

M E M O R A N D U M

DATE: February 19, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0544-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 18, 2020. 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

(4102 Benson Avenue)
13th Election District
1st Council District
2R Properties, LLC

Legal Owner

Petitioner

*

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*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0544-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 2R Properties, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from §§ 255.1 and 238.2 of the Baltimore County Zoning Regulations (“BCZR”) for a side setback of 10 ft. in lieu of required 30 ft. for a rear setback of 10 ft. in lieu of the required 30 ft. A site plan was marked as Petitioner’s Exhibit 1.

Joseph Budelis from Ruff Roofing, Inc., and Rick Richardson from Richardson Engineering appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) regarding the architectural and landscape designs. That agency did not oppose the request.

The site is approximately 1.98 acres in size and is zoned ML-IM. Ruff Roofing also owns the adjoining properties on either side of this parcel. There is a “hodge podge” of industrial buildings on the parcel which will be razed and replaced by this one proposed commercial building, which will be used for storage and for light manufacturing and fabrication associated

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Date 1/17/2020

By Sen

with the owner's roofing business. The existing buildings on the site are actually closer to the property lines than the proposed new building.

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 subject property is in a light industrial area in southwestern Baltimore County. There is a residential property on one side, which is also owned by Ruff Roofing, and an industrial property on the other side owned by Ruff Roofing. The existing structures on the subject parcel have been built over a long period of time – some probably prior to the adoption of the BCZR. The existing buildings do not conform to the BCZR setback requirements. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the proposed commercial structure for its business. 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 community opposition, or County agency opposition. In fact, the evidence presented establishes that razing the existing structures on the parcel and replacing them with this one modern structure will enhance the appearance, safety, and value of the property. It will also enable this Baltimore County business to continue to grow.

THEREFORE, IT IS ORDERED, this **17th** day of **January, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations for a side setback of 10 ft. in lieu of required 30 ft. for a rear setback of 10 ft.

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Date 1/17/2020

By Sen

in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of Permits, Petitioner must comply with ZAC comments submitted by the DOP, a copy of which is attached hereto and made a part hereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING

Date

11/17/2020

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 4102 Benson Avenue which is presently zoned ML-IM
Deed References: 39947/46 10 Digit Tax Account # 1600001455
Property Owner(s) Printed Name(s) 2R Properties, 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 a non-conforming use of a 2 unit dwelling.

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

3. X a Variance from Section(s) (SEE ATTACHED)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

2R Properties, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1420 Knecht Ave Baltimore MD

Mailing Address City State

21227 / 410-242-2400 / RRuff@ruffroofers.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC, Rick Richardson

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium, MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

CASE NUMBER 2019-0544-A Filing Date 12/13/19

Do Not Schedule Dates: Reviewer JS

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

Zoning Relief

4102 Benson Avenue

Variance:

Per Section 255.1 and 238.2 for a side setback of 10' in lieu of the required 30'

Per Section 255.1 and 238.2 for a rear setback of 10' in lieu of the required 30'

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

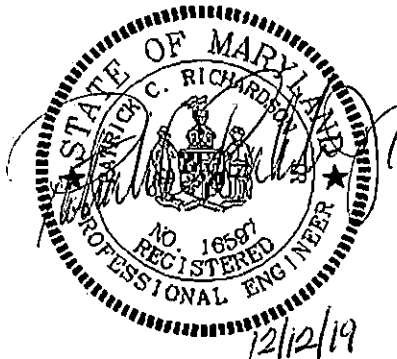
410-560-1502, fax 443-901-1208

**ZONING PROPERTY DESCRIPTION FOR
4102 BENSON AVENUE
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the southwest side of a 30' private street that is at a point 215.00' northwest from the side right-of-way of **Benson Avenue** (50 feet wide) at a distance of **410 feet northeast** of the edge of the nearest improved intersecting street **Knecht Avenue** (50 feet wide):

Thence the following courses and distances: (1) South 48 degrees 20 minutes 15 seconds West 190.23 feet, (2) North 41 degrees 39 minutes 44 seconds West 454.81 feet, (3) North 48 degrees 18 minutes 30 seconds East 190.23 feet, (4) South 41 degrees 39 minutes 45 seconds East 454.90 feet; to the point of beginning.

Containing a net area of 86,526 square feet or 1.99 acres.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021

2019-0544-A



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 18, 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: 2019-0544-A

4102 Benson Avenue

NW/side of Benson Avenue, s/west of centerline with Rome Road

13th Election District – 1st Councilmanic District

Legal Owners: 2R Properties, LLC

Variance for a side setback of 10 ft. in lieu of the required 30 ft.; and for a rear setback of 10 ft. in lieu of the required 30 ft.

Hearing: Thursday, January 16, 2020 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093
2R Properties, LLC, 1420 Knecht Avenue, Baltimore 21227

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 27, 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, December 27, 2019 – Issue

Please forward billing to:
Robert Ruff
1420 Knecht Avenue
Baltimore, MD 21227

410-242-2400

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: 2019-0544-A

4102 Benson Avenue
NW/side of Benson Avenue, s/west of centerline with Rome Road
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Hearing: Thursday, January 16, 2020 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

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
4102 Benson Avenue; NW/S of Benson Avenue, *
211' SW of c/line with Rome Road * OF ADMINISTRATIVE
13th Election & 1st Councilmanic Districts *
Legal Owner(s): 2R Properties, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-544-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

DEC 19 2019

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 19th day of December, 2019, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Tuesday, January 14, 2020 7:54 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2019-0544-A
Attachments: Re-Cert 1 2019-0544-A.doc; Re-Cert 2 2019-0544-A.doc

PM 1-16-2020
1:30 pm

RECEIVED

JAN 15 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 4102 Benson Avenue. Thanks

CERTIFICATE OF POSTING

2019-0544-A

RE: Case No.: _____

Petitioner/Developer: _____

2R Properties, LLC

January 16, 2020

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:

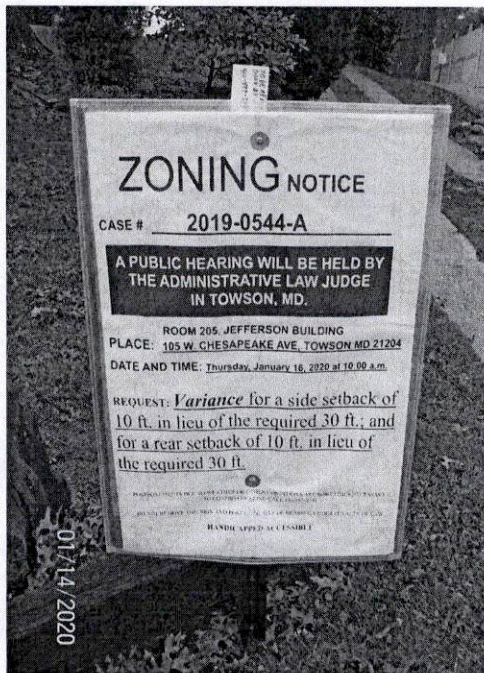
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4102 Benson Avenue

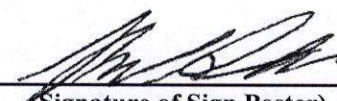
SIGN 1 Recertification

December 27, 2019

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



Sincerely,

 January 14, 2020
(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

2019-0544-A

RE: Case No.: _____

Petitioner/Developer: _____

2R Properties, LLC

January 16, 2020

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:

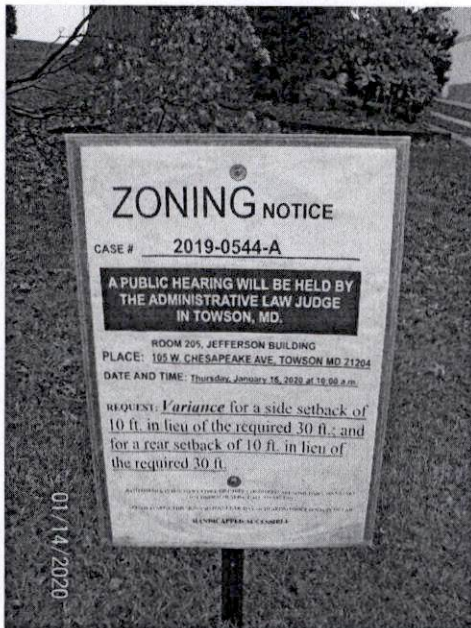
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4102 Benson Avenue

SIGN 2 Recertification

December 27, 2019

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



Sincerely,

 January 14, 2020
(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

2019-0544-A

RE: Case No.: _____

Petitioner/Developer: _____

2R Properties, LLC

January 16, 2020

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:

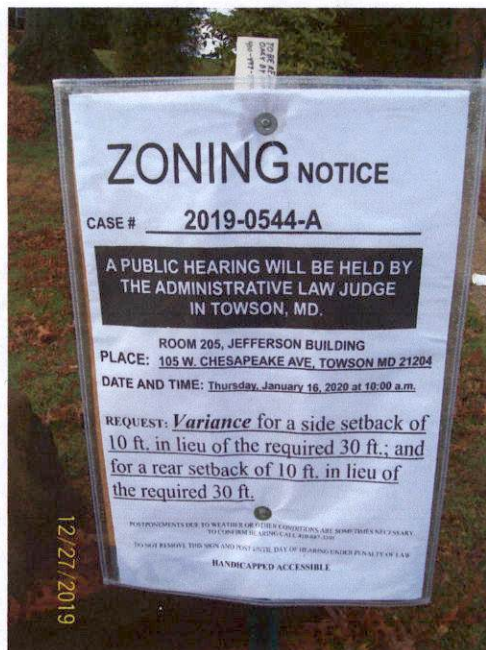
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4102 Benson Avenue

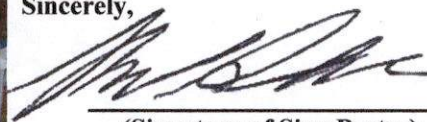
SIGN 1

December 27, 2019

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



Sincerely,

 December 27, 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

2019-0544-A

RE: Case No.: _____

Petitioner/Developer: _____

2R Properties, LLC

January 16, 2020

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:

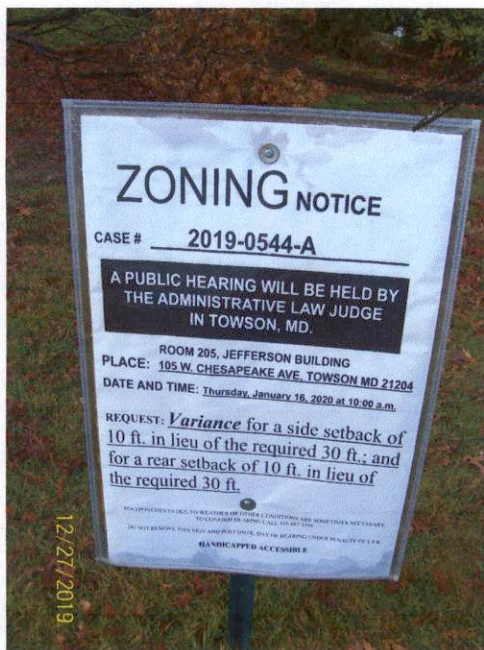
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4102 Benson Avenue

SIGN 2

December 27, 2019

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



Sincerely,

December 27, 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)

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

12/27/2019

Order #: 11828715
Case #: 2019-0544-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0544-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: 2019-0544-A

4102 Benson Avenue

NW/side of Benson Avenue, s/west of centerline with Rome Road

13th Election District - 1st Councilmanic District

Legal Owners: 2R Properties, LLC

Variance for a side setback of 10 ft. in lieu of the required 30 ft.; and for a rear setback of 10 ft. in lieu of the required 30 ft.

Hearing: Thursday, January 16, 2020 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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 410-837-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-837-3391.

d27

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2019-0594-A
Petitioner: 2R PROPERTIES, LLC
Address or Location: 4102 BENSON AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT RUFF
Address: RUFF ROOFERS
1420 KNECHT AVENUE
BALTIMORE MD 21227
Telephone Number: 410-242-2400



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

January 8, 2020

Richardson Engineering LLC
30 E. Padonia Road Suite 500
Timonium MD 21093

RE: Case Number: 2019-0544-A, 4102 Benson Avenue

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 December 04, 2019. 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
2R Properties LLC 1420 Knecht Avenue Baltimore MD 21227

1-16-19

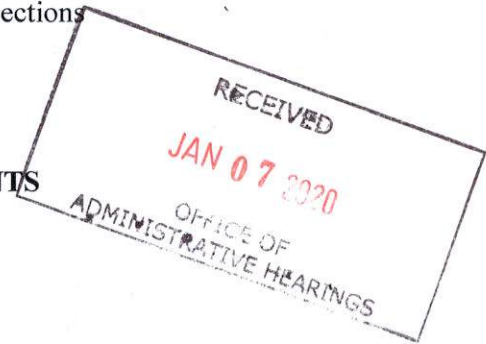
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 1/6/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-544



INFORMATION:

Property Address: 4102 Benson Avenue
Petitioner: 2R Properties, LLC
Zoning: ML IM
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance per Baltimore County Zoning Regulations (BCZR) from Sections 255.1 and 238.2 for a side setback of 10 feet in lieu of the required 30 feet and for a rear setback of 10 feet in lieu of the required 30 feet.

A site visit was conducted on December 20, 2019. The subject property is located to the north of Benson Avenue in Halethorpe, Maryland and is zoned ML IM. The site is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan. There is an existing one story building and the applicant is proposing a one story office warehouse building.

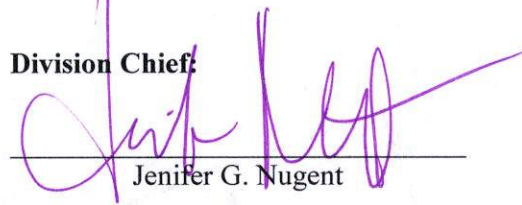
The Department has no objection to the petitioned request conditioned upon the following:

1. Provide architectural elevations for the proposed building.
2. Provide details of any proposed signage. All signs must comply with BCZR Section 450.
3. Provide a lighting plan.
4. Provide landscaped island breaks for every 14 parking spaces (CMDP Page 117).
5. Provide a landscape plan to the Baltimore County landscape architect and the Department of Planning for review and approval.
6. Indicate dumpster locations. Dumpster enclosure should meet the requirements of the Landscape Manual Section III, H. Loading area should meet the requirements of the Landscape Manual Section III, G.
7. Provide parking spaces for physically handicapped. Provisions for physically handicapped should comply with BCZR Section 409.9.

Date: 1/6/2020
Subject: ZAC # 19-544
Page 2

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

Division Chief:



Jenifer G. Nugent

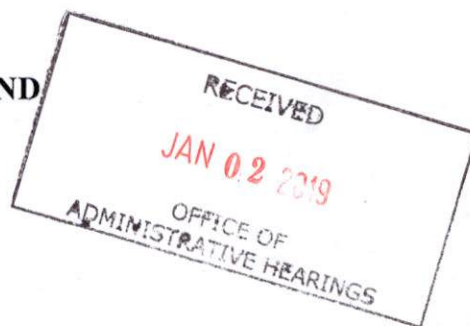
CPG/JGN/LTM/

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-16-20

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 2, 2020

SUBJECT: DEPS Comment for Zoning Item # 2019-0544-A
Address 4102 Benson Avenue
(2R Properties, LLC Property)

Zoning Advisory Committee Meeting of **December 23, 2019.**

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. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 2, 2020

SUBJECT: DEPS Comment for Zoning Item # 2019-0544-A
Address 4102 Benson Avenue
(2R Properties, LLC Property)

Zoning Advisory Committee Meeting of **December 23, 2019.**

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 12/18/19

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. 2019-0544-A

*Variance
ZTR Properties, LLC
4102 Benson Avenue*

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@mdot.maryland.gov).

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

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 23, 2019
Item No. 2019-0544-SPH

DATE: 01/22/2020

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

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

We noticed that the plan submitted did not clearly indicate or show whether the existing warehouse to be razed and replaced with a proposed office/warehouse was connected to either public water or sewer. Existing public water and sewer system are close to the proposed re-development to be connected. If the property is not connected to the public water and sewer, it shall be connected as part of the re-development. If it is presently connected to public water & sewer, then disregard this comment.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 1/6/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-544

INFORMATION:

Property Address: 4102 Benson Avenue
Petitioner: 2R Properties, LLC
Zoning: ML IM
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance per Baltimore County Zoning Regulations (BCZR) from Sections 255.1 and 238.2 for a side setback of 10 feet in lieu of the required 30 feet and for a rear setback of 10 feet in lieu of the required 30 feet.

A site visit was conducted on December 20, 2019. The subject property is located to the north of Benson Avenue in Halethorpe, Maryland and is zoned ML IM. The site is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan. There is an existing one story building and the applicant is proposing a one story office warehouse building.

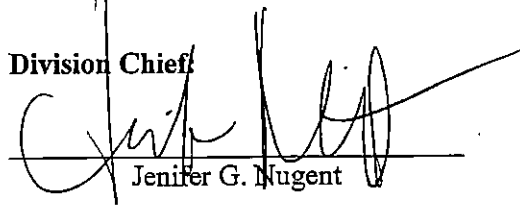
The Department has no objection to the petitioned request conditioned upon the following:

1. Provide architectural elevations for the proposed building.
2. Provide details of any proposed signage. All signs must comply with BCZR Section 450.
3. Provide a lighting plan.
4. Provide landscaped island breaks for every 14 parking spaces (CMDP Page 117).
5. Provide a landscape plan to the Baltimore County landscape architect and the Department of Planning for review and approval.
6. Indicate dumpster locations. Dumpster enclosure should meet the requirements of the Landscape Manual Section III, H. Loading area should meet the requirements of the Landscape Manual Section III, G.
7. Provide parking spaces for physically handicapped. Provisions for physically handicapped should comply with BCZR Section 409.9.

Date: 1/6/2020
Subject: ZAC # 19-544
Page 2

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

Division Chief



Jenifer G. Nugent

CPG/JGN/LTM/

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-16-19

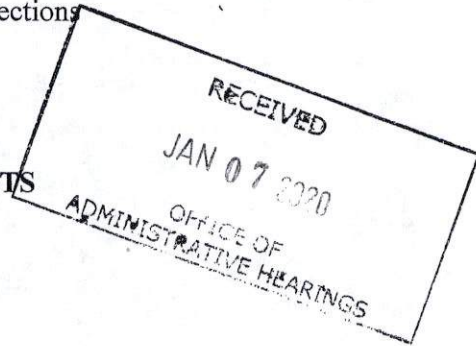
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ORDER RECEIVED FOR FILING

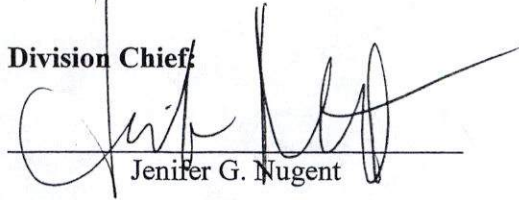
Date 1/17/2020

By Sen

Date: 1/6/2020
Subject: ZAC # 19-544
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Patrick C. Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 1/17/2020

By Sen

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2019-544-A
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
1/2/2020	DEPS (if not received, date e-mail sent _____)	No Comment
_____	FIRE DEPARTMENT	_____
1/6/2020	PLANNING (if not received, date e-mail sent _____)	No objection w/conditions
12/18/19	STATE HIGHWAY ADMINISTRATION	No Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date:	12/27/19 The Daily Record
SIGN POSTING (1 st)	Date:	12/27/19 by SSG Black
SIGN POSTING (2 nd)	Date:	1/14/2020 by " "
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	
Special Tax Recapture: None					
Account Identifier:		District - 13 Account Number - 1600001455			
Owner Information					
Owner Name:	2R PROPERTIES LLC		Use:	INDUSTRIAL	
Mailing Address:	1420 KNECHT AVENUE BALTIMORE MD 21227-		Principal Residence:	NO	
			Deed Reference:	/39947/ 00046	
Location & Structure Information					
Premises Address:	4102 BENSON AVE BALTIMORE 21227-		Legal Description:	1.9846 AC SWS BENSON AVE 215 NW OF BENSON AVE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0101	0018	1190	20000.04	0000	2020
Special Tax Areas: None			Town:	None	
			Ad Valorem:	None	
			Tax Class:	None	
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1952	35,020 SF		1.9800 AC	07	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		LIGHT MANUFACTURING	/	C3	
					Garage
					Last Notice of Major Improvements
					2001
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2020	07/01/2019	07/01/2020	
Land:	594,000	594,000			
Improvements	406,000	935,300			
Total:	1,000,000	1,529,300	1,000,000	1,176,433	
Preferential Land:	0			0	
Transfer Information					
Seller: OLSON WIRE PRODUCTS CO INC		Date: 02/15/2018	Price: \$835,000		
Type: NON-ARMS LENGTH OTHER		Deed1: /39947/ 00046	Deed2:		
Seller: OLSON HELMER E		Date: 08/21/1970	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /05119/ 00526	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019	07/01/2020		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					

Homeowners' Tax Credit Application Status: No Application

Date:



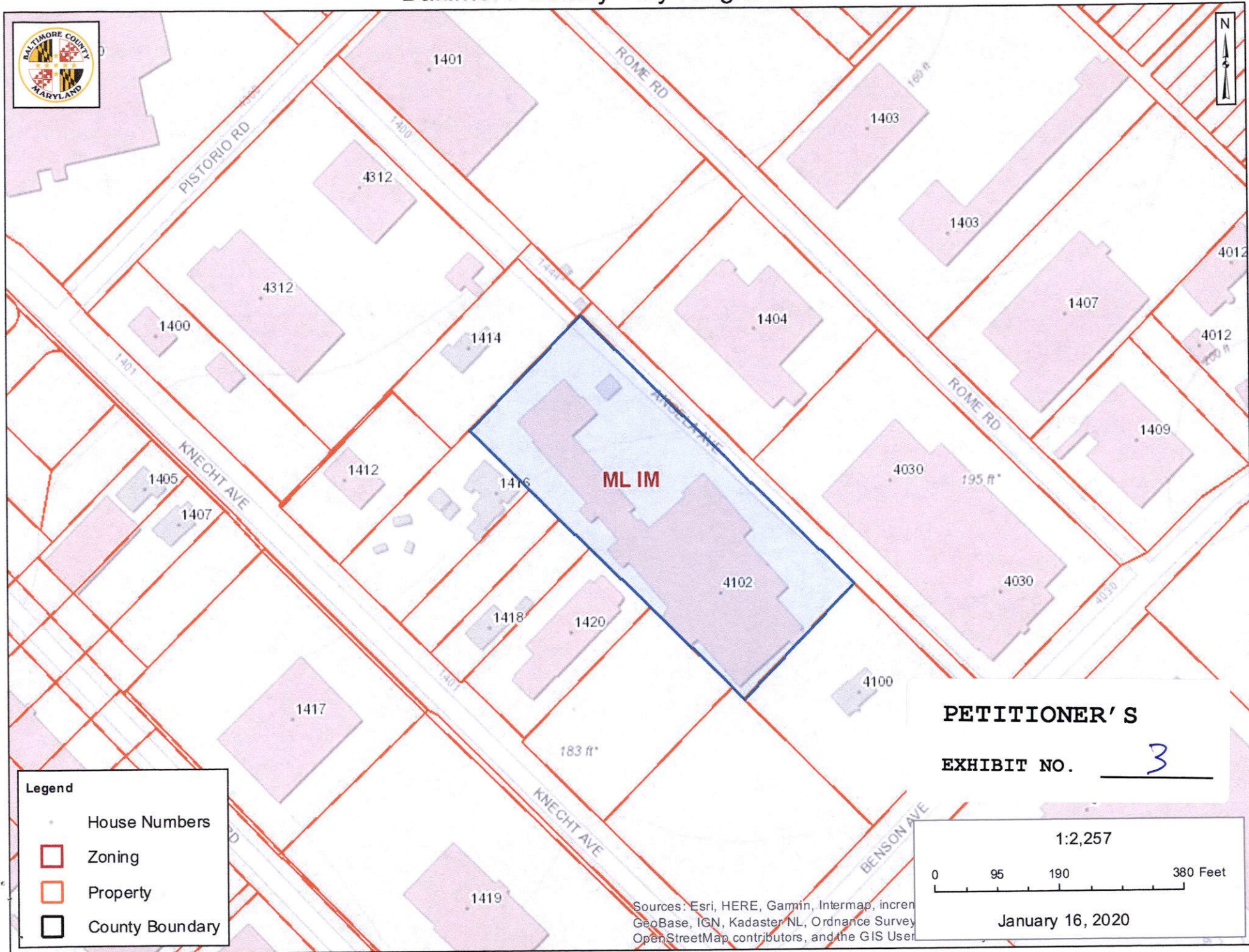
Imagery ©2020 Google, Imagery ©2020 Commonwealth of Virginia, Maxar Technologies, Sanborn, U.S. Geological Survey, Map data ©2020 20 ft

PETITIONER'S

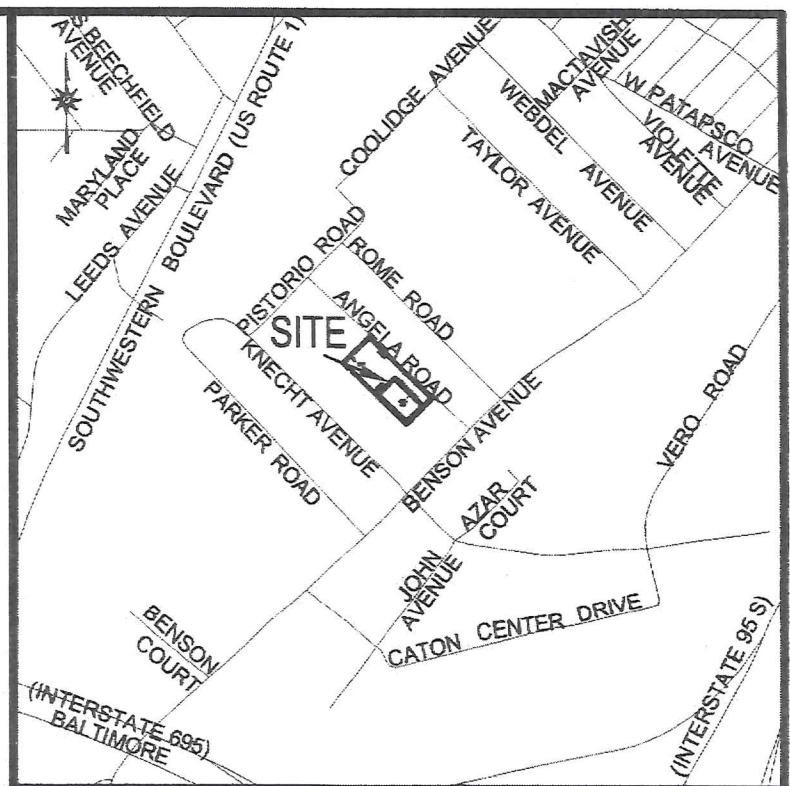
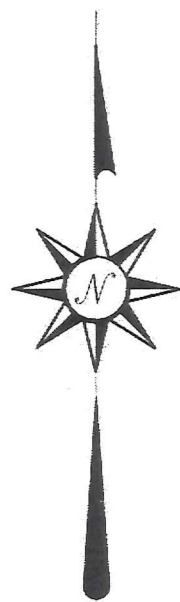
EXHIBIT NO. 2



Baltimore County - My Neighborhood







LOCATION MAP
SCALE: 1" = 400'

GENERAL NOTES:

- OWNER:
2R PROPERTIES, LLC
1420 KNECHT AVENUE
BALTIMORE, MD 21227
- SITE AREA:
GROSS: 86,526 Sq.Ft. or 1.99 Ac.±
NET: 86,526 Sq.Ft. or 1.99 Ac.±
EXISTING BUILDING AREA: 35,367 Sq.Ft.
TOTAL PROPOSED BUILDING AREA: 9,508 Sq.Ft.
EXISTING TO REMAIN: 25,337 Sq.Ft.
TOTAL: 34,845 Sq.Ft.
- UTILITIES:
PUBLIC WATER
PUBLIC SEWER
- DEED REF: 39947/46
- TAX ACCOUNT: #1600001455
- COUNCILMANIC DISTRICT: 1ST
- REGIONAL PLANNING DISTRICT: ARBUTUS/LANSOWNE
- CENSUS TRACT: 4304
- WATERSHED: PATAPSCO RIVER
- EXISTING ZONING: ML IM (PER 1"=200' ZONING MAP 101C3)
- TAX MAP #101, GRID #18, PARCEL #1190
- NO PRIOR PERMITS ON FILE
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE LIES WITHIN ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100395F, DATED SEPTEMBER 26, 2008.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
- TYPE DEFICIENT(Y/N) NOTE
WATER N -
SEWER N -
TRANSPORTATION N -
- NO PREVIOUS ZONING CASES ON FILE
- FLOOR AREA RATIO (FAR) ML IM ZONE
MAX PERMITTED: 2.0
EXISTING: 35,367/86,526 = 0.42
PROPOSED: 34,845/86,526 = 0.40
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR ML IM ZONE
TYPE REQUIRED PROVIDED
FRONT 25' 80'±
SIDE 30' 10'±
REAR 30' 10'±
- USE
EXISTING: WAREHOUSE
PROPOSED: WAREHOUSE/MANUFACTURING FACILITY
- PARKING
REQUIRED: 15 EMPLOYEES @ 1/EMPLOYEE = 15 SPACES
PROVIDED: 24 SPACES

2019-0544-A

Richardson Engineering, LLC

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

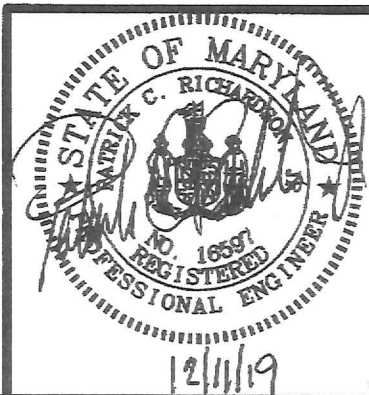
PLAN TO ACCOMPANY ZONING PETITION FOR RUFF ROOFERS

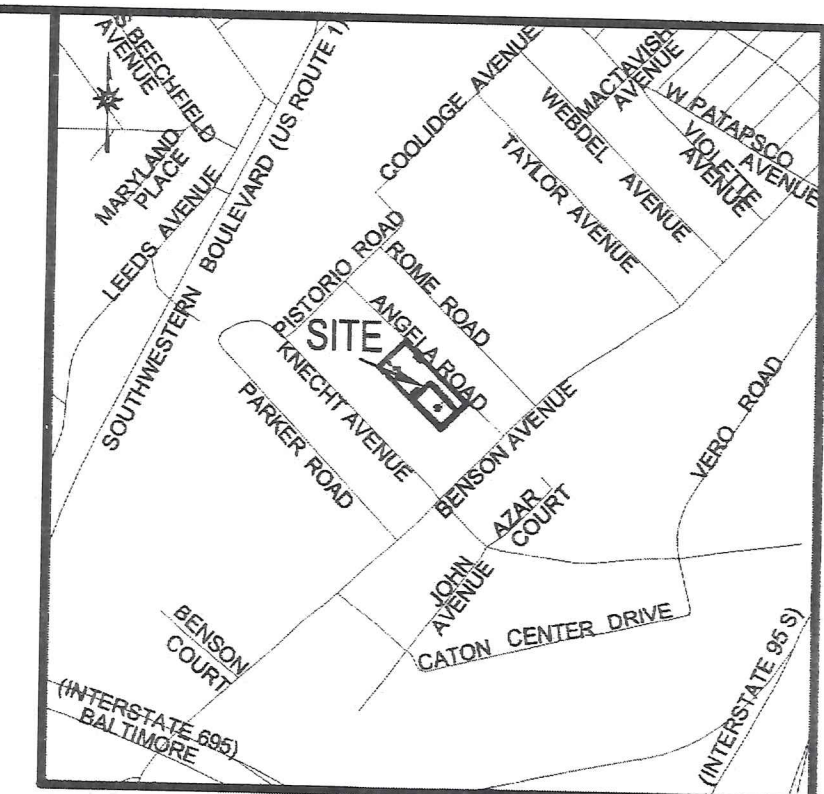
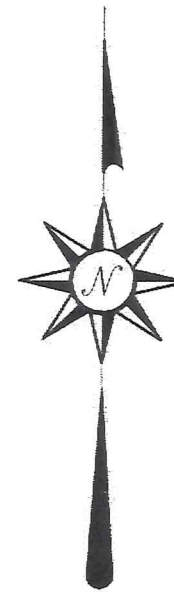
PETITIONER'S
EXHIBIT NO. 1

4102 BENSON AVENUE
BALTIMORE COUNTY
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
MARYLAND

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 50'
	DATE:	JOB NO.:	SHEET NO.:
	12-07-19	18053	1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16557, EXPIRATION DATE: 06-15-2021





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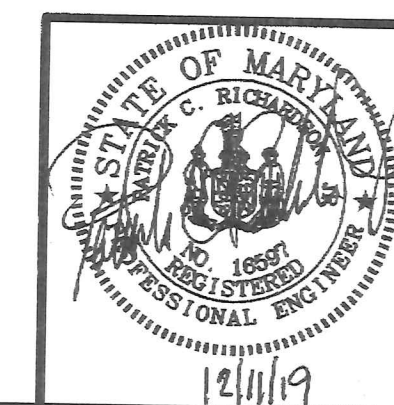
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RICK@RICHARDSONENGINEERING.NET

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13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

DRAWN BY: LNR	CHECKED BY: PCR	SCALE: 1" = 50'
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NUMBER 16597, EXPIRATION DATE: 08-15-2021