

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - E/S of Baltimore Street, NE/S Maryland Avenue (Patapasco Avenue site) 13th Election District 1st Councilmanic District B & A Railroad - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a passenger station and variances to permit rear setbacks of 11 feet in lieu of the minimum required 30 feet for the highblock (ramp) and 9 feet in lieu of the required 30 feet for the two passenger shelters, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Irwin Brown, Esquire, appeared and testified. Also appearing on behalf of the Petitioners was Christine A. Wells, Planner, with the Mass Transit Administration (MTA). Appearing as interested parties were Tom Williams and Allen Swain, residents in the area. There were no Protestants.

Testimony indicated that the subject property, known as the Patapasco Avenue Rail Passenger Station, consists of 4.026 acres more or less, zoned D.R. 5.5, and is located in the southwestern portion of Baltimore County near the Baltimore City Line at Patapasco Avenue and Baltimore Streets. Petitioners propose the construction of a typical light rail passenger station with accompanying parking lot for individuals who use the MTA light rail system to commute to work. The proposed station will contain typical amenities, such as a cover for protection from the weather, a highblock for handicapped individuals, and appropriate ticket machines and signage, all in accordance with the standard plan developed

ORDER RECEIVED FOR FILING Date 4/14/91 By [Signature]

ORDER RECEIVED FOR FILING Date 4/14/91 By [Signature]

by the MTA for its light rail route through Baltimore County, Baltimore City and Anne Arundel County. Petitioner's Exhibits 2, 3, 4, 5 and 6 outline the proposed structure, facilities and activities for the subject station. Testimony indicated the variances are necessary as a result of the narrow right-of-way where the tracks cross the existing Patapasco Avenue bridge which was constructed to convey the previous CSX and B and A railroad lines. These two lines are the foundation for the new MTA light rail system and as such, the use of the subject bridge is necessary to move the light rail system over Patapasco Avenue. In order to comply with setback requirements, the rail station would have to be moved to a point where it would not line up with the existing bridge, thereby creating hardship upon Petitioners. The testimony and evidence presented would indicate that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses. It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

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

The subject property lies within the Chesapeake Bay Critical Areas and as such, must comply with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. as set forth in findings to be submitted by the Department of Environmental Protection and Resource Management (DEPRM). Petitioners will be required to comply with any and all restrictions imposed by DEPRM at such time as they complete their findings as a condition of this order. However, the testimony and evidence presented indicated that the entire development is taking place on an existing rail line and that no new disturbances will occur within said Critical Areas.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1991 that the Petition for Special Exception for a passenger station, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING Date 4/14/91 By [Signature]

ORDER RECEIVED FOR FILING Date 4/14/91 By [Signature]

JRH:bjs

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; However, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 15-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.

J. Robert Haines Zoning Commissioner for Baltimore County

PETITION FOR SPECIAL EXCEPTION CRITICAL AREA #394 91-409-XA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Patapasco Avenue Rail Passenger Station.

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

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

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

Contract Purchaser: Mass Transit Administration, Signature: Ronald J. Bergman, 300 W. Lexington Street, Baltimore, Maryland, 21201-3415. Legal Owner(s): B&A Railroad, Signature: Christine A. Wells, 300 W. Lexington St., Baltimore, Maryland, 21201-3415. Attorney for Petitioner: Irwin Brown, 100 West Maple Road, Linthicum, MD 21090. Attorney's Telephone No.: 333-3315.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of May, 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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 13th day of June, 1991, at 9 o'clock a.m.

J. Robert Haines Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING Date 4/14/91 By [Signature]

\* The MTA and the B&A Railroad have just concluded contract negotiations for the purchase of the property. Settlement is anticipated to occur in less than 60 days.

CRITICAL AREA #394 PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-409-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.2 (B.C.Z.R.) to permit rear setbacks of 11 feet for the highblock (ramp), and 9 feet for the two passenger shelters in lieu of the required 30 feet.

The proposed highblock will allow mobility impaired persons to board light rail vehicles. Their locations are fixed for proximity to the front door of the vehicle. It is impossible to meet the required rear setback within the MTA right-of-way. Mobility impaired person would experience unreasonable hardship without highblocks.

The proposed shelters are located on the platform for the use and comfort of passengers. It is impossible to meet the required 30 foot setback within the MTA right-of-way. Elimination of shelters would create unnecessary hardship for passengers.

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

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

Contract Purchaser: Mass Transit Administration, Signature: Ronald J. Bergman, 300 West Lexington Street, Baltimore, Maryland, 21201-3415. Legal Owner(s): B&A Railroad, Signature: Christine A. Wells, 300 W. Lexington Street, Baltimore, Maryland, 21201-3415. Attorney for Petitioner: Irwin Brown, 100 West Maple Road, Linthicum, MD, 21090. Attorney's Telephone No.: 333-3315.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of May, 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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 13th day of June, 1991, at 9 o'clock a.m.

J. Robert Haines Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING Date 4/14/91 By [Signature]

\* The MTA and the B&A Railroad have just concluded contract negotiations for the purchase of the property. Settlement is anticipated to occur in less than 60 days.

Commencing at a point on the Northerly easement line of Georgia Avenue which is 50.00 feet wide, at a distance of 162.00 feet easterly of the center line of the nearest improved intersecting street, Baltimore Street, which is 60.00 feet wide. Said point also being on the Easterly Right-of-Way line of the CSXT. Thence along the said Easterly Right-of-Way line of the CSXT with bearings referred to as the True Meridian, as adopted by the MTA, the Maryland State Plane Coordinate System, NAD-'83: N 17° 49' 24" E, a distance of 2.415 feet, more or less to a point, said point being the True Place of Beginning. Thence through the lands of the CSXT, BG&E and the B & A Railroad, N 72° 10' 36" W, a distance of 165.87 feet to a point, said point being on the common Right-of-Way line, said common Right-of-Way line being the Westerly Right-of-Way line of B & A Railroad and the Easterly Right-of-Way line of Baltimore Street (60.00 feet). Thence binding on said common Right-of-Way line, by the arc of a circle, curving to the left, not tangent to the preceding line, having a radius of 1877.08 feet, a chord length of 720.11 feet, a chord bearing of N 4° 08' 10" W and an arc distance of 724.60 feet to a point, thence S 74° 48' 18" W, a distance of 42.00 feet to a point, thence by the arc of a circle, curving to the left, radial to the preceding line, having a radius of 1835.08 feet, a chord length of 68.00 feet, a chord bearing of N 16° 15' 23" W, and an arc distance of 68.00 feet to a point, said point being on the

CRITICAL AREA #394 PAGE 1 OF 2

ZONING DESCRIPTION BALTIMORE COUNTY CLRL PATAPASCO AVENUE STATION SITE TAX MAP 109, GRID 11 91-409-XA

ZONING DESCRIPTION BALTIMORE COUNTY CLRL PATAPASCO AVENUE STATION SITE TAX MAP 109, GRID 11 91-409-XA

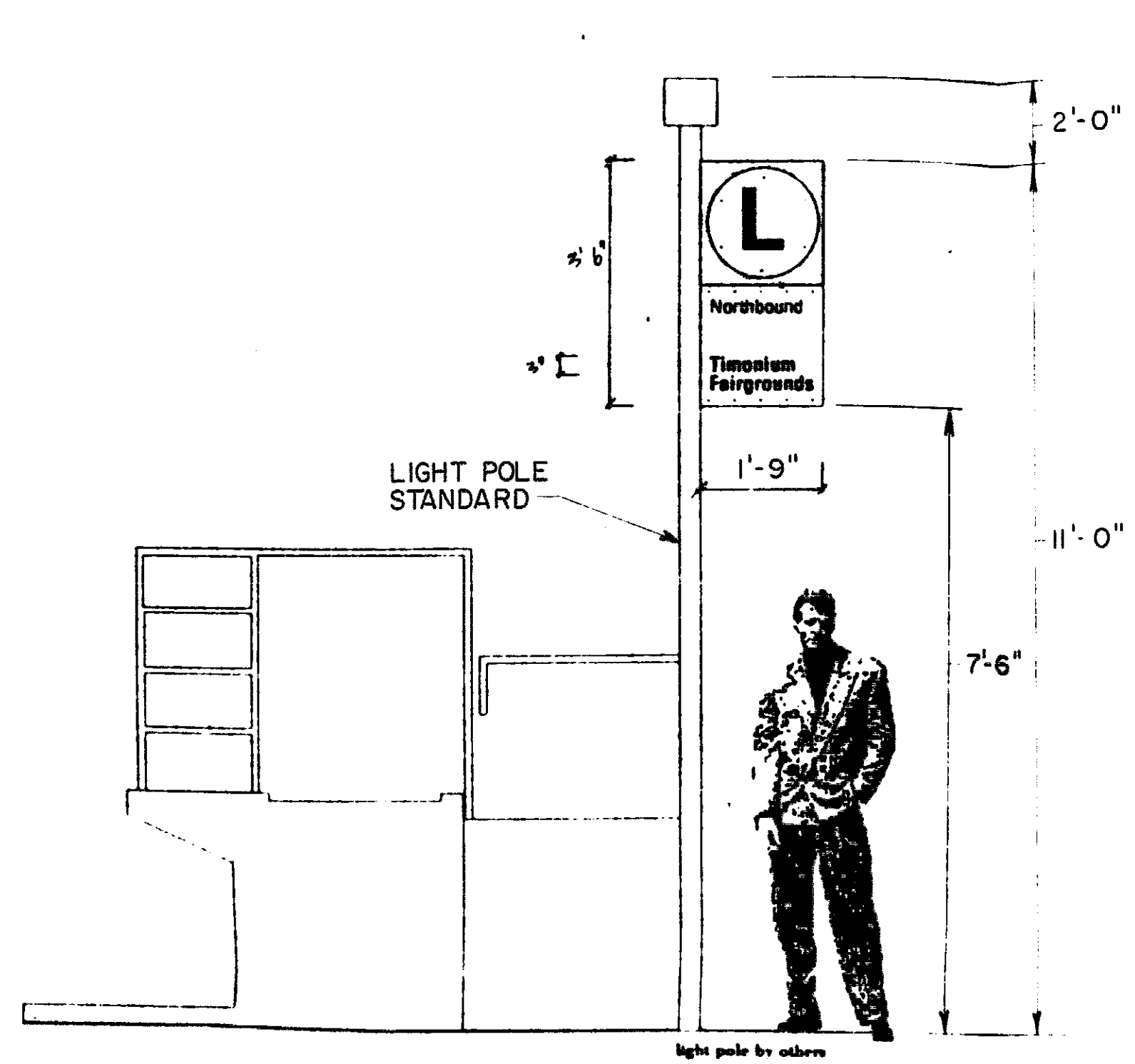
Baltimore County/Baltimore City dividing line. Thence binding on said Baltimore County/Baltimore City dividing line, through the lands of the B & A Railroad, BG&E and CSXT, S 60° 54' 37" E, a distance of 518.46 feet to a point, said point being on the Easterly Right-of-Way line of the CSXT, thence binding on the Easterly Right-of-Way line of CSXT, S 17° 49' 24" W, a distance of 600.00 feet to the Place of Beginning. The above described, being portions of parcels recorded in the land records of Baltimore County as listed below:

Table with 3 columns: OWNER, LIBER, FOLIO. Rows include CSXT, BG&E, B&A RR with various parcel numbers and folios.

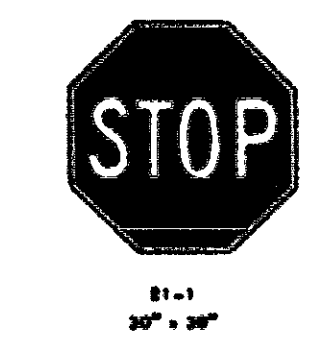
Containing 175,372.99 sq. ft. or 4.026 Acres, more or less.

PREPARED BY PB/MK 08/27/90 REVISED 01/14/91

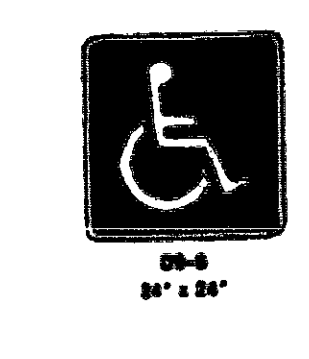




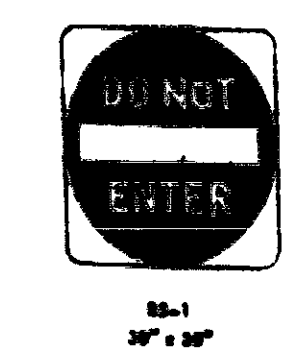
**B PLATE/TEXT IDENTIFICATION**  
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 (6.1 SQ. FT. SINGLE FACE)  
 (12.2 SQ. FT. DOUBLE FACE)



**SIGN TYPE A**  
 5.2 SQ. FT.



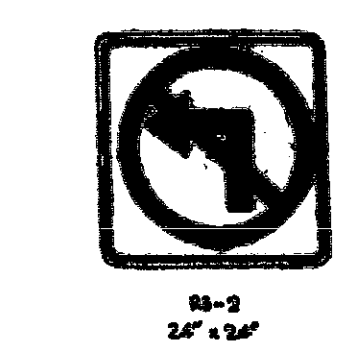
**SIGN TYPE B**  
 4.0 SQ. FT.



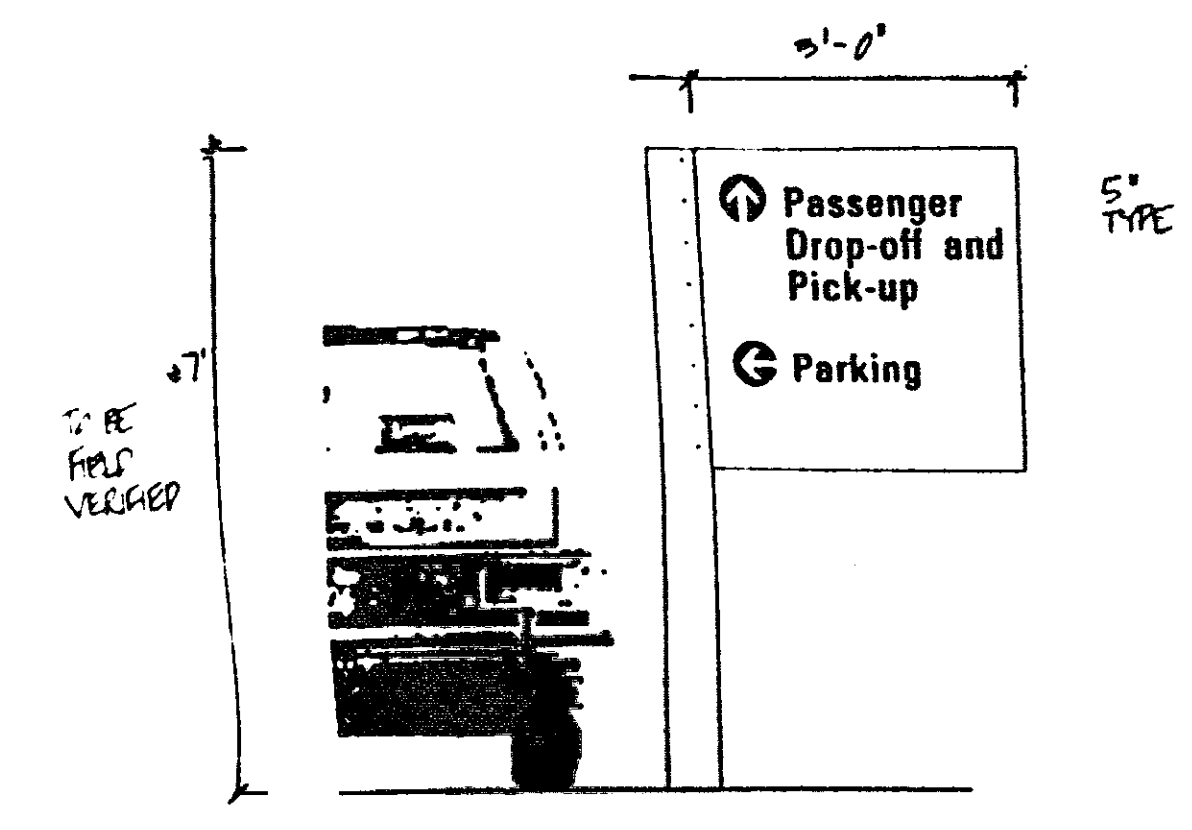
**SIGN TYPE C**  
 6.3 SQ. FT.



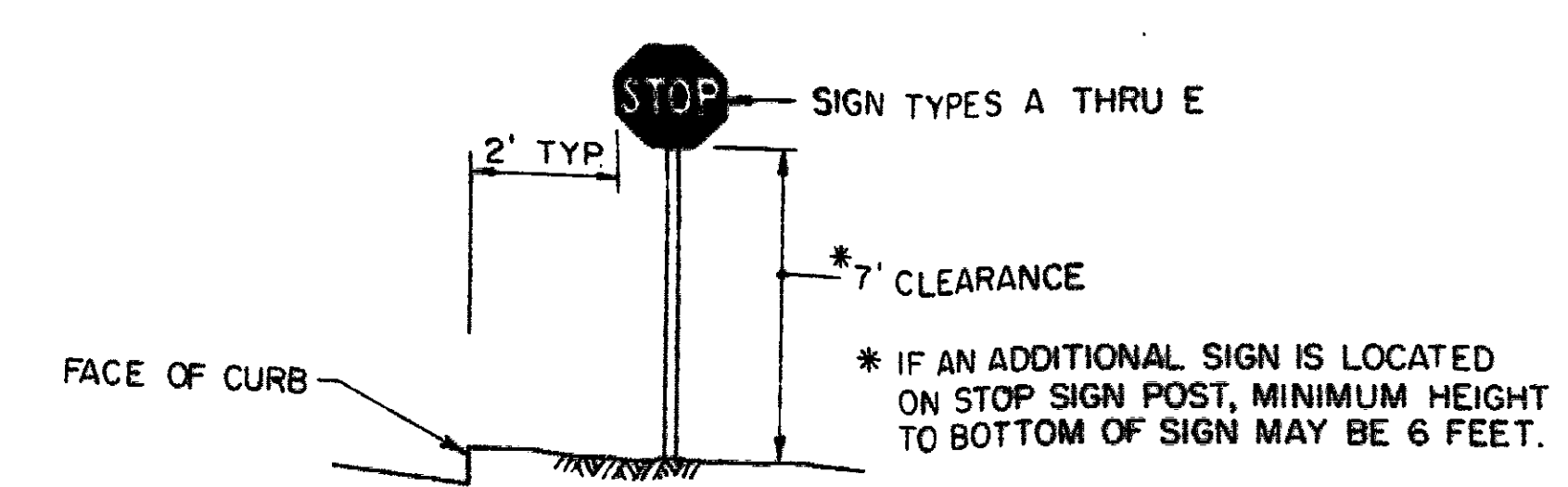
**SIGN TYPE D**  
 4.0 SQ. FT.



**SIGN TYPE E**  
 4.0 SQ. FT.

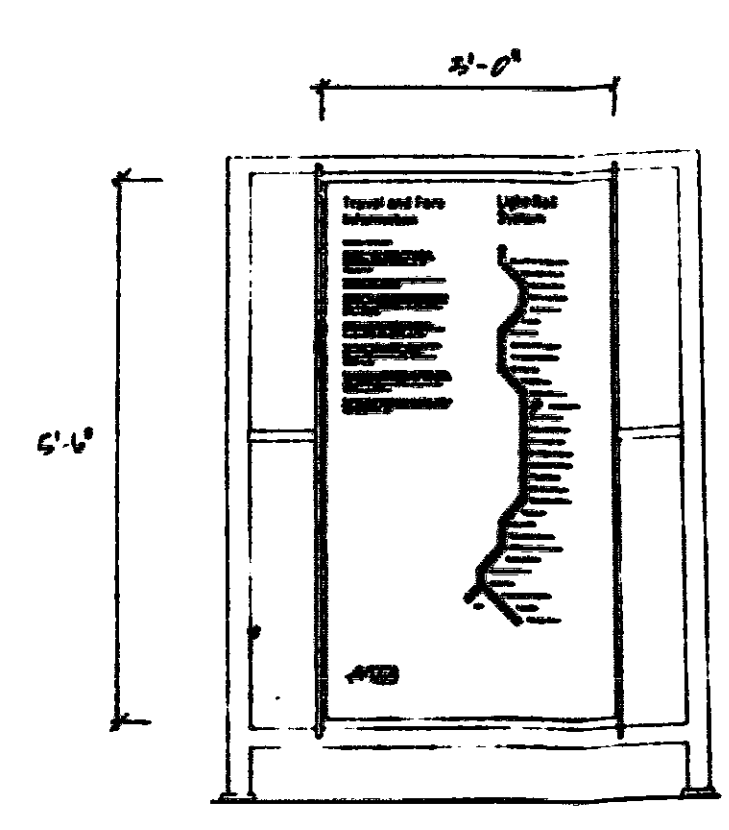


**P VEHICLE DIRECTIONAL**  
 SIGN TYPE H  
 (9.0 SQ. FT.)

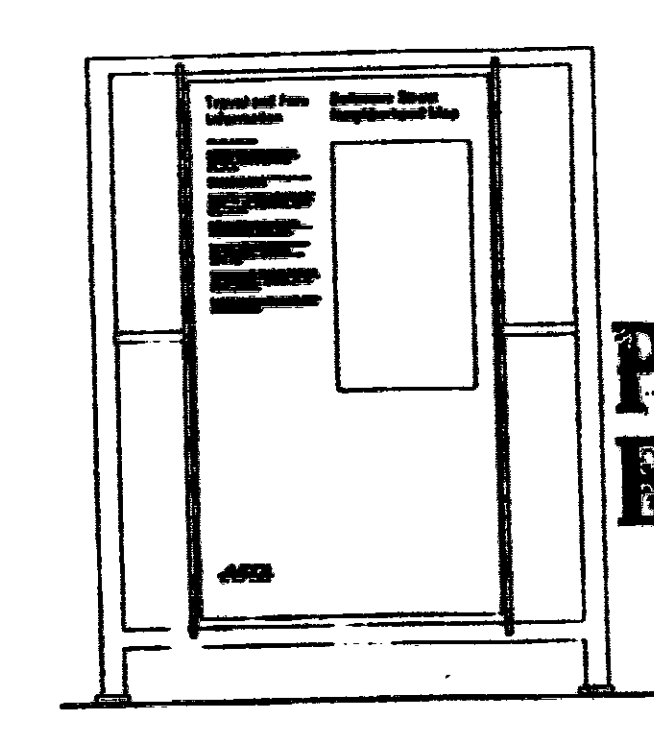


**TYPICAL TRAFFIC SIGN ELEVATION**  
 NTS

**NOTE:**  
 1. NO SIGNS WILL BE ILLUMINATED  
 2. THERE ARE NO OFF-SITE BALTIMORE COUNTY SIGNS.



**PEDESTRIAN DIRECTIONAL**  
 SIGN TYPE K  
 (16.5 SQ. FT. SINGLE FACE)  
 (33.0 SQ. FT. DOUBLE FACE)



**PETITIONER'S EXHIBIT 5**

**91-409-XA**

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION  
 MASS TRANSIT ADMINISTRATION  
 CENTRAL LIGHT RAIL LINE

PARSONS BRINCKERHOFF QUAE & DOUGLAS, INC  
 MORRISON - KNUDSEN ENGINEERS, INC  
 CONSULTING ENGINEERS  
**212** Two Twelve Associates  
 596 Broadway, Suite 1212  
 New York NY 10013  
 Phone 212.925.6885  
 Graphic Design  
 Consultants

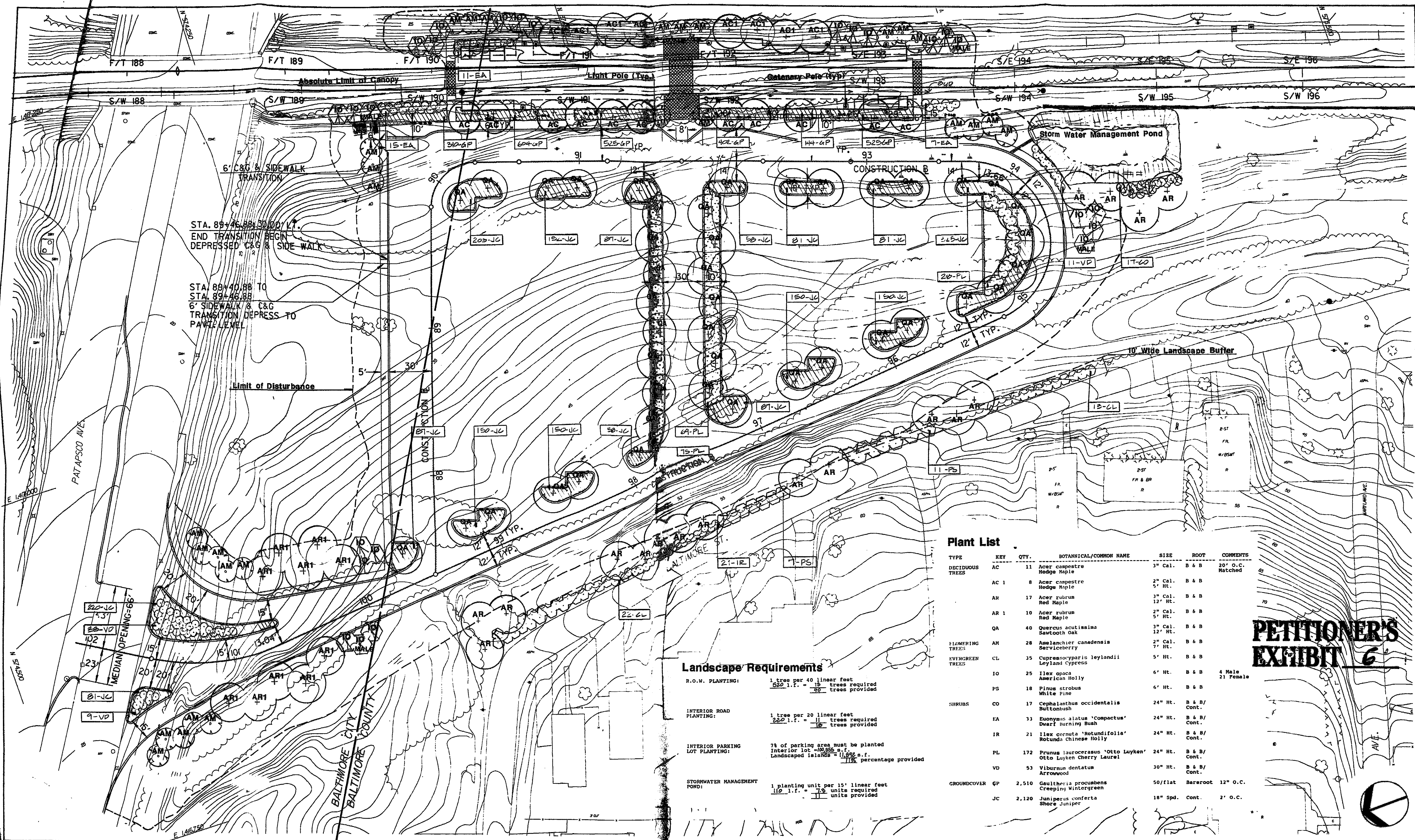
NO.	DESCRIPTION	BY	DATE

DESIGNED: CWB  
 DATE: 4-15-91  
 DRAWN: DVW  
 CHECKED: [ ]  
 APPROVED: [ ]

PLAN TO ACCOMPANY ZONING PETITION FOR  
 SPECIAL EXCEPTION AND VARIANCES FOR THE  
 PATAPSCO AVENUE  
 RAIL PASSENGER STATION

SCALE: 1/8" = 1'-0"

CURRENT PLANNING  
 CRG NO.: XIII-140  
 PUBLIC SERVICES  
 CRG NO.: 90360  
 SHEET NO.: 5 OF 6



STA. 89+45.88 TO 89+50.00 V.L.  
 END TRANSITION BEGIN  
 DEPRESSED C&G & SIDE WALK

STA. 89+40.88 TO  
 STA. 89+45.88  
 6' SIDEWALK & C&G  
 TRANSITION DEPRESS TO  
 PAVEMENT LEVEL

**Plant List**

TYPE	KEY	QTY.	BOTANICAL/COMMON NAME	SIZE	ROOT	COMMENTS
DECIDUOUS TREES	AC	11	Acer castaneum Hedge Maple	3" Cal.	B & B	20' O.C. Matched
	AC 1	8	Acer castaneum Hedge Maple	2" Cal.	B & B	
	AR	17	Acer rubrum Red Maple	3" Cal.	B & B	
	AR 1	10	Acer rubrum Red Maple	2" Cal.	B & B	
	QA	40	Quercus acutissima Sawtooth Oak	3" Cal.	B & B	
FLOWERING TREES	AR	28	Azalea canadensis Serviceberry	2" Cal.	B & B	
	CL	35	Cupressocyparis leylandii Leyland Cypress	5" Ht.	B & B	
EVERGREEN TREES	IO	25	Ilex opaca American Holly	6' Ht.	B & B	4 Male 21 Female
	PS	18	Pinus strobus White Pine	6' Ht.	B & B	
SHRUBS	CO	17	Cephalanthus occidentalis Buttonbush	24" Ht.	B & B / Cont.	
	EA	33	Euonymus alatus 'compactus' Dwarf burning Bush	24" Ht.	B & B / Cont.	
IR	IR	21	Ilex cornuta 'Rotundifolia' Rotunda Chinese Holly	24" Ht.	B & B / Cont.	
	PL	172	Prunus laurocerasus 'Otto Luyken' Otto Luyken Cherry Laurel	24" Ht.	B & B / Cont.	
VD	VD	53	Viburnum dentatum Arrowwood	30" Ht.	B & B / Cont.	
	GP	2,510	Gaultheria procumbens Creeping Wintergreen	50'/flat	Bareroot	12" O.C.
JC	JC	2,120	Juniperus conferta Shore Juniper	18" Spd.	Cont.	2' O.C.

**Landscape Requirements**

**R.O.W. PLANTING:**  
 1 tree per 40 linear feet  
 220 l.f. = 5.5 trees required  
 72 trees provided

**INTERIOR ROAD PLANTING:**  
 1 tree per 20 linear feet  
 220 l.f. = 11 trees required  
 12 trees provided

**INTERIOR PARKING LOT PLANTING:**  
 7% of parking area must be planted  
 Interior lot = 100,855 s.f.  
 Landscaped islands = 7,062 s.f.  
 7% percentage provided

**STORMWATER MANAGEMENT POND:**  
 1 planting unit per 15' linear feet  
 110 l.f. = 7.3 units required  
 17 units provided

**PETITIONER'S EXHIBIT 6**

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION  
 MASS TRANSIT ADMINISTRATION

**CENTRAL LIGHT RAIL LINE**

PARSONS, BRINCKERHOFF QUADE & DOUGLAS, INC  
 MORRISON - KNUDSEN ENGINEERS, INC  
 CONSULTING ENGINEERS

**Catherine Mahan & Associates**  
 Landscape Architects  
 900 St. Paul Street  
 Baltimore, Md. 21202  
 Tel: (301) 576-1214  
 Fax: 539-5817

NO.	DESCRIPTION	BY	DATE
REVISIONS			

DESIGNED	CMA	DATE	4-15-91
DRAWN	CMA	APPROVED	
CHECKED		APPROVED	

**PATAPSCO AVENUE**  
**Rail Passenger Station**  
**Landscape Plan 91-409-XA**

SCALE 1"=30'

Current Planning CRG No. XIII-140  
 Public Services CRG No. 90360  
 SHEET NO. 6 OF 6

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
June 14, 1991

Irwin Brown, Esquire  
300 W. Lexington Street  
Baltimore, Maryland 21201-3415  
RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
E/S Baltimore Street, NE/S Maryland Avenue  
(Patapsco Avenue Rail Passenger Station)  
13th Election District - 1st Councilmanic District  
B & A Railroad, et al - Petitioners  
Case No. 91-409-XA

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-4391.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs  
cc: Mr. Tom Williams  
3700 Baltimore Street, Baltimore, Md. 21227  
Mr. Allen Swain  
3702 Baltimore Street, Baltimore, Md. 21227  
People's Counsel  
File  
Chesapeake Bay Critical Areas Commission  
Taxes State Office Building, D-4, Annapolis, Md. 21404  
DEPRM

91-409-XA 6-13  
BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: June 3, 1991  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Baltimore Gas & Electric, Item No. 394

The petitioner requests a variance to permit a 12 ft. rear setback for the high block (ramp) on the northbound platform at the Timonium South Rail Station in lieu of the required 30 ft.

Staff supports the applicant's request. The location of high blocks at light rail stops will benefit mobility impaired persons to board light rail vehicles. The Master Plan supports the overall concept of light rail as "a major step in establishing a regional network of convenient, attractive public transportation alternatives."

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  
ITEM394/ZAC1

Received

June 13 91-409-XA  
BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991  
TO: Mr. J. Robert Haines  
Zoning Commissioner  
FROM: Rahee J. Famili  
SUBJECT: Z.A.C. Comments  
Z.A.C. MEETING DATE: April 30, 1991

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
May 24, 1991

Irwin Brown, Esquire  
300 W. Lexington Street  
Baltimore, MD 21201-3415

RE: Item No. 394, Case No. 91-409-XA  
Petitioner: Baltimore Gas & Electric  
Petition for Special Exception

Dear Mr. Brown:

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 MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Christine A. Wells  
Mr. G. D. England, B.G.&E.

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 1st day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

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

Petitioner: Baltimore Gas & Electric, et al  
Petitioner's Attorney: Irwin Brown

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21284-5504  
(501) 887-4500  
MAY 1, 1991

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

RE: Property Owner: B&A RAILROAD AND BALTIMORE  
GAS AND ELECTRIC COMPANY AND  
CSX TRANSPORTATION, INC.

Location: PATAPSCO AVENUE SITE  
Item No.: 394 Zoning Agenda: APRIL 30, 1991

Gentlemen:

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

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

REVIEWER: *Pat Keller* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE  
RECEIVED JUN 24 1991  
ZONING OFFICE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
DATE: June 13, 1991  
FROM: Mr. J. James Dieter, Director  
SUBJECT: Petition for Zoning Variance - Item 394, Case #91-409-XA  
Patapsco Avenue Rail Passenger Station  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at the intersection of Baltimore Street and Patapsco Avenue. The Chesapeake Bay Critical Area is located just south of the proposed development. No disturbance within the Critical Area is proposed.

APPLICANT'S NAME Mass Transit Administration

CONCLUSION

This Special Exception, as proposed, does not require a Critical Area Findings. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JDD:DCF:ju  
Attachment

cc: The Honorable Vincent Gardina  
The Honorable Donald Mason  
Mr. Ronald B. Hickerne]]

394  
CERTIFICATE RE APPROVAL LIMITATIONS  
WITH RESPECT TO TRANSACTIONS  
INVOLVING REAL PROPERTY OR RIGHTS THEREIN  
91-409-XA  
CRITICAL AREA

I, JOYCE A. DOLAN, Assistant Corporate Secretary of CSX Transportation, Inc., do hereby certify that the attached excerpt marked Exhibit "A" from the minutes of the action of the Board of Directors of this corporation as of April 2, 1990, governing instructions with respect to transactions involving real property or rights therein to be true and correct in force as of this date.

I do hereby further certify that F. J. Favorite is duly elected Vice President - Financial Planning and Reporting of CSX TRANSPORTATION, INC., and in this capacity is duly authorized to execute deeds, leases and other documents involving real property or rights therein in accordance with the resolutions referred to above as provided in Item (7) of said Exhibit.

*Joyce A. Dolan*  
Assistant Corporate Secretary of  
CSX TRANSPORTATION, INC.

Jacksonville, FL  
October 22, 1990

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: \_\_\_\_\_

Mass Transit Administration  
300 W. Lexington Street  
Baltimore, Maryland 21201-3415

ATTN: CHRISTINE A. WELLS

RE:  
Case Number: 91-409-XA  
2/9 Baltimore Street, NE/S Maryland Avenue  
Patapsco Avenue Site  
13th Election District - 1st Councilmanic  
Legal Owners: B & A Railroad; Baltimore Gas & Electric Company; CSX Transportation

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

Account: R 001 6150  
Number: \_\_\_\_\_

Date: \_\_\_\_\_

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

May 6, 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: 91-409-XA  
2/9 Baltimore Street, NE/S Maryland Avenue  
Patapsco Avenue Site  
13th Election District - 1st Councilmanic  
Legal Owners: B & A Railroad; Baltimore Gas & Electric Company; CSX Transportation  
Contract Purchaser: Mass Transit Administration  
HEARING: THURSDAY, JUNE 13, 1991 at 9:00 a.m.

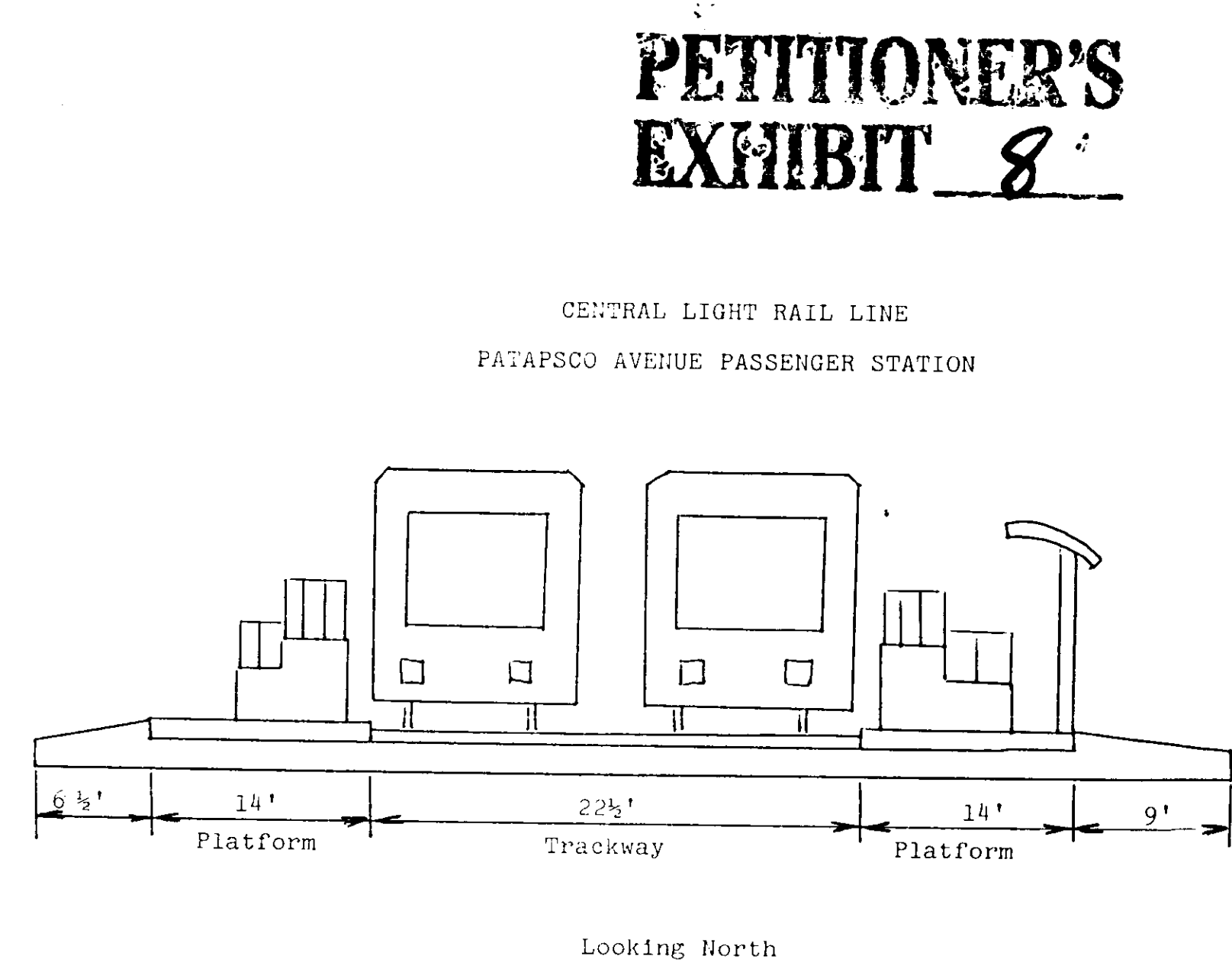
Special Exception: For Patapsco Avenue Rail Passenger Station.

Variance to permit rear setbacks of 11 ft. for the highblock (ramp) and 9 ft. for the two passenger shelters in lieu of the required 30 ft.

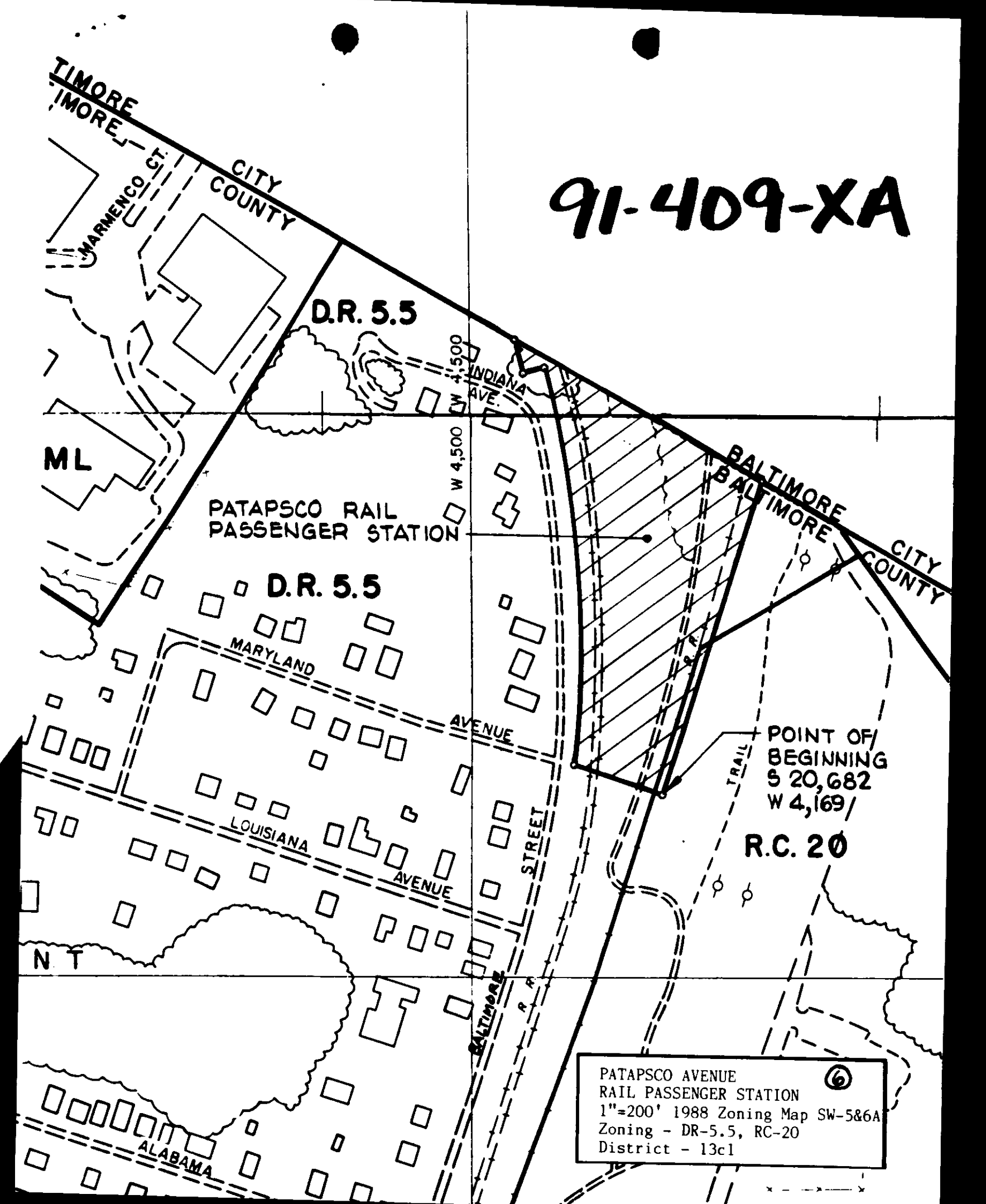
*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mass Transit Administration/Christine A. Wells/Ervin Brown, Esq.  
CSX Transportation  
Baltimore Gas & Electric Company  
B&A Railroad



Mass Transit Administration  
June 13, 1991



**CERTIFICATE OF PUBLICATION**

TOWSON, MD., May 17, 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 May 6, 1991.

THE JEFFERSONIAN,  
*S. Zeke Orlov*  
Publisher

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J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
ARB/JS/180 May 15

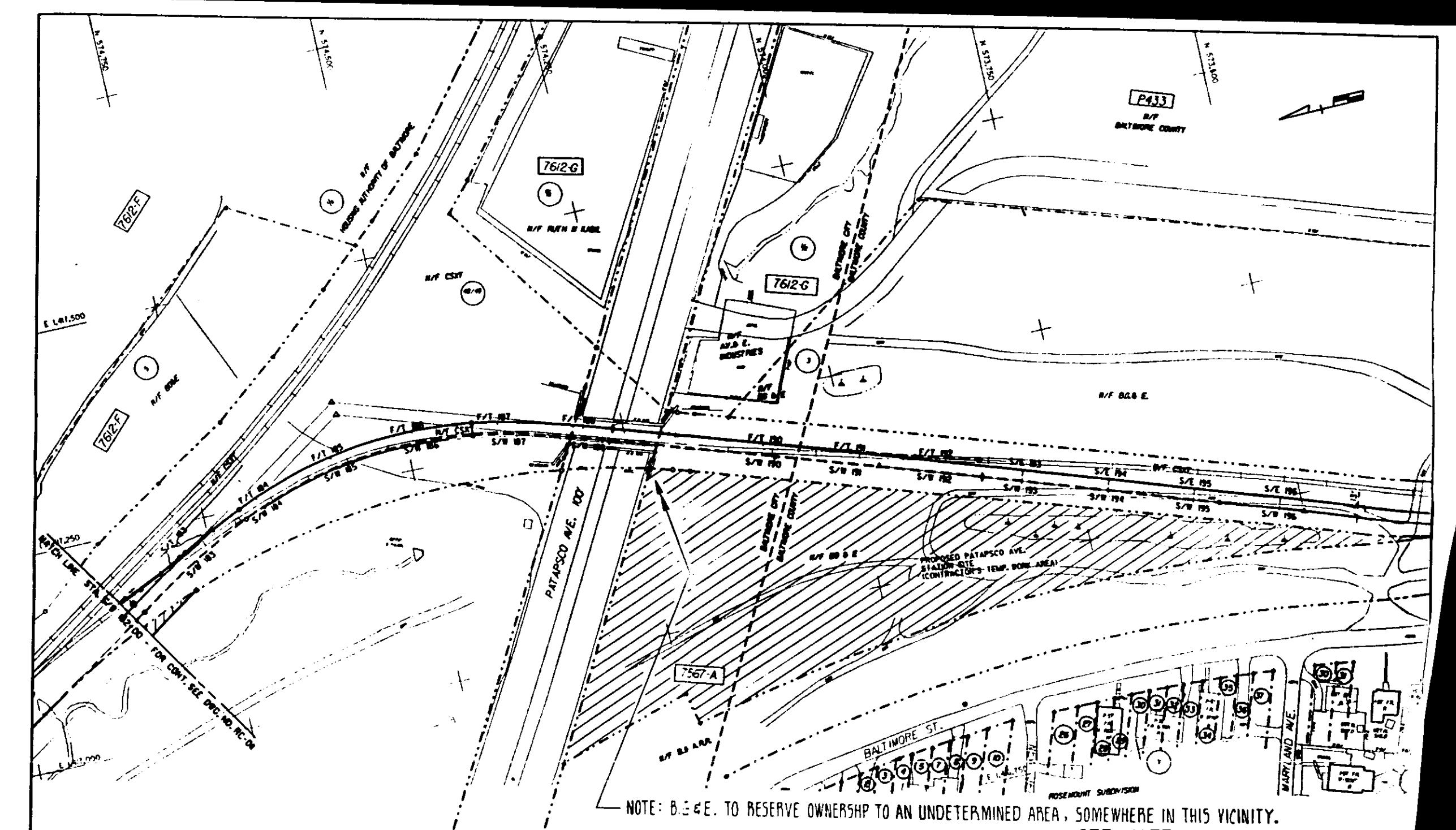
**PETITIONER'S EXHIBIT 7**

ARTICLE XVIII  
PERMANENT PROPERTY RIGHTS

1. In respect to those portions of the Line to be built wholly or partly upon BG&E's property, BG&E, insofar as it has the legal right so to do and its present title permits, shall convey to MTA title to those areas indicated on Exhibit F, subject to terms, conditions and reservations. The deed of conveyance shall be in substantially the form and contain the terms, conditions and reservations as the attached Deed and Partial Release of Mortgage, which is attached hereto, made a part hereof, and marked Exhibit H.

The areas described in the preceding paragraph are located in the vicinity of I-95 on the north to an area south of Patapsco Avenue on the south and shown thusly //// on Exhibit F. The consideration to be paid for the parcels to be conveyed shall be mutually agreed upon by the parties.

2. In respect to the property interests to be conveyed pursuant to Paragraph 1 above, MTA shall furnish to and



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 13c1 Date of Posting: May 22

Posted for: the Baltimore Gas & Electric Company

Petitioner: Baltimore Gas & Electric Company

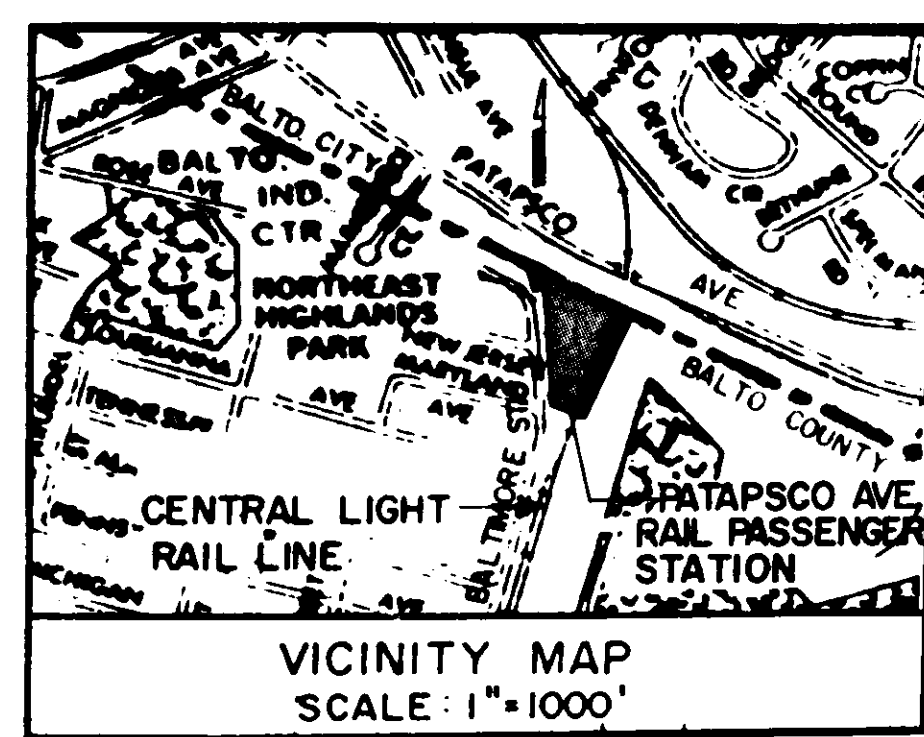
Location of property: 2/9 Baltimore Street, NE/S Maryland Avenue, Towson, Maryland

Location of Signs: at the site of the proposed station

Remarks: None Date of return: May 22

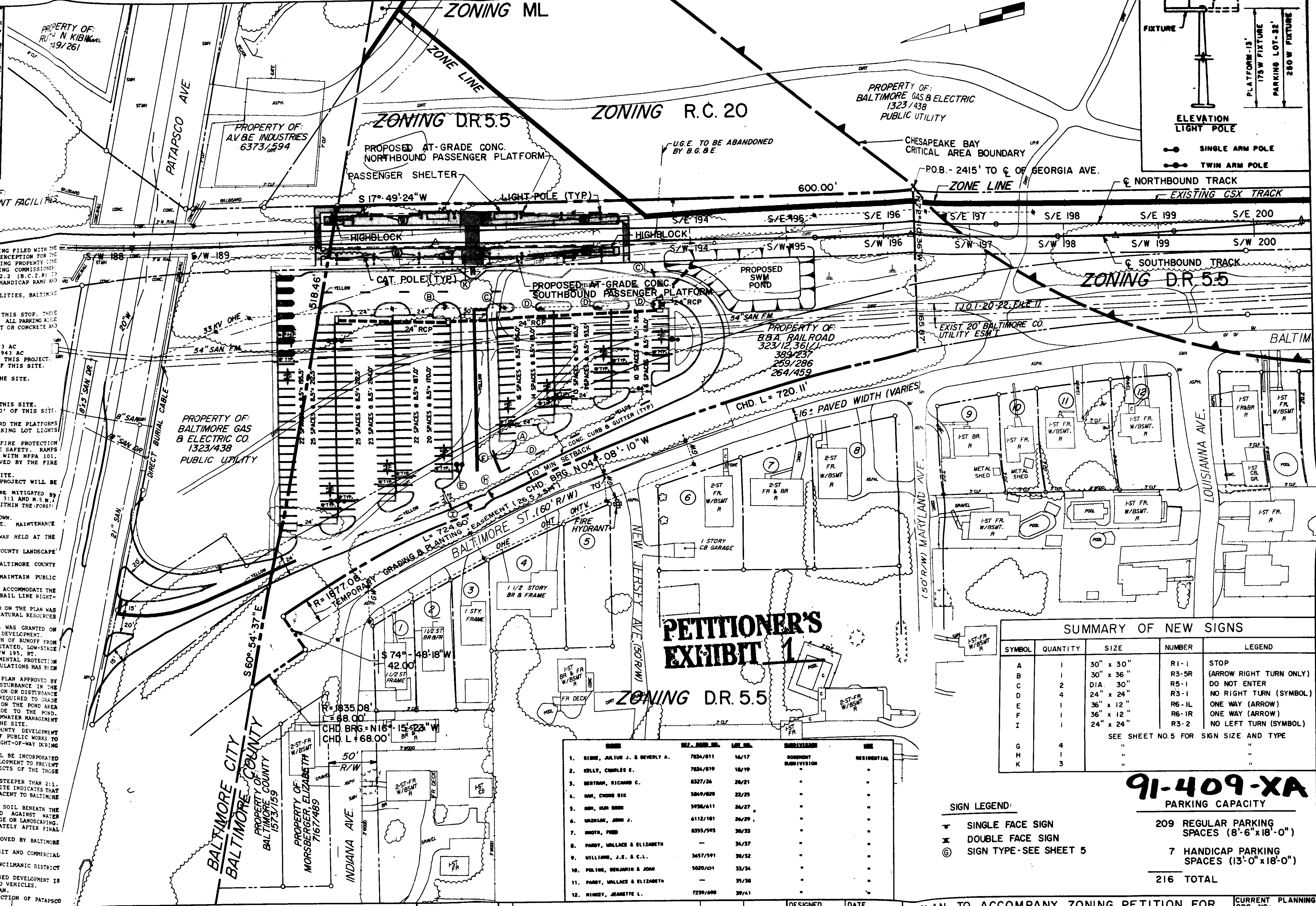
Posted by: S. J. Haines

Number of Signs: 2



VICINITY MAP  
SCALE: 1"=1000'

- GENERAL NOTES:**
- THIS SITE IS ZONED DR-5.5 AND RC 20. A PETITION IS BEING FILED WITH THE COMING COMMISSIONERS TO REQUEST A SPECIAL EXCEPTION FOR THE CONSTRUCTION OF A RAIL PASSENGER STATION. THE FOLLOWING PROPERTY LINE SETBACK VARIANCES ARE BEING REQUESTED FROM THE ZONING COMMISSION: SECTION 100-2, P. 1 AND SECTION 100-2, B (C-2, R) TO PERMIT REAR SETBACKS OF 11 FT., 9 FT. AND 9 FT. FOR THE HANDICAP RAMP AND 2 SHELTERS IN LIEU OF THE REQUIRED 30 FT.
  - THIS PROJECT DOES NOT INVOLVE THE CONSTRUCTION OF NEW BUILDINGS OR STRUCTURES. THE PROPOSED DEVELOPMENT IS LIMITED TO THE CONSTRUCTION OF A RAIL PASSENGER STATION, PASSENGER SHELTER, HIGHBLOCKS, LIGHT POLES, AND A PROPOSED SWAMP POND.
  - LOCAL OPEN SPACE IS NOT REQUIRED.
  - THE MTA RECOMMENDS 216 OFF-STREET PARKING SPACES FOR THIS STOP. THESE SPACES ARE PROVIDED IN THE PROPOSED PARK & RIDE LOT. ALL PARKING SPACES AND VEHICLE MANEUVERING AREAS WILL BE PAVED WITH ASPHALT OR CONCRETE AND PERMANENTLY STRIPED.
  - PROPERTY AREA: 173,373 SQ. FT. OR 4.024 AC.
  - R.C. 20 GROSS AREA = 0.083 AC.; RC 20 NET AREA = 0.083 AC.
  - D.R. 5.5 GROSS AREA = 3,943 AC.; D.R. 5.5 NET AREA = 3,943 AC.
  - NO HOUSING OR BUILDINGS WILL BE CONSTRUCTED AS PART OF THIS PROJECT.
  - NO WELLS OR SEPTIC AREAS ARE KNOWN TO BE WITHIN 200' OF THIS SITE.
  - THERE ARE NO EXISTING BUILDINGS ON THE SITE.
  - NO HISTORIC BUILDINGS ARE KNOWN TO BE WITHIN 200' OF THE SITE.
  - THIS SITE IS NOT A RESIDENTIAL TRANSITION AREA.
  - THIS PROJECT DOES NOT INVOLVE THE CONSTRUCTION OF NEW BUILDINGS OR STRUCTURES.
  - THERE WILL BE NO PANHANDLE DRIVEWAYS ON THIS SITE.
  - NO ARCHAEOLOGICAL SITES ARE KNOWN TO BE WITHIN 200' OF THIS SITE.
  - NO ENDANGERED SPECIES HABITAT IS KNOWN TO BE WITHIN 200' OF THIS SITE.
  - NO HAZARDOUS MATERIALS ARE KNOWN TO BE ON THIS SITE.
  - ALL PLATFORM LIGHTS WILL BE DIRECTED DOWNWARD AND TOWARD THE PLATFORMS AND TRACES AND AWAY FROM PRIVATE RESIDENCES. ALL PARKING LOT LIGHTS WILL BE DIRECTED DOWNWARD AND AWAY FROM RESIDENCES.
  - THE PROPOSED DEVELOPMENT COMPLIES WITH THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 110 FOR FIXED GUIDEWAY TRANSIT FIRE SAFETY. RAMP AND STAIRS (IF PROVIDED) SHALL BE BUILT IN ACCORDANCE WITH NFPA 101, 1988 EDITION. PUBLIC INFORMATION MEETING HAS BEEN APPROVED BY THE FIRE MARSHALL/MTA LIAISON COMMITTEE.
  - THE NEAREST LIVE WINDMILL IS TO THE WEST OF THE SITE.
  - ALL WETLAND IMPACTS ASSOCIATED WITH THIS CONSTRUCTION PROJECT WILL BE MITIGATED BY THIS SITE.
  - ALL DISTURBANCES AT EXISTING VEGETATED SLOPES WILL BE MITIGATED BY APPLYING A 2:1 TO 3:1 SLOPE STEEPER THAN 3:1 AND M.S.N. BUFFER WILL BE REVEGETATED ACCORDING TO NOTE 11.
  - ALL STRUCTURES AND USES WITHIN 200' OF THE SITE ARE SHOWN.
  - THERE WILL BE NO PERMANENT MTA EMPLOYEES AT THIS SITE. MAINTENANCE EMPLOYEES WILL VISIT THE SITE AS NEEDED.
  - THE JOINT PUBLIC INFORMATION MEETING FOR THIS SITE WAS HELD AT THE RIDGELY MIDDLE SCHOOL ON AUGUST 13, 1990.
  - ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY LANDSCAPE MANUAL.
  - ALL PROPOSED SIGNS SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.
  - THE MTA WILL ALLOW ACCESS FOR BALTIMORE COUNTY TO MAINTAIN PUBLIC FACILITIES.
  - THE MTA WILL WORK WITH BALTIMORE COUNTY IN THE FUTURE TO ACCOMMODATE THE MASTER PLAN'S GREENWAY CONCEPT ALONG THE CENTRAL LIGHT RAIL LINE RIGHT-OF-WAY, WHERE FEASIBLE.
  - THE CHESAPEAKE BAY CRITICAL AREA BOUNDARY LINE DEPICTED ON THE PLAN WAS PLOTTED IN ACCORDANCE WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WETLAND BOUNDARY AERIAL MAP NO. XA1-48L-33.
  - A WAIVER OF STORM WATER MANAGEMENT QUANTITY CONTROL WAS GRANTED ON SEPTEMBER 24, 1990 BY BALTIMORE COUNTY DEPRM FOR THIS DEVELOPMENT.
  - MAINTENANCE SHALL BE PROVIDED FOR THE FIRST HALF-INCH OF RUNOFF FROM ON-SITE IMPERVIOUS AREAS BY PROVIDING STORAGE IN A VEGETATED, LOW-STAGE RETENTION FACILITY SHOWN BETWEEN STA S/W 194 TO STA S/W 195, BT.
  - A VARIANCE FROM BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT'S STREAM BUFFER AND SETBACK REGULATIONS HAS BEEN REQUESTED.
  - ALL FOREST BUFFER AREAS WILL BE REVEGETATED USING A PLAN APPROVED BY BALTIMORE COUNTY DEPRM AND REMAIN IN AREA OF NONDISTURBANCE IN THE FUTURE. THERE WILL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AREA EXCEPT THAT REQUIRED TO GRADE THE WATER QUALITY MANAGEMENT POND. AFTER CONSTRUCTION THE POND AREA WILL BE REVEGETATED WITH SPECIES THAT PROVIDE SHADE TO THE POND. A REVEGETATION PLAN FOR THE FOREST BUFFER AREA AND STORMWATER MANAGEMENT POND WILL BE INCORPORATED INTO THE GRADING PLAN FOR THE SITE.
  - A WAIVER FROM SECTION 22-48 OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS HAS BEEN REQUESTED FROM THE DEPARTMENT OF PUBLIC WORKS TO ALLOW FOR GRADING TO OCCUR WITHIN BALTIMORE STREET RIGHT-OF-WAY DURING CONSTRUCTION OF THIS PROJECT.
  - THE FOLLOWING PROTECTION AND MITIGATION MEASURES WILL BE INCORPORATED INTO THE CONSTRUCTION DOCUMENTS FOR THIS PROPOSED DEVELOPMENT TO PREVENT EROSION OR SLOUGHING OF SLOPES AND MITIGATE THE EFFECTS OF THOSE SOILS WHICH MIGHT PLACE LIMITATIONS ON DEVELOPMENT.
    - IN GENERAL, CUT SLOPES SHALL BE MAINTAINED NO STEEPER THAN 3:1. HOWEVER, THE GEOTECHNICAL INVESTIGATION OF THIS SITE INDICATES THAT CUT SLOPES ALONG THE WESTERN SIDE OF THE SITE ADJACENT TO BALTIMORE STREET CAN BE STEEPER TO 1.5:1.
    - TO MINIMIZE THE RISK OF VOLUME CHANGES OF THE SOIL BENEATH THE PROPOSED PAVEMENT, SOIL SHALL BE PROTECTED AGAINST WATER INFILTRATION BY SURFACE AND/OR SUBSURFACE DRAINAGE OR LANDSCAPING.
    - ALL DISTURBED AREAS SHALL BE VEGETATED IMMEDIATELY AFTER FINAL GRADING TO MINIMIZE EROSION HAZARD.
  - THE CRG PLAN FOR THIS PROPOSED DEVELOPMENT WAS APPROVED BY BALTIMORE COUNTY ON JANUARY 17, 1991.
  - THE PROPOSED USE OF THIS DEVELOPMENT IS PUBLIC TRANSIT AND COMMERCIAL FREIGHT TRAIN SERVICE.
  - THIS SITE IS LOCATED IN ELECTION DISTRICT 13 AND COUNCILMANIC DISTRICT 1.
  - THE ADT INCREASE TO PATAPSCO AVENUE FROM THIS PROPOSED DEVELOPMENT IS PROJECTED AT 415 EASTBOUND VEHICLES AND 105 WESTBOUND VEHICLES.
  - TYPICAL PARKING SPACE DIMENSIONS ARE NOTED ON THE PLAN.
  - PROPERTY ADDRESS: SOUTHWEST CORNER OF THE INTERSECTION OF PATAPSCO AVENUE AND THE OLD B&A RAILROAD.



**PETITIONER'S EXHIBIT 1**

**SUMMARY OF NEW SIGNS**

SYMBOL	QUANTITY	SIZE	NUMBER	LEGEND
A	1	30" x 30"	R1-1	STOP
B	1	30" x 36"	R3-5R	(ARROW RIGHT TURN ONLY)
C	2	DIA. 30"	R5-1	DO NOT ENTER
D	4	24" x 24"	R3-1	NO RIGHT TURN (SYMBOL)
E	1	36" x 12"	R6-1L	ONE WAY (ARROW)
F	1	36" x 12"	R6-1R	ONE WAY (ARROW)
I	1	24" x 24"	R3-2	NO LEFT TURN (SYMBOL)
G	4	"	"	"
H	1	"	"	"
K	3	"	"	"

SEE SHEET NO.5 FOR SIGN SIZE AND TYPE

**91-409-XA**

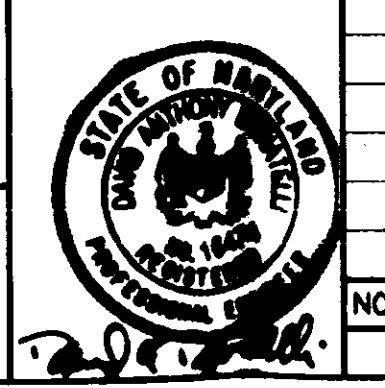
**PARKING CAPACITY**

209 REGULAR PARKING SPACES (8'-6" x 18'-0")
7 HANDICAP PARKING SPACES (13'-0" x 18'-0")
<b>216 TOTAL</b>

NO.	NAME	REF. NO.	DATE	REVISIONS	DATE
1.	BIENE, JULIUS J. & BEVERLY A.	7834/011	10/17	REVISION	RESIDENTIAL
2.	KELLY, CHARLES E.	7834/019	10/19	"	"
3.	BEATTY, RICHARD C.	8327/26	20/21	"	"
4.	HAY, CHOSIE SIE	5069/020	22/25	"	"
5.	HAY, HUR ODD	5938/011	26/27	"	"
6.	WALSH, JOHN J.	6112/101	26/29	"	"
7.	WORTH, FRED	6355/293	30/33	"	"
8.	PARRY, WALLACE & ELIZABETH	"	34/37	"	"
9.	WILLIAMS, J.E. & C.L.	3657/591	30/32	"	"
10.	POLINE, DENNIS & JOAN	5020/01	33/34	"	"
11.	PARRY, WALLACE & ELIZABETH	"	35/38	"	"
12.	HINNEY, JEANETTE L.	7230/000	30/41	"	"

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION  
MASS TRANSIT ADMINISTRATION  
**CENTRAL LIGHT RAIL LINE**

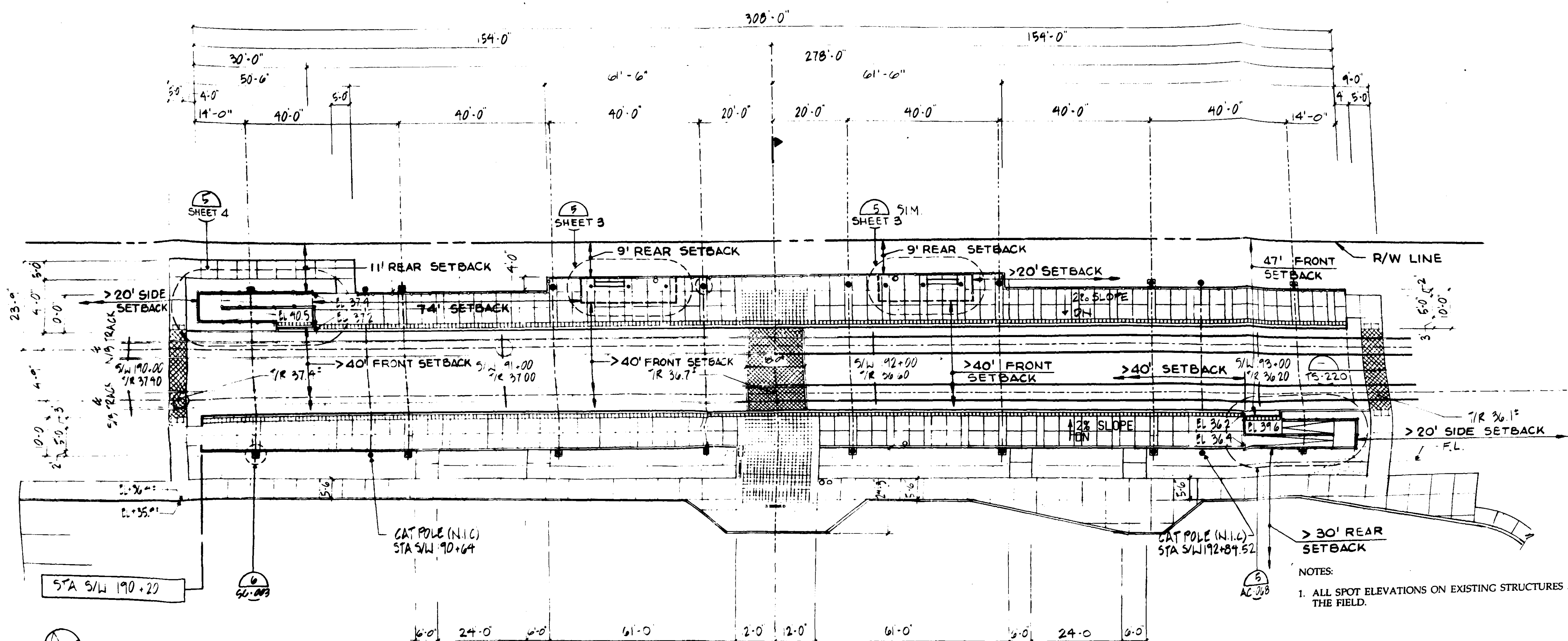
PARSONS BRINCKERHOFF QUAAE & DOUGLAS, INC  
MORRISON - KNUDSEN ENGINEERS, INC  
CONSULTING ENGINEERS



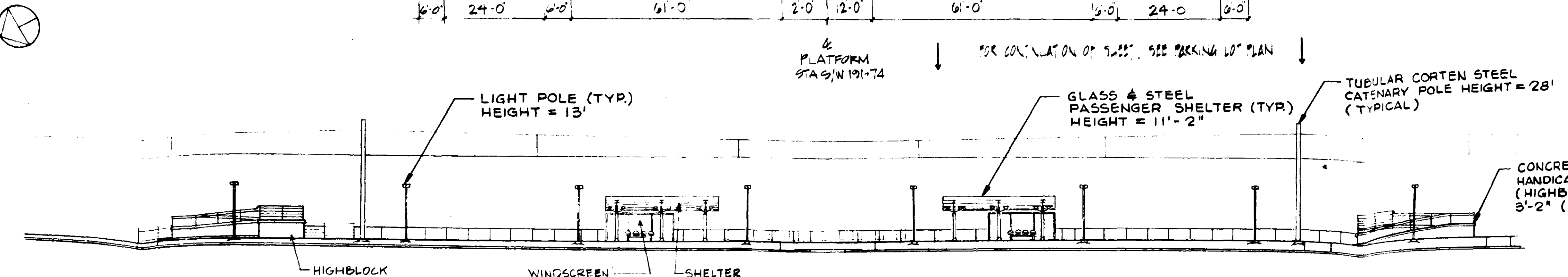
NO.	DESCRIPTION	BY	DATE
DESIGNED	RAB		DATE 4-15-91
DRAWN	D V W		APPROVED
CHECKED			APPROVED

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE  
**PATAPSCO AVENUE RAIL PASSENGER STATION**  
SCALE: 1"=50'  
#394

CURRENT PLANNING CRG NO: XIII-140  
PUBLIC SERVICES CRG NO: 90360  
SHEET NO: 1 OF 6



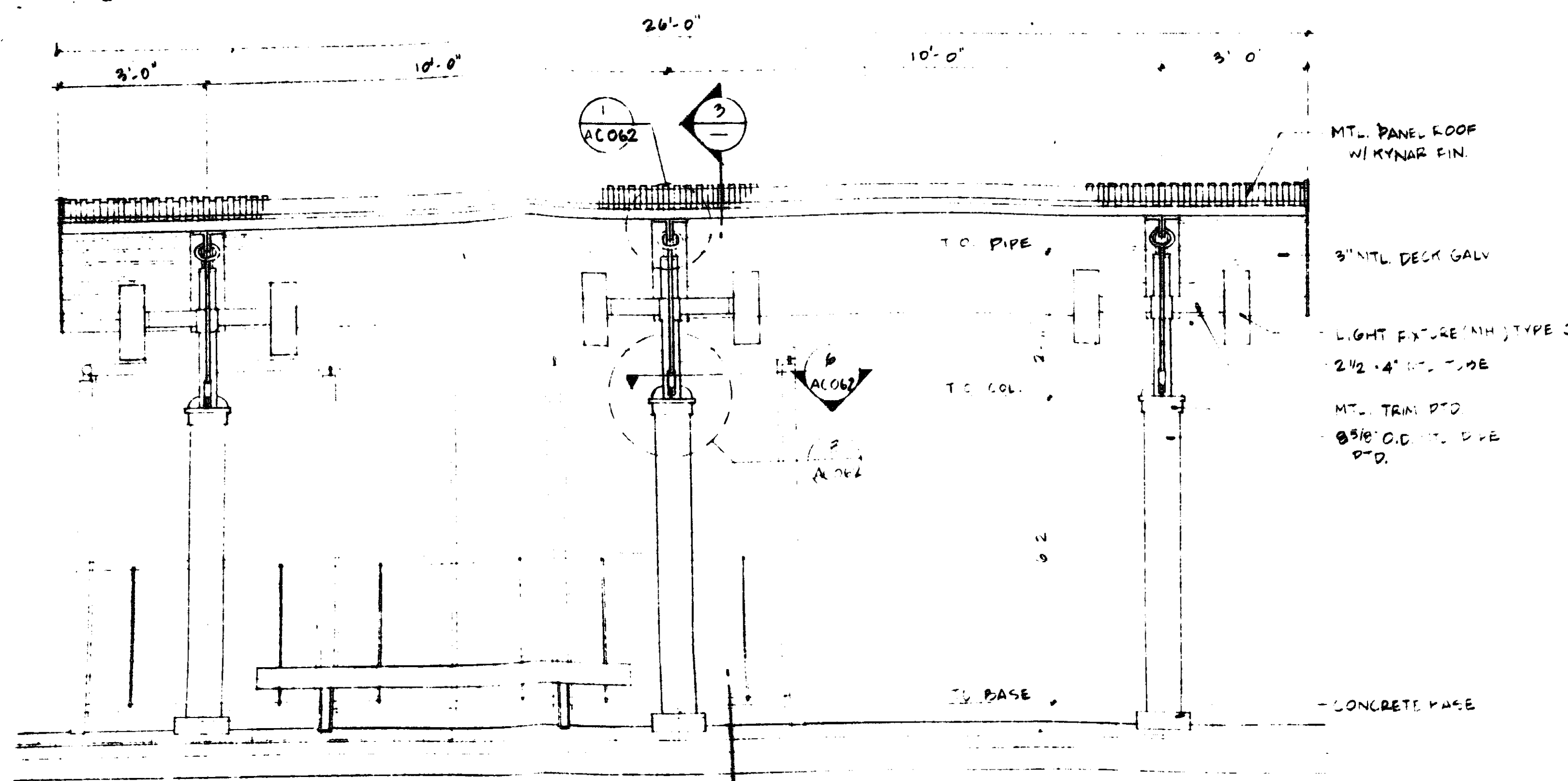
NOTES:  
1. ALL SPOT ELEVATIONS ON EXISTING STRUCTURES ARE TO BE VERIFIED IN THE FIELD.



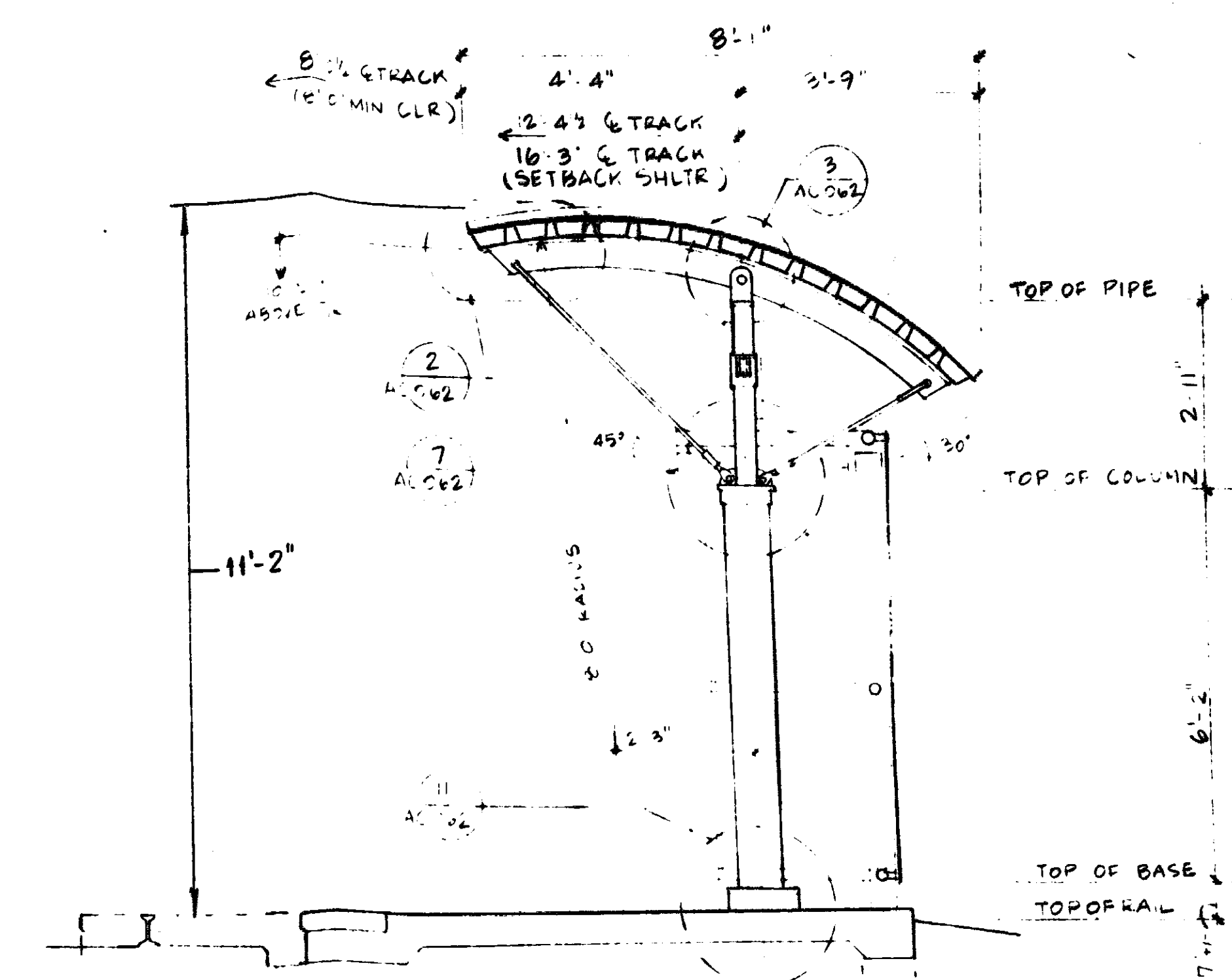
**PETITIONER'S EXHIBIT 2**

**91-409-XA**

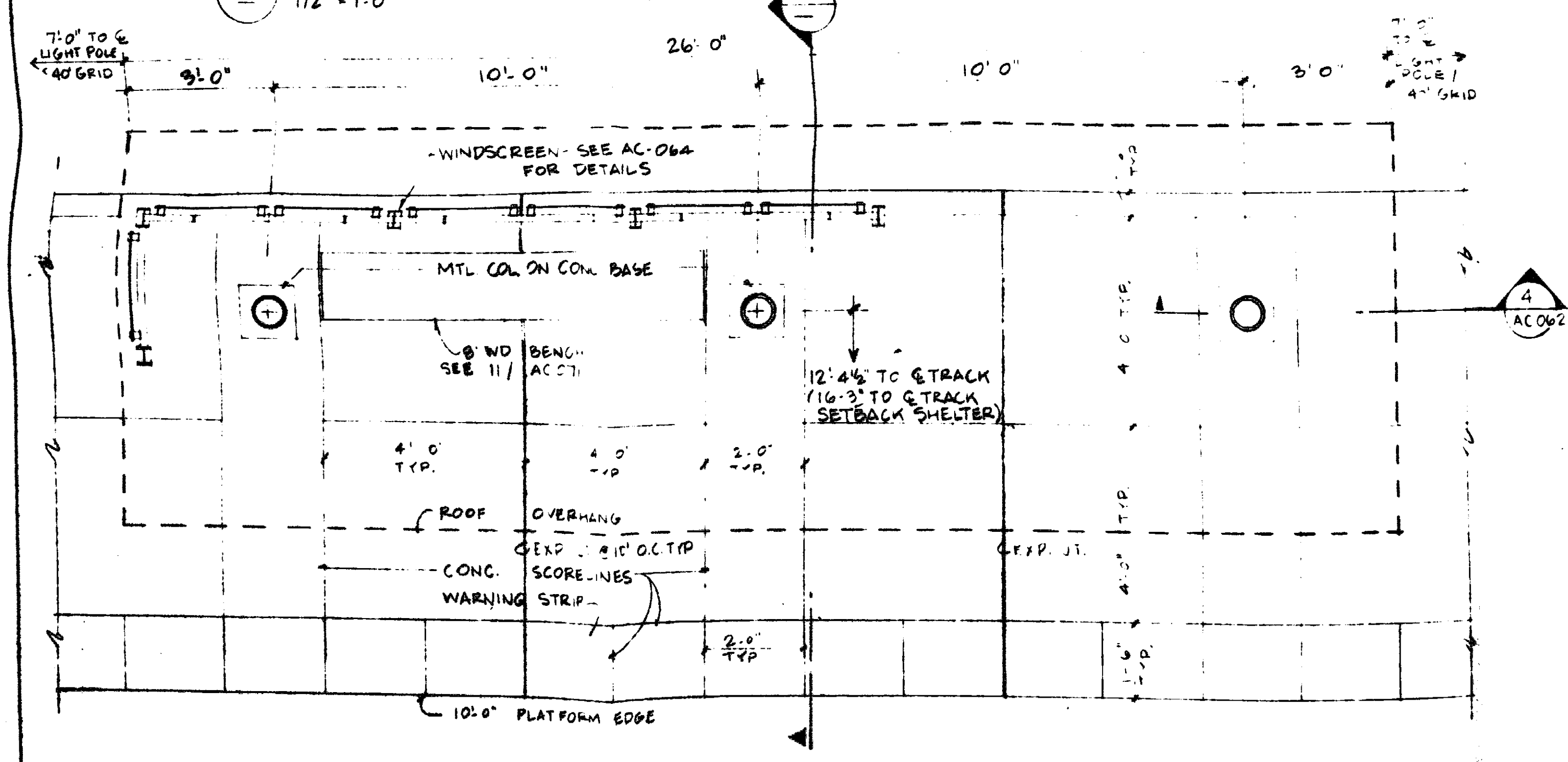
STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION SS TRANSIT ADMINISTRATION	PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC. MORRISON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS	CHD. WILKS & BENN ARCHITECTS, INC. 218 WEST SARATOGA STREET BALTIMORE, MARYLAND 21201	DESIGNED	DATE	PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE PATAPSCO AVENUE RAIL PASSENGER STATION	CURRENT PLANNING	
			CWB	4-15-91		CRG NO.	
CENTRAL LIGHT RAIL LINE			DRAWN	APPROVED	SCALE 1/16" = 1'-0"	XIII-140	
			JPT			PUBLIC SERVICES	
			CHECKED	APPROVED		90360	
			NO.	DESCRIPTION	BY	DATE	SHEET NO.
			REVISIONS				2 OF 6



1 PASSENGER STATION ELEVATION  
1/2" = 1'-0"



3 SECTION  
1/2" = 1'-0"



4 PLAN  
1/2" = 1'-0"

2 ELEVATION  
1/2" = 1'-0"

PETITIONER'S EXHIBIT 3

91-409-XA

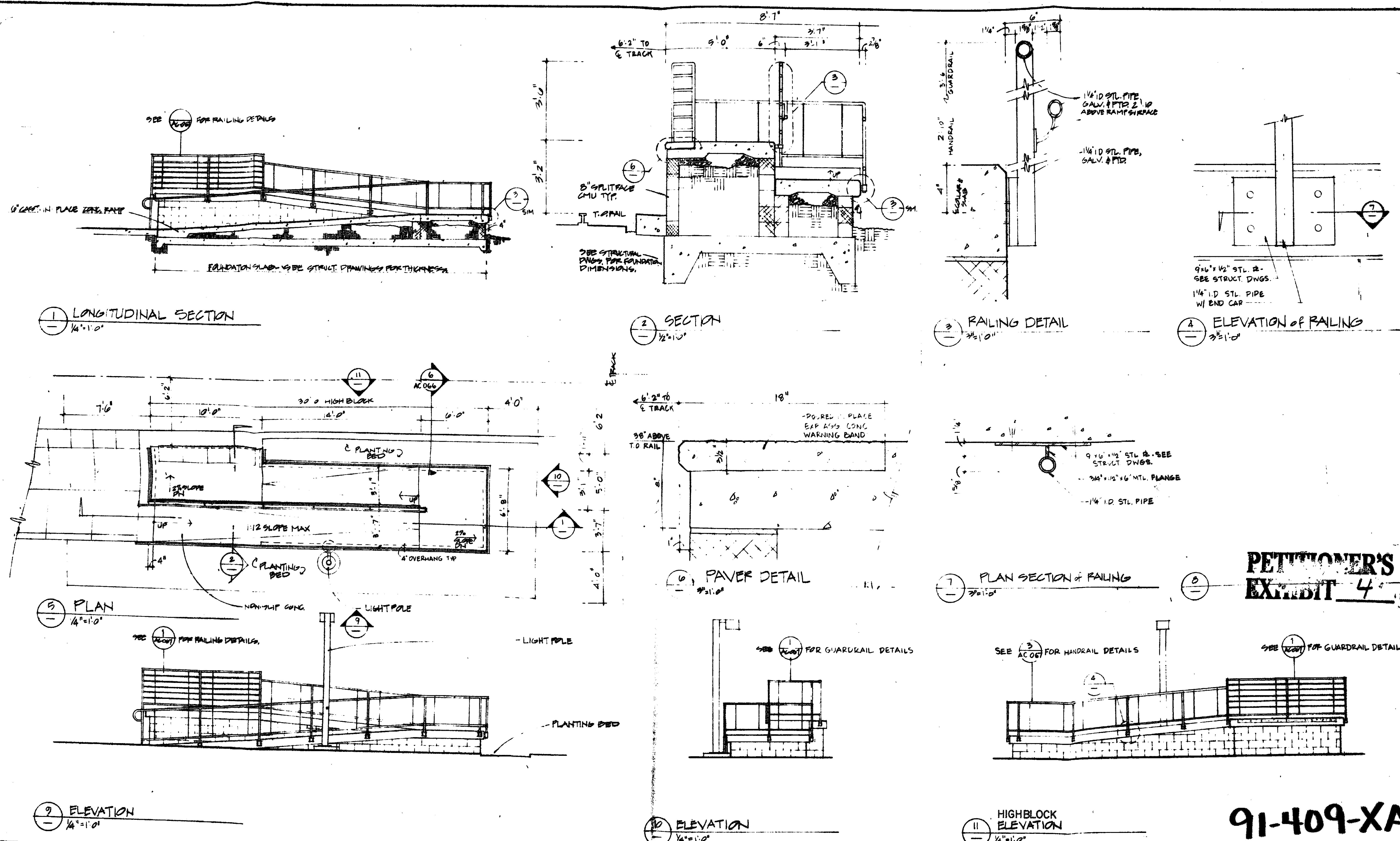
STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION	PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC. MORRISON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS
CENTRAL LIGHT RAIL LINE	CHO, WILKS & BENN ARCHITECTS, INC. 218 WEST SARATOGA STREET BALTIMORE, MARYLAND 21201

NO.	DESCRIPTION	BY	DATE
REVISIONS			

DESIGNED JWW	DATE 4-15-91	PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE PATAPSCO AVENUE RAIL PASSENGER STATION	CURRENT PLANNING CRG NO. XIII-140
DRAWN JWW	APPROVED		PUBLIC SERVICES CRG NO. 90360
CHECKED	APPROVED	SCALE AS NOTED	SHEET NO. 3 OF 6







PETITIONER'S EXHIBIT 4

91-409-XA

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION	PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC. MORRISON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS	DESIGNED DATE 4-15-91	CURRENT PLANNING CRG NO. XIII-140
CENTRAL LIGHT RAIL LINE	CHD, WILKS & BENN ARCHITECTS, INC. 218 WEST SARATOGA STREET BALTIMORE, MARYLAND 21201	DRAWN JCM	PUBLIC SERVICES CRG NO. 90360
		CHECKED	SHEET NO. 4 OF 6
		APPROVED	
		APPROVED	
		SCALE	
		DESCRIPTION	
		BY	
		DATE	
		REVISIONS	