

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

E side of Beaver Court, N/E of
Beaver Dam Road
8th Election District
3rd Councilmanic District
(One Beaver Court)

One Beaver Court, LLC
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* **Case No. 2012-0020-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Exception and a Petition for Variance filed by the Petitioner, Frankel Properties, LLC, along with One Beaver Court, LLC, as legal owner of the subject property, by and through Christopher D. Mudd, Esquire, with Venable LLP. Petitioner requests a special exception for a service garage in the ML-IM zone, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations ("BCZR" or "Zoning Regulations") and a variance from BCZR Sections 255.1 and 238.2 to permit a setback of 29 feet, in lieu of the required 30 feet. The subject site and the requested relief are more particularly described on the redlined site plan accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the petition were Christopher D. Mudd, Esquire, attorney for the Petitioner; Rich Giroux, on behalf of the Petitioner; Robert Capalongo with C.N.A. Engineers, Inc., the registered landscape architect who prepared the site plan; and Mickey Cornelius, a traffic engineer and Senior Vice President of The Traffic Group, Inc. Also in attendance were David Rhodes, a representative of the entity owner of the subject property, and Robert Hoffman also with Venable LLP. There were no protestants in attendance.

ORDER RECEIVED FOR FILING

Date 9-1-11

By 

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case, and I note that there were no negative comments.

Testimony and evidence revealed that the subject property is a 6.227± acre parcel, located on the east side of Beaver Court, north of Warren Road, in the Cockeysville area of Baltimore County. The property is zoned ML-IM (Manufacturing, Light – Industrial, Major), and improved with a single story building housing a warehouse use and a party rental business. The property has a unique wedge shape that is dictated by the fact that it is immediately adjacent to railroad rights of way to the south and east, Beaver Court to the west, and a private pipe-stem access road serving a neighboring property to the north.

The Petitioner proposes to reconfigure the portion of the building dedicated to the party rental by making that use smaller (from 52,952± sq. ft. to 32,924± sq. ft.) and installing a service garage in the remaining space (20,080± sq. ft.). The site plan shows that the service garage use will be located in a secluded area of the subject property, tucked towards the back of the property, in an area surrounded by existing mature vegetation. A Site Plan and Photo Plan and photographs submitted as Petitioner's Exhibits 5 and 6A through 6F, respectively, depict this private and secluded area surrounding the parking lot where vehicles awaiting repair and pick-up will be stored.

The service garage use is permitted by special exception in the ML-IM zone, which caused the Petitioner to file the petition at issue in this case. Additionally, the testimony established that, when preparing the site plan for the special exception petition, it was discovered that the existing building is situated 29.5 feet from the side property line, where 30 feet is required. Therefore, the Petitioner also filed a petition for a variance.

ORDER RECEIVED FOR FILING

Date 9-1-11 2

By [Signature]

Regarding the special exception request, the evidence and testimony demonstrated that the proposed service garage use at the subject location would not generate any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the ML-IM zone. Petitioner's expert witnesses, Messrs. Capalongo and Cornelius, addressed the provisions of Section 502.1 of the Zoning Regulations. Specifically, they opined that the service garage use would not be detrimental to the health, safety or general welfare of the locality involved, because the use is located on a secluded portion of the subject property surrounded by existing mature vegetation and immediately adjacent to a rail line; the use would not tend to create congestion in roads, streets or alleys given the limited number of trips generated by the use, the adequate site circulation, and the fact that the property is not within a failing traffic shed; the use would not create a potential hazard from fire, panic, or other danger, because it has adequate buffers to adjacent uses and good site access and circulation; it would not tend to overcrowd the land and cause undue concentration of population, because of the small footprint of the use, the adequate buffers to adjacent uses, and the limited number of employees and customers who will be on the property; it would not interfere with adequate provisions for schools, parks, water, sewage, transportation, or other public requirements, because it will use very little public water or sewer capacity and have no impact on the other public services; the use would not interfere with adequate light and air due to the small footprint of the one story building and the fact that it is primarily surrounded by mature vegetation, roadways, and open space; the use would not be inconsistent with the purpose of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations, because the use fits well within the industrial zone and will serve the uses in the surrounding industrial area; and it would not be inconsistent with the impermeable surface and vegetative retention provisions of the Zoning

ORDER RECEIVED FOR FILING

Date 9-1-11

3

By [Signature]

Regulations, because there will be no changes to the existing site conditions, which is primarily impervious surface with mature vegetation along the site's borders.

I agree with the Petitioner's witnesses that the requested special exception use is appropriate for the proposed location. Their uncontroverted testimony clearly establishes that the petition for special exception meets the requirements of case law and specifically of Section 502.1 of the Zoning Regulations.

In addition to the 502.1 standards, Section 253.2.B.3 also requires a finding that the service garage use will serve primarily the industrial uses and related activities in the surrounding industrial area. Petitioner's witness Mr. Giroux explained that, in his experience as Vice President of Frankel Automotive Group, most service garage customers tend to use a garage that is closest to their workplace. Petitioner presented as Exhibit 8 an aerial photograph showing that the surrounding industrial area is a large area along the I-83 corridor, extending from Shawan Road to Timonium Road, which is home to many employers. The witnesses asserted that the numerous employees in this industrial area will be the primary users of the service garage. In fact, Petitioner presented as Exhibit 9 a map contained in Master Plan 2020, which shows that this industrial area is designated as one of the largest "employment centers" in the County. In light of this evidence and testimony, I agree that the service garage use will serve primarily the numerous employees in the surrounding industrial area.

Regarding the petition for variance, upon review of the testimony and evidence, I am likewise persuaded to grant the requested relief. Specifically, I find special circumstances or conditions exist that are unique to the subject property. As described above, the property is uniquely shaped, due to its proximity to existing railroad rights of way and private and public roadways. The shape creates pinch points at the eastern and western boundaries that caused

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Date 9-1-11

By 

difficulty in designing the site to accommodate the proposed building and all of the parking required to serve the uses, while at the same time respecting the setbacks. Recognizing that the building has been located on the property for years and the setback deficiency has only now been discovered, if I were to strictly apply the Zoning Regulations to the property, the Petitioner would be required to demolish a portion of the building to accommodate the required setbacks. This is not a plausible outcome for the Petitioner, who was not responsible for the apparent mistake in building construction.

There will be no adverse impacts caused by the grant of the variance. There is an existing light rail track located immediately adjacent to the side property line from which the variance relief is requested. Having a building located one foot closer to that property line will not burden anyone. Finally, I find that the variance request can be granted in harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Setback regulations are designed to protect adjacent properties from having buildings situated too close to the property lines; here, a building located one foot closer to the property line will not cause any impact to the adjacent property improved with a light rail line.

Thus, the variance requested meets the requirements of Section 307 of the BCZR, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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 Petitioner's special exception and variance requests herein should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 15th day of September, 2011, by this Administrative Law Judge that Petitioner's request for Special

ORDER RECEIVED FOR FILING

Date 9-1-11

By [Signature]

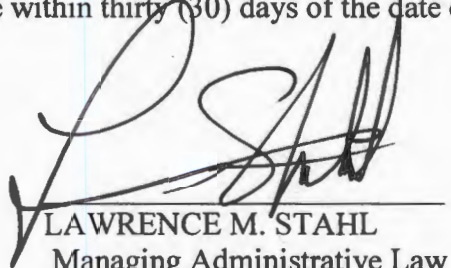
Exception to permit a service garage in the ML-IM zone, pursuant to Section 253.2.B.3 of the Zoning Regulations, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the request for Variance from Sections 255.1 and 238.2 of the Zoning Regulations to permit a setback of 29 feet, in lieu of the required 30 feet, be and it is hereby GRANTED.

The relief granted is subject to the following condition:

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

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


LAWRENCE M. STAHL
Managing Administrative Law
Judge for Baltimore County

LMS/pz

ORDER RECEIVED FOR FILING

Date 9-1-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

September 1, 2011

CHRISTOPHER D. MUDD, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Special Exception and Variance
Case No. 2012-0020-XA
Property: One Beaver Court

Dear Mr. Mudd:

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, Approvals 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 "L. Stahl", is written over the name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at One Beaver Court
which is presently zoned ML-IM

Deed Reference: 28106 / 222 Tax Account # 0801051410

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1 and 238.2 of the Baltimore County Zoning Regulations to permit a setback of 29 feet, in lieu of the required 30 feet.

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 DETERMINED 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:

SEE ATTACHED SHEET

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Christopher D. Mudd

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Christopher D. Mudd

Name

210 W. Pennsylvania Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2012-0020XA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature]

Date 7.22.14

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 9-1-11

By [Signature]

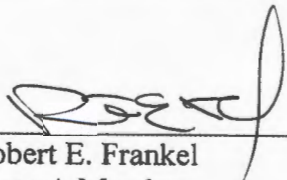
Attached Sheet 1

**Petition for Variance
One Beaver Court**

Contract Purchaser:

FRANKEL PROPERTIES LLC,
a Maryland limited liability company

By: _____

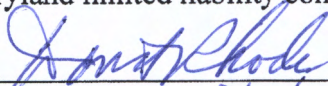

Robert E. Frankel
Class A Member
10400 York Road
Cockeysville, MD 21030
410-666-5300

Attached Sheet 2

**Petition for Variance
One Beaver Court**

Legal Owner:

ONE BEAVER COURT, LLC
a Maryland limited liability company

By: 

Name: *David Rhodes*

Title: *managing member*

6801 Eastern Avenue
Baltimore, Maryland 21224



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at One Beaver Court

which is presently zoned ML-IM

Deed Reference: 28106 / 222 Tax Account # 08-0801051410

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

a service garage in the ML-IM zone, pursuant to Section 253.2.B.3 of the Zoning Regulations.

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:

SEE ATTACHED

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Christopher D. Mudd

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Christopher D. Mudd

Name

210 W. Pennsylvania Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No.

2012-0020-XA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

REV 07/27/2007

ORDER RECEIVED FOR FILING

Reviewed By

Date

Date

By

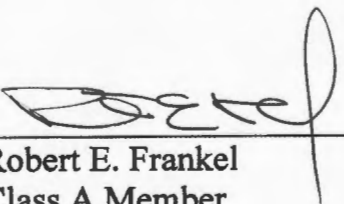
Attached Sheet 1

**Petition for Special Exception
One Beaver Court**

Contract Purchaser:

**FRANKEL PROPERTIES LLC,
a Maryland limited liability company**

By:



**Robert E. Frankel
Class A Member
10400 York Road
Cockeysville, MD 21030
410-666-5300**

Attached Sheet 2

**Petition for Special Exception
One Beaver Court**

Legal Owner:

ONE BEAVER COURT, LLC
a Maryland limited liability company

By: *David Rhodes*
Name: *David Rhodes*
Title: *Managing member*
6801 Eastern Avenue
Baltimore, Maryland 21224



ISO 9001:2000 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • Phone 410-316-7800 • Fax 410-316-7885

ZONING DESCRIPTION

6.310 ACRES

PROPERTY KNOWN AS

1 BEAVER COURT

8TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point located on the northeast side of Beaver Dam Road, 70 foot right-of-way, at the intersection of the southwest side of Beaver Court, formerly Hoen Court, as shown on "Plat of J & S Industrial Development" which is recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. 32, page 145, thence binding on the southwest right-of-way of Beaver Court, formerly Hoen Court, as shown on said Plat O.T.G. 32, page 145

1. North 12 degrees 54 minutes 10 seconds East 32.74 feet, thence
2. North 53 degrees 16 minutes 40 seconds East 382.83 feet, thence
3. Northeasterly by a curve to the right having a radius of 30.00 feet and an arc length of 31.42 feet, subtended by a chord North 83 degrees 16 minutes 40 seconds East 30.00 feet, thence
4. Northeasterly by a curve to the left having a radius of 100.00 feet and an arc length of 146.61 feet, subtended by a chord North 71 degrees 16 minutes 38 seconds East 133.83 feet to intersect the southwest side of a "50' Easement for Ingress, Egress and Utilities" as shown on the aforesaid Plat O.T.G. 32, page 145, thence leaving the right-of-way of Beaver Court, formerly Hoen Court, and binding on said easement
5. South 60 degrees 43 minutes 20 seconds East 375.00 feet, thence
6. Southeasterly by a curve to the left having a radius of 300.00 feet and an arc length of 124.98 feet, subtended by a chord South 72 degrees 39 minutes 29 seconds East 124.08 feet, thence
7. South 40 degrees 48 minutes 50 seconds East 204.20 feet, thence
8. Southeasterly by a curve to the left having a radius of 400.00 feet and an arc length of 128.53 feet, subtended by a chord South 50 degrees 01 minutes 09 seconds East 127.98 feet, thence
9. North 88 degrees 58 minutes 15 seconds West 27.73 feet, thence

10. North 84 degrees 58 minutes 00 seconds West 1093.66 feet to intersect the aforementioned northeast side of Beaver Dam Road, thence binding thereon
11. North 29 degrees 38 minutes 50 seconds West 37.57 feet, thence
12. Northwesterly by a curve to the left having a radius of 1944.86 feet and an arc length of 24.00 feet, subtended by a chord North 30 degrees 04 minutes 52 seconds West 24.00 feet to the point of beginning.

CONTAINING 6.310 acres of land, more or less.

BEING a portion of "Parcel 3" as shown on "Plat of J & S Industrial Development" which is recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. 32, page 145. Also known as 1 Beaver Court, Cockeysville, Maryland 21030, located In the 8th Election District, Baltimore County, Maryland.

THIS DESCRIPTION IS BASED ON DEEDS AND AVAILABLE RECORDS AND IS NOT INTENDED TO REPRESENT A FIELD RUN SURVEY.





ISO 9001:2000 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • Phone 410-316-7800 • Fax 410-316-7885

ZONING DESCRIPTION

PORTION OF

1 BEAVER COURT

8TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

COMMENCING at a point located on the northeast side of Beaver Dam Road, 70 foot right-of-way, at the intersection of the southwest side of Beaver Court, formerly Hoen Court, as shown on "Plat of J & S Industrial Development" which is recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. 32, page 145, thence binding on the southwest right-of-way of Beaver Court, formerly Hoen Court, as shown on said Plat O.T.G. 32, page 145

1. North 12 degrees 54 minutes 10 seconds East 32.74 feet, thence
 2. North 53 degrees 16 minutes 40 seconds East 382.83 feet, thence
 3. Northeasterly by a curve to the right having a radius of 30.00 feet and an arc length of 31.42 feet, subtended by a chord North 83 degrees 16 minutes 40 seconds East 30.00 feet, thence
 4. Northeasterly by a curve to the left having a radius of 100.00 feet and an arc length of 146.61 feet, subtended by a chord North 71 degrees 16 minutes 38 seconds East 133.83 feet to intersect the southwest side of a "50' Easement for Ingress, Egress and Utilities" as shown on the aforesaid Plat O.T.G. 32, page 145, thence leaving the right-of-way of Beaver Court, formerly Hoen Court, and binding on said easement
 5. South 60 degrees 43 minutes 20 seconds East 38.50 feet to the **POINT OF BEGINNING**, thence continuing on said easement
1. South 60 degrees 43 minutes 20 seconds East 336.50 feet, thence
 2. Southeasterly by a curve to the left having a radius of 300.00 feet and an arc length of 124.98 feet, subtended by a chord South 72 degrees 39 minutes 29 seconds East 124.08 feet, thence
 3. South 40 degrees 48 minutes 50 seconds East 204.20 feet, thence
 4. Southeasterly by a curve to the left having a radius of 400.00 feet and an arc length of 128.53 feet, subtended by a chord South 50 degrees 01 minutes 09 seconds East 127.98 feet, thence

5. North 88 degrees 58 minutes 15 seconds West 27.73 feet , thence
6. North 84 degrees 58 minutes 00 seconds West 601.32 feet, thence
7. North 05 degrees 01 minutes 05 seconds East 220.67 feet, thence
8. North 84 degrees 26 minutes 09 seconds West 50.43 feet, thence
9. North 05 degrees 02 minutes 00 seconds East 160.97 feet to the point of beginning.

CONTAINING 3.153 acres of land, more or less.

BEING a portion of "Parcel 3" as shown on "Plat of J & S Industrial Development" which is recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. 32, page 145. Also known as a portion of 1 Beaver Court, Cockeysville, Maryland 21030, located in the 8th Election District, Baltimore County, Maryland.

**THIS DESCRIPTION IS BASED ON DEEDS AND AVAILABLE RECORDS AND IS
NOT INTENDED TO REPRESENT A FIELD RUN SURVEY.**



NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2012-0020-XA

One Beaver Court

N/east side of Beaver Dam Road, at the intersection of the southwest side of Beaver Court

8th Election District — 3rd Councilmanic District

Legal Owner(s): One Beaver Court, LLC

Contract Purchaser: Frankel Properties, LLC

Special Exception: for a service garage in the ML-IM zone, pursuant to Section 253.B.3 of the Zoning Regulation. **Variance:** to permit a setback of 29 feet, in lieu of the required 30 feet.

Hearing: Thursday, August 25, 2011 at 10:00 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 accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 8/6/62 August 9

283277

CERTIFICATE OF PUBLICATION

8/11/, 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 8/9/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

TK 8/25 10am

Hearing 8/25

faxed
8/18
mm

2012-0020-XA

RE: Case No.: _____

Petitioner/Developer: _____

Frankel Properties, LLC

August 25, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

One Beaver Court

August 10, 2011

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

Sincerely,



August 15, 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)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 9, 2011 Issue - Jeffersonian

Please forward billing to:
Kedrick Whitmore
Venable
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6204

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0020-XA

One Beaver Court

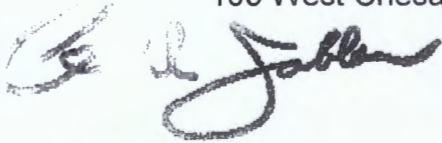
N/east side of Beaver Dam Road, at the intersection of the southwest side of Beaver Court
8th Election District – 3rd Councilmanic District

Legal Owners: One Beaver Court, LLC

Contract Purchaser: Frankel Properties, LLC

Special Exception for a service garage in the ML-IM zone, pursuant to Section 253.2.B.3 of the Zoning Regulation. Variance to permit a setback of 29 feet, in lieu of the required 30 feet.

Hearing: Thursday, August 25, 2011 at 10:00 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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

August 2, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0020-XA

One Beaver Court

N/east side of Beaver Dam Road, at the intersection of the southwest side of Beaver Court

8th Election District – 3rd Councilmanic District

Legal Owners: One Beaver Court, LLC

Contract Purchaser: Frankel Properties, LLC

Special Exception for a service garage in the ML-IM zone, pursuant to Section 253.2.B.3 of the Zoning Regulation. Variance to permit a setback of 29 feet, in lieu of the required 30 feet.

Hearing: Thursday, August 25, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Towson 21204
Robert Frankel, 10400 York Road, Cockeysville 21030
David Rhodes, MM, 6801 Eastern Avenue, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 10, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0020-XA

Petitioner: FRANKEL PROPERTIES, LLC

Address or Location: ONE BEAVER CT

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEORICK WHITMORE

Address: 210 W. PENNSYLVANIA AVE. STE 500
TOWSON, MD 21204

Telephone Number: 410-494-6204

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

August 11, 2011

Hearing
8/25/11
Rec'd 8/19/11

David Rhodes
MM
6801 Eastern Avenue
Baltimore, MD 21224

RE: Case Number 2012-0020-XA, One Beaver Court

Dear Mr. Rhodes.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 22, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Christopher Mudd, Venable, LLP, 210 W. Pennsylvania Avenue, Towson, MD 21204
Robert Frankel, 10400 York Road, Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2011
Item Nos. 2012-020, 021, 023, 024
And 025

DATE: August 9 , 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08152011 -NO COMMENT\3.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 1, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 1, 2011**

Item No.:

Special Hearing: 2012-0021-SPH, 2012-0022-SPHA

Special Exception: 2012-0020-XA

Comments:

The proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code; Bill # 48-10.

Don W. Muddiman, Inspector
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: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2011
Item Nos. 2012-020, 021, 023, 024
And 025

DATE: August 9 , 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08152011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 1, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 1, 2011**

Item No.:

Administrative Variance: 2012-0024A.

Variance: 2012-0020-XA, 2012-0022-SPHA, 2012-0023A, 2012-0025A.

Comments:

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

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

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-1-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

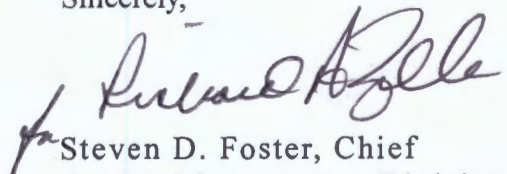
RE: Baltimore County
Item No. 2012-0020-XA
Special Exception Variance
One Beaver Court
1 Beaver Circle.

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. 2012-0020-XA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

8/25/11
TK

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 22 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 22, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-020-XA
Address 1 Beaver Circle
(One Beaver Court Property)

Zoning Advisory Committee Meeting of August 1, 2011.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Jeff Livingston; Development Coordination

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
1 Beaver Court; NE/S Beaver Dam Road, @	*	ADMINISTRATIVE LAW
Intersection of SW/S Beaver Court		
8 th Election & 3 rd Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): One Beaver Court		
Contract Purchaser: Frankel Properties, LLC	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2012-020-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.

RECEIVED

AUG 02 2011

.....

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 2nd day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to Christopher Mudd, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Pt. E Folio # C031442
MO0510496001

20000132

1600015000

105
20010445
19970228
19960209

1600009418

PDM # 088033

0813023492

Pt. Bk./Folio # 062064

0812000798

PARKING

PARKING

0812000799

0823080640

Pt. Bk./Folio # 092145

1600005732

PDM # 080138

160000571

1790000138

1800012895

Pt. Bk. 4 Folio 138
Pt. Bk./Folio # 045138

0810001030

0823004581

BEAVER CT

NW 17-B

051B1

ML IM

19930137
20020355
20020350
19990441
19970359
19990334
19890314

0801051410

Pt. Bk. 32, Folio 145

1
8 ED
3 CD

Lot # 45

W WARREN RD

Lot # 45

Pt. Bk. 35, Folio 92

1600007012

BEAVER DAM RD ROAD

PDM # 080695

2300001975 Pt. Bk. 70, Folio 70
Pt. Bk./Folio # 070070

0802000437

REDLAND GENSTAR TEXAS STATION (PDM File/Project # 8-695)



PETITIONER'S

EXHIBIT NO. 2



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 8/23/2011

Robert D. Capalongo, RLA

Work Experience:

August 2005 to Present: Associate of Planning and Landscape Architecture with C.N.A. Engineers, Inc. Managing and Designing Residential, Commercial, Institutional and Industrial Projects.

February 2001 to August 2005: Senior Project Manager for the Site Engineering Division and Department Head of the Landscape Architecture Department of **Whitney, Bailey, Cox and Magnani, LLC** in Baltimore, Maryland. Managed and Designed Institutional, Commercial, Residential and Industrial Projects.

January 1995 to February 2001: Project Manager and Senior Landscape Architect for the Land Planning and Development Engineering Division of **Morris and Ritchie Associates, Inc.** in Baltimore, Maryland. Managed and Designed Commercial, Residential and Industrial Projects.

May 1987 to January 1995: Project Manager and Landscape Architect for the Development Engineering Division of **Greenhorne and O'Mara, Inc.** in Greenbelt, MD. My responsibilities included site planning, grading, street grade establishment, earthwork analysis, sediment control design, public and private water and sewer design, construction cost estimation and site feasibility studies. Computer related work included CADD site planning, drafting, street grade establishment and earthwork analysis.

EDUCATION:

B.S. Landscape Architecture, College of Arts and Architecture
The Pennsylvania State University; Graduated May 1987.

PROFESSIONAL LICENSE:

Licensed Landscape Architect, Maryland License number 3037.
Also Licensed to Practice Landscape Architecture in Delaware, Pennsylvania and Virginia

LEED Accredited Professional.

REFERENCES:

Available upon request.



PETITIONER'S

EXHIBIT NO.

GA.F



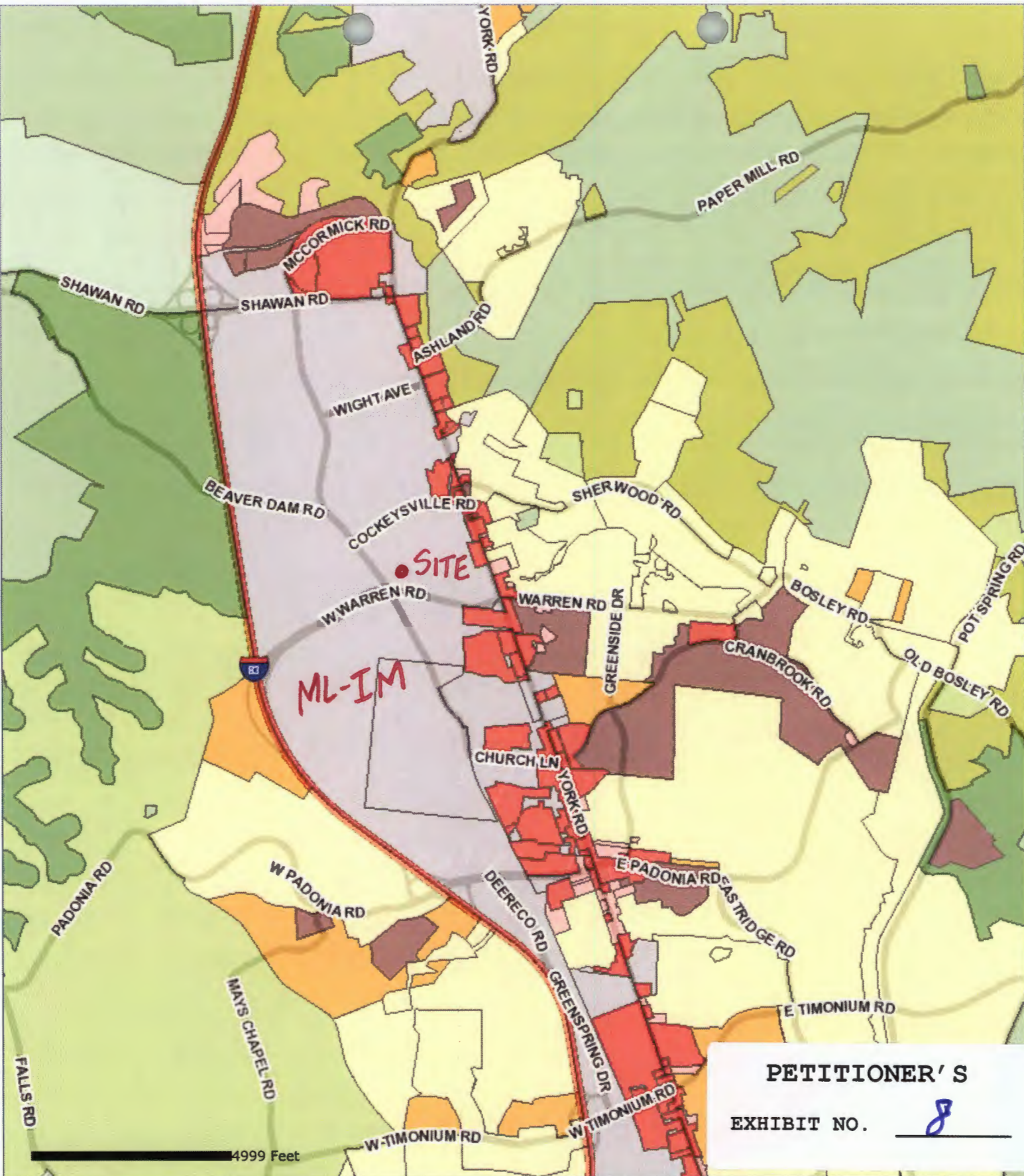




5







PETITIONER'S

EXHIBIT NO. 8



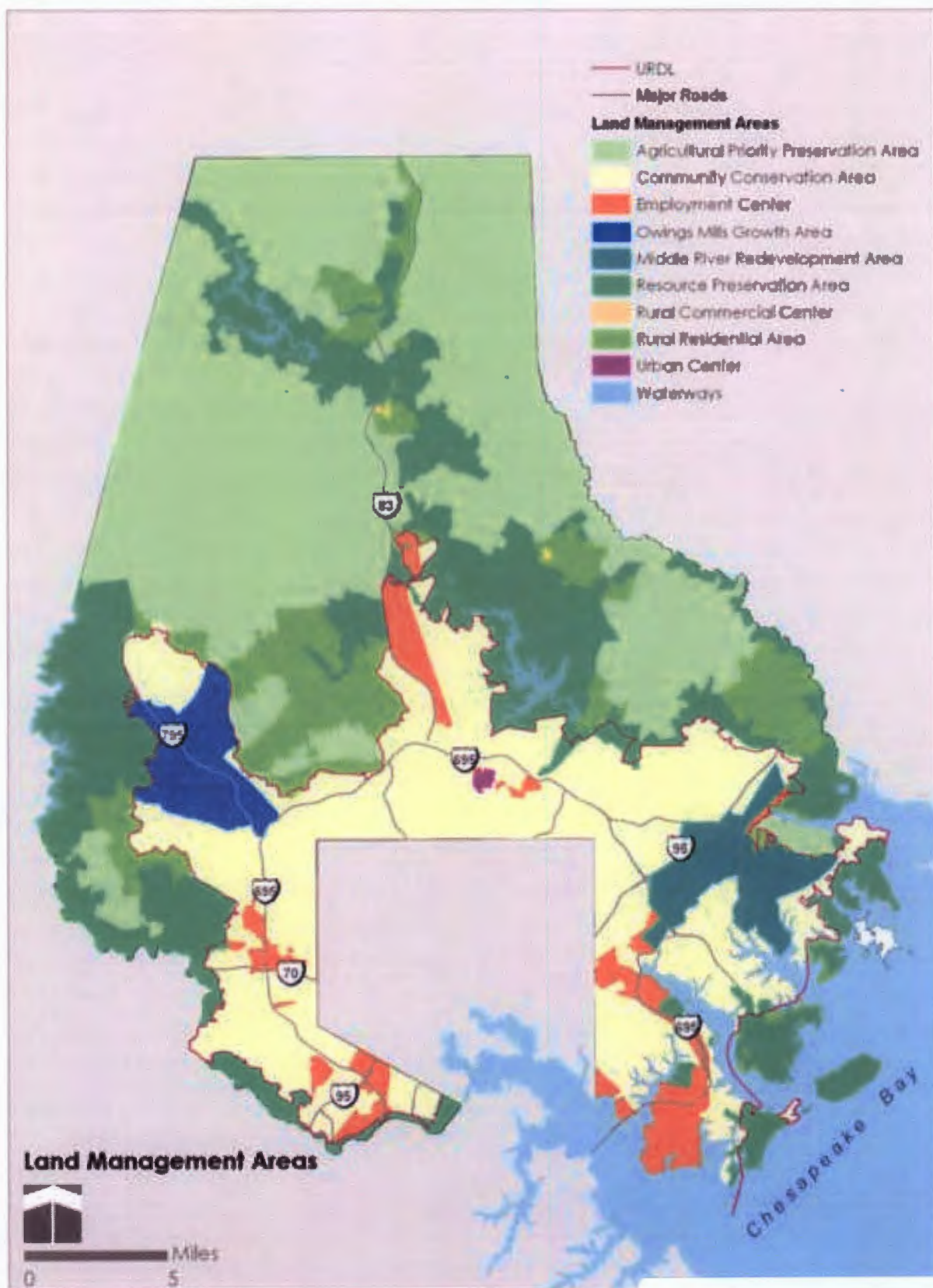
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Map 9: Land Management Areas

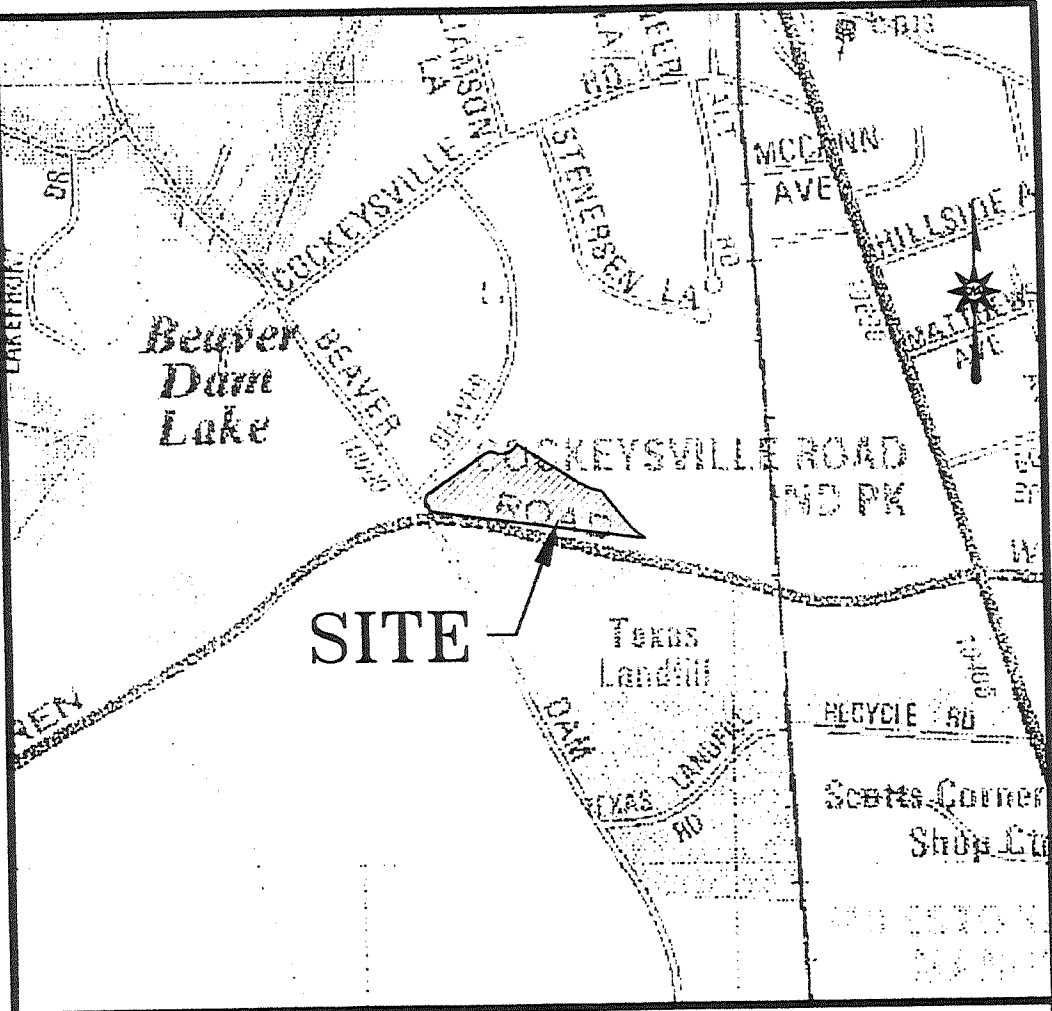
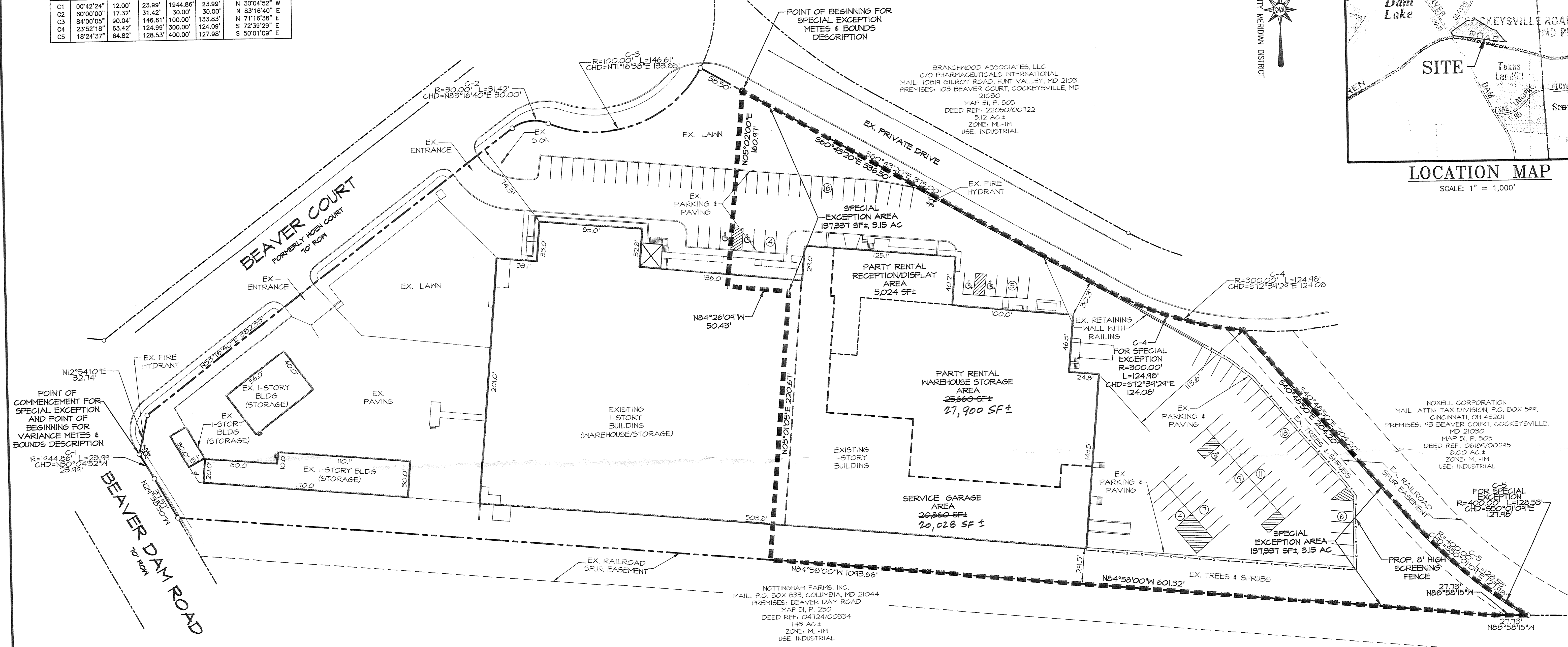


PETITIONER'S

EXHIBIT NO.

9

CURVE DATA TABLE						
NO.	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BEARING
C1	00°42'24"	12.00'	23.99'	1944.86'	23.99'	N 30°04'52" W
C2	60°00'00"	17.32'	31.42'	30.00'	30.00'	N 83°16'40" E
C3	84°00'05"	90.04'	146.61'	100.00'	133.83'	N 71°16'38" E
C4	23°52'18"	63.42'	124.99'	300.00'	124.08'	S 72°39'29" E
C5	18°24'37"	64.82'	128.53'	400.00'	127.98'	S 50°01'09" E



LOCATION MAP
SCALE: 1" = 1,000'

SITE DATA

- OWNER: ONE BEAVER COURT, LLC
6801 EASTERN AVENUE
BALTIMORE, MARYLAND 21224-3029
- DEVELOPER/
CONTRACT PURCHASER: FRANKEL PROPERTIES, LLC
10400 YORK ROAD
COCKEYSVILLE, MARYLAND 21030
PHONE: 410-666-5300
- SITE LOCATION: 1 BEAVER COURT
COCKEYSVILLE, MARYLAND 21030
- PLAN PREPARED BY: CNA, INC.
215 BYNUM ROAD
FOREST HILL, MD 21050
410-879-7200
- TAX MAP DATA: TM 51, PARCEL 526, P/O PARCEL 3
- TAX ACCOUNT NUMBER: 08-0801051410
- DEED REF: 28106/00222
- TOTAL PARCEL AREA: 6.277 AC±
- ELECTION DISTRICT: 8TH
- COUNCILMANIC DISTRICT: 3RD
- ZONING: ML-IM (MANUFACTURING, LIGHT-INDUSTRIAL MAJOR)
- EXISTING USE: PARTY RENTAL/WAREHOUSE
- PROPOSED USE: PARTY RENTAL/WAREHOUSE/SERVICE GARAGE
- BULK AREA REQUIREMENTS: FRONT YARD SETBACK: 25'
SIDE YARD SETBACK: 30'
REAR YARD SETBACK: 30'
MAX. BLDG HEIGHT ALLOWED: UNLIMITED

SITE DATA-CONT

- PARKING REQUIRED: PARTY RENTAL RECEPTION/DISPLAY
5,024 SF @ 5/1000 SF=26 SPACES
WAREHOUSE/STORAGE
4 EMPLOYEES (EMP) @ 1/EMP=4 SPACES
SERVICE GARAGE
20,028 SF @ 3.3/1000 SF=6 SPACES
TOTAL PARKING REQUIRED: 34 SPACES
- PARKING PROVIDED: 99 SPACES, INCLUDES 4 HANDICAP ACCESSIBLE SPACES
(80 SPACES PROVIDED OUTSIDE & 19 SERVICE BAYS PROVIDED INSIDE)
- EXISTING CONDITIONS AS SHOWN HEREON ARE BASED A PLAN TITLED: PLAT OF CONDOMINIUM SUBDIVISION, SITE PLAN, ONE BEAVER COURT CONDOMINIUM, PREPARED BY KCI TECHNOLOGIES.
- COMMERCIAL PERMITS ASSOCIATED WITH THE SUBJECT SITE ARE AS FOLLOWS:
B756862, B706146, B515267, B507085, B507498, B509264, B514294, B518269, B525583, B573476.
- THERE ARE NO KNOWN PREVIOUS ZONING HEARINGS, CRG OR DRC WAIVERS ASSOCIATED WITH THE SUBJECT SITE.
- THIS BUILDING IS BEING SERVED BY PUBLIC WATER AND SEWER SERVICES.

LEGEND

- SITE BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- SPECIAL EXCEPTION BOUNDARY
- EASEMENT
- EXISTING BUILDING
- EXISTING BUILDING/USER PARTITION
- PROPOSED BUILDING/USER PARTITION
- PROPOSED WAREHOUSE/DISPLAY PARTITION
- PROPOSED 8' SCREENING FENCE

PETITIONER'S

EXHIBIT NO. 1

CNA
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cnaemail@cna-engineers.com



REVISED SITE PLAN
TO ACCOMPANY ZONING RELIEF
FOR

ONE BEAVER COURT
COCKEYSVILLE, MARYLAND 21030

8th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Date	Revisions	Date:	Scale:
		07/22/11	1"=40'
		Drawn By:	Job No:
		JJT	11037
		Design By:	Sheet:
		RDC	1 of 1
		Review By:	
		RDC	

