

IN RE: PETITION FOR SPECIAL HEARING
 NE/S York Road, 155' SE of
 the c/l of Croftley Road
 (1517 York Road)
 8th Election District
 4th Councilmanic District
 J & D Enterprises, Inc.
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 91-235-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to amend the previously approved site plan in Case No. 89-208-XA to modify Restriction 6 thereof to permit an existing garden shed used for the storage of property maintenance equipment only to remain in the D.R. 5.5 zoned portion of the subject property in accordance with Petitioner's Exhibit 1.

The Petitioners, by Donald S. Diffenderffer, appeared and testified. Appearing as a Protestant in the matter was Katy Thomsen, a nearby property owner. Phyllis Friedman, People's Counsel for Baltimore County, also appeared for the Protestant.

Testimony indicated that the subject property, known as 1517 York Road, consists of 0.215 acres of which 0.178 acres are zoned R.O. and 0.037 acres are zoned D.R. 5.5. Said property was the subject matter of previous Case No. 89-208-XA in which Petitioners were granted a special exception and variances for a Class B office building, subject to restrictions, on March 29, 1989. Restriction 6 of the Order issued in said case required removal of the subject shed from the D.R. 5.5 zoned portion of the subject property. Petitioners subsequently requested a reconsideration of the matter and were advised to file the instant Petition to amend the relief granted. Petitioners argued that the shed is an accessory use to the office building. Mr. Diffenderffer testified that the shed is used

to store miscellaneous lawn and garden tools and is not used to store any materials used in the operation of his pest control business which operates from the office building. He testified the sole purpose of the shed is to store lawn equipment used to maintain the subject property. I believe the evidence is overwhelming in support of the uses as described by Petitioner.

Phyllis Friedman, Esquire appeared with the Protestant, Katy Thomsen. It is the Protestants' position that the shed is unsightly and offensive to the residential properties to the rear of the subject site. Further, they argue that the shed is an illegal use because it supports the commercial activity on the R.O. zoned portion of the site but is located on the D.R. zoned portion of the property.

The arguments presented on both sides of this particular case are valid. However, the fact remains that although the shed is used to store maintenance equipment which supports the commercial activities in the R.O. zoned portion of the site, the shed is located in a D.R. zone. In order for the shed to be accessory to the commercial uses on the subject property, it should be located in the R.O. zoned portion of the site.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. In the opinion of the Zoning Commissioner, the subject shed is not unattractive, its use presents no harm to the community, and it will not adversely affect the surrounding residential uses. To require its removal would result in practical difficulty and unreasonable hardship upon the Petitioner. In the opinion of the Zoning Commissioner, the relief requested meets the spirit and intent of the zoning regulations and will not be detrimental to the public health, safety, or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of April, 1991 that the site plan previously approved in Case No. 89-208-XA and, specifically, Restriction 6 thereof be amended to permit the existing garden shed used for the storage of property maintenance equipment only to remain in the D.R. 5.5 zoned portion of the subject property and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1) The 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.

IT IS FURTHER ORDERED, that all other terms, conditions, relief and restrictions set forth in the Findings of Facts and Conclusions of Law in zoning case No. 89-208XA is reaffirmed, reinstated and ratified.

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
 Date 4/22/91
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/22/91
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21284

April 22, 1991

887-3353

Mr. Donald S. Diffenderffer
 J & D Enterprises
 1517 York Road
 Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
 NE/S York Road, 155' SE of the c/l of Croftley Road
 (1517 York Road)
 8th Election District - 4th Councilmanic District
 J & D Enterprises, Inc. - Petitioners
 Case No. 91-235-A

Dear Mr. Diffenderffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:bjs

cc: Ms. Katy Thomsen
 1523 Pickett Road, Lutherville, Md. 21093

People's Counsel

File

ORDER RECEIVED FOR FILING
 Date 4/22/91
 By [Signature]

PETITION FOR SPECIAL HEARING
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Ordinance to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

To amend the previously approved hearing plan and order in Zoning Case 89-208XA, to modify Condition #6 to allow garden shed used for property maintenance equipment only, to remain in the DR5.5 zone.

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

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

Contract Purchaser: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____
 Attorney for Petitioner: _____
 (Type or Print Name)
 Address: _____
 City and State: _____
 Attorney's Telephone No.: _____
 Address: _____
 Phone No. _____

Legal Owner(s):
 J & D Enterprises
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Name: _____
 Address: _____
 Phone No. _____

NE-12A
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 18-10-3
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 6

WILLIAM F. KIRWIN INC.

Land Planning Landscape Architecture Team Design Concepts

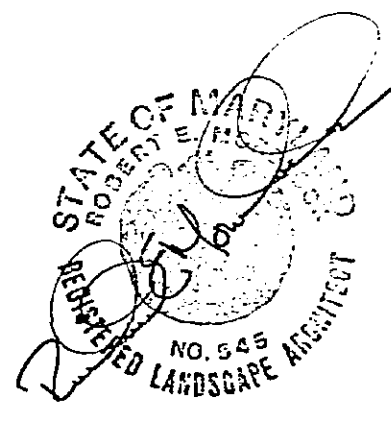
Zoning Description

J & D ENTERPRISES, INC. PROPERTY
 1517 York Rd., Lutherville, MD

December 6, 1990

Beginning for the same at a point on the northeast line of an existing 66 foot wide right-of-way for York Road, Maryland Route 45, said beginning point lying 155 feet more or less measured southeasterly from the intersection of said right-of-way line with the centerline of existing Croftley Road, said point of beginning having the following approximate coordinates based on the Baltimore County grid system, viz: North 45.243 and West 397; thence leaving said northeast right-of-way line and running the following three courses and distances, viz: 1) North 73 degrees 45 minutes East, 150.0 feet; 2) South 16 degrees 15 minutes East, 52.0 feet; and 3) South 73 degrees 45 minutes West, 150.0 feet to intersect the aforementioned existing northeast right-of-way line of York Road, thence running with and binding upon said right-of-way line 4) North 16 degrees 15 minutes West, 52.0 feet to the point of beginning.

Containing 0.179 acres more or less and lying within the Eight Election District of Baltimore County, Maryland.



28 E. Susquehanna Ave. Suite 2 Towson MD 21284 Phone 301/337-0075

91-235-SPH
 242

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 8th Date of Posting: 3/1/91
 Posted for: Special Hearing
 Petitioner: J & D Enterprises
 Location of property: NE/S York Rd., 155' SE of Croftley Rd., 1517 York Rd.
 Location of Sign: Facing York Rd., across M. & E. roads, owned by Phyllis Friedman, K. Thomsen
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 3/5/91
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2-27-1991
 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 2-20-1991

TOWSON TIMES,

S. Zebe Olson
 Publisher

\$ 89.91

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:
 Case Number: 91-235-SPH
 NE/S York Road, 155' SE of c/l of Croftley Road
 8th Election District
 4th Councilmanic District
 J & D Enterprises
 Hearing Date: Friday, March 15, 1991 at 10:00 a.m.
 Special Hearing: to amend the previously approved hearing plan and order in Zoning Case No. 89-208XA to modify Condition #6 to allow garden shed used for property maintenance equipment only, to remain in the D.R. 5.5 zone.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 3/7/21/91 Feb. 20

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:

Case Number: 91-235-SPH
 NE/S York Road, 155' SE of c/l of Croftley Road
 8th Election District
 4th Councilmanic District
 J & D Enterprises
 Hearing Date: Friday, March 15, 1991 at 10:00 a.m.

Special Hearing: to amend the previously approved hearing plan and order in Zoning Case No. 89-208XA to modify Condition #6 to allow garden shed used for property maintenance equipment only, to remain in the D.R. 5.5 zone.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 3/7/21/91 Feb. 20

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2-27-1991

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 2-20-1991

THE JEFFERSONIAN,

S. Zebe Olson
 Publisher

\$ 89.91

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

receipt

Account # 001-8150
 Number

jd

Please Make Checks Payable To: Baltimore County, Maryland 21284

ORDER RECEIVED FOR FILING
 Date 4/22/91
 By [Signature]

ORDERED By the Zoning Commissioner of Baltimore County, this 3rd day of March, 1991, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of March, 1991, at 10 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

CO. No. 1 (over)
 4500
 PREVIOUS ZONING CASE 89-208-XA
 ZONING VIOLATION C-90-1696
 242
 91-235-SPH
 C.A.H. DATE 13 Dec 90

receipt

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

Account: R001-6150
 Number: 91-235

Date: PUBLIC HEARING FEES \$114.91
 COST OF SIGNING SIGNS \$0.00
 TOTAL \$114.91

04A04/004/24/CHRC
 Please Make Checks Payable To Baltimore County 000003-34A03-18-91 \$114.91

Cashier Validation

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 887-3353

DATE: 3-11-91

J & D Enterprises
 1517 York Road
 Lutherville, Maryland 21093

ATTN: DONALD S. DIFFENDERFFER

RE:
 Case Number: 91-235-SPH
 NE/S York Road, 155' +/- SELY of c/l Croftley Road
 1517 York Road
 8th Election District - 4th Councilmanic
 Petitioner(s): J & D Enterprises
 HEARING: FRIDAY, MARCH 15, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$114.91 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
 J. ROBERT HAINES
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 887-3353

January 31, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-235-SPH
 NE/S York Road, 155' +/- SELY of c/l Croftley Road
 1517 York Road
 8th Election District - 4th Councilmanic
 Petitioner(s): J & D Enterprises
 HEARING: FRIDAY, MARCH 15, 1991 at 10:00 a.m.

Special Hearing to amend the previously approved hearing plan and Order in Zoning Case No. 89-208-1A, to modify Condition #6 to allow garden shed used for property maintenance equipment only, to remain in the D.R.-5.5 zone.

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

cc: J & D Enterprises

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 887-3353

March 7, 1991

Mr. Donald S. Diffenderffer
 J & D Enterprises
 1517 York Road
 Lutherville, MD 21093

RE: Item No. 242, Case No. 91-235-SPH
 Petitioner: Donald S. Diffenderffer
 Petition for Special Hearing

Dear Mr. Diffenderffer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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

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

JED:jw
 Enclosures

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 3rd day of January, 1990.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

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

Petitioner: J & D Enterprises
 Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 26, 1991
 Zoning Commissioner

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

SUBJECT: J & D Enterprises, Item No. 242

The petitioner requests an amendment to 89-208-XA in order to keep a garden shed that was to be removed by July 1, 1989. At the time of the hearing for this site, staff visited the property and made recommendations that were adopted as part of the zoning commissioner's decision (Condition 9).

The issue regarding the garden shed stemmed from community concerns raised at the hearing. The Office of Planning and Zoning did not comment on the shed at that time. Potential issues regarding the shed are listed below as follows:

1. Use - the actual use of the shed could have some impact. The shed should be used for storage of garden and exterior building maintenance equipment only, such as lawnmowers, ladders, etc.
2. Security - the shed may be illuminated for security purposes and the lighting may impact the adjoining residences. No exterior lighting of the shed should be allowed.
3. Maintenance - because the shed is an accessory building maintenance may become a problem. The shed should be maintained in good repair.
4. Location - the shed is located at the rear of the property within proximity to the adjoining residential community. A well maintained board fence has been placed along the rear property line, thus screening the shed. A complimentary buffer might include some evergreen planting in addition to the existing trees.

If the presence of the shed generates use, security, maintenance or location problems and it is not desirable or possible to mitigate these problems as noted above, then the shed should be removed in conformance with 89-208-XA. It is unknown if the petitioner needs this accessory building to store items due to limited space within

received
 3/22/91

J & D Enterprises, Item No. 242
 Page 2
 February 26, 1991

the principal structure or if the financial cost of removal is too great.

If there should be any further questions or if this office can provide additional information, please contact Arnold F. (Pat) Keller, III in the Office of Planning at 887-3211.

PX/JL/cmm
 ITEM242/ZAC1

Baltimore County Government
 Department of Public Works
 Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
 Towson, MD 21204 887-3554
 Fax 887-5784

January 11, 1991

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 222, 234, 235, 237, 238, 240, 242, and 243.

Very truly yours,
Rahee J. Famill
 Rahee J. Famill
 Traffic Engineer II

RJF/lvd

received
 1/11/91



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

January 2, 1991

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

Re: Baltimore County
J & D Enterprises
Zoning Meeting of 1-2-91
E/S York Road (MD 45)
South of Croftley Road
(Item #242)

Attn: Mr. James Dyer

Dear Mr. Haines:

We have reviewed the submittal for a special hearing to amend the previously approved Zoning Case No. 89-208-XA and find the plan acceptable.

If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: Mr. J. Ogle

RECEIVED
JAN 7 1991
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 365-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(800) 87-1800

Paul H. Reincke
Chief

DECEMBER 26, 1990



Dennis F. Romanowski
Special Inspector

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

RE: Property Owner: J & D ENTERPRISES

Location: #1517 YORK ROAD

Item No.: 242 Zoning Agenda: JANUARY 2, 1991

Gentlemen:

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

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. (SEE SEC. 26-2.4 AND SEC. 26-3.1) SEC. 26

REVIEWER: *Carl J. Kelly 12-27-90* Noted and Approved *Carl J. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
1/2/91

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 31, 1990

FROM: Robert M. Pauling, P.E.

RE: Zoning Advisory Committee Meeting
for January 2, 1991

The Developer Engineering Division has reviewed the subject zoning items and as listed requirements for Items 229 revised, 229, 234, 235, 237, 239, 239, 240, 241 and 242.

For Items 240 and 242, the Planning and Zoning Review Group comments are applicable.

Robert M. Pauling
ROBERT M. PAULING, P.E., Chief
Developer Engineering Division

RMP:q

received
1/1/91

PETITIONER(S) EXHIBIT 2

91-235 SPH



Shed rear yard
1517 York Rd



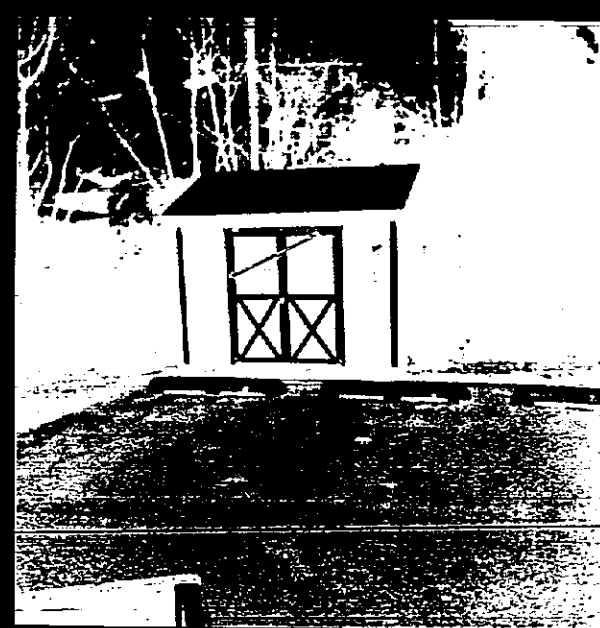
Rear side corner of house @
1517 York Road showing
view to rear of 1517 York
Road



Shed & 8' board Screening
Fence rear of
1517 York Road

PETITIONER(S) EXHIBIT 3

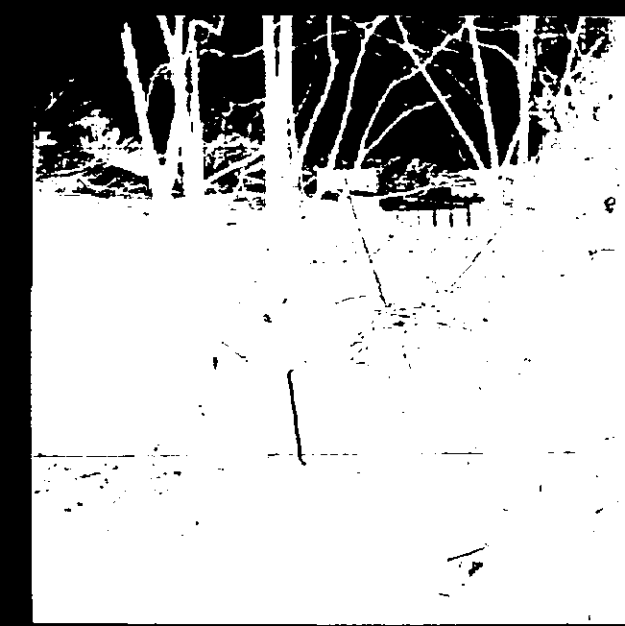
91-235 SPH



Wooden 16x13 Shed
in rear yard area behind
1517 York Road



View of shed from
rear of 1517 York Road
rear yard



View of 7 Croftley Road
from 1517 York Road

March 8, 1991

Dear Commissioner Haines:

I live at 6 Thornhill Road, Lutherville MD 21093. My property adjoins Nationwide Pest & Termite Control Company's property in the rear.

I support Nationwide in their Zoning request to allow them to keep their wooden shed at the rear of their property. I know that they do a fine job of keeping their property in excellent condition and I consider them an asset to our community.

Sincerely,

Eve May Myerowitz

PETITIONER'S
EXHIBIT 4

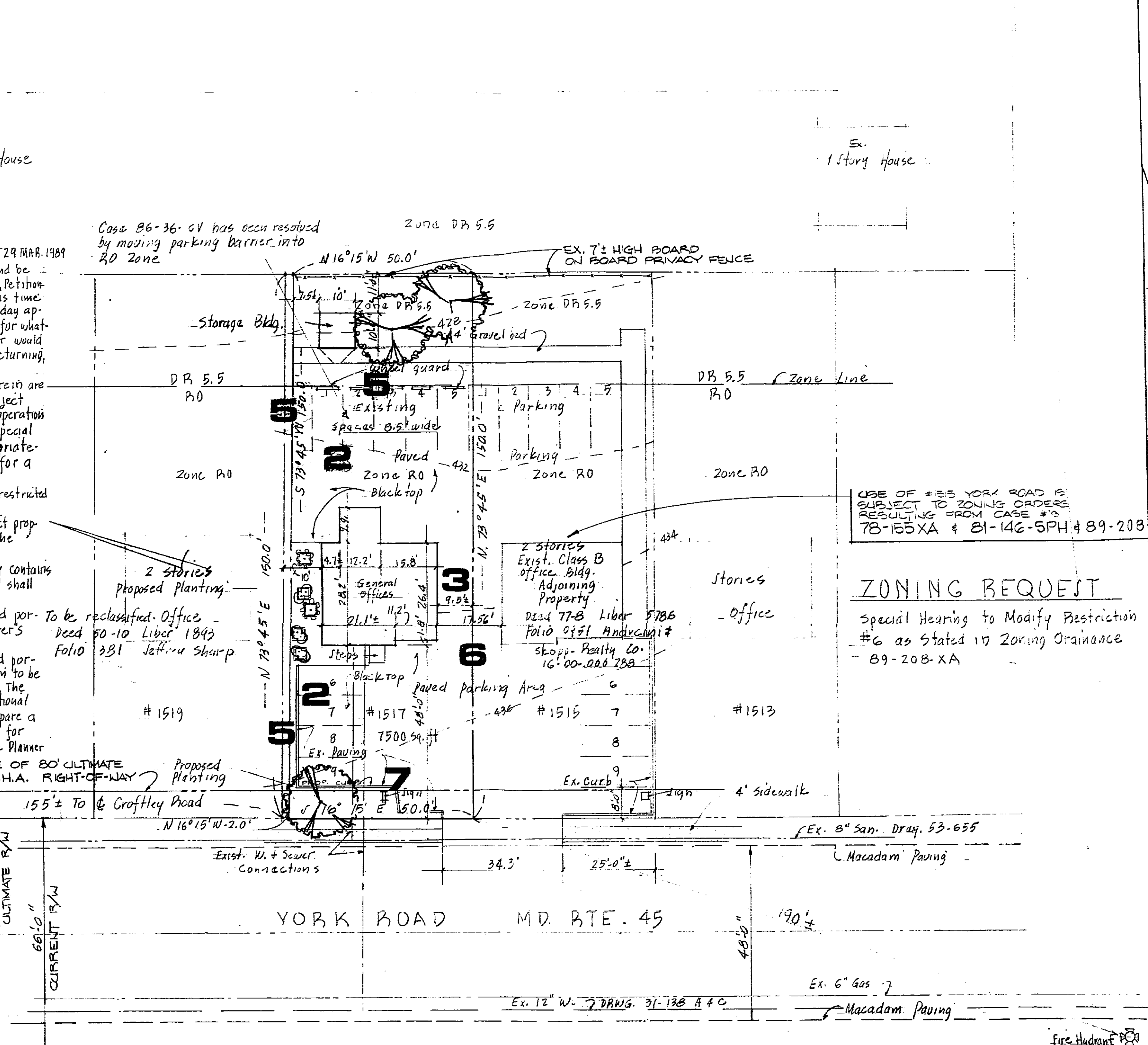
91-235 SPH

- NOTES:**
1. Site Data
Election District: 8
Census Tract: 4062.02
Watershed: 10
Subwatershed: 29
 2. Site Area
Total Gross Area: 0.215 ac. (9040.178 sq. ft.)
Total Net Area: 0.179 ac. (8001.112 sq. ft.)
 3. Zoning: RD, DR, S
 4. Proposed Use: Class B office building for Nationwide Pest & Termite Control, Inc. Proposed building will be for office use only. Storage room on new second floor will be used exclusively for business files and office supplies. Access area in basement not used for office will be either bathroom or mechanical room for furnace and utilities.
 5. Amenity Open Space
Provided: 7754 s.f. gross RD site area = 71 = 343 s.f.
0 s.f. (see variance request #1 below)
 6. There are no existing well or septic areas on this site.
 7. There are no known wetlands, critical areas, archaeological sites, endangered species habitats, or hazardous wastes on this site.
 8. Estimated Average Daily Trips: 28-29
 9. Deed Reference: 1662/971, Property I.D. 16-00-002886
 10. Parking Required
Basement: 800.7 s.f.
1st Floor: 1011.5 s.f.
2nd Floor: 1023.8 s.f.
Total Floor Area 2836.0 s.f. = 3.3/1000 s.f. = 10 spaces
Parking Provided: 9 spaces (see variance request #2 below)
 11. Existing use: Class A office building
Proposed use: Class B office building (see special exception request #1 below)
 12. Floor Area Ratio Allowed
7754 s.f. gross RD area = 0.33 = 2558.8 s.f. floor area
Floor Area Ratio Proposed
2836.0 s.f. gross RD area = 0.378
 13. Landscaping Required:
Parking: 9 spaces @ 1/12 = 1.25 trees
Adjacent Road: 6 feet @ 1/20 = 1.20 trees
Interior Road: 6 feet @ 1/20 = 0.60 trees
Total Landscaping Requirement: 3.05 trees
Landscaping Provided: 3 trees and 10 shrubs
 14. Soil Type: spc2 (stony gravelly sandy loam)
Limitations for buildings with basement: slight
Limitations for roads and parking lots: severe, slope

- ZONING REQUEST**
- Special Hearing to Modify Restriction #6 as stated in Zoning Ordinance - 89-208-XA
1. PETITION FOR SPECIAL EXCEPTION TO PERMIT A "Class B" office building in an RD zone as allowed by Section 203.3.B.1(a).
 2. PETITION FOR VARIANCE FROM SECTION 203.3.C.2 (and by reference, Section 402.4) to permit nine (9) existing parking spaces, four of which are located in the front yard, in lieu of the required ten (10) spaces.
 3. PETITION FOR VARIANCE FROM SECTION 203.4.C.4 to permit a minimum side yard setback of 9.5 feet in lieu of the required ten (10) feet.
 4. PETITION FOR VARIANCE FROM SECTION 203.4.C.6 to permit an existing A.O.S. of zero percent (0%) in lieu of the required seven (7%) required within the interior of the parking lot.
 5. PETITION FOR VARIANCE FROM SECTION 203.4.C.8.1 to permit an existing landscape buffer of zero (0) feet between the RD use and the adjacent residential zone or use in lieu of the required twenty (20) feet.
 6. PETITION FOR VARIANCE FROM SECTION 203.4.C.8.2 to permit an existing landscape buffer of zero (0) feet between the RD use and adjacent non-residential property in lieu of the required ten (10) feet.
 7. PETITION FOR VARIANCE FROM SECTION 203.3.C.1 to permit an existing free-standing sign containing the side of 12.63 square feet, each located along a principal arterial but with an adjacent residential property to the north.
 8. PETITION FOR VARIANCE FROM SECTION 203.4.C.1 to permit a floor area ratio of 0.378 in lieu of the permitted 0.33.

NOTE: LARGE NUMBERS SHOWN THUSBY PLAN REFER TO ZONING PETITIONS LISTED ABOVE. THEY HAVE BEEN PLACED ON THE PLAN TO SHOW THE SITE FEATURES REQUIRING THE NOTED ZONING VARIANCES.

- 1) Petitioners shall comply with the requirements of the Office of Planning and Zoning as set forth in their comments dated February 2, 1989, attached hereto and made a part hereof.
- 2) The final development of the subject property shall be consistent with the architect rendering presented in Petitioner's Exhibit 4.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

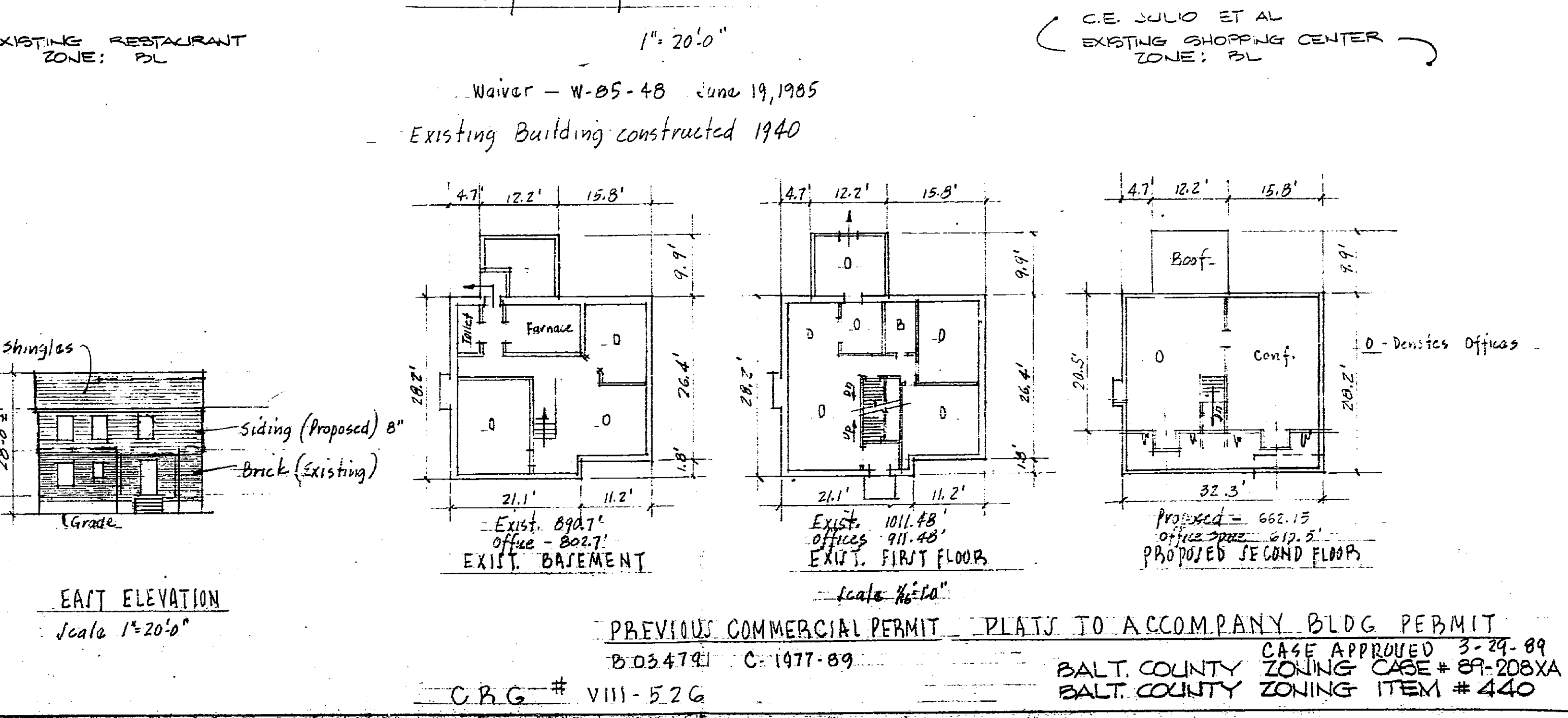
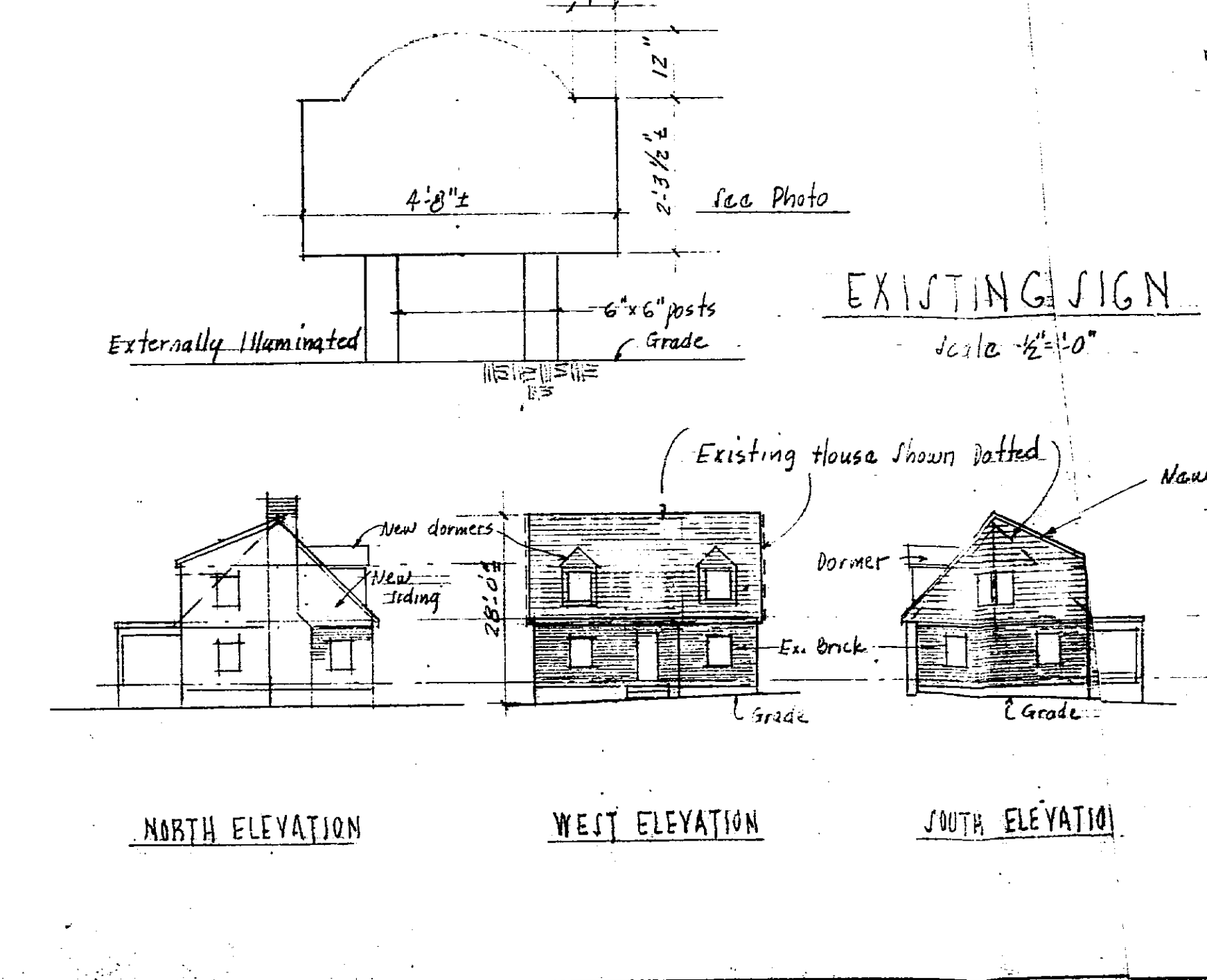


Note: Existing Paving, Parking, Landscaping, Screening and Fencing all previously approved as Class A office site, and all parking as shown work in the field. All buildings in this block are 2 stories except 1517.

SITE PLAN

Scale: 1" = 20'-0"

Waiver - W-05-48 June 19, 1985
Existing Building constructed 1940



C.R.G. # VIII-52G

PREVIOUS COMMERCIAL PERMIT PLATS TO A COMPANY BLDG PERMIT
D.034791 C:1977-89

BALT. COUNTY CASE APPROVED 3-29-89
ZONING CODE # 89-208XA
ZONING ITEM # 440

ZONING REQUEST

Special Hearing to Modify Restriction #6 as stated in Zoning Ordinance - 89-208-XA

USE OF 1517 YORK ROAD IS SUBJECT TO ZONING CODES RESULTING FROM CASE # 89-208-XA & 81-146-SPH & 89-208-XA

ZONING MAP SCALE 1" = 300'

PETITIONER'S EXHIBIT 1

91-235 SPH

VICINITY MAP Scale 1" = 1000'

GENERAL OFFICES FOR J. & D. ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093
DISTRICT 8
DEVELOPMENT NAME

J. & D. ENTERPRISES, INC.
3/0 DONALD DIFFENDERFER 296-5040
1517 YORK ROAD, LUTHERVILLE, MD. 21093
APPLICANT

J. & D. ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093
OWNER

SITE PLAN FOR C.R.G. SPECIAL EXCEPTION FOR CLASS B OFFICE BUILDING AND VARIANCES 91-235-SPH 242

TITLE

CHARLES VAUGHAN RIPPEN
Architect, P.A.
2305 POT SPRING ROAD
THUNDERBOLT, MARYLAND 20993
301-782-6490

J. & D. ENTERPRISES, INC.
GENERAL OFFICES FOR J. & D. ENTERPRISES, INC.
1517 YORK ROAD, LUTHERVILLE, MD. 21093

STATE OF MARYLAND
DEPARTMENT OF GENERAL SERVICES
LANDMARKS & HISTORIC PRESERVATION
2117
STATE OF MARYLAND

D.W.L. R.D.
12-7-89 1/19/90