



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 21, 2024

Christopher DeCarlo, Esquire – cdecarlo@whitefordlaw.com
John Gontrum, Esquire – jgontrum@whitefordlaw.com
Whiteford
One West Pennsylvania Avenue, Suite 300
Towson, MD 21204

RE: Petition for Variance
Case No. 2024-0002-A
Property: 3118 Hammond Ferry Road

Dear Messrs. DeCarlo and Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: Patrick Richardson – rick@richardsonengineering.com
Walter Adams – wbadamstrucking@gmail.com
Mindy Cousins – mindy_hearts_mike@yahoo.com

IN RE: PETITION FOR VARIANCE
(3118 Hammonds Ferry Road)
13th Election District
1st Council District
L & W Equipment Corporation
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0002-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owner, L & W Equipment Corporation, (“Petitioner”) for property located at 3118 Hammonds Ferry Road, (“the Property”). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 238.2, to reduce the required 30 ft. side yard setback from Virginia Avenue to 0 ft. to allow for the construction of the proposed building; from BCZR § 238.2, to reduce the required 30 ft. rear yard setback to 10 ft. to allow for the construction of the proposed building; and from BCZR, § 409.8.4, to allow the proposed parking spaces located on the subject property adjacent to Virginia Avenue to be located 0 ft. from the right-of-way line in lieu of the required 10 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Zack Adams, President of L&W Equipment Corporation appeared on behalf of the Petitioner. Patrick Richardson of Richardson Engineering also attended along with Christopher DeCarlo from Whiteford, Taylor & Preston L.L.P., who represented the Petitioner. Mr. Richardson prepared the site plan and is marked as Petitioner’s Exhibit 2. There were no interested parties or protestants at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Plans Review (“DPR”) and the Department of Planning (“DOP”), neither opposed the requested relief.

Mr. DeCarlo proffered the Petitioner’s case. He explained that the property is approximately ± 0.649 acres, and is zoned ML-IM. He explained that the Petitioner uses the subject property for the storage of trucks used for the transportation of mail as subcontractors for the United States Postal Service. The north of the property is bordered by several single-family residences zoned DR 5.5, and to the south and west are other commercial trucking uses. (Pet. Ex. 3). The property is flanked by two roads: Hammonds Ferry Road to the east, and Virginia Avenue to the south. Virginia Avenue also separates the subject property from a Penske truck storage location to the south.

The Petitioner is proposing the construction of a 4000 sq. ft. pole barn-type structure which will be located in the southwest corner of the property in an effort to separate it as much as possible from the residential properties to the north. This proposed structure will be used for office space and for the indoor servicing of vehicles. The hours of operation will be 8am to 6pm, with two employees being on site during that time, while additional employees drive trucks to and from the property during those hours. Petitioner will also be adding a durable and dustless surface throughout the site.

Petitioner’s representative, Zack Adams testified that in 2020 the Petitioner acquired an additional parcel to the west of the subject property that previously was the site of a residential property. As a result of purchasing this property, Virginia Avenue was blocked at the west end by a fence owned by the Penske Property and while still technically a public road, is now solely used by the Petitioner and Penske as a service road (“paper road”) to the respective properties. (Pet. Ex.

2) Mr. Adams further explained that he has a good working relationship with the owners of the Penske property to his south as well as the mixed use residential and commercial property to his north. As depicted in Pet. Ex. 6, there is an office trailer present on the site in the north of the property. Mr. Adams explained that this trailer will be removed in the event that Petitioner's variance relief is approved.

Prior Zoning Case

In prior zoning Case 06-389-A, the Board of Appeals denied variance relief to a prior owner of the subject site who proposed the construction of a structure used to service buses in the northwest corner of the property. The Board of Appeals found that the Petitioners had failed to prove that the property was unique in keeping with the requirements of *Cromwell v. Ward*, 102 Md. App. 691 (1995). There was substantial community opposition in that case due to the previous owner's poor relationship with surrounding residents who objected to the noise from buses that came in and out of the site at all hours of the day and night.

In *Batson v. Shiflett*, 325 Md. 684, 705, 602 A.2d 1191 (Md. 1992), the Maryland Court of Appeals stated:

Whether an administrative agency's declaration should be given preclusive effect hinges on three factors: (1) whether the [agency] was acting in a judicial capacity; (2) whether the issue presented to the [reviewing] court was actually litigated before the [agency]; and (3) whether its resolution was necessary to the [agency's] decision.

(internal quotation marks omitted.)

In *Whittle v. Board of Zoning Appeals*, 211 Md. 36, 38, 125 A.2d 41 (1956), the Maryland Court of Appeals explained that if a "second suit is between the same parties and is upon the same cause of action, a judgment in the earlier case on the merits is an absolute bar, not only as to all

matters which were litigated in the earlier case, but as to all matters which could have been litigated.” In the context of successive zoning applications, the *Whittle* court explained that:

The general rule . . . [is that] a zoning appeals board may consider and act upon a new application for a special permit previously denied, but that it may properly grant such a permit only if there has been a *substantial change in conditions*. . . . It is our view that where the facts are subject to changes which might reasonably lead to an opposite result from that arrived at in an earlier case, and if there have been *substantial changes in fact and circumstances* between the first case and the second, the doctrine of *res judicata* would not prevent the granting of the special permit sought.

192 Md. App. at 45, 125 A.2d 41 (emphasis added).

In applying the factors enunciated in *Batson* to the case at bar, I find that there has been a substantial change in conditions from the prior case which would preclude *collateral estoppel* from preventing the Petitioner’s requested relief in this matter. As explained by the Petitioner, the requested relief in this matter involves the building of a structure on the opposite end of the site from the prior case, away from the residential zones to the north. Additionally, the site now includes an additional parcel which eliminates the residential dwelling whose residents were the most vocal Protestants in the prior case due to their proximity to the previously proposed structure. Additionally, due to the fact that Virginia Avenue no longer leads to a residential area, it now serves solely as a service road for the commercial use of the Petitioner. Penske’s fence also encroaches into what is designated as Virginia Avenue on the site plan, further evidencing its non-public use. (Pet. Ex. 2 & 3) The existence of this road is a unique factor relevant to the requested variance relief which involves set-backs for this very road.

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).

As explained above, the site is unique in a zoning sense due to the fact that the “public road” from which set back variances are being requested is no longer used as such and is utilized solely by the Petitioner. I find that the Petitioner would suffer practical difficulty and hardship if the variances were denied because they would be unable to build the pole barn-type office space and repair structure that the business requires. Additionally, having truck servicing occurring indoors will further lessen noise that might intrude into surrounding residential areas. Consequently, I find that the variances are within the spirit and intent of the zoning regulations and that they will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this **21st** day of **February 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § 238.2, to reduce the required 30 ft. side yard setback from Virginia Avenue to 0 ft. to allow for the construction of the proposed building; from BCZR § 238.2, to reduce the required 30 ft. rear yard setback to 10 ft. to allow for the construction of the proposed building; and from BCZR, § 409.8.4, to allow the proposed parking spaces located on the subject property adjacent to Virginia Avenue to be located 0 ft. from the right-of-way line in lieu of the required 10 ft., respectively are 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 their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Petitioner shall comply with the DOP and DPR ZAC comments, dated January 30, 2024; copies of which are attached hereto, during the development process as required by the County agencies.
3. Petitioner shall restrict hours for which vehicles are serviced on the subject site from 8am to 6pm.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm

2/20 10 AM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/30/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0002-A

INFORMATION:

Property Address: 3118 Hammonds Ferry Road
Petitioner: Zack Adams
Zoning: ML-IM
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance(s) -

1. From Section 238.2 of the Regulations to reduce the required 30' side yard setback from Virginia Avenue to 0' to allow for the construction of the proposed building.
2. From Section 238.2 of the Regulations to reduce the required 30' rear yard setback to 10' to allow for the construction of the proposed building.
3. From Section 409.8.4 of the Regulations to allow the proposed parking spaces located on the subject property adjacent to Virginia Avenue to be located 0' from the right-of-way line in lieu of the required 10'.

The proposed site is a 0.813-acre property located on Hammonds Ferry Road surrounded by industrial and commercial uses with sparse residential homes to the north. The proposed site has two previous zoning cases and is not in any historic district.

The existing land use is currently transit storage. The requested relief for a variance for building and parking setbacks, as said in the above request, does not adversely impact the desired design. The applicant proposes to continue the transit storage use, erecting a building on site and will paving and striping the existing gravel parking lot. The proposed building will be used for office space. Parking requirements will consist of 37 spaces, including 2 ADA, which will be used for parking of cars and trucks. The layout of the parking lot will provide safe two-way vehicular travel and pedestrian movements. There appear to be no adverse impacts imposed on the public right-of-way. The petitioner has indicated that the requests of building and parking setback relief is necessary in order to achieve the desired site circulation, particularly for the vehicular movements of trucks.

The Department has no objection in granting the relief conditioned upon the following:

- 1) Indicate locations of dumpsters. Dumpsters should be located off the public right of way and screened pursuant to Condition H of the Baltimore County Landscape Manual.
- 2) All signage shall comply with Section 450 of the Baltimore County Zoning Regulations.
- 3) Provide a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval.
- 4) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for ML-IM zoned property and
- 5) The plan meets all additional conditions as required by the Administrative Law Judge.

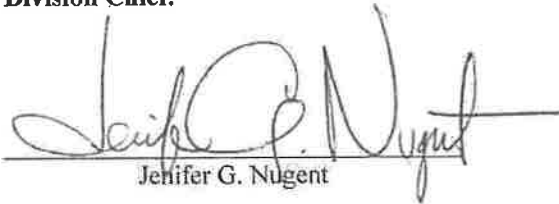
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

John B. Gontrum, Esquire
Alexandra Laham, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0002-A

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

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

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0002-A
Address: 3118 HAMMONDS FERRY RD
Legal Owner: L & W Equipment Corporation

Zoning Advisory Committee Meeting of January 26, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn



PETITION FOR ZONING HEARING(S)

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

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

Address 3118 Hammonds Ferry Road which is presently zoned ML-IM
Deed References: 34111/1/ / 44061/407 10 Digit Tax Account #2400002749/1319270090
Property Owner(s) Printed Name(s) L&W Equipment Corporation, Inc.

(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)

LOT CONFIGURATION AND FURTHER REASONS 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:

John B. Gontrum, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State
21204 410-832-2055 jgontrum@wtplaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

L&W Equipment Corporation

Name #1

Name #2 – Type or Print

Zack Adams

Signature #1

Signature # 2

Zack Adams

1005 Old Horse Pike, Waterford Works, NJ

Mailing Address City State
08089 347-585-0089 wbadamstrucking@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Name — Type or Print

CASE NUMBER 2024-0002-A Filing Date 1/21/24 Do Not Schedule Dates: _____ Reviewer SL

**AMENDED SUPPLEMENT TO PETITION
FOR ZONING HEARING – VARIANCE**

Petitioner: L&W Equipment Corporation, Inc.

Property Address: 3118 Hammonds Ferry Road

Case Number: 2024-0002-A

The Property is zoned ML-IM. Pursuant to Section 255.1 of the Baltimore County Zoning Regulations (the “Regulations”), the area regulations for the B.R. zone apply. Petitioner is seeking the following variances from the area regulations:

1. A variance from Section 238.2 of the Regulations to reduce the required 30’ side yard setback from Virginia Avenue to 0’ to allow for the construction of the proposed building.
2. A variance from Section 238.2 of the Regulations to reduce the required 30’ rear yard setback to 10’ to allow for the construction of the proposed building.
3. A variance from Section 409.8.4 of the Regulations to allow the proposed parking spaces located on the Subject Property adjacent to Virginia Avenue to be located 0’ from the right-of-way line in lieu of the required 10’.



Richardson
ENGINEERING

CIVIL | COMMERCIAL
RESIDENTIAL
INDUSTRIAL

RICHARDSON ENGINEERING, LLC.
7 DENEISON ST. | TIMONIUM, MD 21093
410-560-1502 | RICHARDSONENGINEERING.NET

**ZONING DESCRIPTION
3118 HAMMONDS FERRY ROAD
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the West side of Hammonds Ferry Road at the distance of 271'± southerly from the intersection of Research Avenue and Hammonds Ferry Road, running thence binding on the north side of Virginia Avenue, 20' right-of-way (1) South 88 degrees 15 minutes 00 seconds West 279.25 feet, (2) running thence North 07 degrees 42 minutes 53 seconds West 181.38 feet, (3) running thence South 85 degrees 00 minutes 00 seconds East 103.84 feet, (4) running thence South 01 degrees 29 minutes 03 seconds West 49.42 feet (5) running thence South 84 degrees 41 minutes 20 seconds East 143.90 feet to a point on the west side of Hammonds Ferry Road, 45' right-of-way (6) running thence parallel with Hammonds Ferry Road South 21 degrees 00 minutes 00 seconds East 113.95 feet, to the point of beginning.

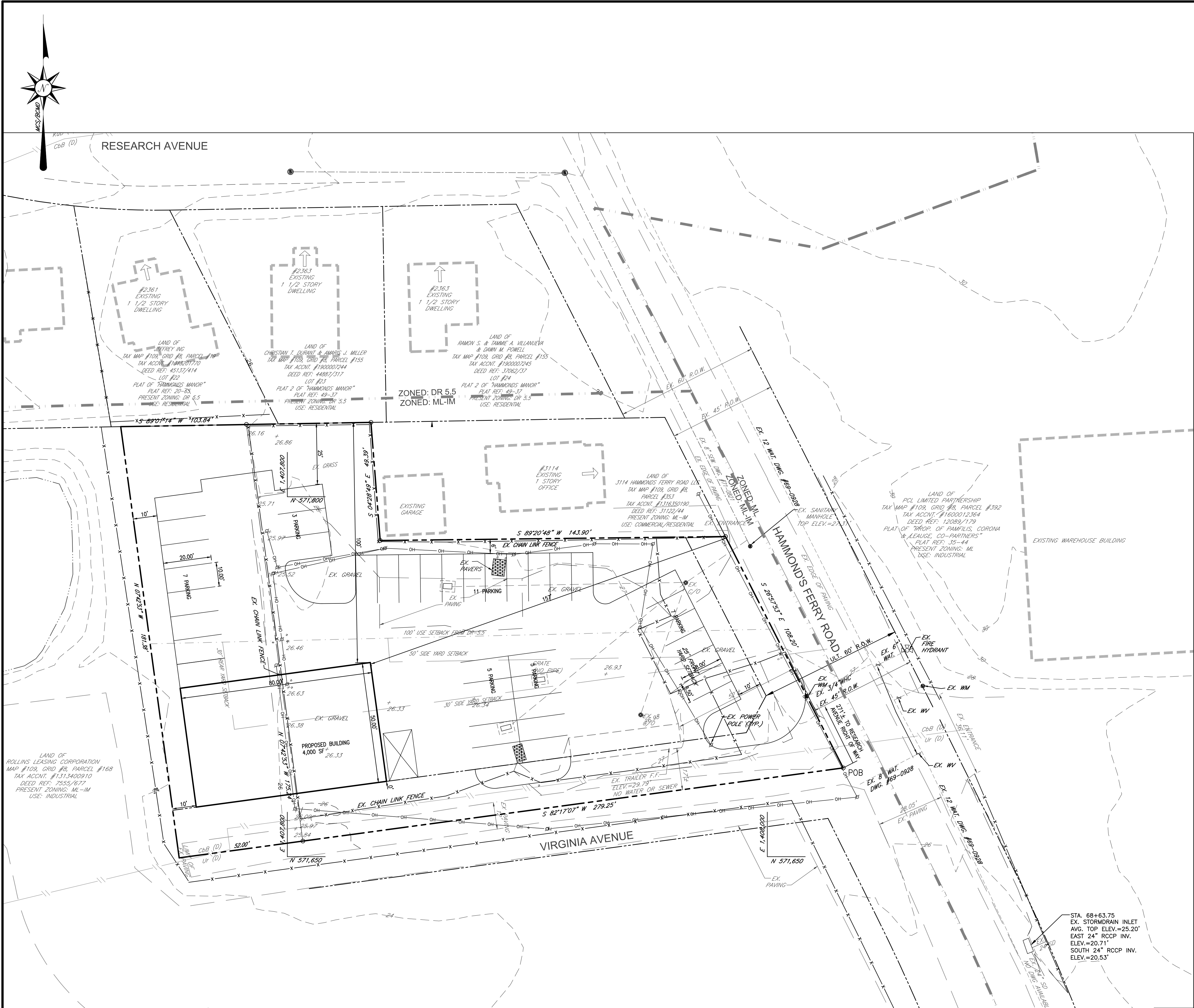
Containing a net area of 28,285 square feet or 0.649 acres of land, more or less.



PROFESSIONAL CERTIFICATION:

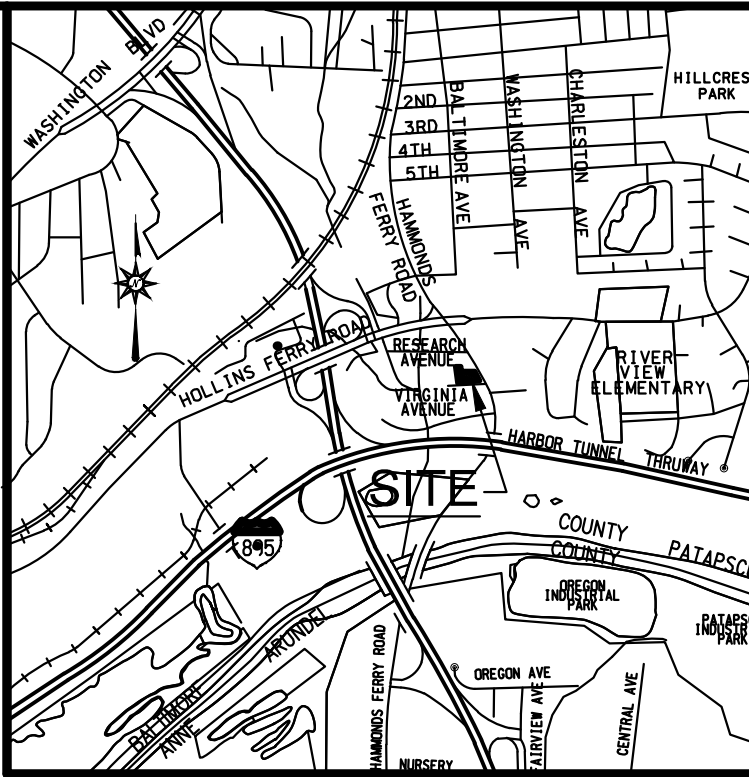
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

2023-0002-A



GENERAL NOTES

- DEVELOPER:
W. B. ADAMS TRUCKING
1005 OLD WHITE HORSE PIKE
WATERFORD WORKS, NJ 08089-1843
(410) 365-2714
OWNER:
LAW EQUIPMENT CORPORATION
1005 OLD HORSE PIKE
WATERFORD WORKS NJ 08089
- SITE AREA: GROSS: 28,285 Sq.Ft. or 0.649 Ac.±
NET: 35,420 Sq.Ft. or 0.813 Ac.±
- EXISTING ZONING: ML-IM
- PROPOSED ZONING: NO CHANGE
- CENSUS TRACT: 4303
- TAX MAP #109, GRID #8, PARCEL #324.
- DEED REFERENCE: 34111/1, 44061/407
- ELECTION DISTRICT: 13TH
- REGIONAL PLANNING DISTRICT: 325 B
- COUNCILMANIC DISTRICT: 1ST
- ZONING MAP: 109 A2
- TAX ACCOUNT: #2400002749, #1319270090
- NO CRITICAL AREAS ARE ON SITE.
- UTILITIES : PUBLIC WATER (W-1) & SEWER (S-1).
- PREVIOUS BUILDING PERMITS : NONE ON FILE.
- PREVIOUS ZONING CASES: 08-389-A GRANTED SETBACK VARIANCES MAY 17, 2006 AND DENIED IMPERVIOUS SURFACE VARIANCE. CASE APPEALED AND ALL VARIANCES DENIED AUGUST 9, 2007.
- WATERSHED: PATAPSCO
- EXISTING USE: TRANSIT STORAGE
- PROPOSED USE: TRANSIT STORAGE
- SETBACKS: REQUIRED PROVIDED
FRONT 25' 157'±
SIDE 100' 100'
SIDE 30' 0'±
REAR 30' 10'±
- (MINIMUM SETBACK FROM RESIDENTIAL ZONE PER SECTION 255.2 (BCZR)).
- BUILDING HEIGHT: 28' (1 STORY, 40' MAX.)
- FLOOR AREA RATIO: 0.02 (MAX PERMITTED 2.0)
- BUILDING AREA:
PROPOSED: 4,000 Sq.Ft.
- PARKING CALCULATIONS: (TRANSIT STORAGE OR REPAIR YARD)
1 PER EMPLOYEE ON LARGEST SHIFT
14 EMPLOYEE'S ON LARGEST SHIFT = 14 SPACES
PROVIDED: 37 SPACES (2 HANDICAPPED, 35 REGULAR)
AVERAGE DAILY TRIPS (ADT): 10
- THERE ARE NO KNOWN HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, SCENIC VIEWS OR SIGNIFICANT FEATURES LOCATED ON OR ADJACENT TO THE SITE.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ON SITE.
- THERE ARE NO FLOODPLAINS OR WETLANDS ON THIS SITE.
- ALL PROPOSED SIGNS SHALL CONFORM TO BCZR AND SHALL BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF ANY BUILDING PERMITS.
- ALL DRIVEWAYS AND PARKING AISLES SHALL COMPLY WITH SECTION 409.4 (BCZR). ALL PARKING MANEUVERING AND AISLE AREAS SHALL BE BITUMINOUS PAVED AND PERMANENTLY STRIPED.
- ALL PAVING SURFACES SHALL HAVE A DURABLE AND DUSTLESS SURFACE AND BE PERMANENTLY STRIPED PURSUANT TO BCZR SECTION 409.8.
- ANY LIGHTING THAT IS TO BE USED SHALL BE "SHARP-ANGLE CUTOFF" TYPE TO REDUCE THE AMOUNT OF GLARE AS DIRECTED BY THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS, DEVELOPERS PLANS REVIEW SECTION.
- BUREAU OF TRAFFIC ENGINEERING & TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
- SITE IS NOT LOCATED WITHIN ANY OTHER DEFICIENT AREAS ON THE BASIC SERVICES MAPS PURSUANT TO BCZR SECTION 4A02.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STATE OCCUPATIONAL SAFETY LAWS. SEE BALTIMORE COUNTY STANDARD SPECIFICATIONS
- BUILDING ELEVATIONS SHALL BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF ANY BUILDING PERMITS.
- AREAS BETWEEN THE SIGHT LINE AND CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
- EXISTING UTILITIES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR AND THE COMPLETENESS OR ACCURACY OF THE SAME IS NOT GUARANTEED. THE CONTRACTOR SHALL DETERMINE THE LOCATION AND ELEVATION OF THE EXISTING UTILITIES THROUGH TRENCH EXCAVATION BEGINS. HE SHALL PROTECT SERVICE CONNECTIONS AND MAINTAIN THEIR UNINTERRUPTED SERVICE. ANY DAMAGE CAUSED BY THE CONTRACTOR SHALL BE REPAIRED IMMEDIATELY. THE COST OF SUCH REPAIRS SHALL BE BORNE BY THE CONTRACTOR.
- EXISTING SITE TOPO & BOUNDARY INFORMATION SHOWN ON THIS PLAN WERE PREPARED BY THOMPSON & ASSOCIATES, LLC DATED FEBRUARY 8, 2010. OFF-SITE INFORMATION IS SUPPLEMENTED BY BALTIMORE COUNTY GIS MAP.
- CONTRACTOR IS TO CONTACT "MISS UTILITY" (1-800-257-7777) 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- HYDROLOGIC SOILS GROUP: CbB (D)- CHILLUM-URBAN LAND COMPLEX
- ON DECEMBER 28, 2007, THE DRC HAS DETERMINED THAT THIS PROJECT (DRC 102207A) MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 32-4-(106)(b).
- THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM THAT MAY RESULT DUE TO IMPROPER INSTALLATION OF DRAINAGE FACILITIES WILL BE THE FULL RESPONSIBILITY OF THE DEVELOPER.



LOCATION MAP

SCALE: 1" = 2000'



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

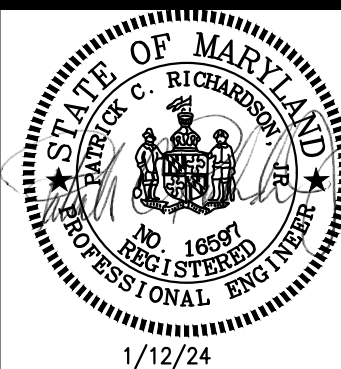
rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
ADAM'S TRUCKING

3118 HAMMONDS FERRY ROAD
BALTIMORE COUNTY MARYLAND
13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	CND	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	11/14/23	21190	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 16597, EXPIRATION DATE: 08-15-2025



1/12/24

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments following the review of the ZAC Agenda for the distribution meeting of January 19, 2024 and comments due January 26, 2024:

- 1) Case #2024-0002-A, 3118 Hammonds Ferry Rd.: **No exception taken**

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK.

HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

Whiteford Taylor Preston LLPBaltimore Operating
Seven Saint Paul Street
Baltimore, MD 21202-1636

Wells Fargo Bank, N.A.

65-320
550CHECK NO.
174520DATE
12/18/2023

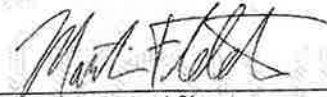
VOID AFTER 90 DAYS

Amount

\$500.00

PAY Five Hundred and 00/100 Dollar(s) ONLY

TO THE ORDER OF BALTIMORE COUNTY, MD



Authorized Signature

⑈ 1 7 4 5 2 0 ⑈ ⑆ 0 5 5 0 0 3 2 0 1 ⑆ 2 0 0 0 0 2 6 6 0 4 4 7 5 ⑈

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

No. 229460

Date: 1/2/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6190				\$500
Total:								\$500

Rec

From: Whiteford Taylor Preston LLP

For:

Variance 2024-0002-A

3118 Hemmicks Ferry

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

SC

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:

Case Number: 2024-0002-A

Property Address: 3118 HAMMONDS FERRY RD

Legal Owners (Petitioners): L&W EQUIPMENT CORPORATION

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): John Gontrum

Address: _____

Telephone Number: 410-832-2055

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.



PAI # 130023

Pt. Bk./Folio # 020065

RESEARCH AVE

DR 5.5

PAI # 130023

PAI # 130023

PAI # 130023

Pt. Bk. 0000020, Folio 0065
[302651040]

02 #1

2359
1302200910

Lot # 21

1313201770

Lot # 22

Lot # 23
1900007244

Pt. Bk./Folio # 049037A

2365

1900007245

Lot # 24

Pt. Bk. 0000049, Folio 0037

PAI # 138047

3111

Pt. Bk./Folio # 003024

1316000250

PAI # 138047

R-1965-0327

PAI # 138046

Pt. Bk. 0000028, Folio 0104

Pt. Bk./Folio # 035044A

1600012364

R-1965-0327

PAI # 138046

ML

2-W

3114

2013-0106-A 16350190

2004-0029-S-H

1319270090

Pt. Bk./Folio # MP11032

2006-0389-A

1313400911

Pt. Bk. 0000003, Folio 124

Lot # 19

PAI # 130218

3118

PAI # 130218

1-W

PAI # 130218

PAI # 130218

13 ED 109A2
1 CD SW 6-C

VILMATA AVE

PAI # 138039

PAI # 138039

Pt. Bk./Folio # 003124

ML IM

R-1966-0279

1313400910

PAI # 130045

Pt. Bk./Folio # 032019

1800012460

PAI # 130045

1986-0262-A

1800012462

Pt. Bk. 0000032, Folio 0019

2021-0002-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 - 13 Account Number - 2400002749

Owner Information

Owner Name: L&W EQUIPMENT CORPORATION Use: INDUSTRIAL

Principal Residence: NO

Mailing Address: 1005 OLD HORSE PIKE
WATERFORD WORKS NJ 08089- Deed Reference: /34111/ 00001

Location & Structure Information

Premises Address: 3118 HAMMONDS FERRY RD Legal Description: .6125 AC
0-0000 WS HAMMONDS FERRY RD
NW COR VIRGINIA AVE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0109	0008	0324	20000.04	0000				2023	
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			26,680 SF	07

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
/							

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	197,000	197,000		
Improvements	1,000	1,200		
Total:	198,000	198,200	198,067	198,133
Preferential Land:	0	0		

Transfer Information

Seller:	Date: 08/21/2013	Price: \$198,000
Type: NON-ARMS LENGTH OTHER	Deed1: /34111/ 00001	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15838/ 00557	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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:

ZAC AGENDA

Case Number: 2024-0002-A **Reviewer:** Shaun Crawford
Existing Use: INDUSTRIAL/MANUFACTURING **Proposed Use:** INDUSTRIAL/MANUFACTURING
Type: VARIANCE
Legal Owner: L & W Equipment Corporation
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 13 **Council Dist:** 1

Property Address: 3118 HAMMONDS FERRY RD

Location: Westside of Hammonds Ferry Road, south of Research Avenue

Existing Zoning: ML-IM

Area: 0.649 AC

Proposed Zoning:

VARIANCE:

BCZR, Section 238.2 to reduce the required 30 ft. side yard setback from Virginia Avenue to 0 ft. to allow for the construction of the proposed building; from Section 238.2 of the BCZR to reduce the required 30 ft. rear yard setback to 10 ft. to allow for the construction of the proposed building. Section 409.8.4 of the regulations to allow the proposed parking spaces located on the subject property adjacent to Virginia Avenue to be located 0 ft. from the right-of-way line in lieu of the required 10 ft.

Attorney: John Gontrum

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Landscape - If zoning relief is granted a landscape plan is required per the requirements of the landscape manual. A lighting plan is also required.

Rec & Parks - NC - No Greenways Affected

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/30/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0002-A

INFORMATION:

Property Address: 3118 Hammonds Ferry Road

Petitioner: Zack Adams

Zoning: ML-IM

Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Varianc(s) -

1. From Section 238.2 of the Regulations to reduce the required 30' side yard setback from Virginia Avenue to 0' to allow for the construction of the proposed building.
2. From Section 238.2 of the Regulations to reduce the required 30' rear yard setback to 10' to allow for the construction of the proposed building.
3. From Section 409.8.4 of the Regulations to allow the proposed parking spaces located on the subject property adjacent to Virginia Avenue to be located 0' from the right-of-way line in lieu of the required 10'.

The proposed site is a 0.813-acre property located on Hammonds Ferry Road surrounded by industrial and commercial uses with sparse residential homes to the north. The proposed site has two previous zoning cases and is not in any historic district.

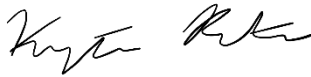
The existing land use is currently transit storage. The requested relief for a variance for building and parking setbacks, as said in the above request, does not adversely impact the desired design. The applicant proposes to continue the transit storage use, erecting a building on site and will paving and striping the existing gravel parking lot. The proposed building will be used for office space. Parking requirements will consist of 37 spaces, including 2 ADA, which will be used for parking of cars and trucks. The layout of the parking lot will provide safe two-way vehicular travel and pedestrian movements. There appear to be no adverse impacts imposed on the public right-of-way. The petitioner has indicated that the requests of building and parking setback relief is necessary in order to achieve the desired site circulation, particularly for the vehicular movements of trucks.

The Department has no objection in granting the relief conditioned upon the following:

- 1) Indicate locations of dumpsters. Dumpsters should be located off the public right of way and screened pursuant to Condition H of the Baltimore County Landscape Manual.
- 2) All signage shall comply with Section 450 of the Baltimore County Zoning Regulations.
- 3) Provide a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval.
- 4) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for ML-IM zoned property and
- 5) The plan meets all additional conditions as required by the Administrative Law Judge.

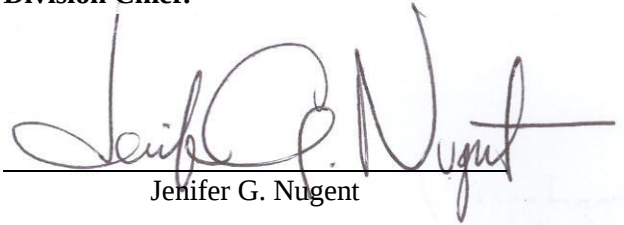
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

John B. Gontrum, Esquire
Alexandra Laham, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND

THE DAILY RECORD

Affidavit of Publication

To: Whiteford, Taylor & Preston L.L.P. - John Gontrum
Towson Commons, Suite 300,, One West Pennsylvania Avenue,
Towson, MD, 21204

Re: Legal Notice 2576837,
CASE NUMBER: 2024-0002-A

We hereby certify that the annexed advertisement was
published in Maryland The Daily Record, a Daily newspaper
published
in the State of Maryland 1 time(s) on the following date(s):
01/31/2024

By



Joy Hough
Authorized Designee of the Publisher

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 virtual hearing and/or in person (upon request) on the property identified herein as follows:

CASE NUMBER: 2024-0002-A

9118 Hammonds Ferry Road

Westside of Hammonds Ferry Road, south of Research Avenue

13th Election District - 1st Councilmanic District

Legal Owners: L & W Equipment Corporation

Variance BCZR, Section 238.2 to reduce the required 30 ft. side yard setback from Virginia Avenue to 0 ft. to allow for the construction of the proposed building; from Section 238.2 of the BCZR to reduce the required 30 ft. rear yard setback to 10 ft. to allow for the construction of the proposed building, Section 400.5.4 of the regulations to allow the proposed parking spaces located on the subject property adjacent to Virginia Avenue to be located 0 ft. from the right-of-way line in lieu of the required 10 ft.

Hearing: Tuesday, February 20, 2024 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-9868, ext. 0.
ja31 2576837

MARYLAND
THE DAILY RECORD

A Division of BridgeTower Media
P.O Box 745929
Atlanta, GA 30374-5929

Invoice # 745671320
Invoice Date 01/31/2024
Customer Whiteford, Taylor &
Payment Terms Net 30
Due Date 03/01/2024

BILLING ADDRESS

John Gontrum
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300, One West
Towson MD 21204

ADVERTISER

Whiteford, Taylor & Preston L.L.P., ID:
Towson Commons, Suite 300, One West
Towson ME

INVOICE REF	MEDIA	DATE	PO	EDITION	QTY	AD SIZE
1007245583	The Daily Record (BLT) - Public Notice	01/31/24	2024-0002-A	Legal - Government	1	Legal - Government
Thank you for your business! IOID: 2576837 Index: Government - Baltimore Co Category: Baltimore County Affidavit Reference: CASE NUMBER: 2024-0002-A						Subtotal \$160.60
						Tax \$0.00
						Credits \$0.00
						BALANCE DUE \$160.60

REMITTANCE STUB TO BridgeTower Media

Invoice #	745671320 The Daily Record (BLT) - Public Notice	Date	03/01/2024	Customer ID	ID: 262249, Whiteford, Taylor & Preston L.L.P.
Amount Enclosed:					

Acceptable Payment Methods

PREFERRED METHOD To Pay by ACH Transfer: Bank: Bank of America Send ACH remittance email to ar@bridgetowermedia.com Account Number: 237025443017 Routing: 053000196	OTHER METHODS To Pay by Check use the following address: Please include invoice number on check BridgeTower OpCo, LLC P.O Box 745929 Atlanta, GA 30374-5929	To Pay by Credit Card: Use the Click to Pay Online link located on the email you received or Contact Accounts Receivable: 866-802-8214 Please have your Invoice Number and Credit Card Number Ready	To Pay by Wire Transfer: Name: BridgeTower OpCo, LLC Bank: Bank of America Swift Code: BOFAUS3N Bank Address: 100 North Tryon Street Charlotte, NC 28255 Account Number: 237025443017 Routing: 053000196
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Certificate of Posting

Case# 2024-0002-A

Petitioner/Developer

Whiteford Law

Chris Decarlo

Date of Hearing/Closing

February 20, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the [property located at

3118 Hammonds Ferry Road on January 29, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411