

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 16 zone to an R.A.E. 2 zone, for the reasons given in the attached statement; and (2) a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED BALTIMORE COUNTY
MAR 2 4 25 PM '82
COUNTY BOARD OF APPEALS
BY

MAP 11-274
ELECTION DISTRICT 9
D.R. 16
R
M
N
TOTAL 192

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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 of Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

1205 York Road
Lutherville, Md. 21093
City and State

S. ERIC DINENNA, P. A.
(Type or Print Name)
Signature
Address
City and State

102 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Attorney's Telephone No. 825-1630

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 21-13 C.A. to allow a 0 ft. set back from the street line in lieu of the required 15 ft. for a below grade parking garage.

1. Shape and configuration of subject property;
2. Hardship and difficulty

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.

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

1205 York Road
Lutherville, MD 21093
City and State

S. ERIC DINENNA, P. A.
(Type or Print Name)
Signature
Address
City and State

406 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Attorney's Telephone No. 825-1630

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1982, 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 _____ day of _____, 1982, at _____ o'clock.

Zoning Commissioner of Baltimore County.

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE FOR REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF BURKE AVE., 117' WEST OF YORK RD. FROM D.R. 16 to R.A.E. 2, 9th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-82-69

AMENDED ORDER

For the reasons set forth in the Board of Appeals Opinion No. R-82-69 of May 7th, 1982, the Board finds it appropriate to Amend its Order of that date to read as follows:

It is this 26th day of May, 1982, by the County Board of Appeals, ORDERED that the requested zoning reclassification from D.R. 16 to R.A.E. 2 on the subject property be GRANTED so as to conform with the specific plat introduced by the Petitioner.

IT IS FURTHER ORDERED that the requested Variance from Sec. 201.3.C. to allow 0' setback in lieu of the required 15' in order to provide 12 underground parking spaces be also GRANTED.

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

William T. Hackett, Chairman
William R. Evans

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE FOR REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF BURKE AVE., 117' WEST OF YORK ROAD FROM D.R. 16 to R.A.E. 2, 9th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-82-69

OPINION

This case comes before this Board on Petition for a Reclassification of 1.82 acres of property located on the north side of Burke Ave., 117' west of York Road in the Towson area. The property is now zoned D.R. 16 and the requested zoning is R.A.E. 2. The case was heard this day in its entirety.

In all requests for reclassifications, the Petitioner bears the burden to prove error on the Comprehensive Map by the Baltimore County Council. This reclassification request was an issue before the County Council on the 1980 Comprehensive Map and the Council retained the D.R. 16 classification. Exhibit entered before the Board this day indicate that at that time there was neighborhood opposition to the blanket granting of R.A.E. 2 zoning. Since the adoption of the 1980 Comprehensive Maps, however, the Petitioner has worked with these neighborhood groups and has now received their support of his Petition. Mr. Mangione, Petitioner and property owner, has presented a very detailed specific plat as to his proposed development and land use and has agreed to follow these plans as closely as is physically possible. The property in question is hilly in contour and under its present zoning could at best accommodate 15 town houses or about 28 apartments and would not be financially feasible to develop. He proposes to erect a 15 story tower type apartment building with a two story addition on each end to contain shops and offices. This building is to contain 211 units, most of which will be one bedroom units. This complex is designed for housing healthy senior citizens in which all their needs will be provided for one fee per month. Meals, cleaning, health services, etc., all will be provided and the business operated privately by the Petitioner. Mr. Mangione testified he already has such a facility in Howard County containing 275 units and its success seems this proposal to be successful also.

Nicholas B. Mangione
Case No. R-82-69

This site is located within what is known as the Towson Ring Road, is within walking distance of Towson proper and all its cultural and business amenities. The Environmental Impact Statement prepared for this site and its use by Nelson-Solabes, Inc., and entered as Petitioner's Exhibit #3, covers all these aspects satisfactorily. The specific plans have been reviewed and commented on by all proper Baltimore County authorities and approval of this land use agreed to by all and all their comments are part of the record. For all these reasons, the Board is of the opinion that had all these facts been presented to the County Council, they would not have retained the D.R. 16 and thus denied this much needed project. The Board will also note that it will grant the requested R.A.E. 2 classification with the clear understanding that the property is to be developed in strict conformity with the submitted and documented proposal.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of May, 1982, by the County Board of Appeals, ORDERED that the requested zoning reclassification from D.R. 16 to R.A.E. 2 on the subject property BE GRANTED.

IT IS FURTHER ORDERED that the requested Variance from Sec. 201.3.C. to allow 0' setback in lieu of the required 15' in order to provide 12 underground parking spaces be also GRANTED.

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

William T. Hackett, Chairman
William R. Evans

SED:wjt
#81-17
4/12/82

NICHOLAS B. MANGIONE
Petitioner
Property: N/S of Burke Avenue, 117' from York Road 9th Election District
Case No.: R-82-69

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following witness to testify for the Petitioner, Nicholas B. Mangione, and make the writ returnable on Tuesday, April 13, 1982 at 10:00 A. M. before the County Board of Appeals, Room 218, Courthouse, Towson, Maryland 21204;

JAMES G. HOSWELL
Office of Planning and Zoning
4th Floor County Courts Building
Towson, Maryland 21204

DUCES TECUM - To appear and bring with you any and all documents, reports, files, maps, plats, opinions, recommendations, writings, records, and/or any other materials of any type or nature in any way pertaining to the property located at NE/S W. Burke Avenue, 117' W. of York Road, 9th Election District, in the County of Baltimore, Maryland.

S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorney for Petitioner

RECEIVED BALTIMORE COUNTY
APR 12 12 25 PM '82
COUNTY BOARD OF APPEALS
BY

SED:wjt
#81-17
4-12-82

NICHOLAS B. MANGIONE
Petitioner
Property: N/S of Burke Avenue, 117' from York Road 9th Election District
Case No.: R-82-69

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MICHAEL S. FLANAGAN
Engineering Associate II
Department of Traffic Engineering
County Courts Building
Towson, Maryland 21204

DUCES TECUM - To appear and bring with you all studies, plats, memorandum or written documents of the Department of Traffic Engineering Comments with reference to Cycle 1 - Meeting of March 16, 1981, Item No. 9, Property Owner: Nicholas B. Mangione, Location: NE/S West Burke Avenue, 117' W. of York Road, Existing Zoning: D. R. 16; Proposed Zoning: R.A.E. 2, Acres: 1.816, District: 9th.

S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorney for Petitioner

SED:WJT
#81-17
1-25-82

NICHOLAS B. MANGIONE
Petitioner
Property: N/S of Burke Avenue, 117' from York Road 9th Election District
Case No.: R-82-69

AMENDED MEMORANDUM IN SUPPORT OF RECLASSIFICATION PETITION

Your Petitioner, Nicholas B. Mangione, by S. Eric Dinenna and S. Eric Dinenna, P. A., his attorneys, wishes to amend his Petition for Reclassification previously filed hereto of the subject property located on the N/S of Burke Avenue, 117' from York Road in the Ninth Election District of Baltimore County, containing 1.816 acres, from its present classification of DR-16 Zone to an RAE-2 Zone, by submitting specified plans as to the proposed use and density.

Originally, the Petition was filed requesting the Reclassification from the DR-16 to the RAE-2 Zone without specific plans, and with only an outline of the subject property. Following discussions with various community people involved, it was decided by the Petitioner to file specific plans showing the exact structure, use, density, set-backs, etc. At the time of the initial hearing on the Petition, the Board granted a continuance to allow the Petitioner to Amend his Petition.

The Petitioner now amends the Petition in accordance with the plans being submitted herewith.

Pursuant to Bill 46-79, Your Petitioner submits herewith specific plans showing the building, fifteen stories in height, at a density of 200 dwelling units, with parking for 62 automobiles. The proposed use is for apartments for the

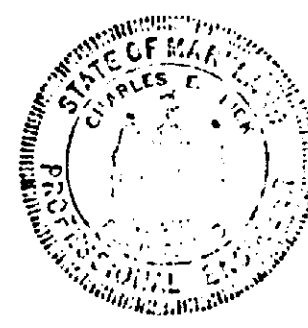
RECEIVED BALTIMORE COUNTY
APR 12 12 25 PM '82
COUNTY BOARD OF APPEALS
BY

Description to Accompany Zoning Petition

February 23, 1977

Beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the PR 16 zone and the BR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence binding on said northeasterly side of West Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, said curve being subtended by a chord bearing North 60° 38' 02" West 136.81 feet and (2) along a curve to the right with a radius of 3773.72 feet for a distance of 344.52 feet, said curve being subtended by a chord bearing North 48° 14' 34" West 344.40 feet; thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 39" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 86° 24' 56" East 66.81 feet, (6) South 6° 36' 49" West 66.57 feet, (7) South 82° 22' 41" East 149.00 feet, (8) South 13° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 44.91 feet, (10) South 68° 58' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" West 213.38 feet to the place of beginning.

Containing 1.816 acres of land, more or less.



S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6520

July 12, 1983

County Board of Appeals
Courthouse
Towson, Maryland 21204

Attention: Chairman

RE: Petition for Amendments
Case No.: R-82-69

Dear Mr. Chairman:

Enclosed herewith please find an original and two copies of a Petition for Amendments concerning the above captioned matter. Also, enclosed find seven copies of the legal description.

Upon the matter being set for hearing as per the Petition and at the actual hearing, the Petitioner will submit the new plans and changes at which time, pursuant to Section 2.58.1(m), the hearing will be suspended and the proposed amendments and plans submitted to the Baltimore County Planning Board for its comments. The Board will then make its comments and recommendations to you within forty-five (45) days and then the continued hearing can commence on the Merits.

Thank you for your cooperation in this matter.

Very truly yours,

S. ERIC DINENNA

SED:wjt

Encs.

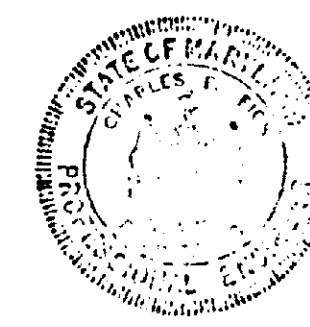
cc: William E. Hammond, Zoning Commissioner
Mrs. Jean Duvall
John W. Hessian, Esquire
Mr. Norman E. Gerber

Description to Accompany Zoning Petition

February 23, 1977

Beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the PR 16 zone and the BR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence binding on said northeasterly side of West Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, said curve being subtended by a chord bearing North 60° 38' 02" West 136.81 feet and (2) along a curve to the right with a radius of 3773.72 feet for a distance of 344.52 feet, said curve being subtended by a chord bearing North 48° 14' 34" West 344.40 feet; thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 39" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 86° 24' 56" East 66.81 feet, (6) South 6° 36' 49" West 66.57 feet, (7) South 82° 22' 41" East 149.00 feet, (8) South 13° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 44.91 feet, (10) South 68° 58' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" West 213.38 feet to the place of beginning.

Containing 1.816 acres of land, more or less.



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Attorney at Law

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Courthouse
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Thank you for your cooperation in this matter.

Very truly yours,

S. ERIC DINENNA

SED:wjt

Encs.

cc: William E. Hammond, Zoning Commissioner
Mrs. Jean Duvall
John W. Hessian, Esquire
Mr. Norman E. Gerber

PETITION FOR SITE PLAN AMENDMENT IN CASE NO. CR-82-69-A

9th Election District

ZONING: Petition for Site Plan Amendment in Case No. CR-82-69-A

LOCATION: North side of Burke Avenue, 117 ft. West of York Road

DATE & TIME: Tuesday, September 13, 1983 at 9:30 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

Petition for Site Plan Amendment in Case No. CR-82-69-A to consider request for amendment to site plan as originally approved in connection with Case No. CR-82-69-A

All that parcel of land in the Ninth District of Baltimore County

Being the property of Nicholas B. Mangione, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, September 13, 1983 at 9:30 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

SED:wjt
7-7-83
83-49

IN THE MATTER OF THE
APPLICATION OF
NICHOLAS B. MANGIONE,
For Petition for Amendment
for property located on the
N/S of Burke Avenue, 117' W
of York Road, 9th Elec. Dist.

BEFORE THE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Case No.: R-82-69

PETITION FOR AMENDMENTS

Nicholas B. Mangione, property owner and Petitioner, by S. Eric DiNenna and S. Eric DiNenna, P.A., his attorneys, and petitions the County Board of Appeals of Baltimore County, pursuant to Section 2.58.1(m) of the Baltimore County Code, for amendments to the documentation approved by the County Board of Appeals in case number R-82-69. In support thereof, the Petitioner says:

1. That the County Board of Appeals, after hearing and by Order of May 7, 1982 granted the Reclassification Petition from a DR16 Zone to an R.A.E.2 Zone, and by Amended Order of May 26, 1982, granted the Reclassification aforesaid "so as to conform with the specific plat introduced by the Petitioner."
2. That said Order and Amended Order are final Orders.
3. That your Petitioner wishes to make certain changes to the specific plans aforesaid, that were approved by the County Board of Appeals.
4. That in order to do so, the Petitioner submits the changes to this Honorable Board for its approval in accordance with Section 2.58.1(1) and Section 2.58.1(m) of the Baltimore County Code, subject to proper notification to the public.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members of ZP&C Date: July 15, 1983
FROM: Nicholas B. Mangione
Revised Site Plan - Reclassification Petition
SUBJECT: Item No. 9 - Cycle No. 1

Attached is a revised site plan on the above matter that must be reviewed by this Committee. I request that any comments be forwarded to this office by July 27, 1983. If I do not receive any by that date, I will assume that you had no comments on the plan.

NBC:bsc

cc: John W. Hessian, III, Esquire

James G. Hoswell

tick

THEREFORE, your Petitioner prays and requests:

- A. That the County Board of Appeals set this matter for a public hearing.
- B. That proper notification be given to the public of Baltimore County in that, for a period of at least fifteen (15) days prior to the time of such hearing notice of the time and place of the hearing relating to the property under Petition shall be conspicuously posted thereon and shall be given in at least two (2) newspapers of general circulation in the County.
- C. That your Petitioner be allowed to submit the amendments at said public hearing.
- D. That pursuant to Section 2.58.1(1) and Section 2.58.1(m) of the Baltimore County Code and after a hearing before this Honorable Board upon the merits of said request, that this Honorable Board grant the amendments as petitioned.

NICHOLAS B. MANGIONE
Petitioner and Property Owner

S. ERIC DINENNA
S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
296-3310
Attorney for Petitioner and
Property Owner

I HEREBY CERTIFY that on this 15 day of July, 1983 a copy of the foregoing Petition for Amendments was mailed to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Mrs. Jean Duvall, 227 Murdock Road, Baltimore, Maryland 21212; John W. Hessian, Esquire, People's Counsel for Baltimore

County, Courthouse, Towson, Maryland 21204; Norman E. Gerber, Director of Planning and Zoning for Baltimore County, County Courts Building, 4th Floor, Towson, Maryland 21204.

S. ERIC DINENNA

SED:wt
7-7-83
83-49

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE, For Petition for Amendment for property located on the N/S of Burke Avenue, 117' W of York Road, 9th Elec. Dist.

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Case No.: R-82-69

PETITION FOR AMENDMENTS

Nicholas B. Mangione, property owner and Petitioner, by S. Eric DiNenna and S. Eric DiNenna, P. A., his attorneys, and petitions the County Board of Appeals of Baltimore County, pursuant to Section 2.58.1(m) of the Baltimore County Code, for amendments to the documentation approved by the County Board of Appeals in case number R-82-69. In support thereof, the Petitioner says:

1. That the County Board of Appeals, after hearing and by Order of May 7, 1982 granted the Reclassification Petition from a DR16 Zone to an R.A.E.2 Zone, and by Amended Order of May 26, 1982, granted the Reclassification aforesaid "so as to conform with the specific plat introduced by the Petitioner."
2. That said Order and Amended Order are final Orders.
3. That your Petitioner wishes to make certain changes to the specific plans aforesaid, that were approved by the County Board of Appeals.
4. That in order to do so, the Petitioner submits the changes to this Honorable Board for its approval in accordance with Section 2.58.1(l) and Section 2.58.1(m) of the Baltimore County Code, subject to proper notification to the public.

THEREFORE, your Petitioner prays and requests:

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- B. That proper notification be given to the public of Baltimore County in that, for a period of at least fifteen (15) days prior to the time of such hearing notice of the time and place of the hearing relating to the property under Petition shall be conspicuously posted thereon and shall be given in at least two (2) newspapers of general circulation in the County.
- C. That your Petitioner be allowed to submit the amendments at said public hearing.
- D. That pursuant to Section 2.58.1(l) and Section 2.58.1(m) of the Baltimore County Code and after a hearing before this Honorable Board upon the merits of said request, that this Honorable Board grant the amendments as petitioned.

NICHOLAS B. MANGIONE, Petitioner and Property Owner

S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
296-3330
Attorney for Petitioner and Property Owner

I HEREBY CERTIFY that on this 12th day of July, 1983 a copy of the foregoing Petition for Amendments was mailed to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Mrs. Jean Duvall, 227 Murdock Road, Baltimore, Maryland 21212; John W. Hessian, Esquire, People's Counsel for Baltimore

County, Courthouse, Towson, Maryland 21204; Norman E. Gerber, Director of Planning and Zoning for Baltimore County, County Courts Building, 4th Floor, Towson, Maryland 21204.

S. ERIC DINENNA

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE, For Petition for Amendment for property located on the N/S of Burke Avenue, 117' W of York Road, 9th Elec. Dist.

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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NICHOLAS B. MANGIONE, Petitioner and Property Owner

S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
296-3330
Attorney for Petitioner and Property Owner

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County, Courthouse, Towson, Maryland 21204; Norman E. Gerber, Director of Planning and Zoning for Baltimore County, County Courts Building, 4th Floor, Towson, Maryland 21204.

S. ERIC DINENNA

SED:wt
7-7-83
83-49

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE, For Petition for Amendment for property located on the N/S of Burke Avenue, 117' W of York Road, 9th Elec. Dist.

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Case No.: R-82-69

PETITION FOR AMENDMENTS

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Nicholas B. Mangione
NICHOLAS B. MANGIONE
Petitioner and Property Owner

S. Eric Dinenna
S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
296-3330
Attorney for Petitioner and
Property Owner

I HEREBY CERTIFY that on this 12 day of July, 1983 a copy of the foregoing Petition for Amendments was mailed to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Mrs. Jean Duvall, 227 Murdock Road, Baltimore, Maryland 21212; John W. Hessian, Esquire, People's Counsel for Baltimore

-2-

NICHOLAS B. MANGIONE - #CR-82-69-A

for the elderly and generally attempted to elicit from the Petitioner the Federal act or authority by which he was attempting to characterize this project as "housing for the elderly".

Michael Flanagan, Traffic Engineer for Baltimore County, testified that the proposed amendment to the site plan would generate 150 trips a day. He also acknowledged that the York Road-Burke Avenue intersection had been improved and that it was impossible to calculate the effect the additional 150 trips would have on that intersection.

On cross-examination, it was established that a right turn only condition shall exist when exiting the subject site, thus eliminating any traffic flowing from the site to the York Road-Burke Avenue intersection.

John Latrobe, President of the Greater Towson Council; Charles Slike, President of Towson Manor Association; Jane Bachtell, representing the Berkley Square Community Association and Jean K. Duvall testified in opposition to the proposed amendment. The primary concerns of the Protestants related to increased traffic, parking problems and the possible affect additional office space shall have on the surrounding community.

Petitioner stipulated that any delicatessen or specialty food store shall not exceed 1,000 square feet in area and that a clothing or wearing apparel store shall not be permitted, nor will said third floor be utilized for medical offices.

Upon review of the evidence and stipulations, this Board is persuaded that the proposed amendment to the site plan will not adversely affect the health, education and general welfare of the community. Although a third story increases the overall area of the project, it in no way encroaches upon the "envelope". More than adequate parking appears to be provided and additional traffic generated shall be minimal.

With respect to People's Counsel's inquiry concerning Federal acts and the failure of the Petitioner to specifically rely thereon in determining his definition of "housing for the elderly," this Board deems such an inquiry as irrelevant to this proceeding. Although we understand People's Counsel's effort to establish the difference between parking required for the elderly vis-a-vis parking required for the non-elderly, it must be noted that

County, Courthouse, Towson, Maryland 21204; Norman E. Gerber, Director of Planning and Zoning for Baltimore County, County Courts Building, 4th Floor, Towson, Maryland 21204.

S. Eric Dinenna
S. ERIC DINENNA

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NICHOLAS B. MANGIONE #CR-82-69-A

that issue was not before us. The appropriate zoning had previously been granted and the site plan approved. Consequently, unless the proposed amendment resulted in a provision for less parking than that mandated by the Baltimore County Zoning Regulations, the issue is moot. Clearly, the proposed amendment provides excess parking.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 24th day of January, 1984, by the County Board of Appeals, ORDERED that the Amendments to the Site Plan petitioned for, be and the same are hereby GRANTED, subject to the following stipulations by Petitioner:

1. That any delicatessen or specialty food store shall not exceed 1,000 square feet in area.
2. That a clothing or wearing apparel store shall not be permitted.
3. That the third floor will not be utilized for medical offices.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans
Keith S. Franz
Keith S. Franz, Adm. Secretary

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE FOR PETITION FOR AMENDMENTS FOR PROPERTY LOCATED ON THE N/S OF BURKE AVENUE, 117' W. OF YORK ROAD 9th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. CR-82-69-A

AMENDED OPINION

It having come to the attention of the Board that the original Order misstated one of the restrictions to which the parties had previously stipulated and failed to include another restriction, this Board does now, by the following Amended Order, attempt to rectify said omission.

AMENDED ORDER

For the reasons cited above, it is this 1st day of February, 1984, by the County Board of Appeals, ORDERED that stipulation number one (1) contained in the Order of January 24, 1984, be and hereby is AMENDED as follows:

1. That any combination of delicatessen and specialty food store shall not exceed 1,000 square feet in area; and

That an additional restriction be and hereby is imposed, numbered four (4), which shall state as follows:

4. That pursuant to Section 2-58.1 (n) of the Baltimore County Code, construction on the subject site shall commence within three (3) years from the date of this Amended Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans

Keith S. Franz
Keith S. Franz, Adm. Secretary



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 491-3180

January 24, 1984

S. Eric Dinenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. CR-82-69-A
Nicholas B. Mangione

Dear Mr. Dinenna:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart,
Adm. Secretary

Encl.

cc: Phyllis C. Friedman
A. Jablon
J. E. Dyer
N. E. Gerber
J. G. Hoswell
J. Jung
Jean Duvall

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE FOR PETITION FOR AMENDMENTS FOR PROPERTY LOCATED ON THE N/S OF BURKE AVENUE, 117' W. OF YORK ROAD 9th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. CR-82-69-A

OPINION

The above captioned matter came on for hearing before the County Board of Appeals pursuant to a petition to amend the site plan. The subject property is located on the north side of Burke Avenue 117 feet west of York Road, in the Ninth Election District of Baltimore County.

The Petitioner presented as their first witness, Joseph B. Nelson, a licensed architect. Through Mr. Nelson, Petitioner's Exhibit 1-A was introduced. This exhibit contained all of the proposed amendments to the site plan and is incorporated in this Opinion by reference.

Although said exhibit indicates several minor amendments to the original site plan, it is apparent that the predominant amendment relates to the additional third story intended for retail and office use. Notwithstanding the proposed amendments, Mr. Nelson confirmed that the "envelope" in which the building is to be constructed is not changed. Mr. Nelson further indicated that the amended plan had received Planning Board approval and that all requirements of §502.1 of the Baltimore County Zoning Regulations have been satisfied.

People's Counsel cross-examined Mr. Nelson in great depth as to the parking provided and the effect the proposed amendment would have on said parking. Mr. Nelson stated that the amended site plan permitted 199 off-street parking spaces, or 51 more spaces than required by the Baltimore County Zoning Regulations.

The Petitioner, Nicholas B. Mangione, testified as to the fact that the amendment is necessary so as to enable him to obtain the appropriate financing to commence construction.

People's Counsel cross-examined Mr. Mangione at great length as to the possibility of Federal funding of the project, Federal law as to housing for the elderly, State and Federal statutes or acts concerning sheltered housing

L53911 p. 56

PETITION FOR SITE PLAN AMENDMENT IN CASE NO. CR-82-69-A

2.58.1(n) of the Baltimore County Code, construction on the subject site shall commence within three (3) years from the date of this Amended Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

For the reasons set forth in the foregoing Opinion, it is this 24th day of January, 1984, by the County Board of Appeals, ORDERED that the Amendments to the Site Plan petitioned for, be and the same are hereby GRANTED, subject to the following stipulations by Petitioner:

1. That any delicatessen or specialty food store shall not exceed 1,000 square feet in area.
2. That a clothing or wearing apparel store shall not be permitted.
3. That the third floor will not be utilized for medical offices.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans

Keith S. Franz
Keith S. Franz, Adm. Secretary

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/24 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 24th day of Aug. 1983

THE TOWSON TIMES

M. Hughes
M. Hughes, Publisher

Cost of Advertisement: \$35.52

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland CR-82-69-A

District 9th Date of Posting August 25, 1983

Posted for: Petitioner for Site Plan Amendment

Petitioner: Nicholas B. Mangione

Location of property: N/S of Burke Avenue, 117' W. of York Road

Location of Signs: North side of Burke Avenue approx. 300' west of York Road

Remarks: *AD. Smith*

Posted by: *AD. Smith* Signature Date of return: Sept. 7, 1983

Number of Signs: 1

**PETITION FOR
SITE PLAN AMENDMENT
IN CASE NO. CR-82-69-A
9th Election District**

ZONING: Petition for Site Plan Amendment in Case No. CR-82-69-A

LOCATION: North side of Burke Avenue, 117 ft. West of York Road

DATE & TIME: Tuesday, September 13, 1983 at 9:30 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Petition for Site Plan Amendment in Case No. CR-82-69-A to consider for amendment to site plan as originally approved in connection with Case No. CR-82-69-A.

All that parcel of land in the Ninth District of Baltimore County Beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the DR-18 zone and the BR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence binding on said northeasterly side of West Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, said curve being subtended by a chord bearing North 60° 38' 02" West 138.31 feet and (2) along a curve to the right with a radius of 373.72 feet for a distance of 244.52 feet, said curve being subtended by a chord bearing North 48° 14' 34" West 4.40 feet; thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 39" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 88° 24' 56" East 66.81 feet, (6) South 6° 36' 49" West 66.57 feet, (7) South 32° 22' 41" East 149.00 feet, (8) South 18° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 41.91 feet, (10) South 68° 58' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" West 213.33 feet to the place of beginning.

Containing 1.816 acres of land, more or less.

Being the property of Nicholas B. Mangione, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, September 13, 1983 at 9:30 A.M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order Of

WILLIAM T. HACKETT,
Chairman

County Board of Appeals
of Baltimore County

Aug. 25

DUPLICATE CERTIFICATE OF PUBLICATION

TOWSON, MD., August 25, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. ~~successive weeks~~ of ~~one time~~ ~~successive weeks~~ before the 13th day of September, 1983, the ~~first~~ publication appearing on the 25th day of August 1983.

THE JEFFERSONIAN

Frank Sirota
Manager.

Cost of Advertisement, \$ 22.00

USE REGULATIONS

A. PROPOSED USES:

1. APARTMENTS: (WELL ELDERLY) MORE THAN 25 DWELLING UNITS
 - a. SERVICE OR RECREATIONAL FACILITIES OR OCCUPANT.
2. OFFICES: LESS THAN 25% OF GROSS FLOOR AREA
3. RETAIL AND SERVICE USES: LESS THAN 5% OF GROSS FLOOR AREA

TENTATIVE USES:

BANKS
BARBER SHOP
BEAUTY SHOP
BOOK STORE
CHIROPODISTS OFFICE
CLINICS
DELICATESSEN
DRUG STORES
FLORIST SHOPS

FOOD STORES (SPECIALTY)
GIFT SHOPS
JEWELRY STORE
NEWS STAND
OPTICIANS OFFICE
RESTAURANTS
SHOE REPAIR
STATIONERY
TAILOR OR DRESSMAKING
WEAVING APPAREL

4. PUBLIC UTILITY USES: AS REQUIRED FOR DEVELOPMENT

5. ACCESSORY USES:

LAUNDRY
LOUNGES
DINING/FOOD SERVICE

ASSEMBLY
RECREATION/LAUNDRY
COUNSELING/PERSONAL SERVICE

6. SPECIAL EXCEPTIONS: NONE

B. USE REGULATIONS:

1. FLOOR AREA

a. APARTMENTS 232 DWELLINGS @ 829.38SF = 193,000SF
b. OFFICES (MAXIMUM) = 33,000SF
c. RETAIL & SERVICE (MAXIMUM) = 9,000SF
TOTAL = 235,000SF

20% of 235,000 = 47,000
5% of 235,000 = 11,750

ALLOWABLE
33,000
9,000

PROPOSED
33,000SF
9,000SF

2. NO RETAIL OR SERVICE USE WILL OCCUPY MORE THAN 1,000 SF EXCEPT

- a. BANKS, BUILDING & LOAN OR SIMILAR USE
- b. CLINICS OR GROUP MEDICAL CENTERS
- c. FOOD STORE (5,000SF MAX.)
- d. RESTAURANTS

3. NO USE SHALL HAVE MORE THAN ONE EXTERIOR ENTRANCE. EACH USE WILL HAVE ONE ENTRANCE WITHIN THE BUILDING. ADDITIONAL EXITS AS REQUIRED BY BUILDING CODES OR FIRE CODES WILL BE PROVIDED.

4. SIGNS & DISPLAYS WILL CONFORM TO BCZR 413.1 (CONTENTS & EXACT LOCATIONS OF SIGNS ARE UNDETERMINED AT THIS TIME).

SIGNAGE WILL INCLUDE:

1. PROJECT IDENTIFICATION SIGN OF 15 SF MAX.
1. ACCESSORY USE IDENTIFICATION SIGN 3 SF MAX. (NOT PROJECTING MORE THAN 6 INCHES).
- 8 DIRECTIONAL SIGNS 3 SF MAX. EA.
- 1 DIRECTIONAL SIGN FOR OFFICE, RETAIL & SERVICE USES.

C. BULK REGULATIONS:

- a. MAXIMUM HEIGHT = 1 1/2 TIMES REQUIREMENTS FOR BL ZONE
BL ZONE ALLOWS 100' MAX. HGT. ON 125' R. W. (BURKE AVE.)
1 1/2 TIMES 100' = 150' = MAXIMUM HEIGHT
PROPOSED HEIGHT = 150'

b. AVERAGE WIDTH MUST BE LESS THAN 2 1/2 TIMES AVERAGE HEIGHT

	PROPOSED AVG. WIDTH	AVG. HGT.	MAX. AVG. WIDTH
NORTH ELEVATION	211.08	102.35 x 2 1/2 OR	255.88
SOUTH ELEVATION	177.49	80.68 OR	201.7
EAST ELEVATION	173.75	75.00 OR	187.5
WEST ELEVATION	120	138 OR	345

C. YARD REQUIREMENTS

1. FRONT YARD 15' (SEE VARIANCE REQUEST TO BUILD UNDERGROUND GARAGE WITH 0' SETBACK)
SIDE YARD 15' SET BACK IF LESS THAN 40' HIGH / 30' SET BACK IF MORE REAR YARD 15' SET BACK IF LESS THAN 40' HIGH / THAN 40' HIGH
2. NO APARTMENT WINDOW IS CLOSER THAN 25' TO A PROPERTY LINE

D. DENSITY: MAX. = 80 DENSITY UNITS PER ACRE

SITE = 1.816 ACRES
BURKE AVENUE ROADWAY = .33 ACRES (30' WIDTH x 481.99')
1.816 x 80 = 145.28 DENSITY UNITS
.33 x 80 = 26 DENSITY UNITS
TOTAL 171.28 DENSITY UNITS ALLOWED

PROPOSED APARTMENT MIX: (TENTATIVE)

	TOTAL	DENSITY UNITS
3 2 BEDROOMS	1.0 D.U. =	3 DENSITY UNITS
26 EFFICIENCIES	.5 D.U. =	13 DENSITY UNITS
203 1 BEDROOMS	.75 D.U. =	152 DENSITY UNITS
232 DWELLING		168 DENSITY UNITS PROPOSED

E. AMENITY OPEN SPACE RATIO = .2

	1.816 ACRES OR 77,680SF	77,680SF - LOT
LOT BLDG. FOOT PRINT	27,409SF	40,569' - COVERAGE
DRIVES & ENTRANCE	13,160SF	37,115' - OPEN SPACE
TOTAL COVERAGE	40,569SF	41,094' - ROOF GARDEN
		48,205SF - REGR. DECK

48,205SF = OPEN SPACE PROVIDED
235,000 x .2 = 47,000SF = OPEN SPACE REQUIRED

NOTE: STORM WATER MANAGEMENT FOND, IF REQUIRED, WILL NOT BE INCLUDED IN OPEN SPACE, UNLESS ALLOWED BY BCZR. OPEN SPACE WILL BE PROVIDED IN OTHER LOCATIONS.

OFFSTREET PARKING

232 ELDERLY DWELLINGS @ .4 SPACES	93
OFFICES (1ST FLR.) 6,000 SF @ 1 PER 300	20
(2ND FLR.) 15,000 SF @ 1 PER 500	30
3RD FLR. 12,000 SF @ 1 PER 500	24
RETAIL & SERVICE 9,000 SF @ 1 PER 325	28
TOTAL PARKING REQUIRED	195 CARS
LESS 1/4 OF RESIDENTIAL ALLOWED FOR COMMERCIAL	47
PARKING REQUIRED	148 CARS
PARKING PROVIDED	199 CARS

NOTE: BUILDING ENVELOPE LINE SHOWN AS (---) LIMITS THE AREA WITHIN THE SITE ON WHICH THE BUILDING MAY BE PLACED. BUILDING SHOWN IS FOR DEMONSTRATION PURPOSES AND MAY BE CHANGED BY THE DEVELOPER TO SUIT OTHER CRITERIA. TOTAL FLOOR AREA, NUMBER OF APARTMENTS AND NUMBER OF DENSITY UNITS WILL NOT BE INCREASED, BUT MAY BE DECREASED.

USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER CRITERIA.

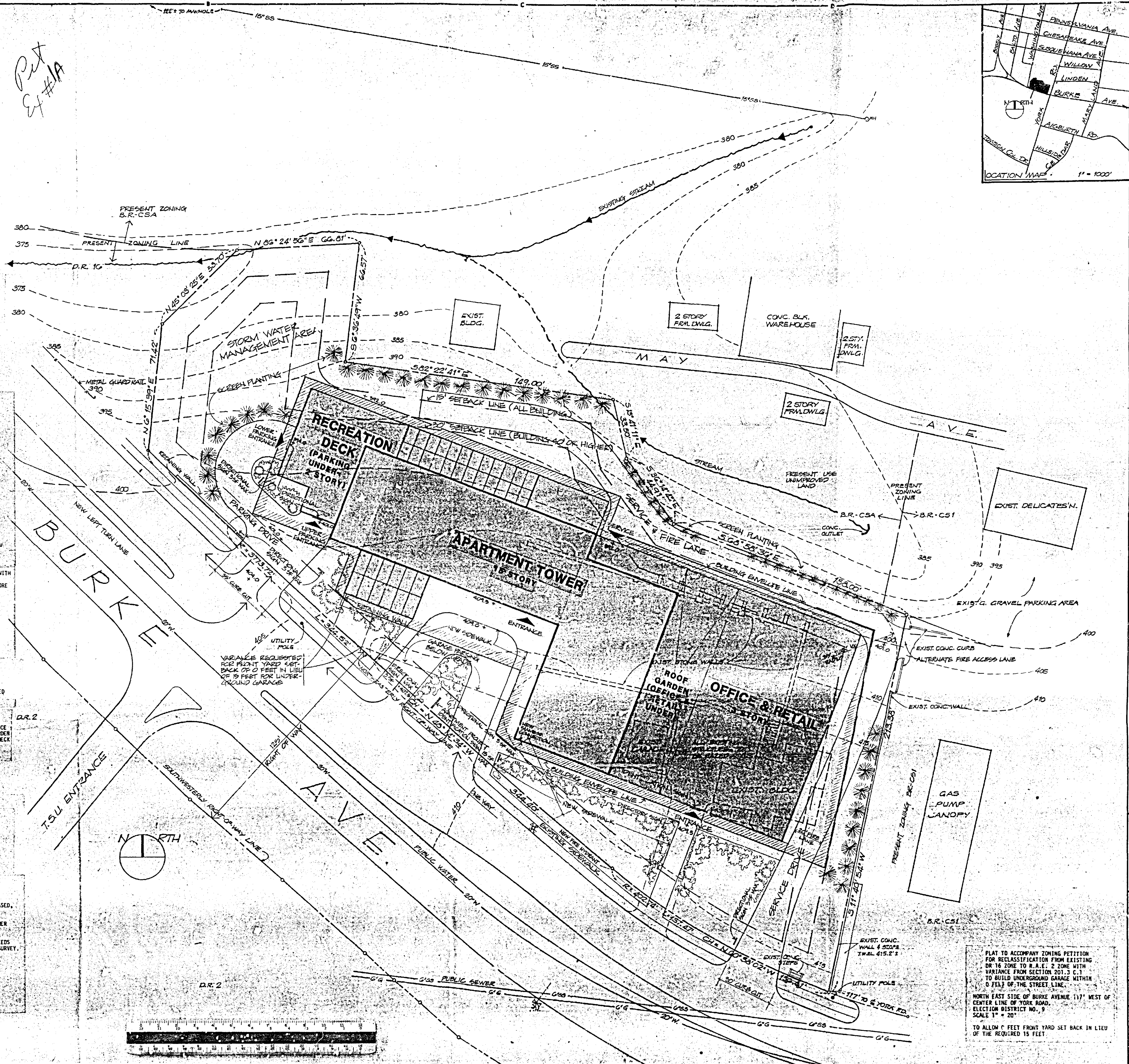
OUTLINE AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS COMPILED FROM DEEDS AND PLATS FOR ZONING PURPOSES ONLY, AND DOES NOT REPRESENT A FIELD SURVEY.

FOR: "MAXIMUM LEVEL OF EMANATIONS" SEE ENVIRONMENTAL IMPACT STATEMENT

HOURS OF OPERATION: RESIDENTIAL 24 HOURS/DAY 7 DAYS/WEEK
COMMERCIAL 12 HOURS/DAY 6 DAYS/WEEK

EMPLOYEES: 32 TOTAL - 3 SHIFTS

PUBLIC WATER & SEWER IS AVAILABLE IN THE BED OF BURKE AVENUE



PLAT TO ACCOMPANY ZONING PETITION FOR RECLASSIFICATION FROM EXISTING DR 16 ZONE TO R.A.E. 2 ZONE WITH VARIANCE FROM SECTION 201.3 C.1 TO BUILD UNDERGROUND GARAGE WITHIN 0 FEET OF THE STREET LINE.

NORTH EAST SIDE OF BURKE AVENUE 117' WEST OF CENTER LINE OF YORK ROAD, ELECTION DISTRICT NO. 9
SCALE 1" = 20'

TO ALLOW 0 FEET FRONT YARD SET BACK IN LIEU OF THE REQUIRED 15 FEET.

Revisions
12-3-81
1-5-82
2-12-82
2-19-82
7-6-83

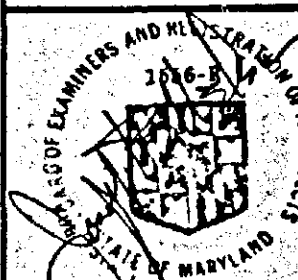
Sheet Title
PLAT

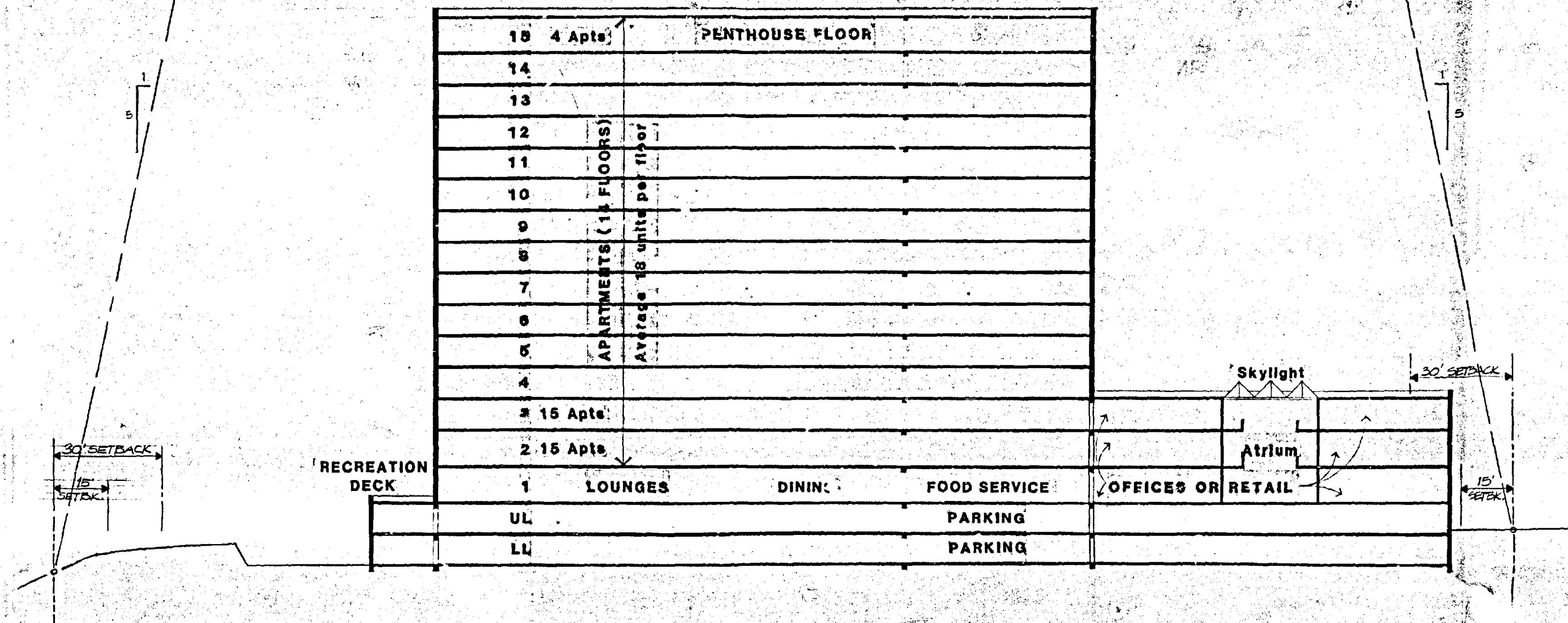
Job No.
1881

Sheet No.
1
of 4

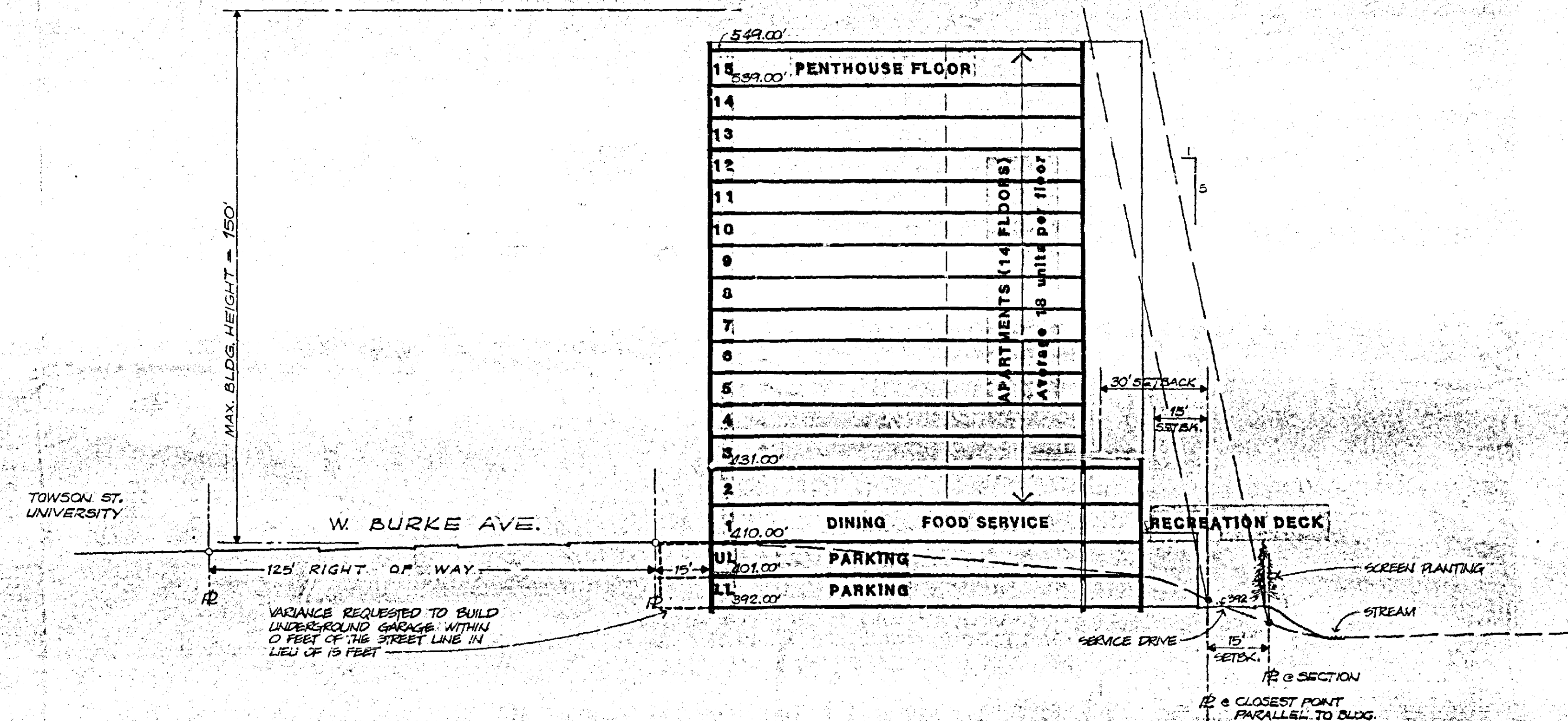
Date
NOV. 6, 1983

NELSON-SALABES, INC.
ARCHITECTS
PLANNERS
1001 Taylor Avenue, Suite 200 - Baltimore, Maryland 21201



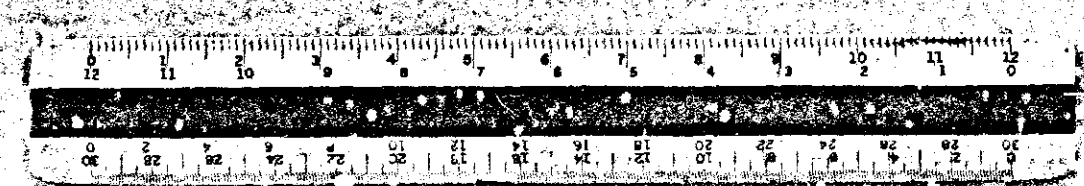


SIDE YARD TENT

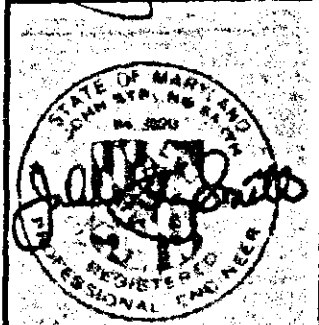
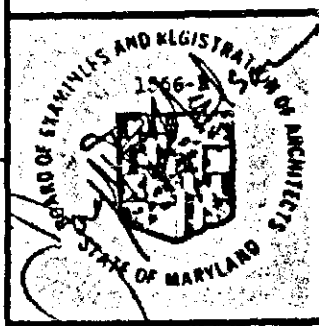


FRONT & REAR YARD TENT

NOTE
EXTERIOR WALLS SHALL BE BRICK AND/OR
CONCRETE. THE HEIGHT OF TENTS ARE SHOWN
AT POINTS OF MINIMUM SETBACK.
USES SHOWN MAY BE RELOCATED WITHIN THE
BUILDING ENVELOPE TO SUIT OTHER CRITERIA.



NELSON-SALARES, INC.
ARCHITECTS
PLANNERS
1601 Taylor Avenue, Suite 200 • Baltimore, Maryland 21204



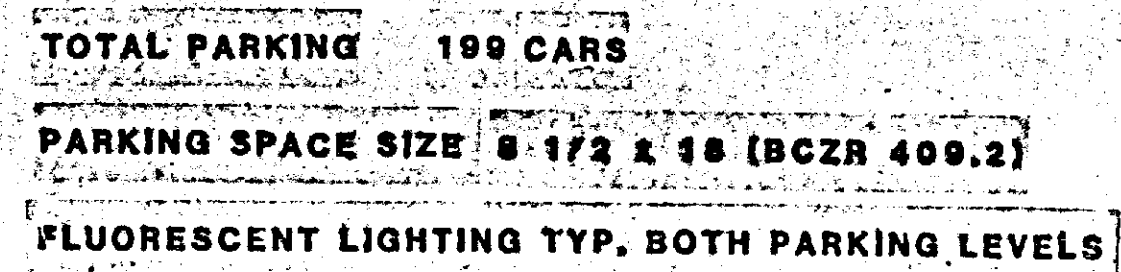
Revisions
12-3-81
1-5-82
2-12-82
2-15-82
7-6-83

Sheet Title
**ELEVATIONS
& SECTIONS**

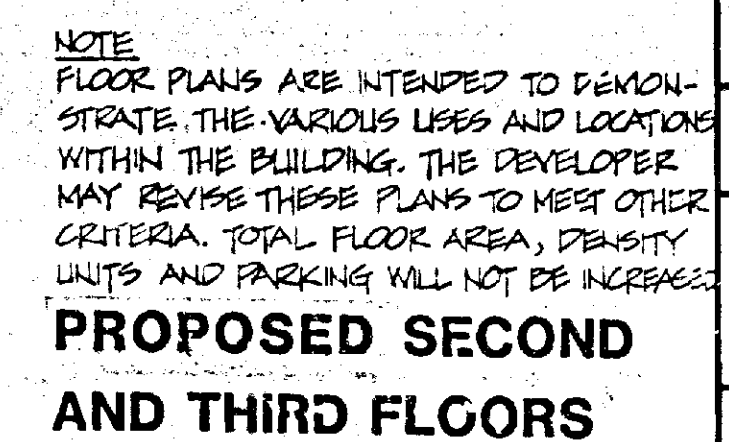
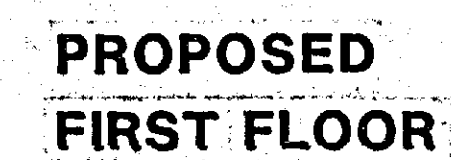
Job No.
1881

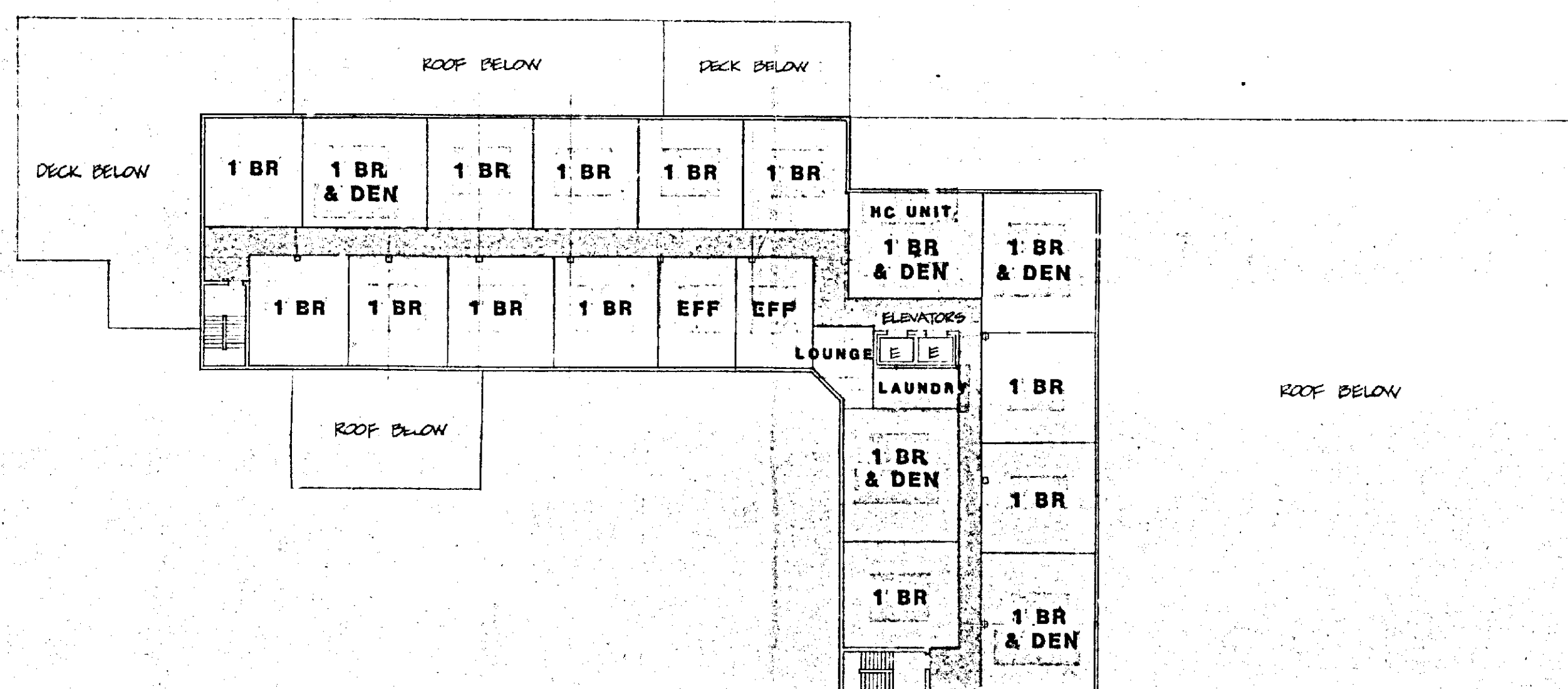
Sheet No.
2
of 4

Date NOV. 8, 1981



UPPER PARKING LEVEL





Floor plan of the second floor. The plan shows a central corridor labeled "ELEVATORS" with two exits marked "E". To the left of the corridor are two large units, each labeled "2 BR & DEN". To the right of the corridor are two units, each labeled "2 BR & DEN", and one unit labeled "1 BR & DEN" at the bottom. The plan also includes several "ROOF GARDEN" areas and "ROOF BELOW" labels. A "DECK BELOW" is indicated on the far left.

[illegible]

KITCHEN
(SEE ELEVATION BELOW)

LIVING/DINING

WALK-IN CLOSET

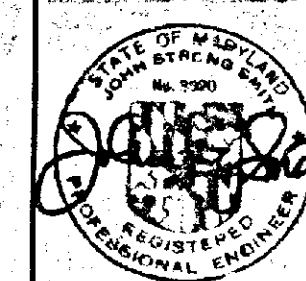
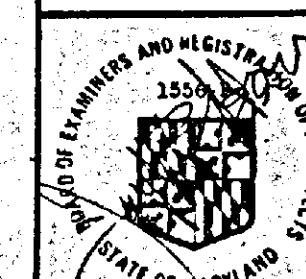
BATH

CLOSET

BEDROOM

A floor plan diagram of a kitchen. The layout includes a refrigerator on the left, a sink and range on the bottom right, and a microwave on the top right. Cabinets are shown along the top and bottom walls. The diagram is labeled with 'CABINETS', 'MICROWAVE', 'REFRIGERATOR', 'SINK', and 'RANGE'.

NIN NELSON-SALABES, INC.
ARCHITECTS PLANNERS



Revisions
12.3.81
1.5.82
2.12.82
2.15.82
7.6.83

Sheet Title
**TYPICAL
FLOORS**

17 20

Job No. 1881

Sheet No. **4**
of 4

Date NOV. 8. 1955

00 00

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R. 16 zone to an R.A.E. 2 zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED
BALTIMORE COUNTY
MAY 7 4 25 PM '82
COUNTY BOARD OF APPEALS
BY: [Signature]

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

S. ERIC DINENNA
Suite 205 Alex. Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

BABC-Form 1

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 201.3 C.1 to allow a 9 ft. set back from the street line in lieu of the required 15 ft. for a below grade parking garage.

1. Shape and configuration of subject property;
2. Hardship and difficulty

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

S. ERIC DINENNA
Suite 205 Alex. Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 _____ day of _____, 19____, at _____ o'clock.

Zoning Commissioner of Baltimore County.

(over)

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE FOR REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF BURKE AVE., 117' WEST OF YORK RD. FROM D.R. 16 to R.A.E. 2, 9th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-82-69

AMENDED ORDER

For the reasons set forth in the Board of Appeals Opinion No. R-82-69 of May 7th, 1982, the Board finds it appropriate to Amend its Order of that date to read as follows:

It is this 26th day of May, 1982, by the County Board of Appeals, ORDERED that the requested zoning reclassification from D.R. 16 to R.A.E. 2 on the subject property be GRANTED so as to conform with the specific plat introduced by the Petitioner.

IT IS FURTHER ORDERED that the requested Variance from Sec. 201.3 C.1 to allow 0' setback in lieu of the required 15' in order to provide 12 underground parking spaces be also GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William J. Hackett, Chairman
Keith S. Franz
William R. Evans

IN THE MATTER OF THE APPLICATION OF NICHOLAS B. MANGIONE FOR REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF BURKE AVE., 117' WEST OF YORK RD. FROM D.R. 16 to R.A.E. 2, 9th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-82-69

OPINION

This case comes before this Board on Petition for a Reclassification of 1.82 acres of property located on the north side of Burke Ave., 117' west of York Road in the Towson area. The property is now zoned D.R. 16 and the requested zoning is R.A.E. 2. The case was heard this day in its entirety.

In all requests for reclassifications, the Petitioner bears the burden to prove error on the Comprehensive Map by the Baltimore County Council. This reclassification request was an issue before the County Council on the 1980 Comprehensive Map and the Council retained the D.R. 16 classification. Exhibits entered before the Board this day indicate that at that time there was neighborhood opposition to the blanket granting of R.A.E. 2 zoning. Since the adoption of the 1980 Comprehensive Maps, however, the Petitioner has worked with these neighborhood groups and has now received their support of his Petition. Mr. Mangione, Petitioner and property owner, has presented a very detailed specific plat as to his proposed development and land use and has agreed to follow these plans as closely as is physically possible. The property in question is hilly in contour and under its present zoning could at best accommodate 15 town houses or about 28 apartments and would not be financially feasible to develop. He proposes to erect a 15 story tower type apartment building with a two story addition on each end to contain shops and offices. This building is to contain 211 units, most of which will be one bedroom units. This complex is designed for housing healthy senior citizens in which all their needs will be provided for one fee per month. Meals, cleaning, health services, etc., all will be provided and the business operated privately by the Petitioner. Mr. Mangione testified he already has such a facility in Howard County containing 275 units and its success seems this proposal to be successful also.

Nicholas B. Mangione
Case No. R-82-69

This site is located within what is known as the Towson Ring Road, is within walking distance of Towson proper and all its cultural and business amenities. The Environmental Impact Statement prepared for this site and its use by Nelson-Salabas, Inc., and entered as Petitioner's Exhibit #3, covers all these aspects satisfactorily. The specific plans have been reviewed and commented on by all proper Baltimore County authorities and approval of this land use agreed to by all and all their comments are part of the record. For all these reasons, the Board is of the opinion that had all these facts been presented to the County Council, they would not have retained the D.R. 16 and thus denied this much needed project. The Board will also note that it will grant the requested R.A.E. 2 classification with the clear understanding that the property is to be developed in strict conformity with the submitted and documented proposal.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of May, 1982, by the County Board of Appeals, ORDERED that the requested zoning reclassification from D.R. 16 to R.A.E. 2 on the subject property BE GRANTED.

IT IS FURTHER ORDERED that the requested Variance from Sec. 201.3 C.1 to allow 0' setback in lieu of the required 15' in order to provide 12 underground parking spaces be also GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William J. Hackett, Chairman
Keith S. Franz
William R. Evans

SED:wjt
#81-17
4/12/82

NICHOLAS B. MANGIONE
Petitioner
Property: N/S of Burke Avenue, 117' from York Road 9th Election District
Case No.: R-82-69

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following witness to testify for the Petitioner, Nicholas B. Mangione, and make the writ returnable on Tuesday, April 13, 1982 at 10:00 A.M. before the County Board of Appeals, Room 218, Courthouse, Towson, Maryland 21204;

JAMES G. HOSWELL
Office of Planning and Zoning
4th Floor County Courts Building
Towson, Maryland 21204

DUCES TECUM - To appear and bring with you any and all documents, reports, files, maps, plats, opinions, recommendations, writings, records, and/or any other materials of any type or nature in any way pertaining to the property located at NE/S W. Burke Avenue, 117' W. of York Road, 9th Election District, in the County of Baltimore, Maryland.

S. ERIC DINENNA
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorney for Petitioner

SED:wjt
#81-17
4-12-82

NICHOLAS B. MANGIONE
Petitioner
Property: N/S of Burke Avenue, 117' from York Road 9th Election District
Case No.: R-82-69

SUBPOENA DUCES TECUM

Please issue a subpoena duces tecum for the following witness to testify for the Petitioner, Nicholas B. Mangione, and make the writ returnable on Tuesday, April 13, 1982 at 10:00 A.M. before the County Board of Appeals, Room 218, Courthouse, Towson, Maryland 21204;

MICHAEL S. PLANAGAN
Engineering Associate II
Department of Traffic Engineering
County Courts Building
Towson, Maryland 21204

DUCES TECUM - To appear and bring with you all studies, plats, memorandum or written documents of the Department of Traffic Engineering Comments with reference to Cycle I - Meeting of March 16, 1981, Item No. 9, Property Owner: Nicholas B. Mangione, Location: NE/S West Burke Avenue, 117' W. of York Road, Existing Zoning: D. R. 16, Proposed Zoning: R.A.E. 2, Acres: 1.816, District: 9th.

S. ERIC DINENNA
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorney for Petitioner

SED:WJT
#81-17
1-25-82

NICHOLAS B. MANGIONE
Petitioner
Property: N/S of Burke Avenue, 117' from York Road 9th Election District
Case No.: R-82-69

AMENDED MEMORANDUM IN SUPPORT OF RECLASSIFICATION PETITION

Your Petitioner, Nicholas B. Mangione, by S. Eric DiNenna and S. Eric DiNenna, P. A., his attorneys, wishes to amend his Petition for Reclassification previously filed hereto of the subject property located on the N/S of Burke Avenue, 117' from York Road in the Ninth Election District of Baltimore County, containing 1.816 acres, from its present classification of DR-16 Zone to an RAE-2 zone, by submitting specified plans as to the proposed use and density.

Originally, the Petition was filed requesting the Reclassification from the DR-16 to the RAE-2 zone without specific plans and with only an outline of the subject property. Following discussions with various community people involved, it was decided by the Petitioner to file specific plans showing the exact structure, use, density, set-backs, etc. At the time of the initial hearing on the Petition, the Board granted a continuance to allow the Petitioner to Amend his Petition.

The Petitioner now amends the Petition in accordance with the plans being submitted herewith.

Pursuant to Bill 46-79, Your Petitioner submits herewith specific plans showing the building, fifteen stories in height, at a density of 208 dwelling units, with parking for 122 automobiles. The proposed use is for apartments for the

RECEIVED
BALTIMORE COUNTY
JUN 27 10 04 AM '82
COUNTY BOARD OF APPEALS
BY: [Signature]

The intention of this study is to accurately disclose the environmental consequences or enhancement due to the development of this project under the requirements of RA-E2 Zoning Classification. No attempt has been made to evaluate the comprehensive impact on the larger community. Because of the size of the project only localized impacts have been considered. It should be noted that the property is currently zoned DR-16 which would allow 16 density units per acre or 30 two bedroom apartments. Because of the small size of the project (1.816 acres) site and its location within the Towson Ring Road, in a highly urbanized area, it is obvious that the environmental consequences of developing this site are of a minor nature. If they are measured against the environmental consequences of developing the site under the existing zoning, the change in impacts are almost inconsequential.

The proposed development includes 232 elderly apartments, 33,000 SF of offices and 9,000 SF of service and retail floor area. In addition, on site garage parking for 199 cars will be provided. The site has adequate traffic and sewer facilities as measured by Baltimore County Department of Planning.

The attached plan graphically describes the intensity of site development and in addition, provides the quantitative information necessary for comparison and evaluation.

The residential and commercial uses which will be provided on the site have relatively small impact on the local environment. Coverage of the site by the building footprint, drives and paved surfaces will be approximately 50,000 SF. If the lot were developed under present zoning of DR-16 we could expect a paved area and building footprint of approximately the same area.

-1-

Both types of development would remove 80% of the existing vegetation from the site. Either development would contribute approximately the same quantity of additional storm water run-off to the bordering streams. The proposed development would provide approximately 199 cars that would generate 2300 trips. Under existing zoning we would have approximately 45 cars generating 518 trips. The most significant difference between the existing and proposed zoning lies in the emanations from traffic and transportation, however, because of the small size of the project and the differences between family and elderly housing, the increased emanations from traffic compared with the total now existing, are not significant.

An Environmental Impact Analysis must consider the air quality and the change in the ambient concentrations of pollutants, the frequency of exposure and the number of people who are put in risk. These factors affect the health of the individuals and contribute a nuisance element. The air quality in the local community is not in danger of having concentration of pollutants that are above the National Ambient Air Quality Standards. However, the Baltimore area generally has higher concentrations of Ozone than are considered acceptable. The intersection of York Road and Burke Avenue, because of high traffic concentrations during rush hours, has objectionable air quality during these periods. The completion of the Towson Blvd. will greatly relieve this condition. Further, since this development is for elderly persons, who are not normally expected to contribute to rush hour traffic, it is safe to assume that their contribution to traffic generated emanation at peak hours would be minimal. When compared to the 45 vehicles allowed under existing zoning conditions the change in air quality during peak conditions is not measurable.

In addition, water quality and quantity must be examined for flooding, where we look for change in the number of people endangered by flooding and the expected property damage or value of the property damage. The developed site is 10' above the bordering stream bed and is not endangered by flooding.

-2-

Storm Water Management Systems may limit the additional run off to the bordering stream.

Water Pollution - where we consider a change in permissible or tolerable uses of the water in question and for the number of people effected. Pollutants take the form of suspended solids normally referred to as "Urban Run Off." Since a little more than one acre is to be paved compared to the thousands of acres of paving in the surrounding community, the adverse effect is again not measurable. Storm Water Management ponds, if employed, will reduce the discharged solids. Sanitary sewer systems (Towson Run Interceptor) are at or near capacity. The subject site is not in a sewer moratorium area however. The county may have to build supplementary sewers to provide additional capacity.

Water Consumption - where one examines the change in the total duration and or severity of expected shortages and the number of people to be effected and the change in the concentration of those drinking water constituents important to health and the number of people effected, water supply capacity at the site is adequate. Water pressure may be low to serve the sprinkler and stand pipe system. The developer may install a booster pump to meet fire protection requirements. Estimated water pressure on Burke Avenue is 85psi. The development will consume approximately 119,000 gals. per peak day. This quantity will not adversely impact the system.

Wild Life and Vegetation - Change in the number of rare and endangered species, a change in the population size and diversity of common species. The site is forested, undeveloped, but in an urbanized area. Wildlife that lives on the site can generally be considered pests, and are a threat to the local community. Vegetation will be replaced by controlled landscaping. In addition to landscaping along the property line, and street frontage, recreation decks for the residents will be provided. Open space provided is almost twice the size required by the zoning code.

-3-

Noise - A change in the level of noise. The frequency with which it occurs and the number of people effected in the surrounding development. The surrounding community is retail/commercial development and Towson State University. Since changes in noise levels will be small and this type of community clientele is not sensitive to these changes, no adverse effect will be perceptible.

Other Natural Disasters - Change in the likelihood of disaster and the number of people and value of the property in danger. Earthquake is not a disaster considered probable in this area. Flooding of the streams bordering the property would not reach the lowest floor level if the 100 year flood were repeated.

Scarc Resource - Use Redemption - The type and the value of the scarce resource and the degree of preemption such as farming, mining and recreation. The site is not used for farming or recreation, and contains no known minerals.

In reviewing the development of this site and comparing the environmental impact of the existing and proposed zoning it does not take extensive analysis to determine that the impact is insignificant, however, if one is to examine the economic impact of this project and compare it with present zoning, the benefits to the county and therefore the county residents are very consequential and significantly positive.

The analysis of a single small site is not substitute for comprehensive planning. One must assume that the existing zoning has been considered by the county as one which will not adversely effect the environment or the community.

To quote the Urban Land Institute "for proposed residential and commercial development, the prime area effects are power plant and transportation induced emissions"... "...rather complex situation models are required to assign (traffic) trips to lengths in the highway network, fortunately, only the largest developments will impact significant portions of the entire network." In the context of this statement, new

-4-

development of this project could not be considered large and therefore, we can, without reservation, conclude that the adverse effect on the larger environment is insignificant and should not be a factor in weighing the change in zoning.

The differences between the emanations of 30 two bedroom garden apartments and the proposed development would be considerably higher if one considers the difference in quantity, however, compared to the emanations that are generated by the surrounding community, the additional impact is again insignificant.

The adverse environmental effects that cannot be avoided in either development case are the discharge of additional quantities of sewerage, the emanations from heat, lighting, traffic generating sources and the reduction in the vegetation cover. The alternative to the proposed development is the development under the present zoning, however, the topography, cost of demolition and shape of the site is such that the cost of development for the existing zoning would be excessive. The adverse environmental impacts still remain even under present zoning.

The long term effects of the proposed development are insignificant in terms of its size compared to the size of future development in the area. The short term effects which occur during the construction period are controlled by present laws requiring soil and erosion control and the abatement of dust and particulates that may occur during the grading and earth moving process. The long term effects on the community are far more impacted by the comprehensive development of the entire community which this parcel is a small part.

The development of the site under the proposed zoning versus present zoning would not commit additional resources or curtail additional benefits from the environment.

-5-

MAXIMUM LEVELS OF EMANATIONS

Sound - Sound emanations from the proposed development which adversely effects people can be categorized as:

1. The psychological-on the human being.
2. The nuisance effect-on personal comfort resulting in annoyance.
3. The nuisance effects-on specific activities, that is interference with oral communication and sleeping.

The only significant source contributing to the noise would be the additional traffic generated by the 199 car parking garage. The light auto traffic noise level is considered to be approximately 50 to 55 decibels which is the level at which normal speech is interrupted at conversational distances of two meters. Fifty decibels being considered a quiet environment and 70 decibels the level at which noise is intrusive.

Vibrations - residential and commercial retail development generate no vibrations such as might be encountered in some manufacturing processes. Additional vibrations would be developed only through the additional traffic that is specific to this site. Since most traffic generated by the development would be auto commuter traffic and not trucking or railroad, the additional vibrations emanating from the development are inconsequential.

Dust - No industrial processes are contained in the development that would emanate dust or particulates in the air with the exception of those generated during the construction process which are short term and have no long term effect on the environment.

-1-

Odors - Odors emanating from the proposed development would be generated from pollutants exhausted into the air from heat and air conditioning equipment and exhaust fumes from additional traffic generation and moisture retained odor that might be retained from the food service operation in the residential unit.

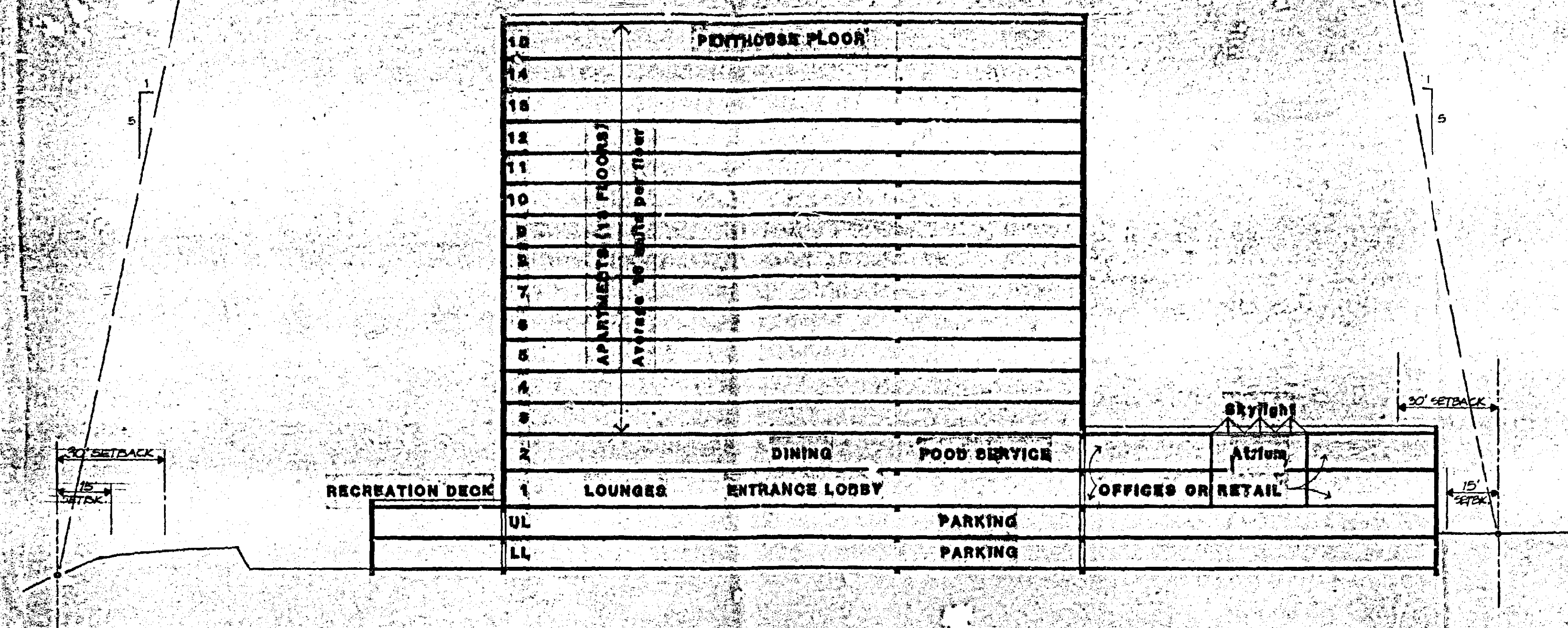
All of these are of relatively small consequence and would not be perceptible to the local community.

Gas - No gases other than fuel emissions would be admitted into the local air. Quantities of this type of gas are insignificant compared to the total traffic generation and expended fuel generation of the local community.

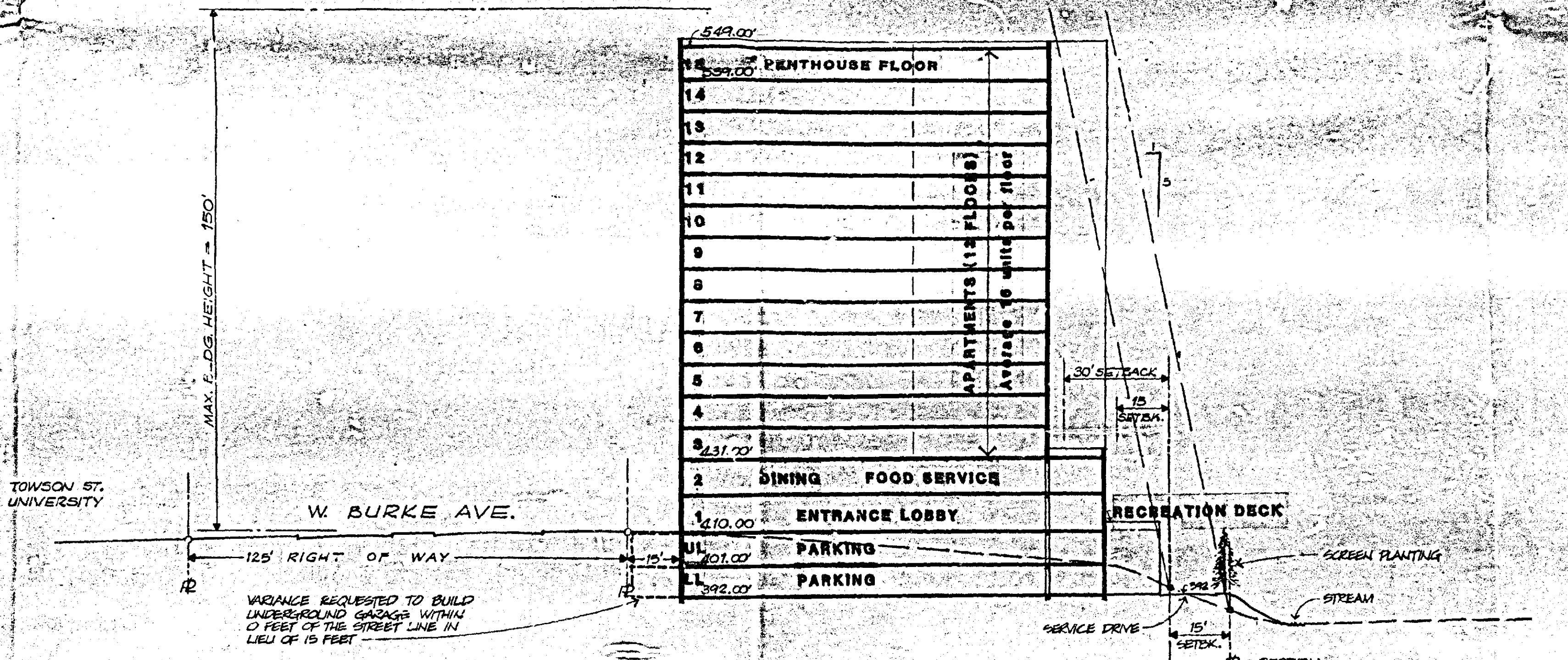
Light - The proposed development will have totally enclosed parking area and a light emitting from the development will only be through the windows of the residential units and will have no adverse effect on the local community. The covered parking will emanate less light than the surface parking expected under the present zoning.

Heat - Heat emanating from the proposed development will be produced by heat producing equipment in the residential and commercial development area. Because of increased energy conservation requirements, the amount of heat emanated to the local community will be insignificant compared to the generated by external sources such as traffic and other buildings in the immediate vicinity.

-2-



SIDE YARD TENT



FRONT & REAR YARD TENT

NOTE: EXTERIOR WALLS SHALL BE BRICK AND/OR CONCRETE. THE HEIGHT OF TENTS ARE SHOWN AT POINTS OF MINIMUM SETBACK. USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER CRITERIA.

NELSON-SALABES, INC.
PLANNERS
ARCHITECTS
1901 Taylor Avenue, Suite 100 • Baltimore, Maryland 21201



Revisions:
12-3-81
1-5-82
2-12-82
2-15-82

Sheet Title
ELEVATIONS & SECTIONS

Job No.
1881

Sheet No.
2
of 4

Date
NOV. 6, 1981

"well elderly". The service and recreational facilities for the occupants is provided and the offices in the subject structure shall be less than twenty-five percent (25%) of the gross floor area. The retail and service uses shall be less than five percent (5%) of the gross floor area. Pursuant to the plan, and as limited thereto, are the tentative retail and office uses listed. There will be other accessory uses as indicated on the plans.

The maximum square footage of said building shall be 205,000 square feet, more or less.

The proposed use meets all of the requirements of the RAE-2 Zone as evidenced by the plan and as will be presented before this Honorable Board by the Petitioner.

The property is located within the ring road and within the Town Center of Towson, and at the time of the hearing, your Petitioner will be ready and able to prove error in the classification of the subject property in its present DR-16 Zone. In its recommendations to this Honorable Board on this subject Petition, prior to this amendment, the Baltimore County Planning Board recommended in favor of the RAE-2 Zone. You will see by the accompanying environmental impact study, that upon development of this property, as proposed, there will be no adverse effect upon the surrounding community from a health, safety and general welfare standpoint and more specifically from a drainage, traffic, etc. point of view.

The granting of this RAE-2 Zone will provide a definitely needed apartment dwellings for "well elderly" within the commercial-cultural-town center concept and that said use

would be a reasonable use of the property.

Your Petitioner requests that the original Memorandum in Support of the Reclassification Petition be incorporated herein and additional evidence will be presented at the hearing to substantiate the Petitioner's Case.

Respectfully submitted,

S. Eric DiNenna
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Ave.
Towson, Maryland 21204
825-1630
Attorneys for Petitioner

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to R.A.E. 2 Zone
NE/S W. Burke Ave., 117'
W of York Rd., 9th District : OF BALTIMORE COUNTY

NICHOLAS MANGIONE, Petitioner: Case Item 9, Cycle 1

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
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
454-2188

I HEREBY CERTIFY that on this 25th day of August, 1981, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, Suite 205, Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

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

SED:cm
9/24/81
dl-17

RE: PETITION FOR RECLASSIFICATION * BEFORE THE
from D.R. 16 to R.A.E. 2 Zone * COUNTY BOARD OF APPEALS
NE/S W. Burke Ave., 117' * OF
W of York Rd., 9th District * BALTIMORE COUNTY
NICHOLAS MANGIONE, Petitioner * CASE ITEM 9, CYCLE 1

MR. CHAIRMAN:

Please issue a subpoena duces tecum for the following named individual:

JAMES G. HOSWELL
Office of Planning & Zoning
4th Floor County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

TO BE AND APPEAR in person and to bring with him any and all documents, reports, files, maps, plats, opinions, recommendations, writings, records, and/or any other materials of any type or nature in any way pertaining to the property located at NE/S W. Burke Ave., 117' W of York Rd., 9th District, in the County of Baltimore, Maryland.

MAKE SAME RETURNABLE for Wednesday, October 7, 1981 at 10:00 A.M. before the County Board of Appeals of Baltimore County, Room 218 Courthouse, Towson, Maryland 21204.

TO TESTIFY FOR PETITIONER.

COST \$ 30.00

SUMMONED 9-30-81

NON EST 19

NON SUNT 19

COPY LEFT 19

BY SHERIFF

CHARLES H. HICKY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, Bd. of Appeals

NICHOLAS B. MANGIONE * BEFORE THE
PETITIONER * BOARD OF APPEALS
Property: N/S of Burke * FOR BALTIMORE COUNTY
Avenue, 117' from York Road *
9th Election District *

*** **

MEMORANDUM IN SUPPORT OF
RECLASSIFICATION PETITION

The Petitioner requests a reclassification for the above parcel of land from its present classification of D.R. 16 Zone to a R.A.E.2 Zone, said property containing 1.816 acres of land, more or less.

The intent of the R.A.E.2 Zone is to provide for development of elevator-apartment buildings of a relative high-density close to major commercial and cultural centers, where ample utilities and other public facilities are available. The subject property once enjoyed the R.A.E.2 classification but was reclassified in 1976 to a D.R. 16 Zone. The Baltimore County Council in its recent 1980 adoption of the Comprehensive Zoning Map had before it all the facts known to support the change from a D.R. 16 Zone to a R.A.E.2 Zone including but not limited to ample utilities and other public facilities being available. The retention of the D.R. 16 Zone was erroneous. The subject property is located on Burke Avenue just West of York Road, is completely surrounded by commercial, industrial and cultural uses. It would be unreasonable to expect development of 1.8 acres in those uses permitted in the D.R. 16 Zone at this location. The granting of the R.A.E.2 Zone will provide definitely needed apartment dwellings within the commercial-cultural-town-concept, and said use would be a reasonable use of the property.

OFFICE COPY

Additional evidence will be presented at the hearing to substantiate our case.

Respectfully submitted,

S. Eric DiNenna
S. ERIC DINENNA
For the Petitioner

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 29, 1981

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

cc: Nicholas B. Connors
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

S. Eric DiNenna, Esquire
Suite 205
Alex Brown Bldg.
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 9 (Cycle 1 - April-Oct. 1981)
Petitioner - Nicholas B. Mangione
Reclassification Petition

Dear Mr. DiNenna:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-84 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and consenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before May 29th. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property, located on the north side of Burke Avenue west of York Road in the 9th Election District, is presently zoned D.R.16 and is improved with an abandoned dwelling. Adjacent properties to the east and north are zoned B.R. and are improved with a gas station and a restaurant, respectively, while vacant land and the Towson State University exist to the west and south across Burke Avenue.

This property was the subject of two previous zoning hearings (Case No. 73-62-R and 78-35-R). The former granted a rezoning to R.A.E.2, while the latter hearing denied this request.

As indicated in our conversations the brief should be revised to delete the proposed use or revised site plans filed, accordingly.

Item No. 9 Cycle 1
Nicholas B. Mangione
Reclassification Petition
April 29, 1981

If you have any questions concerning the enclosed comments, please feel free to contact me at 194-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

Nicholas B. Mangione
NICHOLAS B. MANGIONE
Chairman
Zoning Plans Advisory Committee

NEC:bac

Enclosures

cc: Commercial Contractors
1205 York Road
Lutherville, Maryland 21093



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 1, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #9 (Cycle I - April-October 1981)
Property Owner: Nicholas B. Mangione
N/S West Burke Avenue 117' W. of York Road
Existing Zoning: D.R. 16
Proposed Zoning: R.A.E. 2
Acres: 1.816 District: 9th

Dear Mr. Reiter:

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:

This property was the subject of review by the Zoning Advisory Committee for Item #33 Cycle III (April-October 1972), 73-62R, and Item #13 Cycle I (April-October 1977), 78-35RX.

The comments supplied in conjunction therewith are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #9 Cycle I (April-October 1981).

Very truly yours,

Robert A. Morton, Jr.
ROBERT A. MORTON, JR., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

N-W Key Sheet
36 & 37 NE 2 & 3 Pos. Sheets
NE 9 & 10 A Topo
70 & 70A Tax Maps

Attachments

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
April 21, 1972

Re: Item #33 (Cycle April - October 1972)

Soilwork Control:

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

Barriers, ditches and sediment control ditches will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Water:

A 24-inch water main exists in West Burke Avenue and is available to serve this property. However, supplementary piping will be required to provide adequate water pressure to the upper floors of the proposed structure. Fire protection requirements, including additional public fire hydrants, will be determined by the fire department.

Prior to the approval of any grading or building permits, the Petitioner's engineer will be required to furnish this office with complete data in regard to water demand, including fire protection requirements, so that the adequacy of the existing water system can be determined.

Sanitary Sewer:

The subject plan does not indicate the method or means of connection to public sanitary sewerage. Public sanitary sewers exist in several locations beyond the limits of this property; however, it appears that an extension of the public sewerage system, along West Burke Avenue from the west, is required to serve this property. The existing sewer is part of the old Towson sewerage system and the most reliable information in regard to location and elevation is found in the Baltimore County Bureau of Engineering position sheets 21 and 37 NE 2 & 3. However, the Petitioner's engineer is responsible for determining, to his own satisfaction, the location and elevations of the existing sewer.

The subject plan does not indicate anticipated sewage flows, however, a sanitary sewer study will be required prior to approval of any grading or building permits to determine the adequacy of the existing sewerage system to accommodate sewage flows anticipated from the proposed development of this property. The proposed development of this site is also subject to the approval of the Maryland State Department of Health.

Very truly yours,

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

RAM:EAM:FWR:ss

N-W Key Sheet
36 & 37 NE 2 & 3 Pos. Sheets
NE 9 & 10 A Topo
70 & 70A Tax Maps

cc: J. Trimmer
D. Glick
C. Elliott
J. Lutz



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

March 30, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Office of Law
Courthouse
Towson, Maryland 21204

Item No. 9 - ZAC meeting of March 16, 1981
Property Owner: Nicholas B. Mangione
Location: NE/S West Burke Avenue 117' W. of York Road
Existing Zoning: D.R. 16
Proposed Zoning: R.A.E. 2
Acres: 1.816
District: 9th

Dear Mr. Reiter:

The existing DR 16 zoning can be expected to generate approximately 220 trips per day and the proposed R.A.E. 2 can be expected to generate approximately 950 trips per day. This site is located near an E Level of Service intersection - York Road and Burke Avenue.

The site plan should be revised to show the entrance of the site aligned with the entrance of Towson State University.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/bza



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

April 2, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle I, #9, Zoning Advisory Committee Meeting of March 16, 1981, are as follows:

Property Owner: Nicholas B. Mangione
Location: NE/S West Burke Avenue 117' W. of York Road
Existing Zoning: D.R. 16
Proposed Zoning: R.A.E. 2
Acres: 1.816
District: 9th

Metropolitan water and sewer are available.

The zoning plan as submitted, does not contain sufficient information; therefore, the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Ian J. Ferrest
Ian J. Ferrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF:mg

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
April 17, 1972

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Item #33 (Cycle April - October 1972)
Property Owner: Nicholas B. Mangione
N/S West Burke Avenue 117' W. of York Road
Existing Zoning: D.R. 16
Proposed Zoning: R.A.E. 2
Acres: 1.816 District: 9th

Dear Mr. Myers:

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

Highways:

West Burke Avenue is an existing arterial road. It is a two-lane road, improved as shown on the subject plat. No further highway improvements are required at this time; however, additional highway improvements are required for construction in the future at the intersection of West Burke and York Roads westerly to the proposed entrance to this site. No additional right-of-way is anticipated to be required from this property.

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

Storm Drainage:

No provisions for stormwater or drainage have been indicated on the subject plan; however, a drainage study and storm drainage facilities will be required prior to approval of any grading or building permit application for the proposed development of this property. The plat should be revised to indicate all existing and proposed drainage facilities and the location of Towns Creek in respect to this property.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or drainage installation of drainage facilities, would be the full responsibility of the Petitioner.



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

March 19, 1981

Mr. William Hammond cc: Walter Reiter
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Nicholas B. Mangione

Location: NE/S West Burke Avenue 117' W. of York Road

Item No.: 9 Zoning Agenda: Meeting of March 16, 1981

Gentlemen:

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

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Hydrants at 300 foot intervals

() 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.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(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", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

REVIEWED: *Paul H. Reincke* Noted and Approved: *George W. Hammond*
Planning Group
Special Inspection Division
Fire Prevention Bureau

/nb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Walter Reiter
Board of Appeals Chairman
Date: March 27, 1981

FROM: Mr. Charles E. Burnham
Plans Review Chief - Permits and Licenses

SUBJECT: Cycle I - 1981

RE: Cycle Zoning March 24, 1981

PROPERTY OWNER: Nicholas B. Mangione
LOCATION: N/E/S West Burke Avenue 117' W. of York Road
EXISTING ZONING: D.R. 16
PROPOSED ZONING: R.A.E. 2
ACRES: 1.816
DISTRICT: 9th

ITEM NO. 9

Permits for all improvements to property shall be required. Sufficient plans and data shall be provided to assist the Permit and License Department to process the permits, in compliance with the Building Code and other Rules and Regulations.

NOTE: All comments are based on data provided on site plan and data provided by the Zoning Advisory Committee. Comments in many cases cannot be more specific or advisory due to the limited information.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrrj

CC: Nick Commodari

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 23, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 9
Property Owner: Nicholas B. Mangione
Location: NE/S West Burke Ave. 117' W. of York Rd.
Present Zoning: D.R. 16
Proposed Zoning: R.A.E. 2

School Situation

School	Enrollment	Capacity	Over/Under

Comment: Yield from elevator apartment would be insignificant.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

NWP/bp

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

May 26, 1982

S. Eric DiNenna, Esq.
406 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. DiNenna:

Re: Case No. R-82-69
Nicholas B. Mangione

Enclosed herewith is a copy of the Amended Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Nicholas B. Mangione
Ms. Jean Duvall
Ms. Ellen Keilbar
Mr. D. Gerding
John W. Hession, Esq.
W. Hammond
J. Dyer
N. Gerber
J. Hoswell
Board of Education

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 26, 1982

NOTICE OF ASSIGNMENT
CONTINUED HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-69

NICHOLAS B. MANGIONE

for reclassification from D.R. 16 to RAE 2
variance from Section 201.3 C.1 to allow
0' setback in lieu of required 15'

N/S Burke Ave. 117' W. of York Road

9th District

ASSIGNED FOR:

TUESDAY, APRIL 13, 1982 at 10 a.m.

cc: S. Eric DiNenna, Esq.

Counsel for Petitioner

Nicholas B. Mangione

Petitioner

Ms. Jean Duvall

Ms. Ellen Keilbar

Mr. D. Gerding

John W. Hession, III, Esq.

People's Counsel

Mr. W. E. Hammond

Mr. J. E. Dyer

Mr. N. E. Gerber

Mr. J. G. Hoswell

Board of Education

Karen Riegel

REMINDED TO BE ADVERTISED

Edith T. Eisenhart, Adm. Secretary

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

May 7, 1982

S. Eric DiNenna, Esq.
406 W. Penna. Ave.
Towson, Md. 21204

Dear Mr. DiNenna: Re: Case No. R-82-69
Nicholas B. Mangione

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Nicholas Mangione
Ms. Jean Duvall
Ms. Ellen Keilbar
Mr. D. Gerding
John W. Hession, Esq.
W. E. Hammond
J. E. Dyer
N. E. Gerber
J. Hoswell
Board of Education

PETITION FOR VARIANCE in conjunction with (Documented) RECLASSIFICATION PETITION

9th DISTRICT

ZONING: Petition for variance in conjunction with (documented) reclassification petition

LOCATION: North side of Burke Avenue, 117 ft. West of York Road

DATE & TIME: Tuesday, April 13, 1982 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Petition for Variance to allow a 0 ft. setback from the street in line in lieu of the required 15 ft., for a below grade parking garage.

The Zoning Regulation to be excepted as follows:
Section 201.3C.1 - Minimum front setback in an R. A. E. 2 Zone

All that parcel of land in the ^{North} 9th District of Baltimore County

Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 13, 1982 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

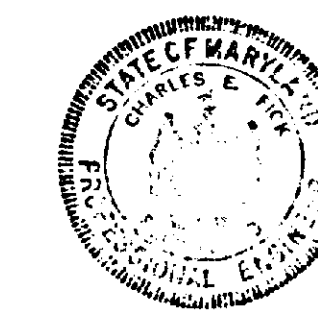
FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, C.T. AND ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition
for Reclassification from Existing DR-16 Zone
to R.A.E. 2 Zone And VARIANCE

February 23, 1977
Revised July 11, 1977
Revised February 17, 1982

Beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the DR 16 zone and the RR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence binding on said northeasterly side of West Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, said curve being subtended by a chord bearing North 60° 38' 02" West 136.81 feet and (2) along a curve to the right with a radius of 3773.74 feet for a distance of 344.52 feet, said curve being subtended by a chord bearing North 48° 14' 34" West 344.40 feet; thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 39" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 86° 24' 56" East 66.81 feet, (6) South 6° 36' 49" West 66.57 feet, (7) South 82° 22' 41" East 149.00 feet, (8) South 13° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 44.91 feet, (10) South 68° 58' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" West 213.38 feet to the place of beginning.

Containing 1.816 acres of land, more or less.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William Hackett
Board of Appeals - Chairman
Date: February 26, 1982

FROM: Mr. Charles E. Burnham
Plans Review Chief - Permits & Licenses

SUBJECT: Cycle I - 1981

PROPERTY OWNER: Nicholas B. Mangione
LOCATION: N/E/S West Burke Avenue 117' W. of York Road
EXISTING ZONING: D.R. 16
PROPOSED ZONING: R.A.E. 2
ACRES: 1.816
DISTRICT: 9th

ITEM NO. 9

This project will be subject to compliance to the 1981 B.O.C.A. Basic Building Code, the 1981 B.O.C.A. Basic Mechanical Code, the 1981 B.O.C.A. Basic Energy Code, the Maryland State Handicapped Code (Code of Maryland Regulations 05.01.07), the 1973 Baltimore County Plumbing and Gas Fitting Code, and the current edition of the National Electric Code.

Specific attention shall be given to the height and area/type of construction as it relates to fire separation from property lines, exiting from all areas of the structure and handicapped requirements in general, by the professional designers of the structures to assure compliance.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrrj

CC: Nick Commodari

RECEIVED
BALTIMORE COUNTY
MAY 1 1 30 PM '82

S. Eric DiNenna, P. A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6820

April 20, 1982

The Honorable William E. Hammond
Zoning Commissioner for Baltimore County
The Zoning Office
Room 113
County Office Building
Towson, Maryland 21204

RE: Petition for Reclassification and
Variance
N/S Burke Ave., 117' W of York Road
5th Election District
Nicholas B. Mangione - Petitioner
NO. CR-82-69-A Item 9 Cycle I
My File No.: 81-17

Dear Mr. Commissioner:

Enclosed herewith please find a check in the amount
of \$286.52 representing posting and advertising costs
relative to the above-captioned Petition.

Very truly yours,

ERIC DINENNA

SED:wjt

Enc.

RECEIVED
BALTIMORE COUNTY
APR 28 12 30 PM '82
COUNTY CLERK
BY: [Signature]



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 5, 1982

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification and
Variance
N/S Burke Ave., 117' W of York Rd.
9th Election District
Nicholas B. Mangione - Petitioner
NO. CR-82-69-A Item 9 Cycle I

Dear Mr. DiNenna:

This is to advise you that \$286.52 is due for advertising and posting
of the above property.

Please make check payable to Baltimore County, Maryland, and remit to
The Zoning Office, Room 113, County Office Building, Towson, Maryland
21204 before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/mc

ENVIRONMENTAL IMPACT STATEMENT FOR

PROPOSED DEVELOPMENT OF PROPERTY LOCATED
ON THE NORTH EAST SIDE OF BURKE AVENUE
117' WEST OF CENTER LINE OF YORK ROAD
TOWSON, MARYLAND

Prepared for
Mangione Family Enterprises
1205 York Road
Lutherville, Maryland 21093
December 1, 1981



ENVIRONMENTAL IMPACT STATEMENT FOR TOWSON ELDERLY

The intention of this study is to accurately disclose the environmental consequences
or enhancement due to the development of this project under the requirements of
RA-2 Zoning Classification. No attempt has been made to evaluate the comprehensive
impact on the larger community. Because of the size of the project only localized
impacts have been considered. It should be noted that the property is currently
zoned DR-16 which would allow 16 density units per acre or 30 two bedroom apartments.
Because of the small size of the project (1.816 acres) site and its location within
the Towson Ring Road, in a highly urbanized area, it is obvious that the environment-
al consequences of developing this site are of a minor nature. If they are measured
against the environmental consequences of developing the site under the existing
zoning, the change in impacts are almost inconsequential..

The proposed development includes 208 elderly apartments, 21,000 SF of offices and
9,000 SF of service and retail floor area. In addition, on site garage parking for
204 cars will be provided. The site has adequate traffic and sewer facilities as
measured by Baltimore County Department of Planning.

The attached plan graphically describes the intensity of site development and in
addition, provides the quantitative information necessary for comparison and evalua-
tion.

The residential and commercial uses which will be provided on the site have relative-
ly small impact on the local environment. Coverage of the site by the building
footprint, drives and paved surfaces will be approximately 50,000 SF. If the lot
were developed under present zoning of DR-16 we could expect a paved area and build-
ing footprint of approximately the same area.

-1-

Both types of development would remove 80% of the existing vegetation from the site.
Either development would contribute approximately the same quantity of additional
storm water run-off to the bordering streams. The proposed development would provide
approximately 204 cars that would generate trips. Under existing zoning we
would have approximately 45 cars generating trips. The most significant
difference between the existing and proposed zoning lies in the emanations from
traffic and transportation, however, because of the small size of the project and the
differences between family and elderly housing, the increased emanations from traffic
compared with the total now existing, are not significant.

An Environmental Impact Analysis must consider the air quality and the change in the
ambient concentrations of pollutants, the frequency of exposure and the number of
people who are put in risk. These factors affect the health of the individuals and
contribute a nuisance element. The air quality in the local community is not in
danger of having concentration of pollutants that are above the National Ambient Air
Quality Standards. However, the Baltimore area generally has higher concentrations
of Ozone than are considered acceptable. The intersection of York Road and Burke
Avenue, because of high traffic concentrations during rush hours, has objectionable
air quality during these periods. The completion of the Towson Town Blvd. will great-
ly relieve this condition. Further, since this development is for elderly persons,
who are not normally expected to contribute to rush hour traffic, it is safe to
assume that their contribution to traffic generated emanation at peak hours would
be minimal. When compared to the 45 vehicles allowed under existing zoning conditions
the change in air quality during peak conditions is not measurable.

In addition, water quality and quantity must be examined for flooding, where we look
for change in the number of people endangered by flooding and the expected prop-
erty damage or value of the property damage. The developed site is 10' above the
bordering stream bed and is not endangered by flooding.

Storm Water Management Systems may limit the additional off to the bordering
stream.

Water Pollution - where we consider a change in permissible or tolerable uses of
the water in question and for the number of people effected. Pollutants take the
form of suspended solids normally referred to as "Urban Run Off." Since a little
more than one acre is to be paved compared to the thousands of acres of paving in the
surrounding community, the adverse effect is again not measurable. Storm Water
Management ponds, if employed, will reduce the discharged solids. Sanitary sewer
systems (Towson Run Interceptor) are at or near capacity. The subject site is not in
a sewer moratorium area however. The county may have to build supplementary sewers
to provide additional capacity

Water Consumption - where one examines the change in the total duration and or
severity of expected shortages and the number of people to be effected and the change
in the concentration of those drinking water constituents important to health and
the number of people effected, water supply capacity at the site is adequate. Water
pressure may be too low to serve the sprinkler and stand pipe system. The developer
may install a booster pump to meet fire protection requirements. Estimated water
pressure on Burke Avenue is 85psi. The development will consume approximately
108,000 gals. per peak day. This quantity will not adversely impact the system.

Wild Life and Vegetation - Change in the number of rare and endangered species, a
change in the population size and diversity of common species. The site is forested,
undeveloped, but in an urbanized area. Wildlife that lives on the site can generally
be considered pests, and are a threat to the local community. Vegetation will be
replaced by controlled landscaping. In addition to landscaping along the property
line, and street frontage, recreation decks for the residents will be provided. Open
space provided is almost twice the size required by the zoning code.

Noise - A change in the level or noise. The frequency with which it occurs and the
number of people effected in the surrounding development. The surrounding community
is retail/commercial development and Towson State University. Since changes in
noise levels will be small and this type of community clientel is not sensitive to
these changes, no adverse effect will be perceptible.

Other Natural Disasters - Change in the likelihood of disaster and the number of
people and value of the property in danger. Earthquake is not a disaster considered
probable in this area. Flooding of the streams bordering the property would not
reach the lowest floor level if the 100 year floor were repeated.

Scarce Resource - Use Redemption - The type and the value of the scarce resource and
the degree of preemption such as farming, mining and recreation. The site is not
used for farming or recreation, and contains no known minerals.

In reviewing the development of this site and comparing the environmental impact of
the existing and proposed zoning it does not take extensive analysis to determine
that the impact is insignificant, however, if one is to examine the economic impact
of this project and compare it with present zoning, the benefits to the county and
therefore the county residents are very consequential and significantly positive.

The analysis of a single small site is not substitute for comprehensive planning. One
must assume that the existing zoning has been considered by the county as one which
will not adversely effect the environment or the community.

To quote the Urban Land Institute "for proposed residential and commercial develop-
ment, the prime area effects are power plant and transportation induced emissions"...
...."rather complex situation models are required to assign (traffic) trips to
lengths in the highway network, fortunately, only the largest developments will impact
significant portions of the entire network." In the context of this statement, new

development of this project could not be considered large and therefore, we can,
without reservation, conclude that the adverse effect on the larger environment is
insignificant and should not be a factor in weighing the change in zoning.

The differences between the emanations of 30 two bedroom garden apartments and the
proposed development would be considerably higher if one considers the
difference in quantity, however, compared to the emanations that are generated by
the surrounding community, the additional impact is again insignificant.

The adverse environmental effects that cannot be avoided in either development case
are the discharge of additional quantities of sewerage, the emanations from heat,
lighting, traffic generating sources and the reduction in the vegetation cover.
The alternative to the proposed development is the development under the present
zoning, however, the topography, cost of demolition and shape of the site is such
that the cost of development for the existing zoning would be excessive. The
adverse environmental impacts still remain even under present zoning.

The long term effects of the proposed development are insignificant in terms of its
size compared to the size of future development in the area. The short term effects
which occur during the construction period are controlled by present laws requiring
soil and erosion control and the abatement of dust and particulates that may occur
during the grading and earth moving process. The long term effects on the community
are far more impacted by the comprehensive development of the entire community which
this parcel is a small part.

The development of the site under the proposed zoning versus present zoning would
not commit additional resources or curtail additional benefits from the environment.

MAXIMUM LEVELS OF EMANATIONS

Sound - Sound emanations from the proposed development which adversely effects people can be categorized as:

1. The psychological-on the human being.
2. The nuisance effect-on personal comfort resulting in annoyance.
3. The nuisance effects-on specific activities, that is interference with oral communication and sleeping.

The only significant source contributing to the noise would be the additional traffic generated by the 204 car parking garage. The light auto traffic noise level is considered to be approximately 50 to 55 decibels which is the level at which normal speech is interrupted at conversational distances of two meters. Fifty decibels being considered a quiet environment and 70 decibels the level at which noise is intrusive.

Vibrations - residential and commercial retail development generate no vibrations such as might be encountered in some manufacturing processes. Additional vibrations would be developed only through the additional traffic that is specific to this site. Since most traffic generated by the development would be auto commuter traffic and not trucking or railroad, the additional vibrations emanating from the development are inconsequential.

Dust - No industrial processes are contained in the development that would emanate dust or particulates in the air with the exception of those generated during the construction process which are short term and have no long term effect on the environment.

Odors - Odors emanating from the proposed development would be generated from pollutants exhausted into the air from heat and air conditioning equipment and exhaust fumes from additional traffic generation and moisture retained odor that might be retained from the food service operation in the residential unit.

All of these are of relatively small consequence and would not be perceptible to the local community.

Gas - No gases other than fuel emissions would be admitted into the local air. Quantities of this type of gas are insignificant compared to the total traffic generation and expended fuel generation of the local community.

Light - The proposed development will have totally enclosed parking area and a light emitting from the development will only be through the windows of the residential units and will have no adverse effect on the local community. The covered parking will emanate less light than the surface parking expected under the present zoning.

Heat - Heat emanating from the proposed development will be produced by heat producing equipment in the residential and commercial development area. Because of increased energy conservation requirements, the amount of heat emanated to the local community will be insignificant compared to the generated by external sources such as traffic and other buildings in the immediate vicinity.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Zoning Supervisor Date: January 27, 1982
FROM: County Board of Appeals
SUBJECT: Case No. R-82-69 - Item #9, Cycle I, Nicholas B. Mangione

The hearing on the above entitled case was held as advertised on Wednesday, October 7, 1981, at which time the attorney for the Petitioner requested a continuance for the purpose of filing a new plat.

In open hearing this morning, January 27, 1982, the new plat was received by the Board. However, in addition to the request for reclassification, the Petitioner has filed a new petition for a variance to be included in this case. Inasmuch as this variance was not mentioned in the original advertisement, public notice will probably have to be given.

We are forwarding to you herewith the new plat, environmental impact statement, the petition for variance and the amended memorandum.

John V. Murphy
John V. Murphy, Acting Chairman

S. Eric DiNenna, P. A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6220

January 11, 1982

County Board of Appeals
Courthouse, Room 218
Towson, Maryland 21204

Attention: William T. Hackett,
Chairman

RE: Petition for Reclassification
N/s Burke Ave., 117' W of York Road
Nicholas B. Mangione, Petitioner
Case # R082-69
My File No.: 81-17

Dear Mr. Chairman:

As you will recall at the time of the original hearing, a continuance was requested and granted by the Board of Appeals in order to allow your Petitioner to file an amendment to the Reclassification. Said amendment and plats are ready and I respectfully request that the Board set this matter in for a hearing in order to afford your Petitioner the opportunity to formally amend his request for Reclassification concerning the above captioned property.

At that time, plans and a follow-up Memorandum, along with a request for Variance will be filed and at which time the matter is then referred to the Baltimore County Planning Board for their recommendation back to the Board. This must be done within forty-five (45) days of the date of submission of the Amendments.

Please advise me of the hearing date and time and I will

*Set for
9:30 - 1/27 - per Mr. DiNenna*

RECEIVED
BALTIMORE COUNTY
JAN 27 9 51 AM '82
CLERK

County Board of Appeals

January 11, 1982

Page Two

RE: Case # R-82-69

request, if at all possible, that this matter be set in as soon as possible.

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNA

SED:wjt

cc: Mr. Nicholas B. Mangione
Mrs. Jean DuVall
John W. Hessian, III, Esquire

494-3180

County Board of Appeals

Room 218, Court House
Towson, Maryland 21204
January 19, 1982

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. R-82-69

NICHOLAS B. MANGIONE
for reclassification from DR 16 to RAE 2
N/S Burke Ave. 117' W. of York Rd.
9th District

FOR THE FILING OF A NEW PLAT

ASSIGNED FOR:

cc: S. Eric DiNenna, Esq.
Nicholas B. Mangione
Ms. Jean DuVall
Mr. Ellen Keilbar
Mr. D. Gerding
John W. Hessian, III, Esq.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. Haswell
Board of Education

Counsel for Petitioner
Petitioner

People's Counsel

WEDNESDAY, JANUARY 27, 1982 at 9:30 am

Edith T. Eisenhart, Adm. Secretary

S. Eric DiNenna, Esquire
Suite 205 Alex Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204

September 10, 1981

NOTICE OF HEARING

RE: Petition for Re-Classification
N/s Burke Ave., 117' W of York Road
Nicholas B. Mangione - Petitioner
Case # R-82-69

TIME: 10:00 A.M.

DATE: Wednesday, October 7, 1981

PLACE: Room 218, Courthouse, Towson, Maryland

*Jean DuVall -
Eric DiNenna
Jack Hessian*

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

1/19/82 - Notified of hearing to receive new plat set for WEDNESDAY, JANUARY 27, 1982 at 9:30 a.m.

S. Eric DiNenna, Esq.
Nicholas B. Mangione
John W. Hessian, III, Esq.
Ms. Jean DuVall
Ms. Ellen Keilbar
Mr. D. Gerding

2/14/82 - Notified of hearing set for Wednesday, April 13, 1982 at 10 am - also to Board of Education



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

February 18, 1982

Mr. William T. Hackett, Chairman
County Board of Appeals
Baltimore County, Maryland 21204

Re: Zoning Reclassification
Petition R-82-69 Mangione
Cycle I, Item 9
Amended Plans

Dear Mr. Hackett:

At its regular meeting on February 18, 1982, the Planning Board voted to reaffirm its earlier recommendation that the petitioner's request for R.A.E. 2 zoning be granted. The Board believes the reasons for this recommendation set forth in its report to the County Board of Appeals, dated July 16, 1981, are applicable to the current submittal. Additionally, the specific proposal to construct housing for the elderly would meet an obvious need, and, at the same time, would reduce the traffic volumes that could be generated by other permitted uses in an R.A.E. 2 zoning classification. Finally, the Planning Board is not opposed to the requested variance.

The members of the Planning Board and the Planning staff offer whatever additional assistance you may require in your consideration of this amended request.

Sincerely,

William F. Kirwin
William F. Kirwin, Chairman
Baltimore County Planning Board

WFK:JGH:dme

RECEIVED
BALTIMORE COUNTY
FEB 18 1982
CLERK

S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6320

January 28, 1982

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

RE: Petition for Reclassification
N/S Burke Ave., 117' W of York Road
Nicholas B. Mangione, Petitioner
Case # R-82-69
My File No.: 81-17

Dear Members of the Board:

This is to confirm the submission by me on behalf of my client, Mr. Nicholas B. Mangione, of the Amendment to the Petition for Reclassification concerning the above captioned matter. This matter should come before the Planning Board shortly and in order to expedite matters and to possibly foresee your own hearing schedule, I would request that this matter be tentatively set for hearing during the last week of March or the first or second week of April, 1982.

This gives sufficient time for Planning Board review, posting and advertising of the Amended Variance that has been filed and for review by the various County Agencies, as need be.

I do not anticipate the matter taking more than one-half day and I think you can schedule accordingly.

Very truly yours,

S. ERIC DINENNA

SED:wjt

cc: Mr. Nicholas B. Mangione
Mr. James G. Hoswell
Mrs. Jean DuVall

RECEIVED
BALTIMORE COUNTY
COURT CLERK
FEB 1 1 08 PM '82
CLERK'S
BY: [Signature]

Mr. Norman E. Gerber, Director
Office of Planning and Zoning

January 27, 1982

County Board of Appeals

Case No. R-82-69 - Item #9, Cycle 1, Nicholas B. Mangione

The hearing on the above entitled case was held as advertised on Wednesday, October 7, 1981, at which time the attorney for the Petitioner requested a continuance for the purpose of filing a new plat.

In open hearing this morning, January 27, 1982, the new plat was received by the Board. In addition to the request for reclassification, the Petitioner has filed a new petition for a variance to be included in this case.

In compliance with the provisions of Bill #46-79, we are forwarding the amended materials to you for appropriate action.

John V. Murphy, Acting Chairman

S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6320

November 3, 1981

County Board of Appeals
for Baltimore County
Courthouse, Room 218
Towson, Maryland 21204

Attention: William T. Hackett, Chairman

RE: Petition for Reclassification
N/S Burke Ave., 117' W of York Road
Nicholas B. Mangione - Petitioner
Case # R-82-69

Dear Mr. Hackett:

On Wednesday, October 7, 1981, on behalf of the Petitioner in this matter, I informed the Board that we wish to file an Amendment to the Petition, to wit: detailed plans.

At that time you indicated something to the effect of thirty (30) days in which to file these Amended Plans.

This is to advise that the Plans will not be ready within the thirty (30) day Appeal period from October 7, 1981 and respectfully request an extension of that thirty (30) day Appeal period.

If you have any questions, do not hesitate to call on me.

Very truly yours,

S. ERIC DINENNA

SED:wjt

cc: John W. Hessian, III, Esquire
People's Counsel for Baltimore County

Mrs. Jean DuVall

11/5/81 - Murphy granted extension
- Extension granted
extension to 11/1/81

S. Eric DiNenna
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6320

September 24, 1981

Office of the Chairman
County Board of Appeals of Baltimore County
Courthouse, Room 218
Towson, Maryland 21204

RE: CASE ITEM 9, CYCLE 1
Petition for Reclassification
NE/S W. Burke Ave., 117' W of York Rd., 9th District
Petitioner: Nicholas Mangione
My File No. 81-17

Dear Mr. Chairman:

Enclosed please find request for issuance of subpoena duces tecum, in duplicate, with respect to the above-captioned matter.

I would appreciate your noting your file concerning this case with my new office address, above.

Thank you for your attention and consideration.

Very truly yours,

S. ERIC DINENNA

SED:cm
Enclosures

RECEIVED
BALTIMORE COUNTY
SEP 28 11 55 AM '81
COURT CLERK
BY: [Signature]

COMMERCIAL CONTRACTORS INCORPORATED GENERAL CONTRACTORS

1205 YORK ROAD • YORK PLACE • PENTHOUSE SUITE • LUTHERVILLE, MARYLAND 21093
825-8400

NICHOLAS MANGIONE, SR.
PRESIDENT

April 29, 1981

Zoning Office
Baltimore County

ATTENTION: Nick Commodari

Re: Burke Avenue Property
Zoning Reclassification
Item #9

Dear Mr. Commodari:

I am the owner of the above referenced property and do hereby request that all zoning advisory comments for same be forwarded to myself and my attorney, Mr. Eric DiNenna, in lieu of the engineer. I will notify the engineer of the descriptions that were filed and the minor changes.

Respectfully,

COMMERCIAL CONTRACTORS, INC.

Nicholas B. Mangione

President

NBM/mrp

PETITION FOR RE-CLASSIFICATION

4th DISTRICT

ZONING: Petition for Re-classification
LOCATION: North side of Burke Avenue, 117 ft. West of York Road
DATE & TIME: Wednesday, October 7, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D.R.16
Proposed Zoning: R.A.E.2

All that parcel of land in the 4th District of Baltimore County

Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, October 7, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

S. Eric DiNenna
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-6320

September 3, 1981

Mr. William T. Hackett, Chairman
County Board of Appeals
Room 219, Courthouse
Towson, Maryland 21204

RE: Zoning Reclassifications
Petitioner - Nicholas B. Mangione
Item # 9 - W. Burke Avenue
Item # 10 - S/S Greenridge Road
Item # 11 - Lot 7 Greenridge Road

Dear Mr. Hackett:

I am in receipt of your August 18, 1981 notice to me concerning the above captioned.

This is to advise that after consultation with my client, we wish these items stay in for hearing during the cycle and not be continued because of the pending Court cases.

Very truly yours,

S. ERIC DINENNA

SED:fzt

cc: Mr. Nicholas B. Mangione

P.S. Please note my new office address.

RECEIVED
BALTIMORE COUNTY
SEP 5 9 12 PM '81
COURT CLERK
BY: [Signature]

PETITION FOR VARIANCE in conjunction with (Documented) RECLASSIFICATION PETITION

9th DISTRICT

ZONING: Petition for variance in conjunction with (documented) reclassification petition
LOCATION: North side of Burke Avenue, 117 ft. West of York Road
DATE & TIME: Tuesday, April 13, 1982 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Petition for Variance to allow a 0 ft. setback from the street in lieu of the required 15 ft., for a below grade parking garage.

The Zoning Regulation to be excepted as follows:
Section 201.3C.1 - Minimum front setback in an R.A.E.2 Zone

All that parcel of land in the Fourth District of Baltimore County

Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 13, 1982 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

RECEIVED
BALTIMORE COUNTY
SEP 18 2 02 PM '81
COURT CLERK
BY: [Signature]

Description to Accompany Zoning Petition
for Reclassification from Existing DR-16 Zone
to R.A.B. 2 Zone and VARIANCE

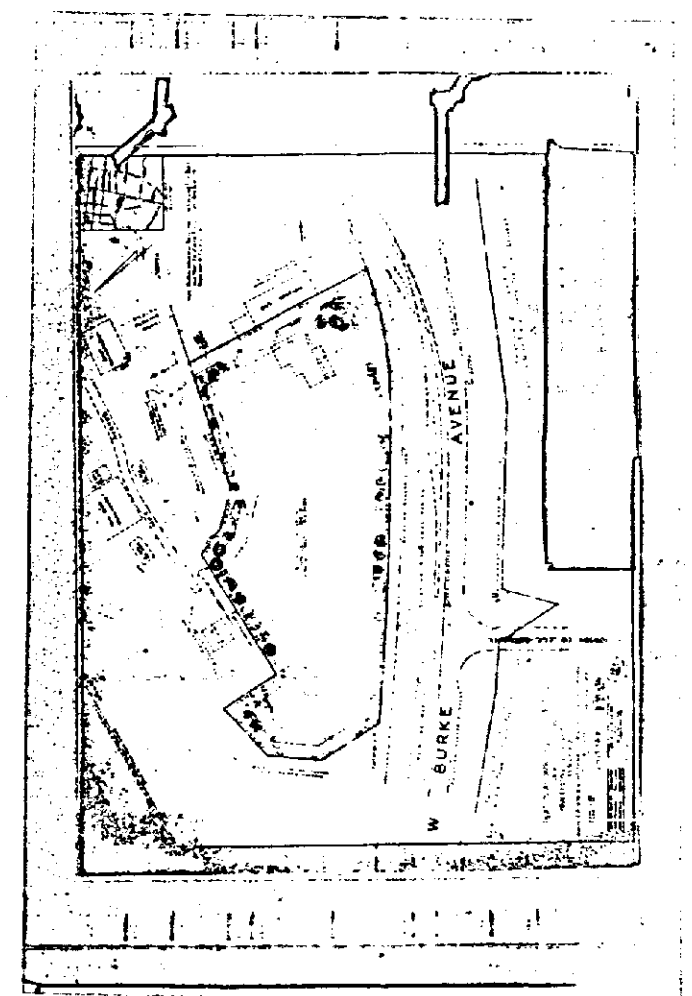
February 23, 1977
Revised July 11, 1977
Revised February 17, 1982

Beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the DR 16 zone and the BR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence binding on said northeasterly side of West Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, said curve being subtended by a chord bearing North 60° 38' 02" West 136.81 feet and (2) along a curve to the right with a radius of 3773.72 feet for a distance of 344.52 feet, said curve being subtended by a chord bearing North 48° 14' 34" West 344.40 feet; thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 39" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 86° 24' 56" East 66.81 feet, (6) South 6° 36' 49" West 66.57 feet, (7) South 82° 22' 41" East 149.00 feet, (8) South 13° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 44.91 feet, (10) South 68° 58' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" East 213.38 feet to the place of beginning.

Containing 1.816 acres of land, more or less.



Item #9
Cycle I



WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 5, 1981

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Re-classification
N/a Burke Ave., 117' W of York Rd.
Case #R-87-69 Item 9
Nicholas B. Mangione - Petitioner

Dear Mr. DiNenna:

This is to advise that \$51.31 is due for the 2nd full page add of the cycle 1 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1981

S. Eric DiNenna, Esquire
Suite 205
Alex Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No 9 - Cycle No. 1
Petitioner - Nicholas B. Mangione
Reclassification Petition

Dear Mr. DiNenna:

This is to advise you that \$77.15 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 1, 1981

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Re-classification
N/a of Burke Ave., 117' W of York Road
Nicholas B. Mangione - Petitioner
Case #R-87-69 R

Dear Mr. DiNenna:

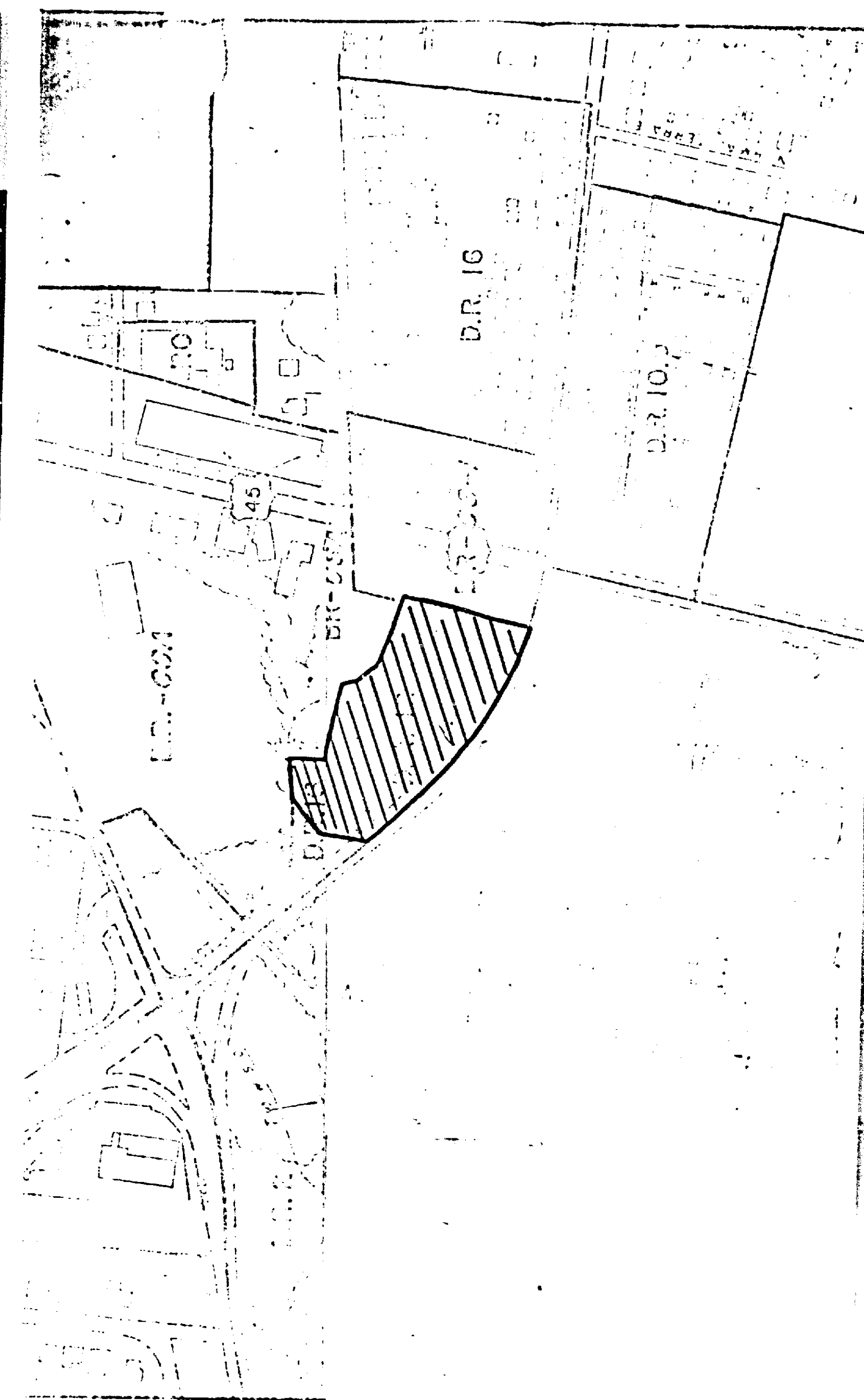
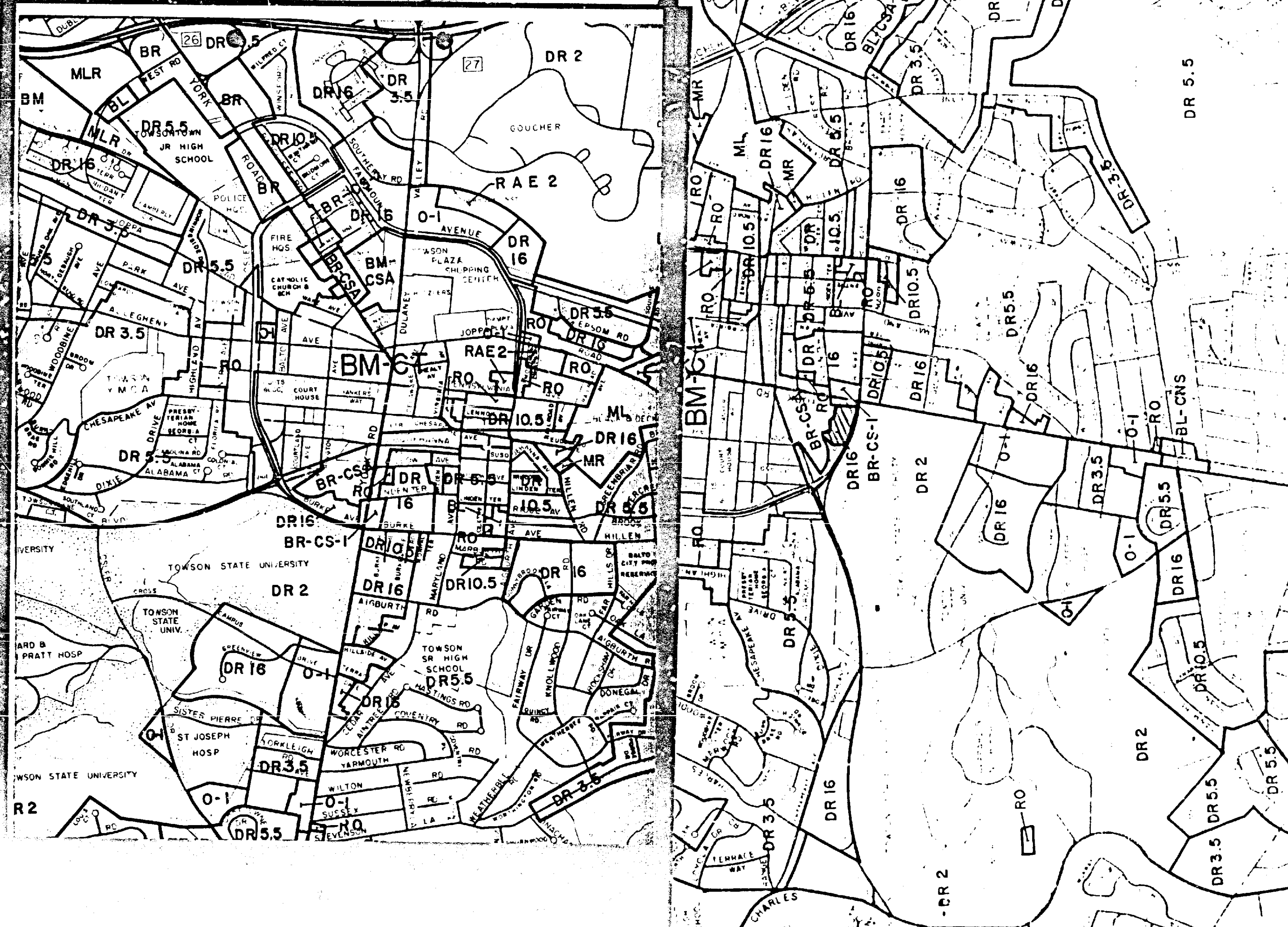
This is to advise you that \$64.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9 Date of Posting: 9/20/81
Posted for: Petition for Reclassification
Petitioner: Nicholas B. Mangione
Location of property: 15 Burke Ave., 117' W. of York Rd.
Location of Signs: Facing Burke Ave. opposite entrance to T.S.V.
Remarks: Sean J. Coleman
Posted by: Sean J. Coleman Date of return: 9/25/81
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland CR-82-69A (1982-69)

District: 4th Date of Posting: 7-25-82
Posted for: Variance
Petitioner: Nicholas B. Mangione
Location of property: N/S. Burke Ave. 117' W. of York Road
Location of Signs: North side of Burke Avenue approx. 300' west of York Road
Remarks: S.J. Coleman
Posted by: S.J. Coleman Date of return: April 2, 1982
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 107619
DATE: 4/27/82 ACCOUNT: 01-662
AMOUNT: \$286.52
RECEIVED FROM: Nicholas B. Mangione
FOR: Advertising & Posting Case #CR-82-69-A (Nicholas B. Mangione)
4164164730 2365204
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 101635
DATE: 5/28/81 ACCOUNT: 01-662
AMOUNT: \$50.00
RECEIVED FROM: Commercial Contractors, Inc.
FOR: Filing Fee for Case #R-82-69 (Mangione)
68037450 50.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 85110
DATE: 8/11/82 ACCOUNT: 01-712
AMOUNT: \$3.50
RECEIVED FROM: Copies of documents from File #R-82-69 - Mangione
FOR:
8 1617*****3501a 8126f
VALIDATION OR SIGNATURE OF CASHIER

COMMUNITY TIMES
Office of The Carroll County Times

Westminster, Md., Sept. 17, 1981
THIS IS TO CERTIFY that the annexed Baltimore Co. of Md. (L-2992) was published for one (1) successive weeks previous to the 17th Community Times
Sept. 19, 81, in The Carroll County Times a daily

PETITION FOR RECLASSIFICATION
4th DISTRICT
ZONING: Petition for Reclassification
LOCATION: North side of Burke Avenue, 117 ft. West of York Road
DATE & TIME: Wednesday, October 7, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing.
Present Zoning: D.R. 16
Proposed Zoning: R.A.E. 2
All that parcel of land in the 4th District of Baltimore County beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the DR 16 zone and the BR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence northwesterly along said side of Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, (2) along a curve to the right with a radius of 344.53 feet, said curve being subtended by a chord bearing North 45° 14' 34" West 344.40 feet, thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 30" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 69° 24' 56" East 66.81 feet, (6) South 0° 36' 49" West 66.57 feet, (7) South 82° 22' 41" East 149.00 feet, (8) South 13° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 44.81 feet, (10) South 69° 28' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" West 213.38 feet to the place of beginning. Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, October 7, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland
BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Petition for Variance
in conjunction with (Documented) Reclassification Petition
9TH DISTRICT
ZONING: Petition for Variance in conjunction with (documented) reclassification petition.
LOCATION: North side of Burke Ave., 117 ft. West of York Rd.
DATE & TIME: Tuesday, April 13, 1982 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Md.
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing.
Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, April 13, 1982 at 10:00 a.m.
Public Hearing: Room 218, Courthouse, Towson, Md.

Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, April 13, 1982 at 10:00 a.m.
Public Hearing: Room 218, Courthouse, Towson, Md.
By Order Of
William T. Hackett
Chairman
County Board of Appeals
of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 25, 1982
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ ^{for one time} ~~successive weeks~~ before the 13th day of April, 1982, the 1982 publication appearing on the 25th day of March 1982.
THE JEFFERSONIAN,
Manager.
Cost of Advertisement, \$

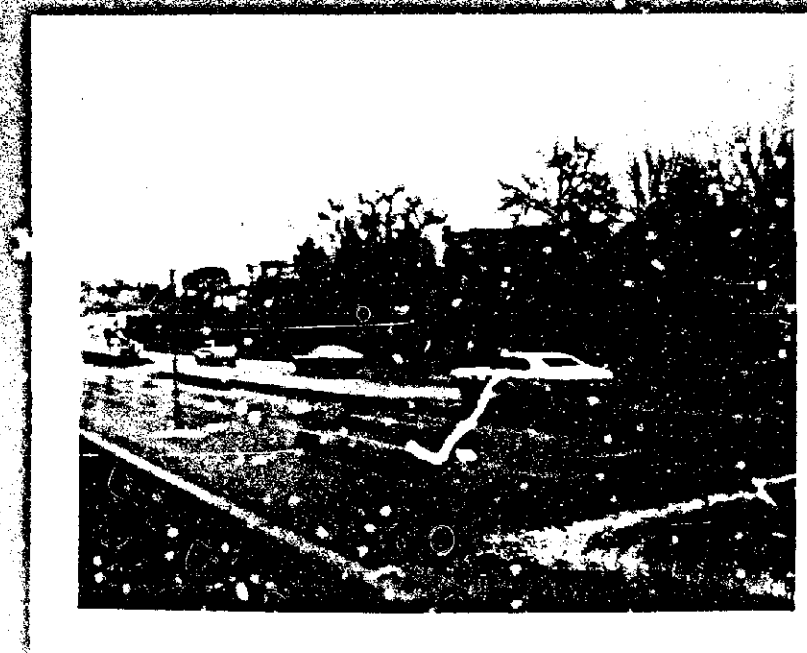
PETITION FOR RECLASSIFICATION
4th DISTRICT
ZONING: Petition for Reclassification
LOCATION: North side of Burke Avenue, 117 ft. West of York Road
DATE & TIME: Wednesday, October 7, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing.
Present Zoning: D.R. 16
Proposed Zoning: R.A.E. 2
All that parcel of land in the 4th District of Baltimore County beginning for the same at the intersection of the northeasterly side of West Burke Avenue with the zoning line between the DR 16 zone and the BR-CS-1 zone, said point being northwesterly along said side of Burke Avenue distant 117 feet more or less from the centerline of York Road, running thence northwesterly along said side of Burke Avenue the two following courses viz: (1) along a curve to the right with a radius of 402.74 feet for a distance of 137.47 feet, (2) along a curve to the right with a radius of 344.53 feet, said curve being subtended by a chord bearing North 45° 14' 34" West 344.40 feet, thence binding on the outline of the subject property the nine following courses viz: (3) North 6° 15' 30" East 71.42 feet, (4) North 45° 03' 25" East 58.70 feet, (5) North 69° 24' 56" East 66.81 feet, (6) South 0° 36' 49" West 66.57 feet, (7) South 82° 22' 41" East 149.00 feet, (8) South 13° 41' 11" East 33.50 feet, (9) South 36° 14' 43" East 44.81 feet, (10) South 69° 28' 36" East 138.00 feet to a corner of the herein above mentioned zoning line, thence binding thereon (11) South 11° 40' 54" West 213.38 feet to the place of beginning. Being the property of Nicholas B. Mangione as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, October 7, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland.
BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Sept. 17, 1981

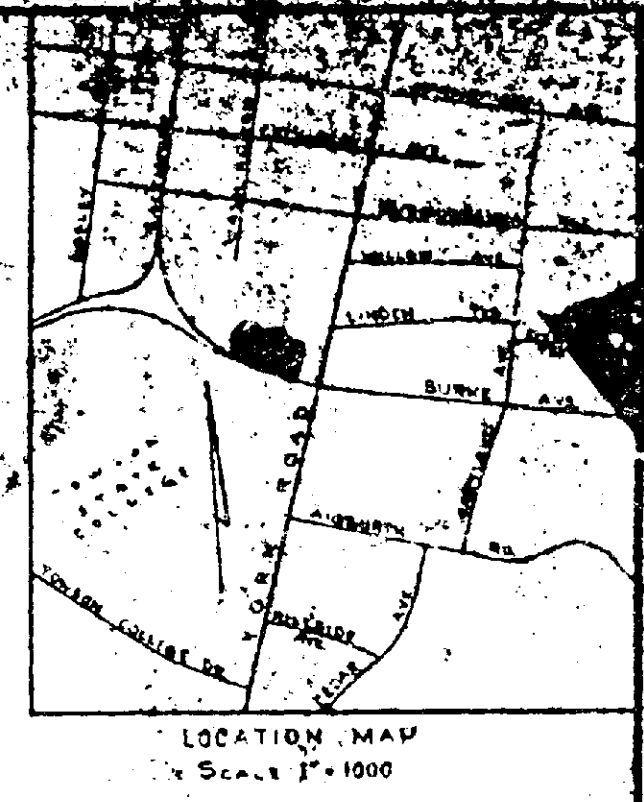
CERTIFICATE OF PUBLICATION

TOWSON, MD., September 17, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ ^{for one time} ~~successive weeks~~ before the 7th day of October, 1981, the first publication appearing on the 17th day of September 1981.
THE JEFFERSONIAN,
Manager.
Cost of Advertisement, \$

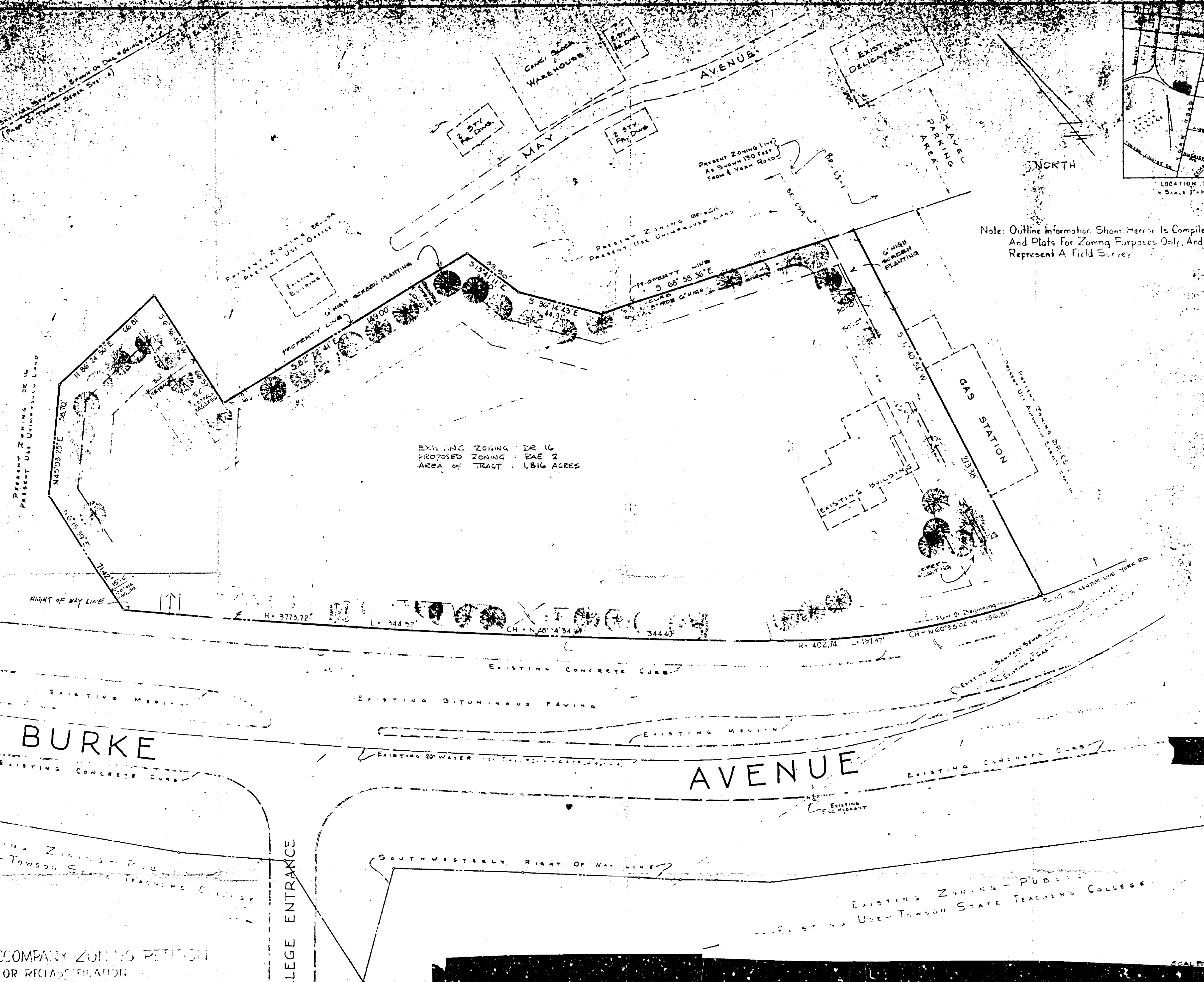
The Times

Middle River, Md., March 24, 1982
This is to Certify, That the annexed was inserted in The Times, a newspaper printed and published in Baltimore County, once in each week before the 14th day of April, 1982.
Publisher.





Note: Outline Information Shown Herein Is Compiled From Deed And Plats For Zoning Purposes Only, And Does Not Represent A Field Survey



EXISTING ZONING DR 16
PROPOSED ZONING RAE 2
AREA OF TRACT 1.816 ACRES

W. BURKE

AVENUE

TOWSON COLLEGE ENTRANCE

PLAT TO ACCOMPANY ZONING PETITION
FOR RECLASSIFICATION
FROM EXISTING DR 16 ZONE
TO RAE 2 ZONE

NORTHEAST SIDE W BURKE AVENUE 1/2 WEST OF CENTER LINE YORK ROAD
TOWSON

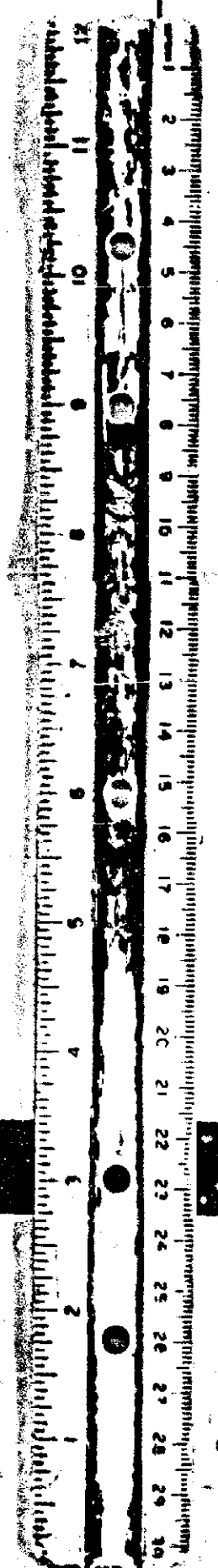
COUNCIL DIST. NO. 4
ELECT. DIST. NO. 9
MARCH 30, 1972
REV. AUG. 10, 1972
REV. OCT. 17, 1972
REV. DEC. 1, 1980

SHEET 1 OF 2

JOHN AND KELLY INC. 2212 PRO
PLANNING PLANNING 6667 PRO
LANDSCAPE DESIGN 32082 LANDSCAPE

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
PLANNERS
301 ALLEGANY AVE.
TOWSON 4, MARYLAND

1 COPY
JRM 4/9



SCALE 1"=20'-0"

Cycle I
REVISED PLANS
Plan #49

PLAY TO ACCOMPANY ZONING PETITION
FOR RECLASSIFICATION FROM EXISTING
OR 16 ZONE TO R.A.E. 2 ZONE WITH
OR 16 ZONE TO R.A.E. 2 ZONE WITH
VARIANCE FROM SECTION 201.3 C.1
TO BUILD UNDERGROUND GARAGE WITHIN
0 FEET OF THE STREET LINE.

ORTH EAST SIDE OF BURKE AVENUE 117' WEST OF
ENTER LINE OF YORK ROAD.
SECTION DISTRICT NO. 9
SCALE 1" = 20'
2' LOW 0 FEET FRONT YARD SET BACK IN LIEU
OF THE REQUIRED 15 FEET.

USE REGULATIONS

- A. PROPOSED USES:**
1. APARTMENTS: (WELL ELDERLY) MORE THAN 25 DWELLING UNITS
 2. OFFICES: LESS THAN 25% OF GROSS FLOOR AREA
 3. RETAIL AND SERVICE USES: LESS THAN 5% OF GROSS FLOOR AREA
- TENTATIVE USES:**
- | | |
|---------------------|-------------------------|
| BANKS | FOOD STORES (SPECIALTY) |
| BARBER SHOP | GIFT SHOPS |
| BEAUTY SHOP | JEWELRY STORE |
| BOOK STORE | NEWS STAND |
| CHIROPODISTS OFFICE | OPTICIANS OFFICE |
| CLINICS | RESTAURANTS |
| DELICATESSEN | SHOE REPAIR |
| DRUG STORES | STATIONERY |
| FLOREST SHOPS | TAILOR OR DRESSMAKING |
| | WEARING APPAREL |
- 4. PUBLIC UTILITY USES:** AS REQUIRED FOR DEVELOPMENT
- 5. ACCESSORY USES:**
- | | |
|---------------------|-----------------------------|
| LAUNDRY | ASSEMBLY |
| LOUNGES | RECREATION/CLUBS |
| DINING/FOOD SERVICE | COUNSELING/PERSONAL SERVICE |
- 6. SPECIAL EXCEPTIONS:** NONE

B. USE REGULATIONS:

- 1. FLOOR AREA**
- | | |
|--|-----------|
| a. APARTMENTS 211 DWELLINGS @ 829,385 SF | 175,000SF |
| b. OFFICES (MAXIMUM) | 21,000SF |
| c. RETAIL & SERVICE (MAXIMUM) | 9,000SF |
| | 205,000SF |
- 27% OF 205,000 = 41,000
5% OF 205,000 = 10,250
- 2. NO RETAIL OR SERVICE USE WILL OCCUPY MORE THAN 1,000 SF EXCEPT**
- a. BANKS, BUILDING & LOAN OR SIMILAR USE
 - b. CLINICS OR GROUP MEDICAL CENTERS
 - c. FOOD STORE (5,000SF MAX.)
 - d. RESTAURANTS
- 3. NO USE SHALL HAVE MORE THAN ONE EXTERIOR ENTRANCE. EACH USE WILL HAVE ONE ENTRANCE WITHIN THE BUILDING. ADDITIONAL EXITS AS REQUIRED BY BUILDING CODES OR FIRE CODES WILL BE PROVIDED.**
- 4. SIGNS & DISPLAYS WILL CONFORM TO BCZ 413.1 (CONTENTS & EXACT LOCATIONS OF SIGNS ARE UNDETERMINED AT THIS TIME).**
- SIGNAGE WILL INCLUDE:**
- 1 PROJECT IDENTIFICATION SIGN OF 15 SF MAX.
 - 1 ACCESSORY USE IDENTIFICATION SIGN 3 SF MAX. (NOT PROJECTING MORE THAN 6 INCHES).
 - 8 DIRECTIONAL SIGNS 3 SF MAX. EA.
 - 1 DIRECTORY SIGN FOR OFFICE, RETAIL & SERVICE USES.

BULK REGULATIONS

- A. MAXIMUM HEIGHT = 1 1/2 TIMES REQUIREMENTS FOR BL ZONE**
BL ZONE ALLOWS 100' MAX. HGT. ON 125' W. W. (BURKE AVE.)
1 1/2 TIMES 100' = 150' MAXIMUM HEIGHT
- B. AVERAGE WIDTH MUST BE LESS THAN 2 1/2 TIMES AVERAGE HEIGHT**
- | | | | |
|-----------------|------------|----------------|-----------------|
| PROPOSED | AVG. WIDTH | AVG. HGT. | MAX. AVG. WIDTH |
| NORTH ELEVATION | 211.08 | 102.25 x 2 1/2 | 255.88 |
| SOUTH ELEVATION | 116.38 | 60.58 | 151.45 |
| EAST ELEVATION | 116 | 133 | 332 |
| WEST ELEVATION | 120 | 138 | 345 |
- C. YARD REQUIREMENTS**
1. FRONT YARD 15' (SEE VARIANCE REQUEST TO BUILD UNDERGROUND GARAGE WITH 0' SETBACK)
 2. SIDE YARD 15' SET BACK IF LESS THAN 40' HIGH (30' SET BACK IF MORE REAR YARD 15' SET BACK IF LESS THAN 40' HIGH (THAN 40' HIGH
 3. NO APARTMENT WINDOW IS CLOSER THAN 25' TO A PROPERTY LINE
- D. DENSITY: MAX. = 80 DENSITY UNITS PER ACRE**
- SITE = 1.816 ACRES**
BURKE AVENUE ROADWAY = .33 ACRES (30' WIDTH x 481.99')
1.816 x 80 = 145.28 DENSITY UNITS
.33 x 80 = 26 DENSITY UNITS
TOTAL 171.28 DENSITY UNITS ALLOWED
- PROPOSED APARTMENT MIX: (TENTATIVE)**
- | | |
|---------------------------------|----------------------------|
| 3 2 BEDROOMS TIMES 1.0 D.U. = | 3 DENSITY UNITS |
| 44 EFFICIENCIES TIMES .5 D.U. = | 22 DENSITY UNITS |
| 164 1 BEDROOMS 75 D.U. = | 123 DENSITY UNITS |
| 211 DWELLING | 148 DENSITY UNITS PROPOSED |
- E. AMENITY OPEN SPACE RATIO = .2**
- | | | |
|-------------------|---------------------------|-------------------------|
| LOT | = 1.816 ACRES OR 77,680SF | 77,680SF - LOT |
| BLDG. FOOT PRINT | = 27,409SF | -40,569SF - COVERAGE |
| DRIVES & ENTRANCE | = 13,160SF | -37,111SF - OPEN SPACE |
| TOTAL COVERAGE | = 40,569SF | + 5,094SF - ROOF GARDEN |
| | | 42,205SF & REC. DECK |
- 205,000 x .2 = 41,000SF = OPEN SPACE PROVIDED
42,205SF = OPEN SPACE REQUIRED

NOTE: STORM WATER MANAGEMENT POND: IF REQUIRED, WILL NOT BE INCLUDED IN OPEN SPACE, UNLESS ALLOWED BY BCZ. OPEN SPACE WILL BE PROVIDED IN OTHER LOCATIONS.

OFFSTREET PARKING

- 211 ELDERLY DWELLINGS @ .4 SPACES = 85
OFFICES (1ST FLR.) 6,000 SF @ 1 PER 300 = 20
OFFICES (2ND FLR.) 15,000 SF @ 1 PER 300 = 50
RETAIL & SERVICE 9,000 SF @ 1 PER 325 = 28
TOTAL PARKING REQUIRED = 163 CARS
- LESS % OF RESIDENTIAL ALLOWED FOR COMMERCIAL PARKING REQUIRED = 42
PARKING PROVIDED = 199 CARS

NOTE: BUILDING ENVELOPE LINE SHOWN AS (---) LIMITS THE AREA WITHIN THE SITE ON WHICH THE BUILDING MAY BE PLACED. BUILDING SHOWN IS FOR DEMONSTRATION PURPOSES AND MAY BE CHANGED BY THE DEVELOPER TO SUIT OTHER CRITERIA. TOTAL FLOOR AREA, NUMBER OF APARTMENTS AND NUMBER OF DENSITY UNITS WILL NOT BE INCREASED, BUT MAY BE DECREASED.

USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER CRITERIA.

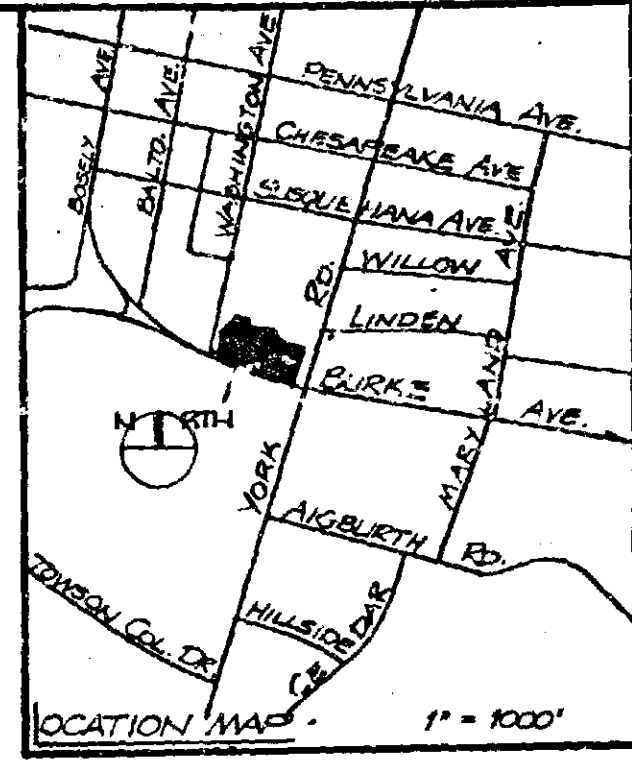
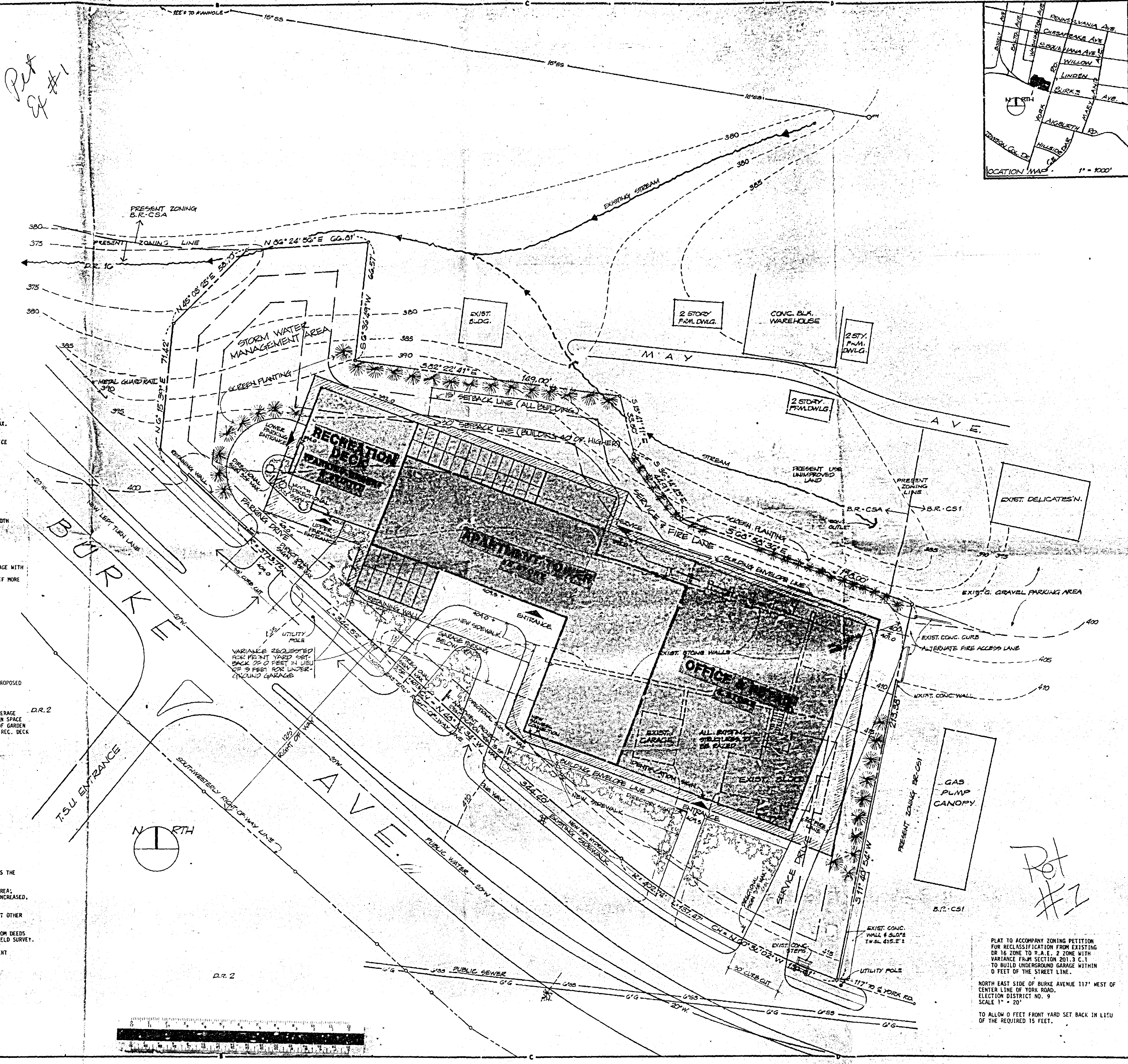
OUTLINE AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS COMPILED FROM DEEDS AND PLATS FOR ZONING PURPOSES ONLY, AND DOES NOT REPRESENT A FIELD SURVEY.

FOR: "MAXIMUM LEVEL OF EMANATIONS" SEE ENVIRONMENTAL IMPACT STATEMENT

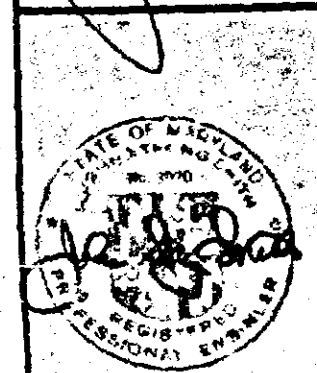
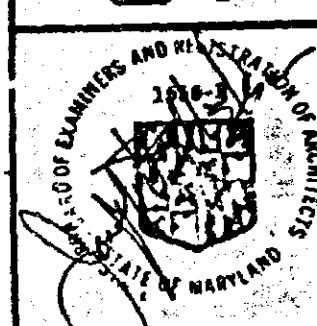
**HOURS OF OPERATION: RESIDENTIAL 24 HOURS/DAY 7 DAYS/WEEK
COMMERCIAL 12 HOURS/DAY 6 DAYS/WEEK**

EMPLOYEES: 32 TOTAL - 3 SHIFTS

PUBLIC WATER & SEWER IS AVAILABLE IN THE BED OF BURKE AVENUE.



NELSON-SALABES, INC.
PLANNERS
ARCHITECTS
1985 Taylor Avenue, Suite 201 - Baltimore, Maryland 21201
TEL: 410-528-1100
FAX: 410-528-1101



Revisions
12.3.01
1.5.02
2.12.02
2.15.02

Sheet Title
PLAT

Job No.
1881

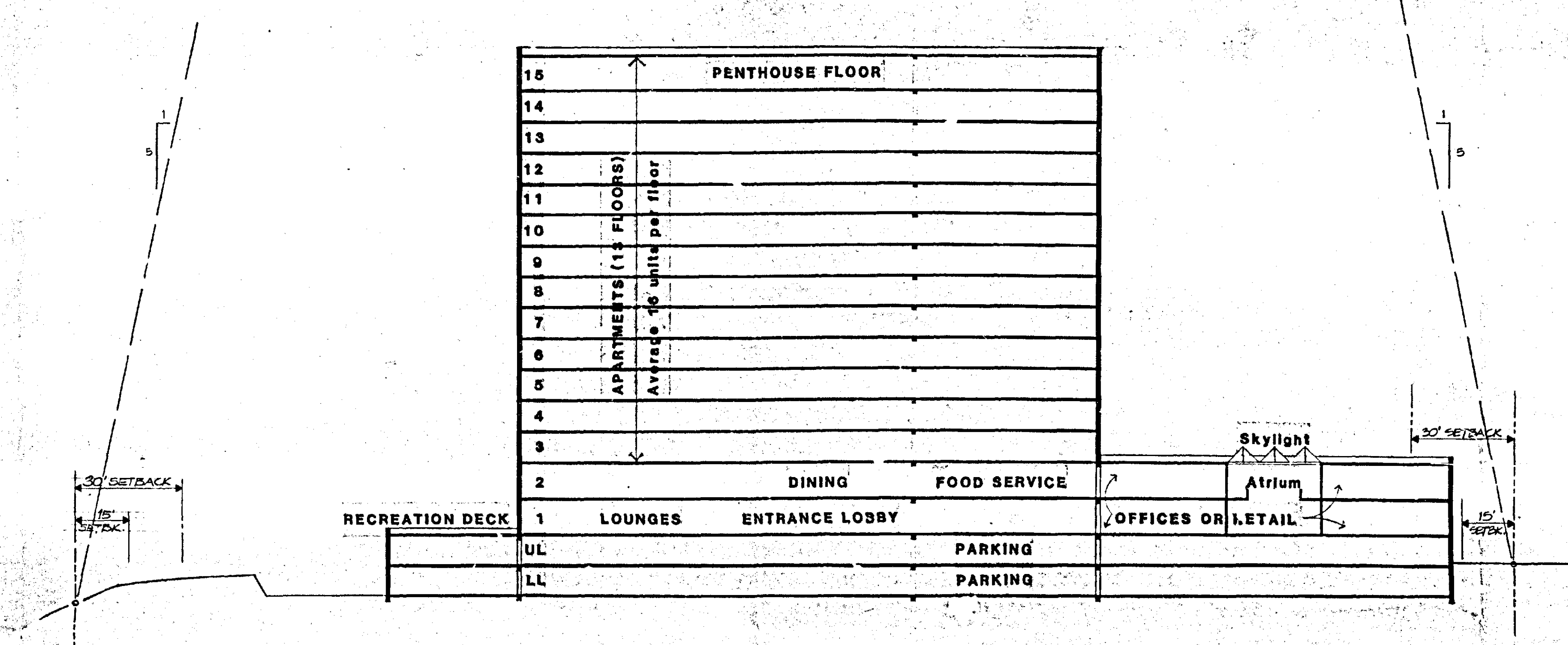
Sheet No.
1
of 4

Date
NOV. 8, 1991

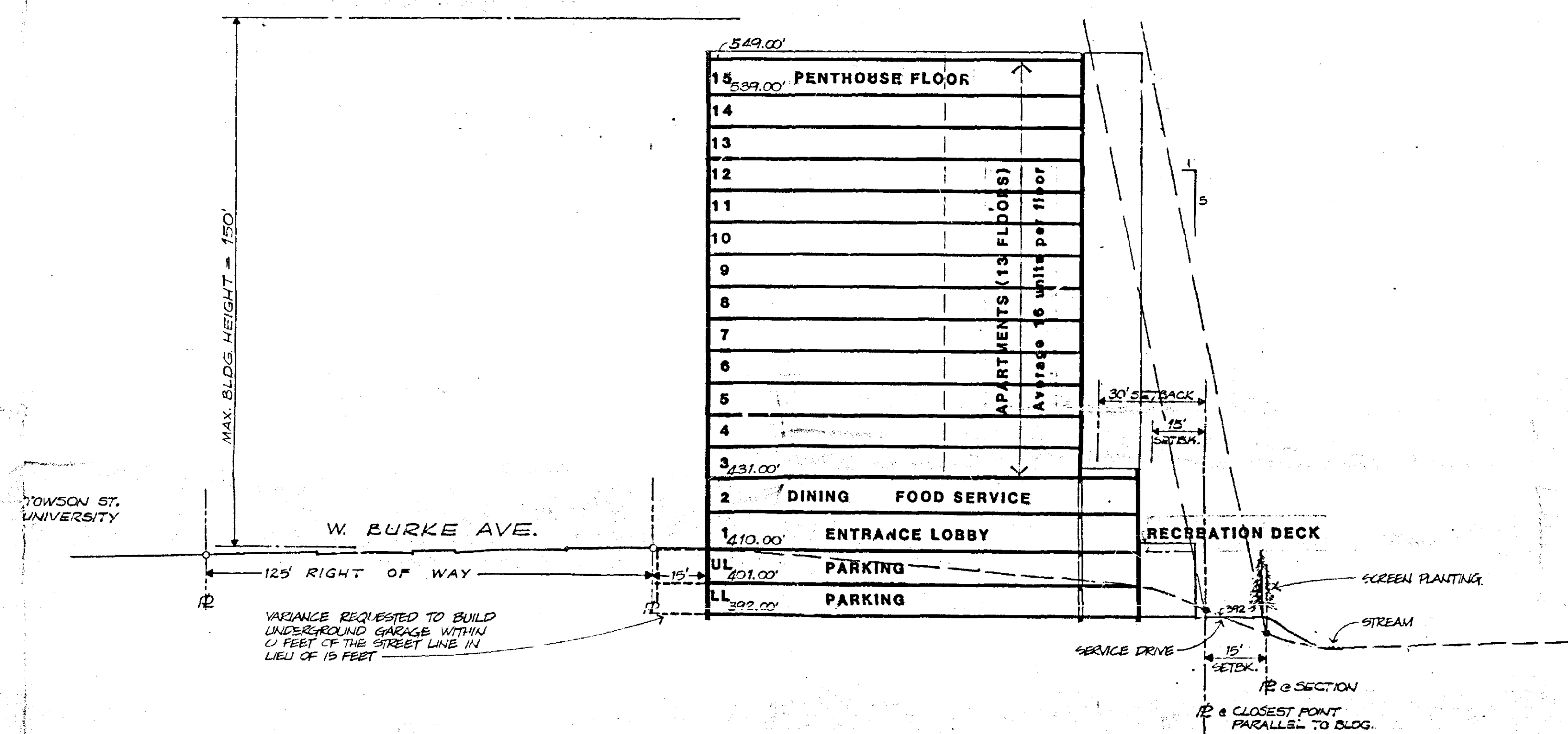
PLAT TO ACCOMPANY ZONING PETITION
FOR RECLASSIFICATION FROM EXISTING
DR 16 ZONE TO R.A.E. 2 ZONE WITH
VARIANCE FROM SECTION 201.3 C.C.
TO BUILD UNDERGROUND GARAGE WITHIN
0 FEET OF THE STREET LINE.

NORTH EAST SIDE OF BURKE AVENUE 117' WEST OF
CENTER LINE OF YORK ROAD,
ELECTION DISTRICT NO. 9
SCALE 1" = 20'

TO ALLOW 0 FEET FRONT YARD SET BACK IN LIEU
OF THE REQUIRED 15 FEET.



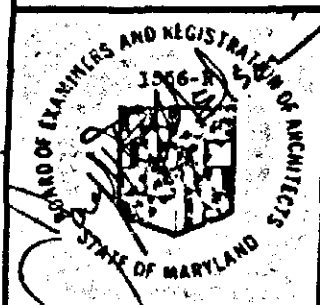
SIDE YARD TENT



FRONT & REAR YARD TENT

NOTE:
EXTERIOR WALLS SHALL BE BRICK AND/OR CONCRETE. THE HEIGHT OF TENTS ARE SHOWN AT POINTS OF MINIMUM SETBACK. USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER CRITERIA.

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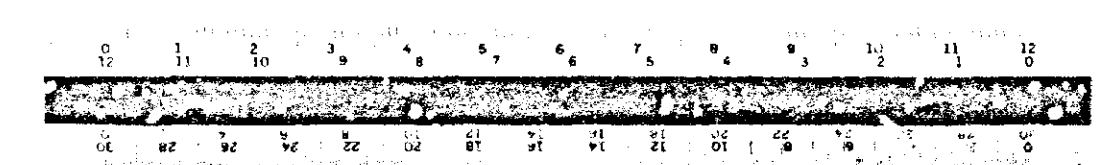
Revisions
12-3-01
1-5-02
2-12-02
2-15-02

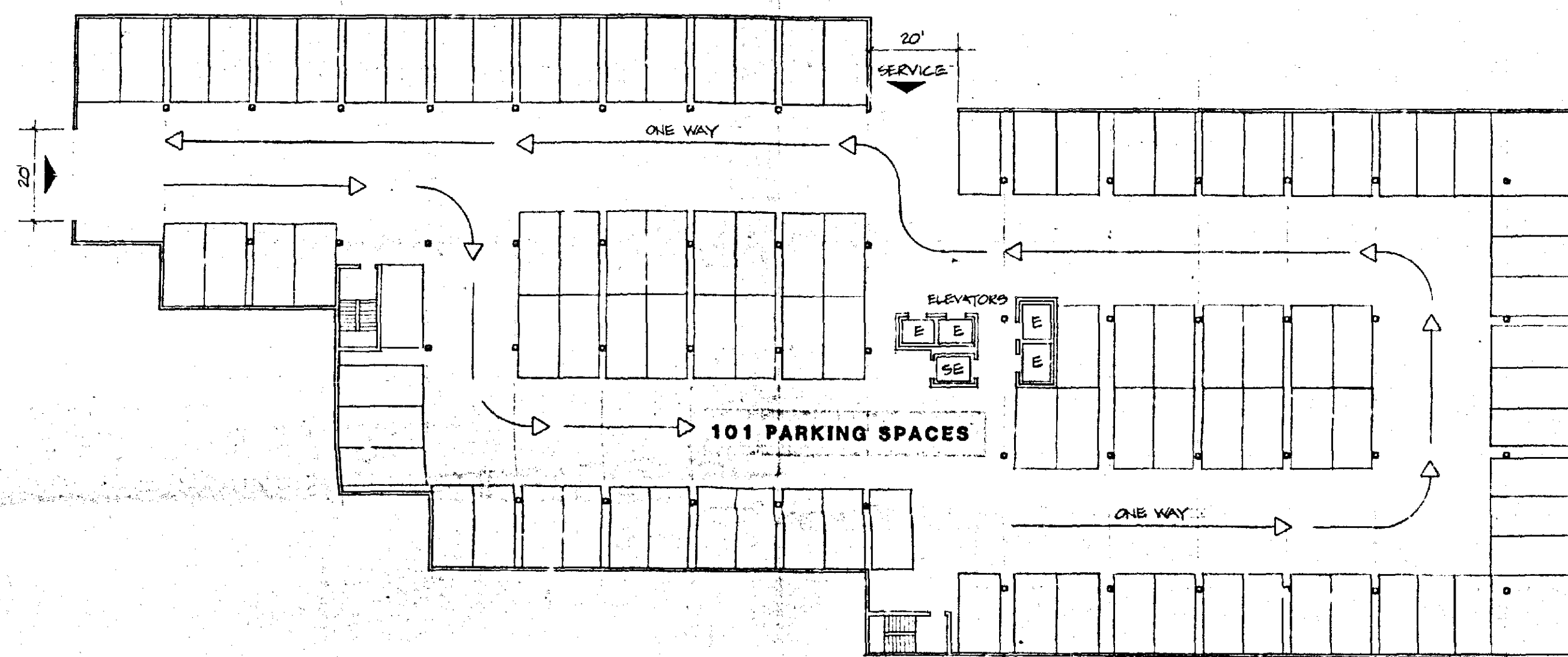
Sheet Title
ELEVATIONS & SECTIONS

Job No.
1881

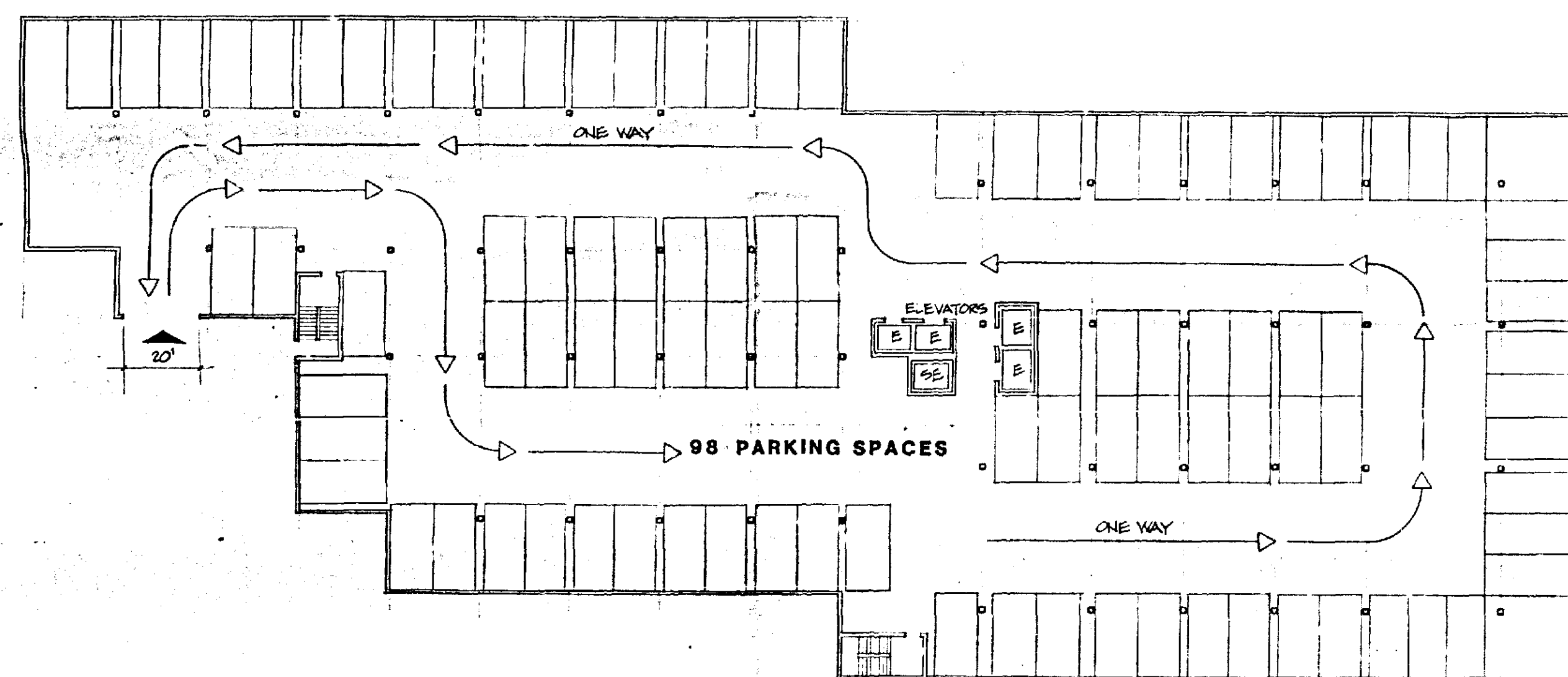
Sheet No.
2
of 4

Date
NOV. 8, 1991





LOWER PARKING LEVEL

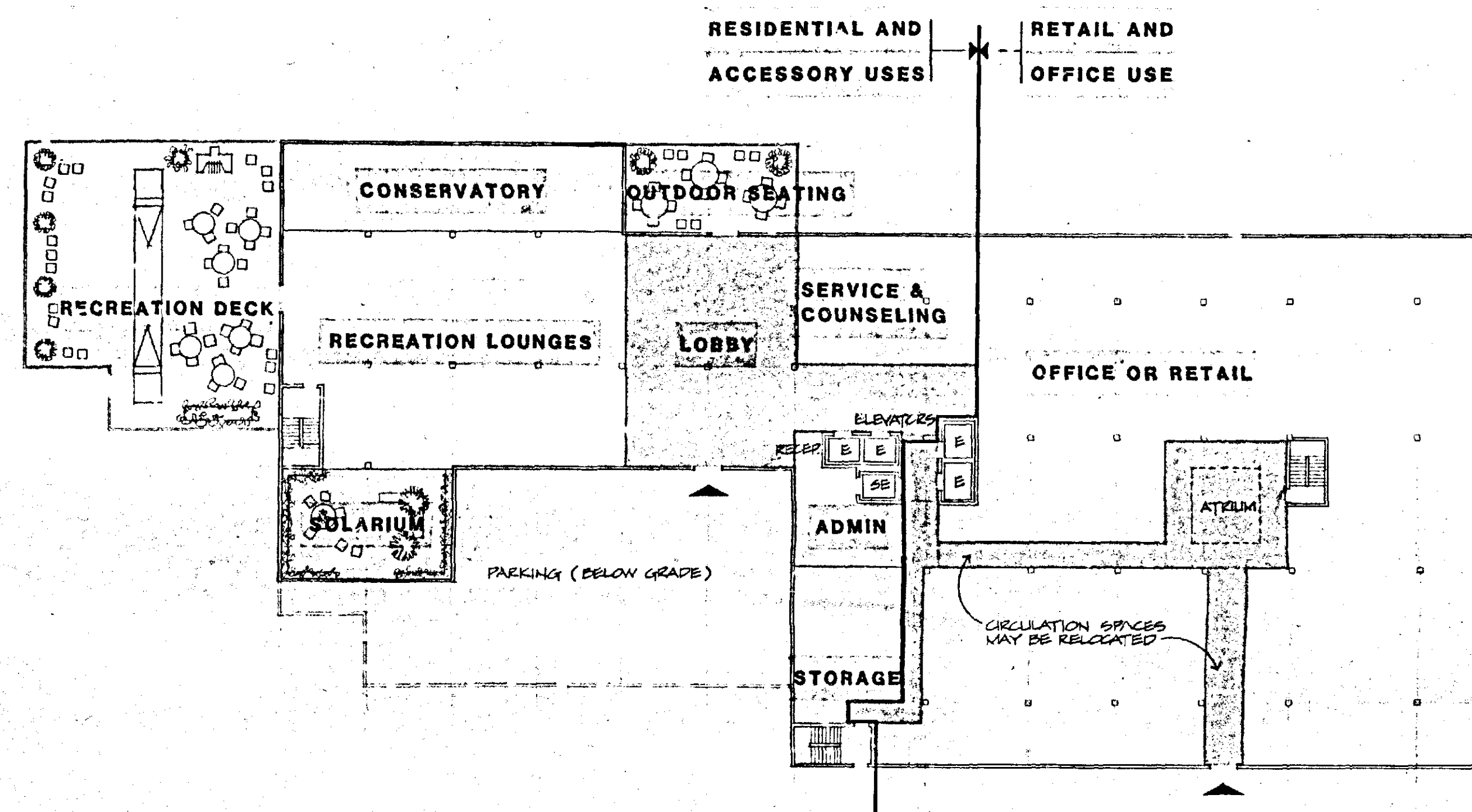


TOTAL PARKING 199 CARS

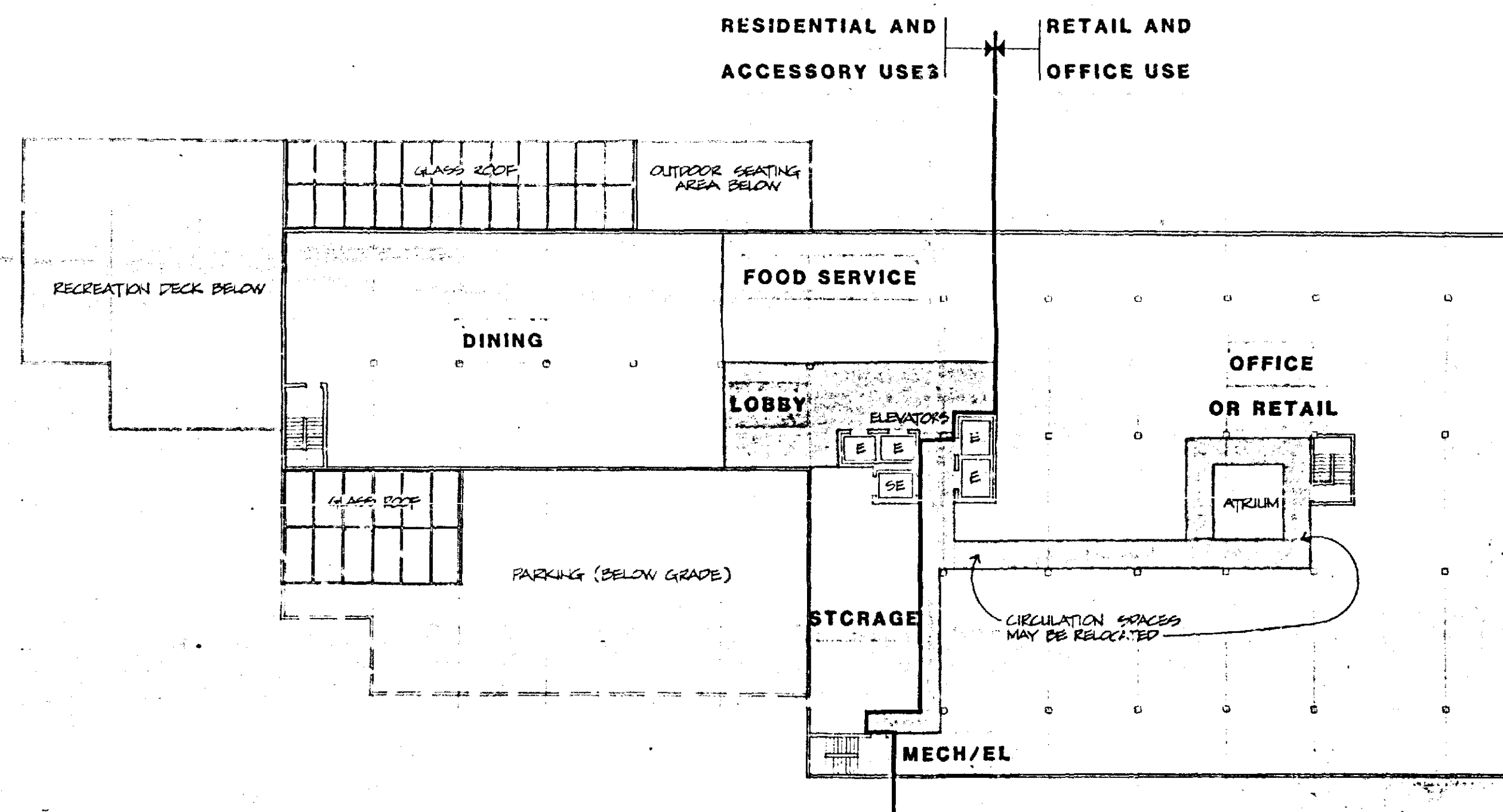
PARKING SPACE SIZE 8 1/2 x 18 (BCZR 409.2)

FLUORESCENT LIGHTING TYP. BOTH PARKING LEVELS

UPPER PARKING LEVEL



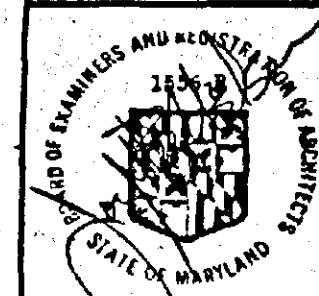
PROPOSED FIRST FLOOR



NOTE
FLOOR PLANS ARE INTENDED TO DEMONSTRATE THE VARIOUS USES AND LOCATIONS WITHIN THE BUILDING. THE DEVELOPER MAY REVISE THESE PLANS TO MEET OTHER CRITERIA. TOTAL FLOOR AREA, DENSITY UNITS AND PARKING WILL NOT BE INCREASED.

PROPOSED SECOND FLOOR

NELSON-SALABES, INC.
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ARCHITECTS
1000 Tydings Avenue, Suite 200 • Baltimore, Maryland 21204



Revisions
2-3-01
1-5-02
2-12-02
2-15-02

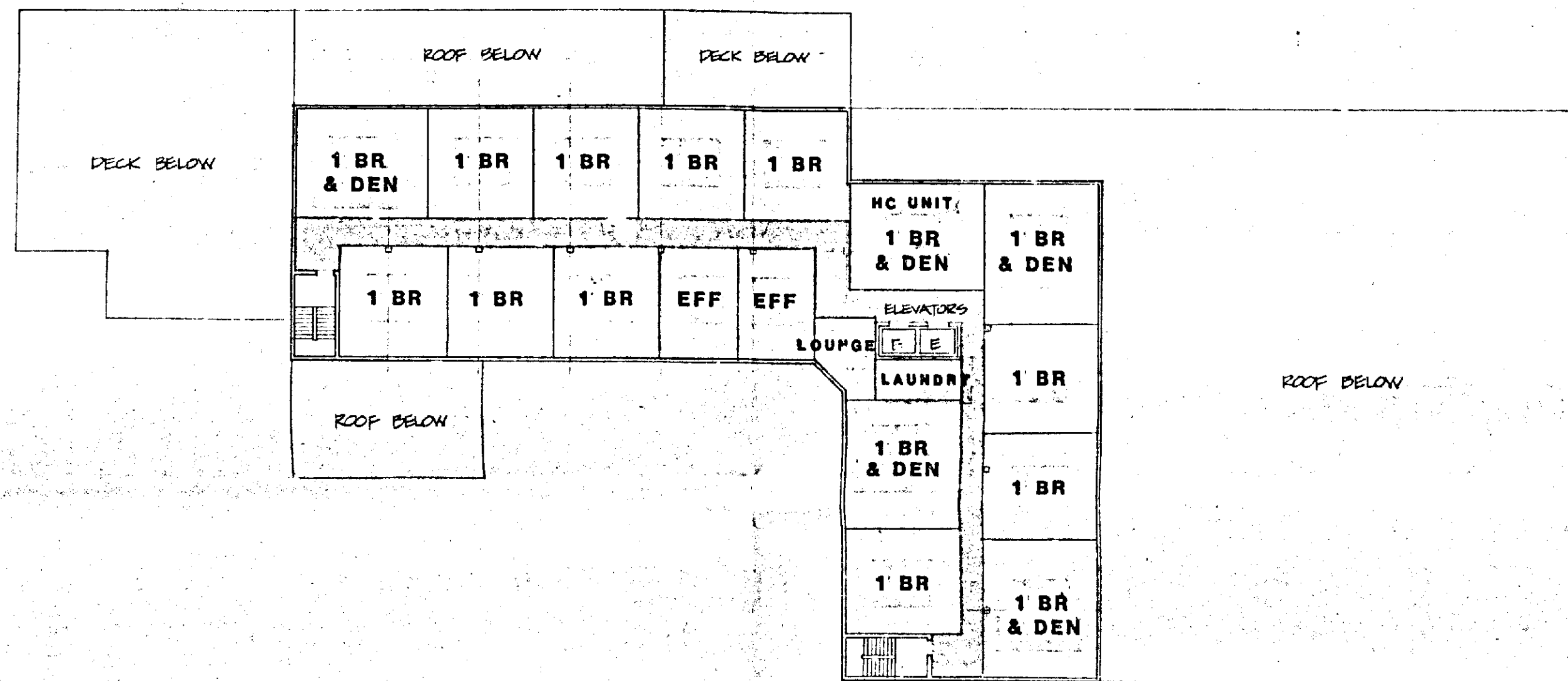
Sheet Title
PARKING,
1st. & 2nd. FLRS.

1" = 20'

Job No.
1881

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Date NOV. 9, 1995



Floor plan of the 10th floor. The plan shows a central corridor with elevators and stairs. Rooms include: 2 BR & DEN (top left), 2 BR (top center), 2 BR & DEN (bottom right), 1 BR & DEN (bottom center), and several ROOF GARDEN areas. Surrounding areas are labeled DECK BELOW and ROOF BELOW.

Floor plan of the 10th floor. The plan shows a central corridor with rooms on both sides. The left side includes a large deck area, a lounge, and several bedrooms and bathrooms. The right side includes a kitchen unit, a laundry room, and several bedrooms and bathrooms. The plan also shows various roof and deck areas.

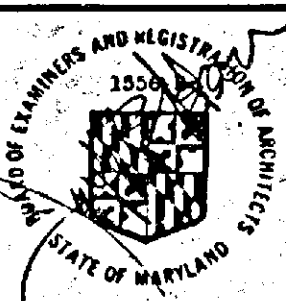
Rooms and areas labeled:

- DECK BELOW
- ROOF BELOW
- 1 BR & DEN
- 1 BR
- 1 BR
- 1 BR
- EFF
- EFF
- LOUNGE
- LAUNDRY
- 1 BR & DEN
- 1 BR
- 1 BR
- 1 BR
- 1 BR & DEN
- KC UNIT
- 1 BR & DEN
- 1 BR & DEN
- 1 BR
- 1 BR
- 1 BR & DEN
- ROOF BELOW

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ARCHITECTS PLANNERS



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Revisions
2.3.8i
1.5.82
2.12.82
2.15.82

Sheet Title

**TYPICAL
FLOORS**

1° e 20°

Job No. 1881

Sheet No.

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of 4

Date NOV. 6, 195

USE REGULATIONS

A. PROPOSED USES:

1. APARTMENTS: (WELL ELDERLY) MORE THAN 25 DWELLING UNITS
2. OFFICES: LESS THAN 25% OF GROSS FLOOR AREA
3. RETAIL AND SERVICE USES: LESS THAN 5% OF GROSS FLOOR AREA

TENTATIVE USES:

BANKS
BARBER SHOP
BEAUTY SHOP
BOOK STORE
CHIROPODISTS OFFICE
CLINICS
DELICATESSEN
DRUG STORES
FLOREST SHOPS

FOOD STORES (SPECIALTY)
GIFT SHOPS
JEWELRY STORE
NEWS STAND
OPTICIANS OFFICE
RESTAURANTS
SHOE REPAIR
STATIONERY
TAILOR OR DRESSMAKING
WEARING APPAREL

4. PUBLIC UTILITY USES: AS REQUIRED FOR DEVELOPMENT

5. ACCESSORY USES:

LAUNDRY
LOUNGES
DINING/FOOD SERVICE

ASSEMBLY
RECREATION/CLUBS
COUNSELING/PERSONAL SERVICE

6. SPECIAL EXCEPTIONS: NONE

B. USE REGULATIONS:

1. FLOOR AREA

a. APARTMENTS 211 DWELLINGS @ 829.38SF	175,000SF
b. OFFICES (MAXIMUM)	21,000SF
c. RETAIL & SERVICE (MAXIMUM)	9,000SF
	205,000SF

20% of 205,000 =	41,000	21,000
5% of 205,000 =	10,250	9,000

2. NO RETAIL OR SERVICE USE WILL OCCUPY MORE THAN 1,000 SF EXCEPT

- a. BANKS, BUILDING & LOAN OR SIMILAR USE
- b. CLINICS OR GROUP MEDICAL CENTERS
- c. FOOD STORE (5,000SF MAX.)
- d. RESTAURANTS

3. NO USE SHALL HAVE MORE THAN ONE EXTERIOR ENTRANCE. EACH USE WILL HAVE ONE ENTRANCE WITHIN THE BUILDING. ADDITIONAL EXITS AS REQUIRED BY BUILDING CODES OR FIRE CODES WILL BE PROVIDED.

4. SIGNS & DISPLAYS WILL CONFORM TO DCZ 413.1 (CONTENTS & EXACT LOCATIONS OF SIGNS ARE UNDETERMINED AT THIS TIME).

- SIGNAGE WILL INCLUDE:
- 1 PROJECT IDENTIFICATION SIGN OF 15 SF MAX.
 - 1 ACCESSORY USE IDENTIFICATION SIGN 3 SF MAX. (NOT PROJECTING MORE THAN 6 INCHES).
 - 8 DIRECTIONAL SIGNS 3 SF MAX. EA.
 - 1 DIRECTORY SIGN FOR OFFICE, RETAIL & SERVICE USES.

BULK REGULATIONS

- A. MAXIMUM HEIGHT = 1 1/4 TIMES REQUIREMENTS FOR BL ZONE
BL ZONE ALLOWS 100' MAX. HGT. ON 125' R. W. (BURKE AVE.)
1 1/4 TIMES 100' = 150' = MAXIMUM HEIGHT
PROPOSED HEIGHT = 150'
- B. AVERAGE WIDTH MUST BE LESS THAN 2 1/4 TIMES AVERAGE HEIGHT

	PROPOSED	AVG. WIDTH	AVG. HGT.	MAX. AVG. WIDTH
NORTH ELEVATION	211.08	102.35	2 1/4	255.88
SOUTH ELEVATION	177.42	90.68	OR	201.72
EAST ELEVATION	116	133	OR	332
WEST ELEVATION	120	138	OR	345

C. YARD REQUIREMENTS

1. FRONT YARD 15' (SEE VARIANCE REQUEST TO BUILD UNDERGROUND GARAGE WITH 0' SETBACK)
2. SIDE YARD 15' SET BACK IF LESS THAN 40' HIGH 30' SET BACK IF MORE
3. REAR YARD 15' SET BACK IF LESS THAN 40' HIGH 15' SET BACK IF MORE

D. DENSITY: MAX. = 80 DENSITY UNITS PER ACRE

SITE = 1.816 ACRES
BURKE AVENUE ROADWAY = .33 ACRES (30' WIDTH x 481.99')
1.816 x 80 = 145.28 DENSITY UNITS
.33 x 80 = 26 DENSITY UNITS
TOTAL 171.28 DENSITY UNITS ALLOWED

PROPOSED APARTMENT MIX: (TENTATIVE)	3 DENSITY UNITS
3 2 BEDROOMS TIMES 1.0 D.U. =	3 DENSITY UNITS
44 EFFICIENCIES TIMES 5.0 D.U. =	22 DENSITY UNITS
164 1 BEDROOMS TIMES 7.0 D.U. =	123 DENSITY UNITS
211 DWELLING	171.28 DENSITY UNITS PROPOSED

E. APARTMENT OPEN SPACE RATIO = .2

LOT	= 1.816 ACRES OR 77,680SF	77,680SF - LOT
BLDG. FOOT PRINT	= 27,409SF	-40,569SF = COVERED
DRIVES & ENTRANCE	= 13,160SF	-17,115SF = OPEN SPACE
TOTAL COVERAGE	= 40,569SF	+5,094SF = ROOF GARDEN
		42,205SF L & REC. DECK

42,205SF = OPEN SPACE PROVIDED
205,000 x .2 = 41,000SF = OPEN SPACE REQUIRED

NOTE: STORM WATER MANAGEMENT POND, IF REQUIRED, WILL NOT BE INCLUDED IN OPEN SPACE, UNLESS ALLOWED BY RCZ. OPEN SPACE WILL BE PROVIDED IN OTHER LOCATIONS.

OFFSTREET PARKING

211 ELDERLY DWELLINGS @ .4 SPACES	= 85
OFFICES (1ST FLR.) 6,000 SF @ 1 PER 300	= 20
(2ND FLR.) 15,000 SF @ 1 PER 500	= 30
RETAIL & SERVICE 9,000 SF @ 1 PER 325	= 28
TOTAL PARKING REQUIRED	163 CARS

LESS 1/4 OF RESIDENTIAL ALLOWED FOR COMMERCIAL PARKING PROVIDED	= 42
	121 CARS
	199 CARS

NOTE: BUILDING ENVELOPE LINE SHOWN AS (---) LIMITS THE AREA WITHIN THE SITE ON WHICH THE BUILDING MAY BE PLACED. BUILDING SHOWN IS FOR DEMONSTRATION PURPOSES AND MAY BE CHANGED BY THE DEVELOPER TO SUIT OTHER CRITERIA. TOTAL FLOOR AREA, NUMBER OF APARTMENTS AND NUMBER OF DENSITY UNITS WILL NOT BE INCREASED, BUT MAY BE DECREASED.

USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER CRITERIA.

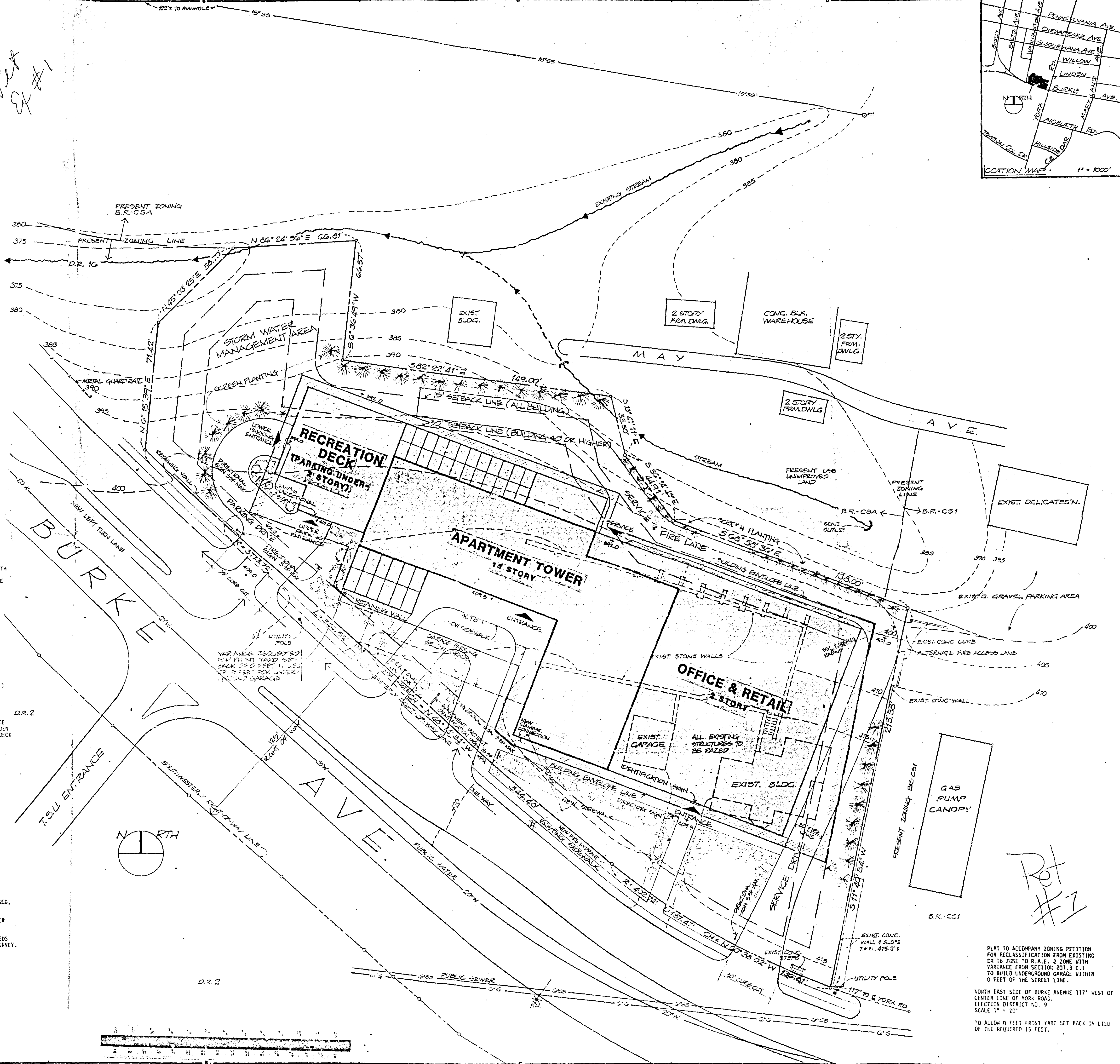
OUTLINE AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS COMPILED FROM DEEDS AND PLATS FOR ZONING PURPOSES ONLY, AND DOES NOT REPRESENT A FIELD SURVEY.

FOR: "MAXIMUM LEVEL OF EMISSIONS" SEE ENVIRONMENTAL IMPACT STATEMENT

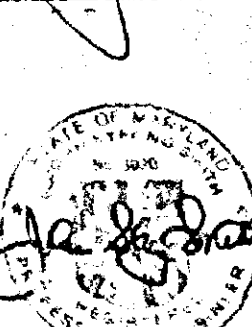
HOURS OF OPERATION: RESIDENTIAL 24 HOURS/DAY 7 DAYS/WEEK
COMMERCIAL 12 HOURS/DAY 6 DAYS/WEEK

EMPLOYEES: 32 TOTAL - 3 SHIFTS

PUBLIC WATER & SEWER IS AVAILABLE IN THE BED OF BURKE AVENUE.



NELSON-SALABES, INC.
ARCHITECTS
PLANNERS
1045 Taylor Avenue, Suite 200 - Baltimore, Maryland 21204

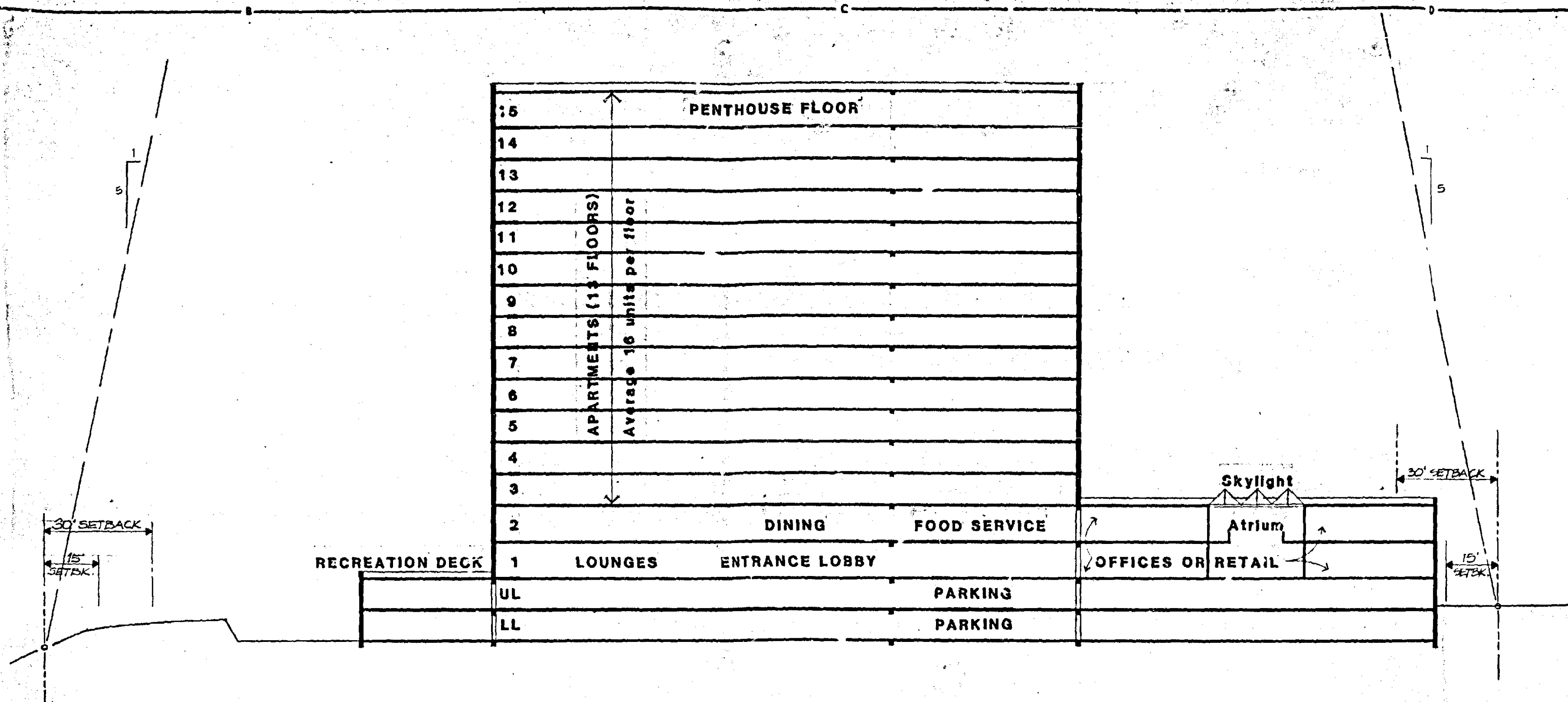


Revisions	12-3-01
	1-5-02
	2-12-02
	2-15-02
Sheet Title	PLAT
Job No.	1881
Sheet No.	1
Date	NOV. 6, 1981

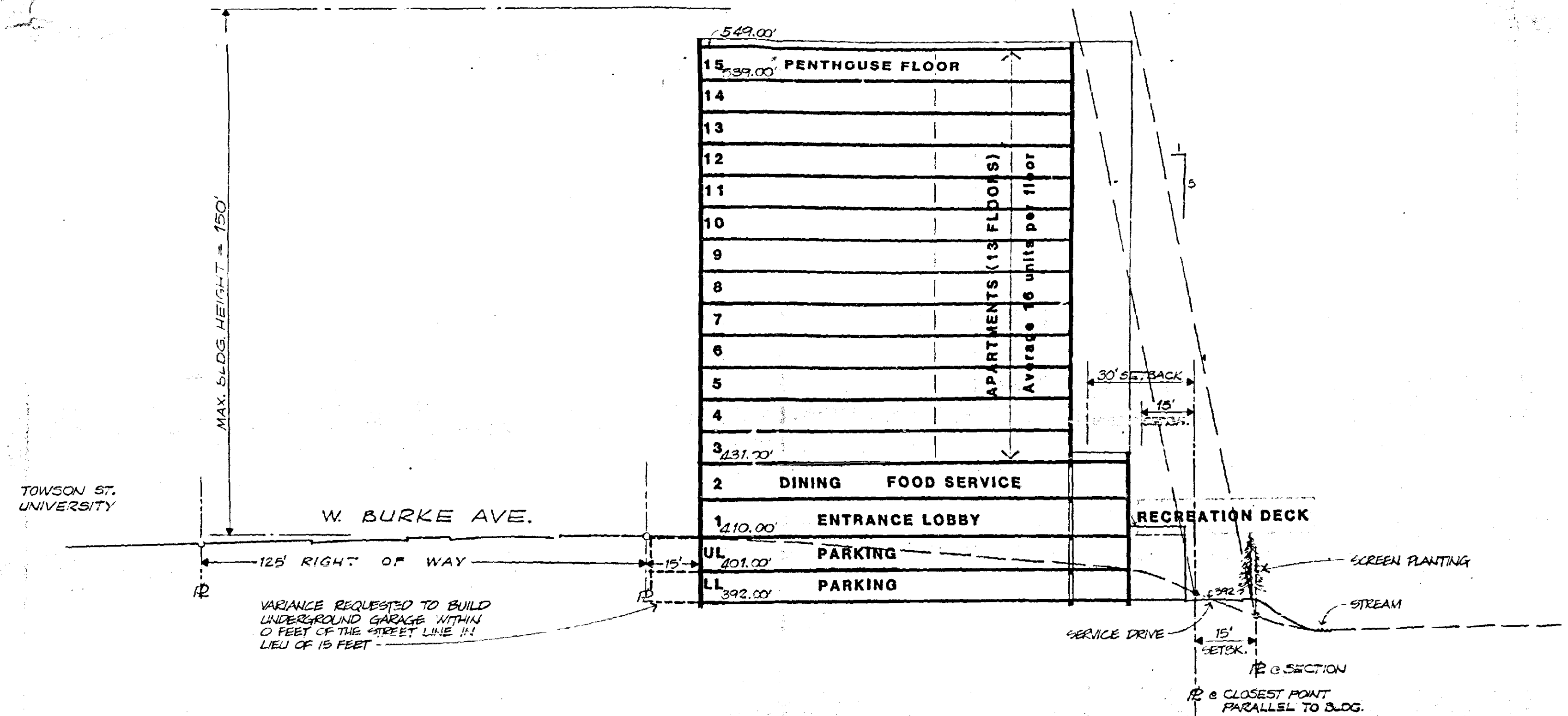
PLAT TO ACCOMPANY ZONING PETITION FOR RECLASSIFICATION FROM EXISTING OR 16 ZONE TO R.A.E. 2 ZONE WITH VARIANCE FROM SECTION 201.3 C.1 TO BUILD UNDERGROUND GARAGE WITHIN 0 FEET OF THE STREET LINE.

NORTH EAST SIDE OF BURKE AVENUE 117' WEST OF CENTER LINE OF YORK ROAD. ELECTION DISTRICT NO. 9 SCALE 1" = 20'

TO ALLOW 0 FEET FRONT YARD SET BACK IN LILU OF THE REQUIRED 15 FEET.



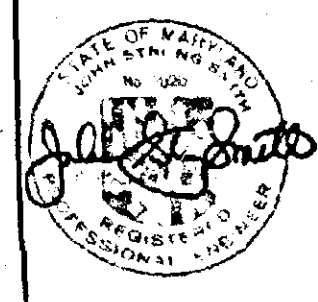
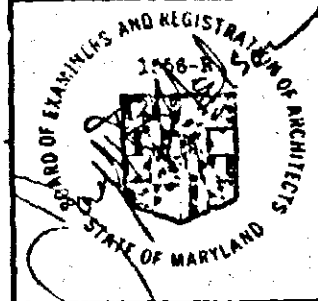
SIDE YARD TENT



FRONT & REAR YARD TENT

NOTE
EXTERIOR WALLS SHALL BE BRICK AND/OR CONCRETE. THE HEIGHT OF TENTS ARE SHOWN AT POINTS OF MINIMUM SETBACK. USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER CRITERIA.

NELSON-SALABES, INC.
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Revisions
2-3-81
1-9-82
2-12-82
2-15-82

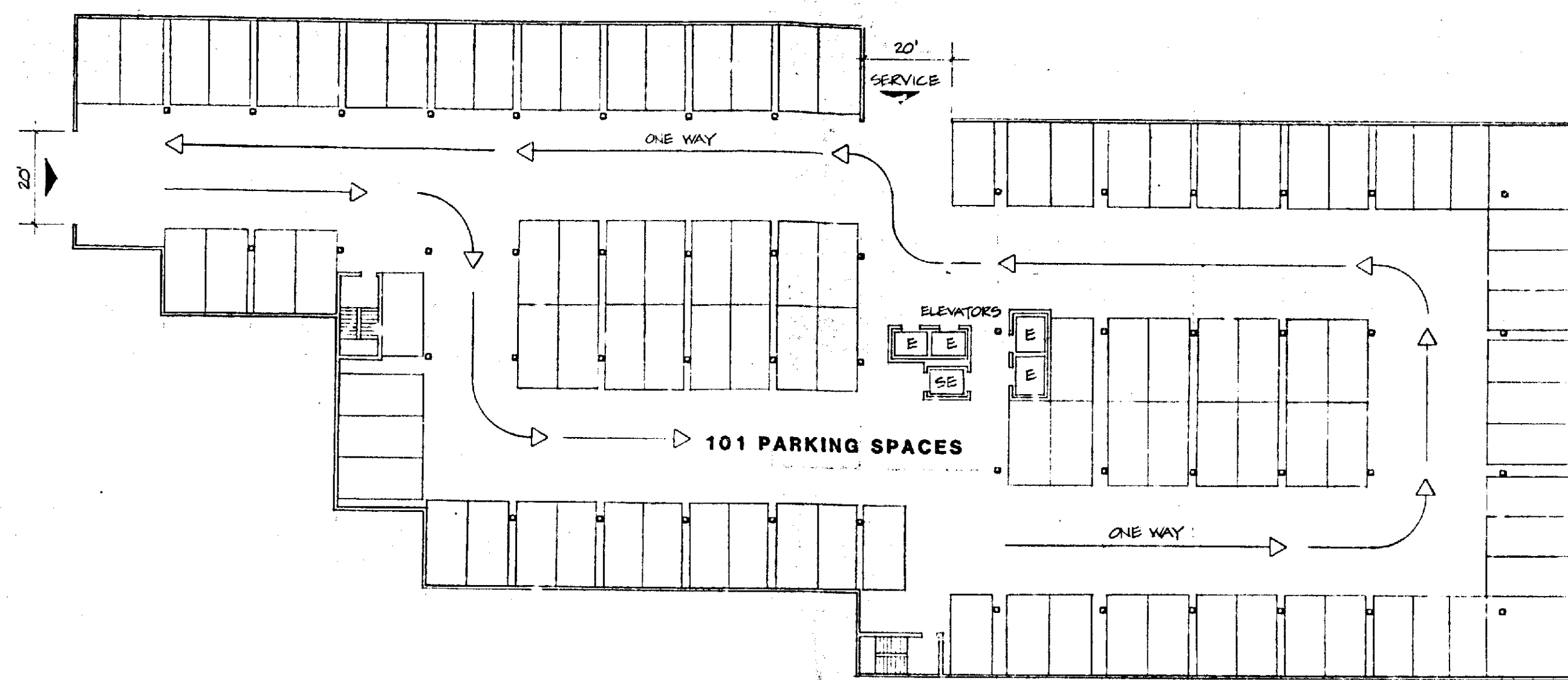
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ELEVATIONS
& SECTIONS

1" = 20'

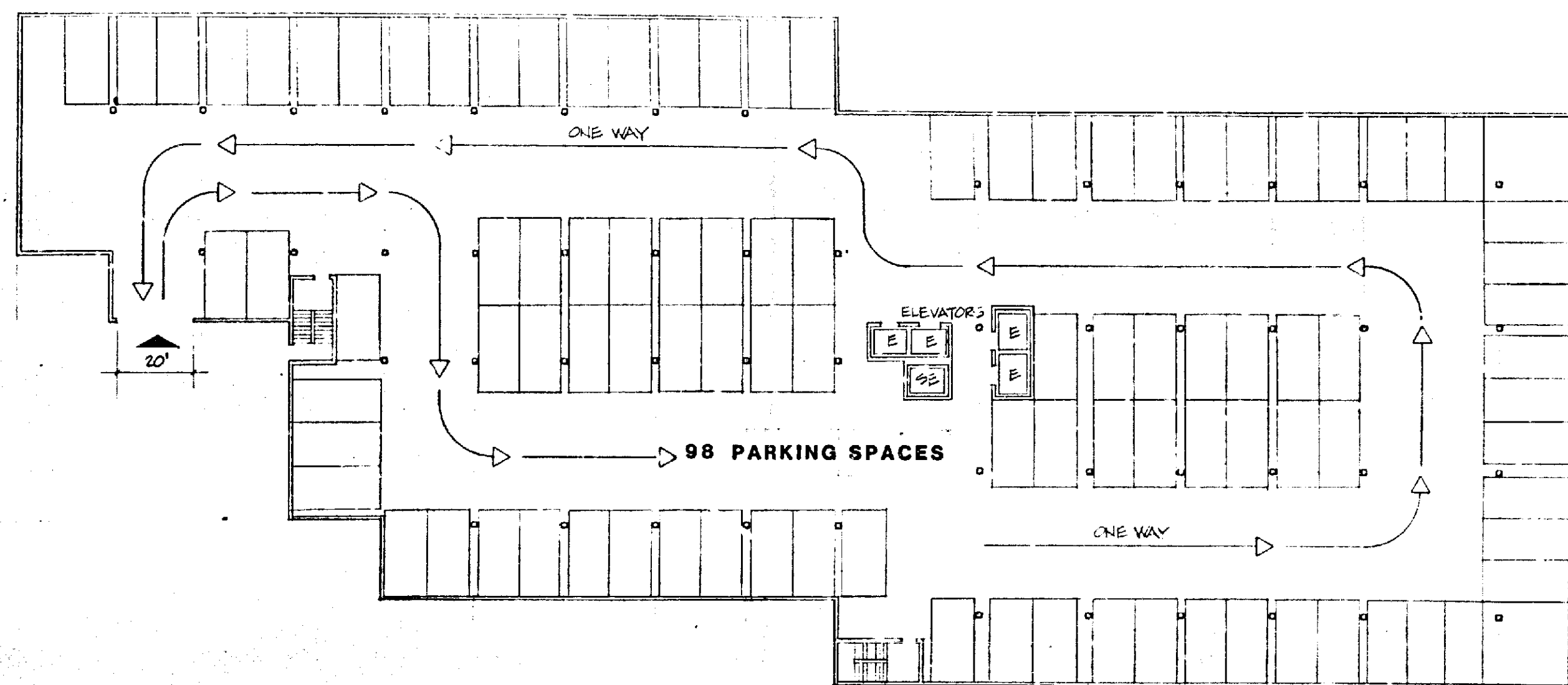
Job No.
1881

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2
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Date
NOV. 8, 1981



LOWER PARKING LEVEL

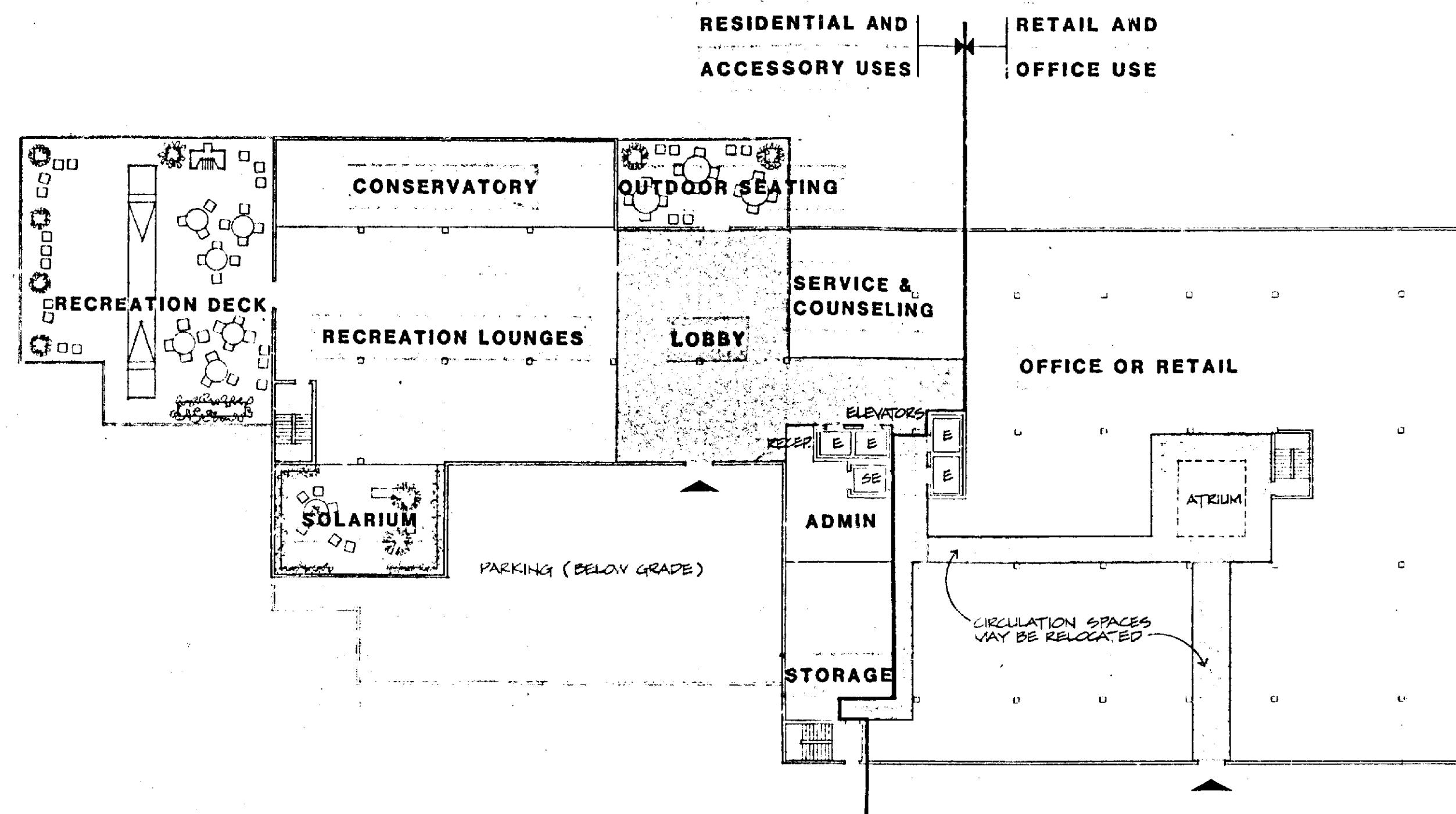


TOTAL PARKING 199 CARS

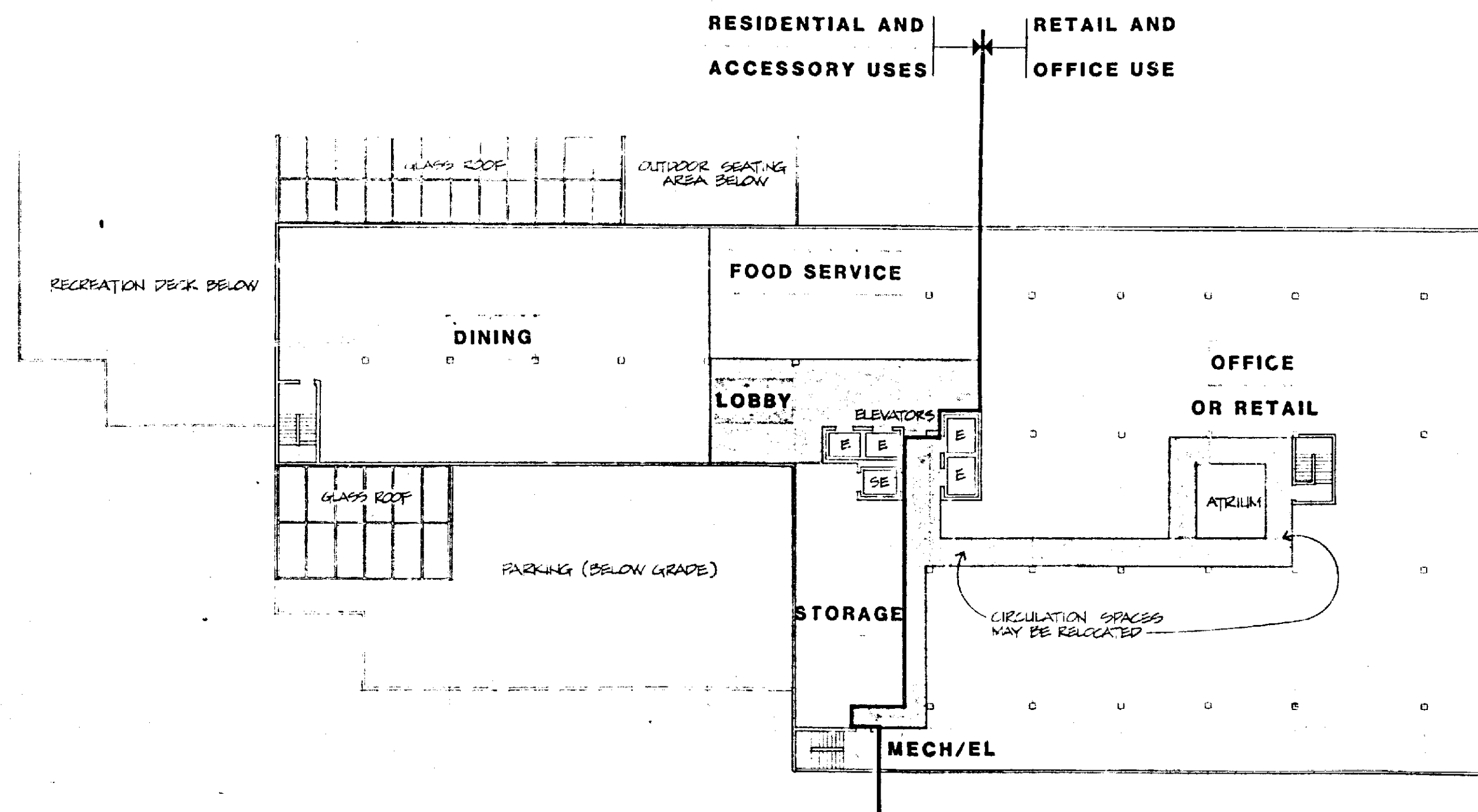
PARKING SPACE SIZE 8 1/2 x 18 (BCZR 409.2)

FLUORESCENT LIGHTING TYP. BOTH PARKING LEVELS

UPPER PARKING LEVEL

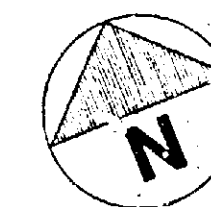


PROPOSED FIRST FLOOR

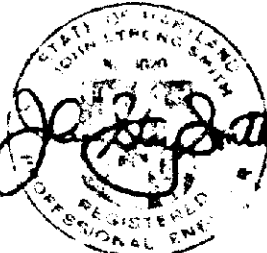


NOTE
FLOOR PLANS ARE INTENDED TO DEMONSTRATE THE VARIOUS USES AND LOCATIONS WITHIN THE BUILDING. THE DEVELOPER MAY REVISE THESE PLANS TO MEET OTHER CRITERIA. TOTAL FLOOR AREA, DENSITY UNITS AND PARKING WILL NOT BE INCREASED.

PROPOSED SECOND FLOOR



NELSON-SALADES, INC.
ARCHITECTS
PLANNERS
1805 Taylor Avenue, Suite 200 - Baltimore, Maryland 21204



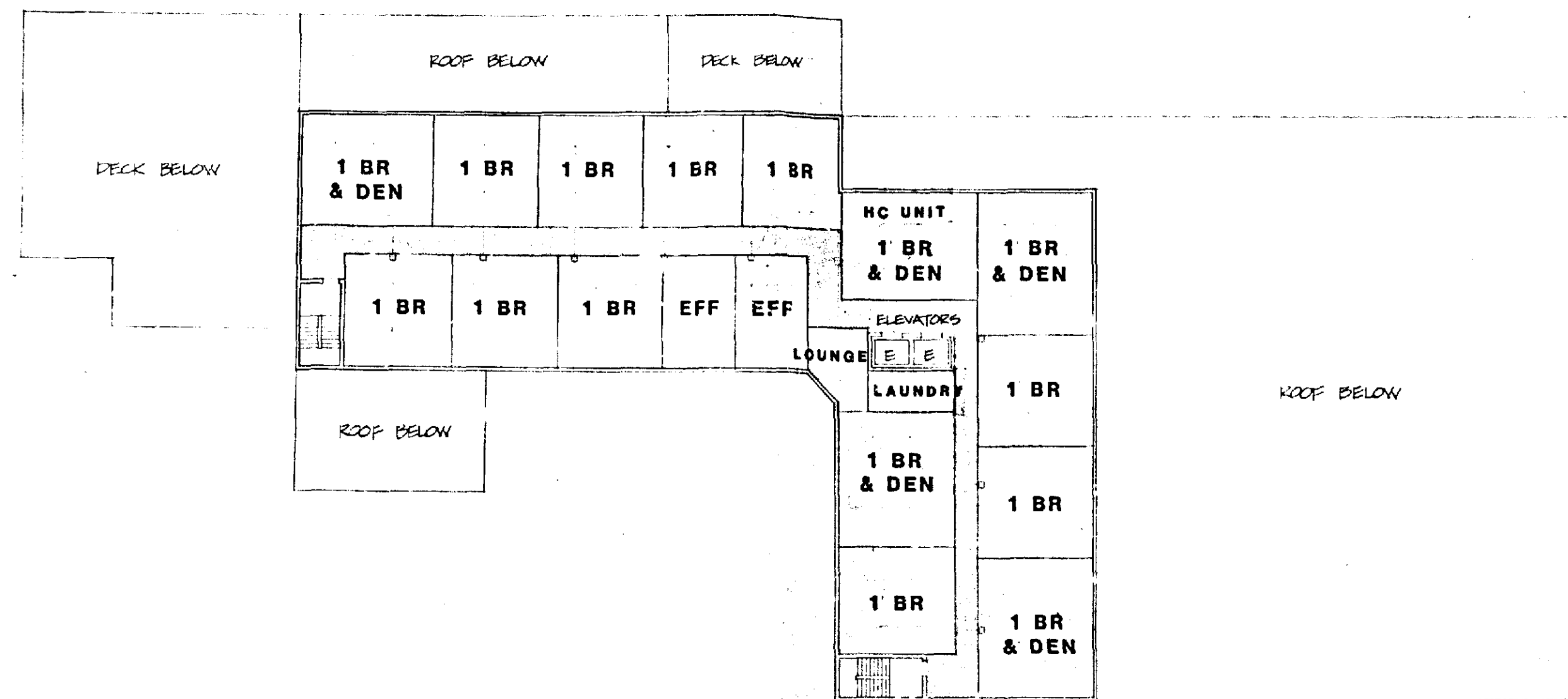
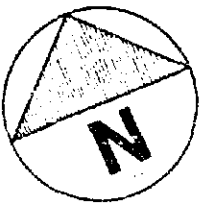
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12-3-01
1-5-02
2-12-02
2-15-02

Sheet Title
PARKING,
1st. & 2nd. FLRS.

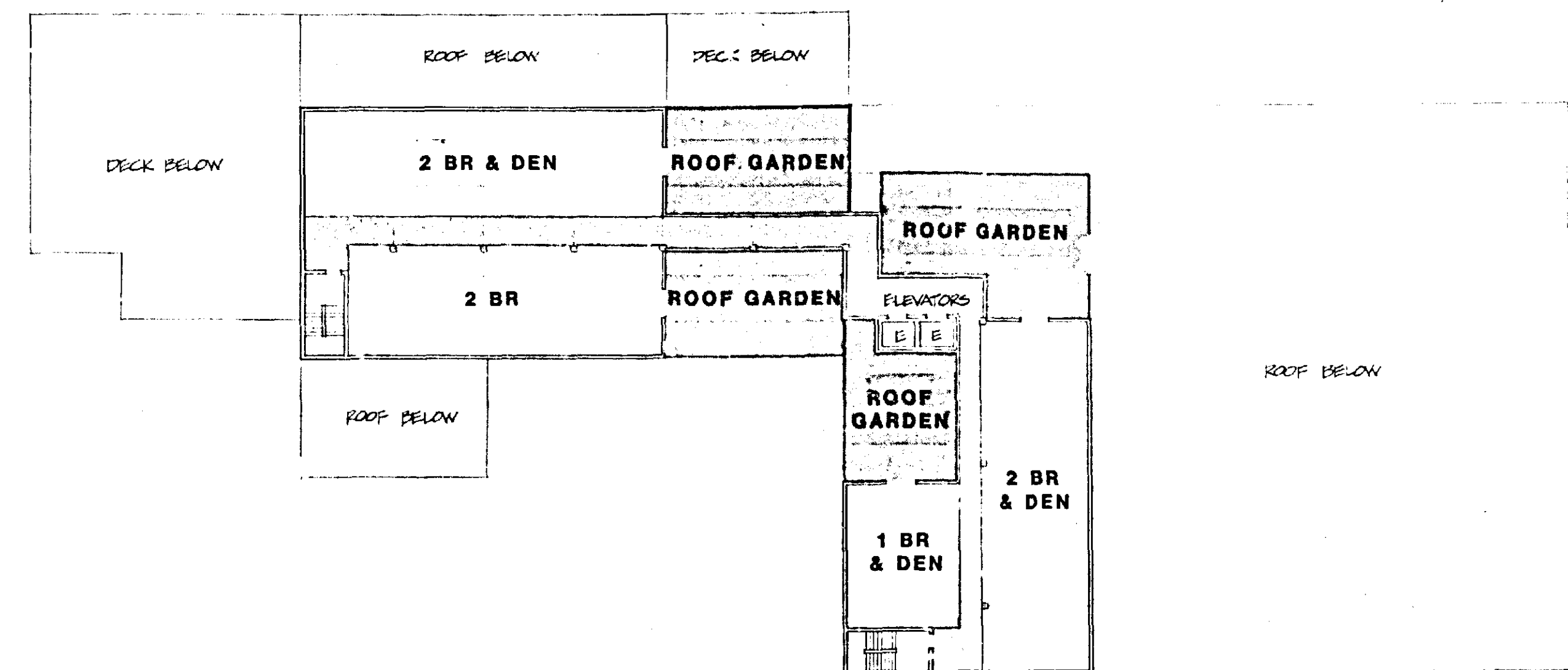
1" = 20'
Job No.
1881

Sheet No.
3
of 4

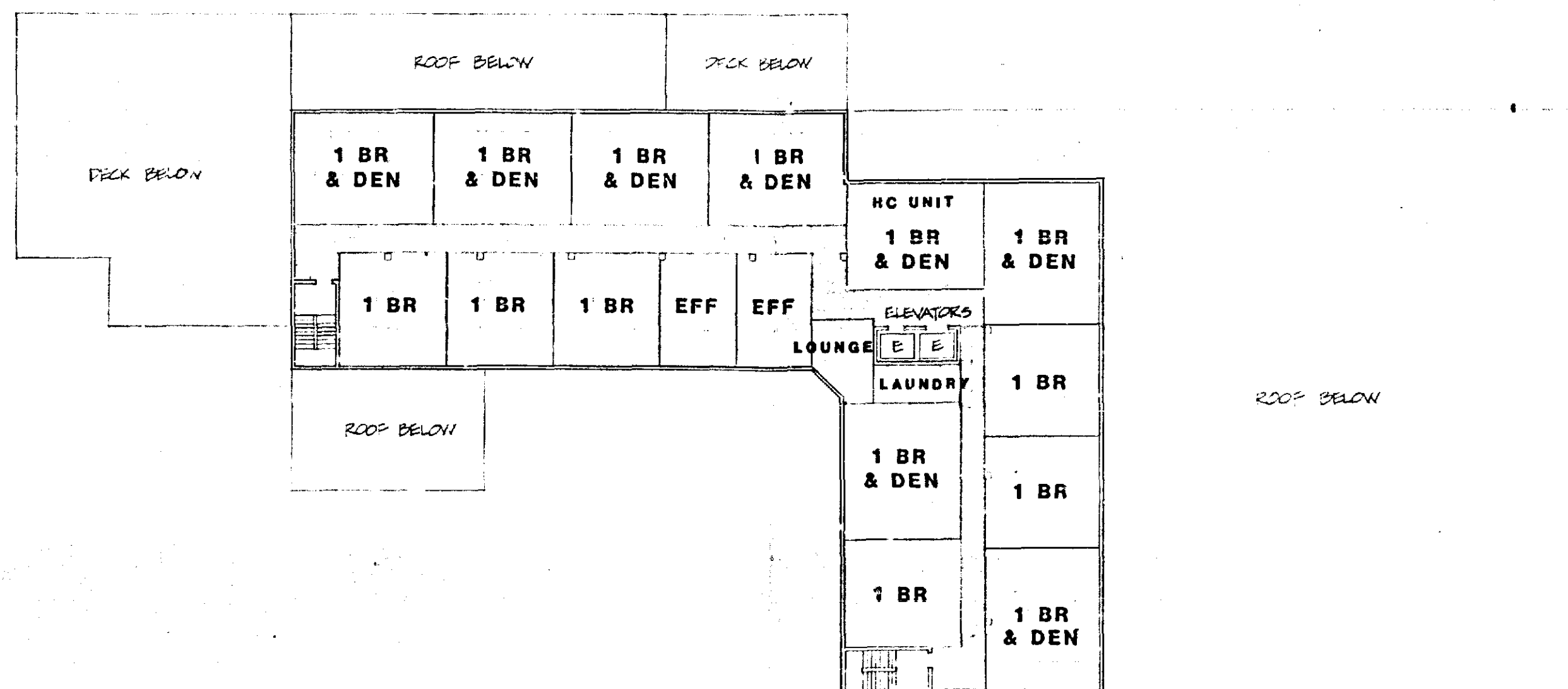
Date NOV. 8, 1991



TYPICAL 17-UNIT FLOOR



PROPOSED
PENTHOUSE FLOOR



TYPICAL 16-UNIT FLOOR

NOTE
TYPICAL APARTMENT FLOOR LAYOUTS ARE
SHOWN FOR DEMONSTRATION PURPOSES.
APARTMENT LAYOUT AND MIX MAY BE
CHANGED BY THE DEVELOPER TO SUIT
OTHER CRITERIA. NUMBER OF UNITS AND
NUMBER OF DENSITY UNITS WILL NOT
VARY.
ALL APARTMENTS SHALL HAVE
UTILITY KITCHENS.

NELSON-SALABES, INC.
PLANNERS
ARCHITECTS
1005 Taylor Avenue, Suite 200 - Baltimore, Maryland 21201



Revisions
2.3.81
1.5.82
2.12.82
2.15.82

Sheet Title
TYPICAL
FLOORS

1" = 20'

Job No.
1881

Sheet No.
4
of 4

Date NOV. 8, 1981

NICHOLAS B. MANGIONE CR-82-69-A

North side of Burke Ave., 117' west
of York Rd.

9th District

Site Plan Amendment

S. Eric DiNenna, Esq.
406 W. Penna. Ave. (21204)
P. Freedman
J. W. Hession, Esq.

Counsel for Petitioner
People's Counsel

A. Jablon
J. Dyer
J. Hoswell
N. Gerber

Jean Duvall
Greater Towson Council
227 Murdock Road (21212)

NICHOLAS B. MANGIONE CR-82-69-A
North side Burke Ave., 117'
west of York Road
9th District



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 491-3180

February 1, 1984

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. CR-82-69-A
Nicholas B. Mangione

Dear Mr. DiNenna:

Enclosed herewith is a copy of the Amended
Opinion and Order passed today by the County Board of Appeals
in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart,
Adm. Secretary

Encl.

cc: Phyllis Friedman
A. Jablon
J. Dyer
J. Hoswell
N. Gerber
Jean Duvall

S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-423-1630
301-296-1990

January 26, 1984

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Room 200
Court House
Towson, Maryland 21204

Re: Case No. CR-82-69-A
Nicholas B. Mangione
Burke Avenue

Dear Mr. Chairman:

I am in receipt of your Opinion and Order dated January 24, 1984 with
reference to the above-captioned matter.

As you recall, towards the end of the hearing I had requested, pursuant
to Section 2.58.1(n), that if the Board granted the Petition, that it
make a statement pursuant to the above section, and that the three years
for construction would begin with the date of this Order.

It is not in the Order and I would respectfully request that if the
Board deems proper, that it issue an amended Order Nunc Pro Tunc
including this terminology.

In addition to that, I notice that Restriction Number 1 of the Order
states "That any delicatessen or specialty food store shall not
exceed 1,000 square feet in area."

It was the stipulation by the Petitioner that any restriction imposed
by the Board would be that as follows: "That any combination of delicatessen
and specialty food store shall not exceed 1,000 square feet in area."

In essence, in reading the stipulation that is stated in this Order,
there might be confusion later and I wish that the record be set straight
at this time and that my proposed restriction above be included and
in lieu of Number 1 as stated on your Order in the amended Order Nunc Pro
Tunc.

Thank you for your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:bk

cc: Mr. Nicholas B. Mangione
Ms. Phyllis Friedman
Ms. Jean Duvall

Rec'd 1/30/84
10:30

Sheet No. 1 of 4 (cont)

OFFSTREET PARKING

232
211 ELDERLY DWELLINGS @ .4 SPACES = 85.92
OFFICES (1ST FLR.) 6,000 SF @ 1 PER 300 = 20
(2ND FLR.) 15,000 SF @ 1 PER 500 = 30 (3RD FLR.) 12,000 SF @ 1 PER 500 = 24
RETAIL & SERVICE 9,000 SF @ 1 PER 325 = 28
TOTAL PARKING REQUIRED 143 CARS
LESS 1/2 OF RESIDENTIAL ALLOWED FOR COMMERCIAL 42.47
PARKING PROVIDED 100.53 CARS
199 CARS

NOTE: BUILDING ENVELOPE LINE SHOWN AS (//) LIMITS THE
AREA WITHIN THE SITE ON WHICH THE BUILDING MAY BE PLACED.
BUILDING SHOWN IS FOR DEMONSTRATION PURPOSES AND MAY BE
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USES SHOWN MAY BE RELOCATED WITHIN THE BUILDING ENVELOPE TO SUIT OTHER
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FOR: "MAXIMUM LEVEL OF EMISSIONS" SEE ENVIRONMENTAL IMPACT STATEMENT

HOURS OF OPERATION: RESIDENTIAL 24 HOURS/DAY 7 DAYS/WEEK
COMMERCIAL 12 HOURS/DAY 6 DAYS/WEEK

EMPLOYEES: 32 TOTAL - 3 SHIFTS

PUBLIC WATER & SEWER IS AVAILABLE IN THE BED OF BURKE AVENUE.

Sheet No. 1 of 4 (cont)

Enlarge APARTMENT TOWER by one bay on West end.

Indicate ROOF GARDEN east of APARTMENT TOWER over OFFICE AND RETAIL.

Change "OFFICE & RETAIL 2 STORY" to "OFFICE & RETAIL 3 STORY".

Sheet No. 2 of 4

Enlarge SIDE YARD TENT by one bay on left side of tower.

Change "APARTMENTS (13 floors) AVERAGE 16 UNITS PER FLOOR" to "APARTMENTS (14 floors)
AVERAGE 18 UNITS PER FLOOR" on both SIDE YARD TENT AND FRONT AND REAR YARD TENT.

Move DINING and FOOD SERVICE from 2nd floor to 1st floor and change 2nd floor to APARTMENTS
on both SIDE YARD TENT and FRONT AND REAR YARD TENT.

Add a 3rd floor to OFFICES OR RETAIL on SIDE YARD TENT.

Sheet No. 1 of 4 (cont)

4. SIGNS & DISPLAYS WILL CONFORM TO BCZR 413.1 (CONTENTS) EXACT
LOCATIONS OF SIGNS ARE UNDETERMINED AT THIS TIME).

SIGNAGE WILL INCLUDE: 1 PROJECT IDENTIFICATION SIGN OF 15 SF MAX.
1 ACCESSORY USE IDENTIFICATION SIGN 3 SF MAX.
(NOT PROJECTING MORE THAN 6 INCHES).
8 DIRECTIONAL SIGNS 3 SF MAX. EA.
1 DIRECTORY SIGN FOR OFFICE, RETAIL & SERVICE
USES.

BULK REGULATIONS

A. MAXIMUM HEIGHT = 1 1/2 TIMES REQUIREMENTS FOR BL ZONE
BL ZONE ALLOWS 100' MAX. HGT. ON 125' R. W. (BURKE AVE.)
1 1/2 TIMES 100' = 150' = MAXIMUM HEIGHT
PROPOSED HEIGHT = 150'

B. AVERAGE WIDTH MUST BE LESS THAN 2 1/2 TIMES AVERAGE HEIGHT

	PROPOSED AVG. WIDTH	AVG. HGT.	MAX. AVG. WIDTH
NORTH ELEVATION	211.08	102.35 x 2 1/2 OR	255.88
SOUTH ELEVATION	177.49	60.68 OR	201.7
EAST ELEVATION	116	133 OR	332
WEST ELEVATION	120	138 OR	345

C. YARD REQUIREMENTS

1. FRONT YARD 15' (SEE VARIANCE REQUEST TO BUILD UNDERGROUND GARAGE WITH
0' SETBACK)
SIDE YARD 15' SET BACK IF LESS THAN 40' HIGH { 30' SET BACK IF MORE
REAR YARD 15' SET BACK IF LESS THAN 40' HIGH { THAN 40' HIGH

2. NO APARTMENT WINDOW IS CLOSER THAN 25' TO A PROPERTY LINE

D. DENSITY: MAX. = 80 DENSITY UNITS PER ACRE

SITE = 1.816 ACRES
BURKE AVENUE ROADWAY = .13 ACRES (30' WIDTH x 481.99')
1.816 x 80 = 145.28 DENSITY UNITS
.33 x 80 = 26
TOTAL 171.28 DENSITY UNITS ALLOWED

PROPOSED APARTMENT MIX: (TENTATIVE)
3 2 BEDROOMS TIMES 1.0 D.U. = 3 DENSITY UNITS
26 44 EFFICIENCIES TIMES 5 D.U. = 132 DENSITY UNITS
203 166 1 BEDROOMS .75 D.U. = 152.25 DENSITY UNITS
232 211 DWELLING 160.11 DENSITY UNITS PROPOSED

E. AMENITY OPEN SPACE RATIO = .2

LOT	= 1.816 ACRES OR 77,680SF	77,680SF - LOT
BLDG. FOOT PRINT	= 27,409SF	40,569SF - COVERAGE
DRIVES & ENTRANCE	= 13,160SF	37,111SF - OPEN SPACE
TOTAL COVERAGE	= 40,569SF	11,094 + 5,095SF - ROOF GARDEN 46,205 - 42,005SF & REC. DECK

40,205 - 42,005SF = OPEN SPACE PROVIDED
205,000 x .2 = 41,000SF = OPEN SPACE REQUIRED
235,000 47,000



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

October 18, 1985

Mr. Louis Mangione
Mangione Family Enterprises
1205 York Road/Penthouse
Lutherville, Maryland 21093

RE: Mangione Property
N/S of Burke Avenue, 117' W of York Road
(Board of Appeals Case No. CR-82-69-A)
9th Election District

Dear Mr. Mangione:

A temporary parking lot on the above-referenced property will require a special hearing in accordance with Section 409.4 of the Baltimore County Zoning Regulations.

With regard to assurances that a temporary parking lot will not jeopardize the reclassification, I can only advise you that the Baltimore County Code, Section 2-58.1(n) (enclosed) does include a statement that appears to restrict the use of the property to that indicated on the documented site plan. It should also be noted that the same Section also requires that by the end of three (3) years, the proposed building must be substantially under construction and must be diligently pursued to completion.

Notwithstanding the above, if you feel that the temporary parking area will serve a public need and can be accomplished within the time limitations established by the aforementioned County Code, I would suggest that a special hearing be requested for the temporary parking lot as well as a determination by the Zoning Commissioner as to any effect that said parking use would have on the present R.A.E. 2 (Residence, Apartment, Elevator) zoning classification that has been established via a documented site plan.

Minimum improvements for the temporary parking lot would include grading, crushed stone treated for dust, wheel stops, defined entrance approved by Traffic Engineering, and lighting (for use after dark).

If you have any further questions regarding this matter, please feel free to call Mr. Nicholas B. Commodari or me at 494-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

MICROFILMED

JED:NBC:nr
Enclosure

cc: Mr. Arnold Jablon, Zoning Commissioner
Mr. Nicholas B. Commodari, Chief, Development Control Section
Chron. File

Mangione Family Enterprises

1205 York Road / Penthouse
Lutherville, Maryland 21093
Phone: (301) 825-8400



Nicholas B. Mangione, Chairman of the Board

August 6, 1985

Zoning Commissioner
Baltimore County
Room 109
County Office Building
Towson, MD 21204

ATTENTION: Arnold Jablon

RE: Board of Appeals
Case CR-82-69-A

N/S Burke Ave., W York Rd.

Gentlemen:

The referenced case granted the reclassification of property owned by Nicholas B. Mangione located on the north side of Burke Avenue, west of York Road from D.R.16 to R.A.E.2 zoning. The reclassification was conditioned on development conforming to the plans submitted and construction to start by 2/1/87.

The Shell Realty Company has approached Mr. Mangione and asked to rent the property and operate a parking lot until construction commences on the project described in the referenced case. Shell Realty currently operates a parking lot at Allegheny and York Roads and will duplicate the operation at the Burke Avenue site.

Mr. Mangione is amenable to leasing to Shell Realty provided the R.A.E.2 zoning classification is not jeopardized. Therefore, I respectfully request your answer on the following two questions:

- (1) Can your office approve Mr. Mangione's leasing to Shell Realty for the aforementioned purpose, and

MICROFILMED

Zoning Commissioner
August 6, 1985
Page 2

- (2) Can your office provide assurance that the zoning reclassification will not be affected?

If further information is required or you feel a meeting is necessary, please contact your writer at 825-8400.

Awaiting to hear from you, I remain,

Yours truly,

MANGIONE FAMILY ENTERPRISES

Louis Mangione
Louis Mangione

LM/jms
cc: Nacky Gerber
Shell Realty

MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

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Zoning Supervisor

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Chron. File

Mangione Family Enterprises

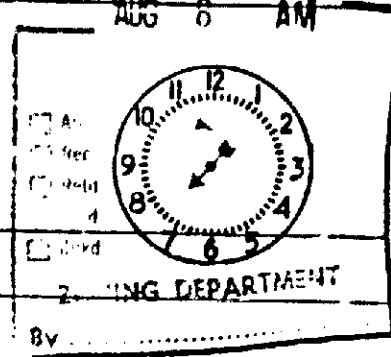
26-379
80

1205 York Road / Penthouse
Lutherville, Maryland 21093
Phone: (301) 825-8400



Nicholas B. Mangione, Chairman of the Board

8/9/85
TO JD
JED
Rec'd 8/9/85



August 6, 1985

Zoning Commissioner
Baltimore County
Room 109
County Office Building
Towson, MD 21204

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August 6, 1985
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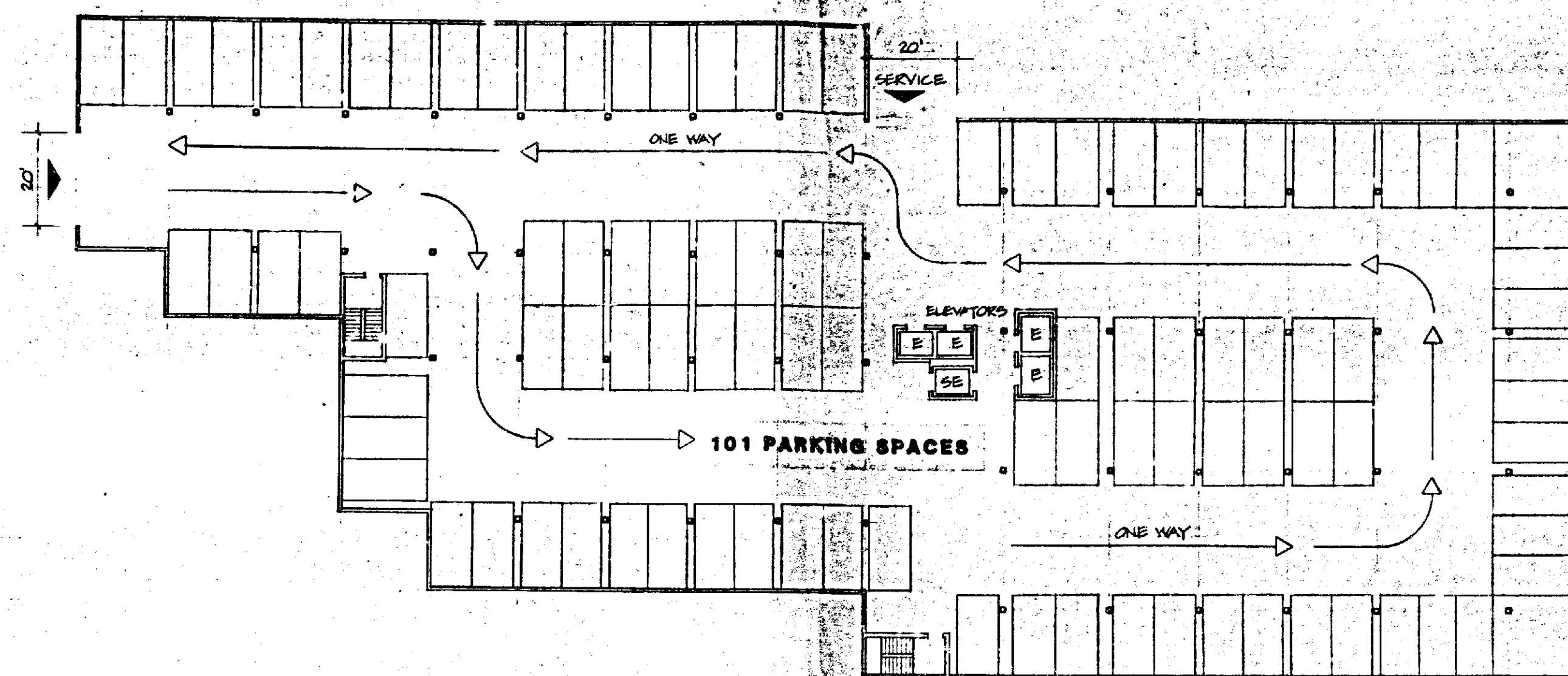
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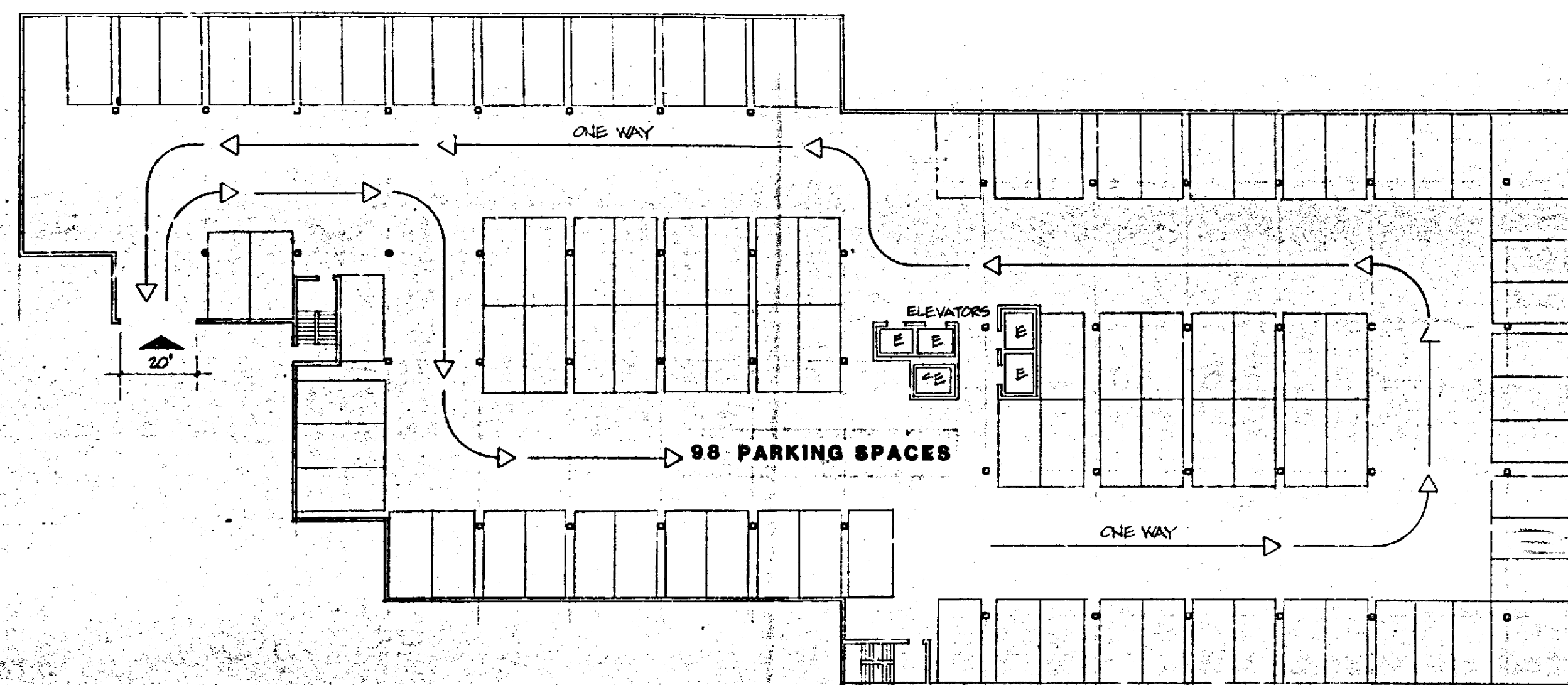
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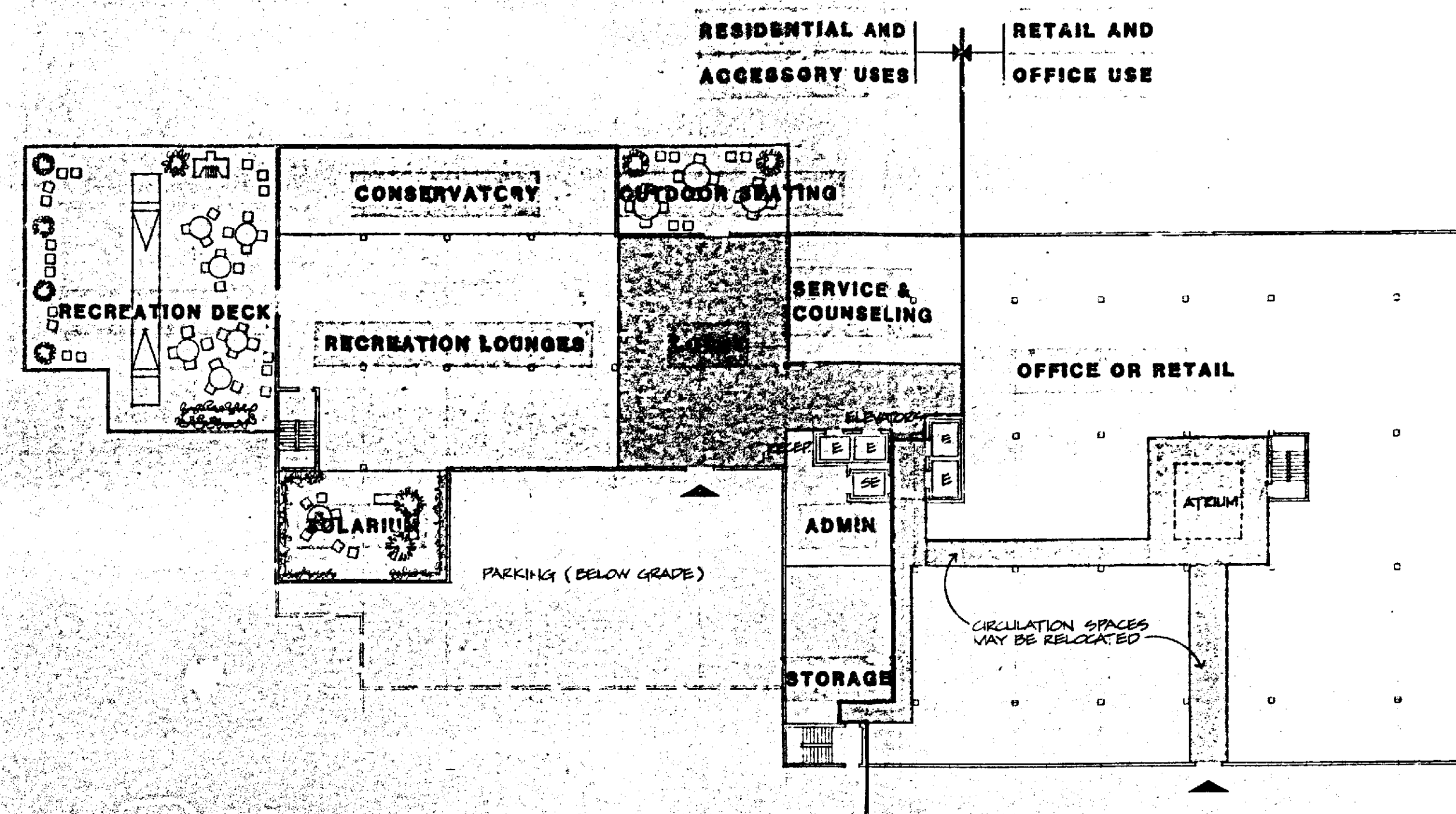


LOWER PARKING LEVEL

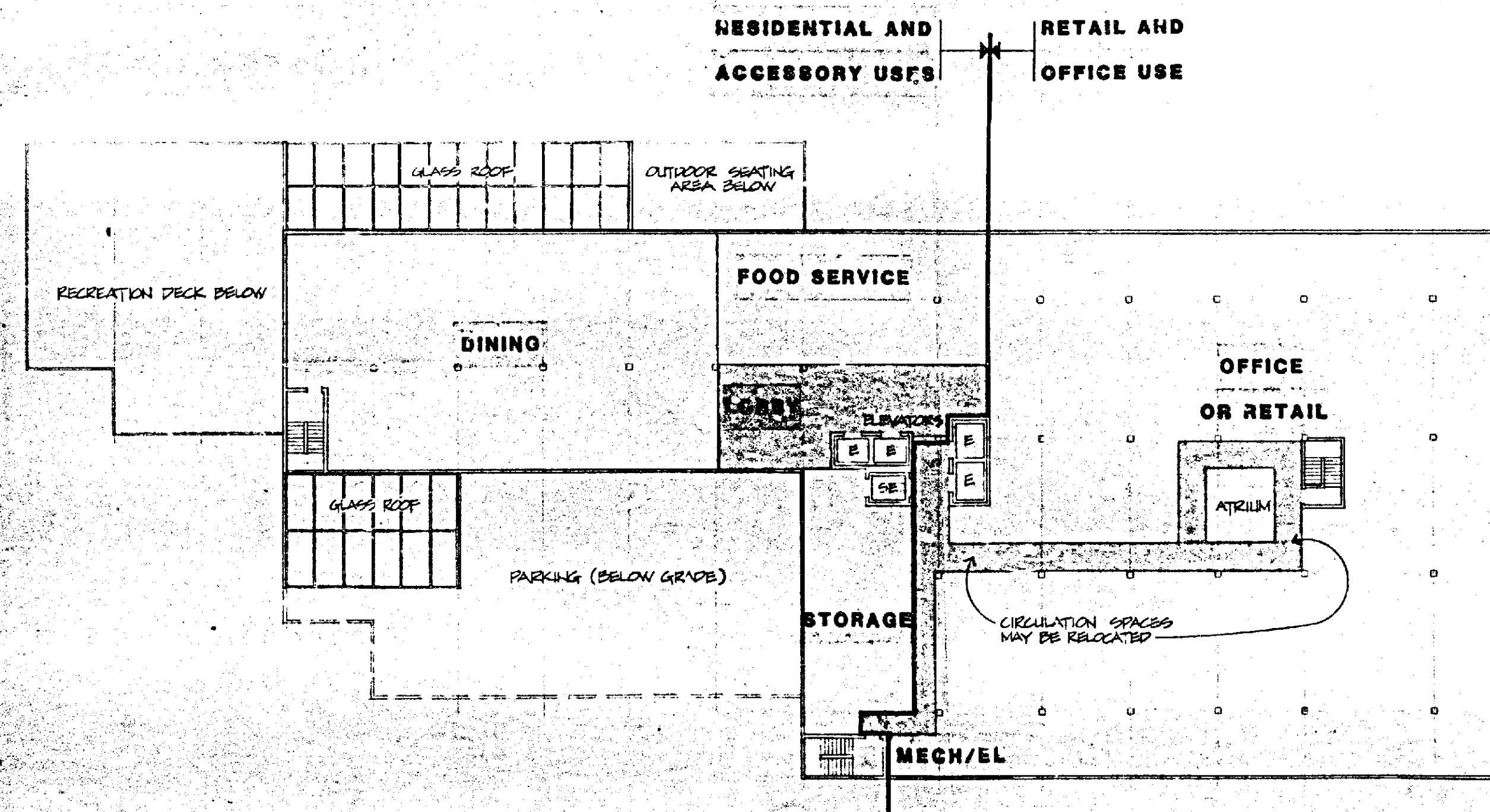


TOTAL PARKING 199 CARS
 PARKING SPACE SIZE 8 1/2 x 18 (BCZR 409.2)
 FLUORESCENT LIGHTING TYP. BOTH PARKING LEVELS

UPPER PARKING LEVEL



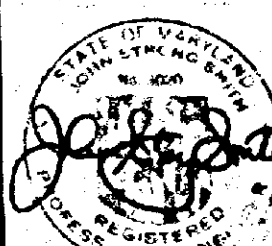
PROPOSED FIRST FLOOR



NOTE
 FLOOR PLANS ARE INTENDED TO DEMONSTRATE THE VARIOUS USES AND LOCATIONS WITHIN THE BUILDING. THE DEVELOPER MAY REVISE THESE PLANS TO MEET OTHER CRITERIA. TOTAL FLOOR AREA, DENSITY UNITS AND PARKING WILL NOT BE INCREASED.

PROPOSED SECOND FLOOR

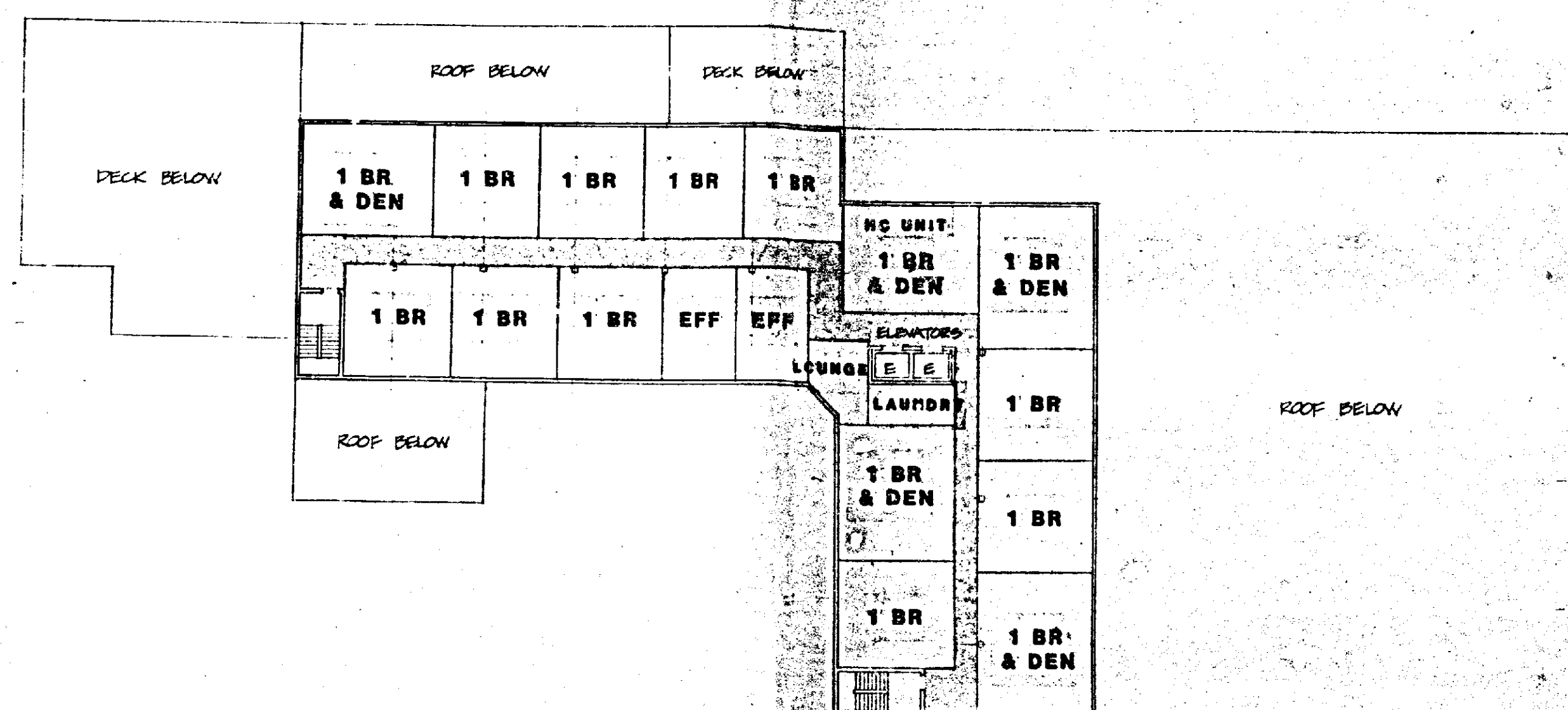
NELSON-SALABES, INC.
 PLANNERS
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 1001 Taylor Avenue, Suite 200 • Baltimore, Maryland 21201



Revisions
 12-3-01
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Sheet Title
 PARKING,
 1st. & 2nd. FLRS.

1" = 20"
 Job No.
 1881
 Sheet No.
 3
 of 4
 Date NOV. 6, 1981



Floor plan of the 2nd floor. The plan shows a central corridor labeled 'ELEVATORS' with two exits marked 'E'. To the left of the corridor are three rooms: '2 BR & DEN', '2 BR', and '2 BR & DEN'. To the right of the corridor are two rooms: '1 BR & DEN' and '2 BR & DEN'. The plan also includes several 'ROOF GARDEN' areas and 'ROOF BELOW' areas. A 'DECK BELOW' is located on the far left. A staircase is shown near the '2 BR' room.

1st FLOOR

DECK BELOW

1 BR & DEN

1 BR & DEN

1 BR & DEN

1 BR & DEN

MC UNIT

1 BR & DEN

1 BR & DEN

1 BR

1 BR

1 BR

EFF

EFF

ELEVATORS

LAUNDRY

1 BR

1 BR & DEN

1 BR

1 BR & DEN

1 BR

ROOF BELOW

ROOF BELOW

LOUNGE

Revisions
12.3.81
1.5.82
2.12.82
2.15.82

Sheet Title

TYPICAL FLOORS

1' 1.30'

Job No. **1881**

Sheet No. _____

4
of 4

Date NOV. 6. 1981

NICHOLAS B. MANGIONE CR-92-69-A

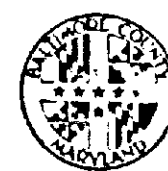
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Site Plan Amendment

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404 W. Penn. Ave. (21204)
P. Eric DiNenna, Esq. People's Counsel

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Jean Duvall
Greater Towson Council
227 Murdock Road (21212)



County Board of Appeals of Baltimore County
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Attorney at Law

404 W. Pennsylvania Avenue
Towson, Maryland 21204

301-225-1630
301-294-6460

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SED:bk

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Ms. Jean Duvall

Sheet No. 1 of 4 (cont)

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-3-

Sheet No. 1 of 4 (cont)

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-4-

Sheet No. 2 of 4

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-5-

Sheet No. 1 of 4 (cont)

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(NOT PROJECTING MORE THAN 6 INCHES).
8 DIRECTIONAL SIGNS 3 SF MAX. EA.
1 DIRECTORY SIGN FOR OFFICE, RETAIL & SERVICE
USES.

BULK REGULATIONS

A. MAXIMUM HEIGHT = 1 1/2 TIMES REQUIREMENTS FOR BL ZONE
BL ZONE ALLOWS 100' MAX. HGT. ON 125' R. W. (BURKE AVE.)
1 1/2 TIMES 100' = 150' = MAXIMUM HEIGHT
PROPOSED HEIGHT = 150'

B. AVERAGE WIDTH MUST BE LESS THAN 2 1/2 TIMES AVERAGE HEIGHT

	PROPOSED AVG. WIDTH	AVG. HGT.	MAX. AVG. WIDTH
NORTH ELEVATION	211.08	102.35 x 2 1/2 OR	255.88
SOUTH ELEVATION	177.49	80.68 OR	201.7
EAST ELEVATION	116	133 OR	332
WEST ELEVATION	120	138 OR	345

C. YARD REQUIREMENTS

1. FRONT YARD 15' (SEE VARIANCE REQUEST TO BUILD UNDERGROUND GARAGE WITH
0' SETBACK)
SIDE YARD 15' SET BACK IF LESS THAN 40' HIGH / 30' SET BACK IF MORE
REAR YARD 15' SET BACK IF LESS THAN 40' HIGH / 15' SET BACK IF MORE

2. NO APARTMENT WINDOW IS CLOSER THAN 25' TO A PROPERTY LINE

D. DENSITY: MAX. = 80 DENSITY UNITS PER ACRE

SITE = 1.816 ACRES
BURKE AVENUE ROADWAY = .33 ACRES (30' WIDTH x 481.99')
1.816 x 80 = 145.28 DENSITY UNITS
.33 x 80 = 26 DENSITY UNITS
TOTAL 171.28 DENSITY UNITS ALLOWED

PROPOSED APARTMENT MIX: (TENTATIVE)
3 2 BEDROOMS 1.0 D.U. = 3 DENSITY UNITS
26 44 EFFICIENCIES 1.5 D.U. = 13 DENSITY UNITS
203 16 1 BEDROOMS .75 D.U. = 152 DENSITY UNITS
232 24 DWELLING 1.68 D.U. = 168 DENSITY UNITS PROPOSED

E. AMENITY OPEN SPACE RATIO = .2

LOT	= 1.816 ACRES OR 77,680SF	77,680SF - LOT
BLDG. FOOT PRINT	= 27,409SF	-40,569SF - COVERAGE
DRIVES & ENTRANCE	= 13,160SF	-37,113SF - OPEN SPACE
TOTAL COVERAGE	= 40,569SF	11,094 + 5,094SF - ROOF GARDEN
		46,205 - 42,005SF & REC. DECK

46,205 - 42,005SF = OPEN SPACE PROVIDED
205,000 x .2 = 41,000SF = OPEN SPACE REQUIRED
123,000 47,000

-2-

"well elderly". The service and recreational facilities for the occupants is provided and the offices in the subject structure shall be less than twenty-five percent (25%) of the gross floor area. The retail and service uses shall be less than five percent (5%) of the gross floor area. Pursuant to the plan, and as limited thereto, are the tentative retail and office uses listed. There will be other accessory uses as indicated on the plans.

The maximum square footage of said building shall be 205,000 square feet, more or less.

The proposed use meets all of the requirements of the RAE-2 Zone as evidenced by the plan and as will be presented before this Honorable Board by the Petitioner.

The property is located within the ring road and within the Town Center of Towson, and at the time of the hearing, your Petitioner will be ready and able to prove error in the classification of the subject property in its present DR-16 Zone. In its recommendations to this Honorable Board on this subject Petition, prior to this amendment, the Baltimore County Planning Board recommended in favor of the RAE-2 Zone. You will see by the accompanying environmental impact study, that upon development of this property, as proposed, there will be no adverse effect upon the surrounding community from a health, safety and general welfare standpoint and more specifically from a drainage, traffic, etc. point of view.

The granting of this RAE-2 Zone will provide a definitely needed apartment dwellings for "well elderly" within the commercial-cultural-town center concept and that said use

would be a reasonable use of the property.

Your Petitioner requests that the original Memorandum in Support of the Reclassification Petition be incorporated herein and additional evidence will be presented at the hearing to substantiate the Petitioner's Case.

Respectfully submitted,

[Signature]
S. ERIC DINENNA
S. ERIC DINENNA, P. A.
406 W. Pennsylvania Ave.
Towson, Maryland 21204
825-1630
Attorneys for Petitioner

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to R.A.E. 2 Zone
NE/S W. Burke Ave., 117'
W of York Rd., 9th District

OF BALTIMORE COUNTY

NICHOLAS MANGIONE, Petitioner: Case Item 9, Cycle 1

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.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel

[Signature]
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of August, 1981, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, Suite 205, Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

[Signature]
John W. Hession, III

SED:cm
9/24/81
41-17

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 to R.A.E. 2 Zone
NE/S W. Burke Ave.,
W of York Rd., 9th District

NICHOLAS MANGIONE,

MR. CHAIRMAN:

Please issue a summons to the named individual.

TO BE AND APPEAR in documents, reports, files writings, records, and/or nature in any way pertain W. Burke Ave., 117' W of York Rd., Baltimore, Maryland.

MAKE SAME RETURNABLE A.M. before the County Board of Appeals, 218 Courthouse, Towson, Maryland.

TO TESTIFY FOR PETITIONER

SUMMONED *[initials]*
NON EST *[initials]*
NON SUIT *[initials]*
COPY LEFT *[initials]*

Mr. Sheriff:

Please issue the above

NICHOLAS B. MANGIONE *
PETITIONER *
Property: N/S of Burke Avenue, 117' from York Road 9th Election District *

BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF RECLASSIFICATION PETITION

The Petitioner requests a reclassification for the above parcel of land from its present classification of D.R. 16 Zone to a R.A.E.2 Zone, said property containing 1.816 acres of land, more or less.

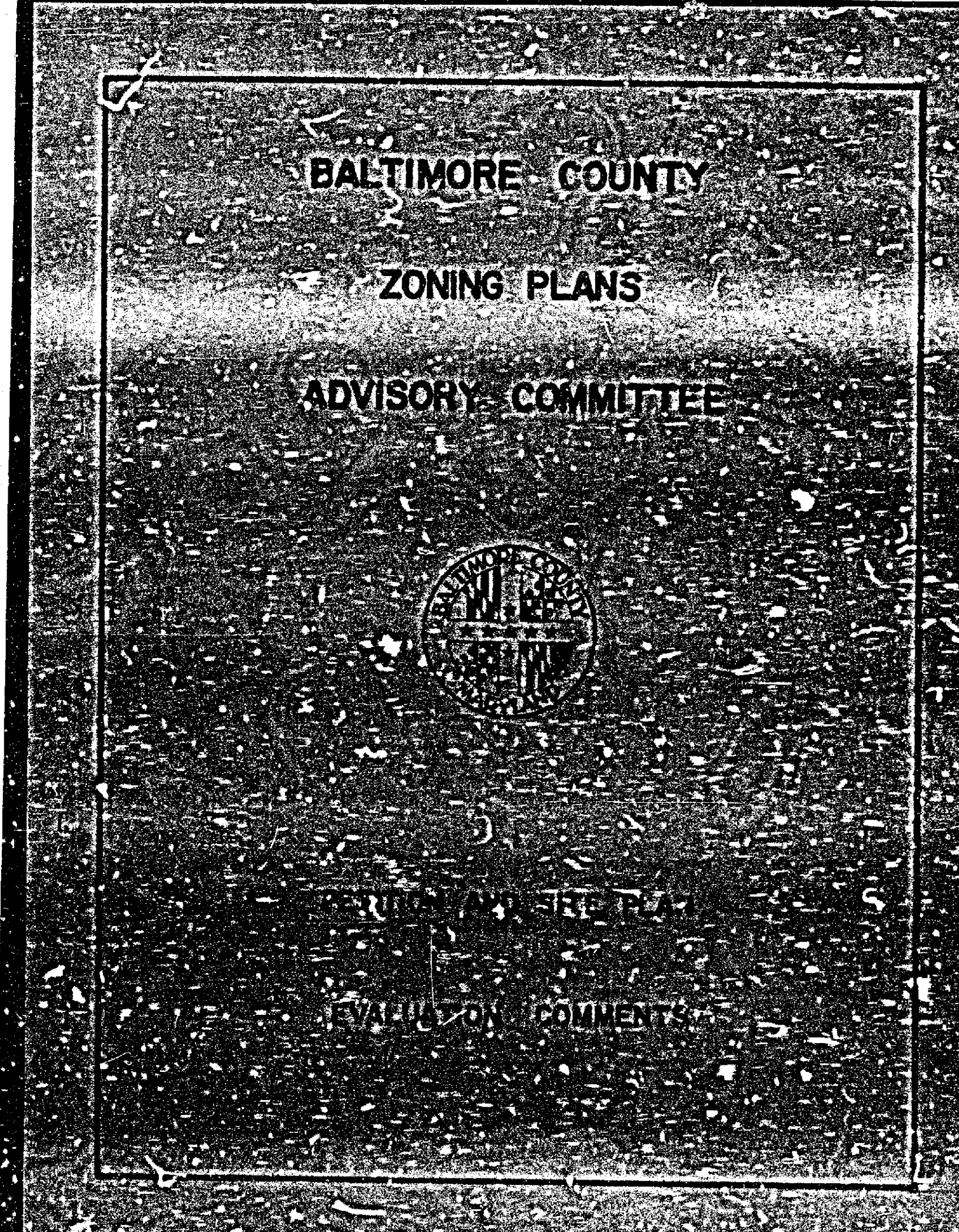
The intent of the R.A.E.2 Zone is to provide for development of elevator-apartment buildings of a relative high-density close to major commercial and cultural centers, where ample utilities and other public facilities are available. The subject property once enjoyed the R.A.E.2 classification but was reclassified in 1976 to a D.R. 16 Zone. The Baltimore County Council in its recent 1980 adoption of the Comprehensive Zoning Map had before it all the facts known to support the change from a D.R. 16 Zone to a R.A.E.2 Zone including but not limited to ample utilities and other public facilities being available. The retention of the D.R. 16 Zone was erroneous. The subject property is located on Burke Avenue just West of York Road, is completely surrounded by commercial, industrial and cultural uses. It would be unreasonable to expect development of 1.8 acres in those uses permitted in the D.R. 16 Zone at this location. The granting of the R.A.E.2 Zone will provide definitely needed apartment dwellings within the commercial-cultural-town-concept, and said use would be a reasonable use of the property.

OFFICE COPY

Additional evidence will be presented at the hearing to substantiate our case.

Respectfully submitted,

[Signature]
S. ERIC DINENNA
For the Petitioner



BALTIMORE COUNTY ZONING

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
c/o
Nicholas B. Comodari
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

S. Eric DiNenna, Esquire
Suite 205
Alex Brown Bldg.
102 West Pennsylvania Ave
Towson, Maryland 21204

Dear Mr. DiNenna:

This reclassification of Appeals for a 1.816 acre

The petition has been content and has also been

The review and analysis provide you and the Board problems that could arise improvements that may be intended to indicate the

If it has been suggested and/or the site plans be the zoning regulations and you are requested to revise their accuracy and submit May 29th. In the event prior to this date, the submitted.

The subject property, west of York Road in the east and north are located restaurant, respectively, exist to the west and south

This property is the (Case No. 73-62-3) while the latter hearing

As indicated in our delete the proposed use

Move West end stair one bay on all floor plans.

Add DINING, FOOD SERVICE and EMPLOYEES; reduce RECREATION DECK and LOBBY and omit STORAGE on PROPOSED FIRST FLOOR.

Change "PROPOSED SECOND FLOOR" to "PROPOSED SECOND AND THIRD FLOORS" and modify entire plan to be 15 apartments with adjacent OFFICE OR RETAIL.

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

No. 19459

DATE 8/10/83 ACCOUNT R-01-615-000

AMOUNT \$100.00

RECEIVED Nicholas B. Mangione c/o Mr. DiNenna
FROM Filing Fee for Petition for Site Plan Amendment
IN Case No. CR-82-69-A

100

6 015*****1000010 810AA

VALIDATION OR SIGNATURE OF CASHIER

-6-

Move West end stair one bay on all floor plans.

Change "TYPICAL 17 - UNIT FLOOR" to "ALTERNATE TYPICAL 19- UNIT FLOOR" by adding two 1 BR units.

Change "Typical 16-UNIT FLOOR" to "TYPICAL 18-UNIT FLOOR" by adding two 1 BR Units.

Change 2 BR Unit to 2 BR & DEN unit on PROPOSED PENTHOUSE FLOOR.

Add TYPICAL 1 BEDROOM UNIT plan @ 1/4" = 1'-0"

Add TYPICAL KITCHEN ELEVATION @ 1/4" = 1'-0"

Change note "ALL APARTMENTS SHALL HAVE UTILITY KITCHENS" to "ALL APARTMENTS SHALL HAVE KITCHENS"

10-24-83

According to this, this case
can be set for hearing

10/28 - Waiting to hear from DiNenna
re date for hearing
11/2/83 - Will call back

People's Counsel

-7-

The Greater Towson Council of Community Assoc.

David L. Kreek President 231 Linden Avenue Towson, Maryland 21204 301-521-0607

February 13, 1984

William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 200
Court House
Towson, MD 21204

RE: Case No. CR-82-69-A
Nicholas B. Mangione
Burke Avenue at York Road

Dear Mr. Chairman:

As the result of a discussion with Mr. Eric DiNenna, attorney for the petitioner, on February 9, 1983, it is our understanding that stipulation number one (1), which reads: "That any combination of delicatessen and specialty food store shall not exceed 1,000 square feet in area..." includes delicatessen, specialty food store and food store.

We believe that it is the intent of the Board's order to limit all food related occupancies to a total of 1,000 square feet.

If you have any questions, please do not hesitate to contact us.

Sincerely,

David L. Kreek

cc: Eric DiNenna
Phyllis Cole Friedman,
People's Counsel

Rec'd 2-14-84
11 AM

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

October 21, 1983

Mr. William T. Hackett, Chairman
County Board of Appeals
Baltimore, MD 21204

RE: Zoning Reclassification Petition
CR-82-69-A
Cycle I, Item 9
Amended Plans - submitted to CBA
on September 13, 1983

Dear Mr. Hackett:

At its regular meeting on October 20, 1983, the Planning Board voted to affirm its earlier favorable recommendation that the petitioner's request be granted. The Board believes the reasons for this recommendation set forth in its report to the County Board of Appeals, dated July 16, 1981, are applicable to the current submittal. Additionally, the specific proposal to construct housing for the elderly would meet an obvious need, and, at the same time, would reduce the traffic volumes that could be generated by other permitted uses in an R.A.E. 2 zoning classification.

The members of the Planning Board and the Planning staff offer whatever additional assistance you may require in your consideration of this amended request.

Very truly yours,

Norman E. Gerber, Secretary
Baltimore County Planning Board

NEG:JGH:cav

Rec'd 10-24-83
2:17 PM

Set for
1-3-84
Club and Mr. DiNenna

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 30, 1983

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Site Plan Amendment
in Case No. CR-82-69-A
N/S Burke Ave., 117' W of York Rd.
Nicholas B. Mangione - Petitioner
Case No. CR-82-69-A

Dear Mr. DiNenna:

This is to advise you that \$68.52 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

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

No. 121522

DATE 9/21/83 ACCOUNT R-01-615-000

AMOUNT \$68.52

RECEIVED S. Eric DiNenna, Esquire
FROM Advertising & Posting Case #CR-82-69-A
on petition filed.

6 045*****885210 4212A

VALIDATION OR SIGNATURE OF CASHIER

11/9/83 - Following notified of hearing set for Jan. 3, 1984, at 10 a.m.:

Eric DiNenna
Jean Duvall
J. Hession
A. Jablon
J. Dyer
J. Hoswell
N. Gerber
J. Jung

August 19, 1983

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Site Plan Amendment
in Case No. CR-82-69-A
N/S of Burke Avenue, 117' W of York Rd.
Nicholas B. Mangione - Petitioner
Case No. CR-82-69-A

TIME: 9:30 A.M.

DATE: Tuesday, September 13, 1983

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

Ms. Jean Duvall
227 Murdock Road
Baltimore, Maryland 21212

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-925-1630
301-296-6520

September 20, 1983

Commissioner Arnold Jablon
Baltimore County Office of
Planning & Zoning
Towson, Maryland 21204

RE: Case No.: CR-82-69-A
Petitioner: Nicholas B. Mangione
Location: Burke Avenue

Dear Commissioner Jablon:

Enclosed herewith please find Mr. Mangione's check in the amount of \$68.52 representing posting and advertising costs concerning the above captioned matter.

Very truly yours,

ST. ERIC DINENNA

SED/neb

Enc.

cc: Mr. Nicholas B. Mangione

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Norman E. Gerber, Director
TO...Office of Planning and Zoning... Date...September 13, 1983...
FROM...County Board of Appeals...
SUBJECT...Case No. CR-82-69-A...Nicholas B. Mangione

The hearing on the above entitled case was held as advertised on Tuesday, September 13, 1983 at 9:30 a.m., for the Board to consider Petitioner's request to amend the site plan as originally approved in connection with Case No. CR-82-69-A. Therefore, in open hearing on this date the new plat was received by the Board.

In compliance with the provisions of Bill #46-79, we are forwarding the amended material to you for appropriate action.

William T. Hackett, Chairman

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Cycle No. 1, Revised Site Plan-Reclassification Petition for Item No. 9, are as follows:

Property Owner: Nicholas B. Mangione
Location: NE/S West Burke Avenue 117' W. of York Road
Existing Zoning: DR 16
Proposed Zoning: RAE 2
Acres: 1.816 ac.
District: 9th

Metropolitan water and sewer must be utilized at this site. A Hydrogeological Study and an Environmental Effects Report may be required.

Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

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

A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

A reserve capacity use certificate may be required before a building permit can be issued.

Very truly yours,

Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

Rec'd 8-5-83
1 PM
LJF/rth

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William Hackett
Chairman, Board of Appeals
TO...C/o Nicholas Commodari, Zoning... Date...July 26, 1983...
FROM...Mr. Charles Burnham, Chief Plans Review...
SUBJECT...Item #9, Cycle #1, Revised Site Plan

1. Fire separations within the structure shall separate mixed uses by one of the methods permitted in Section 312.0.
2. Exits and building code requirements in general shall comply with the applicable sections of the Baltimore County Building Code, as adopted under Bill 4-82 or the legal code in force at the time a permit is applied for to begin construction.
3. The center apartment tower shall comply with the code provisions for a high-rise structure, if the other areas such as office and retail portions of the building are not separated with an approved fire wall division, it too will be required to comply with the same requirements as well as atrium requirements. If a fire wall is provided creating two structures, then see Section 1414.0 for vertical opening protectives above an adjacent building's roof.
4. Handicapped apartment units, parking spaces, building access and useability, curb cuts, etc., shall all comply with the State Handicapped Code and B.O.C.A. Section 515.0.

THE ATRIUM SHALL COMPLY WITH SECTION 631.0

The proposed use groups under the building code appear to be as follows: Levels L.L. and U.L. = S-2 Use Section 614.2, 1st floor of High-Rise = Assembly (A3) Use, floors 2 thru 15 = R-2 Uses, in the adjoining low-level spaces, Level L.L. and U.L. = S-2 Use, floors 3, 4 and 5 = "B" Business Use and "M" Mercantile Use. Please be aware that even though it may be possible to reduce occupancy fire ratings of separations under Section 312. Bill 4-82 still requires a minimum one hour tenant separation horizontally and vertically.

It would be advisable for the designer to contact this office in relation to the smoke control, smoke removal, voice alarms, sprinklers, fire separations and other items that will become integral part of this structure. Field tests are required on completion of the structure, to prove the systems out before occupancy permits are granted.

Provide one hour elevator lobby separations, see Section 629.0 as amended in Bill 4-82. Tenant rooms cannot open into these lobbies.

Rec'd 7/21/83
12:35 PM

Mr. William Hackett
c/o Nicholas Commodari

July 20, 1983
Page Two

One elevator shall be capable of accepting a 22 1/2" x 82.5" Fire Department cot in its horizontal open position and be designed for Fire Emergency use.

There appears to be possible exiting problems from the first floor assembly use areas, see Section 617.3.1, Table 806 Table 809.2 and Section 806.1.3, when computing exits on the first floor level.

The stairs leading to the lower parking level shall comply to Section 816.11. The 12' handicapped parking spaces are not identified. Show a typical handicapped unit layout.

It shall be noted that comments on the structure are not usually made at this stage of development; however, it is felt these items or points of information should be made available to the designer to be considered in the preliminary drawing stage. There may be circumstances which could void some comments or there could be additional comments generated, especially when combining a high-rise with an atrium and the possibility of various mixed use groups.

djl

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
September 7, 1983

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

c/o
Nicholas B. Commodari
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

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Site Plan
Amendment
Nicholas B. Mangione
N/S of Burke Avenue, 117 feet
W of York Road -
9th Election District

Dear Mr. DiNenna:

Enclosed are comments submitted to this office from certain members of this Committee. The remaining members felt the changes to the proposed development would not affect their prior comments that were forwarded to you in conjunction with the previous hearing (CR-82-69-A).

As indicated in our conversations, it should be made clear at the hearing that the final layout and number of apartments, etc., will be determined at the time of application for the necessary building permits. In addition, it should be verified with the Office of Current Planning whether a County Review Group (CRG) meeting will be required. This could conceivably affect the final layout. Also, particular attention should be afforded to Section 202 of the Baltimore County Zoning Regulations.

If you have any questions regarding this matter, please feel free to contact me at 494-3391.

Very truly yours,

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

NBC:mr

cc: Nelson-Salabas, Inc.
1045 Taylor Avenue, Suite 208
Baltimore, Maryland 21204

John W. Hessian, III, Esquire, People's Counsel

Mr. James G. Hoswell, Planning Office

Ms. Susan S. Carrell, Current Planning Office

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

August 8, 1983

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle I Meeting of March 16, 1981
Item No. - 9
Property Owner: Nicholas B. Mangione

Location: NE/S W. Burke Avenue, 117' W. of York Road

Existing Zoning: D.R.16
Proposed Zoning: R.A.E.2

Acres: 1.816
District: 9th

Dear Mr. Hackett:

The above site has been revised and the proposed building enlarged and additional residential and general office use can be expected to generate 250 additional trips. Should the additional space be used for residential and medical offices, then 930 additional trips can be expected.

MSF/ccm

Michael S. Fladigan
Traffic Engineer Assoc. II

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

August 3, 1983

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Cycle No. 1, Revised Site Plan-Reclassification Petition for Item No. 9, are as follows:

Property Owner: Nicholas B. Mangione
Location: NE/S West Burke Avenue 117' W. of York Road
Existing Zoning: DR 16
Proposed Zoning: RAE 2
Acres: 1.816 ac.
District: 9th

Metropolitan water and sewer must be utilized at this site. A Hydrogeological Study and an Environmental Effects Report may be required.

Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

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

A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

A reserve capacity use certificate may be required before a building permit can be issued.

Very truly yours,

Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

8/5/83
LJF/rth

cc: John W. Hessian, III, Esq.
James G. Hoswell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

NICHOLAS B. COMMODARI, Chairman
TO...Zoning Advisory Committee... Date...July 26, 1983...
FROM...PAUL J. SOLOMON, Head, Environmental Planning Section, OPZ
SUBJECT...Environmental Impact Statement, Item No. 9 - Cycle No. 1

I have reviewed the EIS submittal with Item No. 9 - Cycle No. 1 and find it to be acceptable.

PJS:vh

Paul J. Solomon
PAUL J. SOLOMON, Head
Environmental Planning Section

cy: John W. Hessian, III, Esquire
People's Counsel

James G. Hoswell, Planner
Office of the Director

