

IN THE MATTER OF THE
THE APPLICATION OF
STATE HIGHWAY ADMINISTRATION
FOR A ZONING RECLASSIFICATION
FROM D.R.5.5 TO B.R.-C.S.1;
EXCEPTION AND VARIANCES ON
PROPERTY LOCATED ON THE NORTH-
WEST SIDE WASHINGTON AVENUE, 560'
SOUTHWEST OF CENTERLINE OF MAYFIELD*
ROAD AND 200' NORTHWEST OF CENTER-
LINE OF WASHINGTON AVENUE (4718
WASHINGTON AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

OPINION

The above entitled matter came on for a hearing before this Board on Petitioner's request for Reclassification, Special Exception, and Variances. The Contract Purchaser appeared and was represented by Harrison Stone, Esquire. Phyllis Friedman, People's Counsel for Baltimore County, appeared and participated in the proceedings. The subject property is an unimproved parcel of land consisting of approximately .837 acres split zoned B.R.-C.S.1 and D.R.5.5. It accesses Washington Boulevard (See Petitioner's Exhibit No. 1). Testimony indicated that the front portion of the property was granted a Special Exception for a contractor's equipment storage yard by the Zoning Commissioner for Baltimore County on January 9, 1991. The rear portion of the property is zoned D.R.5.5 and Petitioner is seeking to have this portion rezoned to B.R.-C.S.1 with a Special Exception for a storage yard to make the entire parcel compatible as to use.

The Report of the Baltimore County Planning Board to the Baltimore County Board of Appeals dated January 31, 1991 was introduced as a Joint Exhibit. This Report reviews the Petition

State Highway Administration, Case No. CR-91-108-XA 2

and documented site plan and recommends the approval of the zoning change requested.

No opposition was offered by People's Counsel to Petitioner's request and no Protestants appeared at the hearing. Petitioner proffered, in lieu of testimony, facts to support the request for Reclassification, Special Exception and Variances. Additionally, Joseph A. Warfield, a engineer with Patton Consultants testified. The Board was informed that the subject property is erroneously zoned D.R.5.5. Property to the north of the site is a trailer park commercially zoned. Property to the west and rear of the subject property is Conrail Railroad right-of-way and the property to the southwest is zoned B.R. and used as a construction equipment area by Baltimore County. It is clear to this Board that a residential use for the rear portion of the subject site is erroneous and inappropriate taking into consideration the surrounding properties and their uses. Testimony further indicates and supports Petitioner's request for the Special Exception to use the balance of the property as a contractor's equipment storage yard and that the request for Variances should be granted. This Board finds from the evidence presented by the Petitioner that the burden of proof has been met to establish error and for the granting of the Special Exception and Variances.

ORDER

For the reasons as set out above, it is this 25th day of March, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Reclassification from

State Highway Administration, Case No. CR-91-108-XA 3

D.R.5.5 to B.R.-C.S.1 be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception for a contractor's equipment storage yard be and is hereby GRANTED in accordance with Petitioner's Exhibit No. 1, subject to the following restrictions:

1. Prior to the issuance of any building permit, the Petitioner shall submit to the deputy director of the Office of Planning & Zoning a copy of the landscape plan. Said plan shall include an enhanced treatment along the property line adjacent to the mobile home park.
2. Any lighting fixtures should be arranged to reflect light away from adjacent residential properties and public streets.
3. The hours of operation of all uses (other than office activities) shall be from 6:00 a.m. to 9:00 p.m.

IT IS FURTHER ORDERED that the Petition for Zoning Variances to permit a side and rear yard setback of 15' in lieu of the required 30' be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Lynn B. Moreland

Arnold G. Foreman

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF
FROM D.R. 5.5 TO B.R.-C.S.1 :
ZONE, SPECIAL EXCEPTION AND : APPEALS OF BALTIMORE COUNTY
ZONING VARIANCES
SW C/L of Mayfield Rd. and :
200' NW C/L of Washington :
Blvd., 13th Election District :
1st Councilmanic District :
STATE HIGHWAY ADMINISTRATION, : Case No. CR-91-108-XA
Petitioner : (Item 2, Cycle IV)

ENTRY OF APPEARANCE

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

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 16th day of October, 1990, a copy of the foregoing Entry of Appearance was mailed to E. Harrison Stone, Esquire, Suite 800, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Berkley F.

CL-3-3-91 10006

RECEIVED
COUNTY BOARD OF APPEALS

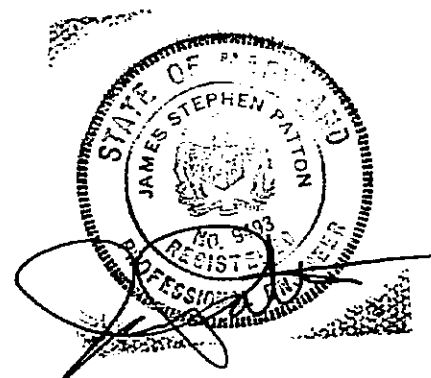
Carroll, President, B. F. Carroll Contractors, Inc., 1502 Montford Ave., Baltimore, MD 21213, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

CR-91-108-XA

B. F. CARROLL CONTRACTORS, INC.
ZONING RECLASSIFICATION PETITION
ENVIRONMENTAL IMPACT STATEMENT

As there is no change in use proposed and the intent of the reclassification is to utilize the existing paved area for parking of equipment, the Petitioner submits that there will not be a change in the environmental impact. In fact, the Petitioner will improve the environmental quality by increasing the landscaping buffer areas and reducing the existing paved areas that presently exist on the site.



PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an RR-CSL zone, for the reasons given in the attached statement; and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a contractor's equipment storage yard (Section 236.4)

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Section 238.2 so as to permit side and rear yard setbacks of 15 feet in lieu of the required 30 feet.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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.

Contract Purchaser:

B.F. Carroll Contractors, Inc.
(Type or Print Name)
Signature: *Berkley F. Carroll*
President

1502 Montford Avenue
Address
Baltimore, Maryland 21213
City and State

Attorney for Petitioner:

E. Harrison Stone, Esq.
(Type or Print Name)
Signature: *E. Harrison Stone*

Suite 600, 102 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: (301) 823-1800

Legal Owner(s):

State Highway Administration
(Type or Print Name)
Letter attached.
Signature

(Type or Print Name)

Signature

706 North Calvert St. (301) 333-1650
Address
Baltimore, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
James S. Patton, P.E.
Patton Consultants, Ltd.
305 W. Chesapeake Avenue, Suite 305
Towson, MD 21204 (301) 296-2140
Address Phone No.

BARC-Form 1

54-9-91 18 0106
COUNTY BOARD OF APPEALS
RECEIVED



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 2, 1990

RE: SHA Deed to B. F. Carroll Contractors Inc., dated March 22, 1990 (property on U.S. Rte. 1 at intersection with Southwestern Boulevard)

Mr. J. Robert Haines, Esquire
Zoning Commissioner of Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Haines:

This is to advise you that the State Highway Administration ("SHA") has executed a Deed to B.F. Carroll Contractors, Inc. dated March 22, 1990, covering certain property owned by SHA on the west side of U.S. Route 1 at its intersection with Southwestern Boulevard, Baltimore County, Maryland. It is anticipated that such Deed will be delivered to the said Grantee at closing, presently scheduled for August 31, 1990.

This is to further advise you that SHA has no objection to the filing of any zoning petitions by the said Grantee for whatever zoning the Grantee feels is necessary for the Grantee's intended use of the property. This includes the filing of any petitions for Special Exception, Variances and/or Use Permits.

Yours very truly,
Richard S. Greene
Richard S. Greene
Property Manager
Office of Real Estate

RSg:pvm

My telephone number is (301) 333-1620

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

CR-91-108-XA

STATE ROADS COMMISSION
PROPERTY
WASHINGTON BOULEVARD
13TH ELECTION DISTRICT - 1ST COUNCILMANIC
BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning at a point two hundred (200) feet ± north and at right angle from the center line of Washington Boulevard which is sixty (60) feet wide at the distance along the center line of Washington Boulevard of five hundred sixty (560) feet ± southwest of the center line of the nearest improved intersecting street, Mayfield Avenue, which is fifty (50) feet wide. Thence from said point of beginning the following courses and distances:

South 43°02'30" West 165.5';
North 46°21'30" West 53.78';
North 05°37'32" East 163.99';
South 46°21'30" East 138.01';
North 43°02'30" East 34.19';
South 46°31'40" East 17.50';

to the place of beginning which is a portion of the area as recorded as SHA Plat #50724. This area containing 0.307 acre ±.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

CR-91-108-XA

District: 13th Date of Posting: February 13, 1991

Posted for: Reclassification, Special Exception, and Variance

Petitioner: State Highway Administration

Location of property: N.W. 1/4 Washington Blvd. Sec. 8, T. 47 N. R. 18 W. of Mayfield Rd.

Location of Sign: Washington Blvd. in front of subject property

Remarks: _____

Posted by: S. J. Arata Date of return: February 16, 1991

Number of Signs: 1

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

receipt
No 3489

Account: R-001-6150
Number

Date: 9/24/90

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1	
050 - SPECIAL EXCEPTION	1	
060 - RECLASSIFICATION	1	
070 - SUM OF ABOVE FEES (MAXIMUM)		\$450.00
TOTAL:		\$450.00

LAST NAME OF OWNER: STATE ROADS COMM

Cashier Validation: _____

Please make checks payable to: Baltimore County

PAID FOR HOW WERNER RECEIVED 9/24/90

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 2-14 successive weeks, the first publication appearing on 2-21-91

CATONSVILLE TIMES

Publisher

\$ 103.91

NOTICE OF HEARING

Re: Petition for Zoning Re-classification, Special Exception and Variance. Case Number CR-91-108-XA. NW 1/4 Washington Boulevard, 560' SW c/l of Mayfield Road, 4718 Washington Boulevard, 13th Election District.

Beginning at a point two hundred feet more or less north and a right angle from the center line of Washington Boulevard which is sixty feet wide at the distance along the center line of Washington Boulevard of five hundred feet more or less from the nearest improved intersecting street, Mayfield Avenue, which is fifty feet wide. Thence from said point of beginning the following courses and distances:

South 45 degrees 02'30" West 165.5';
North 45 degrees 21'30" West 53.78';
North 05 degrees 73'32" East 153.01';
South 45 degrees 02'30" East 34.19';
South 45 degrees 31'40" East 17.50'.

Reclassification: From D.R. 5.5 zoning to B.R. - C.S. 1 zoning.
Special Exception: For a contractor's storage yard.
Variance: To permit side and rear yard setbacks of 15 feet in lot of the required 30 feet.

Wednesday, March 13, 1991 at 10:00 a.m.
County Office Building, Room 301
111 W. Chesapeake Ave. Towson, MD 21204
WILLIAM T. HACKETT, CHAIRMAN, County Board of Appeals
2091 Feb. 14

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

DATE: 2/25/91

B.F. Carroll Contractors, Inc.
1502 Westford Avenue
Baltimore, Maryland 21213

Re: Petitions for Zoning Re-classification, Special Exception and Variance. CASE NUMBER: CR-91-108-XA. NW 1/4 Washington Boulevard, 560' SW c/l of Mayfield Road, 4718 Washington Boulevard, 13th Election District - 1st Councilmanic Legal Owners: State Highway Administration. Contract Purchaser(s): B. F. Carroll Contractors, Inc. Hearing Scheduled: WEDNESDAY, MARCH 13, 1991 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$456.62 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

cc: E. Harrison Stone, Esq.

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

receipt
#5

Account: R-001-6150
Number

Date: 8/30/90

Reclass. Petition (Variance + Special Ex.) \$1400.00

Owner: State Highway Admin

Contract Purchaser: B.F. Carroll Contractors, Inc.

4718 Washington Blvd.

04404B092MICHRD \$450.00

Please Make Checks Payable To: Baltimore County 10159AM03-30-90

Cashier Validation: _____

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2-21-91

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 2-14 successive weeks, the first publication appearing on 2-14-91

THE JEFFERSONIAN

S. Zeke Orleans
Publisher

\$ 103.91

NOTICE OF HEARING

Re: Petition for Zoning Re-classification, Special Exception and Variance. Case Number CR-91-108-XA. NW 1/4 Washington Boulevard, 560' SW c/l of Mayfield Road, 4718 Washington Boulevard, 13th Election District.

Beginning at a point two hundred feet more or less north and a right angle from the center line of Washington Boulevard which is sixty feet wide at the distance along the center line of Washington Boulevard of five hundred feet more or less from the nearest improved intersecting street, Mayfield Avenue, which is fifty feet wide. Thence from said point of beginning the following courses and distances:

South 45 degrees 02'30" West 165.5';
North 45 degrees 21'30" West 53.78';
North 05 degrees 73'32" East 153.01';
South 45 degrees 02'30" East 34.19';
South 45 degrees 31'40" East 17.50'.

Reclassification: From D.R. 5.5 zoning to B.R. - C.S. 1 zoning.
Special Exception: For a contractor's storage yard.
Variance: To permit side and rear yard setbacks of 15 feet in lot of the required 30 feet.

Wednesday, March 13, 1991 at 10:00 a.m.
County Office Building, Room 301
111 W. Chesapeake Ave. Towson, MD 21204
WILLIAM T. HACKETT, CHAIRMAN, County Board of Appeals
2091 Feb. 14

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

receipt

Account: R-001-6150
Number

Date: 3/13/91

CR-91-108-XA

M9100776

PUBLIC HEARING FEES	QTY	PRICE
020 - POSTING SIGNS / ADVERTISING 1 X		\$456.62
TOTAL:		\$456.62

LAST NAME OF OWNER: STATE ROADS COMM

04404B092MICHRD \$456.62

Please Make Checks Payable To: Baltimore County 10159AM03-25-91

Cashier Validation: _____

October 17, 1990

NOTICE OF HEARING

Re: Petitions for Zoning Re-classification, Special Exception and Variance. CASE NUMBER: CR-91-108-XA. NW 1/4 Washington Boulevard, 560' SW c/l of Mayfield Road, 4718 Washington Boulevard, 13th Election District - 1st Councilmanic Legal Owners: State Highway Administration. Contract Purchaser(s): B. F. Carroll Contractors, Inc. Hearing Scheduled: WEDNESDAY, MARCH 13, 1991 at 10:00 a.m.

PROPERTY DESCRIPTION

Beginning at a point two hundred feet more or less north and a right angle from the center line of Washington Boulevard which is sixty feet wide at the distance along the center line of Washington Boulevard of five hundred feet more or less southwest of the center line of the nearest improved intersecting street, Mayfield Avenue, which is fifty feet wide. Thence from said point of beginning the following courses and distances:

South 45 degrees 02'30" West 165.5';
North 45 degrees 21'30" West 53.78';
North 05 degrees 73'32" East 153.01';
South 45 degrees 02'30" East 34.19';
South 45 degrees 31'40" East 17.50'.

RECLASSIFICATION: From D.R. 5.5 zoning to B.R. - C.S. 1 zoning.

SPECIAL EXCEPTION: For a contractor's storage yard.

VARIANCE: To permit side and rear yard setbacks of 15 feet in lieu of the required 30 feet.

TIME: 10:00 a.m.

DATE: WEDNESDAY, MARCH 13, 1991

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: B. F. Carroll Contractors, Inc.
E. Harrison Stone, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

March 1, 1991 887-3353

E. Harrison Stone, Esquire
Suite 600, 102 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 2
Case No. CR91-108-XA
Petitioner: State Highway Adm.
Reclassification Petition

Dear Mr. Stone:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle IV). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before March 1, 1991. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: State Highway Administration
B.F. Carroll Contractors, Inc.

cc:

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 31st day of August, 1990.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

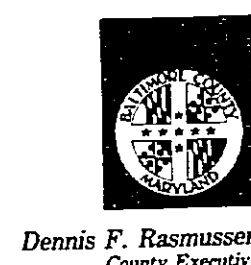
Received By:
J. Robert Haines
Chairman,
Zoning Plans Advisory Committee

Petitioner: State Highway Administration
Petitioner's Attorney: E. Harrison Stone

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

November 21, 1990

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Zoning Classification Cycle IV
Property Owner:
Case No./Hearing Date:
Contract Purchaser:
Location:
Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

October, 1990 - April, 1991
State Highway Administration
CR-91-108-XA, March 13, 1991
B.F. Carroll Contractors, Inc.
NW/4 Washington Blvd.
560' SW of Mayfield Road
D.R.S.5.
13th
1st
0.307
B.R. - C.S.I. Special Exception
for a contractor's storage yard
variances to the side and rear yards

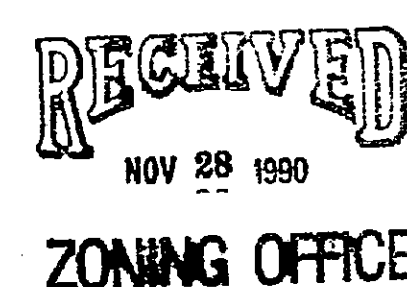
Dear Mr. Hackett:

The proposed B.R. & special exception for a contractor's storage yard can be expected to generate approximately 50 additional trips per day.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

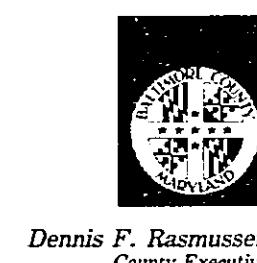
NSF/lab



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

OCTOBER 16, 1990

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



Dennis F. Rasmussen
County Executive

RE: Property Owner: STATE HIGHWAY ADMINISTRATION

Location: #4718 WASHINGTON BOULEVARD

Item No.: CR-91-108-XA Zoning Agenda: OCTOBER, 1990 - APRIL, 1991

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.

7. The Fire Prevention Bureau has no comments at this time. Please contact the State Fire Marshal's Office, 106 Old Court Road, Suite 300, Pikesville, Maryland 21208 for State of Maryland comments for this exception. Please show existing or proposed fire hydrants for State of Maryland information purposes.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

CR-91-108-XA

Patton Consultants, Ltd.

305 West Chesapeake Avenue • Suite 305 • Towson, MD 21204
(301) 296-2140 • FAX (301) 296-0419

August 29, 1990

The County Board of Appeals of Baltimore County
County Office Building, Room 315
Towson, Maryland 21204

Re: Petition for Reclassification of D.R. 5.5 Zoned Area to a
BR-CS1 area

By B. F. Carroll Contractors, Inc.

Statement of Facts
in Support of Petition for Reclassification,
Special Exception and Variance

Please consider this letter as the statement of facts in support of the accompanying Petition for Zoning Reclassification, Special Exception and Variance.

This Petition is submitted to enable a facility to continue to be utilized for its present use. The State Highway Administration has been using the parcel for a highway construction equipment and storage yard. The Petitioner, a highway construction contractor, will continue to use this facility for storage of highway construction equipment and material storage. Thus, there will not be a change in use.

By separate Petition for Special Exception and Variance, the Petitioner is requesting approval to use the presently zoned BR-CS1 portion of his parcel for a contractor's equipment storage yard (a Special Exception Use in BR-CS1.). On this "front" portion of the site will be a proposed 48' x 72' garage and office for servicing equipment. Adjacent to this structure will be material storage bins. The area of the parcel which is the subject of this Petition will be used for parking of employee vehicles and construction equipment such as dump trucks and front end loaders. This was the same use as the State utilized this area of the parcel.

The basic premise is that the State has the right (privilege) to utilize areas regardless of the local jurisdictions zoning. However, to be consistent with the land use this parcel should have been zoned M.L. by extending the adjacent zoning from the Conrail tracks. In the alternative this area should be treated as BR-CS1 and as a special exception which is the basis requested by this Petitioner.

The Petitioner respectfully suggests that an error occurred when the zoning

Site Planners and Engineers
Site Evaluation • Land Development Consulting • Expert Testimony • Zoning

The County Board of Appeals of
Baltimore County
August 29, 1990
Page 2

lines were determined for this and the adjoining Baltimore County owned parcel to the south. Correction of this is hereby requested.

Cordially yours,

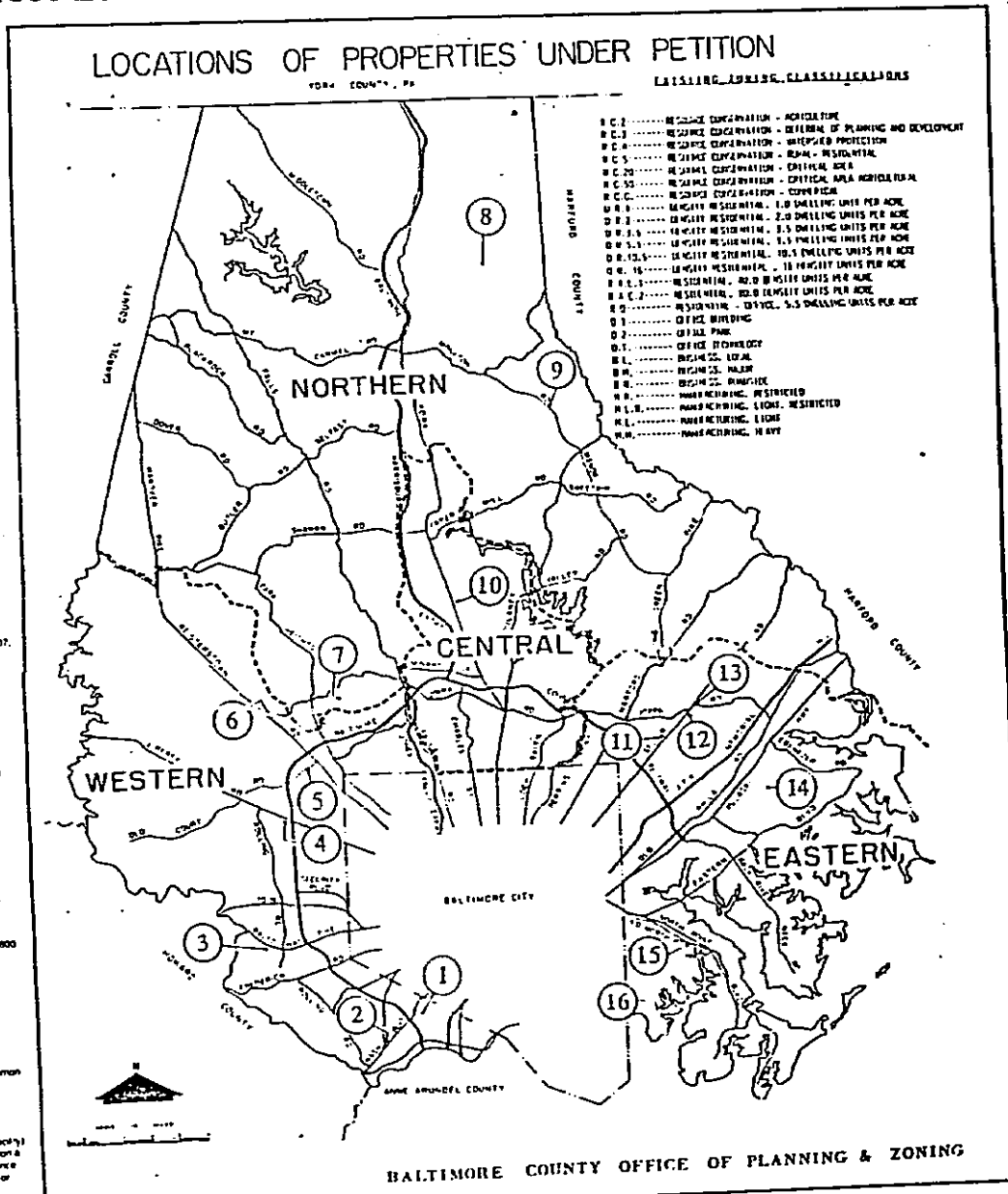
PATTON CONSULTANTS, LTD.

By: *James S. Patton*
James S. Patton, P.E., President
JSP/bdy

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 -
APRIL, 1990 ZONING RECLASSIFICATION CYCLE IV

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.



LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT
CHAIRMAN, COUNTY BOARD OF APPEALS AND
PLANNING AND ZONING

PLEASE RETURN TO OFFICE OF PEOPLE'S COUNSEL
Rm. 304, County Office Bldg., 111 M. Chesapeake Ave.
Towson, MD 21204 - (301) 887-2185

FILE COPY

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle IV, 1990/1991

January 31, 1991



CR-91
108-XA Joint 1

IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND ZONING VARIANCE
N/S of Washington Blvd. 560' SW
of the c/l of Mayfield Avenue
13th Election District
1st Councilmanic District
State Highway Administration
Legal Owner
B.F. Carroll Contractors
Contract Purchaser(s)
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

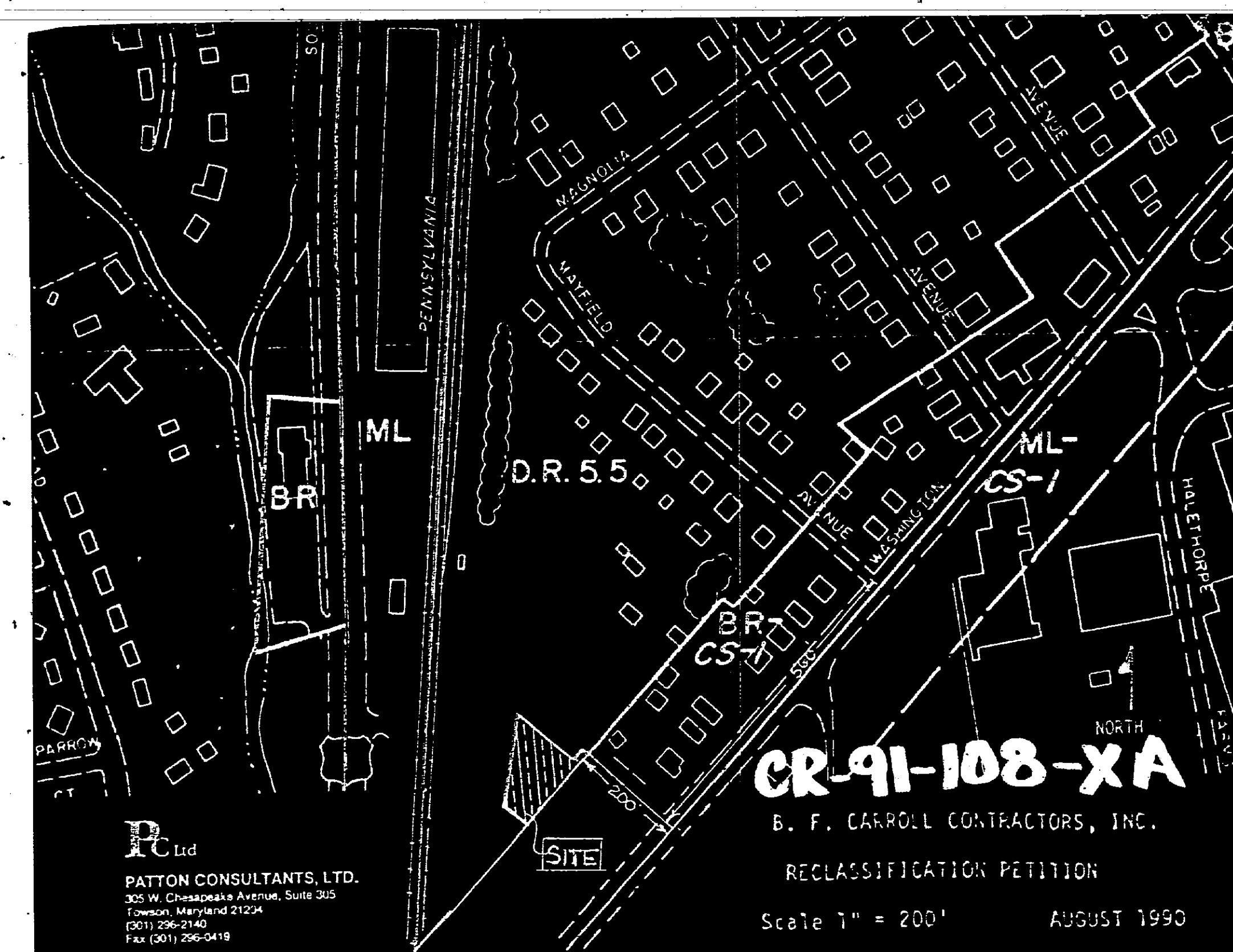
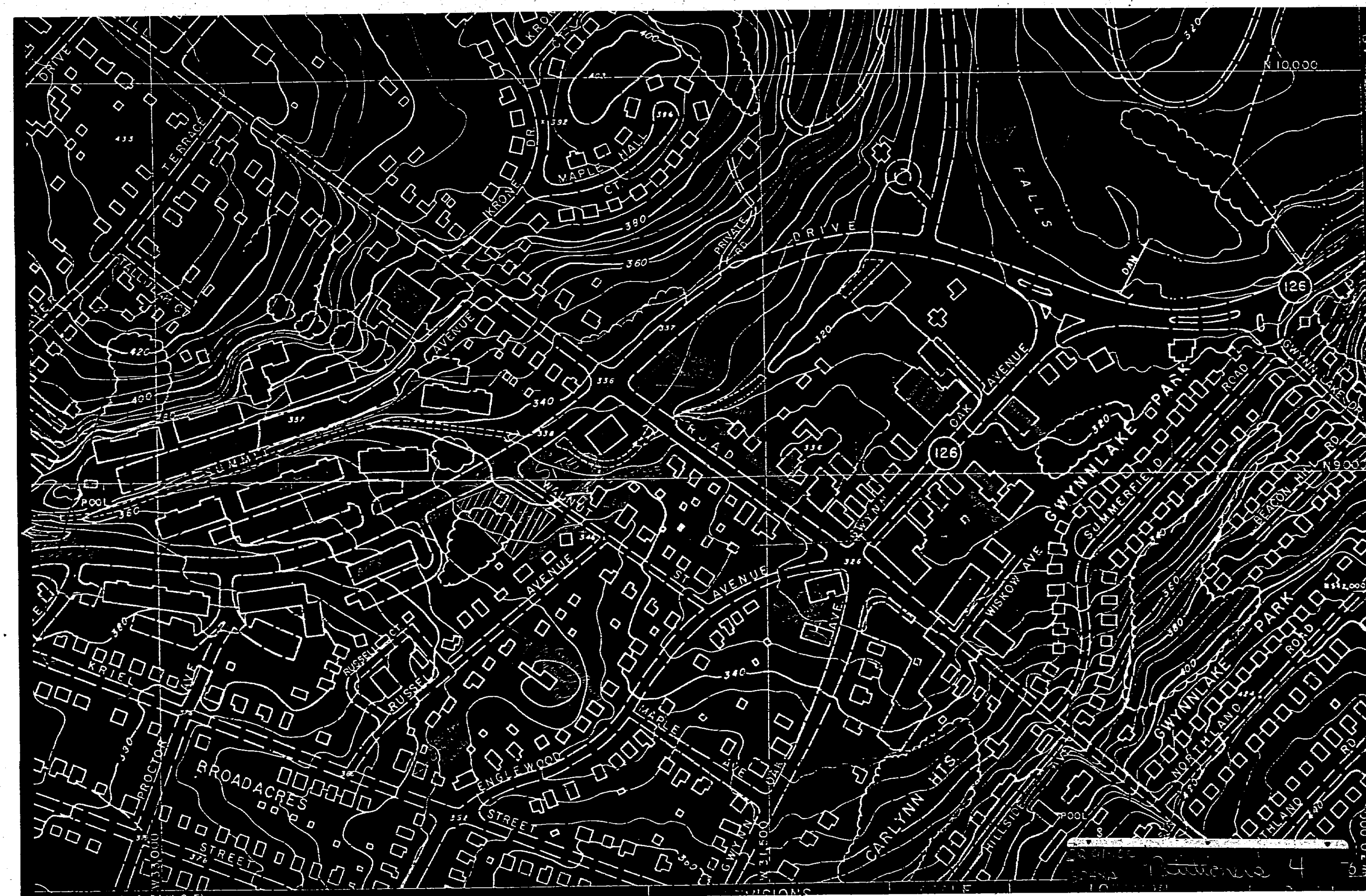
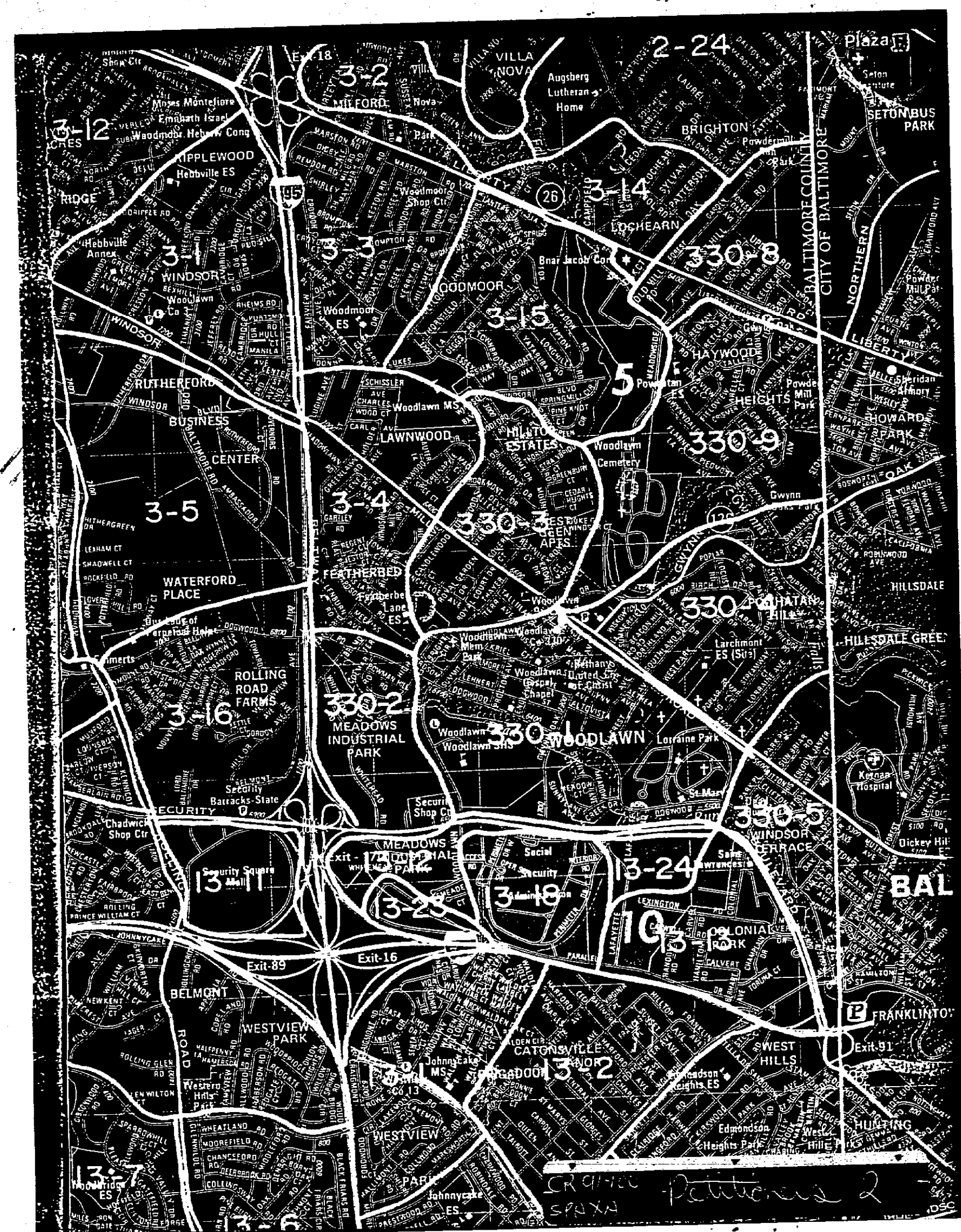
The Petitioner herein requests, pursuant to the Petition for Special Exception and Section 236.4, permission to use the herein described property for a contractor's equipment storage yard; and, pursuant to a Petition for Zoning Variance from Section 238.1, to permit a front yard setback of 5 ft. in lieu of the required 25 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Contract Purchaser, B.F. Carroll Contractors, Inc., was represented by E. Harrison Stone, Esquire who appeared and testified. Appearing on behalf of the Legal Owners, the Maryland State Highway Administration, was represented by James S. Patton, a Professional Engineer. There were no Protestants.

Testimony indicated that the subject property is an unimproved parcel of land consisting of .837 acres +/- split zoned B.R.-C.S.1 and D.R.5.5 accessing Washington Boulevard, as indicated on Petitioner's Exhibit No. 1.

Proffered testimony indicated that Petitioner is desirous of improving the subject site for use as a Contractor's Equipment Storage Yard. Exhibits and testimony indicated that the site is located in a heavily commercialized area of Baltimore County.

CR-91
108-XA Joint 2



LANDSCAPE REQUIREMENTS:

FIRE DEPARTMENT SITE:
FRONTAGE: 250 FEET @ 1 TREE/40 FEET = 6 TREES
PARKING SPACES: 22 SPACES @ 1 TREE/12 SP. = 2 TREES
TOTAL REQUIRED = 8 TREES

PARCEL 1 SITE:
FRONTAGE: 130 FEET @ 1 TREE/40 FEET = 3 TREES
PARKING SPACES: 14 SPACES @ 1 TREE/12 SP. = 2 TREES
TOTAL REQUIRED = 5 TREES

THE SUGGESTED LOCATION OF TREES IS SHOWN ON THE PLAN. AT LEAST 50% OF THE REQUIRED NUMBER OF TREES SHALL BE MAJOR DECIDUOUS.

ADDITIONAL REQUIREMENTS:

ALL PARKING AREAS ADJACENT TO RESIDENTIAL ZONES OR PUBLIC STREETS SHALL BE SCREENED AS SHOWN HEREON AND IN ACCORDANCE WITH THE BALTO. CO. LANDSCAPE MANUAL.

A MINIMUM 10 FOOT WIDE LANDSCAPE AREA IS REQUIRED ALONG ALL RESIDENTIAL ZONE LINES AND PUBLIC STREETS AS SHOWN HEREON AND IN ACCORDANCE WITH THE BALTO. CO. LANDSCAPE MANUAL, UNLESS OTHERWISE SHOWN OR STATED HEREON.

A FINAL LANDSCAPE PLAN MUST BE APPROVED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THIS SITE.

CLARKE MANOR
APARTMENTS
5204/255
4400/205

B. Business or Industrial Parking in Residential Zones (B.C.Z.R.)

In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

- The land so used must adjoin or be across an alley or street from the business or industrial involved.
- Only passenger vehicles, excluding buses, may use the parking facility.
- No loading, service, or any use other than parking shall be permitted.
- Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required.
- A satisfactory plan showing parking arrangement and vehicular access must be provided.
- Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required.
- Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

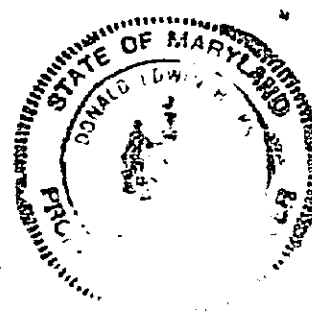
NOTE: 8' SETBACK REQUESTED INSTEAD OF REQUIRED 10'
NOTE: VARIANCE TO BACKUP AREA FOR PARKING SPACES REQUIRED UNDER SECTION 409.8.A.3 OF B.C.Z.R. IS REQUESTED

GENERAL NOTES (CON'D)

19. STEVE WEBER OF BALTIMORE COUNTY DEPT. OF TRAFFIC ENGINEERING HAS CONFIRMED THAT THE PROXIMITY OF PARKING SPACES TO WALNUT STREET IS SATISFACTORY.

PREPARED BY:
HICKS ENGINEERING COMPANY, INC.
200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
494-0001

DONALD E. HICKS DATE

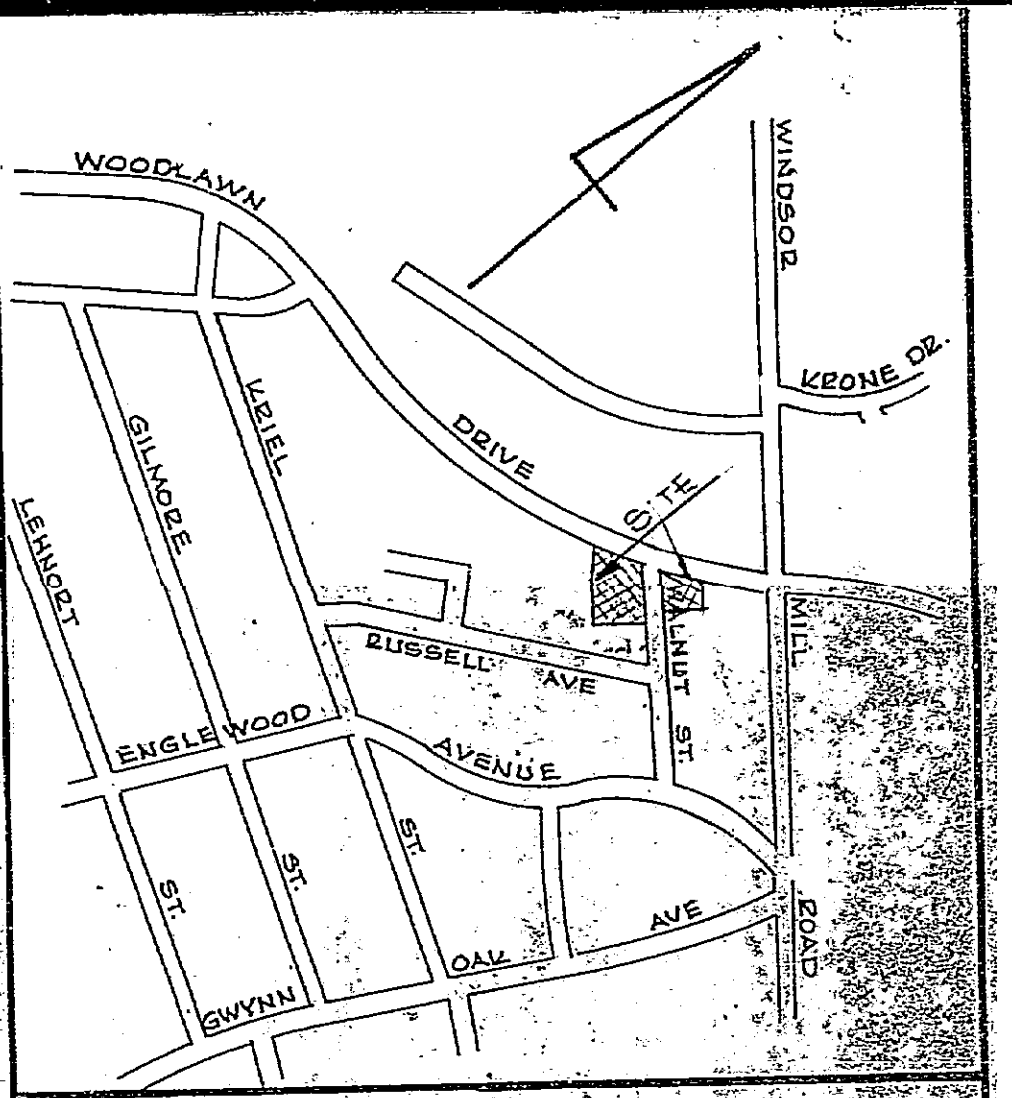
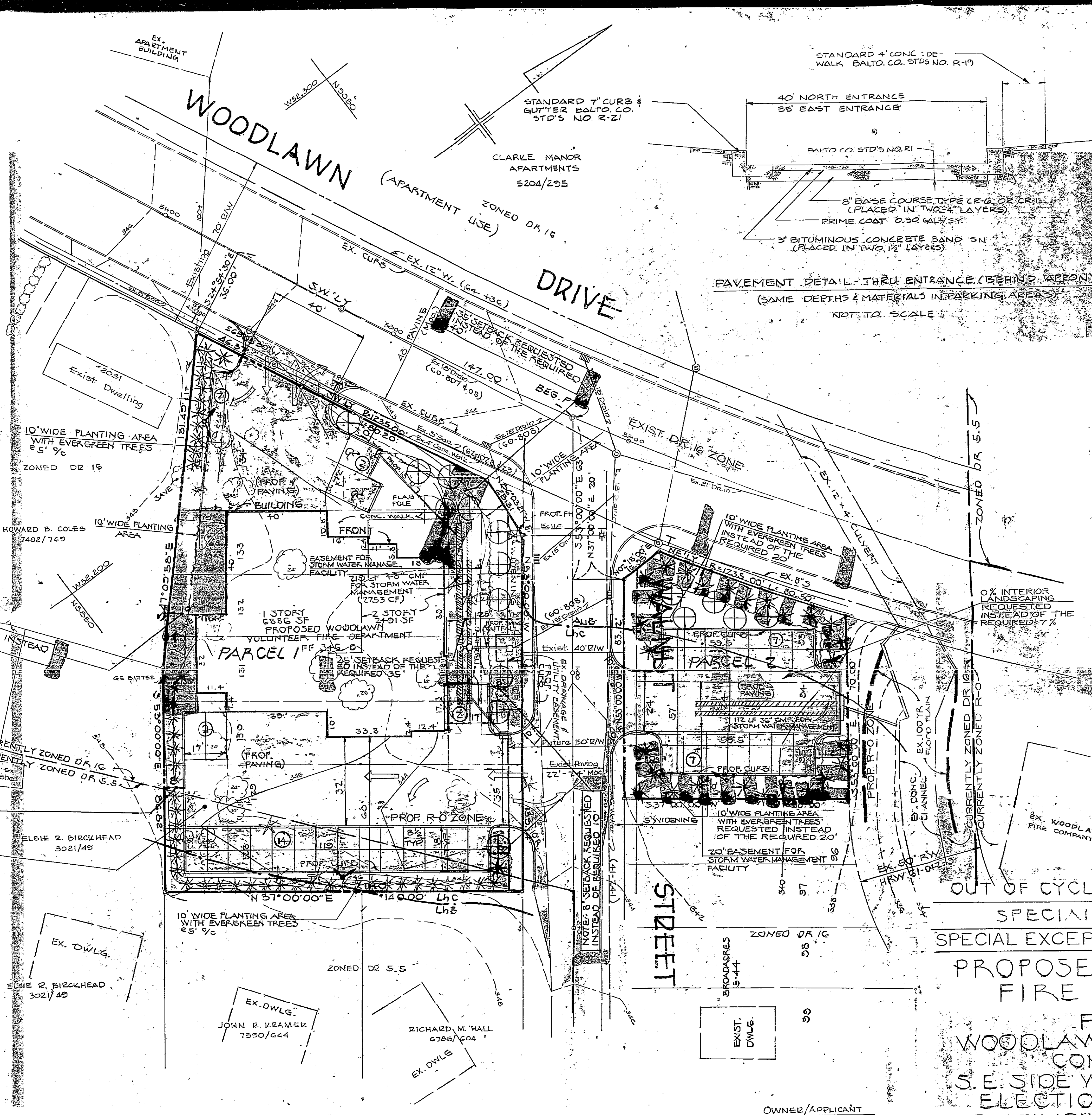


NOTE: SEE SHEET 2 FOR LIST OF VARIANCES, SPECIAL EXCEPTIONS, ETC.

DATE	REVISION
6-18-80	PER BALTO. CO. ZONING COMMENTS
6-4-80	PER CARL RICHARDS REVIEW
5-24-80	PER ZONING OFFICE LETTER 5-18-80
2/5/81	PER BALTO. CO. DEPT. OF ZONING COMMENTS
11-17-80	PER V.B. COMMENTS
11/12/80	CHANGE TITLE, ADD NOTE 12

OWNED/APPLICANT
WOODLAWN VOL. FIRE COMPANY
5423 WINSTON MILL ROAD
BALTO., MD. 21207
265-8666
DEED REF. 7004643
5017/304
PROPERTY NOS. 0702355010
0702355000
0702355001

OUT OF CYCLE ZONING RECLASS.
SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCES
PROPOSED VOLUNTEER
FIRE DEPARTMENT
FOR
WOODLAWN VOLUNTEER FIRE
COMPANY
S.E. SIDE WOODLAWN DRIVE
ELECTION DISTRICT 201
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
MAY 24, 1990



VICINITY MAP
SCALE: 1"=500'

SITE ANALYSIS:

FIRE DEPARTMENT SITE (PARCEL 1)

EXISTING ZONING.....DR 16 & DR 5.5
GROSS AREA.....0.58 AC.
NET AREA.....0.56 AC.
(DR 5.5 = 0.074 AC - DR 16 = 0.486 AC.)
BUILDING AREA.....9377 S.F.
(F.F. = 6886 S.F. - 2ND FL. = 2491 S.F.)
FLOOR AREA RATIO.....0.37
PARKING PROVIDED.....20 SPACES + 2 HANDICAPPED
PARKING REQUIRED.....31 SPACES
(F.F. 6886 S.F. x 3.5/1000 = 22.7, 2nd FL. 2491 S.F. x 3.5/1000 = 8.2)

PARKING LOT SITE (PARCEL 2)

EXISTING ZONING.....DR 16
GROSS AREA.....0.17 AC.
NET AREA.....0.16 AC.
PARKING PROVIDED.....14 SPACES

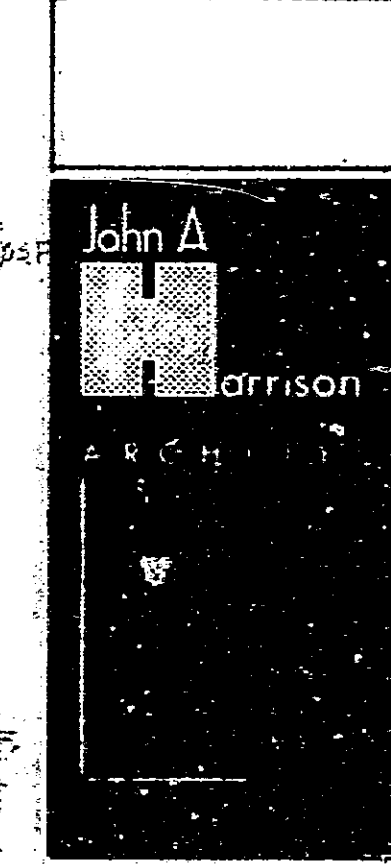
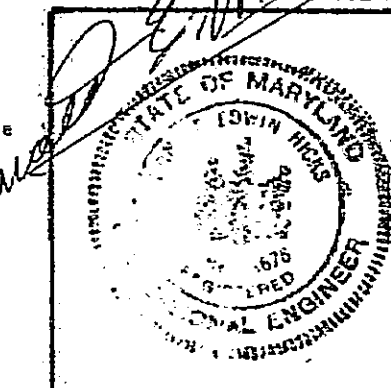
GENERAL NOTES:

- NO WELL OR SEPTIC AREAS EXIST.
- NO 25% SLOPES, STREAMS, FLOODPLAINS, HISTORIC BUILDINGS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HAZARDOUS MATERIALS SITES OR WETLANDS EXIST.
- CENSUS TRACT 4024.05
- WATERSHED 25 SUBWERSHED 71
- A.D.T. = 30
- STORMWATER MANAGEMENT FACILITIES WILL MAINTAINED BY OWNER.
- HOURS OF OPERATION - 24 HOURS
- MAXIMUM NUMBER OF EMPLOYEES - 14
- LIGHTING SHALL BE LOW ILLUMINATION AND SHALL BE DIRECTED AWAY FROM RESIDENTIAL PROPERTIES. (SHOWN THUS)
- NO BUILDINGS EXIST WITHIN 200 FEET OF JOINT PROPERTY LINES EXCEPT AS SHOWN HEREON.
- THIS SITE IS A PORTION OF A C.B. PLAN (PLAN NO. 89092) PREVIOUSLY SUBMITTED FOR COUNTY REVIEW. A CONTINUED MEETING WAS REQUESTED ON JUNE 16, 1989. SEE NOTE 15.
- EXISTING RESIDENCE AND GARAGE ON FIRE DEPARTMENT SITE HAS BEEN RAZED.
- THERE ARE NO FREE STANDING SIGNS PROPOSED ON THESE SITES.
- BASED ON COMMENTS OF THE C.B. MEETING MENTIONED IN NOTE 11, THE DEPT. OF TRAFFIC ENGINEERING HAS NO OBJECTION TO THE DIRECT PARKING ACCESS TO THE VEHICLE TRAVELWAYS.
- ALL PARKING, MANEUVERING AND ACCESS ISLES WILL BE PAVED WITH BIT. CONC. AND PERMANENTLY STRIPED.
- SEE PREVIOUSLY FILED ZONING PETITION SE 90-416-SPHX (POSTPONED)
- NO HALL CATERING/MEETING USE IS PROPOSED.
- SHOULD THE BOARD OF APPEALS DETERMINE THAT C.B. APPROVAL IS REQUIRED PER B.C.Z.R. SECT. 203.3.D, THEN THE PETITIONER SHALL SUBMIT A PLAN FOR C.B. PROCESSING.

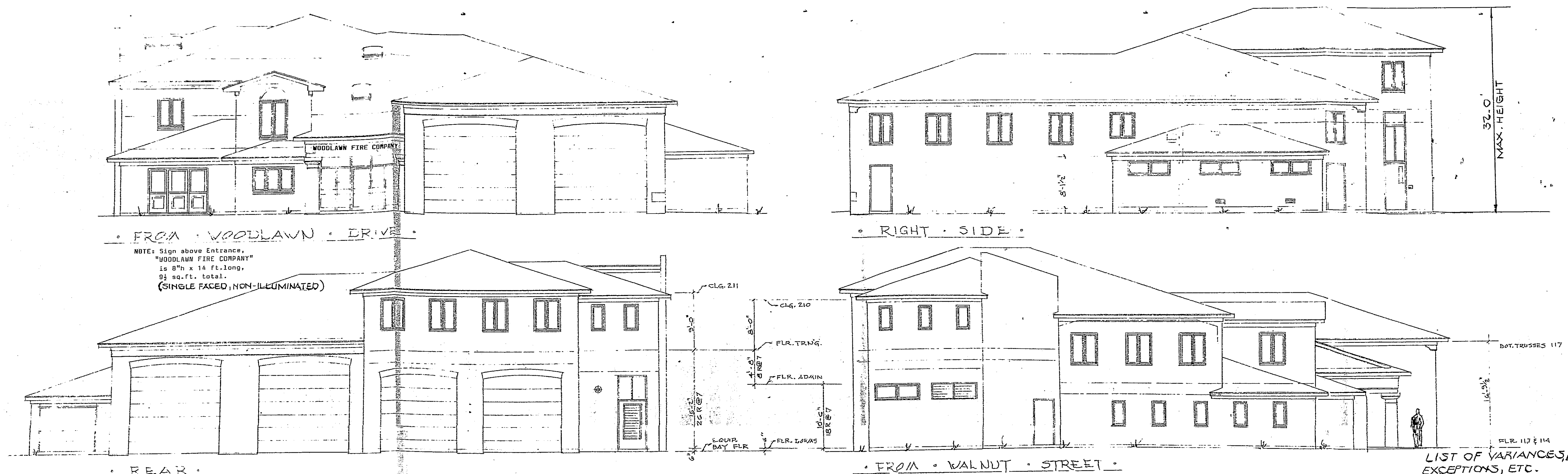
HICKS ENGINEERING COMPANY, INC.
ENGINEERS SURVEYORS PLANNERS
200 EAST JOPPA ROAD SUITE 402
TOWSON, MARYLAND 21204

REVISION	ITEM
1	29 MAR 89
2	12 APR 89
3	2 APR 89
4	11 MAY 89
5	REVISED PER BALD CO. ZONING COMMENTS 6-18-90

FOR
COMPANY QUARTERS & EQUIPMENT FACILITY
WOODLAWN FIRE CO., INC.
S.W. COR. WOODLAWN DRIVE & WALNUT ST.
BALTIMORE CO. MARYLAND 21207



SCHEMATIC
STUDY ID
12 MAR 89
2 of 2



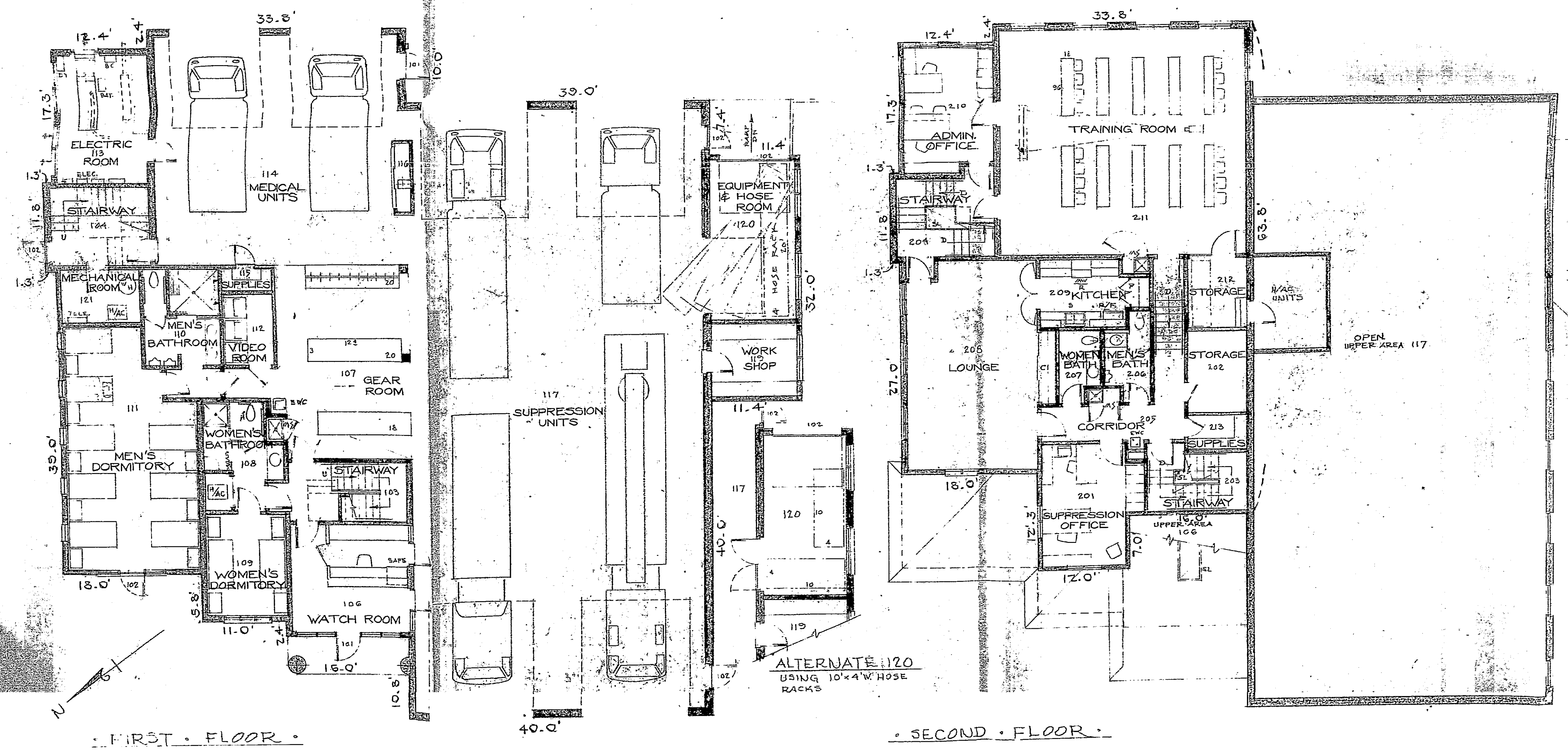
LIST OF VARIANCES, SPECIAL EXCEPTIONS, ETC.

- (Parcel 1) a volunteer fire company pursuant to Section 1801.1.6.19 of the Baltimore County Zoning Regulations; to allow a parking plan consisting of 22 spaces in lieu of the required 31 spaces; to determine if a CND plan is necessary pursuant to Section 203.3.8; (Parcel 2) to determine if a principle use parking lot is subject to Assembly Open Space pursuant to Section 203.4.C.6 (NCM) and to grant, if necessary, a variance of Parcel 2 to allow an Assembly Open Space in lieu of the required 71; to grant, if necessary, a use permit for business parking in a Residential Zone; and to permit the following variances of Parcel 1 of the Baltimore County Zoning Regulations:
- 1) Section 1802.2.8 (V.B.2.C.M.P.D.) to permit a 35 ft. setback in lieu of the required 40 ft.
 - 2) Section 1802.2.8 (V.B.2.C.M.P.D.) to permit a 10 ft. interior side setback in lieu of the required 20 ft.
 - 3) Section 1802.2.8 (V.B.2.C.M.P.D.) to permit a 25 ft. street side setback in lieu of the required 35 ft.
 - 4) Section 1802.2.8 (V.B.2.C.M.P.D.) to permit a 35 ft. rear side setback in lieu of the required 55 ft.
 - 5) Section 409.8.4 to permit a 5 ft. setback from the street line in lieu of the required 10 ft.
 - 6) Section 409.8.5 to permit deadend stairs in lieu of the required back up stairs.

NOTE: THERE ARE NO FREESTANDING SIGNS ON THE PROPERTY

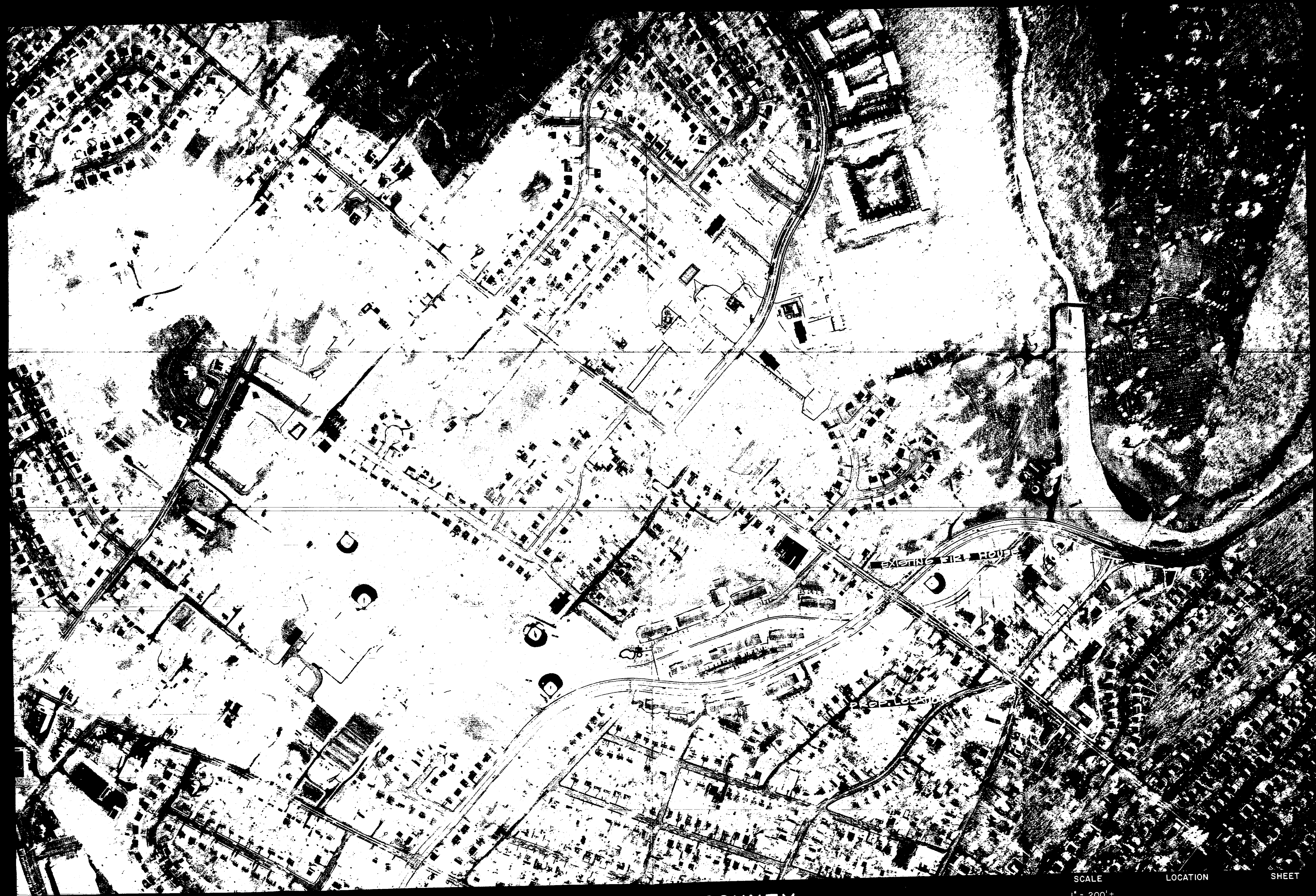
*** LEGEND ***

101 Entry - Card Control	201 Suppression Office 195 S.F.
102 Door, open fire ins. only	202 Storage 79 S.F.
103 Stairwell	203 Stairwell
104 Stairwell	204 Stairwell
105 Corridor	205 Corridor
106 Match Room 110 S.F.	206 Mens T. 55 S.F.
107 Turn Out Gear 408 S.F.	207 Womens T. 42 S.F.
108 Womens Bath & T. 88 S.F.	208 Lounge 45 S.F.
109 Womens Dorm 143 S.F.	209 Kitchen 98 S.F.
110 Mens Bath & T. 125 S.F.	210 Administration Office 195 S.F.
111 Mens Dorm 459 S.F.	211 Training Room 930 S.F.
112 Video Room	212 Table & Chair 82 S.F.
113 Generator & Elec. Distrib. 204 S.F.	213 Office Supplies 34 S.F.
114 Medical Units	214 Medical Supplies 990 S.F.
115 Closet	
116 Suppression Units 2345 S.F. 2 STORIES HIGH	
118 Closet	
119 Work Shop 104 S.F.	
120 Out's Equip. & Hose Rack 220 S.F.	
121 H/AC, H/L, & Tele. 72 S.F.	



ALTERNATE 120
USING 10'x4' W. HOSE
RACKS

88-057



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

WOODLAWN

SHEET

N.W.
3-F

AS SHOWN BY THE PLAT