

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, Shirley Michaelson, by Daniel Michaelson appeared and testified and was represented by Counsel. Edward M. Capino, a Registered architect, Robert S. Rosenfeld, a professional engineer and Judith M. Rabb, a professional planner, all testified on behalf of the Petitioner. There was no testimony in opposition to the Petition.

Testimony indicated that the subject property is located on the southwest side of Reisterstown Road at and north of Highfalcoln Road, in the Owings Mills area, and is bisected by five different zoning classifications, including BR, BR-CNS, BL-CNS, DR-16 and DR-3.5. The 3.1 acres that was the subject of the earlier Order of the County Board of Appeals is now wholly contained within a site

-1-

Expert testimony described the nature of the proposed project and the necessity of removal of the height limitation. The evidence substantiated that the removal of the height limitation would not be detrimental to the public health, safety and general welfare, and specifically, would not conflict with any of the elements of Baltimore County Zoning Regulation Section 502.1, with respect to the earlier granted Special Exception. The testimony further evidenced that removal of the height limitation would not conflict with the standards enumerated in Baltimore County Zoning Regulations (BCZR) Section 409-4.

After due consideration of the testimony and evidence presented, it is evident that the provisions of BCZR Sections 502.1 and 409-4 will be satisfied if the relief requested is granted. In addition, the removal of the restriction with respect to the

-2-

Pursuant to the authority of the Zoning Commissioner as authorized in BCZR Section 500.7, the advertisement, posting of the property, and public hearing were held, and for the reasons stated above, the relief requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of July, 1988 that the relief requested in the Petition for Special Hearing requesting the amendment of the July 11, 1979 Order in County Board of Appeals Case No. R-79-2-X, granting a Reclassification to B.R., a Special Exception for display and sale of used vehicles and use permit, by removing the restriction number 4 that "no building shall be constructed on any portion of the subject property that shall exceed 20 feet in height above finished grade," be and is hereby granted.

IT IS FURTHER ORDERED that the Special Exception and use permit shall continue to be subject to the remaining restrictions of the said Order of the County Board of Appeals and subject to the July 24, 1979 Supplemental Order of the County Board of Appeals.

cc: Stuart D. Kaplow, Esq.
People's Counsel

-3

July 18, 1988

RE: Petition for Special Exception Hearing
Case No. 88-521-SPH
Shirley Michaelson, Petitioner

Dear Stuart:

Pursuant to the recent hearing held on the above captioned case, please be advised that your Petition for Special Hearing has been GRANTED, copy of which is attached hereto.

Very truly yours,

JRH:mmn
att.
cc: Peoples Counsel

civil engineers • site designers • land planners
water quality and stormwater management consultants

DESCRIPTION TO ACCOMPANY PETITION FOR
A SPECIAL HEARING FOR RELIEF FROM
RESTRICTIONS IN BALTIMORE COUNTY BOARD
OF APPEALS CASE NO. R-79-2-X

11230 REISTERSTOWN ROAD
4th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: APRIL 27, 1988

DESCRIPTION:

Beginning at the same at a point on the southeasterly side of Reisterstown Road 66 feet wide, said point being located approximately North 12 degrees 12 minutes West 210 feet from the intersection of the centerlines of the above named streets; thence North 12 degrees 12 minutes West following the point of beginning to that first parcel of land that was conveyed by Tunc Run, Inc. et al. to Shirley Nicholson by a deed dated July 19, 1984 and recorded in the Baltimore County Clerk's Office in the Baltimore County Deed Book 6751 Folio 497, thence leaving the place of beginning and running with and along the first or South 38 degrees 45 minutes 15 seconds East 152.40 feet, thence South 38 degrees 45 minutes 15 seconds East to the Baltimore County Metropolitan District datum, as now surveyed;

- 1) South 44 degrees 00 minutes 38 seconds East 152.40 feet to the end of the aforesaid first line, thence leaving Reisterstown Road and running,
- 2) South 56 degrees 10 minutes 47 seconds West 223.44 feet,
- 3) South 41 degrees 25 minutes 00 seconds East 100.00 feet and,
- 4) South 55 degrees 58 minutes 36 seconds West 63.60 feet to the end of the aforesaid fourth line and to the place of beginning of the second parcel of land in the aforementioned conveyance, thence running with and binding on the first, second and third lines of said parcel, the three following courses viz:
- 5) South 55 degrees 58 minutes 36 seconds West 435.95 feet,
- 6) North 38 degrees 42 minutes 54 seconds West 175.36 feet and,
- 7) North 48 degrees 35 minutes 06 seconds East 424.05 feet to the end of said third line and to intersect the fifth line of the aforementioned first parcel at the distance of 20.28 feet from the end thereof, thence running with a portion of said fifth line and all of the sixth lines of said parcel the two following courses viz:
- 8) North 41 degrees 24 minutes 57 seconds West 20.28 feet and.

Suite Eight Owings Mills Professional Center 10706 Reisterstown Road Owings Mills, MD 21117
Telephone: (301) 356-4600

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SW/S Reisterstown Rd., 230' NW
Highfalcon Rd., 4th District : OF BALTIMORE COUNTY

SHIRLEY MICHAELSON, Petitioner : Case No. 88-521-SPH

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

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esquire, Levin, Gann & Hankin, P.A., 305 W. Chesapeake Ave., #113, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

page 2

- 9) North 56 degrees 10 minutes 34 seconds East 280.11 feet to the place of beginning.

Containing 3.122 acres of land, more or less.

Being all of the two parcels of land that were conveyed by Fung Kun Lun et al. to Shirley Michaelson by a deed dated July 19, 1984 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr. 674, Folio 497.

NOTE: This description is for zoning purposes only and is not intended for use in conveyances.

RWI-F:\JOBS\07902ZON.DOC, pages 6 & 7

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-521-SPH

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, determining whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve file the amendment of the July 11, 1979 Order in County Board of Appeals Case No. R-79-2-X, granting the special exception and use permit by removing the restriction that "the building shall be constructed on any portion of this subject property that shall exceed twenty (20) feet in height above finished grade".

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

1, 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:	Legal Owner(s):	MAP 2.1
(Type or Print Name)	Shirley Michaelson	1
Signature	(Type or Print Name)	2.1.5
Address	Shirley J. Michaelson	Date 11/11/00
City and State	Signature	230
	(Type or Print Name)	MAP 2.1
		SP

City and State _____ Signature _____
N. S. I.
W. S. I.

Attorney for Petitioner: _____
Stuart D. Kaplow
(Type or Print Name) _____
5801 Reisterstown Rd. 358-5400
Address _____ Phone No. _____
Baltimore, MD 21215
City and State _____

Signature _____
Levin, Cunn & Hankin, P.A.
105 W. Chesapeake Ave. #111
Address _____
Towson, MD 21204
City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Stuart D. Kaplow
Name _____
105 W. Chesapeake Ave. #111 321-0600
Address _____
Towson, MD 21204

Attorney's Telephone No.: _____ 321-0600

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day
of May, 1988, that the subject matter of this petition be advertised, as
MORSE COUNTY, MARYLAND
OF FINANCE - REVENUE DIVISION
ILLANOES CASH RECEIPT
No. 52414
Building in Towson, Baltimore
1988 at 9 o'clock
#1-1-3 ACCOUNT

AMOUNT: \$ 100.00

Port Haines

Commissioner of Maritime Affairs

10-10-68

LOVIN, GANN & HANKS, P.A.
305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
(301) 321-0600

DATE 6-30-88
SUBJECT MICHAELSON

RECEIVED ZONING OFFICE
DATE: 6-30-88

PER YOUR REQUEST, PLEASE FIND ATTACHED TWO(2) COPIES OF A DRAFT ORDER IN THE MATTER OF THE PETITION FOR SPECIAL HEARING BY SHIRLEY MICHAELSON.

SHOULD YOU DESIRE ANY FURTHER INFO OR ASSISTANCE, PLEASE DO NOT HESITATE TO CALL!

SIGNED STUART J. KAPLOW

88-521-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting June 2, 1988

Posted for: Special Hearing

Petitioner: Shirley Michaelson

Location of property: SW/S Reisterstown Road, 230' NW Highfalcon Road

Location of Signs: SW/S of Reisterstown Road, in front of subject property

Remarks: S.J. Kaplow

Posted by: S.J. Kaplow Date of return: June 10, 1988

Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 9, 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 June 9, 1988

THE JEFFERSONIAN,
S. Zebe Olson
Publisher

3450

LOVIN, GANN & HANKS, P.A.
305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
(301) 321-0600

DATE 7-13-88
SUBJECT MICHAELSON
#88-521-SPH

PLEASE FIND ATTACHED AN ORIGINAL AND TWO COPIES OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS NOTIFIED BY YOU!

SHOULD I NEED BE OF ANY FURTHER ASSISTANCE, PLEASE FEEL FREE TO GIVE ME A CALL! THANK YOU AGAIN FOR ALL OF YOUR COURTESY

SIGNED STUART J. KAPLOW

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

APR 28, 1988

RECEIVED
APR 28 1988
ZONING OFFICE

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Issue No. 393
Shirley Michaelson

Dear Mr. Haines:

Please be advised that on April 27, 1988, I filed on behalf of my client, Shirley Michaelson, a Petition for Special Hearing in an effort to amend an earlier Order with respect to a Special Exception and Use Permit.

While I have just recently been retained by the Michaelson family, you may be aware that their proposed development of an automobile dealership on Reisterstown Road at Highfalcon Road has been progressing for quite some time. There is an approved CRG and the remaining issue that needs to be resolved is the amendment of the earlier Order.

By this letter, I would kindly request that the hearing on the pending Petition be scheduled at the earliest possible date.

Unfortunately, until the issues in the pending Petition are resolved, we are precluded from moving forward. As time has become a major factor that is threatening the financial arrangements for the development, any efforts that might be possible with respect to an expedited hearing date would be greatly appreciated.

Should you have any further questions or should I need be of any assistance to you, please do not hesitate to give me a call.

Sincerely,
Stuart D. Kaplow

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

J. Robert Haines
Zoning Commissioner

Re: Petition for Special Hearing
CASE NUMBER: 88-521-SPH
SW/S Reisterstown Road, 230' NW Highfalcon Road
4th Election District - 3rd Councilmanic
Petitioner(s): Shirley Michaelson
HEARING SCHEDULED: TUESDAY, JUNE 24, 1988 at 9:00 a.m.

Dear Mr. Michaelson:

Please be advised that \$440 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.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

No. 52727

DATE 6/10/88 ACCOUNT Petitioner

AMOUNT \$ 440.00

RECEIVED FROM: Shirley Michaelson

FOR: Shirley Michaelson

VALIDATION OR SIGNATURE OF CASHIER

JRH:gs
cc: Stuart D. Kaplow, Esq.
File

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

J. Robert Haines
Zoning Commissioner

May 18, 1988

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:

Petition for Special Hearing
CASE NUMBER: 88-521-SPH
SW/S Reisterstown Road, 230' NW Highfalcon Road
4th Election District - 3rd Councilmanic
Petitioner(s): Shirley Michaelson
HEARING SCHEDULED: TUESDAY, JUNE 24, 1988 at 9:00 a.m.

Special Hearing: The amendment of the July 11, 1979 Order in County Board of Appeals Case No. R-79-2-X, granting the special exception and use permit by removing the restriction that "No building shall be constructed on any portion of this subject property that shall exceed twenty (20) feet in height above finished grade".

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
Zoning Commissioner of
Baltimore County

cc: Shirley Michaelson
Stuart D. Kaplow, Esq.
File

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

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

Re: Property Owner: Shirley Michaelson
Location: SW/S Reisterstown Rd., 230' NW Highfalcon Road
Item No.: 393
Zoning Agenda: Meeting of 5/10/88

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 comment at this time.

REVIEWER: Capt. J. Kelly, 5-16-88 Noted and Approved: John F. O'Neill
Special Inspection Division

/s/

PETITIONER'S
EXHIBIT 3

RE: PETITION FOR RECLASSIFICATION from B.L. and D.R. 3.5 to B.R. zone and SPECIAL EXCEPTION for a Used Car Lot SW/S Reisterstown Road 110' NW of Highfalcon Road 4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-79-2-X

Albert Q. and Jean Saw
Petitioners

SUPPLEMENTAL ORDER

Whereas, the Board of Appeals is desirous of clarifying one of the restrictions that apply to the special exception and use permit previously granted by this Board's Order dated July 11, 1979, the following Restriction #3 is hereby amended as follows:

3. All light standards to be erected on the residentially zoned portion of the subject property shall not exceed ten (10) feet in height, and all light standards, wherever erected on the subject property, shall be so located and constructed so as to direct light away from the residentially zoned land in the Cadomere development.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keller, Jr., Chairman
William F. Hacker
John A. Miller

88-521-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 6th day of May, 1988.

J. Robert Haines
ZONING COMMISSIONER

Received by: James E. Dye
Chairman, Zoning Plans
Advisory Committee

Petitioner: Shirley Michaelson
Petitioner's
attorney: Stuart D. Kaplow

PETITIONER'S EXHIBIT BEFORE 2

RE: PETITION FOR RECLASSIFICATION from B.L. and D.R. 3.5 to B.R. and SPECIAL EXCEPTION for a Used Car Lot

County Board of Appeals

OF

BALTIMORE COUNTY

No. R-79-2-X

Albert Q. and Jean Sew

Petitioners

OPINION

The subject property is located in the Fourth Election District, on the southwest side of Reisterstown Road approximately 110 feet northwest of Highfalcon Road.

The subject property contains 3.1 acres and is now zoned in part in three different classifications, i.e., B.R., B.L. and D.R. 3.5. During the course of the hearing the Petitioner revised his request and the specifics of the petition are set out on a revised plot dated June 20, 1979. This plot is in evidence as Petitioner's Exhibit #7. The Petitioner now seeks to reclassify all of the front portion of the subject property to B.R. (approximately 1.45 acres) and a portion of the rear of the subject property to D.R. 16 zoning (approximately 1.02 acres). The balance of the subject lot (approximately 0.54 acres) is proposed to remain D.R. 3.5. The petition as now requested, is clearly delineated on Petitioner's Exhibit #7. In this case, Petitioner also seeks a special exception for the display and sale of used vehicles in the proposed B.R. zone, and a special use permit for parking and storage of new and used cars in the D.R. 16 zone.

Henry F. LeBrun, a well recognized real estate expert, testified for the Petitioner in this case and in detail described the subject property and its environs to this Board. This witness noted the topography of the subject property as it relates to the residential development of Cadamere, which lies to the rear of the subject tract. Mr. LeBrun also pointed out to the Board the existing stream which borders the southeast side of the subject property. It was noted that there is no residential type access to the rear of the subject property which is, in fact, now zoned residential. In the judgment of this witness, the County Council erred when they zoned the subject property three different zoning classifications and, most particularly, the rear of this property in a D.R. 3.5 zoning classification when, in fact, because of the physical characteristics of

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 1, 1988

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

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Stuart D. Kaplow, Esquire
Levin, Gann & Hankin, P.A.
305 West Chesapeake Avenue, #113
Towson, Maryland 21204

RE: Item No. 393 - Case No. 88-521-SPH
Petitioner: Shirley Michaelson
Petition for Special Hearing

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. 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:dt

Enclosures

cc: Rosenfelt & Woolfolk
Suite Eight
Owings Mills Professional Center
10706 Reisterstown Road
Owings Mills, Maryland 21117



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

May 12, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Michaelson Motors
Zoning meeting 5/10/88
S/W/S Reisterstown Road
Maryland Route 140
230' N/W of Highfalcon
Road
Item No. 393

Dear Mr. Haines:

After reviewing the submittal of the granting of the Special Exception and use permit by removing the restriction that "no building shall be constructed on any portion of this property that shall exceed 20' in height above finished grade", the State Highway Administration-Bureau of Engineering Access Permits finds the site plan generally acceptable.

If you have any questions, please call Larry Brocato of this office (333-1350).

Very truly yours,

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

LB/es

cc: Rosenfelt and Woolfolk, Incorporated
J. Ogile

RECEIVED
MAY 16 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-3082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

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

Zoning Item # 393, Zoning Advisory Committee Meeting of May 10, 1988

Property Owner: Shirley Michaelson

Location: S/W/S Reisterstown Rd. NW of Highfalcon Rd. District 4

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 charcoal-broiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other 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 Regional Community Services, 494-3775.
- () 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 razing of existing structures, 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.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been 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 applications.
- () 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: Drainage from interior service bays is to be directed to sanitary sewer via oil separator

RECEIVED
JUN 2 1988

ZONING OFFICE

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
To: Zoning Commissioner

Date: May 23, 1988

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

Zoning Petitions
SUBJECT: # 88-506-SPH & # 88-521-SPH

There are no comprehensive planning factors requiring comment on these petitions.

P. David Fields, Director
Office of Planning & Zoning

PDF:bjs

CC: Shirley Hess, People's Counsel
Zoning File

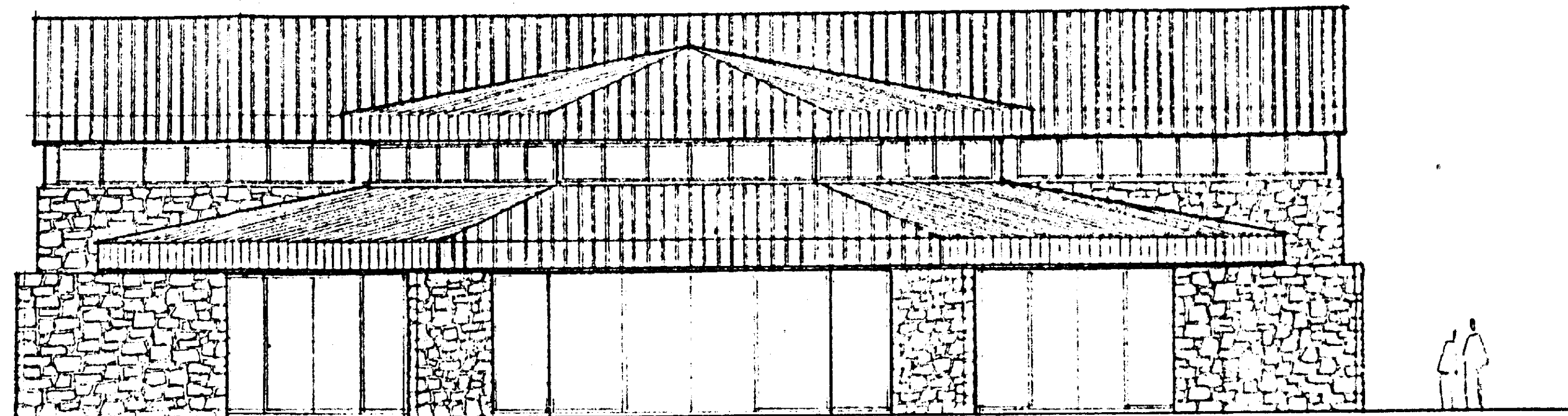
RECEIVED
MAY 24 1988
ZONING OFFICE

cc: Stuart D. Kaplow, Esq.
5/17/88 JF

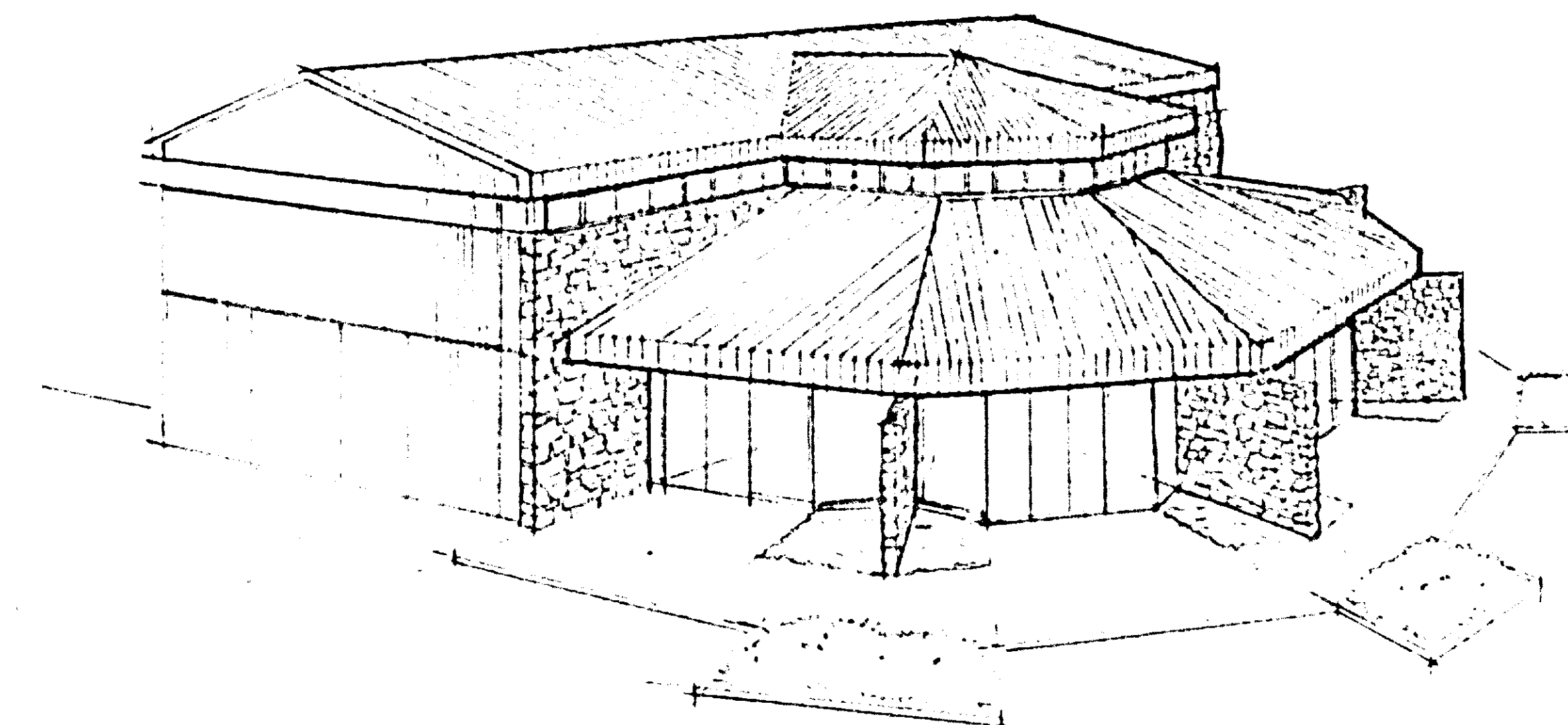
CPS-008

PETITIONER(S) SIGN-IN SHEET

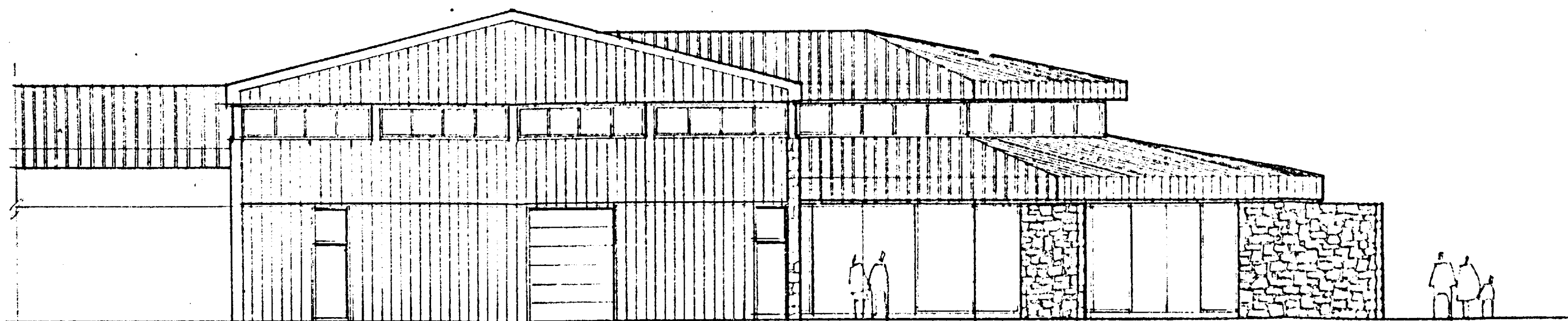
NAME	ADDRESS
STUART D. KAPLOW	305 W. Chesapeake Ave. #113
Shirley Michaelson	5801 Reisterstown Rd. 21204
Rosenfelt	10706 Reisterstown Rd. Suite B
Judith Babb	10706 Reisterstown Rd. Suite 2117
ED CANINO	17 WARDEN RD. 21200



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



PETITIONER'S
EXHIBIT 4



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

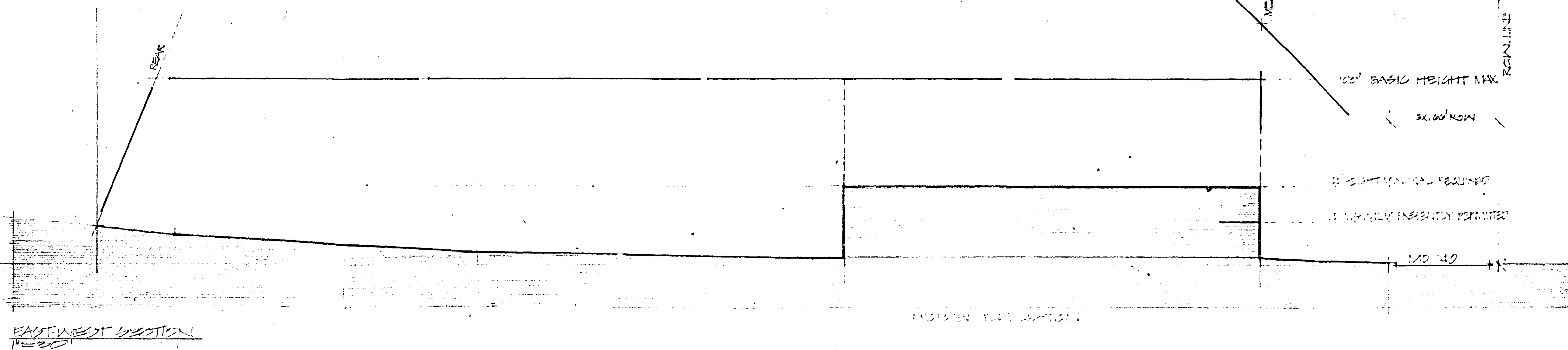
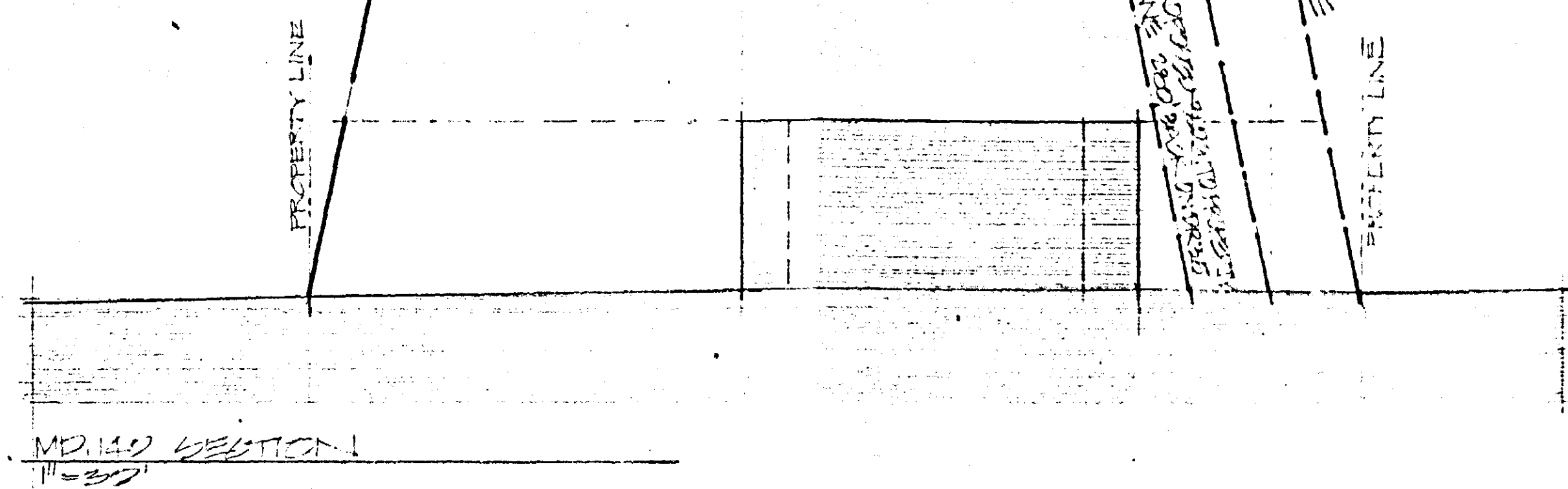
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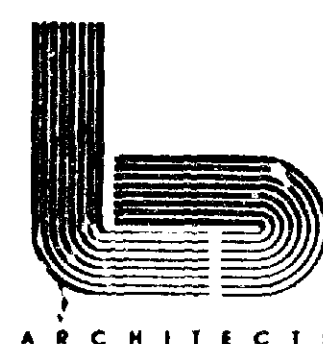
Levin/Brown & Associates, Inc.

17 Warren Road
Suite 78
Baltimore, Maryland 21208
(301) 486-9006

ELEVATIONS/PERSPECTIVE
MICHAELSON MOTORS



02/1/00



Levin/Brown & Associates, Inc.

17 Warren Road
Suite 78
Baltimore, Maryland
21208
(301) 486-9006

COMMERCIAL ZONE HEIGHT TENT
MICHAELSON MOTORS

Developer: **WILLIAM H. HIGGINS, JR.**
 10001 Nicholas Motor
 5801 Reisterstown Road
 Baltimore, Maryland 21215
 Phone (301) 538-8500

2. Owner: **BRILEY HIGGINS**
 4701/147
 Tel. Ext. No. 00-19-041316
 Tel. Ext. No. 00-12-021700
 L 3209/17 362
 Tel. Ext. No. 00-12-021700

3. Election District
 Councilmanic District
 County Trust
 Informal
 Suburban
 Water Pressure Line

4. Site Access
 Drives
 Not

5. Site Zoning
 R-1
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6. Use and need vehicle storage permitted in R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100.

7. (See Note 1)

8. Estimated Parking Data
 A. Required Parking Computation:

LOCATION	USE	AREA	RATE	REQUIRED
Showroom	Retail	1400 SF	1 SF/250 SF	5.60 SPS
Office	Retail	2400 SF	1 SF/250 SF	9.60 SPS
Total Retail				15.20 SPS
Office, 1st Floor Office	Office	2400 SF	1 SF/300 SF	8.00 SPS
Office, 2nd Floor Office	Office	2400 SF	1 SF/300 SF	8.00 SPS
Total Office				16.00 SPS
Parts	Warehouse	4000 SF	1 SF/500 SF	1.00 SPS
Car Wash	Industrial	9100 SF	1 SF/500 SF	1.82 SPS
Auto Sales and Service				20.00 SPS
Total Parking Required				40.00 SPS
B. Maximum Parking Provisions:				
Exterior, Standard				48 SPS
Interior, Standard				14 SPS
Interior, Premium				14 SPS
Total Customer Parking Provisions				63 SPS
C. Other Parking:				
Additional Employee Spaces				30 SPS
Vehicle Display and Storage				20 SPS
Total Other Parking				50 SPS

9. There are no existing or proposed wells or septic tanks on the proposed development.

10. All existing buildings on the proposed development site shall be removed.

11. There are no historic buildings, archaeological sites, critical areas or endangered species habitats on this site.

12. The limits of the 100-Year Flood Plain are shown on the plan.

13. The limits of the Wetlands are shown on the plan.

14. All driveways, parking and vehicle storage areas to be located on the site.

15. All required accessible parking spaces shall be 12' x 18'. All handicapped accessible parking spaces shall be 12' x 18'.

16. Stormwater management is to be provided on site by means of detention ponds and on site pond. Preliminary Storm Drain Management Analysis dated 10/18/87, submitted with CDD Plan on 10/18/87. Stormwater management plan reviewed with Baltimore County Department of Public Works, Engineering, Planning and Resource Management and Storm Drain District, Bureau of Engineering, Planning and Resource Management dated 10/20/87 and meeting with both departments on 11/18/87.

17. Areas over 25% slope are shown.

18. Slopes over 25% slope are shown.

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83. Slopes over 25% slope are shown.

84

SOIL TYPE	AREA	CLASS GROUP	BUILDING WITH BASEMENTS	BUILDING W/O BASEMENTS	STREET AND PARKING LOTS
SEA	1.19	Stable - D/D	Severe: high water table; poor natural drainage.	Severe: high water table; poor natural drainage.	Severe: high water table; poor natural drainage.
SCB2	2.12	Stable - B/C	Slight	Slight	Moderate: Slope
SCC2	0.32	Stable - B/C	Moderate: Slope	Moderate: Slope	Severe: Slope

BALTIMORE COUNTY TRAVERSE
ELEV. 627. 369

LOCATION : "X" IN SOUTH CURVE
AT FALCON RD.

- [illegible]

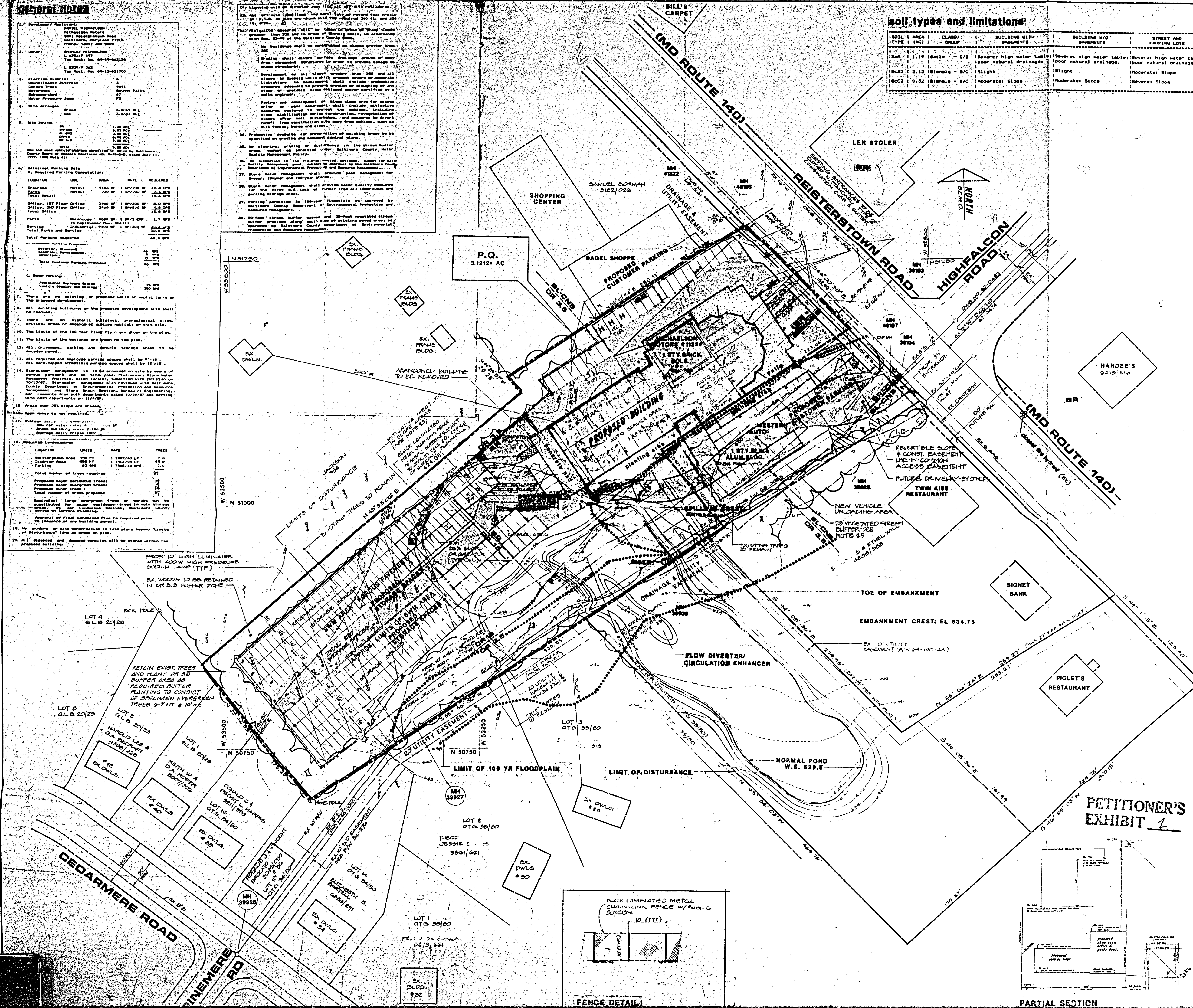
ADDITIONAL NOTES FOR SPECIAL:

Customer and employee parking spaces approved 11/8/77.

Screening is shown on the Schematic Landscaping 4/8/80.

Curbing 8" in width and 6" in height for customer and employee parking lots adjacent to vegetated stream buffer, to avoid stream, as requested by Baltimore County Protection and Resources Management. Parking location, fencing to be provided around auto

MICHAELSON
 Sisterstown re-
 wings mills
 Section District No. 4
 Baltimore County, Maryland

[illegible]

1. Developer/Applicant: DANIEL NICHOLSON
Nicholson Motors
5801 Westchester Road
Baltimore, Maryland 21215
Phone (301) 358-5800

2. Owner: BIRELEY NICHOLSON
L 875/17 497
Tax Acct. No. 04-19-082150
L 8259/17 562
Tax Acct. No. 04-12-021003

3. Election District
Councilmanic District 3
Carmux Trail 3
Malvern 1041
Gwynne Falls 6.7
Sukhanabad 6.7
Water Pressure Zone RS

4. Site Acreage: Gross 3.8-0/9 AC
Net 3.6-3/3 AC

5. Site Zonings:
DR 1.35 AC
RM-OD 0.38 AC
RM-OD 0.06 AC
RM-OD 0.06 AC
DR 3-5 2.03 AC

- Total 5,726 AC'S
County Board of Appeals Decision No. 87-213, dated July 11,
1979. (Use item 10.)
- A. Offstreet Parking Data
- | B. Required Parking Computations: | | C. Required Parking | |
|-----------------------------------|------------|---------------------|----------------|
| LOCATION | USE | AREAS | RATE REQUIRED |
| Showroom | Retail | 2400 SF | 1 SP/2000 SF |
| Parts | Retail | 720 SF | 1 SP/2000 SF |
| Office, 1st Floor Office | | 2400 SF | 1 SP/2000 SF |
| Office, 2nd Floor Office | | 2400 SF | 1 SP/2000 SF |
| Parts | Warehouse | 4080 SF | 1 SP/3 SP/5 SP |
| 15 Employees (Rev. Shifts) | | | |
| Service | Industrial | 1600 SF | 2 SP/500 SF |
| Total Building and Service | | | 30.5 SP |
| | | | 32.0 SP |
| | | | 15.4 SP |
- B. Customer Parking Provided:
- | | |
|---------------------------------|---------|
| Exterior, Standard | 40.0 SP |
| Exterior, Manicured | 3 SP |
| Interior | 12.0 SP |
| Total Customer Parking Provided | 55 SP |
- C. Other Parking:
- | | |
|---------------------------|--------|
| National Equipment Spaces | 25 SP |
| Warehouse | 200 SP |
7. There is no existing or proposed wells or septic tanks on the proposed development.
8. All existing buildings on the proposed development site shall be removed.
9. There are no historic buildings, archeological sites, critical areas or endangered species habitats on this site.
10. The limits of the 100-year Flood Plain are shown on the plan.
11. The limits of the Wetlands are shown on the plan.
12. All driveways, parking and vehicle storage areas to be located paved.
13. All required and employee parking spaces shall be 9' x 18'.
14. All required accessible parking spaces shall be 12' x 18'.
15. Stormwater management is to be provided on site by means of porous pavement and on site pond. Preliminary Storm Water Management Analysis (10/8/87), submitted with CGG Plan of 10/15/87, Stormwater management plan reviewed with Baltimore County Department of Environmental Protection and Resource Management and Storm Drain Section, Bureau of Engineering, dated 11/16/87. Stormwater Management plan dated 10/15/87 and meeting with both departments on 11/4/87.
16. Areas over 25% slope are shaded.
17. Open space is not required.
18. Average daily trip generation:
- | | |
|------------------------------|------|
| New Car sales: about 400 | 1 SP |
| Gross building area: 2100 sq | |
| Average daily trips | 100 |
19. Required Landscaping (NOTE: TOTAL NUMBER OF PROPOSED TREES DOES NOT INCLUDE EVERGREEN TREES WHICH MAY BE REQUIRED IN THE 10' X 5' BUFFER AREA ON THE 20' PLANTING STRIP.)
- | | | |
|--------------------------------|---------------|------|
| LOCATION | TYPE | TR |
| Interior Road | 1 TREE/20' SF | 75.0 |
| Interior Road | 1 TREE/20' SF | 75.0 |
| Parking | 5 TREE/12' SF | 20.0 |
| Total number of trees required | | 97 |
- Proposed major deciduous trees: 16
Proposed minor evergreen trees: 14
Proposed minor trees: 15
Total number of trees proposed: 45
- Equivalent large evergreen trees or shrubs may be substituted for major deciduous trees in auto storage areas.
20. Final Landscaping Plan is required prior to issuance of any building permit.
21. No grading or site construction to take place beyond "Limits of Disturbance" line as shown on plan.

0.629 14 WITH 14 233000

EX. WOOD IN DR 3'

RETAIN EXIST AND PLANT BUFFER AREA REQUIRED BY PLANTING TO OF SPECIMEN TREES 5-7 H

LOT 4 GLB 20/29

LOT 3 GLB 20/29

LOT 2 GLB 20/29

HAROLD LEB & CO BGCRAFT 4308/228

#42 EX DWLG

EX DWLG #40

20' WIDE

20' WIDE

CEDARMEERE ROAD

21. Logging will be directed away from all off-site residences.
22. All off-site dwellings and small lots of record that create an R.T.A. on site are shown with the required 300' and 250' ft. setbacks.
23. Mitigative measures will be taken in areas of steep slopes greater than 25% and in areas of glacial soils, in accordance with Sec. 22-09 of the Baltimore County Zoning Ordinance. No buildings shall be constructed on slopes greater than 25%.
24. Grading shall divert surface drainage around or away from adjacent structures in order to prevent damage to those structures.
25. Development on all slopes greater than 25% and all slopes on glacial soils shall be subject to the following limitations: a) development shall include protective measures adequate to prevent erosion; b) development on steep unstable slopes designed and/or certified by a soils engineer.
26. Paving and development in steep slope areas for access drive on or pond construction shall include mitigative measures designed to protect wetlands, including slope stabilization and/or structural measures to divert runoff from construction areas from wetlands, such as silt fences, berms and dikes.
27. Protective measures for preservation of existing trees to be specified on grade and within construction limits.
28. No clearing, grading or disturbance in the stream buffer areas except as permitted under Baltimore County Water Quality Management.
29. No excavation in the field-drained wetlands, except for Water Quality Management pond, subject to approval by the Baltimore County Department of Environmental and Planning Services.
30. Storm Water Management shall provide peak management for 2-year, 10-year and 100-year storms.
31. Storm Water Management shall provide water quality measures for the first 0.5 inch of runoff from all impervious and parking storage areas.
32. Parking permitted in 100-year floodplain as approved by Baltimore County Department of Environmental Protection and Resource Management.
33. 30-foot stream buffer waived and 25-foot vegetated stream buffer provided on both side of existing paved area, as approved by Baltimore County Department of Environmental Protection and Resource Management.

U 51250

EX. FRAME BLDG.

EX. FRAME BLDG.

EX. DWLG.

300' R

EX. FRAME BLDG.

ABANDONED TO BE RE-LOC.

11/2 1968
K. S. (S)
K. S. (S)

[illegible]

SHOPPING CENTER

SAMUEL J. JETTIE
3122/02

BAGEL SHOP

PROPOSED CUSTOMER ENTRANCE

BLISS DR. 36

N 5325' W

20' UTILITY EASEMENT
E.W. 241' 276' 1/2

25% EASEMENT
OR GRASSY AREA
(TYPICAL)

PROPOSED EMPLOYEE ENTRANCE

LOT 2
DTG 35/80

THEODOR J. JETTIE
3361/021

LOT 3
DTG 35/80

SAMUEL J. JETTIE
3122/015

LIMIT OF 100 YR FLOODPLAIN

N 5075'

MH 39927

EX. DWLG # 23

EX. DWLG # 20

3/5/80

[illegible]

BUILDING WITH BASEMENTS	BUILDING W/O BASEMENTS	STREET AND PARKING LOT
Severe: high water table; poor natural drainage.	Severe: high water table; poor natural drainage.	Severe: high wa poor natural dr
Slight	Moderate: Slope	Moderate: Slope
Moderate: Slope	Moderate: Slope	Severe: Slope

BITE

NORTH BALTIMORE ROAD
PLEASANT HILL RD
ROUTE 20

vicinity map

SCALE 2000'

benchmark

BALTIMORE COUNTY TRAVERSE STATION #132B5
ELEV. 627.309 N 51133.47 W 52837.73

LOCATION : X' IN SOUTH CURB REISTERSTOWN AT FALCON RP.

- '31. Water meter larger than two inches is not anticipated.
- '32. Oil separator devices to be installed in conjunction with drains in service area of proposed building.
- '33. Free-standing sign to be no larger than 100 square feet in area, and no more than 25 feet in height, in accordance with Baltimore County zoning regulations.
- '34. Boundary and topography shown herein prepared by Bottles & Bennett Inc., and is based on Baltimore County datum. Toning lines shown hereon are based on Petitioner's Exhibit 1/2 of lotting #P-79-251.
- '35. Pedestals signal poles, detector and signal heads away from proposed driveway, and modify existing signalization in accordance with State Highway Administration requirements.
- '36. There is no record or drainage complaints in area of proposed facility, according to memo from Baltimore County Developer Engineering Division.
- '37. Application has been made to U.S. Army Corps of Engineers for wetlands permit.
- '38. Unsegregated access easement and slope and construction easements as shown on plan, shall be given up after future access to adjoining property (their site restaurant). Future street crossing subject to approval by Baltimore County Department of Environmental Protection and Resource Management under appropriate State and Federal agencies.
- '39. Prior to the start of any grading and clearing of sites, developer will notify Baltimore County Health Department and Division of Current Planning, for purposes of site inspection.
- '40. A landscape architectural treatment will be required for the proposed Store Water Management pond/natural area, design to be reviewed by Baltimore County Department of Environmental Protection and Resource Management and Landscape Section, Division of Current Planning.
- '41. 100-Year Flood Plain study has been submitted to County and review is in progress. Approval of Flood Plain study is required prior to issuance of grading or building permits.
- '42. The property was the subject of a preliminary hearing, Case No. B-79-2-2 (B-79-191), in which S.M. zoning was granted on 7/11/79 by the Board of Appeals and a Special Ordinance for uses car sales on the front portion of the property and on the rear portion zoned D.R.H. and D.R.B.S. A use permit was granted for the parking and storage of new and used cars, all subject to the following restrictions:

- (1) All existing trees and vegetation shall remain on all of the subject property which is in the D.R.B.S. zoning classification;
- (2) A screening and security type fence shall be built within or immediately adjacent to all the remaining D.R.B.S. zoned land so as to separate this D.R.B.S. zone from other lots at all times of the subject property rezoned by this Order to D.R.H. and D.R.B.;
- (3) All light standards to be erected on the residentially-zoned portion of the subject property shall not exceed ten (10') feet in total height and a special exception for their constructed so as to direct light away from the residentially-zoned lands in the Owner's development (Issued 7/27/79);
- (4) No building shall be constructed on any portion of the subject property that shall exceed twenty (20') feet in height above finished grade;
- (5) All development on the subject site shall be subject to and strictly conform to all of the existing Baltimore County regulations concerning stormwater management.

The Zoning Code has determined that although unused, on the rear portion of the property, the use permitted in accordance with R-302.3 (BCR), based upon the issuance of a change of occupancy permit per §757.1 (COPD) and the assumption that the property has been utilized for used car sales prior to the expiration of the utilization period.

'43. Mayor - 10-27 approved for this plan with condition that full Compliance Plan and Monitoring Report will be required for use of Parcel during anything other than a store water management era.

legend

- + MAJOR DECIDUOUS TREE
- MAJOR EVERGREEN TREE
- MINOR DECIDUOUS TREE
- [Hatched] EVERGREEN GROUND COVER / 2' HIGH SHRUBS
- [Stippled] EVERGREEN SCREEN

FIRST AMENDED CRG PLAN 2/10/81

PUBLIC SERVICES CRG NO. 873

PLANNING No.

REVISED SCHEMATIC LANDSCAPE PLAN

MICHAELSON MOTOR

reisterstown road owings mills

Election District No. 4
Baltimore County, Maryland

REVISIONS	DATE	SCALE
10/10/81 ADJ. P.C. REC'D EXHIBIT LINE, REV NOTES	10/12/81	1"=30'
11/10/81 BY ENGR. PER. COUNTY REVIEW	JOB NO.	079/10
CHECK MEETING PREPARED FOR CITY ENGINEER'S OFFICE	DRAWN BY	LWB
FOR APPROVAL OF THE PLANNER AND CONTENTS (BY)	CHECKED	
	DRAWING NUMBER	

ROSENBLUTH • WOOLFOEK

CRG