

MEMORANDUM

DATE: March 26, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0172-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 25, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(1400 Eastern Blvd.)

15th Election District

7th Council District

Middlesex Associates, LLP *Legal Owner*

Auto Body Evolution,

Lessee

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0172-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Middlesex Associates, LLP, legal owner of the subject property, and Auto Body Evolution, lessee (“Petitioners”). Petitioners are requesting variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (“BCZR”) to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces. A site plan was marked as Petitioners’ Exhibit 1.

Professional engineer Matthew Sichel and Dennis Huff appeared in support of the petition. Patricia A. Malone, Esq. represented Petitioners. There were no pro se stants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

The site is approximately 28 acres in size and zoned BM-CCC. The property is improved with a strip shopping center known as the Middlesex Shopping Center. This case however concerns only an 8,000 sq. ft. freestanding commercial building at the center previously used as a Goodyear Tire & Auto store. Lessee plans to operate an auto body and fender repair business in the building and plans to construct a small (approximately 2,000 sq. ft.) addition to the existing

ORDER RECEIVED FOR FILING

Date 2/22/19

By Sen

structure. The Office of Zoning Review advised Petitioners that the off-street parking requirements needed to be calculated in the aggregate for the entire strip center, even though the subject property is in essence a freestanding pad site. In any event, that explains the large number of spaces referenced in the petition.

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, Petitioners would experience a practical difficulty because they would be unable to operate the business at this site. 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. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 22nd day of **February, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations ("BCZR") to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

2 Date 2/22/19
By Sen

- Petitioners must comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto and incorporated herein.

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 2/22/19

3 By sln



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 1400 Eastern Boulevard, Essex, MD 21221 which is presently zoned B.M. C.C.C.
Deed Reference 7934 / 774 10 Digit Tax Account # 1 5 0 7 4 7 1 8 2 2
Property Owner(s) Printed Name(s) Middlesex Associates LLP

CASE NUMBER 2019-0172-A Filing Date 11/27/18 Estimated Posting Date / / Reviewer BD

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

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

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

SEE ATTACHMENT 1

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To be presented at the hearing.

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

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

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

Contract Purchaser/Lessee:

Auto Body Evolution - Dennis Huff
Name- Type or Print
Signature
1400 Eastern Boulevard Baltimore MD
Mailing Address City State
21221 / 717-688-0150 /
Zip Code Telephone # Email Address

Attorney for Petitioner:

Patricia A. Malone
Name- Type or Print
Signature
210 W. Pennsylvania Avenue, Towson MD
Mailing Address City State
21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

Legal Owners:

Middlesex Associates LLP /
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 Signature #2
2800 Quarry Lake Dr., Ste 34 Baltimore MD
Mailing Address City State
21209 / 410-308-0700 /
Zip Code Telephone # Email Address

Representative to be contacted:

Patricia A. Malone
Name - Type or Print
Signature
210 W. Pennsylvania Avenue, Towson MD
Mailing Address City State
21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

AUTO BODY EVOLUTION
1400 EASTERN BOULEVARD
ATTACHMENT 1
TO PETITION FOR VARIANCE

1. Variance from Section 409.6.A.2 of the B.C.Z.R. to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces.

Item #0172



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • Phone 410-316-7800 • Fax 410-316-7817

Zoning Property Description for the Middlesex Shopping Center
#1100-#1400 Eastern Boulevard, Essex, MD 21221

Beginning at a point on the north side of Eastern Boulevard, also known as Maryland State Route Number 150, which is 150 feet wide at the distance of 250 feet ~~east~~ ^{west} of the centerline of the nearest improved intersecting street, Essex Avenue, which is 30 feet wide. Being the "Middlesex Shopping Center Lot" in the subdivision Essex Cooperative Apartment Building for Senior Citizens and Middlesex Shopping Center as recorded in Baltimore County Plat Book E.H.K. Jr. #43, Folio #9, containing 29.00 acres, located in the Fifteenth Election District and Seventh Councilmanic District.



Item #0172

The Daily Record

11 East Saratoga Street
 Baltimore, MD 21202-2199
 (443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/25/2019

Order #: 11678910
 Case #: 2019-0172-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0172-A



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County**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: 2019-0172-A

1400 Eastern Boulevard

N/s Eastern Boulevard, 250 ft. W/of Essex Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Middlesex Associates, LLP

Contract Purchaser/Lessee: Auto Body Evolution

Variance to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces.

Hearing: Friday, February 15, 2019 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

ja25

Sherry Nuffer

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, February 11, 2019 7:54 PM
To: Barbara Lukasevich; pamalone@venable.com; Administrative Hearings
Subject: Recertification's For 2019-0172-A
Attachments: Re-Cert 1 2019-0172-A.doc; Re-Cert 2 2019-0172-A.doc

Recertification's for 1400 Eastern Boulevard.



CERTIFICATE OF POSTING

2019-0172-A

RE: Case No.: _____

Petitioner/Developer: _____

Middlesex Associates, LLP
Auto Body Evolution

February 15, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

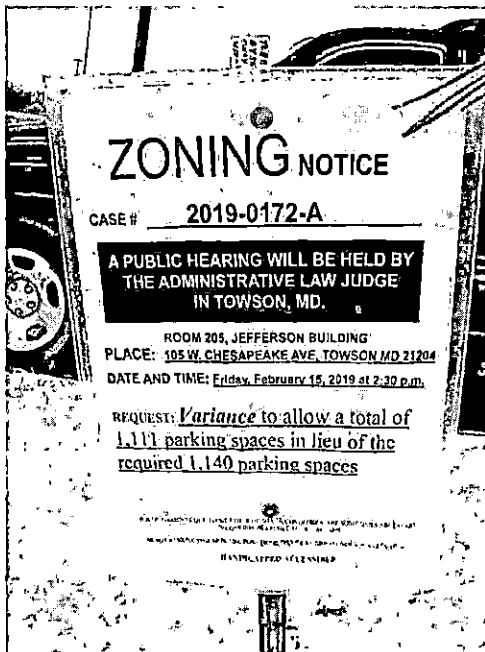
Ladies and Gentlemen:

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

1400 Eastern Boulevard **SIGN 1 Recertification**

January 26, 2019

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



Sincerely,

February 11, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0172-A

RE: Case No.: _____

Petitioner/Developer: _____
Middlesex Associates, LLP
Auto Body Evolution

February 15, 2019
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

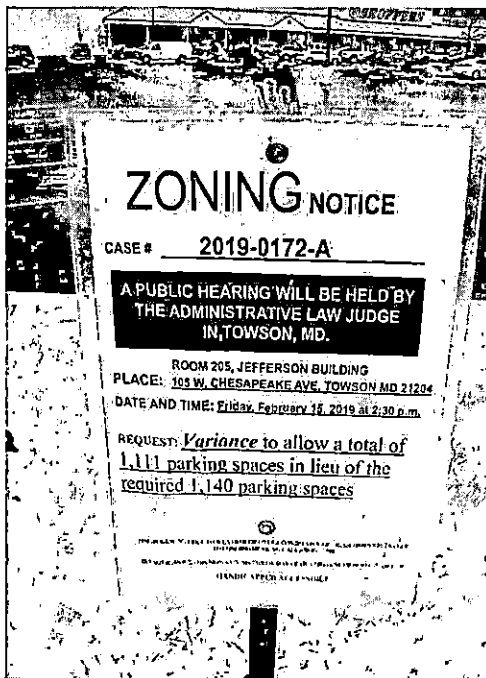
Ladies and Gentlemen:

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

1400 Eastern Boulevard **SIGN 2 Recertification**

January 26, 2019

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



Sincerely,

 February 11, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0172-A

RE: Case No.: _____

Petitioner/Developer: _____

Middlesex Associates, LLP
Auto Body Evolution

February 15, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

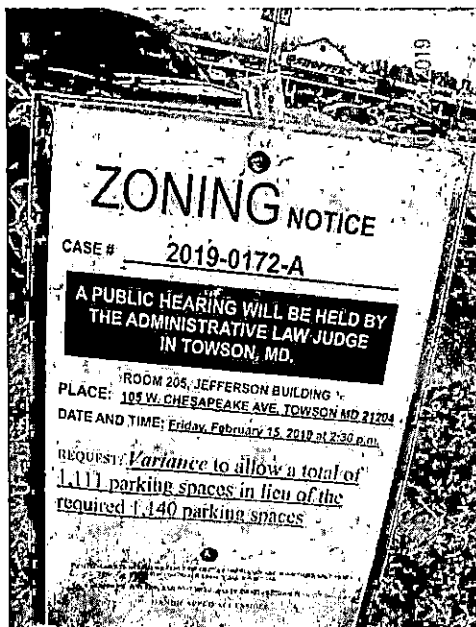
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1400 Eastern Boulevard

SIGN 1

January 26, 2019

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



Sincerely,

January 26, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0172-A

RE: Case No.: _____

Petitioner/Developer: _____
Middlesex Associates, LLP
Auto Body Evolution

February 15, 2019
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

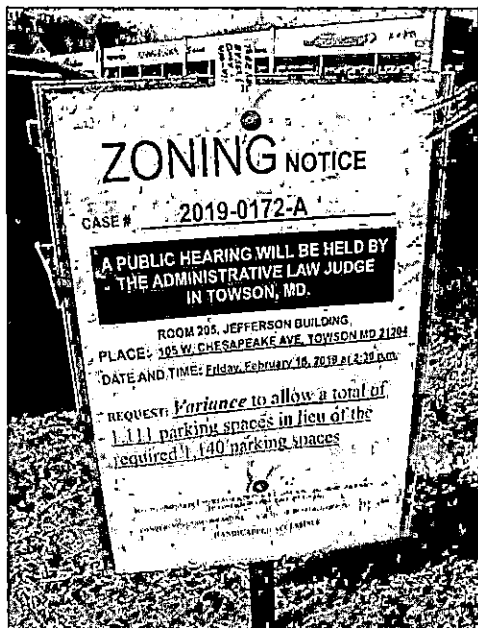
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1400 Eastern Boulevard

SIGN 2

January 26, 2019

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



Sincerely,

January 26, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0172-A

RE: Case No.: _____

Petitioner/Developer: _____

**Middlesex Associates, LLP
Auto Body Evolution**

February 15, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

1400 Eastern Boulevard

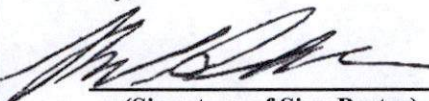
SIGN 1

January 26, 2019

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



Sincerely,


(Signature of Sign Poster)

January 26, 2019

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0172-A

RE: Case No.: _____

Petitioner/Developer: _____
Middlesex Associates, LLP
Auto Body Evolution

February 15, 2019
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

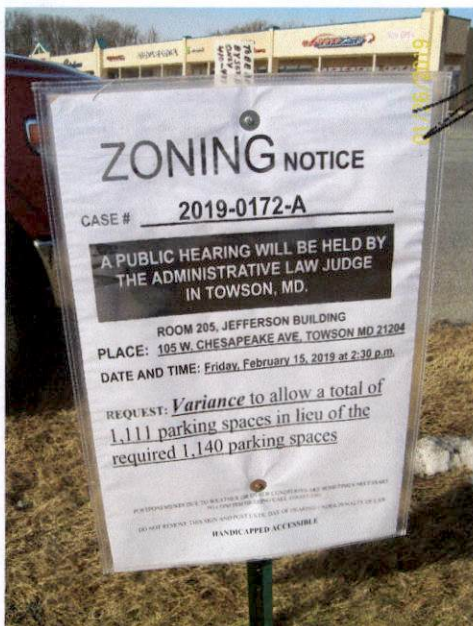
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1400 Eastern Boulevard

SIGN 2

January 26, 2019

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



Sincerely,

January 26, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

January 9, 2019

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: 2019-0172-A

1400 Eastern Boulevard
N/s Eastern Boulevard, 250 ft. W/of Essex Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Middlesex Associates, LLP
Contract Purchaser/Lessee: Auto Body Evolution

Variance to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces.

Hearing: Friday, February 15, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Patricia Malone, 210 W. Pennsylvania Avenue, Towson 21204
Dennis Huff, 1400 Eastern Blvd., Baltimore 21221
Middlesex Associates, LLP, 2800 Quarry Lake Drive, Ste. 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 26, 2019.**
- (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: THE DAILY RECORD
Friday, January 25, 2019 - Issue

Please forward billing to:

Venable, LLP
210 W. Pennsylvania Avenue. Ste. 500
Towson, MD 21204

410-494-6381

NOTICE OF ZONING HEARING

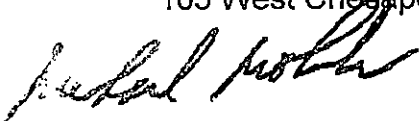
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 201-0172-A

1400 Eastern Boulevard
N/s Eastern Boulevard, 250 ft. W/of Essex Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Middlesex Associates, LLP
Contract Purchaser/Lessee: Auto Body Evolution

Variance to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces.

Hearing: Friday, February 15, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
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
1400 Eastern Boulevard; N/S Eastern Blvd, *
250' W of Essex Avenue * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Middlesex Associates, LLP * HEARINGS FOR
Contract Purchaser(s): Auto Body Evolution *
Petitioner(s) * BALTIMORE COUNTY
* 2019-172-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.

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

RECEIVED
DEC 06 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2018, a copy of the foregoing Entry of Appearance was mailed to Patricia Malone, Esquire, 210 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Kristen L Lewis

From: Frankovich, Jennifer R. <JRFrankovich@Venable.com>
Sent: Friday, January 04, 2019 11:32 AM
To: Kristen L Lewis
Subject: Autobody Evolution - 2019-0172A

Only dates that are NOT OK are **2/26 or 2/27/19**.

Let me know you got this and THANK YOU for your continued attention to this!

Jen

Jennifer R. Frankovich, Esq. | Venable LLP
t 410.494.6381 | f 410.821.0147 | m 410.428.2471
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

JRFrankovich@Venable.com | http://secure-web.cisco.com/1Xw15-25cAdLcyaNmDGufD0kD7IfGWnOOz_ZX8C8mtr_PEpEkJeU4synZ4YkLwAngW_HoAtQp1url8iLnuzWIF7AsDhqahp-LBib0R55W1Nn0gDlinM7Aiu2xvnfZYnagD-CQxv5TJuRTowQzI_B_M2gFVo6jblPwiEXp-F0fi8AkSSF4T-uVdj9lV0zfxzYeXmf_7GG2eqSgr3DasXxXpv97OmQRfQ95oHS2wjNgLOrGXXgcHKwnkKaGgtKru7KMCHf44fhoSHEur2YBAVstHaPXlfh2VFCT0GKA7brH5yCbZXIfIPutfDsq0sC1DcZWMY2nFTvpZPLi5koU4YoKEocXaulSkNBM8-zlSvrWHuR7LdF49jLEWDGA15wJt5MCn7RIM-dbpHyc_hZgdRGysbl9aAqICgQdvzdbqzsi6HglHDJC0Y2vix2_kEsDAnngarrC2cbnhC8FXggeLUT8Q/http%3A%2F%2Fwww.Venable.com

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

**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: 2019-0172-A
Property Address: 1400 Eastern Blvd.
Property Description: north side of Eastern Blvd, +/- 250 west
of Essex Ave
Legal Owners (Petitioners): Middlesex Associates LLP
Contract Purchaser/Lessee: AutoBody Evolution

PLEASE FORWARD ADVERTISING BILL TO:

Name: VENABLE LLP
Company/Firm (if applicable): 210 W. Pennsylvania Avenue
Address: Suite 500 / Towson, MD 21204

Telephone Number: 410 494 6381

1. The first part of the report

2. The second part of the report

3. The third part of the report

4. The fourth part of the report

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

No. **177715**

Date: **11/27/18**

PAID RECEIPT

BUSINESS ACTUAL TIME IRN
 11/27/2018 11/27/2018 11:18:24 3

REC 15013

WALKIN CAM

>>RECEIPT # 798356 11/27/2018 OFLN

Dept 5 528 ZONING VERIFICATION

Amount 17715

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					5500.00

Rec'd Tot \$500.00
 \$500.00 CK \$1.00 CA
 Baltimore County, Maryland

Total: **5500.00**

Rec
 From:

For:

zoning hearing - case # 2019-0172-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 2/12/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-172



INFORMATION:

Property Address: 1400 Eastern Boulevard
Petitioner: Middlesex Associates, LLP
Zoning: BM CCC
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces.

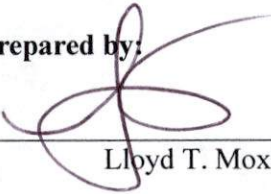
A site visit was conducted on December 12, 2018. Staff observed that site conditions were substandard. The property is located within the Essex Commercial Revitalization District, and the Essex Sustainable Community. The property is also within the boundaries of the Essex Design Review Panel area. At this time the applicant has requested Design Review Panel (DRP) administrative review and approval. All plans must be approved by the DRP prior to the issuance of any building permits.

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

- All signage shall conform to the BCZR. The department will not support temporary signage along the Eastern Boulevard frontage.
- Parking area shall comply with BCZR §405A.1- Any disabled/damaged vehicles shall not be visible from off-site.
- Remove all shipping container(s) and rubble stockpiles not associated with construction on site upon completion of said construction.
- All dumpsters on the site shall comply with Condition H of the Baltimore County Landscape Manual

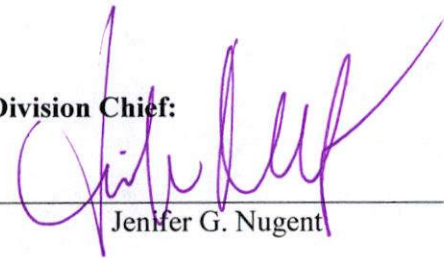
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patricia A. Malone
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: January 10, 2019

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2018
Item No. 2019-0144-SPHA, 0169-SPHA, and 0172-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

VKD: ceh
cc: file

BALTIMORE COUNTY, MARYLAND

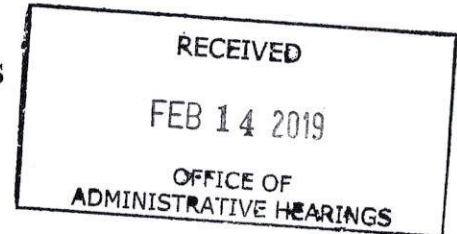
INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 2/12/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-172



INFORMATION:

Property Address: 1400 Eastern Boulevard
Petitioner: Middlesex Associates, LLP
Zoning: BM CCC
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to allow a total of 1,111 parking spaces in lieu of the required 1,140 parking spaces.

A site visit was conducted on December 12, 2018. Staff observed that site conditions were substandard. The property is located within the Essex Commercial Revitalization District, and the Essex Sustainable Community. The property is also within the boundaries of the Essex Design Review Panel area. At this time the applicant has requested Design Review Panel (DRP) administrative review and approval. All plans must be approved by the DRP prior to the issuance of any building permits.

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

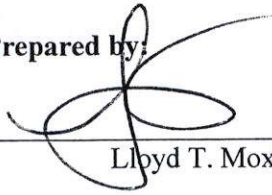
- All signage shall conform to the BCZR. The department will not support temporary signage along the Eastern Boulevard frontage.
- Parking area shall comply with BCZR §405A.1- Any disabled/damaged vehicles shall not be visible from off-site.
- Remove all shipping container(s) and rubble stockpiles not associated with construction on site upon completion of said construction.
- All dumpsters on the site shall comply with Condition H of the Baltimore County Landscape Manual

ORDER RECEIVED FOR FILING

Date 2/22/19
By sln

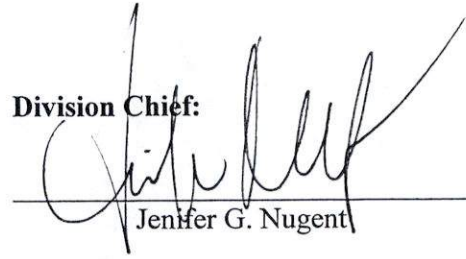
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patricia A. Malone
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

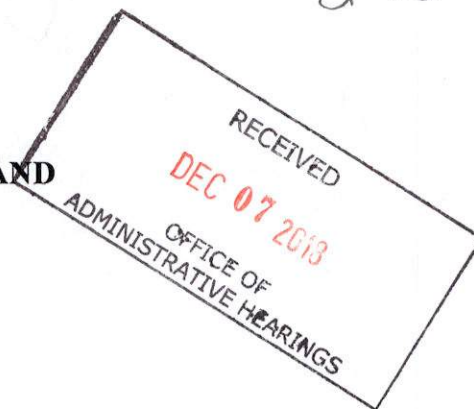
Date 2/22/19

By sen

2-15-19

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: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0172-A
Address 1400 Eastern Boulevard
(Middlesex Associates, LLP
Property)

Zoning Advisory Committee Meeting of **December 10, 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 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: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0172-A
Address 1400 Eastern Boulevard
(Middlesex Associates, LLP
Property)

Zoning Advisory Committee Meeting of December 10, 2018.

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

Reviewer: Steve Ford

Date: 12/6/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

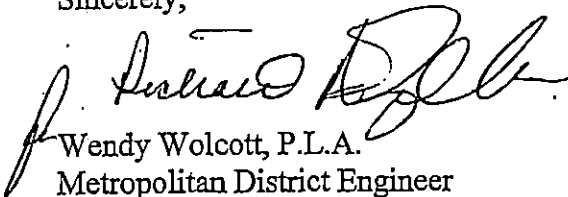
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 12/6/18. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2019-0172-A.

Variance
Middlesex Associates, LLP
1400 Eastern Boulevard
MD150

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) X 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

DATE _____

2019-0172-A

2018

1400 Center Blvd.

2/15/19

PETITIONER'S SIGN-IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/10DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comments12/17DEPS
(if not received, date e-mail sent _____)No Comment

FIRE DEPARTMENT

2/12PLANNING
(if not received, date e-mail sent _____)No objection
w/ conditions12/16

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

1/25/19SIGN POSTING (1st)

Date:

1/26/19by SSG BlackSIGN POSTING (2nd)

Date:

2/11/19by SSG Black

PEOPLE'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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1507471822			
Owner Information					
Owner Name:		MIDDLESEX ASSOCIATES LLP		Use:	COMMERCIAL
Mailing Address:		2800 QUARRY LAKE DR STE 340 BALTIMORE MD 21209-3764		Principal Residence:	NO
				Deed Reference:	/07934/ 00774
Location & Structure Information					
Premises Address:		1400 EASTERN BLVD BALTIMORE MD 21221-0000		Legal Description:	.275 AC ES 30 FT RW WS EASTERN BLVD ESSEX CO-OP APTS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0043/ 0009
0090	0021	0721		0000	2018
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1980		7750		0.2700 AC	
Property Land Area		County Use			
0.2700 AC		26			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		SERVICE GARAGE			
Last Major Renovation					
2018					
Value Information					
Base Value		Value		Phase-In Assessments	
		As of		As of	
		01/01/2018		07/01/2018	
				As of	
				07/01/2019	
Land:	74,500	74,500			
Improvements	260,900	280,500			
Total:	335,400	355,000		341,933	348,467
Preferential Land:	0				0
Transfer Information					
Seller: GOODMAN PAUL, ET. AL		Date: 08/05/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07934/ 00774		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 13, 2019

Middlesex Associates LLP
2800 Quarry Lake Dr. Ste. 34
Baltimore MD, 21221

RE: Case Number: 2019-0172-A, 1400 Eastern Boulevard, Essex MD 21221

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 November 27, 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 black ink, appearing to read "W. Carl Richards, Jr.", with a long, sweeping flourish extending to the right.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Patricia A. Malone 210 W. Pennsylvania Avenue, Towson MD 21204
Auto Body Evolution Dennis Huff 1400 Eastern Boulevard Baltimore MD 21221



PETITIONER'S
EXHIBIT NO. 5

10













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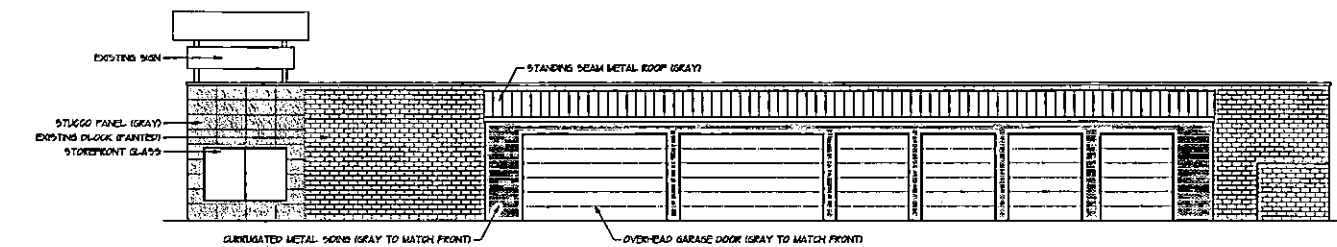


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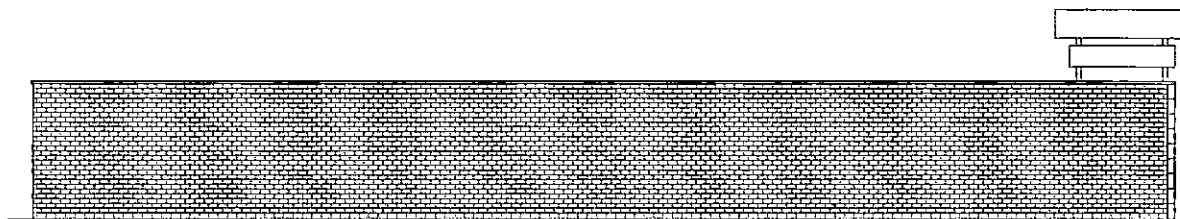
6

PETITIONER'S



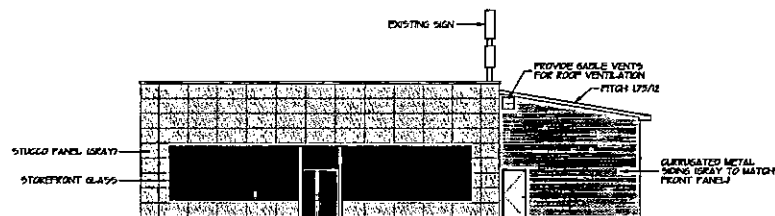
EVALUATION

94-100



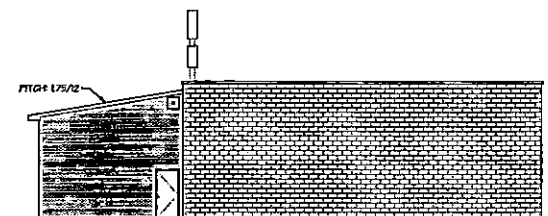
LEFT SIDE ELEVATION

SCALE VS - 10



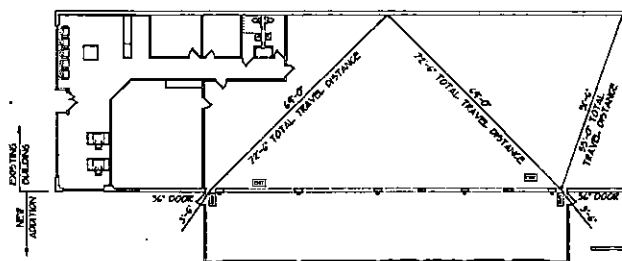
FRONT ELEVATION

SCALE 1/8" = 1' 0"



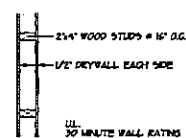
REAR ELEVATION

SCALE 1/8" = 1' 0"

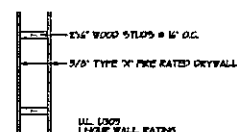


LIFE SAFETY DIAGRAM

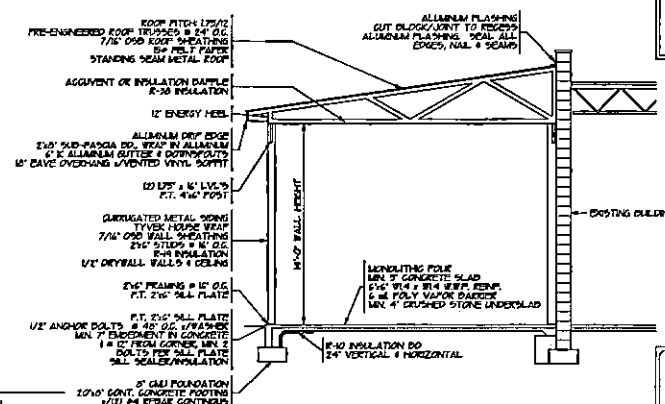
SCALE 1/4" = 1' 0"



WALL ASSEMBLY W-1



WALL ASSEMBLY W-2



SECTION

BODY SHOP RENOVATION

AUTO BODY EVOLUTION
1400 EASTERN BLVD.
BALTIMORE, MARYLAND 21202

CREATIVE OUTLOOKS, LLC

WILL F. GUSTAFSON

1000

CUSTOM HOME PLANNING & DESIGN

60721
DESIGN
PLANS

COMPLETE CONSTRUCTION PLANS

PGKREATESOQS.NET

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It is understood and agreed that these

For example, the "moral matrix," the set of assumptions that underlies the moral reasoning used by Creative Directors. I.D.C. A copy of any correspondence will be provided to the Ethics Committee.

Optimization/Limitations for Use of Plans

Organizations for Use of Plans

[illegible]

SHEET No. _____

A - 2



PET-7





Baltimore County - My Neighborhood



Legend



County Boundary

PETITIONER'S

EXHIBIT NO. 3

1:2,257

0 95 190 380 Feet

0 0.0175 0.035 0.07 Miles

February 13, 2019

Matthew S. Sichel, PE
KCI Technologies, Inc.
936 Ridgebrook Rd.
Sparks, MD 21152
410-316-7894 v 410-316-7853 f
matthew.sichel@kci.com

PROFESSIONAL BACKGROUND

A Civil Engineer with 20 years of experience in Land Development

Associate/Senior Project Engineer, KCI Technologies, Inc., Sparks, MD

1998-Present

Promoted to Associate/Senior Project Engineer 2009

Skills:

- Experience in site conceptual layout and planning as well as zoning regulations in several jurisdictions in Maryland and Pennsylvania
- Previous expert witness in multiple land development cases in Baltimore County
- Wide experience in several areas of site development design such as site grading; designing public utilities, including electrical conduit, water, sewer, and storm water systems; and designing roadway alignments for large urban highways and for local subdivision streets.
- Experience in groundwater hydrology with regard to development, including well hydraulics and private sewage disposal (i.e. septic systems).
- Producing contract drawings and drawing sets for both large and small projects.
- Performing as-built computations on existing stormwater systems to verify that they are functioning as designed.
- Skilled in drafting flood study reports involving the establishment of existing land use, precipitation, and run-off for watersheds; the final computation of the floodplain using HEC-RAS; and the submittal of the forms necessary to complete a Federal Emergency Management floodplain map revision.

EDUCATION / LICENSES

MA in Religion, Historical and Theological Studies, Evangelical Seminary, Myerstown, PA, currently enrolled, expected graduation May 10, 2019. 3.98 GPA.

B.S. in Civil Engineering, University of Maryland at College Park, 2002
with a citation in French Language & Culture

Licensed PE : Maryland, Pennsylvania & Virginia

COMPUTER PROGRAMS

- ◆ MicroStation J & V8, with Siteworks and Fieldworks, Inroads
- ◆ TR-20
- ◆ HEC-2 and HEC-RAS
- ◆ Microsoft Office Applications
- ◆ Some limited AutoCAD experience

PETITIONER' S

EXHIBIT NO.

2

INTERESTS & ACTIVITIES

- ◆ Previous Board of Zoning Appeals member, Town of Hampstead, Maryland
- ◆ Lay Leader, Wesley United Methodist Church, Hampstead, MD
- ◆ Baltimore/Washington Conference United Methodist Church Lay Member

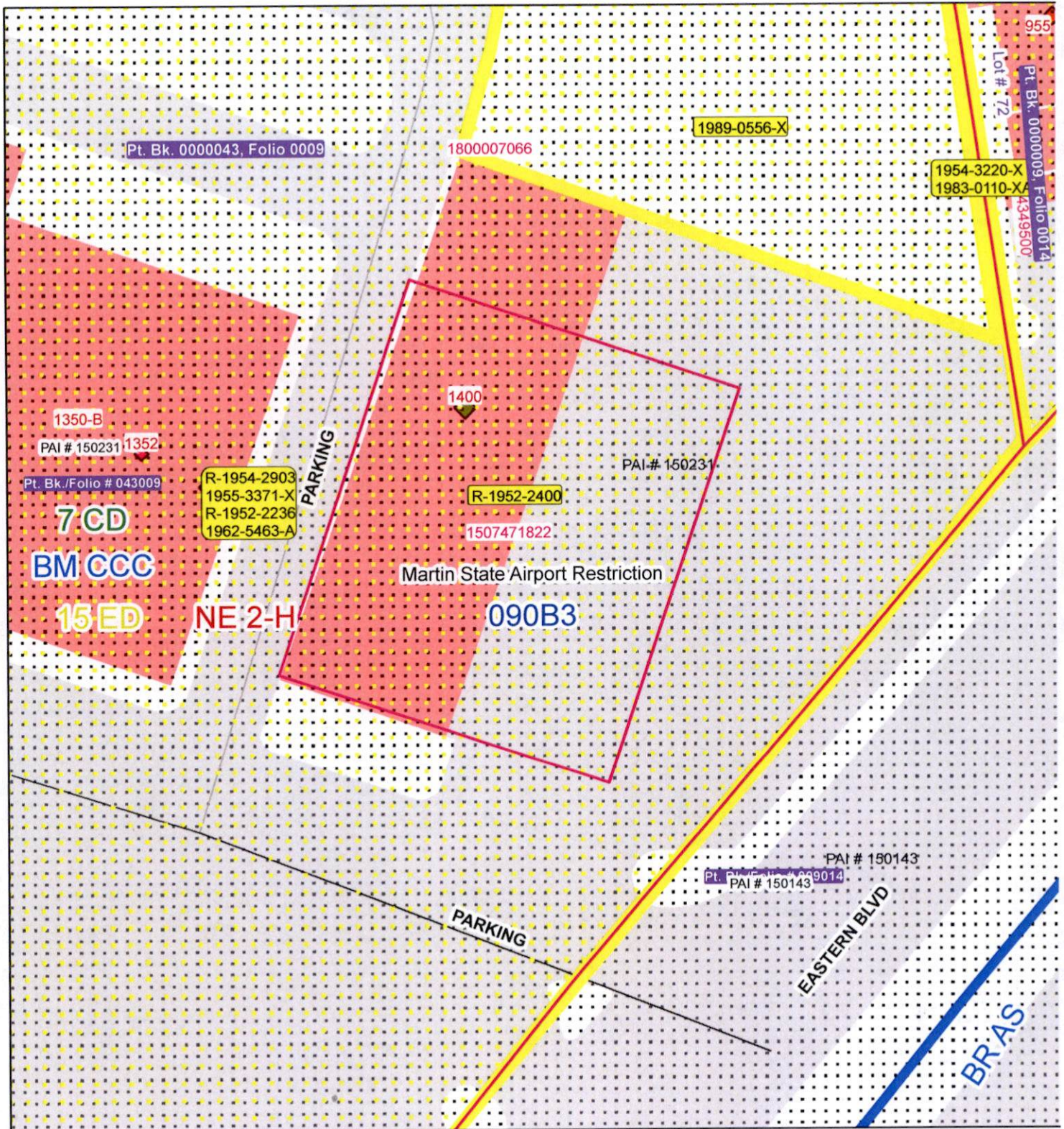
◆Certified Candidate for Ministerial Orders, Baltimore/Washington Conference, United Methodist Church

My interests in Civil Engineering include street, utility, and stormwater design for large development projects (e.g. Flaghouse Courts, Baltimore), traffic flow theory, transportation system design and operation emphasizing railroad and automobile applications, open channel flow, water power structures and conveyance systems, flood control and surface water hydrology.

AWARDS

Eagle Scout February, 1998

1400 Eastern Boulevard, Tax #15-07-471-822



Publication Date: 11/27/2018



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0172

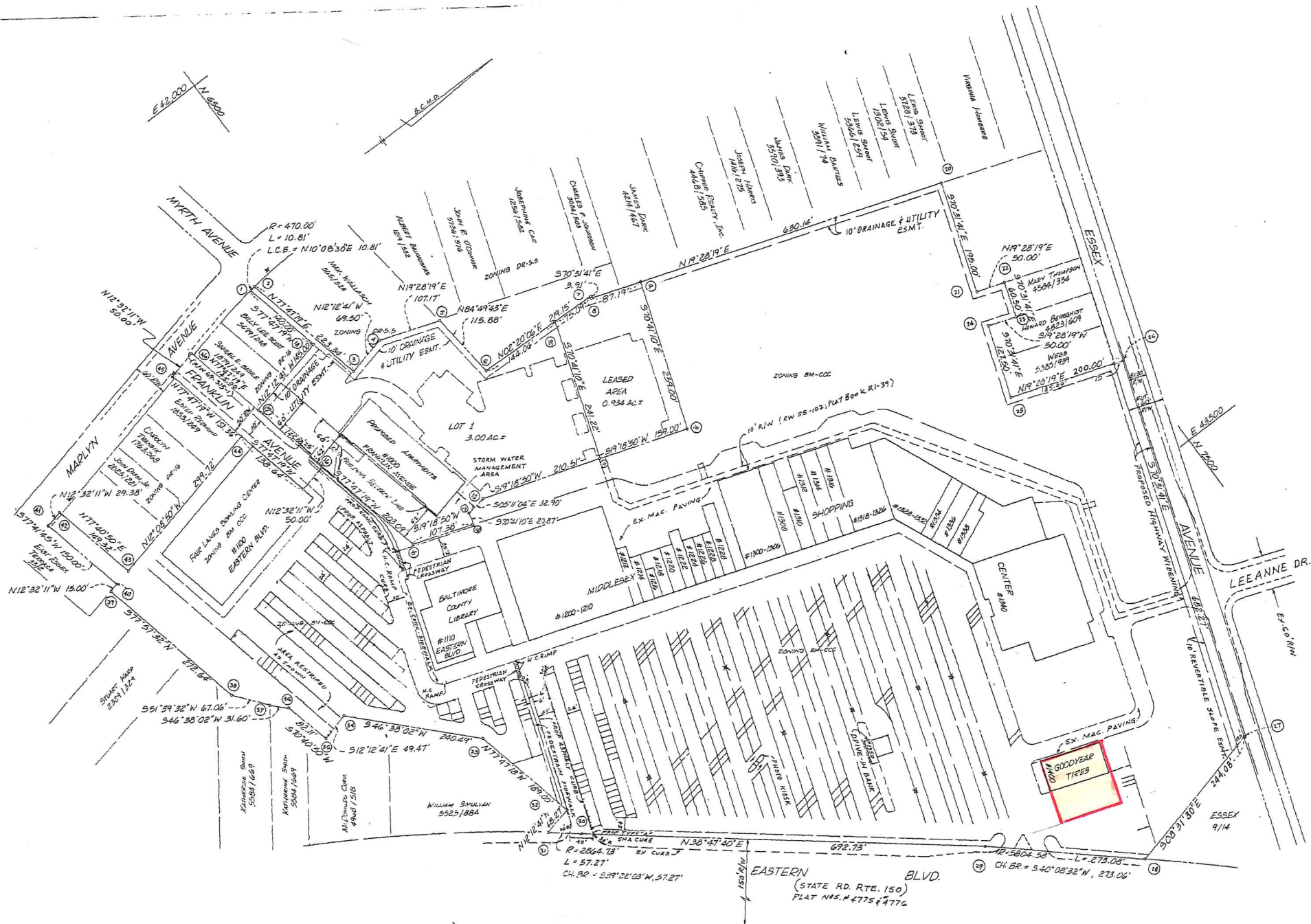
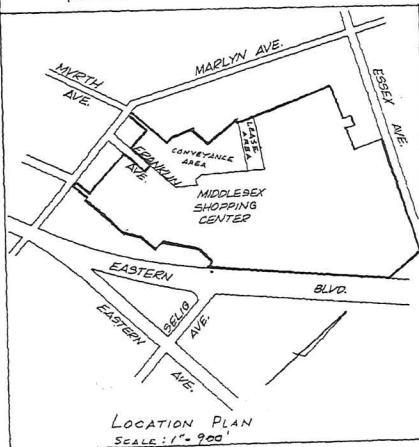
Baltimore County - My Neighborhood



COORDINATE TABLE		
NO.	NORTH	EAST
1.	6376.498	42336.012
2.	6387.080	42337.917
3.	6434.321	42556.206
4.	6502.053	42541.547
5.	6603.073	42577.272
6.	6613.538	42672.680
7.	6832.506	42701.608
8.	6831.202	42705.295
9.	6913.40	42734.35
10.	6827.74	42778.76
11.	6677.67	42926.19
12.	6477.02	42856.56
13.	6444.26	42857.54
14.	6437.35	42877.13
15.	6338.02	42843.72
16.	6296.06	42645.22
17.	6264.39	42503.50
18.	6406.04	42472.84
19.	6757.47	42678.54
20.	7425.30	42715.34
21.	7364.44	43078.72
22.	7407.60	43115.38
23.	7387.43	43171.42
24.	7340.77	43155.76
25.	7277.77	43075.96
26.	7486.35	43342.63
27.	7258.92	43745.88
28.	7017.54	44022.06
29.	6508.80	43842.03
30.	6268.87	43412.01
31.	6224.61	43375.48
32.	6271.77	43365.47
33.	6231.81	43180.75
34.	6064.68	43005.92
35.	6018.33	43016.38
36.	6000.81	42936.76
37.	5771.11	42713.17
38.	5737.51	42660.57
39.	5880.63	42573.95
40.	5875.13	42570.70
41.	5863.31	42444.14
42.	5791.71	42437.76
43.	5723.85	42583.65
44.	616.86	42510.58
45.	6184.85	42572.54
46.	6135.65	42361.79

NOTE:
ADEQUATE RAIN SPOUTS ARE TO BE PROVIDED AT THE REAR OF THE BUILDING LINES AND THE CLEANING AND REPAIR OF THE STORM DRAINAGE INLET IN THE REAR OF READ'S (RITE-AID), TO BE OPERATIVE AT ALL TIMES.

EXISTING ZONING SM-CCC	
USE-APARTMENT CONDOMINIUM - 2020.U.	
AREA	1,000 sq. ft.
FLOOR GROSS	178.5
RESIDENTIAL	163.0
2nd - 12th floors	0.9
COMMERCIAL	14.6
GENERAL SERVICE	
SITE GROSS	171.0
PAVED	94.9
BUILDING	14.9
AMENITY	59.2
FLOOR AREA RATIO	provided 1.05 required max. 4.0
AMENITY OPEN SPACE RATIO	provided 0.35 required min. 0.2
RESIDENTIAL DENSITY	permitted density unlimited
PARKING	
required	
2080 U. @ 1.25	= 260
0.9 comm. @ 1/3.3	= 3
14.6 service @ 1/0.3	= 48
Does not exceed 50% of residential parking.	
TOTAL	= 260
provided	= 260



TOTAL AREA: 32.57 AC±
PROP. CONVEYANCE: 29.57 AC±
PROP. HIGHWAY: 0.57 AC±
EX. HIGHWAY R/W:
REMAINING AREA: 29.00 AC±

E.H.K. JR. 43 FOLIO 9

FIGURE 157805
JUN 16 1978

DATE: 6/14/78
COUNTY ENGINEER

FINAL SUBDIVISION PLAT

FOR
ESSEX COOPERATIVE APARTMENT BUILDING FOR SENIOR CITIZENS & MIDDLESEX SHOPPING CENTER

15TH ELECTION DISTRICT MAY 30, 1978. BALTIMORE COUNTY, MARYLAND

DEVELOPER
CO-OPERATIVE SERVICES, INC.
TACIA WOODWARD
DETROIT, MICHIGAN, 48202

OWNER
A.G.S. REALTY CORPORATION
1 VILLAGE OF CROSS KEYS
BALTIMORE, MARYLAND, 21210

NOTE:
COORDINATES AND BEARINGS SHOWN HEREON ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRIVIERSE STATIONS:

X-4575 N 6754.09 E 43332.18
X-4576 N 6137.31 E 43333.32

OWNER'S CERTIFICATE:

THE UNDERSIGNED, OWNERS OF THE LAND SHOWN HEREON, HEREBY CERTIFY THAT TO THE BEST OF HIS/ITS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

JAMES DORMENT

FOR COOPERATIVE SERVICES, INC.
ATTORNEY AT LAW

NOTE:

THE STREETS AND OR ROADS AS SHOWN HEREON AND THE MENTION THERE-OF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

SURVEYOR'S CERTIFICATE:

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THE PLAT HAS BEEN LAID OUT, AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH THE SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

5/25/78
DATE

MALCOLM E. HUDKINS REG. NO. 50035

Final Plat Checked:
157805
Engineering: E.H.K. JR.
Surveyor: E.H.K. JR.

HUDKINS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. JOPPA ROAD
TOWSON, MARYLAND 21204

MSA 55A1236-5765

43-9

Item #0172



PETITIONER'S

EXHIBIT NO. 4

