

217 56-282-A 217 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 303.2 to allow front yard setback of 26.5 feet in lieu of the now permitted 34.5 feet, pursuant to the Order of the Deputy Zoning Commissioner dated December 13, 1984 in case no. 85-147, and in lieu of the required 49.5 feet 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.

Ground Lessee:

Tripec Associates

(Type or Print Name)

Signature

908 York Road

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

John B. Howard, Esquire

(Type or Print Name)

Signature

210 Allegheny Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-4111

Legal Owner and Ground Lessor:

Archway Motors, Inc.

(Type or Print Name)

Signature

908 York Road

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

John B. Howard, Esquire

(Type or Print Name)

Signature

210 Allegheny Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-4111

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John B. Howard, Esquire

Name

O. Box 5517

Towson, Maryland 21204

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of December, 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 22nd day of January, 1986, at 10:30 o'clock.

(over)

D. S. THALER & ASSOCIATES, INC.

11 WARREN ROAD - BALTIMORE, MARYLAND 21208 - (301) 454-4100

November 11, 1985

DESCRIPTION TO ACCOMPANY

SPECIAL HEARING AND VARIANCE PETITION

"WESTPARK"

BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in the centerline of Powers Lane, said point located approximately 1,100 feet from the centerline of Rolling Road and thence the following eight courses and distances:

1. South 18°16'57" West 313.98 feet
2. North 71°40'18" West 161.00 feet
3. South 18°16'57" West 229.00 feet
4. North 71°40'18" West 109.00 feet
5. North 18°18'53" East 200.00 feet
6. North 71°39'38" West 100.00 feet
7. North 18°23'10" East 348.36 feet
8. South 70°50'02" East 369.30 feet to the place of beginning.

CIVIL ENGINEERS - SITE PLANS - SURVEYORS - LANDSCAPE ARCHITECTS

IN RE: PETITION ZONING VARIANCE
S/S of Powers Lane, 1100' W of
Rolling Road (6406 Baltimore
National Pike)
1st Election District
Archway Motors, Inc.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-282-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a front yard setback of 26 1/2 feet instead of the permitted 34 1/2 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Martin Pechter, Tripec Associates, Lessee, appeared and testified and was represented by Counsel. Kenneth Kann, a registered architect, and Wes Guckert, a traffic engineer, also appeared and testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned B.R. and located on Baltimore National Pike, is presently improved with a building. When the Lessee inspected the building, it was discovered that the wall facing the west property line was unsafe and needed to be replaced. Subsequently, the west wall and the corner of the wall facing Baltimore National Pike were razed and new walls were constructed. The building was situated 6 feet from the west property line and approximately 26 1/2 feet from the front property line before the walls were razed.

The Petitioner was previously granted variances to permit a side yard setback of 6 feet instead of the required 30 feet for the west wall and a front yard setback of 34 1/2 feet instead of the required 51 1/2 feet in Case No. 85-147. At the time the instant petition was filed, it was thought that the front wall would be within 26 1/2 feet of the front property line rather than the 34 1/2 feet originally granted. After a survey was completed, it was determined that the closest point of the front wall to the front property line was 25.8 feet. See

Petitioner's Exhibit 5. Consequently, the Petitioner moved to amend the petition to request a front yard setback of 25.8 feet instead of 26 1/2 feet. The motion was granted.

The new walls do not expand the building's original size; they only replace unsafe walls. Mr. Guckert testified that the front wall will not adversely impact site visibility from Baltimore National Pike to any neighboring sites. Additionally, Mr. Kann testified that the new walls were constructed on the existing footings.

The Petitioner seeks relief from Section 303.2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

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

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

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

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is concluded that a practical difficulty or unreasonable hardship would result if the instant variance was not granted. It has been established that the requirement

ORDER RECEIVED FOR FILING

DATE January 27, 1986

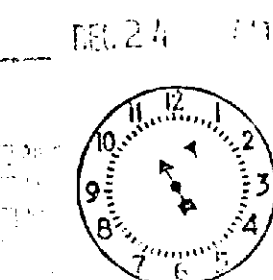
BY [Signature]

RE: PETITION FOR VARIANCE
S/S Powers Lane, 1100' W of Rolling Rd. (6406 Balto. Nat'l Pike), 1st District
Archway Motors, Inc.,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-282-A

ENTRY OF APPEARANCE

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



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

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

I HEREBY CERTIFY that on this 23rd day of December, 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; and Tripec Associates, 908 York Road, Towson, MD 21204, Ground Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

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 the Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of January, 1986, that the Petition for Variance to permit a front yard setback of 25.8 feet in lieu of the permitted 34 1/2 feet be and is hereby GRANTED from and after the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

Attyg

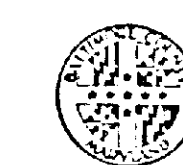
cc: John B. Howard, Esquire

People's Counsel

ORDER RECEIVED FOR FILING

DATE January 27, 1986

BY [Signature]



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 16, 1986

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

Re: Petition for Variance
S/S Powers Lane, 1100' W of Rolling Rd.
(6406 Baltimore National Pike)
1st Election District
Archway Motors, Inc. - Petitioner
Case No. 86-282-A

Dear Mr. Howard:

This is to advise you that [blank] 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 check payable to Baltimore County, Maryland, and remit to Baltimore County, Maryland

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

No. 016197

DATE 1/20/86 ACCOUNT 494-2188-000

AMOUNT \$ 25.00

RECEIVED FROM [Signature]

FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER

JAN 9 1987

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

January 2 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

Petitioned 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 4 day of January 19 86 that is to say,
the same was inserted in the issues of

January 2, 1986

PATUXENT PUBLISHING CORP.
By *[Signature]*

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

December 20, 1985

NOTICE OF HEARING

Re: PETITION FOR VARIANCE
S/S Powers Lane, 1100' W of Rolling Rd.,
(6406 Baltimore National Pike)
1st Election District
Archway Motors, Inc., - Petitioner
Case No. 86-282-A

TIME: 10:30 a.m.

DATE: Wednesday, January 22, 1986

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

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

No. 012387

DATE 1/22/86 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Cook, Howard, Downes & Tracy

FOR Variance # 217

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

December 10, 1985

JAMES D. C. DOWNES
(1906-1978)
TELEPHONE
(301) 823-4411
TELETYPE
(301) 821-0147

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINA, III
JOSEPH C. RECK, JR.
HENRY R. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DREYER, JR.
GEORGE A. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
W. RIND HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPKIN
CYNTHIA M. HANN
KATHLEEN M. GALLAGHY
KEVIN R. SMITH
H. BARRITT PETERSON, JR.

HAND DELIVERED

James E. Dyer
Zoning Supervisor
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance - Tripec Associates
6406 Baltimore National Pike - Item No. 217

Dear Mr. Dyer:

This letter is to formally request that an early
hearing date be scheduled in connection with the above-
referenced Petition for Variance.

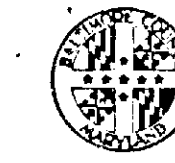
Thank you for your kind attention to this matter.

Very truly yours,

[Signature]
Deborah C. Dopkin

DCD:lm

cc: Martin Pechter
John B. Howard, Esquire



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 22, 1986

William T. Glasgow, Esquire
Suite 250, 10715 Charter Drive
Columbia, Maryland 21044

Re: Case No. 86-282-A
Archway Motors, Inc.,
Petitioner

Dear Mr. Glasgow:

I am in receipt of your letter dated April 16, 1986.

As you know, the property which was the subject of the case to which you
refer was advertised and posted for at least 15 days, thereby providing notice
to the public, including your client, as to the relief requested.

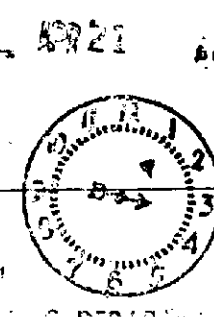
I would be willing to meet with you, but not without John B. Howard, the
attorney for the Petitioner. I do not meet ex parte with counsel in cases of
record. If you would contact Mr. Howard and obtain some convenient dates from
him, I am sure that my schedule can be arranged to satisfy you.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

WILLIAM T. GLASGOW
ATTORNEY AT LAW



(301) 997-2298
SUITE 250
10715 CHARTER DRIVE
COLUMBIA, MARYLAND 21044

April 16, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Re: PETITION ZONING VARIANCE
S/S of Powers Lane, 1100' W of
Rolling Road (6406 Baltimore
National Pike) -
1st Election District
Archway Motors, Inc.
Case No. 86-282-A

Dear Mr. Jablon:

I just recently received a copy of the Findings of Fact
and Conclusions of Law in the above referenced case.

I represent Appleschmidt's, a business next to the
Petitioner. We were of the opinion that the Hearing and Order
of December 13, 1984 was dispositive of the matter. We waited
patiently for the front of the building to be removed.

I would appreciate the opportunity to meet with you along
with my client to discuss the matter further.

Very truly yours,

[Signature]
William T. Glasgow

WTG/mt

cc: Charles Rineudo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: January 17, 1986

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

SUBJECT: Zoning Petitions No. 86-282-A and 86-284-A

There are no comprehensive planning factors requiring comment
on these petitions.

NEG:JCH:slm

[Signature]
Norman E. Gerber, AICP
Director

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
December 18, 1985

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

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

RE: Item No. 217 - Case No. 86-282-A
Petitioner - Archway Motors, Inc.
Variance Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans sub-
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
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 infor-
mative 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,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: D. S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

December 16, 1985

RE: Baltimore County
Item 217
Property Owner:
Archway Motors, Inc.
Location: Centerline
Powers Lane, 1100'
W. Rolling Road and
N/S Route 40-W
Existing Zoning: B.R.
CSA, B.R., D.R. 3.5
Proposed Zoning: Var.
to allow front yard
setback of 26.5' in
lieu of the now permitted
34.5', pursuant to the
Order of the Deputy Zoning
Comm. (12/13/84) in
Case No. 85-147, and
in lieu of the required
49.5'
Acres: 3.395
District 1st.

Att: James Dyer

Dear Mr. Dyer:

On review of the revised submittal of 11/13/85, and
field inspection, the State Highway Administration finds
the site plan generally acceptable.

Very truly yours,

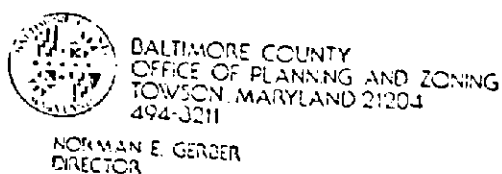
[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
By: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-428-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St. Baltimore, Maryland 21203-2717



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

JANUARY 19 1986

Re: Zoning Advisory Meeting of DECEMBER 10, 1985
Item # 217 ARCHWAY MOTORS, INC.
Location: E OF POWERS LANE, 1100' W.
OF ROLLING ROAD

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.
- () A County Review Group Meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () 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 _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual, Bill 179-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "B" level intersection as defined by Bill 179-79, and its conditions change are re-evaluated annually by the County Council. The basic services areas are re-evaluated annually by the County Council.

Additional comments:

cc: James Howell

Eugene A. Baber
Chief, Current Planning and Development



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

PAUL H. REINCKE
CHIEF

December 18, 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: Archway Motors, Inc.

Location: Centerline Powers Lane, 1100' W Rolling Road

Item No.: 217

Zoning Agenda: Meeting of December 10, 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 "Life Safety Code", 1976 edition prior to occupancy.
- () Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 12/19/85
Planning Group
Special Inspection Division

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

/mb



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

December 27, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 217 Zoning Advisory Committee Meeting are as follows:

Property Owner: Archway Motors, Inc.
Location: Centerline Powers Lane, 1100' W Rolling Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1985) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction. It is assumed a razing permit was obtained for the building as noted.
- () 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.
- () 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.
- () All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-1 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 1407, Section 1408.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () 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.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () 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 Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 16.0 of the Building Code as adopted by Bill #11-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- () Comments: A total of 169 parking spaces would require 6 handicapped spaces under the Maryland State Handicapped Code 1985, or four spaces if controlled by transportation rules and regulations Section 21-1006.
- () These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 217 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *[Signature]*
Building Plans Section

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 2, 1986

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 January 2, 1986

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

24.75

Case No 86-282

PETITION FOR VARIANCE
1st Election District
LOCATION: Southside of Powers Lane, 1100' West of Rolling Road, (6406 Baltimore National Pike)
DATE AND TIME: Wednesday, January 22, 1986 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 303.2 to allow front yard setback of 26.5 feet in lieu of the now permitted 34.5 feet, pursuant to the order of the Deputy Zoning Commissioner dated December 13, 1984 in Case No. 85-147, and in lieu of the required 49.5 feet.
Being the property of Archway Motors, Inc., 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
Jan. 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted to: *[Signature]*
Petitioner: Archway Motors, Inc.
Location of property: S.E. of Powers Lane, 1100' W. of Rolling Road (6406 Baltimore National Pike)
Location of Signs: Signs are part of 6406 Baltimore National Pike and signs are on both sides of Powers Lane approx 12' x 12'
Remarks: West of Rolling Road
Posted by: *[Signature]*
Number of Signs: 2
Date of Posting: January 2 - 4, 1986
Date of return: January 3 - 5, 1986

Case No. 86-282-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

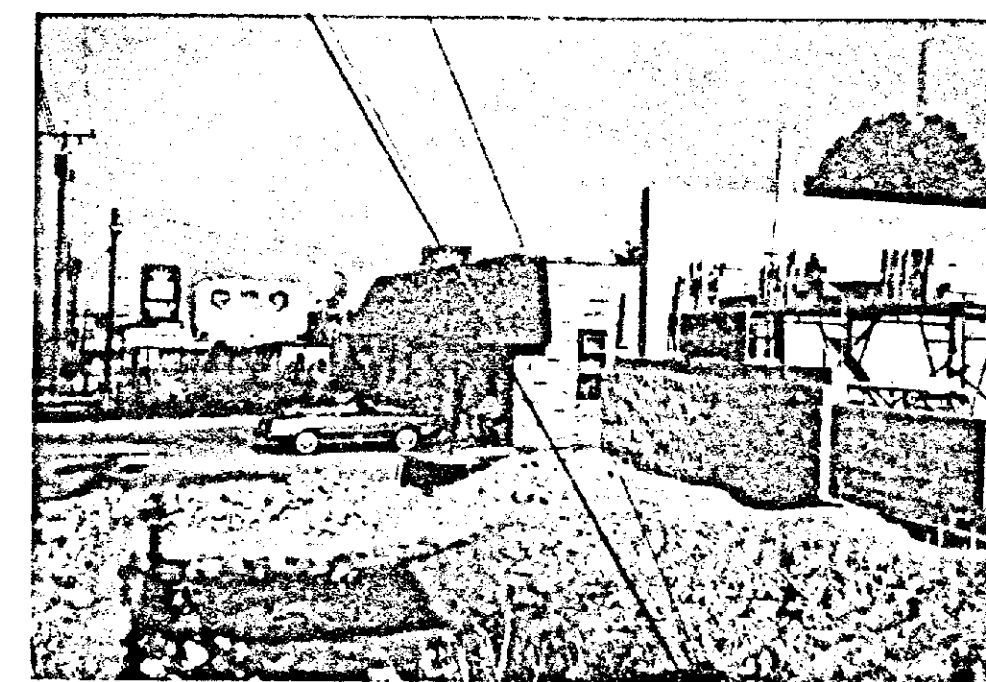
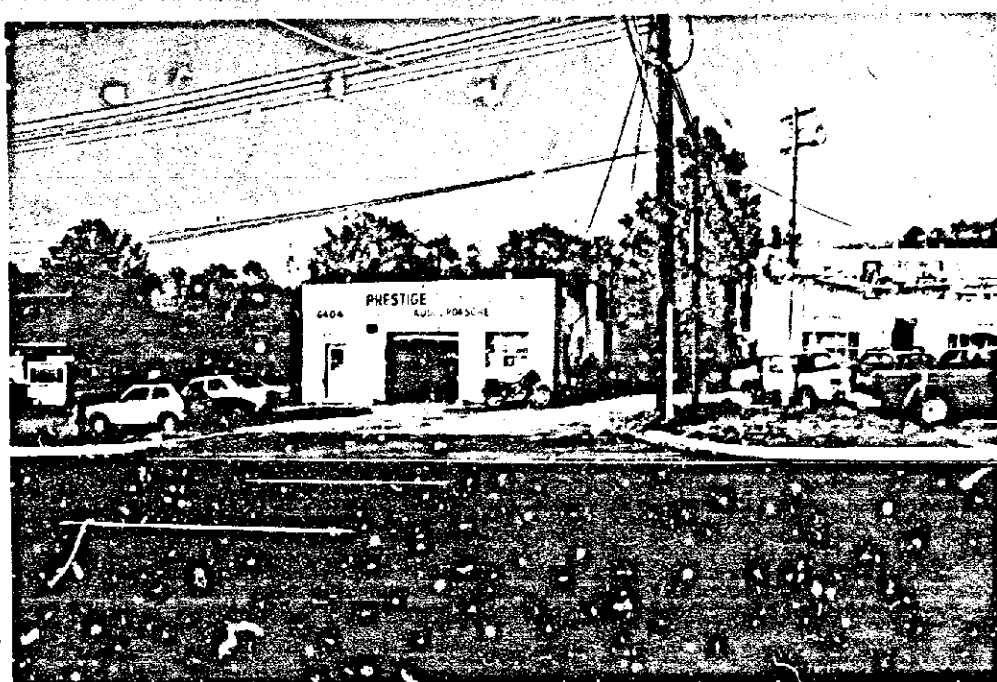
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of December, 1985.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: Archway Motors, Inc.
Petitioner's Attorney: John B. Howard, Esquire

Received by: *[Signature]*
Chairman, Zoning Plans Advisory Committee



NOTES

- 1) THE PROPERTY LINES SHOWN HEREON ARE AN ACCURATE ESTABLISHMENT OF THE PROPERTY LINES AS SHOWN ON THE PLAT OF "WESTPARK" RECORDED AMONG THE PLAT RECORDS OF BALTO. CO. IN LIBER EHK, JR. NO. 51 FOLIO 114.
- 2) THE PROPERTY LINES SHOWN HEREON ARE REFERRED TO THE BALTO. CO. MET. DIST. GRID SYSTEM, USING HUB NO. 15549 FOR POSITION (S 4080.13 - W 40108.78) AND HUB NO. 15549 TO HUB NO. 15548 FOR AZIMUTH (BEARING-N71°02'42"W).

"AS BUILT" SURVEY OF LOTS 1 AND 2 "WESTPARK" EHK JR. 51-114

1ST. ELECT. DIST.

BALTO. CO., MD.

SCALE: 1"=30'

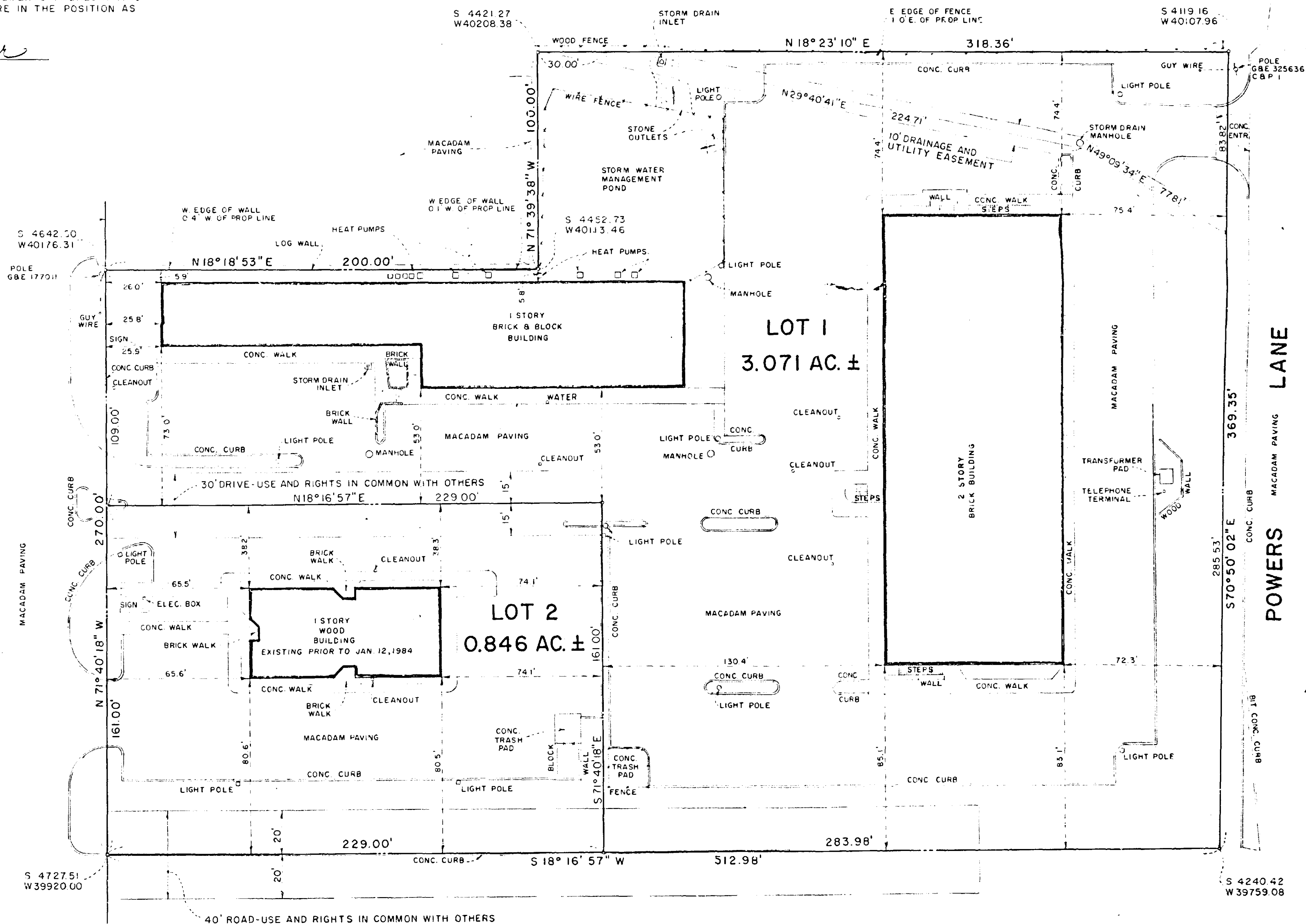
JAN. 2, 1986

SURVEYOR'S CERTIFICATION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS A TRUE AND ACCURATE SURVEY OF THE LOTS OF LAND IDENTIFIED HEREON, MADE FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON. THIS IS TO CERTIFY THAT THE IMPROVEMENTS ARE IN THE POSITION AS SHOWN HEREON.

Leo W. Rader
REG. PROF. LAND SURVEYOR NO. 1825

BALTIMORE NATIONAL PIKE - ROUTE 40



PETITIONER'S
EXHIBIT 1

LEO W. RADER
REG. LAND SURVEYOR
38 BELFAST ROAD
TIMONUM, MD. 21220-2920

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

January 2 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

Petitioned 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 4 day of January 19 86 that is to say,
the same was inserted in the issues of

January 2, 1986

PATUXENT PUBLISHING CORP.
By *[Signature]*

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

December 20, 1985

NOTICE OF HEARING

Re: PETITION FOR VARIANCE
S/S Powers Lane, 1100' W of Rolling Rd.,
(6406 Baltimore National Pike)
1st Election District
Archway Motors, Inc., - Petitioner
Case No. 86-282-A

TIME: 10:30 a.m.

DATE: Wednesday, January 22, 1986

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

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

No. 012387

DATE 1/22/86 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Cook, Howard, Downes & Tracy

FOR Variance # 217

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

December 10, 1985

JAMES D. C. DOWNES
(1906-1978)
TELEPHONE
(301) 823-4411
TELETYPE
(301) 821-0147

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINA, III
JOSEPH C. RECK, JR.
HENRY R. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DREYER, JR.
GEORGE A. REYNOLDS, III
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ROBERT A. HOFFMAN
DEBORAH C. DOPKIN
CYNTHIA M. HANN
KATHLEEN M. GALLAGHY
KEVIN R. SMITH
H. BARRITT PETERSON, JR.

HAND DELIVERED

James E. Dyer
Zoning Supervisor
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance - Tripec Associates
6406 Baltimore National Pike - Item No. 217

Dear Mr. Dyer:

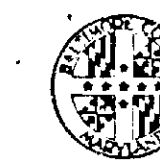
This letter is to formally request that an early
hearing date be scheduled in connection with the above-
referenced Petition for Variance.

Thank you for your kind attention to this matter.

Very truly yours,

[Signature]
Deborah C. Dopkin

DCD:lm
cc: Martin Pechter
John B. Howard, Esquire



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 22, 1986

William T. Glasgow, Esquire
Suite 250, 10715 Charter Drive
Columbia, Maryland 21044

Re: Case No. 86-282-A
Archway Motors, Inc.,
Petitioner

Dear Mr. Glasgow:

I am in receipt of your letter dated April 16, 1986.

As you know, the property which was the subject of the case to which you
refer was advertised and posted for at least 15 days, thereby providing notice
to the public, including your client, as to the relief requested.

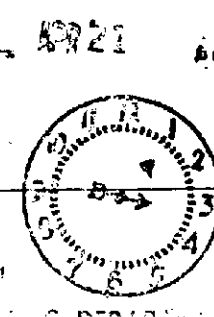
I would be willing to meet with you, but not without John B. Howard, the
attorney for the Petitioner. I do not meet ex parte with counsel in cases of
record. If you would contact Mr. Howard and obtain some convenient dates from
him, I am sure that my schedule can be arranged to satisfy you.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

WILLIAM T. GLASGOW
ATTORNEY AT LAW



(301) 997-2298
SUITE 250
10715 CHARTER DRIVE
COLUMBIA, MARYLAND 21044

April 16, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Re: PETITION ZONING VARIANCE
S/S of Powers Lane, 1100' W of
Rolling Road (6406 Baltimore
National Pike) -
1st Election District
Archway Motors, Inc.
Case No. 86-282-A

Dear Mr. Jablon:

I just recently received a copy of the Findings of Fact
and Conclusions of Law in the above referenced case.

I represent Appleschmidt's, a business next to the
Petitioner. We were of the opinion that the Hearing and Order
of December 13, 1984 was dispositive of the matter. We waited
patiently for the front of the building to be removed.

I would appreciate the opportunity to meet with you along
with my client to discuss the matter further.

Very truly yours,

[Signature]
William T. Glasgow

WTG/mt

cc: Charles Rineudo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: January 17, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-282-A and 86-284-A

There are no comprehensive planning factors requiring comment
on these petitions.

NEG:JCH:slm

[Signature]
Norman E. Gerber, AICP
Director

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
December 18, 1985

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

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

RE: Item No. 217 - Case No. 86-282-A
Petitioner - Archway Motors, Inc.
Variance Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans sub-
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
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 infor-
mative 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,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: D. S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

December 16, 1985

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

RE: Baltimore County
Item 217
Property Owner:
Archway Motors, Inc.
Location: Centerline
Powers Lane, 1100'
W. Rolling Road and
N/S Route 40-W
Existing Zoning: B.R.
CSA, B.R., D.R. 3.5
Proposed Zoning: Var.
to allow front yard
setback of 26.5' in
lieu of the now permitted
34.5', pursuant to the
Order of the Deputy Zoning
Comm. (12/13/84) in
Case No. 85-147, and
in lieu of the required
49.5'
Acres: 3.395
District 1st.

Att: James Dyer

Dear Mr. Dyer:

On review of the revised submittal of 11/13/85, and
field inspection, the State Highway Administration finds
the site plan generally acceptable.

Very truly yours,

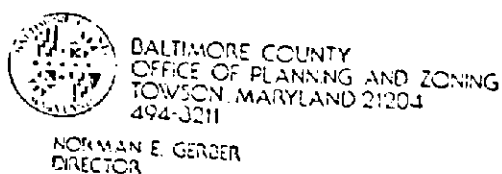
[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
By: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-428-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St. Baltimore, Maryland 21203-2717



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

JANUARY 19 1986

Re: Zoning Advisory Meeting of DECEMBER 10, 1985
Item # 217 ARCHWAY MOTORS, INC.
Location: E OF POWERS LANE, 1100' W. OF ROLLING ROAD

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.
- () A County Review Group Meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () 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 _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual, Bill 179-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "B" level intersection as defined by Bill 179-79, and its conditions change are re-evaluated annually by the County Council. The basic services areas are _____.
- () Additional comments: _____

cc: James Howell

Eugene A. Baber
Chief, Current Planning and Development



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

PAUL H. REINCKE
CHIEF

December 18, 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: Archway Motors, Inc.

Location: Centerline Powers Lane, 1100' W Rolling Road

Item No.: 217

Zoning Agenda: Meeting of December 10, 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 "Life Safety Code", 1976 edition prior to occupancy.
- () . Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 12/19/85
Planning Group
Special Inspection Division

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

/mb



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

December 27, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 217 Zoning Advisory Committee Meeting are as follows:

Property Owner: Archway Motors, Inc.
Location: Centerline Powers Lane, 1100' W Rolling Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1985) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction. It is assumed a razing permit was obtained for the building as noted.
- () 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.
- () 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.
- () All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-1 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 1407, Section 1408.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () 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.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () 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 Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 16.0 of the Building Code as adopted by Bill #11-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- () Comments: A total of 169 parking spaces would require 6 handicapped spaces under the Maryland State Handicapped Code 1985, or four spaces if controlled by transportation rules and regulations Section 21-1006.
- () These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 217 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *[Signature]*
Building Plans Section

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 2, 1986

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 January 2, 1986

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

24.75

Case No 86-282

PETITION FOR VARIANCE
1st Election District
LOCATION: Southside of Powers Lane, 1100' West of Rolling Road, (6406 Baltimore National Pike)
DATE AND TIME: Wednesday, January 2, 1986 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 303.2 to allow front yard setback of 26.5 feet in lieu of the now permitted 34.5 feet, pursuant to the order of the Deputy Zoning Commissioner dated December 13, 1984 in Case No. 85-147, and in lieu of the required 49.5 feet.
Being the property of Archway Motors, Inc., 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
Jan. 2,

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-282-A

District: 1st
Posted to: *[Signature]*
Petitioner: Archway Motors, Inc.
Location of property: S.E. of Powers Lane, 1100' W of Rolling Road (6406 Baltimore National Pike)
Location of Signs: Signs are part of 6406 Baltimore National Pike and signs are on both sides of Powers Lane approx 12' x 12'
Remarks: West of Rolling Road
Posted by: *[Signature]*
Number of Signs: 2
Date of Posting: January 2 - 4, 86
Date of return: January 3 - 5, 86



Case No. 86-282-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

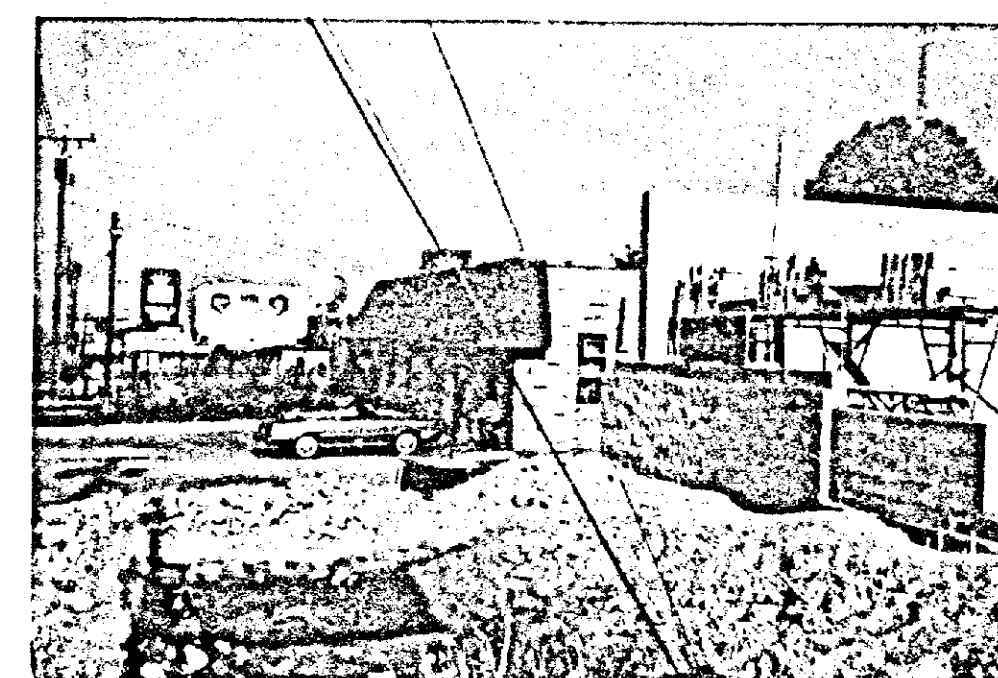
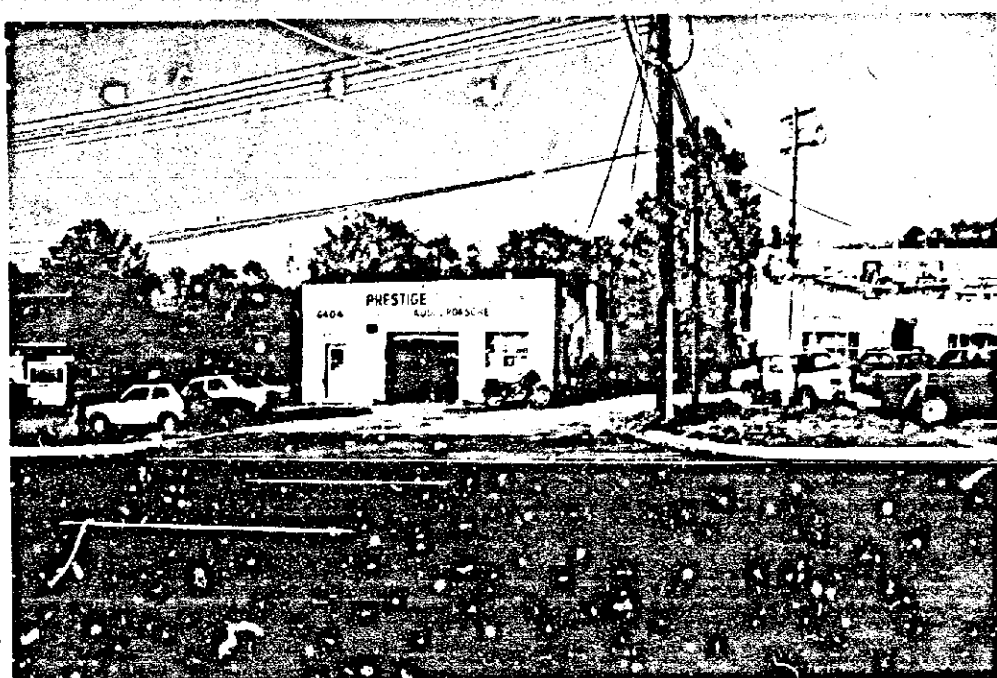
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

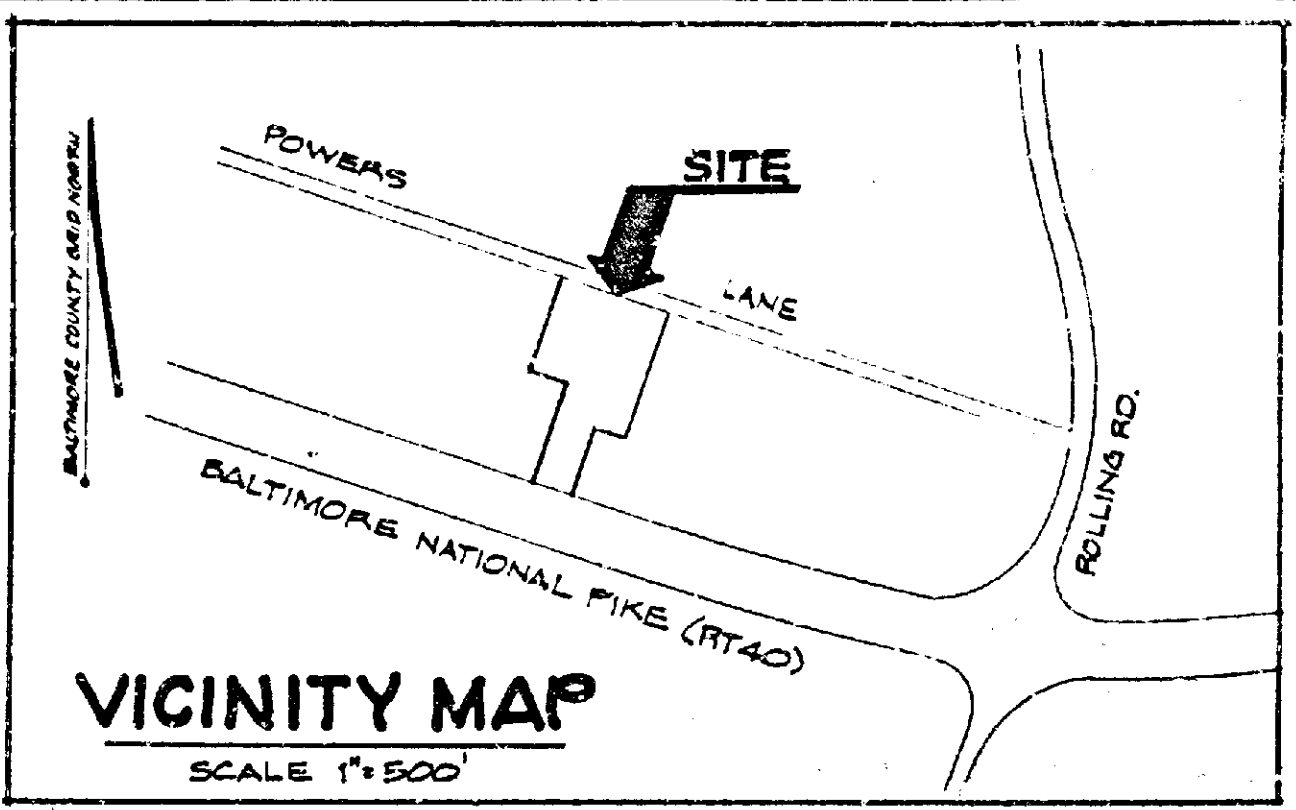
Your petition has been received and accepted for filing this 12th day of December, 1985.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: Archway Motors, Inc.
Petitioner's Attorney: John B. Howard, Esquire

Received by: *[Signature]*
Chairman, Zoning Plans Advisory Committee





EXISTING ZONING BR-65A WITH 60' STRIP
OF DR 3.5 AND 25' STRIP OF BR
GROSS SITE AREA 23,975 AC
NET SITE AREA 22,099 AC
COUNCILMANIC DISTRICT 1
CENSUS TRACT 2015 04
WATERSHED 30
SUBSEWER SHED 78
PARKING DATA

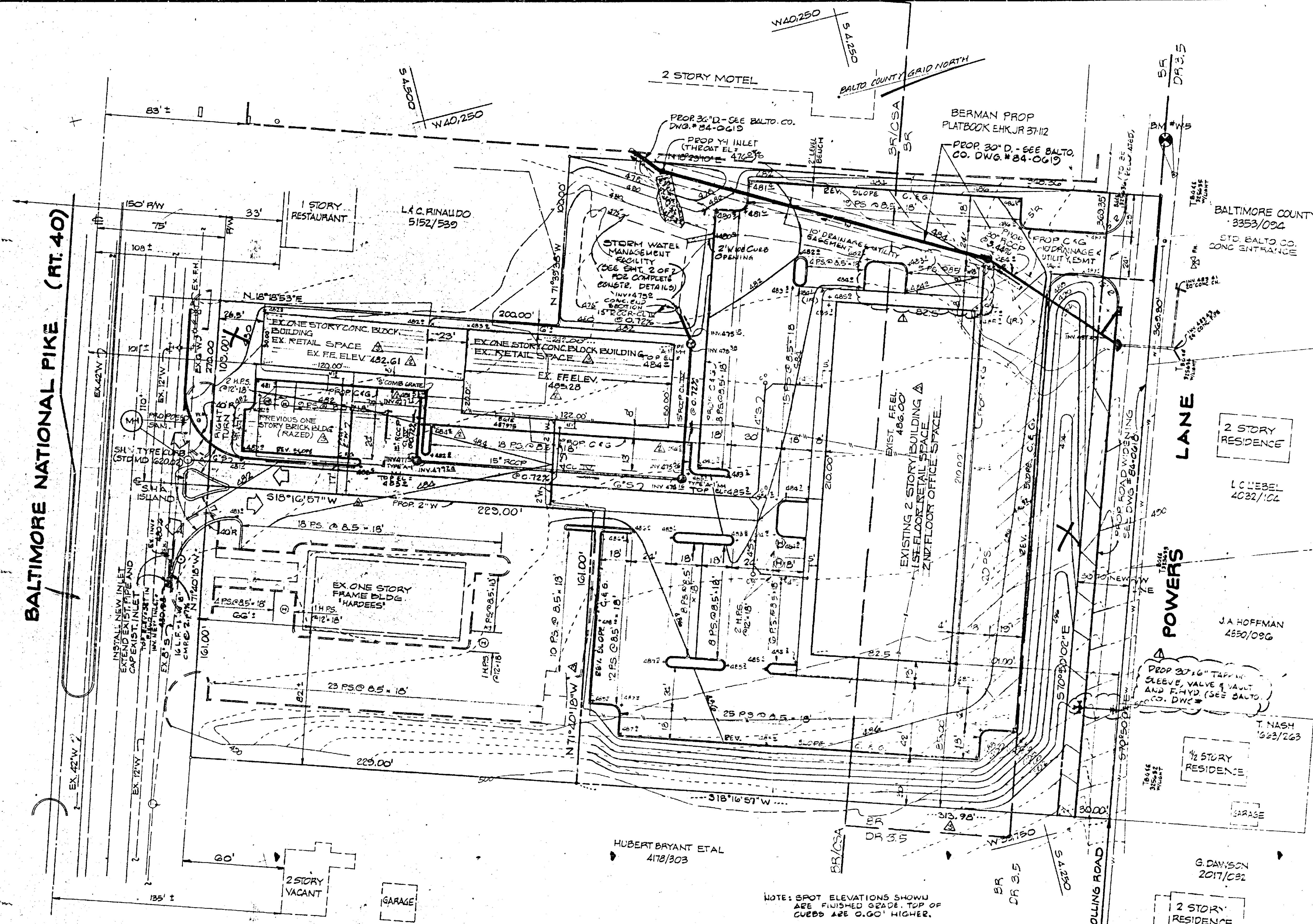
RETAIL SPACE 26,400 S.F.
@ 1/200 = 132 SPACES REQUIRED
MEDICAL OFFICE 10,500 S.F.
@ 1/300 = 35 SPACES REQUIRED
@ 104 SPACES PROVIDED
PROPOSED PARKING TOTAL SITE 109 SPACES
INCLUDING 22 HANDICAPPED SPACES
OWNERSHIP DATA
ARCHWAY MOTORS INC.
OTG 3135/673 01-02-001200
W.J.R. 3768/667 01-02-001201
HARDES RESTAURANT INC.
NOT RECORDED

PETITIONER'S EXHIBIT 1

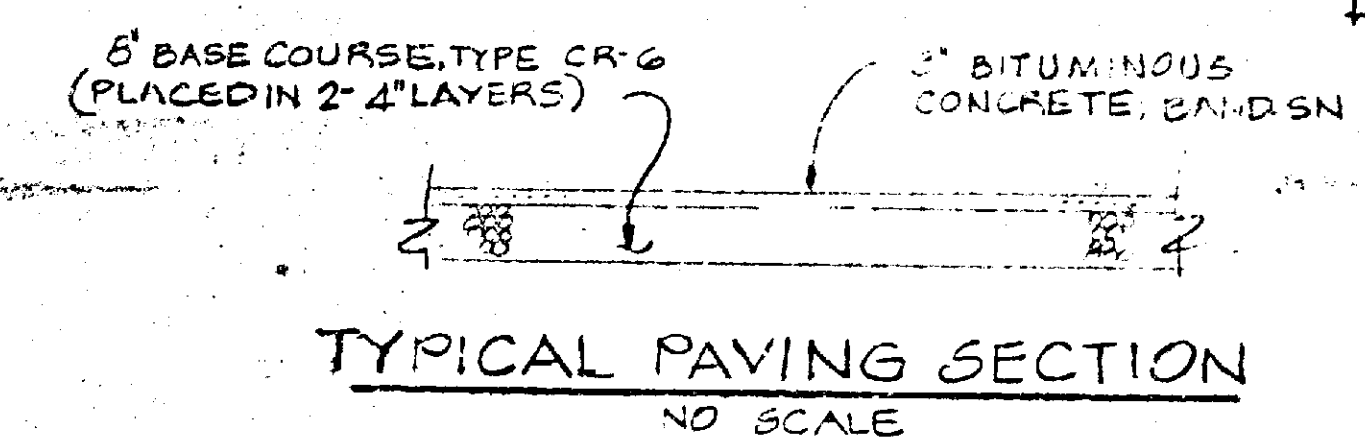
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING FOR ZONING VARIANCE WESTPARK
1st ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' SEP 20, 1984 SHEET 1 OF 1 OFFICE NO. #217

11-85: Revised Floor Elev. & Paving Elev. as shown.
11-85: Revised Outline & Front Setback to Adjacent Buildings
11-85: Revised Outline Bearings & Distances And Revised Building uses & Dimensions
11-85: Revised Handicapped Restaurant From Gross & Net Tabulations & Parking Requirements From Notes.

PN.045



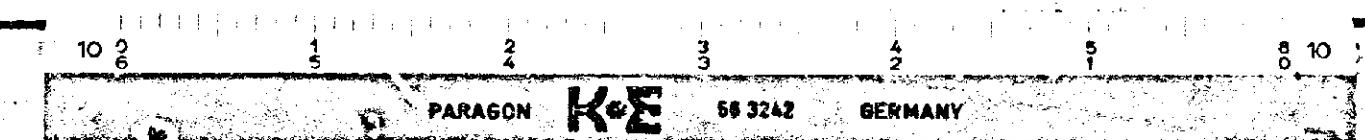
NOTE:
ALL GRADES, ELEVATIONS, EARTH QUANTITIES ETC ARE TO BE VERIFIED BY THE CONTRACTOR. ANY EARTH QUANTITIES SHOWN OR IMPLIED ARE MEASURED TO FINISHED GRADE AND ARE APPROXIMATE. NO ALLOWANCE HAS BEEN MADE FOR UNSUITABLE MATERIAL ENCOUNTERED DURING CONSTRUCTION. SUITABILITY OF SOIL FOR USE IN FILL AREAS OR STABILITY OF CUT AREAS, COMPACTION ETC. SHOULD BE DETERMINED BY A SOILS ENGINEER. TYPICAL PAVING SECTION SHOWN SHOULD BE VERIFIED BY A SOILS ENGINEER.



AVERAGE SETBACK = 49.5'

ENGINEERS
D.S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208
301-484-4100

OWNER
ARCHWAY MOTORS INC.
3722 REISTERSTOWN RD.
BALTIMORE, MD 21215
(301) 703-3600



NOTES

- 1) THE PROPERTY LINES SHOWN HEREON ARE AN ACCURATE ESTABLISHMENT OF THE PROPERTY LINES AS SHOWN ON THE PLAT OF "WESTPARK" RECORDED AMONG THE PLAT RECORDS OF BALTO. CO. IN LIBER EHK, JR. NO. 51 FOLIO 114.
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"AS BUILT" SURVEY OF LOTS 1 AND 2 "WESTPARK" EHK JR. 51-114

1ST. ELECT. DIST.

BALTO. CO., MD.

SCALE: 1"=30'

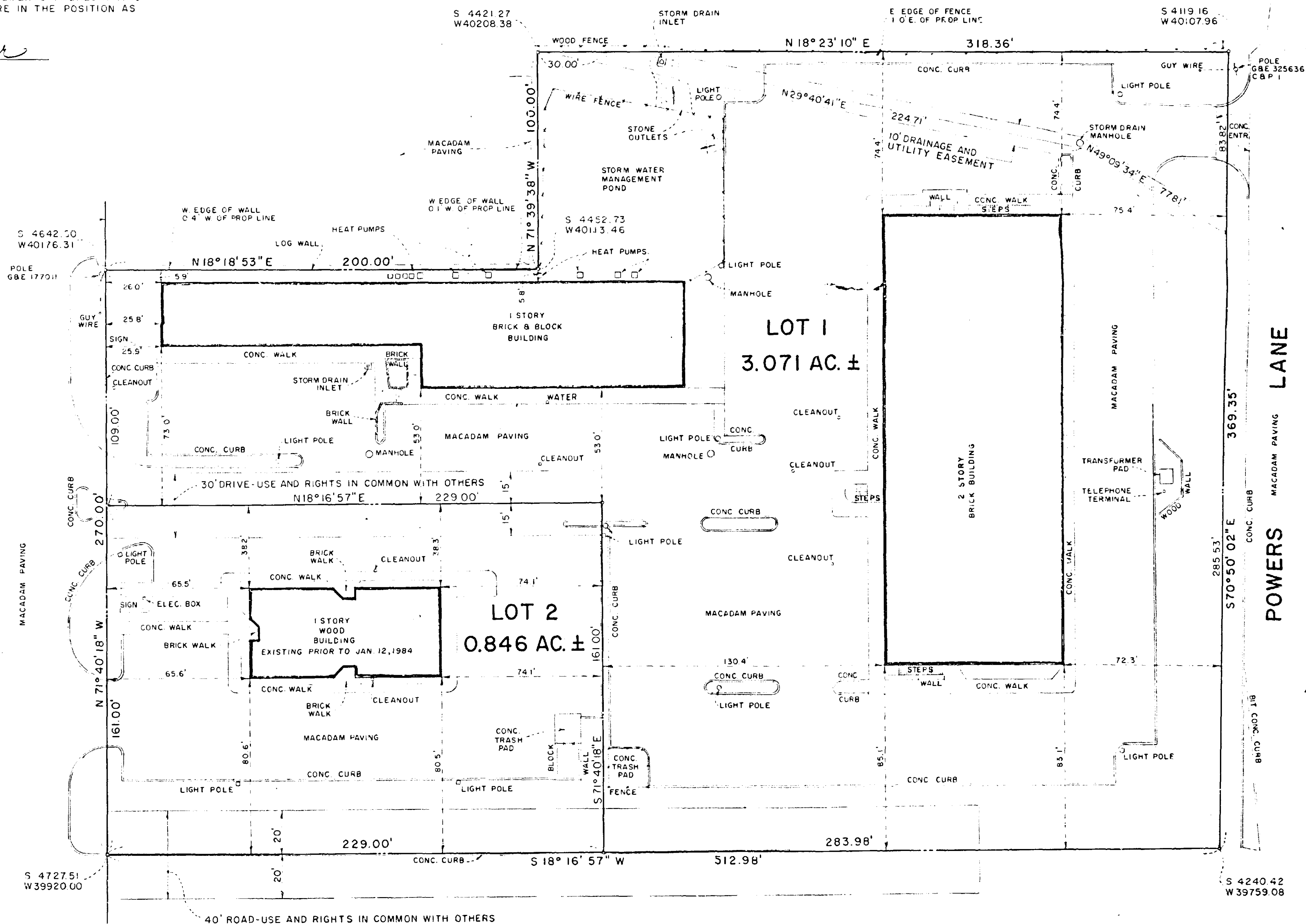
JAN. 2, 1986

SURVEYOR'S CERTIFICATION

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Leo W. Rader
REG. PROF. LAND SURVEYOR NO. 1825

BALTIMORE NATIONAL PIKE - ROUTE 40



PETITIONER'S
EXHIBIT 1

LEO W. RADER
REG. LAND SURVEYOR
38 BELFAST ROAD
TIMONUM, MD. 21220-2920



January 2 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

Petitioned 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 4 day of January 19 86 that is to say,
the same was inserted in the issues of

January 2, 1986

PATUXENT PUBLISHING CORP.

By *[Signature]*

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

December 20, 1985

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Re: PETITION FOR VARIANCE
S/S Powers Lane, 1100' W of Rolling Rd.,
(6406 Baltimore National Pike)
1st Election District
Archway Motors, Inc., - Petitioner
Case No. 86-282-A

TIME: 10:30 a.m.

DATE: Wednesday, January 22, 1986

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

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

No. 012387

DATE 1/22/86 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Cook, Howard, Downes & Tracy

FOR Variance # 217

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

December 10, 1985

JAMES D. C. DOWNES
(1906-1978)
TELEPHONE
(301) 823-4411
TELETYPE
(301) 821-0147

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINA, III
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CYNTHIA M. HANN
KATHLEEN M. GALLAGHY
KEVIN R. SMITH
H. BARRITT PETERSON, JR.

HAND DELIVERED

James E. Dyer
Zoning Supervisor
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance - Tripec Associates
6406 Baltimore National Pike - Item No. 217

Dear Mr. Dyer:

This letter is to formally request that an early
hearing date be scheduled in connection with the above-
referenced Petition for Variance.

Thank you for your kind attention to this matter.

Very truly yours,

[Signature]
Deborah C. Dopkin

CCD:lm
cc: Martin Pechter
John B. Howard, Esquire



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 22, 1986

William T. Glasgow, Esquire
Suite 250, 10715 Charter Drive
Columbia, Maryland 21044

Re: Case No. 86-282-A
Archway Motors, Inc.,
Petitioner

Dear Mr. Glasgow:

I am in receipt of your letter dated April 16, 1986.

As you know, the property which was the subject of the case to which you
refer was advertised and posted for at least 15 days, thereby providing notice
to the public, including your client, as to the relief requested.

I would be willing to meet with you, but not without John B. Howard, the
attorney for the Petitioner. I do not meet ex parte with counsel in cases of
record. If you would contact Mr. Howard and obtain some convenient dates from
him, I am sure that my schedule can be arranged to satisfy you.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

WILLIAM T. GLASGOW
ATTORNEY AT LAW

(301) 997-2298

SUITE 250
10715 CHARTER DRIVE
COLUMBIA, MARYLAND 21044

April 16, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Re: PETITION ZONING VARIANCE
S/S of Powers Lane, 1100' W of
Rolling Road (6406 Baltimore
National Pike) -
1st Election District
Archway Motors, Inc.
Case No. 86-282-A

Dear Mr. Jablon:

I just recently received a copy of the Findings of Fact
and Conclusions of Law in the above referenced case.

I represent Appleschmidt's, a business next to the
Petitioner. We were of the opinion that the Hearing and Order
of December 13, 1984 was dispositive of the matter. We waited
patiently for the front of the building to be removed.

I would appreciate the opportunity to meet with you along
with my client to discuss the matter further.

Very truly yours,

[Signature]
William T. Glasgow

WTG/mt

cc: Charles Rineudo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: January 17, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-282-A and 86-284-A

There are no comprehensive planning factors requiring comment
on these petitions.

NEG:JCH:slm

[Signature]
Norman E. Gerber, AICP
Director

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
December 18, 1985

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

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

RE: Item No. 217 - Case No. 86-282-A
Petitioner - Archway Motors, Inc.
Variance Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans sub-
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
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 infor-
mative 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,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: D. S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

December 16, 1985

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

RE: Baltimore County
Item 217
Property Owner:
Archway Motors, Inc.
Location: Centerline
Powers Lane, 1100'
W. Rolling Road and
N/S Route 40-W
Existing Zoning: B.R.
CSA, B.R., D.R. 3.5
Proposed Zoning: Var.
to allow front yard
setback of 26.5' in
lieu of the now permitted
34.5', pursuant to the
Order of the Deputy Zoning
Comm. (12/13/84) in
Case No. 85-147, and
in lieu of the required
49.5'
Acres: 3.395
District 1st.

Att: James Dyer

Dear Mr. Dyer:

On review of the revised submittal of 11/13/85, and
field inspection, the State Highway Administration finds
the site plan generally acceptable.

Very truly yours,

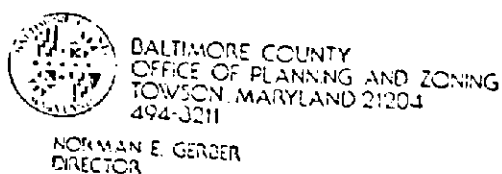
[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
By: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-428-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St. Baltimore, Maryland 21203-2717



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

JANUARY 19 1986

Re: Zoning Advisory Meeting of DECEMBER 10, 1985
Item # 217 ARCHWAY MOTORS, INC.
Location: E OF POWERS LANE, 1100' W.
OF ROLLING ROAD

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.
- () A County Review Group Meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () 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 _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual, Bill 179-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "B" level intersection as defined by Bill 179-79, and its conditions change are re-evaluated annually by the County Council. The basic services areas are _____.
- () Additional comments: _____

cc: James Howell

Eugene A. Baber
Chief, Current Planning and Development



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

PAUL H. REINCKE
CHIEF

December 18, 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: Archway Motors, Inc.

Location: Centerline Powers Lane, 1100' W Rolling Road

Item No.: 217

Zoning Agenda: Meeting of December 10, 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 "Life Safety Code", 1976 edition prior to occupancy.
- () Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 12/19/85
Planning Group
Special Inspection Division

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

/mb



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

December 27, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 217 Zoning Advisory Committee Meeting are as follows:

Property Owner: Archway Motors, Inc.
Location: Centerline Powers Lane, 1100' W Rolling Road
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #11-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1985) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction. It is assumed a razing permit was obtained for the building as noted.
- () 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.
- () 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.
- () All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-1 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 1407, Section 1408.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () 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.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () 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 Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 16.0 of the Building Code as adopted by Bill #11-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- () Comments: A total of 169 parking spaces would require 6 handicapped spaces under the Maryland State Handicapped Code 1985, or four spaces if controlled by transportation rules and regulations Section 21-1006.
- () These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 217 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *[Signature]*
Building Plans Section

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 2, 1986

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 January 2, 1986

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

24.75

Case No 86-282

PETITION FOR VARIANCE
1st Election District
LOCATION: Southside of Powers Lane, 1100' West of Rolling Road, (6406 Baltimore National Pike)
DATE AND TIME: Wednesday, January 2, 1986 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 303.2 to allow front yard setback of 26.5 feet in lieu of the now permitted 34.5 feet, pursuant to the order of the Deputy Zoning Commissioner dated December 13, 1984 in Case No. 85-147, and in lieu of the required 49.5 feet.
Being the property of Archway Motors, Inc., 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
Jan. 2,

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted to: *[Signature]*
Petitioner: Archway Motors, Inc.
Location of property: S.E. of Powers Lane, 1100' W of Rolling Road (6406 Baltimore National Pike)
Location of Signs: Signs are part of 6406 Baltimore National Pike and signs are on both sides of Powers Lane approx 12' x 12'
Remarks: West of Rolling Road
Posted by: *[Signature]*
Number of Signs: 2
Date of Posting: January 2 - 4, 1986
Date of return: January 3 - 5, 1986

Case No. 86-282-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

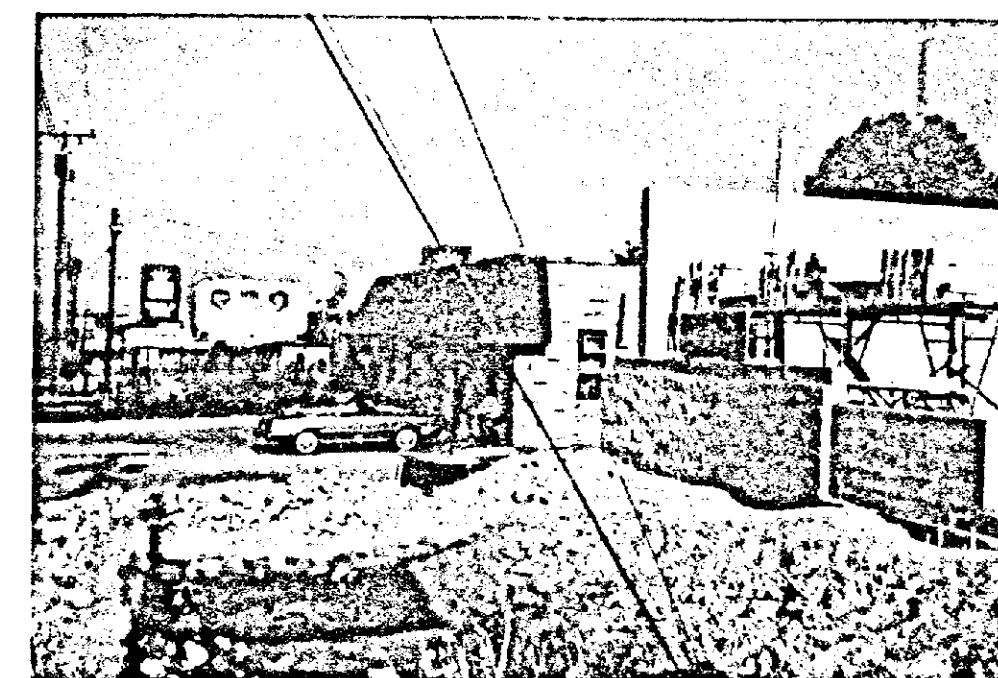
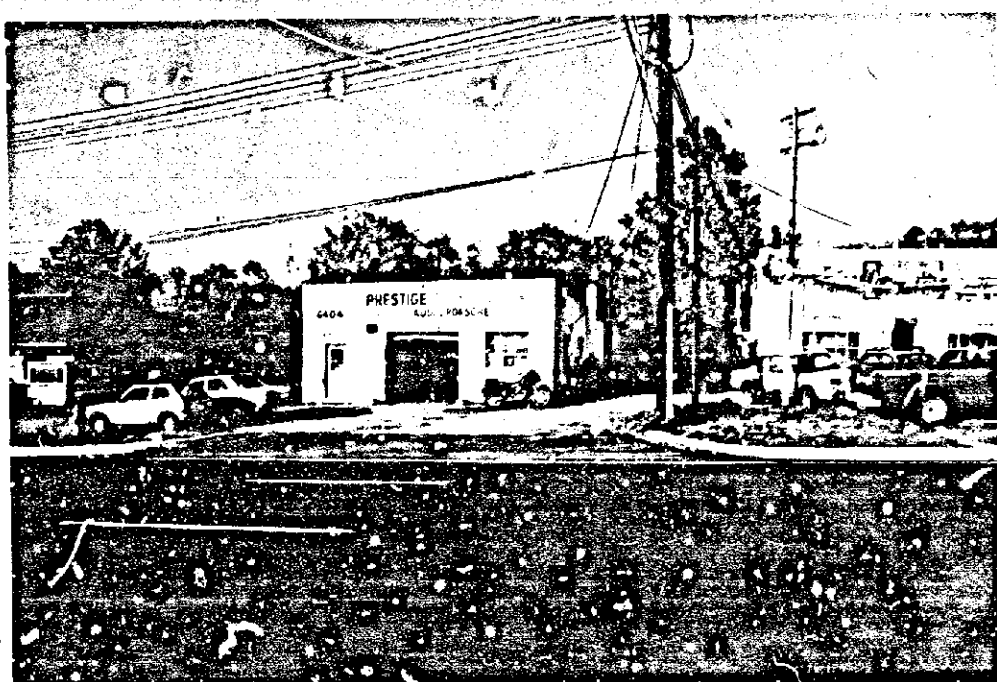
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

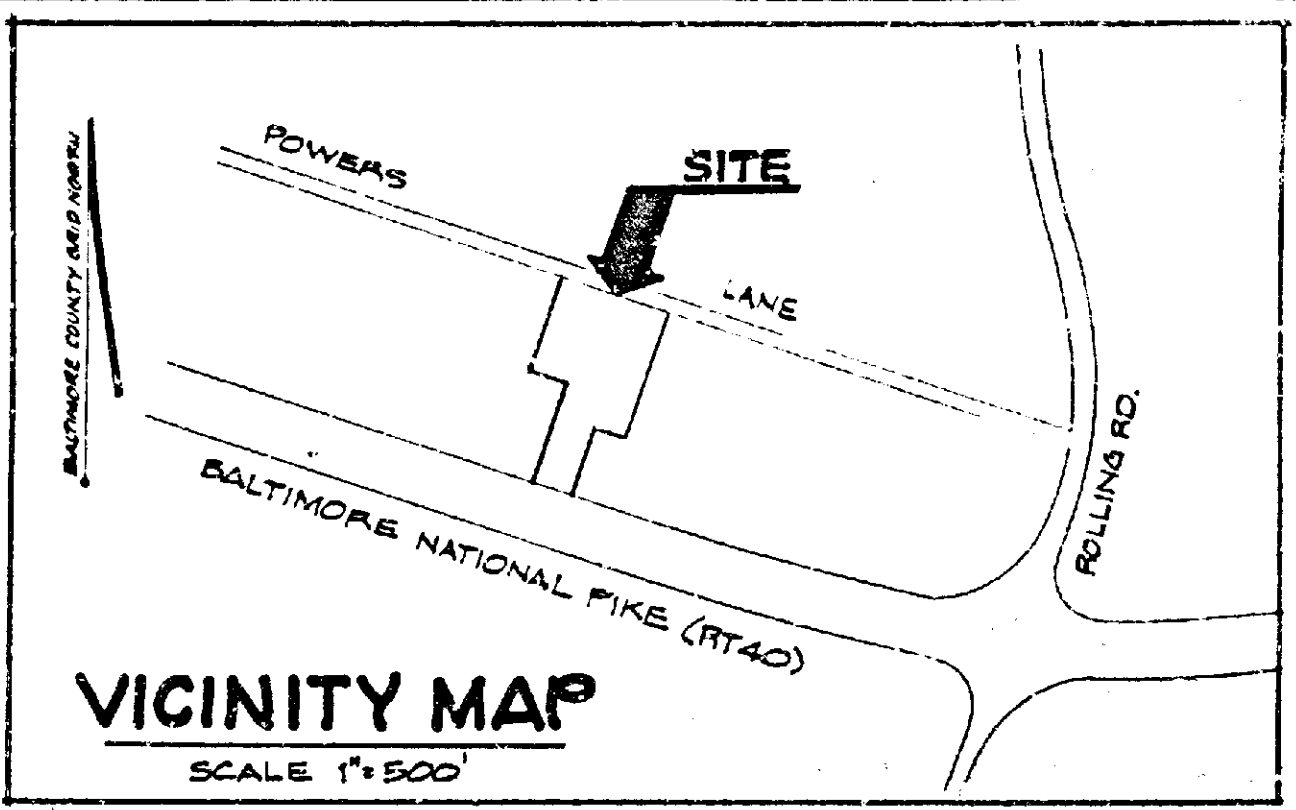
Your petition has been received and accepted for filing this 12th day of December, 1985.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: Archway Motors, Inc.
Petitioner's Attorney: John B. Howard, Esquire

Received by: *[Signature]*
Chairman, Zoning Plans Advisory Committee





EXISTING ZONING BR-65A WITH 60' STRIP
OF DR 3.5 AND 25' STRIP OF BR
GROSS SITE AREA 23,975 AC
NET SITE AREA 22,099 AC
COUNCILMANIC DISTRICT 1
CENSUS TRACT 4015 04
WATERSHED 30
SUBSEWER SHED 78
PARKING DATA

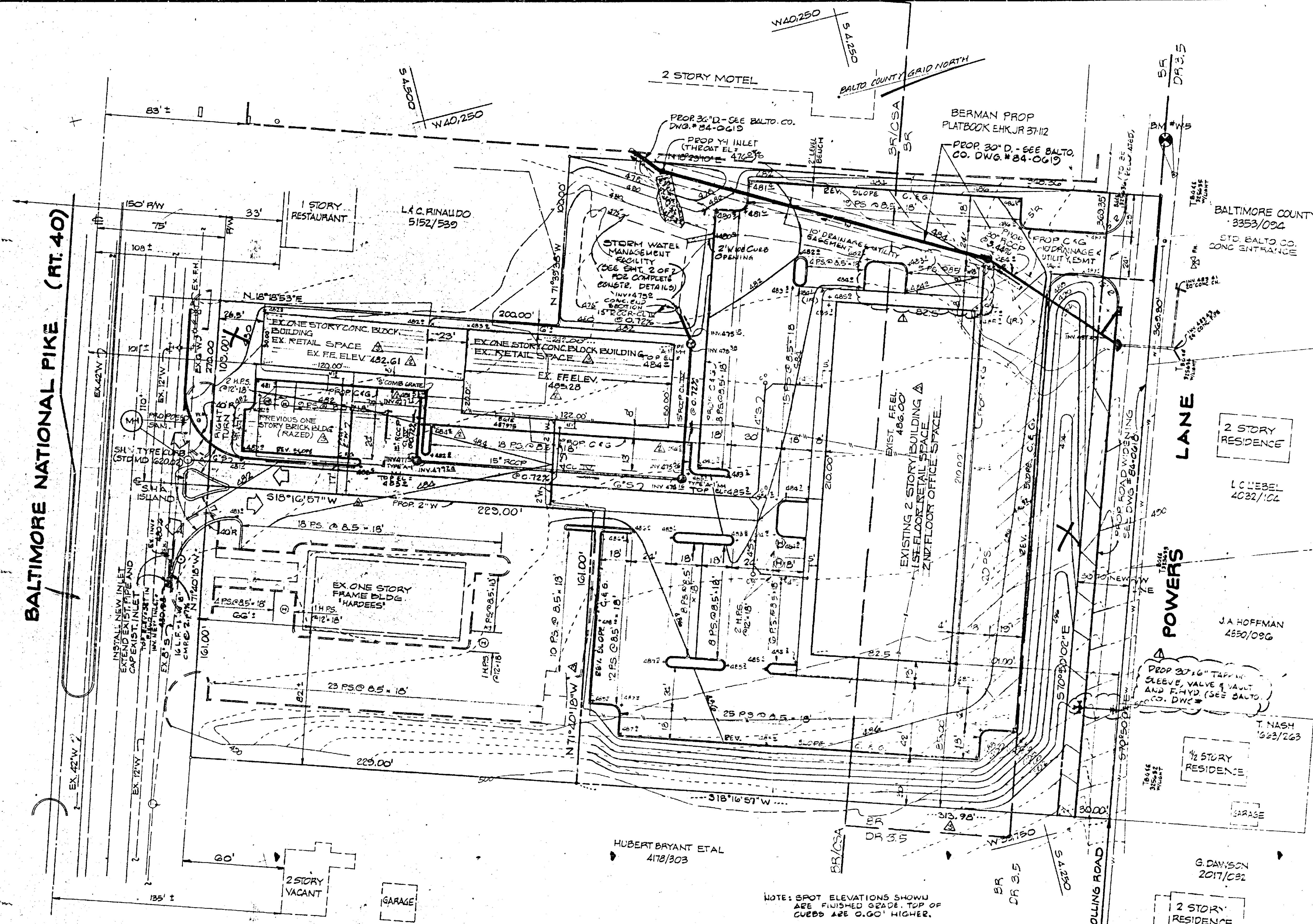
RETAIL SPACE 26,400 S.F.
@ 1/200 = 132 SPACES REQUIRED
MEDICAL OFFICE 10,500 S.F.
@ 1/300 = 35 SPACES REQUIRED
@ 104 SPACES PROVIDED
PROPOSED PARKING TOTAL SITE 109 SPACES
INCLUDING 22 HANDICAPPED SPACES
OWNERSHIP DATA
ARCHWAY MOTORS INC.
OTG 3135/673 01-02-001200
W.J.R. 3768/667 01-02-001201
HARDES RESTAURANT INC.
NOT RECORDED

PETITIONER'S EXHIBIT 1

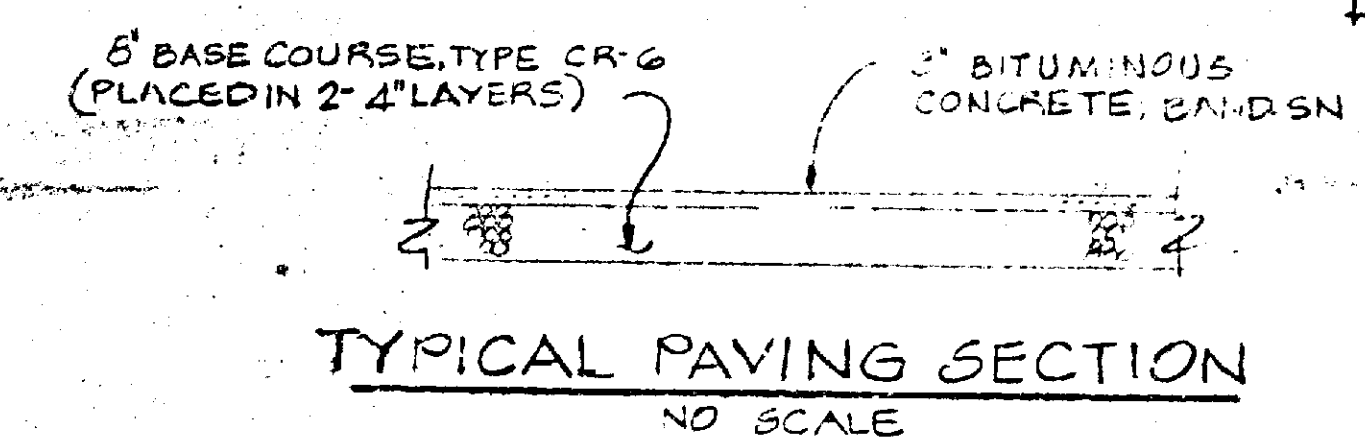
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING FOR ZONING VARIANCE WESTPARK
1st ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' SEP 20, 1984 SHEET 1 OF 1 OFFICE NO. #217

11-85: Revised Floor Elev. & Paving Elev. as shown.
11-85: Revised Outline & Front Setback to Adjacent Buildings
11-85: Revised Outline Bearings & Distances And Revised Building uses & Dimensions
11-85: Revised Handicapped Restaurant From Gross & Net Tabulations & Parking Requirements From Notes.

X-2
PN.045



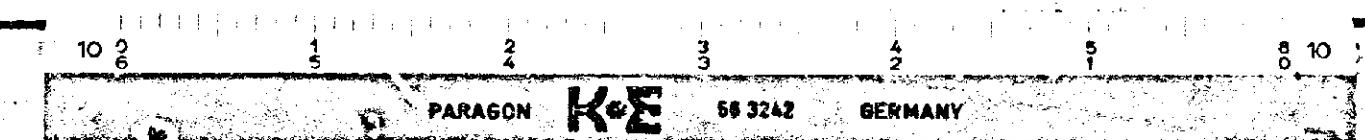
NOTE:
ALL GRADES, ELEVATIONS, EARTH QUANTITIES ETC ARE TO BE VERIFIED BY THE CONTRACTOR. ANY EARTH QUANTITIES SHOWN OR IMPLIED ARE MEASURED TO FINISHED GRADE AND ARE APPROXIMATE. NO ALLOWANCE HAS BEEN MADE FOR UNSUITABLE MATERIAL ENCOUNTERED DURING CONSTRUCTION. SUITABILITY OF SOIL FOR USE IN FILL AREAS OR STABILITY OF CUT AREAS, COMPACTION ETC. SHOULD BE DETERMINED BY A SOILS ENGINEER. TYPICAL PAVING SECTION SHOWN SHOULD BE VERIFIED BY A SOILS ENGINEER.



AVERAGE SETBACK = 49.5'

ENGINEERS
D.S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208
301-484-4100

OWNER
ARCHWAY MOTORS INC.
3722 REISTERSTOWN RD.
BALTIMORE, MD 21215
(301) 703-3600



NOTES

- 1) THE PROPERTY LINES SHOWN HEREON ARE AN ACCURATE ESTABLISHMENT OF THE PROPERTY LINES AS SHOWN ON THE PLAT OF "WESTPARK" RECORDED AMONG THE PLAT RECORDS OF BALTO. CO. IN LIBER EHK, JR. NO. 51 FOLIO 114.
- 2) THE PROPERTY LINES SHOWN HEREON ARE REFERRED TO THE BALTO. CO. MET. DIST. GRID SYSTEM, USING HUB NO. 15549 FOR POSITION (S 4080.13 - W 40108.78) AND HUB NO. 15549 TO HUB NO. 15548 FOR AZIMUTH (BEARING-N71°02'42"W).

"AS BUILT" SURVEY OF LOTS 1 AND 2 "WESTPARK" EHK JR. 51-114

1ST. ELECT. DIST.

BALTO. CO., MD.

SCALE: 1"=30'

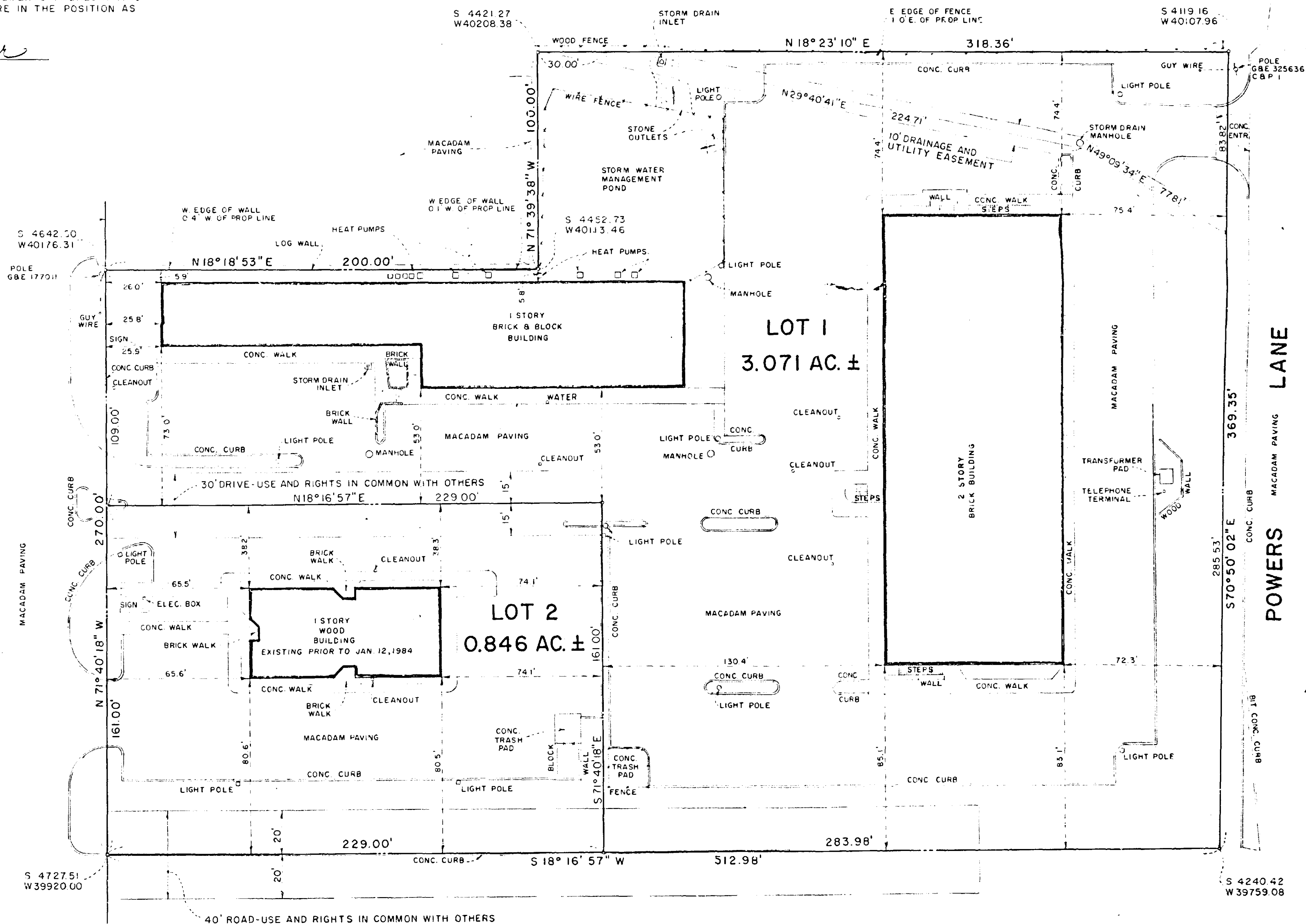
JAN. 2, 1986

SURVEYOR'S CERTIFICATION

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS A TRUE AND ACCURATE SURVEY OF THE LOTS OF LAND IDENTIFIED HEREON, MADE FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON. THIS IS TO CERTIFY THAT THE IMPROVEMENTS ARE IN THE POSITION AS SHOWN HEREON.

Leo W. Rader
REG. PROF. LAND SURVEYOR NO. 1825

BALTIMORE NATIONAL PIKE - ROUTE 40



PETITIONER'S
EXHIBIT 1

LEO W. RADER
REG. LAND SURVEYOR
38 BELFAST ROAD
TIMONUM, MD. 21220-2920