

347
87-468-SPHA

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 250.1 to permit a front setback of 30 ft. in lieu of the required 50 ft. on a dual highway and to permit a front yard setback of 20 ft. in lieu of the required 40 ft. (250.2) to permit a side offset of 10 ft. in lieu of the required 30 ft. sum of square yards of 50' in lieu of the required 80' as to Building A; 250.4 to permit a distance of 6 ft. to a residential line in lieu of the required 100 ft. for Building B.

of the Zoning Regulations of Baltimore County in the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Configuration of the property;
2. Topography of the property;
3. And for such other and further relief as may be demonstrated at the time of the hearing.

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

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

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

Contract Purchaser:
Baker Land Company
(Type or Print Name)
By: *[Signature]*
Signature
10 Parks Avenue
Address
Cockeysville, MD. 21030
City and State
Attorney for Petitioner:
Benjamin Bronstein
(Type or Print Name)
Signature
Suite 200, 102 W. Pennsylvania Avenue
Address
TOWSON, MD. 21204
City and State
Attorney's Telephone No.: 828-4442

Legal Owner(s):
Henry J. Betz
(Type or Print Name)
Signature
Mary E. Betz
(Type or Print Name)
Signature
c/o Wallace Dann, Esquire
Suite 517, 305 W. Chesapeake Avenue
Address
Towson, Maryland 21204 321-0840
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles Stark, PE, G.W. Stephens & Assoc.
Name
303 Allegheny Avenue, Towson, MD 21204
Address
825-8120 Phone No.

MAP NE4G
4B
DATE 8/10/87
200
1000
DP
N 12,320
E 36,660

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of April, 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 21st day of May, 1987, at 10:00 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

347
87-468-SPHA

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 commercial parking in a residential zone (DR 5.5) pursuant to Section 409.4

B.C.Z.R. and in permit access and loading through a residential zone (DR 5.5)

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:
Baker Land Company
(Type or Print Name)
Signature
10 Parks Avenue
Address
Cockeysville, MD. 21030
City and State
Attorney for Petitioner:
Benjamin Bronstein
(Type or Print Name)
Signature
Suite 200, 102 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 828-4442

Legal Owner(s):
Henry J. Betz
(Type or Print Name)
Signature
Mary E. Betz
(Type or Print Name)
Signature
c/o Wallace Dann, Esquire
Suite 517, 305 W. Chesapeake Avenue
Address
Towson, MD. 21204 321-0840
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles Stark, PE, G.W. Stephens & Assoc.
Name
303 Allegheny Avenue, Towson, MD 21204
Address
825-8120 Phone No.

MAP NE4G
4B
DATE 8/10/87
200
1000
DP
N 12,320
E 36,660

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of April, 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 21st day of May, 1987, at 10:00 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No.1

(over)

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE - NE/cor. Golden Ring Road and Baltimore Beltway Ramp 15th Election District 7th Councilmanic District
Henry J. Betz, et ux
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-468-SPHA

The Petitioners herein request a special hearing to approve commercial parking in a residential zone (DR 5.5) and to permit access and loading through said residential zone; and variances to permit a front setback of 30 feet on a dual highway in lieu of the required 50 feet, a front yard setback of 20 feet in lieu of the required 40 feet, a side offset of 10 feet in lieu of the required 30 feet, a sum of the square yards of 50 feet in lieu of the required 80 feet for Building A, and a distance of 6 feet to a residential line in lieu of the required 100 feet for Building B, all as more particularly described on the plan submitted, prepared by George William Stephens, Jr. and Associates, Inc., revised April 3, 1987 and identified herein as Petitioner's Exhibit 1.

At the onset of the hearing, Counsel for the Petitioners entered a motion to remove the words "and loading" from the request for Special Hearing and to correct the "sum of square yards" to read "sum of side yards" from the request for Variances. The motion was granted.

Testimony on behalf of the Petitioners indicated that the subject property is proposed to be developed for use as a warehouse park. The property is irregular in shape and located at the dead-end of Golden Ring Road, adjacent to and at a lower elevation than the Baltimore Beltway. In general, the area is zoned and is being developed industrially, but a small triangular portion of the property is adjacent to a church and is zoned residential. That church has no objections to the proposed project, as stated in the letter submitted and identified as Petitioner's Exhibit 2. The nearest residential use is at least 500 feet away. The contract purchasers propose the construction of a warehouse park

ORDER RECEIVED FOR FILING
Date 8/10/87
By *[Signature]*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Arnold Jablon
Zoning Commissioner

June 16, 1987

Benjamin Bronstein, Esquire
102 W. Pennsylvania Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance - NE/cor. Golden Ring Road and Baltimore Beltway Ramp 15th Election District 7th Councilmanic District Case No. 87-468-SPHA

Dear Mr. Bronstein:

Pursuant to the hearing recently held on the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Special Hearing and Zoning Variance has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
[Signature]
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:jbs

Enclosures

cc: Baker Land Company
10 Parks Avenue
Cockeysville, Maryland 21030
People's Counsel

With 129,600 sq.ft. of warehouse space. One witness used the term "office warehouses." Parking for 182 automobiles will be provided. Approximately 80 feet of the access and 30 parking spaces will be inside the DR 5.5 portion of the property, which is both too small for residential development and lacks public access. The representative of the engineering firm is of the opinion that, with minimum modifications, the project can meet landscaping and CRG requirements. Although reducing the size of Building A could eliminate the need for two of the requested variances, no useful purpose would be served because the site is below the elevation of the Beltway. There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing held on this case and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special hearing and variances would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 16th day of June, 1987 that industrial parking in a DR 5.5 zone and access through said zone, be approved, and variances to allow a front setback of 30 feet on a dual highway, a front yard setback of 20 feet, a side yard setback of 10 feet, a sum of the side yards of 50 feet for Building A, and a distance of 6 feet to a residential line for Building B, in accordance with Petitioner's Exhibit 1 modified only as required by CRG and other County agencies, be permitted, and as such, the Petitions for Special Hearing and Zoning Variances are hereby GRANTED, subject, however, to the following restriction:

Any parking required by the BCZR to support any office uses shall be supplied on site.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

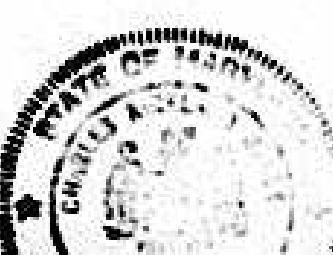
ORDER RECEIVED FOR FILING
Date 8/10/87
By *[Signature]*

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany Special Hearing and Variance. January 28, 1987

Beginning for the same at the intersection formed by the northernmost right of way line of Golden Ring Road with the easternmost right of way line of the Baltimore Beltway as shown on State Roads Commission of Maryland Right of Way Plat No. 23196 thence binding on the northernmost right of way line of Golden Ring Road the two following courses and distances

- 1 - southeasterly by a line curving to the east with a radius of 370 feet more or less for an arc distance of 135 feet more or less and
 - 2 - North 88° 00' 00" East 370 feet more or less thence
 - 3 - North 20° 00' 00" East 845 feet more or less thence
 - 4 - South 88° 00' 00" West 422 feet more or less to the southeast right of way line of the B & O Railroad thence binding on the southeast right of way line of said Railroad
 - 5 - South 47° 08' 05" West 105 feet more or less thence binding on the right of way lines of said Railroad as shown on State Roads Right of Way Plat No. 23221 the five following courses and distances
 - 6 - South 42° 51' 55" East 47 feet more or less
 - 7 - South 47° 08' 05" West 615 feet more or less
 - 8 - South 21° 00' 00" East 75 feet more or less
 - 9 - South 29° 00' 00" East 75 feet more or less and
 - 10 - South 37° 30' 00" East 60 feet more or less thence
 - 11 - South 20° 00' 00" East 20 feet more or less thence
 - 12 - South 37° 30' 00" East 40 feet more or less to the place of beginning. Containing 10.6 acres of land more or less.
- This description compiled from deeds and plats and not an actual survey.



[Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date April 21, 1987

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

SUBJECT: Zoning Petition No. 87-468-SPHA

The plan lacks detail as to landscaping provisions, and, if the requested variances are granted, there may not be sufficient areas for landscaping in the right locations. Further, CRG approval must be obtained. Therefore, it is suggested that CRG approval be obtained by the petitioner prior to a final order being issued on this matter.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slb

RECEIVED
APR 22 1987
ZONING OFFICE

CPS-008

LAW OFFICES

EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL

WALLACE DANN
COUNSEL

May 22, 1987

Jean M.H. Jung,
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, MD 21204

RE: Petition for Special Hearing and
Variances, use No. 87-468SPHA
Hearing Date: May 21, 1987

Dear Ms. Jung:

In reference to the Petitioner's request for commercial access through a residential zone, I am enclosing the following:

1. Finding of Fact and Conclusion of Law, Harple, Case No. 85-302SPH;
2. Finding of Fact and Conclusion of Law, Rachuba, Case No. 86-80SPH;
3. Memorandum of Opinion (Pomona), County Attorney's Office, dated September 20, 1979;
4. Letter Opinion, County Attorney's Office, dated January 17, 1980 in reference to Wilkens Beltway Property;
5. Opinion of the County Attorney's Office, dated September 19, 1979.

In reference to the request for a variance on Building A, I wish to emphasize that the Petitioner could have achieved the same or larger floor area ratio by turning the buildings perpendicular to Golden Ring Road. However, this was not

done in that the existing site plan is aesthetically superior in that the members of the adjoining church will not be required to face warehouse bay doors.

Thank you for your kind consideration.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein

BB/jaa

CC: Mr. Theodore C. Julio
Mr. Charles Stark
G.W. Stephens & Associates, Inc.

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
5th day of April, 1987.

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Petitioner: Henry J. Betz, et ux
Petitioner's Attorney: Benjamin Bronstein, Esquire

Received by: James E. Dyer

Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 8, 1987

Benjamin Bronstein, Esquire
102 W. Pennsylvania Avenue, Suite 200
Towson, Maryland 21204

RE: Item No. 347 - Case No. 87-468-SPHA
Petitioner: Henry J. Betz, et ux
Petitions for Special Hearing and
Zoning Variance

Dear Mr. Bronstein:

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: Charles Stark, P.E.
G.W. Stephens & Associates
303 Allegheny Avenue
Towson, Maryland 21204



Maryland Department of Transportation
State Highway Administration

MAR 12 1987

William E. Hoffman
Secretary
Hal Russell
Assistant Secretary

ZONING OFFICE

March 9, 1987

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

Att: Mr. James Dyer

Re: ZAC Meeting of 3-3-87
ITEM: #347.
Property Owner: Henry J. Betz, et ux
Location: NE/Cor. Golden Ring Rd.
and Baltimore Beltway Ramp (I-695)
Existing Zoning: M.L.-I.M.,
M.L.R.-I.M., and D.R. 5.5
Proposed Zoning: Special Hearing
to approve commercial parking in a
residential zone (D.R. 5.5) and access
and loading through a residential
zone (D.R. 5.5) Variances to permit a
front setback of 30' in lieu of the
required 50' on a dual highway, a
front yard setback of 20' in lieu
of the required 40', a side offset
of 10' in lieu of the required 30',
as to Building A, and a distance of
0' to a residential line in lieu of
the required 100'
Area: 10.6 acres
District: 15th

Dear Mr. Jablon:

On review of the submittal of 1-23-87 for the "Betz Property" the State Highway Administration - Bureau of Engineering Access Permits has forwarded the submittal to State Highway Administration - Bureau of Project Planning for review and comment with reference to the Baltimore Beltway (I-696) study.

Mr. A. Jablon
Page -2-
March 9, 1987

On receipt of this information, additional comments
will be forthcoming.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle



Maryland Department of Transportation
State Highway Administration

William E. Hoffman
Secretary
Hal Russell
Assistant Secretary

April 16, 1987

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

Att: James Dyer

RE: Baltimore county
Item No. 347
Property Owner:
Henry J. Betz, et ux
Location: NE/cor. Golden
Ring Road, and Baltimore
Beltway (Route I-695)
Existing Zoning: M.L.-
I.M., M.L.R. -I.M. &
D.R. 5.5
Proposed Zoning: Special
Hearing to approve comm.
parking in a residential
zone (D.R. 5.5) and access
& loading through a
residential zone (D.R. 5.5)
Variances to permit a front
setback of 30' in lieu
of the req. 50' on a dual
highway a front yard
setback of 20' in lieu
of the required 40', a side
offset of 10' in lieu of
the required 30' as to
Building A and a distance
of 0' to a residential
line in lieu of the req.
100'
Area: 10.6 acres
District: 15th

Dear Mr. Jablon:

On review of the submittal of January 23, 1987, the
State Highway Administration finds the submittal generally
acceptable.

Very truly yours,

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

by: George Wittman

CL-GW/es
cc: J. Ogle

RECEIVED
APR 22 1987
ZONING OFFICE

My telephone number is 311-1350

Teleprinter for Impaired Hearing or Speech
303-7566 Baltimore Metro - 303-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



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

STEPHEN E. COLLINS
DIRECTOR

March 19, 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 327, 329, 330, 332, 333, 334, 335, 337, 338, 339, 340, 344, 345, 346, 347, and 348.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #347, Zoning Advisory Committee Meeting of 3-3-87

Property Owner: *Henry J. Betz, et ux*

Location: *NE cor. Golden Ring Rd. Baltimore Beltway Ramp* District *15*

Water Supply *public* Sewage Disposal *public/sewer*

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (x) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as: spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any chaffronier operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item #347 Zoning Advisory Committee Meeting of 3/3/87
Page 2

- (x) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
{ } The results are valid until _____.
{ } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until _____.
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (x) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (x) Others *It is understood that this property is to be served by public sewer.*

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
494-4500

PAUL H. DENCKE
CHIEF

March 5, 1987

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

Re: Property Owner: Henry J. Betz, et ux

Location: NE cor. Golden Ring Rd., and Baltimore Beltway Ramp

Item No.: 347

Zoning Advisory Committee Meeting of 3/3/87

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 require to be corrected or incorporated into the final plans for the property.

x 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along all applicable streets 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", 1986 edition prior to occupancy.

6. Site plans are approved, as drawn.

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

REVIEWER: *Paul H. Dencke* 3-5-87 Noted and Approved: *Paul H. Dencke*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

March 13, 1987

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

Dear Mr. Jablon:

Comments on Item # 347 Zoning Advisory Committee Meeting are as follows:

Property Owner: Henry J. Betz
Location: NE cor. Golden Ring Rd. and Baltimore Beltway Ramp
District: 15th

APPLICABLE CODES AND COMMENTS:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 617-85, the Maryland Code for the Handicapped and Aged (A.M.C.A.) 617-1-1 (1980) and other applicable Codes and Standards.

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

3. 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.

4. 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. Supplemental seals are not acceptable.

5. All Use Groups except B-4 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. But Use Groups require a one hour wall if closer than 5'-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 1607, Section 1606.2 and Table 1602. No openings are permitted in an exterior wall within 5'-0" of an interior lot line.

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

7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

8. When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of 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 Blank Use _____ See Section 312 of the Building Code.

9. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill 617-85. Site plans shall show the correct elevations above sea level for the 1st and the finish floor levels including basement.

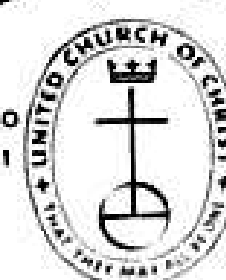
10. Comments: Each structure shall be provided with handicapped parking as required by the state code. Buildings shall be accessible and usable by the handicapped. Provide curb cuts at Golden Ring Rd. entrances. Buildings over 12000 sq. ft of Use Group B-1 shall be sprinklered Section 1702.9.

11. 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 v. Chesapeake Avenue, Towson, Maryland 21204.

Mark S. Johnson
Mr. C. E. Johnson, Chief
Building Plans Section

ZION EVANGELICAL LUTHERAN Church
United Church of Christ

OFFICE PHONE: 687-0980
CHURCH HALL: 687-2111



7146 GOLDEN RING ROAD BALTIMORE, MARYLAND 21204

May 4, 1987

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

Re: Betz Property
Request for Variances and
Special Hearings

Dear Mr. Jablon:

Please be advised that the Zion Evangelical Lutheran United Church of Christ has no objections to the three (3) variance requests or to special hearings requested to approve commercial access through and parking in a residential zone as set forth on that certain plat of the Betz property dated January 23, 1987, revised April 3, 1987, a copy attached hereto.

Furthermore, it should be noted that the developer of this property has laid out the project in such a manner as to minimize any adverse impact of the proposed development on our adjoining property.

Sincerely,

Erwin Jordan
Erwin Jordan,
Church Council President

EJ:mz

RECEIVED
MAY 11 1987
2

BALTIMORE COUNTY
OFFICE OF LAW
TOWSON, MARYLAND 21204
494-3146

LEONARD S. JACOBSON
COUNTY SOLICITOR

BUREAU OF LAND DEVELOPMENT

January 17, 1980

Mr. Robert A. Morton, Chief
Bureau of Land Development
County Office Building
Towson, Maryland 21204

Re: Wilkins Beltway Property, Commercial Access
Driveways Across Residentially Zoned Properties

Dear Mr. Morton:

Five (5) acres of commercially zoned land are located in the center of residentially zoned property with the residential land acting as a buffer at the corner of Wilkins Avenue and Maiden Choice Lane. Zoning maps for the area have been approved. Moreover, the residential buffer in this case, surrounding the commercially zoned land conforms with recommendations of all recent zoning decisions regarding the property. Indeed, this concept was part of staff's recommendations in the 1970, 1973, 1975 and 1976 zoning decisions in respect to this parcel. A sixty thousand (60,000) square feet neighborhood shopping center anchored by a large major food store is to be located on the five (5) acre tract. The zoning for the residential buffer is a combination of DR 10.5 and DR 16. The residentially zoned land must be crossed for access to the commercial portion of the parcel. In the past the County has used this zoning configuration whereby commercially zoned land is located in the center of residentially zoned property to enhance its control over shopping center development. It is apparent that the County Council intended at the time the property was comprehensively rezoned, in 1976, that driveways be allowed for purposes of ingress and egress across the residentially zoned buffer.

Issue

Whether or not private driveways or service roads over property zoned residential may be used for access/egress purposes to reach an interior portion of a parcel zoned commercial?

Discussion

Generally, the use of land in a residence district as a means of

Mr. Robert A. Morton
Page -2-
January 17, 1980

ingress and egress to land or buildings in a commercial zone constitutes a violation of zoning restrictions in a residential district, see Yokley, Zoning Law and Practice, Vol. 3, Section 28-21.1, p. 116; Rohan, Vol. 6, Section 40.01 (8), sic. Section 40.02 (1), p. 40-22, both commentators citing Leimbach Construction Co. v. City of Baltimore, 257 Md. 635, 264 A.2d 109 (1970). In the case at issue, however, the zoning authorities themselves have ordained and are responsible for changing and acquiescing in the character of commercial land which necessarily has to be served by access through residentially zoned property. There is, therefore, a way of necessity for ingress and egress across the residential land that would run with the commercial land. To decide otherwise would deprive the owner of commercially zoned land, surrounded by residential land, of the potentially highest and best use of the commercial portion of the parcel. In this instance, the use of ways of necessity for reasonable ingress and egress is ancillary and necessary to the main use of that commercial portion. For all practical purposes, the zoning of the core of commercial property surrounded by a residential buffer anticipates the erection of business structures and the conducting of permissible business uses in that core; moreover, the conducting of a practical means of ingress and egress, and the comprehensive rezoning of the parcel, in 1976, was shaped for the realization of the commercial purposes of the center portion of the tract.

Under the circumstances of the case, the reasonable interpretation of the zoning configuration for the property negates the charge that the construction and use of driveways and service roads, as a means of ingress and egress, is a violation of the purpose of the surrounding residential zone, see Beckmann v. Teakneck Tp., 6 N.J. 530, 79 A.2d 301; Home Fuel Oil Co. v. Board of Adjustment, 5 N.J. Super 63, 68 A.2d 412.

Conclusions

1. With regard to the Wilkins Beltway property, a 25 acre parcel comprised of 5 acres of commercial core, with the remainder a residential buffer, there is a way of necessity for ingress and egress across the residential land that would run with commercial land.

2. The core of commercial property surrounded by a residential buffer anticipates the erection of business structures and the conducting of permissible business uses as well as a practical means of ingress and egress.

3. The reasonable interpretation of the zoning configuration for the property negates the idea that the construction and use of driveways and service roads, as a means of ingress and egress, is a violation of the purpose of the surrounding residential zone.

Leonard S. Jacobson
Leonard S. Jacobson
County Solicitor

Michael J. McMahon
Michael J. McMahon
Assistant County Solicitor

LSJ:MJM:mrmc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner Date: September 20, 1979

FROM: Office of Law

SUBJECT: Pomoná - Property of Gordon E. Sugar

Certain property of Gordon E. Sugar comprises 72 acres ±, and is located on the north side of Old Court Road and Naylor's Lane, west side of Reisterstown Road, and abuts the Hilton Hotel complex and the Baltimore Beltway on the north. Several years ago, a parcel of B.L. land of about 3 or 3 1/2 acres was relocated from the Reisterstown Road frontage, running north from Naylor's Lane, to the interior of the entire tract as a result of a restrictive covenant agreement entered into with the neighboring community association and with the approval of various departments of Baltimore County. The property is being developed into a 3 1/2 acre shopping center with the balance being developed in luxury apartments at a density of about 7 to the acre. Part of the restrictive covenant agreement provided for setbacks of 400 feet along Naylor's Lane, 600 feet along Old Court Road and 400 feet along the west boundary, with minor exceptions. The owner has also agreed not to build any building of any kind within several hundred feet of Reisterstown Road.

The property owner in this instance has an approved preliminary plan, subdivision plan, development plan and recorded plat for the entire 72 acre tract. Last week when he applied for his building permit for the commercial access to serve his apartment development (which is under construction and almost one-half finished), the Office of Planning and Zoning refused to approve the building permit application and Mr. Sugar was advised that he could not have his access to the small shopping area run through residential land. The authority for this refusal is the correspondence of February 26, 1979, from Michael McMahon to the then director of the Office of Planning and Zoning which addressed the narrow issue as to the necessity to process through IDCA, subdivision plans which showed access driveways from commercially zoned land over a residential portion of the property. Also we emphasize that Mr. Sugar owns the 72 acre tract which he is developing in toto. There is no one of any property which could be affected in any way by the construction of a driveway or entrance roadway through his own property to gain access to his commercial area which he removed from Reisterstown Road to the interior of the property at the request of neighbors and county authorities.

Mr. William E. Hammond
Page -2-
September 20, 1979

Issue

Where a shopping center or other commercial use is to be developed on land adjacent to a buffer strip zoned residential and the owner thereof has covenanted not to construct improvements on the residential property, may an access road be routed through the residentially zoned portion of the property?

Discussion

An Office of Law opinion dated February 26, 1979 has been cited as the basis for denying a building permit application for the construction of an access way, across a strip of residentially zoned property, covenanted not to be developed, to the site of a proposed 3 1/2 acre shopping center. Counsel of facts described (supra) will bar development of B.L. land in the interior of his client's tract, which is encompassed by residentially zoned land. He therefore requests that the earlier opinion be reconciled with respect to the specific facts in this case. Initially, it is important to note that the opinion of February 26, 1979 was addressed to resolving the narrow issue as to the necessity to process through IDCA (Interim Development Control Act), a subdivision plan which showed access driveways from commercially zoned land over residentially zoned land. A response to that question was needed as industrial and commercial development was exempt from IDCA. That opinion was not meant to be interpreted as a broad prohibition that access ways across residential property to serve commercial or industrial uses are not permitted in the context of the Baltimore County Zoning Regulations.

It is important to stress that, generally, the use of land in a residence district as a means of ingress and egress to land or buildings in a commercial zone constitutes a violation of zoning restrictions in a residence district, see Leimbach Const. Co. v. Baltimore, 257 Md. 635, 264 A2d 109 (1970), this problem frequently arises where a shopping center -- as in the case described by Mr. Harrison in his September 6, 1979 correspondence -- or a supermarket is established on land adjacent to a residential district. Such uses need convenient access which sometimes is available only if a driveway can be routed through a residential district. Exceptions to the general rule have been made where the proposed route was already classified as a public road by force of statute, or where the residential land in issue is too small, or is subject to other restrictions, which prevent a residential use, see Lapenas v. Zoning Bd. of Apps., 352 Mass. 530, 226 NE 2d 361 (1967).

Mr. William E. Hammond
Page -3-
September 20, 1979

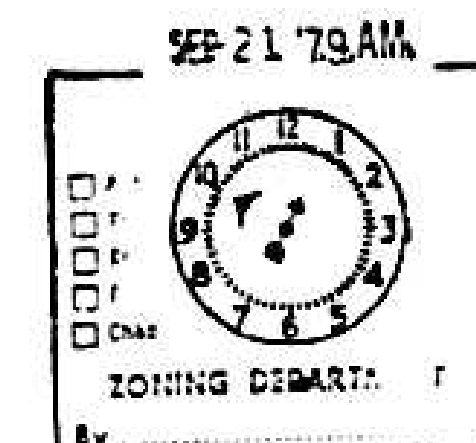
In the facts under review, the parcel of B.L. land (commercial) was relocated from frontage along Reisterstown Road, running north from Naylor's Lane, to the interior of the entire tract as a result of the restrictive covenant agreement entered into with the neighboring community association. As described supra, part of the restrictive covenant agreement provides for site tracts of 400 feet along Naylor's Lane, 600 feet along Old Court Road, and 400 feet along the west boundary. The owner has also agreed not to build any building of any kind within several hundred feet of Reisterstown Road. As residential use is barred, according to the terms of restrictive covenant in the buffer zone, the exception to the general rule is applicable, and an access route may be constructed over the residential portion of the tract to the commercially zoned land.

Stressing that relocation of the B.L. land to the interior of the tract resulted from a voluntary restrictive covenant, has the approval of various departments of Baltimore County, we note that the zoning authorities themselves are responsible for changing and acquiescing the character of commercial land which necessarily has to be served by access through residentially zoned property. There is, therefore, a way of necessity for ingress and egress across the residential land that would run with the commercial land. To decide otherwise would deprive an owner of commercially zoned land, surrounded by residential land, of the potentially highest and best use of the commercial parcel. In this instance, the use of ways of necessity for reasonable ingress and egress is ancillary and necessary to the exercise of the main use of the commercial tract.

Leonard S. Jacobson
Leonard S. Jacobson
County Solicitor

Michael J. McMahon
Michael J. McMahon
Assistant County Solicitor

LSJ:MJM:bbt



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner Date: September 19, 1979

FROM: Office of Law

SUBJECT: Commercial Access Driveways Across Residentially Zoned Properties

The subject property is a 15.7± acre parcel of land located on the west side of Belair Road (U.S. Route 01) bounded on the west by a tributary to Gunpowder Falls, on the north by the Cas & Electric Company Transmission line, on the east by Belair Road, and on the south by proposed Silver Spring Road extended. The property is currently zoned BL except for a narrow strip of DR-16 zoned land extending 1377 feet immediately along its frontage of Belair Road. Except for this DR-16 strip, the subject tract was assigned BL zoning as part of the 1976 mapping process.

In the course of the cited mapping process, although it was agreed that the BL zone was appropriate for the subject tract, that due to the concern of the residents of the east side of Belair Road, a DR-16 zone would be retained to preclude commercial development from encroaching on Belair Road; however, this would result in a wider than usual buffer and screening strip. Moreover, it was determined that parking in the area would be prohibited without a special hearing, giving protestants an opportunity to be heard in the interest of protecting the aesthetics of the area. It was also noted, in the course of the mapping process, that the extension of Silver Spring Road from Belair Road westerly would benefit the community by relieving the traffic demands at Belair and Joppa Roads, 0.6 miles northerly. Further, commercial development of the land was more likely to proceed than residential development as costs due to topography were projected to be high, and residential development would not economically support development costs.

Although there will be one driveway permitting ingress and egress, to the South, by proposed Silver Spring Road extended, access to Belair Road, is considered by the Peace Corporation, to be mandatory, in order to permit commercial development of the property. County, State and independent traffic engineers have each concluded that Silver Spring Road does not have the capacity to handle the only means of ingress and egress to the property. On behalf of the developer, it is also urged that the intent of the unique zoning on this parcel is not to prohibit access from Belair Road, but rather to prohibit constructions immediately adjacent to the roadway and thereby assure a generous landscaped buffer strip. The developer also states that the dimension of the DR-16 strip actually precludes any use other than landscaping, or parking without a special hearing, as the construction of the required Belair Road widening dedication and front and rear yard set backs reduces the available width of the DR-16 zoned land for buildings to ten (10) feet.

William E. Hammond,
Zoning Commissioner
September 19, 1979
Page Two (2)

We are also advised that on May 12, 1977, the J.S.P.C. reviewed the proposed commercial development plan for the property. The Office of Planning and Zoning commented that the access land to Belair Road through the DR-16 zone had to be a maximum of twenty-four (24) feet in order to assure that parking did not occur in a residential zone. The J.S.P.C. report refers to reasonable access points along Belair Road, and states that the exact location must be finalized with the various agencies. Such access points are regarded as mandatory by the J.S.P.C., in order to accommodate commercial development on the tract.

An Office of Law opinion dated February 26, 1979 has been cited as the basis for denying an application for a building permit for the construction of an access road across the DR-16 strip, from Belair Road, to the site of the proposed shopping center. The developer suggests that the application of the cited opinion to the state of facts described supra will bar development on the commercially zoned portion of the tract as well as on the residential portion. The portion which is zoned DR-16, he contends, will not be developed as it is too narrow to be the site of construction from an economic or practical standpoint. He therefore requests that the earlier opinion be reconciled with respect to the specific facts in this case. He suggests that it is apparent that the County Council fully intended at the time the property was rezoned that driveways be allowed, for purposes of ingress and egress, across the DR-16 zone. He adds that if the owner is prohibited from using his property as legally allowed by zoning, by virtue of the DR-16 zoning designation along the Belair Road frontage, that contrary to the intent of the County Council that may "land lock" the parcel for commercial uses.

Initially, it is important to note that the opinion of February 26, 1979 was addressed to resolving the narrow issue as to the necessity to process through IDCA (Interim Development Control Act) a subdivision plan which showed access driveways from commercially zoned land over residentially zoned land. A response to that question was needed as industrial and commercial development was exempt from IDCA. That opinion should not be interpreted as a broad prohibition that access across residential properties to serve commercial or industrial properties is not permitted in the context of the Baltimore County Zoning Regulations.

ISSUE

Where a shopping center or other commercial use is to be developed in land adjacent to a buffer strip zoned residential which is too small to accommodate a residential use, may an access road be routed through the residential property?

William E. Hammond
Zoning Commissioner
September 19, 1979
Page Three (3)

DISCUSSION

Under the specific laws of the Baltimore City Zoning Regulations, it has been held that an ordinance excluding commercial uses from a residential district excludes the maintenance of driveways which provide ingress and egress from the commercial district, Leimbach Construction Co. v. Mayor and City Council of Baltimore, 257 Md. 635, 264 A2d 109 (1970). In Leimbach (supra), the facts showed that plaintiff applied for a permit to construct a driveway and culvert across the corner of a residential lot so as to permit two (2) to ten (10) trucks daily to enter plaintiff-appellant's commercial property. Speaking for the Court of Appeals, Judge McWilliams held that it was unlawful to construct across residential property so that trucks could gain access to adjacent commercial lots.

Citing Leimbach Constr. Co. (supra) Yokley in his work, Zoning Law and Practice, Vol. 03, states:

"The use of driveways and access roads on and over property in one zoning classification for purposes of access to property in another zoning district has been the subject of litigation in a number of zoning cases which have reached the courts. The greater weight of authority is to the effect that the use of land in one zoned district for access roadways to adjacent property in a district of differing classification violates the zoning requirements of the district in which the land is situated." Section 28-21.1 Driveways; access roads, P. 116.

Specifically, citing Leimbach Construction Co. (supra) for the proposition that it is unlawful to construct a driveway across residential property so that trucks could gain access to an adjacent commercial lot, Rohan comments:

"Access to commercial property: There are situations where a commercial property is located on the border adjacent to a residential use district and the only means of access to the business establishment is through the residential zone. Similarly, a problem is presented where the only available parking space for a commercial use is on land zoned for residential purposes. The general rule is that the use of residential land as a means of ingress and egress to commercially zoned property for commercial purposes constitutes a commercial use in violation of a residential zoning classification."

Citing however Lapenas v. Zoning Bd. of Apps., 352 Mass. 530, 226 NE2d 361 (1967), Rohan observes further that where a strip of land is zoned for residential use is in fact too small to be used for the same, it was proper to

William E. Hammond
Zoning Commissioner
September 19, 1979
Page Four (4)

establish an access route over property to an adjacent business. In Lapenas (supra) if residential zoning for a strip of land which was too small for residential use was enforced, it would bar access to the owner's adjacent commercially zoned land. Accordingly, a variance was granted to the owner of the land from the literal operation of the zoning ordinance thereby allowing reasonable access roads over the residential area across the street protected by a buffered area free of buildings. Here, as adverted to earlier, we are advised that the dimensions of the DR strip actually preclude any use other than landscaping or parking (special hearing) as road widening and dedication, and front and rear yard setbacks, reduce the available width of the DR-16 zoned land for building to ten (10) feet. Obviously, the DR-16 strip cannot be developed as it is too small for anything to be economically or practically constructed. Reasonable access roadways over the residential strip will, however, leave the residential area on the east side of Belair Road protected by a buffer area, free of buildings on the west side. In these circumstances, the developer is entitled to relief from the literal operation of the IDCA opinion of February 26, 1979.

We also emphasize that, here, the zoning authorities themselves have ordained and are responsible for changing and acquiring in the character of commercial land which necessarily has to be served by access through residentially zoned property. There is, therefore, a way of necessity for ingress and egress across the residential land that would run with the commercial land. To decide otherwise would deprive the owner of commercially zoned land, surrounded by residential land, of the potentially highest and best use of the commercial parcel. In this instance, the use of ways of necessity for reasonable ingress and egress is ancillary and necessary to the exercise of the main use of the commercial tract.

CONCLUSIONS

1) Generally, the use of land in a residence district as a means of ingress and egress to land or buildings in a commercial zone constitutes a violation of zoning restrictions in a residence district, see Leimbach Constr. Co. v. Baltimore, 257 Md. 635, 264 A2d 109 (1970).

2) This problem frequently arises where a shopping center or supermarket is established on land adjacent to a residential district. Such use often need parking space and convenient access which sometimes is available only if a driveway can be routed through a residential district.

3) Exceptions to the general rule have been made where the proposed use is already classified as a public road by force of statute, or where the strip of land is too small to accommodate a residential use, see Lapenas v. Zoning Bd. of Apps., 352 Mass. 530, 226 NE2d 361 (1967).

William E. Hammond
Zoning Commissioner
September 19, 1979
Page Five (5)

App., 352 Mass. 530, 226 NE2d 361 (1967).

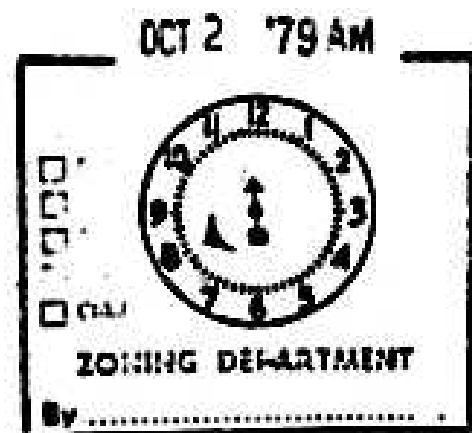
4) In the facts under review as the combination of the required Belair Road widening and dedication and front and rear yard setbacks reduce the available width of the DR-16 zoned land for building purposes to ten (10) feet in depth, this buffer strip is too small to accomodate a residential use. It is therefore proper, as an exception to the general rule, to establish an access route over the residential portion of the tract to the commercially zoned land.

This letter of advice is not to be construed as a formal opinion of the Office of Law of Baltimore County.


Leonard S. Jacobson
County Solicitor


Michael J. McMahon
Assistant County Solicitor

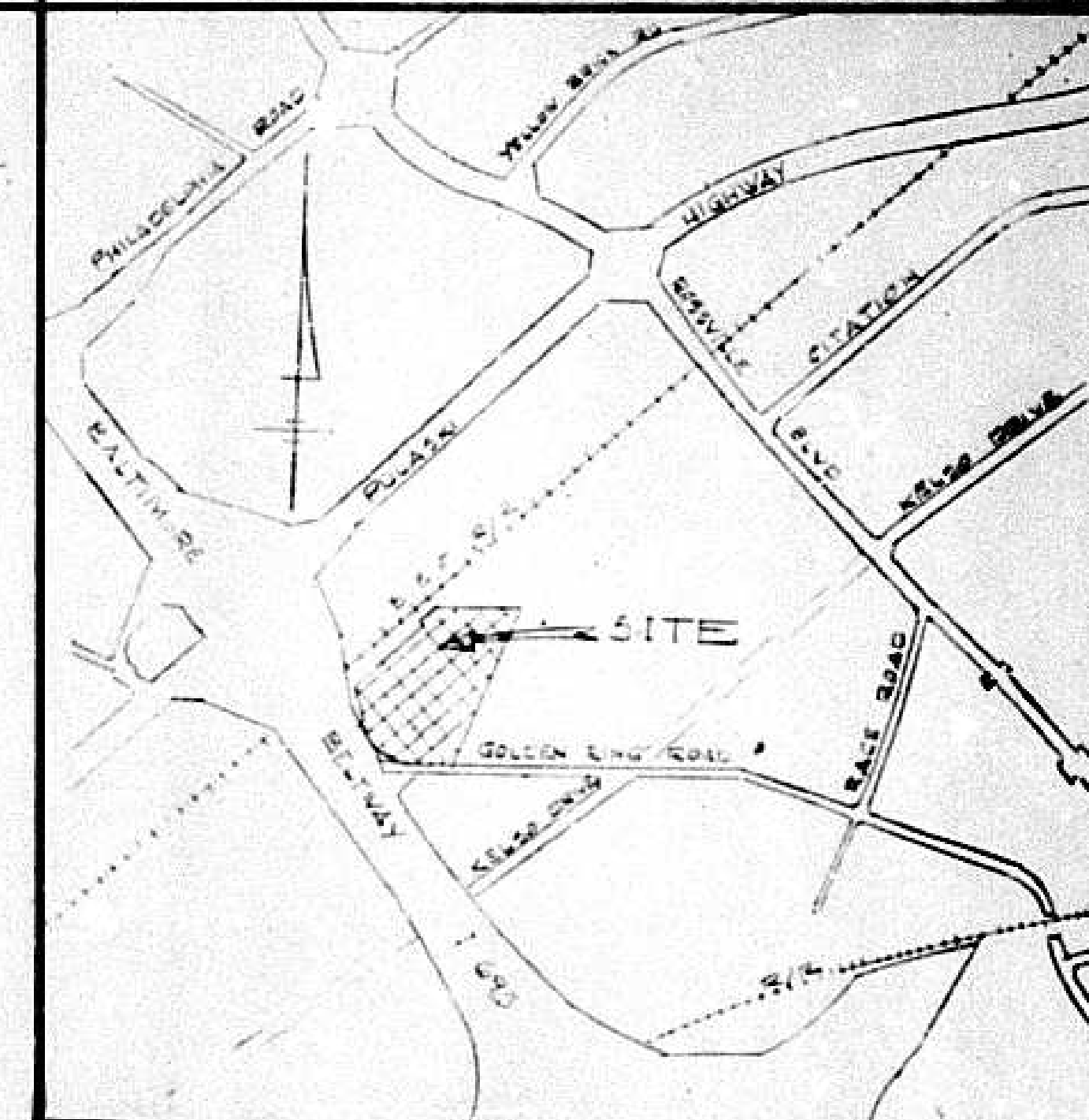
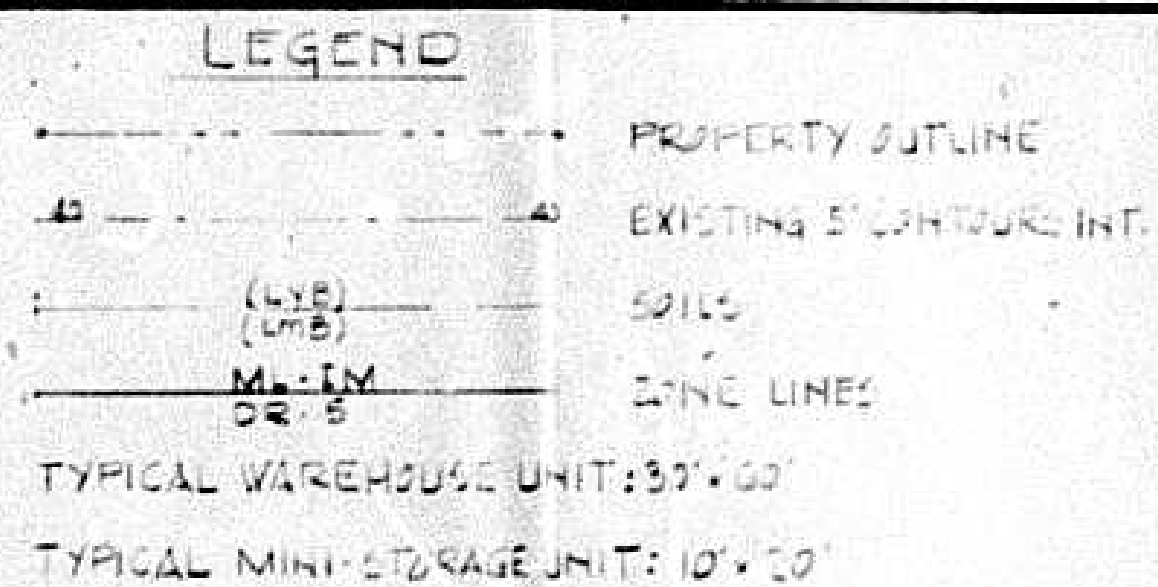
LSJ/MJM:gp



MICROFILMED

NOTES:

1. LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT.
2. ALL INTERIOR ROADS AND UTILITIES ARE PRIVATE.
3. F.A.R. IN M.L.R. ZONE = 0.27
4. LESS THAN 50% OF LAND IN M.L.R. ZONE IS COVERED BY BUILDINGS.
5. NO PARKING WITHIN 25' OF RESIDENTIAL ZONE.
6. PARKING AND ROADS TO BE PAVED IN ACCORDANCE WITH ZONING POLICY BM-11
7. NO STORAGE OF PRODUCTS OR MATERIALS OF ANY KIND IN FRONT YARD
8. SIGNS PERMITTED AS PER B.C.Z.R. 413.6
9. EXIST. BLOBS ON SITE TO BE REMOVED.



LOCATION MAP
SCALE: 1"=500'

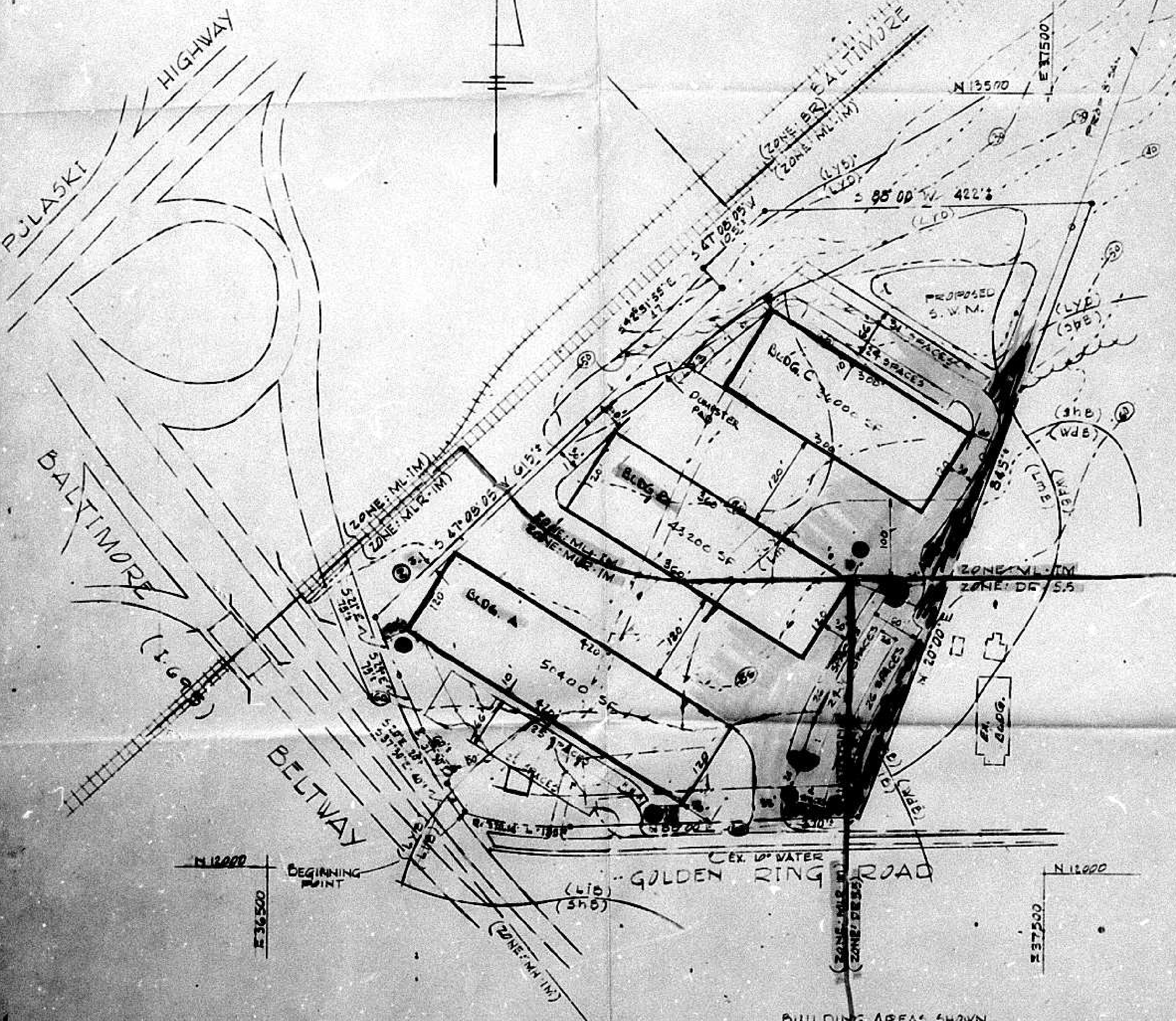
TABULATION

AREA - 10.6 ACRES.

ZONING: ML-1M • 5.5 AC.
MLR-1M • 4.6 AC.
DR 5.5 • 0.5 AC.

USE: PROPOSED WAREHOUSE PARK

NOTE: THIS PLAT COMPILED FROM DEEDS & PLATS
AND NOT AN ACTUAL SURVEY.



ZION EVANGELICAL
LUTHERAN CHURCH
6206 1244
ZONED ML-1M

ZION EVANGELICAL
LUTHERAN CHURCH
254/129
ZONED DR 5.5

TOTAL WAREHOUSE = 129,600 SQ. FT.
ESTIM. 1 EMPLOYEE/1,000 SQ. FT. 130 EMPLOYEES
PARKING REQUIRED = 130 X 25/EMPLOYEE
= 44 SPACES
PARKING PROVIDED = 182 SPACES (TYPICAL SPACE = 9' X 18')
INCLUDING 3 NAUTICAL (H)

PETITIONER'S
EXHIBIT. /

BUILDING A

- ① VARIANCE REQUESTED TO SECTION 250.1 TO PERMIT A FRONT SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 50 FEET ON A DUAL HIGHWAY, AND TO PERMIT A FRONT YARD SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 40 FEET.
- ② VARIANCE REQUESTED TO SECTION 250.3 TO PERMIT A SIDE OFFSET OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET, PLUS A SUM OF SIDE YARDS OF 50 FEET IN LIEU OF THE REQUIRED 80 FEET.
- BUILDING C
- ① VARIANCE REQUESTED TO SECTION 250.4 TO PERMIT A DISTANCE OF 0 FEET TO A RESIDENTIAL ZONE LINE IN LIEU OF THE REQUIRED 100 FEET.

~~XXXXXXXXXX~~ IS REQUESTED TO APPROVE COMMERCIAL ACCESS AND PARKING IN A RESIDENTIAL ZONE.

Re: Section 409.4

PLAT TO ACCOMPANY PETITION FOR VARIANCE
AND SPECIAL HEARING

BETZ PROPERTY

15TH ELECTION DISTRICT
SCALE: 1"=100'

BALTIMORE COUNTY, MD.
DATE: JAN. 23, 1987

PN 5634

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
PITTSBURGH, PENNSYLVANIA 15204
(412) 225-0020

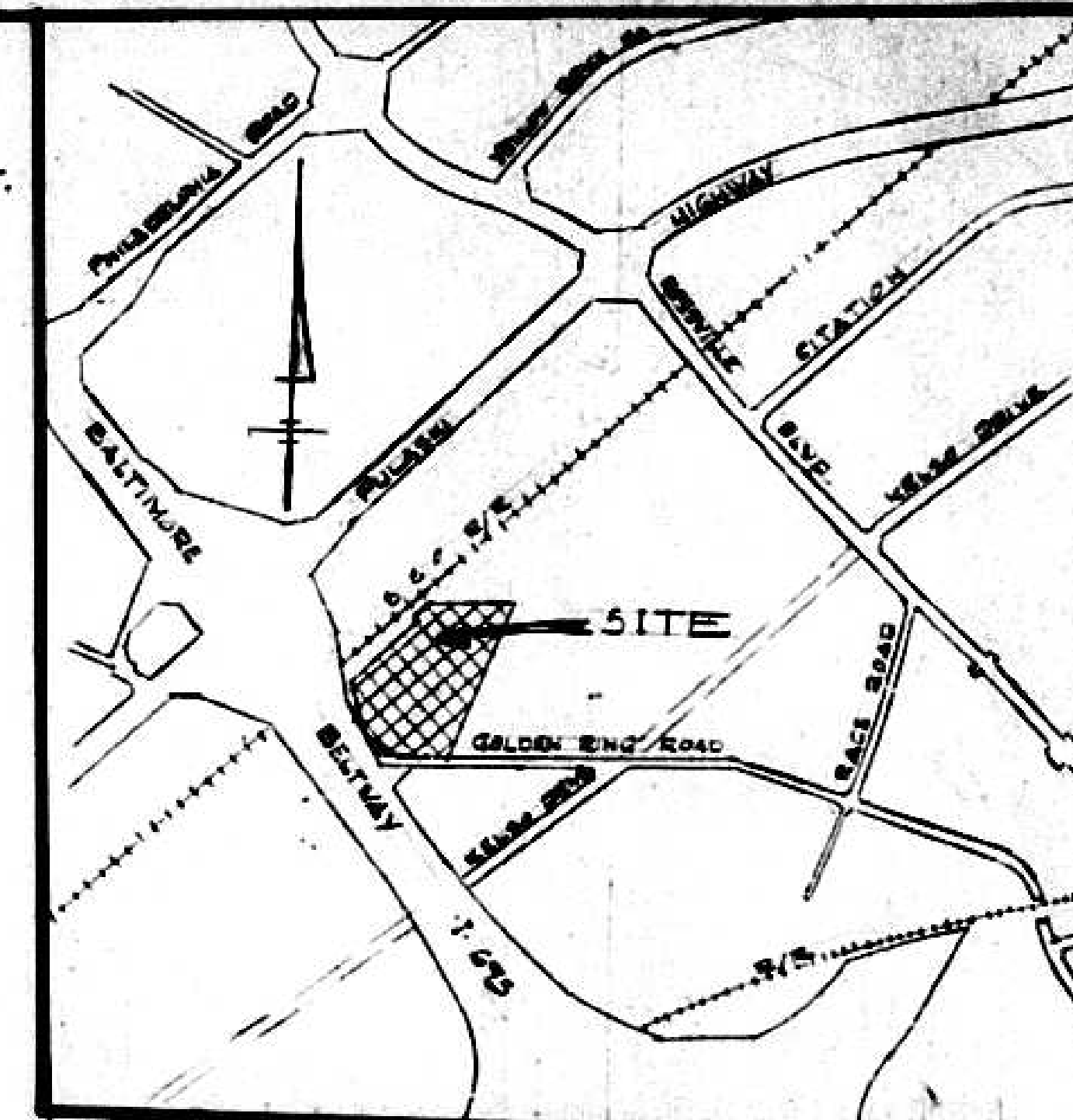


NOTES:

1. LANDSCAPE PLAN TO BE PROVIDED BY LANDSCAPE ARCHITECT.
2. ALL INTERIOR ROADS AND UTILITIES ARE PRIVATE.
3. F.A.R. IN MLR ZONE = 0.27
4. LESS THAN 50% OF LAND IN MLR ZONE IS COVERED BY BUILDINGS.
5. NO PARKING WITHIN 25' OF RESIDENTIAL ZONE.
6. PARKING AND ROADS TO BE PAVED IN ACCORDANCE WITH ZONING POLICY BM-11
7. NO STORAGE OF PRODUCTS OR MATERIALS OF ANY KIND IN FRONT YARD
8. SIGNS PERMITTED AS PER B.C.Z.R. 413.6
9. EXIST. BUBBS ON SITE TO BE REMOVED.

LEGEND

- PROPERTY OUTLINE
- EXISTING 5' CONTOURS INT.
- (LYB) (LYB) 50' L.S.
- ML-1M 50' L.S.
- DR-5 50' L.S.
- ZONE LINES
- TYPICAL WAREHOUSE UNIT: 30' x 60'
- TYPICAL MINI-STORAGE UNIT: 10' x 20'



LOCATION MAP
SCALE: 1"=900'

TABULATION

AREA = 10.6 ACRES
ZONING: ML-1M = 5.5 AC.
MLR-1M = 4.6 AC.
DR-5.5 = 0.5 AC.
USE: PROPOSED WAREHOUSE PARK

NOTE: THIS PLAN COMPILED FROM DEEDS & PLATS
AND NOT AN ACTUAL SURVEY.

NOTES:

- PROPOSED INDUSTRIAL PARKING IN RESIDENCE ZONE AS PER 409.6 B.C.Z.R.
- ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE PARKING AREA.
- NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
- LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY.
- SCREENING BY PLANTING WILL BE PROVIDED AS APPROVED BY OFFICE OF PLANNING.
- PARKING WILL HAVE A PROPERLY DRAINED PAVED SURFACE.
- PARKING AREA WILL BE MAINTAINED BY OWNER AND IS PROPOSED TO BE USED ON A 24 HOUR BASIS.

BUILDING "A"

- VARIANCE REQUESTED TO SECTION 250.1 TO PERMIT A FRONT SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 50 FEET ON A DUAL HIGHWAY, AND TO PERMIT A FRONT YARD SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 40 FEET.
- VARIANCE REQUESTED TO SECTION 250.2 TO PERMIT A SIDE OFFSET OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET, PLUS A SUM OF SIDEYARDS OF 50 FEET IN LIEU OF THE REQUIRED 80 FEET.

BUILDING "B"

- VARIANCE REQUESTED TO SECTION 250.4 TO PERMIT A DISTANCE OF 0 FEET TO A RESIDENTIAL ZONE LINE IN LIEU OF THE REQUIRED 100 FEET.

A SPECIAL HEARING IS REQUESTED TO APPROVE COMMERCIAL ACCESS AND PARKING IN A RESIDENTIAL ZONE.

BUILDING AREAS SHOWN

TOTAL WAREHOUSE = 189,600 SQ. FT.
ESTM. 1 EMPLOYEE/1000 SQ. FT. BARNAGE?
PARKING REQUIRED = 1896/1000 = 18.96
PARKING PROVIDED = 188 SPACES (TYPICAL SPACE = 9' x 18')
INC. DRING 3 HANDICAP (H)

ZION EVANGELICAL
LUTHERAN CHURCH
6104/1244
ZONED ML-1M

ZION EVANGELICAL
LUTHERAN CHURCH
284/129
ZONED DR-5.5

REVISIONS

4-3-87: SEE TO BE DONE
ON 11/10/87

PLAT TO ACCOMPANY PETITION FOR VARIANCE
AND SPECIAL HEARING

BETZ PROPERTY

15TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1"=100' DATE: JAN. 25, 1987

PN 5634