

86-215-A # 98

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 239.2 to permit a side yard setback of 5 feet and an existing rear yard setback of 8 feet in lieu of the required 30 feet.

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

- 1- Any connection with direct passage or entry between the existing storage building and the proposed building will not be possible.
- 2- Does not allow enough parking spaces.
- 3- Not in line with the existing storage building and therefore not economical.

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

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

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

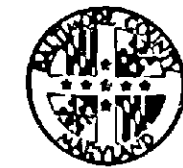
Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Address: _____
City and State: _____
Attorney's Telephone No.: _____

Legal Owner(s):
Jesse E. Albright
(Type or Print Name)
Signature: _____
Charlotte J. Albright
(Type or Print Name)
Signature: _____
1821 Fairview Ave., Baltimore, Md. 21227
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Al Erdi, P.E., Consulting Engineer
Name: _____
P.O. Box: 10055, Towson, Md. 21204
Address: _____
City and State: _____
Phone No. 592 5153

MAP 50-6-D
E.D. 12
DATE 12-2-85
200
1000
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of October, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of November, 1985, at 11:30 o'clock.

Carl J. Lee
Zoning Commissioner of Baltimore County.
(over)



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

March 7, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-215-A

JESSE E. ALBRIGHT, ET UX

NW corner of Washington Blvd. and Fairview Ave.
13th District

Var. To permit a side yd. setback of 5' and an existing rear yd. setback of 8' in lieu of the req. 30'.

11/29/85 - Z.C.'s Order - DENIED

THURSDAY, JUNE 12, 1986, at 10 a.m.

ASSIGNED FOR:

CC: Mr. & Mrs. Jesse Albright Petitioners
C. M. Zacharski, Jr., Esq. Counsel for Petitioners
Mr. John Hanna Protestant
Phyllis C. Friedman People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

June Holmen, Secy.

IN THE MATTER OF THE APPLICATION OF JESSE E. ALBRIGHT, ET UX FOR VARIANCE FROM §239.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS NW CORNER WASHINGTON BLVD. AND FAIRVIEW AVENUE (1821 FAIRVIEW AVENUE) 13th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. 86-215-A

OPINION

This case comes before the Board of Appeals on an appeal from a decision of the Zoning Commissioner denying a variance to permit a side yard setback of 5 feet and an existing rear yard setback of 8 feet in lieu of the required 30 foot setback. The subject property is located on the northwest corner of Washington Boulevard and Fairview Avenue (1821 Fairview Avenue), in the Thirteenth Election District of Baltimore County. The case was heard this day, Thursday, June 12, 1986, in its entirety.

Mr. Jesse Albright, property owner and Petitioner, first testified. He stated that he has lived in this area all of his life and in his present residence, which is directly abutting the subject site to the north, for thirty years. He testified that he has been in the tire business for some seventeen years and has two business locations on Washington Boulevard about one and one-half miles from the subject site. He further testified that there is no room on either of these sites for further expansion. Mr. Albright purchased the subject site about nine years ago to use for the storage of tires and now needs to expand this storage space. His difficulties with this expansion proposal

JESSE E. ALBRIGHT - #86-215-A

2. began when he was denied access to the site from Washington Boulevard and could only use Fairview Avenue for access. Mr. Albright hired an engineer to develop this site to provide him with a two-story warehouse building approximately forty-five feet by seventy feet (45' x 70') in size as shown on Petitioner's Exhibit #2. It was his testimony that if the setback requirements are met there would not be room for the trucks to enter the site from Fairview Avenue. This concluded his testimony.

Mr. Bernard Semon, a real estate appraiser and consultant, next testified. Mr. Semon stated that he had done a study of this site and the nearby area. He testified as to the strip commercial uses along Washington Boulevard in this vicinity. He also noted that the corner location of the lot requires double setback requirements, and that because of the entrance radii required for truck access the position of the building was very critical. He also noted that the property owned by the Hannas, which abuts on the east, is also zoned B.R.-C.S.1. It is his opinion that a practical difficulty and unusual hardship does exist on the subject site as regards the proposed warehouse. He also testified that in his opinion the proposal creates no detrimental effect to the locale involved, no health problems, no additional congestion nor any overcrowding of the land. On cross-examination, he testified that while Mr. Hanna's property was being utilized as a residence, the highest and best use of the property must be considered under its B.R. zoning classification.

JESSE E. ALBRIGHT - #86-215-A

5.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of June, 1986, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

LeRoy B. Spurrier
LeRoy B. Spurrier

Patricia Phipps
Patricia Phipps

IN RE: PETITION ZONING VARIANCES * BEFORE THE
NW corner of Washington * ZONING COMMISSIONER
Boulevard and Fairview * OF BALTIMORE COUNTY
Avenue (1821 Fairview * Case No. 86-215-A
District *
Jesse E. Albright, et ux, *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of 5 feet instead of the required 30 feet and a rear yard setback of 8 feet instead of the required 30 feet.

The Petitioners appeared and testified and were represented by Counsel. Al Erdi, a registered civil engineer, appeared and testified on behalf of the Petitioners. John Hanna, an adjacent property owner, and his son James appeared in opposition.

Testimony indicated that the subject property, zoned B.R.-C.S-1, is located on Washington Boulevard and Fairview Avenue. It is improved with an existing 30' x 40' warehouse building facing Fairview Avenue with a side yard variance of 8 feet to the northwest property line and a rear yard variance of 5 feet to the northeast property line (Case No. 75-171-A). The Petitioners propose to add an additional 70' x 45' building attached to the existing building and parallel to its rear building wall, eight feet from the rear property line. This new building would also be a warehouse for the storage of tires used for the Petitioners' business at another location. The surrounding area is zoned B.R. and there are a myriad of commercial uses across Washington Boulevard, opposite the site. However, single-family dwellings

ORDER RECEIVED FOR FILE
DATE 12/2/85
BY [Signature]

also surround the property. Indeed, the Petitioners reside on an adjoining D.R.S.5-zoned site to the northwest.

Mr. Hanna lives to the rear of the instant property on Washington Boulevard, and he objects to the proposed expansion because he feels it would completely block his right to air and light and interfere with the quiet enjoyment of his home. The proposed addition would be within 12 to 15 feet of Mr. Hanna's home.

Although Mr. Erdi testified that the proposed addition could not be moved 22 feet forward, toward Fairview Avenue, thereby satisfying the Baltimore County Zoning Regulations (BCZR), no testimony was presented that the building could not be made smaller. However, Mr. Erdi stated that there is a need to have complete interior access to the existing building and a smaller building would not allow for this.

The Petitioners seek relief from Section 238.2, pursuant to Section 307, BCZR.

The proposed addition would indeed infringe upon Mr. Hanna's quiet enjoyment of his home and negatively impact on his property, contrary to the spirit and intent of the BCZR. Setbacks are required by law in order to preserve and protect the adjoining property owner's right to air and light, i.e., to provide sufficient space to preclude using every square foot of property to the diminution of the adjoining property owner's use of his property. To grant the variance here would so negatively impact Mr. Hanna's property that it would be against the intent of requiring property setbacks.

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 variances were granted, such use as proposed would be contrary to the spirit of the BCZR and would 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 not result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would not unduly restrict the use of the land for its intended purpose nor would it render conformance unnecessarily burdensome. In addition, the variances requested would 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 requested variances should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, on the 29th day of November, 1985, that the Petition for Zoning Variances to permit a side yard setback of 5 feet instead of the required 30 feet and a

rear yard setback of 8 feet instead of the required 30 feet be and is hereby DENIED.

AI/srl

cc: C. M. Zacharski, Jr., Esquire
Mr. John Terrence Hanna
People's Counsel

[Signature]
Zoning Commissioner of
Baltimore County

Description

Beginning at the point of intersection of the Northwest side of Washington Blvd. (Rte-1) with Northeast side of Fairview Ave., and running Northwesterly binding on the side of Fairview Ave.:
North 34 35' 40" West, 149.50 feet; thence North 55 24' 20" East, 125.00 feet; then, reversing and running parallel with Fairview Ave.: South 34 35' 40" East, 119.67 feet to a point on the North side of Washington Blvd., then, Southwesterly binding on the North side of Washington Blvd., South 47 41' 50" West, 128.50 feet to the point of beginning, otherwise known as 4408 Washington Blvd., Lot No. # 530,532,534, shown on Plat of Halethorpe JWS 1/ 60 in the 13 th Election District.

ORDER RECEIVED FOR FILE
DATE November 29, 1985
BY Arthur L. Long, clk

ORDER RECEIVED FOR FILE
DATE November 29, 1985
BY Arthur L. Long, clk

ORDER RECEIVED FOR FILE
DATE November 29, 1985
BY Arthur L. Long, clk

PETITION FOR VARIANCE

13th Election District

LOCATION: Northwest Corner of Washington Boulevard and Fairview Avenue, (1821 Fairview Avenue)

DATE AND TIME: Monday, November 25, 1985 at 11:30 a.m.

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

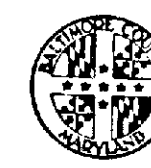
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 238.2 to permit a side yard setback of 5 feet and an existing rear yard setback of 8 feet in lieu of the required 30 feet.

Being the property of Jesse E. Albright, et ux 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



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

November 21, 1985

Mr. & Mrs. Jesse E. Albright
1821 Fairview Avenue
Baltimore, Maryland 21227

RE: Petition for Variance
NW/cor. Washington Blvd. & Fairview Ave.
(1821 Fairview Ave.)
13th Election District
Jesse E. Albright, et ux - Petitioners
Case No. 86-215-A

Dear Mr. Albright:

This is to advise you that \$ 45.51 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012434

DATE 11-25-85 ACCOUNT 201415-000

AMOUNT \$ 45.51

RECEIVED FROM Jesse Albright, et ux

FOR Advertising Posting 86-215-A

BY [Signature]

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NW Corner Washington Blvd. : OF BALTIMORE COUNTY
& Fairview Ave. (1821 :
Fairview Ave.), 13th Dist. :
JESSE E. ALBRIGHT, et ux, : Case No. 86-215-A
Petitioners :
: : : : :
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 other Order.

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

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

I HEREBY CERTIFY that on this 29th day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Jesse E. Albright, 1821 Fairview Ave., Baltimore, MD 21227, Petitioners; and Al Erdi, P.E., Consulting Engineer, P. O. Box 10055, Towson, MD 21204, who requested notification.

[Signature]
Peter Max Zimmerman

Office of 86-215-A
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044
November 7 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 9 day of November, 1985 as that is to say, the same was inserted in the issues of

November 7, 1985

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS.

CERTIFICATE OF PUBLICATION OF

Mr. & Mrs. Jesse E. Albright
1821 Fairview Ave.
Baltimore, Maryland 21227

October 25, 1985

NOTICE OF HEARING

RE: Petition for Variance
NW/cor. Washington Blvd. & Fairview Ave.
(1821 Fairview Ave.)
13th Election District
Jesse E. Albright, et ux
Case No. 86-215-A

TIME: 11:30 a.m.

DATE: November 25, 1985, Monday

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

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

No. 012657

DATE: 11-21-85 ACCOUNT: 11-01-615-000

AMOUNT: \$ 1.00

RECEIVED FROM: [Signature]

FOR: [Signature]

FOR: [Signature]

FOR: [Signature]

FOR: [Signature]

FOR: [Signature]

FOR: [Signature]

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RE: PETITION ZONING VARIANCES
NW/cor. of Washington
Boulevard and Fairview
Avenue (1821 Fairview
Avenue) - 13th Election
District
Jesse E. Albright, and
Charlotte J. Albright
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-215-A

NOTICE OF APPEAL

Please note an appeal from the Order of the Zoning Commissioner of Baltimore County, dated November 29, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

No. 016182

DATE: 12/21/85 ACCOUNT: R-01-615-000

AMOUNT: \$ 80.00

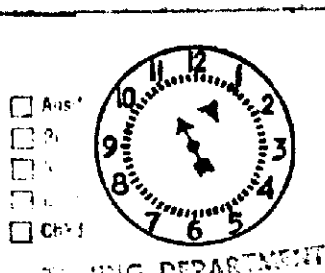
RECEIVED C. M. Zacharski, Jr., Esquire

FOR: Appeal Fee for Case No. 86-215-A

FOR: 8635*****100001a 80000

VALIDATION OR SIGNATURE OF CASHIER

C. M. Zacharski, Jr.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-215-A

Date: November 12, 1985

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office does not oppose the granting of the subject request.

Norman E. Gerber, Director

NEG:JCH:alm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 23, 1985

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

Mr. and Mrs. Jesse E. Albright
1821 Fairview Avenue
Baltimore, Maryland 21227

RE: Item No. 98 - Case No. 86-215-A
Petitioners - Jesse E. Albright, et ux
Variance Petition

Dear Mr. and Mrs. Albright:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above-referenced petition. The comments from the CRG have been added to those of the Zoning Plans Advisory Committee and are part of this case file. 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,
James E. Dyer, Jr.
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:ntr

Enclosures

cc: Mr. Al Erdi
P. O. Box 10055
Towson, Maryland 21204

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

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

NOVEMBER 6, 1985

RE: Zoning Advisory Meeting of September 17, 1985
Item # 98
Property Owner: JESSE E. ALBRIGHT, et ux
Location: NW corner Wash. Blvd. & Fairview Ave.

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.
- ☒ 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.
- ☒ The zoning calculation 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 22-99 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 [blank].
- ☒ Landscaping: Must comply with Baltimore County Landscape 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 traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: [blank]

cc: James Hoswell
Eugene A. Boser
Chief, Current Planning and Development

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. REINCKE
CHIEF

September 26, 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: Jesse E. Albright, et ux

Location: NW corner Wash. Blvd. & Fairview Ave.

Item No.: 98

Zoning Agenda: Meeting of 9/17/85

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.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at [blank] 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.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610
TED ZALESKI, JR.
DIRECTOR

November 5, 1985

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

Dear Mr. Jablon:

Comments on Item # 98 - Zoning Advisory Committee Meeting are as follows:

Property Owner: Jesse E. Albright, et ux (CRG)
Location: NW Corner Washington Blvd., and Fairview Avenue
District: 13th.

APPLICABLE ITEMS ARE CIRCLED:

- 1. 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.M.S. #11-1 - 1980) and other applicable Codes and Standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland architect or Engineer is 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. Approximate seals are not acceptable.
- 5. All the Groups except 8-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. 8-4 Use Groups 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 wall. See Table 401, Section 307, Section 306.2 and Table 307. No openings are permitted in an exterior wall within 3'-0" of 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) [blank] of the Baltimore County Building Code.
- 8. When filing for a required Change of Use/Company 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. This change of Use Group are from [blank] to [blank] or to Mixed Use. See Section 313.0 of the Building Code.
- 9. The proposed project appears to be located in a Flood Plain, Tidal/Non-tidal. Please see the attached copy of Section 316.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level, for the lot and the Flood Plain Levels including basement.
- 10. Comments: See Section 313.0 for separation of Uses S-1 (Storage) and "B" (offices). Show handicapped curb cuts, ramps, signs, building access, etc., etc. as required by the State Handicapped Code.
- 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. The applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. [Signature]
Sr. C. E. [Signature]
Building Plans Service

125
86-215-A
11/22/85

Office of
PATUXENT
PUBLISHING CORP.
10750 Latta Parkway Drive
Columbia, MO 21044

November 7 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

☐ Catonsville Times

☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 9 day of November 19 85 that is to say, the same was inserted in the issues of

November 7, 1985

PATUXENT PUBLISHING CORP.

[Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NW Corner Washington Blvd. : OF BALTIMORE COUNTY
& Fairview Ave. (1821 :
Fairview Ave.), 13th Dist. :
JESSE E. ALBRIGHT, et ux, : Case No. 86-215-A
Petitioners :
: : : : :
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 other 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 29th day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Jesse E. Albright, 1821 Fairview Ave., Baltimore, MD 21227, Petitioners; and Al Erdi, P.E., Consulting Engineer, P. O. Box 10055, Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman



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

June 26, 1986

Julius Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. 86-215-A
Jesse E. Albright, et ux

Dear Mr. Lichter:

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

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: C. M. Zacharski, Jr., Esquire
Mr. and Mrs. Jesse E. Albright
Mr. John Hanna
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer



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

July 1, 1986

Julius Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. 86-215-A
Jesse E. Albright

Dear Mr. Lichter:

Attached hereto is a copy of the corrected Page 5 of the Opinion and Order passed by the County Board of Appeals on June 26th in the above entitled case. A typographical error showed the year as 1984 instead of 1986. Please discard the Page 5 you previously received and replace it with the attachment. Thank you.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secy.

Enclosure

cc: C. M. Zacharski, Jr., Esquire
Mr. and Mrs. Jesse E. Albright
Mr. John Hanna
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Bettye DuBois

JESSE E. ALBRIGHT - #86-215-A

5.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of June, 1986, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

LeRoy B. Spurr
LeRoy B. Spurr, Secretary

Patricia Phipps
Patricia Phipps

3/7/86 - Following were notified of hearing set for Thursday, June 12, 1986, at 10 a.m.:

Mr. and Mrs. Jesse Albright
C. M. Zacharski
John Hanna
Phyllis Friedman
N. Gerber, J. Hoswell
A. Jablon, J. Jung, J. Dyer

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 14th day of October, 1985.

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Petitioner: Jesse E. Albright, et ux
Petitioner's Attorney:

Received by: Arnold Jablon
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD, November 7, 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 November 7, 1985.

THE JEFFERSONIAN,

B. Ventak

Publisher

Cost of Advertising

22.00

PETITION FOR VARIANCE
13th Election District
LOCATION: Northwest Corner of Washington Boulevard and Fairview Avenue, (1821 Fairview Avenue)
DATE AND TIME: Monday, November 25, 1985 at 11:30 a.m.
PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance from Section 18.10 to permit a side yard setback of 5 feet and an existing rear yard setback of 4 feet on lot of the required 30 feet. Being the property of Jesse E. Albright, et ux 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 Commission may, at its discretion, suspend the appeal 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
Nov. 7.

PETITION FOR VARIANCE
13th Election District
LOCATION: Northwest Corner of Washington Boulevard and Fairview Avenue, (1821 Fairview Avenue)
DATE AND TIME: Monday, November 25, 1985 at 11:30 a.m.
PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance from Section 18.10 to permit a side yard setback of 5 feet and an existing rear yard setback of 4 feet on lot of the required 30 feet. Being the property of Jesse E. Albright, et ux as shown on the plat filed with the Zoning Office.
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By Order of:
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Nov. 7.

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THE JEFFERSONIAN,

B. Ventak

Publisher

Cost of Advertising

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-215-A

District: 13th

Date of Posting: Jan. 31, 86

Posted for: Applicant

Petitioner: Jesse E. Albright, et ux

Location of property: NW Corner Washington Blvd and Fairview Ave.

Location of Sign: East side of Fairview Ave. approx 60' north of Washington Blvd.

Remarks: See plat

Posted by: Arnold Jablon

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-215-A

District: 13th

Date of Posting: 11-6-85

Posted for: Variance

Petitioner: Jesse E. Albright, et ux

Location of property: NW Corner Washington Blvd and Fairview Ave.

Location of Sign: East side of Fairview Ave. approx 60' north of Washington Blvd.

Remarks: See plat

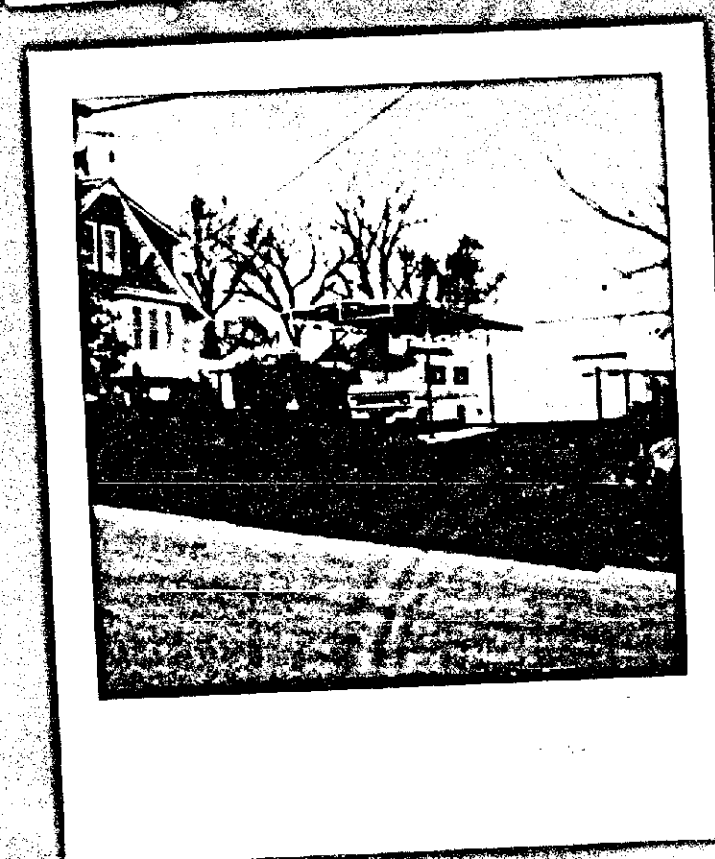
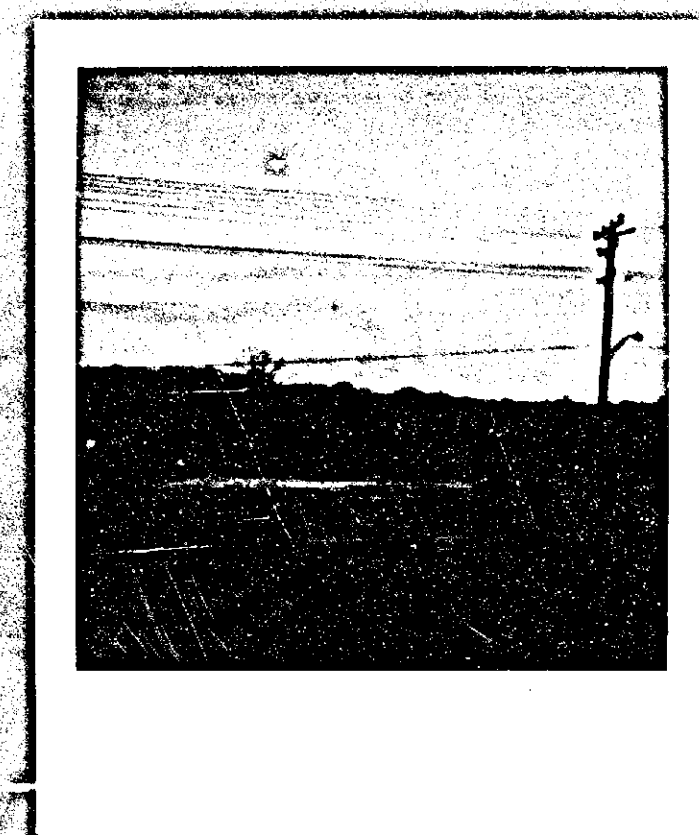
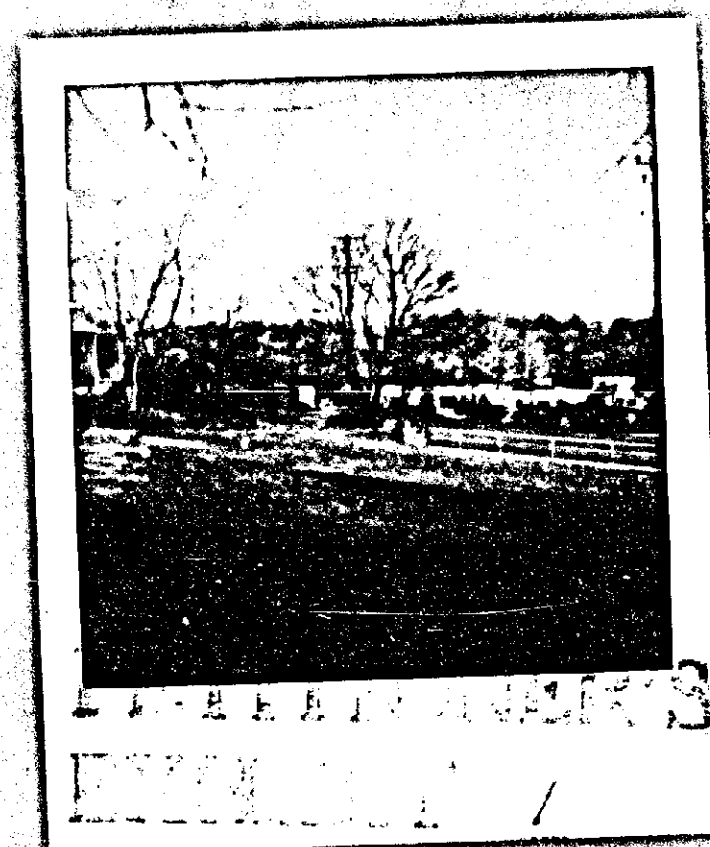
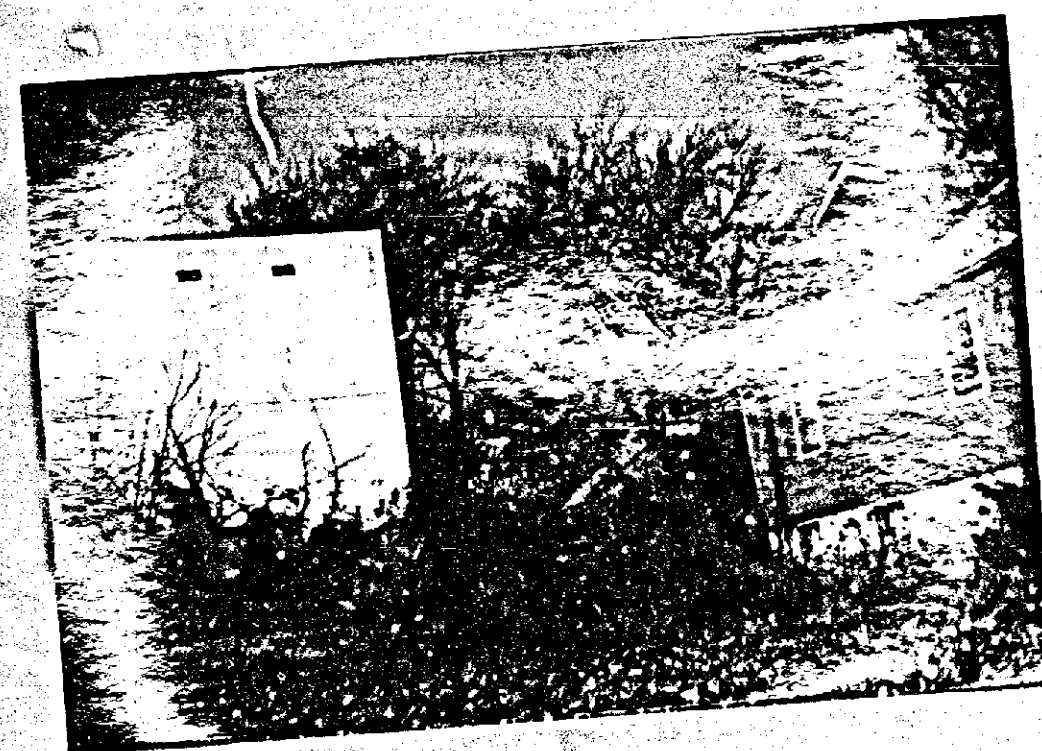
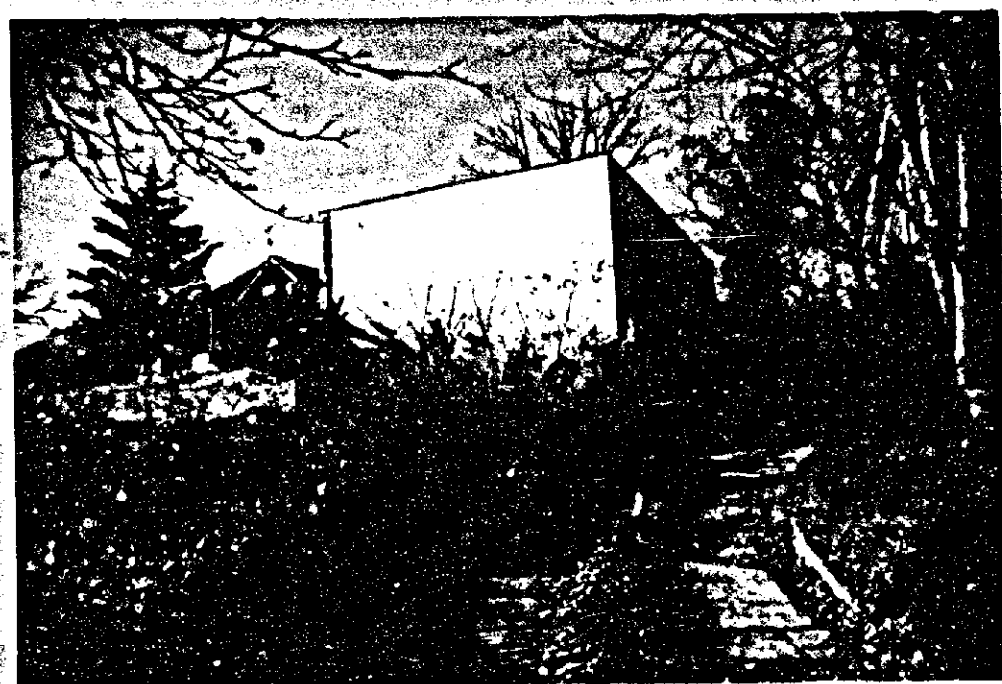
Posted by: Arnold Jablon

Number of Signs: 1



ARNOLD JABLON, ZONING COMMISSIONER
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

Petitioner's Exhibits 1a-1g
Protestant's Exhibits 1a-1g

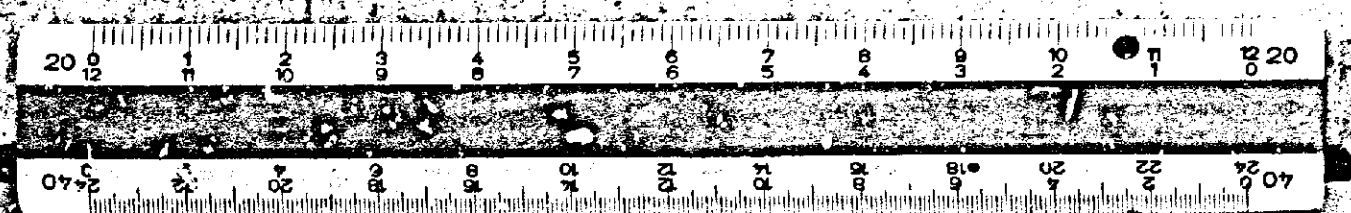


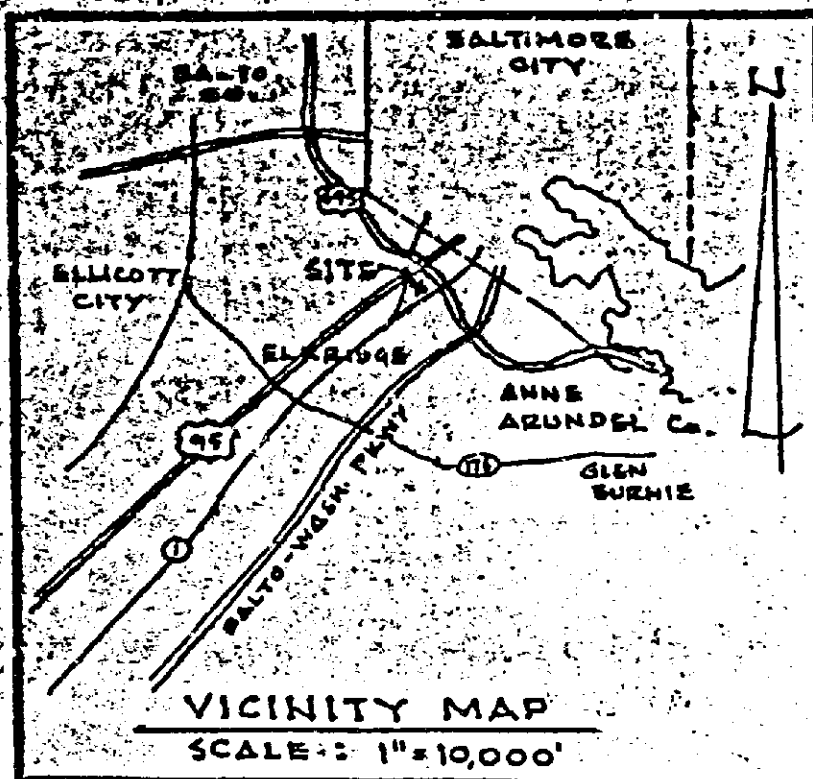


1994 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1994
BILL NOS. 136-64, 137-64, 138-64
[Signature]
CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
			1" = 200'	HALETHORPE	S.W. 6-D #1
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.					





21. PROPERTY REFERENCES
 WASHINGTON BLVD. BALTIMORE, MD. 21227
 LOT 11-532, 534, 530
 BLOCK 11
 MAP 11
 ELEC. DIST. 13
 COUNCIL DIST. 13
 DEED : GLB 3415/369, 1/60 AC. J.W.S.
 PLAT : HALSTHORPE, WPC 581/34
 PROP. NO. : 5651/586
 ZONE : BR CS-1
 ACREAGE : 0.386 A.
 KEY SHEET : INDEX 1
 CENSUS T. : JESSE E. & CHARLOTTE J. ALBRIGHT
 1821 FAIRVIEW AVE., BALTIMORE, MD. 21227
 796 4330

GENERAL INFORMATION :
 1. DEVELOPMENT : STORAGE BUILDING WITH OFFICE.
 2. APPLICANT : JESSE E. ALBRIGHT
 1821 FAIRVIEW AVE., BALTIMORE, MD. 21227
 796 4330
 3. ENGINEER : AL ERDI, P.E.
 P.O. BOX 10055, TOWSON, MD. 21204
 592 5153
 4. MAP SCALE : 1"=10,000'
 5. DATE : 14 MAY, 1985
 6. AND 7. : SHOWN
 8. AS TABULATED UNDER PROPERTY REFERENCES.
 9. WATERSHED : SHOWN

9.0. TREE PLANTING TABULATION
 278.00 FRONTAGE ÷ 40 = 6.95 → 7 TREES.
 8 PARKING SPACES ÷ 12 = 0.67 → 1 TREE
 TOTAL TREES REQUIRED = 8 TREES
 MAJOR DECIDUOUS TREES REQ'D = 5 DECIDUOUS.
 TOTAL TREES PROVIDED = 8

WILLIAM E. AKEHURST
 LANDSCAPE ARCHITECT
 P.O. BOX 67 PERRY HALL, MD. 21128
 (301) 256-3700

I CERTIFY THAT THE SCHEMATIC PLANTING PLAN SHOWN HEREIN IS CONSISTENT WITH THE GOAL AND INTENT OF THE BALTIMORE COUNTY LANDSCAPE MANUAL, 1983, AND MEETS ALL APPLICABLE POLICY, GUIDELINES AND ORDINANCES.

SIGNATURE OF APPLICANT DATE

I CERTIFY THAT THE PLANTING PLAN SHOWN HEREIN IS CONSISTENT WITH APPLICABLE POLICY GUIDELINES AND ORDINANCES, AND THAT ALL PLANT MATERIAL TO BE FURNISHED WILL BE NURSERY-GROWN IN ACCORDANCE WITH THE SPECIFICATIONS STATED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, 1983 DATED.

SIGNATURE OF APPLICANT DATE

9.3 SITE ACREAGE : NET AREA = 16,823^{sq} = 0.386 A
 R/W FRONTAGE : 30' RTE-1, 25' FAIRV. = 7,591^{sq} = 0.174
 GROSS AREA = 24,414^{sq} = 0.560 A

10. SHOWN
 1612: N.A.

C. PARKING REQUIRED : STORE AREA = 1600 ÷ 300 = 6 SPACES.
 PARKING PROPOSED : 8 SPACES (INCL. 1 HANDICAP.)

C. SEE LANDSCAPING - TREE PLANTING TABLE.
 COMBINED FLOOR / SITE AREA : 3,150 ÷ 24,414 = 0.13
 AREA OF TWO RATIO

13. SEWER LINES SHOWN PER DRAWING #
 WATER LINES SHOWN PER DRAWING #
 14. FIRE HYDRANT IS ON SUMMIT AVE., 260 FT. AWAY.

15. SOIL TYPES DATA

AREA	TYPE	BLDG - 2 STORIES	PARKING	CLASS

THERESA AND GERALD CHOYCE
 1822 FAIRVIEW AVE.
 BALTIMORE, MD. 21227.

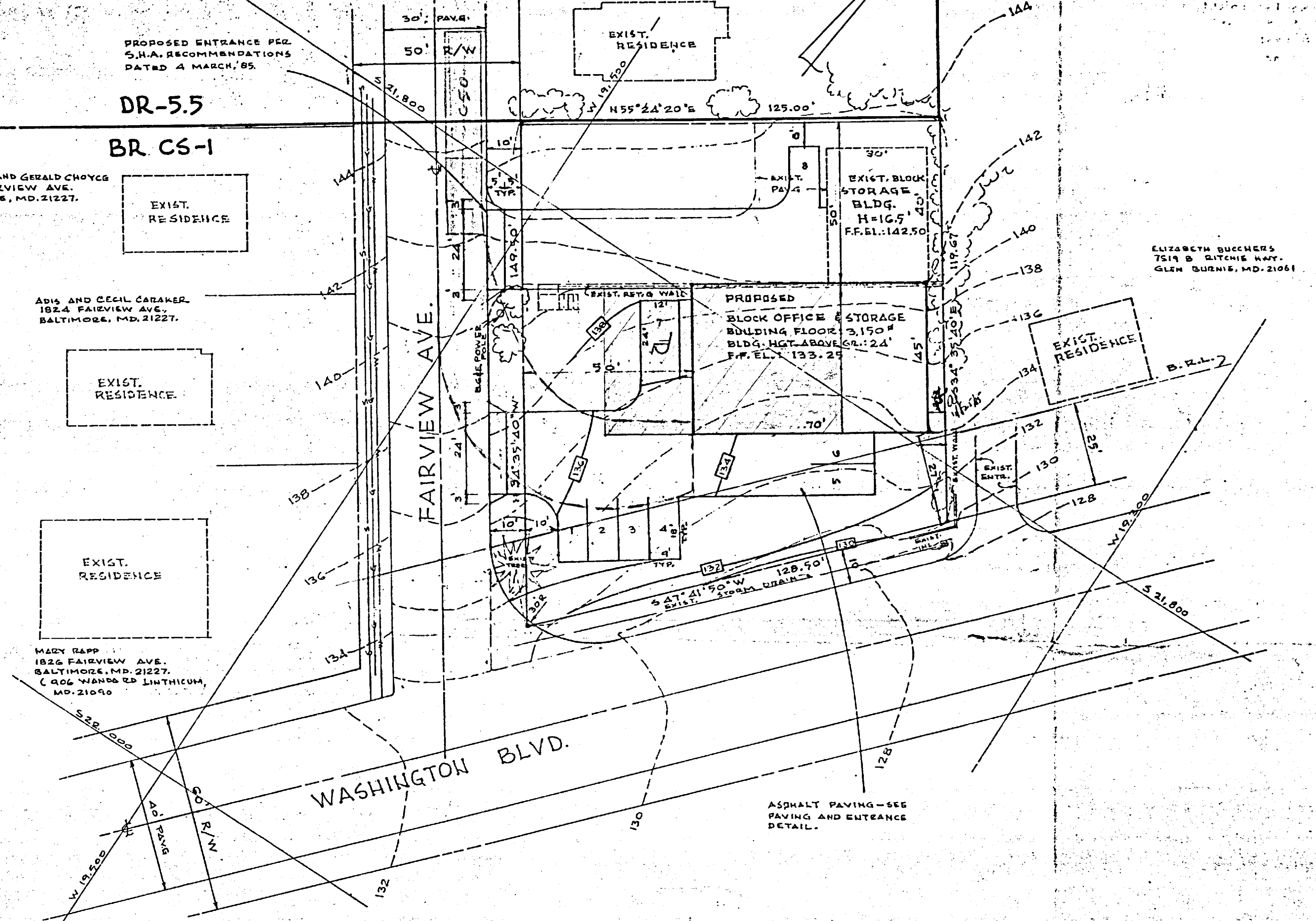
ADIS AND CECIL CARAKER
 1824 FAIRVIEW AVE.
 BALTIMORE, MD. 21227.

MARY RAPP
 1826 FAIRVIEW AVE.
 BALTIMORE, MD. 21227.
 (906) WANDA RD LINTHICUM,
 MD. 21090

JESSE E. & CHARLOTTE J. ALBRIGHT
 1821 FAIRVIEW AVE.
 BALTIMORE, MD. 21227.
 LOT 11-530 PLAT OF "HALSTHORPE"
 JWS 1/60 AC. A
 ACCT. #

DR-5.5

BR CS-1



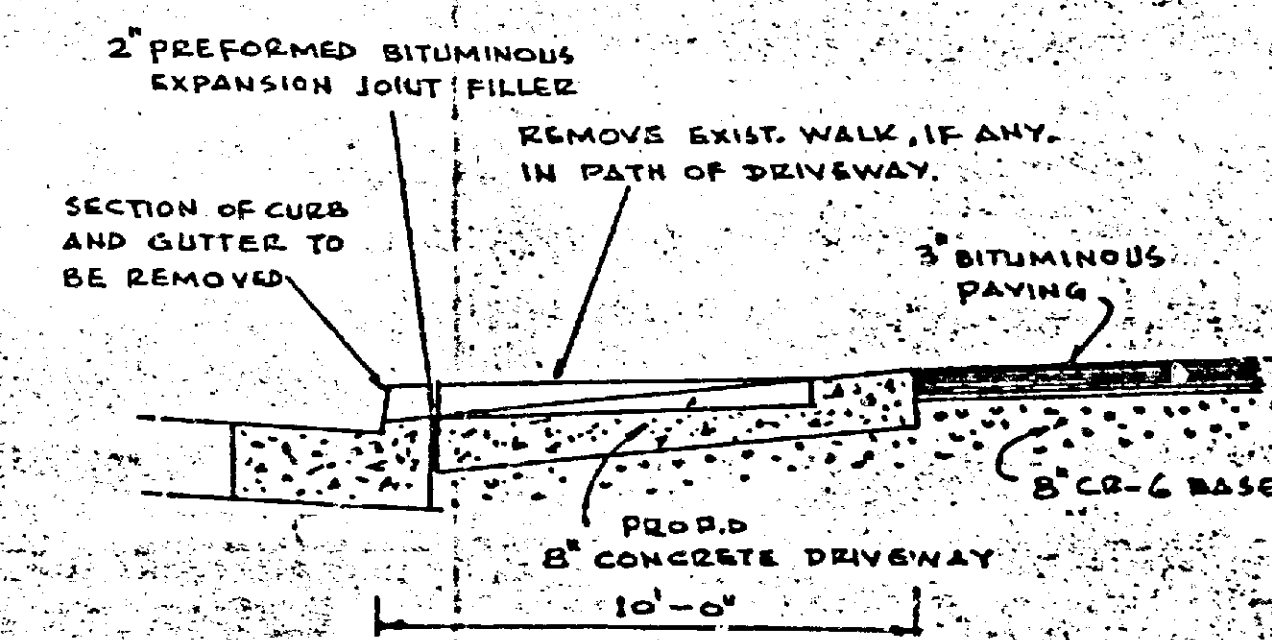
16, 17, 18, 19, 20 : SHOWN
 21. FLOOD PLAIN INFORMATION

22, 23. THERE ARE NO EXISTING OR HISTORIC BUILDINGS ON THE SITE
 24, 25. SHOWN
 26. 2, b, c, d, e : N.A.
 27, 28, 29, 30, 31, 32 : SHOWN
 33. N.A.
 34. ESTIMATED AVERAGE DAILY TRIPS (A.D.T.S) = 8
 35, 36, 37, 38 : SHOWN
 39. A STORMWATER MANAGEMENT

40, 41, 42, 43, 44 : THERE ARE NO WETLANDS, CRITICAL AREAS, ARCHEO-LOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS WASTE MATERIAL SITES WITHIN THE SITE.

- ELEVATIONS SHOWN ARE BASED ON
 - AREA DISTURBED BY THE PROPOSED WORK = 6,962^{sq}
 - THE TYPE OF CONSTRUCTION :

- HOURS OF OPERATION IN THE STORE : A.M. - P.M.
 - UTILITIES : BALTIMORE CITY WATER.
 PUBLIC SEWER
 BALTIMORE GAS & ELECTRIC
 THE C.&P. TELEPHONE.



PAVING AND ENTRANCE DETAIL
 NO SCALE

SCALE: 1"=20'
 DATE: 14 MAY, 85
 DWN: A.E.

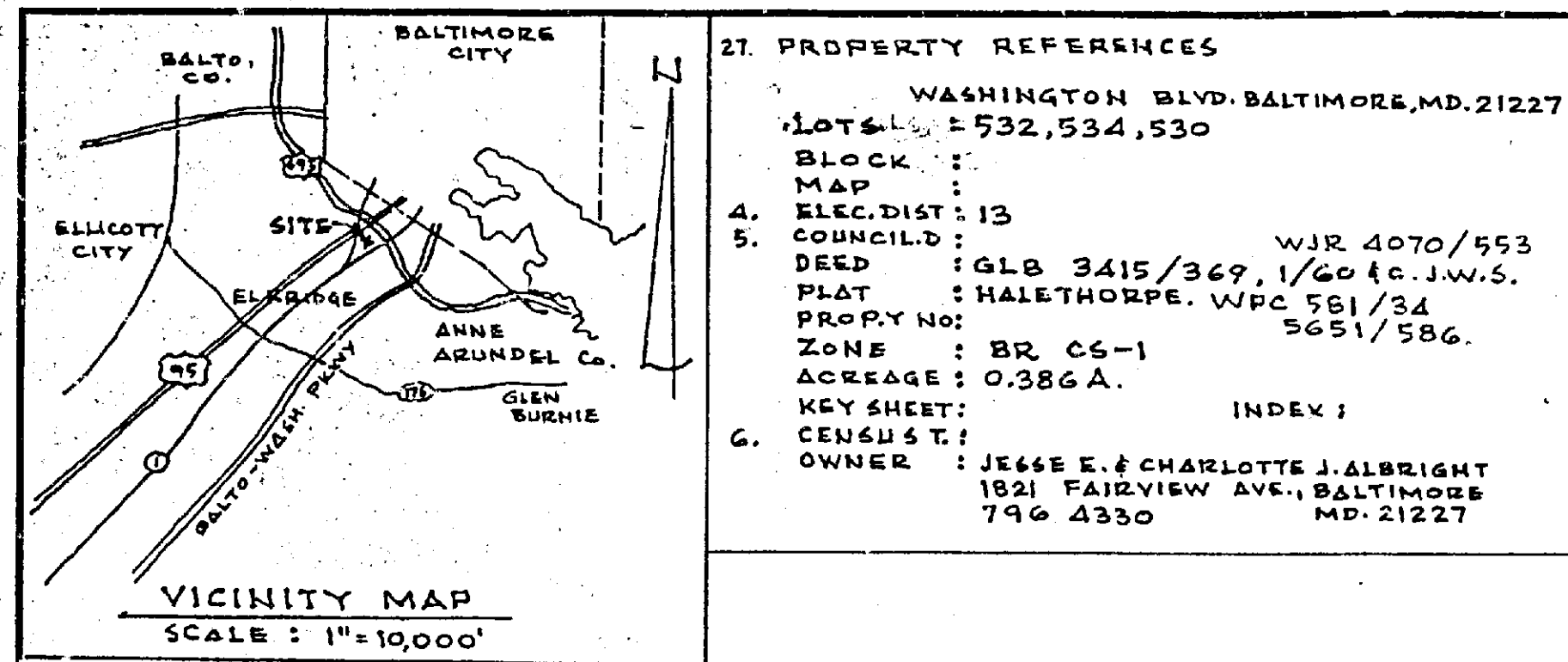
SEAL
 REVISIONS
 PARKING #98

AL ERDI, P.E.
 Structural - Civil - Consultant
 P.O. BOX 10055
 TOWSON, MD 21204
 592 5153

OFFICE AND STORAGE
 WASHINGTON BLVD. & FAIRVIEW AVE.
 APPLICANT/OWNER: JESSE E. ALBRIGHT
 1821 FAIRVIEW AVENUE
 BALTIMORE, MD. 21227 (796 4330)

SHEET
 GRADING
 S.D.

PETITION FOR
 ZONING VARIANCE



27. PROPERTY REFERENCES
WASHINGTON BLVD. BALTIMORE, MD. 21227
LOT 532, 534, 530
BLOCK 13
MAP
ELEC. DIST. 13
COUNCIL DIST. 13
DEED: GLB 3415/369, WJR 4070/553
PLAT: HALETHORPE, WPC 581/34
PROPY. NO.: 5651/586
ZONE: BR CS-1
ACREAGE: 0.386A.
KEY SHEET:
CENSUS T. 1
OWNER: JESSE E. & CHARLOTTE J. ALBRIGHT
1821 FAIRVIEW AVE., BALTIMORE
796 4330 MD. 21227

GENERAL INFORMATION:
1.2 - DEVELOPMENT: STORAGE BUILDING WITH OFFICE.
b - APPLICANT: JESSE E. ALBRIGHT
1821 FAIRVIEW AVE., BALTIMORE, MD. 21227.
796 4330
c - ENGINEER: AL ERDI, P.E.
P.O. BOX 10055, TOWSON, MD. 21204.
592 5153
d - MAP SCALE: 1"=10,000'
e - DATE: 14 MAY, 1985
2. AND 3.: SHOWN
4.5 & 6.: AS TABULATED UNDER PROPERTY REFERENCES.
7. WATERSHED: SHOWN
8.: SHOWN

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278.00' FRONTAGE ÷ 40 = 6.95 → 7 TREES.
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SIGNATURE OF APPLICANT DATE

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SIGNATURE OF APPLICANT DATE

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11. N.A.

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PARKING PROPOSED: 8 SPACES (INCL. 1 HANDICAP.)

e - SEE LANDSCAPING - TREE PLANTING TABLE.
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AREA OF TWO BLDGS

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WATER LINES SHOWN PER DRAWING
14. FIRE HYDRANT IS ON SUMMIT AVE., 260 FT. AWAY.

15. SOIL TYPES DATA

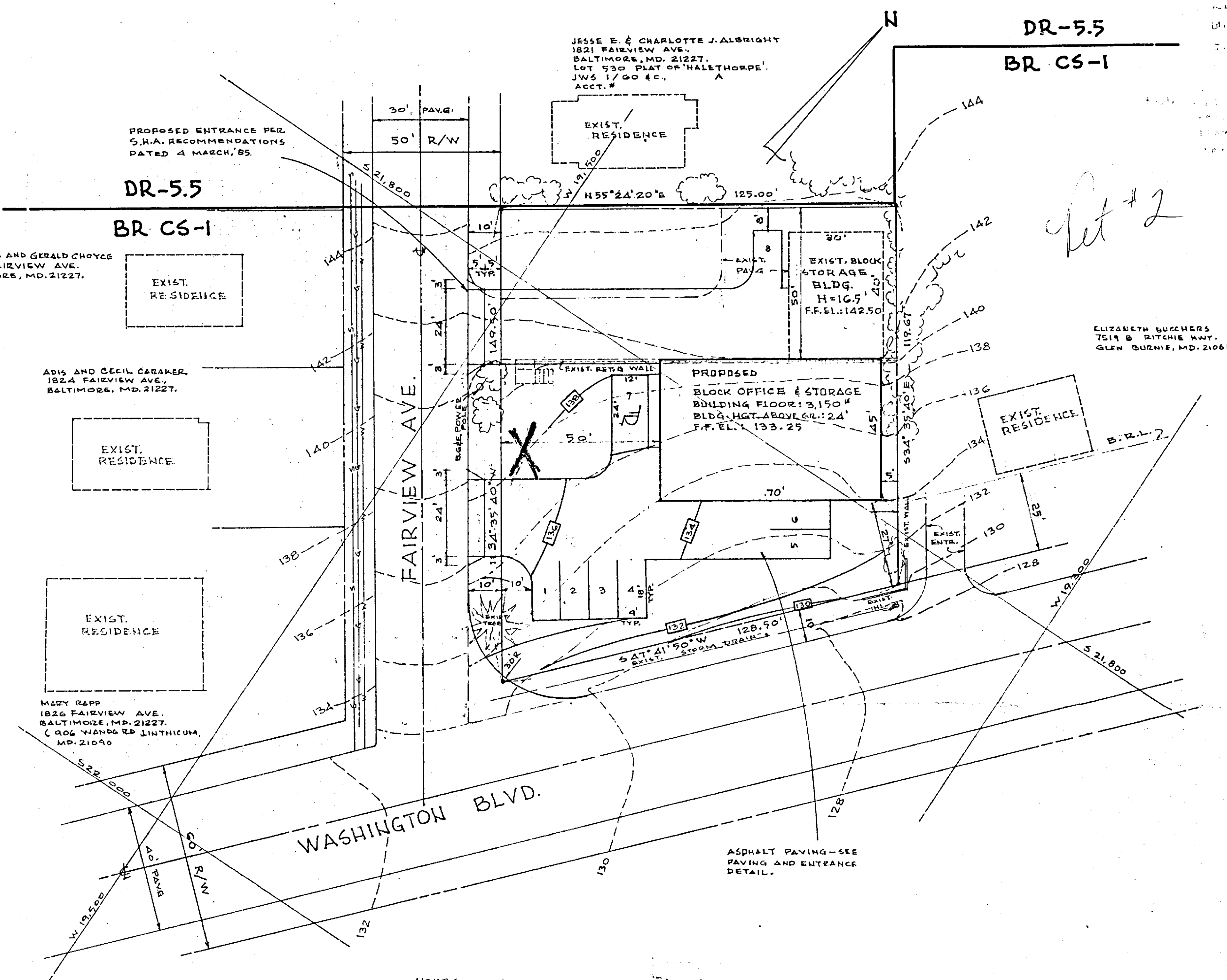
AREA	TYPE	BLDG - 2 STORIES	PARKING	CLASS

THERESA AND GERALD CHOYCE
1824 FAIRVIEW AVE.
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ADIS AND CECIL CARAKER
1824 FAIRVIEW AVE.
BALTIMORE, MD. 21227.

MAZY RAPP
1826 FAIRVIEW AVE.
BALTIMORE, MD. 21227.
(410) 718-0000

JESSE E. & CHARLOTTE J. ALBRIGHT
1821 FAIRVIEW AVE.
BALTIMORE, MD. 21227.
LOT 530 PLAT OF HALETHORPE
JWS 1/60 & C. A
ACCT. #



16, 17, 18, 19, 20: SHOWN
21. FLOOD PLAIN INFORMATION

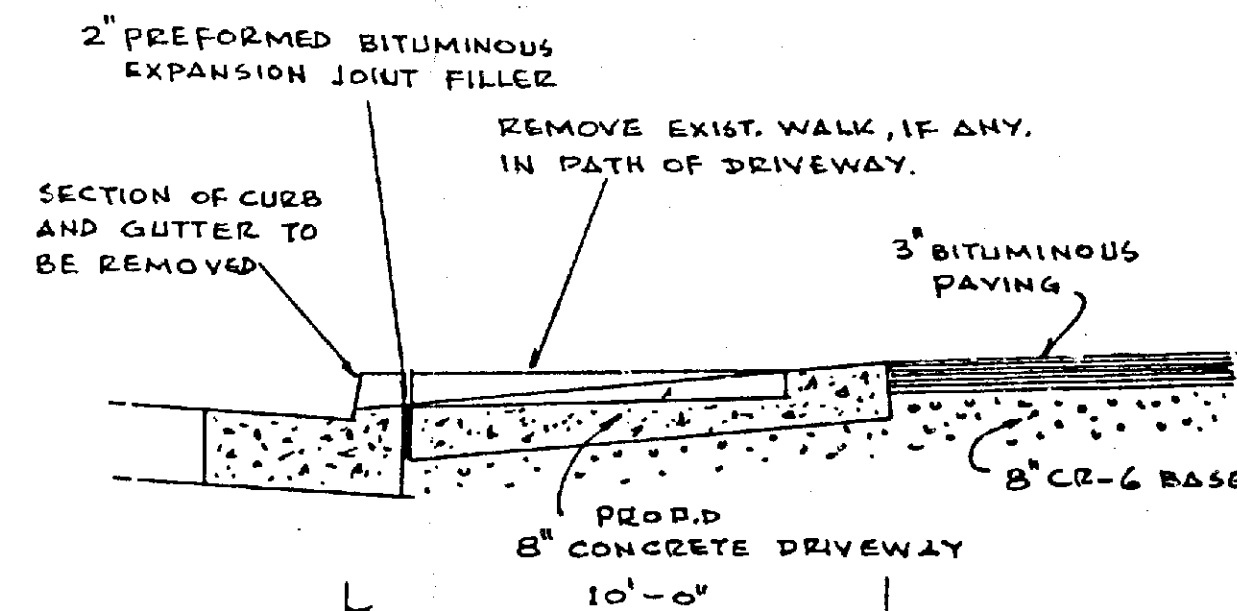
22, 23. THERE ARE NO EXISTING OR HISTORIC BUILDINGS ON THE SITE
24, 25. SHOWN
26. a, b, c, d, e: N.A.
27, 28, 29, 30, 31, 32: SHOWN
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34. ESTIMATED AVERAGE DAILY TRIPS (A.D.T.S) = 8
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- HOURS OF OPERATION IN THE STORE: 10 AM - 6 PM.
- UTILITIES: BALTIMORE CITY WATER.
PUBLIC SEWER
BALTIMORE GAS & ELECTRIC
THE C. & P. TELEPHONE.



PAVING AND ENTRANCE DETAIL
NO SCALE

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BALTIMORE, MD. 21227 (796 4330)

SHEET
GRADING
S D

SCALE: 1"=20'
DATE: 14 MAY, 85
DWN: A.E.

SEAL
20 AUG, 85
REVISIONS
PARKING

PETITION FOR
ZONING VARIANCE