

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: October 9, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *trs*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
90-563-SPHXA	<i>90-563-SPHXA</i>	Arbutus Business Center Realty	1589 Sulphur Spring Road

Attachment: SUBJECT FILE(S) ATTACHED

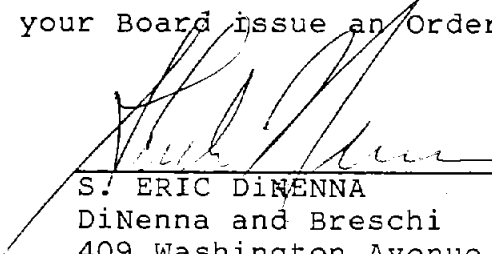
IN RE: PETITIONS FOR	*	BEFORE THE
SPECIAL HEARING,	*	
SPECIAL EXCEPTION	*	COUNTY BOARD OF
AND VARIANCE -	*	
S/S Sulphur Spring	*	APPEALS
Road, 815' SW of	*	
Benson Avenue	*	Case No. 90-563-SPHXA
(1589 Sulphur Spring	*	
Road) 13th Election	*	
District	*	
1st Councilmanic	*	
District	*	
Arbutus Business	*	
Center Realty,	*	
Petitioner	*	

* * * * *

WITHDRAWAL OF PETITION

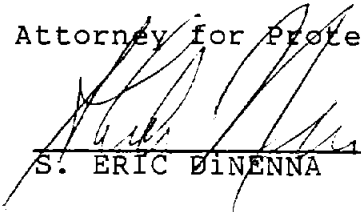
MR. CHAIRMAN:

Your Petitioner, Arbutus Business Center Realty, by S. Eric DiNenna, herewith withdrawals the Petition here and above referenced and requests that your Board issue an Order that said Petition is withdrawn.


 S. ERIC DiNENNA
 DiNenna and Breschi
 409 Washington Avenue
 Suite 600
 Towson, Maryland 21204
 (301) 296-6820
 Attorney for Petitioner

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of June, 1991, a copy of the foregoing Withdrawal of Petition was mailed, postage prepaid, to People's Counsel, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; and, Robert B. Greenwalt, Esquire, Suite 105, 4600 Wilkens Avenue, Baltimore, Maryland 21229, Attorney for Protestants.


 S. ERIC DiNENNA

DINENNA AND BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR. ‡

‡ ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

June 20, 1991

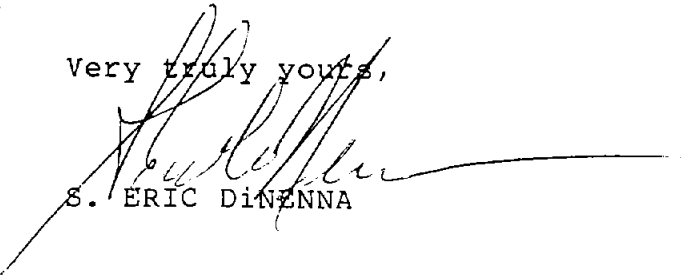
Chairman
County Board of Appeals
for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Arbutus Business Center
Realty, Petitioner
Case No. 90-563-SPHXA

Dear Mr. Chairman:

Enclosed herewith for filing please find Withdrawal of Petition.
Thank you for your cooperation.

Very truly yours,


S. ERIC DINENNA

SED:cjc

Enclosure

cc: People's Counsel
Robert B. Greenwalt, Esq.
Mr. Anthony Julio

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Mr. Ron Barnett
Arbutus Community Assoc.
1619 Sulphur Spring Road
Baltimore, MD 21227

ARBUTUS COMMUNITY ASSOCIATION INC.

TOWNHALL—1349 STEVENS AVENUE
BALTIMORE, MARYLAND 21222
FOUNDED 1922

PROTESTANTS
EXHIBIT 1

August 23, 1990

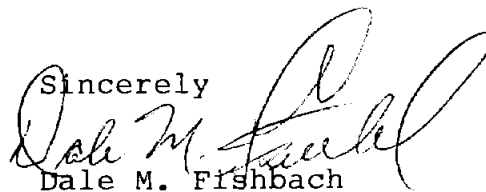
To J. Robert Haines
Zoning Commission Balto County

Subject: Special Exception and Zoning Variance
Case #90-563-SPHXA
Petitioner: Arbutus Business Center

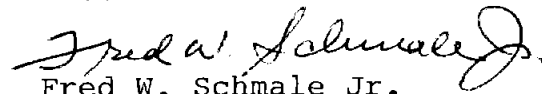
Dear Sir:

As president of the Arbutus Community Association, I would like to inform you that the above zoning case was discussed on Aug 22, 1990 at 8:30 p.m. before the membership present. (51) At that time we discussed a covenant which is enclosed (Liber #5441 page 604-613). Based on our participation in said covenant dated April 11, 1974 and discussion before membership we came to an unanimous decision. We as a Community Association are opposed to any special exception to zoning in the above case #90-563-SPHXA. The membership also elected to have me appoint Mr. Ron Barnett to act as spokesperson for the Arbutus Community Association in this matter.

Sincerely



Dale M. Fishbach
President Arbutus Comm. Assn.



Fred W. Schmale Jr.
Secretary

Enclosure (Copies Liber #5441 page 604-613)

PROTESTANTS
EXHIBIT 1

Wednesday, May 16, 1984

RECEIVED

MAY 23 1984

SULPHUR SPRING EAST BUSINESS PARKDISTRICT 13 C1GEO. WM. STEPHENS, JR.
ASSOCIATES, INC.COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert S. Benson, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Planning

Agency RepresentativesDeveloper and/or Representatives

William J. Tate	- WPR Properties Joint Venture
John Chalk, Jr.	- WPR Properties Joint Venture
J. Strong Smith	- G. W. Stephens, Jr. & Assocs., Inc.
Jim Matis	- G. W. Stephens, Jr. & Assocs., Inc.
Brian D. Jones	- James Petrica & Assocs.
Ben Bronstein	- Developer's Attorney

*Attachment - Interested Citizens

Mr. Benson began the meeting at 11:00 a.m. He stated that this was a Continued Meeting from March 22, 1984. The two issues to be resolved were: 1) more detailed information and a grading plan with reference to the Lowe property; 2) extend public water to serve the Lowe property and study the possibility of extending public sewer.

Mr. Smith, developer's engineer, presented the plan. The grading plan has been revised as requested and the water main extended to serve the property. Sanitary sewer extension could be revised from private to public and an easement could be granted in order that the property could be served by pumping into the proposed public sewer should their system fail.

Mr. Bober summarized the written comments submitted from Planning, Traffic Engineering, Developers Engineering Division, Zoning, Fire. A copy of these comments was given to the developer and developer's engineer, and also have been made a part of these minutes.

Fire - Fire flow test is required. Three additional fire hydrants shall be added to the entrance driveways. On-site hydrants shall be shifted to the islands in the center of the buildings, away from the loading docks.

Developers Engineering Division - Sanitary sewer extension should be located closer

to Georgetown Road and provide an easement to the Lowe property. Revision to the sanitary sewer to be shown on the plan.

The plan was approved by the Dept. of Public Works and Office of Planning.

The meeting was adjourned at 11:45 a.m.

JSB

LIBER 5441 PAGE 604

AGREEMENT

**POTOMAC'S
EXHIBIT**

THIS AGREEMENT, made and entered into this 11th day of April, 1974, by and between EMORY McGARRIGLE and HELEN McGARRIGLE, his wife, MAURICE F. CAVEY and GRACE B. CAVEY, his wife, HENRY RUTKOWSKI and DOROTHY RUTKOWSKI, his wife, DONALD C. STEVENS and ANN M. STEVENS, his wife, HOWARD EASTON and CLAUDIA E. EASTON, his wife, ROBERT J. REINHOLDS and CAROLINE REINHOLDS, his wife, JOSEPH P. KINSEY and HELEN E. KINSEY, his wife, JAMES M. FRANZ, and MARIE A. FRANZ, his wife, THE ARBUTUS COMMUNITY ASSOCIATION, INC., a body corporate of the State of Maryland, and THE HALETHORPE IMPROVEMENT ASSOCIATION, INC., a body corporate of the State of Maryland, parties of the first part, and WILLIAM G. SCHMELYUN, party of the second part.

WHEREAS, the party of the second part is the owner of all that tract of land designated as "Schmelyun Property" as shown on a plat attached hereto and made a part hereof, as "Exhibit 1", and referred thereon as Parcels 1, 2, 3, and 4; and in addition thereto, is the owner of a tract of land contained in a Deed recorded in Liber 5429, Folio 719, from the State Roads Commission of Maryland to the party of the second part, being a part of Old Sulphur Spring Road, as shown on a plat attached hereto and made a part hereof, as "Exhibit 2", and shown thereon as Parcel No. 5.

WHEREAS, the aforesaid party of the second part is desirous of developing a portion of said tract in an ML context, ((the said portion being referred to on "Exhibit No. 1" as Parcel 1, and also referred to as Section A and Section B together with the areas shown as Potomac Avenue (proposed) of a Plat attached hereto and made a part hereof as "Exhibit No. 3")) which development would require the existing zoning of the said portion of the Schmelyun property to be amended from its present DR 5.5 classification; and

TRANSFER TAX NOT REQUIRED

4-25-74
Walter R. Richardson
Director of Finance

Per:

Muriel J. Neuman
Authorized Signature

**POTOMAC'S
EXHIBIT 2**

WHEREAS, the aforesaid WILLIAM G. SCHMELYUN, has undertaken certain rezoning proceedings in Baltimore County and these proceedings are presently before the Baltimore County Board of Appeals; and

WHEREAS, the parties of the first part are comprised of residents and property owners of the area who are affected by the use of the Schmelyun property and join together here for the purpose of implementing and protecting their property rights and by furthering the proper use and amenity of the area encompassed by and defined as the Schmelyun property, which includes Parcels 1, 2, 3, and 4 as shown on "Exhibit 1", and Parcel 5 as shown on "Exhibit 2" within the overall Baltimore County land use and zoning plans; and

WHEREAS, the said WILLIAM G. SCHMELYUN, owner of said land, desires to have Parcel No. 1 of Exhibit No. 1 reclassified from its DR 5.5 classification to that of an ML classification and that said classification become final and effective; and

WHEREAS, the property owner and parties of the first part desire to place certain restrictions upon the development of the tract; and

WHEREAS, the said WILLIAM G. SCHMELYUN is willing to place such restrictions on the development of the Schmelyun tract provided Parcel No. 1 shown on "Exhibit No. 1." is reclassified ML by the County Board of Appeals and no Appeal is taken within the appeal period whereby said portion of the land becomes finally and effectively zoned ML; and

WHEREAS, in order to have the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect on the four parcels of land shown on said "Exhibit 1" and parcel number five shown on "Exhibit 2", and more particularly described in the body of this Agreement, containing 19.04 acres more or less, hereinbefore referred to, and upon the present and

future owners and occupants thereof, the parties have entered into this Agreement to the end and intent that the party of the second part, his successors, heirs and assigns, will hold, utilize and thereafter convey or foreclose that property subject to the covenants, restrictions and conditions herein contained.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That in consideration of the mutual agreements, covenants, restrictions and conditions herein contained, and the sum of Five Dollars (\$5.00) paid by each party to the other, and for other good and valuable considerations, receipt of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents and to have the same recorded among the Land Records of Baltimore County, and that the covenants, restrictions and conditions shall run with and be binding upon the aforesaid 14.68 acre tract and upon present and all future owners thereof and shall inure to the benefit of each of the parties hereto as respectively, their successors, heirs and assigns, as follows:

THE PARTY OF THE SECOND PART AGREES AS FOLLOWS:

1. That the parcels described as Parcels 2, 3, and 4 on the plat referred to as "Exhibit No. 1", and parcel 5 on the plat referred to as "Exhibit No. 2" of the Schmelyum property, with the metes and bounds calls for parcels 2, 3 and 4 as shown on "Exhibit No. 1" and with the dimensions and calls as shown on "Exhibit No. 2", shall be used for residential purposes only and for no other purpose. That in this connection said land will be developed in accordance with the zoning regulations of the Baltimore County as of the date of the filing of this Deed for DR 5.5 zoning without special exception or variance of any kind, and no commercial uses of any type shall be permitted on these four (4) tracts of land. It is the intention that Parcels 2, 3, 4 and 5 will be developed in conformance with the

residential zoning presently on the north and south sides of Sulphur Spring Road and immediately adjacent to the said property and presently zoned D.R. 5.5. In the event the latter mentioned parcels fronting on the south side and the north side of Sulphur Spring Road are rezoned to some other zone than that presently enjoyed, by persons other than the party of the second part, or members of his family, then the party of the second part is relieved from his obligation to develop Parcels 2, 3, 4, and 5 in the D.R. 5.5 zoning classification, and may be allowed to develop in accordance with the said reclassified property. If, however, the aforementioned parcels fronting on the south side and the north side of Sulphur Spring Road are not rezoned to some other zone other than that presently enjoyed, but, however, the "Snow property" is reclassified, such reclassification of the "Snow property" shall not be used by the party of the second part as a basis for seeking reclassification of parcel 2, 3, 4 and 5 so long as the parcels fronting on the south and north side of Sulphur Spring Road are not reclassified.

As to the remaining tract, referred to as Parcel No. 1 on "Exhibit No. 1", and more particularly described as follows:

"BEGINNING for the same on the southeast side of Waelchili Avenue at a point situate 260 feet more or less, southerly from the intersection of the south side of Sulphur Spring Road and the east side of Waelchili Avenue, thence leaving said place of beginning and running and binding on the south side of Waelchili Avenue the 2 following courses and distances viz: (1) South 56 degrees 23 minutes West 345.22 feet to a point of curve, thence (2) by a curve to the left with a chord bearing South 29 degrees 01 minutes West 116.09 feet to the end of said curve, thence binding along the east side of said Waelchili Avenue the 3 following courses and distances, viz: (3) South 01 degrees 57 minutes

West 30.61 feet, thence (4) North 88 degrees 03 minutes West 3.77 feet and thence (5) South 00 degrees 50 minutes West 182.03 feet, thence binding along the northeast side of said Waelchili Avenue (6) South 48 degrees 18 minutes East 598.22 feet, thence binding in part along the north side of said Waelchili Avenue and continuing the same course, in all, (7) North 39 degrees 30 minutes East 392.60 feet, thence (8) South 49 degrees 52 minutes 30 seconds East 273 feet, more or less to the northwesternmost side of Proposed Interstate 95 Right of Way, thence running and binding along said northwesternmost side of Proposed Interstate 95, the 4 following courses and distances, viz: (9) Northeasterly 255 feet, more or less, thence (10) Northeasterly 284 feet, more or less, thence (11) Northeasterly 107 feet, more or less, and thence (12) Northeasterly 125 feet, more or less, thence binding along the southwesternmost side of Interstate 95 Right of Way the 8 following courses and distances, viz: (13) Northwesternly 315 feet, more or less, thence (14) Northwesternly 48 feet, more or less, thence (15) Northwesternly 95 feet, more or less, thence (16) Northwesternly 100 feet, more or less, thence (17) Northwesternly 107 feet, more or less, thence (18) Northwesternly 88 feet, more or less, thence (19) Northwesternly 190 feet, more or less, and thence (20) Southwesterly 30 feet, more or less, thence leaving the southwesternmost right of way line of Interstate 95 Right of Way and running thence (21) South 44 degrees 00 minutes East 200 feet, more or less, thence (22) South 56 degrees 23 minutes West 407.46 feet and thence (23) North 33 degrees 37 minutes West 180.00 feet to the place of beginning.

Containing 14.45 acres of land, more or less.

Saving and excepting therefrom the Right of Way for proposed realignment of Potomac Street."

this above described land shall be reclassified ML, but can only be developed within the context and intent of Sections 247 through 252 of the existing Zoning Regulations of Baltimore County as apply to a MLR zone (Manufacturing Light, Restricted), with the intent and purpose to permit grouping of high types of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary motorways, so as to minimize the use of residential streets; to fill special local needs of certain types of light industry; to permit planned dispersal of industrial employment centers so as to be conveniently and satisfactorily related to the residential community; and as transitional bands between the residential or institutional areas.

2. Uses Prohibited.

Even though otherwise permitted in an MLR zone the following uses are forever prohibited:

A. Heliport of any kind or nature as well as a helistop airstrip; and the Owners will not utilize the land for any commercial use which requires a special exception or variance, and will develop the land within the context of regular permitted uses of MLR zoning as defined by the Zoning Laws of Baltimore County, on the day and date of execution of this Agreement, without special exception or variance.

3. Set Backs

All buildings placed on Parcel No. 1 as shown on Exhibit No. 1 (also referred to as Parcels No. A and B of Exhibit No. 3) shall be set back a minimum of seventy-five (75) feet from the property lines, with the exception of the property immediately to the rear of the present boundaries of the United States Government Post Office, or the future boundaries of the United States Government Post Office in case said Government facility is to expand in the future, described as the south 56° 23 West 407.46 foot line; and there shall be no set back from this latter line required. In the 75 foot set back area there shall be located no structures of any nature; the land shall be seeded and planted in such a manner as to effectively screen the buildings placed on Parcel No. 1 from view from the surrounding residential properties, however, the party of the second part may apply for such variances from the Zoning Regulations as are necessary in order to comply with the terms of this Agreement.

4. Construction.

The buildings constructed on Parcel No. 1 shall be built basically of block, stone, or brick, with appropriate decorative masonry facing above ground on all areas exposed to view from adjoining properties or highways. The exterior construction may also be of

- 7 -

prefab steel and/or aluminum, or a combination of both, and/or a combination of either, with masonry as previously described. However, all buildings howsoever constructed shall have appropriate decorative facing about ground on all areas exposed to view from adjoining properties or highways. As a guide to an explanation of the aforesaid language, the following presently existing buildings in the Baltimore Metropolitan area are typical of the design and character contemplated by the parties hereto:

- a. Baltimore County Police Headquarters
400 Kenilworth Drive
- b. Marbett, Inc. Building, Meadows Industrial
Park, 6600 Whitestone Road
- c. George Rosen Building, Meadows Industrial Park
6700 Whitestone Road
- d. Duo Fast Building, Meadows Industrial Park
1719 Whitehead Road
- e. Excello Building, Meadows Industrial Park
1760 Whitehead Road
- f. Kodak Building, Security Industrial Park
7115 Ambassador Road
- g. C & P Telephone Building, Security Industrial
Park, Dogwood & Ambassador Roads

And further, the buildings shall not exceed one story in height and the overall height of any building shall be no more than 20 feet.

5. Signs.

Any display signs shall be unobtrusive in nature, affixed to the building, non-illuminated and not designed to attract attention outside of the industrial park.

6. Lighting

Any lights which may be installed on the premises shall be of such types so shielded and so situated that they do not cause glare

- 8 -

offensive to the neighbors, and shall be directed towards the innermost portion of the industrial park.

7. Uses of the Building.

The buildings will be used for MLR light manufacturing restricted uses only, as defined by the Zoning Regulations of Baltimore County; but, in this connection, there shall be no uses of this property which would result in offensive odors emanating from the property; and, further, any noises emanating from said property as a result of the uses of the buildings to be constructed thereon shall not exceed at the property line 80 decibels as measured on a general radio type number 1565B sound level meter using the A scale between hours of 8:00 A.M. and 5:00 P.M.; or 50 decibels measured by a general radio type 1565B sound level meter using the A scale between hours of 5:00 P.M. and 8:00 A.M., but, in any event, it shall not exceed the sound levels as prescribed by the then current State and Federal standards.

8. Storage of the Materials.

All storage of materials shall be within the building and there shall be no storage or trash outside of the buildings, or temporary storage sheds of any kind.

9. The industrial park shall contain no truck terminal of any kind and all loading platforms shall be located towards the interior center of the lots and away from the exterior property lines. There shall be no open storage of vehicles on the property, other than overnight parking of vehicles used by the various businesses occupying the property; nor shall there be any exterior repairing of motor vehicles other than repairing of an emergency nature.

10. A road into the tract from Sulphur Spring Road, as contemplated by the plat filed with the zoning petition (shown thereon as Potomac Avenue-proposed) shall be built, provided approval can be obtained from Baltimore County, its exact route and terminus, however, to be fixed by the County. The party of the second part will

- 9 -

exert all efforts to insure that no secondary exit from this proposed road will enter onto Waelchill Avenue; and, further, will cooperate fully with the parties of the first part in securing from Baltimore County whatever traffic devices or signals that the parties of the first part feel are necessary at the intersection of the proposed Potomac Avenue and Sulphur Spring Road.

11. Open Space.

All open spaces shall be landscaped with grass and planted with trees and shrubbery in the 75 foot setback areas so as to blend harmoniously with the surrounding residential properties.

12. Recording. The recording of this instrument and all of the foregoing covenants, restrictions and conditions and the expenses of the title work and survey in connection therewith shall be at the sole cost and expense of WILLIAM G. SCHMELYUN, without any contribution on the part of the parties of the first part whatsoever.

13. Restrictive Covenants.

The parties of the second part hereby agrees that these covenants, restrictions and conditions shall run with and be binding upon the land and shall inure to the benefit of and shall be jointly and severally enforceable by The Arbutus Community Association, Inc., a body corporate, and The Halethorpe Improvement Association, Inc., a body corporate, their successors and assigns, and the other parties of the first part hereto, their heirs and assigns, the owners of the properties located in the vicinity of said tracts, their heirs, successors and assigns, for a period of twenty-six years from the date of recording hereof. The restrictions set forth in this Agreement may be terminated, altered, or amended, by a subsequent agreement signed by party of the second part, his heirs, successors and assigns, and all of the parties of the first part, their heirs, successors and assigns.

THE PARTIES OF THE FIRST PART AGREE AS FOLLOWS:

1. That an appeal presently filed before the Board of Appeals

for Baltimore County pertaining to Parcel No. 1 on "Exhibit No.1" and also known as parcels numbers A and B on "Exhibit No.2" and more particularly described on page 4 of the within agreement, shall be dismissed with prejudice and the Order of Dismissal signed by all counsel of record for the Appellants in the proceeding now pending will be turned over subsequent to execution of this Agreement and prior to recording thereof.

2. This Agreement contains the entire understanding between the parties and each of the parties hereto warrant that it has carefully read and understands this Agreement and is cognizant of the terms thereof and has had ample time to have it fully explained by counsel of their own choosing of their respective rights and obligations with respect to all matters involved in this Agreement.

3. All the agreements, covenants, restrictions and conditions contained in this instrument shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto, as well as all subordinate and successor mortgagees and all purchasers at foreclosure under any mortgage or deed of trust, and all persons claiming by or through them or any of them, shall run with the land and be binding upon the property hereinbefore described.

4. The failure to enforce any of the covenants, restrictions and conditions herein contained, in any instance, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or conditions in the event of another violation occurring prior or subsequent thereto. Moreover, in the event any one or more of the covenants, restrictions, and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals as of the 11th day of APRIL, 1974.



FLEET SERVICE, INC.

All Types of Truck Repairs & Maintenance

2840 ANNAPOLIS ROAD — BALTIMORE, MD. 21230

CLIENT LIST:

ALLIED ROOFING	AMERICAN LUMBER
ART LITHO COMPANY	SUNNY B. ENTERPRISES
ATLAS CONTAINER CORP.	NABISCO
BOND DISTRIBUTING CO.	HERBERT GREENBAUM & ASSOC.
BRADY PLYWOOD CORP.	W.B. CASSELL CO.
CARSON AND GRAY	ABC SUPPLY
CONRAD PROTZMAN	PRESTIGE MESSENGER
A.E. DAVIES DIST.	WARFIELD ROHR CASKET
MD. INSULATORS	HESS SHOES
MARYLAND NEWS CO.	HERMAN BORN & SONS
M.D. ASSOCIATES	PERFORMANCE BINDERY
R.E. MICHEL CO.	MARYLAND TIRE
SERVICE AMERICA CORP.	MARYLAND STEEL DRUM
DORMAN ELECTRIC	SOUTHWIND REFRIGERATION
SINCLAIR OPERATING	MACKE LAUNDRY DIV.
G.S.A.	RETRO ELECTIC
U.M.B.C. COLLEGE	ABC ROOFERS
WALLACE AND GALE	MANOR HILL FOODS
S.S.A. DIVISION	TRACY LABOR
BETTEN TRUCKS	BRUCE'S HARDWARE
RIVERIA KITCHENS	SILVER EAGLE TRANSPORT
U.S.&D CORP.	TAUBER'S TOWING
HOME AND ROME CORP.	MONUMENTAL HOTEL SUPPLY
BRAVE VENTURE FARM	AQUA COOL
ADELL PLASTICS	FEDERAL EXPRESS
LEE'S ICE CREAM COMPANY	SHOWCASE PRODUCTIONS

**PETITIONER'S
EXHIBIT** 4 A



FLEET SERVICE, INC.

All Types of Truck Repairs & Maintenance

2840 ANNAPOLIS ROAD — BALTIMORE

**PETITIONER'S
EXHIBIT 43**

PERSPECTIVE CLIENTS FOR ARJUTUS LOCAL

THOMASVILLE GALLERIES
1581 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-9587

BONDI METALS
1585 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-1117

OFFICE PRODUCT LIQUIDATORS
1622 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-9640

MARYLAND BEVERAGE
1587 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-5857

BELTWAY GLASS & MIRRORS
1666 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-5766

OAK CREEK SPORTSWEAR
1611 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-7603

CLUB APÉTIT
1589 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-0106

GLIDDEN PAINT
1520 CATON CENTER DRIVE
BALTIMORE, MD 21227
247-4806

EXPRESSWAY OFFICE PRODUCTS
1510 CATON CENTER DRIVE
BALTIMORE, MD 21227
247-6800

PACKAGING MACHINE CO.
1510 CATON CENTER DRIVE
BALTIMORE, MD 21227
646-3725

CHESAPEAKE PACKAGING PRODUCTS
3920 VERO ROAD
BALTIMORE, MD 21227
242-2192

COMPUTER ENGINEERING ASSOC. INC.
3922 VERO ROAD
BALTIMORE, MD 21227
247-5244

BELTWAY PRODUCE
3916 VERO ROAD
BALTIMORE, MD 21227
247-4228

UNITED CEREBRAL PALSY OF CENTRAL
MARYLAND 1660 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-9010

JOHNSON & BLOY
3721 OLD GEORGETOWN ROAD
BALTIMORE, MD 21227
247-8080

MARYLAND MEDICAL LAB
1901 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-9100

MATSUSHITA SERVICE CO.
1638 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-2607

DORRANCE INC.
1571 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
536-0534



FLEET SERVICE, INC.

All Types of Truck Repairs & Maintenance

2840 ANNAPOLIS ROAD — BALTIMORE, MD. 21230

PERSPECTIVE CLIENTS FOR ARBUTUS LOCATION CON'T

SAFETY SUPPLY
1583 SULPHER SPRING ROAD
BALTIMORE, MD 21227

A.G. MAURO
1630 SULPHER SPRING ROAD
BALTIMORE, MD 21227
247-2500

RIEDEL'S
1331 LINDEN AVENUE
BALTIMORE, MD 21227
242-3400

MR. MATTRESS
1772 SULPHER SPRING ROAD
BALTIMORE, MD 21227
247-2020

CHESAPEAKE CERAMIC SUPPLY
4801 BENSON AVENUE
BALTIMORE, MD 21227
247-1270

ARBUTUS REFRIGERATION
1540 CATON CENTER DRIVE
BALTIMORE, MD 21227
242-3100

TOLEDO SCALE CO.
1550 CATON CENTER DRIVE
BALTIMORE, MD 21227
242-5558

PRISM INTEGRATER SANITATION MANAGEMENT
1540 CATON CENTER DRIVE
BALTIMORE, MD 21227
247-7576

WALTER CAMPBELL CO., INC.
1736 SULPHER SPRING ROAD
BALTIMORE, MD 21227
242-5959

AREA INDUSTRIAL PARKS*

1. Beltway Business Community	Washington Blvd.	275,000 - New <u>285,000</u> - Under Const. 560,000
2. Caton Research Center	Vera Ave. & Caton Drive	475,000
3. Arbutus Business Center & Sulphur Spring Business Park	Sulphur Spring Rd.	390,300
4. Merritt Building	Sulphur Spring & Old Georgetown Rd.	80,000 _±
5. Merritt Building	Benson Ave.	80,000 _±
TOTAL:		1,585,300.00

* Represents industrial parks and potential customers within one (1) ^{mile}~~mile~~ or proposed facility. Does not include private companies who own their own buildings.

Note: Parks 1 through 3 all developed within last five (5) years.

**PETITIONER'S
EXHIBIT 5**

S/s Sulphur Spring Rd., 815' SW of Benson Ave.
(1589 Sulphur Spring Rd.)

#90-563-SPHXA ARBUTUS BUSINESS CENTER REALTY

13th District Appealed: 11/19/90

Thursday, May 24, 1984

JUN 4 1984

SULPHUR SPRING WEST
DISTRICT 13 C1

GEO. W. STEPHENS, JR.
ASSOCIATES, INC.

COUNTY REVIEW GROUP - THOSE PRESENT*

Catherine L. Warfield, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Current Planning

Agency Representatives

Developer and/or Representatives

John Smith

- G. W. Stephens, Jr. & Assocs., Inc.
(Engrs.)

*Attachment - Interested Citizens

The meeting was convened at 1:35 p.m. by Mrs. Warfield, Chairman of the County Review Group. Mrs. Warfield explained the purpose of the meeting to those citizens present. The plan was presented by Mr. John Smith from G. W. Stephens, Jr. & Associates, Inc. the developer's engineer.

Mrs. Warfield summarized the written comments submitted from the County staff which are Fire Dept., Planning, Zoning, Health Dept., Traffic Engineering, and Developers Engineering Division. A copy of these comments was given to the developer and his engineer, and have also been made a part of these minutes.

The plan presented at the meeting has been revised to comply with all the staff comments except for the width of lanes between buildings. The Fire Dept. requires 20' lanes; the plan shows 18'. The plan will be revised to conform with Fire Dept. comments prior to approval of a Development Plan.

Citizens concerns were for aesthetics, privacy, storm water management and access to Waelchili Ave. They were satisfied as to the measures to be employed to address the issues.

The plan was approved subject to the revision noted and the meeting was adjourned at 2:20 p.m.

CLW

Thursday, May 24, 1984

RECEIVED

JUN 4 1984

SULPHUR SPRING WEST

DISTRICT 13 C1

CEO. WM. STEPHENS, JR.
ASSOCIATES, INC.

COUNTY REVIEW GROUP - THOSE PRESENT*

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Citizens concerns were for aesthetics, privacy, storm water management and access to Archili Ave. They were satisfied as to the measures to be employed to address the issues.

The plan was approved subject to the revision noted and the meeting was adjourned 2:20 p.m.

CLW

Copy of Plan to be submitted to Fire Dept. for review. The plan was approved subject to the revision noted and the meeting was adjourned 2:20 p.m.

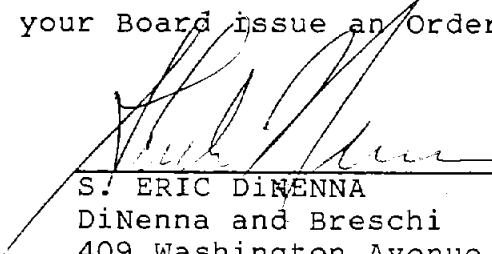
IN RE: PETITIONS FOR	*	BEFORE THE
SPECIAL HEARING,	*	
SPECIAL EXCEPTION	*	COUNTY BOARD OF
AND VARIANCE -	*	
S/S Sulphur Spring	*	APPEALS
Road, 815' SW of	*	
Benson Avenue	*	Case No. 90-563-SPHXA
(1589 Sulphur Spring	*	
Road) 13th Election	*	
District	*	
1st Councilmanic	*	
District	*	
Arbutus Business	*	
Center Realty,	*	
Petitioner	*	

* * * * *

WITHDRAWAL OF PETITION

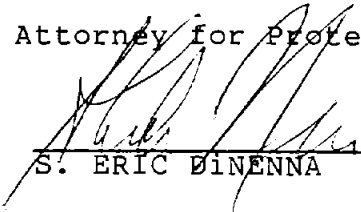
MR. CHAIRMAN:

Your Petitioner, Arbutus Business Center Realty, by S. Eric DiNenna, herewith withdraws the Petition here and above referenced and requests that your Board issue an Order that said Petition is withdrawn.


 S. ERIC DiNENNA
 DiNenna and Breschi
 409 Washington Avenue
 Suite 600
 Towson, Maryland 21204
 (301) 296-6820
 Attorney for Petitioner

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of June, 1991, a copy of the foregoing Withdrawal of Petition was mailed, postage prepaid, to People's Counsel, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; and, Robert B. Greenwalt, Esquire, Suite 105, 4600 Wilkens Avenue, Baltimore, Maryland 21229, Attorney for Protestants.


 S. ERIC DiNENNA

DINENNA AND BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR. ‡

‡ ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

June 20, 1991

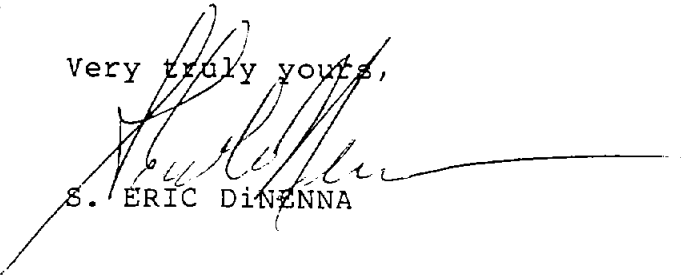
Chairman
County Board of Appeals
for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Arbutus Business Center
Realty, Petitioner
Case No. 90-563-SPHXA

Dear Mr. Chairman:

Enclosed herewith for filing please find Withdrawal of Petition.
Thank you for your cooperation.

Very truly yours,


S. ERIC DINENNA

SED:cjc

Enclosure

cc: People's Counsel
Robert B. Greenwalt, Esq.
Mr. Anthony Julio

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

Agenda Item # 390, Zoning Advisory Committee Meeting of May 29, 1990
Property Owner: Archatus Business Center Realty, Inc.
Location: 1589 Sulphur Spring Road District: 13
Water Supply: metro Sewage Disposal: metro
REQUIREMENTS ARE AS FOLLOWS:

-) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
-) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ☒ A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
-) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
-) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
-) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
-) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ☒ If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
-) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
-) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____.
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ☒ Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator.

M. Martinelli

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-563-SPHXA

District 13.th

Date of Posting December 12-90

Posted for: Appeal

Petitioner: Arbutus Business Center Realty

Location of property: S/S of Sulfur Spring Road, 815' SW
of Benson Avenue

Location of Signs: S.E. side of Walden (WAECHI) Avenue

Remarks: _____

Posted by A. J. Anta
Signature

Date of return: 12-14-90

Number of Signs: 1

APPEAL

Petition for Special Hearing, Special Exception and Variance
S/S Sulphur Spring Road, 815' SW of Benson Avenue
(1589 Sulphur Spring Road)
13th Election District - 1st Councilmanic District
ARBUTUS BUSINESS CENTER REALTY - Petitioner
Case No. 90-563-SPHXA

- ✓ Petitions for Special Hearing, Special Exception and Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

- ✓ Zoning Plans Advisory Committee Comments
- ✓ Director of Planning & Zoning Comments

- Petitioner's Exhibits:
- ✓ 1. Plat to accompany petition
 - ✓ 2. Plat to accompany zoning petition
 - ✓ 3. CRG Plan
 - ✓ 3b. Plan showing SWM and warehouses
 - ✓ 4. & 4B Fleet Service, Inc. Client Lists
 - ✓ 5. List of Area Industrial Parks
- Protestant's Exhibits:
- ✓ 1. Letter of opposition
 - ✓ 2. Agreement between McGarrigle and Schmelyun

- ✓ Deputy Zoning Commissioner's Order dated October 18, 1990 (Granted with restrictions)
- ✓ Notice of Appeal received November 19, 1990 from Ron Barnett - Arbutus Community Association

cc: Anthony Julio - Arbutus Business Center Realty, Inc.
9640 Deereco Road, Timonium, Maryland 21093

S. Eric DiNenna, Esquire - DiNenna, Mann & Breschi
~~409 Washington Avenue, Suite 600, Towson, MD 21204~~

*P.O. Box 10508
Towson
21285-0508*

* Ron Barnett - Arbutus Community Association
1619 Sulphur Spring Road, Baltimore, MD 21227

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

WVV

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

* *Robert B. Greenwalt, Esq.
Suite 105
4600 Wickens Ave.
21229
Counsel for Protestants
536-4370*

Public Services

Case No. 90-563-SPHXA
Arbutus Business Center Realty

6/24/91 -Letter from S. Eric Dinenna filing a Withdrawal of Petition on behalf
of Petitioners.

9/13/91 -T/C w/Robert Greenwalt, Counsel for Protestants/Appellants; he will contact
Mr. R. Barnett, who took appeal, and advise that we need dismissal of
appeal from him before Board can issue Order of Dismissal and ultimately
close this file.

536-370 →

County Board of Appeals of Baltimore County

ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Anthony Julio
Arbutus Business Center Realty, Inc.
9640 Deereco Road
Timonium, MD 21093

County Board of Appeals of Baltimore County
ROOM 315 COUNTY OFFICE BUILDING
TOWSON MARYLAND 21204

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
P.O. Box 10805
Towson, MD 21285-0508

5/17/90
Date

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

Agenda Item # 390, Zoning Advisory Committee Meeting of May 29, 1990
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Location: 1589 Sulphur Spring Road District: 13
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- ☒ A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
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 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
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- ☒ Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator.

M. Martinelli

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Mr. Ron Barnett
Arbutus Community Assoc.
1619 Sulphur Spring Road
Baltimore, MD 21227

Wednesday, May 16, 1984

RECEIVED

MAY 23 1984

SULPHUR SPRING EAST BUSINESS PARKDISTRICT 13 C1GEO. WM. STEPHENS, JR.
ASSOCIATES, INC.COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert S. Benson, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Planning

Agency RepresentativesDeveloper and/or Representatives

William J. Tate	- WPR Properties Joint Venture
John Chalk, Jr.	- WPR Properties Joint Venture
J. Strong Smith	- G. W. Stephens, Jr. & Assocs., Inc.
Jim Matis	- G. W. Stephens, Jr. & Assocs., Inc.
Brian D. Jones	- James Petrica & Assocs.
Ben Bronstein	- Developer's Attorney

*Attachment - Interested Citizens

Mr. Benson began the meeting at 11:00 a.m. He stated that this was a Continued Meeting from March 22, 1984. The two issues to be resolved were: 1) more detailed information and a grading plan with reference to the Lowe property; 2) extend public water to serve the Lowe property and study the possibility of extending public sewer.

Mr. Smith, developer's engineer, presented the plan. The grading plan has been revised as requested and the water main extended to serve the property. Sanitary sewer extension could be revised from private to public and an easement could be granted in order that the property could be served by pumping into the proposed public sewer should their system fail.

Mr. Bober summarized the written comments submitted from Planning, Traffic Engineering, Developers Engineering Division, Zoning, Fire. A copy of these comments was given to the developer and developer's engineer, and also have been made a part of these minutes.

Fire - Fire flow test is required. Three additional fire hydrants shall be added to the entrance driveways. On-site hydrants shall be shifted to the islands in the center of the buildings, away from the loading docks.

Developers Engineering Division - Sanitary sewer extension should be located closer

to Georgetown Road and provide an easement to the Lowe property. Revision to the sanitary sewer to be shown on the plan.

The plan was approved by the Dept. of Public Works and Office of Planning.

The meeting was adjourned at 11:45 a.m.

JSB

ARBUTUS COMMUNITY ASSOCIATION INC.

TOWNHALL—1349 STEVENS AVENUE
BALTIMORE, MARYLAND 21222
FOUNDED 1922

PROTESTANTS
EXHIBIT 1

August 23, 1990

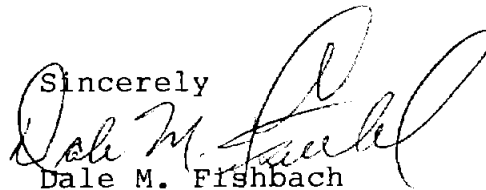
To J. Robert Haines
Zoning Commission Balto County

Subject: Special Exception and Zoning Variance
Case #90-563-SPHXA
Petitioner: Arbutus Business Center

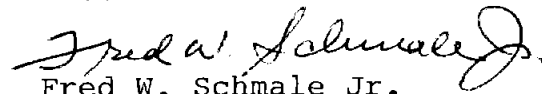
Dear Sir:

As president of the Arbutus Community Association, I would like to inform you that the above zoning case was discussed on Aug 22, 1990 at 8:30 p.m. before the membership present. (51) At that time we discussed a covenant which is enclosed (Liber #5441 page 604-613). Based on our participation in said covenant dated April 11, 1974 and discussion before membership we came to an unanimous decision. We as a Community Association are opposed to any special exception to zoning in the above case #90-563-SPHXA. The membership also elected to have me appoint Mr. Ron Barnett to act as spokesperson for the Arbutus Community Association in this matter.

Sincerely



Dale M. Fishbach
President Arbutus Comm. Assn.



Fred W. Schmale Jr.
Secretary

Enclosure (Copies Liber #5441 page 604-613)

PROTESTANTS
EXHIBIT 1

LIBER 5441 PAGE 604

AGREEMENT

**POTOMAC'S
EXHIBIT**

THIS AGREEMENT, made and entered into this 11th day of April, 1974, by and between EMORY McGARRIGLE and HELEN McGARRIGLE, his wife, MAURICE F. CAVEY and GRACE B. CAVEY, his wife, HENRY RUTKOWSKI and DOROTHY RUTKOWSKI, his wife, DONALD C. STEVENS and ANN M. STEVENS, his wife, HOWARD EASTON and CLAUDIA E. EASTON, his wife, ROBERT J. REINHOLDS and CAROLINE REINHOLDS, his wife, JOSEPH P. KINSEY and HELEN E. KINSEY, his wife, JAMES M. FRANZ, and MARIE A. FRANZ, his wife, THE ARBUTUS COMMUNITY ASSOCIATION, INC., a body corporate of the State of Maryland, and THE HALETHORPE IMPROVEMENT ASSOCIATION, INC., a body corporate of the State of Maryland, parties of the first part, and WILLIAM G. SCHMELYUN, party of the second part.

WHEREAS, the party of the second part is the owner of all that tract of land designated as "Schmelyun Property" as shown on a plat attached hereto and made a part hereof, as "Exhibit 1", and referred thereon as Parcels 1, 2, 3, and 4; and in addition thereto, is the owner of a tract of land contained in a Deed recorded in Liber 5429, Folio 719, from the State Roads Commission of Maryland to the party of the second part, being a part of Old Sulphur Spring Road, as shown on a plat attached hereto and made a part hereof, as "Exhibit 2", and shown thereon as Parcel No. 5.

WHEREAS, the aforesaid party of the second part is desirous of developing a portion of said tract in an ML context, ((the said portion being referred to on "Exhibit No. 1" as Parcel 1, and also referred to as Section A and Section B together with the areas shown as Potomac Avenue (proposed) of a Plat attached hereto and made a part hereof as "Exhibit No. 3")) which development would require the existing zoning of the said portion of the Schmelyun property to be amended from its present DR 5.5 classification; and

TRANSFER TAX NOT REQUIRED

4-25-74
Walter R. Richardson
Director of Finance

Per:

Muriel J. Neuman
Authorized Signature

**POTOMAC'S
EXHIBIT 2**

WHEREAS, the aforesaid WILLIAM G. SCHMELYUN, has undertaken certain rezoning proceedings in Baltimore County and these proceedings are presently before the Baltimore County Board of Appeals; and

WHEREAS, the parties of the first part are comprised of residents and property owners of the area who are affected by the use of the Schmelyun property and join together here for the purpose of implementing and protecting their property rights and by furthering the proper use and amenity of the area encompassed by and defined as the Schmelyun property, which includes Parcels 1, 2, 3, and 4 as shown on "Exhibit 1", and Parcel 5 as shown on "Exhibit 2" within the overall Baltimore County land use and zoning plans; and

WHEREAS, the said WILLIAM G. SCHMELYUN, owner of said land, desires to have Parcel No. 1 of Exhibit No. 1 reclassified from its DR 5.5 classification to that of an ML classification and that said classification become final and effective; and

WHEREAS, the property owner and parties of the first part desire to place certain restrictions upon the development of the tract; and

WHEREAS, the said WILLIAM G. SCHMELYUN is willing to place such restrictions on the development of the Schmelyun tract provided Parcel No. 1 shown on "Exhibit No. 1." is reclassified ML by the County Board of Appeals and no Appeal is taken within the appeal period whereby said portion of the land becomes finally and effectively zoned ML; and

WHEREAS, in order to have the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect on the four parcels of land shown on said "Exhibit 1" and parcel number five shown on "Exhibit 2", and more particularly described in the body of this Agreement, containing 19.04 acres more or less, hereinbefore referred to, and upon the present and

future owners and occupants thereof, the parties have entered into this Agreement to the end and intent that the party of the second part, his successors, heirs and assigns, will hold, utilize and thereafter convey or foreclose that property subject to the covenants, restrictions and conditions herein contained.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That in consideration of the mutual agreements, covenants, restrictions and conditions herein contained, and the sum of Five Dollars (\$5.00) paid by each party to the other, and for other good and valuable considerations, receipt of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents and to have the same recorded among the Land Records of Baltimore County, and that the covenants, restrictions and conditions shall run with and be binding upon the aforesaid 14.68 acre tract and upon present and all future owners thereof and shall inure to the benefit of each of the parties hereto as respectively, their successors, heirs and assigns, as follows:

THE PARTY OF THE SECOND PART AGREES AS FOLLOWS:

1. That the parcels described as Parcels 2, 3, and 4 on the plat referred to as "Exhibit No. 1", and parcel 5 on the plat referred to as "Exhibit No. 2" of the Schmelyum property, with the metes and bounds calls for parcels 2, 3 and 4 as shown on "Exhibit No. 1" and with the dimensions and calls as shown on "Exhibit No. 2", shall be used for residential purposes only and for no other purpose. That in this connection said land will be developed in accordance with the zoning regulations of the Baltimore County as of the date of the filing of this Deed for DR 5.5 zoning without special exception or variance of any kind, and no commercial uses of any type shall be permitted on these four (4) tracts of land. It is the intention that Parcels 2, 3, 4 and 5 will be developed in conformance with the

residential zoning presently on the north and south sides of Sulphur Spring Road and immediately adjacent to the said property and presently zoned D.R. 5.5. In the event the latter mentioned parcels fronting on the south side and the north side of Sulphur Spring Road are rezoned to some other zone than that presently enjoyed, by persons other than the party of the second part, or members of his family, then the party of the second part is relieved from his obligation to develop Parcels 2, 3, 4, and 5 in the D.R. 5.5 zoning classification, and may be allowed to develop in accordance with the said reclassified property. If, however, the aforementioned parcels fronting on the south side and the north side of Sulphur Spring Road are not rezoned to some other zone other than that presently enjoyed, but, however, the "Snow property" is reclassified, such reclassification of the "Snow property" shall not be used by the party of the second part as a basis for seeking reclassification of parcel 2, 3, 4 and 5 so long as the parcels fronting on the south and north side of Sulphur Spring Road are not reclassified.

As to the remaining tract, referred to as Parcel No. 1 on "Exhibit No. 1", and more particularly described as follows:

"BEGINNING for the same on the southeast side of Waelchili Avenue at a point situate 260 feet more or less, southerly from the intersection of the south side of Sulphur Spring Road and the east side of Waelchili Avenue, thence leaving said place of beginning and running and binding on the south side of Waelchili Avenue the 2 following courses and distances viz: (1) South 56 degrees 23 minutes West 345.22 feet to a point of curve, thence (2) by a curve to the left with a chord bearing South 29 degrees 01 minutes West 116.09 feet to the end of said curve, thence binding along the east side of said Waelchili Avenue the 3 following courses and distances, viz: (3) South 01 degrees 57 minutes

West 30.61 feet, thence (4) North 88 degrees 03 minutes West 3.77 feet and thence (5) South 00 degrees 50 minutes West 182.03 feet, thence binding along the northeast side of said Waelchili Avenue (6) South 48 degrees 18 minutes East 598.22 feet, thence binding in part along the north side of said Waelchili Avenue and continuing the same course, in all, (7) North 39 degrees 30 minutes East 392.60 feet, thence (8) South 49 degrees 52 minutes 30 seconds East 273 feet, more or less to the northwesternmost side of Proposed Interstate 95 Right of Way, thence running and binding along said northwesternmost side of Proposed Interstate 95, the 4 following courses and distances, viz: (9) Northeasterly 255 feet, more or less, thence (10) Northeasterly 284 feet, more or less, thence (11) Northeasterly 107 feet, more or less, and thence (12) Northeasterly 125 feet, more or less, thence binding along the southwesternmost side of Interstate 95 Right of Way the 8 following courses and distances, viz: (13) Northwesternly 315 feet, more or less, thence (14) Northwesternly 48 feet, more or less, thence (15) Northwesternly 95 feet, more or less, thence (16) Northwesternly 100 feet, more or less, thence (17) Northwesternly 107 feet, more or less, thence (18) Northwesternly 88 feet, more or less, thence (19) Northwesternly 190 feet, more or less, and thence (20) Southwesterly 30 feet, more or less, thence leaving the southwesternmost right of way line of Interstate 95 Right of Way and running thence (21) South 44 degrees 00 minutes East 200 feet, more or less, thence (22) South 56 degrees 23 minutes West 407.46 feet and thence (23) North 33 degrees 37 minutes West 180.00 feet to the place of beginning.

Containing 14.45 acres of land, more or less.

Saving and excepting therefrom the Right of Way for proposed realignment of Potomac Street."

this above described land shall be reclassified ML, but can only be developed within the context and intent of Sections 247 through 252 of the existing Zoning Regulations of Baltimore County as apply to a MLR zone (Manufacturing Light, Restricted), with the intent and purpose to permit grouping of high types of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary motorways, so as to minimize the use of residential streets; to fill special local needs of certain types of light industry; to permit planned dispersal of industrial employment centers so as to be conveniently and satisfactorily related to the residential community; and as transitional bands between the residential or institutional areas.

2. Uses Prohibited.

Even though otherwise permitted in an MLR zone the following uses are forever prohibited:

A. Heliport of any kind or nature as well as a helistop airstrip; and the Owners will not utilize the land for any commercial use which requires a special exception or variance, and will develop the land within the context of regular permitted uses of MLR zoning as defined by the Zoning Laws of Baltimore County, on the day and date of execution of this Agreement, without special exception or variance.

3. Set Backs

All buildings placed on Parcel No. 1 as shown on Exhibit No. 1 (also referred to as Parcels No. A and B of Exhibit No. 3) shall be set back a minimum of seventy-five (75) feet from the property lines, with the exception of the property immediately to the rear of the present boundaries of the United States Government Post Office, or the future boundaries of the United States Government Post Office in case said Government facility is to expand in the future, described as the south 56° 23 West 407.46 foot line; and there shall be no set back from this latter line required. In the 75 foot set back area there shall be located no structures of any nature; the land shall be seeded and planted in such a manner as to effectively screen the buildings placed on Parcel No. 1 from view from the surrounding residential properties, however, the party of the second part may apply for such variances from the Zoning Regulations as are necessary in order to comply with the terms of this Agreement.

4. Construction.

The buildings constructed on Parcel No. 1 shall be built basically of block, stone, or brick, with appropriate decorative masonry facing above ground on all areas exposed to view from adjoining properties or highways. The exterior construction may also be of

- 7 -

prefab steel and/or aluminum, or a combination of both, and/or a combination of either, with masonry as previously described. However, all buildings howsoever constructed shall have appropriate decorative facing about ground on all areas exposed to view from adjoining properties or highways. As a guide to an explanation of the aforesaid language, the following presently existing buildings in the Baltimore Metropolitan area are typical of the design and character contemplated by the parties hereto:

- a. Baltimore County Police Headquarters
400 Kenilworth Drive
- b. Marbett, Inc. Building, Meadows Industrial
Park, 6600 Whitestone Road
- c. George Rosen Building, Meadows Industrial Park
6700 Whitestone Road
- d. Duo Fast Building, Meadows Industrial Park
1719 Whitehead Road
- e. Excello Building, Meadows Industrial Park
1760 Whitehead Road
- f. Kodak Building, Security Industrial Park
7115 Ambassador Road
- g. C & P Telephone Building, Security Industrial
Park, Dogwood & Ambassador Roads

And further, the buildings shall not exceed one story in height and the overall height of any building shall be no more than 20 feet.

5. Signs.

Any display signs shall be unobtrusive in nature, affixed to the building, non-illuminated and not designed to attract attention outside of the industrial park.

6. Lighting

Any lights which may be installed on the premises shall be of such types so shielded and so situated that they do not cause glare

- 8 -

offensive to the neighbors, and shall be directed towards the innermost portion of the industrial park.

7. Uses of the Building.

The buildings will be used for MLR light manufacturing restricted uses only, as defined by the Zoning Regulations of Baltimore County; but, in this connection, there shall be no uses of this property which would result in offensive odors emanating from the property; and, further, any noises emanating from said property as a result of the uses of the buildings to be constructed thereon shall not exceed at the property line 80 decibels as measured on a general radio type number 1565B sound level meter using the A scale between hours of 8:00 A.M. and 5:00 P.M.; or 50 decibels measured by a general radio type 1565B sound level meter using the A scale between hours of 5:00 P.M. and 8:00 A.M., but, in any event, it shall not exceed the sound levels as prescribed by the then current State and Federal standards.

8. Storage of the Materials.

All storage of materials shall be within the building and there shall be no storage or trash outside of the buildings, or temporary storage sheds of any kind.

9. The industrial park shall contain no truck terminal of any kind and all loading platforms shall be located towards the interior center of the lots and away from the exterior property lines. There shall be no open storage of vehicles on the property, other than overnight parking of vehicles used by the various businesses occupying the property; nor shall there be any exterior repairing of motor vehicles other than repairing of an emergency nature.

10. A road into the tract from Sulphur Spring Road, as contemplated by the plat filed with the zoning petition (shown thereon as Potomac Avenue-proposed) shall be built, provided approval can be obtained from Baltimore County, its exact route and terminus, however, to be fixed by the County. The party of the second part will

- 9 -

exert all efforts to insure that no secondary exit from this proposed road will enter onto Waelchill Avenue; and, further, will cooperate fully with the parties of the first part in securing from Baltimore County whatever traffic devices or signals that the parties of the first part feel are necessary at the intersection of the proposed Potomac Avenue and Sulphur Spring Road.

11. Open Space.

All open spaces shall be landscaped with grass and planted with trees and shrubbery in the 75 foot setback areas so as to blend harmoniously with the surrounding residential properties.

12. Recording. The recording of this instrument and all of the foregoing covenants, restrictions and conditions and the expenses of the title work and survey in connection therewith shall be at the sole cost and expense of WILLIAM G. SCHMELYUN, without any contribution on the part of the parties of the first part whatsoever.

13. Restrictive Covenants.

The parties of the second part hereby agrees that these covenants, restrictions and conditions shall run with and be binding upon the land and shall inure to the benefit of and shall be jointly and severally enforceable by The Arbutus Community Association, Inc., a body corporate, and The Halethorpe Improvement Association, Inc., a body corporate, their successors and assigns, and the other parties of the first part hereto, their heirs and assigns, the owners of the properties located in the vicinity of said tracts, their heirs, successors and assigns, for a period of twenty-six years from the date of recording hereof. The restrictions set forth in this Agreement may be terminated, altered, or amended, by a subsequent agreement signed by party of the second part, his heirs, successors and assigns, and all of the parties of the first part, their heirs, successors and assigns.

THE PARTIES OF THE FIRST PART AGREE AS FOLLOWS:

1. That an appeal presently filed before the Board of Appeals

for Baltimore County pertaining to Parcel No. 1 on "Exhibit No.1" and also known as parcels numbers A and B on "Exhibit No.2" and more particularly described on page 4 of the within agreement, shall be dismissed with prejudice and the Order of Dismissal signed by all counsel of record for the Appellants in the proceeding now pending will be turned over subsequent to execution of this Agreement and prior to recording thereof.

2. This Agreement contains the entire understanding between the parties and each of the parties hereto warrant that it has carefully read and understands this Agreement and is cognizant of the terms thereof and has had ample time to have it fully explained by counsel of their own choosing of their respective rights and obligations with respect to all matters involved in this Agreement.

3. All the agreements, covenants, restrictions and conditions contained in this instrument shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto, as well as all subordinate and successor mortgagees and all purchasers at foreclosure under any mortgage or deed of trust, and all persons claiming by or through them or any of them, shall run with the land and be binding upon the property hereinbefore described.

4. The failure to enforce any of the covenants, restrictions and conditions herein contained, in any instance, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or conditions in the event of another violation occurring prior or subsequent thereto. Moreover, in the event any one or more of the covenants, restrictions, and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals as of the 11th day of APRIL, 1974.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-563-SPHXA

District 13.th

Date of Posting December 12-90

Posted for: Appeal

Petitioner: Arbutus Business Center Realty

Location of property: S/S of Sulfur Spring Road, 815' SW
of Benson Avenue

Location of Signs: S.E. side of Walden (WAECHI) Avenue

Remarks: _____

Posted by A. J. Anta
Signature

Date of return: 12-14-90

Number of Signs: 1



FLEET SERVICE, INC.

All Types of Truck Repairs & Maintenance

2840 ANNAPOLIS ROAD — BALTIMORE, MD. 21230

CLIENT LIST:

ALLIED ROOFING	AMERICAN LUMBER
ART LITHO COMPANY	SUNNY B. ENTERPRISES
ATLAS CONTAINER CORP.	NABISCO
BOND DISTRIBUTING CO.	HERBERT GREENBAUM & ASSOC.
BRADY PLYWOOD CORP.	W.B. CASSELL CO.
CARSON AND GRAY	ABC SUPPLY
CONRAD PROTZMAN	PRESTIGE MESSENGER
A.E. DAVIES DIST.	WARFIELD ROHR CASKET
MD. INSULATORS	HESS SHOES
MARYLAND NEWS CO.	HERMAN BORN & SONS
M.D. ASSOCIATES	PERFORMANCE BINDERY
R.E. MICHEL CO.	MARYLAND TIRE
SERVICE AMERICA CORP.	MARYLAND STEEL DRUM
DORMAN ELECTRIC	SOUTHWIND REFRIGERATION
SINCLAIR OPERATING	MACKE LAUNDRY DIV.
G.S.A.	RETRO ELECTIC
U.M.B.C. COLLEGE	ABC ROOFERS
WALLACE AND GALE	MANOR HILL FOODS
S.S.A. DIVISION	TRACY LABOR
BETTEN TRUCKS	BRUCE'S HARDWARE
RIVERIA KITCHENS	SILVER EAGLE TRANSPORT
U.S.&D CORP.	TAUBER'S TOWING
HOME AND ROME CORP.	MONUMENTAL HOTEL SUPPLY
BRAVE VENTURE FARM	AQUA COOL
ADELL PLASTICS	FEDERAL EXPRESS
LEE'S ICE CREAM COMPANY	SHOWCASE PRODUCTIONS

**PETITIONER'S
EXHIBIT** 4 A



FLEET SERVICE, INC.

All Types of Truck Repairs & Maintenance

2840 ANNAPOLIS ROAD — BALTIMORE

**PETITIONER'S
EXHIBIT 43**

PERSPECTIVE CLIENTS FOR ARJUTUS LOCAL

THOMASVILLE GALLERIES
1581 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-9587

BONDI METALS
1585 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-1117

OFFICE PRODUCT LIQUIDATORS
1622 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-9640

MARYLAND BEVERAGE
1587 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-5857

BELTWAY GLASS & MIRRORS
1666 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-5766

OAK CREEK SPORTSWEAR
1611 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-7603

CLUB APÉTIT
1589 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-0106

GLIDDEN PAINT
1520 CATON CENTER DRIVE
BALTIMORE, MD 21227
247-4806

EXPRESSWAY OFFICE PRODUCTS
1510 CATON CENTER DRIVE
BALTIMORE, MD 21227
247-6800

PACKAGING MACHINE CO.
1510 CATON CENTER DRIVE
BALTIMORE, MD 21227
646-3725

CHESAPEAKE PACKAGING PRODUCTS
3920 VERO ROAD
BALTIMORE, MD 21227
242-2192

COMPUTER ENGINEERING ASSOC. INC.
3922 VERO ROAD
BALTIMORE, MD 21227
247-5244

BELTWAY PRODUCE
3916 VERO ROAD
BALTIMORE, MD 21227
247-4228

UNITED CEREBRAL PALSY OF CENTRAL
MARYLAND 1660 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-9010

JOHNSON & BLOY
3721 OLD GEORGETOWN ROAD
BALTIMORE, MD 21227
247-8080

MARYLAND MEDICAL LAB
1901 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-9100

MATSUSHITA SERVICE CO.
1638 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-2607

DORRANCE INC.
1571 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
536-0534



FLEET SERVICE, INC.

All Types of Truck Repairs & Maintenance

2840 ANNAPOLIS ROAD — BALTIMORE, MD. 21230

PERSPECTIVE CLIENTS FOR ARBUTUS LOCATION CON'T

SAFETY SUPPLY
1583 SULPHUR SPRING ROAD
BALTIMORE, MD 21227

A.G. MAURO
1630 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-2500

RIEDEL'S
1331 LINDEN AVENUE
BALTIMORE, MD 21227
242-3400

MR. MATTRESS
1772 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
247-2020

CHESAPEAKE CERAMIC SUPPLY
4801 BENSON AVENUE
BALTIMORE, MD 21227
247-1270

ARBUTUS REFRIGERATION
1540 CATON CENTER DRIVE
BALTIMORE, MD 21227
242-3100

TOLEDO SCALE CO.
1550 CATON CENTER DRIVE
BALTIMORE, MD 21227
242-5558

PRISM INTEGRATER SANITATION MANAGEMENT
1540 CATON CENTER DRIVE
BALTIMORE, MD 21227
247-7576

WALTER CAMPBELL CO., INC.
1736 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
242-5959

AREA INDUSTRIAL PARKS*

1. Beltway Business Community	Washington Blvd.	275,000 - New <u>285,000</u> - Under Const. 560,000
2. Caton Research Center	Vera Ave. & Caton Drive	475,000
3. Arbutus Business Center & Sulphur Spring Business Park	Sulphur Spring Rd.	390,300
4. Merritt Building	Sulphur Spring & Old Georgetown Rd.	80,000 ₊
5. Merritt Building	Benson Ave.	80,000 ₊
TOTAL:		<u>1,585,300.00</u>

* Represents industrial parks and potential customers within one (1) ^{mile}~~mile~~ or proposed facility. Does not include private companies who own their own buildings.

Note: Parks 1 through 3 all developed within last five (5) years.

**PETITIONER'S
EXHIBIT 5**

S/s Sulphur Spring Rd., 815' SW of Benson Ave.
(1589 Sulphur Spring Rd.)

#90-563-SPHXA ARBUTUS BUSINESS CENTER REALTY

13th District Appealed: 11/19/90

Thursday, May 24, 1984

JUN 4 1984

SULPHUR SPRING WEST
DISTRICT 13 C1

GEO. W. STEPHENS, JR.
ASSOCIATES, INC.

COUNTY REVIEW GROUP - THOSE PRESENT*

Catherine L. Warfield, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Current Planning

Agency Representatives

Developer and/or Representatives

John Smith

- G. W. Stephens, Jr. & Assocs., Inc.
(Engrs.)

*Attachment - Interested Citizens

The meeting was convened at 1:35 p.m. by Mrs. Warfield, Chairman of the County Review Group. Mrs. Warfield explained the purpose of the meeting to those citizens present. The plan was presented by Mr. John Smith from G. W. Stephens, Jr. & Associates, Inc. the developer's engineer.

Mrs. Warfield summarized the written comments submitted from the County staff which are Fire Dept., Planning, Zoning, Health Dept., Traffic Engineering, and Developers Engineering Division. A copy of these comments was given to the developer and his engineer, and have also been made a part of these minutes.

The plan presented at the meeting has been revised to comply with all the staff comments except for the width of lanes between buildings. The Fire Dept. requires 20' lanes; the plan shows 18'. The plan will be revised to conform with Fire Dept. comments prior to approval of a Development Plan.

Citizens concerns were for aesthetics, privacy, storm water management and access to Waelchili Ave. They were satisfied as to the measures to be employed to address the issues.

The plan was approved subject to the revision noted and the meeting was adjourned at 2:20 p.m.

CLW

APPEAL

Petition for Special Hearing, Special Exception and Variance
S/S Sulphur Spring Road, 815' SW of Benson Avenue
(1589 Sulphur Spring Road)
13th Election District - 1st Councilmanic District
ARBUTUS BUSINESS CENTER REALTY - Petitioner
Case No. 90-563-SPHXA

- ✓ Petitions for Special Hearing, Special Exception and Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

- ✓ Zoning Plans Advisory Committee Comments
- ✓ Director of Planning & Zoning Comments

- Petitioner's Exhibits:
- ✓ 1. Plat to accompany petition
 - ✓ 2. Plat to accompany zoning petition
 - ✓ 3. CRG Plan
 - ✓ 3b. Plan showing SWM and warehouses
 - ✓ 4. & 4B Fleet Service, Inc. Client Lists
 - ✓ 5. List of Area Industrial Parks
- Protestant's Exhibits:
- ✓ 1. Letter of opposition
 - ✓ 2. Agreement between McGarrigle and Schmelyun

- ✓ Deputy Zoning Commissioner's Order dated October 18, 1990 (Granted with restrictions)
- ✓ Notice of Appeal received November 19, 1990 from Ron Barnett - Arbutus Community Association

cc: Anthony Julio - Arbutus Business Center Realty, Inc.
9640 Deereco Road, Timonium, Maryland 21093

S. Eric DiNenna, Esquire - DiNenna, Mann & Breschi
~~409 Washington Avenue, Suite 600, Towson, MD 21204~~

*P.O. Box 10508
Towson
21285-0508*

* Ron Barnett - Arbutus Community Association
1619 Sulphur Spring Road, Baltimore, MD 21227

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

WVV

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

* *Robert B. Greenwalt, Esq.
Suite 105
4600 Wickens Ave.
21229
Counsel for Protestants
536-4370*

Public Services

Thursday, May 24, 1984

RECEIVED

JUN 4 1984

SULPHUR SPRING WEST

DISTRICT 13 C1

CEO. WM. STEPHENS, JR.
ASSOCIATES, INC.

COUNTY REVIEW GROUP - THOSE PRESENT*

Catherine L. Warfield, Chairman - Dept. of Public Works
Eugene A. Bober, Co-Chairman - Office of Current Planning

Agency Representatives

Developer and/or Representatives

John Smith

- G. W. Stephens, Jr. & Assocs., Inc.
(Engrs.)

*Attachment - Interested Citizens

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The plan was presented by Mr. John Smith from G. W. Stephens, Jr. & Associates, Inc., the developer's engineer.

Mrs. Warfield summarized the written comments submitted from the County staff which are Fire Dept., Planning, Zoning, Health Dept., Traffic Engineering, and Developers Engineering Division. A copy of these comments was given to the developer and his engineer, and have also been made a part of these minutes.

The plan presented at the meeting has been revised to comply with all the staff comments except for the width of lanes between buildings. The Fire Dept. requires 20' lanes; the plan shows 18'. The plan will be revised to conform with Fire Dept. comments prior to approval of a Development Plan. 18' LANES OK JK 7-17-84

Citizens concerns were for aesthetics, privacy, storm water management and access to Archili Ave. They were satisfied as to the measures to be employed to address the issues.

The plan was approved subject to the revision noted and the meeting was adjourned 2:20 p.m.

CLW

Copy of Plan to be submitted to Fire Dept. for review. The plan was approved subject to the revision noted and the meeting was adjourned 2:20 p.m.

Case No. 90-563-SPHXA
Arbutus Business Center Realty

6/24/91 -Letter from S. Eric Dinenna filing a Withdrawal of Petition on behalf
of Petitioners.

9/13/91 -T/C w/Robert Greenwalt, Counsel for Protestants/Appellants; he will contact
Mr. R. Barnett, who took appeal, and advise that we need dismissal of
appeal from him before Board can issue Order of Dismissal and ultimately
close this file.

536-370 →

County Board of Appeals of Baltimore County

ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Anthony Julio
Arbutus Business Center Realty, Inc.
9640 Deereco Road
Timonium, MD 21093

County Board of Appeals of Baltimore County
ROOM 315 COUNTY OFFICE BUILDING
TOWSON MARYLAND 21204

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
P.O. Box 10805
Towson, MD 21285-0508

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE - S/S Sulphur Spring Road, 815' SW of Benson Avenue (1589 Sulphur Spring Road) 11th Election District 1st Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 90-563-SPHXA

Arbutus Business Center Realty Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the use of the subject property for a service garage and determine the requirements of Section 253.2.B.3 as they relate to a "Planned Industrial Park"; a special exception to use the subject property as a service garage; and a variance to permit a service garage in a Planned Industrial Park of less than 25 acres, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Anthony E. Julio, Vice President, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitions were James Matis with George W. Stephens, Jr. & Associates, Inc., and Edward C. Thomas. Appearing as Protestants in the matter were Ron Barrett, Verna D. Miller, and Maurice F. Cavey.

Testimony indicated that the subject property, known as 1589 Sulphur Spring Road, is located within the Arbutus Business Center of which 19.34 acres are zoned M.L. and .56 acres are zoned D.R. 16. Said property, formerly known as the Sulphur Spring West Business Center, received CAG approval on May 24, 1984. The originally approved plan has since been modified and developed pursuant to County approval in accordance with Petitioner's Exhibit 1. Petitioners are desirous of leasing 20,887 sq.ft. of an Existing Building E to Fleet Services, Inc. for purposes of establishing a service garage on the property. Mr. Thomas testified that Fleet

Services, Inc. has been in business since approximately 1972 and performs mechanical repairs on trucks owned by various companies. He testified that no body or fender work is done and that no services are provided for trucks owned by individuals. Mr. Thomas indicated that Fleet Services, Inc. has chosen the subject site due to the fact that it currently services many clients who have businesses in the Arbutus Business Center. He introduced as Petitioner's Exhibit 4 a list of the company's current clients. Mr. Thomas further testified that he has had discussions with numerous prospective clients in the Arbutus area to confirm the need for their services and to support its position that the services rendered by the garage will serve primarily the industrial uses and related activities in the surrounding industrial park. Mr. Thomas indicated that the company will continue its business operations out of 2848 Annapolis Road to serve its other clients not based in the Arbutus area. Mr. Thomas testified that there would be no outside storage of damaged or disabled vehicles. He testified that 80% of the business is the repair of medium and small delivery trucks on a daily business. Further, due to the nature of the need for the vehicles, the vehicles are usually picked up on the same day as serviced. In response to the Office of Planning's comments regarding

restrictions to be imposed, Mr. Thomas indicated that all were acceptable except that the hours of operation needed by him would be 7:00 AM to 6:00 PM, Monday through Friday, and 7:00 AM to 3:00 PM on Saturdays.

James Matis testified that the subject property is located directly across from Sulphur Spring Business Center East and is separated by Interstate 95. Testimony indicated that both business centers are controlled by common ownership. Petitioner argued that the requirements of Section 253.2.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) are

ORDER RECEIVED FOR FILING
Date 10/30/90
By [Signature]

- 2 -

met. Testimony indicated that the subject property is located within a planned industrial park; however, it was undisputed that the subject site, which consists of 19.9 net acres, does not meet the 25-acre requirement set forth in Section 253.2B. Petitioner argued that due to the common control of the subject property and the adjoining Sulphur Spring East Business Center, the 25-acre requirement is met. To support its case, Petitioner referred to the decision in the case of Swathmore Company v. Kaestner, 258, Md. 517, 266 A2d 341 (1970). In the alternative, Petitioner filed a variance to the requirement of a net acreage of 25 acres. Mr. Matis argued that the spirit and intent of the B.C.Z.R. will be met and that denial of the variance would create practical difficulty and unreasonable hardship for Petitioner. Further, Mr. Matis contends the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community. Testimony indicated that there is no direct access to an arterial street, that access to the service garage will be the same as for the entire property through the interior parking lot off of Sulphur Spring Road, which is a Class I Commercial Motorway. On cross examination, Mr. Matis indicated that in his opinion, from an engineering point of view, the requirements of Section 502.1 of the B.C.Z.R. will be met by this project.

Mr. Barnett, a resident of Sulphur Spring Road, testified in opposition on behalf of himself and the Arbutus Community Association. Mr. Barnett testified that he is opposed to the granting of the special exception as he believes it will have an adverse effect on the surrounding residential properties and result in increased truck traffic through the area. Mr. Barnett further testified that the proposed use has the potential of being in violation of a private covenant between the previous

ORDER RECEIVED FOR FILING
Date 10/30/90
By [Signature]

- 3 -

property owners and numerous community members, the Arbutus Community Association, and the Halsethorpe Improvement Association. Mr. Barnett introduced a portion of that agreement as Protestant's Exhibit 2.

Also appearing and testifying as Protestants in the matter were Ms. Miller and Mr. Cavey. Ms. Miller testified that she resides on Waelchli Avenue directly behind the subject property. She testified as to the concerns she has regarding noise and the proposed use being in violation of the private covenants referred to by Mr. Barnett.

The Protestants' argument that the relief not be granted because it is in violation of an Agreement between Petitioner's predecessors in interest and numerous parties, including the Arbutus Community Association, Inc. will not be examined. The case law in Maryland is clear that this is not the proper forum to enforce private covenants. As stated by the Court of Appeals in Perry v. County Board of Appeals, 211, Md. 294, 127 A2d 507 (1956):

"The ordinance does not override or defeat whatever private rights exist and are legally enforceable, but neither is it controlled in its workings or effects by such rights. The enforcement of restrictive covenants is a matter for the exercise of the discretion of an equity court in the light of attendant circumstances. Many times the covenant relied on may not have been originally effective or for many reasons, may have ceased to be effective at the time relief is sought. 2 Rathkopf, The Law of Zoning and Planning, p. 387, says: 'The validity of the zoning ordinance, the grant of a variance or 'exception' should be considered independently of its effect upon covenants and restrictions in deeds.'"

Thus, the private covenants shall not be considered in rendering this decision.

After reviewing the testimony, evidence, regulations and case law, Petitioner's argument that the acreage requirement of Section 253.2B.3 has been met by its contiguous ownership of greater than 25 acres is re-

ORDER RECEIVED FOR FILING
Date 10/30/90
By [Signature]

- 4 -

jected. In Swathmore Company v. Kaestner, supra, Section 259.2B specifically refers to contiguous areas as do the regulations elsewhere (See 253.1G). However, as Petitioner argued, the acreage requirement may be variances pursuant to Section 307 of the B.C.Z.R.

In consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. In the opinion of the Deputy Zoning Commissioner, all the requirements of Section 253.2B3 have been met, except for the acreage requirement, for which a variance has been requested and was addressed by Petitioner.

It is clear that the B.C.Z.R. permits the use proposed in an M.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pettis, 432 A.2d 1319 (1981).

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Date 10/30/90
By [Signature]

- 5 -

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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

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

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

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the

ORDER RECEIVED FOR FILING
Date 10/30/90
By [Signature]

- 6 -

relief requested in the special hearing, special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of October, 1990 that the Petition for Special Hearing to approve the use of the subject property for a service garage, pursuant to Section 253.2B, the Petition for Special Exception to use the subject property as a service garage, and the Petition for Zoning Variance to permit a service garage in a Planned Industrial Park of less than 25 acres, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 relief granted herein is limited to the operation of a service garage by Fleet Services, Inc. In the event of a change in occupancy, a special hearing must be filed and a determination made that the use will continue to serve primarily the industrial uses and related activities in the surrounding industrial park as required by Section 253.2B of the B.C.Z.R.
- 3) The hours of operation shall be limited to from 7:00 AM to 6:00 PM, Monday through Friday, and 7:00 AM to 3:00 PM on Saturdays, with no hours on Sundays.
- 4) There shall be no painting, or body and fender work performed on the premises.
- 5) There shall be no outside storage of damaged or disabled vehicles.
- 6) All lighting for the subject property shall be directed in such a manner as to deflect away from any adjoining residential properties.

ORDER RECEIVED FOR FILING
Date 10/30/90
By [Signature]

- 7 -

7) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPREM), dated May 17, 1990.

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

AMN:bjs

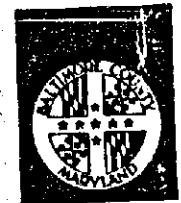
AMN: [Signature]
ARN M. NASTAROWICZ
Deputy Zoning Commissioner
Baltimore County

ORDER RECEIVED FOR FILING
Date 10/30/90
By [Signature]

- 8 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-5353
J. Robert Haines
Zoning Commissioner

October 18, 1990



Dennis F. Rasmussen
County Executive

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
S/S Sulphur Spring Road, 815' SW of Benson Avenue
(1589 Sulphur Spring Road)
13th Election District - 1st Councilmanic District
Arbutus Business Center Realty, Inc. - Petitioner
Case No. 90-563-SPHXA

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. WASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjb

cc: Mr. Ron Barnett
1619 Sulphur Spring Road, Baltimore, Md. 21227

Ms. Verna D. Miller
98 Waelchi Avenue, Baltimore, Md. 21227

Mr. Maurice F. Cavey
1558 Sulphur Spring Road, Baltimore, Md. 21227
People's Counsel

File

#390
PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-563-SPHXA

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 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and determine the requirements of Section 253.2B3 as they relate to "Planned Industrial Park" status.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 296-6820

Legal Owner(s):

Arbutus Business Center Realty, Inc.

(Type or Print Name)

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390
PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-563-SPHXA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 296-6820

Legal Owner(s):

Arbutus Business Center Realty, Inc.

(Type or Print Name)

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City and State

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ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1990, 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 28th day of August, 1990, at 9:30 o'clock A.M.

Filed on 5/19/90 by J.R.H.
On Time On Day
I have Hearing Time

S.C.O.-No. 1

(over)

#390
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-563-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 253.2B3 to allow a service garage in a Planned Industrial Park of less than 25 acres.

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

1. In industrial area
2. Need for support of industrial uses.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 296-6820

Legal Owner(s):

Arbutus Business Center Realty, Inc.

(Type or Print Name)

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City and State

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ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1990, 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 28th day of August, 1990, at 9:30 o'clock A.M.

Filed on 5/19/90 by J.R.H.
On Time On Day
I have Hearing Time

S.C.O.-No. 1

(over)

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

90-563-SPHXA

April 25, 1990

Description to Accompany Zoning
Petition for Special Exception
Arbutus Business Center.

</

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations, has ordered a public hearing on the proposed Special Exception, Special Exception and Variance, Case No. 90-563-SPHXA, to be held at 111 West Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, August 28, 1990, at 8:30 a.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 30, 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 July 26, 1990.

THE JEFFERSONIAN,

S. Zabe Orlan
Publisher

PO 106194

CERTIFICATE OF POSTING

90-563-SPHXA
District: 13th
Date of Posting: August 13, 1990
Posted for: Special Hearing, Special Exception, and Variance
Petitioner: Arbutus Business Center Realty, Inc.
Location of property: 1589 Sulphur Spring Road, 815' SW of Benson Avenue
Location of Sign: SE 1/4 of Section 13, in front of subject property
Remarks: None
Posted by: S. J. Bates
Number of Signs: 3
Date of return: August 17, 1990

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

DATE 7/31/90

Arbutus Business Center Realty, Inc.
9640 Deereco Road
Timonium, Maryland 21093

RE: Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-563-SPHXA
S/S Sulphur Spring Road, 815' SW of Benson Avenue
1589 Sulphur Spring Road
13th Election District - 1st Councilmanic District
Petitioner(s): Arbutus Business Center Realty, Inc.
HEARING: TUESDAY, AUGUST 28, 1990 at 8:30 a.m.

Gentlemen:

Please be advised that \$154.68 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 UNDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$58.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:cer

cc: S. Eric DiNenna, Esq.

CERTIFICATE OF PUBLICATION

July 30, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 26, 1990.

ARBUTUS TIMES

S. Zabe Orlan
Publisher

PO 106194

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

Account: R-001-6150
Number

receipt
No. 3296

Date: 8/28/90
M9100157
PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$154.68
TOTAL: \$154.68
LAST NAME OF OWNER: ARBUTUS BUS CTR A
0404#0065WICHRC \$154.68
BA C009736AND08-28-90
Please make checks payable to: Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 4, 1990

Baltimore County Board of Appeals
County Office Building, Room 313
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception and Variance
S/S Sulphur Spring Road, 815' SW of Benson Avenue
1589 Sulphur Spring Road
13th Election District, 1st Councilmanic District
ARBUTUS BUSINESS CENTER REALTY - Petitioner
Case No. 90-563-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 19, 1990 by Ron Barnett - Arbutus Comm. Association. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Anthony Julio - Arbutus Business Center Realty, Inc.
9640 Deereco Road, Timonium, Maryland 21093

S. Eric DiNenna, Esquire - DiNenna, Mann & Breschi
409 Washington Avenue, Suite 600, Towson, MD 21204

Ron Barnett - Arbutus Community Association
1619 Sulphur Spring Road, Baltimore, MD 21227

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

File

November 16, 1990

Arbutus Community Association
1349 Stevens Avenue
Arbutus, MD 21227

Dear Zoning Commissioner,

The Arbutus Community Association would like to appeal the decision of the zoning board concerning case #90-563-SPHXA. The petitioner in this case is the Arbutus Business Center Realty.

We have enclosed the necessary fees to appeal the entire decision.

Sincerely,

Ron Barnett
Arbutus Comm. Association
Ron Barnett

Mr. Ron Barnett
1619 Sulphur Spring Road
Baltimore, MD 21227
Phone: 247-0597

11-19-90
ZONING OFFICE

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

Account: R-001-6150
Number

Case# 90-563

A9100031

12/04/90
APPEAL FEES QTY PRICE
120 - OF A SPECIAL EXC. ORDER 1 X \$175.00
140 - OF ALL OTHER ORDERS 2 X \$125.00
150 - POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$425.00
LAST NAME OF OWNER: ARBUTUS BUS CTR 0404#0065WICHRC \$425.00
BA C009736AND12-04-90
Please make checks payable to: Baltimore County

Cashier Validation

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

MAY 21, 1990

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

RE: Property Owner: ARBUTUS BUSINESS CENTER REALTY

Location: 1589 SULPHUR SPRING ROAD

Item No.: 390 Zoning Agenda: MAY 29, 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: S. Eric DiNenna, Esq. Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

APPEAL

Petition for Special Hearing, Special Exception and Variance
S/S Sulphur Spring Road, 815' SW of Benson Avenue
(1589 Sulphur Spring Road)
13th Election District - 1st Councilmanic District
ARBUTUS BUSINESS CENTER REALTY - Petitioner
Case No. 90-563-SPHXA

Petitions for Special Hearing, Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany petition
2. Plat to accompany zoning petition
3. CRG Plan
3b. Plan showing SWM and warehouses
4. & 4b Fleet Service, Inc. Client Lists
5. List of Area Industrial Parks

Protestant's Exhibits: 1. Letter of opposition
2. Agreement between McGarrigle and Schmelyun

Deputy Zoning Commissioner's Order dated October 18, 1990 (Granted with restrictions)

Notice of Appeal received November 19, 1990 from Ron Barnett - Arbutus Community Association

cc: Anthony Julio - Arbutus Business Center Realty, Inc.
9640 Deereco Road, Timonium, Maryland 21093

S. Eric DiNenna, Esquire - DiNenna, Mann & Breschi
409 Washington Avenue, Suite 600, Towson, MD 21204

Ron Barnett - Arbutus Community Association
1619 Sulphur Spring Road, Baltimore, MD 21227

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

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 28, 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 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-563-SPHXA
5/5 Sulphur Spring Road, 915' SW of Benson Avenue
1588 Sulphur Spring Road
13th Election District - 1st Councilmanic
Petitioner(s): Arbutus Business Center Realty, Inc.
HEARING: TUESDAY, AUGUST 28, 1990 at 9:30 a.m.

Special Hearings Approve and determine the requirements of Section 253.2B3 as they relate to "Planned Industrial Park" status.
Special Exceptions A service garage.
Variance to allow a service garage in a Planned Industrial Park of less than 25 acres.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

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

cc: Arbutus Business Center Realty, Inc.
S. Eric DiNenna, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

August 20, 1990

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 390, Case No. 90-563-SPHXA
Petitioner: Arbutus Bus. Center Realty
Petition for Zoning Variance

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Arbutus Business Center
9640 Deereco Road
Timonium, MD 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
19th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Arbutus Business Center Realty

Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 30, 1990

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

SUBJECT: Arbutus Business Center Realty, Inc., Item No. 390-290-

The Petitioner requests a Variance to allow a service garage in a planned industrial park of less than 25 acres; and a Special Hearing to determine the requirements of Section 253.2B3 as they relate to "planned industrial park" status.

Should the Petitioner's request be granted, staff offers the following comments:

- The storage of damaged or disabled motor vehicles or parts shall be restricted to the inside of the building.
- All lighting shall be arranged so as not to illuminate the adjacent residential areas.
- No signs shall be permitted for purposes of providing advertisement for the service garage.
- The service garage shall be used solely for the support of industrial uses.
- The hours of operation shall be limited to 8:00 A.M. to 6:00 P.M. Monday thru Saturday.
- All noise and dust levels shall be maintained at a reasonable level.

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

ITEM390.SUP/ZAC1

NR 0 2 1990

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 13, 1990

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

SUBJECT: Arbutus Business Center Realty, Inc., Item No. 390

The Petitioner requests a special exception for a service garage.

In reference to this request, staff offers the following comments:

- The use is proposed to be located in a 10,800 sq. ft. leased area within the Arbutus Business Center, which is zoned M.L. and contains 19.9 acres of land, more or less. A service garage is permitted in an M.L. zone with a special exception provided that it is located "in a planned industrial park at least 25 acres in net area or in an I.M. district," and that the use "will serve primarily the industrial uses and related activities in the surrounding industrial area" (Section 253.2-B, BCZR). An "Industrial Park, Planned" is defined as "(a) an integral industrial development for which an overall plan has been approved by the Office of Planning and Zoning, and which is under common ownership or control" (Section 101, BCZR).
- The tract upon which the Arbutus Business Center is located was the subject of Case No. 72-96-R, in which the Zoning Commissioner granted a reclassification from D.R.5.5 to M.L. zone on August 31, 1972. An appeal was filed on behalf of individual property owners and community associations. Prior to any hearing by the County Board of Appeals, the Appellants and the Petitioner entered into an agreement regarding the use of the site. The appeal was dismissed on April 24, 1974. As a part of the agreement, which was recorded in the Land Records of Baltimore County in Liber 5441, Folio 604, et seq. (attached), the Petitioner agreed to place restrictions on the development of the tract provided that a portion of it was zoned M.L. and no further appeals were taken. They agreed that the described portion "be reclassified M.L., but can only be developed within the context and intent of Sections 247 through 252 of the existing zoning regulations of Baltimore County as apply to a M.L. zone". They further agreed that the owners will not utilize the land for any commercial use which requires a special exception or variance.... (See 5441/609)

Arbutus Business Center, Realty, Inc., Item No. 390
Page 2
June 13, 1990

Based upon the above information, this office believes that the filing of the special exception and the proposed use as a service garage are inappropriate and, therefore, the special exception should not be permitted.

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
Attachment

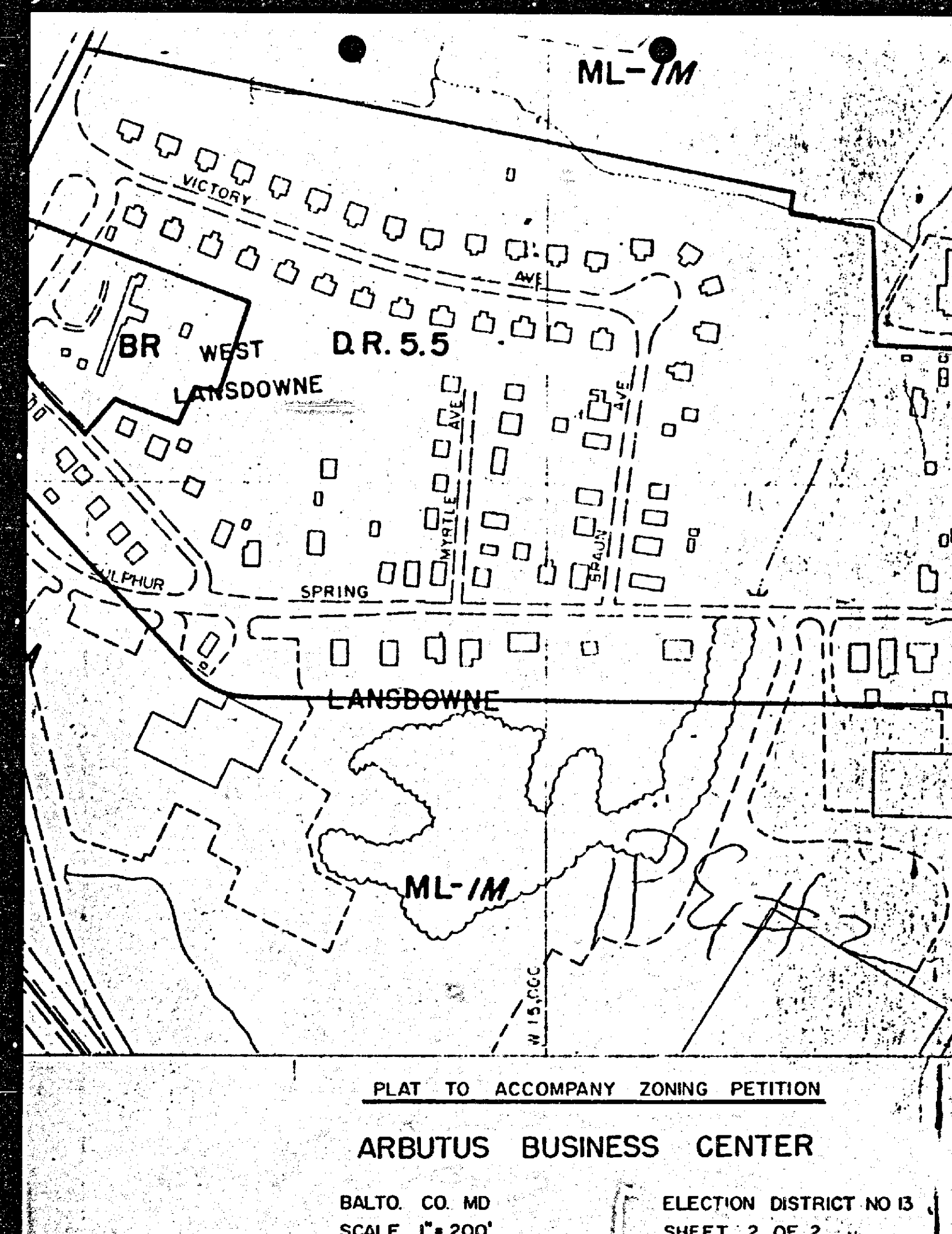
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Ron Barnett</i>	1619 Sulphur Spring Rd. Balto 21227
<i>VERNA J. MILLER</i>	98 W. AELCALI AVE. 21227
<i>Maurice J. Barry</i>	1552 Sulphur Spring Rd. Balto 21227

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Anthony E. Tullio</i>	9640 Deereco Road 21093
<i>EDWARD C. THOMAS</i>	10700 RT 99 21104
<i>KENNETH E. AMES</i>	6 CASTLEVIEW COURT 21093
<i>Mark T. Julia</i>	9640 Deereco Rd 21093
<i>Kevin J. Hulse</i>	1 N. Charles St. Suite 1100
<i>William P. Jones</i>	2 W. Rollingwood Rd. 21093
<i>JAMES MATHS</i>	

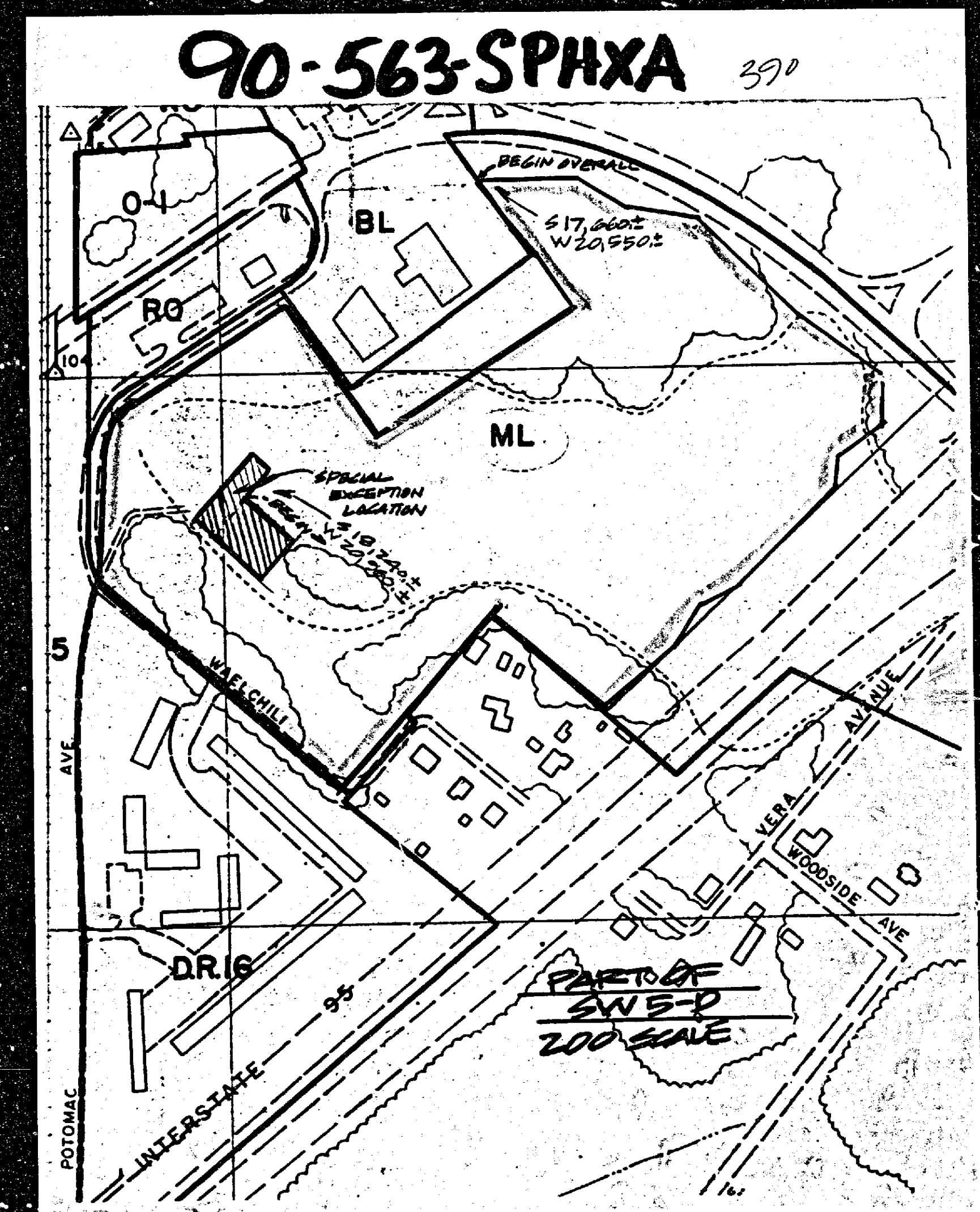


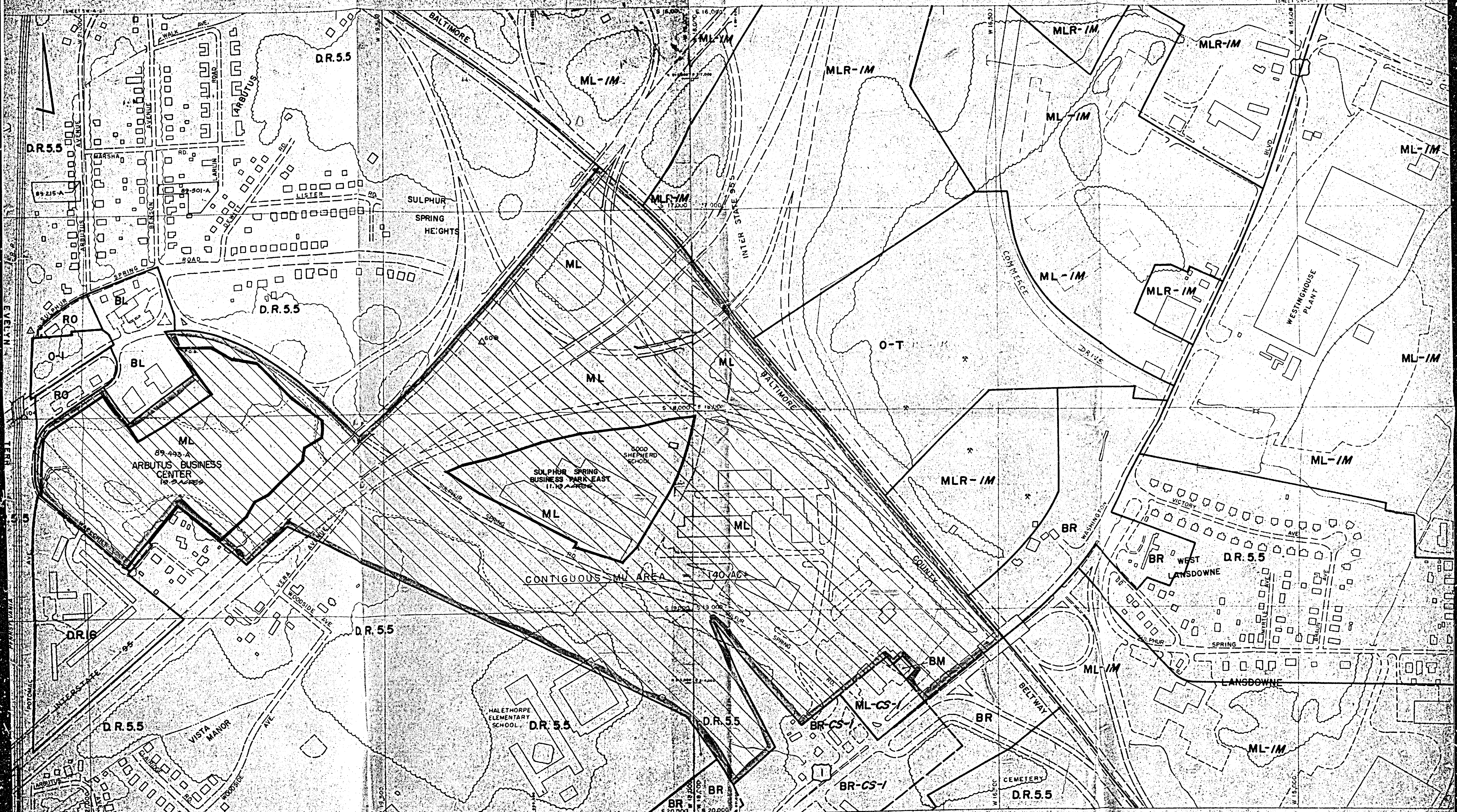
PLAT TO ACCOMPANY ZONING PETITION

ARBUTUS BUSINESS CENTER

BALTO. CO. MD
SCALE 1"=200'

ELECTION DISTRICT NO 13
SHEET 2 OF 2





**TIMORE COUNTY
PLANNING AND ZONING
AL ZONING MAP**

SCALE 1" = 200'	LOCATION HALETHORPE	SHEET 5-D
DATE OF PHOTOGRAPHY JANUARY 1986		

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

[Signature]
Chairman, County Council

PLAT TO ACCOMPANY ZONING PETITION
ARBUTUS BUSINESS CENTER
BALTO. CO. MD
SCALE 1" = 200'
ELECTION DISTRICT NO 13
SHEET 2 OF 2

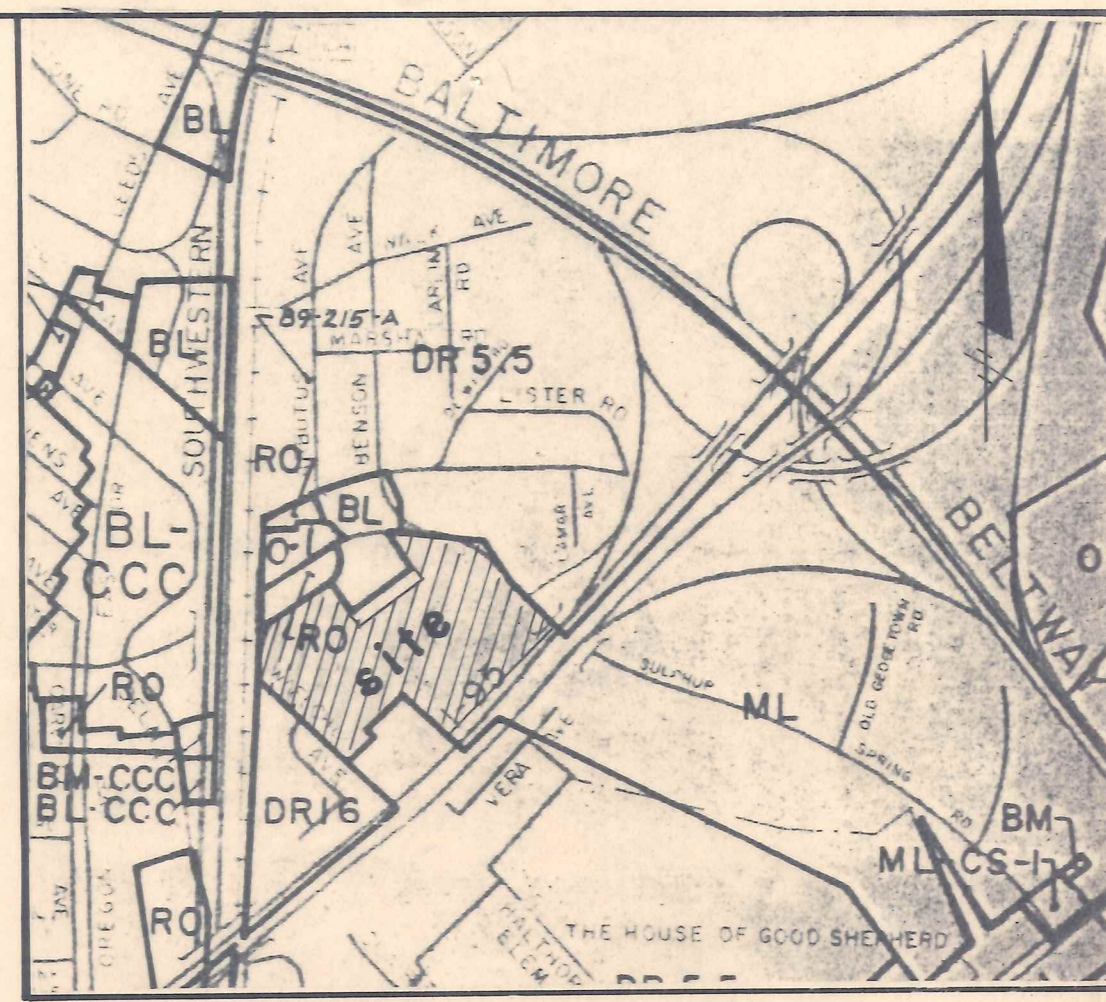
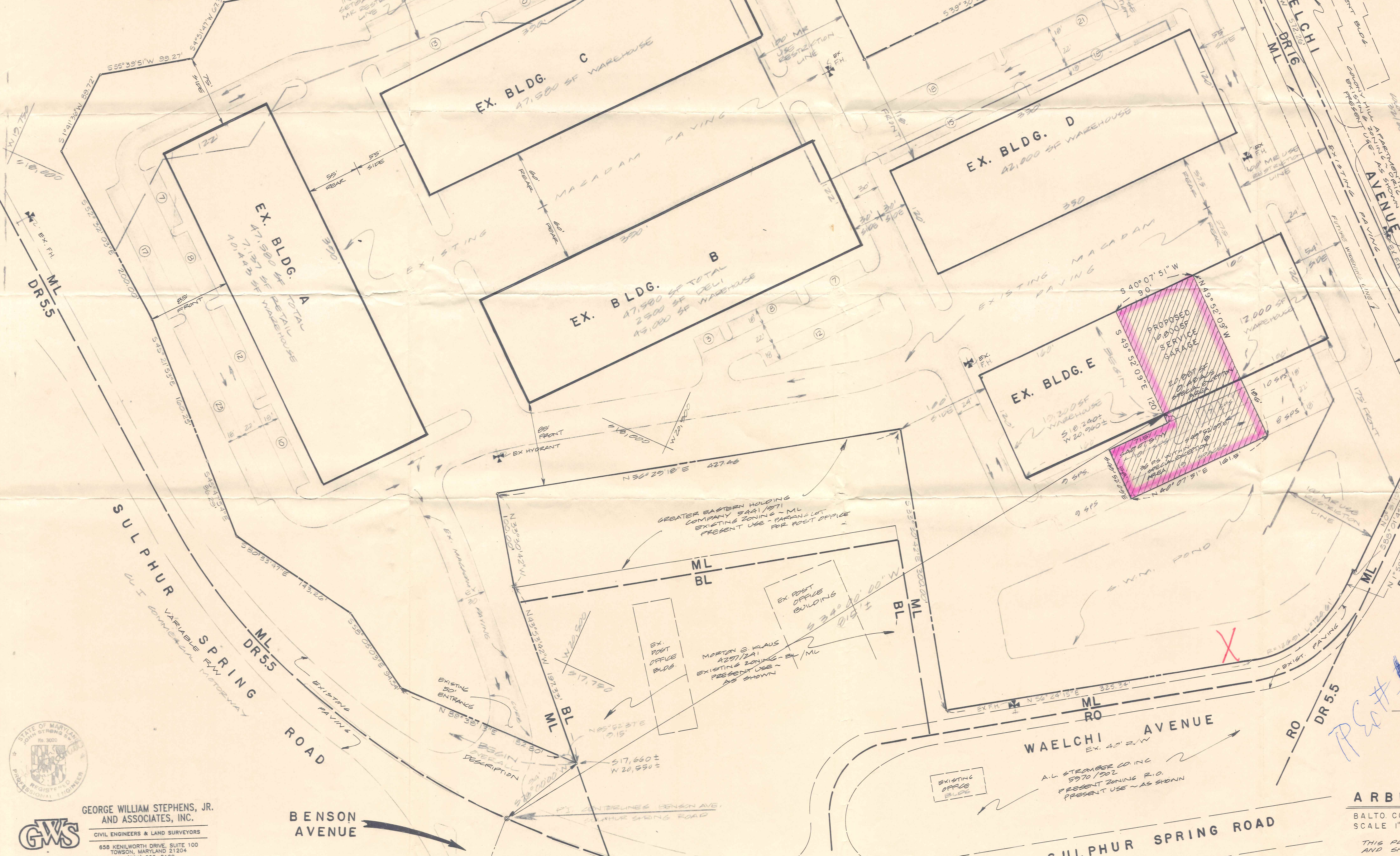
SITE DATA

GROSS AREA: 20.4 ACRES
 NET AREA: 19.9 ACRES (0.56 ACS. DR16, 19.34 ACS. ML)
 EXISTING ZONING: ML AND DR16
 DEED REFERENCE: 6744/487
 BUILDING HEIGHT: 30'
 AVENUE OPEN SPACE: NONE REQUIRED
 CRD APPROVAL: SEE FILE XIII-99
 F.A.R. 226,740 SF/19.94 ACRES GROSS OF ML = 0.26 < 2.0
 EXISTING USE: 1 SINGLE STORY COMMERCIAL WAREHOUSE BUILDINGS
 PROPOSED ADDITIONAL USE: SERVICE GARAGE - 3 BAYS
 HOURS OF OPERATION FOR SERVICE GARAGE: 8 AM TO 6 PM MONDAY THRU SATURDAY
 PRIMARY USE OF SERVICE GARAGE: FOR THE SERVICE AND REPAIR OF MOTOR VEHICLES, INCLUDING BUT NOT LIMITED TO, TUNE UPS, ENGINE REPAIR, CHASSIS WORK, INSPECTIONS, ETC.
 STORAGE OF VEHICLES: ALL DAMAGED OR DISABLED VEHICLES OR PARTS TO BE STORED INSIDE OF BUILDING. ~~NOT~~ ~~AREA~~
 LIGHTING: ANY LIGHTING FIXTURE USED TO ILLUMINATE ANY PARKING OR DRIVE AREA TO BE ERCTED SO AS TO NOT REFLECT RAYS INTO EXISTING RESIDENTIAL AREAS.
 PAVING: ALL EXISTING PAVED SURFACES ARE DURABLE AND DUST FREE AND ALL PARKING AREAS HAVE BEEN STRIPED.
 SIGNAGE: THERE IS NO EXISTING OR PROPOSED SIGNAGE RELATIVE TO THIS ZONING CASE.
 PREVIOUS ZONING CASE: SEE CASE # 89-4932A RELATIVE TO A VARIANCE TO PERMIT A 200 SF PER FACE PARK I.D. SIGN. THE DENSITY ZONING COMMISSIONER GRANTED A VARIANCE TO ALLOW A 175 SF PER FACE PARK I.D. SIGN. THIS VARIANCE WAS SUBSEQUENTLY DENIED BY THE BOARD OF APPEALS.

PARKING TABULATION

BUILDING A	40,442 SF WAREHOUSE @ 15 EMP. @ 18P/3 EMP.	= 36
BUILDING B	7,137 SF ANCILLARY RETAIL (15%) @ 18P/200SF	= 36
BUILDING C	42,000 SF WAREHOUSE @ 15 EMP. @ 18P/3 EMP.	= 36
BUILDING D	42,000 SF WAREHOUSE @ 15 EMP. @ 18P/3 EMP.	= 36
BUILDING E	31,200 SF WAREHOUSE @ 15 EMP. @ 18P/3 EMP.	= 36
BUILDING F	10,800 SF SERVICE GARAGE @ 18P/300 SF	= 36
TOTAL PARKING SPACES REQUIRED		= 144
TOTAL PARKING SPACES AVAILABLE		= 300
STANDARD 8.5' X 18' HANDICAP SPACES		= 15

F.A.R. SPECIAL EXCEPTION AREA 10,800 SF = 52
 20,000 SF



LOCATION MAP
 SCALE 1"=1000'

ALL STRUCTURES AND USES WITHIN 300' ARE SHOWN.
 WATER AND SEWER EAST.
 OUTLINE INFORMATION CONTAINED BY OTHERS.

A SPECIAL EXCEPTION IS REQUESTED PER SECTION 253.283 TO PERMIT A SERVICE GARAGE IN AN EXISTING ML ZONE. A SPECIAL HEARING IS REQUESTED PER SECTION 500.7 TO DETERMINE THE REQUIREMENTS OF SECTION 253.283 AS THEY RELATE TO "PLANNED INDUSTRIAL PARK" STATUS OR IN THE ALTERNATE A VARIANCE IS REQUESTED TO SECTION 253.283 TO PERMIT A SERVICE GARAGE IN AN INDUSTRIAL PARK OF 19.9 NET ACRES IN LIEU OF THE REQUIRED 25 ACRES IN AN EXISTING ML ZONE.

OWNER/PETITIONER
 ARBUTUS BUSINESS CENTER, CO.
 10 PARKS AVENUE
 COCKEYSVILLE, MARYLAND
 21030

PLAT TO ACCOMPANY ZONING PETITION

SPECIAL EXCEPTION, SPECIAL HEARING OR IN THE ALTERNATE A VARIANCE

FOR SERVICE GARAGE

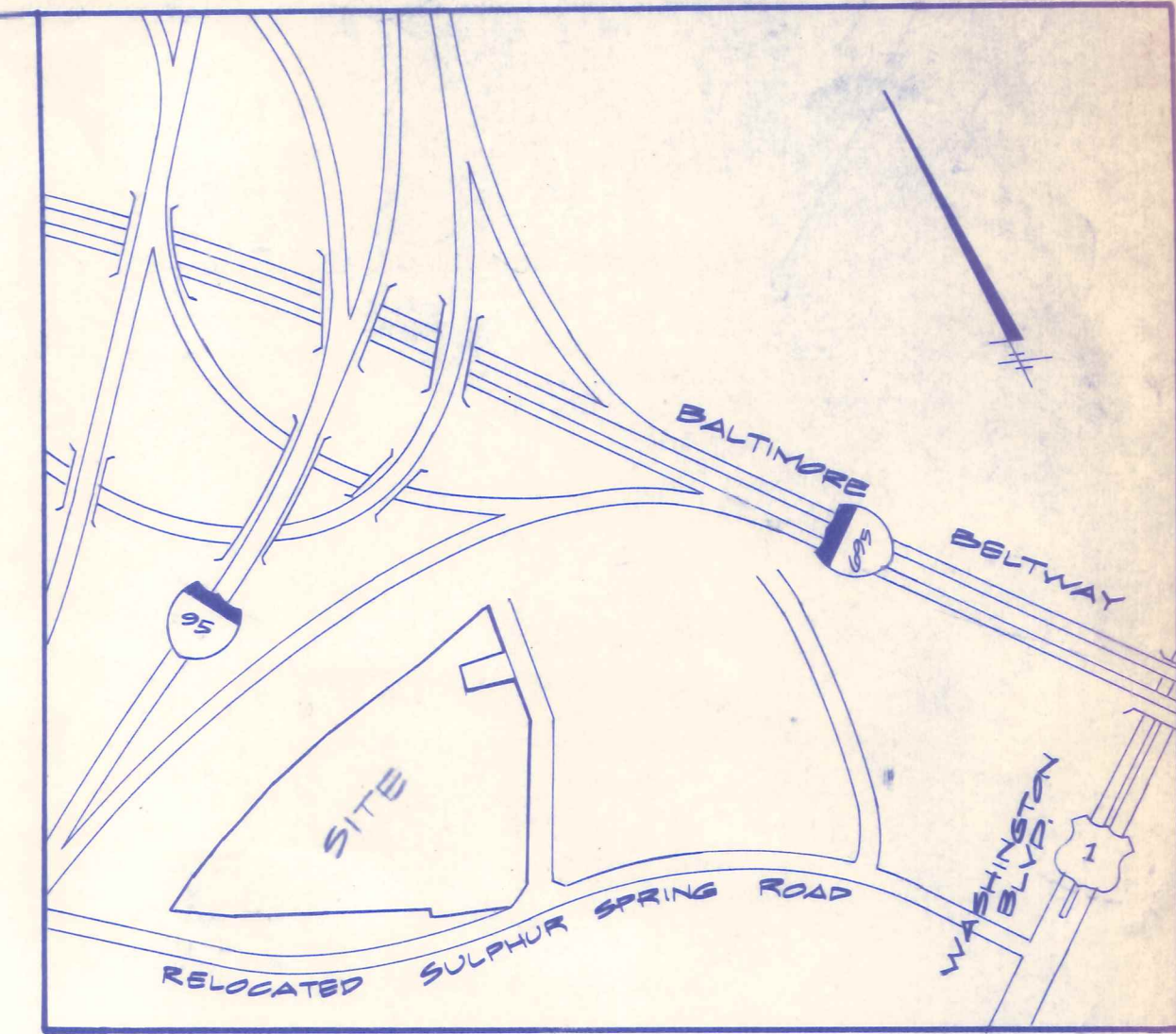
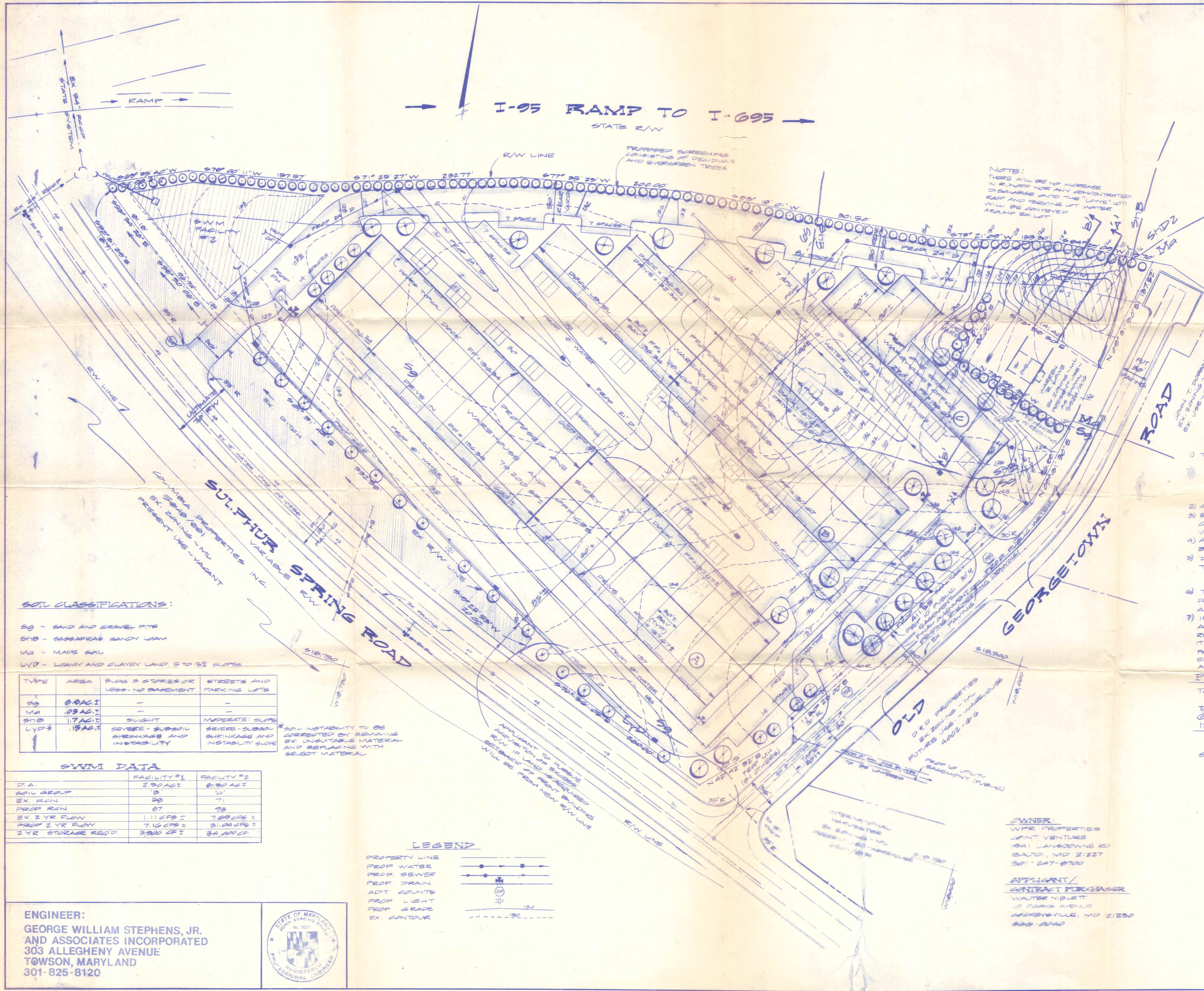
ARBUTUS BUSINESS CENTER

BALTO. CO. MD #1589 SULPHUR SPRING ROAD ELECT. DIST. 13
 SCALE 1"=50' APRIL 26/1990

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 658 KENILWORTH DRIVE, SUITE 100
 TOWSON, MARYLAND 21204
 (301) 825-8120

GWS





VICINITY MAP SCALE: 1"=500'

COUNCILMANIC DISTRICT - 1
 CENSUS TRACT - 4304
 SUB SEWER SHED - 74
 SUB WATER SHED - 29
 ACCOUNT NUMBER - 17-00-014532

SITE DATA

AREA OF SITE - 10.7 AC±
 DEED REFERENCE - 5042/127
 EXISTING ZONING - M1
 EXISTING USE - VACANT
 PROPOSED USE - OFFICE & WAREHOUSE COMPLEX

- GENERAL NOTES**
- 1) THIS SITE IS NOT A: CRITICAL AREA, AN ARCHEOLOGICAL SITE, AN ENDANGERED SPECIES HABITAT, A HAZARDOUS MATERIAL SITE, A HISTORICAL SITE, A WETLAND.
 - 2) ALL PROPOSED UTILITIES ON-SITE ARE PRIVATE.
 - 3) BUILDING SIZE AND LOCATION IS APPROXIMATE AND CONCEPTUAL. MINOR ADJUSTMENTS MAY BE MADE UPON COMPLETION OF GRADING PLAN.
 - 4) ADT COUNTS BASED ON "TRIP GENERATION" PUBLISHED BY THE INSTITUTE OF TRAFFIC ENGINEERS.
 - 5) DENSE SCREENING WILL BE PROVIDED ADJACENT TO THE LOT LINES AROUND THE EX. DWELLING.
 - 6) THE PROPERTY OUTLINE SHOWN HEREIN IS TAKEN FROM DATA FURNISHED BY OTHERS. METES AND BOUNDS AND ACRES MAY VARY PENDING FIELD SURVEY.
 - 7) IF EX. COUNTY R/W ALONG SULPHUR SPRING RD. (HATCHED AREA) IS DEEMED AS BEING SURPLUS AND IN TURN IS RELEASED TO THE OWNER AT THE TIME OF SUCH DECISION, IT THEN IS THE PURPOSE OF THIS PLAN TO RESERVE THAT AREA FOR DEVELOPMENT. THE DEVELOPMENT WILL BE RESTRICTED TO PARKING, DRIVEWAY, AND STORMWATER MANAGEMENT AND WILL BE IN COMPLIANCE WITH COUNTY REGULATIONS.

PARKING TABULATION

TOTAL PROPOSED OFFICES	30,600 SF
@ 1 SP / 300 S.F.	REQ'D = 102 SPS
TOTAL WAREHOUSE BAYS	40 BAYS (EST)
@ EST. 3 EMPLOYEES / BAY = 120 EMP	
120 EMPLOYEES @ 1 SP / 3 EMPLOYEES	= 40 SPS
TOTAL PARKING REQ'D	= 142 SPS
TOTAL PARKING	142 SPS
SPACES 25' X 10'	

PETITIONER'S EXHIBIT 3A

CRG PLAN
SULPHUR SPRING EAST BUSINESS PARK
 Balto. Co., Maryland
 Election District No. 13
 Scale: 1"=50'
 February 1984

REV. MARCH 27, 1984

SOL CLASSIFICATIONS:

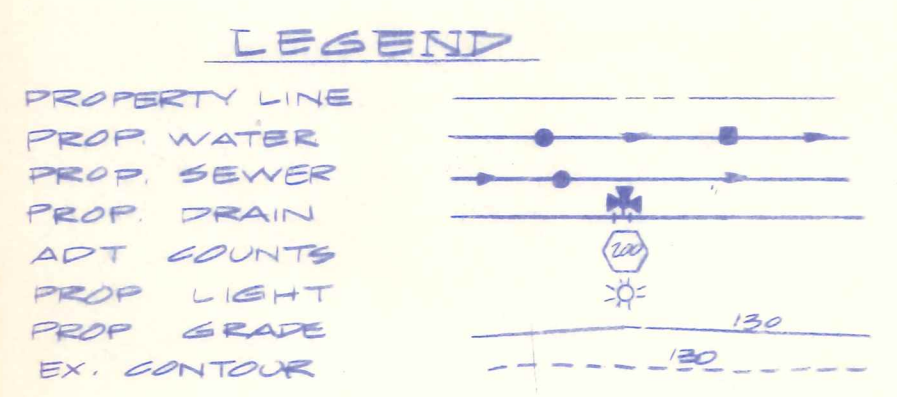
- SG - SAND AND GRAVEL PITS
- SHB - SASSAPARA SANDY LOAM
- MG - MADE SOIL
- LYD - LOAMY AND CLAYEY LAND, 5 TO 5% SLOPES

TYPE	AREA	BLOS 3 STORES OR LESS - NO BASEMENT	STREETS AND PARKING LOTS
SG	0.00 AC±	-	-
MA	0.03 AC±	-	-
SHB	1.17 AC±	SLIGHT	MODERATE: SLOPE
LYD	1.56 AC±	SEVERE - SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE - SUBSOIL SHRINKAGE AND INSTABILITY SLOPE

SWM DATA

	FACILITY #1	FACILITY #2
D.A.	2.50 AC±	0.00 AC±
SOIL GROUP	50	71
EX. REN	50	71
PROP. REN	87	93
EX. 2 YR FLOW	1.11 CFS±	7.69 CFS±
PROP. 2 YR FLOW	7.16 CFS±	31.04 CFS±
2 YR STORAGE REQ'D	3,000 CF±	34,400 CF

ENGINEER:
 GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES INCORPORATED
 303 ALLEGHENY AVENUE
 TOWSON, MARYLAND
 301-825-8120



OWNER:
 WPK PROPERTIES
 JOINT VENTURE
 1841 LANSDOWNE RD
 BALTO., MD 21227
 301-247-0700

APPLICANT / CONTRACT PURCHASER:
 WALTER NIBLITT
 12 PARKS AVENUE
 ROCKESVILLE, MD 21230
 410-404-0040

GENERAL

NOTES

TOTAL FLOOR AREAS SHOWN

PARKING

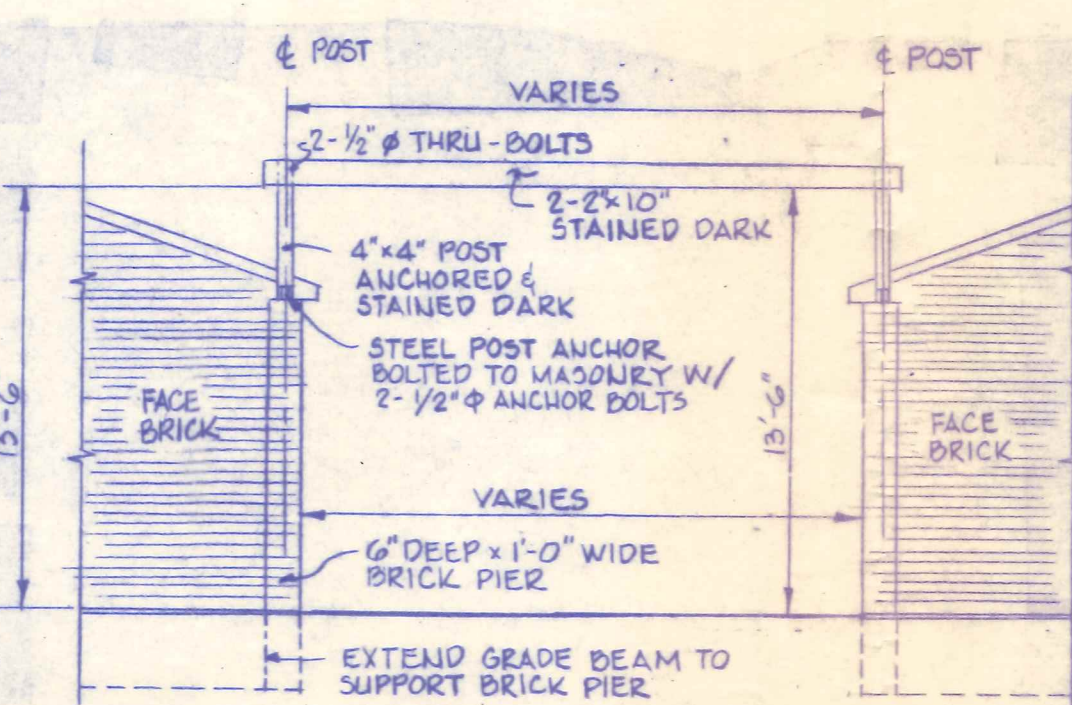
S.W.M. DATA

TO BE STUDIED
ON BASIS OF
2, 10, 100 YR.
FREQUENCY

- 1) ELECTION DISTRICT 13
- 2) COUNCILMANIC DISTRICT 1
- 3) CENSUS TRACT 4304
- 4) WATERSHED 29
- 5) SUBSEWERSHED 74
- 6) SITE DATA ~ EX ML ZONE
- 7) DEED REFERENCE SPACE (10') (12'x18') (54'x20') (119') (131') (170')
- 8) FLOOR AREA RATIO PERMITTED SHOWN .6
- 9) NO WETLANDS .26
- 10) GEOLOGICAL INFORMATION (SEE ENVIRONMENTAL REPORT)
- 11) NO ARCHAEOLOGICAL SITES
- 12) NO ENDANGERED SPECIES
- 13) NO HAZARDOUS MATERIAL
- 14) LIGHTING SHALL BE ERCTED SO AS NOT TO REFLECT RAY TOWARD ADJACENT RESIDENCES OR INTERFERE WITH TRAFFIC (MAX HIGHT 7 FEET)
- 15) LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH APPROPRIATE REGULATIONS.
- 16) PROP. NO. 12-19-071232
- 17) NO HISTORIC BLDGS
- 18) Typ. R/S (8'x12'x18') IF 1/2" WIDE MUST HAVE ENOUGH AISLE TO SUPPORT 300 SE/SPACE

- 19) PARKING TO BE SCREENED FROM ADJACENT RESIDENCES BY WALL, SLOPE, EVERGREEN PLANTINGS & FENCES (EITHER OF OR IN COMBINATION WITH)
- 20) SOIL TYPES *
- 21) ADT - GENERAL OFFICE ~ 486, WAREHOUSES ~ 209, TOTAL ADT ~ 1465
- 22) NO. OF EMPLOYEES (108 FOR W'HOUSE WITH 55 PS AS SHOWN)
- 23) HOURS OF OPERATION ~ VARY ~ TO BE DETERMINED
- 24) EXISTING CONTOUR ~ (2)
- 25) PROPOSED CONTOUR ~ SPOT ELEV. + 120
- 26) MAX. BLDG. ELEVATION 20'
- 27) PRINCIPAL USE OF BLDGS IS FOR GENERAL OFFICES AND WAREHOUSE
- 28) THE SITE IS SERVED BY MTA BUS ROUTE #3
- 29) TOPO IS SUBJECT TO CHANGE
- 30) SETBACKS & RESTRICTIONS SEE DEED & AGREEMENT BHKR 5441/604
- 31) NO NATURAL SLOPES 25% OR STEEPER (FORMER QUARRY OPERATION) SEE PAGE 4 & EER
- 32) ADDITIONAL FIRE HYDRANT ~ 350' FROM NEED TO BE STUDIED

TOTAL FLOOR AREAS SHOWN		PARKING	
		REQ.	SHOWN
'B' OFFICE - OPTION	23,600 SF + 200 = 99 PS	99 PS	99 PS
'A' OFF. OR WHOLESALE BLDG	3,500 SF + 200 = 17 PS	17 PS	23 PS
'C' THRU 'G' WAREHOUSES	142,500 SF + (NOTE #19) = 55 PS	55 PS	55 PS
'H' THRU 'O' MINI-WAREHOUSE	56,125 SF + (2 PS CT. = 7 FOR GUEST)	2 PS	9 PS
* INCL. CARSTACKER APT. OFF			
TOTAL	231,525 SF	173 PS	186 PS

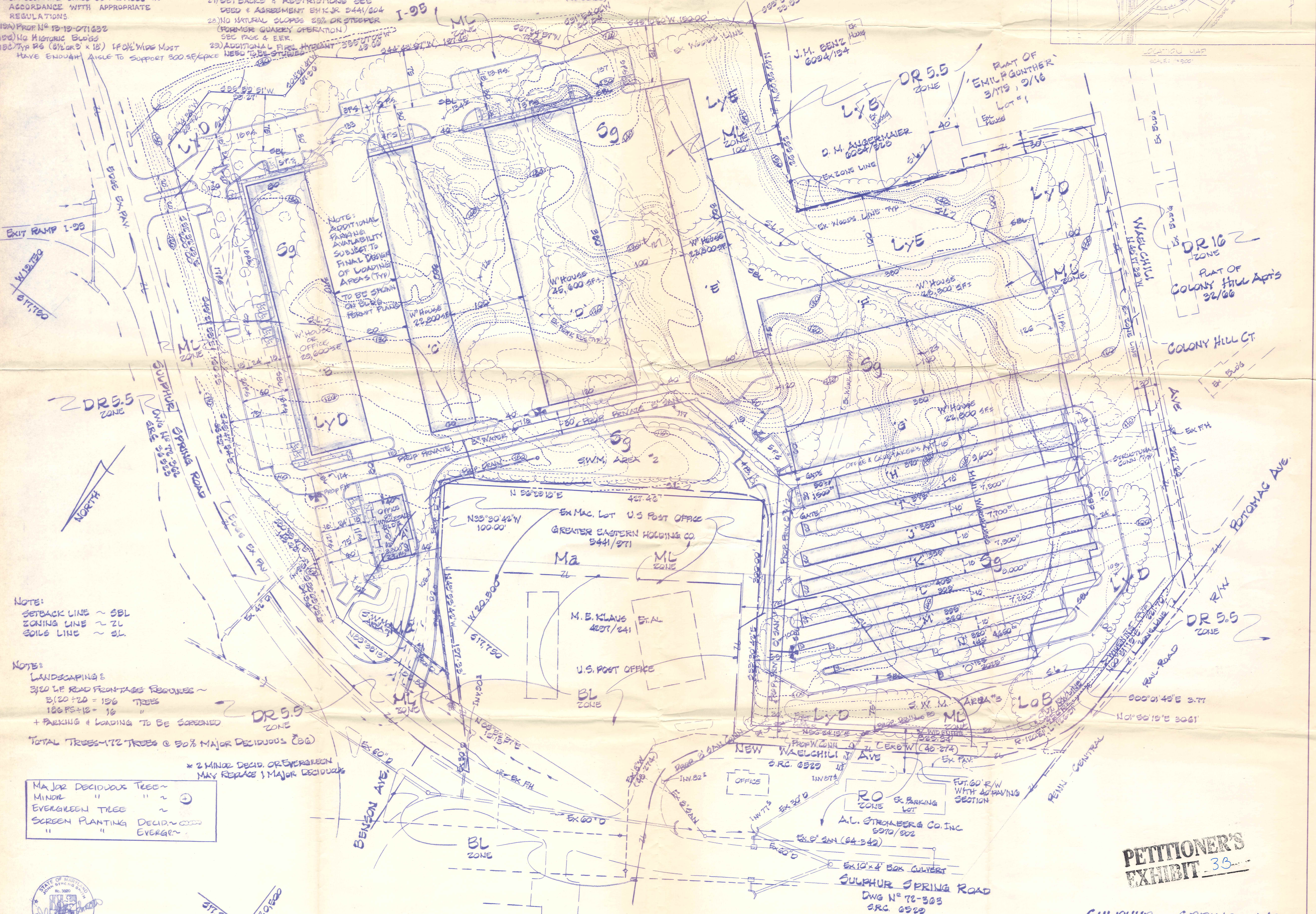
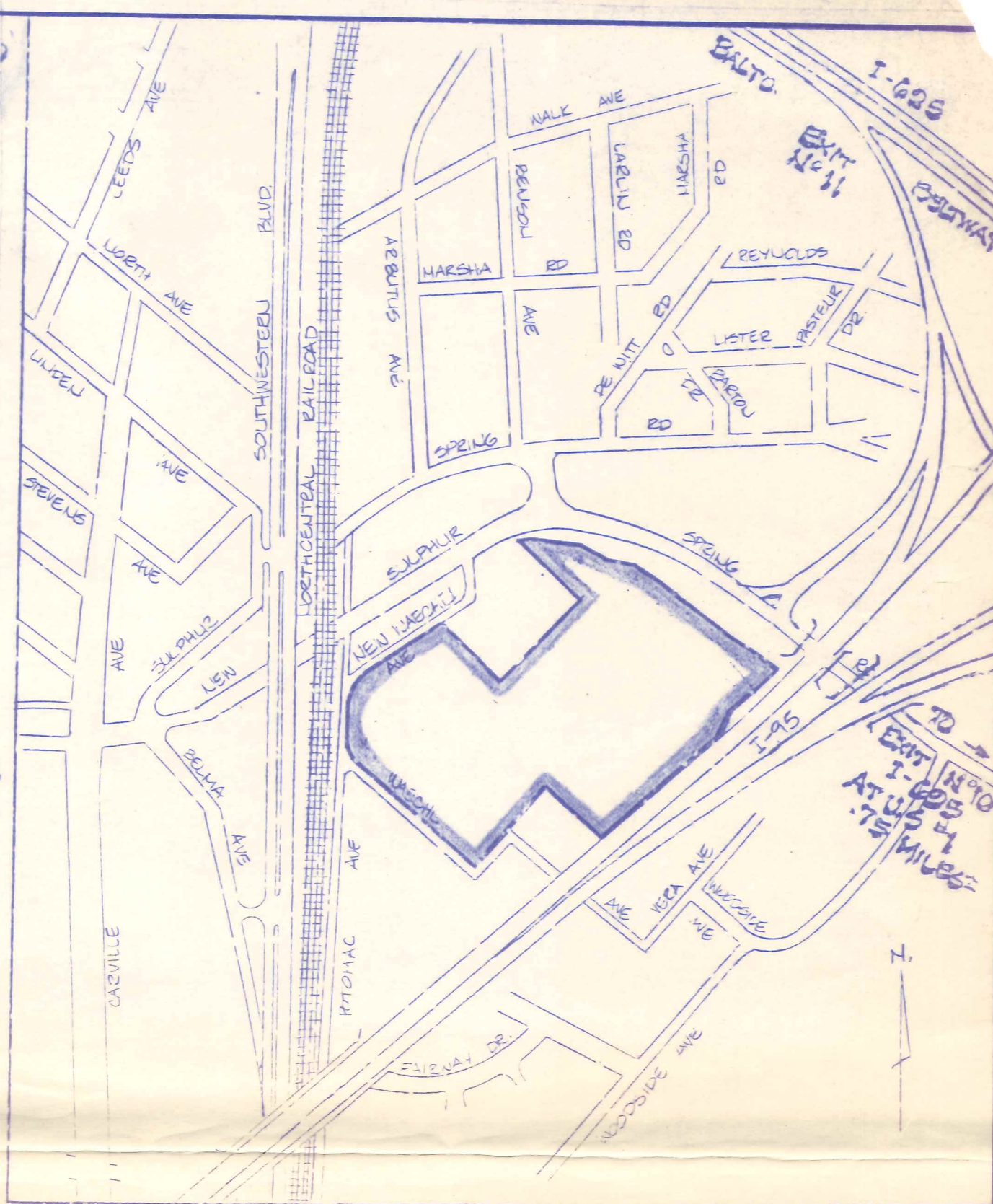


TYPICAL STRUCTURAL CONN. (NO SCALE)

NOTE: BLDG 'B' W'HOUSE - OPTION WOULD PERMIT 99 PS X 3 = 297 EMPLOYEES

NOTE: DRAIN LOCATIONS & SIZES TO BE DETERMINED BY FINAL GRADING STUDY. FINAL GRADING TO BE SHOWN ON BUILDING PERMIT PLAN

NOTE: DRAINAGE TO BE DIRECTED TOWARD S.W.M. FACILITIES



- NOTE: SETBACK LINE ~ SBL ZONING LINE ~ ZL SOILS LINE ~ SL
- NOTE: LANDSCAPING 3/20 LF ROAD FRONTAGE REQUIRES ~ 3/20 F20 = 156 TREES 186 PS + 18 = 16 + PARKING & LOADING TO BE SCREENED
- TOTAL TREES ~ 172 TREES @ 50% MAJOR DECIDUOUS (80)
- * 2 MINOR DECID. OR EVERGREEN MAY REPLACE 1 MAJOR DECIDUOUS
- MAJOR DECIDUOUS TREE ~ MINOR " " " EVERGREEN TREE ~ SCREEN PLANTING DECID. EVERGR.

ENGINEER
G. W. STEPHENS, JR.
AND ASSOCIATES INC.
303 ALLEGHENY AVE
TOWSON, MD 21204
410-2120
J.S. KUNE

*** CONTRACT PURCHASER**
SULPHUR SPRING WEST
REALTY & COMPANY
10 PARKS AVENUE
COCKEYSVILLE, MD 21203
444-0240

OWNER
WILLIAM G. SCHMELYUN ET AL.
1230 SULPHUR SPRING RD.
BALTIMORE, MD 21227
242-1030

PETITIONER'S EXHIBIT 33

SULPHUR SPRING WEST BUSINESS CENTER

BALTO. CO., MD. ELECT. DIST. 13
APRIL 16, 1984 SCALE: 1"=50'

REV 5/21/84 1990-0563 PN 4048