

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(6159 Edmondson Avenue) *
1st Election District *
1st Councilmanic District *
Catonsville Development Group, LLC *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0072-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Lawrence E. Schmidt, Esquire from Smith, Gildea & Schmidt, LLC, on behalf of Catonsville Development Group, LLC ("Petitioners").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To confirm that a commercial recreational facility is permitted by right in the M.L.R. zone (§ 248.1); (2) If necessary, to permit a commercial recreational facility, warehouse and office in the M.L. zone as uses by right (§ 240.3); (3) To confirm an existing non-conforming setback of 0 ft. in lieu of the required 50 ft. (§ 243.2); (4) To confirm an existing non-conforming setback of 37 ft. to a residential zone boundary in lieu of the required 125 ft. (§ 243.4); (5) To determine the required number of parking spaces for a commercial recreational facility (§ 409.6.A); (6) To approve a shared parking adjustment (§ 409.6.B.3); (7) In the alternative, to approve a modified parking plan (§ 409.12); (8) To confirm that the M.R. zone incorporates uses permitted in the adjoining commercial zone (§ 241.1); and (9) For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

ORDER RECEIVED FOR FILING

Date

12/2/13

By

Den

A Petition for Special Exception was filed pursuant to B.C.Z.R. § 248.2 as follows: (1) In the alternative, to permit a commercial recreational facility; and (2) For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. as follows: (1) In the alternative, to the Petition for Special Hearing, to permit a side setback to a zoning use division line of 0 ft. in lieu of the required 50 ft. (§ 243.2); (2) In the alternative, to the Petition for Special Hearing, to permit a setback to a residential zone boundary of 37 ft. in lieu of the required 125 ft. (§ 243.4); (3) In the alternative, to the Petition for Special Hearing, to permit a setback of off-street parking and loading of 0 ft. from the right of way in lieu of the required 10 ft. (§ 409.8.A.4); (4) In the alternative, to permit a side yard setback to a property line of 24 ft. in lieu of the required 50 ft. (§ 243.2); and (5) For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The subject property and requested relief is more fully depicted on the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 1A & 1B. Appearing in support of the requests was Fred Kawa, Rich Beattie and Bill Monk with Morris & Ritchie Associates, Inc., who prepared the site plan for the Petitioner. Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, appeared as counsel and represented the Petitioner. There were no Protestants in attendance, and the file does not contain letters of protest or opposition. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) on October 23, 2013, indicating that

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Date 12/2/13

By DEL

development of the property must comply with the pertinent environmental regulations set forth in the Baltimore County Code.

The subject property is approximately 6.41± acre in size and is split zoned MLR, MR and DR 5.5. The site is improved with a large building (previously used as a bottling facility for a soft drink manufacturer). In addition, there is a building used as a service garage and two single family dwellings on the eastern portion of the site. This case concerns the western portion of the site, where the Petitioner proposes an adaptive re-use of the vacant warehouse building. Specifically, Petitioner proposes to use the building for a commercial recreational facility and an office/warehouse space for a growing mechanical engineering (HVAC) firm. According to Petitioner, the community is excited about the project, especially given the dearth of indoor athletic facilities in the southwest portion of the County.

The commercial use of the property dates back to long before the adoption of the B.C.Z.R., and Petitioner submitted zoning cases outlining some of the history. Exhibit 2. Given this fact, the Petitioner has sought relief under alternative theories: Special Hearing relief to confirm the nonconforming nature of the site conditions and setbacks, or in the alternative, variances from current B.C.Z.R. setback and parking requirements. The split zoning (the large warehouse is zoned both MR and MLR) also complicates matters somewhat concerning whether the proposed recreation use is permitted by right or special exception, and the Petitioner has again sought relief under alternative theories.

As noted at the outset, the site is large and of very irregular shape. As such, it seems appropriate to consider the variance requests (rather than the special hearing requests), which will prevent the need for an historical analysis of exactly what was constructed and when, even though it is abundantly clear the property has been used in a commercial fashion for probably in

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Date 12/2/13

By DER

excess of 100 years. For similar reasons, especially given the poorly drafted and ambiguous B.C.Z.R. provisions at issue (which would seem to indicate a commercial recreational facility is permitted as of right and by special exception in the MLR zone), I will consider that use as necessitating special exception relief.

SPECIAL HEARING

As noted above, the majority of the Special Hearing requests will instead be treated as petitions for variance and special exception. Special Hearing request No. 5 (which will be considered) pertains to parking requirements, and Petitioner indicated that 126 spaces are currently provided on site. After analyzing the plan and proposed uses, I believe that sufficient parking exists, and I will therefore not consider the requests for a shared parking arrangement (No. 6) or a modified parking plan (No. 7). Instead, I will (pursuant to request No. 5) make a determination of the required number of spaces required for a commercial recreational facility, a use not specifically addressed in the Section 409 parking regulations.

The plan contains a parking tabulation chart, which indicates that the office and storage/warehouse uses combined will require 35 spaces. That means 91 spaces can be allocated to the commercial recreational facility, which in my opinion will be more than sufficient. As explained by Petitioner, the facility will have two full sized athletic fields. There will of course be two teams on each field, and each team will have at most 15-20 players. Even assuming for sake of argument there was no car pooling to the facility, I believe the maximum number of vehicles which would be on site at any one time would be in the neighborhood of 80. As such, I believe sufficient parking exists on site and will therefore determine that 91 spaces are required for the commercial recreational use.

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Date 12/2/13
By Den

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Such evidence was not presented here, and thus the petition will be granted, permitting the commercial recreational facility in the MR/MLR zones by special exception.

VARIANCES

Based upon the testimony and evidence presented, I will also grant the request for variance relief. 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).

The Petitioner has met this test. The site is nearly seven acres in size (6.41± acres) and is of very irregular dimensions, as shown on the zoning map submitted as Exhibit 4. As such, the property is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, since it would be unable to operate the facility. 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.

ORDER RECEIVED FOR FILING

Date 12/2/13

By ser

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

THEREFORE, IT IS ORDERED this 2nd day of December, 2013, by this Administrative Law Judge, that the request for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To determine the required number of parking spaces (which shall be 91) for a commercial recreational facility (§ 409.6.A); and (2) To confirm that the M.R. zone incorporates uses permitted in the adjoining commercial zone (§ 241.1), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. § 248.2, to permit a commercial recreational facility in a MR/MLR zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance relief as follows: (1) to permit a side setback to a zoning use division line of 0 ft. in lieu of the required 50 ft. (§ 243.2); (2) to permit a setback to a residential zone boundary of 37 ft. in lieu of the required 125 ft. (§ 243.4); (3) to permit a setback of off-street parking and loading of 0 ft. from the right of way in lieu of the required 10 ft. (§ 409.8.A.4); and (4) to permit a side yard setback to a property line of 24 ft in lieu of the required 50 ft. (§ 243.2), be and is hereby GRANTED.

IT IS FURTHER ORDERED that all other aspects of special hearing relief as sought in the original petition, and not addressed in this Order, shall be deemed DISMISSED WITHOUT PREJUDICE.

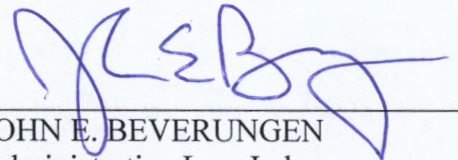
ORDER RECEIVED FOR FILING

Date 12/2/13
By DLR

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioner must comply with the ZAC comment submitted by DEPS (dated 10-23-2013).
3. The Special Exception granted herein must be utilized within two (2) years of the date hereof, unless extended by subsequent Order.

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 12/2/13

7 By sen

KEVIN KAMENETZ
County Executive



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

December 2, 2013

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

RE: Petitions for Special Hearing, Special Exception and Variance
Property: 6159 Edmondson Avenue
Case No.: 2014-0072-SPHXA

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 dark 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: Fred Kawa, 6159 Edmondson Avenue, Suite A, Catonsville, Maryland 21228
Rich Beattie, 6159 Edmondson Avenue, Suite A, Catonsville, Maryland 21228
Bill Monk, 1220-C E. Joppa Road, Suite 505, Towson, Maryland 21286
Josh Sharon, 1220-C E. Joppa Road, Suite 505, Towson, Maryland 21286



PETITION FOR ZONING HEARING(S)

FLOOD

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 6159 Edmondson Avenue

which is presently zoned MLR, MR, & DR 5.5

Deed References: 33916/00325

10 Digit Tax Account # 0103000774; 0100300775; 0103000770

Property Owner(s) Printed Name(s) Catonsville Development Group, 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

Please see the attached.

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

Please see the attached.

3. ☒ a **Variance** from Section(s)

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): Catonsville Development Group, LLC

By: **FRED KAWA**, Authorized signatory

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2056 Lord Baltimore Dr., Baltimore MD

Mailing Address

City

State

21244

443-200-1000

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 2014-0072-SPHXP Filing Date 9/23/2013

Do Not Schedule Dates:

Reviewer **LL**

ATTACHMENT TO PETITION FOR ZONING RELIEF

6159 Edmondson Avenue

Special Hearing relief:

1. To confirm that a Commercial Recreational Facility is permitted by right in the M.L.R. zone pursuant to BCZR §248.1.
2. If necessary, to permit a commercial recreational facility, warehouse and office in the M.R. zone as uses permitted by right pursuant to BCZR §240.3.
3. To confirm an existing nonconforming setback of 0 feet in lieu of the required 50 feet pursuant to BCZR §243.2.
4. To confirm an existing nonconforming setback of 37 feet to a residential zone boundary in lieu of the required 125 feet pursuant to BCZR §243.4.
5. To determine the required number of parking spaces for a commercial recreational facility pursuant to BCZR §409.6.A.
6. To approve a shared parking adjustment pursuant to BCZR §409.6.B.3.
7. In the alternative, to approve a modified parking plan pursuant to BCZR §409.12.
8. To confirm that the M.R. zone incorporates uses permitted in the adjoining commercial zone pursuant to BCZR §241.1.
9. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Special Exception relief:

1. In the alternative, to permit a Commercial Recreational Facility pursuant to BCZR §248.2.
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

0072-SPHXA

Variance relief:

1. In the alternative, to the Petition for Special Hearing, to permit side setback to a zoning use division line of 0 feet in lieu of the required 50 feet pursuant to BCZR § 243.2.
2. In the alternative, to the Petition for Special Hearing, to permit setback to a residential zone boundary of 37 feet in lieu of the required 125 feet pursuant to BCZR § 243.4.
3. In the alternative, to the Petition for Special Hearing to permit a setback of off-street parking and loading of 0 feet from the right of way in lieu of 10 feet pursuant to BCZR §409.8.A.4.
4. In the alternative, to permit a side yard setback to a property line of 24 feet in lieu of the required 50 feet pursuant to BCZR §243.2
5. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

0072-SPHXA



PETITION FOR ZONING HEARING(S)

FLOOD

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 6159 Edmondson Avenue

which is presently zoned MLR, MR, & DR 5.5

Deed References: 33916/00325

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Property Owner(s) Printed Name(s) Catonsville Development Group, LLC

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Please see the attached.

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

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3. ☒ a **Variance** from Section(s)

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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

Date

Mailing Address

City

State

By

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): Catonsville Development Group, LLC

By: **FRED KEM**, Authorized signatory

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2056 Lord Baltimore Dr., Baltimore MD

Mailing Address

City

State

21244

443-200-1000

FRED KEM-CORP. US

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 **2014-0072-SPHXA** Filing Date **9, 23, 2013**

Do Not Schedule Dates:

Reviewer **Fred Kem**

ATTACHMENT TO PETITION FOR ZONING RELIEF

6159 Edmondson Avenue

Special Hearing relief:

1. To confirm that a Commercial Recreational Facility is permitted by right in the M.L.R. zone pursuant to BCZR §248.1.
2. If necessary, to permit a commercial recreational facility, warehouse and office in the M.R. zone as uses permitted by right pursuant to BCZR §240.3.
3. To confirm an existing nonconforming setback of 0 feet in lieu of the required 50 feet pursuant to BCZR §243.2.
4. To confirm an existing nonconforming setback of 37 feet to a residential zone boundary in lieu of the required 125 feet pursuant to BCZR §243.4.
5. To determine the required number of parking spaces for a commercial recreational facility pursuant to BCZR §409.6.A.
6. To approve a shared parking adjustment pursuant to BCZR §409.6.B.3.
7. In the alternative, to approve a modified parking plan pursuant to BCZR §409.12.
8. To confirm that the M.R. zone incorporates uses permitted in the adjoining commercial zone pursuant to BCZR §241.1.
9. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Special Exception relief:

1. In the alternative, to permit a Commercial Recreational Facility pursuant to BCZR §248.2.
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

0072-SPHXA

Variance relief:

1. In the alternative, to the Petition for Special Hearing, to permit side setback to a zoning use division line of 0 feet in lieu of the required 50 feet pursuant to BCZR § 243.2.
2. In the alternative, to the Petition for Special Hearing, to permit setback to a residential zone boundary of 37 feet in lieu of the required 125 feet pursuant to BCZR § 243.4.
3. In the alternative, to the Petition for Special Hearing to permit a setback of off-street parking and loading of 0 feet from the right of way in lieu of 10 feet pursuant to BCZR §409.8.A.4.
4. In the alternative, to permit a side yard setback to a property line of 24 feet in lieu of the required 50 feet pursuant to BCZR §243.2
5. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

0072-SPHXA

6159 Edmondson Avenue –Special Exception

Zoning Description

Beginning at a point 224' +/- North East of the intersection at Arbutus Avenue and Edmondson Avenue, located by the centerline of Edmondson Avenue. **Hence**, the following courses and distances, referred to the Maryland Coordinate System (MCS '83/91):

An arc on a chord bearing North 68 degrees 48 minutes 44 seconds East for 229.33 feet at a radius of 1501.74 feet. Turning to South 03 degrees 52 minutes 49 seconds East for 231.57 feet, then turning to South 87 degrees 23 minutes 24 seconds West for 216.85 feet, last turning North 04 degrees 34 minutes 48 seconds West for 158.61 feet.

Containing an area of 43,181 square feet or 0.99 acres of land, more or less and being located in the First Election District of Baltimore County Maryland. -



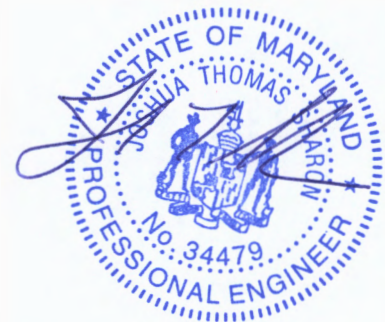
2014-0072-SPHXA

Zoning Description

Beginning at a point 68'+/- East of the intersection of Arbutus Avenue and Edmondson Avenue, located on the East side of the right-of-way of Edmondson Avenue. **Hence**, the following courses and distances, referred to the Maryland Coordinate System (MCS '83/91):

North 60°degrees 37 minutes 23 seconds East for 61.79 feet continuing along Edmondson Avenue on a chord Bearing North 74°degrees 34 minutes 42 seconds East in an arc length of 683.15 feet Radius 1402.40 feet. Leaving Edmondson Avenue South 06°degrees 01 minutes 45 seconds East for 358.63 feet. Then going North 82°degrees 34 minutes 45 seconds West for 138.30 feet, Next going South 83°degrees 58 minutes 15 seconds West for 65.00 feet. Turning South 06° 01 minutes 45 seconds East for 81.50 feet, then turning South 83°degrees 58 minutes 15 seconds West for 105.00 feet, and turning South 06° 01 minutes 45 seconds East for 32.02 feet. An arch chord bearing North 87°degrees 40 minutes 48 seconds West arc length 312.80 feet arc radius 500.00 feet, then going South 74°degrees 23 minutes 53 seconds West for 101.69 feet. Turning North 16°degrees 03 minutes 24 seconds West for 39.88 feet, then going North 21°degrees 21 minutes 13 seconds West for 57.45 feet, continuing North 24°degrees 50 minutes 21 seconds West for 92.10 feet. Turning North 60°degrees 37 minutes 23 seconds East for 29.06 feet, then turning North 27°degrees 15 minutes 37 seconds West 53.04 feet. Turning to North 60°degrees 37 minutes 23 seconds East for 40.03 feet, and North 27°degrees 15 minutes 37 seconds West for 20.01 feet returning to the point of beginning.

Containing an area of 256,649 square feet or 5.89 acres of land, more or less and being located in the First Election District of Baltimore County Maryland.



2014-0072-SPHXA

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2014 - 0072 SP4XA

Petitioner: Catonsville Development Group, LLC

Address or Location: 6159 Edmonson Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Address: Smith, Gildea & Schmidt, LLC

600 Washington Ave., Suite 200

Towson, MD 21202

Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ

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

No. **103493**

Date: **9/23/13**

PAID RECEIPT

RECEIVED BY: [Signature]
 DATE: 9/23/2013 TIME: 10:42:17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1200.00

Total: **1200.00**

Rec

From: *Smith, Giddens & Son, Inc.*

For:

Catonsville Development Group, LLC - zoning fee

2014-0072SPHKA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/03/2013

Case Number: 2014-0072-SPHXA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.

Date of Hearing (Closing): NOVEMBER 26, 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:
6159 EDMONDSON AVENUE

The sign(s) were posted on: NOVEMBER 2, 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 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: #2014-0072-SPHXA

6159 Edmondson Avenue
S/S Edmondson Avenue at the SE corner of Arbutus Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Fred Kawa

Special Hearing to confirm that a Commercial Recreational Facility is permitted by right in the MLR zone; if necessary to permit a commercial recreation facility, warehouse and office in the MR zone as uses permitted by right; to confirm an existing non-conforming setback of 0 ft. in lieu of the required 50 ft.; to confirm an existing non-conforming setback of 37 feet to a residential zone boundary in lieu of the required 125 ft.; to determine the required number of parking spaces for a commercial recreational facility; to approve a shared parking adjustment; in the alternative, to approve a modified parking plan; to confirm that the MR zone incorporates uses permitted in the adjoining commercial zone; for such other and further relief as may be deemed necessary by the ALJ. **Special Exception** in the alternative, to permit a Commercial Recreational Facility and for such other and further relief as may be deemed necessary. **Variance** in the alternative, to Special Hearing, to permit side setback to a zoning use division line of 0 feet in lieu of the required 50 ft.; in the alternative to the Special Hearing, to permit setback to a residential zone boundary of 37 ft. in lieu of the required 125 ft.; in the alternative, to the Special Hearing, to permit a setback of off-street parking and loading of 0 feet from the right-of-way in lieu of 10 feet; in the alternative, to permit a side yard setback to a property line of 24 feet in lieu of the required 50 ft; for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Tuesday, November 26, 2013 at 11:00 a.m. in Room 104, 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 11/601 November 5

956278

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 5, 2013 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21202

410-821-0070

NOTICE OF ZONING HEARING

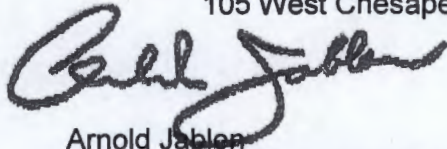
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0072-SPHXA

6159 Edmondson Avenue
S/S Edmondson Avenue at the SE corner of Arbutus Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Fred Kawa

Special Hearing to confirm that a Commercial Recreational Facility is permitted by right in the MLR zone; if necessary to permit a commercial recreational facility, warehouse and office in the MR zone as uses permitted by right; to confirm an existing non-conforming setback of 0 ft. in lieu of the required 50 ft.; to confirm an existing non-conforming setback of 37 feet to a residential zone boundary in lieu of the required 125 ft.; to determine the required number of parking spaces for a commercial recreational facility; to approve a shared parking adjustment; in the alternative, to approve a modified parking plan; to confirm that the MR zone incorporates uses permitted in the adjoining commercial zone; for such other and further relief as may be deemed necessary by the ALJ. Special Exception in the alternative, to permit a Commercial Recreational Facility and for such other and further relief as may be deemed necessary. Variance in the alternative, to Special Hearing, to permit side setback to a zoning use division line of 0 feet in lieu of the required 50 ft.; in the alternative to the Special Hearing, to permit setback to a residential zone boundary of 37 ft. in lieu of the required 125 ft.; in the alternative, to the Special Hearing, to permit a setback of off-street parking and loading of 0 feet from the right-of-way in lieu of 10 feet; in the alternative, to permit a side yard setback to a property line of 24 feet in lieu of the required 50 feet; for such other and further relief as may be deemed necessary by the ALJ.

Hearing: Tuesday, November 26, 2013 at 11:00 a.m. in Room 104, 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.



October 9, 2013

KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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:

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Hearing: Tuesday, November 26, 2013 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204

- 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.

M E M O R A N D U M

DATE: January 6, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0072-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on January 1, 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 * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE * OF ADMINISTRATIVE
6159 Edmondson Avenue; S/S Edmondson *
Avenue at SE corner Arbutus Avenue * HEARINGS FOR
1st Election & 1st Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Catonsville Development Group *
* 2014-072-SPHXA

* * * * *

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

OCT 03 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 3rd day of October, 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

CASE NO. 2014-

11-26 11AM
0092-SPHYA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10-3</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>10-23</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-1</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>11-5-13</u>	
SIGN POSTING	Date: <u>11-2-13</u> by <u>O'Keefe</u>	
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*

November 22, 2013

Catonsville Development Group LLC
Fred Kawa
2056 Lord Baltimore Drive
Baltimore MD 21244

RE: Case Number: 2014-0072 SPHXA, Address: 6159 Edmondson Avenue

Dear Mr. Kawa:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 23, 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 style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Towson MD 21204

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



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

Date: 10-1-13

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

RE: Baltimore County

Item No 2014-0072-SPHXA
Special Hearing Special Exception Variance
Catonsville Development Group, LLC
Fred Kawa
6159 Edmondson Avenue

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. 2014-0072-SPHXA.

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

DATE: October 03, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 07, 2013
Item No. 2014-0071, 0072, 0073, 0074, 0077, 0078 and 0079

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\ZAC10072013 -.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

OCT 23 2013

Inter-Office Correspondence

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 # 2014-0072-SPHXA
Address 6159 Edmondson Avenue
(Catonsville Development Group, LLC Property)

Zoning Advisory Committee Meeting of September 30, 2013.

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

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Due to the extent of the Forest Buffer on this approximately 5.75-ac site, any future redevelopment thereof may require a variance or alternatives analysis in accordance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains as well as compliance with the Forest Conservation Law.

Reviewer: Glenn Shaffer – Environmental Impact Review (EIR)

McMechanical Eng. +
CASE NAME Construction
CASE NUMBER 2014-72-8H
DATE 11/26/13

[illegible]

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0114101140			
Owner Information					
Owner Name:	RK & K'S PROPERTY MANAGEMENT SERVICES INC		Use:	COMMERCIAL NO	
Mailing Address:	3601 TEMPLAR RD RANDALLSTOWN MD 21133-2429		Principal Residence:	Deed Reference: /22322/ 00449	
Location & Structure Information					
Premises Address:		5202 BALTO NATL PIKE 0-0000		Legal Description:	LT 1,2 5202 BALTIMORE NTL PK NS WEST HILLS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0095	0015	0232		0000	A 1 2015 0012/0113
Special Tax Areas:			Town: Ad Valorem: Tax Class: NONE		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				14,819 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-In Assessments As of 07/01/2014 As of 07/01/2015	
Land:		254,000	254,000		
Improvements		460,000	482,300		
Total:		714,000	736,300	714,000	721,433
Preferential Land:		0			0
Transfer Information					
Seller: RUBIE AND ASSOCIATES LLC		Date: 08/08/2005		Price: \$60,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22322/ 00449		Deed2:	
Seller: SCHERR DONALD S		Date: 06/30/1994		Price: \$250,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10625/ 00150		Deed2:	
Seller: ROBERT J NEUBAUER & UNION TRUST		Date: 01/18/1972		Price: \$110,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06243/ 00941		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00/0.00		0.00/0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Case No.:

2014-0072 - SPHXA

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	1A + 1B 2 sheet redline plan	
No. 2	2A-2C prior zoning orders	
No. 3	Google Earth aerial photos	
No. 4	My Neighborhood map	
No. 5	Planning Board minutes	
No. 6	6A-6T photos	
No. 7	illustrative site plan	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



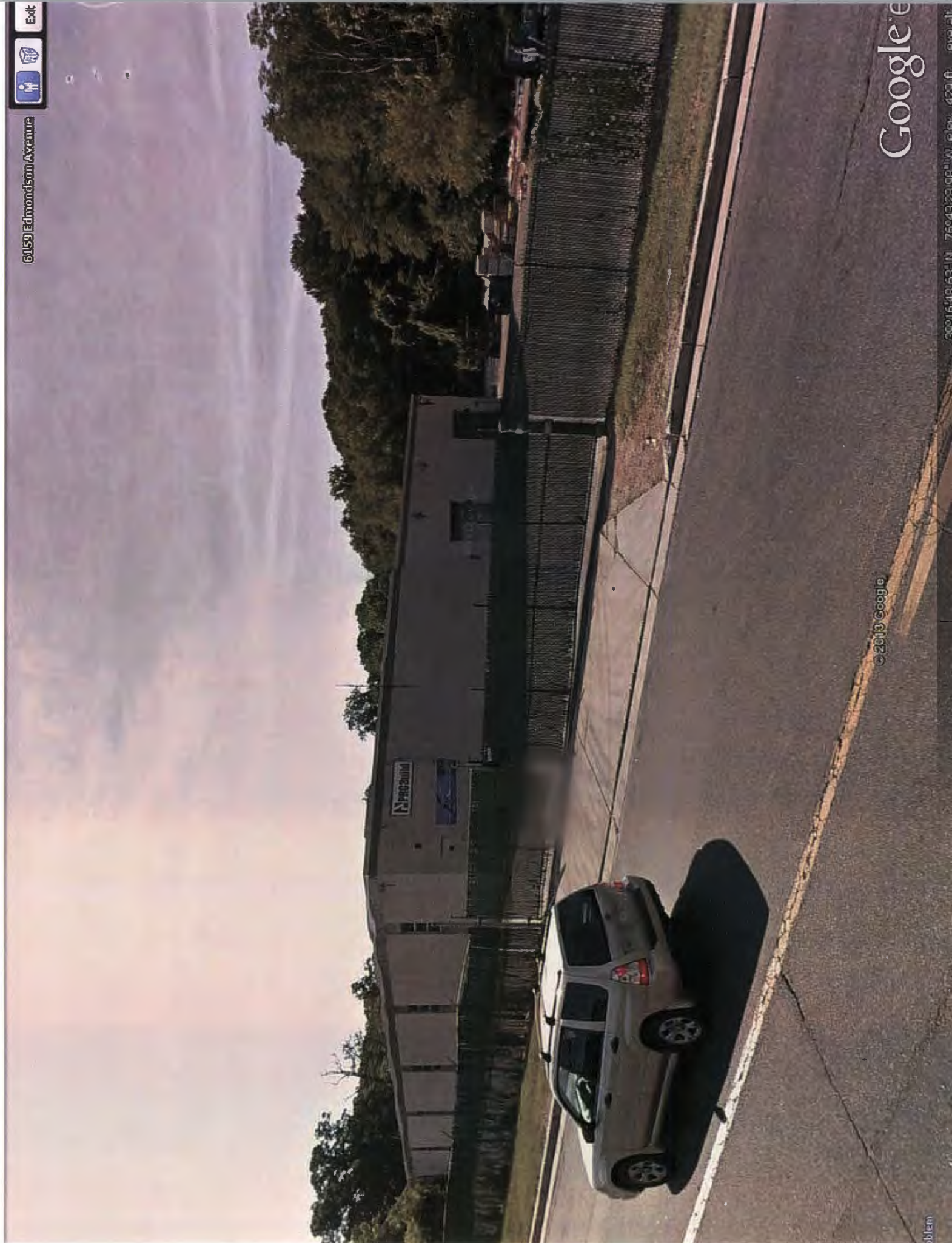




6159 Edmondson Avenue



Exit



© 2013 Google

Google

blem

3001648.63° N 764328.08° W elev. 420 ft. view alt











Catonsville
**AUTO
WORX**
410-744-4822

CATONSVILLE
TRANSMISSION
& ENGINE REPAIR
(410) 744-4822

6159 C



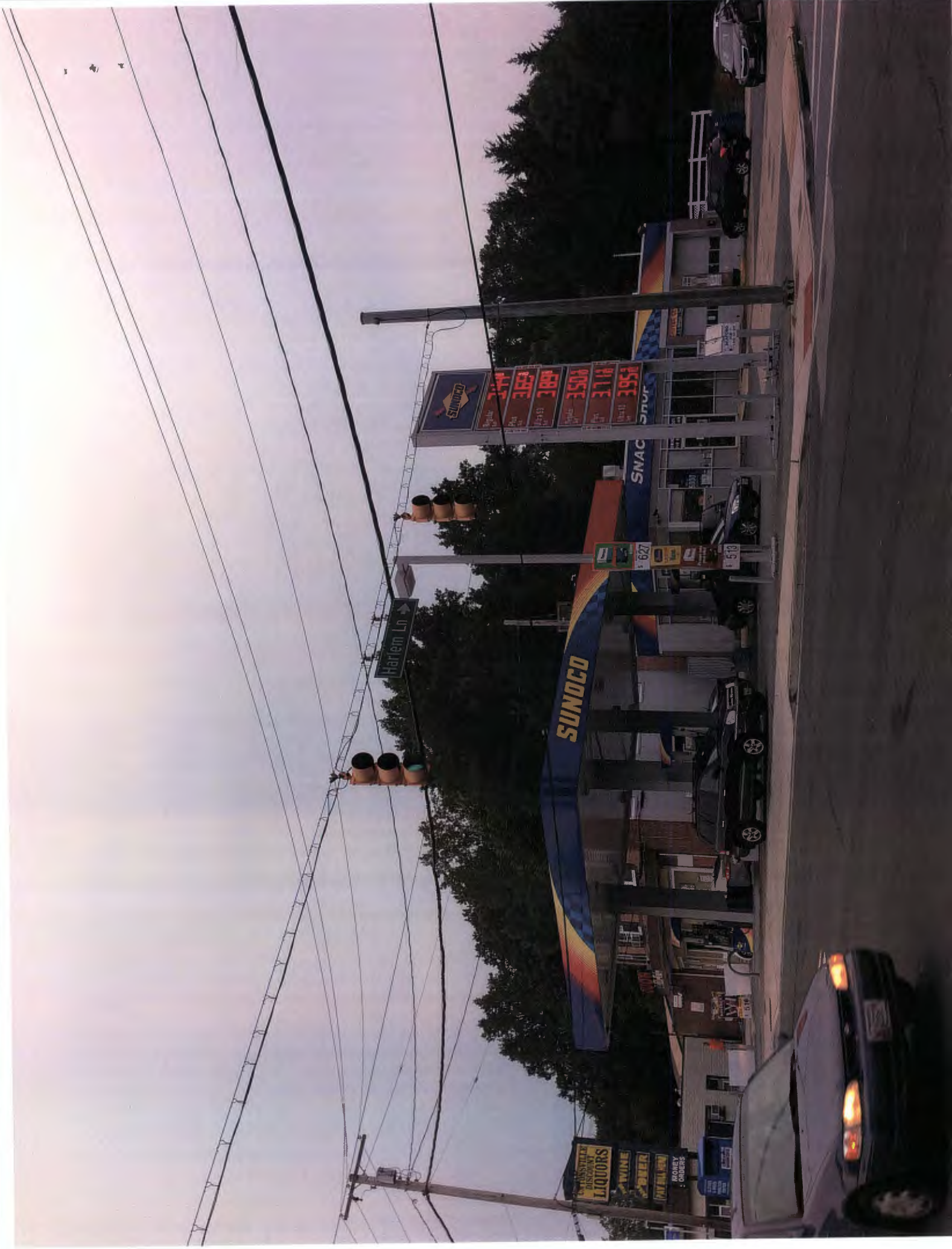
AUTO
WORX











SUNOCO		
Regular	Mid-Grade	Unleaded
3.49	3.89	4.29
3.59	3.99	4.39
3.69	4.09	4.49
3.79	4.19	4.59
3.89	4.29	4.69

Harlem Ln

SUNOCO

LIQUORS
WINE
BEER
MONEY
ORDERS











PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

~~James~~ Carpenter Realty Corporation legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified pursuant to the Zoning Law of Baltimore County, from an R-10 zone to an B.R. zone; for the following reasons:

Error in original zoning and adoption of the Land Use Map 4/5/1960 placing the property in a R-10 zone.

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Carpenter Realty Corporation

By: Thomas Anders Sec. Treasurer
Legal Owner

Address 6159 Edmondson Ave.

Catonsville 28, Maryland

Contract purchaser

Address

Eugene G. Ricks
Petitioner's Attorney

Address The Jefferson Building
Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of March, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of May, 1962, at 10:00 o'clock

A.M.

- ☐ Asst.
- ☐ Rec.
- ☐ Mkt.
- ☐ Ent.
- ☐ Chk.



OFFICE OF PLANNING & ZONING

By

Zoning Commissioner of Baltimore County

(over)

2A

Rec'd 10:00 AM
5/16/62
2 am

MAP
SEC. 2-A
MR
4/30/62

#5550

5550

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, the safety, health and the general welfare of the locality involved not being detrimentally affected,

the above Reclassification should be had; ~~and it is hereby ordered that~~

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of June, 1962, that the herein described property or ~~area~~ should be and the same is hereby reclassified; from an "B-10" zone to a "B-R" zone, ~~subject to the approval of the Planning and Zoning Commission and the Office of Planning and Zoning.~~

~~provided~~, from and after the date of this order, saving and excepting that portion bounded by the center line of the stream on the northeast, Woodlawn Avenue on the south and Arbutus Avenue on the west as outlined in red on plat marked Exhibit "A" and filed in File No. 5550, subject, to approval of the Zoning Commissioner of Baltimore County and Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196____, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

✓
#5550

MAP
#1
SEC. 2-A
MR

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an "R-10" Zone to an "M-R" :
Zone : COUNTY BOARD OF APPEALS
S.E. corner Edmondson and :
Arbutus Avenues : OF
First District :
Carpenter Realty Corp., : BALTIMORE COUNTY
Petitioner :
No. 5550

: : : : : : : : : : : :

OPINION

This petition was originally filed for reclassification of the subject property from an "R-10" Zone to a "B-R" Zone. This Board heard testimony on this petition on September 6 and 13, 1962. After due consideration, the petition was unanimously denied by the Board and an appeal was taken by the petitioner to the Circuit Court of Baltimore County. The Honorable John Grason Turnbull remanded the case to the Board of Appeals instructing it to hear the amended petition for reclassification from an "R-10" Zone to an "M-R" Zone.

In filing the amended petition for an "M-R", the petitioner is also requesting the following variances to the Baltimore County Zoning Regulations:

1. A front setback of 40 feet instead of required 75 feet
2. A rear setback of 30 feet instead of required 125 feet
3. A side setback of 30 feet instead of required 125 feet

The variances are from the area regulations as set forth in Sections 243.1 and 243.4 of the Zoning Regulations.

The area of the subject tract is 5.8941 acres and is now used as a bottling plant by the Seven-Up Bottling Company who lease the property from the petitioner. The operation is a non-conforming use in an "R-10" Zone and dates back to 1902.

The petitioner plans to erect a one-story building on the site after demolishing two frame residences on the property. The new building is to be used as an office and loading plant for the delivery trucks. The trucks will be stored under roof. The proposed building will have space for 60 trucks.

Mr. George E. Gavrelis, Deputy Director of Planning for Baltimore County, testified that the Office of Planning recommends that the subject property be zoned "M-R" and that the variances requested would not conflict with the intent of the "M-R" classification. He stated that the land could not be used as "M-R" without the variances.

The protestants to the original petition for "B-R" zoning stated they had no objections to "M-R" zoning if adequate screening were provided on the east side of the

#5550

MAP

#1

SEC. 2-A

MR

tract where it adjoins "R-G" property.

The Board is unanimous in its opinion that where an industrial operation has been carried on for a number of years, as it has in this location, that the granting of an "M-R" reclassification is not detrimental to the surrounding residential neighborhood, but may be of beneficial effect in that it places effective controls over the location.

While it is necessary to prove an error in original zoning or change in the neighborhood for all other zone reclassifications, this does not hold for the "M-R" zone. In the Huff vs Board of Zoning Appeals, 214 Maryland 48, the Court of Appeals has said that the "M-R" zone is "analogous to a special exception". Thus, it is indicated that, like a special exception, it is only necessary to prove that it does not conflict with Section 502.1 of the Zoning Regulations.

The Board further is of the opinion that the granting of this "M-R" reclassification does not provide grounds for other property owners in the immediate neighborhood to petition for further reclassification on the basis of change.

The Board is also unanimous in its opinion that the requested variances be granted in order that the property may be used as "M-R".

It is, therefore, the unanimous opinion of the Board that the petition for reclassification from "R-10" to "M-R" and the requested variances be granted subject to the following restrictions:

1. That all entrances and exits to the property be from Edmondson Avenue
2. That the driveway along the east side of the proposed building be a one way exit road only
3. That the proposed building be limited to one story and basement
4. That the operation shall be limited to two shifts, none of which may extend beyond eleven p.m. or commence before seven a.m.
5. That the plant be shut down on Sundays
6. That adequate screening, preferably evergreens of sufficient height, be planted along the east boundary of the property
7. All outdoor lighting shall be reflected away from the residential zones
8. All site plans and plans for screening for the subject property must be approved by the Office of Planning and Zoning

#55

MAP

#1

SEC. 2-A

MR

#5550 ✓

MAP
#1

SEC. 2-A

MR

For the reasons set forth in the foregoing Opinion, it is this 4th day of April, 1963 by the County Board of Appeals, ORDERED that the reclassification and variances petitioned for, be and the same is hereby granted subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William H. Kaufman
CHAIRMAN

Charles Steinbeck Jr.

G. Mitchell Austin

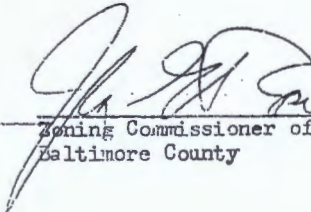
RE: PETITION FOR A SPECIAL HEARING
to determine whether or not the
Zoning Commissioner should approve
an Application for Building Permit-
6159 Edmondson Avenue-1st District
Carpenter Realty Corp-Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-79-SPH

: : : : : : : : : : :

The petitioner in the above matter filed
a petition for a Special Hearing requesting approval to construct a
building at 6159 Edmondson Avenue, in the First District of Baltimore
County.

The request is this 24th day of
September, 1964, granted, subject, however, to strict compliance
with the attached plan approved by the Office of Planning and Zoning
on September 8, 1964.



Zoning Commissioner of
Baltimore County

#65-79-SPH

CERTIFICATE OF POSTING

65-79-SPH
CARPENTER REALTY CORP. #65-79-SPH
6159 Edmondson Ave.
1st

IN RE: PETITION ZONING VARIANCES
S/S of Edmondson Avenue, 400'
W of the centerline of
Somerset Road - 1st Election
District
Carpenter Realty Corporation,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-273-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a freestanding business sign of 400 square feet per face instead of the permitted 25 square feet and to stand 100 feet above grade level rather than the permitted 6 feet, as shown on Petitioner's Exhibit 1.

The Petitioner, by its General Manager, Edgar L. Poist, appeared and testified and was represented by Counsel. Carl Gerhold, a registered land surveyor, and Harry Connelly, the sign manufacturer, appeared and testified on behalf of the Petitioner. Thomas C. Nash and Tim Lawrence, neighbors, and Mary Ginn and Kay Turner of Towson, representing County-wide community groups, appeared in opposition.

Testimony indicated that the Petitioner has had its bottling plant on the subject site since 1936 and needs a sign of sufficient size and height to provide identification of its location from the Baltimore Beltway, approximately 600 feet away. There are no means of identification presently available to out-of-the-area drivers. Without a sign, drivers often get lost and make wrong turns on Edmondson Avenue, and the need for a sign is self-evident. The Petitioner had a helicopter hover at 80 feet and 100 feet above the street in order to determine at what height a sign could be seen from the Beltway. It was determined that it could not be seen at 80 feet but that it could at 100 feet. The Protestants oppose the sign on both general and more provincial terms. Both Mr. Lawrence and Mr. Nash project damage to both property values and to

their properties should the sign fall. Mr. Lawrence also believes that a hazardous situation would be created by those drivers attempting to locate the sign while traveling at highway speed on the Beltway.

Mr. Connelly with extensive experience in signs countered by substantiating the safety of the sign.

The Petitioner seeks relief from Section 413.6.b.1 and 2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

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

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

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

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

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

ORDER RECEIVED FOR FILING

DATE

BY

ORDER RECEIVED FOR FILING

DATE

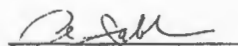
BY

Let 2c

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of April, 1985, that the Petition for Zoning Variances to permit a freestanding business sign 100 square feet per face instead of the permitted 25 feet and to stand 100 feet above grade level rather than the permitted 6 feet be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit 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 applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


Zoning Commissioner of
Baltimore County

AW/srl

cc: Robert A. Hoffman, Esquire

Mrs. Mary Ginn

Mr. Thomas C. Nash

Mr. Tim Lawrence

People's Counsel

ORDER RECEIVED FOR FILING

DATE April 12, 1985
BY [Signature]
ARCHITECTURAL DIVISION

- 3 -

PETITION FOR VARIANCES

1st Election District

LOCATION:

South side Edmondson Avenue, 400 ft. West from the centerline of Somerset Road

DATE AND TIME:

Monday, April 1, 1985 at 1:30 P.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to allow erection of on-site business sign of 100 ft. in elevation in lieu of the permitted 6 ft. above the grade level of the street and to permit a sign of 400 sq. ft. per face in lieu of the permitted 25 sq. ft.

Being the property of Carpenter Realty Corp. as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN THE MATTER
OF THE APPLICATION OF
CARPENTER REALTY CORP.
FOR VARIANCE FROM §413.6.b.2
AND §4.3.6.b.1 OF THE BCZR
S/S OF EDMONDSON AVE. 400'
W. OF C/L OF SOMERSET ROAD
1st DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 85-273-A

OPINION

This case comes before the Board on appeal from the decision of the Zoning Commissioner granting the Petitioner a variance, with restrictions, for a business sign. The request is for a business sign 100 feet in lieu of 6 feet and 400 square feet per face in lieu of 25 square feet, on property located on the south side of Edmondson Avenue 400 feet west of the centerline of Somerset Road, in the First Election District of Baltimore County.

The Board heard testimony from Mr. Edgar Lee Poist, General Manager of the 7-Up Bottling Company for forty-nine years. Mr. Poist stated that the reason for the variance request was that a sign of this magnitude is necessary to aid out of state truckers delivering supplies to the plant. According to his testimony, verbal directions to dispatchers have on occasion been insufficient in helping the truckers locate the facility.

Several residents of the area took the stand to object to the erection of the sign. Their testimony indicated that the plant already has a number of signs clearly denoting the facility and that a sign of such magnitude would, in their opinion, be for the purpose of advertising the bottling

CARPENTER REALTY - #85-273-A

2.

company's product to the traffic traveling the Beltway and not for directional purposes. Additionally, they felt the proposed sign would not be in keeping with the largely residential complexion of the rest of the neighborhood.

As stated in the People's Counsel's Memorandum, when considering a petition for a variance, local authorities must consider McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1973) which states the following criteria:

"1) Whether compliance with the strict letter of the restrictions would unreasonably prevent use of the property for a permitted purpose;

1) Whether substantial justice would be done consistent with interests of other property owners in the neighborhood; and

3) Whether the spirit of the ordinance will be observed and the public safety and welfare secured."

The Board feels that the Petitioner has not met the above standards. Strict compliance with §307 of the Baltimore County Zoning Regulations (BCZR) would not prevent use of the property for its permitted use as a bottling facility. The plant has operated without the sign for at least forty-nine years and there is no evidence to indicate that without the proposed sign it could not continue its operation.

Justice consistent with the interests of other property owners clearly would not be served, as per the testimony of nearby property owners. The proposed illuminated sign erected eighty feet in the air would not only be

- #85-273-A

2.

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CARPENTER REALTY - #85-273-A

3.

unsightly but would actually illuminate the rooms of several nearby homes.

Unquestionably, denial of the variance would be in keeping with
the spirit of the law, which is to grant variances only in cases where strict
compliance would result in a practical difficulty or unreasonable hardship.

The plant has operated successfully for many years and it will undoubtedly con-
tinue to do so.

ORDER

For the reasons set forth in the foregoing Opinion, it is this
25th day of November, 1985, by the County Board of Appeals, ORDERED that
the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1
through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Diana K. Vincent
Diana K. Vincent

Leroy B. Spangler
Leroy B. Spangler

Ref No 5

MINUTES

**Baltimore County Planning Board Meeting,
October 17, 2013**

Contents

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's agenda

Minutes of the September 19, 2013 meeting

Item for introduction

1. Chestnut Ridge- Out of Cycle Zoning Reclassification – Documented Site Plan

Item for introduction, discussion, and vote

2. Development in an M.R. Zone – 6159 Edmondson Avenue

Other business

3. Legislation of interest to the Planning Board:
 - Bill 47-13 – The 2013-2014 Capital Budget – Major Maintenance
 - Bill 48-13 – Bicycle Parking
 - Resolution 92-13 - Application/receipt of financing - Community Legacy Project - The Battlefield District Infrastructure Project

Adjournment of the Board meeting

Public Meeting by the Baltimore County Planning Board**

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentation by staff

Capital Improvement Program Citizen Input Meeting

****Comments by citizens**

Adjournment of Public Hearing

Appendices

Appendix A	Tentative Agenda
Appendix B	Minutes of the September 19, 2013 Planning Board Meeting
Appendix C	Chestnut Ridge Amended Petition (Letter), and Board of Appeals Sign Posting Confirmation and Notice of Hearing
Appendix D	M.R. Zone Development – Applicant’s Site Plan and Cover Letter and Staff’s Presentation
Appendix E	Legislation of Interest to the Planning Board
Appendix F	Capital Improvement Program Booklet

Minutes
October 17, 2013

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentation by staff

Chairman N. Scott Phillips called the meeting of the Baltimore County Planning Board to order at 4:03 p.m. The following members were:

Present

Mr. N. Scott Phillips
Mr. Paul Miller
Mr. Scott Jenkins
Mr. Eric Lamb
Ms. Nancy Hafford
Mr. Mark Schlossberg
Mr. Jonathan Herbst
Mr. Howard Perlow
Mr. Wayne C. McGinnis

Absent

Mr. Randy Thompson
Mr. John Polek
Mr. Jeffrey Gordon
Mr. Rainier C. Harvey, Sr.
Mr. Gerard J. Wit
Mr. Scott Holupka

County staff present included Andrea Van Arsdale, Jeff Mayhew, Curtis Murray, Lynn Lanham, Janice Graves, Kathy Schlabach, Jessie Bialek, Donnell Zeigler, and Dave Green from the Department of Planning.

Review of today's agenda

There were no changes to the Tentative Agenda as published, which is filed as Appendix A.

Minutes of the September 19, 2013 meeting

Mr. Schlossberg moved to accept the Minutes of the September 19, 2013 meeting as circulated. Mr. Herbst seconded the Motion, which unanimously passed at 4:04 p.m. Absent was Messers. Thompson, Polek, Gordon, Harvey, Sr., Wit, and Holupka.

A copy of the September 19, 2013 approved Minutes are filed as Appendix B.

Item Introduction

1. **Chestnut Ridge- Out of Cycle Zoning Reclassification – Documented Site Plan**

Mr. Phillips advised the Board of the agenda item before them. The subject reclassification petition was previously before the Planning Board on June 6, 2013 for introduction and to schedule a Public Hearing. At the June 20, 2013 Public Hearing, the Planning Board received a staff presentation and heard testimony from persons interested in the reclassification. On July 18, 2013, the Planning Board voted on the proposed Chestnut Ridge – out of cycle zoning reclassification.

Mr. Phillips invited Ms. Bialek, Sector Planner to introduce the proposed reclassification that was back before the Board.

Ms. Bialek iterated Mr. Phillips' previously noted remarks and also explained why the proposed project is before the Board again. Ms. Bialek explained that the petitioner desires to amend the petition by

presenting a documented site plan to the Board of Appeals. Because the petitioner is amending the request, the Board of Appeals will refer the amended request back to the Planning Board. The Board will need to hold another public hearing for testimony regarding the reclassification and documented site plan. Subsequently the Board will make a recommendation which will be forwarded to the Board of Appeals.

Ms. Bialek further explained for reasons of clarification, that the difference between this petition and the amended petition to come before the Board is a documented site plan. A documented site plan shows how the land will be used under the requested RC 5 zoning. The undocumented site plan previously voted on by the Board on July 18, 2013 did not indicate a proposed land-use or site plan.

Mr. Phillips advised the Board that Ms. Bialek will provide the Board with information regarding the documented site plan and answer any questions that the Board may have at the next meeting. Mr. Phillips called for a motion to set a public hearing for November 7, 2013 at 5:00 p.m.

Mr. Miller moved that a Public Hearing be set for Thursday, November 7, 2013 at 5 p.m. regarding the staff report, recommendations, and public comments about the Chestnut Ridge Cycle Zoning Reclassification and accompanying documented site plan. Mr. Schlossberg seconded the Motion, which unanimously passed at 4:10 p.m. Absent were Messers. Thompson, Polek, Gordon, Harvey, Sr., Wit, and Holupka.

2. Development in an M.R. Zone – 6159 Edmondson Avenue

Mr. Phillips advised that the next agenda item was 6159 Edmondson Avenue – Development in an M.R. Zone for introduction, discussion, and vote.

Mr. Phillips invited Mr. Zeigler to provide the Board with a report on the 6159 Edmondson Avenue development in an M.R. zone.

Mr. Zeigler gave a power point presentation explaining that Catonsville Development Group, LLC (the applicant) is proposing to improve the property at 6159 Edmondson Avenue and re-use the existing building for two separate uses. More than half of the existing building will be used for Mechanical Engineering's commercial facility and headquarters. The remainder of the building will be used for an indoor recreational field.

On September 25, 2013, the applicant submitted a site plan and cover letter requesting review per Section 240.3 of the Baltimore County Zoning Regulations of the subject site and associated improvements. The package included an interior layout of the existing building, a few photographs of the subject property and existing buildings, and four additional copies of the proposed site plan.

The applicant has indicated that all buildings on the subject site are existing structures. The proposal consists of interior alterations and proposed new uses. Additionally, landscaping shown on the site plan has been approved by Baltimore County.

The subject property is zoned M.R., M.L.R, and DR 5.5. The applicant is also seeking a Special Exception before the Administrative Law Judge of Baltimore County to permit a commercial recreational field to be partially located in the M.L.R zoned portion of the site.

Mr. Zeigler also explained that before the Zoning Commissioner (Administrative Law Judge) can determine final action on the plan for 6159 Edmondson Avenue, the plan is required to come before the Planning Board. The Board has 30 (calendar) days from receipt of the plan by the Department of Planning to "file its written report of recommendation and decision with the Administrative Law Judge, including any recommended conditions of approval." The aforementioned requirements are specified in the Baltimore County Zoning Regulations; Section 240.3. Procedure for use of an existing M.R. Zone.

Following Mr. Zeigler's presentation, the Board entered into discussion of the project and review process. Many Board members expressed their support of the project and opined that the proposed indoor

recreational field and offices would be an improvement over the existing structure on site. Board members also expressed a desire to have this type of indoor recreational land use in their individual communities. Mr. Phillips called for a vote.

Mr. Miller moved that the Baltimore County Planning Board recommends to the Zoning Commissioner (Administrative Law Judge) of Baltimore County that the proposed development and site improvements located at 6159 Edmondson Avenue be approved, subject to the additions of the sidewalk along the northern property line as recommended in the Western County pedestrian and Bicycle Access Plan. Mr. Lamb seconded the Motion, which unanimously passed at 4:32 p.m. Absent were Messers. Thompson, Polek, Gordon, Harvey, Sr., Wit, and Holupka.

A copy of the M.R. Zone Development – Applicant’s Site Plan and Cover Letter and Powerpoint Presentation is filed as APPENDIX C.

Other Business

3. Legislation of interest to the Planning Board

Mr. Murray advised the Board that there were three County Council legislative actions since the last Planning Board meeting that may be of interest to the Board. The following are the legislative items of interest:

1. Bill 47-13 – The 2013-2014 Capital Budget – Major Maintenance
2. Bill 48-13 – Bicycle Parking
3. Resolution 92-13 - Application/receipt of financing - Community Legacy Project - The Battlefield District Infrastructure Project

A copy of the Legislation of Interest to the Planning Board is filed as APPENDIX D.

Adjournment of the Board Meeting

Mr. McGinnis moved to adjourn the Board meeting. Mr. Miller seconded the motion which, at 4:38p.m. unanimously passed. Absent were Messers. Thompson, Polek, Gordon, Harvey, Sr., Wit, and Holupka.

Public Meeting by the Baltimore County Planning Board**

Call to order, introduction of Board members, remarks on procedures by Chairman, and presentation by staff.

Capital Improvement Program Citizen Input Meeting

Call to order, introduction of Board members, and remarks on procedures by Chairman.

The Citizen Input Meeting on the CIP was called to order at 5:00 p.m. by CIP Committee Chairman Jonathan Herbst. Requested agency representatives in attendance were the Police Department, the Fire Department, the Department of Recreation and Parks, the Department of Planning, the Department of

Economic Development, the Department of Public Works, the Department of Aging, Department of Environmental Protection and Sustainability and the Baltimore County Public Library.

A final bound version of the Capital Budget, Supporting Detail, Fiscal Year 2014, Capital Program, Fiscal Years 2015 through 2019, adopted May 23, 2013 was distributed to Board members and is filed as Appendix F.

Mr. Herbst stated that the intent of the meeting is to give citizens the opportunity to express their concerns related to the capital budget and program as the Board formulates its recommendations. Ms. Kathy Schlabach presented a brief overview of the Capital Improvement Program in Baltimore County, defining various terms, describing the legal basis and outlining the review process. A copy of her presentation is also filed as Appendix F.

The remainder of the Community Input Meeting consisted of numerous comments and concerns expressed by the citizens of Baltimore County.

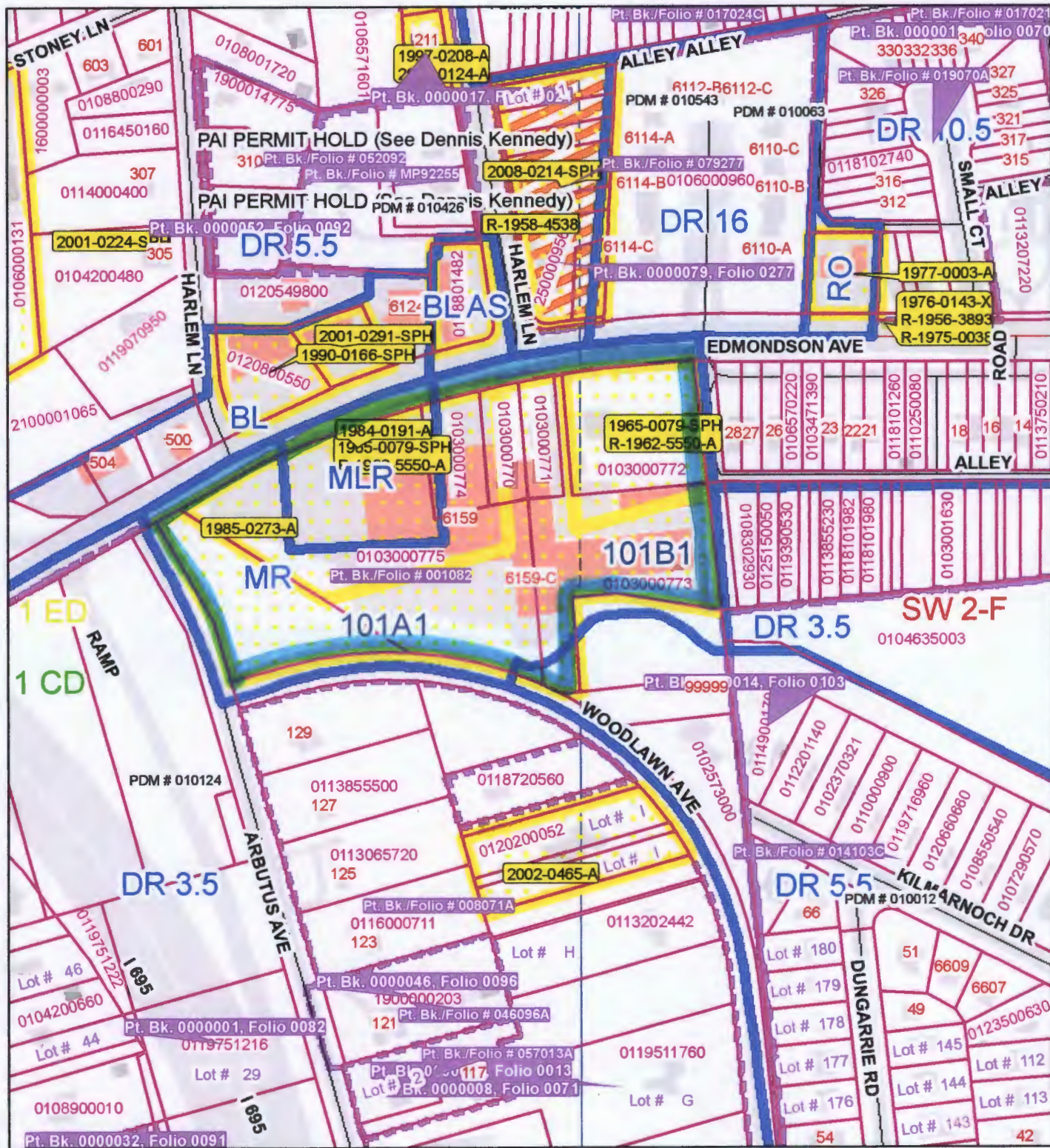
After the last registered speaker addressed the committee, Mr. Herbst made a few closing remarks and concluded the Input Meeting

Adjournment of Public Hearing

Cjm

APPROVED 11/7/2013 – CJM

2014-0072-SPHXA



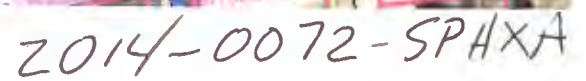
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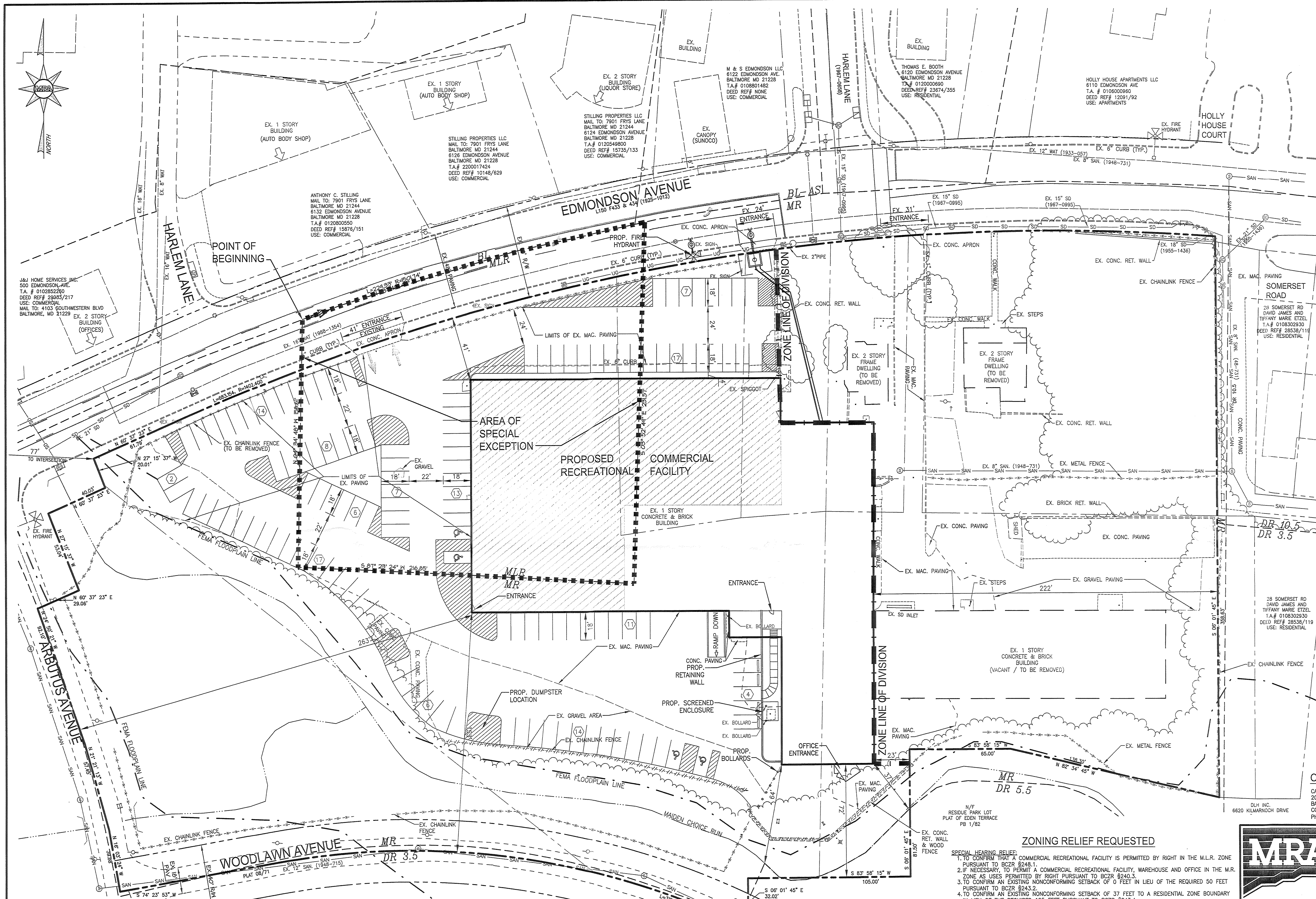


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 200 feet





LEGEND

- EX. PROPERTY LINE
- EX. ZONING LINE
- EX. ADJACENT PROPERTY LINE
- EX. RIGHT OF WAY LINE
- EX. EASEMENT LINE
- EX. BUILDING
- EX. CONCRETE WALK
- EX. CURB
- EX. EDGE OF PAVING
- EX. C/L ROAD & STATION
- EX. 100 YEAR FEMA FLOOD PLAIN
- EX. STREAM
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER
- EX. UNDERGROUND LINE
- EX. OVERHEAD LINE
- EX. U/G TELE. COMMUNICATIONS
- EX. U/G ELECTRIC
- EX. GAS
- EX. LIGHT POLE

PLAN
SCALE: 1" = 40'

BUILDING SETBACK TABLE
FROM PROPERTY LINES

	MLR ZONING	MR ZONING	DR 5.5 ZONING
FRONT	50 FEET	75 FEET	40 FEET
SIDE	30 FEET	50 FEET	20 FEET
REAR	40 FEET	50 FEET	30 FEET
STRUCTURE TO RESIDENTIAL ZONE	100 FEET	125 FEET	
PARKING TO RESIDENTIAL ZONE	25 FEET	25 FEET	

PARKING TABULATIONS CHART
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	AREA (S.F.)	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
OFFICE	14,520	3.3 SPACES PER 1,000 SF	48
STORAGE	4,493	1 SPACE PER EMPLOYEE ON LARGEST SHIFT	3
WAREHOUSE	6,360	1 SPACE PER EMPLOYEE ON LARGEST SHIFT	3
COMMERCIAL RECREATIONAL FACILITY	25,300	TBD	TBD
TOTAL PARKING REQUIRED			
TOTAL PARKING PROVIDED			126

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST FITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/(1991)
VERTICAL NAVD 88

ZONING RELIEF REQUESTED

SPECIAL HEARING RELIEF:

1. TO CONFIRM THAT A COMMERCIAL RECREATIONAL FACILITY IS PERMITTED BY RIGHT IN THE M.L.R. ZONE PURSUANT TO BCZR §248.1.
2. IF NECESSARY, TO PERMIT A COMMERCIAL RECREATIONAL FACILITY, WAREHOUSE AND OFFICE IN THE M.R. ZONE AS USES PERMITTED BY RIGHT PURSUANT TO BCZR §240.3.
3. TO CONFIRM AN EXISTING NONCONFORMING SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCZR §243.2.
4. TO CONFIRM AN EXISTING NONCONFORMING SETBACK OF 37 FEET TO A RESIDENTIAL ZONE BOUNDARY IN LIEU OF THE REQUIRED 125 FEET PURSUANT TO BCZR §243.4.
5. TO DETERMINE THE REQUIRED NUMBER OF SPACES FOR A COMMERCIAL RECREATIONAL FACILITY PURSUANT TO BCZR §409.6A.
6. TO APPROVE A SHARED PARKING ADJUSTMENT PURSUANT TO BCZR §409.6.B.3.
7. IN THE ALTERNATIVE, TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR §409.12.
8. TO CONFIRM THAT THE M.R. ZONE INCORPORATES USES PERMITTED IN THE ADJOINING COMMERCIAL ZONE PURSUANT TO BCZR §241.1.
9. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SPECIAL EXCEPTION RELIEF:

1. IN THE ALTERNATIVE, TO PERMIT A COMMERCIAL RECREATIONAL FACILITY PURSUANT TO BCZR §248.2.
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

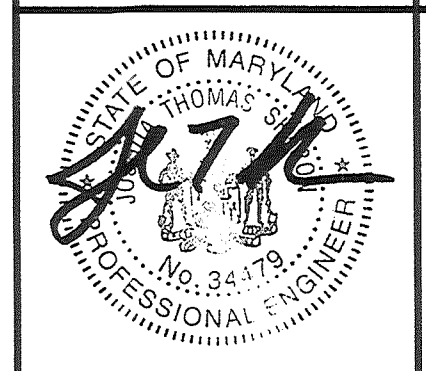
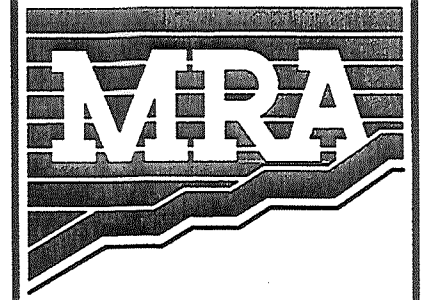
VARIANCE RELIEF:

1. IN THE ALTERNATIVE, TO THE PETITION FOR SPECIAL HEARING, TO PERMIT SIDE SETBACK TO A ZONING USE DIVISION LINE OF 0 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCZR § 243.2.
2. IN THE ALTERNATIVE, TO THE PETITION FOR SPECIAL HEARING, TO PERMIT SETBACK TO A RESIDENTIAL ZONE BOUNDARY OF 37 FEET IN LIEU OF THE REQUIRED 125 FEET PURSUANT TO BCZR § 243.4.
3. IN THE ALTERNATIVE, TO THE PETITION FOR SPECIAL HEARING, TO PERMIT A SETBACK OF OFF-STREET PARKING AND LOADING OF 0 FEET FROM THE RIGHT OF WAY IN LIEU OF 10 FEET PURSUANT TO BCZR §409.6.A.4.
4. IN THE ALTERNATIVE, TO PERMIT A SIDE YARD SETBACK TO A PROPERTY LINE OF 24 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCZR §243.2.
5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

- GENERAL NOTES**
1. PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 6159 EDMONDSON AVENUE
 - B. GROSS SITE AREA: 279,231 S.F. ±, 6.41 AC. ±
 - C. NET SITE AREA: 256,649 S.F. ±, 5.89 AC. ±
 - D. ELECTION DISTRICT: 1ST COUNCILMANIC DISTRICT
 - E. COUNCILMANIC DISTRICT: 1ST COUNCILMANIC DISTRICT
 - F. ADC MAP: 4817, GRID D-6
 - G. CENSUS TRACT: 400600
 - H. TAX MAP: 010
 - I. PARCEL: 1216, 2016
 - J. TAX ACCOUNT NO.: 0103000774, 0103000775, 0103000770, 0103000772, 0103000771
 2. SPECIAL EXCEPTION AREA: 116,432 S.F. (2.67 ACRES)
 3. ZONING: MLR (MANUFACTURING LIGHT RESTRICTED), MR (MANUFACTURING RESTRICTED), DR 5.5 (DENSITY RESIDENTIAL 5.5 UNITS PER ACRE)
 4. ZONING MAP & GIS TILE No.: 0101A1
 5. FLOOR AREA RATIO: PERMITTED = 0.4 (1 STORY ALLOWED 25% LAND AREA)
PROVIDED = 0.20 (56,170 S.F. / 279,231 S.F.)
 6. EXISTING LAND USE: INDUSTRIAL
 7. PROPOSED LAND USE:
 - OFFICE: 9,513 S.F.
 - FUTURE OFFICE: 5,007 S.F.
 - STORAGE: 4,493 S.F.
 - WAREHOUSE: 6,360 S.F.
 - COMMERCIAL RECREATIONAL FACILITY: 25,300 S.F.
 - COMMON AREA: 613 S.F.
 - 48,663 S.F.
 8. THERE ARE NO COMMERCIAL PERMITS HISTORY FOR THIS SITE
 9. THERE ARE NO ILLUMINATED SIGN TO FRONT OF BUILDING.
 10. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
 11. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF BALTIMORE COUNTY ZONING REGULATIONS SECTION, 450.
 12. ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL STREET.
 13. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
 14. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
 15. THE SITE IS NOT LOCATED IN ANY FAULTED BASIC SERVICES AREAS.
 16. THE SITE IS LOCATED ADJACENT TO A 100 YEAR FLOODPLAIN. FEMA FLOODPLAIN MAP FM 2400100388F.

OWNER/APPLICANT
CATONVILLE DEVELOPMENT GROUP, LLC
2056 LORD BALTIMORE DRIVE
BALTIMORE, MD 21244
CONTACT: RICHARD BEATTIE
PHONE: (443) 200-1000

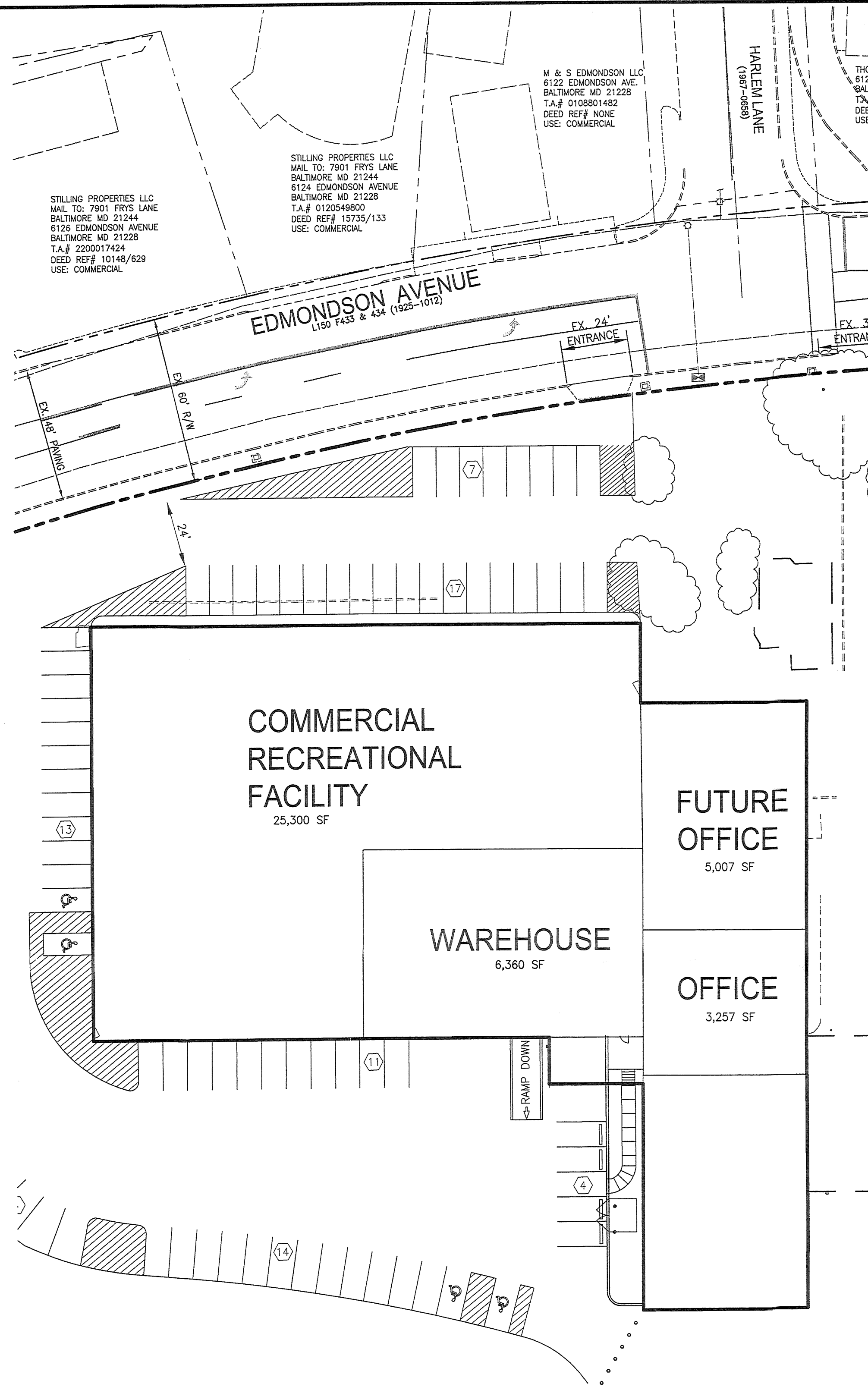
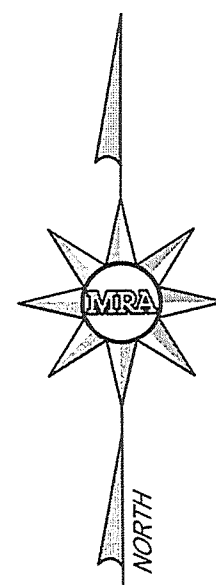
PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME, OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 12/31/2024



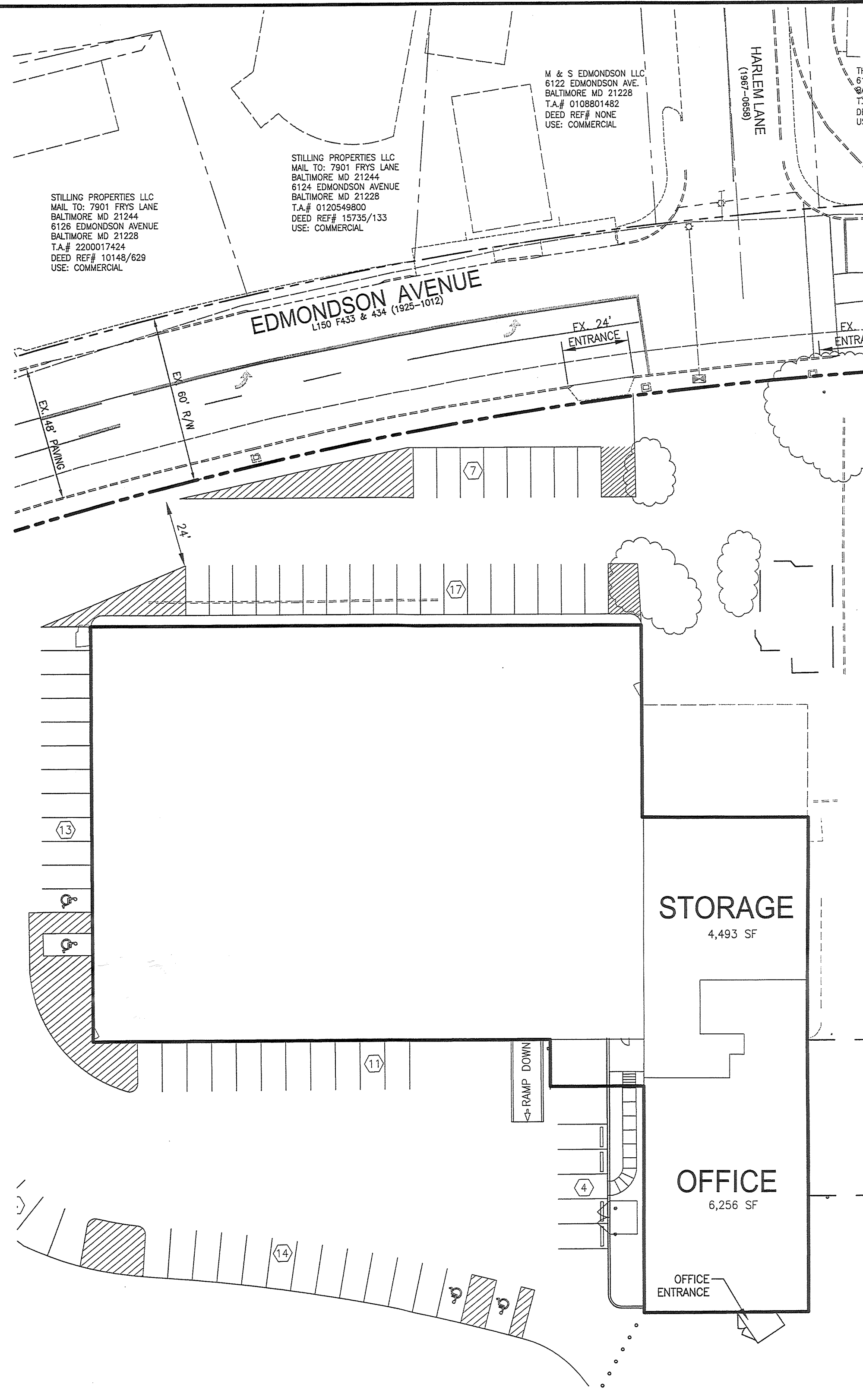
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

6159 EDMONDSON AVENUE
PLAN TO ACCOMPANY SPECIAL EXCEPTION & SPECIAL HEARING
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:
		SCALE:
		DATE:
		DRAWN BY:
		DESIGN BY:
		REVIEW BY:
		SHEET:



MAIN FLOOR
SCALE: 1" = 40'



LOWER LEVEL
SCALE: 1" = 40'

2014-0072-SPHXA

OWNER

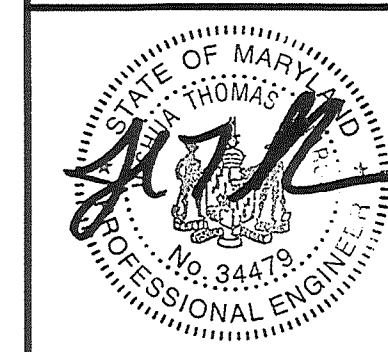
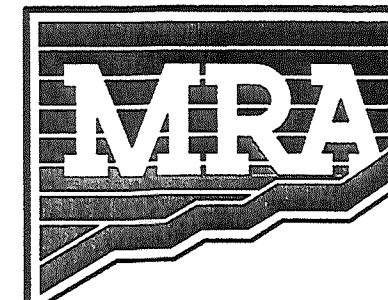
CATONSVILLE DEVELOPMENT GROUP, LLC
2056 LORD BALTIMORE DRIVE
BALTIMORE, MD 21209
CONTACT: RICHARD BEATTIE
PHONE: (443) 200-1000

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 6/21/2014.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST FITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/(1991)
VERTICAL NAVD 88



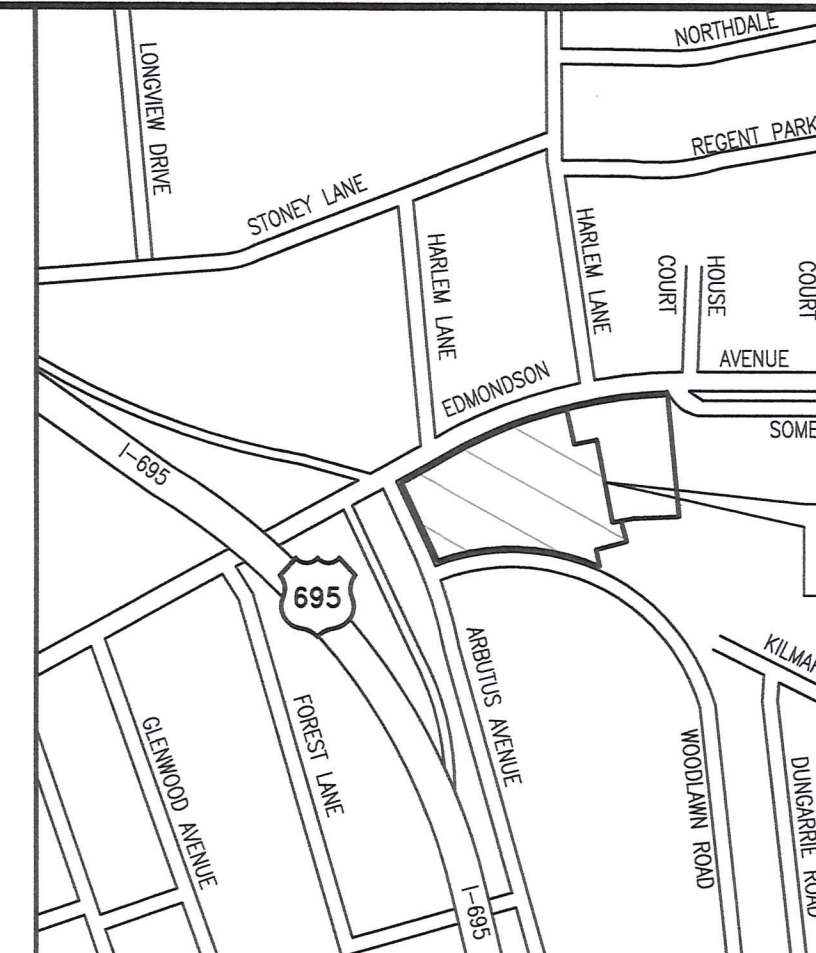
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

6159 EDMONDSON AVENUE

**PLAN TO ACCOMPANY
SPECIAL EXCEPTION & SPECIAL HEARING**

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.: 18052
		SCALE: 1" = 40'
		DATE: 09/19/2013
		DRAWN BY: MLE
		DESIGN BY: JTS
		REVIEW BY: JTS
		SHEET: 2 OF 2



REMARKS:

BENCHMARKS

GENERAL NOTES

- ### ZONING HISTORY

- OWNER/APPLICANT PROFESSIONAL CERTIFICATION



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MP&A.COM

6159 EDMONDSON AVENUE

PLAN TO ACCOMPANY
SPECIAL EXCERPTION & SPECIAL HEARINGS

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE		REVISIONS		BALTIMORE COUNTY, MARYLAND		JOB NO.:	
11/25/2013		REDLINE REVISIONS				SCALE:	
		PETITIONER'S				DATE:	
		EXHIBIT NO. <u>1A</u>				DRAWN BY:	
						DESIGN BY:	
						REVIEW BY:	
						SHEET:	

PARKING TABULATIONS CHART (PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)			
USE	AREA (S.F.)	PARKING RATE	PARKING SPACE REQUIRED PER SECTION 409.6A
OFFICE	9,513	14,520	48.32
STORAGE / WAREHOUSE	10,853	1 SPACE PER EMPLOYEE ON LARGEST SHIFT	3
COMMERCIAL RECREATIONAL FACILITY	25,300	TBD	TBD
TOTAL PARKING REQUIRED	30,307		
TOTAL PARKING PROVIDED			126

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT OBTAINED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/(1991)
VERTICAL NAVD 88

ZONING RELIEF REQUESTED

SPECIAL HEARING RELIEF:

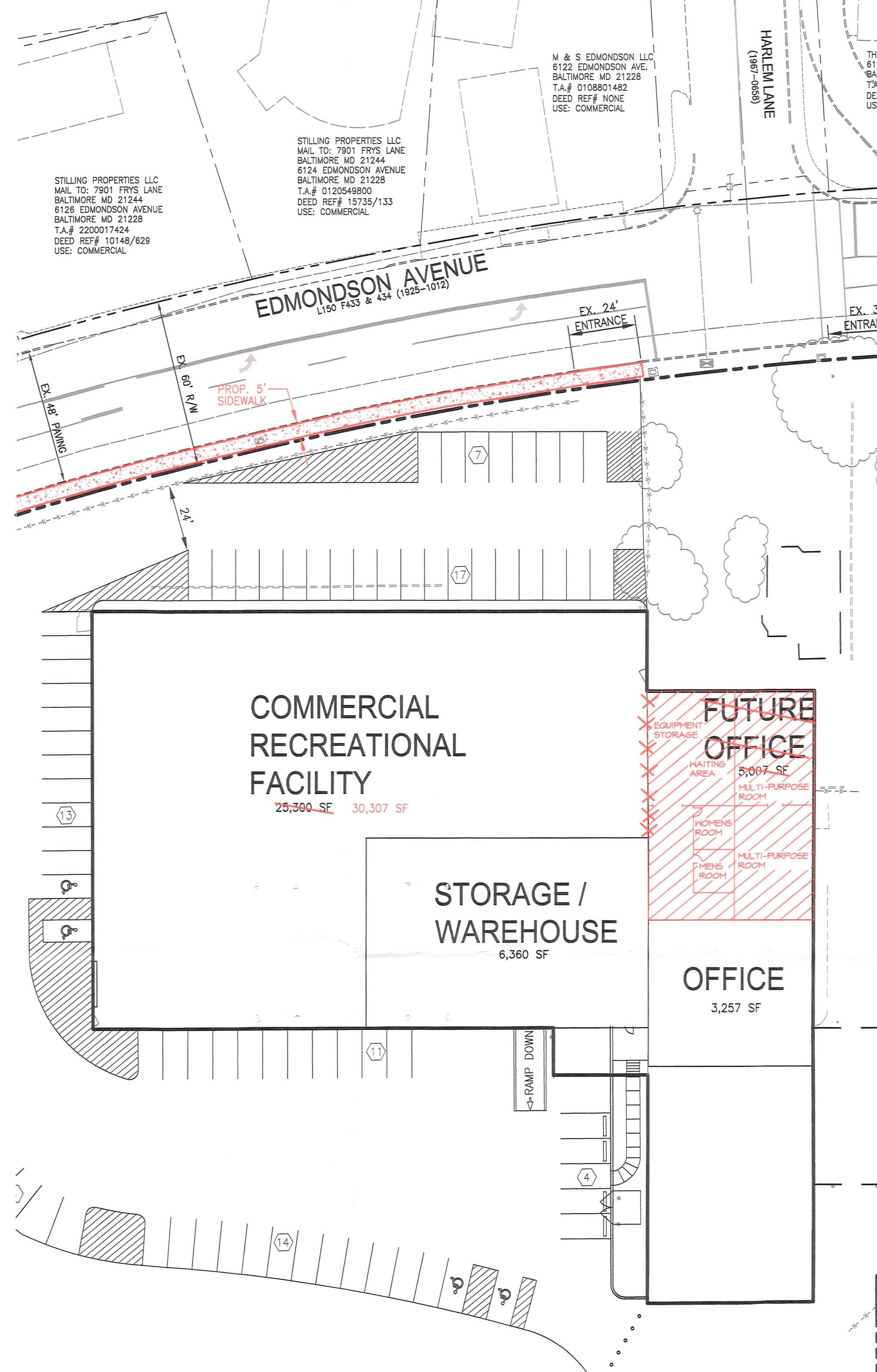
1. IN THE ALTERNATIVE, TO PERMIT A COMMERCIAL RECREATIONAL FACILITY IS PERMITTED BY RIGHT IN THE M.L.R. ZONE PURSUANT TO BCZR §24.8.1.
2. IF NECESSARY, TO PERMIT A COMMERCIAL RECREATIONAL FACILITY, WAREHOUSE AND OFFICE IN THE M.L.R. ZONE AS USES PERMITTED BY RIGHT PURSUANT TO BCZR §24.0.3.
3. TO CONFIRM AN EXISTING NONCONFORMING SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCZR §24.2.3.
4. TO CONFIRM AN EXISTING NONCONFORMING SETBACK OF 37 FEET TO A RESIDENTIAL ZONE BOUNDARY IN LIEU OF THE REQUIRED 125 FEET PURSUANT TO BCZR §24.3.4.
5. TO DETERMINE THE REQUIRED NUMBER OF SPACES FOR A COMMERCIAL RECREATIONAL FACILITY PURSUANT TO BCZR §40.9.6.4.
6. TO APPROVE A SHARED PARKING ADJUNCT PURSUANT TO BCZR §40.8.6.3.
7. IN THE ALTERNATIVE, TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR §40.12.
8. TO CONFIRM THAT THE M.L.R. ZONE INCORPORATES USES PERMITTED IN THE ADJOINING COMMERCIAL ZONE PURSUANT TO BCZR §24.1.1.
9. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SPECIAL EXCEPTION RELIEF:

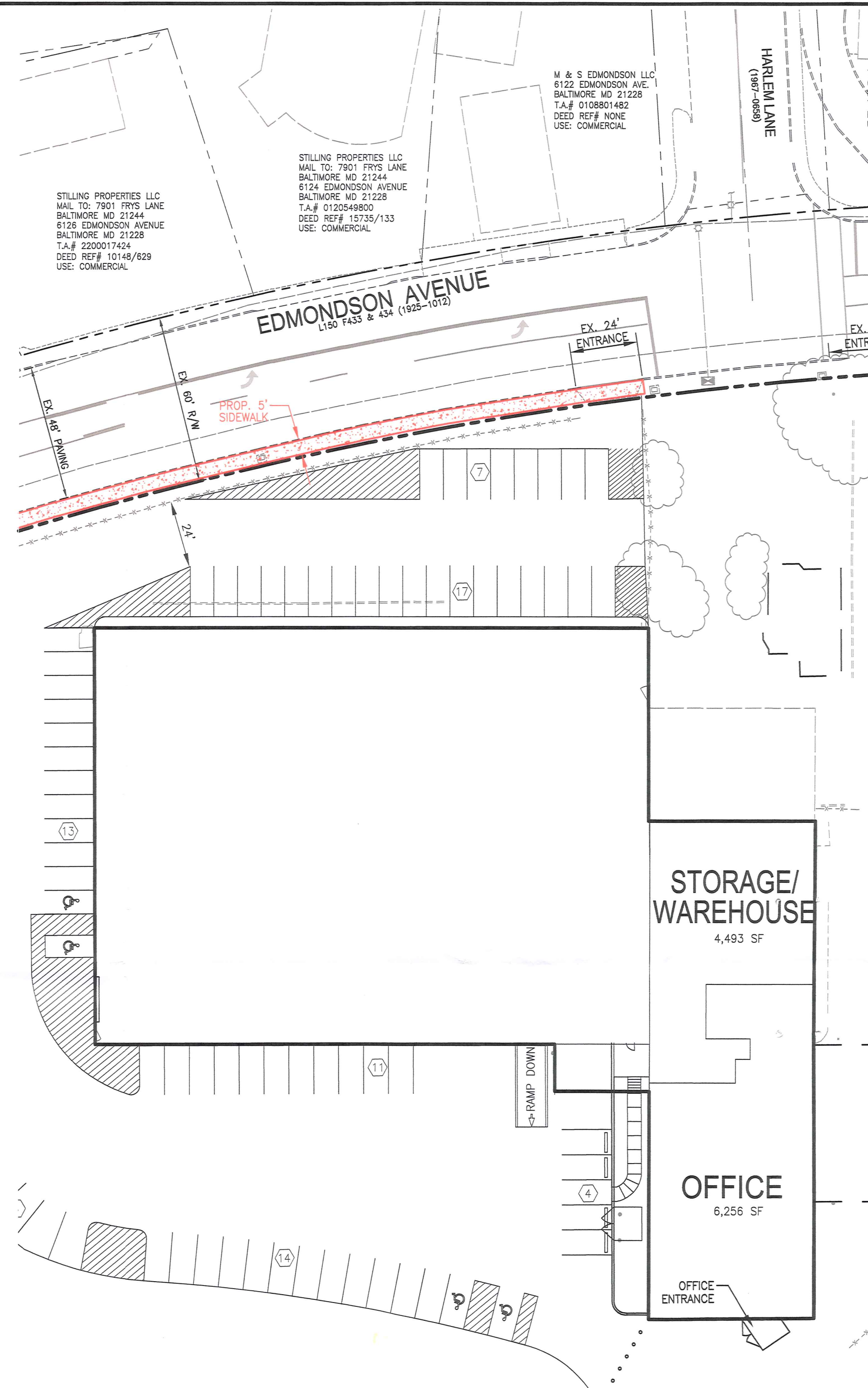
1. IN THE ALTERNATIVE, TO PERMIT A COMMERCIAL RECREATIONAL FACILITY PURSUANT TO BCZR §24.8.2.
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

VARIANCE RELIEF:

1. IN THE ALTERNATIVE, TO THE PETITION FOR "SPECIAL HEARING, TO PERMIT SETBACK TO A ZONING USE DIVISION LINE OF 0 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCZR § 24.3.2.
2. IN THE ALTERNATIVE, TO THE PETITION FOR SPECIAL HEARING, TO PERMIT SETBACK TO A RESIDENTIAL ZONE BOUNDARY OF 37 FEET IN LIEU OF THE REQUIRED 125 FEET PURSUANT TO BCZR § 24.3.4.
3. IN THE ALTERNATIVE, TO THE PETITION FOR SPECIAL HEARING TO PERMIT A SETBACK OF OFF-STREET PARKING TO LOADING OF 0 FEET FROM THE RIGHT OF WAY IN LIEU OF 10 FEET PURSUANT TO BCZR §40.9.6.4.
4. IN THE ALTERNATIVE, TO PERMIT A SIDE YARD SETBACK TO A PROPERTY LINE OF 24 FEET IN LIEU OF THE REQUIRED 50 FEET PURSUANT TO BCZR §24.3.2
5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.



MAIN FLOOR
SCALE: 1" = 40'



LOWER LEVEL
SCALE: 1" = 40'

OWNER

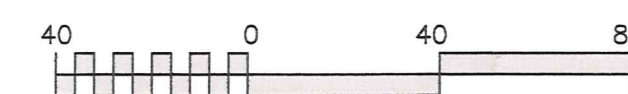
CATONVILLE DEVELOPMENT GROUP, LLC
2056 LORD BALTIMORE DRIVE
BALTIMORE, MD 21209
CONTACT: RICHARD BEATTIE
PHONE: (443) 200-1000

PROFESSIONAL CERTIFICATION

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DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83/(1991) VERTICAL NAVD 88



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
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MRAGTA.COM



6159 EDMONDSON AVENUE

PLAN TO ACCOMPANY
SPECIAL EXCEPTION & SPECIAL HEARINGS

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:
11/25/2013	REDLINE REVISIONS	SCALE:
		DATE:
	PETITIONER'S	DRAWN BY:
	EXHIBIT NO. 15	DESIGN BY:
		REVIEW BY:
		SHEET:

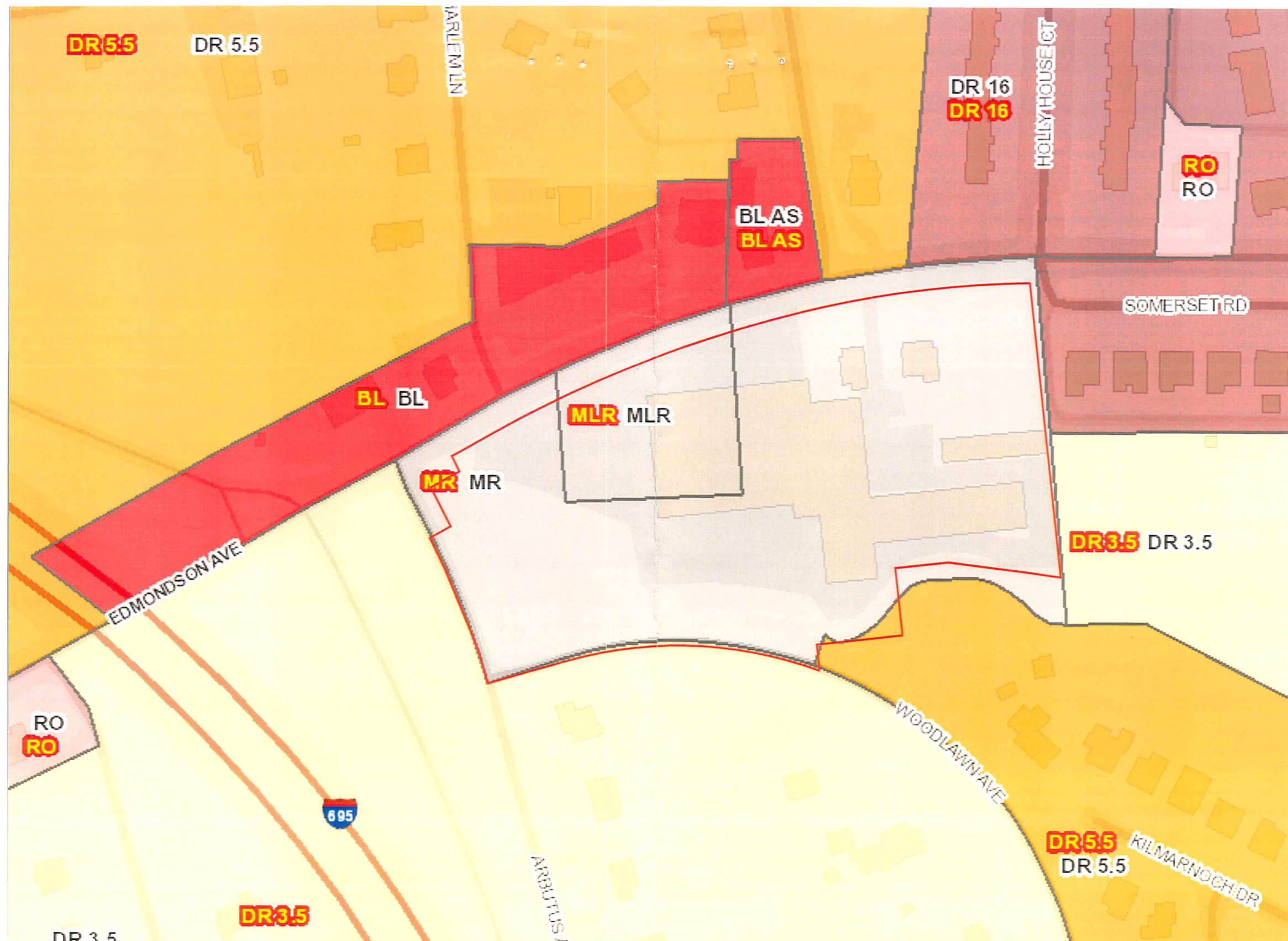


PETITIONER'S

EXHIBIT NO. 3

Google earth

Imagery Date: 8/29/2010 39°16'50.23" N 76°43'29.06" W elev 433 ft eye alt 1966 ft



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

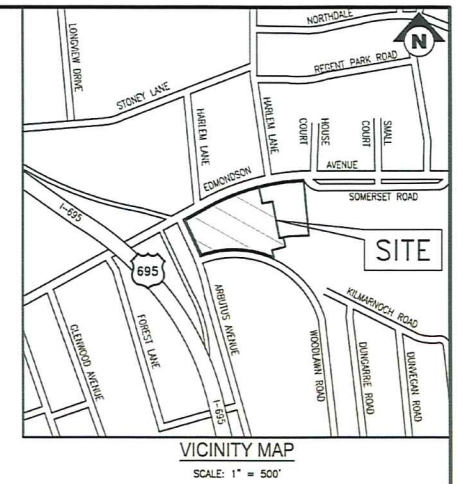
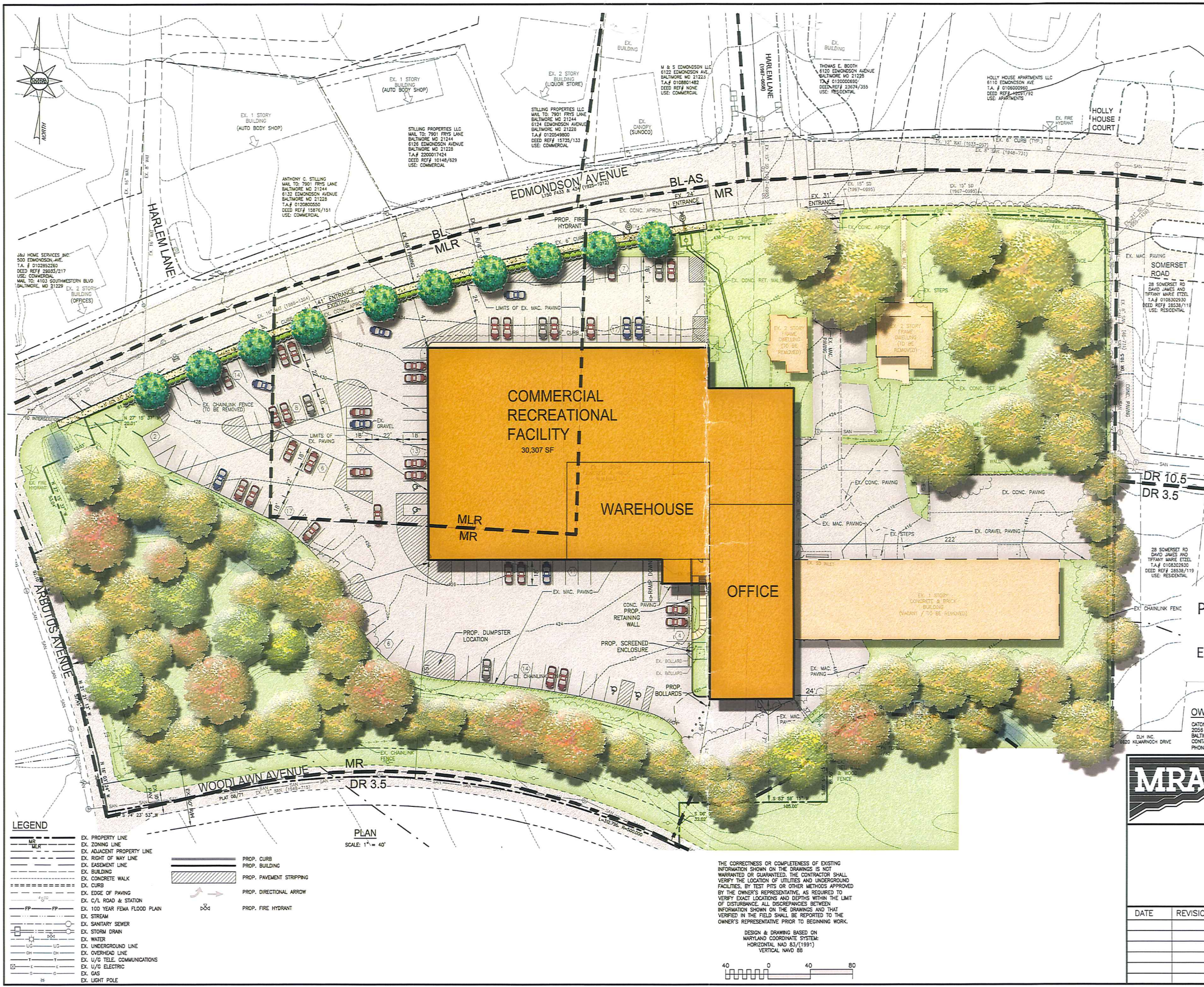


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PETITIONER'S

EXHIBIT NO.

4



- LEGEND**
- MR MLR
 - EX. PROPERTY LINE
 - EX. ZONING LINE
 - EX. ADJACENT PROPERTY LINE
 - EX. RIGHT OF WAY LINE
 - EX. EASEMENT LINE
 - EX. BUILDING
 - EX. CONCRETE WALK
 - EX. CURB
 - EX. EDGE OF PAVING
 - EX. C/L ROAD & STATION
 - EX. 100 YEAR FEMA FLOOD PLAIN
 - EX. STREAM
 - EX. SANITARY SEWER
 - EX. STORM DRAIN
 - EX. WATER
 - EX. UNDERGROUND LINE
 - EX. OVERHEAD LINE
 - EX. U/G TELE. COMMUNICATIONS
 - EX. U/G ELECTRIC
 - EX. GAS
 - EX. LIGHT POLE
 - PROP. CURB
 - PROP. BUILDING
 - PROP. PAVEMENT STRIPPING
 - PROP. DIRECTIONAL ARROW
 - PROP. FIRE HYDRANT

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DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/(1991)
VERTICAL NAVD 88

PETITIONER'S
EXHIBIT NO. 7

OWNER/APPLICANT
CATONVILLE DEVELOPMENT GROUP, LLC
2025 LORD BALTIMORE DRIVE
BALTIMORE, MD 21244
CONTACT: RICHARD BEATTIE
PHONE: (443) 200-1000



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ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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PHONE: (410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

6159 EDMONDSON AVENUE
ILLUSTRATIVE SITE PLAN

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:
		18052
		SCALE: 1" = 40'
		DATE: 11/25/2013
		DRAWN BY: MLE
		DESIGN BY: JTS
		REVIEW BY: JTS
		SHEET: 1 OF 2