

IN RE: PETITION FOR ZONING VARIANCE
E/S W. Aylesbury Road, 55 ft.
N of c/l Fox Tail Road
18 W. Aylesbury Road
8th Election District
4th Councilmanic
Legal Owner: Kilmarnock Assoc.
Contract Purchaser: Krieger
Enterprises, Inc.

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE No. 92-435-A

ORDER OF DISMISSAL

The Petitioner herein requested a Zoning Variance from Section 409.8A4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. parking setback from street r/w, in lieu of required 10 ft.; a variance from Section 409.6A2 of the B.C.Z.R. to permit 38 parking spaces in lieu of required 70; and a variance from Section 409.4 of the B.C.Z.R. to permit parking on a drive in lieu of an aisle; and,

WHEREAS, the matter was set in for a hearing on August 11, 1992, 9:00 A.M.; and,

WHEREAS, a letter dated August 10, 1992 was hand delivered to the Office of the Zoning Commissioner requesting that the matter be withdrawn, in the above captioned case, from John Gontum, Esquire, the Petitioner's attorney.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 12th day of August, 1992 that the Petition for Zoning Variance, in the above captioned case, be and the same is hereby DISMISSED without prejudice.

LRS:mmm

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 11, 1992

John B. Gontum, Esquire
Romadka, Gontum and McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 92-435-A
Petition for Variance
Krieger Enterprises, Inc., Contract Purchaser
Kilmarnock Associates, Legal Owner

Dear Mr. Gontum:

Attached hereto is an Order of Dismissal regarding the above captioned matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LRS:mmm
att.



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at

18 W. Aylesbury Road

which is presently zoned ME-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8A4 of the BCZR to permit a 0' parking setback from street r/w in lieu of required 10'; 409.6A2 of the BCZR to permit 38 parking spaces in lieu of required 70. 409.4 to permit parking on a drive in lieu of an aisle.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Additional parking available on adjacent property.
2. Site configuration and layout make additional parking impossible

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.

Contract Purchaser/Lessee

Krieger Enterprises, Inc.

18 W. Aylesbury Rd.

Towson, MD 21204

John B. Gontum

814 Eastern Blvd.

Baltimore, MD 21221

686-8274

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 2, 1992

John B. Gontrum, Esquire
Romaszka, Gontrum & McLaughlin
814 Eastern Blvd
Baltimore, MD 21221

RE: Item No. 468, Case No. 92-435-A
Petitioner: Kilmarnock Associates
Petition for Variance

Dear Mr. Gontrum:

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 indicate the appropriateness of the zoning action requested, but 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 8th day of May, 1992.

ARNOLD JABLON
DIRECTOR

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Kilmarnock Associates, et ux
Petitioner's Attorney: John B. Gontrum

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 27, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 25, 1992
Item 468

The Developers Engineering Division has reviewed the subject zoning item. The developer is required to dedicate the right-of-way for Crowther Avenue and cut-back at Aylesbury Road.

If the variance is granted, please provide a landscape plan to the Developers Engineering Division committing to streetscape requirements of the Baltimore County Landscape Manual along Crowther Avenue and Aylesbury Road. Approval from Baltimore County is required for planting in the right-of-way.

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

RWB:DAK:s

RECEIVED
JUN 2 1992
ZONING OFFICE

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Dennis D. Conroy Date: 6/1/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓	Phillip And Carol Faulkenkious	461		5-18-92 NC
DED DEPRM RP STP TE				
✓	August J. And Elsie W. Seifert	464		Comment
DED DEPRM RP STP TE				
✓	Francis D. And Suzanne L. Bowie	465		NC
DED DEPRM RP STP TE				
✓	Robert M. And Joan M. Greene	466		NC
DED DEPRM RP STP TE				
✓	Joseph P. And Gloria G. Connors	467		NC
DED DEPRM RP STP TE				
✓	Kilmarnock Associates	468		Comment
DED DEPRM RP STP TE				
✓	Automaster, Inc.	469		Comment
DED DEPRM RP STP TE				
✓	Douglas And Mary Holschneider	470		Comment
DED DEPRM RP STP TE				
✓	Reisterstown Bible Church	471		Comment
DED DEPRM RP STP TE				
✓	Pikesville Partnership	472		Comment
DED DEPRM RP STP TE				
✓	Baltimore Gas And Electric Company	475		Comment
DED DEPRM RP STP TE				
✓	Charles R. Carroll	476		Comment
DED DEPRM RP STP TE				

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 26, 1992

SUBJECT: 18 W. Aylesbury Road

INFORMATION:
Item Number:

Petitioner: Kilmarnock Associates

Property Size: 1.97 acres

Zoning: ML-1M

Requested Action: Variance

Hearing Date: 6 / 18 / 92 11:00 a.m.

SUMMARY OF RECOMMENDATIONS:
The Petitioner is requesting a variance to permit a 0' parking setback from the street right of way in lieu of the required 10', to permit 38 parking spaces in lieu of the required 70 and to permit parking on a drive in lieu of an aisle.

The Office of Planning and Zoning recommends DENIAL of the petitioner's request.

RECEIVED
JUN 2 1992
ZONING OFFICE

ZAC COMMENTS
The building on this site was designed and constructed to accommodate warehouse and office uses where parking requirements are minimal. The building encompasses the majority of the site and very little land area remains for parking. An athletic club generates an extremely high volume of traffic which would require a great deal of parking to accommodate the athletic club members. Insufficient parking on the site will force patrons to park in adjacent parking lots and public streets and compete with adjacent businesses for parking spaces. An opportunity exists for the engineer to include 10 or 12 additional parking spaces in the area where 22 parking spaces currently exist. Also a backup is required for the two end parking spaces closest to the building. The building is constructed of concrete block with loading docks and dumpsters facing Aylesbury Road. The site is devoid of landscaping should be required along all public rights of way serving this site especially along Aylesbury Road. The minimum requirement is a ten foot landscape strip and 7% of all surface parking should be devoted to landscaping.

FM:rdn

Prepared by:

Division Chief:

468.ZAC/ZAC1

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

DATE: May 22, 1992

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

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 18, 1992

ITEM NUMBER: 468

1. The proposed access off Crowther Ave. and the proposed internal travelway needs to be 16 ft. wide minimum, some parking spaces may have to be eliminated.
2. It appears that some additional parking spaces can be provided along the eastern property line. This is certainly desirable.
3. One-Way, Do Not Enter signs need to be shown where appropriate.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/dm

RECEIVED
JUN 2 1992
ZONING OFFICE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: H. Eugene Kelly Date: 6-1-92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓	Joseph P. And Gloria G. Connors	467		5-18-92 NO COMMENTS
DED DEPRM RP STP TE				
✓	Kilmarnock Associates	468		NO COMMENTS
DED DEPRM RP STP TE				
✓	Automaster, Inc.	469		NO COMMENTS
DED DEPRM RP STP TE				
✓	Douglas And Mary Holschneider	470		IN PROCESS
DED DEPRM RP STP TE				
✓	Reisterstown Bible Church	471		NO COMMENTS
DED DEPRM RP STP TE				
✓	Pikesville Partnership	472		IN PROCESS
DED DEPRM RP STP TE				
✓	Baltimore Gas And Electric Company	475		IN PROCESS
DED DEPRM RP STP TE				
✓	Charles R. Carroll	476		IN PROCESS
DED DEPRM RP STP TE				
✓	Alonso G. And Virginia G. Decker	473		IN PROCESS
DED DEPRM RP STP TE				

COUNT 13
Huntington Development Corporation (Hunting Tweed Drive)
DEPRM 442 5-4-92 IN PROCESS

COUNT 1
FINAL TOTALS
COUNT 21

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
MAY 22, 1992
(301) 887-4500

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

RE: Property Owner: KILMARNOCK ASSOCIATES
Location: #18 WEST AYLESBURY ROAD
Item No.: +468 (MJK) Zoning Agenda: MAY 18, 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.

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

REVIEWER: *John B. Gontrum* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAY 26 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 6/1/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Philip And Carol Faulkenkious	461	No Comments	5-18-92
DED DEPRM RP STP TE			
✓ August J. And Elsie W. Seifert	464	No Comments	
DED DEPRM RP STP TE			
✓ Francis D. And Suzanne L. Bowie	465	No Comments	
DED DEPRM RP STP TE			
✓ Robert N. And Joan M. Greene	466	No Comments	
DED DEPRM RP STP TE			
✓ Joseph P. And Gloria G. Connors	467	No Comments	
DED DEPRM RP STP TE			
✓ Kilmarnock Associates	468	No Comments	
DED DEPRM RP STP TE			
✓ Automaster, Inc.	469	No Comments	
DED DEPRM RP STP TE			
✓ Douglas And Mary Holschneider	470	No Comments	
DED DEPRM RP STP TE			
✓ Reisterstown Bible Church	471	No Comments	
DED DEPRM RP STP TE			
✓ Pikesville Partnership	472	No Comments	
DED DEPRM RP STP TE			
✓ Baltimore Gas And Electric Company	475	No Comments	
DED DEPRM RP STP TE			
✓ Charles R. Carroll	476	No Comments	
DED DEPRM RP STP TE			

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
JULY 6, 1992
(410) 887-3353

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-435-A
LEGAL OWNER: KILMARNOCK ASSOCIATES
LOCATION: 18 W AYLESBURY ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, AUGUST 11, 1992 at 9:00 a.m. in RM. 118, COURTHOUSE.
IN THE BALTIMORE COUNTY, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc:

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
June 17, 1992
(410) 887-4386

John B. Gontrum, Esquire
814 Eastern Boulevard
Essex, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
E/S W. Aylesbury Road, 55' N of the c/l of Fox Tail Road
(18 W. Aylesbury Road)
8th Election District - 4th Councilmanic District
Kilmarnock Associates - Petitioner
Case No. 92-435-A

Dear Mr. Gontrum:

This letter is to confirm receipt of your letter dated June 16, 1992 and our conversation this date in which you requested a postponement of the above captioned matter which is scheduled for hearing on Thursday, June 18, 1992.

As we agreed, I will place your request on the record at the hearing on Thursday, and you and your client will not be required to attend. By copy of this letter to Gwendolyn Stephens, Docket Clerk, this matter will be rescheduled for hearing as docketing permits and you will be notified accordingly of the new date and time.

In the event you have any further questions on the subject, please feel free to contact me.

Very truly yours,

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

TMK:bjs

cc: Gwendolyn Stephens, Docket Clerk

People's Counsel

File

LAW FIRM
Romadka, Gontrum & McLaughlin, P.A.
814 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE: (410) 686-8274
FAX # 686-8118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

DONALD H. SHEFFY
NANCY E. DWYER**
ELIZABETH A. VANNI
MARY H. BUCHANAN
SHARON R. GAMBLE

*Also admitted in District of Columbia
**Also admitted in Florida

June 16, 1992

RECEIVED
JUN 17 1992
ZONING COMMISSIONER

Timothy M. Kotroco
Deputy Hearing Examiner
Zoning Office
Old Court House
Towson, Maryland 21204

Re: Krieger Enterprises, Inc.
Case No: 92-435-A

Dear Mr. Kotroco:

As we discussed, I wish on behalf of my client, Krieger Enterprises, Inc. and Kilmarnock Associates, to request a postponement from our case scheduled for Thursday, June 18, 1992 at 11:00 a.m.

We are in the process of negotiating for additional parking with respect to this facility, and this parking negotiation we believe will be very important in determining what variance we ultimately need, if any. We appreciate your courtesy with respect to this matter.

Very truly yours,

John B. Gontrum
John B. Gontrum

JBG/ej

cc: Mr. Eric Krieger

LAW FIRM
Romadka, Gontrum & McLaughlin, P.A.
814 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE: (410) 686-8274
FAX # 686-8118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

DONALD H. SHEFFY
NANCY E. DWYER**
ELIZABETH A. VANNI
MARY H. BUCHANAN
SHARON R. GAMBLE

*Also admitted in District of Columbia
**Also admitted in Florida

August 10, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No: 92-435-A
Kilmarnock Associates

Dear Mr. Schmidt:

I hereby request that you dismiss the Petition for Zoning Variance Hearing that is scheduled for Tuesday, August 11, 1992 at 9:00 a.m. on the herein above captioned matter.

Thank you for your consideration.

Very truly yours,

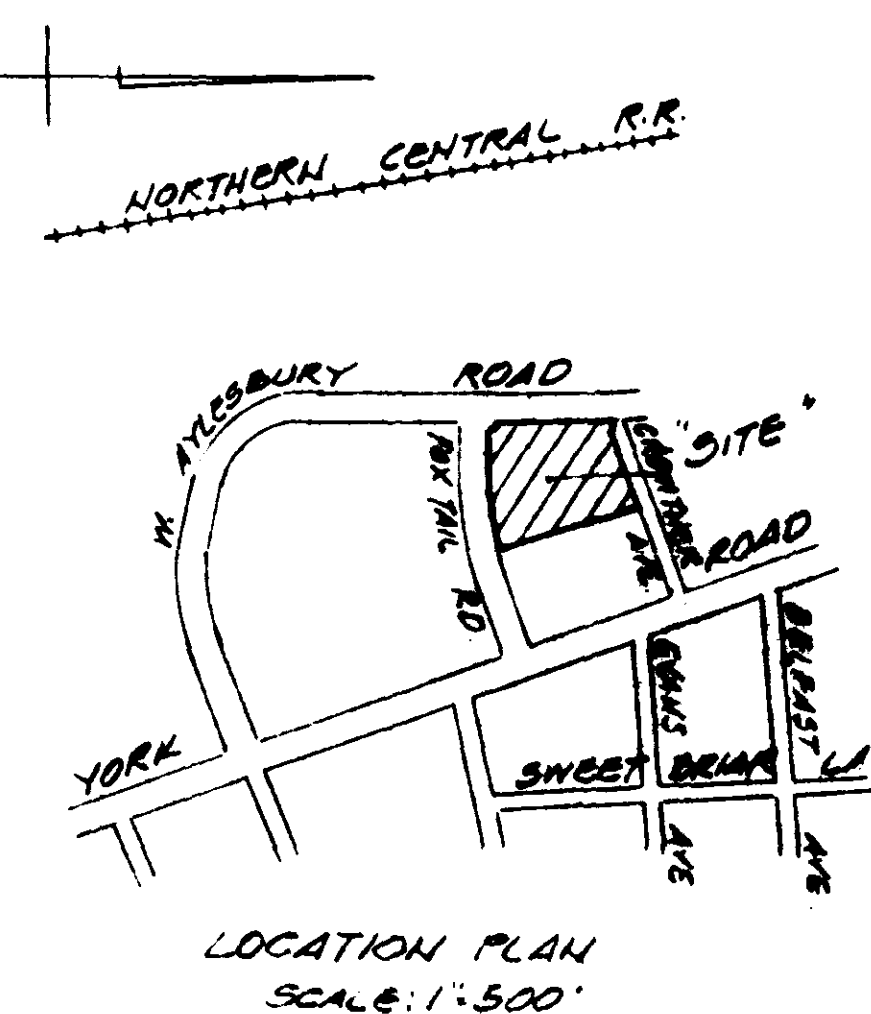
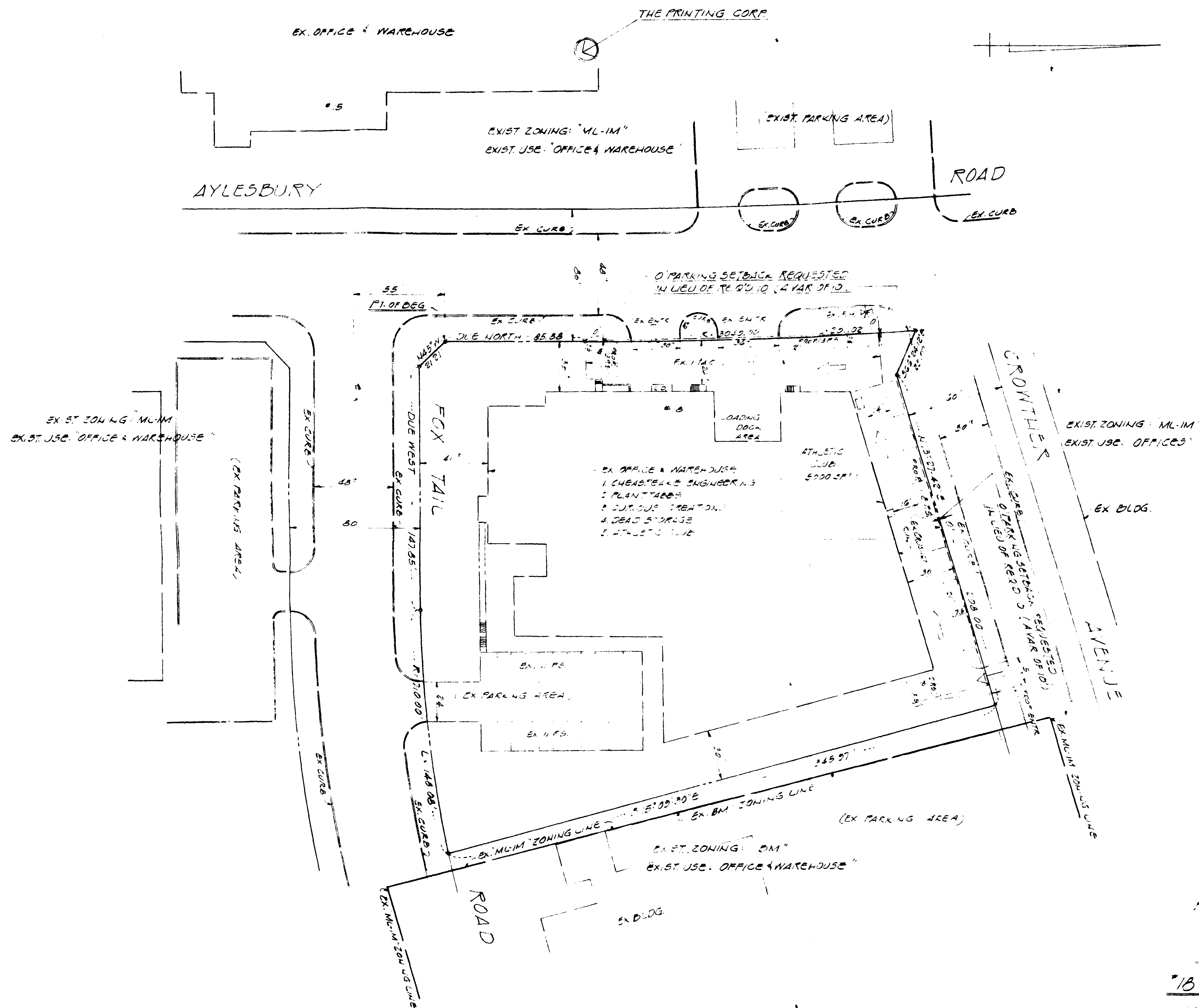
John B. Gontrum
John B. Gontrum

JBG/ej

cc: Mr. Eric Krieger

RECEIVED
AUG 11 1992
ZONING OFFICE





GENERAL NOTES

1. AREA OF PROPERTY = 1.967 AC. (85,682 S.F.)
2. EXISTING ZONING OF PROPERTY = "ML-1M"
3. EXISTING USE OF PROPERTY = "OFFICE & WAREHOUSE"
4. PROPOSED ZONING OF PROPERTY = "ML-1M"
5. PROPOSED USE OF PROPERTY = "OFFICE WAREHOUSE & ATHLETIC CLUB"
6. REQUIRED OFF-STREET PARKING:

A. CHESAPEAKE ENGR. 3,000 S.F. OFFICE @ 3.3/1000	= 2.0
B. PLANTTARD: OFFICE - 850 S.F. @ 3.3/1000	= 2.0
WAREHOUSE - 15,650 S.F. @ 25MP/MAX SHIFT	= 2.0
C. CURIOUS CREATION: MANUFACTURING - 10,000 S.F. @ 25MP/MAX SHIFT	= 3.0
D. DEAD STORAGE: 14,812 S.F. @ 25MP/MAX SHIFT	= 2.0
E. PROPOSED GOLD FAMILY FITNESS - 5,000 S.F. @ 10/1000	= 5.0
F. TOTAL REQUIRED PARKING	= 69.0 P.S.
7. NUMBER OF PARKING SPACES SHOWN:

A. EXISTING SPACES	= 22
B. PROPOSED SPACES	= 16
C. TOTAL PROPOSED PARKING SPACES	= 38 P.S.
8. PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.644 OF THE DCZR TO PERMIT A 0' PARKING SETBACK FROM A ROAD R/W IN LIEU OF THE REQUIRED 10' (A VAR OF 10').
9. PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.642 OF THE DCZR TO PERMIT 38 P.S. IN LIEU OF THE REQUIRED 70 P.S. (A VAR. OF 32 P.S.)
10. PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.4 OF THE DCZR TO PERMIT PARKING ON A DRIVE IN LIEU OF AN AISLE.
11. ANY SIGN(S) SHALL CONFORM WITH SECTION 413 OF THE DCZR AND ALL ZONING POLICIES.
12. F.A.R. PERMITTED = 85,682 x 3 = 257,046 S.F.; EX. F.A.R. = 40,183 S.F. (0.47)
13. PUBLIC UTILITIES AVAILABLE TO SITE.
14. PROPERTY ORIGINALLY ZONED "ML-12-S-62, CASE #5708."

92-435-A

468

PLAT TO ACCOMPANY PETITION FOR

VARIANCES

18 W. AYLESBURY ROAD

BALTIMORE COUNTY, MD. MAY 5, 1992

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

