

IN RE: APPLICATION FOR USE PERMIT BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY RE: Use Permit for Business/Industrial parking in a Residential Zone Case No. 91-188SPH & Park 91-1

ORDER OF DISMISSAL

The above matter comes before the Zoning Commissioner for consideration of use permit for business/industrial parking in a residential zone. The application was filed on September 28, 1990 by Heritage Properties, Contract Lessee, on behalf of Betty Burton, Grantor Trust, Property Owner. Relief was requested to approve business/industrial parking in a residential zone on the subject property known as Fairmount Place in Towson.

Pursuant to Section 409.8.B.1.C of the Baltimore County Zoning Regulations (BCZR), the property was duly posted with a sign advertising the requested relief.

WHEREAS, a letter was recently received from Mr. John C. Cannella, Vice President, Design and Construction, Heritage Properties, Inc., dated June 15, 1998 requesting that the above matter be dismissed and removed from the Commissioner's docket.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November 1998 that the hereinabove Application for Use Permit, be and is hereby DISMISSED without prejudice.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmm c: Mr. John C. Cannella, Vice Pres. Design and Construction, Heritage Properties, Inc.

ORDER RECEIVED FOR FILING Date 11/17/98 By [Signature]

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY RE: Use Permit for Business/Industrial parking in a Residential Zone Case No. 91-188-SPH

ORDER OF DISMISSAL

The Petitioners herein requested a Petition for Special Hearing for use of land in a residential zone for business parking facility at three lots known as 510, 512 and 514 Fairmount Avenue, and a determination that amenity open space will not be required; and,

WHEREAS, correspondence, dated June 15, 1998, was received in the Office of Permits and Development Management, from John C. Cannella, Vice President, Design and Construction, Heritage Properties, Inc., who represented the Petitioner, to withdraw the Petition for Special Hearing, in case No. 91-188-SPH.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County this 17th day of July 1998 that the hereinabove Petition for Special Hearing, be and is hereby DISMISSED without prejudice.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING Date 7/17/98 By [Signature]

Baltimore County Zoning Commissioner Office of Planning

Suite 405, County Court Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 6, 1998

Mr. John C. Cannella Vice President, Design and Construction Heritage Properties, Inc. 515 Fairmount Avenue Towson, Maryland 21286

RE: Case No. 91-188-SPH Petition for Special Hearing Betty Burton Grantor Trust

Dear Mr. Cannella:

Attached hereto please find an Order of Dismissal regarding the above captioned matter. This case has been dismissed without prejudice.

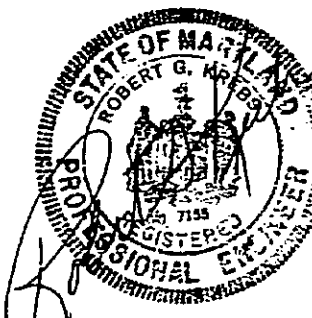
Very truly yours, Lawrence E. Schmidt Zoning Commissioner

LES:mmm att.

Description of Lands of Barbara B. Abbott; Patricia L. Burton, et al. September 19, 1990

Beginning at a point South 05° 30' West 250 feet from the centerline intersection of Fairmount Avenue and Joppa Road, said point being also in the east right-of-way-line of Fairmount Avenue; thence the following courses and distances: 1) South 76° 05' 55" East 102.06 feet 2) South 14° 09' 15" East 102.06 feet 3) South 75° 54' 55" East 60.16 feet 4) South 14° 09' 15" West 181.26 feet 5) North 73° 45' 29" West 60.20 feet 6) North 74° 19' 06" East 49.33 feet 7) North 74° 22' 54" West 102.24 feet to the east right-of-way line of Fairmount Avenue; thence binding on said right-of-way line 8) North 14° 09' 16" East 154.60 feet to the point of beginning. Containing 0.6145 acres of land more or less. Being all that land as recorded in Baltimore County Land Records Liber 7772 folio 563.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED FOR CONVEYANCE OF LAND.



PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-188-SPH

The undersigned, legal owner(s) of the property situated 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 the use of land in a residential zone for a business parking facility at three lots known as 510, 512 and 514 Fairmount Avenue, and a determination that amenity open space will not be required (since amenity open space is provided across the street in the business complex requesting the parking facility)

Property is to be posted and I, or we, agree to pay expenses of processing and reporting fees if I decide to proceed after a Petitioner's public hearing request 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, 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.

Contract Purchaser: Heritage Properties, Inc. Legal Owner(s): Barbara B. Abbott Trustee Patricia L. Burton Trustee Russell M. Burton Trustee

Address: 515 Fairmount Avenue, Towson, Maryland

Attorney for Petitioner: Robert A. DiCicco, 1729 Pin Oak Road, Baltimore, Maryland

Address: 405 Central Avenue, Towson, Maryland

Attorney's Telephone No.: 825-2000

ORDERED By the Zoning Commissioner of Baltimore County, this 16 day of Oct 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 16 day of Jan 1991, at 2 o'clock P.M.

J. Robert Haines Zoning Commissioner of Baltimore County

COPIES OF THIS ORDER TO BE FURNISHED TO: (over) (over) ALL

APPLICATION, PUBLIC HEARING REQUEST AND ZONING COMMISSIONER'S ORDER FOR A USE PERMIT FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPLICATION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: I, or we, Betty Burton Grantor Trust, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Section 409.8B of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should issue a use permit. Said use permit is necessitated to permit the use of land in a residential zone for business or industrial parking facilities to meet the requirements of Subsection 409.6.

Property is to be posted and I, or we, agree to pay expenses of processing and reporting fees if I decide to proceed after a Petitioner's public hearing request 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/Lessee: Heritage Properties, Inc. Legal Owner(s): Betty Burton Grantor Trust

Address: 515 Fairmount Avenue, Towson, Maryland

Attorney for Petitioner: Robert A. DiCicco, 1729 Pin Oak Road, Baltimore, Maryland

Address: 405 Central Avenue, Towson, Maryland

Attorney's Telephone No.: 825-2000

ORDER Pursuant to the posting of the property, in accordance with Section 409.8.B.1.(A), and in the absence of a formal public hearing request, IT IS ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY this 19 day of Oct 1990 that the herein described USE PERMIT FOR BUSINESS AND/OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE IS/IS NOT in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the use WILL/WILL NOT be detrimental to the health, safety, and general welfare of the surrounding community and in accordance with the site plan dated subject to strict compliance with all of the provisions of 8.409.8.B.2 and the following site specific restrictions which are conditions precedent to the granting of the use permit:

Contract Purchaser/Lessee: Heritage Properties, Inc. David G. Brookes, Vice President 515 Fairmount Avenue Towson, Maryland 21286

ZONING COMMISSIONER OF BALTIMORE COUNTY By: [Signature]

PARK 90-1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 10/10/90 Posted for: Special Hearing Petitioner: Betty Burton Grantor Trust, et al. Attorney: Robert A. DiCicco, Inc. Location of property: 510, 512 & 514 Fairmount Ave. Joppa Rd. Location of Sign: 515 Fairmount Ave. near 10' E. rd. way. Remarks: ex. property of Baltimore. Posted by: [Signature] Date of return: 11/10 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20-1990 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 12-13, 1990

S. Zebe Orlem Publisher

\$ 92.17

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 described herein at Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date and time: Special Hearing to approve the use of land in a residential zone for a business parking facility and a determination that amenity open space will not be required (since amenity open space is provided across the street in the business complex requesting the parking facility) J. ROBERT HAINES Zoning Commissioner of Baltimore County TOWSON, MD. 12-13

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20-1990 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13, 1990

S. Zebe Orlem Publisher

\$ 92.17

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 described herein at Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date and time: Special Hearing to approve the use of land in a residential zone for a business parking facility and a determination that amenity open space will not be required (since amenity open space is provided across the street in the business complex requesting the parking facility) J. ROBERT HAINES Zoning Commissioner of Baltimore County TOWSON, MD. 12-13

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 11/19/90 Posted for: Can. Revision of Hearing Petitioner: Heritage Properties, Inc. Location of property: 510, 512 & 514 Fairmount Ave. Joppa Rd. Location of Sign: 515 Fairmount Ave. near 10' E. rd. way, ex. property of Baltimore. Remarks: ex. property of Baltimore. Posted by: [Signature] Date of return: 2/17/91 Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21284  
(801) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE: 1-3-91

Heritage Properties, Inc.  
515 Fairmont Avenue  
Towson, Maryland 21284

RE:  
Petition for Special Hearing  
CASE NUMBER: 91-188-SPH  
E/S Fairmont Avenue, 250' S centerline Joppa Road  
(8510, 512 & 514 Fairmont Avenue)  
9th Election District - 4th Councilmanic  
Legal Owner: Betty Burton Grantor Trust  
Contract Purchaser: Heritage Properties, Inc.  
HEARING: WEDNESDAY, JANUARY 16, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$117.17 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY 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.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Robert A. DiCicco, Esq.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284  
Account: R-001-6150  
Number

receipt  
Date: 1/16/91  
PUBLIC HEARINGS FEES QTY PRICE  
040 -POSTING SIGN / ADVERTISING 1 X \$117.17  
TOTAL: \$117.17  
LAST NAME OF OWNER: BETTY BURTON  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284  
Account: R-001-6150  
Number

receipt  
Date: 2/28/90  
USE PERMIT FEES QTY PRICE  
040 -WORKING PARKING IN HER ZONE 1 X \$175.00  
TOTAL: \$175.00  
LAST NAME OF OWNER: BETTY BURTON  
Check from Heritage Properties Inc  
# 002549  
04AD-901181CHRC \$175.00  
EA 0009-147AH09-20-90  
Please make checks payable to: Baltimore County  
Cashier Validation

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21284  
(801) 887-3353  
J. Robert Haines  
Zoning Commissioner

November 26, 1990  
NOTICE OF HEARING  
Dennis F. Rasmussen  
County Executive

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 21284 as follows:

Petition for Special Hearing  
CASE NUMBER: 91-188-SPH  
E/S Fairmont Avenue, 250' S centerline Joppa Road  
(8510, 512 & 514 Fairmont Avenue)  
9th Election District - 4th Councilmanic  
Legal Owner: Betty Burton Grantor Trust  
Contract Purchaser: Heritage Properties, Inc.  
HEARING: WEDNESDAY, JANUARY 16, 1991 at 2:00 p.m.

Special Hearing to approve the use of land in a residential zone for a business parking facility and a determination that amply open space will not be required (since amply open space is provided across the street in the business complex reconfiguring the parking facility).

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Russell W. Burton  
Heritage Properties, Inc.  
Robert A. DiCicco, Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353

January 21, 1991

NOTICE OF CONTINUANCE

CASE NUMBER: 91-188-SPH  
PETITIONER: Betty Burton/Heritage Properties, Inc.

LOCATION: E/S Fairmont Avenue, 250' S c/l Joppa Road  
510, 512 & 514 Fairmount Avenue

HEARING OF THE ABOVE MATTER WILL CONTINUE ON WEDNESDAY, FEBRUARY 20, 1991  
at 4:00 p.m.

THIS CONTINUED HEARING WILL TAKE PLACE IN ROOM 106 OF THE COUNTY  
OFFICE BUILDING, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

J. Robert Haines  
Zoning Commissioner  
Baltimore County, Maryland

cc: Shelley Hawkins  
Stephen W. Lafferty  
Heritage Properties, Inc.  
John Conrath, Esq.  
Robert A. DiCicco, Esq.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284  
Account: R-001-6150  
Number

receipt  
Date: 9/20/90  
PUBLIC HEARINGS FEES QTY PRICE  
040 -SPECIAL HEARINGS (OTHER) 1 X \$175.00  
TOTAL: \$175.00  
LAST NAME OF OWNER: ABBOTT, TRUSTEES  
Check # 2548 from Heritage Properties Inc.  
04AD-901181CHRC \$175.00  
EA 0009-147AH09-20-90  
Please make checks payable to: Baltimore County  
Cashier Validation

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353

January 3, 1991

Robert A. DiCicco, Esquire  
225 Central Avenue  
Towson, MD 21204

RE: Item No. 115, Case No. 91-188-SPH  
Petitioner: Russell W. Burton, et al  
Petition for Special Hearing

Dear Mr. DiCicco:  
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 WENIARSKI. 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:ju  
Enclosures  
cc: Mr. Russell W. Burton  
Mr. David S. Rhodes

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353

111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353

November 28, 1990

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

Your petition has been received and accepted for filing this  
20th day of September, 1990.

J. Robert Haines  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Russell W. Burton, et al  
Petitioner's Attorney: Robert A. DiCicco

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21284  
(801) 887-3354

111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353

November 28, 1990

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

Dear Mr. Haines:  
The Bureau of Traffic Engineering has no comments for item numbers, 100, 115, 118, 137, 138, 139, 141, 142, and 143.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lab

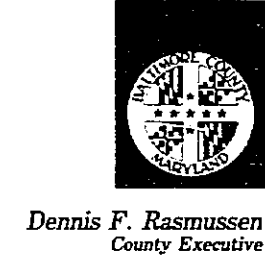
Received  
12/13/90

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

Paul H. Reincke  
Chief

OCTOBER 11, 1990

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



Dennis F. Rasmussen  
County Executive

RE: Property Owner: HERITAGE PROPERTIES, INC.  
Location: #510, 512 AND 514 FAIRMOUNT AVENUE  
Item No.: 115 Zoning Agenda: OCTOBER 15, 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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* 10-11-90 Noted and Approved  
Planning Group Captain *W.F. Brady Jr.*  
Special Inspection Division Fire Prevention Bureau *J. Kel*

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
October 9, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING  
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.  
SUBJECT: ZONING ITEM #: 115  
PROPERTY OWNER: Betty Burton Grantor Trust  
Contract Purchaser: Heritage Properties, Inc.  
LOCATION: E/S FAIRMOUNT AVENUE, 250' S CENTERLINE JOPPA ROAD (#510, 512 & 514 FAIRMOUNT AVENUE)  
ELECTION DISTRICT: 9th  
COUNCILMANIC DISTRICT: 4th

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

PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES? ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

( ) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED. RATING PERMITS SHALL BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

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.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting for October 15, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 115 and 141.

Item 137 is subject to the previous County Review Group comments.

For Items 100, 138, 139 and 142, County Review Group Meetings may be required for these improvements.

For Item 118, the property outline and square footage are incorrect as per R/W plat 78-150-15A. The Maple Road right-of-way at frontage equals 42 feet.

For Item 143, a 10-foot widening strip is required for future 50-foot right-of-way of US 101/Leigh Beach Road.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: File January 3, 1991

FROM: W. Carl Richards, Jr. WCR  
Zoning Coordinator

SUBJECT: Case #91-188-SPH & PARK-91-1  
E/S FAIRMOUNT AVENUE, S OF JOPPA ROAD  
Zoning: R.O.

Today I attended a meeting with Pat Keller, Diana Itter, Joe Moranto, Jeff Long, David Rhodes of Heritage Property and John Canella of Heritage Properties. The subject was the status and confusion concerning zoning and C.R.G. requirements. I explained that even though there was no "formal" protest to the "posting" use permit process, that the Zoning Commissioner "may" require a public hearing at his option. I explained that I had discussed the proposed parking plan with the Commissioner and that his decision was to require a public hearing "use permit" pursuant to Section 409.8.B (B.C.Z.R.). Since the alternative public hearing was filed concurrently with the posting procedure, proceeding with the public hearing at this time would not be as burdensome (time-wise) due to the fact that the date is scheduled for 1/16/91. I also explained that the zoning Class "B" office buffers and 75' amenity open space are not automatically required in the zoning regulations due to the fact that this is a "principal use R.O. parking lot"; however, the buffers and A.O.S. must be addressed and can be required in the special hearing (special exception) process. Previous zoning hearings where the buffers and A.O.S. have been required to be addressed on the petitions - #90-328-XA, #89-323-XA, #89-246-X and #89-208-XA. Pat Keller explained the C.R.G. requirement and Joe Moranto and Diana Itter discussed landscaping requirements and proposals. David Rhodes admitted that if all requirements, including A.O.S., would reduce the number of spaces planned that the lot may cease to be financially feasible. It was discussed that if the hearing was to proceed and the issues were not resolved, that it was possible to continue to a later date preferably after all issues could be aired at the C.R.G. The meeting was adjourned and Diana Itter remained to discuss Towson Master Plan Street Scapes.

scj

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 10, 1991  
Zoning Commissioner

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

SUBJECT: Betty Burton Grantor Trust, Item No. 115

The petitioner requests a Special Hearing to approve the use of land in a residential zone for a business parking facility.

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

- This site is located within the area of the Towson Community Plan, which is currently under consideration by the Baltimore County Planning Board. The property is also with a community conservation area, as designated by the Baltimore County Master Plan.

Inter-agency comments, however, at the time of CRG, may impact these comments. Therefore, this office anticipates submitting revised comments in the event that another agency's comment conflicts with our recommendation.

Should the petitioner's request be granted, staff recommends that the petitioner file a landscape plan with the deputy director of the Office of Planning and Zoning prior to the issuance of any permits. Said plan shall address the following:

- A 25 ft. wide streetscape area along Fairmount Avenue should be provided from the face of the curb to the parking lot. A grassy tree lawn for deciduous street trees (preferably red maples), a 5 ft. sidewalk, and 4-5 ft. evergreen hedge shall be provided.
- Additional islands within the parking area should be provided to meet the 75' amenity open space requirement.
- The developer should consider providing a connection to the adjacent parking lot to the east, which is owned by Joppa Property Association.

Betty Burton Grantor Trust, Item No. 115  
Page 2  
January 10, 1991

- The residential property to the north of the applicant's site should be intensively screened with an evergreen hedge (screening between the adjacent office building at 508 Fairmount Avenue is less critical).

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

ITEM115/ZAC1

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

J. Robert Haines  
Zoning Commissioner

November 15, 1990

Mr. J. J. Quingert  
108 Linden Terrace  
Towson, Maryland 21204

RE: Proposed Parking Lot - Fairmount Avenue  
Case No. Park 91-1

Dear Mr. Quingert:

In response to your letter dated November 3, 1990 regarding the above-captioned matter, the following comments are offered.

Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) permits commercial parking on an R.O. zoned tract of land following application to the Zoning Commissioner for a use permit for parking and the proper posting and advertising of that property. Please be advised that an application was filed on September 28, 1990 by Heritage Properties, Inc., Contract Lessee, on behalf of Betty Burton, Grantor Trust, Property Owner, for the tenants of the Fairmount Office Complex. Thereafter, the property was posted. Current Baltimore County law requires that the actual portion of the property to be used be posted and provides that a public hearing will only be required if same is requested by an opponent who agrees to pay additional processing fees. This procedure is set forth in Section 409.8.B.1 of the B.C.Z.R., a copy of which is enclosed for your review. For your information, as of yesterday, there has been no request nor any fees paid for a public hearing in this matter.

Your letter will be placed in the case file established for the subject property and in the event a hearing is requested, you will be notified of the hearing date and time.

Very truly yours,

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

JRH:bjs

cc: Case File

3. Lighting - Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.

4. Distance to Street Line - No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the landscape manual.

5. Dead Ends - All dead end aisles shall be designed to provide sufficient back-up area for the end parking spaces.

6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.

B. Business or Industrial Parking in Residential Zones

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Subsection 409.6, under the following procedure:

a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of fifteen (15) days following the filing of the application.

b. Within the fifteen (15) day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.

c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to

APPROVED JUL 0 1 1989

4-40F

satisfy the provisions of Section 409.B.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.

- d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
- e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
- (1) His findings following the public hearing;
  - (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
  - (3) The manner in which the requirements of Section 409.B.B.2 and other applicable requirements are met; and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.
2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:
- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
  - b. Only passenger vehicles, excluding buses, may use the parking facility.
  - c. No loading, service, or any use other than parking shall be permitted.

4-406

APPROVED JUL 0 1 1989

David Rhodes  
November 14, 1990  
Page 2

runoff. Secondly, this office is willing to defer completion of landscape requirements and forgo a CRG meeting until such time as permanent improvements are proposed on this lot if a sunset provision is included in the Commissioner's order. At this point, I suggest a meeting be scheduled at your earliest convenience with Commissioner Haines and me to discuss these and other pertinent issues.

I hope this insight is helpful and, as always, should you need further assistance in this matter, please do not hesitate to call me at 887-3211.

Sincerely,

*[Signature]*  
Arnold F. Keller III  
Deputy Director of Planning

APK:JVM:cab

cc: P. David Fields, Director of Planning  
J. Robert Haines, Zoning Commissioner

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204  
February 22, 1991

Mr. Joseph J. Quingert  
108 Linden Terrace  
Towson, Maryland 21204

Re: Proposed Parking Lot - Fairmount Avenue  
Special Hearing - Case #91-188-SPH  
Use Permit - Case #PARK 91-1

Dear Mr. Quingert:

Please be advised that the Special Hearing file with regard to the above matter has been updated to include your name and address. As such, when the matter is reset for hearing, a copy of the NOTICE OF HEARING will be forwarded to your attention.

Be further advised that the petitioners have acquired new counsel. That attorney is John Contrum, Esq., 809 Eastern Boulevard, Essex, Maryland 21221; telephone (301) 686-8274.

If you have any questions regarding the scheduling of these cases, do not hesitate to contact me.

Very truly yours,

G. G. Stephens

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: File January 3, 1991

FROM: W. Carl Richards, Jr. Zoning Coordinator

SUBJECT: Case #91-188-SPH & PARK-91-1  
E/S Fairmount Avenue, S of Joppa Road  
Zoning: R.O.

Today I attended a meeting with Pat Keller, Diana Itter, Joe Moranto, Jeff Long, David Rhodes of Heritage Property and John Cannella of Heritage Properties. The subject was the status and confusion concerning zoning and C.R.G. requirements. I explained that even though there was no "formal" protest to the "posting" use permit process, that the Zoning Commissioner "may" require a public hearing at his option. I explained that I had discussed the proposed parking plan with the Commissioner and that his decision was to require a public hearing "use permit" pursuant to Section 409.B.B. (B.C.C.Z.R.). Since the alternative public hearing was filed concurrently with the posting procedure, proceeding with the public hearing at this time would not be as burdensome (time-wise) due to the fact that the date is scheduled for 1/16/91. I also explained that the zoning class "B" office buffers and 7% amenity open space are not automatically required in the zoning regulations due to the fact that this is a "principal use R.O. parking lot"; however, the buffers and A.O.S. must be addressed and can be required in the special hearing (special exception) process. Previous zoning hearings where the buffers and A.O.S. have been required to be addressed on the petitions - #90-328-2A, #89-323-2A, #89-246-X and #89-208-2A. Pat Keller explained the C.R.G. requirement and Joe Moranto and Diana Itter discussed landscaping requirements and proposals. David Rhodes admitted that if all requirements, including A.O.S., would reduce the number of spaces planned that the lot may cease to be financially feasible. It was discussed that if the hearing was to proceed and the issues were not resolved, that it was possible to continue to a later date preferably after all issues could be aired at the C.R.G. The meeting was adjourned and Diana Itter remained to discuss Towson Master Plan Street Scope.

scj

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon, County Attorney  
through Frank C. Robey Jr., Administrative Officer

FROM: P. David Fields  
Director of Planning and Zoning

SUBJECT: Request for Legal Opinion - Development of Parking Lots

The purpose of this memo is to request the Office of Law to render an opinion on the interpretation of "development" as found in Section 22-39 of the Baltimore County Development Regulations. Our specific concern is the definition of development as it relates to the construction of a parking lot, in most cases, as the principal use of a property. The issue is whether or not a parking lot is subject to the Baltimore County Development Regulations and the County Review Group (CRG) process.

In recent months, this office has received several requests for an interpretation of the development of parking lots, without a building being involved. Attached to this request is a letter from J. Strong Smith of George William Stephens Jr. Associates asking this office if a parking lot for the storage of commercial vehicles would be subject to the CRG process and a letter from Deborah C. Dopkin on the same issue.

The current policy of this office is to consider the construction of a commercial parking lot as development as defined in the Development Regulations. A project that falls into the development category would require a County Review Group (CRG) meeting or waiver of CRG meeting and the requirement of a CRG plan in this instance is the sole plan. The requirement of a CRG plan in this instance is the sole opportunity for the Office of Planning and Zoning and many other agencies to react to ingress and egress, interior circulation, proper setbacks, screening and other Landscape Manual requirements.

We are requesting the Office of Law to advise this office if a parking lot is subject to the Baltimore County Development Regulations. For the most part, the development community has cooperated with our policy and are filing for a CRG waiver of the meeting. Your legal opinion will aid us in determining if our current policies regarding commercial parking lots meets the requirements of the Baltimore County Development Regulations.

Thank you for your cooperation in this matter.

*[Signature]*  
P. David Fields  
Director of Planning and Zoning

APPROVED: Frank C. Robey Jr., Administrative Officer

PDF:cab

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

February 22, 1991

Mr. Joseph J. Quingert  
108 Linden Terrace  
Towson, Maryland 21204

Re: Proposed Parking Lot - Fairmount Avenue  
Special Hearing - Case #91-188-SPH  
Use Permit - Case #PARK 91-1

Dear Mr. Quingert:

Please be advised that the Special Hearing file with regard to the above matter has been updated to include your name and address. As such, when the matter is reset for hearing, a copy of the NOTICE OF HEARING will be forwarded to your attention.

Be further advised that the petitioners have acquired new counsel. That attorney is John Contrum, Esq., 809 Eastern Boulevard, Essex, Maryland 21221; telephone (301) 686-8274.

If you have any questions regarding the scheduling of these cases, do not hesitate to contact me.

Very truly yours,

G. G. Stephens

Towson, Maryland 21204  
(301) 887-3211  
Fax (301) 887-3882

November 14, 1990

Mr. David Rhodes  
Heritage Properties  
515 Fairmount Avenue  
Towson, Maryland 21204

Dear Mr. Rhodes:

This letter is written in response to your request on the Office of Planning and Zoning position on the construction of a temporary parking lot as it relates to the definition of development. This Office has historically considered the conversion of an unimproved property to a paved commercial parking lot as development, defined in Section 22-37 of the Baltimore County Code. In support of that position, Webster's Dictionary defines, in part, the word development as follows: "to bring into being; to convert (a tract of land) to a specific purpose...". Furthermore, the County attorney has been requested to render a written decision on this matter. (see attached memo dated September 18, 1990 to Arnold Jablon)

Because the construction of a permanent commercial parking lot has been determined at this time to be subject to Division 2 of the Baltimore County Development Regulations, a County Review Group (CRG) meeting or waiver of meeting is required. A final landscape plan, reviewed and approved by the Office of Planning and Zoning, is also a prerequisite to the issuance of grading or other necessary permits.

Notwithstanding the above, Baltimore County has occasionally permitted temporary commercial parking lots for a limited specified period of time when that use has been determined to be consistent with the spirit and intent of the Baltimore County Zoning Regulations. In nearly all cases, however, a use permit is necessary to be authorized by the Office of the Zoning Commissioner. It is my understanding that you intend to use the replacement parking for passenger vehicles pending the construction of permanent facilities at Fairmount Place. In the event that a public hearing is not required, this office will request the Zoning Commissioner to consider a number of issues before a use permit is granted. Most importantly, the proximity and downlope location of the adjacent residential community necessitates the proper management of storm water

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

November 19, 1990

Mr. David Rhodes  
Heritage Properties  
515 Fairmount Avenue  
Towson, Maryland 21204

RE: Proposed Use Permit for Parking  
Fairmount Avenue  
Case No. Park 91-1

Dear Mr. Rhodes:

Inasmuch as the letter dated November 14, 1990 from Arnold F. (Pat) Keller, III, Deputy Director of Planning, raises several issues which must be addressed prior to the issuance of any permits, no decision will be made on your request for a temporary parking use permit until such time as these issues are resolved.

In the event you have any questions on the subject, please do not hesitate to call this office.

Very truly yours,  
*[Signature]*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjb  
cc: Pat Keller  
Case File

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A USE PERMIT FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING County Office Building 111 West Chesapeake Avenue Towson, Maryland 21284

The application for your proposed Use Permit has been reviewed and is accepted for filing by CATHERINE A. MILTON on 28 Sept 1990 Date (A)

A sign indicating the proposed Use Permit must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of posting is \$15.00 and processing \$100.00; total \$115.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE 9 October 1990 (15 Days Before C)

DATE POSTED 10/5/90

HEARING REQUESTED-YES NO - DATE

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 24 October 1990 C (B-3 Work Days)

TENTATIVE DECISION DATE 29 October 1990 B (A + 30 Days)

\*Usually within 15 days of filing

CERTIFICATE OF POSTING

District 9th

Location of property: 415 Fairmount Ave, 59 of Lot 224 & N. Penn Ave

Posted by: [Signature] Date of Posting: 10/5/90

Number of Signs: 1

PARKING 2

APPROVAL FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPROVAL REQUIRED FROM CHECKED DEPT. SITE LOCATION:

DEPRM \_\_\_\_\_

CURRENT PLANNING \_\_\_\_\_

TRAFFIC ENG. \_\_\_\_\_

SEDIMENT CONT. \_\_\_\_\_

OTHER \_\_\_\_\_

COMMENT: \_\_\_\_\_

This agency has reviewed proposed parking layout for the above referenced site and have advised Petitioner of any difficulties regarding this office's approval.

CHECK ONE:

- A. Approved as is.
- B. Amended site plan required prior to approval. OK to post.
- C. There appears to be unresolvable problems inherent with the above referenced parking. Please withhold posting until the attached comments are addressed by the Petitioner.

SIGNED: [Signature] DATE: 9-20-90  
DEPT.: DEPRM - Sed. Cont. PHONE NO.: 887-3227

APPLICATION, PUBLIC HEARING REQUEST AND ZONING COMMISSIONER'S ORDER FOR A USE PERMIT FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPLICATION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Russell W. Burton Betty Burton Grantor Trust legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Section 409.8B of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County should issue a use permit. Said use permit is necessitated to permit the use of land in a residential zone for business or industrial parking facilities to meet the requirements of Subsection 409.6.

Date \_\_\_\_\_  
Legal Owner(s) Signature(s) Russell W. Burton Betty Burton Grantor Trust  
Address (type or print) 1729 Pin Oak Rd Parkville Md 21239 Zip \_\_\_\_\_  
Phone # Work \_\_\_\_\_ Home - 443-9628  
\* See below

PUBLIC HEARING REQUEST

I, or we, \_\_\_\_\_ request that the proposed Use Permit be the subject of a public hearing as provided for in Section 409.8.B.8.(D) of the Zoning Regulations. I also agree to pay the current established processing fee for this public hearing request.

Date \_\_\_\_\_  
Protestant's Signature \_\_\_\_\_ Address (type or print) \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # Work \_\_\_\_\_ Home - \_\_\_\_\_

ORDER

Pursuant to the posting of the property, in accordance with Section 409.8.B.1.(A), and in the absence of a formal public hearing request, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of \_\_\_\_\_, that the herein described USE PERMIT FOR BUSINESS AND/OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE IS/IS NOT in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the use WILL/WILL NOT be detrimental to the health, safety, and general welfare of the surrounding community and in accordance with the site plan dated \_\_\_\_\_ and description filed by the petitioner, is hereby \_\_\_\_\_ and the following subject to strict compliance with all of the provisions of 8.409.8.B.2 and the following site specific restrictions which are conditions precedent to the granting of the use permit:

\* Contract Purchaser/Lessee:  
Heritage Properties, Inc.  
David G. Rhodes, Vice President  
515 Fairmount Avenue  
Towson, Maryland 21284

ZONING COMMISSIONER OF BALTIMORE COUNTY  
By: [Signature]

PARKING 1

APPROVAL FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPROVAL REQUIRED FROM CHECKED DEPT. SITE LOCATION:

DEPRM / EIRP \_\_\_\_\_

CURRENT PLANNING \_\_\_\_\_

TRAFFIC ENG. \_\_\_\_\_

SEDIMENT CONT. \_\_\_\_\_

OTHER \_\_\_\_\_

COMMENT: show soils on site

This agency has reviewed proposed parking layout for the above referenced site and have advised Petitioner of any difficulties regarding this office's approval.

CHECK ONE:

- A. Approved as is.
- B. Amended site plan required prior to approval. OK to post. show soils on site
- C. There appears to be unresolvable problems inherent with the above referenced parking. Please withhold posting until the attached comments are addressed by the Petitioner.

SIGNED: [Signature] DATE: 9/20/90  
DEPT.: DEPRM/EIRP PHONE NO.: 3780

APPLICATION, PUBLIC HEARING REQUEST AND ZONING COMMISSIONER'S ORDER FOR A USE PERMIT FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPLICATION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Russell W. Burton Betty Burton Grantor Trust legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Section 409.8B of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County should issue a use permit. Said use permit is necessitated to permit the use of land in a residential zone for business or industrial parking facilities to meet the requirements of Subsection 409.6.

Date \_\_\_\_\_  
Legal Owner(s) Signature(s) Russell W. Burton Betty Burton Grantor Trust  
Address (type or print) 1729 Pin Oak Rd Parkville Md 21239 Zip \_\_\_\_\_  
Phone # Work \_\_\_\_\_ Home - 443-9628  
\* See below

PUBLIC HEARING REQUEST

I, or we, \_\_\_\_\_ request that the proposed Use Permit be the subject of a public hearing as provided for in Section 409.8.B.8.(D) of the Zoning Regulations. I also agree to pay the current established processing fee for this public hearing request.

Date \_\_\_\_\_  
Protestant's Signature \_\_\_\_\_ Address (type or print) \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # Work \_\_\_\_\_ Home - \_\_\_\_\_

ORDER

Pursuant to the posting of the property, in accordance with Section 409.8.B.1.(A), and in the absence of a formal public hearing request, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of \_\_\_\_\_, that the herein described USE PERMIT FOR BUSINESS AND/OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE IS/IS NOT in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the use WILL/WILL NOT be detrimental to the health, safety, and general welfare of the surrounding community and in accordance with the site plan dated \_\_\_\_\_ and description filed by the petitioner, is hereby \_\_\_\_\_ and the following subject to strict compliance with all of the provisions of 8.409.8.B.2 and the following site specific restrictions which are conditions precedent to the granting of the use permit:

\* Contract Purchaser/Lessee:  
Heritage Properties, Inc.  
David G. Rhodes, Vice President  
515 Fairmount Avenue  
Towson, Maryland 21284

ZONING COMMISSIONER OF BALTIMORE COUNTY  
By: [Signature]

PARKING 1

APPROVAL FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPROVAL REQUIRED FROM CHECKED DEPT. SITE LOCATION:

DEPRM \_\_\_\_\_

CURRENT PLANNING \_\_\_\_\_

TRAFFIC ENG. \_\_\_\_\_

SEDIMENT CONT. \_\_\_\_\_

OTHER \_\_\_\_\_

COMMENT: C.R.G. / WAIVER IS REQUIRED. LANDSCAPE PLAN MUST BE APPROVED.

This agency has reviewed proposed parking layout for the above referenced site and have advised Petitioner of any difficulties regarding this office's approval.

CHECK ONE:

- A. Approved as is.
- B. Amended site plan required prior to approval. OK to post.
- C. There appears to be unresolvable problems inherent with the above referenced parking. Please withhold posting until the attached comments are addressed by the Petitioner.

SIGNED: [Signature] DATE: 9/20/90  
DEPT.: CURRENT PLANNING PHONE NO.: 887-3225

APPLICATION, PUBLIC HEARING REQUEST AND ZONING COMMISSIONER'S ORDER FOR A USE PERMIT FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPLICATION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Russell W. Burton Betty Burton Grantor Trust legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Section 409.8B of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Regulations of Baltimore County should issue a use permit. Said use permit is necessitated to permit the use of land in a residential zone for business or industrial parking facilities to meet the requirements of Subsection 409.6.

Date \_\_\_\_\_  
Legal Owner(s) Signature(s) Russell W. Burton Betty Burton Grantor Trust  
Address (type or print) 1729 Pin Oak Rd Parkville Md 21239 Zip \_\_\_\_\_  
Phone # Work \_\_\_\_\_ Home - 443-9628  
\* See below

PUBLIC HEARING REQUEST

I, or we, \_\_\_\_\_ request that the proposed Use Permit be the subject of a public hearing as provided for in Section 409.8.B.8.(D) of the Zoning Regulations. I also agree to pay the current established processing fee for this public hearing request.

Date \_\_\_\_\_  
Protestant's Signature \_\_\_\_\_ Address (type or print) \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # Work \_\_\_\_\_ Home - \_\_\_\_\_

ORDER

Pursuant to the posting of the property, in accordance with Section 409.8.B.1.(A), and in the absence of a formal public hearing request, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of \_\_\_\_\_, that the herein described USE PERMIT FOR BUSINESS AND/OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE IS/IS NOT in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the use WILL/WILL NOT be detrimental to the health, safety, and general welfare of the surrounding community and in accordance with the site plan dated \_\_\_\_\_ and description filed by the petitioner, is hereby \_\_\_\_\_ and the following subject to strict compliance with all of the provisions of 8.409.8.B.2 and the following site specific restrictions which are conditions precedent to the granting of the use permit:

\* Contract Purchaser/Lessee:  
Heritage Properties, Inc.  
David G. Rhodes, Vice President  
515 Fairmount Avenue  
Towson, Maryland 21284

ZONING COMMISSIONER OF BALTIMORE COUNTY  
By: [Signature]

PARKING 1

APPROVAL FOR BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE

APPROVAL REQUIRED FROM CHECKED DEPT. SITE LOCATION:

DEPRM \_\_\_\_\_

CURRENT PLANNING \_\_\_\_\_

TRAFFIC ENG. \_\_\_\_\_

SEDIMENT CONT. \_\_\_\_\_

OTHER \_\_\_\_\_

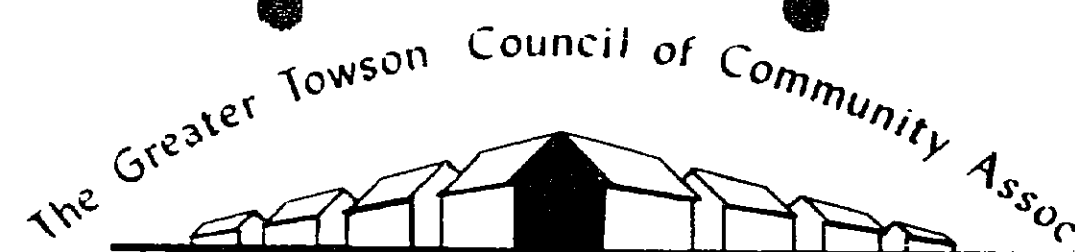
COMMENT: The employee parking need to be clearly marked to avoid potential confusion problems.

This agency has reviewed proposed parking layout for the above referenced site and have advised Petitioner of any difficulties regarding this office's approval.

CHECK ONE:

- A. Approved as is.
- B. Amended site plan required prior to approval. OK to post.
- C. There appears to be unresolvable problems inherent with the above referenced parking. Please withhold posting until the attached comments are addressed by the Petitioner.

SIGNED: [Signature] DATE: 9/20/90  
DEPT.: Traffic Eng. PHONE NO.: 887-3559



Stephen W. Lafferty, President  
6522 Severy Road  
Baltimore, Maryland 21239  
phone - (410) 377-4521 (C) 687-7878

January 16, 1991

The Honorable J. Robert Haines  
Zoning Commissioner for Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 91-188-SPH

Dear Commissioner Haines:

On behalf of the Greater Towson Council Community Association ("GTCCA"), I wish to go on record as opposing the requested waiver of the amenity open space requirements on the properties on the east side of Fairmount Avenue, within the East Towson community.

The GTCCA is an umbrella organization of twenty-two community groups in the broader Towson area. We support the position of the East Towson community in opposing this requested waiver and suggest to the Zoning Commissioner that amenity open space in Towson is already at a premium and cannot be allowed to be reduced. While we believe that the amenity open space provisions in the County Code are grossly insufficient for areas in and adjacent to the Town Center, we recognize that this is not the forum to change those standards. However, it is clear that it is the forum in which standards can and should be stringently enforced. Amenity open space, especially when proximate to residential areas, must be preserved. The creation of parking facilities doubles the importance of providing buffers and/or visual enhancements for the surrounding residents. The fact that amenity open space may be present across the street, or down the street, is of no consequence. We strongly urge you to deny the requested waiver and require the property owner to create the amenity open space demanded by County regulations.

Very truly yours,  
*Stephen W. Lafferty*  
Stephen W. Lafferty  
President

RECEIVED  
JAN 16 1991

ZONING OFFICE

SNL/tls



6/16/88

June 15, 1988

Mr. W. Carl Richards  
Department of Permits and Development Management  
111 W. Chesapeake Avenue, Room 111  
Towson, MD 21104

RE: Betty Burton Grantor Trust  
91-188 SPH and  
PARK-91-1

Dear Carl:

This is to confirm my telephone conversation with Sophie last Friday.

Heritage Properties has decided not to pursue the above referenced Special Hearing and Use Permit. Please remove these items from the Commissioner's docket.

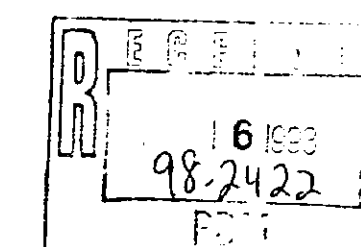
Thank you.

Sincerely,

*Jack*  
John C. Cannella  
Vice President, Design & Construction

JCC/jag

Heritage Properties, Inc.  
515 Fairmount Avenue  
Towson, Maryland 21204  
(410) 769-6100



David G. Rhodes  
Vice President, Development

September 19, 1990

Baltimore County Zoning Office  
Development Control  
111 W. Chesapeake Avenue  
Room 113  
Towson, Maryland 21204

Attention: Zoning Commissioner of Baltimore County

Re: Use Permit for Parking in a Residential/Office (R0) Zone  
510, 512 and 514 Fairmount Avenue  
Towson, Maryland 21204

Dear Commissioner:

This is to request you determine amenity open space not to be required for the Use Permit referenced above.

Heritage Properties, Inc. intends to use this property for parking for our tenants at Fairmount Place. We believe our request to be justified, since amenity open space is provided across the street in the Fairmount Place Complex (existing and future expansion). Also no building or other structure occupies (or will occupy) space on the property and the site is to be used only as a parking area with landscaping provided around the perimeter.

We are also requesting this determination be made whether or not the Use Permit process requires a public hearing.

Sincerely,

*David G. Rhodes*  
David G. Rhodes

JCC/kfs

Heritage Properties, Inc.  
515 Fairmount Avenue  
Towson, Maryland 21204  
(301) 494-8950

12-10-5-CAM



December 4, 1990

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

RE: 510, 512 and 514 Fairmount Avenue  
Towson, Maryland 21204  
Use Permit Case Number Park 91-1  
Special Hearing Case Number 91-188-SPH

Dear Commissioner Haines:

The purpose of this letter is to clarify the developers' intentions concerning the proposed Use Permit for parking in a residential zone and to request the Petition for Special Hearing be withdrawn.

With respect to the Use Permit and in response to your letter of November 19, 1990, please be advised we have not applied for a temporary parking permit. Pat Keller's letter concerning temporary parking was in response to a proposed strategy of ours to reduce the time necessary to process the project through the county. Since we are no longer constrained by a tight time schedule, we are preparing our plans for a full CRG review. Therefore, we are asking you to render a decision on our Use Permit Request Case Number Park 91-1, so we may proceed through the CRG process.

Heritage Properties, Inc.  
515 Fairmount Avenue  
Towson, Maryland 21204  
(301) 494-8950

Page Two  
December 4, 1990  
Mr. J. Robert Haines

Concerning the Special Hearing, our intention in filing the petition was to be on the docket should a Protestant request a public hearing after the property has been posted. I checked the status of both the Use Permit and the Special Hearing Petition with Katherine Milton of your office on November 27, 1990. A review of the files indicated no public hearing had been requested. Since the CRG process will provide a public forum and if you agree no hearing has been requested, we wish to withdraw our Petition for Special Hearing (Case Number 91-188-SPH) and cancel the hearing set for Wednesday, January 16, 1991 at 2:00 P.M.

If you have any questions or comments, please contact me at 494-8571. Thank you.

Respectfully,

*Jack*  
John C. Cannella  
Projects Manager

JCC/kfs

cc: Arnold F. Keller III  
Katherine Milton  
David G. Rhodes  
Robert Krebs  
J. Strong Smith  
Robert A. DiCicco

12-10-5

NOVEMBER 3, 1990

MR. ROBERT HAINES, ZONING COMMISSIONER  
BALTIMORE COUNTY  
ROOM # 104  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

DEAR MR. ROBT. HAINES, RE: PROPOSED PARKING AREA (91-1)  
FAIRMOUNT AVENUE

I RECENTLY OBSERVED A NOTICE POSTED BY YOUR OFFICE CONCERNING THE SUBJECT MATTER AND WAS SHOCKED TO HAVE A NOTICE TO THE PUBLIC POSTED IN TALL GRASS AND IN A MANNER THAT THE TAXPAYER AND COMMUNITY WOULD BE UNABLE TO RECORD THE INFORMATION POSTED THEREON DUE TO TRAFFIC BARRICADES AT JOFFA ROAD AND FAIRMOUNT AVENUE.

FURTHERMORE, I PROTEST THAT IS BEING PERMITTED BY YOUR OFFICE IN THE REZONING OF A RESIDENTIAL AREA AND THE EXPOSURES THAT ARE BEING CREATED IN THE TOWSON AREA.

IN MY OPINION, IT APPEARS THAT YOUR OFFICE AND THE POLITICIANS ARE MORE CONCERNED WITH THE COMMERCIAL ASPECTS THAN YOU ARE WITH THE RESIDENTS OF THIS COMMUNITY.

KINDLY ADVISE IF A HEARING WILL TAKE PLACE PRIOR TO THIS PROPERTY BEING REZONED?

SINCERELY,

J. J. QUINERT  
106 LINDEN TERRACE  
TOWSON, MARYLAND 21204  
TEL. # 301-321-1969

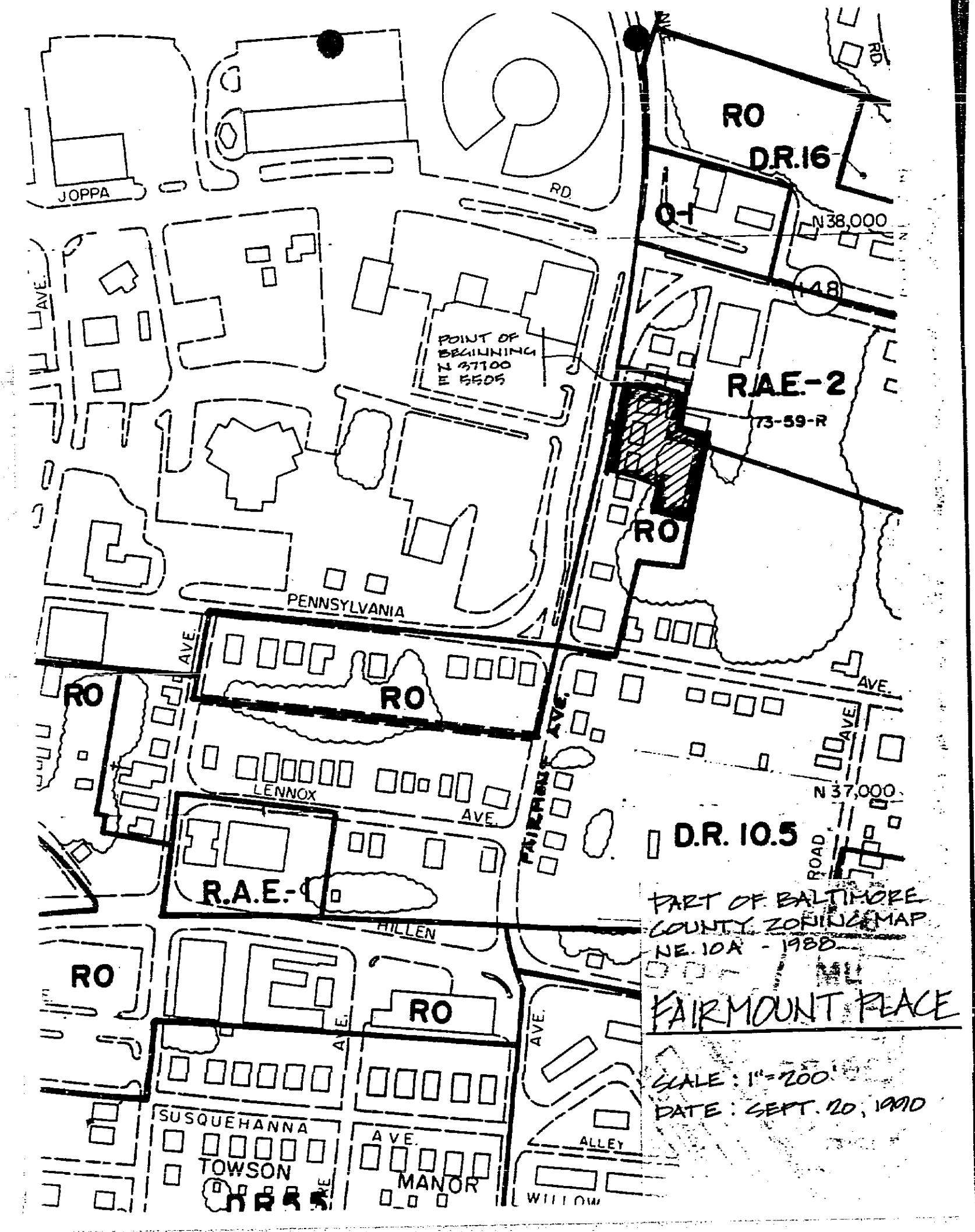
*J. J. Quinert*

IMPORTANT MESSAGE  
FOR: JAC  
DATE: 10/25 TIME: 3:58 PM  
WHILE YOU WERE OUT  
M: Jack Cannella  
OF: Heritage Properties  
PHONE NO: 494-8571  
TELEPHONED: [ ] PLEASE CALL [ ]  
CALLED TO SEE YOU: [ ] WILL CALL AGAIN [ ]  
WANTS TO SEE YOU: [ ] RUSH [ ]  
RETURNED YOUR CALL: [ ]  
MESSAGE: Petition - Trustees  
5/10/12/14  
Fairmount Ave.  
SIGNED: [ ]

91-188-SPH #115  
 HERITAGE PROPERTIES, INC.

(CONTRACT PURCHASER) WAS INFORMED BY CAM ON 9-24 THAT WE NEED EITHER SIGNATURES OF ALL TRUSTEES ON PETITION FORMS OR COPY OF THE TRUST AGREEMENT AUTHORIZING RUSSELL BURTON TO SIGN FOR ALL. HERITAGE PROPERTIES INSISTED ON FILING WITHOUT THIS.

*Sophia*  
 10-2-90



WCR 1-9-98  
 3:14

Jack Canella  
 410-767-6114  
 Receptionist -  
 769-6100  
 Ask her to "kunt  
 her down"  
 Will send letter - we told him  
 would need to be reposted -  
 rechecked - old fee ok - will call  
 to apt (needs info on new procedure)

Continued.

91-188-SPHA 1-16-91

John Burton Esq.  
 John Smith - 222 S. St.  
 Jack Canella  
 The City of Baltimore } Historic and employment  
 will have } zoning text after this.  
 If zoning is required, the  
 lot does not work.  
 Searching for residential property.  
 - Property monthly, unimproved  
 - ~~offer~~  
 [409.8.2] Mto. other  
 requirements.  
 - Project will not work unless  
 if 25% for ~~public~~ ~~open~~  
 negotiation is required by  
 planning.

Bob: Give not ready. Should  
 be ~~re~~ continued.

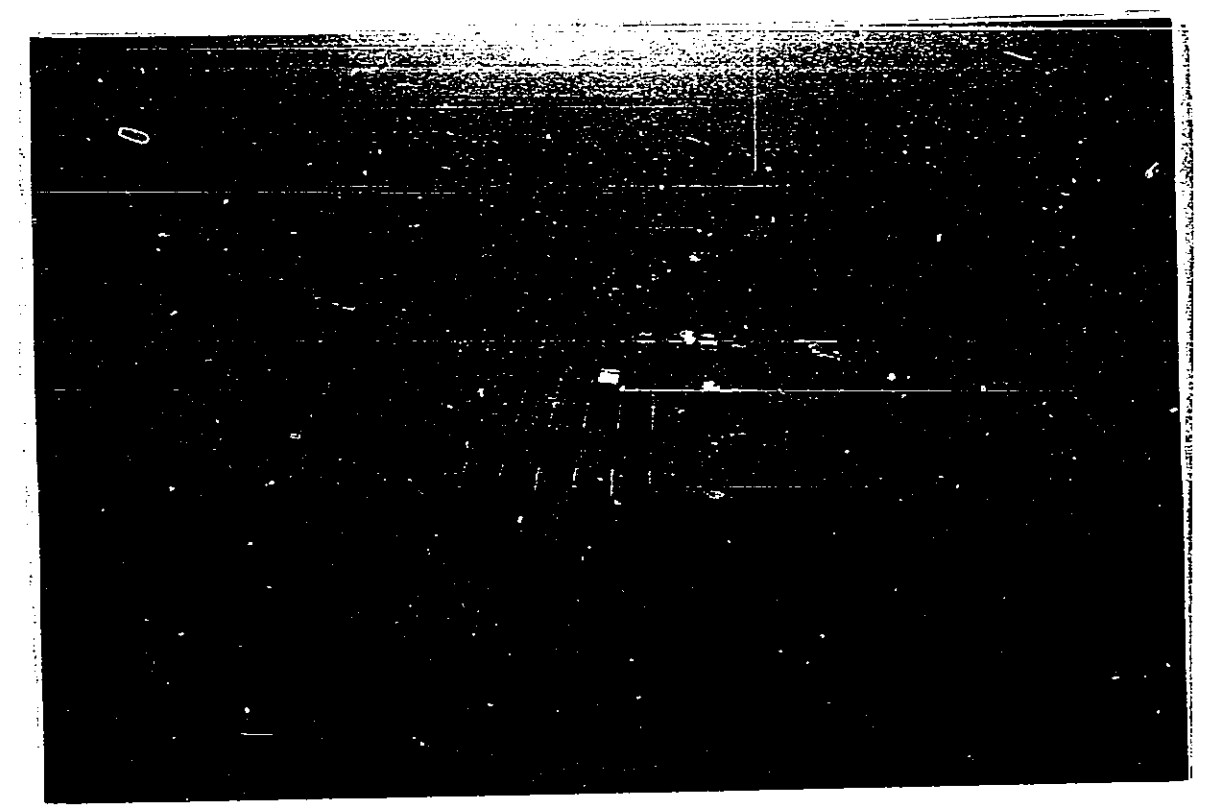
Shelley Hawkins:  
 - Wants open space mitigation  
 - Wants some security.

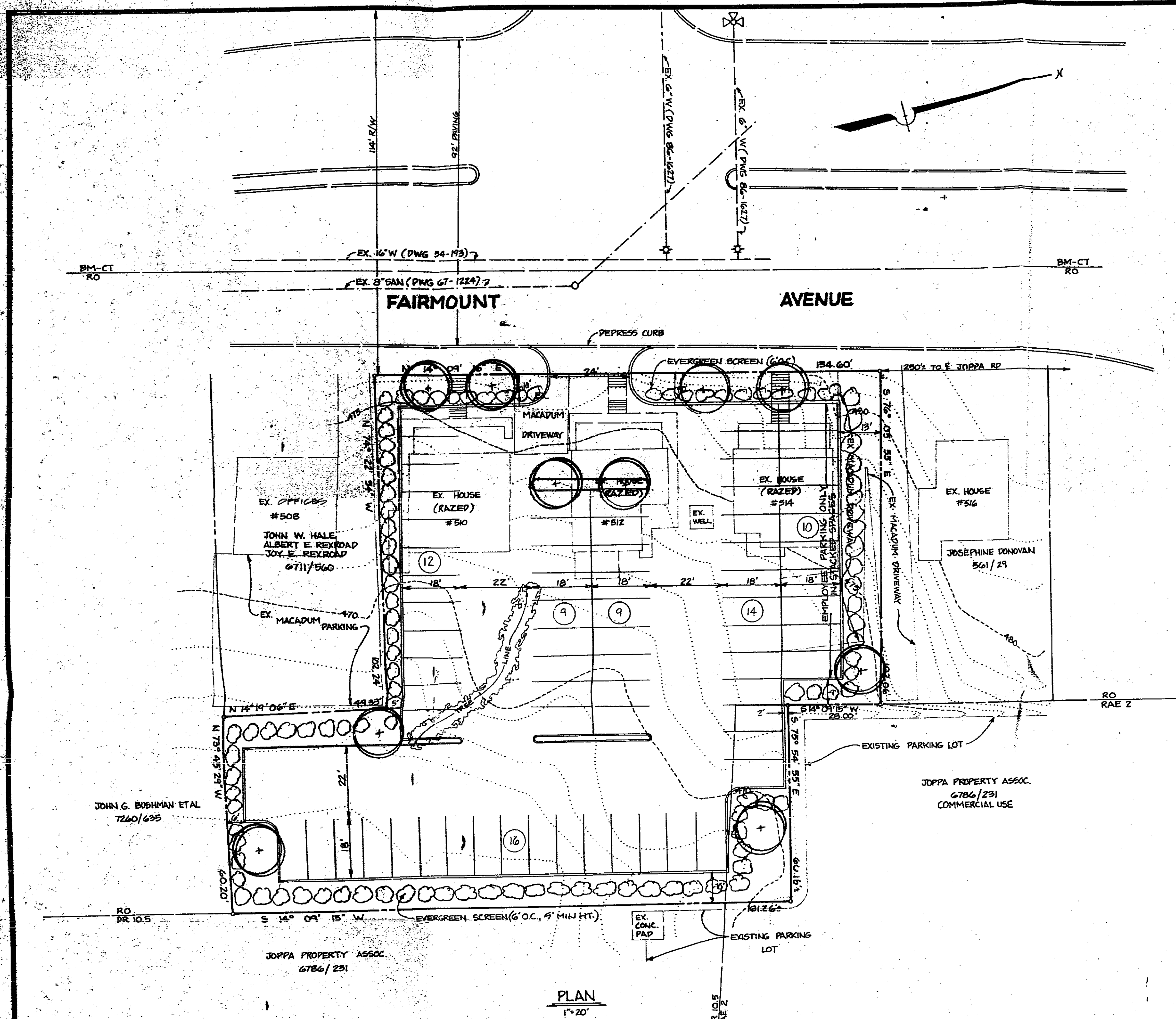
PAT STANT

Shelley Hawkins  
 410 Virginia Ave  
 Towson Md 21204  
 4940620

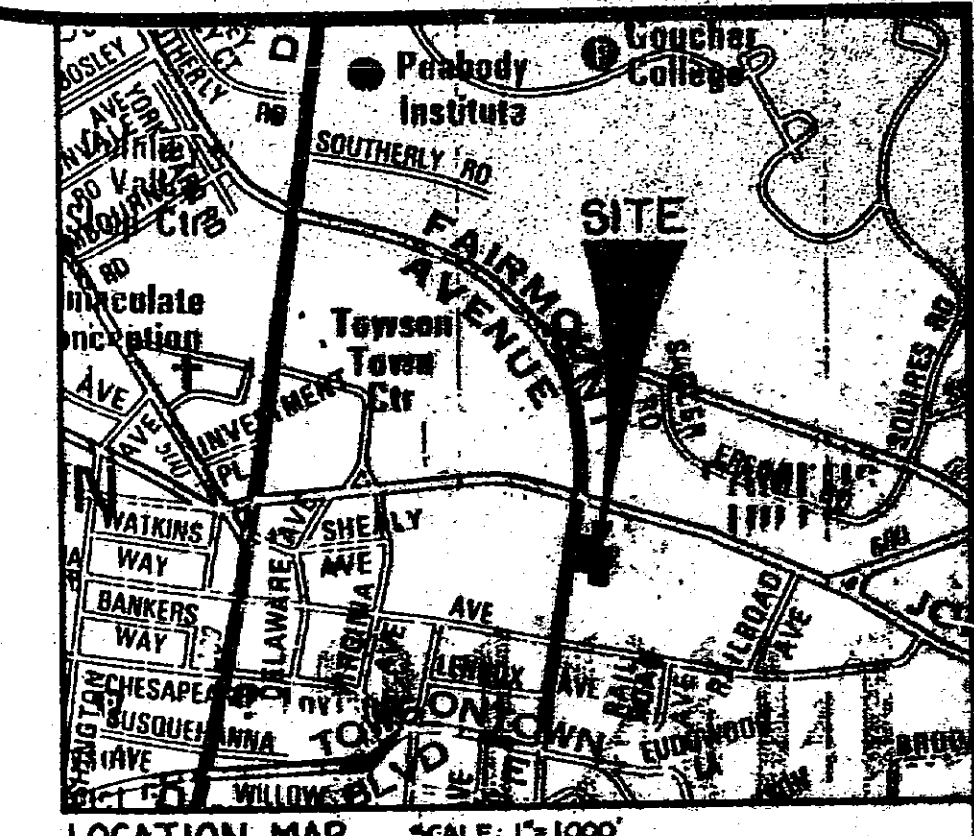
Re: 91-188-SPH  
 Notify  
 QUINGERT,  
 Joseph J  
 108 Linden Ter,  
 21204  
 (301) 321-1969

Notify  
 Commercial  
 Contractors  
 1205 York Rd  
 Jotherville  
 21093  
 Louis Mangione





PLAN  
1"=20'



- GENERAL NOTES**
1. SITE AREA - 0.6149 AC.
  2. EXISTING ZONING - RO, RAE 2
  3. PARKING LOT IS TO BE USED FOR TENANTS OF THE FAIRMOUNT OFFICE COMPLEX WHICH IS DIRECTLY ADJACENT TO THE STREET. TO SPACES ARE PROVIDED
  4. DEED REFERENCE - 7172/468
- LANDSCAPING**
- |                                    |                  |
|------------------------------------|------------------|
| 1 TREE / 40 LF OF ADJACENT ROADS = | 94' x 40' = 305  |
| 1 TREE / 12 PARKING SPACES =       | 70' x 12' = 840  |
|                                    | TOTAL = 10 TREES |
- ZONING REQUESTS**
1. A USE PERMIT TO PERMIT COMMERCIAL PARKING IN A RESIDENTIAL ZONE.
- NOTE:** ALL PROPOSED PAVING TO BE BITUMINOUS CONCRETE. ALL EXTERIOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTY WITH A MAXIMUM HEIGHT OF 15'.

**Gaudreau, Inc.**  
Architects Planners Engineers  
Baltimore

810 Light Street Baltimore Maryland 21201

**OWNER**  
BETTY BURTON,  
GRANTOR TRUSTEE  
BENJAMIN B. ASBOTT - TRUSTEE  
PATRICIA L. BURTON - TRUSTEE  
EUGENE W. BURTON - TRUSTEE  
DOD FALWELL OF  
LUTHERVILLE, MD. 21093

**DEVELOPER**  
HERITAGE PROPERTIES, INC.  
815 FAIRMOUNT AVE.  
TOWSON, MD. 21284

**FAIRMOUNT PLACE**

BALTIMORE COUNTY, MD.  
SECTION DISTRICT NO. 9  
COUNCILMANIC DISTRICT NO.

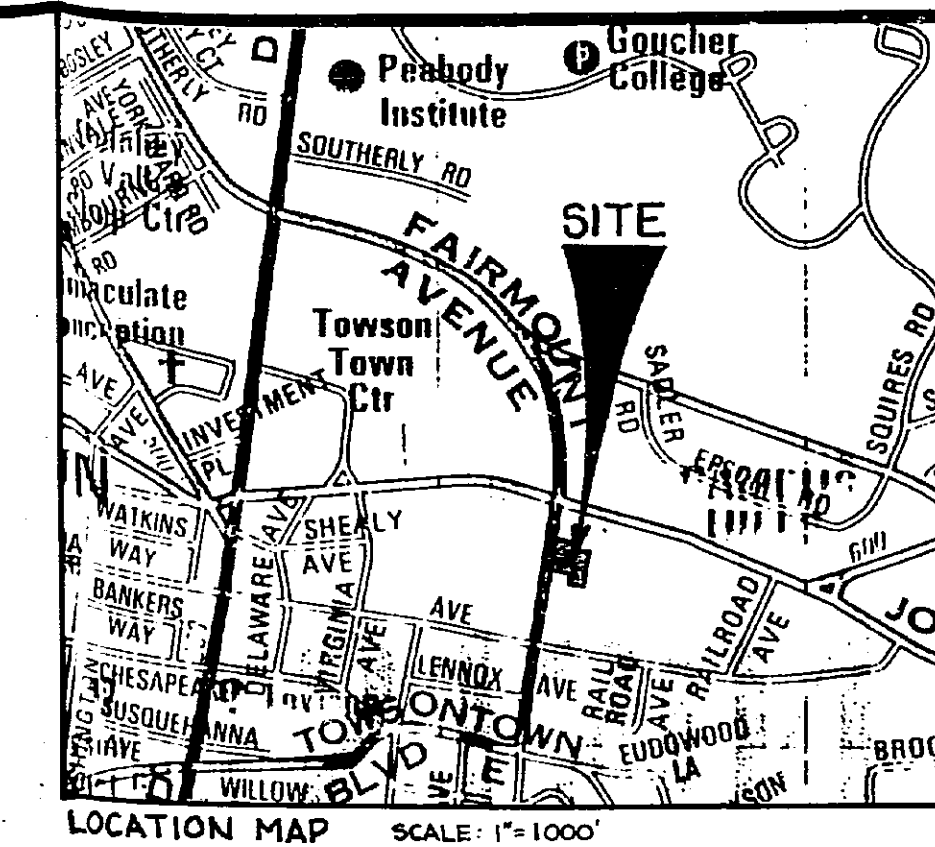
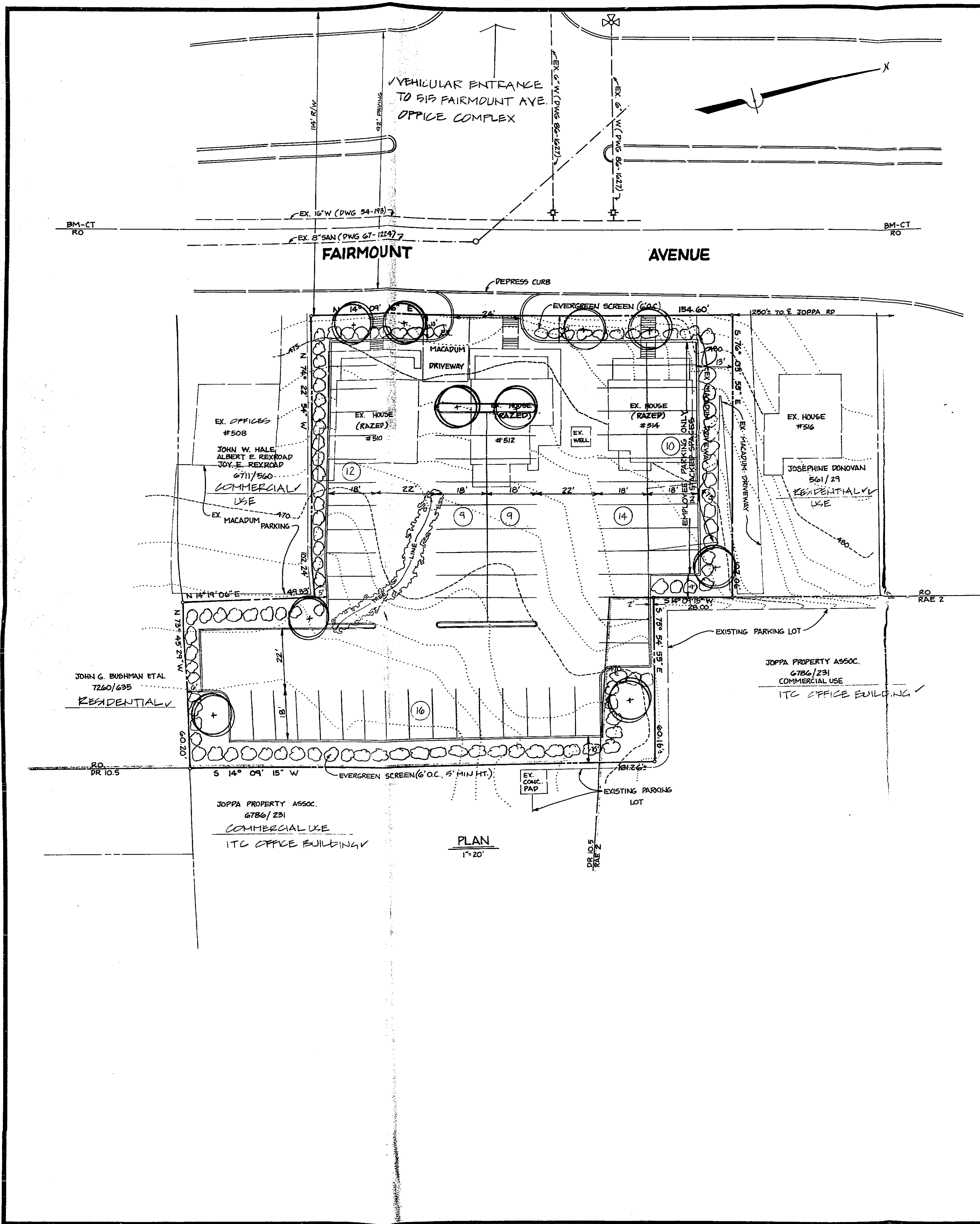
PLAT TO ACCOMPANY REQUEST  
FOR A SPECIAL HEARING TO  
PERMIT COMMERCIAL PARKING  
IN A RESIDENTIAL ZONE

91-188-SPH



PROJ NO	DWG NO
DATE	9/10/93





**GENERAL NOTES**

1. SITE AREA - 0.645 AC
2. EXISTING ZONING - RO, EAE 2
3. PARKING LOT IS TO BE USED FOR TENANTS OF THE FAIRMOUNT OFFICE COMPLEX WHICH IS DIRECTLY ADJACENT TO THE STREET.
4. 12 SPACES ARE PROVIDED
5. SEE REFERENCE 772/603

**LANDSCAPING**

1 TREE / 40 LF OF ADJACENT ROADS =	54' x 40' = 3.85
1 TREE / 12 PARKING SPACES =	70' x 12' = 5.83
	9.68
	TOTAL = 10 TREES

**ZONING REQUESTS**

1. A USE PERMIT TO PERMIT COMMERCIAL PARKING IN A RESIDENTIAL ZONE.

**NOTE:** ALL PROPOSED PAVING TO BE BITUMINOUS CONCRETE. ALL EXTERIOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTY WITH A MAXIMUM HEIGHT OF 15'.



810 Light Street Baltimore Maryland 21230

**OWNER**  
 BETTY BUSTON,  
 GRANTOR TRUST  
 BARBARA B. ABBOT - TRUSTEE  
 PATRICIA L. BURTON - TRUSTEE  
 ELKSEL W. BURTON - TRUSTEE  
 2100 PALEWOOD CT  
 LUTHERVILLE, MD. 21093

**DEVELOPER**  
 HERITAGE PROPERTIES, INC.  
 515 FAIRMOUNT AVE.  
 TOWSON, MD. 21284

# FAIRMOUNT PLACE

BALTIMORE COUNTY, MD  
 SECTION DISTRICT NO. 9  
 COUNCILMANIC DISTRICT NO. 4

PLAT TO ACCOMPANY REQUEST FOR A USE PERMIT FOR COMMERCIAL PARKING IN A RESIDENTIAL ZONE.

## PETITIONER'S EXHIBIT 1

91-188 SPH

*[Handwritten signature]*

PROJ NO	DWG NO
DATE	
9.20.90	1.15.91