

84-272-A

N/S Holabird Avenue 319' E. of c/l Searles Road (7546 Holabird Ave.)

12th ✓

\$149.80 costs paid

Petition for Variance of Holabird Partnership

3/15/84

Hearing date set for April 23, 1984 at 10:00 A.M.

4/5/84

Certificate of Publication filed

4/8/84

Certificate of Posting filed

4/30/84

Ordered by Zoning Commissioner that Variance be GRANTED with restrictions.

PETITION FOR ZONING VARIANCE 34-272-1
 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 499.2.b(3) to permit 30 parking spaces in lieu of the required 51

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

requirement of 40 parking spaces is too restrictive considering size of lot and imposes both hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

LESSEE
 MARIOTT CORPORATION
 (Type or Print Name)
 Vice President
 Signature
 10400 Fernwood Rd.
 Address
 Bethesda, Md. 20098
 City and State

Legal Owner(s):
 HOLABIRD PARTNERSHIP
 (Type or Print Name)
 Signature Leo Thomas, Partner
 (Type or Print Name)
 Signature
 36 South Charles St.,
 Suite 402 (301)
 Address
 Baltimore, MD. 21201
 City and State

Attorney for Petitioner:
 E. Harrison Stone
 (Type or Print Name)
 Signature
 102 W. Pennsylvania Avenue
 Address
 Towson, Maryland 21204
 City and State
 Attorney's Telephone No. (301) 823-1800

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of March, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of April, 1984, at 10:00 o'clock A.M.

Carl J. Jablon
 Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE

PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: Arnold Jablon, Zoning Commissioner Date: April 5, 1984

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

Subject: Holabird Partnership, 84-272-A

Unless the problems cited by the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee can be satisfactorily resolved, this office cannot support the granting of this request.

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

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 9, 1984

County Office Bldg.
 111 W. Chesapeake Ave.
 Towson, Maryland 21286

Chairman
 Nicholas B. Conrad
 Chairman

RE: Clm No. 84-272-A (Item No. 193)
 Petitioner - Holabird Partnership
 Variance Petition

Dear Mr. Stone:

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 advise 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.

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,
Nicholas B. Conrad
 Nicholas B. Conrad
 Chairman
 Zoning Plans Advisory Committee

Enclosures

cc: VIKI
 14701 Langmore Road
 Bethesda, Maryland 20816

ORDER RECEIVED FOR FILING
 DATE April 20, 1984
 84-272-1

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 day of March, 1984.

Arnold Jablon
 Arnold Jablon
 Zoning Commissioner

Received by: *Nicholas B. Conrad*
 Nicholas B. Conrad
 Chairman, Zoning Plans Advisory Committee

Petitioner: *Holabird Partnership*
 Petitioner's Attorney: *E. Harrison Stone*

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
 DIRECTOR

March 16, 1984

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

Re: Item 193 (1983-1984)
 Property Owner: Holabird Partnership
 N/S Holabird Avenue 319.22' from centerline
 Searles Rd.
 Acres: 0.516 District: 12th

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:
 Baltimore County highway and utility improvements exist and are not directly involved.

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.

The entrance locations are subject to approval by the Department of Traffic Engineering.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 193 (1983-1984).

Very truly yours,
Robert A. Morfitt
 Robert A. Morfitt, P.E., Chief
 Bureau of Public Services

R:M:EM:PNR:as
 E-NW Key Sheet
 10 SE 21 & 22 Pos. Sheets
 SE 3 F Topo
 109 Tax Map

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204

NORMAN E. GERBER
 DIRECTOR

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

3/14/84

Re: Zoning Advisory Meeting of 3/14/84
 Item # 193
 Property Owner: Holabird Partnership
 Location: N/S Holabird Ave. 316 of Searles Rd.

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.
- 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 [unclear].
- Landscaping should be provided on this site as shown on the plan.
- The property is located in a deficient service area as defined by S-11 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [unclear].
- The property is located in a traffic area controlled by a "D" level intersection as defined by S-11 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments:
 - Review all adjacent uses. What they are and what they should be.
 - Review the site plan. Review the site plan and check for [unclear].
 - Review the site plan. Review the site plan and check for [unclear].
 - Review the site plan. Review the site plan and check for [unclear].

Developer is advised to remedy the deficiencies noted above. Review the site plan and check for [unclear].

Ernest G. Bello
 Ernest G. Bello
 Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 193, Zoning Advisory Committee Meeting of Jan 31, 1984

Property Owner: *Holabird Partnership*

Location: *N/S Holabird Avenue* District *12*

Water Supply *public* Sewage Disposal *public*

COMMENTS ARE AS FOLLOWS:

- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 124, 3775, to obtain requirements for such installation/s before work begins.
- A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tanks (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 1082 (1)

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

Zoning Item # 193
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
 - { } The results are valid until _____
 - { } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until _____
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- () Others _____

[Signature]
Ian J. Jablon, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

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

February 3, 1984

Dear Mr. Jablon:

Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Property Owner: Holabird Partnership
Location: N/S Holabird Avenue 319.22' S/E from C/L Searles Road
Existing Zoning: B.L.-OT
Proposed Zoning: Variance to permit 30 parking spaces in lieu of the required 40 spaces.

Area: 0.516
District: 12th.

The items checked below are applicable:

- () All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- () 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.
- () Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use groups on 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 1407 and Table 1405, also Section 503.2.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- () 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 401.
- () Comments - Provide handicapped parking spaces (2) as required under the State Code Section 02. (B) of Maryland, Regulations 05.01.07. Spaces shall be so located so as the Handicapped do not have to pass behind parked vehicles.

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. Chesapeake Ave., Towson.

Very truly yours,
[Signature]
Charles E. Burnham, Chief
Plans Review

CE:es

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

January 31, 1984

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: Holabird Partnership

Location: N/S Holabird Avenue 319.22' S/E from C/L Searles Road

Item No.: 193

Zoning Agenda: January 31, 1984

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 reference property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 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.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *[Signature]* 1-31-84
Planning Group
Special Inspection Division

Noted and Approved: *[Signature]*
Fire Prevention Bureau

/mb

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

March 27, 1984

Dear Mr. Jablon:

Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Property Owner: Holabird Partnership
Location: N/S Holabird Avenue 319.22' S/E from C/L Searles Road
Existing Zoning: B.L.-OT
Proposed Zoning: Variance to permit 30 parking spaces in lieu of the required 40 spaces.

Area: 0.516
District: 12th.

The items checked below are applicable:

- () All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- () 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.
- () Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use groups on 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 1407 and Table 1405, also Section 503.2.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- () 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 401.
- () Comments - If this structure was constructed after 1975, has had a change of occupancy or an addition, under state regulations 05.01.07 Section 102 it would be required to comply to the State Handicapped Regulations. This requires 12'-0" wide parking spaces, signs, curb cuts, ramps, building access, useable toilet facilities, 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 W. Chesapeake Ave., Towson.

Very truly yours,
[Signature]
Charles E. Burnham, Chief
Plans Review

CE:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 27, 1984

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

RE: Item No.: 192, 193, & 194.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

Z.A.C. Meeting of: January 31, 1984

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,
[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

MNP/ih

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Holabird Ave., 319'
E of the Centerline of : OF BALTIMORE COUNTY
Searles Rd. (7546 Holabird
Ave., 12th District :

HOLABIRD PARTNERSHIP, : Case No. 84-272-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.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
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 4th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to E. Harrison Stone, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Harriott Corporation, 10400 Fernwood Rd., Bethesda, MD 20058, ATTN: Robert E. Kohler, Vice President, Lessee.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman

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

ARNOLD JABLON
ZONING COMMISSIONER

April 30, 1984

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Zoning Variance
N/S of Holabird Avenue, 319' E
of the centerline of Searles
Road (7546 Holabird Avenue) -
12th Election District
Holabird Partnership, Petitioner
Case No. 84-272-A

Dear Mr. Stone:

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

Sincerely,
[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/arj

Attachments

cc: Mr. & Mrs. Anthony Trecanelli
7544 Holabird Avenue
Baltimore, Maryland 21222

People's Counsel

Pursuant to the advertisement, posting of property, and public hearing on the Petition and its 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:

Zoning Item # 193
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
 - () The results are valid until _____.
 - () Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 3-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____.
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- () Others _____

[Signature]
Ian J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

SR 20 1080 (2)

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21284
494-3610

120 JAILSON JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

February 3, 1984

Dear Mr. Jablon:

Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Property Owner: Holabird Partnership
Location: N/S Holabird Avenue 319.22' S/E from C/L Searles Road
Existing Zoning: E-1-CF
Proposed Zoning: Variance to permit 30 parking spaces in lieu of the required 40 spaces.

Acres: 0.516
District: 12th.

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
- B. A building, & other miscellaneous permit shall be required before beginning construction.
- C. 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.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. 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 101, Line 2, Section 1407 and Table 1402, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. 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.
- H. 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 504 and the required construction classification of Table 401.
- I. Comments - Provide handicapped parking spaces (2) as required under the State Code Section 02, (B) of Maryland, Regulations 05.01.07. Spaces shall be so located so as the handicapped do not have to pass behind parked vehicles.

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. Chesapeake Ave., Towson.

Very truly yours,
[Signature]
Charles E. Burban, Chief
Plans Review

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21284
625-7010

PAUL H. RENCKE
CHIEF

January 31, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21284

Attention: Nick Comodori, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Holabird Partnership
Location: N/S Holabird Avenue 319.22' S/E from C/L Searles Road
Item No.: 193
Zoning Agenda: January 31, 1984
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 of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 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.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *[Signature]* Chief and *[Signature]* Approved:
Planning Group Fire Prevention Bureau
Special Inspection Division

/mh

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21284
494-3610

120 JAILSON JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

March 27, 1984

Dear Mr. Jablon:

Revised
Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Property Owner: Holabird Partnership
Location: N/S Holabird Avenue 319.22' S/E from C/L Searles Road
Existing Zoning: E-1-CF
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- G. 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.
- H. 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 504 and the required construction classification of Table 401.
- I. Comments - If this structure was constructed after 1975, has had a change of occupancy or an addition, under state regulations 05.01.07 Section 102 it would be required to comply to the State Handicapped Regulations. This requires 12'-0" wide parking spaces, signs, curb cuts, ramps, building access, usable toilet facilities, 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 W. Chesapeake Ave., Towson.

Very truly yours,
[Signature]
Charles E. Burban, Chief
Plans Review

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204

Date: January 27, 1984

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

Z.A.C. Meeting of: January 31, 1984

RE: Item No: 192, 193, & 194.
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,
[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

MNP/lh

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Holabird Ave., 319'
E of the Centerline of : OF BALTIMORE COUNTY
Searles Rd. (7546 Holabird
Ave., 12th District :
HOLABIRD PARTNERSHIP, : Case No. 84-272-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.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
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 4th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to E. Harrison Stone, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Merriott Corporation, 10400 Fernwood Rd., Bethesda, MD 20058, ATTN: Robert E. Koehler, Vice President, Lessee.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman

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

ARNOLD JABLON
ZONING COMMISSIONER

April 30, 1984

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Zoning Variance
N/S of Holabird Avenue, 319' E
of the centerline of Searles
Road (7546 Holabird Avenue) -
12th Election District
Holabird Partnership, Petitioner
Case No. 84-272-A

Dear Mr. Stone:

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

Sincerely,
[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: Mr. & Mrs. Anthony Trecannelli
7546 Holabird Avenue
Baltimore, Maryland 21222
People's Counsel

March 27, 1984

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21284

NOTICE OF HEARING

Re: Petition for Variance
N/S Holabird Avenue, 319' E of the c/l of
Searles Road (7546 Holabird Avenue)
Holabird Partnership - Petitioner
Case No. 84-272-A

TIME: 10:00 A.M.

DATE: Monday, April 23, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

cc: Irwin Sussman, Esquire
1001-1004 Fidelity Building
201 N. Charles Street
Baltimore, Maryland 21201

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND No. 124076

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 1/27/84 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM *Ruston, Muller, McLean-Rust*
FOR *File fee for J# 193*

041*****1000010 5236A

FUNCTION	Wall Map		Original		Duplicate		Tracing		GDO Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>W</i>	Revised Plans:		Change in outline or description		Yes		No			
Previous case: <i>2324</i>	Map # <i>9A</i>									

J# 193

84-272-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *12* Date of Posting: *4/9/84*
 Posted for: *Petition for Variance*
 Petitioner: *Holabird Partnership*
 Location of property: *415 Holabird Ave., 319' E of the c/l of Searles Rd.*
 Location of Sign: *front of property (# 7546 Holabird Ave.)*
 Remarks:
 Posted by: *Arnold Jablon* Date of return: *4/12/84*
 Number of Signs: *1*

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

36 N. Dundalk Ave.
Dundalk, Md. 21222 April 6, 1984 19

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #53690 - Req. #159241. was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~xxxxxx~~ week before the 6th day of April 1984; that is to say, the same was inserted in the issues of April 5, 1984

Kimbel Publication, Inc.
per Publisher.

By *K.C. Keller*

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 5, 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., ~~xxxxxx~~ of ~~xxx~~ time ~~xxxxxx~~ before the 23rd day of April, 1984, the ~~xxx~~ publication appearing on the 5th day of April 1984.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$ 16.00

[Small stamp: PETITION FOR VARIANCE...]

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

ARNOLD JABLON
ZONING COMMISSIONER

April 16, 1984

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21284

Re: Petition for Variance
N/S Holabird Ave., 319' E of the c/l of
Searles Road (7546 Holabird Avenue)
Holabird Partnership - Petitioner
Case No. 84-272-A

Dear Mr. Stone:

This is to advise you that \$49.80 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,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND No. 130243

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 4-23-84 ACCOUNT R-01-615-600

AMOUNT \$ 49.80

RECEIVED FROM *E. Harrison Stone, Esquire*
FOR *Advertising & posting case 84-272-A*

085*****88010 5236A

ZONING DESCRIPTION

Beginning for the same at a point on the Northerly line of Holabird Avenue (formerly known as Trappe Road) as shown on Plat No. HRW No. 53-200-1 Baltimore County Bureau of Rights of Way, 319.22 feet measured along said Northerly line of Holabird Avenue, South 76°03'45" East from the center line of Searles Road, said point of beginning also being at the intersection of said Northerly line of Holabird Avenue, and the first line of the land which by deed dated 26 June 1936 and recorded among the land records of Baltimore County in Liber C.W.B. Jr. No. 975 at Folio 151 was conveyed by Kimberly Farms, Incorporated to George M. Boone and wife; extending from said point of beginning along part of the said first line.

- 1) North 14°09'58" East 150.00 feet to a point, thence
- 2) South 76°03'45" East 149.97 feet to a point, thence
- 3) South 14°09'58" West 150.00 feet to the aforementioned Northerly line of Holabird Avenue and running with said line
- 4) North 76°03'45" West 149.97 feet to the point of beginning containing 22,496 square feet or 0.516 of an acre of land.

Also known as 7546 Holabird Avenue.

PETITION FOR VARIANCE

12th Election District

ZONING: Petition for Variance

LOCATION: North side Holabird Avenue, 319 ft. East of the centerline of Searles Road (7546 Holabird Avenue)

DATE & TIME: Monday, April 23, 1984 at 10:00 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 Variance to permit 30 parking spaces in lieu of the required 51

Being the property of Holabird Partnership, 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

IN RE: PETITION ZONING VARIANCE BEFORE THE
 W/S of Holabird Avenue, 319' E of the centerline of Searles Road (7546 Holabird Avenue) - 12th Election District ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Holabird Partnership, Case No. 84-272-A
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, by its Lessee, Marriott Corporation, requested a variance to permit 30 parking spaces instead of the required 51 spaces. However, it was moved that the petition be amended to permit 29 spaces instead of the required 50 spaces, as shown on Petitioner's Exhibit 1. The motion was granted.

The Lessee appeared with Counsel and presented testimony from Raymond Norris, an engineer who prepared the site plan, and Terry Smith, the real estate manager. Also appearing and testifying were Mr. and Mrs. Anthony Trecannelli, adjacent property owners. No other Protestants appeared.

Testimony indicated that the Lessee, the operator of an existing Roy Rogers restaurant on the property, zoned B.L.-C.T., wishes to reduce the number of parking spaces from 50 to 29 in order to add a drive-thru window and a refrigerated storage box, as more fully described on Petitioner's Exhibit 1. The required number of parking spaces (50 spaces) is determined by the square footage of the existing restaurant, the patio area in front used for outdoor eating when the weather permits, the proposed storage box (180 square feet), and the proposed drive-thru (45 square feet)—a total of 2,510 square feet. The proposed additions will necessitate the net loss of 12 spaces from the existing 41 spaces. The expert opinion of both the Petitioner's engineer and real estate manager is that the proposed number of spaces would be adequate and would not

ORDER RECEIVED FOR FILING
April 30 1984
[Signature]

March 17, 1984

E. Harrison Stone, Esquire
103 W. Pennsylvania Avenue
Towson, Maryland 21284

NOTICE OF HEARING

Re: Petition for Variance
N/S Holabird Avenue, 319' E of the e/l of
Searles Road (7546 Holabird Avenue)
Holabird Partnership - Petitioner
Case No. 84-272-A

TIME: 10:00 A.M.
DATE: Monday, April 23, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

cc: Irvin Sussman, Esquire
1061-1004 Fidelity Building
201 W. Charles Street
Baltimore, Maryland 21201

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 124076
DATE: 4/23/84 ACCOUNT: 01-615-000
AMOUNT: \$100.00
RECEIVED FROM: R. Stone, Esquire
FOR: Filing fee for Case # 193

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>UCR</i>										
Previous case: 2389										

84-272-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12 Date of Posting: 4/18/84
Posted for: Petition for Variance
Petitioner: Holabird Partnership
Location of property: 415 Holabird Ave., 319' E of the
e/l of Searles Rd.
Location of Sign: front of property 6th 7546 Holabird
Ave.
Remarks:
Posted by: David Goldman Date of return: 4/18/84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

36 N. Dundalk Ave.
Dundalk, Md. 21222 April 6, 1984 19

THIS IS TO CERTIFY, that the annexed advertisement of
Arnold Jablon in the matter of P.O. #53690 -
Req. #L59241.
was inserted in **The Dundalk Eagle** a weekly news-
paper published in Baltimore County, Maryland, once a week
for one week before the
6th day of April 1984; that is to say,
the same was inserted in the issues of April 3, 1984

Kimbel Publication, Inc.
per Publisher.
[Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 5, 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
of 1984 before the 23rd
day of April 1984 the said publication
appearing on the 5th day of April
1984.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$10.00

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

ARNOLD JABLON
ZONING COMMISSIONER

April 16, 1984

E. Harrison Stone, Esquire
103 W. Pennsylvania Avenue
Towson, Maryland 21284

Re: Petition for Variance
N/S Holabird Ave., 319' E of the e/l of
Searles Road (7546 Holabird Avenue)
Holabird Partnership - Petitioner
Case No. 84-272-A

Dear Mr. Stone:
This is to advise you that \$69.00 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
remitted to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,
[Signature]
ARNOLD JABLON
Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130243
DATE: 4-23-84 ACCOUNT: 01-615-000
AMOUNT: \$69.00
RECEIVED FROM: E. Harrison Stone, Esquire
FOR: Advertising & posting fee 84-272-A

ZONING DESCRIPTION

Beginning for the same at a point on the Northerly line of Holabird
Avenue (formerly known as Trappe Road) as shown on Plat No. HRW No. 53-200-1
Baltimore County Bureau of Rights of Way, 319.22 feet measured along said
Northerly line of Holabird Avenue, South 76°03'45" East from the center line
of Searles Road, said point of beginning also being at the intersection of
said Northerly line of Holabird Avenue, and the first line of the land which
by deed dated 26 June 1936 and recorded among the land records of Baltimore
County in Liber C.W.B. Jr. No. 975 at Folio 151 was conveyed by Kimberly
Farms, Incorporated to George H. Soone and wife; extending from said point
of beginning along part of the said first line.

- 1) North 14°09'58" East 150.00 feet to a point, thence
- 2) South 76°03'45" East 149.97 feet to a point, thence
- 3) South 14°09'58" West 150.00 feet to the aforementioned Northerly
line of Holabird Avenue and running with said line
- 4) North 76°03'45" West 149.97 feet to the point of beginning
containing 22,496 square feet or 0.516 of an acre of land.

Also known as 7546 Holabird Avenue.

PETITION FOR VARIANCE

12th Election District

ZONING: Petition for Variance
LOCATION: North side Holabird Avenue, 319 ft. East of the centerline
of Searles Road (7546 Holabird Avenue)
DATE & TIME: Monday, April 23, 1984 at 10:00 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 Variance: 30 parking spaces in lieu of the
required 51

Being the property of Holabird Partnership, 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

IN RE: PETITION ZONING VARIANCE BEFORE THE
N/S of Holabird Avenue, 319' ZONING COMMISSIONER
E of the centerline of Searles Road (7546 Holabird Avenue) - OF BALTIMORE COUNTY
12th Election District OF BALTIMORE COUNTY
Holabird Partnership, Case No. 84-272-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, by its Lessee, Marriott Corporation, requested a
variance to permit 30 parking spaces instead of the required 51 spaces. How-
ever, it was moved that the petition be amended to permit 29 spaces instead of
the required 50 spaces, as shown on Petitioner's Exhibit 1. The motion was
granted.

The Lessee appeared with Counsel and presented testimony from Raymond Nor-
ris, an engineer who prepared the site plan, and Terry Smith, the real estate
manager. Also appearing and testifying were Mr. and Mrs. Anthony Trencanelli,
adjacent property owners. No other Protestants appeared.

Testimony indicated that the Lessee, the operator of an existing Roy Rogers
restaurant on the property, zoned B.L.-C.T., wishes to reduce the number of
parking spaces from 50 to 29 in order to add a drive-thru window and a refrig-
erated storage box, as more fully described on Petitioner's Exhibit 1. The re-
quired number of parking spaces (50 spaces) is determined by the square footage
of the existing restaurant, the patio area in front used for outdoor eating when
the weather permits, the proposed storage box (180 square feet), and the pro-
posed drive-thru (45 square feet)—a total of 2,510 square feet. The proposed
additions will necessitate the net loss of 12 spaces from the existing 41
spaces. The expert opinion of both the Petitioner's engineer and real estate
manager is that the proposed number of spaces would be adequate and would not

ORDER RECEIVED FOR FILING
DATE: April 23, 1984
BY: *[Signature]*

impede or interfere with the parking or the traffic flow onto, on, and out of the site. The justification for their conclusion is based on the following:

1. The drive-thru will reduce the need for customer parking by approximately 25 to 30%. Customers who normally stop and park will now use the drive-thru.
2. An auto parts store with a large parking lot with direct access exists immediately adjacent to the property (see Petitioner's Exhibit 1). The owner of that lot apparently does not object to customer parking thereon.
3. The parking lot is seldom full. (Mr. Trecannelli testified that it is full about 10% of the time.)

The decision to add the drive-thru is a business determination effected by a potential increase in business and due to the direct competition in the area, i.e., other fast-food outlets in the area have drive-thru operations.

Testimony was clear that these spaces would not be needed or missed. If 25 to 30% of its customers used the drive-thru, there would be a concomitant drop in the need for parking as those customers would literally drive in, through, and out. The Lessee will provide nine stacking spaces for customers, but testimony indicated that only five or six would be needed at any one time. In fact, Mr. Trecannelli testified that only about one-half of the total spaces now provided are even filled at any one time, i.e., 20 or 21 of those spaces. Therefore, it is obvious that 29 spaces would be adequate with the drive-thru.

The Lessee attempted to lease spaces from the auto parts store but to no avail. Although there is no apparent objection by the owner of that property, he is unwilling to enter into any contractual agreement.

The instant property fronts on Holabird Avenue and is basically commercial except for two residential dwellings to the west. Mr. and Mrs. Trecannelli are the immediate neighbor. The Lessee had constructed a six-foot fence between the adjacent property and the restaurant which the Trecannellis want retained and maintained. They are not opposed to the herein request; however, they want to

be insured that the Lessee will maintain the site in a neat and presentable fashion.

Mr. Smith agrees to enclose the dumpster and grease barrels which are located in the rear, to repair and replace the fence when necessary (which is now), to hose down the parking lot into the storm drain, to insure that trash is always cleaned up in the rear, and to inspect and maintain the existing venting system to possibly eliminate the chicken smell emanating from the restaurant (which apparently bothers the Trecannellis more than any emission exhaust fumes would).

Certain recommendations made by the Current Planning and Development Division have been considered by the Lessee, and after examination, the Lessee has concluded that to place wheel stops and curbs for the new parking spaces adjacent to the access between the instant site and the auto parts parking lot would be dangerous. Mr. Smith discussed this point with the Lessee's traffic safety engineer who indicated that in his experience customers walk blindly into them and fall, creating numerous law suits. It was his expert opinion that "striping" is sufficient and would avoid injuries. The Lessee also indicated that the parking shown on Petitioner's Exhibit 1 is preferable to angle spaces, which would cause cars to back up into the stacking lane when leaving. More spaces could be provided if angle parking were utilized, but he believes that the parking configuration shown would be safer and therefore more appropriate. The issue of air quality effect on the existing homes was also discussed, and Mr. Norstrom testified that any effect on air quality by the five or six cars awaiting service would be minimal considering the location of a major thoroughfare and existing background activity. This was not an issue with Mr. and Mrs. Trecannelli.

The Petitioner seeks relief from Section 409.2.b.(3), pursuant to Section 307, of the Baltimore County Zoning Regulations (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 the Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April, 1984, that the Petition for Variance to permit 29 parking spaces instead of the required 50 spaces be and is hereby GRANTED, from

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

1. A revised site plan shall be submitted to and approved by the Current Planning and Development Division showing appropriate landscaping and two handicapped parking spaces.
2. The west entrance shall be designed and posted one way out and right turn only. The east entrance shall be designed and posted one way in.
3. The dumpster must be totally enclosed with access by a gate which must be kept locked.
4. The fence separating the subject property from the Trecannellis' property shall be retained and maintained at all times.
5. The parking area shall be kept clean of trash and the area hosed down into the storm drain in front.
6. The venting system shall be inspected and repaired when necessary.
7. 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE April 30, 1984
BY *[Signature]*

ORDER RECEIVED FOR FILING

DATE April 30, 1984
BY *[Signature]*

ORDER RECEIVED FOR FILING

DATE April 30, 1984
BY *[Signature]*

ORDER RECEIVED FOR FILING

DATE April 30, 1984
BY *[Signature]*



impede or interfere with the parking or the traffic flow onto, on, and out of the site. The justification for their conclusion is based on the following:

1. The drive-thru will reduce the need for customer parking by approximately 25 to 30%. Customers who normally stop and park will now use the drive-thru.
2. An auto parts store with a large parking lot with direct access exists immediately adjacent to the property (see Petitioner's Exhibit 1). The owner of that lot apparently does not object to customer parking thereon.
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be insured that the Lessee will maintain the site in a neat and presentable fashion.

Mr. Smith agrees to enclose the dumpster and grease barrels which are located in the rear, to repair and replace the fence when necessary (which is now), to hose down the parking lot into the storm drain, to insure that trash is always cleaned up in the rear, and to inspect and maintain the existing venting system to possibly eliminate the chicken smell emanating from the restaurant (which apparently bothers the Trecanellis more than any emission exhaust fumes would).

Certain recommendations made by the Current Planning and Development Division have been considered by the Lessee, and after examination, the Lessee has concluded that to place wheel stops and curbs for the new parking spaces adjacent to the access between the instant site and the auto parts parking lot would be dangerous. Mr. Smith discussed this point with the Lessee's traffic safety engineer who indicated that in his experience customers walk blindly into them and fall, creating numerous law suits. It was his expert opinion that "striping" is sufficient and would avoid injuries. The Lessee also indicated that the parking shown on Petitioner's Exhibit 1 is preferable to angle spaces, which would cause cars to back up into the stacking lane when leaving. More spaces could be provided if angle parking were utilized, but he believes that the parking configuration shown would be safer and therefore more appropriate. The issue of air quality effect on the existing homes was also discussed, and Mr. Norton testified that any effect on air quality by the five or six cars awaiting service would be minimal considering the location of a major thoroughfare and existing background activity. This was not an issue with Mr. and Mrs. Trecanelli.

The Petitioner seeks relief from Section 499.2.b.(3), pursuant to Section 307, of the Baltimore County Zoning Regulations (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 requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would be 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 (1975).

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April, 1984, that the Petition for Variance to permit 29 parking spaces instead of the required 50 spaces be and is hereby GRANTED, from

and after the date of this order, subject, however, to the following conditions:

1. A revised site plan shall be submitted to and approved by the Current Planning and Development Division showing appropriate landscaping and 10' setback parking spaces.
2. The west entrance shall be removed and parking shall be out and right turn only. The west entrance shall be designed and posted one way in.
3. The dumpster must be totally enclosed with a door that is kept closed.
4. The fence separating the subject property from the Trecanellis' property shall be retained and maintained at all times.
5. The parking area shall be kept open at night and the area fenced down into the storm drain at night.
6. The venting system shall be inspected and repaired as necessary.
7. The Petitioner may apply for the full relief granted some other relief if the zoning authority (petitioner) is hereby made aware that the zoning authority is at its own risk with respect to the application of the appropriate process from this order and beyond. If, for whatever reason, this order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Handwritten signature]

ORDER RECEIVED FOR FILING

DATE April 30, 1984
BY *[Signature]*

ORDER RECEIVED FOR FILING

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impede or interfere with the parking or the traffic flow onto, or, and out of the site. The justification for their conclusion is based on the following:

1. The drive-thru will reduce the need for customer parking by approximately 25 to 30%. Customers who normally stop and park will now use the drive-thru.
2. An auto parts store with a large parking lot with direct access exists immediately adjacent to the property (see Petitioner's Exhibit 1). The owner of that lot apparently does not object to customer parking thereon.
3. The parking lot is seldom full. (Mr. Trecannelli testified that it is full about 10% of the time.)

The decision to add the drive-thru is a business determination effected by a potential increase in business and due to the direct competition in the area, i.e., other fast-food outlets in the area have drive-thru operations.

Testimony was clear that these spaces would not be needed or missed. If 25 to 30% of its customers used the drive-thru, there would be a concomitant drop in the need for parking as those customers would literally drive in, through, and out. The Lessee will provide nine stacking spaces for customers, but testimony indicated that only five or six would be needed at any one time. In fact, Mr. Trecannelli testified that only about one-half of the total spaces now provided are even filled at any one time, i.e., 20 or 21 of those spaces. Therefore, it is obvious that 29 spaces would be adequate with the drive-thru.

The Lessee attempted to lease spaces from the auto parts store but to no avail. Although there is no apparent objection by the owner of that property, he is unwilling to enter into any contractual agreement.

The instant property fronts on Holabird Avenue and is basically commercial except for two residential dwellings to the west. Mr. and Mrs. Trecannelli are the immediate neighbor. The Lessee had constructed a six-foot fence between the adjacent property and the restaurant which the Trecannellis want retained and maintained. They are not opposed to the herein request; however, they want to

be insured that the Lessee will maintain the site in a neat and presentable fashion.

Mr. Smith agrees to enclose the dumpster and grease barrels which are located in the rear, to repair and replace the fence when necessary (which is now), to hose down the parking lot into the storm drain, to insure that trash is always cleaned up in the rear, and to inspect and maintain the existing venting system to possibly eliminate the chicken smell emanating from the restaurant (which apparently bothers the Trecannellis more than any emission exhaust fumes would).

Certain recommendations made by the Current Planning and Development Division have been considered by the Lessee, and after examination, the Lessee has concluded that to place wheel stops and curbs for the new parking spaces adjacent to the access between the instant site and the auto parts parking lot would be dangerous. Mr. Smith discussed this point with the Lessee's traffic safety engineer who indicated that in his experience customers walk blindly into them and fall, creating numerous law suits. It was his expert opinion that "striping" is sufficient and would avoid injuries. The Lessee also indicated that the parking shown on Petitioner's Exhibit 1 is preferable to angle spaces, which

would cause cars to back up into the stacking lane when leaving. More spaces would be provided if angle parking were utilized, but he believes that the parking configuration shown would be safer and therefore more appropriate. The issue of air quality effect on the existing homes was also discussed, and Mr. Norman testified that any effect on air quality by the five or six cars awaiting service would be minimal considering the location of a major thoroughfare and existing background activity. This was not an issue with Mr. and Mrs. Trecannelli.

The Petitioner seeks relief from Section 409.2.b.(3), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

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DATE April 30, 1984
BY John P. Lawry, et al.

BY Administrative Assistant

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLisan 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 the Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April, 1984, that the Petition for Variance to permit 29 parking spaces instead of the required 50 spaces be and is hereby GRANTED, from

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BY John P. Lawry, et al.

BY Administrative Assistant

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

1. A revised site plan shall be submitted to and approved by the Current Planning and Development Division showing appropriate landscaping and two handicapped parking spaces.
2. The west entrance shall be designed and posted one way out and right turn only. The east entrance shall be designed and posted one way in.
3. The dumpster must be totally enclosed with access by a gate which must be kept locked.
4. The fence separating the subject property from the Trecannellis' property shall be retained and maintained at all times.
5. The parking area shall be kept free of trash and the area hosed down into the storm drain in front.
6. The venting system shall be inspected and repaired when necessary.
7. 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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BY John P. Lawry, et al.

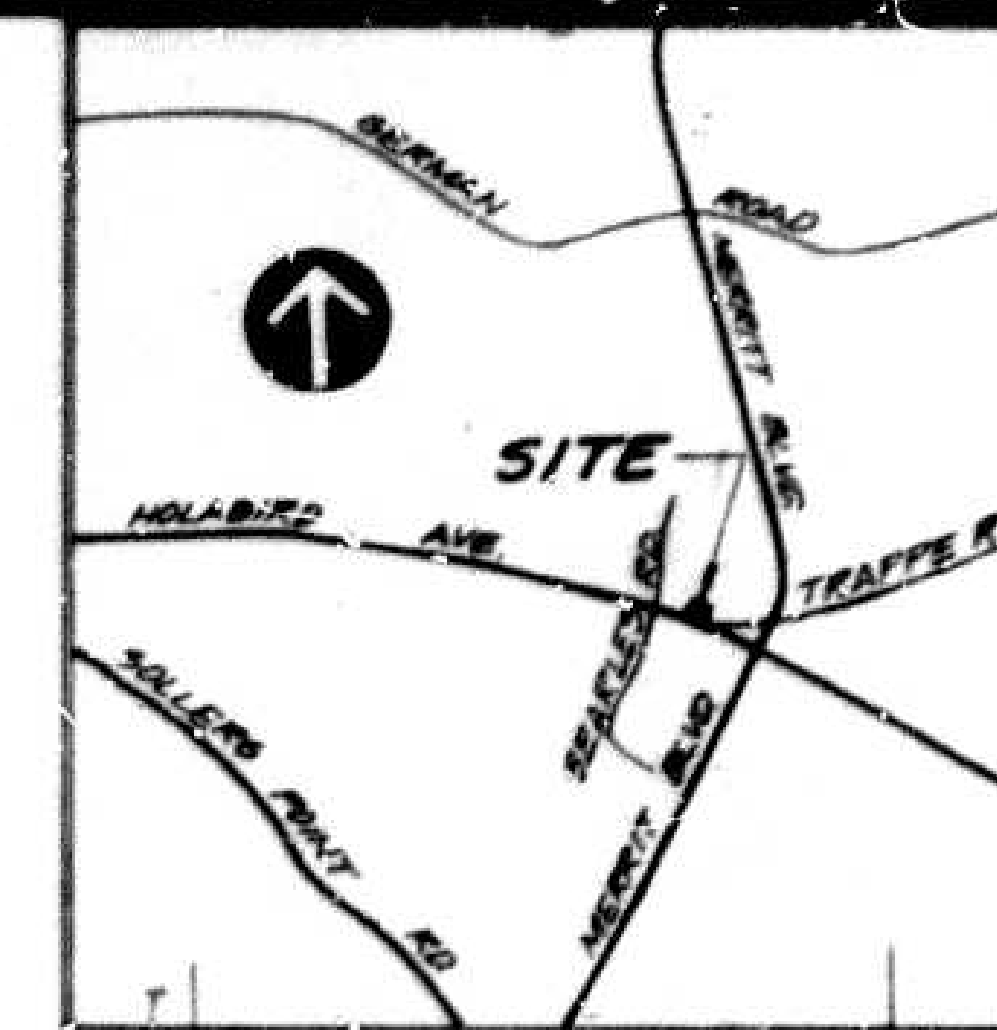
BY Administrative Assistant

[Signature]
Zoning Commissioner of Baltimore County



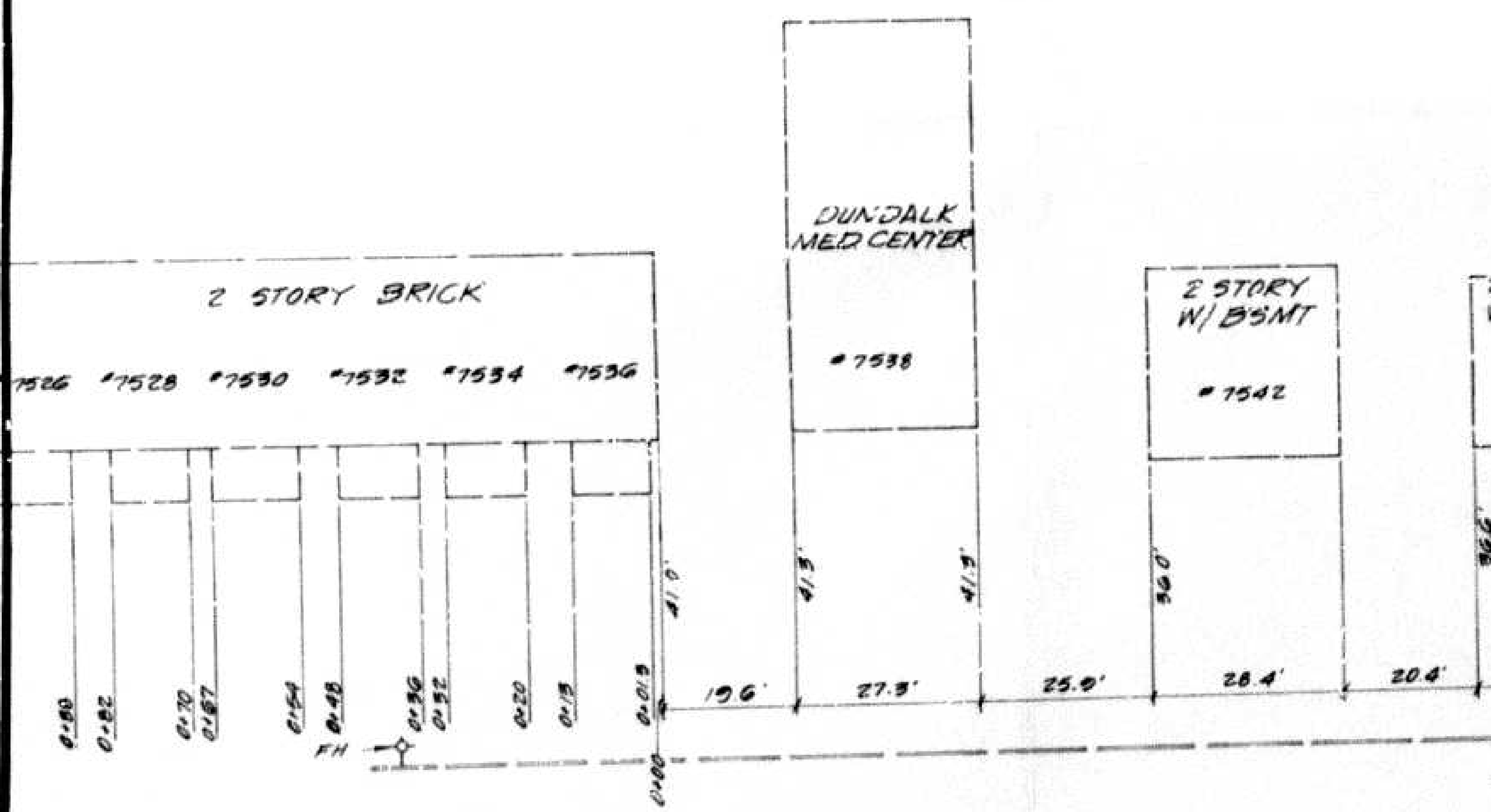
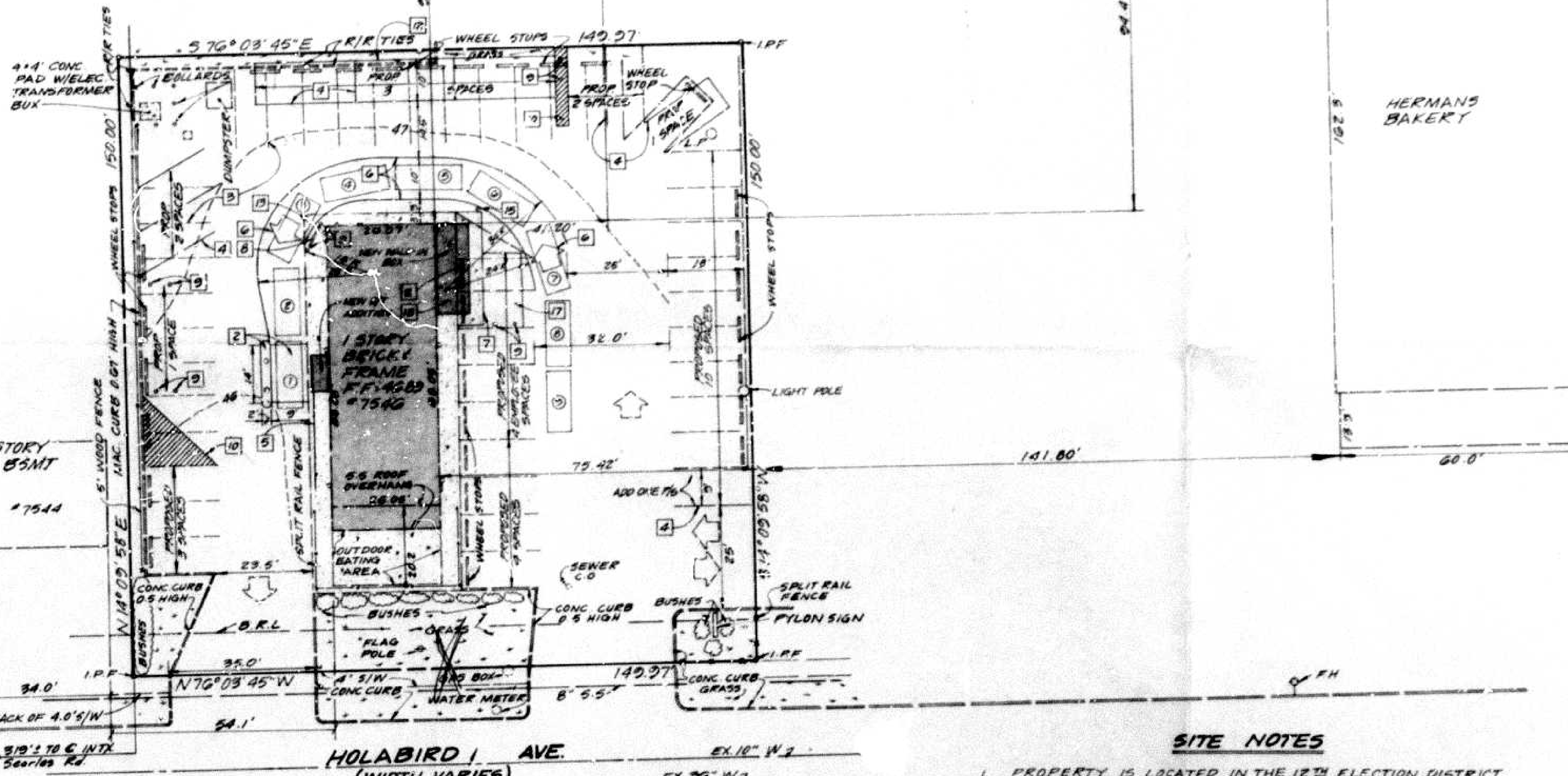
SITE PLAN DETAILS

- 1 4" wide painted line.
- 2 Demo existing asphalt paving.
- 3 Paint over existing stripes w/black asphaltum paving paint.
- 4 No-Go parking stripes.
- 5 New 42" high guard rail. See detail. 4/C-1
- 6 Painted arrow. See detail. 7/C-1
- 7 New concrete curb and sidewalk. 600 6/C-1
- 8 New offset station. 600 1 6/C-1
- 9 New bollards. 600 8/C-1
- 10 New scuba stripes.
- 11 Contractor to field verify existing conditions and report any discrepancies to Marriott Representative.
- 12 Demo existing railroad ties cut back grade, and pave per note 12 to accommodate altered parking.
- 13 Demo existing concrete sidewalk.
- 14 Install new gravel base w/curb and asphalt paving to match existing for drive thru lane.
- 15 HEIGHT RESTRICTION INDICATOR 200 DETL 1/C-5
- 16 SEE PLUMB PLAN SHEET A-1 FOR NEW CONC PAD @ ISLAND LOT.
- 17 EMPLOYEE ONLY PARKING PAINTED ON PAVEMENT.



VICINITY MAP
SCALE: 1" = 2,000'

SALVO AUTO PARTS
1 STORY BRICK BLDG



SITE NOTES

1. PROPERTY IS LOCATED IN THE 12TH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND.
2. PROPERTY AND ALL ADJACENT PROPERTIES ARE ZONED BL-CT
3. AREA OF PROPERTY 0.516 AC.
4. THERE ARE NO STREAMS OR DRAINAGE COURSES ON OR WITHIN 50 FEET OF THE PROPERTY.
5. TOPOGRAPHY OF THIS PROPERTY WILL NOT BE SIGNIFICANTLY CHANGED BY THE PROPOSED ADDITIONS.

PARKING TABULATION

PARKING REQUIRED (INCLUDING ADDITIONS AND OUTDOOR EATING AREA)	50
PARKING EXISTING	41 SPACES
PARKING PROPOSED	30 SPACES
PARKING DEFICIENCY	70 SPACES

Handwritten: 4/93
3/10/84
Revised plans

SURVEYORS CERTIFICATE

I HEREBY CERTIFY TO THE MARRIOTT CORPORATION THAT THE PLANIMETRY AND TOPOGRAPHY SHOWN HEREON WAS OBTAINED BY ACTUAL FIELD METHODS AND THAT THE PROPERTY INFORMATION SHOWN HEREON IS IN ACCORDANCE WITH INFORMATION OF RECORD.

DATE: 6 DEC 83
CHARLES A. IRISH, JR., MD. PROF. L.S. NO. 10708

PETITIONER'S
Signature

THIS PLAN MADE BY
VIKA PROCEEDS PLANNERS - LANDSCAPE ARCHITECTS - SURVEYORS
2017 LINDENBUSH ROAD
BETHESDA, MD 20814
DATE: MAR 2 1984

NO.	DESCRIPTION	DATE
1	2-DRAWN BY: [Signature]	9-1-84

REVISIONS
ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR. ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK.



7546 HOLABIRD AVE.
DUNDALK, MD.

INTERNATIONAL HEADQUARTERS
MARRIOTT DRIVE
WASHINGTON, D.C. 20008

SHEET TITLE	
SITE SURVEY	
DATE	SCALE
MAR 84	1" = 20'
NO. 10	NO. 10

NO TITLE REPORT FURNISHED

