

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Stephen G. Heaver and Doris A. Heaver, his wife, legal owner of the property situated 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 1802.28(4)(3.2) to permit a side yard setback of 10 feet in lieu of the required 25 feet in a D.R. 16 zone.

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 size and shape of the parcel is such that it restricts the width of the building. Erection of a building with the strictures of the lot shape would be contrary to the aesthetics and architecture of the area. Granting of the variance will not adversely affect surrounding properties in any respect.

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.

Stephen G. Heaver
Doris A. Heaver
Michael J. Batza, Jr., General Partner
Address: 21 West Road
Townson, Maryland 21204

Robert A. DiCicco
Address: 208 W. Pennsylvania Avenue
Townson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 1977 day of May, 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 1977 day of May, at o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Stephen G. Heaver and Doris A. Heaver, his wife, legal owner of the property situated 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 D855 zone to an D85A zone; for the following reasons:

(see attached)

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 and Office Building.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification 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.

MSC Associates
Stephen G. Heaver
Doris A. Heaver
Michael J. Batza, Jr., General Partner
Address: 21 West Road
Townson, Maryland 21204

Robert A. DiCicco
Address: 208 W. Pennsylvania Avenue
Townson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 1977 day of May, 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 1977 day of May, at o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

IDCA APPLICATION FOR
SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Stephen G. Heaver and Doris A. Heaver, his wife, legal owner of the property situated in Baltimore County, the property outline of which is shown to scale, complete with bearings and distances on 200 FT. SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR

Office Building

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 3.32 ACRES DEED REF. D.T.G. 4846 Folio 84

GRADING 100 % OF OVERALL SITE WILL REQUIRE GRADING

BUILDING SIZE offset** AREA 12,000

NUMBER OF FLOORS 2 TOTAL HEIGHT 24'

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 4.084

BUILDING USE

GROUND FLOOR OFFICES OTHER FLOORS OFFICES

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR 22 OTHER FLOORS 24 TOTAL 46

PAVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 23,040

(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 500)

UTILITIES

WATER: PUBLIC PRIVATE, TYPE OF SYSTEM

SEWER: PUBLIC PRIVATE, TYPE OF SYSTEM

UTILITIES SECURITY APPROVAL

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Stephen G. Heaver
Doris A. Heaver
Michael J. Batza, Jr., General Partner
Address: 21 West Road
Townson, Maryland 21204

Robert A. DiCicco
Address: 208 W. Pennsylvania Avenue
Townson, Maryland 21204

THE PLANNING BOARD HAS DETERMINED ON 12-21-78 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-81(1) OF THE BALTIMORE COUNTY CODE, 1986.

NOTED: Robert A. DiCicco Esq.
Address: 208 W. Pennsylvania Avenue
Townson, MD 21204
812-5400

100A FORM NO. 2 REVISED 8-12-77

CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

OFFICE OF PLANNING & ZONING

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RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS

FROM D.R. 5.5 TO D.R. 16 ZONE : OF BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY

PETITION FOR VARIANCE : OF BALTIMORE COUNTY

W/S York Rd. 395.52' : OF BALTIMORE COUNTY

S Westbury Rd., 9th District : OF BALTIMORE COUNTY

STEPHEN G. HEAVER, et ux, : Case No. R-79-7-XA (Item 5, Cycle IV)

Petitioners : Case No. R-79-7-XA (Item 5, Cycle IV)

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

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.

Peter Max Zimmerman

John W. Hession, III

Deputy People's Counsel

John W. Hession, III

People's Counsel

County Office Building

Towson, Maryland 21204

494-2-38

I HEREBY CERTIFY that on this 16th day of May, 1979, a copy of the foregoing

Order was mailed to Robert A. DiCicco, Esquire, 208 W. Pennsylvania Avenue, Towson,

Maryland 21204, Attorney for Petitioners; and Michael J. Batza, Jr., General Partner,

21 West Road, Towson, Maryland 21204, Lessee.

John W. Hession, III

John W. Hession, III

John W. Hession, III

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John W. Hession, III

IN RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to D.R. 16,
SPECIAL EXCEPTION for Offices
and Office Building, and
VARIANCE from Section 1802.3.2
(V.B.2) of the Baltimore County
Zoning Regulations,
W/S of York Road 395.52'
S. of Westbury Road
9th District
Stephen G. Heaver, et ux
Petitioners
MSC Associates
Lessee

MEMORANDUM IN SUPPORT OF PETITION

Your Petitioner through its attorney Robert A. DiCicco and Askew, Wilson & DiCicco, respectfully submits the following Memorandum in support of its claim that the zoning requested should be granted because of an error in the zoning maps and the change in the neighborhood;

1. In support of its argument that there was an error in the original zoning maps, Petitioner contends that the present zoning of the tract, D.R.5.5, which permits only single-family residential dwellings, is completely inconsistent with the character of the neighborhood in that the tract is directly on York Road, a major north-south commercial artery, linking major town centers of Towson, Lutherville, Timonium and Cockeysville, carrying a daily traffic volume of approximately 30,000 vehicles per day

with noise and pollution levels so high that it renders the site unusable for residential purposes. In addition, at the time of the adoption of the current zoning map the Planning Board forecasted that increase in traffic on York Road as well as continued development north and south of the subject tract into commercial and strip commercial uses made the site unsuitable for single family dwelling purposes. Moreover, the development of the site into offices instead of strip commercial will diversify the land use in the area.

For these reasons the Petitioner submits the present zoning is confiscatory in that the premises cannot be used for single family dwelling purposes.

2. In support of Petitioner's claim that there has been a change in the character of the neighborhood, Petitioner submits that:

(a) There has been a tremendous increase in the volume of traffic and the congestion on York Road;

(b) The road pattern in the immediate vicinity has been improved contributing to the increase in volume and traffic congestion;

(c) There have been numerous zoning changes in the surrounding area;

(d) There has been an increase in the issuance of building permits for all types of construction in the area;

-2-

(e) There has likewise been an increase in population concentration and growth in the area;

(f) There is a need for office land in this immediate area and the availability of unused rezonable land is virtually nil;

(g) There has been a change in the use and trend of the surrounding area;

(h) The re-zoning of the property for offices will be beneficial and non-detrimental to the surrounding property and community;

(i) The re-zoning of the tract to permit office use would be compatible with predicted plans of the county in that it would be an appropriate transition area from the residential area west of the subject tract to the heavy commercial York Road corridor and the north, the east and the south;

(j) The appropriate use and value for the tract is for offices and the possibility of development under the existing zoning is nil;

And for such other and further changes as will be disclosed by a review and as will be more fully developed at the time of the hearing of this Petition.

Respectfully submitted,

Robert A. DiCicco
Askew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-5400

-3-

April 9, 1979

CASE NO. R-79-7-XA

STEPHEN G. HEAVER, ET UX

W/S York Rd. 396.52' S. of Westbury Rd.

8th District

for -

Reclassification from D.R. 5.5 to D.R. 16

SE - Offices

Var. - side setback

ASSIGNED R.R.:

THURSDAY, JUNE 28, 1979 at 10 a.m.



1 May 1979

Mr. Eric DiNenna
111 West Chesapeake Avenue
Towson
Maryland 21204

Dear Mr. DiNenna:

In an effort to maintain the integrity of our community as well as to insure the safety and well being of its residents, we are adamantly opposed to the Zoning Petition submitted on behalf of Stephen G. and Doris A. Heaver, known as item 6 in Report to the County Board of Appeals by the Baltimore County Planning Board, Cycle IV. Incidentally, the Board concurs with the community's hope that the DR-5.5 zoning be retained and that DR-16 zoning is inappropriate not only on a piecemeal basis but also on the entire west side of York Road which is sure to come in the next Map Hearings.

In various zoning cases brought by petitioners, for example Stephen Heaver, it has always been successfully argued that development of this area would only add to the already had traffic situation on York Road.

We ask only that you review the numerous zoning cases which we have fought and won over the past ten years. We feel as strongly as ever that any change is a mistake and shall oppose it. We ask you to consider our position in your recommendation and trust you will keep the area at its present DR-5.5 level.

Very truly yours,

Edward J. Mc
Vice President

cc: Mr. William Kerwin
Smith Kerwin, Inc.
Mercantile Building
Towson, Maryland 21204

Councilwoman Barbara Bachur
Old Courthouse Building, Towson

Mr. George Franklin, President
Orchard Hills Community Assn.



Michael J. Batza, Jr.
Vice Chairman of the Board

June 20, 1979

Mr. Robert A. DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Re-Classification
and Special Exception
Case Number R-79-7-XA
1402 York Road

Dear Bob,

Pursuant to our conversation, this will confirm that three of our five expert witnesses, with regard to the above referenced zoning hearing of June 28, 1979 at 10 a.m., will be unavailable to testify due to reasons beyond their control.

The witnesses in question are as follows:

1. George Frizzell of Lipman, Frizzell & Mitchell
2. Jack Daft of Daft-McCune-Walker, Inc.
3. LeRoy Haile, Jr., real estate consultant

Inasmuch as a major portion of our case will rest on their testimony, I am requesting that you request a postponement and/or a rescheduling of the pending case.

Please advise if any additional information will be required.

Sincerely,

Michael J. Batza, Jr.

MJB:ml

cc: G. Frizzell
J. Daft
L. Haile, Jr.

MSC CORPORATION 21 WEST ROAD, TOWSON MARYLAND 21204 (301) 296-1000

Lipman Frizzell & Mitchell

Real Estate Consultants

M. Ronald Lipman, CRE, MAI, SREA
George P. Frizzell, MAI, SRPA
Kylard L. Mitchell, III, MAI, SRPA
Fred L. Engesser
Reuben J. Waller, Jr.

June 27, 1979

Mr. Michael Batza
MSC Corporation
21 West Road
Towson, Maryland 21204

Dear Mike,

Due to conflicting schedules I will not be able to attend the zoning hearing on June 28, 1979.

Very truly yours,

George P. Frizzell

GPF:ml

LEROY Y. HAILE
REALTOR
Real Estate and Insurance
13 W. CHESAPEAKE AVE. P.O. BOX 6781
TOWSON, MARYLAND 21204
PHONE (301) 823-8508 OR 823-1656

June 27, 1979

Mr. Michael J. Batza, Jr.
% M. S. C. Corporation
21 West Road
Towson, Maryland 21204

Dear Mike:

A conflict has developed in my schedule with the zoning hearing set for 10 AM on June 28. I have a settlement at the same time. Please let me know if I can be of any further assistance. Mrs. Frances N. Mansfield, owner of 1408 York Road, which this office has managed for many years, has asked me to support you in your efforts for a zoning change.

Very truly yours,

LeRoy Y. Haile, Jr.

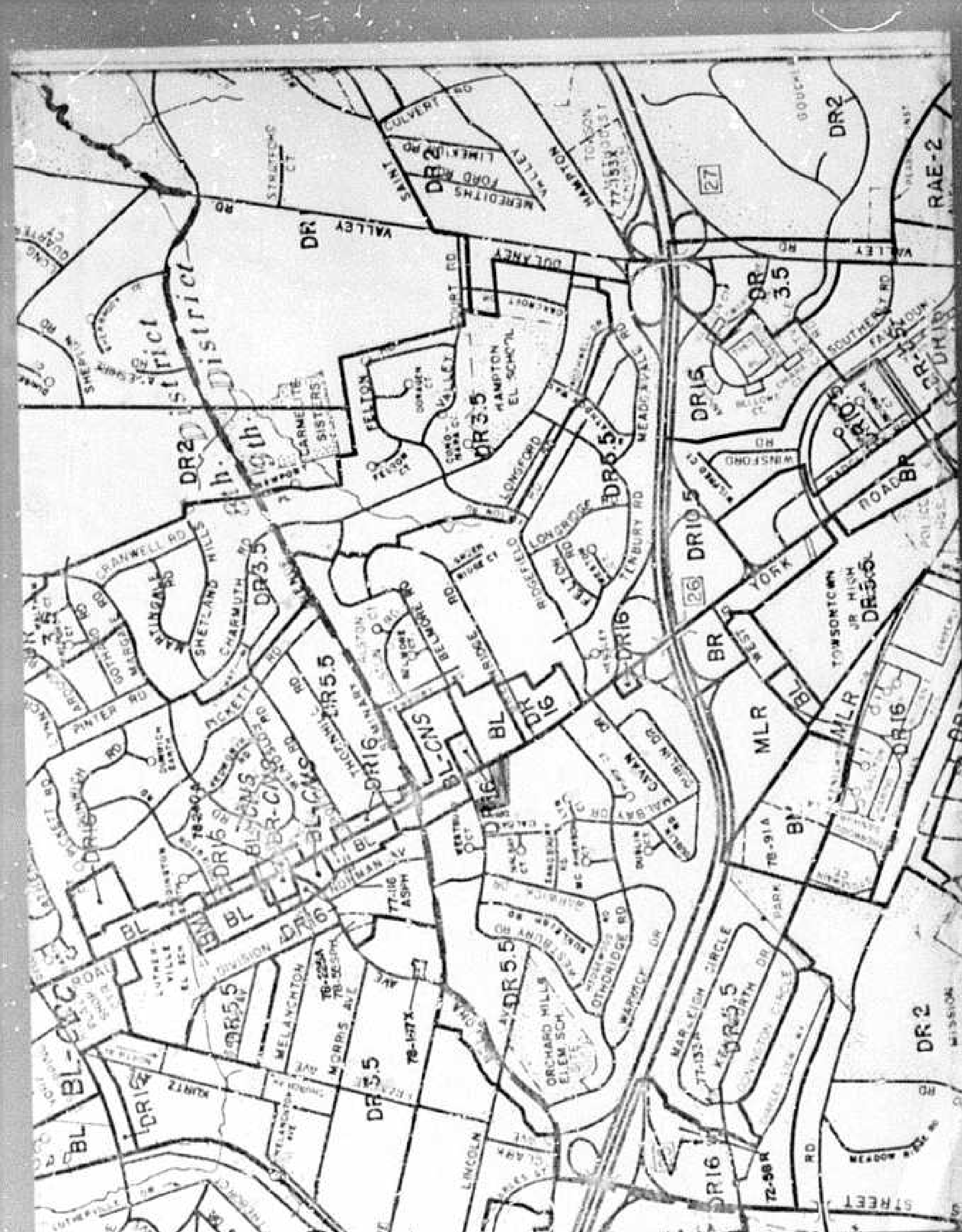
cc. Mrs. Frances N. Mansfield

609 Mosley Avenue

Baltimore, Maryland 21204

(301) 521-0022

FEB 03 1980



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 31, 1978

RE: Item No. 6
Petitioner - Heaver
Reclassification, Special
Exception & Variance Petitions

Dear Mr. DiCicco:

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 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 suitability of the requested zoning.

The subject of this petition is a 1.3 acre tract improved with a one-and-a-half story dwelling having frontage on the west side of York Road, approximately 200' south of Westbury Road, and the south side of said road, approximately 250' west of York Road in the 9th Election District. This property was the subject of two previous zoning hearings (Case No. 69-215-RXSPH and No. 74-202-RXASPH) in which requests to rezone this property to D.R. 16 and construct an office building were eventually denied. Abutting this site to the north and south along York Road are properties improved with individual dwellings, as are the properties immediately to the west abutting the proposed parking area along Westbury Road.

This petition is necessitated as a result of your client's proposal to construct a two-story office building along York Road with the accessory parking area situated on the Westbury Road frontage and adjacent to the existing dwellings. At the time of field inspection, it was suggested by the Committee that if the petition is granted, substantial and effective screening for this parking area should be required.

Heaver
Page 2
October 31, 1978

The site plans must be revised to indicate the comments from 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 December 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. 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, 1979 and April 15, 1979 will be forwarded to you well in advance.

These petitions will be 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 December 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. 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, 1979 and April 15, 1979 will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

cc: Gerard A. Baxter, Inc.
221 South Main Street
Bel Air, Maryland 21014

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 14th day of December, 1978

S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Heaver
Petitioner's Attorney: DiCicco
Robert A. DiCicco, Esquire
208 W. Pennsylvania Avenue
Towson, Maryland 21204

Reviewed by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

cc: Gerard A. Baxter, Inc.
221 South Main Street
Bel Air, Maryland 21014

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing as of the
30th day of January, 1979

S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Heaver
Petitioner's Attorney: DiCicco
Robert A. DiCicco, Esquire
208 W. Pennsylvania Avenue
Towson, Maryland 21204

Reviewed by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

cc: Gerard A. Baxter, Inc.
221 South Main Street
Bel Air, Maryland 21014

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 16, 1978

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

Robert A. DiCicco, Esquire
208 W. Pennsylvania Avenue
Towson, Maryland 21204

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

RE: Item No. 6
Petitioner - Heaver
Reclassification, Special
Exception & Variance Petitions

Dear Mr. DiCicco:

Please be advised that the acceptance certificate for the above petition, dated January 30, 1979, was incorrect. Enclosed is verification that the correct date of acceptance was December 14, 1978. This should replace the previous certificate.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

enclosure

cc: Gerard A. Baxter, Inc.
221 South Main Street
Bel Air, Maryland 21014

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. JOHNSON, P.E.
DIRECTOR

October 30, 1978

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

Re: Item #6 Cycle IV (Oct. 1978-April 1979)
Property Owner: Stephen G. & Doris A. Heaver
W/S York Rd. 395.52' S. Westbury Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a Special Exception for
offices (No IECOA) and Variance to permit a side setback
of 10' in lieu of the required 25'.
Acres: 1.349 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, February 21, 1969, were supplied in connection with Item 193 (1968-1969), 69-215-RXSPH.

Comments were supplied for an overall larger site, in connection with the Zoning Advisory Committee review for Item 19 Zoning Cycle V (April-October 1973), 74-08X, of which, this property is a part. Comments were also supplied in connection with the Zoning Advisory Committee review of this specific site for Item 19 Zoning Cycle VI (April-October 1974), 74-202-RXASPH.

Highways:

York Road (M.D. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Westbury Road, an existing residential County road, is improved with a 30-foot closed section roadway on a 50-foot right-of-way. The construction of concrete sidewalk along the Westbury Road frontage is a responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be in accordance with Baltimore County Standards.

Item #6 Cycle IV (Oct. 1978-April 1979)
Property Owner: Stephen G. & Doris A. Heaver
Page 2
October 30, 1978

Sediment Control:

Development of this property through stripping, 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 stripping of top soil.

Storm:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

This property drains southerly 400 feet overland to Othoride Road. The existing drainage system in Othoride Road is shown on Drawing #54-1647, File 4.

Attention is drawn to the Supplemental Storm Drain Comments of February 19, 1974, in connection with a revised plan (January 4, 1974) for Item 19 Cycle VI (April-October 1974).

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall, offsite rights-of-way are necessary.

Storm drains, which will be required in connection with any further development of this property, are to be designed and constructed in accordance with Baltimore County Standards and Specifications.

Water:

There is a public 8-inch water main in Westbury Road and there are public 10" and 30-inch water mains in York Road. There are no fire hydrants along the west side of York Road in the vicinity of this property.

Sanitary Sewer:

There is 8-inch public sanitary sewerage in Westbury Road, and also in Othoride Road, approximately 800 feet southerly of this site. The submitted plan indicates a proposed extension and connection to the sewer in Westbury Road. As stated in the comments for Item 193 (1968-1969), "It will be necessary to pump sewage from the proposed building into the existing sewer. The Petitioner shall be fully responsible for installation and maintenance of the pump and service connection to conform with the Baltimore County Plumbing Code."

Item #6 Cycle IV (Oct. 1977-April 1978)
Property Owner: Stephen G. & Doris A. Heaver
Pryor
October 30, 1978

Sanitary Sewer (Cont'd)

An extension of public sanitary sewerage to the existing sewer in Othoridge Road would be required to serve this and other properties by gravity, and offsets rights-of-way would be required.

Very truly yours,

Ellsworth H. Diver, P.E.
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

ESD:HAM:FWK:ES

cc: D. Gris
S. Bellestri
W. Munchel

S-SE Key Sheet
44 & 45 NE & NW 1 Pgs. Sheets
ME & NW 11 & 12 A Topo
61 Tax Map



Maryland Department of Transportation
State Highway Administration

Hermann K. Intemann
Secretary
M. S. Calver
Administrator

October 16, 1978

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

Attention: Mr. N. Commodari

Zoning Cycle IV, October 1978
Item No.: 6
Property Owner: Stephen G. & Doris A. Heaver
Location: W/S York Road (Rte. 45)
395.52' S. Westbury Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a Special Exception for Offices (no IDCA) and Variance to permit a side setback of 10' in lieu of the required 25'.
Acres: 1.349
District: 9th

Dear Mr. DiNenna:

The proposed entrance should be located directly opposite the northerly entrance into the church and book store, however, this would require a major change in the interior layout.

The plan must indicate a standard concrete curb between the parking lot and right of way line.

CL:JEM:dj

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

John E. Meyers
By: John E. Meyers

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-2711

LESLIE H. GRAFF
DIRECTOR

October 31, 1978

Mr. 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 # 6, Zoning Cycle IV, October, 1978, are as follows:

Property Owner: Stephen G. and Doris A. Heaver
Location: W/S York Road 395.52' S. Westbury Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a Special Exception for offices (no IDCA) and Variance to permit a side setback of 10' in lieu of the required 25'.
Acres: 1.349
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.

All free standing lighting should be of the cut-off type and on an elevation of the light standards be shown on the site plan.

A landscape plan should be submitted on landscaping shown on the site plan.

If the second floor is to be used for medical offices, the parking requirement would be at a rate of 1 space for each 300 square feet of floor area.

Very truly yours,

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



baltimore county
department of health
TOWSON, MARYLAND 21204

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

October 25, 1978

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

Dear Mr. DiNenna:

Comments on Item #6, Zoning Advisory Committee Meeting for Cycle IV, are as follows:

Property Owner: Stephen G. & Doris A. Heaver
Location: W/S York Rd. 395.52' S Westbury Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a Special Exception for offices (no IDCA) and Variance to permit a side setback of 10' in lieu of the required 25'.
Acres: 1.349
District: 9th

Metropolitan water exists and sewer is available. The existing dwellings to be razed are presently served by a septic system which must be abandoned and properly backfilled.

The route of the proposed 6" sanitary sewer for the proposed office building will be closely adjoining the rear property line of the two aforementioned properties (1406 and 1408 York Rd.) Therefore, it is recommended that upon installation of the sewer, connections be made available for both properties and that the dwellings be required to connect to sanitary sewer.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,

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

THD/JRF/rth

cc: W. L. Phillips



baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3650

STEPHEN C. COLLINS
DIRECTOR

October 16, 1978

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

Item No. 6 - EAC - Meeting for Cycle IV
Property Owner: Stephen G. & Doris A. Heaver
Location: W/S York Rd. 395.52' S Westbury Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with Special Exception for offices (no IDCA) and Variance to permit a side setback of 10' in lieu of the required 25'.
Acres: 1.349
District: 9th

Dear Mr. DiNenna:

As presently zoned, this site will generate approximately 75 trips per day and the proposed zoning for offices will generate approximately 360 trips per day.

The intersection of York and West Roads is at "F" level of service.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Engineer Associate II

MSP/TMM



baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reinkens
CHIEF

October 16, 1978

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Stephen G. & Doris A. Heaver

Location: W/S York Rd. 395.52' S Westbury Rd.

Item No. 6 Zoning Agenda Cycle IV
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.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ 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 _____ EXCEEDS the maximum allowed by the Fire Department.
- (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 "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: *Carl Joseph Kelly* 10-17-78 Noted and Approved: *George M. Hagendorf*
Planning Group Special Inspection Division Fire Prevention Bureau



baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3650

JOHN D. SEFFERT
DIRECTOR

October 5, 1978

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

Dear Mr. DiNenna:

Comments on Item # 6 Zoning Advisory Committee Meeting, CYCLE IV are as follows:

Property Owner: Stephen G. & Doris A. Heaver
Location: W/S York Road 395.52' S Westbury Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a special Exception for offices (no IDCA) and Variance to permit a side setback of 10' in lieu of the required 25'.
Acres: 1.349
District: 9th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
C. Additional _____ Permits shall be required.
D. Building shall be upgraded to new use - requires alteration permit.
E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. 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.
- G. 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.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- X J. Comments: An elevator along with other special items shall be required under the State Handicapped Code. Handicapped parking shall comply with State Code.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CS:errj



baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3650

JOHN D. SEFFERT
DIRECTOR

January 25, 1979

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

Dear Mr. DiNenna:

REVISED
Comments on Item # 6 Zoning Advisory Committee Meeting, CYCLE IV are as follows:

Property Owner: Stephen G. & Doris A. Heaver
Location: W/S York Road 395.52' S Westbury Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a special exception for offices (no IDCA) and variance to permit a side setback of 10' in lieu of the required 25'.
Acres: 1.349
District: 9th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional _____ raising, etc. Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. 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.
- G. 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.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- X J. Comments: Building will require an elevator to comply with State Handicapped Code.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CS:errj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 24, 1978

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

Z.A.C. Meeting of: Cycle IV

RE: Item No:
Property Owner: Stephen G. & Doris A. Heaver
Location: W/S York Rd. 395.52' S. Westbury Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with a Special Exception for offices (no IDCA)
and Variance to permit a side setback of 10' in lieu of the required 25'.

District: 9th
No. Acres: 1.349

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

NNP/bp

JOSEPH H. MCGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. ROTBARTIS

THOMAS H. BOYER
MRS. LORRAINE F. CHIRCUR
ROGER B. HAYDEN
ROBERT F. DUBEL, SUPERINTENDENT

ALVIN LORECE
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACEY, D.V.T.

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 7, 1979

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time, successive weeks before the 8th day of June, 1979, the NRP publication appearing on the 7th day of June, 1979.

THE JEFFERSONIAN

John L. Strickland
Manager

Cost of Advertisement, 2.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 78800

DATE: July 17, 1979
RECEIVED: July 17, 1979
FROM: MRS. DORIS A. HEAVER
FOR: Advertising and Publicity for Case 79-7-XA
VALIDATION OR SIGNATURE OF JANNER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: June 11, 1979
Posted for: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE
Petitioner: STEPHEN G. HEAVER, ET AL
Location of property: W/S YORK RD. 395.52' S. WESTBURY RD.
Location of Signs: D. FRONT 1402 YORK RD. @ 75 WESTBURY RD. 290' W/O YORK RD.
Remarks: Thomas G. Heaver
Posted by: Thomas G. Heaver Date of return: June 15, 1979
Signature: 6-S.GNS

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 29 day of June, 1979. Filing Fee \$ 97. Received: Check, Cash, Other

Petitioner: Submitted by: Petitioner's Attorney: Reviewed by: This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

OFFICE OF THE TIMES
TOWSON, MD. 21204 June 7, 1979

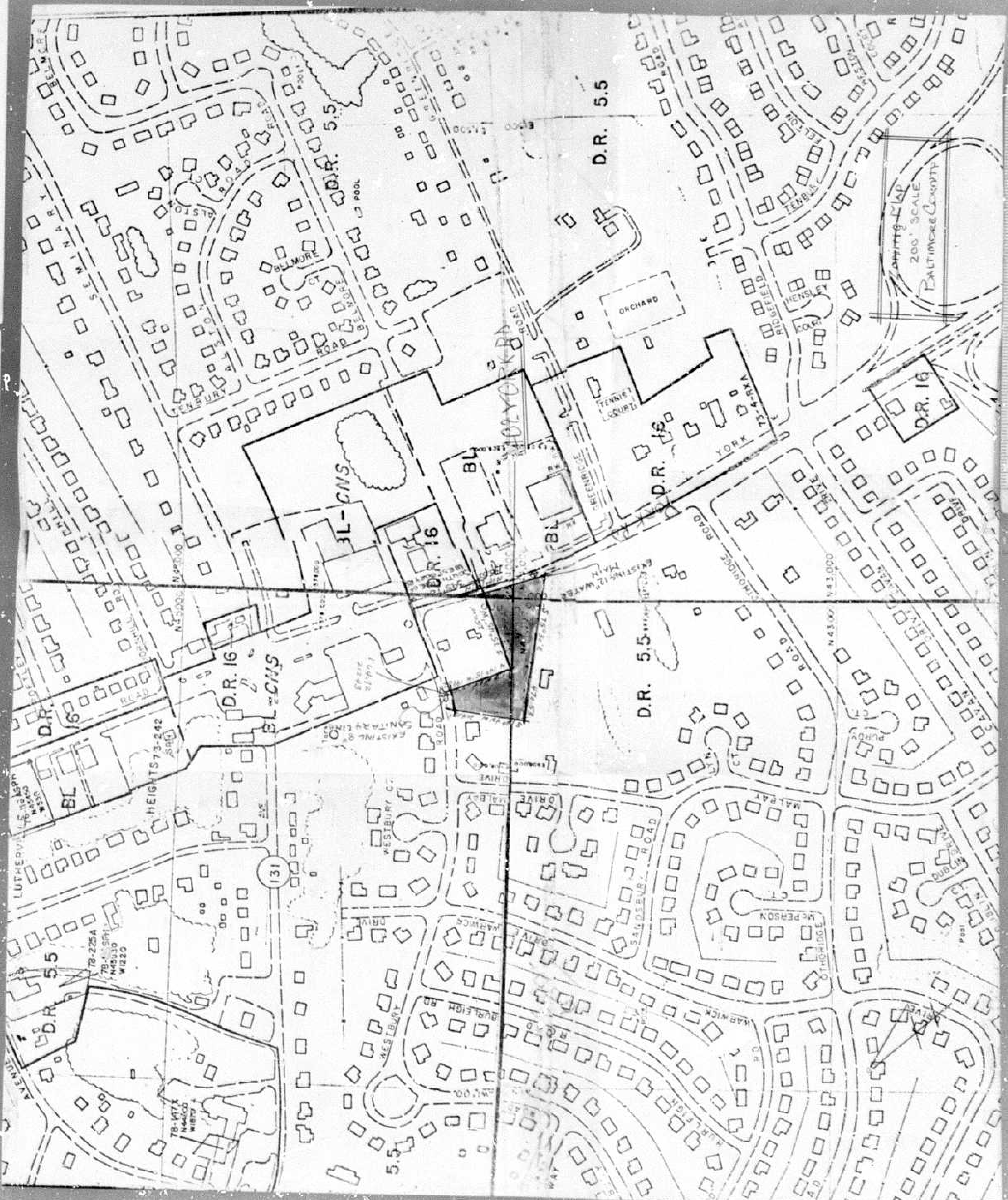
THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE - Stephen G. Heaver, Et Al was inserted in the following:

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

Weekly newspaper published in Baltimore, County, Maryland, once a week for one successive weeks before the 8th day of June, 1979, that is to say, the same was inserted in the issues of June 7, 1979.

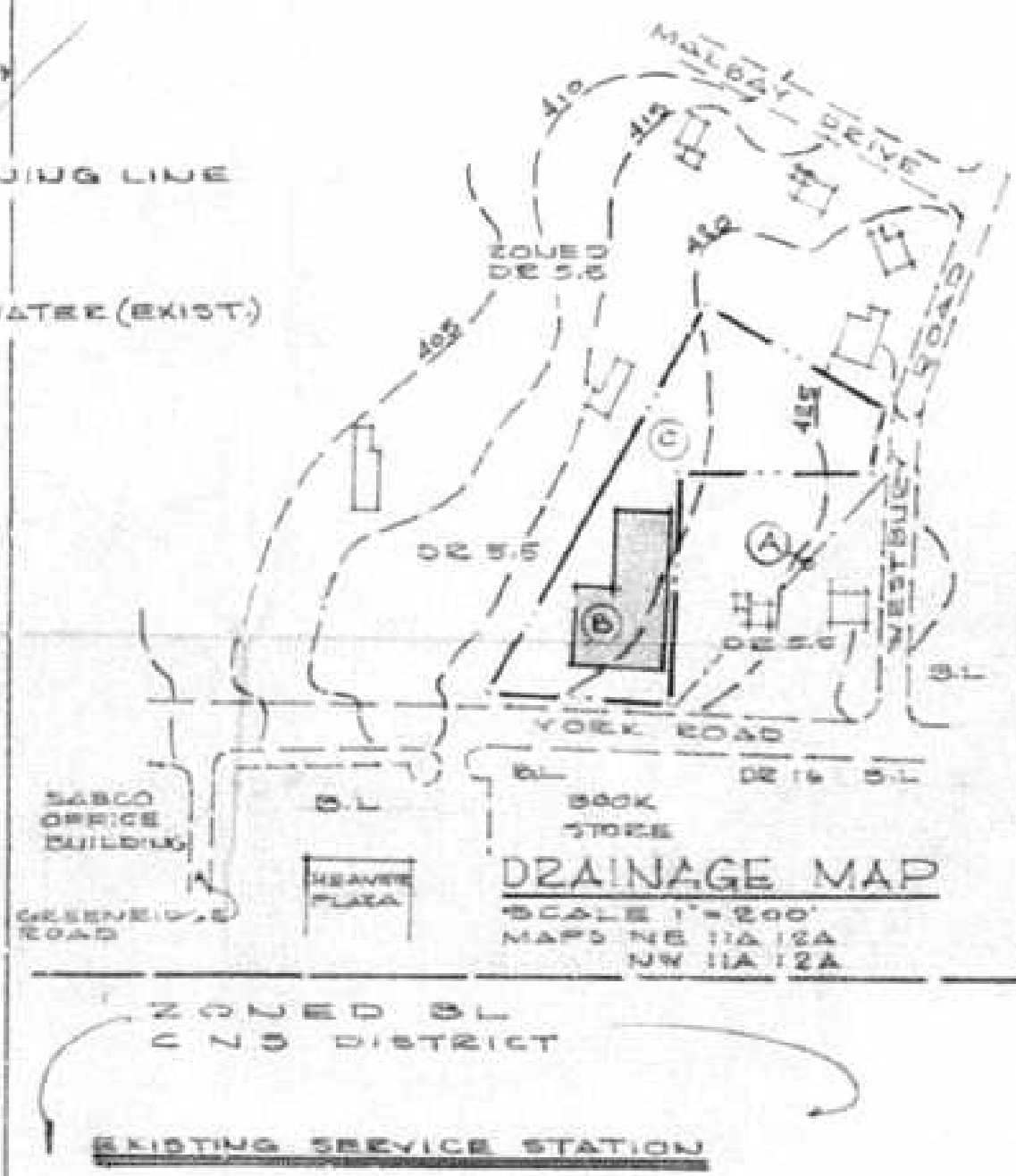
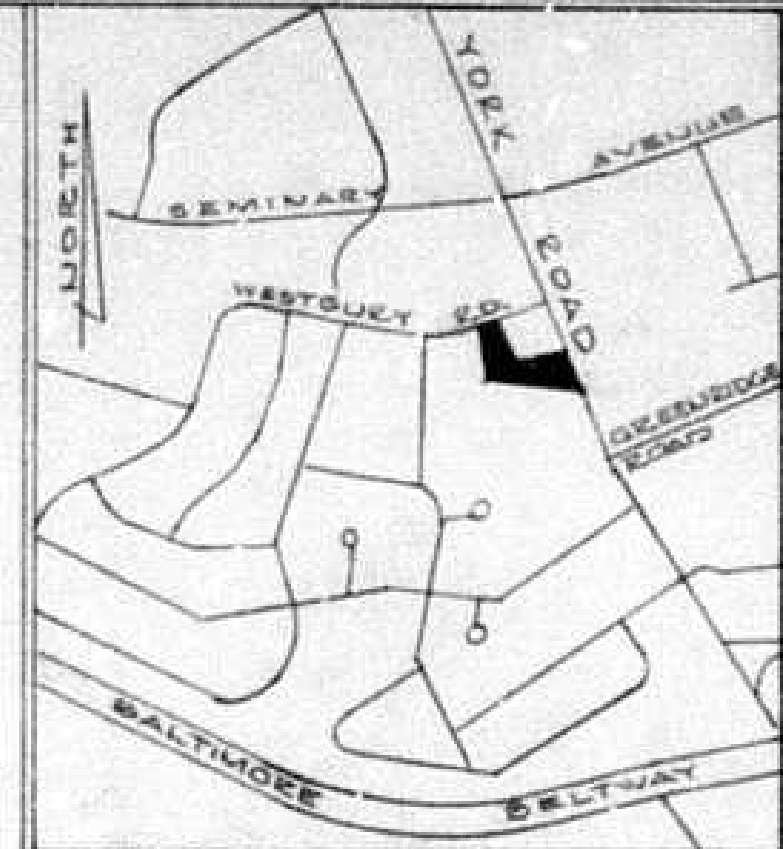
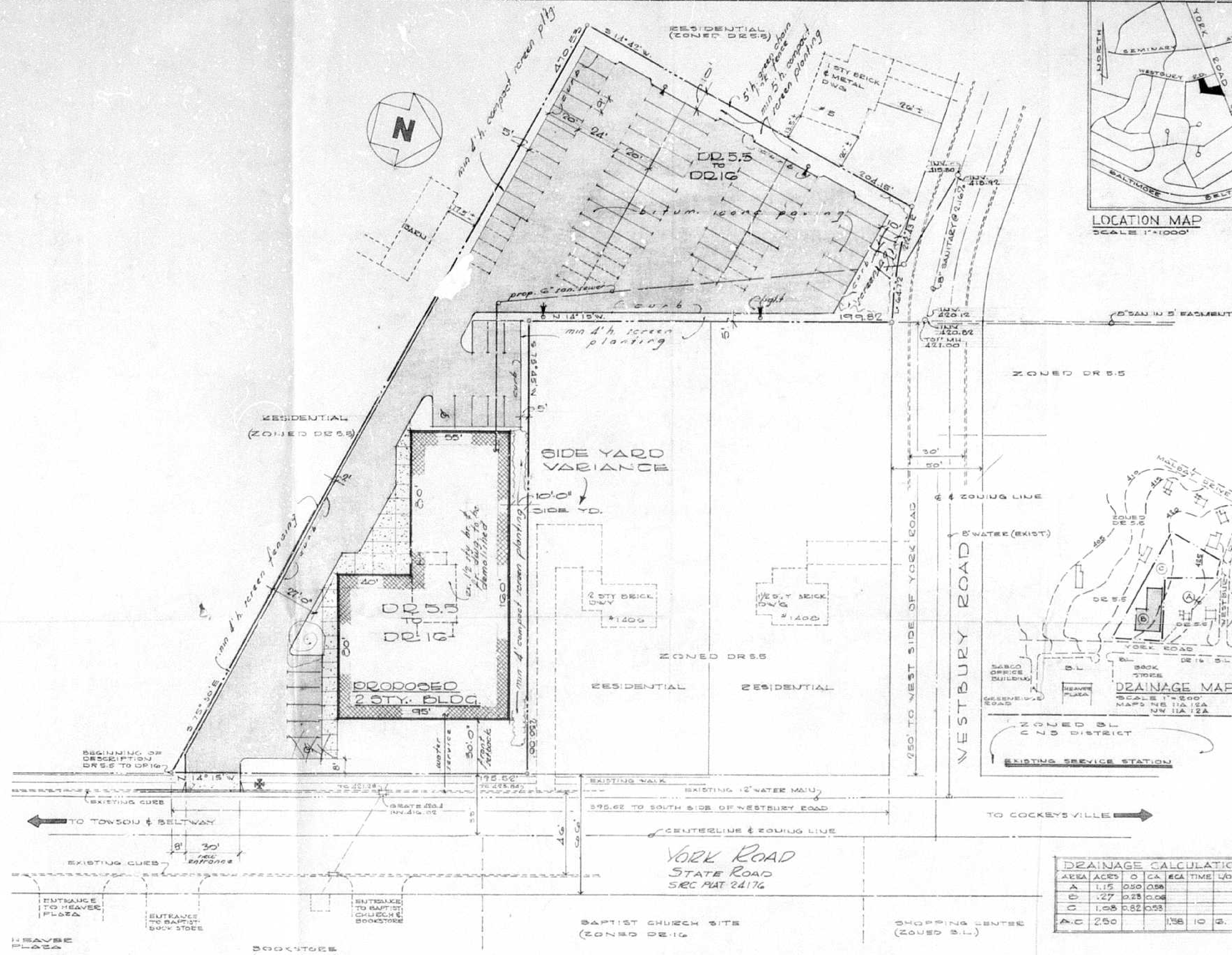
STROMBERG PUBLICATIONS, INC.

BY: *Esther Burger*



1400 YORK ROAD SITE





DRAINAGE CALCULATIONS						
AREA	ACRES	C	CA	CA TIME	L/D	Q
A	1.15	0.80	0.88			
B	.27	0.25	0.06			
C	1.08	0.82	0.52			
A.C.	2.50		1.58	10	3	9.5

ZONING PLAT
1402 YORK ROAD
 9TH ELECTION DISTRICT
 SCALE 1"=30'-0"
 BALTIMORE COUNTY, MARYLAND

OWNER
 STEPHEN G. HEAVES & WIFE
 1301 YORK RD.
 LUTHERVILLE, MD.
 PHONE 828-0001

DEVELOPER
 ADC ASSOCIATES
 21 WEST ROAD
 TOWSON, MD.
 PHONE 296-1000
ATTORNEY
 ROBERT DICICCO
 208 W. PENNSYLVANIA
 TOWSON, MD.
 PHONE 828-5400

NOTES

A. EXISTING ZONING = DR 5.5
 B. PROPOSED ZONING = DR 16 w/ S.E. FOR OFFICE BLDG. & PARKING
 C. GROSS AREA OF TRACT = 1.349 ± A TOTAL = 1.349 ± A
 D. PROPOSED BUILDING: TWO STORY w/ NO BASEMENT OFFICE AND AUXILIARY USE BUILDING. 12,000 SQ. FT. PER FLOOR.
 E. PARKING - 9' x 20' STALLS
 REQUIRED PARKING:
 FIRST FLOOR 12,000 / 300 = 40 CARS
 SECOND 12,000 / 300 = 40 CARS
 TOTAL REQUIRED = 80 CARS
 F. PARKING PROVIDED
 9' x 20' STD. SPACES = 64
 7' x 16' COMPACT SPACES = 18 (SHOWN DOTTED)
 TOTAL PROVIDED = 82 CARS

G. ALL UTILITIES AVAILABLE
 H. SECTION 209.4 USE DECAT DATA
 A. LAND ADJACENT BUSINESS INVOLVED
 B. PASSENGER VEHICLES ONLY. EXCLUSIVE OF BUSSES MAY USE PARKING AREA.
 C. NO LOADING, SERVICE OR ANY OTHER THAN PARKING WILL BE PERMITTED
 D. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF OPERATION, GLARE & INTENSITY AS REQ'D BY AM. L.T.S. ON S. POLE
 E. SCREENING AT MIN 4' H. FENCING OR MIN 4' H. COMPACT PLANTING.
 F. PAVING: BIT. CONC. ON UNFINISHED EWN BASE
 G. PARKING PLANS SHALL BE APPROVED BY THE OFFICE OF PLANNING.
 H. METHOD OF OPERATION, PROVISION FOR MAINTENANCE & PERMITTED HOURS OF USE TO SUPPORT BLDG. OPERATION ONLY.

NOTE:
 ALL EXISTING SITE INFORMATION, EXIST. ZONING, ETC. REPRODUCED FROM ZONING PLAT BY D. & DALLAN, JR., C.E.

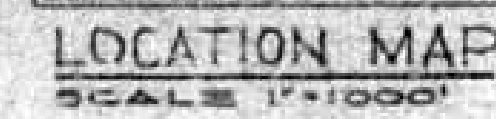
GERARD A. BAXTER, INC.
 221 SOUTH MAIN STREET
 BEL AIR, MARYLAND 21014
ARCHITECT

78-33
 28, DEPT 78
SHEET ONE



1402 YORK ROAD
SITE

15-6 NW



78-33
Rev Oct 5, 1978
28 SEPT 78
SHEET
ONE

FEB 05 1980

August 1, 1980

Mr. William E. Hammond
Zoning Commissioner
Room 109, County Office Building
Towson, Maryland 21204

RE: Case No. 79-195 XA (R-79-6 XA)
Building Permit Application
No.
9th Election District

Dear Mr. Hammond:

We, the undersigned, being the owner of the above mentioned property and the applicant for the above referenced occupancy permit, do hereby acknowledge that we are fully aware of your Order being subject to a thirty (30) day appeal period, but wish to go ahead with the construction of improvements on the property prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County Maryland and you from any liability or responsibility in this matter and agree to assume any and all financial responsibility for any consequences which might arise during the appeal period if an appeal is filed after construction has begun.

Very truly yours,

Harold L. Levy
General Partner
F & S Limited Partnership

Henry S. Shapiro
General Partner
F & S Limited Partnership

DOUG

I APPROVED THE CBO PERMIT ON 4/6/80

~~THE~~ Keep THIS WITH OUR FILE 811