

7-2197
over 24

4/20/87
T. J.

The Greater Towson Council of Community Assoc.

Mrs. Jean K. Duvall, President
227 Murdock Road
Baltimore, MD 21212

April 20, 1987

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office
Planning and Zoning
County Office Building
Towson, MD 21204

Dear Mr. Jablon:

STEPHEN KIMBALL

At its most recent meeting, April 16, 1987, the Board of the Greater Towson Council of Community Associations unanimously endorsed the position of the Wiltontdale Improvement Association, Inc. in the matter of Case No. 87-417-XA, Item No. 281, concerning a special exception for a Class B office building with variances Stephen Kimball being the petitioner.

Mr. Craig W. Parker, President of the Wiltontdale Improvement Association, Inc. and a member of the Greater Towson Council of Community Associations, was empowered by the GTCCA Board to represent the Council at this hearing. The position he will take in the matter of 87-417-XA is that of the GTCCA.

Yours sincerely,

Richard Parsons
Richard Parsons
Secretary

RFipar

RECEIVED
APR 20 1987
ZONING OFFICE

The Greater Towson Council of Community Assoc.

The current number of members of the Greater Towson Council of Community Associations is: 16

The Council's general geographical limits or boundaries are as follows:

- The East side of Charles Street from the city line to the beltway on the West
- The Beltway on the North
- The City line on the South
- A line approximately mid-point between York Road and Loch Raven Boulevard on the East

Anneslie Community Association, Inc.; Bellona-Gittings Community Association, Inc.; Burkleigh Square Community Association; Campus Hills Community Association; East Towson Neighborhood Association; Knollwood-Donnybrook Improvement Association, Inc.; Morningside Improvement Association, Inc.; Rodgers Forge Community Association; Southland Hills Improvement Association; Stoneleigh Community Association; Stoneridge Community Association; Towson Manor Association; Towson Manor Improvement Association; Towson Park Community Corporation; West Towson Neighborhood Association; Wiltontdale Improvement Association.

RECEIVED
APR 20 1987
ZONING OFFICE

WILTONDALE IMPROVEMENT ASSOCIATION, INCORPORATED

P. O. BOX 10116

TOWSON, MARYLAND 21204

April 19, 1987

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

Dear Mr. Jablon:

The attached statement is hereby submitted by the Wiltontdale Improvement Association in relation to case number 87-417-XA- request for a Special Exemption for a Class B office building.

Please enter this statement in the testimony of the zoning hearing on this case which is scheduled on Monday, April 20, 1987.

Thank you for your cooperation.

Sincerely,
Craig W. Parker
Craig W. Parker
President

WILTONDALE IMPROVEMENT ASSOCIATION, INCORPORATED

P. O. BOX 10116

TOWSON, MARYLAND 2 204

The Wiltontdale Improvement Association, Incorporated opposes the request for a special exemption for a Class B office building on the property of Stephen Kimball, located at 7313 York Road, Towson, Maryland 21204, in case number 87-417-XA. The Wiltontdale Improvement Association has consistently opposed any zoning proposal in its immediate area in order to maintain the residential character of the community.

The Board of Directors perceive an addition to this building as an increase in activity. Thus, the need for additional parking is necessary. According to the drawings and facts presented to us by Mr. Kimball, he is only one parking space short as required by current zoning regulations. However, the residents adjacent to the Kimball property in the 500 block of Sussex Road do not want the threat of on street parking on their street.

The membership of the Wiltontdale Improvement Association has been approximately 70% of the community in recent years. Presently, there are 290 dues paying members of the 375 property owners in Wiltontdale. In the past, the Association has consistently represented its membership in zoning cases threatening the residential character of the community. In this case, the Board members believe that if the requested exception is granted, a precedent would be set for other zoning changes in and around Wiltontdale. Therefore, the Wiltontdale Improvement Association does not support the petitioners request for Class B office building.

IN RE: PETITIONS SPECIAL EXCEPTION AND VARIANCES *
E/S of York Road, 203.35' N *
of Stevenson Lane (7313 York *
Road)- 9th Election District *
Stephen Kimball, *
Petitioner *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 87-417-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building and, additionally, variances to permit six parking spaces in lieu of the required seven spaces, an amenity open space of 21.4% in lieu of the required 25%, and a floor area ratio of 0.51 in lieu of the required 0.50, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Jim McKee, a registered civil engineer, and Louis Kimball, co-owner of the instant property, appeared on behalf of the Petitioner. Craig Parker, President of the Wiltontdale Improvement Association (Association), appeared in opposition.

Testimony indicated that the subject property, located on York Road near Sussex Road, is improved with a two-story office building of which 1,678 square feet is used for offices and 475 square feet, the basement area, is used solely for storage. This office building and two other office buildings on two adjacent lots to the south were granted, Case No. 4703-RX, in 1959. These office buildings are actually joined by common party walls although each is independently owned and utilized. The Petitioner purchased the subject property in 1973. He has used the office building for his construction company's offices only since its purchase. He now proposes to add a 30' x 16' one-story addition to the rear of the building which will permit

room for office equipment and drafting material. No additional employees are contemplated. The residential neighbor to the north, on the corner of Sussex and York Roads, does not object to the proposed addition.

Mr. Parker and the Association are concerned about commercial parking on the residential streets and further commercial encroachment in the residential community.

The Petitioner seeks relief from Section 203.3.B.2, pursuant to Section 502.1, and from Sections 409.2.b.(5) and 101, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Mr. McKee testified that, in his opinion, the criteria delineated in Sections 502.1 and 307 will be satisfied and that there would be no adverse impact to the public health, safety, and welfare of the community.

In addition to granting the special exception for an office building, Case No. 4703-RX also reclassified the zoning of the property to R-A. The office building was constructed pursuant to the terms and conditions contained in the Order and the BCZR in effect at the time. Clearly, the office building is a nonconforming use in that the current zoning is R-O and the proposed addition is less than 25% of the total square footage of the existing building. However, it would be more than 25% of the ground floor area. Therefore, a new special exception is required. In effect, the proposed addition requires the existing building to be brought up to current standards.

It is clear that the BCZR permits the use requested by the Petitioner in an R-G Zone by special exception. 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 in Section 502.1 are satisfied by the Petitioner.

ORDER RECEIVED FOR FILING
Date April 23, 1987
By Staff of Planning

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 adducing 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.

The Petitioner has also requested variances; however, the need to have the parking varied is moot. Section 409.2.b.(5) does not require parking for office buildings containing 5,000 square feet or less. This office building, including the addition, contains only 2,633 square feet of office space, and therefore, parking is not required. However, based on the testimony and evidence presented, it is clear that the addition will have no adverse impact to the present parking situation. Even if parking were required, seven spaces would be the standard and six spaces will be provided. The other variances requested are de minimis.

ORDER RECEIVED FOR FILING
Date April 23, 1987
By Staff of Planning

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

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

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

It is clear from the testimony that if variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, variances will not be detrimental to the public health, safety, and general welfare.

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 special exception and variances should be granted.

ORDER RECEIVED FOR FILING
Date April 23, 1987
By Staff of Planning

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of April, 1987, that the Petition for Special Exception for a Class B office building be and is hereby GRANTED, variances to permit an amenity open space of 21.4% in lieu of the required 25% and a floor area ratio of 0.51 in lieu of the required 0.50 be and are hereby GRANTED, and a variance to permit six parking spaces in lieu of the required seven spaces be and is hereby DISMISSED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: William B. Bergen, Jr., Esquire

Mr. Craig Parker

People's Counsel

ORDER RECEIVED FOR FILING

Date

By

- 5 -

PETITION FOR SPECIAL EXCEPTION

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A CLASS B OFFICE BUILDING.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 539-6841

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

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

Stephen Kimball

Same as above

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of March, 1987, 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 20th day of April, 1987, at 11:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

Date

By

Q.No. 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section

203.4 to permit 21.4% amenity open space in lieu of the required 25%; 101 (definition of a class "B" office building) to permit a floor area ratio of .51 in lieu of the allowed .50; also to permit a class "B" office building to be attached to another building in lieu of the required freestanding. (the office building was originally granted under R.A. zoning)

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

1. No additional employees will be added as result of the addition
2. No existing spaces will be eliminated
3. The existing six spaces are adequate for the existing employees.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 539-6841

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

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

Stephen Kimball

Same as above

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of March, 1987, 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 20th day of April, 1987, at 11:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING

Date

By

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone (301) 252-5820

December 29, 1986

DESCRIPTION OF
PROPERTY OF
KIMBALL CONSTRUCTION COMPANY
7313 YORK ROAD

Beginning, for the same on the easternmost side of York Road at the distance of 203.35 feet northerly from the northernmost side of Stevenson Lane and running thence South 70° 13' East and passing through the center of a partition wall 140 feet to the westernmost side of a right-of-way 10 feet wide and running thence North 19° 47' East and binding on said right-of-way with the ure thereof in common 30 feet thence North 70° 13' West 140 feet to the easternmost side of said road thence South 19° 47' West 30 feet to the place of beginning.

OFFICE COPY

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 day of April, 1987

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Petitioner
Petitioner's
Attorney

Received by:

Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO Zoning Commissioner

Date April 10, 1987

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

SUBJECT: Zoning Petition No. 87-417-XA

This office suggests that, if possible, the addition be treated as an expansion of a non-conforming use. If this is possible, variances would not be necessary.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

PCE:ms

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 13, 1987

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

James D. Laudeman
17 Commerce Street
Baltimore, Maryland 21202

RE: Item No. 281 - Case No. 87-417-XA
Petitioner: Stephen Kimball
Petition for Special Exception and
Variance

Dear Mr. Laudeman:

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:kbb

Enclosures

cc: Stephen Kimball
7313 York Road
Towson, Maryland 21204

McKee & Associates, Inc.
Shawin Place, 5 Shawin Road
Hunt Valley, Maryland 21030



Maryland Department of Transportation

State Highway Administration

JAN 13 1987

William K. Hoffmann
Secretary
Zoning Office
Hal Kasseff
Administrator

January 9, 1987

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

Attention: Mr. James Dyer

Re: ZAC Meeting of 1-13-87
ITEM: #281.
Property Owner: Stephen Kimball
Location: E/S York Road, Route 45
203.35 feet N of Stevenson Lane
Existing Zoning: R.O.
Proposed Zoning: Special Exception
for a Class B Office Building and
Variance to permit 6 parking spaces
in lieu of the required 7 spaces
and to permit a floor area ratio
of .51 in lieu of the required
maximum of .50
Area: 30 X 140
District: 9th Election District

Dear Mr. Jablon:

On review of the submittal of 12-29-86 for Special Exception, the State Highway Administration finds the site plan generally acceptable with no vehicular access to York Road - Route 45.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

cc: Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 707 North Calvert St., Baltimore, Maryland 21203 - 0717



Maryland Department of Transportation

State Highway Administration

William K. Hoffmann
Secretary
Hal Kasseff
Administrator

February 2, 1987

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 1-13-87
ITEM: #281.

Property Owner: Stephen Kimball
Location: E/S York Road, Route 45
203.35 feet N of Stevenson Lane
Existing Zoning: R.O.
Proposed Zoning: Special Exception
for a Class B Office Building and
Variance to permit 6 parking
spaces and to permit a floor area
ratio of .51 in lieu of the required
maximum of .50.
Area: 30x140
District: 9th Election District

Dear Mr. Jablon:

On review of the submittal of the revised plan dated December 12, 1986 for Special Exception, the State Highway Administration finds the site plan generally acceptable with no vehicular access to York Road, Route 45.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GG:maw

cc: Mr. J. Ogle

By: George Gosman

FEB 5 1987

ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
CHIEF

January 30, 1987

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

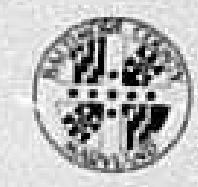
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 279, 280, 281, 282, 283, 284, and 285.

Very truly yours,

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

MSF:lt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-4500

PAUL H. RENCKE
CHIEF

January 27, 1987

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

RE: Property Owner: Stephen Kimball

Location: E/S York Rd., 203.35' N. of Stevenson La.

Item No.: 281

Zoning Agenda: Meeting of 1/13/87

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.

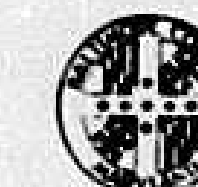
(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

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

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

REVIEWER: *John F. O'Neill*
Noted and Approved: John F. O'Neill
Planning Group
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 281 Zoning Advisory Committee Meeting are as follows:

Property Owner: Stephen Kimball
Location: E/S York Road, 203.35 feet N of Stevenson Lane
District: R.O.

APPLICABLE ITEMS ARE CIRCLED:

(A) 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.S.S.I. #17-1 - 1980) and other applicable Codes and Standards.

(A) A building and other miscellaneous permits shall be required before the start of any construction.

(C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

(C) 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.

(B) All Use Groups except B-4 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1408.1 and Table 1407. If openings are permitted in an exterior wall within 3'-0" of an interior lot line, independent 2" x 4" non-combustible fire walls are required at each interior property line.

(F) The structure does not appear to comply with Table 505 for permissible height/area. Apply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

Unless this building has approved fire walls at interior lines, it appears (C) The requested variance appears to conflict with Section(s) listed below of the Baltimore County Building Code.

(H) When filing for a required Change of Use/Grouping Permit, an attention permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Uses. See Section 312 of the Building Code.

(I) The proposed project appears to be located in a Flood Plain, Flood/Hurricane. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the 1st and the finish floor levels including basement.

(C) Comments: See Section 103.2, Section 505.2, Table 401 Line 2, Section 1406.2, Section 1407.0, 1408.0. Please have your professional contract to this office before producing.

(E) 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 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

John F. O'Neill
John F. O'Neill
Building Plans Review

L/27/86

PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES

9th Election District - 4th Councilmanic District

Case No. 87-417-XA

LOCATION: East Side of York Road, 203.35 feet North of Stevenson Lane (7313 York Road)

DATE AND TIME: Monday, April 20, 1987, at 11:00 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 Exception for a Class B Office building

Petition for Zoning Variance to permit 21.4 percent amenity open space in lieu of the required 25 percent, definition of a Class B Office building to permit a floor area ratio of .51 in lieu of the permitted .50, to permit a Class B Office building to be attached to another building in lieu of the required freestanding (the office building was originally granted under R.A. zoning).

Being the property of Stephen Kimball, 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 EXCEPTION : BEFORE THE ZONING COMMISSIONER
E/S York Rd., 203.35' N
Stevenson La. (7313 York Rd.) : OF BALTIMORE COUNTY
9th District :

STEPHEN KIMBALL, Petitioner : Case No. 87-417-XA

ENTRY OF APPEARANCE

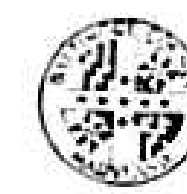
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 23rd day of March, 1987, a copy of the foregoing Entry of Appearance was mailed to James D. Laudeman, Esquire, 17 Commerce St., Baltimore, MD 21202, 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

April 14, 1987

James D. Laudeman, Esquire
17 Commerce Street
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
E/S York Rd., 203.35' N of Stevenson La.
(7313 York Rd.)
9th Election District - 4th Councilmanic District
Stephen Kimball - Petitioner
Case No. 87-417-XA

Dear Mr. Laudeman:

This is to advise you that \$126.53 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.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT No. 32576 County, Maryland, and remit to, Towson, Maryland

DATE 4-20-87 ACCOUNT 01-615-000

AMOUNT \$ 126.53

RECEIVED FROM Stephen Kimball

FOR Adm. Postage - 87-417-XA

Returned to Petitioner

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 4/22/87
Posted for Special Exception & Variance
Petitioner Stephen Kimball
Location of property E/S York Rd. 203.35' N of Stevenson La. (7313 York Rd.)
Location of Sign Room 106, County Office Building, 111 W. Chesapeake Ave. Towson, Md.
Remarks:
Posted by [Signature] Signature Date of return 3/24/87
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 2, 1987

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 2, 1987.

THE JEFFERSONIAN,

Susan Glendy Obrecht
Publisher

41.83

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 1, 1987

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 1, 1987.

TOWSON TIMES,

Susan Glendy Obrecht
Publisher

54.70

James D. Laudeman, Esquire
17 Commerce Street
Baltimore, Maryland 21202

March 13, 1987

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
E/S York Rd., 203.35' N of Stevenson La.
(7313 York Rd.)
9th Election District - 4th Councilmanic District
Stephen Kimball - Petitioner
Case No. 87-417-XA

TIME: 11:00 a.m.

DATE: Monday, April 20, 1987

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

[Signature]
Zoning Commissioner
Baltimore County

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

No. 30437

DATE 12/31/86 ACCOUNT 01-615

AMOUNT \$ 200.00

RECEIVED FROM KIMBALL CONSTRUCTION Co., Inc.

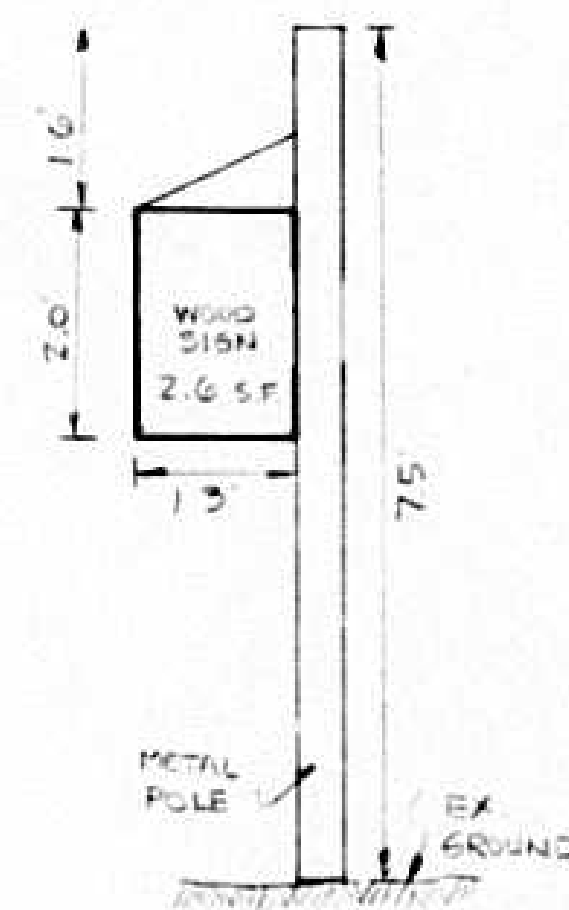
FOR Filing Fee for Sp. Ex. & Variance

8027*****2000012 0316 H 281

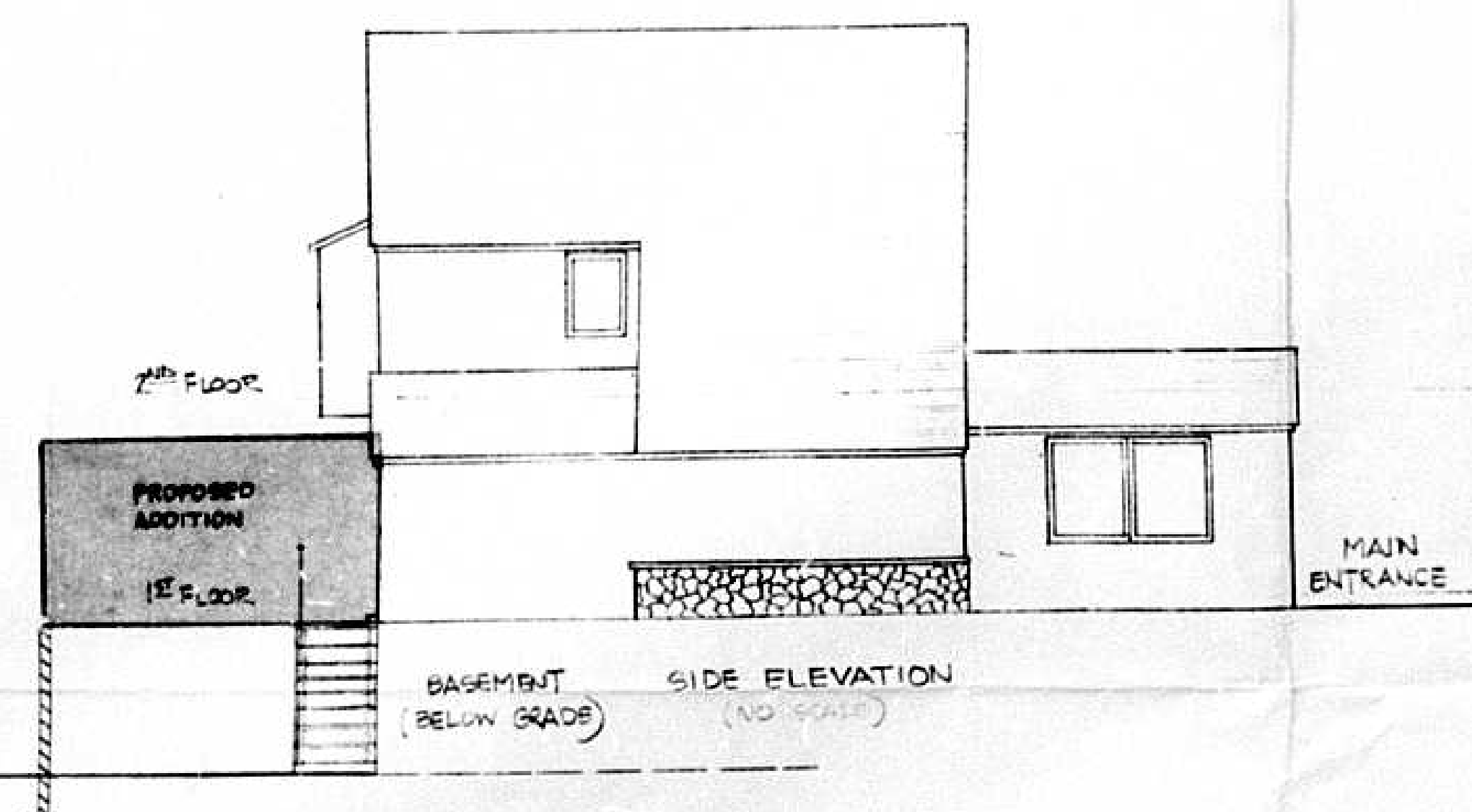
VALIDATION OR SIGNATURE OF CASHIER



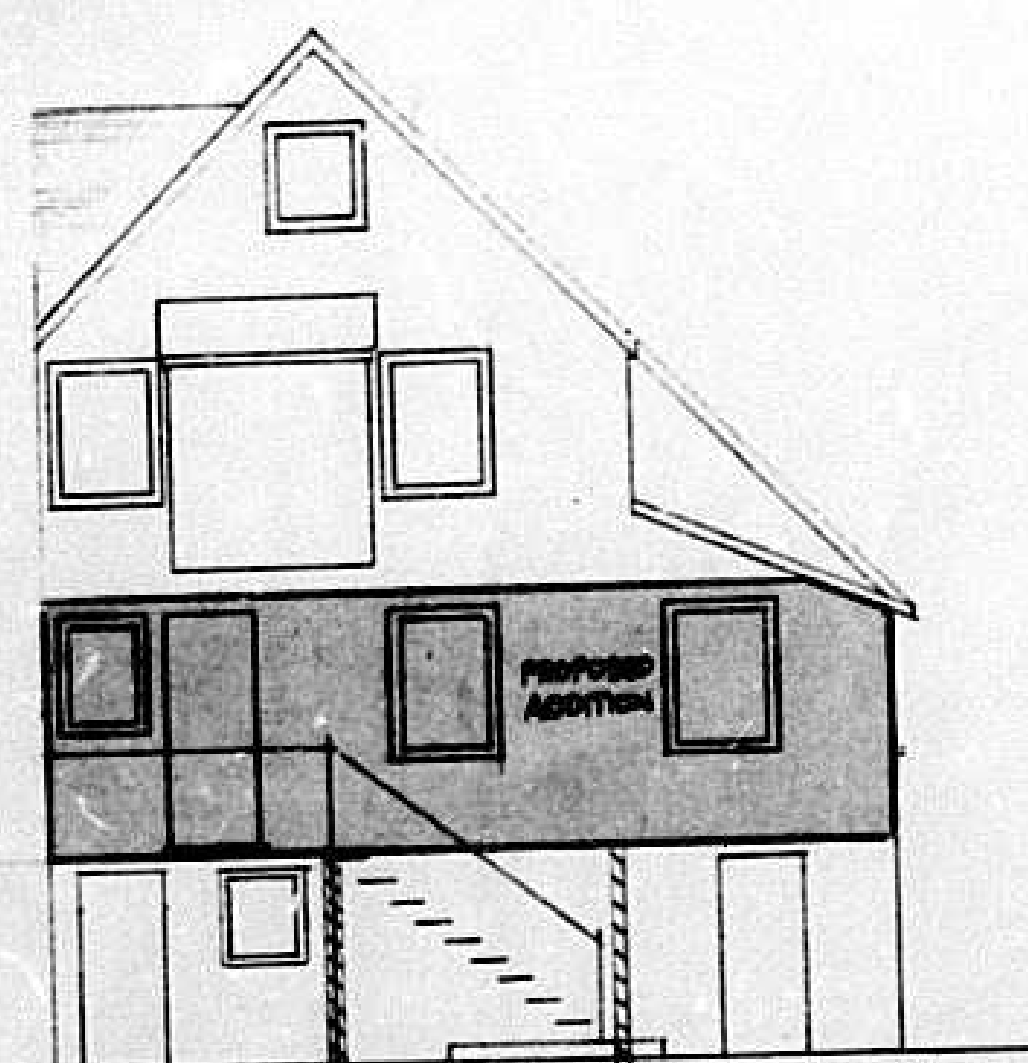
FRONT ELEVATION
(NO SCALE)



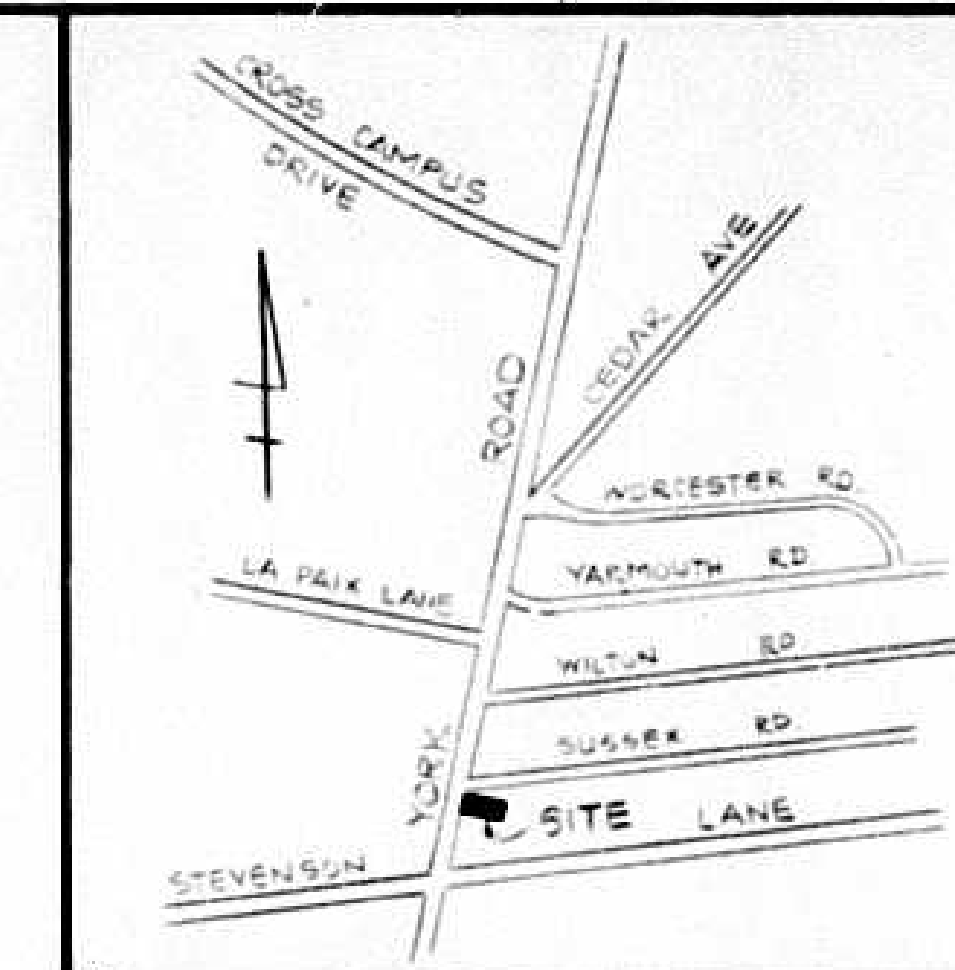
SIGN DETAIL
NO SCALE



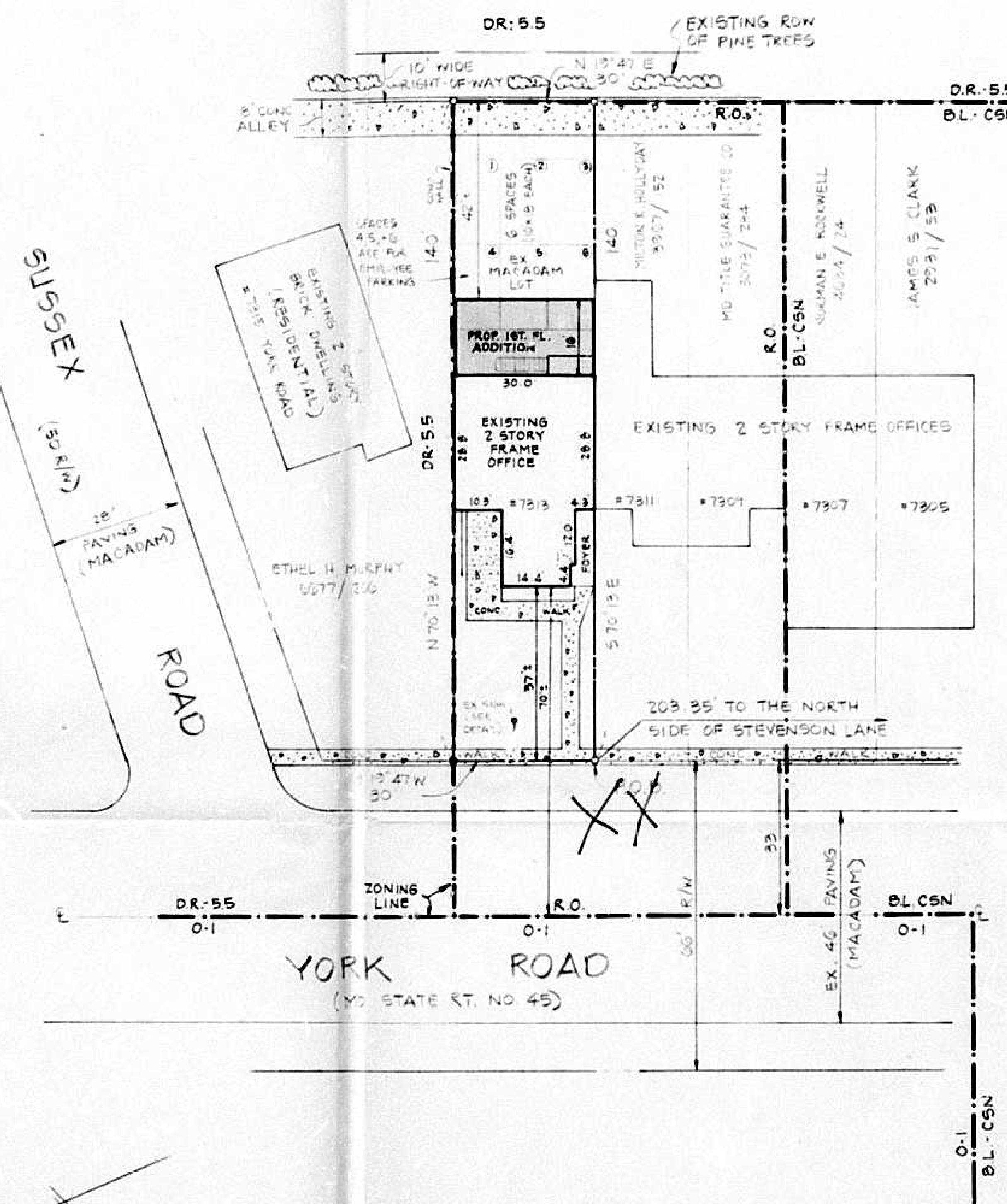
SIDE ELEVATION
(NO SCALE)



REAR ELEVATION
(NO SCALE)



VICINITY MAP
SCALE: 1" = 600'



TABULATION

- EXISTING ZONING OF SITE: R.O.
- GROSS AREA OF PROPERTY: 5190 SF = 0.119 Ac.
- NET AREA OF PROPERTY: 4200 SF = 0.096 Ac.
- FLOOR AREAS AND USES
 - EXISTING:
 - BASEMENT: 475 SF (STORAGE ONLY)
 - 1ST FLOOR: 1167 SF (OFFICE USE)
 - 2ND FLOOR: 491 SF (OFFICE USE)
 - PROPOSED ADDITION:
 - 1ST FLOOR: 480 SF (OFFICE USE)
 - TOTAL FLOOR AREA (OFFICE USE): 2150 SF
 - TOTAL FLOOR AREA: 2033 SF
- FLOOR AREA RATIO
 - MAXIMUM ALLOWED = 50%
 - PROPOSED: 2033 SF / 5190 SF = 0.51 = 51%
- PARKING REQUIRED
 - BASEMENT = 0
 - 1ST FLOOR - 1007 = 5.50
 - 2ND FLOOR - 491 = 5.00
 - TOTAL REQUIRED = 6.54 = 7 SPACES
- PARKING PROVIDED: 0 SPACES
- AMENITY OPEN SPACE DATA
 - REQUIRED (25% OF GROSS): 25 x 5190 = 1298 SF
 - PROVIDED 1110 SF = 21.4%

**PETITIONER'S
EXHIBIT 1**

REVISED PLANS
281
DEC 1/20

PLAT TO ACCOMPANY
PETITION TO ZONING

7313 YORK ROAD

9TH ELECTION DISTRICT BALTO. CO, MD
SCALE: 1" = 20' DEC. 23, 1986
REVISED 1/13/86

OWNER / APPLICANT
KIMBALL CONSTRUCTION CO.
7313 YORK ROAD
TOWSON, MD. 21204
DEED REFERENCE: 5342/001
ACCOUNT NUMBER: 09-06-572040

ZONING REQUESTS

- REQUESTING A SPECIAL EXCEPTION TO ALLOW A CLASS B OFFICE BUILDING.
- REQUESTING A VARIANCE TO SECTION 401.6(5) TO PERMIT 7 PARKING SPACES IN LIEU OF THE REQUIRED 7.
- REQUESTING A VARIANCE TO SECTION 101.1 DEFINITION, OFFICE BLDG. CLASS B TO PERMIT A FLOOR AREA RATIO OF 0.51 IN LIEU OF THE MAXIMUM OF 0.50.
- REQUESTING A VARIANCE TO SECTION 203.4 TO PERMIT AN AMENITY OPEN SPACE RATIO OF 21.4% IN LIEU OF THE REQUIRED 25%.

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
- SHAWAN PLACE -
5 SHAWAN ROAD - HUNT VALLEY, MD. 21030
(301) 252-5020

JAMES W. McKEE
(MD. REG. NO. 9012)

12/24/86
DATE

SP. 54 + 100
SP. 417 + 100

2 Signs
SP. 417 + 100