

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - E/S York  
Road, 715' S of the c/l of  
Seminary Avenue \* DEPUTY ZONING COMMISSIONER  
(1313-1315 York Road) \* OF BALTIMORE COUNTY  
9th Election District \* Case No. 92-418-XA  
4th Councilmanic District  
BBS Building Limited Partnership \*  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception in which the Petitioner requests approval to use the subject property, zoned B.L., for a recreational facility, including a health club/spa, resistance equipment, tanning equipment, incidental office and babysitting uses, and other uses and improvements, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and a Petition for Zoning Variance requesting relief from Section 409.8.A.5 to permit two dead-end aisles in the parking area in the rear of the building with insufficient back-up area for the end parking spaces, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Howard Snyder, Partner, appeared, testified and was represented by Douglas L. Burgess, Esquire. Also appearing on behalf of the Petitioner were William Fleischer, Chairman, Club Management of Towson, Inc., the Contract Lessee, and Richard H. Cassell, Engineer. Appearing as a Protestant in the matter was Louis G. Noetzell, Jr., member of the Valley Baptist Church, adjoining property owner.

Testimony indicated that the subject property, known as 1313-1315 York Road, consists of 1.063 acres, more or less, zoned B.L. and is improved with a three-story brick building and an attached one-story brick building containing retail and office space, and a health spa and aerobics

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

facility known as Spa Lady. Spa Lady is desirous of installing additional equipment at the subject site, including resistance weight lifting equipment, tanning equipment, and other machinery commonly seen in such a facility. Spa Lady has been operating at the subject location for some time as an aerobics facility, which is permitted as of right; however, by virtue of the installation of the proposed equipment, a special exception is needed. Testimony indicated that the current clientele of Spa Lady demands such equipment and in order to remain competitive with other exercise facilities, the relief requested is necessary.

While the Petitioner does have enough parking onsite to satisfy the parking requirements of the B.C.Z.R., a variance is needed for the back-up area for the end parking spaces as shown on Petitioner's Exhibit 2. The expert testimony offered by the Petitioner clearly satisfies the special exception requirements of Section 502.1 and the requirements of Section 307.1 as to the variance relief requested.

Appearing and testifying in opposition to the Petitioner's request was Louis Noetzell, a member of the neighboring Valley Baptist Church. Mr. Noetzell testified that he is concerned due to the fact that the Church has a parking easement to use the Petitioner's parking lot for Wednesday and Sunday worship services. Mr. Noetzell is concerned that an increase in membership at Spa Lady as a result of the expanded services may affect the Church's ability to park in the parking spaces provided on the Petitioner's property. This would be particularly true if Spa Lady were permitted to operate on Sundays during Church services.

In response to Mr. Noetzell's testimony, William Fleischer, Chairman and Chief Executive Officer of Club Management of Towson, Inc., Manager of Spa Lady, voluntarily agreed not to operate Spa Lady on Sundays. There-

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

fore, a restriction to this Order will be that Spa Lady will have no hours of operation on Sundays. This should alleviate any parking problems which might exist with the neighboring Valley Baptist Church.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. 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 special 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.

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of June, 1992 that the Petition for Special Exception requesting approval of the use of the subject property, zoned B.L., for a recreational facility, including health club/spa, resistance equipment, tanning equipment, incidental office and babysitting uses, and other uses and improvements, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 409.8.A.5 to permit two dead-end aisles in the parking area in the rear of the building with insufficient back-up area for the end parking spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file prior to the issuance of any permits.
- 3) So as not to frustrate the purpose of the parking agreement entered into between the Petitioner's predecessor in title and the Valley Baptist Church, recorded

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

in the Land Records of Baltimore County in Liber 4778, Folio 049. Spa Lady, or its successor tenant shall be prohibited from operating on Sundays. This restriction shall not be altered or modified without a public hearing.

- 4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 18, 1992

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams  
210 West Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
E/S York Road, 715' S of the c/l of Seminary Avenue  
(1313-1315 York Road)  
9th Election District - 4th Councilmanic District  
BBS Building Limited Partnership - Petitioner  
Case No. 92-418-XA

Dear Mr. Burgess:

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 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Louis G. Noetzell, Jr.  
1608 Greenspring Drive, Lutherville, Md. 21093

People's Counsel

File



**Petition for Special Exception**  
to the Zoning Commissioner of Baltimore County

for the property located at 1313 York Road, Lutherville, MD 21093  
which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Regulations of Baltimore County, to use the herein described property for

See attached Exhibit A

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.

Legal Owner(s)  
Club Management of Towson, Inc.  
Type or Print Name  
By: William Fleischer, Chairman  
9610 Deereco Road  
Towson, Maryland 21093  
City State Zip  
Attorney for Petitioner  
Douglas L. Burgess, Esquire  
Type or Print Name  
Nolan, Plumhoff & Williams  
210 West Pennsylvania Avenue 823-7800  
Suite 700  
Towson, Maryland 21204

Legal Owner(s)  
BBS Building Limited Partnership  
Type or Print Name  
By: Richard Rotner, President  
BBS Building, Inc., General Partner  
1313 York Road 823-5016  
Lutherville, Maryland 21093  
City State Zip  
Douglas L. Burgess, Esquire  
210 West Pennsylvania Avenue  
Suite 700, Towson, MD 21204 823-7800  
City State Zip

ORDER RECEIVED FOR FILING  
Date 6/18/92  
By [Signature]

92-418-XA  
Fee \$300.00  
payable to Baltimore County

92-418-XA

EXHIBIT A  
PETITION FOR SPECIAL EXCEPTION FOR  
1313 YORK ROAD

Recreation Facility in a B.L. zone, including health club/spa, resistance equipment, tanning equipment, incidental office and babysitting uses, and other uses and improvements, all as shown on the accompanying site plan (BCEZ Section 230.13 and Zoning Commissioners' Policy Manual Section 230.13, page 2-36.)

0580C DLB/caw

92-418-XA fee \$250.00 payable to Baltimore County  
**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 1313 York Road, Lutherville, MD 21093 which is presently zoned B.L.  
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property located 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 Ordinance(s).  
See attached Exhibit A  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s): (Indicate hardship or practical difficulty)  
See attached Exhibit A  
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to 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 are attorney/attorneys and officer, under the power of power, and this is the legal owner(s) of the property which is the subject of this Petition.  
Legal Owner(s):  
Club Management of Towson, Inc.  
Type of Petitioner: Sp/Spa/Club/Res/Office/Other  
By: William Fleischer, Chairman  
9610 Deereco Road  
Timonium, Maryland 21093  
Attorney for Petitioner:  
Douglas L. Burgess, Esquire  
Nolan, Blumhoff & Williams  
210 West Pennsylvania Avenue  
Suite 700, Towson, MD 21204 823-7800  
Legal Owner(s):  
BBS Building Limited Partnership  
Type of Petitioner: Sp/Spa/Club/Res/Office/Other  
By: Richard Rotner, President  
BBS Building, Inc., General Partner  
1313 York Road 823-5016  
Lutherville, Maryland 21093  
Douglas L. Burgess, Esquire  
210 West Pennsylvania Avenue  
Suite 700, Towson, MD 21204 823-7800  
ORDER RECEIVED FOR FILING  
Date: 6/18/92  
By: [Signature]

92-418-XA

EXHIBIT A  
PETITION FOR VARIANCE FOR  
1313 YORK ROAD

Variance for Section 409.8 A 5 to allow two dead end aisles in parking area in rear of building as shown on the accompanying site plan with insufficient back-up area for the end parking spaces.

- REASONS
1. Due to the site configuration and limited site area, the petitioner faces practical difficulty and unreasonable hardship unless the variance is granted.
  2. The site is improved by an older office building whose parking lot was configured prior to the enactment of the current parking regulations.
  3. For other reasons to be enumerated at the hearing on this matter.

0580C DLB/caw

92-418-XA

**Harris, Smarga, Matz, Inc.**  
Planners/Engineers/Surveyors  
104 Church Lane, Baltimore, MD 21208  
(301) 486-1511, Fax: (301) 486-2573

1313-1315 York Road  
Zoning Description

BEGINNING at a point on the east side of York Road which is sixty-six (66.0) feet wide at a distance of seven hundred fifteen (715.02) feet more or less, south of the centerline of Seminary Avenue which is fifty (50) feet wide as recorded in Deed Liber 8299, Folio 140 of the Land Records of Baltimore County containing 0.964 acres; thence leaving York Road and running for the following six (6) lines:  
(1) North 68 degrees 01 minutes 10 seconds East 328.43 feet to a point; thence  
(2) North 68 degrees 01 minutes 10 seconds East 38.13 feet to a point; thence  
(3) South 21 degrees 48 minutes 10 seconds East 19.18 feet to a point; thence  
(4) South 68 degrees 57 minutes 00 seconds West 20.00 feet to a point; thence  
(5) South 21 degrees 36 minutes 31 seconds East 102.22 feet to a point; thence  
(6) South 68 degrees 17 minutes 50 seconds West 346.54 feet to a point; thence on the east side of York Road, thence binding on the east side of said road,  
(7) North 21 degrees 40 seconds West 5.05 feet to a point; thence  
(8) North 68 degrees 21 minutes 20 seconds East 7.00 feet to a point; thence  
(9) North 21 degrees 38 minutes 40 seconds West 10.00 feet to a point; thence  
(10) South 68 degrees 21 minutes 20 seconds West 7.00 feet to a point; thence  
(11) North 21 degrees 33 minutes 47 seconds West 104.32 feet to the point of beginning.  
RHC/raz HSM Job No.: 40410-5 March 10, 1992

This is a Zoning Description prepared in accordance with the specific rules and regulations of Baltimore County. This description is not to be used for the establishment of property lines or conveyance of property.

[Signature]  
Harris, Smarga & Associates, Inc.  
Frederick, MD (301) 888-6488



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

District: 9th Date of Posting: 5/17/92  
Posted for: Special Exception/Variance  
Petitioner: BBS Building Limited Partnership, Club Management of Towson, Inc.  
Location of property: 1313 York Rd  
Location of Sign: Facing York Rd, across to the roadway on property to be zoned B.L.  
Remarks:  
Posted by: [Signature] Date of return: 5/22/92  
Number of Signs: 2

BALTIMORE COUNTY, MARYLAND No. 123850  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT ITEM 438  
DATE: 4/20/92 ACCOUNT: 01-615  
AMOUNT: \$ 550.00  
RECEIVED FROM: Club Mgmt Co., Inc.  
FOR: Special Exception/Variance  
BBS Bldg. Ltd. Part. \$550.00  
VALIDATION OR SIGNATURE OF CASHIER  
Baltimore County Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
92-418-XA  
Account: R-001-6150 Number  
PAID PER HAND-WRITTEN RECEIPT DATED 4/20/92 H9200438  
PUBLIC HEARING FEES QTY PRICE  
020 -ZONING VARIANCE (OTHER) 1 X \$250.00  
050 -SPECIAL EXCEPTION 1 X \$300.00  
TOTAL: \$550.00  
LAST NAME OF OWNER: BBS BUILDING LTD.  
Please Make Checks Payable To: Baltimore County

receipt  
92-418  
Account: R-001-6150 Number  
DATE: 5/09/92 H9200599  
PUBLIC HEARING FEES QTY PRICE  
080 -POSTING SIGNS / ADVERTISING 1 X \$122.19  
TOTAL: \$122.19  
LAST NAME OF OWNER: BBS BUILDING LTD.  
Please Make Checks Payable To: Baltimore County

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 5/14 1992  
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 5/14 1992

THE JEFFERSONIAN  
S. Zabe Orlean  
Publisher

\$ 122.19  
525.19

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 proposed special exception to the Zoning Ordinance, as set forth in the accompanying petition, at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date and time:  
Case Number: 92-418-XA  
1313-1315 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): BBS Building Limited Partnership  
Contract Purchaser(s): Club Management of Towson, Inc. (Spa Loby)  
HEARING: FRIDAY, JUNE 5, 1992 at 9:00 a.m.  
Special Exception for a recreation facility in a B.L. zone, including health club/spa, resistance equipment, tanning equipment, incidental office and babysitting uses, and other uses and improvements. Variance to allow two dead-end aisles in parking area in rear of building with insufficient back-up area for the end parking spaces.  
Zoning Commissioner of Baltimore County  
cc: BBS Building Limited Partnership  
Club Management of Towson, Inc.  
Douglas L. Burgess, Esq.  
NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 687-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
DATE: 5/26/92  
Club Management of Towson, Inc.  
9610 Deereco Road  
Timonium, Maryland 21093  
RE:  
CASE NUMBER: 92-418-XA  
878 York Road, 715' S of c/1 Seminary Avenue  
1313-1315 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): BBS Building Limited Partnership  
Contract Purchaser(s): Club Management of Towson, Inc. (Spa Loby)  
Dear Petitioner(s):  
Please be advised that \$122.19 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 ON THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.  
Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.  
ARNOLD JABLON  
DIRECTOR  
cc: Douglas L. Burgess, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
MAY 6, 1992  
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: 92-418-XA  
878 York Road, 715' S of c/1 Seminary Avenue  
1313-1315 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): BBS Building Limited Partnership  
Contract Purchaser(s): Club Management of Towson, Inc. (Spa Loby)  
HEARING: FRIDAY, JUNE 5, 1992 at 9:00 a.m.  
Special Exception for a recreation facility in a B.L. zone, including health club/spa, resistance equipment, tanning equipment, incidental office and babysitting uses, and other uses and improvements. Variance to allow two dead-end aisles in parking area in rear of building with insufficient back-up area for the end parking spaces.  
Zoning Commissioner of Baltimore County  
cc: BBS Building Limited Partnership  
Club Management of Towson, Inc.  
Douglas L. Burgess, Esq.  
NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 687-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 27, 1992

Douglas L. Burgess, Esquire  
Nolan, Plumbhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, MD 21204

RE: Item No. 438, Case No. 92-418-XA  
Petitioner: BBS Building Ltd Prtshp  
Petition for Special Exception and  
Zoning Variance

Dear Mr. Burgess:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 20th day of April, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richard Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: BBS Building Limited Partnership, et al  
Petitioner's Attorney: Douglas L. Burgess

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 30, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 27, 1992

LEGAL OWNER: B.B.S. Building Limited Partnership 438

The four existing parking spaces along the eastern property line need to be eliminated to provide for back-up area for the end parking spaces.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/dm

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

April 29, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #4 (MJK), Zoning Advisory Committee Meeting of April 27, 1992, BBS Building Limited Partnership, Club Management of Towson, Inc., (d.b.a. Spa Lady), E/S York Road, 715' S of centerline Seminary Avenue, (#1313-1315 York Road), D-9, Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Programs, 887-1161.

SSF:rmp  
+ Non-Residential  
MJK.ZNG/GWRMP

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

MAY 7, 1992 (301) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: BBS BUILDING LIMITED PARTNERSHIP  
Location: 438 #1313-1315 YORK ROAD  
Item No.: + (MJK) Zoning Agenda: APRIL 27, 1992

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.

Noted and Approved  
Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAY 11 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for May 4, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following items: (no item numbers assigned for five properties)

Item 430  
K. Ledwell SE/S Old Hanover Road  
J. Scheeler and D. Hall-Scheeler 2212 Maple Road  
New North Point Company, Inc. 3838 North Point Road  
BBS Building Limited 1313 York Road 438  
L. Heldrick #8 Kelbark Court

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:DAR:s

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon  
Director - Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: May 1, 1992

SUBJECT: 1313-1315 York Road

INFORMATION:  
Item Number: 438

Petitioner: BBS Building Limited Partnership

Property Size: 0.96 acres  
Zoning: BL  
Requested Action: Special Exception for a Recreation Facility in a BL Zone. Variance to allow 2 dead end parking aisles.

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:  
The petitioner is proposing to change the use of an existing commercial building from a previously occupied commercial use to a health club and spa. The petitioner is requesting a special exception to allow this type of recreational use in a B.L. zone. The petition is also requesting a variance to allow two dead end aisles in the parking area to the rear of the existing building with insufficient back up area for the end parking spaces.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request for a special exception and variance subject to the following conditions.

YORK/ZAC1 Pg. 1

ZAC COMMENTS

- Additional landscaping should be provided in front of the parking area along York Road. There is a 17 foot wide area to provide landscaping treatment. Currently this area is a grassy strip with a couple of trees. This area should be upgraded to meet the current landscape regulations which require the parking area to be buffered by a 10 foot wide landscape strip.
- The plan should show all existing conditions on this property. Located along the east property line is an existing fence not shown which separates this property from the 1317 York Road Associates property.
- The petitioner is required to provide 80 parking spaces in accordance with the RCZB but is in reality providing 84 parking spaces. The 4 spaces located along the east property line should be eliminated which would make back-up maneuvering easier.

Prepared by: \_\_\_\_\_  
Division Chief: \_\_\_\_\_

YORK/ZAC1 Pg. 2

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: *WJK* Date: *5/4/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
8100 Stevenson Road (Chizuk Amuno Congregation)	427	No Comments	4-20-92
STP RP 7446 Berkshire Road	428	No Comments	
DEPRM RP (AT EIRD)		No Comments	
Della Parcel A, Lots 34-38; Parcel B, Lots 40-45; Parcel C-1, Lots 49-67	424	No Comments	49-67
STP RP 9928 York Road (Taco Bell)	423	No Comments	
VIII-609 (921262) DEPRM RP (AT EIRD)		No Comments	
COUNT 8			
2212 Maple Road			4-27-92
DED DEPRM RP STP TE Magsamen Property (W/S Notchcliff Road)	425	No Comments	
DED DEPRM RP STP TE 3838 North Point Boulevard	436	No Comments	
DED DEPRM RP STP TE 14311 Old Hanover Road	437	No Comments	
DED DEPRM RP STP TE 1243 Lanover Road	433	No Comments	
DED DEPRM RP STP TE 1313-1315 York Road	434	No Comments	
DED DEPRM RP STP TE 8 Kelbark Court	438	No Comments	
DED DEPRM RP STP TE 1500 Glencoe Road - Oldfields School, Inc.	439	No Comments	

PLEASE PRINT CLEARLY

NAME	ADDRESS
DOUG BULLGESS	210 W. PENNA AVE.
RICHARD CASSELL	104 CHURCH LANE
HOWARD SNYDER	2808 GRASY WOODS LANE
WILLIAM FLEISHER	2202 PINE HILL FARMS LA ROCKVILLE MD 21078

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Louis G. Nook, Jr.	1608 Green Spring Dr. (2108)
Valley Baptist Church	Morm box

*Petitioner's Ex #1*

RICHARD H. CASSELL, P.E.  
12138 FAULNER DRIVE  
OWINGS MILLS, MARYLAND 21117  
(301) 363-8176

EDUCATION:  
LOUISIANA TECH UNIVERSITY, 1969, B.S. Engineering Physics  
UNIVERSITY OF MARYLAND, Graduate Courses  
GEORGE WASHINGTON UNIVERSITY, Graduate Courses  
AMERICAN UNIVERSITY, Graduate Courses

PROFESSIONAL REGISTRATION:  
Professional Engineer, Civil, Maryland Registration Number 12427

EMPLOYMENT HISTORY:  
Harris, Swango, Matz, Inc. - July 1991 to present / Chief Engineer  
McCrone, Inc., January 1990 to present 1991

Position: Department Head of Engineering

Came to McCrone in January 1990 as senior project manager, became Department Head in July 1990. As Department Head I manage 28 people including four project managers and 12 professionals. Department is responsible for about 3.1 million in billings per year. As Dept. Head developed programs and techniques which allowed transition from many small jobs to a combination of small and large job format. Initiated management plans prior to project commencement, management by milestones and man-hours; quality control by milestones and full use of existing computer project analysis & reporting techniques. Also initiated workload projection and forecasting for up to four months in the future.

Other duties include proposal and cost estimate preparation, contract negotiation and personal management of problem clients and projects.

In January 1991 I was elected to the Board of Directors of McCrone and serve on their Personnel Committee and their Business Plan Committee.

From: HOWARD SNYDER PHONE No.: 653 2844 Jan. 28 1992 18:48:41 P02

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21284

BUILDING PERMIT

PERMIT #: B116911 CONTROL #: C-090-92 DIST: 09 PREC: 08  
DATE ISSUED: 01/21/92 TAX ACCOUNT #: 0902066330 CLAS: 06

PLANS: CONST 0 PLOT PERMIT DATA ELEC YES PLUM YES  
LOCATION: 1313 YORK RD  
SUBDIVISION: .944 AC 1/3 YORK RD

OWNERS INFORMATION  
NAME: BUS LTD PARTNERSHIP  
ADDR: 1313 YORK RD., LUTHERVILLE, MD 21093

TENANT: SPA LADY  
CONTR: S & S CONSTRUCTION  
ENGR: HARRIS, SWANGO, MATZ, INC  
SELLR:  
WORK: INT ALL TO REMOVE NON-LOAD BEARING WALLS  
CONSTR PARTITIONS FOR ELEC. RM & COAT RM  
ALSO CONSTR WALL PARTITIONS AROUND STAIR  
AREA & PUT IN NEW DOOR (UN 1ST FL.). 4000 SF  
ANY OTHER WORK REQUIRES SEPARATE PERMIT.  
PLANS & DATA SHEETS WAIVED PER RS

BLDG. CODE: BOCA CODE OWNERSHIP: INDIVIDUALLY OWNED  
RESIDENTIAL CATEGORY: OTHER

ESTIMATED \$ PROPOSED USE: SPA LADY & ALT  
5,000.00 EXISTING USE: COMPUTER FACTORY

TYPE OF IMPRV: ALTERATION  
USE: OTHER - NON-RESIDENTIAL  
FOUNDATION: BEMENT: PUBLIC EXIST  
SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS  
SIZE: .944AC  
FRONT SETB: NC  
SIDE SETB: NC  
SIDE STR SETB: NC/NC  
REAR SETB: NC

THIS PERMIT  
EXPIRES ONE  
YEAR FROM DATE  
OF ISSUE

*Petitioner's Ex #4*

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

DEED 4778 PAGE 049

WITNESAS, Baptist Convention of Maryland, Inc. has agreed to grant unto Valley Baptist Church an easement for the parking of vehicles in the 79 parking spaces in existence on a portion of the property owned by the Convention and in order that the interests of each party hereto shall be adequately protected, these presents are executed.

NOW THEREFORE THIS GRANT AND AGREEMENT WITNESSETH, That the said Baptist Convention of Maryland, Inc. in consideration of the premises, the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby grant unto the said Valley Baptist Church, its successors and assigns, an easement for the purpose of the parking of vehicles in the parking spaces available on the land of the Baptist Convention of Maryland, Inc. described hereinbelow for the benefit of the property of Valley Baptist Church and wife to Valley Baptist Church, except as hereinafter qualified.

RESIDING for the same at a point on the East side of York Road, 66 feet wide where it is intersected by the sixth or South 68 degrees 1 minute 10 seconds west 35.95 foot line of the land set forth in Deed dated June 16, 1958, and recorded among the Land Records of Baltimore County in Liber Old No. 2503 folio 343 from Louis J. Glass et al. to Julian Hagedorn et al. and running thence binding reversely on said line and a continuant thereof 424.79 feet, then South 21 degrees 12 minutes 10 seconds East 110 feet, thence South 68 degrees 17 minutes 50 seconds West to the East side of York Road aforementioned and equal to North 21 degrees 38 minutes 40 seconds West 109.37 feet more or less to the place of beginning.

TO HAVE AND TO HOLD said easement for the use and benefit hereby granted unto the Valley Baptist Church, its successors and assigns, so long as the Valley Baptist Church remains affiliated with the

DEED 4778 PAGE 050

Baptist Convention of Maryland, Inc. and if and when the said church ceases to be a member of the Baptist Convention of Maryland, Inc. said easement shall terminate and the Valley Baptist Church shall have no further right of use to the property of the Baptist Convention of Maryland, Inc.

WITNESS the corporate seal of said body corporate and the signature of its duly authorized officer.

BAPTIST CONVENTION OF MARYLAND, INC.  
BY: *C. Marion Hale*  
C. Marion Hale, President

*Alan H. Stockdale*  
Alan H. Stockdale, Witness

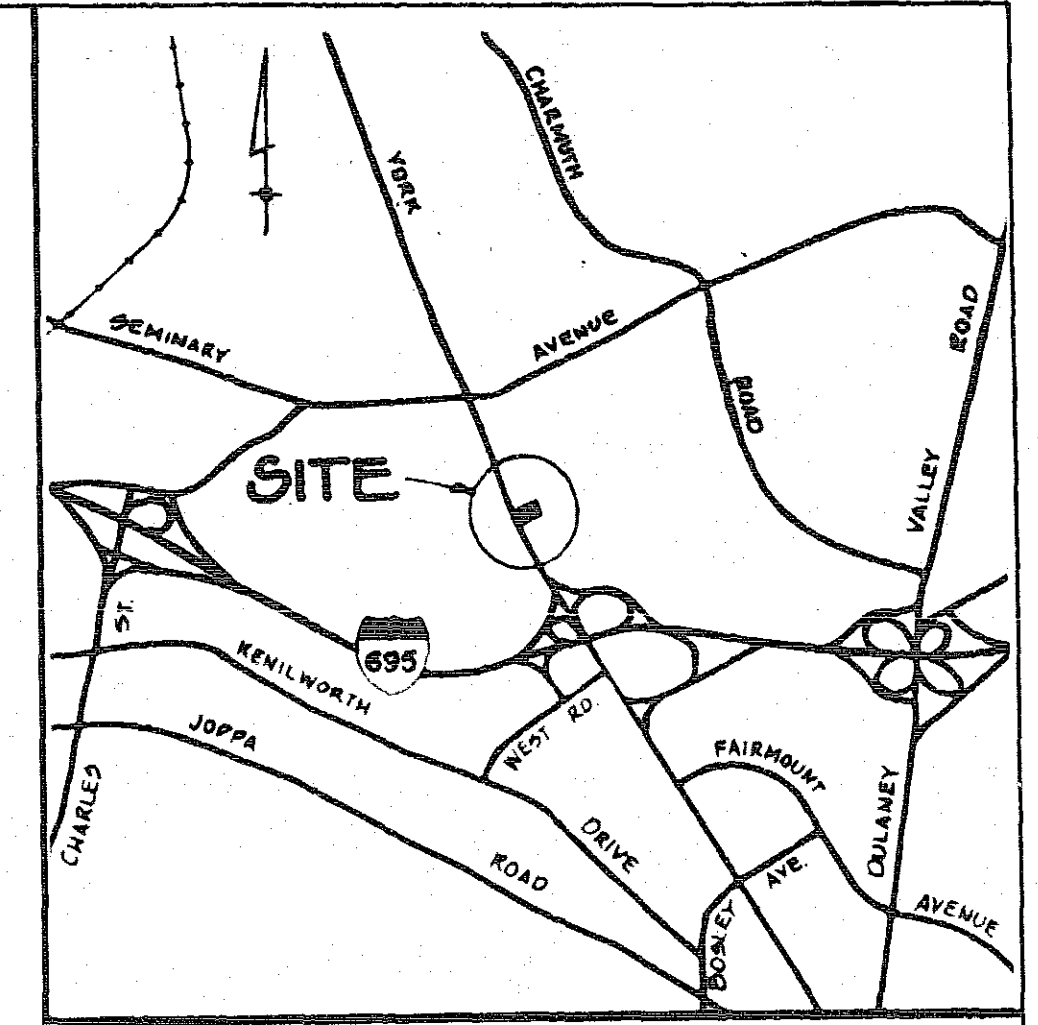
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY that on this 1<sup>st</sup> day of April, 1987 before me, the subscriber, a Notary Public of the State and County aforesaid personally appeared C. Marion Hale, President of Baptist Convention of Maryland, Inc. and acknowledged the foregoing easement to be the act of said body corporate.

AS WITNESS my hand and Notarial Seal.

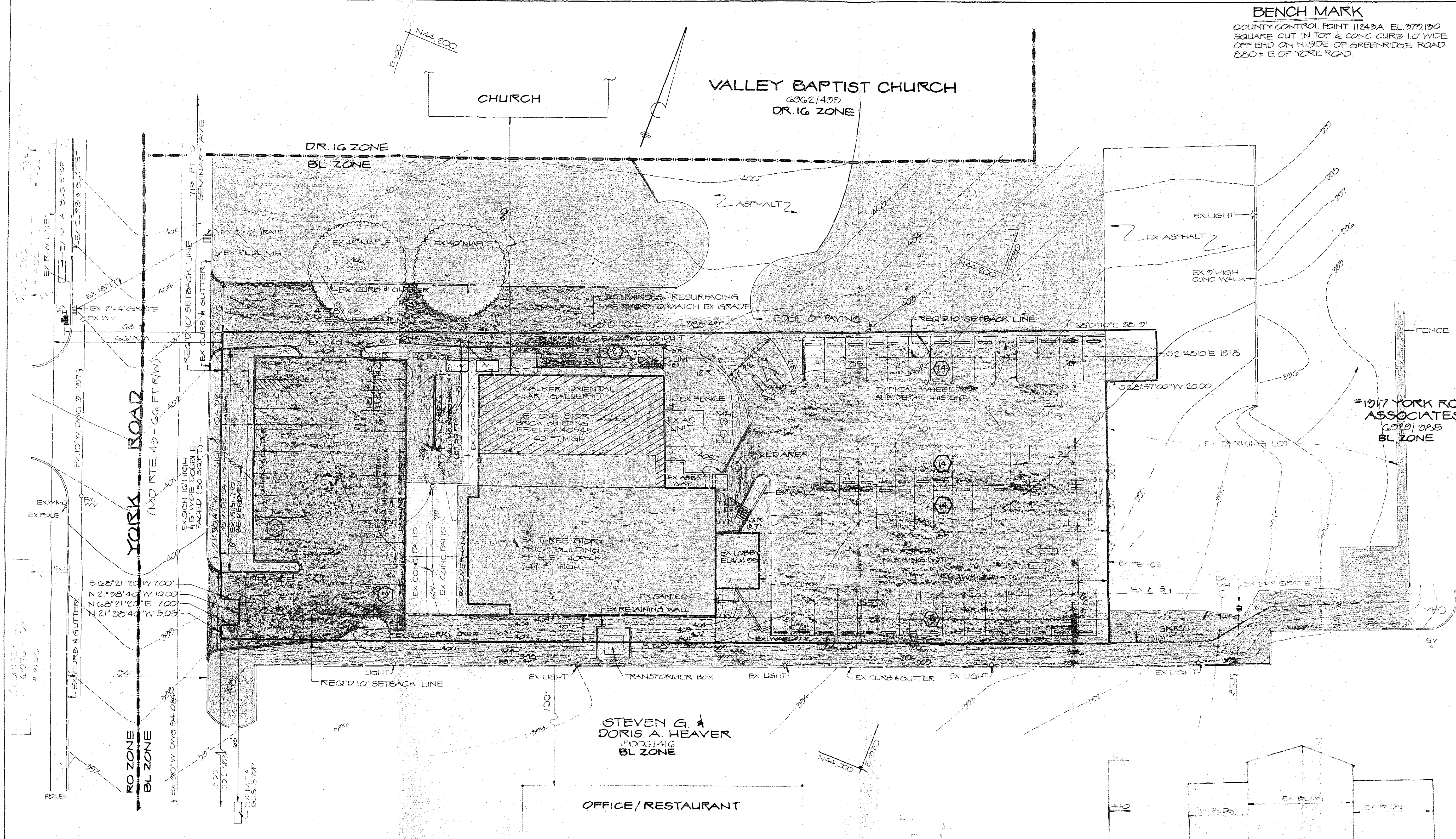
*Alan H. Stockdale*  
Alan H. Stockdale, Notary Public

Rec'd for record JUL 5 1987  
For Orville T. Cunnell, Clerk  
Mail to *Stockdale & Stockdale*  
Receipt No. *12467*

**BENCH MARK**  
 COUNTY CONTROL POINT 11243A EL. 970.190  
 SQUARE CUT IN TOP & CONC CURB 1.0' WIDE  
 OFF END ON N. SIDE OF GREENRIDGE ROAD  
 880.0' E OF YORK ROAD



**VICINITY MAP**  
 SCALE: 1" = 2000'



NOTE  
 THE BUILDINGS AND STRUCTURES EXIST  
 AS PROPOSED ON THE SITE SHALL COMPLY  
 WITH APPLICABLE REQUIREMENTS OF THE  
 NATIONAL FIRE PROTECTION ASSOCIATION  
 STANDARD N.F.P.A. LIFE SAFETY CODE, 1988  
 EDITION PRIOR TO OCCUPANCY.

Petitioner  
 Exhibit # 2

- GENERAL NOTES:**
- AREA OF SITE: 1.544 AC ± SET
  - EXISTING ZONING: BL ZONE
  - EXISTING USE OF SITE: OFFICE/RETAIL/AEROBICS
  - PROPOSED USE OF SITE: OFFICE/RETAIL/HEALTH/SPA RECREATION
  - PARKING REQUIRED:

**SHARED PARKING ADJUSTMENT CALCULATIONS**

EXISTING STRUCTURE AREA	OFFICE	RETAIL	AEROBICS
BASEMENT	5,227 SF	3,047 SF	5,117 SF
1 <sup>ST</sup> FLOOR	9,258 SF	3,047 SF	5,117 SF
2 <sup>ND</sup> FLOOR	5,227 SF	3,047 SF	5,117 SF
<b>TOTALS</b>	<b>19,712 SF</b>	<b>9,141 SF</b>	<b>15,351 SF</b>

\* SERVICE AREA IS MECHANICAL OR STORAGE IN BASEMENT IS NOT INCLUDED IN GROSS SQUARE FOOTAGE CONSIDERED FOR PARKING  
 \*\* THERE IS AN EXISTING WHEEL STOP WITHIN 50' OF THE SITE

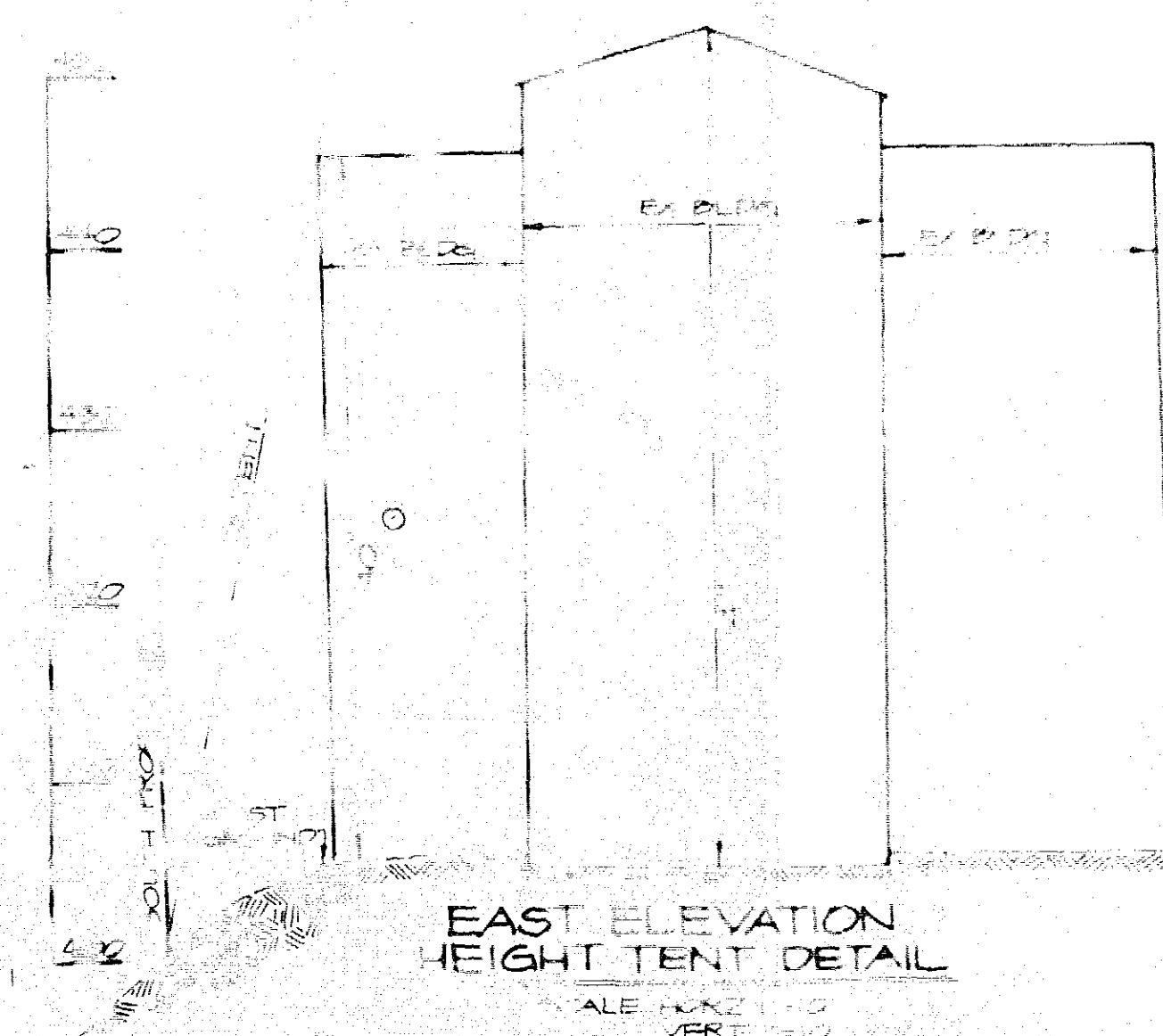
**WEEK-DAY EVENING CONDITION CONTROLS**

PROPOSED USAGE	AREA (SQ. FT.)	PERCENTAGE	WEEK-DAY	WEEK-END
BASEMENT OFFICE	1,200	100%	10	10
1 <sup>ST</sup> FLOOR OFFICE	1,200	100%	10	10
1 <sup>ST</sup> FLOOR RETAIL	3,047	60%	21	21
1 <sup>ST</sup> FLOOR AEROBICS	5,117	100%	15	15
<b>TOTAL</b>	<b>10,564</b>	<b>100%</b>	<b>56</b>	<b>56</b>

- PARKING PROPOSED: 60 SPACES (INCLUDING 4 N.C. SPACES) REQ'D SPACES = 60
- FLOOR AREA PATIO MAX: PERMITTED = 3.0 PROPOSED = 0.32
- AMENITY OPEN SPACE IS NOT REQUIRED IN BL ZONE.
- ALL SIGNS WILL MEET S. 413 D.C.Z.R. AND ZONING SIGN POLICIES.
- PREVIOUS COMMERCIAL PERMIT 8045430 C-0207-90 WORK COMPLETED 3/9/90 AT WALKER ORIENTAL RUG GALLERY.

- TOPOGRAPHIC DATA SHOWN IS BASED UPON A SURVEY BY RSN DATED FEBRUARY, 1990. THERE ARE NO STREAMS WITHIN 50' OF THE PROPERTY.
- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER.
- THE PURPOSE OF THIS SITE PLAN IS TO UPDATE THE PREVIOUSLY APPROVED SITE PLAN AND INCORPORATE ALL EXISTING DATA THAT WAS PROPOSED UNDER THAT PLAN DATED 4/10/90. IN ADDITION, NOTE #5 WAS REVISED TO REFLECT THE AMENDED PARKING CALCULATIONS TO CORRESPOND WITH THE PROPOSED USAGE. THE PROPOSED USAGE IS FOR A RECREATION FACILITY UNDER SECTION 200.02 OF THE D.C.Z.R. AND THE ZONING COMMISSIONER'S POLICY MANUAL AS SPECIFIED IN THE RECREATION FACILITY WILL INCLUDE A HEALTH CLUB/SPA WITH RESISTANCE EQUIPMENT.
- CONTRACTOR SHALL NOTIFY MISS UTILITY 1-800-257-7777 AND THE COUNTY DEPARTMENT OF PUBLIC WORKS 48 HOURS PRIOR TO START OF CONSTRUCTION.
- ALL CONSTRUCTION TO CONFORM TO THE LATEST BALTIMORE COUNTY STANDARDS AND SPECIFICATIONS.
- HARRIS, SMARIGA, MATZ, INC. HAS NOT PERFORMED SUBSURFACE INVESTIGATION TO DETERMINE LOCATIONS OF ROCK, DIFFERENT SOIL TYPES, WATER TABLE, UTILITIES, ETC. SHOULD THE CONTRACTOR FIND PROBLEM CONDITIONS HE SHOULD NOTIFY THE ENGINEER IMMEDIATELY.
- EXISTING BUILDING AND LOT DRAINS DIRECTLY TO EXISTING STORM DRAIN SYSTEM IN STREET. NO SIZE MODIFICATIONS ARE PLANNED FOR EITHER LOT OR STRUCTURE.
- USE OF FACILITY FOR AEROBICS AND ORIGINAL PARKING SCHEME APPROVED BY PLANNING AND ZONING. THIS PLAN PRESENTS PROPOSED PARKING FOR USE AS A HEALTH SPA-RECREATION FACILITY.

**OWNER**  
 BBS BUILDING LIMITED PARTNERSHIP  
 1010 YORK ROAD  
 LUTHERVILLE, MD 21020  
 LIBER 82007 FOLIO 140  
 BL ZONE



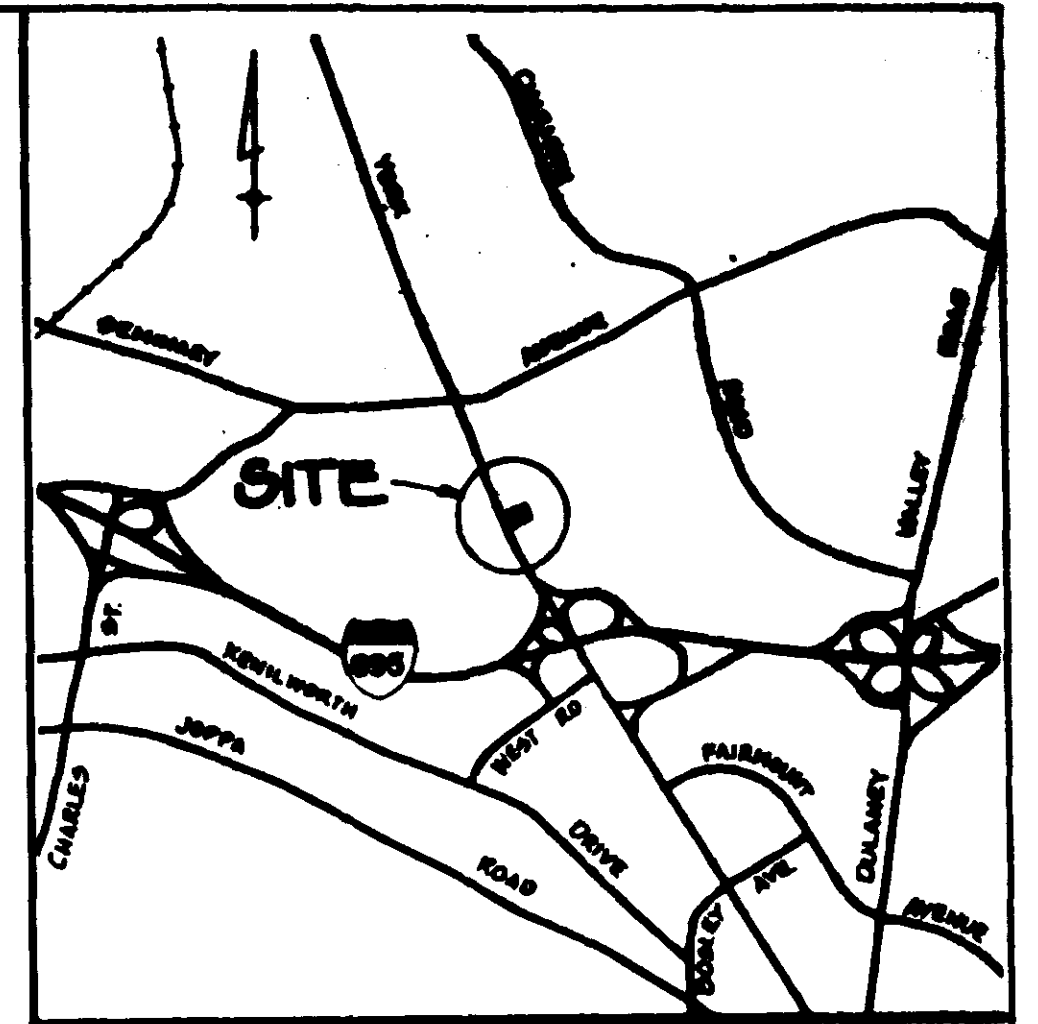
**TYPICAL PARKING SPACE**  
 W/ PRECAST CONC WHEEL STOP  
 SCALE: 1" = 5'

**HARRIS, SMARIGA, MATZ, INC.**  
 ENGINEERS & ARCHITECTS  
 1120 YORK ROAD  
 LUTHERVILLE, MD 21020  
 (410) 441-1511  
 (410) 441-1512  
 (410) 441-1513  
 (410) 441-1514  
 (410) 441-1515  
 (410) 441-1516  
 (410) 441-1517  
 (410) 441-1518  
 (410) 441-1519  
 (410) 441-1520  
 (410) 441-1521  
 (410) 441-1522  
 (410) 441-1523  
 (410) 441-1524  
 (410) 441-1525  
 (410) 441-1526  
 (410) 441-1527  
 (410) 441-1528  
 (410) 441-1529  
 (410) 441-1530

**PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING AND REQUEST FOR VARIANCE FOR 1010-1015 YORK ROAD TO ALLOW HEALTH CLUB/SPA**  
 PREVIOUS COMMERCIAL PERMIT #8045430 C-0207-90  
 COUNCILMANIC DISTRICT 4  
 ELECTION DISTRICT 2  
 BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'  
 DRAWN BY: KLS  
 CHECKED BY: AMV  
 DATE: 2/17/92  
 SHEET NO.: 1 OF 1  
 PROJECT NO.: 40410

**BENCH MARK**  
 COUNTY CONTROL POINT 11848A EL. 970.190  
 SQUARE CUT IN TOP OF CONC CURB 1.0' WIDE  
 OFF END ON N. SIDE OF GREENRIDGE ROAD  
 680' ± E. OF YORK ROAD



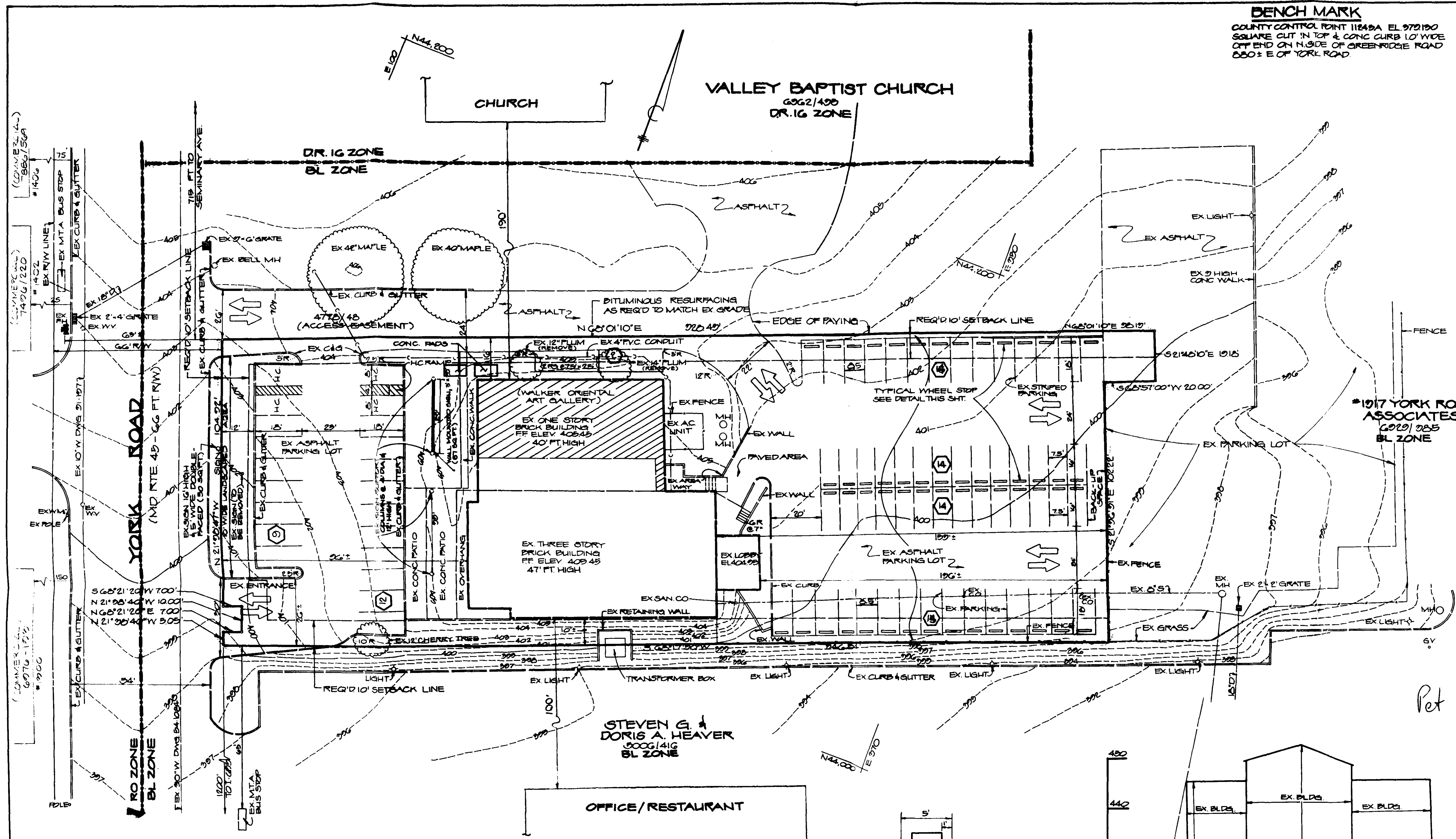
**VICINITY MAP**  
 SCALE: 1" = 500'

I have reviewed the elimination of 2 parking places (as opposed to 4 as indicated in our comments) and find this satisfactory.

*Francis Moseley*  
*Rahee J. Farnel 6/3/12*

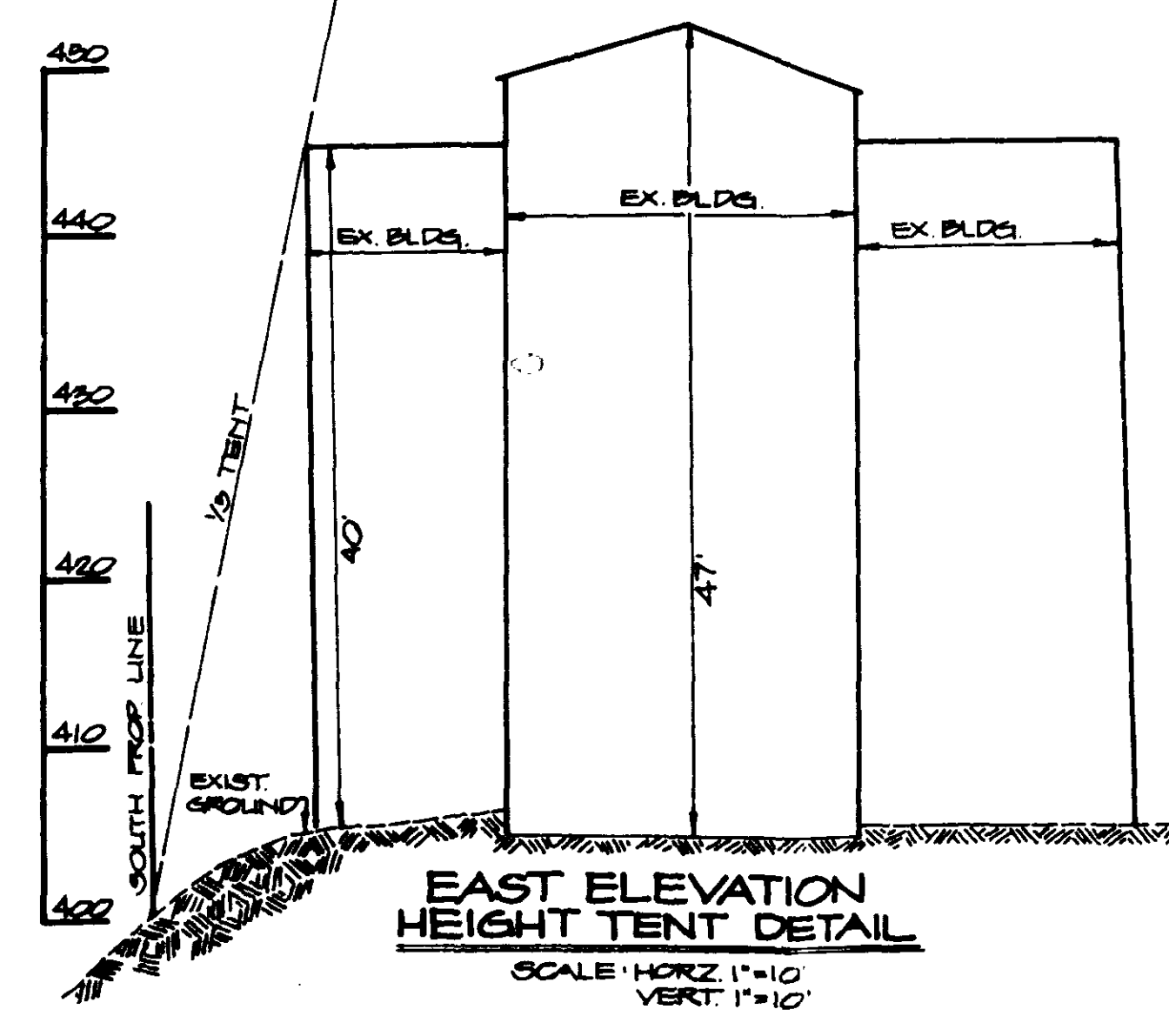
The two spaces eliminated for back-up space, helps the situation, but does not qualify for an aisle (14').  
*Jerry Gueck*  
*Zoning 6/17/12*

NOTE:  
 THE BUILDINGS AND STRUCTURES EXIST OR PROPOSED ON THE SITE SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NFPA 101 "LIFE SAFETY CODE", 1998 EDITION PRIOR TO OCCUPANCY.

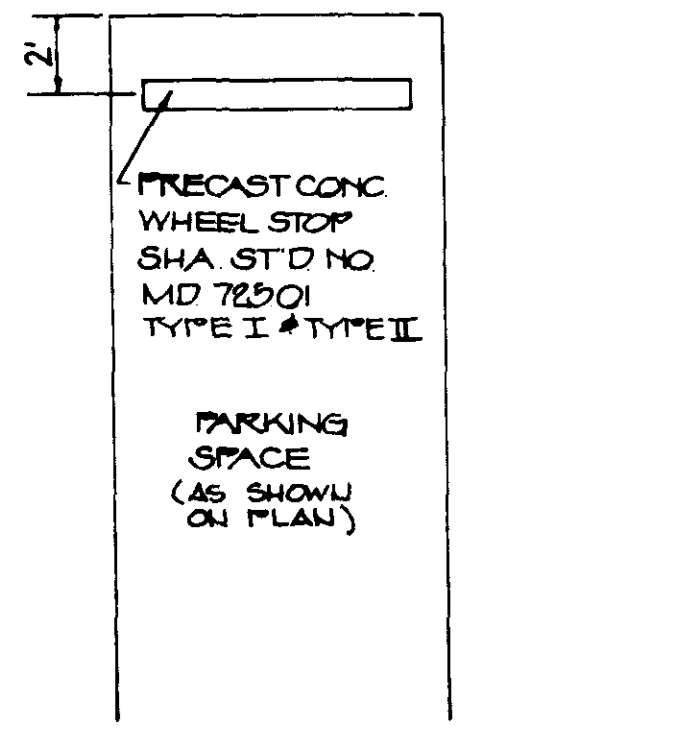


Per Ex #3

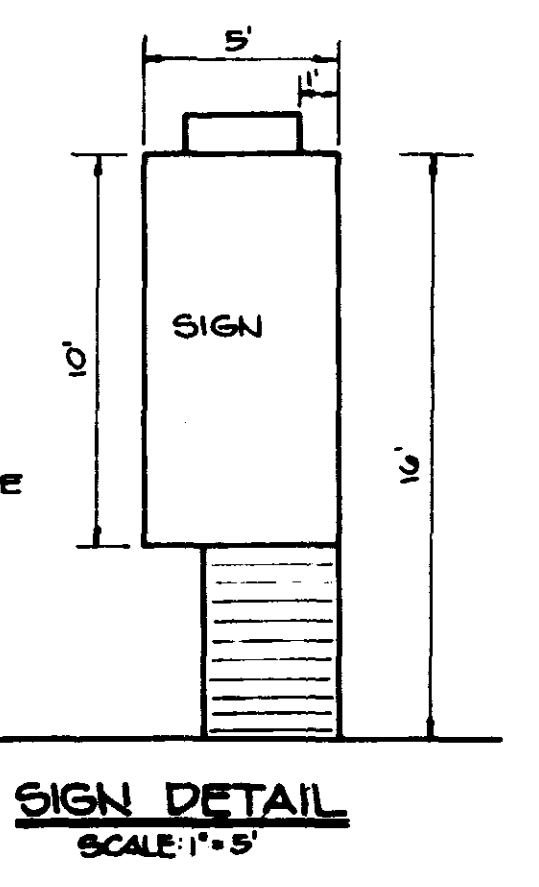
PRINTS MADE  
 JULY 2 1992  
 HARRIS, SMARIGA, MATZ, INC.



**EAST ELEVATION HEIGHT TENT DETAIL**  
 SCALE: HORIZ 1" = 10' VERT 1" = 10'



**TYPICAL PARKING SPACE W/ PRECAST CONC. WHEEL STOP**  
 SCALE: 1" = 5'



**SIGN DETAIL**  
 SCALE: 1" = 5'

- GENERAL NOTES:**
- AREA OF SITE: 0.44 AC ± SEE PLAN
  - EXISTING ZONING: BL
  - PROPOSED USE OF SITE: OFFICE/RESTAURANT
  - PROPOSED USE OF SITE: OFFICE/RESTAURANT/HEALTH SPA-RECREATION
  - PARKING REQUIRED:

**SHARED PARKING ADJUSTMENT CALCULATIONS**

EXISTING STRUCTURE AREA	OFFICE		RETAIL		ASBORGIC	
	AREA	SPACES	AREA	SPACES	AREA	SPACES
BASEMENT	5,257 S.F.	1,172 S.P.	4,099 S.F.	2,890 S.P.	3,047 S.F.	911 S.P.
1 <sup>ST</sup> FLOOR	5,257 S.F.	0	5,257 S.F.	5,257 S.P.	5,257 S.F.	5,257 S.P.
2 <sup>ND</sup> FLOOR	5,257 S.F.	0	5,257 S.F.	5,257 S.P.	5,257 S.F.	5,257 S.P.
TOTALS	15,771 S.F.	1,172 S.P.	14,613 S.F.	13,404 S.P.	13,561 S.F.	10,385 S.P.

- \* SERVICE AREA IS MECHANICAL OR STORAGE IN BASEMENT IS NOT INCLUDED IN GROSS SQUARE FOOTAGE CONSIDERED FOR PARKING.  
 \*\* THERE IS AN EXISTING TRANSIT STOP WITHIN 50' OF THE SITE.

**WEEK-DAY EVENING OCCUPATION CONTROLS**

PROPOSED USAGE	AREA	REQ'D SPACES	WEEK DAY		WEEKEND	
			PERCENT	SPACES	PERCENT	SPACES
BASEMENT OFFICE	5,257	1,172	100%	1,172	100%	1,172
1 <sup>ST</sup> FLOOR OFFICE	5,257	0	40%	2,103	100%	5,257
2 <sup>ND</sup> FLOOR OFFICE	5,257	0	40%	2,103	100%	5,257
TOTALS	15,771	1,172	100%	5,378	100%	11,626

- PARKING PROPOSED: 10 SPACES (INCLUDING 4 B.C. SPACES); REQ'D. SPACES - 80
- FLOOR AREA PATIO MAX: PERMITTED = 3,000
- AMENITY OPEN SPACE IS NOT REQUIRED IN BL ZONE.
- ALL SIGNS WILL MEET 9.413 B.C.E.P. AND SIGNING SIGN POLICIES.
- PREVIOUS COMMERCIAL PERMIT 0808488 C-3007-90 WORK COMPLETED 3/9/90 AT WALKER ORIENTAL ART GALLERY.

- TOPOGRAPHIC DATA SHOWN IS BASED UPON A SURVEY BY RSH DATED FEBRUARY, 1990. THERE ARE NO STREAMS WITHIN 50' OF THE PROPERTY.
- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER.
- THE PURPOSE OF THIS SITE PLAN IS TO UPDATE THE PREVIOUSLY APPROVED SITE PLAN AND INCORPORATE ALL EXISTING DATA THAT HAS BEEN PROVIDED SINCE THAT PLAN DATED 6/18/90. IN ADDITION, NOTE IS MADE TO REFLECT THE AMENITY PARKING CALCULATIONS TO CORRESPOND WITH THE PROPOSED USAGE. THE PROPOSED USAGE IS FOR A RECREATION FACILITY UNDER SECTION 23019 OF THE B.C.E.P. AND THE ZONING COMMISSIONER'S POLICY MANUAL AS SPECIFIED THE RECREATION FACILITY WILL INCLUDE A HEALTH CLUB/SPA WITH RECREATION EQUIPMENT.
- CONTRACTOR SHALL NOTIFY BUREAU UTILITY 1-800-287-7777 AND THE COUNTY DEPARTMENT OF PUBLIC WORKS 48 HOURS PRIOR TO START OF CONSTRUCTION.
- ALL CONSTRUCTION TO CONFORM TO THE LATEST BALTIMORE COUNTY STANDARDS AND SPECIFICATIONS.
- HARRIS, SMARIGA, MATZ, INC. HAS NOT PERFORMED UNDERGROUND INVESTIGATION TO DETERMINE LOCATIONS OF SOIL, SEWER, WATER, GAS, TELEPHONE, ETC. SHOULD THE CONTRACTOR FIND PROBLEMS CONSTRUCTION HE SHOULD NOTIFY THE ENGINEER IMMEDIATELY.
- EXISTING BUILDINGS AND LOT SHOWN SUBJECT TO EXISTING STREET WIDTH OVERSIZING STREET. NO SIZE INVESTIGATIONS ARE PLANNED FOR EXISTING LOT OR STRUCTURE.
- USE OF FACILITY FOR ASBORGIC AND ORIGINAL PARKING SCHEME APPROVED BY PLANNING AND ZONING. THIS PLAN PRESENTS PROPOSED PARKING FOR USE AS A HEALTH SPA-RECREATION FACILITY.

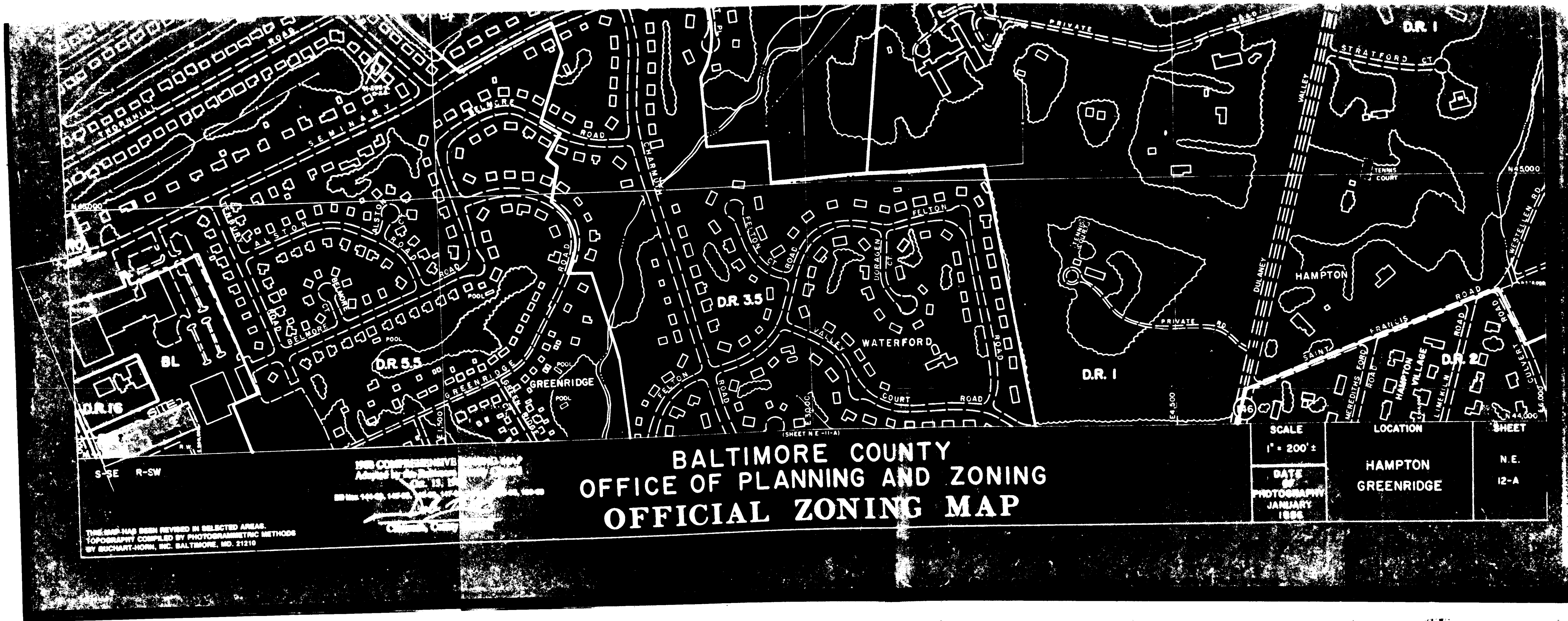
THE PURPOSE OF THIS PLAN IS TO REQUEST A VARIANCE FROM SECT. 409.0A-5 OF THE PARKING DESIGN STANDARDS TO ALLOW 2 DEAD END ISLES AT THE PARKING AREA AT THE REAR OF THE BLDGS. AS SHOWN ON THE PLAN, INSUFFICIENT BACK UP AREA FOR THE END PARKING SPACES.

**OWNER**  
 B.S. BUILDERS LIMITED PARTNERSHIP  
 1014 YORK ROAD  
 LUTHERVILLE, MD 21092  
 LIBERTY 202/760-1400  
 BL ZONE

**HARRIS, SMARIGA, MATZ, INC.**  
 PLANNERS / ENGINEERS / SURVEYORS  
 104 CHURCH LANE, SUITE 100  
 BALTIMORE, MARYLAND 21202  
 (301) 486-1511  
 REVISIONS: 1-12-92: REVISE PARKING CALCULATIONS PER SPA USAGE  
 6/12/92: REV AS PER CO COMMENTS

**PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING AND REQUEST FOR VARIANCE FOR 1010-1015 YORK ROAD TO ALLOW HEALTH CLUB/SPA**  
 PREVIOUS COMMERCIAL PERMIT #0808488 C-3007-90  
 COUNCILMANIC DISTRICT 4  
 ELECTION DISTRICT 9  
 BALTIMORE COUNTY, MARYLAND

DATE: 1/20/92  
 DRAWN BY: KLS  
 CHECKED BY: AMV  
 DATE: 2/11/92  
 SHEET NO: 1 OF 1  
 PROJECT NO: 40410

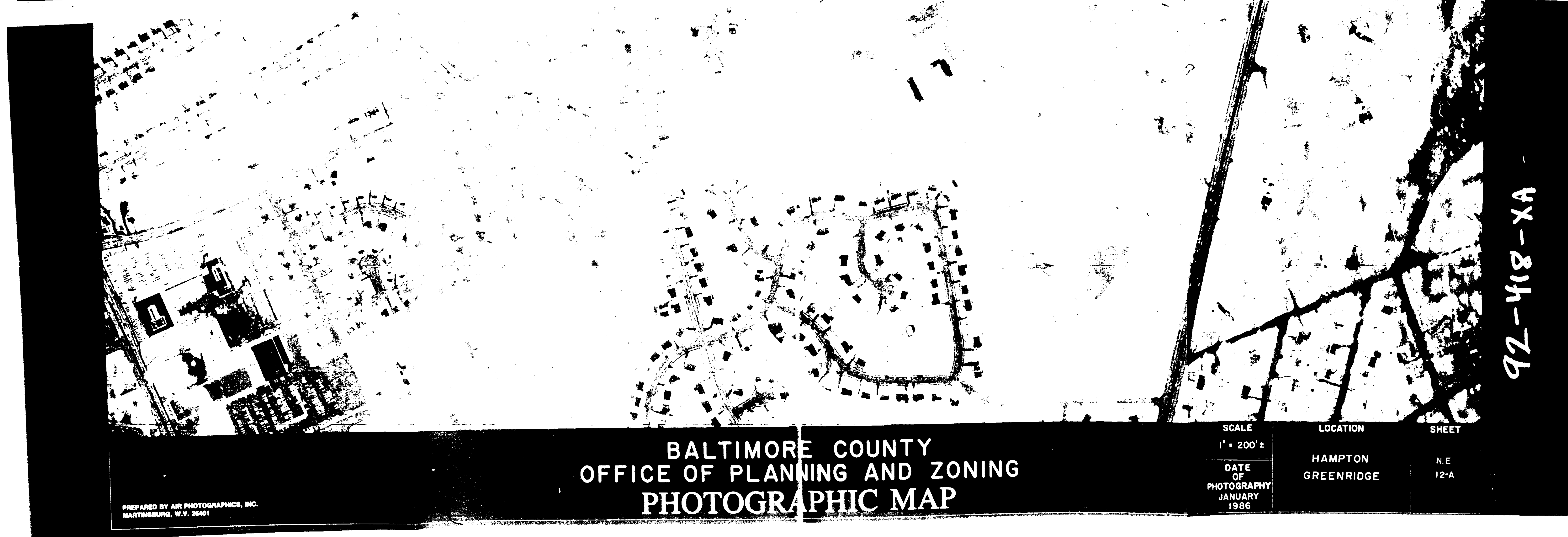


**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION HAMPTON GREENRIDGE	SHEET N.E. 12-A
DATE OF PHOTOGRAPHY JANUARY 1986		

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

1986 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Board of Commissioners  
on May 14, 1986, 1987  
BALTIMORE COUNTY  
COMMUNITY DEVELOPMENT



**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP**

SCALE 1" = 200' ±	LOCATION HAMPTON GREENRIDGE	SHEET N.E. 12-A
DATE OF PHOTOGRAPHY JANUARY 1986		

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

92-418-XA



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 14, 1996

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204-5340

RE: 1313/1315 York Road  
Spa Lady Change to Retail Use  
Zoning Case #92-418-XA  
9th Election District

Dear Mr. Williams:

Reference is made to your letter of February 12, 1996, on behalf of your client, to Arnold Jablon, which has been referred to me for reply. As you have requested, this office can confirm that retail uses are permitted as of right in the Spa Lady tenant space. This office will approve any necessary permits for the occupancy and we will provisionally approve Sunday opening, based on the fact that your client will file for a special hearing to interpret or remove condition #3 of the zoning order in the above reference case.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

*WCR/pcj*

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:scj

Printed with Soybean Ink  
on Recycled Paper

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GUSHAKOW  
STEPHEN S. SCHOENING  
DOUGLAS L. BURGESS  
ROBERT E. CAMILLI, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES  
J. JOSEPH CURRAN, III  
STUART A. SCHAFF

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700 COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
410) 823-7800  
TELEFAX (410) 296-2765

JAMES D. NOLAN  
RETIRED (1980)  
J. EARLE PLUMHOFF  
RETIRED (1980)  
RALPH E. DEITZ  
RETIRED (1980)  
WRITER & DIRECTOR  
410) 7856

January 15, 1996

Honorable Arnold Jablon  
Director  
Department of Permits and  
Development Management  
County Office Building  
Towson, Maryland 21204

RE: Clarification of Certain Aspects of  
Case No. 92-418-XA Pertaining to  
1313-1315 York Road

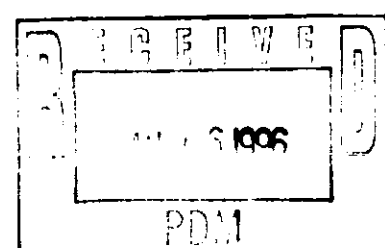
Dear Mr. Jablon:

For a number of years now this building has not been owned by any affiliate of the Baptist Church, and, in fact, is owned by BBS Building Limited Partnership.

In Case No. 92-418-XA Deputy Zoning Commissioner Kotroco by his Findings of Fact and Conclusions of Law of June 18, 1992, granted a special exception for a recreational facility, namely a Spa Lady, and also some minor variances relating to two dead end parking aisles, with certain restrictions.

Among the items listed as restrictions, is Restriction No. 3 which reads "So as not to frustrate the purpose of the parking agreement entered into between the petitioner's predecessor in title and The Valley Baptist Church, recorded in the Land Records of Baltimore County in Liber 4778, folio 049, Spa Lady or its successor tenant shall be prohibited from operating on Sundays. This restriction shall not be altered or modified without a public hearing."

It would appear that Spa Lady is likely to leave the premises in the near future. We have a retail user, a men's store which wishes to go into the property, and which, of course, is permitted in the BL zone, as a matter of right.



February 14, 1996

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204-5340

RE: 1313/1315 York Road  
Spa Lady Change to Retail Use  
Zoning Case #92-418-XA  
9th Election District

Dear Mr. Williams:

Reference is made to your letter of February 12, 1996, on behalf of your client, to Arnold Jablon, which has been referred to me for reply. As you have requested, this office can confirm that retail uses are permitted as of right in the Spa Lady tenant space. This office will approve any necessary permits for the occupancy and we will provisionally approve Sunday opening, based on the fact that your client will file for a special hearing to interpret or remove condition #3 of the zoning order in the above reference case.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

*W. Carl Richards, Jr.*

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:scj

page two

We are not proposing to surrender the special exception which has been utilized; but rather, we are proposing to put a use on the property which can exist in the BL zone as a matter of right, independent of any special exception.

Also, there are no office workers in on Sunday, and needless to say the Church does not utilize the property to any great extent, particularly on the front lot comprising some 21 parking spaces, nor at all on Sunday afternoons.

Furthermore, the Valley Baptist Church, in all of the applicable Grants and Agreements speaks of the use of a finite number of spaces, and, nowhere, do these documents call for the businesses located in the said building to be closed on Sundays.

At the present time, it is my understanding there is a small sporting goods store, primarily related to soccer playing, that is open on Sundays. We are proposing in addition that the space that is presently occupied by Spa Lady be occupied by a mens store, a light weekend use.

Furthermore, since the time that the agreement was first entered into in 1964, the Galleria parking has intervened in the rear, and there is significantly more parking available to the Valley Baptist Church than was available in 1964. My clients inform me that the Valley Baptist Church worshippers utilize the Galleria lot first, which is the closest, and then make some use of the rear of the parking lot for this subject 1313-1315 York Road. Rarely is the front lot used by church goers.

Basically our position is this:

1. None of the agreements with the Valley Baptist Church require this building to be closed on Sundays;
2. Significant additional parking has been made available to the Valley Baptist Church by the construction of the Galleria parking behind our property and behind the Valley Baptist Church; and
3. The Agreement and the restriction in the Order, we believe, should be properly interpreted to mean that it relates to a successor gym or other type of facility where people come early on Sunday, stay a significant amount of time, and then leave. Such is not the case with a retail mens store.
4. The proposed user is a men's store, which is a permitted use as a matter of right in the BL zone. We respectfully ask that the Opinion and Order be interpreted to apply to users needing a special exception to operate in this

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GUSHAKOW  
STEPHEN S. SCHOENING  
DOUGLAS L. BURGESS  
ROBERT E. CAMILLI, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES  
J. JOSEPH CURRAN, III  
STUART A. SCHAFF

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700 COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
410) 823-7800  
TELEFAX (410) 296-2765

JAMES D. NOLAN  
RETIRED (1980)  
J. EARLE PLUMHOFF  
RETIRED (1980)  
RALPH E. DEITZ  
RETIRED (1980)  
WRITER & DIRECTOR  
410) 7856

February 12, 1996

Honorable Arnold Jablon, Esquire  
Director  
Department of Permits and Development Management  
County Office Building  
Towson, Maryland 21204

Re: 1313/1315 York Road  
Spa Lady Change to Retail Use

Dear Mr. Jablon:

Thank you for meeting with David Fishman, Esquire and myself on January 25th regarding this building.

We appreciate the opportunity to put in a viable retail use in place of the Spa Lady covered by Case No. 92-418-XA.

We plan to file a special hearing to interpret and/or to remove Condition 3 of the Order of June 18, 1992, concerning Sunday use, which we do not believe was meant to cover, or does cover, retail uses permitted as a matter of right, such as the proposed retail.

It will be appreciated if your office will confirm the occupancy right of retail in any case with the Sunday occupancy, subject to the requirement that we will be required to file a special hearing to seek to confirm this Sunday opening. However, in the meanwhile we will be opening Sundays on this provisional basis.

Thanking you and your staff for your attention to this request, I am

Respectfully,

*Newton A. Williams*

Newton A. Williams

NAW:mao

cc: Maryland Financial Investors, Inc.  
David Fishman, Esquire

page three

location. We believe the long-standing Maryland law of zoning is that no generally applicable contract-type restrictions can be created as part of a special exception order. The zoning of the property is the only public control applicable to uses permitted as of right. Since we are proposing such a use, provisions of the 1992 Order are not applicable.

We are enclosing herewith our check in the amount of Forty Dollars (\$40.00) to cover the cost of this matter. We would be glad to come over and discuss it with you and your staff at your convenience. We have already discussed it with Mr. Carl Richards of your staff, and he has some familiarity with the matter.

Thanking you, and Mr. Richards for your consideration of this letter, and looking forward to meeting with you at your earliest convenience, I am

Respectfully,

*Newton A. Williams*

Newton A. Williams

NAW:mao

cc: Mr. Carl Richards  
Maryland Financial Investors, Inc.

BALTIMORE CNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE \_\_\_\_\_ ACCOUNT \_\_\_\_\_

AMOUNT \$ \_\_\_\_\_

RECEIVED FROM \_\_\_\_\_

FOR \_\_\_\_\_

VALIDATION OR SIGNATURE OF CASHIER \_\_\_\_\_

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

RE: MD Financial Inv. 4966/01

42623

*SPH 2/15*  
*Receipt +*  
*This is from*  
*com*  
*from New York*  
*from New York*



