

MEMORANDUM

DATE: April 12, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0184-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 11, 2018. 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

(7803 Harford Road)
14th Election District
6th Council District
DMS Parkville, LLC
Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0184-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by DMS Parkville, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from § 409.8.A.4 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve parking of 4 ft. in lieu of the required 10 ft. from the right of way line of a public street. A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer John Motsco appeared in support of the petition. Francis X. Borgerding, Jr., 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. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Bureau of Development Plans Review (DPR), indicating landscape and lighting plans would be required for the project.

The site is approximately 27,137 sq. ft. in size and zoned BL-CCC. The property is unimproved and was previously used as an MTA bus turn-around. More recently, it was owned by the Revenue Authority and was used for a parking lot. Petitioner purchased the property from the Revenue Authority and proposes to construct a building on the site with a Dunkin Donuts and other retail tenants.

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

ORDER RECEIVED FOR FILING

Date 3-12-18

By [Signature]

- (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 provide the parking required for the project. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. The relief requested is modest and involves just over 100 sq. ft. of the overall site. As such, I do not believe granting the request will have any impact whatsoever upon the community.

THEREFORE, IT IS ORDERED, this 12th day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 409.8.A.4 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve parking within 4 ft. in lieu of the required 10 ft. from the right of way line of a public street, 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 submit for approval by Baltimore County landscape and lighting plans for the site.

ORDER RECEIVED FOR FILING

Date 3-12-18

By [Signature]

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 3-12-18

By 197



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 7803 Harford Road, Baltimore, MD which is presently zoned BL CCC
 Deed References: 10 Digit Tax Account # 1 4 0 2 0 0 4 6 2 0
 Property Owner(s) Printed Name(s) DMS Parkville, 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) 409.8.A.4 to approve parking of four feet in lieu of the required 10 from the right of way line of a public street.

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:

DAVID M. SCHULMAN
 Name- Type or Print
[Signature]
 Signature

Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Francis X. Borgerding, Jr.
 Name- Type or Print
[Signature]
 Signature
409 Washington Ave., #600, Towson, MD
 Mailing Address _____ City _____ State _____
21204 / 410-296-6820 / borgerdinglaw@aol.com
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

DMS Parkville, LLC / David Schulman
 Name #1 - Type or Print Name #2 - Type or Print
[Signature]
 Signature #1 Signature #2

100 E. Pennsylvania Ave. #210, Towson, MD
 Mailing Address _____ City _____ State _____
21286 / 410-296-3715 /
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

 Name - Type or Print

 Signature

 Mailing Address _____ City _____ State _____

 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0184-A Filing Date 1/9/18 Do Not Schedule Dates: _____ Reviewer JF

December 5, 2017

ZONING DESCRIPTION FOR
DMS PARKVILLE LLC PROPERTY

Beginning at a point on the south side of Harford Road, which has a variable width, at the distance of 36 feet southwest of the centerline of Lavender Avenue, which is 30 feet wide. Thence the following courses and distances: **(1)** South 49 degrees 47 minutes 03 seconds East 146.67 feet; thence **(2)** South 40 degrees 12 minutes 57 seconds West 199.00 feet; thence **(3)** North 49 degrees 47 minutes 03 seconds West 125.49 feet; thence **(4)** North 33 degrees 52 minutes 13 seconds East 80.55 feet; and thence **(5)** by a curve to the right having a radius of 7609.44 feet, an arc length of 119.58 feet and a chord bearing North 34 degrees 19 minutes 23 seconds East 119.58 feet to the point of beginning. Being that land as recorded in Deed Liber J.L.E. 33166 folio 41, containing 0.623 acres of land, more or less. Located in the Fourteenth Election District and Sixth Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018



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 5452722

Sold To:

DMS Parkville LLC - CU00639223
100 E Pennsylvania Ave
Ste 210
Towson, MD 21286-0700

Bill To:

DMS Parkville LLC - CU00639223
100 E Pennsylvania Ave
Ste 210
Towson, MD 21286-0700

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

Feb 15, 2018

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: # 2018-0184-A
7803 Harford Road
S/s Harford Road, 36 ft. SW of the centerline of Lavender Avenue
14th Election District - 6th Councilmanic District
Legal Owner(s) DMS Parkville, LLC

Variance: to approve parking of 4 ft. in lieu of the required 10 ft. from the right-of-way line of a public street.

Hearing: Friday, March 9, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

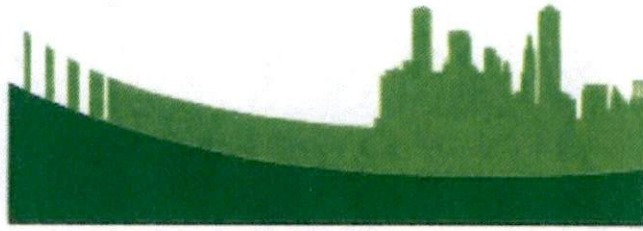
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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.

2/15 February 15 5452722

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising



CERTIFICATE OF POSTING

February 16, 2018

Re:

Zoning Case No. 2018-0184-A

Legal Owner: DMS Parkville, LLC

Hearing date: March 9, 2018

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **7803 Harford Road**.

The sign was posted on **February 16, 2018**.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. E. Doak", written over a horizontal line.

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2018-0184-A

7803 Harford Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Friday March 09, 2018 10:00 AM

**VARIANCE TO APPROVE PARKING OF 4 FEET IN LIEU OF THE
REQUIRED 10 FEET FROM THE RIGHT-OF-LINE OF A PUBLIC
STREET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-587-3351.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**





KEVIN KAMENETZ
County Executive

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

February 6, 2018

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: 2018-0184-A

7803 Harford Road

S/s Harford Road, 36 ft. SW of the centerline of Lavender Avenue

14th Election District – 6th Councilmanic District

Legal Owners: DMS Parkville, LLC

Variance to approve parking of 4 ft. in lieu of the required 10 ft. from the right-of-way line of a public street.

Hearing: Friday, March 9, 2018 at 10:00 a.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: Francis Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21204
David Schalmam, 100 E. Pennsylvania Avenue, Ste. 210, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 17, 2018.**
- (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, February 15, 2018 Issue - Jeffersonian

Please forward billing to:

David Schalmam
DMS Parkville, LLC
100 E. Pennsylvania Avenue, Ste. 210
Towson, MD 21286

410-296-3715

NOTICE OF ZONING HEARING

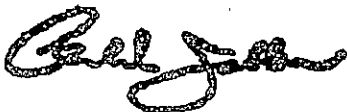
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14th Election District – 6th Councilmanic District
Legal Owners: DMS Parkville, LLC

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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
7803 Harford Road; S/S Harford Road,
36' SW of c/line of Lavender Avenue
14th Election & 6th Councilmanic Districts
Legal Owner(s): DMS Parkville, LLC
by David Schalman

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-184-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

JAN 25 2018

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 25th day of January, 2018, a copy of the foregoing Entry of Appearance was mailed to Francis Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2018-0184-A
Property Address: 7803 Harford Rd
Property Description: _____
Legal Owners (Petitioners): DNS Request
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Simon PMS Design, LLC 100 E. Pennsylvania Ave
Company/Firm (if applicable): 100 E. Pennsylvania Ave Suite # 21
Address: Towson, MD 21204
Telephone Number: (410) 244-3715

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

NO 161182

Date: 1/9/18

PAID RECEIPT

BUSINESS ACTUAL TIME DA
1/09/2018 1/09/2018 10:12:14
CNC AGENT WALKIN LRP
DELETED IN 939208 1/09/2018 DEFI
15 363 ZODIAC VERIFICATION
CNC NO 161182
Printed 1/9/2018 10:12:14
1500.00 01 1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	900	0000		6150						500.00

Total: 500.00

Rec From: Francis Dargatzis
For: Petition for Variance Case # 2018-0184-A
7803 Harbor Rd.

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

February 28, 2018

DMS Parkville LLC
David Schalman
100 E Pennsylvania Avenue
Suite 210
Towson MD 21286

RE: Case Number: 2018-0184 A, Address: 7803 Harford Road

Dear Mr. Schalman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 9, 2018. 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 dark ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Francis X Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson MD 21204



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

STATE HIGHWAY
ADMINISTRATION

Date: 1/16/18

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

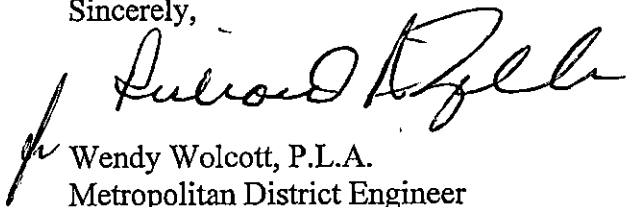
Dear Ms. Lewis:

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. 2018-0184A

*Variance
- DMS Parkville, LLC, David Schalman
7803 Howard 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
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: 18-184



INFORMATION:

Property Address: 7803 Harford Road
Petitioner: DMS Parkville, LLC
Zoning: BL-CCC
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit parking 4' removed from the right of way line of a public street in lieu of the required 10'.

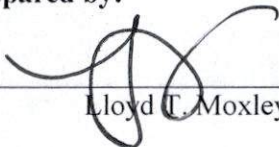
A site visit was conducted on 3/1/2018. The subject site is within the boundary of the Parkville Commercial Revitalization District and within the boundary of the Carney Cub Hill Parkville Community Plan and was formerly owned by Baltimore County.

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

Be advised the Department will require the petitioner provide for enhanced pedestrian connectivity facilitating safe access across the parking lot and travel lanes to the premises prior to Department approval of any plan submitted for building permit.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Laurie Hay
Francis X. Borgerding, Jr., Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor *RV FK VKD*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 22, 2018
Item No. 2018-0184-A

DATE: January 29, 2018

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

Current site layout on the Plan dated 1/9/18, to accompany various applications, does not meet all the requirements of the Landscape Manual.

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

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*

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: January 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0184-A
Address 7803 Harford Road
(DMS Parkville, LLC Property)

Zoning Advisory Committee Meeting of **January 22, 2018**.

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

Reviewer: Steve Ford

RECEIVED

ADMINISTRATIVE SERVICES
OFFICE OF

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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DATE: January 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0184-A
Address 7803 Harford Road
(DMS Parkville, LLC Property)

Zoning Advisory Committee Meeting of **January 22, 2018.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-184

INFORMATION:

Property Address: 7803 Harford Road
Petitioner: DMS Parkville, LLC
Zoning: BL-CCC
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit parking 4' removed from the right of way line of a public street in lieu of the required 10'.

A site visit was conducted on 3/1/2018. The subject site is within the boundary of the Parkville Commercial Revitalization District and within the boundary of the Carney Cub Hill Parkville Community Plan and was formerly owned by Baltimore County.

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

Be advised the Department will require the petitioner provide for enhanced pedestrian connectivity facilitating safe access across the parking lot and travel lanes to the premises prior to Department approval of any plan submitted for building permit.

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

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/

c: Laurie Hay
Francis X. Borgerding, Jr., Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

70 WCP

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

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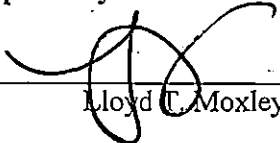
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Prepared by:



Lloyd C. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Laurie Hay
Francis X. Borgerding, Jr., Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

3/9

10AM

Case No.: 2018-0184-A-7803 Hanford Rd.

Exhibit Sheet

Petitioner/Developer

DW
4-12-18

Protestant

DW
3-12-18

No. 1	Site plan	
No. 2	DOP 2AC	
No. 3	Photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/6/2018

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Zoning: BL-CCC
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit parking 4' removed from the right of way line of a public street in lieu of the required 10'.

A site visit was conducted on 3/1/2018. The subject site is within the boundary of the Parkville Commercial Revitalization District and within the boundary of the Carney Cub Hill Parkville Community Plan and was formerly owned by Baltimore County.

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

Be advised the Department will require the petitioner provide for enhanced pedestrian connectivity facilitating safe access across the parking lot and travel lanes to the premises prior to Department approval of any plan submitted for building permit.

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

Prepared by:

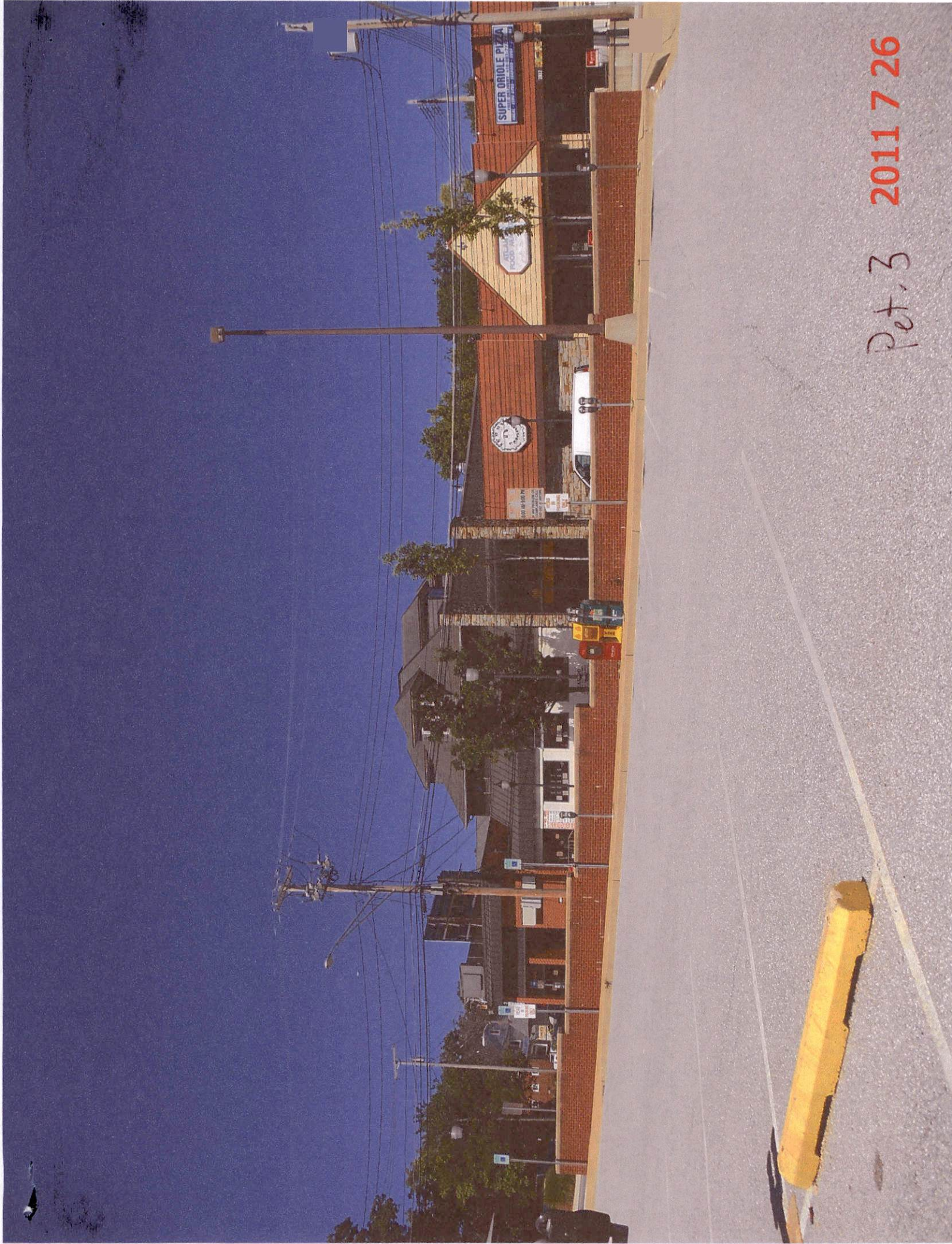

Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/

c: Laurie Hay
Francis X. Borgerding, Jr., Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County



Pet. 3 2011 7 26

1941

1942

1943

1944

1945

1946

1947

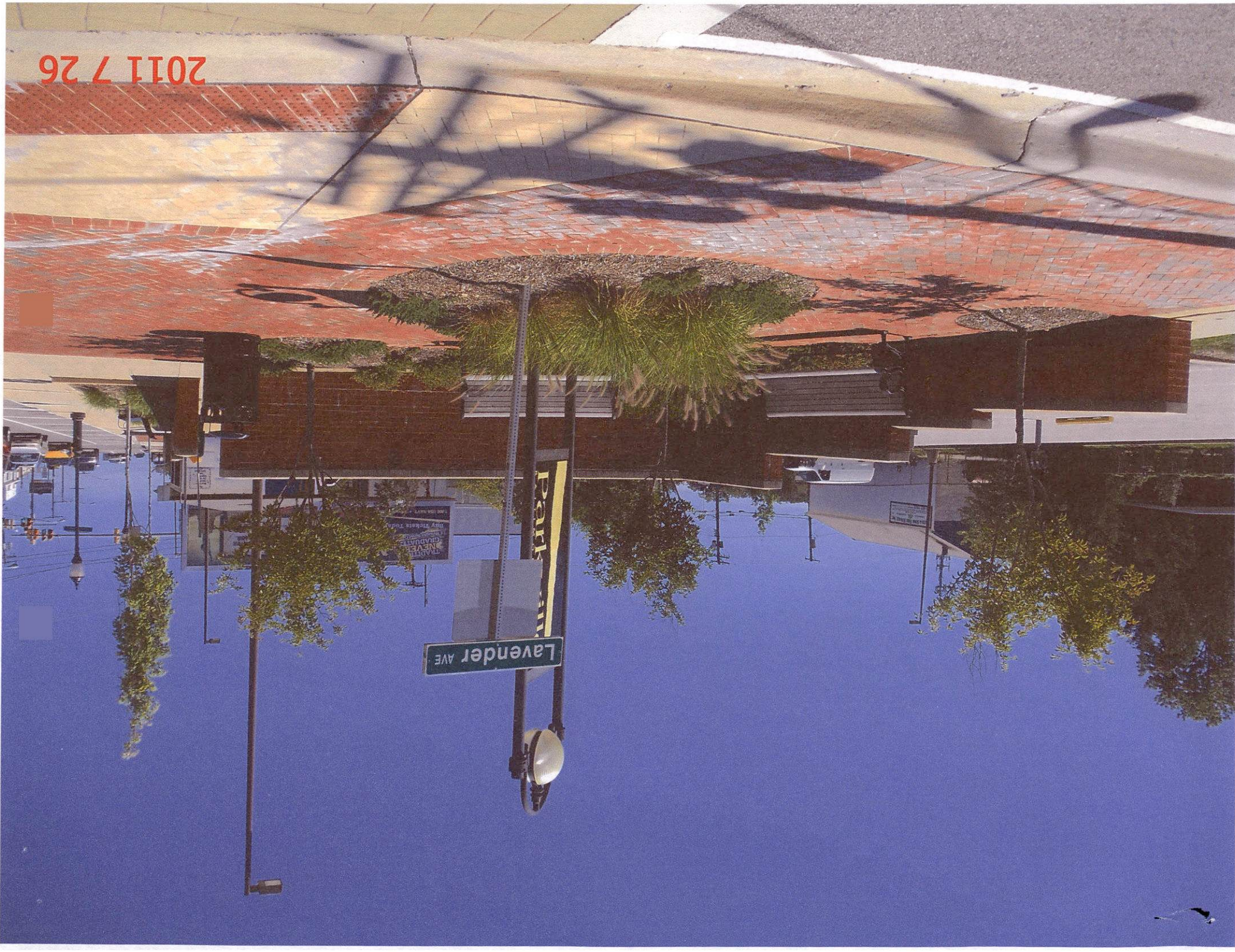
1948

Lavender AVE

Park

TRADITION
ONE VENDOR
GOLDMANT
May 10th 10th 10th
May 10th 10th 10th

2011 7 26

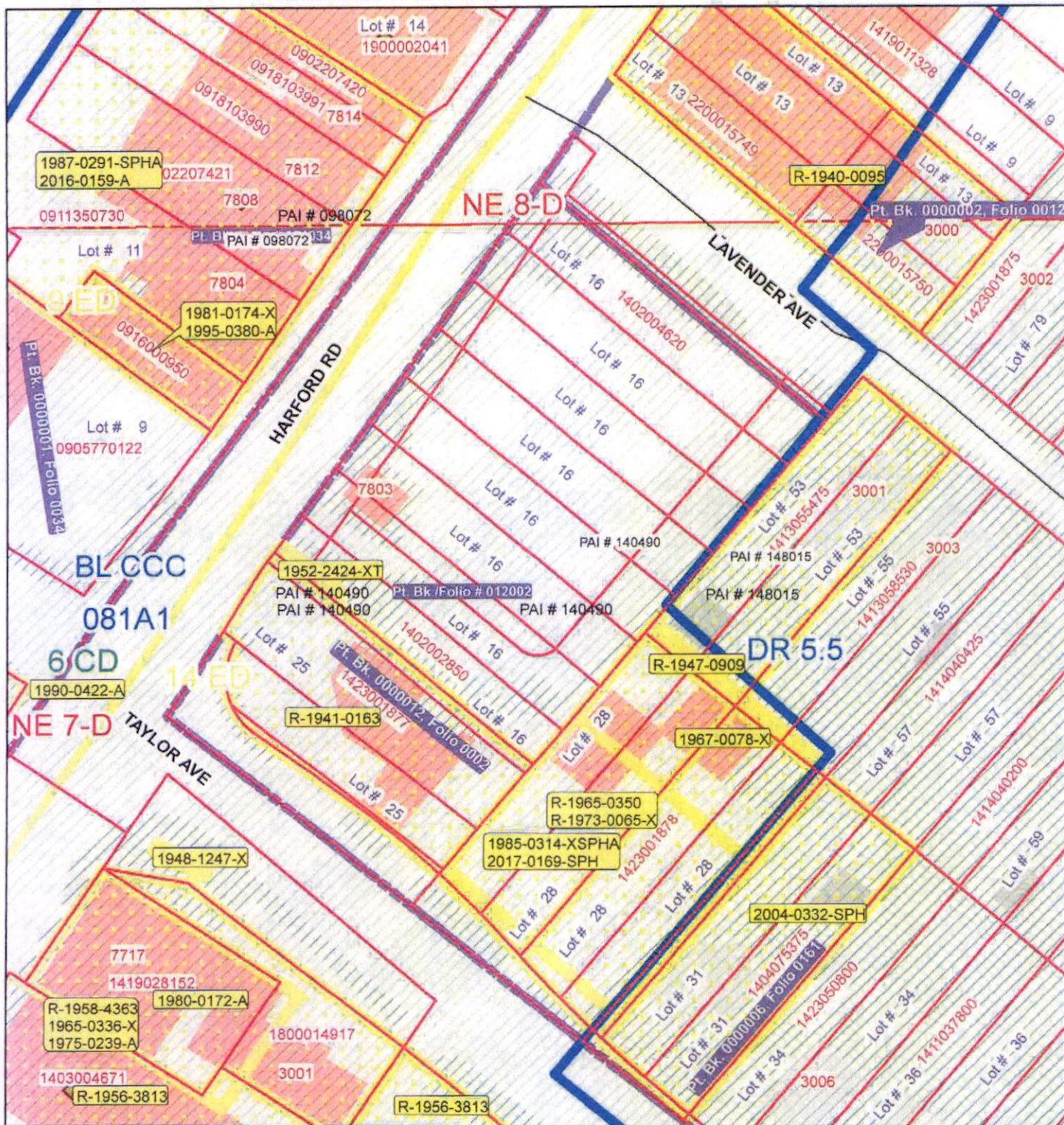






2011 7 26

7803 Harford Road



Publication Date: 11/29/2017



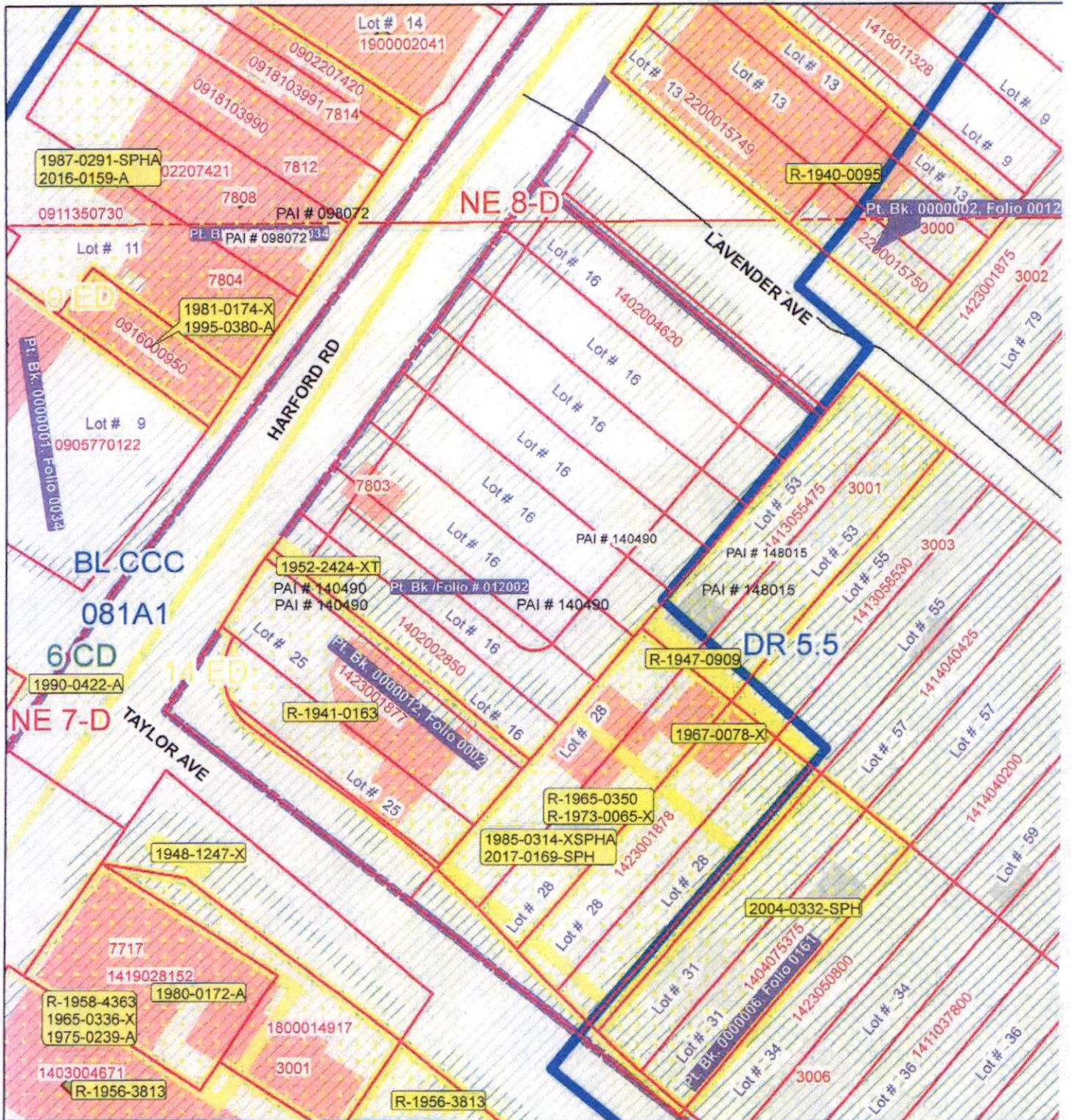
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with alternating black and white segments. Above the bar are numerical markings at 0, 15, 30, 60, 90, and 120. The word "Feet" is written at the right end of the bar.

1 inch = 60 feet

7803 Harford Road



Publication Date: 11/29/2017



Publication Agency: Permits, Approvals & Inspections
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A horizontal scale bar with alternating black and white segments. Above the bar are numerical markings at 0, 15, 30, 60, 90, and 120. The word "Feet" is written at the right end of the bar.

1 inch = 60 feet

CASE NAME 2019-184
CASE NUMBER _____
DATE 3/9/2018

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
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[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/29DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment1/16DEPS
(if not received, date e-mail sent _____)no Comment3/8/16FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)no Objection1/16

STATE HIGHWAY ADMINISTRATION

no Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

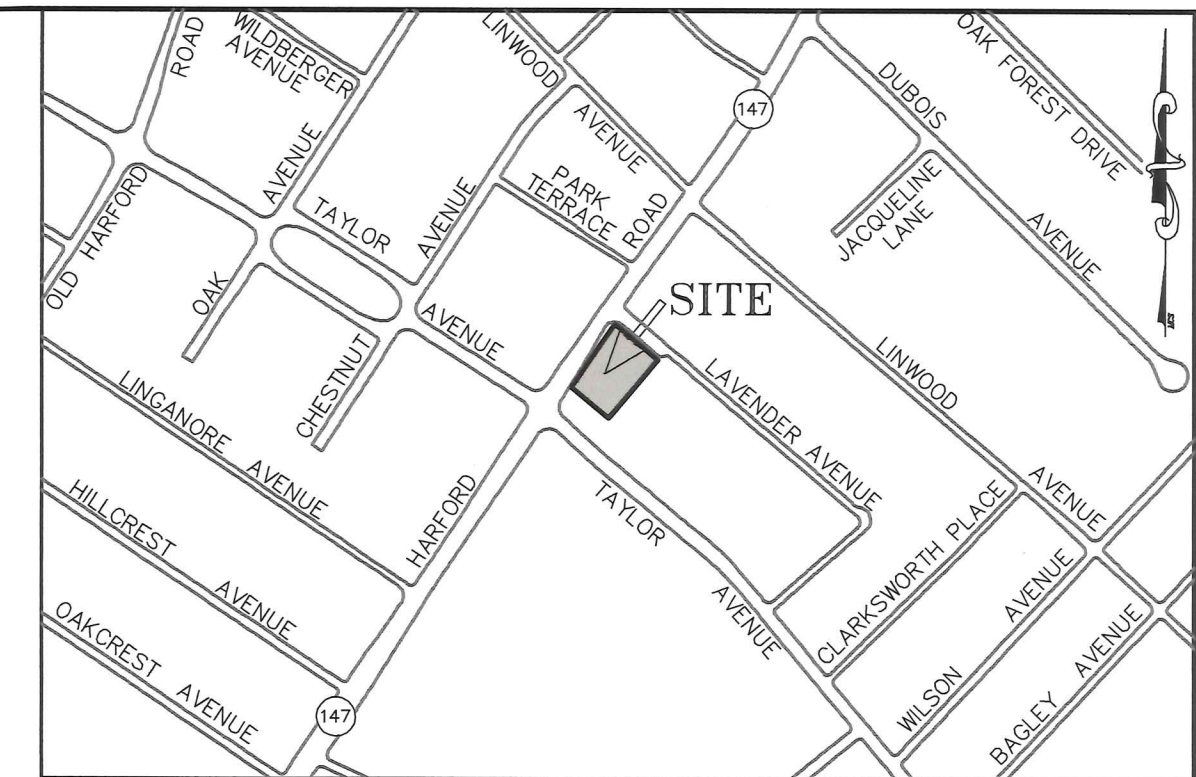
NEWSPAPER ADVERTISEMENT Date: 2/15/18SIGN POSTING Date: 2/16/18 by DoakPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 14 Account Number - 1402004620			
Owner Information					
Owner Name:	DMS PARKVILLE LLC		Use:	COMMERCIAL	
Mailing Address:	SUITE 210 100 E PENNSYLVANIA AVE TOWSON MD 21286-		Principal Residence:	NO	
			Deed Reference:	/33166/ 00041	
Location & Structure Information					
Premises Address:		HARFORD RD 0-0000		Legal Description:	PT LT 16-23 LINWOOD PLAT
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0081	0002	0682		0000	
					Block:
					16
					Lot:
					2016
					Assessment Year:
					Plat No: 0012/0002
					Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			18,246 SF	07	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2017	07/01/2018	
Land:	255,400	510,800			
Improvements	20,600	20,600			
Total:	276,000	531,400	446,267	531,400	
Preferential Land:	0			0	
Transfer Information					
Seller:	Date: 02/02/2013		Price: \$558,000		
Type: ARMS LENGTH MULTIPLE	Deed1: /33166/ 00041		Deed2:		
Seller:	Date:		Price:		
Type:	Deed1:		Deed2:		
Seller:	Date:		Price:		
Type:	Deed1:		Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		



VICINITY MAP

SCALE: 1"=500'

LEGEND

- Sanitary Manhole
- Storm Drain Manhole
- Water Meter
- Fire Hydrant
- Water Valve
- Cleanout
- Utility Pole
- Tract Boundary
- Zoning
- Wetlands
- Overhead Wires
- Underground Electric
- Existing Gas
- Existing Fence

PROPERTY INFORMATION

- OWNER: DMS PARKVILLE, LLC, 100 E. PENNSYLVANIA AVE, SUITE 210, TOWSON, MD 21286
- TAX ACCOUNT #: 1402004620, 1402002850
- DEED REF: 33166/41
- SITE AREA: 0.62± AC. (27,137 S.F.)
- EXISTING ZONING: BL CCC
- ZONING MAP: 81A1
- ELECTION DISTRICT: 14; COUNCILMANIC DISTRICT: 6
- THIS SITE HAS NO KNOWN PREVIOUS COMMERCIAL PERMITS.
- THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2017 WATER, SEWER, AND TRANSPORTATION BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02.
- NO 100 YEAR FLOODPLAINS ARE LOCATED ON THE SITE (FEMA MAP 2400100410F)
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
- NO HISTORIC STRUCTURES EXIST ON SITE.
- THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.
- SITE SIGNAGE, IF ANY, WILL COMPLY WITH SECTION 450 OF THE BCZR AND ALL ZONING SIGNAGE POLICIES.
- DRIVEWAY AND PARKING ARE AS SHOWN.
- SITE IS WITHIN THE URDL. PUBLIC WATER AND SEWER ARE AVAILABLE.
- SITE LIGHTING, IF ANY, USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- FLOOR AREA RATIO:
 - TOTAL BUILDING FOOT PRINT = 3,194 S.F.
 - TOTAL LOT AREA = 27,137 S.F.
 - FLOOR AREA RATIO = 3,194 / 27,137 = 0.118
- PARKING DATA:
 - FAST FOOD W/ DRIVE-THRU (1,500 S.F.) = 16 P.S./1000 S.F. (1,500) = 24 P.S.
 - RETAIL (2,200 S.F.) = 5 P.S./1000 S.F. (2,200) = 11 P.S.
 - TOTAL PARKING REQUIRED: = 35 P.S.
 - PARKING PROVIDED (INCL. 2 HANDICAP P.S.): = 35 P.S.
 - STACKING SPACES REQUIRED: 7
 - STACKING SPACES PROVIDED: 8

ZONING HISTORY

- A PETITION FOR A SPECIAL PERMIT (CASE NO. 1952-2424) WAS GRANTED DECEMBER 15, 1952 TO ALLOW FOR THREE ADVERTISING STRUCTURES.

ZONING REQUEST:

THE PETITIONER REQUESTS THE FOLLOWING ZONING RELIEF:

A VARIANCE FROM SECTION 409.8.A.4 OF THE BCZR TO APPROVE A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE TO BE LOCATED DOWN TO 4 FEET FROM THE RIGHT-OF-WAY LINE OF A PUBLIC STREET IN LIEU OF 10 FEET.

AND FOR SUCH OTHER AND FURTHER RELIEF AS THE NATURE OF THIS CAUSE MAY REQUIRE.

CASE # 2018-0184-A
PLAN TO ACCOMPANY VARIANCE APPLICATION
DMS PARKVILLE LLC PROPERTY

DISTRICT 14c6
SCALE: 1"=20'

BALTIMORE COUNTY, MD
JANUARY 9, 2018

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. 18019, EXPIRATION DATE: 5/8/18.

LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS

1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



