IN RE: PETITION FOR ZONING VARIANCE Sh/S Baltimore National Pike approx. 2200' SW of c/l of Rolling Road 1st 'lection District 1st Councilmanic District Combined Properties, Inc.

Petitioner

ZONING COMMISSIONER

OF EALTIMORE COUNTY

Case No. 88-215 A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein request variances to permit a total of 1,090 parking spaces in lieu of the required 1,267 spaces for the total shopping center project known as the Baltimore West Shopping Center as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Newton A. Williams of Nolan, Plumhoff and Williams, Chartered. There were no Protestants.

The Petitioner was supported in his testimony by Charles K. Stark, a Registered Surveyor of G.W. Stephens, Jr. and Associates and by Mr. Willemain, a Professional Planner.

Evidence was proffered by the Petitioner's attorney and additional proffers were made by the Petitioner and Mr. Willemain. All of the testimony indicates that the conditions precedent of Section 307 of the Baltimore County Zoning Regulations have or will be met and complied with in reference to the subject variances,

The specific testimony also indicated that the particular shopping center has an appropriate mix of retail establishments that do not result in peak parking usage that coincides between all of the retail uses. Therefore, the parking lot is rarely crowded. In the opinion of all of the witnessen, there has never been a shortage of parking spaces.

> FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. FO BOX 6828 TOWNS MARYLAND 21204

Description to Accompany Petition for Variance.

July 27, 1987

Beginning for the same on the southwest right of way line of Baltimore National Pike (U.S. 40) distant 1900 feet more or less measured along the said southwest right of way line from the center of Rolling Road thence

- 1 South 28" 49' 44" West 957.50 feet
- 2 North 62° 53' 33" West 764.00 feet
-] North 25° 18' 12" East 399.83 feet
- 4 Worth 63° 29' 18" West 110.00 feet
- 5 North 26° 25' 01" East 554.15 feet to the southwest right of way line of Baltimore National Pike thence binding on said right of way line the two following courses and distances
- 6 southeasterly by a line curving to the east with a radius of 6105.97 feet for an arc distance of 394.53 feet (the chord of said arc being South 63° 22' 20" East 394.49') and
 - 7 South 63* 46' 00" East 527.61 feet to the place of beginning. Containing 18.65 acres more or less.

THIS DESCRIPTION IS FUR ZONING PURPOSES ONLY

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

M. 41485

8 B169****10090:a 8173F

CONCLUED PROPERTIES INC. Par VALIDATION OR SIGNATURE OF CASHIER

POR FILING FEE FOR VALLANCE - ITEM 71

The proposal of the Petitioner is to allow a section of the newest strip of stores shown in Petitioner's Exhibit 27 to be sublet to a small deli/ corryout operation with limited seats for patrons. The establishment is described as breakfast and lunch oriented for employees of the stores in the shopping center and local trade from the business establishments. This deli/ corryout is not anticipated to have a bar establishment or a liquer license. The deli/carryout will have its largest use, during the morning and lunch hours, which will not directly interfere with the retail establishment parking

It is found that the testimony, clearly, establishes that the requested variance would not be contrary to the spirit and intent of the Baltimore County Zoning Regulations and would not result in substantial detriment to the public good. Furthermore, it has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condition unique to this particular parcel and, there is no evidence in the record to indicate that the subject variance would be decrimental to the public health, safety and general welfare.

After consideration of all of the testimony and the evidence presented, it is the opinion of the Zoning Commissioner that the Petition for the subject variances should be granted.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petition held, and for the reasons given above, the requested variances should be granted.

THEREPORE, IT IS ORDERED, By the Zoning Commissioner of Baltimore County this 14 day of January, 1988 that the variance to permit a total of 1,090 parking spaces in lieu of the required 1,267 parking spaces which are required by the Baltimore County Zoning Regulations be and is hereby GRANTED, from and

- 2 -

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Combi Inc SW/S 2200

2.5

Dennis F. Rasmusse January 14, 1988

Newton Williams, Esquire 1105 Hampton Plaza 300 E. Joppa Road Towson, Maryland 21204

> Re: Petition for Zoning Variance Case No. 88-215-A Combined Properties, Inc. Petitioner

Dear Mr. Williams:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Zoning Variance has been Granted.

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

> Very truly yours, ZONING COMMISSIONER

JRH:mmn enclosure cr:Peoples Counsel after the date of this Order, subject to the following restrictions which are conditions precedent upon the relief granted hereins

- 1. The Petitioner shall limit the use of the subject variance for only the delicateseen/carryout restaurant described in the findings and on Petitioner's Exhibit 1.
- 2. The Petitioner shall limit use of the subject variance to the purpose listed herein and on Petitioner Exhibit 1.
- 3. The Petitioner shall not transfer the subject variance to any other use or operation, in the event the deli/carryout restaurant fails to operate for any one year period of time, then the subject variance shall lapse.
- 4. The Petitioner shall not permit any tavern, bar, or bar restaurant business to operate on this site at the location described on Petitioner's Exhibit 1. Purthermore, the Petitioner shall not permit any liquor sales or nightclub operation at this site.
- 5. In the event the Petitioner fails to comply with the requirements of this Order, the granted variance shall

- 3 -

ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Newton A. Williams, Esquire cc: Peoples Counsel

RE: PETITION FOR VARIANCE SW/S Baltimore National Pike. approx. 2200' SW of C/L of Rolling Rd., lst District

final Order

Case No. 88-215-A COMBINED PROPERTIES, INC., Petitioner

> 1 1 1 1 1 1 1 ENTRY OF APPEARANCE

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

> Phyllis Cole Friedman People's Counsel for Baltimore County

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Peter Max Zimmerman Deputy People's Counsel Roce 223, Court flouse Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 13th day of Movember, 1987, a copy of the foreg. ng Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennaylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

PETITION FOR ZONING VERANCE

The Control of the State of the the from Senting ... 400.2 h. to permit a total of 1000 perking spaces in lieu of the required 1267 spaces, a variance of 177 spaces.

of the Santon Regulation of Soldinson County, to the Zoning Lor; of Soldinson County; for the

1. That the requested variance represents the conversion of one 2,700 S.F. retail space for restaurant use to serve shoppers at Baltimore Heat Shopping Center. 2. That the existing shopping center has more than adequate spaces for any day of the year, including the holiday season.

3. That the Parking Regulations are based upon assuming that all of these stores were free standing, whereas most people combine trips to the center.

or (See Attached for No.4) . Property is to be pessed and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay consume of above Variance advertising, posting, etc., upon filing of this position, and further agree to and are to be bound by the needing regulations and restrictions of Baltimore County.

I/We do selemnly declare and affirm, under the possition of perjury, that I/we are the legal owner(a) of the property which is the subject of this Publica.

| Contract Purchaser: | Logal Owner(s): | MAD SW 76 |
|--|--|--------------------|
| (Type or Print Hease) | Crebined Properties, Inc. | 2.6 |
| Signature | David H. Sisson | DATE 3-7-84 |
| Adres | (Type or Print Hame) | 1000 BF |
| City and State | Signature | |
| Attorney for Petitioner: Newton A. Williams | | 5-4,570 |
| | 1899 L. Street, N.W. | W-40,810 |
| Molan, Planott Williams, Molan, Planote, Williams, Molan, Planote, | Washington, D.C. 20003 | |
| 204 W. Pennsylvania Avenue | Name, address and phone member of legal our tract purchaser or representative to be contr | uer, cen- ucind |

Towson, Maryland 21204 Nexton A. Williams City and State 204 W. Pennsylvania Avenue, 823-780. Attorney's Telephone No.: _823-7800

ORDERED By The Zoning Commissioner of Beltimore County, this4th4th

4. That without the requested variance, the petitioners will sustain practical difficulty and unreasonable hardship, and the requested variance is in harmony with the spirit and intent of the Regulations.

PETITION FOR ZONING VARIANCE

1st Election District - 1st Councilmanic District

Case No. 88-215-A

Southwest Side of Baltimore National Pike, approximately 2200 teet Southwest of Centerline of Rolling Road LOCATION:

DATE AND TIME: Friday, December 4, 1987, at 9:00 a.m.

Regulations of Baltimore County, will hold a public hearing:

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

Petition for Zoning Varience to permit a total of 1090 parking spaces in lieu of the required 1267 spaces

Being the property of <u>Combined Properties</u>, Inc. as shown on plate 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 cade at the hearing.

> J. ROBERT HAIRES ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

00

November 19, 19:7

Newton A. Villiamo, Esq. 204 V. Pransylvania Avenue Towson, Haryland 21204

Petition for Zoning Variance SM/S Beltimore Metional Pike, approx. 2200' SM of c/l of Rolling Rood, let Election District - let Councilmanic District Combined Properties, Inc. - Petitioner Case number: 88-215-4

00

Dear Mr. Williams

Please be advised that 70.05 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the 'ay of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Zoning Commissioner of

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

Baltimore County

TOWSON, MD., Nov 12 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 Nov 12 ,1087

THE JEFFERSONIAN,

Gusan Sender Obrect

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

| | Towen, Maryland | Fr - 215- A |
|-------------------------------|-------------------|--------------------|
| District Lat | | of Posting // 3.12 |
| Posted for LAMAN | | |
| Petitioner Combined | Properties INS | |
| Location of property: 5M/5 | Batto NOTA Pikk | 14 pax 22 200' |
| 5W of the Cil | | |
| Location of Signs: S.W. Assol | Las Balkman 1 | dimet I she |
| Appent 3.0.30 SH | of the 918 of Dis | Lling Bod |
| Remarks: | | |
| Prosted by Ante. | Date of r | turn. 11 - 21-12 |

Humber of Signs: _/

Newton A. Williams, Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204

November 6, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE SW/S Baltimore National Pike, approx. 2200' SW of c/1 of Rolling Rd.

1st Election District - 1st Councilmanic District Combined Properties, Inc. - Petitioner Case No. 88-215-A

9:00 a.m. Friday, December 4, 1987

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

Zoning Commissioner of Beltimore County

JRH:med

cc: Mr. David H. Sisson town, od Properties, Inc. 1899 L Street, N.W. Washington, D. C. 20003

IN CASE OF SNOW, HEARING WILL BE CANCELLED AND RESCHEDULED FOR A LATER DATE AND TIME, JRH

BATIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

November 12, 1987 Mr. J. Robert Haines TO Zening Commissioner

Norman E. Gerber, AICP Norman E. Gerber, AICP

PROM. Director of Planning and Zoning
Zoning Petitions No. 88-214-A, 88-245-A,
88-217-XA, 88-207-A, 88-208A, 88-218-A,
88-217-XA, 88-223-A, 88-224-A, 88-225-A

> There are no comprehensive planning factors requiring comment on this petition.

NEC: JCH: dwe

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

9A.M. 12/4/57 PETITIONER(S) SIGN-IN SHEET CHARLES E STAKK, Lunger -1899 LSI N.W Suite 900 Town Millians, Ally Beinard Mollinger Pianis



THIS IF, TO CERTIFY, that the annexed advertisement of

Zoning Variance

was inserted in the following: Catonaville Times ☐ Arbutus Times ☐ Reporter Weekly

☐ Booster Wesldy
☐ Owings Mills Flier
☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for <u>one</u> successive weeks before the 14 day of November 19 87 that is to say, the same was inserted in the issues of

MBH DC 30036

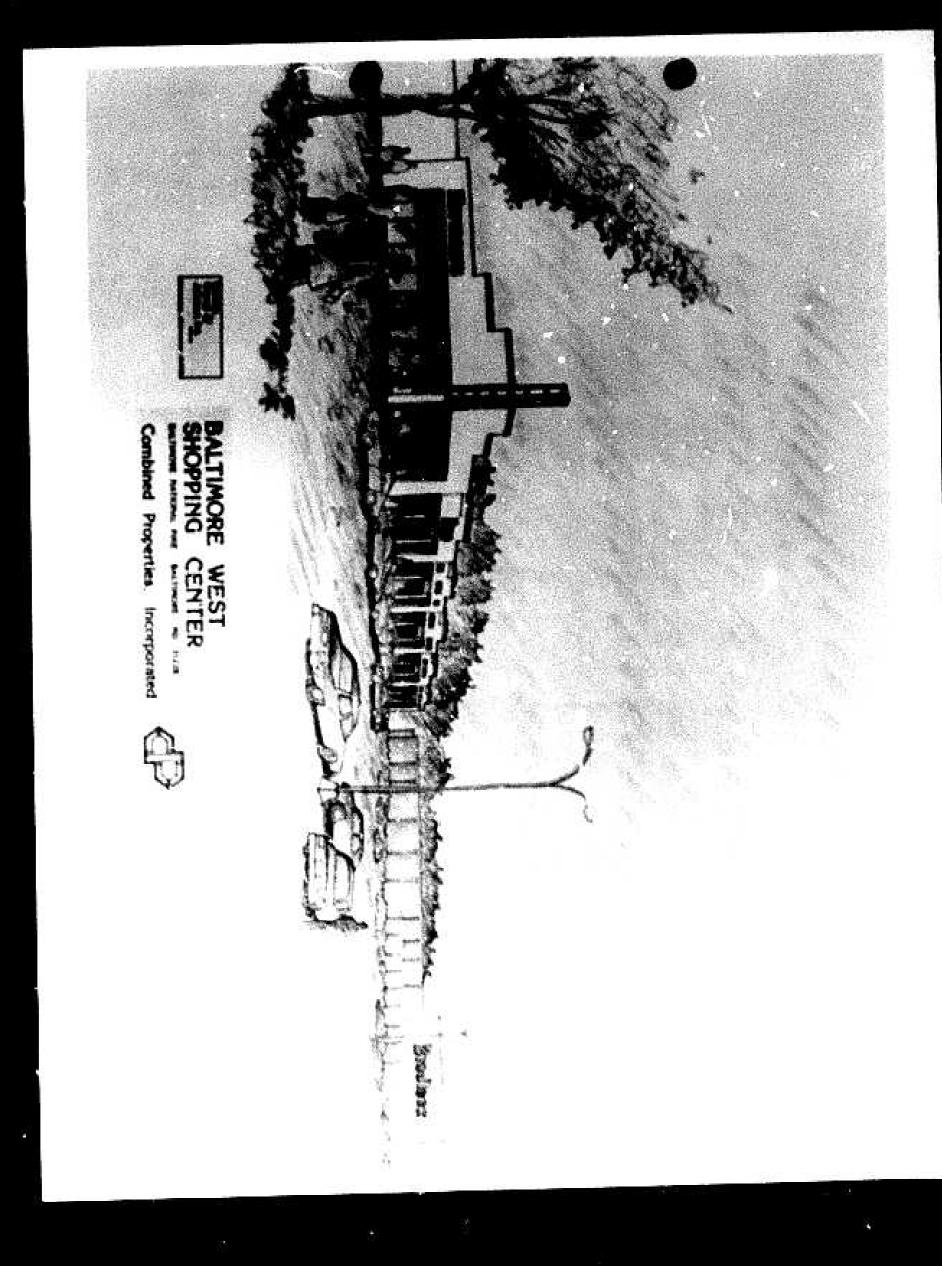
2001 Penn des

Quelance Talley Col

Tuester 2 - 3 234

NOvember 12, 1987





CP5-008

D. Looking Won Route A. Looking NW at frontige signs C. Monumental Entrevel Bettimere West Shyping Center PETITIONER'S EXHIBIT_2

g. Wend of Brodles - Pathmorke Drugs:

K. Zosking 5W at Buda Stel

PETITIONER'S EXHIBIT_2

39,725

9,000 650

(9) BALTIMORE Dis Baltimore National Pi Baltimore, Marriand 21228

Brian Haighley

Director of Real Estate

(301) 744-2000

(301) 744-4022

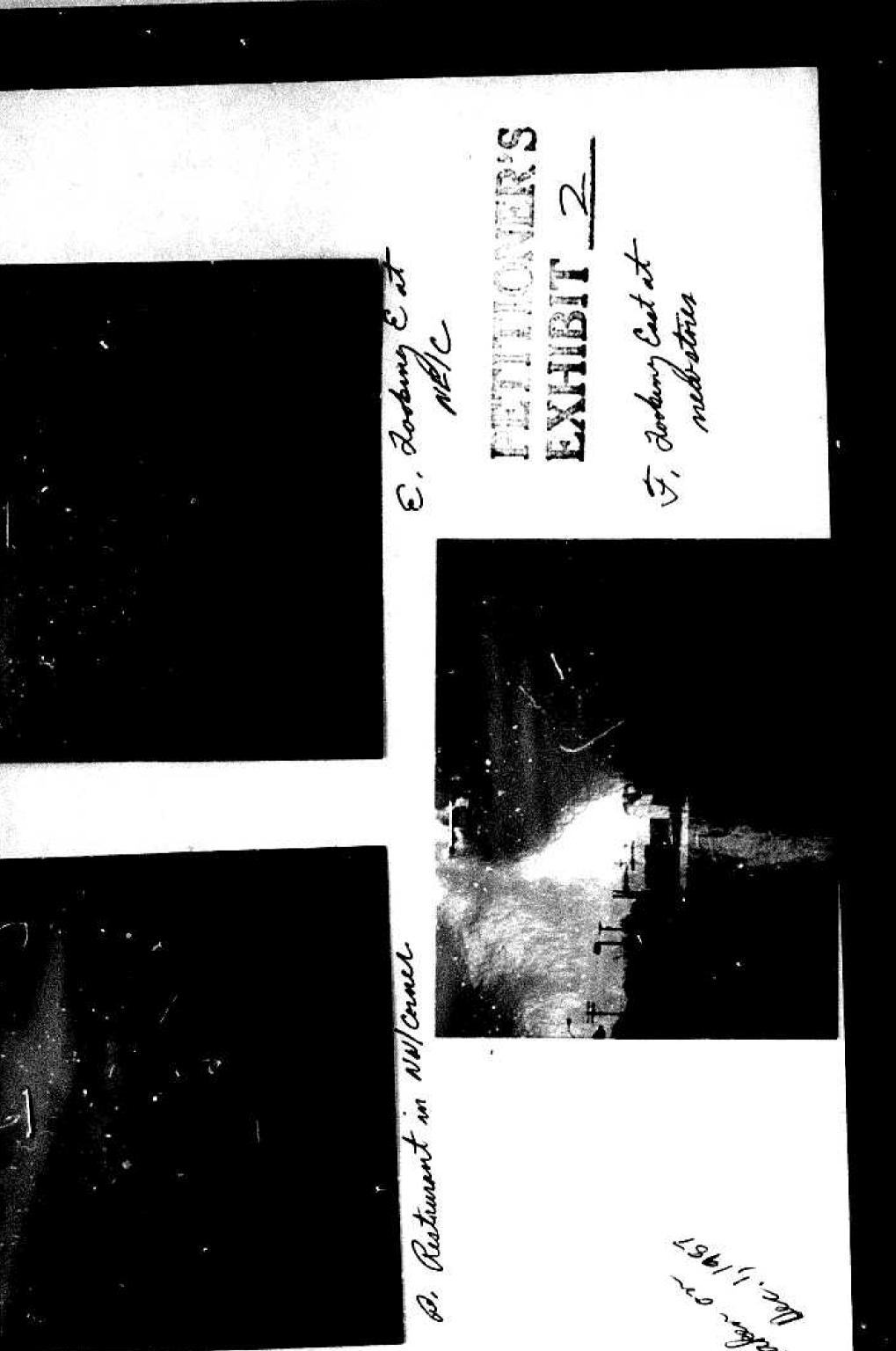
(301) 744-2994 251-6175

(301) 744-0996 251-6175

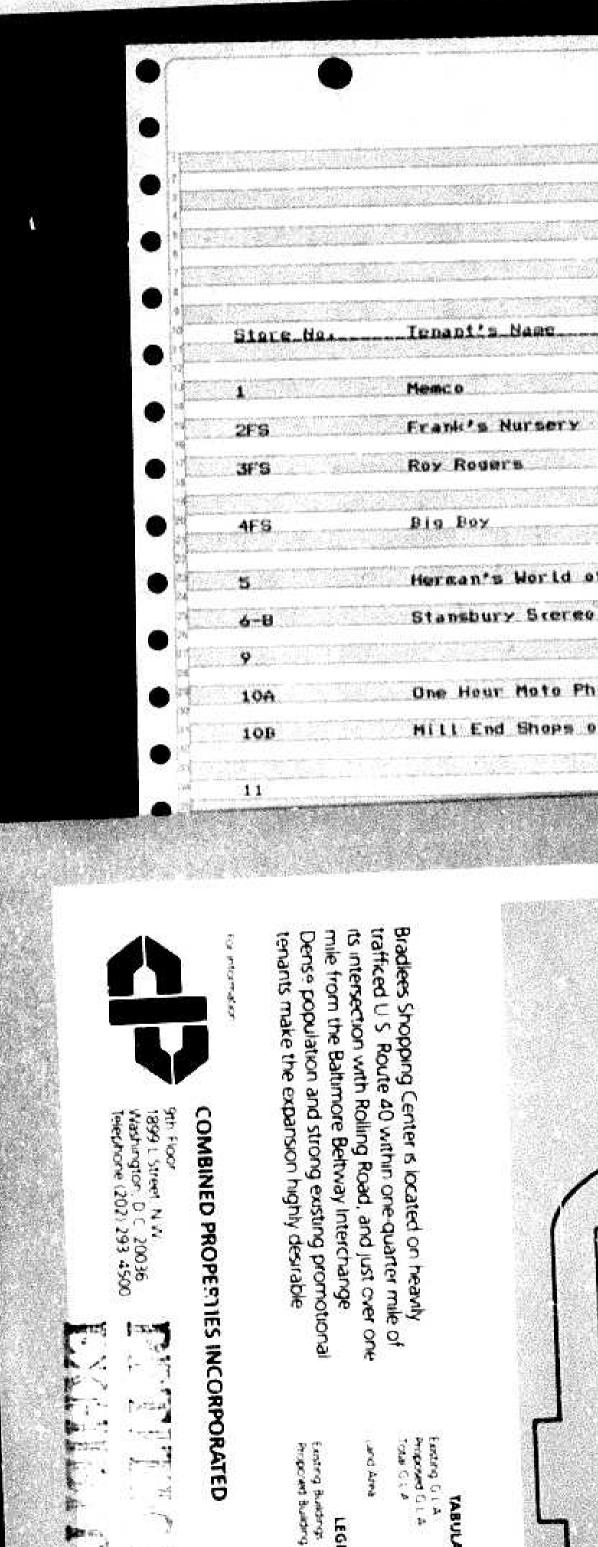
(201) 541-1550

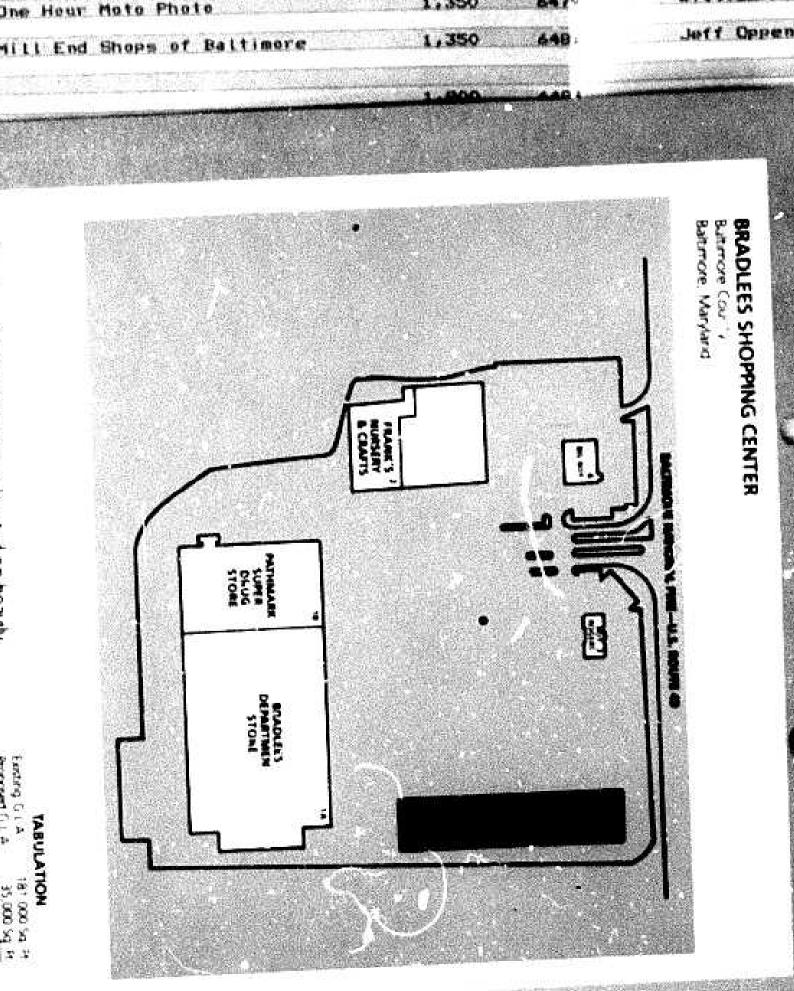
(301) 284-4625

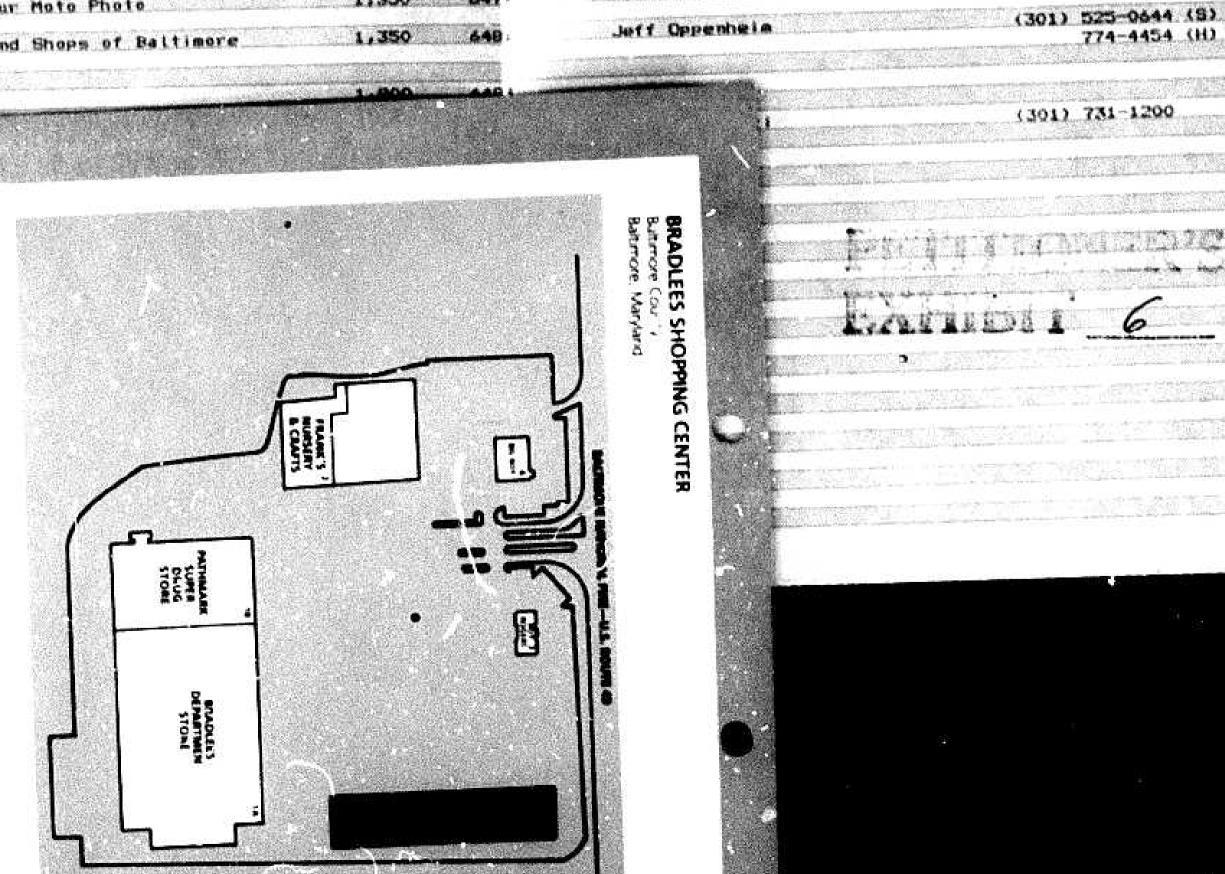
(301) 760-3686











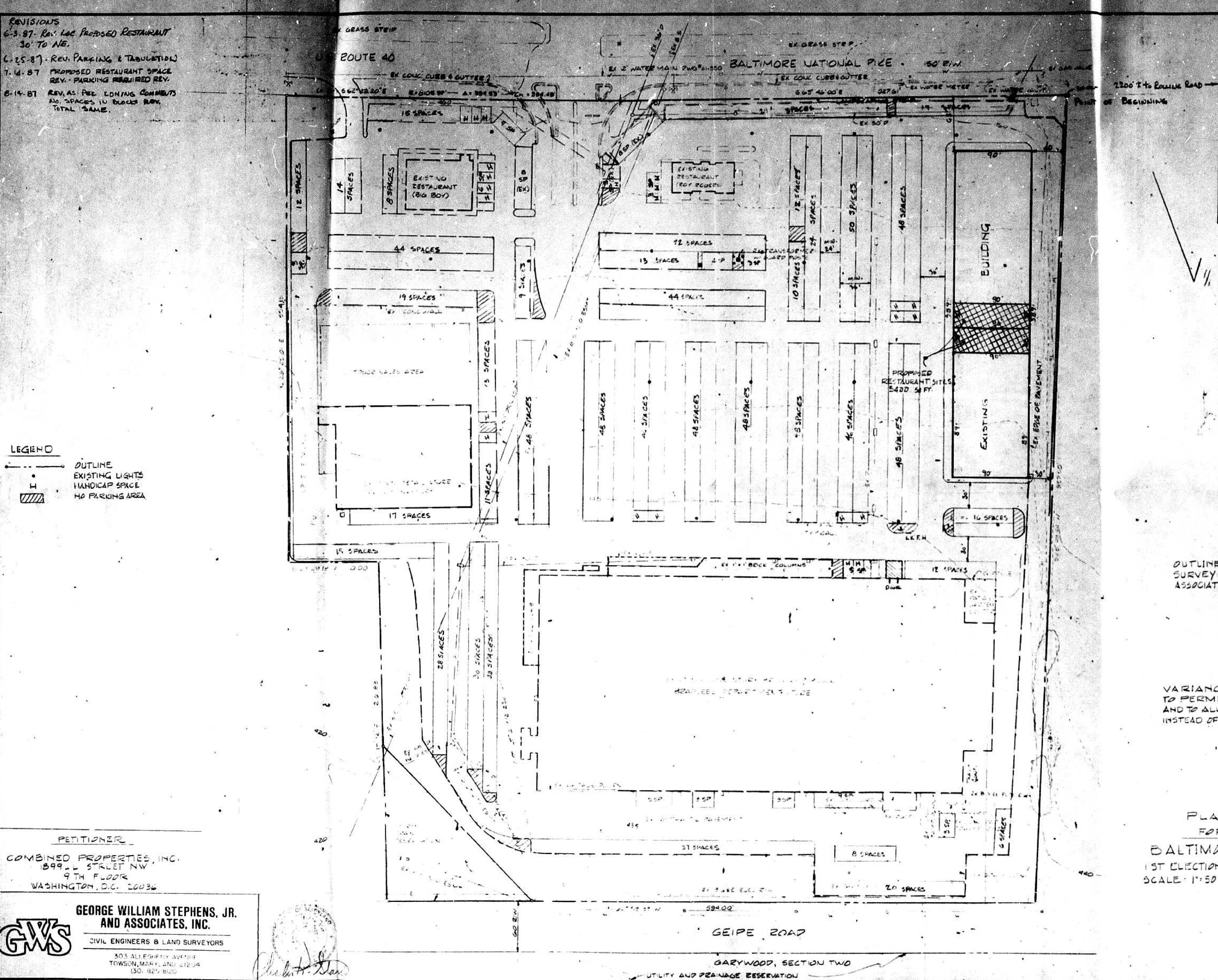


BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

CATONSVILLE

DATE OF PHOTOGRAPHY

_ANUARY 1986 5 **%** 2 5



VICINITY MAP

SCALE V- 2000

PARKING TABULATION

BRADLES 135 000 +200 4 GTS PROPOSED 6104 29610 + 200 : 149 EDY EQUEES 2 900 - 50 - 54 TOTAL ZEQUIZED - 1267 . 1070 TOTAL SHOWN TOTAL HEEDED! 177

HANDICAP SPACES REQUIRED ZOPER 1000 PLUS I PER 100 OVER 1000 . 23 TOTAL HANDI CAP SPACES SHOWN

TYPICAL SPACE - 9'x 18' HANDICAD SPACE - 12'A 18 (H)

OUTLINE DATA AND DETAIL TAKEN FROM SURVEY PLAT BY: A. MORTON THOMAS AND ASSOCIATES, INC.

VARIANCE REQUESTED TO SECTION 409.2 b TO PERMIT A PARKING VARIANCE OF 177 SPACES AND TO ALLOW A TOTAL HUMBER OF SPACES OF 1090 INSTEAD OF THE REQUIRED 1267.

PLAN TO ACCOMPANY PETITION FOR PARKING VARIANCE

BALTIMORE WEST SHOPPING CENTER IST ELECTION DISTRICT . BALTIMORE COUNTY, MO. SCALE 1:50 . CATE: MAY 70 , 1987

PU 5394