

**PETITION FOR SPECIAL HEARING**  
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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve...

An amendment to the site plan in case #81-129-X to allow an additional building, to increase the parking area, and to determine if the existing day care center situated within a D.R. 16 zoning classification can expand under the R.C. 3 regulations which were in effect at the time of granting in lieu of complying with residential transition restrictions of D.R. 16.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser: (Type or Print Name) Signature Address City and State  
 Legal Owner(s): STILLWAY ASSOCIATES GENERAL PARTNERSHIP (Type or Print Name) Signature Address City and State  
 Attorney for Petitioner: (Type or Print Name) Address City and State  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of July, 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 had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of August, 1985, at 11:15 o'clock.

*Call John*  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE August 20, 1985 BY *Call John*

**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 1A07.3B.f. (102.2) to permit a minimum distance between buildings of 15'-0" in lieu of the required minimum distance of 75'-0".

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

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

Contract Purchaser: (Type or Print Name) Signature Address City and State  
 Legal Owner(s): STILLWAY ASSOCIATES GENERAL PARTNERSHIP (Type or Print Name) Signature Address City and State  
 Attorney for Petitioner: (Type or Print Name) Address City and State  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 Attorney's Telephone No.:

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*Call John*  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE August 20, 1985 BY *Call John*

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 17th day of July, 1985.

Stillway Associates General Partnership  
Petitioner's Attorney  
Received by *Nicholas B. Commodari*  
Nicholas B. Commodari  
Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**  
August 9, 1985

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204  
 Stillway Associates General Partnership  
6 Stillway Ct. Cockeysville, Maryland 21030

RE: Item No. 391 - Case No. 86-77-SPHA  
 Petitioner - Stillway Associates  
 General Partnership  
 Special Hearing & Variance Petitions

MEMBERS: Bureau of Engineering, Department of Traffic Engineering, State Roads Commission, Bureau of Fire Prevention, Health Department, Project Planning, Building Department, Board of Education, Zoning Administration, Industrial Development

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

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

Very truly yours,  
*Nicholas B. Commodari*  
 NICHOLAS B. COMMODARI  
 Chairman  
 Zoning Plans Advisory Committee

cc: Roger Lee Katzenberg, AIA  
 Kamm & Ammon, Inc.  
 519 W. Pratt Street, Suite 102  
 Baltimore, Maryland 21201

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS  
 HARRY I. PISTEL, P.E.  
 DIRECTOR  
 July 15, 1985

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

Re: Item #391 (1984-1985)  
 Property Owners: Stillway Associates  
 S/S Lyons Mill Rd. 1300' W. fr. c/l Painters Mill Road  
 District 2nd

Dear Mr. Jablon:  
 The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.  
 General Comments:  
 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.  
 Since no public facilities are involved, this office has no comment.  
 Very truly yours,  
 James A. Markle, P.E., Chief  
 Bureau of Public Services

JAM:PHD:blp  
 ccc: File

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
 NORMAN E. COLLINS  
 DIRECTOR  
 July 24, 1985

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

Re: Zoning Advisory Meeting of June 25, 1985  
 Item # 391  
 Property Owners: STILLWAY ASSOCIATES  
 Location: S/S LYONS MILL RD. 1300' W. FR. C/L PAINTERS MILL 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:  
 (X) There are no site planning factors requiring comment.  
 (X) A County Review Group Meeting is required.  
 (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.  
 (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.  
 (X) A record plat will be required and must be recorded prior to issuance of a building permit.  
 (X) The access is not satisfactory.  
 (X) The circulation on this site is not satisfactory.  
 (X) The parking arrangement is not satisfactory.  
 (X) Parking calculations must be shown on the plan.  
 (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.  
 (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-28 of the Development Regulations.  
 (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.  
 (X) The amended Development Plan was approved by the Planning Board on [unclear].  
 (X) Landscaping: Must comply with Baltimore County Landscape Manual.  
 (X) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [unclear].  
 (X) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become limited. The Basic Services Areas are re-evaluated annually by the County Council.  
 Additional comments:  
 A VARIANCE OF CRC PLAN AND STANDARDS (RD IMPV) WAS GRANTED BY DIRECTOR OF PLANNING AND ZONING ON 7/24/85. SEE FILE # 86-77-SPHA (DAY CARE CTR.)

Eugene A. Bubar  
 Chief, Current Planning and Development  
 ccc: James Howell

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

STEPHEN E. COLLINS  
 DIRECTOR  
 June 25, 1985

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

Item No. 391 Meeting of June 25, 1985  
 Property Owners: Stillway Associates  
 Location: S/S Lyons Mill Road 1300' W. from c/l Painters Mill Road  
 Existing Zoning: D.R.16  
 Proposed Zoning: Special hearing to approve an amendment to the site plan in case #81-129 X to allow an additional building, to increase the parking area, and to determine if the existing day care center situated within a D.R.16 zone can expand under the R.C.3 which were in effect at the time of granting in lieu of the complying with residential transition restrictions of D.R.16. Variance to permit a minimum distance of 75'.  
 Acres: 5.250  
 District: 2nd

Dear Mr. Jablon:  
 The entrance to this site should be widened to 17 feet with 15' radius returns. The exit from this site should be clearly marked one-way and Do Not Enter.

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

NSP/cmm

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

PAUL H. RENCKE  
 CHIEF  
 July 2, 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  
 Property Owner: Stillway Associates  
 Location: S/S Lyons Mill Road 1300' W. from c/l Painters Mill Road  
 Item No.: 391 Zoning Agenda: Meeting of June 25, 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.
1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
  2. A second means of vehicle access is required for the site.
  3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
  4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
  5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Fire Safety Code", 1976 edition prior to occupancy.
  6. Site plans are approved, as drawn.
  7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *Paul H. Rencke* Noted and Approved: *Roy W. Kemmer*  
 Planning Group Fire Prevention Bureau  
 Special Inspection Division

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

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

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:



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

July 18, 1985

TED ZALESKI, JR.  
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 391 Zoning Advisory Committee Meeting are as follows:

Property Owner: Stillway Associates  
Location: S/S Lyons Mill Road 1300' W. from c/1 Painters Mill Road  
District: 2nd.

APPLICABLE CODES ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.B.I. #11-71 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. 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. Reproduced seals are not acceptable.
- E. All Two Group except Sub Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Two Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- F. 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.
- G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- H. 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 Group use from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Use \_\_\_\_\_ See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood/Everton. Please see the attached copy of Section 510 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 101 and the finished floor levels including basement.

SPECIAL NOTE:

- J. Comments: Please be aware that children under 2 1/2 years of age are classified as "day nursery" and fall into the institutional use group which is not permitted in unprotected wood frame construction. See Section 307.3 or 304.1. Also, Table 501 and 401.
- K. 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. To develop the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Marcia E. Brunworth*  
BY: Marcia E. Brunworth, Chief  
Building Plans Section

L/22/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: August 8, 1985  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 86-77-SPhA

The subject property is part of the Owings Mills Growth Area and as such was zoned D.R. 16 on the 1984 Comprehensive Zoning Map. The use, day care, is appropriate to the area. The petitioner should be aware, however, that the property may be impacted by the eventual realignment of Lyons Mill Road.

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

NEG:JGH:slm

IN RE: PETITIONS SPECIAL HEARING AND VARIANCE S/S of Lyons Mill Road, 1,300' W of Painters Mill Road (1907 Lyons Mill Road) - 2nd Election District Stillway Associates, Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-77-SPhA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks to amend the site plan approved in Case No. 81-129-X in order to expand the use granted therein and, additionally, a variance to permit a minimum distance between buildings of 15 feet instead of the required 75 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Roland H. and Marcia Brunworth, its General Partners, appeared and testified. Also appearing on behalf of the Petitioner was Roger Katzenberg, a registered architect. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.16 and located on Lyons Mill Road, approximately 1,300 feet from Painters Mill Road, was granted a special exception for a day care center in Case No. 81-129-X. At that time, the property was zoned R.C.3. The day care center, known as Happy Acres, has been in existence since 1945 and consists of a single-story day care and day camp center with playgrounds. Presently, there are 100 children enrolled. The Petitioner proposes to construct a 65' x 80' single-story building with a 20' x 60' front porch 15 feet from the existing building to serve another 100 children. This building will be utilized solely for a day care and day camp center. The Department of Health which inspects and licenses day care centers is not opposed to expansion. Additionally, the parking lot is proposed to be expanded.

The need for day care in the Owings Mills-Randallstown-Deer Park area is obvious, and with the development of the Owings Mills Town Center, day care will

become even more necessary. As the Planning Office indicated in its comment to the Zoning Commissioner, dated August 8, 1985, day care is appropriate to the area.

This is not a request for a special exception, but a request to expand the previously granted special exception. The issue raised by the Petitioner is the impact of the Residential Transition Area (RTA) on the proposed new parking area, which will be in the same location as the existing parking, i.e., in front of the property on Lyons Mill Road. If the RTA were applicable, the parking could not be located where proposed since there are homes directly across the road within the RTA. However, due to the topography of the property and the location of the playground equipment, the only appropriate location for parking is where proposed. Parking and play should be separated so the safety of the children is not a concern. The Petitioner is also aware of the future widening of Lyons Mill Road and has taken that into consideration.

Inasmuch as the proposed parking area will only replace the existing parking area, although somewhat expanded, and the special exception was granted at the time the property was zoned R.C.3, the RTA is not applicable. The uses are controlled by the zoning in effect at the time the special exception was granted. As for the requested variance, the placement of the proposed building is controlled by the existing topography and drainage and utility easements. It cannot be located anywhere else on the property.

The Petitioner seeks relief from Section 1A02.3.B.4 (Section 102.2), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR) and to amend the site plan approved in Case No. 81-129-X in order to expand.

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

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

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

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

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

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of August, 1985, that the amendment to the site plan approved in Case No. 81-129-X 'n order to allow expansion of the use granted thereon be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variance to permit a minimum distance between buildings of 15 feet instead of the required 75 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Arnold Jablon*  
BY: Arnold Jablon, Zoning Commissioner of Baltimore County

AJ/srl  
cc: Mr. & Mrs. Roland H. Brunworth  
People's Counsel

ORDER RECEIVED FOR FILING  
DATE August 29, 1985  
BY *John P. Lacey*

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The site is constricted by the presence of hydric soils and steep slopes on the eastern portion of the site, and by the need for expanded parking and loading spaces on the north portion. The rear (south) portion of the site is too remote for practical use of any new structure, in addition to rendering the area useless for its present outdoor day camp uses. The proposed building location would satisfy the practical purposes of the day care center while preserving the site for outdoor educational and recreational activity. Physical connection of the two buildings is not desirable as the passage between the structures provides the only practical vehicular access to the rear (south) of the site for maintenance and emergency use.

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
404-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 15, 1985

Stillway Associates  
4 Stillway Court  
Cockeysville, Maryland 21030

RE: Petition for Special & Variance  
S/S of Lyons Mill Rd., 1300' W/Painters  
Mill Rd. (9307 Lyons Mill Road)  
2nd Election District  
Stillway Associates, Petitioners  
Case No. 86-77-SPHA

Dear Mr. Sir,

This is to advise you that \$ 74.41 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

86-77-SPHA

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Aug. 1, 1985

THIS IS TO CERTIFY that the annexed... Re. #L73263... P.O. #67760 was published for... (1) ... days previous to the... 1st... day of... August... 19... 85... in the

- Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
- Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

*David Kepler*

PETITION FOR SPECIAL HEARING AND VARIANCE  
2nd Election District  
LOCATION: South side of Lyons Mill Road, 1300 E. West of the Painters Mill Road (9307 Lyons Mill Rd.)  
DATE AND TIME: Monday, August 19, 1985 at 11:15 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to approve an amendment to the site plan in Case #81-129-X to allow an additional building to increase the parking area, and to determine if the existing day care center situated within a D.R. 16 zoning classification can expand under the R.C. 3 regulations which were in effect at the time of granting in lieu of complying with residential transition restrictions of D.R. 16. Petition for Variance from Section 1A02.3B.4 (102.2) to permit a minimum distance between buildings of 15'-0" in lieu of the required minimum distance of 75'-0".

Being the property of Stillway Associates, as shown on plat filed with the Zoning Office.

In the event that these Petitions are 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

PETITION FOR SPECIAL HEARING AND VARIANCE  
2nd Election District

LOCATION: South side of Lyons Mill Road, 1300 E. West of the Painters Mill Road (9307 Lyons Mill Road)  
DATE AND TIME: Monday, August 19, 1985 at 11:15 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to approve an amendment to the site plan in Case #81-129-X to allow an additional building, to increase the parking area, and to determine if the existing day care center situated within a D.R. 16 zoning classification can expand under the R.C. 3 regulations which were in effect at the time of granting in lieu of complying with residential transition restrictions of D.R. 16. Petition for Variance from Section 1A02.3B.4 (102.2) to permit a minimum distance between buildings of 15'-0" in lieu of the required minimum distance of 75'-0".

Being the property of Stillway Associates, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are 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

Stillway Associates  
4 Stillway Court  
Cockeysville, Md. 21030  
August 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING & VARIANCE  
2nd Election District  
S/S of Lyons Mill Rd., 1300' W/Painters  
Mill Rd. (9307 Lyons Mill Road)  
Stillway Associates, Petitioners  
Case No. 86-77-SPHA

TIME: 11:15 a.m.  
DATE: Monday, August 19, 1985  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

*C. B. Jablon*  
Zoning Commissioner  
of Baltimore County

cc: Roger Lee Katzenberg, AIA  
Kann & Ammon, Inc.  
519 W. Pratt Street  
Balto., MD. 21201

KANN + AMMON, INC. 519 West Pratt Street Suite 102 Baltimore, Md 21201 (301) 234-0900

PLAT DESCRIPTION

At that piece or parcel of land situate, lying and being in the second election district of Baltimore County, State of Maryland and described as follows to wit:

BEGINNING for the same at a point on the south side of Lyons Mill Road approximately 1,300 feet west of its intersection with Painters Mill Road; thence running south 07 degrees 07 minutes 50 seconds east 666.20 feet; thence running south 89 degrees 35 minutes 35 seconds west 333.50' to a steel pipe; thence running north 14 degrees 30 minutes 49 seconds west 404.69 feet; thence running north 07 degrees 45 minutes 02 seconds west 229.75 feet to a point located on the south side of Lyons Mill Road; thence running and binding on the right of way of said road north 89 degrees 46 minutes 41 seconds east 513.93 feet to the place of beginning.

Said parcel containing 5.290 acres of land more or less.

Architecture Planning Preservation Interior Design

PETITION FOR SPECIAL HEARING AND VARIANCE  
2nd Election District

LOCATION: South side of Lyons Mill Road, 1300 E. West of the Painters Mill Road (9307 Lyons Mill Rd.)  
DATE AND TIME: Monday, August 19, 1985 at 11:15 a.m.  
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Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to approve an amendment to the site plan in Case #81-129-X to allow an additional building, to increase the parking area, and to determine if the existing day care center situated within a D.R. 16 zoning classification can expand under the R.C. 3 regulations which were in effect at the time of granting in lieu of complying with residential transition restrictions of D.R. 16. Petition for Variance from Section 1A02.3B.4 (102.2) to permit a minimum distance between buildings of 15'-0" in lieu of the required minimum distance of 75'-0".

Being the property of Stillway Associates, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are 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

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 012598  
DATE: 8-19-85 ACCOUNT: 86-77-SPHA  
AMOUNT: \$ 74.41  
RECEIVED FROM: Henry Acres Corp.  
FOR: Advertising and Posting Case No. 86-77-SPHA  
VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCES : OF BALTIMORE COUNTY  
S/S Lyons Mill Rd., 1300' W : Painters Mill Rd. (9307 Lyons Mill Rd.), 2nd District :

STILLWAY ASSOCIATES, Petitioner: Case No. 86-77-SPHA

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 24th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Stillway Associates, 4 Stillway Court, Cockeysville, MD 21030, Petitioner; and Roger Lee Katzenberg, AIA, Kann + Ammon, Inc., 519 W. Pratt St., Baltimore, MD 21201, who requested notification.

*Peter Max Zimmerman*  
Peter Max Zimmerman

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 7-30-85  
Posted for: Special Hearing  
Petitioner: Stillway Associates  
Location of property: S/S Lyons Mill Rd., 1300 ft. W/ Painters Mill Rd. (9307 Lyons Mill Rd.)  
Location of Sign: S/S Lyons Mill Rd. 15.50 ft. W of Painters Mill Rd. at entrance to subject property  
Remarks:  
Posted by: S.J. Brata Date of return: August 2, 1985  
Number of Signs: 2

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 012598  
DATE: 8-19-85 ACCOUNT: 86-77-SPHA  
AMOUNT: \$ 74.41  
RECEIVED FROM: Henry Acres Corp.  
FOR: Advertising and Posting Case No. 86-77-SPHA  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 007308  
DATE: 8/19/85 ACCOUNT: 86-77-SPHA  
AMOUNT: \$ 201.00  
RECEIVED FROM: Henry Acres  
FOR: Advertising and Posting Case No. 86-77-SPHA  
VALIDATION OR SIGNATURE OF CASHIER



**PROJECT DATA**

NAME OF TRACT: Happy Acres Day Care Center  
 LOCATION OF TRACT: 9307 Lyons Mill Road  
 OWNER OF TRACT: Stillway Associates  
 4 Stillway Court  
 Cockeysville, MD 21030

Deed Reference: Liber 6314/Folio 166  
 Tax Number: 1900002852  
 Election District: 2  
 Councilmanic District: 3  
 Census Tract: 4025.01  
 Watershed: 27  
 Subwatershed: 69  
 Existing Zoning: D.R. 16  
 Present Use: Day Care Center & Day Camp  
 Proposed Use: Same

Building Areas: Existing one-story building - 5013 sq. ft.  
 Proposed one-story building - 5200 sq. ft.  
 plus basement

Parking Required: One space per employee x 24 employees = 24 spaces

Parking Provided: 40 parking spaces, includes 2 designated handicapped spaces

Area of Tract: 5.290 acres +

F.A.R.: 10,213 sq.ft.(building area)/230,432.4 sq.ft.(site area) = 0.044 (Total F.A.R.)

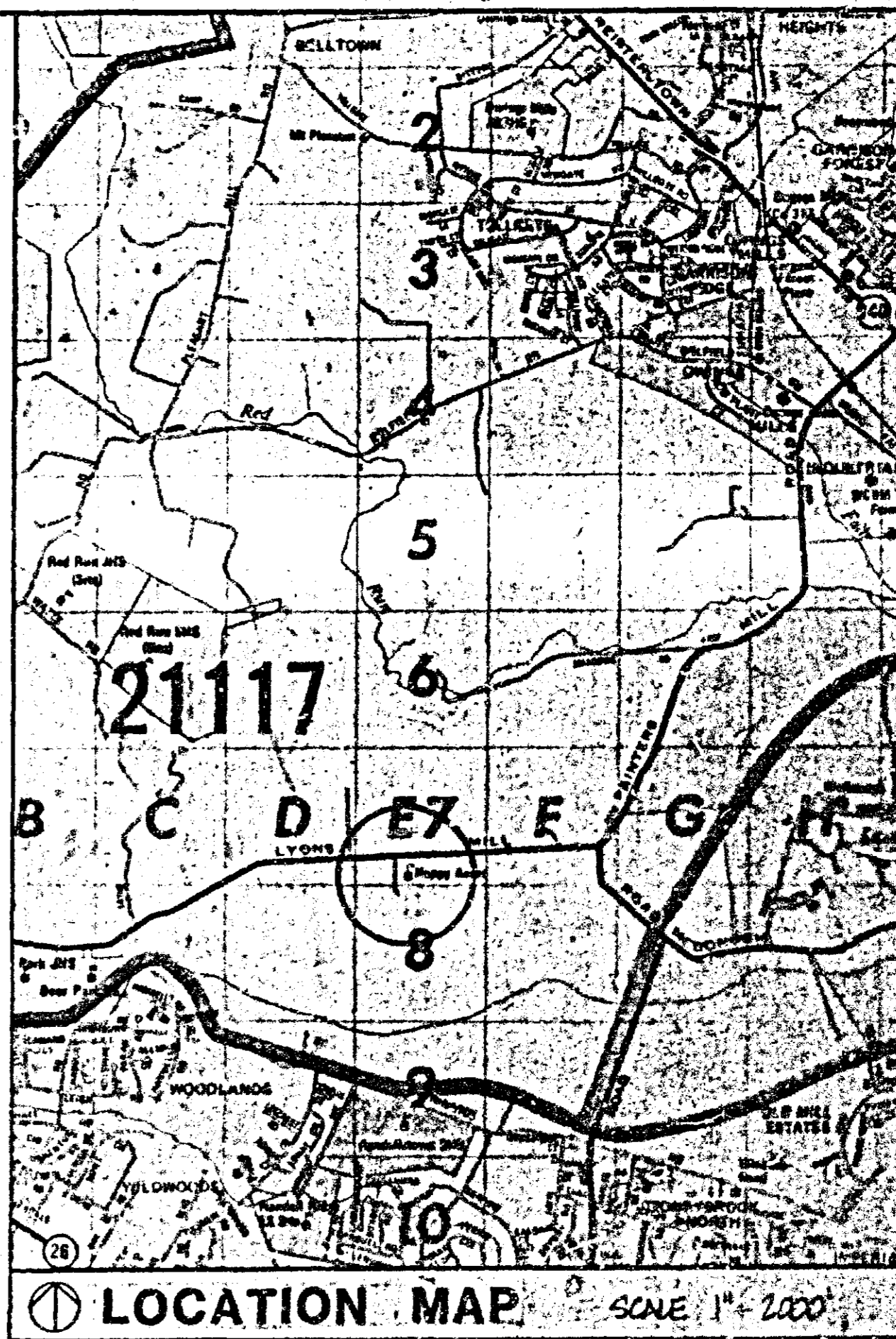
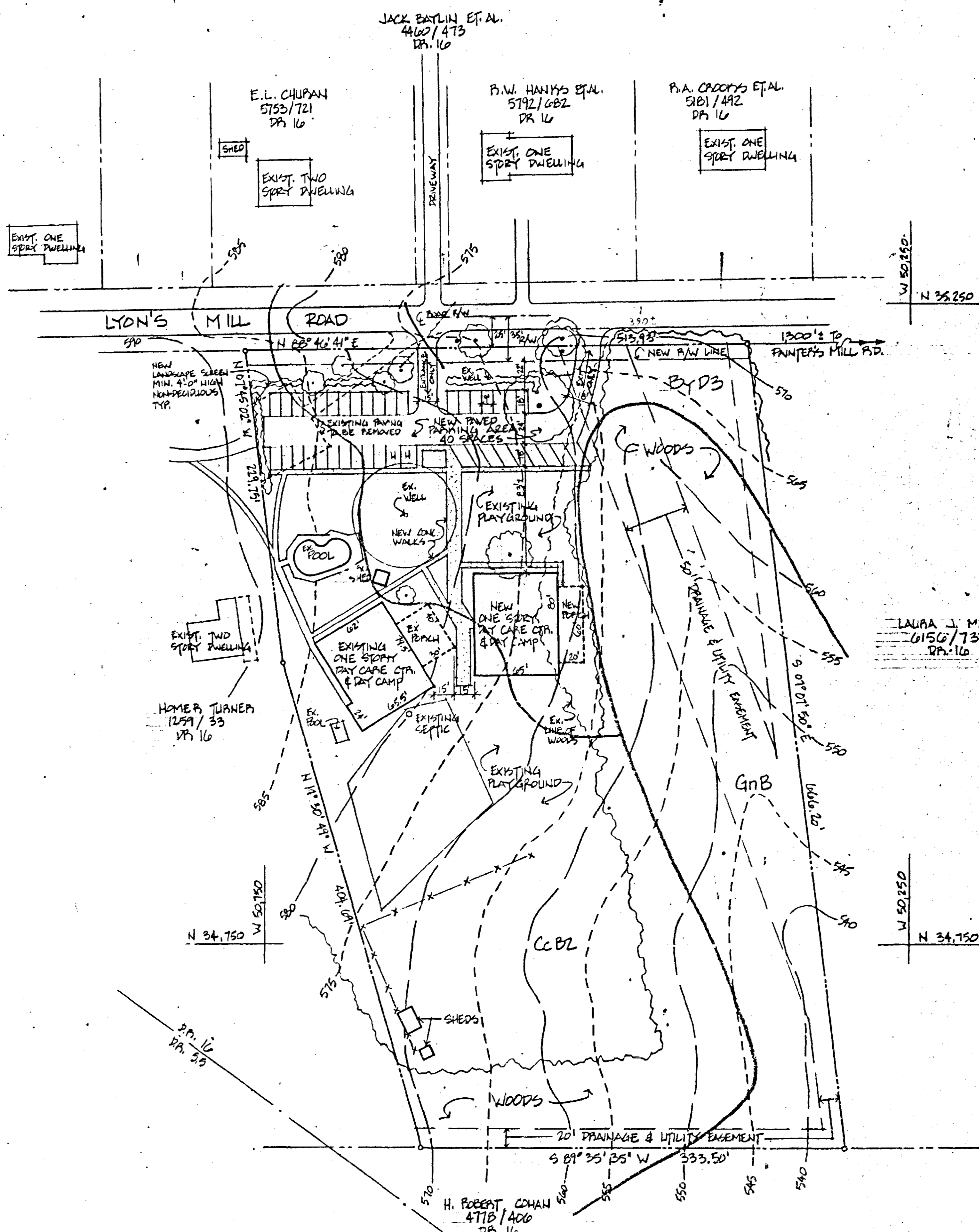
Average Daily Trips: Existing - 396 trips  
 Proposed - 752 trips

**Project Notes:**

- standard parking spaces to be 9'x18' typical.
- handicapped parking spaces to be 12'x18' typical
- Lighting, where erected, shall not: A) Reflect into residential areas; B) Interfere with traffic; C) Exceed 16 ft. in height.
- No public water or sewer exist. Existing wells(2) and septic system on site.
- This site is not: A) in a critical area; B) an archeological site; C) an endangered species habitat; D) a hazardous material site; E) an historic site.
- The proposed relocation of Lyons Mill Road does not affect this property at this time.
- The property has been in its present use since 1945. Special exception was granted to allow subdivision of property & continuation of use by order of the Zoning Commissioner in special hearing No. 81-129-X.
- New landscaping will be provided to meet or exceed the requirements of the county landscape manual. Screening will be providing between parking & residential areas.

**RESTRICTIONS**

- 1) Compliance with the subdivision regulations applicable to the subdivision of the property shown on Petitioner's Exhibit 1.
- 2) Compliance with the requirements of the Baltimore County Department of Health regarding the licensing of day camps and day care centers and the requirements of the State Board of Education regarding approval of a day care center as a school facility, if required.
- 3) Compliance with the comments submitted by the Department of Health, dated January 15, 1981; the Department of Traffic Engineering, dated December 5, 1980, and the Zoning Plans Advisory Committee, regarding the removal of the abandoned and disabled school bus, dated January 8, 1981.
- 4) Approval of the aforementioned site plan by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.



**HAPPY ACRES**  
**PLAT FOR**  
**SPECIAL HEARING & VARIANCE**

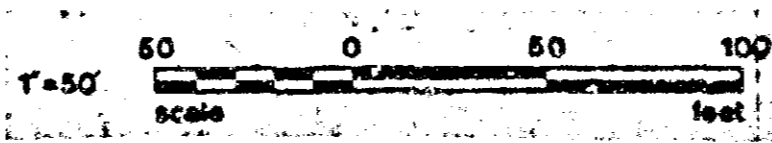
Released For:  
 Preliminary Only  
 Building  
 Permit  
 Construction

**PETITIONER'S EXHIBIT**

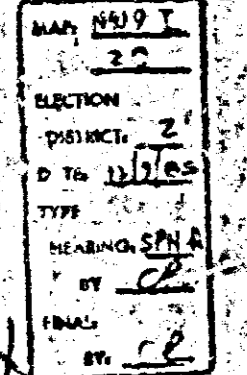
Date: 6/10/85  
 Project No:  
 Drawn:  
 Designed:  
 Check:  
 Title:

SP-1

**PROPOSED SITE PLAN**



4291



**PETITION FOR SPECIAL HEARING**  
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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve...

An amendment to the site plan in case #81-129-X to allow an additional building, to increase the parking area, and to determine if the existing day care center situated within a D.R. 16 zoning classification can expand under the R.C. 3 regulations which were in effect at the time of granting in lieu of complying with residential transition restrictions of D.R. 16.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser: (Type or Print Name) Signature Address City and State  
 Legal Owner(s): STILLWAY ASSOCIATES GENERAL PARTNERSHIP (Type or Print Name) Signature Address City and State  
 Attorney for Petitioner: (Type or Print Name) Address City and State  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of July, 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 had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of August, 1985, at 11:15 o'clock.

*Call John*  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE August 20, 1985 BY *Call John*

**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 1A07.3B.f. (102.2) to permit a minimum distance between buildings of 15'-0" in lieu of the required minimum distance of 75'-0".

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

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

Contract Purchaser: (Type or Print Name) Signature Address City and State  
 Legal Owner(s): STILLWAY ASSOCIATES GENERAL PARTNERSHIP (Type or Print Name) Signature Address City and State  
 Attorney for Petitioner: (Type or Print Name) Address City and State  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of July, 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 had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of August, 1985, at 11:15 o'clock.

*Call John*  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING

DATE August 20, 1985 BY *Call John*

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 17th day of July, 1985.

Received by *Arnold Jablon*  
Arnold Jablon  
Zoning Commissioner  
Petitioner's Attorney: Roger Lee Katzenberg, AIA, Kann & Ammon, Inc., 519 W. Pratt Street, Suite 102, Balto., Md. 21201

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**  
August 9, 1985

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204  
 Chairman: Nicholas B. Commodari  
 MEMBERS: Bureau of Engineering, Department of Traffic Engineering, State Roads Commission, Bureau of Fire Prevention, Health Department, Project Planning, Building Department, Board of Education, Zoning Administration, Industrial Development  
 RE: Item No. 391 - Case No. 86-77-SPHA  
 Petitioner - Stillway Associates General Partnership  
 Special Hearing & Variance Petitions  
 The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.  
 Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.  
 Very truly yours,  
*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

cc: Roger Lee Katzenberg, AIA  
Kann & Ammon, Inc.  
519 W. Pratt Street, Suite 102  
Baltimore, Maryland 21201

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204  
HARRY I. PISTEL, P.E.  
DIRECTOR  
July 15, 1985

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

Re: Item #391 (1984-1985)  
Property Owners: Stillway Associates  
S/S Lyons Mill Rd. 1300' W. fr. c/l Painters Mill Road  
District 2nd

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

**General Comments:**  
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.  
Since no public facilities are involved, this office has no comment.

Very truly yours,  
*James A. Markle*  
JAMES A. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:PHD:blp  
cc: File

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
NORMAN E. GUNDEL  
DIRECTOR  
July 24, 1985

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

Re: Zoning Advisory Meeting of June 25, 1985  
Item # 391  
Property Owners: STILLWAY ASSOCIATES  
Location: S/S LYONS MILL RD. 1300' W. FR. C/L PAINTERS MILL RD.

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

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-38 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on [unclear].
- Landscaping: Must comply with Baltimore County Landscape Manual.
- The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [unclear].
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments:  
A VARIANCE OF CRC PLAN AND STANDARDS (RD IMPV) WAS GRANTED BY DIRECTOR OF PUBLIC WORKS ON 7/16/85 - SEE FILE # 86-77-SPHA (DAY CARE CTR.)

Eugene A. Bubar  
Chief, Current Planning and Development  
cc: James Howell

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550  
STEPHEN E. COLLINS  
DIRECTOR  
June 25, 1985

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

Item No. 391 Meeting of June 25, 1985  
Property Owners: Stillway Associates  
Location: S/S Lyons Mill Road 1300' W. from c/l Painters Mill Road  
Existing Zoning: D.R.16  
Proposed Zoning: Special hearing to approve an amendment to the site plan in case #81-129 X to allow an additional building, to increase the parking area, and to determine if the existing day care center situated within a D.R.16 zone can expand under the R.C.3 which were in effect at the time of granting in lieu of the complying with residential transition restrictions of D.R.16. Variance to permit a minimum distance of 75'.

Acres: 5.250  
District: 2nd

Dear Mr. Jablon:  
The entrance to this site should be widened to 17 feet with 15' radius returns. The exit from this site should be clearly marked one-way and Do Not Enter.

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

NSP/cmm

BALTIMORE COUNTY FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500  
PAUL H. RENCKE  
CHIEF  
July 2, 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: Stillway Associates  
Location: S/S Lyons Mill Road 1300' W. from c/l Painters Mill Road  
Item No.: 391 Zoning Agenda: Meeting of June 25, 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.

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

REVIEWED: *Paul H. Rencke* Noted and Approved: *Roy W. Kemmer*  
Special Inspection Division Fire Prevention Bureau

/mb

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

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

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:



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

July 18, 1985

TED ZALESKI, JR.  
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 391 Zoning Advisory Committee Meeting are as follows:

Property Owner: Stillway Associates  
Location: S/S Lyons Mill Road 1300' W. from c/1 Painters Mill Road  
District: 2nd.

APPLICABLE CODES ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.B.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. 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. Reproduced seals are not acceptable.
- E. All Two Group except Sub Single Family Detached Buildings require a minimum of 3 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Two Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- F. 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.
- G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- H. 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 Group use from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Use \_\_\_\_\_. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood/Everton. Please see the attached copy of Section 510 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 101 and the finished floor levels including basement.

SPECIAL NOTE:

- J. Comments: Please be aware that children under 2 1/2 years of age are classified as "day nursery" and fall into the institutional use group which is not permitted in unprotected wood frame construction. See Section 307.3 or 304.1. Also, Table 501 and 401.
- K. 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. To develop the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21286.

*Martha E. Dunbar*  
BY: M. E. Dunbar, Chief  
Building Plans Section

L/22/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: August 8, 1985  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 86-77-SPhA

The subject property is part of the Owings Mills Growth Area and as such was zoned D.R. 16 on the 1984 Comprehensive Zoning Map. The use, day care, is appropriate to the area. The petitioner should be aware, however, that the property may be impacted by the eventual realignment of Lyons Mill Road.

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

NEG:JGH:slm

IN RE: PETITIONS SPECIAL HEARING AND VARIANCE S/S of Lyons Mill Road, 1,300' W of Painters Mill Road (1907 Lyons Mill Road) - 2nd Election District Stillway Associates, Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-77-SPhA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks to amend the site plan approved in Case No. 81-129-X in order to expand the use granted therein and, additionally, a variance to permit a minimum distance between buildings of 15 feet instead of the required 75 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Roland H. and Marcia Brunworth, its General Partners, appeared and testified. Also appearing on behalf of the Petitioner was Roger Katzenberg, a registered architect. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.16 and located on Lyons Mill Road, approximately 1,300 feet from Painters Mill Road, was granted a special exception for a day care center in Case No. 81-129-X. At that time, the property was zoned R.C.3. The day care center, known as Happy Acres, has been in existence since 1945 and consists of a single-story day care and day camp center with playgrounds. Presently, there are 100 children enrolled. The Petitioner proposes to construct a 65' x 80' single-story building with a 20' x 60' front porch 15 feet from the existing building to serve another 100 children. This building will be utilized solely for a day care and day camp center. The Department of Health which inspects and licenses day care centers is not opposed to expansion. Additionally, the parking lot is proposed to be expanded.

The need for day care in the Owings Mills-Randallstown-Deer Park area is obvious, and with the development of the Owings Mills Town Center, day care will

become even more necessary. As the Planning Office indicated in its comment to the Zoning Commissioner, dated August 8, 1985, day care is appropriate to the area.

This is not a request for a special exception, but a request to expand the previously granted special exception. The issue raised by the Petitioner is the impact of the Residential Transition Area (RTA) on the proposed new parking area, which will be in the same location as the existing parking, i.e., in front of the property on Lyons Mill Road. If the RTA were applicable, the parking could not be located where proposed since there are homes directly across the road within the RTA. However, due to the topography of the property and the location of the playground equipment, the only appropriate location for parking is where proposed. Parking and play should be separated so the safety of the children is not a concern. The Petitioner is also aware of the future widening of Lyons Mill Road and has taken that into consideration.

Inasmuch as the proposed parking area will only replace the existing parking area, although somewhat expanded, and the special exception was granted at the time the property was zoned R.C.3, the RTA is not applicable. The uses are controlled by the zoning in effect at the time the special exception was granted. As for the requested variance, the placement of the proposed building is controlled by the existing topography and drainage and utility easements. It cannot be located anywhere else on the property.

The Petitioner seeks relief from Section 1A02.3.B.4 (Section 102.2), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR) and to amend the site plan approved in Case No. 81-129-X in order to expand.

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

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

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

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

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

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of August, 1985, that the amendment to the site plan approved in Case No. 81-129-X in order to allow expansion of the use granted thereon be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variance to permit a minimum distance between buildings of 15 feet instead of the required 75 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Arnold Jablon*  
BY: Arnold Jablon, Zoning Commissioner  
Baltimore County

AJ/srl  
cc: Mr. & Mrs. Roland H. Brunworth  
People's Counsel

ORDER RECEIVED FOR FILING  
DATE August 29, 1985  
BY: *John P. Lacey*

ORDER RECEIVED FOR FILING  
DATE August 29, 1985  
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DATE August 29, 1985  
BY: *John P. Lacey*

The site is constricted by the presence of hydric soils and steep slopes on the eastern portion of the site, and by the need for expanded parking and loading spaces on the north portion. The rear (south) portion of the site is too remote for practical use of any new structure, in addition to rendering the area useless for its present outdoor day camp uses. The proposed building location would satisfy the practical purposes of the day care center while preserving the site for outdoor educational and recreational activity. Physical connection of the two buildings is not desirable as the passage between the structures provides the only practical vehicular access to the rear (south) of the site for maintenance and emergency use.

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
404-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 15, 1985

Stillway Associates  
4 Stillway Court  
Cockeysville, Maryland 21030

RE: Petition for Special & Variance  
S/S of Lyons Mill Rd., 1300' W/Painters  
Mill Rd. (9307 Lyons Mill Road)  
2nd Election District  
Stillway Associates, Petitioners  
Case No. 86-77-SPHA

Dear Mr. Sir,

This is to advise you that \$ 74.41 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

86-77-SPHA

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Aug. 1, 1985

THIS IS TO CERTIFY that the annexed... Re: #L73263... P.O. #67760 was published for... (1) ... days previous to the... 1st... day of... August... 19... 85... in the

- Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
- Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

*David Kepler*

PETITION FOR SPECIAL HEARING AND VARIANCE

2nd Election District

LOCATION: South side of Lyons Mill Road, 1300 E. West of the Painters Mill Road (9307 Lyons Mill Road)

DATE AND TIME: Monday August 19, 1985 at 11:15 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to approve an amendment to the site plan in Case #81-129-X to allow an additional building to increase the parking area, and to determine if the existing day care center situated within a D.R. 16 zoning classification can expand under the R.C. 3 regulations which were in effect at the time of granting in lieu of complying with residential transition restrictions of D.R. 16. Petition for Variance from Section 1A02.3B.4 (102.2) to permit a minimum distance between buildings of 15'-0" in lieu of the required minimum distance of 75'-0".

Being the property of Stillway Associates, as shown on plat filed with the Zoning Office.

In the event that these Petitions are 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

PETITION FOR SPECIAL HEARING AND VARIANCE

2nd Election District

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BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Stillway Associates  
4 Stillway Court  
Cockeysville, Md. 21030  
August 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING & VARIANCE  
2nd Election District  
S/S of Lyons Mill Rd., 1300' W/Painters  
Mill Rd. (9307 Lyons Mill Road)  
Stillway Associates, Petitioners  
Case No. 86-77-SPHA

TIME: 11:15 a.m.

DATE: Monday, August 19, 1985

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

*C. B. Jablon*  
Zoning Commissioner  
of Baltimore County

cc: Roger Lee Katzenberg, AIA  
Kann & Ammon, Inc.  
519 W. Pratt Street  
Balto., MD. 21201

KANN + AMMON, INC. 519 West Pratt Street Suite 102 Baltimore, Md 21201 (301) 234-0900

PLAT DESCRIPTION

At that piece or parcel of land situate, lying and being in the second election district of Baltimore County, State of Maryland and described as follows to wit:

BEGINNING for the same at a point on the south side of Lyons Mill Road approximately 1,300 feet west of its intersection with Painters Mill Road; thence running south 07 degrees 07 minutes 50 seconds east 666.20 feet; thence running south 89 degrees 35 minutes 35 seconds west 333.50' to a steel pipe; thence running north 14 degrees 30 minutes 49 seconds west 404.69 feet; thence running north 07 degrees 45 minutes 02 seconds west 229.75 feet to a point located on the south side of Lyons Mill Road; thence running and binding on the right of way of said road north 89 degrees 46 minutes 41 seconds east 513.93 feet to the place of beginning.

Said parcel containing 5.290 acres of land more or less.

Architecture Planning Preservation Interior Design

PETITION FOR SPECIAL HEARING AND VARIANCE

2nd Election District

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Being the property of Stillway Associates, as shown on plat plan filed with the Zoning Office.

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BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

86-77-SPHA  
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 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 August 1, 1985

THE JEFFERSONIAN,  
*B. Venetok*  
Publisher

Cost of Advertising  
30.25

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCES : OF BALTIMORE COUNTY  
S/S Lyons Mill Rd., 1300' W : Painters Mill Rd. (9307 Lyons Mill Rd.), 2nd District :

STILLWAY ASSOCIATES, Petitioner: Case No. 86-77-SPHA

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 24th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Stillway Associates, 4 Stillway Court, Cockeysville, MD 21030, Petitioner; and Roger Lee Katzenberg, AIA, Kann + Ammon, Inc., 519 W. Pratt St., Baltimore, MD 21201, who requested notification.

*Peter Max Zimmerman*  
Peter Max Zimmerman

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 2nd Date of Posting 7-30-85

Posted for: Special Hearing

Petitioner: Stillway Associates

Location of property: S/S Lyons Mill Rd., 1300 ft. W/Painters Mill Rd. (9307 Lyons Mill Rd.)

Location of Sign: S/S Lyons Mill Rd. 15.50 ft. W of Painters Mill Rd. at entrance to subject property

Remarks:

Posted by: S. J. Brata Date of return: August 2, 1985

Number of Signs: 2

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 012598

DATE: 8-19-85 ACCOUNT: 86-77-SPHA

AMOUNT: \$ 74.41

RECEIVED FROM: Henry Acres Corp.

FOR: Advertising and Posting Case No. 86-77-SPHA

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 007308

DATE: 8/11/85 ACCOUNT: R-31-015-000

AMOUNT: \$ 201.00

RECEIVED FROM: Henry Acres

FOR: Phyllis Cole Friedman

VALIDATION OR SIGNATURE OF CASHIER



**PROJECT DATA**

NAME OF TRACT: Happy Acres Day Care Center  
 LOCATION OF TRACT: 9307 Lyons Mill Road  
 OWNER OF TRACT: Stillway Associates  
 4 Stillway Court  
 Cockeysville, MD 21030

Deed Reference: Liber 6314/Folio 166  
 Tax Number: 1900002852  
 Election District: 2  
 Councilmanic District: 3  
 Census Tract: 4025.01  
 Watershed: 27  
 Subwatershed: 69  
 Existing Zoning: D.R. 16  
 Present Use: Day Care Center & Day Camp  
 Proposed Use: Same

Building Areas: Existing one-story building - 5013 sq. ft.  
 Proposed one-story building - 5200 sq. ft.  
 plus basement

Parking Required: One space per employee x 24 employees = 24 spaces

Parking Provided: 40 parking spaces, includes 2 designated handicapped spaces

Area of Tract: 5.290 acres +

F.A.R.: 10,213 sq.ft.(building area)/230,432.4 sq.ft.(site area) = 0.044 (Total F.A.R.)

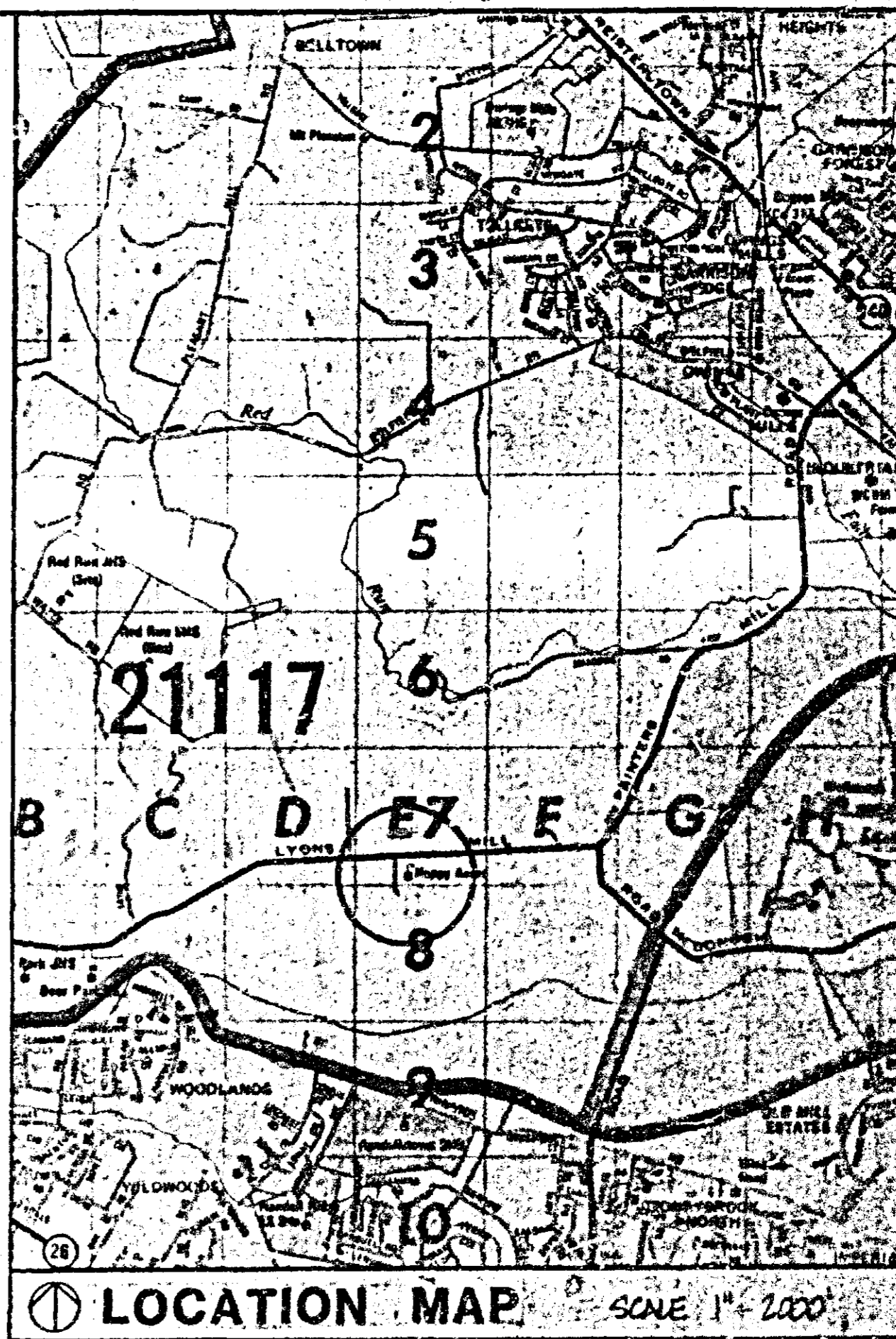
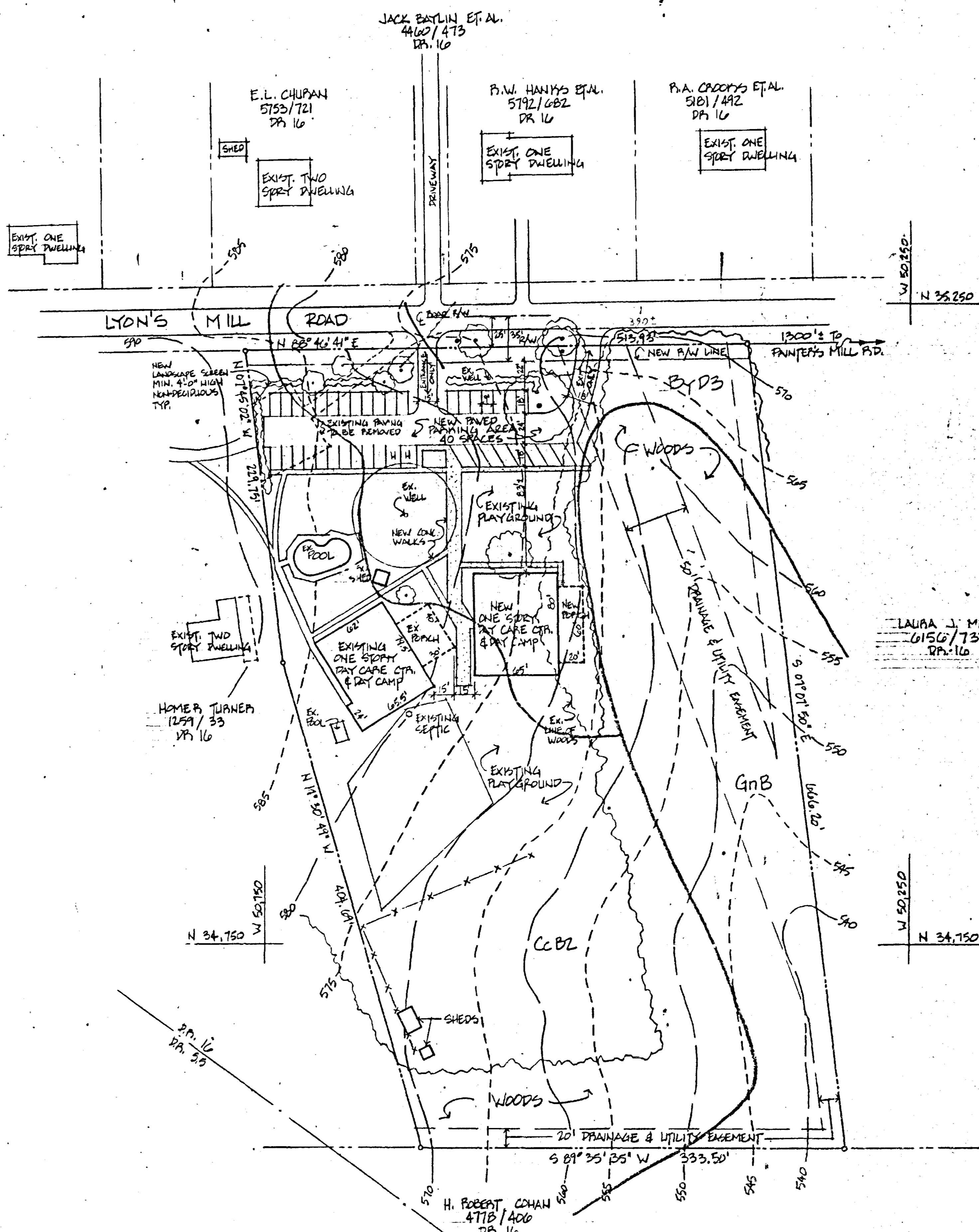
Average Daily Trips: Existing - 396 trips  
 Proposed - 752 trips

**Project Notes:**

- standard parking spaces to be 9'x18' typical.
- handicapped parking spaces to be 12'x18' typical
- Lighting, where erected, shall not: A) Reflect into residential areas; B) Interfere with traffic; C) Exceed 16 ft. in height.
- No public water or sewer exist. Existing wells(2) and septic system on site.
- This site is not: A) in a critical area; B) an archeological site; C) an endangered species habitat; D) a hazardous material site; E) an historic site.
- The proposed relocation of Lyons Mill Road does not affect this property at this time.
- The property has been in its present use since 1945. Special exception was granted to allow subdivision of property & continuation of use by order of the Zoning Commissioner in special hearing No. 81-129-X.
- New landscaping will be provided to meet or exceed the requirements of the county landscape manual. Screening will be providing between parking & residential areas.

**RESTRICTIONS**

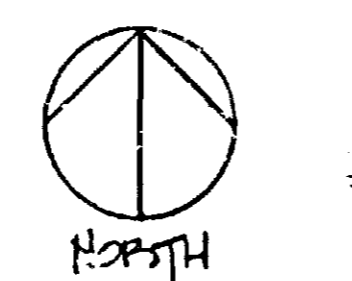
- 1) Compliance with the subdivision regulations applicable to the subdivision of the property shown on Petitioner's Exhibit 1.
- 2) Compliance with the requirements of the Baltimore County Department of Health regarding the licensing of day camps and day care centers and the requirements of the State Board of Education regarding approval of a day care center as a school facility, if required.
- 3) Compliance with the comments submitted by the Department of Health, dated January 15, 1981; the Department of Traffic Engineering, dated December 5, 1980, and the Zoning Plans Advisory Committee, regarding the removal of the abandoned and disabled school bus, dated January 8, 1981.
- 4) Approval of the aforementioned site plan by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.



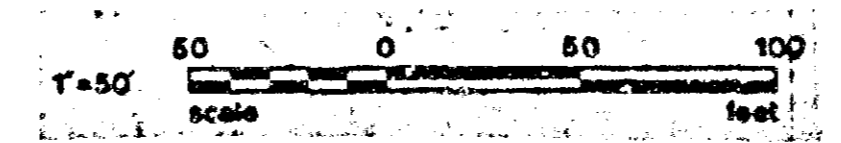
**HAPPY ACRES  
 PLAT FOR  
 SPECIAL HEARING & VARIANCE**

KANN & AMMON INC.  
 619 West Pratt Street  
 Suite 101  
 Baltimore, Maryland 21201  
 (301) 584-0300 / 727-7110

LAURA J. MELDY  
 6156/737  
 DP. 16



**PROPOSED SITE PLAN**



**PETITIONER'S  
 EXHIBIT**

4291

MAP NO. 21	SECTION 2
PROJECT NO. 11110	DATE 10/10/85
DESIGNED BY [Signature]	CHECKED BY [Signature]
TITLE	

**SP-1**