

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, IRVIN C. TILLMAN, 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 409.2b (3, 5, and 6) to permit a total of 853 parking spaces in lieu of the required 978 spaces (a variance of 125 spaces)

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

1. The method of computing the total required spaces includes substantial square footage actually allocated to warehousing and storage as well as non-retail custom areas of the shopping mall, thus creating a practical difficulty in complying with the regulations.
2. The Petitioner is precluded from providing the necessary tenant uses and services to meet the needs of the community.
3. And for other reasons to be cited at the time of hearing.

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.

Kenilworth Limited Partnership
By: Irvin C. Tillman, Legal Owner
Lessee
Address: 800 Huntman Road
Towson, Maryland 21204

Howard Petitioner's Attorney
609 Washington Ave., Towson, Md. 21204
823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day

of October 1977, 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 21st day of October, 1977, at 1:00 o'clock

--- P. M.
At 16 77 PM
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Eric DiNenna, Zoning Commissioner Date: October 13, 1977

FROM: Leslie H. Grant, Director of Planning

SUBJECT: Petition #78-01-A, Petition for Variance for Off-Street Parking
Northeast side of Kenilworth Drive 746 feet, more or less, West of West Road
Petitioner - Irvin C. Tillman

9th District

HEARING: Monday, October 24, 1977 (1:00 P.M.)

The Department of Traffic Engineering's representative on the Zoning Advisory Committee states that the petitioner's proposal "can be expected to cause parking problems in this area"; this office shares that concern.

Leslie H. Grant
Director of Planning

LHG:JGR/mv

RE: PETITION FOR VARIANCE
NE/S of Kenilworth Dr. 746' W of
West Rd., 9th District
IRVIN TILLMAN, Petitioner
Case No. 78-91-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of October, 1977, a copy of the foregoing Order was mailed to John B. Howard, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MCA
MCA ENGINEERING CORPORATION
CONSULTING
ENGINEERS
1020 Cromwell Bridge Road, Baltimore, Maryland 21204 - Tel. (301) 823-0900
Cable address: MCAENHNR

To contact the writer direct call
(301) 321-

DESCRIPTION

8.4300 ACRE PARCEL, LAND OF IRVIN C. TILLMAN, SR.,
NORTH SIDE OF KENILWORTH DRIVE, WEST OF WEST ROAD,
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for Parking Variance

Beginning for the same at a point on the northeast side of Kenilworth Drive, 70 feet wide, at the distance of 746 feet, more or less, as measured northwesterly along said northeast side of Kenilworth Drive from its intersection with the center line of West Road, as shown on Baltimore County right of way plats RW 64-154-6, 7 and 8, said beginning point being at the beginning of the land conveyed to Irvin C. Tillman, Sr., by deed recorded among the Land Records of Baltimore County in Liber O.T.G. 5023, page 426, running thence binding on said northeast side of Kenilworth Drive two courses:
(1) northwesterly, by a curve to the right with the radius of 3965.00 feet, the arc distance of 373.92 feet, and
(2) N 19° 44' 13" W 191.80 feet, thence along the third line of said land,

A Division of Walter Kiddle & Company, Inc.

Baltimore county
Department of Health
TOWSON, MARYLAND 21204

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

December 11, 1977

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

Dear Mr. DiNenna:

The following are comments on Item # 33, Zoning Advisory Committee Meeting of August 16, 1977:
Property Owner: Irvin C. Tillman
Location: NE/S Kenilworth Dr. 746' NW West Rd.
Acres: 8.43
District: 9th

Metropolitan water and sewer are available, therefore no health problems are anticipated.

Very truly yours,
Thomas H. Devlin
THOMAS H. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

THH/KB/pag

SEC 35 118

MCA
MCA ENGINEERING CORPORATION

(3) N 19° 44' 13" E 566.71 feet to a point on the south right of way line of the Baltimore County Beltway, thence binding thereon,
(4) easterly, by a curve to the left with the radius of 2034.86 feet, the arc distance of 373.90 feet, thence binding on the fifth and sixth lines of said land two courses; (5) S 48° 51' 47" E 761.51 feet, and (6) S 24° 32' 06" W 595.18 feet to the place of beginning.
Containing 8.4300 acres of land.

HGW:mms

J.O. 1-73129

July 12, 1977



Baltimore county
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 424-3610

JOHN D. SEYFERT
DIRECTOR

November 3, 1977

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, Revised 10-21-77 - Held for Review 10-31-77
are as follows:

Property Owner: Irvin C. Tillman
Location: N/S Kenilworth Dr. 746' W/W West Road
Existing Zoning: M-2
Proposed Zoning: Variance to permit 853 parking spaces in lieu of

Acres: 8.43
District: 9th

The items checked below are applicable:

- ☐ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☐ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☒ F. Parking Only.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Plans Review Chief
CER:rrj

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

the above Variance should be had; and it further appearing that by reason of the STAFFING of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a total of 853 off-street parking spaces in lieu of the required 978 spaces should be granted.

IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of October, 1977, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Zoning Commissioner of Baltimore County Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 7, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas, B.
Commodari
Chairman

Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

John B. Howard, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Variance Petition
Item Number 33
Petitioner - Irvin C. Tillman

Dear Mr. Howard:

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.

Located on the northeast side of Kenilworth Drive approximately 746 feet northwest of West Road in the 9th Election District, this 8.4 acre tract is proposed to be developed with a two-story enclosed mall and related parking. At the time of field inspection the only building existing on the site was a bank with the rest of the property having been graded. Adjacent properties to the north and south are zoned D.R. 5.5 and B.M. and are improved with a playground/recreation use and a new car agency, respectively, while apartments and individual residences exist to the west of the property and along Kenilworth Drive to the north.

John B. Howard, Esquire
Page 2
Item Number 33
October 7, 1977

This property was the subject of a previous zoning hearing, Case #77-63-R, in which the existing zoning was granted after a series of court hearings. A building permit was previously issued to develop this site with a shopping mall without including a restaurant facility. Because the parking situation was inadequate, a parking deck was proposed in order to satisfy the parking requirements. In light of your client's present proposal to change his plans and include 7100 square feet of restaurant area, this parking Variance is required.

Particular attention should be afforded the comments of the Department of Traffic Engineering, and the proposed one-story building along the southerly side of this site should be relocated a minimum of 15 feet from the property line along Kenilworth Drive.

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, Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: N C A Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 434-3550
STEPHEN E. COLLINS
DIRECTOR

September 6, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
1st Floor County Office Building
Towson, Maryland 21204

Re: Item 33 - ZAC - August 16, 1977
Property Owner: Irvin C. Tillman
Location: NE/S Kenilworth Dr. 746' NW West Rd.
Existing Zoning: B.M.
Proposed Zoning: Variance to permit 853 parking spaces in lieu of the required 978 spaces.
Acres: 8.43
District: 9th

Dear Mr. DiNenna:

The requested variance to parking can be expected to cause parking problems in this area.

Sincerely,

Michael S. Flinn
Associate Traffic Engineer

MSF:JLF

August 31, 1977

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 434-3211

Mr. Eric S. 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 16, 1977, are as follows:

Property Owner: Irvin C. Tillman
Location: NE/S Kenilworth Drive 746' NW West Road
Existing Zoning: B.M.
Proposed Zoning: Variance to permit 853 parking spaces in lieu of the required 978 spaces
Acres: 8.43
District: 9th

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 plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planner III
Project and Development Planning

Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(301) 434-7310
Paul H. Reincke
CHIEF

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

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Irvin C. Tillman

Location: NE/S Kenilworth Drive 746' NW West Road

Item No. 33 Zoning Agenda August 16, 1977

Comments:

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.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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 load-and condition shown at _____
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The building 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.

(X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: [Signature]
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

September 13, 1977

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

Re: Item #33 (1977-1978)

Property Owner: Irvin C. Tillman
N/S Kenilworth Dr. 746' N/W West Rd.
Existing Zoning: B.M.
Proposed Zoning: Variance to permit 853 parking spaces in lieu of the required 978 spaces.
Acres: 8.43 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.

General:

Comments were supplied May 3, 1971 in connection with the Zoning Advisory Committee review of this site for Item #6, Cycle 1 (April-October 1971).

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement #975C, executed in connection with the development of "Penilworth Bazaar".

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #33 (1977-1978).

Very truly yours,

Thornton M. Mouring, P.E.
Chief, Bureau of Engineering

END/EAM:PMR:us

cc: S. Morton
H. Shalowitz

S-SE Key Sheet
41 & 42 MM 1 Pos. Sheets
N W 1/4 Topo
69 Tax Map

August 18, 1977

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 16, 1977 are as follows:

Property Owner: Irvin C. Tillman
Location: N/S Kenilworth Dr. 746' N/W West Road
Existing Zoning: B.M.
Proposed Zoning: Variance to permit 853 parking spaces in lieu of the required 978 spaces.

Acres: 8.43
District: 9th

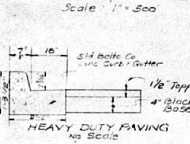
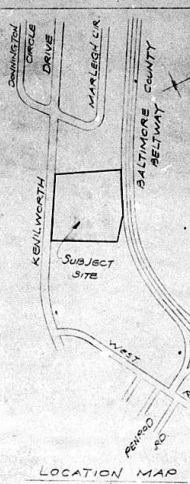
The items checked below are applicable:

- ☐ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 edition and the 1971 Supplement and other applicable codes.
- ☐ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☒ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Durham

Charles E. Durham
Plans Review Chief
CER:rrj



- LEGEND**
- Heavy Duty Paving
 - Regular Duty Paving
 - Ex. Storm Drain
 - Ex. Sanitary Sewer
 - Ex. Water
 - Ex. Ground
 - Prop. Grade
 - ⊙ Denotes # of parking spaces

WITHWOOD COURT

Kenilworth Drive

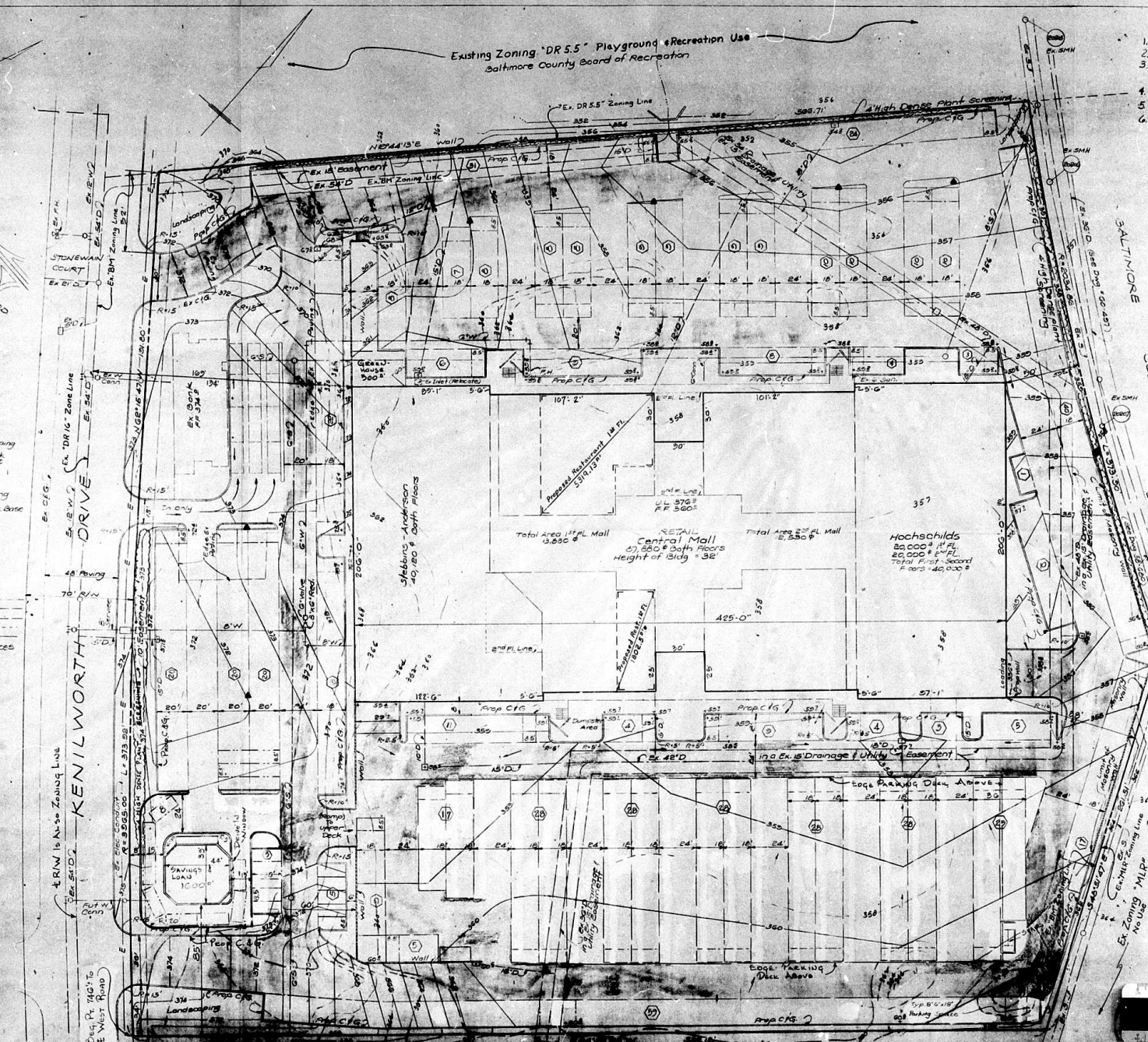
West Road

Baltimore County

Subject Site

Scale 1" = 500'

MCA 100



- General Notes**
- Total area of site: 8.43 AC.
 - Existing Zoning: "BM"
 - Existing Use of Property: Partially developed Neighborhood Shopping Center
 - Proposed zoning of site: "BM" with a parking variance
 - Proposed use: Neighborhood Shopping Center
 - Off-Street Parking Data:
 - Area of existing bank: 3170' Requiring 10.6 spaces (1/300')
 - Area of Swings & Loan: 1600' Requiring 5.3 Spaces
 - Area of Greenhouse: 500' Requiring 2.5 Spaces (1/100')
 - Total Restaurant area: 7121.63' Requiring 142.4 spaces (1/50')
 - Area of retail space: 134,948.37' Requiring 672.34 spaces (1/200')
 - Area of mall (1st & 2nd fls): 26,410' Requiring 132 spaces (1/200')
 - Total spaces required: 963.1 or 964 spaces
 - Total spaces proposed: 853 (669 on grade, 184 on parking deck)
 - Petitioner is requesting a variance to section 409.2 b (3.5%) to permit a total of 853 parking spaces instead of the required 964 spaces (a variance of 11% spaces)
 - ▲ indicates site lighting standard locations or ceiling lighting for upper deck parking. See elect. dwgs for details.
- Includes Storage Area of 10,510 Sq Ft. For Hochschild's. 10,510 Sq Ft. For Stearns - Anderson. Net Retail Floor Area = 114,158.87 Sq Ft. Requiring 570.77 or 571 Spaces
- PARKING DECK**
Parking Layout Scale 1" = 30'
- REVISED PLAN**
OCT 24 77 AM
OFFICE OF PLANNING & ZONING
- Plat To Accompany Petition For Off-Street Parking Variance At Kenilworth Bazaar Vicinity
- Kenilworth Drive & West Road
Elect Dist 9
Scale 1" = 30'
July 12, 1977
Revised: Oct. 21, 1977



1. Total area of site: 843.4C.
2. Existing Zoning: "BM"
3. Existing Use Of Property: "Partially developed Neighborhood Shopping Center"
4. Proposed zoning of site: "BM with a parking variance"
5. Proposed use: "Neighborhood Shopping Center"
6. Off-Street Parking Data:
a. Area of existing bank: 3170" Requiring 10.6 spaces (1/300")
b. Area of future building: 4050" Requiring 802 spaces (1/200")
c. Total Restaurant area: 7121.63" Requiring 192.4 spaces (1/50")
d. Area of retail space: 134,468.37" Requiring 672.34 spaces (1/veco")
e. Area of mall: 181,824.15" = 26,410" Requiring 132 spaces (1/veco")
f. Total spaces required: 978 or 978.3 spaces
g. Total spaces proposed: 853 (670 on grade, 183 on parking deck
7. Petitioner is requesting a variance to section 409.2 b (3.56) to permit a total of 853 parking spaces instead of the required 978 spaces (a variance of 125 spaces)
8. ▲ indicates site lighting standard locations or ceiling lighting for upper deck parking
See elect. dwgs for details.

* Includes Storage Area of 10,310 Sq Ft. For Hoch-Schlag & 10,000 Sq Ft For Stebbing-Anderson.
NET RETAIL FLOOR AREA = 114,158.37 Sq. Ft. Requiring 570.77 or 371 Spaces

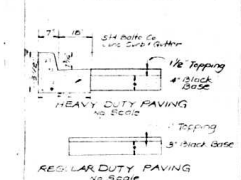
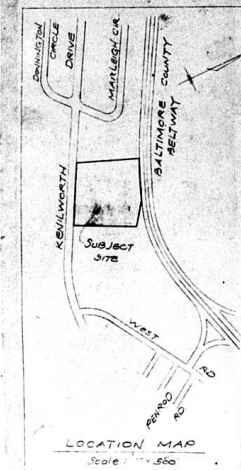
PARKING DECK
Parking Layout

Plat To Accompany Petition
For
Off-Street Parking Variance
At
Kenilworth Bazaar
Vicinity

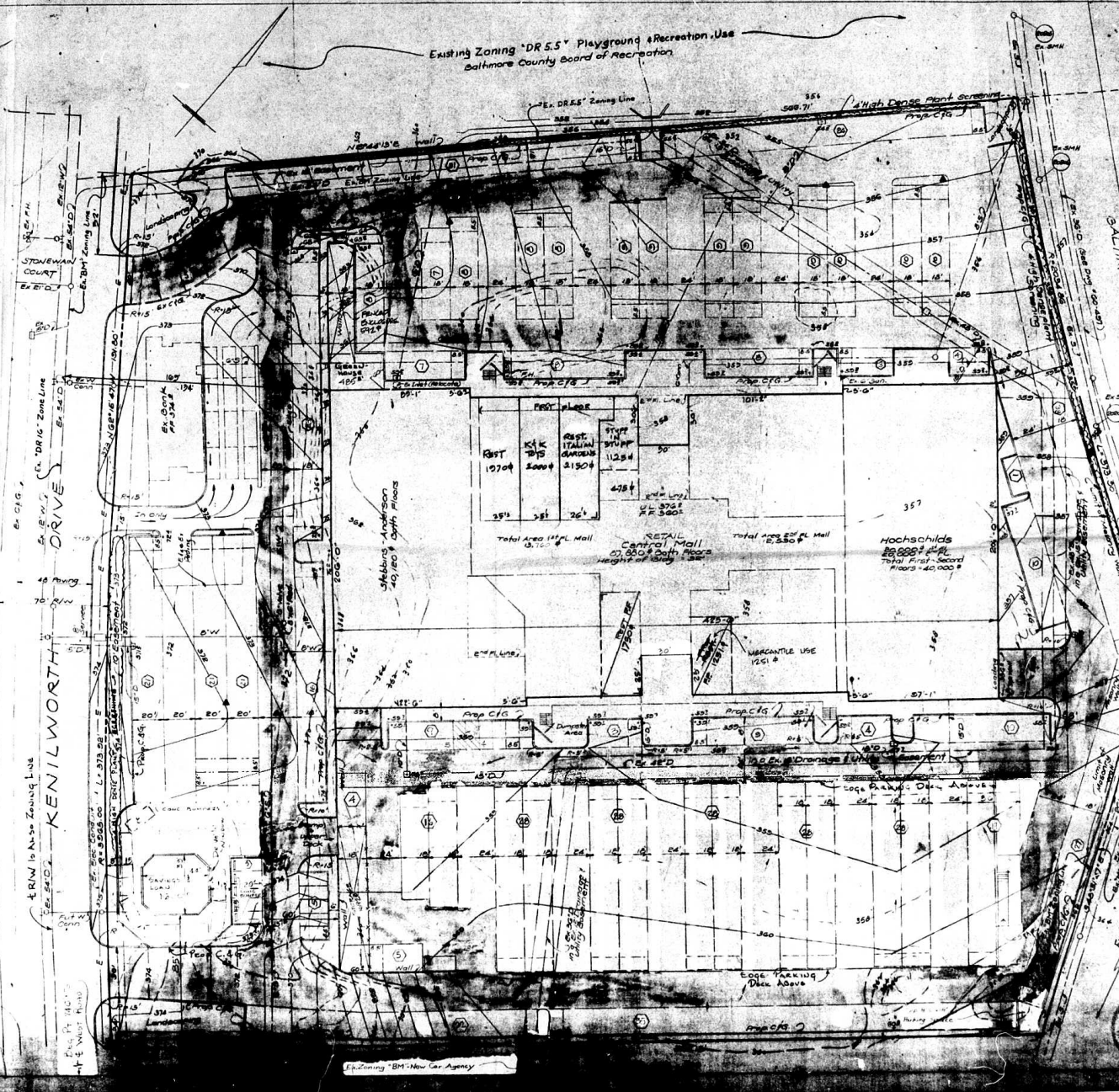
Kenilworth Drive & West Road
Elect. Dist. 9 Balto. County Md.
Scale 1"=30' July 12, 1977

MCA 
MCA ENGINEERING CORP.

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LEGEND
 Heavy Duty Paving
 Regular Duty Paving
 Storm Drain
 Sanitary Sewer
 Water
 Ground
 Prop. Grade
 (Circled numbers) # of parking spaces



- General Notes**
- Total area of site: 8,430 AC.
 - Existing Zoning: "BM"
 - Existing Use Of Property: Partially developed Neighborhood Shopping Center
 - Proposed zoning of site: "BM" with a parking variance
 - Proposed use: Neighborhood Shopping Center
 - Off-Street Parking Data:
 - Area of existing bank: 3170' Requiring 10.6 spaces (1/300')
 - Area of Savings & Loan: 1400' Requiring 5.5 Spaces
 - Area of Greenhouse: 500' Requiring 2.5 Spaces (1/200')
 - Total Restaurant area: 7121.63' Requiring 142.4 spaces (1/50')
 - Area of retail space: 134,116.97' Requiring 672.34 spaces (1/200')
 - Area of mall: 11,410' Requiring 132 spaces (1/80')
 - Total spaces required: 1031 or 1044 spaces
 - Total spaces proposed: 853 (60% upgrade, 184 on parking deck)
 - Petitioner is requesting a variance for Section 409.2 b (3.5%) to permit a total of 853 parking spaces instead of the required 922 spaces
 - A indicates site lighting standard locations or ceiling lighting for upper deck parking. See elect. plans for details.



PLANS APPROVED
 OFFICE OF ZONING & PLANNING
 BY: John J. Williams
 DATE: 8-27-77
 78-91
 C-537-79

NEW CONCEPT OF
 OFF-STREET PARKING
 AT
 KENILWORTH BANK
 VICINITY
 KENILWORTH DRIVE & BALTIMORE COUNTY BOARD OF RECREATION
 ELEC. DIST. 9
 JULY 12, 1977
 REVISED: OCT. 21, 1977
 REV. 8/15/78 (RESTAURANT AREAS)
 REV. 7/23/79 (PARKING SCHEDULE)
 REV. 8/22/79