

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
N/S Frederick Road, 89.55' W of : DEPUTY ZONING
Briarwood Drive - 1st Election District : COMMISSIONER
John J. Gernemko - Petitioner :
NO. 77-76-X (Item No. 33) :
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for an office building. The subject property, sited B. L. and D. R. 16, is located at the northwest corner of Frederick Road and Briarwood Drive, in the First Election District, and contains 1.09 acres, more or less.

Testimony on behalf of the Petitioner indicated that he purchased the tract in July, 1975, and that he proposes to construct a two-story office building to be utilized by eight or ten doctors and for his own business, The Space Petroleum Company. The Petitioner added that he was dissuaded from developing the property in conformance with D. R. 16 zoning because of cost considerations.

Further testimony for the Petitioner by Mr. Worthington Ewell, a traffic engineer, indicated that the proposed use would generate an estimated 190 trips per day as opposed to 130 trips per day for D. R. 16 usage. He added that the former use would, however, be in off peak hours. The Baltimore County Department of Traffic Engineering proposed the same figures.

Mr. George Holderfer, a civil engineer, testified to the existence of a drainage problem at the site in question and that a storm water retention system, which he has designed, would have no adverse effect on the present drainage problem.

Long term residents of the area, in protest to the subject Petition, indicated that inadequate drainage has been a burden to them for more than 20 years and that they have suffered property damage, flooded basements, and the loss of utilization of basement sanitary facilities as a result of flooding.

This property was the subject of a hearing (Case No. 75-251-SPH) for a Special Exception for off-street parking, which was denied in June, 1975. Prior to that hearing, comments, dated April 22, 1975, submitted by the then Director or Planning, noted that his office had "received numerous complaints of flooding in the general area." The present Acting Director of Planning also indicated that the office is not in favor of the granting of the requested Special Exception.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the Petitioner has not met the requirements of Section 502.1 of the Baltimore County Zoning Regulations and the proposed use must be denied. It further appears that the proposed use would not solve serious existing drainage problems and could conceivably have an adverse effect upon that situation.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 27th day of October, 1976, that the Petition for a Special Exception for an office building should be and the same is hereby DENIED.

John H. Husey, IV
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
N/S Frederick Road, 89.55' W of : DEPUTY ZONING
Briarwood Drive - 1st : COMMISSIONER
Election District - John J. :
Gernemko, Petitioner :
No. 77-76-X (Item No. 33) :
OF BALTIMORE COUNTY

ORDER OF APPEAL

MR. COMMISSIONER:

Please enter an appeal from the decision of the Deputy Zoning Commissioner in the above-entitled matter passed on the 27th day of October, 1976, to the County Board of Appeals for Baltimore County.

John J. Gernemko
JOHN J. GERNEKO, PROPERTY OWNER
Petitioner
5602 Baltimore National Pike
Baltimore, Maryland 21228

John H. Husey, IV
JOHN H. HUSEY, IV
Counsel for Petitioner
3511 Fidelity Building
Baltimore, Maryland 21201
(301) 539-3300

NOV 24 76 AM

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

DATE: November 24, 1976 ACCOUNT: 91-642

AMOUNT: \$70.00

RECEIVED FROM: John H. Husey, IV, Esquire
For: Cost of Filing of an Appeal on Case No. 77-76-X (Item No. 33)
N/S of Frederick Road, 89.55' W of Briarwood Drive - 1st Election District
John J. Gernemko - Defendant

700.00

VALID, W.D. SIGNATURE OF CARRIER

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Frederick Rd., 89.55' W of : OF BALTIMORE COUNTY
Briarwood Rd., 1st District :
JOHN J. GERNEKO, Petitioner : Case No. 77-76-X

ORDER

Upon the foregoing Motion, it is this 23rd day of February, 1978, by the County Board of Appeals for Baltimore County,

ORDERED that the Order of the Zoning Commissioner of Baltimore County granting said Petition be and it is hereby neither Affirmed or Reversed, but the entire proceeding is hereby REMANDED to the Zoning Commissioner of Baltimore County for referral to the Baltimore County Planning Board in accordance with Section 22-15.1(f) of the Baltimore County Code, and further proceedings thereon as are required in accordance with law.

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.
Walter A. Reiter, Jr., Chairman
Robert L. Gilland
Robert L. Gilland

Herbert A. Davis
Herbert A. Davis

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Frederick Rd., 89.55' W of : OF BALTIMORE COUNTY
Briarwood Rd., 1st District :
JOHN J. GERNEKO, Petitioner : Case No. 77-76-X

MOTION

To the Honorable, the County Board of Appeals:

The Motion of John J. Gernemko, by John H. Husey, IV, his attorney, respectfully requests:

1. That this case involves an application for a Special Exception to permit office use on a property which is presently zoned D.R. 16 on the 1976 Comprehensive Zoning Map duly adopted by the County Council for Baltimore County.

2. That, in view of the decision recently promulgated by the County Board of Appeals in a case entitled, "Petition for Special Exception, Nicholas B. Mangione, et ux," No. 76-138-X, your Honors believe, and therefore aver, that the instant case is similarly impacted by the legal operation and effect of the "Interim Development Control Act" and should, as was held in "Mangione," be Remanded to the Zoning Commissioner of Baltimore County for processing in accordance with the terms and provisions of said "Interim Development Control Act."

WHEREFORE, said Petitioner respectfully moves that the County Board of Appeals by its appropriate Order cause said case to be Remanded to the Zoning Commissioner of Baltimore County and referral thereafter to the Planning Board of Baltimore County so that said application might be processed under the "Interim Development Control Act."

AND AS IN DUTY BOUND, etc.,

John H. Husey, IV
John H. Husey, IV
Attorney for Petitioner
1311 Fidelity Building
Baltimore, Maryland 21202
539-3300

I HEREBY CERTIFY that on this 27th day of October, 1976, a copy of this foregoing Motion, and of the proposed Order thereon, was mailed to Mr. James Lee, 46 Briarwood Road, Baltimore, Maryland 21228, Pro-Testant and to John W. Husey, III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

John H. Husey, IV
John H. Husey, IV

EWELL, ROMHARDT & ASSOCIATES
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

PROJECT: TRAFFIC STUDY
SUBJECT: FREDERICK & PEACEDALE AVENUE
BY: J. D. B.

JOB NO.:
SHEET NO.:
DATE:



PETITIONER'S EXHIBIT 2

DATE	TIME	DIRECTIONS			
		IN	OUT	IN	OUT
Tues Oct 5, 1976	7:30 AM - 8:30 AM	634	719	31	20
	8:30 AM - 10:30 AM	437	416	33	20
	10:30 AM - 11:30 AM	428	371	45	42
	11:30 AM - 1:30 PM	505	455	31	28
	1:30 PM - 2:30 PM	427	486	43	40
	4:30 PM - 5:30 PM	754	716	53	50

DATE	TIME	DIRECTIONS			
		IN	OUT	IN	OUT
Tues Oct 5, 1976	7:30 AM - 8:30 AM	21	16	15	9
	8:30 AM - 10:30 AM	50	24	30	14
	10:30 AM - 11:30 AM	65	31	51	18
	11:30 AM - 1:30 PM	61	58	35	22
	1:30 PM - 2:30 PM	42	35	26	19
	4:30 PM - 5:30 PM	16	29	9	17

EXISTING DATA USED IN THIS FIGURE

PLEASE SHIP.

10 Bridlewood Road
Catonville, Maryland 21222
10 December 1976

Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: File No 77-76
John J. Gernemko

Gentlemen:
Please notify us when the appeal case is scheduled for the above file.
I would also appreciate it if you would send me this notice information as far in advance of the date set for the appeal as possible. Please send to the above address.
Thanking you in advance

Yours truly
John J. Gernemko
John J. Gernemko
Mrs. R. Jacqueline Rivers

JUN 13 1979

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for an Office Building : COUNTY BOARD OF APPEALS
N/S Frederick Road, 89.55' : OF
W. of Briarwood Road :
1st District :
John J. Gernemko, Petitioner : BALTIMORE COUNTY
 : No. 77-76-X

OPINION

This case comes before the Board on an appeal by the property owner from a decision of the Deputy Zoning Commissioner which denied a special exception for an office building on the subject site. The subject property is located at 6350 Frederick Road, in the First Election District of Baltimore County. Said property is in the Catonsville section of the County, on the north side of Frederick Road at Paradise Avenue. The subject property is now zoned partly B.L.-C.N.S. and partly D.R. 16. The front portion of the subject property is B.L. along the north side of the Frederick Road. This frontage is now improved by a small retail type structure which includes a 7-11 store and several other retail stores. The D.R. 16 portion of the subject property is now unimproved. It is upon this unimproved section of the subject property that the Petitioner seeks a special exception in order to construct a two-story office building, which would contain approximately sixty-four hundred and forty square feet on each floor. Petitioner's Exhibit #2 is a plot of the subject property and the proposal as per this petition is detailed on said exhibit. The owner testified and told the Board that he wished to include medical offices in his proposed building, and that his own firm would occupy approximately twenty-five percent of the office space of the proposed building. Dr. W. W. Ewell, a traffic expert and registered professional engineer, testified on behalf of the Petitioner. Dr. Ewell noted that the Frederick Road is the least traveled arterial in Baltimore County. Dr. Ewell noted that the type of office building proposed; i.e., medical offices, generates traffic at off-peak hours. If the office building would be built, according to Dr. Ewell, it is likely that this building would generate approximately sixty more cars per day than would the site if some were developed in apartments as per the existing D.R. 16 zoning classification. This would amount to

John J. Gernemko - #77-76-X

2.

approximately six cars per hour over the normally measured ten hour period of daytime traffic use. Dr. Ewell noted that the current traffic along Frederick Road amounts to approximately fourteen thousand vehicles per day and that this road, near the subject property, is operating at levels A and/or B. It could take approximately twenty thousand vehicles per day to in any way congest this section of Frederick Road. Hence, it was the conclusion of this traffic expert that the proposal at the subject property would in no way materially affect the traffic on the Frederick Road.

Thomas E. Martel, a real estate expert, described the land to the Board. He noted the surrounding properties and expressed an opinion that the site was actually too small to be feasibly developed for garden apartments and there were no adjoining properties which could be assembled in order to develop a larger garden apartment project. Mr. Martel noted that as an active leasing agent in the general area that he had had inquiry for medical office space in this immediate vicinity. In the judgment of this expert, the office structure as proposed herein would have less impact on the surrounding land than if the property were, in fact, developed for garden apartments. Petitioner's Exhibit #2 notes that the gross area of the subject property is 1.09 acres. In the judgment of Mr. Martel, if this petition be granted, the provisions of Section 502.1 could be satisfied.

Alan Evans of Evans, Hagan and Holderfer, Inc., surveyors and civil engineers, testified on behalf of this petition. Mr. Evans told the Board that there was adequate sewer and water to serve the subject property and that the subject property, if developed as proposed herein, would be subject to the Baltimore County storm water management program. Compliance with this program would insure that there would be no detrimental storm water runoff from the subject property after the construction of the building as proposed herein. Mr. Evans also noted that, in his judgment, Section 502.1 could be satisfied by a proposal set out in this petition. George Holderfer, a civil engineer from the same firm, detailed for the Board the storm water management program that would have to be completed with if this proposal should come to fruition. The storm water management program would have to be completed before the building permit could be obtained. Basically, the program would insure that there would be no more runoff from

John J. Gernemko - #77-76-X

3.

the subject property than exists at peak flow times prior to the development of the subject property. A storm water retention pond would be required and some would be fenced with a forty-two inch chain linked fence, as required by the terms of the storm water management program.

Several neighbors testified in opposition to the granting of this petition. Mr. Leo G. Rosenberger of #20 Briarwood Road testified that he was opposed to the granting of the petition because in the past there had been flooding in the adjacent stream, and he felt that any additional development on the subject property would add to his flooding problems. This witness was opposed to any development whatsoever upon the subject property.

Another witness, whose mother lives near the subject property, felt that the property should not be developed and that perhaps its highest and best use was for a park. Mrs. Elizabeth J. Bowers, a nearby resident, pointed out to the Board the small concrete alley that separates the homes on Briarwood Road from the subject property. Mrs. Bowers suggested that if this petition be granted no access be allowed to this alley which now primarily serves the residences along Briarwood Road.

John Myers, a highway engineer from the State Highway Administration, told the Board that entrance along Frederick Road at the subject property is only twenty-five feet wide. In the judgment of this expert, traffic would flow better in and out of the subject property if this entrance were widened to thirty feet.

The question before the Board does not involve a zoning reclassification but merely, can the subject property be improved with an office building, as proposed herein, and satisfy each and every requirement of Section 502.1? If such is the case, then the property owner is entitled to the special exception for the office building as proposed. This Board has reviewed in detail the testimony and evidence presented and is satisfied that the Petitioner has met his burden of proof. It is the judgment of this Board that all sections of 502.1 can be satisfied if the subject property is improved by the two-story office building as proposed on Petitioner's Exhibit #2. The Board is satisfied that the new traffic to be generated by this new office building will have no adverse effect upon the existing traffic conditions on Frederick Road. The Board is impressed with the suggestion

John J. Gernemko - #77-76-X

4.

that there be no ingress and egress to the subject property from the older concrete alley that abuts the east side of the subject property. Likewise, the Board is impressed with the testimony of Mr. Myers of the State Highway Administration concerning the width of the entrance to the subject property. It is the opinion of the Board that this entrance should be widened in accordance with Mr. Myers' suggestion so as to insure easier ingress and egress to both the Business-Local part and the office building part of the overall subject property. The Board will grant the special exception subject to these two restrictions. An Order to this effect follows hereafter.

ORDER

Based upon a review of the testimony and evidence presented to this Board, the Board is satisfied that, subject to the restrictions set out below, all the terms of Section 502.1 of the Baltimore County Zoning Regulations can be satisfied if the subject property is developed as proposed on Petitioner's Exhibit #2. For this reason, it is this 27th day of February, 1979, by the County Board of Appeals, ORDERED that the special exception for an office building at the subject property petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That the subject property shall be developed in substantial compliance with Petitioner's Exhibit #2. This development as so proposed shall be subject to the Baltimore County storm water management program.
2. There shall be no ingress or egress to the subject property from the concrete alley that abuts the east side of this property.
3. The entrance to the subject property from the Frederick Road shall be widened approximately five feet, and this widening of the existing

John J. Gernemko - #77-76-X

5.

Ingress and egress of the subject property shall be subject to the approval of the State Highway Administration.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

Herbert A. Davis
Herbert A. Davis

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Frederick Rd. 89.55' W of : OF BALTIMORE COUNTY
Briarwood Rd., 1st District :
JOHN J. GERNEKMO, Petitioner : Case No.: 77-76-X

STIPULATION

It is hereby stipulated that the following documents attached shall be admitted into evidence in the within proceeding:

1. Letter from Deputy Zoning Commissioner to Walter A. Reiter, Jr. dated July 14, 1978.
2. I.D.C.A. Application for Special Exception and or Special Permit dated April 14, 1978 and Planning Board determination of June 16, 1978.
3. Bureau of Engineering Subdivision Review Comments dated May 18, 1978.
4. Report from Secretary of Planning Board on Special Exceptions requiring I.D.C.A. review.

September 11, 1978

John W. Hessey, IV
JOHN W. HESSEY, IV
1511 Fidelity Building
Baltimore, Maryland 21201
539-3300
Attorney for Petitioner

John W. Hessey, III
JOHN W. HESSEY, III
140 W. Pennsylvania Avenue
Towson, Maryland 21204
823-8440
Peoples Counsel

Board of Appeal
Room 219
Court House
Towson, Maryland 21204

Re File No 77-76-X
John J. Gernemko

Gentlemen:

Please notify me when the appeal case is to be scheduled for the above file.

I would also appreciate it if you would send me this notice information as far in advance of the date set for the appeal as possible. Please send the information to me at the above address.

Thanking you in advance

Yours truly

E. George Touchard
(Mrs) E. George Touchard

*Rec'd 12-13-76
10:15 AM*

December 6, 1976

Board of Appeal
Room 219
Court House
Towson, Maryland 21204

Gentlemen:

Re: File No. 77-76-X
John J. Gernemko

Please notify me when the appeal case is scheduled for the above file.

Also would appreciate it, if you would send me this notice as far in advance of the date set for the appeal as possible.

Thank you.

WBC/ec

William B. Combs
William B. Combs
49 Briarwood Rd.
Baltimore, Md. 21208

JUN 13 1979

JOHN R. MORRIS
COUNSEL
—
TELEPHONE 830-3700
AREA CODE 30.

July 8, 1977

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

RE: Case No. 77-76X
John J. Garmenko, Petitioner for Special
Exception for Office Building N/S of
Frederick Road 89.55' West of Briarwood

Gentlemen:

Pursuant to the Board's request, John W. Hessian has phoned me and advised that the Board is of the opinion that the enactment of the Interim Development Control Act by the Baltimore County Council has caused them to determine that pending cases to which this Act is applicable should be either dismissed for non-compliance with the Act or remanded for further consideration to the Zoning Commissioner level.

Accordingly, Mr. Hessian and I determined that the above proceeding, presently scheduled before you on July 14th, should be postponed pending further procedural determinations.

Mr. Hessian further assured me that our agreement to postpone the case would be honored by the Board; and, accordingly, I have notified my witnesses not to appear on that date. I trust the Board concurs in this action.

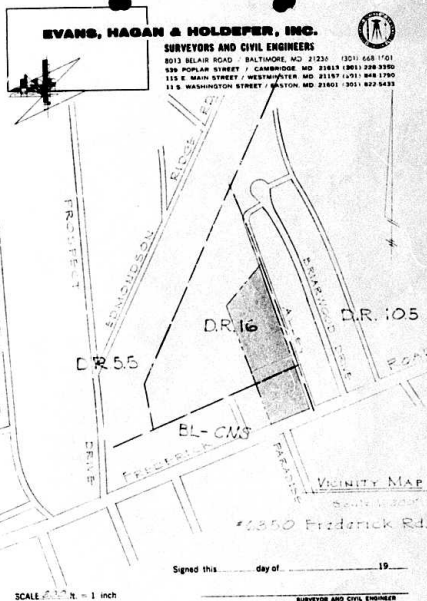
Sincerely,

John H. Henney, IV

JHEIV: 1f

CC: John W. Hession, III, Esquire

Bid 7-11-77
10:30 AM

[illegible]

MR. JAMES J. LE
DIED MAY 10, 1979

I HAVE TURNED ALL CORRESPONDENCE OVER TO
MR. DICK JOHNSON--42 BRIARWOOD RD.-CATONSVILLE, MD.
21228

Mrs James, Lee

Rec'd 7/31/78 - 11 30 am
w/ assignment sheet
Sent Notice to the Officer



Paul H. Reincke
CHIEF

Office of Planning and Zoning;
Baltimore County Office Building
Towson, Maryland 21204
Attention: Frank Hogans, Chairman
Zoning Advisory Committee

Re: Property Owner: John J. Gernenko

Location: NW/C Frederick Rd. & Briarwood Drive

Item No. 33

Zoning Agenda August 24, 1976

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 or 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 end-end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

(XX) 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) 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 "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.

REVIEWER: St. M. Rudy Noted and Approved: George M. Heymann
Planning Group Battalion Chief
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 6, 1976

COUNTY OFFICE BUILDING
1115 E. Frederick Road
TOWSON, MARYLAND 21204Nicholas B. Commodari
Acting ChairmanMEMBERS
BUREAU OF PLANNING
BUREAU OF PUBLIC WORKS
BUREAU OF ZONING
BUREAU OF ENGINEERING
BUREAU OF LAND USE
BUREAU OF TRANSPORTATION
BUREAU OF UTILITIES
BUREAU OF ENVIRONMENTAL SERVICES
BUREAU OF RECREATION
BUREAU OF COMMUNITY DEVELOPMENTJohn H. Hessey, IV
1311 Pridemore Building
Baltimore, Maryland 21201RE: Special Exception Petition
Item 33
John J. Gorman - Petitioner

Dear Mr. Hessey:

The Zoning Plans 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, partially zoned B-1 and D-16, is located on the north side of Frederick Road approximately 90 feet southwest of Briarwood Drive, in the 1st Election District. It is currently improved with a 7-11 store under construction, and a pharmacy and accessory parking to the front, with the rear portion, which is the subject of this petition, consisting of a densely wooded area. To the west of this site properties are improved with a service station and single family dwellings which are in poor condition; while row home development exists to the east.

This Special Exception is necessitated by the petitioner's proposal to construct a two-story office building on the residentially zoned portion of this

John H. Hessey, IV
Re: Item 33
October 6, 1976
Page 2

site. A previous hearing (Case No. 75-51-SPH) to permit off street parking on this site, in conjunction with the proposed restaurant, was requested and denied June 4, 1975.

The petitioner should pay particular attention to the comments of the Project and Development Planning office and Bureau of Engineering.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Planning & Zoning
Associate IIT

NBC:JD

Enclosure

cc: Evans, Hagan & Holdefer, Inc.
8013 Balair Road
Baltimore, Maryland 21236

September 24, 1976

BALTIMORE COUNTY
ZONING ADVISORY COMMITTEENorman B. Gerber
Acting DirectorMr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #33, Zoning Advisory Committee Meeting, August 24, 1976, are as follows:

Property Owner: John J. Gorman
Location: NW/C Frederick Road and Briarwood Drive
Existing Zoning: BL-C.N.S. and D.R.16
Proposed Zoning: Special Exception for office building
Acres: 1.09
District: 1st

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This property must remain as one property and can not be subdivided.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

BALTIMORE COUNTY
Department of Public Engineering
TOWSON, MARYLAND 21204
(410) 494-3600STEPHEN E. COLLINS
DIRECTOR

September 8, 1976

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

Re: Item 33 - SAC - August 24, 1976
Property Owner: John J. Gorman
Location: NW/C Frederick Rd. & Briarwood Drive
Existing Zoning: BL-CNS & DR 16
Proposed Zoning: Special exception for office building
Acres: 1.09
District: 1st

Dear Mr. DiNenna:

As presently zoned, the DR 16 zone will generate approximately 130 trips per day. The proposed general office building will generate approximately 130 trips per day.

Very truly yours,

Michael B. Flanagan
Michael B. Flanagan
Traffic Engineer Associate

MSF:nc

BALTIMORE COUNTY
Department of Public Works
TOWSON, MARYLAND 21204

September 20, 1976

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

Re: Item #33 (1976-1977)

Property Owner: John J. Gorman
N/W cor. Frederick Rd. & Briarwood Dr.
Existing Zoning: BL-CNS & DR 16
Proposed Zoning: Special Exception for office building.
Acres: 1.09 District: 1st

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.

General:

Comments were supplied March 11, 1975 and supplemented April 27, 1975 in connection with the Zoning Advisory Committee review of this property for item #164 (1974-1975).

The Baltimore County Bureau of Public Services provided comments December 24, 1975, in connection with the Commercial Preliminary Plan "Frederick Road Retail (7-11 store)" Project #8123.

These previous comments are referred to for your consideration in addition to the following:

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.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Sanitary Sewer:

The Petitioner indicates private onsite sewage pumping facilities to sewer the proposed office building to his existing private onsite 6-inch gravity sewer. The proposed water service connection is shown crossing a proposed 4-inch sewage force main and also a private onsite 6-inch V.C.P.A. gravity sanitary sewer.

Item #33 (1976-1977)
Property Owner: John J. Gorman
Page 2
September 20, 1976Sanitary Sewer: (Cont'd)

The Petitioner is entirely responsible for the construction, and the cost of the construction and maintenance, of all additional sewerage required to serve the proposed office building. Such additional sewerage is to be constructed onsite, that is, not within any public road, rights-of-way, or easement, except for connection to public sanitary sewerage located therein. All private and/or onsite sewerage must conform with the Baltimore County Plumbing Code and/or the Joint Interim Policy of the Baltimore County Department of Public Works and the Baltimore County Plumbing Board, as applicable.

The Petitioner's engineer should investigate the feasibility of gravity sanitary sewerage to serve the proposed office building by the construction of a public gravity sanitary sewer extension (approximately 450 feet in length) from the existing 8-inch public sanitary sewer in Briarwood Road (see Drawing #41-0711, File 11). Further information may be obtained from the Baltimore County Bureau of Engineering.

Very truly yours,

Edmond H. Dwyer, P.E.
Edmond H. Dwyer, P.E.
Chief, Bureau of Engineering

END:BAM:FWB:SS

cc: R. Morton (Project #5133)

G-W Key Sheet
8 & 9 SW 20 Pos. Sheets
SW 2 E Topo
101 Tax Map

Maryland Department of Transportation
State Highway AdministrationHarry R. Hughes
Secretary
Bernard M. Evans
Assistant SecretaryBALTIMORE COUNTY
Department of Public Health
TOWSON, MARYLAND 21204DONALD J. KOOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

August 25, 1976

August 26, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. Nicholas Commodari

Re: Z.A.C. Meeting, 8-24-76

ITEM: 33.

Property Owner: John J. Gorman
Location: NW/C Frederick Road
(Route 144) & Briarwood Drive
Existing Zoning: BL-CNS & DR 16
Proposed Zoning: Special Exception for office building.
Acres: 1.09
District: 1st

Dear Mr. DiNenna:

It appears that the existing entrance may not be adequate to serve the stores and the proposed office building. Access from the existing alley should be provided.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Meyers
By: John E. Meyers

CLJEM:vrd

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

Dear Mr. DiNenna:

Comments on Item #33, Zoning Advisory Committee Meeting, August 24, 1976, are as follows:

Property Owner: John J. Gorman
Location: NW/C Frederick Rd. & Briarwood Dr.
Existing Zoning: BL-CNS & DR 16
Proposed Zoning: Special exception for office building
Acres: 1.09
District: 1st

Since this is a special exception for an office building and metropolitan water and sewer exist, no health hazard is anticipated.

Very truly yours,

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

HEK:mahc

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 17, 1976

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

Z.A.C. Meeting of: August 24, 1976

Re: Item 33
Property Owner: John J. Gernanko
Location: NW/C Frederick Rd. & Briarwood Dr.
Present Zoning: R - C.N.S. & D.R. 16
Proposed Zoning: Special Exception for office building

District: 1st
No. Acres: 1.09

Dear Mr. DiNenna:
No hearing on student population.

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

KNP/ml

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 6, 1976
FROM: Norman E. Gerber, Acting Director
SUBJECT: Petition 77-76-X
Petition for Special Exception for Office Building
North side of Frederick Road 89.55 West of Briarwood Drive
Petitioner - John J. Gernanko

1st District

HEARING: Thursday, October 14, 1976 (10:30 A.M.)

For the following reasons, this office is not in favor of the granting of the requested special exception:

1. The preferred locations for office uses are in or in close proximity to community or town centers.
2. "Double-decked" development of nonresidential uses on relatively small, elongated parcels of land are undesirable; traffic for the use located on the rear portion of the tract must funnel through traffic and parking for the front portion.
3. The State Highway Administration's representative on the Zoning Advisory Committee stated that it "appears that the existing entrance may not be adequate to serve the stores and the proposed office building". Though sharing this concern, this office does not agree with his suggestion that access from the adjacent alley be provided; this would appear to be an alley designed to serve the group homes to the east of the subject site and should not be used by nonresidential traffic.
4. The preferred use for this parcel would be that of multi-family dwelling units; the assemblage of this and adjacent D.R. 16 zoned properties into one multi-family type development proposal would be ideal.

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

NEG:JGN:FW

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 30, 1976

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing at one time _____ weeks before the _____ day of _____, 19____, the first publication appearing on the _____ day of _____, 1976.

H. Lank Shultz
H. Lank Shultz
Manager

Cost of Advertisement, \$ _____

OFFICE OF THE TIMES

TOWSON, MD. 21204 Sept. 29, 1976

THIS IS TO CERTIFY that the annexed advertisement of Petition for Special Exception-- Gernanko was inserted in the following:

- | | |
|---|--|
| ☒ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore County, Maryland, once a week for _____ successive weeks before the _____ day of _____, 1976, that is to say, the same was inserted in the issues of Sept. 29, 1976.

STROMBERG PUBLICATIONS, INC.

By *John Smith*



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: OCT. 2, 1976
Posted for: PETITION FOR SPECIAL EXCEPTION
Petitioner: JOHN J. GERNANKO
Location of property: N/S of FREDERICK RD. 89.55' W of BRIARWOOD DR.
Location of Sign: FRONT 6350 FREDERICK RD.
Remarks: *Thomas R. Roland*
Posted by: *Thomas R. Roland* Date of return: OCT. 8, 1976

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received this 13 day of AUG 1976. Filing Fee \$ 50 Received _____

Cash _____
Other _____

Petitioner: GERNANKO Submitted by *H. J. HESSLEY*
Petitioner's Attorney: HESSLEY Reviewed by *MDL*

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

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: Dec. 4, 1976
Posted for: APPEAL
Petitioner: JOHN J. GERNANKO
Location of property: N/S of FREDERICK RD. 89.55' W of BRIARWOOD DRIVE
Location of Sign: FRONT 6350 FREDERICK RD.
Remarks: *Thomas R. Roland*
Posted by: *Thomas R. Roland* Date of return: Dec. 10, 1976

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

No. 42811

DATE: December 9, 1976 ACCOUNT: 01-662

AMOUNT: \$5.00

RECEIVED: John H. Hesser, IV, Esquire
FOR: Cost of Posting Property of John J. Gernanko for an Appeal Hearing
N/S of Frederick Road, 89.55' W of Briarwood Drive - 1st Election District
Case No. 77-76-X (Bath No. 33) 500000

VALIDATION OR SIGNATURE OF CASHIER

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

No. 40438

DATE: Oct. 13, 1976 ACCOUNT: 01-662

AMOUNT: \$4.25

RECEIVED: Hesser, Hesser & Hesser, 1311 Fidelity Bldg.
FOR: Advertising and posting of property for John J. Gernanko - 77-76-X
331 DEC 14 442500

VALIDATION OR SIGNATURE OF CASHIER

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

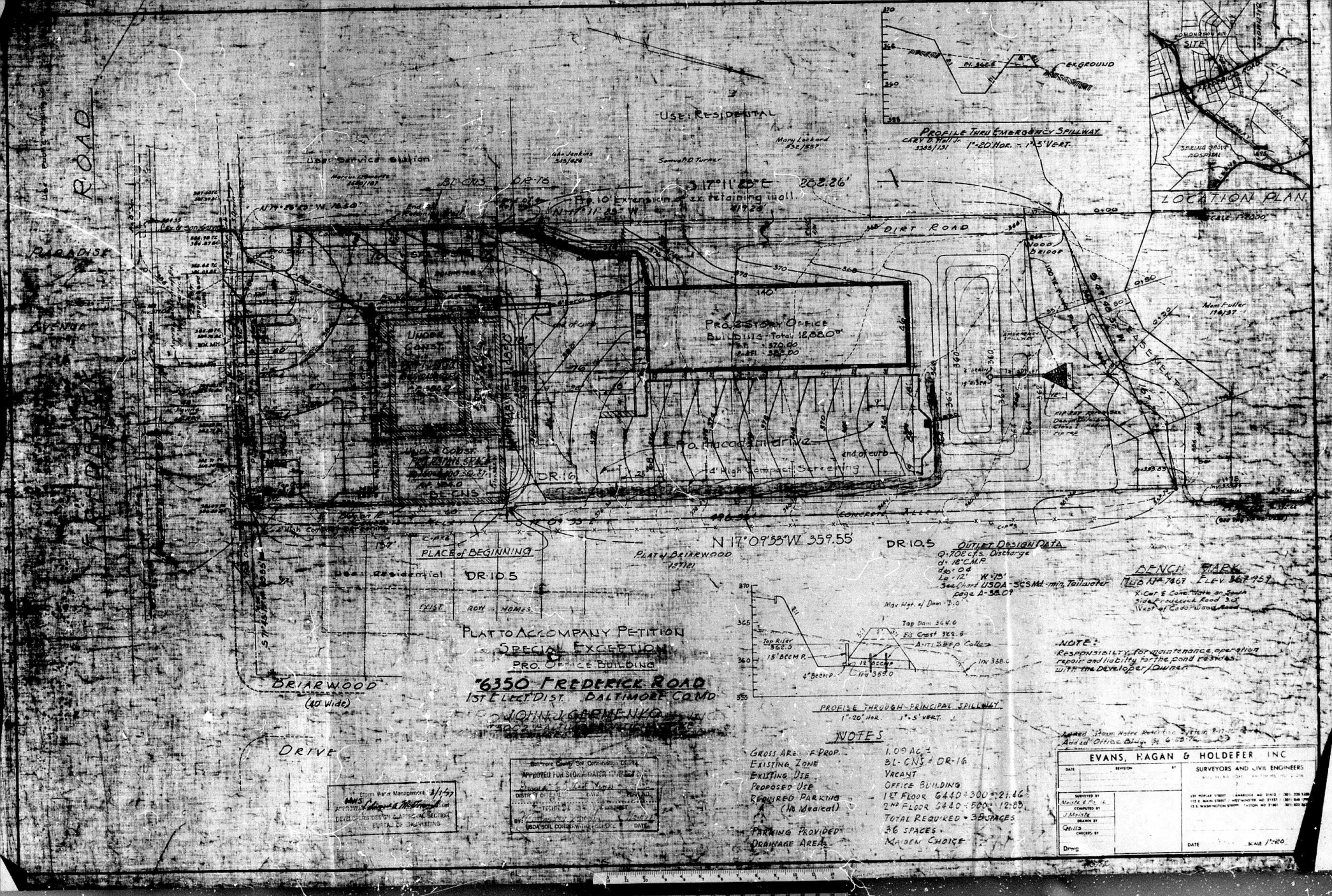
No. 40419

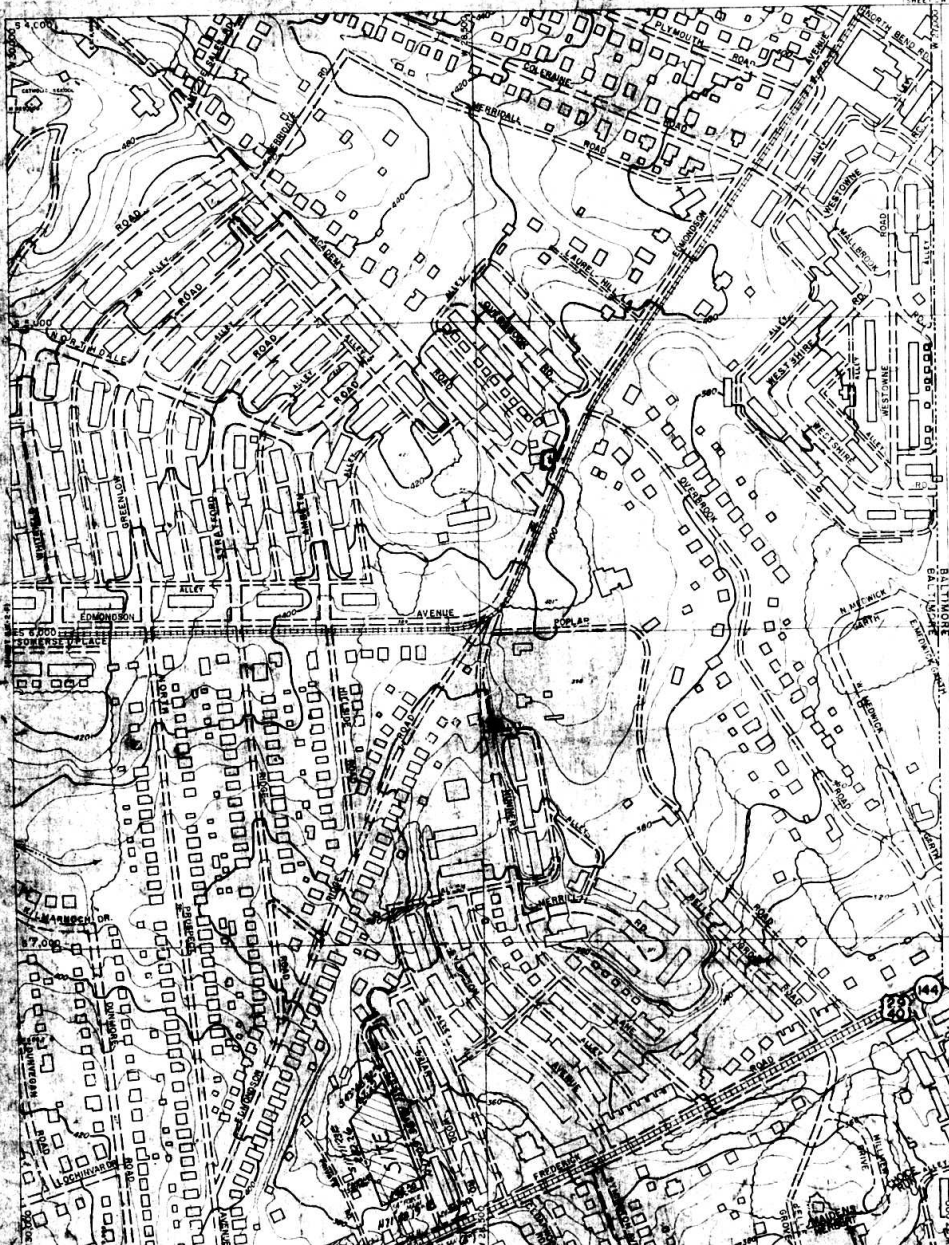
DATE: Sept. 27, 1976 ACCOUNT: 01-662

AMOUNT: \$10.00

RECEIVED: Hesser, Hesser & Hesser, 1311 Fidelity Bldg.
FOR: Petition for Special Exception for John J. Gernanko - 77-76-X
1203422P 27 500000

VALIDATION OR SIGNATURE OF CASHIER





GENERAL NOTES

1. APPLICANT & CONTRACT PURCHASER: JOHN J GERMENKO
3915 HAWTHORN ROAD
ELLICOTT CITY, MD
- OWNER: JOHN J GERMENKO
2. EXISTING LAND USE: VACANT WITH NO EX. BUILDINGS
3. PROPOSED USE: OFFICE BUILDING
4. GROUND FLOOR BUILDING DIMENSIONS: 140' x 46' = 6440 SQ FT
5. TWO STORY BUILDING AT 6440 SQ FT EACH FLOOR
6. TOTAL SQ FT AREA OF BUILDING: 12880 SQ FT
7. TOTAL AREA OF PROPERTY: 1.09 ACRES ±
8. FLOOR AREA RATIO: BLDG SQ FT: 12880 + PROP SQ FT 48355 = 0.2664
9. REQUIRED NO. OF PARKING SPACES: 1ST FL 6440-300 = 21.46
2ND FL 6440-500 = 12.88
TOTAL REQUIRED: 35 SPACES
10. ESTIMATED PAVED AREA REQUIRED: 14660 SQ FT
11. PERCENT OF SITE TO BE GRADED: 90%

PROPERTY AT *6350 FREDERICK ROAD

FIRST ELECTION DISTRICT

BALTIMORE CO., MARYLAND

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

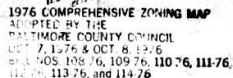
REVISIONS		SCALE
BY	DATE	1" = 200'
		DATE OF PHOTOGRAPHY APRIL 1953

LOCATION
CATONSVILLE

SHEET

SW
2-E

Topography Compiled by Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA



GENERAL NOTES

1. APPLICANT: JOHN J. GERBENKO
CONTRACT PURCHASER:
3913 HAWTHORN ROAD
ELLICOTT CITY, MD
2. OWNER: JOHN J. GERBENKO
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7. TOTAL SQ. FT. AREA OF BUILDING: 12880 SQ. FT.
8. TOTAL AREA OF PROPERTY: 1.09 ACRES +
9. FLOOR AREA RATIO: $6440 \div 59 \text{ FT} = 12880 \div \text{PROPERTY SQ. FT. } 46355 = .22664$
10. REQUIRED NO. OF PARKING SPACES: $1^{\text{ST}} \text{ FL. } 6440 \div 300 = 21.46$
 $2^{\text{ND}} \text{ FL. } 6440 \div 300 = 21.46$
TOTAL REQUIRED 35 SPACES
11. ESTIMATED PAVED REQUIRED: 14660 SQ. FT.
12. PERCENT OF SITE TO BE GRADED: 90%

PROPERTY AT *6350 FREDERICK ROAD

BALTIMORE CO, MARYLAND

EVANS, HAGAN & HOLDEFER, INC.
Surveyors & Civil Engineers
8013 BELAIR ROAD
BALTIMORE, MD. 21236

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	CATONSVILLE	S.W.
		LATE OF PHOTOGRAPHY		2-E
		APRIL 1953		
Consulted by Photogrammetric Methods AFRO SERVICE CORPORATION-PHILADELPHIA, PA.				

