

M E M O R A N D U M

DATE: April 27, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0014-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on April 16, 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

(1141 Berrymans Lane)

4th Election District

4th Council District

Jay M. Simonds, LLC

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2020-0014-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Jay M. Simonds, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from §§ 1A06.3.B.1 and 1A06.4.A.4 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to allow an outdoor storage area to be located in front of the existing buildings on the property in lieu of the required location to the side or rear of the existing buildings; (2) to allow a site gross floor area of all buildings of 4,632 square feet in lieu of the maximum site gross floor area of 3,000 square feet; (3) to allow a lot size of 2.816 acres +/- in lieu of the maximum lot size of 2 acres; and (4) to allow a lot impervious coverage (includes outdoor storage area) of 29.4% in lieu of the maximum lot impervious coverage of 20%.

Jay M. Simonds appeared in support of the petition. Edward J. Gilliss, Esq. represented Petitioner. John Motsco, a licensed engineer also attended the hearing and a site plan that he prepared was admitted as Petitioner's Exhibit 1. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee ("ZAC") comments were received from any of the reviewing County agencies. However, the file contains correspondence from People's Counsel and from Mr. Gilliss

ORDER RECEIVED FOR FILING

Date 3/17/2020

By Sen

concerning the planned use at the site. In his letter of February 19, 2020 Mr. Gilliss had stated, among other things, that "[t]he purpose of the Petition and the planned hearing is to confirm that despite the size and shape of the parcel, going forward, those uses permitted in an RCC zone are lawful on this site." By letter dated March People's Counsel expressed concern about the "open-ended" petition for a variance that would allow all permitted uses in the zone. As People's Counsel correctly noted, in order for a proper legal analysis to be done, a variance request must identify the specific use that is proposed. At the hearing Mr. Gilliss acknowledged this and I allowed him to orally amend the variance petition to state that the proposed use is a Garden Center, which is permitted by right in the RCC zone.

The site is approximately 2.81 acres in size and is split-zoned RCC, RC-4, RC-5 and BL CR. In Case No. 95-77-A the Deputy Zoning Commissioner granted variances to the parking regulations and to allow crusher run paving. In that case the Petitioner (Jay Simonds, the same Petitioner as in this case) explained that the dimensions, soils, and septic issues at the site make the site unique and required the parking to be located in the front of the property. The variances were granted on that basis and the site was used as a nursery and garden center for many years thereafter. According to Mr. Gilliss the business recently ceased operating but Mr. Simonds wishes to re-open the Garden Center business and wishes to confirm that all the structures and operations at the site will be permitted.

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).

ORDER RECEIVED FOR FILING

Date 3/17/2020

By Den

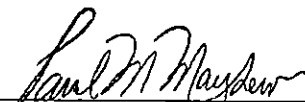
As noted above, the site's irregular trapezoid shape, and its soil and septic issues make it unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to re-open the Garden Center. Finally, I find that the variance can be granted 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 17th day of **March, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Baltimore County Zoning Regulations pursuant to §§ 1A06.3.B.1 and 1A06.4.A.4 as follows: To allow a Garden Center; and, (1) to allow an outdoor storage area to be located in front of the existing buildings on the property in lieu of the required location to the side or rear of the existing buildings; (2) to allow a site gross floor area of all buildings of 4,632 square feet in lieu of the maximum site gross floor area of 3,000 square feet; (3) to allow a lot size of 2.816 acres +/- in lieu of the maximum lot size of 2 acres; and (4) to allow a lot impervious coverage (includes outdoor storage area) of 29.4% in lieu of the maximum lot impervious coverage of 20%, 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.

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
ORDER RECEIVED FOR FILING
Date 3/17/2020
By Sen



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1141 Berrymans Lane which is presently zoned RCC/RC5/BL-CR
 Deed References: 29765/424 10 Digit Tax Account # 2 3 0 0 0 0 8 5 9 1
 Property Owner(s) Printed Name(s) Jay M. Simonds, 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)

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:

N/A
 Name- Type or Print
 Signature
 Date 3/17/2020
 Mailing Address City State
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward J. Gilliss
 Name- Type or Print
 Signature
102 W. Pennsylvania Ave., Ste. 600, Towson, MD
 Mailing Address City State
21204 / 410-823-1800 / egilliss@rmmr.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Jay M. Simonds, LLC /
 Name #1 - Type or Print Name #2 - Type or Print
 by Jay M. Simonds
 Signature #1 Signature #2
5701 Deer Park Road Reisterstown MD
 Mailing Address City State
21136 / 410-790-8500 / jay@simondsnursery.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Edward J. Gilliss
 Name - Type or Print
 Signature
102 W. Pennsylvania Ave., Ste. 600, Towson, MD
 Mailing Address City State
21204 / 410-823-1800 / egilliss@rmmr.com
 Zip Code Telephone # Email Address

CASE NUMBER 20-0014-A Filing Date 1/15/20 Do Not Schedule Dates: Reviewer gh

REV. 10/4/11

Drop-off
 (10 re. 10.1)

Petition for Variance re 1141 Berrymans Lane

REQUESTED RELIEF

- I. VARIANCE FROM SECTION 1A06.3 BCZR AS FOLLOWS:
 - A. VARIANCE FROM SECTION 1A06.3.B.1 TO ALLOW AN OUTDOOR STORAGE AREA TO BE LOCATED IN FRONT OF THE EXISTING BUILDINGS ON THE PROPERTY IN LIEU OF THE REQUIRED LOCATION TO THE SIDE OR REAR OF THE EXISTING BUILDINGS; AND
 - B. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.
- II. VARIANCES FROM SECTION 1A06.4 BCZR AS FOLLOWS:
 - A. VARIANCE FROM SECTION 1A06.4.A.4 BCZR TO ALLOW A SITE GROSS FLOOR AREA OF ALL BUILDINGS OF 4,632 SF IN LIEU OF THE MAXIMUM SITE GROSS FLOOR AREA OF 3,000 SF; AND
 - B. VARIANCE FROM SECTION 1A06.4.A.5 BCZR TO ALLOW A LOT SIZE OF 2.816 AC.± IN LIEU OF THE MAXIMUM LOT SIZE OF 2 ACRES; AND
 - C. VARIANCE FROM SECTION 1A06.4.A.6 BCZR TO ALLOW A LOT IMPERVIOUS COVERAGE (INCLUDES OUTDOOR STORAGE AREA) OF 29.4% IN LIEU OF THE MAXIMUM LOT IMPERVIOUS COVERAGE OF 20.0%; AND
 - D. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

20-0014-A
Drop-off
No review

January 14, 2020

ZONING DESCRIPTION FOR
#1141 BERRYMANS LANE

Beginning at a point in the center of Deer Park Road, which has a variable width, at the distance of 92 feet west of the centerline of Berrymans Lane, which has a variable width. Thence the following courses and distances: **(1)** by a curve to the left having a radius of 293.82 feet, an arc length of 132.53 feet and a chord bearing North 81 degrees 00 minutes 27 seconds East 131.41 feet; thence **(2)** North 68 degrees 05 minutes 10 seconds East 171.27 feet; thence **(3)** by a curve to the left having a radius of 5729.58 feet, an arc length of 333.06 and a chord bearing North 66 degrees 25 minutes 15 seconds East 333.01 feet; thence **(4)** North 64 degrees 45 minutes 20 seconds East 49.61 feet; thence **(5)** South 26 degrees 02 minutes 12 seconds East 1.23 feet; thence **(6)** North 63 degrees 57 minutes 47 seconds East 89.50 feet; thence **(7)** South 26 degrees 02 minutes 13 seconds East 85.00 feet; thence **(8)** South 44 degrees 49 minutes 43 seconds West 567.02 feet; thence **(9)** North 53 degrees 24 minutes 40 seconds West 315.00 feet; and thence **(10)** North 82 degrees 29 minutes 40 seconds West 105.26 feet to the place of beginning.

Being the secondly described parcel of land as recorded in Deed Liber R.D.A., Jr. 29765 folio 424, containing 2.816 acres of land, more or less. Located in the Fourth Election District and Third Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2022

20-0014-A

January 14, 2020

ZONING DESCRIPTION FOR
#1141 BERRYMAN'S LANE

Beginning at a point in the center of Deer Park Road, which has a variable width, at the distance of 92 feet west of the centerline of Berrymans Lane, which has a variable width. Thence the following courses and distances: **(1)** by a curve to the left having a radius of 293.82 feet, an arc length of 132.53 feet and a chord bearing North 81 degrees 00 minutes 27 seconds East 131.41 feet; thence **(2)** North 68 degrees 05 minutes 10 seconds East 171.27 feet; thence **(3)** by a curve to the left having a radius of 5729.58 feet, an arc length of 333.06 and a chord bearing North 66 degrees 25 minutes 15 seconds East 333.01 feet; thence **(4)** North 64 degrees 45 minutes 20 seconds East 49.61 feet; thence **(5)** South 26 degrees 02 minutes 12 seconds East 1.23 feet; thence **(6)** North 63 degrees 57 minutes 47 seconds East 89.50 feet; thence **(7)** South 26 degrees 02 minutes 13 seconds East 85.00 feet; thence **(8)** South 44 degrees 49 minutes 43 seconds West 567.02 feet; thence **(9)** North 53 degrees 24 minutes 40 seconds West 315.00 feet; and thence **(10)** North 82 degrees 29 minutes 40 seconds West 105.26 feet to the place of beginning.

Being the secondly described parcel of land as recorded in Deed Liber R.D.A., Jr. 29765 folio 424, containing 2.816 acres of land, more or less. Located in the Fourth Election District and Third Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2022

20-0014-A

ZONING

#2

NOTICE

CASE # 2020-0014-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
405 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRIDAY, MARCH 13, 2020 10 AM

REQUEST: VARIANCE TO ALLOW AN OUTDOOR STORAGE
AREA TO BE LOCATED IN FRONT OF THE EXISTING
BUILDINGS ON THE PROPERTY IN LIEU OF THE REQUIRED
LOCATION TO THE SIDE OR REAR OF THE EXISTING
BUILDINGS AND ANY ADDITIONAL RELIEF AS MAY BE
DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.
PER SECTION 1A06H4.A.4 BC2R TO ALLOW A SITE GROSS
FLOOR AREA OF ALL BUILDINGS OF 4,632 SF IN LIEU OF
THE MAXIMUM SITE GROSS FLOOR AREA OF 5,000 SF AND
TO ALLOW A LOT SIZE OF 2.876 ACRES IN LIEU OF THE
MAXIMUM LOT SIZE OF 2 ACRES AND TO ALLOW A LOT
IMPERVIOUS COVERAGE (INCLUDES OUTDOOR STORAGE AREA)
OF 29.4% IN LIEU OF THE MAXIMUM LOT IMPERVIOUS
COVERAGE OF 26.0% AND ANY ADDITIONAL RELIEF AS
MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW
JUDGE.

DO NOT BE MOVED TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 410-733-3321
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2020-0014-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: FRIDAY MARCH 13, 2020 10 AM

REQUEST: VARIANCE TO ALLOW AN OUTDOOR STORAGE AREA TO BE LOCATED IN FRONT OF THE EXISTING BUILDINGS ON THE PROPERTY IN LIEU OF THE REQUIRED LOCATION TO THE SIDE OR REAR OF THE EXISTING BUILDINGS; AND ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. PER SECTION 1A06.4.A.4 BCZR: TO ALLOW A SITE GROSS FLOOR AREA OF ALL BUILDINGS OF 4,632 SF IN LIEU OF THE MAXIMUM SITE GROSS FLOOR AREA OF 3,000 SF; AND TO ALLOW A LOT SIZE OF 2.816 AC± IN LIEU OF THE MAXIMUM LOT SIZE OF 2 ACRES; AND TO ALLOW A LOT IMPERVIOUS COVERAGE (INCLUDES OUTDOOR STORAGE AREA) OF 29.4% IN LIEU OF THE MAXIMUM LOT IMPERVIOUS COVERAGE OF 20.0%; AND ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 3-8-20

RE: Case Number: 2020-0014-A RECERT

Petitioner/Developer: Simonds

Date of Hearing/Closing: 3-13-20 10 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1141 Berryman Lane

The signs(s) were posted on RECERT 3-8-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

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:

2/21/2020

Order #: 11855645
Case #: 2020-0014-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0014-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: 2020-0014-A

1141 Berrymans Lane

Center of point at Deer Park Road, west of centerline of Berrymans Lane

4th Election District

Legal Owners: Jay M. Simonds, LLC

Variance to allow an outdoor storage area to be located in front of the existing buildings on the property in lieu of the required location to the side or rear of the existing buildings and any additional relief as may be deemed necessary by the administrative law judge. Per section 1A06.4.A.4 BCZR To allow a site gross floor area of all buildings of 4,632 SF in lieu of the maximum site gross floor area of 3,000 SF and, to allow a lot size of 2.816 AC +/- in lieu of the maximum lot size of 2 acres and, to allow a lot impervious coverage (includes outdoor storage area) of 29.4% in lieu of the maximum lot impervious coverage of 20.0% and additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, March 13, 2020 at 10:00 a.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 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

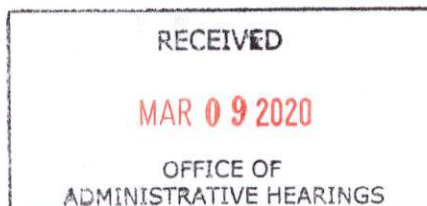
121

PM 3-13
10 Am

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Sunday, March 8, 2020 11:24 AM
To: Administrative Hearings; Christopher Prescop; Kristen L Lewis
Subject: 2020-0014-A 1141 Berrymans Lane
Attachments: Simonds Recert.pdf; DSC_1010.JPG; DSC_1011.JPG

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



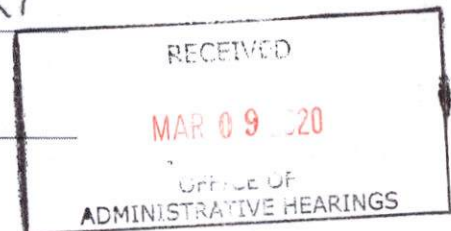
CERTIFICATE OF POSTING

Date: 3-8-20

RE: Case Number: 2020-0014-A RECERT

Petitioner/Developer: Simonds

Date of Hearing/Closing: 3-13-20 10AM



This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1141 Berryman Lane

The signs(s) were posted on RECERT 3-8-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

RECEIVED

MAR 09 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

ZONING #2 NOTICE

CASE # 2020-0014-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE

IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 WEST CHESAPEAKE AVE., TOWSON, MD 21204

DATE AND TIME: FRIDAY, MARCH 13, 2020 10 AM

REQUEST: VARIANCE TO ALLOW AN OUTDOOR STORAGE
AREA TO BE LOCATED TO THE FRONT OF THE EXISTING
BUILDING ON THE PROPERTY OF THE EXISTING
BUSINESS AND TO BE USED FOR THE EXISTING
BUSINESS PURPOSES.

THE PROPOSED VARIANCE REQUEST MAY BE
APPROVED BY THE ADMINISTRATIVE LAW JUDGE
ON MARCH 13, 2020 AT 10 AM. THE VARIANCE
REQUESTOR MUST BE PRESENT AT THE HEARING
OR HAVE A REPRESENTATIVE PRESENT. THE
VARIANCE REQUESTOR MUST BE PRESENT AT THE
HEARING OR HAVE A REPRESENTATIVE PRESENT.
THE VARIANCE REQUESTOR MUST BE PRESENT AT
THE HEARING OR HAVE A REPRESENTATIVE PRESENT.
THE VARIANCE REQUESTOR MUST BE PRESENT AT
THE HEARING OR HAVE A REPRESENTATIVE PRESENT.

IF YOU ARE NOT PRESENT AT THE HEARING, THE
VARIANCE REQUEST WILL BE DENIED. THE
VARIANCE REQUESTOR MUST BE PRESENT AT
THE HEARING OR HAVE A REPRESENTATIVE PRESENT.
THE VARIANCE REQUESTOR MUST BE PRESENT AT
THE HEARING OR HAVE A REPRESENTATIVE PRESENT.

ADMINISTRATIVE LAW JUDGE
JENNIFER L. HARRIS

CERTIFICATE OF POSTING

Date: 2-20-20

RE: Case Number: 2020-0014-A

Petitioner/Developer: Simonds

Date of Hearing/Closing: 3-13-20 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1141 Berryman Lane

The sign(s) were posted on 2-20-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

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(Street Address of Sign Poster)

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(City, State, Zip Code of Sign Poster)

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ZONING NOTICE

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IN TOWSON, MD

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL: 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2020-0014-A

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TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE
1141 Berrymans Lane; Center of Deer Park
Road, 92' W of c/line of Berrymans Lane
4th Election & 4th Councilmanic Districts
Legal Owner(s): Jay M. Simonds, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2020-014-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 28 2020

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 28th day of January, 2020, a copy of the foregoing Entry of Appearance was mailed to Edward Gilliss, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

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

February 11, 2020

NOTICE OF ZONING HEARING

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4th Election District

Legal Owners: Jay M. Simonds, LLC

Variance to allow an outdoor storage area to be located in front of the existing buildings on the property in lieu of the required location to the side or rear of the existing buildings and any additional relief as may be deemed necessary by the administrative law judge. Per section 1A06.4.A.4 BCZR To allow a site gross floor area of all buildings of 4,632 SF in lieu of the maximum site gross floor area of 3,000 SF and, to allow a lot size of 2.816 AC +/- in lieu of the maximum lot size of 2 acres and, to allow a lot impervious coverage (includes outdoor storage area) of 29.4% in lieu of the maximum lot impervious coverage of 20.0%, and additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, March 13, 2020 at 10:00 a.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: Edward Gillis, 102 W. Pennsylvania Avenue, Rm. 600, Towson 21204
Jay Simonds, 5701 Deer Park Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 22, 2020.**
- (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, February 21, 2020 – Issue

Please forward billing to:
Edward Gilliss
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

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: 2020-0014-A

1141 Berrymans Lane

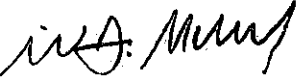
Center of point at Deer Park Road, west of centerline of Berrymans Lane

4th Election District

Legal Owners: Jay M. Simonds, LLC

Variance to allow an outdoor storage area to be located in front of the existing buildings on the property in lieu of the required location to the side or rear of the existing buildings and any additional relief as may be deemed necessary by the administrative law judge. Per section 1A06.4.A.4 BCZR To allow a site gross floor area of all buildings of 4,632 SF in lieu of the maximum site gross floor area of 3,000 SF and, to allow a lot size of 2.816 AC +/- in lieu of the maximum lot size of 2 acres and, to allow a lot impervious coverage (includes outdoor storage area) of 29.4% in lieu of the maximum lot impervious coverage of 20.0%, and additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, March 13, 2020 at 10:00 a.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.



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 3, 2020

Edward J. Gilliss,
102 W. Pennsylvania Ave Ste 600
Towson MD 21204

RE: Case Number: 2020-0014-A, 1141 Berrymans Lane

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 February 5, 2020. 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.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Jay M. Simonds LLC 5701 Deer Park Road Reisterstown MD 21136

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

DATE: 02/10/2020

FROM: Vishnu Desai, Supervisor 
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 27, 2020
Item No. 2020-0009-A, 0010-A, 0012-A, 0013-A, 0014-A, 0015-A &
0016-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 2/7/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-014



INFORMATION:

Property Address: 1141 Berrymans Lane
Petitioner: Jay M. Simonds, LLC
Zoning: RCC, RC 4, RC 5, BL-CR
Requested Action: Variance

The Department of Planning has reviewed the petition for:

1. a variance from §1A06.3.B.1 of the Baltimore County Zoning Regulations (BCZR) to allow an outdoor storage area to be located in front of the existing buildings on the property in lieu of the required location to the side or rear of the existing buildings;
2. a variance from §1A06.4.A.4 BCZR to allow a site gross floor area of all buildings of 4,632 square feet in lieu of the maximum site gross floor area of 3,000 square feet;
3. a variance from §1A06.4.A.5 BCZR to allow a lot size of 2.816 acres in lieu of the maximum lot size of 2 acres;
4. a variance from §1A06.4.A.6 BCZR to allow a lot impervious coverage (includes outdoor storage area) of 29.4% in lieu of the maximum lot impervious coverage of 20%; and
5. any additional relief as may be deemed necessary by the administrative law judge

A site visit was conducted on January 30, 2020. The site is currently vacant but was formerly a garden center/nursery. The site is improved with a retail building/office, greenhouse, and parking. Deer Park Road is a county scenic road.

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

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

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

Date: 2/7/2020
Subject: ZAC # 20-014
Page 2

c: Megan Benjamin
Edward J. Gilliss
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/7/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-014

INFORMATION:

Property Address: 1141 Berrymans Lane
Petitioner: Jay M. Simonds, LLC
Zoning: RCC, RC 4, RC 5, BL-CR
Requested Action: Variance

The Department of Planning has reviewed the petition for:

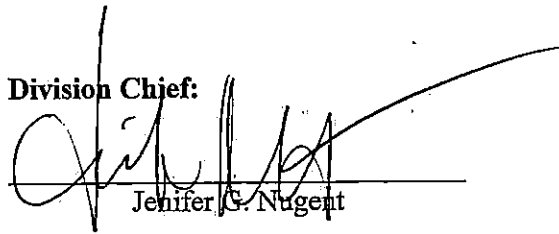
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Division Chief:

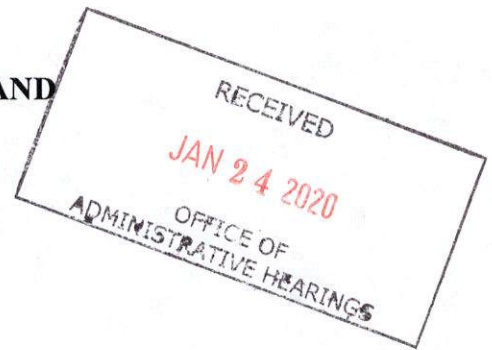


Jennifer G. Nugent

CPG/JGN/kma/

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 24, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0014-A
Address 1141 Berrymans Lane
(Jay M. Simonds, LLC Property)

Zoning Advisory Committee Meeting of **January 27, 2020.**

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 24, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0014-A
Address 1141 Berrymans Lane
(Jay M. Simonds, LLC Property)

Zoning Advisory Committee Meeting of **January 27, 2020**.

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: 1/21/20

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. 2020-0014-A

Variance

W.M. Simonds, LLC
1141 Berryman's Lane

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

CASE NAME JAY M. SIMMONS, LLC
CASE NUMBER 2020-014-A
DATE 03.13.2020

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment2/10DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment1/24DEPS
(if not received, date e-mail sent _____)No Comment2/19FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)No Objection1/21

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/21/2020 THE Daily RecordSIGN POSTING (1st) Date: 2/20/2020 by PulsonSIGN POSTING (2nd) Date: 3/8/2020 by PulsonPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☒ No ☐

Comments, if any: _____



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

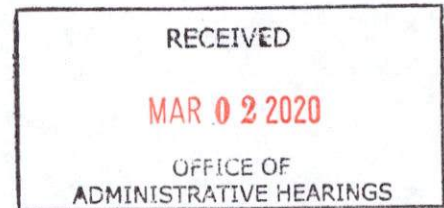
CAROLE S. DEMILIO
Deputy People's Counsel

March 2, 2020

HAND DELIVERED

Paul M. Mayhew, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Jay M. Simmonds
1141 Berrymans Lane
Case No. 2020-014-A



Dear Judge Mayhew,

This relates to the February 19, 2020 letter from Edward J. Gilliss, attorney for Petitioner.

Upon review of this petition for variances, as noted in his letter, I called him to ask for identification of the proposed land use. There is no identification in the petition or site plan. He advised that the plan is to revive a nursery. His letter also states that he wishes to establish that uses permitted in the R.C.C. (Commercial) Zone are lawful on this site. Following his letter, we spoke again. This is the gist of my concerns, which we discussed.

My initial concern was that a petition for variances is use-specific. The "practical difficulty" criteria include whether the grant "would do substantial justice to the applicant as well as to other property owners in the district" and "the spirit of the ordinance will be observed and the public safety and welfare secured." Trinity Assembly of God v. People's Counsel 407 Md. 53, 83-84 (2008). To evaluate these criteria, along with uniqueness and the reasonable use, it is necessary to know the proposed use and site plan. Therefore, it would not be appropriate to have an open-ended petition for variances for every potential use in the district, and furthermore without regard to a specific site plan.

We discussed an additional concern. I checked the R.C.C. Zone to review the permitted uses. BCZR Sec. 1A06.2. The relevant permitted use here may be "Garden Center." It is defined in BCZR Sec. 101.1. This definition relates to retail customers. A garden center is permitted by right in the R.C.C. Zone. BCZR Sec. 1A06.2.A.1.

But the R.C.C. Zone has no listing of a permitted use for a nursery either by right or special exception. I found that "Nursery, Horticultural" is defined in BCZR Sec. 101.1 and is permitted by special exception in the R.C. 2, R.C. 3, R.C. 4, R.C. 5, R.C. 7, and R.C. 8 Zones. There are

PM 3-13-2020
10 AM

Paul Mayhew, Managing Administrative Law Judge

March 2, 2020

Page 2

additional standards in BCZR Sec. 404.2. The BCZR Sec. 101.1 definition of "Nursery, Horticultural" appears to be broader in scope than that for "Garden Center."

The bottom line is that the petition for variances should relate to the permitted garden center use, and any approval be specified as such. Within that scope, our office is not at this time stating a position on the merits of the requested variances.

In the course of review, George Harman communicated that he is interested in the case. He is active in the community, including work with the Reisterstown-Owings-Mills-Glyndon Community Council, also called ROG. Therefore, I am sending him a copy of this letter.

I hope this letter is of assistance in the review of this case.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Edward J. Gilliss, Esquire
George Harman

ROYSTON

ROYSTON, MUELLER, McLEAN & REID, LLP

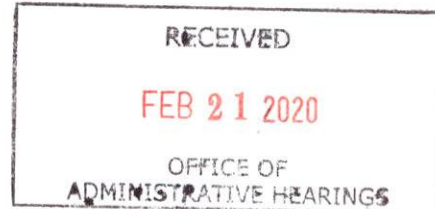
Edward J. Gilliss, Esq.
egilliss@rmmr.com

The Royston Building
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Tel: 410.823.1800
Fax: 410.828.7859
www.rmmr.com

February 19, 2020

Paul M. Mayhew, Esquire
Managing Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Case No. 2020-0014-A
1141 Berrymans Lane
Center of point at Deer Park Road, west of centerline of Berrymans Lane
4th Election District
Legal Owners: Jay M. Simonds, LLC

Dear Judge Mayhew:

This letter concerns the above-captioned matter.

I write because People's Counsel, Peter Max Zimmerman and I recently spoke about the Petition now set for a hearing on March 13, 2020.

Mr. Zimmerman inquired about what the planned use of the property was and in light of his inquiry I thought it best to write and clarify the purpose of the Petition.

Most recently, and for many years, the property at issue was used as a nursery and landscape center. Although it is now inactive, it is expected that the property will again be used as a nursery and landscape center in the near term. Should use change, future use will be limited to those uses permitted in the Baltimore County Zoning Regulations in an RCC zone.

The purpose of the Petition and the planned hearing is to confirm that despite the size and shape of the parcel, going forward, those uses permitted in an RCC zone are lawful on this site.

Thanks for your cooperation.

Very truly yours,

Edward J. Gilliss

EJG/vrk

cc: Peter Max Zimmerman, Esquire, People's Counsel

3-13-20
2020-0014-A

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 04 Account Number - 2300008591		
Owner Information		
Owner Name:	JAY M SIMONDS LLC	Use: COMMERCIAL Principal Residence: NO
Mailing Address:	5715 DEER PARK RD REISTERSTOWN MD 21136-6023	Deed Reference: /29765/ 00424
Location & Structure Information		
Premises Address:	1141 BERRYMAN'S LN 0-0000	Legal Description: 2.8163 AC 1141 BERRYMAN'S LN SS BERRYMAN'S RD
Map:	Grid:	Parcel:
0057	0015	0596
Neighborhood:	Subdivision:	Section:
20000.04	0000	
Block:	Lot:	Assessment Year:
		2020
Plat No:		Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1998	2,000 SF	
Property Land Area	County Use	
2.8100 AC	06	
Stories	Basement	Type
		DISCOUNT WAREHOUSE
Exterior	Quality	Full/Half Bath
/	C3	
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2020
Land:	277,600	277,600
Improvements	121,800	135,300
Total:	399,400	412,900
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2019
		As of
		07/01/2020
		399,400
		403,900
Transfer Information		
Seller: SIMONDS JOEL M	Date: 08/12/2010	Price: \$340,000
Type: ARMS LENGTH MULTIPLE	Deed1: /29765/ 00424	Deed2:
Seller: SIMONDS JOEL M	Date: 06/15/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /20237/ 00484	Deed2:
Seller: SIMONDS NURSERY INC	Date: 10/04/2000	Price: \$245,500
Type: ARMS LENGTH IMPROVED	Deed1: /14732/ 00364	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
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 Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

John Motsco P.E.

Maryland Professional Engineer License Number 44112

10710 Gilroy Road Hunt Valley, MD 21031

410-705-5020 jmotsco@centuryeng.com

Technical Skills

AutoCAD 2004, 2007
HEC-RAS

TR-20, TR-55
eONE Design Assistant 8.0

HEC-HMS
Microsoft Office

Technical Knowledge

Septic System Design
Floodplain analyses
Storm Drain Hydrology and Hydraulics
Geometric Road Design
Site Grading

Pressure Sewer Design
Sediment Control Design
Environmental Site Design
Stormwater Management Design
Erosion and Sediment Control

Work Experience

Little & Associates, a Division of Century Engineering, Inc., Hunt Valley, MD

Senior Project Engineer / Manager

April 2019 - Current

Little & Associates, Inc., Towson, MD – Senior Project Engineer / Manager

September 2004 – April 2019

Schedule, design, and manage all engineering, permitting and public contract administration, for a variety of residential and commercial projects, supervising a group of 6 – 9 junior engineers and CADD draftsmen. Act as the primary liaison between Investors, Construction Superintendents, and Government Agencies. Provide construction inspection and Utility As-Built documentation for security reduction and contract suitability.

Provide expert testimony in matters of Land Development, Land Planning, Zoning, Stormwater Management, and Engineering. Accepted as an expert witness by the Baltimore County Administrative Law Judge and the Baltimore County Board of Appeals

Instruct New Hires in company policy and procedures aid familiarity with corporate and governmental design standards. Train employees in basic and advanced AutoCAD commands and techniques. Revised CAD layering standards to comply with AIA standards and coordinated rollout company wide. Supervise Workstation and Networking maintenance and upgrades. Perform repairs and maintenance on large format printer. Manage web-based E-Mail server.

Education

The Pennsylvania State University

Bachelors of Science – Civil Engineering – Graduated May 2004

Training, Certifications and Awards

Maryland Professional Engineer License Number 44112

State of Maryland – Erosion & Sediment Control (Green Card) Certification

Baltimore County Soil Conservation District Consulting Firm of the Year – 2004, 2005 & 2016

Maximizing AutoCAD Productivity Seminar

EXHIBIT NO.

PETITIONER'S

3

IN RE: PETITION FOR VARIANCE
NE/Corner Berrymans Lane and
Deer Park Road
(1141 Berrymans Lane)
4th Election District
3rd Councilmanic District

Joel M. Simonds, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-77-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1141 Berrymans Lane, located in the Reisterstown area of northwestern Baltimore County. The Petition was filed by the owners of the property, Joel M. and Xandra L. Simonds. The Petitioners seek relief from Sections 1A06.2.C.4 and 409.8.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking to be located in the front yard in lieu of the required rear yard and crusher run parking surface in lieu of the required durable-dustless surface. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Joel and Xandra Simonds, property owners, and Lloyd Reynolds. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.8163 acres, zoned R.C.C., and is located at the intersection of Berrymans Lane and Deer Park Road. The Petitioners are desirous of utilizing the subject site as a nursery and propose constructing a one-story nursery/retail building with associated parking. Testimony indicated that due to the locations of the required septic field and the entrance to the site from Berrymans Lane, the proposed building

ORDER RECEIVED FOR FILING
Date 10/13/94
By [Signature]

MICROFILMED

and associated parking had to be situated on the property in the locations shown on Petitioner's Exhibit 1. As a result, the requested variances are necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the pub-

ORDER RECEIVED FOR FILING

Date

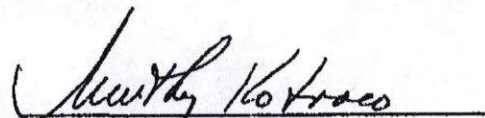
By

lic health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1994 that the Petition for Variance seeking relief from Sections 1A06.2.C.4 and 409.8.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking to be located in the front yard in lieu of the required rear yard and crusher run parking surface in lieu of the required durable-dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County and comply with any planting requirements which may be imposed.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

MAILED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 13, 1994

Mr. & Mrs. Joel M. Simonds
616 Church Road
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
NE/Corner Berrymans Lane and Deer Park Road
(1141 Berrymans Lane)
4th Election District - 3rd Councilmanic District
Joel M. Simonds, et ux - Petitioners
Case No. 95-77-A

Dear Mr. & Mrs. Simonds:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lloyd W. Reynolds
12800 Gores Mill Road, Reisterstown, Md. 21136

People's Counsel

File



RECEIVED
OCT 14 1994



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

95-77-A
1141 Berrymans Lane
Reisterstown 4th Elec. Dist.
which is presently zoned R.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A06.2.C.4, 409.8.A

To allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

(SEE ENCLOSED PAGE)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner,

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

(We do 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 Petition.

Legal Owner(s).

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 8-24-94

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

Petition for Variance
Simonds Property
1141 Berryman's Lane
Reisterstown, Md 21136

95-77-A

REASONS FOR VARIANCE:

1. The shape, configuration, topography and underlying soil conditions of the lot combined with the intended use make it highly impractical to locate the required parking entirely to the side and/or rear of the building:
 - a. The only portion of the lot that will perc is that portion where the septic reserve is located. Therefore to maintain gravity flow to the Septic area the building can not be located further to the right (west) than it is. To move the building further to the left (east) than it is would force the building further into the narrowest part of the lot thereby constricting the business, minimizing the ability to adequately landscape and screen; and greatly reducing the prime visual impact it will make as now sited.
 - b. The entrance cannot be located anywhere else, because of sight distance restrictions and close proximity to the intersection of Berryman's Lane and Deer Park Road. The entrance is now proposed at a slight crest in Berryman's Lane affording a very safe and sensible point of ingress and egress.
 - c. Combining the logic of (a) and (b) above, the location of the entrance must be directly in front of the building which then forces the location of the building toward the rear portion of the lot.
 - d. There is not adequate space on the left side of building to provide for all the required parking there, thereby necessitating some be provided for on the right. The area immediately to the right of the building is the outside sales area. It must be there for business operational and security considerations. The only area remaining for parking is as shown unless considerably more of the lot be disturbed.
 - e. The owners of the property have lived in the area over 50 years, in the neighborhood for 28 years, own the farm opposite the site; and know and love the area. Parking as proposed at this site is in character with the neighborhood (both business and residences) and will not effect other R.C.C. zoned properties nearby since there are none.

#78

MICROFILMED

ZONING DESCRIPTION

95-77-A

Beginning at a point at the intersection of the centerline of Berryman's Lane, which is a proposed future seventy feet wide right-of-way, and the centerline of Deer Park Road, which is also a proposed future seventy feet wide right-of-way. Thence the following courses and distances:

by a curve to the left with a radius of 293.82 ft., an arc length of 132.53 ft., and a chord of N. 81°00'27" E. 131.41 ft.; thence N. 68°05'10" E. 171.27 ft.; thence by a curve to the left with a radius of 5729.58 ft., an arc length of 333.06 ft., and a chord of N. 66°25'15" E. 333.01 ft.; thence N. 64°45'20" E. 49.61 ft., N. 63°57'47" E. 89.50 ft., S. 26°02'13" E. 85.00 ft., S. 44°49'43" W. 567.02 ft., N. 53°24'40" W. 315.00 ft., and N. 82°29'40" W. 105.26 ft. to the place of beginning. Being "Tract A" as shown on a site development plan entitled "Simonds Property" as recorded in the Baltimore County Greenway Book SM 1/20, containing 2.8163 acres. Also known as 1141 Berryman's Lane and located in the 4th Election District.

78



MICROFILMED

[Handwritten signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-77-A

District 4th Date of Posting 9/17/94

Posted for: Variance

Petitioner: Joel & Xandra Simonds

Location of property: 1141 Berryman Lane, NE for Deer Park Rd

Location of Sign: Facing roadway on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 9/23/94
Signature

Number of Signs: 1

RECORDED



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15, 1994.

THE JEFFERSONIAN,

A. H. Hamilton

Editor

The Board of Zoning Appeals of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116 Old Courthouse 400 Washington Avenue Towson, Maryland 21204 as follows:

Case Number
8877-A (Item 7B)
1141 Borymans Lane
NEC Borymans Lane and
Deer Park Road
4th Election District
3rd Councilmanic
Precinct (C)

Joel M. Simonds and
Kendra L. Simonds
HEARING MONDAY
OCTOBER 3, 1994 at
11:00 a.m. in Rm. 116 Old
Courthouse

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable dustless surface, respectively.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTE: (1) Hearings are Hand-
loaded accessible for special
accommodations. Please Call
887-3363.

(2) For informa-
tion concerning the File and/or
Hearing, Please Call 887-3361.

9/19/94 September 19

RECORDED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-77-A

Account: R-001-6150

Item Number 78

Date 8-24-94

Owner: Joel M. Simonds

Site: 1141 Berryman's Lane

020 — Commercial Variance Filing Fee — 250.⁰⁰

080 — Sign & posting — 35.⁰⁰

Total — \$285.⁰⁰

MICROFILMED

02A02H0236M11 HRC

\$285.00

BA 0011132AND8-24-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 78

Petitioner: Same

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joel M. Timmonds

ADDRESS: 616 Church Rd.

Reisterstown, Md. 21136

PHONE NUMBER: 833-6821

AJ:ggs

MICROFILMED
(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY
September 15, 1994 Issue - Jeffersonian

Please forward billing to:

Joel M. Simonds
616 Church Road
Reisterstown, Maryland 21136
833-6821

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-77-A (Item 78)

1141 Barrymans Lane

NEC Barrymans Lane and Deer Park Road

4th Election District - 3rd Councilmanic

Petitioner(s): Joel M. Simonds and Yandra L. Simonds

HEARING: MONDAY, OCTOBER 3, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

COPY

(410) 887-3353

September 6 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-77-A (Item 78)
1141 Berrymans Lane
NEC Berrymans Lane and Deer Park Road
4th Election District - 3rd Councilmanic
Petitioner(s): Joel M. Simonds and Xandra L. Simonds
HEARING: MONDAY, OCTOBER 3, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow parking to be located in the front yard and crusher run parking surface in lieu of the required side and rear yard and durable-dustless surface, respectively.

Arnold Jablon
Director

cc: Joel and Xandra Simonds

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP 19 1994

Joel and Xandra Simonds
616 Church Road
Reisterstown, Maryland 21136

RE: Item No. 78, Case No. 95-77-A
Petitioner: Joel and Xandra Simonds

Dear Mr. & Mrs. Simonds:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 24, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggg



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: Sept. 15, 1994

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73

74

75

76

78

79

80

81

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: September 12, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Item No. 78

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the previous Landscape Manual review comments.

RWB:sw

RECEIVED
SEP 12 1994

ZADM

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/01/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP--1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 75 AND 78.

RECEIVED
SEP 2 1994

ZADM

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4081, MS-1102F



cc: File

Printed on Recycled Paper

95-771A
10/3

BALTIMORE COUNTY, MARYLAND

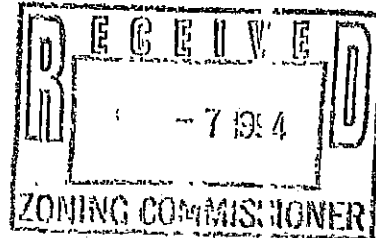
INTER-OFFICE CORRESPONDENCE

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: September 1, 1994

Subject: 1141 Berrymans Lane



INFORMATION:

Item No: 78
Petitioner: Joel M. Simonds
Property Size: _____
Zoning: R.C.C.
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff does not oppose the applicant's request provided the following conditions are met:

- Architectural elevations for the proposed building should be submitted to the Director of the Office of Planning and Zoning for approval prior to the issuance of any building permits.
- A landscape plan should be submitted for approval prior to final consideration of this matter.

Prepared by:

Jeffrey W. L.

Division Chief:

Carol L. Keras

JL
ZAC.78/PZONE/ZAC1

UNRECORDED



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 478 (JJS)

95-77

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

RE: PETITION FOR VARIANCE * BEFORE THE
1141 Berrymans Lane, NEC Berrymans * ZONING COMMISSIONER
Lane and Deer Park Road, 4th * OF BALTIMORE COUNTY
Election Dist., 3rd Councilmanic *
Joel M. and Kandra L. Simonds * CASE NO. 95-77-A
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Joel M. and Kandra L. Simonds, 616 Church Road, Reisterstown, MD 21136, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECORDED

Simonds Property
1141 Berrymans Lane
Reisterstown, Md. 21136

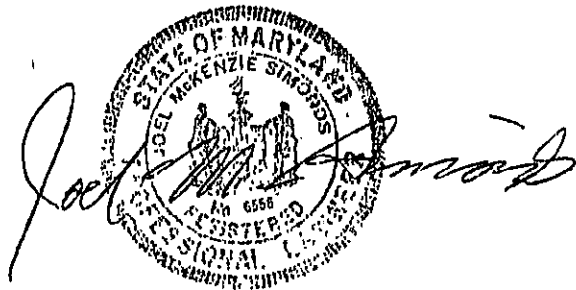
95-77-A

78

Aug. 22, 1994

I hereby certify that I personally dug test pits on the subject property on October 13, 1989 and recorded the data shown on the site plan as Test Pits # 1 thru # 5 and # 9. The test pits were dug with our own Model # 911 Backhoe mounted on a Bobcat Model # 843 Skid Loader. Refusal depths indicated are absolute refusals at bedrock (not boulders). Bed rock at the surface is clearly visible at the edge of the pavement at the intersection of Berrymans Lane and Deer Park Road. It is further noted that on our property on the north side of Berrymans Lane directly opposite these test pits the bed rock is 12-18 inches below the surface.

Joel M. Simonds, owner



RECORDED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Xandra L. Simonds

616 Church Rd.

Reisterstown, MD. 21136

Joel M. Simonds

"

Wesley W. Teywoods

12800 Goves Mill Road 21136



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on Recycled Paper

MICROFILMED

R.C. 2
ZONING MAP
NW K12
1"=200'

78

BL-CR

R.C.C.

R.C. 4

POND

DEER PARK ROAD

BERRYMAN'S

LANE

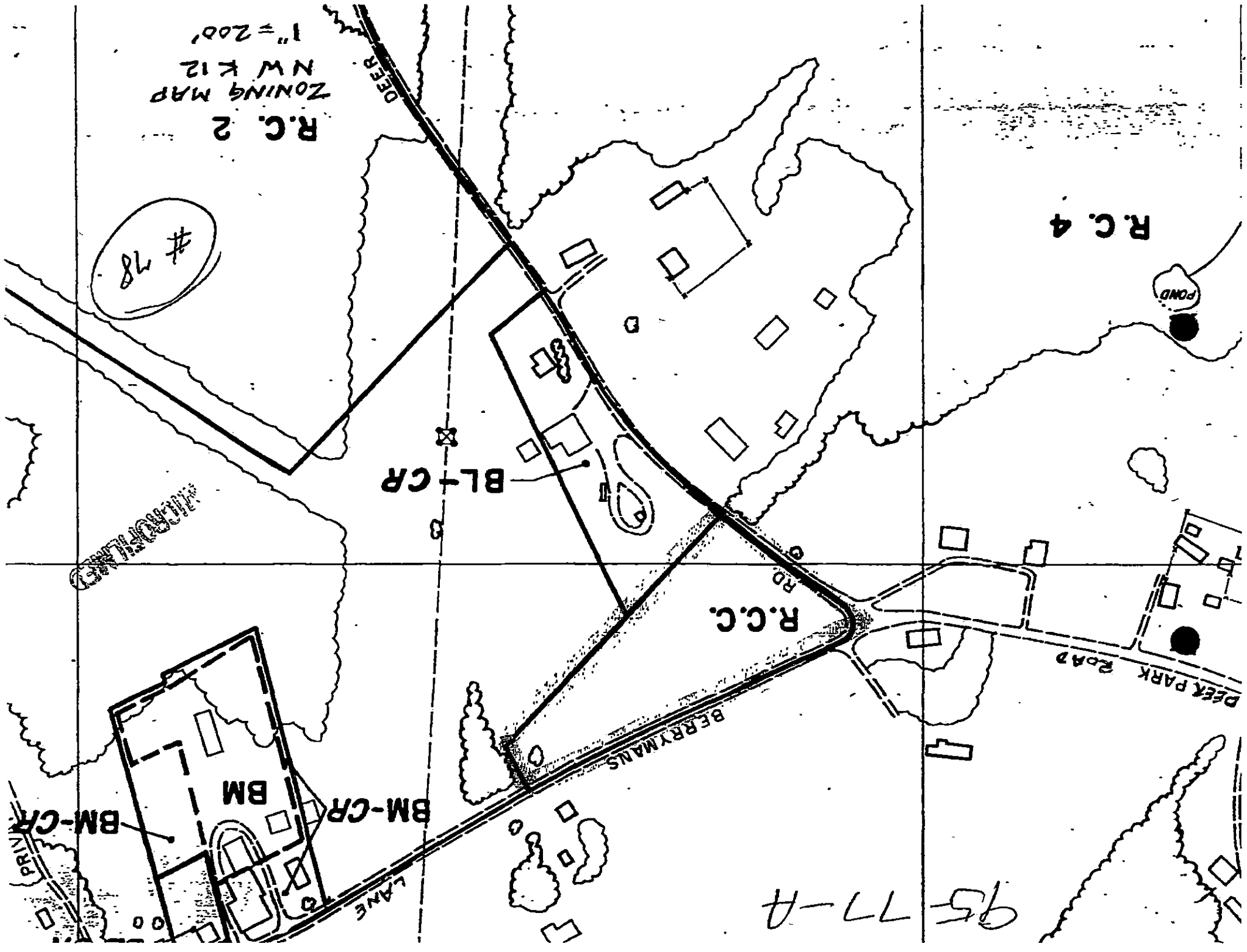
BM

BM-CR

BM-CR

PRIVATE

95-77-A



TURKEY-AMERICAN COMMERCE

RECORDED:
Item No: 78
Petitioner: JOSE M. SIMONE
Property Ref: _____
Zoning: F.C.C.
Requested Action: _____
Revised Date: _____

COMPANY OF IDENTIFICATIONS:

Based upon the information provided and analysis conducted, staff does not oppose the applicant's request provided the following conditions are met:

- Architectural elevations for the proposed building should be submitted to the Director of the Office of Planning and Zoning for approval prior to the issuance of any building permits.
- A landscape plan should be submitted for approval prior to final consideration of this matter.

Prepared by: John H. F.
Division Chief: Emory Lewis
JL
ENC. 18 (PHONE/MAIL)



Maryland Department of Transportation
State Highway Administration

Mr. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Winick:

This office has reviewed the referenced form and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration project.

Please contact Bob Small at 410-333-1150 if you have any questions.
Thank you for the opportunity to review this form.

Very early work:

for David Ramsey, Acting Chief
Engineering Access Permits
Division

B3

Do I have to provide a service?

Shipping Address: P.O. Box 919 • Baltimore, MD 21203-0719
 Phone Numbers: 202 338-2300 (Office) • Baltimore, Maryland 21201
 1-800-726-2226 (Outside US)

MR. PRYOR'S FOR VARIANCE	*	RECORD TWO
1141 Barryman Lane, SEC Barryman	"	
Lane and Over Park Road, 4th	"	NEWING COMMISSION
Electron Dist., 2nd Commission	"	
	"	OF BARRYMAN COUNTY
JOEL W. and ELLIOT L. SIMMONS	"	
Pettibone	"	CHAS. MO. 9-77-2

ETHY OF ATTRACTION

Please enter the appearance of the People's Counsel in the above-captioned matter. Justice should be kept of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final orders.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
Member's Council for Business Growth

Charles S. Demilio

CLARENCE M. O'NEILL
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Tomball, MD 21284
(301) 827-1100

2214167 **EN** **14510**

I HEREBY CERTIFY that on this 15th day of September, 1974, a copy of the foregoing Entry of Appearance was mailed to Joel H. and Sandra L. Slansky, 616 Church Road, Halesworth, MO 27126.

 Notarissimus.

Peter Hoffmann
PETER HOFFMANN

Blomquist Property
1141 Berryman Lane
Kilbucktown, NJ 07130
Aug. 27, 1994

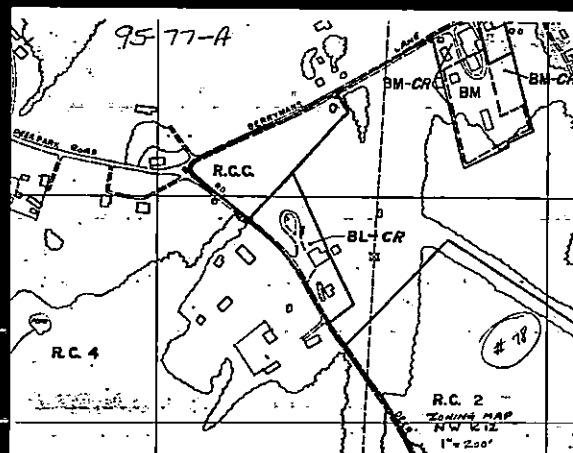
[illegible]

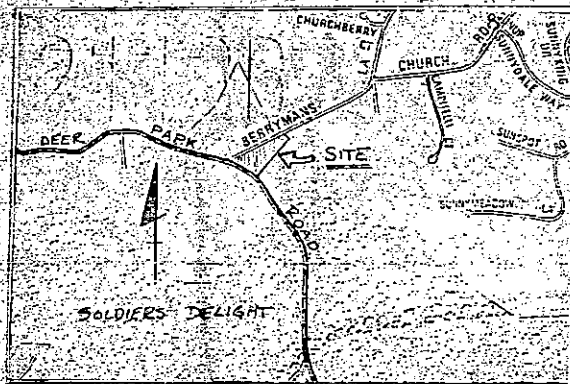
Joel W. Steward, m.p.



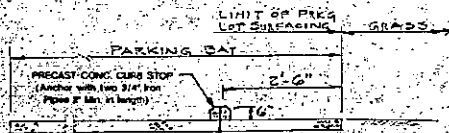
PLEASE PRINT CLEARLY

<u>NAME</u>	<u>ADDRESS</u>
<u>Central Simonds</u>	<u>614 Church Rd</u>
	<u>Reisterstown, MD 21138</u>
<u>Ford M Simonds</u>	<u>"</u>
<u>Woodward Simonds</u>	<u>13800 GORE MILL ROAD 21156</u>

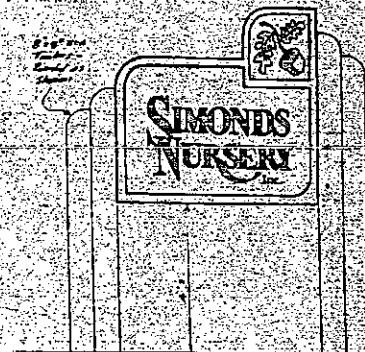
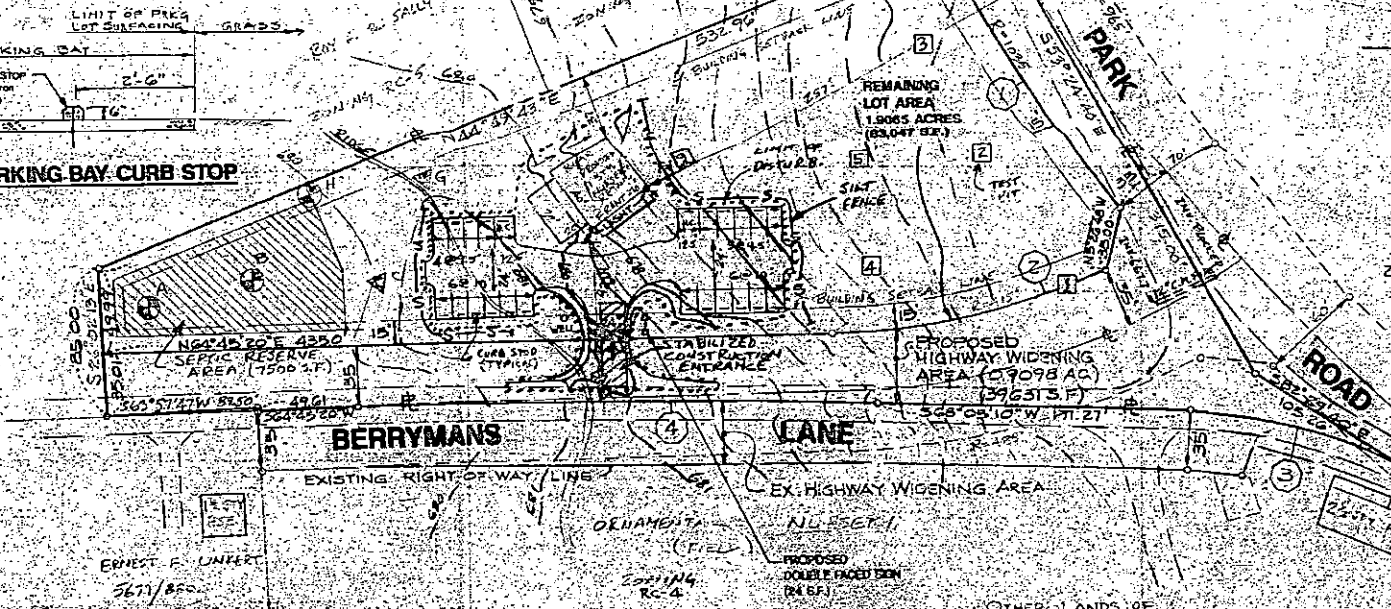




VICINITY MAP 1" = 1000'



DETAIL - PARKING BAY CURB STOP



SIGN DETAIL

PETITIONER'S EXHIBIT

ZONING RC-4

1. R = 1035.00' L = 127.40'
C/D = 155°54'00" L = 187.19'
2. R = 415.00' L = 145.01'
C/D = 153°32'11" L = 190.00'
3. R = 23.82' L = 11.253'
C/D = 58°10'07" W L = 13.41'
4. R = 5726.32' L = 52.009'
C/D = 568°29'11" W L = 333.01'

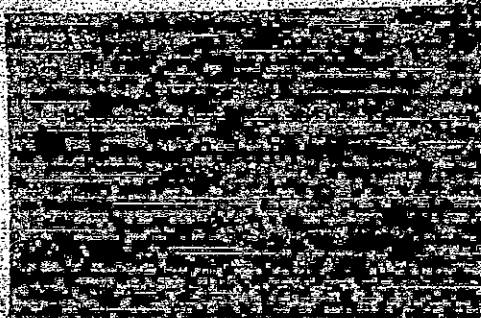
PROPERTY DATA
Total Parcel Area = 2.8163 AC.
Highway widening Area = 0.6068 AC.
Remaining Lot Area = 1.9065 AC.
or 83,047 SF

- NOTES:
1. Limited Exception Approval: DRC No. 120852, ACS Approval 12/2/23
 2. Zoning Map No. NV112X
 3. Any display of goods, etc., in parcels, but shall not be placed in an area located more than 100 feet from the rear of the parcel fronting on the street.
 4. One double front drive (24' D.F. surface, non-paved) is to be placed in the rear of the property. (See Plan). Permit No. 12085277 was issued on 8/22/24 and is required for all other permits.
 5. The plan of this property, as approved by the Planning Commission, includes the following: (a) the proposed building, (b) the proposed parking area, and (c) the proposed driveway. The plan also includes the following: (d) the proposed driveway, (e) the proposed driveway, and (f) the proposed driveway.
 6. The plan of this property, as approved by the Planning Commission, includes the following: (a) the proposed building, (b) the proposed parking area, and (c) the proposed driveway. The plan also includes the following: (d) the proposed driveway, (e) the proposed driveway, and (f) the proposed driveway.
 7. The plan of this property, as approved by the Planning Commission, includes the following: (a) the proposed building, (b) the proposed parking area, and (c) the proposed driveway. The plan also includes the following: (d) the proposed driveway, (e) the proposed driveway, and (f) the proposed driveway.
 8. The plan of this property, as approved by the Planning Commission, includes the following: (a) the proposed building, (b) the proposed parking area, and (c) the proposed driveway. The plan also includes the following: (d) the proposed driveway, (e) the proposed driveway, and (f) the proposed driveway.
 9. The plan of this property, as approved by the Planning Commission, includes the following: (a) the proposed building, (b) the proposed parking area, and (c) the proposed driveway. The plan also includes the following: (d) the proposed driveway, (e) the proposed driveway, and (f) the proposed driveway.
 10. The plan of this property, as approved by the Planning Commission, includes the following: (a) the proposed building, (b) the proposed parking area, and (c) the proposed driveway. The plan also includes the following: (d) the proposed driveway, (e) the proposed driveway, and (f) the proposed driveway.

PARKING DATA

NET AREA: 8100 SF, 1.805 AC.
OFFICE: 640 SF, 0.0068 AC.
TOTAL PARKING AREA: 8740 SF, 0.2018 AC.

23 PERCENT (23%) REQUIRED
TYPICAL AREA: 8740 SF, 0.2018 AC.
TYPICAL TYPE: OFFICE



PROPERTY OWNER & ADDRESS

JOEL M. AND KANDRA L. SIMONDS
816 CHURCH ROAD
KEESLETOWN, MD. 21115
DEED REC. JESSE BOOK FOLIO 408
TAX ACCOUNT NO. 04-00-000000
PROPERTY IS IDENTIFIED AS:
TRACT A ON KENOR CORRECTION
PLAN APPROVAL & ON 2/2/2015
11/15/21 PROPERTY OF JOEL M. &
KANDRA L. SIMONDS

PLAN TO ACCOMPANY VARIANCE HEARING FOR SIMONDS NURSERY BUILDING PERMIT

1141 BERRYMAN'S LANE
KEESLETOWN

5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

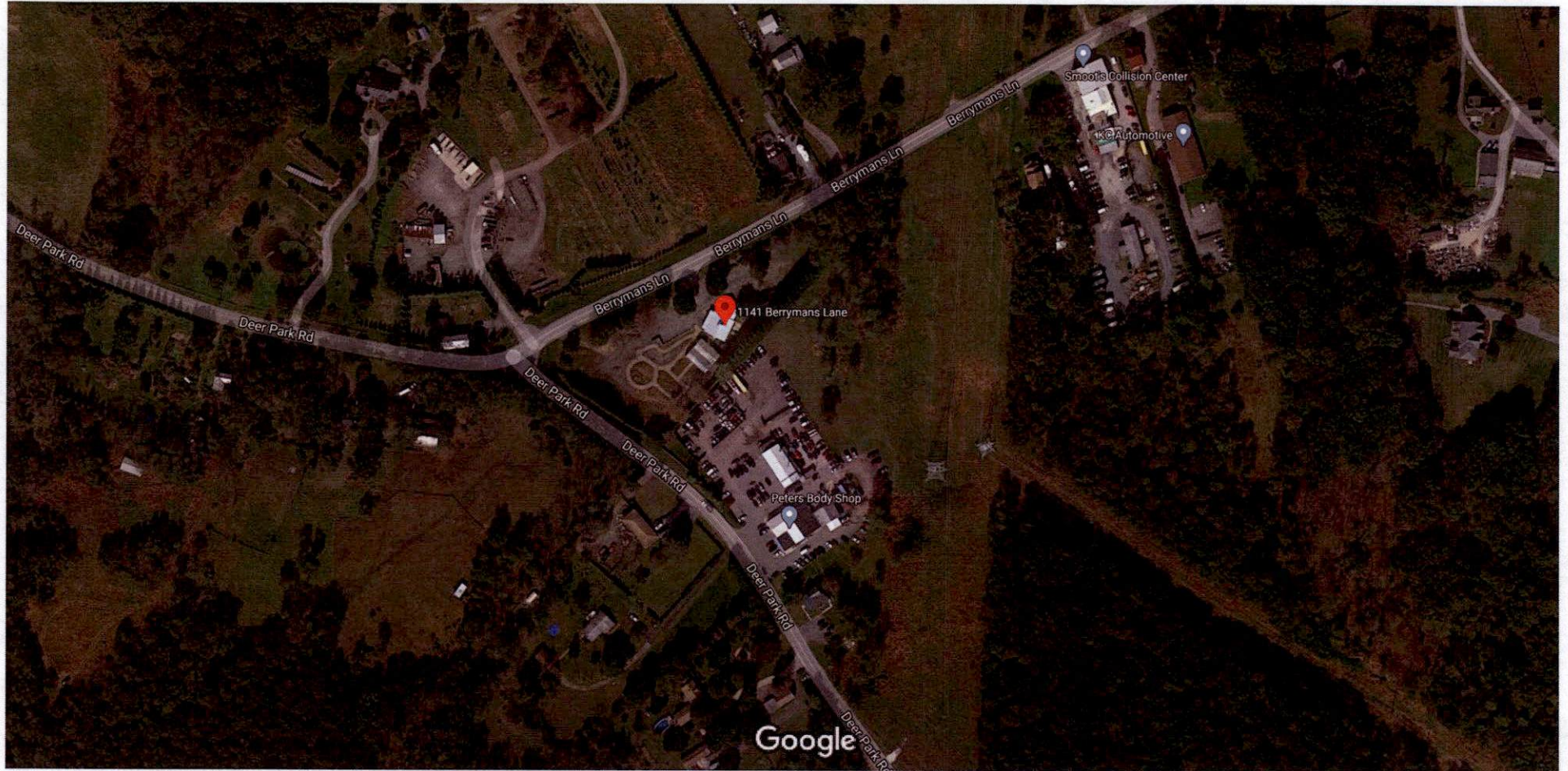
PROPERTY ZONED R.C.C.

PROPERTY: 2.8163 ACRES GROSS
1.9065 ACRES NET

DRC NO. 120852 ACS

SCALE 1" = 100'

Google Maps 1141 Berrymans Ln



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft

PETITIONER'S

EXHIBIT NO.

2



057103-02

RC 4

1989-0164-X

2007-0411-SPHXA
2016-0289-SPHX

0408065200

PAI # 040421
Pt. Bk. F
PAI # 040421
PAI # 040421

PAI # 040421
PAI # 040421

057B2

4 ED

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

NW 12-K

4 CD

RCC

1995-0077-A 2300008591

1141

1141

BEER PARK RD

RC 5

1969-0119-X

1900000967
R-1949-1576-X
R-1968-0180-X

R-1956-3855-X

5629

0402001754

0221450000

2 ED

5634

0223350020

057B3

BL CR

5629

0412001810

1700003929 5630

0219072110

RC 2

0413000825

0402001721

0402001744

0411041061

1136

0411047050

0421045050

1138

BERRYMAN ST

1969-0119-X

0402001745

LITTLE & ASSOCIATES

Engineers ~~~ Land Planners ~~~ Surveyors
1055 Taylor Avenue, Suite 307, Towson, Maryland 21286
Phone (410) 296-1636 Fax (410) 296-1639
Little & Associates is a division of Century Engineering, Inc.

TRANSMITTAL FORM

TO: ZONING

DATE: January 15, 2020

PROJECT NAME: Simonds Property

#1411 Berrymans Lane

Zoning Petition Documents

ATTN: Gary Hucek

OUR PROJECT NO.: 15075A

We are herewith submitting the following:

☐ For approval

☐ For your use/file

☒ As requested

☐ For review

☐ Please contact our office

☐ Urgent

Quantity

Description

1	GIS Zoning Map
3	Original Signed & Sealed Property Descriptions
12	Copies Signed & Sealed Zoning Site Plans

Comments:

Gary,

Please find the supplement documentation for the zoning petition file for processing for #1411 Berrymans Lane. If you have any questions, please contact our office.

Sincerely,
LITTLE & ASSOCIATES



By: Christopher M. Prescop
Project Designer

cc(s):

Enclosure(s):

20-0014-A

ROYSTON

ROYSTON, MUELLER, McLEAN & REID, LLP

Edward J. Gilliss, Esq.
egilliss@rmmr.com

The Royston Building
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Tel: 410.823.1800
Fax: 410.828.7859
www.rmmr.com

January 9, 2020

Baltimore County Department of Permits,
Approvals and Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, #105
Towson, Maryland 21204

Re: Petition for Zoning Hearing
Address: 1141 Berrymans Lane
Property Owner: Jay M. Simonds, LLC

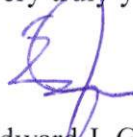
Dear Sirs:

Enclosed with this letter please find the following:

- Petition for Zoning Hearing (three originals).
- Aerial zoning map.
- Check made payable to Baltimore County in the amount of \$500.00.

I look forward to hearing from you with advice as to potential hearing dates.

Very truly yours,



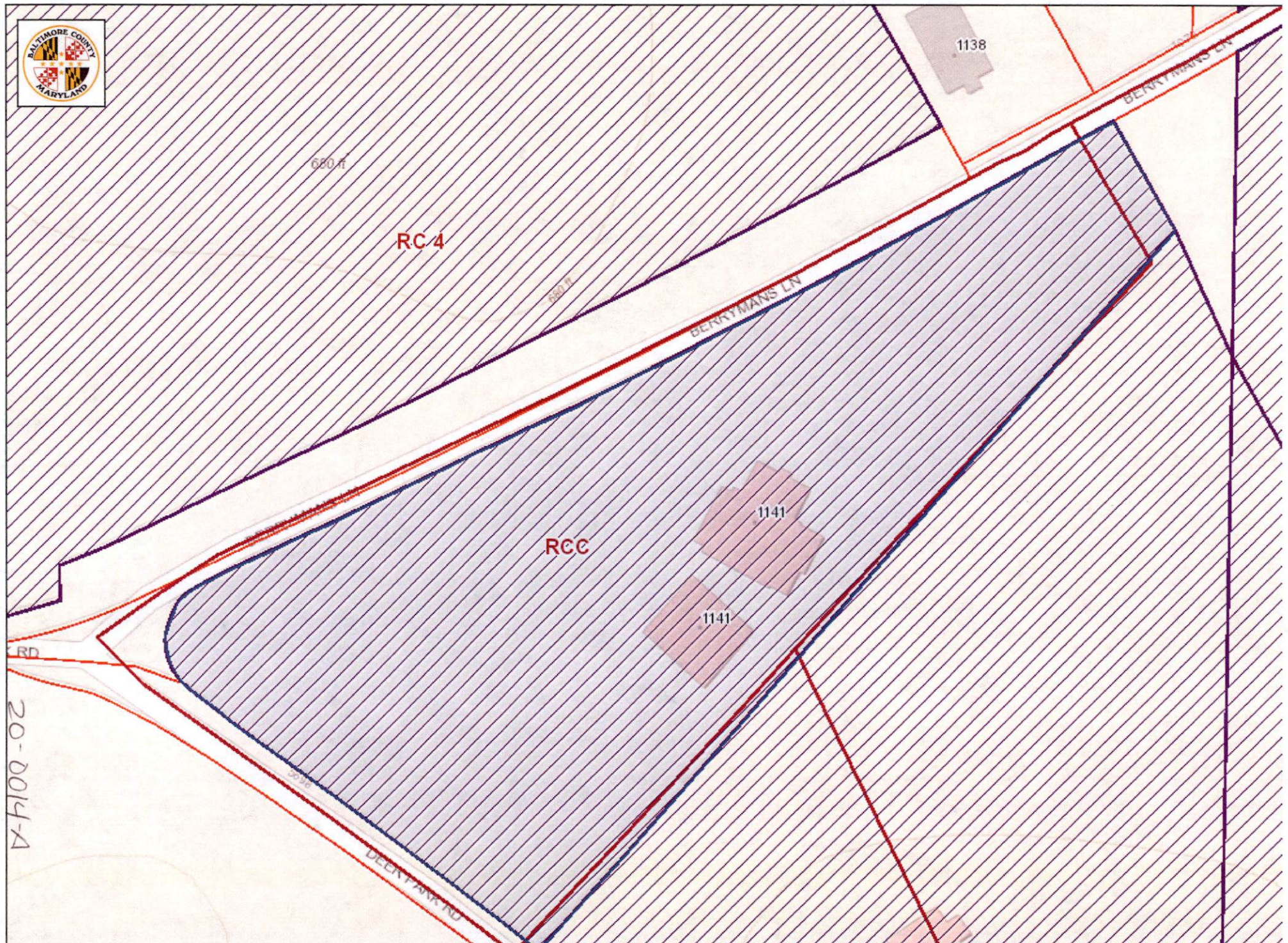
Edward J. Gilliss

EJG/vrk

Enclosures

cc: Jay M. Simonds, LLC
Mr. John Motsco, Little & Associates

20-0014-A / Drop-off / No review



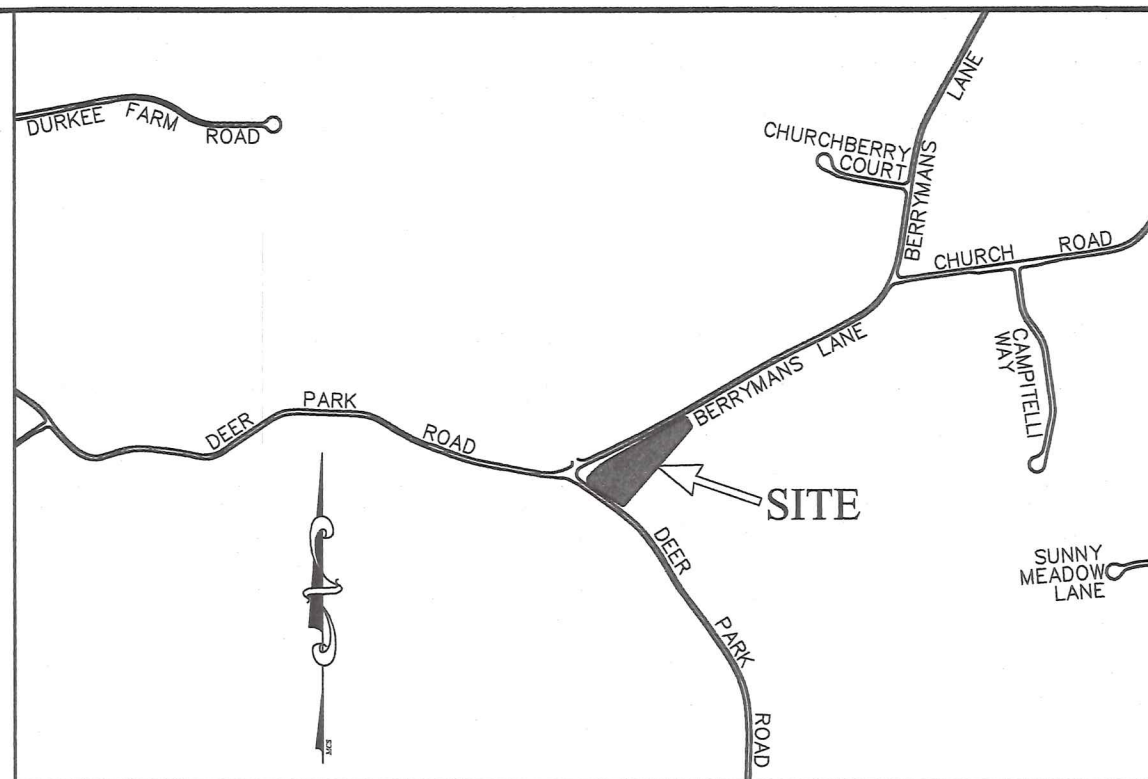
REQUESTED RELIEF

I. VARIANCE FROM SECTION 1A06.3 BCZR AS FOLLOWS:

- A. VARIANCE FROM SECTION 1A06.3.B.1 TO ALLOW AN OUTDOOR STORAGE AREA TO BE LOCATED IN FRONT OF THE EXISTING BUILDINGS ON THE PROPERTY IN LIEU OF THE REQUIRED LOCATION TO THE SIDE OR REAR OF THE EXISTING BUILDINGS; AND
- B. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

II. VARIANCES FROM SECTION 1A06.4 BCZR AS FOLLOWS:

- A. VARIANCE FROM SECTION 1A06.4.A.4 BCZR TO ALLOW A SITE GROSS FLOOR AREA OF ALL BUILDINGS OF 4,632 SF IN LIEU OF THE MAXIMUM SITE GROSS FLOOR AREA OF 3,000 SF; AND
- B. VARIANCE FROM SECTION 1A06.4.A.5 BCZR TO ALLOW A LOT SIZE OF 2.816 AC.± IN LIEU OF THE MAXIMUM LOT SIZE OF 2 ACRES; AND
- C. VARIANCE FROM SECTION 1A06.4.A.6 BCZR TO ALLOW A LOT IMPERVIOUS COVERAGE (INCLUDES OUTDOOR STORAGE AREA) OF 29.4% IN LIEU OF THE MAXIMUM LOT IMPERVIOUS COVERAGE OF 20.0%; AND
- D. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



VICINITY MAP

SCALE: 1"=1000'

SITE DATA

1. NET/GROSS TRACT AREA: 2.816 AC.± (122,681 SF)
2. SITE IS ZONED RCC, RC-4, RC-5 AND BL CR; 200 SCALE MAP 057B2.
3. OWNER:
JAY SIMONDS, LLC
5701 DEER PARK ROAD
REISTERSTOWN, MD 21136
4. TAX ACCOUNT NUMBER: 2300008591
5. DEED: 29765/424
6. PLAT: 1/20 LOT; TRACT 'A'
7. TAX MAP NO.: 57 GRID: 15 PARCEL: 596
8. THIS SITE IS LOCATED WITHIN THE LIBERTY RESERVOIR WATERSHED.
9. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2019 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
10. THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN.
11. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
13. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
14. CURRENT USE: COMMERCIAL
15. PROPOSED USE: COMMERCIAL

PRIOR ZONING HISTORY

CASE # 1995-77-A GRANTED
FILING DATE OF PETITION: 8/24/1994
JUDGE ORDER DATE: 10/15/1994

VARIANCE SEEKING RELIEF FROM SECTIONS 1A06.2.C.4 AND 409.8.A OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT PARKING TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD AND CRUSHER RUN PARKING SURFACE IN LIEU OF THE REQUIRED DURABLE-DUSTLESS SURFACE WAS GRANTED SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.
2. PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMITS, THE PETITIONERS SHALL SUBMIT A LANDSCAPE PLAN FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT FOR BALTIMORE COUNTY AND COMPLY WITH ANY PLANTING REQUIREMENTS WHICH MAY BE IMPOSED.
3. WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN AND LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

FLOOR AREA RATIO (FAR)

GROSS FLOOR AREA: 4,632 SF
GROSS SITE AREA: 122,681 SF
FLOOR AREA RATIO: 4,632 SF / 122,681 SF = 0.038

PARKING SPACE REQUIREMENTS

GROSS FLOOR AREA: 4,632 SF
AREA FOR RETAIL USE: 3,992 SF
AREA FOR OFFICE USE: 640 SF

PARKING REQUIREMENTS OF RETAIL USE:
5 SPACES PER 1,000 SF GROSS FLOOR AREA
3,992 SF / 1,000 SF = 3.99
5 SPACES REQUIRED X 3.99 = 19.95 SPACES REQUIRED, USE 20

PARKING REQUIREMENTS OF OFFICE USE:
3.5 SPACES PER 1,000 SF GROSS FLOOR AREA
640 SF / 1,000 SF = 0.64
3.5 SPACES REQUIRED X 0.64 = 2.24 SPACES REQUIRED, USE 3
THERE ARE 23 PARKING SPACES REQUIRED, AND 23 PARKING SPACES EXIST ON-SITE, THEREFORE, PARKING REQUIREMENTS ARE SATISFIED.

LOT COVERAGE

IMPERVIOUS AREAS: 35,654 SF
STORAGE AREAS: 367 SF
TOTAL LOT COVERAGE: 36,021 SF
GROSS SITE AREA: 122,681 SF
PERCENT IMPERVIOUS: 29.4%

PETITIONER'S

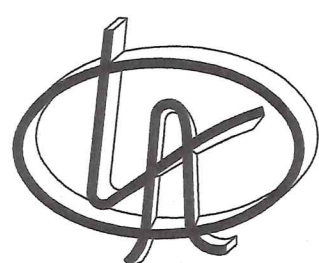
EXHIBIT NO. 1

CASE NO.: 2020-0014-A
PLAN TO ACCOMPANY ZONING HEARING
#1141 BERRYMAN'S LANE

DISTRICT 4c4
SCALE: 1"=40'

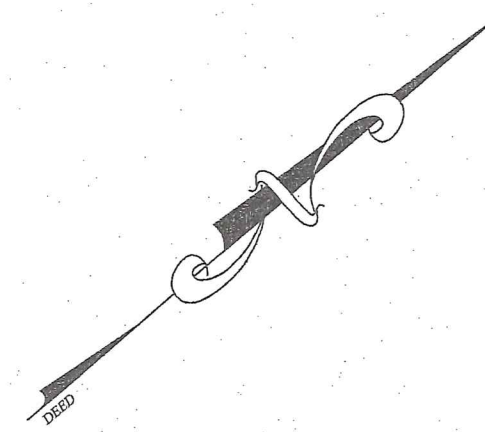
BALTIMORE COUNTY, MD
DECEMBER 16, 2019

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. 16019, EXPIRATION DATE: 5/8/2020.



LITTLE & ASSOCIATES
ENGINEERS~LAND PLANNERS~SURVEYORS
10710 GILROY ROAD
HUNT VALLEY, MARYLAND 21031
PHONE: (443)705-5020 FAX: (443)589-2401
LITTLE & ASSOCIATES IS A DIVISION OF CENTURY ENGINEERING, INC.





REQUESTED RELIEF

I. VARIANCE FROM SECTION 1A06.3 BCZR AS FOLLOWS:

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- ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

"SIMONDS PROPERTY" PLAT NO. 1/20

JAY SIMONDS LLC
5701 DEER PARK ROAD
DEED: 29765/424
TAX ACCT. #: 0408065200
"COMMERCIAL/RESIDENTIAL"

RONALD & BEVERLY PHIPPS
1138 BERRYMANS LANE
DEED: 21683/379
TAX ACCT. #: 0421045050
"RESIDENTIAL"

MOHSIN SYED
1136 BERRYMANS LANE
DEED: 35304/169
TAX ACCT. #: 0411047050
"RESIDENTIAL"

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
DEED: 5476/837
TAX ACCT. #: 0413000825
"EXEMPT"

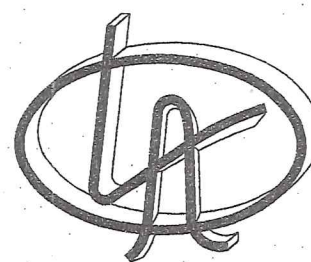
BALTIMORE GAS & ELECTRIC CO.
DEER PARK ROAD
DEED: 4797/222
TAX ACCT. #: 0402001754
"INDUSTRIAL"

BALTIMORE GAS & ELECTRIC CO.
BERRYMANS LANE
DEED: 4945/180
TAX ACCT. #: 0402002634
"INDUSTRIAL"

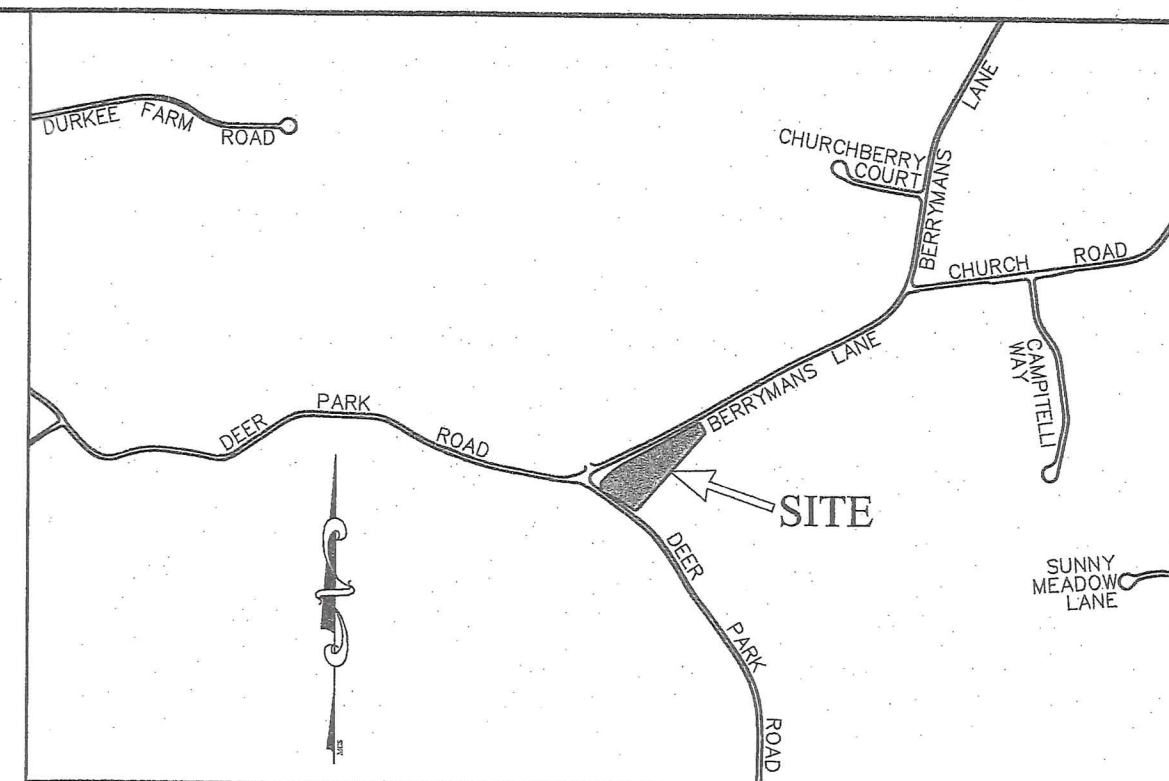
5629 DEER PARK ROAD LLC
5629 DEER PARK ROAD
DEED: 37661/247
TAX ACCT. #: 1900000967
"COMMERCIAL"

ADONAY NOGUERA SAGASTUME
& MARIXA NOVA DELEON
5634 DEER PARK ROAD
DEED: 37965/119
TAX ACCT. #: 0223350020
"RESIDENTIAL"

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
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LITTLE & ASSOCIATES
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10710 GILROY ROAD
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LITTLE & ASSOCIATES IS A DIVISION OF CENTURY ENGINEERING, INC.



VICINITY MAP

SCALE: 1"=1000'

SITE DATA

- NET/GROSS TRACT AREA: 2.816 AC± (122,681 SF)
- SITE IS ZONED RCC, RC-4, RC-5 AND BL CR; 200 SCALE MAP 05782.
- OWNER:
JAY SIMONDS, LLC
5715 DEER PARK ROAD
REISTERSTOWN, MD 21136
- TAX ACCOUNT NUMBER: 2300008591
- DEED: 29765/424
- PLAT: 1/20 LOT; TRACT 'A'
- TAX MAP NO.: 37 GRID: 15 PARCEL: 596
- THIS SITE IS LOCATED WITHIN THE LIBERTY RESERVOIR WATERSHED.
- THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2019 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
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- PROPOSED USE: COMMERCIAL

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CASE # 1995-77-A GRANTED
FILING DATE OF PETITION: 8/24/1994
JUDGE ORDER DATE: 10/13/1994

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THERE ARE 23 PARKING SPACES REQUIRED, AND 23 PARKING SPACES EXIST ON-SITE, THEREFORE, PARKING REQUIREMENTS ARE SATISFIED.

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TOTAL LOT COVERAGE: 36,021 SF
GROSS SITE AREA: 122,681 SF
PERCENT IMPERVIOUS: 29.4%

CASE NO.: 2020- PLAN TO ACCOMPANY ZONING HEARING #1141 BERRYMANS LANE

DISTRICT 4c4
SCALE: 1"=40'

BALTIMORE COUNTY, MD
DECEMBER 16, 2019

20-0014-m

Drop-off/No review