

346 86-33-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.1 & 2 (303.2) to permit a front yard setback of 75' in lieu of the required 343' and to permit side and/or rear yard setback of 0' in lieu of the required 30' and section 102.2 to permit a distance between buildings of 40' in lieu of the required 60'. (Previous Variance of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty))

The configuration of the property and subsequent setback requirements do not permit us to develop the lot.

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:
N/A
(Type or Print Name)
N/A
Signature
N/A
Address
City and State
Attorney for Petitioner:
William Kerr
(Type or Print Name)
Signature
409 Washington Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 828-6818
Address
Phone No.

Legal Owner(s):
Burton W. Smeltzer
(Type or Print Name)
Signature
(Type or Print Name)
Signature
6431 Balto. Nat'l Pike 747-8790
Address
Baltimore, Maryland
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
See Owner
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, Maryland, on the 23rd day of July, 1985, at 11:00 o'clock.

(over)

Case No. 06-33-A

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 18th day of June, 1985.

Petitioner Burton W. Smeltzer
Petitioner's Attorney William Kerr, Esquire
cc: STV/Lyon Associates

ARNOLD JABLON
Zoning Commissioner

Received by Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1985

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

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

Chairman
Nicholas B. Commodari
Chairman

RE: Item No. 346 - Case No. 86-33-A
Petitioner - Burton W. Smeltzer
Variance Petition

Dear Mr. Kerr:

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

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

Very truly yours,

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

ENCLOSURE

cc: STV/Lyon Associates
21 Governor's Court
Baltimore, Maryland 21207

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GENTON
DIRECTOR

July 3, 1985

Re: Zoning Advisory Meeting of MAY 21, 1985
Item # 346
Property Owner: BURTON W. SMELTZER
Location: 513 BALTIMORE NATIONAL AVE,
12251 W. BEGEIPE 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.
- (X) A County Review Group Meeting is required.
- () 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.
- () The 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 22-99 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 08/01/84.
- (X) Landscaping: Must comply with Baltimore County Landscaping Manual, 8111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
- (X) Additional comments:
THE CRG PLAN T-267 WAS
APPROVED ON 2/26/85 BY SMELTZER PROPERTY.

cc: James Howell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: Edward A. McDonough, P.E., Chief
Developer's Engineering Division
DATE: February 19, 1985

PROJECT NAME: Burton W. Smeltzer Property
PROJECT NUMBER: #85022
LOCATION: U.S. Route 49,
6431 Baltimore National Pike
DISTRICT: 1C1

The Plan for the subject site, dated December 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

The State Health Department Construction Permits for each private utility (water, sanitary sewer and storm drains) totaling over 400 feet in length will be obtained through the Baltimore County Department of Public Works.

Route 40 West 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.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy permits will be withheld until such damages have been corrected.

The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Benching requirements shall be in accordance with Section 41.02, Item 3 of the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Project #85022
Burton W. Smeltzer Property
Page 2
February 19, 1985

HIGHWAY COMMENTS:

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

The entrance locations are subject to approval by the Department of Traffic Engineering, and the State Highway Administration.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unnumbered area.

A 20-foot slope easement will be required along the rear of the property adjacent to Geipe Road.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

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

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

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

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

Project #85022
Burton W. Smeltzer Property
Page 3
February 19, 1985

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

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

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit.

A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

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

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

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year and 10-year frequency storm must be provided on the site.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

Baltimore County Topography indicates an existing large swale to the rear of this property, which may affect the property. The Developer's engineer has made no provisions for this swale.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited. In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

WATER AND SANITARY SEWER COMMENTS:

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

Public water exists in Route 40 West.

Public sanitary sewer exists in an easement to the rear of this property. The Developer's engineer must show the existing easement on his plan.

Project #85022
Burton W. Smeltzer Property
Page 4
February 19, 1985

WATER AND SANITARY SEWER COMMENTS: (Cont'd)

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Permission to obtain a metered connection for water and a connection for sewer from the existing mains may be obtained from the Department of Permits and Licenses, if necessary.

The Developer will be given credit for one System Connection Charge for each existing building which is now connected into the public services.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

This site is subject to the sewer allocation policy as established by the Baltimore County Council.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

For the construction of two or more buildings, the Developer shall submit one (1) set of engineering drawings, signed and sealed by a Design Engineer, to be directed to the Plumbing Division via the Buildings Review Section when applying for a new building permit application. These drawings will include, but are not limited to the following information:

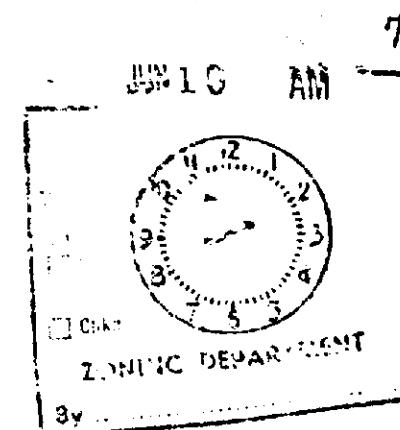
- a. All proposed lines will be marked with size of line and type of pipe.
- b. Length of line between changes in direction or changes in grade, or between manholes and/or cleanouts.
- c. Invert elevations for all proposed cleanouts and/or manholes.
- d. Proposed elevations and grades of proposed building floor elevations and finished grades.
- e. Percent grades between cleanouts and/or manholes.
- f. Proposed location of connection to each building.
- g. The number of dwelling units in each building.



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

STEPHEN E. COLLINS
DIRECTOR

June 7, 1985



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

Item No. 340, 341, 342, 343, 344, 345, 346, and 348 ZAC-Meeting of May 21, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 340, 341, 342, 343, 344, 345, 346, and 348.

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

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: July 11, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-33-A

The Plan was approved by the Crg on February 20, 1985. Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject request.

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

NEG:JGH:sam



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 29, 1985

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
S/S Baltimore National Pike,
1225' NE/centerline of Geipe
Rd. (6431 Baltimore National
Pike) - 1st Election District
Burton W. Smeltzer, Petitioner
Case No. 86-33-A

Dear Mr. Kerr:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:by

Attachments

cc: People's Counsel

IN RE: PETITION FOR VARIANCE
S/S Baltimore National Pike,
1225' NE/centerline of Geipe
Rd. (6431 Baltimore National
Pike) - 1st Election District
Burton W. Smeltzer,
Petitioner
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-33-A

The petitioner herein requests variances to permit a front yard setback of 75 feet in lieu of the required average of 343 feet, to permit a side and/or rear yard setback of zero feet in lieu of the required 30 feet, and to permit a distance between buildings of 40 feet in lieu of the required 60 feet.

Testimony by and on behalf of the petitioner indicates that he proposes to construct a two-story office building, and two one-story retail buildings. The retail store to the north is set back 628 feet from the road right-of-way thereby causing the extensive front yard setback requirement. The zero foot side/rear yard setback is necessary for the development of the deep, but narrow commercial property.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of July, 1985, that the herein Petition for Variance to permit a front yard setback of 75 feet in lieu of the required average of 343 feet to permit a side and/or rear yard setback of zero feet in lieu of the required 30 feet, and to permit a distance between buildings of 40 feet in lieu of the required 60 feet, in accordance with the site plan prepared by STV/Lyon

ORDER RECEIVED FOR FILING
DATE July 29, 1985
BY *Burton W. Smeltzer*

Associates, revised February 28, 1985 and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following:

1. Parking for all employees on the site, other than those with handicaps or health problems, shall be located in the extreme rear portion of the parking area. This requirement shall be clearly stated in all leases.
2. Any dumpster shall be enclosed and screened on all four sides.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR VARIANCE 1st Election District

LOCATION: South side of Baltimore National Pike, 1225 ft. Northeast of the centerline of Geipe Road (6431 Baltimore National Pike)

DATE AND TIME: Tuesday, July 23, 1985 at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 from Section 238.1 & 2 (303.2) to permit a front yard setback of 75 ft. in lieu of the required average of 343 ft. and to permit side and/or rear yard setback of zero feet in lieu of the required 30 ft. and Section 102.2 to permit a distance between buildings of 40 ft. in lieu of the required 60 ft. (Previous Variance granted 85-203-A)

Being the property of Burton W. Smeltzer as shown on the plat filed with the Zoning Office.

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



STV/LYON ASSOCIATES.
ENGINEERS, ARCHITECTS & PLANNERS.
21 GOVERNOR'S COURT
BALTIMORE, MD 21201-2722
301/984-9112

ZONING DESCRIPTION BURTON W. SMELTZER PROPERTY 6431 BALTIMORE NATIONAL PIKE

BEGINNING FOR THE SAME the following course and distance from the intersection formed by the south side of U.S. Route 40 (Baltimore National Pike) with the centerline of Geipe Road N 71°15'32" E 1225 feet; thence leaving said point of beginning and running the four following courses and distances,

1. S 20°53'26" W 960.43'
2. N 70°21'40" E 100.00'
3. N 20°53'26" E 958.86'
4. S 71°15'32" E 100.05'

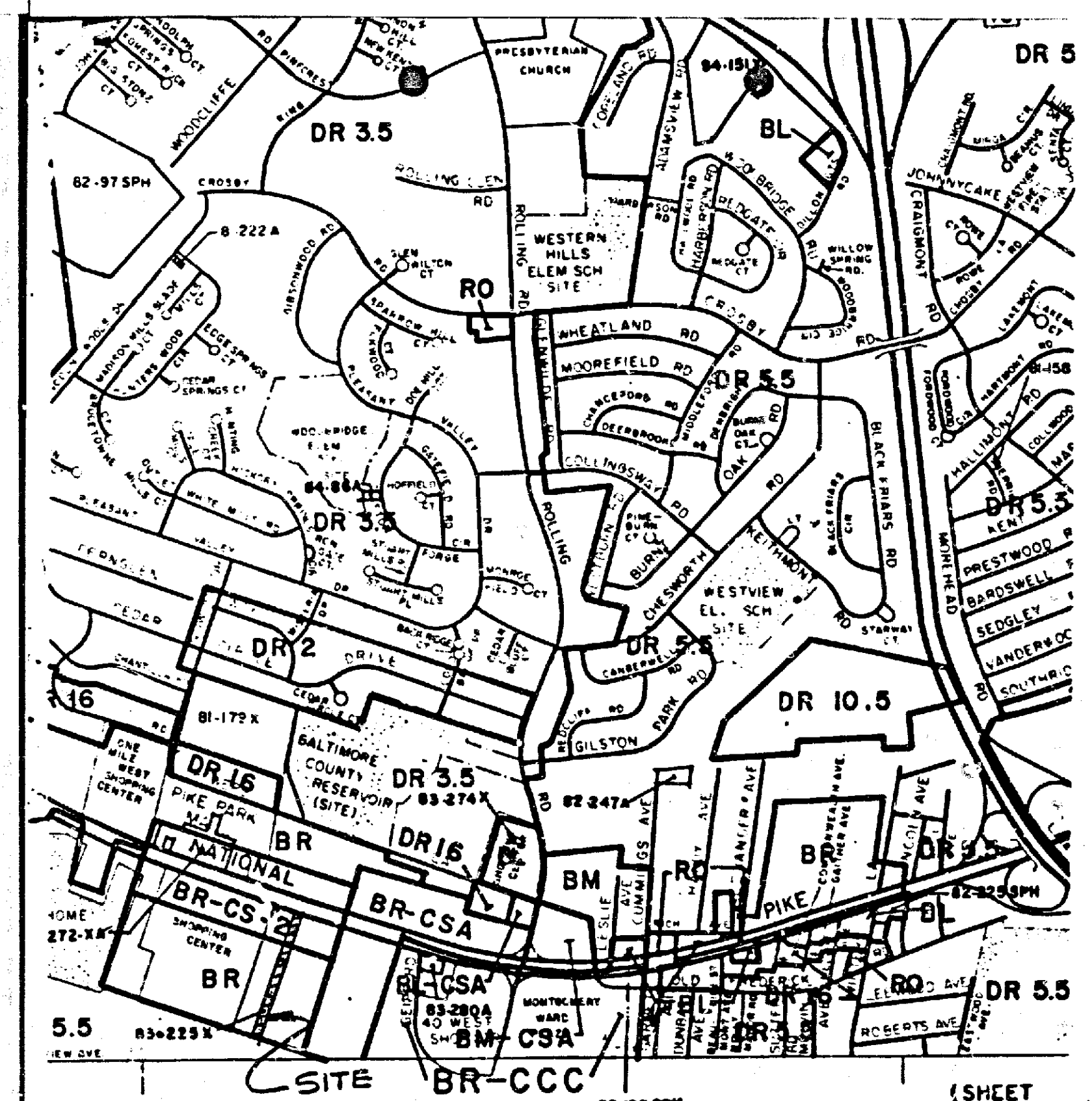
Containing 2.2025 acres of land, more or less.

Mark A. Riddle
STV/LYON ASSOCIATES, INC.
Mark A. Riddle
MD Reg. P.L.S. No. 244



November 26, 1984

STV ENGINEERS, Architects, Planners, Construction Managers, Professional Member Firm
STV/Baltimore Transportation Associates, STV/Lyon Associates, STV/Management Consultants Group, STV/
H. D. Horgan & Associates, STV/Sanders & Thomas, STV/Schubert, STV/County Services Value & Enrich



BALTIMORE COUNTY
OF PLANNING

MAP 2B

ORDER RECEIVED FOR FILING
DATE July 29, 1985
BY *Burton W. Smeltzer*
ADMINISTRATIVE ASSISTANT

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Baltimore National Pike, 1225' NE of Centerline : OF BALTIMORE COUNTY
of Geipe Rd. (6431 Baltimore National Pike), 1st District :

BURTON W. SMELTZER, Petitioner : Case No. 86-33-A

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to William Kerr, Esquire, 409 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
S/S of Baltimore National Pike, 1225' NE
of the centerline of Geipe Rd. (6431 Balto.
Nat. Pike) - 1st Election District
Burton W. Smeltzer, Petitioner
Case No. 86-33-A

Dear Mr. Kerr,

This is to advise you that \$52.96 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007394
DATE 7-23-85 ACCOUNT R-01-615-000
AMOUNT \$ 52.96
RECEIVED BY B. Smeltzer
FOR Advertising & Posting Case
B 8045 *****5296:3 623686-33-A
VALIDATION OR SIGNATURE OF CASHIER

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

June 19, 1985

NOTICE OF HEARING

RE: Petition for Zoning Variance
S/S of Baltimore National Pike, 1225 ft. NE
of the centerline of Geipe Rd. (6431 Balto. Nat. Pike)
1st Election District
Burton W. Smeltzer, Petitioner
Case No. 86-33-A

TIME: 11:00 a.m.

DATE: Tuesday, July 23, 1985

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007495
DATE 7/23/85 ACCOUNT R-01-615-000
AMOUNT \$ 100.00
RECEIVED FROM B. Smeltzer
FOR Advertising & Posting Case
B 8045 *****100.00:3 623686-33-A
VALIDATION OR SIGNATURE OF CASHIER

86-33-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 4, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 4, 1985.

THE JEFFERSONIAN,

W. Venetian

Publisher

Cost of Advertising
27.50

PETITION FOR VARIANCE
1st Election District
LOCATION: South side of Baltimore National Pike, 1225 ft. North-east of the centerline of Geipe Road (6431 Baltimore National Pike)
DATE AND TIME: Tuesday, July 23, 1985 at 11:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 from Section 238.1 & 7 (303.2) to permit a front yard setback of 75 ft. in lieu of the required average of 343 ft. and to permit side and/or rear yard setback of zero feet in lieu of the required 30 ft. and Section 102.2 to permit a distance between buildings of 40 ft. in lieu of the required 60 ft. (Previous Variance granted 85-205-A)
Being the property of Burton W. Smeltzer as shown on the plat filed with the Zoning Office.
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, consider 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
July 4.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 86-33-A

District 1st
Posted for: Variance
Petitioner: Burton W. Smeltzer
Location of property: S/Side of Baltimore National Pike, 1225' N.E. of the S/S of Geipe Road (6431 Baltimore National Pike)
Location of Sign: on post of 6431 Baltimore National Pike
Remarks:
Posted by: A. J. Smith Date of return: July 5-85
Number of Signs: 1

Pursuant to the advertisement, posting of property, and public hearing on the Petition and 12 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

Project #85022
Burton W. Smeltzer Property
Page 5
February 19, 1985

WATER AND SANITARY SEWER COMMENTS: (Cont'd)

- h. Certification by Design Engineer that all lines were designed for the required capacity by the Fixture-Unit Method of Design described in A.S.C.E. Manual of Practice No. 37, and that a 2-foot per second minimum velocity is available at the design flow for the size and slope selected.

This drawing will become the copy for the Baltimore County Plumbing Department's permanent files and records. When received, the Plumbing Inspection Division will authorize issuance of a permit for the construction of the private sewer system upon proper application by a master plumber with installation to be made by journeyman plumbers.

No building permit applications will be approved until these drawings have been submitted to the Plumbing Division.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

The Plan may be approved, subject to compliance with the above comments.

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

EAM:HWS:iss

cc: File



Maryland Department of Transportation

State Highway Administration

William K. Hellmuth
Secretary
Hal Kassoff
Administrator

February 6, 1985

Mr. J. Markle, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: CRG Meeting of 2-20-85
"Smeltzer Property"
S/W Side Baltimore
National Pike
Route 40-W, West
of Rolling Road

Dear Mr. Markle:

On review of the submittal of December 1984 showing all access to the site by way of one entrance, the State Highway Administration finds the plan generally acceptable.

The State Highway Administration request all Baltimore County building permits be held until S.H.A. access permit is applied for and a bond of \$4,000.00 is posted to guarantee construction.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation

State Highway Administration

William K. Hellmuth
Secretary
Hal Kassoff
Administrator

May 31, 1985

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

Attention: Mr. M. Commodari

Re: ZAC Meeting of 5-21-85
ITEM: #346.
Property Owner: Burton W. Smeltzer
Location: S/S Baltimore National Pike, Route 40-W 1225' E. of Geipe Road
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit an average front yard setback of 75' in lieu of the required 343' and to permit side and/or rear yard setback of 0' in lieu of the required 30' and to permit a distance between buildings of 40' in lieu of the required 60'
Acres: 2.2025 acres ±
District: 1st Election District

Dear Mr. Jablon:

On review of the submittal of February 1985 showing all access to the site by way of one entrance, the State Highway Administration finds the plan generally acceptable.

The State Highway Administration request all Baltimore County building permits be held until S.H.A. access permit is applied for and a bond of \$4,000.00 is posted to guarantee construction.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

June 10, 1985

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

Re: Item #346 (1984-1985)
Property Owner: Burton W. Smeltzer
S/S Baltimore National Pike 1225' E. of Geipe Road
Acres: 2.2025 acres ±
District: 1st

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 Comments:

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.

As no public facilities are involved, this office has no comment.

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.

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.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAN:EAM:HOP:iss

cc: File

**DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND**

TO : Mr. James A. Markle
FROM : C. Richard Moore
SUBJECT: C.R.G. Comments
DATE: February 18, 1985

PROJECT NAME: Burton W. Smeltzer Property
PROJECT NUMBER: DISTRICT: 1C1
LOCATION: US-40 to West
C.R.G. PLAN: X
DEVELOPMENT PLAN:
RECORD PLAT:

The proposed access US-40 is subject to the approval of the State Highway Administration.

It is recommended that additional sidewalk area be provided along the east side of the proposed office building and retail building, including the use of 20ft. drive instead of a 24ft. drive, with the extra 4ft. going to a sidewalk area.

A future access to Geipe Road should be shown if it is possible to construct considering existing topography.

CRM/GMJ/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
Environmental Support Services
TO: _____ Date: February 14, 1985

FROM: Stephanie A. Taylor
Waste and Water Quality Management
SUBJECT: ENVIRONMENTAL EFFECTS REPORT - Burton W. Smeltzer Prop.
(Name)

CRG MEETING - February 20, 1985 9:00 AM
** The plan submitted for CRG has been changed and the new plan will be reviewed before the next meeting, after it is submitted.

- PLAN REVIEW NOTES**
1. Retail development on 2.2 acres
(Describe Site)
 2. Public water and Public sewer is proposed.
 3. _____
(Describe streams on-site)
 4. Watching soil (wab) exists on site. Plan proposes development in this area.
(Describe wetland soils on-site)
 5. _____
 6. Storm Water Management _____ required.
 7. _____ proposed impervious area.

RESPONSES

The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

The Environmental Effects report is approved, subject to the following checked items/conditions.

- A. ☒ No development is allowed in Wab - Watching soil.
(Soil/name & symbol)
- B. ☒ A revised site plan indicating no development in Watching (wab) must be submitted.

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

BURTON W. SMELTZER PROPERTY
Subdivision Name, Section and/or Plat

Burton W. Smeltzer Developer and/or Engineer
Public watershed No. of Lots 2.20 Total Acreage Public Public
or Units Water Sewer

COMMENTS ARE AS FOLLOWS:

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

It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

SS 783R

JAN 17, 1985

Orig. Meeting of 12/20/85
Smeltzer Property

1. The plan states that 5000 sq. ft. will be provided for parking & dry storage. Preliminary soil borings have been provided, however, their location has not been pinpointed on the plan. Also, no permeability or soil test information has been provided.

2. The plan shows no provision for overflow. Unless the entire lot area shown is infiltrated, provisions must be made.

3. Two year peak management must be provided due to downstream flooding problems.

4. Setback requirements from structures into basements must be met.

James E. Urban
1/13/86

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Sy Benson
FROM: Charles K. Weiss, Chief
Bureau of Sanitation
SUBJECT: Burton Smeltzer Property -- 6431 Baltimore National Pike
CRG 2/20/85

After review of the plans for the above, it must be noted that Baltimore County does not provide commercial refuse collection.

On the plans, we see no area designated for either structure or storage building for trash service.

CKW/gjw

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING
DATE: February 19, 1985

PROJECT NAME: Burton Smeltzer Property
COUNCIL & ELECTION DISTRICT: 1-267
PLAN: XXXXXXXXXXXXXXXXXX
PLAN EXTENSION:
REVISED PLAN:
PLAT:

The Office of Planning and Zoning has reviewed the subject plan dated December, 1984, and has the following comments:

The driveway width must be 24' along the west property line in front of the contractor's storage building.

The most recent Zoning Case Number must be shown on the plan. Any restrictions as a result of this Zoning case must be listed on the plan.

Additional detail is required which would clarify the proposed CMU Retaining Wall.

The landscape calculation are correct. Dumpster areas must be identified on the plan and screened. Parking must be screened from the public road. Any outdoor storage area must be screened. A Final Landscape Plan prepared by a registered landscape architect must be approved by this office prior to issuance of any permits.

Susan Carrell
SUSAN CARRELL

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE
DATE: 2/19/85

PROJECT NAME: Burton W. Smeltzer Property
LOCATION: S Balto. Nat'l Pike 1225' E. of Geige Rd.
DISTRICT: 1st Election District
PLAN: ✓
DEVELOPMENT PLAN:
PLAT:

The following comments were written on the CRG plan dated December 1984.

- This site has been the subject of two Zoning hearings, Case No. 83-225X, a Special Exception for a contractor's equipment storage yard granted on 1/14/83 and Case No. 85-2234, Variances for a front yard of 50 feet and side yards of 0, 6 and 21 feet granted 2/11/85. The former case was granted subject to several restrictions which are the following:
1. The site plan shall indicate the location of the storage of chippers and stumpers, temporary storage of chips and wood and parking for six trucks.
 2. Compliance with the requirements of the Maryland Department of Transportation and the Department of Health.
 3. A revised site plan, incorporating the restrictions set forth above shall be submitted for approval by the Maryland State Department of Transportation, the Department of Public Works and Office of Planning and Zoning.

The latter case (Variances) was granted subject to some restrictions as follows:

1. CRG approval must be obtained. The restrictions of Case No. 83-225X and the instant case must be placed on the approved CRG plan.
2. The site plan must indicate the location of the storage of chippers and stumpers, and the temporary storage of chips and wood, the parking for 6 trucks not over 17 feet in length, all to be provided in addition to the parking spaces required for the site's proposed development.
3. Encroachment upon the required setbacks shall not exceed 0 feet for a distance of 100 feet, 6 feet for a distance of 530 feet and 2 feet for a distance of 10 feet.
4. Landscaping shall be provided in accordance with the Balto. Co. Landscaping Manual.
 - a. It does not indicate an area for the storage of the chippers and stumpers, temporary storage of chips and wood and the parking of 6 trucks not over 17 feet in length has been designated on the plan.
 - b. Building entrances, driveway widths and the depth of parking spaces do not coincide with those indicated on the plan submitted for the zoning hearing upon which the Variances were granted. The plan does not indicate if wheel stops will be utilized or if cars will overhang into the side walk area. The entrances to the building must be clearly indicated on the CRG plan. Revisions must occur as outlined above in agreement with the plan which the Deputy Zoning Commissioner approved.
 - c. The side yard Variance for 6 feet is applicable to the 530 foot building; it appears that the 10 foot office wing was not included, possibly due to the dimensioning on the drawing. The Deputy Zoning Commissioner will be consulted as to the intended extent of the Variance. If it is determined that the additional 10 feet was an oversight an amended order may be written as the 30 day appeal period has not expired.

(con't)

BALTIMORE COUNTY, MARYLAND

DATE: February 14, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME: Burton W. Smeltzer Property
PROJECT NUMBER: CRG Agenda 2/20/85, 9:00 am
LOCATION: U.S. Rt. 40, 6431 Balto. Nat'l. Development Plan
DISTRICT: 1
PRELIMINARY PLAN
TENTATIVE PLAN
DEVELOPMENT PLAN
FINAL PLAT

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Baltimore National Pike as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.
3. Submitted site plan fails to indicate proposed fire hydrant spacing at 300 feet intervals in accordance with Baltimore County Standard Design Manual.



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

June 7, 1985

TED ZALESKI, JR.
DIRECTOR

Dear Mr. Jabin:

Comments on Item # 316: Zoning Advisory Committee Meeting are as follows:

Property Owner: Burton W. Smeltzer
Location: S/S Baltimore National Pike 1225' E of Geige Road
District: 1st.

APPLICABLE STANDARDS ARE CITED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 811-85, the Maryland Code for the Handicapped and Aged (A.R.S. 1, §11-1-1) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction. Separate razing, retaining wall, etc. are required.
3. Residential: Three sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Approved seals are not acceptable.
5. All One and One-a-half Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10'0" to an interior lot line. All One and One-a-half Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10'0" to an interior lot line. All One and One-a-half Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10'0" to an interior lot line. All One and One-a-half Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10'0" to an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use/occupancy is from Use _____ to Use _____ or to Mixed Use _____.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill 811-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
10. Comments: Footings or other parts of the proposed structure shall not infringe upon the adjoining property. See Article 1800.0 for requirements during construction. Structures shall be accessible and useable by the Handicapped.
11. These abbreviated 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 the applicant may obtain additional information by visiting Room 111 of the County Office Building at 111 V. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Schuman
By: C. E. Schuman, Chief
Building Plans Review

1/2/85



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

June 5, 1985

Mr. Arnold Jablon
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: Burton W. Smeltzer

Location: S/S Baltimore National Pike 1225' E of Geige Road

Item No.: 316 Zoning Agenda: Meeting of May 21, 1985

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Site plan fails to show on-site hydrant.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

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

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

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

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

REVIEWED: [Signature] 6-5-85 Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

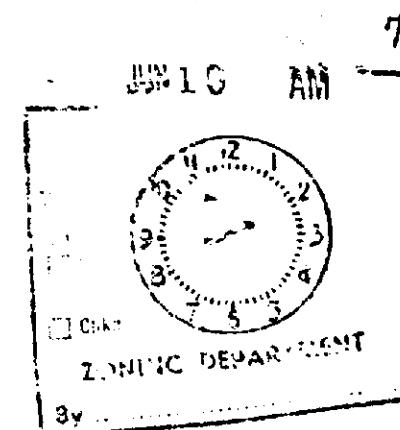
/mb



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

STEPHEN E. COLLINS
DIRECTOR

June 7, 1985



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

Item No. 340, 341, 342, 343, 344, 345, 346, and 348 ZAC-Meeting of May 21, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 340, 341, 342, 343, 344, 345, 346, and 348.

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

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: July 11, 1985

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

SUBJECT: Zoning Petition No. 86-33-A

The Plan was approved by the Crg on February 20, 1985. Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject request.

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

NEG:JGH:sam



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 29, 1985

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
S/S Baltimore National Pike,
1225' NE/centerline of Geipe
Rd. (6431 Baltimore National
Pike) - 1st Election District
Burton W. Smeltzer, Petitioner
Case No. 86-33-A

Dear Mr. Kerr:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:by

Attachments

cc: People's Counsel

IN RE: PETITION FOR VARIANCE
S/S Baltimore National Pike,
1225' NE/centerline of Geipe
Rd. (6431 Baltimore National
Pike) - 1st Election District
Burton W. Smeltzer,
Petitioner
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-33-A

The petitioner herein requests variances to permit a front yard setback of 75 feet in lieu of the required average of 343 feet, to permit a side and/or rear yard setback of zero feet in lieu of the required 30 feet, and to permit a distance between buildings of 40 feet in lieu of the required 60 feet.

Testimony by and on behalf of the petitioner indicates that he proposes to construct a two-story office building, and two one-story retail buildings. The retail store to the north is set back 628 feet from the road right-of-way thereby causing the extensive front yard setback requirement. The zero foot side/rear yard setback is necessary for the development of the deep, but narrow commercial property.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of July, 1985, that the herein Petition for Variance to permit a front yard setback of 75 feet in lieu of the required average of 343 feet to permit a side and/or rear yard setback of zero feet in lieu of the required 30 feet, and to permit a distance between buildings of 40 feet in lieu of the required 60 feet, in accordance with the site plan prepared by STV/Lyon

ORDER RECEIVED FOR FILING
DATE July 29, 1985
BY *Burton W. Smeltzer*

Associates, revised February 28, 1985 and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following:

1. Parking for all employees on the site, other than those with handicaps or health problems, shall be located in the extreme rear portion of the parking area. This requirement shall be clearly stated in all leases.
2. Any dumpster shall be enclosed and screened on all four sides.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR VARIANCE 1st Election District

LOCATION: South side of Baltimore National Pike, 1225 ft. Northeast of the centerline of Geipe Road (6431 Baltimore National Pike)

DATE AND TIME: Tuesday, July 23, 1985 at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 from Section 238.1 & 2 (303.2) to permit a front yard setback of 75 ft. in lieu of the required average of 343 ft. and to permit side and/or rear yard setback of zero feet in lieu of the required 30 ft. and Section 102.2 to permit a distance between buildings of 40 ft. in lieu of the required 60 ft. (Previous Variance granted 85-203-A)

Being the property of Burton W. Smeltzer as shown on the plat filed with the Zoning Office.

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



STV/LYON ASSOCIATES.
ENGINEERS, ARCHITECTS & PLANNERS.
21 GOVERNOR'S COURT
BALTIMORE, MD 21201-2722
301/984-9112

ZONING DESCRIPTION BURTON W. SMELTZER PROPERTY 6431 BALTIMORE NATIONAL PIKE

BEGINNING FOR THE SAME the following course and distance from the intersection formed by the south side of U.S. Route 40 (Baltimore National Pike) with the centerline of Geipe Road N 71°15'32" E 1225 feet; thence leaving said point of beginning and running the four following courses and distances,

1. S 20°53'26" W 960.43'
2. N 70°21'40" E 100.00'
3. N 20°53'26" E 958.86'
4. S 71°15'32" E 100.05'

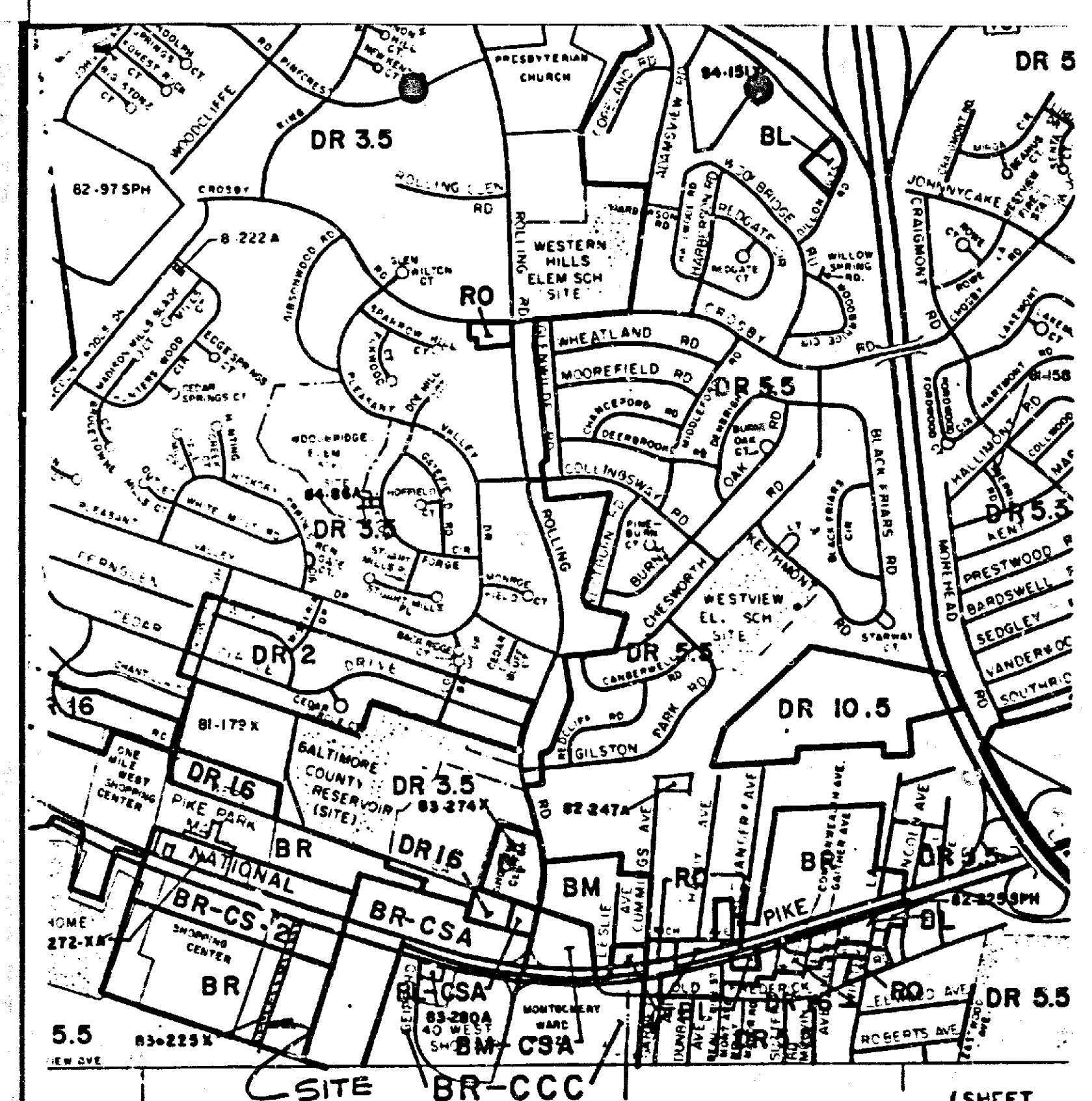
Containing 2.2025 acres of land, more or less.

Mark A. Riddle
STV/LYON ASSOCIATES, INC.
Mark A. Riddle
MD Reg. P.L.S. No. 244



November 26, 1984

STV ENGINEERS, Architects, Planners, Construction Managers, Professional Member Firm
STV/Baltimore Transportation Associates, STV/Lyon Associates, STV/Management Consultants Group, STV/
H. D. Horgan & Associates, STV/Sanders & Thomas, STV/Schubert, STV/County Services Value & Enrich



BALTIMORE COUNTY
OF PLANNING

MAP 2B

ORDER RECEIVED FOR FILING

DATE July 29, 1985

BY *Burton W. Smeltzer*

ADMINISTRATIVE ASSISTANT

JAN 27 1985

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Baltimore National Pike, 1225' NE of Centerline : OF BALTIMORE COUNTY
of Geipe Rd. (6431 Baltimore National Pike), 1st District :

BURTON W. SMELTZER, Petitioner : Case No. 86-33-A

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to William Kerr, Esquire, 409 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
S/S of Baltimore National Pike, 1225' NE
of the centerline of Geipe Rd. (6431 Balto.
Nat. Pike) - 1st Election District
Burton W. Smeltzer, Petitioner
Case No. 86-33-A

Dear Mr. Kerr,

This is to advise you that \$52.96 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007394
DATE 7-23-85 ACCOUNT R-01-615-000
AMOUNT \$ 52.96
RECEIVED BY S. Smeltzer
FOR Advertising & Posting Case
B 8045 *****5296:3 623686-33-A
VALIDATION OR SIGNATURE OF CASHIER

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

June 19, 1985

NOTICE OF HEARING

RE: Petition for Zoning Variance
S/S of Baltimore National Pike, 1225 ft. NE
of the centerline of Geipe Rd. (6431 Balto. Nat. Pike)
1st Election District
Burton W. Smeltzer, Petitioner
Case No. 86-33-A

TIME: 11:00 a.m.

DATE: Tuesday, July 23, 1985

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007495
DATE 7/23/85 ACCOUNT R-01-615-000
AMOUNT \$ 100.00
RECEIVED FROM S. Smeltzer
FOR S. Smeltzer for Room #342
1st Bldg. 100.00
VALIDATION OR SIGNATURE OF CASHIER

86-33-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 4, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 4, 1985.

THE JEFFERSONIAN,

W. Venetian

Publisher

Cost of Advertising
27.50

PETITION FOR VARIANCE
1st Election District
LOCATION: South side of Baltimore National Pike, 1225 ft. North-east of the centerline of Geipe Road (6431 Baltimore National Pike)
DATE AND TIME: Tuesday, July 23, 1985 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 Variance from Section 238.1 & 7 (303.2) to permit a front yard setback of 75 ft. in lieu of the required average of 343 ft. and to permit side and/or rear yard setback of zero feet in lieu of the required 30 ft. and Section 102.2 to permit a distance between buildings of 40 ft. in lieu of the required 60 ft. (Previous Variance granted 85-205-A)
Being the property of Burton W. Smeltzer as shown on the plat filed with the Zoning Office.
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
July 4.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 86-33-A

District 1st
Posted for: Variance
Petitioner: Burton W. Smeltzer
Location of property: S/Side of Baltimore National Pike, 1225' NE of the S/S of Geipe Road (6431 Baltimore National Pike)
Location of Sign: On post of 6431 Baltimore National Pike
Remarks:
Posted by: S. J. Smith
Date of return: July 5-85
Number of Signs: 1

346 86-33-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.1 & 2 (303.2) to permit a front yard setback of 75' in lieu of the required 343' and to permit side and/or rear yard setback of 0' in lieu of the required 30' and section 102.2 to permit a distance between buildings of 40' in lieu of the required 60'. (Previous Variance of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty))

The configuration of the property and subsequent setback requirements do not permit us to develop the lot.

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: N/A
(Type or Print Name)
Signature: N/A
Address: N/A
City and State: N/A
Attorney for Petitioner: William Kerr
(Type or Print Name)
Signature: [Signature]
Address: 409 Washington Avenue
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 828-6818
Legal Owner(s): Burton W. Smeltzer
(Type or Print Name)
Signature: [Signature]
Address: 6431 Balto. Nat'l Pike
City and State: Baltimore, Maryland
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: See Owner
City and State: [Blank]
Address: [Blank]
Phone No.: [Blank]

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, Maryland, on the 23rd day of July, 1985, at 11:00 o'clock.

(over)

Case No. 06-33-A

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 18th day of June, 1985.

Petitioner Burton W. Smeltzer
Petitioner's Attorney William Kerr, Esquire
cc: STV/Lyon Associates

ARNOLD JABLON
Zoning Commissioner

Received by: [Signature]
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1985

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

William Kerr, Esquire
409 Washington Avenue
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

RE: Item No. 346 - Case No. 86-33-A
Petitioner - Burton W. Smeltzer
Variance Petition

Dear Mr. Kerr:

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

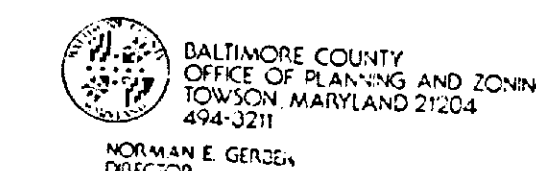
This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

ENCLOSURE

cc: STV/Lyon Associates
21 Governor's Court
Baltimore, Maryland 21207



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

July 3, 1985

Re: Zoning Advisory Meeting of MAY 21, 1985
Item # 346
Property Owner: BURTON W. SMELTZER
Location: 513 BALTIMORE NATIONAL AVE,
12251 W. BEGEIPE 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.
- (X) A County Review Group Meeting is required.
- () 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.
- () The 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.
- () 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 [blank].
- (X) Landscaping: Must comply with Baltimore County Landscaping Manual, 8111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- () The property is located in a traffic area controlled by a "D" level intersection as defined by 8111 178-79, and as conditions change are re-evaluated annually by the County Council.
- (X) Additional comments: THE CRG PLAN T-267 WAS APPROVED ON 2/26/85 FOR SMELTZER PROPERTY.

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

7/23

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: Edward A. McDonough, P.E., Chief
Developer's Engineering Division
DATE: February 19, 1985

PROJECT NAME: Burton W. Smeltzer Property
PROJECT NUMBER: #85022
LOCATION: U.S. Route 43,
6431 Baltimore National Pike
DISTRICT: 1C1

The Plan for the subject site, dated December 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

The State Health Department Construction Permits for each private utility (water, sanitary sewer and storm drains) totaling over 400 feet in length will be obtained through the Baltimore County Department of Public Works.

Route 40 West 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.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy permits will be withheld until such damages have been corrected.

The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Benching requirements shall be in accordance with Section 41.02, Item 3 of the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Project #85022
Burton W. Smeltzer Property
Page 2
February 19, 1985

HIGHWAY COMMENTS:

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

The entrance locations are subject to approval by the Department of Traffic Engineering, and the State Highway Administration.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unnumbered area.

A 20-foot slope easement will be required along the rear of the property adjacent to Geipe Road.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

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

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

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

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

Project #85022
Burton W. Smeltzer Property
Page 3
February 19, 1985

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

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

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit.

A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

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

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

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year and 10-year frequency storm must be provided on the site.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

Baltimore County Topography indicates an existing large swale to the rear of this property, which may affect the property. The Developer's engineer has made no provisions for this swale.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited. In conformance with Federal Flood Insurance "requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

WATER AND SANITARY SEWER COMMENTS:

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

Public water exists in Route 40 West.

Public sanitary sewer exists in an easement to the rear of this property. The Developer's engineer must show the existing easement on his plan.

Project #85022
Burton W. Smeltzer Property
Page 4
February 19, 1985

WATER AND SANITARY SEWER COMMENTS: (Cont'd)

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Permission to obtain a metered connection for water and a connection for sewer from the existing mains may be obtained from the Department of Permits and Licenses, if necessary.

The Developer will be given credit for one System Connection Charge for each existing building which is now connected into the public services.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

This site is subject to the sewer allocation policy as established by the Baltimore County Council.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

For the construction of two or more buildings, the Developer shall submit one (1) set of engineering drawings, signed and sealed by a Design Engineer, to be directed to the Plumbing Division via the Buildings Review Section when applying for a new building permit application. These drawings will include, but are not limited to the following information:

- a. All proposed lines will be marked with size of line and type of pipe.
- b. Length of line between changes in direction or changes in grade, or between manholes and/or cleanouts.
- c. Invert elevations for all proposed cleanouts and/or manholes.
- d. Proposed elevations and grades of proposed building floor elevations and finished grades.
- e. Percent grades between cleanouts and/or manholes.
- f. Proposed location of connection to each building.
- g. The number of dwelling units in each building.

JAN 17 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and 12 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

Project #85022
Burton W. Smeltzer Property
Page 5
February 19, 1985

WATER AND SANITARY SEWER COMMENTS: (Cont'd)

h. Certification by Design Engineer that all lines were designed for the required capacity by the Fixture-Unit Method of design described in A.S.C.E. Manual of Practice No. 37, and that a 2-foot per second minimum velocity is available at the design flow for the size and slope selected.

This drawing will become the copy for the Baltimore County Plumbing Department's permanent files and records. When received, the Plumbing Inspection Division will authorize issuance of a permit for the construction of the private sewer system upon proper application by a master plumber with installation to be made by journeyman plumbers.

No building permit applications will be approved until these drawings have been submitted to the Plumbing Division.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

The Plan may be approved, subject to compliance with the above comments.

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

EAM:HWS:iss

cc: File



Maryland Department of Transportation

State Highway Administration

William K. Hellmuth
Secretary
Hal Kassoff
Administrator

February 6, 1985

Mr. J. Markle, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: CRG Meeting of 2-20-85
"Smeltzer Property"
S/W Side Baltimore
National Pike
Route 40-W, West
of Rolling Road

Dear Mr. Markle:

On review of the submittal of December 1984 showing all access to the site by way of one entrance, the State Highway Administration finds the plan generally acceptable.

The State Highway Administration request all Baltimore County building permits be held until S.H.A. access permit is applied for and a bond of \$4,000.00 is posted to guarantee construction.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation

State Highway Administration

William K. Hellmuth
Secretary
Hal Kassoff
Administrator

May 31, 1985

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

Attention: Mr. M. Commodari

Re: ZAC Meeting of 5-21-85
ITEM: #346.
Property Owner: Burton W. Smeltzer
Location: S/S Baltimore National Pike, Route 40-W 1225' E. of Geipe Road
Existing Zoning: B.R.-CS-2
Proposed Zoning: Variance to permit an average front yard setback of 75' in lieu of the required 343' and to permit side and/or rear yard setback of 0' in lieu of the required 30' and to permit a distance between buildings of 40' in lieu of the required 60'
Acres: 2.2025 acres ±
District: 1st Election District

Dear Mr. Jablon:

On review of the submittal of February 1985 showing all access to the site by way of one entrance, the State Highway Administration finds the plan generally acceptable.

The State Highway Administration request all Baltimore County building permits be held until S.H.A. access permit is applied for and a bond of \$4,000.00 is posted to guarantee construction.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



**BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204**

HARRY J. PISTEL, P.E.
DIRECTOR

June 10, 1985

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

Re: Item #346 (1984-1985)
Property Owner: Burton W. Smeltzer
S/S Baltimore National Pike 1225' E. of
Geipe Road
Acres: 2.2025 acres ±
District: 1st

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 Comments:

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.

As no public facilities are involved, this office has no comment.

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.

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.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAN:EAM:HOP:iss

cc: File

**DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND**

TO : Mr. James A. Markle
FROM : C. Richard Moore
SUBJECT: C.R.G. Comments
DATE: February 18, 1985

PROJECT NAME: Burton W. Smeltzer Property C.R.G. PLAN: X
PROJECT NUMBER: DISTRICT: 1C1 DEVELOPMENT PLAN:
LOCATION: US-40 to West RECORD PLAT:

The proposed access US-40 is subject to the approval of the State Highway Administration.

It is recommended that additional sidewalk area be provided along the east side of the proposed office building and retail building, including the use of 20ft. drive instead of a 24ft. drive, with the extra 4ft. going to a sidewalk area.

A future access to Geipe Road should be shown if it is possible to construct considering existing topography.

CRM/GMJ/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
Environmental Support Services
TO: _____ Date: February 14, 1985

FROM: Stephanie A. Taylor
Waste and Water Quality Management
SUBJECT: ENVIRONMENTAL EFFECTS REPORT Burton W. Smeltzer Prop.
(Name)

CRG MEETING February 20, 1985 9:00 AM
** The plan submitted for CRG has been changed and the new plan will be reviewed before the next meeting, after it is submitted.

- PLAN REVIEW NOTES**
1. Retail development on 2.2 acres (Describe Site)
 2. Public water and Public sewer is proposed.
 3. (Describe streams on-site)
 4. Watchung soil (WAB) exists on site. Plan proposes development in this area.
 5. Storm Water Management required.
 6. proposed impervious area.

RESPONSES

The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

The Environmental Effects report is approved, subject to the following checked items/conditions.

- A. ☒ No development is allowed in WAB - Watchung soil. (soil/name & symbol)
- B. ☒ A revised site plan indicating no development in Watchung (WAB) must be submitted.

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

BURTON W. SHELTER PROPERTY
Subdivision Name, Section and/or Plat

Burton W. Smeltzer Developer and/or Engineer JTV/Hym Assoc.
Watershed 1 No. of Lots 220 Total Acreage Public Public
or Units Water Sewer

COMMENTS ARE AS FOLLOWS:

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

It is recommended this plan not be approved at this time. See revisions and/or comments.

SS 783R

JAN 17, 1985

Orig. Meeting of 12/20/85
Smeltzer Property

1. The plan states that 5000 sq. ft. will be provided for parking & dry storage. Preliminary soil borings have been provided, however, their location has not been pinpointed on the plan. Also, no permeability or soil test information has been provided.

2. The plan shows no provision for overflow. Unless the entire lot area shown is infiltrated, provisions must be made.

3. Two year peak management must be provided due to downstream flooding problems.

4. Setback requirements from structures into basements must be met.

James E. Urban
1/13/86

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Sy Benson
FROM: Charles K. Weiss, Chief
Bureau of Sanitation
SUBJECT: Burton Smeltzer Property -- 6431 Baltimore National Pike
CRG 2/20/85

After review of the plans for the above, it must be noted that Baltimore County does not provide commercial refuse collection.

On the plans, we see no area designated for either structure or storage building for trash service.

CKW/gjw

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING
DATE: February 19, 1985

PROJECT NAME: Burton Smeltzer Property
COUNCIL & ELECTION DISTRICT: 1-267
PLAN: XXXXXXXXXXXXXXXXXX
PLAN EXTENSION:
REVISED PLAN:
PLAT:

The Office of Planning and Zoning has reviewed the subject plan dated December, 1984, and has the following comments:

The driveway width must be 24' along the west property line in front of the contractor's storage building.

The most recent Zoning Case Number must be shown on the plan. Any restrictions as a result of this Zoning case must be listed on the plan.

Additional detail is required which would clarify the proposed CMU Retaining Wall.

The landscape calculation are correct. Dumpster areas must be identified on the plan and screened. Parking must be screened from the public road. Any outdoor storage area must be screened. A Final Landscape Plan prepared by a registered landscape architect must be approved by this office prior to issuance of any permits.

Susan Carrell
SUSAN CARRELL

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE
DATE: 2/19/85

PROJECT NAME: Burton W. Smeltzer Property
LOCATION: S Balto. Nat'l Pike 1225' E of Geige Rd.
DISTRICT: 1st Election District
PLAN: ✓
DEVELOPMENT PLAN:
PLAT:

The following comments were written on the CRG plan dated December 1984.

- This site has been the subject of two Zoning hearings, Case No. 83-225X, a Special Exception for a contractor's equipment storage yard granted on 1/14/83 and Case No. 85-2234, Variance for a front yard of 50 feet and side yards of 0, 6 and 21 feet granted 2/11/85. The former case was granted subject to several restrictions which are the following:
1. The site plan shall indicate the location of the storage of chippers and stumpers, temporary storage of chips and wood and parking for six trucks.
 2. Compliance with the requirements of the Maryland Department of Transportation and the Department of Health.
 3. A revised site plan, incorporating the restrictions set forth above shall be submitted for approval by the Maryland State Department of Transportation, the Department of Public Works and Office of Planning and Zoning.

The latter case (Variance) was granted subject to some restrictions as follows:

1. CRG approval must be obtained. The restrictions of Case No. 83-225X and the instant case must be placed on the approved CRG plan.
2. The site plan must indicate the location of the storage of chippers and stumpers, and the temporary storage of chips and wood, the parking for 6 trucks not over 17 feet in length, all to be provided in addition to the parking spaces required for the site's proposed development.
3. Encroachment upon the required setbacks shall not exceed 0 feet for a distance of 100 feet, 6 feet for a distance of 530 feet and 2 feet for a distance of 10 feet.
4. Landscaping shall be provided in accordance with the Balto. Co. Landscaping Manual.
 - a. It does not indicate an area for the storage of the chippers and stumpers, temporary storage of chips and wood and the parking of 6 trucks not over 17 feet in length has been designated on the plan.
 - b. Building entrances, driveway widths and the depth of parking spaces do not coincide with those indicated on the plan submitted for the zoning hearing upon which the Variance was granted. The plan does not indicate if wheel stops will be utilized or if cars will overhang into the side walk area. The entrances to the building must be clearly indicated on the CRG plan. Revisions must occur as outlined above in agreement with the plan which the Deputy Zoning Commissioner approved.
 - c. The side yard Variance for 6 feet is applicable to the 530 foot building; it appears that the 10 foot office wing was not included, possibly due to the dimensioning on the drawing. The Deputy Zoning Commissioner will be consulted as to the intended extent of the Variance. If it is determined that the additional 10 feet was an oversight an amended order may be written as the 30 day appeal period has not expired.

(con't)

BALTIMORE COUNTY, MARYLAND

DATE: February 14, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME: Burton W. Smeltzer Property
PROJECT NUMBER: CRG Agenda 2/20/85, 9:00 am
LOCATION: U.S. Rt. 40, 6431 Balto. Nat'l Pike
DISTRICT: 1
PRELIMINARY PLAN
TENTATIVE PLAN
DEVELOPMENT PLAN
FINAL PLAT

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Baltimore National Pike as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.
3. Submitted site plan fails to indicate proposed fire hydrant spacing at 300 feet intervals in accordance with Baltimore County Standard Design Manual.



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

June 7, 1985

TED ZALESKI, JR.
DIRECTOR

Dear Mr. Jabin:

Comments on Item # 316 Zoning Advisory Committee Meeting are as follows:

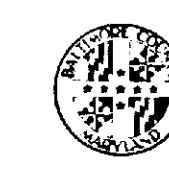
Property Owner: Burton W. Smeltzer
Location: S/S Baltimore National Pike 1225' E of Geige Road
District: 1st.

APPLICABLE STANDARDS ARE CITED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 811-85, the Maryland Code for the Handicapped and Aged (A.R.S. 1, §11-1-1) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction. Separate razing, retaining wall, etc. are required.
3. Residential: Three sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Approved seals are not acceptable.
5. All One and One and One Half Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10' to an interior lot line. All One and One Half Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10' to an interior lot line. All One and One Half Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10' to an interior lot line. All One and One Half Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls if less than 10' to an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use/occupancy is from Use _____ to Use _____ or to Mixed Use _____.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill 811-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
10. Comments: Footings or other parts of the proposed structure shall not infringe upon the adjoining property. See Article 1800.0 for requirements during construction. Structures shall be accessible and useable by the Handicapped.
11. These abbreviated 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 the applicant may obtain additional information by visiting Room 111 of the County Office Building at 111 V. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Schuman
By: C. E. Schuman, Chief
Building Plans Review

1/2/85



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

June 5, 1985

Mr. Arnold Jablon
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: Burton W. Smeltzer

Location: S/S Baltimore National Pike 1225' E of Geige Road

Item No.: 316 Zoning Agenda: Meeting of May 21, 1985

Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Site plan fails to show on-site hydrant.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

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

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

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

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

REVIEWED: [Signature] 6-5-85 Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

/mb