

IN RE: PETITION FOR VARIANCE

(836 Middle River Road)

15th Election District

6th Councilman District

834 Middle River Road LLC;

Andrew Johns, Managing Member

Legal Property Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0165-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Andrew Johns, Managing Member of 834 Middle River Road LLC, legal owner of the subject property. The Petitioner is requesting Variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow parking for 34 spaces in lieu of the required 38 spaces. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Andrew Johns on behalf of 834 Middle River Road LLC, and Patrick C. Richardson, Jr., with Richardson Engineering LLC, the professional engineer who prepared the site plan. 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 substantive Zoning Advisory Committee (ZAC) comments received from any county reviewing agencies.

Testimony and evidence revealed that the subject property is 2.505 acres and is zoned BLR and DR 5.5. The site is improved with a commercial building containing a restaurant (Mamma Rosa's), and the Petitioner will soon open a small convenience store (880 sq. ft.) and

ORDER RECEIVED FOR FILING

Date

3-18-13

By

DLN

window repair shop (880 sq. ft.) on the premises. To do so requires variance relief concerning the number of parking spaces.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The property is deep and narrow, and nearly 80% of the site is burdened by forest buffer and environmental constraints relating to a stream that runs through the property. Thus, the property is unique for zoning purposes. If the regulations were strictly enforced the Petitioner would experience a practical difficulty, given that it would need to acquire off site parking to satisfy the regulations.

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 lack of County or community opposition. In addition, the relief requested is extremely modest, and Petitioner noted that the restaurant has been in operation since 2009 and has never had any problems with the number of parking spaces.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 18th day of March, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section

ORDER RECEIVED FOR FILING

Date 3-18-13

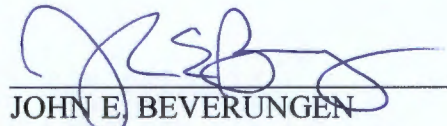
By Den

THEREFORE, IT IS ORDERED, this 18th day of March, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow parking for 34 spaces in lieu of the required 38 spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 3-18-13

By sln



KEVIN KAMENETZ
County Executive

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

March 18, 2013

Andrew Johns
4206 Klosterman Avenue
Baltimore, Maryland 21236

RE: Petition for Variance
Case No.: 2013-0165-A
Property: 836 Middle River Road

Dear Mr. Johns:

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:sln
Enclosure

c: Rick Richardson, Richardson Engineering, LLC, 30 E. Padonia Road, Timonium, Maryland 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 836 MIDDLE RIVER RD which is presently zoned BLR
 Deed References: 18868/0325 10 Digit Tax Account # 1502200230
 Property Owner(s) Printed Name(s) 834 MIDDLE RIVER RD, LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a **Variance** from Section(s) 409.6.A.2 TO ALLOW PARKING FOR 34 SPACES IN LIEU OF THE REQUIRED 38 SPACES

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)

ENVIRONMENTAL FEATURES AND OTHER INFORMATION 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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

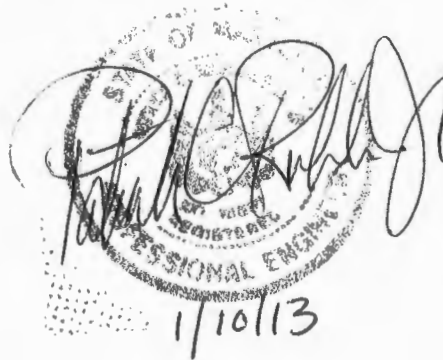
CASE NUMBER 2013-0165-A Filing Date 1/11/13

Do Not Schedule Dates: _____ Reviewer JS

**ZONING DESCRIPTION
834 MIDDLE RIVER ROAD, LLC
836 MIDDLE RIVER ROAD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point in the centerline of Middle River Road approximately 215 feet south of the intersection of Bird River Road and Middle River Road, thence running and binding on the centerline of Middle River Road, (1) South 09 degrees 48 minutes 00 seconds East 125.17 feet to a point in the centerline of said road, (2) South 34 degrees 48 minutes 03 seconds West 45.39 feet, (3) South 45 degrees 30 minutes 00 seconds West 685.00 feet, (4) North 44 degrees 30 minutes 00 seconds West 172.25 feet, (5) North 49 degrees 51 minutes 00 seconds East 803.17 feet to the point of beginning;

Containing a net area of 104,828 square feet, or 2.407 acres of land, more or less.



A circular professional engineer seal for the State of Maryland is stamped over a handwritten signature. The seal contains the text "STATE OF MARYLAND", "REGISTERED PROFESSIONAL ENGINEER", and "EXPIRATION DATE 12/31/2014". Below the seal, the date "1/10/13" is handwritten.

2013-0165-A

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

No.

94026

Date:

11/11/2013

PAID RECEIPT

BUSINESS ACTIVITY TIME

11/11/2013 11:11:02 AM 2

REG 6505 BALTIMORE MD

RECEIPT # 650530 11/11/2013 OFLN

TR ID. 094026

Receipt Tot 1305.00

1305.00 CR 4.00 CA

Baltimore County, Maryland

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				385.10

Total:

\$ 385.10

Rec From:

834 MIDDLE RIVER RD LLC

For:

2013-0165-1

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2013-0165-A

RE: Case No.: _____

Petitioner/Developer: _____

Andrew Johns

March 18, 2013

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

836 Middle River Rd

February 26, 2013

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

Sincerely,

February 26, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: #2013-0165-A

836 Middle River Road

W/s Middle River Road, 215 ft. s/of the intersection with Bird River Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Andrew Johns

Variance to allow parking for 34 spaces in lieu of the required 38 spaces.

Hearing: Monday, March 18, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 02/704 February 26

906303



501 N. Calvert Street, Baltimore, MD 21278

February 28, 2013

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 February 26, 2013.

- ☒ 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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 26, 2013 Issue - Jeffersonian

Please forward billing to:

Andrew Johns
4206 Klosterman Avenue
Baltimore, MD 21236

410-977-7866

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2013-0165-A

836 Middle River Road

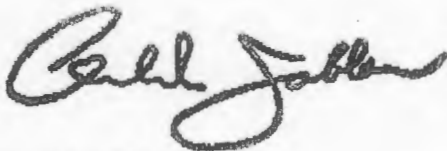
W/s Middle River Road, 215 ft. s/of the intersection with Bird River Road

15th Election District – 6th Councilmanic District

Legal Owner: Andrew Johns

Variance to allow parking for 34 spaces in lieu of the required 38 spaces.

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

February 14, 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 NUMBER: 2013-0165-A

836 Middle River Road

W/s Middle River Road, 215 ft. s/of the intersection with Bird River Road

15th Election District – 6th Councilmanic District

Legal Owner: Andrew Johns

Variance to allow parking for 34 spaces in lieu of the required 38 spaces.

Hearing: Monday, March 18, 2013 at 10:00 a.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: Andrew Johns, 4206 Klosterman Avenue, Baltimore 21236
Richardson Engineering, LLC, 30 E. Padonia Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 26, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2013-0165-A
Petitioner: 834 MIDDLE RIVER RD. LLC
Address or Location: 836 MIDDLE RIVER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANDREW JOHNS
Address: 4206 KLOSTERMAN AVE
BALTIMORE, MD 21236
Telephone Number: 410-977-7866



KEVIN KAMENETZ
County Executive

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

March 13, 2013

Andrew Johns
4206 Klosterman Avenue
Baltimore MD 21236

RE: Case Number: 2013-0165 A, Address: 836 Middle River Road

Dear Mr. Johns:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 11, 2013. 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, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Richardson Engineering LLC, 30 E. Padonia Avenue, Timonium MD 21093



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-25-13

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

RE: Baltimore County
Item No 2013-0165-A
Variance
Andrew Johns
836 Middle River 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. 2013-0165-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,

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: January 30, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For January 28, 2013
Item Nos. 2013-0151, 0153, 0154, 0156, 0157, 0158, 0159, 0160, 0161, 0162,
0163, 0164, 0165, 0166, 0167, 0168, 0169, and 0172.

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

DAK:CEN
Cc: file

M E M O R A N D U M

DATE: April 18, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0165-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 17, 2013. 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

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
836 Middle River Road; W/S Middle River Rd,	*	OF ADMINISTRATIVE
215' S of intersection of Bird River Road	*	HEARINGS FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Andrew Johns	*	2013-165-A
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, 30 E. Padonia Road, Timonium, Maryland 21093, Representative for Petitioner(s).

RECEIVED

JAN 24 2013

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1502200230

Owner Information

Owner Name:	834 MIDDLE RIVER RD LLC	Use:	COMMERCIAL
Mailing Address:	PO BOX 44665 BALTIMORE MD 21236-9998	Principal Residence:	NO
		Deed Reference:	1) /18868/ 00325 2)

Location & Structure Information

Premises Address	Legal Description
836 MIDDLE RIVER RD BALTIMORE MD 21220-2513	2.40 AC 836 MIDDLE RIVER RD BIRD RIVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0004	1121		0000				3	
									Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2009	3520	2.4000 AC	06

Stories	Basement	Type	Exterior
		RETAIL STORE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	151,900	151,900		
Improvements:	199,100	182,100		
Total:	351,000	334,000	334,000	334,000
Preferential Land:	0			0

Transfer Information

Seller:	SPEAR JOAN V	Date:	09/29/2003	Price:	\$107,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/18868/ 00325	Deed2:	
Seller:	L A SPEAR RES U SE-CI	Date:	11/09/1983	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/06635/ 00021	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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
--------------------------------------	----------------

TB
5-7-0

IN RE: PETITION FOR VARIANCE

E side of Middle River Road, 215 feet
S of Bird River Road
15th Election District
6th Councilmanic District
(836 Middle River Road)

834 Middle River Road LLC;
Andrew Johns, Managing Member
Legal Property Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* Case No. 08-400-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Andrew Johns, Managing Member of 834 Middle River Road LLC, the legal property owner. Petitioner is requesting variance relief from Section 229.6.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking lot with a setback of one foot in lieu of the required 20 feet. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Andrew Johns on behalf of 834 Middle River Road LLC, and Patrick C. Richardson, Jr., with Richardson Engineering LLC, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains 2.505 acres, more or less, and zoned B.L.R. and D.R.5.5. The property is improved with an 88 foot wide by 40 foot deep one-story retail building currently under construction that will contain 3,520 square feet when completed. The property is located on the west side of Middle River Road, opposite the intersection of Bird River Road and southeast of Pulaski Highway in the Middle River area of Baltimore County. An aerial photograph of the property that was marked

IN RE: PETITION FOR VARIANCE
W/S Middle River Road, 125' S of the c/l
Bird River Road
(836 Middle River Road)
15th Election District
6th Council District

834 Middle River Road, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-257-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, 834 Middle River Road, LLC, by and through Andrew Johns, Member. The Petitioners request a variance from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 229.6.C to permit a side yard setback of 0 feet in lieu of the required 20 feet; from Section 229.6.B to permit a front yard setback of 18 feet in lieu of the required 27.5 feet, and from Section 229.6.C to allow parking to be set back 10 feet from the ultimate right-of-way in lieu of the required 20 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Andrew Johns, Member and Principal in the 834 Middle River Road, LLC, owners of the subject property, and Patrick Richardson, Jr., the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the subject property is a rectangular shaped parcel located on the west side of Middle River Road, just south of Bird River Road in Middle River. The property contains a gross area of 2.505 acres, more or less, split zoned B.L.R. and D.R.5.5, and is presently improved with a two-story dwelling, which has been vacant for some time. The Petitioners recently purchased the property and are desirous of redeveloping same with a one-story retail building. As shown on the site plan, a 40' x 80' building containing 3,520 sq.ft. is proposed to be

CASE NAME 836 Middle River Rd.
CASE NUMBER 2013-165-A
DATE 3/18/13

[illegible]



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 3/18/2013

MLIM
PLIM 150000

2200028307

Lot # 1

2286 - 20000063
2286 - 20020404

DR 3.5

9700

MLIM
082B3

1800012956

15369 - 20020161

DR 10.5

2586 - 19800073 5

2400009961

Lot # 52

54987 - 2005008 915

2288 - 19700108

PDM # 150897

2299 - 20020135

2400009980

FCR

FCE

SWMR

56090 - 20050257
56090 - 20080400

57432 - 20080264

DR 5.5

NE 5-H
15 ED
6 CD

Pt. Bk./Folio # 077072

1502574072

PDM # 150819

Pt. Bk./Folio # 077064

090B1

Pt. Bk. 0000022, Folio 0115

1502574078

PDM # 150002

Pt. Bk./Folio # 022115

MIDDLE RIVER
MIDDLE SCHOOL

800

GLENNAR
ELEMENTARY
SCHOOL

DR 16

2013-0165-A

JB 3/18
10Am

Case No.: 2013-0165-A

Exhibit Sheet

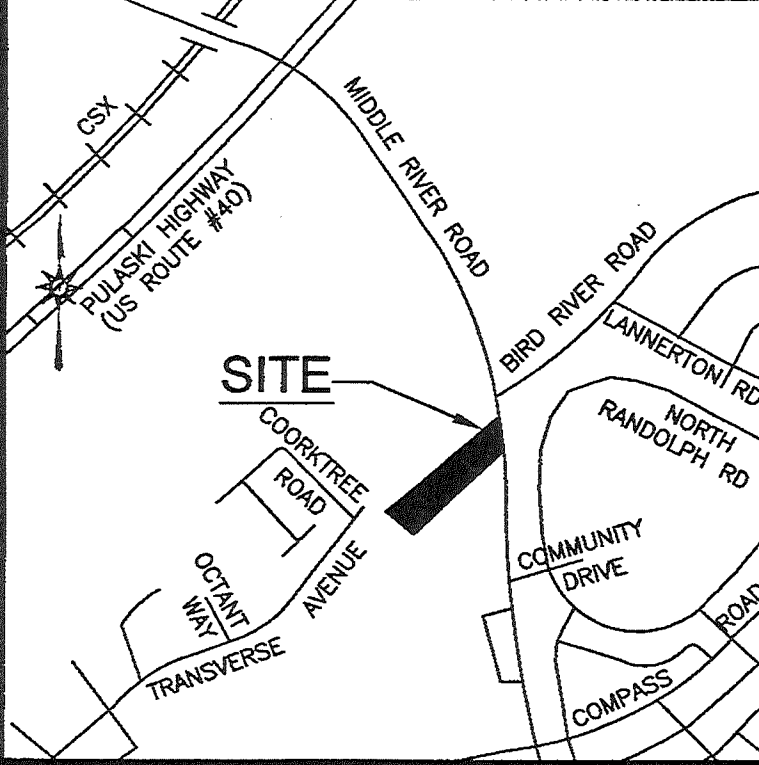
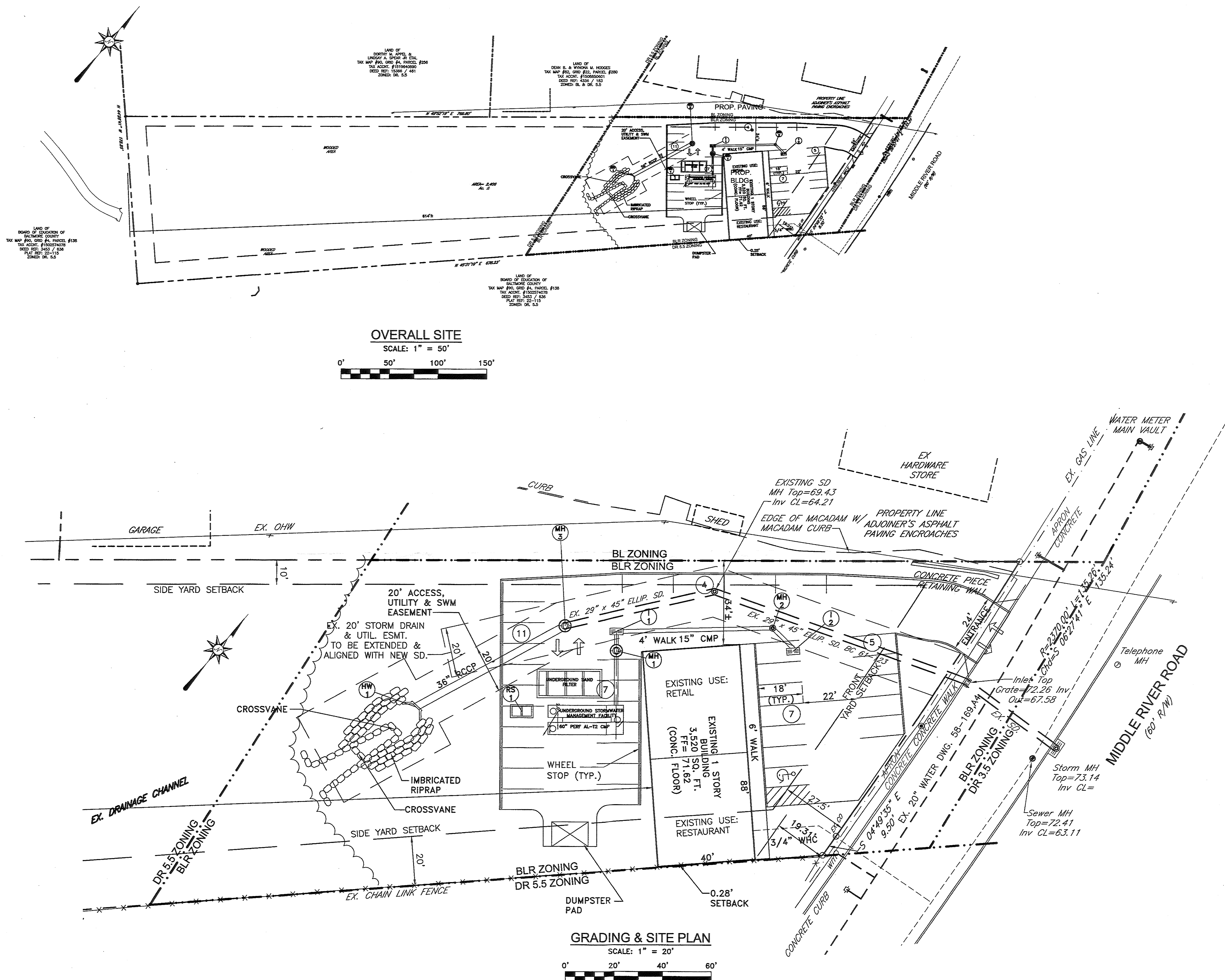
Petitioner/Developer

Protestants

SW
A-18-13

slw
3-18-13

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



SITE DATA

- OWNER: 834 MIDDLE RIVER ROAD LLC
#2239 OLD EMMORTON ROAD
BEL AIR, MARYLAND 21015-6105
- SITE AREA:
GROSS: 109,099 Sq.Ft. or 2.505 Ac.±
NET: 104,828 Sq.Ft. or 2.406 Ac.±
- TAX ACCOUNT #1502200230
- TAX MAP #90, GRID #4, PARCEL #1121
- DEED REF: 18868 / 325
- PRESENT ZONING: BLR & D.R. 5.5
- CENSUS TRACT: 4513
- REGIONAL PLANNING DISTRICT: 327
- COUNTY COUNCIL DISTRICT: 6
- PREVIOUS COMMERCIAL PERMIT: BUILDING PERMIT 2007, SWM B668298
- EXISTING SIGNS TO REMAIN AND BE IN CONFORMANCE WITH BCZR
- EXISTING USE: RETAIL AND RESTAURANT
- PROPOSED USE: RETAIL & RESTAURANT
- FLOOR AREA RATIO: .08 (MAX PERMITTED 0.33)
- OPEN SPACE: N/A
- PARKING: RETAIL 1760 SF @ 5/1000 Sq.Ft. = 9
RESTAURANT 1760 SF @ 15/1000 Sq.Ft. = 29
REQUIRED: 38 SPACES
PROVIDED: 34 SPACES
- BUILDING AREAS:
EXISTING: 1,343 Sq.Ft.
PROPOSED: 5,320 Sq.Ft. (HEIGHT 18')
- SETBACKS:
FRONT: 25' (AVERAGE: 30+25+2=27.5')
SIDE: 20' FROM RES. or 10' FROM NON RES.
REAR: 20'
- UTILITIES: PUBLIC WATER & SEWER.
- NO 100 YEAR FLOODPLAIN ON SITE.
- WATERSHED: MIDDLE RIVER
- 1"=200' SCALE ZONING MAP: NE 5-H
- DRC APPROVED A LIMITED EXEMPTION UNDER SECTION 32-4-106(c)(1)(v).
- DRC # 0403060 DATED: APRIL 12, 2006
- ZONING CASE #05-257-A WAS APPROVED ON FEBRUARY 4th 2005 FOR THE FOLLOWING VARIANCES:
(1) VARIANCE REQUESTED PER SECTION 229.6.C. FOR A SIDE YARD SETBACK OF 0' IN LIEU OF THE REQUIRED 20'.
(2) VARIANCE REQUESTED PER SECTION 229.6.B. FOR A FRONT YARD SETBACK OF 18' IN LIEU OF THE REQUIRED 27.5'.
(3) VARIANCE REQUESTED PER SECTION 229.6.D. FOR PARKING LOT AREAS TO BE 10' FROM THE ULTIMATE RIGHT-OF-WAY IN LIEU OF THE REQUIRED 20'.
ZONING CASE #08-400-A WAS APPROVED ON JUNE 25, 2008 FOR THE FOLLOWING VARIANCES:
(1) VARIANCE TO PERMIT A PARKING LOT WITH A SETBACK OF 1' IN LIEU OF THE REQUIRED 20'.

Richardson Engineering, LLC

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

**PLAN TO ACCOMPANY ZONING PETITION
JOHNS PROPERTY
836 MIDDLE RIVER ROAD**

DEED REF: 18868 FOLIO 325;
TAX ACCOUNT NO.:1502200230; ZONED
BLR, DR5.5; TAX MAP 90; GRID 4;
PARCEL 1121
DRC NO. 0403060; DIST. 15C6
KEY SHEET: INE POSITION SHEET: 19NE31, 19NE32
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS		DRAWN BY:	DESIGNED BY:	SCALE:
		CND	PCR	AS SHOWN
DATE:	1-08-13	JOB NO.:	03091	SHEET NO.:
				1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16697,
EXPIRATION DATE: 08-15-2013

