

IN RE: PETITION FOR ZONING VARIANCE
NW and SW Corner Market Street
and Trading Place
12th Election District
7th Councilmanic District
The Dunleer Company
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-128-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit amenity open space (AOS) of 680 sq.ft. (0.028 ratio) in lieu of the required 4,929 sq.ft. (0.2 ratio) for Parcel 1 and 2,512 sq.ft. (0.066 ratio) in lieu of the required 7,560 sq.ft. (0.2 ratio) for Parcel 2, and to amend the previously approved site plan in Case No. 88-114-A for a proposed new building in accordance with Petitioner's Exhibit 1.

The Petitioner, by W. B. Harewood, Jr., President, appeared, testified and was represented by Robert Sloan, Esquire. Also appearing on behalf of the Petition were Cindy Gower, Civil Engineer with L.P.J. Inc., Barbara Wilks, Architect with Cato, Wilks & Benn, Patricia A. Winter, Executive Director, Eastern Baltimore Area Chamber of Commerce, Reno Sue Manning, Chairperson, Dundalk Revitalization Committee, Howard Kotin, Consultant for the Chamber of Commerce with The Chesapeake Group, Inc. There were no Protestants.

Testimony indicated that the subject property consists of two parcels containing 106,100 sq.ft. total zoned B.L.-C.C.C. and is the site of an existing Santoni's Supermarket. Said property is located within the Dundalk Commercial Revitalization Plan. In prior Case No. 88-114-A, the Petitioner had presented its plans to increase the existing supermarket by constructing a new store as depicted on Petitioner's Exhibit 1, which

necessitated the variance request that was granted on October 15, 1987.

At the time of application for building permits, a further review of the plan revealed that the proposed site, in addition to needing a parking variance, also needed a variance to amenity open space requirements for each parcel. Testimony indicated that the subject site adjoins both the Heritage Park and Veterans Park which provide ample amenity open space for the community. Petitioner argued that its failure to meet strict compliance with the required amenity open space on each of the parcels would not result in any detriment to the health, safety or general welfare of the surrounding community due to the unique characteristics of the subject site being adjacent to the Parks named above. Petitioner noted the support of the community. Petitioner argued that to deny the relief requested would create practical difficulty and unreasonable hardship. The undisputed testimony was that the proposed project although deficient in amenity open space, is within the spirit and intent of the zoning regulations and the revitalization of the Dundalk Shopping Center.

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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of November, 1990 that the Petition for Zoning Variance to permit amenity open space (AOS) of 680 sq.ft. (0.028 ratio) in lieu of the required 4,929 sq.ft. (0.2 ratio) for Parcel 1 and 2,512 sq.ft. (0.066 ratio) in lieu of the required 7,560 sq.ft. (0.2 ratio) for Parcel 2, and to amend the previously approved site plan in Case No. 88-114-A for a proposed new building in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted hereto and made a part of the record, including, but not limited to, the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated August 23, 1990, and the Department of Permits and Licenses comments dated September 11, 1990.

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

- 3) Prior to the issuance of any building permits, Petitioner shall submit a landscaping plan which has been approved by the Director and/or Deputy Director of Planning that addresses the concerns set forth in their comments dated November 2, 1990.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

AMN:bjs

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232A.4 to permit 680 sq. ft. (0.028 ratio) of amenity open space in lieu of the required 4929 sq. ft. (0.2 ratio) for Parcel 1 to permit 2512 sq. ft. (0.066 ratio) of amenity open space in lieu of the required 7560 sq. ft. (0.2 ratio) for Parcel 2, and to amend the previously approved plan in Zoning Case 88-114-A of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Requiring a 0.2 ratio of amenity open space would unduly restrict the use of land due to special circumstances unique to the parcel. Needed parking spaces would have to be further reduced. Variance will not adversely affect health, safety or general welfare of the community.

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 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: [Signature]
Legal Owner(s): [Signature]
Address: [Address]

Attorney for Petitioner: [Signature]
Address: [Address]

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Signature]

Attorney's Telephone No.: [Number]

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of SEPT 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 9th day of Nov. 1990, at 2:30 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County

SANTONI'S SUPERMARKET
DUNDALK, MARYLAND

Zoning Description

Two parcels of land separated by Market Street, 60 foot right-of-way, located as follows:

Parcel 1

Beginning at a point at the northwest corner of Market Street, which is 80 feet wide, and Trading Place, which is 80 feet wide. Thence the following courses and distances:

1. S. 69° 41' 25" W. 235.00 feet along Market Street, 60 feet wide, to a 15 foot wide alley.
2. N. 20° 18' 35" W. 170.00 feet along a 15 foot wide alley to the south side of Shipway, 80 feet wide.
3. N. 69° 41' 25" E. 145.00 feet along the south side of Shipway.
4. S. 20° 18' 35" E. 65.00 feet.
5. N. 69° 41' 25" E. 90.00 feet to the west side of Trading Place, 80 feet wide.
6. S. 20° 18' 25" E. 105.00 feet along the west side of Trading Place to the place of beginning of Parcel 1.

Parcel 2

Beginning at a point at the southwest corner of Market Street, which is 60 feet wide and Trading Place, which is 80 feet wide, said point of beginning being located S 20° 18' 35" E., 60.00 feet from the point of beginning of Parcel 1. Thence the following courses and distances:

1. S. 20° 18' 35" E., 180.00 feet along the west side of Trading Place, 80 feet wide, to the northside of Center Place, 60 feet wide.
2. S. 69° 41' 25" W., 400.00 feet along the north side of Center Place to the east side of Shipping Place, 80 feet wide.
3. N. 20° 18' 35" W., 180.00 feet along the east side of Shipping Place to the south side of Market Street, 60 feet wide.
4. N. 69° 41' 25" E., 400.00 feet along the south side of Market Street to the place of beginning of Parcel 2.

Containing a total of 106,100 square feet as recording in Deed Liber 1722, Folio 255.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th
Date of Posting: 10/17/90
Posted for: [Signature]
Petitioner: The Dunleer Company
Location of property: Market St. at Shipping Place
Location of Sign: [Address]
Remarks: [Text]
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt
No 3209

Date: 8/16/90
Account: R001-6150
Number: H9100066
PUBLIC HEARING FEES QTY PRICE
020-ZONING VARIANCE (OTHER) 1 X \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: DUNLEER COMPANY

64404#0011MCHRC \$175.00
8A C002#40PH08-16-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
October 11, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County, Zoning Office - P.O. #0108080 - Req. #346098 - Case #91-128-A - 65 lines @ \$32.50 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for ONE successive weeks before the 12th day of October 1990; that is to say, the same was inserted in the issues of October 11, 1990.

Kimbel Publication, Inc.
per Publisher.

[Signature]

ORDER RECEIVED FOR FILING
Date 11/16/90
By [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 11, 1990

THE JEFFERSONIAN,

S. Zehe Olson Publisher

\$ 36.50

NOTICE OF HEARING The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations...

Baltimore County Zoning Commissioner Office of Planning & Zoning

J. Robert Haines Zoning Commissioner

DATE 10-26-90



Dennis F. Rasmussen County Executive

The Dunleer Company Wallace M. Campbell Company, Inc., Agent

ATTN: HERBERT PATTERSON

Re: Petition for Zoning Variance CASE NUMBER: 91-128-A

PLEASE BE ADVISED THAT \$ 93.80 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 OWNER SHALL NOT ISSUE.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office...

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount...

Very truly yours,

J. Robert Haines ZONING COMMISSIONER

JRH:gs

cc: G. Scott Barhight, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning

J. Robert Haines Zoning Commissioner

September 27, 1990



Dennis F. Rasmussen County Executive

NOTICE OF HEARING

The Zoning Commission 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...

Petition for Zoning Variance CASE NUMBER: 91-128-A Market Street at Shipping Place

Variance: To permit 880 sq. ft. 0.023 ratio of amenity open space in lieu of the required 4920 sq. ft., 0.2 ratio, for Parcel 1...

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: The Dunleer Company G. Scott Barhight, Esq.

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

7/23/90 Date

Zoning Commissioner Office of Planning and Zoning County Office Building

Zoning Item # 66, Zoning Advisory Committee Meeting of September 4, 1990

Property Owner: The Dunleer Company Location: Market Street at Shipping Place

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility...

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

September 11, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- (X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION CS.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

Baltimore County Zoning Commissioner Office of Planning & Zoning

J. Robert Haines Zoning Commissioner

October 24, 1990

G. Scott Barhight, Esquire 210 M. Pennsylvania Avenue

RE: Item No. 66, Case No. 91-128-A Petitioner: The Dunleer Company, et al

Dennis F. Rasmussen County Executive

Dear Mr. Barhight:

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...

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition.

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

Very truly yours,

James E. Dyer Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning

J. Robert Haines Zoning Commissioner

Your petition has been received and accepted for filing this 5th day of September, 1990.

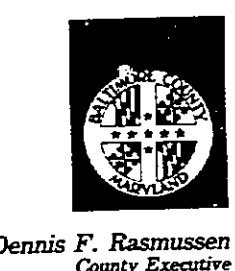
J. Robert Haines ZONING COMMISSIONER

Received By:

James E. Dyer Chairman, Zoning Plans Advisory Committee

Petitioner: The Dunleer Company

Petitioner's Attorney: G. Scott Barhight



Dennis F. Rasmussen County Executive

Handwritten signature and date 9/14/90

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
700 East Joppa Road, Suite 801
Towson, Maryland 21284-5500
(301) 887-4500

SEPTEMBER 6, 1990



Dennis P. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: THE DUNLEER COMPANY
Location: MARKET STREET AT SHIPPING PLACE
Item No.: 66 Zoning Agenda: SEPTEMBER 4, 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. CHAPTER 24

REVIEWER: *John Kelly 9-6-90* Noted and Approved
Planning Group
Special Inspection Division
Robert W. Bowling, P.E. Chief
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 30, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 59, 60, 63, 65, 68, 69 and 70.

For Item 58, a County Review Group Meeting is required.

For Items 45, 62 and 66, the previous County Review Group comments still apply.

For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chartley Building" was for one story office.

For 91-42-A, Maryland National Bank Reconstruction, we have no comments.

Robert W. Bowling, P.E.
Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: November 2, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: The Dunleer Company, Item No. 66

The Petitioner requests a Variance to permit 680 sq. ft. (0.014) of amenity open space in lieu of the required 4929 sq. ft. (0.2 ratio) for Parcel 1, to permit 2512 sq. ft. of amenity open space in lieu of the required 7560 (0.2 ratio) for Parcel 2, and to amend the previously approved plan in zoning case no. 88-114A.

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

- In a previous case, a variance was granted to parking and setback requirements.
- Staff has met with the Economic Development Office to discuss the proposed plans.

Based upon an analysis of the site, staff feels that the successful completion of the expanded Santoni's market is extremely important for Dundalk. Santoni's is an anchor for the Dundalk commercial revitalization area. The commercial area has several vacancies. Completion of the expanded market should strengthen the area's customer base and thereby support the effort to lease the vacant commercial space. The continued stability of the surrounding residential community is dependant, in part, upon the viability of the older commercial core. However, prior to the expansion of the market and the issuance of permits, the following issues should be addressed in a landscape plan to be submitted to the deputy director of the Office of Planning and Zoning:

- The rear of the Santoni's building faces single-family homes and duplexes on Shipway. The brick wall should be softened with appropriate trees and shrubbery.

The Dunleer Company, Item No. 66
Page Two
November 2, 1990

The Petitioner's plat indicates decorative brick work in the alley between the Masonic Lodge and the proposed Santoni's store. The alley leads to the store's loading dock and is therefore unlikely to be a major pedestrian passageway. Staff believes the Petitioner should explore the possibility of relocating such amenities where they would have a greater positive impact.

In addition to those issues to be addressed on the landscape plan, the store facade should be compatible with the colors used for the store fronts on the market square.

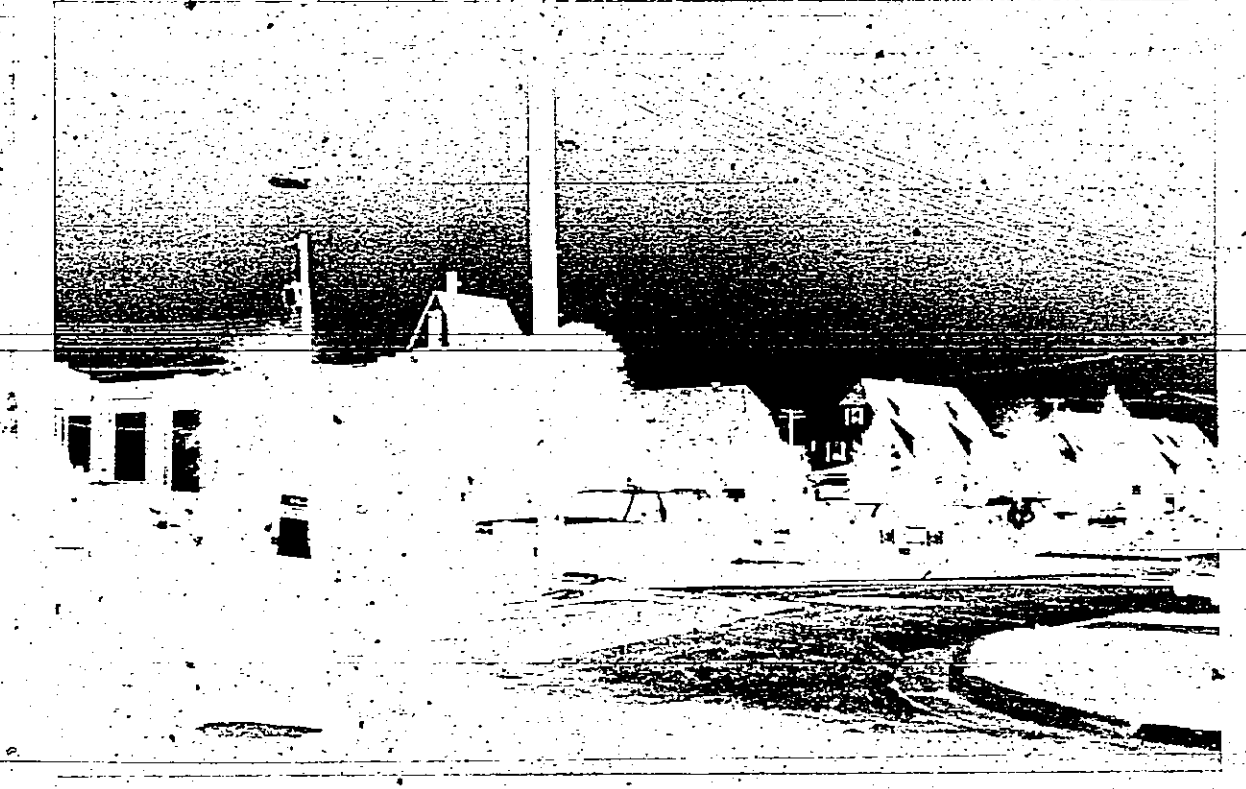
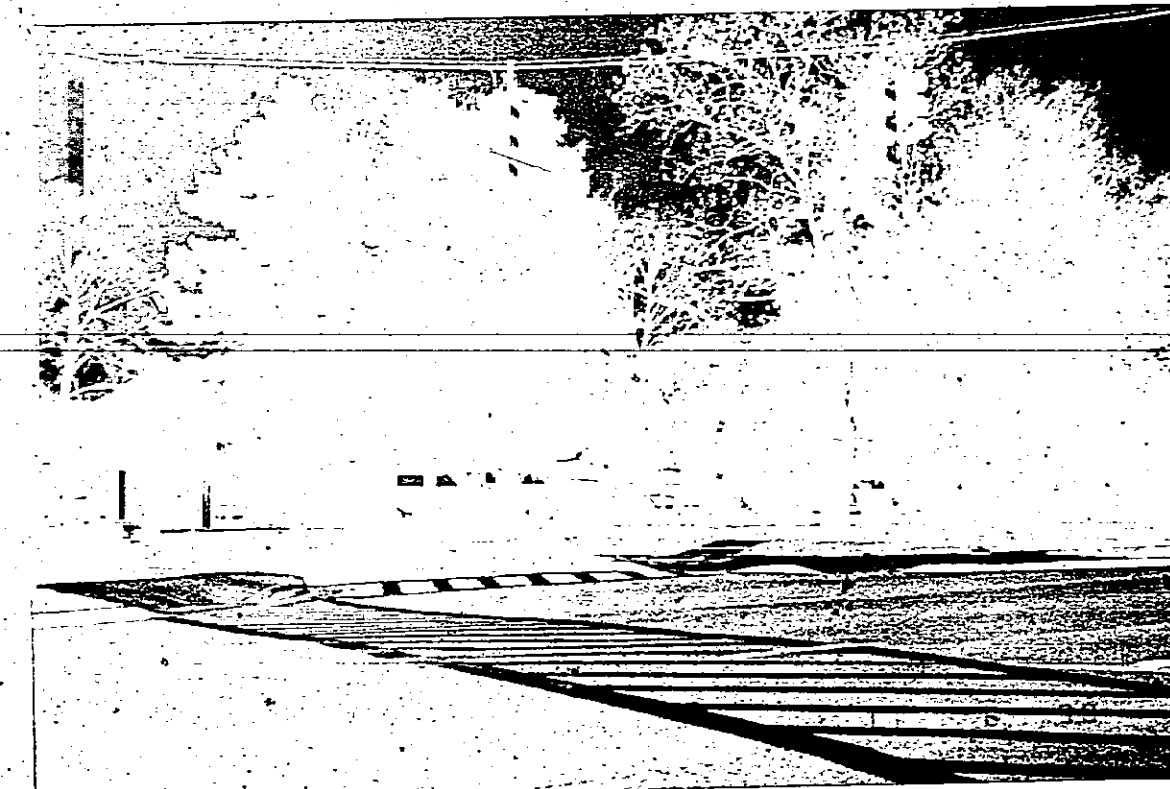
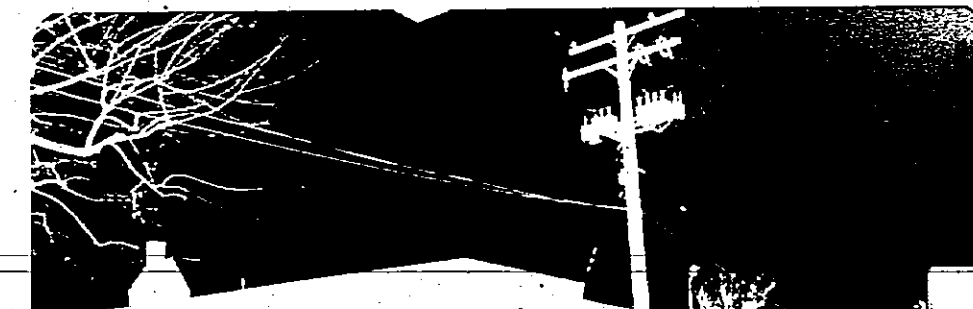
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

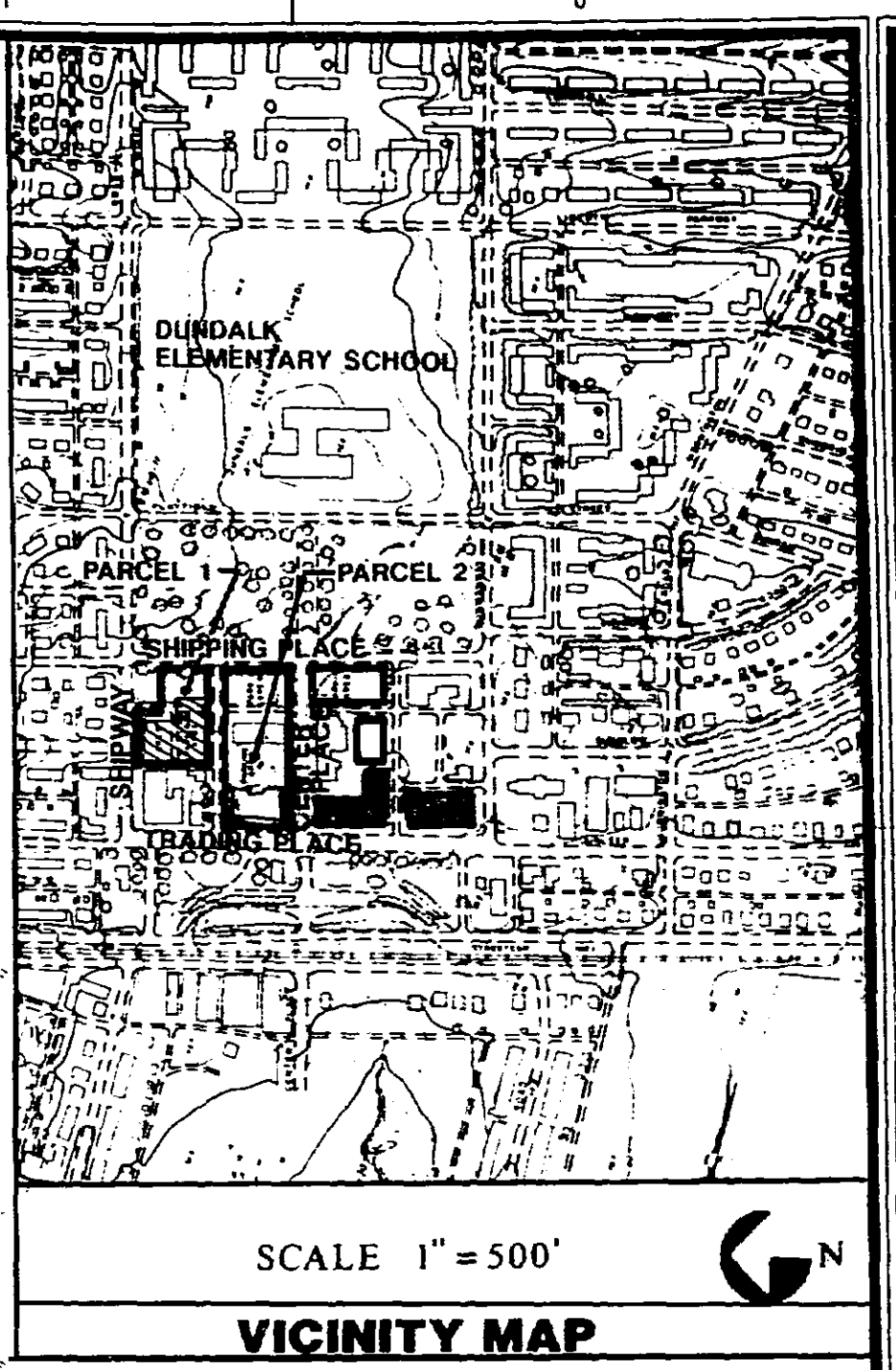
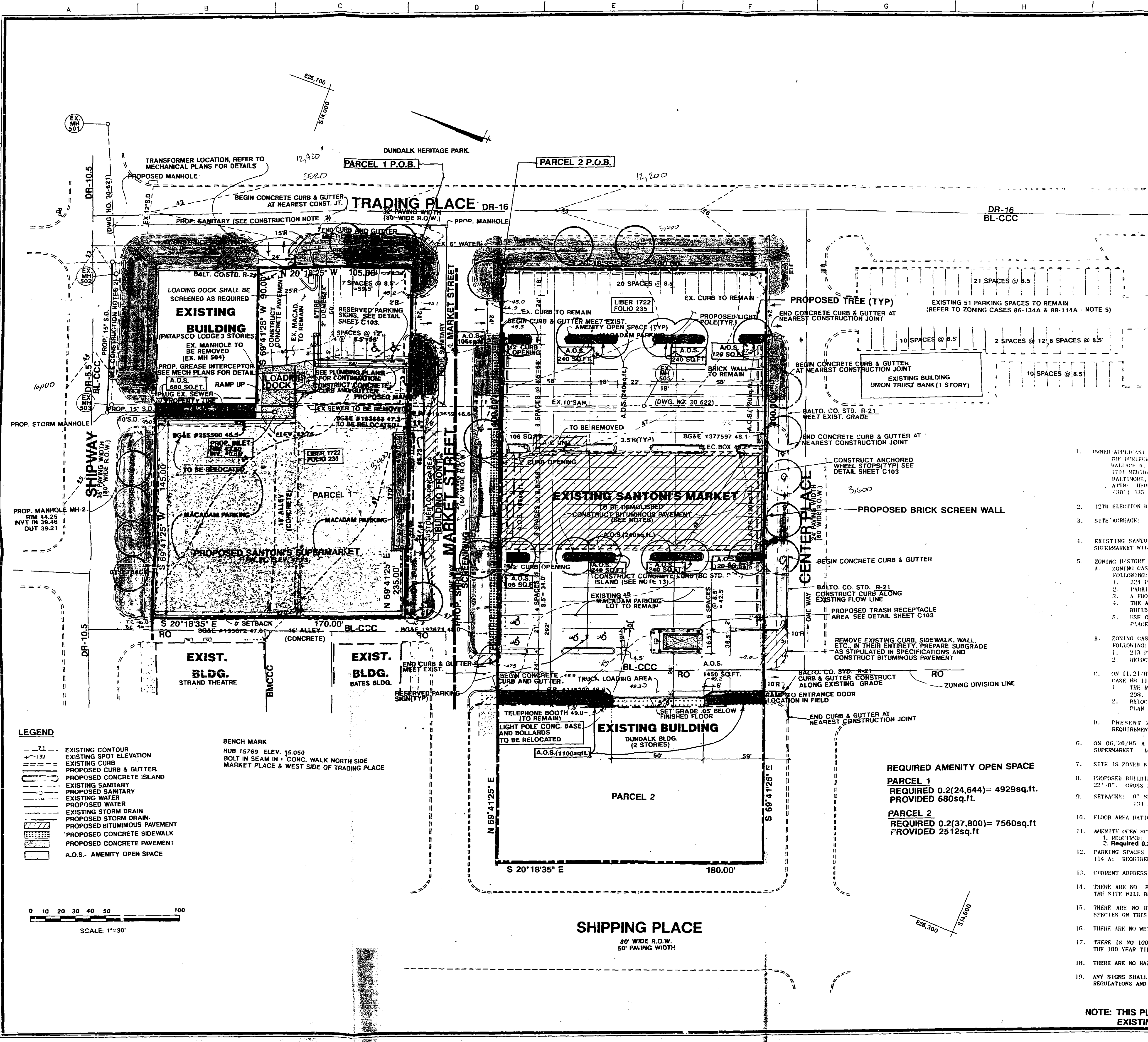
PK/JL/cmm
ITEM66/ZAC1

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
HELEN PATTERSON	730 MICHIGAN AVE BALTIMORE - FOREMAN - THE DUNLEER CO
BARBARA WILKS	CEO, WILKS + BANN - ARCHITECT 210 W. SAKATOGA ST. BALTO.
CINDY GOWAT	Civil Engineer - LPA INC 1610 75th St, Baltimore 21213
DEBRA GOLDEN	5 SOUTHSHIP RD BALTO 21022
PATRICIA A. WILKE	AGENT FOR DUNLEER CO. EASTERN AREA AREA Chamber of Commerce 76 Dunleer Co.
Executive Director	
W.B. HARRIS	
Pres. Dunleer Co.	
Beno Sue Manning	Chairperson, Dundalk Revitalization Committee - Resident 8004 Dunleer Road 21222
Howard Katz	The Chesapeake Group, Inc. 3516 Greens Lane Baltimore, MD 21207
Robert Swan	Whiteford, Taylor & Preston 7 St Paul St. Baltimore 21202
	Atty for Petition

Petitioner's Exhibits
JA - 06
9-1-88-A





revisions		
no.	date	comments

SANTON'S SUPERMARKET
DUNDALK, MARYLAND

PETITIONER'S EXHIBIT

NOTES

- OWNER APPLICATION FOR THE PROPOSED SUPERMARKET.
- 12TH ELECTION DISTRICT, CENSUS TRACT 1201, 7TH CONGRESSIONAL DISTRICT.
- SITE ACRAGE: 72,000 SQ. FT. AND 14,100 SQ. FT. TOTAL AREA 106,100 SQ. FT. 2.43 A.
- EXISTING SANTON'S SUPERMARKET WAS CONSTRUCTED IN THE 1960'S. NEW SUPERMARKET WILL BE CONSTRUCTED AND EXISTING BUILDING WILL BE DEMOLISHED.
- ZONING HISTORY OF SITE:
 - ZONING CASE RR 134 A, APPROVED 10/30/87. PETITION FOR VARIANCE FOR FOLLOWING: (PERTAINING TO LOTS 1 THRU 6)
 - 254 PARKING SPACES IN LIEU OF 461 SPACES.
 - PARKING SPACER OF ZERO IN LIEU OF 4 FEET.
 - A FRONT YARD SETBACK OF ZERO IN LIEU OF THE AVERAGE OF 5 FEET.
 - THE APPROVAL OF A MODIFIED PARKING PLAN TO ALLOW JOINT USE OF BUILDINGS AND PARKING.
 - USE OF PROPOSED LOADING DOCK.
 - ZONING CASE RR 114 A, APPROVED 10/15/87. ZONING VARIANCE FOR FOLLOWING: (PERTAINING TO LOTS 1 THRU 6)
 - 213 PARKING SPACES IN LIEU OF REQUIRED 496 SPACES.
 - RELOCATION OF LOADING DOCK.
 - ON 11/21/87 A LINE TO AMEND ORDER WAS APPROVED WHICH AMENDED ZONING CASE RR 114 A AS FOLLOWS: (PERTAINING TO LOTS 1 THRU 6)
 - THE REQUIRED NUMBER OF PARKING SPACES WAS REDUCED FROM 213 TO 208.
 - RELOCATION OF LOADING DOCK AS SHOWN ON PROPOSED MODIFIED SITE PLAN SHEET A-1.
 - PRESENT ZONING CASE PERTAINS ONLY TO AMENITY OPEN SPACE REQUIREMENTS FOR LOTS 1 AND 2.
- ON 06/20/85 A CIVIL WAIVER WAS GRANTED FOR THIS PROJECT SANTON'S SUPERMARKET LOTS 1 AND 2 WAIVER NO. W 85 951.
- SITE IS ZONED BL-CCC.
- PROPOSED BUILDING IS A 2-3 STORY STRUCTURE. HEIGHT TO TOP OF PARAPET IS 22' 0". GROSS FLOOR AREA OF BUILDING IS 24,644 SQ. FT.
- SETBACKS: 0' SETBACK IS REQUIRED AS STIPULATED IN ZONING VARIANCE BY 134 A. 0' SETBACK HAS BEEN PROVIDED.
- FLOOR AREA RATIO: PER TITLE 1.0 PROVIDED: 21.611 100,100 0.21.
- AMENITY OPEN SPACE FOR PARCELS 1 AND PARCEL 2 ONLY:
 - REQUIRED 0.2(24,644)= 4929sq.ft. PROVIDED: 680sq.ft.
 - REQUIRED 0.2(37,800)= 7560sq.ft. PROVIDED: 2512sq.ft.
- PARKING SPACES FOR PARCELS 1 THRU 6 AS SHOWN ON SITE PLAN FOR CASE RR 114 A: REQUIRED: 208 SPACES PROVIDED: 212 SPACES.
- CURRENT ADDRESS IS 6 MARKET STREET.
- THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC AREAS ON THIS SITE. THE SITE WILL BE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
- THERE ARE NO HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, OR ENDANGERED SPECIES ON THIS SITE.
- THERE ARE NO WETLANDS OR CRITICAL AREAS ON THIS SITE.
- THERE IS NO 100 YEAR FLOOD PLAIN ON THIS SITE. THE SITE IS NOT WITHIN THE 100 YEAR TIDAL AREA.
- THERE ARE NO HAZARDOUS WASTES ON THE SITE.
- ANY SIGNS SHALL COMPLY WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND ALL ZONING POLICIES.

LPJ INC.
CONSULTING ENGINEERS
• STRUCTURAL
• CIVIL
• SITE PLANNING

16 West 25th Street
Baltimore, Maryland 21218
(301) 366-7800

PLAN TO ACCOMPANY ZONING VARIANCE HEARING

AN AMENDMENT TO PREVIOUSLY APPROVED PLAN 88-114A

FOR PARCELS 1 & 2 ONLY	
scale:	1"=30'
project no.:	10288
drawn:	
drawing no.:	1
design:	
checked:	
date:	8-15-90
sheet:	1 of 1

plot date:

- LEGEND**
- - - 71 EXISTING CONTOUR
 - - - 72 EXISTING SPOT ELEVATION
 - - - 73 EXISTING CURB
 - - - 74 PROPOSED CURB & GUTTER
 - - - 75 PROPOSED CONCRETE ISLAND
 - - - 76 EXISTING SANITARY
 - - - 77 PROPOSED SANITARY
 - - - 78 EXISTING WATER
 - - - 79 PROPOSED WATER
 - - - 80 EXISTING STORM DRAIN
 - - - 81 PROPOSED STORM DRAIN
 - - - 82 EXISTING BITUMINOUS PAVEMENT
 - - - 83 PROPOSED CONCRETE SIDEWALK
 - - - 84 PROPOSED CONCRETE PAVEMENT
 - - - 85 A.O.S.- AMENITY OPEN SPACE

BENCH MARK
HUB 15769 ELEV. 15.050
BOLT IN SEAM IN 1" CONC. WALK NORTH SIDE
MARKET PLACE & WEST SIDE OF TRADING PLACE

REQUIRED AMENITY OPEN SPACE

PARCEL 1
REQUIRED 0.2(24,644)= 4929sq.ft.
PROVIDED 680sq.ft.

PARCEL 2
REQUIRED 0.2(37,800)= 7560sq.ft.
PROVIDED 2512sq.ft.

SCALE: 1"=30'

SHIPPING PLACE
80' WIDE R.O.W.
50' PAVING WIDTH

NOTE: THIS PLAN ADDRESS ONLY PARCELS 1 & 2
EXISTING PARCELS 3 THRU 6 WILL REMAIN THE SAME

IN RE: PETITION FOR VARIANCE
NW corner of Trading Place
and Market Place -
12th Election District
The Dunleer Company,
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-134-A

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 9th day of October, 1985, that the herein Petition for Variance to permit 224 parking spaces in lieu of the required 461 spaces, parking spaces within zero feet of the street property line in lieu of the required 8 feet, and a front yard setback of zero feet in lieu of the required average of 5 feet; the approval of a modified parking plan to allow joint use of the buildings, parking within zero feet of the property line, use of the alley for access to parking spaces, and use of the proposed loading zone, all in accordance with sheet 1 of the site plan prepared by Cho, Wilks & Benn, revised July 11, 1985, marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

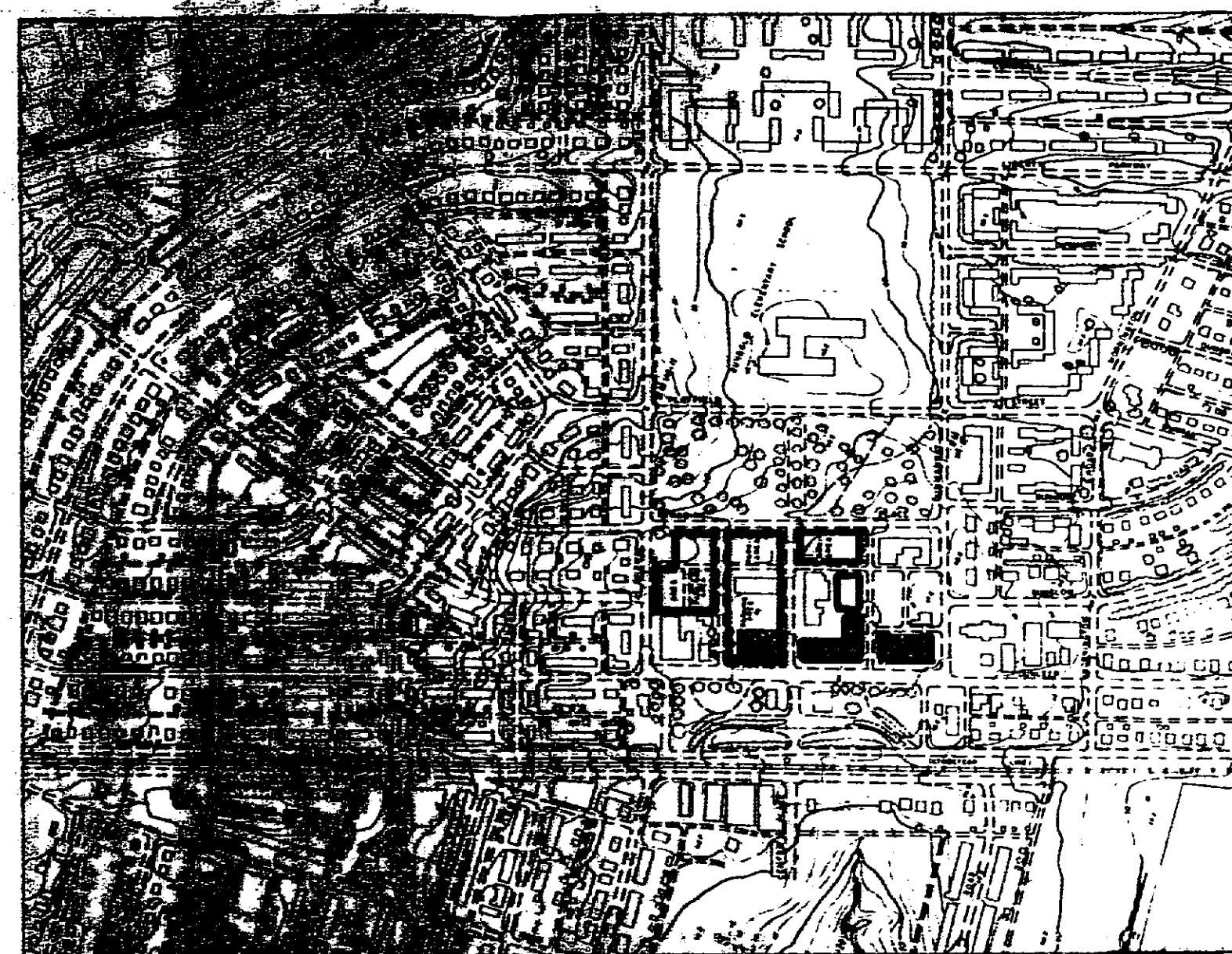
1. The food market loading zone may be relocated. It shall be screened at all times from residential and park property.

ORDER RECEIVED FOR FILING

DATE October 9, 1985

BY Robert A. Hollins
ADMINISTRATIVE ASSISTANT

William M. H. Deery
Deputy Zoning Commissioner
for Baltimore County



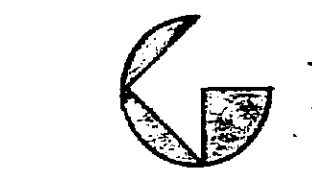
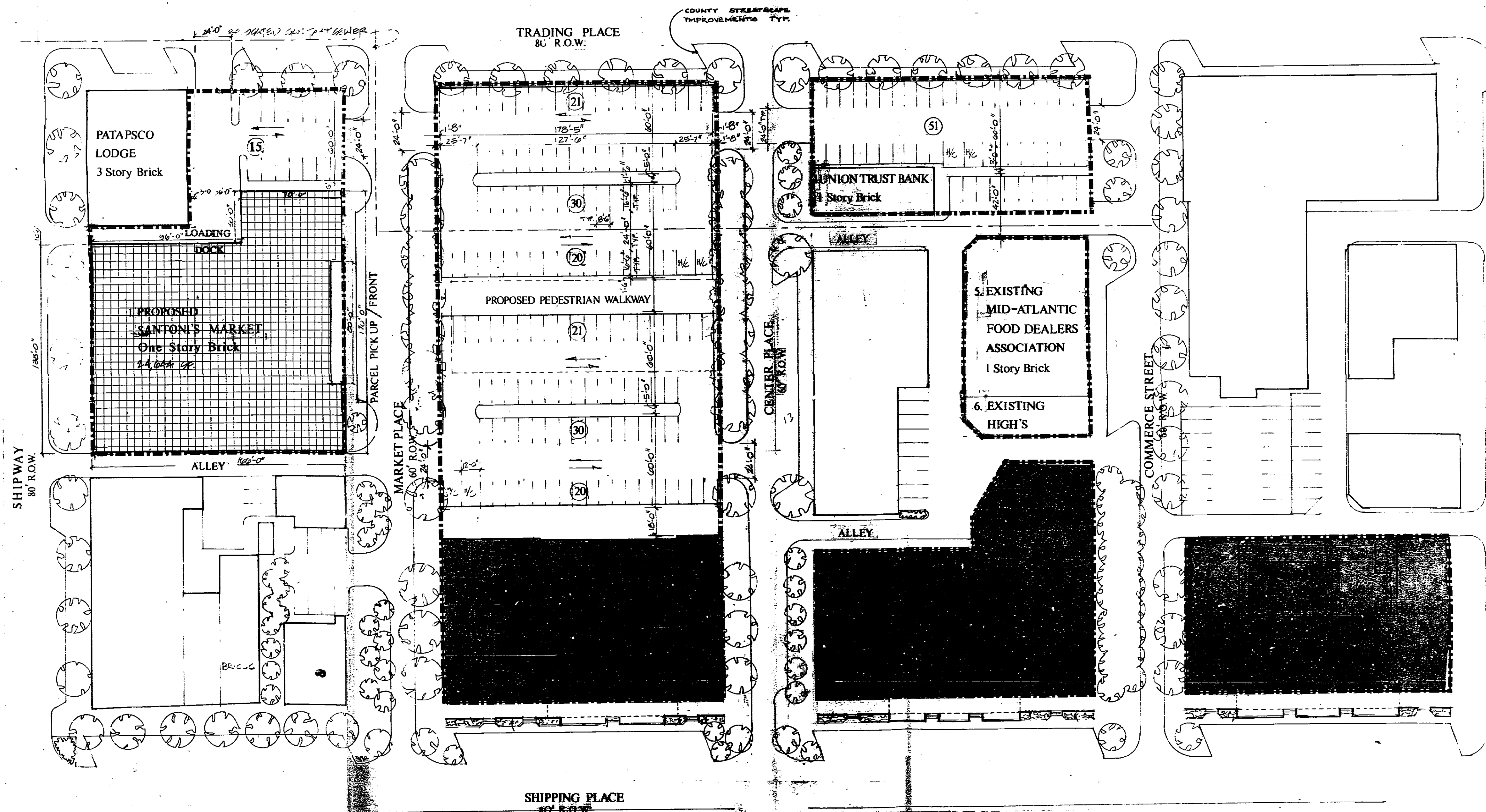
SCALE 1" = 500'

VICINITY MAP

OFF STREET PARKING REQUIREMENTS

BLDG #	USE	SQUARE FOOTAGE	200/SQ. FT.	# OF REQ'D SPACES RETAIL/OFFICE	# OF REQ'D SPACES APARTMENTS
1	Retail	24644	1 sp./200 sf	124	
2	Retail	18000	1 sp./200 sf	90	
	Office(2nd fl)	1850	1 sp./500 sf	4	
	Apartment	10 Apts.	1.25/apt.		13
3	Retail	18775	1 sp./200 sf	94	
	Office(2nd fl)	1300	1 sp./500 sf	3	
	Apartment	18 Apts.	1.25/apt.		48
4	Office	2400	1 sp./300 sf	7	
5	Office	9257.5	1 sp./300 sf	28	
6	Retail	2065.5	1 sp./200 sf	10	
7	Retail	14050	1 sp./200 sf	70	
	Office(2nd fl)	9000	1 sp./500 sf	18	
	Apartment	14 Apts.	1.25/Apt.		18
TOTAL				448	79
ORDINANCE 232A.5				-39	79/2=39
TOTAL REQUIRED				409	+ 79 = 488 spaces
TOTAL PROVIDED ON SITE					220 spaces

PARKING REQUIREMENTS



Zoning: BL-CCC
12th Elect. Dist.
1" = 40'

SITE PLAN

*Accepted for filing
by the Zoning Comm. of Robert
Haines on Nov. 2, 1987.*

MICROFILMED

DUNDALK
Commercial Revitalization

Cho Wilks & Benn
316 North Charles Street
Baltimore, Maryland 21201
(301) 576-0440

PROJECT NO. _____
 SCALE: AS NOTED
 DRAWN BY: DF, DB
 CHECKED BY: _____
 SHEET NO. _____



F-SE E-SW

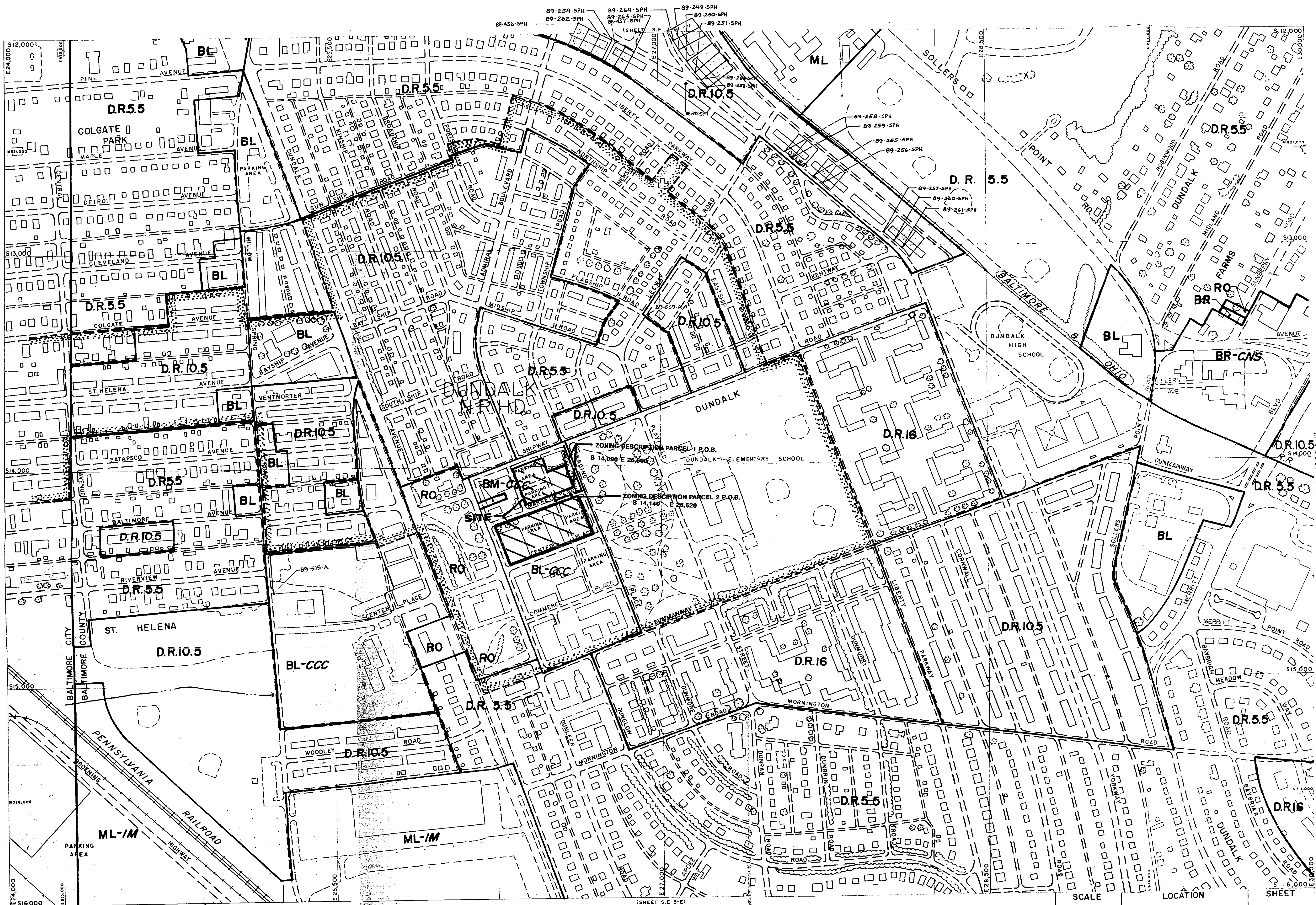
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE
BY	DATE	
	1/24/12-13-81	1" = 200'
		DATE OF PHOTOGRAPHY
		1954

LOCATION
DUNDALK

SHEET
PETITIONER'S
EXHIBIT 3

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LONG BEACH, CALIF.



F-SE E-SW

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

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

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	DUNDALK	S.E.
DATE OF PHOTOGRAPHY		4-E
JANUARY 1986		

#66
 91-128-A

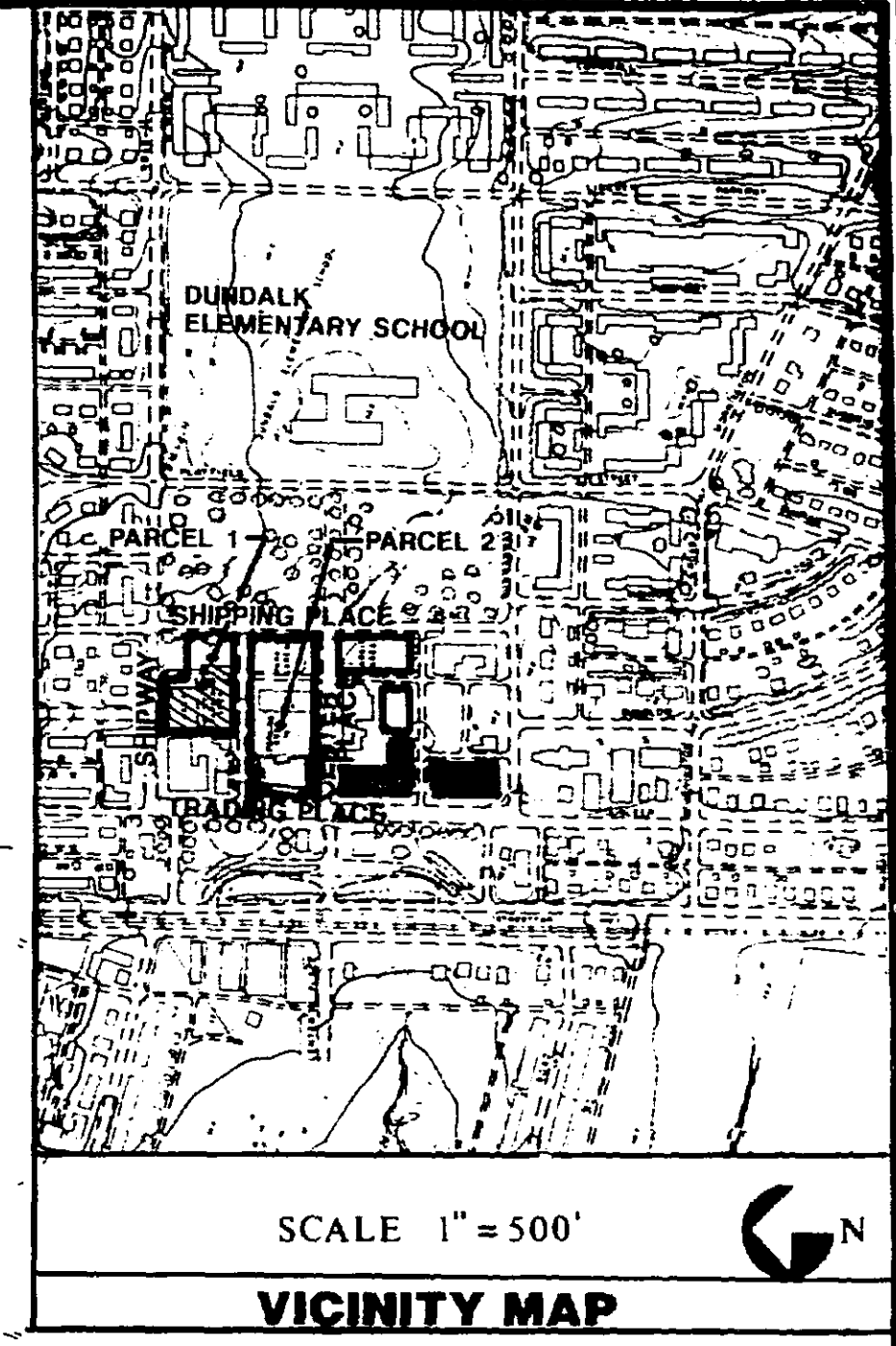
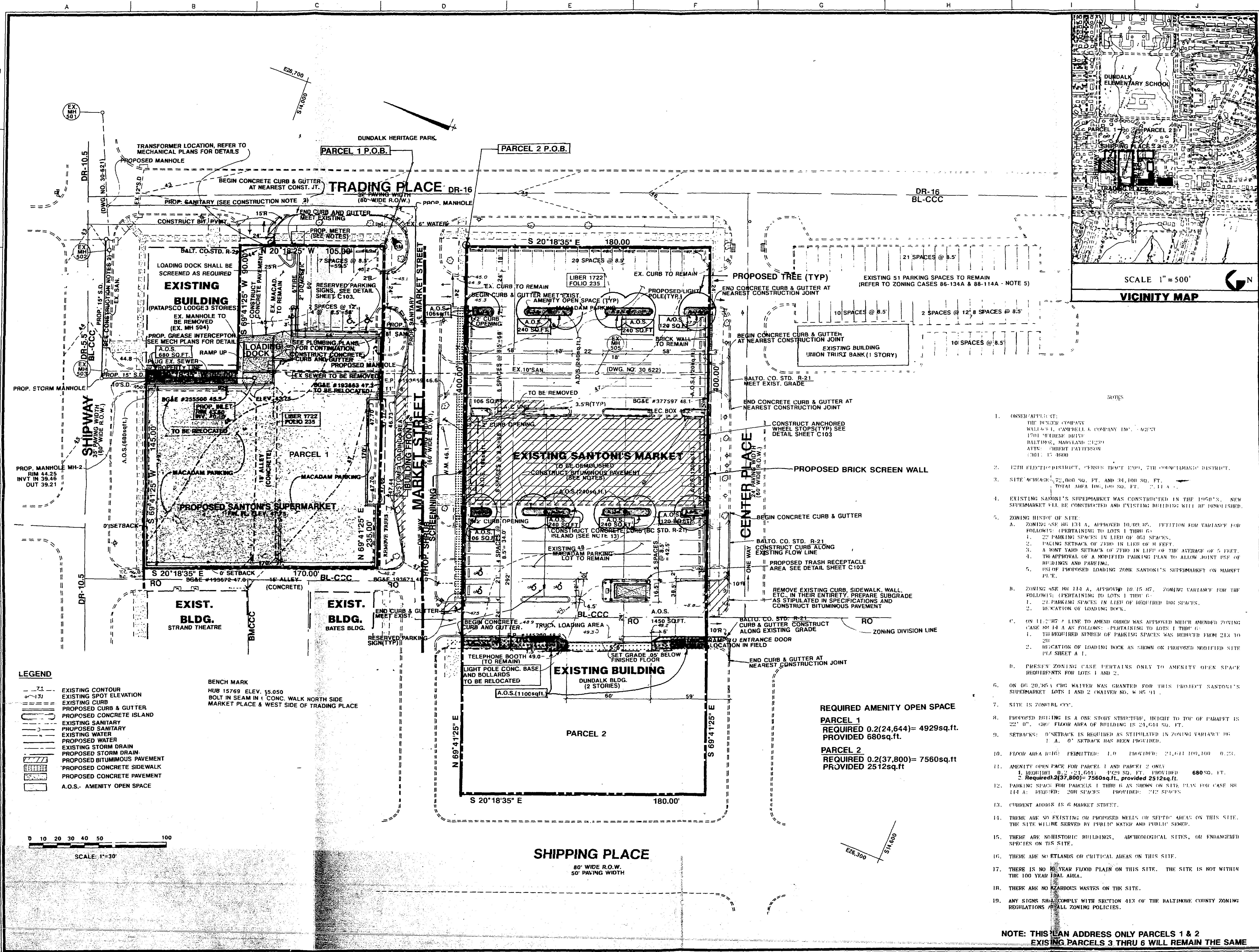


BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE LOCATION SHEET
1" = 200' ± #66

DATE OF PHOTOGRAPHY DUNDALK S.E.
JANUARY 1966 91-128-A 4-E

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



revisions		
no.	date	comments

SANTONI'S SUPERMARKET
 DUNDALK, MARYLAND
91-128-A

- NOTES:
- OWNER APPROVED: THE OWNER COMPANY, WALTER L. CAMPBELL & COMPANY INC., 1701 WILMERE DRIVE, BALTIMORE, MARYLAND 21209, ATTN: GREGORY PATTERSON (301) 45-3600.
 - 12TH ELECTION DISTRICT, PRINCE FRANKLIN, THE COUNCILMAN'S DISTRICT.
 - SITE AREA: 72,000 SQ. FT. AND 34,100 SQ. FT. (TOTAL AREA 106,100 SQ. FT.).
 - EXISTING SANTONI'S SUPERMARKET WAS CONSTRUCTED IN THE 1950'S. NEW SUPERMARKET WILL BE CONSTRUCTED AND EXISTING BUILDING WILL BE DEMOLISHED.
 - ZONING HISTORY OF SITE:
 - ZONING CASE 88-114 A, APPROVED 10-30-88, PETITION FOR VARIANCE FOR FOLLOWING: (PERTAINING TO LOTS 1 THRU 6):
 - 22 PARKING SPACES IN LIEU OF 362 SPACES.
 - PARKING SETBACK OF ZERO IN LIEU OF 5 FEET.
 - A FRONT YARD SETBACK OF ZERO IN LIEU OF THE AVERAGE OF 5 FEET.
 - THE APPROVAL OF A NOTIFIED PARKING PLAN TO ALLOW JOINT USE OF BUILDINGS AND PARKING.
 - USE OF PROPOSED LOADING ZONE SANTONI'S SUPERMARKET ON MARKET DRIVE.
 - ZONING CASE 88-114 A, APPROVED 10-15-87, ZONING VARIANCE FOR THE FOLLOWING: (PERTAINING TO LOTS 1 THRU 6):
 - 24 PARKING SPACES IN LIEU OF REQUIRED 362 SPACES.
 - LOCATION OF LOADING DOCK.
 - ON 11-2-87 A LINE TO AMEND ORDER WAS APPROVED WHICH AMENDED ZONING CASE 88-114 A AS FOLLOWS: (PERTAINING TO LOTS 1 THRU 6):
 - THE REQUIRED NUMBER OF PARKING SPACES WAS REDUCED FROM 214 TO 20.
 - LOCATION OF LOADING DOCK AS SHOWN ON PROPOSED MODIFIED SITE PLAN SHEET A-1.
 - PRESBYT ZONING CASE PERTAINS ONLY TO AMENITY OPEN SPACE REQUIREMENTS FOR LOTS 1 AND 2.
 - ON 06-20-85 CIVIL WALKER WAS GRANTED FOR THIS PROJECT SANTONI'S SUPERMARKET LOTS 1 AND 2 (WALKER NO. W 85-91).
 - SITE IS ZONED BL-CCC.
 - PROPOSED BUILDING IS A ONE STORY STRUCTURE, HEIGHT TO TOP OF PARAPET IS 22' 0". GROSS FLOOR AREA OF BUILDING IS 24,634 SQ. FT.
 - SETBACKS: SETBACK IS HEIGHTENED AS STIPULATED IN ZONING VARIANCE 88-114 A. SETBACK HAS BEEN PROVIDED.
 - FLOOR AREA RATIO: PERMITTED: 1.0 PROVIDED: 21,641 / 100,000 = 0.22.
 - AMENITY OPEN SPACE FOR PARCEL 1 AND PARCEL 2 ONLY:
 - REQUIRED: 0.2(24,634) = 4929 SQ. FT. PROVIDED: 680 SQ. FT.
 - REQUIRED: 0.2(37,800) = 7560 SQ. FT. PROVIDED: 25124 SQ. FT.
 - PARKING SPACES FOR PARCELS 1 THRU 6 AS SHOWN ON SITE PLAN FOR CASE 88-114 A: REQUIRED: 208 SPACES PROVIDED: 712 SPACES.
 - CURRENT ADDRESS IS 6 MARKET STREET.
 - THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC AREAS ON THIS SITE. THE SITE WILL BE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
 - THERE ARE NO HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, OR ENDANGERED SPECIES ON THIS SITE.
 - THERE ARE NO FLOODS OR CRITICAL AREAS ON THIS SITE.
 - THERE IS NO 100 YEAR FLOOD PLAIN ON THIS SITE. THE SITE IS NOT WITHIN THE 100 YEAR FLOOD AREA.
 - THERE ARE NO HAZARDOUS WASTES ON THIS SITE.
 - ANY SIGNS SHALL COMPLY WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS / ALL ZONING POLICIES.

REQUIRED AMENITY OPEN SPACE

PARCEL 1
 REQUIRED 0.2(24,644) = 4929sq.ft.
 PROVIDED 680sq.ft.

PARCEL 2
 REQUIRED 0.2(37,800) = 7560sq.ft.
 PROVIDED 25124sq.ft.

LPJ INC.
 CONSULTING ENGINEERS
 • STRUCTURAL
 • CIVIL
 • SITE PLANNING

16 West 25th Street
 Baltimore, Maryland 21218
 (301) 366-7800

PLAN TO ACCOMPANY ZONING VARIANCE HEARING

#66
 AN AMENDMENT TO PREVIOUSLY APPROVED PLAN 88-114A FOR PARCELS 1 & 2 ONLY

scale: 1"=30'	project no.: 10288
drawn: [signature]	drawing no.: 1
checked: [signature]	sheet 1 of 1
date: 6-15-90	plot date: