IN RE: PETITION FOR VARIANCE

NE side of Windsor Mill Road; NW corner of Rolling Road

2nd Election District

4th Councilmanic District

(7500 Windsor Mill Road)

Yong and Soon Hee Park
Legal Owners
Baltimore County, MD
Contract Purchaser

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- FOR BALTIMORE COUNTY

*

* CASE NO. 2010-0254-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 Yong Park and Soon Hee Park, the legal owners of the subject property, and Timothy M. Kotroco, Director of the Department of Permits and Development Management, on behalf of Baltimore County, MD, the contract purchaser. Petitioners are requesting Variance relief as follows:

- From Section 232.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a rear yard setback of 10 feet in lieu of the required 20 feet; and
- From Section 232.3.B of the B.C.Z.R. tor a side yard setback of 1 foot, 7.43 feet and 7.69 feet in lieu of the required 10 feet; and
- From Section 232.1 of the B.C.Z.R. for a front yard setback of 1 foot in lieu of the required 10 feet and a centerline to building setback of 30 feet and 37.43 feet in lieu of the required 40 feet; and
- From Section 409.6 of the B.C.Z.R. to permit 5 parking spaces in lieu of the required 9 spaces; and
- From Section 409.8.A.4 of the B.C.Z.R. for a parking space setback of 0 feet in lieu of the required 10 feet; and
- For such other and further relief as may required by the Zoning Commissioner.

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Date	5.24.10
Ву	prof

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 Jin Park, daughter of Petitioners Yong and Soon Hee Park. Also appearing on behalf of Baltimore County were Brad Knatz and Ron Goodwin with the Bureau of Land Acquisition and Abed Bssisso with the Department of Public Works. The site plan was prepared by Michael Youngworth, also with the Bureau of Land Acquisition. There were no Protestants or other interested persons in attendance.

The testimony and evidence in the case was presented by Mr. Knatz by way of a proffer and revealed that the subject property is irregular in shape and consists of approximately 8,000 square feet, more or less, zoned B.L. The property is located at the northwest corner/intersection of Rolling Road and Windsor Mill Road in the Hebbville/Windsor Mill area of Baltimore County. As shown on the site plan and the photographs that were collectively marked and accepted into evidence as Petitioners' Exhibit 2, the property is improved with an existing one-story building with entrances on each side of Rolling Road and Windsor Mill Road and parking for nine vehicles. Petitioners own and operate a dry cleaner and also provide tailoring and alteration services. Petitioners' daughter, Jin Park, indicated that the business has been at the location for approximately 20 years, and before that was once a Royal Farm Store.

At this juncture, Baltimore County has determined that improvements to Rolling Road, adjacent to Petitioners' property, are needed in order to improve traffic safety and circulation in that area. In order to do so, the County is in need of additional land on the Rolling Road side of Petitioners' property; however, as shown on the site plan, this acquisition results in a widening of the County's right-of-way and encroaches into the existing building. Mr. Knatz explained that

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normally, a situation such as this could result in what is termed a "total taking" of the property, in which the County would acquire the entire property by condemnation, thereby requiring Petitioners to relocate their business from the subject site. The County officials from the Bureau of Land Acquisition have appreciated the magnitude this course could have on Petitioners and have attempted to work with them in devising a solution that would not displace Petitioners from the property, but would still allow for the necessary changes to be made to Rolling Road.

The County's land acquisition officials and engineers have inspected the existing building and have determined that changes can be made to the building that include removing a non-load bearing area located at the northeast side of the building and adding an addition to the rear of the building. The changes are shown on the elevation drawing and demo and new work details that were collectively marked and accepted into evidence as Petitioners' Exhibit 3. It is a potential win-win for the parties because Petitioners would gain an improved building with more storage spaces and without the need for the temporary storage locker that is presently located at the rear of the building, and the County could proceed with its important capital project, while also not displacing a successful business in the Windsor Mill community. In order to go forward with the planned improvements, Petitioners are in need of the above-listed variance relief.

In support of the variance relief, Messer's Knatz, Bssisso, and Youngworth explained that the relief is necessitated by the Public Works project at Rolling Road. But rather than displacing Petitioners and completely taking the subject property, the County believes it is sufficient for their needs and more cost effective to acquire the right-of-way and pay Petitioners for the alterations to the building. Several factors that also impact the property are its irregular, triangular shape -- akin to a "pie" shape -- and its location at the unusual convergence of Rolling Road and Windsor Mill Road; namely, that these two roads are not situated as a "traditional"

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Date 5.24.10

intersection at relative "right angles," but is shaped more like an "X," with the subject property situated in the smaller, thinner area of the "X." Because of this unique shape and location, the road widening project and the acquisition of the right-of-way has a more pronounced effect on the subject property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 14, 2010 which indicates that the Baltimore County Highway Design Division of Public Works has necessitated Petitioners' request in the efforts to secure a portion of the subject site to expand the right-of-way for future highway widening of Rolling Road from Windsor Mill Road to Liberty Road. The Office of Planning supports the requested relief.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Obviously, the entire necessity of Petitioners' variance requests is the County's road widening project that is slated to encroach into Petitioners' property. Unless a creative accommodation can be made, which would allow Petitioners to keep their property and their business, the County could be forced to make the acquisition a total taking. The alternative to such an intrusive scenario is for Petitioners to make certain changes to the building and for the County to literally and figuratively "work around" the building. I believe the shape and location of the property, and its status vis-à-vis the County's capital improvement project, render it unique in a zoning sense and potentially impact the property disproportionately as compared to other properties in the zoning district.

I also find that Petitioners would suffer practical difficulty and undue hardship if the variance requests were to be denied. Put simply, Petitioners could not sustain their business at

ORDER RECE	IVED FOR FILING
Date	5.24.10

4

the location and would be forced to move, which would have potential negative consequences on the business. Finally, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 24th day of May, 2010 by this Deputy Zoning Commissioner, that Petitioners' Variance relief as follows:

- From Section 232.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a rear yard setback of 10 feet in lieu of the required 20 feet; and
- From Section 232.3.B of the B.C.Z.R. tor a side yard setback of 1 foot, 7.43 feet and 7.69 feet in lieu of the required 10 feet; and
- From Section 232.1 of the B.C.Z.R. for a front yard setback of 1 foot in lieu of the required 10 feet and a centerline to building setback of 30 feet and 37.43 feet in lieu of the required 40 feet; and
- From Section 409.6 of the B.C.Z.R. to permit 5 parking spaces in lieu of the required 9 spaces; and
- From Section 409.8.A.4 of the B.C.Z.R. for a parking space setback of 0 feet in lieu of the required 10 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.

5

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Date	5.24.10			
By	VOX			

DECENTED FOR EURIO

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

THOMAS H. BOST WICK Deputy Zoning Commissioner for Baltimore County

6

THB:pz

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Date 5.24.10

Ву_____



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 24, 2010

YONG PARK AND SOON HEE PARK 7500 WINDSOR MILL ROAD BALTIMORE MD 21244

> Re: Petition for Variance Case No. 2010-0254-A

> > Property: 7500 Windsor Mill Road

Dear Mr. and Mrs. Park:

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

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

Very truly yours,

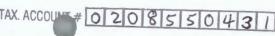
THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

Enclosure

c: Jin Park, 7500 Windsor Mill Road, Baltimore MD 21244 Brad Knatz, Ron Goodwin, and Michael Youngworth, Baltimore County Bureau of Land Acquisition Abed Bssisso, Baltimore County Department of Public Works







Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7500 WINDSOR MILL ROAD

which is presently zoned B

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 th	e subject of this Petit	ion.			
Contract Purchaser/Les	see:		Legal Owne	er(s):		
Name - Type or Print / Lo Fro	TROCO	· · · · · · · · · · · · · · · · · · ·	Name - Type or I	PAR	K	·
Signature RM 105 COUNTY OFF Address	ICE BLOG	X-3353 Telephone No.	Signature 500/ Name - Type or I	Print	PARK	~
City	State	Zip Code	Signature	· Cr		
Attorney For Petitioner:			7500 WIN	udsor t	ILL Ro.	410-521-4498 Telephone No.
Name Time or Drint	*		BALTIM	ORE	MD State	21244
Name - Type or Print			•			Zip Code
Signature ORDER REC	SA4-11	FILING	Representa BRAD Name	KNAT	rz	
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REQUESTED RELIEF

Variances from the following Sections of the Baltimore County Zoning Regulations

- 1. From Section 232.3B. For a rear yard setback of 10-feet in lieu of the required 20-feet.
- 2. From Section 232.2B. For a side yard setback of 1-foot, 7.43-feet and 7.69-feet in lieu of the required 10-feet.
- 3. From Section 232.1 For a front yard setback of 1-foot in lieu of the required 10-feet and a centerline to building setback of 30-feet and 37.43-feet in lieu of the required 40-feet.
- 4. From Section 409.6 To permit 5 parking spaces in lieu of the required 9 spaces.
- 5. From Section 409.8.A.4 For a parking space setback of 0-feet in lieu of the required 10-feet.
- 6. For such other and further relief as may be required by the Zoning Commissioner.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 2010 - 0254 - A
Petitioner: PARK
Address or Location: 1500 WINDSOR MILL RD.
PLEASE FORWARD ADVERTISING BILL TC
Name: TIMOTHY KOTROCO, DIRECTOR
Address PERMITS + DEV. MGMT
111 W. CHESAPEAKE AVE.
Towson, MD 21204
Telephone Number: 410-887-3353

SITE DESCRIPTION



The subject is a triangular shaped parcel located on the northwest corner of the intersection of Windsor Mill and Rolling Roads in the Randallstown area. The subject is shown on a tentative taking plat as having an area of 8,297 square feet and is listed in the tax records with a size of 6,934 square feet. The tax records size of 6,934 square feet has been used at the direction of the client as it is believed to correctly reflect the 1991 taking shown on plat 74-101-7 as found in the addendum of this report. The subject site has 123.1 feet of frontage on Rolling Road and 110.71 feet of frontage on Windsor Mill Road. The subject's triangle has a front corner with a width of 32.45 feet and the rear width of the subject area is 107.23 feet.

The subject is generally level and at grade with the bordering roadways and properties. The subject site is cleared and improved with a building and supporting parking lot with a minimal area of grass lawn to the rear at Windsor Mill Road. The subject has access via concrete curb cuts at both Rolling and Windsor Mill Roads.

Rolling and Windsor Mill Roads are both county maintained secondary roadways serving western Baltimore County. They are both improved with concrete curbs, gutters, and sidewalks and street lighting. At the subject Rolling Road is a three-lane macadam right of way with a center left turn lane for southbound traffic and Windsor Mill has four lanes of macadam paving. The subject intersection is served by a stoplight. Baltimore County reports that there were 34,315 vehicles entering the subject intersection as of the most recent traffic count on September 24, 2007.

The subject location has interstate access via I-695 interchanges with Security Boulevard three miles to the south and Liberty Road two miles to the north. The subject is served with public transportation via the MTA bus #77 which runs south on Rolling Road from Liberty Road and turns east on Windsor Mill before entering the Rutherford Business Park.

The principle land use in the subject area is a mix of residential projects and commercial ventures. To the east of the subject is a private bus parking lot and further to the east on Windsor Mill Road there is a small strip center and automotive garage. Directly opposite the subject comer is a gas station and south of the subject on Rolling Road there is a contractor's office, delicatessen, and office in a converted dwelling. West of the subject on Windsor Mill is a church and older detached single family dwellings. The subject has a strong commercial location due to its comer exposure and ease of access.

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: # 2010-0254-A
7500 Windsor Mill Road
N/east side of Windsor Mill Road, n/west corner of Rolling
Road

2nd Election District - 4th Councilmanic District

2nd Election District - 4th Councilmanic District Legal Owner(s): Yong & Soon Hee Park Variance: for a rear yard setback of 10 feet in lieu of the required 20 feet; for a side yard setback of 1 foot, 7.43 and 7.49 feet in lieu of the required 10 feet; for front yard setback of 1 foot in lieu of the required 10 feet and a centerline to building setback of 30 feet and 37.43 feet in lieu of the required 40 feet to permit 5 parking spaces in lieu of the required 9 spaces; for a parking space setback of 0 feet in lieu of the required 10 feet; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Thursday, May 20, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

Towson 21204.

VILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contract 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/5/619 May 4

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO. Director

Department of Permits and
Development Management
April 12, 2010

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: 2010-0254-A

7500 Windsor Mill Road

N/east side of Windsor Mill Road, n/west corner of Rolling Road

2nd Election District – 4th Councilmanic District

Legal Owners: Yong & Soon Hee Park

(9)

Variance for a rear yard setback of 10 feet in lieu of the required 20 feet; for a side yard setback of 1 foot, 7.43 and 7.69 feet in lieu of the required 10 feet; for front yard setback of 1 foot in lieu of the required 10 feet and a centerline to building setback of 30 feet and 37.43 feet in lieu of the required 40 feet; to permit 5 parking spaces in lieu of the required 9 spaces; for a parking space setback of 0 feet in lieu of the required 10 feet; for such other and further relief as may required by the Zoning Commissioner.

Hearing: Thursday, May 20, 2010 at 9:00 a.m. in Room 104, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Yong & Soon Hee Park, 7500 Windsor Mill Road, Baltimore 21244 Brad Knatz, Rm. 319, County Office Building

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 5, 2010.

(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.



ZONING NOTICE

APUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON MARYLAND Case #: 2010-0254-A CASE #: 2010-0254-A

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MIME & DATE: THURSDAY MAY 20 2010 AT 900 AM

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05/04/2010

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 4, 2010 Issue - Jeffersonian

Honnat

Please forward billing to:

Timothy Kotroco Permits & Development Management 111 West Chesapeake Avenue Towson, MD 21204 410-887-3353

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: 2010-0254-A

7500 Windsor Mill Road
N/east side of Windsor Mill Road, n/west corner of Rolling Road
2nd Election District – 4th Councilmanic District
Legal Owners: Yong & Soon Hee Park

Variance for a rear yard setback of 10 feet in lieu of the required 20 feet; for a side yard setback of 1 foot, 7.43 and 7.69 feet in lieu of the required 10 feet; for front yard setback of 1 foot in lieu of the required 10 feet and a centerline to building setback of 30 feet and 37.43 feet in lieu of the required 40 feet' to permit 5 parking spaces in lieu of the required 9 spaces; for a parking space setback of 0 feet in lieu of the required 10 feet; for such other and further relief as may required by the Zoning Commissioner.

Hearing: Thursday, May 20, 2010 at 9:00 a.m. in Room 104, Jefferson Building,

05 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Date

Yong & Soon Hee Park 7500 Windsor Mill Rd. Baltimore, MD 21244

Dear: Yong & Soon Hee Park

RE: Case Number 2010-0254-A, 7500 Windsor Mill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 29, 2010. 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,

U. Cul Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel Timothy M. Kotroco Brad Knatz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: April 14, 2010

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 26, 2010

Item Nos. 2010-254, 259, 261, 262, 263, 264, 265, 266, 267, 268 and 272

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04262010 -NO COMMENTS.doc



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 19,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 12, 2010

Item Numbers: 0254,0259,0261,0262,0263,0264,0265,0266,0267,0268and 0272

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



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 19,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 19, 2010

Item Numbers: 0250 through 0260

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

TB 5/20 9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7500 Windsor Mill Road

INFORMATION:

Item Number:

10-254

Petitioner:

Young Park

Zoning:

BL

APR **1 6** 2010

DATE: April 14, 2010

ZONING COMMISSIONER

RECEIVED

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

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

The Baltimore County Highway Design Division of Public Works has necessitated the petitioner's request in the efforts to secure a portion of the subject site to expand the right-of-way for future highway widening of Rolling Road from Windsor Mill Boulevard to Liberty Road.

The Office of Planning supports the requested relief.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-

3480.

Prepared by:

Division Chief:

AFK/LL: CM



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

Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: ADRIL 22, 2010

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

RE: **Baltimore County**

Item No. 2010-0254-A
7500 WINDSOR MILKD
PARK PROPERTY

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. 2010. -0254A.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb

6-20-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

, JUN **0 9 2**010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 8, 2010

SUBJECT:

Zoning Item

Address

10-254-A 7500 Windsor Mill Road

(Park Property)

Zoning Advisory Committee Meeting of April 12, 2010.

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

Reviewer:

JWL

Date: 6/8/10

RE:	PETITION FOR VARIANCE
	7500 Windsor Mill Road; NE/S Windsor
	Mill Road, NW corner of Rolling Road
	2 nd Election & 4 th Councilmanic District
	Legal Owner(s): Yong & Soon Hee Park
	Contract Purchaser(s): Timothy Kotroco
	Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
 - **BALTIMORE COUNTY**
- * 10-254-A

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

APR 2 1 2010

9900000000000000000

Peter Max Zunmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 21st day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Brad Knatz, 111 West Chesapeake Avenue, Suite 319, Towson, Maryland 21204, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Account Identifier:

State Municipal

Tax Exempt:

Exempt Class:

NO

Go Back View Map **New Search**

District - 02 Account Number - 0208550431 **Owner Information Owner Name:** PARK YONG COMMERCIAL PARK SOON HEE **Principal Residence:** Mailing Address: 7500 WINDSOR MILL RD **Deed Reference:** 1) /21533/ 636 **BALTIMORE MD 21244-2032** 2) **Location & Structure Information Premises Address Legal Description** 7500 WINDSOR MILL RD .57 AC LT NES WINDSOR MILL RD NW COR ROLLING RD Map Grid Parcel **Sub District** Subdivision Section **Block** Assessment Area Plat No: Lot 87 5 Plat Ref: 1 Town Special Tax Areas **Ad Valorem** Tax Class **Primary Structure Built Enclosed Area Property Land Area** County Use 1977 1,944 SF 6,934.00 SF 20 **Stories Basement** Exterior Type Value Information **Base Value** Value **Phase-in Assessments** As Of As Of As Of 01/01/2010 07/01/2009 07/01/2010 Land 101,900 101,900 125,900 Improvements: 120,200 Total: 222,100 227,800 224,000 222,100 **Preferential Land:** 0 0 **Transfer Information** CLOVERLAND FARMS DAIRY INC Seller: Date: 03/09/2005 Price: NOT ARMS-LENGTH Deed1: /21533/ 636 Deed2: Type: Seller: HILLTOP ESTATES INC Price: Date: 12/06/1976 \$75,000 IMPROVED ARMS-LENGTH Deed1: / 5703/ 794 Deed2: Type: Seller: Date: Price: Type: Deed1: Deed2: **Exemption Information Partial Exempt Assessments** Class 07/01/2009 07/01/2010 County 000 0 0

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0 Special Tax Recapture:

* NONE *

No Consideration
Correct Legal Description

This Confirmatory Deed, made this 25th day of Faller Any, 2005, by and between Two Farms, Inc., party of the first part, GRANTOR; and Yong Park and Soon Hee Park, parties of the second part, GRANTEE.

- Witnesseth - -

That in consideration of the sum of NO DOLLARS (\$.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said Yong Park and Soon Hee Park, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a stone heretofore set on the northeast side of Windsor Mill Road (formerly called the New Cut Road) at the beginning point of the land described in the deed from Anna W. Piel, et al to William F. Piel, Jr. and Elizabeth R. Piel, his wife, dated February 17, 1920 and recorded among the Land records of Baltimore County in Liber W.P.C. No. 520, folio 343, etc.; thence running and binding on a part of the first line of said Deed north 78 degrees 20 minutes east 209.1 feet to a pipe set on the northwest side of the Rolling Road; thence running and binding on the northwest side of the Rolling Road south 26 degrees 36 minutes east 115.5 feet to a pipe now set; thence continuing to run and bind on the side of the Rolling Road south 21 degrees 47 ininutes east 128.2 feet to intersect the northeast side of the Windsor Mill Road; thence running and binding on the northeast side of the Windsor Mill Road North 59 degrees 20 minutes west 353.4 feet to the place of beginning. Containing .57 acres of land more or less.

SAVINGS AND EXCEPTING therefrom, however, (1) all that lot or parcel of ground which by Deed dated November 25, 1953 and recorded among the aforesaid Land Records in Liber G.L.B. No. 2397, folio 557, was granted and conveyed by Roland S. Piel, et al, to Thomas E. Weidemeyer, et al, and also (2) all that portion of the above described property which is included in a mortgage dated July 21, 1954 and recorded among the aforesaid Land Records in Liber G.L.B. No. 2522, folio 402 from Roland S. Piel, et al, to Randallstown Bank.

BEING the same lot of ground and premises which by Deed dated 12/31/1976 and recorded among the land records of Baltimore County, Maryland in tiber 5703, folio 794 was granted and conveyed by Hilltop Estates, Inc. unto Cloverland Farms Dairy, Inc. now known as Two Farms, Inc..

This Deed is intended to correct the error in the legal description set forth in the Deed dated August 27, 2004 and recorded among the Land Records of Baltimore County, Maryland in Liber 20990, folio 464 was granted and conveyed by Two Farms, Inc. unto Yong Park and Soon Hee Park.

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

BA TIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-21388] SM 21533, p. 0636, Printed 04/02/2010, Image available as of 03/18/2005.

PLEASE PRINT CLEARLY	P	LEA	SF	PRII	VT	CI	FA	RI	Y
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CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME,	ADDRESS	CITY, STATE, ZI	P	E- MAIL	
BRAD KNAIZ	LAND ACR				
Abed Bssisso	DPW Balt. Co.				
RowGoodwan	POM LOUD ACO				
Jin Park	Royal Cleaners	Baltimore, MD 21244	7500 Windson	Hell Road	
MICHAEL YOUNGWORTH	POM LAND Acq.		·	•	. 0
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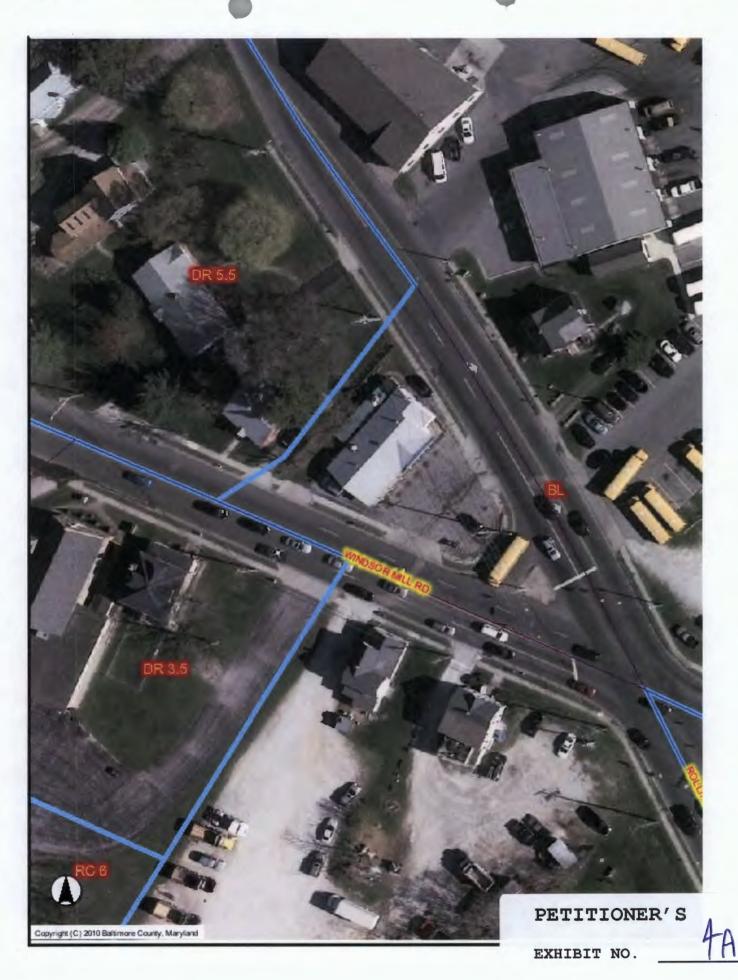
Case No.: 2010 - 6254-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	pholographs	
No. 3	rendering of addition	
No. 4 A+B	acual photos of property	
No. 5	Construction estimate	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





BALTIMORE COUNTY MARYLAND DEPARTMENT OF PUBLIC WORKS INTER-OFFICE CORRESPONDENCE

DATE:

July 2, 2009

TO:

Lois Ruhl, Supervisor

Contact Negotiations and Appraisal Section

FROM:

Steven A. Walsh, Chief

Bureau of Engineering and Construction Ateva Walk fer

SUBJECT:

Rolling Road -Dry Cleaners

We have reviewed the cost estimated for the relocation of the out building for the dry cleaners on Rolling Road. The estimate of \$155,500,00 appears to be the most acceptable estimate and encompasses the total project except for any BGE costs that mat be incurred as a part of the project.

We would recommend contacting the property owner and having them get a formal estimate from BGE for their relocation work. In addition, the property owner will need to obtain a zoning variance for the location of the new addition to the existing building. We will support the property owner on the variance request.

After the property owner has all the costs for the relocation (including BGE and variance), the final decision on How To Proceed can be made.

If you have any questions, contact Abed Bssisso on extension 3739.

SAW:JER:AB:vb Cc: Shirley Murphy

File

PETITIONER'S

EXHIBIT NO.

G Design Corporation

5102 Thunder Hill Rd Columbia, MD 21045 MHIC# 124631 Phone# 443-538-3291

Estimate

Date	Estimate #	
3/17/2009	16	

Name / Address	
Park Properties	
7500 Windsor Mill Rd	
Windsor Mill, MD 21244	

	,	Project
Item	Description	Total
01 Plans and Permits	Plans and Permits	10,000.00
	-provide engineered stamped set of plans for demo and new construction -provide working set of plans for building, mechanical, electrical, and plumbing -price does not include permit fees	
02.10 Demo	Demo	8,500.00
	-remove existing alteration room, bathroom, and boiler -remove shed and clothes storage unit in the back of the building -haul and remove debris	
03 Excavation	Excavation	4,200.00
	-clear out lot 11'x 58' rear of the unit	
	-dig foundation according to plans -prep foundation with reinforcement according to plans	
04 Concrete	Concrete	8,500.00
	-pour concrete slab (thickness according to plans)	
07 Wall Frame	-slab and reinforcements will meet all building codes Wall Framing	6,500.00
. , , , , , , , , , , , , , , , , , , ,	-frame walls exterior and interior according to plans	
08 Roof Frame	-walls usually will be made from 2"x4"-6" studs or steel/metal stud Roof Framing	5,600.00
NO KOO! I IMILE	-roof will be made of trusses	3.000.00
	-trusses will meet huilding codes	
	-trusses will be engineered to hold the weight of the roof -all trusses will come with spec sheet	
10 Exterior Trim &	Exterior Trim & Decks	4,200.00
	-fascia boards, trim, softs, etc. will match the existing building -trim will be primed and painted to match the existing building	
05 Masonry	Masonty	15,000.00
	-install brick vencer to match existing building	
	-all work will be done according to the plans -all dimensions and sizes according to plans	
11 Siding	Siding	3,200.00
	-add siding to the gable roof front to match existing building -all siding will be primed and painted	
·	Total	

G Design Corporation

5102 Thunder Hill Rd Columbia, MD 21045 MHIC# 124631 Phone# 443-538-3291

Estimate

Date	Estimate #	
3/17/2009	16	

Name / Address		
Park Propertics 7500 Windsor Mill Rd Windsor Mill, MD 21244		

	·		Project
Item	Description		Total
12 Doors & Trim	Doors & Trim		3,000.00
14 Plumbing	-add 2 exterior doors (fire rating and size according to plans) -add 2 interior doors (size and type according to plans) Plumbing -relocate plumbing for bathroom -relocate plumbing for the boiler		18,000.00
15 HVAC	-includes water supply, waste, and gas -all work will be done according to plans Heating & Cooling -add heating/cooling unit to new space -unit will need separate power supply		12,600.00
16 Electrical & Lig	-extend necessary exhaust pipes through new roof -remove existing exhaust fan on rear wall -install new exhaust fans according to plans Electrical & Lighting -relocate electrical lines to new addition -new addition will have power run to the new electrical codes		8,000.00
17 Insulation	-some new wiring maybe required in the existing building to meet code -owner will be advised on changes that need to be made Insulation -insulate walls and attic space according to plans		7,400.00
18 Interior Walls	-all insulating factors to meet code Interior Walls -hang sheet rock to interior of the new addition -1/2' thickness unless otherwise noted -tape and finish all joints and corners -prime and paint walls		8,500.00
19 Ceilings & Cover	Ceilings & Coverings -drop ceiling 2'x4' tiles -white track and tiles unless otherwise noted -all track will be attached according to manufactures spees		6,000.00
		Total	

G Design Corporation

51.02 Thunder Hill Rd Columbia, MD 21045 MHIC# 124631 Phone# 443-538-3291

E	S	ti	n	a	t	e

Date	Estimate #	
3/17/2009	16	

Name / Address	
Park Properties	
7500 Windsor Mill Rd	
Windsor Mill, MD 21244	

		Project
hem	Description	Total
23 Floor Coverings	Floor Coverings	1,200.00
	-paint concrete floor with durlock -floors will be prep before painting	
	-color choice made by owner	
24 Paint	Painting	3,000.00
	-prime and paint all walls	
	-paint color choice by owner	
25 Cleanup	Cleanup & Restoration	5,600.00
	-clean up job site daily	
	-dust protection to work site	
	-dust will be kept to a minimum	
Gutter/ downspout	Gutter and Downspouts	1,500.00
	-install 5"-6" gutters and down spouts	
	-color to match existing building	
bathroom	Bathroom budget	6,500.00
	-\$6500 allowance for new bathroom	
Special	-includes: toilet .sink, fixtures, cabinets, and lighting Restoration	8.500.00
Special	-correct the look of the exterior wall facing the street	8,300.00
	-fill in old doorways	
	-patch with brick or block	
	-prime and paint	
	-trim to match existing building	
	the state of the s	
Notes	Notes:	0.00
	This only an estimate. Prices are based on the paper work and layout presented by Park Properties.	
	G Design is not responsible for any legal issues with the zoning process. G Design will be able to give	
	the final proposal after the zoning has been approved and building placement has been decided.	
	G Design will provide the documents needed to build the new addition and will pull all needed	
	pormits.	
	Total	\$155,500.00

SUBJECT PHOTOGRAPHS





Rear View



South Side View



North Side View



Rolling Road Facing South



Windsor Mill Road Facing East

SITE DESCRIPTION



The subject is a triangular shaped parcel located on the northwest corner of the intersection of Windsor Mill and Rolling Roads in the Randallstown area. The subject is shown on a tentative taking plat as having an area of 8,297 square feet and is listed in the tax records with a size of 6,934 square feet. The tax records size of 6,934 square feet has been used at the direction of the client as it is believed to correctly reflect the 1991 taking shown on plat 74-101-7 as found in the addendum of this report. The subject site has 123.1 feet of frontage on Rolling Road and 110.71 feet of frontage on Windsor Mill Road. The subject's triangle has a front corner with a width of 32.45 feet and the rear width of the subject area is 107.23 feet.

The subject is generally level and at grade with the bordering roadways and properties. The subject site is cleared and improved with a building and supporting parking lot with a minimal area of grass lawn to the rear at Windsor Mill Road. The subject has access via concrete curb cuts at both Rolling and Windsor Mill Roads.

Rolling and Windsor Mill Roads are both county maintained secondary roadways serving western Baltimore County. They are both improved with concrete curbs, gutters, and sidewalks and street lighting. At the subject Rolling Road is a three-lane macadam right of way with a center left turn lane for southbound traffic and Windsor Mill has four lanes of macadam paving. The subject intersection is served by a stoplight. Baltimore County reports that there were 34,315 vehicles entering the subject intersection as of the most recent traffic count on September 24, 2007.

The subject location has interstate access via I-695 interchanges with Security Boulevard three miles to the south and Liberty Road two miles to the north. The subject is served with public transportation via the MTA bus #77 which runs south on Rolling Road from Liberty Road and turns east on Windsor Mill before entering the Rutherford Business Park.

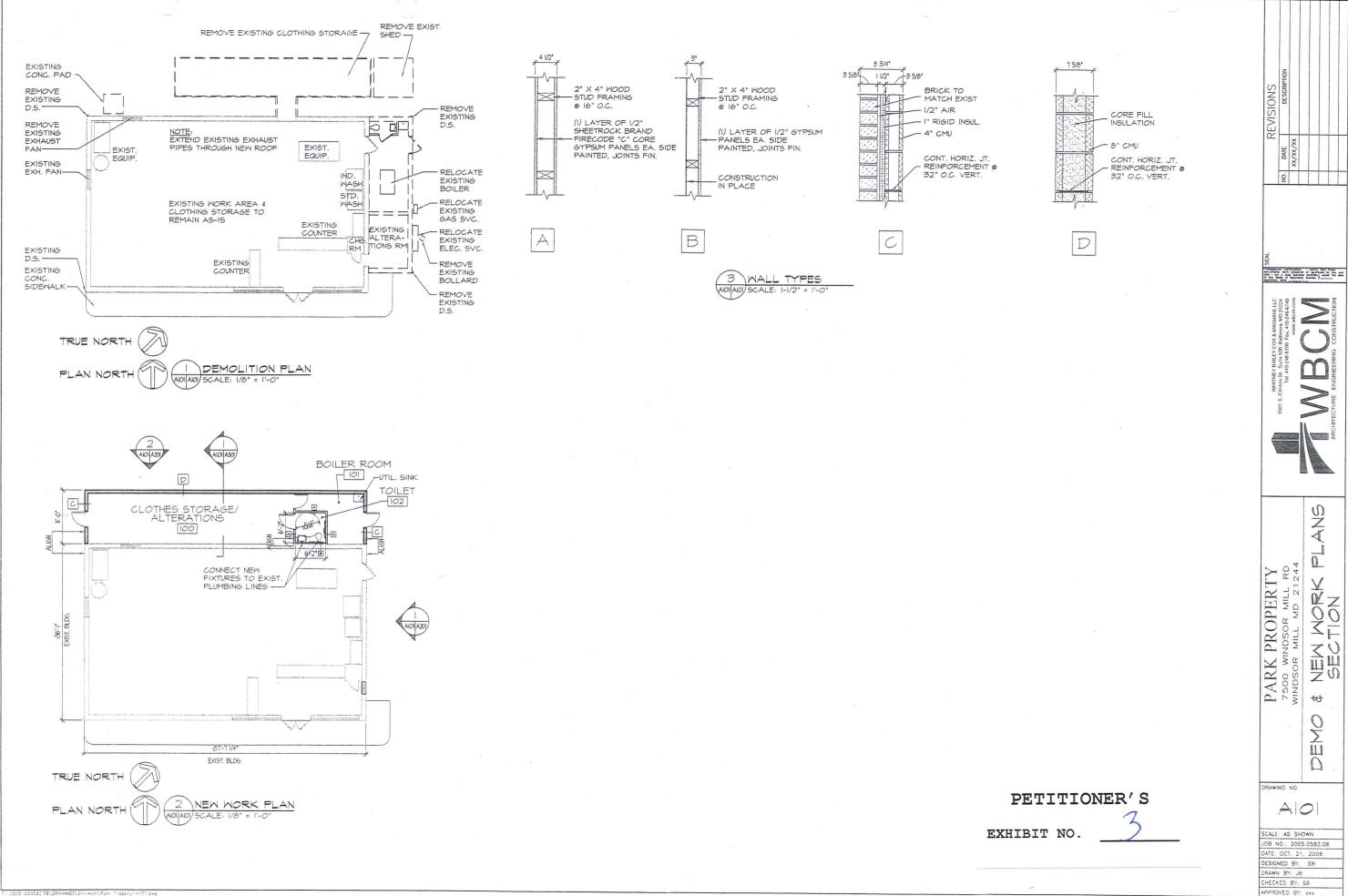
The principle land use in the subject area is a mix of residential projects and commercial ventures. To the east of the subject is a private bus parking lot and further to the east on Windsor Mill Road there is a small strip center and automotive garage. Directly opposite the subject comer is a gas station and south of the subject on Rolling Road there is a contractor's office, delicatessen, and office in a converted dwelling. West of the subject on Windsor Mill is a church and older detached single family dwellings. The subject has a strong commercial location due to its corner exposure and ease of access.

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Muller-Casella Associates, Inc.

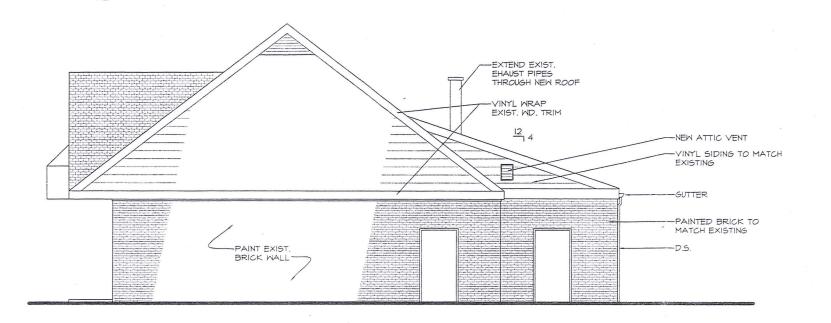
PETITIONER'S

EXHIBIT NO.

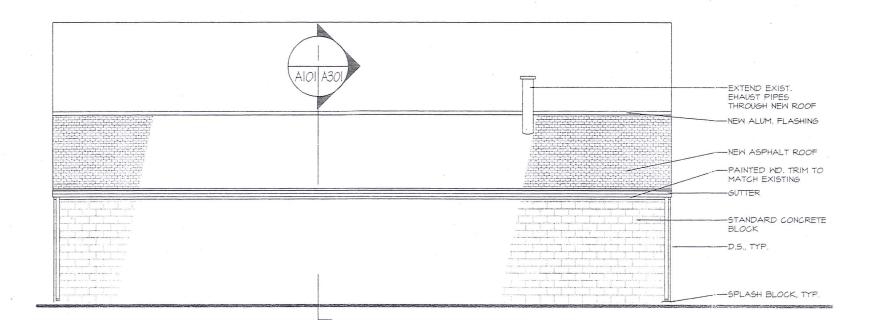


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SIDE ELEVATION AIOI A201 SCALE: 1/4" = 1'-0"



2 REAR ELEVATION
AIOI AZO SCALE: 1/4" = 1'-0"

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PARK PROPERTY
7500 WINDSOR MILL RD
WINDSOR MILL MD 21244

ELEVATIONS

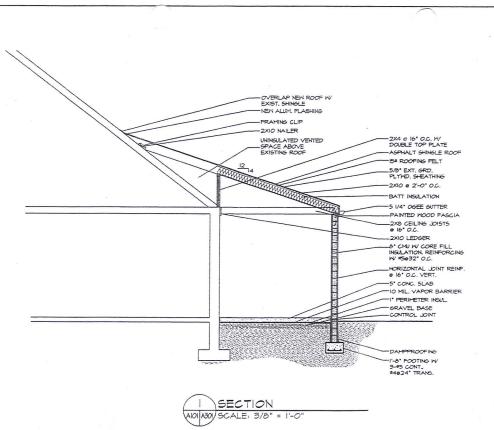
DRAWING NO. A20

SCALE: AS SHOWN JOB NO.: 2005.0582.08

DATE: DCT. 21, 2008 DESIGNED BY: SB DRAWN BY: JB

APPROVED BY: XXX

© - WGCM 2008 CHECKED BY: SB



DATE XX/XX/XX NO. Prohessonal Cartilaction: I cartly that Deser documents were prepared or approved by me, and that I am a duly forened arrivalled under the loss of the State of Maryland, Science of expiration data.

PARK PROPERTY
7500 WINDSOR MILL RD
WINDSOR MILL MD 21244

SECTION

DRAWING NO.

A30

SCALE: AS SHOWN

JOB NO.: 2005.0582.08

DATE: OCT. 21, 2008

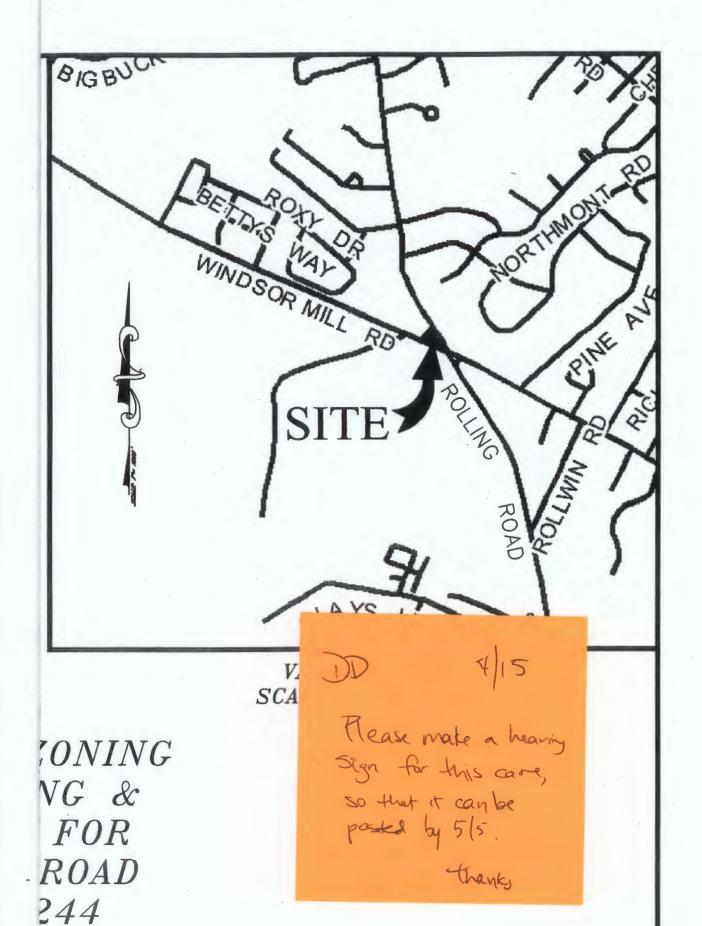
DESIGNED BY: SB

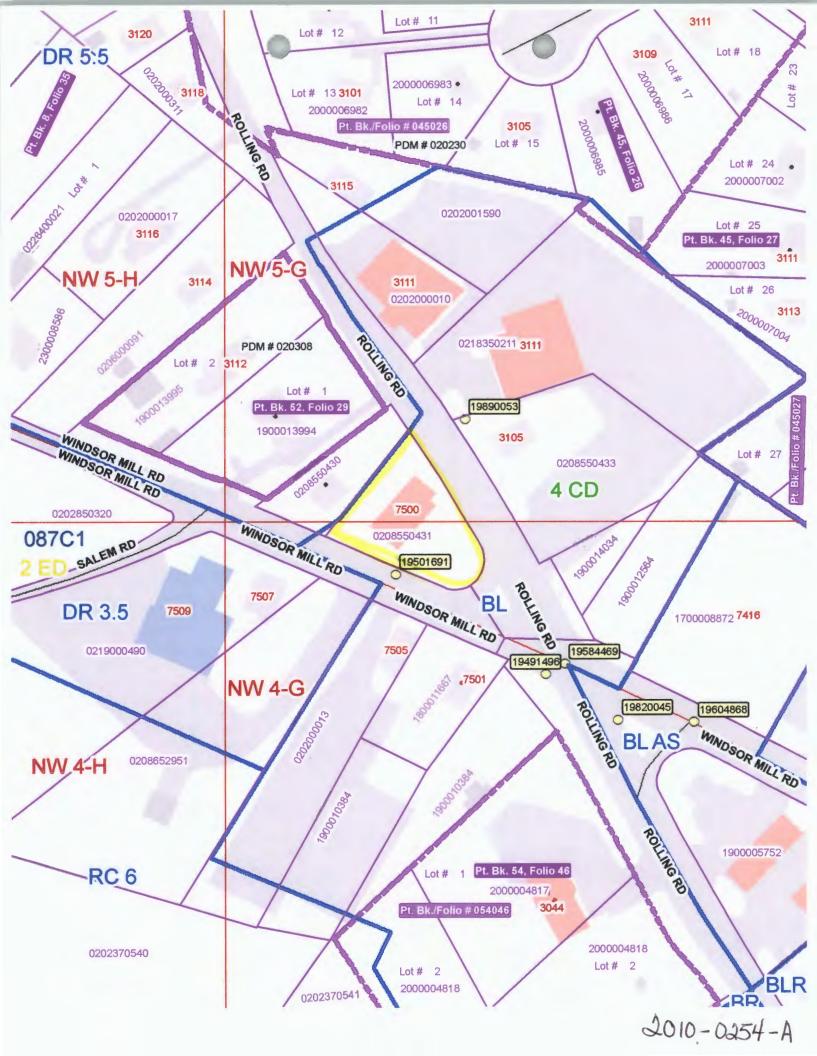
DRAWN BY: JB

CHECKED BY: SB

APPROVED BY: XXX

WBCM 2008

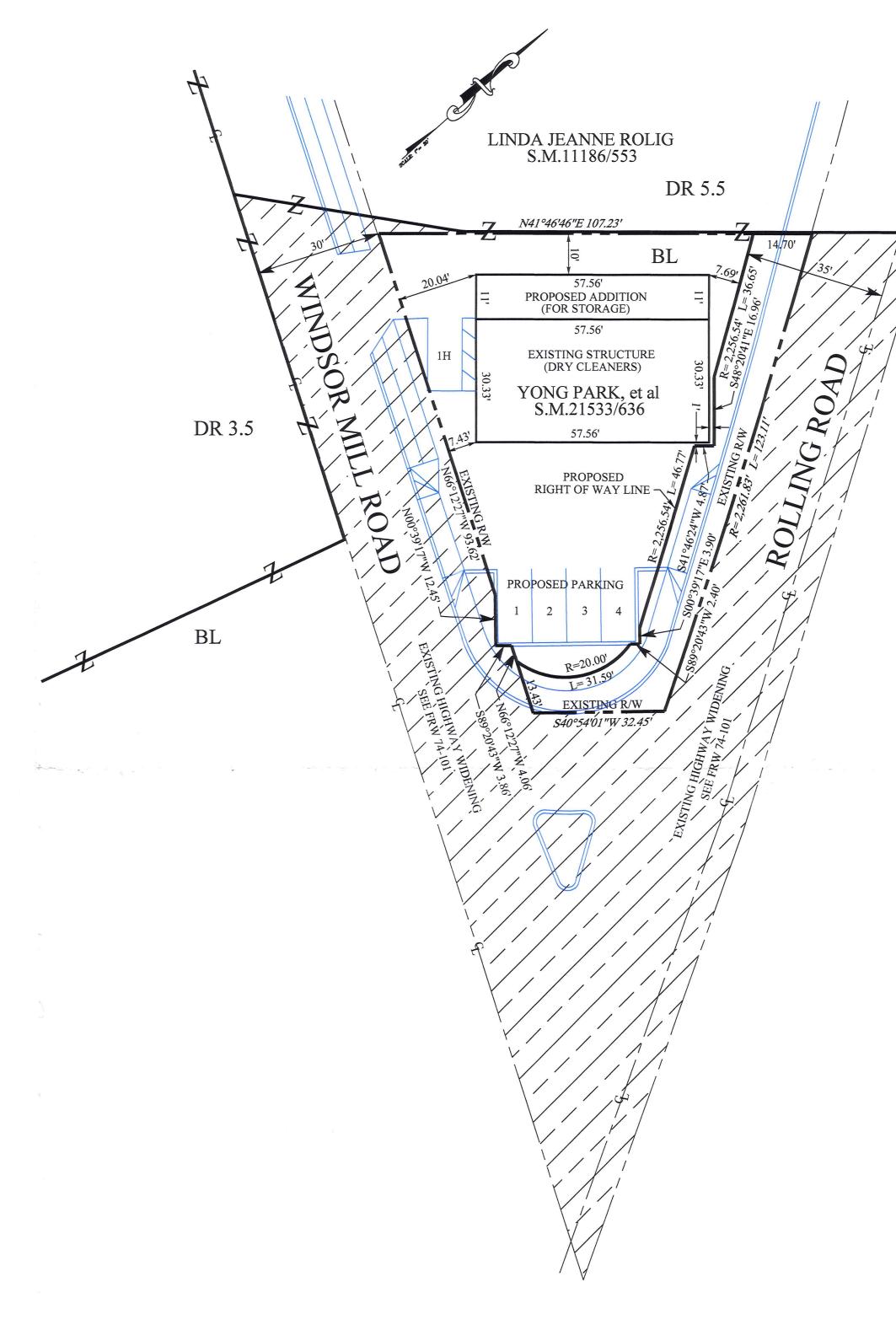




RELIEF REQUESTED

VARIANCES FROM THE FOLLOWING SECTIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS:

- 1. FROM § 232.3 FOR A REAR YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 20'.
- 2. FROM § 232.2 FOR A SIDE YARD SETBACK OF 1', 7.43' AND 7.69' IN LIEU OF THE REQUIRED 10'.
- 3. FROM § 232.1 FOR A FRONT YARD SETBACK OF 1' IN LIEU OF THE REQUIRED 10' AND A CENTERLINE TO BUILDING SETBACK OF 30' AND 37.43' IN LIEU OF THE REQUIRED 40'.
- 4. FROM § 409 TO PERMIT 5 PARKING SPACES IN LIEU OF THE REQUIRED 9 SPACES.
- 5. FROM § 409.8.A.4 FOR PARKING SPACE SETBACK OF ZERO FEET FROM A PUBLIC RIGHT OF WAY IN LIEU OF THE REQUIRED 10'.



SITE LAYOUT IS APPROVED BY PROPERTY OWNER AS SIGNED AND DATED BELOW.

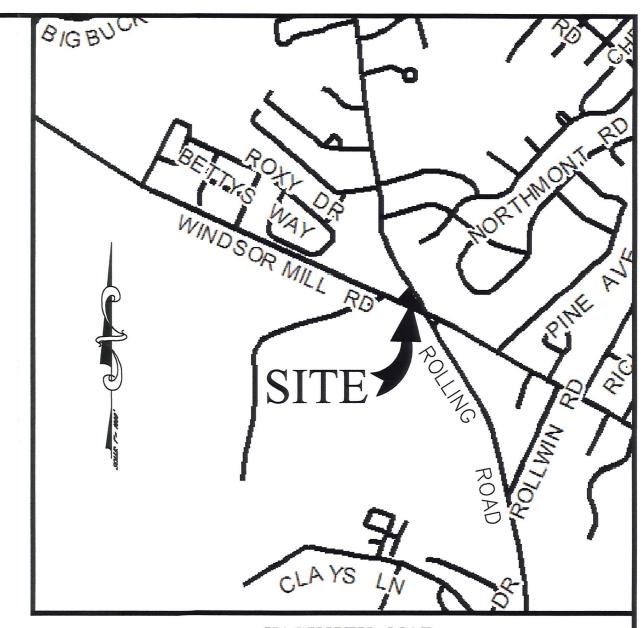
YONG PARK

DATE

SOON HEE PARK

DATE

PLANSCALE: 1"= 20'



VACINITY MAP SCALE: 1"= 1000'

PLAN TO ACCOMPANY ZONING VARIANCE FOR PARKING & BUILDING SETBACKS FOR 7500 WINDSOR MILL ROAD BALTIMORE, MD 21244

OWNER:

YONG & SOON HEE PARK S.M.21533/636TAX ACCT. #02-08-550431

> PROPERTY AREA AFTER COUNTY PROJECT= 6509 SQ.FR/ 0.149 AC.±

F.A.R. REQUIRED = MAX. OF 3.0F.A.R. PROVIDED = 2.7 (1746 - 6509)

PARKING CALCULATIONS: $0.005 \ X \ 1746(GROSS \ BLDG. \ SQ. \ FT.) = \ 8.73$ SPACES REQUIRED. = 9SPACES PROVIDED= 5 (4 REG. & 1 HANDICAP)

ZONING: BL

ELECTION DIST.: 2 C4

EXISTING USE: DRY CLEANERS PROPOSED USE: DRY CLEANERS

NO BUILDING PERMITS HAVE BEEN ISSUED FROM JANUARY 1998 TO PRESENT. EXISTING STRUCTURE BUILT IN 1977.

PETITIONER'S EXHIBIT NO.

Drawn By: M.Youngworth DECEMBER 4, 2009 Revised By: M.Youngworth FEBRUARY 25, 2010

from a Location Survey provided by WBCM.