



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 29, 2012

Deborah C. Dopkin, Esquire
P.O. Box 323
Brooklandville, Maryland 21022

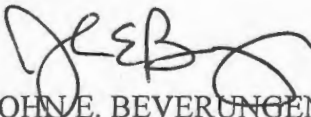
RE: Petitions for Special Hearing and Variance
Case No.: 2013-0047-SPHA
Property: 10015 Pulaski Highway

Dear Ms. Dopkin:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
10015 Pulaski Highway; SE/S Pulaski Highway,* OF ADMINISTRATIVE
237' NE of c/line @ intersection of Mohrs Lane *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): CSS Crest, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2013-047-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

SEP 05 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2012, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunus, Site Rite Surveying, 200 East Joppa Road, Towson, MD 21286 and Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE *
(10015 Pulaski Highway) *
15th Election District *
6th Councilman District *
CSS Crest, LLC *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0047-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by CSS Crest, LLC. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Administrative Law Judge should modify the plan approved in Case No. 99-125 SPHA; to modify and affirm the relief granted in Case No. 91-77-SPHA as modified by Case No. 99-125-SPHA, and to remove Condition #6 as set forth in Case No. 91-77-SPHA. In addition, a Petition for Variance was filed pursuant to § 238.2 of the B.C.Z.R., to approve a side yard setback of 9' in lieu of the required 30'. The subject property and requested relief is more fully depicted on the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Chris Serbeck with Crest Lock, and Bernadette Moskunus with Site Rite Surveying, the firm that prepared the site plan. Deborah C. Dopkin, Esquire appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date 10-29-12

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on September 26, 2012, indicating that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (§§ 33-3-101 through 33-3-120 of the Baltimore County Code [B.C.C.]) as well as the Forest Conservation Regulations (§§ 33-6-101 through 33-6-122 of the B.C.C.). In addition, a ZAC comment was received from the Department of Planning (DOP) on September 13, 2012 indicating the front elevation of proposed building 'A' shall be architecturally consistent with the front of the existing building as shown on the elevation drawings and a landscape plan shall be prepared for review and approval by Jean Tansey, Baltimore County Landscape Architect.

The subject property is 1.192 acres and is split-zoned ML-IM, ML-AS and BR-AS. The Petitioner acquired the property in February 2012, and would like to remove some dilapidated buildings on site, and construct an addition to the existing office building which fronts on Route 40. Crest Lock is a 3rd generation family-run business, and the Petitioner would like to expand and improve the site, which is located within the Pulaski Highway Redevelopment Area. The site also lies within a commercial enhancement area as shown on Master Plan 2020, and the improvements proposed herein would certainly seem consistent with the goals the County has set for this area.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the site is irregularly

ORDER RECEIVED FOR FILING

Date 10-29-12

2

By aw

shaped, and the Petitioner (who only recently acquired the property) must contend with existing site conditions. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioner would be unable to construct the improvements as planned. 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. This is demonstrated by the absence of opposition from the community. In addition, the variance relief is being granted on the north side of the site, at which point the property adjoins a motel as seen in the photos (Exhibit 5). The property boundary in this area contains mature trees and vegetation, which will also blunt any impact that the relief might otherwise have on the adjoining owner.

The Petitioner also sought special hearing relief, which would modify, in accordance with the terms of this Opinion and Order, prior zoning Case Nos. 91-77-SPHA and 99-125-SPHA, which were marked and accepted as Exhibits 2 and 3, respectively. As indicated at the hearing, I believe the terms of those Orders would be implicitly modified by the very issuance of the order in the present case, but Petitioner's counsel wisely sought to have those modifications explicitly stated, which will eliminate any doubt on that score.

In addition, Petitioner sought to have condition #6 removed from the Order in Case No. 91-77-SPHA. That condition provided that the "subject site shall not be sublet or utilized by more than one business entity or commercial venture." Exhibit 2, p.5. That case involved the prior owner of the site (John Bunting), who had constructed without permits or approvals of any kind several buildings on this site. In the opinion, then Zoning Commissioner Haines noted that the "site, as it exists today, is overdeveloped and congested and leaves much to be desired regarding vehicular flow." Exhibit 2, p.2.

ORDER RECEIVED FOR FILING

Date 10-29-12

3

By lw

It is those buildings, of course, that the Petitioner proposes to raze, and the site will be much improved in appearance and function due to the Petitioner's efforts. At present, it is only Crest Lock which conducts business at the site, but Petitioner indicated that in light of current economic conditions, he would like to leave himself the option of subleasing a portion of the property if market conditions made that necessary. This seems like an entirely reasonable request, and is after all one of the many rights enjoyed by fee simple owners of real property. This condition was imposed over 20 years ago, and the case arose in a much different factual setting than the present case. The site will no longer be cluttered by a hodgepodge of dilapidated buildings, and "Condition 6" is simply unnecessary (and maybe inappropriate) at this juncture.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 29th day of October, 2012, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to modify in accordance with the terms of this Order the plan approved in Case No. 99-125 SPHA; to modify and affirm in accordance with the terms of this Order the relief granted in Case No. 91-77-SPHA as modified by Case No. 99-125-SPHA; and to remove Condition #6 as set forth in Case No. 91-77-SPHA, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's Variance request from § 238.2 of the B.C.Z.R., to approve a side yard setback of 9' in lieu of the required 30', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date 10-29-12

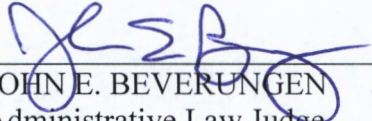
4

By

1. Petitioner may apply for its appropriate 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 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.
2. Petitioner must comply with the ZAC comments submitted by the DOP and DEPS, which are attached hereto and incorporated herein.

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

JEB/dlw


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10-29-12

By [Signature]



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 10015 Pulaski Highway which is presently zoned ML-IM, ML-AS
Deed References: 31746/00001 10 Digit Tax Account #2200007364 BR-AS,
Property Owner(s) Printed Name(s) CSS Crest, LLC

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

See Attached

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:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Deborah C. Dopkin

Name- Type or Print

Signature

P.O. Box 323 Brooklandville, MD

Mailing Address

City

State

21022

410-821-0200 ddopkin@dopkinlaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CSS Crest, LLC

Name #1 - Type or Print

Name #2 - Type or Print

By: Christopher Serbec Member

10015 Pulaski Highway, Baltimore, MD

Mailing Address

City

State

21220 / 410-256-7800

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bernadette Moskunus, Site Rite Surveying

Name- Type or Print

Signature

200 E. Joppa Road, Towson, MD

Mailing Address

City

State

21286

410-828-9060

siteriteinc@aol.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0047-SHA Filing Date 8/27/12

Do Not Schedule Dates: N/A 4/16, 18, 17 Reviewer JS

Variance

From BCZR § 238.2 to approve a side yard setback of 9' in lieu of the required 30'

Special Hearing

To modify the plan approved in Case No. 99-125 SPHA;

To modify and affirm the relief granted in Cases No. 91-77 SPHA as modified by Case No. 99-125 SPHA; and

To remove condition #6 as set forth in Case No. 91-77 SPHA

2013-0047-SPHA

ZONING PROPERTY DESCRIPTION
#10015 PULASKI HIGHWAY

BEGINNING at a point on the southeast side of Pulaski Highway Route 40, which is 150 feet wide at the distance of 237 feet northeast of the centerline of Mohrs Lane which is 60 feet wide thence the following courses and distances: North 40° 40' 34" East, 200.00 feet; South 55° 49' 46" East, 464.24 feet; South 23° 29' 54" West, 11.00 feet; North 67° 33' 06" West, 219.67 feet; South 27° 41' 54" West, 85.00 feet and thence North 67° 33' 06" West, 289.47 feet to the Point of Beginning as recorded in Deed Liber 31746, folio 1, containing 1.917 Ac +/- . Located in the 15th Election District, 6th Councilmanic District.



08/22/12

Michael V. Moskunas

Michael V. Moskunas

Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286

2013-0047-SPNA

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/neighbor 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: 2013-0047-SPHA
Petitioner: CSS Crest, LLC
Address or Location: 10015 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

Name: CSS Crest, LLC % Christopher Serbeck
Address: 10015 Pulaski Highway
Baltimore, MD 21220
Telephone Number: 410 256-7800

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

No. **88936**

Date: **8/27/12**

PAID RECEIPT

BUSINESS ACTUAL TIME
8/27/2012 8/27/2012 11:23:51

REC MODS WALKIN TTAY TST

RECEIPT # 674593 8/27/2012

5 550 MISCELLANEOUS - IN

CR NO. 080936

Recpt Tot \$770.00

\$770.00 CR 1.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 770.00

Total: **\$770.00**

Rec From: **CSS CREST, LLC**

For: **2013-0047-SPHA**

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2013-0047-SPHA

Petitioner/Developer SITE
RITE SURVEYING INC.

Date Of Hearing/Closing: 10/25/12

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 10015 PULASKI HIGHWAY

This sign(s) were posted on October 4, 2012

Month, Day, Year

Sincerely,

Martin Ogle 10/4/12
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

10/25, 10:10pm, 2012

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10015 Pulaski Highway

RECEIVED

INFORMATION:

SEP 13 2012

Item Number: 13-047

Petitioner: CSS Crest, LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR-AS

Requested Action: Special Hearing and Variance

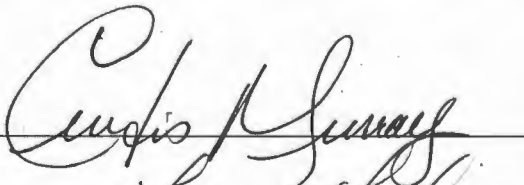
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department offers the following comments:

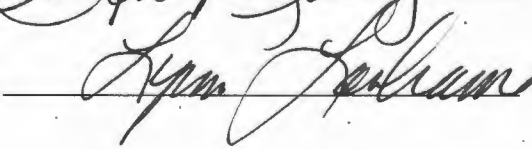
1. The front elevation of the proposed building 'A' shall be architecturally consistent with the front of the existing building as shown on the elevations drawings.
2. A landscape plan shall be prepared for reviewed and approved by Jean Tansey, Baltimore County Landscape Architect.

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

Prepared by:



Division Chief:
AVA/LL: CM



ORDER RECEIVED FOR FILING

Date 10-29-12

By [Signature]

1425 10am

BALTIMORE COUNTY, MARYLAND

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Inter-Office Correspondence

SEP 25 2012

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: September 25, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0047-SPHA
Address 10015 Pulaski Highway
(CSS Crest, LLC Property)

Zoning Advisory Committee Meeting of September 3, 2012.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 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).

Reviewer: Regina Esslinger – Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 10-29-12

By 120

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 13, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2012
Item Nos. 2013-0045, 0046, and 0047.

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

DAK:GJN

cc: File

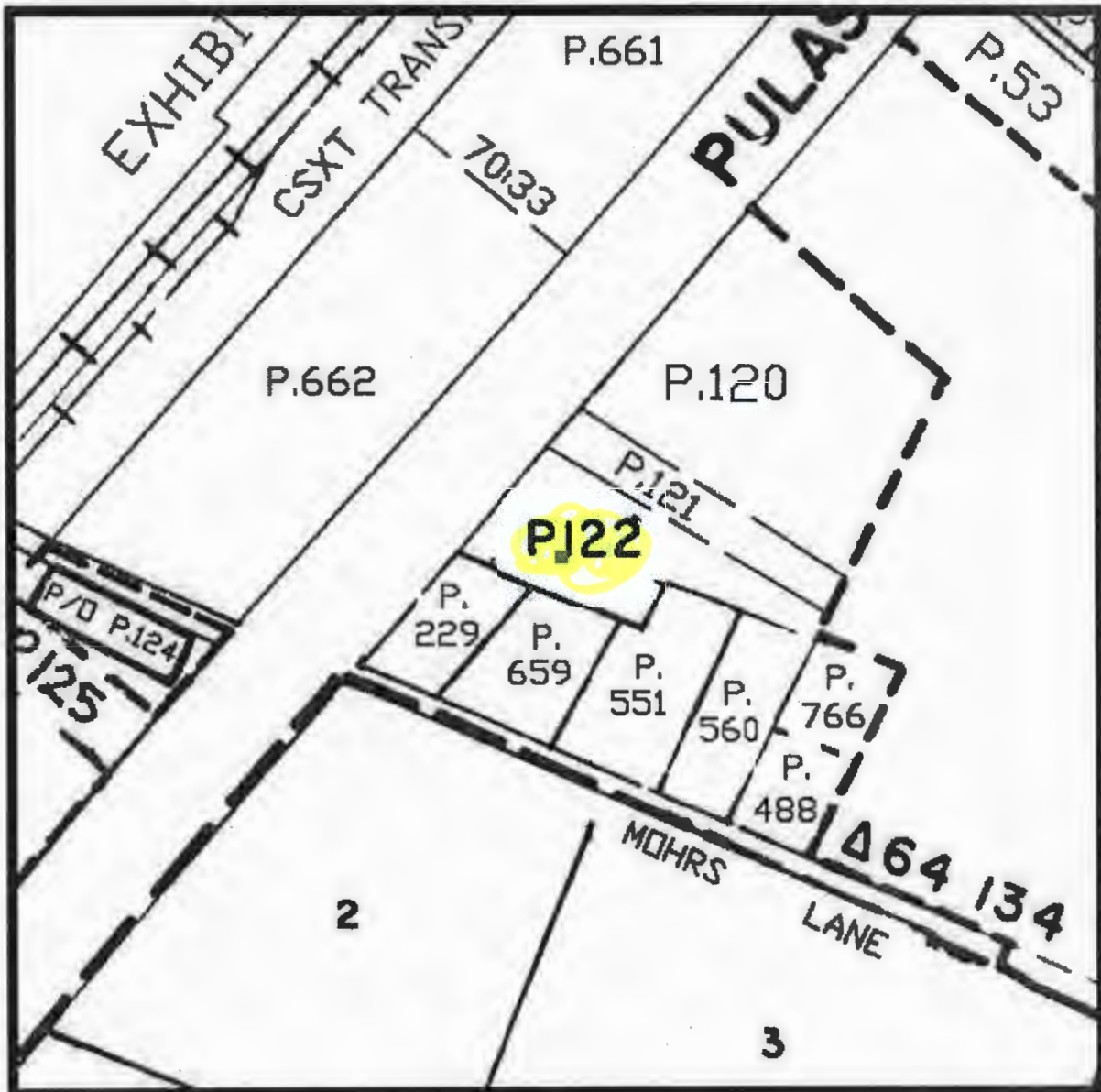
G:\DevPlanRev\ZAC -No Comments\ZAC-09172012-NO COMMENTS.doc



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

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

District - 15 Account Number - 2200007364



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

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

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

CASE NAME CSS Crest LLC
CASE NUMBER 2013-475-SPHA
DATE Oct 25, 2012

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 15 Account Number - 2200007364

Owner Information			
Owner Name:	CSS CREST LLC	Use:	COMMERCIAL
Mailing Address:	10015 PULASKI HWY BALTIMORE MD 21220-	Principal Residence:	NO
		Deed Reference:	1) /31746/ 00001 2)

Location & Structure Information	
Premises Address 10015 PULASKI HWY 0-0000	Legal Description 1.192 AC 10015 PULASKI HWY SES 300 NE MOHRS LA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0017	0122		0000				3	Plat Ref:

Special Tax Areas	Town NONE
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1993	15136	1.1900 AC	06

Stories	Basement	Type	Exterior
		OFFICE BUILDING	

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	607,000	431,700		
Improvements:	531,400	232,000		
Total:	1,138,400	663,700	663,700	663,700
Preferential Land:	0			0

Transfer Information				
Seller:	10015 PULASKI HIGHWAY LLC	Date:	02/24/2012	Price: \$630,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/31746/ 00001	Deed2:
Seller:	BUNTING MELVIN J	Date:	05/27/2009	Price: \$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/28137/ 00012	Deed2:
Seller:	BUNTING MELVIN J	Date:	08/30/2006	Price: \$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/24399/ 00188	Deed2:

Exemption Information			
Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information	
Homestead Application Status:	No Application

MEMORANDUM

DATE: December 3, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0047-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on November 28, 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

10/25 10am

CASE NO. 2013- 0047-SPHACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>9-25</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>9-13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9-6</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-4</u>	
SIGN POSTING	Date: <u>10-4</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

ZONING NOTICE

CASE # 2013-0047-SPHA

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

ROOM 205 JEFFERSON BUILDING 105
PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, OCTOBER 25, 2012
AT 10:00 A.M.

REQUEST:

SPECIAL HEARING TO MODIFY THE PLAN APPROVED IN
CASE # 99-125-SPHA; TO MODIFY AND AFFIRM THE
RELIEF GRANTED IN CASE 91-77-SPHA AS MODIFIED BY
CASE 99-125-SPHA; AND TO REMOVE CONDITION #6 AS
SET FORTH IN CASE 97-77-SPHA. VARIANCE TO APPROVE A
SIDE YARD SETBACK OF 9' IN LIEU OF THE REQUIRED 30'

POSTPONEMENTS DUE TO WEATHER AND OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY
TO CONFER HEARINGS CALL 410-887-2222

DO NOT REMOVE THIS SIGN AND POST  HEARING DATE UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

made 10/4/12

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: # 2013-0047-SPHA

10015 Pulaski Highway
SE/s of Pulaski Highway, 237 ft. NE of centerline of
intersection with Mohrs Lane
15th Election District - 6th Councilmanic District
Legal Owner(s): CSS Crest, LLC

Special Hearing: to modify the plan approved in Case 99-125-SPHA; to modify and affirm the relief granted in Case 91-77-SPHA as modified by Case 99-125-SPHA; and to remove condition #6 as set forth in Case 97-77-SPHA. **Variance:** to approve a side yard setback of 9' in lieu of the required 30'.

Hearing: Thursday, October 25, 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.
10/009 Oct. 4 879458



501 N. Calvert Street, Baltimore, MD 21278

October 4, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on October 4, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

September 11, 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: 2013-0047-SPHA

10015 Pulaski Highway

SE/s of Pulaski Highway, 237 ft. NE of centerline of intersection with Mohrs Lane

15th Election District – 6th Councilmanic District

Legal Owners: CSS Crest, LLC

Special Hearing to modify the plan approved in Case 99-125-SPHA; to modify and affirm the relief granted in Case 91-77-SPHA as modified by Case 99-125-SPHA; and to remove condition #6 as set forth in Case 97-77-SPHA. Variance to approve a side yard setback of 9' in lieu of the required 30'.

Hearing: Thursday, October 25, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Deborah Dopkin, P.O. Box 323, Brooklandville 21022
Christopher Serbeck, CSS Crest, LLC, 10015 Pulaski Highway, Baltimore 21220
Bernadette Moskun, 200 E. Joppa Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 5, 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.



KEVIN KAMENETZ
County Executive

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

October 18, 2012

CSS Crest LLC
Christian Serbeck
10015 Pulaski Highway
Baltimore MD 21220

RE: Case Number: 2013-0047 A, Address: 10015 Pulaski Highway

Dear Mr. Serbeck:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 27, 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 stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bernadette Moskunas, Site Rite Surveying, 200 E. Joppa Road, Towson MD 21286
Deborah C Dopkin, Esquire, P O Box 323, Brooklandville MD 21022

Debra Wiley - ZAC Comments - Distribution Mtg.of 9/3

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/4/2012 2:03 PM
Subject: ZAC Comments - Distribution Mtg.of 9/3

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.

2013-0045-A - 2211 Pine Valley Drive
Administrative Variance - Closing Date: 9/17

2013-0046-A - 21 Right Aileron Street
No hearing date in data base as of 9/4

2013-0047-SPHA - 10015 Pulaski Highway
No hearing date in data base as of 9/4

Thank you.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-6-12

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

RE: Baltimore County
Item No. 2013-0047-SPHA
Special Hearing Variance
CSS Crest LLC
10015 Palaski Highway
US 40

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 9-5-12. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0047-SPHA.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard A. Zeller", is written over the typed name "Steven D. Foster".

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

ZONING MAP: #10015 PULASKI HIGHWAY

2013-0047-SPHA

Case No.: 2013-0047-SPHA

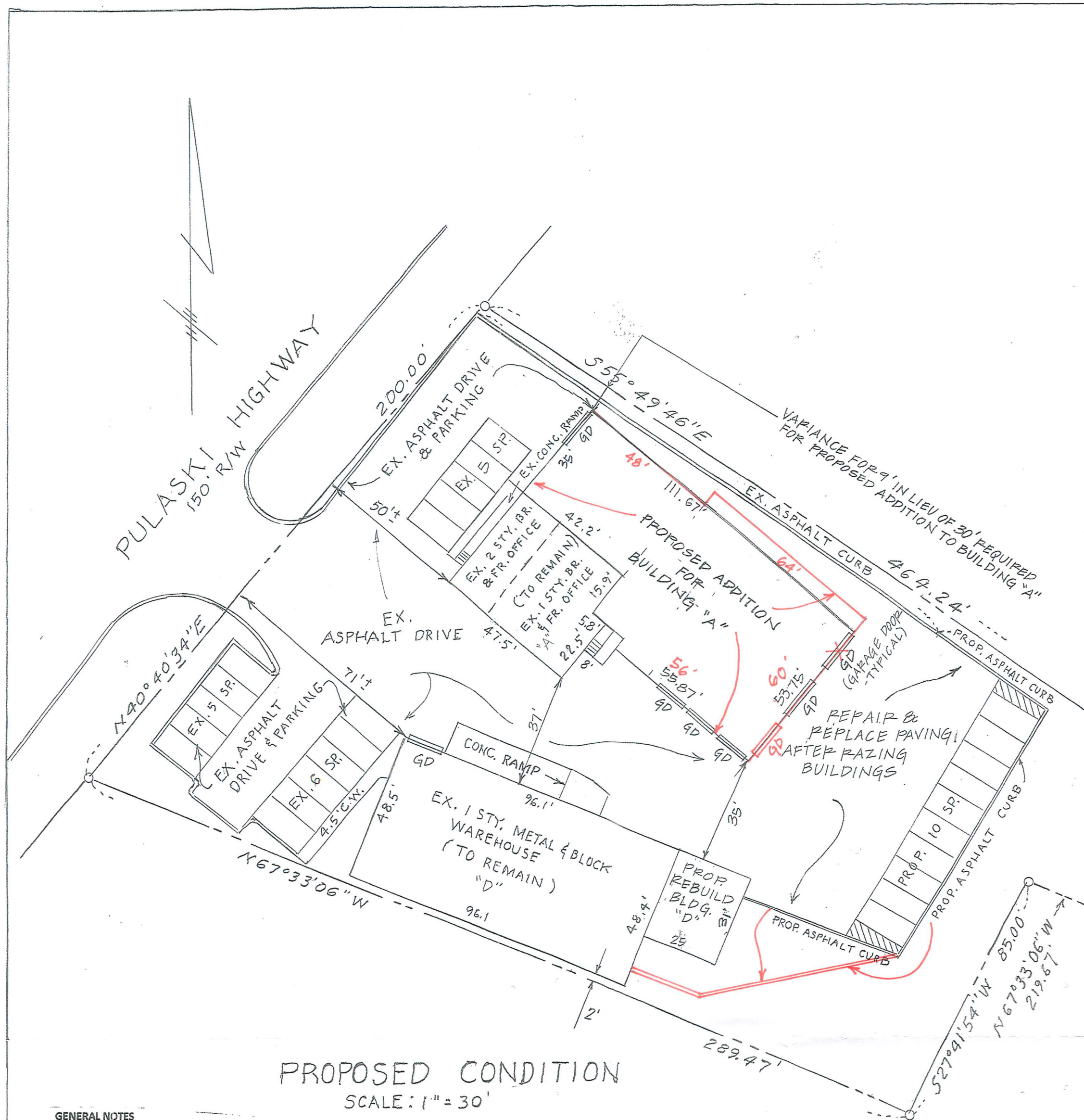
Exhibit Sheet - Continued

Petitioner/Developer

Respondent

DW 12-3-12
DW 12/29/12

No. 13 1	Redlined Site Plan	
No. 14 2	91-77 Order	
No. 15 3	99-125 Order	
No. 16 4	Redlined Landscape	
No. 17 5	Photos	
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		



- GENERAL NOTES**
- EXISTING ZONING: ML-IM, ML-AS, BR-AS (082C2)
 - EXISTING LOT AREA: Gross & Net: 1.1917 Ac +/- / 51911.95 S.F. +/- (as surveyed)
 - EXISTING USE: General Office/Retail/Warehouse
PROPOSED USE: General Office/Retail/Warehouse
 - THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA.
 - COMMUNITY PANEL NO. 2400100430 F "X"
 - THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 - BUILDINGS "B", "C", TWO METAL STORAGE CONTAINERS, AND A PORTION OF "D" ARE TO BE REMOVED AND A PROPOSED ADDITION TO BUILDING "A" AND A 25'X31' PROPOSED REBUILD FOR BUILDING "D"
 - THERE WAS AN EXISTING SIGN, WHICH HAS BEEN REPLACED WITH A NEW DOUBLE FACED FREE-STANDING SIGN.
 - THIS PROPERTY IS SERVICED BY PUBLIC UTILITIES (WATER AND SEWER)
 - ADJACENT OPEN SPACE: N/A
 - THERE ARE NO DEFICIENT AREAS ON THE 2012 BASIC SERVICE MAPS FOR SEWER SUPPLY, WATER SUPPLY AND TRANSPORTATION (BILL 20-12, EFFECTIVE MAY 31, 2012)
 - PRIOR ZONING HISTORY: SEE ATTACHED (CASE NOS. 91-77-SPHA & 99-125-SPHA)
 - PARKING REQUIREMENTS: EXISTING 18 SPACES
OFFICE USE: 3.3 SPACES PER 1000 S.F.
RETAIL USE: 5 SPACES PER 1000 S.F.
WAREHOUSE USE: 1 PER EMPLOYEE ON THE LARGEST SHIFT
PROPOSED OFFICE USE: 2598 S.F. X 3.3 = 8 SPACES
PROPOSED RETAIL USE: 489 S.F. X 5 = 4 SPACES
PROPOSED WAREHOUSE USE: 1 EMPLOYEE EACH BUILDING = 2 SPACES
TOTAL REQUIRED SPACES: 15 - 21
 - PARKING PROVIDED: 26 PARKING SPACES AND 7 GARAGE BAYS = 33 SPACES
 - EXISTING BUILDING AREAS:
"A" = 2304 S.F.
"B" = 1821.05 S.F. (1904 S.F. PER 1960 ZONING PLAT)
"C" = 3138.18 S.F. (3090 S.F. PER 1060 ZONING PLAT)
"D" = 7159.85 S.F. (2499 S.F. TO BE RAZED)
 - SUB-TOTAL:
METAL STORAGE CONTAINERS 14,423.08 S.F.
TOTAL: 14,711.08 S.F. (7458.23 S.F. TO BE RAZED)
 - PROPOSED BUILDING AREA: "A" EX. BLDG. 2304 S.F. PLUS 5194 S.F. PROPOSED ADDITION = 7498 S.F. 5520 S.F. PROPOSED ADDITION = 7824 S.F.
"D" EX. BLDG. 4660.85 S.F. PLUS 775 S.F. PROPOSED REBUILD = 5435.85 S.F.
TOTAL: 12,933.85 S.F. (REDUCTION OF 1777.23 S.F.)
13,259.85 S.F. 1451.23 S.F.

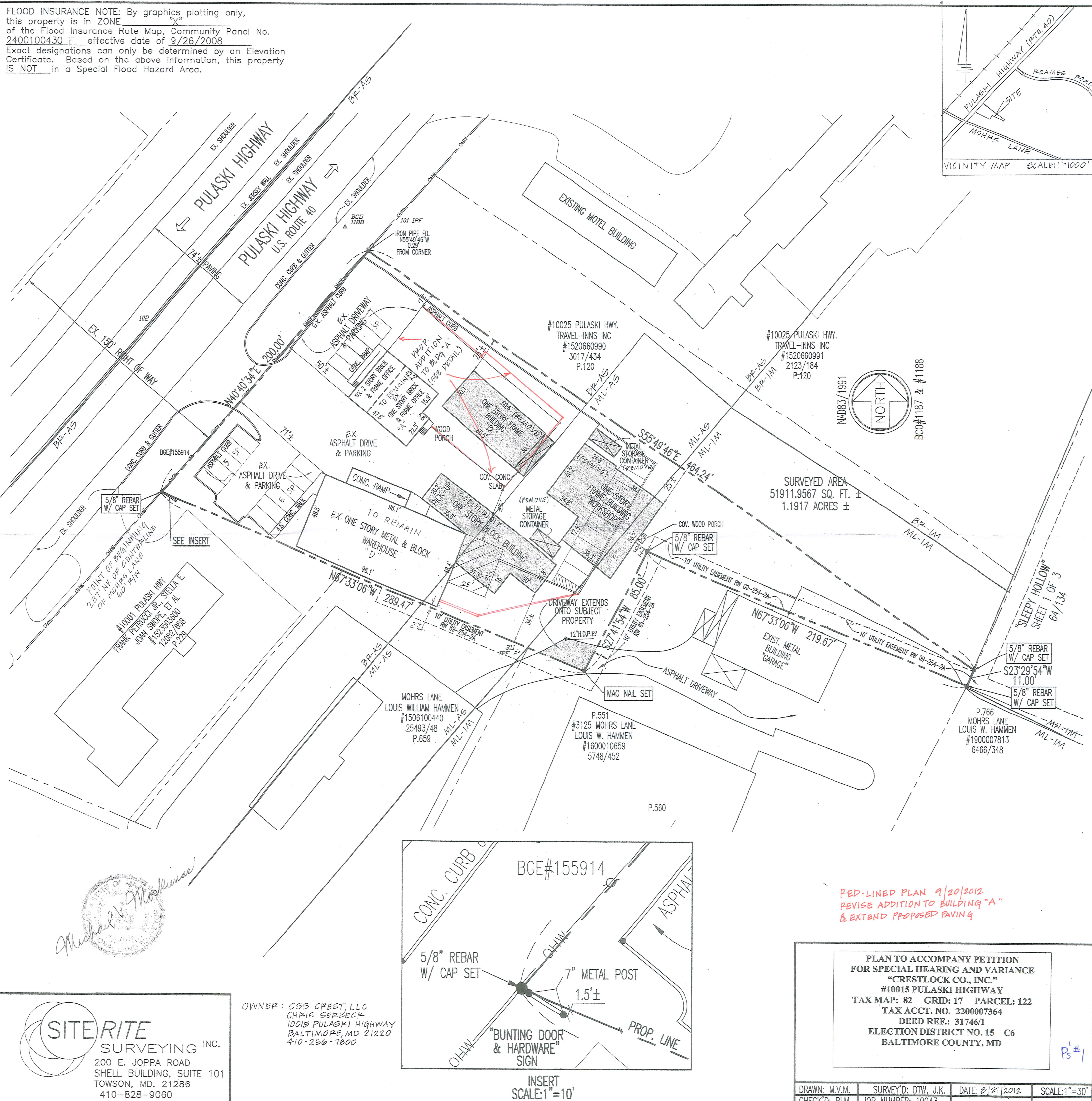
ZONING CASE NO. 91-77-SPHA

- Petition for Special Hearing-Approval of the locations and setbacks of all existing non-conforming storage buildings is **DENIED**
- Petition for Zoning Variance to allow existing buildings less than the required 60' from each other as follows:
(1) Bldg B, 16' from Bldg C,
(2) Bldg B, 31' from Bldg D,
(3) Bldg C, 14' from Bldg D,
(4) Bldg D, 27' from Bldg A,
(5) Bldg A, 33' from Bldg D (addition)
(6) Proposed Addition (Bldg A) 7' in lieu of the required 60' from Storage Bldg "B" is **GRANTED**
- Petition for Zoning Variance to allow existing buildings less than the required 30' from side and rear property lines as follows:
(1) Bldg B, 22' from side property line,
(2) Bldg C, 20' from side property line,
(3) Bldg C, 9' from rear property line,
(4) Bldg D, 23' from side property line, Bldg D (addition) 0' from side property line is **GRANTED**

ZONING CASE NO. 99-125-SPHA

- Petition for Special Hearing SEEKING APPROVAL OF A MODIFICATION TO THE PREVIOUSLY APPROVED SITE PLAN IN PRIOR CASE NO. 92-77-SPHA is **GRANTED**
- Petition for Variance to permit Bldg D addition to be located 2' from the side property line in lieu of the required 30'; to permit Bldg D addition to be located 9' from the rear property line in lieu of the required 30'; to permit Bldg B to be located 5' from the side property line in lieu of the required 30' and previously approved 22', pursuant to Case No. 91-77-SPHA, and to permit Bldg D addition to be located 12' from Bldg C in lieu of the 14' permitted in prior Case No. 91-77-SPHA is **GRANTED**

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE "X" of the Flood Insurance Rate Map, Community Panel No. 2400100430 F effective date of 9/26/2008. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.



IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND ZONING VARIANCE * ZONING COMMISSIONER
 SE/S Pulaski Highway 206' +/- *
 NE of Mohr's Lane * OF BALTIMORE COUNTY
 10019 Pulaski Highway *
 15th Election District *
 6th Councilmanic District * CASE # 91-77-SPHA
 John Bunting- Legal Owner
 Mel Bunting-Contract Purchaser*
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Zoning Variance from Sections 102.2 and 236.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow buildings (existing) less than the required 60 ft. from each other as follows:

- (1) Bldg. B, 16 ft. from Bldg. C,
- (2) Bldg. B, 31 ft. from Bldg. D,
- (3) Bldg. C, 14 ft. from Bldg. D,
- (4) Bldg. D, 27 ft. from Bldg. A,
- (5) Bldg. A, 33 ft. from Bldg. D (addition),

(6) the proposed addition (Bldg. A) 7 ft. in lieu of the required 60 ft. from Storage Building "B". Additionally, the Petitioner also requests the necessary variances to allow buildings (existing) less than the required 30 ft. from side and rear property lines as follows:

- (1) Bldg. B, 22 ft. from side property line,
- (2) Bldg. C, 20 ft. from side property line,
- (3) Bldg. C, 9 ft. from rear property line,
- (4) Bldg. D 23 ft. from side property line, Bldg. D (addition) 0 ft.

from side property line; and pursuant to the Petition for Special Hearing, approval of the locations and setbacks of all existing nonconforming storage buildings, as more particularly described on Petitioner's Exhibit 8.

ORDERED: 11/28/90
 Date: 11/28/90
 By: [Signature]

Pet. # 2

The Petitioner, Mel Bunting, appeared and testified. Appearing on behalf of the Petitioner was William Monk, Land Planner and Zoning Consultant. There were no Protestants.

Testimony indicated that the subject property known as 10019 Pulaski Highway consists of 1.32 acres +/-, split zoned B.R.-C.S.-1, M.L.-I.M. and M.L.-C.S.1 and is currently improved with Bunting Door and Hardware Company, as indicated on Petitioner's Exhibit No. 8.

Mr. Bunting testified that he is in the business of commercial distribution of doors and employs 10 individuals between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, to operate the business. Mr. Bunting testified that the site indicated on Petitioner's Exhibit No. 8 consists of two lots which are currently recorded on two separate deeds. Mr. Bunting further testified that he is in the process of purchasing both parcels from his father, John Bunting, and consolidating the entire tract into one deed and description.

Testimony indicated that approximately 20% of Petitioner's business consists of the fabrication of doors. Mr. Bunting indicated that he would be willing to place the fabrication aspect of his business in one of the M.L. zones that are to the rear of his property. Testimony further indicated that several buildings located on the site were constructed without the requisite building permits and in violation of the B.C.Z.R. which precipitated the filing of the subject Petition for Zoning Variance. The site, as it exists today, is over developed and congested and leaves much to be desired regarding vehicular flow.

Petitioner's variance request may be granted where it is shown that strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App.

28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on the Petitions for Zoning Variance and Special Hearing held, and for the reasons given above, the relief requested should be granted in part and denied in part.

RECEIVED FOR FILING

11/28/90
By *M. J. [Signature]*

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of July, 1990 that, pursuant to Petition for Hearing, approval of the locations and setbacks of all existing nonconforming storage buildings, is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Sections 102.2 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow buildings (existing) less than the required 60 ft. from each other as follows:

- (1) Bldg. B, 16 ft. from Bldg. C,
- (2) Bldg. B, 31 ft. from Bldg. D,
- (3) Bldg. C, 14 ft. from Bldg. D,
- (4) Bldg. D, 27 ft. from Bldg. A,
- (5) Bldg. A, 33 ft. from Bldg. D (addition),
- (6) the proposed addition (Bldg. A) 7 ft. in lieu of the required 60 ft. from Storage Building "B", is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitioner's requests for the necessary variances to allow buildings (existing) less than the required 30 ft. from side and rear property lines as follows:

- (1) Bldg. B, 22 ft. from side property line,
- (2) Bldg. C, 20 ft. from side property line,
- (3) Bldg. C, 9 ft. from rear property line,
- (4) Bldg. D 23 ft. from side property line, Bldg. D (addition) 0 ft. from side property line is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this

COUNTY FILING
11/28/90
M. H. H. H.

Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall locate the fabrication aspect of his business entirely within one of the M.L. zones located to the rear of the subject site.

3. The Petitioner shall have all buildings located on the subject site inspected by a representative of the Baltimore County Department of Licensing and Permits and acquire all permits required by said department on or before May 15, 1991.

4. The Petitioner shall have a representative of the Baltimore County Fire Department inspect the subject site for fire compliance with all applicable fire protection, coded regulations, etc., on or before May 20, 1991.

5. Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating the reference to this case, including all of the conditions, restrictions and regulations listed herein shall be recorded among the Land Records of Baltimore County within 60 days of this Order and a copy of the recorded deed shall be delivered to the Zoning Commissioner. Additionally, said deed shall consolidate all other deeds pertaining to the subject site and shall include a single description of the subject site. Additionally, the subject site shall not be subdivided without authorization of the Zoning Commissioner after a formal zoning hearing approving said subdivision.

6. The subject site shall not be sublet or utilized by more than one business entity or commercial venture.

7. Petitioner shall comply with all of the requirements set forth in the Office of Planning and Zoning's comments dated October 1, 1990 prior to the issuance of any building permits.

8. Petitioner shall comply with all of the requirements set forth in the Baltimore County

ORDER OF ZONING
Date 11/28/90
By M. Mark

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

DATE 11/28/90 BY M. Horvath

IN RE: PETITIONS FOR SPECIAL HEARING) * BEFORE THE
AND VARIANCE – SE/S Pulaski Highway, *
206.72' NE of Mohrs Lane * DEPUTY ZONING COMMISSIONER
(10019 Pulaski Highway) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 99-125-SPHA
Melvin Bunting *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Melvin Bunting. The Petitioner seeks approval of a modification to the previously approved site plan in prior Case No. 91-77-SPHA, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 102.2, 238.2 and 255.1 to permit the proposed addition to Building D to be located 2 feet from the side property line and 9 feet from the rear property line in lieu of the required 30 feet each; to permit proposed new storage Building B to be located 5 feet from the side property line in lieu of the required 30 feet, and previously approved 22 feet, pursuant to the relief granted in Case No. 91-77-SPHA, and to permit the proposed addition to Building D to be located 12 feet from Building C in lieu of the 14 feet allowed in prior Case No. 91-77-SPHA. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Melvin Bunting, property owner, and William P. Monk, the consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area

ORDER RECEIVED FOR FILING
Date 12/13/99
By [Signature]

Pet. # 3

of 1.34 acres, more or less, split zoned B.R.-A.S., M.L.-A.S. and M.L.-I.M. The property is improved with three buildings containing office space, storage space and the manufacturing/fabrication operation for the Petitioner's business known as Bunting Door and Hardware. Mr. Bunting testified that he has been in the business of supplying and installing commercial doors for many years and is in need of additional warehouse space at the subject location. Pursuant to prior Case No. 91-77-SPHA, the Petitioner was granted variance relief for the existing buildings and proposed additions thereto. However, the Petitioner has outgrown those buildings and finds it necessary to create additional storage/warehouse space on the subject property. In accordance with the site plan submitted, the Petitioner proposes to expand existing Building B to create a new storage building and construct an addition to existing storage Building D. Testimony and photographs of the property demonstrated that the Petitioner has outgrown the existing buildings to the extent that he has had to store materials outside. Thus, it is clear that additional storage space is needed. However, due to the location of the existing improvements on the property, the requested special hearing and variance relief are necessary in order to proceed.

At the hearing, the Petitioner discussed the substance of the comments submitted by the Office of Planning, dated October 7, 1998, in which they noted that all of the landscaping required pursuant to the prior Order had not yet been installed. On behalf of Mr. Bunting, Mr. Monk testified that the delay in landscaping the property was caused by the installation of gas lines in the area where the landscaping was to take place. Mr. Bunting did not want to risk losing the landscaping as a result of the installation of the gas lines, and thus, opted to wait until that construction was completed. Mr. Monk further indicated that all of the required landscaping pursuant to the prior Order has since been installed on the property. Additional photographs of the property demonstrated that Mr. Bunting maintains his business in a neat and orderly fashion.

ORDER RECEIVED FOR FILING
Date 12/2/98
By [Signature]

It is clear that the proposed modifications will allow Mr. Bunting to keep his business at this location and store all of his merchandise indoors.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the proposed modifications to the previously approved site plan and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of December, 1998 that the Petition for Special Hearing

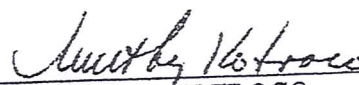
ORDER RECEIVED FOR FILING
Date 12/2/98
By [Signature]

seeking approval of a modification to the previously approved site plan in prior Case No. 91-77-SPHA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 102.2, 238.2 and 255.1 to permit Building D addition to be located 2 feet from the side property line in lieu of the required 30 feet; to permit Building D addition to be located 9 feet from the rear property line in lieu of the required 30 feet; to permit Building B to be located 5 feet from the side property line in lieu of the required 30 feet, and previously approved 22 feet, pursuant to Case No. 91-77-SPHA, and to permit Building D addition to be located 12 feet from Building C in lieu of the 14 feet permitted in prior Case No. 91-77-SPHA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/29/08
BY [Signature]

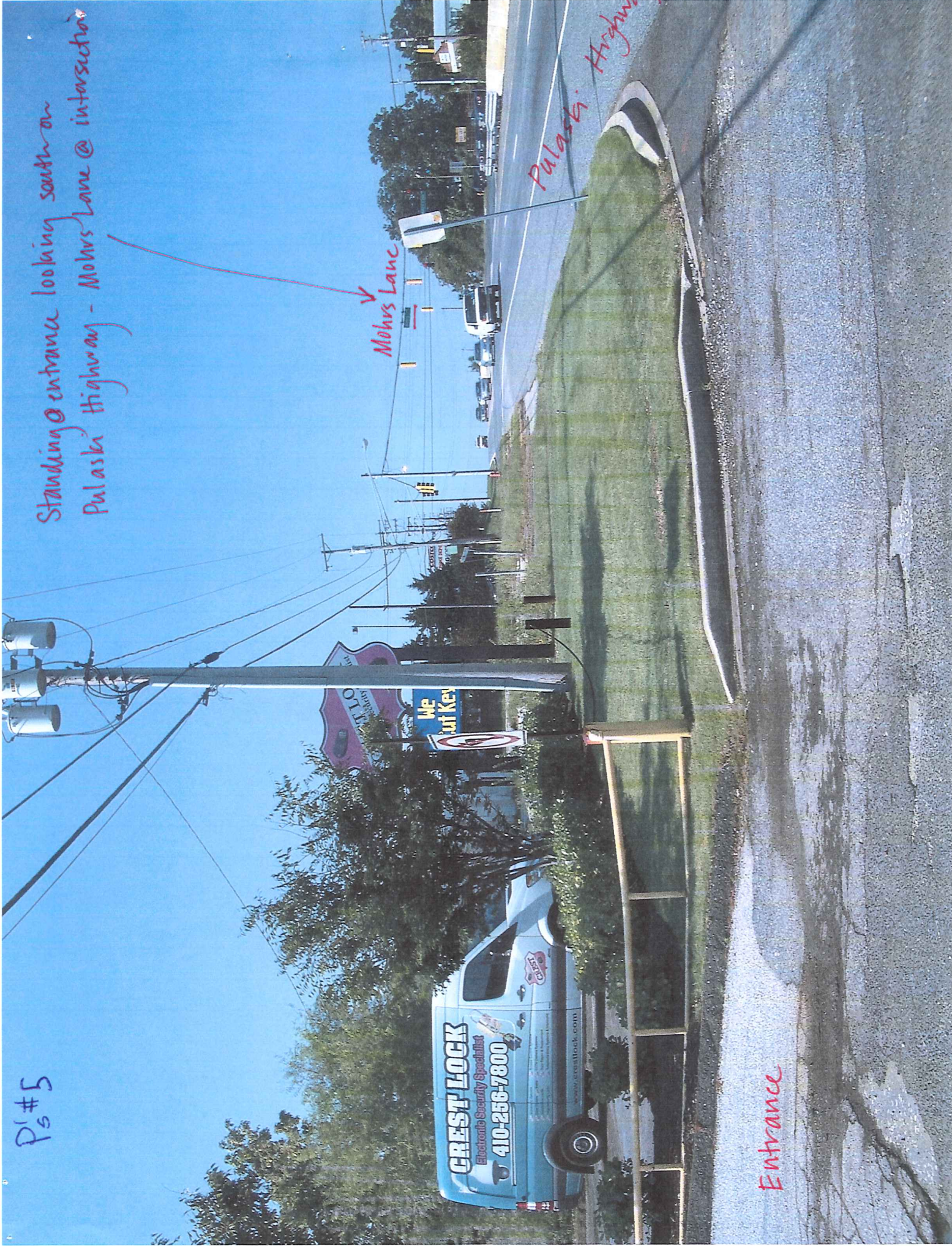
P's #5

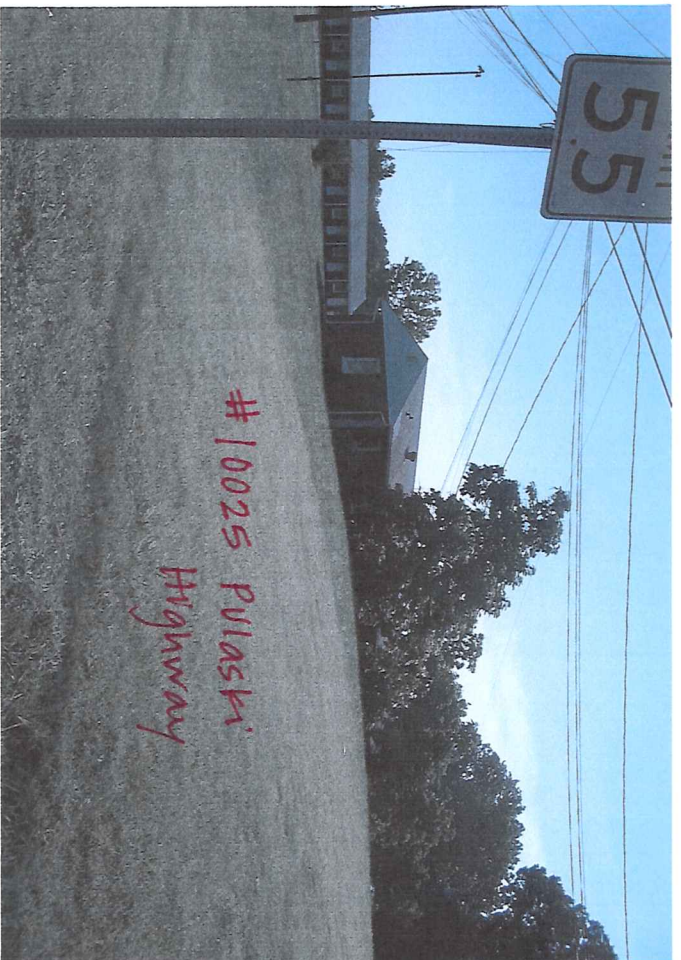
Standing @ entrance looking south on
Palaski Highway - Mohrs Lane @ intersection

Mohrs Lane

Palaski Highway

Entrance





#10025 Pulaski Highway



Line of division btwn #10015 and #10025



Subject property

#10015



Front of Building "A"

subject property



standing between Bldg "B" and "C" looking into #10025

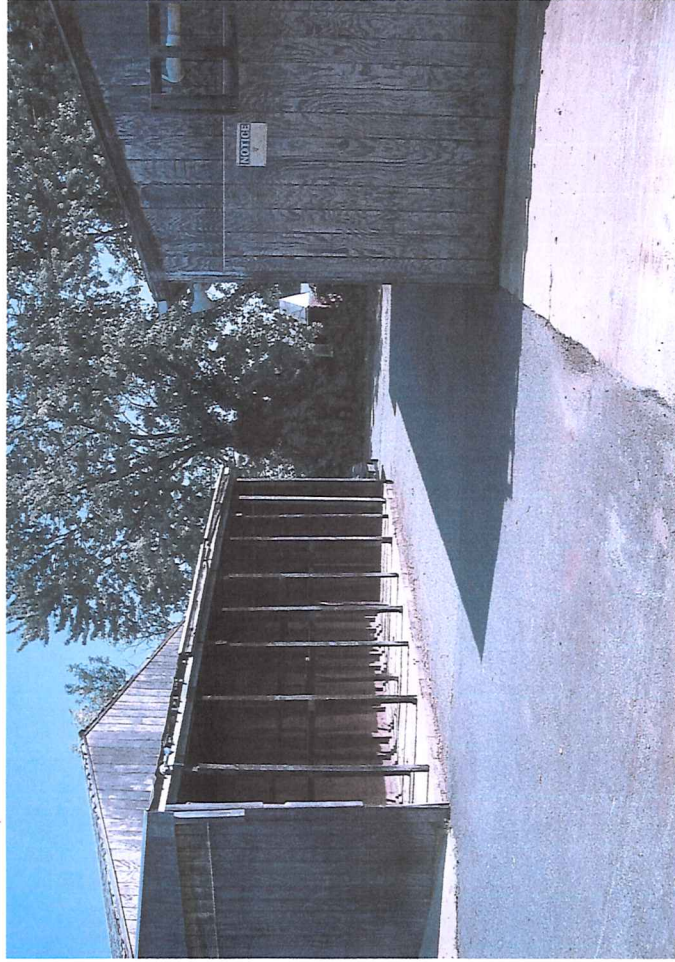


standing in the rear of the lot looking @ Pulaski Hwy.



Standing @ rear of Bldg "B" looking toward Bldg "C"

Looking toward #10025 between Bldg. "B" and "C"



Looking toward rear of lot "D"



Looking toward rear of lot between Bldg "C" and "D"



Standing behind Bldg "A" looking toward Bldg "B"

looking forward rear of property closer to Palastki thiry.



looking down property line between Bldg "D" and #10001



face of Bldg "D" looking forward #10001



rear of Bldg "A" looking forward Bldg "B"



front of property looking toward #10001



Standing in R/W looking toward Bldg "D"



New sign per permit (same location as old sign)



Standing @ entrance looking toward #10001



Standing @ entrance looking north on Pulaski Hwy.



Standing in R/W looking forward Bldg "A"



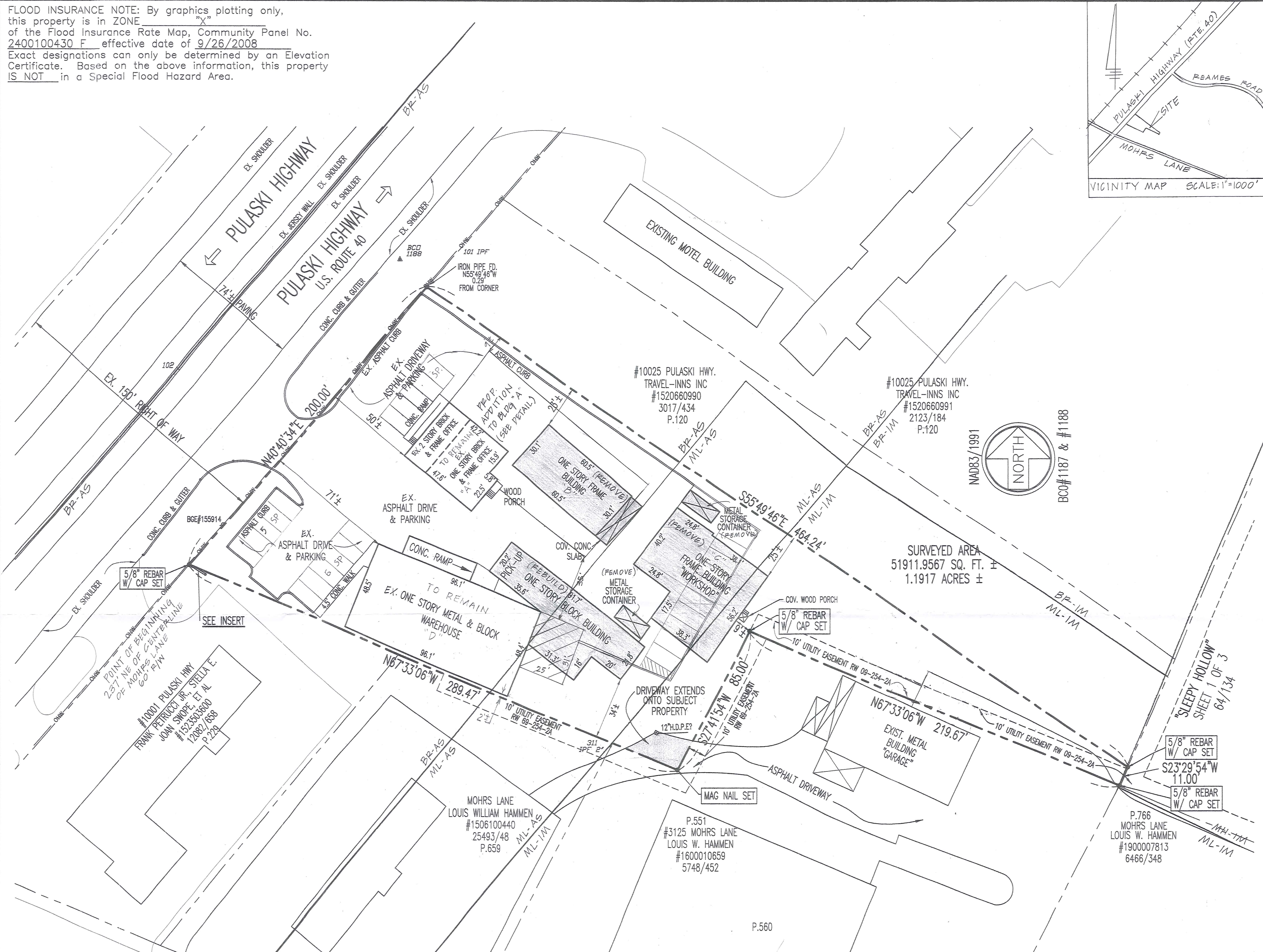
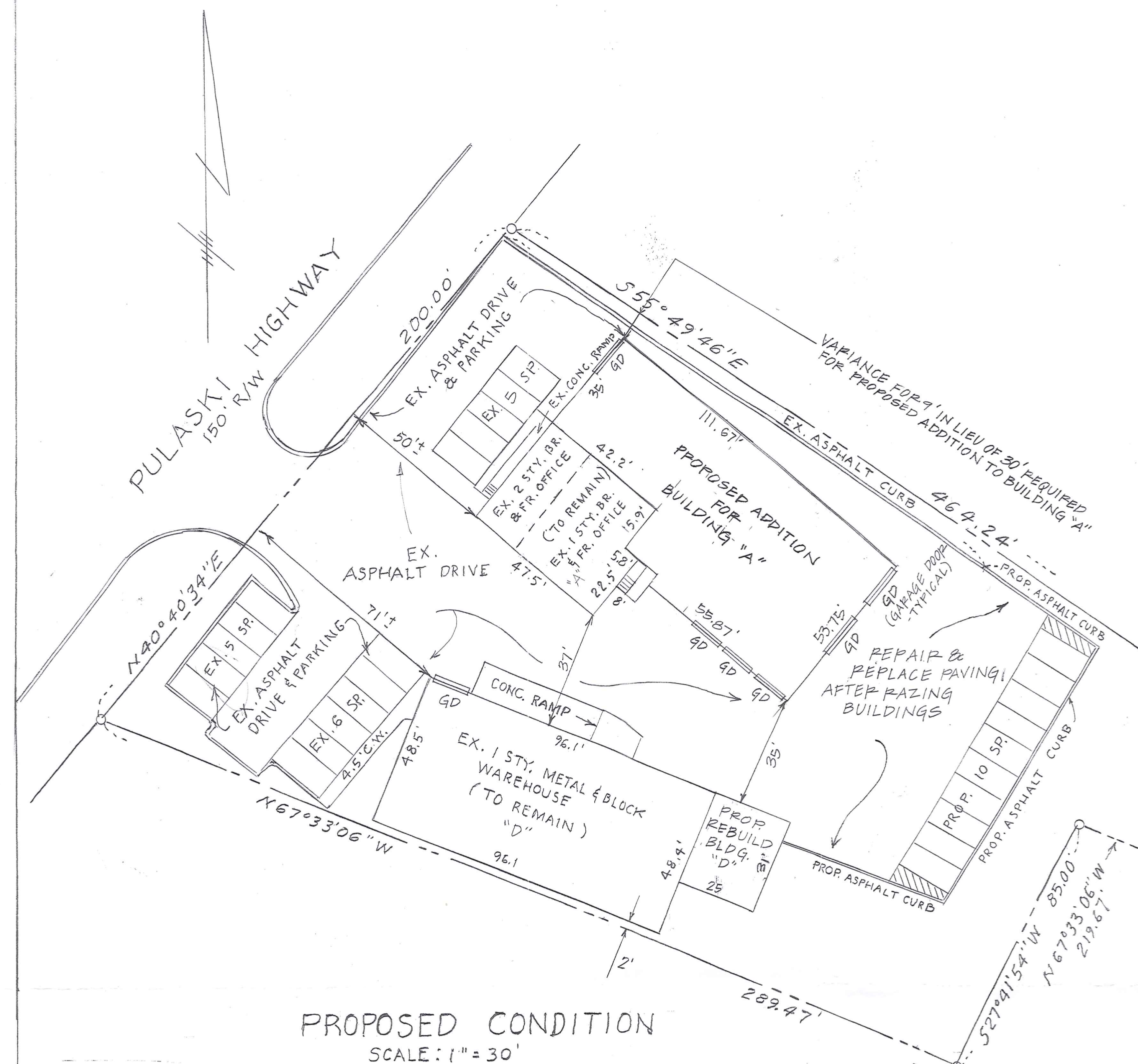
Standing @ entrance looking into subject property



Standing @ entrance looking forward #10025



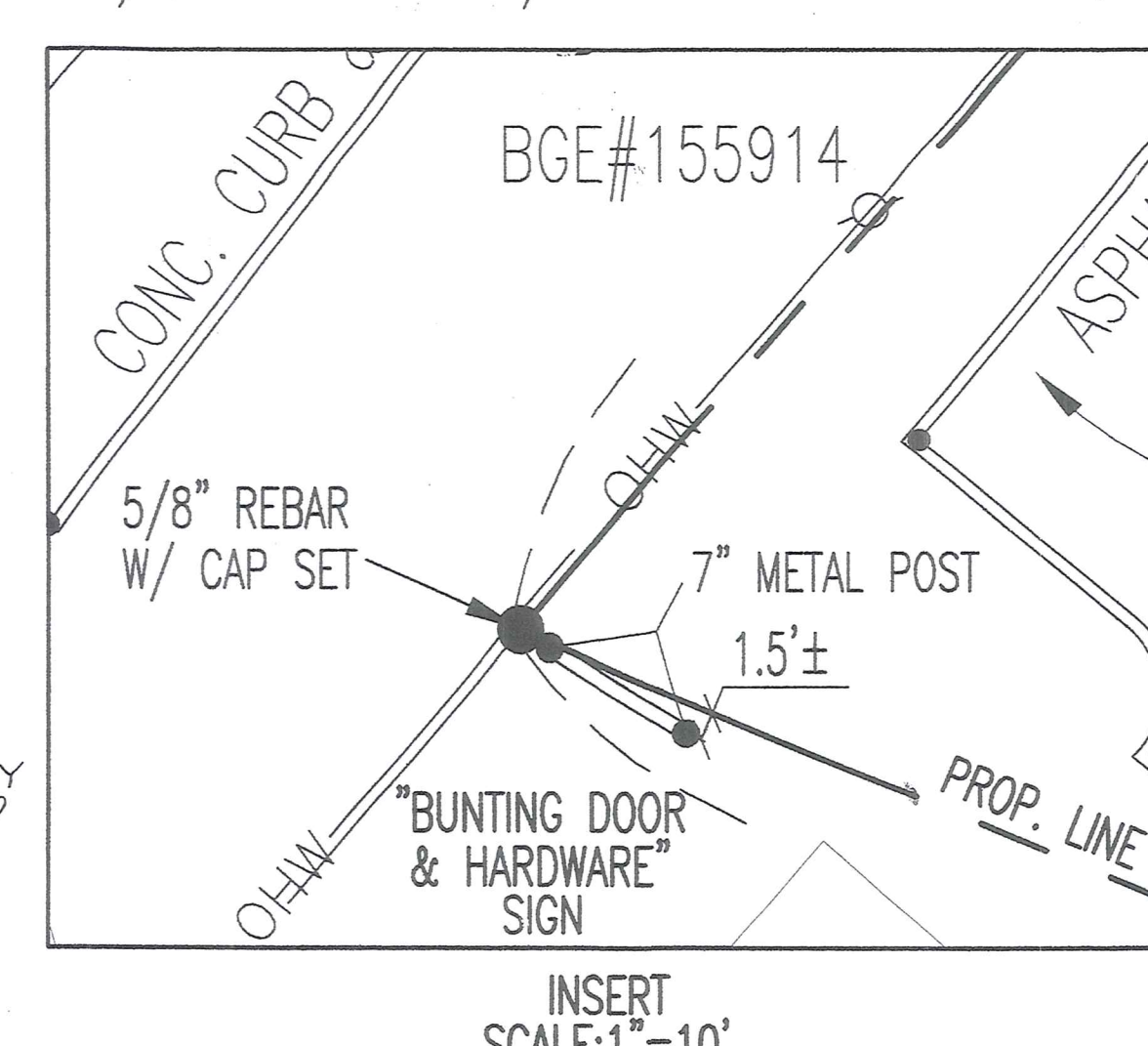
FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE "X" of the Flood Insurance Rate Map, Community Panel No. 2400100430 F effective date of 9/26/2008. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.



Michael J. Moskunas
Professional Surveyor
Baltimore, Maryland

SITE RITE SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

OWNER: CSS CREST, LLC
CHRIS SERBECK
10015 PULASKI HIGHWAY
BALTIMORE, MD 21220
410-256-7800



PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE "CRESTLOCK CO., INC."
#10015 PULASKI HIGHWAY
TAX MAP: 82 GRID: 17 PARCEL: 122
TAX ACCT. NO. 2200007364
DEED REF.: 31746/1
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD

- GENERAL NOTES:**
- EXISTING ZONING: ML-IM, ML-AS, BR-AS (082C2)
 - EXISTING LOT AREA: Gross & Net: 1.1917 Ac +/- / 51911.95 S.F. +/- (as surveyed)
 - EXISTING USE: General Office/Retail/Warehouse
 - PROPOSED USE: General Office/Retail/Warehouse
 - THIS PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN AREA.
 - COMMUNITY PANEL NO. 2400100430 F
 - THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 - BUILDINGS "B", "C", TWO METAL STORAGE CONTAINERS, AND A PORTION OF "D" ARE TO BE REMOVED AND A PROPOSED ADDITION TO BUILDING "A" AND A 25'X31' PROPOSED REBUILD FOR BUILDING "D"
 - THERE WAS AN EXISTING SIGN, WHICH HAS BEEN REPLACED WITH A NEW DOUBLE FACED FREE-STANDING SIGN.
 - THIS PROPERTY IS SERVICED BY PUBLIC UTILITIES (WATER AND SEWER)
 - AMENITY OPEN SPACE: N/A
 - THERE ARE NO DEFICIENT AREAS ON THE 2012 BASIC SERVICE MAPS FOR SEWER SUPPLY, WATER SUPPLY AND TRANSPORTATION (BILL 20-12, EFFECTIVE MAY 31, 2012)
 - PRIOR ZONING HISTORY: SEE ATTACHED (CASE NOS. 91-77-SPHA & 99-125-SPHA)
 - PARKING REQUIREMENTS: EXISTING 18 SPACES
OFFICE USE: 3.3 SPACES PER 1000 S.F.
RETAIL USE: 5 SPACES PER 1000 S.F.
WAREHOUSE USE: 1 PER EMPLOYEE ON THE LARGEST SHIF
PROPOSED OFFICE USE: 2598 S.F. X 3.3 = 9 SPACES
PROPOSED RETAIL USE: 630 S.F. X 5 = 4 SPACES
PROPOSED WAREHOUSE USE: 1 EMPLOYEE EACH BUILDING = 2 SPACES
TOTAL REQUIRED SPACES: 15
 - PARKING PROPOSED: 26 PARKING SPACES AND 7 GARAGE BAYS = 33 SPACES
 - EXISTING BUILDING AREAS:
"A" = 2304 S.F.
"B" = 1821.05 S.F. (1904 S.F. PER 1960 ZONING PLAT)
"C" = 3138.18 S.F. (3090 S.F. PER 1060 ZONING PLAT)
"D" = 2159.85 S.F. (2499 S.F. TO BE RAZED)
 - SUB-TOTAL:
METAL STORAGE CONTAINERS 288 S.F. (TO BE RAZED)
TOTAL: 14,711.08 S.F. (7458.23 S.F. TO BE RAZED)
 - PROPOSED BUILDING AREA: "A" EX. BLDG. 2304 S.F. PLUS 5194 S.F. PROPOSED ADDITION = 7498 S.F.
"D" EX. BLDG. 4660.85 S.F. PLUS 775 S.F. PROPOSED REBUILD = 5435.85 S.F.
TOTAL: 12,935.85 S.F. (REDUCTION OF 1777.23 S.F.)
- ZONING CASE NO. 91-77-SPHA**
- Petition for Special Hearing-Approval of the locations and setbacks of all existing non-conforming storage buildings is **DENIED**
 - Petition for Zoning Variance to allow existing buildings less than the required 60' from each other as follows:
(1) Bldg B, 16' from Bldg C,
(2) Bldg B, 31' from Bldg D,
(3) Bldg C, 14' from Bldg D,
(4) Bldg D, 27' from Bldg A,
(5) Bldg A, 33' from Bldg D (addition)
(6) Proposed Addition (Bldg A) 7' in lieu of the required 60' from Storage Bldg "B" is **GRANTED**
 - Petition for Zoning Variance to allow existing buildings less than the required 30' from side and rear property lines as follows:
(1) Bldg B, 22' from side property line,
(2) Bldg C, 20' from side property line,
(3) Bldg C, 9' from rear property line,
(4) Bldg D, 23' from side property line, Bldg D (addition) 0' from side property line is **GRANTED**
- ZONING CASE NO. 99-125-SPHA**
- Petition for Special Hearing SEEKING APPROVAL OF A MODIFICATION TO THE PREVIOUSLY APPROVED SITE PLAN IN PRIOR CASE NO. 92-77-SPHA is **GRANTED**
 - Petition for Variance to permit Bldg D addition to be located 2' from the side property line in lieu of the required 30'; to permit Bldg D addition to be located 9' from the rear property line in lieu of the required 30'; to permit Bldg B to be located 5' from the side property line in lieu of the required 30' and previously approved 22'; pursuant to Case No. 91-77-SPHA, and to permit Bldg D addition to be located 12' from Bldg C in lieu of the 14' permitted in prior Case No. 91-77-SPHA is **GRANTED**

DRAWN: M.V.M. SURVEY'D: DTW, J.K. DATE: 8/21/2012 SCALE: 1" = 30'
CHECK'D: BLM JOB NUMBER: 10043