

Prior Order 5/13/13

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(2829 Eastern Blvd.)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Councilman District		
Anthony K. & Ruthann K. Hardy,	*	HEARINGS FOR
Legal Owners		
Samuel Hammaker, Contract Purchaser	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2013-0211-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Anthony K. & Ruthann K. Hardy, the legal owners of the subject property. The Variance was filed pursuant to Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) to allow a 5 ft. side yard setback in lieu of the required 30 ft. setback in Section 238.2; (2) to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Sections 238.1 and 238.2, and; (3) to allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 until the existing dwelling is razed. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing in support of the requests was Sam Hammaker, Wayne Kraus, Ruthann Hardy, Lynn Barranger and Bruce E. Doak with Bruce E. Doak Consulting, LLC, the 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.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), dated April 24, 2013, indicating that Petitioners must provide landscaping and similar amenities along the property boundaries. Mr. Doak indicated at the

hearing that he had not received a copy of the DOP's comment when he received the other ZAC comments from the county. Mr. Doak took issue with item numbers 2 and 5 on that comment. Item number 2 concerns a buffer along the western property boundary, which Mr. Doak stated would present a security concern to the Air National Guard, the adjoining owner. Item number 5 requested installation of a sidewalk along the Eastern Boulevard frontage of the site and Mr. Doak indicated his client does not own the land adjoining Eastern Boulevard. But in reviewing the exhibits in the file, the aerial photo (Exhibit 2) submitted by Petitioners would seem to indicate that Petitioners' property extends to the road frontage, even though the site plan shows otherwise. Based on the site plan (Exhibit 1), it is not clear what right the Petitioners claim to the existing paved driveway shown thereon.

Testimony and evidence revealed that the subject property is approximately 13,135 feet and is zoned MH and IM. The lot is narrow (71') and contains a vacant single family dwelling. The Petitioners propose to ultimately (in 2 phases) construct storage, office and retail structures on the property. The subject property is surrounded by industrial uses and adjoins the Martin State Airport. See Exhibit 2 (aerial photo).

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).

Petitioners have met this test. The lot here is one of the smallest in the vicinity, and it is also very narrow. In addition, the property is also the last in the vicinity to have a single family dwelling remaining on site, and it is thus unique for zoning purposes. If the B.C.Z.R. were strictly

enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to construct the proposed improvements for their business. 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 support of the County and community.

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 13th day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow a 5 ft. side yard setback in lieu of the required 30 ft. setback in Section 238.2; (2) to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Sections 238.1 and 238.2, and; (3) to allow 0 outside parking spaces in lieu of the required 3 outside parking spaces per Section 409 until the existing dwelling is razed, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comments of DOP dated April 24, 2013, which are attached as an exhibit hereto. With respect to the vegetative screening along the western property boundary, such a requirement would be waived if Petitioners provide to the undersigned or the DOP written confirmation from the adjoining owner (at the Martin State Airport or National Guard facility) that installation of such a buffer would present a security risk or concern. Likewise, the requirement for a sidewalk along the Eastern Boulevard frontage of the site will be waived if Petitioners provide to the undersigned or the DOP proof they

have no right, title and/or interest in the frontage of the site where it adjoins Eastern Boulevard.

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:slh

IN RE: PETITION FOR VARIANCE
(2829 Eastern Boulevard)
15th Election District
6th Councilman District
CPC Properties, LLC, *Legal Owner*
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0065-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by CPC Properties, LLC, legal owner of the subject property ("Petitioner"). The Variance was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R") as follows:

- To rescind the variance to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 ft. in lieu of the required 55' setback (§§ 238.1 and 238.2);
- To rescind the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces until the existing dwelling is razed (§409);
- To allow a 120' long building in lieu of the 96' long building approved; and
- To allow a 20' side yard setback in lieu of the required 30' side yard setback (§238.2).

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 Bruce E. Doak, with Bruce E. Doak Consulting, LLC, who prepared the site plan. Roger Elliott, Esquire represented the

Petitioner. There were no Protestants or interested citizens in attendance and the file does not

ORDER RECEIVED FOR FILING

Date 1-6-14

By 190

contain any letters of protest or opposition. The file reveals that the Petition was advertised and posted as required by the B.C.Z.R.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated October 18, 2013, indicating that agency did not oppose the petition, but recommended landscaping be installed to mitigate the visual impacts the new building will have on Eastern Boulevard. Also, a ZAC comment was received from the Maryland Department of Transportation, State Highway Administration (SHA), on September 24, 2013, indicating that an entrance permit (onto Eastern Blvd.) must be obtained. Finally, a ZAC comment was received from the Bureau of Development Plans Review (DPR) dated September 24, 2013, indicating that the minimum width for a commercial entrance onto a State road is 25', and that a landscape plan must be submitted and approved by DRP prior to issuance of any permits.

Testimony and evidence revealed that the subject property is approximately 13,135 square feet and is zoned MH - IM. The property was the subject of a recent zoning case (#2013-0211-A) in which variance relief was granted. Since that time, the site has been cleared and a dilapidated single family dwelling was razed. The Petitioner proposes to now construct a commercial storage facility which will be designed for and marketed to small contractors and similar tradesmen, for storage of equipment and supplies.

Based upon the testimony and evidence presented, I will grant the petition for variance.

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 1-6-14

By [Signature]

Petitioner has met this test. As noted in the earlier case, the lot here is one of the smallest in the vicinity, and it is also very narrow. Thus it is unique for zoning purposes. If the B.C.Z.R. were strictly interpreted the Petitioner would indeed suffer a practical difficulty, since it would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED, this 3rd day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R") as follows:

- To rescind the variance (granted in Case No. 2013-0211-A) to allow a building (existing dwelling) to building (proposed phase one building) setback of 20' in lieu of the required 55' setback (§§ 238.1 and 238.2),
- To rescind the variance (granted in Case No. 2013-0211-A) to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces until the existing dwelling is razed (§409),
- To allow a 120' long building in lieu of the 96' long building approved in Case No. 2013-0211-A, and
- To allow a 20' side yard setback in lieu of the required 30' side yard setback (per B.C.Z.R. § 238.2),

be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

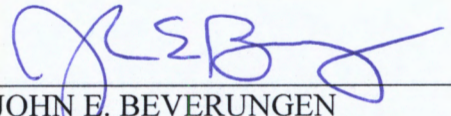
Date 1-6-14

By [Signature]

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.
- Petitioner must comply with ZAC comments submitted by SHA (dated 9-24-2013) and DPR (dated 9-24-2013).
- The Petitioner shall provide a vegetative buffer along the west side of the property, as requested by the DOP. This requirement will be waived if Petitioner provides to the DOP and/or DPR written verification from the adjoining owner (the State of Maryland and/or Air National Guard) that doing so would present a security concern.

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:slh

ORDER RECEIVED FOR FILING

Date 1-6-14

By LSW

KEVIN KAMENETZ
County Executive



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

December 3, 2013

Roger L. Elliott
P.O. Box 147
Butler, Maryland 21023

RE: Petitions for Variance
Property: 2829 Eastern Boulevard
Case No.: 2014-0065-A

Dear Counsel:

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", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Bruce E. Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053



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 2829 EASTERN BOULEVARD which is presently zoned M.H.I.M.

Deed References: NOT YET RECORDED 10 Digit Tax Account # 1516751180 ✓

Property Owner(s) Printed Name(s) C.P.C. PROPERTIES, 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. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. X a Variance from Section(s)

SEE ATTACHED SHEET

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 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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Email Address

Attorney for Petitioner:

Date

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:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0065-A

Filing Date 9/13/13

Do Not Schedule Dates: _____

Reviewer AT

AMENDMENTS REQUESTED

1. To rescind the variance to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Section 238.1 and 238.2 BCZR.
2. To rescind the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces Section 409 BCZR until the existing dwelling is razed.
3. To allow a 120 foot long building in lieu of the 96 foot building approved.
4. To allow a 20 foot side yard setback in lieu of the required 30 foot side yard setback per Section 238.2 BCZR.

2014-0065-A

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

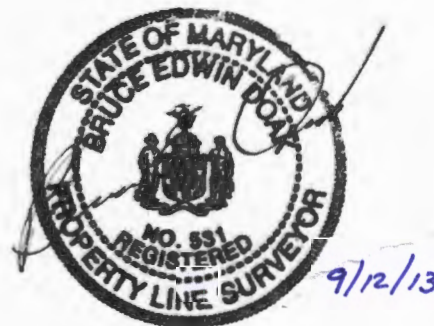
Zoning Description

2829 Eastern Boulevard
Fifteenth Election District Sixth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Eastern Boulevard, 210 feet+ from the centerline of Emala Avenue, thence leaving the south side of Eastern Boulevard and running and binding on the outlines of the subject property, the three following courses and distances, viz. 1) South 4 degrees 17 minutes West 185 feet, 2) North 86 degrees 59 minutes West 71 feet and 3) North 4 degrees 17 minutes East 185 feet to a point on the south side of Eastern Boulevard, thence running on said south side and continuing to run and bind on the outlines of the subject property 4) South 86 degrees 59 minutes East 71 feet to the point of beginning.

Containing 13,135 square feet, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2014-0065-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property 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: 2014-0065-A

Petitioner: C.P.C. PROPERTIES, LLC

Address or Location: 2829 EASTERN BOULEVARD

PLEASE FORWARD ADVERTISING BILL TO:

Name: C.P.C. PROPERTIES, CHARLES CHALLANDES

Address: P.O. Box 12

FORK MD 21051

Telephone Number: 443-463-6201

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

No. **102592**

Date: **9/13/13**

PAID RECEIPT

BUSINESS ACTING TIME NOW
 9/16/2013 9/13/2013 10:17:50 S

9/13/2013 9/13/2013 10:17:50 S
 RECEIPT # 473885 9/13/2013 OFLH

Dept 5 520 TOWN VERIFICATION
 12 NO. 102592

Recpt Tot 4500.00
 4500.00 CR 4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub-Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$500

Total: **\$500**

Rec From: **CHUCK CHALLANDERS JR.**

For: **2829 EASTERN BLVD.**

2014-0065-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

November 7, 2013

Re:

Case Number: 2014- 0065-A

Petitioner / Developer: CPC Properties, LLC

Date of Hearing: November 26, 2013

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

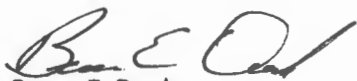
Attention: Kristen Lewis

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 **2329 Eastern Boulevard**.

The sign(s) were posted on **November 05, 2013**.

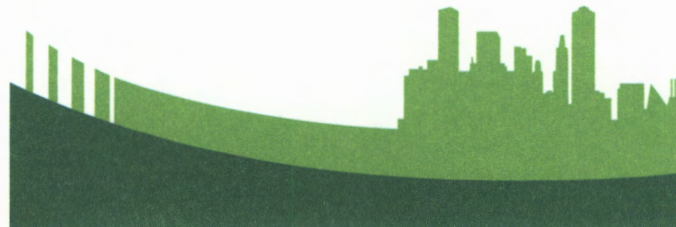
Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2014-0065-A

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: Tuesday November 26, 2013 10:00 AM

**REQUEST: VARIANCE TO RESCIND THE VARIANCE TO ALLOW
A BUILDING (EXISTING BUILDING) TO BUILDING (PROPOSED
PHASE ONE BUILDING) SETBACK OF 20 FT. IN LIEU OF THE
REQUIRED 55 FT. SETBACK; TO RESCIND THE VARIANCE TO
ALLOW ZERO (0) OUTSIDE PARKING SPACES IN LIEU OF THE
REQUIRED THREE (3) OUTSIDE PARKING SPACES UNTIL THE
EXISTING DWELLING IS RAZED; TO ALLOW A 120 FOOT LONG
BUILDING IN LIEU OF THE 96 FT. BUILDING APPROVED; TO
ALLOW 20 FT SIDE YARD SETBACK IN LIEU OF THE REQUIRED
30 FT. SIDE YARD SETBACK.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3381.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 7, 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 November 5, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0065-A

2829 Eastern Boulevard

S/s Eastern Blvd., 210 ft. w/of centerline of Emala Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): CPC Properties, LLC

Variance: to rescind the variance to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 ft. in lieu of the required 55 ft. setback; to rescind the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces until the existing dwelling is razed; to allow a 120 foot long building in lieu of the 96 ft building approved; to allow a 20 ft. side yard setback in lieu of the required 30 ft. side yard setback.

Hearing: Tuesday, November 26, 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 11/602 Nov. 5

956280



KEVIN KAMENETZ
County Executive

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

October 7, 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: 2014-0065-A

2829 Eastern Boulevard

S/s Eastern Blvd., 210 ft. w/of centerline of Emala Avenue

15th Election District – 6th Councilmanic District

Legal Owners: CPC Properties, LLC

Variance to rescind the variance to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 ft. in lieu of the required 55 ft. setback; to rescind the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces until the existing dwelling is razed; to allow a 120 foot long building in lieu of the 96 ft. building approved; to allow a 20 ft. side yard setback in lieu of the required 30 ft. side yard setback.

Hearing: Tuesday, November 26, 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: Charles Challandes, 6405 Catalpa Road, P.O. Box 12, Fork 21051
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 6, 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
Tuesday, November 5, 2013 Issue - Jeffersonian

Please forward billing to:
CPC Properties
Charles Challandes
P.O. Box 12
Fork, MD 21051

443-463-6201

NOTICE OF ZONING HEARING

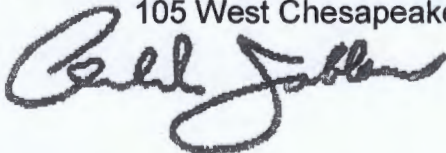
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0065-A

2829 Eastern Boulevard
S/s Eastern Blvd., 210 ft. w/of centerline of Emala Avenue
15th Election District – 6th Councilmanic District
Legal Owners: CPC Properties, LLC

Variance to rescind the variance to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 ft. in lieu of the required 55 ft. setback; to rescind the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces until the existing dwelling is razed; to allow a 120 foot long building in lieu of the 96 ft. building approved; to allow a 20 ft. side yard setback in lieu of the required 30 ft. side yard setback.

Hearing: Tuesday, November 26, 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 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: January 6, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0065-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 2, 2014. 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
2829 Eastern Boulevard; S/S Eastern Boulevard,	*	OF ADMINSTRATIVE
210' W of c/line Emala Avenue	*	HEARINGS FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): CPC Properties, LLC	*	2014-065-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.

RECEIVED

SEP 27 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 27th day of September, 2013, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-24</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>10-23</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>10-23</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9-24</u>	STATE HIGHWAY ADMINISTRATION	<u>C</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2013-0211-A)NEWSPAPER ADVERTISEMENT Date: 11-17-13SIGN POSTING Date: 11-5-13 by DoakPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: * Paperwork reflects Rm. 205
Debs advised Bruce Doak on 11-25@9:08 am
they Rm. 104 -- not 205



KEVIN KAMENETZ
County Executive

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

November 19, 2013

CPC Properties LLC
Charles Challandes
6405 Catalpha Road
Fork MD 21051

RE: Case Number: 2014-0065 A, Address: 2829 Eastern Boulevard

Dear Mr. Challandes:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 13, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bruce E. Doak, Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 9-24-13

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

RE: Baltimore County
Item No. 2014-0065-A
Variance
CPC Properties LLC
2829 Eastern Boulevard
MD 150

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 9-23-13. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2014-0065-A the applicant must contact the State Highway Administration to obtain an entrance permit.

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 E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

\cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

10/18/13
WIL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 18, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2829 Eastern Boulevard

Item Number: 14-065

Petitioner: CPC Properties, LLC

Zoning: MH-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The property described above was the subject of a prior zoning case (13-211).

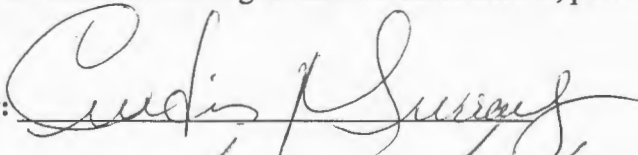
Presently, the petitioner requests variance relief to permit the following:

1. To rescind the previously granted variance to permit a building (existing dwelling) to building (proposed phase one building) setback of 20 feet in lieu of the required 50 feet.
2. To rescind the previously granted variance to permit 0 outside parking spaces in lieu of the required 3 outside parking spaces (until the existing dwelling is razed).
3. To permit a 120 foot long building in lieu of the previously granted 96 foot building.
4. To permit a 20 foot side yard setback in lieu of the required 30 foot side yard setback.

The Department of Planning is not opposed to the petitioner's requests described above. However, the comments regarding on-site landscaping submitted as part of Case 13-211 (also attached) shall be adhered to and made part of any relief granted in this case. Furthermore, the subject property is rather close to Eastern Boulevard, therefore additional landscaping shall be installed to mitigate the visual impacts the new building will have on Eastern Boulevard.

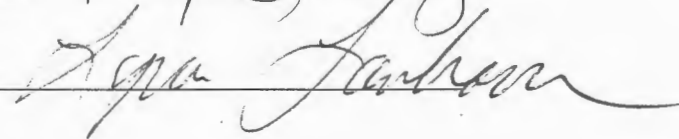
For further information concerning the matters stated here in, please contact Matt Diana at 410-887-3480.

Prepared By:



Division Chief:

AVA/LL:cjm



Attachment:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2013
Item No. 2014-0065

DATE: September 24, 2013

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

The minimum width for a commercial entrance on a State Road is 25'. This should either be revised or get a letter from the S.H.A allowing the reduced width.

A landscape plan shall be submitted and approved by this office prior to issuance of any permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0065-09242013.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 2013



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: October 23, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0065-A
Address 2829 Eastern Boulevard
(CPC Properties, LLC)

Zoning Advisory Committee Meeting of September 23, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 15 Account Number - 1516751180	
Owner Information		
Owner Name:	CPC PROPERTIES LLC	Use: RESIDENTIAL
		Principal Residence: NO
Mailing Address:	P O BOX 12 FORK MD 21051-	Deed Reference: 1) /34171/ 00085 2)
Location & Structure Information		
Premises Address:	2829 OLD EASTERN AVE BALTIMORE MD 21220-	Legal Description: ES OLD EASTERN AVE E OLD EASTERN AVE
Map: 0091	Grid: 0008	Parcel: 0381
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1934	936 SF	
Property Land Area	County Use	
13,135 SF	04	
Stories	Basement	Type
1.000000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	1 Detached
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	82,200	82,200
Improvements	65,800	47,200
Total:	148,000	129,400
Preferential Land:	0	0
Transfer Information		
Seller: KRAUS CHARLES J	Date: 09/04/2013	Price: \$72,500
Type: ARMS LENGTH IMPROVED	Deed1: /34171/ 00085	Deed2:
Seller: PRICE ALTA G	Date: 08/15/2001	Price: \$84,000
Type: ARMS LENGTH IMPROVED	Deed1: /15470/ 00035	Deed2:
Seller: PRICE THOMAS M	Date: 05/19/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12182/ 00618	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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		

Baltimore County[New Search](#)District: **15** Account Number: **1516751180****A map was not found for this property.**

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.

☐ Loading... Please Wait.

Loading... Please Wait.

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CASE NAME CME PROPERTIES
CASE NUMBER 2014-0065-A
DATE 11/26/13

[illegible]

Case No.:

2014-0065-A

Exhibit Sheet

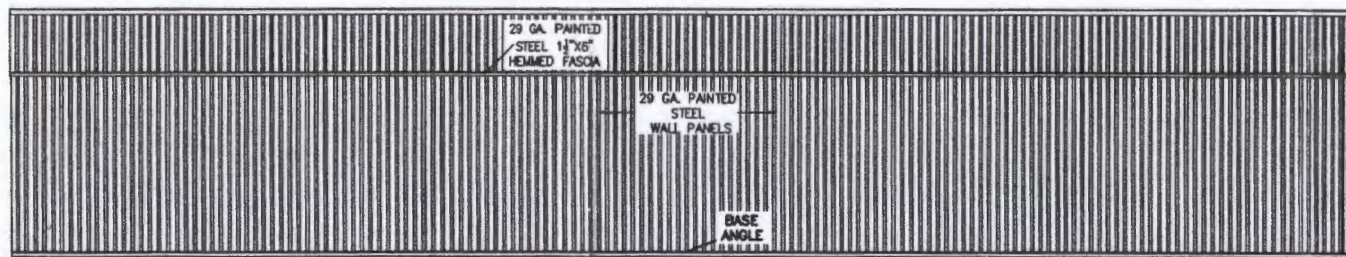
Petitioner/Developer

Protestants

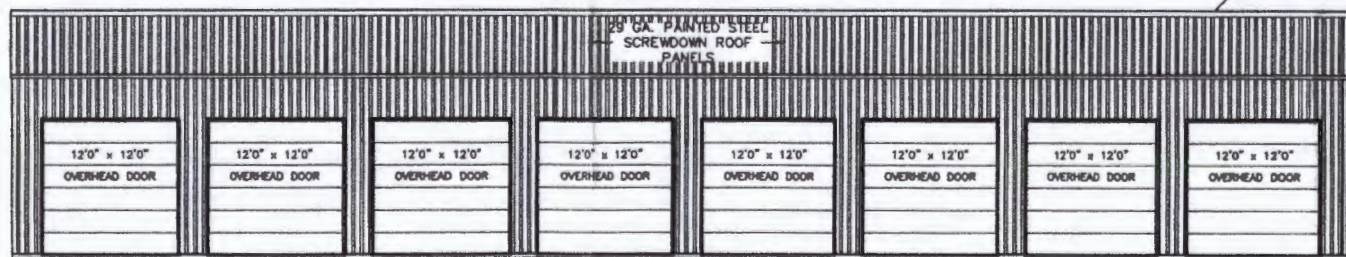
DJ-16-14

Sen
12/3/13

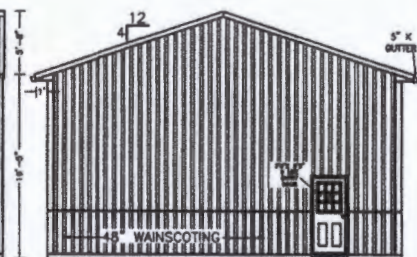
No. 1	Site plan	
No. 2	2A - EX. w/ photos 2B - Key sheet for photos	
No. 3	3A-3C Building Elevations	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



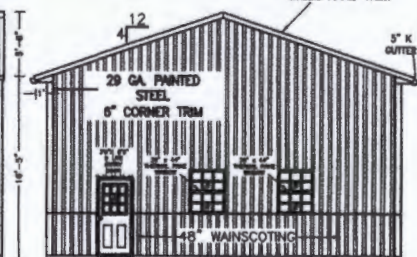
BACK SIDEWALL
SCALE: 1/8" = 1'0"



FRONT SIDEWALL
SCALE: 1/8" = 1'0"



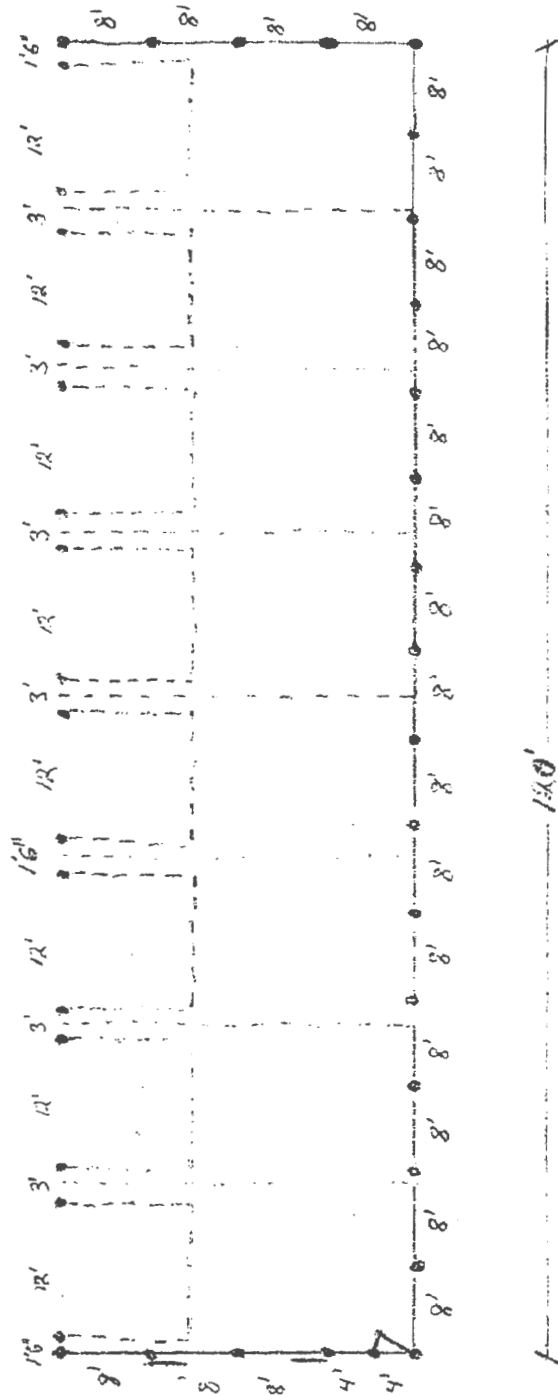
LEFT ENDWALL
SCALE: 1/8" = 1'0"



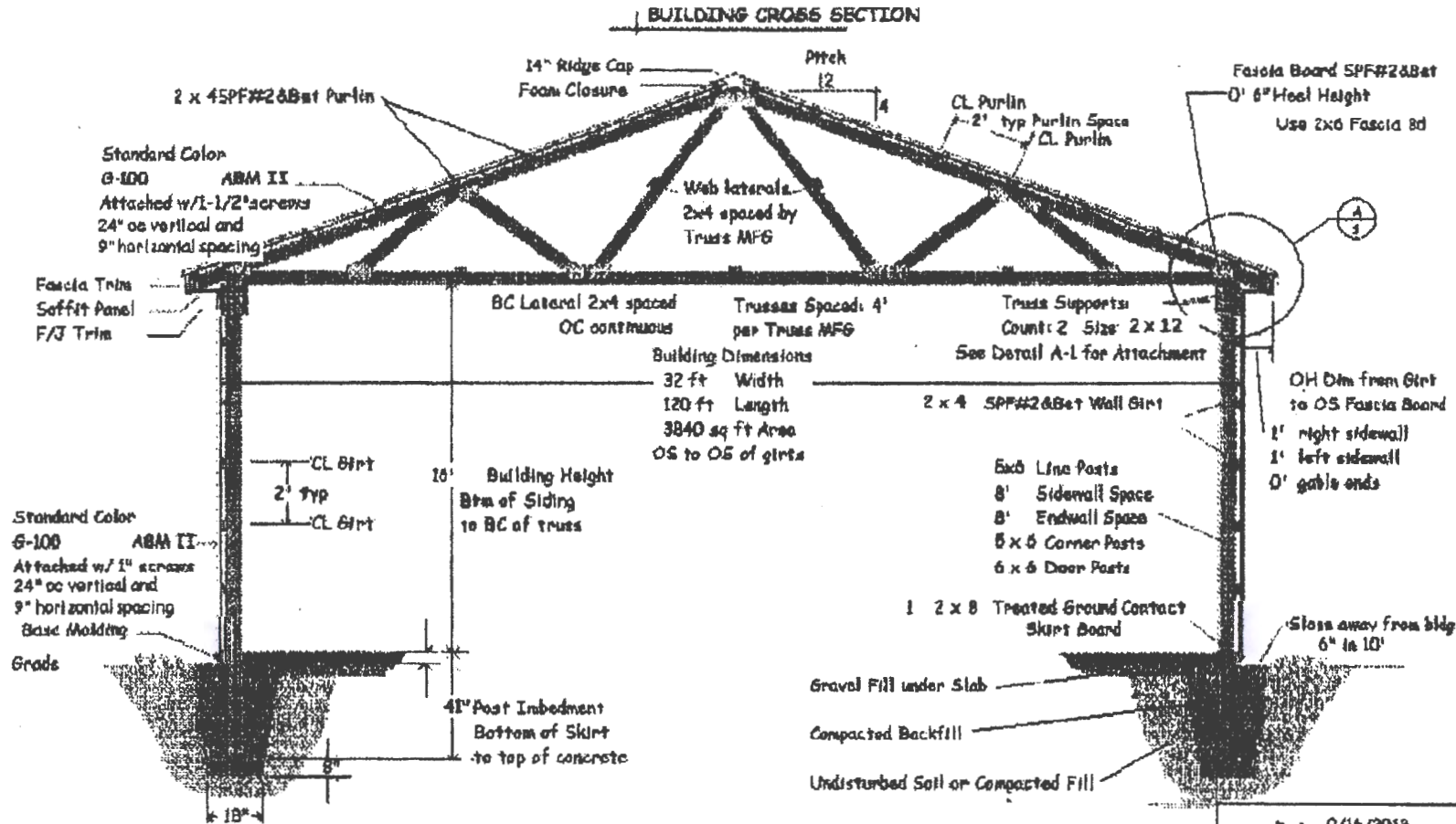
RIGHT ENDWALL
SCALE: 1/8" = 1'0"

PETITIONER'S

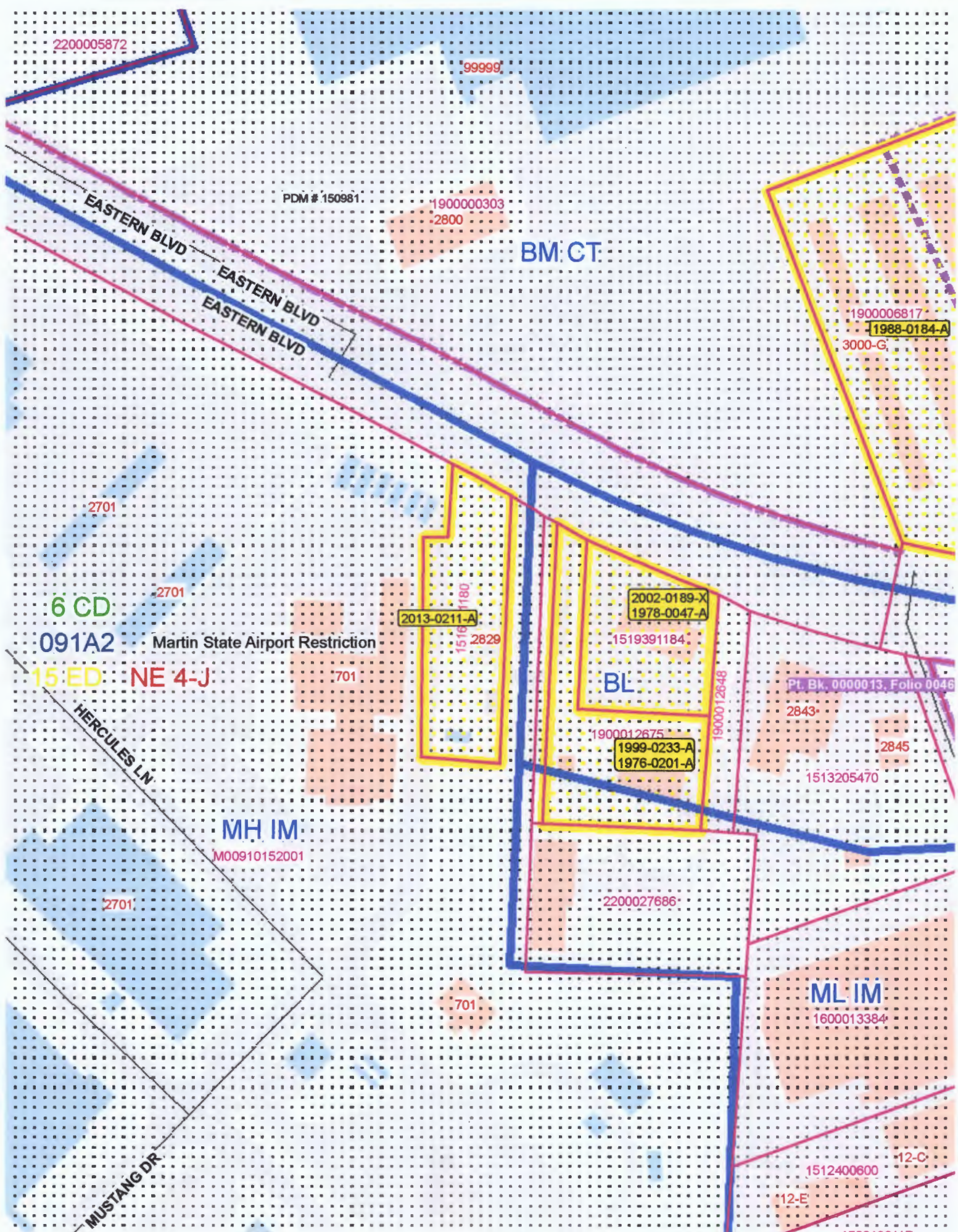
EXHIBIT NO. 3-A-C



7



Date: 9/16/2013
 Customer Name Here
 Customer Address Here
 Customer City, ST Zip Here
 Project Address



2200005872

99999

PDM # 150981

1900000303
2800

BM CT

1900006817
1988-0184-A
3000-G

2701

2701

6 CD
091A2

Martin State Airport Restriction

15 ED NE 4-J

2013-0211-A

15161180

2829

701

2002-0189-X
1978-0047-A

1519391184

BL

1900012675
1999-0233-A
1976-0201-A

Pt. Bk. 0000013, Folio 0046

2843

2845

1513205470

MH IM

M00910152001

2701

2200027686

701

ML IM
1600013384

12-C

1512400600

12-E

1502100447

2014-0065-A

PARKING CALCULATIONS

Warehouse use requires 1.0 off street parking per each employee on the largest shift per section 409.6A3 BCZR.

8 Storage Bays = 8 parking spaces required
8 parking spaces provided

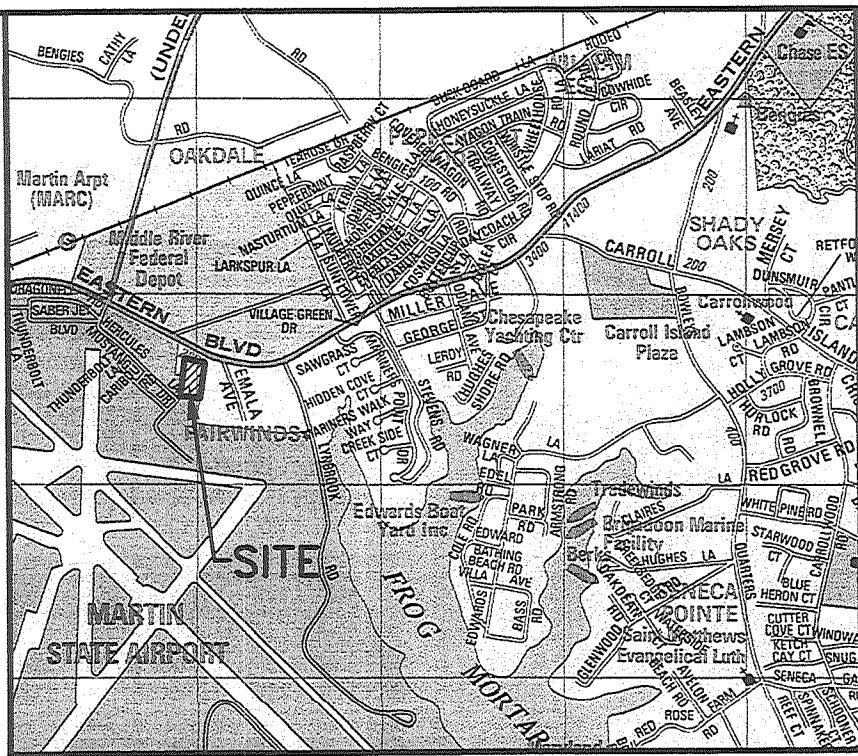
B.R. SETBACKS FOR COMMERCIAL BUILDINGS

Front yard (per section 238.1 BCZR)
For commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.

Side and Rear yard (per section 238.2 BCZR)
For commercial buildings, 30 feet.

PROPOSED CONSTRUCTION AND USE

A 32' x 120' wood frame and metal sided building and macadam entrance & parking area to be used for the storage of commercial materials and equipment. These materials will not be stored outside the proposed building.



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205

GENERAL NOTES:

1. Ownership: C.P.C. Properties, LLC
2. Address: 2829 Eastern Boulevard Baltimore, MD 21220
3. Deed references: (To be recorded)
4. Tax Map / Parcel / Tax account #: 91 / 381 / 15-16-751180 (13,135 square feet calculated)
5. Zoning: M.H. I.M.
6. The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 091A2 and the information provided by Baltimore County on the internet.
7. Improvements: Single family dwelling & garage (vacant)- previously commercially used.
8. The existing dwelling and garage will be razed .
9. The existing dwelling is currently serviced by public water and sewer.
10. There are no underground storage tanks on the subject property.
11. The subject property is not in the Chesapeake Bay Critical Area.
12. The subject property is not located within a 100 year flood plain.

VARIANCES APPROVED IN
CASE #2013-0211-A

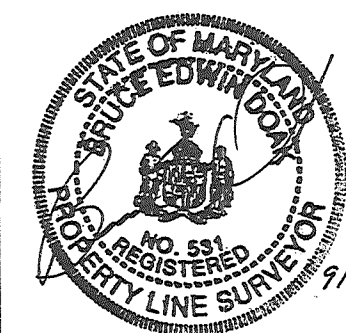
1. To allow a 5 foot side yard setback in lieu of the required 30 foot setback in Section 238.2 BCZR.
2. To allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Sections 238.1 and 238.2 BCZR.
3. To allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces per Section 409 BCZR until the existing dwelling is razed.

AMENDMENTS REQUESTED

1. To rescind the variance to allow a building (existing dwelling) to building (proposed phase one building) setback of 20 foot in lieu of the required 55 foot setback in Section 238.1 and 238.2 BCZR.
2. To rescind the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces Section 409 BCZR until the existing dwelling is razed.
3. To allow a 120 foot long building in lieu of the 96 foot building approved.
4. To allow a 20 foot side yard setback in lieu of the required 30 foot side yard setback per Section 238.2 BCZR.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

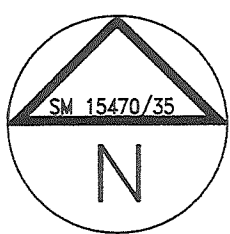
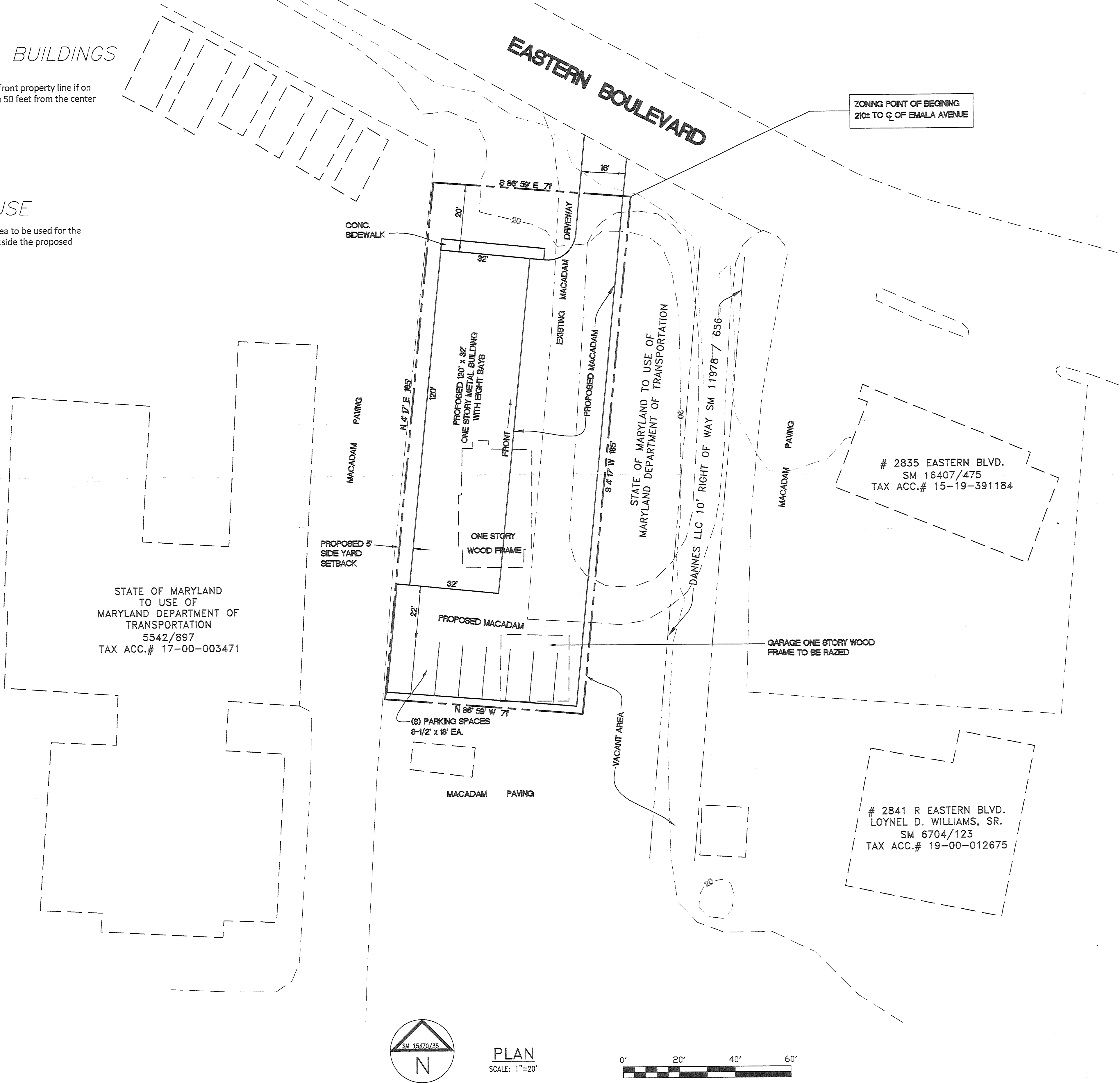
PLAT TO ACCOMPANY A
AMENDED PETITION
CPC PROPERTIES LLC PROPERTY
2829 EASTERN BOULEVARD
15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Date: 9/12/2013
Scale: AS SHOWN

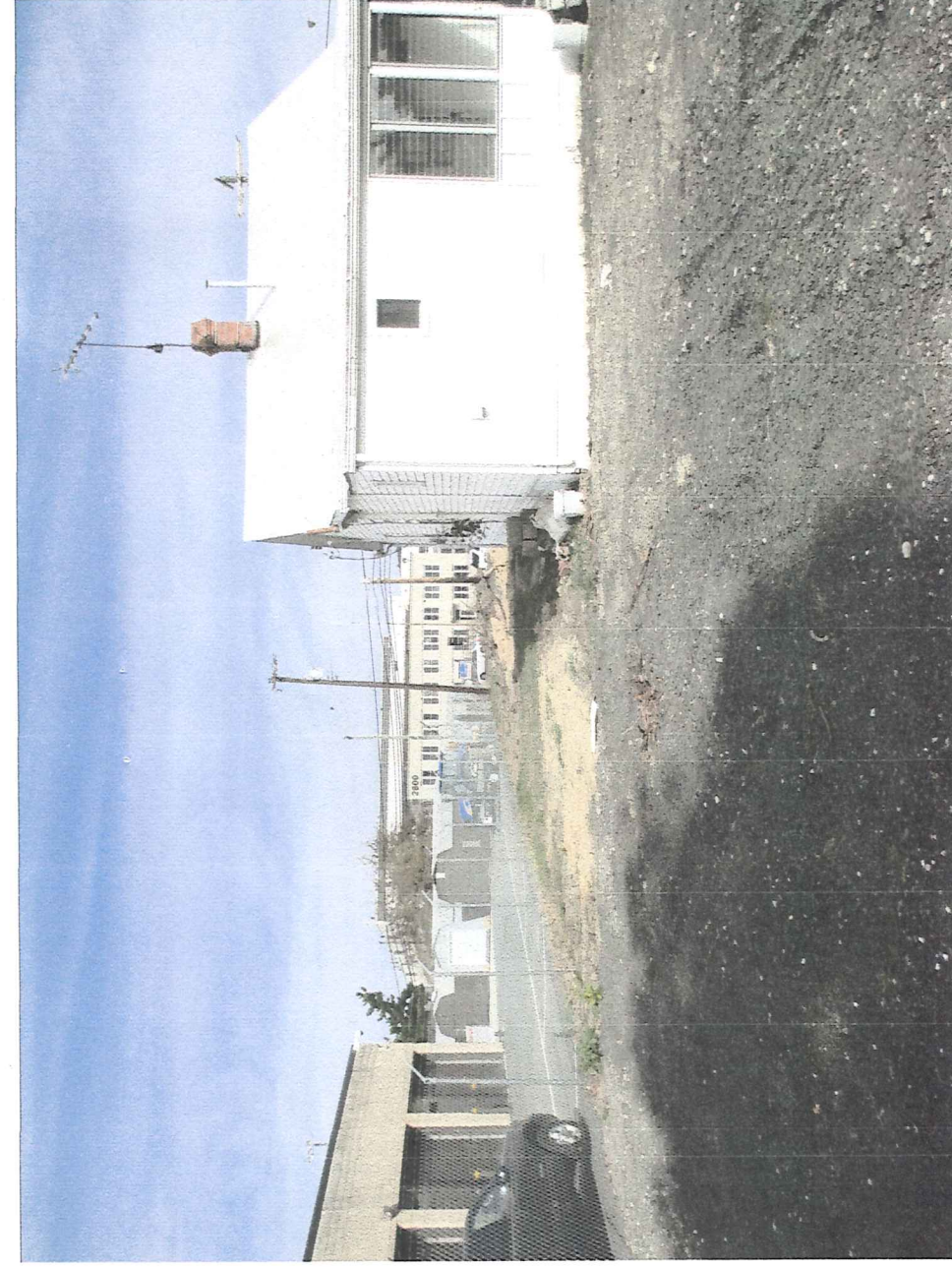
PETITIONER'S
EXHIBIT NO. 1

2014-0065-A



PLAN
SCALE: 1"=20'





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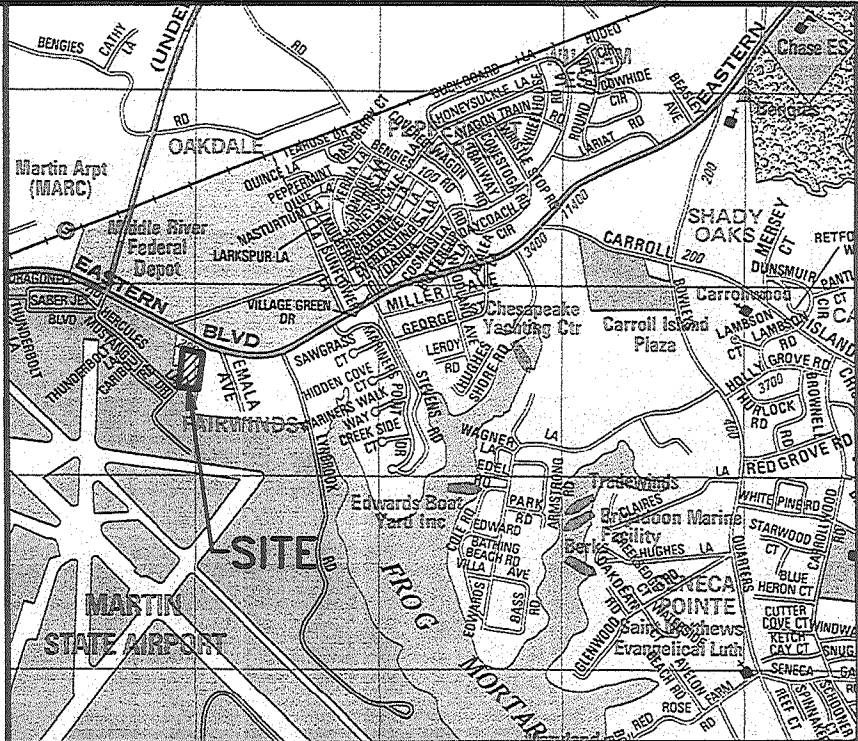
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GENERAL NOTES:

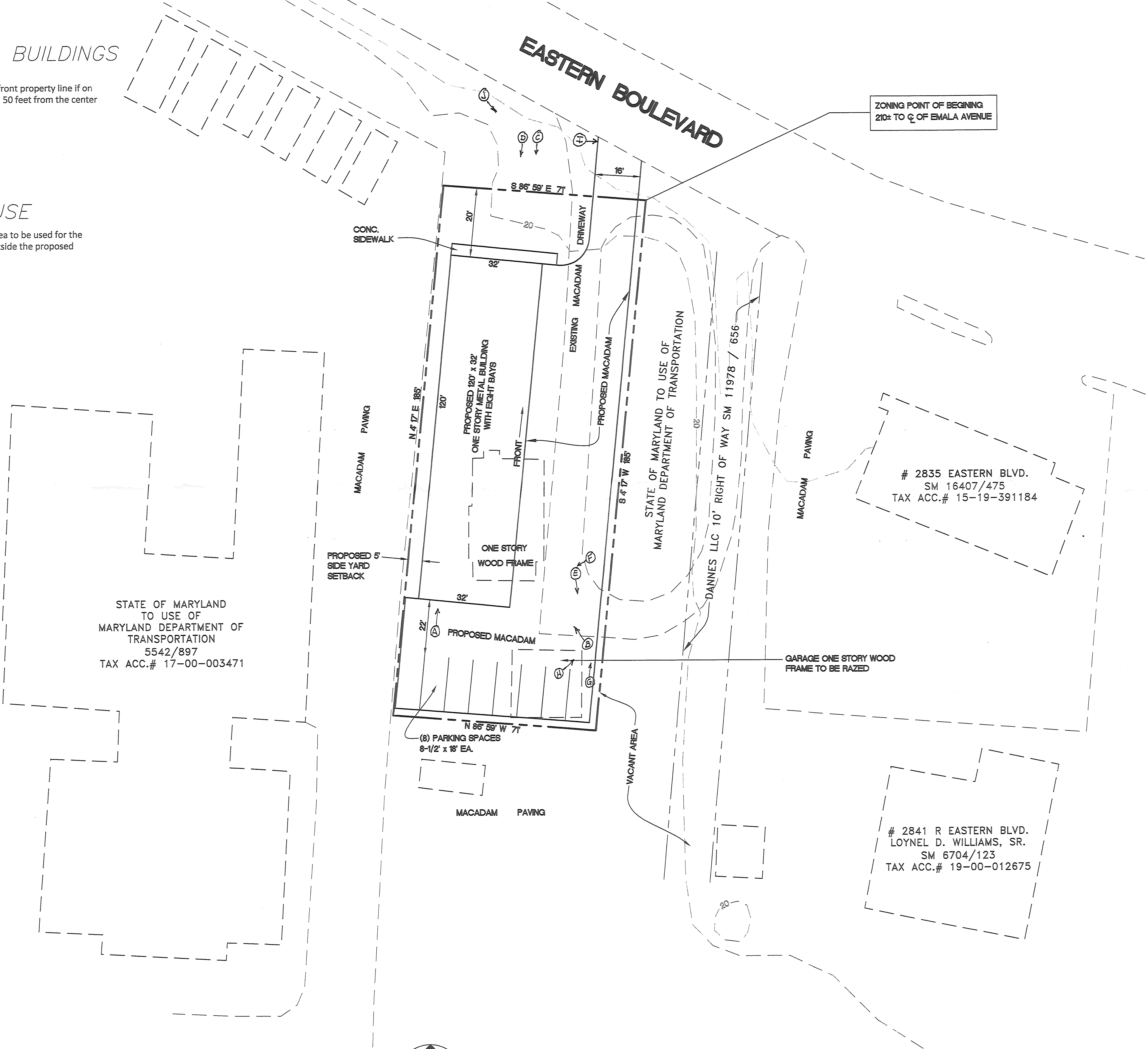
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VARIANCES APPROVED IN
CASE #2013-0211-A

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AMENDMENTS REQUESTED

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- To rescend the variance to allow zero (0) outside parking spaces in lieu of the required three (3) outside parking spaces Section 409 BCZR until the existing dwelling is razed.
- To allow a 120 foot long building in lieu of the 96 foot building approved.
- To allow a 20 foot side yard setback in lieu of the required 30 foot side yard setback per Section 238.2 BCZR.



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
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Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAT TO ACCOMPANY A
AMENDED PETITION
CPC PROPERTIES LLC PROPERTY
2829 EASTERN BOULEVARD
15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Date: 9/12/2013
Scale: AS SHOWN

PETITIONER'S
EXHIBIT NO. 28