

IN RE: PETITION FOR VARIANCE
N/S of West Timonium Road; 312'
E of the c/l of Greenspring Drive
8th Election District
3rd Council District
(56 West Timonium Road)

Edward I. Wight
Legal Owner
Timonium Road Property, LLC
Contract Purchaser
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2012-0177-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Edward I. Wight, the property owner, and Timonium Road Property, LLC, the contract purchaser. The Petitioners are requesting Variance relief as follows:

- From Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 10 feet on each side in lieu of the required 30 feet setback; and
- From Section 409.6.A.1 of the B.C.Z.R. to permit 74 parking spaces in lieu of the required 99 parking spaces.

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

Appearing at the public hearing in support of the variance request were Nick Brader and Tom Pilon on behalf of Timonium Road Property, LLC, the contract purchaser, and Patricia A. Malone, Esquire attorney for the Petitioners. Appearing in opposition to the request was Eric Rockel, a concerned citizen. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of

ORDER RECEIVED FOR FILING

Date 4-10-12

By PJ

opposition or protest.

Testimony and evidence revealed that the subject property is located on the north side of West Timonium Road immediately adjacent to the Maryland Transit Administration light rail tracks. The property comprises 1.1037 acres, more or less, and is zoned ML-IM. The property is currently being used as an office/warehouse use. The proposed use for the property is retail/carry out restaurant.

The property is improved with an existing 5,267 square feet building with a proposed building addition of 4,500 square feet. The details of the proposed addition are more accurately shown on Petitioners' Exhibit 1A, the site plan that was submitted and accepted into evidence. The Applicants are requesting a variance in order to provide flexibility for the addition to be constructed onsite. They are asking for 10 feet side yard setbacks on both sides of the subject property so as to allow the addition to be built on either side of the existing building. As the building is vacant at this time it is hoped that this flexibility will provide incentive for a new user to locate on this property. In addition to the side yard variance, the Applicants are also requesting a parking variance to approve 74 parking spaces in lieu of the required 99 parking spaces. This parking variance takes into account the 4,500 square feet proposed addition.

Appearing as an interested citizen was Eric Rockel, a long time resident of the surrounding community. Mr. Rockel frequently appears at hearings before this Office of Administrative Hearings. Mr. Rockel was not opposed to the addition being constructed at the property; however, he is concerned about the 10 feet setback on the east side of the property. This is the side of the property that is immediately adjacent to the MTA light rail tracks. Mr. Rockel is concerned that customers and visitors to the site could accidentally leave the paved portion of the parking lot with their vehicle and drive onto the light rail tracks in the way of the oncoming train. He stated that

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By PJ

there is little protection or barriers provided along that side of the property. Photographs of the subject property were submitted into evidence as Petitioners' Exhibits 2-6. Exhibit 6 is a series of photos, some of which show the area of the light rail tracks, over which Mr. Rockel expressed his concern.

It should be noted that there is a curb provided along that side of the Petitioners' property. The curb does not extend all the way to the entrance apron on West Timonium Road. Taking into consideration Mr. Rockel's concern, I believe it would be appropriate for the owner of the property, at the time that the new addition is constructed to extend that curbing out to the apron along West Timonium Road. This would provide a completely connected concrete barrier approximately 8-12 inches in height which would help to prevent automobiles from accidentally driving into the travel way of a light rail train. I shall impose that obligation as a condition of approval to the variance request.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Planning dated February 13, 2012, which state:

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request subject to the review of architectural elevations prior to the issuance of any building permits and the following:

1. This property is part of 2012 CZMP Issue 3-028. The existing zoning is ML-IM and the petitioner is requesting BM-IM.
2. Conformance with page "43, Buildings" of the *Hunt Valley-Timonium Master Plan*.
3. Provide a sidewalk connection to the public sidewalk on Timonium Road. Provide details of the location and screening of the proposed dumpster."

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or

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Date 4-10-12

By pm

structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

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.

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

THEREFORE, IT IS ORDERED, this 10th day of April, 2012 by this Administrative Law Judge that Petitioners' Variance request as follows:

- From Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 10 feet on each side in lieu of the required 30 feet setback; and
- From Section 409.6.A.1 of the B.C.Z.R. to permit 74 parking spaces in lieu of the required 99 parking spaces,

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

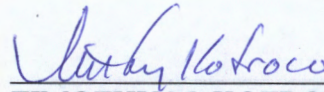
1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Compliance with the ZAC comments made by the Department of Planning dated February 13, 2012, a copy of which is attached hereto and made a part hereof.
3. Curb and gutter shall be extended along the eastern property line out to West Timonium Road to provide a concrete barrier along the Maryland Transit Administration light rail tracks. This shall be installed at the time the new addition is constructed on the property, if not sooner.

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Date 4-10-12

By pm

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 4-10-12

By pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 13, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 56 W. Timonium Road

RECEIVED

INFORMATION:

FEB 16 2012

Item Number: 12-177

Petitioner: Edward I. Wight

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: ML-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request subject to the review of architectural elevations prior to the issuance of any building permits and the following:

1. This property is part of 2012 CZMP Issue 3-028. The existing zoning is ML-IM and the petitioner is requesting BM-IM.
2. Conformance with page "43, Buildings" of the *Hunt Valley-Timonium Master Plan*.
3. Provide a sidewalk connection to the public sidewalk on Timonium Road.
4. Provide details of the location and screening of the proposed dumpster.

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

Prepared by:

Division Chief:
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date 4-10-12

By [Signature]



KEVIN KAMENETZ
County Executive

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

April 10, 2012

PATRICIA A. MALONE, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

RE: Petition For Variance
Case No. 2012-0177-A
Property: 56 West Timonium Road

Dear Ms. Malone:

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 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Eric Rockel, 1610 Riderwood Drive, Lutherville MD 21093



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 56 W. Timonium Road which is presently zoned ML-IM
 Deed Reference 06203/00352 10 Digit Tax Account # 0802087220
 Property Owner(s) Printed Name(s) Edward I. Wight

CASE NUMBER 2012-0177-A Filing Date 1/25/12 Estimated Posting Date 1/1/12 Reviewer BH

(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
3. X 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 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:

Timonium Road Property, LLC
 Name- Type or Print
Edward St. John, Manager
 Signature

2560 Lord Baltimore Drive Baltimore MD
 Mailing Address City State
 21244 / 410-788-0100 /
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Patricia A. Malone
 Name- Type or Print
Patricia A. Malone
 Signature
 210 W. Pennsylvania Ave, Ste 500, Towson, MD
 Mailing Address City State
 21204 / 410-494-6206 / pamalone@venable.com
 Zip Code Telephone # Email Address

Legal Owners:

Edward I. Wight
 Name #1 - Type or Print Name #2 - Type or Print
Edward I. Wight
 Signature #1 Signature #2

56 W. Timonium Road Timonium MD
 Mailing Address City State
 21093 / - / -
 Zip Code Telephone # Email Address

Representative to be contacted:

Patricia A. Malone
 Name- Type or Print
Patricia A. Malone
 Signature
 210 W. Pennsylvania Ave, Ste 500 Towson, MD
 Mailing Address City State
 21204 / 410-494-6206 / pamalone@venable.com
 Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 4-10-12

Petition for Variance
for
56 W. Timonium Road

Variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations to permit a side yard setback of 10 feet on each side in lieu of the required 30 foot setback.

Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations to permit 74 parking spaces in lieu of the required 99 parking spaces.

56 W. TIMONIUM ROAD
ZONING DESCRIPTION
December 15, 2011

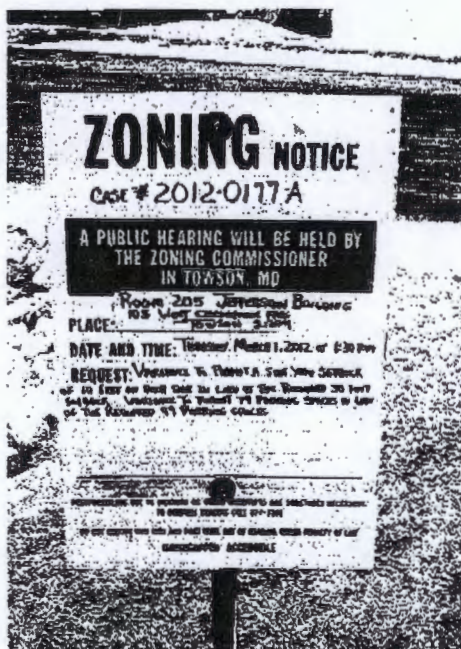
BEGINNING on the northwest right of way line of W. Timonium Road at NAD83/91 coordinate position N 645857.65, E 1416678.77, said point of beginning also being North 57 degrees 59 minutes 39 seconds East 312 feet from the center of Greenspring Drive, thence running by the Grid Meridian of the Maryland State Plane Coordinate System (NAD83/91)

- 1) North 22 degrees 55 minutes 07 seconds West 407.01 feet;
 - 2) North 67 degrees 04 minutes 53 seconds East 121.00 feet;
 - 3) South 22 degrees 55 minutes 07 seconds East 387.66 feet;
 - 4) South 57 degrees 59 minutes 39 seconds West 122.54 feet to the point of beginning.
- CONTAINING 48,078 square feet or 1.1037 acres more or less.



Richard Rader

I hereby certify that this document was prepared by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10106 Expiration Date Nov. 11, 2013.



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: # 2012-0177-A

56 W. Timonium Road

N/side of West Timonium Road, 312 feet east of center-line of Greenspring Drive

8th Election District - 3rd Councilmanic District

Legal Owner(s): Edward I. Wight

Contract Purchaser/Lessee: Timonium Road Property, LLC

Variance: to permit a side yard setback of 10 feet on each side in lieu of the required 30 foot setback.

Variance: to permit 74 parking spaces in lieu of the required 99 parking spaces.

Hearing: Thursday, March 1, 2012 at 1:30 p.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 02/635 Feb. 14

296793

CERTIFICATE OF PUBLICATION

2/16/2012

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 2/14/2012.

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

RECEIVED

FEB 28 2012

OFFICE OF ADMINISTRATIVE HEARINGS

J. Wilkinson

LEGAL ADVERTISING

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

No. **78958**

Date: **1/25/12**

PAID RECEIPT

BUSINESS ACTUAL TIME HRM
 1/25/2012 1/25/2012 11:05:46 2

REC MOOS WALKIN DODL DND
 >RECEIPT # 600581 1/25/2012 DFLH

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				\$ 385.00

Dept 5 528 ZONING VERIFICATION
 REC NO. 078558

Recpt Tot \$385.00
 \$385.00 CR \$4.00 CR
 Baltimore County, Maryland

Total: **\$ 385.00**

Rec From: **Unoble LLP**
 For: **Zoning Variance**
2012-0177A

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
February 6, 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: 2012-0177-A

56 W. Timonium Road

N/side of West Timonium Road, 312 feet east of centerline of Greenspring Drive

8th Election District – 3rd Councilmanic District

Legal Owners: Edward I. Wight

Contract Purchaser/Lessee: Timonium Road Property, LLC

Variance to permit a side yard setback of 10 feet on each side in lieu of the required 30 foot setback. Variance to permit 74 parking spaces in lieu of the required 99 parking spaces.

Hearing: Thursday, March 1, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Patricia Malone, 210 W. Pennsylvania Avenue, Towson 21204
Edward St. John, 2560 Lord Baltimore Drive, Baltimore 21244
Edward Wight, 56 W. Timonium Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 15, 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
Tuesday, February 14, 2012 Issue - Jeffersonian

Please forward billing to:

Barb Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6352

NOTICE OF ZONING HEARING

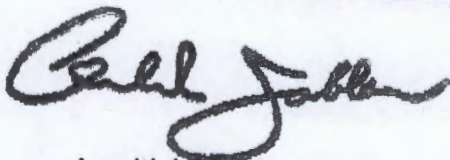
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0177-A

56 W. Timonium Road
N/side of West Timonium Road, 312 feet east of centerline of Greenspring Drive
8th Election District – 3rd Councilmanic District
Legal Owners: Edward I. Wight
Contract Purchaser/Lessee: Timonium Road Property, LLC

Variance to permit a side yard setback of 10 feet on each side in lieu of the required 30 foot setback. Variance to permit 74 parking spaces in lieu of the required 99 parking spaces.

Hearing: Thursday, March 1, 2012 at 1:30 p.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, 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: 2012-0177-A
Petitioner: St. John Properties
Address or Location: 56 West Timonium Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barb Lukasevich
Address: Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson MD 21204
Telephone Number: 410-494-6352

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

February 22, 2012

Edward I. Wright
56 W. Timonium Road
Timonium, MD 21093

RE: Case Number 2012-0177A, 56 W. Timonium Road

Dear Mr. Wright:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 25, 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." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Timonium Road Property LLC, Edw. St. John, Mgr., 2560 Lord Baltimore Drive
Baltimore MD 21244
Patricia A. Moore, 210 W. Pennsylvania Avenue, Ste 500, Towson, MD 21204

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



Maryland Department of Transportation

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

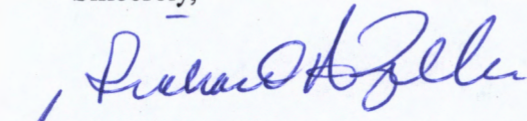
RE: Baltimore County
Item No 2012-0172A
Variance
Edward Wright
56 W. Timonium Road

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. 2012-0177-A.

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,


for 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: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 13, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 56 W. Timonium Road

INFORMATION:

Item Number: 12-177

Petitioner: Edward I. Wight

Zoning: ML-IM

Requested Action: Variance

RECEIVED

FEB 27 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request subject to the review of architectural elevations prior to the issuance of any building permits and the following:

1. This property is part of 2012 CZMP Issue 3-028. The existing zoning is ML-IM and the petitioner is requesting BM-IM.
2. Conformance with page "43, Buildings" of the *Hunt Valley-Timonium Master Plan*.
3. Provide a sidewalk connection to the public sidewalk on Timonium Road.
4. Provide details of the location and screening of the proposed dumpster.

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

Prepared by:

Division Chief:
AVA/LL: CM

JB 3-12

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 # 0177-A
Address 56 W. Timonium Road
(Edward Wight Property)

Zoning Advisory Committee Meeting of January 30, 2012.

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

No permit application will be approved by EIR until this project's afforestation requirement is met.

Reviewer: *Glenn Shaffer; Environmental Impact Review*

RECEIVED

FEB 15 2012

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
56 West Timonium Road; N/S W. Timonium	*	
Road, 312' E of c/line of Greenspring Drive	*	OF ADMINISTRATIVE
8 th Election & 3 rd Councilmanic Districts	*	
Legal Owner(s): Edward Wight	*	HEARINGS FOR
Contract Purchasers: Timonium Road Property LLC	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-177-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

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 Patricia Malone, 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

Patricia Zook - Case 2012-0177-A - on Thursday, March 1

From: Patricia Zook
To: Lewis, Kristen
Date: 2/28/2012 11:02 AM
Subject: Case 2012-0177-A - on Thursday, March 1

Hello Kristen -

I still need the certification of advertising for this case.

Thanks for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



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MEMORANDUM

DATE: May 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0177-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 10, 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

CASE NAME 56 W. Timonwanka
CASE NUMBER 200-517A
DATE

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 2012 0177A

Exhibit Sheet

193-11-12

4/12/12
R

Petitioner/Developer

Protestant

No. 1	Site Plan of property	
No. 2	Aerial Photo	
No. 3	Aerial Photo	
No. 4	Photo of Bldg	
No. 5	Photo/Architecture of Bldg.	
No. 6	photo array of the site	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





PETITIONER'S

EXHIBIT NO. 4



PETITIONER'S

EXHIBIT NO. 6





YOUR NAME HERE!
LEASE
120-10,000 SQ. FT.
REST. URGENT SHOPS
410-788-0100
www.sjpi.com

LEASE
120-10,000 SQ. FT.
REST. URGENT SHOPS
410-788-0100
www.sjpi.com





Nicholas Brader, III. P.E.
Director of Engineering

St. John Properties, Inc.
2560 Lord Baltimore Drive
Baltimore, Maryland 21244

Professional Registration

Professional Engineer - State of Maryland PE 18558

Education

University of Delaware - BCE Civil Engineering – June 1986

Professional Experience

ST. JOHN PROPERTIES, INC.

Director of Engineering, 2010 to present

Duties include assessing new properties with respect to zoning and engineering constraints, develop options for site design and complete preliminary engineering analysis. Coordinate final design in conjunction with various engineering consultant firms, provide review of final site construction documents. Provide assistance as issues arise with continuing use of properties and with any redevelopment proposals.

MATIS WARFIELD, INC.

Principal, 1998 to 2010

Duties include being the main point of contact to respected companies involved in land development. Responsible for coordination and design of projects including initial land planning, zoning hearings, preliminary engineering, preparation of final construction plans (grading, storm water management, erosion and sediment control, road and utility) and coordination during construction.

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.

Project Engineer, Senior Associate, 1986 to 1998

Duties progressed from completing design of grading, storm water management, erosion and sediment control, road and utilities to later including preliminary land use studies and attendance at zoning and development hearings. During the course of employment became directly responsible to the firms' clients.

Awards

Baltimore County Soil Conservation District Consultant of the Year for 2005

Major Project Experience

Office/Commercial/Industrial Development Projects:

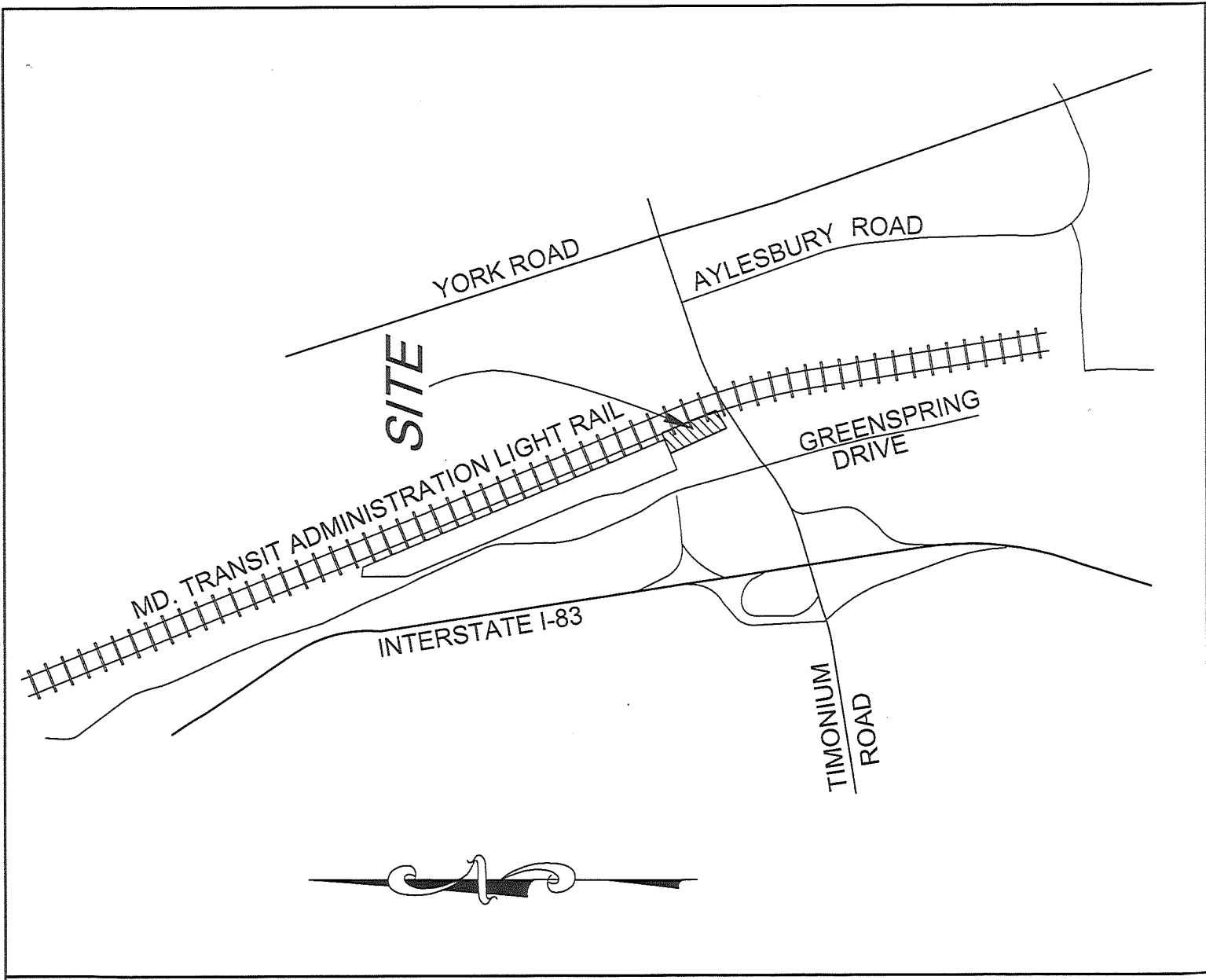
Baltimore Crossroads @ 95 – Baltimore County 2004 to present, All site and infrastructure design for 55 buildings on 250 acres of developable area.

BWI Technology Park, Phases I-III – Anne Arundel County 1998 to present, 100 Acre Industrial Park. All site and infrastructure design for 14 buildings

PETITIONER' S

EXHIBIT NO.

1



VICINITY MAP
SCALE: 1"=200'

Legend

Property Line	-----
Zoning Line	-----
Existing Concrete Curb	=====
Proposed Concrete Curb	=====
Existing Storm Drain	-----
Existing Sewer	-----
Existing Water	-----
Ex. Underground Electricity	-----
Existing Gas	-----
Proposed Building Envelope	-----

Site Data

1. NET AREA OF PROPERTY 1.037 ACRES OR 46,078 S.F.
 2. EXISTING ZONING - ML-M ZONING MAP 60C1
 3. EXISTING USES - OFFICE/WAREHOUSE, RESTAURANT, MULTI-UNIT RESTAURANT/RESTAURANT
 4. EXISTING ZONING - ML-M ZONING MAP 60C1
 5. DEED REFERENCE - 6203/252
 6. PLAT REFERENCE - N/A
 7. PREVIOUS COMMERCIAL PERMIT - UNKNOWN BUILDING CONSTRUCTED 1963 PER TAX RECORDS
 8. ZONING HISTORY: N/A NO KNOWN ZONING VIOLATIONS
 9. TAX ACCOUNT NUMBER - 0802087220, 0802087221
 10. FLOOR AREA RATIO: 0.224/1.037 = 0.20
 11. FLOOR AREA RATIO: 0.224/1.037 = 0.20
 12. AMENITY OPEN SPACE - N/A
 13. BUILDING HEIGHT - 21'-1/2" EXISTING (ONE STORY); 18' PROPOSED (ONE STORY)
 14. PUBLIC WATER FACILITIES - EXISTING
 15. PUBLIC SEWER FACILITIES - EXISTING
 16. THE SITE IS NOT WITHIN ANY ZONED BASIC SERVICES MAP AREAS
 17. SIGNAGE - NO SIGNAGE PROPOSED AT THIS TIME ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.
 18. FLOOD PLAN - THE SITE IS IN ZONE X ON FIRM MAP 240000235F, AREA OUTSIDE 0.27 ANNUAL CHANCE FLOODPLAIN
 19. 0.27 ANNUAL CHANCE FLOODPLAIN - THE OFFSTREET PARKING AREA SHALL BE ERECTED TO REFLECT LIGHT AWAY FROM ANY ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.
 20. THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 21. SITE IS SUBJECT OF 2012 CZMP ISSUE 3-028.
 22. DMC REFERENCE: N/A
- OFF-STREET PARKING CALCULATIONS
REQUIRED: 5267 SF RETAIL/CARRY-OUT FOOD @ 5 SP/1000 SF = 27 SPACES
4500 SF RESTAURANT @ 16 SP/1000 SF = 72 SPACES
TOTAL REQUIRED - 99 SPACES
PROVIDED: 74 SPACES, INCLUDES 3 HANDICAP ACCESSIBLE SPACES **

PETITIONER'S
EXHIBIT NO. 1A

- * VARIANCE REQUESTED FROM BCZR SECTION 255.1 AND 256.2 TO PROVIDE SIDE YARDS OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET
- ** VARIANCE REQUESTED FROM BCZR SECTION 409.6.A.2 TO PROVIDE 74 PARKING SPACES IN LIEU OF THE REQUIRED 99 SPACES

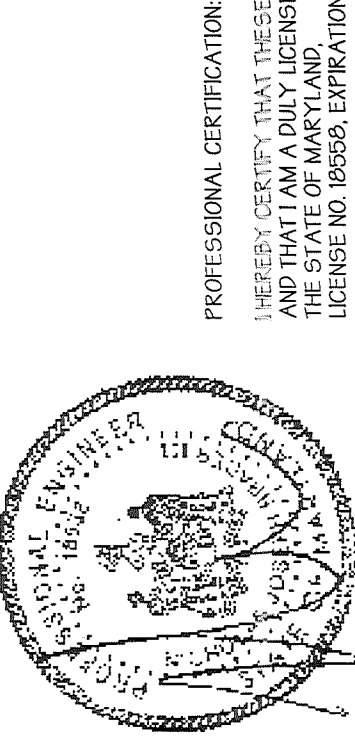
DEVELOPER:

ST. JOHN
PROPERTIES

2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

OWNER:

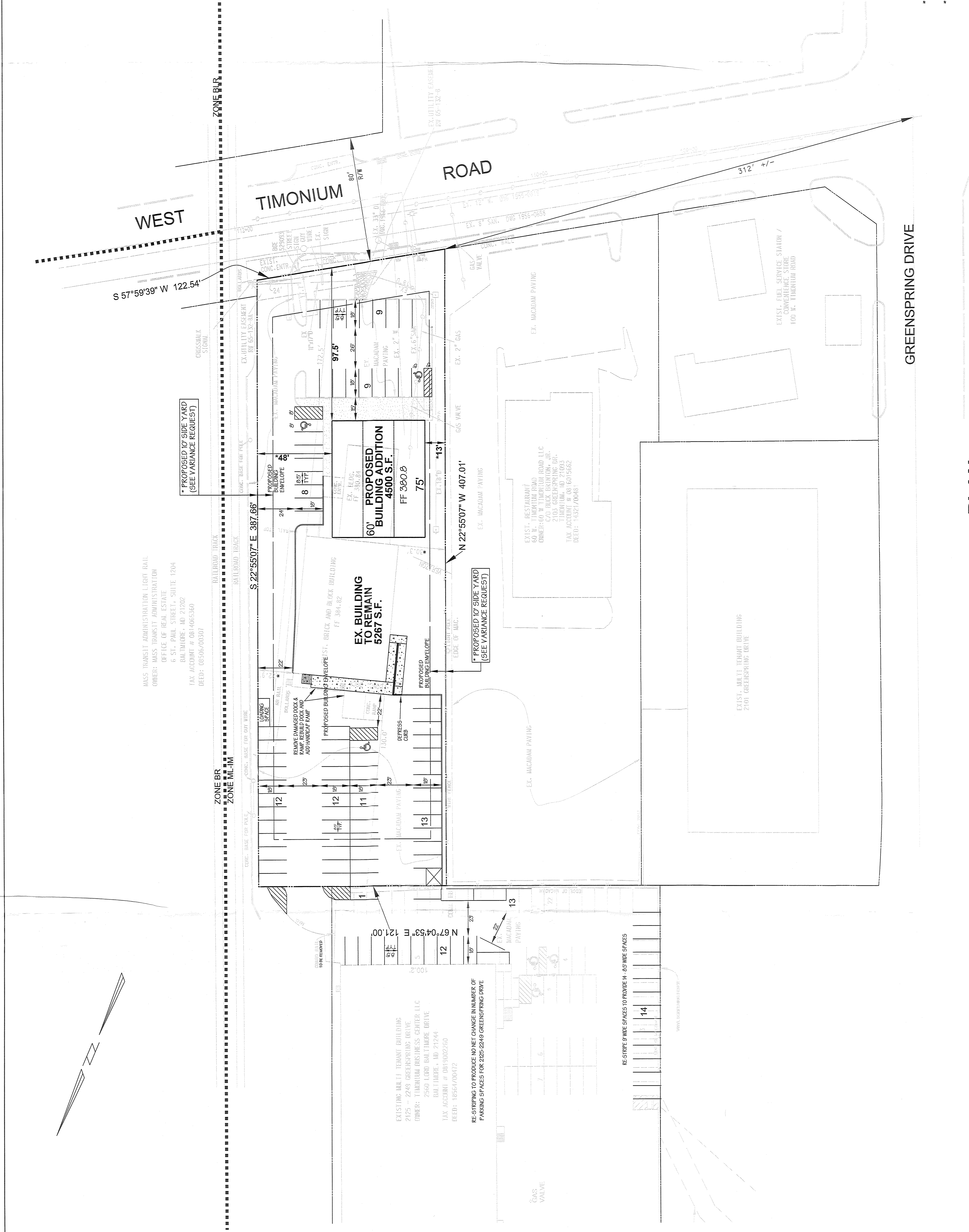
EDWARD I. WIGHT
56 W. TIMONIUM ROAD
TIMONIUM, MD 21093



PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN
THE STATE OF MARYLAND.
LICENSE NO. 16550, EXPIRATION DATE: JANUARY 12, 2014

PLAN

SCALE: 1"=30'



GREENSPRING DRIVE

TIMONIUM ROAD

WEST

S 57°59'39" W 122.54'

* PROPOSED 10' SIDE YARD
(SEE VARIANCE REQUEST)

MASS TRANSIT ADMINISTRATION LIGHT RAIL
OWNER: MASS TRANSIT ADMINISTRATION
OFFICE OF REAL ESTATE
6 ST. PAUL STREET, SUITE 1204
BALTIMORE, MD 21202
TAX ACCOUNT # 0814065360
DEED: 08506/00307

ZONE BR
ZONE ML-M

BALTIMORE TRACK
BALTIMORE TRACK

CONCRETE BASE FOR RAIL

CONCRETE BASE FOR RAIL

CONCRETE BASE FOR RAIL

CONCRETE BASE FOR RAIL

CONCRETE BASE FOR RAIL



MASS TRANSIT ADMINISTRATION LIGHT RAIL
OWNER: MASS TRANSIT ADMINISTRATION
OFFICE OF REAL ESTATE
6 ST. PAUL STREET, SUITE 1204
BALTIMORE, MD 21202
TAX ACCOUNT # 0814065360
DEED: 08506/00307

EXISTING MULTI TENANT BUILDING
2125 - 2249 GREENSPRING DRIVE
OWNER: TIMONIUM BUSINESS CENTER LLC
2550 LORD BALTIMORE DRIVE
BALTIMORE, MD 21244
TAX ACCOUNT # 081900260
DEED: 18551/00412

RE-STRIP TO PROVIDE NO NET CHANGE IN NUMBER OF
PARKING SPACES FOR 2025-2249 GREENSPRING DRIVE

LANDSCAPE CALCULATIONS:

LANDSCAPING REQUIRED:
MORE THAN 50% INCREASE IN FLOOR AREA (ADDITION PROPOSED ON FRONT - SOUTH SIDE - OF EXISTING BUILDING). ALL PARKING AREAS ARE EXISTING TO REMAIN. THEREFORE LANDSCAPING PROVIDED FOR FRONTAGE AND FRONT PARKING AREA ADJACENT TO TIMONIUM ROAD ONLY.

ADJACENT ROADWAY
1 P.U. / 20 LF ADJACENT ROW REQUIRED
120' / 40' = 3 P.U.

INTERIOR ROADWAY
1 P.U. / 20 LF INTERIOR ROADWAY REQUIRED
160' / 20' = 8 P.U.

PARKING ADJACENT TO ROW
CLASS "B" SCREEN: 1 P.U. / 15 LF REQUIRED
76.6' / 15' = 5 P.U.

PARKING ADJACENT TO COMMERCIAL
1 P.U. / 20 LF REQUIRED, 6' WIDE STRIP
62' / 20' = 4 P.U.

INTERIOR LANDSCAPING
MIN. 7% INTERIOR GREEN SPACE REQUIRED (FRONT PARKING AREA)
7422 SF X 7% = 520 SF REQUIRED
520 SF PROPOSED

26 SPACES / 12' = 2 P.U.

TOTAL PLANTING UNITS REQUIRED: 22

LANDSCAPING PROVIDED:

(11) SHADE TREES @ 1:1 = 11.0 P.U.
(3) ORNAMENTAL TREES @ 2:1 = 1.5 P.U.
(45) SHRUBS @ 5:1 = 9.0 P.U.
500+ SF GROUND COVER @ 500:1 = 1.0 P.U.

TOTAL LANDSCAPING PROVIDED: 22.5 P.U.

REVISIONS	
DATE	DESCRIPTION

DEVELOPER:



ST. JOHN PROPERTIES
2550 Lord Baltimore Dr
Baltimore, MD 21244
(410) 788-0100

HUMAN & ROHDE, INC.

Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

OWNER:

EDWARD I. WIGHT
56 W. TIMONIUM ROAD
TIMONIUM, MD 21093
TAX MAP: 60 PARCEL 264
COUNCIL DISTRICT NO. 3

TIMONIUM EXCHANGE

56 WEST TIMONIUM ROAD
BALTIMORE COUNTY, MARYLAND
CONCEPT LANDSCAPE PLAN

SCALE: 1" = 30'
DESIGNED: DNL
DRAWN: LBP
CHECKED: JCR
DATE: DECEMBER 29, 2011
SHEET:

PETITIONER'S
EXHIBIT NO. **AB**

OFF-STREET PARKING CALCULATIONS
REQUIRED: 5067 SF RETAIL / CARRY OUT FOOD @ 5.5 SF/1000 SF = 27 SPACES
4000 SF RESTAURANT @ 10 SF/1000 SF = 12 SPACES
TOTAL REQUIRED = 39 SPACES
PROVIDED: 74 SPACES, INCLUDES 3 HANDICAP ACCESSIBLE SPACES **

20. THIS PROPERTY DOES NOT BE WITHIN THE GREENBELT OR URBAN AREA.
BE LOCATED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.

18. ANY EXISTURE USED TO ILLUMINATE THE OFF-STREET PARKING AREA SHALL BE LOCATED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.

17. SIGNAGE - NO SIGNAGE PROPOSED AT THIS TIME. ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 400.060 AND 400.065 SHALL BE LOCATED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.

16. THE SITE IS NOT WITHIN ANY FAILED BASIC SERVICES MAP AREAS.
15. PUBLIC SEWER FACILITIES - EXISTING
14. BUILDING HEIGHT - 27'-2" EXISTING ONE STORY; 30' PROPOSED ONE STORY;

13. FLOOD PLAIN - THE SITE IS IN ZONE X ON FIRM MAP 4400002355, AREA OUTSIDE TO COMPLY WITH SECTION 400.060 AND 400.065 SHALL BE LOCATED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS.

12. ADJACENT ZONING - M-17
11. FLOOD AREA RATION 292/1/057 = 0.29
10. PERMITTED - 220
9. TAX ACCOUNT NUMBER - 0816015662
8. ZONING HISTORY: M-17 AND ADJACENT AREAS, VALIDATING

7. PREVIOUS COMMERCIAL PERMIT - UNKNOWN BUILDING CONSTRUCTED 1963 PER TAX RECORDS
6. ZONING HISTORY: M-17 AND ADJACENT AREAS, VALIDATING
5. DEED REFERENCE - 6203/332

4. PROPOSED USE - RETAIL/CAFFERY/FOOD RESTAURANT
3. EXISTING ZONING - M-17 (M ZONING MAP 5801)
2. EXISTING ZONING - M-17 (M ZONING MAP 5801)

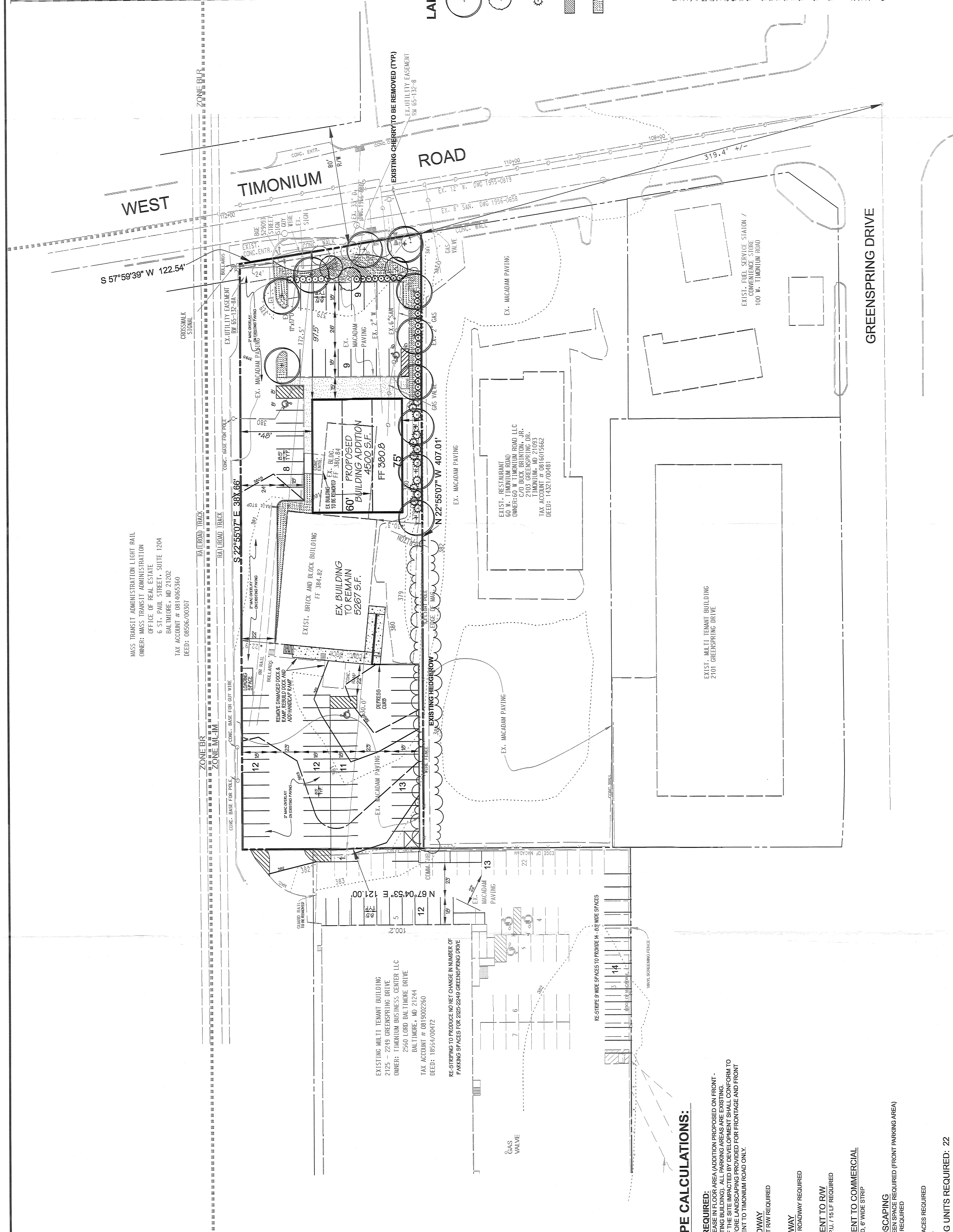
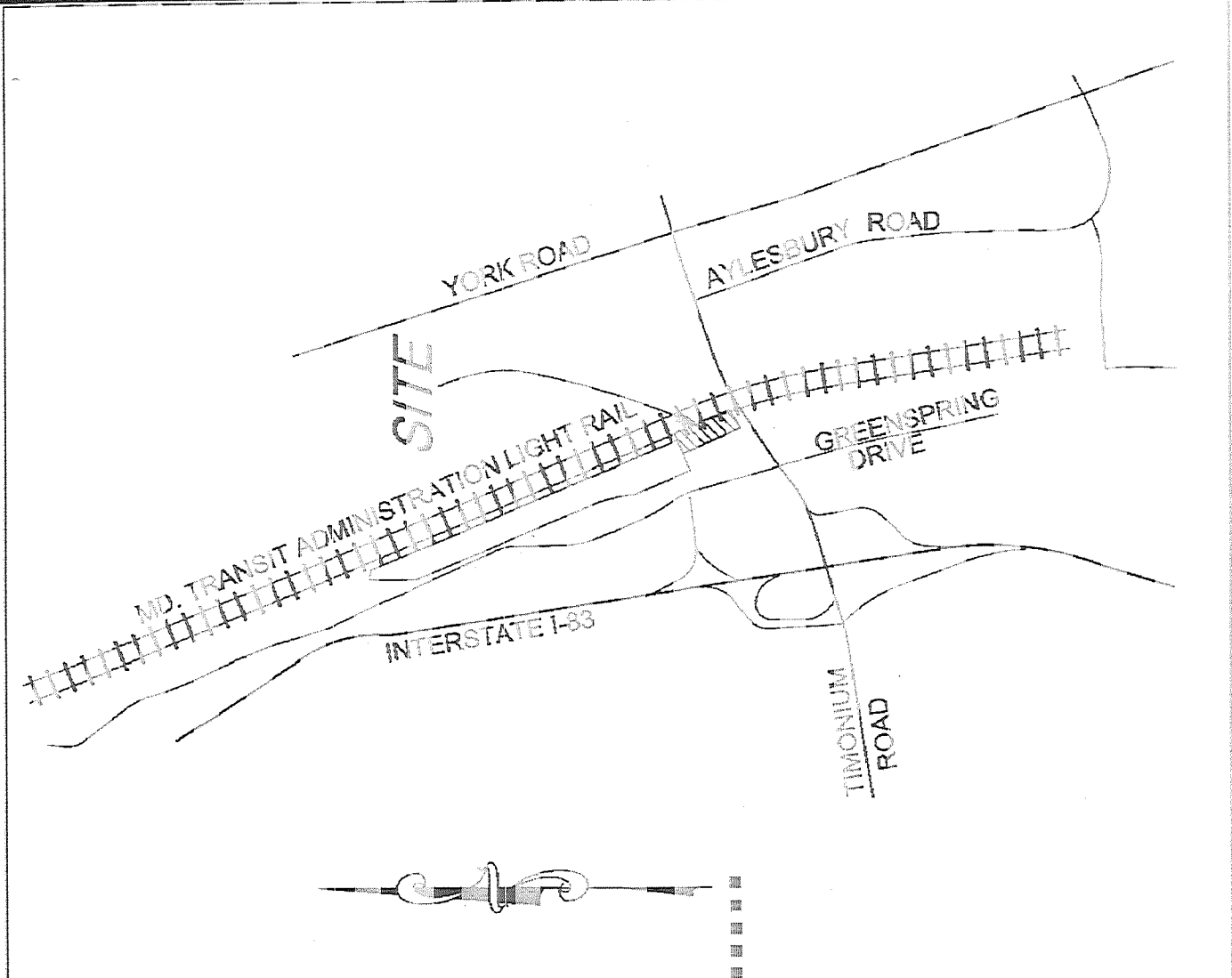
1. NET AREA OF PROPERTY: 1.037 ACRES OR 45,078 SF.

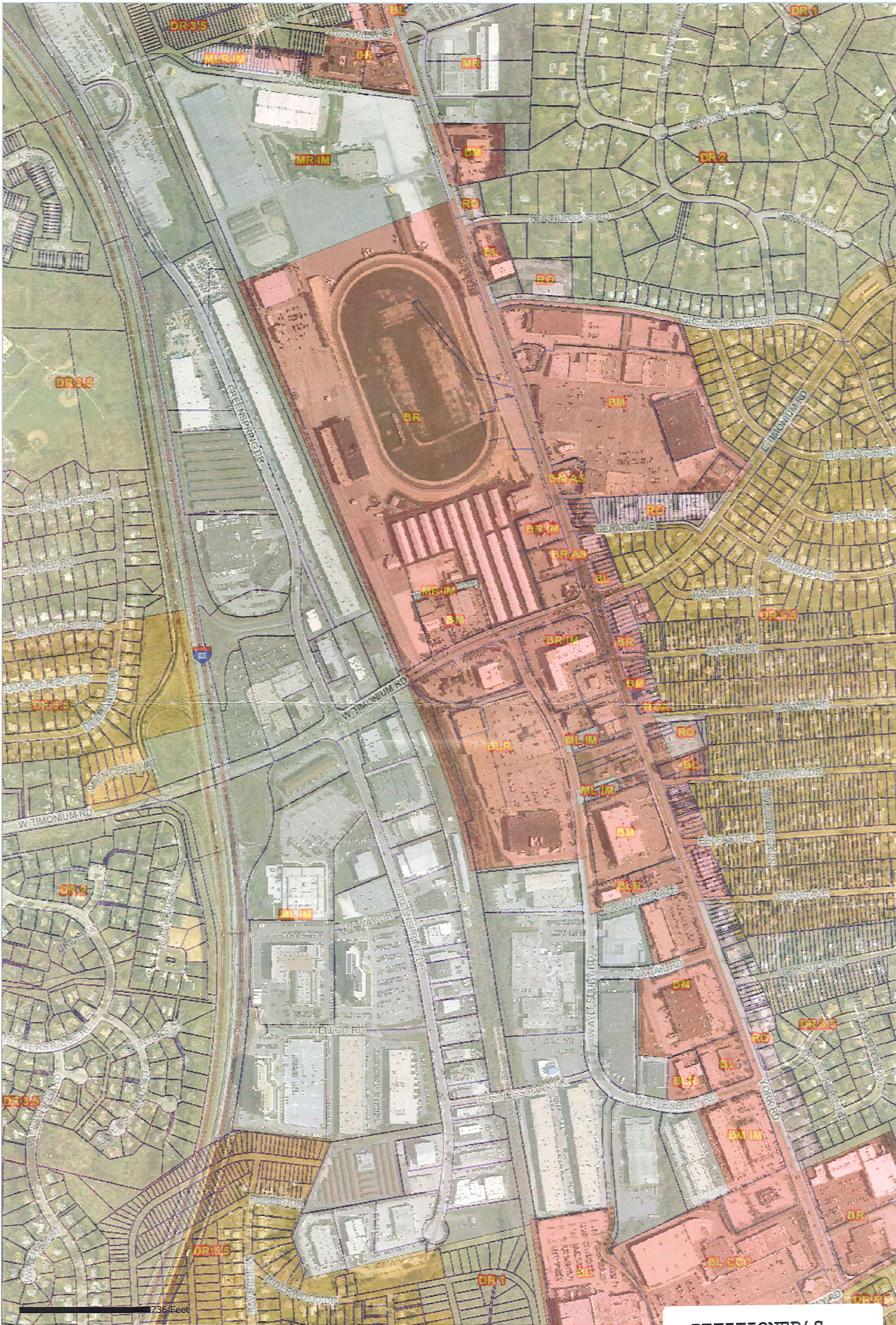
Site Data

- PROPOSED SHADE TREE (2" - 2 3/4" CAL., B&B)
- PROPOSED ORNAMENTAL TREE (1 1/2" - 1 3/4" CAL., B&B)
- PROPOSED SHRUBS (2" - 2 1/2" HT.)
- PROPOSED ORNAMENTAL GRASSES
- PROPOSED EVERGREEN GROUND COVER

LANDSCAPE LEGEND:

VICINITY MAP
SCALE: 1" = 2000'







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 2/21/2012

102 Feet



PETITIONER'S
EXHIBIT NO. 3



56 W. TIMONIUM ROAD RETAIL CENTER

BALTIMORE COUNTY, MD

DEVELOPED BY : ST. JOHN PROPERTIES, INC.

PETITIONER'S

EXHIBIT NO. 5

 **B R A S H E E R**