96-232-SPHA 117 PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALITMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit (1) a 15' side yard setback in lieu of the required 30', (2) a 5' rear yard setback in lieu of the required 30' and (3) a 13' side yard setback in lieu of the

required 30' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing

Attorney's Telephone No.: 823-4111

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 th 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.

IDATE 1/1/86 1

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s) 714 Associates (Type or Print Name) (Type or Print Name) Pechter, General Partner (Type or Print Name) City and State Signature Attorney for Petitioner John B. Howard, Esquire (Type or Print Name) Phone No. 1 Thomas City and State 210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 John B. Howard, Esquire City and State

Address Towson, MD 21204 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this _____ 30th_____ day on the ____4th ____ day of __December ____, 1985 _, at _10:30 o'clock

210 Allegheny Avenue 823-4111

York Road, adjacent to the church. The Petitioner proposes to raze the existing building and construct a single-story building containing 9,800 square feet for retail uses, which will necessitate setbacks of 13 feet to the southwest property line, 15 feet to the north property line, and 5 feet to the west property line. Although the building could be higher, thereby negating the need for the variances, the Petitioner has entered into agreements with both neighbors, the church to the south and the Hauptmann's to the north (whose property is zoned B.R.-C.S.A./C.S-1 and on which Towson Animal Hospital is located), who prefer the single-story building, which would, in fact, create a lower profile than the existing building. In addition, the Petitioner has agreed to provide and maintain retaining walls and landscaping, as more particularly described on Petitioner's Exhibits 2 and 3. Both neighbors consented to the requested relief.

Testimony from John Strong Smith, a registered civil engineer, was that due to the retaining walls, the unique shape of the site, and the comments submitted by the State Highway Administration, Maryland Department of Transportation (State), only 43 of the required 49 parking spaces can be provided. If there is to be compliance with the State's comments, parking spaces will have to be deleted.

The Petitioner also requests confirmation of a nonconforming use. Prior to 1976, the D.R.5.5 strip was zoned B.R.-C.S.A. According to Robert Gaines, the owner of the property at that time, the parcel contained portions ofthree ing spaces used for parking for the existing office building, which is

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

86-232.5PHA

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 409.2b.(6) to permit 43 parking spaces in lieu of the required 49 parking spaces

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

To be determined at hearing

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): 714 Associates (Type or Print Name Signature ^{lighature}Jack H. Pechter, General Partner Address (Type or Print Name) City and State Signature Attorney for Petitioner: John B. Howard, Esquire Phone No. City and State 210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 John B. Howard, Esquire City and State 210 Allegheny Ave. 823-4111 Attorney's Telephone No.: 823-4111 Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this ____30th_____ day of <u>Stober</u>, 19_85, 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 on the _____dth ____ day of __December ____, 19.85_, at _10:30 o'clock

The Baltimore County Planning Board granted a waiver (W-85-108) of the

The Petitioner seeks relief from Sections 409.2.b.(6) and 238.2, pursuant

An area variance may be granted where strict application of the zoning

to Section 307, and confirmation of a nonconforming use pursuant to Section

regulation would cause practical difficulty to the petitioner and his prop-

erty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for

unreasonably prevent the use of the property for a

permitted purpose or render conformance unneces-

to applicant as well as other property owners in the district or whether a lesser relaxation than

that applied for would give substantial relief;

1. whether strict compliance with requirement would

2. whether the grant would do substantial injustice

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and

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

use as proposed would not be contrary to the spirit of the BCZR and would not

clesq that a practical difficulty or unreasonable hardship would result if the

It is clear from the testimony that if the variances were granted, such

After due consideration of the testimony and evidence presented, it is

public safety and welfare secured.

result in substantial detriment to the public good.

County Review Group plan on July 18, 1985.

104.1, Baltimore County Zoning Regulations (BCZR).

sarily burdensome;

an area variance, the petitioner must meet the following:

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

PETITION FOR SPECIAL HEARING

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 existing non-conforming parking use

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 Legal Owner(s): (Type or Print Name (Type or Print Name) land ear Signature Signature Jack H. Pechter, General Partner Address (Type or Print Name) City and State Attorney for Petitioner: John B. Howard, Esquire (Type or Print Name) Address Signature City and State 210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 John B. Howard, Esquire City and State Attorney's Telephone No.: 823-4111 210 Allegheny Ave. 823-4111 Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this ____30th____ day ___, 19_85__, 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 Consissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of December 19.85, at 10:30 o'clock

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The uncontroverted testimony, which was amply supported, conclusively indicates that the property has been used continuously and without interruption for parking since prior to 1976. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances and approval prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of February, 1986, that the Petition for Variances to permit side yard setbacks of 13 feet and 15 feet instead of the required 30 feet, a rear yard setback of 5 feet instead of the required 30 feet, and 43 parking spaces instead of the required 49 spaces, be and is hereby GRANTED and, additionally, a nonconforming use for three off-street parking spaces in a residential zone be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 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.

2. Petitioner's Exhibits 2 and 3, agreements entered into by and between the Petitioner and its neighbors, shall be adopted and made a part of this Order in their entirety,

> Commissioner o Baltimore County

restimony indicated that the subject property, zoned B.R.-C.S.A. with a nar strip along its southwestern and southeastern property lines zoned D.R 5 and improved with a stone and frame office building, is located on

cc: Robert A. Hoffman, Esquire Lewis L. Fleury, Esquire The Reverend Gregory R. Smith

People's Counsel

Mr. & Mrs. Gerhard Hauptmann

IN RE: PETITIONS SPEC. L HEARING AND

E/S of York Road, 127' from

the intersections of the cen-

terlines of York and Lambourne

particularly described on Petitioner's Exhibit 1.

Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13 feet and 15 feet instead of the required 30 feet, a rear yard setback of 5

feet instead of the required 30 feet, and 43 parking spaces instead of the

required 49 spaces and, additionally, confirmation of an existing nonconform-

ing use for three off-street parking spaces in a residential zone, as more

fied and was represented by Counsel. The Church of the Immaculate Conception

(church), by its Associate Pastor, The Reverend Gregory R. Smith, and Mr. and

Mrs. Gerhard A. Hauptmann appeared, not as Protestants but as interested par-

ties, adjacent property owners who have entered into agreements with the

Petitioner, and were represented by Counsel. See Petitioner's Exhibits 2

and 3. It is noted for the record that the Zoning Commissioner received a

g dated November 26, 1986 from Susan M. Sheesley, President of the Towson

Community Corporation, opposing the parking variance. See Protestants

The Petitioner, by Martin Pechter, a limited partner, appeared and testi-

The Petitioner herein requests variances to permit side yard setbacks of

Roads - 9th Election District

VARIANCES

714 Associates,

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-232-SPHA

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DATE

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tant variances were not granted. It has been established that the public health, safety, and general welfare.

<u>...</u>

ONDER

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- 5 -

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT AND DECLARATION OF COVENANTS, Made this 5 day of February, 1986, by and between 714 Associates, a partnership of the State of Maryland, of the first part and Gerhard A. Hauptmann and JoAnn T. Hauptmann, his wife, of the second part.

WHEREAS, Hauptmanns are owners of that lot of ground situate on the west side of York Road in Baltimore County, State of Maryland, described in a Deed dated July 22, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 5782, folio 975, from Harold F. Burton to the said Hauptmanns, the improvements thereon being known as 714½-716 York Road, and

WHEREAS, 714 Associates is the owner of that lot of ground situate in Baltimore County, State of Maryland, on the west side of York Road described in a Deed dated March 20, 1981 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6272, folio 281, from Robert M. Barroll and Robert F. Gaines to the said 714 Associates, the improvements thereon being known as 714 York Road, which property lies immediately south of and contiguous to the said Hauptmann property, and

WHEREAS, 714 Associates has filed a Petition For Variances with the Zoning Commissioner of Baltimore County, requesting: 1 - To permit a side yard set back of 15 feet in lieu of the required 30 feet, in order to construct a building 15 feet from the dividing line between the properties owned by the parties hereto, and 2 - A reduction to forty-three parking spaces in lieu of the required forty-nine parking spaces, and

WHEREAS, Hauptmanns object to the granting of said variances, which may cause a risk of damage to or deterioration in the retaining wall on Hauptmanns' property along the dividing line between the said properties, and improper use of Hauptmanns' parking lot by patrons to 714 Associate's property, and

WHEREAS, 714 Associates wishes to avoid Hauptmanns' further objection to said variances before the Zoning Commissioner for Baltimore County.

WITNESSETH, that in consideration of Hauptmanns' agreement

hereby to withdraw and not to proceed with their objection to said variances, and other good and valuable consideration, the receipt of which is hereby expressly acknowledged, 714 Associates covenants for itself, as owner of the above mentioned and described lot of ground, its successors, personal representatives and assigns to plant and maintain, or cause to be planted and maintained, a double hedge, fence and/or such other barriers as are necessary to prevent the passage of persons over the dividing line between its property and Hauptmanns' property; and

A STATE OF THE PROPERTY OF THE

FURTHER to maintain the retaining wall located on Hauptmanns' property along part of said dividing line at its own expense, in substantially the same condition as of this date, (which condition the parties hereto agree is a good and undamaged condition) including repairs of all damages except for repair of damage, if any, caused by Hauptmanns, there invitees and licensees, and/or trespassers upon Hauptmanns' property, for so long as the one-story 9800 square-foot building shown on the plan filed with said request for variances stands on said 714 Associates property. Upon removal of said one-story building from 714 Associates property the said covenant to maintain and said variances shall terminate.

THE PARTIES hereto further agree that it is the intention of this Agreement that the covenants set forth herein to be performed by 714 Associates are to continue for so long as the one story 9800 square foot building shown on the plan filed with the request for variances stands on said 714 Associates property; and that this Agreement And Declaration shall be recorded among the Land Records of Baltimore County to give notice of said covenants and make them "run with the land" as to said property; and that the provisions hereof shall be incorporated in the order of the Zoning Commissioner of Baltimore County granting said variances.

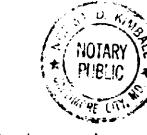
714 Associates further agrees that in the event of a breach or default by 714 Associates, its successors, personal representatives and assigns, Hauptmanns, their personal representatives or assigns, may, after 30 days written notice of said default to 714 Associates or its successors, personal representatives or

assigns, install such barrier or make such repairs to said wall at expense of 714 Associates, its successors, personal representatives and assigns. And further in the event of such default, 714 Associates shall pay all expenses incurred by Hauptmanns enforcing their rights under this Agreement, including reasonable attorney's fees and court costs.

THE AGREEMENTS AND COVENTANTS set forth herein shall inure to the benefit of and be binding upon the parties hereto as owners of their respective properties and any and all of their successors, personal representatives and assigns of the properties mentioned and described herein.

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT: I HEREBY CERTIFY, That on this $\frac{H^{2n}}{2}$ day of February in the year One Thousand Nine Hundred and Eighty-Six, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Jack H. Pechter, General Partner of 714 Associates, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes contained therein, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official



My commission expires: July 1, 1986

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this 573 day of February in the year One Thousand Nine Hundred and Eighty-Six, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Gerhard A. Hauptmann and JoAnn T. Hauptmann, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes contained therein, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official

My commission expires:

HAUP/F3

July 1, 1986

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR, & ASSOCIATES, INC. ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany a Petition For Side and Rear Yard Variances in a BR Zone and For a Special Hearing

September 9, 1985 RE: 714 York Road

Foint of beginning being located S 15° 26' 33" E 127 feet + from the point of intersection of the centerlines of York Road and Lambourne Road thence binding on the west side of York Road 1) S 31° 36' 24" E 263.31 feet + thence leaving York Road the following courses and distances 2) S 58° 23' 36" W 34.74 feet + 3) N 80° 55' 24" W 138.03 feet +, 4) N 31° 36' 24" W 173.33 feet + and 5) N 58° 23' 36" E 139.41 feet + to the place of beginning.

Containing 0.73 Acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



PETITION FOR SPECIAL HEARING AND VARIANCE

9th Election District

LOCATION:

East side of York Road, 127' from the interesections of centerlines of York and Lambourne Roads (714 York Road)

Wednesday, December 4, 1985 at 10:30 a.m.

PUBLIC HEARING:

DATE AND TIME:

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 Special Hearing to approve an existing non-conforming parking use and Variance from Section 409.2b.(6) to permit 43 parking spaces IN LIEU OF THE REQUIRED 49 PARKING SPACES and Section 238.2 to permit (1) a 15' side yard setback in lieu of the required 30', (2) a 5' rear yard setback in lieu of the required 30' and (3) a 13' side yard setback in lieu of the required 30'.

Being the property of 714 Associates 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

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCES E/S York Rd., 127' from Intersections of Centerlines of York & Lambourne Rds. (714 : York Rd.), 9th District

OF BALTIMORE COUNTY

714 ASSOCIATES, Petitioner Case No. 86-232-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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.

> Thyllis Cale Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 8th day of November, 1985, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

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

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

November 27, 1985

John B. Howard, Esquire 210 Allegheny Avenue Towson, Maryland 21204

> Re: Petition for Special Hearing and Variance E/S York Rd., 127' from intersections of c/1's York and Lambourne Rds. (714 York R 9th Election District 714 Associates - Petitioners Case No. 86-232-SPHA

> > ding, Towson, Maryland

Dear Mr. Howard:

This is to advise you that \$94.25 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

TIMORE COUNTY, MAF CE OF FINANCE REVENUE CELLANEOUS CASH RE	DIVISION	
12-5-95	ACCOUNTR=01=615=000	
_	AMOUNT \$ 94.25	
ived John 3. How	vard Esquire	
	1 Posting 95-232-SPNA	1

B Brillennene Lartin Curti

11/20/55 Prot's Est. Towson Park Community Corporation 839 Bosley Avenue Towson, Maryland 21204 November 26, 1985 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 86-232-SPNA Re: 714 Associates E/S York Road, 127' from the intersection of centerline of York and Lambourne Roads District 9 Hearing - December 4, 1985 Dear Mr. Jablon: The Towson Park Community Corporation would like to be put on record as opposing the Variance from Section 409.2b(6) to permit 43 parking spaces in lieu of the required 49 parking spaces to serve the subject site. As you are well aware of the parking problems already being experienced in Towson, and our community is also experiencing these parking problems during the work week, we would like you to serious consider our objection to this Variance when hearing this case. Please advise me of the results of the hearing. Thank you for your consideration in this matter. Very truly yours, cc: Sue Shrankoff this Agreement and shall relieve the Church of the Immaculate Conception of its obligations hereunder. 714 ASSOCIATES By: Gave W Vector

Vack H. Pechter

General Partner Drive ix Joehun Jack H. Pechter, Individually CHURCH OF THE IMMACULATE CONCEPTION, TOWSON, ROMAN CATHOLIC CONGREGATION, INC. Reverend Gregory R. Smith Associate Pastor 1056C-2/4/86-MJT

LAW OFFICES ALLAGHER, EVELIUS

DINE CHARLES CENTER

BALYIMORE, M.D. 21201

BALTIMORE COUNTY, MARYLAND No. 012582 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615.000 4 2 00.00 SH+ VAR B 8507*****23670:a 3202F VALIDATION OR SIGNATURE OF CASHIER BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE November 12, 1985 John B. Howard, Esquire COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 210 Allegheny Avenue Towson, Maryland 21204 RE: Item No. 117 - Case No. 86-232-SPHA Petitioner - 714 Associates Special Hearing and Variances Petition Bureau of Engineering Dear Mr. Howard: The Zoning Plans Advisory Committee has reviewed the plans sub-Department of Traffic Engineering mitted 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 State Roads Commission Bureau of Fire Prevention on this case. The Director of Planning may file a written report with Health Department the Zoning Commissioner with recommendations as to the suitability of Project Planning the requested zoning. Building Department Enclosed are all comments submitted from the members of the Board of Education Committee at this time that offer or request information on your Zoning Administration 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 Industrial for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Very truly yours, James E. Dyer NAMES E. DYER Zoning Plans Advisory Committee JED:nr Enclosures cc: George W. Stephens, Jr. and Associates, Inc. P. O. Box 6828 Towson, Maryland 21204

LAW OFFICES

ONE CHARLES CENTER

BALTIMORE MD. 21201

November 1, 1985

NOTICE OF HEARING

Re: PETITION FOR SPECIAL HEARING AND VARIANCE

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

9th Election District

CaSE No. 86-232-SPHA

714 Associates

Avenue, Towson, Maryland

DATE: Wednesday, December 4, 1985

York and Lambourne Rds. (714 York Road)

E/S York Rd., 127' from intersections of c/1's

John B. Howard, Esquire

Towoson, Maryland 21204

TIME: 10:30 a.m.

210 Allegheny Avenue

PETITION FOR SPECIAL BEFORE THE HEARING AND VARIANCE E/S YORK ROAD, 127 FEET * ZONING COMMISSION FROM INTERSECTION OF C/L'S YORK AND OF BALTIMORE LAMBOURNE ROADS (714 YORK ROAD) 9TH ELECTION DISTRICT 714 ASSOCIATES, PETITION * 86-232-SPHA STIPULATION AND AGREEMENT

WHEREAS, 714 ASSOCIATES, whose general partner is Jack H. Pechter, seeks certain zoning variances in connection with a plan to develop a parcel of property located in Baltimore County at what is now 714 York Road, which is more particularly shown in a plat filed herein as an exhibit to the Petition filed herein for zoning variances to sections 238.2 and 409 of the Baltimore County Zoning Regulations; and

WHEREAS, the Church of the Immaculate Conception, Towson, Roman Catholic Congregation, Inc. (hereafter, the Church of the Immaculate Conception) operates a parish, a high school and a cemetery on property which is adjacent to the said parcel; and

WHEREAS, the Church of the Immaculate Conception raised certain objections to the granting of the requested zoning variances at a hearing held on December 4 on the zoning variance; and

WHEREAS, 714 Associates and the Church of the Immaculate Conception have reached an agreement regarding the SALLAGHER EVELIUS | proposed variances; now

THEREFORE, 714 Associates and the Church of the Immaculate Conception agree as follows:

1. The Church of Immaculate Conception withdraws its objections to the zoning variances on the condition that 714 Associates agrees to develop the property substantially in accordance with the plat of development filed herein and attached hereto as Exhibit A, namely as a one story building containing approximately 9,800 square feet to be used for retail purposes.

2. 714 Associates agrees not to alter the height of the building constructed on the parcel for so long as the building remains on the parcel.

3. If 714 Associates ever determine to remove the building, and/or construct another building exceeding one story on the parcel, the Church of the Immaculate Conception shall withdraw its consent to any zoning variances and shall have the right to assert objections to any zoning variances, granted or sought, as if this Agreement had not been entered into.

4. This Agreement shall be binding on successors in interest, related entities and transferors of 714 Associates. 714 Associates agrees to make its obligations under this Agreement binding on any transferors, successors, assigns, beneficial owners or subsequent title holders. Failure of 714 Associates to abide by this paragraph 4 shall be a breach of

LAW OFF CES GALLAGHER, EVELIUS & JONES ONE CHARLES CENTER BALTIMORE MD. 11101

Maryland Department of Transportation

State Highway Administration

William K. Hallmann Hal Kassoff

October 3, 1985 Re: Baltimore County

Mr. A. Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Item No. 117 Property Owner: 714 Associates Location: SW/S York Rd (Maryland Route 45) 127' S. of centerline of York, and Lambourne Rds. Existing Zoning: B.R. CSA & D.R. 5.5 Proposed Zoning: Spec. Hearing to approve an existing nonconforming parking use and Variances to permit 43 parking sp. in lieum of the required 49 parking sps. and to permit a 15' side yard setback in lieu of the required 30' and a 5' rear yard setback in lieu of the required 30' & a 13' side yard setback in lieu of the required 30'. lieu of the required 30' Acres: .73 District 9th

Dear Mr. Dyer:

On review of the submittal of 9/7/85, and a field inspection, the State Highway Administration finds the concept of the site plan generally acceptable.

The construction of the new 35' entrance and elimination of the south entrance with modifications to the existing north entrance, must be under State Highway Administration Permit.

All existing S.H.A. Type "A" concrete curb, gutter, and sidewalk must be repayed or replaced and the barrier curb parallel to Maryland Route 45 must be State Highway Administration Type "A" concrete curb. Continued

My telephone number is 301-659-1350 Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toli Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. A. Jablon Page 2 October 3, 1985 Att: J. Dyer

The State Highway Administration will require a S.H.A. Type "A" concrete curb section to be constructed from the back edge of sidewalk to the existing wall at the north property (see attachment).

It is requested that the plan be revised prior to a Hearing Date being set.

Very truly yours, Charle C Charles Lee, Chief Bureau of Engr. Access Permits

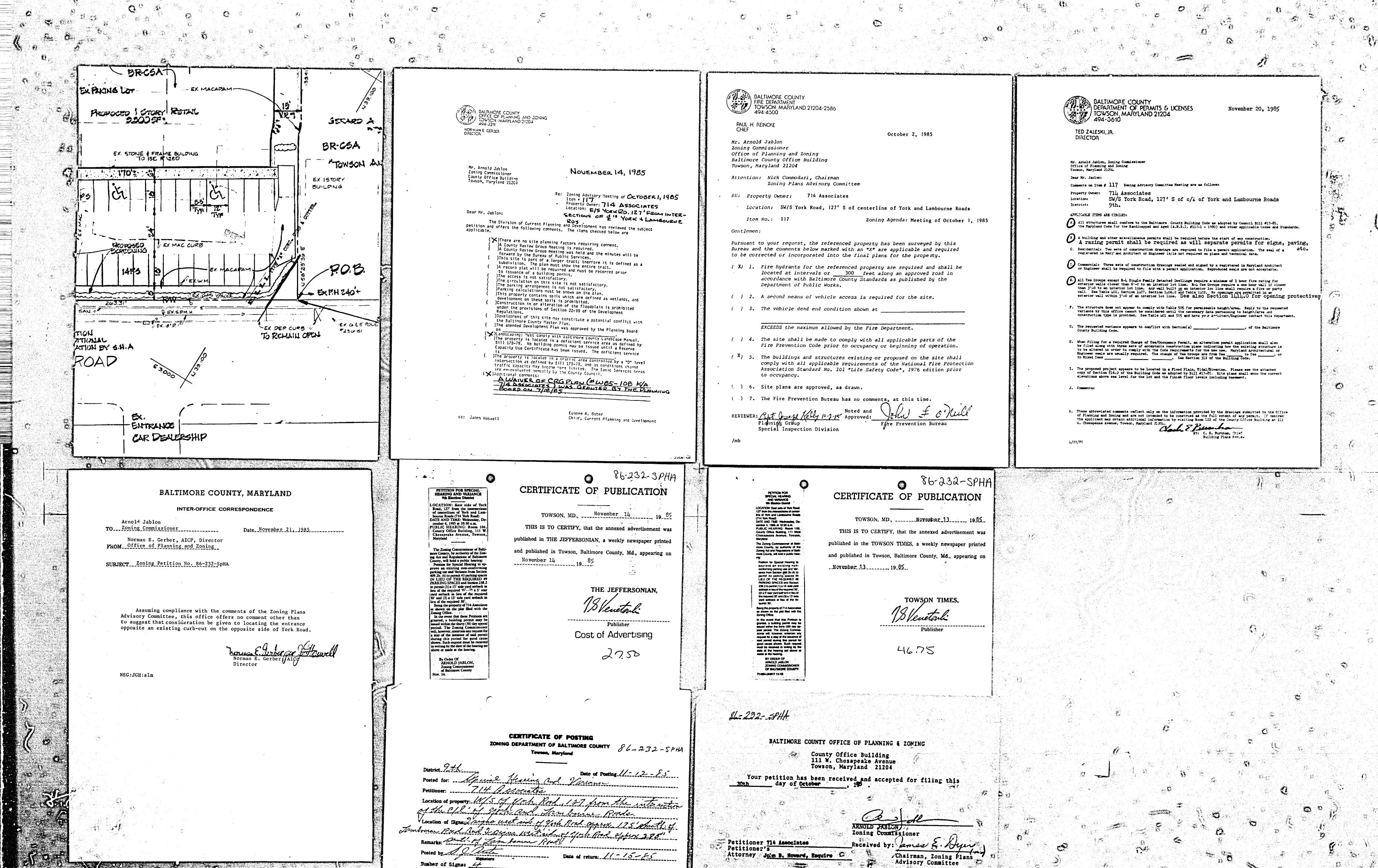
by: George Wittman

CL-GW:es cc: J. Ogle

enclosure

AUS 2 1 10031

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AUG 26 10081

