

IN RE: **PETITION FOR VARIANCE**

N/S Eastern Avenue, 269' SW

Earls Road

(11650 Eastern Avenue)

15th Election District

6th Council District

Richard Diotte

Petitioner(s)

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0253-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Richard Diotte, managing member of the legal owner of the subject property, 11650 Eastern Avenue, LLC. Petitioner requests variance relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the site plan submitted, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested variance was Richard Diotte, managing member of 11650 Eastern Avenue, LLC, along with Rick Richardson, principal of Richardson Engineering, LLC, the professional engineer who prepared the site plan for the Petitioner. There were no Protestants or other interested citizens in attendance at the public hearing.

Testimony and evidence revealed that the subject property is irregularly shaped and contains approximately 154,238 square feet, or 3.54 acres, of land zoned M.L./I.M. The property is located on the north side of Eastern Avenue, near the intersection of Earls Road in the Middle River area of Baltimore County. Petitioner uses the existing warehouse and accompanying parking area to operate the Mitchell Plumbing and Heating Company, which has been located at

RECEIVED FOR FILING
Date 9-10-09
By 3

this site for four (4) years and has been in existence since 1970. Petitioner now seeks a variance to construct a 50 x 30 foot warehouse building in the northwest corner of the property, which would be used as additional storage space for his business.

On behalf of the Petitioner, Mr. Richardson testified to the environmental constraints throughout this property that place substantial limitations on the potential location of the proposed warehouse structure. The entire southern half of the property is located in the Chesapeake Bay Critical Area, as shown with a thick broken line on the site plan. Mr. Richardson testified that this portion of the property is wooded and maintained in an easement for which Department of Environmental Protection and Resource Management (DEPRM) was not inclined to issue a forest buffer variance. The property is also constrained by a stream that runs through the property and the site is located in the 100-year flood plain. In sum, Mr. Richardson explained that less than one (1) acre of the approximately 3.5-acre commercial site is developable.

Before proposing to construct the warehouse in the proposed location, which lies close to the border of adjacent property owned by Timothy Kuhn, the Petitioner requested input from Mr. Kuhn. In response, Mr. Kuhn provided a letter stating that he has had full disclosure as to the specifications of the proposed building and has no objection to its proximity to his property. The supportive letter was marked and accepted into evidence as Petitioner's Exhibit 2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated May 4, 2009, which stated that 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

CLARENCE RECEIVED FOR FILING
Date 6-10-09
By [Signature]

Baltimore County Code). The comment also noted that Environmental Impact Review supports the proposed warehouse location as it is out of the Forest Buffer Easement and the associated 25-foot setback.

After reviewing all of the evidence and testimony presented at the public hearing, I am persuaded that the requested variance should be granted. Initially, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This property is irregularly shaped and uniquely constrained by environmental factors. It is clear that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship as less than one (1) acre of this 3.5 acre commercial property is viable and setbacks cannot be met in a manner that is sensitive to the Chesapeake Bay Critical Area. By placing the proposed structure closer to the northwest corner of the property, out of the Critical Area, the Petitioner has satisfied DEPRM's interest in maintaining the forest buffer and 25-foot associated setback. In sum, the proposed location of the warehouse minimizes impacts on the environment and surrounding locale.

Finally, I find that the variance can be granted in strict harmony with the spirit and intent of the zoning regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Petitioner fully explained his proposal to the only adjacent property owner, who wrote a letter in full support of the requested relief. Accordingly, I find that this variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

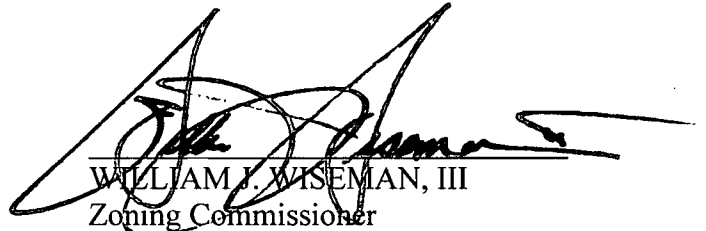
RECEIVED FOR FILING
Date 6-10-09
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of June, 2009 that the Petition for Variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet (west side) in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following:

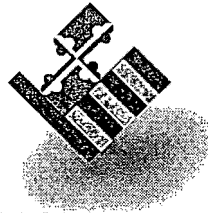
- 1) The Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

COPIES RECEIVED FOR FILING
Date 6-10-09
By DLW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 10, 2009

Rick Richardson
Richardson Engineering, LLC
30 East Padonia Road, Suite 500
Timonium, Maryland 21093

RE: PETITION FOR VARIANCE
N/S Eastern Avenue, 269' SW Earls Road
(11650 Eastern Avenue)
15th Election District - 6th Council District
Richard Diotte - *Petitioner(s)*
Case No. 2009-0253-A

Dear Mr. Richardson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Richard Diotte, 5414 Bangert Street, White Marsh, MD 21162
Tim Kuhn, Mitchell Plumbing & Heating, Inc., 11606 Eastern Avenue, Baltimore, MD 21220
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11650 Eastern Avenue
which is presently zoned ML-IM

Deed Reference: 20930 / 436 Tax Account # 2300012903

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) 255-1 & 238.2 BCZR.
See attached.

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

Current site conditions and other information as 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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Richard Diotte

Name - Type or Print

Signature

Name - Type or Print

Signature

5411 BANGERT STREET

410-300-1009

Address

Telephone No.

WHITE MARSH

MD

21102-1029

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500

410-560-1502

Address

Telephone No.

Timonium,

MD

21093

City

State

Zip Code

Case No. 2009-0253-A

Office Use Only

REV 8/2007

ORDER RECEIVED FOR FILING

Date

6-10-09

Reviewed by

JF

Date

3/22/09

By

[Signature]

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**11650 EASTERN AVENUE
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Zoning variance requested to Section 238.2 to permit a side yard setback of 5' in lieu of the required 30'.

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING DESCRIPTION
11650 EASTERN AVENUE
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the North side of Eastern Avenue at a distance of 269 feet southwest of Earls Road, thence running and binding on the North side of Eastern Avenue right-of-way (1) along a curve to the left with a radius of 5,804.58 feet and an arc length of 68.89 feet, (2) South 35 degrees 06 minutes 59 seconds West 150.35 feet thence leaving Eastern Avenue, (3) North 30 degrees 36 minutes 28 seconds West 790.74 feet to a point on the South right-of-way line of Amtrak Railroad, thence binding on the south side of the right of way of Amtrak and, (4) along a curve to the left with a radius of 19,174.00 feet and an arc length of 316.72 feet, thence leaving said right-of-way line, (5) South 30 degrees 36 minutes 28 seconds East 674.85 feet, to the point of beginning;

Containing a net area of 147,668 square feet, or 3.39 acres of land, more or less.



3/25/09

0253

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

No. **37874**

Date: **3/30/09**

PAID RECEIPT

ADDRESS ACTUAL TIME DRG
 3/30/2009 3/30/2009 09:20:14

PAID TO: WALTON, DOREE ANN

RECEIPT # 000096 3/30/2009 00.00

FOR: 528 ZONING CERTIFICATION

PR: 05/20/09

Recpt Tot 325.00

325.00 CR

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
000	PUG	0000		0150						325.00

Total: **325.00**

Rec

From: **Richardson Engine-Pump, LLC**

For

1100 Eastern Ave.

Beltsville, MD 20705

Phone: 301-261-1111 Fax: 301-261-1112

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: #2009-0253-A

11650 Eastern Avenue

N/side of Eastern Avenue, at a distance of 269 feet

s/west of Earls Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Richard Dlotte

Variance: to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, May 20, 2009 at 2:00 p.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 5/603 May 5

200394

CERTIFICATE OF PUBLICATION

5/7/2009

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 5/5/ 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: 2009-0253-A

Petitioner/Developer: _____

Richard Diotte

Date of Hearing/Closing: May 20, 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, _____

11650 Eastern Avenue n/side of eastern avenue, at a distance of 269 feet s/west of Earls road

The sign(s) were posted on May 5, 2009
(Month, Day, Year)

Sincerely,

Robert Black May 11 2009
2009
(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 2009-0253-A

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

Room 104, Jefferson Building
105 W. CHESTER AVE. TOWSON 21204

DATE AND TIME Wednesday, May 20, 2009 AT 2:00 PM

REQUEST VARIANCE TO PERMIT A SIDE YARD SETBACK
OF 5 FEET IN LIEU OF THE REQUIRED 30 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONTINUE HEARING CALL 447-3191

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

**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: 2009-0253-A

Petitioner: RICHARD DIOTTE

Address or Location: 41650 EASTERN AVENUE

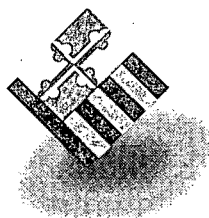
PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD DIOTTE

Address: 5414 BANGERT STREET
WHITE MARSH, MD 21162

Telephone Number: 410-365-1839

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 27, 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: 2009-0253-A

11650 Eastern Avenue

N/side of Eastern Avenue, at a distance of 269 feet s/west of Earls Road

15th Election District – 6th Councilmanic District

Legal Owners: Richard Diotte

Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, May 20, 2009 at 2:00 p.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: Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093
Richard Diotte, 5414 Bangert Street, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 5, 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, May 5, 2009 Issue - Jeffersonian

Please forward billing to:
Richard Diotte
5414 Bangert Street
White Marsh, MD 21162

410-365-1839

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: 2009-0253-A

11650 Eastern Avenue

N/side of Eastern Avenue, at a distance of 269 feet s/west of Earls Road

15th Election District – 6th Councilmanic District

Legal Owners: Richard Diotte

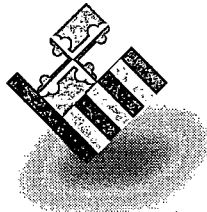
Variance to permit a side yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Wednesday, May 20, 2009 at 2:00 p.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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 14, 2009

Richardson Diotte
5414 Bangert St.
White Marsh, MD 21102

Dear: Richardson Diotte

RE: Case Number 2009-0253-A, 11650 Eastern Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Richardson Engineering, LLC; 30 E. Padonia Rd. Ste. 500; Timonium, MD 21093

BW 5/20
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 27, 2009

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

RECEIVED

APR 29 2009

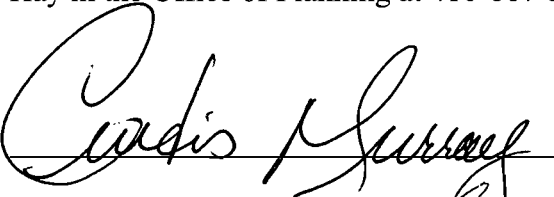
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-253- Variance**

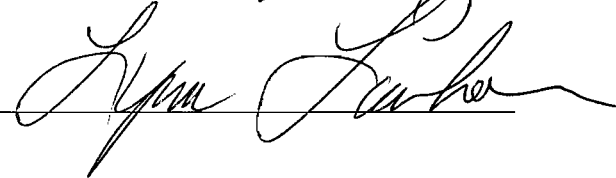
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 13, 2009
Items Nos. 2009-238, 244, 247, 248,
249, 250, 251, 252, 253, 254, 255 and 256

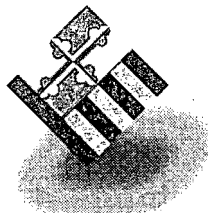
DATE: April 9, 2008

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

DAK:CEN:cab

cc: File

ZAC-04072008-NO COMMENTS



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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 9, 2009

Item Numbers 0238, 0247, 0248, 0249, 0251, 0252, ~~0253~~ 0255 and 0256

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*

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

Maryland Department of Transportation

Date: April 13, 2009

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

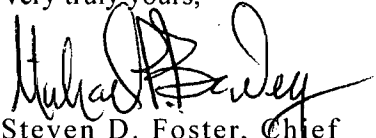
RE: Baltimore County
Item No. 2009-0253-A
MD 150 (Eastern Avenue)
11650 Eastern Avenue
Sines Property Lot 2
Variance

Dear Ms. Matthews:

We have reviewed the plan to accompany zoning petition for Sines Property Lot @ located at 11650 eastern Avenue, which was received on April 6th. A field inspection and internal review reveals that existing access to the MD 150 (Eastern Avenue) is inconsistent with current State Highway Administration guidelines. Therefore, the State Highway request that as a condition of Zoning Advisory Committee approval for Sines Property Case Number 2009-0253-A the developer/owner be required to obtain an Access Permit issued by State Highway Administration (SHA).

Should you have any questions regarding this matter feel free to 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,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Richard Dirole, Owner, 11650 Eastern Ave, LLC
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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



BW
5-20-09
2pm**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 # 09-253-A
Address 11650 Eastern Avenue
(Diole Property)

Zoning Advisory Committee Meeting of April 6, 2009

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:

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

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

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Environmental Impact Review supports the proposed warehouse location as it is out of the Forest Buffer Easement and the associated 25-foot setback.

Reviewer: Regina Esslinger

Date: April 13, 2009

RE: PETITION FOR VARIANCE * BEFORE THE
11650 Eastern Avenue; N/S Eastern Avenue, *
269' SW Earls Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Richard Diolo * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-253-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.

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

RECEIVED

APR 20 2009

CERTIFICATE OF SERVICE

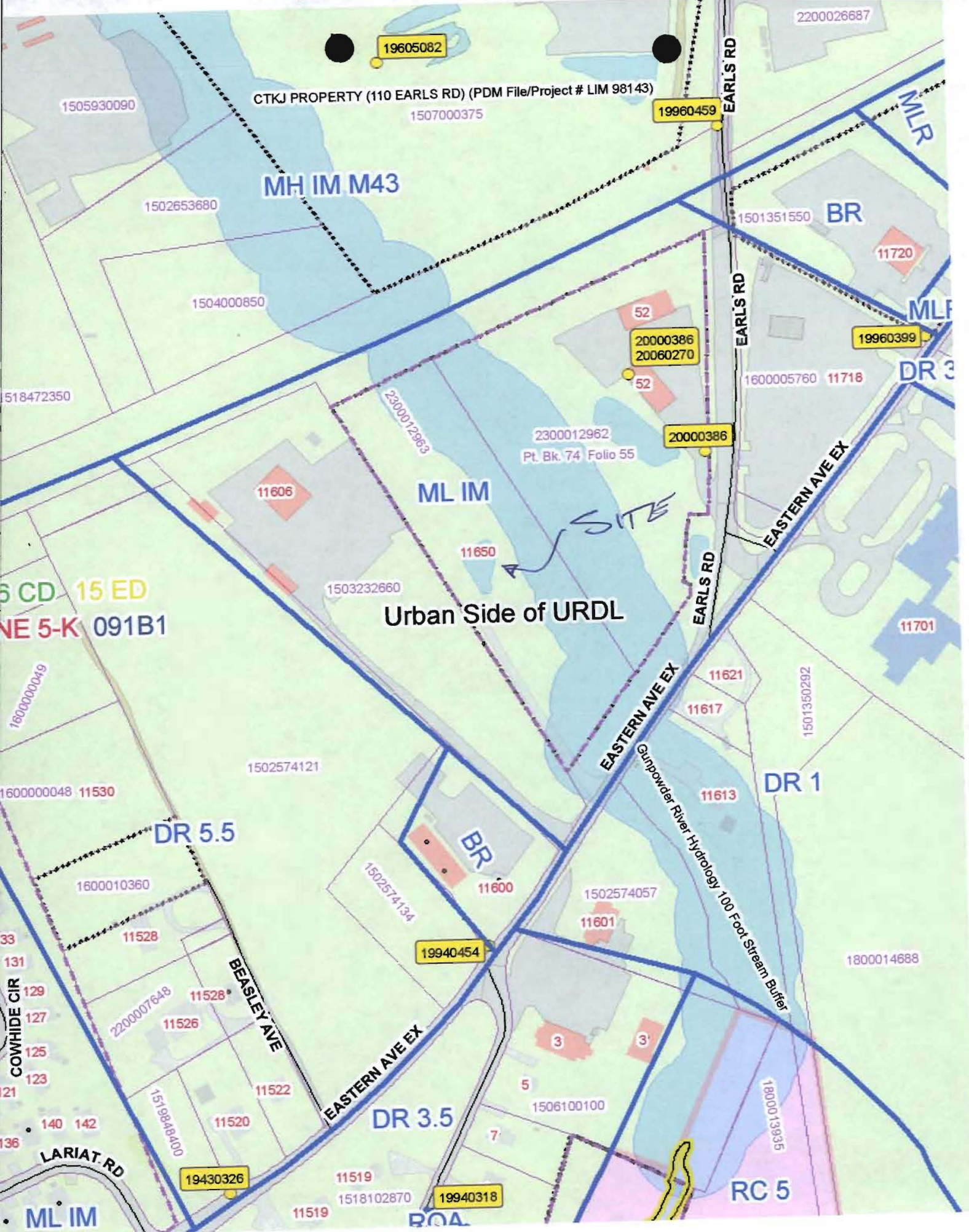
I HEREBY CERTIFY that on this 20th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE 5/20/09

Mitchell, 14 @ AOL, Com





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 2300012963

Owner Information

Owner Name: 11650 EASTERN AVE LLC **Use:** INDUSTRIAL
Mailing Address: 5 BANGERT AVE **Principal Residence:** NO
 WHITE MARSH MD 21162-1029 **Deed Reference:** 1) /20936/ 435
 2)

Location & Structure Information

Premises Address **Legal Description**
 11650 EASTERN AVE 3.363 AC
 11650 EASTERN AVE NS
 SINES PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	3	95					2	3	Plat Ref: 74/ 55

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2006	4,608 SF	3.36 AC	07

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	281,300	401,300		
Improvements:	279,700	295,400		
Total:	561,000	696,700	561,000	606,233
Preferential Land:	0	0	0	0

Transfer Information

Seller: SINES NORMAN I,JR	Date: 11/05/2004	Price: \$251,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20936/ 435	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

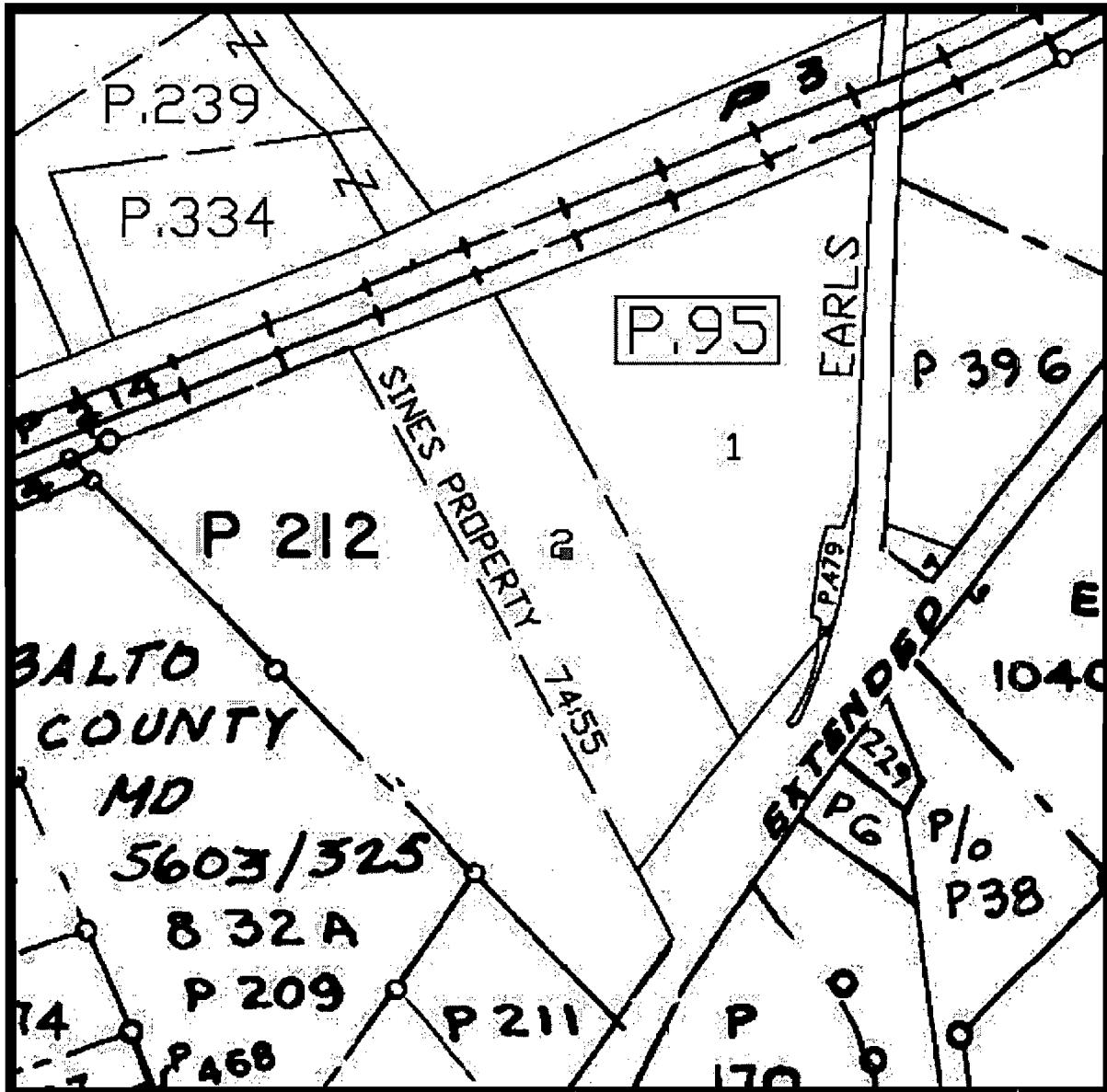
Special Tax Recapture:
 * NONE *



**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 2300012963



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html

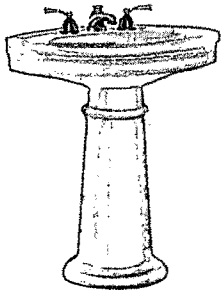
Case No.: 2009-0253-A 11650 EASTERN AVENUE

Exhibit Sheet

Petitioner/Developer

Protestant

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



Mitchell

Plumbing & Heating, Inc.

11650 Eastern Avenue

Baltimore, Maryland 21220

(Phone) 410 344-9320 (Fax) 410 344-9324

May 18, 2009.

To Whom It May Concern,

I, Tim Kuhn am the legal owner of the property at 11606 Eastern Avenue which is adjacent to 11650 Eastern Avenue. I have had full disclosure as to the specifications of the new building and have no objection to the proximity of this building to my property line. It is my understanding that the building being proposed is to be built with a 5ft set back on the property line between my property at 11606 Eastern Avenue and 11650 Eastern Avenue. I can be contacted at 443-250-1058, if you have any further questions or comments,

Sincerely,

Tim Kuhn

Signature

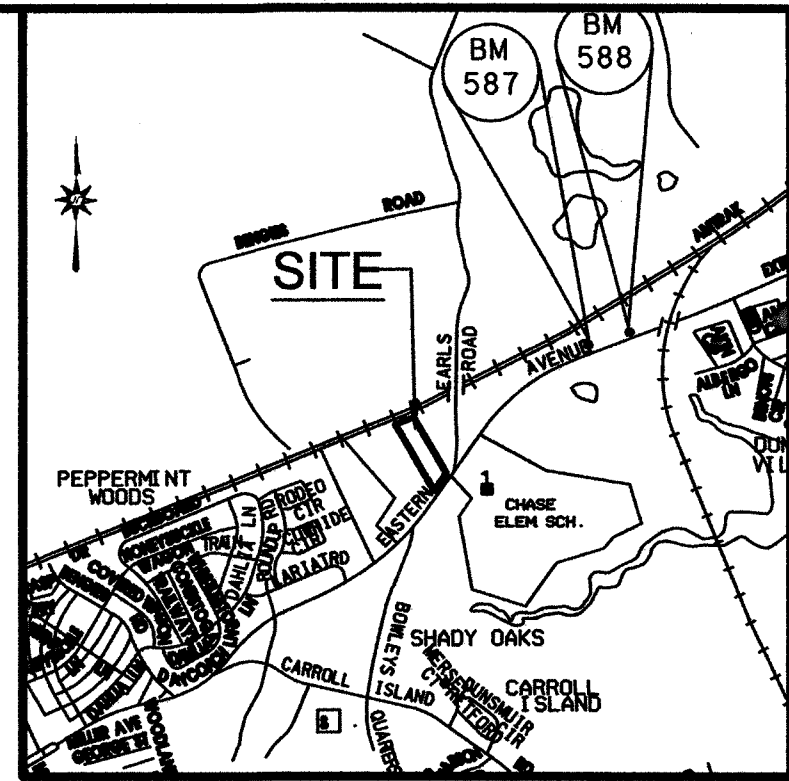
5-19-09

Date

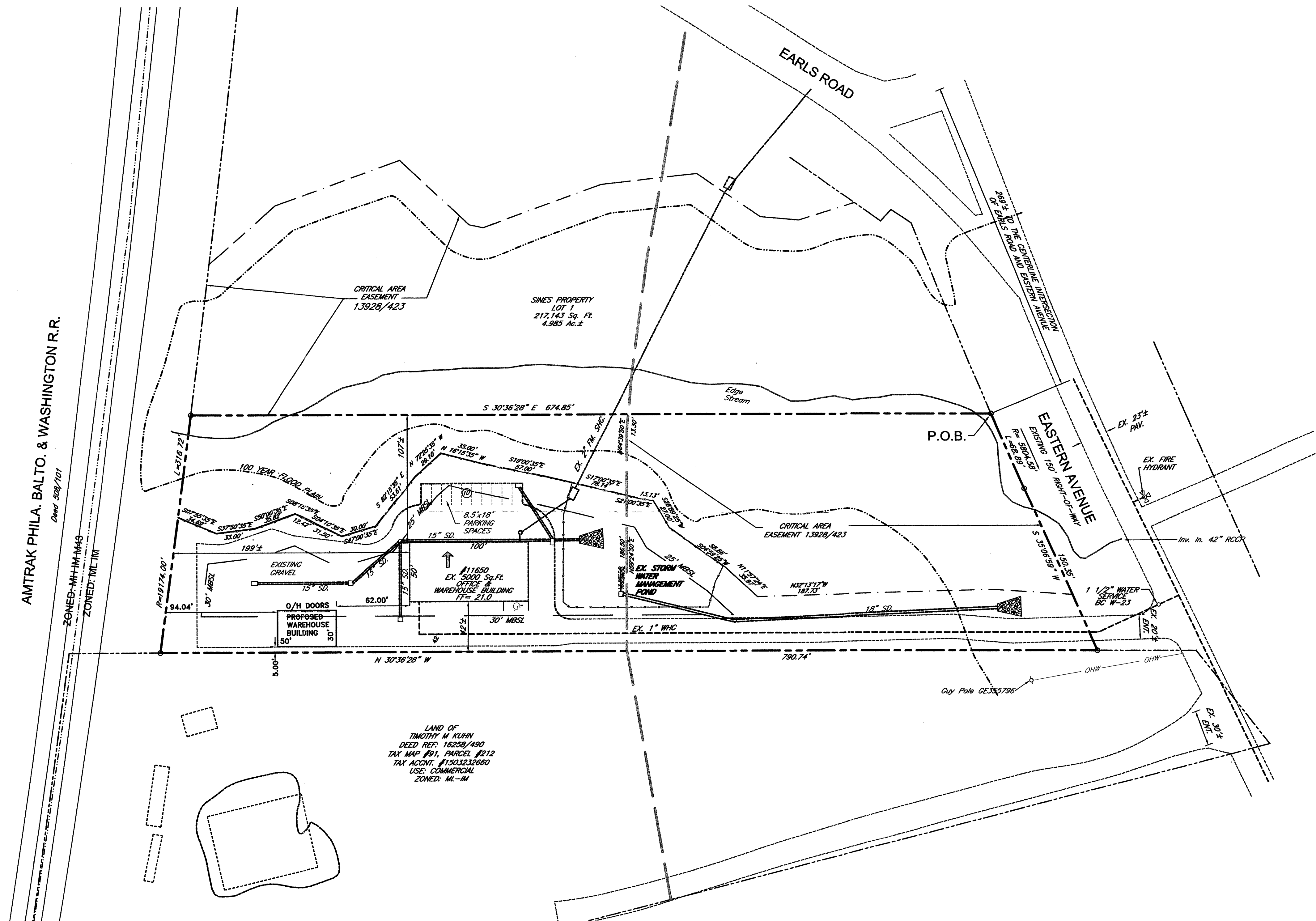
PETITIONER' S

EXHIBIT NO.

2



LOCATION MAP
SCALE: 1" = 1000'



GENERAL NOTES:

- OWNER: 11650 EASTERN AVE. LLC
5414 BANGERT STREET
WHITE MARSH MD 21162-1029
- SITE AREA : NET: 147,668 SF. OR 3.39 AC.
GROSS: 154,238 SF OR 3.54 AC
EXISTING BUILDING: 5,000 SF
CONTRACTOR'S OFFICE/WAREHOUSE
- WATER: PUBLIC
SEWER: PUBLIC
- A 100 YR FLOODPLAIN IS ON THE PROPERTY
AS SHOWN ON THE PLAN
- PARKING REQUIRED: 1/ EMPLOYEE = 10 SPACES
PARKING PROVIDED: 11 SPACES
- SETBACKS: REQUIRED PROVIDED
FRONT 25' 408'
SIDE 30' 5'
REAR 30' 35'
- DEED REF: 20936/ 435
- TAX ACCOUNT NO. 152300012963
- ELECTION DISTRICT 15
- COUNCILMANIC DISTRICT 5
- ZONING: ML-IM
- EXISTING LAND USE: CONTRACTOR'S OFFICE/WAREHOUSE
- TAX MAP: 91 P.95, LOT 2
- PREVIOUS ZONING CASES: NONE ON FILE
- PREVIOUS PERMITS: 2005 TO CONSTRUCT EXISTING BUILDING
- FAR: 6,500/154,238 = 0.04
- DRC GRANTED A CRG REFINEMENT JAN. 8, 2001
FOR LOT 2 IN DRC CASE 121100H.
DRC GRANTED A CRG REFINEMENT DEC. 15, 2008
FOR CHANGE IN BUILDING LOCATION IN DRC 121508E.
- THE SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- NO SIGNS ARE PROPOSED AT THIS TIME.

Richardson Engineering LLC

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

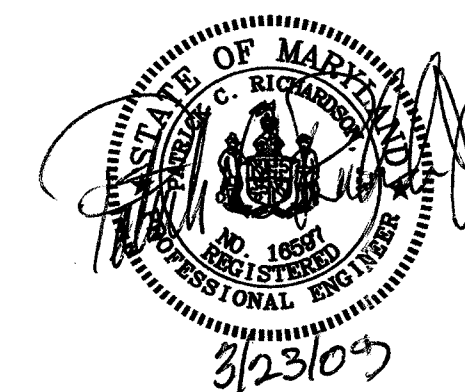
PLAN TO ACCOMPANY
ZONING PETITION
FOR
PETITIONER'S
EXHIBIT NO. 1

SINES PROPERTY
LOT 2
11650 EASTERN AVENUE

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 50'
	DATE:	JOB NO.:	SHEET NO.:
	03-23-09	08082	1 OF 1

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



3/23/09