



KEVIN KAMENETZ
County Executive

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

April 22, 2013

Patrick C. Richardson, Jr.
Richardson Engineering, LLC
30 East Padonia Road, Suite 500
Timonium, Maryland 21093

RE: Petitions for Special Hearing and Variance
Case No. 2013-0203-SPHA
Property: 6015 Rossville Boulevard

Dear Mr. Richardson:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a stylized flourish at the end.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Kira N. Brucker, CPA, Esquire, 600 Fairmount Avenue, Suite 300, Towson, MD 21286-1006

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(6015 Rossville Boulevard) *
15th Election District
7th Councilmanic District *
N.M. Phillips Co., Inc., *Legal Owner* *
Rossville Holdings LLC, *
Contract Purchaser
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0203-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 Kira N. Brucker, Esquire, on behalf of the Petitioners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve work (grading and paving) in the riverine floodplain and a waiver from § 32-4-414 of the Baltimore County Code ("B.C.C."), to allow large utility truck parking in a 100 year riverine floodplain area. The Variance petition seeks relief from B.C.Z.R. §§ 255.1 and 238.2, to allow a rear yard setback of 5ft. in lieu of the required 30 ft. Although the petition was filed by both the legal owner and contract purchaser, it is the latter that actively participated at the hearing, and this Opinion and Order will refer to "Petitioner" (in the singular) to refer to Rossville Holdings, LLC. 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 Glen Hastings and James Simon, both with Union Electric Co., and Patrick C. Richardson, Jr. with Richardson Engineering, LLC, the consulting firm that 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.

ORDER RECEIVED FOR FILING

Date 4-22-13

By [Signature]

Zoning Advisory Committee (ZAC) comments were received and are included in the file. The only substantive comment was submitted by the Director of the Department of Public Works (DPW). Mr. Adams, in correspondence dated March 26, 2013 advised that his agency did not oppose the special hearing relief pertaining to the floodplain, provided the Petitioner made certain notations on the plan and erected signs in the area warning of the potential for flooding.

The subject property is 1.98 acres in size and is zoned ML-IM. The property is improved with a large warehouse-style building, as shown in the color photos. Petitioner's Exhibit 4. The building was constructed in 1987. At present, Petitioner is the contract purchaser of the property, and it hopes to move its electrical contracting business to the site.

With regard to the petition for special hearing, Mr. Richardson testified that site conditions and topography dictate that Petitioner construct the planned improvements where indicated on the plan, to the south and east of the existing warehouse. Petitioner's Exhibit 1. Mr. Richardson testified in his opinion the proposed construction and grading in the riverine floodplain would not cause any additional flooding to offsite properties, and a note to that effect was included on the plan. Petitioner's Exhibit 1. In addition, County engineers reviewed the proposal and did not offer any opposition to the request. As such, the petition for special hearing will be granted.

Based upon the testimony and evidence presented, I will also 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).

ORDER RECEIVED FOR FILING

Date 4-22-13

By WJ

The Petitioner has met this test. The site is of irregular dimensions (shaped like a trapezoid) and at least 40% of the site lies within the 100-year floodplain. These features make the property unique. The Petitioner would experience a practical difficulty if the regulations were strictly enforced, since it would be unable to expand the warehouse to accommodate its growing business. Finally, I do not believe the grant of variance relief would endanger the public's health, safety and welfare.

Pursuant to the advertisement, posting of the property, and the 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 22nd day of April 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve work (grading and paving) in the riverine floodplain and a waiver from § 32-4-414 of the Baltimore County Code ("B.C.C."), to allow large utility truck parking in a 100 year riverine floodplain area, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance pursuant to §§255.1 and 238.2 of the B.C.Z.R, to allow a rear yard setback of 5ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for 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.

ORDER RECEIVED FOR FILING

Date 4-22-13

By WJ

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 4-22-13

By dlw



PETITION FOR ZONING HEARING(S)

FLOOD PLAIN

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 6015 Rossville Boulevard which is presently zoned ML-IM
Deed References: 5859/215 10 Digit Tax Account # 1800000311
Property Owner(s) Printed Name(s) N.M. PHILLIPS CO., INC.

(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: work (grading and paving) to be allowed in the riverine floodplain and a waiver of Section 32.4.414 Baltimore County Code to allow large utility truck parking in a 100-year riverine floodplain area
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) 255.1 and 238.2 to allow a rear yard setback of 5' in lieu of the required 30'

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)

Based on the existing conditions on the site and other information to be presented at the 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:

Rossville Holdings LLC
Name- Type or Print

[Signature]
Signature

601A North Point Rd Rosedale Maryland
Mailing Address City State

21237 / 410-483-1292 / ghastings@unionelectricco.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Kira N. Brucker, CPA, ESQ.
Name- Type or Print

[Signature]
Signature

600 Fairmount Ave Suite 300 Towson Maryland
Mailing Address City State

21286-1006 / 410-583-7662 / KBrucker@NazelrodAssociates.com
Zip Code Telephone # Email Address

CASE NUMBER 2013-0203-SPHA Filing Date 3/1/2013

Legal Owners (Petitioners): N. M. Phillips Co., Inc.

Thomas L. Phillips I
Name #1 - Type or Print PRESIDENT Name #2 - Type or Print

[Signature]
Signature #1 [Signature]
Signature #2

6015 Rossville Boulevard Baltimore Maryland
Mailing Address City State

21221-3100 / 443-695-9207
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson
Name - Type or Print

[Signature]
Signature

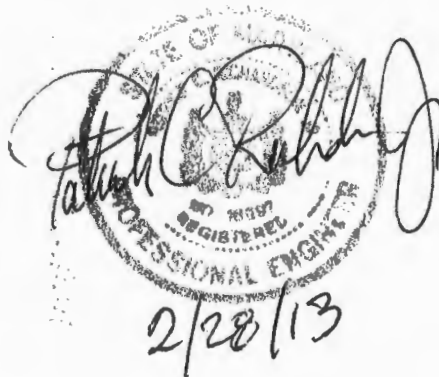
30 E. Padonia Road, Suite 500 Timonium Maryland
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

Do Not Schedule Dates: _____ Reviewer [Signature]

**ZONING PROPERTY DESCRIPTION FOR
#6015 ROSSVILLE BOULEVARD
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the **north** side of **Rossville Boulevard** which is **70** feet wide at the distance of **97** feet **north** of the centerline of the nearest improved intersecting street **Race Road** which is **50** feet wide. Thence the following courses and distances: (1) North 46 degrees 51 minutes 55 seconds East 128.90 feet, (2) North 31 degrees 36 minutes 55 seconds East 100.65 feet, (3) North 59 degrees 21 minutes 55 seconds East 75.78 feet, (4) South 31 degrees 34 minutes 13 seconds East 329.13 feet, (5) South 43 degrees 56 minutes 47 seconds West 227.71 feet, and (6) North 44 degrees 18 minutes 00 seconds West 324.04 feet to the point of beginning as recorded in Deed Liber 5859, Foilo 215, containing 86,036 square feet or 1.98 acres of land. Located in the 15th Election District and 7th Council District.

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 12/31/13". Below the seal, the date "2/28/13" is handwritten.

2013-0203-SP4A

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: 2013-0203-SPHA

Petitioner: N.M. Phillips Co. Inc

Address or Location: 6015 Rossville Blvd

PLEASE FORWARD ADVERTISING BILL TO:

Name: UNION ELECTRIC

Address: 601A NORTH POINT RD
BALT MD 21237

Telephone Number: 410-483-1292

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

No. **94131**

Date: **3/1/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 3/01/2013 3/01/2013 07:21:45

REF 4505 WALKIN 0000 000
 RECEIPT # 452705 3/01/2013 (FLN)

5 528 DIVERSIFICATION
 CP NO. 094131

Receipt Tot 770.00
 770.00 CF 0.00 CA
 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: *Richard Engineering*
 For: *6015 Rossville Blvd*
2013-0203-SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0203-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Rossville Holdings

April 19, 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: _____

6015 Rossville Blvd

March 30, 2013

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

Sincerely,

March 30, 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: #2013-0203-SPHA

6015 Rossville Boulevard
N/s Rossville Boulevard, 97 ft. n/of centerline of
Race Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Thomas Phillips

Contract Purchaser: Rossville Holdings, LLC

Special Hearing to approve work (grading and paving) to be allowed in the riverine floodplain and a waiver of Section 32.4.414 Baltimore County Code to allow large utility truck parking in a 100 year riverine floodplain area. Variance to allow a rear yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Friday, April 19, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
03/313 March 28 912076



501 N. Calvert Street, Baltimore, MD 21278

March 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 March 28, 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



KEVIN KAMENETZ
County Executive

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

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0203-SPHA

6015 Rossville Boulevard

N/s Rossville Boulevard, 97 ft. n/of centerline of Race Road

15th Election District – 7th Councilmanic District

Legal Owners: Thomas Phillips

Contract Purchaser: Rossville Holdings, LLC

Special Hearing to approve work (grading and paving) to be allowed in the riverine floodplain and a waiver of Section 32.4.414 Baltimore County Code to allow large utility truck parking in a 100 year riverine floodplain area. Variance to allow a rear yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Friday, April 19, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Kira Brucker, 600 Fairmount Ave., Ste. 300, Towson 21286
Rossville Holdings, LLC, 601A North Point Rd., Rosedale 21237
Thomas Phillips, 6015 Rossville Blvd., Baltimore 21221
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 30, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 28, 2013 Issue - Jeffersonian

Please forward billing to:
Union Electric
601A North Point Road
Baltimore, MD 21237

410-483-1292

NOTICE OF ZONING HEARING

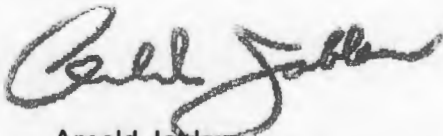
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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6015 Rossville Boulevard
N/s Rossville Boulevard, 97 ft. n/of centerline of Race Road
15th Election District – 7th Councilmanic District
Legal Owners: Thomas Phillips
Contract Purchaser: Rossville Holdings, LLC

Special Hearing to approve work (grading and paving) to be allowed in the riverine floodplain and a waiver of Section 32.4.414 Baltimore County Code to allow large utility truck parking in a 100 year riverine floodplain area. Variance to allow a rear yard setback of 5 feet in lieu of the required 30 feet.

Hearing: Friday, April 19, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

MEMORANDUM

DATE: July 2, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0203-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 1, 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 SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
6015 Rossville Boulevard; N/S Rossville Blvd,*		OF ADMINISTRATIVE
97' N of c/line of Race Road		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): N.M. Phillips Co., Inc		
Contract Purchaser(s): Rossville Holdings, LLC*		BALTIMORE COUNTY
Petitioner(s)	*	2013-203-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.

RECEIVED
MAR 13 2013

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 13th day of March, 2013, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093 and Kira Brucker, CPA, Esquire, 600 Fairmount Avenue, Suite 300, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-

0203-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
3/15/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
3/11/13	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 3/28/13	
SIGN POSTING	Date: 3/30/13 by Black	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any:	Dept of Public works Comment 3/28/13	

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 18, 2013
Item No. 2013-0203

DATE: March 15, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

The Director of Public works will comment on this issue.

DAK:CEN
cc: file
ZAC-ITEM NO 13-0203-03182013.doc

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

7/8/13
TO WCK
c-8
file

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

ATTN: Kristen Matthews
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works

DATE: March 28, 2013

SUBJECT: Case No: 2013-0203-SPHA
6015 Rossville Boulevard, Baltimore, Maryland 21221-3100
Special Hearing Variance to determine whether the Administrative Law Judge should approve: work (grading and paving) to be allowed in the riverine floodplain and a waiver of Section 32.4.414 Baltimore County Code to allow large utility truck parking in a 100-year riverine floodplain area.



Baltimore County Council Resolution 70-04 dated June 21, 2004, Baltimore County Code of 2003, Article 32, Title 4, Section 414 concerning Floodplain and Wetland Protection. Baltimore County Council Bill 40-12 dated July 12, 2012, Baltimore County Building Code Section 4 Part 125.1 concerning areas subject to inundation by riverine surface waters within the 100-year floodplain regulations says, "No new buildings or additions shall be constructed in any riverine floodplain, the 100-year floodplain shall be based upon the Federal Flood Insurance Study or as established by the Director of Public Works, whichever is the more restrictive." In addition, the Baltimore County Department of Public Works Design Manual adopted by County Council Resolution 63-10 on August 2, 2010, Plate DF has setbacks required. This memorandum is the comment from the Department of Public Works for the subject of Special Hearing Variance.

The Special Hearing Variance involves an addition to an existing building, proposed grading in the form of fill, proposed paving and gravel located within a 100-year riverine floodplain. The subject addition and grading in the floodplain is being offset with removing equal volume from the riverine floodplain.

The plans and documents submitted were reviewed and the Department of Public Works has no exception to the approval of the Special Hearing Variance as long as the following conditions are met:

- 1.) The plan submitted must have a note added that states "There will be no additional flooding to properties, upstream or downstream, or impacts to offsite properties as a result of this development."
- 2.) Minimum of a sign must be added to the building visible from all parking areas stating "Flood Area". A detail of the sign has been attached.
- 3.) All Federal, State and Baltimore County environmental permits must be acquired.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plan Review and Building Plan Review
Peter M. Zimmerman, People's Council
Patrick C. Richardson, Richardson Engineering, LLC



KEVIN KAMENETZ
County Executive

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

May 30, 2013

Peter Max Zimmerman, People's Counsel
Office of People's Counsel
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: Motion for Reconsideration
Case No.: 2013-0203-SPHA
Property: 6015 Rossville Boulevard

Dear Mr. Zimmerman:

I am in receipt of your Motion for Reconsideration, filed on May 21, 2013. You have requested that the April 22, 2013 Order in the above case be revised to include conditions recommended by the Director of Public Works in his March 28, 2013 correspondence. I will grant the Motion.

This correspondence, though informal in nature, shall serve as a clarification of the earlier Order, on Page 4, Line 1, which shall be amended as follows: "The Petitioner must comply with the March 28, 2013 comments of DPW", a copy of which is attached hereto and made a part hereof.

All other aspects of the April 22, 2013 Order shall remain in full force and effect.

ORDER RECEIVED FOR FILING

Date

5/30/13

By

sln

Sincerely,

A handwritten signature in dark ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

c: Patrick C. Richardson, Jr., 30 East Padonia Road, Suite 500, Timonium, Maryland 21093
Kira N. Brucker, CPA, Esquire, 600 Fairmount Avenue, Suite 300, Towson, Maryland 21286



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

May 21, 2013

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

John Beverungen, Administrative Law Judge/Hearing Officer
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

MAY 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Re: N.M. Phillips Co., Legal Owner
Rossville Holdings, LLC, Contract Purchaser
6015 Rossville Boulevard
Case No. : 2013-203-SPH

Dear Judge Beverungen,

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Opinion and Order dated April 22, 2013 in the above case. Its purpose is to amend and clarify the Order and to include conditions recommended by the Director of the Department of Public Works (DPW) in the enclosed March 28, 2013 correspondence.

The opinion refers to these conditions with apparent approval on page 2, first paragraph, but they are not incorporated in the order. There does not appear to be any genuine dispute that the conditions are reasonable and should be included. In essence, they are as follows: 1. The site plan should include a note: "There will (shall, must) be no additional flooding to properties upstream or downstream, or impacts to offsite properties as a result of this development;" 2. A sign must be placed on the building visible from all parking areas (conspicuously) stating this is a "Flood Area;" The attached sign detail, submitted by DPW, should be attached in turn to the opinion; and 3. The approval is subject to the acquisition and requirements of all federal, state, and county permits.

Thank you in advance for your reconsideration of this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Richardson Engineering, LLC, Petitioners' representative
Edward Adams, Director and David Thomas, Assistant to the Director, DPW



KEVIN KAMENETZ
County Executive

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

April 11, 2013

Thomas L. Phillips
6015 Rossville Boulevard
Baltimore MD 21221

RE: Case Number: 2013-0203 SPHA, Address: 6015 Rossville Blvd

Dear Mr. Phillips:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 1, 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
Kira N. Brucker, CPA, Esquire, 600 Fairmount Avenue, Suite 300, Towson MD 21286
Richardson Engineering, LLC, Rick Richardson, 30 E. Padonia Avenue, Timonium MD 21093
Rossville Holdings LLC, 601 A North Point Road, Rosedale MD 21237

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-11-13

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

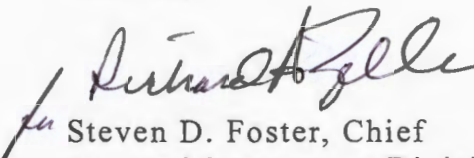
RE: Baltimore County
Item No. 2013-0203-SPHA
Special Hearing Variance
Thomas L. Phillips, President
6015 Rossville Boulevard.

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. 2013-0203-SPHA.

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

CASE NAME UNION ELECTRIC
CASE NUMBER 2013-203-SPHA
DATE 4/19/13

[illegible]

JB 4/19
1:30

Case No.: 2013-0203-SHA

Exhibit Sheet

19W
7-2-13

Protestants

19W4-23-13

Petitioner/Developer

No. 1	Revised Site plan	
No. 2	Floodplain map	
No. 3	1986 "As Built" SWM Plan	
No. 4	Color photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

130
4-19-13

2013-0203-SPHA

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 15 Account Number - 1800000311

Owner Information

<u>Owner Name:</u>	N M PHILLIPS CO INC	<u>Use:</u>	COMMERCIAL
<u>Mailing Address:</u>	6015 ROSSVILLE BLVD BALTIMORE MD 21221-3100	<u>Principal Residence:</u>	NO
		<u>Deed Reference:</u>	1) /05859/ 00215 2)

Location & Structure Information

<u>Premises Address</u>	<u>Legal Description</u>
6015 ROSSVILLE BLVD 0-0000	1.97 AC ES ROSSVILLE BLVD 400 S KELSO DR

<u>Map</u>	<u>Grid</u>	<u>Parcel</u>	<u>Sub District</u>	<u>Subdivision</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Assessment Area</u>	<u>Plat No:</u> <u>Plat Ref:</u>
0090	0008	0699		0000				3	

<u>Special Tax Areas</u>	<u>Town</u>	NONE
	<u>Ad Valorem</u>	
	<u>Tax Class</u>	

<u>Primary Structure Built</u>	<u>Enclosed Area</u>	<u>Property Land Area</u>	<u>County Use</u>
1931	7872	1.9700 AC	06

<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>
		STANDARD UNIT	

Value Information

	<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
<u>Land</u>	519,000	389,200		
<u>Improvements:</u>	533,800	432,600		
<u>Total:</u>	1,052,800	821,800	821,800	821,800
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u>	SCHULTZ ANNA B	<u>Date:</u>	02/27/1978	<u>Price:</u>	\$80,000
<u>Type:</u>	ARMS LENGTH IMPROVED	<u>Deed1:</u>	/05859/ 00215	<u>Deed2:</u>	
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	

Exemption Information

<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

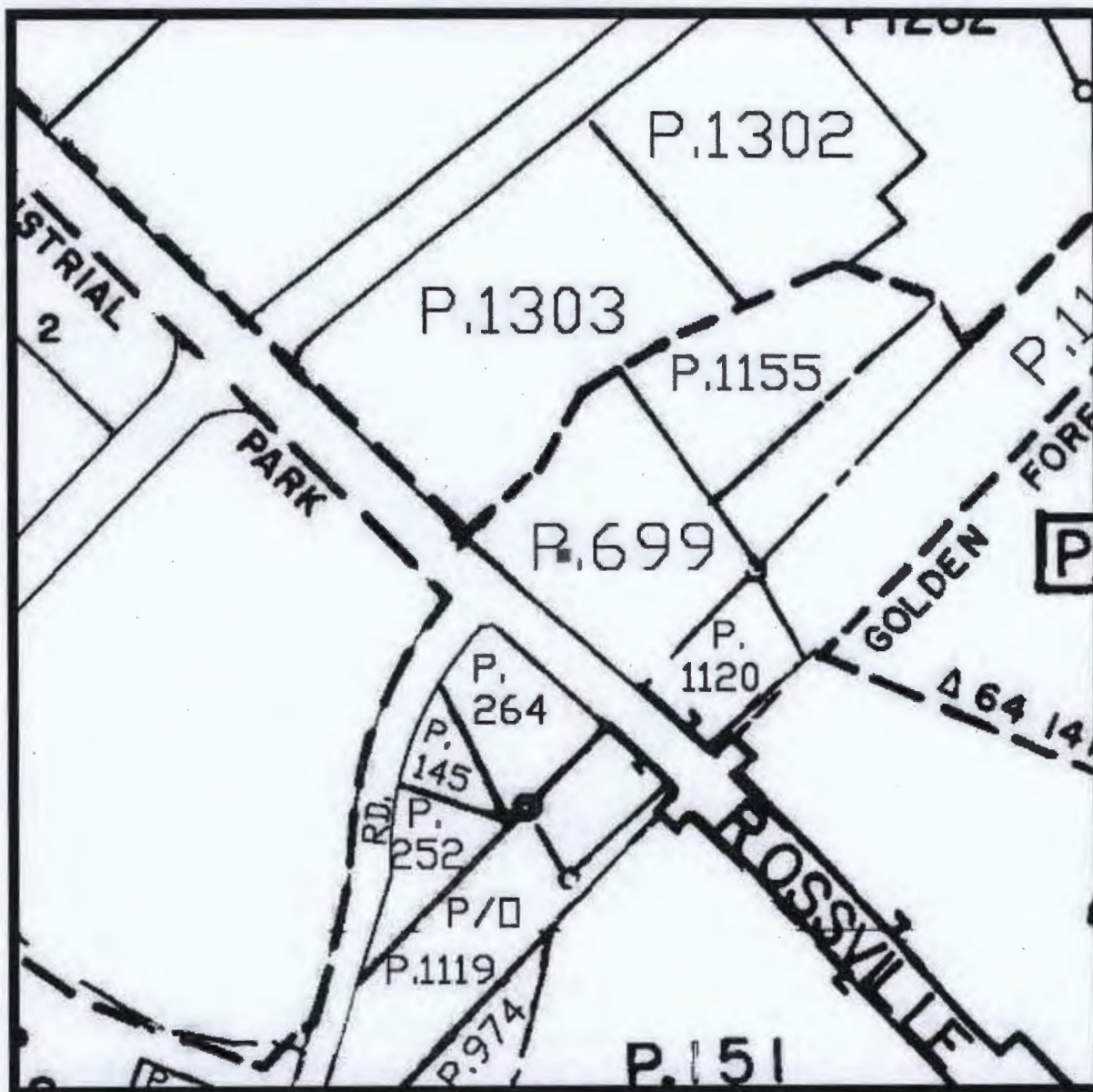
<u>Tax Exempt:</u>	<u>Special Tax Recapture:</u>
<u>Exempt Class:</u>	NONE

Homestead Application Information

<u>Homestead Application Status:</u>	No Application
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	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search
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District - 15 Account Number - 1800000311



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.

W96-4



SIGN SIZE	DIMENSIONS (INCHES)							
	A	B	C	D	E	F	G	H
STD	30	1/2	1/2	1-1/2	12-1/4	10-1/2	1	6 D
SPECIAL	48	1	1	3	20-1/2	17-1/2	2	10 D

REFERENCES

MUTCD SECTION - 2C-40
 MUTCD SUPPLEMENT - NONE

COLORS

LEGEND - BLACK
 BACKGROUND - YELLOW

APPROVED <u><i>[Signature]</i></u> <u>1/1/51</u> DIRECTOR - TRAFFIC & SAFETY DATE		MARYLAND DEPARTMENT OF TRANSPORTATION State Highway Administration OFFICE OF TRAFFIC & SAFETY FLOOD AREA	
	REVISIONS:		FEDERAL HIGHWAY ADMINISTRATION
	DATE	APPROVAL	
Section: <u>SIGNING</u>		Standard No. <u>W96-4</u>	
Drawn By: _____		Date: _____	

ORDER RECEIVED FOR FILING

Date

By

5/30/13

sen







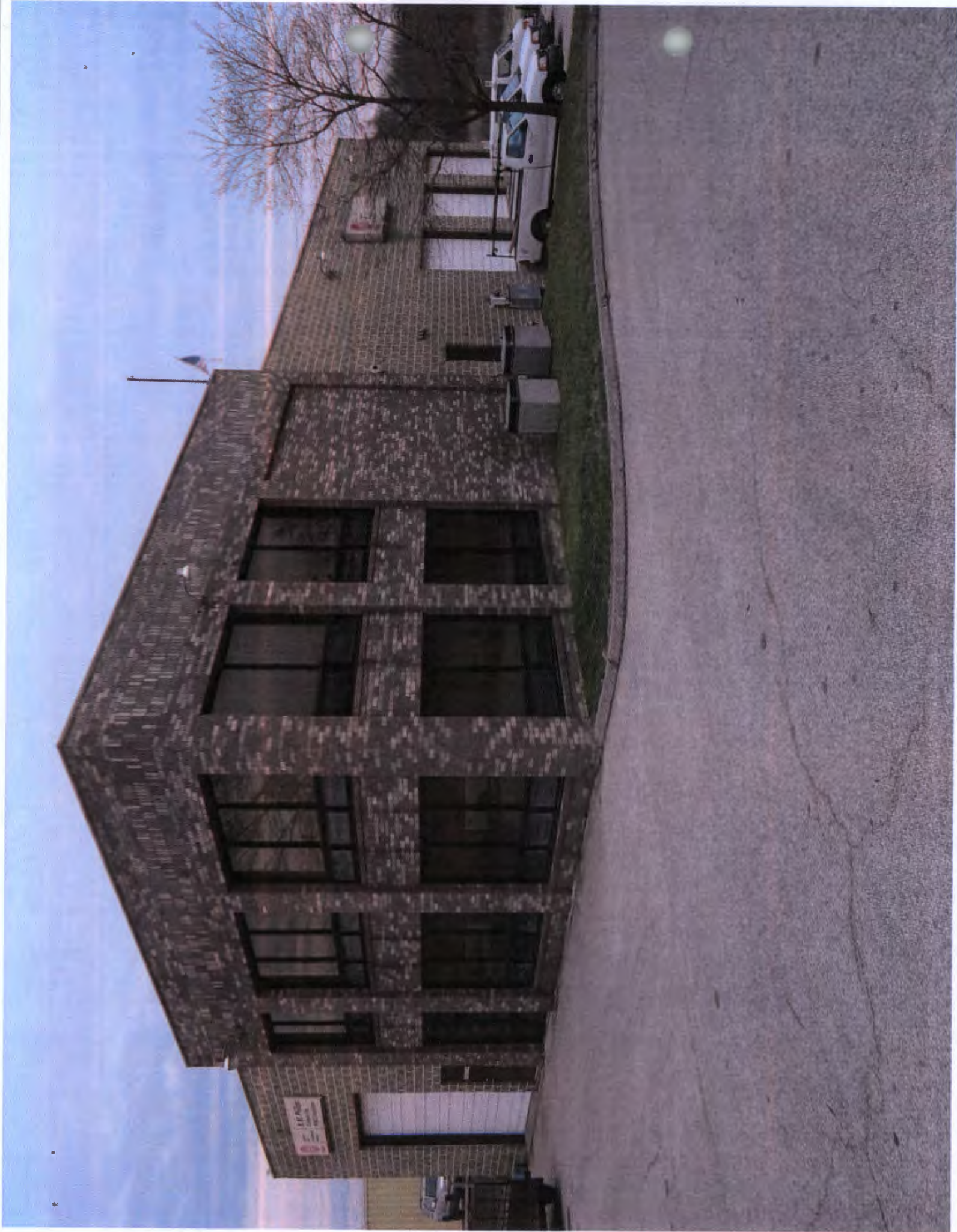


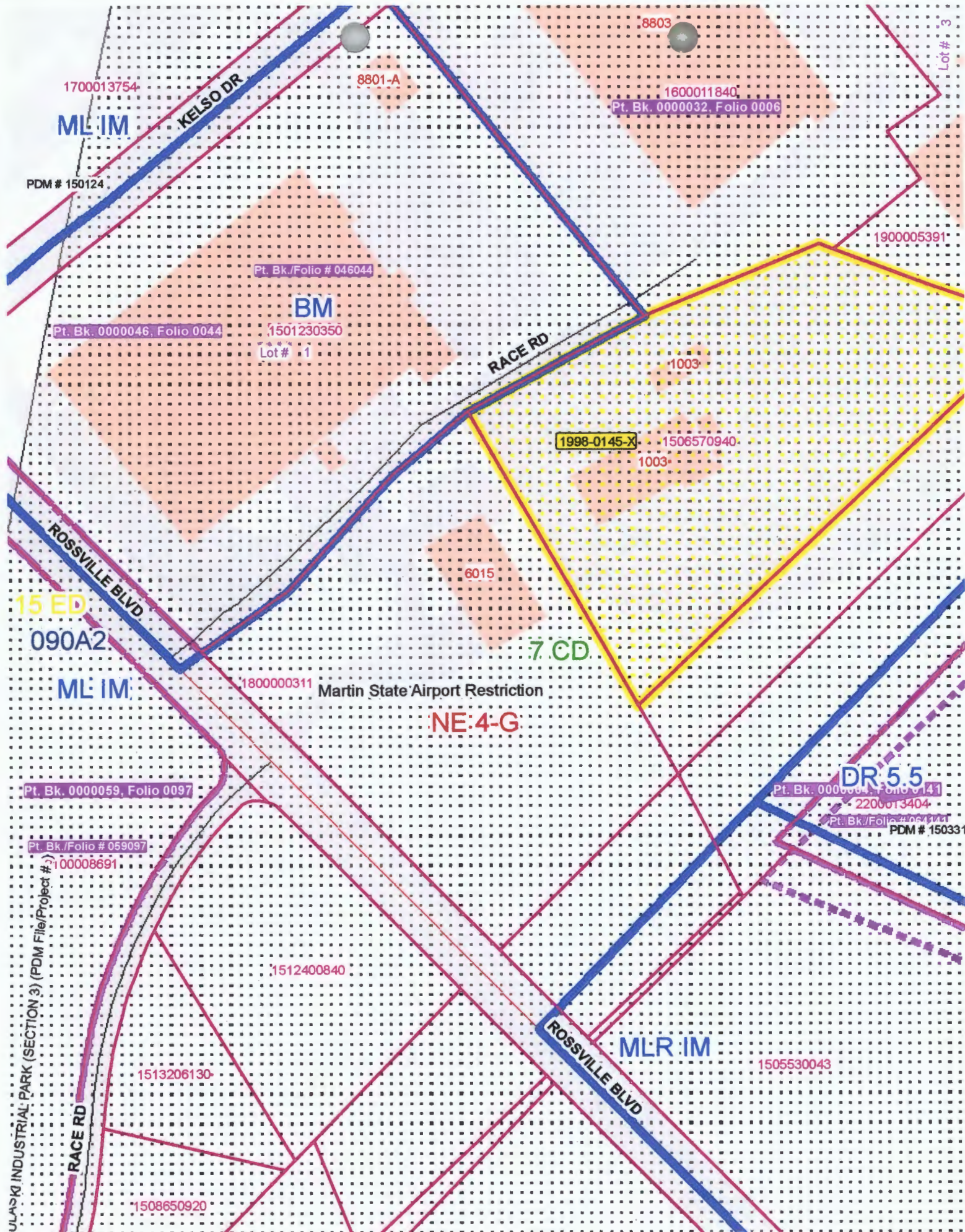




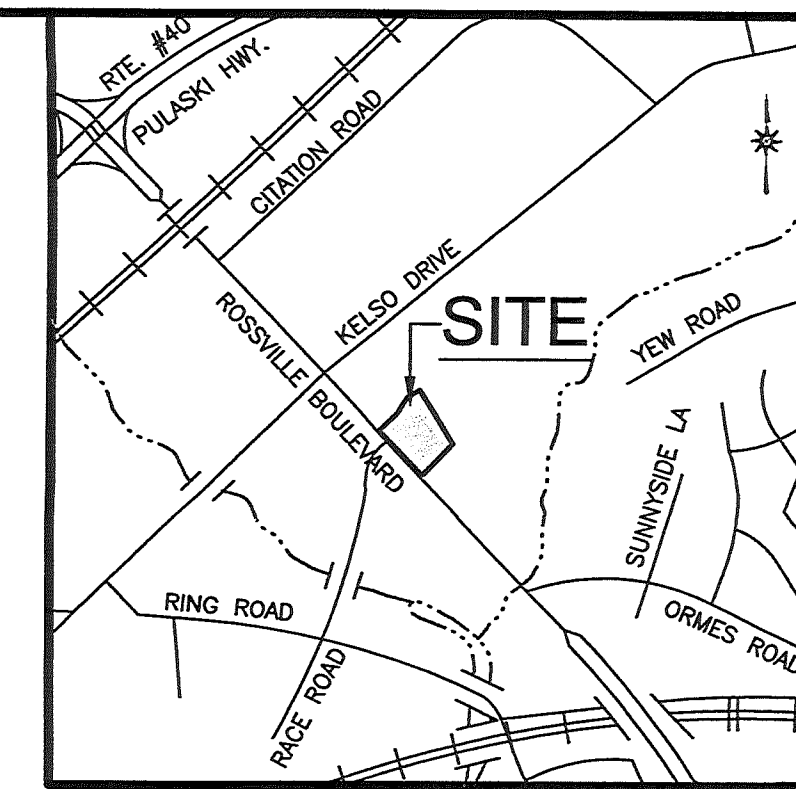
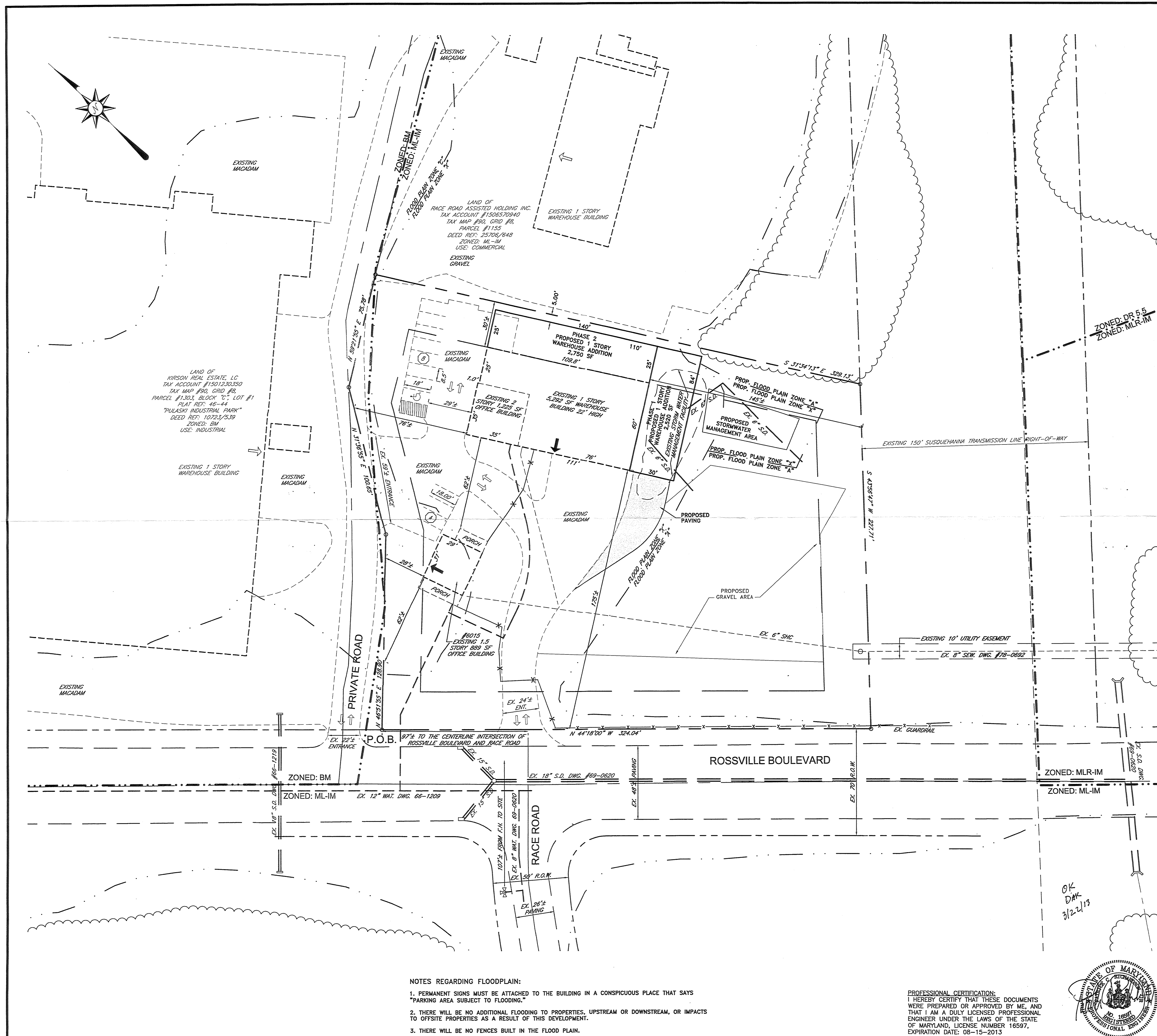








2013-0203-SPHA



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
N.M. PHILLIPS CO., INC.
6015 ROSSVILLE BOULEVARD
BALTIMORE, MARYLAND 21221-3100
- SITE AREA:
GROSS: 95,780 SF or 2.20 Ac.±
NET: 86,036 SF or 1.98 Ac.±
- DEED REF: 5859/215
- TAX ACCOUNT: #1800000311
- COUNCILMANIC DISTRICT: 7TH
- TAX MAP #90, GRID #8, PARCEL #699.
- ZONING: ML-IM
(PER 1"=200' ZONING MAP 090A2)
- NO KNOWN PRIOR ZONING HISTORY ON FILE.
- NO KNOWN PRIOR PERMITS ON FILE PREVIOUS BUILDING BUILT IN 1986.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- USES
EXISTING: OFFICE & COMMERCIAL BUILDING.
PROPOSED: OFFICE & COMMERCIAL BUILDING.
- SITE SERVED BY PUBLIC WATER AND SEWER.
- SITE LIES WITHIN ZONE "X", "C" & "A" OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #2400100430 F PANEL 430 OF 580 DATED SEPTEMBER 25, 2008.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
ZONE "C" IS AREAS OF MINIMAL FLOODING.
ZONE "A" IS AREAS OF 1% ANNUAL CHANCE FLOOD HAZARD.
- SETBACKS FOR ML-IM

LOCATION	REQUIRED	PROVIDED
FRONT	25'	28'±
SIDE	30'	62'±
REAR	30'	5'±
- FLOOR AREA RATIO (FAR)
EXISTING: 8,631/95,780 = 0.09
PROPOSED: 10,562/95,780 = 0.11
MAXIMUM PERMITTED: 2.0
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- THE SITE DOES NOT LIE WITHIN ANY FAILED BASIC SERVICE MAP AREAS.
- PARKING
REQUIRED:
OFFICE: 3,339 @ 3.3/1000 = 11 SPACES
WAREHOUSE: 1 EMPLOYEE @ 1 PER EMPLOYEE = 1 SPACE
TOTAL: 12 SPACES
PROVIDED:
OFFICE: 11 SPACES
WAREHOUSE: 1 SPACE
TOTAL: 12 SPACES
- BUILDING USE AREAS
EXISTING:
OFFICE: 889 + (1,225x2) = 3,339 SF
WAREHOUSE: 5,292 SF
PROPOSED:
WAREHOUSE: 2,750 + 2,520 = 5,270 SF
TOTAL:
OFFICE: 3,339 SF
WAREHOUSE: 5,292 + 5,270 = 10,562 SF

RECEIVED
MAR 19 2013
Development Plans Review
Department of Permits, Approvals
and Inspections

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY ZONING PETITION
FOR
UNION ELECTRIC CO.
#6015 ROSSVILLE BOULEVARD
BALTIMORE, MARYLAND 21221-3100

RECEIVED
MAR 15 2013
DEPARTMENT OF PERMITS
AND INSPECTIONS

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	02-17-13	12049	1 OF 1

PETITIONER'S

EXHIBIT NO. 1

- NOTES REGARDING FLOODPLAIN:
- PERMANENT SIGNS MUST BE ATTACHED TO THE BUILDING IN A CONSPICUOUS PLACE THAT SAYS "PARKING AREA SUBJECT TO FLOODING."
 - THERE WILL BE NO ADDITIONAL FLOODING TO PROPERTIES, UPSTREAM OR DOWNSTREAM, OR IMPACTS TO OFFSITE PROPERTIES AS A RESULT OF THIS DEVELOPMENT.
 - THERE WILL BE NO FENCES BUILT IN THE FLOOD PLAIN.

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 16597,
EXPIRATION DATE: 08-15-2013



