

69212 1.4c 9/21/73 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Markel I, or we, John E. Markel & Elva M. legal owner 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 1202.2B of the Comprehensive Zoning Regulations and Section V.B.2 of C.M. of D.P. to permit a sideyard of nineteen (19) feet and Section V.B.2 of C.M. of D.P. to permit a sideyard of nineteen (19) feet in lieu of the required twenty-five (25) feet and from Section V.B.3 of C.M. of D.P. to permit a distance of twenty-five (25) feet between buildings in lieu of the required fifty (50) feet. 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.

See attached description

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 John E. Markel Elva M. Markel Legal Owner Address 7403 York Road Towson, Maryland 21204

James D. Nolan Petitioner's Attorney Protestants Attorney Address 204 West Pennsylvania Ave. Towson, Maryland 21204 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of January, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1974, at 1:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Markel

I, or we, John E. Markel & Elva M. legal owner 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 5.5 zone to an D.R. 16 zone, for the following reasons:

1.) In classifying the property D.R. 5.5 the Baltimore County Council committed error as set out on the attached exhibit which is incorporated by reference hereto; and

2.) Substantial changes have occurred in the neighborhood so as to alter its character since the property was so classified by the Council, as set out on the attached exhibit which is incorporated by reference hereto.

see attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for offices, office buildings and professional offices.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception 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 John E. Markel Elva M. Markel Legal Owner Address 7403 York Road Towson, Maryland 21204

James D. Nolan Petitioner's Attorney Protestants Attorney Address 204 West Pennsylvania Ave. Towson, Maryland 21204 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of January, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1974, at 1:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION, AND VARIANCES NE/corner of York and Sussex Roads - 9th Election District John E. Markel, et ux - Petitioners NO. 74-199-RXA (Item No. 17)

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

This matter comes before the Zoning Commissioner upon a Petition filed by John E. and Elva M. Markel, for a Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone; a Special Exception for an office building and offices; and Variances from the Baltimore County Zoning Regulations, Sections 1202.2B and 504 (Section V.B.2 of the Comprehensive Development Manual), to permit a side yard of 19 feet in lieu of the required 25 feet, and Sections 1201.2C.1 and 504 (Section V.B.3 of the Comprehensive Development Manual), to permit a distance of 25 feet between buildings in lieu of the required 50 feet. Said property is located on the northeast corner of York and Sussex Roads, in the Ninth Election District of Baltimore County and contains 0.45 acres of land, more or less.

Evidence, on behalf of the Petitioners, indicated that the subject property is unimproved and that the Petitioners wish to construct an office building thereon. The architecture of the building is intended to be basically the same as the Petitioners' home, which adjoins the subject property on the north. Public sewer and water facilities are available and sufficient to the subject property.

Expert testimony indicated that there are very few residential areas along York Road. No residential homes have been built in this section of York Road for at least 15 years. It was indicated that professional offices can be an asset in this area. Mr. Hugh Gelston, a qualified real estate broker and appraiser, indicated that any construction on York Road should not be residential but should

be for office or commercial use. Its proximity to St. Joseph's Hospital and the Greater Baltimore Medical Center would make the subject property conducive for professional offices. It was admitted that there have been no substantial changes in the character of the neighborhood and the sole question before the Zoning Commissioner is whether or not the present zoning of the property is in error.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the Comprehensive Zoning Map, as adopted on March 24, 1971, is not in error in classifying the subject property D.R. 5.5. A study of the Comprehensive Zoning Map, as adopted, indicates that, if the subject Petitioner were granted, quasi-commercial, namely office use, would leapfrog Sussex Avenue, in a northerly direction along York Road, and be an infringement upon the strict residential character of this area. The Comprehensive Zoning Map, as adopted by the Baltimore County Council, is presumed to be correct. The burden of proving error and/or substantial change in the character of the neighborhood is borne by the Petitioners. In the instant case, this burden has not been met.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of August, 1974, that the Reclassification be and the same is hereby DENIED and that the subject property be and the same is hereby continued as and to remain a D.R. 5.5 Zone, and, by necessity, the Special Exception and Variances are hereby DENIED.

Zoning Commissioner of Baltimore County

Richard L. Jarvis, P. E. 2604 Stoneyside Drive Fallston, Maryland 21047, Tel. No. (301) 879-9524

DESCRIPTION

0.45 ACRE PARCEL, MORE OR LESS, LOTS 140 AND 141 IN SECTION ONE OF WILTONDALE, EAST SIDE OF YORK ROAD, NORTH SIDE OF SUSSEX ROAD, NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for D.R. 16 Zoning with Special Exception for Offices

Beginning at a pipe marking the intersection of the north side of Sussex Road, and the east side of York Road, being the southwest corner of Lot 141, hereinafter referred to; running thence binding on said York Road five courses: (1) North 19° 47' East along the western boundary line of Lots 141 and 140, one hundred-forty eight and 2/100 (148.02) feet; (2) thence at right angles South 70° 13' East, one hundred-fifty (150) feet; (3) thence South 19° 47' West, one hundred-seventy and 2/100 (107.02) feet to the northern side of Sussex Road; (4) thence North 88° 20' West one hundred thirty-one and 89/100 (131.89) feet; (5) thence North 70° 13' West, twenty-four and 45/100 (24.45) feet, to the point of beginning.

Being the entirety of Lots 140 and 141 in Section One of Wiltondale, being a resubdivision of part of Plat #1 - Wiltondale, recorded among the land records of Baltimore County in Plat Book W.P.C. No. 8, Folio 57.

August 20, 1974

James D. Nolan, Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204

RE: Petition for Reclassification, Special Exception, and Variances NE/corner of York and Sussex Roads - 9th Election District John E. Markel, et ux - Petitioners NO. 74-199-RXA (Item No. 17)

Dear Mr. Nolan:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA Zoning Commissioner

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION, AND VARIANCES NE/corner of York and Sussex Roads - 9th Election District John E. Markel, et ux - Petitioners NO. 74-199-RXA (Item No. 17)

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER FOR APPEAL

DEAR MR. COMMISSIONER:

Please enter an appeal on behalf of Petitioners John E. Markel, D.D.S. and Elva M. Markel, his wife, to the County Board of Appeals from your Opinion and Order of August 20, 1974, denying the requested reclassification, special exception and variances, and each and every part of the said Opinion and Order.

James D. Nolan and Nolan, Plumbhoff and Williams Attorneys for the Petitioners 204 W. Pennsylvania Avenue Towson, Maryland 21204 823-7800

JUDITH P. STARK ATTORNEY AT LAW 1413 WESTCROFT ROAD PINEVILLE, MARYLAND 21208 484-2876 August 12, 1975

County Board of Appeals County Office Building Towson, Maryland 21204

Att: Mrs. Eisenhart Administrative Secretary Re: John & Elva Markel N/E Corner York & Sussex Rds. NO. 74-199 RXA

Dear Mrs. Eisenhart:

This is to advise that I have been retained to represent the above Petitioners in place of James D. Nolan, Esq.

As I advised you last week we expect to go forward with this matter on August 21.

Thanking you for your courtesy in this matter,

I am,

Very truly yours,

Judith P. Stark

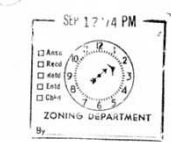
JPS:md



September 7, 1973

SED/ew Attachments cc: H. Louis French, Esquire 504 Wilton Road Towson, Maryland 21204 Mr. J. Ariosa 320 Hillen Road Towson, Maryland 21204

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS TOWSON, MD.



Rec'd 9-17-75 11:00 AM

JUN 18 1976

RE: PETITION FOR RECLASSIFICATION :
from D.R. 5.5 zone to D.R. 16 zone;
SPECIAL EXCEPTION for Offices and :
Office Building; and
VARIANCES from Section 1802.28 :
(504-V.B.2) and Section 1801.2.C.1 :
(504-V.B.3) of the Baltimore County :
Zoning Regulations :
NE corner of York and Sussex Roads :
9th District :
John E. Markel, et ux :
Petitioners :

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner denying a reclassification, special exception and variances for the subject property. The property is a vacant unimproved lot located at the northeast corner of York and Sussex Roads, in the 9th Election District.

The principal issue and burden on the appellant in this case is to evidence to the Board original error and/or substantial change in the character of the neighborhood to warrant the requested reclassification. As it has been stated many times, there is a presumption of correctness in original zoning and the Petitioner carries an onerous burden of clearly evidencing either original error and/or substantial change.

In the subject case the Petitioner forwarded no arguments as to change in character of the neighborhood; hence if he were to be successful in this petition, he must evidence original error by the County Council in March of 1971, when, in fact, they did not classify the subject property in a D.R. 16 zone. The argument as to this original error was presented to the Board primarily by Hugh Gelston, a well-known real estate expert. Mr. Gelston, being very familiar with the general Towson area, described for the Board the Wiltondale neighborhood, which basically surrounds the subject property. Mr. Gelston told the Board the history of this community and of the general usages as they exist north and south along the York Road from the subject property. As to original error, Mr. Gelston stated that the Council should have zoned the subject property and most of those other properties that front along York Road D.R. 16. He likened this community to that portion of the York Road near the Northampton community

John E. Markel, et ux - No. 74-199-RXA

2.

where the County Council did, in fact, provide a strip of D.R. 16 along the east side of York Road. Mr. Gelston noted that there have been no new residential homes built on this section of the York Road for the last ten years. He felt that the proposed office building could be an asset and stabilizing factor for this community. He felt that this office building represented the highest and best use of this vacant and unimproved lot.

The Board has carefully reviewed the testimony and evidence offered in this case and it is the judgment of this Board that the Petitioner has failed to carry the burden of proof necessary to evidence original error in the subject instance.

James Howell, a planner for Baltimore County, told the Board that the subject case was a specific issue before the County Council in late 1970 and through the March, 1971 adoption of the Comprehensive Use Map for this area. Mr. Howell told the Board that he felt that the existing D.R. 5.5 zoning was correct and could find little or no logic in Mr. Gelston's principle that practically all of the York Road frontage should be zoned D.R. 16. Mr. Howell felt that the D.R. 5.5 served the character of this fine residential neighborhood very well and was an inhibitor to the further strip quasi-commercial usages of this York Road corridor. It was his thought that there would be absolutely no good planning served by zoning all of the York Road frontage either D.R. 16 or in one of the business classifications.

After carefully reviewing the Comprehensive Map for the subject area, the Board sees no error on the part of the Council in its actions of March 1971 when in fact it did not zone the subject property D.R. 16. Frankly, in the mind of the Board it would seem that the Council acted in a logical manner tying off the business usages at Stevenson Lane. The placement of D.R. 5.5 zoning in the subject instance seems logical and was, in fact, carried out in a number of areas along this York Road corridor by the Council in March of 1971.

In summary, the Board can find no original error by the Council in March of 1971 when, in fact, they did not zone the subject property D.R. 16, and hence the Board will deny the requested reclassification.

John E. Markel, et ux - No. 74-199-RXA

3.

As the petitions for the special exception and setback variances become more questions without the necessary reclassification of the subject property to D.R. 16, the Board will dismiss the request for the special exception and variances.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of May, 1976, by the County Board of Appeals ORDERED, that the reclassification from D.R. 5.5 to D.R. 16 zone petitioned for, be and the same is hereby DENIED; and

IT IS FURTHER ORDERED, that the Special Exception for offices and office building, and Variances from Sections 1802.28 (504-V.B.2) and 1801.2.C.1 (504-V.B.3) be and the same are hereby DISMISSED.

Any appeal from this decision must be in accordance with Rules 8-1 to 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gilland

John A. Miller

POINTS OF ERROR COMMITTED BY THE BALTIMORE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT PROPERTY

D.R. 5.5

The Petitioners state that the Baltimore County Council committed at the very least the following errors, and very probably additional errors in classifying the subject property D.R. 5.5.

1.) The subject property is located on, and oriented to York Road, a heavily traveled arterial, and is located directly across the street from a large D.R. 16 zone with a large office complex thereon, and it was error for the Council not to place the subject property in a D.R. 16 zone to facilitate office and professional use of the property.

2.) That there is a need for additional D.R. 16 areas of moderate depth along York Road in this area for controlled office use pursuant to a special exception, and it was error for the Council to fail to recognize this need and to place the subject property in this category for which it is ideally situated and suited.

3.) For such other and further errors as shall be disclosed during the course of the preparation of this case, which errors shall be brought out at the time of the hearing hereon.

CHANGES IN THE NEIGHBORHOOD

1.) That York Road in this area is increasingly taking on a commercial, office and professional offices character, due to a need for additional commercial and office space, particularly professional office space in this area convenient to three major hospitals, as well as to the large and ever expanding college complex.

-1-

2.) For such other and further changes as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
Attorney for the Petitioners

JDN:ak

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING Item 17
6th Zoning Cycle

James E. Nolan, Esq., County Office Building
204 West Pennsylvania Avenue 111 W. Chesapeake Avenue
Towson, Maryland 21204 Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 15th day of October 1973.

Eric DiNenna
Zoning Commissioner

Petitioner John E. Markel & Niva M. Markel
Petitioner's Attorney James D. Nolan Reviewed by John J. O'Brien Jr.
OO: Richard L. Jarvis Chairman
2404 Stonewall Drive
Fallsport, Md. 21047 Zoning Advisory Committee

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

October 24, 1973

Mr. S. Eric DiNenna
County Office Building
Towson, Maryland 21204

Re: Item 17- October 1973 to April 1974 - Cycle Zoning VI
Property Owner: John E. Markel
Northeast corner of York and Sussex Roads
D.R. 16, special exception for offices and office building.
Variance from Section 1801.2.C.6 and V.B.3 for side yard and distance
between buildings
District 9

Dear Mr. DiNenna:

The subject petition in itself is not of sufficient size to create any major traffic problems. However, presently it is difficult to exit Sussex Road into York Road and the addition of more traffic can only make it more difficult.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRH/pk

November 27, 1973

James D. Nolan, Esq.,
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 17 - 6th Zoning Cycle
John E. Markel & Elva M. Markel -
Petitioners

Dear Mr. Nolan:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northeast corner of York Road and Sussex Road, in the 9th District of Baltimore County.

This property, which contains two lots for a total area of 0.45 acres of land, is currently improved with an existing and very attractive 2-1/2 story stone and frame dwelling on the northern most portion of the lot. The property is well landscaped and in excellent condition.

The petitioner is requesting a Reclassification from D.R. 5.5 to D.R. 16 and a Special Exception for an office and office building. The plans as submitted propose that the existing residence be converted into offices and that a 25x42 foot three-story building be erected on the lot adjacent to Sussex Road. There are several existing dwellings in the area, all in excellent condition.

James D. Nolan, Esq.,
Re: Item 17 - 6th Zoning Cycle
November 27, 1973

Directly to the rear of the property is an existing 15 foot paved alley. Sussex Road is 24 feet wide and traffic flows east and west. Parking is permitted on the street. The site plan indicates an entrance from Sussex Road to the properties with parking abutting the alley.

This petition generated a good deal of discussion among the various Committee members with relation to the proposed parking and means of ingress and egress to and from the site. It is anticipated that difficulty existing from the proposed parking area could be a problem because of the difference in grade and the narrowness of the street. Consideration should be given to a way of eliminating this problem. In general, the Committee concurs with the Bureau of Engineering recommending that the existing alley behind the subject property be widened to a minimum of 20 feet in anticipation of existing and future traffic demands in this area.

I also feel that the proposed new office building could seriously contribute to the overall crowding of the property.

Should this petition receive a favorable decision, I recommend that it be restricted in the following manner:

1. The existing dwelling be maintained in such a manner as to retain its residential character.
2. That sufficient parking be provided for employees on the property as well as those patronizing the facilities, and
3. That an acceptable landscaping plan be incorporated in this development.

James D. Nolan
Re: Item 17 - 6th Zoning Cycle
November 27, 1973

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Monday, December 17, 1973 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1974 and April 15, 1974 will be forwarded to you well in advance of the date and time.

Very truly yours,

John J. Dillon, Jr.
JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr:JJD

Enclosure

cc: Richard L. Jarvis
2404 Stonybrook Drive
Fallston, Md. 21047

Item #17 (October 1973-April 1974 - Cycle VI)
Property Owner: John E. and Elva M. Markel
Page 2
October 11, 1973

Storm Drains

The Petitioner 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 which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Water and Sanitary Sewers

Public water supply and sanitary sewerage are existing adjacent to this property.

Very truly yours,

William H. Diver
W. H. DIVER, P.E.
Chief, Bureau of Engineering

ENCLOSURES

1-101 Key Sheet
NS 5 & 9 A Pos. Sheets
32 NS 2 Topo



State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

October 9, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Baltimore County
Sixth Zoning Cycle, Oct. 1973
Property Owner: John E. & Elva M. Markel
Location: E/S of York Road (Rte 45)
N. of Sussex Road
Existing Zoning: D. R. 5.5
Proposed Zoning: D. R. 16
No. of Acres: 0.45 Acre
District: 9th

Attention Mr. John J. Wislady

Dear Mr. DiNenna:

No access is proposed from York Road into the subject site. Therefore, there will be no requirements from the State Highway Administration.

The 1972 average daily traffic count on this section of York Road is 16,400 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering Access Permits
C. L. Lee
By: J. S. Mayers

CLJ:DM:AG

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTHJEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 19, 1973

JOHNALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Reclassification, Zoning Advisory Committee Meeting, October 2, 1973, are as follows:

Property Owner: John E. & Elva M. Markel
Location: E/S York Rd., N. of Sussex Road
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
No. Acres: 0.45
District: 9

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnp

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering

ELLSWORTH H. GIVEN, P. E., CHIEF

October 11, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #17 (October 1973-April 1974 - Cycle VI)
Property Owners: John E. and Elva M. Markel
E/S of York Rd., N. of Sussex Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
No. of Acres: 0.45 Acre District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

York Road is a State Road; therefore, all improvements, intersections, and entrances on this road will be subject to State Highway Administration requirements.

Sussex Road is an existing 20-foot curbed street on a 40-foot right-of-way and is not scheduled for additional improvements at this time. However, a 5-foot widening strip will be required on Sussex Road for the frontage of the site.

Baltimore County maintains the existing alley to the rear of the site. Since the existing alley is inadequate to serve proper access for the parking facilities, it is proposed that the existing alley ultimately be widened to permit construction of a 20-foot wide roadway, if access is desired. No alley improvements are required at this time; however, the widening must be established along the rear of this property in connection with any subsequent grading or building permit application, which will require access from the existing alley.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 30 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details E-33, E-33A and E-33B, 1971 Edition), as the Petitioner's total responsibility.

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204

823-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: John E. & Elva M. Markel

Location: E/S of York Rd., N. of Sussex Road

Item No. 17 Zoning Agenda Tuesday, October 2, 1973

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at [redacted] shall be corrected.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Thomas H. Devlin* Noted and Approved: Deputy Chief
Planning Group Special Inspe. on Division Fire Prevention Bureau

mls
4/16/73

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Property Owner: John E. and Elva M. Markel
Location: E/S of York Road N. of Sussex Road
Existing Zoning: D.R.5.5
Proposed Zoning: D.R.16
No. of Acres: 0.45 acres
District: 9

John W. Winkler

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 901 PLANNING 494-3311 ZONING 494-3351

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

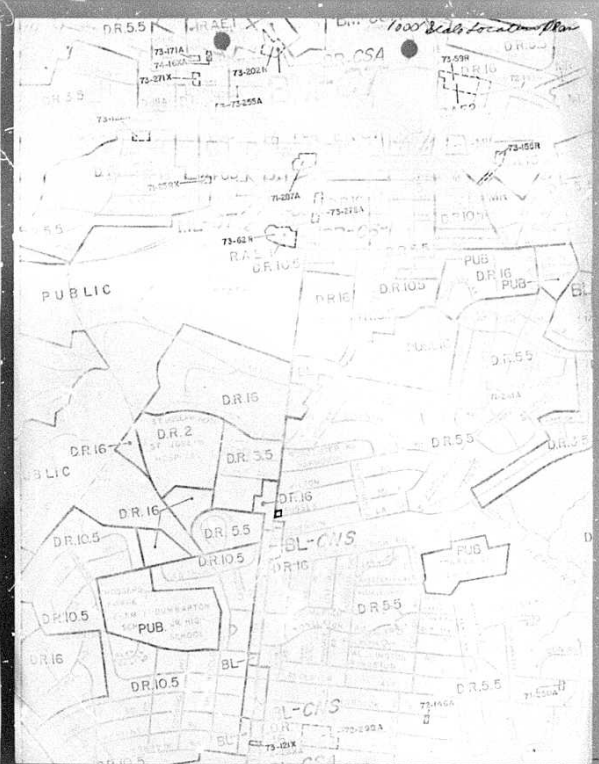
Re: Item
Property Owner: John E. & Elva M. Markel
Location: E/S of York Road, N. of Sussex Road
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16

Very truly yours,
W. Nick Petrovich
 W. Nick Petrovich
 Field Representative

H. EMBLE PARKS, PRESIDENT
EUGENE G. HESS, VICE-PRESIDENT
MRS. ROBERT L. BENNEY

MARCUS M. BOTTSARIS
JOSEPH N. MCGOWAN
ALVIN L. CREEK

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.D.
MR. & RICHARD K. WUERFEL



PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	date
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: <u>ETJ</u>					Revised Plans: Change in outline or description <u>Yes</u> _____ No _____				
Previous case: _____					Map # _____				

Appeal
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 9A Date of Posting Oct. 2, 74
 Posted for: _____
 Petitioner: John E. Merkel
 Location of property: N.E. corner of York Rd. & Sussex Rd.
 Location of Signs: 1 sign located York Rd. 1 sign located Sussex Rd.
 Remarks: _____
 Posted by: Paul H. Mose Date of return: Oct. 16, 74
 Signature

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received * this 24 day of

Sept 1972. Item # _____
 Submitted by S. Eric DiNardo
 Zoning Commissioner
 Petitioner: John E. Merkel Submitted by Nolan
 Petitioner's Attorney Nolan Reviewed by FTH

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 17469

DATE January 29, 1975 ACCOUNT 01-662

AMOUNT \$10.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 James D. Nolan, Esq.
 Cost of Posting Property of John E. Merkel, et ux, for an
 Appeal Hearing
 NE/corner of York and Sussex Roads - 9th Election Dis-
 trict
 Case No. 74-199-RXA (Item No. 17)

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 12774

DATE Nov. 27, 1973 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 James D. Nolan, Esq.
 204 W. Penna. Ave.
 Towson, Md. 21204
 Petition for Reclassification and Variance for John E.
 Merkel

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 13151

DATE March 11, 1974 ACCOUNT 01-662

AMOUNT \$158.21

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 James D. Nolan, Esq.
 204 W. Penna. Ave.
 Towson, Md. 21204
 Advertising and posting of property for John Merkel
 #74-199-RXA

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 15200

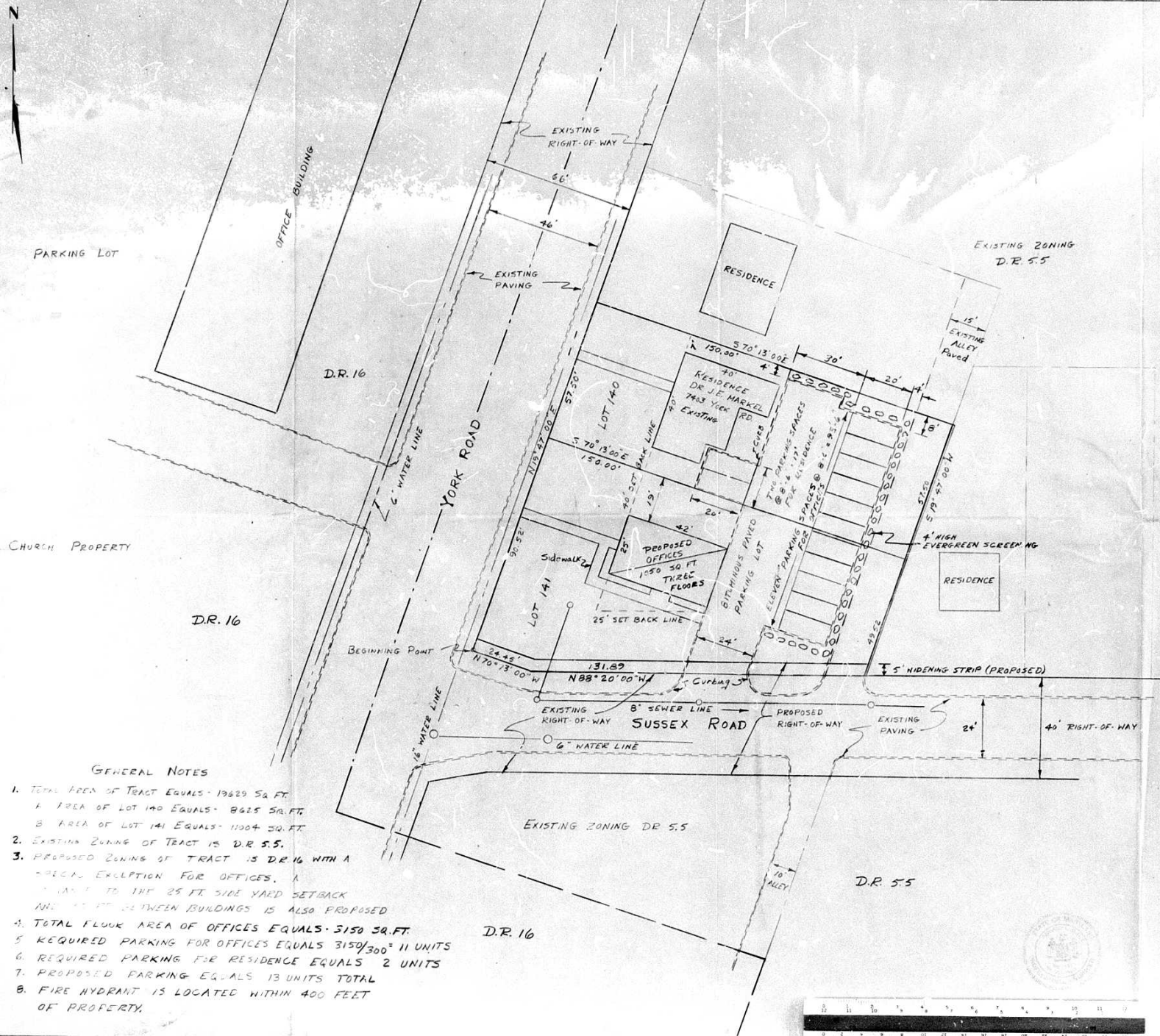
DATE September 25, 1974 ACCOUNT 01-662

AMOUNT \$70.00

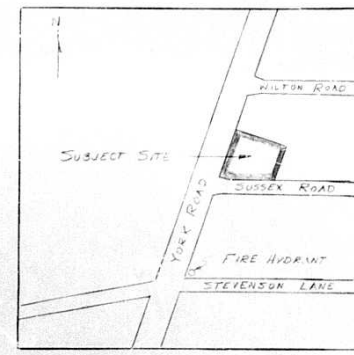
DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 James D. Nolan, Esq.
 Cost of Filing of an Appeal on Case No. 74-199-RXA
 NE/corner of York and Sussex Roads - 9th Election
 District
 John E. Merkel, et ux - Petitioners

PROTESTANTS EXHIBIT



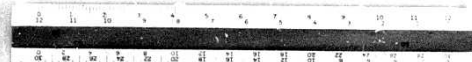


- GENERAL NOTES**
1. TOTAL AREA OF TRACT EQUALS 19629 SQ. FT.
 2. AREA OF LOT 140 EQUALS 8625 SQ. FT.
 3. AREA OF LOT 141 EQUALS 11004 SQ. FT.
 4. EXISTING ZONING OF TRACT IS D.R. 5.5.
 5. PROPOSED ZONING OF TRACT IS D.R. 16 WITH A SPECIAL EXCEPTION FOR OFFICES, A 25' SETBACK TO THE 25' SIDE YARD SETBACK AND 10' BETWEEN BUILDINGS IS ALSO PROPOSED.
 6. TOTAL FLOOR AREA OF OFFICES EQUALS 3150 SQ. FT.
 7. REQUIRED PARKING FOR OFFICES EQUALS 3150/300 = 11 UNITS.
 8. REQUIRED PARKING FOR RESIDENCE EQUALS 2 UNITS.
 9. PROPOSED PARKING EQUALS 13 UNITS TOTAL.
 10. FIRE HYDRANT IS LOCATED WITHIN 400 FEET OF PROPERTY.



MAP	22
ELECTION	10/2/23
DISTRICT	9
WARD	2
BY	10/2/23
FINAL	BY

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION & SPECIAL EXCEPTION
OF PROPERTY
VICINITY
YORK ROAD & SUSSEX ROAD
ELECTION DISTRICT-9 BALTIMORE, MD
SCALE: 1" = 20' 5/11/23 7,1913



0	1	2	3	4	5	6	7	8	9	10	11	12
OK	EZ	XZ	BZ	CZ	OZ	TZ	PZ	QZ	DZ	FZ	GZ	HZ