

IN THE MATTER OF
THE APPLICATION OF
K.D. PROPERTIES, A MARYLAND
PARTNERSHIP FOR RECLASSIFICATION
OF PROPERTY LOCATED ON THE SOUTH-
EAST SIDE OF BELAIR ROAD, NORTH
OF TAYLOR AVENUE
14th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. R-88-315
(out of cycle)

OPINION

This case comes before this Board on Petition for a Reclassification from DR 5.5 to B.L. for a rear portion of the subject site. Case was heard this day in its entirety.

The Petitioner presented, prior to the taking of any testimony, an extensive series of exhibits numbered 1 through 8, which provided the Board with the bulk of the basic facts prevalent in this case and all of which are officially entered on the record. Petitioner's only witness was Mr. David Thaler, a civil engineer and their expert witness. Mr. Thaler prepared the site plan which was presented to the CRG and approved for development and noted that a parking variance requested because of the location of the existing zoning line had been granted. He further testified to a key issue in this case, which is the construction of a connecting road across the rear of the site designated as Road A. The construction of Road A by the developer permits the residences in the rear of the subject site to obtain access to Belair Road at a signalized intersection. The construction of Road A also creates the DR 5.5 area of approximately 55 ft. by 95 ft., which is the subject of this Petition. It was Mr. Thaler's testimony that this area cannot be used for any residential purpose as it is too small and cannot provide compliance with the setback requirements. It was Mr. Thaler's testimony and his opinion that DR 5.5 is in error, as the Belair Road Master Plan of 1980 provides for the connecting road known as Road A and that the County Council in providing this road should have considered the unusable strip of

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K.D. Properties, A Md. Partnership
Case No. R-88-315

He further testified that this was not an issue in the 1984 Comprehensive Map Process and would have been brought to the County Council's attention had it been an issue. He further testified that the granting of this reclassification and the construction of the connecting road would eliminate a very dangerous intersection on Belair Road and would improve the traffic flow for the entire area. Mr. Thaler noted the existence of B.L. zoning on the major portion of the 2.4 acres contained in this site and the reasonableness of the requested B.L. zoning for the remaining bifurcated strip. Mr. Benjamin Bronstein, Attorney for the Petitioner, offered that the developer had met with the neighbors and acquired their support of the Petition as evidenced by Petitioner's Exhibit No. 6 and 6A, this support being contingent on the construction of Road A, which is presently well under way. This concluded Petitioner's case.

People's Counsel presented Mr. James Hoswell, Planner for Baltimore County, who recommended granting this reclassification and testified that this was basically a case of adjusting the zoning line to its reasonable and proper location. Ms. Lorraine Gordon, who resides in the area, testified that the neighborhood support of this Petition was contingent upon the construction of the connecting road that is now well under way.

After consideration of all the evidence and testimony received, the Board is of the opinion that the DR 5.5 zoning afforded this rear portion of the subject site, is in fact in error. The construction of the connecting road as planned many years prior, creates the error with the DR 5.5 designation.

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K.D. Properties, A Md. Partnership
Case No. R-88-315

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of April, 1988, by the County Board of Appeals, ORDERED that the Petition for Reclassification from DR 5.5 to B.L. be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmitz
Lawrence E. Schmitz

Henry H. Lewis
Henry H. Lewis

County Board of Appeals of Baltimore County
Room 203 Court House
Towson, Maryland 21204
(301) 494-3180
April 13, 1988

Benjamin Bronstein, Esq.
Evans, George and Bronstein
Suite 205, 24 W. Susquehanna Ave.
Towson, Md. 21204

Dear Mr. Bronstein: Re: Case No. R-88-315
K. D. Properties

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: K. D. Properties
The Altfield Company
D. S. Thaler & Associates, Inc.
James E. Kraft
Phyllis C. Friedman
P. David Fields
James G. Hoswell
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, Esq.

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1987, Legislative Day No. 1
Resolution No. 2-88

Mr. William R. Evans, Councilman

By the County Council, January 4, 1988

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of K. D. Properties, a Maryland Partnership, owner, and The Altfield Company, contract purchaser, for 2.4128 acres of land on the east side of Belair Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1986 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by Resolution dated November 19, 1987, has certified that early action on the Petition for Zoning Reclassification filed on behalf of K. D. Properties and The Altfield Company requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the zoning Reclassification Petition filed on behalf of K. D. Properties and The Altfield Company be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1(i) of the Baltimore County Code.



County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 494-3196

COUNCIL

Ronald B. Hickernell
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Rappaport, III
THIRD DISTRICT

Barbara F. Barker
FOURTH DISTRICT

Norman W. Lauenstein
FIFTH DISTRICT

William R. Evans
SIXTH DISTRICT

Dale T. Vais
SEVENTH DISTRICT

Thomas Toporovich
SECRETARY

January 5, 1988

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House - Second Floor
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find Resolution No. 2-88 approving the Planning Board's certification that the zoning reclassification petition filed on behalf of K.D. Properties, a Maryland Partnership, owner, and The Altfield Company, contract purchaser, for 2.4128 acres of land on the east side of Belair Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1986 Cumulative Supplement, as amended.

This Resolution was unanimously approved by the County Council at their meeting on Monday, January 4, 1988 and is being forwarded to you for appropriate action.

Sincerely,

Thomas Toporovich
Thomas Toporovich
Secretary

TT:dp
Enclosure

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RECEIVED
COUNTY BOARD OF APPEALS
JAN 12 1988

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 5.5 to B.L. ZONE : OF BALTIMORE COUNTY
SE/5 of Belair Rd., N of :
Taylor Ave., 14th Election :
District, 6th Councilmanic :
District :
K. D. PROPERTIES, A MD. : Zoning Case No. R-88-315
PARTNERSHIP/THE ALTFIELD :
CO. PROPERTY, Petitioner

ENTRY OF APPEARANCE

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

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

Peter M. Zimmerman
Peter M. Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of January, 1988, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George and Bronstein, Suite 205, 24 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner.

Peter M. Zimmerman
Peter M. Zimmerman

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PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an B.L. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

MAP	NE 7E
E.D.	14th
DATE	1/11/88
200	0.8
1000	
DP	

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COUNTY BOARD OF APPEALS
JAN 21 1988

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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.

Contract Purchaser:

The Altfield Company

(Type or Print Name)

Signature

7707 Grasty Road

Address

Baltimore, MD 21208

City and State

Signature

Attorney for Petitioner:

Evans, George and Bronstein

(Type or Print Name)

Address

Cockeysville, MD 21030

City and State

Signature

Suite 205, 24 W. Susquehanna Avenue

Address

Towson, Maryland, 21204

City and State

Attorney's Telephone No.: 296-0200

Legal Owner(s):

K.D. PROPERTIES, a Maryland Partnership

(Type or Print Name)

Signature

Signature By: Kenneth Katz, Managing Partner

(Type or Print Name)

Signature

3 Shaven Road 683-1811

Address Phone No.

Cockeysville, MD 21030

City and State

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

D.S. Thaler & Assoc. 484-4100

Name

11 Warren Road, Baltimore, MD, 21208

Address Phone No.

Signature

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POINTS OF ERROR AND CHANGE

CONCERNING PROPERTY OF K.D. PROPERTIES
1.04 ACRES
14th ELECTION DISTRICT, BALTIMORE COUNTY

THE PETITIONERS, K.D. PROPERTIES and THE ALTFELD COMPANY, Contract Purchaser, state that the County Council committed error in classifying the subject property DR 5.5 and that there are changes in the neighborhood supporting reclassification of the property to BL in that:

1. The property is zoned DR 5.5 and should have been classified in the BL zone.
2. The DR 5.5 zoning placed on the property is not usable and is confiscatory in its application.
3. Due to the size, configuration, location and topography of the property, the DR 5.5 is confiscatory and does not recognize the potentials which allows the BL zone to serve the community.
4. That because of the location of adjoining BL property, the property cannot be residentially developed.
5. The remainder of the property is zoned BL and is being developed for BL use.
6. That the existing DR zoning impermissibly restricts the use of the BL zoning of the remainder of the tract.

7. That the change to BL use will allow the construction of a road leading from Cardwell Avenue to Fowler Avenue, thereby allowing residents on Cardwell Avenue to enter Belair Road through the intersection of Fowler and Bel Air, which will be governed by an automatic traffic signal.

8. For such further and other reasons as may be disclosed upon more detailed review during the pendency of this Petition, assigning error by the Council and change in the neighborhood.

EVANS, GEORGE AND BRONSTEIN

BY: *[Signature]*
Benjamin Bronstein
209 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 296-0200
Attorneys for Petitioners

September 3, 1987

DESCRIPTION OF PROPERTY PROPOSED TO BE
RECLASSIFIED FROM DR-5.5 TO BL
INCLUDING A PORTION OF THE PROPERTY OWNED
BY K.D. PROPERTIES, A MARYLAND GENERAL PARTNERSHIP
14th ELECTION DISTRICT
BALTIMORE, COUNTY, MARYLAND

Beginning for the same at a point, said point being the intersection of the centerline of Fowler Avenue and the centerline of a proposed 50 foot public right-of-way, presently referred to as Road 'A', said point being approximately 287 feet southeasterly from the intersection of the respective centerlines of Fowler Avenue and Belair Road (U.S. Route 1), thence running with and binding upon the centerline of said Road 'A' South 44°11'25" West, 338.84 feet to the centerline of Cardwell Avenue, thence binding partly upon said centerline North 45°48'35" West, 81.30 feet, thence running with and binding partly upon the existing Baltimore County Official 1984 Zoning Line the following five courses and distances: North 41°00'35" East, 120.37 feet, thence South 48°34'35" East, 68.02 feet, thence North 40°54'52" East, 138.95 feet, thence North 50°57'52" West, 47.63 feet, thence North 39°54'25" East, 81.16 feet to the centerline of Fowler Avenue, thence running with and binding partly upon said centerline South 45°48'35" East, 81.48 feet to the point of beginning.

Containing 0.45 acres of land more or less and intended to comply with a Plat to Accompany Petition for Zoning Reclassification Out of Cycle, dated September 4, 1987.



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DESCRIPTION OF PROPERTY OWNED BY K.D.
PROPERTIES, A MARYLAND GENERAL PARTNERSHIP
14th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the centerline of Belair Road (U.S. Route 1), said point being situated approximately 20 feet southerly from the centerline of Fowler Avenue (a 40 foot right-of-way) and thence running with and binding partly upon the southwesterly right-of-way line of said Fowler Avenue South 45°48'35" East 410.60 feet to an iron pin, thence leaving said right-of-way and running with the following three courses and distances: South 44°11'25" West 149.01 feet to a point, thence North 45°48'35" West 100.00 feet to a point, thence South 44°11'25" West 150.00 feet to a point on the northeasterly right-of-way of Cardwell Avenue (a 40 foot right-of-way), thence running with and binding partly upon said right-of-way North 45°48'35" West 292.75 feet to a point on the centerline of Belair Road, thence running with and binding upon said centerline North 40°46'25" East 299.53 feet to the point of beginning.

Containing 2.4128 acres of land more or less and intended to comply with a Plat of Survey by D.S. Thaler & Associates, Inc. dated February 18, 1987.

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

No. 41769

DATE 10/27/87 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Evans, George and Bronstein

FOR Belair - Out of Cycle - K.D. Properties

VALIDATION OR SIGNATURE OF CASHIER

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 491-3180

HEARING ROOM #218

January 20, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-88-315 K. D. PROPERTIES, A Md. Partnership
(out of cycle) /The Altfield Co. Property
S/E/s of Belair Road, North of Taylor Avenue
14th Election District
6th Councilmanic District
Reclassification -from D.R. 5.5 to B.L.

ASSIGNED FOR: TUESDAY, APRIL 5, 1988, at 10:00 a.m.

cc: K. D. Properties Partnership Kenneth Katz, Managing Partner The Altfield Company David Altfield Benjamin Bronstein, Esquire D. S. Thaler & Associates, Inc. James Earl Kraft Phyllis Cole Friedman P. David Fields James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer Robyn Clark Arnold Jablon, County Attorney	Petitioner Contract Purchaser Counsel for Petitioner People's Counsel for Balto. County
--	--

Kathleen C. Weiderhammer
Administrative Secretary

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
County Attorney

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

SUBJECT: K. D. Properties, A Maryland Partnership/
The Altfield Company Property
Request for Exemption from Cycle Zoning
S/E/S of Belair Road, N. of Taylor Avenue
Petition for Change from D.R. 5.5
to the B.L. Zoning Classification

Attached, please find the subject resolution adopted by the Planning Board at its meeting on November 19, 1987. Please prepare the necessary material for the County Council's consideration.

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

NEG/JCH/jat

cc: The Honorable Dennis F. Rasmussen, County Executive
B. Melvin Cole, Administrative Officer
The Honorable Norman W. Lauenstein, Chairman, Baltimore County Council
Members, Baltimore County Council
Thomas Toporovich, County Council Secretary-Administrator
William T. Hackett, Chairman, Board of Appeals
Phyllis Cole Friedman, People's Counsel
James E. Dyer, Zoning Supervisor
W. Carl Richards, Zoning Coordinator
J. G. Hoswell, Planner

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 19, 1987

WHEREAS, Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by The Altfield Company to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action is required on this petition in that it can result in the construction of a road extension that would be beneficial to the community; now, therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest and is needed because of the emergency nature of the request.

I HEREBY CERTIFY that this resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 19, 1987.

November 20, 1987
Date

[Signature]
Norman E. Gerber, AICP, Secretary
Baltimore County Planning Board

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NOV 27 1987
BALTIMORE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Norman E. Gerber, Director
Office of Planning and Zoning
Date: October 27, 1987

FROM: County Board of Appeals
Out-of-Cycle Petition --
SUBJECT: K. D. Properties, a Md. Partnership

We are forwarding to you the Petition for Zoning Reclassification and attendant documentation which was filed with this office today by Benjamin Bronstein, Esquire, on behalf of the Petitioner. The Petitioner is requesting exemption from the cycle procedure. This petition is being forwarded to you for processing pursuant to the appropriate sections of the Baltimore County Code.

John A. Weidenhammer
John A. Weidenhammer
County Board of Appeals

cc: Carl Richards w/attachments

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K. D. Properties, a Md. Partnership
The Altfield Co. Property
CASE NO. R-88-315
(out of cycle)
S/E/s of Belair Road, N of Taylor Avenue
14th Election District
6th Councilmanic District
1.04 ±
2.428 acres
D.R. 5.5 to B.L.

Petition Filed October 27, 1987 Approved by Council: January 4, 1988

K. D. Properties, a Md. Partnership
Kenneth Katz, Managing Partner
3 Shawan Road
Cockeysville, MD 21030
Petitioner

The Altfield Company
7707 Grasty Road
Baltimore, MD 21208
Attn: David Altfield
Contract Purchaser

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Suite 205, 29 W. Susquehanna Avenue
Towson, MD 21204
Counsel for Petitioner

D. S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, MD 21208
James Earl Kraft
Baltimore County Board of Education
940 York Road
Towson, MD 21204
People's Counsel

Phyllis Cole Friedman
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

MICROFILMED

1/20/88 -Notice of Assignment to following advising of hearing set for Tuesday, April 5, 1988 at 10:00 a.m.:

K. D. Properties Partnership
The Altfield company
Benjamin Bronstein, Esq.
D. S. Thaler & Assoc.
James Earl Kraft
Phyllis C. Friedman, Esq.
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

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Baltimore County
Fire Department
Towson, Maryland 21204-2686
494-4500

Paul H. Reincke
Chief

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

December 15, 1987

Re: Property Owner: K. D. Properties, a Md. Partnership
Location: SW/S Fowler Avenue, 287' SE c/l Belair Road
Item No.: R-88-315
Zoning Agenda: Meeting of 12/8/87

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

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

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
County Board of Appeals
Date: February 26, 1988

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. R-88-315
"K. D. Properties," a Md. Partnership/The Altfield Co. Property
S/E/S of Belair Road, N. of Taylor Avenue; between Fowler and Cardwell Avenues

This 1.04-acre parcel of land is part of a 2.74-acre property located in the Parkville section of Baltimore County. To the south, west and north are commercially-zoned properties in the B.L. and B.L.-C.N.S. zoning classifications; to the east, residences on D.R. 5.5 zoned land. The petitioner requesting a change from D.R. 5.5 to the B.L. zoning classification for a rear-most 1.04-acre portion of the property.

On November 19, 1987, the Planning Board recommended that the subject petition be exempted from cyclical procedures; the County Council approved the Planning Board's recommendation.

It is this office's opinion that the petitioner's request should be granted. The portion of the property under petition will be impacted by a proposed road to connect Cardwell Avenue to Fowler Avenue (Road A) as shown on the legislatively enacted master plan that includes this portion of the Belair Road corridor. The petitioner is willing to provide for Road A if the current zoning is granted so that this portion of the property can be utilized for commercial development oriented to Belair Road. The Office of Planning and Zoning encourages this type of cooperative endeavor and believes that B.L. zoning here would be appropriate.

It is therefore recommended that the petitioner's request for B.L. zoning be granted.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

cc: Phyllis Cole Friedman, People's Counsel
Benjamin Bronstein, Esq., Attorney for the Petitioner
Carl Richards
J. G. Hoswell

September 28, 1987

ENVIRONMENTAL IMPACT STATEMENT
TO ACCOMPANY ZONING RECLASSIFICATION PETITION

RE: Belair/Fowler Property
15,175 square foot
Shopping Center

SECTION I

The purpose of this document is to discuss the possible environmental effects of proposed changes to the development plan for the referenced property following a zoning reclassification as indicated on the accompanying Plat.

The area delineated for reclassification comprises approximately 0.45 acres of the 2.74 acre site (see Plate A). Plate B shows the CRG Plan as approved. The shopping center and residential lots indicated on the Plat have been conditionally approved by the County Review Group (CRG). The proposed Road "A," the centerline of which forms the eastern boundary of the reclassification area, is a Baltimore County Master Plan road, and hence will be a required part of any development of the parcel shown. Likewise, pavement widening on Fowler and Cardwell Avenues and the addition of sidewalks is required by the County Department of Public Works.

The Environmental Effects Report submitted with the CRG Plan takes into account the impact of the overall development scheme. This report will concentrate on the changes within the portion delineated for reclassification, while additionally relating those changes to the overall development plan as may be appropriate.

Principally under discussion will be the addition of parking for seventeen (17) cars behind the building. The area previously proposed for storm water management will remain unchanged. The chart in Section IV details physical changes in terms of pervious and impervious surfaces.

page 2

SECTION II

While at present 40 percent of the 2.74 acre site is developed, the area proposed for reclassification is only 11 percent impervious surface (Fowler & Cardwell Avenue). The remaining 89 percent is rolling lawn averaging a 7 percent gradient falling towards Fowler Avenue.

No portion of the property falls within a 100-year flood plain or critical area, nor are there any streams or tidal waters within established limits of proximity. There are no steep slopes or hydric soils on the site.

SECTION III

The proposed and approved development of the overall site includes approximately 15,175 square feet of commercial building, lots for two residences, and parking for 60 cars. Also included, per County requirements, are loading and dumpster areas, stacking spaces for the bank drive-in, pavement widening on Fowler and Cardwell Avenues, sidewalks, and a storm water management area. In order to fully comply with Baltimore County Development Standards, another 17 parking spaces must be provided or a variance approved to allow for fewer than the 73 spaces required by Section 409 of the Baltimore County Zoning Regulations.

SECTION IV

The following chart details site conditions as related to use according to (a) current conditions, (b) proposed conditions as shown on the approved CRG plan, and (c) proposed conditions resulting from the requested zoning reclassification. Note that this chart only reflects quantities within the 0.45 acres to be reclassified. Changes related to the overall scheme will be discussed in subsequent sections.

page 3

USE	(a) CURRENT		(b) WITH PROPOSED SHOPPING CENTER		(c) WITH PROPOSED RECLASSIFICATION	
	acres	%	acres	%	acres	%
Pervious Surfaces						
S.W.M. Area	0.00	-	0.16	13	0.06	13
Other	0.40	89	0.16	36	0.03	7
Subtotal Pervious	0.40	89	0.22	49	0.09	20
Impervious Surfaces						
Roads and Walks	0.05	11	0.23	51	0.23	51
Parking	0.00	-	0.00	-	0.13	29
Subtotal Impervious	0.05	11	0.23	51	0.36	80
TOTALS	0.45	100	0.45	100	0.45	100

SECTION V

The parking proposed for the rear of the building represents 0.13 acres of additional impervious surface for the overall site (see Plate C). The net effect is about a 3 percent increase in runoff (c.i.s. measured during a 10-year storm event) that can readily be managed with the given area already set aside for that purpose. Sediment control devices will be installed and maintained during construction. Disturbed areas will be revegetated as required by Soil Conservation District standards. Runoff volume and timing, non-point pollutant loadings and the biological integrity of the receiving waters can thereby be controlled to the greatest extent of the law.

In addition, intensive landscape planting is proposed to mitigate the audible, visual and micro-climatic effects of the parking area (see Plate C). A 5 foot screen of evergreen shrubs will line the perimeter along with an over-head canopy of shade trees. The trees and the building will provide shade to ameliorate the effect of the sun on the blacktop, and the trees and shrubs will provide a visual and noise buffer between the parking and the surrounding residential areas.

SECTION VI

An alternative to rezoning the area in question and providing the additional parking proposed would be to permit overflow parking on the adjacent public streets. As indicated in Section V, eliminating the extra parking would reduce the load on the storm water management facility by 3 percent. However, parking cars or the public road eliminates the possibility of mitigating the pollutant loadings on the receiving stream created by the parked cars, since runoff from the roadways will be directed into an unmanaged closed storm drain system.

SECTION VII

Reclassification of the 0.45 acres indicated on the accompanying plat from DR-5.5 to BL will permit the construction of seventeen additional parking spaces to service the proposed shopping center. Present zoning standards indicate that those spaces may be needed to properly accommodate parking without creating an overflow situation. While the increase in impervious surface increases the load on the storm water management facility, providing mitigation measures along with the additional parking may be the best long-term solution.

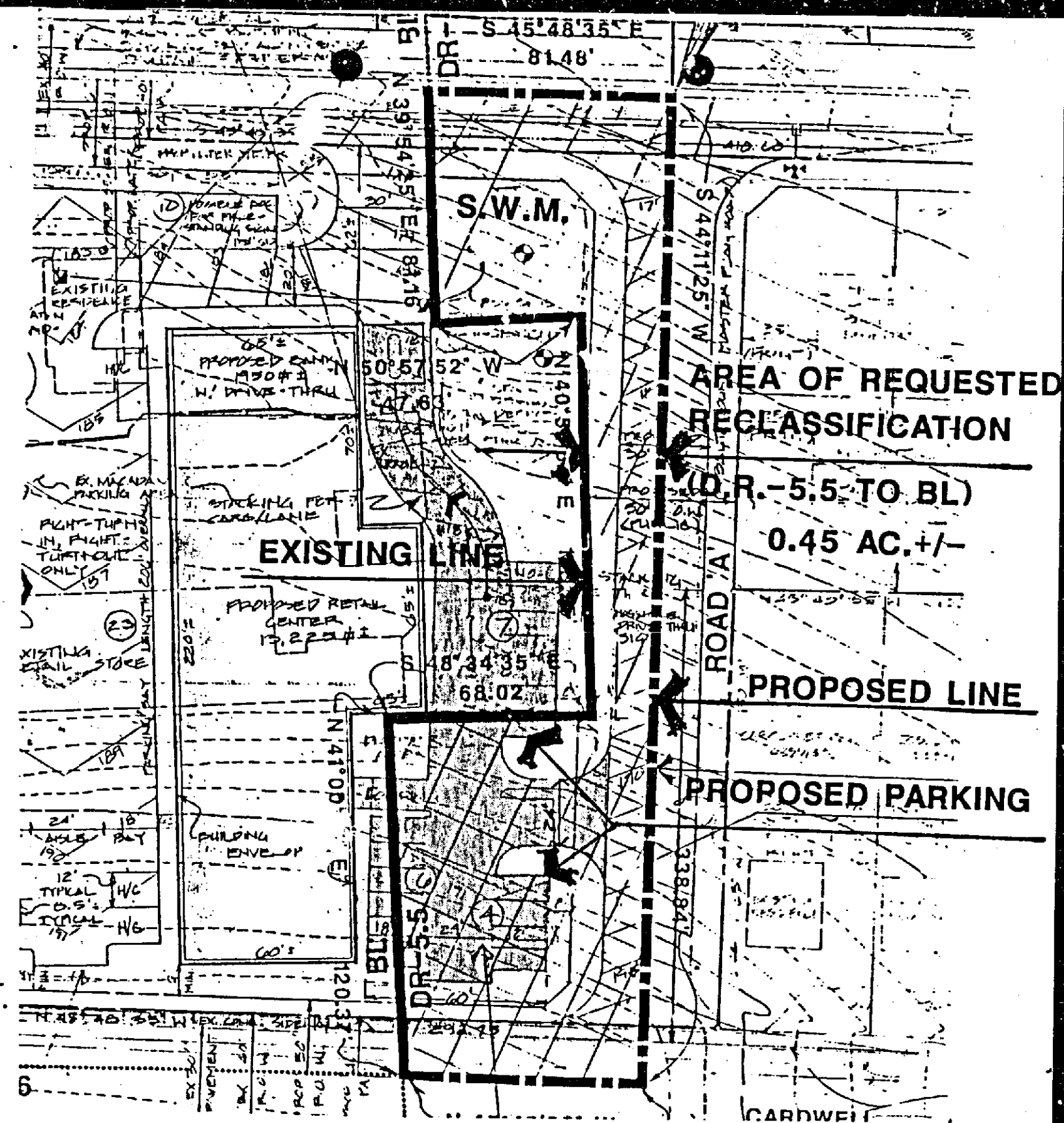


PLATE A

**BELAIR/FOWLER
PROPOSED CHANGES**

D.S. THALER & ASSOCIATES, INC.
NO SCALE

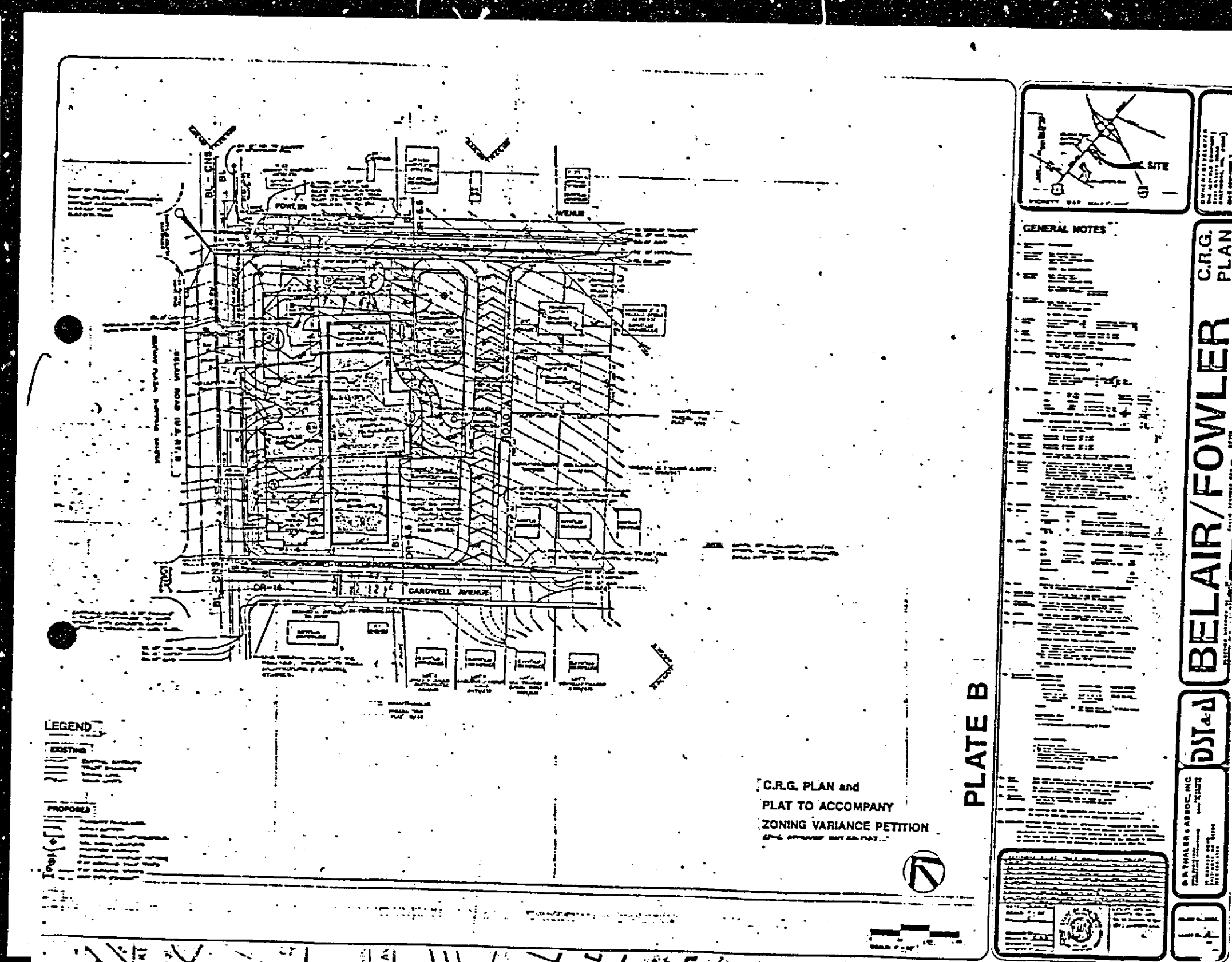


PLATE B

**BELAIR/FOWLER
PROPOSED CHANGES**

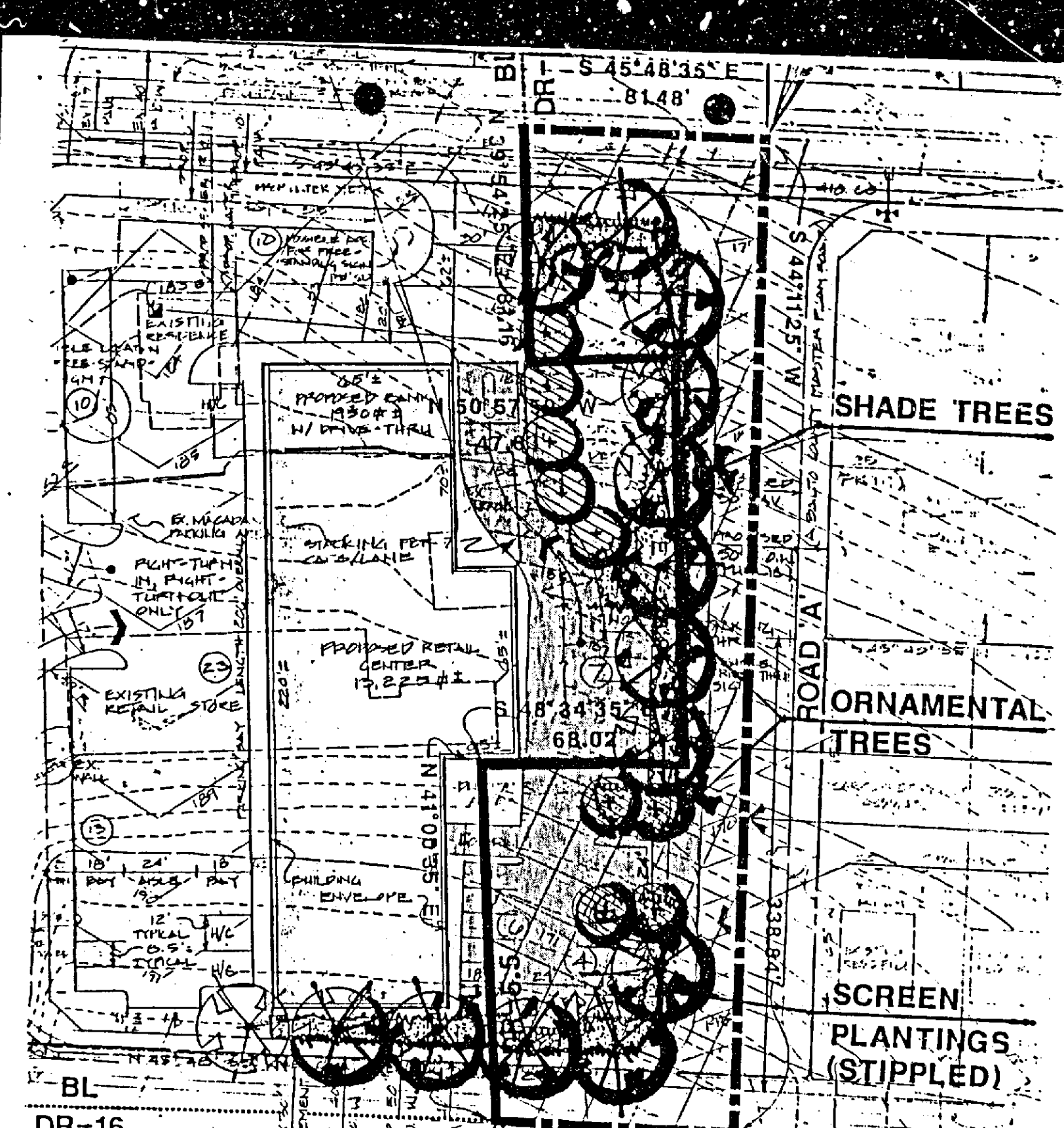


PLATE C

**BELAIR/FOWLER
SCHEMATIC LANDSCAPE TREATMENT**

D.S. THALER & ASSOCIATES, INC.
NO SCALE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT
12/3/87
Date
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 12-12, Zoning Advisory Committee Meeting of December 8, 1987
Property Owner: K.D. Properties, a Maryland Partnership
Location: 5415 Fowler Ave., 200 SE corner of Belair Rd. District 14
Water Supply: Metro Sewage Disposal: Metro

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, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management 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 Bureau of Air Quality Management is required for any charbroiler 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 Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau 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 amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Health and Mental Hygiene for review and approval.
- () 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 the State Department of the Environment.
- () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have contents removed by a licensed tanker and tank removed from the property or properly backfilled. To removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Percolation tests, have been _____, must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer 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 repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Application.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Karen D. McCreary
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
205 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSOUR, JR.

October 27, 1987

Norman E. Gerber
Director of Planning
Office of Planning and Zoning
County Courts Building
4th Floor
401 Bosley Avenue
Towson, MD 21204

RE: Petition for Zoning Reclassification
Bel Air/Fowler Property

Dear Mr. Gerber:

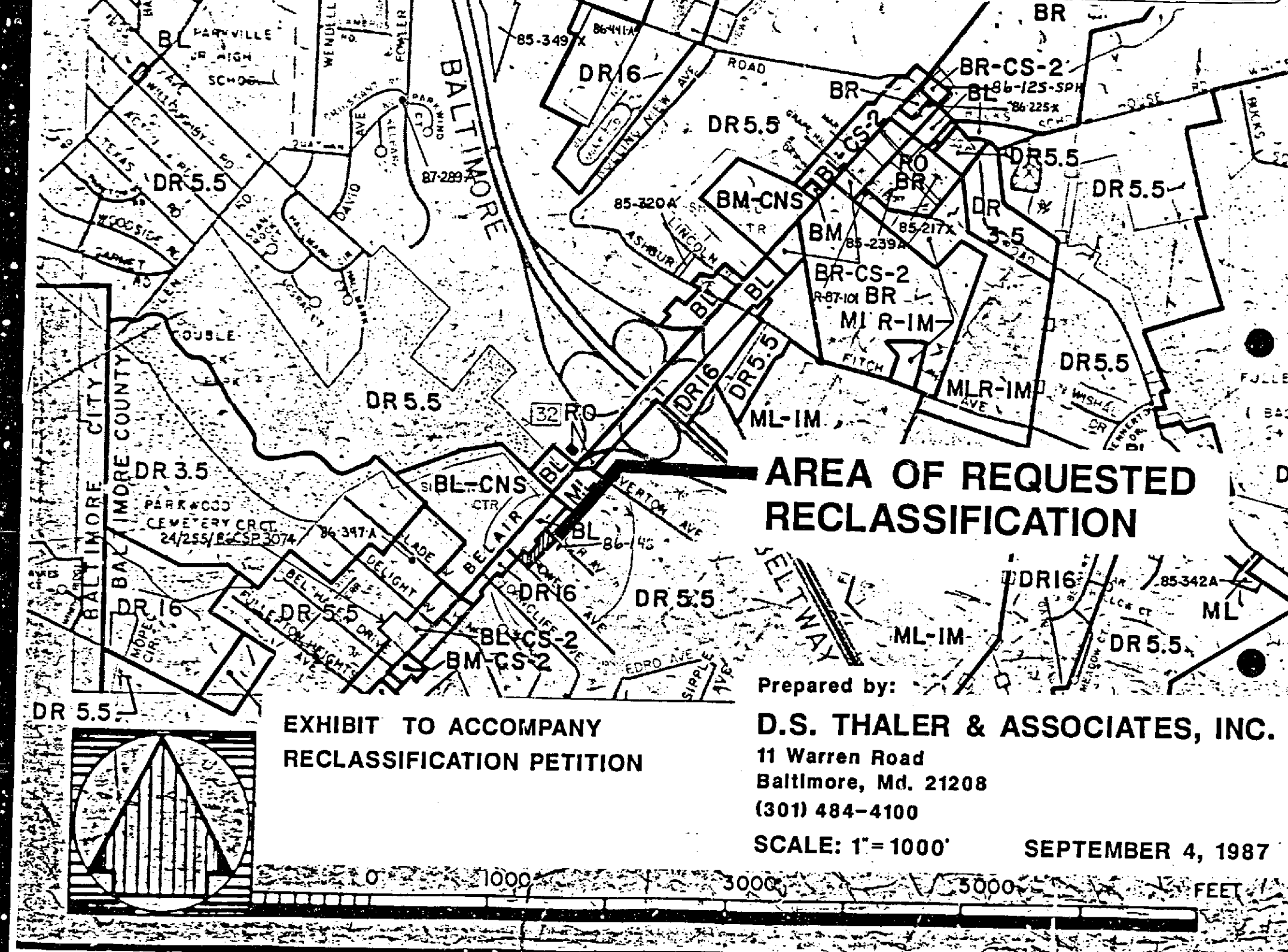
I have filed a Petition for Zoning Reclassification for the Bel Air/Fowler Property located on the east side of Belair Road between Fowler and Cardwell Avenues. The rezoning of the subject parcel will permit the construction of Road A on the plan, thus permitting residents of Fowler Avenue to traverse Road A to exit Cardwell Avenue and enter Belair Road at its intersection with Cardwell Avenue, which is controlled by an automatic signal. The residents support the change.

Pursuant to Section 2-58.1(1), it is suggested that the Petition is momentarily required in the public interest and there exists an emergency of such nature as to exempt the Petition from the regular cyclical procedure, and further, it is requested that the requirement time for filing be suspended.

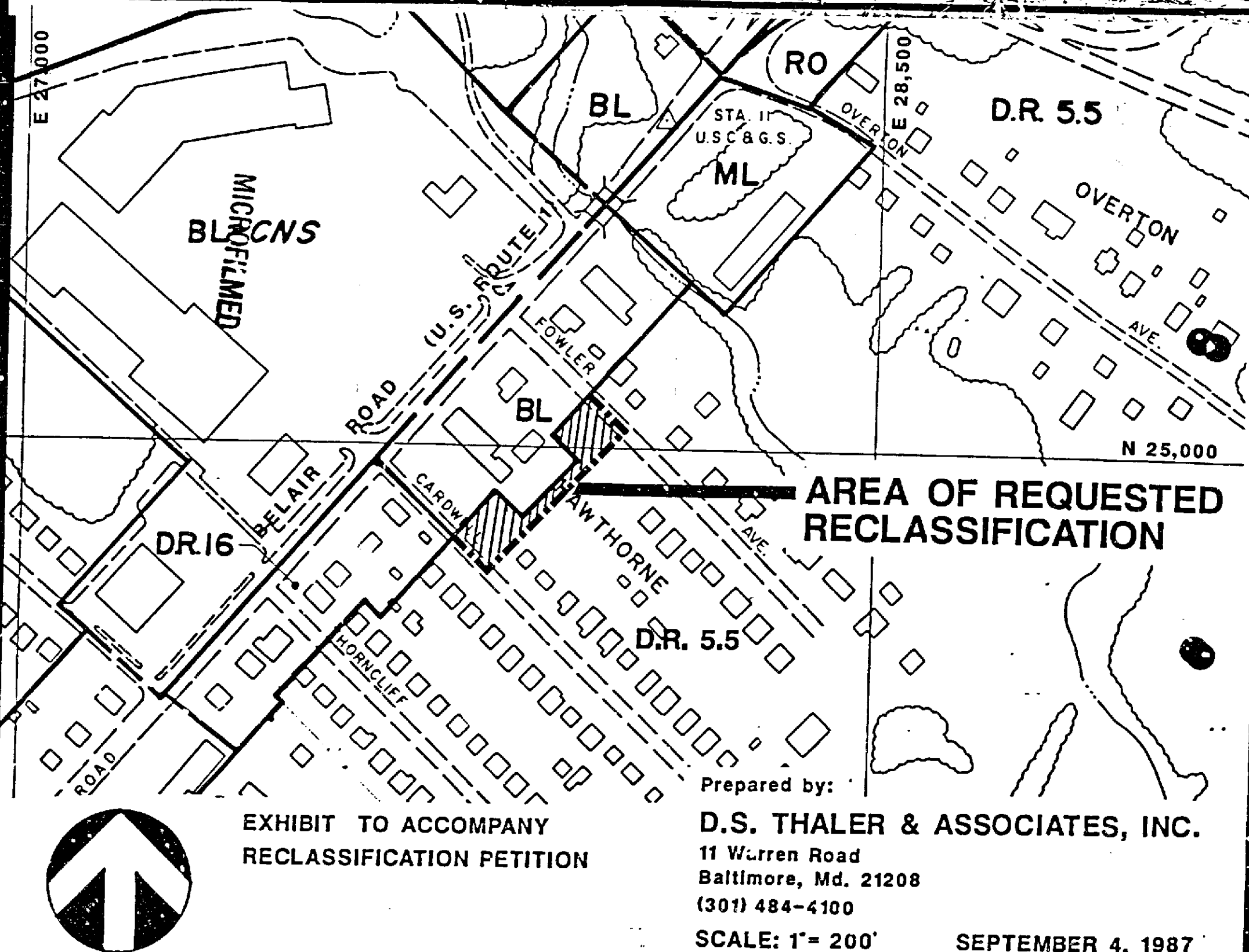
Thank you for your consideration in this matter.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein

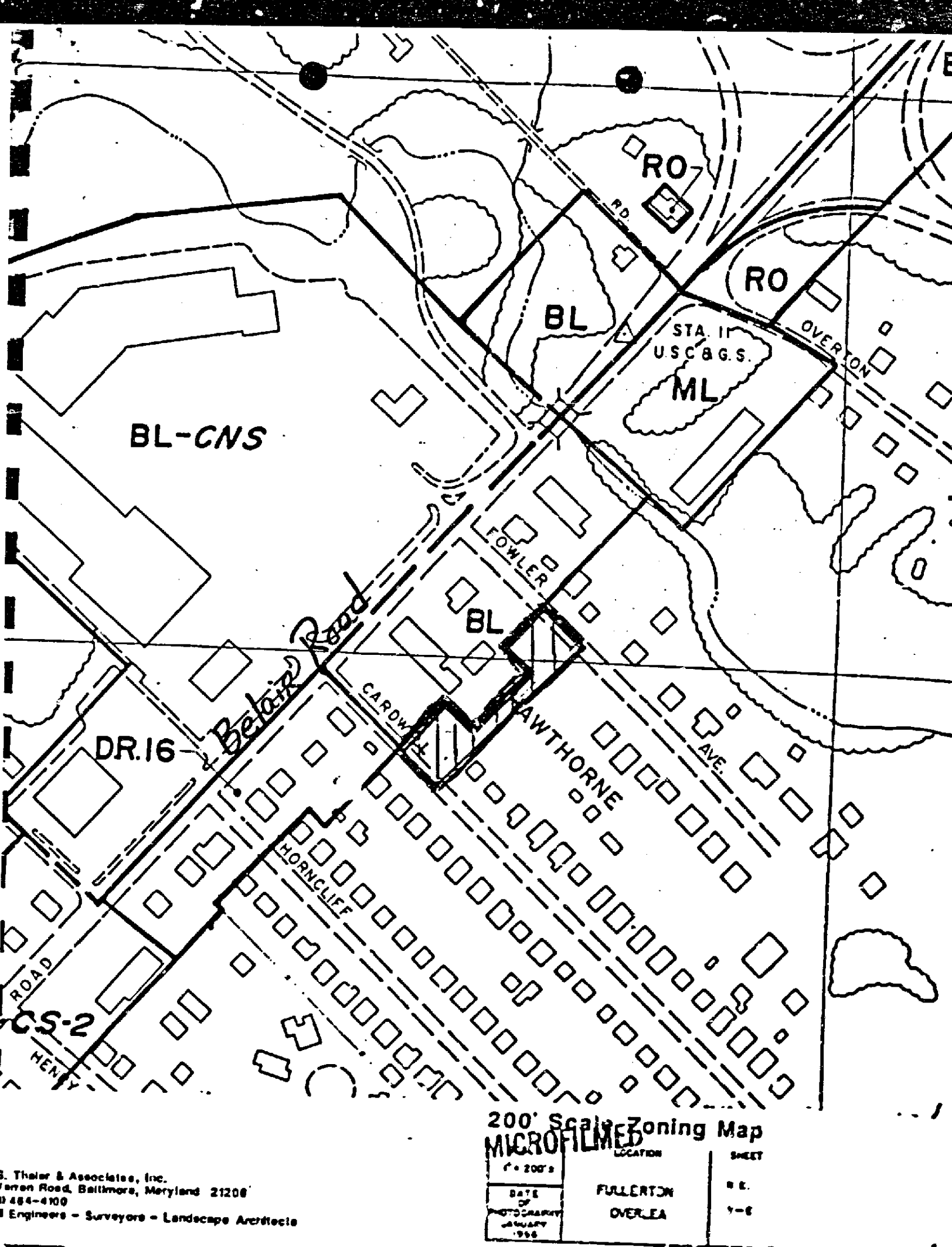
BB/jaa

EXHIBIT TO ACCOMPANY
RECLASSIFICATION PETITION

Prepared by:
D.S. THALER & ASSOCIATES, INC.
11 Warren Road
Baltimore, Md. 21208
(301) 484-4100
SCALE: 1" = 1000' SEPTEMBER 4, 1987

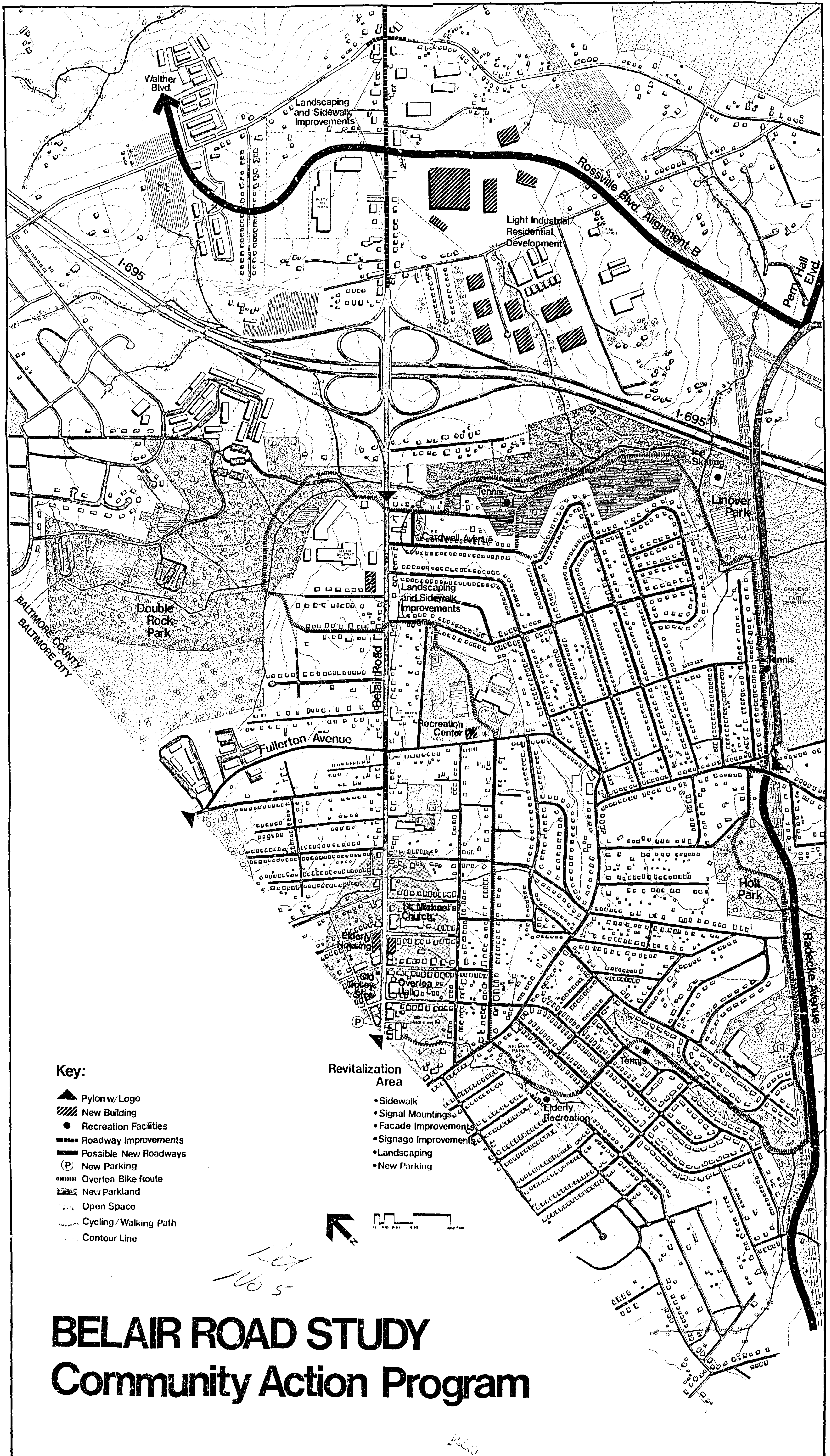
EXHIBIT TO ACCOMPANY
RECLASSIFICATION PETITION

Prepared by:
D.S. THALER & ASSOCIATES, INC.
11 Warren Road
Baltimore, Md. 21208
(301) 484-4100
SCALE: 1" = 200' SEPTEMBER 4, 1987



D.S. Thaler & Associates, Inc.
11 Warren Road, Baltimore, Maryland 21208
(301) 484-4100
Engineers - Surveyors - Landscape Architects

200' Scale Zoning Map
MICROFILMED
DATE: 10/27/87
LOCATION: FULLERTON
OVERLEA
SHEET: 1-1



BELAIR ROAD STUDY

Community Action Program

BELTWAY PLAZA
SHOPPING CENTER

BELAIR ROAD

FOWLER AVENUE

CARDWELL AVENUE

ROAD "A"

PROPOSED
RETAIL CENTER
10,000 sq. ft.
ZONE: C-1

EMPLOYEE
PARKING FOR
17 CARS

LEONARD & HELEN GREEN

HARRY T. BROWN, JR.

GEORGE A. BROWN

LEGEND

- EXISTING TRACT BOUNDARY
- EXISTING ZONING LINE
- PROPOSED ZONING LINE

- PROPOSED SHADE TREES
- PROPOSED PLANTING TREES
- PROPOSED EVERGREEN SCREEN / UNDERSTORY PLANTING

- JOHN J. BROWN
- JOHN J. BROWN
- JOHN J. BROWN
- JOHN J. BROWN

MICROFILMED

MICROFILMED

PROPOSED SITE PLAN:
BELAIR/FOWLER

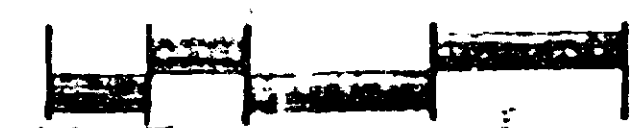
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MARION J. RITZKE, Vice President
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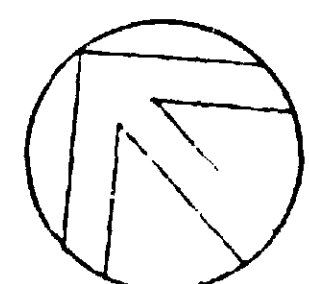
PREPARED FOR:
K.D. PROPERTIES

BY:
D.S. THALER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS

MAY, 1987



SCALE: 1" = 30'



THIS PLAN IS PRELIMINARY AND SCHEMATIC AND SUBJECT TO CHANGE

Set No 6

0 35 60 90

SCALE: 1" = 30'