

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(125 Industry Lane) *
8th Election District *
3rd Council District *
HD Development of Maryland, Inc. *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0068-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 Lawrence E. Schmidt, Esquire, of Smith, Gildea & Schmidt, LLC, on behalf of HD Development of Maryland, Inc., the legal owner. The Special Hearing was filed pursuant to §409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a modified parking plan. In addition, a Petition for Variance (seeking the same relief) was filed pursuant to B.C.Z.R. §409.6.A.2 to permit 568 parking spaces in lieu of the required 662 parking spaces for the existing Home Depot. 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 were Ben Kulp, John Kerekes and Bill Kidd. Lawrence E. Schmidt, Esquire, of Smith, Gildea & Schmidt, LLC appeared and represented the Petitioner. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of protest or opposition.

No substantive Zoning Advisory Committee (ZAC) comments were received from any county reviewing agencies.

ORDER RECEIVED FOR FILING

Date 12/12/13

By _____

The subject property is 11.952 +/- acres in size and is zoned BM. The site is improved with a Home Depot store, approved by the County in 1998. Exhibit 3. Shortly thereafter, Petitioner sold a 4½ acre portion of the original property (totaling 18.1 acres in the aggregate) to Bill Kidd, who operates a new car sales facility on the adjoining property. For over ten years, Mr. Kidd has been leasing a small portion of the Home Depot parking lot for storage of his new vehicle inventory. At present, Mr. Kidd is under contract to purchase this small portion of land, and the Home Depot requires zoning relief concerning the number of parking spaces provided. The Petitioner has sought such relief under alternative theories: as a modified parking plan and variance.

Based upon the testimony and evidence presented, I will grant the petition for variance. To obtain variance relief a petitioner must show:

- (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).

The Petitioner has met this test. A significant grade change exists on the property, and it is also an irregularly shaped parcel. In addition, the Petitioner obtained variance relief in 1999 (Case No.: 99-342-A, Ex. 4), upon a finding that the property was unique. For these reasons, I believe the Petitioner has satisfied the uniqueness requirement.

If the regulations were strictly interpreted, the Petitioner would experience a practical difficulty, given it would be unable to sell the small portion of land to Bill Kidd for new vehicle storage. Finally, the variance can be granted without injury to the public health, safety and welfare. There were no adverse comments from the County or the community, and (as noted by Petitioner's counsel) the proposal in question will in essence merely "formalize" the parking

ORDER RECEIVED FOR FILING

Date 12/11/13

By Den

arrangement that has been in place for over 10 years, during which time the Home Depot has thrived without ever experiencing a shortage in parking.

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

THEREFORE, IT IS ORDERED this 12th day of December, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a modified parking plan, be and is hereby DISMISSED WITHOUT PREJUDICE.

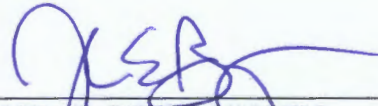
IT IS FURTHER ORDERED that Petitioner's Variance request pursuant to B.C.Z.R. §409.6.A.2 to permit 568 parking spaces in lieu of the required 662 parking spaces for the existing Home Depot, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/12/13

By sln

KEVIN KAMENETZ
County Executive



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

December 12, 2013

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 125 Industry Lane
Case No.: 2014-0068-SPHA

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 a circular stamp.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c:



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 125 Industry Lane

which is presently zoned BM and ML-IM

Deed References: 15043/495

10 Digit Tax Account # 2 3 0 0 0 0 5 6 6 9

Property Owner(s) Printed Name(s) HD Development of Maryland, 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. ☒ 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)

See attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Authorized Signatory of
HD Development of Maryland, Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2455 Paces Ferry Road, C-20 Atlanta GA

Mailing Address

City

State

30339 770-384-4211

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0068-SM/A Filing Date 9/16/13

Do Not Schedule Dates:

Reviewer JS

Attachment to Petition for Zoning Hearing

125 Industry Lane

3rd Councilmanic District

Special Hearing:

1. To permit a modified parking plan in accordance with BCZR § 409.12;
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance:

1. In the alternative, to permit 568 parking spaces in lieu of the required 662 parking spaces for the existing Home Depot pursuant to BCZR § 409.6.
A.2.
2. For such other and further relief as may be deemed necessary by Administrative Law Judge for Baltimore County.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 12, 2013

**AMENDED LOT 2B
4.696 ACRES OF LAND, MORE OR LESS
BALTIMORE COUNTY, MARYLAND**

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the southeastern most corner of Lot 2B as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74, said point of beginning being designated as point BD5 as shown on said plat, thence running with and binding on the outline of said Lot 2B, as the courses are now referred to the Maryland Coordinate System NAD 83/91, the following six courses and distances, viz: (1) North 83 degrees 19 minutes 51 seconds West 436.35 feet to an iron bar and cap heretofore set, (2) North 10 degrees 39 minutes 15 seconds East 104.79 feet, (3) North 05 degrees 55 minutes 30 seconds East 56.57 feet, (4) North 09 degrees 57 minutes 02 seconds East 114.88 feet, (5) North 30 degrees 10 minutes 51 seconds East 27.12 feet, and, (6) North 15 degrees 51 minutes 14 seconds East 92.07 feet, thence leaving said outline of said Lot 2B and running for new lines of division through Lot 2A as shown on said plat, the following six courses and distances, viz: (7) North 04 degrees 58 minutes 21 seconds East 73.39 feet, (8) North 04 degrees 36 minutes 51 seconds West 96.88 feet, (9) North 85 degrees 23 minutes 09 seconds East 236.09 feet, (10) South 04 degrees 36 minutes 51 seconds East 20.00 feet, (11) North 85 degrees 23 minutes 09 seconds East 10.00 feet, and, (12) North 04 degrees 36 minutes 51 seconds West 28.00 feet to intersect the North 85 degrees 37 minutes 15 seconds East 27.65 foot line of said outline of said Lot 2B, said point of intersection being distant North 85 degrees 23 minutes 09 seconds East 0.29 feet from an iron bar and cap heretofore set, thence binding on a part of the southernmost Highway Widening Line of Industrial Lane, variable in width, as shown on said plat, and running with and binding on a part of said North 85 degrees 37 minutes 15 seconds East 27.65 foot line of said outline of said Lot 2B, the following course and distance, viz: (13) North 85 degrees 23 minutes 09 seconds East 27.37 feet, thence running with and binding on said outline of said Lot 2B, the following four lines, viz: (14) South 18 degrees 50 minutes 01 seconds East 224.28 feet, (15) South 71 degrees 09 minutes 59 seconds West 47.99 feet, (16) Southerly by a line curving to the left having a radius of 590.00 feet for an arc distance of 161.73 feet (the

X:\SR\BILL KIDD HOME DEPOTM&B Descriptions\Amended Lot 2B M&B
Description.doc

2014-0068-SP4A

chord of said arc bearing South 02 degrees 30 minutes 50 seconds East 161.22 feet), and, (17) South 10 degrees 22 minutes 06 seconds East 250.00 feet, to the place of beginning.

Containing 4.696 Acres of land, more or less.

Subject to a Termination and Covenant Agreement dated March 31, 1998, by and between AAI Corporation and Cardinal William H. Keeler, Roman Catholic Archbishop of Baltimore and recorded among the Land Records of Baltimore County in Liber S.M. No. 12767 folio 720, as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74.

Subject to an Access Easement Agreement dated April 1, 1998, by and between AAI Corporation and Cardinal William H. Keeler, Roman Catholic Archbishop of Baltimore and recorded among the Land Records of Baltimore County in Liber S.M. No. 12767 folio 743, as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74.

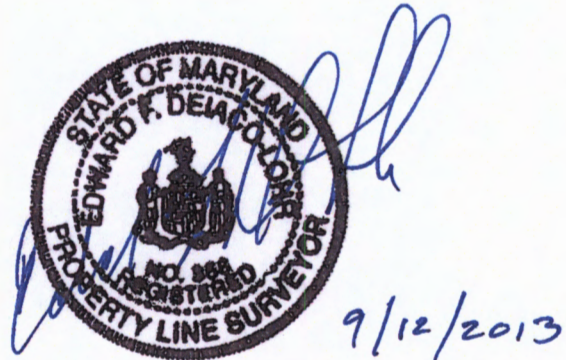
Subject to a Deed and Agreement for a Drainage and Utility Easement recorded on March 9, 1987, between AAI Corporation and Stephen F. Beckenholdt and Lawrence J. Grady, Jr., Trustees and Baltimore County, Maryland and recorded among the Land Records of Baltimore County in Liber S.M. No. 7435 folio 832, as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74.

Together with an Easement Agreement for a Perpetual Ingress and Egress Easement dated December 10, 1982, by and between Texas Investment Corporation and AAI Corporation, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6465 folio 196, as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74.

Being a part of Lot 2B, as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74, which by a deed dated March 15, 1999 and recorded among the Land Records of Baltimore County in Liber S.M. No. 13655 folio 488 was conveyed by Home Depot U.S.A., Inc. to Kidd Realty, LLC.

X:\SR\BILL KIDD HOME DEPOT\M&B Descriptions\Amended Lot 2B M&B Description.doc

Being a part of Lot 2A, as shown on a plat entitled "Plat of Property of Home Depot U.S.A., Inc.", said plat being dated February 12, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. No. 71 folio 74, which by a deed dated June 21, 2000 and recorded among the Land Records of Baltimore County in Liber S.M. No. 15034 folio 495 was conveyed by Home Depot U.S.A., Inc. to HD Development of Maryland, Inc.



X:\SR\BIL L KIDD HOME DEPOT\M&B Description\Amended Lot 2B M&B
Description.doc

**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: 2014-0068-5PHA

Petitioner: HD Development of Maryland, Inc.

Address or Location: 125 Industry Lane, Cockeysville, MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: Alyssa Fiore

Address: 600 Washington Ave, Suite 200, Towson, MD 21204

Telephone Number: 410-821-0070

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

No. **102595**

Date: **9/16/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 9/17/2013 9/16/2013 11:16:24

REG NO:2 MAIL FROM TEE
 >>RECEIPT # 846243 9/16/2013
 Dept S 526 BIRTH VERIFICATION
 CR NO. 102595
 Recpt Tot \$1,000.00
 \$1,000.00 CR 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150				\$1000.00

Total: **\$1000.00**

Rec From **HD DEVELOPMENT OF MARYLAND, INC.**

For **2014-0068-SPHA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/19/2013

Case Number: 2014-0068-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.~BRETT SOLOWAY

Date of Hearing (Closing): DECEMBER 09, 2013

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

The sign(s) were posted on: NOVEMBER 18, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 21, 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 19, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0068-SPHA

125 Industry Lane

S/s of Industry Lane, 400 ft. W/of York Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): HD Development of Maryland, Inc.

Special Hearing to permit a modified parking plan in accordance with BCZR section 409.12 and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance in the alternative, to permit 568 parking spaces in lieu of the required 662 parking spaces for the existing Home Depot and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Monday, December 9, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

CARL 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.

11/753 November 19

958546



KEVIN KAMENETZ
County Executive

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

October 16, 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: 2014-0068-SPHA

125 Industry Lane

S/s of Industry Lane, 400 ft. W/of York Road

8th Election District – 3rd Councilmanic District

Legal Owners: HD Development of Maryland, Inc.

Special Hearing to permit a modified parking plan in accordance with BCZR section 409.12 and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance in the alternative, to permit 568 parking spaces in lieu of the required 662 parking spaces for the existing Home Depot and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Monday, December 9, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Brett Soloway, 2455 Paces Ferry Road, C-20, Atlanta GA 30339

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 19, 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 19, 2013 Issue - Jeffersonian

Please forward billing to:

Alyssa Fiore
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

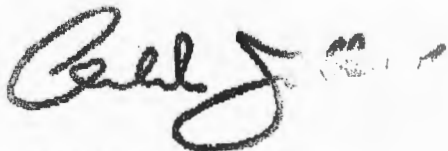
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0068-SPHA

125 Industry Lane
S/s of Industry Lane, 400 ft. W/of York Road
8th Election District – 3rd Councilmanic District
Legal Owners: HD Development of Maryland, Inc.

Special Hearing to permit a modified parking plan in accordance with BCZR section 409.12 and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance in the alternative, to permit 568 parking spaces in lieu of the required 662 parking spaces for the existing Home Depot and for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Monday, December 9, 2013 at 11:00 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 27, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0068-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on January 13, 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 SPECIAL HEARING
AND VARIANCE
125 Industry Lane, S/S Industry Lane,
400' W of York Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Brett Soloway
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-068-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

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 Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
9/24/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
10/23/13	DEPS (if not received, date e-mail sent _____)	N/C
	FIRE DEPARTMENT	
10/18/13	PLANNING (if not received, date e-mail sent _____)	C
9/24/13	STATE HIGHWAY ADMINISTRATION	No Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 11/19/13	
SIGN POSTING	Date: 11/18/13 by O'Keefe	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

December 3, 2013

Brett D. Soloway
2455 Paces Ferry Road, C-20
Atlanta GA 30339

RE: Case Number: 2014-0068 SPHA, Address: 125 Industry Lane

Dear Mr. Soloway:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 16, 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
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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 Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0068-SPHA
Special Hearing Variance
Brett D. Soloway
125 Industry Lane

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. 2014-0068-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/
Development Manager
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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2013
Item No. 2014-0068, 0069 and 0070

DATE: September 24, 2013

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC09302013 - NO COMMENTS.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 # 2014-0068-SPHA
Address 125 Industry Lane
(Soloway Property)

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 (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 08 Account Number - 2300005669	
Owner Information		
Owner Name:	HD DEVELOPMENT OF MARYLAND INC C/O HOME DEPOT USA INC PROPERTY TAX DEPT #2565	Use: COMMERCIAL Principal Residence: NO
Mailing Address:	PO BOX 105842 ATLANTA GA 30348-5842	Deed Reference: 1) /15043/ 00495 2)
Location & Structure Information		
Premises Address:	125 INDUSTRY LN 0-0000	Legal Description: 12.943 AC 125 INDUSTRY LA SS HOME DEPOT USA INC
Map: 0051	Grid: 0010	Parcel: 0222
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 2A	Assessment Year: 2014
Plat No:	Plat Ref: 0071/ 0074	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1999	117812	12.9400 AC
County Use	06	
Stories	Basement	Type
		DISCOUNT WAREHOUSE
Exterior	Full/Half Bath	Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	9,705,000	9,705,000
Improvements	5,838,000	5,838,000
Total:	15,543,000	15,543,000
Preferential Land:	0	
		Phase-in Assessments
		As of
		07/01/2013
		07/01/2014
Transfer Information		
Seller: HOME DEPOT USA INC	Date: 03/15/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15043/ 00495	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **08** Account Number: **2300005669**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

-->

CASE NAME HOWARD ROJOT
CASE NUMBER 2017-068-SPHA
DATE 12/9/13

CASE NAME Howard Rofot
CASE NUMBER 2017-068-SPH/A
DATE 12/9/15

[illegible]

Case No.:

2014-0068-SRHA

Exhibit Sheet

Petitioner/Developer

Protestants

190
1-21-14

SLN
12-12-13

No. 1	Site plan	
No. 2	photos ZA-ZI	
No. 3	Dev. Plan approval in PDM File # 8-713	
No. 4	Order in # 99-342-A	
No. 5	Order in # 99-33-SH	
No. 6	letter dated Jan. 8, 1999 from A. Jablon	
No. 7	June 14, 2013 letter from L. Schmidt	
No. 8	July 25, 2013 letter from A. Jablon	
No. 9		
No. 10		
No. 11		
No. 12		





12/5/13

IMG_2159.JPG



12/5/13

IMG_2157.JPG



12/5/13

IMG_2184.JPG



12/5/13

IMG_2183.JPG



12/5/13

IMG_2180.JPG







7% LANDSCAPED AREA IN PARKING LOT

310277 S.F. x .07 = 21719 S.F.

PLANTING UNITS PROVIDED

EXISTING

NEW

MAJOR DECIDUOUS @ 1:1	_____	<u>162</u>	= <u>162</u> P.U.
MINOR DECIDUOUS @ 2:1	_____	<u>24</u>	= <u>12</u> P.U.
EVERGREEN @ 2:1	_____	<u>128</u>	= <u>64</u> P.U.
SHRUB @ 5:1	_____	<u>367</u>	= <u>73.4</u> P.U.

TOTAL P.U. PROVIDED = 311.4 P.U.

7% LANDSCAPED AREA IN PARKING LOT

23195 TOTAL S.F. PROVIDED

BALTIMORE COUNTY DEPT OF PDM

Project No. VIII-713/05048 F

DEVELOPMENT REGULATIONS

Exempt from Sections 26-202 & 26-206

CERTIFICATION of Limited Exemption Plan Approval

By: Christine Baker Date: 10/5/98

This plan approval shall expire five (5) years
from the above approval date.

PDM FILE # VIII-713

SCHEMATIC LANDSCAPE PLAN

DEVELOPMENT PLAN

FOR

THE HOME DEPOT

INDUSTRY LANE & YORK ROAD TIMONIUM, MD.

BALTIMORE COUNTY, MD.

ELECTION DIST.

MAY, 1998

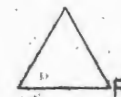
SCALE

1" = 20'

SHEET NUMBER

C-1

STANDARD



Ret. # 3

IN RE: PETITION FOR VARIANCE

S/S Industry Lane, 410' W of York Road
(125 Industry Lane)
8th Election District
3rd Councilmanic District

Home Depot, USA, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-342-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Home Depot USA, Inc., by Thomas F. Gallagher, Real Estate Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 450.4.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit five (5) wall-mounted enterprise signs on a premises in lieu of the maximum allowed three (3); four (4) wall-mounted enterprise signs on a facade in lieu of the maximum allowed two (2) signs, if necessary; one (1) wall-mounted enterprise sign of 805 sq.ft. in area in lieu of the maximum allowed 150 sq.ft.; and one (1) wall-mounted sign with an area of 290 sq.ft. in lieu of the maximum allowed 150 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas Gallagher, Real Estate Manager for Home Depot, Brian Kaminski, Kerrie Strano, a representative of Collins Signs, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Kathleen Beadell, Mr. & Mrs. George Eckhart, III, and Louis W. Miller, all residents of the Timonium area.

2000 REGISTRATION FILING
Date 3/20/99
Bep

Ref 204

Testimony and evidence presented revealed that the subject property consists of a gross area of 12.962 acres, more or less, zoned B.M., and is currently being developed with a new Home Depot warehouse and garden center. As noted above, the Petitioners request variance relief to allow the placement of a number of identification signs on the building and the property. The proposed sign package is typical of those used at other Home Depot locations throughout Baltimore County. Subsequent to the filing of this Petition, the Office of Planning submitted Zoning Plans Advisory Committee (ZAC) comments, dated March 29, 1999, indicating that the sign package being proposed for this site was too large and should be significantly reduced. In response to the concerns raised by the Office of Planning, as well as some of the nearby residents, the Petitioners amended their variance request to eliminate one sign and reduce the size of two others. At the hearing, the new signage proposal was submitted into evidence as Petitioner's Exhibit 2. In addition, subsequent to the hearing, the Petitioners submitted a revised site plan incorporating the modified relief requested. The revised site plan has been marked as Petitioner's Exhibit 1A. The Office of Planning and the citizens who appeared at the hearing have reviewed the new sign package and all were agreeable that the amended sign proposal is appropriate for this site and satisfies the concerns previously raised. However, variance relief is still necessary as the total number and square footage of those signs exceeds that permitted by the zoning regulations.

It is also to be noted that there were other concerns raised by the citizens in attendance. Those concerns were not necessarily applicable to the proposed signs, but dealt with the construction of the Home Depot store itself. Mr. & Mrs. Eckhart are concerned about the amount of screening that will be provided to buffer their property from the store. Discussions on this issue ensued at the hearing during which I indicated that I would require the Petitioners to submit a landscape plan and lighting plan to Mr. Avery Harden, Landscape Architect for Baltimore

WOLF RECEPTION OFFICE

Date

County, for his review and approval. It is hereby requested that Mr. Harden pay particular attention to the existing berm and landscaping adjacent to Mr. & Mrs. Eckhart's property, as well as the other properties located along Church Lane to insure that adequate screening is provided for these long-time residents. In addition, Mr. Harden is also asked to pay particular attention to the amount of lighting to be installed adjacent to those residential dwellings along Church Lane. It is imperative that the lighting selected for this site protects the privacy of the adjacent residents, and prohibits commercial lighting from spilling over onto those properties.

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

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

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

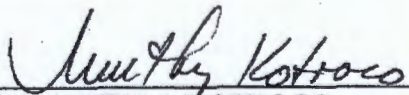
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict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

RECEIVED
DATE
FILED

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 1999 that the Petition for Variance, as amended, seeking relief from Section 450.4.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four (4) wall-mounted enterprise signs on a premises in lieu of the maximum allowed three (3) signs; to permit three (3) wall-mounted enterprise signs on a facade in lieu of the maximum allowed two (2) signs, if necessary; to permit one (1) wall-mounted enterprise sign with an area of 464 sq.ft. in lieu of the maximum allowed 150 sq.ft.; and to permit one (1) wall-mounted sign with an area of 210.67 sq.ft. in lieu of the maximum allowed 150 sq.ft., in accordance with Petitioner's Exhibits 1A and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building/sign 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall submit a landscape plan and a lighting plan for review and approval by Mr. Avery Harden, Landscape Architect for Baltimore County. The landscape plan shall be designed in such a manner that an adequate buffer is provided between the proposed development and the existing homes along Church Lane. In addition, the lighting selected for this site shall prohibit commercial lighting from intruding upon the privacy of those residences along Church Lane.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 N/S Church Lane, approx. 1300 ft.,
 1750 ft. & 1800 ft. W of York Rd * ZONING COMMISSIONER
 118, 140 & 144 Church Lane
 8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Sterling Industry Lane LLC, * Case No. 99-33-SPH
 c/o Sterling Capital LTD, Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the properties known as 118, 140 and 144 Church Lane located in the Texas/Cockeysville community of northern Baltimore County. The Petition was filed by Sterling Industry Lane LLC, property owner. Special Hearing relief is requested to approve a waiver, pursuant to Section 26-172, of Sections 26-203(C)(8), 26-172(b) and 26-278 of the Baltimore County Code, to permit the razing of three structures on the above referenced properties. The subject properties and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Daniel Waguespack, on behalf of The Home Depot Company, Inc., Contract Purchaser. Also present was Valek Zarski from George W. Stephens, Inc., the consultants who prepared the site plan. Two neighbors from the vicinity, George Eckhart III and Margaret Eckhart appeared in support of the request. Testimony was received from Kathryn M. Kuranda from R. Christopher Goodwin & Associates, Inc., the firm which conducted an historic investigation of the referenced properties. Judith S. Kremen from the Baltimore County Historic Trust also appeared and testified at the hearing. The Petitioner was represented by Robert A. Hoffman, Esquire. There were no Protestants present.

Ret No
5

The overall tract of which the subject properties are a part thereof is irregularly shaped, approximately 16.648 acres in area, zoned B.M. The primary road frontage of this tract is on Industry Lane. The property is presently under ownership of Sterling Industry Lane LLC. It is proposed for development with a Home Depot store and accessory parking lot. Vehicular access to the Home Depot store will be by way of Industry Lane.

The subject three properties at issue are located on the southern portion of the tract and represent that part of the tract which abuts Church Lane. Although part of the overall tract, these three individual lots will not be developed as part of the construction of the Home Depot store and parking area. In essence, these three individual lots are on the fringe of the overall tract. Each of the 3 lots was improved with a building/dwelling.

As a result of an overall study of historical resources in the Texas community of Baltimore County began in 1978, Maryland Historic Trust inventory numbers were assigned to these three sites; namely, BA1809, BA1888 and BA1820. The structures situated on these three lots were originally used as dwellings. In preparation to develop the overall site for the Home Depot store, the owner applied for a demolition permit to raze the three structures. Shortly before the permits would have been issued to permit demolition, the owner was informed by the Department of Permits and Development Management that a policy had been instituted requiring that any demolition permit for a structure on the MHT inventory would first have to be reviewed by way of a Petition for Special Hearing. The purpose of that hearing is to obtain a finding from the Hearing Officer regarding compliance with Baltimore County Code Section 26-278, which requires that historic structures "must be preserved". The Petition for Special Hearing was scheduled for public hearing for August 19, 1998 and

OFFICE OF THE CLERK FOR FILING

Date

By

arrangements were made to have the matter presented for advisory review by the Landmarks Preservation Commission at its meeting on August 13, 1998.

On or about July 21, 1998 and without the permits having been issued, the three buildings were demolished by the owner's subcontractor. The property owner, through counsel, advised that the demolitions were inadvertent and had been performed without the knowledge or approval of the owner. The property owner immediately reported the matter to the Department of Permits and Development Management upon which the County issued citations. These citations are not the subject matter of the hearing before me, but have been duly considered by Stanley Schapiro, the County's Hearing Officer for zoning violation matters.

Testimony and evidence presented at the hearing before me was from Kathryn M. Kuranda, from R. Christopher Goodwin and Associates. A copy of her full report was submitted as Petitioner's Exhibit No. 3. Ms. Kuranda presented testimony about the subject community and the historic significance of these properties. She indicated that the Texas community was established in approximately 1900 and was settled by Irish immigrants. A lime kiln manufacturing process was the primary vocational focus of the community. The three properties at issue each contained buildings which were formerly used as dwellings. Ms. Kuranda testified that the buildings were not significant from a historical standpoint and concluded that they did not meet the criteria to be preserved in Baltimore County. Specifically, she opined that none of the three buildings would have been likely to qualify through the Baltimore County Landmarks list.

Ms. Kuranda presented similar testimony at the Landmarks Preservation Commission on August 13, 1998 meeting. As a result of her presentation and comments received from John W. McGrain on behalf of Baltimore County,

ORDER RECEIVED FOR FILING

Date

BY

the LPC concurred that none of the three dwellings would have been likely to qualify for the Baltimore County Landmarks Preservation list.

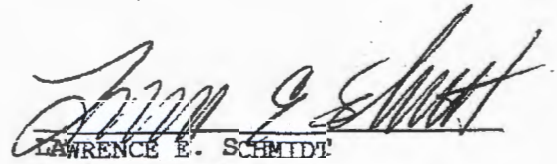
Based upon this uncontradicted testimony and the recommendation of the office of the Landmarks Preservation Commission presented through the Office of Planning, I am persuaded to grant the Petition for Special Hearing. Clearly, the actual demolitions of the buildings make literal compliance with the requirements set forth Section 26-278 that historic structures "must be preserved", moot. The buildings have been razed and reconstruction is not warranted. Nonetheless, a finding can be made that, based upon the unique circumstances of this case, literal compliance with Section 26-278 cannot be achieved and that the hearing before Mr. Schapiro for imposition of penalties for violations has satisfactorily disposed of the matter. In sum, it is doubtful whether the buildings were worth preservation from an historic perspective. Yet, the subcontractor's demolition of the buildings without regard to the County process should not be sanctioned or endorsed. I will leave it to Mr. Schapiro's discretion to impose the appropriate penalty.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of September 1998 that, pursuant to the Petition for Special Hearing, approval for a waiver, pursuant to Section 26-172, of Sections 26-203(C)(8), 26-172(b) and 26-278 of the Baltimore County Code to permit the razing of three structures on the above referenced properties, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 9/23/98
By Chapman

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:kmn

ORDER RECEIVED FOR FILING
Date 9/23/98
By M. Chovak

Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, Md. 21204

410-887-3335

January 8, 1999

G. W. Stephens, Jr. & Associates
658 Kenilworth Drive, Suite 100
Towson, MD 21204

Red No 6

RE: Home Depot - Timonium
PDM #VIII-713
DRC Number 12218E, Dist. 8C3

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on December 21, 1998, and made the following recommendations:

The DRC has determined that your project meets the requirements of a refinement to the development plan, under Section 26-211. Please submit plans to the Department of Environmental Protection and Resource Management, and the Office of Planning, for further review.

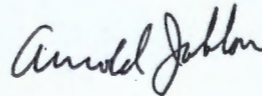
W. Stephens, Jr. & Associates
Home Depot - Timonium
January 8, 1999
Page 2

After resolution of any outstanding issues, please submit ten copies of the plan to this office, Room 123, for signature, and a copy of this letter.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 8th day of January 1999, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:DTR:dak

c: Bruce Seeley
Joyce Watson
File

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD
JASON T. VETTORI

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

June 14, 2013

Via Hand Delivery

Ms. Colleen Kelly
Chief, Development Management Division
Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: The Home Depot
3rd Councilmanic District
125/107 Industry Lane

Ref No
7

Dear Ms. Kelly:

This firm has been retained by Kidd Realty, LLC (the "**Applicant**") with regards to its development at the above referenced site. Please find enclosed herewith (i) One (1) copy of the DRC Checklist, (ii) three (3) copies of the DRC application, (iii) three (3) copies of this letter, (iv) nine (9) copies of the DRC plan, and (v) a check in the amount of sixty dollars (\$60.00).

The Applicant is seeking a determination that its proposal meets the requirements for a lot line adjustment of commercially zoned parcels that have previously been the subject of an approved Development Plan and record plat, pursuant to Baltimore County Code § 32-4-106(a)(v).

The subject properties are currently improved with a Home Depot retail store with associated parking (Lot 2A) and an automotive service station with associated parking (Lot 2B). The lot lines will be adjusted to enlarge Lot 2B to include an additional area along Industry Lane of approximately one (1) acre. There is no additional development or construction currently proposed on either lot.

Both lots are commercial in nature (zoned B.M.) and are the subject of a Development Plan that was originally approved by the Hearing Officer on September 28, 1998. The Development Plan was amended one (1) prior time to create Lots 2A and 2B. A plat for the properties is recorded among the plat records of Baltimore County in Liber 71, folio 74. This

600 WASHINGTON AVENUE • SUITE 200 • TOWSON, MARYLAND 21204

TELEPHONE (410) 821-0070 • FACSIMILE (410) 821-0071 • www.sgs-law.com

Ms. Colleen Kelly,

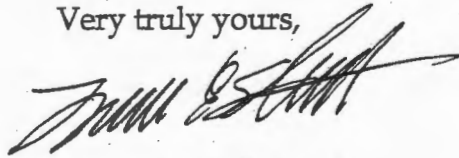
June 13, 2013

Page 2

lot line adjustment for commercial property that is the subject of a prior Development Plan and previously platted therefore meets the standards for an (a)(v) exemption. This lot line adjustment and adjustment to parking calculations will necessitate zoning relief. We anticipate filing for such relief shortly.

I will be in attendance at the DRC meeting in order to answer any questions you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized, sweeping flourish extending to the right.

Lawrence E. Schmidt

LES/amf

CC: Mr. Bill Kidd

Mr. Michael Fisher, Site Resources

Mr. Benjamin Kulp, Site Resources

Charles B. Marek III, Esquire

Baltimore County Government
Department of Permits Approvals and Inspections
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

July 25, 2013

Smith, Gildea & Schmidt, LLC
Mr. Lawrence E. Schmidt
600 Washington Avenue Suite 200
Towson, MD 21204

*Ret
AB8*

RE: Home Depot
2nd Development Refinement
PAI Number: 08-0713
Tracking Number: DRC-2013-00106
DRC Number: 070913A; Dist. 8C3

Dear Mr. Schmidt:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106(b)(2) and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on July 9, 2013, and made the following recommendations:

The DRC has determined that your project meets the requirements of **refinement to the development plan, under Section 32-4-106(b)(2) contingent on the zoning variance granted**. In your submittal, please include a CD containing the CAD file and PDF file of the refined plan. For detailed instructions go to

http://www.baltimorecountymd.gov/Agencies/permits/pdm_devmanage/pdmdigitalplans.html#CAD_Standard.

051B1

PARKING

80801 - 20070578

PARKING

1234 ML IM
BM IM

BR

ML AS
DR 16'

BM ML
BM IM

59147 - 201100

BM AS

ML IM
PDM # 030796

BR

PDM # 0712

PDM # 080158

BR

ML IM
BM IM

Pt. Bk. 0000076, Folio 0057

PDM # 080349

Pt. Bk./Folio # 077018

Pt. Bk. 0000077, Folio 0018

PARKING

FRANKEL PROPERTY (PDM File/Project #)

12350 - 19522220

PARKING

PARKING

12347 - 19980350

59434 - 20120123

NW 16-B

INDUSTRY LN

12352 - 19460681

BM

Pt. Bk./Folio # 071074

AAI PROPERTY (PDM File/Project #)

PARKING

PDM # 080713

ROAD

Pt. Bk. 0000071, Folio 0074

12355 - 19990342

12355 - 19990033

12373 - 19470817

59257 - 20110309

12377 - 19410188

12372 - 19750011

80306 - 19950489

80306 - 19970548

12374 - 19910165

55453 - 20060554

12382 - 19720275

Pt. Bk./Folio # 070070

PDM # 080695

Pt. Bk. 0000070, Folio 0070

12083 - 19720275

12083 - 19980086

Pt. Bk. 0000078, Folio 0436

BM

Pt. Bk./Folio # 078436

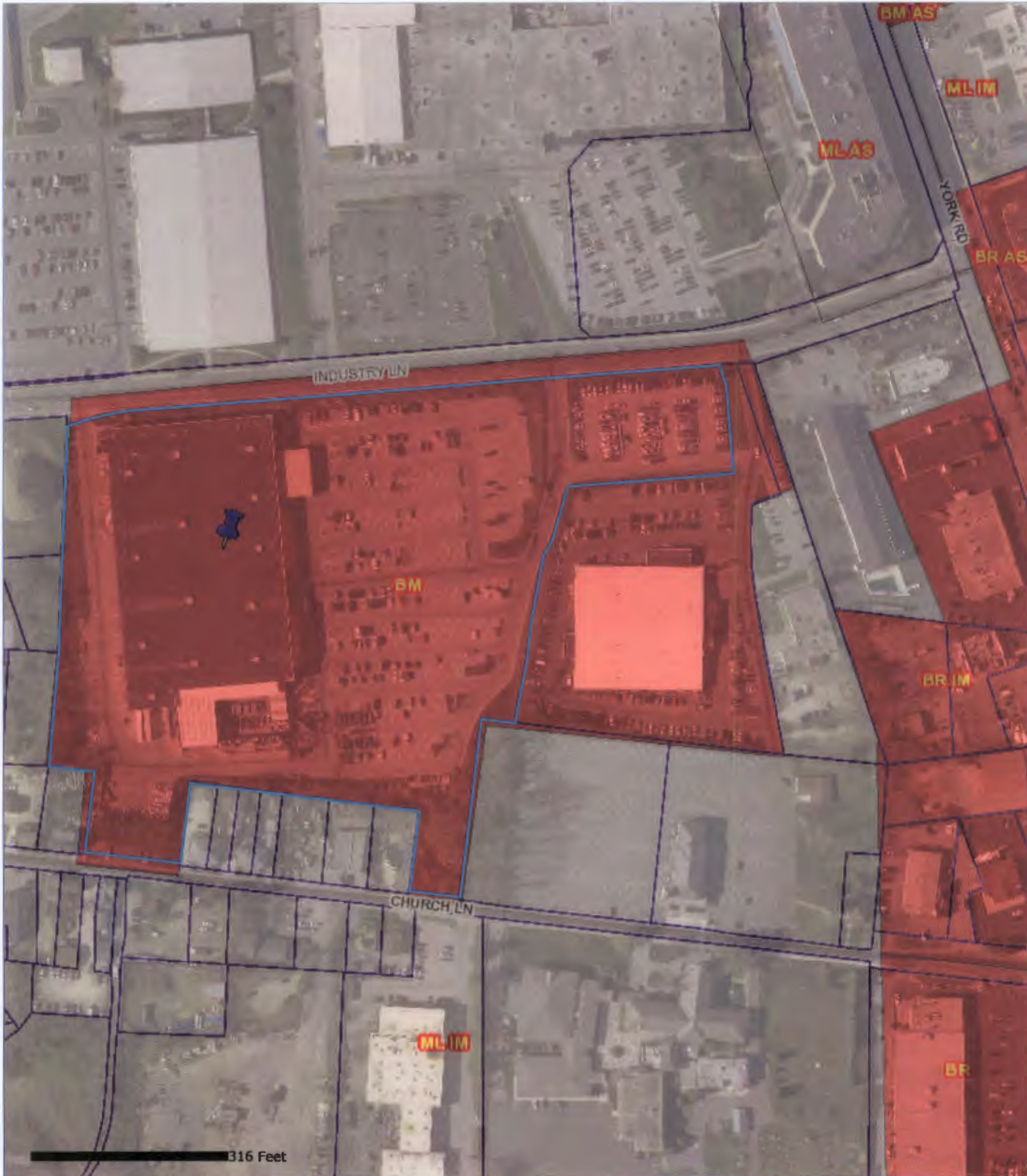
NW 15-B

3 CD 8 ED

051B2

MH

2014-0068-SPHA



My Neighborhood Map

2014-0068-SPHA

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.

