

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

SE side of Martin Blvd., 400 feet
NW of the c/l of Kelso Drive
15th Election District
7th Councilmanic District
(3 Harko Circle)

Harko Court, LLC
Petitioner

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BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2012-0169-X

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings as a Petition for Special Exception filed for property located at 3 Harko Circle. The Petition was filed by the legal owner of the subject property, Harko Court, LLC. The Special Exception Petition seeks approval for a service garage in an M.L.-I.M. zone, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 253.2.B.3, and for such other and further relief as may be determined necessary by the Administrative Law Judge. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing were Petitioner James Scott Cooper on behalf of Harko Court, LLC, and David G. Taylor with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plan. Jason T. Vettori, Esquire with Smith, Gildea & Schmidt, LLC attended and represented the Petitioner. There were no Protestants or interested persons in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 2-29-12

By AW

Testimony and evidence offered revealed that the subject property is irregular in shape and contains slightly less than 3 acres, zoned M.L.-I.M. The property is located in the Essex area of Baltimore County, just west of the Essex District Court facility located on Kelso Drive. Access to the property is from Harko Court off Kelso Drive to the south of the property. The property is part of a larger commercial/industrial park area that is bordered by Pulaski Highway to the west, and Martin Boulevard and Rossville Boulevard to the north and south, respectively. This particular property was one of the last unimproved properties in this commercial/industrial area, and a service garage would appear to be a complementary and appropriate use in this setting.

The property was the subject of two (2) prior zoning cases (Case No. 2010-0028-X and 2008-0352-SPH). In those cases, Deputy Zoning Commissioner Bostwick approved a floodplain waiver and a 20,000 square foot warehouse building and related parking on each side of building. In addition, Mr. Bostwick granted special exception relief to allow Petitioner to dedicate 5,000 square feet of the warehouse for use as a service garage.

Since that time, Petitioner has constructed the 20,000 square foot warehouse building and related improvements. At this juncture, Petitioner desires to dedicate another 5,000 square foot portion of the warehouse for use as a service garage (body and fender shop), as shown on the site plan.

In support of the requested relief, Petitioner's engineer, Mr. Taylor provided expert testimony (via proffer) that the property's proposed use as a service garage satisfies all the special exception criteria set forth in Section 502.1 of the B.C.Z.R. In particular, Mr. Taylor testified that the proposed use would not be detrimental to the health, safety or general welfare of the locality, would not create congestion in roads or streets, and would not create a potential hazard from fire, panic or other danger. Additionally, the 5,000 square feet proposed for the service garage would

ORDER RECEIVED FOR FILING

Date 2-29-12

By DW

not overcrowd the land. The use would not interfere with the provision of public services or with adequate light and air, and would not be inconsistent with the property's manufacturing – light zoning classification with an industrial – major District overlay, or with the spirit and intent of the B.C.Z.R., and would not be detrimental to any other applicable special exception criteria.

Section 253.2.B.3 of the B.C.Z.R. permits a service garage as an auxiliary service use in the I.M. District by special exception, provided the criteria set forth in Section 502.1 of the B.C.Z.R. are met. The uncontroverted testimony and evidence from Petitioner's engineer indicates that the proposed use would not have any detrimental impacts on the required Section 502.1 criteria. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone (See, *Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Loyola College*, 406 Md. 54 (2008)), nor would the use be detrimental to the nearby commercial and manufacturing uses in its vicinity.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 29 day of February, 2012 that Petitioner's request for Special Exception to permit a 5,000 square foot service garage pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 253.2.B.3, and for such other and further relief as may be determined necessary by the Administrative Law Judge, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

2-29-12

By

AW

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 appellate process from 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 2-29-02

By dw



KEVIN KAMENETZ
County Executive

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

February 29, 2012

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Exception
Case No.: 2012-0169-X
Property: 3 Harko Circle

Dear Mr. Vettori:

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 Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 3 Harko Court

which is presently zoned ML-IM

Deed Reference 27140/00080

10 Digit Tax Account # 1 9 0 0 0 0 6 1 2 0

Property Owner(s) Printed Name(s) Harko Court, LLC

CASE NUMBER 2012-0169-X Filing Date 1/20/12 Estimated Posting Date 1/1 Reviewer DT

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ✓ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED

3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Scott Cooper, Authorized Representative of Harko Court, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6001 Montrose Road, Suite 800, Rockville, MD

Mailing Address

City

State

20852

(410) 967-2720

jscooper00@hotmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason T. Vettori

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

ATTACHMENT TO PETITION FOR ZONING RELIEF
REQUESTING A SPECIAL EXCEPTION

Pulaski Industrial Park, Lot 17

3 Harko Court

(Map 90, Parcel 739)

15th Election District/7th Councilmanic District

1. A service garage pursuant to BCZR § 253.2.B.3; and
2. For such other and further relief as may be determined necessary by the Administrative Law Judge.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



July 20, 2009

ZONING DESCRIPTION

BEGINNING at a point on the southeasterly right of way line of Martin Boulevard, Maryland Route 700, a 130' wide right of way, 65' from the center of said road, being approximately 400' northwest from the center of Kelso Drive, a 70' wide right of way, said point being approximately 100' northwest of the southeasterly corner of the land shown on a plat entitled "Revised Plat, Section I "Pulaski Industrial Park" and recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. No 48 Folio 46, running thence the following courses, viz:

South 38° 52' 40" West 308.45 feet to a point of curvature; By a tangent curve to the right with a radius of 75.00' and an arc length of 102.61', said curve being subtended by a chord bearing South 89° 40' 16" West 94.79' to a point of tangency; North 39° 30' 40" West 388.55'; North 46° 25' 05" East 14.75' to a point of curvature; By a tangent curve to the right with a radius of 104.00' and an arc length of 89.10', said curve being subtended by a chord bearing North 21° 52' 28" East 86.40' to a point of tangency; South 87° 59' 55" East 46.32'; North 19° 38' 20" East 31.14' to a point of curvature; By a tangent curve to the right with a radius of 773.51' and an arc length of 467.23'; said curve being subtended by a chord bearing South 68° 16' 41" East 460.16' to a point of tangency; South 50° 58' 25" East 10.90' to the point of beginning, being known as Tax Map 90, Parcel 739, lot 17 and being located on the southeast side of said Martin Boulevard.

CONTAINING 129,771 square feet or 2.98 acres of land, more or less, and being located in the Fifteenth Election District, Seventh Council manic District, Baltimore County, Maryland.



18 Boulden Circle, Suite 36, Wilmington, Delaware 19720 (302) 326-2200 Fax: (302) 326-2399 www.mragta.com

Abingdon, MD
(410) 515-9000

Laurel, MD
(410) 792-9792

Towson, MD
(410) 821-1690

Georgetown, DE
(302) 855-5734

Wilmington, DE
(302) 326-2200

2012-0169-X

CERTIFICATE OF POSTING

2012-0169-X

RE: Case No.: _____

Petitioner/Developer: _____

Harko Court LLC, Scott Cooper

February 27, 2012

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: _____

3 Harko Court

February 11, 2012

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



Sincerely,

February 11, 2012

(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)

CERTIFICATE OF POSTING

2012-0169-X

RE: Case No.: _____

Petitioner/Developer: _____

Steven & Joyce Miller

February 23, 2012

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:

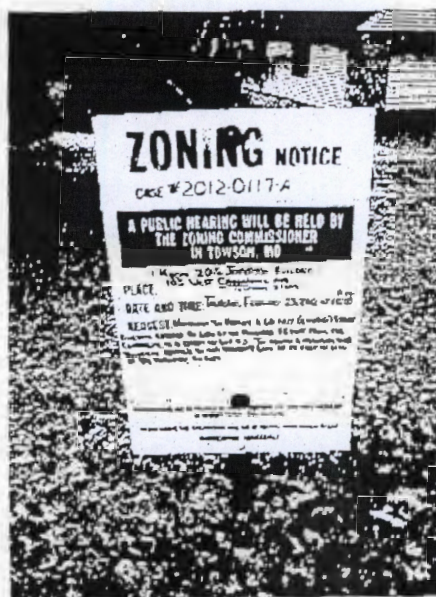
Ladies and Gentlemen:

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: _____

2211 Wiltonwood Rd

February 8, 2012

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



Sincerely,

February 8, 2012

(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)

2/17 Per Sgt. Black, this is most recent. - Given more than original that is being mailed. He had problems w/ his computer and transposed names / numbers.

**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: # 2012-0169-X

3 Harko Court
SE/side of Martin Boulevard, 400 feet N/W of centerline of Kelso Drive
15th Election District
7th Councilmanic District

Legal Owner(s): Harko Court, LLC, Scott Cooper

Special Exception: for a service garage pursuant to BCZR Section 253.2.B.3 and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Monday, February 27, 2012 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.

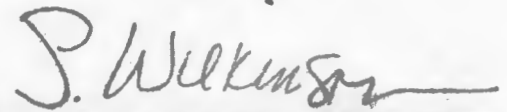
2/080 Feb. 9 296386

CERTIFICATE OF PUBLICATION

2/10/, 2012

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 2/9/, 2012.

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



LEGAL ADVERTISING

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

No. **78282**

Date: **1/20/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/31/2012 1/27/2012 15:01:41 2

REG NS02 MAIL JEVA JEE
 RECEIPT # 767431 1/27/2012 OFLN

DEPT 5 528 ZONING VERIFICATION

CR NO. 078282

Recpt Tot \$450.00
 \$450.00 CK \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				450.00

Total: **450.00**

Rec From: **SMITH, GILDEA + SCHMIDT, LLC**

For: **2012-01169-X**
3 HARKO CT.

D THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

January 31, 2012

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: 2012-0169-X

3 Harko Court

SE/side of Martin Boulevard, 400 feet N/W of centerline of Kelso Drive

15th Election District – 7th Councilmanic District

Legal Owners: Harko Court, LLC, Scott Cooper

Special Exception for a service garage pursuant to BCZR Section 253.2.B.3 and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Monday, February 27, 2012 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: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Scott Cooper, 6001 Montrose Road, Ste. 800, Rockville 20852

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 11, 2012**
- (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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 9, 2012 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0169-X

3 Harko Court

SE/side of Martin Boulevard, 400 feet NW of centerline of Kelso Drive

15th Election District – 7th Councilmanic District

Legal Owners: Harko Court, LLC, Scott Cooper

Special Exception for a service garage pursuant to BCZR Section 253.2.B.3 and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Monday, February 27, 2012 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.

**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 that is the subject of an upcoming zoning hearing. For those petitions that 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:

2012-0119-X

Petitioner:

HARKO COURT, LLC

Address or Location:

~~1111111111~~

3 HARKO COURT

Please Forward Advertising Bill to:

Name:

JASON T. VETTORI

Address:

SMITH, GILDEA & SCHMIDT, LLC

600 WASHINGTON AVE., STE. 200

TOWSON, MD 21204

Telephone:

(410) 821-0070



KEVIN KAMENETZ
County Executive

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

February 22, 2012

Scott Cooper, Representative of
Harko Court LLC
6001 Montrose Road, Ste 800
Rockville, MD 20852

RE: Case Number 2012-0169X, 3 Harko Court

Dear Mr. Cooper:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 20, 2012. 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason T. Vittori, 600 Washington Avenue, Suite 200 Towson, MD 21204

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 1-30-12

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

RE: Baltimore County
Item No 2012-0169-X
Special Exception:
Scott Cooper/Harko Court, LLC
3 Harko Circle

Dear Ms. Lewis:

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. 2012-0169-X.

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).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 06, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2012
Item Nos. 2012-166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176
And 177.

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-02132012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: February 15, 2012

SUBJECT: DEPS Comment for Zoning Item # 0169-X
Address 3 Harko Circle
(Scott Cooper/Harko Court, LLC
Property)

Zoning Advisory Committee Meeting of January 30, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

FEB 15 2012

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
3 Harko Court; N/S Harko Court, 400' NW * ZONING COMMISSIONER
of c/line Kelso Drive *
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Harko Court, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2012-169-X

* * * * *

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

FEB 06 2012

.....]

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 6th day of February, 2012, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: April 02, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0169-X - Appeal Period Expired

The appeal period for the above-referenced case expired on March 30, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

2/27

10AM

Debra Wiley - ZAC Comments - Distribution Mtg. of 1/30/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 1/30/2012 3:40 PM
Subject: ZAC Comments - Distribution Mtg. of 1/30/12

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0166-A - 825 W. Padonia Rd.
(Administrative Variance - Closing Date: 2/13/12)

2012-0167-A - 6901 Copperbend Lane
(Administrative Variance - Closing Date: 2/13/12)

2012-0168-A - 3901 Schroeder Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0169-X - 3 Harko Circle
(No hearing date assigned)

2012-0170-A - 8322 Bletzer Road - CBCA
(Administrative Variance - Closing Date: 2/20/12)

2012-0171-A - 3402 Hiss Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0172-A - 7312 Wenig Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0173-SPH - 14120 Jarrettsville Pike
(No hearing date assigned)

2012-0174-SPH - 14200 Jarrettsville Pike
(No hearing date assigned)

2012-0175-A - 10501 Falls Road
(No hearing date assigned)

2012-0176-SPHA - 5661 Gunpowder Road
(No hearing date assigned)

2012-0177-A - 56 W. Timonium Road
(No hearing date assigned)

Prior Orders

TB
9-18-09

IN RE: PETITION FOR SPECIAL EXCEPTION
N side of Harko Court; 400 feet NW of the c/l of Kelso Drive
15th Election District
7th Councilmanic District
(3 Harko Court)

James Scott Cooper, Harko Court LLC
Petitioner

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY

Case 2010-0028-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by James Scott Cooper on behalf of the legal owner of the subject property, Harko Court, LLC. Petitioner is requesting a Special Exception pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a service garage. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception were Petitioner James Scott Cooper on behalf of Harko Court, LLC, and Sebastian A. Cross, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was David Taylor with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape and contains slightly less than 3 acres, zoned M.L.-I.M. The property is located at the south side of the ramp from Pulaski Highway onto Martin Boulevard in the Essex area of Baltimore County. An aerial photograph showing the property and the surrounding areas was marked and

IN RE: PETITION FOR SPECIAL HEARING
SE side of Martin Blvd., 400 feet +/- NW of
c/1 of Kelso Drive
15th Election District
7th Councilmanic District
(3 Harko Court)

Pulaski Property Trust;
Wilbur E. Simmons, III, Vice President
Petitioner
Harko Ct LLC; James Scott Cooper
Contract Purchaser

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

* **Case No. 08-352-SPH**

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Wilbur E. Simmons, III, Vice President of Pulaski Property Trust, the legal property owner, and James Scott Cooper on behalf of Harko Ct. LLC, the contract purchaser. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Section 550.6 of the Baltimore County Zoning Regulations; Section 3112.0 of the Building Code; and Sections 32-4-414, 32-4-107(a)(2), and 32-8-301 of the Baltimore County Code for permission to construct a warehouse facility including related fill, storm drain, water and sewer services, an underground stormwater management facility, an above ground water quality facility, and stream restoration activities in a riverine floodplain. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 4.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner James Scott Cooper with Harko Ct. LLC, the contract purchaser, and his attorney, Sebastian Cross, Esquire. Also appearing in support of the requested relief was David Taylor with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plans.

NOTED RECEIVED FOR FILE

5.6.08

DB

CASE NAME 2012-169X
CASE NUMBER 3 Marks Circle
DATE 2/27/12

[illegible]



2012-0169-X

Case No.: 2012-169-X

Exhibit Sheet

Petitioner/Developer

Protestant

4/21/12 R
DW 2-29-12

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		

