

M E M O R A N D U M

DATE: June 7 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0200-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 6, 2016. 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

(18 Old Padonia Road)

8th Election District

3rd Council District

BCBT, LLC

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0200-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 BCBT, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 255.1 and 238.2 to permit side yard setbacks of 3.0 ft. in lieu of the required 30 ft. and a rear yard setback of 3.0 ft. in lieu of the required 30 ft. A site plan was marked as Petitioner's Exhibit 1.

Bill Malstrom and professional engineer Rick Richardson appeared in support of the Petition. Jennifer Busse, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). A condition will be included in the Order below to address those comments.

The subject property is 19,191 square feet and zoned ML. The property is improved with a two-story office building, used as the business headquarters of Petitioner's electrical contracting company (Malstrom Electric). Petitioner proposes to construct a garage at the rear of the site, which will be used for storage of inventory, equipment and machinery used in the business.

ORDER RECEIVED FOR FILING

Date 5-6-16

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 property is triangular in shape and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the proposed garage. 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 County and/or community opposition.

THEREFORE, IT IS ORDERED, this 6th day of **May, 2016**, 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 to permit side yard setbacks of 3.0 ft. in lieu of the required 30 ft. and a rear yard setback of 3.0 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 its 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 comply with the ZAC comments submitted by the DOP and DPR, copies of which are attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 5-6-16

2 By Sen

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/sln

ORDER RECEIVED FOR FILING

Date 5-16-14

By sln

5/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: April 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-200

RECEIVED

APR 15 2016

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Property Address: 18 Old Padonia Road
Petitioner: BCBT, LLC
Zoning: ML
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit side yard setbacks of 3 feet and a rear yard setback of 3 feet in lieu of the required 30 foot and side and rear yard setbacks respectively.

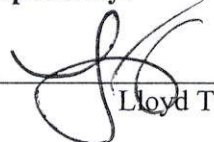
A site visit was conducted on March 22, 2016.

The Department supports granting the requested zoning relief subject to the following condition:

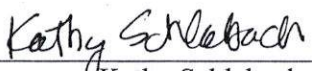
- Install curb, gutter and sidewalk to Department of Public Works standards along the north side of Old Padonia Road along the entire frontage of the subject property to connect with the existing.
- Install plantings to screen the parking lot from the street in accordance with the Baltimore County Landscape Manual.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Adam Baker, Whiteford, Taylor & Preston
Wally Lippincott
Office of the Administrative Hearings
Jeanette M. S. Tansey, R.L.A., PAI

ORDER RECEIVED FOR FILING

Date 5-16-16
By Sen

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2016
Item No. 2016-0200

DATE: March 15, 2016

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

In accordance with previous order (1994-0004A) and the development regulations, the petitioner will be required to build curb and gutter and sidewalk in its ultimate location along the frontage. Security for road work and landscaping must be posted prior to issuance of a building permit.

A Landscape Plan that screens parking along Old Padonia Road is required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0200- 03212016.doc

ORDER RECEIVED FOR FILING

Date 5-6-16
By Sen



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 18 Old Padonia Road which is presently zoned ML

Deed References: Liber 36583, folio 00402 10 Digit Tax Account # 0 8 1 9 0 8 5 1 5 1

Property Owner(s) Printed Name(s) BCBT, LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. X a **Variance** from Section(s)

(PLEASE SEE ATTACHED)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name – Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Adam D. Baker, Esquire

Name – Type or Print

Signature

Whiteford, Taylor & Preston

8830 Stanford Boulevard, Suite 400, Columbia MD

Mailing Address

City

State

21045

/

410-832-2052

/abaker@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

BCBT, LLC

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

18 Old Padonia Road

Cockeysville

MD

Mailing Address

City

State

21030

Zip Code

Telephone #

Email Address

Representative to be contacted:

Adam D. Baker, Esquire

Name – Type or Print

Signature

Whiteford, Taylor & Preston

8830 Stanford Boulevard, Suite 400, Columbia MD

Mailing Address

City

State

21045

/ 410-832-2052

/abaker@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0200A Filing Date 3/3/16

Do Not Schedule Dates:

Reviewer GH

PETITION FOR ZONING HEARING
18 Old Padonia Road -- BCBT, LLC

Variance Relief Requested:

1. Variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations ("BCZR") to permit side yard setbacks of 3.0 feet in lieu of the required 30 feet and a rear yard setback of 3.0 feet in lieu of the required 30 feet.

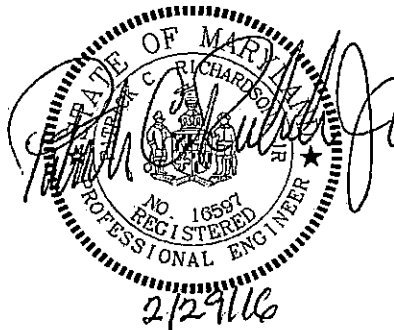
2145293

2016-0200-A

**ZONING DESCRIPTION
18 OLD PADONIA ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the north side of Old Padonia Road (30' right-of-way) at a distance of 265 feet west from the centerline intersection of Old Padonia Road and York Road, thence binding on the north side right-of-way line of Old Padonia Road the following course and distance; (1) North 83 degrees 58 minutes 54 seconds West 131.65 feet, thence leaving said right of way (2) North 06 degrees 01 minutes 06 seconds East 200.00 feet; (3) South 83 degrees 58 minutes 54 seconds East 40.00 feet; (4) South 18 degrees 36 minutes 06 seconds East 220.00 feet to the point of beginning;

Containing a net area of 17,169 square feet, or 0.39 acres of land, more or less.



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.

2016-0200-A



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 Order No 4102170

Sold To:

Whiteford Taylor & Preston LLP - CU00483501
8830 Stanford Blvd
Ste 400
Columbia, MD 21045-5425

Bill To:

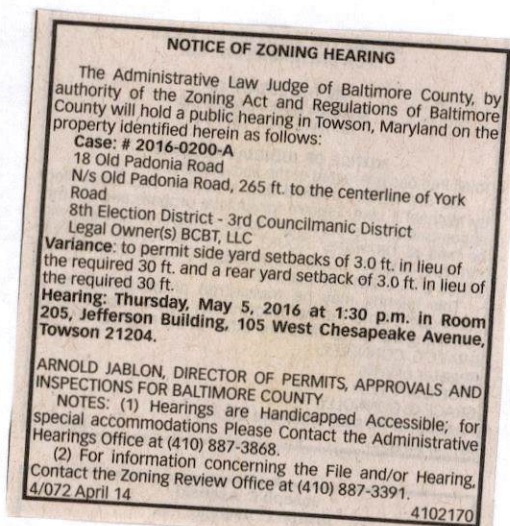
Whiteford Taylor & Preston LLP - CU00483501
8830 Stanford Blvd
Ste 400
Columbia, MD 21045-5425

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

Apr 14, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising



CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0200-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP.

DATE OF HEARING/CLOSING:

MAY 5, 2016

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT

18 OLD PADONIA ROAD

THIS SIGN(S) WERE POSTED ON

(MONTH, DAY, YEAR)

April 15, 2016

SINCERELY,

Martin Ogle 4/15/16
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2016-0200-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY MAY 5, 2016 AT 1:30 PM

REQUEST:

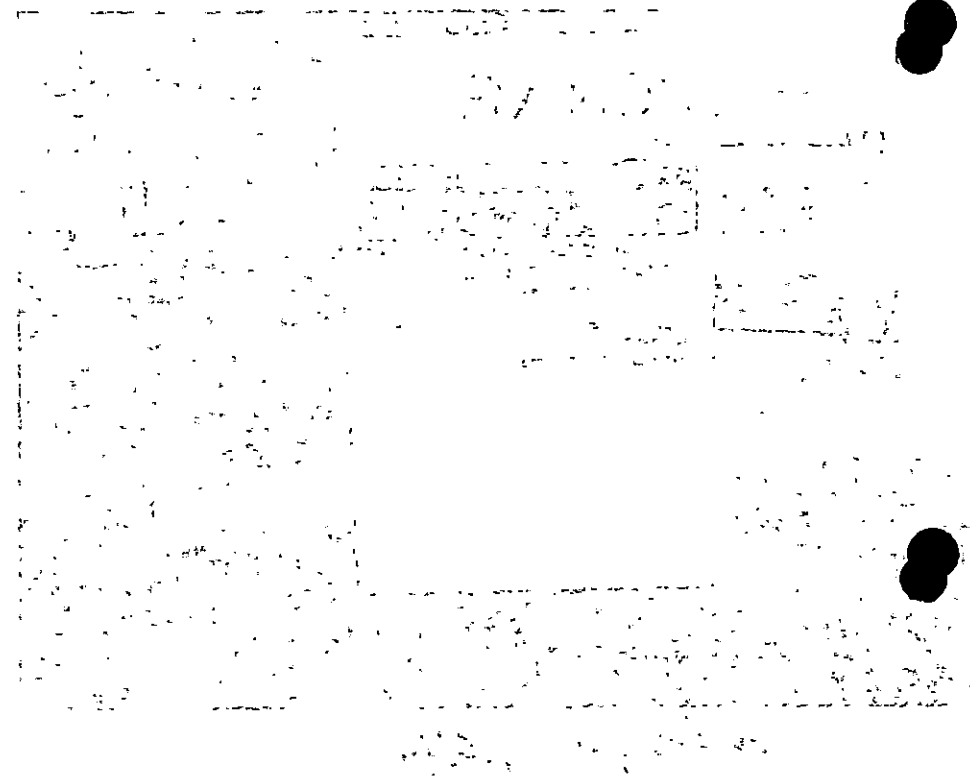
VARIANCE TO PERMIT SIGN AND SETBACKS OF 3.5-FT. IN
LENGTH REQUIRED 30-FT. AND A REAR YARD SETBACK OF
25-FT. TO LIE IN THE REQUIRED 30-FT.

FOR CITY OF TOWSON, VARIANCES OR OTHER EXCEPTIONS ARE SOMETIMES NECESSARY
TO CONTRIBUTE TO THE PUBLIC GOOD AND WELFARE.

DO NOT SIGN OFF THIS SIGN AND POST UNLESS YOU ARE A MEMBER OF THE ZONING COMMISSION OR A MEMBER OF THE TOWSON ZONING COMMISSION.

HANDICAPPED ACCESSIBLE

mauln gl 4/15/16





KEVIN KAMENETZ
County Executive

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

March 23, 2016

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0200-A

18 Old Padonia Road

N/s Old Padonia Road, 265 ft. to the centerline of York Road

8th Election District – 3rd Councilmanic District

Legal Owners: BCBT, LLC

Variance to permit side yard setbacks of 3.0 ft. in lieu of the required 30 ft. and a rear yard setback of 3.0 ft. in lieu of the required 30 ft.

Hearing: Thursday, May 5, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Adam Baker, 8830 Stanford Boulevard, Ste. 400, Columbia 21045
BCBT, LLC, 18 Old Padonia Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 15, 2016**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 14, 2016 Issue - Jeffersonian

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
8830 Stanford Blvd. Ste. 400
Columbia, MD 21045

410-832-2052

NOTICE OF ZONING HEARING

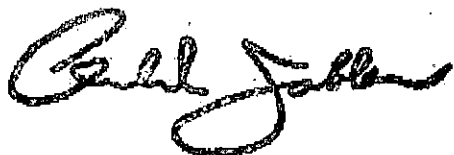
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105 West Chesapeake Avenue, Towson 21204



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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
18 Old Padonia Road; N/S Old Padonia Road, * OF ADMINISTRATIVE
W 265' to c/line of York Road * HEARINGS FOR
8th Election & 3rd Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): BCBT, LLC *
Petitioner(s) *
2016-200-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
MAR 18 2016

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 18th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Adam Baker, Esquire, 8830 Stanford Boulevard, Suite 400, Columbia, Maryland 21045, Attorney 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/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: 2016-0200-A

Petitioner: BCBT, LLC

Address or Location: 13 Old Padonia Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Baker

Address: Whiteford Taylor & Preston, LLP

1 W. PENNSYLVANIA AVE, STE 300

TOWSON, MD 21204

Telephone Number: 410.332.2052

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

No. **135718**

Date: **3/3/16**

PAID RECEIPT

BUSINESS ACTUAL TIME IN
 3/03/2016 3/03/2016 14:16:03 3

REG 4503 WALKIN CHET DAN
 RECEIPT # 670209 3/03/2016 OFLN

Dept 5 323 ZONING VERIFICATION
 CR NO. 135718

Receipt Tot 4500.00
 4500.00 CR 4.00 CA
 Baltimore County Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	800	3000		150				500.00

Total: **500.00**

Rec From **White, Taylor & Preston**

For **2016 0200-A BOTTLES**
18 CIVIL + DOMESTIC

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 27, 2016

BCBT, LLC
18 Old Padonia Road
Cockeysville MD 21030

RE: Case Number: 2016-0200 A, Address: 18 Old Padonia 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 March 3, 2016. 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: jaw

Enclosures

c: People's Counsel
Adam D Baker, Esquire, 8830 Stanford Boulevard, Suite 400, Columbia MD 21045

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



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 3/21/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0200-A

Variance
BCBT, LLC
18 Old Padonia Road.

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 blue ink, appearing to read "Richard Zeller".

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

DWP/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-200

RECEIVED

APR 15 2016

INFORMATION:

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Zoning: ML
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

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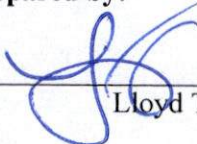
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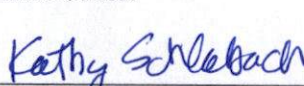
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Adam Baker, Whiteford, Taylor & Preston
Wally Lippincott
Office of the Administrative Hearings
Jeanette M. S. Tansey, R.L.A., PAI

Date: [Click here to enter a date.](#)

Subject: ZAC #16-200

Page 2

People's Counsel for Baltimore County
Dennis Kennedy, PAI

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2016
Item No. 2016-0200

DATE: March 15, 2016

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A Landscape Plan that screens parking along Old Padonia Road is required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0200- 03212016.doc

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED

MAR 17 2016



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: March 17, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0200-A
Address 18 Old Padonia Road
(BCBT, LLC Property)

Zoning Advisory Committee Meeting of March 21, 2016.

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

Reviewer: Steve Ford

Date: 03-17-2016

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



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

DATE: April 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-200

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The Department of Planning has reviewed the petition for a variance to permit side yard setbacks of 3 feet and a rear yard setback of 3 feet in lieu of the required 30 foot and side and rear yard setbacks respectively.

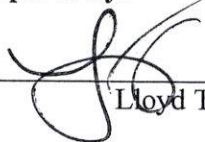
A site visit was conducted on March 22, 2016.

The Department supports granting the requested zoning relief subject to the following condition:

- Install curb, gutter and sidewalk to Department of Public Works standards along the north side of Old Padonia Road along the entire frontage of the subject property to connect with the existing.
- Install plantings to screen the parking lot from the street in accordance with the Baltimore County Landscape Manual.

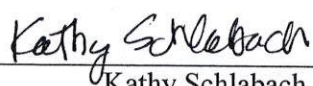
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Adam Baker, Whiteford, Taylor & Preston
Wally Lippincott
Office of the Administrative Hearings
Jeanette M. S. Tansey, R.L.A., PAI

Date: Click here to enter a date.

• Subject: ZAC #16-200

Page 2

People's Counsel for Baltimore County
Dennis Kennedy, PAI

PLEASE PRINT CLEARLY

CASE NAME MALSTROM ELECTRIC

CASE NUMBER 2016-0200-A

DATE 5/5/16

PETITIONER'S SIGN-IN SHEET

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
3/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
3/17	DEPS (if not received, date e-mail sent _____)	N/C
	FIRE DEPARTMENT	
4/11	PLANNING (if not received, date e-mail sent _____)	C
3/21	STATE HIGHWAY ADMINISTRATION	no Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 4/14/16	
SIGN POSTING	Date: 4/15/16 by Ogile	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

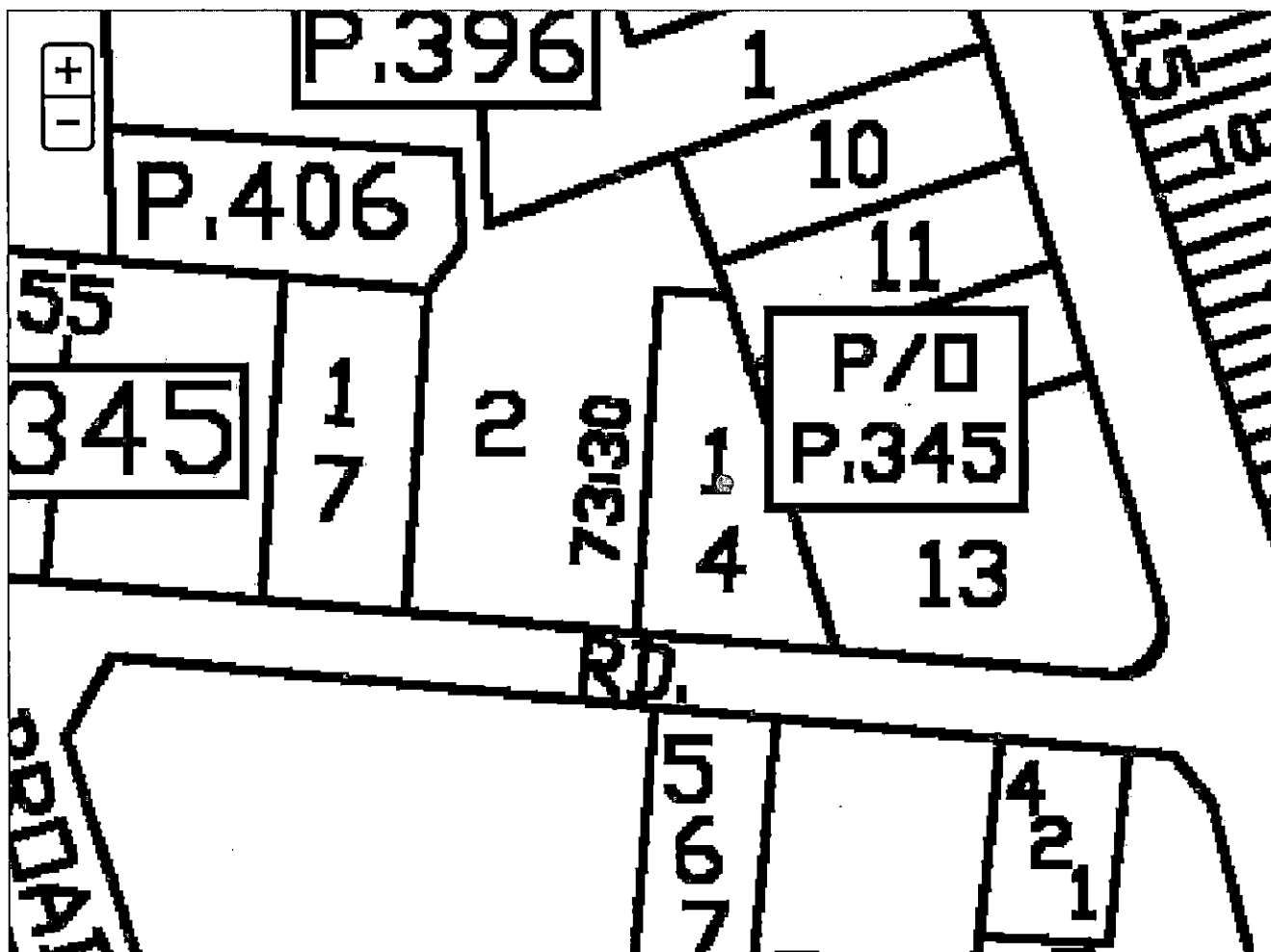
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 08 Account Number - 0819085151							
Owner Information									
Owner Name:		BCBT LLC				Use:		COMMERCIAL	
Mailing Address:		18 OLD PADONIA RD COCKEYSVILLE MD 21030-4916				Principal Residence:		NO	
						Deed Reference:		/36583/ 00402	
Location & Structure Information									
Premises Address:		18 OLD PADONIA RD COCKEYSVILLE MD 21030-4916				Legal Description:		18 OLD PADONIA RD ROBERT H BUSSEY PLAT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0051	0017	0345		0000			14	2014	0004/ 0155
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1948		2483				19,110 SF		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		OFFICE BUILDING							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2014		07/01/2015		07/01/2016	
Land:		378,600		378,600					
Improvements		121,900		125,400					
Total:		500,500		504,000		502,833		504,000	
Preferential Land:		0						0	
Transfer Information									
Seller: TIMONIUM HEIGHTS LLC				Date: 08/26/2015			Price: \$532,000		
Type: ARMS LENGTH IMPROVED				Deed1: /36583/ 00402			Deed2:		
Seller: BREWER WALTER L,JR/BRENT K				Date: 06/26/2008			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /27135/ 00636			Deed2:		
Seller: BREWER MAY C				Date: 02/06/2001			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14962/ 00725			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		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 08 Account Number: 0819085151



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Case No.: 2016-0200-A

Exhibit Sheet

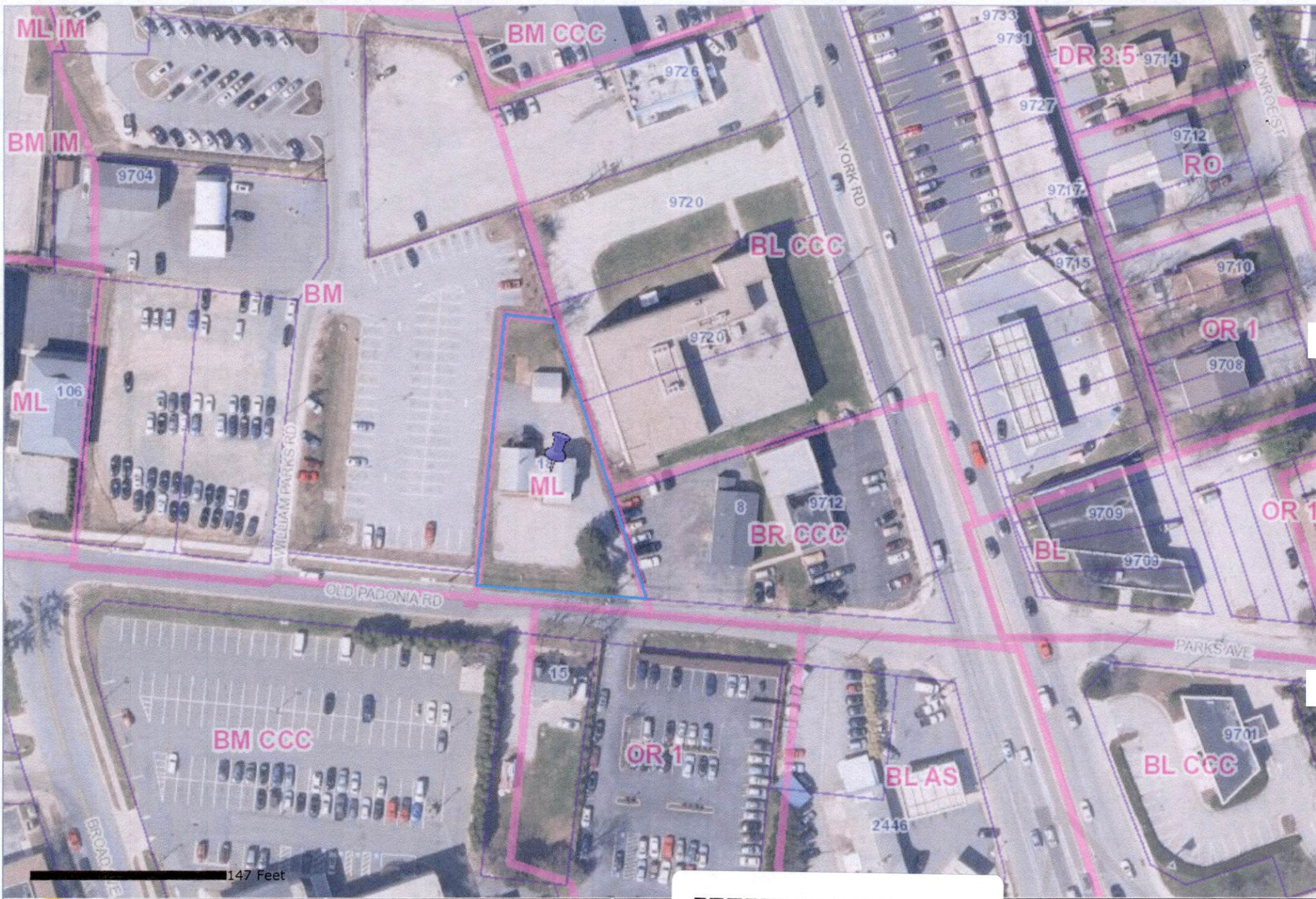
Petitioner/Developer

DJ
6-7-16

Protestant

Sen
5-6-16

No. 1	site plan	
No. 2	My Neighborhood Map	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data
County, M
including I
County, M
consequer
use of or I

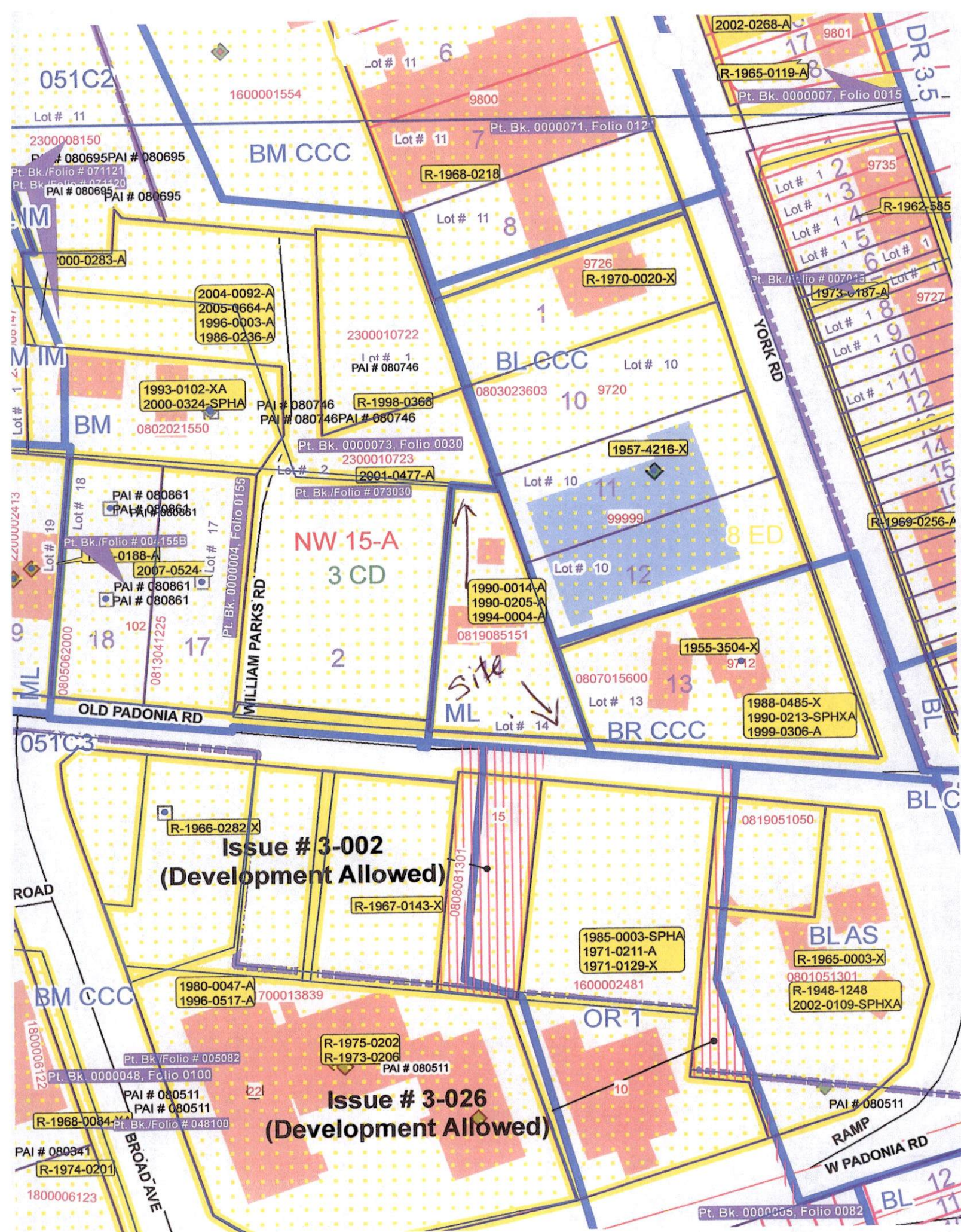
PETITIONER'S

EXHIBIT NO.

2

is inaccurate or contain errors or omissions. Baltimore
and disclaims all warranties with regard to the data,
integrity and fitness for any particular purpose. Baltimore
claiming but not limited to, actual, special, indirect, and
damages as a result of, arising from or in connection with the

Printed 5/4/2016



2016-0202-A

CASE: 1990-0014-A

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of August, 1989 that the Petition for Zoning Variance from Sections 255.1 to permit side yard setbacks of 8 feet for the existing garage, and from Section 238.2 for 13 feet and 19 feet, respectively, for the proposed office building, in lieu of the required 30 feet for all, and from Sections 102.2 and 238.1 for a front yard setback of 5 feet for the existing garage in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein is limited to Petitioners and the conversion of the existing residence on the subject property to a Class "A" office building, as set forth in Petitioner's Exhibit 1, for office use only.
- 3) There shall be no expansion of the proposed Class "A" office building. In the event the building is expanded or improved on the exterior, the property shall be brought into compliance with the zoning regulations in effect at that time.
- 4) Compliance with the Office of Planning comments dated July 25, 1989 which require a C&G plan be submitted for review and approval. Further, prior to the issuance of any permits, a landscape plan shall be submitted for review and approval by the Baltimore County Landscape Planner.
- 5) Prior to the issuance of any permits, a new site plan, landscaping plan, and actual property location survey shall be submitted to this office for inclusion in the case file.
- 6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

CASE: 1990-0205-A

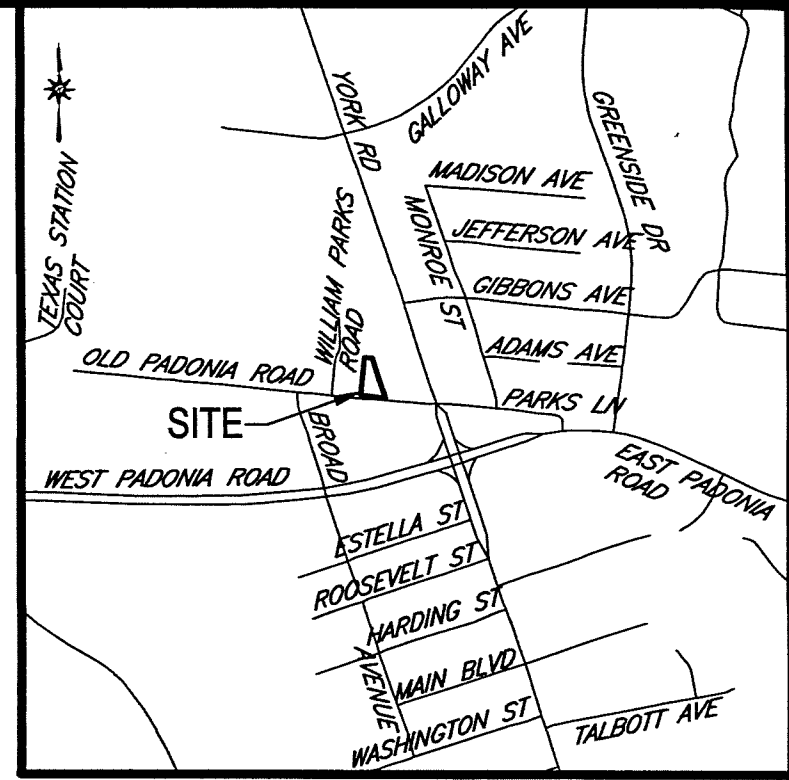
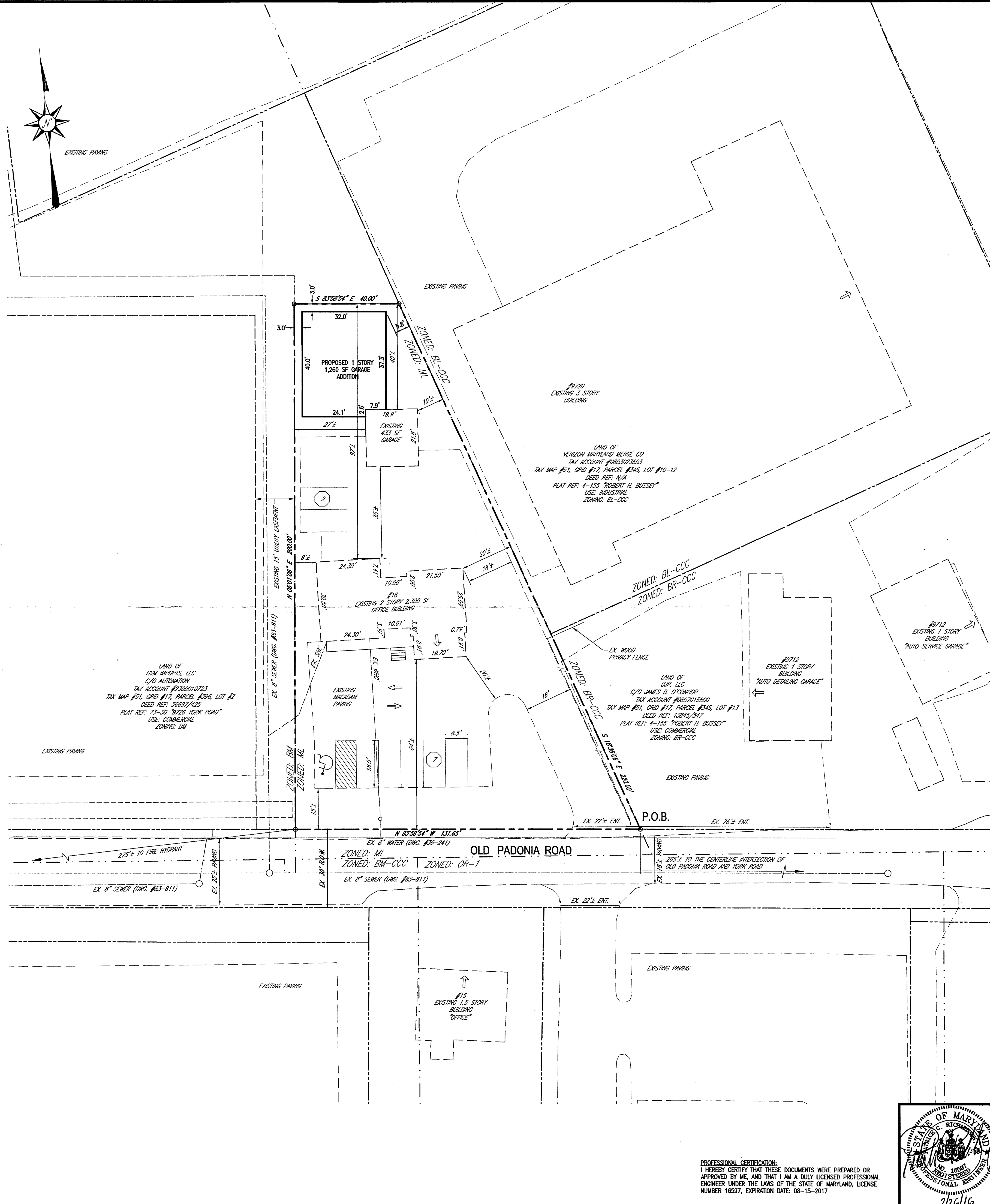
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of January, 1990 that the Petition for a Zoning Variance from Section 409.4 (A) to permit a driveway 10 feet wide instead of the required 20 feet wide, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED IN PART, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The subject driveway shall be 14 feet in width from a point equal to the north edge of the existing stairs for the side porch to a point intersecting with the property line for Old Padonia Road.
3. A new hearing shall be required prior to the construction of any additions to the existing structure, the addition of an accessory structure or change in use of the subject property in a manner other than that represented at the hearing of this case.
4. The relief granted herein shall run to the Petitioners only and not to its successors in title. If the property is to be sold or occupied by a party other than the Petitioners, a new hearing will be required prior to such conveyance or occupancy.
5. Neither construction materials or construction equipment, including company trucks, shall be stored or dispatched at the subject site.

CASE: 1994-0004-A

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of August, 1993 that the Petition for Special Hearing seeking approval of amendments to the restrictions and site plan previously approved in Case Nos. 90-205-A and 90-14-A to permit the variances granted therein to apply to the proposed Lessee, the validation of the variances granted in said cases, and to permit additional parking in the front yard of the subject property, as more particularly shown on the site plan identified herein as Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their occupancy permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The driveway width shall be maintained at 18 feet.
- 3) The existing and mature trees shall be preserved.
- 4) No exterior improvements or additions shall be made to the structures on the property. In the event such changes are contemplated, the Petitioner shall improve the frontage of the property with concrete curb and gutter, pursuant to the then existing standards of the Department of Public Works.
- 5) The Petitioner shall submit a landscape plan for review and approval by the County Landscape Architect. Said plan shall be consistent with the comments contained herein and a copy of the approved plan shall be submitted to the Zoning Administration office for inclusion in the case file.
- 6) When applying for an occupancy permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LOCATION MAP

1" = 1000'

GENERAL NOTES:

1. OWNER/DEVELOPER:
BCBT, LLC
18 OLD PADONIA ROAD
COCKEYSVILLE, MD 21030
2. SITE AREA
GROSS: 19,191 SF or 0.44 Ac±
NET: 17,169 SF or 0.39 Ac±
3. UTILITIES:
PUBLIC WATER & SEWER
4. BUILDING COVERAGE
EXISTING: 1,620 SF (OFFICE), 433 SF (GARAGE) = 2,053 SF
PROPOSED: 1,260 SF (GARAGE ADDITION)
TOTAL: 2,053 + 1,260 = 3,313 SF
5. DEED REFERENCE: 36583/402
6. PLAT REFERENCE: 4-155 "ROBERT H. BUSSEY"
7. TAX ACCOUNT #0819085151
8. COUNCILMANIC DISTRICT: 3RD
9. ZONING: ML
(PER 1"=200' ZONING MAP 051C3)
10. TAX MAP #51, GRID #17, PARCEL #345, LOT #14
11. PREVIOUS ZONING CASES (SEE ATTACHED ORDERS)
1) 1990-0014-A
2) 1990-0205-A
3) 1994-0004-A
12. NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY
13. NO KNOWN PREVIOUS PERMITS EXISTS ON FILE
14. BUILDING HEIGHT NOT TO EXCEED 35' HIGH.
15. PARKING CALCULATIONS
REQUIRED:
OFFICE: 2,300 SF @ 3.3 SPACES /1000 SF = 8 SPACES
PROVIDED:
9 SPACES (1 HANDICAPPED, 8 STANDARD 8.5'x18')
16. THE SITE IS NOT HISTORIC.
17. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
18. NO 100 YEAR FLOODPLAINS EXISTS ON SITE.
19. CENSUS TRACT: 408400
20. WATERSHED: LOCH RAVEN RESERVOIR.
21. THERE ARE NO KNOWN HAZARDOUS MATERIALS ONSITE.
22. ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZM; SECTION 450.
23. FLOOR AREA RATIO PROVIDED: (2,300+433+1,260)/19,191 = 0.21
24. SETBACKS FOR ML:
REQUIRED
FRONT 25'
SIDE 30'
REAR 30'
PROVIDED
64'±
3'±
3'±

* VARIANCE OF 13' GRANTED IN CASE 1990-0014-A.
25. BASIC SERVICES MAP (2015)
TYPE DEFICIENT (Y/N)
WATER N
SEWER N
TRANSPORTATION N 'D' LEVEL OF SERVICE

Richardson Engineering, LLC

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

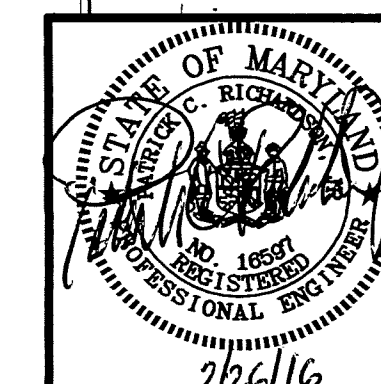
PLAN TO ACCOMPANY ZONING PETITION FOR

MALSTROM ELECTRIC

18 OLD PADONIA ROAD
COCKEYSVILLE, MD. 21030

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	PETITIONER'S	DRAWN BY:	CHECKED BY:	SCALE:
	EXHIBIT NO. 1	CND	PCR	1" = 20'
		DATE:	JOB NO.:	SHEET NO.:
		02-12-16	16014	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 16597, EXPIRATION DATE: 06-15-2017