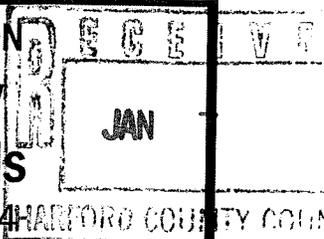


STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014



Case No. 5465
 Date Filed 12/23/04
 Hearing Date _____
 Receipt _____
 Fee \$ 700

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE 5465 MAP 58 TYPE Variance
<input type="checkbox"/> Special Exception	ELECTION DISTRICT 01 LOCATION 4613 Mercedes Drive, Aberdeen
<input type="checkbox"/> Use Variance	BY KBL Riverside LLC, 6259 Reynolds Mill Rd., Seven Valleys, PA
<input type="checkbox"/> Change/Extension of Non-Conforming Use	Appealed because a variance pursuant to Sec. 267-26C (6) of the Harford County Code
<input type="checkbox"/> Minor Area Variance	to allow a sign to be located within a recorded easement and Sec. 219-5B of the
<input checked="" type="checkbox"/> Area Variance	Harford County Code to allow a sign to encroach the required 8.33' front yard setback
<input checked="" type="checkbox"/> Variance from Requirements of the Code	(4' proposed) in the GI district requires approval by the Board.
<input type="checkbox"/> Zoning Map/Drafting Correction	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/ Owner (please print or type)

Name KBL MERCEDES LLC Phone Number 1-717-741-8341

Address 6259 Reynolds Mill Road, Seven Valleys, PA 17360
Street Number Street City State Zip Code

Co-Applicant Chesapeake Spice LLC Phone Number 1-410-391-2100

Address 9341 'K' Philadelphia Road Baltimore MD 21237
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number N/A

Address N/A
Street Number Street City State Zip Code

Attorney/Representative Marc Lipchin Phone Number 410-465-0473

Address 3300 N. Ridge Road Ellicott City MD 21043
Street Number Street City State Zip Code

Land Description

Address and Location of Property 4613 Mercedes Lane, Belcamp, MD 21017

Subdivision Riverside Business Park

Lot Number 30

Acreage/Lot Size 8.09 AC+/-

Election District 1st

Zoning 'GI'

Tax Map No. 58

Grid No. 4A

Parcel 245

Water/Sewer: Private

Public

List ALL structures on property and current use: Current use: 70,027 SF warehouse office building; One-story concrete block and aluminum siding building w/associated parking, areas and truck door

Estimated time required to present case: 15 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes No

Is this request within one (1) mile of any incorporated town limits? Yes No

Request

1. A 50% reduction of the minimum sign setback, four feet requested - eight-foot the required minimum.
2. A variance to construct a lighted 36-square foot+/- concrete block site sign within a recorded 25 foot drainage and utility easement.

Justification

See attached sheet.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Justification:

1. There is only ten linear feet from right-of-way line to face of existing curb on-site. This would allow only two feet in which to construct a sign. Sign placement in this matter would be parallel with Mercedes Drive, which means you could not read the sign addressing this property until you were past the existing entrance. In order to have the site sign readable, prior to the entrance, it should be angled to give drivers more advanced notice. Placing the sign at the western entrance is not an option, since there is a 20-foot drainage and utility easement with a public sanitary sewer main in it.

2. The 25-foot drainage and utility easement running along the property frontage of this lot, as recorded, is/was for the future/proposed water meter vaults. At the time this plat was prepared and recorded, and prior to any building being constructed, it was the practice at that time to label and dedicate the area from the road right-of-way line to the minimum building setback line as a "Drainage and Utility Easement" for the placement of future public utilities to serve the proposed structure. This was done as a request of the Water and Sewer Division of the Harford County Department of Public Works. This building utilizes an indoor meter setting, hence the drainage and utility easement for the placement of an outside water meter is now not required.

AGE & UTILITY
AT 06-129

EX DRAINAGE & UTILITY
EASEMENT (PLAT 71-40)

EX PARKING
BAYS

PROPERTY
LINE

EX SD
INLET (TYP)

EX 9" WATER LINE

EX 6" WATER LINE

WATER VALVE
(TYP)

EX 8" SAN

EX RM LINE

EX MACADAM ENTRANCE

EX 15" STORM DRAIN

MIN. BLDG. STRK. LINE

EX 24" STORM DRAIN

EX 1'-0" FROM BACK OF
T CONC. C&G

EXISTING
DRAINAGE AND UTILITY EASEMENT
PLATS 71-40 & 04-02

EX INLET (TYP)

EX CABLE BOX

EX GARAGE AREA

EX 7" CONC. C&G

EX 50 INLET (TYP)

EX 36" STORM DRAIN

EX TREE

EX 7" CONC. C&G

MERCEDDES

(PUBLIC ROAD)

DRIVE

S

EX 8" SAN. SEWER

S

EX 8" SAN. SEWER

EX SD INLET (TYP)

EX 44' PAVING

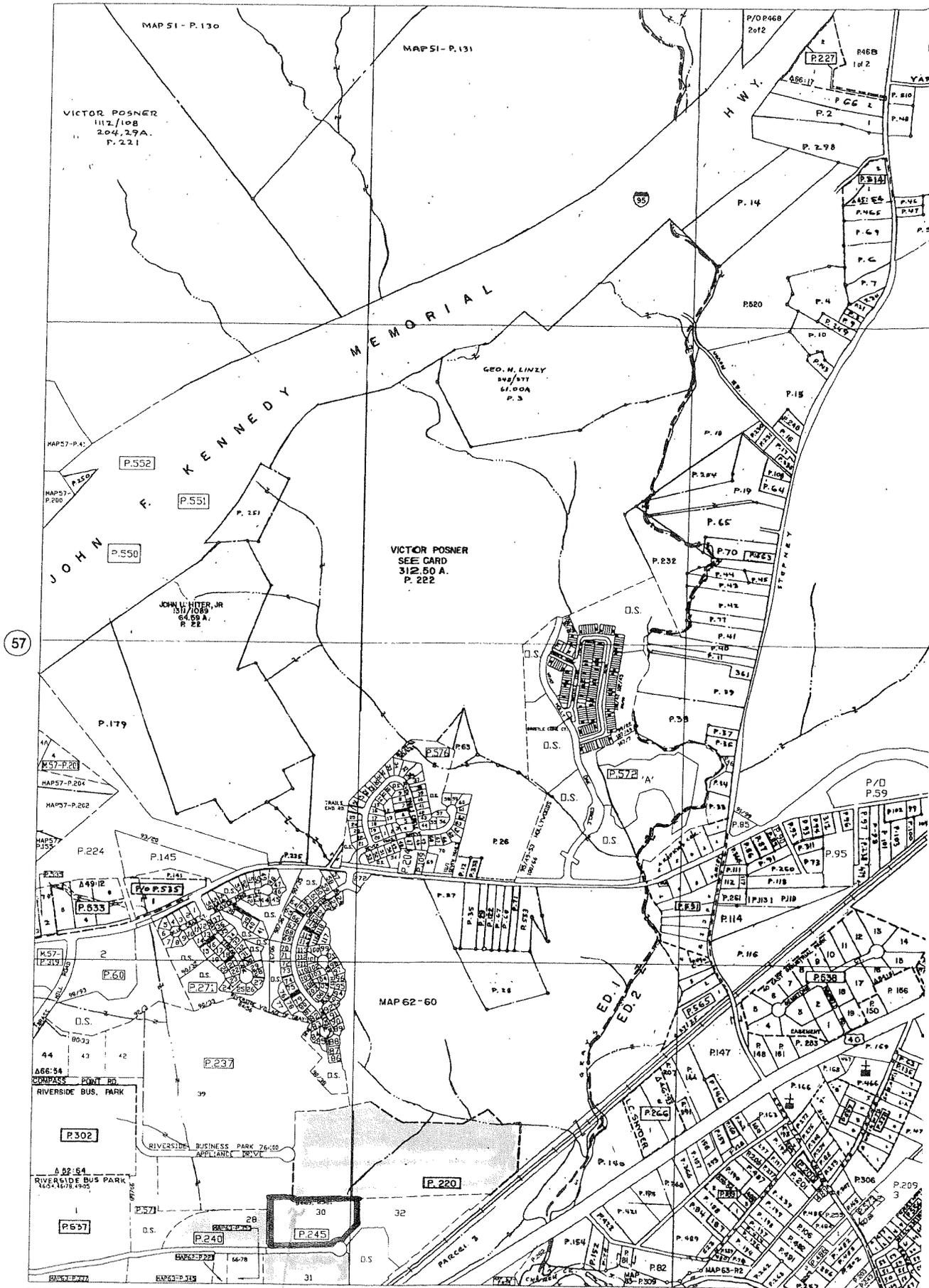
PLAT BOOK 85 FOLIO 21

EX 60' R/W

PROPOSED 8'-0" (L) X 4'-6" (H) X 2'-0" WIDE MASONRY & LIGHTED BUSINESS IDENTIFICATION GROUND PLACED SIGN.

14619 MERCEDDES DRIVE
RIVERSIDE BUSINESS PARK
REVISION OF FINAL PLAT 32 &
FLAT BOOK 85 FOLIO 21
REVISED FINAL PLAT NO. 85 FOLIO 21





57

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WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.

SCALE IN FEET



1016
TAX MAP NO. 58

1019

1022

RAPID MEMO

TO STAN WILLIAMS
PLANNING & ZONING

DATE 10-21-04
SUBJECT CHESAPEAKE SPIKE SIGN REQUEST
4613 MERCEDES DRIVE

WE HAVE REVIEWED MR. STERNER'S REQUEST TO LOCATE A SIGN WITHIN THE DRAINAGE & UTILITY EASEMENT AT THE SITE ENTRANCE, AND WE WILL APPROVE THE REQUEST. HOWEVER, THE SIGN SHALL BE LOCATED A MINIMUM OF TEN (10') FEET FROM THE EXISTING STORM DRAIN PIPE. ADDITIONALLY, IF THE SIGN NEEDS TO BE RELOCATED IN THE FUTURE TO ACCOMMODATE ANY UTILITY OR DRAINAGE WORK, IT WILL BE RELOCATED AT THE OWNERS EXPENSE.

CHERYL BANIGAN
DEPT. OF PUBLIC WORKS

RECEIVED
2005 JAN -6 P 4:18
PLANNING & ZONING

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

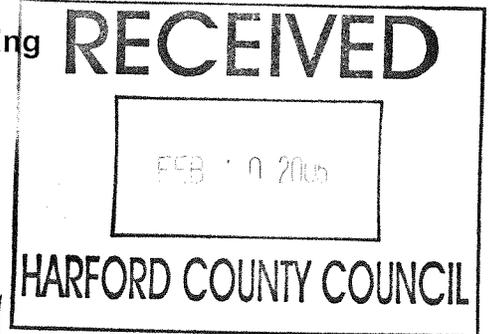


J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

January 14, 2005

Department of Planning and Zoning



STAFF REPORT

BOARD OF APPEALS CASE NO. 5465

APPLICANT/OWNER: KBL Mercedes LLC
6259 Reynolds Mill Road, Seven Valleys, Pennsylvania 17360

Co-APPLICANT/OWNER: Chesapeake Spice LLC
9341 'K' Philadelphia Road, Baltimore, Maryland 21237

REPRESENTATIVE: Marc Lipchin
3300 North Ridge Road, Ellicott City, Maryland 21043

LOCATION: 4613 Mercedes Lane, Belcamp, Maryland 21017
Riverside Business Park
Tax Map: 58 / Grid: 4A / Parcel: 245 / Lot: 30
Election District: First (1)

ACREAGE: 8.09 acres

ZONING: GI/General Industrial

DATE FILED: December 23, 2004

HEARING DATE: March 2, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

1. A 50% reduction of the minimum sign setback, four feet requested – eight-foot required minimum.
2. A variance to construct a lighted 36-square foot ± concrete block site sign within a recorded 25-foot drainage and utility easement.”

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5465

KBL Mercedes LLC & Chesapeake Spice LLC

Page 2 of 5

Justification:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicant are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a sign to be located within a recorded easement and Section 219-5B of the Harford County Sign Code to allow a sign to encroach into the required 8.33-foot front yard setback (4' feet proposed) in the GI/General Industrial District.

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

Section 219-5B of the Harford County Sign Code reads:

Freestanding Signs. A freestanding sign shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Business signs may be freestanding if the property has a minimum of forty-(40) feet of road frontage. The sign area shall be calculated on the basis of one (1) square foot of sign for every foot of property road frontage. However, the maximum area of any freestanding sign shall not exceed two hundred (200) square feet. The setback measured to the edge of the sign shall be equal to one third (1/3) of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is thirty-five (35) feet above the nearest public road grade. [Amended by Bill no. 86-28]

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the Riverside Business Park. The lot is situated to the east of Brass Mill Drive, on the north side of Mercedes Drive, near the end of the cul-de-sac. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The property is located within the Development Envelope. Land use designations include Low, Medium and High Intensity and Industrial/Employment. The Natural Features Map reflects parks, Chesapeake Bay Critical Area, habitats of local significance, and tidal wetlands. The subject property is designated as Industrial/Employment, which is defined by the 2004 Master Plan as:

STAFF REPORT

Board of Appeals Case Number 5465

KBL Mercedes LLC & Chesapeake Spice LLC

Page 3 of 5

Industrial/Employment – Areas of concentrated manufacturing, distribution, technical, research, office, and other activities generally located along major transportation corridors.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The Riverside Development contains a mix of residential uses, commercial uses, industrial uses, and institutional uses. The existing land uses in this area of the County are consistent with the 2004 Master Plan. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject property, (Lot 30), is located on the north side of Mercedes Drive, east of Brass Mill Road in the Riverside Business Park. The property is approximately 8.09 acres in size. The property is mainly level. Improvements consist of a large industrial building. The property is surrounded by other commercial/industrial uses. Enclosed with this report is a topographic map of the area, site photographs and an enlargement of the aerial photograph (Attachments 7, 8 and 9).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood, B2/Community and B3/General Business Districts. There are areas zoned CI/Commercial Industrial and GI/General Industrial Districts. Enclosed with the report is a copy of the zoning map (Attachment 10). The subject property is zoned GI/General Industrial.

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a sign to be located within a recorded easement and Section 219-5B of the Harford County Sign Code to allow a sign to encroach into the required 8.33-foot front yard setback (4' feet proposed) in the GI/General Industrial District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

STAFF REPORT

Board of Appeals Case Number 5465

KBL Mercedes LLC & Chesapeake Spice LLC

Page 4 of 5

Section 219-17:

The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.

Section 267-26C(6):

(6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

The Department finds that the Applicants' property is unique. The entire 25-foot minimum front yard setback is also recorded as a drainage and utility easement (Attachment 11 is a copy of the recorded plat). Therefore the sign would require a variance in order to be located anywhere within 25 feet of the road. There is only 10 feet of area between the right-of-way and the existing curbing on the lot. The proposed sign location should not impact the use of the Easement area.

Section 219-5B:

Freestanding Signs. A freestanding sign shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Business signs may be freestanding if the property has a minimum of forty-(40) feet of road frontage. The sign area shall be calculated on the basis of one (1) square foot of sign for every foot of property road frontage. However, the maximum area of any freestanding sign shall not exceed two hundred (200) square feet. The setback measured to the edge of the sign shall be equal to one third (1/3) of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is thirty-five (35) feet above the nearest public road grade. [Amended by Bill no. 86-28]

The Department again finds that the subject property is unique. Mercedes Drive is a 44 foot road with a 60 foot right-of-way. Because of the width of the right-of-way, there is only 10 feet between the right-of-way and the curbing located on the lot. There would still be 10 feet between the sign and the edge of the roadway. The lot is located near the end of Mercedes Drive and the sign will not adversely impact traffic on this road.

The Department of Public Works has reviewed the request and have concluded that the location can be approved subject to the sign being located 10-feet from the existing storm drain pipe. Additionally, if the sign needs to be relocated in the future to accommodate any utility or drainage work, it will be relocated at the owners' expense (Attachment 12).

STAFF REPORT

Board of Appeals Case Number 5465

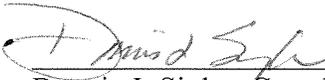
KBL Mercedes LLC & Chesapeake Spice LLC

Page 5 of 5

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions.

1. The Applicants obtain all necessary permits and inspections for the construction of the sign.
2. The sign shall be located 10 feet from the existing storm drain pipe.
3. If the sign needs to be relocated in the future to accommodate any utility or drainage use, it will be relocated at the owners expense.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf