

MEMORANDUM

DATE: December 1, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0054-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 30, 2015. 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

IN RE: PETITION FOR VARIANCE
(1417 Shoemaker Road)
3rd Election District
2nd Council District
Santo Mirabile
Legal Owner
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2016-0054-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Santo Mirabile, owner of the subject property ("Petitioner"). At the time the Petition was filed, Mr. Mirabile was the contract purchaser, although at the hearing Petitioner indicated he had closed on the property and was now the owner. Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 255.1 and 238.2 for a side yard setback of 10 ft. in lieu of the required 30 ft. A site plan was marked as Petitioner's Exhibit 1.

Santo Mirabile appeared in support of the petition. Patrick Richardson, a professional engineer whose firm prepared the site plan, appeared and assisted the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 93,306 square feet and is zoned ML & MLR. Petitioner operates a construction business, and plans to use the property for a storage facility and office for his company. To do so, variance relief is required.

ORDER RECEIVED FOR FILING

Date

10/30/15

By

Sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The site is irregularly shaped and contains significant environmental constraints. As such it is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to use the property in the manner proposed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 30th day of October, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 255.1 and 238.2 for a side yard setback of 10 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

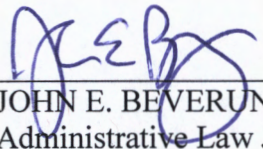
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide landscaping and lighting at the site, as determined in the sole discretion of the Baltimore County Landscape Architect.
3. Petitioner must comply with the ZAC comment of DEPS which is attached hereto and incorporated herein.

ORDER RECEIVED FOR FILING

Date 10/30/15
By Sen

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 10/30/15
By sln

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 19 2015

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0054-A
Address 1417 Shoemaker Rd
(DSM Warehouse Property)

Zoning Advisory Committee Meeting of September 7, 2015.

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 Law 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:

The proposed warehouse is within the 25 foot setback to the existing Forest Buffer Easement onsite and its construction would likely encroach into the Forest Buffer. Consequently, DEPS will not approve any permit or development plan unless a variance to the aforementioned regulations is sought and granted.

Reviewer: Glenn Shaffer, Environmental Impact Review Date: 10/8/15

ORDER RECEIVED FOR FILING

Date

10/30/15

By

Den



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1417 Shoemaker Road which is presently zoned ML&MLR
Deed References: 35062/ 175 10 Digit Tax Account # 2200014515
Property Owner(s) Printed Name(s) SCHELER ENTERPRISES LLC INC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s) (See Attached information)

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Santo Mirabile
Name- Type or Print

[Signature]
Signature

4312 W. My Hill Rd Rockville MD
Mailing Address City State

2133 / 443-250-9450 / Santo@DSM-Consulting.Com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 8016-0054-A Filing Date 8/28/15

Legal Owners (Petitioners):

SCHELER ENTERPRISES LLC INC
Name #1 - Type or Print Name #2 - Type or Print

[Signature] / _____
Signature #1 Signature #2

C/O Henry's Wrecker Service 2735 Harford Rd #202 Falls Church, VA
Mailing Address City State

22043 / _____ / _____
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print

[Signature]
Signature

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

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

Do Not Schedule Dates: _____ Reviewer: JS

Variance Request for
1417 Shoemaker Road

Variance per Section 255.1 and 238.2 for a side yard setback of 10' in lieu of the required ~~20~~ 30'

**ZONING DESCRIPTION FOR
1417 SHOEMAKER ROAD
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side of Serpentine Road (30' right of way) 885' +/- southwest from the centerline of the intersection of Falls Road (50' right of way), thence (1) North 03 degrees 43 minutes 27 seconds East 32.83 feet to the north side of Serpentine Road, thence (2) North 20 degrees 15 minutes 18 seconds West 269.17 feet to a point on the south side of Shoemaker Road (25' right of way), thence (3) North 07 degrees 51 minutes 36 seconds East 18.06 feet to the approximate centerline of Shoemaker Road, thence (4) South 81 degrees 46 minutes 59 seconds West 99.20 feet, (5) South 05 degrees 10 minutes 35 seconds East 367.00 feet, (6) South 23 degrees 19 minutes 32 seconds West 248.81 feet, (7) North 69 degrees 44 minutes 58 seconds East 342.16 feet, (8) North 20 degrees 15 minutes 19 seconds West 198.84 feet to the point of beginning.

Being lot #2 in the subdivision of Bare Hills as recorded in Baltimore County Plat Book #65, Folio #41, containing 93,306 square feet, or 2.14 acres.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2017.

2016-0054-A

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

No. **128725**

Date: **8/28/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 8/28/2015 8/28/2015 11:12:30 5

REG WS05 WALKIN PBOS LRB
 >> RECEIPT # 816720 8/28/2015 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 500.00

Dept 5 528 ZONING VERIFICATION
 PR NO. 128725

Recpt Tot \$500.00
 \$500.00 CK \$1.00 CA
 Baltimore County, Maryland

Total: **\$ 500.00**

Rec From: **2016-0054-1** ↗

For: **M RABILE** ↖

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Case No.:

2016-0054-A

Exhibit Sheet

slw
10-30-15

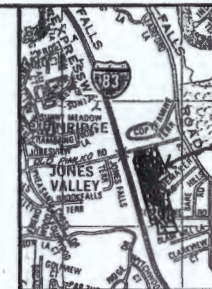
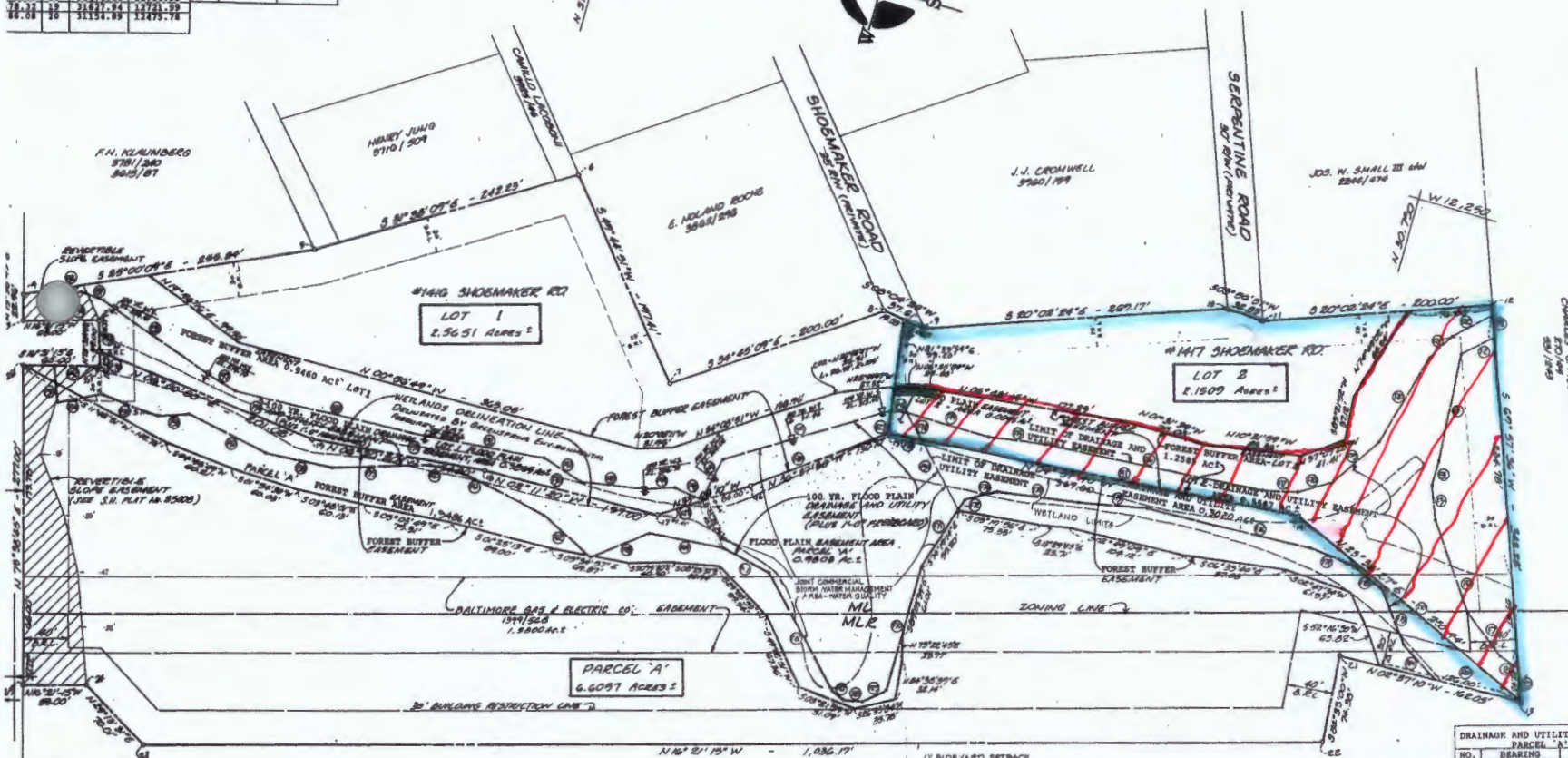
Petitioner/Developer

DP
12-1-15

Protestant

No. 1	site plan	
No. 2	Final plat of Bare Hills	
No. 3	Aerial zoning photo	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

COORDINATES					
WEST	NO.	NORTH	WEST	NO.	NORTH
08.58.11	11	30591.58	12588.14	21	30707.74
75.25.28	12	30845.49	12589.80	22	30700.87
08.59.19	13	30855.88	12592.30	23	30894.98
75.26.16	14	30773.48	12583.28	24	31756.61
08.59.58	15	30855.58	12584.05	25	31070.78
75.28.28	16	31023.97	12585.08	26	31088.88
09.00.04	17	31337.99	12588.98	27	31824.41
75.03.16	18	31474.08	12590.58	28	31472.04
09.02.19	19	31427.94	12571.99	29	
86.08.19	20	31154.89	12475.78	30	



VICINITY MAP
SCALE: 1" = 100'

- NOTES:
- 1) AREA OF TRACT
 - 2) EXISTING ROWING
 - 3) NUMBER OF LOTS

PETITIONERS
EXHIBIT # 2

for use, and happen and mention thereof in
or purposes of description only, and the same are
to be dedicated to public use; the few simple
words thereof is expressly reserved in the
the deed to which this plot is attached, their
seems.

by expire in accordance with the provisions of the
County Code, Section 28-316.

ing of this plat does not guarantee the installation or utilization by Baltimore County.

information concerning this plot may be obtained
Itasca County Office of Planning and Zoning and
and of Public Works.

ing of this plat does not constitute or imply by the County of any street, easement, park, open bar public area shown on the plat.

Developer will comply with the best management
dictated by the Baltimore County Department of
Air Protection and Resource Management.

The property shown on this plat was approved on
1994 from FACEL A- AND JULY 12, 1990 FOR
LOT 5.

100% COUNTY DEPARTMENT OF ENVIRONMENTAL
SOURCES MANAGEMENT

1/1/78 1/1/78

DEPARTMENT OF PUBLIC WORKS AND THE
CITY AND ZONING

DATE 1/10/93

1990

DOI: 10.1002/anie.201608970

JONES FALLS EXPRESSWAY
S.R.C. PLATS 25005, 25006 & 25008

100 YEAR FLOOD PLAIN LOT & MAGNITUDE AND DURATION RAINFALL		
NO.	RAINFALL	DIST.
P20	81-17-59-45E	19.00
P22	81-17-17-10W	130.70
P23	82-08-08-00E	86.00
P30	80-11-21-3W	157.00
P31	80-17-20-20E	154.00
P32	81-17-20-20E	28.80
P33	81-17-38-45E	34.77
P34	81-17-41-30W	34.00
P35	80-52-53-35E	25.17
P36	81-17-41-30W	25.17
P37	80-45-40-30W	20.10
P38	81-17-41-30W	109.11
P39	81-17-19-44E	29.73
P40	80-17-20-20E	171.22
P41	81-17-20-20E	28.80
P42	81-17-41-30W	36.89
P43	80-40-20-25E	59.68
P44	82-01-31-18E	25.65
P45	80-17-20-20E	28.80
P46	81-17-41-30W	36.89
P47	81-17-41-30E	155.53

DRAINAGE AND UTILITY EASEMENT		
NO.	BEARING	DIST.
P1	S85°51'21" E	42.00
P2	N45°05'28" W	34.24
P3	S85°47'09" W	35.26
P4	N82°41'40" W	29.55
P5	S66°03'19" W	29.55
P6	S54°27'43" W	86.02
P7	S36°07'21" W	45.80
P8	N42°21'21" W	45.80
P9	S59°52'18" W	28.60
P10	N23°32'47" E	250.44
P11	S82°02'18" W	37.80
P12	N42°49'09" E	25.84
P13	S40°00'00" W	74.00
P14	N1°48'50" E	25.84
P15	S04°25'32" E	195.58
P17	S15°25'25" W	10.08
P18	N1°48'50" E	25.84
P19	S56°18'32" W	50.48
P20	S75°09'18" E	85.87
P21	S82°02'18" W	37.80
P22	S45°26'03" E	40.26

100 YEAR FLOOD PLAIN-LOT 5 DRAINAGE AND UTILITY EASEMENT		
NO.	BEARING	DIST.
P23	N45°05'28" W	13.00
P24	S85°47'09" W	35.26
P25	N82°41'40" W	29.55
P26	S66°03'19" W	29.55
P27	S54°27'43" W	86.02
P28	S36°07'21" W	45.80
P29	N42°21'21" W	45.80
P30	S59°52'18" W	28.60
P31	N23°32'47" E	250.44
P32	S82°02'18" W	37.80
P33	N42°49'09" E	25.84
P34	S40°00'00" W	74.00
P35	N1°48'50" E	25.84
P36	S04°25'32" E	195.58
P37	S15°25'25" W	10.08
P38	N1°48'50" E	25.84
P39	S56°18'32" W	50.48
P40	S75°09'18" E	85.87
P41	S82°02'18" W	37.80
P42	S45°26'03" E	40.26

2000 YEAR FLOOD PLAIN PARCEL A		
NO.	AREA	PERCENT
F01	444-254-328	21.87
F26	004-57-400	38.00
F28	036-37-300	120.70
F30	036-37-300	120.70
F30	002-11-200	157.00
F31	006-20-200	154.00
F32	006-20-200	154.00
F51	072-38-450	12.23
F52	016-21-150	37.00
F53	016-21-150	37.00
F54	025-54-23E	38.91
F55	046-09-050	35.35
F56	046-09-050	35.35
F57	010-05-51W	74.15
F58	004-45-490	60.23
F59	004-45-490	60.23
F60	501-07-16E	27.02
F61	009-48-220	82.20
F62	009-48-220	82.20
F63	040-02-54E	26.12
F64	020-16-04E	67.19
F65	040-02-54E	26.12
F66	045-02-50W	113.57
F67	010-02-50W	14.83
F68	041-09-20E	25.82
F69	041-09-20E	25.82
F70	085-03-18E	110.95
F71	074-19-14E	59.20

DRAINAGE AND UTILITY BASEMENT		
PARCEL 'A'		
NO.	BEARING	DIST.
F10	N23-32-27E	250.00
F11	N04-57-40W	337.00
F50	S44-24-32W	68.44
F72	R72-18-03E	10.44
F73	S26-18-02E	29.13
F74	S18-18-31E	72.83
F75	N11-18-36E	61.19
F76	S02-32-10E	145.12
F77	S08-37-57W	43.29
F78	S24-46-30W	28.64
F79	S51-10-31W	52.63
F80	S30-35-15W	39.10
F81	R02-37-20E	79.50

802-37-208 79.50
FINAL PLAT
BARE HILLS

3rd ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' SEPT. 29, 1999

TAX ACCOUNT No. 0309000040
OWNER

OLD PIMLICO LIMITED PARTNERSHIP
1406 SHOEMAKER ROAD
BALTIMORE, MARYLAND 21209
LIBER 7881 PAGE 831

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-100 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THIS PLAT AND SETTING OF THE MARKERS.

BY OLD FIMLICO ROAD CORP. OF

Michael S. Hoffberger Pres. 12-15-92

MICHAEL S. HOFFBERGER, MPE

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT, AND THE PLAT THEREOF HAS BEEN PREPARED, IN ACCORDANCE WITH SUBSECTION (C) OF SECTION 3-103 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY IN SO FAR AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

STATE OF MARYLAND
LAND SURVEYOR
APR 25 1964
BALTIMORE

MSA SSU 1236-9282



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be in Baltimore County, Maryland does not warrant the accuracy or reliability of the data including but not limited to, all warranties, express or implied, of merchants Baltimore County, Maryland disclaims all obligation and liability for damages, including consequential damages, attorneys' and experts' fees, and court costs incurred use of or reliance upon this data.

PETITIONERS
EXHIBIT # 3

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 8, 2015 Issue - Jeffersonian

Please forward billing to:

Santo Mirabile
4312 Windy Hill Road
Randallstown, MD 21133

443-250-9450

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: 2016-0054-A

1417 Shoemaker Road

S/s Shoemaker Road, 480 ft. w/of centerline of the intersection with Falls Road

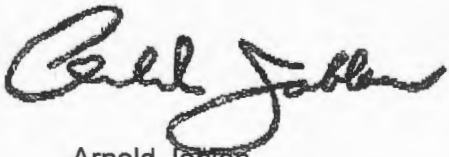
3rd Election District – 2nd Councilmanic District

Legal Owners: Scheler Enterprises, Inc.

Contract Purchaser/Lessee: Santo Mirabile

Variance for a side yard setback of 10 ft. in lieu of the required 30 ft.

Hearing: Thursday, October 29, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

September 15, 2015

NOTICE OF ZONING HEARING

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CASE NUMBER: 2016-0054-A

1417 Shoemaker Road

S/s Shoemaker Road, 480 ft. w/of centerline of the intersection with Falls Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Scheler Enterprises, Inc.

Contract Purchaser/Lessee: Santo Mirabile

Variance for a side yard setback of 10 ft. in lieu of the required 30 ft.

Hearing: Thursday, October 29, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Santo Mirabile, 4312 Windy Hill Road, Randallstown 21133
Scheler Enterprises, Inc., 2735 Harford Road, #202, Falls Church VA 22043
Richardson Engineering, 30 E. Padonia Rd., Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 9, 2015.**
- (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.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Ord

Sold To:

Santo Mirabile - CU00493782
4312 Windy Hill Rd
Randallstown, MD 21133-1414

Bill To:

Santo Mirabile - CU00493782
4312 Windy Hill Rd
Randallstown, MD 21133-1414

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Oct 08, 2015

NOTICE OF ZONING HEARING

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Case: # 2016-0054-A
1417 Shoemaker Road
S/s Shoemaker Road, 480 ft. w/of centerline of the intersection with Falls Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) Scheler Enterprises, Inc.
Contract Purchaser/Lessee: Santo Mirabile

Variance: for a side yard setback of 10 ft. in lieu of the required 30 ft.

Hearing: Thursday, October 29, 2015 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/11/16 October 8 3632454

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

2016-0054-A

RE: Case No.: _____

Petitioner/Developer: _____
Scheler Enterprises
Santo Mirabile

_____ **October 29, 2015**
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

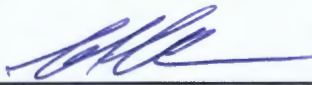
1417 Shoemaker Road

_____ **October 9, 2015**

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



Sincerely,

 **October 9, 2015**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
1417 Shoemaker Road; S/S of Shoemaker Road,	*	
480' W of c/line with Falls Road	*	OF ADMINSTRATIVE
3 rd Election & 2 nd Councilmanic Districts	*	
Legal Owner(s): Scheler Enterprises, Inc	*	HEARINGS FOR
c/o Henry's Wrecker Service	*	
Contract Purchaser(s): Santo Mirabile	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2016-054-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

SEP 09 2015

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 9th day of September, 2015, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2016-0054-A

Petitioner: SANTO MIRABILE

Address or Location: 1417 SHOEMAKER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SANTO MIRABILE

Address: 4312 WUDY HILL RD

RANDALSTOWN MD 21133

Telephone Number: 443-250-9450

CASE NAME DSM PROPERTIES
CASE NUMBER 2016-0054A
DATE 10/29/15

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

9/11/15

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

10/19/15

DEPS
(if not received, date e-mail sent _____)

C

FIRE DEPARTMENT

9/30/15

PLANNING
(if not received, date e-mail sent _____)

no Obj

9/10/15

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 10/8/15

SIGN POSTING Date: 10/9/15

by SSG Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 2200014515			
Owner Information					
Owner Name:		1417 SHOEMAKER LLC		Use:	INDUSTRIAL
Mailing Address:		PO BOX 1794 RANDALLSTOWN MD 21133-		Principal Residence:	NO
				Deed Reference:	/36672/ 00194
Location & Structure Information					
Premises Address:		1417 SHOEMAKER RD BALTIMORE 21209-		Legal Description:	2.1509 AC 1417 SHOEMAKER RD BARE HILLS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0069	0020	0824		0000	2 2016 0065/0041
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			2.1500 AC	07	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		215,000	215,000		
Improvements		0	0		
Total:		215,000	215,000	215,000	
Preferential Land:		0			
Transfer Information					
Seller: SCHELER ENTERPRISES INC		Date: 09/18/2015		Price: \$260,000	
Type: ARMS LENGTH IMPROVED		Deed1: /36672/ 00194		Deed2:	
Seller: SCHELER ENTERPRISES LLC		Date: 08/28/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36595/ 00316		Deed2:	
Seller: LAZZATI JOHN L JR		Date: 06/12/2014		Price: \$225,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /35062/ 00175		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					



KEVIN KAMENETZ
County Executive

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

October 22, 2015

Scheler Enterprises Inc
C/O Henry's Wrecker Service
2735 Harford Road #202
Falls Church VA 22043

RE: Case Number: 2016-0054 A, Address: 1417 Shoemaker Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 28, 2015. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Santo Mirabile, 4312 Windy Hill Road, Randallstown MD 21133
Richardson Engineering LLC, 30 E Padonia Road, Suite 500, Timonium MD 21093

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 9/10/15

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

RE: Baltimore County
Item No. 2016-0054-A
Variance
Scheler Enterprises Inc. c/o Henry's Wrecker Service
1417 Shoemaker Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0054-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED RECEIVED

OCT 19 2015

OFFICE OF ADMINISTRATIVE HEARINGS
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0054-A
Address 1417 Shoemaker Rd
(DSM Warehouse Property)

Zoning Advisory Committee Meeting of September 7, 2015.

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 Law 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:

The proposed warehouse is within the 25 foot setback to the existing Forest Buffer Easement onsite and its construction would likely encroach into the Forest Buffer. Consequently, DEPS will not approve any permit or development plan unless a variance to the aforementioned regulations is sought and granted.

Reviewer: Glenn Shaffer, Environmental Impact Review

Date: 10/8/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1417 Shoemaker Road

RECEIVED

INFORMATION:

OCT 01 2015

Item Number: 16-054

Petitioner: Scheler Enterprises, Inc.

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: ML

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit a side yard setback of 10 feet in lieu of the required 30 feet.

The Department of Planning has no objection to the granting of the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schlabach

C: Bill Skibinski

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1417 Shoemaker Road

INFORMATION:

Item Number: 16-054

Petitioner: Scheler Enterprises, Inc.

Zoning: ML

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit a side yard setback of 10 feet in lieu of the required 30 feet.

The Department of Planning has no objection to the granting of the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schelbach

C: Bill Skibinski

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 11, 2015

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2015
Item No. 2016-0054

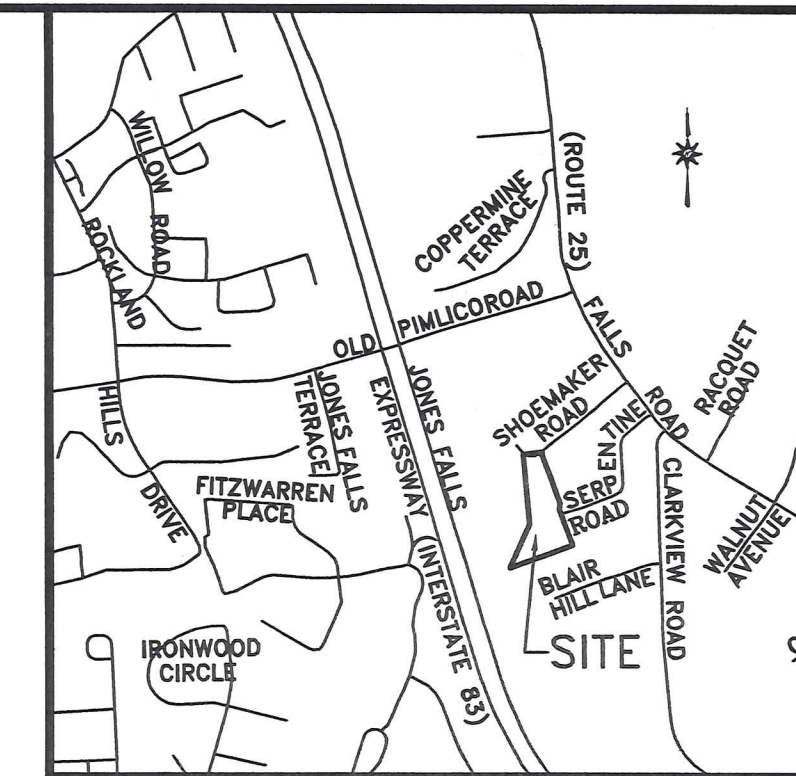
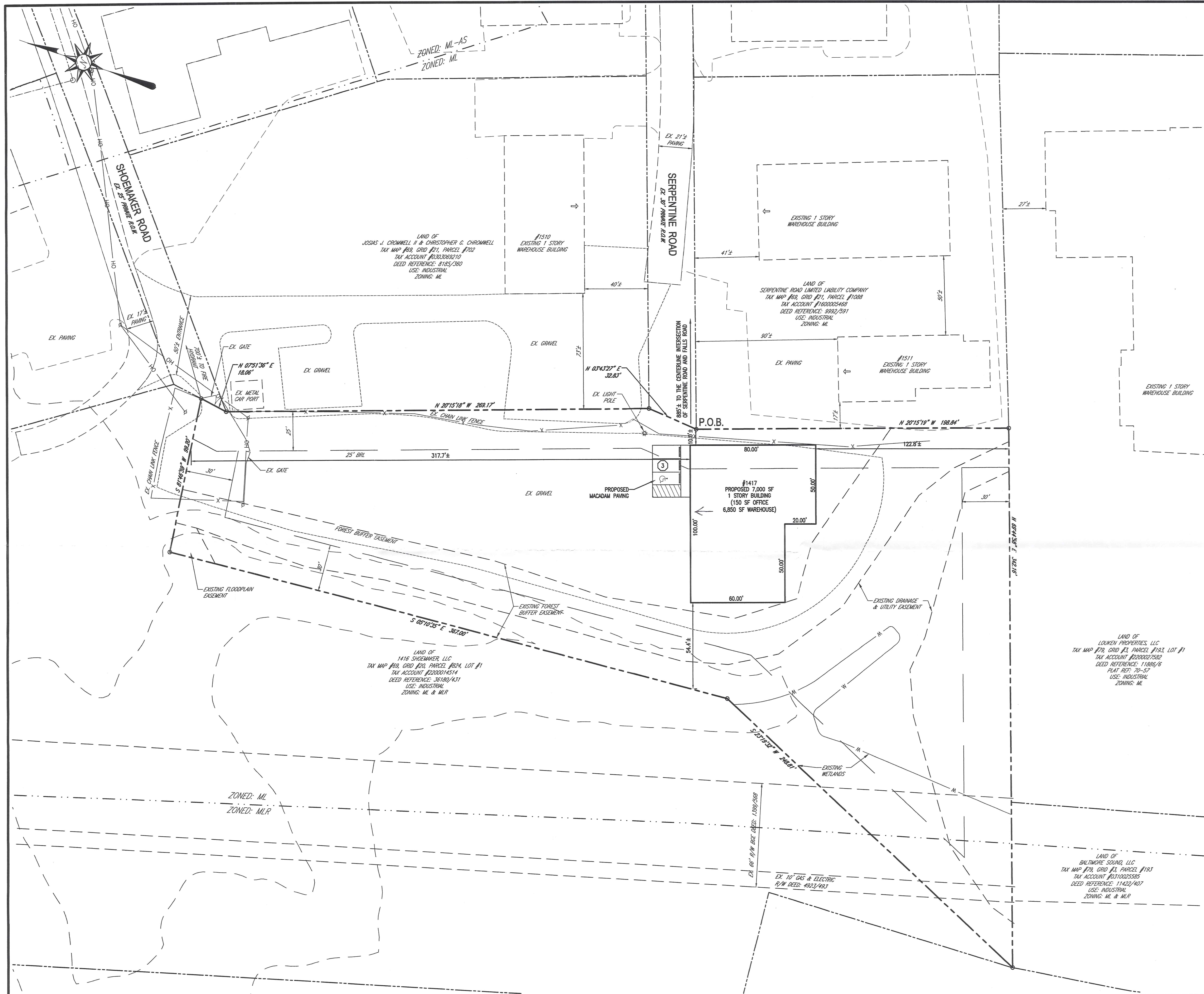
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Landscape and Lighting Plans will be required prior to building permit approval.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0054-09142015.doc



LOCATION MAP

1" = 1000'

GENERAL NOTES:

- OWNER/DEVELOPER: SCHELER ENTERPRISES, LLC
C/O HENRY'S WRECKER SERVICE
2735 HARFORD ROAD SUITE #202
FALLS CHURCH, VA 22043
- SITE AREA: 93,306 Sq.Ft. or 2.14 Ac.±
- UTILITIES:
 - PUBLIC WATER & SEWER
- EXISTING BUILDING: VACANT SITE
PROPOSED BUILDING: 7,000 SF WAREHOUSE
- DEED REFERENCE: 35062/175
- PLAT REFERENCE: 85-41 "BARE HILLS"
- TAX ACCOUNT #2200014515
- COUNCILMANIC DISTRICT: 2ND
- ZONING: ML & MLR
(PER 1"=200' ZONING MAP 069A3, 069B3, 079A1, & 079B1)
- TAX MAP #69, GRID #20, PARCEL #824, LOT #2
- PREVIOUS ZONING CASES:
 - 1986-0157-VARIANCE TO PERMIT A DISTANCE OF 24 FEET BETWEEN PRINCIPAL BUILDING FRONTS IN LIEU OF THE REQUIRED 80 FEET AND SIDE YARD SETBACKS OF ZERO FEET IN LIEU OF THE REQUIRED 30 FEET, GRANTED ON DECEMBER 14, 1988 WITH THE FOLLOWING RESTRICTIONS:
 - 1) IF THE ORDER IS REVERSED THE PROPERTY MUST BE RETURNED TO THE ORIGINAL CONDITION.
 - 2) COMPLIANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - 3) PETITIONER SHALL SUBMIT TO THE DEPUTY ZONING COMMISSIONER A LANDSCAPING PLAN APPROVED BY THE BALTIMORE COUNTY LANDSCAPE PLANNER.
 - 4) BEFORE PROCEEDING ON THIS PROJECT, CRG REVIEW, APPROVAL AND/OR A WAIVER, IF DEEMED APPROPRIATE BY THE OFFICE OF CURRENT PLANNING, MUST BE OBTAINED.
 - 5) VARIANCES GRANTED HEREIN ARE LIMITED TO THE PROPOSED PROJECT SET FORTH IN PETITIONER'S EXHIBIT 1.
 - 6) WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN AND LANDSCAPING PLAN FILED MUST REFERENCE THIS ZONING CASE.
 - 12. NO KNOWN PREVIOUS PERMITS EXISTS ON FILE.
 - 13. BUILDING HEIGHT NOT TO EXCEED 35' HIGH.
- PARKING CALCULATIONS:
 - REQUIRED
OFFICE 150 @ 3.3 SPACES /1000 SF = 1 SPACE
WAREHOUSE: 2 EMPLOYEES @ 1 PER EMPLOYEE AT LARGEST SHIFT = 2
TOTAL: 3 SPACES
 - PROVIDED
3 SPACES
- THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOODPLAINS EXISTS ON SITE.
- CENSUS TRACT: 403602
- WATERSHED: JONES FALLS
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ON SITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZR; SECTION 450.
- FLOOR AREA RATIO PROVIDED: 6,850/93,306 = 0.07
- SETBACKS FOR ML:

	REQUIRED	PROVIDED
FRONT	25'	10.0'±*
SIDE	30'	122.8'±
REAR	30'	54.4'±
- * REQUIRES VARIANCE.
- BASIC SERVICES MAP (2014)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N

2016-0054-A

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY ZONING PETITION
FOR

DSM PROPERTIES
WAREHOUSE

1417 SHOEMAKER ROAD
3RD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	CND	PCR	1" = 30'
DATE:	JOB NO.:	SHEET NO.:	
08-28-15	15087	1 OF 1	

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16587, EXPIRATION DATE: 08-15-2017

