

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE; E/S Greenspring Drive, 1651' +/- to the c/l of S. Timonium Road (1955 Greenspring Drive) 8th Election District; 4th Councilmanic District

Wiley J. Smith
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-289-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to use the subject property for a service garage, and additionally, a variance to permit a side yard setback of 0 feet from the north property line and a side yard setback of 24 feet from the south property line, both in lieu of the required 30 feet; or in the alternative, a side yard setback of 0 feet from the south property line and a side yard setback from the north property line, both in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Robert A. Hoffman, Esquire. Appearing on behalf of the Petition were James S. Patton, professional engineer and land planner with Marshall Craft Associates, Inc., and Donald A. Klemm with Motorola Communications and Electronics. Additionally, Roger Wittenbach, an adjoining property owner appeared to obtain additional information and to insure that his concerns were addressed.

At the onset of the hearing, the Petitioner elected to proceed with his first request in the Petition for Variance, that is, a variance to permit a side yard setback of 0 feet from the north property line and a side yard setback of 24 feet from the south property line, both in lieu of the required 30 feet.

Testimony indicated that the subject property, zoned M.L.-I.M., is located at 1955 Greenspring Drive and consists of 23,600 sq.ft. of unimproved land. Mr. Smith testified that the property has been in his family for 20 years

and has been used for miscellaneous parking. He further testified that he also owns the property adjoining the 0' side yard setback of the property at 1957 Greenspring Drive. Mr. Smith testified that he has been involved in serious negotiations with Motorola Communications and Electronics for leasing the subject property, which is contingent upon gaining approval of the requested variance and special exception. He testified that the property has been on the market for some time and that in his opinion, a variance is necessary to commercially develop this property, whether it be for Motorola or any other tenant, due to the narrow width of the lot.

Mr. Klemm, Area Service Manager for the Mid-Atlantic Region of Motorola Communications and Electronics, testified that the building set forth in Petitioner's Exhibit 1 is representative of a building that meets their needs. He indicated that the north side of the building would consist mainly of an installation bay, or service garage as defined under the Baltimore County Zoning Regulations (B.C.Z.R.). The bay would be used for the installation and service of the communications equipment sold by Motorola. The size of the bay is necessary to accommodate large trucks, such as hook and ladder trucks, in which the company has installed communication equipment. The remainder of the building would provide two-story office space consisting of training and conference rooms, a technical laboratory, and office space for its sales representatives. Mr. Klemm indicated that on no occasion would there be greater than 23 customers or employees on the premises needing parking spaces.

Mr. Patton testified that in his opinion, to develop a reasonable, commercially marketable building the requested variance was necessary. He further indicated that he has been involved in the planning and design of a building to meet the needs of the proposed tenant.

Both Mr. Smith and Mr. Patton were questioned by Counsel as to each requirement of Section 502.1 and both testified that in their opinion, the use as proposed would not interfere with any of the requirements.

Mr. Wittenbach, owner of the adjoining property on the south property line at 1953 Greenspring Drive, indicated that he is concerned about the development of the subject property and surrounding neighborhood as he has recently invested a sizable amount of money in rehabilitating his building. It is his desire to have only professional buildings in the neighborhood. He would like to make sure that the adjoining property owner complies with the Baltimore County Landscaping Manual and provides sufficient screening between the properties. Mr. Wittenbach testified his building does not meet the current zoning setback requirements but was non-conforming.

The Petitioner seeks relief from Section 255.1 pursuant to Section 307, and from Section 253.2B pursuant to Section 502.1 of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations 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 the variance was granted, such use as proposed would not be contrary to the spirit and intent of the B.C.Z.R.

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 the variance was 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, the variance requested will not be detrimental to the public health, safety, and general welfare.

Further, it is clear that the B.C.Z.R. permits the use requested by the Petitioner in an M.L.-I.M. 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.

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 uncontradicted testimony indicated that 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 B.C.Z.R., nor conflict with any other requirements set forth in Section 502.1.

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 Service Garage

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:	Legal Owner(s):
(Type or Print Name)	Wiley J. Smith
Signature	(Type or Print Name)
Address	Signature
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Robert A. Hoffman	1957 Greenspring Drive 252-4533
(Type or Print Name)	Address Phone No.
Signature	Timonium, Maryland 21083
Address	City and State
210 Allegheny Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Robert A. Hoffman
Towson, Maryland 21204	Name 210 Allegheny Avenue
City and State	Towson, Maryland 21204
Attorney's Telephone No.: 823-4111	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 properly 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 _____ day of _____, 19____, at _____ o'clock _____M.

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

6) No vehicles being serviced shall be stored on the lot outside the garage after work hours or overnight.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMW:bjs

Pursuant to the advertisement, posting of property, and public hearing held on this case, and for the reasons given above, the requested variance and special exception should be granted with certain restrictions as more fully described below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of March, 1988 that the subject property be approved for use as a service garage, and additionally, that a variance to permit a side yard setback of 0 feet from the north property line and a side yard setback of 24 feet from the south property line, both in lieu of the required 30 feet, in accordance with the plan identified as Alternate A on Petitioner's Exhibit 1, be approved, and as such, the Petitions for Special Exception and Zoning Variance as a City GRANTED, subject, however, to the following restrictions:

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.

2) The granting of this variance and special exception is conditioned upon the 16-foot area of the building located 0' from the north property line being used as a service garage.

3) If the use and/or any of the representations made on Petitioner's Exhibit 1 change, the Petitioner shall file an amended plan and request a special hearing to determine whether the changed use should be permitted.

4) Petitioner shall landscape the property in accordance with the Baltimore County Landscaping Manual and minimally as set forth in the plan identified as Alternate A on Petitioner's Exhibit 1, unless modified and approved by the Office of Current Planning & Development.

5) In addition to compliance with Restriction No. 4 set forth above, the four-foot strip adjoining the property line of 1953 Greenspring Drive shall be landscaped to screen the property as deemed appropriate by the Office of Current Planning & Development.

March 4, 1988

Robert A. Hoffman, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
E/S Greenspring Drive, 1651' +/- to the c/l of S. Timonium Road
(1955 Greenspring Drive)
8th Election District; 4th Councilmanic District
Case No. 88-289-XA

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-referenced case. The Petitions for Special Exception and Zoning Variance have been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMW:bjs

cc: Mr. James S. Patton
Marshall Craft Associates, Inc.
6112 York Road, Baltimore, Md. 21212

Mr. Donald A. Klemm
Motorola Communications & Electronics
Parkway Drive, Hanover, Md. 21076

Mr. Roger Wittenbach
1953 Greenspring Drive, Timonium, Md. 21093

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 3/4/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/4/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/4/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/4/88
By [Signature]

133 Revised 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 255.1 (238.2) to permit (1) Alternative A to permit a sideyard setback of 0' from the north property line in lieu of the required 30' or (2) Alternative B to permit a sideyard setback of 4' from the south property line in lieu of the required 30' of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be determined at 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: _____ Legal Owner(s): _____
(Type or Print Name) _____
Signature _____
Address _____
City and State _____
Atorney for Petitioner: _____
Robert A. Hoffman _____
(Type or Print Name) _____
Signature _____
210 Allegheny Avenue _____
Address _____
Towson, Maryland 21204 _____
City and State _____
Attorney's Telephone No.: 823-4111 _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of November, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of January, 1988, at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

PHILIP E. CROSS
JOHN F. ETZEL
WILLIAM G. ULLICH
ROBERT C. LARSON
DAVID E. RASMUSSEN

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITE
PAUL R. BOLLINGER
FRED R. BOLLINGER
CARL L. GERHOLD

September 11, 1987

Zoning Description
1955 Green Spring Drive

Beginning for the same at a point on the east side of Green Spring Drive at the distance of 141 feet measured southerly along the east side of Green Spring Drive from the south side of Timonium Road and running thence from said place of beginning, North 80 degrees 35 minutes 56 seconds East 236 feet, thence South 9 degrees 21 minutes 04 seconds East 100 feet, thence South 80 degrees 35 minutes 56 seconds West 236 feet, thence binding on the east side of Green Spring Drive, North 9 degrees 24 minutes 04 seconds West 100 feet to the place of beginning.

Containing 0.54 of an Acre of land more or less.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: E-11 Date of Posting: _____
Posted for: Special Exception and Variance
Petitioner: Wiley J. Smith
Location of property: E/S Greenspring Drive, 1651' to c/l of S. Timonium Road (1955 Greenspring Drive)
Location of Sign: On front of 1955 Greenspring Drive
Remarks: _____
Posted by: J. Robert Haines
Number of Signs: 2 Date of return: 1-18-88

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 13, 1988

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., once in each of 1 successive weeks, the first publication appearing on Jan. 13, 1988.

TOWSON TIMES,

Susan Studer Olselt
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 14, 1988

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 Jan. 14, 1988.

THE JEFFERSONIAN,

Susan Studer Olselt
Publisher

REVISED
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case number: 88-289-XA
E/S Greenspring Drive, 1651' to c/l of S. Timonium Road (1955 Greenspring Drive)
8th Election District - 4th Councilmanic District
Petitioner: Wiley J. Smith
DATE/TIME: FEBRUARY 3, 1988 at 9:00 a.m.
Notice to property owner: Alternative A: a sideyard setback of 0' from the north property line and a 24' sideyard setback from the south property line, both in lieu of the required 30' or (2) Alternative B: to permit a sideyard setback of 4' from the north property line and a 24' sideyard setback from the south property line, both in lieu of the required 30'.
Special Exception - A Service Garage.
In the event that this Petition 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 in writing and received in the office by the date of the hearing, as above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1716 Jan. 14

88-289-XA

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 13th day of November, 1987.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Wiley J. Smith
Petitioner's Attorney: Robert A. Hoffman, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

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

No. 41684

DATE: 10-6-87 ACCOUNT: 830-615

AMOUNT: \$ 200.00

RECEIVED FROM: [Signature]

FOR: [Signature]

3000*****2000 to 2000

VALIDATION OR SIGNATURE OF CASHIER

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

No. 45876

DATE: 10-6-87 ACCOUNT: 830-615

AMOUNT: \$ 125.55

RECEIVED FROM: [Signature]

FOR: [Signature]

3000*****2000 to 2000

VALIDATION OR SIGNATURE OF CASHIER

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

No. 45943

DATE: 10-6-87 ACCOUNT: 830-615

AMOUNT: \$ 125.55

RECEIVED FROM: [Signature]

FOR: [Signature]

Posting & Advertising 2/3/88 hearing date

3000*****2000 to 2000

VALIDATION OR SIGNATURE OF CASHIER

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

J. Robert Haines
Zoning Commissioner

January 25, 1988

Mr. Wiley J. Smith
1957 Greenspring Drive
Timonium, Maryland 21093

Dennis F. Rasmussen
County Executive

Re: Case numbers: 88-289-XA
E/S Greenspring Drive, 1651' to c/l of S. Timonium Road (1955 Greenspring Drive)
8th Election District - 4th Councilmanic District
Petitioner: Wiley J. Smith

Dear Mr. Smith:

Please be advised that \$125.55 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(s) from the property from the time it posted by this office until the day 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.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Robert A. Hoffman, Esq.
File

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

J. Robert Haines
Zoning Commissioner

November 26, 1987

Mr. Wiley J. Smith
1957 Greenspring Drive
Timonium, Maryland 21093

Dennis F. Rasmussen
County Executive

Re: Case numbers: 88-289-XA
E/S Greenspring Drive, 1651' to c/l of S. Timonium Road (1955 Greenspring Drive)
8th Election District - 4th Councilmanic District
Petitioner: Wiley J. Smith

Dear Mr. Smith:

Please be advised that \$125.55 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 day 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.

Very truly yours,

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Robert A. Hoffman, Esq.
File

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

J. Robert Haines
Zoning Commissioner

REVISED
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-289-XA
E/S Greenspring Drive, 1651' to c/l of S. Timonium Road (1955 Greenspring Drive)
8th Election District - 4th Councilmanic District
Petitioner: Wiley J. Smith
DATE/TIME: FEBRUARY 3, 1988 at 9:00 a.m.

Variance to permit (1 - Alternative A): a sideyard setback of 0' from the north property line and a 24' sideyard setback from the south property line, both in lieu of the required 30' or (2) Alternative B: to permit a sideyard setback of 4' from the north property line and a 24' sideyard setback from the south property line, both in lieu of the required 30'.
Special Exception - A Service Garage.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 29, 1988

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

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 133 - Case No. 88-289-A
Petitioner: Wiley J. Smith
Petition for Zoning Variance

Dear Mr. Hoffman:

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: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
494-3554

Zoning Commissioner
County Office Building
Towson, Maryland 21204

November 10, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 130, 131, 132, 133, 134, 135, 136, 137, and 139.

Very truly yours,

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

MSF:ab

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: January 14, 1988

FROM: P. David Fields
Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-289-A

Either a CRG meeting or a waiver is required. Further, standards set forth in the Baltimore County Landscape Manual must be met.

P. David Fields per J. Howell
P. David Fields
Director

PDF:JGH:dme

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

RECEIVED
JAN 19 1988
ZONING OFFICE

CPS-008

Baltimore County
Fire Department
Towson, Maryland 21204-2556
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

October 27, 1987

Re: Property Owner: Wiley J. Smith

Location: E/S Green Spring Drive, 1651' +/- c/l S. Timonium Road

Item No.: 133

Zoning Agenda Meeting of 10/20/87

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.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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:
Special Inspection Division

/s/

December 21, 1987

Mr. Len Peterson
The Jeffersonian
409 Washington Avenue
Mercantile-Towson Building
Towson, Maryland 21204

Re:

Case number: 88-289-XA
Purchase Req. No.: M 10670, Jeffersonian Issue 1/14/88
Purchase Req. No.: M 10669, Towson Times Issue 1/13/88

Mr. Peterson:

Enclosed please find a Revised Hearing Notice relative to the above captioned matter.

Please contact this office immediately (494-3394), should it not be possible to print the ad as it now reads.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
H. KING HILL, III
GEORGE K. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HANN

TELEPHONE
(301) 823-4111
TELECOPIER
(301) 823-0447
DIRECT DIAL NUMBER
(301) 494-9162
May 23, 1988

JUDITH A. ARNOLD
DEBORAH C. DOPKIN
KATHLEEN GALLOGLY COX
KEVIN H. SMITH
J. MICHAEL BRENNAN
N. BARNETT PETERSON, JR.
KATHRYN L. KOTE
JAMES K. MACALISTER
REGAN J. R. SMITH
JAMES D. C. DOWNES
(806-1079)

Ann Nastarowicz,
Deputy Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception and Zoning Variance
Case No.: 88-289-XA

Dear Ms. Nastarowicz:

As you may recall, you granted the above-referenced Petitions for Special Exception and Variance on March 4, 1988. Since that time, and after further discussions with Motorola, the planned user of the proposed facility, it became apparent that a minor modification to the shape of the building would have to be made. That modification would be an extension of the length of the building from 76 ft. to 88 ft.

This modification would not affect the variance requested, parking, the requirements under Section 502.1, or any of the restrictions contained in your Order of March 4.

Also, my client and petitioner in this case, Wiley J. Smith, contacted Mr. Roger Whittenbach and reviewed the proposed change with him. Mr. Whittenbach, on May 17, 1988, signed a copy of the proposed modified site plan showing the 12 ft. addition in length to the original footprint, acknowledging no objection to such a change. (That site plan is enclosed)

It is therefore respectfully requested that the enclosed proposed site plan be accepted as a minor change to Petitioner's Exhibit No. 1, be marked and accepted for filing in this case and that the development be permitted to take place without an additional public hearing.

Ann Nastarowicz,
Deputy Zoning Commissioner
May 23, 1988
Page 2

Thank you for your consideration of this issue.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH:bw
cc: Roger Whittenbach
Wiley J. Smith

*The advised Rob Hoffman -
needed reviews plan w/
all zoning data on it before
would consider to issue side
meets BZP and no new variances
are required by modification*

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JAMES D. C. DOWNES
(806-1079)

May 24, 1988

Ann Nastarowicz,
Deputy Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception and Zoning Variance
Case No.: 88-289-XA

Dear Ms. Nastarowicz:

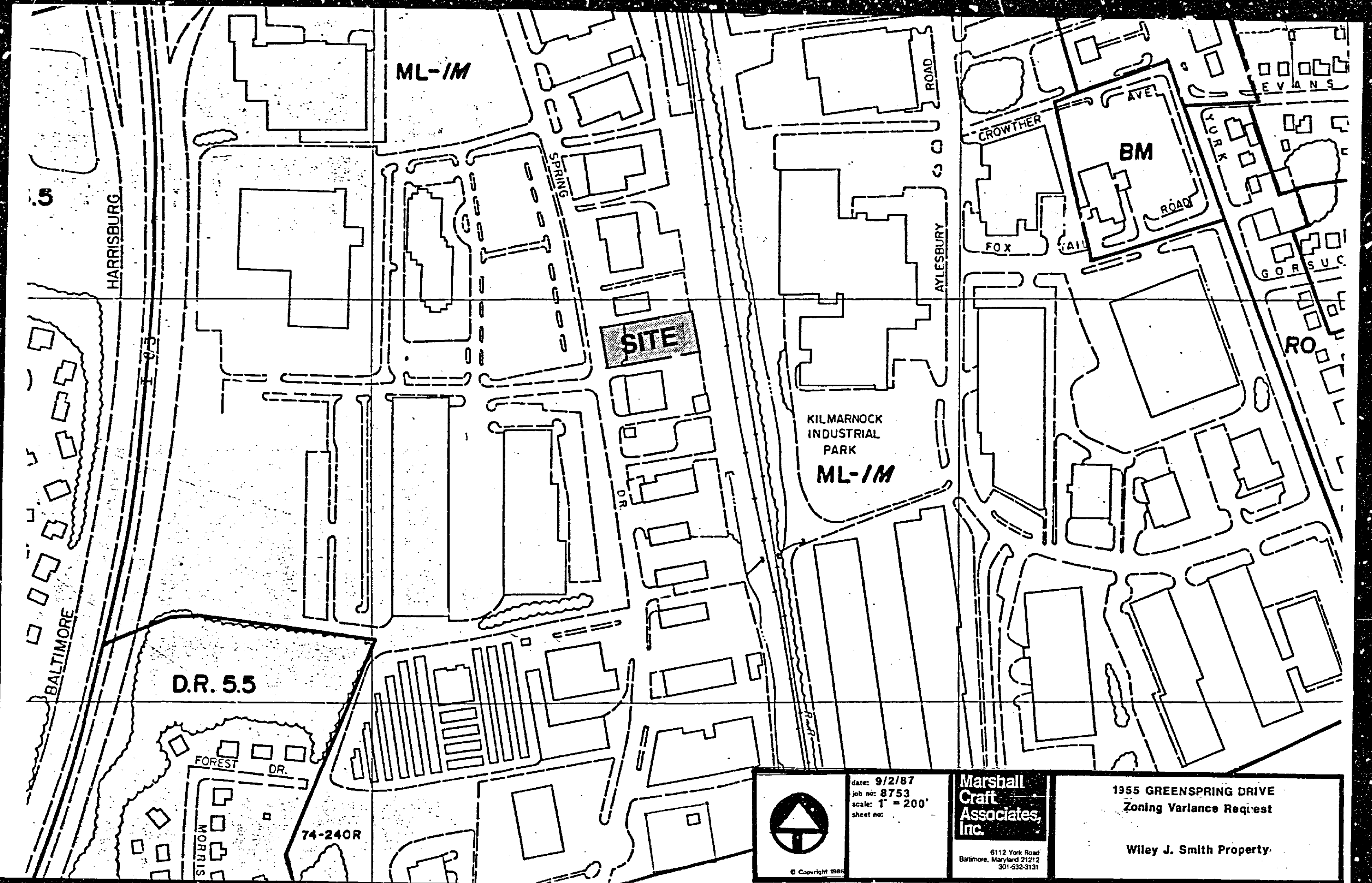
Enclosed please find the site plan which was inadvertently left out of Rob Hoffman's letter dated May 23, 1988.

I apologize for any inconvenience this oversight may have caused.

Sincerely,
Barbara A. White
Barbara A. White
Legal Secretary

bw
Enclosure

RECEIVED
MAY 24 1988
ZONING OFFICE



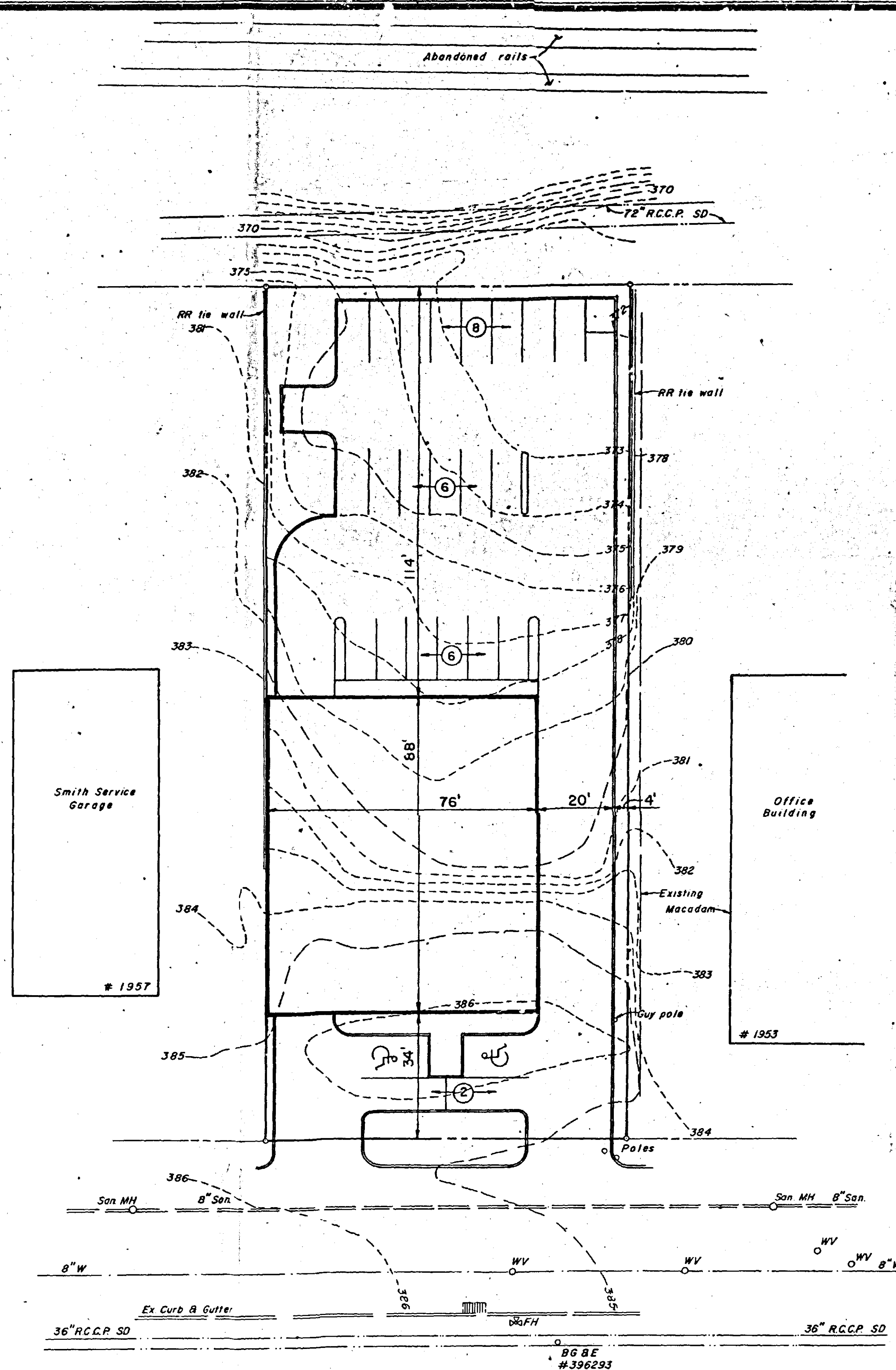
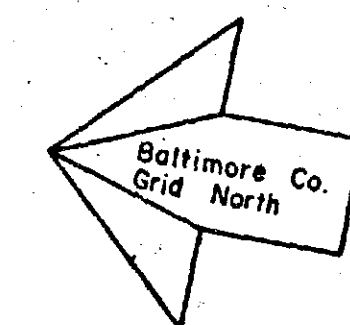
date: 9/2/87
job no: 8753
scale: 1" = 200'
sheet no:

**Marshall
Craft
Associates,
Inc.**

6112 York Road
Baltimore, Maryland 21212
301-532-3131

**1955 GREENSPRING DRIVE
Zoning Variance Request**

Wiley J. Smith Property



NOTE:

Topography and Property Survey by
Gerhold, Cross and Etzel dated
March 4, 1988

OWNER / DEVELOPER

WILEY J. SMITH
1957 GREENSPRING DRIVE
TIMONIUM, MARYLAND 21093

Deed Reference:

Liber: 4222 Folio: 382
Tax Account: 0819053092

*Ref. 12' Addition to planned
Building.
Wiley J. Smith
5/17/88*



revisions		
no.	date	comments

OFFICE-WAREHOUSE
1955 Greenspring Drive

seal

LPJ INC.

CONSULTING ENGINEERS

— STRUCTURAL
— CIVIL
— SITE PLANNING

16 WEST TWENTY-FIFTH ST.
BALTIMORE, MD. 21218
(301) 366-7800

**PROPOSED
SITE PLAN**

scale: 1"=20'	project no.: 10688
drawn:	drawing no.
design:	
checked:	
date:	sheet of

