

MAP 12-1-4
3D
D.D. 8
OWNER 2-2-8
200
1000
DP

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in an O-1 zone in accordance with Section 409.4.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Philip Z. Altfeld
(Type or Print Name)
Signature
7707 Grasty Road
Address
Baltimore, Maryland 21208
City and State
Attorney's Telephone No.: 486-2267
Legal Owner(s):
David E. Altfeld, General Partner
(Type or Print Name)
Signature
(Type or Print Name)
Signature
York and Parks Associates Limited Partnership
7707 Grasty Road
Address
Baltimore, Maryland 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1986, 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 3rd day of March, 1986, at 10:30 o'clock A.M.

(over)
Zoning Commissioner of Baltimore County.

IN RE: PETITION SPECIAL HEARING
NE/corner of York Road and
Parks Avenue - 8th Election
District
York and Parks Associates
Limited Partnership
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-329-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a use permit for parking in an O-1 Zone on land adjoining or across an alley from a commercial use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by David E. Altfeld, General Partner, appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner were George E. Gavrelis, an expert planner; Hugh Gelston, a real estate appraiser; and Ron Shaftel, who is associated with the Petitioner. There were no Protestants.

Testimony indicated that the subject property, located on Parks Avenue adjacent to the commercial site at the corner of York Road and Parks Avenue, contains 11,136 square feet and is zoned O-1. The lot is presently improved with a one-story dwelling which will either be removed or razed. The Petitioner proposes to utilize this lot to satisfy the parking requirements for the retail building it proposes to construct on the adjacent B.L.-zoned site. There is an alley separating the lots over which the zoning line is superimposed and which will be used for access to the two lots. The surrounding properties are commercial, and the adjoining property owner does not object to the requested use permit. See Petitioner's Exhibit 4. Mr. Gavrelis testified that in his opinion, the conditions precedent in Section 502.1, Baltimore County Zoning Regulations (BCZR), will be satisfied and that there would be no

adverse impact to the community, which was echoed by Mr. Gelston, who further testified that property values would not suffer as a result of the proposed uses.

The Petitioner seeks relief from Section 402.4, BCZR, pursuant to Section 502.1.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See *Hofmeister v. Frank Realty Co.*, 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

Although Section 409.4 refers to the utilization of land in a residential zone for parking to serve commercial uses, it is obvious that the Baltimore County Council intended the same criteria as required by Section 409.4 to be satisfied and considered when parking is requested as a principal use in an R-O, O-1, or O-2 Zone. In particular, Section 204.3.B, BCZR, permits uses allowable by special exception and as limited in D.R.5.5 Zones. Inasmuch as Section 409.4 permits parking as a principal use in effect by special exception in a D.R.5.5 Zone, such must be required in the O-1 Zone as well.

It is therefore clear that the BCZR permits the use requested by the Petitioner in an O-1 Zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of producing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the requested relief should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of March, 1986, that the requested use permit for parking in an O-1 Zone is approved and, as such, the Petition for Special Hearing is GRANTED from and after the date of this Order.

Zoning Commissioner of Baltimore County

cc: Stephen J. Nolan, Esquire
People's Counsel

DATE
BY

DATE
BY

DATE
BY

Description
Parcel of Land Zoned O-1
North of Parks Avenue,
East of York Road
Eighth Election District,
Baltimore County, Maryland

Beginning for the same at a point situate at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Monroe Street with the centerline of Parks Avenue, (1) binding on said centerline of Parks Avenue North 83 degrees 36 minutes 52 seconds West 88.00 feet, and thence, (2) North 18 degrees 13 minutes 52 seconds West 24.75 feet to the point of beginning, thence leaving said point of beginning and running and binding on the north side of Parks Avenue (45 feet wide), the two following courses and distances viz; (1) North 83 degrees 36 minutes 52 seconds West 182.81 feet, and thence (2) Northwest, by a line curving to the right with a radius of 30.41 feet for a distance of 32.29 feet (the arc of said curve being subtended by a chord bearing North 53 degrees 11 minutes 34 seconds West 30.80 feet), thence running and binding on the East Side of York Road (Maryland Route No. 45, of variable width), (3) Northwest by a line curving to the right with a radius of 1272.67 feet for a distance of 66.68 feet (the arc of said curve being subtended by a chord bearing North 21 degrees 16 minutes 12 seconds West 66.68 feet), thence leaving said East Side of York Road and running (4)

North 71 degrees 46 minutes 08 seconds East 247.38 feet to the west side of Monroe Street (40 feet wide), thence running and binding on said west side of Monroe Street (5) South 18 degrees 13 minutes 52 seconds East 40.00 feet, thence leaving said west side of Monroe Street and running the two following courses and distances viz; (6) South 71 degrees 46 minutes 08 seconds West 60.00 feet; and thence (7) South 18 degrees 13 minutes 52 seconds East 127.97 feet to the point of beginning.

Containing 0.6 Acres of land more or less.
Saving and excepting from the above described parcel all of the land, within its bounds, zoned B.L. CCC as shown on the Comprehensive Zoning Map for Baltimore County.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTEND TO BE USED FOR CONVEYANCE.

Our Job Number: 85078 (OD:185078)
December 20, 1985

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

PETITION FOR SPECIAL HEARING
8th Election District

LOCATION: Northeast corner of York Road and Parks Avenue

DATE AND TIME: Monday, March 3, 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 Special Hearing for a use permit for parking in an O-1 zone

Being the property of York and Parks Associates Limited Partnership as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued with 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
NE/Corner York Rd. & Parks : OF BALTIMORE COUNTY
Ave., 8th District :
YORK AND PARKS ASSOCIATES : Case No. 86-329-SPH
LIMITED PARTNERSHIP, :
Petitioner :

ENTRY OF APPEARANCE

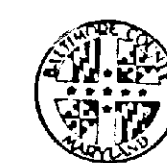
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Philip Z. Altfield, Esquire, 7707 Grasty Rd., Baltimore, MD 21208, Attorney for Petitioner.

Peter Max Zimmerman
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

February 19, 1986

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

Re: Petition for Special Hearing
NE/Cor. York Rd. and Parks Ave.
8th Election District
York and Parks Associates Limited Partnership -
Petitioner
Case No. 86-329-SPH

Dear Mr. Altfield:

This is to advise you that \$51.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 018511

DATE: 2/19/86 ACCOUNT: 01-815-000
RECEIVED FROM: York and Parks Associates Limited Partnership
FOR: 51.00 *****1234 5678
VALIDATION OR SIGNATURE OF CASHIER

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NE/Cor. York Rd. and Parks Ave.
8th Election District
York and Parks Associates Limited Partnership -
Petitioner
Case No. 86-329-SPH

TIME: 10:30 a.m.

DATE: Monday, March 3, 1986

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

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 016166

DATE: 2/23/86 ACCOUNT: 01-815-000
RECEIVED FROM: York and Parks Associates
FOR: 100.00
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 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 February 13, 1986.

THE JEFFERSONIAN,

B. Venetian
Publisher

Cost of Advertising
22.00

PETITION FOR SPECIAL HEARING
8th Election District
LOCATION: Northeast corner of York Road and Parks Avenue
DATE AND TIME: Monday, March 3, 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 for a use permit for parking in an O-1 zone. Being the property of York and Parks Associates Limited Partnership, as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) 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
Feb. 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 12, 1986.

TOWSON TIMES,

B. Venetian
Publisher

34.00

86-329-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-329-SPH

District: 8th Date of Posting: 2/13/86
Posted for: Special Hearing
Petitioner: York and Parks Associates Limited Partnership
Location of property: NE/Cor. York & Parks Ave.
Location of Sign: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
Remarks: *See plat*
Posted by: *Arnold Jablon* Date of return: 2/14/86
Number of Signs: 1

THE ALTFELD COMPANY
Builders & Developers

David E. Altfeld

February 12, 1986

Dr. Joseph H. Seipp, Jr.
6 Parks Avenue
Cockesville, MD
21030.

Dear Dr. Seipp,

As you know, I own the property at 4 Parks Avenue which is surrounded on both sides by two properties that you own (Please refer to the enclosed plat indicating in red your properties and ours being in blue).

On March 3, 1986 at 10:30 a.m. we are requesting the Baltimore County Zoning Commissioner to grant us permission to park cars in the O-1 zone for a business/commercial use. If you are at all opposed to this zoning variance we invite you to attend this public hearing and speak freely about your concerns. If, on the other hand, you are not opposed to our requested variance, then I ask that you sign this letter representing your agreement as to my proposal. Please be advised that if you are in accord with what I propose, I would intend to give the Baltimore County Zoning Commissioner a copy of this letter.

Thank you for your consideration in this matter. I am,

Cordially,

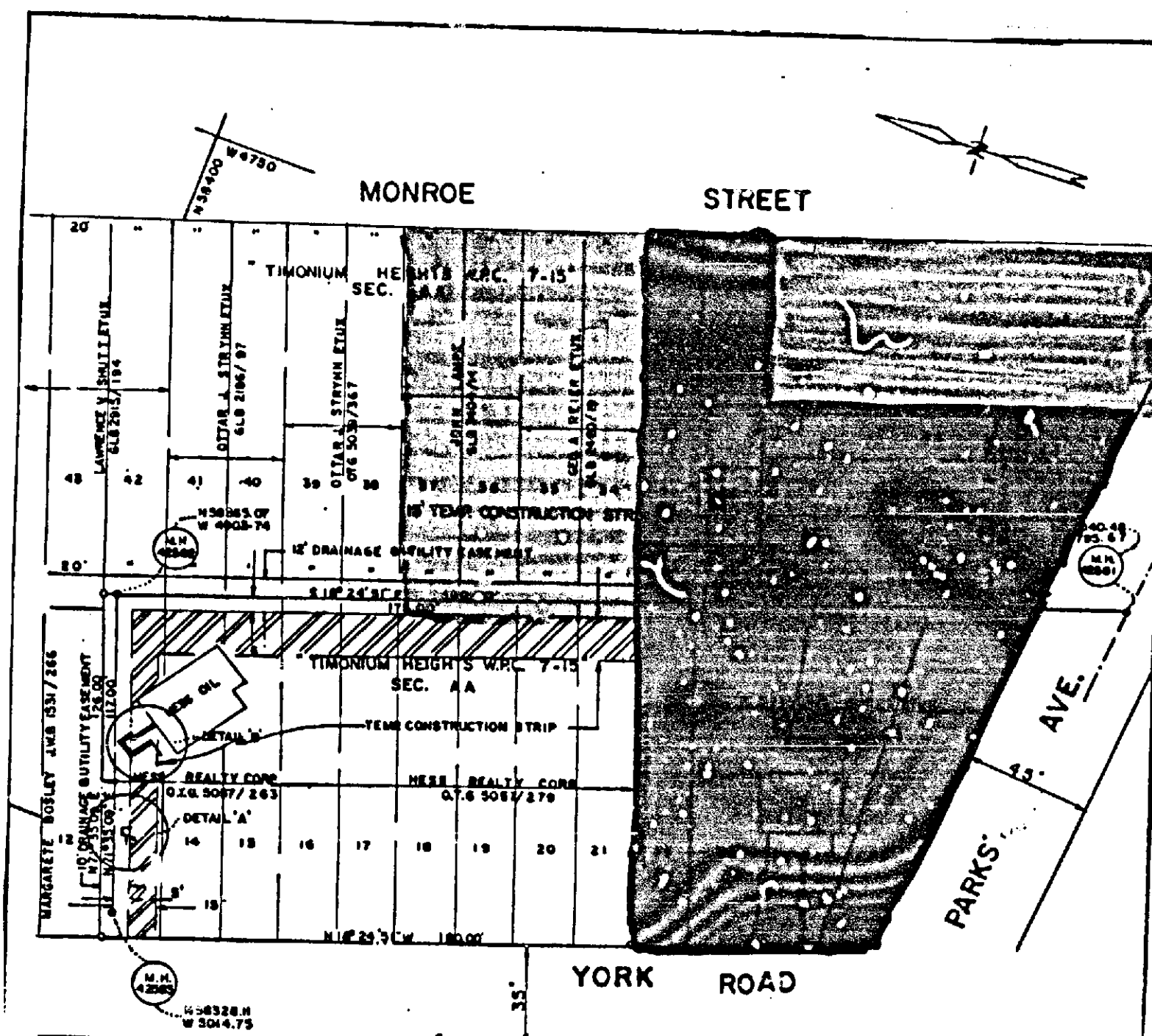
THE ALTFELD COMPANY

David E. Altfeld
David E. Altfeld

ACCEPTED:

DATE:

7707 Grasty Road
Baltimore, MD 21208
301-486-2267



TRANSMITTAL

DAFT-MCUNE-WALKER, INC.
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (301) 296-3333

To: *Arnold Jablon*
Zoning Commissioner
County Office Building

Date: *2/26/86*

Job no.: *85078*

Attention: *York & Parks*

Reference: *Case No. 86-329-SPH*

Carry

Gentlemen:

We are sending you

☐ Shop drawings

☐ Specifications

☒ attached

☐ Samples

☐ Plans

☐ under separate cover

☐ via

☐ return

Copies

Date

Number

Description

1

2/25/86

1

Letter to C. Richard Moore

These are transmitted as checked below:

☐ For approval

☒ For your use

☐ As requested

☐ For review and comment

☐ Approved as submitted

☐ Approved as noted

☐ Returned for corrections

☐ Resubmit

☐ Submit

☐ Return

☐ copies for approval

☐ copies for distribution

☐ corrected prints

Remarks

Please include this letter in the file of Case No. 86-329-SPH. Dick Moore suggested that you be copied.

cc:

Signed *George E. Gavrellis*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: February 8, 1986

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

SUBJECT: Zoning Petitions No. 86-285-A, 86-291-A, 86-326-A, 86-329-SPH, 86-330-A, 86-331-A, 86-332-A and 86-333-A

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

Norman E. Gerber, AICP
Director

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1986

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

cc:

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Philip Z. Altfeld, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

RE: Item No. 245 - Case No. 86-329-SPH
York and Parks Associates
Limited Partnership - Petitioner
Special Hearing Petition

Dear Mr. Altfeld:

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

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

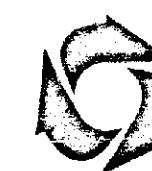
Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Daft-McCune-Walker, Inc.
530 East Joppa Road
Towson, Maryland 21204



Maryland Department of Transportation

State Highway Administration

William K. Holmann
Secretary
Hal Kassoff
Administrator

January 9, 1986

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

Re: Baltimore County
Item # 245
Property Owner: York and
Parks Associates Lim.
Partnership (David
Altfeld, Gen. Part.)
Location: NE corner
York Road (Route 45)
and Parks Avenue
Existing Zoning: B.L.-
CCC and O-1
Proposed Zoning: Spec.
Hearing to approve the
use permit for parking
in an O-1 zone
Acres: 11,136 sq. ft. in
O-1
District: 8th

Dear Mr. Dyer:

On review of the submittal of 12/23/85, "Parks at York", the State Highway Administration finds the site plan generally acceptable with all access to the site by way of Parks Avenue.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350
Telewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5085 Statewide Toll Free
P.O. Box 717/701 North Calvert St., Baltimore, Maryland 21203-0717



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

STEPHEN E. COLLINS
DIRECTOR

February 28, 1986

Mr. George E. Gavrellis
Vice President
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

RE: ZONING CASE 86-3295 SPH/Item 245

Dear Mr. Gavrellis:

This office has reviewed your letter dated February 25th concerning the subject site.

Based on this review and the fact that the alley cannot be legally closed, we approve your revised site plan dated January 28, 1986.

Very truly yours,

C. Richard Moore
C. Richard Moore
Deputy Director
Department of Traffic Engineering

CRM/bza

DAFT-McCUNE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-286-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

February 25, 1986

Mr. C. Richard Moore, Deputy Director
Department of Traffic Engineering
County Courts Building
Towson, MD 21204

Re: Zoning Case 86-329' SPH/Item 245
Special Hearing for Parling, York and Parks

Dear Mr. Moore:

In accordance with your meeting with Ed Haile, we are writing to respond to comments by your Mr. Flanigan relative to the subject petition. Mr. Flanigan wanted only one point of access to the supporting parking area which should be as far as possible from York Road.

We believe that this comment should be modified based on the following:

1. Parks Avenue is a two-way street. Channelization within York Road prevents left turns onto or off of York Road. The only turning movements are right turns from or onto that road.
2. Parks Avenue will be widened to a 30 foot section in connection with this development thereby providing a left turn lane. Field observations indicate no on-street parking occurs along Parks Avenue here.
3. A 12 foot recorded alley exists along the edge of the BL-COO area and title constraints prevent its closing. This development would widen the alley to enable some parking against the commercial building on its west side. The alley does serve loading activities at the rear of the strip center north of the Hess Station at the corner of Gibbons. It can be expected that trucks would use the widened alley either to serve this development or other commercial activity to the north.
4. Parking in the 0-1 portions of the site would occur under the provisions of 409.4 of the Baltimore County Zoning Regulations for business parking in a DR 5.5 Zone. That section prohibits use of the area for other than passenger vehicles. Trucks, busses, service or loading are not allowed. If the alley could be closed, relocating exclusive access, the 0-1 portion of the site as far as is possible from York Road would be contrary to the provisions of the Zoning Regulations.

Mr. C. Richard Moore, Deputy Director
Page 2
February 25, 1986

5. Providing a separate access to the 0-1 area effectively sorts out service traffic which would use the commercial area and passenger vehicles which would park predominantly in the 0-1 portions. It is to be noted that the only access point on the south side of Parks Avenue - serving a drive-in banking facility for Loyola Federal, is opposite the proposed second entrance in the 0-1 area.

For the reasons noted above, we request respectfully that previous comments by your agency on this petition be reconsidered. As always, we are available to answer questions or provide more details.

Thank you for your thoughtful consideration of this request.

Very truly yours,
DAFT-McCUNE-WALKER, INC.
George E. Gargalis
George E. Gargalis
Vice President

GEG:cm

Enclosure: Site Plan

cc: Messrs. David Altfield and Steve Nolan

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4321
MICHAEL E. COLLINS
DIRECTOR

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

FEBRUARY 4, 1986

Re: Zoning Advisory Meeting of JANUARY 7, 1986
Item # 245
Property Owner: YORK & PARKS ASSOC.
Location: LIMITED PARTNERSHIP
NE/C YORK ROAD + PARKS AVE

Dear Mr. Jablon:

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

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract, therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 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 1/16/86.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and its conditions change the capacity of the intersection. The deficient service is:

☒ **OWNER OF CRG PLAN + PLT (W-86-8)**
WAS GRANTED BY THE PLANNING BOARD JAN 16, 1986

cc: James Howell

Europe A. Soter
Chief, Current Planning and Development

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

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 245 -ZAC- Meeting of January 7, 1986
Property Owner: York & Parks Associates Limited Partnership
Location: NE corner York Road and Parks Avenue
Existing Zoning: B.L. - COO and O-1
Proposed Zoning: Special Hearing to approve the use permit for parking in an O-1 zone

Acres: 11,136 sq. ft. in O-1
District: 8th

Dear Mr. Jablon:

This site should have only one pt. of access and that pt. of access should be as far as possible from York Road.

This site is located very near the intersection of York Road and Padonia Road, a failing intersection and building permits may not be obtainable.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

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

PAUL H. RESNICK
CHIEF

January 10, 1986

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: York & Parks Associates Ltd. Partnership

Location: NE corner York Road & Parks Avenue

Item No.: 245 Zoning Agenda: Meeting of 1-10-86

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

- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments on this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group Site-Prevention Bureau
Special Inspection Division

/mb

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

TED ZALESKI, JR.
DIRECTOR

February 11, 1986

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

Dear Mr. Jablon:

Comments on Item # 245 Zoning Advisory Committee Meeting are as follows:

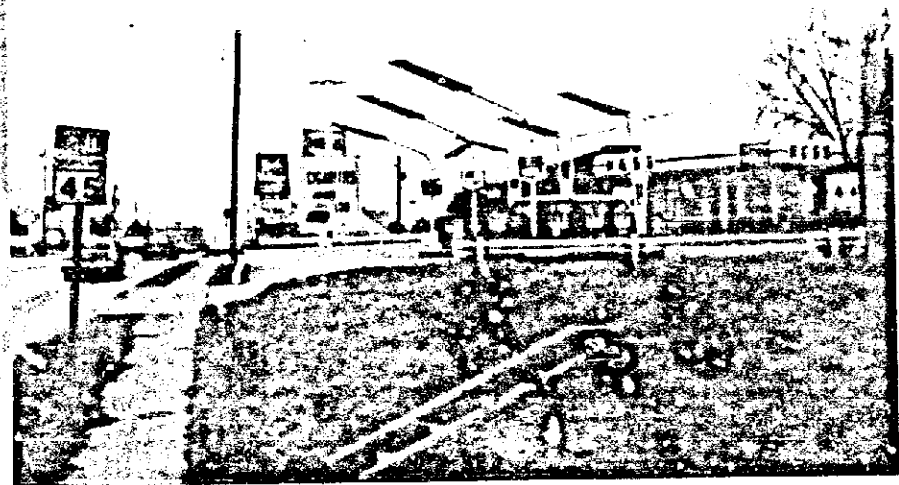
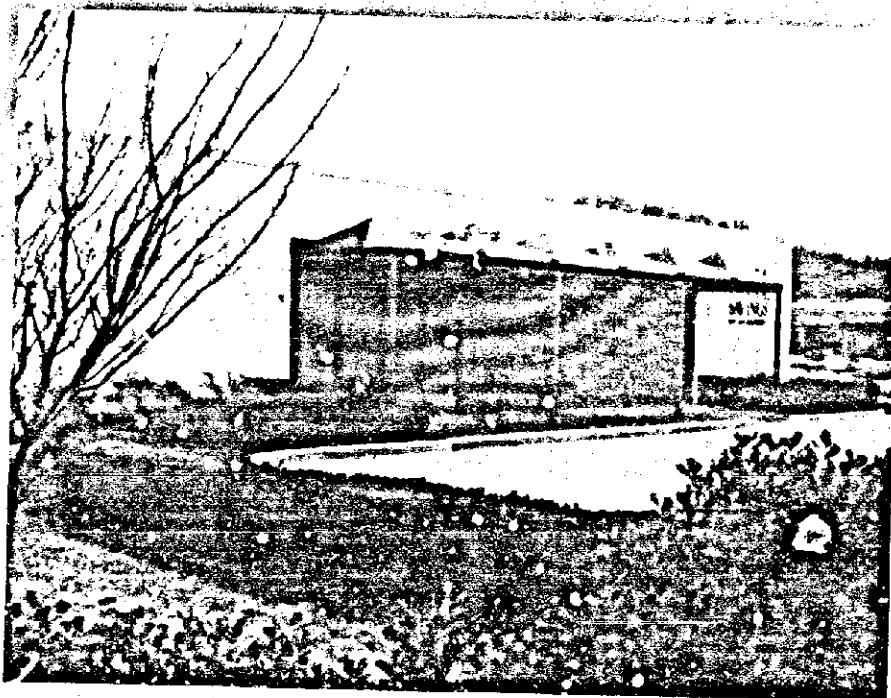
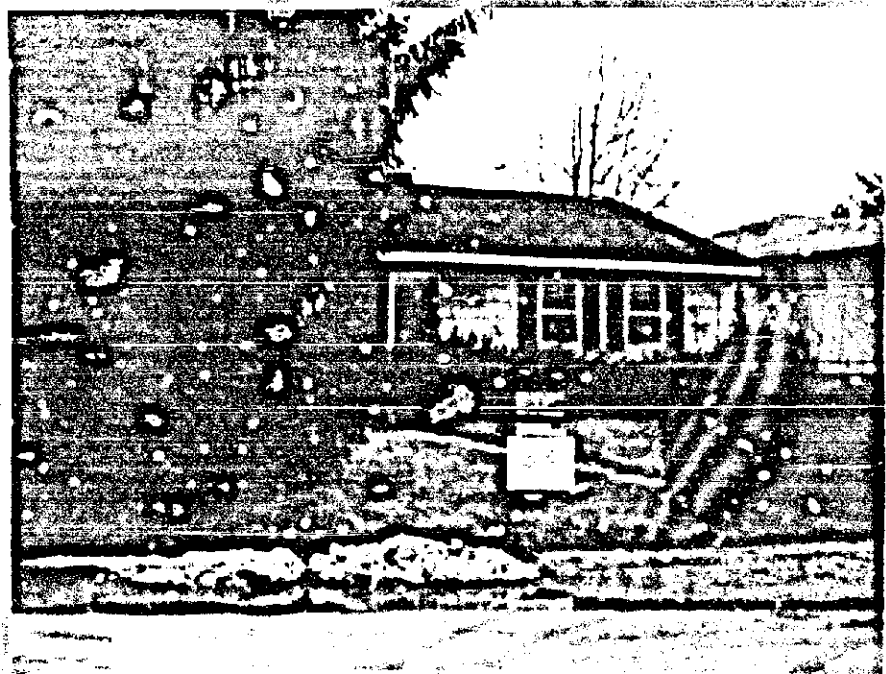
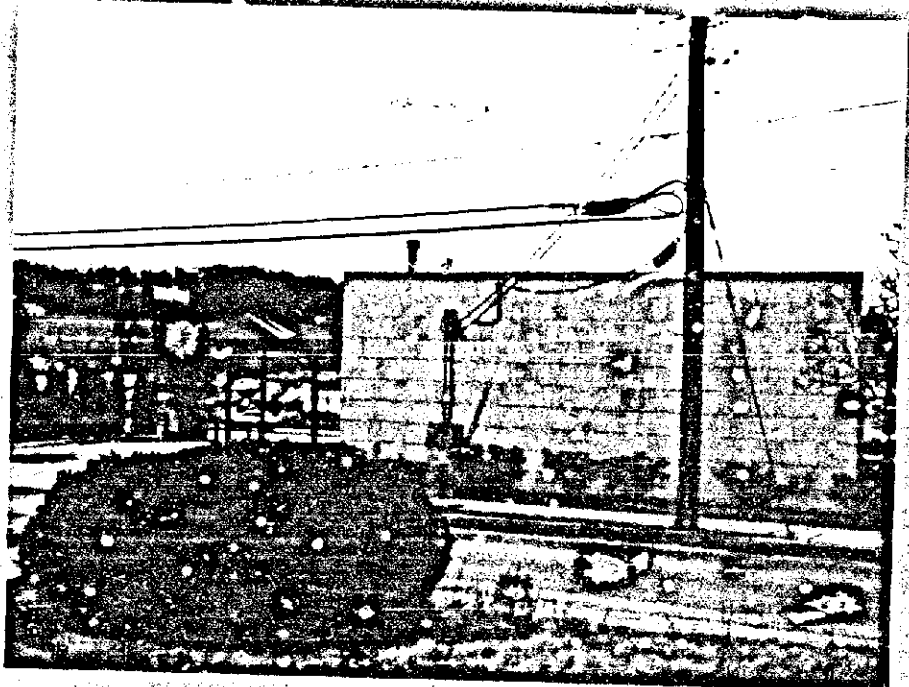
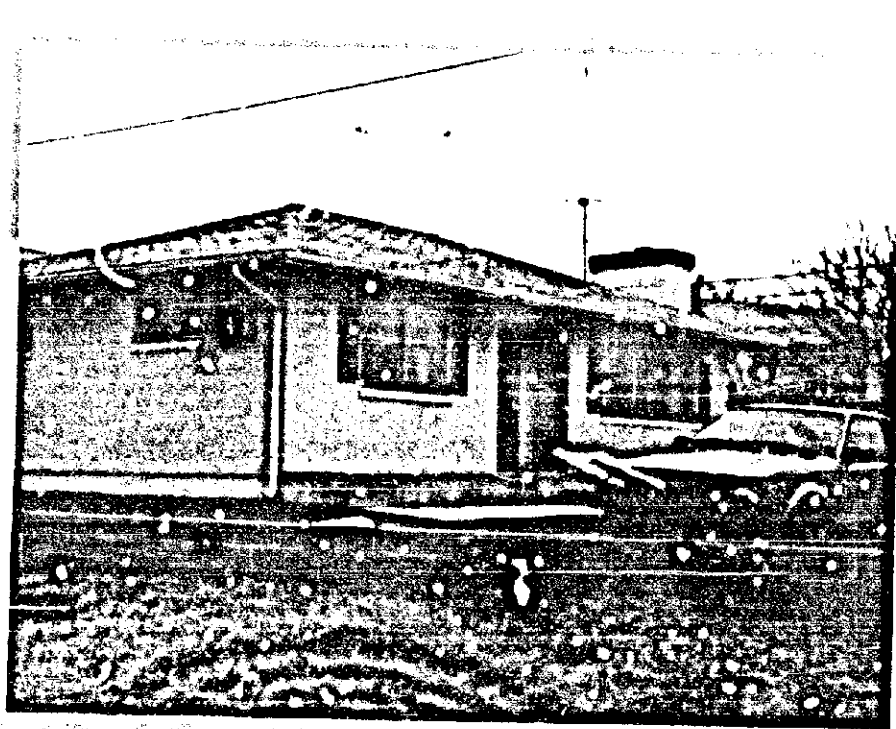
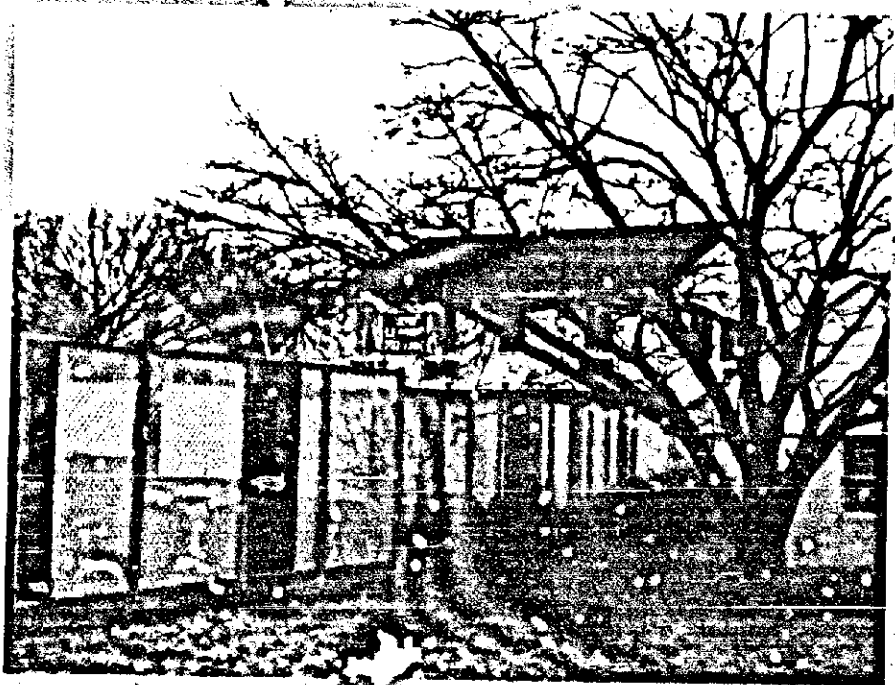
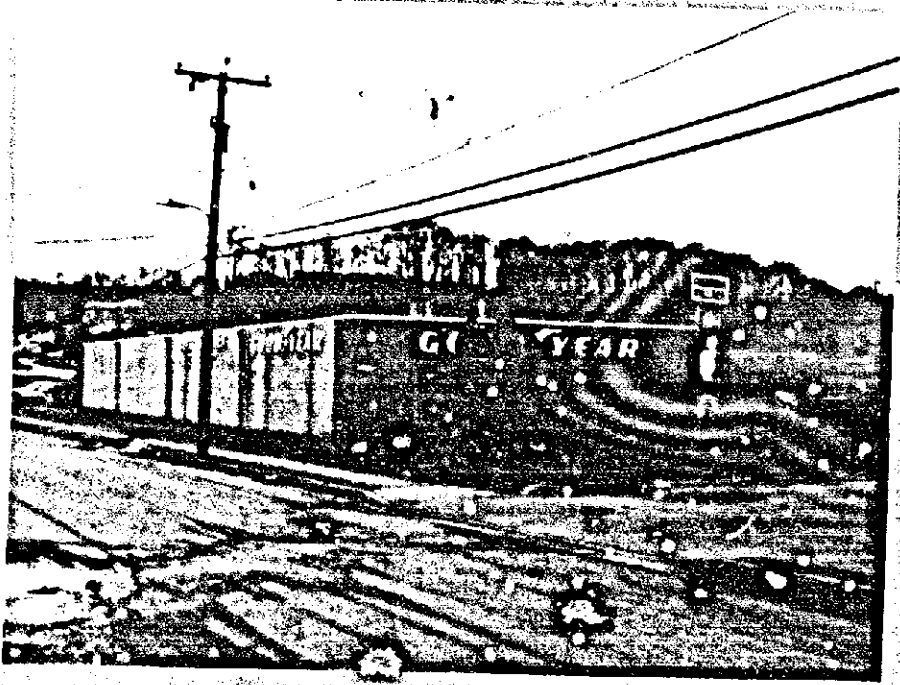
Property Owner: York and Parks Associates Limited Partnership (David Altfield, Gen.Part)
Location: NE corner York Road and Parks Avenue
District: 8th.

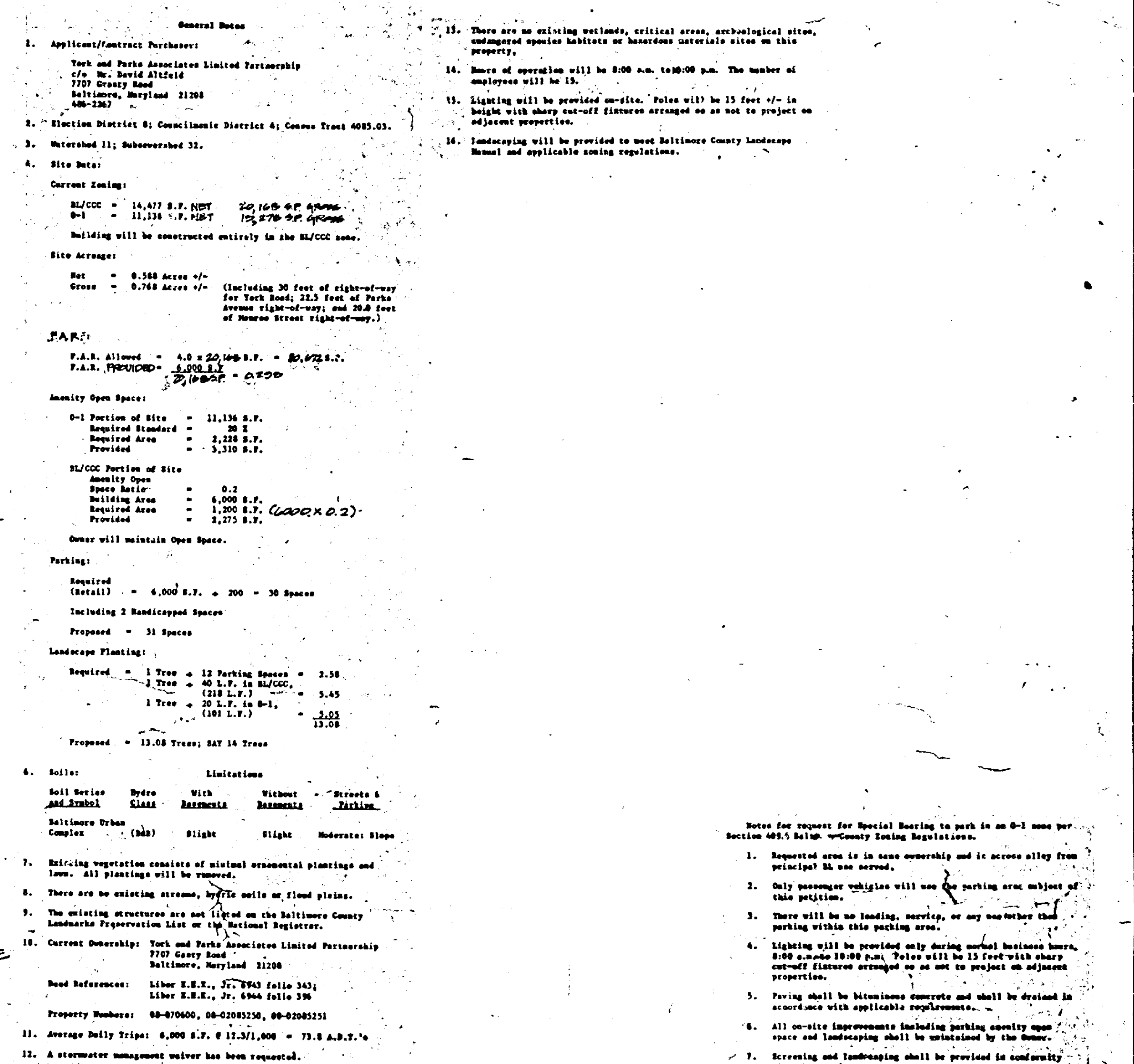
APPLICABLE ITEMS ARE CIRCLED

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.21, #17-1 - 1986) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction. Building permits are required for all construction.
- ☒ Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- ☒ 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 B-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. B-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 101, Section 1007, Section 1002.2 and Table 1002. 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 101 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. Modified 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/Overwash. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- ☒ Comments: It appears the north wall will have to be a firewall without any openings. Provide curb cuts, handicapped signs, street curb cuts, etc. as per State Handicapped Code.
- ☒ These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 111 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

4/27/86





Notes for request for Special Hearing to park in an O-1 zone per Section 485.12a, County Zoning Regulations.

1. Requested area is in same ownership and it across alley from principal. It use served.
2. Only passenger vehicles will use the parking area subject of this petition.
3. There will be no loading, servicing, or any use other than parking within this parking area.
4. Lighting will be provided only during normal business hours, 8:00 a.m. to 10:00 p.m. Poles will be 15 feet with sharp cut off fixtures arranged so as not to project on adjacent properties.
5. Paving shall be bituminous concrete and shall be drained in accordance with applicable requirements.
6. All on-site improvements including parking canopy open space and landscaping shall be maintained by the owner.
7. Screening and landscaping shall be provided in conformity

[illegible]

PRINTED
DEC 23 1985
DAFT-McCUNE-WALKER INC

#245

MAP 12-1-4
3D
ZONING 30-30
200
1000
DP

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in an O-1 zone in accordance with Section 409.4.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Philip Z. Altfeld
(Type or Print Name)
Signature
7707 Grasty Road
Address
Baltimore, Maryland 21208
City and State
Attorney's Telephone No.: 486-2267
Legal Owner(s):
David E. Altfeld, General Partner
(Type or Print Name)
Signature
(Type or Print Name)
Signature
York and Parks Associates Limited Partnership
7707 Grasty Road
Address
Baltimore, Maryland 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1986, 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 3rd day of March, 1986, at 10:30 o'clock A.M.

(over)
Zoning Commissioner of Baltimore County

IN RE: PETITION SPECIAL HEARING
NE/corner of York Road and
Parks Avenue - 8th Election
District
York and Parks Associates
Limited Partnership
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-329-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a use permit for parking in an O-1 Zone on land adjoining or across an alley from a commercial use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by David E. Altfeld, General Partner, appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner were George E. Gavrelis, an expert planner; Hugh Gelston, a real estate appraiser; and Ron Shaftel, who is associated with the Petitioner. There were no Protestants.

Testimony indicated that the subject property, located on Parks Avenue adjacent to the commercial site at the corner of York Road and Parks Avenue, contains 11,136 square feet and is zoned O-1. The lot is presently improved with a one-story dwelling which will either be removed or razed. The Petitioner proposes to utilize this lot to satisfy the parking requirements for the retail building it proposes to construct on the adjacent B.L.-zoned site. There is an alley separating the lots over which the zoning line is superimposed and which will be used for access to the two lots. The surrounding properties are commercial, and the adjoining property owner does not object to the requested use permit. See Petitioner's Exhibit 4. Mr. Gavrelis testified that in his opinion, the conditions precedent in Section 502.1, Baltimore County Zoning Regulations (BCZR), will be satisfied and that there would be no

adverse impact to the community, which was echoed by Mr. Gelston, who further testified that property values would not suffer as a result of the proposed uses.

The Petitioner seeks relief from Section 402.4, BCZR, pursuant to Section 502.1.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See *Hofmeister v. Frank Realty Co.*, 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

Although Section 409.4 refers to the utilization of land in a residential zone for parking to serve commercial uses, it is obvious that the Baltimore County Council intended the same criteria as required by Section 409.4 to be satisfied and considered when parking is requested as a principal use in an R-O, O-1, or O-2 Zone. In particular, Section 204.3.B, BCZR, permits uses allowable by special exception and as limited in D.R.5.5 Zones. Inasmuch as Section 409.4 permits parking as a principal use in effect by special exception in a D.R.5.5 Zone, such must be required in the O-1 Zone as well.

It is therefore clear that the BCZR permits the use requested by the Petitioner in an O-1 Zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of producing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the requested relief should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of March, 1986, that the requested use permit for parking in an O-1 Zone is approved and, as such, the Petition for Special Hearing is GRANTED from and after the date of this Order.

Zoning Commissioner of Baltimore County

cc: Stephen J. Nolan, Esquire
People's Counsel

DATE
BY

DATE
BY

DATE
BY

Description
Parcel of Land Zoned O-1
North of Parks Avenue,
East of York Road
Eighth Election District,
Baltimore County, Maryland

Beginning for the same at a point situate at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Monroe Street with the centerline of Parks Avenue, (1) binding on said centerline of Parks Avenue North 83 degrees 36 minutes 52 seconds West 88.00 feet, and thence, (2) North 18 degrees 13 minutes 52 seconds West 24.75 feet to the point of beginning, thence leaving said point of beginning and running and binding on the north side of Parks Avenue (45 feet wide), the two following courses and distances viz; (1) North 83 degrees 36 minutes 52 seconds West 182.81 feet, and thence (2) Northwest, by a line curving to the right with a radius of 30.41 feet for a distance of 32.29 feet (the arc of said curve being subtended by a chord bearing North 53 degrees 11 minutes 34 seconds West 30.80 feet), thence running and binding on the East Side of York Road (Maryland Route No. 45, of variable width), (3) Northwest by a line curving to the right with a radius of 1272.67 feet for a distance of 66.68 feet (the arc of said curve being subtended by a chord bearing North 21 degrees 16 minutes 12 seconds West 66.68 feet), thence leaving said East Side of York Road and running (4)

North 71 degrees 46 minutes 08 seconds East 247.38 feet to the west side of Monroe Street (40 feet wide), thence running and binding on said west side of Monroe Street (5) South 18 degrees 13 minutes 52 seconds East 40.00 feet, thence leaving said west side of Monroe Street and running the two following courses and distances viz; (6) South 71 degrees 46 minutes 08 seconds West 60.00 feet; and thence (7) South 18 degrees 13 minutes 52 seconds East 127.97 feet to the point of beginning.

Containing 0.6 Acres of land more or less.
Saving and excepting from the above described parcel all of the land, within its bounds, zoned B.L. CCC as shown on the Comprehensive Zoning Map for Baltimore County.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTEND TO BE USED FOR CONVEYANCE.

Our Job Number: 85078 (OD:185078)
December 20, 1985

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

PETITION FOR SPECIAL HEARING
8th Election District

LOCATION: Northeast corner of York Road and Parks Avenue

DATE AND TIME: Monday, March 3, 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 Special Hearing for a use permit for parking in an O-1 zone

Being the property of York and Parks Associates Limited Partnership as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued with 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
NE/Corner York Rd. & Parks Ave., 8th District : OF BALTIMORE COUNTY

YORK AND PARKS ASSOCIATES : Case No. 86-329-SPH
LIMITED PARTNERSHIP, :
Petitioner :

ENTRY OF APPEARANCE

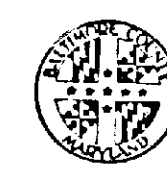
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Philip Z. Altfield, Esquire, 7707 Grasty Rd., Baltimore, MD 21208, Attorney for Petitioner.

Peter Max Zimmerman
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

February 19, 1986

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

Re: Petition for Special Hearing
NE/Cor. York Rd. and Parks Ave.
8th Election District
York and Parks Associates Limited Partnership -
Petitioner
Case No. 86-329-SPH

Dear Mr. Altfield:

This is to advise you that \$51.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

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

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

No. 018511

DATE: 2/19/86 ACCOUNT: 01-815-000
CHECK NO. 018511 AMOUNT: \$ 51.00
BY: [Signature]

RECEIVED FROM: York and Parks Associates Limited Partnership

FOR: [Signature]
B 5100 ***** 018511 02/19/86

VALIDATION OR SIGNATURE OF CASHIER

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NE/Cor. York Rd. and Parks Ave.
8th Election District
York and Parks Associates Limited Partnership -
Petitioner
Case No. 86-329-SPH

TIME: 10:30 a.m.

DATE: Monday, March 3, 1986

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

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 016166

DATE: 2/23/86 ACCOUNT: 01-815-000
CHECK NO. 016166 AMOUNT: \$ 100.00

RECEIVED FROM: York and Parks Associates

FOR: Sph. # 295
B 5100 ***** 016166 02/23/86

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 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 February 13, 1986.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

22.00

PETITION FOR SPECIAL HEARING
8th Election District

LOCATION: Northeast corner of York Road and Parks Avenue

DATE AND TIME: Monday, March 3, 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 for a use permit for parking in an O-1 zone.

Being the property of York and Parks Associates Limited Partnership as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued with 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
Feb. 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 12, 1986.

TOWSON TIMES,

[Signature]
Publisher

34.00

86-329-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-329-SPH

District: 8th Date of Posting: 2/13/86

Posted for: Special Hearing

Petitioner: York and Parks Associates Limited Partnership

Location of property: NE/Cor. York & Parks Ave.

Location of Sign: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Posted by: *[Signature]* Date of return: 2/14/86

Number of Signs: 1

THE ALTFELD COMPANY
Builders & Developers

David E. Altfeld

February 12, 1986

Dr. Joseph H. Seipp, Jr.
6 Parks Avenue
Cockesville, MD
21030.

Dear Dr. Seipp,

As you know, I own the property at 4 Parks Avenue which is surrounded on both sides by two properties that you own (Please refer to the enclosed plat indicating in red your properties and ours being in blue).

On March 3, 1986 at 10:30 a.m. we are requesting the Baltimore County Zoning Commissioner to grant us permission to park cars in the O-1 zone for a business/commercial use. If you are at all opposed to this zoning variance we invite you to attend this public hearing and speak freely about your concerns. If, on the other hand, you are not opposed to our requested variance, then I ask that you sign this letter representing your agreement as to my proposal. Please be advised that if you are in accord with what I propose, I would intend to give the Baltimore County Zoning Commissioner a copy of this letter.

Thank you for your consideration in this matter. I am,

Cordially,

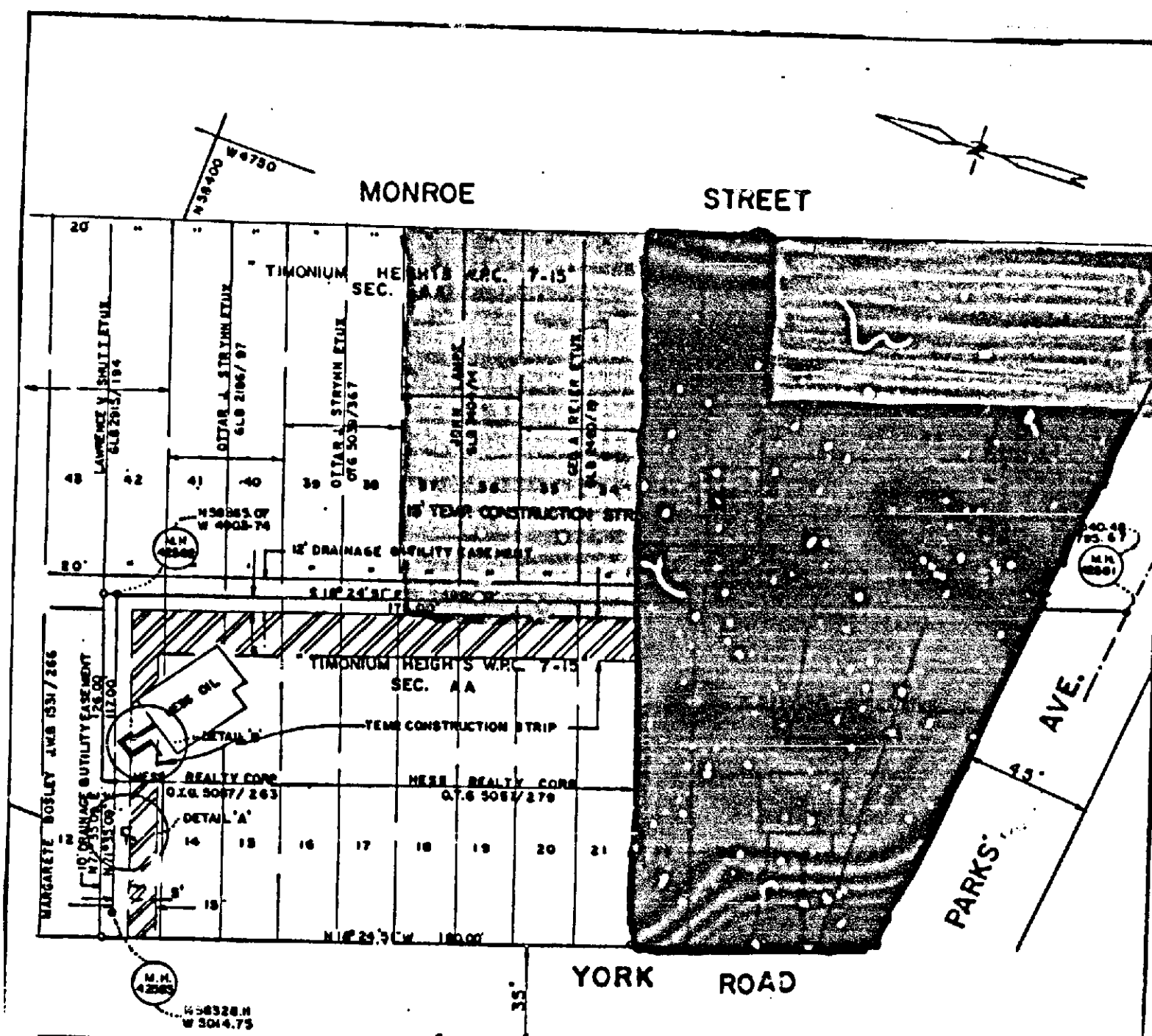
THE ALTFELD COMPANY

David E. Altfeld
David E. Altfeld

ACCEPTED:

DATE:

7707 Grasty Road
Baltimore, MD 21208
301-486-2267



TRANSMITTAL

DAFT-MCUNE-WALKER, INC.
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (301) 296-3333

To: *Arnold Jablon*
Zoning Commissioner
County Office Building

Date: *2/26/86*

Job no.: *85078*

Attention: *York & Parks*

Reference: *Case No. 86-329-SPH*

Carry

Gentlemen:

We are sending you

☐ Shop drawings

☐ Specifications

☒ attached

☐ Samples

☐ Plans

☐ under separate cover

☐ via

☐ return

☐ corrected prints

These are transmitted as checked below:

☐ For approval

☒ For your use

☐ As requested

☐ For review and comment

☐ Approved as submitted

☐ Approved as noted

☐ Returned for corrections

☐ Return

☐ Resubmit

☐ Submit

☐ copies for approval

☐ copies for distribution

☐ corrected prints



Maryland Department of Transportation

State Highway Administration

William K. Holman
Secretary
Hal Kassoff
Administrator

January 9, 1986

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

Re: Baltimore County
Item # 245
Property Owner: York and
Parks Associates Lim.
Partnership (David
Altfield, Gen. Part.)
Location: NE corner
York Road (Route 45)
and Parks Avenue
Existing Zoning: B.L.-
CCC and O-1
Proposed Zoning: Spec.
Hearing to approve the
use permit for parking
in an O-1 zone
Acres: 11,136 sq. ft. in
O-1
District: 8th

Att: James Dyer

Dear Mr. Dyer:

On review of the submittal of 12/23/85, "Parks at York", the State Highway Administration finds the site plan generally acceptable with all access to the site by way of Parks Avenue.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350
Telewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5085 Statewide Toll Free
P.O. Box 717/701 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1986

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

cc:

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

RE: Item No. 245 - Case No. 86-329-SPH
York and Parks Associates
Limited Partnership - Petitioner
Special Hearing Petition

Dear Mr. Altfield:

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

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

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Daft-McCune-Walker, Inc.
530 East Joppa Road
Towson, Maryland 21204

Case No. 86-329-SPH

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
27th day of January, 1986.

Arnold Jablon
Arnold Jablon
Zoning Commissioner

York and Parks Associates
Petitioner's Limited Partnership
Petitioner's Attorney Philip Z. Altfield, Esquire

Received by: *James E. Dyer*
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: February 8, 1986

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

SUBJECT: Zoning Petitions No. 86-285-A, 86-291-A, 86-326-A, 86-329-SPH
86-330-A, 86-331-A, 86-332-A and 86-333-A

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

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm



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

STEPHEN E. COLLINS
DIRECTOR

February 28, 1986

Mr. George E. Gavrells
Vice President
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

RE: ZONING CASE 86-3295 SPH/Item 245

Dear Mr. Gavrells:

This office has reviewed your letter dated February 25th concerning the subject site.

Based on this review and the fact that the alley cannot be legally closed, we approve your revised site plan dated January 28, 1986.

Very truly yours,

C. Richard Moore
C. Richard Moore
Deputy Director
Department of Traffic Engineering

CRM/bza

DAFT-McCUNE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-286-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

February 25, 1986

Mr. C. Richard Moore, Deputy Director
Department of Traffic Engineering
County Courts Building
Towson, MD 21204

Re: Zoning Case 86-329' SPH/Item 245
Special Hearing for Parling, York and Parks

Dear Mr. Moore:

In accordance with your meeting with Ed Haile, we are writing to respond to comments by your Mr. Flanigan relative to the subject petition. Mr. Flanigan wanted only one point of access to the supporting parking area which should be as far as possible from York Road.

We believe that this comment should be modified based on the following:

1. Parks Avenue is a two-way street. Channelization within York Road prevents left turns onto or off of York Road. The only turning movements are right turns from or onto that road.
2. Parks Avenue will be widened to a 30 foot section in connection with this development thereby providing a left turn lane. Field observations indicate no on-street parking occurs along Parks Avenue here.
3. A 12 foot recorded alley exists along the edge of the BL-COO area and title constraints prevent its closing. This development would widen the alley to enable some parking against the commercial building on its west side. The alley does serve loading activities at the rear of the strip center north of the Hess Station at the corner of Gibbons. It can be expected that trucks would use the widened alley either to serve this development or other commercial activity to the north.
4. Parking in the 0-1 portions of the site would occur under the provisions of 409.4 of the Baltimore County Zoning Regulations for business parking in a DR 5.5 Zone. That section prohibits use of the area for other than passenger vehicles. Trucks, busses, service or loading are not allowed. If the alley could be closed, relocating exclusive access, the 0-1 portion of the site as far as is possible from York Road would be contrary to the provisions of the Zoning Regulations.

Mr. C. Richard Moore, Deputy Director
Page 2
February 25, 1986

5. Providing a separate access to the 0-1 area effectively sorts out service traffic which would use the commercial area and passenger vehicles which would park predominantly in the 0-1 portions. It is to be noted that the only access point on the south side of Parks Avenue - serving a drive-in banking facility for Loyola Federal, is opposite the proposed second entrance in the 0-1 area.

For the reasons noted above, we request respectfully that previous comments by your agency on this petition be reconsidered. As always, we are available to answer questions or provide more details.

Thank you for your thoughtful consideration of this request.

Very truly yours,
DAFT-McCUNE-WALKER, INC.
George E. Gargalis
George E. Gargalis
Vice President

GEG:cm

Enclosure: Site Plan

cc: Messrs. David Altfield and Steve Nolan

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4321
MICHAEL E. COLLINS
DIRECTOR

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

FEBRUARY 4, 1986

Re: Zoning Advisory Meeting of JANUARY 7, 1986
Item # 245
Property Owner: YORK & PARKS ASSOCIATES
Location: NE CORNER YORK ROAD & PARKS AVE
Proposed Zoning: B.L. - COO and O-1

Dear Mr. Jablon:

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

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract, therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 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 1/16/86.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and its conditions change the capacity of the intersection. The deficient service is:

**OWNER OF CRG PLAN & PLAT (W-86-8)
HAS GRANTED BY THE PLANNING BOARD JAN 16, 1986**

cc: James Howell

Europe A. Soter
Chief, Current Planning and Development

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

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 245 -ZAC- Meeting of January 7, 1986
Property Owner: York & Parks Associates Limited Partnership
Location: NE corner York Road and Parks Avenue
Existing Zoning: B.L. - COO and O-1
Proposed Zoning: Special Hearing to approve the use permit for parking in an O-1 zone

Acres: 11,136 sq. ft. in O-1
District: 8th

Dear Mr. Jablon:

This site should have only one pt. of access and that pt. of access should be as far as possible from York Road.

This site is located very near the intersection of York Road and Padonia Road, a failing intersection and building permits may not be obtainable.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

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

PAUL H. RESNICK
CHIEF

January 10, 1986

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: York & Parks Associates Ltd. Partnership

Location: NE corner York Road & Parks Avenue

Item No.: 245 Zoning Agenda: Meeting of 1-10-86

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

- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments on this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group Site-Prevention Bureau
Special Inspection Division

/mb

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

TED ZALESKI, JR.
DIRECTOR

February 11, 1986

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

Dear Mr. Jablon:

Comments on Item # 245 Zoning Advisory Committee Meeting are as follows:

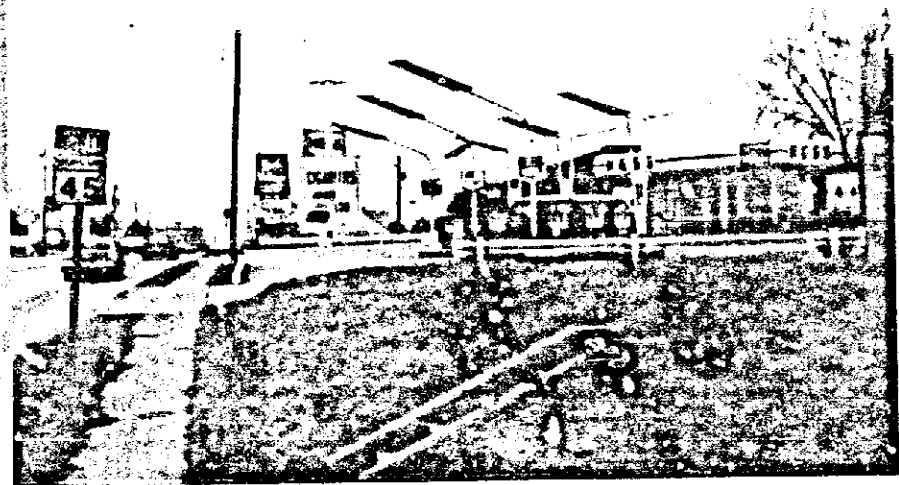
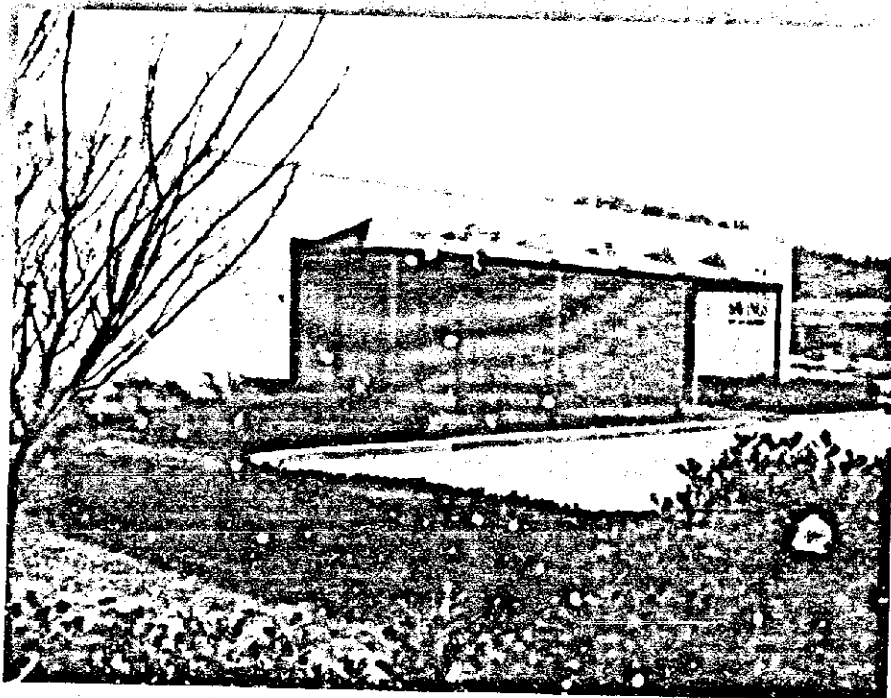
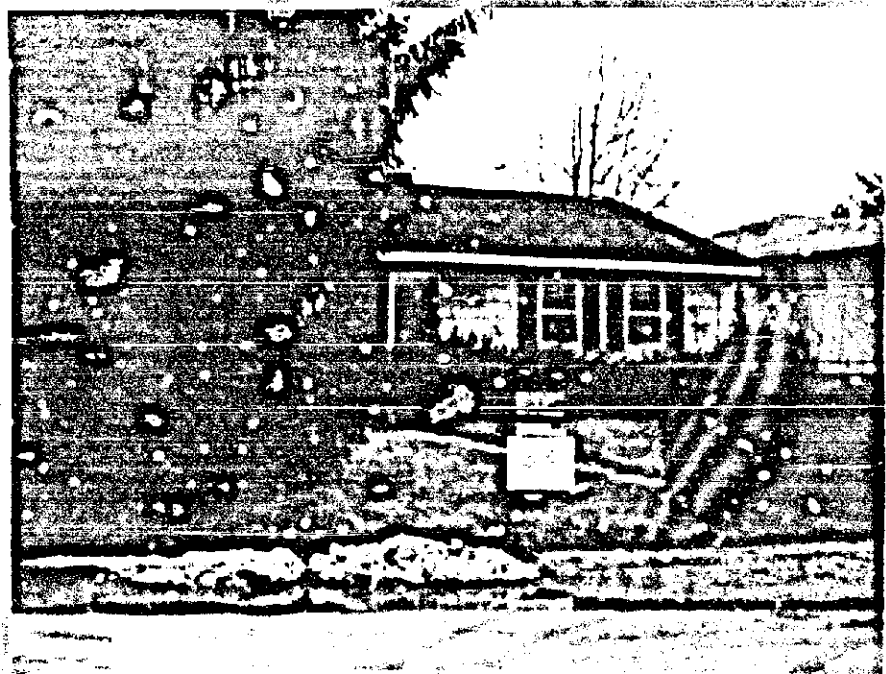
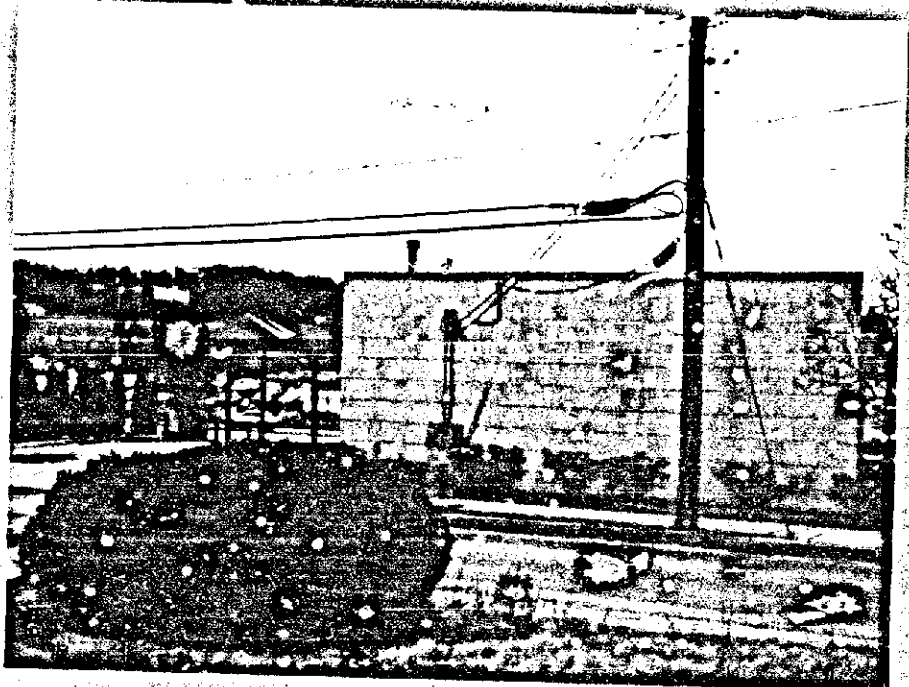
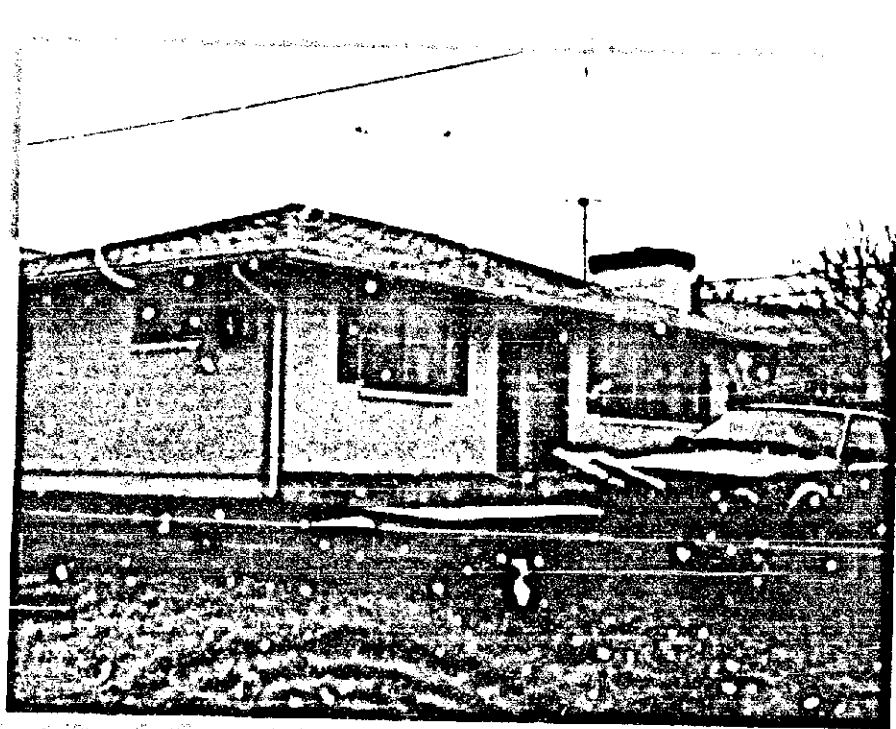
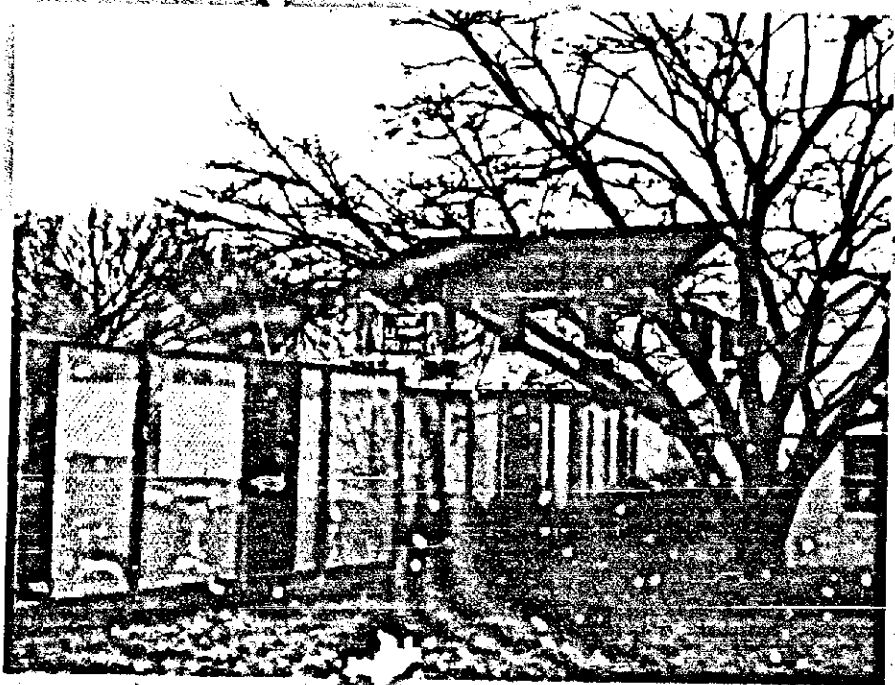
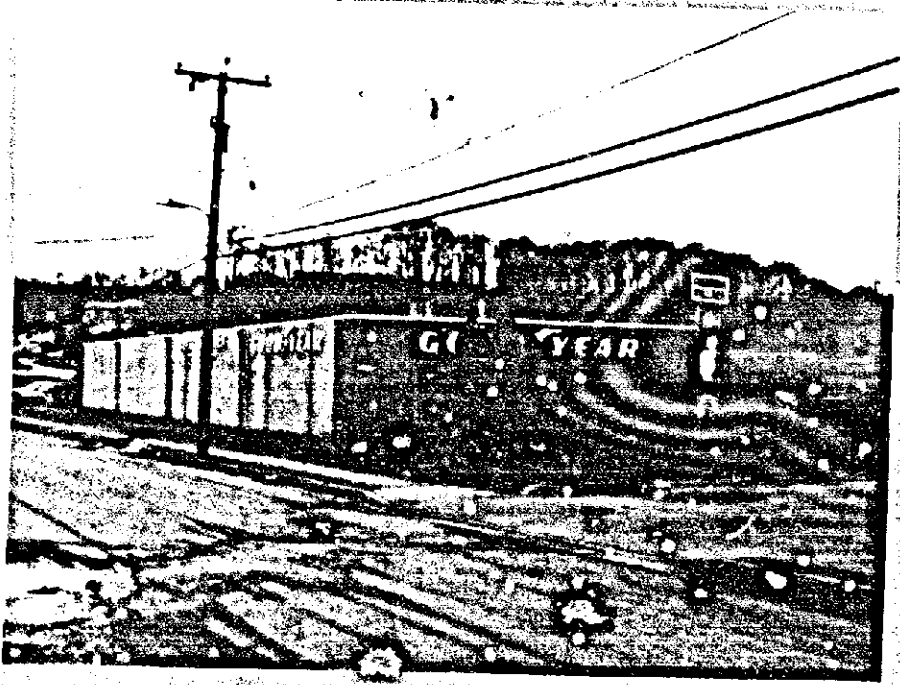
Property Owner: York and Parks Associates Limited Partnership (David Altfield, Gen. Part)
Location: NE corner York Road and Parks Avenue
District: 8th.

APPLICABLE ITEMS ARE CIRCLED

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B. 21, #17-1 - 1986) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction. Building permits are required for all construction.
- ☒ Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- ☒ 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 B-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. B-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 101, Section 1007, Section 1002.2 and Table 1002. 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 101 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. Modified 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/Overwash. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- ☒ Comments: It appears the north wall will have to be a firewall without any openings. Provide curb cuts, handicapped signs, street curb cuts, etc. as per State Handicapped Code.
- ☒ These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 111 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

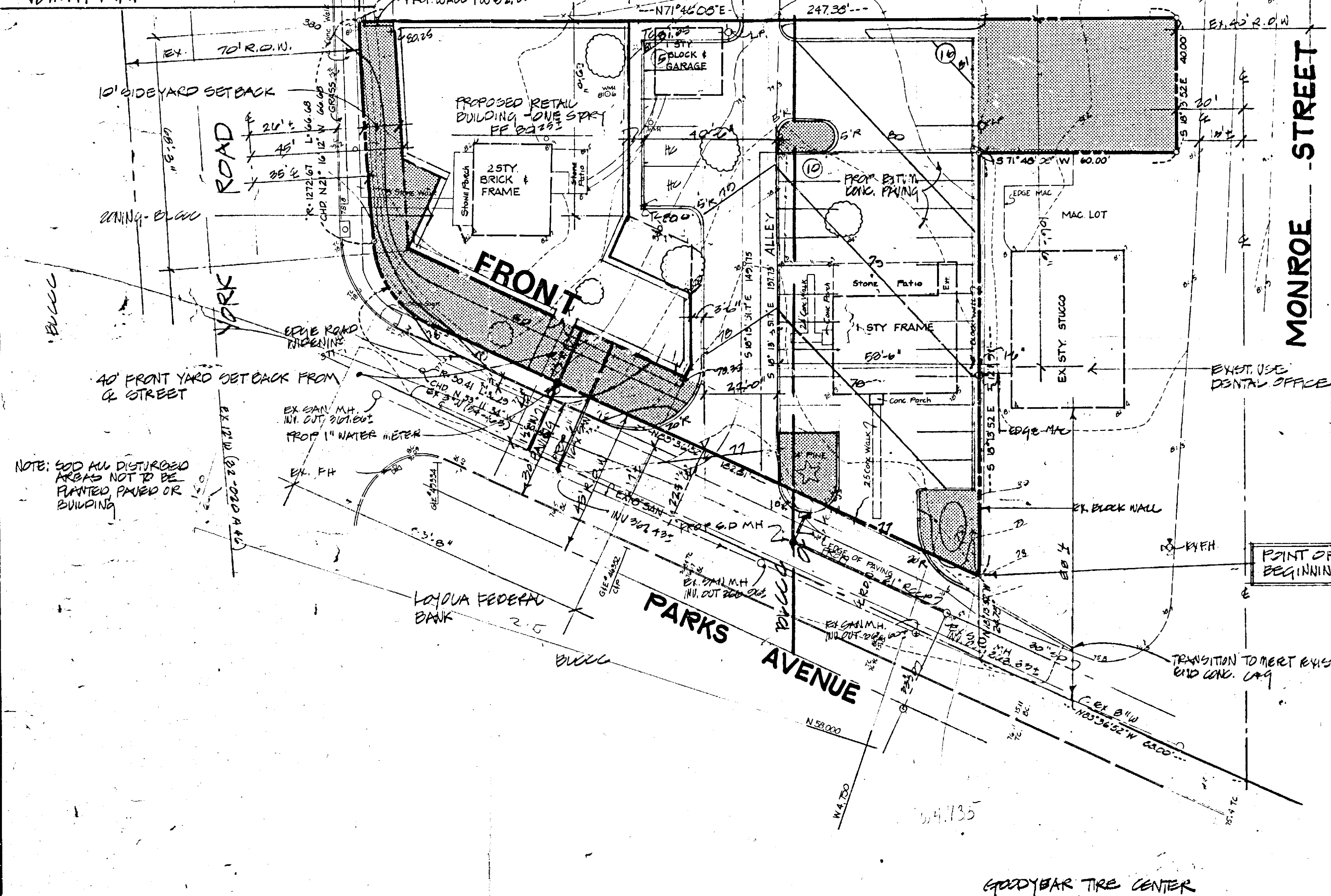
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

4/27/86





VICINITY MAP



NOTE: SOO ALL DISTURBED AREAS NOT TO BE PLANTED PAVED OR BUILDING

- General Notes
- Applicant/Contract Purchaser:
York and Parks Association Limited Partnership
c/o Mr. David Altfield
7707 Cransy Road
Baltimore, Maryland 21208
410-242-1267
 - Election District 8; Councilmanic District 4; Census Tract 4085.03.
 - Watered 11; Subwatershed 32.
 - Site Data:
Current Zoning:
BL/CC = 14,477 S.F. NDT 20,165 S.F. 4000
B-1 = 11,134 S.F. P. 118-T 15,270 S.F. 4000
Building will be constructed entirely in the BL/CC zone.
Site Arrangements:
Net = 0.568 Acres +/-
Gross = 0.768 Acres +/-
(Including 30 feet of right-of-way for York Road; 22.5 feet of Parks Avenue right-of-way; and 20.0 feet of Monroe Street right-of-way.)
 - F.A.R.:
F.A.R. Allowed = 4.0 x 20,165 S.F. = 80,672 S.F.
F.A.R. PROVIDED = 6,000 S.F.
2,100 S.F. = 2,100
2,100 S.F. = 2,100
 - Amenity Open Space:
B-1 Portion of Site = 11,134 S.F.
Required Standard = 20 %
Required Area = 2,226 S.F.
Provided = 2,310 S.F.
BL/CC Portion of Site:
Amenity Open Space Ratio = 0.2
Building Area = 6,000 S.F.
Required Area = 1,200 S.F. (6000 x 0.2)
Provided = 2,275 S.F.
 - Owner will maintain Open Space.
 - Parking:
Required (Retail) = 6,000 S.F. x 200 = 30 Spaces
Including 2 Handicapped Spaces
Proposed = 31 Spaces
Landscape Planting:
Required = 1 Tree + 12 Parking Spaces = 2.50
1 Tree + 40 L.F. in BL/CC = 5.45
1 Tree + 20 L.F. in B-1 = 5.00
1 Tree + 10 L.F. = 3.00
Proposed = 13.08 Trees; 14 Trees
 - Rolls:
Limitations
Roll Series Hydro With Without Streets & Parking
and Symbol Class Basins Basins
Baltimore Urban Complex (S&B) Slight Slight Moderate Slope
 - Existing vegetation consists of minimal ornamental plantings and lawn. All plantings will be removed.
 - There are no existing streams, baffle soils or flood plains.
 - The existing structures are not listed on the Baltimore County Landmarks Preservation List or the National Register.
 - Current Ownership: York and Parks Association Limited Partnership
7707 Cransy Road
Baltimore, Maryland 21208
Breed References: Liber R.E.R., Jr. 0943 folio 343;
Liber R.E.R., Jr. 4944 folio 376
Property Numbers: 08-070600, 08-02085250, 08-02085251
Average Daily Trips: 6,000 S.F. @ 12.5/1,000 = 75.0 A.D.T.'s
A stormwater management waiver has been requested.

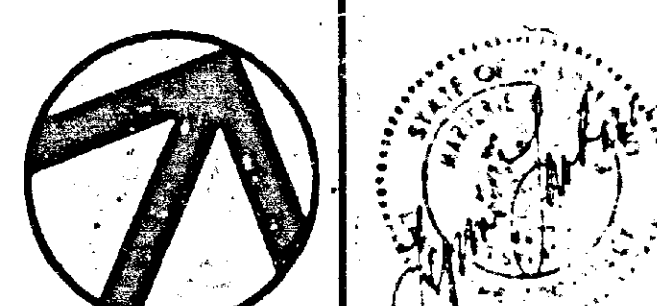
- There are no existing wetlands, critical areas, archaeological sites, and/or endangered species habitats or hazardous materials sites on this property.
- Hours of operation will be 8:00 a.m. to 6:00 p.m. The number of employees will be 15.
- Lighting will be provided on-site. Poles will be 15 feet +/- in height with sharp cut-off fixtures arranged so as not to project on adjacent properties.
- Landscape will be provided to meet Baltimore County Landscape Manual and applicable zoning regulations.

- Notes for request for Special Hearing to park in an O-1 zone per Section 408.5, Baltimore County Zoning Regulations.
- Requested area is in same ownership and it across alley from principal use served.
 - Only passenger vehicles will use the parking area subject of this petition.
 - There will be no loading, servicing, or any use other than parking within this parking area.
 - Lighting will be provided only during normal business hours, 8:00 a.m. to 6:00 p.m. Poles will be 15 feet with sharp cut-off fixtures arranged so as not to project on adjacent properties.
 - Paving shall be bituminous concrete and shall be drained in accordance with applicable requirements.
 - All on-site improvements including parking, amenity open space and landscaping shall be maintained by the Owner.
 - Screening and landscaping shall be provided in conformity with the requirements and standards of the Landscape Manual.



DAFT McCune Walker Inc.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 EAST JOPPA ROAD
TOWSON, MD 21204
TELEPHONE 301-296-3333

PARKS AT YORK SITE PLAN



DATE	REVISIONS
12-23-05	GENERAL
12-23-05	NOTES & BOUNDARY

SCALE: 1" = 20'	JOB ORDER NO. 35078
ISSUE DATE 12-1-05	SD-1

PRINTED
DEC 23 1985
DAFT McCune Walker, Inc.

#245

MAP 12-1-4
3D
D.D. 8
OWNER 2-2-8
200
1000
DP

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in an O-1 zone in accordance with Section 409.4.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Philip Z. Altfeld
(Type or Print Name)
Signature
7707 Grasty Road
Address
Baltimore, Maryland 21208
City and State
Attorney's Telephone No.: 486-2267
Legal Owner(s):
David E. Altfeld, General Partner
(Type or Print Name)
Signature
(Type or Print Name)
Signature
York and Parks Associates Limited Partnership
7707 Grasty Road
Address
Baltimore, Maryland 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1986, 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 3rd day of March, 1986, at 10:30 o'clock A.M.

(over)
Zoning Commissioner of Baltimore County.

IN RE: PETITION SPECIAL HEARING
NE/corner of York Road and
Parks Avenue - 8th Election
District
York and Parks Associates
Limited Partnership
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-329-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a use permit for parking in an O-1 Zone on land adjoining or across an alley from a commercial use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by David E. Altfeld, General Partner, appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner were George E. Gavrelis, an expert planner; Hugh Gelston, a real estate appraiser; and Ron Shaftel, who is associated with the Petitioner. There were no Protestants.

Testimony indicated that the subject property, located on Parks Avenue adjacent to the commercial site at the corner of York Road and Parks Avenue, contains 11,136 square feet and is zoned O-1. The lot is presently improved with a one-story dwelling which will either be removed or razed. The Petitioner proposes to utilize this lot to satisfy the parking requirements for the retail building it proposes to construct on the adjacent B.L.-zoned site. There is an alley separating the lots over which the zoning line is superimposed and which will be used for access to the two lots. The surrounding properties are commercial, and the adjoining property owner does not object to the requested use permit. See Petitioner's Exhibit 4. Mr. Gavrelis testified that in his opinion, the conditions precedent in Section 502.1, Baltimore County Zoning Regulations (BCZR), will be satisfied and that there would be no

adverse impact to the community, which was echoed by Mr. Gelston, who further testified that property values would not suffer as a result of the proposed uses.

The Petitioner seeks relief from Section 402.4, BCZR, pursuant to Section 502.1.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See *Hofmeister v. Frank Realty Co.*, 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

Although Section 409.4 refers to the utilization of land in a residential zone for parking to serve commercial uses, it is obvious that the Baltimore County Council intended the same criteria as required by Section 409.4 to be satisfied and considered when parking is requested as a principal use in an R-O, O-1, or O-2 Zone. In particular, Section 204.3.B, BCZR, permits uses allowable by special exception and as limited in D.R.5.5 Zones. Inasmuch as Section 409.4 permits parking as a principal use in effect by special exception in a D.R.5.5 Zone, such must be required in the O-1 Zone as well.

It is therefore clear that the BCZR permits the use requested by the Petitioner in an O-1 Zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of producing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the requested relief should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of March, 1986, that the requested use permit for parking in an O-1 Zone is approved and, as such, the Petition for Special Hearing is GRANTED from and after the date of this Order.

Zoning Commissioner of Baltimore County

cc: Stephen J. Nolan, Esquire
People's Counsel

RECEIVED FOR FILING
DATE March 5, 1986
BY [Signature]

Description
Parcel of Land Zoned O-1
North of Parks Avenue,
East of York Road
Eighth Election District,
Baltimore County, Maryland

Beginning for the same at a point situate at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Monroe Street with the centerline of Parks Avenue, (1) binding on said centerline of Parks Avenue North 83 degrees 36 minutes 52 seconds West 88.00 feet, and thence, (2) North 18 degrees 13 minutes 52 seconds West 24.75 feet to the point of beginning, thence leaving said point of beginning and running and binding on the north side of Parks Avenue (45 feet wide), the two following courses and distances viz; (1) North 83 degrees 36 minutes 52 seconds West 182.81 feet, and thence (2) Northwest, by a line curving to the right with a radius of 30.41 feet for a distance of 32.29 feet (the arc of said curve being subtended by a chord bearing North 53 degrees 11 minutes 34 seconds West 30.80 feet), thence running and binding on the East Side of York Road (Maryland Route No. 45, of variable width), (3) Northwest by a line curving to the right with a radius of 1272.67 feet for a distance of 66.68 feet (the arc of said curve being subtended by a chord bearing North 21 degrees 16 minutes 12 seconds West 66.68 feet), thence leaving said East Side of York Road and running (4)

North 71 degrees 46 minutes 08 seconds East 247.38 feet to the west side of Monroe Street (40 feet wide), thence running and binding on said west side of Monroe Street (5) South 18 degrees 13 minutes 52 seconds East 40.00 feet, thence leaving said west side of Monroe Street and running the two following courses and distances viz; (6) South 71 degrees 46 minutes 08 seconds West 60.00 feet; and thence (7) South 18 degrees 13 minutes 52 seconds East 127.97 feet to the point of beginning.

Containing 0.6 Acres of land more or less.
Saving and excepting from the above described parcel all of the land, within its bounds, zoned B.L. CCC as shown on the Comprehensive Zoning Map for Baltimore County.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTEND TO BE USED FOR CONVEYANCE.

Our Job Number: 85078 (OD:185078)
December 20, 1985

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

PETITION FOR SPECIAL HEARING
8th Election District

LOCATION: Northeast corner of York Road and Parks Avenue

DATE AND TIME: Monday, March 3, 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 Special Hearing for a use permit for parking in an O-1 zone

Being the property of York and Parks Associates Limited Partnership as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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
NE/Corner York Rd. & Parks Ave., 8th District : OF BALTIMORE COUNTY

YORK AND PARKS ASSOCIATES : Case No. 86-329-SPH
LIMITED PARTNERSHIP, :
Petitioner :

ENTRY OF APPEARANCE

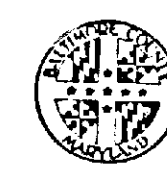
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Philip Z. Altfield, Esquire, 7707 Grasty Rd., Baltimore, MD 21208, Attorney for Petitioner.

Peter Max Zimmerman
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

February 19, 1986

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

Re: Petition for Special Hearing
NE/Cor. York Rd. and Parks Ave.
8th Election District
York and Parks Associates Limited Partnership -
Petitioner
Case No. 86-329-SPH

Dear Mr. Altfield:

This is to advise you that \$51.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

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

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

No. 018511

DATE: 2/19/86 ACCOUNT: 01-815-000
CHECK NO. 018511 AMOUNT: \$ 51.00
BY: JUNG

RECEIVED FROM: York and Parks Associates Limited Partnership

FOR: 01-815-000
B 5100 ***** 018511 02/19/86

VALIDATION OR SIGNATURE OF CASHIER

Philip Z. Altfield, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

January 31, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NE/Cor. York Rd. and Parks Ave.
8th Election District
York and Parks Associates Limited Partnership -
Petitioner
Case No. 86-329-SPH

TIME: 10:30 a.m.

DATE: Monday, March 3, 1986

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

Arnold Jablon
Zoning Commissioner
of Baltimore County

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

No. 016166

DATE: 2/23/86 ACCOUNT: 01-815-000
CHECK NO. 016166 AMOUNT: \$ 100.00

RECEIVED FROM: York and Parks Associates

FOR: Sph. # 295
B 5100 ***** 016166 02/23/86

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 13, 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 February 13, 1986.

THE JEFFERSONIAN,

B. Venetian
Publisher

Cost of Advertising

22.00

PETITION FOR SPECIAL HEARING
8th Election District

LOCATION: Northeast corner of York Road and Parks Avenue

DATE AND TIME: Monday, March 3, 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 for a use permit for parking in an O-1 zone. Being the property of York and Parks Associates Limited Partnership, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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
Feb. 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 12, 1986.

TOWSON TIMES,

B. Venetian
Publisher

34.00

86-329-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-329-SPH

District: 8th Date of Posting: 2/19/86

Posted for: Special Hearing

Petitioner: York and Parks Associates Limited Partnership

Location of property: NE/Cor. York & Park Ave.

Location of Sign: 7707 Grasty Rd., Room 106, or property of petitioner

Remarks: *See Petition*

Posted by: *Arnold Jablon* Date of return: 2/19/86

Number of Signs: 1

THE ALTFELD COMPANY
Builders & Developers

David E. Altfeld

February 12, 1986

Dr. Joseph H. Seipp, Jr.
6 Parks Avenue
Cockesville, MD
21030.

Dear Dr. Seipp,

As you know, I own the property at 4 Parks Avenue which is surrounded on both sides by two properties that you own (Please refer to the enclosed plat indicating in red your properties and ours being in blue).

On March 3, 1986 at 10:30 a.m. we are requesting the Baltimore County Zoning Commissioner to grant us permission to park cars in the O-1 zone for a business/commercial use. If you are at all opposed to this zoning variance we invite you to attend this public hearing and speak freely about your concerns. If, on the other hand, you are not opposed to our requested variance, then I ask that you sign this letter representing your agreement as to my proposal. Please be advised that if you are in accord with what I propose, I would intend to give the Baltimore County Zoning Commissioner a copy of this letter.

Thank you for your consideration in this matter. I am,

Cordially,

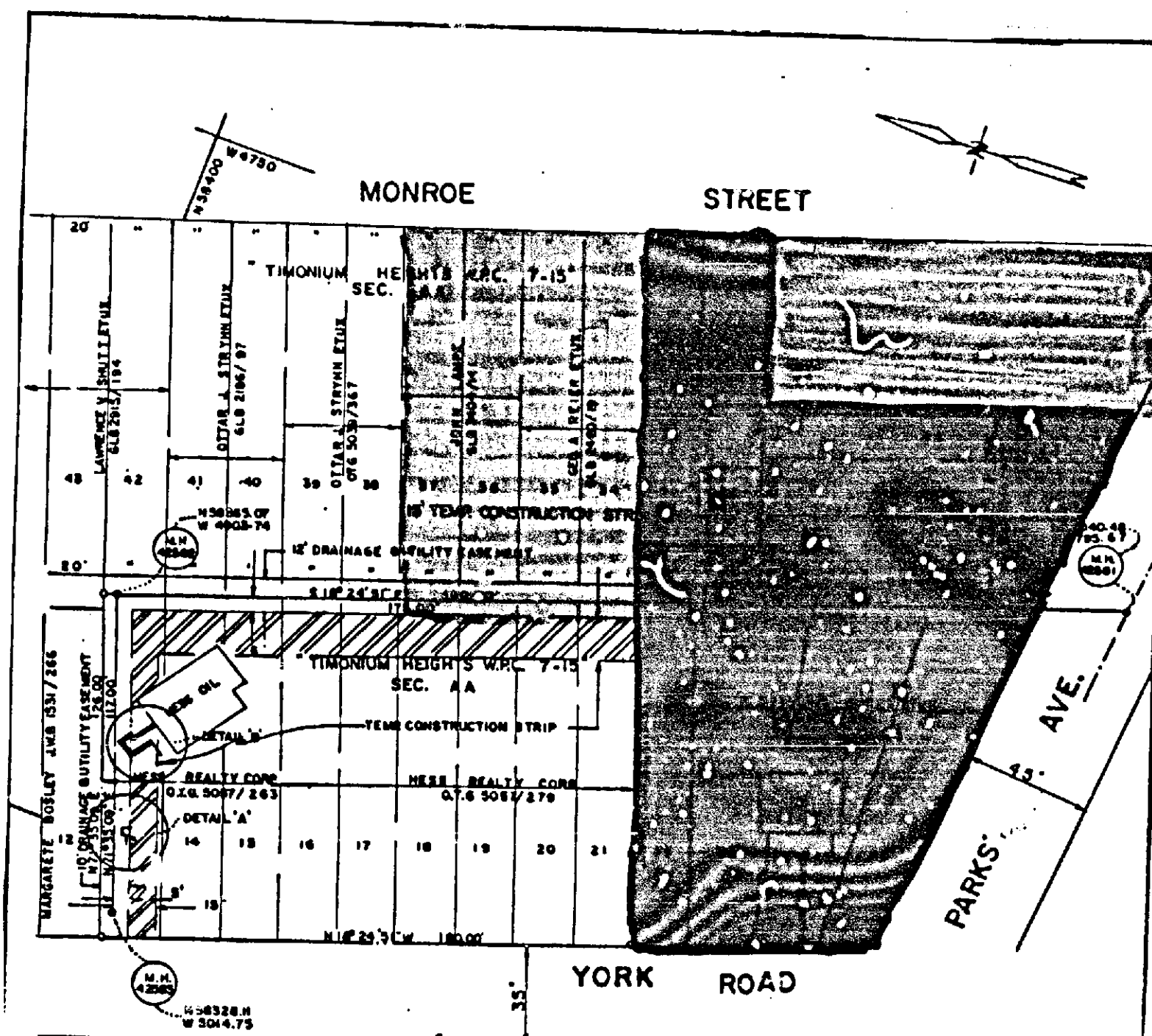
THE ALTFELD COMPANY

David E. Altfeld
David E. Altfeld

ACCEPTED:

DATE:

7707 Grasty Road
Baltimore, MD 21208
301-486-2267



TRANSMITTAL

DAFT-MCUNE-WALKER, INC.
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (301) 296-3333

To: *Arnold Jablon*
Zoning Commissioner
County Office Building

Date: *2/26/86*

Job no.: *85078*

Attention: *York & Parks*

Reference: *Case No. 86-329-SPH*

Carry

Gentlemen:

We are sending you

☐ Shop drawings

☐ Specifications

☒ attached

☐ Samples

☐ Plans

☐ under separate cover

☐ via

☐ return

☐ corrected prints

These are transmitted as checked below:

☐ For approval

☒ For your use

☐ As requested

☐ For review and comment

☐ Approved as submitted

☐ Approved as noted

☐ Returned for corrections

☐ Return

☐ Resubmit

☐ Submit

☐ corrected prints

Remarks

Please include this letter in the file of Case No. 86-329-SPH. Dick Moore suggested that you be copied.

cc:

Signed *George E. Gavrellis*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: February 8, 1986

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

SUBJECT: Zoning Petitions No. 86-285-A, 86-291-A, 86-326-A, 86-329-SPH, 86-330-A, 86-331-A, 86-332-A and 86-333-A

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

Norman E. Gerber, AICP
Director

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1986

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

cc:

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Philip Z. Altfeld, Esquire
7707 Grasty Road
Baltimore, Maryland 21208

RE: Item No. 245 - Case No. 86-329-SPH
York and Parks Associates
Limited Partnership - Petitioner
Special Hearing Petition

Dear Mr. Altfeld:

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

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

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Daft-McCune-Walker, Inc.
530 East Joppa Road
Towson, Maryland 21204



Maryland Department of Transportation

State Highway Administration

William K. Holmann
Secretary
Hal Kassoff
Administrator

January 9, 1986

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

Re: Baltimore County
Item # 245
Property Owner: York and
Parks Associates Lim.
Partnership (David
Altfeld, Gen. Part.)
Location: NE corner
York Road (Route 45)
and Parks Avenue
Existing Zoning: B.L.-
CCC and O-1
Proposed Zoning: Spec.
Hearing to approve the
use permit for parking
in an O-1 zone
Acres: 11.136 sq. ft. in
O-1
District: 8th

Dear Mr. Dyer:

On review of the submittal of 12/23/85, "Parks at York", the State Highway Administration finds the site plan generally acceptable with all access to the site by way of Parks Avenue.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350
Telewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5085 Statewide Toll Free
P.O. Box 717/701 North Calvert St., Baltimore, Maryland 21203-0717



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

STEPHEN E. COLLINS
DIRECTOR

February 28, 1986

Mr. George E. Gavrellis
Vice President
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

RE: ZONING CASE 86-3295 SPH/Item 245

Dear Mr. Gavrellis:

This office has reviewed your letter dated February 25th concerning the subject site.

Based on this review and the fact that the alley cannot be legally closed, we approve your revised site plan dated January 28, 1986.

Very truly yours,

C. Richard Moore
C. Richard Moore
Deputy Director
Department of Traffic Engineering

CRM/bza

DAFT-McCUNE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-286-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

February 25, 1986

Mr. C. Richard Moore, Deputy Director
Department of Traffic Engineering
County Courts Building
Towson, MD 21204

Re: Zoning Case 86-329' SPH/Item 245
Special Hearing for Parling, York and Parks

Dear Mr. Moore:

In accordance with your meeting with Ed Haile, we are writing to respond to comments by your Mr. Flanigan relative to the subject petition. Mr. Flanigan wanted only one point of access to the supporting parking area which should be as far as possible from York Road.

We believe that this comment should be modified based on the following:

1. Parks Avenue is a two-way street. Channelization within York Road prevents left turns onto or off of York Road. The only turning movements are right turns from or onto that road.
2. Parks Avenue will be widened to a 30 foot section in connection with this development thereby providing a left turn lane. Field observations indicate no on-street parking occurs along Parks Avenue here.
3. A 12 foot recorded alley exists along the edge of the BL-COO area and title constraints prevent its closing. This development would widen the alley to enable some parking against the commercial building on its west side. The alley does serve loading activities at the rear of the strip center north of the Hess Station at the corner of Gibbons. It can be expected that trucks would use the widened alley either to serve this development or other commercial activity to the north.
4. Parking in the 0-1 portions of the site would occur under the provisions of 409.4 of the Baltimore County Zoning Regulations for business parking in a DR 5.5 Zone. That section prohibits use of the area for other than passenger vehicles. Trucks, busses, service or loading are not allowed. If the alley could be closed, relocating exclusive access, the 0-1 portion of the site as far as is possible from York Road would be contrary to the provisions of the Zoning Regulations.

Mr. C. Richard Moore, Deputy Director
Page 2
February 25, 1986

5. Providing a separate access to the 0-1 area effectively sorts out service traffic which would use the commercial area and passenger vehicles which would park predominantly in the 0-1 portions. It is to be noted that the only access point on the south side of Parks Avenue - serving a drive-in banking facility for Loyola Federal, is opposite the proposed second entrance in the 0-1 area.

For the reasons noted above, we request respectfully that previous comments by your agency on this petition be reconsidered. As always, we are available to answer questions or provide more details.

Thank you for your thoughtful consideration of this request.

Very truly yours,
DAFT-McCUNE-WALKER, INC.
George E. Gargalis
George E. Gargalis
Vice President

GEG:cm

Enclosure: Site Plan

cc: Messrs. David Altfield and Steve Nolan

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4321
MICHAEL E. COLLINS
DIRECTOR

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

FEBRUARY 4, 1986

Re: Zoning Advisory Meeting of JANUARY 7, 1986
Item # 245
Property Owner: YORK & PARKS ASSOCIATES
Location: NE CORNER YORK ROAD & PARKS AVE
Proposed Zoning: NE/C YORK ROAD & PARKS AVE

Dear Mr. Jablon:

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

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract, therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 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 1/16/86.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and its conditions change the capacity of the intersection. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and its conditions change the capacity of the intersection. The deficient service is:

OWNER OF CRG PLAN & PLAT (W-86-8)
WAS GRANTED BY THE PLANNING BOARD JAN 16, 1986

cc: James Howell

Europe A. Soter
Chief, Current Planning and Development

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

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 245 -ZAC- Meeting of January 7, 1986
Property Owner: York & Parks Associates Limited Partnership
Location: NE corner York Road and Parks Avenue
Existing Zoning: B.L. - COO and O-1
Proposed Zoning: Special Hearing to approve the use permit for parking in an O-1 zone

Acres: 11,136 sq. ft. in O-1
District: 8th

Dear Mr. Jablon:

This site should have only one pt. of access and that pt. of access should be as far as possible from York Road.

This site is located very near the intersection of York Road and Padonia Road, a failing intersection and building permits may not be obtainable.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

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

PAUL H. RESNICK
CHIEF

January 10, 1986

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: York & Parks Associates Ltd. Partnership

Location: NE corner York Road & Parks Avenue

Item No.: 245 Zoning Agenda: Meeting of 1-10-86

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

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

() 7. The Fire Prevention Bureau has no comments on this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group Site-Prevention Bureau
Special Inspection Division

/mb

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

TED ZALESKI, JR.
DIRECTOR

February 11, 1986

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

Dear Mr. Jablon:

Comments on Item # 245 Zoning Advisory Committee Meeting are as follows:

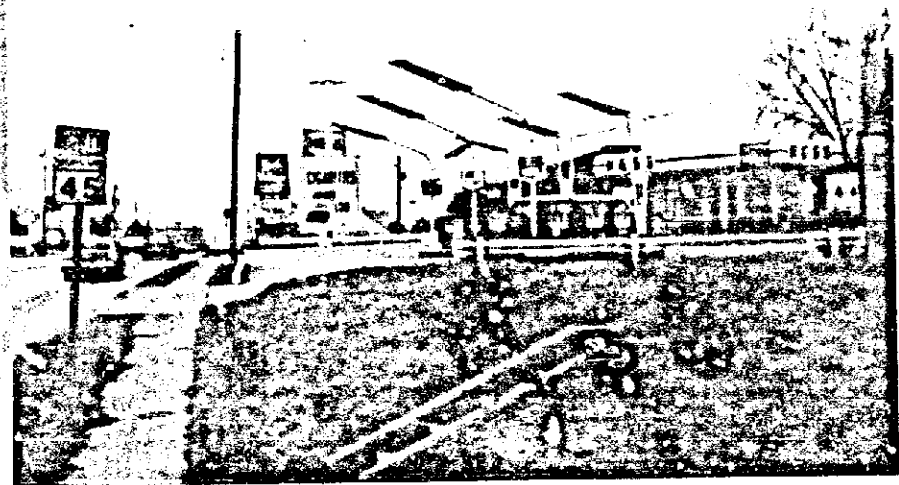
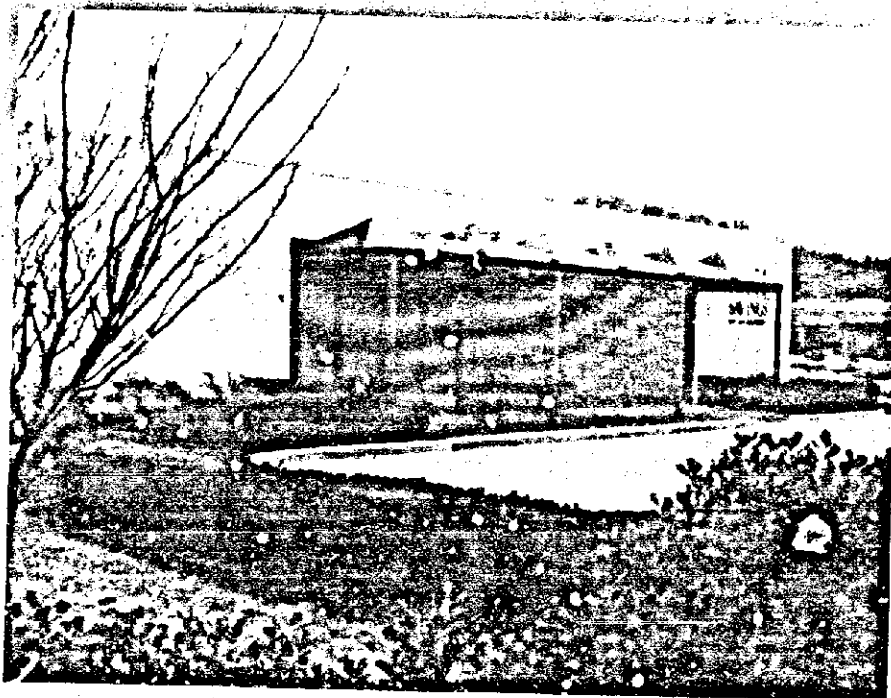
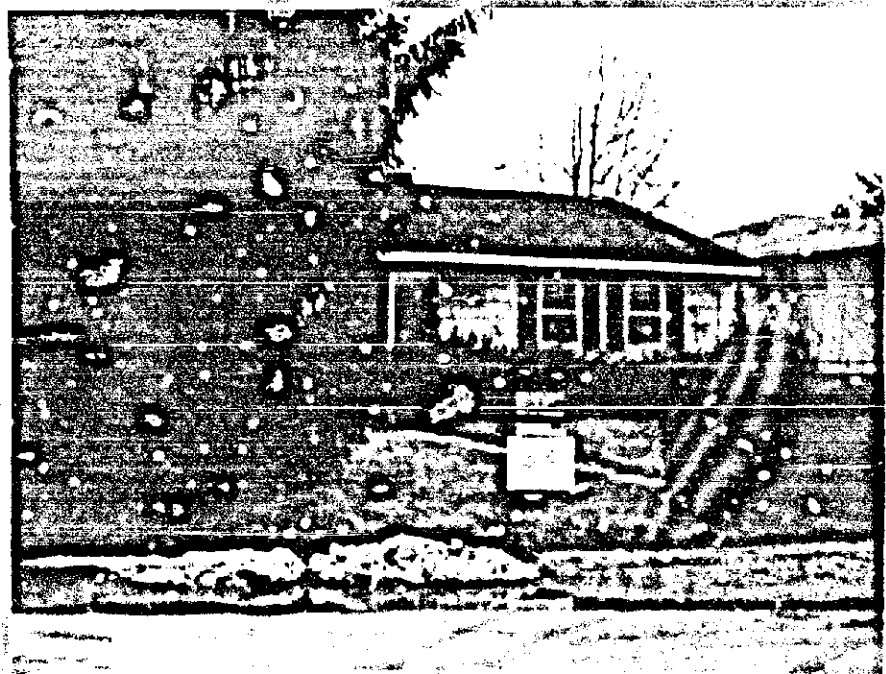
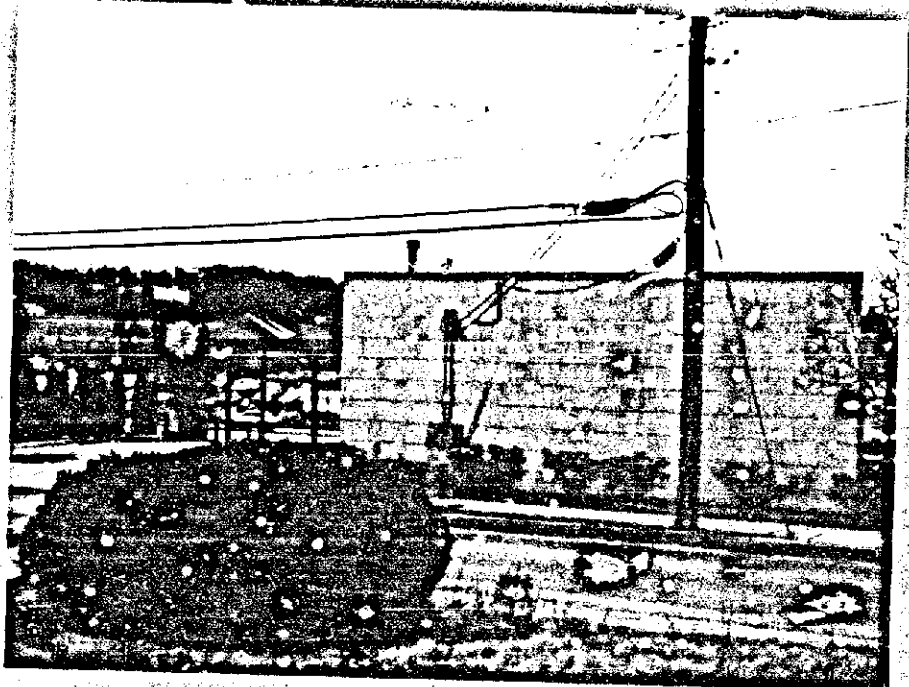
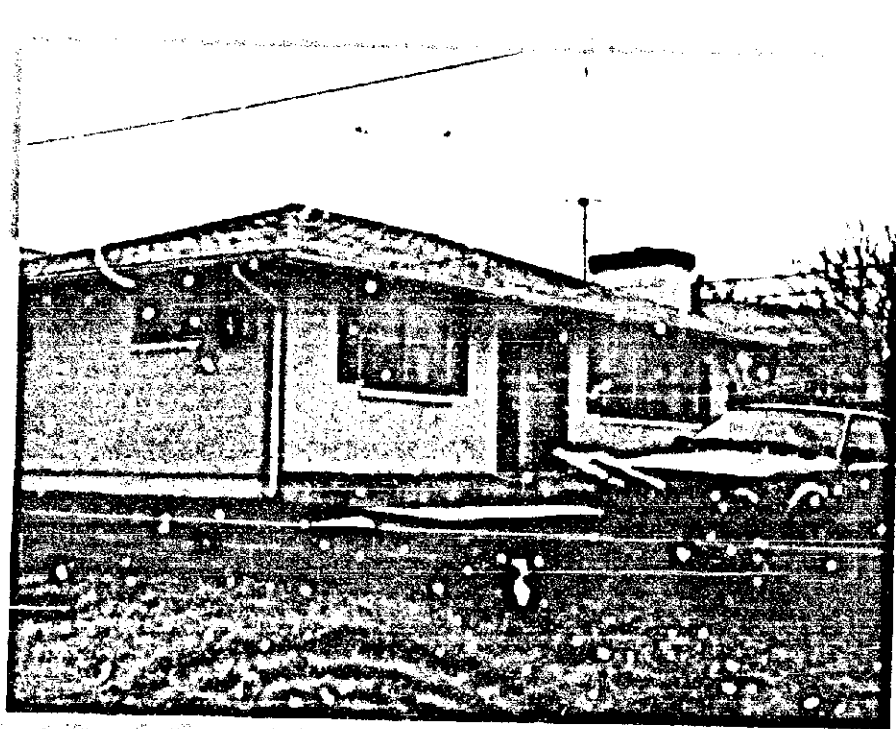
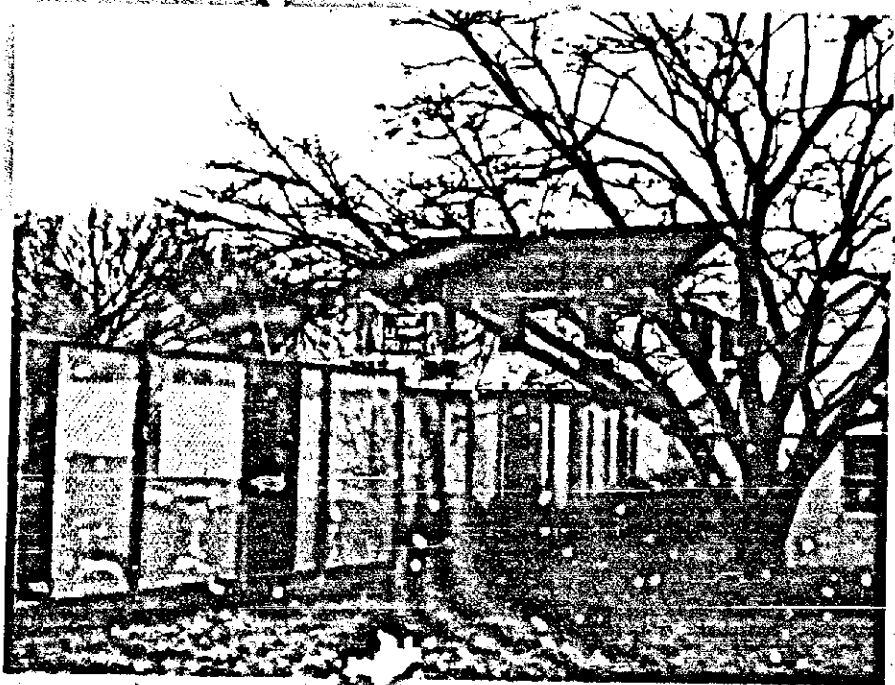
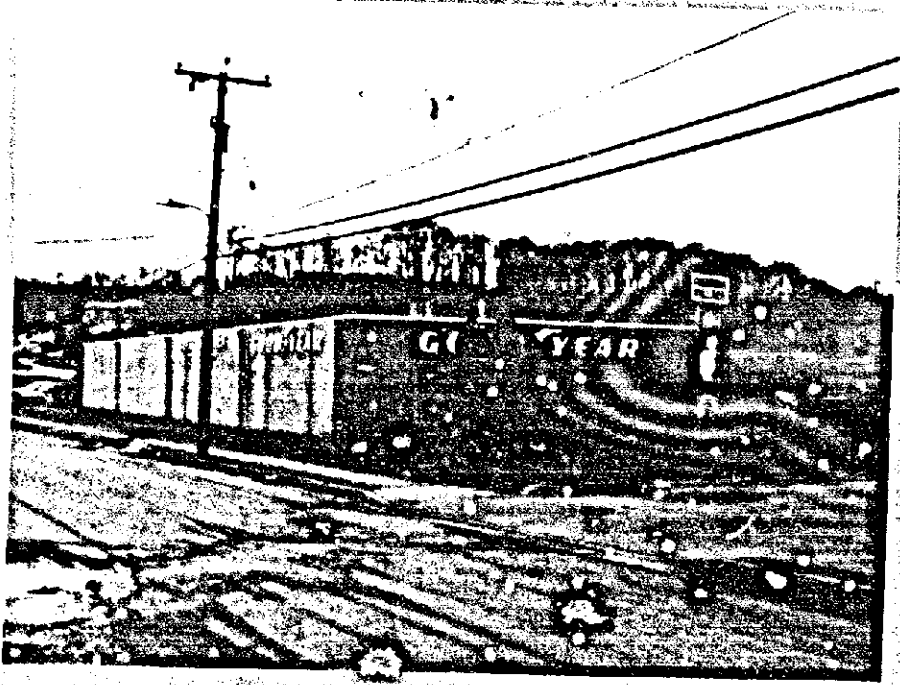
Property Owner: York and Parks Associates Limited Partnership (David Altfield, Gen. Part)
Location: NE corner York Road and Parks Avenue
District: 8th.

APPLICABLE ITEMS ARE CIRCLED

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.21, #17-1 - 1986) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction. Building permits are required for all construction.
- ☒ Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- ☒ 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 B-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. B-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 101, Section 107, Section 104.2 and Table 102. 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 101 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. Modified 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/Overwash. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- ☒ Comments: It appears the north wall will have to be a firewall without any openings. Provide curb cuts, handicapped signs, street curb cuts, etc. as per State Handicapped Code.
- ☒ These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 111 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

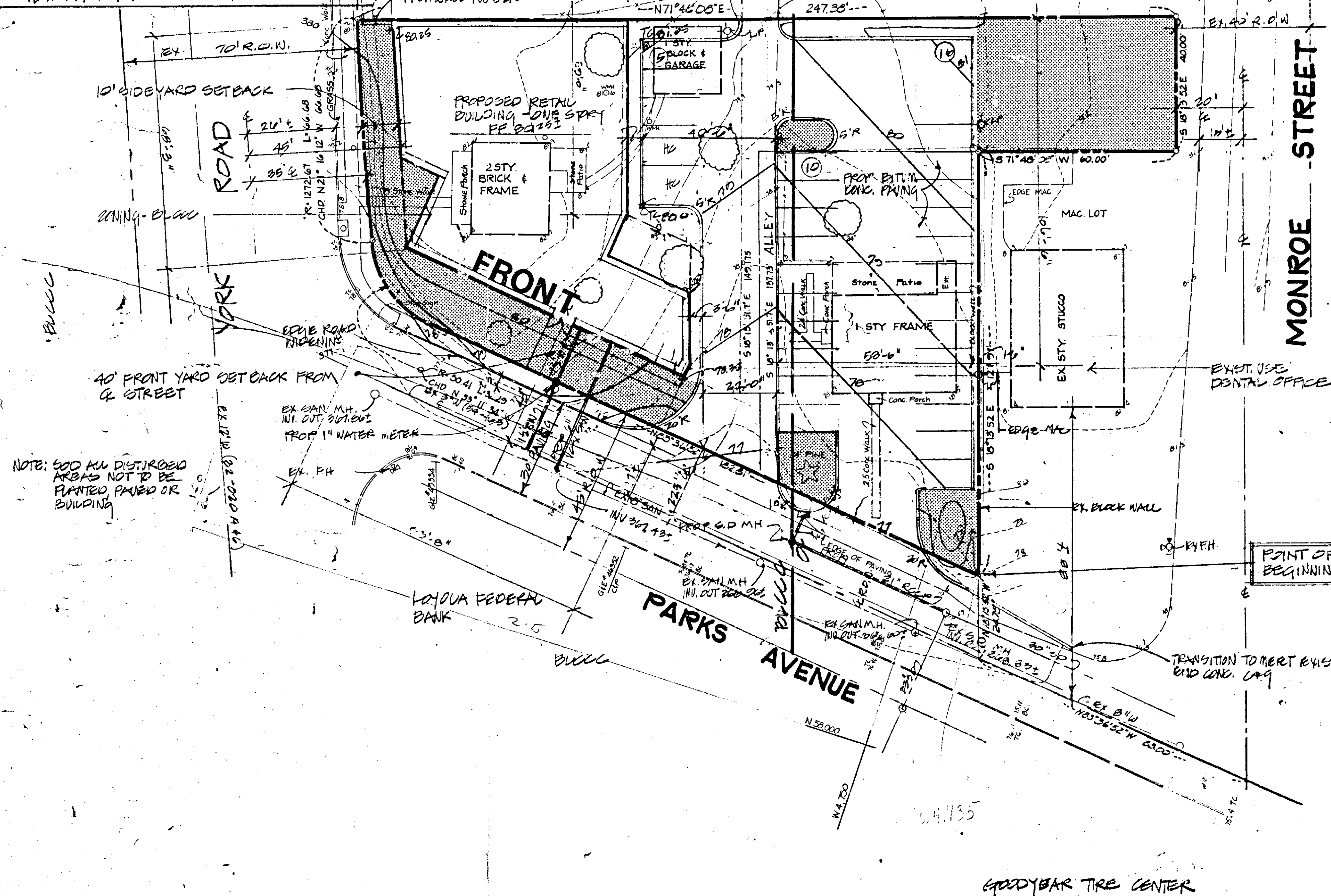
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

4/27/86





VICINITY MAP



NOTE: SOO ALL DISTURBED AREAS NOT TO BE PLANTED PAVED OR BUILDING

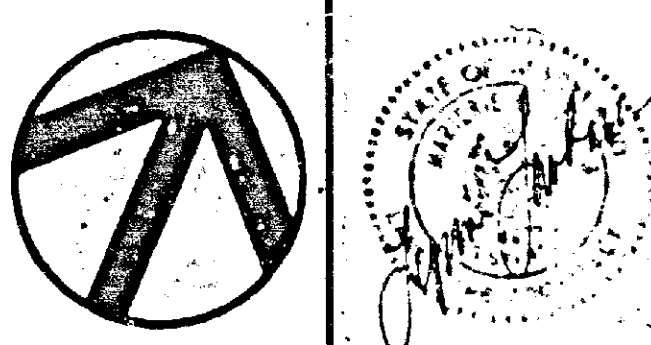
- General Notes
1. Applicant/Contract Purchase:
York and Parks Associates Limited Partnership
c/o Mr. David Altfield
7707 Cransy Road
Baltimore, Maryland 21208
410-242-1267
 2. Election District 8; Councilmanic District 4; Census Tract 4085.03.
 3. Watershed 11; Subwatershed 32.
 4. Site Data:
Current Zoning:
BL/CC = 14,477 S.F. NDT 20,165 S.F. 4000
O-1 = 11,134 S.F. P. 118-T 15,270 S.F. 4000
Building will be constructed entirely in the BL/CC zone.
Site Arrangements:
Net = 0.568 Acres +/-
Gross = 0.768 Acres +/-
(Including 30 feet of right-of-way for York Road; 22.5 feet of Parks Avenue right-of-way; and 20.0 feet of Monroe Street right-of-way.)
 5. F.A.R. Allowed = 4.0 x 20,165 S.F. = 80,672 S.F.
F.A.R. PROVIDED = 6,000 S.F.
2,100 S.F. = 4000
2,100 S.F. = 4000
 6. Amenity Open Space:
O-1 Portion of Site = 11,134 S.F.
Required Standard = 20 %
Required Area = 2,226 S.F.
Provided = 2,310 S.F.
BL/CC Portion of Site
Amenity Open Space Ratio = 0.2
Building Area = 6,000 S.F.
Required Area = 1,200 S.F. (4000 x 0.2)
Provided = 2,275 S.F.
Owner will maintain Open Space.
 7. Parking:
Required (Retail) = 6,000 S.F. x 200 = 30 Spaces
Including 2 Handicapped Spaces
Proposed = 31 Spaces
Landscape Planting:
Required = 1 Tree + 12 Parking Spaces = 2.50
1 Tree + 40 L.F. in BL/CC = 5.45
1 Tree + 20 L.F. in O-1 = 5.02
Proposed = 13.08 Trees; 147 Trees
 8. Roll:
Soil Series Hydro With Without Streets & Parking
and Symbol Class Basins Basins
Baltimore Urban Complex (S&B) Slight Slight Moderate Slope
 9. Existing vegetation consists of minimal ornamental plantings and lawn. All plantings will be removed.
 10. There are no existing streams, buffer soils or flood plains.
 11. The existing structures are not listed on the Baltimore County Landmarks Preservation List or the National Register.
 12. Current Ownership: York and Parks Associates Limited Partnership
7707 Cransy Road
Baltimore, Maryland 21208
Head References: Liber E.B.R., Jr. 0943 folio 343;
Liber E.B.R., Jr. 4944 folio 376
Property Numbers: 08-070600, 08-02085250, 08-02085251
Average Daily Trips: 6,000 S.F. @ 12.5/1,000 = 75.0 A.D.T.'s
A stormwater management waiver has been requested.

13. There are no existing wetlands, critical areas, archaeological sites, and/or endangered species habitats or hazardous materials sites on this property.
14. Hours of operation will be 8:00 a.m. to 8:00 p.m. The number of employees will be 15.
15. Lighting will be provided on-site. Poles will be 15 feet +/- in height with sharp cut-off fixtures arranged so as not to project on adjacent properties.
16. Landscaping will be provided to meet Baltimore County Landscape Manual and applicable zoning regulations.

- Notes for request for Special Hearing to park in an O-1 zone per Section 408.5, Baltimore County Zoning Regulations.
1. Requested area is in same ownership and it across alley from principal use served.
 2. Only passenger vehicles will use the parking area subject of this petition.
 3. There will be no loading, servicing, or any use other than parking within this parking area.
 4. Lighting will be provided only during normal business hours, 8:00 a.m. to 8:00 p.m. Poles will be 15 feet with sharp cut-off fixtures arranged so as not to project on adjacent properties.
 5. Paving shall be bituminous concrete and shall be drained in accordance with applicable requirements.
 6. All on-site improvements including parking canopy open space and landscaping shall be maintained by the Owner.
 7. Screening and landscaping shall be provided in conformity with the requirements and standards of the Landscape Manual.



PARKS AT YORK SITE PLAN



DATE	REVISIONS
12-23-05	GENERAL
12-23-05	NOTES & BOUNDARY

SCALE: 1" = 20'	JOB ORDER NO. 35078	ISSUE DATE 12-1-05
		SD-1

PRINTED
DEC 23 1985
DAFT-McCUNE-WALKER, INC.

#245