

PETITION FOR ZONING VARIANCE 84-239-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 200.4.A to allow primary vehicle access from property zoned R.A.1 to a local street (Yvonne Avenue).

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

1. The characteristics of Yvonne Avenue as proposed are most similar to those of a collector street.
2. The topography surrounding the development proposed for the R.A.E property renders alternative accesses impractical.

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
Attorney for Petitioner:
W. Lee Thomas, Esquire
(Type or Print Name)
Signature
409 Washington Avenue
Address
TOWSON, MD. 21204
City and State
Attorney's Telephone No.: 296-6277

Legal Owner(s): Silver Spring
Station Joint Venture
(Type or Print Name)
Signature
Kimberly B. Strutt, President
KBS Corporation
(Type or Print Name)
Joint Venture
Signature
Suite 101
52 Scott Main Road
Address
Cockeysville, MD. 21030
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Keith Ronald
409 Washington Avenue
TOWSON, MD. 21204
Address
296-6777
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of February, 1984, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of March, 1984, at 1:30 o'clock P.M.

Carl John
Zoning Commissioner of Baltimore County.

(over)

W. Lee Thomas, Esquire
409 Washington Avenue
Towson, MD. 21204

D.S. Thaler & Assoc.
11 Warren Road
Baltimore, MD. 21208

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 1st day of February, 1984

Received by
Zoning Commissioner

Petitioner: Silver Spring Station
Joint Venture
Petitioner's Attorney: W. Lee Thomas, Esq.
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

March 9, 1984

ofo
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

W. Lee Thomas, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Item No. 186 - Case No. 84-239-A
Petitioner - Silver Spring Station
Joint Venture
Variance Petition

Dear Mr. Thomas:

Enclosed please find additional comments submitted after my original comments of March 2, 1984.

Very truly yours,

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

NBC:hsc

Enclosure

cc: D. S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 2, 1984

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

ofo
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

W. Lee Thomas, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Case No. 84-239-A (Item No. 186)
Petitioner - Silver Spring Station
Joint Venture
Variance Petition

Dear Mr. Thomas:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

As you can see by the enclosed comments, this development had three separate CRG meetings. In order to keep everyone abreast of the comments precipitated by this overall development, they have all been included in this report.

This particular hearing concentrates on the proposed access from the apartment buildings in the R.A.E. zoned portion of the site to Yvonne Avenue. Because this street has been considered a local street, a variance to Section 200.4 of the zoning regulations is required.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

NBC:hsc

Enclosures

cc: D.S. Thaler & Assoc., Inc.
11 Warren Road
Baltimore, Maryland 21208

COUNTY REVIEW GROUP MEETING
Wednesday, June 1, 1983

SILVER SPRING STATION

COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert S. Benson, Chairman - Dept. of Public Works
E. A. Bober - Office of Planning & Zoning
Susan Carroll - Office of Planning
Diana Itter - Office of Zoning
Catherine L. Warfield - Developers Engineering Division
Bureau of Public Services
Robert Powell - Health Department
Capt. Jos. Kelly - Fire Department
Al Svehla - Dept. of Recreation & Parks
C. Richard Moore - Traffic Engineering
Greg Jones - Traffic Engineering
Nick Petrovich - Board of Education
George Wittman - State Highway Administration
Kimberly B. Strutt - Developer - Silver Spring Joint Venture
Bill Kirwin - Attorney for Developer
D. S. Thaler - Developer's Engineer
H. F. Sadler - Developer's Engineer

*Attachments - List of Interested Citizens

Mr. Benson, Chairman of the Committee, called the meeting to order at 10:10 a.m. and introduced the members of the County Review Group.

Mr. Bober from the Office of Planning and Zoning addressed the citizens and stated that this was a meeting to review the plan based on the established zoning of this site and based on the plan presented by the developer's engineer for the proposed use of this land.

Mr. Wm. Kirwin, developer's land planner, presented this plan in detail. He stated that all units are for sale and this is a mixed type housing subdivision. The number of units allowed is 1,495; however, they are proposing 1,241 units within this tract of land. Access to this subdivision from Silver Spring Road is proposed from the extended Yvonne Avenue and from Cottingham Road. Access from Belair Road is from Chardel Road (Blakely Ave.). All roads within this subdivision are proposed as public roads. Open space and storm water management have been shown as required by Baltimore County.

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 8, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #186 (1983-1984)
Property Owner: Silver Spring Station
Joint Venture
S/W corner Yvonne Ave. and Darleigh Rd.
Acres: 17.76 District: 11th

Dear Mr. Jablon:

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:

The Subdivision Review Comments (May 31, October 13 and December 28, 1983) were supplied by the Developers Engineering Division for this property (Project 83073). Supplementary Highway and Water Comments were supplied by the Bureau of Public Services December 13, 1983.

This property was reviewed by the County Review Group June 1, 1983, with Continuing Meetings held October 19 and December 29, 1983.

This office has no further comment in regard to this Item 186 (1983-1984).

Very truly yours,

Robert A. Worton
ROBERT A. WORTON, P.E., Chief
Bureau of Public Services

PAM:EM:FWR:ss

cc: D. Schuler

M-W Key Sheet
35 NE 27 Pos. Sheet
NE 9 G Topo
72 Tax Map

SILVER SPRING STATION

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June 1, 1983

Susan Carroll presented written comments from the Office of Planning. The soils within this tract of land have limitations, and mitigative measures must be addressed during the processing of this subdivision. Adjacent uses must be shown on this plan which would include church, commercial development, etc. Access and circulation for the mid-rise units are inadequate and require further study. Two means of access are required for the mid-rise units. The road connecting Cottingham Rd. and Yvonne Ave. needs further study due to the perpendicular parking along this road. Density plat and development plan are required. This property is located in a traffic area controlled by a "D" level intersection: Joppa & Belair Roads and the basic services areas that determine traffic deficiency will be re-evaluated by the Planning Board in October, 1983. Issuance of permits in the future may be determined by the constraints of the re-evaluation of this traffic area. This plan contains RAE-1 zoning. Therefore, as far as Planning Board approval, this subdivision will be presented to the next Planning Board for their review and approval of this area.

Diana Itter presented written comments from the Office of Zoning. Residential transition areas must be shown. In residential transition areas, all parking areas-particularly those in townhouse areas-must have a 75' buffer. In the RAE-1 zoning, a portion of the subdivision appears to be in conflict with Section 200.4.A of the Baltimore County Zoning Regulations which state that no preliminary vehicular access from any property to a local street shall be permitted. Based on this information, it appears that a variance will be required. Additional drawings and information will be required for the mid-rise units in order that the Office of Zoning can review this plan adequately. All single family homes, townhouses, and garden apartments must meet all height and area requirements for DR zones.

Dick Moore presented written comments from Traffic Engineering. A traffic study will be needed for this subdivision. A connector road between Blakely and Yvonne Aves. is required and this road shall be 40' in width. Two access roads are needed to serve the mid-rise units. The cul-de-sac from Silver Spring Road is to be revised and to have access from the interior roads within this subdivision. A traffic signal may be needed for this subdivision and the cost of same will be the developer's.

George Wittman presented written comments from State Highway Administration. It is requested that the traffic study be given to them for review. It appears that Chardel Rd. (Blakely Ave.) will be the main access from Belair Rd., and therefore there may be a need for a traffic signal in the future. This will require the approval of the State Highway Administration.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of _____, 19____, that the herein Petition for Variance(s) to permit

SILVER SPRING STATION

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June 1, 1983

Catherine Warfield presented written comments from the Developers Engineering Division. All roads in this subdivision will be improved to County standards and specifications and this will be the developer's full cost. Roads are all to be public and street lights and sidewalks are required in accordance with County policy. Locations of intersections within this subdivision are subject to approval by Traffic Engineering due to sight distance. Storm water management and sediment control are required. Storm drain study is required in addition to the establishment of a storm drain reservation for the existing streams within this site. All storm drain improvements shall be the developer's full cost. Public water and sewer exists in adjacent streets and can be made available by public extensions. Access to this site from Belair Rd. shall be by Chardel Rd. (Blakely Ave.) and the developer will be responsible for the cost of the acquisition of right-of-way and road improvements to make this connection.

Capt. Jos. Kelly presented written comments from the Fire Department. Fire flow tests shall be conducted to determine the availability of water for this subdivision. Water main for mid-rise units shall be a minimum of 12" in diameter. The bridge proposed for the mid-rise units shall be designed to support a minimum of 50,000 lbs. Fire lanes shall be posted for the mid-rise units as required by regulations. A second means of access must be provided for the mid-rise buildings and the width shall be a minimum of 24' paving.

Rob Powell presented written comments from the Health Department. The Environmental Effects Report has been submitted but additional information is required prior to approval of this Report.

Al Siehla presented written comments from the Dept. of Recreation & Parks. The size and location of open space areas appears to be acceptable to that office.

Nick Petrovich presented written comments from the Board of Education. Possible student yield would be 102 elementary students, 43 junior high students, and 41 senior high students. The elementary school in this area is over capacity, and the junior and senior high school is under capacity. Students generated from this subdivision may have to be shifted to other schools which are below capacity.

CITIZENS' COMMENTS

Senator Bromwell, along with other citizens, stated that the community's concerns were that the community does not want traffic alternates; this subdivision will have an impact on the school system within this area and the residents would like some assurance that there will be no bussing of students to other area schools; the community wants assurances that all public improvements will be constructed in accordance with County standards and specifications; the quality of homes would be equal or better than what is existing; how the traffic will be handled from this sub. and would there be improvements

SILVER SPRING STATION

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June 1, 1983

to Honeygo Boulevard in order to relieve traffic in this area and it is requested that Baltimore County take immediate steps to make this road improvement; streets in this area are inadequate to handle traffic from this subdivision; how would increased storm drainage be handled from this tract of land when fully developed.

Written comments by the following agencies were given to the developer and developer's engineer: Traffic Engineering, Developers Engineering Division, Health Department, Fire Department, Office of Zoning, Office of Planning, Dept. of Recreation and Parks, Board of Education, State Highway Administration.

Mr. Bobor summarized the meeting by stating that a traffic study would be reviewed by both the State Highway Administration and Baltimore County. This plan will be revised in accordance with requested changes by the County Review Group and at the next meeting, the CRG will review the plan based on the unresolved issues. This will be a continued meeting and all people present will be notified by mail of the scheduled date.

The meeting was adjourned at 12:30 p.m.

In a memo dated June 1, 1983, Mr. Bobor from the Office of Planning, notified the County Review Group that the portion of the tract zoned RAE-1 will need to be approved by the Planning Board.

C. R. G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments
7. Adjourn Meeting

SIGN IN

Name	Address
William R. Batis	8511 DORNBORN DR. 21236
Harold F. Savage, N.E.C.	5512 EMBURY RD. 21236
Joseph J. Roberts	4331 SLOTTS AVE 21236
Paul E. Jurewski, N.E.C., V.P.	4545 AMBERHILL RD. 21236
Richard J. Roberts - N.E.C. - V.P.	4528 AMBERHILL RD. 21236
Donald R. Sanders	8311 DEARBORN DR. 21236
Steven D. Sanders	8311 " " " 21236
Catherine K. Butler	5820 DEARBORN DR. 21236
Kenneth W. Griffin	4503 HERSHEY WAY 21236
Thomas G. Garner	11 LAKE FOREST CT 21236

* PLEASE ADD TO THIS LIST THE PETITIONERS TO BE SUBMITTED AT THIS MEETING

Ann Marie Bondica	4205 RAAB AVE. 21236
Stanley W. Davies	4237 DARLEIGH RD. 21236
Oliver W. Davies	4237 DARLEIGH RD. 21236
Emily Jerome	4215 DARLEIGH RD. 21236
Nathalie K. Hanson	4244 DARLEIGH RD. 21236
Mrs. Freeburger	4242 DARLEIGH RD. 21236
Mr. Frank Reihner	4240 DARLEIGH RD. 21236
Regina M. Skarupa	8510 DEARBORN DR. 21236
Lillian Schiavone	8701 CARLISLE AVE. 21236
John Schiavone	8701 CARLISLE AVE. 21236
Audrey M. Fitch	8712 CARLISLE AVE. 21236
Francis N. Crutty	8714 CARLISLE AVE. 21236
Lois M. Crutty	8714 CARLISLE AVE. 21236
Thomas J. Braggett	3005 ROSENBERG AVE. 21236
Rev. T. R. Fraker	8804 CHARDL RD. 21236
Mr. M. Robert McClellan	8870 MURFIELD RD. 21236
Mr. S. T. H.	4015 FINE RD. 21236
ROD SPRINGER	BR 537 SUNKY, OHIO 43074
Marcella Wolosik	4233 DARLEIGH RD. 21236
GLADYS KISS	4201 DARLEIGH RD. 21236
REGINA BROWN	4227 DARLEIGH RD. 21236
Susan Spahn	4205 DARLEIGH RD. 21236
JAMES PLUM	7715 YVONNE AVE. 21236
PAULINE PLUM	7715 YVONNE AVE. 21236
LINDA ROTH	13 FRANKLIN CT. 21236
JOHN M. GUNZELMAN	4257 DARLEIGH RD. 21236

FRANK J. MATECKI	4249 DARLEIGH RD. 21236
Frank Ruckless	4446 DARLEIGH RD. 21236
THOMAS H. JAMES	4441 DARLEIGH RD. 21236
LESTER C. DANIELSON	4227 DARLEIGH RD. 21236
RAYMOND N. WHITE	4450 DARLEIGH RD. 21236
MARGARET R. DELUCA	11 FARWELL CT. 21236
JOHN P. DELUCA	11 FARWELL CT. 21236
WAYNE REEL	4504 SILVER SPRING RD. 21236
WALTER H. RIDGLE	8300 DEARBORN DRIVE 21236
WARREN E. PARKS	4290 DARLEIGH RD. 21236
Howard J. Clark	8917 MAVIS AVE. 21236
Joseph Schiavone	8914 MAVIS AVE. 21236
Herbert Schiavone	8915 MAVIS AVE. 21236
HARRY A. SCHILLER	8914 MAVIS AVE. 21236
Robert Yonas	8911 MAVIS AVE. 21236
CHARLES R. HORNEY	4440 DARLEIGH RD. 21236
FREDERICK C. WEISSTEL	8902 MAVIS AVE. 21236
PRESTON M. NEAB	4406 DARLEIGH RD. 21236
SPENCER H. FISHER	8060 CHARDL RD. 21236
FRANCIS J. V. TAY	4213 DARLEIGH RD. 21236
Rev. Edward H. Poppler	14 Ratm Ct. 21236
GORDON F. CLARKE	8922 PINEDALE DR. 21236
JIM MORROW	305 W. CHESAPEAKE 21204
ERNEST S. NICHOLS	9215 GARDENS RD. 21236
ROBERT FUNK	4412 DARLEIGH RD. 21236
Edward C. Park	425 Colbrook Rd. 21093
GORDON W. DODD	9419 RALPH DR. 21236

See Thomas L. Bromwell & Bethwell Ganth 21236
Eve L. Sand 4534 SILVER SPRING RD. 21236

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING

DATE: June 1, 1983

PROJECT NAME: Silver Spring Station

PLAN

COUNCIL & ELECTION DISTRICT XI-105

PLAN EXTENSION

REVISED PLAN

PLAN

The Office of Planning and Zoning has reviewed the subject plan and offers the following comment

According to the Baltimore County Soil Survey, the following soil limitations exist on this site for development of homesites with or without basements, streets and parking lots. Beltsville Silt Loam (B-8, B-8C2) have moderate to severe limitations due to seasonally perched water table and slope. Chillum Silt Loam (Ch82, Ch82, CIB, CID) have moderate to severe limitations due to slope. Joppa Gravelly Sandy Loam (Jp8, JpC2) have moderate to severe limitations due to slope. Lenoir Silt Loam (L8B) has severe limitations due to high water table and poor natural drainage. Leonardtown Silt Loam (Lr) and Alluvial (Av), have severe limitations due to high water table, poor natural drainage and flooding hazard. Av and Lr soils are also defined as hydric soils, and development on these soils may not be possible. Adequate measures which mitigate the effects of the above limitations will be required prior to approval of plans. It is the intended purpose to identify soil limitations on the plan, and mitigative measures must be addressed in subsequent processing phases.

All adjacent uses must be shown on the plan, including the existing church uses and commercial development on Belair Road.

The access and circulation for the mid-rise apartment building is inadequate and requires further study. The location of the access road adjacent to the church property is not appropriate. Two means of access is required for each set of buildings. The possibility of a road connection across the stream should be studied as an alternative for improved circulation.

The southern most road between Collington Road and Yvonne Avenue will function as a major connection. The projected ADT prohibits perpendicular parking on this road. Parking should be re-designed.

The southernmost road on the west side of Yvonne Avenue must be restudied and realigned to accomplish a continuous traffic movement to Chardel Road.

The proposed 24' road, known as Beldor Road, between Chardel Road and Darleigh Road requires further study due to limited right-of-way and the possibility that it may cause an undesirable traffic pattern.

Lots 77 and 79 must be served by one panhandle driveway rather than the two driveways as shown.

A Final Development Plan is required.

The property is located in a traffic area controlled a "D level intersections", Joppa Road and Belair Road and it is possible that as conditions change traffic capacity may become more limited. The Basic Services areas which determine traffic deficiency

(over)

will be re-evaluated by the Planning Board in October, 1983, and new maps will be adopted by the County Council in December, 1983. The Basic Services Areas are re-evaluated annually. Issuance of building permits in the future may be determined by the constraints of re-evaluation of deficient areas.

Susan Carrell
Susan Carrell

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: May 31, 1983
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division
PROJECT NAME: Silver Spring Station
PROJECT NUMBER: #83073
LOCATION: N. of Silver Spring Road, E. of
Belair Rd., S. of Yvonne Ave.
DISTRICT: 11C6

The Plan for the subject site, dated May 9, 1983, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 2.5 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, prior to the recording of a record plat.

HIGHWAY COMMENTS:

Public access must be provided from this project to Belair Road, which is a State Road.

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

If offsite right-of-way is required, the Developer shall be responsible for right-of-way plats and the cost of acquisition and construction of improvements.

BALTIMORE COUNTY, MARYLAND

TO: Mr. Robert Morton DATE: May 31, 1983
FROM: C. Richard Moore
SUBJECT: C.R.G. COMMENTS
PROJECT NAME: Silver Spring Station
PROJECT NUMBER & DISTRICT: 11C6
LOCATION: Silver Spring Road & Belair Road
C.R.G. PLAN: X
DEVELOPMENT PLAN:
RECORD PLAT:

1) A traffic study will need to be made for this subdivision. The purpose of the study will be to determine the need for a traffic signal at Blakely Avenue and Belair Road as well as study the distribution of traffic from this subdivision.

2) A connector road between Blakely Avenue and Yvonne Road will be needed. This road will need to be 40ft. wide where houses front on both sides. A connector road will also be needed between Yvonne Road and Coddington Road without perpendicular parking.

3) Two access points will be needed for both midrise apartment groups.

4) Yvonne Avenue needs to intersect Silver Spring Road at a 90 degree angle. Also Yvonne Road needs to be 40ft. wide between Silver Spring Road and the connector road to Blakely Avenue.

5) The proposed cul-de-sac on Silver Spring Road should be re-oriented to front off of the proposed internal subdivision road only.

6) A right-of-way stub should be provided off of the proposed internal subdivision road between properties 4003/769 and 5190/708.

7) Any traffic signal that might be necessary for this subdivision will be at the cost of the developer.

8) The horizontal sight distance on the inside of the curves needs to be made adequate by having a graded area clear of vegetation near intersecting streets along Chardel Road, Yvonne Road, and Coddington Road.

9) The northernmost apartment entrance on Yvonne Road needs to be relocated approximately 170ft. to the south to improve sight distance.

C. Richard Moore
C. Richard Moore
Acting Deputy Director

CRM/GMJ/cem

Project #83073
Silver Spring Station
Page 2
May 31, 1983

HIGHWAY COMMENTS: (Cont'd)

For streets with perpendicular parking, a 40-foot right-of-way shall be centered on the 24-foot travelled way and a minimum 18-foot Condominium or Homeowners Association strip shall be established adjacent to the right-of-way for the remainder of the parking bays and sidewalks. "No Parking" signs shall be posted prohibiting parallel parking on 24-foot width streets and within the turnaround area.

Easements shall be established within the unencumbered area adjacent to the public 40-foot right-of-way to allow County maintenance of the water and sewer service connections, including the right to read the water meters as required.

The Developer shall be fully responsible for the cost of all road improvements within the subdivision.

All streets in this subdivision without perpendicular parking shall be a 30-foot combination curb and gutter cross-section on a 50-foot right-of-way and shall be the Developer's full responsibility.

Cul-de-sacs shall be improved with a 40-foot paving radius with combination curb and gutter on a 100-foot diameter right-of-way and shall be the Developer's full responsibility.

The sharp curves must conform with Baltimore County Standards for minimum length of curve, minimum radii and widening.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail R-15A), with depressed curb and 7-inch concrete aprons within the right-of-way.

Location of access points onto Silver Spring Road are subject to approval by the Baltimore County Department of Traffic Engineering.

Fillets and pedestrian ramps are required at all street intersections.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

Project #83073
Silver Spring Station
Page 3
May 31, 1983

HIGHWAY COMMENTS: (Cont'd)

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

STORM DRAIN, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee to the County, said rights-of-way. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

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

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

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

In accordance with Baltimore County Council Grading Ordinances (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Project #83073
Silver Spring Station
Page 4
May 31, 1983

STORM DRAIN, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year frequency storm must be provided on the site.

Storm water management must comply with the requirements of the 1982 Baltimore County Storm Water Management Policy and Design Manual adopted January 17, 1983.

The Developer is responsible for the full cost of engineering of new bridges and culverts located within the development. The Developer shall be responsible for the full cost of construction of the bridges, culverts or under-road pipes for drainage areas up to 400 acres. In larger drainage areas, the Developer's responsibility shall be the base 400 acres plus one-half the remaining acreage of the drainage area, expressed as a percentage of the total drainage area. A drainage study shall be submitted prior to the execution of the Public Works Agreement so as to reflect this percentage as responsibility for the proposed structure.

Offsite rights-of-way are necessary for storm drains, roads or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

The Developer must furnish the Bureau of Public Services with a drainage study containing the following information:

- A map of scale 1"=200' for the entire drainage area which contributes to the open stream including a tabulation of flow quantities.
- Field run cross-sections of the stream with the flood plain of a 100-year design storm indicated on them. These sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- A profile of the stream on the same scale as the aforementioned cross-sections.
- A plan with the location of the field run cross-sections indicated.
- Hydraulic computations which were used to establish the elevation of the flood plain for each cross-section based on Manning's formula.
- Hydraulic computations, including inlet and outlet control analysis, which determine the size of any proposed structure within the flood plain. The Developer's engineer shall submit economically comparable, alternate designs (type, size and location) with estimated construction costs included, to verify his selection.

Project #83073
Silver Spring Station
Page 5
May 31, 1983

STORM DRAIN, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

g. The stream is to be cleared of all fallen trees, stumps and debris.

Filling within the Flood Plain is prohibited by current development regulations (Bill No. 56-82). The Plan shows a Flood Plain area developed with lots northeast of existing Darleigh Road and between lots facing Darleigh Road and Chardel Road. Revision to the layout is required at these locations.

Additional storm water management is needed in the vicinity of Chardel Road at the Gas and Electric transmission right-of-way.

WATER AND SANITARY SEWER COMMENTS:

This project is served from the Third and Eastern Second Zones of service. A division valve shall be placed within the subdivision at a location to be determined by the Baltimore County Bureau of Engineering and Baltimore City.

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

This property is subject to a Water and/or Sewer System Connection Charge based on two units equivalent to one dwelling unit for apartments for rent, and one equivalent dwelling unit for each unit for sale.

The total Water and/or Sewer System Connection Charge is determined, and payable, upon receipt of bids for the utility construction contract. This Charge is in addition to the normal front foot assessment and permit charges.

The determination of the Water System Connection Charge applicable will be predicated on the established relationship using a 5/8 inch water meter at a cost of \$575.00 per dwelling unit. The Sewer System Connection Charge likewise is based on a 5/8 inch water meter at a cost of \$375.00 per dwelling unit.

The Plan may not be approved until the preceding comments are satisfied.

E. A. McDonough
EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

ENM:CLW:iss

cc: File

May 31, 1983
Date

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

Silver Spring Station
Subdivision Name/Section and/or Plat
Silver Spring Station Joint Venture D.S. Thaler & Assoc.
White Marsh Rd. 654 units
Watershed No. of Lots or Units
113.4
Total Acreage
Public Water
Public Sewer

COMMENTS ARE AS FOLLOWS:

Soil percolation tests are required; a minimum of two tests are required within a designated 10,000 square foot sewage disposal reserve area. After soil tests have been conducted, the engineer and/or developer is responsible for meeting with the Health Department to determine any needed revisions and submitting three (3) final prints of acceptable plans.

Soil percolation tests have been conducted. Revised plans must be submitted prior to approval of plats, are not required and the plat can be approved as submitted. Contact this office at 444-2762 for more complete information.

X Public sewers must be utilized and/or extended to serve the property.

No sewage disposal area shall be located within feet of any perennial stream or body of water or within a 100-year floodplain and must be 10 feet removed from any easement or property line.

Wells must be located a minimum distance of from any sewage disposal area, 100 ft. from any wells, 40 ft. from dwellings, 10 ft. from property lines, 15 ft. from road widening easements, and must be positioned at a higher elevation than the sewage disposal area on the same lot.

X Public water must be utilized and/or extended to serve the property.

Due to a possible seasonal change in the groundwater table, soil tests must be conducted between February 1 and April 30.

Sewage disposal areas must not be placed on slopes of 25% or greater.

C. R. G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments
7. Adjourn Meeting

SILVER SPRING

Name	Address
Harold L. Lutz	
Robert L. Lutz	8170 McGuffin Field Rd 21236
FRANK - RESINA SKARUPA	8800 Dearborn Drive 21236
Regina A. Brown	4229 Darleigh Rd. 21236
RAYMOND N. WHITE	4490 DARLEIGH RD 21234
Marcelle Raskovic	4253 Darleigh Rd. 21236
GLADYS KOLA	4231 DARLEIGH RD 21236
ROBERT S. YONAS	8911 MAVIS AVE 21236
M. Catherine Yonas	8911 MAVIS AVE 21236
WARREN E. PARKS	4240 DARLEIGH RD 21236
FRANCIS J. VITAK	4213 DARLEIGH RD. 21236
EVE L. SAIN	4534 SILVER SPRING RD 21238
RAY. T. R. FRANK	8804 CHANDLER RD 21236

MARILYN R. CLARK	8917 MAVIS AVE
HOWARD J. CLARK	8917 MAVIS AVE
HELEN E. SANZONE	8914 MAVIS AVE
JOSEPH S. SANZONE	8914 MAVIS AVE
EDWARD C. PARK	2453 MARYLAND AVE 21218
JOHN W. SHILLING JR.	115 E JOHNS ROAD 21236
Michael J. Widdick	9821 HUNTER RD 21236
Walter J. Brown	
John P. Wherry	8421 Carib Rd 21236
John P. Wherry	1 LAKE FRONT CT
Charm E. Frick	4406 Darleigh Rd.

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

October 11, 1983
Date
Silver Spring Station
Subdivision Name, Section and/or Plat
George Stuart York Manor, Inc. / D.S. Thaler & Assoc. Inc.
Developer and/or Engineer
White Marsh Run 671 Apts
Watershed 113 Public Public
No. of Lots 622 Units
Total Acreage
Water
Sewer

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.
- Public sewers ☒ public water ☒ must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, are not required, is incomplete and must be revised, ☒ has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, ☒ be approved as submitted subject to the following conditions noted: in the attached memo dated October 14, 1983
- It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS: 040

SS 783R

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Brooks Stafford
FROM: Robert Powell
SUBJECT: ENVIRONMENTAL EFFECTS REPORT
CRG MEETING OCTOBER 19, 1983
SILVER SPRING STATION
OCTOBER 10, 1983
2:30 P.M.

Plan Review Notes

1. 132 single family dwellings, 166 townhouses, 371 apartments
2. 324 condominiums on 113 acres.
3. Public water and sewer proposed.
4. Whitmarsh Run Watershed.
5. Alluvial Land (Av) and Lenoir Soils (Lm) on-site, no development proposed on said soils.
6. A stream transects northern portion of property.
7. Stormwater Management is required.
8. Proposed impervious area 40 acres, 35% of site.
9. Proposed Best Management Practices: "Site development will include all management practices required by County Regulations and law. Buffers will be maintained along existing streams. Applications of herbicides, pesticides and fertilizers will not be permitted in excess of those levels recommended by the University of Maryland Extension Service. Pet wastes and leaf litter will also be managed".

Responses

The Environmental Effects Report is approved, subject to the following conditions:

1. No development is allowed in Alluvial Land (Av) and Lenoir Soils (Lm).
2. The owner agrees in writing to comply with the following Best Management Practices at this site:
 - A. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
 - B. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
 - C. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
 - D. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the Univ. of Md. Cooperative Extension Service.
 - E. Filling will not occur in grassed or lined drainage ditches or swales.

RP:pms

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division
DATE: October 13, 1983
PROJECT NAME: Silver Spring Station
PROJECT NUMBER: 083073
LOCATION: N. of Silver Spring Road, E. of Belair Road, S. of Yvonne Avenue
DISTRICT: 11C6

The Plan for the subject site, dated August 12, 1983, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

Comments, dated May 31, 1983, remain valid with the exception of the following:

Studies were provided to verify that no proposed buildings are within the limits of the 100-year Flood Plain.

HIGHWAY COMMENTS:

The proposed road adjacent to the Gospel Tabernacle of Baltimore, Maryland shall be improved with concrete curb and gutter and a 30-foot paving section on a 50-foot right-of-way at the Developer's full cost.

The Plan may be approved as presented.

EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

RAM:CLW:ss

cc: File

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments
From: Dept. of Recreation and Parks
Date: 10/10/83
Project Name: Silver Spring Station
Project Number: Preliminary Plan
Location: Belair Road / Verdel Road
Districts: 11, C-5
Development Plan
Final Plat
CRG Plan X

COMMENTS:

The size and location of the Local Open Spaces are acceptable.
Adherence to Local Open Space standard during construction will be required.

Albert R. Svehla, Jr.
Facilities Coordinator

ARS:ibg

Maryland Department of Transportation

State Highway Administration

RECEIVED
OCT 13 1983

BUREAU OF PUBLIC SERVICES

October 10, 1983

Mr. Robert A. Morton, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Continued CRG Meeting
of 10-19-83, "Silver
Spring Station", E/S
Belair Rd., Route 1-N
North of Silver Spring Rd.
Preliminary Plan

Dear Mr. Morton:

On review of the revised site plan of September 1983, the State Highway Administration offers the following comments.

The proposed intersection improvement on Belair Road (Directional Access) must be revised to show a 20' radius and 20' ingress width as shown on the "red lined" sketch.

Upon submittal of application for S.H.A. access permit, the State Highway Administration will require a formal letter of agreement between the Gospel Tabernacle and Silver Spring Station that all parties are in agreement to the use and construction of the directional access.

It is requested that the plan be revised and all work within the S.H.A. Right of Way be through permit from the State Highway Administration.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: D.S. Thaler & Assoc.

Mr. J. Ogle My telephone number is (301) 659-1350

Typewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-32-5092 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY, MARYLAND

TO: Mr. Robert Morton
FROM: C. Richard Moore
SUBJECT: C.R.G. COMMENTS
DATE: October 18, 1983

PROJECT NAME	Silver Spring Station	C.R.G. PLAN	X
PROJECT NUMBER & DISTRICT	11C6	DEVELOPMENT PLAN	
LOCATION	Silver Spring Road and Belair Road	RECORD PLAT	

1) The connector road between Blakely Avenue and Yvonne Road will need to be 40ft. wide. The road with townhouses with be designed as two courts to eliminate through traffic.

2) Yvonne Road needs to be 36ft. wide south of Blakely Avenue tapering to a 40ft. section as shown.

3) A road stub needs to be provided off of the proposed internal subdivision road between properties 4803/769 and 5190/708, as well as any other undeveloped properties.

4) Any traffic signal that might be necessary for this subdivision will be at the cost of the developer.

5) The horizontal sight distance on the inside of the curves needs to be made adequate by having a graded area clear of vegetation near intersecting streets along the main roads in this subdivision.

6) Cottingham Road needs to be widened to 36ft. where single family homes front between Chardel Road and Yvonne Road.

C. Richard Moore
Acting Deputy Director

CRH/GMJ/ccm



CITIZENS' COMMENTS

The meeting was adjourned at 12:00 noon.

DIANA TITTE
Zoning Associate III

DI:bac

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: December 28, 1983

FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Silver Spring Station

PROJECT NUMBER: #93073

LOCATION: N. of Silver Spring Road, E. of
Belair Road, S. of Yvonne Avenue

DISTRICT: 11C6

The Plan for the subject site, dated May 23, 1983, with the latest revision dated December 12, 1983, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

The revised Plan, dated December 12, 1983, is acceptable as presented and may be approved.

Edward A. McDonough, P.E., Chief
Developers Engineering Division

EM:CLM:es

cc: File

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: Silver Spring Sta

PROJECT NUMBER & DISTRICT: Silver Spring & Belair

C.R.G. PLAN: X

DEVELOPMENT PLAN: X

RECORD PLAT: X

A roadstub needs to be provided off of Blakely Ave between properties 4303/769 and 5190/758 to reduce future access points on Silver Spring Rd.

Any traffic signal that may be necessary will be the financial responsibility of the developer.

The horizontal sight distance on the inside of the curve needs to be made adequate by having a graded area clear of vegetation near intersecting streets along main roads in this subdivision.

90' of space

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNCIL REVIEW GROUP COMMENTS

FROM: OFFICE OF PLANNING AND ZONING

CONTINUED MEETING

DATE: December 27, 1983

PROJECT NAME: Silver Spring Station

COUNCIL & ELECTION DISTRICT: XXXXXXXXXXXXX

PLAN: XXXXXXXXXXXXX

PLAN EXTENSION: XXXXXXXXXXXXX

REVISED PLAN: XXXXXXXXXXXXX

PLAT: XXXXXXXXXXXXX

The Planning Board at its December 8th meeting approved the development plan for the R.A.E.1 portion of this site as required by Section 22-59 of the Development Regulations. The Plan as submitted must contain some additional information. The tee turn-around must be provided at the end of Darley Road. The plan must show more detail regarding the proposed vehicular access to the shopping center in order for determination to be made if this access is feasible. The plan is generally acceptable subject to compliance with the above comment and subject to compliance with the terms of the agreement between the Department of Traffic Engineering, the community and the elected officials.

Susan Carroll

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU

PROJECT NAME: Silver Spring Station

PROJECT NUMBER: CRG Agenda 12/29/83, 10:00 am

LOCATION: N. of Silver Spring Road, E. of Belair Road, S. of Yvonne Avenue

DISTRICT: 11 C 6

PRELIMINARY PLAN: XXXXXXXXXXXXX

DEVELOPMENT PLAN: XXXXXXXXXXXXX

FINAL PLAN: XXXXXXXXXXXXX

1. Fire flow tests shall be conducted to determine available water for fire protection.
2. Fire hydrants are not shown on plan at Darleigh Road and Yvonne Avenue for houses #133-146.
3. Fire main size for highrise shall be a minimum of 12 inches in diameter and mains shall be gridded.
4. Road width to highrise units shall be a minimum width of 24 feet.
5. Bridge over Yvonne Avenue near Darleigh Road shall support 50,000 pound fire apparatus.
6. Road inclinations shall not exceed 8 degrees at angle of departure for clearance of fire apparatus, according to NFPA Standard 1901, 1974 Edition, Section 2-3.2.5 (See Lot #77).
7. Fire lane signs shall be posted at highrise buildings and where required.
8. Buildings shall comply with NFPA 101, 1981 Edition.
9. Second means of access is required for highrise apartment buildings.
10. Highrise buildings shall be within 140 feet of roadways for fire department accessibility.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU

PROJECT NAME: Silver Spring Station

PROJECT NUMBER: CRG Agenda 12/29/83, 10:00 am

LOCATION: N. of Silver Spring Road, E. of Belair Road

DISTRICT: 11C6

Comments:

1. Comments generated at May 25, 1983 shall continue to apply. See attached copy.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Robert A. Morison

FROM: Eugene A. Bober

SUBJECT: Silver Spring Station

Date: December 12, 1983

As per the provisions of Section 22-60(B)(2), the Planning Board, at its meeting on December 8, 1983 approved the portion of the Silver Spring Station plan which is zoned RAE 1 (Residential Apartment Elevator 1). The Board approved the RAE 1 Plan subject to the conditions of an agreement between the developer, community representatives, elected officials and the Department of Traffic Engineering. A copy of the agreement is attached.

Eugene A. Bober

EAB:rl
Attachment

BUREAU OF PUBLIC SERVICES

STATEMENT OF DAVID S. THALER TO THE BALTIMORE COUNTY PLANNING BOARD WITH REGARD TO SILVER SPRING STATION, DECEMBER 8, 1983, 1:30 P.M.

Mr. Chairman and Members of the Board:

I represent the Silver Spring Joint Venture, developers of Silver Spring Station, located in the Perry Hall area of Baltimore County, which is before you today for approval of the RAE portion of the property.

My clients have held an extensive series of meetings with representatives of the Board, the Department of Traffic Engineering, and other interested individuals and elected officials. We have reached an agreement which follows which my clients would proffer to the Planning Board, subject to the approval of other county agencies:

1. Yvonne Road

My clients will agree to show the ultimate alignment of Yvonne Road, including the connecting bridge. The bridge will not be built at this time but rather my clients will construct a temporary footbridge for pedestrian access to schools and shopping. They will enter into a Public Works Agreement providing that Yvonne will not be completed until Honeygo Boulevard is constructed and operational. Further, Yvonne will not be connected until directed to do so by the Department of Traffic Engineering, subsequent to the completion of Honeygo.

2. Darleigh Road.

My clients will agree not to connect the existing Darleigh Road into the proposed development.

3. Connection to Adjacent Shopping Center.

Efforts will be made to negotiate a connection between the adjacent Perry Hall Shopping Center and the RAE tract in order to facilitate convenience for shopping.

Thank you for your consideration in this matter.

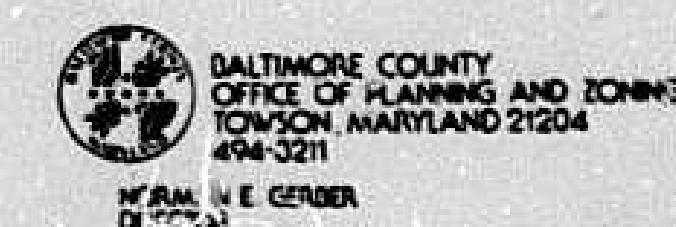
Very Truly Yours,

SILVER SPRING JOINT VENTURE

By: Kimberly F. Strutt

D.S. THALER AND ASSOCIATES, INC.

By: David S. Thaler



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-96 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Land/zoning should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:

CRG Plan Approved 12/29/83
RAE 1 Development Plan Approved by Planning Board
12/29/83 (agreed upon 10-27-83 with Board)

Eugene A. Bober
Chief, Current Planning and Development

X A Hydrogeological Study for this subdivision must be updated, must be submitted, must be revised. X Has been submitted and approved.

A Water Appropriation Permit Application must be submitted. Note: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

Locate all existing bodies of water, wells and septic systems within the property and within 100 feet of the exterior property line.

The developer must contact this office at 474-2762 to arrange for a meeting to discuss needed revisions prior to application for percolation tests.

This plan can be approved as submitted.

This plan cannot be approved at this time. See checked revisions and/or comments.

X The Environmental Effects Report is not approved. See comments in attached memo dated May 26, 1983.

J.R. Powell 5-31-83

SS 7AP
1/1/83

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Brooks Stafford Date: May 26, 1983
FROM: Donald E. Brand
SUBJECT: SILVER SPRING STATION
CRG MTG., JUNE 1, 1983

Facts

1. Zoning
DR 5.5 55.5 Acres 141 Units
DR 10.5 21.9 " 169 "
DR 16 19.5 " 240 "
RAE - 1 16.2 " 671 "
2. Currently forested
3. No development shown on hydric soils (also ImB)
4. Outside of reservoir watershed
5. Public water and sewer
6. H.O.A. to be conveyed to homeowners association
7. Site contains historic wetlands
8. All roads to be public
9. Doesn't state who owns and operates S&M pond, except that S&M site is within H.O.A. open space.

Response

The Environmental Effects Report is not approved but will be approved if the plan for development incorporates the following requirements:

1. The following restrictions on the use of the property will either be set forth on the recorded plat or incorporated into a Declaration of Restrictions and recorded in the Land Records at the owners costs, signed by the owner and providing enforcement by Baltimore County, individual lot owners or the Homeowner Association:
 - A. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible, after final grading and maintained in such condition.
 - B. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
 - C. Application of fertilizers, herbicides and pesticides will follow and not exceed recommendations of the

Mr. Brooks Stafford
Silver Spring Station
Page Two

May 26, 1983

- C. University of Maryland Cooperative Extension Services.
 - D. All pet wastes will be picked up and disposed of daily.
 - E. No filling will be allowed in grass or lined drainage swales or ditches.
2. A natural, woody vegetated buffer will be installed and maintained fifty feet (50') on each side of the edge of all perennial and intermittent streams.

DEB:pmh

BALTIMORE COUNTY, MARYLAND

Form 203 9/21/73

DATE: May 25, 1983

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
(Captain Joseph Kelly)

PROJECT NAME: Silver Spring Station PRELIMINARY PLAN: _____
PROJECT NUMBER: CRG Agenda 6-1-83 (1000 HRS) TENTATIVE PLAN: _____
LOCATION: Belair Road S. of Yvonne Road DEVELOPMENT PLAN: _____
DISTRICT: 11 C 6 FINAL PLAT: _____

- COMMENTS:
1. Fire flow tests shall be conducted to determine available water for fire protection.
 2. Fire hydrants are not shown on plan at Darleigh Road and Yvonne Avenue for houses #133--146.
 3. Fire main size for highrise shall be a minimum of 12 inches in diameter and mains shall be gridded.
 4. Road width to highrise units shall be a minimum width of 24 feet.
 5. Bridge over Yvonne Avenue near Darleigh Road shall support 50,000 pound fire apparatus.
 6. Road inclinations shall not exceed 8 degrees at angle of departure for clearance of fire apparatus, according to NFPA Standard 901, 1974 Edition, Section 2-3.2.5 (See Lot #77)
 7. Fire lane signs shall be posted at highrise buildings and where required.
 8. Buildings shall comply with NFPA 101, 1981 Edition.
 9. Second means of access is required for highrise apartment buildings.
 10. Highrise buildings shall be within 40 feet of roadways for Fire Department accessibility.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: June 1, 1983

FROM: ZONING

PROJECT NAME: Silver Spring Station PLAN: X
LOCATION: Belair & Silver Spring Rd. DEVELOPMENT PLAN: _____
DISTRICT: Eleventh Election PLAT: _____

1. Residential transition areas must be shown from any dwellings other than apartment buildings and any vacant lots of less than two (2) acres in area that adjoin all portions of the development tract. It appears that there are several areas in the garden apartment section that are in a residential transition area, which has not been shown. Adequate buffer areas and setbacks, must be shown as follows:
 - A. 75' buffer for rear yards or parking, 50' buffer for side yards, 150' rear setback, 75' front or side setback. R.T.A.'s should be shown from several vacant lots of less than 2 acres: John A. Volz 2096/282, Joseph Krait 2418/442, Land Associates 5223/360 and William Davis 1072/49.
2. In a residential transition area, all parking areas, chiefly those for the townhouses, must have a 75' buffer. The buffer that is at the terminus of Cottingham Road must be extended to adequately screen any portion of the lot located on the corner of Deerborn Drive and Darleigh Road.
3. The RAE I portion of the development tract appears to be in conflict with Section 200.4.A. of the Baltimore County Zoning Regulations which states that, "No primary vehicle access from any property to a local street shall be permitted." Since the sole means of access to the RAE I is from local streets, it appears that a variance will be required.
4. In order for this office to adequately review the RAE high rise apartments, elevation drawings must be provided in order to determine compliance with all bulk regulations.
5. The single-family lots are not permitted in the RAE I Zone.
6. In the E.R. Zones, all single-family, townhouses, or garden apartment units must meet all height and area requirements as per Section 1801.2 of the Baltimore County Zoning Regulations and the CMPD.

7/32bac

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date: June 1, 1983

From: Dept. of Recreation and Parks

Project Name: Silver Spring Station Preliminary Plan
Project Number: _____ Development Plan
Location: Belair Road & Verdel Road Final Plat
Districts: 11, C-5 CRG X

COMMENTS:

The size and location of the Local Open Spaces are acceptable.

We will request, however, the following:

1. Monuments on the Local Open Space to prevent infringement.
2. Extend the following storm drains:
 - a. 15" Dr. west of Yvonne Avenue to Flood Plain
 - b. 21" Dr. off Cottingham Drive to the Storm Water Management Pond

Albert R. Svehla, Jr.
Facilities Coordinator

AVS:by

DEPARTMENT OF PLANNING
BALTIMORE COUNTY PUBLIC SCHOOLS

COUNTY REVIEW GROUP MEETING

of June 1, 1983

Development: SILVER SPRING STATION
Location: N. of Silver Spring Rd., E. of Belair Rd., S. of Yvonne Rd.
District: 11

Comments			
School Situation	Enrollment	Capacity	Over/Under
Deery Hall EL.	653	626	+27
Deery Hall Middle	1164	1268	-204
Deery Hall Senior	1784	1910	-126

Future Construction	Status	Capacity	Estimated To Open
School			

*Programmed Construction	Year Programmed	Estimated To Open
School		

Possible Student Yield	
Elementary	102
Junior	43
Senior	41

NOTE: THE STUDENTS GENERATED FROM THIS SUBDIVISION MAY HAVE TO BE SCATTERED AMONG SURROUNDING SCHOOLS THAT ARE BELOW CAPACITY IF IT APPEARS THAT A STRAIN TO THE ABOVE SCHOOLS MIGHT OCCUR.

*Subject to availability of funds

Maryland Department of Transportation
State Highway Administration

Larry H. Brinkley
Secretary
G. L. Calhoun
Administrator

RECEIVED
MAY 23 1983
BUREAU OF PUBLIC SERVICES

May 18, 1983

Mr. Robert A. Morton, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Dear Mr. Morton:

The site plan of May 9, 1983 of "Silver Spring Station" has been forwarded to the S.H.A. District 14 Traffic Engineer for review and comments.

On receipt of the Traffic Engineer's comments additional comments will be provided by the S.H.A. Bureau of Engineering Access Permits.

Very truly yours,

Charles L. Charles
Charles L. Charles, Chief
Bureau of Engineering
Access Permits

CL:CM:raw

cc: Mr. J. Ogle

By: George Wittenman



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Coltrider
Administrator

RECEIVED

JUN 3 1983

BUREAU OF PUBLIC SERVICES

Mr. Robert A. Morton, Chief
Bureau of Public Services
County Office Bldg.
Towson, Maryland 21204

June 1, 1983

Re: CRG Meeting of 6-1-83
Silver Spring Station
N/S Silver Spring Road
S/S Belair Road (Route 1-N)

Dear Mr. Morton:

The State Highway Administration's Bureau of Engineering Access Permits has received verbal comments from the District #4 Traffic Engineer on review of the submittal of May 9, 1983.

We find the access to Belair Road generally acceptable with Blakely Avenue as the prime point of access.

We recommend the existing Blakely Avenue be widened to 35'-36' in width with geometric improvements to the south side.

Verdel Road has existing geometric improvements (concrete curb and gutter) and parking on both sides of the roadway. We recommend to Baltimore County that a review of the parking on Verdel Road be conducted by Baltimore County Traffic Engineering.

The existing five (5) lane section of Belair Road will provide adequate traffic movement through the proposed intersections.

With Verdel Road and Blakely Avenue as the proposed access to Belair Road, any signalization to the above intersection must be through review and approval of the District #4 Traffic Engineer.

At the meeting of 6-1-83, Baltimore County Traffic Engineering requested a Traffic Study of the proposed site, the S.H.A. District #4 Traffic Engineer will require a copy of this study for his additional review and comment.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:vrd
cc: Mr. E. Bober
Mr. E. McDonough
Mr. R. Moore
Mr. J. Ogle
My telephone number is 659-1350 By: George Wittman
Mr. S. Piemens Teletypewriter for impaired Hearing or Speech
3637555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calve St., Baltimore, Maryland 21203 - 0717

NBC

COUNTY REVIEW GROUP MEETING
CONTINUED MEETING
Wednesday, October 19, 1983

SILVER SPRING STATION

COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert S. Benson, Chairman - Dept. of Public Works
E. A. Bober - Office of Current Planning
Susan Carrell - Office of Planning
Diana Tetter - Office of Zoning
Rob Powell - Health Department
George Wittman - State Highway Administration
C. Richard Moore - Dept. of Traffic Engineering
Gregory M. Jones - Traffic Engineering
Catherine Warfield - Bureau of Public Services
Keith Ronald - Attorney
Kim Strutt - Developer
George F. Strutt - Developer's Engineer
D. S. Thaler - Developer's Engineer
Berk Sadler - Developer's Land Planner
William F. Kirwin - Attachment - List of Interested Citizens

The meeting was called to order by Mr. Benson, Chairman of the County Review Group, at 2:30 p.m. Mr. Benson introduced the members of the Committee and stated the purpose of this continued meeting.

Mr. William Kirwin, developer's land planner, presented the plan. They propose 1,495 dwelling or density units. All the roads in this subdivision are proposed to be public and access should be from Belair and Silver Spring Roads. Access from Belair Road shall be from Cottingham Road, Blakely Avenue, and Verdel Road. Access from Silver Spring Road shall be from Yvonne Ave. and Cottingham Rd. Storm water management and open space have been provided within this subdivision. Public water and sewer exist to serve this area by public extensions.

Mr. Eugene Bober, co-chairman of the CRG, summarized the written comments submitted from the Health Department, Developers Engineering Division, Recreation & Parks Department, State Highway Administration, Traffic Engineering Department, and the Office of Planning and Zoning. Mr. Bober's summary is as follows:

Health Dept. stated that the plan as submitted is recommended for approval subject to the conditions set forth by their office.

Developers Engineering Division comments of May 31, 1983 remain valid except for the studies which were provided to verify that no proposed buildings are within the limits of the 100-year floodplain. Extension of Cottingham Road along the Gospel Tabernacle of Baltimore shall be improved with a 30' curb and gutter cross section on a 50' right-of-way and shall be



SILVER SPRING STATION

-2-

October 19, 1983

developer's full cost.

Open space size and location is acceptable to the Dept. of Recreation & Parks. Developer shall be subject to all local open space standards and specifications during this construction within the open space areas.

Office of Planning advises that the County Review Group must refer this plan to the Planning Board for review and approval of the RAE-1 portion of this subdivision. This review and approval is required under the zoning regulations and is planned on the Board's agenda for the meeting scheduled for November 17, 1983. This plan is generally satisfactory as it pertains to the Office of Planning. Previous comments of June 1, 1983 remain applicable.

Office of Zoning states that this plan is subject to the required setbacks as outlined in the comments of October 18, 1983. The acreage of the William Davis lot is to be shown on this plan to establish that there is no residential transition area from this lot. Elevation drawings are requested in order to adequately review the RAE-1 highrise apartments and as requested in the June 1st comments.

State Highway Administration advises that proposed intersection of Cottingham Road with Belair Road must be revised to show 20' radii and 20' ingress width as shown on the attached red-line sketch provided to the developer and developer's engineer by the SHA at the meeting.

Traffic Engineering states that any traffic signal that might be necessary for this subdivision will be at the developer's cost. The connector road between Blakely Ave. and Yvonne Ave. shall be 40' wide. Yvonne Ave. shall be 36' wide south of Blakely Ave., tapering to 40' wide as shown on this plan. Horizontal sight distance on the inside curves shall be made adequate by clearing or grading at the intersections along the main roads within this subdivision. Cottingham Rd. shall be widened to 36' where single family units front between Chardel Rd. and Yvonne Ave.

CITIZENS' COMMENTS

Rev. T. R. Fraker was concerned about how access was to be provided to the church and interested as to whether Verdel Rd. is to be closed.

Traffic Engineering advised that Verdel Rd. is planned to be closed but there is no scheduled date set for this closing.

Mr. Jos. Sanzone stated that Yvonne Ave. is a residential street and should not be a thru or connector road. He was further concerned about the schools that would serve this area and that bussing of students may be required.

The Committee advised Mr. Sanzone that Yvonne Ave. would have to be connected to Silver Spring Rd. to adequately serve this area and was always planned in this development. Based on a report from the Board of Education, the schools are under capacity and there would appear that no bussing would be necessary.

SILVER SPRING STATION

-3-

October 19, 1983

Mr. Harold Savage was concerned about the traffic on Belair Rd. and felt that this subdivision would only make it more difficult to get on and off Belair Rd.

Mr. F. Skarupa was concerned about the stream crossing under Dearborn Drive and the effects of this subdivision.

Mrs. Catherine Warfield advised that by the construction of the storm water management facilities, there should be no increase in storm water but this would be reviewed further during the processing of this subdivision.

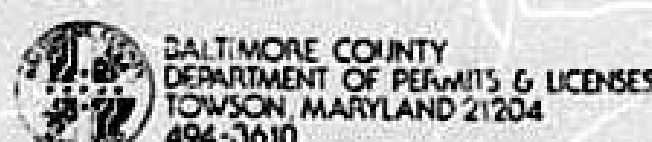
Mrs. Regina Brown stated she lives on existing Chardel Rd. and is concerned about the extension of Chardel Rd. because the traffic would be increased in this area making a very difficult and unsafe situation for the families living along this road.

Traffic Engineering advised that the width of paving on the existing Chardel Rd. would accommodate the increased traffic by the connection of this road.

Written comments from the aforementioned agencies were given to the developer and developer's engineer.

The County Review Group stated that the plan as presented meets the requirements of the CRG, but this plan must be presented to the Planning Board for their review and approval of the RAE-1 portion of the proposal. Upon the Board's approval, a continued meeting date will be scheduled.

The meeting was adjourned at 4:00 p.m. *CS Benson*



TD ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

February 1, 1984

Dear Mr. Jablon:

Comments on Item #186 Zoning Advisory Committee Meeting are as follows:

Property Owner: Silver Spring Station Joint Venture
Location: SW/Cor. Yvonne Avenue and Darleigh Road
Existing Zoning: R.A.E.-1
Proposed Zoning: Variance to allow primary vehicle access from property zoned R.A.E. to a local street (Yvonne Ave.)

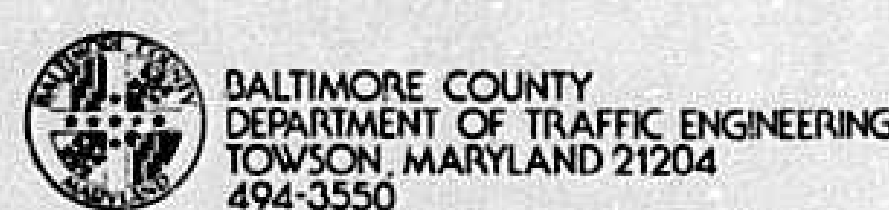
Acres: 17.76
District: 11th.

The items checked below are applicable:

1. All structures shall conform to the Baltimore County Building Code 1901/Council Bill 1-82 State of Maryland Code for the (landscaped and aged) and other applicable Codes.
2. A building/ & other miscellaneous permit shall be required before beginning construction.
3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
5. An exterior wall erected within 6'0" for Commercial use or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1107 and Table 1102, also Section 503.2.
6. Requested variance appears to conflict with the Baltimore County Building Code, Section/s
7. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional's seal.
8. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
9. Comments - Apartments and parking shall comply to the State Handicapped Code as to the number and location of apartments and the parking, access, curb cuts, signs, etc.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 V. Chesapeake Ave., Towson.

Charles E. Burman
Charles E. Burman, Chief
Plans Review



STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 181, 185, and 186
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has not received plans for item numbers 181, 185, and 186.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSP/ccm

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 26, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 24, 1984

RE: Item No: 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186,
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/1h

Enclosures - 17

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
W/S Yvonne Ave. at :
Darleigh Rd., : OF BALTIMORE COUNTY
11th District :
SILVER SPRING STATION :
JOINT VENTURE, : Case No. 84-239-A
Petitioner/ : : : : :
: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Keith Ronald, Esquire, W. Lee Thomas, P.A., 409 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF
THE APPLICATION OF
SILVER SPRING STATION
JOINT VENTURE
FOR A ZONING VARIANCE
ON PROPERTY LOCATED ON
THE WEST SIDE OF YVONNE
AVENUE AT DARLEIGH ROAD
11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 84-239-A

OPINION

This case comes before the Board of Appeals of Baltimore County from an Opinion and Order of the Zoning Commissioner of Baltimore County, dated March 23, 1984. In his Opinion, the Zoning Commissioner determined that Yvonne Avenue was a local street, as defined by Section 200.4A of the Baltimore County Zoning Regulations (BCZR). The Zoning Commissioner, upon this finding, granted the Petition of Silver Spring Station Joint Venture requesting a variance for the subject property. Said variance permits primary vehicle access from property zoned R.A.E. 1 to a local street (Yvonne Avenue). From this opinion and Order, John D. Schiavone has properly appealed to this Board.

The issue before this Board is whether Yvonne Avenue is a local street as defined in BCZR Section 200.4A. If Yvonne Avenue is not a local street, a determination of whether the variance should be granted is unnecessary, as the vehicular access is permissible under the BCZR. However, if Yvonne Avenue is determined to be a local street, this Board must further decide whether the requested variance should be approved.

At the hearing on this matter, all parties were represented by Counsel and presented testimony. Testimony was heard by the Board from four witnesses. The first witness heard was David Thaler, a professional civil engineer. Mr. Thaler is the individual who was retained by the Appellee property developer to perform the engineering work for this project. After qualification as an expert, Mr. Thaler testified that the subject property was zoned in its present classification, R.A.E. 1, approximately ten years ago. He also fully described the Appellee's proposed project, which involves the construction of two apartment units on the property.

IN THE MATTER OF
THE APPLICATION OF
SILVER SPRING STATION JOINT
VENTURE
FOR A ZONING VARIANCE ON
PROPERTY LOCATED ON THE WEST
SIDE OF YVONNE AVENUE AT
DARLEIGH ROAD

BEFORE THE
BOARD OF APPEALS OF
BALTIMORE COUNTY
CASE NO. 84-239-A

MOTION TO CONSOLIDATE

NOW COMES the Appellee, SILVER SPRING STATION JOINT VENTURE, by and through its attorney KEITH E. RONALD, and moves this Board of Appeals to consolidate the above referenced matter with a second and related appeal brought by the appellant, John Schiavone, which is presently scheduled for a hearing on the merits on Tuesday, May 15, 1984 at 10:00 A.M., and for cause states:

1. That in January of 1984, Appellant filed an appeal with this Board from the County Review Group's approval of the subdivision plan entitled Silver Spring Station Joint Venture, which was assigned Case No. 84-102 by the Board of Appeals.
2. That said appeal has been scheduled by this Board for a hearing on the merits for Tuesday, May 15, 1984, at 10:00 A.M..
3. That on March 23, 1984, the Zoning Commissioner for Baltimore County granted the Venture a variance in Case No. 84-239-A on the west side of Yvonne Avenue at Darleigh Road, a portion of the Silver Spring Station Joint Venture subdivision.
4. That on April 18, 1984, the Appellant, John Schiavone, appealed said decision of the Zoning Commissioner.
5. That both appeals, which are brought by the same appellant, involve the same or similar questions regarding that part of the Silver Spring Station subdivision development in the area of Yvonne Avenue and Darleigh Roads.
6. That it would be in the best interests of the Board and of the parties to have both appeals set in for one hearing.
7. That Appellee may not obtain the permits needed to go forward with the development of this project until such time as this Board renders a final decision with respect to these two appeals.

WHEREFORE, Appellee respectfully requests this Board of Appeals to schedule Mr. Schiavone's appeal from the Zoning Commissioner's grant of the variance along with the appeal from

Silver Spring Station Joint Venture
Case No. 84-239-A

2.

The witness testified that the property is transected by a stream and one unit will be constructed on either side of the stream. Mr. Thaler stated that he believed Yvonne Avenue was not a local street as defined. His belief was founded upon the characteristics and present use of Yvonne Avenue. The engineer also testified that alternatives had been considered to the proposal to build the required two access roads into Yvonne Avenue. However, according to Mr. Thaler, each alternative was dismissed due to practical and safety considerations. Specifically, Mr. Thaler advised that the needed emergency vehicle access routes would be considerably lengthened if both routes were not fed into Yvonne Avenue. Also, construction of access roads other than as proposed, would cause significant hardship to the developer, Mr. Thaler testified.

The next witness heard was John W. Guckert, a traffic engineer retained by the Appellee for the project. Mr. Guckert, after qualification as an expert, testified that in his opinion, Yvonne Avenue was not a local street. He based his conclusions on traffic studies performed in 1983 and 1984. He also testified that the intersection of Yvonne Avenue and Ebenezer Road was "A" graded, under a grading system approved by Baltimore County. This grading represents the highest level of efficiency that can be obtained by an intersection. The traffic engineer did not believe the additional traffic generated by the two proposed access routes would diminish the grade of this intersection. Finally, Mr. Guckert testified that the nearest major intersection to this proposed project, Belair Road and Ebenezer Road, was currently graded at a "D" level, just above the failing level. However, the traffic engineer testified that the proposal would not create additional traffic sufficient to lower this intersection's grade to failing.

The Appellant's case consisted of the testimony of Bernard Sanders, a Highway Designer and resident of the adjoining property to the proposed development. Mr. Sanders, after qualification as an expert, testified that he had reviewed the plans for the project extensively and as a result of his review, felt there were a number of better alternatives available rather than constructing both access roads into Yvonne Avenue.

the CRG decision, which is presently scheduled for Tuesday, May 15, 1984 at 10:00 A.M.

Respectfully submitted,

Keith E. Ronald
Suite 314
405 Washington Avenue
Towson, Maryland 21204
(301) 296-6777

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Consolidate was mailed this 24th day of April, 1984, postage prepaid to Mr. John Schiavone, 8921 Carlisle Avenue, Baltimore, Maryland 21236.

Keith E. Ronald

RECEIVED
COUNTY BOARD OF APPEALS
MAY 30 11 02 AM

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
405 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

Silver Spring Station Joint Venture
Case No. 84-239-A

3.

Mr. Sanders stated that his alternatives would not create a hardship upon the developer and would better serve the safety concerns of the residents of the proposed buildings. Further, the witness testified that his alternatives would reduce the amount of anticipated traffic on Yvonne Avenue, thereby maintaining the current density character of that street.

The final witness to testify before the Board was C. Richard Moore, of the Department of Traffic of Baltimore County. Mr. Moore testified that the nature of Yvonne Avenue, be it local, contributory or arterial type roadway, was largely subjective to one's interpretation. Also, Mr. Moore testified that he had reviewed both the proposal of the Appellee and the Appellant's alternatives, and believed the developer's plan was more suitable. His conclusions were primarily based upon safety considerations, chiefly because Mr. Sanders' alternatives would cause a flow of traffic through the parking lots of the proposed apartment project. The testimony of Mr. Moore concluded the submission of evidence to the Board.

Section 307 of the BCZR provides this Board with the authority to grant variances from area regulations, where compliance would result in practical difficulty or unreasonable hardship. Furthermore, the variance shall be granted only if it is in strict harmony with the spirit and intent of said regulation and the relief granted will not cause substantial injury to public health, safety and general welfare. This standard, which the Petitioner must meet in order to grant a variance, has been set forth by the Appellate Courts of Maryland, both in McLean v. Soley 270 MD 208 (1973), Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 MD App. 28 (1974).

On this case, the Board finds that the Petitioners have met their burden. The testimony clearly indicated that an undue hardship and practical difficulty would be incurred by the Appellee if the variance were not granted. The Board found the testimony of Mr. Moore particularly persuasive, wherein he testified that the alternatives set forth by Mr. Sanders were less acceptable than the proposal in Appellee's petition.

IN THE MATTER OF
THE APPLICATION OF
SILVER SPRING STATION JOINT
VENTURE
FOR A ZONING VARIANCE ON
PROPERTY LOCATED ON THE WEST
SIDE OF YVONNE AVENUE AT
DARLEIGH ROAD

BEFORE THE
BOARD OF APPEALS OF
BALTIMORE COUNTY
CASE NO. 84-239-A

NOTICE TO ENTER APPEARANCE

Please enter the appearance of KEITH E. RONALD of the law firm W. LEE THOMAS, P.A., as attorney for Silver Spring Station Joint Venture, whose post office address is 54 Scott Adam Road, Hunt Valley, Maryland 21030.

Keith E. Ronald
Suite 314
405 Washington Avenue
Towson, Maryland 21204
(301) 296-6777

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice to Enter Appearance was mailed this 24th day of April, 1984, postage prepaid to Mr. John Schiavone, 8921 Carlisle Avenue, Baltimore, Maryland 21236.

Keith E. Ronald

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
405 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

Silver Spring Station Joint Venture
Case No. 84-239-A

4.

Additionally, the Board finds that the granting of this variance is not detrimental to the public welfare and is harmonious with the spirit of the regulation. For these reasons, the Board is of the opinion that the Zoning Commissioner's Order of March 23, 1984, is correct and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of June, 1984, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated March 23, 1984, be and is hereby AFFIRMED, and that the variance petitioned for, be and the same is hereby GRANTED.

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

Lawrence E. Schmidt

Diana K. Vincent
Diana K. Vincent

IN THE MATTER OF
SILVER SPRING STATION
RE: Appeal of plan
N. of Silver Spring Rd,
E. of Belair Rd, and
S. of Yvonne Ave. and
H. District
AND

84-CG-293
File 293

IN THE MATTER OF
THE APPLICATION OF
SILVER SPRING STATION
JOINT VENTURE
FOR A ZONING VARIANCE
ON PROPERTY LOCATED ON
THE WEST SIDE OF YVONNE
AVENUE AT DARLEIGH ROAD
11th DISTRICT

NOTICE OF APPEAL

Plaintiff appeals to the Circuit Court of Baltimore County from the decision of the County Board of Appeals of Baltimore County, under date of June 28, 1984, in the above entitled case.

John P. Schiavone
John P. Schiavone, Attorney
8921 Carlisle Avenue
Baltimore, Maryland 21236

John P. Schiavone
John P. Schiavone, Attorney
8921 Carlisle Avenue
Baltimore, Maryland 21236

I hereby certify that on the 27th day of July, 1984, a copy of the foregoing Notice of Appeal was mailed to William T. Hackett, Chairman, County Board of Appeals of Baltimore County, Room 200, Old Annapolis Towne Maryland, 21204, Appellee.

John P. Schiavone
John P. Schiavone, Attorney

RECEIVED
COUNTY BOARD OF APPEALS
MAY 30 11 02 AM

RECEIVED
COUNTY BOARD OF APPEALS
MAY 30 11 02 AM

W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 314
405 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

IN THE MATTER OF
SILVER SPRING STATION
RE: DEVELOPMENT PLAN

N. OF SILVER SPRING ROAD,
E. OF BELAIR ROAD, AND
S. OF YVONNE ROAD

AND
FOR A ZONING VARIANCE,
W. SIDE OF YVONNE AVENUE
AT DARLEIGH ROAD

11th DISTRICT

FILE NO. 84-239-A and
CBA-84-102

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
CG Doc. No. 1
Folio No. 293
File No. 84-CG-293

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Diana K. Vincent, and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, South Perry Hall Improvement Assn. and John D. Schiavone, 8921 Carlisle Ave., Baltimore, Md. 21226. Appellants-Protestants: Silver Spring Station Joint Venture, K. B. S. Corp. General Partner, c/o Kimberly Strutt, 52 Scott Adam Rd., Suite 101, Towson, Md. 21204, Developer; David Thaler & Assoc. Inc., 11 Warren Rd., Baltimore, Md. 21208; Keith E. Ronald, Suite 314, 409 Washington Ave., Towson, Md. 21204, Counsel for Silver Spring Station Joint Venture; Joseph M. Guida, Esq., 2813 Belair Rd., Fallston, Md. 21047, Counsel to South Perry Hall Improvement Association; Thomas J. Bollinger, Esq., Assistant County Attorney for Balto. County, Court House, Towson, Md. 21204; Malcolm Spicer, Esq., County Attorney for Balto. County, Court House, Towson, Md. 21204; and Phyllis C. Friedman, People's Counsel for Baltimore County, Court House, Towson, Md. 21204, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Silver Spring Station
Case Nos. 84-102 & 84-239-A

July 27, 1984 Order for Appeal filed in the Circuit Ct. for Baltimore County by John D. Schiavone.
August 1, 1984 Certificate of Notice sent to all interested parties
August 3, 1984 Petition to accompany Order for Appeal filed in Circuit Ct. for Baltimore County
August 27, 1984 Transcript of testimony filed
Appellant's Exhibits in Case No. CBA-84-102
Appellant's Exhibit No. 1 - Letter to Kenneth Dryden from John Schiavone, dated Dec. 3, 1983.
" " " 2 - Letter/statement from David Thaler to Planning Board dated Dec. 8, 1983.
Petitioner's Exhibits in Case No. 84-239-A
Petitioner's Exhibit No. 1 - Plat showing 2 large buildings (in Board of Appeals' closet)
" " " 2 - Plat showing entire property and surrounding property (in Board of Appeals' closet)
" " " 3 - Map showing the scheme of streets in the area surrounding the property in question.
" " " 4 - Statement of qualifications of John W. Guckert
" " " 5 - Traffic study of Silver Spring Station.
Appellant's Exhibit No. 1 & 2 - Two (2) overlays suggesting alternate methods of access to the property in question, prepared by Mr. Sanders.
August 27, 1984 Record of proceedings filed in the Circuit Ct. for Baltimore County
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Board of Appeals and Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
County Board of Appeals of Baltimore County

cc: Keith Ronald, Esq.
Joseph M. Guida, Esq.
People's Counsel
T. J. Bollinger, Esq.
M. Spicer, Esq.
John D. Schiavone

Silver Spring Station
Case Nos. 84-239-A and CBA-84-102

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to South Perry Hall Improvement Assn. and John D. Schiavone, 8921 Carlisle Ave., Balto., Md. 21226, Appellants-Protestants; Silver Spring Station Joint Venture, K. B. S. Corp. General Partner, c/o Kimberly Strutt, 52 Scott Adam Rd., Suite 101, Towson, Md. 21204, Developer; David Thaler & Assoc. Inc., 11 Warren Rd., Baltimore, Md. 21208; Keith E. Ronald, Suite 314, 409 Washington Ave., Towson, Md. 21204, Counsel for Silver Spring Station Joint Venture; Joseph M. Guida, Esq., 2813 Belair Rd., Fallston, Md. 21047, Counsel to South Perry Hall Improvement Association; Thomas J. Bollinger, Esq., Assistant County Attorney for Balto. County, Court House, Towson, Md. 21204; Malcolm Spicer, Esq., County Attorney for Balto. County, Court House, Towson, Md. 21204; and Phyllis C. Friedman, People's Counsel for Balto. County, Court House, Towson, Md. 21204, on this 14 day of August, 1984.

June Holmen
County Board of Appeals of Baltimore County

IN THE MATTER OF
SILVER SPRING STATION
JOINT VENTURE

SOUTH PERRY HALL IMPROVEMENT
ASSOCIATION and JOHN D.
SCHIAVONE, PROTESTANTS

SILVER SPRING STATION
JOINT VENTURE PETITIONER

Board of Appeals File No.
CBA 84-102 and 84-239-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 84-CG-293

ORDER

HAVING GIVEN due consideration to the Stipulation of Dismissal as well as all pleadings filed to date, it is this 16th day of October, 1984

ORDERED that all proceedings in the above referenced matter be and the same are hereby dismissed with prejudice.

JUDGE

Norma

IN THE MATTER OF
SILVER SPRING STATION
RE: DEVELOPMENT PLAN

N. OF SILVER SPRING ROAD,
E. OF BELAIR ROAD, AND
S. OF YVONNE ROAD

AND
FOR A ZONING VARIANCE,
W. SIDE OF YVONNE AVENUE
AT DARLEIGH ROAD

11th DISTRICT

FILE NO. 84-239-A and
CBA-84-102

JOHN D. SCHIAVONE, PLAINTIFF

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
CG Doc. No. 1
Folio No. 293
File No. 84-CG-293

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE
ZONING COMMISSIONER AND THE BOARD OF
APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Diana K. Vincent, and Lawrence E. Schmidt, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies of original papers on file in the office of the Zoning Department of Baltimore County:

ENTRIES FROM DOCKET OF BOARD OF APPEALS OF BALTIMORE COUNTY
AND ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. CBA-84-102

May 9, 1983 Application of D. S. Thaler & Assoc. Inc. for development of Silver Spring Station and Certification that no delinquent accounts for any other developments are owed Baltimore County.
May 12, " Notice of Robert Morton, P.E., Chief, Bureau of Public Services, of hearing before the CRG scheduled for 10 a.m. on Wednesday, June 1, 1983, in Rm. 110 County Office Bldg. on Silver Spring Station development plan.
June 1, " Minutes of CRG meeting of Wednesday, June 1, 1983, with attached departmental comments
June 1, " Letter from E. A. Bober, Chief, Current Planning and Development to Gilbert S. Benson, Bureau of Public Services correcting a misunderstanding that occurred at the CRG meeting of June 1st.

IN THE MATTER OF
SILVER SPRING STATION
JOINT VENTURE

SOUTH PERRY HALL IMPROVEMENT
ASSOCIATION and JOHN D.
SCHIAVONE, PROTESTANTS

SILVER SPRING STATION
JOINT VENTURE, PETITIONER

Board of Appeals File No.
CBA 84-102 and 84-239-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 84-CG-293

STIPULATION OF DISMISSAL

COME NOW THE PROTESTANTS in the administrative hearing from which this appeal was taken and the Appellants herein, JOHN D. SCHIAVONE and the SOUTH PERRY HALL IMPROVEMENT ASSOCIATION, by and through its President, John D. Schiavone, and move this Honorable Court pursuant to Maryland Rule 2-506 to dismiss the above referenced action with prejudice.

Respectfully submitted,

John D. Schiavone

John D. Schiavone, President
South Perry Hall Improvement
Association

Keith E. Ronald
Attorney for Silver Spring
Station Joint Venture,
Petitioner

SILVER SPRING STATION
N. of Silver Spring Rd., E of Belair
Rd., and S. of Yvonne Rd.
11th District
Re: CRG plan and Variance

No. CBA-84-102

May 9, 1983 Application of D. S. Thaler & Assoc. Inc. for development of Silver Spring Station
June 1, " Minutes of CRG meeting of Wed. June 1, '83
Oct. 19, " Minutes of CRG meeting of Wed. Oct. 19, '83
Dec. 29, " Minutes of CRG meeting of Thurs. Dec. 29, '83
Dec. 29, " CRG approved development plan
Jan. 25, 1984 Letter of appeal from John Schiavone from decision of the CRG

Case No. 84-239-A

Feb. 1, 1984 Petition filed
March 12, " Hearing held by Zoning Commissioner
March 23, " Order of Zoning Commissioner GRANTING variance
April 14, " Order for appeal from Order of Zoning Commissioner
April 30, " Motion to consolidate both cases above
June 5, " Hearing on appeals on both cases
June 28, " Order of the Board ordering that the Order of the Z.C. dated 3/23/84 be AFFIRMED and the variance be GRANTED; and Order of the Board dismissing Case No. CBA-84-102
July 27, " Order for Appeal filed in Cir. Ct. by John Schiavone
Aug. 1, " Certificate of Notice sent out
August 27, " Record of proceedings filed in the Cir. Ct. for Balto. Cty.

Oct. 16 Order of Dismissal signed by Judge Horvath - submitted by John D. Schiavone and Keith E. Ronald, Esquire, counsel for Silver Spring Station Joint Venture

IN RE: PETITION ZONING VARIANCE
W/S of Yvonne Avenue at Dar-
leigh Road - 11th Election
District
Silver Spring Station Joint
Venture,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-239-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit primary vehicle access from property zoned R.A.E.1 to a local street, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by its President, Mr. Kimberly B. Strutt, appeared and testified and was represented by Counsel. Also testifying for the Petitioner were David Thaler, a registered professional engineer, and Wes Guckert, a traffic engineer. Numerous Protestants appeared. See Protestants' Exhibit 1. Testifying for the Protestants were John Schiavone, President of the South Perry Hall Improvement Association, Susan Spahn, and Charles Hazel.

Testimony indicated that the Petitioner submitted a development plan for approximately 106 acres to the County Review Group (CRG), which included a parcel of 17 acres, more or less, which is the subject of this hearing. Approval of the development was granted by the CRG and that approval has been appealed to the County Board of Appeals (Board). The subject site, zoned R.A.E.1, will be improved with mid-rise apartments, one building each on either end of the site. Each building will have approximately 210 units. The County requires that two access roads be provided for ingress and egress to the building on the east end of the property, closest to Yvonne Avenue, and such access roads are required to pass through a parcel zoned D.R.5.5 to Yvonne Avenue, as shown on Petitioner's Exhibit 1.

The Petitioner argued that a variance is not required inasmuch as Yvonne Avenue is not a "local street" within the meaning of the term as found in Section 200.4.A of the Baltimore County Zoning Regulations (BCZR). If in fact Yvonne Avenue is not a local street, a variance is not required; if it is, a variance is required. The Petitioner then argued that if Yvonne is a local street, the requirements of Section 307, BCZR, are satisfied and the variance should be approved. Supporting the latter contention, Mr. Thaler testified that, in his expert opinion, the access roads as proposed are the only satisfactory means of ingress and egress. Due to the topography of the site and a major stream running diagonally through the property with swales and resultant flood plain, the only way ingress and egress could be satisfactorily provided to satisfy the concerns of Baltimore County would be as proposed. He stated that many and varied alternatives were explored but were rejected after discussions with County officials, leaving the proposed alternative as the only one left. Mr. Thaler testified that if the variance were denied, it would effectively make the subject property useless based on County objections to any of the other alternative access roads and the requirements of the County Development Regulations.

Mr. Guckert testified that he studied traffic on Yvonne Avenue and Ebenezer Road, into which Yvonne Avenue ends, and determined that, in his professional opinion, the development of the building with access to Yvonne Avenue (the building at the west end of the property has access elsewhere) would not adversely impact the community and would not create traffic congestion. He found that at present, during the peak hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Yvonne Avenue carries 96 hour trips. See Petitioner's Exhibit 4. Mr. Guckert believes the addition of the building will increase this to approximately 300 hour trips. He opines that Yvonne Avenue could capably handle up to

800 hour trips before any adverse impact would occur. The comments prepared by the CRG and made a part of this case indicate that this issue was considered, and it must be presumed that the CRG accepted this opinion by its approval.

The Protestants argued that Yvonne Avenue should be considered a local street and the variance denied. They feel the increased traffic will cause congestion and a safety problem. They are not opposed to the development, but are opposed to the alternative access roads as proposed. They believe other alternatives exist which would alleviate the traffic problem on Yvonne Avenue.

There is some question as to whether Yvonne Avenue will be extended to Silver Spring Road at some point in the future. Yvonne Avenue presently ends at Ebenezer Road. A public works agreement has been entered into with the Petitioner, who agrees to bear all development costs if the County determines that Yvonne Avenue should be extended. The Protestants do not seem to be in agreement if this should be done, given the subsequent upholding of the CRG approval by the Board. At the very least, the Protestants want a significant voice in any such determination. As residents of the immediate vicinity, this request is certainly reasonable and hopefully will be considered by the Department of Traffic Engineering.

The Petitioner's argument that Yvonne Avenue is not a local street fails. Mr. Guckert, the Petitioner's own witness, defined a local street, which is not defined in the BCZR, as a roadway essentially serving abutting properties and which does not carry thru-traffic. This definition describes Yvonne Avenue accurately. Testimony indicated that it does serve local traffic, and although traffic is heavier than would have been expected, it is not a street used by thru-traffic.

Because Yvonne Avenue is determined to be a local street, the Petitioner seeks relief from Section 200.4, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Wherefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, on this 23rd day of March, 1984, that the Petition for Variance to permit primary vehicle access from property zoned R.A.E.1 to a local street be and is

hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. No building permit shall be issued until such time as the Board upholds the decision of the CRG and/or the Zoning Commissioner, if this decision is appealed, or until any and all appeals are dismissed, whichever comes first.
2. If this decision is appealed, both appeals shall be consolidated and heard by the Board at the same time.

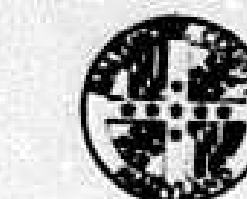
[Signature]
Zoning Commissioner of
Baltimore County

Mr. & Mrs. Carl Dwyer 4416 Wynn Rd. 21236
Mr. & Mrs. Charles B. Hazel 441 Vale Dr. 21236
Mr. & Mrs. John W. Gungelmann 4253 Darleigh Rd. 21236
Nathalie K. Hinson 4244 Darleigh Rd. 21236
Mrs. Marcella Belok 4233 Darleigh Rd. 21236
James P. James 4241 Darleigh Rd. 21236
John J. Holbrook 9009 Fiddlers Rd. 1
William Schiavone 8921 Carlisle Ave. 21236
Robert A. Jonas 8911 MAVIS AVE. 21236
James Plum 8915 Yvonne Ave. 21236
Pauline Plum 8915 Yvonne Ave. 21236
Jan J. Lewis 8923 Yvonne Ave. 21236
Charles Ogonow 8915 Carlisle Ave. 21236
Diane Levy 12 Farwell Ct. 21236

Resto Ed 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11 Date of Posting 5/11/84
Posted for: Board of Appeals
Petitioner: John & Mary Ann Strutt, Kimberly B. Strutt, David Thaler, Wes Guckert
Location of property: 17 acres, Yvonne Ave. at Parkhigh Rd.
Location of Sign: both signs posted facing Yvonne Ave. as proposed, enclosed to property
Remarks: _____
Posted by: John J. Holbrook Date of return: 5/17/84
Number of Signs: 2



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 594-3180
June 28, 1984

Mr. John D. Schiavone
8921 Carlisle Ave.
Baltimore, Md. 21236

Dear Mr. Schiavone:

Case No. 84-239-A and
Re: Case No. C3A-84-102
Silver Spring Station

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

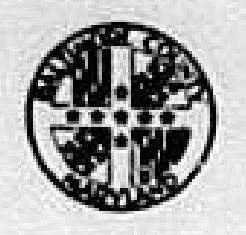
Very truly yours,

[Signature]
June Holman, Secretary

Encl.
cc: Silver Spring Station Joint Venture
Keith E. Ronald, Esq.
Joseph M. Guido, Esq.
T. J. Bollinger, Esq.
Robert Morton
Harry Pistel
David Thaler & Assoc., Inc.
E. Becker
N. Gerber
M. Spicer
Hon. Norman W. Lauenstein
[Signature]
Phyllis C. Freidman
J. G. Hoswell
A. Tablon
J. Jung
S. E. Dyer

5/7/82 - Notified of appeal hearing scheduled for TUESDAY, JUNE 5, 1984 at 10 a.m.

John D. Schiavone
Silver Spring Station Joint Venture
Keith Ronald, Esquire
Phyllis C. Friedman
Joseph M. Guida, Esq.



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
May 7, 1984

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 #59-79

CASE NO. 84-239-A SILVER SPRING STATION JOINT VENTURE
FOR VARIANCE FROM §200.4A OF B.C.Z.R.
W/S YVONNE AVE. AT DARLEIGH ROAD
11th DISTRICT

ASSIGNED FOR: TUESDAY, JUNE 5, 1984 at 10 a.m.

cc: Keith Ronald, Esquire Counsel for Petitioner
Silver Spring Station Jt. Venture Petitioner
South Perry Hall Imp. Assn. Protestants-Appellants
and John D. Schiavone
Phyllis Cole Friedman People's Counsel
Norman E. Gerber
J. G. Hoswell
A. Jablon
Jean M. H. Jung
J. E. Dyer
Joseph M. Guida, Esq. Counsel for Protestants-Appellants

Edith T. Eisenhart, Adm. Secretary



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
August 1, 1984

South Perry Hall Improvement Assn.
and John D. Schiavone
c/o 8921 Carlisle Ave.
Baltimore, Md. 21236

Re: Case Nos. 84-239-A & CBA-84-102
Silver Spring Station Joint Venture

Gentlemen:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holman
June Holman, Secretary

Encls.
cc: Joseph M. Guida, Esq.

August 1, 1984

BILLED TO: South Perry Hall Improvement Assoc.
and John D. Schiavone
8921 Carlisle Ave.
Baltimore, Md. 21236

Cost of certified documents in
Case Nos. 84-239-A and CBA-84-102 \$161.00
Silver Spring Station Joint Venture
N. of Silver Spring Rd., E. of
Belair Rd., and S. of Yvonne Rd.
11th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Md. 21204

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 1, 1984

Mrs. Phyllis C. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Re: Case Nos. 84-239-A & CBA-84-102
Silver Spring Station Joint Venture

Dear Mrs. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holman
June Holman, Secretary

Encl.
cc: Silver Spring Station Joint Venture
David Thaler & Assoc., Inc.
Hon. N. W. Lumsden
Keith E. Ronald, Esq.
T. J. Bollinger, Esq.
Malcolm Spicer, Esq.
Robert Morise
Harry Plisk
E. Bober
N. Gerber
J. Hoswell
A. Jablon
J. Jung
J. Dyer

IN THE MATTER OF
SILVER SPRING STATION

RE: DEVELOPMENT PLAN

N. OF SILVER SPRING ROAD,
E. OF BELAIR ROAD, AND
S. OF YVONNE ROAD
11th DISTRICT

AND

IN THE MATTER OF
THE APPLICATION OF
SILVER SPRING STATION
JOINT VENTURE

FOR A ZONING VARIANCE
ON PROPERTY LOCATED ON
THE WEST SIDE OF YVONNE
AVENUE AT DARLEIGH ROAD
11th DISTRICT

IN THE CIRCUIT COURT
OF
BALTIMORE COUNTY AT LAW

OF
BALTIMORE COUNTY AT LAW



PETITION ON APPEAL

The South Perry Hall Improvement Association and John D. Schiavone, Protestants below and Appellants herein, having heretofore filed a Notice of Appeal from the Opinions and Orders of the County Board of Appeals of Baltimore County, under date of July 27, 1984, in compliance with Maryland Rule B-2 (a), files this Petition on Appeal setting forth the grounds upon which the appeal is taken, viz:

That the County Board of Appeals of Baltimore County erred by granting the Motion to Dismiss CBA 84-102 before appellants were permitted to present full evidence in rebuttal of the presumption of correctness on which said Motion was based and granted;

And that the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the granting of the variance at issue in CBA-84-239-A was "not detrimental to the public welfare and is harmonious with the spirit of the regulation" and, conversely, that "an undue hardship and practical difficulty would be incurred by the Appellee if the variance were not granted".

Wherefore, Appellant prays that the Orders of the County Board of Appeals dated June 28, 1984 be reversed, that the variance at issue in CBA -84-239-A be denied and that the County Review Group be ordered to rescind its approval of the development plan at issue in CBA 84-102.

John D. Schiavone, President
South Perry Hall Improvement Association
8921 Carlisle Avenue
Baltimore, Maryland 21236

and

John D. Schiavone
8921 Carlisle Avenue
Baltimore, Maryland 21236

RECEIVED
COUNTY BOARD OF APPEALS
AUG 1 1984



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

ARNOLD JADON
ZONING COMMISSIONER

23 March 1984

Keith E. Ronald, Esquire
409 Washington Avenue
Towson, Maryland 21204

IN RE: Petition Zoning Variance
W/S of Yvonne Avenue at Dar-
leigh Road - 11th Election
District
Silver Spring Station Joint
Venture, Petitioner
Case No. 84-239-A

Dear Mr. Ronald:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jadon
ARNOLD JADON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

Mr. John Schiavone
8921 Carlisle Avenue
Baltimore, Maryland 21236

W. LEE THOMAS
DAVID A. WILSON
KEITH E. RONALD

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 304
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
296-1077

February 9, 1984

Mr. Nicholas J. Commodari, Chairman
Zoning Plans Advisory Committee
County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Re: Variance Petition Item No. 186
Petitioner: Silver Spring Station Joint
Venture

Dear Mr. Commodari:

The above referenced Petition for Variance was filed with the Office of Planning and Zoning on January 13, of this year. Prior to filing our application, W. Lee Thomas and I met with Commissioner Jablon and Mr. James Dyer to discuss the need for a hearing on the issues presented in the petition. During said meeting, the Commissioner stated that he would only respond to our questions if they were presented to him in the format of public hearing pursuant to a variance petition or request for special hearing and that if we elected to follow either route, such a hearing would be set in no later than forty-five days from the date we filed our application for same. *Accepted.*

In furtherance of the Commissioner's assurances, we filed our petition in the belief that such a forum would be the quickest method to obtain the necessary County approval on this matter. Speed is of the essence as the developer can neither record his plat nor obtain any permits until this question has been finally resolved. Consequently, I would appreciate your doing everything possible to see that this application is set in for hearing at the earliest possible date.

Very truly yours,

Keith E. Ronald
Keith E. Ronald

KER/lah

8921 Carlisle Avenue
Baltimore, Maryland 21236
April 14, 1984

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Sir:

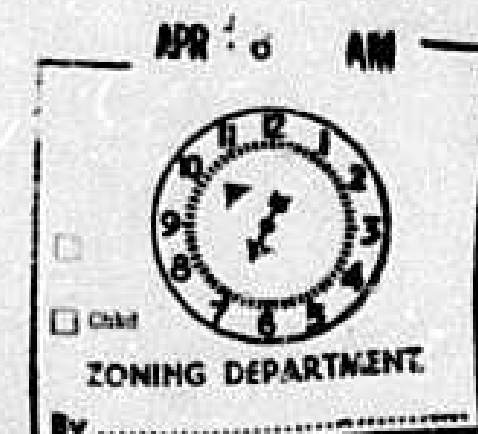
In my own behalf as an affected property owner and in behalf of the South Perry Hall Improvement Association, both of the above address, we wish to appeal from the order of the Zoning Commissioner of Baltimore County dated March 23, 1984 in regard to the Petition of Silver Spring Station Joint Venture for Zoning Variance #2 of Yvonne Avenue at Darleigh Road-11th Election District, Case No. 84-239-A.

Our check in the amount of \$100.00 made out to Baltimore County is enclosed.

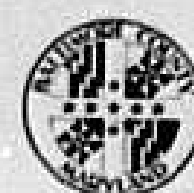
Sincerely,
John D. Schiavone
John D. Schiavone

cc: Mr. Joseph M. Guida, P.A.

256-8370



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130253
DATE 4/18/84 ACCOUNT R-01-615-000
AMOUNT \$85.00
RECEIVED John Schiavone
FROM Appeal of Case No. 84-239-A
(Silver Spring Joint Venture)
By *(Signature)* \$ 075*****850016 8268A
VALIDATION OR SIGNATURE OF CASHIER



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

ARNOLD JABLON
ZONING COMMISSIONER

May 4, 1984

Keith Ronald, Esquire
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance
W/S of Yvonne Avenue at Darleigh Road
Silver Spring Station Joint Venture, Petitioner
Case No. 84-239-A

Dear Mr. Ronald:

Please be advised that an appeal has been filed by South Perry Hall Improvement Association and John D. Schiavone, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Silver Spring Station Joint Venture
SUBJECT: 84-239-A
Date: March 7, 1984

A plan was approved for this property by the County Review Group on 12/29/83; a development plan was approved by the Planning Board (12/8/83).

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

NEG/JGH/sf

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11 Date of Posting: 2/26/84
Posted for: Petition for Variance
Petitioner: Silver Spring Station Joint Venture
Location of property: W/S of Yvonne Ave. at Darleigh Rd.
Location of Sign: facing intersection of Yvonne & Darleigh; facing Yvonne at right of proposed driveway
Remarks: Man. 2. Herman
Posted by: Man. 2. Herman Date of return: 3/1/84
Number of Signs: 2

February 16, 1984

Keith Ronald, Esquire
409 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variance
W/S Yvonne Avenue at Darleigh Road
Silver Spring Station Joint Venture - Petitioner
Case No. 84-239-A

TIME: 1:30 P.M.
DATE: Monday, March 12, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 124070
DATE 2/23/84 ACCOUNT R-01-615-000
AMOUNT \$100.00
RECEIVED *Keith Ronald*
FROM *Keith Ronald*
FOR *Item 186 CR4*
By *(Signature)* \$ 022*****100016 8136A
VALIDATION OR SIGNATURE OF CASHIER

Petition for Variance
11th Election District
ZONING: Petition for Variance
LOCATION: West side Yvonne Avenue at Darleigh Road
DATE & TIME: Monday, March 12, 1984 at 1:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Variance to change existing vehicle access from property owned R.A.E. 1 to a local street (Yvonne Avenue).
Being the property of Silver Spring Station Joint Venture, as shown on plat plan filed with the Zoning Department.
In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of *Arnold Jablon*
Zoning Commissioner
of Baltimore County

The Times
Middle River, Md., Feb 23 1984
This is to Certify, That the annexed
Petition
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 2 successive weeks before the 23rd day of Feb., 1984.
John D. Schiavone
Publisher.

PETITION FOR VARIANCE
11th Election District
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By Order of *Arnold Jablon*
Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 21, 1984

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 in each of one time before the 12th day of March, 1984, the 23rd publication appearing on the 23rd day of February, 1984.

L. Frank Smith
Manager.

Cost of Advertisement, \$ 15.00



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

ARNOLD JABLON
ZONING COMMISSIONER

March 7, 1984

Keith Ronald, Esquire
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance
W/S Yvonne Avenue at Darleigh Road
Silver Spring Station Joint Venture - Petitioner
Case No. 84-239-A

Dear Mr. Ronald:

This is to advise you that \$46.18 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 128217
DATE 3/14/84 ACCOUNT R-01-615-000
AMOUNT \$46.18
RECEIVED *Arnold Jablon*
FROM *Keith Ronald*
FOR *Case No. 84-239-A*
By *(Signature)* \$ 051*****463616 8136A
VALIDATION OR SIGNATURE OF CASHIER

186
D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 484-4100

DESCRIPTION TO ACCOMPANY
VARIANCE
RAE 1 ZONE - SILVER SPRING STATION

Beginning for the same at a point located at the intersection of the west side of Yvonne Avenue with the south side of Darleigh Road, and running thence from said point of beginning:

North 81°34'19" West 180.05 feet,
North 54°30'00" West 39.0 feet,
North 40°00'00" West 40.0 feet,
North 63°00'00" West 59.0 feet,
South 69°30'00" West 25.0 feet,
South 49°30'00" West 18.0 feet,
South 73°00'00" West 35.0 feet,
North 82°30'00" West 142.0 feet,
North 78°00'00" West 52.0 feet,
South 65°45'56" West 57.84 feet,
North 52°06'04" West 1100.10 feet,
North 42°02'25" East 269.42 feet,
North 42°31'30" East 30.16 feet,
North 41°25'45" East 300.00 feet,
South 53°56'30" East 1316.45 feet to the said west side of Yvonne Avenue, thence binding on same, South 00°47'24" East 427.99 feet to the place of beginning.

Containing 19.72 acres of land more or less.

Saving and excepting from the above described parcel of land all of that land zoned BM, BL-CCC, DR-16 and comprising 0.28 of an acre of land and all of that land zoned DR 5.5 and intended for use as residential building lots comprising 0.60 of an acre of land more or less.

Leaving 18.84 acres of land more or less for this special hearing.

JAN 24 REC'D

From 4/16



Leonard T. Bohagen

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS

PETITION FOR VARIANCE

11th Election District

ZONING: Petition for Variance
LOCATION: West side Yvonne Avenue at Darleigh Road
DATE & TIME: Monday, March 12, 1984 at 1:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow primary vehicle access from property zoned R.A.E. 1 to a local street (Yvonne Avenue)

Being the property of Silver Spring Station Joint Venture, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

84-239-A

11th District

W/s Yvonne Ave. at Darleigh Road

Silver Spring Station Joint Venture

2 SIGNS

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

No. 85156

DATE: Aug. 22, 1984 ACCOUNT: 01.712

AMOUNT: \$ 161.00

RECEIVED FROM: John D. Schiavone, 8921 Carlisle Ave. (21234)
FOR: Certified copies of documents in Case Nos. 84-239-A and CBA-84-102, Silver Spring Station Joint Venture

B 016*****1610318 8228F
VALIDATION OR SIGNATURE OF CASHIER

August 1, 1984

BILLED TO: South Perry Hall Improvement Assoc.
and John D. Schiavone
8921 Carlisle Ave.
Baltimore, Md. 21236

Cost of certified documents in
Case Nos. 84-239-A and CBA-84-102 \$161.00
Silver Spring Station Joint Venture
N. of Silver Spring Rd., E. of
Belair Rd., and S. of Yvonne Rd.
11th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Md. 21204

RECEIVED
COUNTY BOARD OF APPEALS
NOV 22 A 10 00

Form C42

John Adams - 484-2630
Civil Assignment Commissioner
Settlement Court

Marie Harris - 484-2662
Masters Assignment Clerk
Medical Records

TO:

Keith E. Ronald, Esq.
W. Lee Thomas, Esq.
County Board of Appeals of Balto Co.
Thomas J. Bollinger, Esq.
Mr. John D. Schiavone, Pres.
South Perry Hall Improvement Assn.

RE:

Non-Jury 84-CG-293- In the Matter of Silver Spring Station vs. South Perry Hall Improvement Assn.

HEARING DATE:

Thursday, October 18, 1984, at 9:30 a.m.

ON THE FOLLOWING:

Motion for Continuance: 1/2 hour

Note: Confirming an agreed counsel date.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 484-3-97.

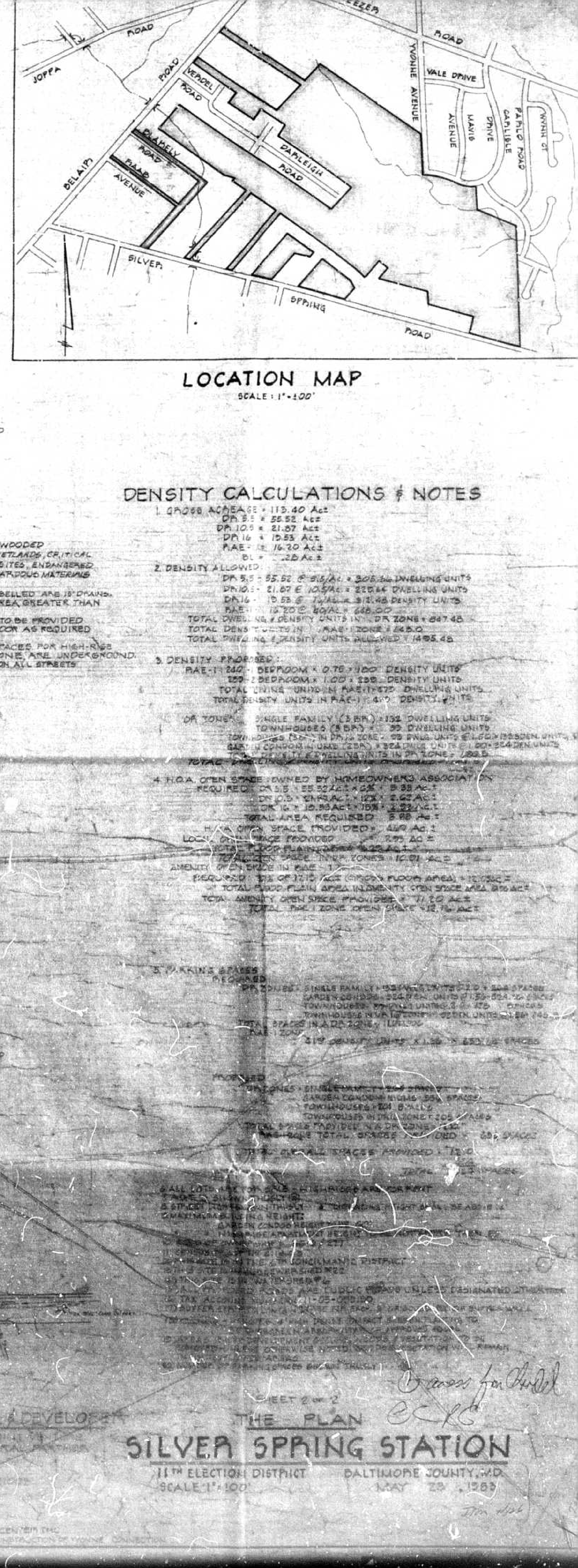
SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representative. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CICONE. Please direct all inquiries to the attention of John Adams.

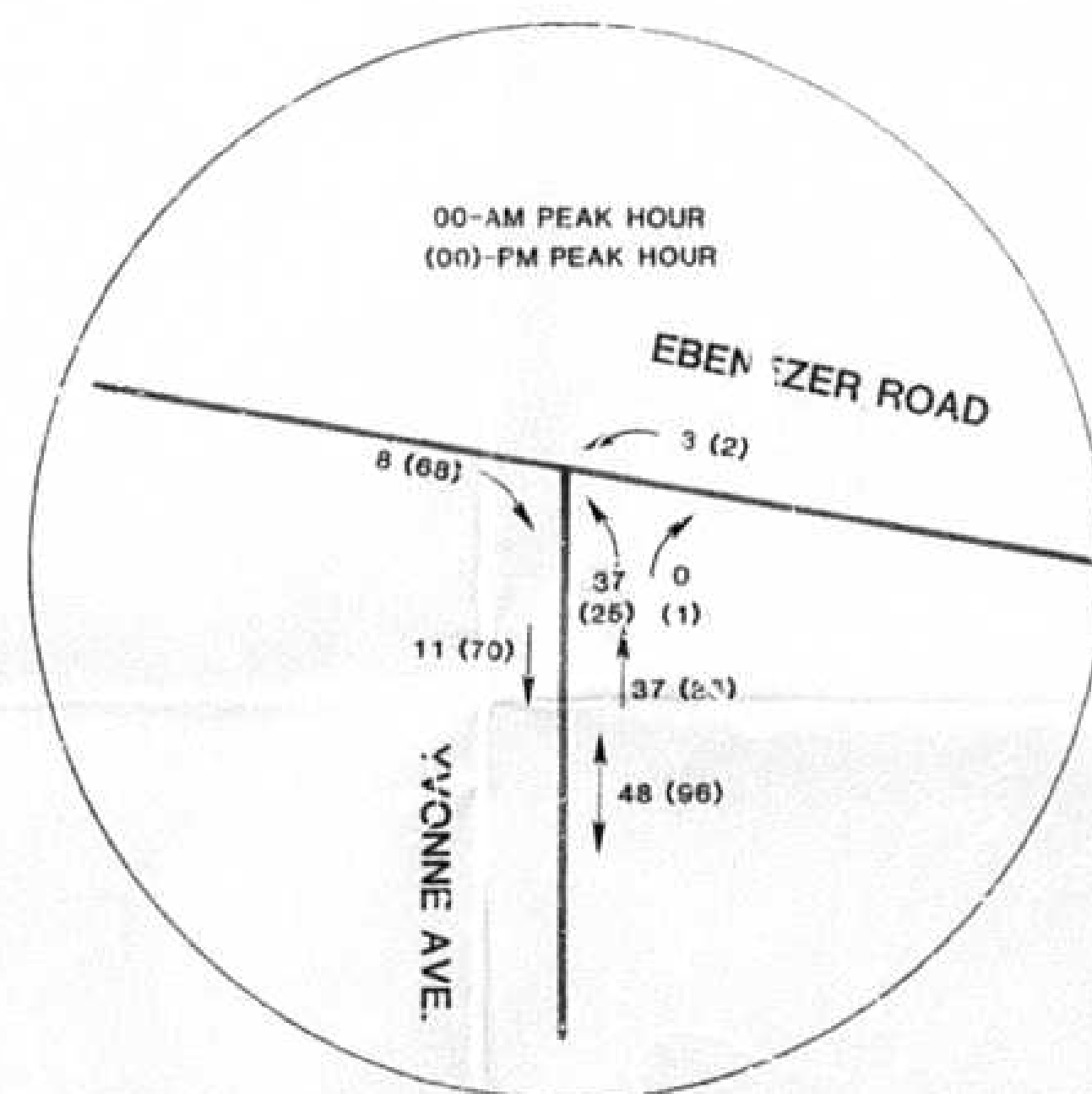
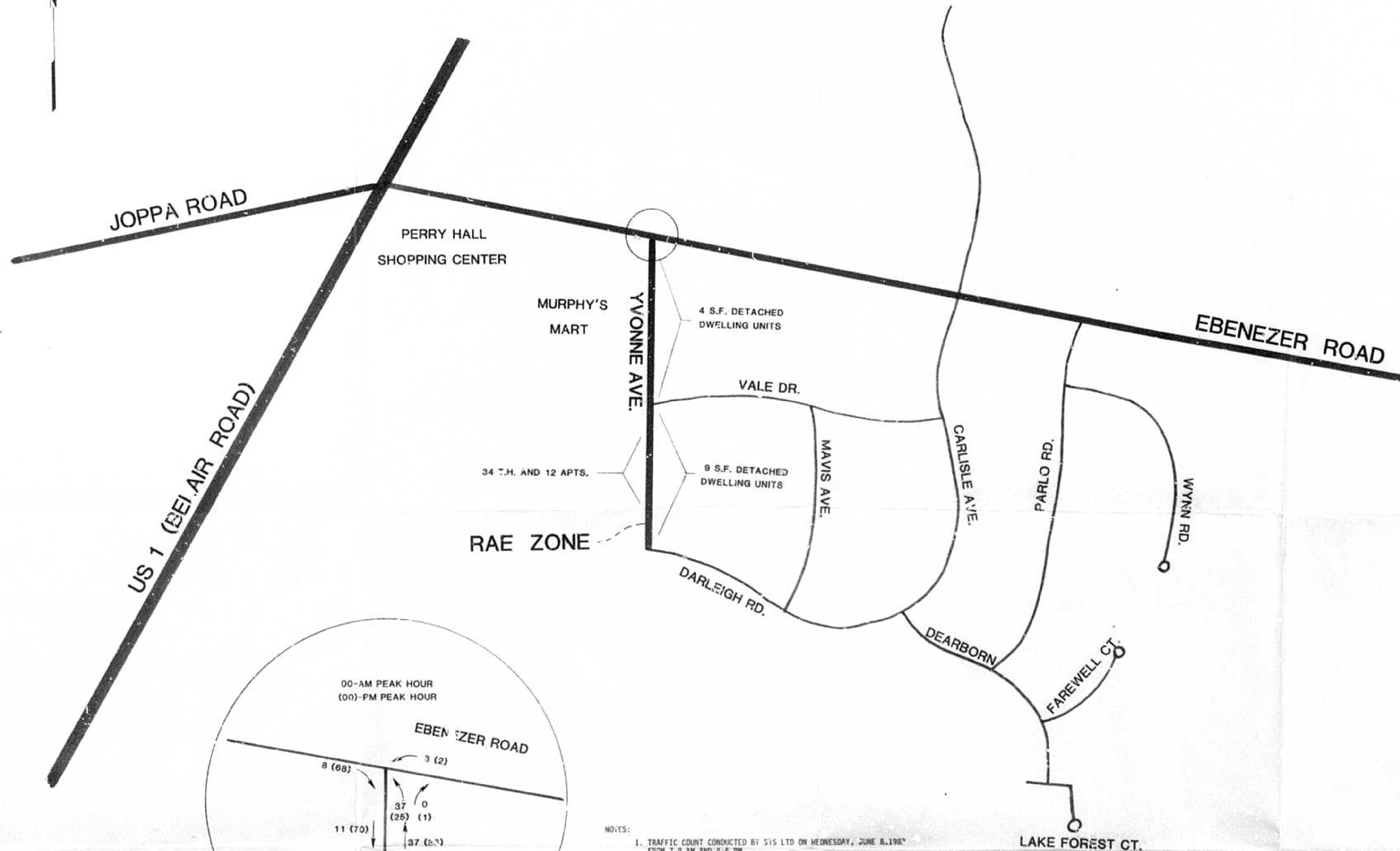
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Kathy Rushon - 484-2680
Assignment - Jury - Motions
Marcie Fennell
Assistant Clerk Typist

Irene Summers - 484-2661
Assignment - Non-Jury - Motions
Fradie Grose
Assistant Clerk Typist

RECEIVED
COUNTY BOARD OF APPEALS
NOV 01 - 9 A 10 05





PEAK HOUR VOLUMES

NOTES:

1. TRAFFIC COUNT CONDUCTED BY STS LTD ON WEDNESDAY, JUNE 8, 1984 FROM 7-9 AM AND 4-6 PM.
2. BALTIMORE COUNTY ZONING REGULATIONS ASSUME .05 TRIP/UNIT FOR RESIDENTIAL UNITS DURING PEAK HOURS.
3. THERE ARE A TOTAL OF 59 DWELLING UNITS ALONG YVONNE AVE. THE 59 UNITS SHOULD GENERATE APPROXIMATELY 50 TRI (2 WAY VOLUME) ALONG YVONNE AVE.
4. AS SHOWN ON THE LEFT, YVONNE AVE. CARRIES 96 PEAK HOUR TRIPS OR 1.92 TIMES THE EXPECTED RATE IF YVONNE AVE. WAS CONSTRUCTED AS A CUL-DE-SAC.
5. THE ADDITIONAL THROUGH TRIPS GENERATED ARE FROM THE OTHER NEARBY ROADWAYS.

PETITIONER'S
EXHIBIT 4

SILVER SPRING STATION

SCALE NONE

DATE 8/10/84



STREET TRAFFIC STUDIES, LTD
BALTIMORE
15028 S. WESTINGHOUSE DR.
GREENBELT, MD 20740
(301) 428-1754

DRAWING NO.

REVISION

DATE

DESIGNED BY
DRAWN BY
CHECKED BY

