

IN RE: PETITION FOR VARIANCE

S side of Eastern Blvd., 61 feet W of
the c/l of Lynbrook Road
15th Election District
6th Councilmanic District
(2925 Eastern Avenue)

Cox Properties, LLC
Petitioner
Terry Martin
Contract Purchaser

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* CASE NO. 2011-0194-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Cox Properties, LLC, the legal owner of the subject property. The contract purchaser is Terry Martin. Petitioner is requesting Variance relief as follows:

- From Section 409.8.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit setbacks of as little as 6 feet from the public right of way for existing parking spaces in lieu of the required 10 feet.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Nichol Martin and Rick Richardson with Richardson Engineering, LLC the professional engineer who prepared the site plan.

Testimony and evidence offered revealed that the subject property is approximately 1.36 acres in size, and was most recently used as a service garage but is now vacant. Petitioner

ORDER RECEIVED FOR FILING

Date 2-3-11

By P2

proposed to raze the existing structure and construct a 9,600 square foot facility for the repair of boats and sales and service of related equipment.

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 Sustainability dated January 11, 2011, which offers the following comments:

1. This lot is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). Relief to the right-of-way setbacks and the durable and dustless surface requirement will not impact any of the Critical Area requirements for this lot. The 10% pollutant reduction requirement must be addressed to minimize adverse impacts on water quality that result from development activities.
2. The zoning request will not result in any forest clearing or wetland impacts, and mitigation may be required for any new impervious surfaces on this lot. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The CBCA regulations apply to development activities within the Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. Any proposed development activities must meet all IDA regulations.

Comments were received from the Bureau of Development Plans Review dated December 27, 2010, indicating a preference for a paved lot, unless a gravel area is needed for a water quality facility. Comments were received from the Office of Planning dated January 31, 2011, which indicate that the Petitioner is proposing to replace the existing building of 1,160 square feet with a new structure of 9,600 square feet to be used for retail, office and service garage. The gravel lot is limited to the fenced area at the rear of the building for the service garage. The Planning Office has no objection to the proposed relief provided the following is submitted for review and approval prior to development plan approval: 1) architectural elevations and floor plans; 2) landscape and lighting plan; 3) location and screening of dumpster; 4) sidewalks, including connections to the public road; and 5) accurate limits of paving and fenced area.

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Date 2-3-11 2

By PZ

After considering all of the testimony and evidence presented at the hearing, 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 request. The lot in question is basically rectangular, but has "rounded" corners, which complicate the setback calculations. In addition, Petitioner intends to keep all existing curbing at the site. Petitioner believes the curbing was installed many years ago, before setback requirements were in place. The variance relief will simply "legitimize" existing conditions, and the site will – to an observer – look as it has for years. The same is true with respect to the gravel area on the south side of the site, which is presently used to store recreational vehicles. Petitioner proposes to simply continue using the gravel area, for both parking and in connection with its marine business. Moreover, as shown on Petitioner's Exhibit 4, a gravel surface will absorb more rain water than one made of bituminous concrete. Given that this site is located within the Chesapeake Bay Critical Area, allowing the gravel surface to remain will yield some environmental benefits.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner. Petitioner will be making a large capital investment in this project, and the denial of the requested relief will cause both practical and economic hardship.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Indeed, no objections or concerns were voiced by the community, and the Petitioner is proposing to reconstruct and revitalize a moribund commercial site, which will greatly benefit the area.

ORDER RECEIVED FOR FILING

Date 2-3-11

By [Signature]

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

THEREFORE, IT IS ORDERED this 3RD day of February, 2011 by this Administrative Law Judge, that Petitioner's Variance request as follows:

- From Section 409.8.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit setbacks of as little as 6 feet from the public right of way for existing parking spaces in lieu of the required 10 feet

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appeal period 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. As discussed with Petitioner, any proposed development activities must meet all Chesapeake Bay Critical Area Regulations although that will be an issue that is revisited when Petitioner seeks development plan approval.

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

4

Date 2-3-11

By JP



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 3, 2011

NICHOL MARTIN
114 CARROLL ISLAND ROAD
BALTIMORE MD 21220

Re: Petition for Variance
Case No. 2011-0194-A
Property: 2925 Eastern Avenue

Dear Ms. Martin:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

THB:pz

Enclosure

c: Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500, Timonium
MD 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2925 Eastern Boulevard

which is presently zoned BR

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)

The use of the building and parking needs are not reflected in the zoning code, and other information that will be presented at the hearing.

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

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

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

Contract Purchaser/Lessee:

Terry Martin

Name - Type or Print

Signature

114 Carroll Island Road

410-335-0458

Address

Telephone No.

Baltimore,

MD

21220

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

ORDER RECEIVED FOR FILING
2-3-11
BY _____
Date _____
State _____
Zip Code _____

Legal Owner(s):

Cox Properties, LLC

Name - Type or Print

Signature

Shirley G. Cox - Seifert

Name - Type or Print

Signature

528 Eastern Boulevard

Address

Telephone No.

Baltimore,

MD

21221

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,

Maryland

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 2/16/10

Case No. 2011-0194-A

Zoning Variance
2925 Eastern Avenue, Intercoastal Marine

Variance from Section(s):

409.8.A.2 to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface —

409.8.A.4 to permit setbacks of as little as 6' from the public right of way for existing parking spaces in lieu of the required 10'.

2011-0194-A

**ZONING DESCRIPTION
2925 EASTERN BOULEVARD
15 TH ELECTION DISTRICT
6th Councilmanic District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the South side of Eastern Boulevard (100' right-of-way) at a distance of 61 feet (more or less) from the centerline of Lynbrook Road (50' right-of-way), thence running and binding on the South side of Eastern Boulevard right-of-way (1) by a curve to the right with a radius of 1,220.92 feet and a arc length of 147.83 feet with a chord of South 78 degrees 14 minutes 36 seconds West 147.74 feet, thence leaving the South side right-of-way of Eastern Boulevard the following course and distance, (2) South 04 degrees 47 minutes 28 seconds East 201.12 feet, (3) North 86 degrees 26 minutes 39 seconds East 287.50 feet to a point in the center of Lynbrook Road, thence binding on the center of Lynbrook Road the following courses and distances, (4) North 30 degrees 25 minutes 51 seconds West 62.32 feet, (5) North 21 degrees 36 minutes 26 seconds West 70.68 feet, thence leaving the centerline of Lynbrook Road, (6) South 71 degrees 41 minutes 09 seconds West 25.04 feet to a point on the West side of Lynbrook Road right-of-way, thence binding on the West side right-of-way the following courses and distances, (7) North 21 degrees 36 minutes 26 seconds West 78.16 feet, (8) North 59 degrees 50 minutes 46 seconds East 56.62 feet, to the point of beginning;

Containing an area of 49,362 square feet or 1.13 acres of land, more or less.



12/13/10

2011-0194-A

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

No. 62286

Date: 12/16/10

PAID RECEIPT

BUSINESS ACTUAL TIME DMM
12/16/2010 12/16/2010 10:49:43 1

REC NO. 01 WALKIN JRIC JR
>>RECEIPT # 482525 12/16/2010 OFLN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.00

Total: 385.00

Rec From: RICHARDSON ENGINEERING

For: 2011-0194-A
2925 EASTERN BLVD.
D. THOMPSON

DISTRIBUTION

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

5 528 ZONING VERIFICATION
NO. 062286

Recpt Tot 385.00
385.00 CA 4.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

2011 0194-A

2-2-11

**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: # 2011-0194-A
2925 Eastern Boulevard
S/side of Eastern Boulevard,
61 feet west of centerline
of Lynbrook Road
15th Election District
6th Councilmanic District

Legal Owner(s):
Cox Properties, LLC
Contract Purchaser:
Terry Martin

Variance: to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface; to permit setbacks of as little as 6' from the public right of way for existing parking spaces in lieu of the required 10'.

Hearing: Wednesday,
February 2, 2011 at 11:00
a.m. in Room 205, Jefferson
Building, 105 West
Chesapeake Avenue,
Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

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

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

JT/1/663 Jan. 18 265127

CERTIFICATE OF PUBLICATION

1/20/, 2011

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 1/18/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

**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: 2011-0194-A

Petitioner: MARTIN

Address or Location: 2925 EASTERN BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. TERRY MARTIN

Address: 114 CARROLL ISLAND RD.

BALTIMORE, MD 21220

Telephone Number: 410-335-0458

Revised 7/11/05 - SCJ

CERTIFICATE OF POSTING

2011-0194-A

RE: Case No.: _____

Petitioner/Developer: _____

Terry Martin

Feb 2, 2011

Date of Hearing/Closing: _____

2 1/2

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen 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: _____

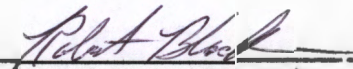
2925 Eastern Blvd

January 17, 2011

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

Sincerely,

January 17, 2011


(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 # 2011-0194-A

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

Room 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204

PLACE:

DATE AND TIME: WEDNESDAY, FEBRUARY 2, 2011 AT 11:00^{A.M.}

REQUEST: VARIANCE TO ALLOW PARKING TO OCCUR ON A
GRAVEL SURFACE IN LIEU OF THE REQUIREMENT TO HAVE A DRAINABLE
AND DUSTLESS SURFACE; TO PERMIT SETBACKS OF AS LITTLE AS 6'
FROM THE PUBLIC RIGHT OF WAY FOR EXISTING PARKING SPACES
IN LIEU OF THE REQUIRED 10'.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3591

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



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
January 10, 2011

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: 2011-0194-A

2925 Eastern Boulevard

S/side of Eastern Boulevard, 61 feet west of centerline of Lynbrook Road

15th Election District – 6th Councilmanic District

Legal Owners: Cox Properties, LLC

Contract Purchaser: Terry Martin

Variance to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface; to permit setbacks of as little as 6' from the public right of way for existing parking spaces in lieu of the required 10'.

Hearing: Wednesday, February 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Richardson Engineering, LLC, 30 E. Padonia Rd., Ste. 500, Timonium 21093
Terry Martin, 114 Carroll Island Road, Baltimore 21220
Cox Properties, LLC, 528 Eastern Blvd., Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 17, 2011.**
- (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, January 18, 2011 Issue - Jeffersonian

Please forward billing to:
Terry Martin
114 Carroll Island Road
Baltimore, MD 21220

410-335-0458

NOTICE OF ZONING HEARING

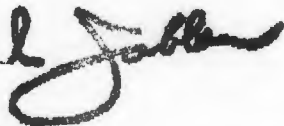
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0194-A

2925 Eastern Boulevard
S/side of Eastern Boulevard, 61 feet west of centerline of Lynbrook Road
15th Election District – 6th Councilmanic District
Legal Owners: Cox Properties, LLC
Contract Purchaser: Terry Martin

Variance to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface; to permit setbacks of as little as 6' from the public right of way for existing parking spaces in lieu of the required 10'.

Hearing: Wednesday, February 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections 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

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: January 31, 2011

2/2/11

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 2925 Eastern Boulevard

INFORMATION:

Item Number: 11-194

Petitioner: Cox Properties, LLC

Zoning: BR

Requested Action: Variance

The petitioners request a variance from Section 409.8.A.2 of the BCZR to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface and from Section 409.8.A.4 to permit setbacks of a little as 6 feet from the public right of way for existing parking spaces in lieu of the required 10 feet.

The petitioner is proposing to replace the existing building of 1, 160 sf with a new structure of 9,600 sf to be used for retail, office and service garage. The gravel lot is limited to the fenced area at the rear of the building for the service garage.

A limited exemption for a B-8 was granted by the Development Review Committee via DRC # 110910F.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the proposed relief provided that the following information is submitted for review and approval with the limited exemption:

1. Architectural elevations and floor plans;
2. Landscape and lighting plan;
3. Location and screening of dumpster;
4. Sidewalks, including connections to the public road; and,
5. Accurate limits of paving and fenced areas.

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

Prepared by: _____

Division Chief: _____
JM/LL: CM

Patricia Zook - Case 2011-0194-A - hearing on Wednesday, Feb 2 - comment needed

From: Patricia Zook
To: Murray, Curtis
Date: 1/31/2011 3:28 PM
Subject: Case 2011-0194-A - hearing on Wednesday, Feb 2 - comment needed

Hello Curtis -

The below-described case is scheduled for a hearing on Wednesday and we need a comment from Planning.

CASE NUMBER: 2011-0194-A

2925 Eastern Avenue

Location: S/side Eastern Blvd., 61 feet west of centerline Lynbrook Rd.

15th Election District, 6th Councilmanic District

Legal owner: Clarence A. Cox, Member & Shirley G. Cox-Seifert, Member

VARIANCE 1) To allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface; 2) To permit setbacks of as little 6 feet from the public right of way for existing parking spaces in lieu of the required 10 feet.

Hearing: Wednesday, 2/2/2011 at 11:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Thanks.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 11 2011

ZONING COMMISSIONER

TO: Zoning Commissioner's Office
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 11, 2011
SUBJECT: Zoning Item # 11-194-A
Address 2925 Eastern Avenue
(Martin Property)

Zoning Advisory Committee Meeting of December 27, 2010.

The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item.

1. This lot is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). Relief to the right-of-way setbacks and the durable and dustless surface requirement will not impact any of the Critical Area requirements for this lot. The 10% pollutant reduction requirement must be addressed to minimize adverse impacts on water quality that result from development activities.
2. The zoning request will not result in any forest clearing or wetland impacts, and mitigation may be required for any new impervious surfaces on this lot. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The CBCA regulations apply to development activities within the Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. Any proposed development activities must meet all IDA regulations.

Reviewer: Regina Esslinger

Date: January 7, 2011



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 26, 2011

Cox Properties, LLC
Clarence A. & Shirley Seifert-Cox
528 Eastern Avenue
Baltimore, Maryland 21221

Dear Mr. Clarence & Shirley:

RE: Case Number 2011-0194-A Address 2925 Eastern Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 16, 2010. This letter is not an approval, but or **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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
Terry Martin 114 Carroll Island Road Baltimore, Maryland 21220
Richardson Engineering LLC 30 E. Padonia Road Ste 500 Timonium MD 21093



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

January 3, 2011

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **December 27, 2010**

Item No.:

Administrative Variance: 2011-0192A – 0193A, 0196A.

Variance: 2011-0194A – 0195A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 27, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For January 10, 2011
Item No. 2011-194

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We see no reason why the lot should not be paved with bituminous concrete unless there are tracked vehicles that will be using it or unless a gravel area is needed for a water quality facility.

DAK: ~~CEN~~:cab

cc: File

ZAC-ITEM NO 11-194-01102011.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: December 28, 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. 2011-0194-A
MD 150 (Eastern Avenue)
2925 Eastern Avenue
Cox-Seifert Property
Variance -

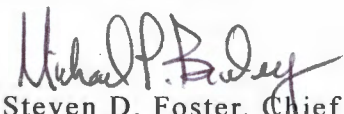
Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on December 21, 2010. A field inspection and cursory review reveals that the entrance onto the property from MD 150 (Eastern Avenue) is not consistent with current State Highway Access Management (SHA) guidelines. Therefore, we request that Baltimore County withhold issuing the Building Permit until the applicant obtains an access permit.

In summation: The SHA recommends County require the above as a condition of approval for 2925 Eastern Avenue, Case Number 2011-0194-A.

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 Steven D. Foster, Chief
Access Management Division

SDF/mb

Cc: Cox Properties, LLC
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. Rick Richardson, Engineer, Richardson Engineering, LLC
Mr. Terry Martin, Applicant

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: January 31, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 2925 Eastern Boulevard

INFORMATION:

Item Number: 11-194

Petitioner: Cox Properties, LLC

Zoning: BR

Requested Action: Variance

The petitioners request a variance from Section 409.8.A.2 of the BCZR to allow parking to occur on a gravel surface in lieu of the requirement to have a durable and dustless surface and from Section 409.8.A.4 to permit setbacks of a little as 6 feet from the public right of way for existing parking spaces in lieu of the required 10 feet.

The petitioner is proposing to replace the existing building of 1,160 sf with a new structure of 9,600 sf to be used for retail, office and service garage. The gravel lot is limited to the fenced area at the rear of the building for the service garage.

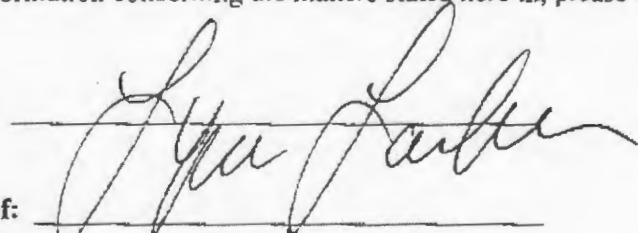
A limited exemption for a B-8 was granted by the Development Review Committee via DRC # 110910F.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the proposed relief provided that the following information is submitted for review and approval with the limited exemption:

1. Architectural elevations and floor plans;
2. Landscape and lighting plan;
3. Location and screening of dumpster;
4. Sidewalks, including connections to the public road; and,
5. Accurate limits of paving and fenced areas.

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

Prepared by: Division Chief:
JM/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: January 31, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 2925 Eastern Boulevard

INFORMATION:

FEB 01 2011

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ZONING COMMISSIONER

Zoning: BR

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Prepared by: _____

Division Chief: _____
JM/LL: CM

JB
2-2-11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: January 31, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 2925 Eastern Boulevard

INFORMATION:

FEB 01 2011

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Prepared by: _____

Division Chief: _____
JM/LL: CM

CASE NAME INTERCOASTAL MARINE
CASE NUMBER 2011-194
DATE 2/2/11

CASE NAME INTERCOASTAL MARINE
CASE NUMBER 2011-194
DATE 2/2/11

[illegible]

RE: PETITION FOR VARIANCE
2925 Eastern Ave; South side of
Eastern blvd, 61 ft W of Lynbrook Rd.
15th Election & 6th Councilmanic Dists.
Legal Owner: Cox Properties, LLC,
Contract Purchaser: Terry Martin

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-194-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.



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 21st day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Patrick Richard, Jr., Richardson Engineering, LLC, 30 E. Padonia Road, Timonium, Maryland 21093 Engineering, LLC, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 28, 2011

NICHOL MARTIN
114 CARROLL ISLAND ROAD
BALTIMORE MD 21220

Re: Petition for Variance
Case No. 2011-0194-A
Property: 2925 Eastern Avenue

for the
case
file

Dear Ms. Martin:

I am writing in regard to the Opinion and Order issued in the captioned matter. Specifically, and though it is informal in nature, please consider this an amendment and clarification of that Order.

Specifically, page 4 of the Order is amended to include a third condition, incorporating the Office of Planning's comments, as follows:

3. Prior to development plan approval, Petitioner shall submit for the Office of Planning's approval the following: a) architectural elevations and floor plans; b) landscape and lighting plan; c) location and screening of dumpster; d) sidewalks, including connections to the public road; and e) accurate limits of paving and fenced area.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

THB:pz

c: Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500, Timonium MD 21030
Peter Max Zimmerman, People's Counsel of Baltimore County

2011-0194-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

Account Identifier:

District - 15 Account Number - 1519850540

Owner Information

Owner Name:	COXS PROPERTIES LLC	Use:	COMMERCIAL
Mailing Address:	528 EASTERN BLVD BALTIMORE MD 21221-6777	Principal Residence:	NO
		Deed Reference:	1) /15982/ 2) /15982/

Location & Structure Information

Premises Address	Legal Description
2925 EASTERN BLVD	1.133 AC SS 2925 EASTERN BLVD SW COR LYNBROOK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat
91	8	53						3	Plat

Special Tax Areas	Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	1,288 SF	1.13 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	175,900	200,900		
Improvements:	36,300	38,700		
Total:	212,200	239,600	230,466	239,600
Preferential Land:	0	0	0	0

Transfer Information

Seller:	COX CLARENCE A	Date:	01/15/2002	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/15982/ 148	Deed2:	/15982/
Seller:	COX CLARENCE A	Date:	05/01/1995	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/11026/ 492	Deed2:	
Seller:	COX CLARENCE A	Date:	06/08/1989	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 8194/ 32	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

Case No.: 2011-0194-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photos	
No. 3	Zoning Map	
No. 4	Hydrology Chart	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Eastern Avenue frontage looking east toward Lynbrook Lane



Lynbrook Lane frontage looking north toward Eastern Avenue

PETITIONERS
EXHIBIT # 2



Existing area in rear of property that is gravel



Site from Eastern Avenue looking south with Lynbrook Lane at left



PETITIONERS
EXHIBIT # 3

ZONING MAP #091A2
SCALE: 1" = 200'

2-5

FROM TR-55 - URBAN HYDROLOGY FOR SMALL WATERSHEDS

Table 2-2.--Runoff curve numbers for selected agricultural, suburban, and urban land use. (Antecedent moisture condition II, and $I_a = 0.2S$)

LAND USE DESCRIPTION	HYDROLOGIC SOIL GROUP			
	A	B	C	D
Cultivated land ^{1/} : without conservation treatment	72	81	88	91
: with conservation treatment	62	71	78	81
Pasture or range land: poor condition	68	79	86	89
good condition	39	61	74	80
Meadow: good condition	30	58	71	78
Wood or Forest land: thin stand, poor cover, no mulch	45	66	77	83
good cover ^{2/}	25	55	70	77
Open Spaces, lawns, parks, golf courses, cemeteries, etc.				
good condition: grass cover on 75% or more of the area	39	61	74	80
fair condition: grass cover on 50% to 75% of the area	49	69	79	84
Commercial and business areas (85% impervious)	89	92	94	95
Industrial districts (72% impervious).	81	88	91	93
Residential: ^{1/}				
Average lot size				
1/8 acre or less	65			
1/4 acre	38			
1/3 acre	30			
1/2 acre	25			
1 acre	20			
Paved parking lots, roofs, driveways, etc. ^{2/}	98	98	98	98
Streets and roads:				
paved with curbs and storm sewers ^{1/}	98	98	98	98
gravel	76	85	89	91
dirt	72	82	87	89

1/ For a more detailed description of agricultural land use curve numbers refer to National Engineering Handbook, Section 4, Hydrology, Chapter 9, Aug. 1972.

²/ Good cover is protected from grazing and litter and brush cover soil.

3/ Curve numbers are computed assuming the runoff from the house and driveway is directed towards the street with a minimum of roof water directed to lawns where additional infiltration could occur.

2/ The remaining pervious areas (lawn) are considered to be in good pasture condition for these curve numbers.

3/ In some warmer climates of the country a curve number of 95 may be used.

3000-A

3000-B

3000-C

CHESAPEAKE MINI-STORAGE (PDM File/Project #)

1900006817

MH IM

3000

EASTERN BLVD

NE 4-J 091A2

EASTERN BLVD

BL

Lot # 2

Lot # 4

1503004510

2917

1508653360

6 CD

Lot # 5

19630130
19730247
19625703

1523001261

1502653590

PDM # 158172

Lot # 9

9

1523505050

Pt. Bk. 13, Folio 46

Lot # 10

Pt. Bk./Folio # 013046A

14

1502190117

ML IM

14

BR

2925

1519850540

SITE

19880124
19790024
19820056
19563975

LYNEROOK RD

BL

Pt. Bk. 39, Folio 36
1511890380

2929

19940121
19820248
19730149

15 ED

1501920231

11

DR 16

1501920232

1516750371

1522001150

ROAD

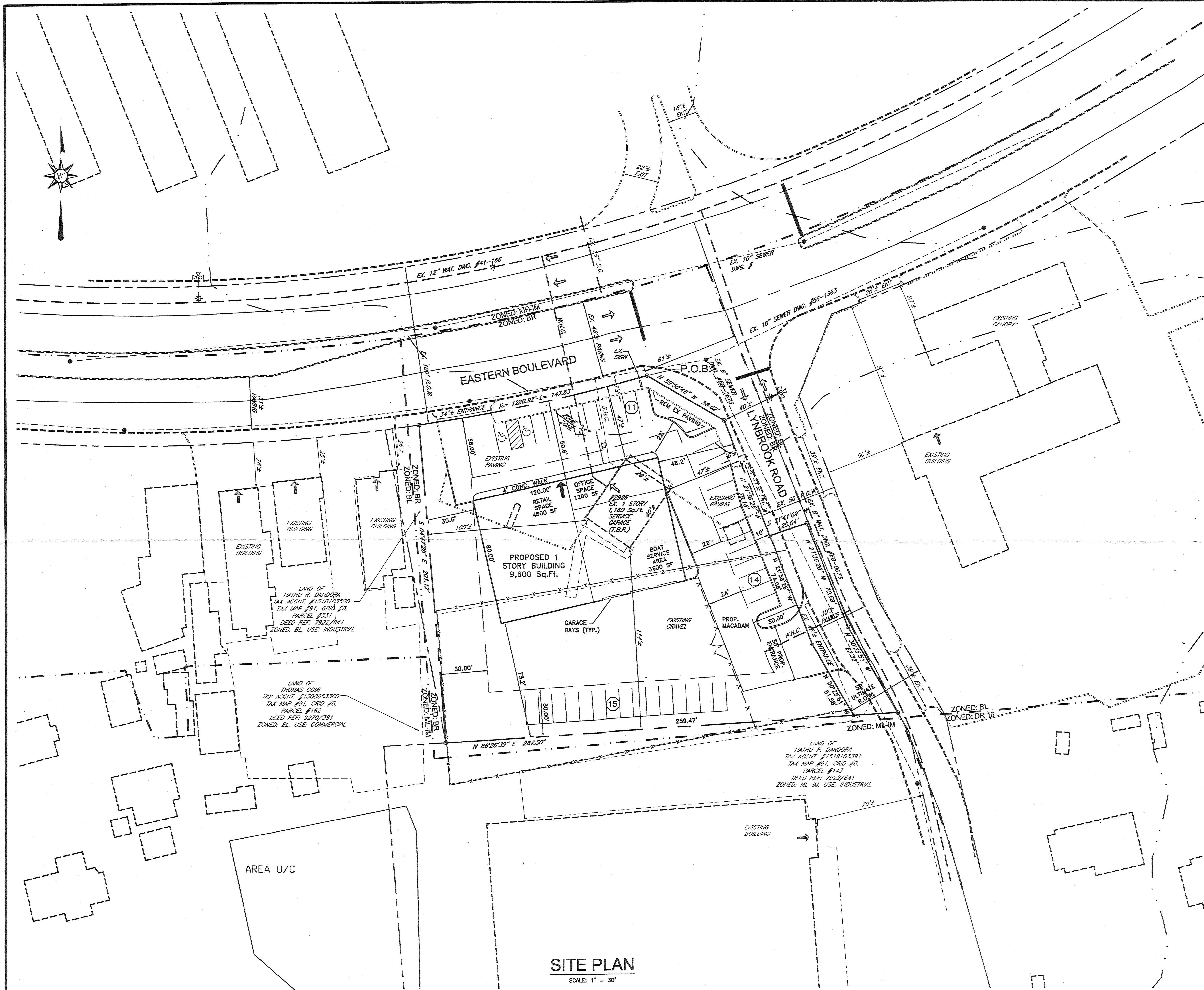
M00910152001

2011-0194-A



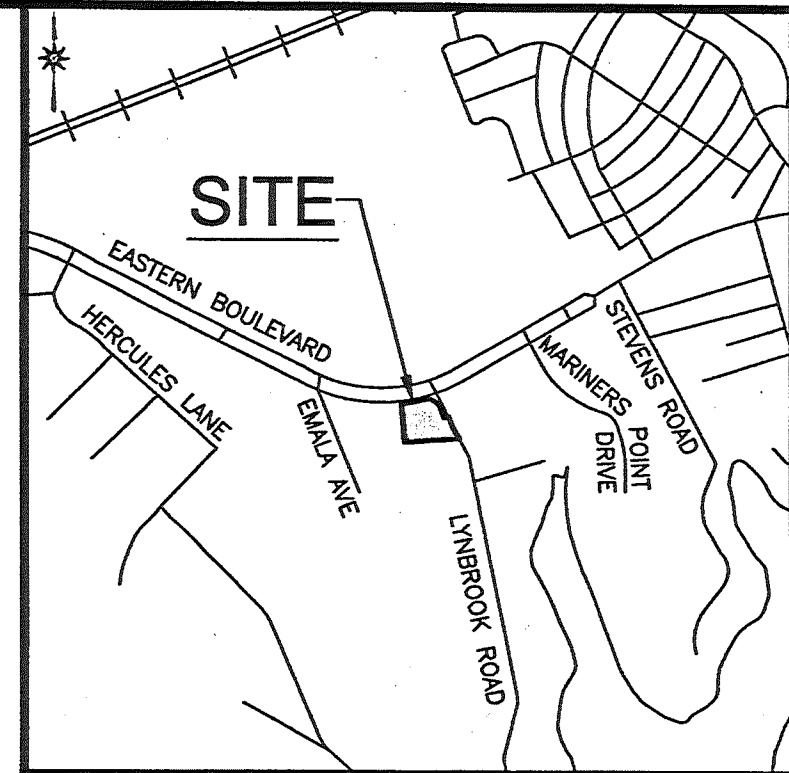
ZONING MAP #091A2
SCALE: 1" = 200'

2011-0194-A



GENERAL NOTES:

- OWNER:
COX'S PROPERTIES, LLC
528 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221-6777
CONTRACT PURCHASER:
TERRY MARTIN
114 CARROLL ISLAND ROAD
BALTIMORE, MARYLAND 21220
- SITE AREA:
GROSS: 59,165 Sq.Ft. or 1.36 Ac.±
NET: 46,129 Sq.Ft. or 1.06 Ac.±
- SETBACKS: REQUIRED PROVIDED
FRONT 25' 51'±
DUAL HIGHWAY 50' 64'±
SIDE 30' 30'±
REAR 30' 58'±
- DEED REF: 15982/144
- TAX ACCOUNT #1519850540
- COUNCILMANIC DISTRICT: 6TH
- ZONING: BR
(PER 1"=200' ZONING MAP 091A2)
- TAX MAP #91, PARCEL #53.
- BUILDING HEIGHT: 16' (1 STORY).
- NO KNOWN PREVIOUS PERMITS ON FILE.
- PREVIOUS CASES:
DRC #110910F, LIMITED EXEMPTION GRANTED UNDER SECTION 32-4-106(b)(8) ON NOVEMBER 9, 2010.
ZONING #3975 X, SPECIAL EXCEPTION TO ALLOW USE AS GASOLINE STATION, GRANTED NOVEMBER 16, 1956.
ZONING #79-24 XRA, RECLASSIFICATION FROM M.L. TO B.R. WITH SPECIAL EXCEPTION TO ALLOW OUTDOOR USED AUTO SALES SEPARATE FROM A SALES BUILDING, THE REPAIR OF AUTOMOBILES IN A B.R. ZONE AND VARIANCE TO ALLOW PARKING OF DISPLAY VEHICLES WITHIN 8' OF THE R.O.W. IN LIEU OF THE REQUIRED 35'; GRANTED AUGUST 3, 1978.
ZONING #88-124 XSPH, SPECIAL EXCEPTION FOR STORAGE OF INFLAMMABLE LIQUIDS OR GASES ABOVE GROUND AND SPECIAL HEARING TO AMEND CAST #79-24 XRA FOR THE SALE OF PROPANE FUEL AND A REDUCTION OF THE ORIGINAL SPECIAL EXCEPTION BY 364 Sq.Ft. GRANTED JANUARY 12, 1988.
ZONING #92-50-YA, SPECIAL EXCEPTION TO PERMIT A 12'x25' SINGLE-FACED ILLUMINATED POSTER PANEL SIGN, GRANTED APRIL 12, 1993.
- NO STORAGE OF DAMAGED AND DISABLED VEHICLES ARE PERMITTED OUTSIDE OF THE BUILDING EXCEPT IN ACCORDANCE WITH SECTION 405A OF BCZR. NO OUTSIDE STORAGE OF DAMAGED OR DISABLED VEHICLES ARE PROPOSED ON THIS SITE.
- BUILDING AREA:
EXISTING: 1,160 Sq.Ft.
- UTILITIES
PUBLIC WATER.
PUBLIC SEPTIC.
- SITE LIES WITHIN ZONE(S) "X" & "X*" OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0435 F PANEL 435 OF 580 DATED SEPT. 26, 2008.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
ZONE "X*" IS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
- PARKING CALCULATIONS
REQUIRED:
RETAIL - 4,800 Sq.Ft. @ 5 PER 1,000 = 24 SPACES
SERVICE GARAGE - 3,600 Sq.Ft. @ 3.3 PER 1,000 = 12 SPACES
OFFICE - 1,200 Sq.Ft. @ 3.3 PER 1,000 = 4 SPACES
TOTAL - 40 SPACES
PROVIDED: 40 SPACES
SPACES (2 HANDICAPPED, 38 REGULAR)
- REGIONAL PLANNING DISTRICT: 327
- CENSUS TRACT: 4516
- WATERSHED: MIDDLE RIVER
- FLOOR AREA:
MAXIMUM PERMITTED: 2.0 (PER BR ZONE)
PROPOSED: 9,600 ÷ 59,165 = 0.162
- ANY EXISTING SIGNS ARE TO REMAIN AND ANY PROPOSED SIGN IS TO CONFORM TO THE BCZR.
- THE SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
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- USES:
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PROPOSED: RETAIL & SERVICE GARAGE WITH 3 BAYS.



LOCATION MAP

SCALE: 1" = 1000'

SITE PLAN

SCALE: 1" = 30'

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



Richardson Engineering, LLC

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

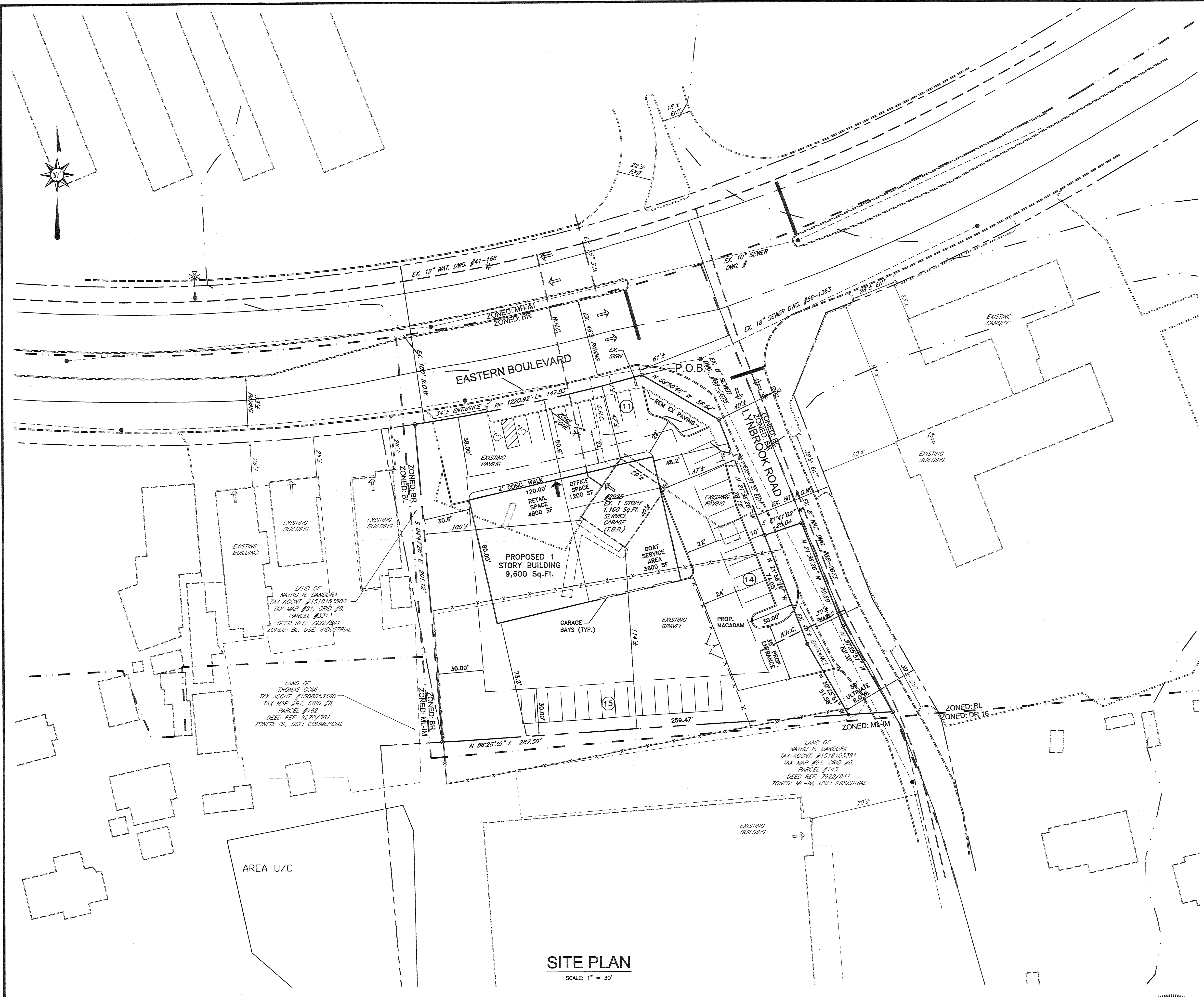
PLAN TO ACCOMPANY
ZONING PETITION
FOR

INTERCOASTAL MARINE
2925 EASTERN BOULEVARD
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15TH ELECTION DISTRICT

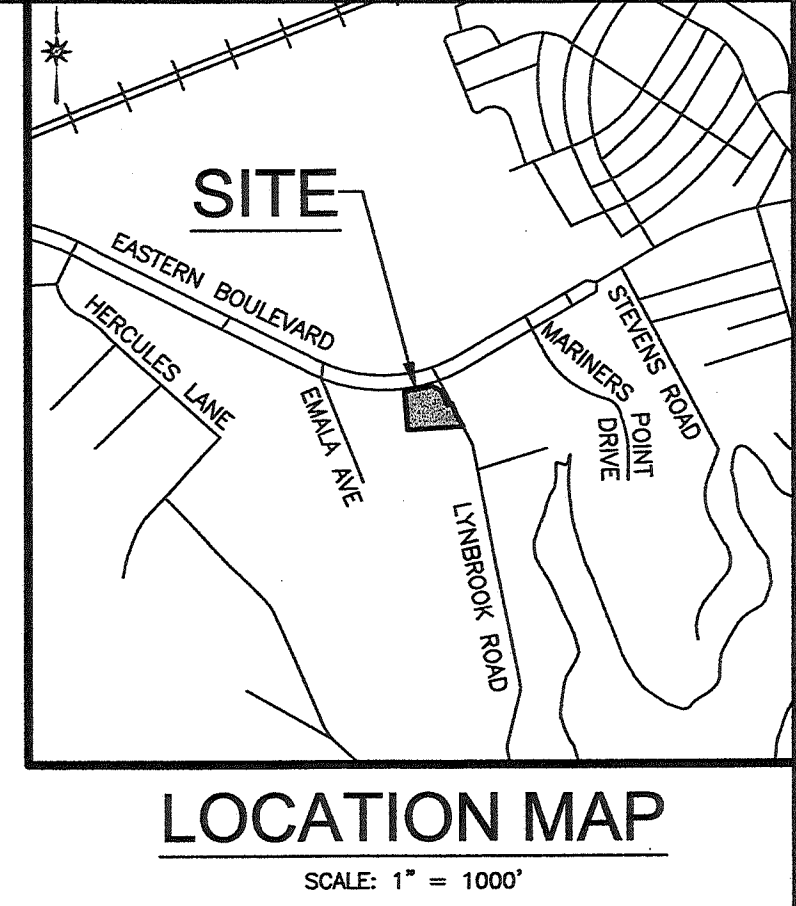
BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
PETITIONERS EXHIBIT # 1	CND	PCR	1" = 30'
DATE:	JOB NO.:	SHEET NO.:	
12-15-10	10081	1 OF 1	



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- USES:
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PROPOSED: RETAIL & SERVICE GARAGE WITH 3 BAYS.



SITE PLAN
SCALE: 1" = 30'

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY
ZONING PETITION
FOR
INTERCOASTAL MARINE
2925 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21220

15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 30'
	DATE: 12-15-10	JOB NO.: 10081	SHEET NO.: 1 OF 1

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