

IN RE: **PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE**

S/S Philadelphia Road (MD Rte. 7), 705' E of *
c/line of Golden Ring Road
(8629 Philadelphia Road) *

15th Election District *
6th Council District *

8629 Philadelphia Road, LLC *
Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2010-0322-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance, filed on behalf of the owner of the subject property, 8629 Philadelphia Road, LLC by Michael Novak, its managing member, through their attorney, John B. Gontrum, Esquire. The Petitioner requests a special exception to allow a Class B Office Building in the Residential – Office (R-O) zone, pursuant to Section 204.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is sought from B.C.Z.R. Section 204.4.C.4 or alternatively Section 204.4.C.5 for a setback of four (4) feet in lieu of the required ten (10) feet side yard setback (northeast side) or alternatively in lieu of a 30 foot rear yard setback. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Michael Novak, on behalf of the owner, and Patrick (Rick) Richardson, P.E. of Richardson Engineering, LLC, the consultant who prepared the site plan for the property. John B. Gontrum, Esquire of Whiteford, Taylor & Preston, LLC appeared on behalf of the Petitioner. There were no Protestants or other

ORDER RECEIVED FOR FILING

Date 7-26-10

By [Signature]

interested persons present.

Testimony and evidence offered disclosed that the subject property consists of approximately 0.731 acres located on the southeast side of Philadelphia Road just west of its intersection with I-695. To the property's east and south are an industrially zoned, business flex property and the ramp to eastbound Baltimore beltway. To the west of the subject property along Philadelphia Road is another R-O zoned property occupied by a dwelling and to its rear is a D.R.5.5 zoned property also occupied by a dwelling. The property is currently occupied by a 1,876 square foot two-story dwelling built in 1929 and used as an office by Consolidated Coatings, Inc. also controlled by Mr. Novak, its President. The office clearly fronts on Philadelphia Road and to its rear is a small garage and a parking area. The property has a 4 foot drop in elevation moving west to east.

The proposal includes the construction of a one-story 1,500 square foot garage within 4 feet of the northeastern property line, the removal of the existing garage and some proposed paving to allow vehicles using the garage an adequate turn around area. The proposed garage would face west into the rear yards of the residential properties located west of the site. The garage is intended to house equipment and vehicles associated with the business.

Petitioner seeks the variance because centering the garage on the property would be difficult due to the topography of the rear portion of the site. A substantial amount of grading is reduced by having the rear of the garage abut the M.L. zoned property. In addition, there is much less paving required to have the vehicles maneuver outside of the parking area. Furthermore, by placing the garage in its proposed location the Petitioner has positioned it to be far removed from the residential uses and in the rear of the houses to minimize its impact on the residential uses to the west.

Testimony further indicated that the garage would essentially be a metal building in keeping with the office building and the adjacent business flex development. In response to a comment filed by the Office of Planning, Petitioner was agreeable with planting a hedge of Leland Cypress along the southwestern boundary of the property opposite the side loaded doors of the garage to screen the garage from the residentially used property.

It is clear from the site plan and the testimony that the front of the property is Philadelphia Road. Even though the rear of the garage will extend along the northeastern property line, this property line is still the side yard of the property which fronts on Philadelphia Road. Even though a garage of this size may be considered to trigger the special exception requirements of the R-O zone, it is still the office building and the site itself which dictate the side and rear yards. Based on the information and evidence, it is clear that the variance requested should be from the 10 foot side yard setback requirement of B.C.Z.R. Section 204.4.C.4, as opposed to the 30 foot rear yard requirement contained in Section 204.4.C.5.

A special exception also is requested based on the new garage proposed on the site. The purpose of the R-O zone stated in B.C.Z.R. Section 203.2A is to serve as a transition or buffer between residential and more intense office, retail or industrial uses by permitting office development which is highly compatible with residential uses. Section 204.2 further states: "It is intended that buildings and uses in R-O Zones shall not intrude upon or disturb present or prospective uses of nearby residential property." Consequently, even though Section 101 contains definitions for both Class A and Class B office buildings, and a Class B office building requires a special exception in the R-O Zone, it seems clear that the intent of the section is to consider under certain circumstances even accessory use buildings as a trigger for the requirement of a special

exception hearing. In this case even though the office building itself is not being enlarged, the proposed addition of a 1,500 square foot building serving the office building properly raises the requirement of a special exception before the use is permitted.

In this case, however, it is clear that the requirements of Section 502.1 have been met. I find that the garage is appropriate in this instance and consistent with existing uses in the area. The addition of the garage will not increase traffic to the office building. Furthermore, Philadelphia Road (Maryland Route 7) is a very busy road, and the increment of traffic from the property to the total traffic volume is minimal. Finally, one would be hard pressed to find a property with better access to a major road network than this one.

The property is served by public water and sewer and both are adequate at the site. The site plan depicts a fire hydrant within a few feet of the eastern property line, and the new garage will not create a potential hazard from fire, panic or other danger.

Given the size of the property which contains approximately 2/3 of an acre in net area (31,862 square feet), the total building area is still less than ten percent (10%) of the property. The garage will not overcrowd the land, and there are no deficiencies in public services that exist now or would be created by the requested relief.

The garage is only one story in height and is located closer to the industrially zoned and used area than to the residences. It is not inconsistent with the property's zoning classification or the spirit and intent of the zoning regulations. The proposal contains the required amenity open space, and the Petitioner has agreed to provide landscaping along the southwestern property line to screen the garage doors from the adjoining properties to the west.

Accordingly, I find that the proposed development of the site should be granted a special exception. The proposed use of the site will not be injurious to the public health, safety or general welfare.

I also find that a variance from the 10 foot required side yard setback should be granted based on the unique features of the site's topography and the site's relationship to the adjoining uses. It is far more desirable to have the garage located closer to the industrial zoned property and to provide a buffer area to the residentially zoned properties than to center the garage on the site with all of the consequential grading. Compliance with the zoning regulations would create a practical difficulty not only for the Petitioner but also for the adjoining residences.

As noted above, Zoning Advisory Committee (ZAC) comments were filed by several agencies with respect to the request, and none of the comments were adverse to the requested relief. The Office of Planning not only requested landscaping along the property to buffer the proposed garage from the existing residences to the west but also requested review of the elevations of the garage. I find this latter request to be unnecessary. The garage is essentially a one-story accessory structure to the building, directly adjacent to an industrial area. The garage appears to be little larger than those on the adjoining residential properties. With the screening in place there is no need for the additional review.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of July, 2010 that the Petition for Special Exception to permit a Class B Office Building and garage on the subject property, pursuant to Section 204.3.B.2 of the Baltimore

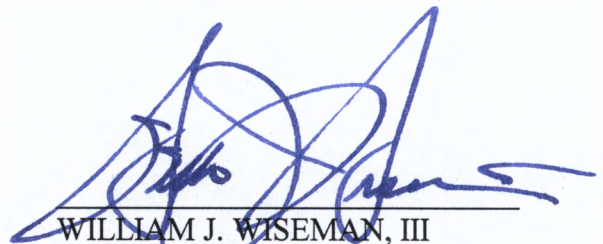
County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from B.C.Z.R. Section 204.4.C.4 for a setback of four (4) feet in lieu of the required ten (10) foot side yard setback, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

1. The Petitioner may apply for any required building permits and be granted same upon the receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the thirty (30) day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Following issuance of the building permit for the garage, but prior to the issuance of a use and occupancy permit, Petitioner shall plant and maintain a row of Leland Cypress or similar evergreen materials along the southeastern boundary of its property from the southwest corner of the existing paving for a distance of 80 feet along its southeastern property line to screen the garage from the adjoining properties on the south side of the subject site.

IT IS FURTHER ORDERED that Petitioner's alternative variance request to have a rear setback of four (4) feet in lieu of the minimum required rear yard setback of 30 feet, is hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code and filed within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date

7-26-10

By

WJW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 26, 2010

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Philadelphia Road, 705' E of c/line of Golden Ring Road
(8629 Philadelphia Road)
15th Election District - 6th Council District
8629 Philadelphia Road, LLC - Petitioner
Case No. 2010-0322-XA

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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: Rick Richardson, P.E., Richardson Engineering, LLC, 30 East Padonia Road, Suite 500,
Timonium, MD 21093
Mike Novak, 2361 Vandermast Lane, Essex, MD 21237
People's Counsel; Office of Planning; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 8629 Philadelphia Road

which is presently zoned RO

Deed Reference: 21513 / 334 Tax Account # 1509750030

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Class B Office Building in a R.O. Zone

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John Gontrum

Name - Type or Print

Signature

Whiteford Taylor and Preston

Company

1 W. Pennsylvania Ave. 410-832-2000

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Case No. 2010-0322-XA

REV 07/27/2007

ORDER RECEIVED FOR FILING

Date 7-26-10

By lw

Legal Owner(s):

8629 Philadelphia Road, LLC

Name - Type or Print

Signature

MIKE NOVAK

Name - Type or Print

Signature

8629 Philadelphia Road 410-458-1189

Address

Baltimore

MD

Telephone No.

21237

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500 410-560-1502

Address

Timonium,

MD

21093

Telephone No.

City

State

Zip Code

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 5/30/10



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 8629 Philadelphia Road
which is presently zoned RO

Deed Reference: 21513 / 334 Tax Account # 1509750030

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) 204.4.C. 4. and 6.

setback of 4' in lieu of required 10' on 30' is considered a non-vard.

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

Garage is located away from residentially zoned property and situated for access on narrow lot and for such other reasons as 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:

John Gontrum

Name - Type or Print

Signature

Whiteford Taylor and Preston

Company

1 W. Pennsylvania Ave. 410-832-2000

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

8629 Philadelphia Road, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

8629 Philadelphia Road

410-458-1189

Address

Telephone No.

Baltimore

MD

21237

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. 2010-0322-XA

Office Use Only

ORDER RECEIVED FOR FILING

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

Date 7-26-10

Reviewed by D.T. Date 5/20/10

By law

Richardson Engineering, LLC

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

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

**ZONING DESCRIPTION FOR
8629 PHILADELPHIA ROAD
15TH ELECTION DISTRICT
6TH COUNCILMANIC District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side right-of-way of Philadelphia Road (variable in width) thence binding on the south side of Philadelphia Road in a Northeasterly direction the following courses and distances; (1) by a curve to the right with a radius of 57,332.28' and an arc length of 47.95', (2) N 54°33'14" E 40.81', (3) S 40°15'02" E 15.11', (4) N 59°12'26" E 22.60' thence leaving the south side right-of-way of Philadelphia Road the following courses and distances, (5) S 57°52'42" E 265.09', (6) S 48°49'01" W 104.17', (7) N 57°42'54" W 289.99' to the point of beginning;

Containing a net area of 28,304 square feet, or 0.649 acres of land, more or less.



5/19/10

2010-0322-XA

**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: 2010-0322-XA
Petitioner: 8629 PHILADELPHIA RD, LLC
Address or Location: 8629 PHILADELPHIA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: 8629 PHILADELPHIA RD, LLC
Address: 8629 PHILADELPHIA RD
BALTIMORE, MD 21237

Telephone Number: 410-458-1189

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

No. _____

Date: _____

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	002	003		0150				750

Total: _____

Rec

From: CDIC OF WATER CONT. FEE

For: 2010-0242-1A

8000 PHILADELPHIA

FUNDING

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: #2010-0322-XA
8629 Philadelphia Road
S/side of Philadelphia Road,
705 feet east of the centerline
of Golden Ring Road
15th Election District
6th Councilmanic District
Legal Owner(s): 8629 Philadelphia Road, LLC, Mike Novak, Member

Special Exception: for a Class B office building in an R.O. Zone. **Variance:** for a side yard setback of 4 feet in lieu of the required 10 feet or 30 feet if considered rear yard.

Hearing: Monday, July 19, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

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

7/077 July 1

245642

CERTIFICATE OF PUBLICATION

7/11, 2010

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 7/11, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0322-XA

RE: Case No.: _____

Petitioner/Developer: _____

8629 Philadelphia Road , LLC Mike Novak, Member

July 19 2010

Date of Hearing/Closing: _____

**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: _____
8629 Philadelphia Road**

July 2 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black **July 3 2010**

(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 #2010-0322-XA

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

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

DATE AND TIME: MONDAY, JULY 19, 2010 at 9:00 A. M.

REQUEST: SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING
IN AN R.D. ZONE. VARIANCE FOR A SIDE YARD SETBACK OF 4 FEET IN
LIEU OF THE REQUIRED 10 FEET OR 30 FEET IF CONSIDERED REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 1, 2010 Issue - Jeffersonian

Please forward billing to:
Mike Novak
8629 Philadelphia Road
Baltimore, MD 21237

410-458-1189

NOTICE OF ZONING HEARING

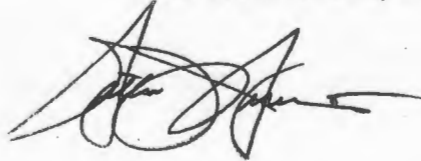
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0322-XA

8629 Philadelphia Road
S/side of Philadelphia Road, 705 feet east of the centerline of Golden Ring Road
15th Election District – 6th Councilmanic District
Legal Owners: 8629 Philadelphia Road, LLC, Mike Novak, Member

Special Exception for a Class B office building in an R.O. zone. Variance for a side yard setback of 4 feet in lieu of the required 10 feet or 30 feet if considered rear yard.

Hearing: Monday, July 19, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
June 4, 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: 2010-0322-XA

8629 Philadelphia Road

S/side of Philadelphia Road, 705 feet east of the centerline of Golden Ring Road

15th Election District – 6th Councilmanic District

Legal Owners: 8629 Philadelphia Road, LLC, Mike Novak, Member

Special Exception for a Class B office building in an R.O. zone. Variance for a side yard setback of 4 feet in lieu of the required 10 feet or 30 feet if considered rear yard.

Hearing: Monday, July 19, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

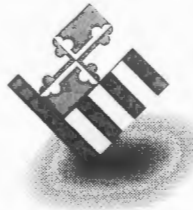
A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: John Gontrum, 1 W. Pennsylvania Ave., Towson 21204
Richardson Engineering, 30 E. Padonia Rd., Ste. 500, Timonium 21093
Mike Novak, 8629 Philadelphia Road, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 3, 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.



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

July 15, 2010

John Gontrum
Whiteford, Taylor and Preston
1 W. Pennsylvania Ave.
Towson, MD 21204

Dear: John Gontrum

RE: Case Number 2010-0322-XA, 8629 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 May 20, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Mike Novak: 8629 Philadelphia Road, LLC; 8629 Philadelphia Road; Baltimore, MD 21237
Richardson Engineering, LLC; 30E. Padonia Rd. Ste. 500; Timonium, MD 21093

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For June 14, 2010
Item Nos. 2010- 290, 293, 322, 323,
325, 326, 328 and 329

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-06142010 -NO COMMENTS.doc

BW 7/19
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 28, 2010

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

SUBJECT: 8629 Philadelphia Road

RECEIVED

INFORMATION:

Item Number: 10-322

JUN 30 2010

Petitioner: 8629 Philadelphia Road, LLC

Zoning: RO

ZONING COMMISSIONER

Requested Action: Special Exception

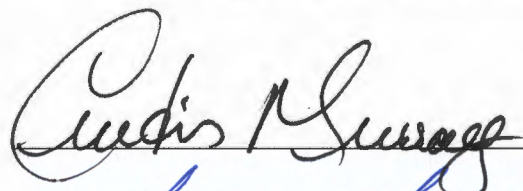
SUMMARY OF RECOMMENDATIONS:

The existing building is well kept. The rear area where the proposed garage will be built is outdoor storage of construction materials that will be replaced by the garage.

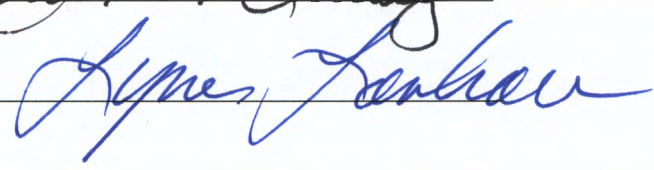
The Office of Planning does not oppose the proposal, subject to submission of elevations, and placement of dense landscape screening, such as Leyland Cypress, to block the proposed uses from the adjacent residentially used properties.

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

Prepared by:



Division Chief:
AFK/LL: CM



BW 7-19-10
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 28 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

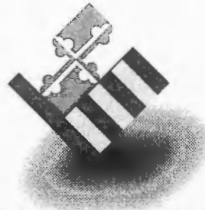
DATE: June 28, 2010

SUBJECT: Zoning Item # 10-322-XA
Address 8629 Philadelphia Road
(8629 Philadelphia Road, LLC Property)

Zoning Advisory Committee Meeting of May 31, 2010

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

Reviewer: JWL Date: 6/24/10



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

June 22, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 0321, 0322, 0323, 0324, 0325, 0327

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



June 15, 2010

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

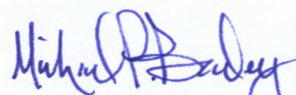
RE: Baltimore County
Item No.2010-0322-A
MD 7 (Philadelphia RD)
at I-695 On-Ramp
8629 Philadelphia Road
8629 Philadelphia Road, LLC
Consolidated Coatings, Inc.
Variance-
Special Exception -

Dear Ms. Matthews:

We have reviewed the plan to accompany zoning petition for variance and special exception for 8629 Philadelphia Road, which was received on June 9th. A field inspection and internal review reveals that the existing entrance onto MD 7 (Philadelphia Road) is consistent with current State Highway Administration requirements. Therefore, this office has no objection to Consolidated Coatings, Inc. at 8629 Philadelphia Road, Case Number 20100322-A approval. Please include our remarks in your staff report to the Zoning Advisory Committee.

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 (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

Cc: Mr. David Malkowski, Metropolitan 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 SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
8629 Philadelphia Road; S/S Philadelphia Road* ZONING COMMISSIONER
705' E of the c/line Golden Ring Road
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): 8629 Philadelphia Road, LLC
Petitioner(s) * BALTIMORE COUNTY
* 10-322-XA

* * * * *

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.

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

JUN 09 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093 and John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, One W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: "Richardson, Patrick" <rick@richardsonengineering.net>
To: <dthompson@baltimorecountymd.gov>
Date: 5/20/2010 10:30 PM
Subject: 8629 Philadelphia Road
Attachments: 8629 Philadelphia Rd.pdf

Mike Novak is the signature on the petitions.

Rick Richardson

Richardson Engineering, LLC

30 E. Padonia Road

Suite 500

Timonium, MD 21093

410-560-1502 x112

fax 443-901-1208

CASE NO. 2010- 0322-XACHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment

_____	DEVELOPMENT PLANS REVIEW	_____
<u>6-28</u>	DEPRM	<u>None</u>
_____	FIRE DEPARTMENT	_____
<u>6-28</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

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

Account Identifier: District - 15 **Account Number -** 1509750030

Owner Information

Owner Name: 8629 PHILADELPHIA ROAD LLC **Use:** RESIDENTIAL
Mailing Address: 2361 VANDERMAST LN **Principal Residence:** NO
 BALTIMORE MD 21221-2040 **Deed Reference:** 1) /21513/ 334
 2)

Location & Structure Information

Premises Address
 8629 PHILADELPHIA RD

Legal Description
 SES PHILADELPHIA RD
 8629 PHILADELPHIA RD
 500 E GOLDEN RING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	12	37						3	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	1,876 SF	28,569.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	244,600	295,100		
Improvements:	81,900	102,600		
Total:	326,500	397,700	350,233	373,966
Preferential Land:	0	0	0	0

Transfer Information

Seller: ISENHOUR EARL M	Date: 03/04/2005	Price: \$325,000
Type: IMPROVED ARMS-LENGTH	Deed1: /21513/ 334	Deed2:
Seller: INGLE JOHN H & ROSALIE M	Date: 07/17/1953	Price: \$16,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 2326/ 428	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

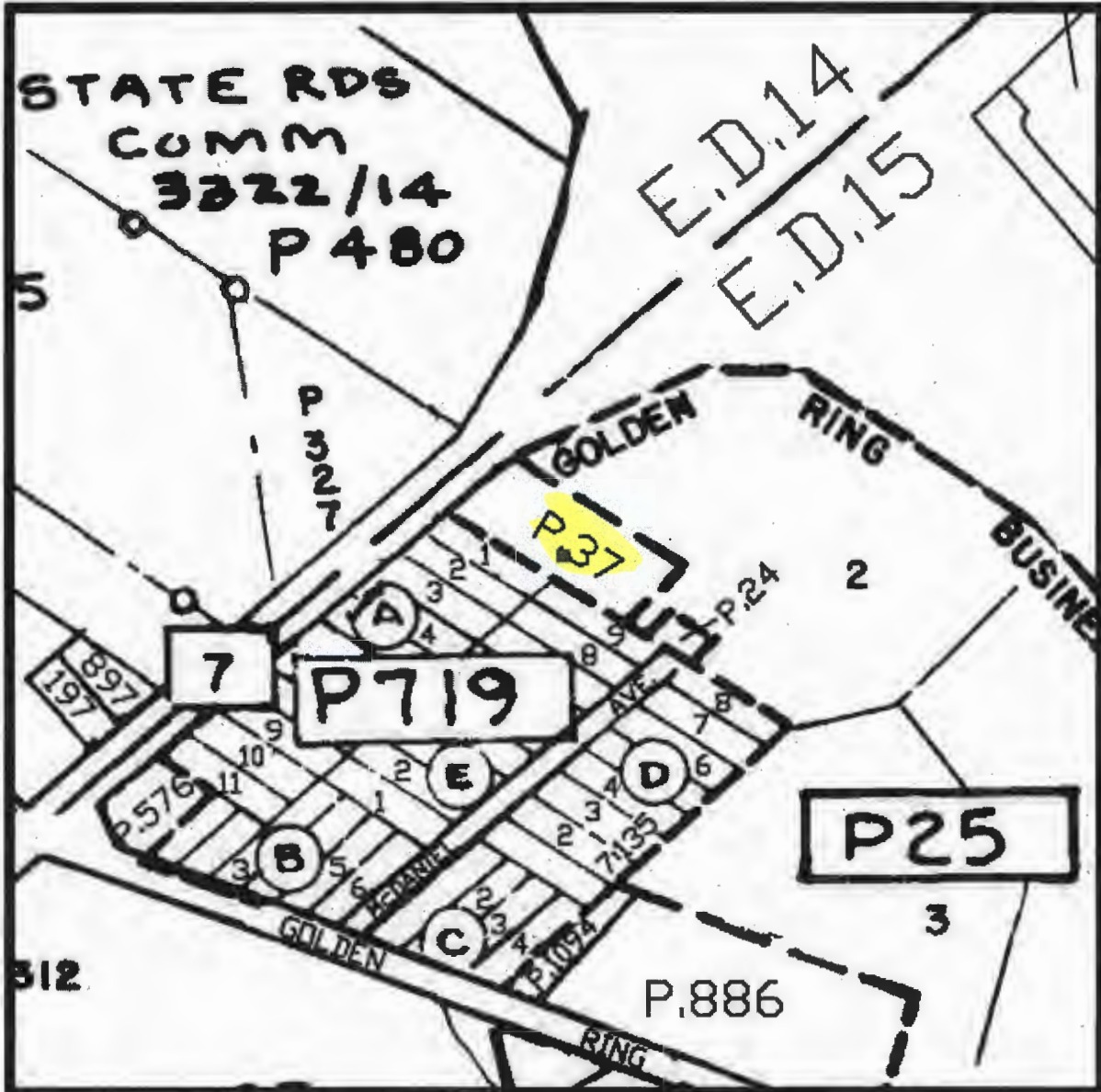
Special Tax Recapture:
 * NONE *



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

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

District - 15 Account Number - 1509750030



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

CASE NAME 8629 PHILADELPHIA RD
CASE NUMBER 10-0322-XA
DATE 7/19/10

[illegible]

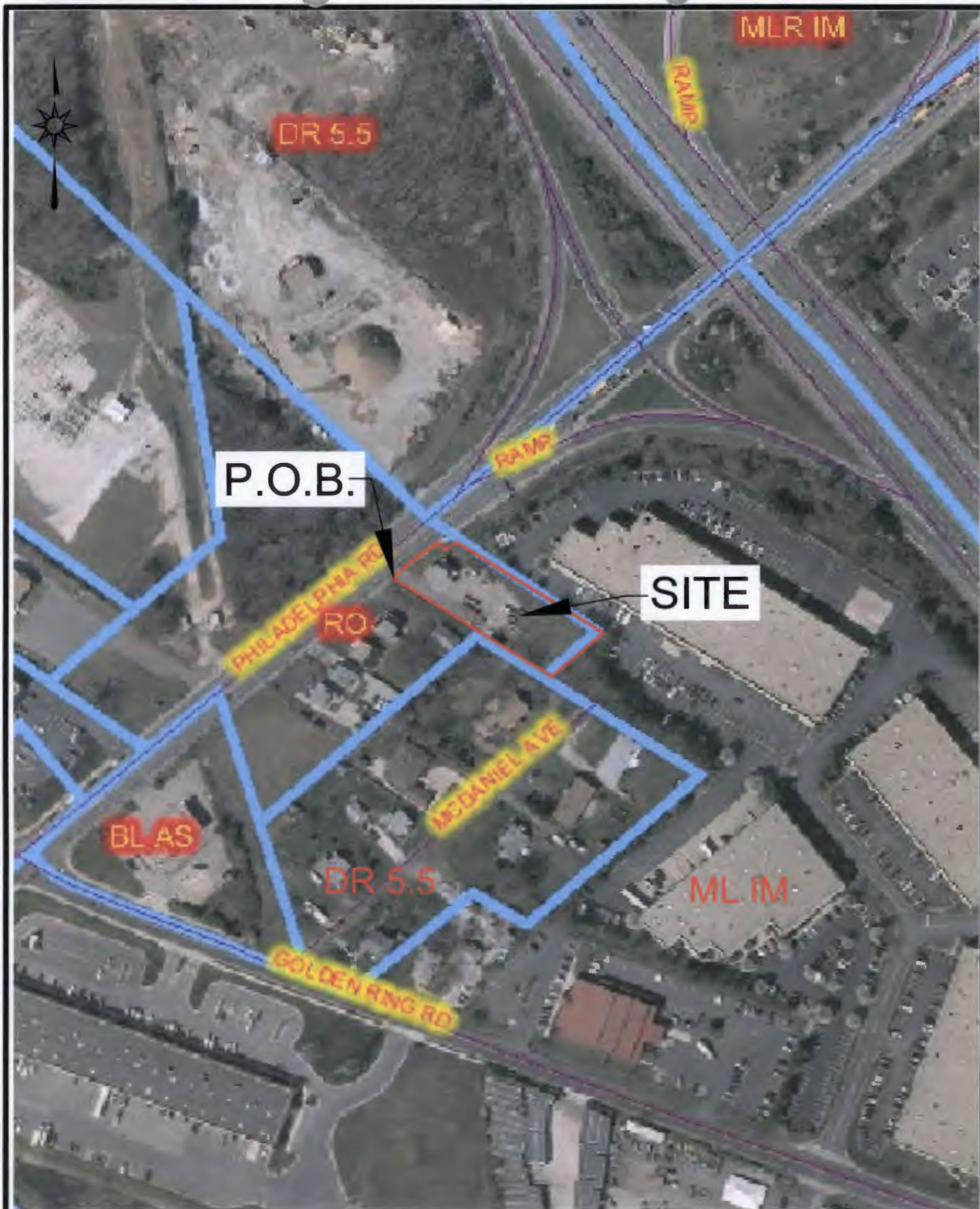
Case No.: 2010-0322-XA 8629 PHILADELPHIA RD.

Exhibit Sheet

Petitioner/Developer

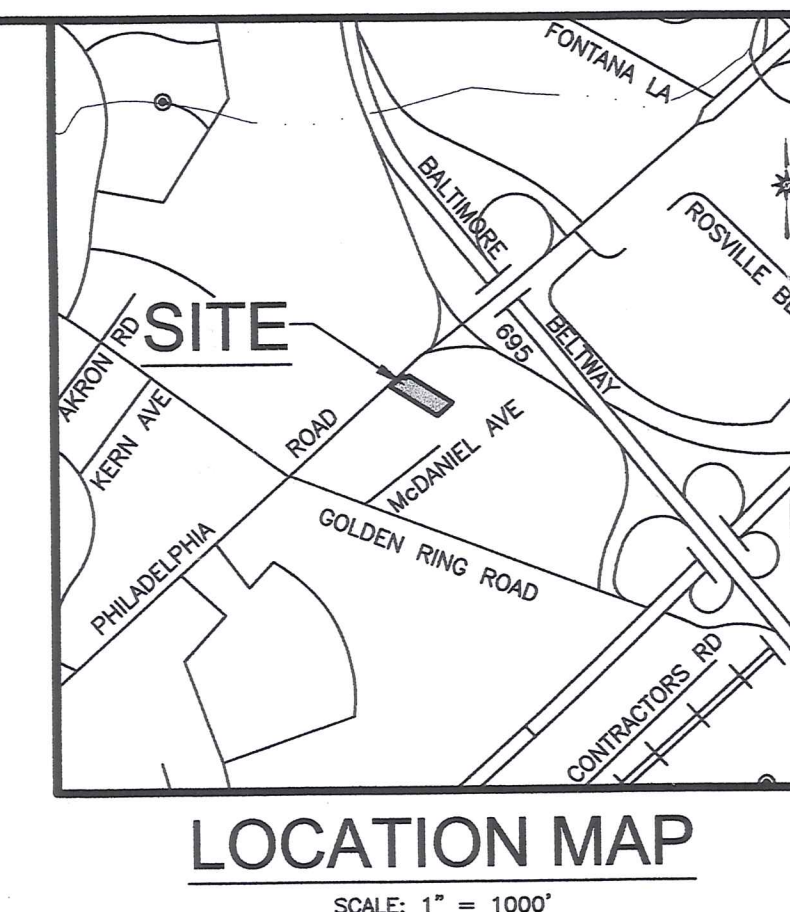
Protestant

No. 1	SITE PLAN	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



ZONING MAP #089 C-2
SCALE: 1" = 200'

2010-0322-XA



1. OWNER: 8629 PHILADELPHIA ROAD, LLC
8629 PHILADELPHIA ROAD
BALTIMORE, MARYLAND 21237
2. SITE AREA:
GROSS: 31,862 Sq.Ft. or 0.731 Ac.±
NET: 28,304 Sq.Ft. or 0.649 Ac.±
3. BUILDING AREAS:
EXISTING: 1,446 Sq.Ft. OFFICE, 441 Sq.Ft. GARAGE (T.B.R.)
PROPOSED: 1,500 Sq.Ft. GARAGE
TOTAL: (1,887-441+1,500)=2,946 Sq.Ft.
(2,946/31,862)*100 = 9.25%
4. UTILITIES
PUBLIC WATER & PUBLIC SEWER
5. USES:
EXISTING: CLASS A OFFICE BUILDING
PROPOSED: CLASS B OFFICE BUILDING
6. PARKING:
REQUIRED: 3.3 / 1000 GROSS Sq.Ft.
1,446 Sq.Ft = 5 SPACES
PROVIDED: 11 SPACES
7. SETBACKS: REQUIRED PROVIDED
FRONT 25' 18'±
SIDE 10' 4'±
REAR 30' 61'±
8. DEED REF: 2019/334
9. TAX ACCOUNT #1509750030
10. COUNCILMANIC DISTRICT: 6th
11. WATERSHED: BACK RIVER
12. FLOOR AREA RATIO: 2,946 + 31,862 = 0.092
13. ZONING: RO & ML-10
(PER 1"=200' ZONING MAP 088C2)
14. TAX MAP #89 PARCEL #37.
15. NO NEW PROPOSED SIGNS.
16. SITE LIES WITHIN ZONE "X" (OTHER AREAS OF FLOOD INSURANCE RATE MAP (FIRM) PARCEL #240010 0430 F MAP 285 OF 580 DATED SEPT. 26, 2008. ZONE "X" (OTHER AREAS) IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
17. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
18. BUILDING HEIGHT: 25' (1 STORY).
19. THE SITE NOR THE BUILDING ARE HISTORIC.
20. NO KNOWN PREVIOUS PERMITS ON FILE.
21. NO KNOWN PREVIOUS DRC OR CRS CASES ON FILE.
22. NO KNOWN PREVIOUS ZONING CASES ON FILE.
23. EXISTING AREAS:
BUILDINGS: 1,887 Sq.Ft.
PAVING: 9,259 Sq.Ft.
TOTAL: 11,176 Sq.Ft. or 39.5%
PROPOSED:
BUILDINGS: 2,946 Sq.Ft.
PAVING: 11,716 Sq.Ft.
TOTAL: 14,662 Sq.Ft. or 51.8%
24. AMENITY OPEN SPACE:
REQUIRED: 9.2% OF NET RO ZONED AREA= 2,620 Sq.Ft.
PROVIDED: 2,620 Sq.Ft.

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: 08-15-2011



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

PLAN TO ACCOMPANY ZONING PETITION FOR

CONSOLIDATED
COATINGS, INC.
8629 PHILADELPHIA ROAD
BALTIMORE, MARYLAND 21237

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

15111 ELECTION DISTRICT	DRAWN BY:		DESIGNED BY:	SCALE:
	CND		PCR	1" = 30'
REVISIONS	DATE:		JOB NO.:	SHEET NO.:
PETITIONER'S	05-17-10		10036	1 OF 1
EXHIBIT NO. <u>1</u>				

2010-0322-XA