF MARCH, 1978, THAT THE ORDER OF DEPUTY ZONING COMMISSIONER, DATED MAY 27, 1976 BE AND THE SAME IS HEREBY REVERSED AND THE DEFENDANT IS FOUND NOT TO BE IN VIOLATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

2. VARIANCES

VARIANCE WAS GRANTED ON JANUARY 16, 1992 REGARDING WIDENING AT ESSEX AVENUE AND ENTRANCE DETAIL.

3. WAIVERS

A. CRG WAIVER #91-23 WAS A REQUEST TO CONSTRUCT A 12,000 S.F. BUILDING AFTER HIS PREVIOUSLY APPROVED CRG PLAN #91016 HAD EXPIRED. AFTER REVIEW BY THE COUNTY THEY FOR THAT A WAIVER OF THE CRG MEETING WOULD BE IN THE SCOPE, PURPOSE AND INTENT OF THE DEVELOPMENT REGULATIONS OF BALTIMORE COUNTY AND THEREFORE APPROVED ON JANUARY 18, 1991.

B. A WAIVER WAS GRANTED ON MARCH 13, 1991 WHICH WAIVED THE REQUIREMENT FOR STORMWATER MANAGEMENT.

3. DRC SUBMISSIONS

A. DRC APPROVAL OF LIMITED EXEMPTION UNDER SECTION 32-4-106 (b)(8) WAS GRANTED ON OCTOBER 27, 2008.

PLAN	
SCALE: 1" = 40'	
SITE CALCULATIONS	
1. ZONING AREAS	4. AVERAGE DAILY TRAFFIC
AREA ZONED DR 5.5	RESIDENTIAL
GROSS 53,018 S.F. = 1.217 AC.±	NONE REQUIRED 0.00 TRIPS
NET 52,838 S.F. = 1.213 AC.±	ML ZONING
AREA ZONED ML	3,911,000 S.F. X 14,324 S.F. = 55.86 TRIPS
GROSS 49,920 S.F. = 1.146 AC.±	TOTAL = 55.86 TRIPS
2. RESIDENTIAL DENSITY PERMITTED	5. PARKING
GROSS DR AREA X 5.5 = 1,217 X 5.5 = 6.69	REQUIRED
EXISTING SINGLE FAMILY (NO UNITS)	RESIDENTIAL
PROPOSED SINGLE FAMILY (NO UNITS)	SINGLE FAMILY 2.0 PER UNIT = 2.0 X 0 = 0 SPACES
3. FLOOR AREA RATIO ML ZONE	MANUFACTURING
MAXIMUM ALLOWED = 2.0	1 SPACE PER EMPLOYEE 4 EMPLOYEES X 1 = 4 SPACES
PROPOSED PROPOSED BUILDING = 12,000 S.F.	PROPOSED RESIDENTIAL
EXISTING GARAGE = 756 S.F.	NOT APPLICABLE
EXISTING COAL SHED = 160 S.F.	MANUFACTURING
EXISTING CONTAINERS = 1,408 S.F.	PARKING SPACES PROPOSED = 6 SPACES
TOTAL FLOOR AREA = 14,324 S.F.	HANDICAPPED PARKING
F.A.R. = BUILDING AREA = 14,324 = 0.287	REQUIRED
ML SITE AREA 49,920	RESIDENTIAL
4. USE	MANUFACTURING
EXISTING USE - CONTRACTOR'S STORAGE AND MAINTENANCE	NOT APPLICABLE
PROPOSED USE - CONTRACTOR'S STORAGE AND MAINTENANCE	TOTAL SPACES = 7 SPACES
	6. LOCAL OPEN SPACE
	NOT APPLICABLE
	8. BUILDING RESTRICTION LINES WERE ESTABLISHED PER THE B.C.Z.R. SECTION 255.2)
	FRONT SET BACK = 75'
	SIDE SETBACK = 50'
	REAR SETBACK = 50'

- LEGEND**
- EXISTING CR6 AND MANEUVERING AREA
 - PROPOSED SPOT ELEVATIONS
 - PROPERTY LOT LINE
 - BOUNDARY LINE
 - SLOPES 25% OR GREATER
 - EXISTING WOODS LINE
 - PROPOSED WOODS LINE
 - PROPOSED DRAINAGE AND UTILITY EASEMENT
 - HANDICAPPED PARKING
 - PROPOSED CR6 AND MANEUVERING AREA
 - EX. COMMON R/W TO BE ABANDONED

BUILDING ELEVATION
NO SCALE

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 No: 14920 Expiration Date: 5/12/2012

3-2-09

Date

JOHN H. HEINRICHS
Professional Engr. No. 14920

Date	No	Revision	Description

OWNER/DEVELOPER:

RICHARD M. GOLABIESKI, JR.
812 ESSEX AVENUE
BALTIMORE, MARYLAND 21221-3324
(443) 392-5789

PREPARED BY:

PHOENIX ENGINEERING, INC.
CONSULTING ENGINEERS
1420-A JOHNS AVENUE
BALTIMORE, MARYLAND 21227
(410) 247-8833 FAX 247-9397

AREA:

810 ESSEX AVENUE
BALTIMORE, MARYLAND 21221
L 12918/ F 455

15TH ELECTION DISTRICT COUNTY COUNCIL DISTRICT 7TH

TITLE:

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING REQUEST FOR RICHARD M. GOLABIESKI, JR. #810 ESSEX AVENUE

Des By	R.H.D.	Scale	AS SHOWN	Proj No	08-035
Dwn By	L.J.D.	Date	March, 2009	Drawing No	2002-variance.dwg
Chk By	J.R.H.	Approved			1 OF 1