...ing regulations (Bill #26-88) passed and adopted by the ...County Council and signed by the Baltimore County Executive recog... ...different peak hour parking needs for various uses. The ...different parking requirements. ...will have approximately six (6) primary uses, ...retail, commercial, general offices and retail space. ...different parking requirements. ...has graphically demonstrated on Petitioner's ...concept of mixed uses and shared parking, ...issues involved in this matter, ...the subject. With reference to the ...parking which they believe ...surrounding the subject site. ...the increased traffic flow on ...upon their adjoining ...division of the regula... ...and will cause ...traffic and ...and totally ...parking of its ...witnesses in favor ...the traffic flow and congestion ...typically, the parties disagree

IN THE MATTER OF
WEST YORK LIMITED PARTNERSHIP
DEVELOPMENT
SOUTHEAST CORNER YORK
AND WEST ROADS
9th DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 88-440-SPHA

RE: ZONING VARIANCE

DISMISSAL WITH PREJUDICE

MR. CLERK:

On behalf of the Appellant, Emma Lindemon, please dismiss the above entitled matter with prejudice.

Edward C. Covahey, Jr.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(301) 828-9441

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 1988, a copy of the foregoing Dismissal With Prejudice was mailed, postage prepaid, to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204, and People's Counsel of Baltimore County, Rm. 223 Court House, Towson, Maryland 21204.

Edward C. Covahey, Jr.

RECEIVED
OCT 3 1988
Zoning Office

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SW/COR. YORK AND WEST ROAD
9th Election District
4th Councilmanic District
WEST YORK LTD. PARTNERSHIP
PETITIONER

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-440-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing for an amendment to the site plan in Case 86-363-SPH to conform to the current changed site plan and to change the fixed values as previously limited and, also, a Petition for zoning variances to permit minimum front yardsetback of 11 ft. in lieu of the required 25 feet; to permit average front street setback of 11 feet from the existing State right-of-way instead of 52.5 feet; to permit 909 parking spaces in lieu of 1,051 parking spaces; and to permit side yard setback of 1 and 2 feet respectively in lieu of required 20 feet and a rear yard setback of 5 feet in lieu of the required 30 feet as required for other principal buildings in a DR zone, as more particularly described on Petitioner's Exhibit 2.

The Petitioner was represented by Julius Lichter, Esquire who appeared and testified. The Petitioner was supported by additional testimony provided by Mr. George E. Garrelis of Daft, McCune and Walker,Inc., Mr. John H. Larsen of D.I. Architecture, Inc., Wes Guckert of the Traffic Group, Inc. and Mr. Carl Canapp of Rock Towson Funeral Home, Inc.

Several Protestants appeared and testified, namely, Mr. and Mrs. Donahue, Messrs. Pressman, Bauer, Dalina, Armstrong and Ortell and, Ms. Mary E. Ginn. Anthony DiPaula,Esquire, of Covahey and Boozer, appeared and testified on behalf of Ms. Emma Lindemon.

ORDER RECEIVED FOR FILING
Date 5/19/88
By Jan Brand

The Petitioner, through the various witnesses listed above, testified in support of the modifications to zoning case #86-363-SPH to allow for the additional parking spaces to be included in the residentially zoned property in conformance with Petitioner's Exhibit 2. There was extensive testimony from all of the Petitioner's witnesses concerning the requirements of Section 502.1 and Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner's witnesses testified that this project complies with the requirements of both Section 502.1 and 307 of the B.C.Z.R. The Petitioner's experts testified that the project had been reviewed and developed consistent with the Baltimore County Zoning Regulations (B.C.Z.R.) except where noted by the requested variances.

The majority of the required setback variances have been necessitated by the dedication of a 30 foot strip of land along West Road to the State of Maryland. This will allow for the expansion of West Road by the Petitioners. The requested parking variance and the modifications requested in the Petition for Special Hearing all center on the desire to shift the majority of the parking into a structured parking garage. Part of the parking garage will be underground and majority of which will now be constructed within the residentially zoned portion of the site. The variances requested for the parking garage are necessitated by the garage structure and would not be necessary if it was surface parking only. These setback requirements were not anticipated by the Petitioner at the time of the purchase of the land from Baltimore County, Maryland for the garage.

ORDER RECEIVED FOR FILING
Date 5/19/88
By Jan Brand

about the impact upon both of these roads and, the adjoining Baltimore Beltway (I-695) from additional uses upon the subject site. The Special Hearing request is not a hearing to determine whether or not the subject property is available for commercial and/or retail use, but to determine whether or not the parking garage as proposed in the residential zone should be permitted.

I have personally made two on site visitations to the proposed site. These visitations were conducted independent of the parties.

The evidence and testimony in the record, especially from the expert witnesses, tends to establish that the mixed uses and the shared parking scheme will more than adequately provide the appropriate parking for this site. The Petitioners claim the shared parking will prevent the subject site from being over crowded and the problems foreseen by the residential Protestants will not occur.

Although the street congestion issues are always extremely relevant to any special hearing request, the substantial expert testimony, clearly, indicates that the subject site has been designed to minimize any additional road and street impact. In actuality, Petitioner believes the conditions upon West Road will be improved by the creation of additional lanes of traffic and more direct flow routes. Likewise, the Baltimore County Bureau of Traffic Engineering and the State of Maryland Highway Administration have reviewed this project and find it acceptable for development. They state that the changes and alterations that have been made to the traffic flow upon West Road and the accompanying Interstate 695 interchange off ramp will improve traffic flow. The Protestants disagree.

ORDER RECEIVED FOR FILING
Date 5/19/88
By Jan Brand

The issue before the Zoning Commissioner on the Special Hearing is only concerned with the requested commercial parking in the D.R. zoned area. I can find nothing in any of the testimony or evidence that established this parking garage in this residentially zoned area will cause any adverse impact.

It is my opinion that the parking garage will not cause additional traffic congestion. It should actually allow for proper off-street parking.

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then the relief requested should be granted. In this case, the relief is a use permit for parking in the residential zone. In fact, the Petitioner has shown that the proposed use (parking permit) would be conducted without real detriment to the community and would not adversely affect the public good.

Most of the Protestants testified against the parking variances and the front yard setback variances. They claim the traffic congestion and parking problems will be greatly increased. The new law on shared parking and the expert testimony indicate that parking will not be a problem. I believe the concept of shared parking is correct. The parking variance should be granted.

All of the area variance, themselves, have no negative impact upon the community or the need for services. Most of the Protestants do not want the project developed. The actual variances are required because of the shape of the parcel and the locations of the buildings.

ORDER RECEIVED FOR FILING
Date 5/19/88
By Jan Brand

It is clear from the testimony that if the variances were granted, such use as proposed, would not be contrary to the spirit 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 instant 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.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance and the relief requested in the Special Hearing should be granted.

THEREFORE, IT IS ORDERED, this 19th day of MAY, 1988 by the Zoning Commissioner of Baltimore County that approval for an amendment to the site plan in Case #86-363-SPH to conform to the current changed site plan and to change the fixed values, sizes, shapes and amounts to those set forth on Petitioner's Exhibit 2 be and is hereby Granted and,

IT IS FURTHER ORDERED, that the Petition for Zoning Variances, specifically, to permit a minimum front yard setback of 11 feet in lieu of the required 25 ft; to permit average front street setback of 11 feet from the existing State right-of-way instead of 52.5 ft; to permit 909 parking spaces in lieu of the 1,051 parking spaces; to permit side yard setback of 1 and 2 feet respectively in lieu of the required 20 ft. and a rear yard setback of 5 feet in lieu of the required 30 ft. as required for other principal buildings in a DR zone, be and is hereby GRANTED, subject to the following restrictions:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr.
County Attorney

Date: January 29, 1987

FROM: Uri P. Avin, Jr., Deputy Director
Office of Planning and Zoning

SUBJECT: Request for Advice on the Office of Planning and Zoning's Authority to Require Particular Submission Material for CRG Review

At a pre-CRG meeting with the engineers for the York and West Roads mixed use project (see attached location plan) (Daft, McCune & Walker), I requested that they submit illustrative architectural drawings of the building [illegible] the 50 ft. high [illegible] at York [illegible] the entrance to Towson. Additionally, I requested that the [illegible] Towson as the "front door" to Baltimore County. The engineers responded that this was not anticipated prior to CRG.

While the engineers agreed with the importance of the site visually, they responded that no such architectural schematics had been prepared and that these were not anticipated prior to CRG. Furthermore, the developer's engineers responded that our Office had no legal authority to request such sketches and had no basis to condition any CRG approval on the acceptability of such sketches, which was one option that I had raised. In the face of this challenge to our legal authority, I retracted from this request for elevation sketches, suggesting that appropriate wording in the CRG comments and some illustrations of other projects that could be used as models for this development might suffice. Upon reconsideration of this issue, however, I believe that we can require these elevational studies for the reasons outlined above and elaborated below. I have also reviewed the Development Regulations with regard to our authority to make such requests and would make the following arguments that we can indeed request these sketches:

1. Firstly, and most generally, I would argue that the Courts have consistently held in recent years that aesthetics are a valid aspect of "health, safety and welfare" and that aesthetic considerations are therefore a legitimate exercise of our police powers. Because of the prominance and importance of the site to the image of Towson as a whole, it can reasonably be argued that the requirements of elevational sketches bear a relation to the broad concerns of health, safety and welfare.

2. More specifically, Division 4 ("General Design Standards and Requirements") of the Development Regulations states under Section 22-80 that "(b) Subject to the provisions of sections 22-41 and 22-43, all developments shall meet the standards and requirements contained in division 4 and shall conform to the policy and intent of these regulations." (emphasis added)

Malcolm F. Spicer, Jr.
January 29, 1987
Page Two

Referring back to the intent or Purposes section of the Regulations (Section 22-38) we find the following purpose stated: "(d) To protect the character and the social and economic stability of all parts of the county and to encourage orderly and beneficial developments." (emphasis added)

"(g) To provide the most beneficial relationships between the uses of land and buildings and the circulation of traffic throughout the county...."

In order to comply with the above purposes, I would argue that the elevational sketches are an appropriate request since the site's prominance and its facade treatments are of great significance to the character of this part of the county and to the establishment of beneficial development in the area.

[illegible] the location of these [illegible] appropriate with ramps from the Beltway need [illegible] in such a way as to prevent exacerbating [illegible] situation. In this sense, the facade [illegible] and the relationships [illegible] buildings and the circulation of traffic" referred to in (g) above.

In light of the above arguements then, I would like to require the architectural elevational as part of the CRG submission for the project and would appreciate your advice to the validity of my position. Since the CRG meeting for the project is scheduled for Thursday, February 5th, an early reply would be most appreciated.

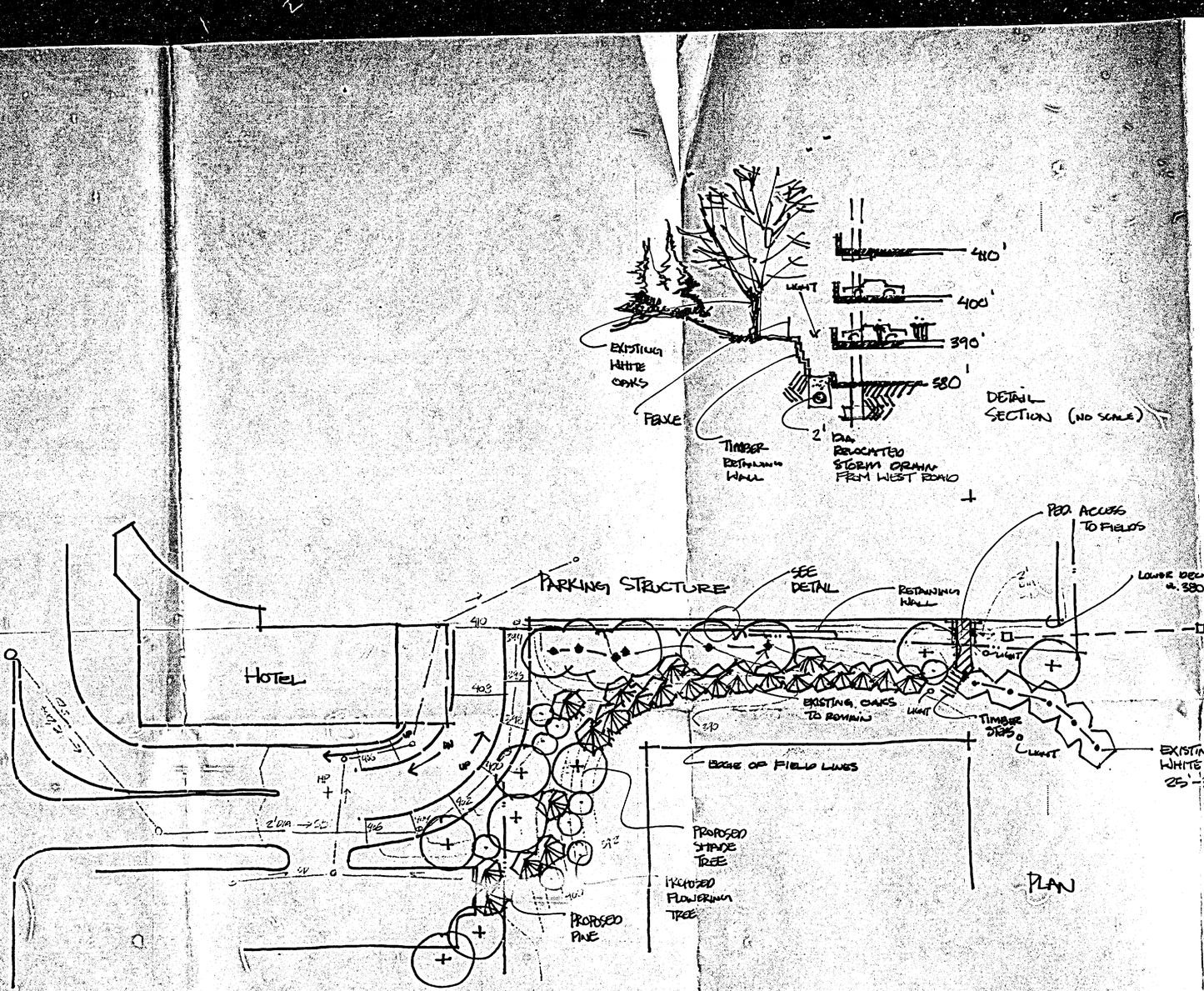
Uri P. Avin, AICP
Deputy Director

UPA:rt

Attachment

cc: Norman E. Gerber, Director
David L. Thomas, Acting Chief, Current Planning Division

CPS-008



RUCK FUNERAL HOME

LEONARD J. RUCK INC.
995+/309
FUNERAL HOME

EXISTING DRIVE

NO BUILDING WITHIN 100' OF R/W LINE ALONG WEST ROAD.

EX. 6" GAS DWG. 9D-1-40

EX. 16" W DWG 30-091

EX. 16" W DWG 55-008

EX. 12" W DWG 35-082

EX. FH. TO BE RELOCATED

EX. LIGHT POLE TO BE RELOCATED

EX. CURB TO BE REMOVED

Point of Beginning

PROPOSED MEDIAN STRIP

EDGE MACADAM PAVING

PROP. R/W

EX. PAVING

EXISTING R/W

22' PROP. WIDTH

WEST ROAD

CONCRETE PAVING

CONVERT EX. INLET TO MANHOLE

EX. CURB & SIDEWALK TO BE REMOVED

EX. TREES TO BE REMOVED

GRAVEL DRIVE TO BE REMOVED

EXISTING MACADAM TO BE REMOVED

5'D CONC. WALK

RAMP FROM I-695

RAMP TO I-695

EDGE MACADAM PAVING

CONCRETE

MLR

BR

EX. BLDG 60'±

EX. BLDG 40'±

21 WEST ROAD PARTNERSHIP 3000/605 PARKING LOT

TO BE REMOVED

EXISTING TREES TO BE REMOVED

STONE PARKING AREA TO BE REMOVED

9 STORY HOTEL

11' SETBACK VARIANCE REQUESTED

10 SPACES

4 SPACES

STONE PARKING AREA TO BE REMOVED

EXISTING OFFICE BUILDING

3 STORY OFFICE BUILDING

EX. PAVING

EX. PROP. R/W

YORK ROAD ROUTE #45

EX. 6" GAS DWG 9-1-40

EX. 6" W

STATE

UTILITY POLE TO BE REMOVED.

EXTEND MEDIAN

EX. 8" SAN DWG 58-1

EX. MANHOLE

EX. 8" W

EX. 8" SAN

EX. 8" W DWG 55-024

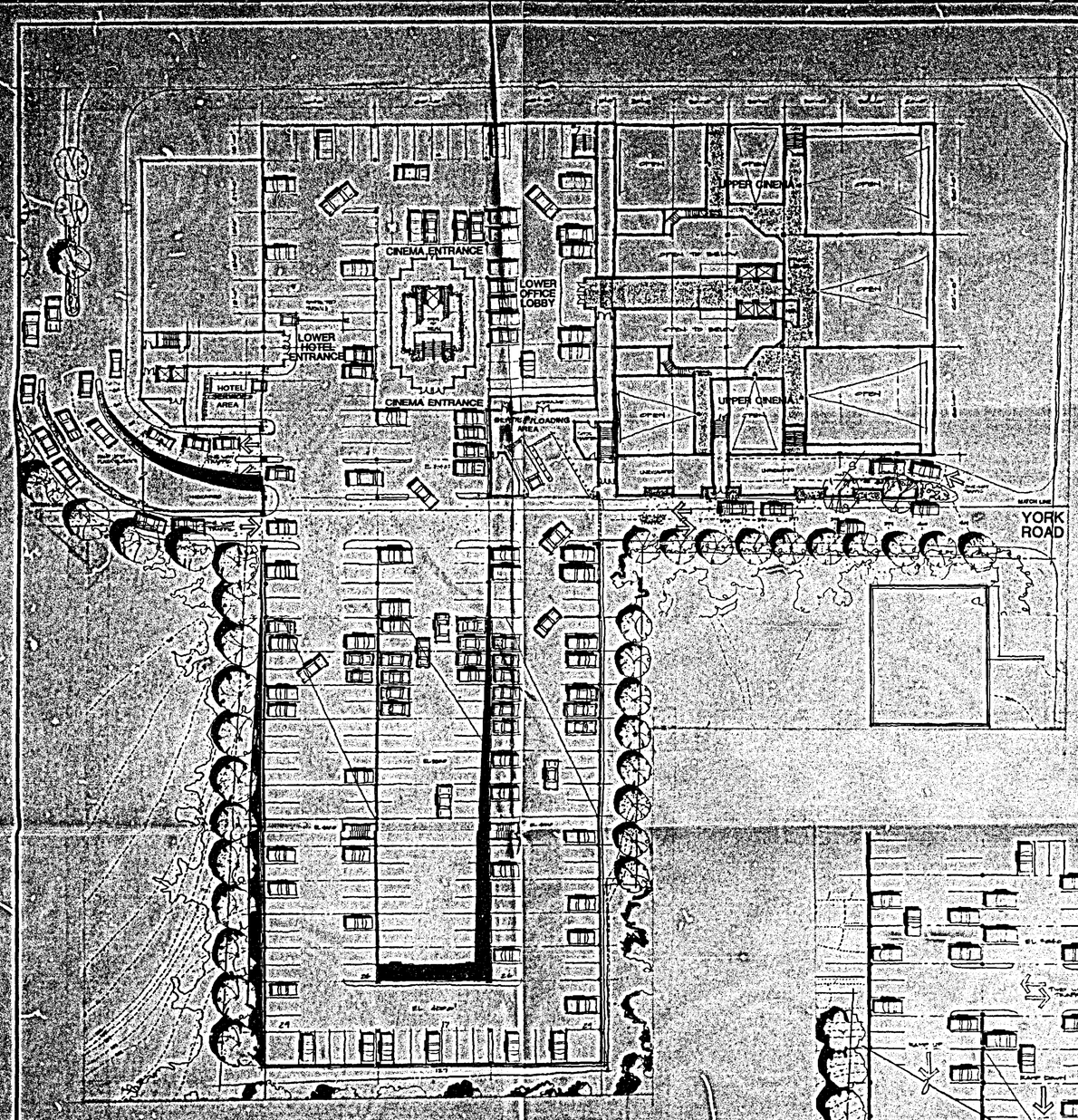
EX. 8" S DWG 58-024

EX. 8" S DWG 58-1024

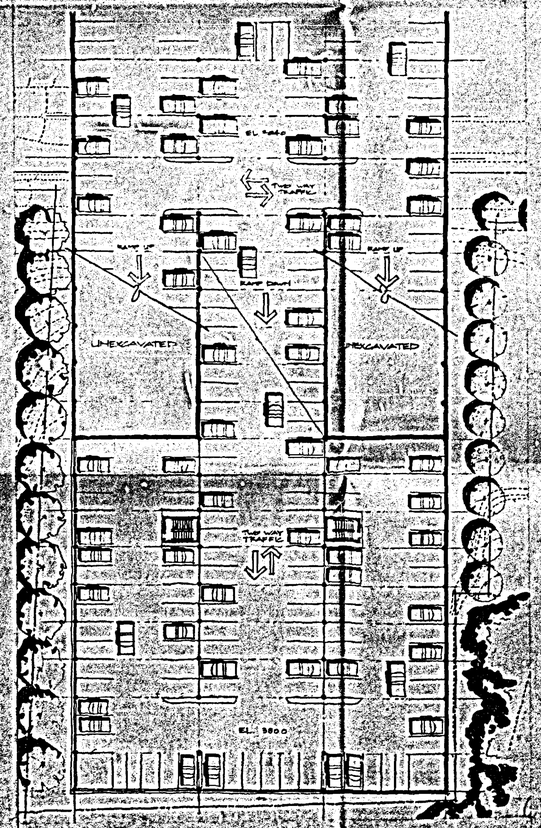
EX. 8" W DWG 58-1024

EX. 8" W DWG 58-1024

EX. 8" W



OFFICE ENTRANCE / THEATRE MEZZANINE EL. 394.0



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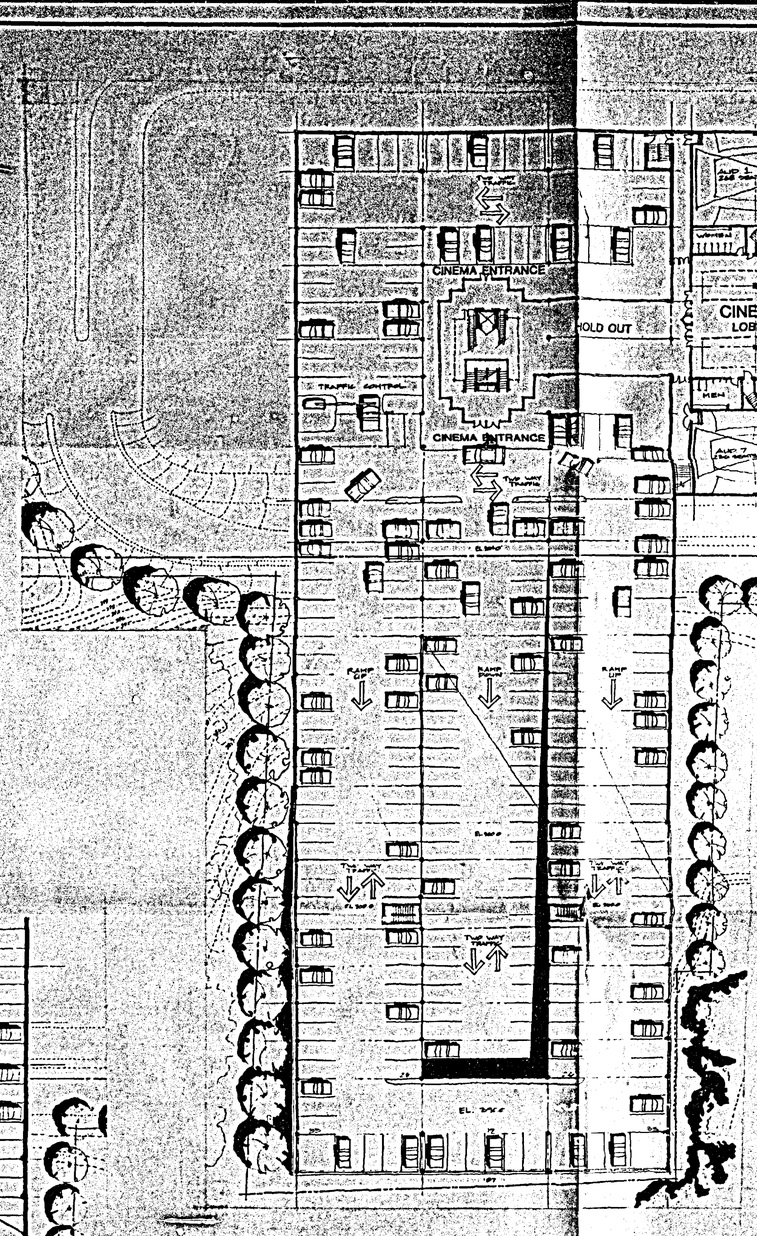

THEATRE LEVEL EL. 384.0

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LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

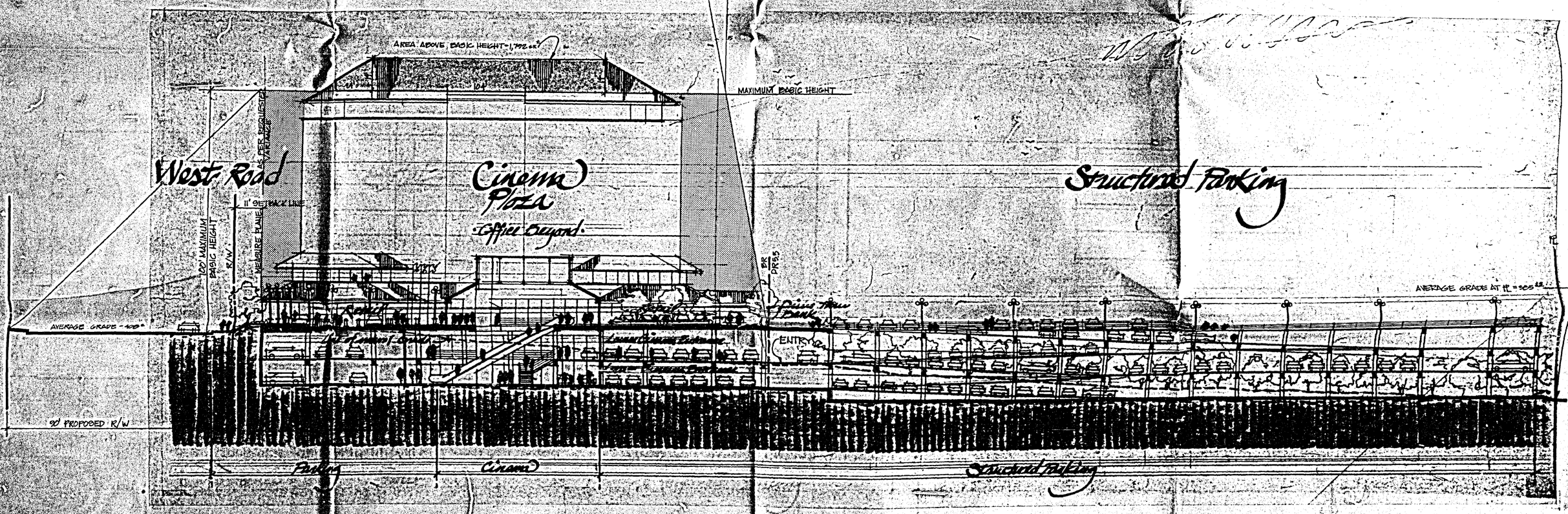
YORK AND WEST

PARKING DECK LAYOUT

SCALE: 1" = 30'
JOB ORDER NO. 85011
ISSUE DATE 2/12/88

DATE	REVISIONS

2 OF 2



SECTION A-A'

NOTE:
AREA ABOVE BASIC HEIGHT = 1,792 sq.ft.
AREA BELOW BASIC HEIGHT = 3,440 sq.ft.
HEIGHT SHOWN IS PERMITTED BY AVERAGING PROVISIONS OF SECTION 231, BCZR.

#295

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ENGINEERS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

YORK AND WEST

HEIGHT TENT

SCALE: 1/16" = 1'-0"
JOB ORDER NO. 35011
ISSUE DATE 1/22/88

DATE	REVISIONS

2 OF 5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM
Mr. Powell / EIRS
Mr. Pilson / W&S
Mr. Flowers / CBCA
Mr. Fisher / Planning
Mr. Richards / Zoning
Mr. Bowling / DED
Mr. Famili / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec.&Parks
Mr. Brocato / SHA
Ms. Killian / Assessments
Mr. Butcher / C&P

DATE: October 31, 1990

To: John L.
11/1/90 MAR

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 9C4
Project Name: York and West
Project No. : 86358
Engineer : Daft, McCune, and Walker
Phone No.: 296-3333

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) :
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review:XX
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :

Please review the attached plan for compliance with current regulations and return comments to our office by 11/21/90. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____ .

Thank you for your attention to our request.

SDW:mmm
cc: File

YORK AND WEST

C.R.G. Plan Extension Review

Plan Date: 6/15/88
Comments Due: 11/21/90
Comments Date: 12/10/90

This plan was given zoning approval for C.R.G. on 1/28/88. Zoning approves the extension of this C.R.G. plan, subject to the understanding that no changes have occurred from the approved 1/28/88 plan.

Compliance with any previous unaddressed C.R.G. comments (attached) and with the zoning hearing Order in Case Nos. 88-440-SPHA and 86-363 is required before building permit approvals.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning Files - #88-440-SPHA & #86-363
Waiver File

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

DATE: 1/28/88
(cont. from 2/5/87)

PROJECT NAME: YORK and WEST
PLAN: 12/17/87

LOCATION: SW/Corner York and West Roads

REV: 1/22/88 REV: _____

REVISED PLAN KEY ..... /✓/ COMPLIANCE /0/ NON-COMP

DISTRICT: 9c4

/BA/ BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL

1. BA Correct as stated on the plan the following zoning hearings will be required and petitioned for:

a. A Variance from S.303.2 (Policy S.2.B.2) to permit a street setback of 11 ft. along West Road in lieu of the required average setback of 52.5 ft.; and

b. A Special Hearing to amend the site plans and previous Special Hearing Case #86-363-SPH to conform to the current changed site plans and changed fixed values as previously limited; and

c. A Variance from S.409.2 to permit 909 parking spaces in lieu of the required 990 spaces. Additional setback variances may be required concerning the parking structure.

2. BA Add after "Zoning Hearing" in Note #15c "and as noted on the plans".

3. BA Provide loading spaces on the plan and in the parking calculations per S.409.3 (BCZR).

4. BA Note on the plan that if construction would proceed in phases, and building permits are applied for, that plans indicating the self-sufficiency of that particular phase would be submitted to the zoning office for review 10 days prior to application.

5. BA Add "and all sign policies" to note #18, did "General Offices" to the 120,000 sq. ft. at 1/500 in the parking calculations. If the hotel would include a separate restaurant, conference/catering room, gift shop, store or game rooms include these calculations in the total. If none are proposed, please note. Also detailed parking deck plans should be submitted with the zoning hearings.

...y Review Group Comments
...uary 28, 1988
...ge Two

6. BA When applications are made for the zoning hearings the height tent sections and notes should be revised accordingly:

a. Section A-A correct the northside below basic height to begin at the required building line (See S.101). Show the 40 ft. exclusion and hotel and parking deck setbacks.

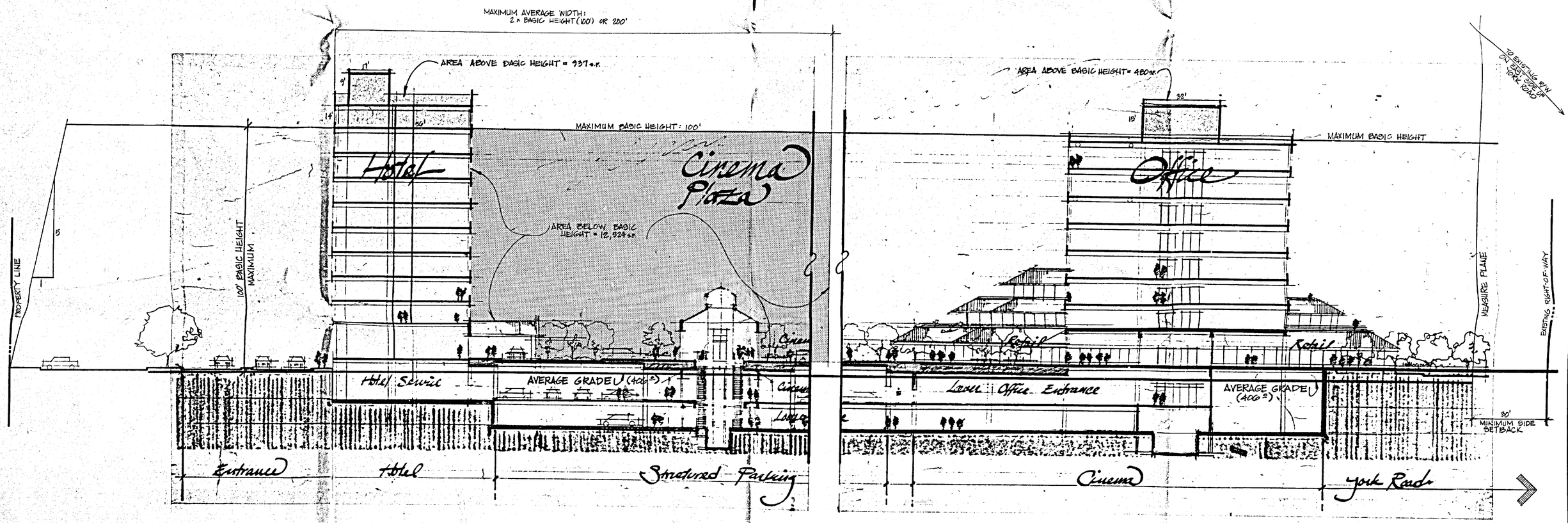
b. Section B-B should include the York Road right-of-way width as part of the scaled drawing.

c. On both plans label the average elevation on the property lines and street right-of-way lines.

d. An additional section view should be providewd showing the office building from York Road.

7. BA Final zoning approval would be contingent upon the outcome of the zoning hearings and compliance with all comments.

W. CARL RICHARDS, JR.
Zoning Coordinator



SECTION B–B'

NOTE:
AREA ABOVE BASIC HEIGHT = 1,417 s.f.±
AREA BELOW BASIC HEIGHT = 12,524 s.f.±
HEIGHT SHOWN IS PERMITTED BY AVERAGING PROVISIONS OF SECTION 231, BCZR.

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ENGINEERS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

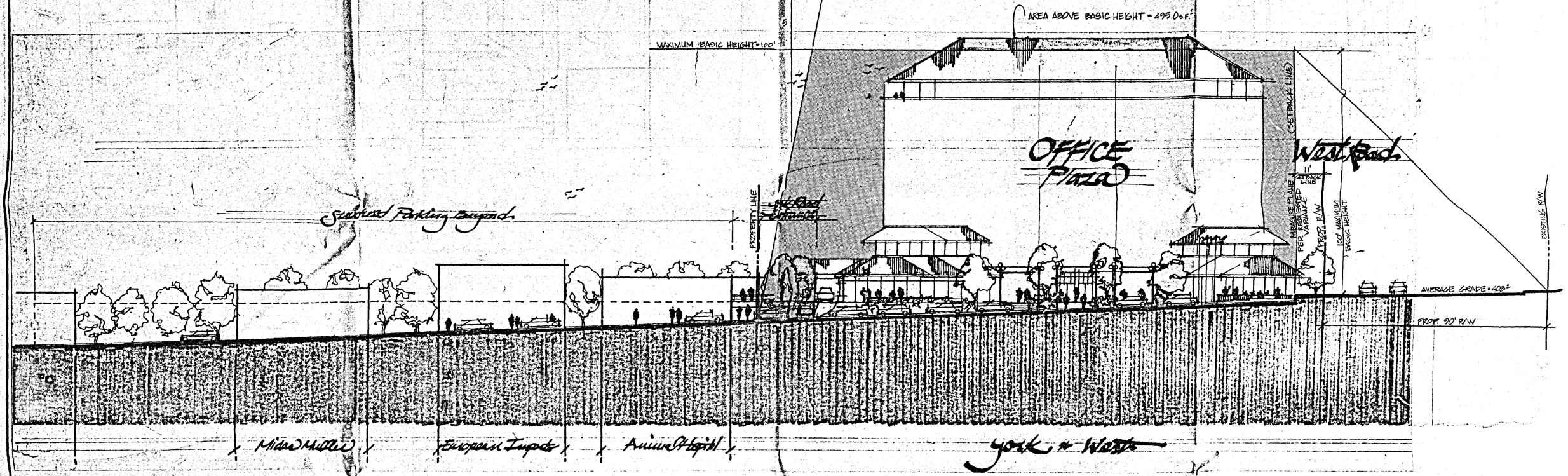
YORK AND WEST

HEIGHT TENT

STATE OF MARYLAND
DONALD TWIGG HOOKE
No. 7868
REGISTERED
PROFESSIONAL ENGINEER

SCALE: 1/16" = 1'-0"
JOB ORDER NO. 35011
ISSUE DATE

DATE	REVISIONS



SECTION-C-C'

NOTE:
AREA ABOVE BASIC HEIGHT = 495.0 s.f.±
AREA BELOW BASIC HEIGHT = 5096.0 s.f.±
HEIGHT SHOWN IS PERMITTED BY AVERAGING PROVISIONS OF SECTION 231, B.C.Z.R.

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TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

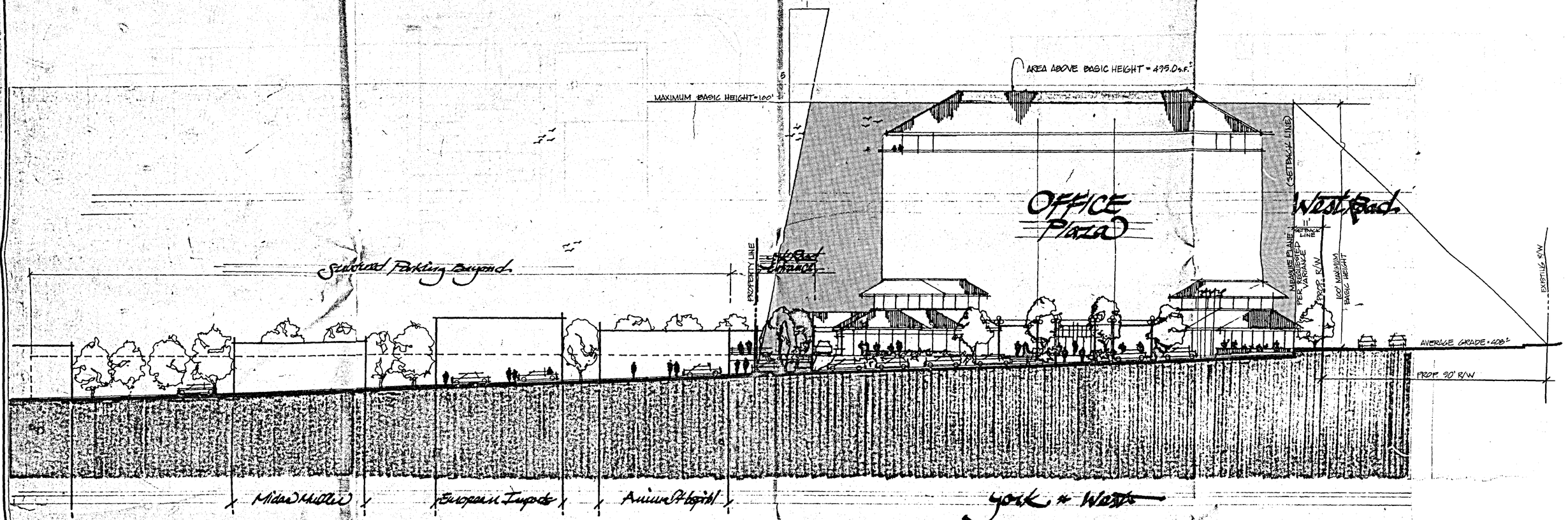
YORK AND WEST

HEIGHT TENT

STATE OF MARYLAND — EDWARD T. MALONEY — No. 6146 — REGISTERED LAND SURVEYOR

SCALE: 1/16" = 1'-0"
JOB ORDER NO. 85011
ISSUE DATE 1/22/88

DATE	REVISIONS



SECTION C–C'

NOTE:
AREA ABOVE BASIC HEIGHT = 495.0 s.f.±
AREA BELOW BASIC HEIGHT = 5098.0 s.f.±
HEIGHT SHOWN IS PERMITTED BY AVERAGING PROVISIONS OF SECTION 231, B.C.Z.R.

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LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
539 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

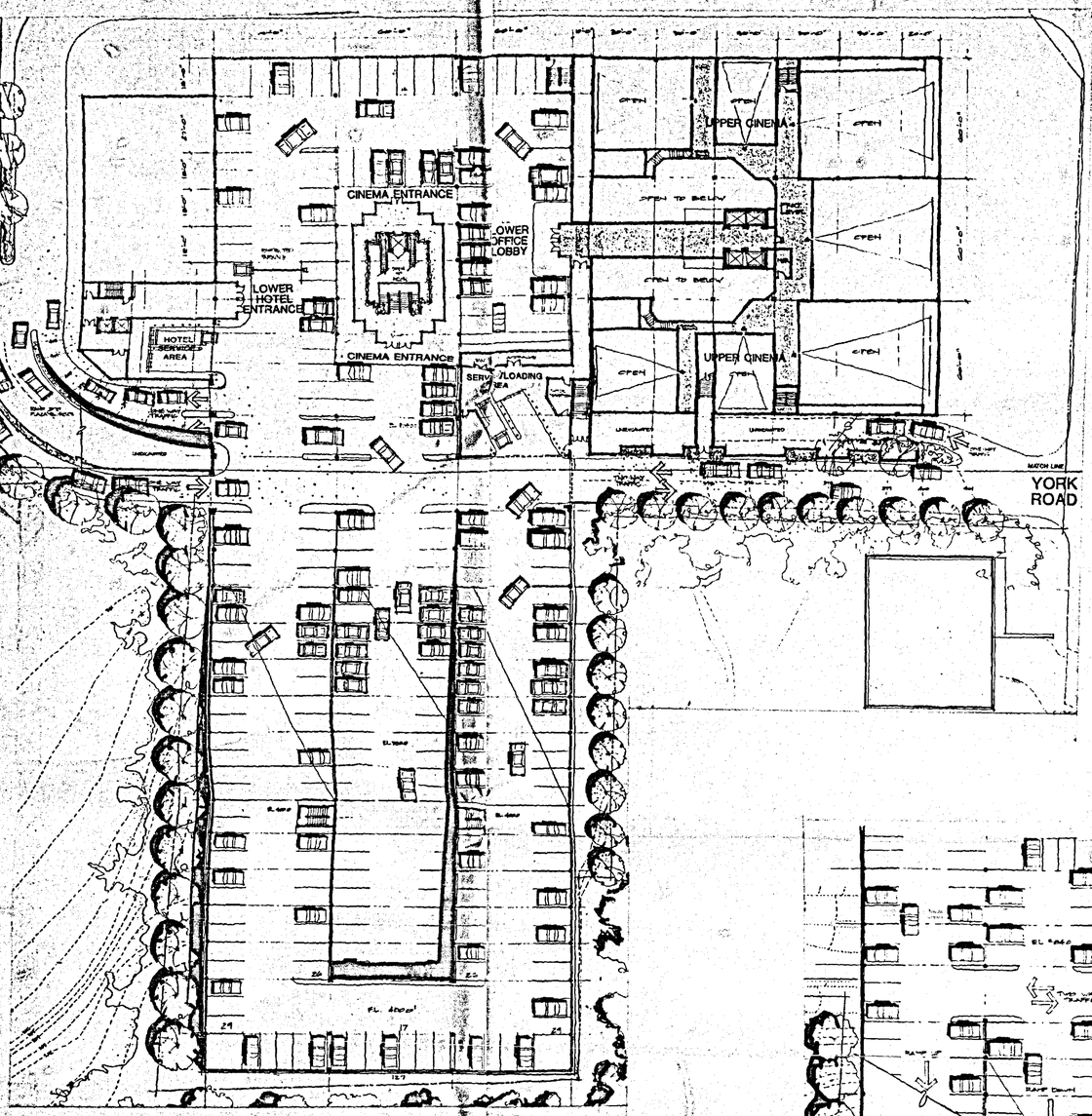
YORK AND WEST

HEIGHT TENT

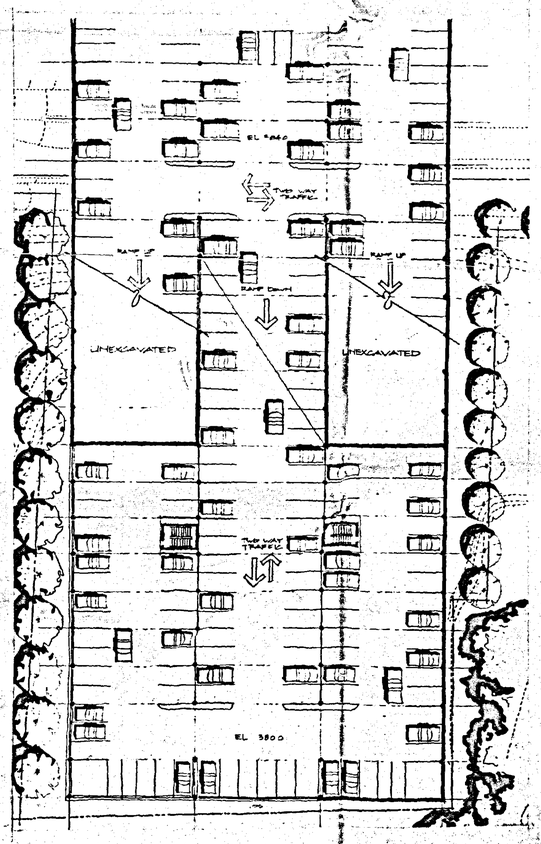
STATE OF MARYLAND — EDWARD F. KELLY — No. 6118 — REGISTERED LAND SURVEYOR

SCALE:	1/16" = 1-0"
JOB ORDER NO.	85011
ISSUE DATE	1/22/88

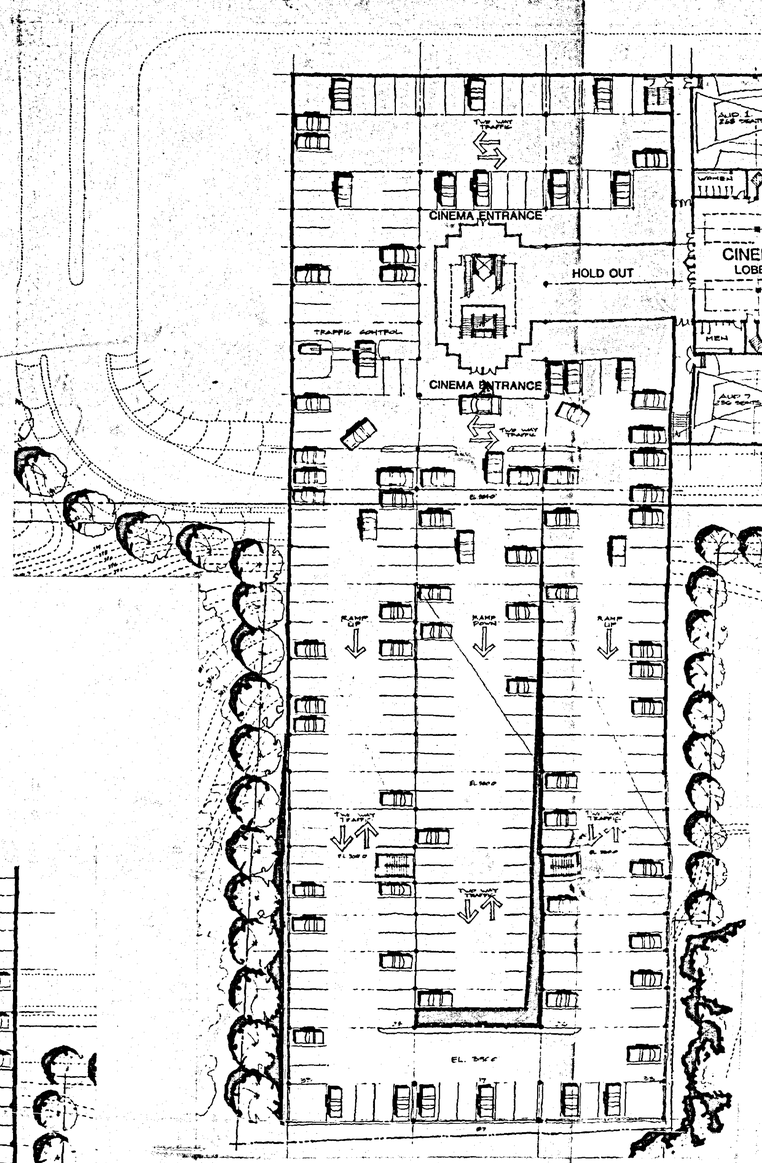
DATE	REVISIONS



OFFICE ENTRANCE / THEATRE MEZZANINE EL. 394.0



STRUCTURED PARKING EL. 380.0



THEATRE LEVEL EL. 384.0

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FEB 12 1988
DAFT-McCUNE-WALKER, INC.

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

YORK AND WEST

PARKING DECK LAYOUT

STATE OF MARYLAND — EDWARD F. HALL — 10787 — REGISTERED LAND SURVEYOR

SCALE:	1"= 30'
JOB ORDER NO.	85011
ISSUE DATE	1/22/88

DATE	REVISIONS

5 OF 5

ORDER RECEIVED FOR FILING
Date 4/11/88
By [illegible]

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 appeal period 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. That the Petitioner shall comply with all of the comments set forth in the Zoning Plans Advisory Committee Comments (ZAC).

3. That the Petitioner shall provide landscaping as required by the Landscape Planner for the Office of Current Planning.

4. The Petitioner shall not be permitted any free standing business signs fronting along West Road.

5. The Petitioner shall provide all adjoining landowners with a copy of the Landscape Plan before it is submitted to the Landscape Planner at the Office of Current Planning for approval.

6. The Petitioner shall provide an assigned on site parking space for every owner, employee or agent of every tenant or lessee and spaces may be duly designated on a shared basis. There shall also be designated visitor and customer parking which shall not be used by any agent or employee of the Petitioner or by any owner, agent or employee of any of the Petitioner's tenants. The Petitioner shall provide the Zoning Commissioner with appropriate proof, when requested, that there is adequate parking for all regular users. In the event the Petitioner does not have adequate on site parking, the Petitioner shall secure off site commercial parking for those employees or agents of either the Petitioner or his tenants to allow for adequate parking for customers and visitors.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmn
cc: Peoples Counsel

-7-

ORDER RECEIVED FOR FILING
Date 4/11/88
By [illegible]

295

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

Amendments to plan in Case 86-363-SPH to conform to the current changed site plan and changed fixed values as previously limited.

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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
Levin, Gann & Hankin, P.A.
Julius W. Lichter, Esq.
(Type or Print Name)

Signature
113 Chesapeake Building
305 W. Chesapeake Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 321-0600

Legal Owner(s):
WEST YORK LIMITED PARTNERSHIP
(Type or Print Name)
By: Peter G. Angelos
Signature
Peter G. Angelos, General Partner
(Type or Print Name)
Signature
5905 Harford Road 426-3200
Address Phone No.
Baltimore, Maryland 21214
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Julius W. Lichter, Esquire
Name
Suite 113
305 W. Chesapeake Ave., (301) 321-0600
Address Phone No.
Towson, Maryland 21204

MAP NE 11A
3C
R.D. 94
DATE 6/9/88
200 AE
1000 AE
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of April, 19 88, 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 11th day of April, 19 88, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING +1/2HR. +1HR (over)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER

REVIEWED BY: [illegible] DATE 2/16/88

295

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 238.1 to permit minimum front yard of 11 feet in lieu of required 25 feet; from Section 303.2 and CMDP Section 328Z to permit average front street setback of 11 feet from the existing R/W instead of 52.5 feet; 409.2 to permit 909 spaces in lieu of 1,051 spaces; and from Section 304.2, 1B02.2B and CMDP Section V.B.2 to permit side yard setback of 1 and 2 feet respectively in lieu of required 20 feet and a rear yard setback of 5 feet in lieu of required 30 feet as required for other principal buildings in a DR Zone

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

(1) Baltimore County and Maryland Department of Transportation fixed access point to site; and (2) required that two additional eastbound lanes of traffic be installed for West Road which caused above ground structures to be located underground and which caused the parking facilities to be relocated on the site and caused or contributed to the reduction of setbacks; and (3) as movie theatre utilization will be at hours and on days when other uses will not be substantially utilized, the required parking for the theatre should be shared with other uses.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
Levin, Gann & Hankin, P.A.
Julius W. Lichter, Esquire
(Type or Print Name)

Signature
113 Chesapeake Building
305 W. Chesapeake Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 321-0600

Legal Owner(s):
West York Limited Partnership
(Type or Print Name)
By: Peter G. Angelos
Signature
Peter G. Angelos, General Partner
(Type or Print Name)
Signature
5905 Harford Road 426-3200
Address Phone No.
Baltimore, Maryland 21214
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Julius W. Lichter, Esq.
Name
Suite 113
305 W. Chesapeake Ave., 321-0600
Address Phone No.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of April, 19 88, 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 11th day of April, 19 88, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING +1/2HR. +1HR
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS (over)
ALL OTHER

REVIEWED BY: [illegible] DATE 2/16/88

DAFT-McCUNE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301—296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

295

Description to Accompany Zoning Petition
West Side of York Road, South Side of West Road
Ninth Election District, Baltimore County, Maryland

Beginning for the same at the point formed by the intersection of the southeast side of West Road with the southwest side of York Road, said point of beginning being at the end of the second of the two following courses and distances measured from the point formed by the intersection of the center line of York Road aforesaid with the center line of West Road, (1) Southeasterly along the center line of York Road 80 feet, more or less, and thence (2) Southwesterly measured at right angles to said center line 55 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on the southwest side of York Road, (1) South 31 degrees 47 minutes 36 seconds East 223.55 feet, thence leaving the southwest side of York Road and running the nine following courses and distances, viz: (2) South 58 degrees 12 minutes 14 seconds West 217.59 feet, thence (3) South 31 degrees 54 minutes 31 seconds East 180.60 feet, thence (4) South 56 degrees 33 minutes 29 seconds West 13.99 feet, thence (5) South 34 degrees 21 minutes 01 second East 100.00 feet, thence (6) South 55 degrees 38 minutes 59 seconds West 208.00 feet, thence (7) North 30 degrees 27 minutes 38 seconds West 301.41 feet, thence (8) South 56 degrees 30 minutes 00 seconds West 187.86 feet, thence (9) North 31 degrees 54 minutes 46 seconds West

Page 1 of 2

107.13 feet, and thence (10) North 34 degrees 54 minutes 46 seconds West 145.08 feet to intersect the southeast side of West Road aforesaid, thence running and binding on the southeast side of West Road the six following courses and distances, viz: (11) North 56 degrees 35 minutes 14 seconds East 140.96 feet, thence (12) South 78 degrees 43 minutes 22 seconds East 35.46 feet, thence (13) North 56 degrees 35 minutes 14 seconds East 40.00 feet, thence (14) North 10 degrees 13 minutes 59 seconds East 34.35 feet, thence (15) North 56 degrees 35 minutes 14 seconds East 353.14 feet, and thence (16) South 47 degrees 39 minutes 05 seconds East 64.75 feet to the point of beginning.

Containing 5.053 acres of land, more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 20, 1988

STATE OF MARYLAND
PROFESSIONAL ENGINEER
No. 5601 (LAND)
PROPERTY LINE SURVEYOR

Page 2 of 2

RE: PETITION FOR SPECIAL HEARING & VARIANCE
SW/Corner York & West Rd., 9th Election District; 4th Councilmanic District
WEST YORK LIMITED PARTNERSHIP, Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 88-440-SPHA

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 16th day of March, 1988, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, Levin, Gann & Hankin, P.A., 113 Chesapeake Bldg., 305 W. Chesapeake Ave., Towson, MD 21204, Counsel for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 23, 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 March 23, 1988.

TOWSON TIMES

Susan Sudler O'Brien
Publisher

NOTICE OF HEARING

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting August 10, 1988

District 9th
Posted for: Appeal
Petitioner: West York Ltd. Partnership
Location of property: SW/Corner York and West Road
Location of Signs: In front of subject property, appx. 50' South of West Road
Remarks:
Posted by L.J. Arata Signature
Number of Signs: 2

Date of return: August 12, 1988

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 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 March 24, 1988.

THE JEFFERSONIAN,

Susan Sudler O'Brien
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-440-SPHA

Date of Posting March 25, 1988

District 9th
Posted for: Special Hearing and Variance
Petitioner: West York Limited Partnership
Location of property: S/W/Cor. York and West Road
Location of Signs: In front of subject property approx. 50' South of West Road
Remarks:
Posted by L.J. Arata Signature
Number of Signs: 2

Date of return: April 1, 1988

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Date: 6/28

Mr. Peter C. Angelos
West York Limited Partnership
5905 Harford Road 21214
Baltimore, Maryland 21214

Petition for Special Hearing and Zoning Variance
Case number: 88-440-SPHA
SW/Cor. York and West Roads
9th Election District 4th Councilmanic District
Petitioner(s): West York Limited Partnership
HEARING SCHEDULED: MONDAY, APRIL 11, 1988 at 9:00 a.m.

Dear Mr. Angelos:

Please be advised that $144.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do NOT remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50513
DATE 6-28-88 ACCOUNT R-001-6150
AMOUNT $144.60
RECEIVED FROM West York Ltd Partnership
FOR Advertising & Posting - SPHA
VALIDATION OR SIGNATURE OF CASHIER

ND POST(S) RETURNED
L NOT BE ISSUED.

aryland and bring
Office, County Office
5) minutes before

d post set(s), there
r each set not

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:cer
cc: Julius W. Lichter, Esq.
File

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

J. Robert Haines
Zoning Commissioner

FEB 29 1988

Dennis F. Rasmussen
County Executive

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:

Petitions for Special Hearing and Zoning Variance
Case number: 88-440-SPHA
SW/Cor. York and West Road
9th Election District - 4th Councilmanic District
Petitioner(s): West York Limited Partnership
HEARING SCHEDULED: MONDAY, APRIL 11, 1988 at 9:00 a.m.

Special Hearing: Amendment to plan in Case 86-363-SPH to conform to the current changed site plan and changed fixed values as previously limited.

Variance to permit minimum front yard of 11 feet in lieu of the required 25 feet; to permit average front street setback of 11 feet from the existing R/W instead of 52.5 feet; to permit 909 spaces in lieu of 1,051 spaces; and to permit side yard setback of 5 feet in lieu of the respectively in lieu of required 20 feet and a rear yard setback of 5 feet in lieu of the required 30 feet as required for other principal buildings in a BR zone.

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

cc: West York Limited Partnership
Julius W. Lichter, Esq.
File

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

J. Robert Haines
Zoning Commissioner

July 27, 1988

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
SW/Corner York and West Road
9th Election District, 4th Councilmanic District
WEST YORK LTD. PARTNERSHIP - Petitioner
Case No. 88-440-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 15, 1988 by Edward C. Covahey, Jr., Attorney on behalf of Emma Lindemon, Protestant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

Edward C. Covahey, Jr., Esquire, Covahey & Boozer, P.A.
614 Bosley Avenue, Towson, Md. 21204 (On behalf of Protestant)

All Protestants (See attached copy of Protestant(s) Sign-In Sheet)

Julius W. Lichter, Esquire - Levin Gann & Hankin, P.A.
305 W. Chesapeake Avenue, Rm. 113, Towson, Md. 21204 (On behalf of Petitioner)

All parties supporting Petitioner (See attached copy of Petitioner(s) Sign-In Sheet)

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

11/87

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301)-494-3180

August 15, 1988

HEARING ROOM #218

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. 88-440-SPHA — WEST YORK LTD. PARTNERSHIP

SW/cor. York and West Rds.

9th E. District

SPH-Amendmt. to conform to the current changed site plan and changed fixed values as previously limited; Var.-Setbacks

ASSIGNED FOR: WEDNESDAY, OCTOBER 5, 1988, at 10 a.m.

cc: Daft, McCune, Walker, Inc.

West York Ltd. Partnership

Edward C. Covahey, Jr., Esq. — Counsel for Protestant, E. Lindemon
Julius W. Lichter, Esq. — " " Petitioner

People's Counsel

John H. Larsen — For Petitioner
Wes Guckert — " "
Earl Canapp — " "
Mr. & Mrs. H. Donahue — Protestants
J. Pressmann — "
Paul Bauer — "
David Dalena — "
Donald Armstrong — "
Mary Ginn — "
Gregg Ortell — "

P. David Fields — Planning
James Hoswell — "
J. Robert Haines — Zoning
Ann Nastarowicz — "
James Dyer — "
Docket Clerk — "
Arnold Jablon, County Attorney

June Holmen, Secy.

LAW OFFICES
LEVIN, GANN & HANKIN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
10 LIGHT STREET
BALTIMORE, MD 21202
301-539-3700
FAX 301-625-9000

CARROLL COUNTY OFFICE
1137 LIBERTY ROAD
SYKESVILLE, MD 21784
301-795-6900

CALMON A. LEVIN
SEMFORD G. GANN
ROBERT M. HANKIN
MELVIN A. STEINBERG
JULIUS W. LICHTER
HARLEY WEIMAN
ROBERT L. PRELLER
ANDREW S. ADLER
RAYMOND C. KNEPPER
BRUCE C. BERNSTEIN
HOWARD L. ALDERMAN, JR.
STUART M. RAFLOVE
HEATH S. GANN
SANG J. GANN
*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA
**ALSO ADMITTED IN NEW YORK

August 8, 1988

Baltimore County Board of Appeals
Old Court House
Room 205
Towson, Maryland 21204

Attention: William T. Hackett, Chairman

RE: Petition for Special Hearing and Zoning Variance
Southwest Corner York and West Roads
9th Election District
4th Councilmanic District
West York Limited Partnership, Petitioner
Case No. 88-440-SPHA

Dear Mr. Hackett:

Please be advised that I represent the Petitioner with regard to the above captioned case. I hereby request that the earliest possible hearing date be scheduled with regard to the above matter as the project has been delayed for a substantial amount of time due to jurisdictional disputes between Baltimore County and the State of Maryland over control of West Road.

These disputes have now been resolved and the Petitioner is prepared to move forward with a project which would be most rewarding to the Towson area, including a hotel, office building, movie theatre complex, and a minor commercial component. My client is about to conclude negotiations with a major tenant for all of these uses and is being delayed by this matter. Any delay in moving forward poses an extreme hardship to my client.

I request that this case be set in at any open date that may be caused by a postponement or dismissal of another case.

LEVIN, GANN & HANKIN

Baltimore County Board of Appeals
William T. Hackett, Chairman
Page 2
August 8, 1988

as opposed to the normal schedule. Please contact me at your earliest convenience to advise as to the current status of the hearing schedule.

Sincerely,

Julius W. Lichter

JWL:lsp

cc: Edward C. Covahey, Jr., Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
Attorney for Protestant, Emma Lindemon

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52774
DATE 6-15-88 ACCOUNT R-001-615-000
AMOUNT $ 165.00
RECEIVED FROM COVAHEY & BOOZER (SCOTT MILLER)
FOR APPEAL FILING CASE # 88-440-SPHA
VALIDATION OR SIGNATURE OF CASHIER

88-440

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
George E. Gavrelis	Daft-McCune Walker Inc 200 E. Penn 21202
John H. Larsen	D.I. ARCHITECTURE, INC. 20 S. CHARLES ST. 21201
Wes Guckert	The Traffic Group, Inc. 9 E. Loudon Rd. Towson, MD. 21204
Carl Canapp	Rick Towson Fruitful Home, Inc. 1030 York Rd Towson, Md 21204

88-440

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Catherine H. Donahue	968 Radcliffe Rd. 21204
J. Pressmann	14 Redmond Ct 21204 (TPCC)
Paul Bauer	911 Radcliffe Rd 21204 (TPCC)
David & Dalena	1 Redmond Ct 21204 (TPCC)
Donald Armstrong	1030 York Rd Towson 21204
Howard C N Donahue	968 Radcliffe Rd 21204 (TPCC)
Mary Ginn	606 Hunicrest 21204 (GTCCA)
Gregg Ortell	1051 Winfield Rd 21204 (Stanley Sag Assoc)
Anthony J. Gilman, Esq., on behalf of Emma Lindemon	614 Bosley Ave - Towson, 21204

Copies Mailed 5/20/88

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

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

Date 2/28/88

Zoning Item # 295, Zoning Advisory Committee Meeting of March 1, 1988
Property Owner: Wesley York and Wife
Location: Quiver York and Wife Rd.
Water Supply Metro Sewage Disposal Metro Deletrict 9

COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a building permit for construction, renovation and/or installation of equipment on existing structures, subject property must be reviewed and approved by the Bureau of Regional Community Services, for final water and sewer plan approval.

( ) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management to obtain requirements for such installation/s 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 equipment or process which exhausts into the atmosphere.

( ) 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 and type of equipment to be used for service operation must be submitted to the Bureau of Regional Community Services, Division of Maternal and Child Health and Annual Plans for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, gazebo, multipurpose room associated with a pool, and/or spa, two (2) copies of plans and specifications must be submitted to Health Department's Environmental Support Service for review and approval. For more complete information, contact the Environmental Engineering Section at the Baltimore County Department of Environmental Protection and Resource Management for review and approval of plans.

( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768 regarding removal and/or disposal of potentially hazardous materials and solid wastes.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County requirements. For more complete information, contact the Division of Maternal and Child Health at 494-3811.

( ) If lubrication work and oil changes are performed at this location, the method of containment and disposal of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 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.

( ) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s 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 equipment or process which exhausts into the atmosphere.

( ) 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 and type of equipment to be used for service operation must be submitted to the Bureau of Regional Community Services, Division of Maternal and Child Health and Annual Plans for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, gazebo, multipurpose room associated with a pool, and/or spa, two (2) copies of plans and specifications must be submitted to Health Department's Environmental Support Service for review and approval. For more complete information, contact the Environmental Engineering Section at the Baltimore County Department of Environmental Protection and Resource Management for review and approval of plans.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County requirements. For more complete information, contact the Division of Maternal and Child Health at 494-3811.

( ) If lubrication work and oil changes are performed at this location, the method of containment and disposal of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 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.

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
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: Bart, Mocune, Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 31, 1988

Julius W. Lichter, Esquire
111 W. Chesapeake Avenue
Towson, Maryland 21204

Item No. 295 - Case No. 88-443-SPHA
Petitioner: Wesley York Limited Partnership
Petitioned for Special Hearing and Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not to be interpreted as rejection or approval of the petition request, 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
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: Bart, Mocune, Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21204

PDF:JGH:dme

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

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APR 6 1988
ZONING OFFICE

Phyllis Friedman
P. David Fields
Director

The plan was approved by the C.R.G. on January 26, 1988.

SUBJECT Zoning Petition No. 88-443-SPHA

FROM Director of Planning and Zoning
P. David Fields

TO Zoning Commissioner
Date April 5, 1988

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
York and West
2AC Meeting of 3-1-88
W/S York Road
S/W corner of West Rd.
Property Owner - West
York Limited Partnership

Attention: Mr. James Dyer

Dear Mr. Haines:

Affect: relocate the submittal for a variance yard setback and to permit 909 spaces in lieu of the 1,051 spaces. The State Highway Administration - Bureau of Engineering Access Permits finds the plan generally acceptable with the following comments.

Final design for the reconstruction of the left turn storage lane on York Road will be forthcoming and must be shown on the plan prior to the issuance of building permits.

If you have any questions, please contact Larry Biocato of this office.

Very truly yours,

Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

CJM:lmay

cc: Mr. J. Dyer
Dale, Mocune & Walker, Inc.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St. - Baltimore, Maryland 21203-0717

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

Maryland Department of Transportation
State Highway Administration

SHA

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MAR 7 1988
ZONING OFFICE

March 2, 1988

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Committee
Project Name: York and West
Project No. or Meeting Date: 86356
Location: York Road & West Road
Developer: Deletrict 9, Cd
Date of Meeting: CM3 1/22/88 X
Meeting Date: 1/25/88

Preliminary Plan
Environmental Plan
Final Plat
Site Plan

Dear Mr. Haines:

The following comments of Recreation and Parks has no objection to the zone location on Baseball Zoning Property, or to the Landscaping scheme as submitted on the Preliminary Plan dated, submitted.

The undersigned agrees to execute a Recreational Agreement in accordance with the Recreation Advisory Guidelines and is the best acceptable method of providing adequate recreational facilities for the proposed development.

Provide adequate parking for the handicapped in accordance with Section 409 of the Building Code.

Provide a minimum of 2 parking spaces for the handicapped in accordance with Section 409 of the Building Code.

Provide adequate sight distance at all entrances.

Provide adequate sight distance at all entrances.

Provide adequate sight distance at all entrances

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

March 2, 1988

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

Dennis F. Rasmussen
County Executive

Re: Property Owner: West York Limited Partnership
Location: SW corner York and West Roads
Item No.: 295 Zoning Agenda: Meeting of 3/1/88

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 or ____ 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: Cpt. Lt. Noted and Approved: John E. O'Neill
Planning Group Special Inspection Division Fire Prevention Bureau

/jl

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

July 27, 1988

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
Old Courthouse, Room 205
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
SW/Corner York and West Road
9th Election District; 4th Councilmanic District
WEST YORK LTD. PARTNERSHIP - Petitioner
Case No. 88-440-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 15, 1988 by Edward C. Covahey, Jr., Attorney on behalf of Emma Lindemon, Protestant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

Edward C. Covahey, Jr., Esquire, Covahey & Boozer, P.A.
614 Bosley Avenue, Towson, Md. 21204 (On behalf of Protestant)

All Protestants (See attached copy of Protestant(s) Sign-In Sheet)

Julius W. Lichter, Esquire - Levin Gann & Hankin, P.A.
305 W. Chesapeake Avenue, Rm. 113, Towson, Md. 21204 (On behalf of Petitioner)

All parties supporting Petitioner (See attached copy of Petitioner(s) Sign-In Sheet)

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL

Petition for Special Hearing & Zoning Variance
SW/Corner York and West Roads
9th Election District - 4th Councilmanic District
WEST YORK LTD. PARTNERSHIP - Petitioner
Case No. 88-440-SPHA

Petition for Special Hearing & Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Copy of list of required Parking Spaces
2.) Plat and Plan for Zoning Petition. York and West

Zoning Commissioner's Order dated May 19, 1988 (Granted/Restrictions)

Notice of Appeal received June 15, 1988 from Edward C. Covahey, Jr., Attorney on behalf of Emma Lindemon, Protestant.

Daft, McCune, Walker, Inc.
200 E. Penna. Ave.
Towson, MD. 21204

West York Ltd. Partnership
Peter G. Angelos, Gen. Partner
5905 Harford Rd. (21214)

*Edward C. Covahey, Jr., Esquire, Covahey & Boozer, P.A. Emma Lindemon
614 Bosley Avenue, Towson, Md. 21204 (On behalf of Protestant)

All Protestants (See attached copy of Protestant(s) Sign-In Sheet)

Julius W. Lichter, Esquire - Levin Gann & Hankin, P.A.
305 W. Chesapeake Avenue, Rm. 113, Towson, Md. 21204 (On behalf of Petitioner)

All parties supporting Petitioner (See attached copy of Petitioner(s) Sign-In Sheet)

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

Arnold Jablon

88-440-SPHA

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
494-3450

March 28, 1988

RECEIVED
APR 19 1988
ZONING OFFICE

Dennis F. Rasmussen
County Executive

Mr. Joseph P. Wantz, Jr., President
Towson Park Community Corporation
P.O. Box 36542
Baltimore, Maryland 21286

Re: York & West Complex

Dear Mr. Wantz:

I am in receipt of your letter of January 28, 1988 to Robert Covahey, Chairman, County Review Group for this project. It is my understanding that you did raise the issues and present your letter at the County Review Group (CRG) Meeting on January 28, 1988 and that they were discussed at that time.

With respect to the adequacy of parking for the development which is proposed on this site, it was noted in the Zoning Office comments that a variance from S.409.2 is required for parking if less than the required spaces are to be provided. Subsequently on February 16, 1988 the Zoning Office received an application (Item #295) for a Special Hearing and Variances for the York and West project. These variances include the one required for number of parking spaces. The CRG Zoning comments are enclosed for your information.

The impact of this proposed development on traffic in the area and the possible future need to alter and/or extend the Beltway off-ramp is a more complex issue. The Bureau of Traffic Engineering of the Department of Public Works has been investigating these issues in conjunction with the York and West project. Additionally there have been discussions with the State Highway Administration regarding this matter. At this time the status of this issue is as follows:

As part of the review of the CRG Plan for the development at the intersection of York and West Roads, it was determined that in the future there may be a problem at the intersection of York and West Roads. For this reason, Traffic Engineering requested the developer at the intersection of York and West Roads to incorporate in his plan the ability to extend the ramps through his property for access. This was only done as a safeguard for the future.

Mr. Joseph P. Wantz, Jr.
March 28, 1988
Page Two

Obviously, all the necessary community safeguards are in place and before any road could be built, all the necessary community involvement would be required and the alternative of "no build" is always considered.

At this time, there is no plan by the State or the County to extend the ramps off the Beltway and it is our intent only to protect the alternative for possible future consideration.

We hope this information is of benefit to you and if I can provide you further information, please don't hesitate to contact me.

Very truly yours,

DENNIS F. RASMUSSEN
County Executive

cc: Mr. [illegible] Moore
[illegible] Richards
[illegible] Haines
[illegible] Merrick
File

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
494-3723 (TTY)

May 9, 1988

Dennis F. Rasmussen
County Executive

Mr. Joseph P. Wantz, Jr.
President
Towson Park Community Corporation
P.O. Box 36542
Baltimore, Maryland 21286

RE: West York Ltd. Partnership
Petitions for Special Hearing and Zoning Variance
Case 88-440-SPHA

Dear Mr. Wantz:

I am in receipt of a copy of your letter addressed to Zoning Commissioner, J. Robert Haines concerning the development of the West York project.

As I am sure you are aware, a public hearing was conducted by Commissioner J. Robert Haines as required by Baltimore County law. The issues that you have raised in the letter of April 14, 1988 are under consideration by the Zoning Commissioner. He has not issued a decision at this time.

As a matter of County law, it is inappropriate for me to interfere in the Zoning Commissioner's decision making process. It is evident to me that your concerns have been voiced publicly, and followed with a written position statement to Commissioner J. Robert Haines. This is the appropriate form for your objection.

Thank you for your consideration.

Very truly yours,

Dennis F. Rasmussen
County Executive

DFR:JRH:mmn

TPCC Towson Park Community Corporation
P.O.Box 36542 Baltimore, Maryland 21286

April 4, 1988

J. Robert Haines, Esquire
Zoning Commissioner of Baltimore County
Office of Planning and Zoning
Room 109 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
APR 7 1988
ZONING OFFICE

Re: West York Limited Partnership
Petitions for Special Hearing & Zoning Variance
Case number 88-440-SPHA

Dear Mr. Haines:

On behalf of our residents, the Towson Park Community Corporation would like to go on record as opposing the setbacks and reduction in the number of parking spaces requested by the West York Limited Partnership.

To allow the setbacks and front yard minimums requested will bring this proposed complex too close to York and West Roads and adjoining property. We would also establish a dangerous precedent for other projects in the future. We could end up with buildings squeezed next to each other and the crowding of the sidewalks and space near the roadways.

Towson Park is strongly opposed to permitting 909 parking spaces in lieu of the required 1051 spaces. Given the huge proportions of the proposed structure at York and West Roads (with the number of offices, retail space and hotel facilities planned) we are concerned that if parking is inadequate the communities of Stoneridge and Towson Park may have to absorb the overflow of employees and others parking their cars in front of our residences (our communities are, after all, a very short distance from this site). This situation would create a significant hardship for our neighborhoods.

In conclusion, it is obvious that the development plans for York and West Roads are too large and too ambitious for that parcel of land; otherwise, the petitioner would not be requesting these variances. We ask that these petitions be denied.

Thank you for your consideration of Towson Park's position.

Sincerely,

Joseph P. Wantz, Jr.
President

CC: The Honorable Dennis F. Rasmussen
The Honorable Barbara F. Bachur

LAW OFFICES
LEVIN, GANN & HANKIN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

CALMAN A. LEVIN
STANFORD G. GANN*
ROBERT M. HANKIN
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEILMAN
ROBERT L. PRELLER
ANDREW B. SAWZLER
RANDOLPH C. SNEPPER
BRIAN I. FRANK
HOWARD L. ALDERMAN, JR.
STUART D. S. KAPLOW
JUDITH S. GANN*
MARC C. GANN*
*ALSO ADMITTED IN DC
*ALSO ADMITTED NEW YORK

ELLIS LEVIN (1893-1960)

BALTIMORE OFFICE
10 LIGHT STREET
BALTIMORE, MD 21202
301-539-5700
FAX 301-625-2080

CARROLL COUNTY OFFICE
RAP LIBERTY ROAD
SYKESVILLE, MD 21784
301-795-1700

April 18, 1988

RECEIVED
APR 19 1988
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: West-York

Dear Mr. Haines:

Enclosed you will find a copy of the Baltimore County Interoffice Memo from Uri Avin dated January 29, 2987 to confirm the County's position covering the theatre location opposite the off-ramp. I will be forwarding the landscaping drawing for the area adjoining the recreational facilities as per your request.

Very truly yours,

Julius W. Lichter

JWL:lsp

Enclosure

HAND DELIVERED