IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE

(10220 Liberty Road)

2nd Election District

4th Council District

Little Roundtop Development LLC

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0274-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 on behalf of Little Roundtop Development LLC, legal owner ("Petitioner").

The Petition for Special Hearing was filed pursuant to §409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a parking plan modifying the following requirements set forth in B.C.Z.R. 409: (a) To permit a 15 ft. wide driveway for two-way movement in lieu of the required 20 ft. and to permit access to parking spaces as shown on the site plan; (b) To determine the appropriate number of parking spaces required to accommodate the proposed contractor's equipment storage yard use, and to approve the proposed parking lot to accommodate 20 parking spaces; (c) To permit a 2 ft. side yard landscape buffer strip in lieu of the 10 ft. strip required; (d) To permit a millings parking lot in lieu of the requirement that parking facilities must be durable and dustless; and (e) To permit a parking lot without individual striped spaces.

In addition, a Petition for Variance seeks: (1) To permit a 10 ft. side yard setback from the proposed contractor's equipment storage yard building in lieu of the 30 ft. required; and (2) To permit a 10 ft. rear yard setback from the proposed contractor's equipment storage yard building in lieu of the 30 ft. required. Finally, a Petition for Special Exception seeks approval to use the subject property as a ORDER RECEIVED FOR FILING

Date 6/14/17

By 510

contractor's equipment storage yard.

Appearing at the public hearing in support of the requests was Jason Ludwig and Tony Corteal, whose firm prepared the site plan. Chris Corey, Esq., represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR), the Department of Planning (DOP) and the State Highway Administration (SHA). None of the reviewing agencies opposed the requests.

The subject property is approximately 1.86 acres in size and is split-zoned BR & RC 5. All existing and proposed improvements are in the BR-zoned portion of the site. The property is improved with a small single-family dwelling which is currently leased to a tenant. This home will continue to be used (for the foreseeable future) as a residence.

Petitioner operates a landscaping company started in 1977 known as JEL Landscaping. Petitioner proposes to construct at the rear of the property a 10,000 sq. ft. pole barn or similar building for storage of vehicles, equipment and materials used in the landscaping business. The office of zoning considers this a "contractor's equipment storage yard," a use permitted by special exception in the BR zone. In response to the DOP's ZAC comment, a redline site plan (Ex. 1) was submitted at the hearing which reflects Petitioner no longer proposes to construct vinyl and aluminum fencing around the property.

Special Hearing

Each of the special hearing requests relate to the off-street parking regulations found in Section 409 of the B.C.Z.R. Petitioner stressed the contractor's equipment storage yard and building used in connection therewith would not be a retail commercial enterprise. Instead, the

Date 10/14/17

proposed building and rear of the site will be used for storage of the equipment and materials used in the landscaping business.

This portion of the site will be accessed primarily be Petitioner's employees (the business has eight employees) and the vehicles and trucks used in the business will be stored here as well. As such, Petitioner stressed there would not be a high volume of traffic throughout the day. The site plan shows the existing parking lot, which Petitioner proposes to enlarge. The lot will be constructed of paving millings, which DPR noted "can be considered durable and dustless." In any event, I believe the lot can easily accommodate twenty (20) vehicles, which is more than sufficient for the proposed use.

Variances

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).

The property has irregular dimensions 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 improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and community opposition. In addition, both variances pertain to the proposed storage building which will be constructed at the rear of the lot, far removed from the road and other

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structures. I do not believe the reduced side and rear yard setbacks will have any discernible impact upon the community. As such the variances will be granted.

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 *Attar v. DMS Tollgate, LLC*, ___ Md. ___, 152 A.3d 765 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

In this case, no evidence was presented to suggest the proposed use would be detrimental to the community. The site is nearly two (2) acres in size and several commercial enterprises (e.g., commercial nursery, auto service garage) are located in the immediate vicinity of the site. The existing dwelling is attractive and in good condition, and the machinery and equipment used in Petitioner's business will be stored inside a newly-constructed building at the rear of the site. In these circumstances I believe the proposed use would not negatively impact the community and the petition for special exception will be granted.

Petitioner indicated it was willing to comply with the DOP's ZAC comment, with two exceptions. Petitioner explained that although it would not be a frequent practice, on occasion used lawn equipment would be offered for sale at the property. Counsel noted B.C.Z.R. §238.4 permits in the BR zone the "storage and display" of vehicles and equipment in the front yard of the site, provided certain setbacks are observed. After reviewing that regulation I concur, and that condition will therefore not be included in the final order.

ORDER RECEIVED FOR FILING

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The other issue concerned the DOP's request for a 6 ft. planting bed along the eastern property boundary. The site plan reflects there is a small portion of unimproved RC-5 land along the eastern boundary, and just beyond that an auto service garage is located at 10206 Liberty Road. To comply with this request Petitioner would need to relocate the existing driveway, which would then be within several feet of the single-family dwelling. I do not believe Petitioner should be required to undertake such extensive and expensive measures, especially when there is not a dwelling or other use along the eastern boundary which would need to be screened to such an extent. Petitioner will provide along the eastern boundary a 2 ft. landscape buffer, which will be approved as an aspect of special hearing relief.

THEREFORE, IT IS ORDERED this 14th day of June, 2017, by this Administrative Law Judge, that the Petition for Special Hearing to approve a parking plan modifying the following requirements set forth in B.C.Z.R. 409: (a) To permit a 15 ft. wide driveway for two-way movement in lieu of the required 20 ft. and to permit access to parking spaces as shown on the site plan; (b) To approve the proposed parking lot to accommodate 20 parking spaces, which shall be deemed sufficient for the contractor's equipment storage yard use; (c) To permit a 2 ft. side yard landscape buffer strip (along the eastern property boundary only) in lieu of the 10 ft. strip required; (d) To permit a millings parking lot in lieu of the requirement that parking facilities must be durable and dustless; and (e) To permit a parking lot without individual striped spaces, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception, to use the subject property as a contractor's equipment storage yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To permit a 10 ft. side yard setback from the proposed contractor's equipment storage yard building in lieu of the 30 ft. required; and

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(2) To permit a 10 ft. rear yard setback from the proposed contractor's equipment storage yard building in lieu of the 30 ft. required, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 obtain from the SHA the necessary permits and/or approvals to access Liberty Road (Md. Route 26).
- 3. No long term storage of equipment or materials shall be permitted in the front yard.
- 4. No temporary signage shall be permitted along the Liberty Road frontage.
- 5. Prior to issuance of permit(s) Petitioner shall install vegetative screening within a planting bed of at least 6 feet along the front, rear and western tract boundaries.

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

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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge
JOHN E. BEVERUNGEN

Administrative Law Judge

June 14, 2017

Chris Corey, Esq. Smith, Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Variance

Case No. 2017-0274-SPHXA Property: 10220 Liberty Road

Dear Mr. Corey:

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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
are of Administrative Law of Baltimore County for the property

Address 10220 Liberty Road	which is presently zoned BR
Deed References: 32924/00159	10 Digit Tax Account # 0208000590
Property Owner(s) Printed Name(s) Little Roundtop D	
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROP	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
he undersigned legal owner(s) of the property situate in	Baltimore County and which is described in the description
	ide a part hereof, hereby petition for:
a Special Hearing under Section 500 7 of the Zoni	ing Regulations of Baltimore County, to determine whether
r not the Zoning Commissioner should approve	ing regulations of Baltimore County, to determine whether
see Attached	
a Special Exception under the Zoning Regulations	s of Baltimore County to use the herein described property for
See Attached	
a Variance from Section(s)	
see Attached	
D BE PRESENTED AT HEARING perty is to be posted and advertised as prescribed by the zoning regul	in the second
r we, agree to pay expenses of above petition(s), advertising, posting, I restrictions of Baltimore County adopted pursuant to the zoning law fo	etc. and further agree to and are to be bounded by the zoning regulations
entract Purchaser/Lessee:	Legal Owners (Petitioners):
ROP	Little Roundtop Development, LLC
ch is the subject of this / these Petition(s). Intract Purchaser/Lessee: Ine- Type or Print Inature City State	Name #1 – Type or Print Name #2 – Type or Print
nature DERREIT	Signature #1 Signature #2
ORU LIL NO	3012A Hernwood Road Woodstock MD
ling Address City State	Mailing Address City State
	21163 ,443-934-5367 ,jason@jelscapes.com
Code Telephone # Email Address	Zip Code Telephone # Email Address
orney for Petitioner:	Representative to be contacted:
wrence E. Schmidt, Smith, Gildea & Schmidt, LLC	Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
ne- Type or Print	Name - Type or Print (Chris Corg)
nature D Washington Avenue, Suite 200 Towson MD	Signature 600 Washington Avenue, Suite 200 Towson MD
ling Address City State	Mailing Address City State
204 ,(410) 821-0070 ,Ischmidt@sgs-law.com	21204 ,(410) 821-0070 ,lschmidt@sgs-law.com
Code Telephone # Email Address	Zip Code Telephone # Email Address
	2
SE NUMBER 2017-0274-SPHXAFiling Date 4,19,1	7 Do Not Schedule Dates: Reviewer

see Attacinal

See Attacines

see Attached

ATTACHMENT TO PETITION FOR ZONING HEARING

10220 Liberty Road

Special Exception Relief:

- 1. To approve the development and use of the subject property as a Contractor's equipment storage yard pursuant to BCZR § 236.2, as shown on the attached Site Plan; and
- 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief:

- 1. To permit a 10 ft. side yard setback from the proposed contractor's equipment storage yard building, in lieu of the 30 ft. required pursuant to BCZR § 238.2;
- 2. To permit a 10 ft. rear yard setback from the proposed contractor's equipment storage yard building, in lieu of the 30 ft. required pursuant to BCZR § 238.2; and
- 3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing Relief:

- 1. To approve a modified parking plan as shown on the attached Site Plan pursuant to BCZR § 409.12.B, modifying the following BCZR § 409 provisions:
 - a. § 409.4 of the BCZR to permit a 15 feet wide driveway for two-way movement in lieu of the required 20 ft. and to permit access to parking spaces as shown on the Site Plan;
 - b. § 409.6 of the BCZR to determine the appropriate number of parking spaces required to accommodate the proposed Contractor's equipment storage yard use, and to approve the proposed parking lot to accommodate 20 parking spaces, as shown on the Site Plan;
 - c. § 409.8.A.1 of the BCZR to permit a 2 ft. side yard landscape buffer strip in lieu of the 10ft. strip required;
 - d. § 409.8.A.2 of the BCZR to permit a millings parking lot in lieu of the requirement that parking facilities must be durable and dustless; and
 - e. § 409.8.A.6 of the BCZR to permit a parking lot without individual striped spaces.
- 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Item #0274

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 10220 Liberty Road Baltimore County, Maryland

Beginning at a point on the north side of Liberty Road (variable width) at a distance of 589' +/- west from the center of Windy Hill Road (variable width), and thence leaving said Liberty Road and running with and binding on the land of the herein petitioner.

- 1. North 55 degrees 24 minutes 36 seconds West 191.88 feet,
- 2. North 19 degrees 24 minutes 38 seconds East 352.73 feet,
- 3. South 55 degrees 24 minutes 36 seconds East 284.91 feet,
- 4. South 34 degrees 42 minutes 11 seconds West 340.42 feet to the point of beginning.

Containing 1.863 Acres or 81,152 Sq. Ft. more or less.

Located in the 2nd Election District and 4th Councilmanic District. Known as 10220 Liberty Road.



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. 13203

Expiration Date: 11/02/2018

Item #0274

2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

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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 4955270

Sold To:

Smith Gildea & Schmidt LLC - CU00433777 600 Washington Ave Ste 200 TOWSON,MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777 600 Washington Ave Ste 200 TOWSON, MD 21204

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

May 18, 2017

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: # 2017-0274-SPHXA

10220 Liberty Road
N/s Liberty Road, 590 ft. W/of the centerline of Windy
Hill Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Little Roundtop Development, LLC

Special Hearing 1. To approve a modified parking plan as shown on the attached Site Plan. a. To permit a 15 ft wide driveway for two-way movement in lieu of the required 20 ft. and to permit access to parking spaces as shown on the Site Plan; b. To determine the appropriate number of parking spaces required to accommodate the proposed Contractor's Equipment Storage Yard use, and to approve the proposed parking to to accommodate 20 parking spaces, as shown on the site plan; c. To permit a 2 ft. side yard landscape buffer strip in lieu of the 10 ft. strip required; d. To permit a millings parking lot in lieu of the requirement that parking facilities must be durable and dustless; and e. To permit a parking lot without individual striped spaces. 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance 1. To permit a 10 ft side yard setback from the proposed Contractor's Equipment Storage Yard building in lieu of the 30 ft. required; and 2. Storage Yard building in lieu of the 30 ft. required; and 2. To permit a 10 ft. rear yard setback from the proposed Contractor's Equipment Storage Yard building in lieu of the 30 ft. required. 3. For such other and further relief as may 30 ft. required. 3. For such other and untrief relief as may be required by the Administrative Law Judge for Baltimore County. Special Exception 1. To approve the development and use of the subject property as a Contractor's Equipment Storage Yard, as shown on the attached Site Plan; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.
Hearing: Thursday, June 8, 2017 at 1:30 p.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.

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/19/2017

Case Number: 2017-0274-SPHXA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ LITTLE

ROUNDTOP DEVELOPMENT, LLC

Date of Hearing (Closing): JUNE 8, 2017

This is to certify under the penaltics of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10220 LIBERTY ROAD

The sign(s) were posted on: MAY 18, 2017



Group photo 10220 Liberty Rd

Linda O Kufe

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hont Valley, Maryland 21030

(City State, 7 p of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/19/2017

Case Number: 2017-0274-SPHXA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ LITTLE

ROUNDTOP DEVELOPMENT, LLC

Date of Hearing (Closing): JUNE 8, 2017

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: 10220 LIBERTY ROAD

The sign(s) were posted on: MAY 18, 2017



Group photo 10220 Liberty Rd.

Kunda O'Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

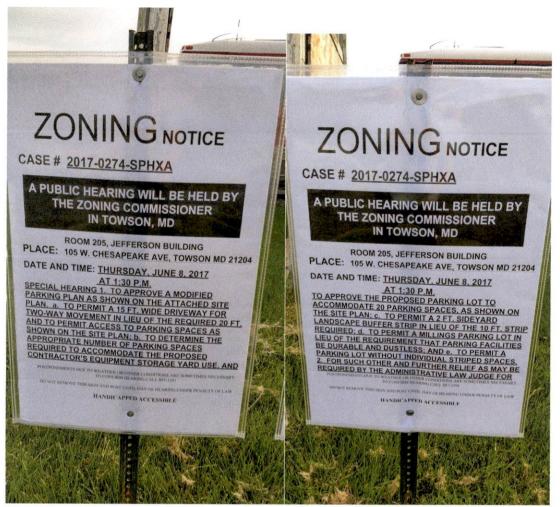
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

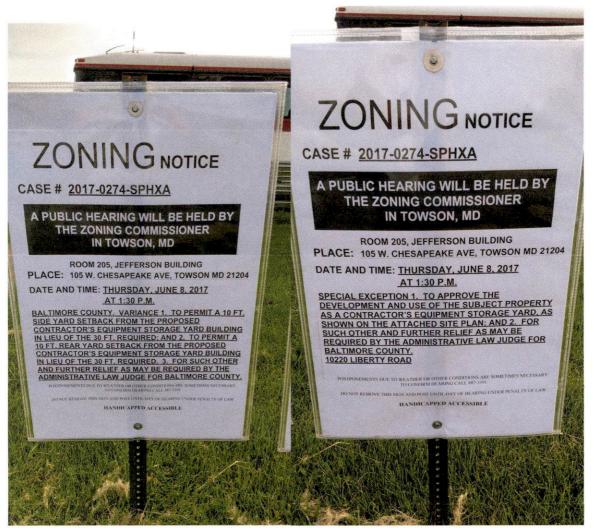
410 - 666 - 5366

(Telephone Number of Sign Poster)



Sign # (1) @ 10220 Liberty Rd.

Sign # (2) @ 10220 Liberty Rd.



Sign # (3) @ 10220 Liberty Rd.

Sign # (4) @ 10220 Liberty Rd.



Sign # (1) @ 10220 Liberty Rd.

Sign # (2) @ 10220 Liberty Rd.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:
Case Number: 2017-0274- SPHXA
Property Address: 10220 Liberty Rand
Property Description: Bestnoing on the north site of Liberty Road, approx 589' West from the center of windy HILL Road
Legal Owners (Petitioners): Little Rangtop Development, CLC
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Chris Corey
Company/Firm (if applicable): 5m. h. G. Hea & Schmidt, LLC
Address: 600 washing fon Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410 - 421 - 0070

TO: PATUXENT PUBLISHING JMPANY
Thursday, May 18, 2017 Issue - Jeffersonian

Please forward billing to:

Chris Corey Smith, Gildea & Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0274-SPHXA

10220 Liberty Road N/s Liberty Road, 590 ft. W/of the centerline of Windy Hill Road 2nd Election District – 4th Councilmanic District Legal Owners: Little Roundtop Development, LLC

Special Hearing 1. To approve a modified parking plan as shown on the attached Site Plan.

- a. To permit a 15 ft. wide driveway for two-way movement in lieu of the required 20 ft. and to permit access to parking spaces as shown on the Site Plan; b. To determine the appropriate number of parking spaces required to accommodate the proposed Contractor's Equipment Storage Yard use, and to approve the proposed parking lot to accommodate 20 parking spaces, as shown on the site plan; c. To permit a 2 ft. side yard landscape buffer strip in lieu of the 10 ft. strip required; d. To permit a millings parking lot in lieu of the requirement that parking facilities must be durable and dustless; and e. To permit a parking lot without individual striped spaces. 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance 1. To permit a 10 ft. side yard setback from the proposed Contractor's Equipment Storage Yard building in lieu of the 30 ft. required; and
- 2. To permit a 10 ft. rear yard setback from the proposed Contractor's Equipment Storage Yard building in lieu of the 30 ft. required. 3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Special Exception 1. To approve the development and use of the subject property as a Contractor's Equipment Storage Yard, as shown on the attached Site Plan; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, June 8, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabloff

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.



April 25,120/17 KAMENETZ County Executive

NOTICE OF ZONING HEARING

ARNOLD JABLON Deputy Administrative Officer Director, Department of Permits,

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

CASE NUMBER: 2017-0274-SPHXA

10220 Liberty Road

N/s Liberty Road, 590 ft. W/of the centerline of Windy Hill Road

2nd Election District – 4th Councilmanic District

Legal Owners: Little Roundtop Development, LLC

Special Hearing 1. To approve a modified parking plan as shown on the attached Site Plan.

a. To permit a 15 ft. wide driveway for two-way movement in lieu of the required 20 ft. and to permit access to parking spaces as shown on the Site Plan; b. To determine the appropriate number of parking spaces required to accommodate the proposed Contractor's Equipment Storage Yard use, and to approve the proposed parking lot to accommodate 20 parking spaces, as shown on the site plan; c. To permit a 2 ft. side yard landscape buffer strip in lieu of the 10 ft. strip required; d. To permit a millings parking lot in lieu of the requirement that parking facilities must be durable and dustless; and e. To permit a parking lot without individual striped spaces. 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance 1. To permit a 10 ft. side yard setback from the proposed Contractor's Equipment Storage Yard building in lieu of the 30 ft. required; and

2. To permit a 10 ft. rear yard setback from the proposed Contractor's Equipment Storage Yard building in lieu of the 30 ft. required. 3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Special Exception 1. To approve the development and use of the subject property as a Contractor's Equipment Storage Yard, as shown on the attached Site Plan; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, June 8, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

AJ:kl

Director

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 Little Roundtop Development, LLC, 3012A Hernwood Rd., Woodstock MD 21163

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 19, 2017.

- (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.**



KEVIN KAMENETZ County Executive

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

June 1, 2017

Little Roundtop Development, LLC 3012 A Hernwood Road Woodstock MD 21163

RE: Case Number: 2017-0274 SPHXA, Address: 10220 Liberty 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 April 10, 2017. 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204



Larry Hogan, Governor Boyd K. Rutherford, It. Governor Pete K. Rahn, Secretary Gregory Slater, Administrator

Date: 4/17/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/17/17. A field inspection and internal review reveals that an entrance onto MDZG consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2017-0274-5PHKA

Special Exception Variouse Special Heaving Little Round top Development, LLC 10220 Liberty Road MD26

The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA

Metropolitan District Engineer Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: 5/11/2017

RECEIVED

MAY 11 2017

OFFICE OF

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-274

INFORMATION:

Property Address: 10220 Liberty Road

Petitioner:

Little Roundtop Development, LLC

Zoning:

BR

Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property as a contractor's equipment storage yard and the petition for variance to permit a contractor's storage yard building to have a 10' side yard and a 10' rear yard in lieu of the required 30' and 30' respectively. The Department also reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan.

A site visit was conducted on April 26, 2017. The property was the subject of 2016 CZMP Issue # 4-008 wherein the County Council adopted the map showing 1.86 acres of the site zoned BR (Business, Roadside) and 0.26 acres zoned RC5 (Rural, Residential).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Relocate the proposed fence and gate to a location behind the existing dwelling.
- Install vegetative screening within a planting bed of at least 6' along and in front of the fence closest to Liberty Road.
- Install vegetative screening within a planting bed of at least 6' outside of the proposed fence along the western tract boundary to the rear property line.
- Relocate the driveway and parking lot millings along the eastern tract boundary sufficient to accommodate vegetative screening within a planting bed of at least 6' outside of the proposed fence along the eastern tract boundary to the rear property line.
- No display of equipment for sale as an ancillary component of the special exception in the front yard.
- No long term storage of equipment or materials in the front yard.
- No temporary signage along the Liberty Road frontage.

Date: 5/11/2017 Subject: ZAC #17-274

Page 2

Be advised as the existing dwelling is to remain and continue as a domicile but is a part of the special exception for a contractor's storage yard, a commercial operation, the petitioners should demonstrate to the Administrative Law Judge that these "living quarters in a commercial building" if so determined, also meet the requirements of BCZR 502.1.

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

Prepared by:

Division Chief:

Lloyd T. Moxley

Kathy Schlabach

AVA/KS/LTM/ka

c: Keeve Brine

James Hermann, R.L.A., Department of Permits, Approvals and Inspections Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC Office of the Administrative Hearings People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 26, 2017

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 24, 2017 Item No. 2017-0274

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

If the special exception and zoning relief are granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

Millings, when placed properly, can be considered durable and dustless and we have no objection to granting any of the other requests.

DAK:CEN cc:file ZAC-ITEM NO 17-0274-04242017.doc

MEMORANDUM

DATE:

July 17, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0274-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 14, 2017. 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 10220 Liberty Road; N/S Liberty Road, OF ADMINSTRATIVE 590' W of c/line of Windy Hill Road 2nd Election & 4th Councilmanic Districts **HEARINGS FOR** Legal Owners: Little Roundtop Development, LLC Petitioner(s) **BALTIMORE COUNTY**

2017-274-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.

Peter Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

RECEIVED

APR 21 2017

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 21st day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

Peter Max Zummerman

People's Counsel for Baltimore County

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map Vi	ew GroundRent Rec	lemption	View Grou	ndRent Registration
Account Identifier:	District - 02 Acc	ount Number - 02080	000590	
		Owner Information		
Owner Name:	LITTLE ROUNDT DEVELOPMENT		Use: Principal Residence:	RESIDENTIAL NO
Mailing Address:	3012A HERNWO WOODSTOCK M		Deed Reference:	/32924/ 00159
	Loca	tion & Structure Inform	mation	 -
Premises Address:	10220 LIBERTY 0-0000	RD	Legal Description	n: 1.88 AC NS LIBERTY RD 2100FT E LYONS MILI RD
Map: Grid: Parcel:	Sub Subo District:	division: Section:	Block: Lot:	Assessment Plat Year: No:
0066 0022 0346	0000)		2016 Plat Ref:
Special Tax Areas:		Town: Ad Valorem Tax Class:	:	NONE
Primary Structure Built	Above Grade Living Area	g Finished Bas Area	ement Prope Area	rty Land County Use
1952	1,300 SF		1.8800) AC 04
Stories Basement 1 YES	Type STANDARD UNIT	Exterior Full/Ha	alf Bath Garage	Last Major Renovation
<u> </u>		Value Information	·	
	Base Value	Value	Phase-in A	Assessments
		As of 01/01/2016	As of 07/01/2016	As of 07/01/2017
Land:	106,000	106,000		
Improvements	84,700	101,900		
Total: Preferential Land:	190,700 0	207,900	196,433	202,167 0
		Transfer Information		
Seller: SCHMITZ JOHN N	 И	Date: 12/13/2012		Price: \$215,000
Type: ARMS LENGTH IN	IPROVED	Deed1: /32924/ 001	59	Deed2:
Seller: HANLEY WALTER		Date: 05/09/1985	15	Price: \$85,000
Type: ARMS LENGTH IN Seller:		Deed1: /06921/ 003 Date:	10	Deed2:
Type:		Date: Deed1:		Price: Deed2:
		Exemption Informatio	n	
Partial Exempt Assessments:	Class	·	07/01/2016	07/01/2017
County:	000		0.00	
State:	000		0.00	
Municipal:	000		0.00]0.00	0.00 0.00
Tax Exempt: Exempt Class:		Special Tax Recap	ture:	
	Lama	stead Application Info	rmation	

ARTICLE 2. Elevator-Apartment Residence Zones, Residential-Office Zones, Office Zones, Business Zones, Manufacturing Zones and Districts

SECTION 238. B.R. Zone Area Regulations

[BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

§ 238.1. Front yard.

Front yard for residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.

§ 238.2. Side and rear yards.

Side and rear yards for residences, as in Section 302; for other buildings, 30 feet.

§ 238.3. Parking and loading areas.

Parking areas and loading space in accordance with the provisions of Section 409.



§ 238.4. Storage and display of materials and vehicles.

Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 15 feet in front of the required front building line.

§ 238.5. Floor area ratio.

[Bill Nos. 7-1962; 111-1968; 100-1970]

The maximum permitted floor area ratio for any site in a B.R. Zone, except in C.C.C. and C.T. Districts, shall be 2.0.

10220 Liberty Road

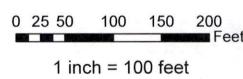


Publication Date: 4/10/2017



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





Them #0274

ASE NAME		SPHI
ASE NUMBER	2017-	274-
ATE June 8,	2017	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Chris Coney	600 Washington Avested		ccorerosas-Lau, com
SASON Ludy	10220 Like Ay RAD	RAGISTA 21/63	SASON OSELSUAROS, CO
TOM CORTEAL	2835 SMITH AVE SUITE G	PANTO, MT . 21209	ACOTETEAL@COME ENGINEER

	7	n		- 0	7-	74 .	50	HXA	
Case No.:	_	-0	((U	L	1	21	UVY	

Exhibit Sheet

Petitioner/Developer

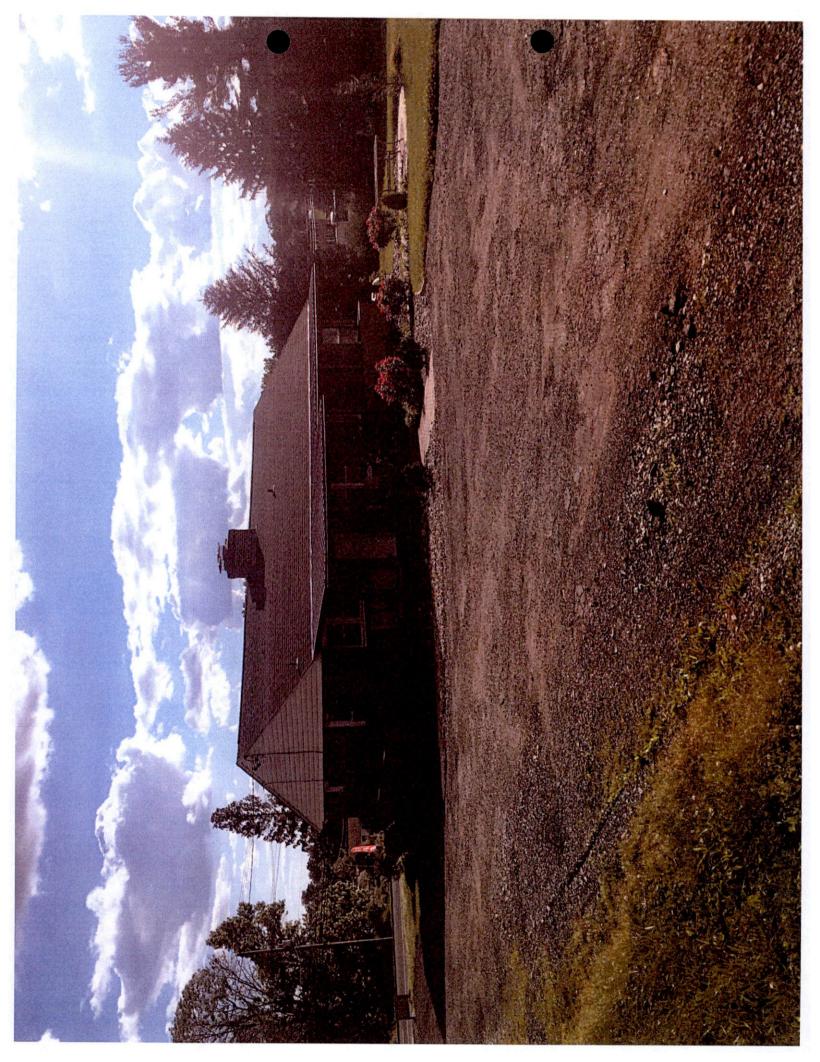
Sen 6-14-17

Protestant

No. 1 Site plan (redline) No. 2 ZA-ZC Aerial photos No. 4 No. 5 No. 6 No. 7
No. 3 Site photos No. 4 No. 5 No. 6
No. 4 No. 5 No. 6
No. 5 No. 6
No. 6
No 7
140. /
No. 8
No. 9
No. 10
No. 11
No. 12

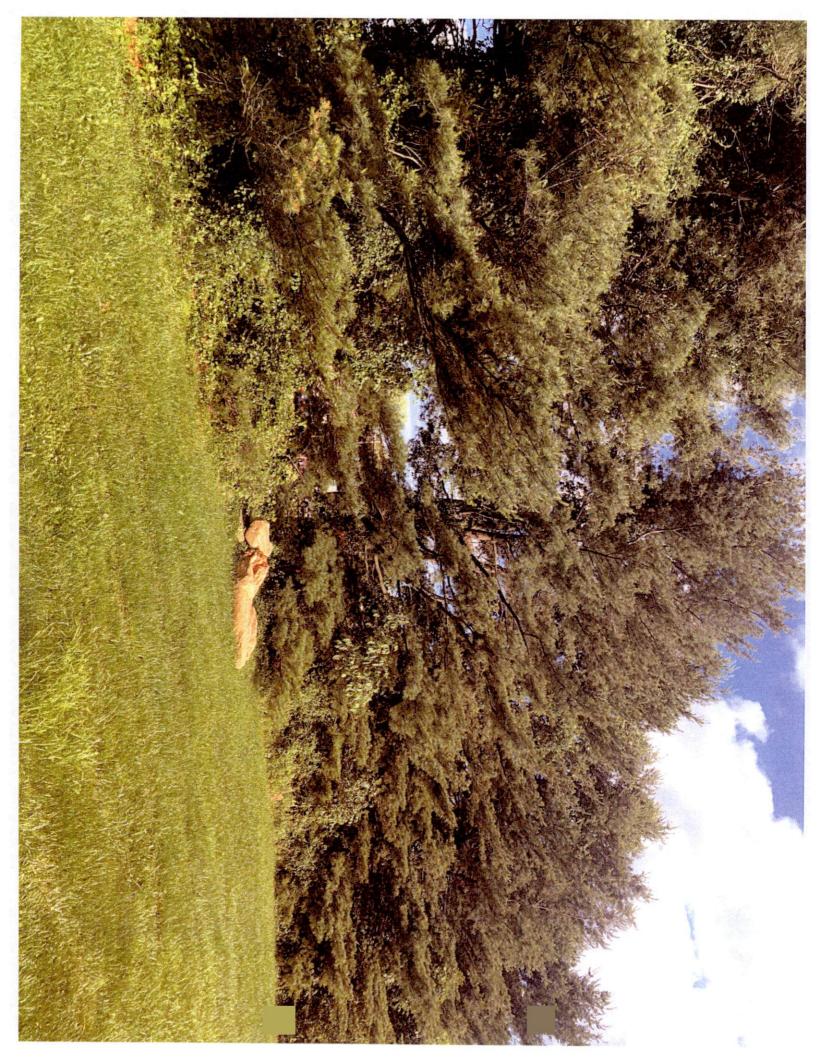




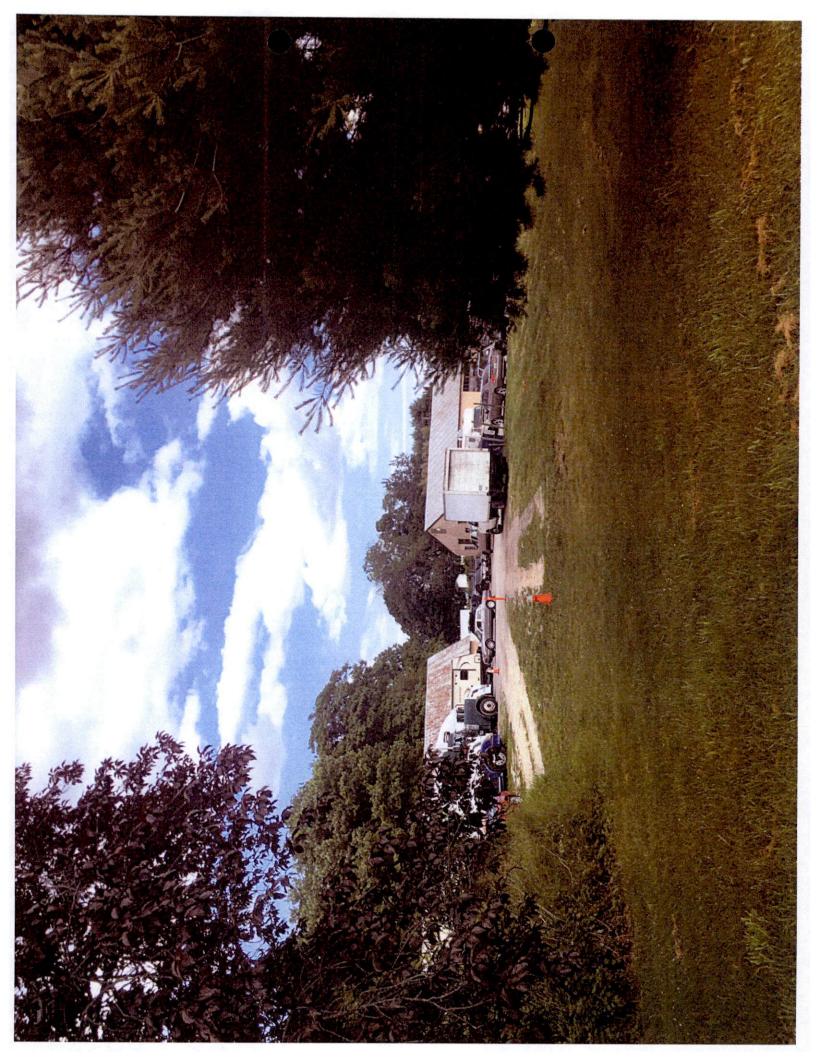










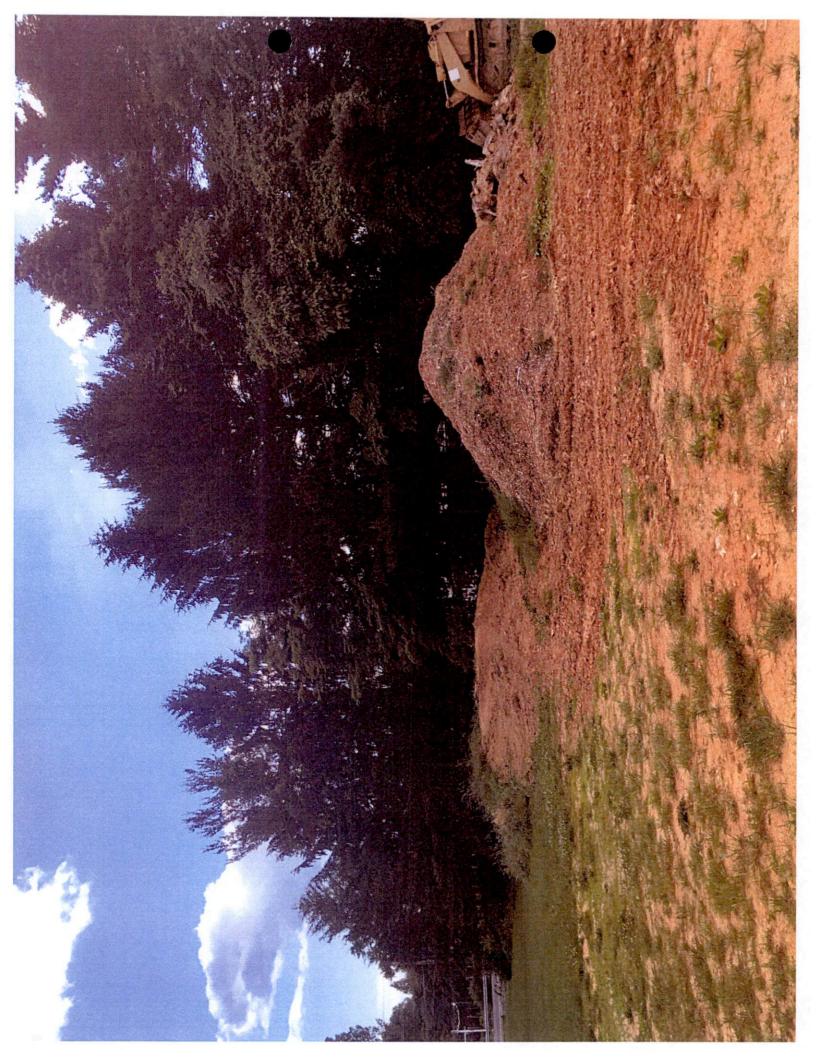




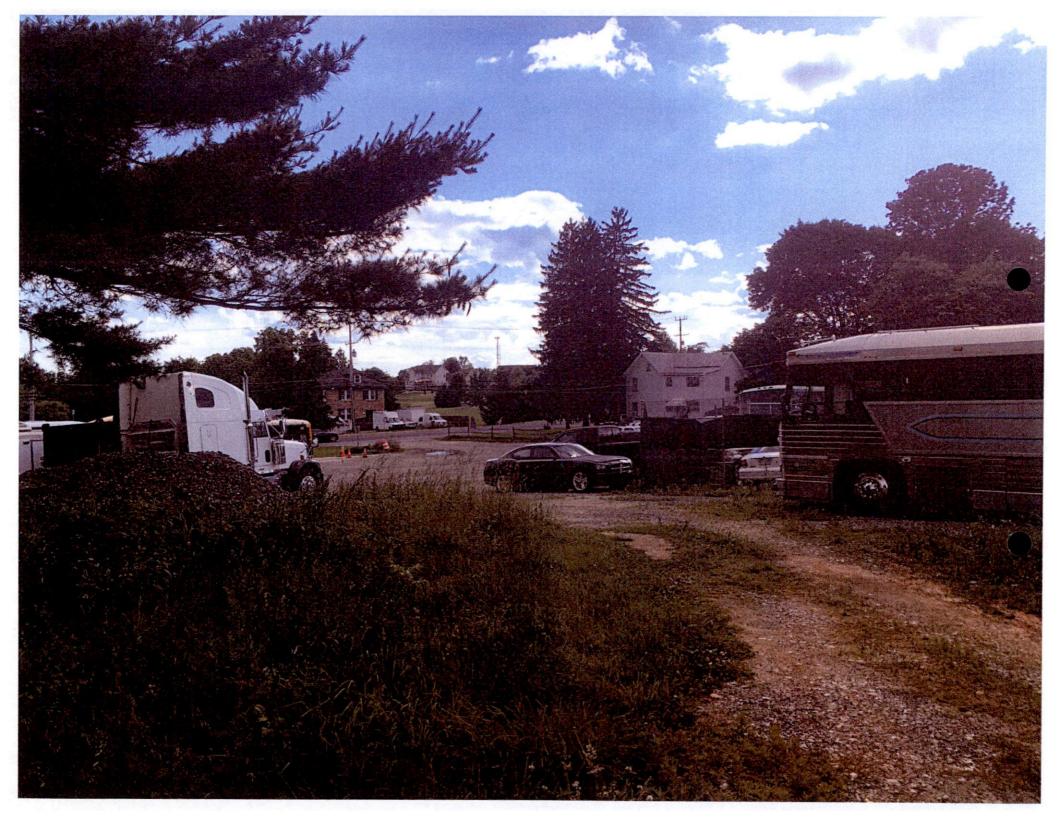




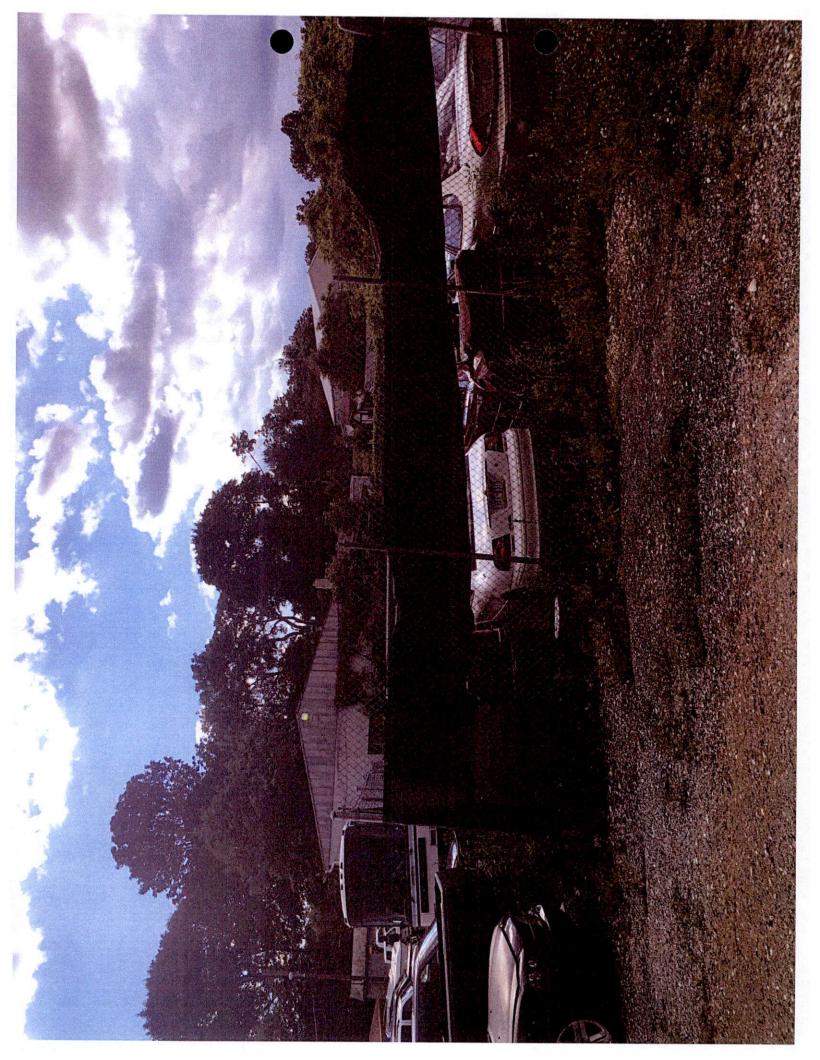


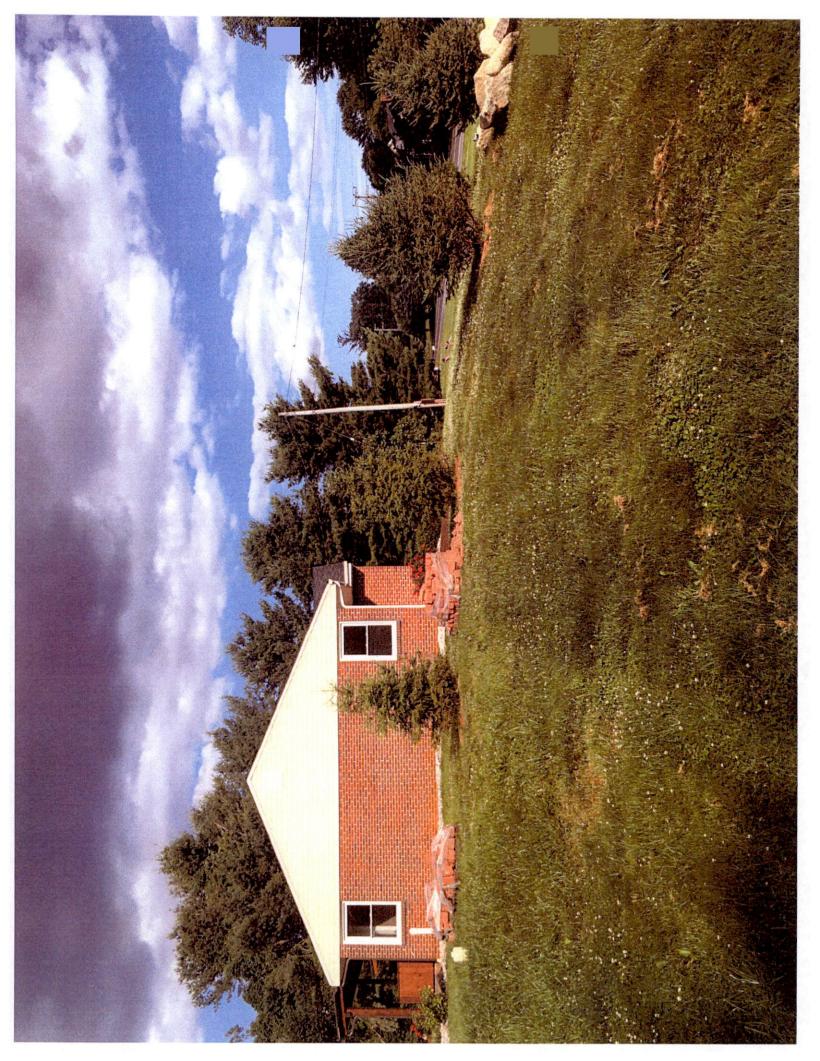






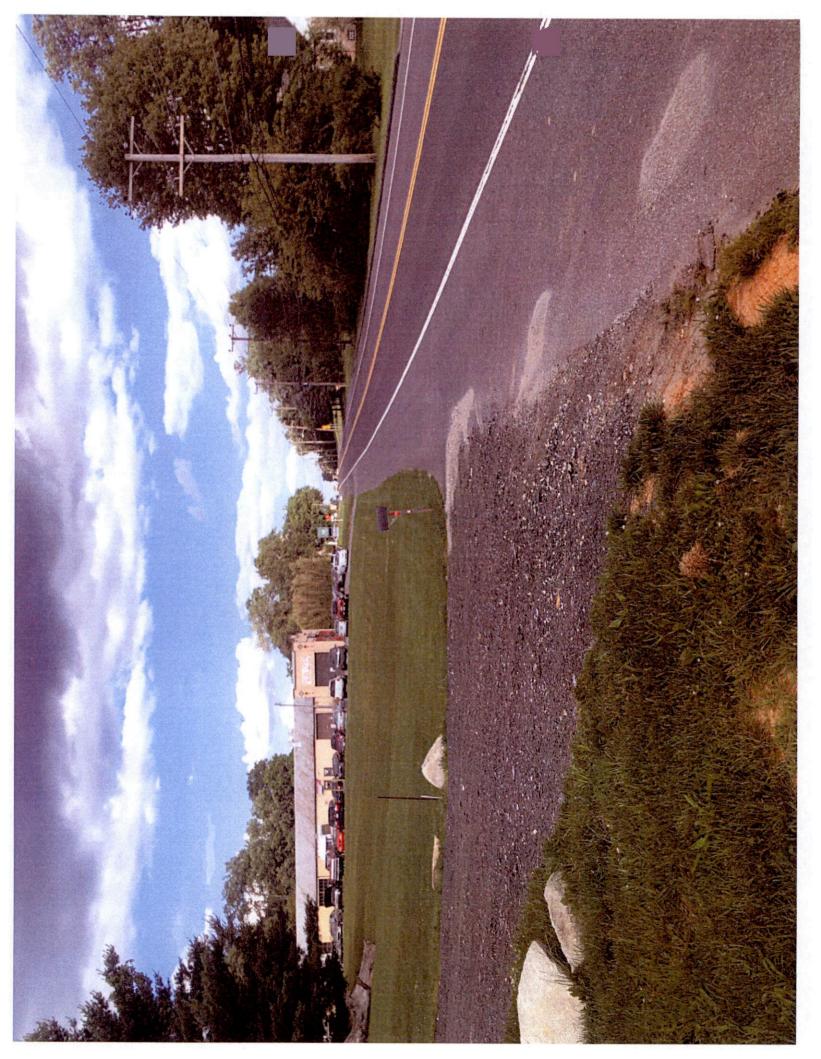




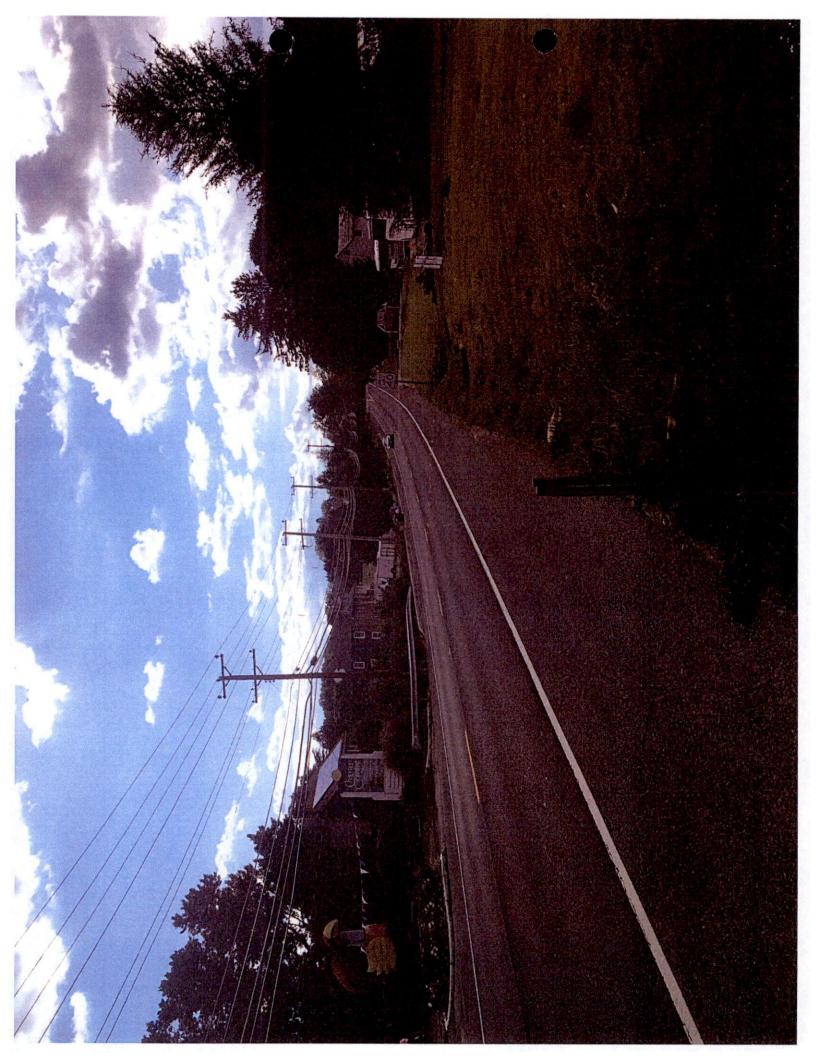


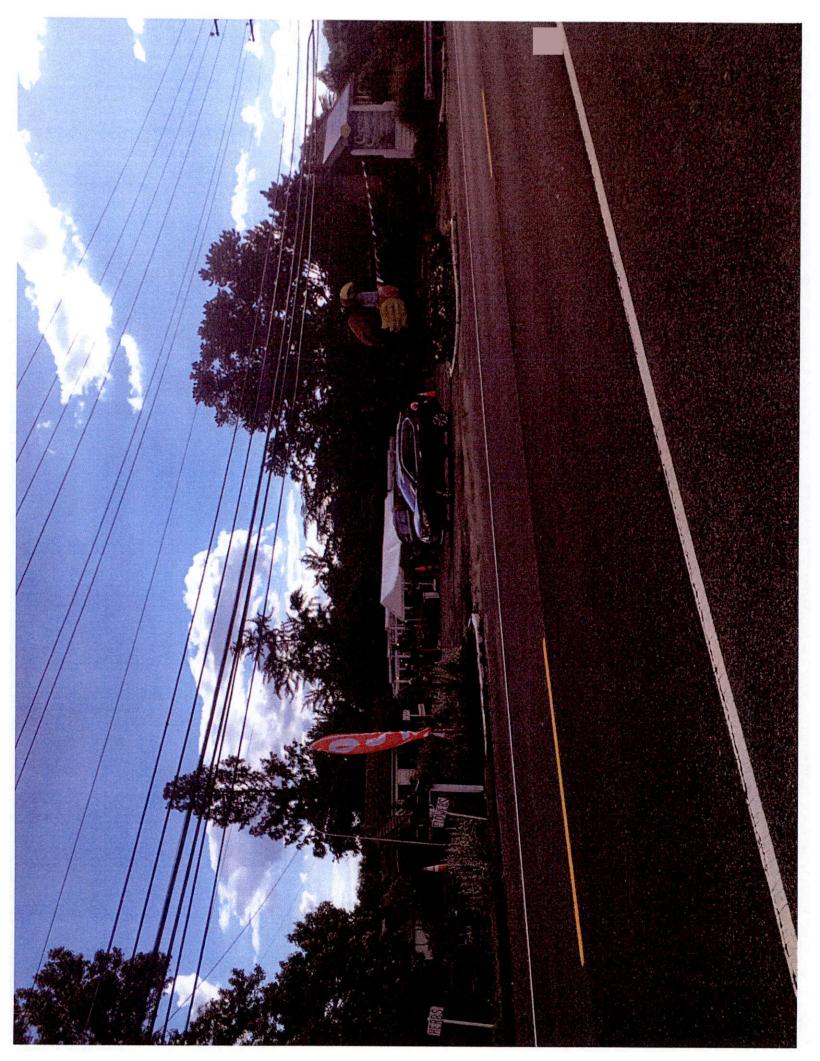




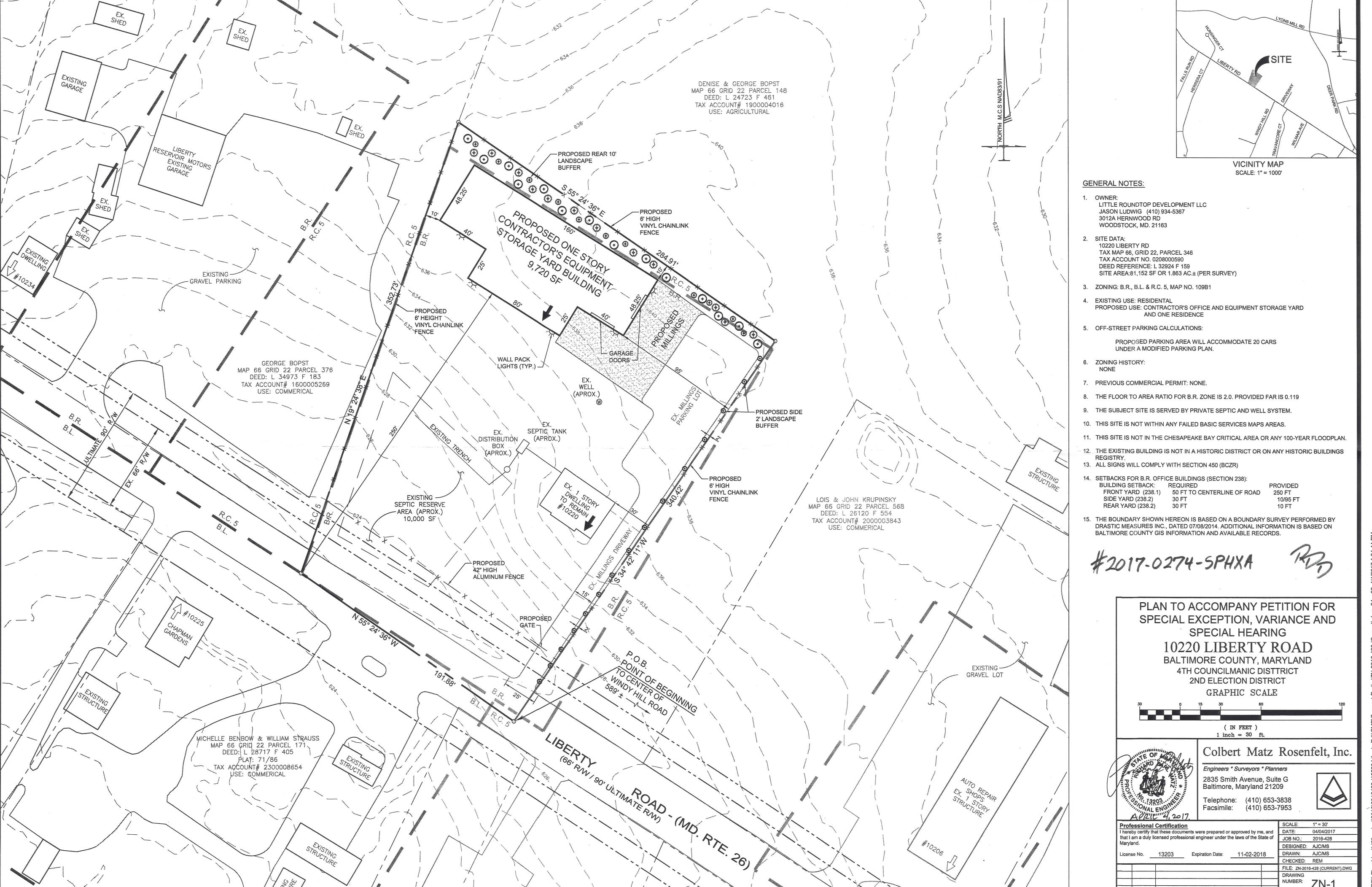












CMRFILE\caddwg\ld2i\project\2016\2016428 (10220 Liberty Rd)\CMR\Concept-Prelim\ZN-2016-428 (Current).dwg, 24 x 36, 4/4/2017 1:34:44 PM,

REVISIONS:

NO. DATE

BY SHEET 1 OF 1



My Neighborhood Map

Baltimore County My Neighborhood

disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this





