

IN RE: PETITION ZONING VARIANCES
NE/corner of Liberty Road and
Burmout Avenue - 2nd Election
District
Pearlstein-Levitt Investments,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-250-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of six feet and 28 feet instead of the required 30 feet and to permit to have 37 parking spaces instead of the required 44 spaces, as more particularly shown on Petitioner's Exhibit 1.

The Petitioner, by its Counsel, appeared. Testifying for the Petitioner were Henry Sadler, a registered engineer, and Gordon Mueller, the leasing agent. No Protestants appeared.

Testimony indicated that the subject property is zoned B.R. and that a 125' x 50' commercial building consisting of two levels is proposed. The upper level will be built on grade fronting Liberty Road and the lower level will be on grade in the rear as the site slopes to the rear. The proposed building will have five or six retail units, including a major convenience store, and five or six office units which will be located on the lower level in the rear.

The requested variances are necessary because the lot is not large enough to accommodate the building size with the required setbacks. The size is dictated by the financial considerations which have been required of the Petitioner. The County is requiring that Burmout Avenue, bordering the site to the west, must be widened and improved at the expense of the Petitioner. About one-third of an acre will be taken in order to do so. Also, frontage on Liberty Road will be taken to improve that side as well. This cost requires that the building be able to return a reasonable investment and that the proposed size be

allowed. Anything less would make this project cost ineffective and cause it to be abandoned. Also, the topography and the configuration of the site limit the building location.

In the professional opinion of Mr. Sadler, the requirements of Section 307 of the Baltimore County Zoning Regulations (BCZR) have been complied with, and there would be no adverse effect on the health, safety, and general welfare of the community. He testified that the proposed project would not adversely impact traffic and would not cause additional congestion on Liberty Road. The development and improvement of Burmout Avenue to a width of 40 feet (with a right of way of 60 feet) would allow easy ingress and egress to the site. Access would be from Liberty Road and Burmout Avenue. Mr. Sadler indicated that the available parking proposed would be more than sufficient.

Mr. Mueller, based on his experience, testified that 44 spaces would never be utilized in their entirety. The uses proposed would be aimed at patrons who want convenience and speed, and there would be no need for the extra spaces. Additionally, if the building's location were changed, less parking spaces than requested would result.

The Petitioner has discussed these requests with the immediate neighbor, Josh Levin's, an interior decorator, whose building is directly on the adjoining property line. Josh Levin's does not oppose the requested variances.

The Petitioner seeks relief from Sections 238.2 and 409.2(b), pursuant to Section 307, BCZR.

area variance may be granted where strict application of the zoning ordinance would cause practical difficulty to the petitioner and his property. In *Levin 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 -

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 variances 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 variances 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 variances 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 variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of April, 1984, that the Petition for Variances to permit side yard setbacks of six feet and 28 feet instead of the required 30 feet and 37 parking spaces instead of the required 44 spaces be and is hereby GRANTED, and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Peti-

- 3 -

tioner would be required to return, and be responsible for returning, said property to its original condition.

2. A detailed landscaping plan shall be submitted for approval to the Current Planning and Development Division.
3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *May Campbell (Clerk)*
COMMUNITY ASSISTANT

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *May Campbell (Clerk)*

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *May Campbell (Clerk)*

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *May Campbell (Clerk)*

- 4 -

PETITION FOR ZONING VARIANCE 84-250-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a side yard setbacks of 6' instead of the required 30' and 409.2 b to permit 37 parking spaces instead of the required 44.

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

In order for Petitioner to construct its contemplated project within the existing BCZR zoning classification presently granted to the subject property, the County will require Petitioner to perform quite costly and extensive repair and reconstructive work on Burmout Avenue. Such work, when added to Petitioner's regular development costs, render development of the project within the existing zoning classification economically unfeasible.

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:	Legal Owner(s):
(Type or Print Name)	PEARLSTEIN - LEVITT INVESTMENTS
Signature	<i>[Signature]</i>
Address	Signature ALLAN H. PEARLSTEIN
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature JEFFREY A. LEVITT
SANFORD R. CARDIN	25 LIGHT STREET 727-3357
(Type or Print Name)	Address Phone No.
Signature	BALTIMORE, MARYLAND 21202
SUITE 301, 6615 REISTERSTOWN ROAD	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
BALTIMORE, MARYLAND 21215	SANFORD R. CARDIN
City and State	Name
Attorney's Telephone No.: 358-7411	6615 REISTERSTOWN ROAD 358-7411
	Address Phone No.

PETITION FOR VARIANCES

2nd Election District

ZONING: Petition for Variances
LOCATION: Northeast corner Liberty Road and Burmout Avenue
DATE & TIME: Thursday, March 29, 1984 at 11:00 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 Variances to permit side yard setbacks of 6 ft. and 28 ft. instead of the required 30 ft. and to permit 37 parking spaces instead of the required 44 ft.

Being the property of Pearlstein-Levitt Investments, 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

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner Liberty Rd.
& Burmout Ave., 2nd District : OF BALTIMORE COUNTY
PEARLSTEIN-LEVITT INVESTMENTS, : Case No. 84-250-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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of March, 1984, a copy of the foregoing Entry of Appearance was mailed to Sanford R. Cardin, Esquire, Suite 301, 6615 Reisterstown Rd., Baltimore, MD 21215, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

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

ARNOLD JABLON
ZONING COMMISSIONER

March 16, 1984

Sanford R. Cardin, Esquire
6615 Reisterstown Road
Suite 301
Baltimore, Maryland 21215

Re: Petition for Variances
NE/corner Liberty Rd. & Burmout Ave.
Pearlstein-Levitt Investments - Petitioners
Case No. 84-250-A

Dear Mr. Cardin:

This is to advise you that \$47.00 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. 128254
DATE 3/29/84	ACCOUNT R-01-615-000
AMOUNT \$47.00	
RECEIVED FROM Steven Fader	
FOR advertising and posting Case #84-250-A (Pearlstein-Levitt Investments)	
8 075*****470016 0302A	
VALUATION OR SIGNATURE OF CASHIER	

[Signature]
OLD JABLON
Zoning Commissioner

ORDERED By The Zoning Commissioner of Baltimore County, this 14th 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 29th day of March, 1984, at 11:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County

(over)

Sanford R. Cardin, Esquire
Suite 301
6615 Reisterstown Road
Baltimore, Maryland 21215

NOTICE OF HEARING

Re: Petition for Variance
NE/corner Liberty Rd. & Burmont Ave.
Pearlstein-Levitt Investments - Petitioners
Case No. 84-250-A

TIME: 11:00 A.M.

DATE: Thursday, March 29, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

cc: Gerald Sisenwein
3727 Pikeswood Drive
Randallstown, Maryland 21133

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 124003

DATE: 12/9/83 ACCOUNT: R-01-615-000

AMOUNT: \$100.00

RECEIVED FROM: *[Signature]*

FOR: *[Signature]*

6 052-0000-1000000 7128A

VALIDATION OR SIGNATURE OF CASHIER

D. S. THALER & ASSOCIATES, INC.

11 WARREN ROAD - BALTIMORE, MARYLAND 21206 - (301) 484-4100

DESCRIPTION TO ACCOMPANY VARIANCE FOR RETAIL PARKING AND SIDE YARD HIGH'S LIBERTY ROAD

Beginning for the same on the north right of way line of Liberty Road, Maryland Route 26, 66 feet wide, where it is intersected by the east side of Burmont Avenue, and running thence on the east side of Burmont Avenue North 22°54' 00" East 136.96 feet, thence by a curve to the right having a radius of 290 feet and an arc length of 67.71 feet, thence leaving said road, South 52°02'00" East 183.15 feet, South 38°03'00" West 199.85 feet to the north side of Liberty Road Maryland Route 26, thence binding thereon, North 52°02'00" West 149.68 feet to the place of beginning.

LTB/kbk High's Liberty Road October 13, 1983

Office Co.

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 19, 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

Sanford R. Cardin, Esquire
6615 Reisterstown Road
Suite 301
Baltimore, Md. 21215

RE: Item No. 148
Petitioner - Pearlstein Levitt Inv.
Variance Petition

Dear Mr. Cardin:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Traffic Engineering - Michael Flanigan - 494-3554

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

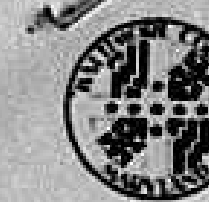
After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc

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



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

ARNOLD JABLON
ZONING COMMISSIONER

February 15, 1984

Mr. Gerald Sisenwein
3727 Pikeswood Drive
Randallstown, Maryland 21133

RE: Item No. 148
NE/corner of Liberty Road and
Burmout Avenue
Item No. 202
E/S of Burmont Avenue, 238' N
of Liberty Road
2nd Election District

Dear Mr. Sisenwein:

I am in receipt of your letter dated February 11, 1984. As I indicated to you, I would try to determine if anything is planned to the rear of Larry's Chevrolet.

Two petitions for variances from property owners on Burmont Avenue have been received. One petition (Item No. 202) requests variances to allow side and rear yard setbacks of one foot each instead of the required 30 feet in order to construct a service garage, which can be built on the B.R. zoned property as a matter of right. The other petition (Item No. 148) involves property directly in front of the first and requests variances for a side yard setback of six feet instead of the required 30 feet and 37 parking spaces instead of the required 44 spaces. This B.R. zoned property is to be used for a two-story retail building, also permitted as a matter of right.

Inasmuch as public hearings before the Zoning Commissioner are required for both petitions, they will be posted and advertised in two County newspapers. I will include your name for notification of the scheduled hearing dates, and you may appear and take part in the proceedings.

Although this office has nothing for Larry's at this time, be advised that other agencies may and that we would become involved at some point in the process, although not necessarily by requiring a hearing if the prospective use is one that is permitted by right and no variances or special exceptions are required.

If I can be of further assistance, please feel free to contact me.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: The Honorable Gary Huddles

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
To: Zoning Commissioner

Date: March 13, 1984

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

SUBJECT: Pearlstein-Levitt Investments
84-250-A

A CRC meeting is required. It is suggested that access be restricted to Burmont Avenue. A landscaping plan should be required, submitted to and approved by the Division of Current Planning and Development. Finally, this office has no basis for supporting the granting of the yard setback variance.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

Sanford R. Cardin, Esquire
Suite 301
6615 Reisterstown Road
Baltimore, Maryland 21215

cc: D.S. Thaler & Assoc., Inc.
11 Warren Road
Baltimore, Maryland 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 16th day of February, 1984.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: Pearlstein-Levitt Investments
Petitioner's Attorney: Sanford R. Cardin

[Signature]
NICHOLAS B. COMMODARI
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 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

Sanford R. Cardin, Esquire
Suite 301
6615 Reisterstown Road
Baltimore, Maryland 21215

RE: Case No. 84-250-A (Item No. 148)
Petitioner - Pearlstein - Levitt
Investments
Variance Petition

Dear Mr. Cardin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to construct a combination retail/office on this vacant site closer to the side property lines and also provide less parking than required, these variances are required.

Since the site plan was revised to reflect the comments of the Department of Traffic Engineering, I scheduled this petition for a hearing date. At that time, the comments from the office of Current Planning were not available. I suggest that prior to the hearing, you contact M's Sue Carrell of said department at 494-3335 and discuss her concerns. The result of this discussion should be presented at the hearing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mch
Enclosures

cc: D.S. Thaler & Assoc., Inc.
11 Warren Rd., Balto., Md. 21208



HARRY J. PISTEL P.E.
DIRECTOR

February 16, 1984

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

Re: Item #148 (1983-1984)
Property Owner: Pearlstein Levitt Investments
N/E cor. Liberty Rd. & Burmont Ave.
Acres: 0.81 District: 2nd

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.

Highways:

Liberty Road 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.

Burmout Avenue, an existing public road, is proposed to be further improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

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

Sediment Control:

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

Storm Drains:

The Petitioner 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 Petitioner.

Item #148 (1983-1984)
Property Owner: Pearlstein Levitt Investments
Page 2
February 16, 1984

Water and Sanitary Sewer

There is an 8-inch public water main in Burmont Avenue, and a 20-inch public water main in Liberty Road.

Public 8-inch sanitary sewerage exists in each of these roads.

This property is within the Comprehensive Metropolitan Facilities Planning Area, but outside of the Baltimore County Metropolitan District.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWH:iss

P-SW Key Sheet
28 NW 37 Pos. Sheet
NW 7 J Topo
77 Tax Map



Maryland Department of Transportation

State Highway Administration

David K. Johnson
Secretary
S. S. Culler
Assistant

January 11, 1984

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

Attention: Mr. M. Commodari

Re: ZAC Meeting of 12-20-83
ITEM: #148.
Property Owner: Pearlstein Levitt Investments
Location: NE/Cor. Liberty Road, Route 26, & Burmont Avenue
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit a side yard setback of 6' in lieu of the required 30' and to permit 37 parking spaces in lieu of the required 44 spaces.
Acres: 0.81
District: 2nd

Dear Mr. Jablon:

On review of the site plan of October 26, 1983 and field inspection, the State Highway Administration finds the plan generally acceptable.

All work within the State Highway Administration Right of Way must be through permit with the posting of a bond in the amount of \$12,000.00 to guarantee construction.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

My telephone number is (301) 659-1350

cc: Mr. [unclear] Secretary for Impaired Hearing or Speech
301-750-7500 Metro - 800-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
694-3271
NORMAN E. GENDER
DIRECTOR

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

Re: Zoning Advisory Meeting of 1/20/84
Item # 148
Property Owner: Pearlstein Levitt Investments
Location: NE/Cor. Liberty Road & Burmont Avenue

Dear Mr. Jablon:

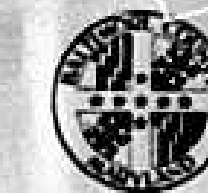
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (x) A County Review Group Meeting is required.
- (x) 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.
- (x) A record plat will be required and must be recorded prior to issuance of a building permit.
- (x) The access is not satisfactory. *SEE COMMENTS*
- (x) The circulation on this site is not satisfactory.
- (x) The parking arrangement is not satisfactory.
- (x) Parking calculations must be shown on the plan.
- (x) 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 22-98 of the Development Regulations.
- (x) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (x) The amended Development Plan was approved by the Planning Board on [unclear]
- (x) Landscaping should be provided on this site and shown on the plan.
- (x) 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 *Low Voltage Electric Distribution Area*.
- (x) 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:

It is recommended that all access to this development be provided from Burmont Ave.

Norman E. Gender
Chief, Current Planning and Development

cc: James Howell



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

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

Item No. 148 -ZAC- Meeting of December 20, 1983
Property Owner: Pearlstein Levitt Investments
Location: NE/Cor. Liberty Road and Burmont Avenue
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit a side yard setback of 6' in lieu of the required 30' and to permit 37 parking spaces in lieu of the required 44 spaces.

Acres: 0.81
District: 2nd

Dear Mr. Jablon:

The entrance to this site on Burmont Avenue must be moved to the rear portion of the lot, away from the intersection. The requested parking variance may cause parking on Burmont Avenue.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering II

MSF/ccm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 148, Zoning Advisory Committee Meeting of Dec 20, 1983

Property Owner: Pearlstein Levitt Investments

Location: NE/Cor. Liberty Road District 2

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- (x) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (x) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- (x) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

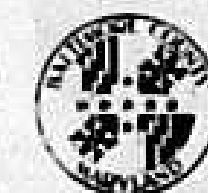
SS 20 1282 (1)

Zoning Item # 148 Zoning Advisory Committee Meeting of Dec 20, 1983
Page 2

- () Prior to making of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- (x) Soil percolation tests (have been conducted) must be conducted.
 - { } The results are valid until [unclear]
 - { } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until [unclear]
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (x) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (x) Other: *This site lies within the Guyan Falls Saniculated and is subject to a moratorium on additional use of the public sewer, imposed by the Md. State Dept. of Health and Mental Hygiene. All building permits requiring the use of this system will be held until the moratorium is lifted. * Use of an interim sewage disposal system will require that soil percolation tests be conducted. Approval of a Building Permit will be contingent upon the satisfactory results of these tests and a signed agreement between the owner and Baltimore County to connect to public sewer as soon as it becomes available. Any existing private disposal systems must be backfilled at any time.*

Jan J. Foxworth
Jan J. Foxworth, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1282 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-1910

February 14, 1984

PAUL H. RENKNE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Pearlstein Levitt Investments

Location: NE/Cor. Liberty Road and Burmont Avenue

Item No.: 148

Zoning Agenda: Meeting of 12/20/83

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or [unclear] feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at [unclear] EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [unclear] Feb 2, 1984
Planning Group
Special Inspection Division

Noted and
Approved: *George M. Neumann*
Fire Prevention Bureau

/s/



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 148 Zoning Advisory Committee Meeting are as follows:

Property Owner: Pearlstein Levitt Investments
Location: NE/Cor. Liberty Road and Burmont Avenue
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit a side yard setback of 6' in lieu of the required 30' and to permit 37 parking spaces in lieu of the required 44 spaces.

Acres: 0.81
District: 2nd.

The items checked below are applicable:

- (x) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Registered and Aged; and other applicable Codes.
- (x) A building/ & other miscellaneous permit shall be required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (x) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (x) An exterior wall erected within 6'0 for Commercial uses 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, Item 2, Section 1407 and Table 1402, also Section 2012. See Section 1414.0 - opening protectives.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s [unclear].
- () 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 seal.
- () 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 601.
- () Comments

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 W. Shorepike Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:es

The changes involved on the site and as differing from the site plan in this case were not felt to require another variance hearing to allow for the said changes. The fact remains that should any other hearings be required this letter is no longer effective and the changes would need to be addressed in conjunction with any other such hearing.


John L. Lewis



TOWSON, MD., March 8, 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., ~~on~~ ~~one~~ ~~time~~ ~~successive~~ ~~days~~ before the 22nd day of March, 19 84, the last publication appearing on the 8th day of March, 19 84.

THE JEFFERSONIAN.

Cost of Advertisement, \$ 17.00

CERTIFICATE OF PUBLICATION

Fikesville, Md., Mar. 7. 1984

to be mailed said post-
age \$7. instead of the required
\$4.10. The enclosed is
\$4.10.

At this Point is placed, a
may be located within 30-
day period. The zoning Com-
missioner, under any request
to be made on all land ap-
propriate for public use, such
as recorded in writing by the
city and shown or made by the

NOTIFY, that the annexed investment
in the NORTHWEST STAR, weekly
published in Pikesville, Baltimore
and before the 29th day of
19 84

Application appearing on the
day of Mar., 19 84

Publication appearing on the
day of 19

the third publication appearing on the
day of 19

THE NORTHWEST STAR

Cost of Advertisement \$24.00

CERTIFICATE OF PUBLICATION

Fikesville, Md.. Mar 2, 1981

ENTIFY, that the annexed advertisement
in the NORTHWEST STAR, a weekly
published in Pikesville, Baltimore
land before the 29th day of
19 84
publication appearing on the
day of Mar., 19 84
publication appearing on the
day of 19
publication appearing on the
day of 19

THE NORTHWEST STAR

Cost of Advertisement \$24.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-250-A

District 2nd

Posted for: Variance Date of Posting: 3-8-84

Petitioner: Barbette - Levitt Charvatants

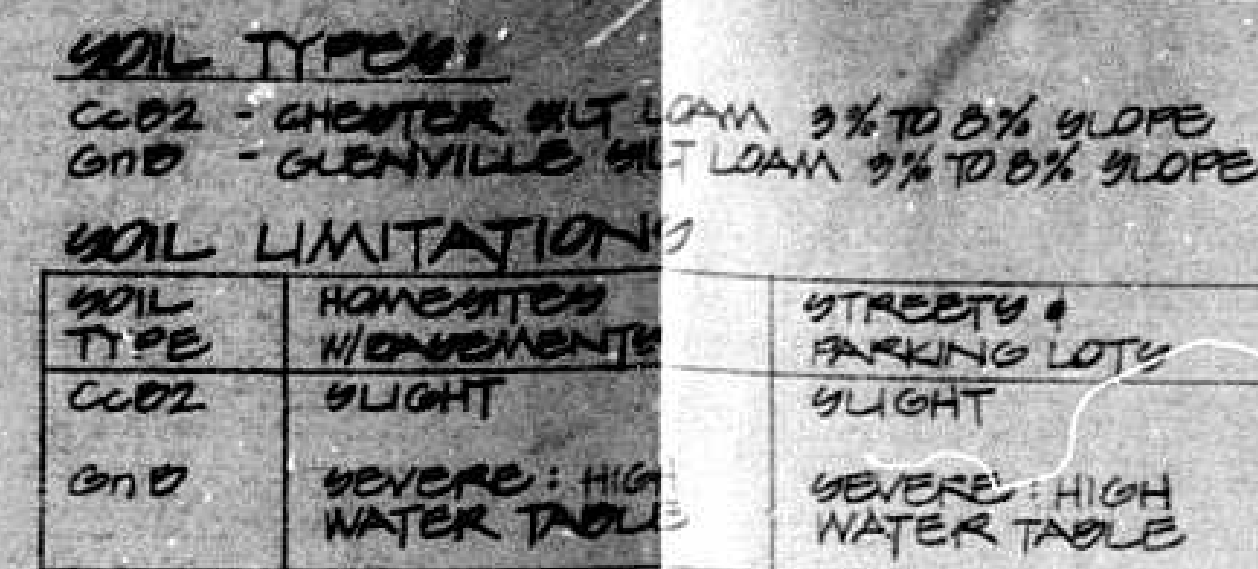
Location of property: NE/Corner of Liberty Road and Paramount Avenue

Location of Signs: NE/Corner of Liberty Road and Paramount Ave

Remarks:

Posted by: S. D. Rothe Date of return: 3-16-84

Number of Signs: 1 Signature



GROSS ACREAGE	0.81 AC
NET	0.71
EXISTING ZONING	DR-C62
EXISTING USE	VACANT
PROPOSED	RETAIL
PROPOSED BLDG. AREA	
UPPER LEVEL	5250
LOWER	3550
PARKING REQUIRED	26 SPACES
REQUIREMENTS: LOWER LEVEL: 1/320 = 12.8	
6250 S.F. RETAIL / 1/320 = 51.2	
PARKING PROPOSED	37
PROPOSED ADT'S	
CONVENIENCE STORE: 10 HR.	049.2
2000 #	
RETAIL STORES	938.0
3100 #	
TOTAL ADT'S	1587.2

- 1 NO EXISTING WOODED AREAS ON SITE.
EXISTING VEGETATION IS TURF GRASS.
- 2 NO EXISTING STREAMS, BODIES OF WATER
OR SPRINGS ON OR NEAR SITE.
- 3 NO FLOOD PLAINS OR FLOOD AREAS ON SITE.
- 4 NO EXISTING BLOODS ON SITE.
- 5 NO EXISTING STORM DRAINING ON OR NEAR SITE.
NO PROPOSED STORM DRAINING ON SITE.
- 6 ▲ DENOTES PROPOSED LIGHTING.
- 7 NO STATE CRITICAL AREAS, ARCHEOLOGICAL
SITES, ENDANGERED SPECIES HABITAT OR
HAZARDOUS MATERIALS ON SITE.
- 8 NO COMMON OPEN SPACE REQUIRED
IN OR C/D ZONE.
- 9 HAD CAPED PARKING SPACES WILL BE
NORMAL PARKING SPACES WILL BE 812'.
- 10 PURPOSE OF STORM DRAINAGE IS TO REDUCE STORM WATER
RUNOFF IMPACT ON ADJACENT PROPERTY AND TO REDUCE
POLLUTANT LOADINGS CREATED BY SITE DEVELOPMENT.
- 12 THERE ARE NO BUILDINGS WITHIN 100' OF THE
PROPOSED BUILDING EXCEPT AS SHOWN
HERE ON.

LEASING AGENT:
J. GORDON MUELLER
828 DULANEY VALLEY RD.
DIXON, MO. 21204 321-1923

PETITIONER'S
EXHIBIT 1

OWNER/APPLICANT:
PEARLSTEIN-LEVITT INVESTMENTS
c/o JEFFREY A LEVITT
20 LIGHT STREET
BALTIMORE, MD. 21202 (727-9397)
DEED REF: BULK 0344/599
PROPERTY NO 02.02.000824

HIGH'S - LIBERTY ROAD

2nd ELECTION DISTRICT BALTIMORE CO. MD.
2nd CONGRESSIONAL DISTRICT CENBURY TRACT - 4029.01
WATERHEAD - 27 SUBWATERHEAD - 24
SCALE: 1" = 20' DATE: FEBRUARY 15, 1964

PLAT TO ACCOMPANY VARIANCE FOR
SIDE YARD AND PARKING

PREPARED BY:
D. S. THALER & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
11 WARREN ROAD
BALTIMORE, MD. 21206 484-4100