A wee permit for off-accest parking in an 0-1 fpr 3.31 tops in accordance with provisions of Section 409.4 and to approve a modified plan which includes an accessory building to the parking area housing security, mini-bus storage, ity building to the pathons, direction and account of the parking and nance, restrooms, and recreational storage for Edemwald Life Care parking and party is to be pested and advertised as prescribed by Zoning Regulations, on-site amenity

I, or we, agree to pay exponents of the above Special Hearing advertising, peeting, etc., upon Sing of the Publics, and harder agree to and are to be beand by the moning regulations and vestriction of Rationary County administration and vestriction of Rationary County.

I/We do selemely declare and affirm, under the possities of perjury, that I/we are the legal owner(s) of the property

Loral Owner(s) General German Aged Peoples' Home of Baltimore Dulency Valley Partners (1994) (Crystal Name) Towner Wachel 29 530 700 Feismount Syenus . 823-0637 Towners, Maryland 21204 7 St. Paul Street Name, address and phone number of legal corner, con-tract purchaser or representative to be contacted J. Robert Green Address Baltimore, Maryland 21202 Melkers Anc. Dett-Hefung-Helber, Inc. 200 East Pennsylvania Avenue Touson, Maryland 21204 296-3333 City and Rate Atternacia Telephone No -

tred by the Soning Low of Baltimore County, in two nowspapers of general circulation through-altimore County, that property be posted, and that the public hearing be had before the Zoning ter of Baltimore County in Room 106, County Office Building in Tourson, Baltimore 

described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrected tive of its location within the zone. Schultz v. Pritts, 432 A.2d 1319

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor rend to create conception 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 entrit and intent of the BCTD

Pursuant to the advortisement, 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 conmunity not being adversely affected, the requested relief should be granted.

Therefore. IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of May, 1986, that the use permit for off-street parking in an O-1 Zone and the accessory structure to serve as a gatehouse and garage are approved and, as such, the Petition for Special Hearing is hereby GRAMTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions procedent to the relief granted

1. No more than one mini-bus may be stored on the

- 3 -

2. No service garage/work shall be permitted.

ms C. Beach, Equire ecole's Counsel

Our Pile Bo. 810250 (18: L810250)

IN RE: PETITION SPECIAL HEARING

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OF BALTIMORE COUNTY

Dulaney Valley Partnership

Case No. 86-467-SPH Petitioner \*

## . . . . . . . . . . . PINDINGS OF PACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a use permit for off-street parking in an 0-1 Zone to serve the Riemvald Retirement Center (Riemvald) located across the street and to permit an accessory structure to serve as a gatehouse and garage for a mini-bus owned by Edenwald, which is owned by the General German Aged Peoples' Home of Baltimore, the Contract Purchaser of this site, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Charles Stein, General Counsel for the Contract Purchaser, appeared and was represented by Counsel. There were no Protestants. Approximately 60 residents and guests of Edenwald and the condominium complex to the east of the subject site appeared in support of the requests.

Testimony indicated that the subject property, zoned O-1, is located or Southerly Road, Towson Gate Drive, and Fairmount Avenue and is presently unimproved. The site is across Southerly Poad from Edenwald and is adjacent ngate Condominium. The Contract Purchaser would like to provide eded additional parking for Edemwald in a park-like setting, i.e., a ed area. Also, a 30' x 40' building is proposed for restrooms, of a mini-bus, and a maintenance area for tools. No service work will be performed. Included in the building would be an area to serve as Everyone who appeared at the hearing praised the plan. Petitioner seeks relief from Section 409.4, pursuant to Section

5021, Baltimore County Zoning Regulations (BCZR).

It is clear that the use of the terms "usu pounit" and "special exception" are intended to be interchangeable and that the import of either is the same. See Nofmeister 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 vs 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 0-1 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 in delinoated 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

the Petitioner had the burden of adducing testimony and evidence which show that the proposed use met the prescribed standards and requireset forth in Section 502.1. In fact, the Petitioner has shown that med use would be conducted without real detriment to the neighand would not adversely affect the public interest. The facts and do not show that the proposed use at the particular location DAFT-M-CUNE-WALER,

200 E Pasy

Parcel Of Land Zoned 0-1, North Side Pairmount Avenue, East Side Towson Cate Drive, South Side Southerly Boad Binth Election District, Baltimore County, Maryland.

beginning for the same at a point on the southeast side of Towson Gate Drive (60 feet wide) at the fillet which connects said southeast side of Towson Cate Drive with the southwest side of Southerly Road (50 feet wide), said point being located the two following courses and distances from the intersection of the conterlines of the aforementioned roads, (1) South 30 degrees 06 minutes 21 seconds Hest 33.88 feet, and (2) South 59 degrees 53 minutes 39 seconds East 30.00 feet, thence leaving said point of beginning and running and binding on said fillet, (1) North 72 degrees 17 minutes 52 seconds East 14.67 feet to the southwest side of Southerly Road, thence binding thereon (2) South 63 degrees 00 minutes 00 seconds East 144,36 feet, (3) southeasterly by a curve to the right with the radius of 375.0" feet, the length of 103.04 feet, the chord of said curve being South 55 degrees 07 minutes 42 seconds East 102.72 feet, (4) South 42 degrees 44 minutes 37 seconds West 16.00 feet, and (5) South 47 degrees 15 minutes 23 seconds East 68.85 feet, thence leaving said southwest side of Southerly Road and running, (6) South 42 degrees 44 minutes 37 seconds West 42.04 feet, (7) South 30 degrees 06 minutes 20 seconds West 183.86 feet, (8) North 59 degrees 53 minutes 39 seconds West 41.23 feet, (9) South 42 degrees 44 minutes 37 seconds West

Page 1 of 2

PETITION FOR SPECIAL HEARING

9th Election District Case No. 86-467-SPH

Northeast Corner of Fairmount Avenue and Towson Gate Drive

DATE AND TIME: Monday, May 12, 1986, at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

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 off-street parking in an 0-1 (D.R. 5.5) Zone and to approve a modified plan which includes an accessory building to the parking area housing security, mini-bus storage, maintenance, restrooms, and recreational storage for Edenwald Life Care parking and on-site amenity apace

Being the property of <u>Dulaney Valley Partnership</u>, 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 entertains may request for a stay of the issuance of said permit during this perfor good cause shown. Such request must be received in writing by the date of ibsaring set above or made at the hearing.

BY ORDER OF ARMOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

TITION FOR SPECIAL HEARING : BEFORE THE ECHING COMMISSIONES
//Corner of Fairmount Ave.
ad Townon Gate Dr., 9th Dist. : OF BALTIMORE COUNTY nt Ave. 9th Dist. : OF BALTIMORE COUNTY DULANEY VALLEY PARTHERSHIP, : Case No. 86-467-SPH ......

ENTRY OF APPRAGANCE

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

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

file Max Zumennan Peter Max Zimmerme

I HEREBY CERTIFY that on this 24th day of April, 1986, a copy of the foregoing Entry of Appearance was mailed to Thomas C. Beach, Esquire, 7 St. Paul St., Baltimore, MD 21202, Attorney for Petitioner.

Leter Max Zuming

Page 2 of 2

55.34 foot to the north side of Pairmont Answer (116 foot wide)

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foot, (11) sorthwesterly by a curve to the left with the redies of

being Sorth 56 degrees 11 minutes 40 seconds West 20,78 feet, (12)

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purposes only and is not intended to be used for

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Borth 30 degrees 66 minutes 21 seconds Stat 361.03 feet to the

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place of beginning

Morch 12, 1986

RECEIVED FOR FILENS

EAN M. H. JUNG DEPUTY ZONING COMMISSIONED

May 6, 1986

This is to advise you that the 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 MEARING OR THE ORDER SHALL NOT BE ISSUED,

Do not remove sign from property from the time it is placed by



## BALTIMORE COUNTY, MARYLAND

Arnold Jeblon Date April 30, 1986

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

MANAGE Zoning Petition No. 86-467-Spil

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the subject request.

NEG/JGH/at

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 22, 1986

COUNTY OFFICE BLDG. 111 M. Chenapeake Ave. Towns, Naryland 2120

HERREN Bureau of Department of

State Poads Comics Bureau of Health Donastment Project Planning Building Department board of thesesses toning Agministratio Industrial

Thomas C. Beach, Esquire Whiteford, Taylor and Preston 7 St. Paul Street Baltimore, Maryland 21202

RE: Item No. 343 - Case No. 86-467-SPH Dulaney Valley Partnership - Petitioner Special Hearing Petition

Dear Mr. Beach:

The Zoning Plans Advisory Committee has reviewed the plans and the plans of problems with regard to the development, plans of problems with regard to the development, plans of the plans o

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 combern are considered to the comment of t

James En Lyes / med Zoning Plans Advisory Committee

PORCION C GENTEN

Mr. Arneld Jablon Janing Commissioner County Office Building Touson, Maryland 21201

cc: Mr. Lawrence R. Rachuba, General Partner Dulancy Valley Partnership 700 Fairmount Avenue Towson, Maryland 2120

Mr. J. Robert Green
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

April 15, 1986

### NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
HE/cor, of Fairmount Ave, & Towson Gate Dr.
9th Election District
Dulaney Valley Patthership - Petitioner
Case No. 86-467-SPH

Monday, May 12, 1986

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

■ 019858 Mr. J. Robert Green Daft-McCune-Walker, Inc. 200 East Pennsylvania Avenue Towson, Maryland 21204 01-615-000 Doft Me Can+ Walken

50h . # 343 B 8 007\*\*\*\*\*1000014 #26#F

Deleney Valley Partnership HE/S Pairmount Road, EE/S Towson Gate Dr., SW/S of Southerly Read

(a) all offurtures shall confus to the Saltinore County Salting Code on observed by Council Salt 511-55, the Santings Code for the Empire of the Santings Code on Santings Code (a) a building and other adverligances puzzles shall be required before the other of any equipments

Residentials Two sets of construction depoints are required to file a possit application. The coal of a

b. Commercial: Three orie of construction drawings medical and mignes by a vegiciared in Haryland Austrian or Regimer shall be required to file with a possil smalleston. Superduced sonis are not comprising.

F. The structure does not appear to comply with Table 505 for pursionable height/nows. Butly to the reported variance by this office comment be considered until the necessary facts purishang to height/new and construction two is provided. See Table 161 and 505 and here per simultantly inflammer review this departmen

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Section Capter staff does not comby with Bottom 650-3 [3] or Section 616,9-2.

And the construction plane. Provide compliance to the State Sandiagon of Capter Sandiagon 640 (1) or Section 610 (1) or Se

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DOEL 21, 1986

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Additional comments:



Mr. Arnold Jablon Zoning Cornisminner Office of Planning and Zoning Bultimore County Office Duilding Tomaco "Maryland 21204

EL: Property Owner: Dulancy Valley Partnership

Location . ME/S Fairmount Rd., SE/S Towson Gate Dr., SM/S of Southerly Rd. Item No. .

Zoning Agenda: Meeting of April 1, 1986 Gent Jenen

Fursuant to your request, the referenced property has been surveyed by this Survau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

Fire hydrants for the referenced property are required and abail to located at intervals or fort along an approved road in coverance with battered Country Standards as published by the repartment of Public Morks.

1 2. A second means of wehicle access is required for the site.

) ). The vehicle dead end condition show at

EXCKEDS the maximum allowed by the Fire Department.

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 Stendard No. 101 "Life Safety Code", 1976 edition prior

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

The fire Prevention Bureau has no college this time.

REVIEWER TO Done to the yearst approved Tripales Copy to Tripales Copy to The Street Special Street Control Special Special Copy to The Prevention Bureau Special Inspection Division

# 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

Zoning Commissioner

Chairman, Zoning Plans Advisory Committee

TOWSON TIMES.

Publisher

42.50

86-H67 SPA

District 974	Date of Posting 4/18/84
Posted for: Special Hearing	
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TOWSON, MD.,, 19
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
April 24 19 86

THE JEFFERSONIAN.

April 24

86

Publisher Cost of Advertising

27.50

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_April\_23\_\_\_\_, 19\_\_86

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 April 23 , 19 86



