

IN RE: PETITION FOR ZONING VARIANCE
N/S East Chesapeake Avenue
189' to the c/l of York Road
(15 E. Chesapeake Avenue)
9th Election District
4th Councilmanic District
RMD 15 E Corporation
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-170-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an amenity open space of 0 sq.ft. in lieu of the minimum permitted 0.1 sq.ft. as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Robert C. Brown with Preferred Building Systems, Inc., appeared and testified. Also appearing on behalf of the Petitioner was Joseph Lapicki with Lapicki-Smith Associates, P.A. Mary Ginn for the Association of Baltimore County Community Councils, and Joy Biddison, a nearby property owner, appeared as Protestants.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soler*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 11/16/88
By John J. Sullivan

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-170-A

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 235B.4 To allow an amenity open space of 0 in lieu of the minimum permitted 0.1

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

- Undue hardship,
- Practical difficulty.

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

I, or we, agree to pay expenses of above 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

Legal Owner(s):
RMD 15 E Corp
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Donald O. Smith, Representative
217th, Fayette Street
Baltimore, MD 21201 685-4900

Attorney's Telephone No.:
Address
City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of November, 1988, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 4th day of November, 1988 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.B. and would not result in substantial detriment to the public health, safety, and general welfare. In addition, the Office of Planning submitted comments in support of the requested variance subject to conditions noted on the plan and as more particularly described below.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 1988 that the Petition for Zoning Variance to permit an amenity open space of 0 sq.ft. in lieu of the minimum permitted of 0.1 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted.

- 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 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments which have been adopted in their entirety and made a part of this Order.
- In accordance with the conditions set forth in the Office of Planning's comments dated November 4, 1988, the variance granted herein is limited to the site plan as shown in Petitioner's Exhibit 1 (use, size and location) and will not be uniformly applied

ORDER RECEIVED FOR FILING
Date 11/16/88
By John J. Sullivan

23 August 1988

BEGINNING FOR THE SAME at the beginning of a parcel of land which by deed dated October 25, 1923 and recorded among the Land Records of Baltimore County in Liber MC No. 551, folio 111, was conveyed by Harry F. Phipps, et al., to Milford Smith and Wife, said point of beginning being also at the corner formed by the northeastern side of Chesapeake Avenue and the center line of a 15 foot alley (being the first alley west of Delaware Avenue), thence running with and binding on a part of the first line in the aforesaid deed and on the northeastern side of Chesapeake Avenue, South 83 degrees 08 minutes 26 seconds East 64.04 feet to a point 1 foot east of the face of the easternmost concrete block wall of a garage building erected on the lot now being described, thence leaving said avenue and outline and running for a line of division and being 1 foot distant from and parallel to the face of the east wall of the aforesaid concrete block garage building, North 10 degrees 32 minutes 33 seconds East 89.97 feet to intersect the third line of the aforesaid deed, thence running with and binding on a part of said 11th line North 83 degrees 08 minutes 26 seconds West 63.52 feet to the center of the aforesaid 16 foot alley and to the beginning of the last line in the aforesaid deed, thence running with and binding on the last line of the said deed from Harry F. Phipps, et al., to Milford Smith and wife, South 10 degrees 52 minutes 33 seconds West 30 feet to the place of beginning.

LAPICKI - SMITH ASSOCIATES, P.A.

to the lot. The variance will not apply to any substantial deviation from the construction as shown.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

JRH:bjs
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/16/88
By John J. Sullivan

RE: PETITION FOR VARIANCE
N/S E. Chesapeake Ave., 189' to c/l of York Rd. (15 E. Chesapeake Ave.), 9th Election Dist., 4th Councilmanic Dist.
RMD 15 E CORPORATION, Petitioner
Case No. 89-170-A

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 304, County Office Building
Towson, Maryland 21204
694-2155

I HEREBY CERTIFY that on this 24th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to RMD 15 E Corp., c/o Mr. Robert Brown, Preferred Bldg. Systems, Inc., 212 Washington Avenue, Towson, MD 21204, Petitioner; and Mr. Donald D. Smith, Representative, 211 W. Fayette St., Baltimore, MD 21201.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
22835X 685-3255
J. Robert Haines
Zoning Commissioner

November 17, 1988

Mr. Robert C. Brown
Preferred Building Systems, Inc.
212 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S East Chesapeake Avenue, 189' to the c/l of York Road
(15 E. Chesapeake Avenue)
9th Election District - 4th Councilmanic District
RMD 15 E Corporation - Petitioner
Case No. 89-170-A

Dear Mr. Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Mary Ginn
ABC's
606 Horncrest Road, Towson, Md. 21204

Ms. Joy Biddison
704 Alightway Avenue, Towson, Md. 21204

People's Counsel
File

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 17 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 Oct 13 1988

THE JEFFERSONIAN,
Publisher

PO# 05173 S. Zake
Reg. # M20359
Price \$92.25
TTJ

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Board of Appeals, has ordered a public hearing to be held on the 4th day of November, 1988, at 2 o'clock P.M., in Room 104, County Office Building, Towson, Maryland, to hear the testimony of the parties to the following petition for a variance from the Zoning Regulations of Baltimore County: N/S E. Chesapeake Ave., 189' to the c/l of York Rd. (15 E. Chesapeake Ave.), 9th Election Dist., 4th Councilmanic Dist. RMD 15 E Corporation, Petitioner. Case No. 89-170-A. The purpose of the hearing is to determine whether the granting of the variance would be in the public interest. The hearing is open to the public and all interested parties are invited to attend and be heard. A copy of the petition and the proposed variance is on file in the Office of Planning & Zoning, Room 104, County Office Building, Towson, Maryland 21204. For further information, please contact the Office of Planning & Zoning at 685-3255.

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

J. Robert Haines
Zoning Commissioner

Date: 10/25/88

RMD 15 E Corp.
c/o Mr. Robert Brown
Preferred Building Systems, Inc.
212 Washington Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 89-170-A
1/3 East Chesapeake Avenue, 189' c/l York Road
(15 E. Chesapeake Avenue)
Petitioner(s): RMD 15 E. Corp.
HEARING SCHEDULED: FRIDAY, NOVEMBER 4, 1988 at 2:00 p.m.

Gentlemen:

Please be advised that 10/25 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.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
STOCK EXCHANGE CASH RECEIPT

DATE: 11/4/88 ACCOUNT: R-01-815-000

AMOUNT: \$ 107.25

RECEIVED: RMD 15 E Corp.

Posting and Advertising 11/4/88 Hearing

B 8097*****1072518 E 15 E-170-A

Post set(s), there each set not

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

J. Robert Haines
Zoning Commissioner

September 27, 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 110 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-170-A
1/3 East Chesapeake Avenue, 189' c/l York Road
(15 E. Chesapeake Avenue)
Petitioner(s): RMD 15 E. Corp.
HEARING SCHEDULED: FRIDAY, NOVEMBER 4, 1988 at 2:00 p.m.

Variance to allow an Amenity Open Space of zero in lieu of the minimum permitted 6 ft.

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: Mr. Robert Brown
Mr. Donald D. Smith
File

IF PRIOR TO THE DATE OF THE HEARING, EMERGENCY PLANS ARE IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, OCTOBER 22, 1988. PLEASE TELEPHONE ROBERT CLARK (494-3331) TO CONFIRM.

59-170-A

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 _____ day of _____, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: RMD 15 E Corp. Received by: James F. Dyer
Attorney: _____ Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2286
494-4500

Paul H. Renke
Chief

September 12, 1988

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

Re: Property Owner: RMD 15 E. Corp.
Location: 15 E. Chesapeake Avenue, 189' c/l York Road
Item No.: 77 Zoning Agenda: Meeting of 9/6/88

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 of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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 on this plan.

REVIEWER: [Signature] Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 406
Towson, Maryland 21204
494-3334

October 11, 1988

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 69, 75, 76, 77, 79, 81, 82, 83, 84, & 85.

Very truly yours,
[Signature]
Michael S. Flanagan
Traffic Engineer Associate II

MSP:lab

RECEIVED ZONING OFFICE
DATE: 11/4/88

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
October 24, 1988

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

cc: Mr. Robert Brown
Preferred Building Systems, Inc.
212 Washington Avenue
Towson, Maryland 21204

RE: Item No. 77 - Case No. 89-170-A
Petitioner: RMD 15 E Corp.
Petition for Zoning Variance

Dear Mr. Brown:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:st

cc: Donald D. Smith, Representative
Lapicelli-Smith Associates, P.A.
211 West Fayette Street
Baltimore, Maryland 21201

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
9/1/88
Date

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

Zoning Item # 77, Zoning Advisory Committee Meeting of September 4, 1988

Property Owner: RMD 15 E Corp.
Location: 15 E. Chesapeake Ave. District 9
Water Supply: m/m Sewage Disposal: m/m

COMMON USE AS FOLLOWS:

- 1. 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 State Sanitary Section, Bureau of Regional Community Services, for final review and approval.
- 2. Prior to installation of food handling equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- 3. A permit to construct from the Bureau of Air Quality Management is required for such items as any dish processing, underground gasoline storage tank(s) (1500 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- 4. A permit to construct from the Bureau of Air Quality Management is required for any chachachach operation which has a total cooking surface area of five (5) square feet or more.
- 5. Prior to approval of a building permit application for construction or renovation of a building, food service of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used must be submitted to the Bureau of Air Quality Management, 494-3775, for review and approval. For more complete information, contact the Recreational Systems Section, Bureau of Regional Community Services, 494-3811.
- 6. 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.
- 7. If lubrication work and oil changes are performed at this location, the method providing for the collection of waste oil must be in accordance with the State Department of the Environment.
- 8. Prior to raising of existing structure/s, petitioner must contact the Division of State Management at 494-3106, regarding removal and/or disposal of potentially hazardous materials and solid waste. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- 9. Any abandoned underground storage tanks containing gasoline, waste oil, petroleum, etc., must have the contents removed by a licensed hauler and then removed from the property as properly bottled. The owner must contact the Division of State Management at 494-3106.
- 10. Soil percolation tests, have been _____ conducted.
- 11. The results are valid until _____.
- 12. Soil protection test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- 13. Once water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- 14. In accordance with Section 12-117 of the Baltimore County Code, the water well yield test shall be valid until _____.
- 15. If not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of building permit application.
- 16. Prior to occupancy approval, the possibility of the water supply must be verified by collection of hydrogeological and chemical water samples.
- 17. If substance of plan to the County Service Group is required, a hydrogeological study and an environmental effects report must be submitted.

Other: Pump and remove existing underground fuel oil tanks on property

[Signature]
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: November 4, 1988

FROM: Pat Halliday, Deputy Director, Office of Planning and Zoning

SUBJECT: RMD 15 E. Corp., Zoning Petition No. 89-170-A

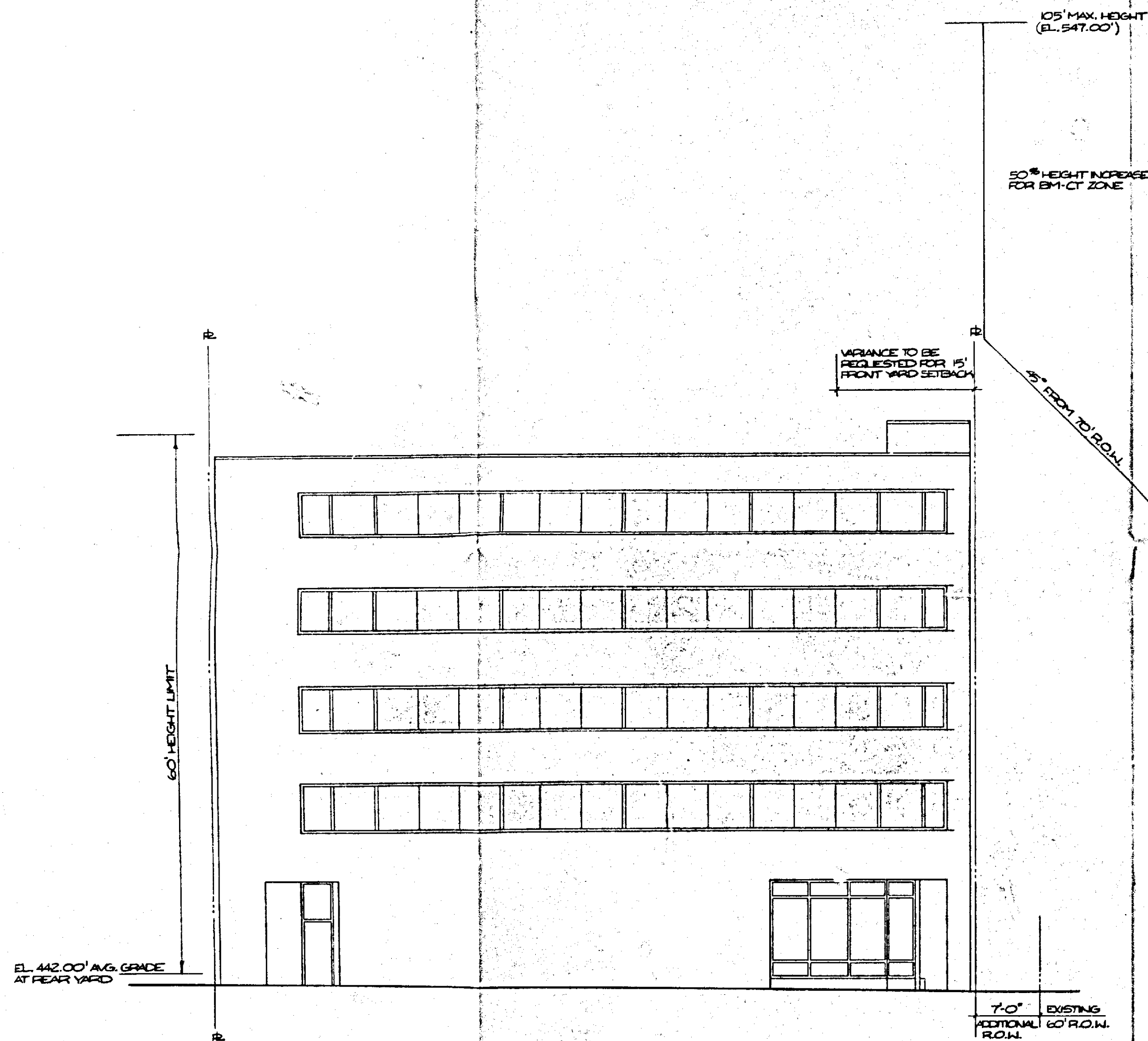
RECEIVED ZONING OFFICE
DATE: 11/4/88

The applicant is requesting a waiver of amenity open space to 0 instead of the required 1'. In reference to this request, staff provides the following information:

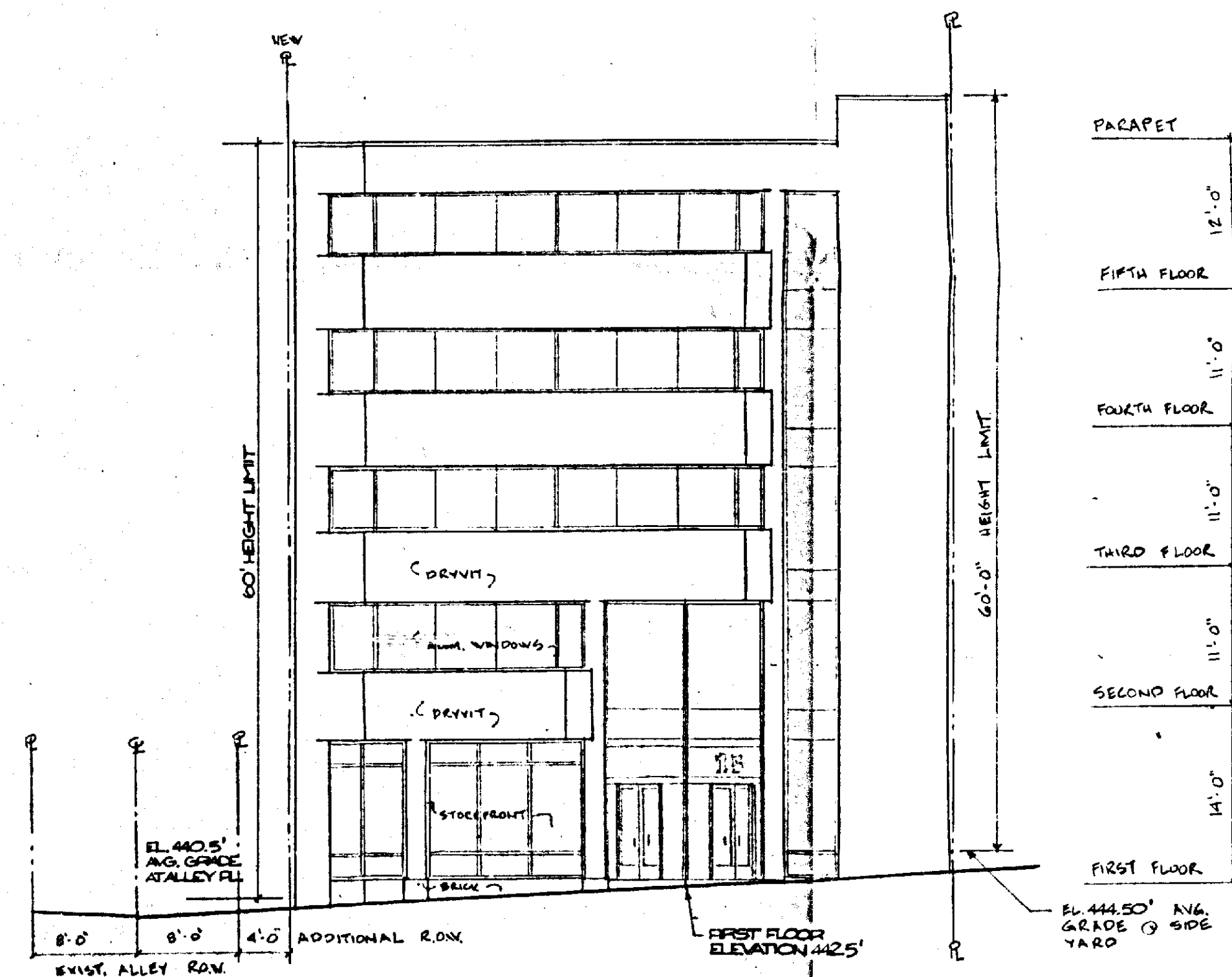
"The applicant's parcel located at 15 E. Chesapeake Avenue was approved by the ORG on August 19, 1988. As part of the review, the provision of amenity open space was discussed and evaluated. Working with staff, the applicant developed a detailed streetscape plan for the property. The streetscape plan involves extensive improvements within the right-of-way that include 1) landscaping 2) perpetual maintenance, and the installation of benches and automatic watering devices to ensure plant survival.

Based upon the analysis conducted and information provided, staff recommends approval of the applicant's request subject to the conditions as noted on the plan as submitted and the variance shall only apply to the site plan as shown (use, size and location) and will not be uniformly applied to the lot. The variance will not apply to any substantial deviation from the construction as shown."

PH:st



WEST ELEVATION - ALLEY
1/8" = 1'-0"



SOUTH ELEVATION - CHESAPEAKE AVENUE
SCALE: 1/8" = 1'-0"

**PETITIONER'S
EXHIBIT 2**

OWNER/APPLICANT
RHMD 15 E CORP

114 E. LEXINGTON ST.
SUITE 400
BALTIMORE, MD 21202
301-821-8470

PUBLIC SERVICES CRG. NO. 23-116
PLANNING NO.

Lapicki-Smith
ASSOCIATES, P.A.

53650
ARCHITECTURAL REGISTRATION BOARD
THE PROOF OF WORK CENTER
211 WEST FAYETTE STREET
BALTIMORE, MARYLAND 21201
(301) 685-4900

project no. 86.33

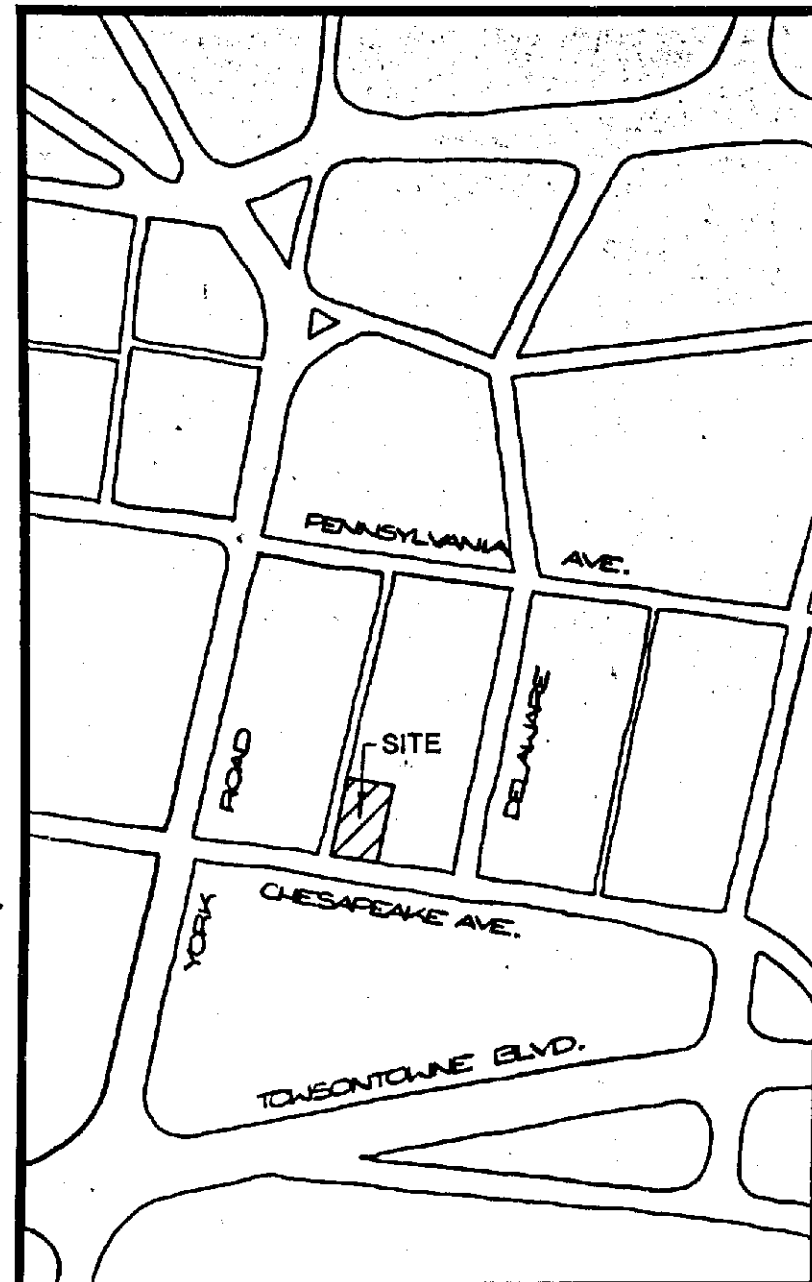
15 EAST BUILDING

#77

drawing title
BUILDING ELEVATIONS

date
7/12/88

drawing no.
CRG-3

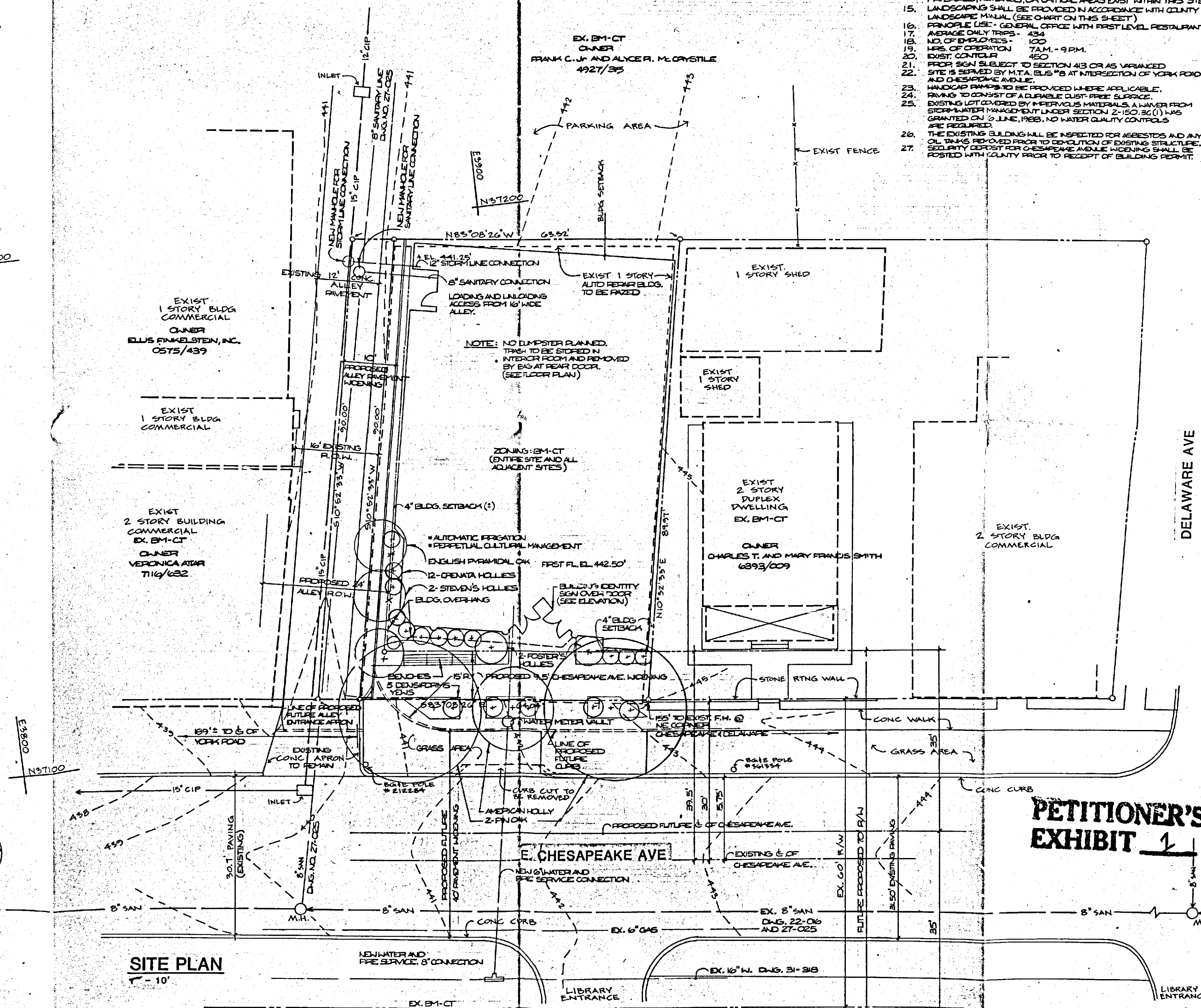


VICINITY MAP
SCALE: 1" = 200'

SOIL TYPES		
SYMBOL	NAME	% SITE AREA
G1B	GLENN-6 URBAN LAND COMPLEX - 0 TO 5 PERCENT SLOPES	100 %

LANDSCAPE REQUIREMENTS (FOR C. T. DISTRICT)

PROPERTY LINE ALONG STREET: 52'
PROPERTY LINE ALONG ALLEY: 80.5'
MAJOR DECIDUOUS TREES REQUIRED:
1/40 LINEAL FEET OF FRONTAGE
130.5' = 3.3 TREES
GRADE LEVEL PARKING: NONE
SERVICE AND DUMPSTER: NONE



SITE PLAN
1" = 10'

- A VARIANCE TO AMENITY OPEN SPACE REQUIREMENTS WILL BE REQUESTED OF THE ZONING COMMISSIONER, IF NOT GRANTED, A.O.S. OF 2000 S.F. ACCESSIBLE AT ALL TIMES TO THE PUBLIC WILL BE PROVIDED ON THE ROOF.
13. ZONING REQUIREMENTS
A) THE HEIGHT OF THE BUILDING IS LESS THAN 60 FEET PER 231.0 AND 235 B.5
B) THE FRONT YARD IS REQUIRED TO BE (C) ZERO FEET SETBACK IN ACCORDANCE WITH SECTIONS 235.1 AND 303.2. THREE COMMERCIAL PROPERTIES EXIST WITHIN 100' OF THIS PROPERTY, ALL OF WHICH ARE SETBACK 10' ZERO FEET.
14. NO ARCHEOLOGICAL SITES, ENDANGERED SPECIES, HAZARDOUS MATERIALS, WETLANDS, OR CRITICAL AREAS EXIST WITHIN THIS SITE.
15. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH COUNTY LANDSCAPE MANUAL (SEE CHART ON THIS SHEET)
16. PRINCIPLE USE - GENERAL OFFICE WITH FIRST LEVEL RESTAURANT.
17. AVERAGE DAILY TRIPS - 434
18. NO. OF EMPLOYEES - 100
19. HRS. OF OPERATION - 7 A.M. - 9 P.M.
20. EXIST. CANTOR - 450
21. PROP. SIGN SUBJECT TO SECTION 413 OR AS VARIANCED SITE IS SEPARATED BY M.T.A. BUS *8 AT INTERSECTION OF YORK ROAD AND CHESAPEAKE AVENUE.
22. HANDICAP RAMPS TO BE PROVIDED WHERE APPLICABLE.
23. PAVING TO CONSIST OF A DURABLE CUST-FREE SURFACE.
24. EXISTING LOT COVERED BY IMPERVIOUS MATERIALS. A WALKER FROM STORMWATER MANAGEMENT UNDER SECTION 2-150.3C(1) WAS GRANTED ON 3/1/98. 1988. NO WATER QUALITY CONTROLS ARE REQUIRED.
25. THE EXISTING BUILDING WILL BE INSPECTED FOR ASBESTOS AND ANY OIL TANKS REMOVED PRIOR TO CONSTRUCTION OF EXISTING STRUCTURE. SECURITY DEPOSIT FOR CHESAPEAKE AVENUE WIDENING SHALL BE POSTED WITH COUNTY PRIOR TO RECEIPT OF BUILDING PERMIT.

GENERAL NOTES

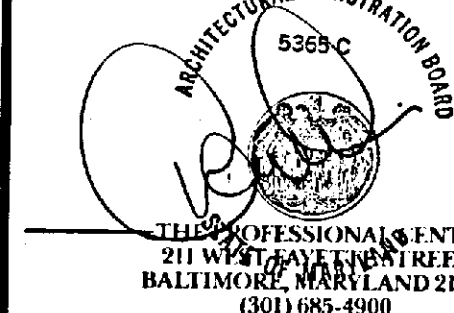
- ELECTION DISTRICT 9
- COUNCILMANIC DISTRICT 4
- CENSUS TRACT 4909
- WATERSHED 23
- SUBWATERSHED 55
- DEED REFERENCES 7404/665
- TAX ACCOUNT NO. 09-08005092
- SITE DATA:
ZONE BM-CT
TOTAL NET AREA 4146 S.F.
TOTAL GROSS AREA 7493 S.F.
BUILDING COVERAGE 3929 S.F.
- BUILDING AREA:
FIRST LEVEL 3750 S.F.
(RESTAURANT)
SECOND LEVEL OFFICES 3929 S.F.
THIRD LEVEL OFFICES 3929 S.F.
FOURTH LEVEL OFFICES 3929 S.F.
FIFTH LEVEL OFFICES 3929 S.F.
SIXTH LEVEL OFFICES 1576 S.F.
TOTAL RESTAURANT 3750 S.F.
TOTAL GROSS FLOOR AREA 19,466 S.F.
- FLOOR AREA RATIO
PERMITTED: 5.5 x 7493 S.F. = 41,211 SQUARE FEET.
ACTUAL PROPOSED:
19,466 S.F. x 2.6 = 74,993 S.F.
- PARKING REQUIREMENTS
REQUIRED:
OFFICE SPACE FLOORS 2 THRU 5
5,716 S.F. x 2.0 = 31.4 CARS
1000
RESTAURANT SPACE FLOOR 1
3750 S.F. x 0.0 = 0.0 CARS
TOTAL REQUIRED = 31.4 CARS
PROVIDED:
34 CARS
LETTER DATED 29 APRIL, 1988 FROM
COUNTY REVENUE AUTHORITY HAS BEEN
SIGHTED INDICATING AVAILABILITY OF
34 SPACES AFTER 1 JANUARY, 1989.
- AMENITY OPEN SPACE REQUIREMENTS
AMENITY OPEN SPACE REQUIRED:
0.1 x GROSS FLOOR AREA
A.O.S. REQUIRED = 0.1 x 19,466 = 1,947 S.F.
AMENITY OPEN SPACE PROVIDED = 0 S.F.

OWNER/APPLICANT
RHMD 15 E CORP

114 E. LEXINGTON ST.
SUITE 400
BALTIMORE, MD 21202
301-821-8470

PUBLIC SERVICES CRG. NO. 88-116
PLANNING NO.

Lapicki-Smith
ASSOCIATES, P.A.



project no. 86.33

15 EAST BUILDING
CONDOMINIUM
OFFICE BUILDING

77

15 E. CHESAPEAKE AVENUE
TOWSON, MARYLAND

drawing title
CRG PLAN

AND PLAT TO ACCOMPANY
PETITION FOR VARIANCE

date 7/12/88
REVISED 8-12-88
drawing no. CRG-1

PETITIONER'S
EXHIBIT 1

THE PUBLIC WILL BE PROVIDED ON THE ROOF.
ZONING REQUIREMENTS

A) THE HEIGHT OF THE BUILDING IS LESS THAN 60 FEET
PER Z30.0 AND Z35.0 S

B) THE FRONT YARD IS REQUIRED TO BE (C) ZERO FEET SETBACK
IN ACCORDANCE WITH SECTIONS Z35.1 AND 303.2. THREE
COMMERCIAL PROPERTIES EXIST WITHIN 100' OF THIS
PROPERTY, ALL OF WHICH ARE SETBACK 10' ZERO FEET.

NO ARCHEOLOGICAL SITES, ENDANGERED SPECIES, HAZARDOUS
MATERIALS, WETLANDS, OR CRITICAL AREAS EXIST WITHIN THIS SITE.

LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH COUNTY
LANDSCAPE MANUAL (SEE CHART ON THIS SHEET)

PRINCIPLE USE - GENERAL OFFICE WITH FIRST LEVEL RESTAURANT.

AVERAGE DAILY TRIPS - 434

NO. OF EMPLOYEES - 100

HRS. OF OPERATION - 7 AM - 9 PM

EXIST. CONTROLLER - 450.

PROP. SIGN SUBJECT TO SECTION 413 OR AS VARNISHED

SITE IS SERVED BY H.T.A. BUS STATION AT INTERSECTION OF YORK ROAD
AND O-284 PARKWAY AVENUE.

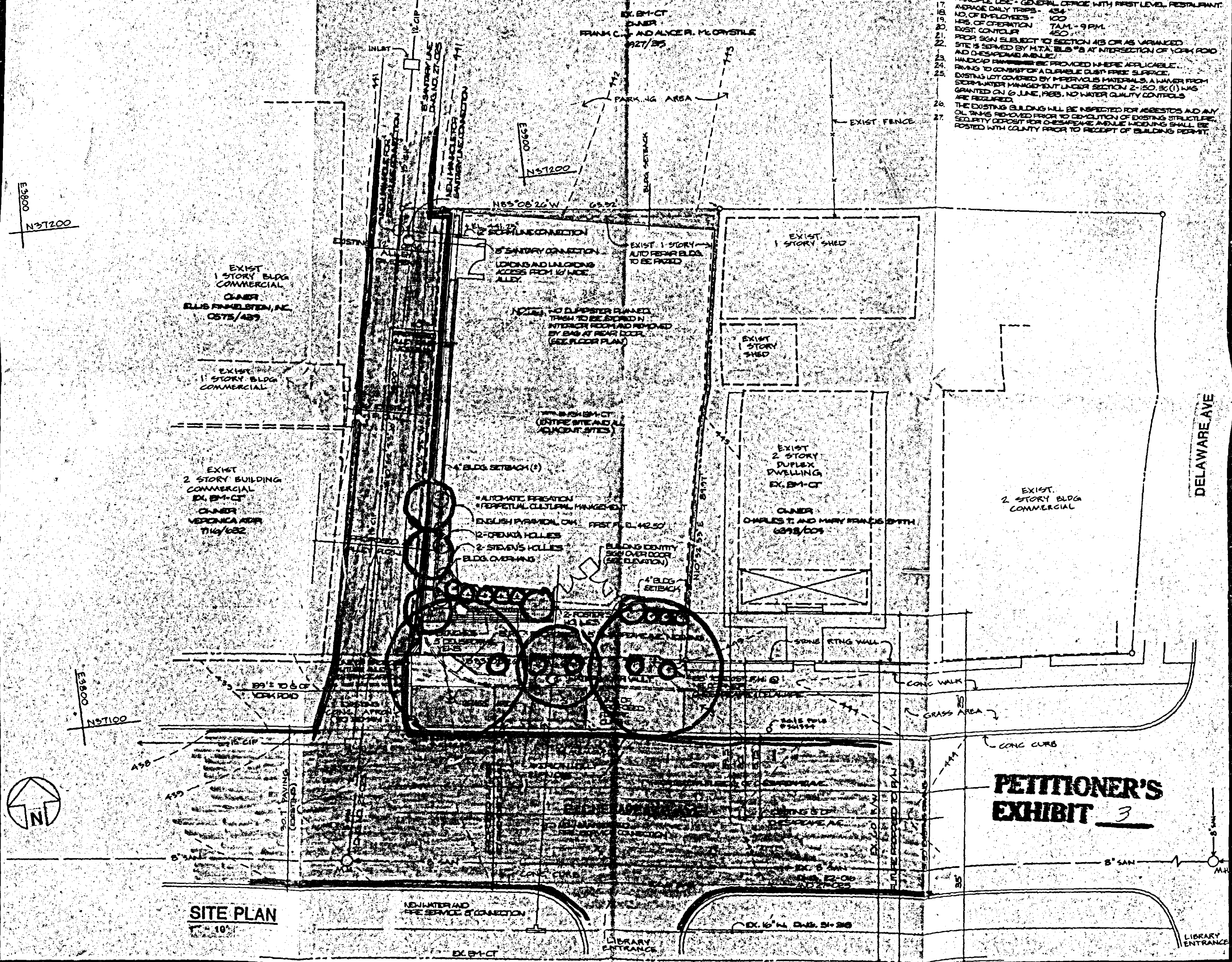
HANDICAP PARKING SHALL BE PROVIDED WHERE APPLICABLE.

PAVING TO CONSIST OF A DURABLE DUST FREE SURFACE.

EXISTING LOT COVERED BY IMPERVIOUS MATERIALS, A WAIVER FROM
STORMWATER MANAGEMENT UNDER SECTION 2-150.3C(1) WAS
GRANTED ON 6 JUNE, 1988. NO WATER QUALITY CONTROLS
ARE REQUIRED.

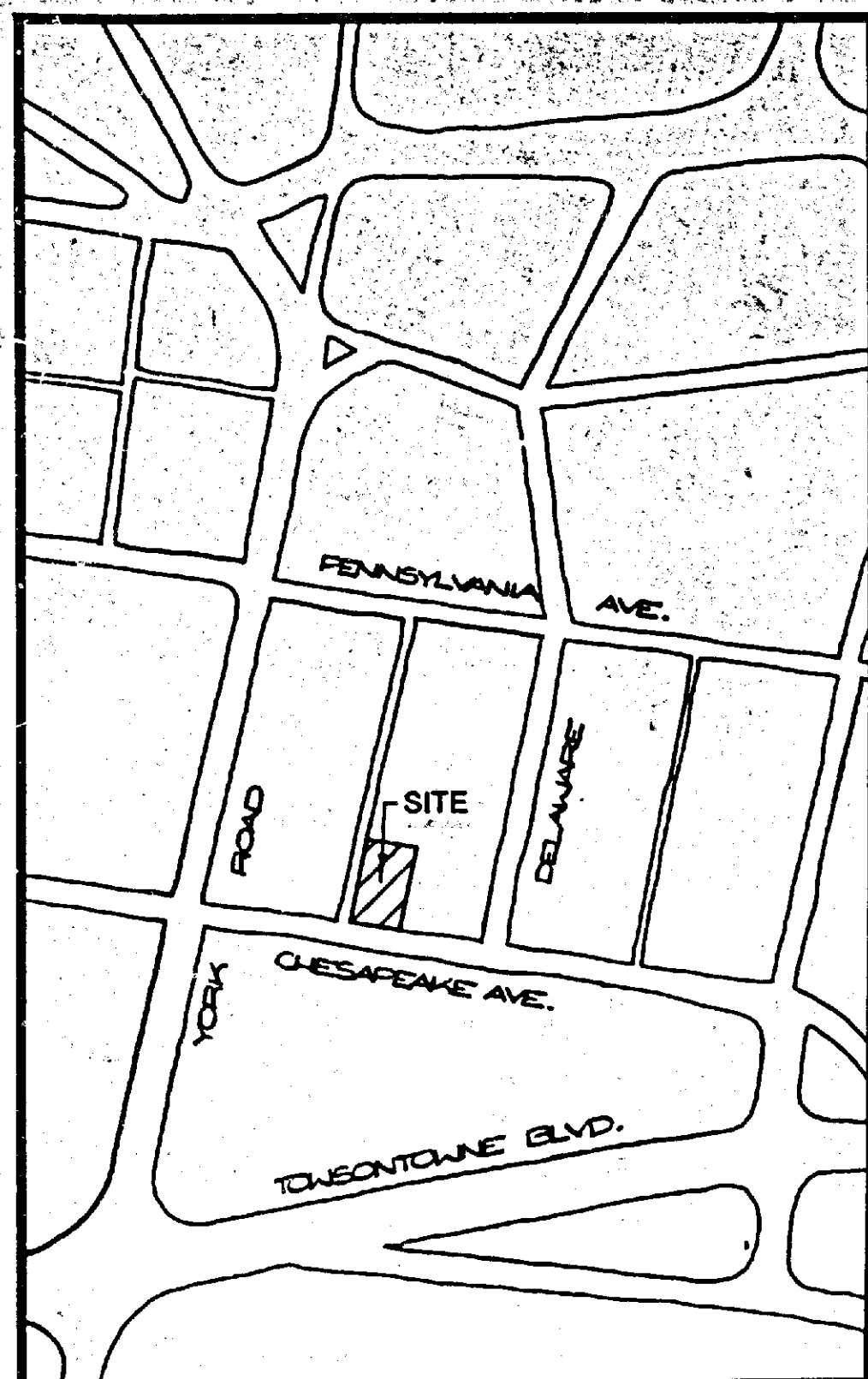
THE EXISTING BUILDING WILL BE INSPECTED FOR ASBESTOS AND ANY
OIL TANKS REMOVED PRIOR TO COMPLETION OF EXISTING STRUCTURE.

SECURITY DEPOSIT FOR O-284 PARKWAY AVENUE WASHING SHALL BE
POSTED WITH COUNTY PRIOR TO RECEIPT OF BUILDING'S TITLE.



**PETITIONER'S
EXHIBIT 3**

SITE PLAN

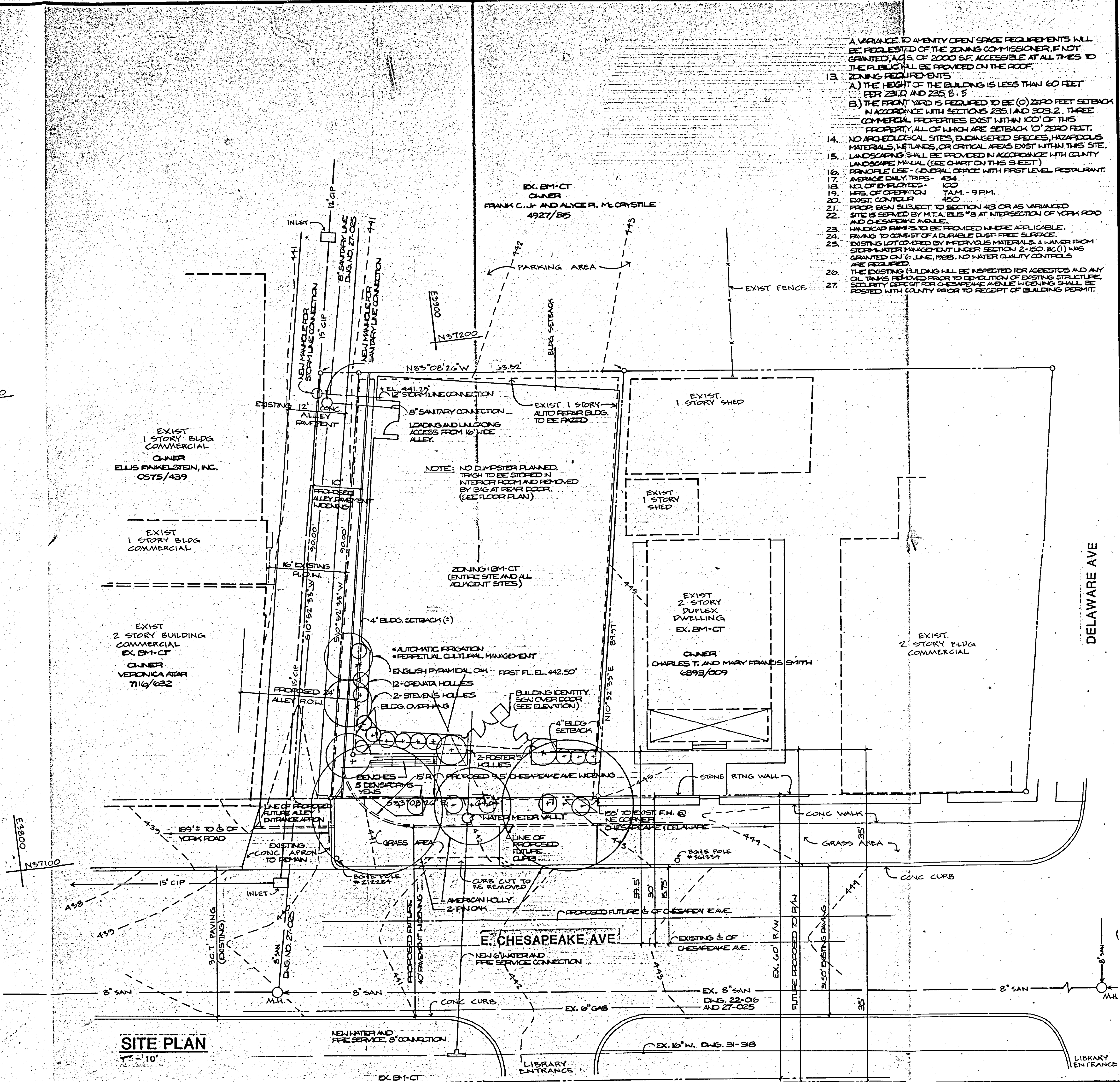


VICINITY MAP
SCALE: 1" = 200'

SOIL TYPES		
SYMBOL	NAME	% SITE AREA
G18	LEVEL 6 - URBAN LAND COMPLEX - 0 TO 8 PERCENT SLOPES	100 %

LANDSCAPE REQUIREMENTS: (FOR C. T. DISTRICT.)

PROPERTY LINE ALONG STREET: 52'
PROPERTY LINE ALONG ALLEY: 80.5'
MAJOR DECIDUOUS TREES REQUIRED:
1/40 LINEAL FEET OF FRONTAGE
132.5' = 3.3 TREES
GRADE LEVEL PARKING: NONE
SERVICE AND DUMPSTER: NONE



SITE PLAN
1" = 10'

- A VARIANCE TO AMENITY OPEN SPACE REQUIREMENTS WILL BE REQUESTED OF THE ZONING COMMISSIONER. IF NOT GRANTED, A 2.5' OF 2000 S.F. ACCESSIBLE AT ALL TIMES TO THE PUBLIC WILL BE PROVIDED ON THE ROOF.
- ZONING REQUIREMENTS
 - THE HEIGHT OF THE BUILDING IS LESS THAN 60 FEET PER 231.0 AND 235 B. 5
 - THE FRONT YARD IS REQUIRED TO BE (O) ZERO FEET SETBACK IN ACCORDANCE WITH SECTIONS 235.1 AND 303.2. THREE COMMERCIAL PROPERTIES EXIST WITHIN 100' OF THIS PROPERTY, ALL OF WHICH ARE SETBACK (O) ZERO FEET.
 - NO ARCHEOLOGICAL SITES, ENDANGERED SPECIES, HAZARDOUS MATERIALS, WETLANDS, OR CRITICAL AREAS EXIST WITHIN THIS SITE.
 - LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH COUNTY LANDSCAPE MANUAL (SEE CHART ON THIS SHEET)
 - PRINCIPLE USE - GENERAL OFFICE WITH FIRST LEVEL RESTAURANT.
 - AVERAGE DAILY TRIPS - 434
 - NO. OF EMPLOYEES - 100
 - HRS. OF OPERATION - 7AM - 9PM.
 - EXIST. CONTOLR - 450
 - PROP. SIGN SUBJECT TO SECTION 413 OR AS VARIANCED
 - SITE IS SERVED BY M.T.A. BUS #8 AT INTERSECTION OF YORK ROAD AND CHESAPEAKE AVENUE.
 - HANDICAP RAMP(S) TO BE PROVIDED WHERE APPLICABLE. PAVING TO CONSIST OF A DURABLE DUST-FREE SURFACE.
 - EXISTING LOT COVERED BY IMPERVIOUS MATERIALS. A WALKER FROM STORMWATER MANAGEMENT UNDER SECTION 2-150.3C(1) WAS GRANTED ON 1/6 LINE, 1988. NO WATER QUALITY CONTROLS ARE REQUIRED.
 - THE EXISTING BUILDING WILL BE INSPECTED FOR ASBESTOS AND ANY OIL TANKS REMOVED PRIOR TO COMPLETION OF EXISTING STRUCTURE. SECURITY DEPOSIT FOR CHESAPEAKE AVENUE WIDENING SHALL BE POSTED WITH COUNTY PRIOR TO RECEIPT OF BUILDING PERMIT.

GENERAL NOTES

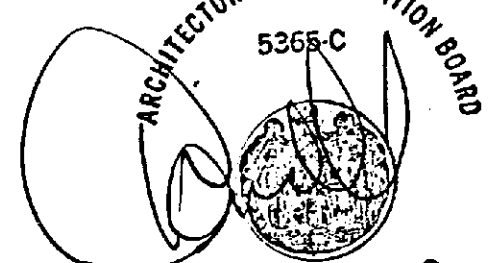
- ELECTION DISTRICT 9
- COUNCILMANIC DISTRICT 4
- CENSUS TRACT 4909
- WATERSHED 23
- SUBWATERSHED 55
- DEED REFERENCES 7404/665
- TAX ACCOUNT NO. 09-08005092
- SITE DATA:
 - ZONE BM-CT
 - TOTAL NET AREA 4446 S.F.
 - TOTAL GROSS AREA 7493 S.F.
 - BUILDING COVERAGE 3929 S.F.
- BUILDING AREA:
 - FIRST LEVEL (RESTAURANT) 3750 S.F.
 - SECOND LEVEL OFFICES 3929 S.F.
 - THIRD LEVEL OFFICES 3929 S.F.
 - FOURTH LEVEL OFFICES 3929 S.F.
 - FIFTH LEVEL OFFICES 3929 S.F.
 - SUB-TOTAL OFFICES 15,716 S.F.
 - SUB-TOTAL RESTAURANT 3,750 S.F.
 - TOTAL GROSS FLOOR AREA 19,466 S.F.
- FLOOR AREA RATIO PERMITTED: 5.5 x 7493 S.F. = 41,211 SQUARE FEET. ACTUAL PROPOSED: 19,466 S.F. x 2.6 = 7493 S.F.
- PARKING REQUIREMENTS REQUIRED:
 - OFFICE SPACE FLOORS 2 THRU 5: 15,716 S.F. x 2.0 = 31.4 CARS
 - RESTAURANT SPACE FLOOR 1: 3750 S.F. x 0.0 = 0.0 CARS
 - TOTAL REQUIRED = 31.4 CARS PROVIDED = 31.4 CARS
- LETTER DATED 29 APRIL, 1988 FROM COUNTY REVENUE AUTHORITY HAS BEEN SUBMITTED INDICATING AVAILABILITY OF 34 SPACES AFTER 1 JANUARY, 1989.
- AMENITY OPEN SPACE REQUIREMENTS AMENITY OPEN SPACE REQUIRED = 0.1 x GROSS FLOOR AREA A.O.S. REQUIRED = 0.1 x 19,466 = 1,946 S.F. AMENITY OPEN SPACE PROVIDED = 0 S.F.

OWNER/APPLICANT:
RHMD 15 E CORP

114 E. LEXINGTON ST.
SUITE 400
BALTIMORE, MD 21202
301-821-8470

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PLANNING NO.

Lapicki-Smith
ASSOCIATES, P.A.



THE PROFESSIONAL CENTER
211 WEST FAYETTE STREET
BALTIMORE, MARYLAND 21201
(301) 685-4900

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