IN RE: PETITION FOR SPECIAL HEARING
W/S Rosebank Avenue, 53' S of c/l of Philadelphia, Baltimore & Washington R.R.
15th Election District
7th Councilmanic District
Charles J. McCullough, et ux
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 90-347-SPH

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-captioned matter comes before the Zoning Commissioner upon the Petition for Special Hearing filed by Mr. and Mrs. Charles J. McCullough for the Zoning Commissioner to approve and determine that the Baltimore County Zoning Regulations (B.C.Z.R.), Section 256.1 permits more than one (1) resident structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder. There were no protestants.

The Petitioners, represented by S. Eric DiNenna, Esquire, proffered evidence to show that Section 256.1 of the B.C.Z.R. would permit more than one residential unit in an M.H. zone, as a matter of right, for living quarters for watchmen and caretakers and their families who are employed and living on the premises. Mr. and Mrs. McCullough would reside in one of the houses, as shown on Petitioners' Exhibit 1. The other house would be occupied by the McCullough's son, who is also an employee of the subject landscaping business.

Mr. McCullogh testified that they have experienced extensive vandalism in the past and, therefore, find it necessary to have a caretaker (their son) live on the premises.

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Further, the Petitioners have requested a determination regarding the nature and limitations of a warehouse and yard for a landscaping contractor in an M.H. zone. The evidence presented clearly showed that a Contractor's Equipment Storage Yard is permitted "as of right" in the M.H. zone (see note 39 in Manufacturing Zone section of the B.C.Z.R.). Section 101 of the B.C.Z.R. defines Contractor's Equipment Storage Yard as follows:

> "The use of any space, whether inside or outside a building for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment and associated materials."

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioners; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

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equipment storage yard, for occupancy by Petitioners and their son, who are owner/employees of the subject landscaping business, as indicated on Petitioners' Exhibit No. 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing for a finding that a Contractor's Equipment Storage Yard for use as a Landscaping Equipment Storage Yard with associated materials is permitted in the M.H. zone, as more particularly described on Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The residential dwellings to be constructed, pursuant to this Order, shall not be sold, leased or transferred to any individual not specifically enumerated in Section 256.1 of the B.C.Z.R. as either a watchman/caretaker and their families, so long as they are employed in the landscaping business.

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 12, 1990, attached hereto and made a part hereof.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

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the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the evidence and testimony presented and based on the unique facts presented in this case, it appears to the satisfaction of the Zoning Commissioner that the requested relief is consistent with the B.C.Z.R. and, therefore, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of March, 1990 that the Petitioner's request to permit two residential houses in an M.H. zone on the subject landscaping

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PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-347-SPH Critical Area

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

determine that B.C.Z.R. Section 256.1 permits more than one residence structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder.

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

Legal Owner(s):
Charles J. McCullough
(Type or Print Name)
Signature
Patricia L. McCullough
(Type or Print Name)
Signature

MAP SE 2G
NW
B.D. 15
DATE 11/28/89
200
300
OP
C

Attorney for Petitioner:
S. Eric DiNenna
(Type or Print Name)
Signature
409 Washington Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 296-6820

2702 Cresson Road 284-8858
Address Phone No.
Baltimore, Maryland 21222
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
DONALD O SMITH
Name
1010 ST. PAUL ST 685-4900
Address Phone No.
BALTIMORE, MD. 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of January, 19 90, 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 13 day of March, 19 90, at 9:30 o'clock A.M.

Hearing Filed On 12/19/89 By J. Robert Haines
Zoning Commissioner of Baltimore County.

by time or day 12½ hrs.

Z.C.O.—No. 1

(over)

Part in Critical Area Mr. Don Smith advised to contact DERM for requirements.

ORDER RECEIVED FOR FILING
Date
By

CRITICAL AREA 202
90-347-SPH

ZONING DESCRIPTION

Beginning at a point in the existing West Right-of-Way line of Rosebank Avenue, which is 30 feet wide, and which lies South 46° 00' West at a distance of 53.00 feet from the intersection of the centerlines of the Philadelphia, Baltimore and Washington Railroad, being 105.00 feet wide, and Rosebank Avenue; thence leaving said point of beginning and binding on the following courses and distances:

(1) S 27°29'54" W 115.30 feet.
(2) N 69°42'15" W 25.13 feet.
(3) S 20°17'45" W 70.00 feet.
(4) N 69°42'15" W 73.90 feet.
(5) N 76°25'57" W 80.52 feet.
(6) R 5,649.58' 303.85 feet (Chord N 67°21'09" W 303.81')
(7) N 65°00'15" W 165.32 feet.
(8) R 5,879.58' 163.49 feet (Chord N 66°36'30" W 163.48')
(9) N 28°42'41" E 276.013 feet.
(10) S 61°17'19" E 792.862 feet to the point of beginning.

As recorded in Deed Liber 8284, Folio 642, containing 4.358 Acres, located in the Fifteenth Election District.

STATE OF MARYLAND
JOHN SYRONG SMITH
No. 3013
REGISTERED
PROFESSIONAL ENGINEER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-347-SPH
Towson, Maryland

District 15th
Date of Posting 2/23/90
Posted for: Special Hearing
Petitioner: Charles J. McCullough, et ux
Location of property: W/S Rosebank Ave., 53' S/Phil. Balto.&Wash. RR
Location of Signs: Facing Rosebank Ave., approx. 10' Fr. roadway, on property of Petitioner
Remarks:
Posted by [signature] Date of return: 3/1/90
Signature
Number of Signs: 1

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 21204 as follows:

Petition for Special Hearing
Case number: 90-347-SPH
W/S Rosebank Avenue, 53' S of c/l of Philadelphia, Baltimore & Washington Railroad
15th Election District
7th Councilmanic
Petitioner(s):
Charles J. McCullough, et ux
Hearing Date: Tuesday, March 13, 1990 at 9:30 a.m.

Special Hearing: To determine that B.C.Z.R. permits more than one residence structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder.

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.

NOTE: IF PHASE II OF THE "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

2/42 Feb. 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 15, 1990.

THE JEFFERSONIAN,

S. Zahe Orlan
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3-2-90

Dennis F. Rasmussen
County Executive

Mr. & Mrs. Charles J. McCullough
2702 Cresson Road
Baltimore, Maryland 21222

Re: Petition for Special Hearing
CASE NUMBER: 90-347-SPH
W/S Rosebank Avenue, 53' S of c/l of Philadelphia, Baltimore & Washington Railroad
15th Election District - 7th Councilmanic
Petitioner(s): Charles J. McCullough, et ux
HEARING: TUESDAY, MARCH 13, 1990 at 9:30 a.m.

Dear Mr. & Mrs. McCullough:

Please be advised that $ 123.39 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No. 1692

Account: R-001-6150
Number

Date 3/13/90

90-347
B#000541

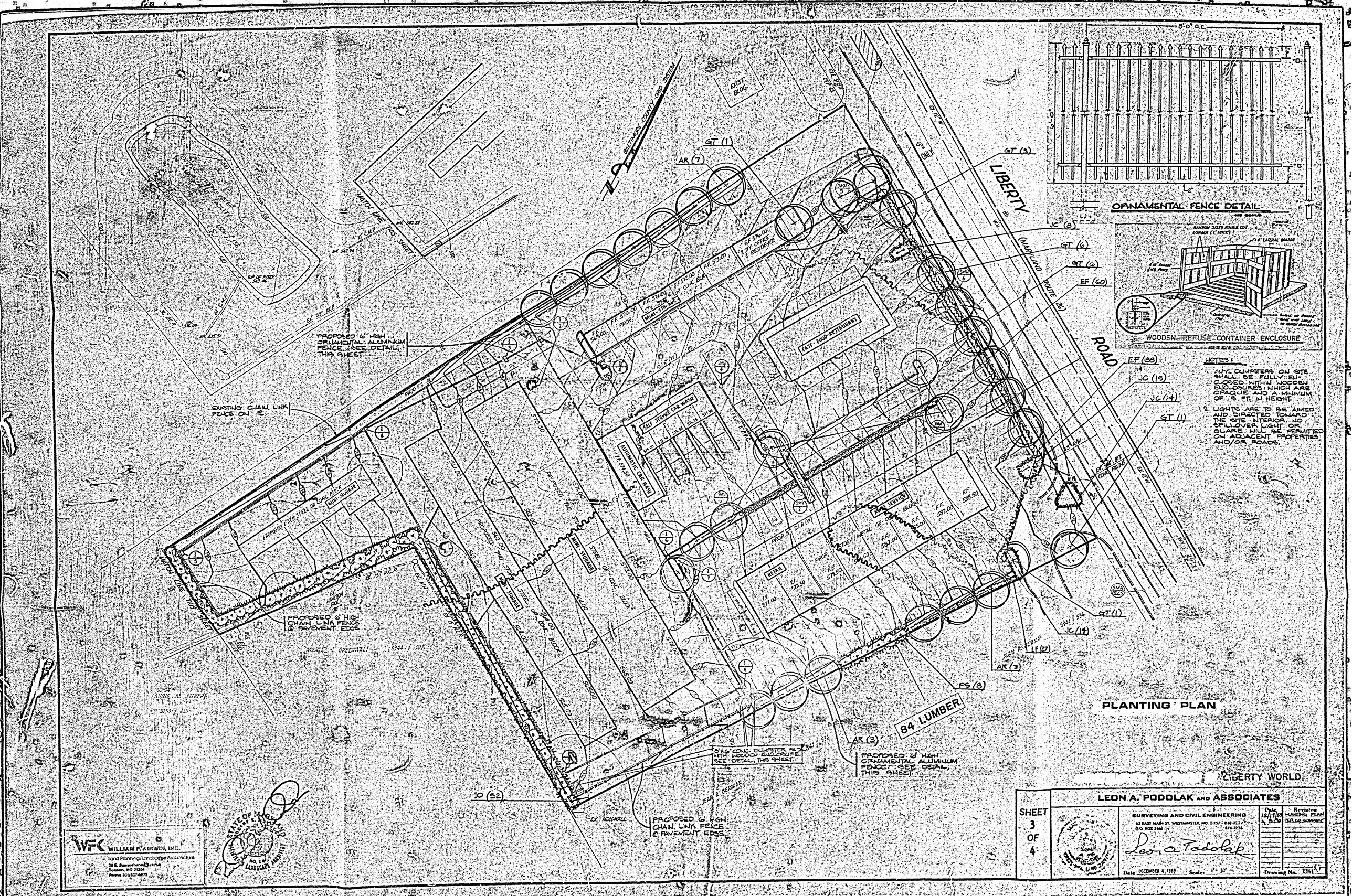
PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1	$123.39
	TOTAL:	$123.39

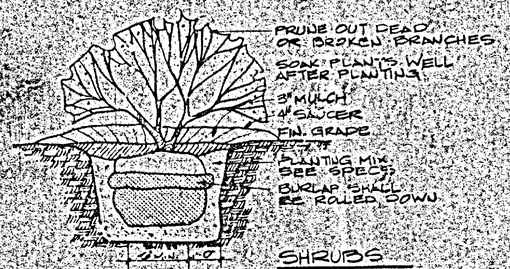
LAST NAME OF OWNER: MCCULLOUGH

B B 012*****123391a 3135F

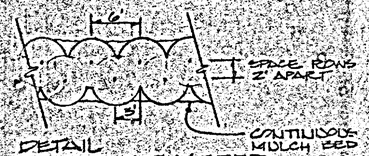
Please make checks payable to: Baltimore County

Cashier Validation:

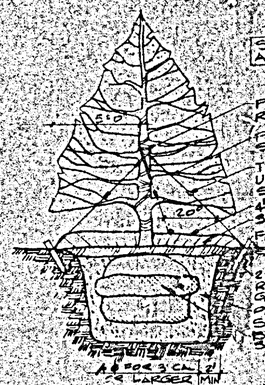

LIBERTY ROAD
(MARYLAND ROUTE 26)
BALTIMORE COUNTY GRID SYSTEM
MATCH LINE THIS SHEET
PROPOSED 6' HIGH ORNAMENTAL ALUMINUM FENCE. SEE DETAIL THIS SHEET
EXISTING CHAIN LINK FENCE ON TOP
PROPOSED 6' HIGH CHAIN LINK FENCE @ PAVEMENT EDGE
PROPOSED 6' HIGH CHAIN LINK FENCE @ PAVEMENT EDGE
8'x8' CONC. DUMPSTER PAD WITH WOODEN ENCLOSURE. SEE DETAIL THIS SHEET.
PROPOSED 6' HIGH ORNAMENTAL ALUMINUM FENCE. SEE DETAIL THIS SHEET
EAST-FOOD RESTAURANT
SELF SERVICE CAR WASH
AUTOMATIC CAR WASH
MINI-STORAGE
84 LUMBER
ONE STORY OFFICE & RESIDENCE
EXIST. BLDG.
PROPOSED MINI-STORAGE
PROPOSED 2 STORY MINI-STORAGE
PROPOSED 1 STORY MINI-STORAGE
PROPOSED 1 STORY MINI-STORAGE
PROPOSED 1



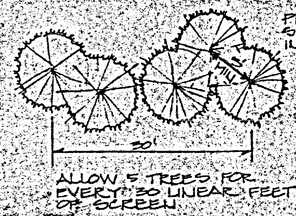
SHRUBS



DETAIL DOUBLE STAGGERED ROW

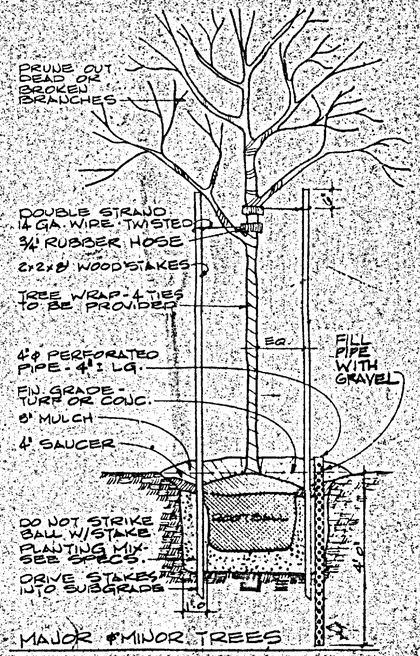


CONIFERS



DETAIL RANDOM SPACING

ALLOW 5 TREES FOR EVERY 30 LINEAR FEET OF SCREEN



MINIMUM PLANTING REQUIREMENTS

Trees

Parking Spaces --- 188 @ 1 tree/12 spaces		9
Interior Road --- 680' @ 1 tree/20'		24
Exterior Road --- 403' @ 1 tree/40'		11
Total major deciduous or equivalent (min. major deciduous)		44

TREES SHOWN

	Major deciduous equivalent
Major deciduous	49
Minor deciduous	4
Evergreen	48
Total major deciduous equivalent	65

CERTIFICATION

I certify that the planting plan shown hereon is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1983, dated May 7, 1985.

Signature of Applicant — Date 10-30-89

RANDY L COHEN
Applicant's Name Printed

PLANTING STANDARDS

All nursery stock shall be planted in accordance with the American Association of Nurserymen, Inc., "American Standards for Nursery Stock," latest edition.

Bare-root shall not be allowed for any tree defined as major deciduous, minor deciduous or evergreen.

PLANTING NOTES

1. Plant locations may be field adjusted to avoid final utility placements.
2. All trees and shrubs shall be mulched to a minimum of 1ft beyond the edge of the root ball.
3. All shrub masses shall be planted in continuous mulch beds.
4. All wire and non-biodegradable plastic ball ties shall be removed.

LANDSCAPE SPECIFICATIONS

Landscape specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area." A one-year maintenance and warranty period shall be required.

IMPORTANT NOTE

Note that plant types, (deciduous trees, evergreens, etc.), quantities, spacing, locations and species shown on the approved landscape plan are based on requirements stated in the Baltimore County Landscape Manual. Any changes to these items may affect the required approval and certification of the installed planting.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
SIGNATURE AND CERTIFICATION BLOCK

I CERTIFY that this Final Landscape Plan meets all requirements of (check where applicable):

- [ ] Baltimore County ____ Zoning Regulations
- [ ] Petition or Waiver No. ____
- [ ] Special Exception/Zoning/Variance No. ____
- [ ] Rezoning, Non-vested Site Plan No. ____

Within 1 year of receipt of a Use and Occupancy the County will be notified through a Certificate of Compliance that all required landscaping has been installed in accordance with the approved Landscape Plan.

Owner: RANDY L COHEN — Address: 151 LIBERTY ROAD, RANDALLSTOWN, MD 21133 — Phone: 301-655-8000
Signature: ____
Landscape Architect: WILLIAM F KIRWIN — Address: 28 EAST SUSQUEHANNA AVENUE, TOWSON, MD 21204 — Phone: 301-337-0075
Signature: ____

Reviewed and Approved

Supervisor's Signature: ____
County Landscape Planner: ____
Date: ____ Signature: ____

EIGHTY-SIX, TYPICAL

PLANT LIST

KEY	QUAN	BOTANICAL NAME/COMMON NAME	SIZE/COND.	SPACING
Deciduous Trees				
AR	13	Acer rubrum 'October Glory'	2½" - 3" Cal.	30 ft. o.c.
		October Glory Brand Red Maple B&B		
GT	15	Gleditsia triacanthos inermis 'Shademaster'	2-2 1/2 in. Cal.	30 ft. o.c.
		Shademaster Brand Thornless Honeylocust	B&B	
NS	0	Malus 'Snowcloud'	1 1/2-2 in. Cal.	15 ft. o.c.
		Snowcloud Crabapple	B&B	
Evergreen Trees				
IO	60	Ilex opaca	5-6 ft.	8 ft. o.c.
		Male and Female American Holly	B&B	
PS	8	Pinus strobus	5-6 ft.	8 ft. o.c.
		White Pine	B&B	
Shrubs				
EF	48	Euonymus fortunei sarcoxie	18-24 in.	3 ft. o.c.
		Bigleaf Wintercreeper		
IC	8	Ilex cornuta 'Rotunda'	24-30 in.	6 ft. o.c.
		Dwarf Chinese Holly	B&B	
JC	51	Juniperus chinensis sargenti	15-18 in. #2 Cont.	4 ft. o.c.
		Sargents Juniper		
LF	27	Lonicera fragrantissima	2-3 ft.	4 ft. o.c.
		Winter Honeysuckle		

PLANTING PLAN

LIBERTY WORLD

151 LIBERTY ROAD
RANDALLSTOWN, MD 21133

2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

REVISION:
12/17/89 PLANTING PLAN
10-30-90 PER CO. COMMENTS

SHEET 4 OF 4

DWG. NO. 2961

WFK WILLIAM F. KIRWIN, INC.
Land Planning/Landscape Architecture
28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301/337-0075

STATE OF MARYLAND — ROBERT E. MORGAN — REGISTERED LANDSCAPE ARCHITECT

205

NOTE: THE STORM WATER MANAGEMENT POND IS TO BE RESTORED TO THE LINES AND GRADES SHOWN HEREON, IN ORDER TO PROVIDE ADEQUATE STORAGE.

EXISTING STORM WATER MANAGEMENT FACILITY

MATCH LINE TO THIS SHEET

AMENDED PLAT

BALTIMORE COUNTY GRID SYSTEM

PROPOSED SIGNAGE

TYPE 'A' SIGN — CAR WASH

TYPE 'B' SIGN — DRIVE THRU

TYPE 'C' SIGN — DO NOT ENTER ONE WAY

TYPE 'D' SIGN — SELF SERVE BOARD LANE AUTOMATIC LEFT LANE

NOTE: DIRECTIONAL ARROWS MAY VARY DEPENDING ON SIGN LOCATION

PROPOSED CAR WASH INFORMATION

Five Bay Self Service

a. Manufacturer — Ronnie Coy Wash International

b. Make — Ronnie

c. Model — 820

d. Hourly Capacity = 4 cars/hour/day

Automatic Car Wash

a. Manufacturer — Ronnie Coy Wash International

b. Make — Ronnie

c. Model — 110

d. Hourly Capacity = 12-16 cars/hour/day

The Manufacturer/Make/Model information shown hereon is for information purposes only and may be substituted with equivalent equipment.

NOTE 1: Parcel for special exception for a car wash.

NOTE 2: Parcel for special exception to allow living quarters in a commercial zone.

* FOR BEARINGS AND DISTANCES SEE "ZONING PLAN", SHEET 2 OF 4.

SUMMARY OF ZONING VARIANCE REQUESTS

Lot No. 1: A Special Exception for a car wash has been granted in Case No. 89-515-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot No. 2: A Special Exception to permit living quarters in a commercial zone has been granted in Case No. 89-515-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos. 1 & 2: Zoning Variances to permit distances between buildings of twenty-five (25) feet and thirty-five (35) feet in lieu of the required fifty (50) feet; and to permit side setback of the mini-storage at zero (0) feet and construction 10ft feet in lieu of the required fifty (50) feet, have been granted, subject to the conditions imposed in Case No. 89-515-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos. 1 & 2: An amendment in Case No. 81-232XA to reposition the mini-storage buildings and to realign the Lot lines for Liberty World is to permit the transfer of land area to the subject property has been granted in Case No. 89-515-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos. 1 & 2: A petition for zoning variances to permit side and rear yard setbacks of zero (0) and seven-(7) feet, respectively, in lieu of the required thirty (30) feet will be filed.

Lot No. 1: Special hearing to approve and confirm an amendment of the car wash special exception granted in Case No. 89-515-SPHXA as shown on the site plan thereto.

NOTE: FOR ZONING LINES, LOCATION AND USES OF ADJACENT PROPERTIES AND METES AND BOUNDS OF VARIANCE PARCELS SEE SHEET 2 OF 4

SOILS TYPES AND LIMITATIONS - (BALTIMORE COUNTY SOIL SURVEY MAP #32)

AREA (ACRES)	SOIL SYMBOL	SOIL TYPE	HYDROLOGIC GROUP	BUILDINGS	STREET AND PARKINGS LOTS
2.85	GcC2	Glenelg loam	B	Moderate: Slopes	Severe: Slopes
0.62	GcD2	Glenelg loam	B	Slight	Moderate: Slopes
0.51	GnB	Glenville Silt Loam	C	Severe: High Water Table	Severe: High Water Table
0.36	ReB	Baile Silt Loam	D	Severe: High Water Table	Severe: High Water Table

RECOMMENDED SEVERE SOIL CONDITION MITIGATIVE MEASURES

SEVERE SLOPES: Proposed mass grading will reduce slopes to nonerodable levels.

SEVERE HIGH WATER TABLE: Any groundwater condition encountered will be intercepted by underdrain system connected to proposed closed storm drain system.

PROPOSED 5'x5' SIGN HEIGHT = 15' DOUBLE FACED & ILLUMINATED 50 SQ.FT. SIGN AREA.

PROPOSED SANITARY CONNECTION

PROPOSED 12"x8" TEE CONNECTION W & W

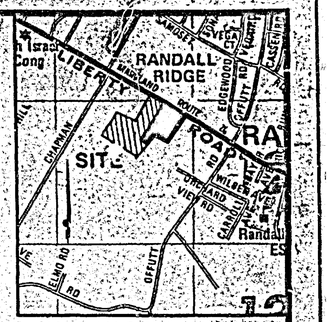
PROPOSED 5'x5' SIGN, HEIGHT = 15' DOUBLE FACED & ILLUMINATED, 50 SQ.FT. SIGN AREA.

PROPOSED USE-IN-COMMON ACCESS & EASEMENT AREA

NOTE: LEASE LINES MAY BE ESTABLISHED AT A LATER DATE

PAVING DETAIL
NOT TO SCALE

SIGN DETAIL
SCALE: 1"=10'



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. Owners: Randy L. Cohen, 7315 Industry Lane, Frederick, Maryland 21701. Deed Reference: Liber E.H.K.Jr. 6985 Folio 65 & Liber E.H.K.Jr. 6986 Folio 558

2. Area Tabulation: Lot #1 - 2.2810 Acres; Lot #2 - 2.2512 Acres; Total Area - 4.5322 Acres

3. Election Districts: 2; Councilmanic: C5; Census Tract: 6065.01; Regional Planning District: 317; Watershed: Gwynns Run 39; Subwatershed: 65

4. Zoning: BM, BR-CNS, BR 5.5

5. Existing use: Vacant. Proposed use: Subdivision of property into two lots:
Lot #1 - Fast Food Restaurant, Auto Sales, and Car Wash
Lot #2 - Mini-Storage

6. Building Areas: Lot #1 - 17460 sq.ft.; Lot #2 - 52400 sq.ft.

7. Floor Area Ratios: Lot #1 - 17460 sq.ft./2.2810 acr. = 0.18; Lot #2 - 52400 sq.ft./2.2512 acr. = 0.53
Maximum permitted floor area ratio = 3.00

8. Parking Space Requirements: Lot #1 - Restaurant: 70 sp./1000 sq.ft. 5600 sq.ft./1000 x 70 = 78 spaces
Auto Service: 3.3 sp./1000 sq.ft. 7300 sq.ft./1000 x 3.3 = 25 spaces
Retail: 5 sp./1000 sq.ft. 3750 sq.ft./1000 x 5 = 44 spaces
Lot #2 - Mini Storage: 1 sp./1000 sq.ft. 52400 sq.ft./1000 x 1 = 52 spaces
Total: 199 spaces
Handicap: 4 spaces
Total: 203 spaces
Historical Zone Transit Credit (25%): -50 spaces
Total: 153 spaces

9. Parking Spaces Provided: Lot #1 - 98 parking spaces 9'x18' (handicapped); 2 parking spaces 12'x18' (handicapped); 100 spaces
Lot #2 - 4 parking spaces 9'x18' (handicapped); 2 parking space 9'x18' (handicapped); 6 spaces
Total - 106 spaces

10. Utilities: Water: Public; Sanitary: Public

11. Storm Water Management: Previously existing pond to receive existing facility located on Lot 2A of Amended Plat of Lots 1 and 2 Albert, Kermisch and Savoy Apts. Inc. Property (Plat Book 34 Folio 13).

12. Estimated ADT:
Lot #1 - Restaurant (3609 sq.ft./1000)x144 = 520; Auto Service: 10 bays x 40 = 400; Retail: 2750 sq.ft. x 0.192 = 528; Car Wash: 2 x 300 = 600
Lot #2 - (52400 sq.ft./1000)x1.0 = 1571
Total Estimated ADT = 3299

13. There are no existing historic buildings on this site.

14. There are no known critical areas, archaeological sites, proposed open spaces, significant geological formations, or hazardous material sites on this property.

15. There are no streams, bodies of water, wetlands or 100 year flood plains on this property.

16. Baltimore County has accepted sanitary easements as deed 6832 f. 568.

17. All parking and unloading spaces shall be paved in accordance with the pavement detail shown & will be permanently marked.

18. Exposed, disturbed and non-disturbed earth surfaces and areas will be covered inside or otherwise on all sides.

19. Standing pavement provided per Bill No. 56-88.

20. Loading spaces provided for single commercial buildings: Lot #1 - 1 space 12'x33'; Lot #2 - 1 space 12'x33'

21. Lease lines may be established at a later date.

22. Signage: Lot #1 - 1 sign 5'x5' = 25 sq.ft.; Lot #2 - 1 sign 5'x5' = 25 sq.ft.

23. Lighting: Lot #1 - 2 lights 25 ft. high; Lot #2 - 2 lights 25 ft. high

24. Trash Pick-up: Private

25. Landscaping: Lot #1 - 1 tree per 25 ft. = 4 trees; Lot #2 - 1 tree per 25 ft. = 4 trees

26. Forest Conservation: Lot #1 - 0.00 acres; Lot #2 - 0.00 acres

27. Water and Sewer Allocation: Lot #1 - 1 EDU; Lot #2 - 1 EDU

28. Traffic Study: Lot #1 - 1 trip per 10 sq.ft. = 560 trips; Lot #2 - 1 trip per 100 sq.ft. = 524 trips

29. Subdivision Name: Liberty World

30. Wetlands: None

31. Floodplain: None

32. Soils: GcC2, GcD2, GnB, ReB

33. Forest Buffer: None

34. Slopes: Steep slopes exist on site.

35. Historic Structures: None

36. Cemeteries: None

37. Scenic Roads: None

38. Agricultural Preservation Easements: None

39. Recreational Facilities: None

40. Adjacent Properties: Lot #1 - Lot 1A of Amended Plat of Lots 1 and 2 Albert, Kermisch and Savoy Apts. Inc. Property (Plat Book 34 Folio 13); Lot #2 - Lot 1A of Amended Plat of Lots 1 and 2 Albert, Kermisch and Savoy Apts. Inc. Property (Plat Book 34 Folio 13).

41. Variances: Lot #1 - Variance to permit a distance between buildings of twenty-five (25) feet in lieu of the required fifty (50) feet; Lot #2 - Variance to permit a distance between buildings of thirty-five (35) feet in lieu of the required fifty (50) feet; Lot #2 - Variance to permit side setback of the mini-storage at zero (0) feet and construction 10ft feet in lieu of the required fifty (50) feet.

42. Special Exception: Lot #1 - Special Exception for a car wash has been granted in Case No. 89-515-SPHXA, dated September 6, 1989, and as amended on October 6, 1989; Lot #2 - Special Exception to permit living quarters in a commercial zone has been granted in Case No. 89-515-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

43. Special Hearing: Lot #1 - Special Hearing to approve and confirm an amendment of the car wash special exception granted in Case No. 89-515-SPHXA as shown on the site plan thereto.

C.R.G. DEVELOPMENT PLAN
OF
LIBERTY WORLD
RESUBDIVISION OF LOT 1A OF AMENDED PLAT OF LOTS 1 and 2 - ALBERT, KERMISCH AND SAVOY EAST APTS. INC. PROPERTY. - FORMERLY RECORDED IN PLAT BOOK E.H.K. JR. 51, FOLIO 1

9131 LIBERTY ROAD, RANDALLSTOWN, MD. 21133 — 2ND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

PETITIONER'S EXHIBIT 1

OWNER: MR. RANDY L. COHEN, 7315 INDUSTRY LANE, FREDERICK, MD. 21701, PHONE: 301-695-8850

205

90-348-SPHA

BENCH MARK - BALTIMORE COUNTY X-9130 ELEV. 570.74 ½" IRON BAR AT NORTH EDGE OF CONCRETE WALK ON SOUTH SIDE OF LIBERTY ROAD. N 74410.01 W 52415.05

TAX ACCOUNT NO. 2000150034 TAX MAP NO. 17 BLOCK NO. 2 PARCEL NO. 133 LOT NO. 1A

SHEET 1 OF 4

LEON A. PODOLAK AND ASSOCIATES

SURVEYING AND CIVIL ENGINEERING
63 EAST MAIN ST. WESTMINSTER, MD 21157 - 848-2220
P.O. BOX 2469 874-7220

Leon A. Podolak

Date OCTOBER 21, 1988 Scale 1" = 30'

Date	Revision
3-16-89	ZONING CHANGE
4-12-89	PARTIAL
5-1-89	ZONING COMMENTS
5-15-89	REVISED LOT LAYOUT
6-12-89	REVISED PER COMMENTS
7-17-89	ADDED 40'x80'
12-11-89	ADDED 50'x80'
	ZONING COMMENTS
	2 & 3
	4

Field Log No. 1256

PROJECT 11-195

NOTE: THE STORM WATER MANAGEMENT POND IS TO BE RESTORED TO THE LINES AND GRADES SHOWN HEREON, IN ORDER TO PROVIDE ADEQUATE STORAGE.

MATCH LINE TO THIS SHEET

EXISTING STORM WATER MANAGEMENT FACILITY 6005 / 576 cu.

TOP OF RISER = 543.8

PROP. RIP-RAP

MATCH LINE TO THIS SHEET

AMENDED PLAT OF LOTS 1 & 2 - ALBERT KERMISCH AND SAVOY EAST APTS. INC. PROPERTY - FORMERLY RECORDED IN PLAT BOOK E.H.K. JR. 51 FOLIO 1

BALTIMORE COUNTY GRID SYSTEM

EX. BLDG

EX. C&G

LIBERTY ROAD (MARYLAND ROUTE 26) (4 LANE WIDE BITUMINOUS CONCRETE PAVEMENT)

ONE WAY

PROPOSED 5'x5' SIGN. HEIGHT = 15' DOUBLE FACED & ILLUMINATED 50 SQ.FT. SIGN AREA.

PROPOSED SANITARY CONNECTION

PROPOSED WATER CONNECTION

PROPOSED 5'x5' SIGN, HEIGHT = 15' DOUBLE FACED & ILLUMINATED, 50 SQ FT. SIGN AREA.

PROPOSED USE-IN-COMMON ACCESS & EASEMENT AREA

NOTE: LEASE LINES MAY BE ESTABLISHED AT A LATER DATE

ALBERT ROAD

PROPOSED 24' WIDE DRIVEWAY

PROPOSED 1 STY. CONCRETE BLOCK MINI-STORAGE

PROPOSED 1 STY. STEEL OR CONCRETE BLOCK MINI-STORAGE

PROPOSED 1 STY. CONC. BLK. (4410 SQ. FT.) SELF SERVICE CAR WASH

PROPOSED 1 STY. CONC. BLK. AUTOMATIC CAR WASH

PROPOSED 1 STY. CONC. BLK. (2400 SQ. FT.) FAST-FOOD RESTAURANT

PROPOSED 1 STY. CONC. BLK. (6400 SQ. FT.) MINI-STORAGE

PROPOSED METAL OR CONC. BLK. (10,000 SQ. FT.) MINI-STORAGE

PROPOSED 1 STY. STEEL OR CONC. BLK. (2500 SQ. FT.) MINI-STORAGE

PROPOSED 1 STY. STEEL OR CONC. BLK. (4400 SQ. FT.) MINI-STORAGE

PROPOSED 1 STY. STEEL OR CONC. BLK. (4400 SQ. FT.) MINI-STORAGE

PROPOSED 1 STY. CONC. BLK. (4410 SQ. FT.) SELF SERVICE CAR WASH

PROPOSED 1 STY. CONC. BLK. (2400 SQ. FT.) FAST-FOOD RESTAURANT

PROPOSED 1 STY. CONC. BLK. (6400 SQ. FT.) MINI-STORAGE

PROPOSED METAL OR CONC. BLK. (10,000 SQ. FT.) MINI-STORAGE

PROPOSED 1 STY. STEEL OR CONC. BLK. (2500 SQ. FT.) MINI-STORAGE

PROPOSED 1 STY. STEEL OR CONC. BLK. (4400 SQ. FT.) MINI-STORAGE

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PROPOSED 1 STY. CONC. BLK. AUTOMATIC CAR WASH

PROPOSED 1 STY. CONC. BLK. (2400 SQ. FT.) FAST-FOOD RESTAURANT

The Petition for Special Exception and Variance #81-223-XA (Item No. 185) dated August 31, 1981, allows for a manager's apartment for security of the proposed mini-warehouse and change of the minimum distance between buildings to 25 feet with the following restrictions:

Restrictions

1. Compliance with the comments submitted by the Maryland Department of Transportation, dated April 27, 1981, the Department of Permits and Licenses, dated April 24, 1981, the Fire Department, dated April 22, 1981, the Department of Health, dated June 4, 1981, unless the petitioners are relieved in writing of such requirements to extend the metropolitan sewer facilities, and the Office of Planning and Zoning, dated June 9, 1981, regarding the site location of the Baltimore County subdivisions regulations.

2. The point of access of the subject site, as well as the remaining land immediately southeast thereof, shall be designed and constructed as a common driveway in order to negate the necessity for another access. All potential purchasers of either of both tracts shall be informed of same by inclusion of such a requirement in any contract of sale or lease.

3. The parking facilities of more than five vehicles, including recreational vehicles, shall be contained within buildings or be subject to the provisions of Section 409.2.c of the Baltimore County Zoning Regulations.

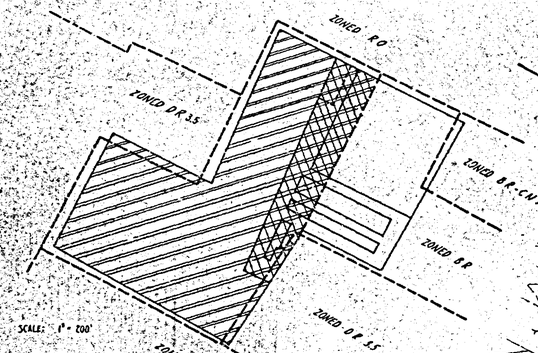
4. Establish a procedure for periodic inspections of the leased storage spaces, including the recreational vehicles, to insure compliance with the terms and provisions of the Lease Agreement (Petitioner's Exhibit 5) and the Rules and Regulations (Petitioner's Exhibit 6).

5. All lighting shall be directed toward the mini-warehouse structures in order to minimize illumination, glare, and intensity beyond the subject site.

6. Retain the natural growth, to the extent possible, along or near the western most property line and plant additional shrubbery and screening as required by the Current Planning and Development Division.

7. The subject site shall be enclosed by a six-foot chain link fence with an electrically controlled gate at the entrance as shown on the Petitioner's Exhibit 2.

8. A revised site plan, incorporating the applicable restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.



INDICATES THE ORIGINAL AREA SUBJECT TO SPECIAL EXCEPTION AND VARIANCE CASE #81-223-A.

INDICATES 1.204AC± AREA OF SPECIAL EXCEPTION AND VARIANCE CASE #81-223-A TO BE DELETED FROM LIBERTY WORLD SITE.

SUMMARY OF VARIANCE #81-223-XA

Total area of Liberty World:	4.5322 Acres
Area of Liberty World in variance:	1.6956 Acres
Total area of Lot #1	2.2810 Acres
Area of Lot #1 in variance	0.4155 Acres
Total area of Lot #2	2.2512 Acres
Area of Lot #2 in variance	1.2801 Acres

SUMMARY OF ZONING VARIANCE REQUESTS

Lot No. 1: A Special Exception for a car wash has been granted in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot No. 2: A Special Exception to permit living quarters in a commercial zone has been granted in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

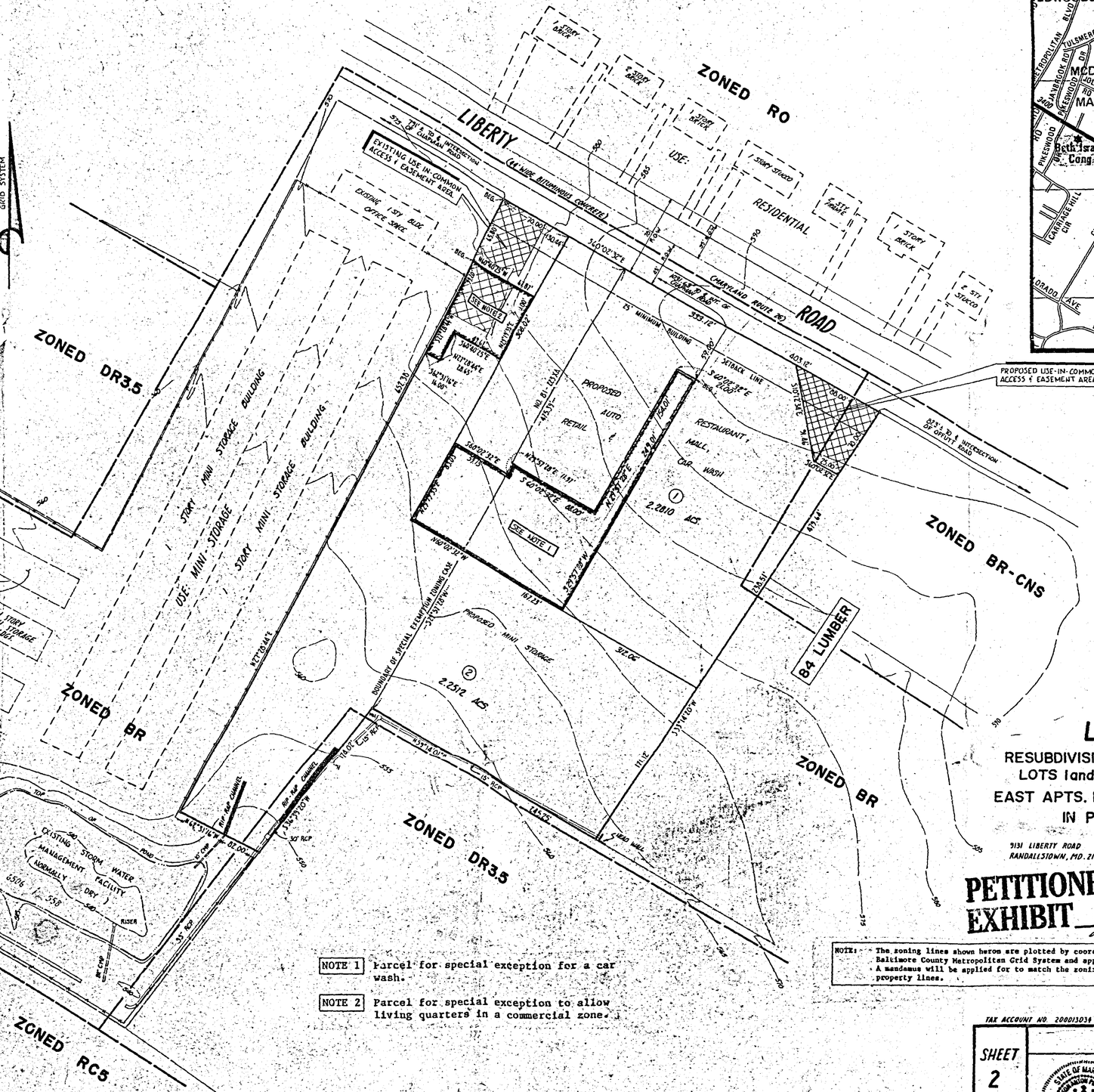
Lot Nos. 1 & 2: Zoning Variances to permit distances between buildings of twenty-five (25) feet and thirty-five (35) feet in lieu of the required sixty (60) feet; and to permit side or rear yard setbacks of zero (0) feet and twenty-nine (29) feet in lieu of the required thirty (30) feet, have been granted, subject to the restrictions set forth in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos. 1 & 2: An amendment to Case No. 81-223XA to reposition the mini-storage buildings and to realign the lot lines for Liberty World and to permit the transfer of land area to the subject property has been granted in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos. 1 & 2: A petition for zoning variances to permit side and rear yard setbacks of zero (0) and three (3) feet, respectively, in lieu of the required thirty (30) feet will be filed.

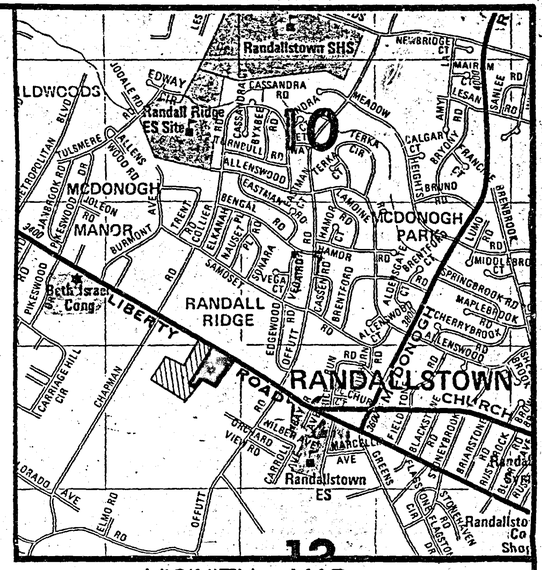
Lot No. 1: Special Hearing to approve and confirm as amendment to the car wash special exception granted in Case No. 89-553-SPHXA as shown on the site plan hereon.

Lot No. 2: A rental truck operation is proposed in connection with the mini-warehouse operations and is hereby requested.



NOTE 1 Parcel for special exception for a car wash.

NOTE 2 Parcel for special exception to allow living quarters in a commercial zone.



VICINITY MAP SCALE: 1" = 1000'

C.R.G. DEVELOPMENT PLAN
OF
LIBERTY WORLD
RESUBDIVISION OF LOT IA OF AMENDED PLAT OF LOTS 1 and 2 - ALBERT KERMISCH AND SAVOY EAST APTS. INC. PROPERTY - FORMERLY RECORDED IN PLAT BOOK E.H.K. JR. 51 FOLIO 1

9131 LIBERTY ROAD
RANDALLSTOWN, MD. 21133

2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

PETITIONER'S EXHIBIT 6 81-223-XA

OWNER
MR. RANDY L. COHEN
7315 INDUSTRIAL LANE
FREDERICK, MD. 21701
PHONE: 301-695-8050

NOTE:
- The zoning lines shown hereon are plotted by coordinates using the Baltimore County Metropolitan Grid System and appear to be shifted.
- A mandamus will be applied for to match the zoning lines with the property lines.

TAX ACCOUNT NO. 2000130349 TAX MAP NO. 77 BLOCK NO. 7 PARCEL NO. 133 LOT NO. 1A

SHEET 2 OF 4

LEON A. PODOLAK AND ASSOCIATES
SURVEYING AND CIVIL ENGINEERING
63 EAST MAIN ST. WESTMINSTER, MD. 21157 - 848-2229
P.O. BOX 2661 876-1226

STATE OF MARYLAND — LEON ANTHONY PODOLAK — REGISTERED PROFESSIONAL LAND SURVEYOR

Leon A Podolak

Date NOVEMBER 13, 1989 Scale: 1"=50'

Date	Revision
1-18-89	ZONING VARIANCE PARCELS
4-12-89	ZONING COMMENTS
10-2-89 (2-19-89)	REVISE SITE LAYOUT ZONING REQ'S. COMMENTS

Drawing No. 2761

The Petition for Special Exception and Variance #81-223-XA (Item No. 185) dated August 31, 1981, allows for a manager's apartment for security of the proposed mini-warehouse and change of the minimum distance between buildings to 25 feet with the following restrictions:

Restrictions

1. Compliance with the comments submitted by the Maryland Department of Transportation, dated April 27, 1981; the Departments of Permits and Licenses, dated April 24, 1981; the Fire Department, dated April 22, 1981; the Department of Health, dated June 4, 1981, unless the petitioners are relieved in writing of the requirements to extend the metropolitan sewer facilities, and the Office of Planning and Zoning, dated June 9, 1981, regarding the application of the Baltimore County subdivisions regulations.

2. The point of access of the mini-storage site, as well as the remaining land immediately southeast thereof, shall be designed and constructed as a common driveway in order to negate the necessity for another access. All potential purchasers of either or both tracts shall be informed of same by inclusion of such a requirement in any contract of sale or lease.

3. The parking facilities of more than five vehicles, including recreational vehicles, shall be contained within buildings or be subject to the provisions of Section 409.2.c of the Baltimore County Zoning Regulations.

4. Establish a procedure for periodic inspection of the leased storage spaces, including the recreational vehicles, to insure compliance with the terms and provisions of the Lease Agreement (Petitioner's Exhibit 5) and the Rules and Regulations (Petitioner's Exhibit 6).

5. All lighting shall be directed toward the mini-warehouse structures in order to minimize illumination, glare, and intensity beyond the subject site.

6. Retain the natural growth, to the extent possible, along or near the westernmost property line and plant additional shrubbery and screening as required by the Current Planning and Development Division.

7. The subject site shall be enclosed by a six-foot chain link fence with an electrically controlled gate at the entrance as shown on the Petitioner's Exhibit 2.

8. A revised site plan, incorporating the applicable restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.

INDICATES THE ORIGINAL AREA SUBJECT TO SPECIAL EXCEPTION AND VARIANCE CASE #81-123-XA.

INDICATES 1.70 ACRE AREA OF SPECIAL EXCEPTION AND VARIANCE CASE #81-123-XA TO BE DELETED FROM LIBERTY WORLD SITE.

SUMMARY OF VARIANCE #81-223-XA

Total area of Liberty World:	3.5322 Acres
Area of Liberty World in variance:	1.6956 Acres
Total area of Lot #1	2.2810 Acres
Area of Lot #1 in variance	0.4155 Acres
Total area of Lot #2	2.2512 Acres
Area of Lot #2 in variance	1.2801 Acres

SUMMARY OF ZONING VARIANCE REQUESTS

Lot No.: 1 A Special Exception for a car wash has been granted in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot No.: 2 A Special Exception to permit living quarters in a commercial zone has been granted in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos.: 1 & 2: Zoning Variances to permit distances between buildings of twenty-five (25) feet and thirty-five (35) feet in lieu of the required sixty (60) feet; and to permit side or rear yard setbacks of zero (0) feet and twenty-nine (29) feet in lieu of the required thirty (30) feet, have been granted, subject to the restrictions set forth in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos.: 1 & 2: An Amendment to Case No. 81-223XA to reposition the mini-storage buildings and to realign the lot lines for Liberty World and to permit the transfer of land area to the subject property has been granted in Case No. 89-553-SPHXA, dated September 6, 1989, and as amended on October 6, 1989.

Lot Nos.: 1 & 2: A petition for zoning variances to permit side and rear yard setbacks of zero (0) and three (3) feet, respectively, in lieu of the required thirty (30) feet will be filed.

Lot No.: 1: Special Hearing to approve and confirm an amendment of the car wash special exception granted in Case No. 89-553-SPHXA as shown on the site plan hereon.

NOTE 1 Parcel for special exception for a car wash.

NOTE 2 Parcel for special exception to allow living quarters in a commercial zone.

NOTE: The zoning lines shown hereon are plotted by coordinates using the Baltimore County Metropolitan Grid System and appear to be shifted. A mandamus will be applied for to match the zoning lines with the property lines.

VICINITY MAP SCALE: 1" = 1000'

C.R.G. DEVELOPMENT PLAN
OF
LIBERTY WORLD
RESUBDIVISION OF LOT 1A OF AMENDED PLAT OF LOTS 1 and 2 - ALBERT KERMISCH AND SAVOY EAST APTS. INC. PROPERTY - FORMERLY RECORDED IN PLAT BOOK E.H.K. JR. 51 FOLIO 1

9151 LIBERTY ROAD
RANDALLSTOWN, MD. 21133

2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

PETITIONER'S EXHIBIT 2

OWNER
MR. RANDY L. COHEN
1315 INDUSTRIAL LANE
FREDERICK, MD. 21701
PHONE: 301-695-0850

TAX ACCOUNT NO. 2000015036 | TAX MAP NO. 77 | BLOCK NO. 7 | PARCEL NO. 133 | LOT NO. 1A

SHEET 2 OF 4

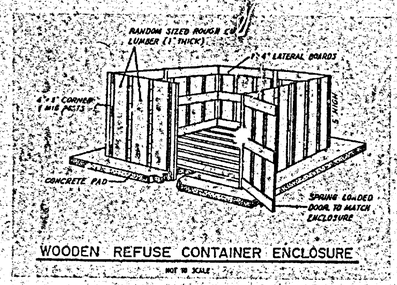
LEON A. PODOLAK AND ASSOCIATES
SURVEYING AND CIVIL ENGINEERING
63 EAST MAIN ST. WESTMINSTER, MD. 21157 - 848-2229
P.O. BOX 2640 - 876-1226

Leon A. Podolak

Date NOVEMBER 15, 1989 Scale 1"=50'

Drawing No. 2961

Revisions	Date
PETITION FOR VARIANCE	1-16-90
SCALE ZONING CORRECTED	6-12-89
ADD'TNL SPEC. EXCEPT. (ZONING MAP CORRECT)	10-2-89
ZONING MAP CORRECTED	8-11-89



WOODEN REFUSE CONTAINER ENCLOSURE

NOT TO SCALE

PLANTING PLAN

PETITIONER'S EXHIBIT 3

LIBERTY WORLD

LEON A. PODOLAK AND ASSOCIATES

SURVEYING AND CIVIL ENGINEERING
63 EAST MAIN ST. WESTMINSTER, MD. 21157 - 848-7229
P.O. BOX 2660 876-1226

Leon A Podolak

Date DECEMBER 4, 1989 Scale 1" = 30'

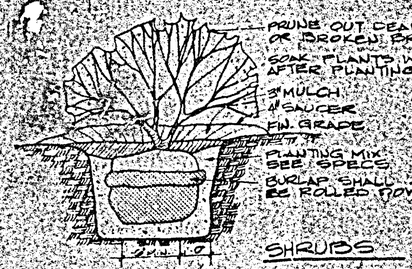
Drawing No.

Date	Revision
12/12/89	PLANTING PLAN

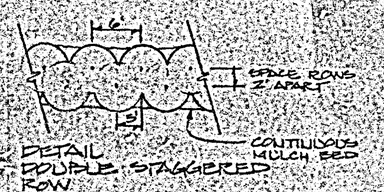
SHEET 3 OF 4

WILLIAM F. KIRWIN, INC.
Land Planning/Landscape Architecture
28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301/337-0075

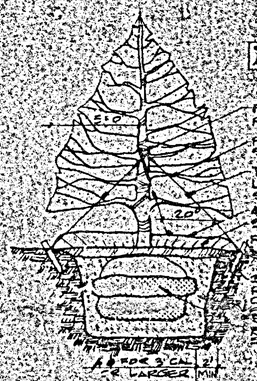
STATE OF MARYLAND
WILLIAM F. KIRWIN
NO. 548
LANDSCAPE ARCHITECT



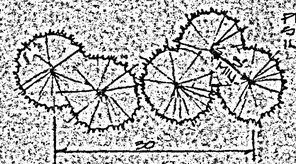
SHRUBS



DETAIL DOUBLE STAGGERED ROW

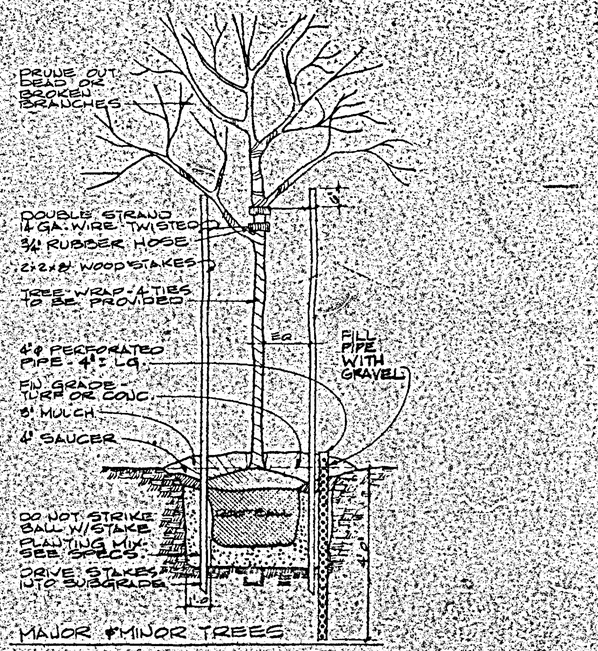


CONIFERS



DETAIL RANDOM SPACING

ALLOW 5 TREES FOR EVERY 30 LINEAR FEET OF SCREEN



MAJOR & MINOR TREES

MINIMUM PLANTING REQUIREMENTS

Trees

Parking spaces	108 @ 1 tree/12 spaces	9
Interior Road	680 @ 1 tree/20'	34
Exterior Road	403 @ 1 tree/30'	14
Total major deciduous or equivalent (min. major deciduous)		43

TREES SHOWN

	Major deciduous equivalent
Major deciduous	83
Minor deciduous	4
Evergreen	66
Total major deciduous equivalent (-------)	93

PLANTING STANDARDS

All nursery stock shall be planted in accordance with the American Association of Nurserymen, Inc.'s "American Standards for Nursery Stock," latest edition. Evergreen shall not be allowed to count as deciduous or major deciduous, and deciduous or evergreen (-------).

PLANTING NOTES

1. Plant locations may be field adjusted to avoid final utility placements.
2. All trees and shrubs shall be mulched to a minimum of 18" beyond the edge of the root ball.
3. All shrub masses shall be planted in continuous mulch beds.
4. All wire and non-biodegradable plastic ball ties shall be removed.

LANDSCAPE SPECIFICATIONS

Landscape specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area," one-year maintenance and warranty period shall be required.

CERTIFICATION

I certify that the planting plan shown hereon is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications entered in the Baltimore County Landscape Manual (1983, Section V-B).

RANDY I. COHEN
Applicant's name printed

Signature of Applicant — Date

IMPORTANT NOTE

Note that plant types (deciduous trees, evergreen, etc.), quantities, spacing, locations, and specifications on the approved landscape plan are based on requirements stated in the Baltimore County Landscape Manual. Any change in these items may affect the required approval and certification of the installed planting.

PLANT LIST

KEY	QUAN	BOTANICAL NAME/COMMON NAME	SIZE/REMARKS	SPACING
Deciduous Trees				
AR 13 ⊕		Acer rubrum 'October Glory' October Glory Brand Red Maple 4½	2-2 1/2 in. Cal.	30 ft. O.C.
GT 19 ✦		Gleditsia triacanthos inermis 'Shademaster' Shademaster Brand Thornless Honeylocust	2-2 1/2 in. Cal.	35 ft. O.C.
MS 0 ✦		Malus 'Snowdrift' Snowdrift Crabapple	B&B	25 ft. O.C.
Evergreen Trees				
I 952 ⊕⊕		Ilex opaca Hale and Female American Holly	5-6 ft. B&B	9 ft. O.C.
P 8 ⊕⊕		Pinus strobus White Pine	5-6 ft. B&B	8 ft. O.C.
Shrubs				
EF 48 ⊕⊕		Euonymus fortunei 'Vegeta' Bigleaf Wintercreeper	18-24 in.	5 ft. O.C.
I 0 ✦		Ilex cornuta 'Rotunda' Dwarf Chinese Holly	24-30 in.	4 ft. O.C.
JC 51 ⊕⊕		Juniperus chinensis sargenti Sargents Juniper	24-30 in.	4 ft. O.C.
LF	22	Lonicera fragrantissima Winter Honeysuckle	#2 can.	4 ft. O.C.

PETITIONER'S EXHIBIT 4

PLANTING PLAN

LIBERTY WORLD

9131 LIBERTY ROAD
RANDALLSTOWN, MD 21133

2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

REVISION:
12/1/83 PLANTING PLAN

SHEET 4 OF 4

DRAWING # 1685

WILLIAM F. KIRWIN, INC.
Land Planning/Landscape Architecture
28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301/337-0075

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
887-3353

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: 90-347-SPH
W/S Rosebank Avenue, 53' S of c/l of Philadelphia, Baltimore & Washington Railroad
7th Councilmanic
15th Election District
Petitioner(s): Charles J. McCullough, et ux
HEARING: TUESDAY, MARCH 13, 1990 at 9:30 a.m.

Special Hearing: To determine that B.C.Z.R. permits more than one residence structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder.

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.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. McCullough
Donald D. Smith
S. Eric DiNenna, Esq.
File

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

February 21, 19 90

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #90-347-SPH - P.O. #0102661 - Req. #M39802 - 90 lines @ $45. was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~successive~~ weeks before the 16th day of February 19 90 ; that is to say, the same was inserted in the issues of Feb. 15, 1990

Kimbel Publication, Inc.
per Publisher.

By K. E. Oake

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. Robert Haines Date February 16, 1990
Zoning Commissioner

FROM Mr. Donald Outen, Bureau Chief

SUBJECT McCullough Property
Zoning Item #202

The above referenced zoning item is a request for a zoning variance to permit more than one residence structure on a commercial site and to determine the nature and limitations of a warehouse and landscaping yard thereunder. A review of the previously approved ERG plans revealed that the request remains consistent with Department of Environmental Protection and Resource Management and is therefore recommended for approval.

Donald Outen, A.I.C.P.
Bureau Water Quality and
Resource Management

DO:LH:sp

cc: Mrs. Janice Outen
Mr. Rocky Powell

RECEIVED
MAR 2 1990
ZONING OFFICE

CPS-00P

---

202 HEALTH DEPT.

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

determine that B.C.Z.R. Section 256.1 permits more than one residence structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder.

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

Legal Owner(s):
Charles J. McCullough
(Type or Print Name)
Signature
Patricia L. McCullough
(Type or Print Name)
Signature

Attorney for Petitioner:
S. Eric DiNenna
(Type or Print Name)
Signature
409 Washington Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 296-6820

2702 Creston Road 285-8858
Address Phone No.
Baltimore, Maryland 21222
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
DONALD D. SMITH
Name
1010 St. Paul St. 685-4900
Address Phone No.
Baltimore, MD. 21202

ORDERED By The Zoning Commissioner of Baltimore County, this ____ day of ____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that 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 ____ day of ____, 19____, at ____ o'clock ____M.

Hearing Filed On 12/18/89 By JRH
Engineering Dog
1/2 Mile
E.C.O.—No. 1

Zoning Commissioner of Baltimore County.

(over)

Part in Critical Area NR Per Smith
Advised & contact DEPRM for requirements.

Water Quality

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: January 12, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Chesapeake Bay Critical Area Findings
Petition for Special Hearing - Item 202
McCullough Property

RECEIVED
JAN 25 1990
ZONING OFFICE

SITE LOCATION

The subject property is located along I-695 and Rosebank Avenue. Approximately 1.29 acres of the 4.4 acre parcel is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

APPLICANT Charles and Patricia McCullough
2702 Creston Road
Baltimore, Maryland 21222

PROPOSAL

The applicant proposes to construct a warehouse, two private caretaker residences and a garage outside of the Chesapeake Bay Critical Area. However, approximately 870 square feet or .02 acre of the private access road will be located within the Critical Area. Portions of the existing forest cover also within the Critical Area are proposed to be cleared for the construction of the private access road, water & sewer lines, and during the regrading for the construction of one caretaker residence.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Dennis F. Rasmussen
County Executive

January 26, 1990

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: 90-347-SPH
W/S Rosebank Avenue, 53' S of c/l of Philadelphia, Baltimore & Washington Railroad
7th Councilmanic
15th Election District
Petitioner(s): Charles J. McCullough, et ux
HEARING: TUESDAY, MARCH 13, 1990 at 9:30 a.m.

Special Hearing: To determine that B.C.Z.R. permits more than one residence structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder.

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.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. McCullough
Donald D. Smith
S. Eric DiNenna, Esq.
File

Mr. J. Robert Haines
January 12, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed development plan indicates that the total impervious area is 871 square feet or approximately 2% of the 56,192 square feet portion of the lot located within the Chesapeake Bay Critical Area. The impervious surface shall consist of 871 square feet of private access road paved with bituminous asphalt.

2. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This site is located approximately 800 feet from the tidal water of Back River. This proposed project shall not disturb the 100 foot buffer.

3. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 22-211>.

Finding: The site contains no tidal wetlands, but does contain non-tidal wetlands. The majority of the non-tidal wetlands on this site are located within the Chesapeake Bay Critical Area. The applicant shall not disturb any non-tidal wetlands within the Critical Area boundary.

4. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Sec. 22-212(a)>.

Finding: The proposed development plan indicates that a minimum 25 foot buffer will be maintained around all non-tidal wetlands within the Chesapeake Bay Critical Area , with the exception of the southeastern portion of the site in the vicinity of the access road. In this area, approximately 13 square feet of the proposed access road will infringe on the 25 foot buffer, resulting in a 15 foot buffer.

Mr. J. Robert Haines
January 12, 1990
Page 3

Under Section 22-211 of the Baltimore County Code, street development is allowed in non-tidal wetlands, if the Director of the Department of Environmental Protection and Resource Management finds that the proposed development is not detrimental to the County's wetland management program. The applicant will place the access road as far as possible from the wetland to minimize infringement on the required buffer. To maintain the minimum 25 foot buffer uniformly around the non-tidal wetland would deny the applicant access to the property.

The applicant shall maintain a 25 foot buffer around all non-tidal wetlands except for the portion in the southeastern corner. In this area the proposed access road shall be placed as far as possible from the wetland to minimize infringement on the buffer. The applicant shall also remove all of the trash and debris that has been dumped into the wetland, thereby restoring the wetland to a natural condition and enhancing the habitat and water quality benefits of the wetland. Therefore, this Department has determined that the proposed development is within the spirit and intent of the Chesapeake Bay Critical Area Program.

5.Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

(1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1.1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.

(2) Forest or developed woodland cleared in LDAs shall be replaced in IDAs, LDAs, R.C. 20, or R.C. 50 Zones. Forest or developed woodland removed in the R.C. 20 or R.C. 50 Zones shall be replaced only in R.C. 20 or R.C. 50 Zones.

(3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicants responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu."
<Baltimore County Code, Section 22-217 (c)>.

Finding: According to the January, 1986 Baltimore County Forest and Developed Woodland Aerial photograph the entire property has forest cover. The applicant proposes to clear approximately 2180 square feet or .05 acre of forest cover within the Chesapeake Bay Critical Area. The applicant shall replace this forest cover on an

---

Mr. J. Robert Haines
January 12, 1990
Page 4

equal area basis, for a total of 2,180 square feet of reforestation, in accordance with an approved forest establishment plan and agreement. An approved forest establishment plan and agreement is required prior to any clearing activity within the Chesapeake Bay Critical Area.

CONCLUSION

It is the finding of this Department that this project, with the implementation of the Regulations and the findings listed above, will be in compliance with the Maryland State Criteria and the Baltimore County Code for the Chesapeake Bay Critical Area and therefore is approved.

If you require additional information, please contact Mr. David C. Flowers at 887-3980.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz
Mr. Donald Smith, Lapicki Smith & Associates
Mrs. Janice B. Outen
Mr. David C. Flowers

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 6, 1990

S. Eric DiNenna, Esquire
409 Washington Avenue
Towson, MD 21204

RE: Item No. 202, Case No. 90-347-SPH
Petitioner: Charles J. McCullough, et ux
Petition for Special Hearing

Dear Mr. DiNenna:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Charles J. McCullough
2702 Creston Road
Baltimore, MD 21222

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

10th day of January, 1989.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles J. McCullough

Petitioner's Attorney: S. Eric DiNenna

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

January 12, 1990

Mr. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21404

Re: Baltimore County
McCullough Property
Zoning Meeting of 1-9-90
E/S I-695 (Patapsco
Freeway) at Rosebank Ave.
(Item #202)

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve that Section 256.1 permits more than one residence structure for the family of a caretaker, we find the plan acceptable.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Charles Rose, Acting Chief
Engineering Access Permits
Division

LB:maw

cc: G.W. Stephens Jr. & Assoc., Inc.
Mr. J. Ogle

RECEIVED
JAN 25 1990
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 9, 1990

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

SUBJECT: Charles J. McCullough, Item 202

The Petitioner requests a Special Hearing to determine whether the Baltimore County Zoning Regulations (Section 256.10) permit more than one residence structure for the family of a caretaker; and to determine the nature and limitations of a warehouse and yard for a landscaping contractor thereunder.

In reference to the Petitioner's request, staff offers the following comments:

- This site obtained CRG approval on November 22, 1989, (File No. XV 507). The approved zoning plan should conform to the approved CRG plan and final landscape plan.

- Section 253.1B3 of the Baltimore County Zoning Regulations permits construction/equipment storage yards in the M.L. zone. Since this particular use is permitted in the M.L. zone, it would also be allowed in the M.H. zone. Section 241.1 indicates uses permitted in the M.R. zone are also permitted in the M.H. zone. The Petitioner's proposed use is not restricted under 253.4 because buildings and other structures are to be located more than 100 ft. from any street abutting a residential zone boundary or street right-of-way. Section 256.1 permits living quarters for watchmen, caretakers, and their families employed and living on the premises. Section 241.1 permits warehouses by right.

Based upon the analysis conducted and the information provided, staff recommends the Petitioner's request be granted subject to the following conditions.

- Upon reasonable request, the Petitioner should permit an inspection of the warehouse and other buildings by a representative of the Zoning Enforcement section.

- A note shall be indicated on the plan indicating that no hazardous materials are to be stored on site.

- Current ownership property numbers and deed references must be indicated for Parcel "A" and "B" on the approved plan.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Dennis F. Rasmussen
County Executive

January 11, 1990

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 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210 and 212.

Very truly yours,

Michael S. Flanigan,
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
[illegible]
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JANUARY 11, 1990

Dennis F. Rasmussen
County Executive

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

RE: Property Owner: CHARLES J. MCCULLOUGH

Location: W/S ROSEBANK AVENUE

Item No.: 202 Zoning Agenda: JANUARY 9, 1990

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: [signature] 1-11-90 Noted and Approved [signature]
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/ZEK

JAN 18 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 9, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 198, 199, 200, 201, 202, 203, 204, 207, 208, 210 and 212.

For Items 203, 205, and 206 the County Review Group Comments for each item still apply.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

McCULLOUGH PROPERTY

Plan Refinement (Revised Plan)
Plan Date: 7/17/90
Comments Date: 7/20/90

The revised plan has been reviewed and the Zoning Commissioner has determined that the changes are within the spirit and intent of the Order and plan in zoning case #90-347-SPH. Therefore, this revised plan refinement has zoning C.R.G. approval.

Final zoning approval is subject to the inclusion of (blue) commercial checklist information being provided with building permit applications.

JOHN L. LEWIS
PLANNING & ZONING ASSOCIATE III

JLL:scj

cc: Frank Fisher, Current Planning
Zoning File - #90-347-SPH
Waiver File

ADDITIONAL COMMENTS ON REVISED PLAN:

Plan Received from Public Services: 7/27/90
Comments Date: 7/27/90

As a result of a meeting with the Zoning Commissioner, state on the plan:

The eastern lot #1, Part B, (2.5± acres) shown on this plan may not be utilized to support any use on eastern lot #1, Part A without a special hearing to amend the plan in Zoning Case #90-347-SPH.

JOHN L. LEWIS
Planning & Zoning Associate III

McCULLOUGH PROPERTY

Plan Refinement (Revised Plan)
Plan Date: 7/17/90
Comments Date: 7/20/90

The revised plan has been reviewed and the Zoning Commissioner has determined that the changes are within the spirit and intent of the Order and plan in zoning case #90-347-SPH. Therefore, this revised plan refinement has zoning C.R.G. approval.

Final zoning approval is subject to the inclusion of (blue) commercial checklist information being provided with building permit applications.

JOHN L. LEWIS
PLANNING & ZONING ASSOCIATE III

JLL:scj

cc: Frank Fisher, Current Planning
Zoning File - #90-347-SPH
Waiver File

PLAN REFINEMENT COMMENTS
McCULLOUGH PROPERTY

Plan Date: 5/3/90
Comments for 5/28/90
Comment Date: 5/14/90

1. Reference the 3 lot subdivision and recording numbers in the title block and include lot #1, parcel "B" in the title block.

2. Add title to warehouse/office; use this complete note: "LOT #1, PARCEL "A" AND "B", AND LOT #2". "WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN CANNOT BE INCREASED OR DECREASED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 256.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 256, 257, 258, 409, 413 AND THE ZONING POLICY MANUAL."

3. Amended lot #1, parcel "A" -- Zoning hearing #90-347-SPH (4.358 acres), sheet #2 of 3 detail represents an amendment to the Petitioner's Exhibit #1 in the zoning case and all changes must be red-lined on the approved hearing plan and submitted to the Zoning Commissioner for review and a determination of whether or not the revisions are within the spirit and intent of the original plan. A cover letter itemizing the changes should accompany the request. Also, the revised plan should clearly indicate and define any outside storage area for landscape contractor's materials, equipment or storage so as not to conflict with Section 256.5 and the zoning Order within the 150 ft. use and increased setback restriction area. Show the warehouse front orientation.

4. 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 and finally, the inclusion of the Final Development Plan checklist information being included on the building permit site plans.

JOHN L. LEWIS
PLANNING & ZONING ASSOCIATE III

JLL:scj

cc: Frank Fisher, Current Planning
John Sullivan, Zoning Office
Waiver File

JRH - NEW HEARING REQUIRED.
SEE NOTE 3.

Lapicki-Smith
ASSOCIATES, P.A.

22 June, 1990

ZONING COMMISSIONER OF BALTIMCRE COUNTY
Room 107
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Mr. J. Robert Haines

Re: Petition for Special Hearing
W/S Rosebank Avenue, 53' S
of c/l of Philadelphia,
Baltimore & Washington R.R.
15th Election District
7th Councilmanic District

Case No. 90-347-SPH

Charles J. McCullough, et ux
Petitioner

RECEIVED
JUN 26 1990
ZONING OFFICE

Mr. Haines,

The above referenced matter was before you for public hearing and resulted in an order dated 14 March, 1990 granting the request to permit two residential houses in an M.H. zone, and granting a finding that a Contractor's Equipment Storage Yard for use as a Landscaping Equipment Storage Yard with associated materials is permitted, as more particularly described on Petitioner's Exhibit 1, and subject to certain restriction enumerated therein.

Subsequent to your granting of these requests, it has been necesary to refine our site plan, Exhibit 1, to satisfy requirements of the CRG for the remainig property, not included in Exhibit 1. Accordingly the following refinements are proposed:

o A 2.50 Acre tract, hereinafter identified as Lot 1 Part B, will be incorporated. As shown on the attached composite Exhibit 1 refined 10 May, 1990, the aggregate site is now 6.858 Acres. The additional 2.50 Acres is largely wetlands, and will be left undeveloped, except as an exterior storage space of landscaping plants and materials as shown on the attached Refinement Exhibit.

o The proposed warehouse building has been rotated 180 degrees, as indicated on the attached Refinement Exhibit.

1010 ST. PAUL STREET • BALTIMORE, MARYLAND 21202 • 301-685-4900

LAND USE AS SHOWN ON THE REFINEMENT PLAN!

STORES OK

McCullough East Refinement Plan
22 June, 1990
Page Two

LANDSCAPE AREA BUILDING PARKING NECESSARY WITH 409.11

NOT FOR STORAGE USE PROPOSED

o The parking lot has been reconfigured to accommodate the buildings 180 degree rotation. The parking tabulation is uneffected.

o The landscaping has been relocated to accommodate the building and parking configurations. The landscape manual requirements continue to be satisfied.

As required by your staff, we submit the enclosed copy of our proposed refinements and request that you review same to determine whether the revisions are within the spirit and intent of your determination under the original plan.

Thank you for your prompt attention to this matter. If we can be of any assistance in your review, please do not hesitate to contact this office.

Sincerely Yours,

Donald D. Smith,
President

Enc.
cc: Charles J. McCullough
G.W. Stephens
S. Eric DiNenna

LAPICKI ~ SMITH ASSOCIATES, P.A.

Lapicki-Smith
ASSOCIATES, P.A.

22 June, 1990

ZONING COMMISSIONER OF BALTIMORE COUNTY
Room 107
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Mr. J. Robert Haines

Re: Petition for Special Hearing
W/S Rosebank Avenue, 53' S
of c/l of Philadelphia,
Baltimore & Washington R.R.
15th Election District
7th Councilmanic District

Case No. 90-347-SPH

Charles J. McCullough, et ux
Petitioner

RECEIVED
JUN 26 1990
ZONING OFFICE

Mr. Haines,

The above referenced matter was before you for public hearing and resulted in an order dated 14 March, 1990 granting the request to permit two residential houses in an M.H. zone, and granting a finding that a Contractor's Equipment Storage Yard for use as a Landscaping Equipment Storage Yard with associated materials is permitted, as more particularly described on Petitioner's Exhibit 1, and subject to certain restriction enumerated therein.

Subsequent to your granting of these requests, it has been necesary to refine our site plan, Exhibit 1, to satisfy requirements of the CRG for the remainig property, not included in Exhibit 1. Accordingly the following refinements are proposed:

o A 2.50 Acre tract, hereinafter identified as Lot 1 Part B, will be incorporated. As shown on the attached composite Exhibit 1 refined 10 May, 1990, the aggregate site is now 6.858 Acres. The additional 2.50 Acres is largely wetlands, and will be left undeveloped, except as an exterior storage space of landscaping plants and materials as shown on the attached Refinement Exhibit.

o The proposed warehouse building has been rotated 180 degrees, as indicated on the attached Refinement Exhibit.

1010 ST. PAUL STREET • BALTIMORE, MARYLAND 21202 • 301-685-4900

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 14, 1990

S. Eric DiNenna, Esquire
DiNenna, Mann and Breschi
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Petition for Special Hearing
Charles J. McCullough, et ux, Petitioners
Case #90-347-SPH

Dear Mr. DiNenna:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Peoples Counsel

(SHEET S.E. 1-G)

E36,000 N 41,000 E37,500 E39,000 E40,500 E42,000 S4,000

ML-IM

R.C.50

R.C.2

R.C.50

R.C.50

BACK RIVER

N 889,000

PIERS

S5,000

NORRIS RD.

DR-5.5

EDGEWATER

GLENHURST

PIER

PIERS

PIER

D.R.5.5

MH-IM

ML-CS-1

BR-CS-1

(SHEET S.E. 2-F)

S6,000

PATAPSCO

FREEWAY

ROSEVIEW

ROSEBANK AVE.

CRITICAL AREA

COVE RD.

RO

BR

BR-CSA

BR VULCAN

BL-CS-1

ML-IM

BR

BL

KIMBERLY RD.

POINT

NORTH

WALL ACE

BEDFORD COURT

D.R.3.5

BELTZER ROAD

D.R.3.5

S7,000

BL-CCC

TRAPPE ROAD

PRIVATE ROAD

D.R.10.5

ALT 20

CHARLESMONT

20 D.R. 16

PARKING AREA

ML-IM

MH-IM

BR

PRIMROSE

D.R.5.5

ROSEBANK AVE.

D.R.16

WALFORD

ROAD

BL

BR-IM

D.R.10.5

COLLINGHAM

CHARLESMONT RD.

JAMESFORD RD.

LOCKWOOD RD.

TRAILER COURT

D.R.5.5

CROSS RD.

ROAD

DR-5.5

E35,000 S8,000 E40,500 E42,000

(SHEET S.E. 3-G)

E--NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	NORTH POINT	S.E. 2-G
DATE OF PHOTOGRAPHY JANUARY 1986		

90-347-SPH



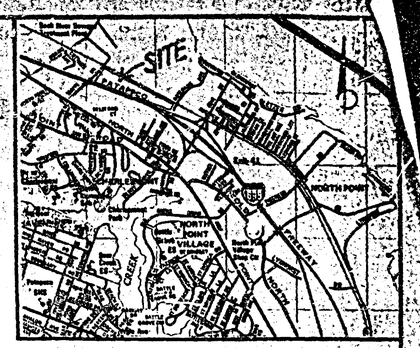
VICINITY MAP 1" = 1000'

GENERAL NOTES (CONTINUED)

26. NO OCCUPANCY PERMIT SHALL BE ISSUED FOR THE WAREHOUSE UNTIL THE TRUCK ACCESS ROAD TO TRAPPE ROAD IS CONSTRUCTED.

27. AVERAGE DAILY TRIPS: (DOT '86)

ROSEBANK		TRAPPE		
(2) RESIDENCES @ 10.5 =	21	5.8 (000's) WAREHOUSE		
1.216 (000's) OFFICE X 14 =	18	X 7 =		39
TOTAL	38	TOTAL		39



VICINITY MAP
SCALE: 1" = 2000'

NOTE: WHEREVER ROSEBANK AVENUE IS NOT CURRENTLY 16'-0" W. OWNER SHALL INSTALL ADDITIONAL PAVEMENT TO BRING ROAD TO 16'-0"

BACK RIVER BRANCH OF THE PHILADELPHIA - BALTIMORE - WISHINGTON RAILROAD

RC-2 | RC-50 | MH-IM | RC-50 | MH-IM

N80°15'27"E 94.03' | S61°17'19"E 361.32' | S61°17'19"E 1499.85' | 1154.23' (1253.71') | POINT OF BEGINNING | S9°00'00"W 53.00'

ROSEBANK AVENUE

LOT 2
PARCEL 'B' ~ 11.6 (11.5) ACRES±

ANY AND ALL WORK ON THIS PARCEL, INCLUDING CONSTRUCTION OF ROAD INDICATED HEREON, SHALL BE SUBJECT TO ANY AND ALL RESTRICTIONS TO BE ESTABLISHED IN SEPERATE C.R.G. SUBMISSION.

LOT 1
PART 'B'
2.50 Ac.

LOT 1
PARCEL 'A'
4.858 AC±

(WEST) (EAST)

N34°01'45"E 105.32' | N14°38'04"E 100.46' | S28°41'41"W 332.54' | 119.30' | S37°39'58"W 73.90' | N69°42'15"W 25.13' | N69°42'15"W 80.58' | N76°25'57"W

L = 279.88' | CHD = N67°58'19"W - 443.81' | R = 5879.58' | L = 443.37' | N65°00'15"W 165.32' | CHD = N67°21'09"W - 303.81' | R = 5649.58' | L = 303.85'

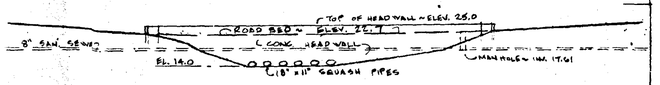
1317.94' | N70°07'56"W

TRAPPE ROAD

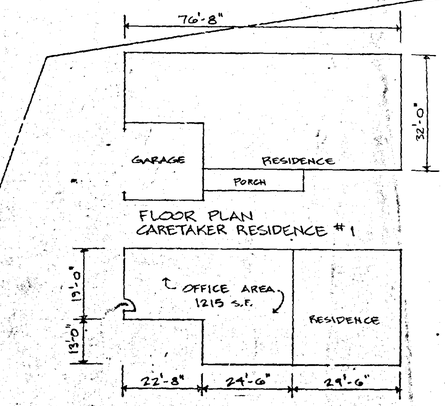
I-695 PATAPSCO FREEWAY

MH-IM / ML-IM

E 57,000 N 66,000 | E 57,000 N 64,500 | E 60,000 N 64,500



ELEVATION OF CULVERT HEADWALL
SCALE: 1" = 20'-0"



FLOOR PLAN
CARETAKER RESIDENCE #1

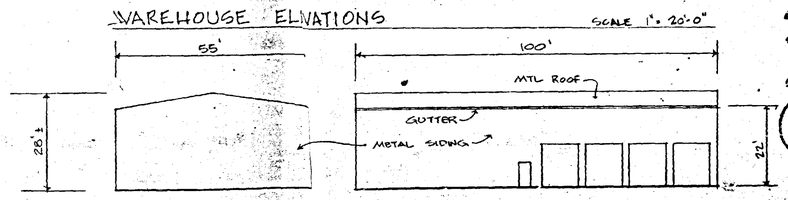
BASEMENT PLAN
CARETAKER RESIDENCE #1
SCALE: 1" = 20'

PARKING REQUIRED

RESIDENCE: 2 SPACES
OFFICE: 1 SPACE FOR EACH EMPLOYEE ON THE MAXIMUM SHIFT IS PROVIDED AT THE WAREHOUSE.

NOTE: THE ONLY OCCUPANTS IN THE OFFICE ARE THE RESIDENTS, AS A PRIVATE OFFICE, NO DELIVERIES, VENDOR, CUSTOMERS, OR PUBLIC IS ALLOWED. THE RESIDENTS ARE COUNTED IN THE EMPLOYEE PARKING CALCULATIONS FOR THE WAREHOUSE.

WAREHOUSE ELEVATIONS SCALE 1" = 20'-0"



SIDE FRONT

STORM WATER MANAGEMENT DATA

LOT 1 PART A

AREA UNDER CONSIDERATION - 3.23 Ac± ; SOIL GROUP "A" & "D"

EXISTING CONDITION:

(i) D.A. "A" = 1.80 Ac±
RCN - 77
EX. 2 YR. FLOW = 2.0 cfs
EX. 10 YR. FLOW = 4.96 cfs

(ii) D.A. "B" = 1.43 Ac±
RCN - 30
EX 2 YR FLOW = 0.
EX 10 YR FLOW = 0

ALLOWABLE RELEASED: 2 YR. STORM = 2.0 cfs
10 YR STORM = 4.96 cfs

PROPOSED CONDITION:

(i) D.A. "A" & "B" = 3.23 Ac±
RCN - 77
PROP 2 YR FLOW = 6.17 cfs.
PROP 10 YR FLOW = 13.76 cfs

STORAGE REQUIRED

2 YR STORM = 5,249 C.F
10 YR STORM = 11,397 C.F
FOR WATER QUALITY = 1/2" RUN OFF x 1.0 AC x 1/2 = 43,560 = 1,809 C.F. (TO BE IMPLITRATED)
STORAGE PROVIDED = 13,000 C.F. (BETWEEN ELEV 16 & 18)

ENVIRONMENTAL MANAGEMENT PRACTICES

1. DEVELOPER SHALL ADHERE TO ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT'S WETLAND GUIDELINES.
2. ALL AREAS, EXCEPT THAT USED FOR BUILDINGS, SIDEWALKS AND PAVED PARKING WILL BE PLANTED WITH VEGETATIVE COVER AND/OR LANDSCAPED AS SOON AS POSSIBLE AFTER FINAL GRADING AND MAINTAINED IN SUCH CONDITION.
3. DIRT AND DEBRIS ACCUMULATING ON PRIVATE ROADS AND PARKING LOTS WILL BE REMOVED ACCORDING TO THE FOLLOWING SCHEDULE:
   MAY THRU OCTOBER - CONCURRENT WITH GRASS MOWING.
   NOVEMBER THRU APRIL - MONTHLY
4. SNOW REMOVAL WILL BE BY MECHANICAL METHODS EXCEPT IN SEVERE SNOW AND ICE CONDITIONS WHEN DE-ICING COMPOUNDS MAY BE USED.
5. APPLICATION OF FERTILIZERS, HERBICIDES AND PESTICIDES WILL NOT EXCEED RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE.
6. FILLING WILL NOT OCCUR IN GRASSED LINED DRAINAGE DITCHES OR SWALES.

90-347-SPH
REVISED PLAN
RCVD 5/26/90
WITH LETTER FROM DONALD SMITH TO J. ROBERT HAINES.
DATED 22 JUNE, 1990.
(ADDITIONAL HEARING REQUIRED)

CIVIL ENGINEER
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

SEAL

ARCHITECT
Lapicki-Smith ASSOCIATES, P.A.
1468 ST. PAUL STREET, SUITE 3A
BALTIMORE, MARYLAND 21202
(301) 685-0700

PETITION FOR A SPECIAL HEARING TO DETERMINE THAT 25.1 PERMITS MORE THAN ONE RESIDENCE FOR THE FAMILY OF A CARETAKER; AND TO DETERMINE THE NATURE AND LIMITATIONS OF A WAREHOUSE AND YARD FOR A LANDSCAPING CONTRACTOR

REVISIONS

15 NOV. 89 • CORRECTED COUNTY GRID, RELOCATED ZONING LINE AT ROSEBANK AND 150' SETBACK, • RELOCATED WAREHOUSE • REVISED 100' RADIUS ON ROSEBANK, • REVISED TITLE & LOT NO. • ADDED NOTE 3 RESIDENCE #1 • ADDED NOTE 4 RESIDENCE #2 GARAGE AND DRIVEWAY, PARKING, FOR PARKING & CARETAKER #1 • ADDED NOTE 26 & 27 • REVISED NOTE 16 FOR 25.1 EXCEPTION

10 OCT. 89 (CRG) • ADDED SWM DATA • VICINITY MAP 1" = 1000' • WAREHOUSE ELEVATION, RESIDENCE #1 FLOOR PLAN W/ PKG CALCS. • ADDED SIGNATURE NOTE • ADDED ENV. MGMT. PRACT.

• ADDED NOTE 25 BANNING ROSEBANK AVENUE, • ADDED CABINET ELEVATION

• REVISED LOCATION OF ROSEBANK • REVISED ZONE TO CONFORM TO NOTE 20, • REVISED CRG & SUBMITTED PLAN • REVISED NOTE 3 WITH ADDED RESTRICTIONS, • ADDED NOTE 28 AND 29

OWNER - APPLICANT
CHARLES J. & PATRICIA L. McCULLOUGH
2703 CRESTON ROAD
BALTIMORE, MARYLAND 21222
(301) 284-9503

PLAN TO ACCOMPANY ZONING PETITION - 2

McCULLOUGH PROPERTY

~~ROSEBANK AVENUE~~
EAST & WEST

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100'
PUBLIC SERVICES C.R.G. NO.: 83078

ELECTION DIST. 15 PRECINCT 7
PLANNING MAP NO. 47

SOIL TYPE	BUILDINGS W/ BASEMENT	BUILDINGS W/O BASEMENT	STREETS & PARKING LOTS	SOILS GROUP
MIB	MODERATE (WATER TABLE)	SLIGHT	MODERATE (WATER TABLE)	C
Cg	TO BE DETERMINED BY SOILS ENGINEER			A
LoB	SEVERE (HIGH WATER TABLE)	SEVERE: WATER	SEVERE (WATER TABLE)	D
LoB	SEVERE (HIGH WATER TABLE)	SEVERE: WATER	SEVERE (WATER TABLE)	D

SOILS BORINGS WILL BE CONDUCTED SO THAT RECOMMENDATIONS CAN BE MADE BY THE SOILS ENGINEER TO MITIGATE ADVERSE EFFECTS WHICH MAY BE ENCOUNTERED DURING CONSTRUCTION.

WETLAND DATA

SYMBOL	ECOLOGICAL SYSTEM	CLASS	SUBCLASS	WATER REGIME	SOIL	NWI	BORINGS
PFO1C	BALL STAND	FORESTED	BROADLEAVED DECIDUOUS	SEASONAL	MIB Cg	Y	1A-16A & 1B-7B

WETLANDS INDICATED HEREON WERE FIELD INSPECTED AND DELINEATED ON A DRAWING DATED 7 MAR 89 AND REPORT DATED 8 MAR 89 PREPARED BY ENVIRENS, INC., 9704 WILLIAMS PARK ROAD, COCKEYSVILLE, MD 21030 (666-1019)

PARKING DATA

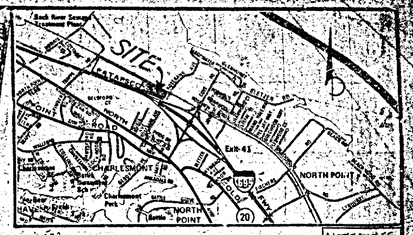
BUILDING	AREA	MAX. NO. EMPLOYEES	PARKING TABULATION	SPACES REQ'D	SPACES PROVIDED	INCLUDES H.C.
WAREHOUSE	5500	14	1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT	14	15	1
CARETAKER RESIDENCE 1	4462	0	2 PER DWELLING UNIT	2	2*	0
CARETAKER RESIDENCE 2	3212	0	2 PER DWELLING UNIT	2	4*	0

TOTAL BUILDING SPACE = 13,174 S.F.
TOTAL SPACES REQUIRED = 18 TOTAL SPACES PROVIDED = 21 (INCLUDES 1 HANDICAPPED SPACE)
*SPACES ARE PROVIDED IN ENCLOSED GARAGE

A.D.T. 3.2 x 14 = 44.8
10 x 2 = 20 } 69

TYPICAL PARKING SPACE - 9' x 18'
HANDICAPPED PARKING SPACE - 13' x 18'

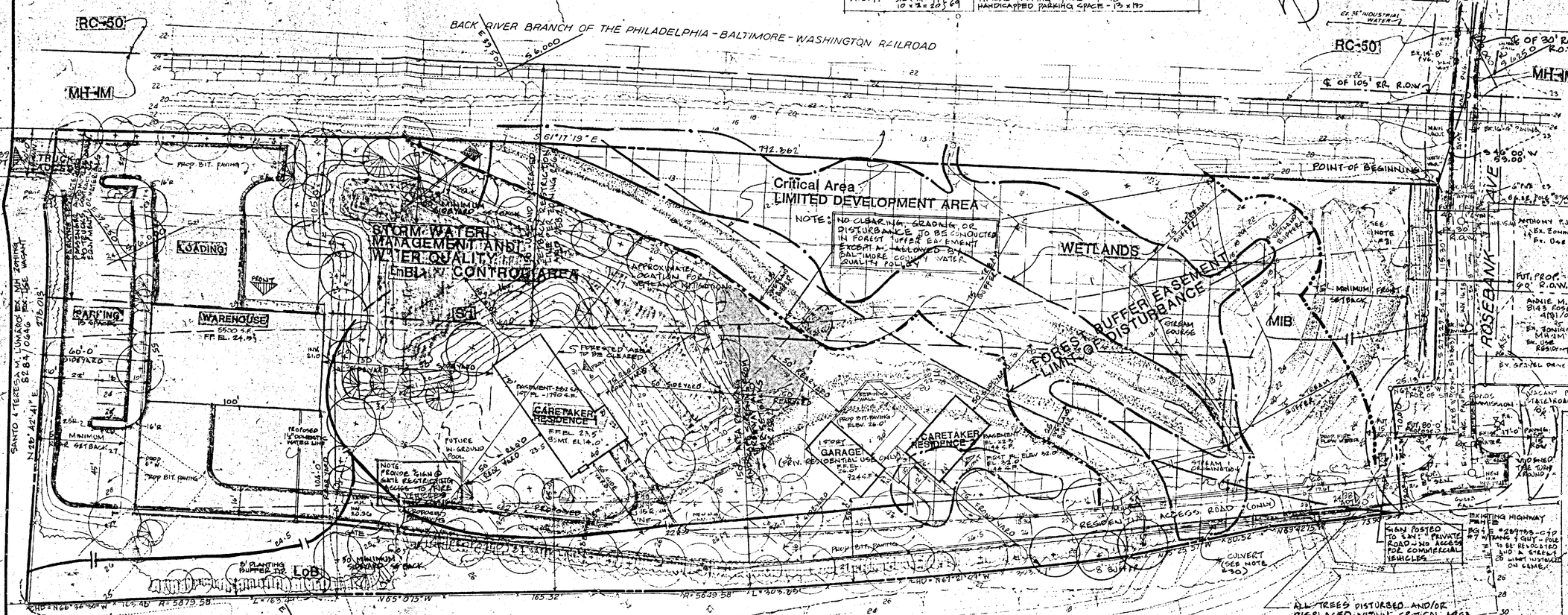
NOTE: RESTRICTIVE COVENANTS GOVERNING THE USE OF THE FOREST BUFFER EASEMENT SHALL BE RECORDED IN THE DEED OF THE LOT.

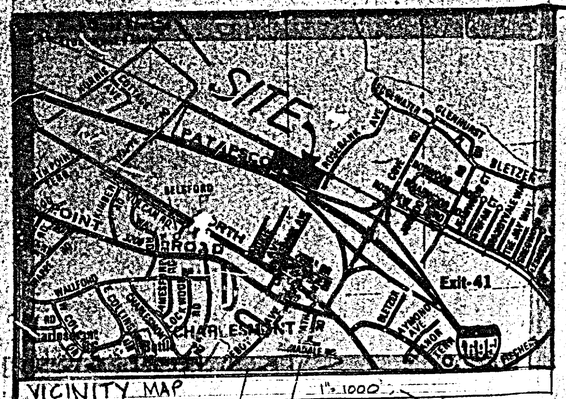


VICINITY MAP

SCALE: 1"=2000'

NOTE: SEE SHEET 2 OF 2 FOR SCALE VICINITY MAP


RC-50
MH-IM
BACK RIVER BRANCH OF THE PHILADELPHIA - BALTIMORE - WASHINGTON RAILROAD
℄ OF 30' ROSEBANK R.O.W.
℄ OF 105' ER. R.O.W.
POINT OF BEGINNING
S 61°17'19" E 792.36'
S 28°00' W 89.00'
Critical Area
LIMITED DEVELOPMENT AREA
NOTE: NO CLEARING, GRADING OR DISTURBANCE TO BE CONDUCTED IN FOREST BUFFER EASEMENT EXCEPT AS ALLOWED BY BALTIMORE COUNTY WATER QUALITY POLICY
STORM WATER MANAGEMENT AND WATER QUALITY CONTROL AREA
WETLANDS
BUFFER EASEMENT
DISTURBANCE
FOREST LIMIT
MIB
ROSEBANK AVE
WAREHOUSE
5500 S.F.
FF EL. 24.0
CARETAKER RESIDENCE
1 STORY GARAGE (PROV. GARAGE FOR RESIDENTIAL USE ONLY)
CARETAKER RESIDENCE
ACCESS ROAD (ONLY)
LOADING
PARKING 15 SPACES
TRUCK TURNING TO SCALE
PROP. BIT. PAVING
FUTURE IN-GROUND POOL
PROPOSED 12" DOMESTIC WATER LINE
8' PLANTING BUFFER TO LoB
SIGN POSTED TO SAY: PRIVATE ROAD NO ACCESS FOR COMMERCIAL VEHICLES
ALL TREES DISTURBED AND/OR DISPLACED WITHIN CRITICAL AREA TO BE REFORESTED ON-SITE OR ON STATE ROAD PROPERTY. A FOREST ESTABLISHMENT PLAN WILL BE PREPARED FOR APPROVAL BY MARYLAND FOREST, PARK, & WILDLIFE SERVICE.
EXISTING HIGHWAY PATTERN
RG 1 ● 289'33"-619' FRANK T GUY - POLE #7 W TO BE RELOCATED
RG 2 ● 289'33"-619' #7 W LIGHT INSTALLED ON SAME
EX. 16" INDUSTRIAL WATER
EX. 8" VCP
EX. 6" PVC
EX. 12" PVC
EX. 8" DIP
EX. 8" VCP
EX. 6" PVC
EX. 8" VCP
EX. 8" DIP
EX. 8" VCP
EX. 8" DIP
EX. 8" VCP
EX. 8" DIP



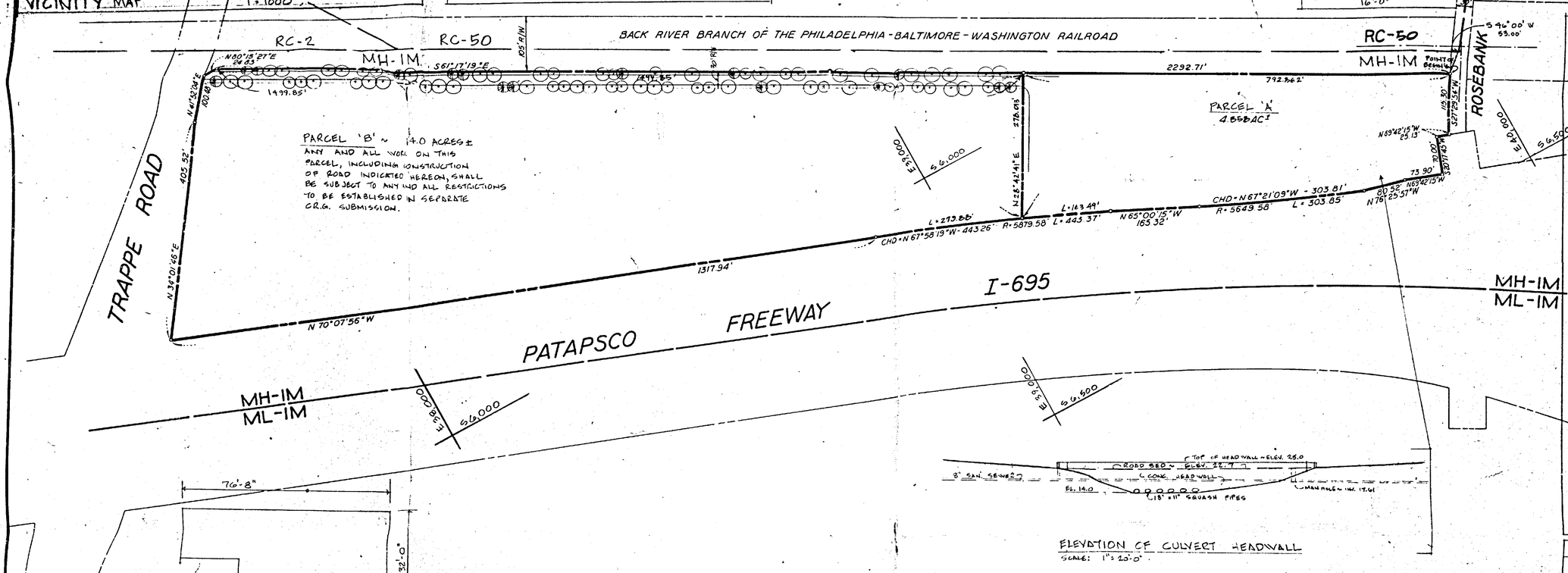
VICINITY MAP 1"=1000'

GENERAL NOTES (CONTINUED)

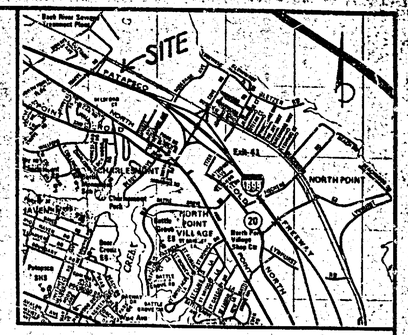
36. NO OCCUPANCY PERMIT SHALL BE ISSUED FOR THE WAREHOUSE UNTIL THE TRUCK ACCESS ROAD TO TRAPPE ROAD IS CONSTRUCTED.

37. AVERAGE DAILY TRIPS: (ADT'S)

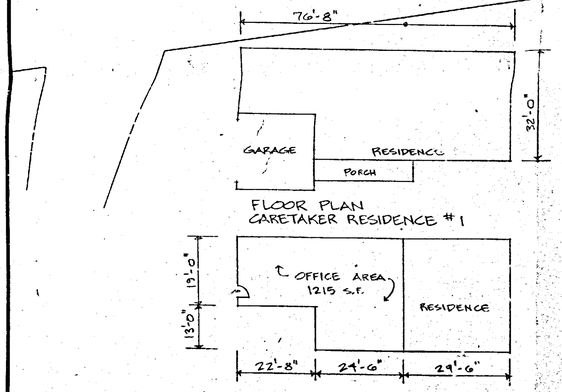
ROSEBANK		TRAPPE	
(2) RESIDENCES @ 10.5 =	21	5.5 (000's) WAREHOUSE x 7 =	39
1.215 (000's) OFFICE x 14 =	13	TOTAL	39
TOTAL	38		



NOTE: WHEREVER ROSEBANK AVENUE IS NOT CURRENTLY 16'-0" W. OWNER SHALL INSTALL ADDITIONAL PAVEMENT TO BRING ROAD TO 16'-0"



VICINITY MAP
SCALE: 1"=2000'



FLOOR PLAN
CARETAKER RESIDENCE #1

BASEMENT PLAN
CARETAKER RESIDENCE #1
SCALE: 1"=20'

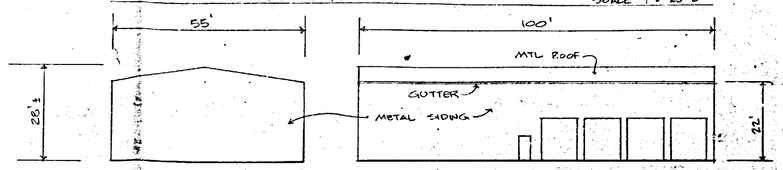
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ELEVATION OF CULVERT HEADWALL
SCALE: 1"=20'-0"

WAREHOUSE ELEVATIONS SCALE 1"=20'-0"



STORM WATER MANAGEMENT DATA

AREA UNDER CONSIDERATION - 3.23 Ac±, SOIL GROUP "A" & "D"

EXISTING CONDITION:

(i) D.A. "A" = 1.80 Ac±
RCN - 77
Ex. 2 YR. FLOW = 2.0 cfs
EX. 10 YR. FLOW = 4.56 cfs

(ii) D.A. "B" = 1.43 Ac±
RCN - 30
EX 2 YR. FLOW = 0.
EX 10 YR FLOW = 0

ALLOWABLE RELEASED: 2 YR. STORM = 2.0 cfs
10 YR STORM = 4.56 cfs

PROPOSED CONDITION:

(i) D.A. "A" & "B" = 3.23 Ac±
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STORAGE PROVIDED = 13,000 C.F. (BETWEEN ELEV 16 & 18)

ENVIRONMENTAL MANAGEMENT PRACTICES

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6. FILLING WILL NOT OCCUR IN GRASSED OR LINED DRAINAGE DITCHES OR SWALES.

CIVIL ENGINEER

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

SEAL — STATE OF MARYLAND — JOHN EYRE MILLER — No. 3019 — REGISTERED PROFESSIONAL ENGINEER

ARCHITECT

Lapicki-Smith ASSOCIATES, P.A.
1610 ST. PAUL STREET, SUITE 2A
BALTIMORE, MARYLAND 21202
(301) 685-4900

PETITION FOR A SPECIAL HEARING TO DETERMINE THAT 25±1 PERMITS MORE THAN ONE RESIDENCE FOR THE FAMILY OF A CARETAKER; AND TO DETERMINE THE NATURE AND LIMITATIONS OF A WAREHOUSE AND YARD FOR A LANDSCAPING CONTRACTOR

REVISIONS

15 NOV. 89 • CORRECTED COUNTY GRID. RELOCATED ZONING LINE AT SETBACKS AND 150' SETBACK.
• RELOCATED WAREHOUSE
• MODIFIED TURN AROUND ON ROSEBANK.
• REVISED NOTES 25 AND 30
• LOWERED ELEV. OF CARETAKE RESIDENCE #1
• ADDED NOTES TO RESIDENCE #2 GARAGE AND DELETED PARKING
• REVISED NOTE FOR PARKING - CARETAKER #1
• ADDED NOTES 35 AND 36
• RELOCATED TREE LIMIT LINE.

8 SEP. 89 • ADDED S.W.M. DATA.
• VICINITY MAP @ 1"=2000', WAREHOUSE ELEVATION, RESIDENCE #1 FLOOR PLAN W/ PKG. CALC.
• ADDED SUBDIVISION NOTE

10 OCT. 89 • ADDED FLY. MAGMT. PRACT.
• ADDED NOTE UNDERNEATH ROSEBANK AVENUE,
(CRG-1) • ADDED CORRECT ELEVATION
• REVISED RELOCATION OF ROSEBANK
• REVISED DRIVE TO CULVERT & REVISED NOTE 30.
• ENLARGED DRIVE AT EXISTING GRADE
• RAISED CARETAKE RESIDENCE NO. 1 & ADDED RETAINING WALLS
• ADDED NOTE 31 W/ CHECKLIST NOS. 6H & 7 THRU 25

OWNER - APPLICANT

CHARLES J. & PATRICIA L. McCULLOUGH
2702 CRESTON ROAD
BALTIMORE, MARYLAND 21222
(301) 284-8858

PLAN TO ACCOMPANY ZONING PETITION - 2 47-107891

15 NOV. 1989

McCULLOUGH PROPERTY
ROSEBANK AVENUE

BALTIMORE COUNTY, MARYLAND — ELECTION DISTRICT NO. 15
SCALE: 1"=100' — 10 FEBRUARY 1989
PUBLIC SERVICES C.R.G. NO.: 89078 — PLANNING NO.: IV-501

P.N. 6180

RANDY L. COHEN SW/s Liberty Road, 791' SE of Chapman Road (9131 Liberty Road) 2nd Election District 2nd Councilmanic District SPH-Amend SE in Case #89-553-SPHXA VAR-Setbacks CBA #90-348-SPHA	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

OPINION AND ORDER

This case represents an appeal from a favorable finding by the Zoning Commissioner granting a special hearing to approve and confirm an amendment of the Car Wash Special Exception granted in Case No. 89-553-SPHXA, as well as variances from Section 238.2 to permit side or rear yard setbacks of 0' in lieu of the required 30' and a front or side yard of 0' and a side yard of 3' from special exception lines in lieu of the required 25' front and 30' side, as more particularly described on a four part exhibit entitled Petitioner's Exhibit 1, being four site plans and planting prepared by Leon A. Podolak and Associates.

This matter was appealed to this Board, by the People's Counsel, there being no other parties protestant, and there being no other parties present at the hearing before the Board held on January 22, 1991.

The Petitioner, Randy L. Cohen appeared by counsel, Newton A. Williams, Esquire, and the People's Counsel, Phyllis Friedman, Esquire appeared as well.

Counsel for the respective parties advised the Board that Mr. Cohen had resolved certain questions with the Baltimore County Planning staff, and that the People's Counsel being satisfied with these resolved issues was agreeable to the granting of the requested relief.

A very brief bit of history is in order. This case was necessitated by the Findings and Fact and Conclusions of Law by the Zoning Commissioner, J. Robert Haines, Esquire in Case No. 89-553-SPHXA, by which the Zoning Commissioner redesigned certain aspects of Mr. Cohen's project known as Liberty World. As shown in Petitioner's Exhibit 1, Mr. Cohen is proposing to construct Liberty World, a multi-use commercial project on BR zoned land on the northwest side of Liberty Road between Offutt Road and Chapman Road in the Randallstown section of Baltimore County. More specifically, Mr. Cohen is proposing a fast food restaurant, a self-service and mechanical car wash, a multi-use auto retail building, with mini-storage units and an on-site living quarters for the mini-storage manager in the rear and along the northwest side of the parcel.

The Petitioner's Exhibit 1, on Sheet 2, divides the property into Lot 1 comprising the fast food, the car wash and the retail automotive uses, with Lot 2 being the remainder of the tract comprising the mini warehouse use.

The Board was advised by counsel and can appreciate from a review of the earlier case, Case No. 89-553-SPHXA, that certain revisions to the earlier granted Special Exceptions for the car

wash are required, again, as shown on Petitioner's Exhibit 1, as well as certain variances necessitated by new special exception lines, and by repositioning of certain uses on the tract.

The Board was further advised by counsel for the Petitioner, that the Petitioner had agreed to, and Petitioner's Exhibit 1 shows the following concessions:

1. The enclosure of the dumpster;

2. The placement of an attractive wrought iron fence between Lot 1 & 2 Lot 2;

3. The extension of screening across the entire rear of the parcel;

4. A note to the effect that all lights will be properly directed and screened away from any adjoining residential properties; and

5. The provision of a walk-thru, that is an access between the fast food parking area across the stacking spaces for the car wash to reach the retail stores. Also, the planting on the site was augmented, again as shown on Sheets 3 and 4 of Petitioner's Exhibit 1, being the planting plan.

During the course of the Board hearing, the People's Counsel advised the Board of her continuing concern that Lot 1 not be further subdivided without further proceedings, in that the parking for the various uses is distributed throughout Lot 1, and is not grouped close to the fast food restaurant or close to the car wash per se. The Board is inclined to agree.

It is clear from the testimony and from the exhibits, that if the requested variances are granted, such variances as proposed would not be contrary to the spirit of the Baltimore County Zoning Regulations, and would not result in substantial detriment to the public good.

After appropriate consideration of the testimony and evidence presented, it is clear that practical difficulty and unreasonable hardships would be imposed on the Petitioners if the variances were not granted. It also appears that the requested modifications to the earlier Special Exception may be granted and that the requirements of Section 502.1 have been met, in that with the various safeguards imposed, the requested relief will not be detrimental to the public health, safety and general welfare of the area involved, and accordingly, the Board is disposed to grant the Petition for Special Hearing.

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

THEREFORE, IT IS ORDERED by the County Board of Appeals for Baltimore County, this 28th day of February, 1991, that a special hearing to approve and confirm an Amendment of the car wash Special Exception granted in Case No. 89-553-SPHXA is hereby granted, in accordance with and subject to the four-part site plan entitled, Petitioner's Exhibit 1, and captioned thereon CRG Development Plan of Liberty World,

Planting Plan, being comprised of four sheets, that a variance from Section 238.2 to permit side or rear yard setback of 0' in lieu of the required 30' and a front or side yard of 0' and and side yard of 3' from Special Exception lines in lieu of the required 25' front and 30'side, again in accordance with the four-part site plan, Petitioner's Exhibit 1, the Podolak plat, is hereby GRANTED, subject however, to the following restrictions, which are conditions precedent to the relief granted herein:

1. The Petitioner is bound by the Leon A. Podolak and Associates, four part, CRG Development Plan and Planting Plan offered as Petitioner's Exhibit 1;

2. The Petitioner shall comply with all restrictions set forth in Zoning Case No.: 89-553-SPHXA as follows:

a) 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.

b) Petitioner shall develop a landscape plan incorporating a vegetative buffer on both ends of the automotive service building, a vegetative island separating the 28 parking spaces abutting Lots 1 and 2, and a vegetative island on both ends of said parking spaces. Said plan shall be submitted to the Office of Current Planning for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval.

c) Petitioner shall reduce the size of the mini-storage building consisting of 3200 sq. ft. located in the southern corner of the subject site and referenced on Petitioner's Exhibit 1 to allow a minimum of 30 feet between said building and the D.R. 3.5 zone. Further, Petitioner shall provide a 10-foot vegetative buffer, the size and shape of which shall be determined by the Baltimore County Landscape Planner, beginning on the extreme southeast corner of the subject site and adjacent to the aforementioned mini-storage building, and running along the southeast boundary line until it abuts the B.R. zone line, as indicated on Petitioner's Exhibit 1.

d) 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.

e) Petitioner shall submit to the Zoning Commissioner's Office by no later than July 1, 1990 a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly indentifies all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required to be a certified site plan.

3. The Petitioner shall not further subdivide Lot 1.

William Hackett, Chairman

C. William Clark

Lynn B. Moreland

6024B/dlp

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE SW/S of Liberty Road, 79 feet SEly of Chapman Road 9131 Liberty Road 2nd Election District 2nd Councilmanic District Randy L. Cohen Petitioner	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 90-348-SPHA

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve and confirm an amendment of the car wash special exception granted in case No. 89-553-SPHXA, and variances from Section 238.2 to permit side or rear yard setback of 0 feet in lieu of the required 30 feet and a front or side yard of 0 feet and a side yard of 3 feet from special exception lines in lieu of the required 25 feet front and 30 feet side, as more particularly described on Petitioner's Exhibit 5.

The Petitioner, Randy L. Cohen, appeared, testified and was represented by Newton A. Williams, Esquire. Appearing on behalf of Peoples Counsel was Phyllis Friedman, Esquire and appearing on behalf of the Office of Current Planning was Chris Rorke. Also appearing on behalf of the Petition was Bernard Willeman, a Land Planner and Zoning Consultant. An unidentified community resident appeared and testified as a Protestant.

This opinion revisits case No. 89-553-SPHXA, in which certain issues arising out of the Petitioner's proposal to construct "Liberty World", a retail/service oriented complex on the subject site were addressed. A great deal of time and effort were expended in arriving at a "workable" layout for this proposed site. The Petitioner is now requesting the incidental variance relief more specifically set forth above and a special hearing to approve

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By M. Rosnick

and confirm an amendment of the car wash special exception granted in case No. 89-553-SPHXA, as indicated on Petitioner's Exhibit No. 5, said exhibit being accepted by the Zoning Commissioner as the final plan to this site. In addition, the Petitioner has also requested permission to park rental trucks on the southern portion of the subject site.

Testimony indicated that the subject property, known as 9131 Liberty Road, consists of 4.5323 acres +/-, zoned B.R.-C.N.S. and D.R.3.5.

Mr. Cohen testified that he plans to operate a truck rental franchise from this site, and that he needs the additional parking to accommodate the number of anticipated rental trucks.

Mr. Bernard Willemain testified that, in his opinion, the new site design presented by the Petitioner distributes the uses on this site in such a fashion as to separate traffic, promoting efficient traffic circulation and ultimately creating a "functionally better" design. He also stated that, in his opinion, the Petitioner would suffer undue hardship and practical difficulty should the requested relief be denied.

Phyllis Friedman, Esquire of Peoples Counsel, voiced objection regarding the proposed truck parking adjacent to the D.R.3.5 zone. She indicated that, in her opinion, the Petitioner has created his own practical difficulty and undue hardship by overdeveloping the subject site.

Ms. Rorke, of Current Planning, indicated that the proposed layout offers little area for landscaping and suggested that Petitioner's Exhibit No. 8 reflected a more desirable design.

Residents of this community voiced objection to the proposed car wash and fast food restaurant, indicating that Liberty Road is already congested with vehicular traffic and that the proposed uses would only further exacerbate this situation.

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