

IN RE: PETITION FOR VARIANCE

SE side of Philadelphia Road, 760 feet NE
of c/l of Cowenton Ave. and Ebenezer Rd.
11th Election District
5th Councilmanic District
(10835 Philadelphia Road)

Dennis and Dorette Davies
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0281-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 the legal owners of the subject property, Dennis and Dorette Davies. Petitioners are requesting Variance relief as follows:

- From Sections 250.1 and 250.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 60 feet between buildings (existing shed and new warehouse) in lieu of the required 80 feet; and
- From Section 250.2 of the B.C.Z.R. to permit a side yard setback of 15 feet with a sum of 30 feet in lieu of the required 30 feet and 80 feet, respectively, for a new warehouse; and
- From Sections 250.2 and 250.5 of the B.C.Z.R. to permit a side yard setback of 5 feet and a setback of 5 feet from a residential zone line in lieu of the required 30 feet and 100 feet, respectively, for an existing shed; and
- From Section 250.4 of the B.C.Z.R. to permit a setback of 0 feet for an existing shed from a residential zone line in lieu of the required 100 feet.

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

Appearing at the requisite public hearing in support of the variance requests was Petitioner Dennis Davies. Also appearing was David Billingsley with Central Drafting and Design, Inc., the land use consultant assisting Petitioners in the variance process. There were no Protestants or other interested person in attendance at the hearing.

COPIES RECEIVED FOR FILING
Date 7-14-09
By [Signature]

Testimony and evidence proffered revealed that the subject property is a rectangular-shaped property consisting of approximately 1.34 acres or 58,371 square feet, more or less, split-zoned M.L.R. (.83 acres) and R.O.A. (.51 acres). As shown on the site plan, the property is located on the east side of Philadelphia Road, north of the intersection of Ebenezer Road and Philadelphia Road and northwest of Pulaski Highway, in the White Marsh area of Baltimore County. The property is improved with an existing two-story office building in the R.O.A. Zone and a shed located behind the office building in the M.L.R. Zone. Petitioner testified that when he purchased the property in 2003, the front portion of the property currently zoned R.O.A. was zoned D.R.3.5. However, during the last Comprehensive Zoning Map Process (C.Z.M.P.) in 2008, Petitioner successfully petitioned to have the zoning changed from D.R.3.5. to R.O.A. This enabled Petitioner to convert the two-story existing dwelling on the front portion of the property into its current use as an office building for Petitioner's electrical contracting business¹. Petitioner also noted that the current shed replaced an old, dilapidated shed that had fallen down in 2003. The new shed was built on the same footprint as the prior shed. At this juncture, Petitioner's requests for relief are within the area of his property zoned M.L.R.

Petitioner further testified that he desires to build a new one-story warehouse building toward the rear of this property to enhance the use and functionality of his property and to allow for the storage of electrical contracting inventory, company vehicles, and other items associated with his business. Mr. Billingsley added that the proposed location of the warehouse is the most practical given the site constraints and the fact that placing the warehouse on any other portion of the site would result in an overall increased infringement on the setback requirements of the B.C.Z.R. Further, as shown in the photograph that was marked and accepted into evidence as

¹ Petitioner owns and operates Emergency Power Services, Inc., which provides large-scale, back-up power protection services. Emergency Power Services, Inc., was incorporated in Maryland in 1990. The company's normal hours of operation are Monday thru Friday, 8 a.m. – 5 p.m. There are only 4-5 employees on the site during the day, as most of the work for the company occurs off-site.

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Date 5-14-08
By 123

Petitioners' Exhibit 4A, the warehouse would allow the storage containers currently on the property to be removed and placed inside the proposed building, subsequently improving the aesthetics of the property. Moreover, the warehouse would be pre-fabricated, like the current shed, and in the same style and color of the converted dwelling and shed. The existing shed is located 5 feet from the property line of Allstate Sheet Metal, Inc. to the south, and given the ingress and egress to the property and the site constraints of the property, is the most feasible location for the shed. Between the proposed warehouse and shed is an existing gravel parking area that will be paved over. This area is depicted in the photographs that were marked and accepted into evidence as Petitioners' Exhibits 4A through 4C. Petitioner and Mr. Billingsley indicated that this is the most practical location for the parking area due to the ingress and egress for the property, site constraints, and a desire to keep the parking area out of view from Philadelphia Road. In addition to the sheet metal plant to the south of the property, another commercial use -- Lite House Enterprises, Inc., an electrical contracting business -- is located to the north of the property. As shown on the site plan, both adjoining properties are improved with warehouses similar to that which is proposed by Petitioner, and no opposition to the relief requested was received from any of these adjoining property owners.

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 June 3, 2009 which indicates that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, if there are streams, wetlands or floodplains on or near the site that would require a buffer on the site. Development of the property must comply with the Forest Conservation Regulations.

Considering all the testimony and evidence presented, I am persuaded to grant the

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Date 7-14-09
By [Signature]

variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I find that the constraints of the site, the location of the existing improvements, and the configuration of the driveway render the property unique in a zoning sense. I also find that strict compliance with the Zoning Regulations would result in practical difficulty and undue hardship in that Petitioner would not be able to erect the warehouse building, otherwise permitted by the B.C.Z.R., for his prospering electrical contracting business. The warehouse would improve the aesthetics and maintenance of the subject property. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of the zoning regulations and in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. Further, a warehouse is a reasonable use in a M.L.R. Zone pursuant to Section 248.1.A.1 and as listed in Section 241.1, and a property owner has a common law right to use his property in a manner so as to realize its highest and best use. *See, Aspen Hill Venture v. Montgomery County Council* 265 Md. 303 (1972). It appears that the warehouse will be in character with the existing office building and shed, improve the aesthetics of the land, and not have any apparent adverse impacts on the surrounding properties and community.

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 Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 14th day of July, 2009 by this Deputy

Zoning Commissioner, that Petitioners' Variance requests as follows:

- From Sections 250.1 and 250.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 60 feet between buildings (existing shed and new warehouse) in lieu of the required 80 feet; and
- From Section 250.2 of the B.C.Z.R. to permit a side yard setback of 15 feet with a sum of 30 feet in lieu of the required 30 feet and 80 feet, respectively, for a new warehouse; and

NOT RECORDED FOR FILING
Date 7-14-09
By 103

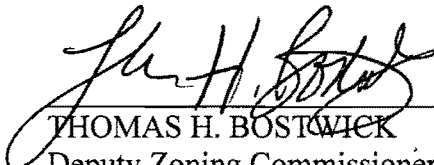
- From Sections 250.2 and 250.5 of the B.C.Z.R. to permit a side yard setback of 5 feet and a setback of 5 feet from a residential zone line in lieu of the required 30 feet and 100 feet, respectively, for an existing shed; and
- From Section 250.4 of the B.C.Z.R. to permit a setback of 0 feet for an existing shed from a residential zone line in lieu of the required 100 feet,

be and are hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code) if there are streams, wetlands or floodplains on or near the site that would require a buffer on the site.
3. 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).

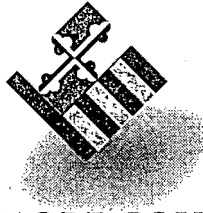
Any appeal of this decision must be made within thirty (30) days of the date of this

Order.


 THOMAS H. BOSTWICK
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 7-14-09
 By [Signature]

THB:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 14, 2009

Dennis Davies
Dorette Davies
10835 Philadelphia Road
White Marsh, Maryland 21162

RE: PETITION FOR VARIANCE

SE side of Philadelphia Road, 760 feet NE of c/l of Cowenton Ave. and Ebenezer Rd.
11th Election District - 5th Councilmanic District
(10835 Philadelphia Road)
Dennis and Dorette Davies – *Petitioners*
Case No. 2009-0281-A

Dear Mr. and Mrs. Davies:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions, 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 "Tom H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
People's Counsel; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 10835 PHILADELPHIA ROAD
which is presently zoned MLR

Deed Reference: 17510 1493 Tax Account # 1102066050

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)

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.)

TO BE PRESENTED AT 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):

DENNIS DAVIES

Name - Type or Print

Signature

DORETTE DAVIES

Name - Type or Print

Signature

10835 PHILADELPHIA RD (410) 790-4586

Address Telephone No.

WHITE MARSH MD. 21162

City State Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHERRYWOOD CT. (410) 679-8719

Address Telephone No.

EDGEWOOD MD. 21040

City State Zip Code

Case No. 17510 1493

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by KT Date 4/22/09

REV 8/20/07

RECEIVED FOR FILING

Date 7-14-09

By [Signature]

SECTION 250.1 AND 250.3 (BCZR) TO PERMIT 60 FEET BETWEEN BUILDINGS (EXISTING SHED AND NEW WAREHOUSE) IN LIEU OF THE REQUIRED 80 FEET

SECTION 250.2 TO PERMIT A SIDE YARD OF 15 FEET WITH A SUM OF 30 FEET IN LIEU OF THE REQUIRED 30 FEET AND 80 FEET RESPECTIVELY FOR A NEW WAREHOUSE

SECTION 250.2 AND 250.5 TO PERMIT A SIDE YARD 5 FEET AND A SETBACK OF 5 FEET FROM A RESIDENTIAL ZONE LINE IN LIEU OF THE REQUIRED 30 FEET AND 100 FEET RESPECTIVELY FOR AN EXISTING SHED

Section 250.4 - to permit a setback of $\emptyset$ feet for an existing shed from a residential zone line in lieu of the required 100 feet

Item #0281

ZONING DESCRIPTION

10835 PHILADELPHIA ROAD

Beginning at a point distant N 40 08 E 715 feet and S 47 10 E 155 feet from the point formed by the intersection of the center of Ebenezer Road (30 feet wide) with the center of Philadelphia Road, Md. Rte. 7 (60 feet wide) thence (1) S 47 10 E 402 feet thence (2) N 43 11 E 58.80 feet thence (3) N 40 10 W 153.73 feet thence (4) N 37 24 W 253 feet thence (5) S 40 08 W 127 feet to the place of beginning.

Containing 36,155 square feet or 0.83 acre of land, more or less.

Being known as 10835 Philadelphia Road. Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Maryland.

Item #0281

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

No. **39271**

Date: **4/22/09**

PAID RECEIPT

BUSINESS ACTUAL TIME INVO
 4/22/2009 4/22/2009 09:12:39 5

3 MEDS WALKIN ROUS LRB

> RECEIPT # 394521 4/22/2009 USLN

Dr 5 520 ZONING VERIFICATION

CR NO. 039271

Recpt Tot \$325.00

\$325.00 OK \$.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 325.00

Total: **\$ 325.00**

Rec From:

For:

zoning hearing - case # 2009-0281-A

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: #2009-0281-A

10835 Philadelphia Road

S/east side of Philadelphia Rd., 760 ft N/east of centerline of Cowenton Ave. and Ebenezer Rd.

11th. Election District — 5th Councilmanic District

Legal Owner(s): Dennis & Dorette Davies

Variance: to permit 60 feet between buildings (existing shed and new warehouse) in lieu of the required 80 feet; to permit a side yard of 15 feet with a sum of 30 feet in lieu of the required 30 feet and 80 feet respectively for a new warehouse. To permit a side yard 5 feet and a setback of 5 feet from a residential zone in lieu of the required 30 feet and 100 feet respectively for an existing shed. To permit a setback of 0 feet for an existing shed from a residential zone line in lieu of the required 100 feet.

Hearing: Thursday, July 2, 2009 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 6/811 June 16

203641

CERTIFICATE OF PUBLICATION

6/18/, 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 6/16/, 2009.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0281-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 7/2/09

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

Attention:

Ladies and Gentlemen

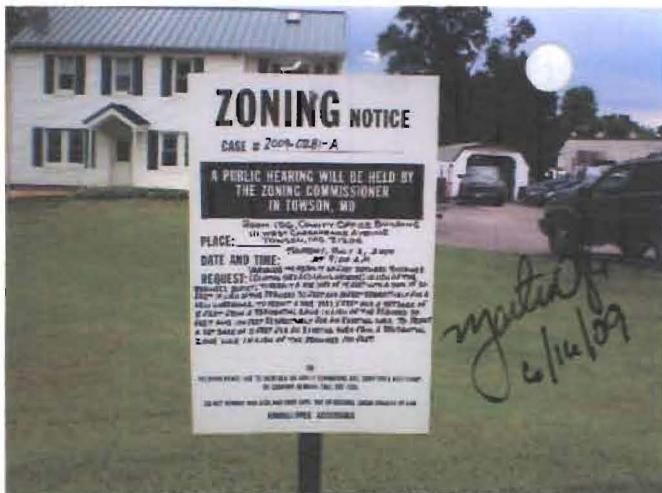
This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 10835 PHILADELPHIA RD

This sign(s) were posted on June 14, 2009
Month, Day, Year
Sincerely,

Month, Day, Year
Sincerely,

Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



**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.

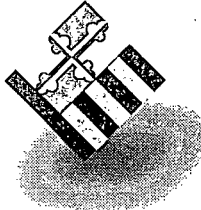
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0281-A
Petitioner: DENNIS & DORETTE DAVIES
Address or Location: 10835 PHILADELPHIA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DENNIS DAVIES
Address: 10835 PHILADELPHIA RD
WHITE MARSH, MD 21162
Telephone Number: (410) 790-4586



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 2, 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: 2009-0281-A

10835 Philadelphia Road

S/east side of Philadelphia Rd., 760 ft N/east of centerline of Cowenton Ave. and Ebenezer Rd.

11th Election District – 5th Councilmanic District

Legal Owners: Dennis & Dorette Davies

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Hearing: Thursday, July 2, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Davies, 10835 Philadelphia Road, White Marsh 21162
David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 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, June 16, 2009 Issue - Jeffersonian

Please forward billing to:
Dennis Davies
10835 Philadelphia Road
White Marsh, MD 21162

410-790-4586

NOTICE OF ZONING HEARING

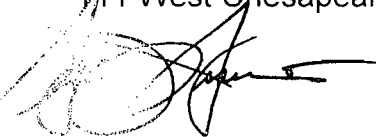
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S/east side of Philadelphia Rd., 760 ft N/east of centerline of Cowenton Ave. and Ebenezer Rd.
11th Election District – 5th Councilmanic District
Legal Owners: Dennis & Dorette Davies

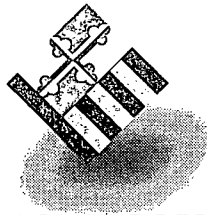
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Hearing: Thursday, July 2, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (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

June 25, 2009

Dennis & Dorette Davies
10835 Philadelphia Rd.
White Marsh, MD

Dear: Dennis & Dorette Davies

RE: Case Number 2009-0281-A, 10835 Philadelphia Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 22, 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley: Central Drafting and Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

TB 7/2
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 9, 2009

RECEIVED

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

JUL 16 2009

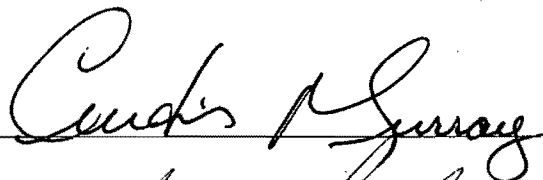
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-281- Variance**

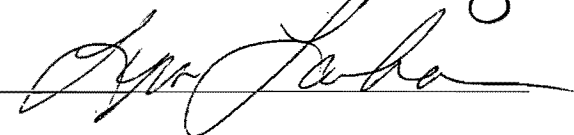
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 3, 2009
SUBJECT: Zoning Item # 09-281-A
Address 10835 Philadelphia Road
(Davies Property)

Zoning Advisory Committee Meeting of May 4, 2009

- 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) if there are streams, wetlands, or floodplains on or near the site that would require a buffer on the site.
 - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The building permit for the proposed warehouse cannot be approved until an approved septic area is determined or the property is connected to public sewer. – *S. Farinetti; Groundwater Management*

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 May 11, 2009
Items Nos. 09-0234, 254, 281, 283, 285
and 287

DATE: May 13, 2009

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

DAK:CEN:cab

cc: File

ZAC-05112009-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: May 4, 2009

Item Numbers 0234,0254, **0281**, 0283,0285,0286 and 0287

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

Date: May 14, 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. 2009-0281-A
MD 7
10835 PHILADELPHIA RD
DAVIES PROPERTY
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 05/07. A field inspection and internal review reveals that the existing entrance onto MD 7 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 10835 PHILADELPHIA Case Number 2009-0281-A approval.

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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: 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



RE: PETITION FOR VARIANCE * BEFORE THE
10835 Philadelphia Rd; SE/S Philadelphia Rd, *
760' NE c/line Cowenton Ave & Ebenezer Rd* ZONING COMMISSIONER
Legal Owner(s): Dennis & Dorette Davies *
Petitioner(s) * FOR
* BALTIMORE COUNTY
* 09-281-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

MAY 07 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 7th day of May, 2009, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - Case 2009-0281--A - hearing on Thursday, July 2 - comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 6/29/2009 1:10 PM
Subject: Case 2009-0281--A - hearing on Thursday, July 2 - comments needed
CC: Bostwick, Thomas

Hello Curtis -

We need Planning comments for the below described case which is scheduled for a hearing on Thursday, July 2:

CASE NUMBER: 2009-0281--A

10835 Philadelphia Road

Location: South East side of Philadelphia Road; 760 feet North East of the c/l of Cowenton Avenue and Ebenezer Road.

11th Election District, 5th Councilmanic District

Legal Owner: Dennis & Dorette Davies

VARIANCE 1) To permit 60 feet between buildings (existing shed and new warehouse) in lieu of the required 80 feet; 2) To permit a side yard of 15 feet with a sum of 30 feet in lieu of the required 30 feet and 80 feet respectively for a new warehouse; 3) To permit a side yard 5 feet and a setback of 5 feet from a residential zone line in lieu of the required 30 feet and 100 feet respectively for an existing shed; 4) To permit a setback of 0 feet for an existing shed from a residential zone line in lieu of the required 100 feet.

Hearing: Thursday, 07/02/09 at 9:00:00 AM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

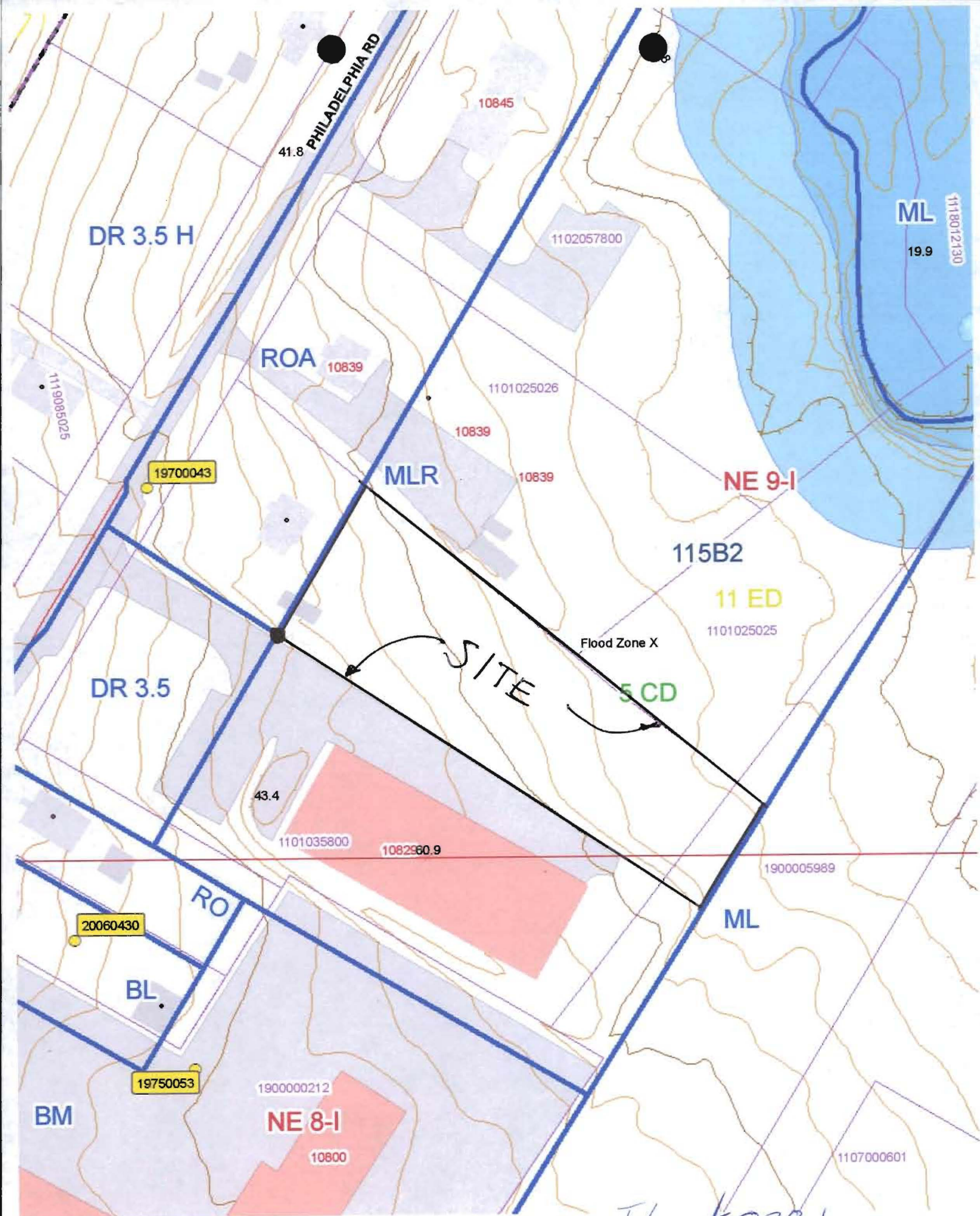
410-887-3868

pzook@baltimorecountymd.gov

CASE NAME 10835 PHILADELPHIA RI
CASE NUMBER 2009-0281-A
DATE 7/2/09

CASE NUMBER 2009-0281-A
DATE 7/2/09

[illegible]



Item #0281

PETITIONER'S EXHIBITS

**10835 PHILADELPHIA ROAD
CASE NO. 2009-0281-A**

1. PLAT TO ACCOMPANY PETITION DATED APRIL 20, 2009

2. SDAT REAL PROPERTY DATA SEARCH

3. DEED OF RECORD

4a – 4f. PHOTOS

5. PLAN SHOWING LOCATION OF VARIANCES REQUESTED



4b



4a



4c



4c



4d



4f



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

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

Account Identifier: District - 11 Account Number - 1102066050

Owner Information

Owner Name:	DAVIES DENNIS DAVIES DORETTE	Use:	RESIDENTIAL
Mailing Address:	10835 PHILADELPHIA RD WHITE MARSH MD 21162-1717	Principal Residence:	YES
		Deed Reference:	1) /17510/ 493 2)

Location & Structure Information

Premises Address	Legal Description
10835 PHILADELPHIA RD	1 & PT ACRE 10835 PHILADELPHIA RD 500 NE COWENTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
72	24	169						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1948	1,992 SF	1.45 AC	04
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	125,400	99,270		
Improvements:	112,060	132,660		
Total:	237,460	231,930	237,460	231,930
Preferential Land:	0	0	0	0

Transfer Information

Seller: MARKOWSKI THOMAS A	Date: 02/06/2003	Price: \$225,000
Type: IMPROVED ARMS-LENGTH	Deed1: /17510/ 493	Deed2:
Seller: MARKOWSKI VALENTINE W,SR	Date: 09/10/2002	Price: \$128,750
Type: IMPROVED ARMS-LENGTH	Deed1: /16805/ 192	Deed2:
Seller: BROWER THOMAS E	Date: 07/30/1998	Price: \$89,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13042/ 151	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 *

PETITIONER' S

EXHIBIT NO.

Z

FEE SIMPLE—Individual(s)

Case No. 02-1660P

This Deed, Made this 20 day of November, 2002, by and between

THOMAS A. MARKOWSKI and SUSAN M. MARKOWSKI,

parties of the first part, and

DENNIS DAVIES and DORETTE DAVIES,

parties of the second part.

Witnesseth, that in consideration of the sum of \$225,000.00 and other good and valuable considerations, receipt of which is hereby acknowledged, the said parties of the first part do grant and convey unto the parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple, all that property lying and being in **Baltimore County**, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at a stone heretofore set at the beginning of the second line of a parcel of land which by a Deed dated August 18, 1922 and recorded among the Land Records of Baltimore County in Liber WPC No. 562, folio 262 was conveyed by Virginia DeBruler widow to Arthur R.T. Edwards and wife thence binding on the second line of said parcel of land as now surveyed) North 37 degrees 24 minutes West 413-80/100 feet to the center of the Philadelphia Road as now constructed thence binding on the center of said road as constructed South 40 degrees 08 minutes West 156-40/100 feet thence leaving said road and running for a line of division and passing over a stake now set near the southeast side of the Philadelphia Road, South 47 degrees 10 minutes East 557-58/100 feet to a pipe now set in the last line of the hereinbefore referred to parcel of land thence binding on a part of said last line North 43 degrees 11 minutes East 58-80/100 feet to an iron bar now set thence leaving said outline and running for a line of division North 40 degrees 10 minutes West 153-73/100 feet to the place of beginning. The improvements thereon being known as No. 10835 Philadelphia Road.

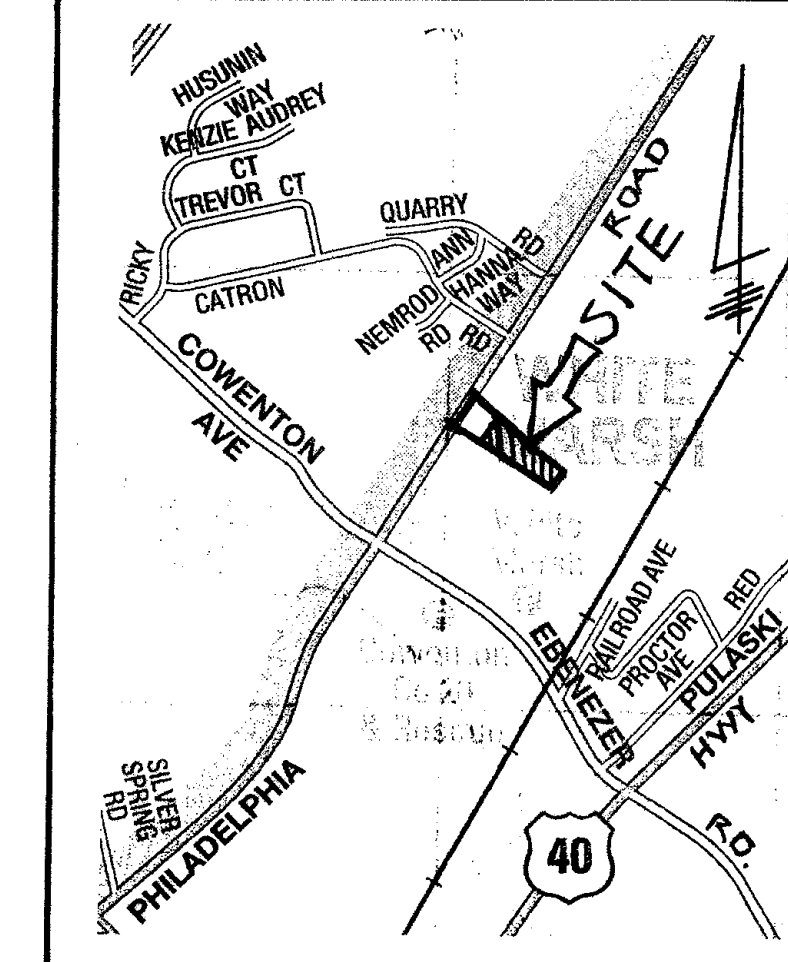
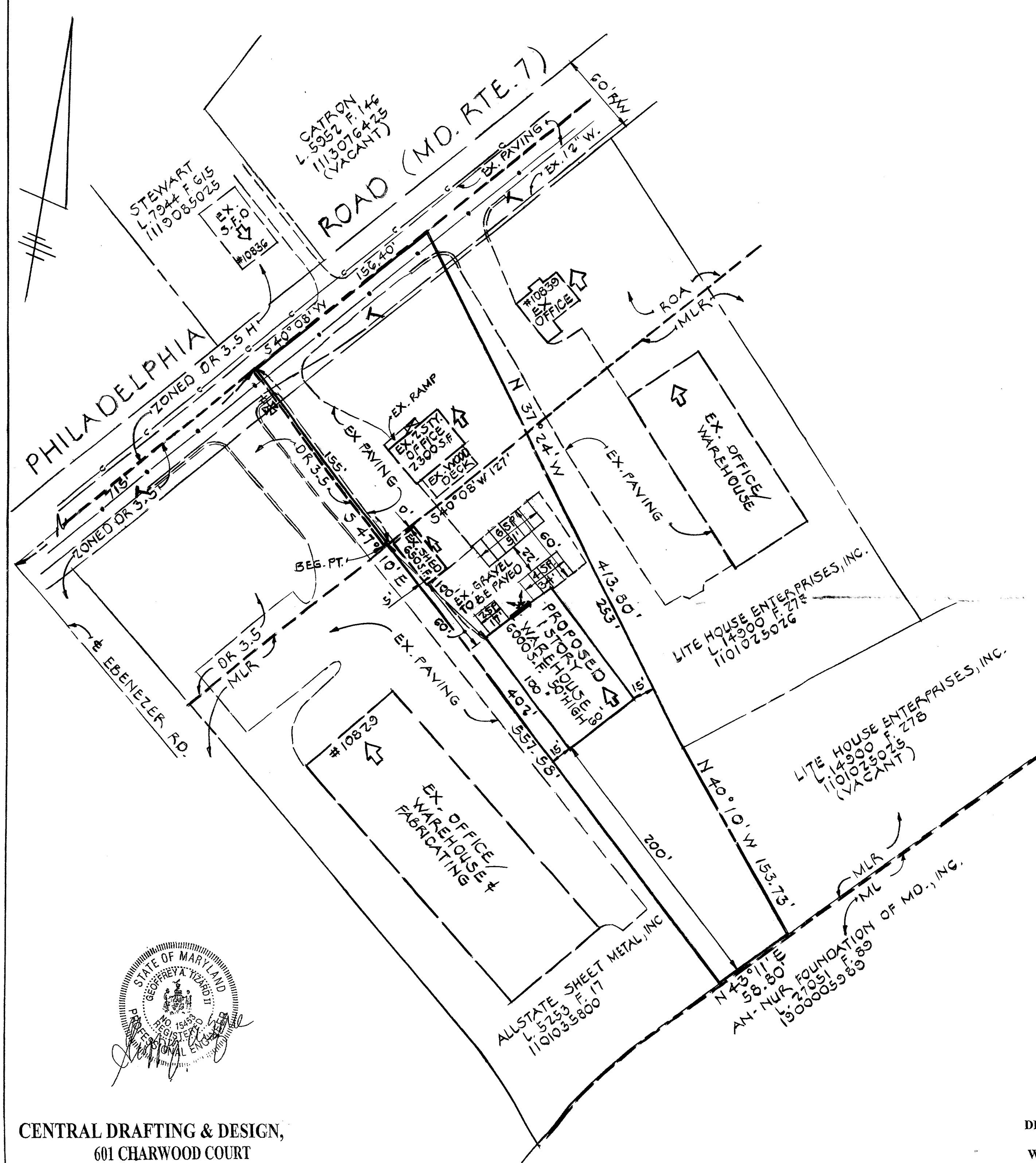
Being the same lot of ground which by Deed dated August 28, 2002 and recorded among the Land Records of Baltimore County in Liber 16805, folio 192 was granted and conveyed by Thomas A. Markowski, Attorney-in-Fact for Charlotte L. Markowski, acting under and by virtue of the POA unto the grantors within.

Subject to covenants, easements and restrictions of record.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

To Have and To Hold the said lot of ground, land and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereunto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part as tenants by the entirety, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple.

PETITIONER'S



VICINITY MAP
SCALE 1"=1000'

NOTES

1. ZONING OF SITE.....ROA AND MLR (MAP NO. 115B2)
2. AREA ZONED ROA.....22,216 S.F. = 0.51 ACRE
AREA ZONED MLR.....36,155 S.F. = 0.83 ACRE
TOTAL AREA.....58,371 S.F. = 1.34 ACRE
3. PUBLIC WATER - PRIVATE SEWER
4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
5. TO THE PREPARER'S KNOWLEDGE, NO CRITICAL AREAS, 100 YEAR FLOOD PLAINS, HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND FUEL STORAGE TANKS EXIST
6. PARKING DATA
REQUIRED
OFFICE USE.....2300 S.F. @ 3.3 SP. / 1000 S.F. = 8 SPACES
EMPLOYEES AT LARGEST SHIFT.....2 @ 1 SP. / EMP. = 2 SPACES
TOTAL REQUIRED.....10 SPACES
TOTAL PROVIDED.....12 SPACES
ALL SPACES TO BE 8.5 FEET X 18 FEET MIN. PARKING SPACES AND ACCESS AIRES TO BE PAVED AND STRIPED
7. FLOOR AREA RATIO (MLR ZONE ONLY).....6,650 / 36,155 = 0.184
8. * DENOTES PROPOSED LIGHTING. ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND AWAY FROM RESIDENTIAL PROPERTIES
9. A FINAL LANDSCAPE PLAN MUST BE APPROVED PRIOR TO A BUILDING PERMIT BEING ISSUED



CENTRAL DRAFTING & DESIGN,
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

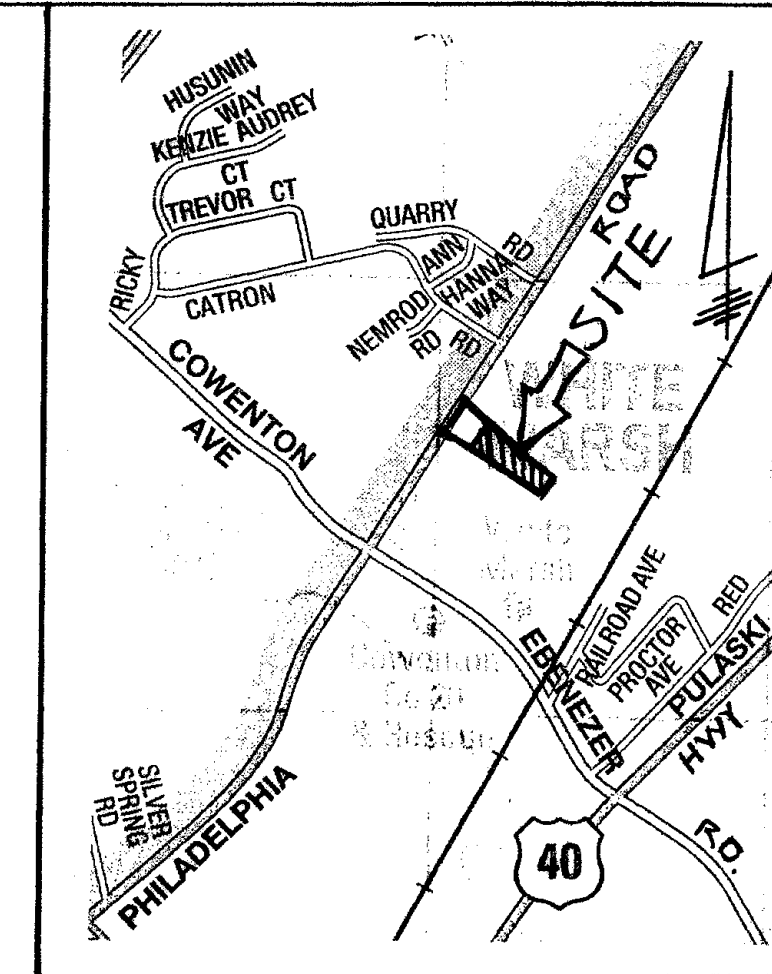
INC.

OWNER
DENNIS AND DORETTE DAVIES
10835 PHILADELPHIA ROAD
WHITE MARSH, MD. 21162-1717
DEED REF. L. 17510 F. 493
PROP. NO. 1102066050

**PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE**
10835 PHILADELPHIA ROAD
ELECTION DISTRICT 11C5
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 50 FEET **APRIL 20, 2009**

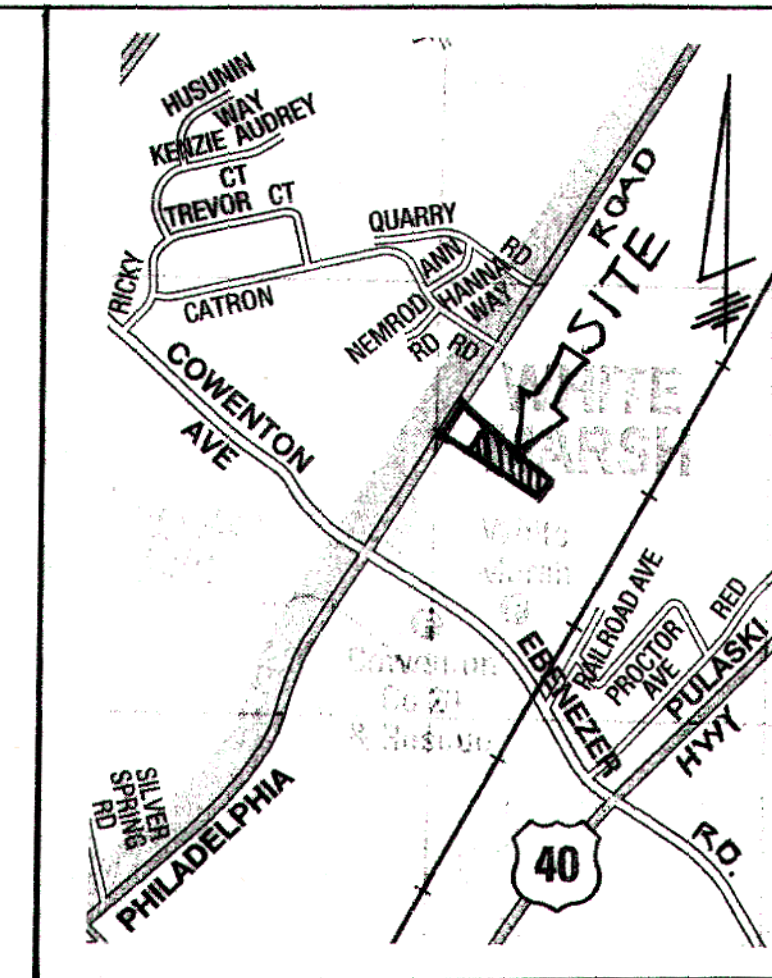
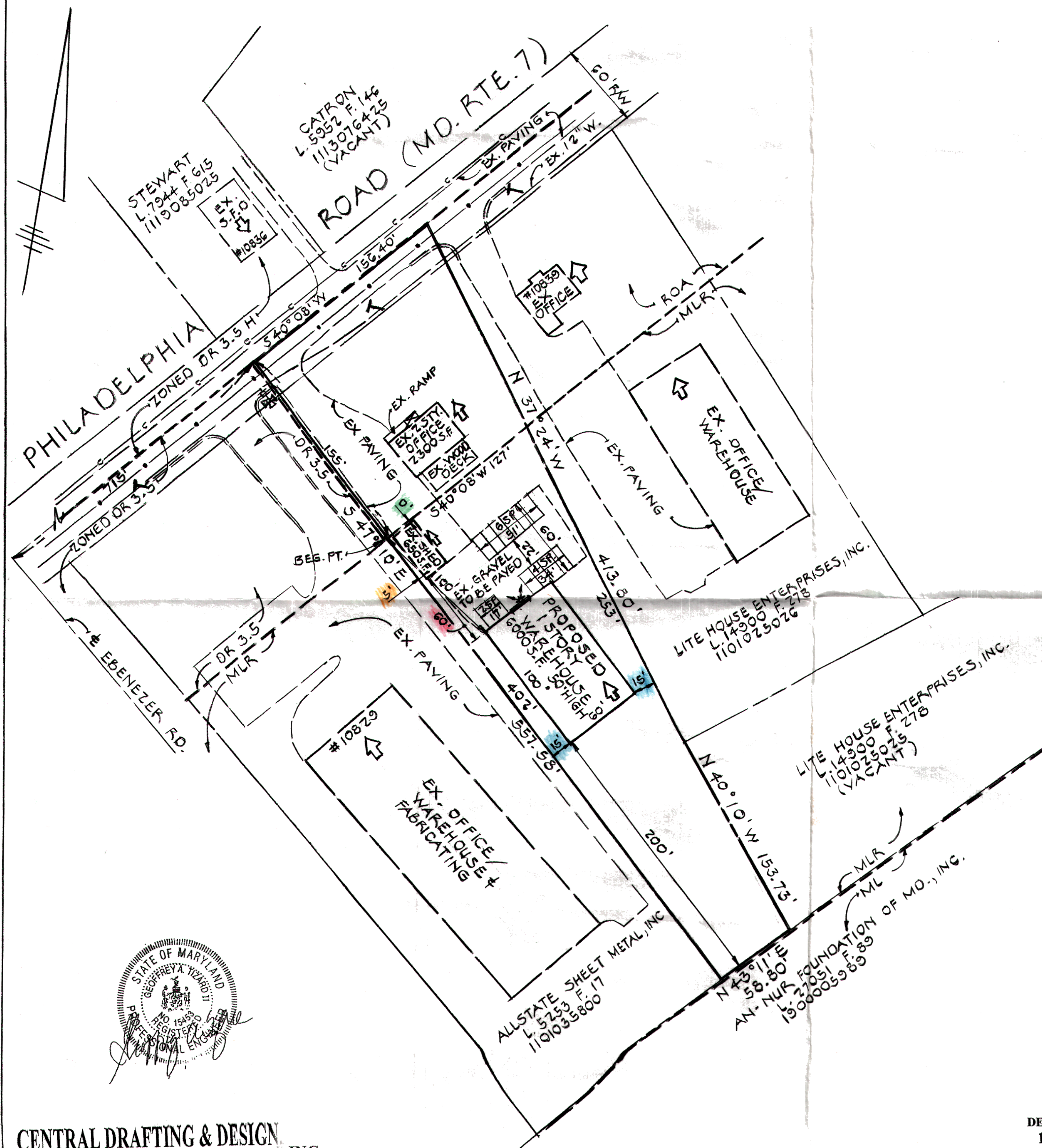
PETITIONER'S
EXHIBIT NO. 1

#2009-0281-A



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719





VICINITY MAP
SCALE 1"=1000'

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**PLAN REFERENCING
VARIANCES**

PETITIONER'S
EXHIBIT NO. 5

**PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE**

**10835 PHILADELPHIA ROAD
ELECTION DISTRICT 11C5
BALTIMORE COUNTY, MD.**

SCALE: 1 INCH = 50 FEET APRIL 20, 2009

OWNER

**DENNIS AND DORETTE DAVIES
10835 PHILADELPHIA ROAD
WHITE MARSH, MD. 21162-1717
DEED REF. L. 17510 F. 493
PROP. NO. 1102066050**

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