

IN RE: PETITION FOR ZONING VARIANCE
SE/8 Leland Avenue, 235' NE of
the c/l of Greenbrier Street
(1701 Leland Avenue)
15th Election District
5th Councilmanic District
James E. Bishop, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-475-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, James E. Bishop, Sr., by and through his attorney, John B. Gontrum, Esquire. The Petitioner requests relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 255.2 and 243.1 to permit a front building setback of 16.8 feet in lieu of the required 75 feet; from Sections 255.2 and 243.2 to permit a side yard building setback of 0 feet in lieu of the required 50 feet; from Sections 255.2 and 243.3 to permit a rear yard building setback of 39 feet in lieu of the required 50 feet; from Sections 255.2, 243.2 and 102.2 to permit a side yard setback between buildings of 45 feet in lieu of the required 100 feet; from Sections 255.2 and 243.2 to permit a side yard setback of 45 feet in lieu of the required 50 feet; and from Section 253.4 to permit loading areas within 97 feet of residential street right-of-way in lieu of the required 100 feet, for proposed Buildings A and B as more particularly described on Petitioner's Exhibits 1 and 3.

Appearing on behalf of the Petition were James E. Bishop, property owner, and Leo W. Rader, Registered Land Surveyor. Appearing as Protestants in the matter were James J. and Cathy Basilone, John C. and Kathleen Dumer, Jr., and John C. Dumer III, all residents of the area.

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By [Signature]

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Testimony indicated that the subject property, known as 1701 Leland Avenue, consists of a gross area of 1.6262 acres more or less, zoned M.L. Said property is located between other properties owned by the Petitioner. To the west, the Petitioner owns a tract which features two existing warehouse buildings. To the east, he owns a wooded lot. The Petitioner also owns property across Leland Avenue from the subject site. When considered in context with the proposed and existing uses, the properties on the south side of Leland Avenue appear to be part of one large tract. The tract is bordered on the north by residential uses and on the south by the Philadelphia, Baltimore and Washington Railroad tracks. Testimony presented was that the Petitioner is desirous of constructing two additional warehouse buildings on the rear of the subject lot in accordance with Petitioner's Exhibit 1. However, due to the narrow depth of this lot, approximately 140 feet, the requested relief is necessary in order to construct the proposed buildings. In fact, the lot is of such configuration so as to provide a small and impractical building envelope area if strict adherence to the relevant setback regulations is required. Additional testimony indicated that the Petitioner applied for CRG approval in 1990, but due to unresolved issues, including, but not limited to, storm water management, CRG review was continued pending the outcome of this hearing. Petitioner testified that if the variances requested herein are granted, then a CRG review will be rescheduled. Testimony indicated that compliance with all other terms and conditions of the B.C.Z.R. will be met.

The Protestants are generally concerned about water runoff from the proposed buildings. Testimony indicated that there is a history of water runoff problems associated with this site due to the topography of

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the land in this area. The Protestants also voiced concern as to the use of their residential streets by commercial and truck traffic going to and from the subject site. Further, they are generally concerned with the effects of this commercial use on nearby residential properties.

In response to the concerns raised by the Protestants, the Petitioner testified that he is installing an underground storm water management system in the rear of this site to divert any water runoff away from adjoining residential properties. Further testimony revealed that the Petitioner has also entered into a lease agreement with the Philadelphia, Baltimore and Washington Railroad Company to discharge all water runoff collected by this underground system onto the Railroad property. The Petitioner also agreed to make all exits from the subject site left turns only so that all traffic exiting the property will travel west on Leland Avenue towards Martin Boulevard, thereby avoiding the use of neighboring residential streets.

It should be noted that this property has been the subject of numerous zoning violation complaints over the past several years. The granting of the relief requested herein shall be contingent upon Petitioner's compliance with any and all conditions imposed on him, including, but not limited to, the correction of any zoning violations, prior to the issuance of any permits. James Thompson, Zoning Enforcement Supervisor, has advised me that no violations currently exist on the property.

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

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- 3 -

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 variances are 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.

It must also be noted that the case before me relates to the proposed variances and not the use of the property, per se. That is, I am not evaluating the zoning classification of this property or a special exception relative to a use thereon. Nonetheless, the size of the proposed buildings is substantial and the variances requested significant. Thus, under my authority to reasonably restrict the granting of variances, I shall impose such restrictions as hereinafter provided to assure a lesser impact on the surrounding community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are 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 pub-

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Date 9/18/92
By [Signature]

- 4 -

PETITION FOR ZONING VARIANCE 508
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-475A
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 _____ See Attachment _____

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
To permit warehouse storage in lieu of outside storage yard to conform with existing warehouse similarly situated. Without the variance no building can be built.

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 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:	Legal Owner(s):
(Type or Print Name)	James E. Bishop, Sr.
Signature	[Signature]
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	1701 Leland Avenue 676-2800
John B. Gontrum	Address
(Type or Print Name)	Baltimore, MD 21220
Signature	City and State
814 Eastern boulevard	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
Essex, MD 21221	Address
City and State	Phone No.
Attorney's Telephone No.: 686-8274	

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

No REVIEW
6/4/92 wee

(over) Zoning Commissioner of Baltimore County.

lic 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.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of September, 1992 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 255.2 and 243.1 to permit a front building setback of 16.8 feet in lieu of the required 75 feet; from Sections 255.2 and 243.2 to permit a side yard building setback of 0 feet in lieu of the required 50 feet; from Sections 255.2 and 243.3 to permit a rear yard building setback of 39 feet in lieu of the required 50 feet; from Sections 255.2, 243.2 and 102.2 to permit a side yard setback between buildings of 45 feet in lieu of the required 100 feet; from Sections 255.2 and 243.2 to permit a side yard setback of 45 feet in lieu of the required 50 feet; and from Section 253.4 to permit loading areas within 97 feet of residential street right-of-way in lieu of the required 100 feet, for proposed Buildings A and B, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 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 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.

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By [Signature]

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- 2) The hours of operation for the warehouse use on the subject property shall be limited to 7:00 AM to 9:00 PM, Monday thru Saturday.

- 3) All lighting on the subject property shall be directed away from any adjoining residential properties.

- 4) The outside speaker system is limited to use between the hours of 7:00 AM to 9:00 PM. Such speakers shall be installed, or adjusted if already existing, in such a manner so that all noise as a result of their use shall be deflected away from any adjoining residential properties. Further, volume levels from said speakers and other activity on site shall comply with all applicable noise pollution standards promulgated by the appropriate federal, state and Baltimore County agencies.

- 5) All traffic exiting the subject property must exit left onto Leland Avenue so as to avoid use of any adjoining residential streets. The Petitioner shall place appropriate signs or other directional devices as deemed necessary to direct traffic in a westerly direction on Leland Avenue.

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

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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Date 9/18/92
By [Signature]

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Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 18, 1992

(410) 887-4386

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

RE: PETITION FOR ZONING VARIANCE
SE/8 Leland Avenue, 235' NE of the c/l of Greenbrier Street
(1701 Leland Avenue)
15th Election District - 5th Councilmanic District
James E. Bishop, Sr. - Petitioner
Case No. 92-475-A

Dear Mr. Gontrum:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. James J. Basilone, Jr.
2001 Leland Avenue, Baltimore, Md. 21220

Mr. & Mrs. John C. Dumer, Jr.
1906 Magnolia Avenue, Baltimore, Md. 21220

Mr. John C. Dumer, III
1908 Leland Avenue, Baltimore, Md. 21220

People's Counsel

File

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LET TO ACCOMPANY A PETITION FOR A ZONING VARIANCE

- THE FOLLOWING REASONS:
- 1) TO PERMIT A FRONT BLDG. SETBACK OF 16.8' IN LIEU OF THE REQ'D 75'
 - 2) TO PERMIT A SIDE YARD BLDG. SETBACK OF 0' IN LIEU OF THE REQ'D 50'
 - 3) TO PERMIT A REAR YARD BLDG. SETBACK OF 30' IN LIEU OF THE REQ'D 50'
 - 4) TO PERMIT A SIDE YARD BETWEEN BLDG. SETBACK OF 45' IN LIEU OF THE REQ'D 100'
 - 5) TO PERMIT A SIDE YARD SETBACK OF 45' IN LIEU OF THE REQUIRED 50'
 - 6) TO PERMIT LOADING AREAS WITHIN 57' OF RESIDENTIAL STREET RIGHT OF WAY IN LIEU OF THE REQUIRED 100'

"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120
15 TH ELEC. DIST. BALTO. CO. MD.
SCALE: 1" = 50' FEB. 6, 1990
OWNER AND DEVELOPER: AMENDED: FEB. 10, 1990
JAMES E. BISHOP, SR. AMENDED: MAR. 3, 1990
1701 LELAND AVENUE AMENDED: MAY 16, 1990
BALTO., MD. 21220 AMENDED: MAY 17, 1990
PHONE: OFFICE 687-3000 RES. 335-1233

WATERSHED 5
SUBSEWERED 15
CENSUS TRACT 4517.01
COUNCILMANIC DIST: 5TH COUNCILMANIC DISTRICT
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
15-00-010225902

DEED REF:
E.H.K. JR. 6409-763
SM 7425-623

SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

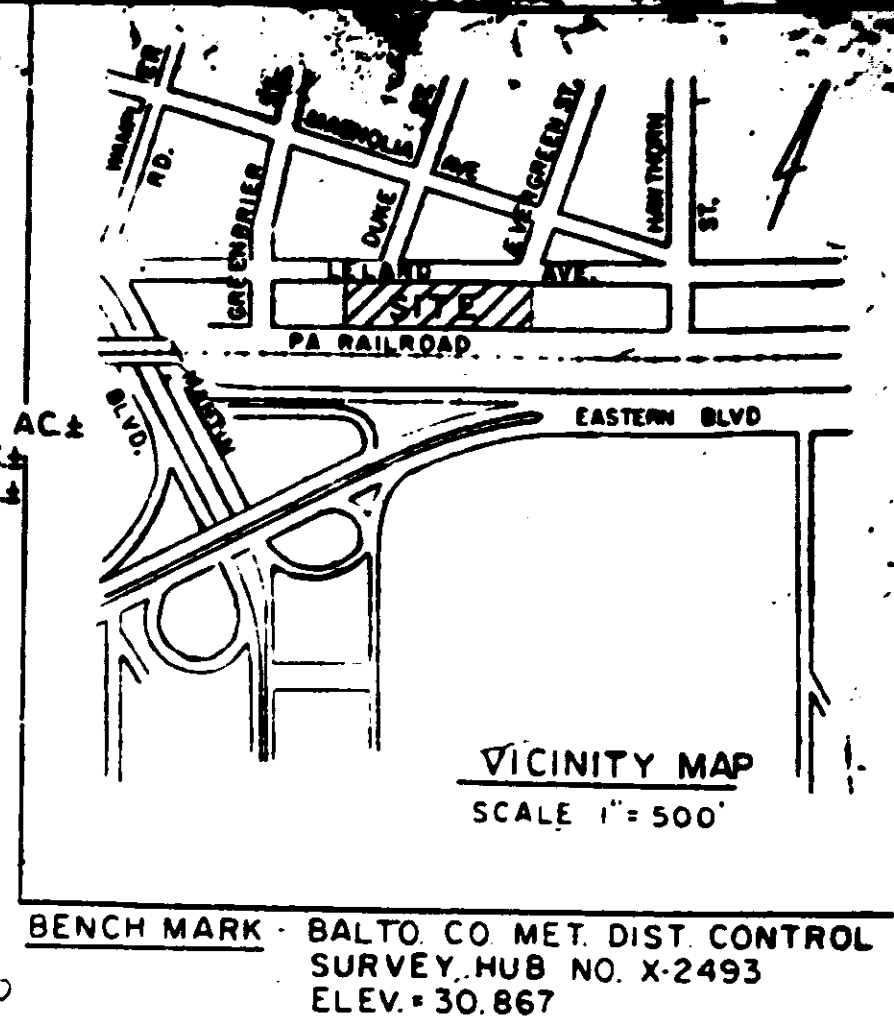
- 1) SITE AREA 70,837 SQ FT ± OR 1.6262 AC ±
- 2) SITE ZONING M.L.
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE PLUMBING CODE, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION PART 2 OF THE 1988 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE CBP TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS. CALL MISS UTILITY 1-559-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S = 165 (32,936 ÷ 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

- 15) STORM WATER MANAGEMENT - WAIVER REQUESTED
- 16) STORM DRAINS - NONE PROPOSED
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS.
- 18) PROPOSED GRAD IS SCHEMATICALLY SHOWN. (SUBJECT TO FINAL SITE ENGINEERING)
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (SAND AND WATER)
- 20) PETITION FOR WAIVER OF SWM HAS BEEN SUBMITTED
- 21) NO LOADING OR PARKING BETWEEN BUILDINGS
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE BITUMINOUS CONCRETE PAVING PERMANENTLY STRIPED.
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) PREVIOUS ZONING CASE # 30-441-A WAS DENIED ON MAY 30, 1990.
- 27) ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.

SITE TABULATION

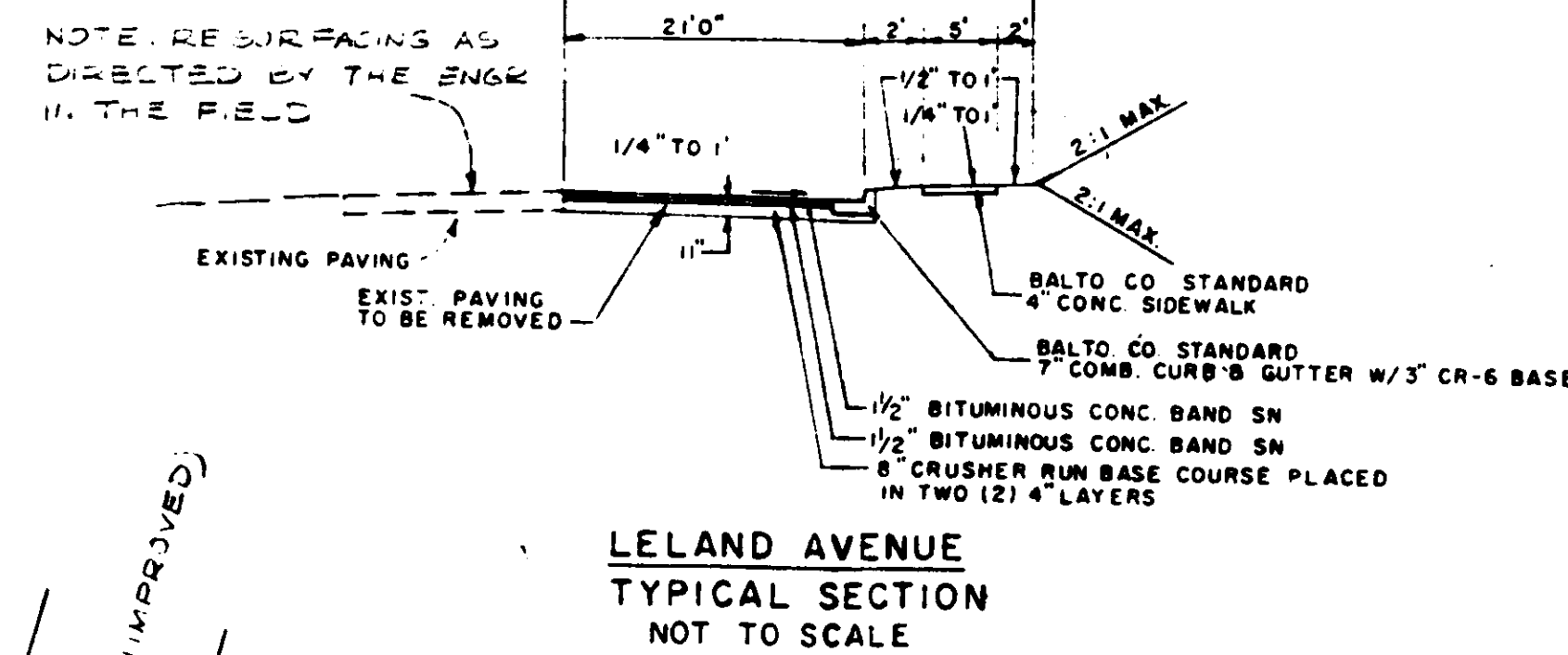
PARKING DATA	
BUILDING USES	WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT	6
NO. OF PARKING SPACES REQUIRED	6
NO. OF PARKING SPACES PROVIDED	6
SIZE OF PARKING SPACES	14' X 21'
GROSS AREA OF SITE	
HIGHWAY WIDENING AREA	70,837 SQ. FT. ± OR 1.6262 AC ±
NET AREA OF SITE	2,500 SQ. FT. ± OR 0.0574 AC ±
EXISTING ZONING	ML
FLOOR AREA RATIO:	
MAXIMUM PERMITTED	2.0
PROPOSED FAR 32,936 ÷ 68,337	0.48
PARKING DATA (BY BUILDING)	
BUILDING "A"	BUILDING "B"
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3
ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.	



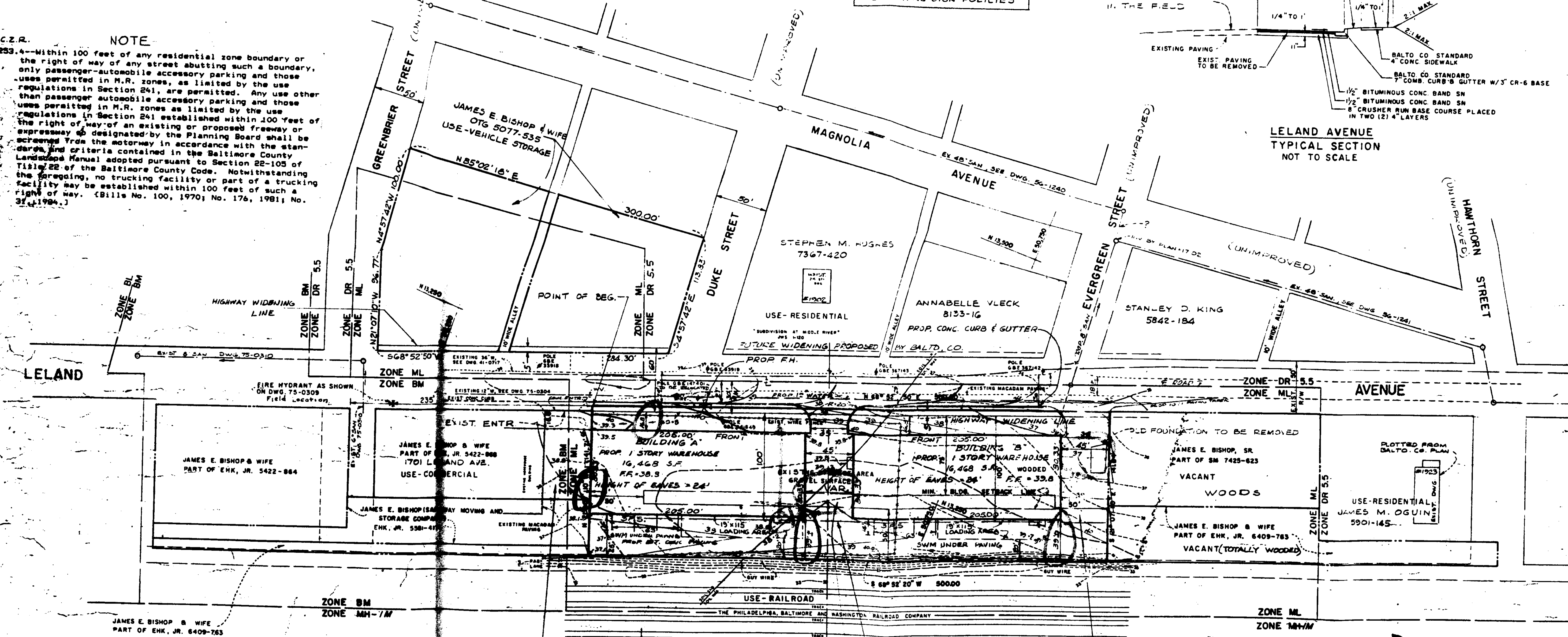
B.C.Z.R. NOTE

233.4 - Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. zones as limited by the use regulations in Section 241 established within 100 feet of the right of way of an existing or proposed freeway or expressway as designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right of way. (Bills No. 100, 1970; No. 176, 1981; No. 31, 1984.)

SIGN NOTE
SIGNS WILL COMPLY WITH SECTION 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES



NOTE:
WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN CANNOT BE INCREASED OR DECREASED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO SECTIONS 253, 254, 255, 409, 413 AND THE ZONING POLICY MANUAL.



SOILS DATA			
SH-1	SANDY LOAM, 2 TO 9% SLOPES		
WMA	WOODSTOWN SANDY LOAM, 0 TO 2% SLOPES		
LIMITATIONS FOR			
TYPE	AREA	BUILDINGS, STREETS AND PARKING LOTS	HYDROLOGIC SOIL GROUP
SAB	SH-1	MODERATE SLOPE	B
WMA	SH-1	MODERATE TO MODERATELY HIGH WATER TABLE	C

MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS.

PETITIONER'S
EXHIBIT No. 3

PUBLIC SERVICES CRG. NO. 90108
PLANNING NO. _____



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIMonium MD 21088

MICROFILMED

CRG PLAN XV-525

LOTS 5 THRU 14, SEC. 7 AND LOTS 1, 2, 3, 8 & 9, SEC. 8
"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120

15TH ELECT. DIST. BALTO. CO., MD.
SCALE: 1" = 50' MAY 15, 1989

OWNER AND DEVELOPER:
JAMES E. BISHOP, SR.
1701 LELAND AVENUE
BALTO., MD. 21220
PHONE: OFFICE 687-3000 RES. 335-1233

WATERSHED: 5
SUBWERSHED: 15
CENSUS TRACT: 4517.01
COUNCILMANIC DIST: 5
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
19-00-010225902

DEED REF:
E.H.K. JR. 6409-763
SM 7425-623

SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

- 1) SITE AREA 70,837 SQ. FT. ± OR 1.6262 AC.
- 2) SITE ZONING ML & DR 5.5
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION III, PART I OF THE 1968 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE C&P TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS CALL MISS UTILITY 1-599-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S = 165 (32,936 ÷ 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

- 15) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO. B.C.Z.R. 243.1
- 16) STORM DRAINS - NONE PROPOSED BEYOND S.W.M.
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS. 243.2
243.3
243.3/1102.2
255.2
- 18) PROPOSED BUILDING IS SCHEMATICALLY SHOWN. (SUBJECT TO FINAL SITE ENGINEERING)
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (SAN AND WATER)
- 20) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO.
- 21) NO LOADS FOR PARKING ARE SHOWN ON THIS PLAN.
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE PAVED PERMANENTLY STRIPED.
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.
- 27) SIGNS WILL COMPLY WITH SEC. 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES.

SITE TABULATION (S. OF LELAND AVE)

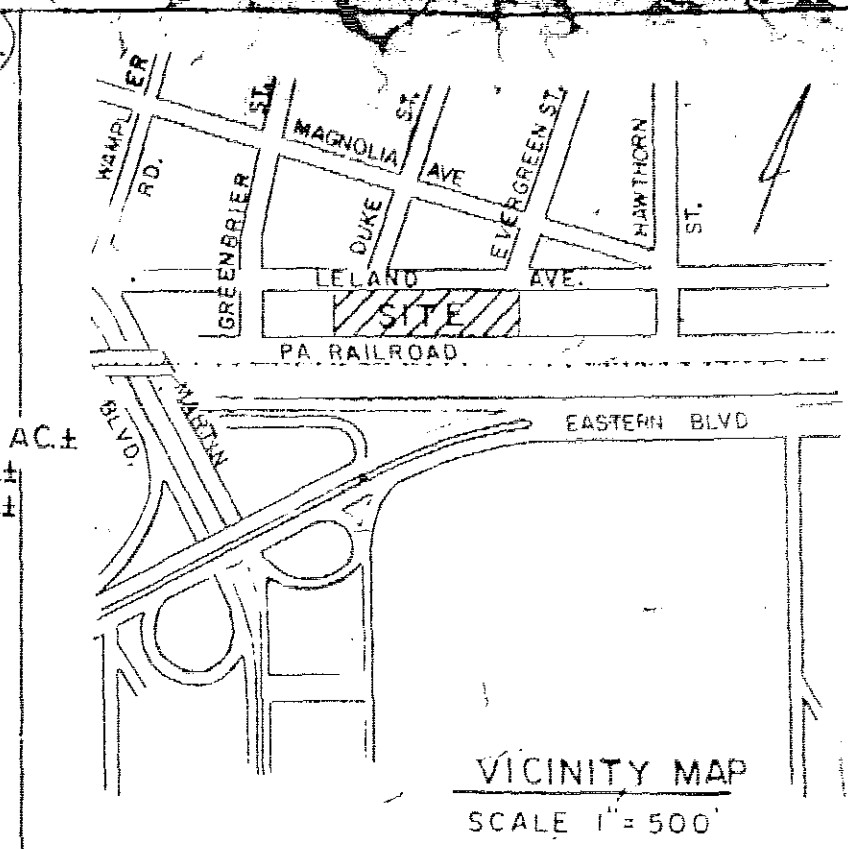
PARKING DATA
BUILDING USES _____ WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT _____ 6
NO. OF PARKING SPACES REQUIRED _____ 6
NO. OF PARKING SPACES PROVIDED _____ 6
SIZE OF PARKING SPACES _____ 14' X 21'

GROSS AREA OF SITE _____ 70,837 SQ. FT. ± OR 1.6262 AC.
HIGHWAY WIDENING AREA _____ 2,500 SQ. FT. OR 0.0574 AC.
NET AREA OF SITE _____ 68,337 SQ. FT. ± OR 1.5688 AC.
EXISTING ZONING _____ ML

FLOOR AREA RATIO:
MAXIMUM PERMITTED _____ 2.0
PROPOSED "FAR" 32,936 ÷ 68,337 = _____ 0.48

PARKING DATA (BY BUILDING)

BUILDING "A"	BUILDING "B"
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3

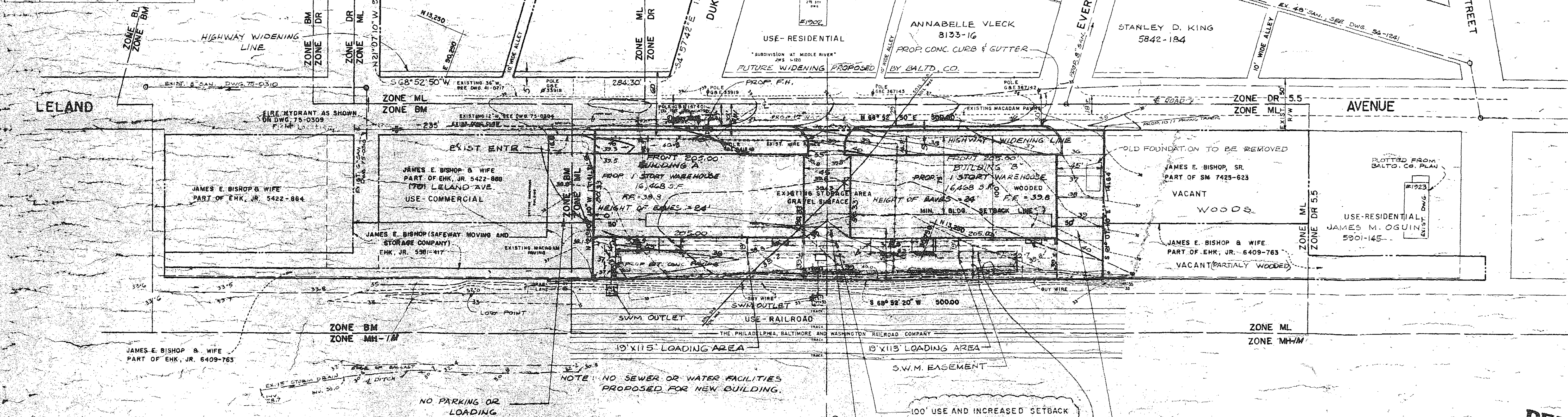


BENCH MARK - BALTO. CO. MET. DIST. CONTROL SURVEY HUB NO. X-2493
ELEV. = 30.667

NOTE:

WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 253, 254, 255, 409, 413 AND THE ZONING POLICY MANUAL.

DATE	DESCRIPTION
3-30-80	1ST REVIEW COMMENTS FROM BALTO. CO.
4-24-80	2ND REVIEW COMMENTS FROM BALTIMORE COUNTY
4-29-80	FIELD LOCATION - FIRE HYDRANT
5-17-80	EXPANDED SITE, BLDG. SIZE, ENTR. LOCATIONS
6-20-80	S.W.M. OUTLET AT S.W. COR.
1-25-82	ADD U.G. S.W.M. NOTES 24-27, PROPOSED PARKING & LOADING
7-22-82	NOTES 15 & 20; PAVING WIDTH



SOILS DATA

SHB - SASSAPARA SANDY LOAM 2 TO 13% SLOPES			
WMA - WOODSTOWN SANDY LOAM 0 TO 2% SLOPES			
LIMITATIONS FOR			
TYPE	AREA	BUILDINGS: 3 STY. NO BASEMENT	STREETS AND PARKING LOTS
SHB	0.72 AC	SLIGHT	MODERATE SLOPE
WMA	0.91 AC	SLIGHT	MODERATE TO MODERATELY HIGH WATER TABLE

MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS.

PUBLIC SERVICES CRG. NO 90108
PLANNING NO. _____



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIMONIUM MD. 21220

IN RE: PETITION FOR ZONING VARIANCE
E/S McPherson Court, 71 ft.
W of c/l Othoridge Road
1301 McPherson Court
9th Election District
4th Councilmanic District
Timothy W. Frost, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-476-A

RULING ON MOTION FOR RECONSIDERATION

The above captioned matter originally came before me as a Petition for Zoning Variance for that property known as 1301 McPherson Court in the Lutherville section of Baltimore County. By my Order dated August 10, 1992, the Petition was denied for reasons fully set forth therein.

Subsequently, the Petitioner/property owner, Timothy W. Frost, submitted a letter dated August 20, 1992 requesting reconsideration of my decision. Additional correspondence, dated August 31, 1992 and September 3, 1992 were, likewise, received from the Petitioner. These letters, taken collectively, will be considered as a Motion for Reconsideration.

By way of a brief history of the case, it is to be noted that Mr. Frost resides on a corner lot at the intersection of McPherson Court and Othoridge Road. His dwelling fronts McPherson Court.

Several years ago, Mr. Frost caused to be constructed a satellite receiving antenna/dish in the rear yard of his property. However, because the dish was not in compliance with Section 400.1 of the B.C.Z.R. which requires same to be located within the rear one-third of the lot farthest removed from any street, a zoning violation case was instituted by Baltimore County against him. In an attempt to resolve the issue before any action by the Court, Mr. Frost filed a Petition for Zoning Variance from

ORDER RECEIVED FOR FILING
Date 9/8/92
By Th. Frost

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Section 400.1 of the B.C.Z.R. This variance requested permission for Mr. Frost to keep the dish where located, notwithstanding the provisions of Section 400.1 of the B.C.Z.R., as provided above.

That case came before then Zoning Commissioner, J. Robert Haines, who denied the Petition for Zoning Variance by his Order dated April 5, 1990. A timely appeal was filed by Mr. Frost to the County Board of Appeals which, likewise, denied the Petition on January 8, 1991. There were no further appeals taken from the Board of Appeals' decision; thus, the Board's opinion became final.

Nonetheless, Mr. Frost refiled his Petition in 1992. The case came before me for hearing on July 27, 1992. By my opinion and Order dated August 10, 1992, I denied the Petition for Zoning Variance. My written Findings of Fact and Conclusions of Law fully set forth the basis of my reasoning.

Particularly, I ruled that relitigation of the Petition was barred by the doctrine of res judicata. Specifically, I determined that both the subject dish and its location were identical to those issues in the prior case. Further, the same relief from the same section of the B.C.Z.R. was requested. Thus, in my view, the decision of the County Board of Appeals was final and relitigation of the identical subject matter and governing law was barred.

Within Mr. Frost's correspondence, he has offered several arguments in support of his request that my decision be reconsidered. These will be addressed in turn.

First, Mr. Frost notes that his property is located in that subdivision known as Devonshire Forest and that the plat for that subdivision was approved on or about October 25, 1954. Therefore, the Petitioner argues

ORDER RECEIVED FOR FILING
Date 9/8/92
By Th. Frost

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that the provisions of the B.C.Z.R. which govern the use of his property are not the regulations presently in effect, but rather those in force in 1954. Those regulations had been originally promulgated and adopted by Baltimore County in 1945. Thus, Mr. Frost reasons, because the 1945 version of the B.C.Z.R. contains no provisions for regulations of the satellite dish antenna, the variance is unnecessary and his use is not in violation of any zoning regulation.

Admittedly, the 1945 regulations may be relevant for the determination of certain issues regarding this property. For example, a Petition for Special Hearing for a nonconforming use would be governed by those regulations. Further, Sections 103.1 and 1802.3(B) of the B.C.Z.R. provide that setback, area, use and height standards shall be as prescribed by the zoning regulations in effect at the time the subject subdivision was approved by the Planning Board or its predecessor, the Planning Commission. Notwithstanding these provisions, the property owner has misconstrued the law in arguing that the 1945 regulations are applicable to his satellite dish. Clearly, it is well settled at law that absent any grandfathering provision, the regulations in effect at the time any property is improved, altered, or changed are applicable to that improvement or alteration. See e.g., Rockville Fuel and Feed Co. vs. City of Gaithersburg, 266 Md. 117, 291 A2d 672 (1972). If that were not the case, additions and/or amendments to properties which had been initially developed prior to the adoption of zoning in Baltimore County in 1945, would go unregulated. Clearly, Mr. Frost placed his satellite dish antenna in its present location well after the adoption of the comprehensive set of zoning regulations in 1955. Further, the issue presented in the instant case does not relate to height, use, area or setback requirements

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Date 9/8/92
By Th. Frost

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and is, thereby, not grandfathered by Sections 103.1 and 1802.3(B). As such, the current regulations govern that alteration/improvement to the property. Thus, Section 400.1 of the B.C.Z.R. must be satisfied unless a variance is obtained. Therefore, the Petitioner's argument that the recordation of his subdivision prior to the adoption of the 1955 regulations should prohibit the application of the current standards of the B.C.Z.R. is inappropriate.

A second basis of Mr. Frost's Motion for Reconsideration is offered in his letter of August 20, 1992. To summarize, Mr. Frost avers that then Zoning Commissioner Haines made several mistakes when his decision was authored in April 1990. Thus, the Petitioner argues that res judicata is not applicable.

This argument, likewise, must be dismissed for two reasons. First, it must be noted that the decision which bars the property owner's current Petition was that authored by the County Board of Appeals. As noted, an appeal of Zoning Commissioner Haines' decision was timely made and the case heard de novo before the County Board of Appeals. The Board of Appeals' decision superseded that decision made by Zoning Commissioner Haines and, in fact, is the quasi judicial determination which bars relitigation of the case. Thus, whatever Zoning Commissioner Haines may have or have not done is irrelevant, in that his decision was not the final decision in the earlier case.

Secondly, even if the Board of Appeals is alleged to have made the same mistake attributed to Zoning Commissioner Haines, their action is not a "mistake" of the nature which would permit reopening of this case. The Petitioner confuses the meaning of the word "mistake" within its everyday usage as compared with what that term means at law. Simply stated, a

ORDER RECEIVED FOR FILING
Date 9/8/92
By Th. Frost

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mistake is not made by the Hearing Officer because one disagrees with his reasoning process in arriving at a decision, rather the mistake alleged must be as to a jurisdictional issue or of such similar magnitude. See Bernstein v. Kapneck, 46 Md. App. 231, 417 A2d 456 (1980).

I see no evidence in the Motion before me that such a fundamental mistake was made or even alleged. Rather, the Petitioner argues that the Commissioner improperly instituted the zoning violation case against him. Even if this allegation is true, which is in and of itself highly debatable, such action by the Commissioner is not in the nature of a mistake which would permit relitigation of this case.

Lastly, the property owner argues that the instant Petition for Variance was filed at the recommendation of members of this office and, thus, should be entertained on its merits. Specifically, Mr. Frost alleges that the Deputy Zoning Commissioner, Timothy M. Kotroco, and the Director of Zoning Administration and Development Management, Arnold Jablon, instructed him to file his Petition. Mr. Kotroco's response to this allegation is set forth within his letter to the Petitioner dated August 28, 1992. He denies ever giving such advice or making such a recommendation. Further, it is a long standing practice of this office to refuse to provide legal advice in response to any inquiries made to it. As Mr. Kotroco's letter clearly notes, all determinations as to the merits of any Petition are to be made by the hearing officer who entertains that case.

Thus, for the aforementioned reasons, I am persuaded that Mr. Frost's Motion for Reconsideration must be denied. As I pointed out in my earlier opinion, he may have laudable reasons to offer in support of his request to permit the satellite dish where located. However, quite frankly, this case has been decided by the County Board of Appeals. If any redress was

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Date 9/8/92
By Th. Frost

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sought from their decision, the proper appeal to the Circuit Court should have been filed. Absent fraud, substantial change, mistake, surprise or inadvertence, the prior decision cannot be relitigated. None of these factors are present in this case.

Therefore, the Motion for Reconsideration must be denied and I shall so order.

WHEREFORE, it is this 18th day of Sept. 1992 ORDERED that the Petitioner's Motion for Reconsideration be and is hereby DENIED.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/8/92
By Th. Frost

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 18, 1992

Mr. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093

RE: Petition for Zoning Variance
Case No. 92-476-A

Dear Mr. Frost:

In response to your letters dated August 20, August 31, and September 3, 1992 requesting a Motion for Reconsideration of Decision regarding the above captioned case, please find enclosed my Ruling on Motion for Reconsideration.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.
cc: Mr. Dale Rauschenberg
Mr. Peter Liveright
Mr. Robert Anderson
Mr. George Kron

IN RE: PETITION FOR ZONING VARIANCE
E/S McPherson Court, 71 ft.
W of c/l Othoridge Road
1301 McPherson Court
9th Election District
4th Councilmanic District
Timothy W. Frost, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-476-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 1301 McPherson Court in the Lutherville section of Baltimore County. The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within that one-third portion of the rear yard which is the farthest removed from any street, as is required under the regulations.

The Petitioners/property owners, Timothy W. and Carol Ann Frost, appeared and testified at the hearing. Also appearing on behalf of the Petition was Walter Frazier of Stansbury Satellite, Inc. Mr. Frazier operates the company which sold the subject satellite dish to the Petitioners. There were numerous Protestants present. These included representatives of the neighborhood in which the subject property is located.

Although the propriety of the subject variance is contested, the underlying facts are clear and uncontroverted. Mr. and Mrs. Frost are the owners of that property located at 1301 McPherson Court in Lutherville. They, their two children and Mrs. Frost's mother reside therein. The

ORDER RECEIVED FOR FILING
Date 9/10/92
By Th. Frost

subject property is a corner lot approximately .17 acres in size and is zoned D.R.5.5. The property is improved by an existing dwelling which fronts McPherson Court.

Mr. Frost testified that in approximately August of 1989, he purchased from Stansbury Satellite a satellite system for installation and use at the subject property. Further, testimony was presented that the satellite system provides its owner with access to 18 different satellites which are located above the southwestern horizon. Mr. Frazier, in explaining the technical requirements of the system, stated that the ideal location for the satellite dish was in the rear/side yard of the property adjacent to Othoridge Road. He indicated that, although the dish could be located on the roof of the dwelling, removal of mature trees, both on the subject property and the neighbors property, would be necessitated in order to obtain full reception for the system. Mr. Frazier and Mr. Frost also jointly testified that there were no other ground locations within the site which were acceptable locations for the dish. Specifically, it was stated that if the dish were located in that portion of the rear yard farthest from Othoridge Road, that reception would be hindered.

Testimony was also presented as to the system, itself. The subject dish is 9.75 ft. wide and is painted black with a non-reflective surface. It was also stated that the system does not emit any radiation, nor interfere with other televisions, radios, etc., in the neighborhood. According to the Petitioners and their witness, the dish does not constitute a nuisance to the site.

As indicated above, numerous residents of the community testified in opposition to the Petition. These included Dale Rauschenberg, Peter Liveright, Robert Anderson and George Kron. All of these witnesses object

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to what they perceive as the unsightly appearance of the dish and its location on that portion of the lot immediately adjacent to Othoridge Road. The Protestants believe that the dish is unsightly and is an eyesore. They also opine that granting of the variance may cause a proliferation of satellite dishes in the community. This would adversely affect the property values in their community. In addition to the factual information submitted by the Petitioner, Mr. Frost advanced several legal arguments in support of the Petition. These included a statement that prohibition of the placement of the dish where same is placed would infringe upon his first amendment rights guaranteed by the U.S. Constitution. Secondly, Mr. Frost believes that Baltimore County is estopped from preventing the dish where same is located. Lastly, Mr. Frost argued that the variance should be permitted because he has complied with the language within Section 307 of the B.C.Z.R. and the case law which has construed same.

Although, all of these arguments might have merit, a threshold issue need be determined before they may be addressed. Specifically, evidence and testimony presented was that this is not the first occasion in which this case has come before the Zoning Commissioner. Specifically, the Petitioner previously filed for an identical variance under case No. 90-350A. Specifically, the relief requested therein was a request to permit the dish at the identical location as presently proposed. That is, within that case, the Petitioner also sought a variance from Section 400.1 of the B.C.Z.R. to allow the dish to be placed in the third of the lot closest to the street. This is the same section of the B.C.Z.R. which is under consideration in the present case. The prior case came before the then Zoning Commissioner, J. Robert Haines, and the variance was denied on April 5, 1990. A timely appeal was filed by Mr. and Mrs. Frost to the

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MICROFILMED

County Board of Appeals which, likewise, denied the Petition on January 8, 1991. There were no further appeals taken from the Board of Appeals' decision. Thus, the Board's opinion became final.

Having, therefore, concluded that this issue was previously litigated, a determination must now be made as to whether the doctrine of res adjudicata prohibits consideration of the present case. Res adjudicata is essentially defined as that legal doctrine which prohibits litigation in a subsequent action between the same parties, related to the same facts, or issues. Perusse Realty v. Lingg, 249 Md. 33 238 A2d 100. At least some of the principals of this doctrine are applicable to the decisions by Zoning Boards. See Board of County Commissioners v. Racine, 24 Md. App. 435, (1975). The basis for this doctrine is to prevent unending litigation over the same issue. The Courts have recognized that when an issue is conclusively settled by a final judgment in the first case, that same should not be litigated again, and again. If this doctrine did not exist, litigation would be unending.

In Racine, supra, the Courts applied the doctrine of res adjudicata to administrative proceedings wherein it said "We recognize, as indeed we must, that an unreversed final decision by a zoning board, passed in the exercise of its discretion upon issues of fact or upon mixed issues of law and fact, are fully binding upon the parties to the cause and their privies as to all issues determined thereby. It is only when there has been a substantial change of conditions or it is shown that the decision was a product of fraud, surprise, mistake or inadvertence, that such an administrative body may reverse its prior decision in litigation between the same parties." (pg. 450)

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In the instant case, there is no evidence, nor even allegation of, fraud, surprise, mistake or inadvertence as it relates to the initial hearing. Rather, the Petitioner avers that there has been a substantial change of conditions which would justify the rehearing of this case. Specifically, those conditions are that, (1) the satellite dish is now lower (12 ft. v. 10 ft.) then when the case was considered by Commissioner Haines, and (2) that the Petitioner has provided landscaping around the base of the satellite dish which will ultimately reduce its visibility. However, clearly, neither of these conditions constitutes a substantial change from the issue previously decided. The variance previously requested and, indeed, the current variance request, seeks permission to place the satellite dish at a location in the side/rear yard closest to the street. Thus, the issue presented is whether a variance from the regulation which governs the location of the dish, within the subject lot, is permitted. In both cases, the requested variance as to this location is the same. Whether the dish is higher or lower, landscaped or not, is immaterial to the question as to whether the dish should be permitted at that precise place on the Petitioner's property.

In that the issues are the same, I feel compelled to conclude that under the Racine holding as set forth above, the doctrine of res adjudicata prohibits re-litigation of this case. Perhaps, the Petitioner should have pursued his appellate rights of the Board of Appeals' decision to the Circuit Court. Finding no fraud, mistake, surprise, inadvertence or substantial change of conditions, I cannot conclude that Commissioner Haines' decision was incorrect. Therefore, the subject Petition for Variance must be denied and I will so order.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of August, 1992 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within the one-third portion of the lot farthest removed from any street, in accordance with Petitioners' Exhibit No. 1, be and is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 10, 1992

Mr. and Mrs. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093

RE: Case No. 92-476-A
Petition for Zoning Variance

Dear Mr. and Mrs. Frost:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

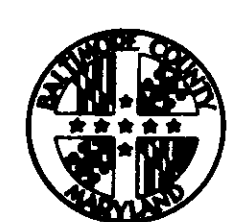
Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

att.
cc: Dale Rauschenberg
Peter Liveright
Robert Anderson
George Kron

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1301 McPherson Court, Lutherville, MD 21093 which is presently zoned RA-55

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 400.1 TO PERMIT PLACEMENT OF A SATELLITE DISH ANTENNA IN THE REAR YARD OF A CORNER LOT BUT NOT WITHIN THE REAR 1/3 OF THE LOT FARTEST REMOVED FROM ANY STREET.

SEE ATTACHED SHEET

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/Lessor:

Type or First Name

Signature

Address

City State Zip

Attorney for Petitioner:

Type or First Name

Signature

Address

City State Zip

With an extremely detailed and often, under the provisions of policy, that view are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Timothy W. Frost

Signature

Carol Ann W. Frost

Signature

Carol Ann W. Frost

Signature

1301 McPherson Ct. 321-1392

Address

Lutherville MD 21093-5508

City, Address and phone number of legal owner, contract purchaser or representative to be bound

Timothy W. Frost

Signature

965-2198

Address

OFFICE USE ONLY

RECEIVED

DATE 6-3-92

A practical difficulty exists with strict compliance to the Baltimore County Zoning Regulations (B.C.Z.R.) regarding the installation of my satellite dish antenna in the following ways:

1. Strict compliance with requirements set forth in the B.C.Z.R. will unreasonably and unconstitutionally prevent the use of my property for a permitted purpose. This is because a satellite dish antenna, in order to work at all, must have an unrestricted line of sight towards the equator to the south and to the southwest. No such line of sight exists from either the part of my yard permitted by the B.C.Z.R. unless several trees are removed from properties belonging to neighbors. In addition, to achieve the required line of sight from the permitted portion of my property, I would have to place the dish on a pole which exceeds the 15 foot height limitation imposed by the B.C.Z.R. and thus require another variance. Even if such variance were granted, then the electrical service to my house would have to be relocated to the front of my house so that safe clearances from the power line could be met. If the satellite dish were moved to the roof of the dwelling as suggested in a previous case before the Zoning Commissioner, then the only mature tree on the property would have to be removed to provide the necessary line of sight. All of these factors make compliance unnecessarily burdensome.
2. Failure to grant the variance requested would be substantial injustice to the applicant as well as other property owners in the district. All concerns which were expressed by other property owners concerned the aesthetics. The satellite dish is now located on the ground in 800 pounds of concrete. Shrubbery has been planted around the antenna which will, in time, grow to a height of more than 15 feet. This will address all aesthetic concerns of everyone in the district. If the satellite dish is moved to the roof of the dwelling, then it will be impossible to screen its view in any way.
3. Relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured. If the variance is granted, then, in time, the dish will be screened from view, thus addressing everyone's aesthetic concerns. Since the dish is securely mounted in the ground, and, in fact, has weathered the passing of hurricane Hugo without damage or movement, the public safety and welfare is secured. Moving the dish to the roof of the dwelling will make it more attractive to lightning along with raising the possibility of damage to my home in the event of a storm.
4. No increase in residential density beyond that allowed by the B.C.Z.R. will occur.
5. It is in strict harmony with the spirit and intent of height, area, off-street parking, and sign regulations.
6. Relief can be granted without substantial injury to public health, safety and general welfare.
7. Failure to grant the relief requested will be in violation of the property owner's Civil Rights under the First Amendment of the U.S. Constitution and applicable Regulations of the Federal Communications Commissions.

ORDER RECEIVED FOR FILING

Date By

ZONING DESCRIPTION 92-476-A

Beginning at a point on the east side of McPherson Court which is 36 feet wide at the distance of 71 feet north of the centerline of Othoridge Road which is 36 feet wide. Being lot #4, Block R, Section #2 in the subdivision of Devonshire Forest as recorded in Baltimore County Plat Book #20, Folio #132, containing 7,314 square feet. Also known as 1301 McPherson Court and located in the #9 Election District.

#506

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-476-A

District: 9th Date of Posting: 7-6-92

Posted for: Variance

Petitioner: Timothy W. Frost and Carol Ann Frost

Location of property: E/S of McPherson Court - 71' N. of the S/E of Othoridge Road - 132' N. of McPherson Court

Location of Sign: Corner of 132' N. of McPherson Court

Remarks:

Posted by: J. J. Rute Date of return: 7-10-92

Number of Signs: 1

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receipt

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

Account: R-001-4100
Number: H9200506

6/09/92

PUBLIC HEARING FEES: \$50.00

010 ZONING VARIANCE: \$50.00

LAST NAME OF OWNER: FROST

TOTAL: \$50.00

Please Make Checks Payable To: Baltimore County
BA E003148PH06-03-92 \$50.00

Cashier Validation

MICROFILMED

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:

Timothy W. and Carol Ann W. Frost
1301 McPherson Court
Lutherville, Maryland 21093-5508

RE:
CASE #92-476-A (Item 506)
E/S McPherson Court, 71' N of c/l Othoridge Road
1301 McPherson Court
9th Election District - 4th Councilmanic
Petitioner(s): Timothy W. Frost and Carol Ann Frost
HEARING: MONDAY, JULY 27, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$63.16 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 18, 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 June 16, 1992

THE JEFFERSONIAN,
S. R. Orlan
Publisher

receipt

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

Account: R-001-4150
Number: 92-476

6/09/92

PUBLIC HEARING FEES: \$50.00

010 ZONING VARIANCE: \$50.00

LAST NAME OF OWNER: FROST

TOTAL: \$50.00

Please Make Checks Payable To: Baltimore County
BA E003148PH07-27-92 \$63.16

Cashier Validation

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 11, 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-476-A (Item 506)
E/S McPherson Court, 71' N of c/l Othoridge Road
1301 McPherson Court
9th Election District - 4th Councilmanic
Petitioner(s): Timothy W. Frost and Carol Ann Frost
HEARING: MONDAY, JULY 27, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Variance to permit placement of a satellite dish antenna in the rear yard of a corner lot but not within the rear 1/3 of the lot farthest removed from any street.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Timothy and Carol Ann Frost

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

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

Mr. & Mrs. Timothy W. Frost
1301 McPherson Court
Lutherville, MD 21093-5508

RE: Item No. 506, Case No. 92-476-A
Petitioner: Timothy W. Frost, et ux
Petition for Variance

Dear Mr. & Mrs. Frost:

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.

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 2nd day of June, 1992

Arnold Jablon
DIRECTOR

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

Petitioner: Timothy W. Frost
Petitioner's Attorney:

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 22, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 22, 1992
Item 506

The Developers Engineering Division has reviewed the subject zoning item and we recommend that a landscape plan be required, providing for effectively screening the dish from the neighbors and the street.

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

RWB:DAX:s

MICROFILMED

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 17, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 15, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Robert A. Yeatman - Item 504
Joseph & Aurelia Loveman - Item 505
Timothy & Carol Ann Frost - Item 506
James & Brenda Thomas - Item 507
Victor & Sandra Fiorenza - Item 509

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUN 23 1992

ZONING OFFICE

MICROFILMED

6.15.92.txt
Pctfns.txt

Development Review Committee Response Form
Authorized signature _____ Date 6/22/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Stonegate at Patapsco (Azreal Property)
90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Washington Homes, Inc. 504 N/C ✓ 6-15-92
DED DEPRM RP STP TE
Aurelia Loveman For Joseph H. Loveman 505 N/C ✓
DED DEPRM RP STP TE
Timothy W. And Carol Anne M. Frost 506 N/C ✓
DED DEPRM RP STP TE
James B. And Brenda G. Thomas 507 N/C ✓
DED DEPRM RP STP TE
James E. Bishop, Sr. 508 N/C ✓
DED DEPRM RP STP TE
Victor E. And Sandra J. Fiorenza 509 N/C ✓
DED DEPRM RP STP TE
Lena Guise 510 N/C ✓
DED DEPRM RP STP TE

COUNT 7

Howard W. Dawson, Sr. 503 N/C ✓ 6-8-92
TE

COUNT 1

FINAL TOTALS
COUNT 7

MICROFILMED

Development Review Committee Response Form
Authorized signature _____ Date 6-22-92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Robert N. And Joan M. Greene 466 in process 6-18-92
DED DEPRM
Baltimore Gas And Electric Company 475 in process

COUNT 2

Albert F. And Ann B. Hocar 478 written comments 6-1-92
DED DEPRM TE
Gene Nelson And Paulette Enos 489 in process
DED DEPRM
Lawrence F. And Ruth C. Solomon 493 in process
DED DEPRM

COUNT 3

Washington Homes, Inc. 504 6-15-92 in process
DED DEPRM RP STP TE
Aurelia Loveman For Joseph H. Loveman 505
DED DEPRM RP STP TE
Timothy W. And Carol Anne M. Frost 506 NO COMMENTS
DED DEPRM RP STP TE
James B. And Brenda G. Thomas 507 NO COMMENTS
DED DEPRM RP STP TE
James E. Bishop, Sr. 508 in process
DED DEPRM RP STP TE
Victor E. And Sandra J. Fiorenza 509 NO COMMENTS
DED DEPRM RP STP TE

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

JUNE 12, 1992

(410) 887-4500

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

RE: Property Owner: TIMOTHY W. FROST AND CAROL ANN M. FROST
Location: #1301 MCPHERSON COURT
Item No.: 506 (JCM) Zoning Agenda: JUNE 15, 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: *Capit. Jerry G. Goff* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 6/23/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Washington Homes, Inc. 504 No Comments ✓ 6-15-92
DED DEPRM RP STP TE
Aurelia Loveman For Joseph H. Loveman 505 No Comments ✓
DED DEPRM RP STP TE
Timothy W. And Carol Anne M. Frost 506 No Comments ✓
DED DEPRM RP STP TE
James B. And Brenda G. Thomas 507 No Comments ✓
DED DEPRM RP STP TE
James E. Bishop, Sr. 508 No Comments ✓
DED DEPRM RP STP TE
Victor E. And Sandra J. Fiorenza 509 No Comments ✓
DED DEPRM RP STP TE
Lena Guise 510 No Comments ✓
DED DEPRM RP STP TE

COUNT 7

FINAL TOTALS
COUNT 7

*** END OF REPORT ***

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards June 5, 1992

FROM: James H. Thompson

SUBJECT: ITEM NO. 506
1301 MCPHERSON COURT
FROST - PETITIONER

When the above petition is scheduled for a public hearing, please notify:

- A) Councilman Douglas B. Riley
B) Dale Rauschenberg
29 Othoridge Road
Lutherville, MD 21093
C) Jay Esser
21 Othoridge Road
Lutherville, MD 21093
D) John Trueschler
39 Othoridge Road
Lutherville, MD 21093

It is imperative that this case not be scheduled before the Deputy Zoning Commissioner, Timothy Kotrood, because of his prior involvement with this property.

JH/car

cc: Gwendolyn Stephens - Docket Clerk

C-90-758
ACTIVE ZONING CASE
MICROFILMED

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

J. Robert Haines
Zoning Commissioner

January 29, 1990

NOTICE OF HEARING

Dennis P. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-350-A
NE Corner McPherson Court and Othoridge Road
1301 McPherson Court
9th Election District - 4th Councilmanic
Petitioner(s): Timothy W. Frost, et al
HEARING: WEDNESDAY, MARCH 14, 1990 at 9:30 a.m.

Variance: To permit placement of a satellite dish antenna in a position in the lot which is in the rear yard but within the third of the lot farthest from any street.

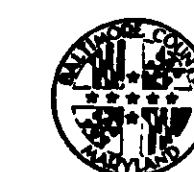
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Frost
Dale Rosenberg
Jay Esser
John Trueschler

Board of Appeals
887-3180



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

January 8, 1991

Mr. and Mrs. Timothy Frost
1301 McPherson Court
Timonium, Maryland 21093

Re: Case No. 90-350-A (Timothy W. Frost, et al)

Dear Mr. and Mrs. Frost:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Walter Frazier
Mr. and Mrs. Dale Rauschenberg
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

IN RE: PETITION FOR ZONING VARIANCE
SE/8 Leland Avenue, 235' NE of
the c/l of Greenbrier Street
(1701 Leland Avenue)
15th Election District
5th Councilmanic District
James E. Bishop, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-475-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, James E. Bishop, Sr., by and through his attorney, John B. Contrum, Esquire. The Petitioner requests relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 255.2 and 243.1 to permit a front building setback of 16.8 feet in lieu of the required 75 feet; from Sections 255.2 and 243.2 to permit a side yard building setback of 0 feet in lieu of the required 50 feet; from Sections 255.2 and 243.3 to permit a rear yard building setback of 39 feet in lieu of the required 50 feet; from Sections 255.2, 243.2 and 102.2 to permit a side yard setback between buildings of 45 feet in lieu of the required 100 feet; from Sections 255.2 and 243.2 to permit a side yard setback of 45 feet in lieu of the required 50 feet; and from Section 253.4 to permit loading areas within 97 feet of residential street right-of-way in lieu of the required 100 feet, for proposed Buildings A and B as more particularly described on Petitioner's Exhibits 1 and 3.

Appearing on behalf of the Petition were James E. Bishop, property owner, and Leo W. Rader, Registered Land Surveyor. Appearing as Protestants in the matter were James J. and Cathy Basilone, John C. and Kathleen Dumer, Jr., and John C. Dumer III, all residents of the area.

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Date 9/18/92
By [Signature]

MICROFILMED

Testimony indicated that the subject property, known as 1701 Leland Avenue, consists of a gross area of 1.6262 acres more or less, zoned M.L. Said property is located between other properties owned by the Petitioner. To the west, the Petitioner owns a tract which features two existing warehouse buildings. To the east, he owns a wooded lot. The Petitioner also owns property across Leland Avenue from the subject site. When considered in context with the proposed and existing uses, the properties on the south side of Leland Avenue appear to be part of one large tract. The tract is bordered on the north by residential uses and on the south by the Philadelphia, Baltimore and Washington Railroad tracks. Testimony presented was that the Petitioner is desirous of constructing two additional warehouse buildings on the rear of the subject lot in accordance with Petitioner's Exhibit 1. However, due to the narrow depth of this lot, approximately 140 feet, the requested relief is necessary in order to construct the proposed buildings. In fact, the lot is of such configuration so as to provide a small and impractical building envelope area if strict adherence to the relevant setback regulations is required. Additional testimony indicated that the Petitioner applied for CRG approval in 1990, but due to unresolved issues, including, but not limited to, storm water management, CRG review was continued pending the outcome of this hearing. Petitioner testified that if the variances requested herein are granted, then a CRG review will be rescheduled. Testimony indicated that compliance with all other terms and conditions of the B.C.Z.R. will be met.

The Protestants are generally concerned about water runoff from the proposed buildings. Testimony indicated that there is a history of water runoff problems associated with this site due to the topography of

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Date 9/18/92
By [Signature]

MICROFILMED

the land in this area. The Protestants also voiced concern as to the use of their residential streets by commercial and truck traffic going to and from the subject site. Further, they are generally concerned with the effects of this commercial use on nearby residential properties.

In response to the concerns raised by the Protestants, the Petitioner testified that he is installing an underground storm water management system in the rear of this site to divert any water runoff away from adjoining residential properties. Further testimony revealed that the Petitioner has also entered into a lease agreement with the Philadelphia, Baltimore and Washington Railroad Company to discharge all water runoff collected by this underground system onto the Railroad property. The Petitioner also agreed to make all exits from the subject site left turns only so that all traffic exiting the property will travel west on Leland Avenue towards Martin Boulevard, thereby avoiding the use of neighboring residential streets.

It should be noted that this property has been the subject of numerous zoning violation complaints over the past several years. The granting of the relief requested herein shall be contingent upon Petitioner's compliance with any and all conditions imposed on him, including, but not limited to, the correction of any zoning violations, prior to the issuance of any permits. James Thompson, Zoning Enforcement Supervisor, has advised me that no violations currently exist on the property.

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

ORDER RECEIVED FOR FILING
Date 9/18/92
By [Signature]

- 3 -

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 variances are 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.

It must also be noted that the case before me relates to the proposed variances and not the use of the property, per se. That is, I am not evaluating the zoning classification of this property or a special exception relative to a use thereon. Nonetheless, the size of the proposed buildings is substantial and the variances requested significant. Thus, under my authority to reasonably restrict the granting of variances, I shall impose such restrictions as hereinafter provided to assure a lesser impact on the surrounding community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are 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 pub-

ORDER RECEIVED FOR FILING
Date 9/18/92
By [Signature]

- 4 -

PETITION FOR ZONING VARIANCE 508
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-475A
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 _____ See Attachment _____

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
To permit warehouse storage in lieu of outside storage yard to conform with existing warehouse similarly situated. Without the variance no building can be built.

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 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:	Legal Owner(s):
(Type or Print Name)	James E. Bishop, Sr.
Signature	[Signature]
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	1701 Leland Avenue 676-2800
John B. Contrum	Address
(Type or Print Name)	Baltimore, MD 21220
Signature	City and State
814 Eastern boulevard	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
Essex, MD 21221	Address
City and State	Phone No.
Attorney's Telephone No.: 686-8274	

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

No REVIEW
6/4/92 wee

(over) Zoning Commissioner of Baltimore County.

lic 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.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of September, 1992 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 255.2 and 243.1 to permit a front building setback of 16.8 feet in lieu of the required 75 feet; from Sections 255.2 and 243.2 to permit a side yard building setback of 0 feet in lieu of the required 50 feet; from Sections 255.2 and 243.3 to permit a rear yard building setback of 39 feet in lieu of the required 50 feet; from Sections 255.2, 243.2 and 102.2 to permit a side yard setback between buildings of 45 feet in lieu of the required 100 feet; from Sections 255.2 and 243.2 to permit a side yard setback of 45 feet in lieu of the required 50 feet; and from Section 253.4 to permit loading areas within 97 feet of residential street right-of-way in lieu of the required 100 feet, for proposed Buildings A and B, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 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 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.

ORDER RECEIVED FOR FILING
Date 9/18/92
By [Signature]

MICROFILMED

- 2) The hours of operation for the warehouse use on the subject property shall be limited to 7:00 AM to 9:00 PM, Monday thru Saturday.

- 3) All lighting on the subject property shall be directed away from any adjoining residential properties.

- 4) The outside speaker system is limited to use between the hours of 7:00 AM to 9:00 PM. Such speakers shall be installed, or adjusted if already existing, in such a manner so that all noise as a result of their use shall be deflected away from any adjoining residential properties. Further, volume levels from said speakers and other activity on site shall comply with all applicable noise pollution standards promulgated by the appropriate federal, state and Baltimore County agencies.

- 5) All traffic exiting the subject property must exit left onto Leland Avenue so as to avoid use of any adjoining residential streets. The Petitioner shall place appropriate signs or other directional devices as deemed necessary to direct traffic in a westerly direction on Leland Avenue.

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

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/18/92
By [Signature]

MICROFILMED

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 18, 1992

(410) 887-4386

John B. Contrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/8 Leland Avenue, 235' NE of the c/l of Greenbrier Street
(1701 Leland Avenue)
15th Election District - 5th Councilmanic District
James E. Bishop, Sr. - Petitioner
Case No. 92-475-A

Dear Mr. Contrum:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. James J. Basilone, Jr.
2001 Leland Avenue, Baltimore, Md. 21220

Mr. & Mrs. John C. Dumer, Jr.
1906 Magnolia Avenue, Baltimore, Md. 21220

Mr. John C. Dumer, III
1908 Leland Avenue, Baltimore, Md. 21220

People's Counsel

file

MICROFILMED

CRG PLAN XV-525

LOTS 5 THRU 14, SEC. 7 AND LOTS 1, 2, 3, 8 & 9, SEC. 8
"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120

15TH ELECT. DIST. BALTO. CO., MD.
SCALE: 1"= 50' MAY 15, 1989

OWNER AND DEVELOPER:
JAMES E. BISHOP, SR.
1701 LELAND AVENUE
BALTO., MD. 21220
PHONE: OFFICE 687-3000 RES. 335-1233

WATERSHED: 5
SUBWATERSHED: 15
CENSUS TRACT: 4517.01
COUNCILMANIC DIST: 5
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
19-00-010225902

DEED REF:
EKK, JR. 6409-763
SM 7425-623

SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

- 1) SITE AREA 70,837 SQ. FT. ± OR 1.6262 AC. ±
- 2) SITE ZONING ML & DR 5.5
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE PLUMBING CODE, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION III, PART I OF THE 1968 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE CBP TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS. CALL MISS UTILITY 1-559-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S = 165 (32,936 ÷ 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

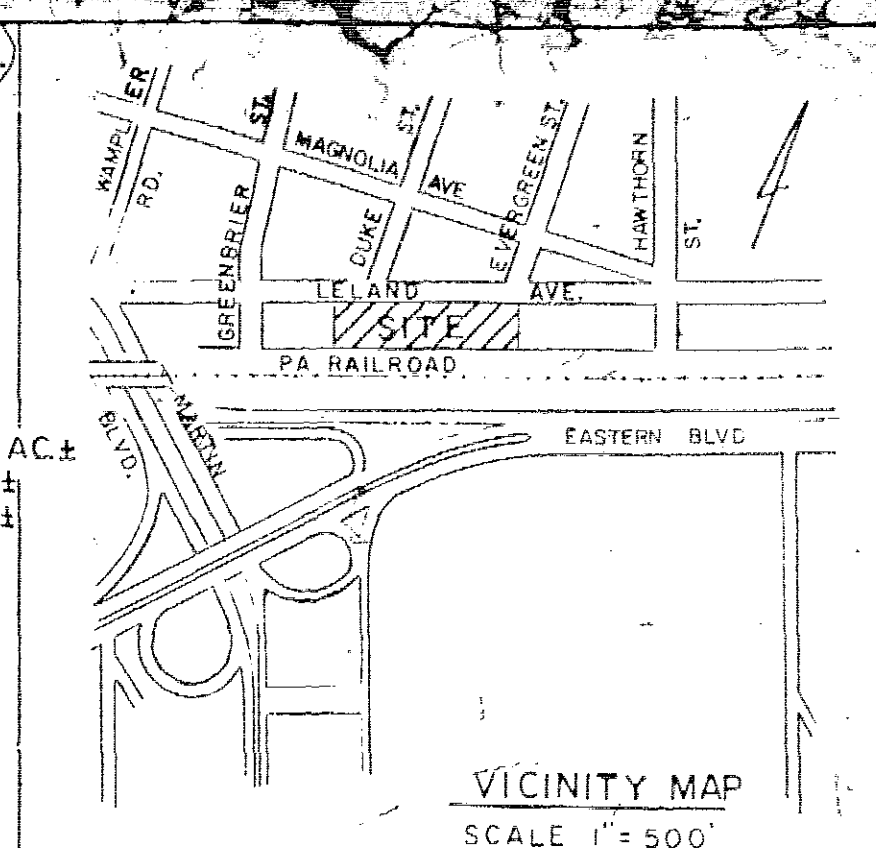
- 15) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO. A.C.Z.R. 243.1
- 16) STORM DRAINS - NONE PROPOSED BEYOND S.W.M.
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS. 243.2
- 18) PROPOSED BRIDGING IS SCHEMATICALLY SHOWN. 243.3
- (SUBJECT TO FINAL SITE ENGINEERING) 1102.2
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (S.A.F. AND WATER) 253.2
- 20) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO.
- 21) NO LOADING OR PARKING BETWEEN BUILDINGS
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE PAVED PER 1102.2 CONC. PAVING PERMANENTLY STRIPED.
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) ALL PARKING AND MANEUVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.
- 27) SIGNS WILL COMPLY WITH SEC. 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES.

SITE TABULATION (S. OF LELAND AVE.)

PARKING DATA	
BUILDING USES	WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT	6
NO. OF PARKING SPACES REQUIRED	6
NO. OF PARKING SPACES PROVIDED	6
SIZE OF PARKING SPACES	14' X 21'
GROSS AREA OF SITE	
70,837 SQ. FT. ± OR 1.6262 AC. ±	
HIGHWAY WIDENING AREA	
2,500 SQ. FT. OR 0.0574 AC. ±	
NET AREA OF SITE	
68,337 SQ. FT. ± OR 1.5688 AC. ±	
EXISTING ZONING	
ML	
FLOOR AREA RATIO:	
MAXIMUM PERMITTED	
2.0	
PROPOSED "FA" 32,936 ÷ 68,337	
0.48	

PARKING DATA (BY BUILDING)

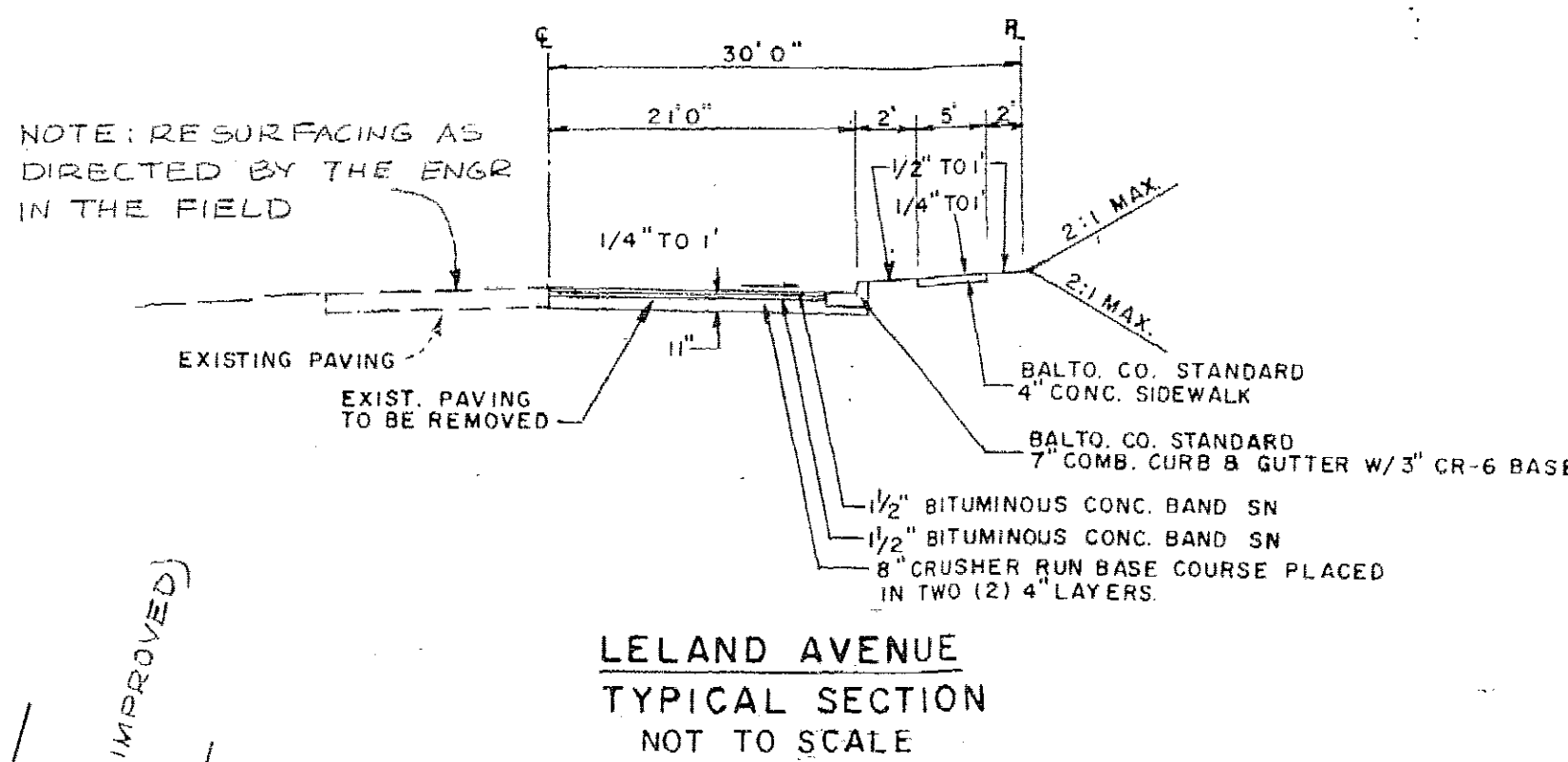
BUILDING "A"	BUILDING "B"
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3



BENCH MARK - BALTO. CO. MET. DIST. CONTROL
SURVEY HUB NO. X-2493
ELEV. = 30.867

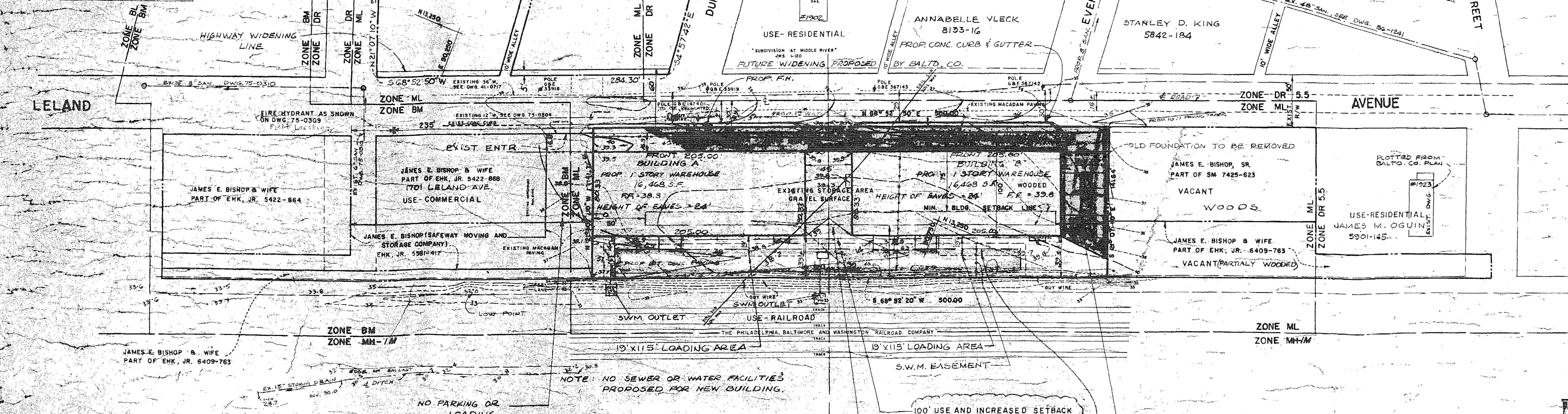
NOTE:

WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN. THE INCREASED DECKED VARIOUS OUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL CONFORM WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 253, 254, 255, 409, 413 AND THE ZONING POLICY MANUAL.



LELAND AVENUE
TYPICAL SECTION
NOT TO SCALE

DATE	DESCRIPTION
3-30-90	1ST REVIEW COMMENTS FROM BALTO. CO.
4-25-90	2ND REVIEW COMMENTS FROM BALTIMORE COUNTY
7-27-90	FIELD LOCATIONS FIRE HYDRANT
5-17-90	EXPANDED SITE, BLDG. SIZE, ENTR. LOCATIONS
4-20-90	S.W.M. OUTLET AT S.W. COR.
1-15-92	ADD U.G. S.W.M. NOTES 24-27, REDESIGN PARKING & LOADING
7-22-92	NOTES 15 & 20; PAVING WIDTH



SOILS DATA				
SNB	SASSAFRAG	SANDY LOAM	2-10% SLOPES	
W6A	WOODSTOWN	SANDY LOAM	0 TO 2% SLOPES	
LIMITATIONS FOR				
TYPE	AREA	BUILDINGS - 1STY. NO BASEMENT	STREETS AND PARKING LOTS	HYDROLOGIC SOIL GROUP
SNB	0.72 AC	SLIGHT	MODERATE SLOPE	B
W6A	0.91 AC	SLIGHT	MODERATE TO MODERATELY HIGH WATER TABLE	C

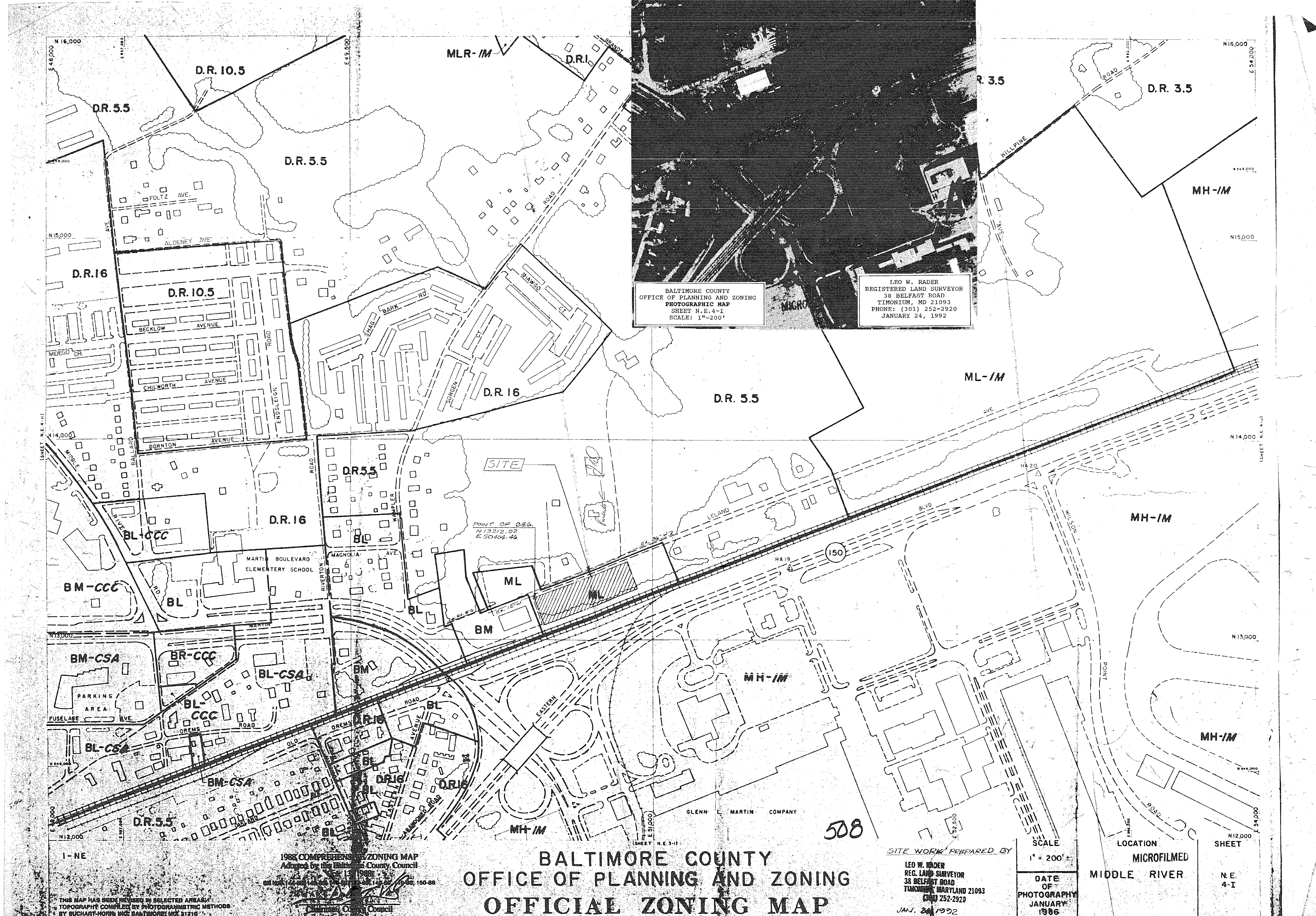
MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS.

PETITIONER'S
EXHIBIT 4B

MICROFILMED

PUBLIC SERVICES CRG. NO 90108
PLANNING NO.

LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIMONUM MD 21220-2920



CRG PLAN XV-525

LOTS 5 THRU 14, SEC. 7 AND LOTS 1, 2, 3, 8 & 9, SEC. 8
"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120

15TH ELECT. DIST. BALTO. CO., MD.
SCALE: 1" = 50' MAY 15, 1989

OWNER AND DEVELOPER:
JAMES E. BISHOP, SR.
1701 LELAND AVENUE
BALTO., MD. 21220
PHONE: OFFICE 687-3000 RES. 335-1233

WATERSHED: 5
SUBWATERSHED: 15
CENSUS TRACT: 4517.01
COUNCILMANIC DIST: 5
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
19-00-010225902

DEED REF:
EKK, JR. 6409-763
SM 7425-623

SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

- 1) SITE AREA 70,837 SQ. FT. ± OR 1.6262 AC. ±
- 2) SITE ZONING ML & DR 5.5
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE PLUMBING CODE, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION III, PART I OF THE 1968 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE CBP TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS. CALL MISS UTILITY 1-559-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S = 165 (32,936 ÷ 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

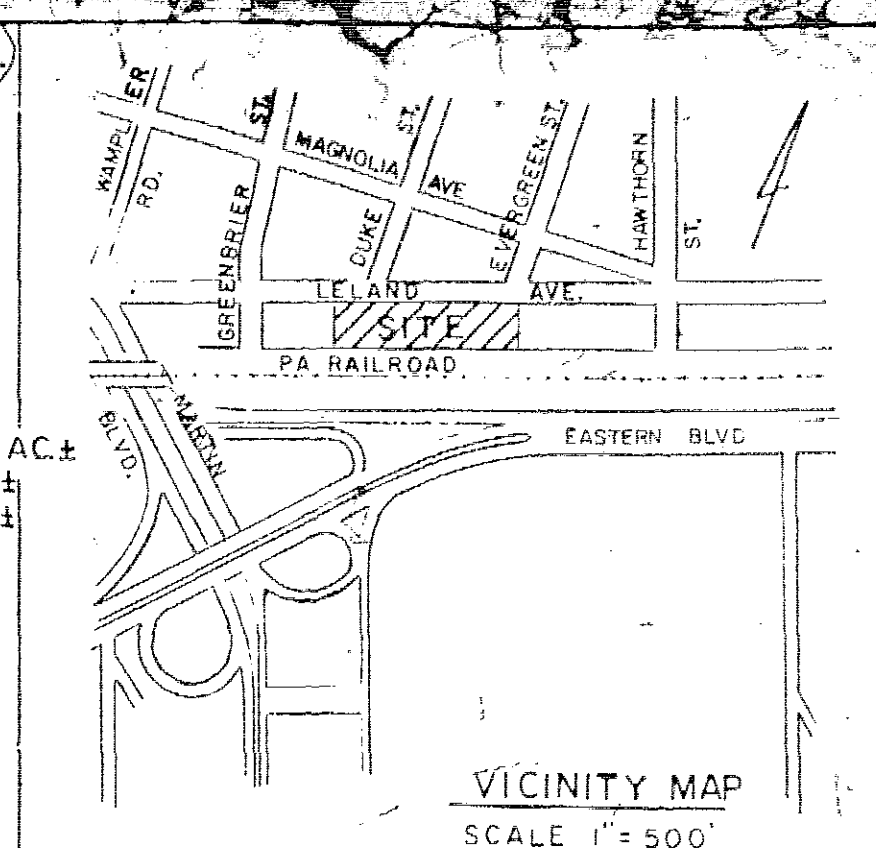
- 15) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO. A.C.Z.R. 243.1
- 16) STORM DRAINS - NONE PROPOSED BEYOND S.W.M.
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS. 243.2
- 18) PROPOSED GRADING IS SCHEMATICALLY SHOWN. 243.3
- (SUBJECT TO FINAL SITE ENGINEERING) 1102.2
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (SAND AND WATER) 253.2
- 20) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO.
- 21) NO LOADING OR PARKING BETWEEN BUILDINGS
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE PAVED PER 1102.2 CONC. OR PAVING PERMANENTLY STRIPED.
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.
- 27) SIGNS WILL COMPLY WITH SEC. 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES.

SITE TABULATION (S. OF LELAND AVE.)

PARKING DATA	
BUILDING USES	WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT	6
NO. OF PARKING SPACES REQUIRED	6
NO. OF PARKING SPACES PROVIDED	6
SIZE OF PARKING SPACES	14' X 21'
GROSS AREA OF SITE	
70,837 SQ. FT. ± OR 1.6262 AC. ±	
HIGHWAY WIDENING AREA	
2,500 SQ. FT. OR 0.0574 AC. ±	
NET AREA OF SITE	
68,337 SQ. FT. ± OR 1.5688 AC. ±	
EXISTING ZONING	
ML	
FLOOR AREA RATIO:	
MAXIMUM PERMITTED	
2.0	
PROPOSED "FA" 32,936 ÷ 68,337	
0.48	

PARKING DATA (BY BUILDING)

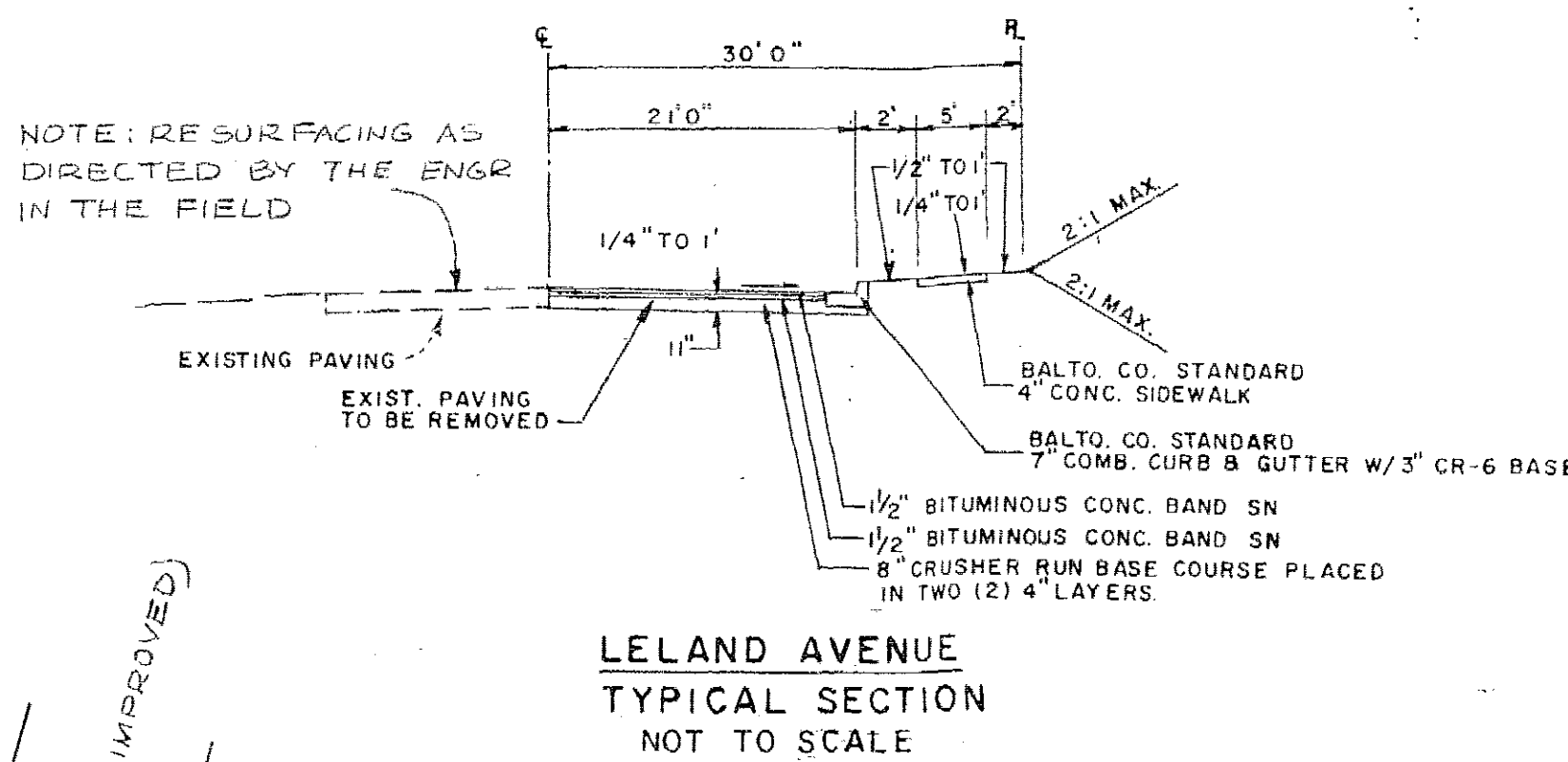
BUILDING "A"	BUILDING "B"
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3



BENCH MARK - BALTO. CO. MET. DIST. CONTROL
SURVEY HUB NO. X-2493
ELEV. = 30.867

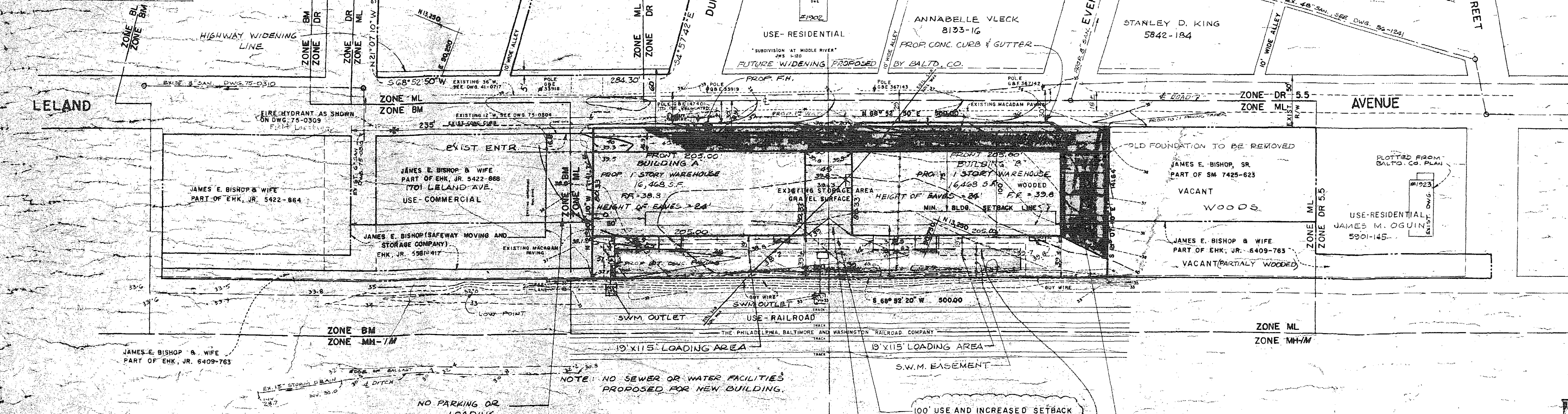
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PETITIONER'S
EXHIBIT 4B

MICROFILMED

PUBLIC SERVICES CRG. NO 90108

PLANNING NO.

LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIMONUM MD 21220-2920

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

MEMORANDUM
TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 18, 1992

SUBJECT: Bishop Property

INFORMATION:
Item Number: 508

Petitioner: James E. Bishop

Property Size: 1.6 acres

Zoning: ML

Requested Action: Variance

Hearing Date: 6/22/92

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a variance to permit a front yard setback of 16.8' in lieu of 75', a side yard setback of 0' in lieu of 50', a rear yard setback of 39' in lieu of 50', a rear yard side setback of 45' in lieu of 100', a sideyard setback of 45' in lieu of 50' and to permit loading areas within 97' of a residential street right of way in lieu of the required 100'.

The Office of Planning and Zoning recommends that this hearing not be held until all zoning violations are cleared up as stated in section 26-180 of the Development Regulations. Also, this plan must progress through Division I and II of the development process. Therefore, the Hearing Officers Hearing for this development should be combined with the Zoning Hearing for the variances rather than having two separate hearings.

Prepared by: *[Signature]*

Division Chief: _____

FM:rdn

RECEIVED
JUN 22 1992
ZONING OFFICE

508.ZAC/ZAC1

Development Review Committee Response Form

Authorized signature: *[Signature]* Date: 6/22/92

Project Name: Stonegate at Patapsco (Azeal Property)

File Number: 90476 Waiver Number: ZON DED TE Meeting Date: 6-1-92

(Waiting for developer to submit plans first)

COUNT 1

Washington Homes, Inc. 504 N/C 6-15-92

DED DEPRM RP STP TE

Aurelia Loveman For Joseph H. Loveman 505 N/C

DED DEPRM RP STP TE

Timothy W. And Carol Anne M. Frost 506 N/C

DED DEPRM RP STP TE

James B. And Brenda G. Thomas 507 N/C

DED DEPRM RP STP TE

James E. Bishop, Sr. 509 N/C

DED DEPRM RP STP TE

Victor E. And Sandra J. Fiorenza 509 N/C

DED DEPRM RP STP TE

Lena Guise 510 N/C

DED DEPRM RP STP TE

COUNT 7

Howard W. Dawson, Sr. 503 N/C 6-8-92

TE

COUNT 1

FINAL TOTALS

COUNT 9

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

DATE: July 6, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 508
#1701 Leland Avenue
Zoning Advisory Committee Meeting of June 15, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

On June 11, 1992, an inspection of this property was conducted. It was noted that the proposed warehouse and loading dock is in close proximity to residentially zoned properties. It is our opinion that if activities occurred at this site during the hours from 10:00 p.m. to 7:00 a.m., the noise levels imposed on adjacent properties may exceed the State of Maryland Noise Pollution Standards.

RECEIVED
JUL 9 1992
ZONING OFFICE

JLP:sp

JABLON/S/TXTSBP

Baltimore County Government
Fire Department

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

JUNE 12, 1992

(410) 887-4500

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

RE: Property Owner: JAMES E. BISHOP, SR.

Location: #1701 LELAND AVENUE

Item No.: #508 (WCR) Zoning Agenda: JUNE 15, 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.

REVIEWER: *[Signature]* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/KEK

RECEIVED
JUL 15 1992
ZONING OFFICE
MICROFILMED

Department of Recreation and Parks
Development Review Committee Response Form

Authorized signature: *[Signature]* Date: 6/23/92

Project Name: Washington Homes, Inc. 504 6-15-92

DED DEPRM RP STP TE

Aurelia Loveman For Joseph H. Loveman 505 No Comments

DED DEPRM RP STP TE

Timothy W. And Carol Anne M. Frost 506 No Comments

DED DEPRM RP STP TE

James B. And Brenda G. Thomas 507 No Comments

DED DEPRM RP STP TE

James E. Bishop, Sr. 508 No Comments

DED DEPRM RP STP TE

Victor E. And Sandra J. Fiorenza 509 No Comments

DED DEPRM RP STP TE

Lena Guise 510 No Comments

DED DEPRM RP STP TE

COUNT 7

FINAL TOTALS

COUNT 7

*** END OF REPORT ***

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1992

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

RE: Preliminary Petition Review (Item #508)
Legal Owner: James E. Bishop, Sr.
1701 Leland Avenue
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. The Zoning Enforcement Office has informed me that a zoning violation (citation case #91-29-A) remains outstanding on properties owned by Mr. Bishop. Section 26-180 of the Baltimore County Code states, in part: "The County may not process plans or permits for any proposed development if the applicant owns or has interest in any property located in Baltimore County upon which there exists at the time of application or during the processing thereof, a violation of the Zoning or Development Regulations of Baltimore County." As with all petitions filed in this office, it is the final responsibility of the petitioner to address any zoning conflicts. A copy of this letter is being inserted in the zoning hearing file for the Zoning Commissioner's reference.

If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391.

Very truly yours,

[Signature]
W. Carl Richards, Jr.
Zoning Coordinator

[Signature]
John L. Lewis
Planner II

JLL:scj
Printed on Recycled Paper

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 11, 1992

Mr. James E. Bishop, Sr.
1701 Leland Avenue
Baltimore, Maryland 21220

Re: Citation No. 91-29A
S/S Leland Avenue
15th Election District

Dear Mr. Bishop:

Please be advised that a recent inspection of the above location revealed apparent violations of the Baltimore County Zoning Regulations. The following action needs to be taken to bring the property into compliance:

1. remove the temporary sign or obtain a temporary sign permit;
2. remove the freight shipping containers;
3. remove the trailers; and
4. remove/license all inoperative/unlicensed motor vehicles.

Failure to bring the property into compliance will result in Baltimore County seeking to reopen the stat that was entered in this case on December 5, 1990.

Should you have any questions, do not hesitate to call me at 887-8091.

Sincerely,

CRAIG MCGRAW
Zoning Inspector

CM/cmm

c: John B. Gontrum, Esq.

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John L. Lewis
Zoning Office

DATE: February 11, 1992

FROM: Craig McGraw
Zoning Enforcement

RE: Bishop Property
Leland Avenue
15th Election District

Please be advised that a recent inspection of the above site revealed the following zoning violations:

1. temporary sign with no permit;
2. storage of freight shipping containers;
3. storage of two (2) trailers; and
4. four (4) unlicensed motor vehicles.

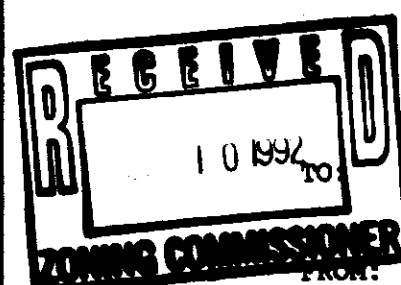
A correction notice has been sent to the property owners.

CM/cmm

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Larry E. Schmidt
Zoning Commissioner
March 23, 1992
James H. Thompson
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 508
PETITIONER: JAMES E. Bishop Sr.

VIOLATION CASE: # 092- C 91-29-12

LOCATION OF VIOLATION: 1701 Leland Ave.

DEFENDANT: James E. Bishop Sr.

ADDRESS: 1701 Leland Ave.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

John C. Dumer Jr.
1906 Magnolia Ave.

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/cer

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards, Coordinator
Development Control
DATE: June 29, 1992
FROM: Craig McGraw
Zoning Enforcement
RE: Bishop Property on Leland Avenue
15th Election District

A recent inspection revealed the following apparent zoning violations:
1. storage of freight shipping container
2. storage of two (2) trailers
3. storage of unlicensed motor vehicles

CM/cmm

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Development Control Coordinator
DATE: July 23, 1992
FROM: Craig McGraw
Zoning Inspector
RE: Bishop Property
Leland Avenue
15th Election District

An inspection of the property on this date (July 23, 1992) revealed the following:

1. storage of a freight shipping container;
2. storage of two (2) office trailers; and
3. storage of an unlicensed brown Ford van.

CM/cmm

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 5, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-475-A
LEGAL OWNER: JAMES E. BISHOP, SR.
LOCATION: 1701 LELAND AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, SEPTEMBER 15, 1992 at 9:00 a.m.
IN ROOM 118, OLD COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MD.

Lawrence E. Schmidt
Zoning Commissioner

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: James E. Bishop, Sr.
John B. Contrum, Esq.
John C. Dumer, Jr.
John C. Dumer, III
James M. O'Guin

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
James E. Bishop 2515 Bay Dr. 21220
Leo W. Rader 33 Bulfoot Rd Timonium

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
James J. Dumer Jr. 2001 Leland Ave.
John C. Dumer Jr. 1906 Magnolia Ave. 21220
Kathleen Dumer 1906 Magnolia Ave. 21220
John C. Dumer III 1908 Leland Ave. 21220
Cathy J. Dumer 2001 Leland Ave. 21220

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

James M. O'Guin 1906 Magnolia Ave. Baltimore 21220
1977-8689
391-3944
1906 Magnolia Ave. 21220
686-1174
Bella case was PP & AP
K's case was PP & AP
Need to see if we can make
7 call that date
ensure that date
He having a
7/24/92
Must be scheduled before
filing

MICROFILMED

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division
DATE: 05/02/90

PROJECT NAME: Subdivision at Middle River
PROJECT NO: 90108
LOCATION: Leland Avenue
DISTRICT: 15C5

The CRG Plan for the subject site, with the latest revision date of April 25, 1990, has been reviewed by the Developers Engineering Division and the following comments are furnished:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

MICROFILMED

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS

PROJECT NAME: SUBDIVISION AT MIDDLE RIVER
LOCATION: 1701 Leland Avenue
Developer: James E. Bishop, Sr.
Engineer: Leo Rader
Meeting Date: May 3, 1990 Time: 11:00 A.M.

RECOMMENDATIONS:

APPROVAL: CONTINUANCE OF MEETING: X DISAPPROVAL:

(See Site Specific Comments from: Storm Water Management and Environmental Impact Review Sections)

DIVISION OF WATER AND SEWER
Land Development Section
887-2762

GENERAL COMMENTS:

Metropolitan water and sewer is available to this site and must be utilized and/or extended to serve the property.

SITE SPECIFIC COMMENTS:

MICROFILMED

Safeway Moving and Storage Co.
1701 LELAND AVENUE BALTIMORE, MARYLAND 21220
PHONE (301) 687-3000 NIGHT (301) 676-2800

April 21, 1992

Mr. Thomas W. Shea
Real Estate Dept.
Nat'l R.R. Pass. Corp.
60 Massachusetts Avenue
N.E., Washington, D.C. 20002

Enclosed please find our check # 9709 in the amount of six hundred dollars (\$600.00) for the payment of the Document Preparation Fee in regards to the above mentioned Project number.

I will keep you informed on the progress of the County. If you should have any questions, please don't hesitate to call me. Thank you.

Sincerely,
James E. Bishop
James E. Bishop
Safeway Mov. and Stg. Inc.

Enclosures
JEB:pt

SAFEGWAY MOVING & STORAGE CO.
1701 LELAND AVENUE
BALTIMORE, MD 21220
301-687-3000

7-11-500
Branch 62
9709

PAY AMOUNT OF *Six Hundred and no/100* DOLLARS

National Railroad Passenger Corp. 4/21/92 Document Prep Fee 9709

First National Bank of Maryland
Baltimore, Maryland Branching Office

**NATIONAL RAILROAD PASSENGER CORPORATION
LICENSE AGREEMENT**

let No 7

THIS AGREEMENT, made this 21st day of April, 1992, between National Railroad Passenger Corporation, a corporation of the District of Columbia, with offices at 60 Massachusetts Avenue, N.E., Washington, D.C. 20002, party of the first part (hereinafter called "Railroad") and Safeway Moving and Storage Inc., operating under the laws of the State of Maryland with principle offices at 1701 Leland Avenue Baltimore, Maryland 21220, as party of the second part (hereinafter called "Licensee").

WITNESSETH, that the said Railroad (which when used herein shall include any lessor, successor or assignee of or operator over its railroad) insofar as it has the legal right and its present title permits, and in consideration of the covenants and conditions hereinafter stated on the part of the Licensee to be kept and performed, hereby permits, as a temporary license, the Licensee to construct, maintain, repair, alter, renew, relocate and ultimately remove:

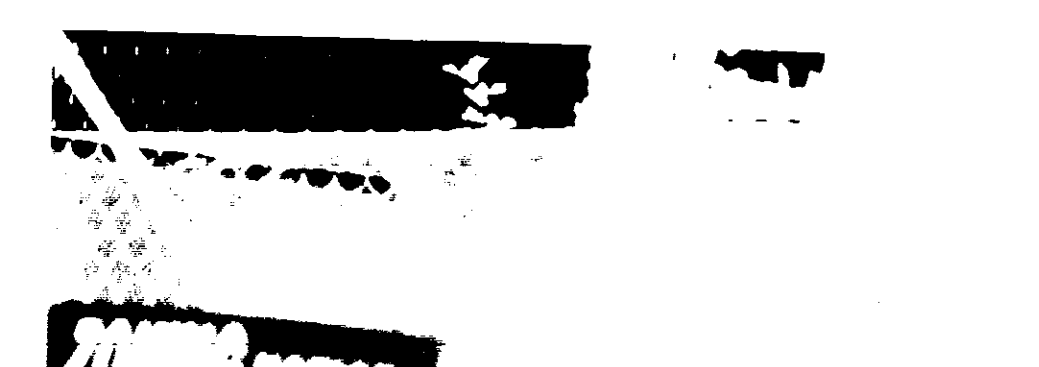
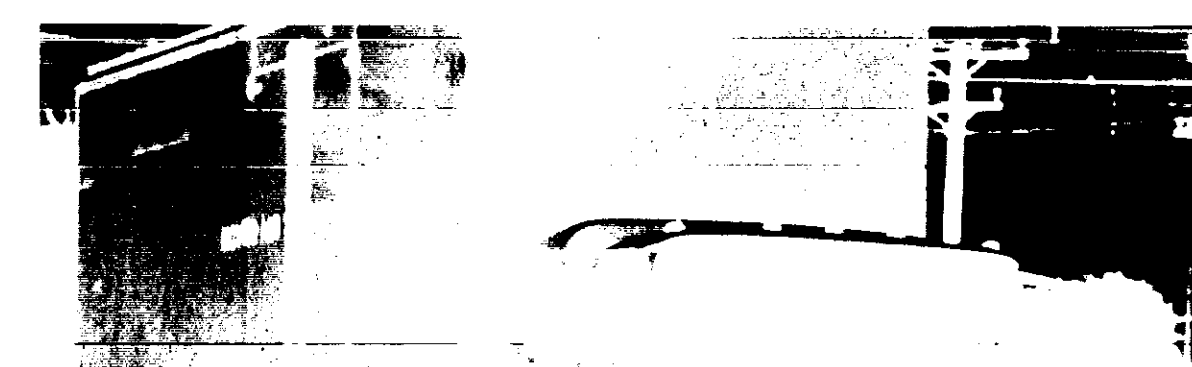
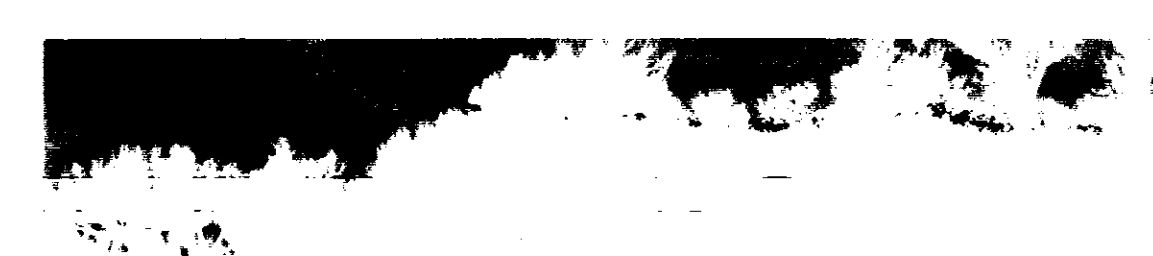
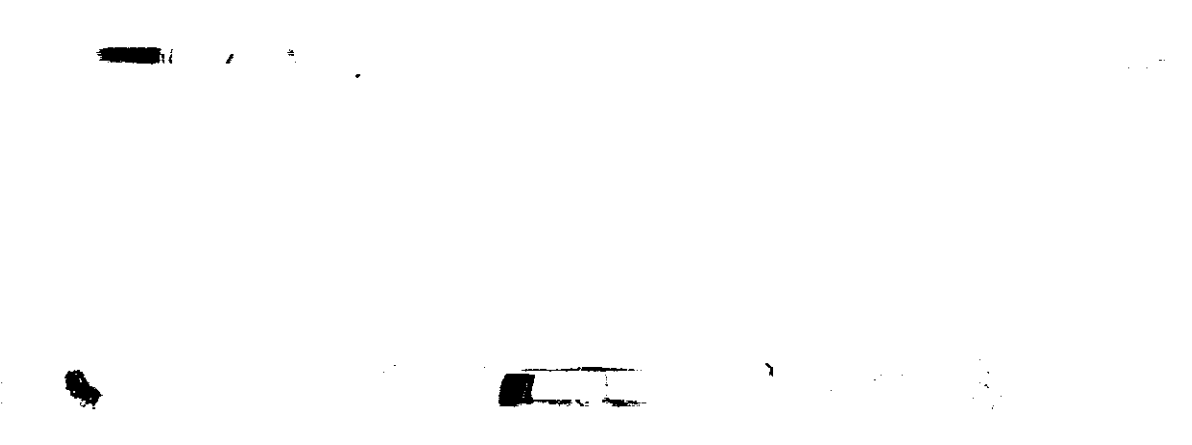
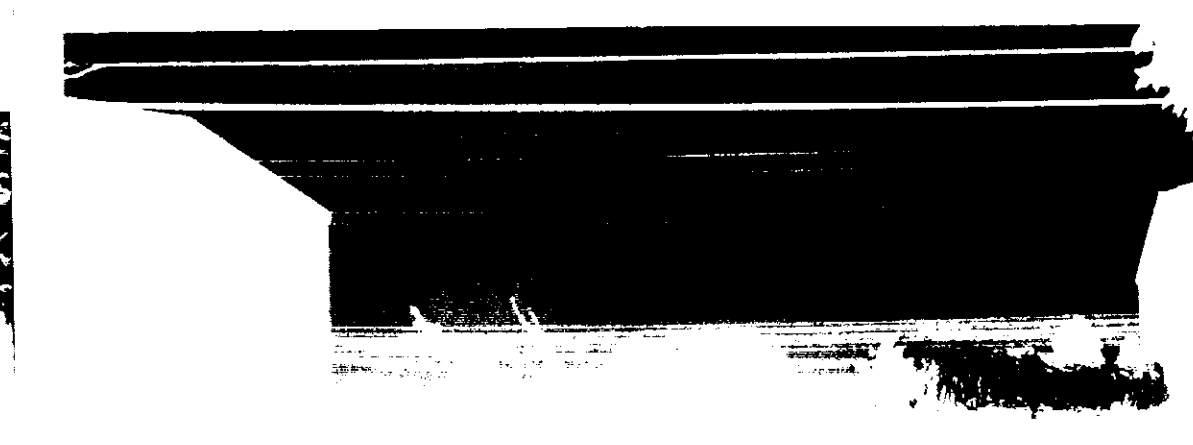
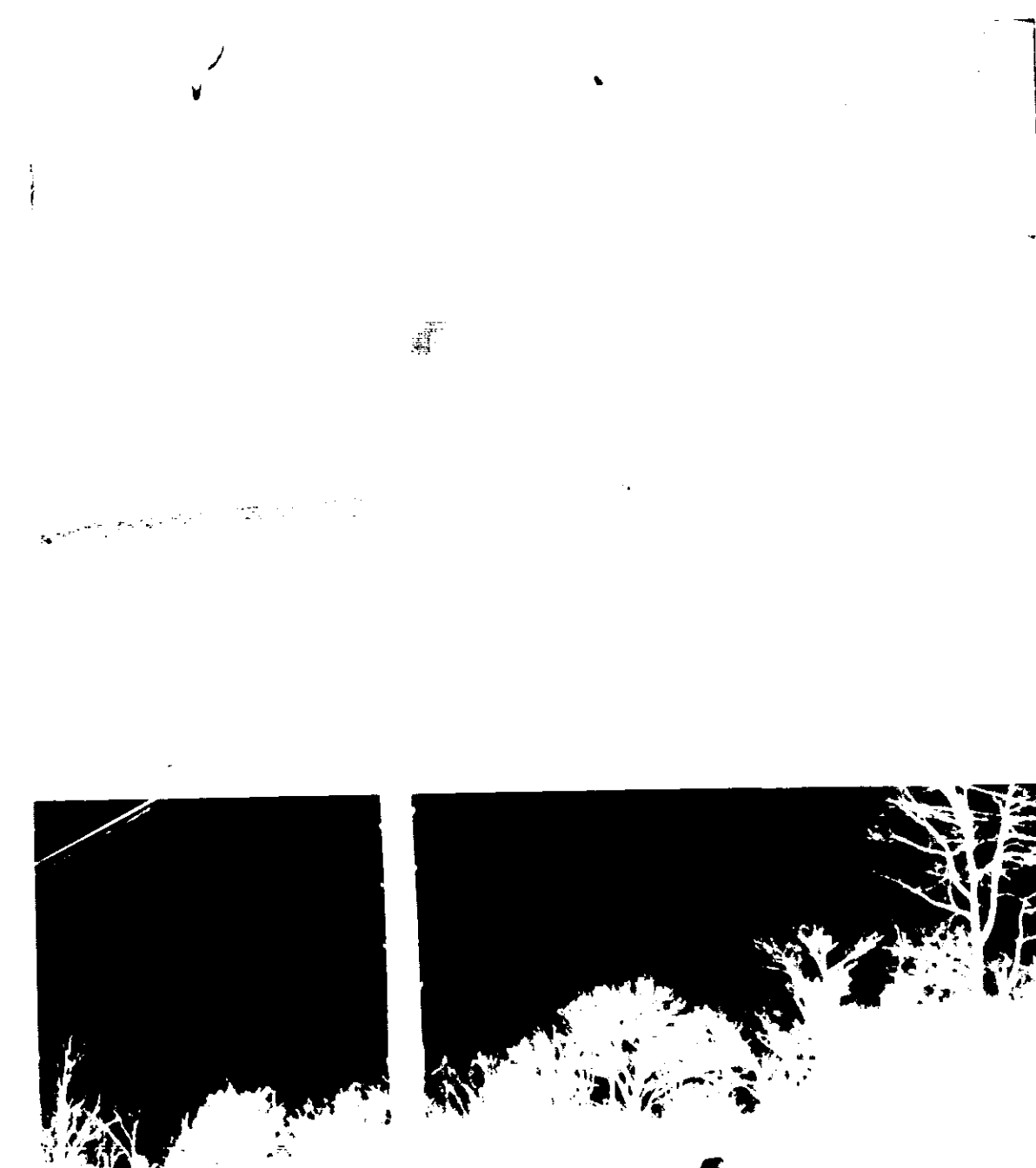
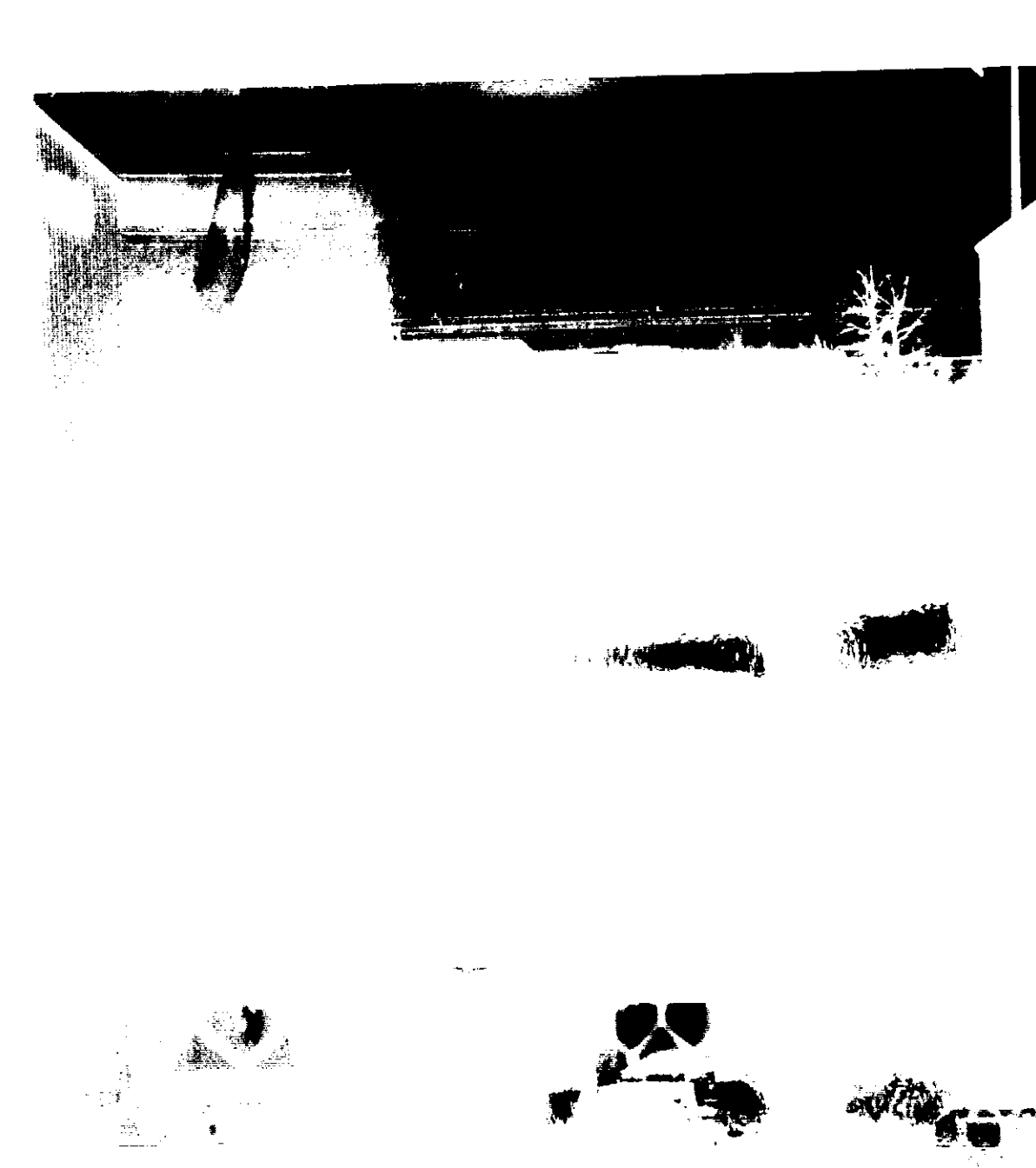
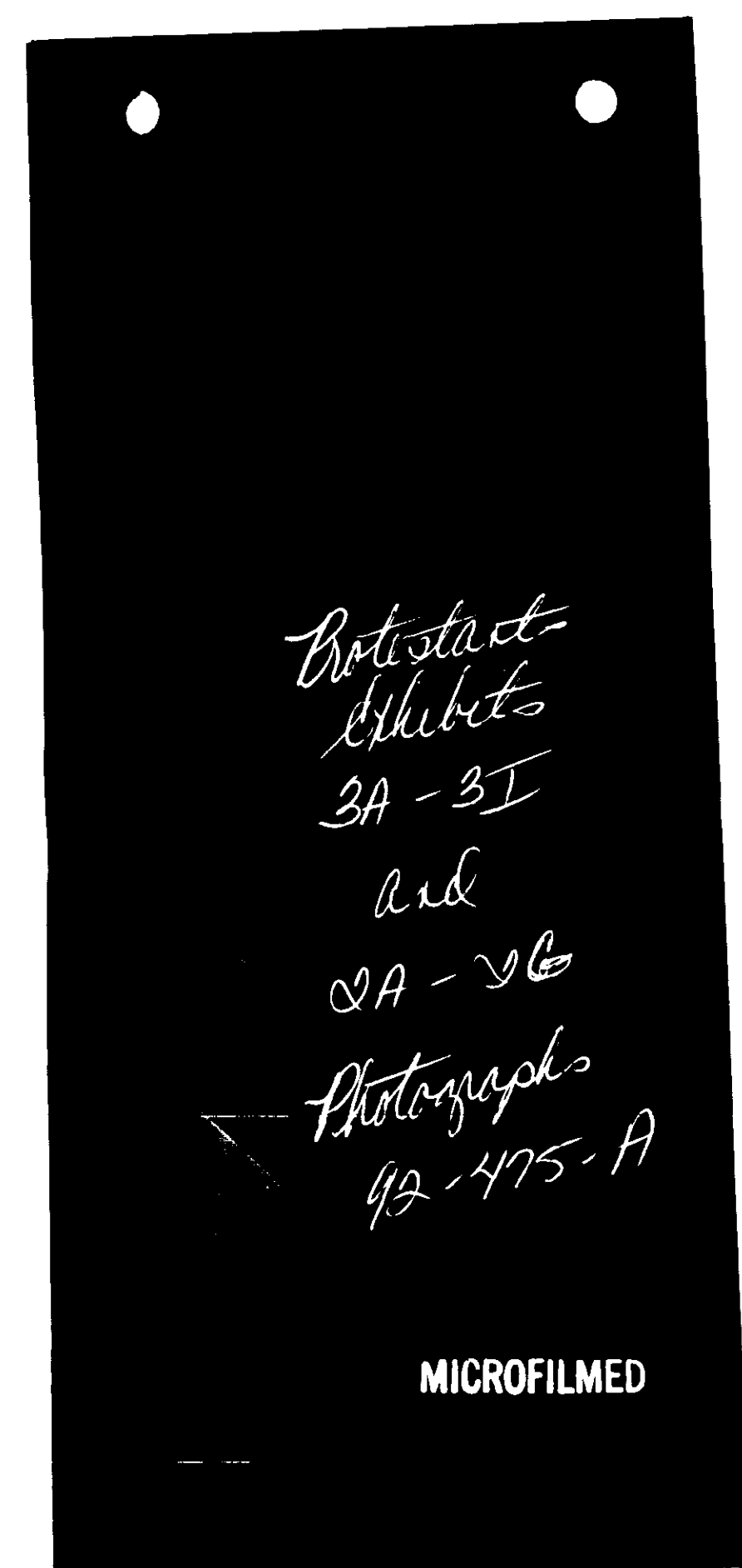
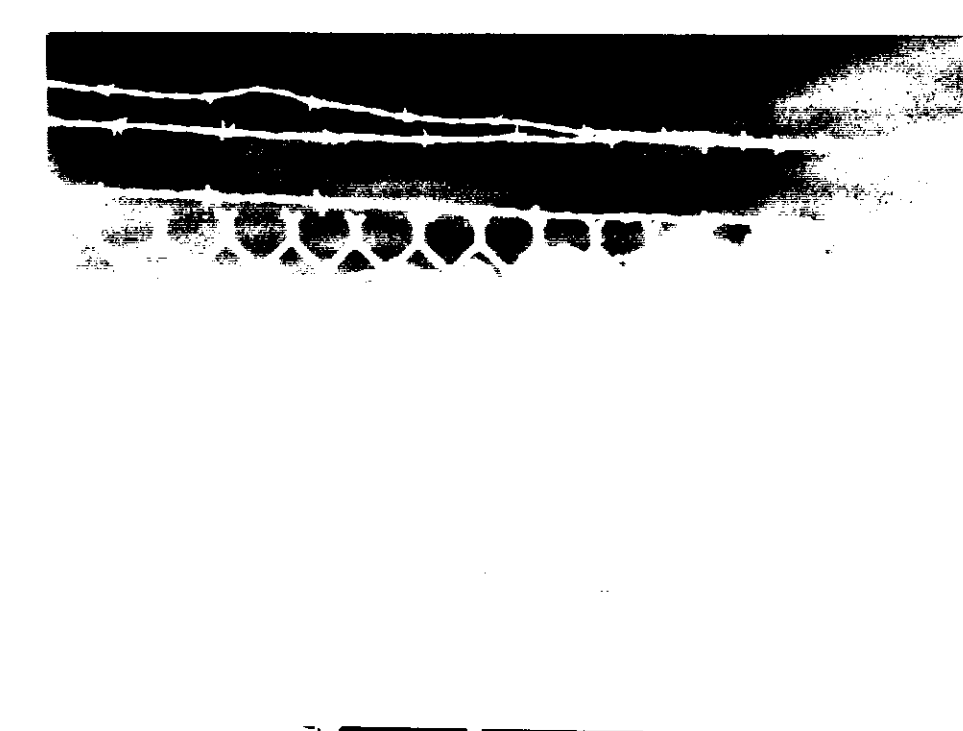
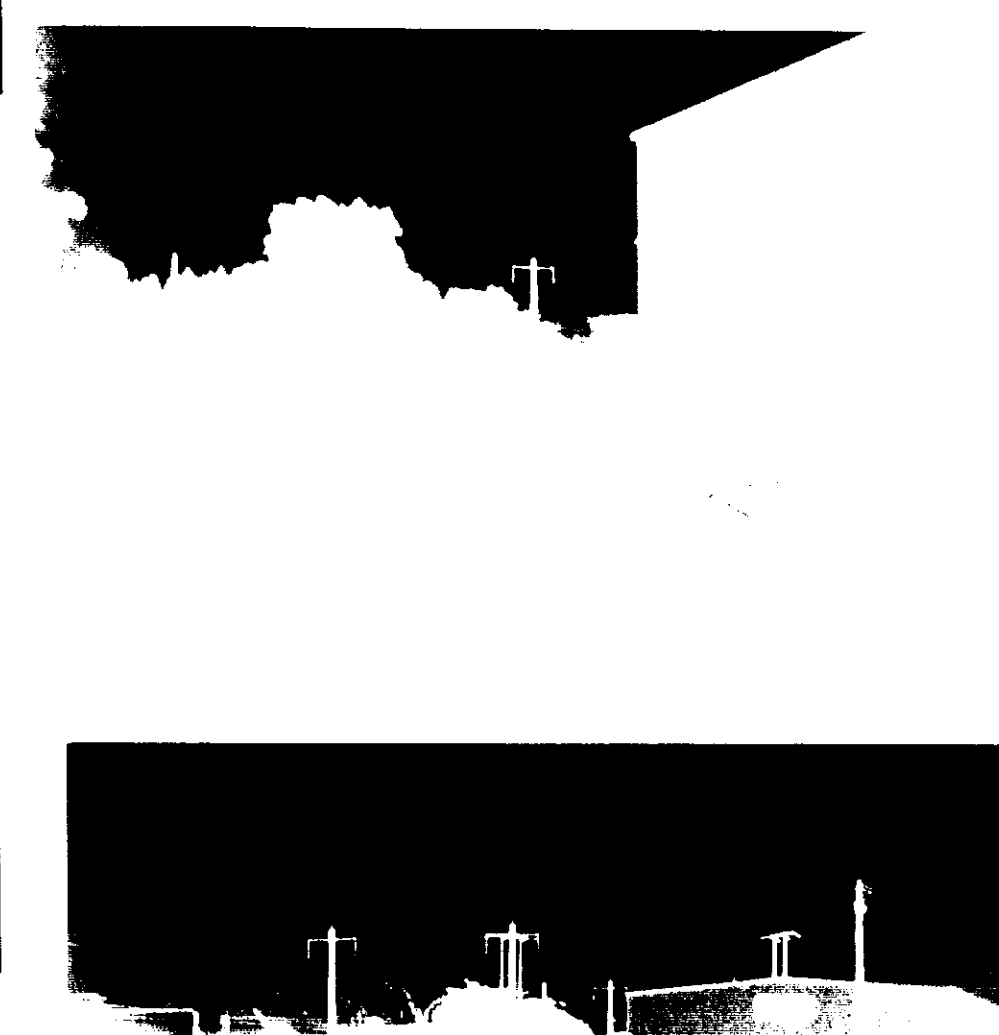
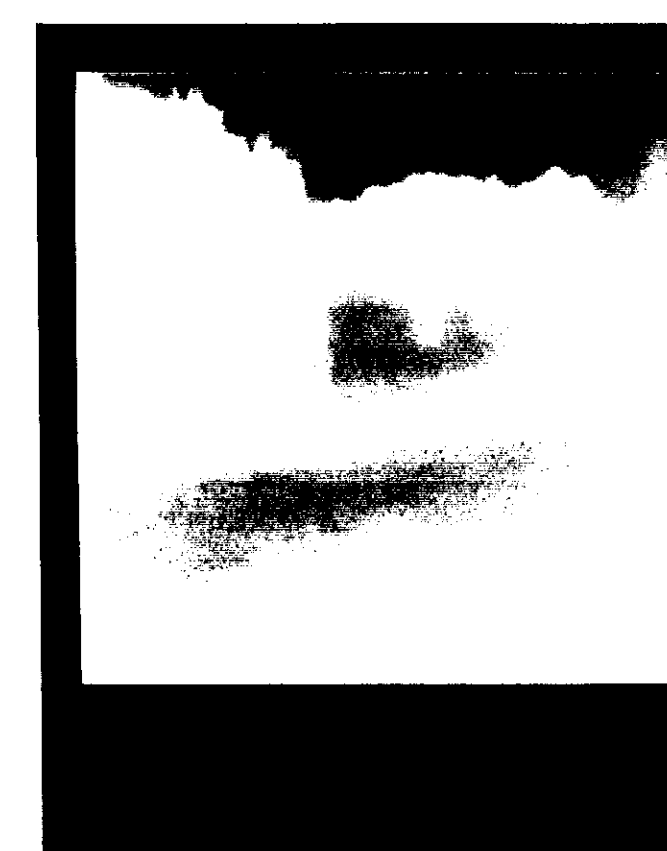
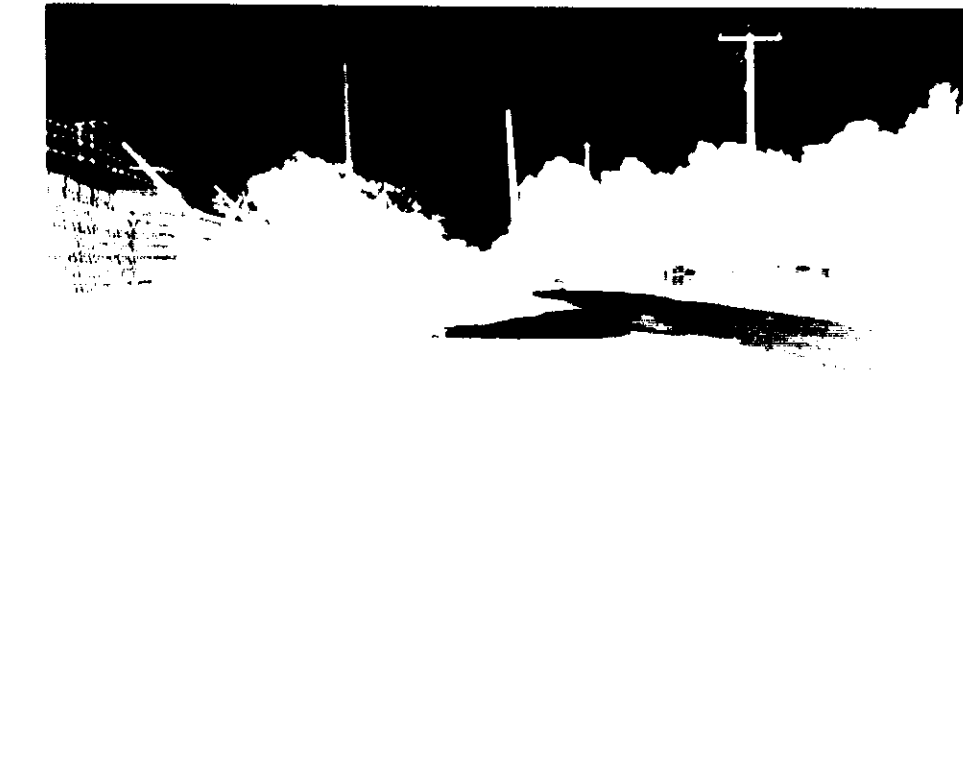
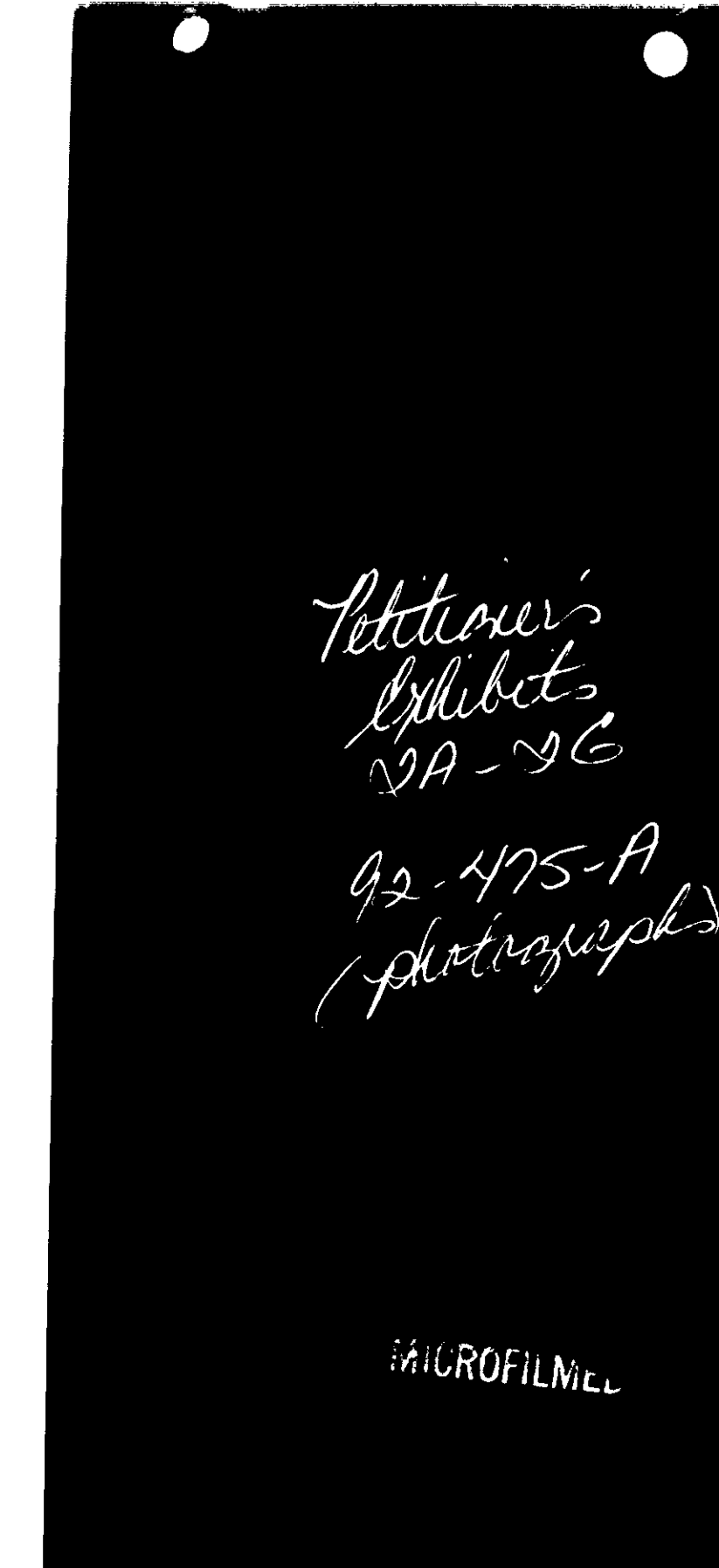
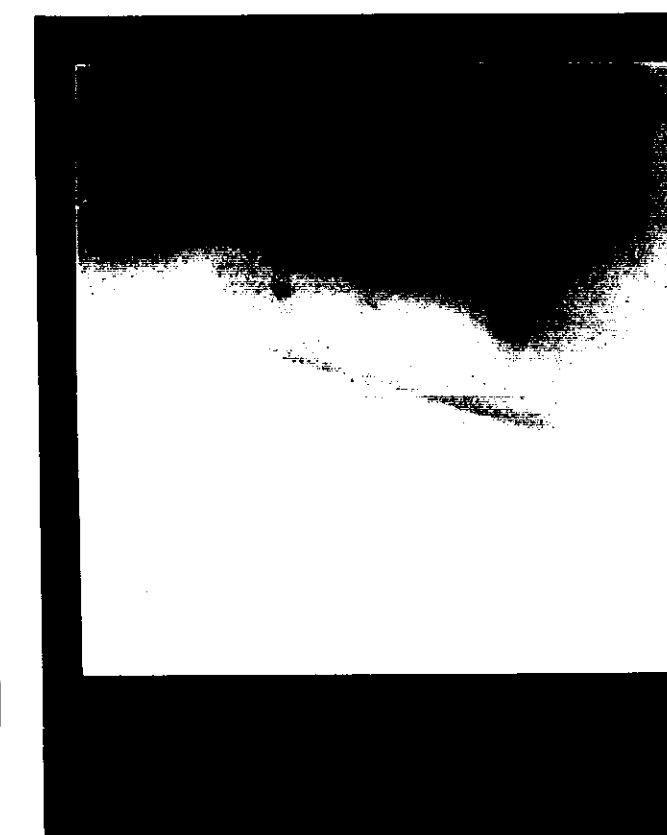
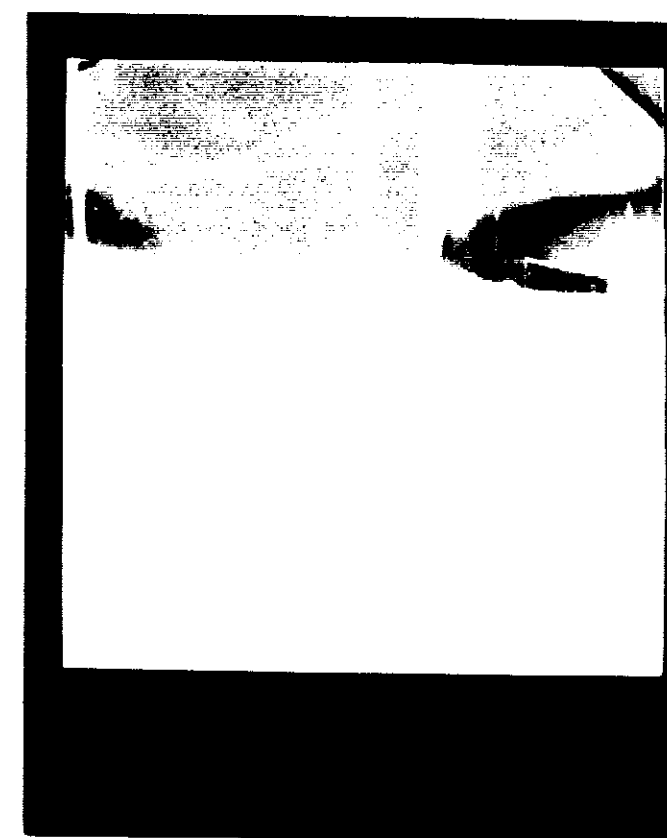
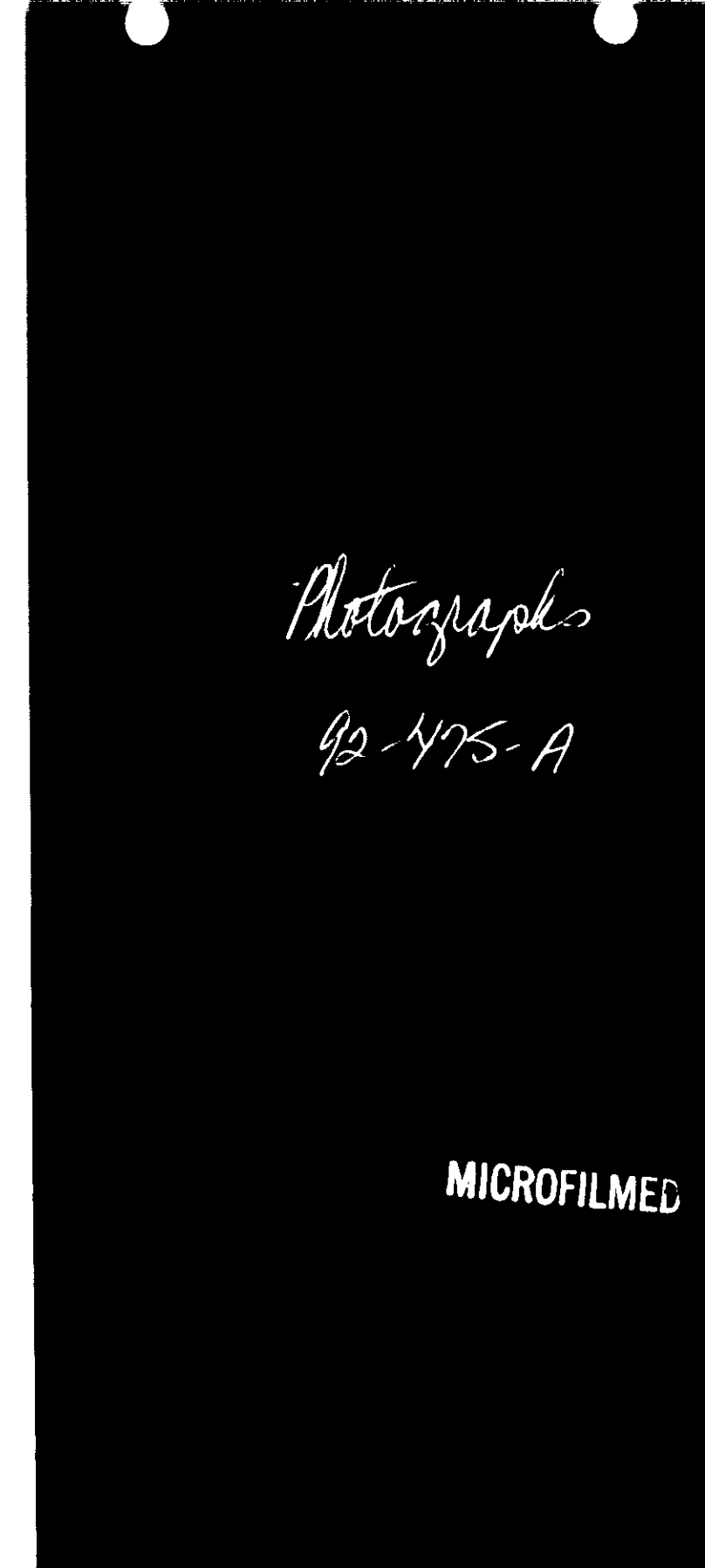
A. Description of Facility: Ground Water Discharge System.

B. Purpose: Manage the flow of storm water runoff.

C. Location: 1701 Leland Avenue, Baltimore, Maryland.

(1) Milepost: 85
(2) Nearest Station: Penn Station Baltimore
(3) City: Baltimore
(4) County: Baltimore
(5) State: Maryland

let No 7

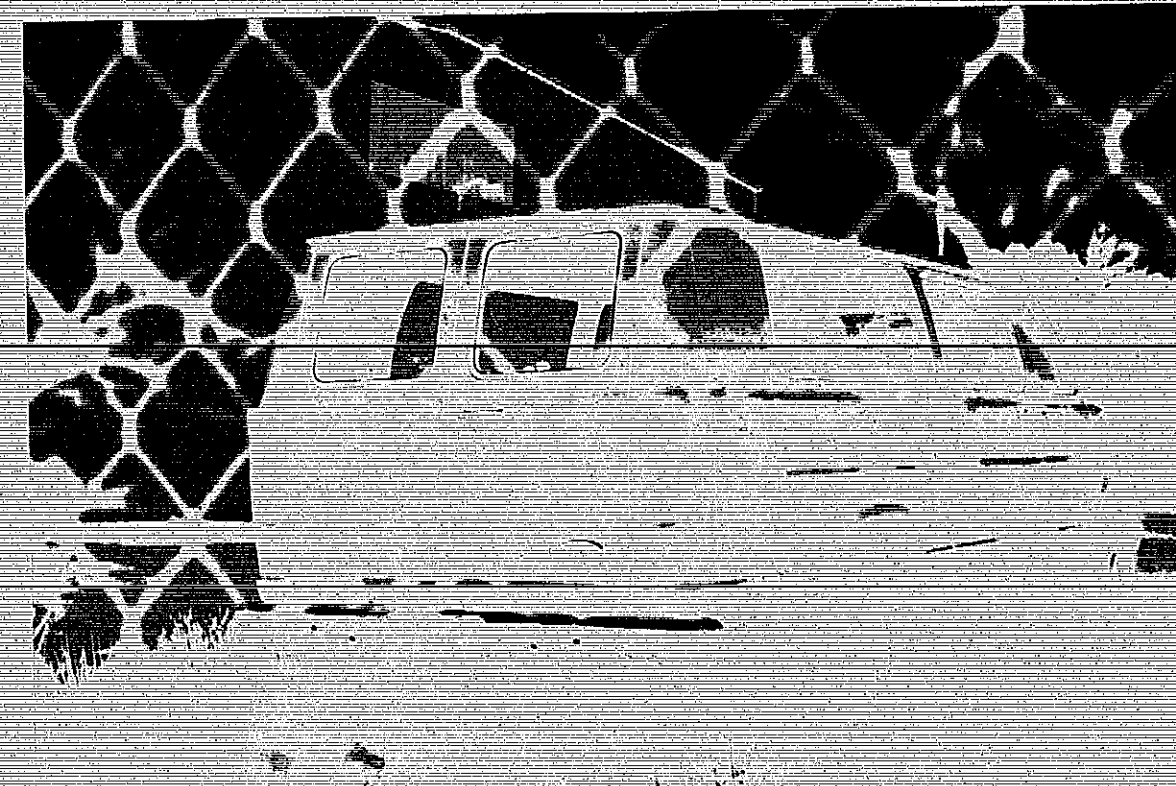
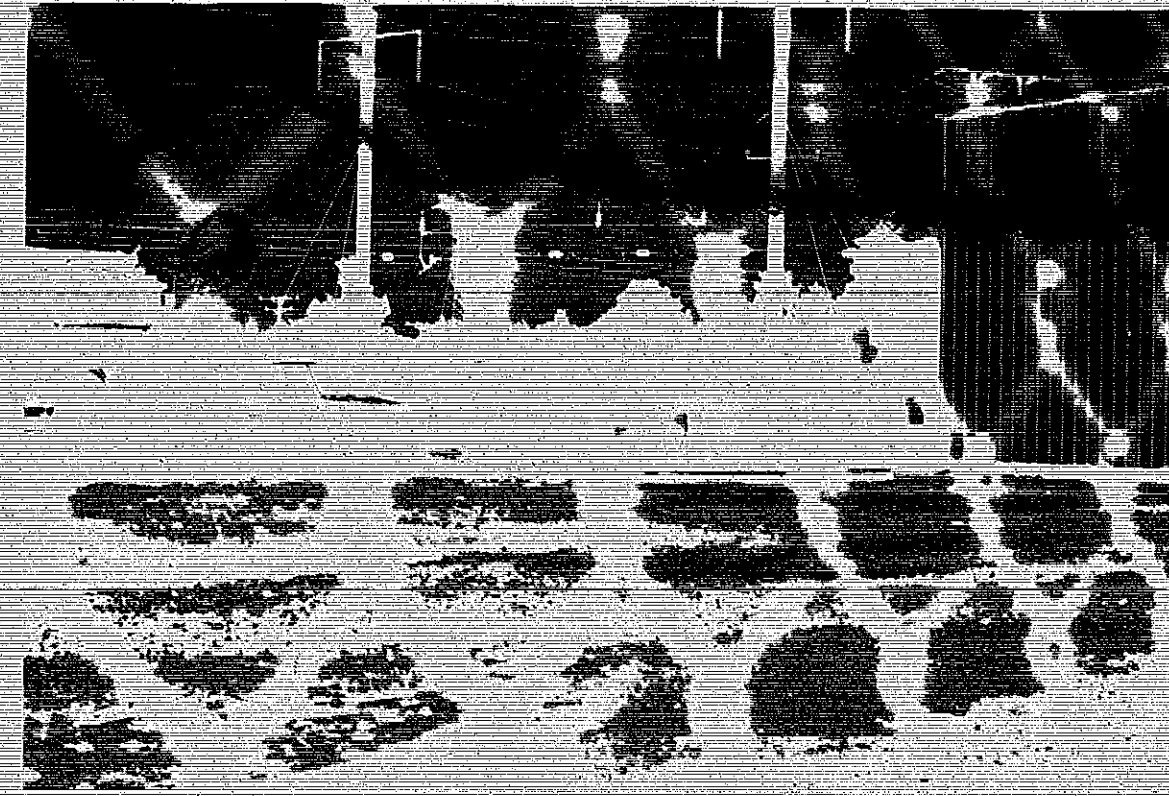


WARNING NOTICE

WARNING NOTICE

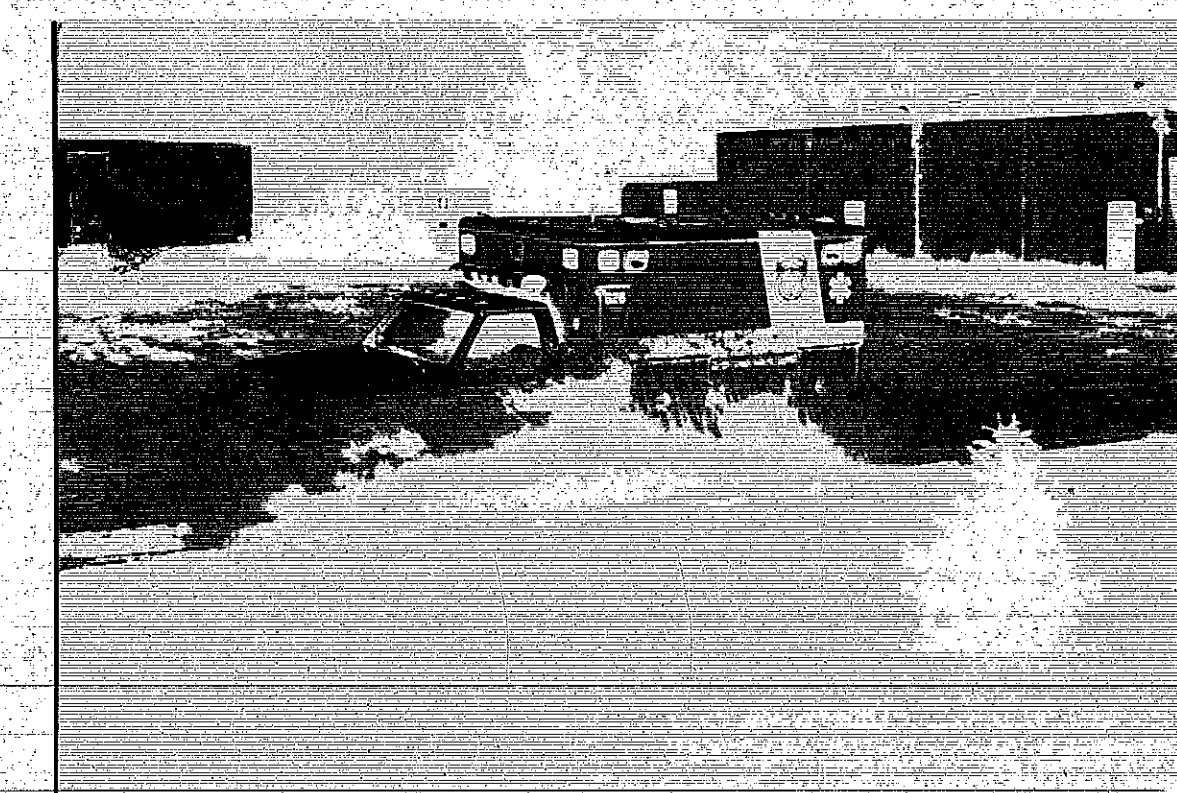
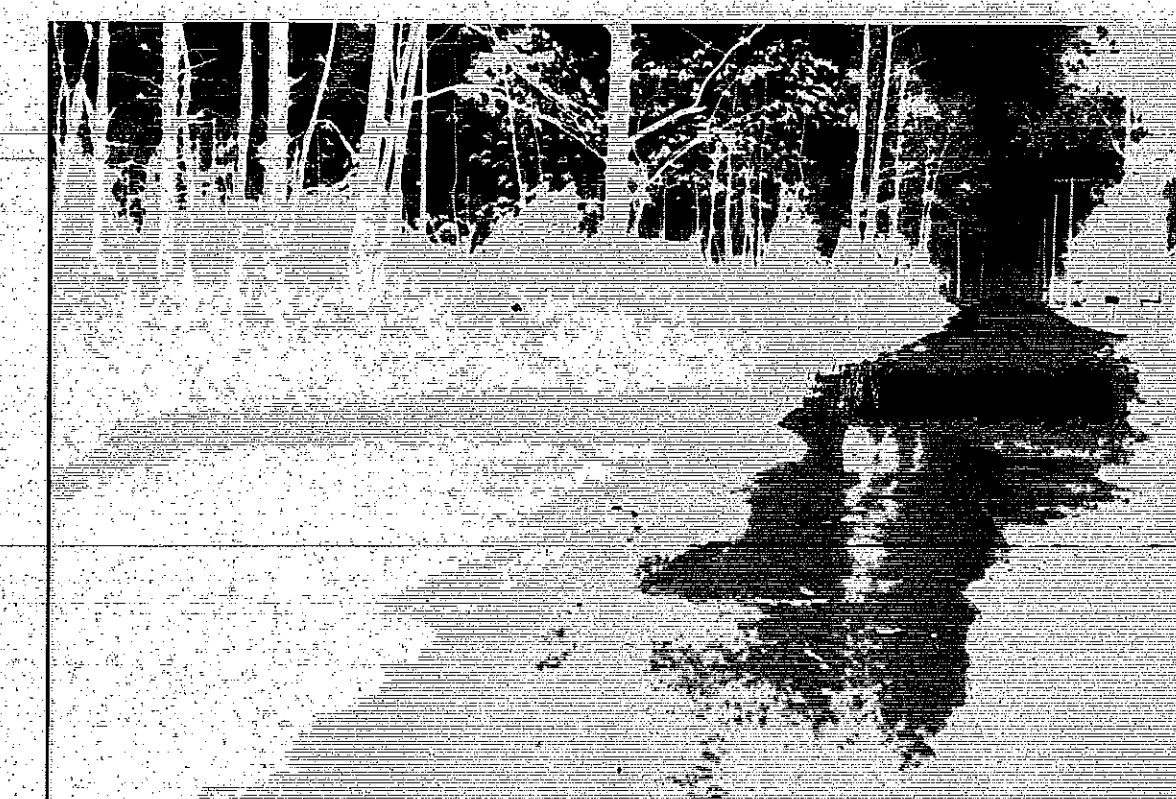
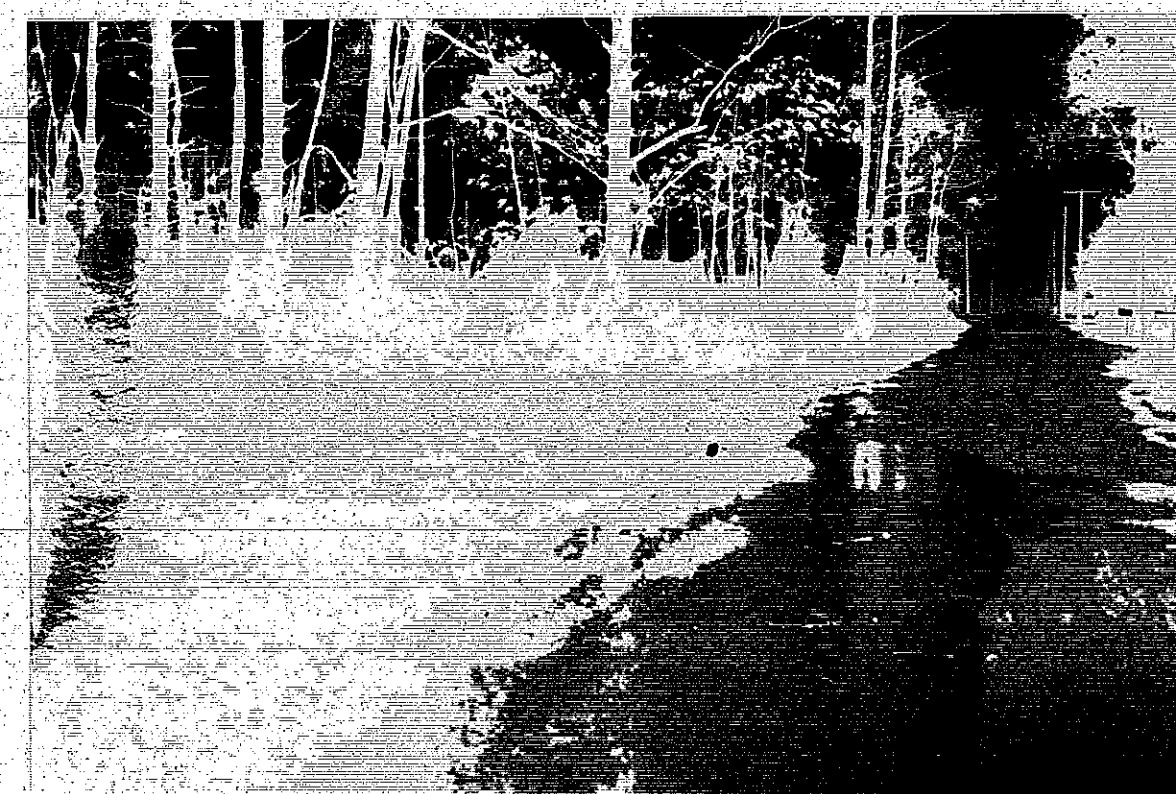
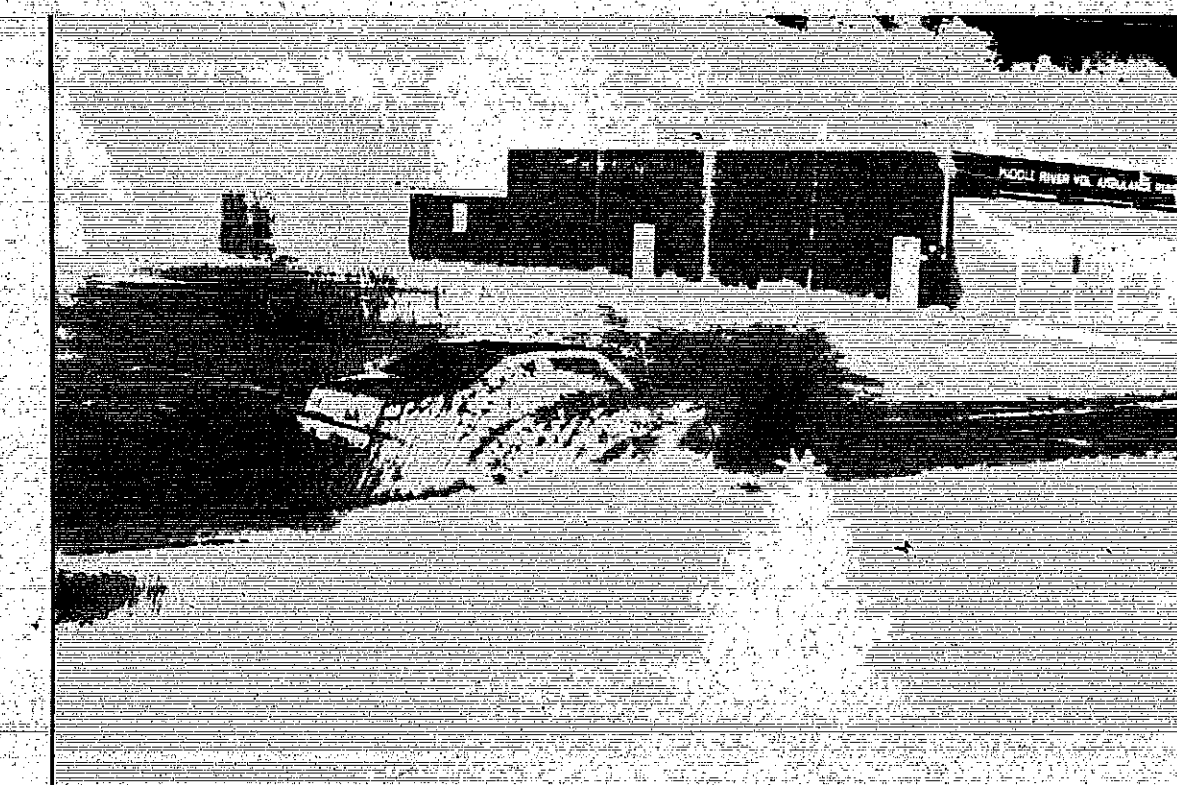
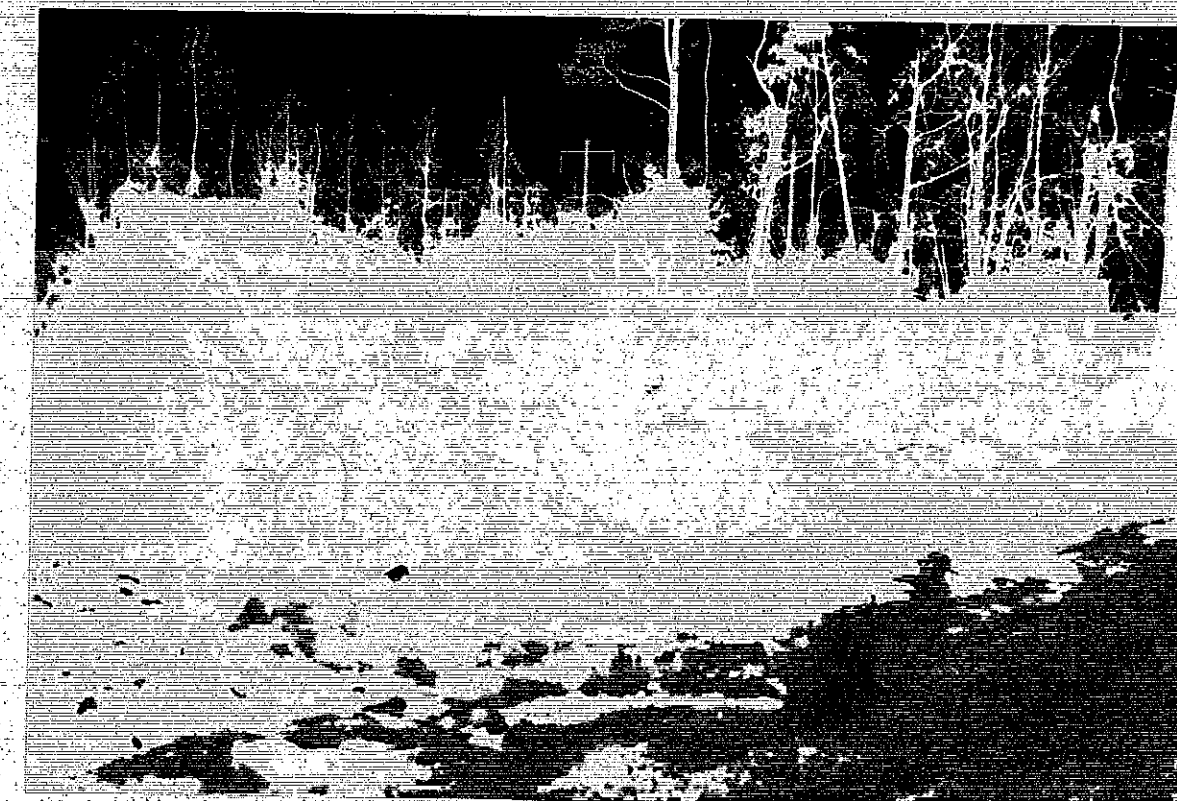
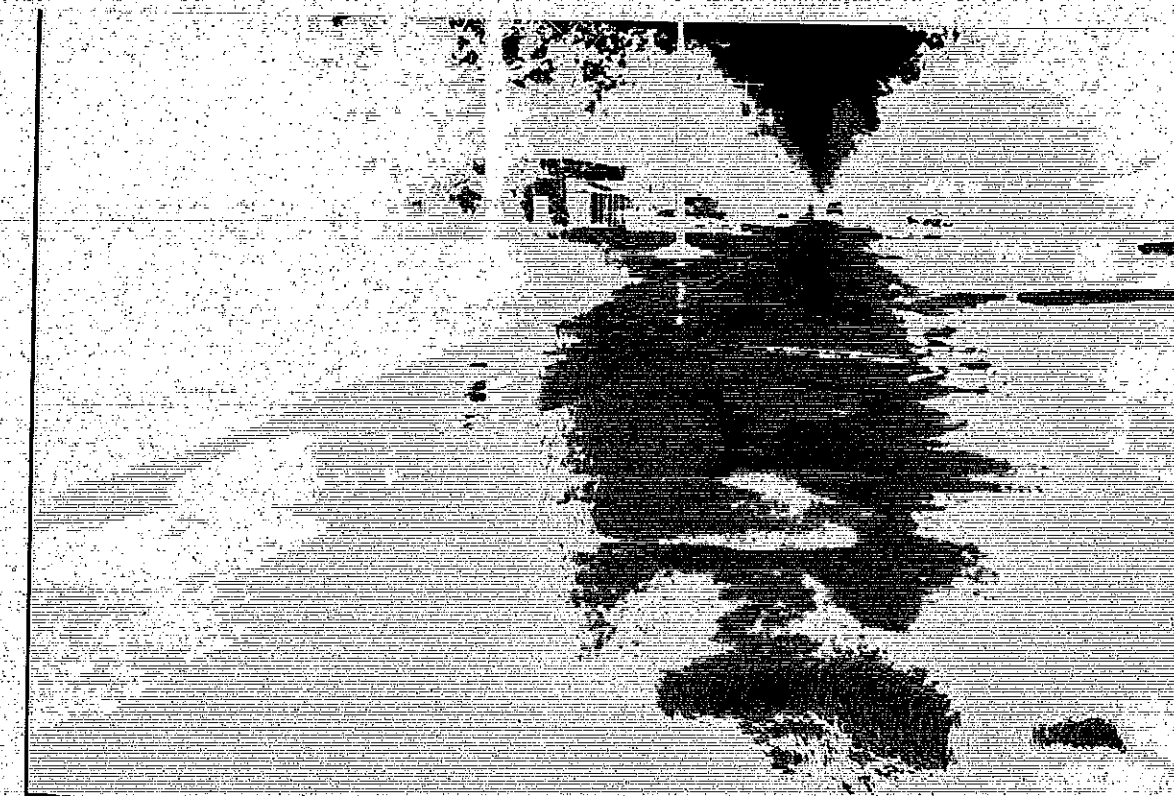
Bolstead-
 141414
 3A-31
 2nd
 8A-86
 Photographs
 42-475-A

MICROFILMED



Bolstead's
 141414
 Photographs
 Case 42-475-A

MICROFILMED



FOR THE FOLLOWING REASONS:

1. TO PERMIT A FRONT BLDG. SETBACK OF 16.8' IN LIEU OF THE REQ'D 20'
2. TO PERMIT A SIDE YARD BLDG. SETBACK OF 3' IN LIEU OF THE REQ'D 50'
3. TO PERMIT A REAR YARD BLDG. SETBACK OF 39' IN LIEU OF THE REQ'D 50'
4. TO PERMIT A SIDE YARD BETWEEN BLDG. SETBACK OF 45' IN LIEU OF THE REQ'D 100'
5. TO PERMIT A SIDE YARD SETBACK OF 45' IN LIEU OF THE REQUIRED 50'
6. TO PERMIT LOADING AREAS WITHIN 5' OF RESIDENTIAL STREET RIGHT OF WAY IN LIEU OF THE REQUIRED 100'

JWS 1-120

15 TH ELECT. DIST.	BALTO. CO., MD.
SCALE: 1" = 50'	FEB. 6, 1990
<u>OWNER AND DEVELOPER:</u>	AMENDED: FEB. 10, 1990
JAMES E. BISHOP, SR.	AMENDED: MAR. 3, 1990
1701 LELAND AVENUE	AMENDED: MAY 16, 1990
BALTO., MD. 21220	AMENDED: MAY 17, 1990
PHONE: OFFICE 687-3000	AMENDED: JAN. 26, 1992
	RES. 335-1233

WATERSHED: 5
SUBSEWERSHED: 15
CENSUS TRACT: 4517.01
COUNCILMANIC DIST: 5TH COUNCILMANIC DISTRICT
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
19-00-010225902

DEED REF:
EHK, JR. 6409-763
SM 7425-623

SITE STREET ADDRESS: 1701 LELAND AVENUE

- 1) SITE AREA 70.837 SQ FT + OR 1.6262 AC ±
- 2) SITE ZONING M L
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ONSITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE PLUMBING CODE, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNDESIRABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION III, PART I OF THE 1968 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE CBP TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS. CALL MISS UTILITY 1-559-0100
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER
- 12) ESTIMATED ADT'S = 165 (32,936 - 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

- 15) STORM WATER MANAGEMENT-WAIVER REQUESTED
- 16) STORM DRAINS -NONE PROPOSED
- 17) ZONING VARIANCES REQUESTED-ON BUILDING SET
- 18) PROPOSED GRAD IS SCHEMATICALLY SHOWN.
(SUBJECT TO FINAL SITE ENGINEERING)
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN
SUBMITTED (SAN AND WATER)
- 20) PETITION FOR WAIVER OF SWM HAS BEEN
SUBMITTED
- 21) NO LOADING OR PARKING BETWEEN BUILDINGS
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS
CLOSE TO PROPERTY LINE SHALL BE BITUMINOUS
CONCRETE PAVED PERMANENTLY STRIPED
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) PREVIOUS ZONING CASE # 30-441-A
WAS DENIED ON MAY 30, 1990.
- 27) ALL PARKING AND MANEUVERING AREAS WILL
BE PAVED WITH A DURABLE, DUSTLESS,
ASPHALTIC SURFACE AND PERMANENTLY
STRIPED.

PARKING DATA

BUILDING USES	WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT	6
NO. OF PARKING SPACES REQUIRED	6
NO. OF PARKING SPACES PROVIDED	6
SIZE OF PARKING SPACES	14' x 21'

GROSS AREA OF SITE _____ 70,837 SQ. FT. ± OR 1.6262 AC ±
HIGHWAY WIDENING AREA _____ 2,500 SQ. FT. OR 0.0574 AC ±
NET AREA OF SITE _____ 68,337 SQ. FT. ± OR 1.5688 AC ±
EXISTING ZONING _____ ML

FLOOR AREA RATIO:
 MAXIMUM PERMITTED _____ 2.0
 PROPOSED "FAR" $32,936 \div 68,337 =$ _____ 0.48

<u>BUILDING "A"</u>	<u>BUILDING "B"</u>
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3

ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.

SIGNS WILL COMPLY WITH
SECTION 413.6 B.C.Z.R. AND
ALL ZONING SIGN POLICIES

NOTE: RESURFACING AS
DIRECTED BY THE ENGINEER
IN THE FIELD

ING MOVED

30' 0"

2' 10"

1' 2"

5"

2"

1/2" to 1"

1/4" to 1"

1/4" to 1"

2:1 MAX.

BALTO CO STANDARD
4" CONC. SIDEWALK

BALTO CO STANDARD
7" CONC. CURB'S GUTTER W/3" CR-6 BASE

1/4" BITUMINOUS CONC. BAND SN

1/2" BITUMINOUS CONC. BAND SN

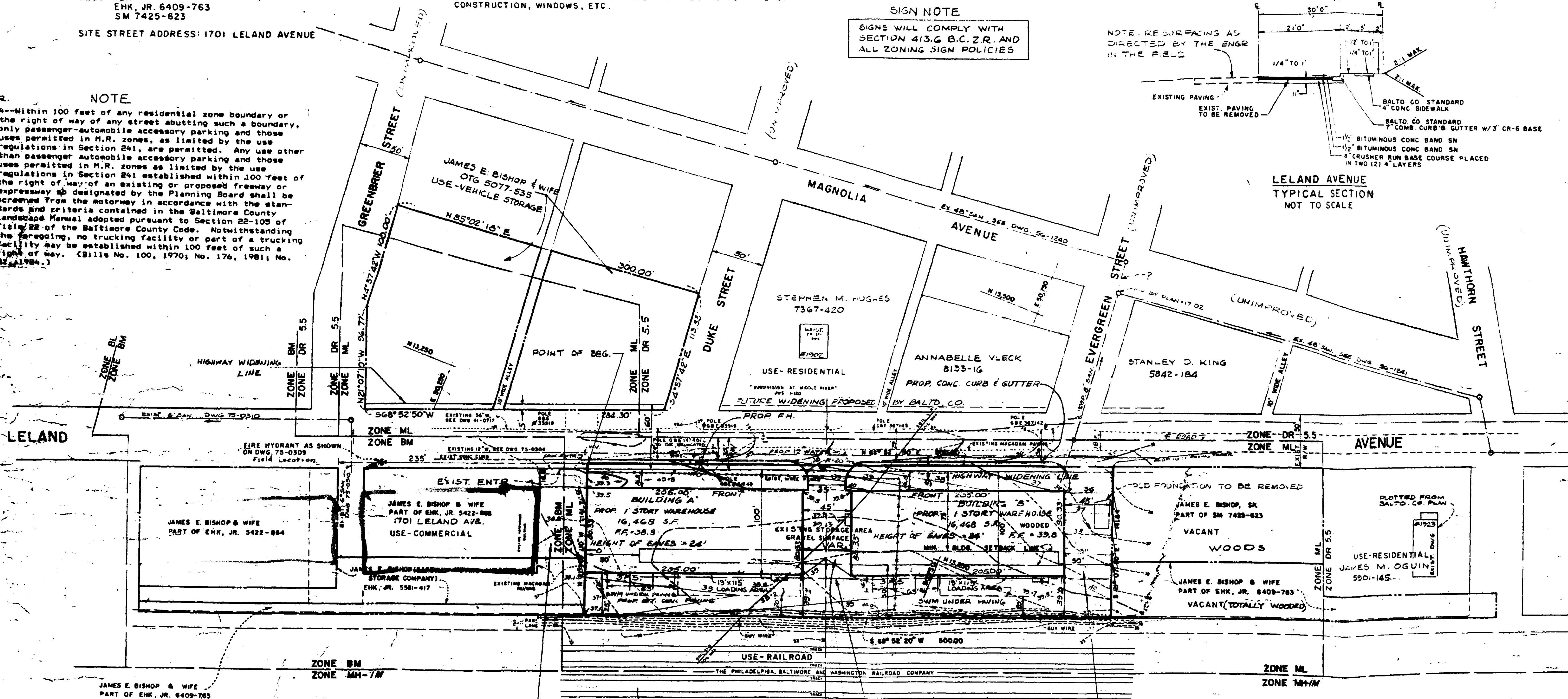
2" CRUSHER RUN BASE COURSE PLACED IN TWO 12 1/4" LAYERS

LELAND AVENUE
TYPICAL SECTION
NOT TO SCALE

WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN CANNOT BE INCREASED OR DECREASED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.CZR) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 253.104, 253.409, 413 AND THE ZONING POLICY MANUAL.

B.C.Z.R. NOTE

233.f--Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. zones as limited by the regulations in Section 241 established within 100 feet of the right of way of an existing or proposed freeway or expressway so designated by the Planning Board shall be exempted from the motorway in accordance with the standards and criteria set forth in the Baltimore County Landscape Manual adopted pursuant to Code of Ordinances Title 22 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right of way. (Bills No. 100, 1970; No. 176, 1981; No. 34, 1984.)



SOILS DATA				
S#B - SASSAFRAS SANDY LOAM, 2 TO 5% SLOPES				
WdL - WOODSTOWN SANDY LOAM, 0 TO 2% SLOPES				
LIMITATIONS FOR				
TYPE	AREA	BUILDINGS, 35% NO BASEMENT	STREETS AND PARKING LOTS	HYDROLOGIC SOIL GROUP
S#B	072AC	1/4 LGT	MODERATE SLOPE	B
WdL	091AC	2/3 LGT	MODERATELY MODERATELY HIGH WATER TABLE	C

MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS

PUBLIC SERVICES CRG. NO 90108

PLANNING NO.



**PETITIONER'S
EXHIBIT No 1**

MICROFILMED

LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TOMONUM MD 282-2928

LET TO ACCOMPANY A PETITION FOR A ZONING VARIANCE

- THE FOLLOWING REASONS:
- 1) TO PERMIT A FRONT BLDG. SETBACK OF 16.8' IN LIEU OF THE REQ'D 75'
 - 2) TO PERMIT A SIDE YARD BLDG. SETBACK OF 0' IN LIEU OF THE REQ'D 50'
 - 3) TO PERMIT A REAR YARD BLDG. SETBACK OF 30' IN LIEU OF THE REQ'D 50'
 - 4) TO PERMIT A SIDE YARD BETWEEN BLDG. SETBACK OF 45' IN LIEU OF THE REQ'D 100'
 - 5) TO PERMIT A SIDE YARD SETBACK OF 45' IN LIEU OF THE REQUIRED 50'
 - 6) TO PERMIT LOADING AREAS WITHIN 57' OF RESIDENTIAL STREET RIGHT OF WAY IN LIEU OF THE REQUIRED 100'

"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120
15 TH ELEC. DIST. BALTO. CO. MD.
SCALE: 1" = 50' FEB. 6, 1990
OWNER AND DEVELOPER: JAMES E. BISHOP, SR.
1701 LELAND AVENUE
BALTO., MD. 21220
PHONE: OFFICE 687-3000 RES. 335-1233
WATERSHED 5
SUBSEWERED 15
CENSUS TRACT 4517.01
COUNCILMANIC DIST: 5TH COUNCILMANIC DISTRICT
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
15-00-010225902
DEED REF:
E.H.K. JR. 6409-763
SM 7425-623
SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

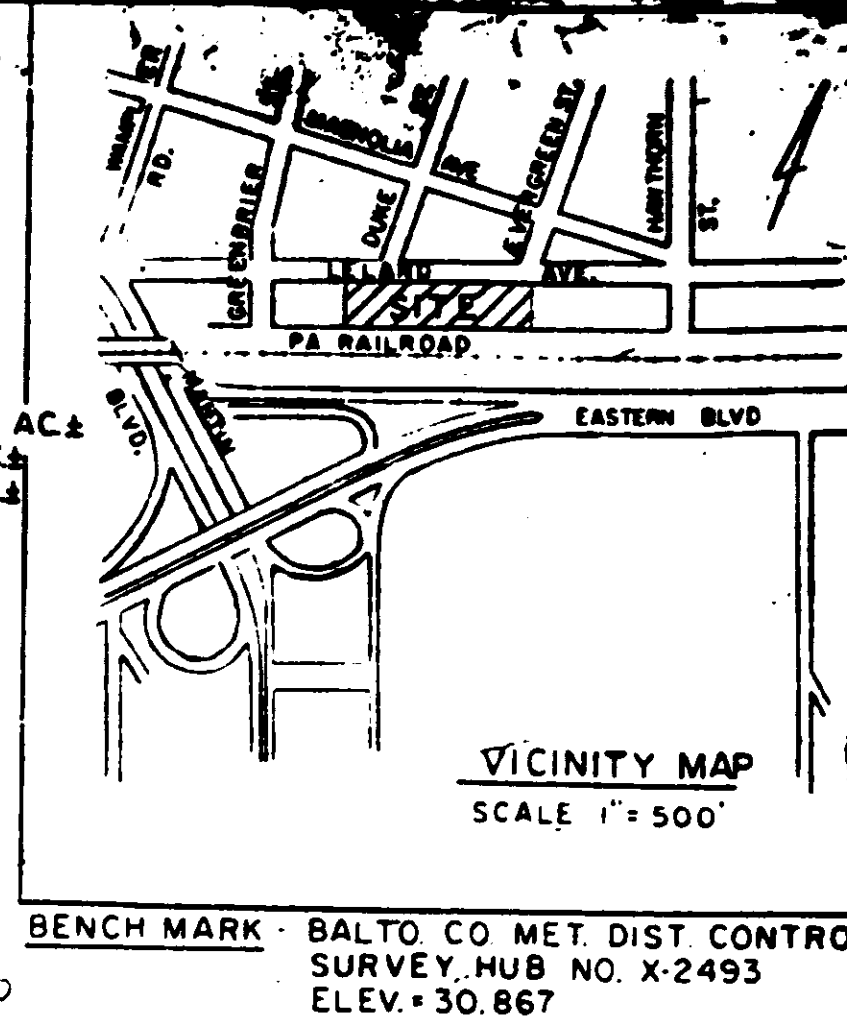
- 1) SITE AREA 70,837 SQ FT ± OR 1.6262 AC ±
- 2) SITE ZONING M.L.
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE PLUMBING CODE, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION PART 2 OF THE 1988 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE CBP TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS. CALL MISS UTILITY 1-559-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S = 165 (32,936 ÷ 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

- 15) STORM WATER MANAGEMENT - WAIVER REQUESTED
- 16) STORM DRAINS - NONE PROPOSED
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS.
- 18) PROPOSED GRAD IS SCHEMATICALLY SHOWN. (SUBJECT TO FINAL SITE ENGINEERING)
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (SAN. AND WATER)
- 20) PETITION FOR WAIVER OF SWM HAS BEEN SUBMITTED
- 21) NO LOADING OR PARKING BETWEEN BUILDINGS
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE BITUMINOUS CONCRETE PAVING PERMANENTLY STRIPED.
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) PREVIOUS ZONING CASE # 30-441-A WAS DENIED ON MAY 30, 1990.
- 27) ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.

SITE TABULATION

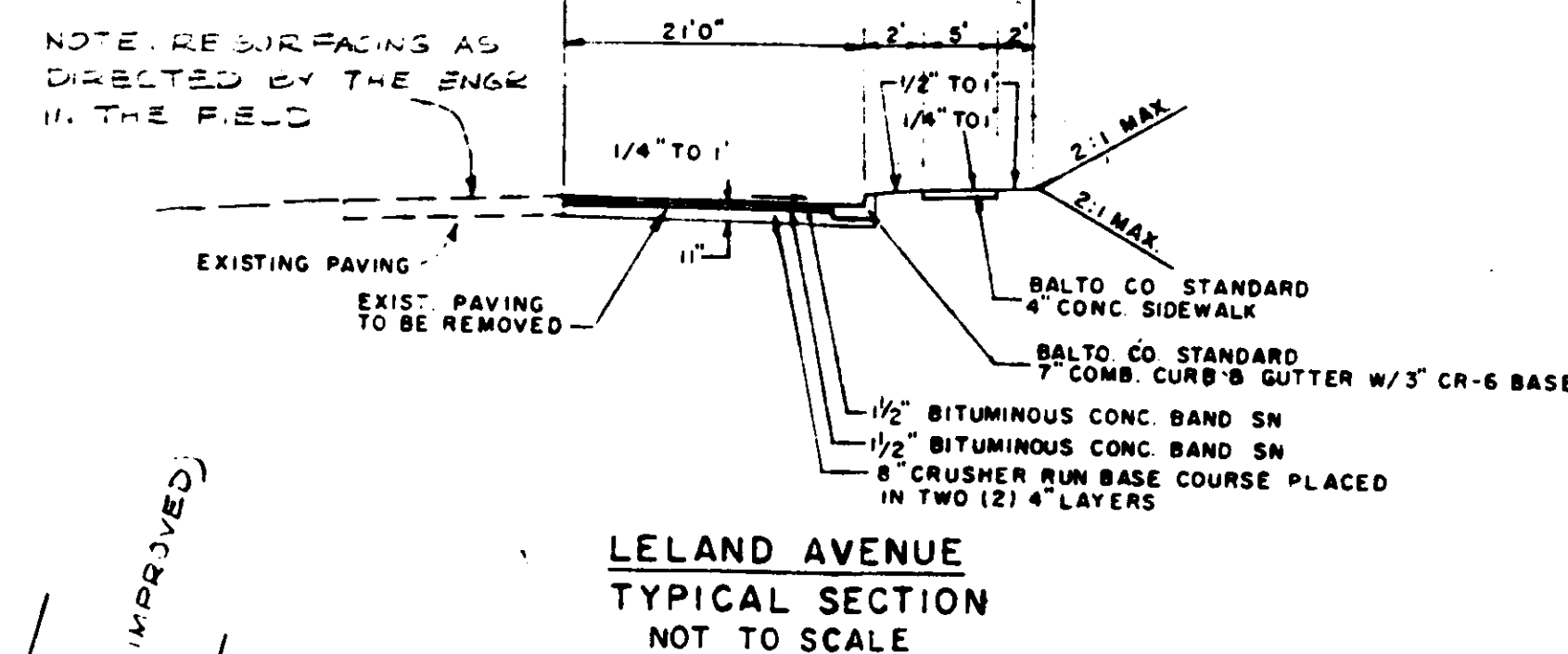
PARKING DATA	
BUILDING USES	WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT	6
NO. OF PARKING SPACES REQUIRED	6
NO. OF PARKING SPACES PROVIDED	6
SIZE OF PARKING SPACES	14' X 21'
GROSS AREA OF SITE	
HIGHWAY WIDENING AREA	70,837 SQ. FT. ± OR 1.6262 AC ±
NET AREA OF SITE	2,500 SQ. FT. ± OR 0.0574 AC ±
EXISTING ZONING	ML
FLOOR AREA RATIO:	
MAXIMUM PERMITTED	2.0
PROPOSED FAR 32,936 ÷ 68,337 =	0.48
PARKING DATA (BY BUILDING)	
BUILDING "A"	BUILDING "B"
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3
ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.	



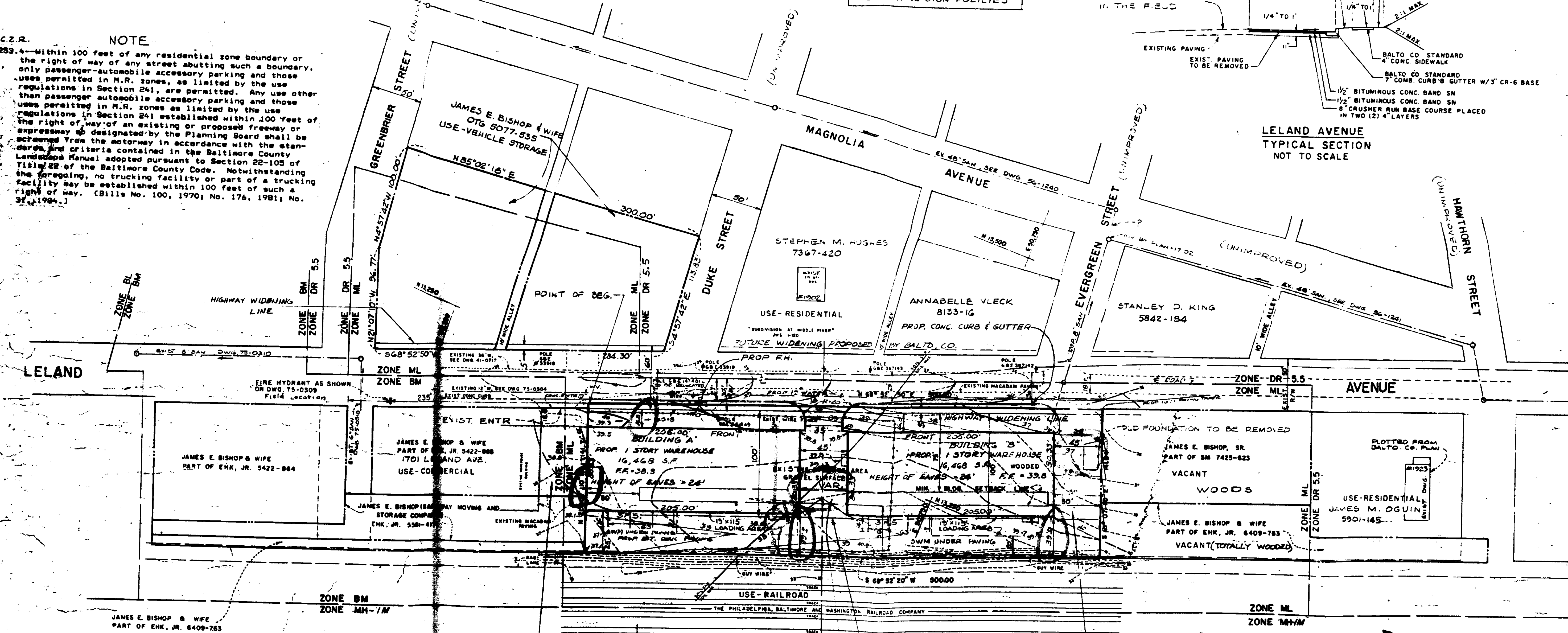
NOTE

B.C.Z.R. 253.4 - Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. zones as limited by the use regulations in Section 241 established within 100 feet of the right of way of an existing or proposed freeway or expressway as designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right of way. (Bills No. 100, 1970; No. 176, 1981; No. 31, 1984.)

SIGN NOTE
SIGNS WILL COMPLY WITH SECTION 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES



NOTE:
WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN CANNOT BE INCREASED OR DECREASED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO SECTIONS 253.1, 253.4, 255.4, 259.4, 413 AND THE ZONING POLICY MANUAL.



SOILS DATA				
SUB-SAB	AREA	SANDY LOAM, 2 TO 5% SLOPES		
WMA-WOODSTOWN		SANDY LOAM, 0 TO 2% SLOPES		
LIMITATIONS FOR				
TYPE	AREA	BUILDINGS, 35TY NO BASEMENT	STREETS AND PARKING LOTS	HYDROLOGIC SOIL GROUP
SAB	CLAY	SLIGHT	MODERATE SLOPE	B
WMA	CLAY	SLIGHT	MODERATE TO MODERATELY HIGH WATER TABLE	C

MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS.

PETITIONER'S
EXHIBIT No. 3

PUBLIC SERVICES CRG. NO. 90108
PLANNING NO. _____



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIMonium MD. 21088

CRG PLAN XV-525

LOTS 5 THRU 14, SEC. 7 AND LOTS 1, 2, 3, 8 & 9, SEC. 8
"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120

15TH ELECT. DIST. BALTO. CO., MD.
SCALE: 1" = 50' MAY 15, 1989

OWNER AND DEVELOPER:
JAMES E. BISHOP, SR.
1701 LELAND AVENUE
BALTO., MD. 21220
PHONE: OFFICE 687-3000 RES. 335-1233

WATERSHED: 5
SUBWERSHED: 15
CENSUS TRACT: 4517.01
COUNCILMANIC DIST: 5
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
19-00-010225902

DEED REF:
E.H.K. JR. 6409-763
SM 7425-623

SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

- 1) SITE AREA 70,837 SQ. FT. ± OR 1.6262 AC.
- 2) SITE ZONING ML & DR 5.5
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION III, PART I OF THE 1968 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE C&P TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS CALL MISS UTILITY 1-599-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S = 165 (32,936 ÷ 1000 X 5)
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

- 15) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO. B.C.Z.R. 243.1
- 16) STORM DRAINS - NONE PROPOSED BEYOND S.W.M.
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS. 243.2
- 18) PROPOSED BUILDING IS SCHEMATICALLY SHOWN. (SUBJECT TO FINAL SITE ENGINEERING) 243.3
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (SAN AND WATER) 1102.2
- 20) STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY BALTO. CO. 255.2
- 21) NO LOADS FOR PARKING ARE SHOWN ON THIS PLAN.
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE PAVED PERMANENTLY STRIPED.
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) ALL PARKING AND MANEUVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.
- 27) SIGNS WILL COMPLY WITH SEC. 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES.

SITE TABULATION (S. OF LELAND AVE)

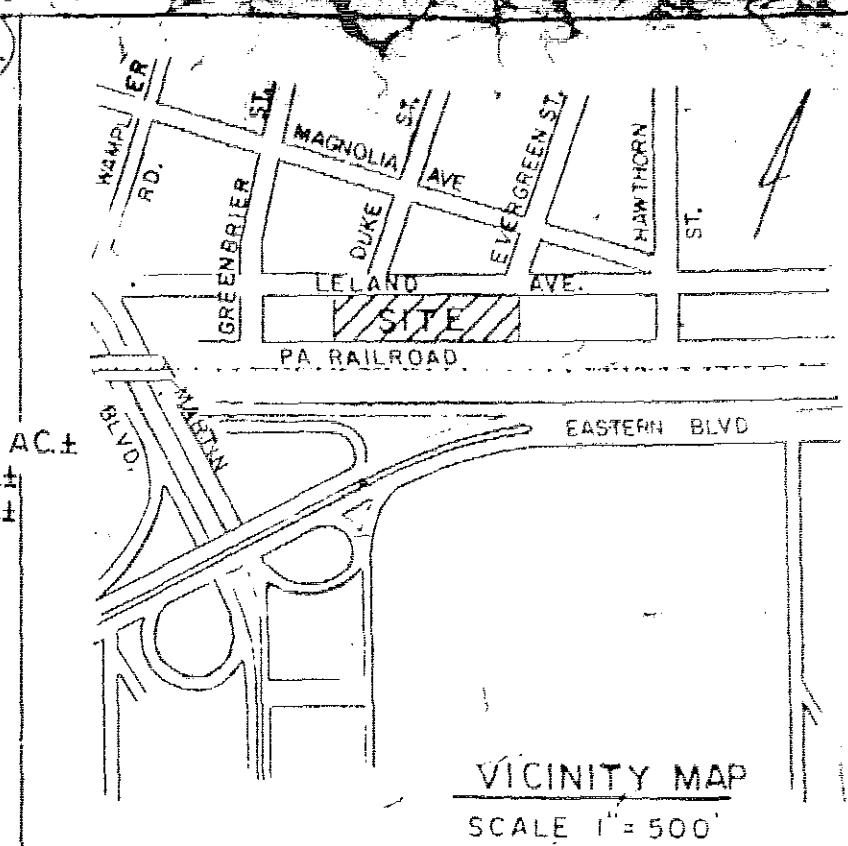
PARKING DATA
BUILDING USES _____ WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT _____ 6
NO. OF PARKING SPACES REQUIRED _____ 6
NO. OF PARKING SPACES PROVIDED _____ 6
SIZE OF PARKING SPACES _____ 14' X 21'

GROSS AREA OF SITE _____ 70,837 SQ. FT. ± OR 1.6262 AC.
HIGHWAY WIDENING AREA _____ 2,500 SQ. FT. OR 0.0574 AC.
NET AREA OF SITE _____ 68,337 SQ. FT. ± OR 1.5688 AC.
EXISTING ZONING _____ ML

FLOOR AREA RATIO:
MAXIMUM PERMITTED _____ 2.0
PROPOSED "FAR" 32,936 ÷ 68,337 = 0.48

PARKING DATA (BY BUILDING)

BUILDING "A"	BUILDING "B"
NO. OF EMPLOYEES - 3	NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3	NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3	NO. OF SPACES PROV. - 3

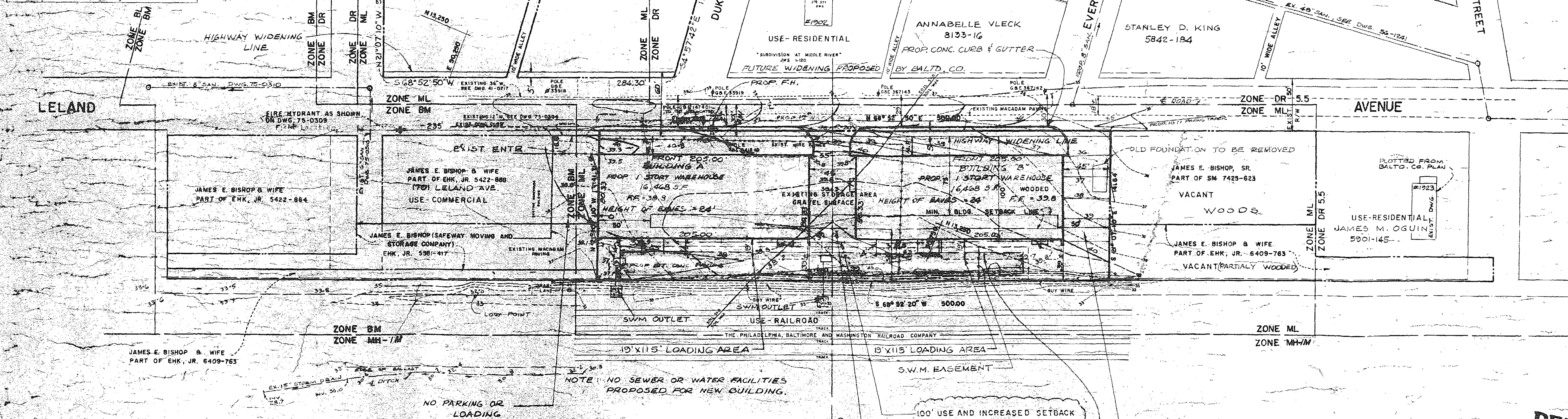


BENCH MARK - BALTO. CO. MET. DIST. CONTROL SURVEY HUB NO. X-2493
ELEV. = 30.667

NOTE:

WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 253, 254, 255, 409, 413 AND THE ZONING POLICY MANUAL.

DATE	DESCRIPTION
3-30-90	1ST REVIEW COMMENTS FROM BALTO. CO.
4-24-90	2ND REVIEW COMMENTS FROM BALTIMORE COUNTY
4-25-90	FIELD LOCATION FIRE HYDRANT
5-17-90	EXPANDED SITE, BLDG. SIZE, ENTR. LOCATIONS
6-20-90	S.W.M. OUTLET AT S.W. COR.
1-25-92	ADD U.G. S.W.M. NOTES 24-27, PROPOSED PARKING & LOADING
7-22-92	NOTES 15 & 20; PAVING WIDTH



SOILS DATA

SHB - SASSAPARA SANDY LOAM, 2 TO 13% SLOPES				
WMA - WOODSTOWN SANDY LOAM, 0 TO 2% SLOPES				
LIMITATIONS FOR				
TYPE	AREA	BUILDINGS: 3 STY. NO BASEMENT	STREETS AND PARKING LOTS	HYDROLOGIC SOIL GROUP
SHB	0.72 AC	SLIGHT	MODERATE SLOPE	B
WMA	0.91 AC	SLIGHT	MODERATE TO MODERATELY HIGH WATER TABLE	C

MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS.

PUBLIC SERVICES CRG. NO 90108

PLANNING NO. _____



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
TIMONIUM MD. 21220

IN RE: PETITION FOR ZONING VARIANCE
E/S McPherson Court, 71 ft.
W of c/l Othoridge Road
1301 McPherson Court
9th Election District
4th Councilmanic District
Timothy W. Frost, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-476-A

RULING ON MOTION FOR RECONSIDERATION

The above captioned matter originally came before me as a Petition for Zoning Variance for that property known as 1301 McPherson Court in the Lutherville section of Baltimore County. By my Order dated August 10, 1992, the Petition was denied for reasons fully set forth therein.

Subsequently, the Petitioner/property owner, Timothy W. Frost, submitted a letter dated August 20, 1992 requesting reconsideration of my decision. Additional correspondence, dated August 31, 1992 and September 3, 1992 were, likewise, received from the Petitioner. These letters, taken collectively, will be considered as a Motion for Reconsideration.

By way of a brief history of the case, it is to be noted that Mr. Frost resides on a corner lot at the intersection of McPherson Court and Othoridge Road. His dwelling fronts McPherson Court.

Several years ago, Mr. Frost caused to be constructed a satellite receiving antenna/dish in the rear yard of his property. However, because the dish was not in compliance with Section 400.1 of the B.C.Z.R. which requires same to be located within the rear one-third of the lot farthest removed from any street, a zoning violation case was instituted by Baltimore County against him. In an attempt to resolve the issue before any action by the Court, Mr. Frost filed a Petition for Zoning Variance from

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Date 9/8/92
By Th. Frost

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Section 400.1 of the B.C.Z.R. This variance requested permission for Mr. Frost to keep the dish where located, notwithstanding the provisions of Section 400.1 of the B.C.Z.R., as provided above.

That case came before then Zoning Commissioner, J. Robert Haines, who denied the Petition for Zoning Variance by his Order dated April 5, 1990. A timely appeal was filed by Mr. Frost to the County Board of Appeals which, likewise, denied the Petition on January 8, 1991. There were no further appeals taken from the Board of Appeals' decision; thus, the Board's opinion became final.

Nonetheless, Mr. Frost refiled his Petition in 1992. The case came before me for hearing on July 27, 1992. By my opinion and Order dated August 10, 1992, I denied the Petition for Zoning Variance. My written Findings of Fact and Conclusions of Law fully set forth the basis of my reasoning.

Particularly, I ruled that relitigation of the Petition was barred by the doctrine of res judicata. Specifically, I determined that both the subject dish and its location were identical to those issues in the prior case. Further, the same relief from the same section of the B.C.Z.R. was requested. Thus, in my view, the decision of the County Board of Appeals was final and relitigation of the identical subject matter and governing law was barred.

Within Mr. Frost's correspondence, he has offered several arguments in support of his request that my decision be reconsidered. These will be addressed in turn.

First, Mr. Frost notes that his property is located in that subdivision known as Devonshire Forest and that the plat for that subdivision was approved on or about October 25, 1954. Therefore, the Petitioner argues

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By Th. Frost

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that the provisions of the B.C.Z.R. which govern the use of his property are not the regulations presently in effect, but rather those in force in 1954. Those regulations had been originally promulgated and adopted by Baltimore County in 1945. Thus, Mr. Frost reasons, because the 1945 version of the B.C.Z.R. contains no provisions for regulations of the satellite dish antenna, the variance is unnecessary and his use is not in violation of any zoning regulation.

Admittedly, the 1945 regulations may be relevant for the determination of certain issues regarding this property. For example, a Petition for Special Hearing for a nonconforming use would be governed by those regulations. Further, Sections 103.1 and 1802.3(B) of the B.C.Z.R. provide that setback, area, use and height standards shall be as prescribed by the zoning regulations in effect at the time the subject subdivision was approved by the Planning Board or its predecessor, the Planning Commission. Notwithstanding these provisions, the property owner has misconstrued the law in arguing that the 1945 regulations are applicable to his satellite dish. Clearly, it is well settled at law that absent any grandfathering provision, the regulations in effect at the time any property is improved, altered, or changed are applicable to that improvement or alteration. See e.g., Rockville Fuel and Feed Co. vs. City of Gaithersburg, 266 Md. 117, 291 A2d 672 (1972). If that were not the case, additions and/or amendments to properties which had been initially developed prior to the adoption of zoning in Baltimore County in 1945, would go unregulated. Clearly, Mr. Frost placed his satellite dish antenna in its present location well after the adoption of the comprehensive set of zoning regulations in 1955. Further, the issue presented in the instant case does not relate to height, use, area or setback requirements

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By Th. Frost

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and is, thereby, not grandfathered by Sections 103.1 and 1802.3(B). As such, the current regulations govern that alteration/improvement to the property. Thus, Section 400.1 of the B.C.Z.R. must be satisfied unless a variance is obtained. Therefore, the Petitioner's argument that the recordation of his subdivision prior to the adoption of the 1955 regulations should prohibit the application of the current standards of the B.C.Z.R. is inappropriate.

A second basis of Mr. Frost's Motion for Reconsideration is offered in his letter of August 20, 1992. To summarize, Mr. Frost avers that then Zoning Commissioner Haines made several mistakes when his decision was authored in April 1990. Thus, the Petitioner argues that res judicata is not applicable.

This argument, likewise, must be dismissed for two reasons. First, it must be noted that the decision which bars the property owner's current Petition was that authored by the County Board of Appeals. As noted, an appeal of Zoning Commissioner Haines' decision was timely made and the case heard de novo before the County Board of Appeals. The Board of Appeals' decision superseded that decision made by Zoning Commissioner Haines and, in fact, is the quasi judicial determination which bars relitigation of the case. Thus, whatever Zoning Commissioner Haines may have or have not done is irrelevant, in that his decision was not the final decision in the earlier case.

Secondly, even if the Board of Appeals is alleged to have made the same mistake attributed to Zoning Commissioner Haines, their action is not a "mistake" of the nature which would permit reopening of this case. The Petitioner confuses the meaning of the word "mistake" within its everyday usage as compared with what that term means at law. Simply stated, a

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Date 9/8/92
By Th. Frost

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mistake is not made by the Hearing Officer because one disagrees with his reasoning process in arriving at a decision, rather the mistake alleged must be as to a jurisdictional issue or of such similar magnitude. See Bernstein v. Kapneck, 46 Md. App. 231, 417 A2d 456 (1980).

I see no evidence in the Motion before me that such a fundamental mistake was made or even alleged. Rather, the Petitioner argues that the Commissioner improperly instituted the zoning violation case against him. Even if this allegation is true, which is in and of itself highly debatable, such action by the Commissioner is not in the nature of a mistake which would permit relitigation of this case.

Lastly, the property owner argues that the instant Petition for Variance was filed at the recommendation of members of this office and, thus, should be entertained on its merits. Specifically, Mr. Frost alleges that the Deputy Zoning Commissioner, Timothy M. Kotroco, and the Director of Zoning Administration and Development Management, Arnold Jablon, instructed him to file his Petition. Mr. Kotroco's response to this allegation is set forth within his letter to the Petitioner dated August 28, 1992. He denies ever giving such advice or making such a recommendation. Further, it is a long standing practice of this office to refuse to provide legal advice in response to any inquiries made to it. As Mr. Kotroco's letter clearly notes, all determinations as to the merits of any Petition are to be made by the hearing officer who entertains that case.

Thus, for the aforementioned reasons, I am persuaded that Mr. Frost's Motion for Reconsideration must be denied. As I pointed out in my earlier opinion, he may have laudable reasons to offer in support of his request to permit the satellite dish located. However, quite frankly, this case has been decided by the County Board of Appeals. If any redress was

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By Th. Frost

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sought from their decision, the proper appeal to the Circuit Court should have been filed. Absent fraud, substantial change, mistake, surprise or inadvertence, the prior decision cannot be relitigated. None of these factors are present in this case.

Therefore, the Motion for Reconsideration must be denied and I shall so order.

WHEREFORE, it is this 18th day of Sept. 1992 ORDERED that the Petitioner's Motion for Reconsideration be and is hereby DENIED.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/8/92
By Th. Frost

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 18, 1992

Mr. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093

RE: Petition for Zoning Variance
Case No. 92-476-A

Dear Mr. Frost:

In response to your letters dated August 20, August 31, and September 3, 1992 requesting a Motion for Reconsideration of Decision regarding the above captioned case, please find enclosed my Ruling on Motion for Reconsideration.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.
cc: Mr. Dale Rauschenberg
Mr. Peter Liveright
Mr. Robert Anderson
Mr. George Kron

IN RE: PETITION FOR ZONING VARIANCE
E/S McPherson Court, 71 ft.
W of c/l Othoridge Road
1301 McPherson Court
9th Election District
4th Councilmanic District
Timothy W. Frost, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-476-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 1301 McPherson Court in the Lutherville section of Baltimore County. The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within that one-third portion of the rear yard which is the farthest removed from any street, as is required under the regulations.

The Petitioners/property owners, Timothy W. and Carol Ann Frost, appeared and testified at the hearing. Also appearing on behalf of the Petition was Walter Frazier of Stansbury Satellite, Inc. Mr. Frazier operates the company which sold the subject satellite dish to the Petitioners. There were numerous Protestants present. These included representatives of the neighborhood in which the subject property is located.

Although the propriety of the subject variance is contested, the underlying facts are clear and uncontroverted. Mr. and Mrs. Frost are the owners of that property located at 1301 McPherson Court in Lutherville. They, their two children and Mrs. Frost's mother reside therein. The

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By Th. Frost

subject property is a corner lot approximately .17 acres in size and is zoned D.R.5.5. The property is improved by an existing dwelling which fronts McPherson Court.

Mr. Frost testified that in approximately August of 1989, he purchased from Stansbury Satellite a satellite system for installation and use at the subject property. Further, testimony was presented that the satellite system provides its owner with access to 18 different satellites which are located above the southwestern horizon. Mr. Frazier, in explaining the technical requirements of the system, stated that the ideal location for the satellite dish was in the rear/side yard of the property adjacent to Othoridge Road. He indicated that, although the dish could be located on the roof of the dwelling, removal of mature trees, both on the subject property and the neighbors property, would be necessitated in order to obtain full reception for the system. Mr. Frazier and Mr. Frost also jointly testified that there were no other ground locations within the site which were acceptable locations for the dish. Specifically, it was stated that if the dish were located in that portion of the rear yard farthest from Othoridge Road, that reception would be hindered.

Testimony was also presented as to the system, itself. The subject dish is 9.75 ft. wide and is painted black with a non-reflective surface. It was also stated that the system does not emit any radiation, nor interfere with other televisions, radios, etc., in the neighborhood. According to the Petitioners and their witness, the dish does not constitute a nuisance to the site.

As indicated above, numerous residents of the community testified in opposition to the Petition. These included Dale Rauschenberg, Peter Liveright, Robert Anderson and George Kron. All of these witnesses object

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By J. J. Cook

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to what they perceive as the unsightly appearance of the dish and its location on that portion of the lot immediately adjacent to Othoridge Road. The Protestants believe that the dish is unsightly and is an eyesore. They also opine that granting of the variance may cause a proliferation of satellite dishes in the community. This would adversely affect the property values in their community. In addition to the factual information submitted by the Petitioner, Mr. Frost advanced several legal arguments in support of the Petition. These included a statement that prohibition of the placement of the dish where same is placed would infringe upon his first amendment rights guaranteed by the U.S. Constitution. Secondly, Mr. Frost believes that Baltimore County is estopped from preventing the dish where same is located. Lastly, Mr. Frost argued that the variance should be permitted because he has complied with the language within Section 307 of the B.C.Z.R. and the case law which has construed same.

Although, all of these arguments might have merit, a threshold issue need be determined before they may be addressed. Specifically, evidence and testimony presented was that this is not the first occasion in which this case has come before the Zoning Commissioner. Specifically, the Petitioner previously filed for an identical variance under case No. 90-350A. Specifically, the relief requested therein was a request to permit the dish at the identical location as presently proposed. That is, within that case, the Petitioner also sought a variance from Section 400.1 of the B.C.Z.R. to allow the dish to be placed in the third of the lot closest to the street. This is the same section of the B.C.Z.R. which is under consideration in the present case. The prior case came before the then Zoning Commissioner, J. Robert Haines, and the variance was denied on April 5, 1990. A timely appeal was filed by Mr. and Mrs. Frost to the

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County Board of Appeals which, likewise, denied the Petition on January 8, 1991. There were no further appeals taken from the Board of Appeals' decision. Thus, the Board's opinion became final.

Having, therefore, concluded that this issue was previously litigated, a determination must now be made as to whether the doctrine of res adjudicata prohibits consideration of the present case. Res adjudicata is essentially defined as that legal doctrine which prohibits litigation in a subsequent action between the same parties, related to the same facts, or issues. Perusse Realty v. Lingg, 249 Md. 33 238 A2d 100. At least some of the principals of this doctrine are applicable to the decisions by Zoning Boards. See Board of County Commissioners v. Racine, 24 Md. App. 435, (1975). The basis for this doctrine is to prevent unending litigation over the same issue. The Courts have recognized that when an issue is conclusively settled by a final judgment in the first case, that same should not be litigated again, and again. If this doctrine did not exist, litigation would be unending.

In Racine, supra, the Courts applied the doctrine of res adjudicata to administrative proceedings wherein it said "We recognize, as indeed we must, that an unreversed final decision by a zoning board, passed in the exercise of its discretion upon issues of fact or upon mixed issues of law and fact, are fully binding upon the parties to the cause and their privies as to all issues determined thereby. It is only when there has been a substantial change of conditions or it is shown that the decision was a product of fraud, surprise, mistake or inadvertence, that such an administrative body may reverse its prior decision in litigation between the same parties." (pg. 450)

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By J. J. Cook

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In the instant case, there is no evidence, nor even allegation of, fraud, surprise, mistake or inadvertence as it relates to the initial hearing. Rather, the Petitioner avers that there has been a substantial change of conditions which would justify the rehearing of this case. Specifically, those conditions are that, (1) the satellite dish is now lower (12 ft. v. 10 ft.) when the case was considered by Commissioner Haines, and (2) that the Petitioner has provided landscaping around the base of the satellite dish which will ultimately reduce its visibility. However, clearly, neither of these conditions constitutes a substantial change from the issue previously decided. The variance previously requested and, indeed, the current variance request, seeks permission to place the satellite dish at a location in the side/rear yard closest to the street. Thus, the issue presented is whether a variance from the regulation which governs the location of the dish, within the subject lot, is permitted. In both cases, the requested variance as to this location is the same. Whether the dish is higher or lower, landscaped or not, is immaterial to the question as to whether the dish should be permitted at that precise place on the Petitioner's property.

In that the issues are the same, I feel compelled to conclude that under the Racine holding as set forth above, the doctrine of res adjudicata prohibits re-litigation of this case. Perhaps, the Petitioner should have pursued his appellate rights of the Board of Appeals' decision to the Circuit Court. Finding no fraud, mistake, surprise, inadvertence or substantial change of conditions, I cannot conclude that Commissioner Haines' decision was incorrect. Therefore, the subject Petition for Variance must be denied and I will so order.

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Date 8/16/92
By J. J. Cook

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of August, 1992 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within the one-third portion of the lot farthest removed from any street, in accordance with Petitioners' Exhibit No. 1, be and is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 8/16/92
By J. J. Cook

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 10, 1992

Mr. and Mrs. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093

RE: Case No. 92-476-A
Petition for Zoning Variance

Dear Mr. and Mrs. Frost:

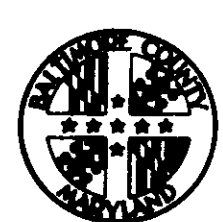
Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
cc: Dale Rauschenberg
Peter Liveright
Robert Anderson
George Kron

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1301 McPherson Court, Lutherville, MD 21093 which is presently zoned RA-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property above 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 400.1 TO PERMIT PLACEMENT OF A SATELLITE DISH ANTENNA IN THE REAR YARD OF A CORNER LOT BUT NOT WITHIN THE REAR 1/3 OF THE LOT FARTEST REMOVED FROM ANY STREET.

SEE ATTACHED SHEET

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/Lessor:

Type or Print Name

Signature

Address

City State Zip

Attorney for Petitioner:

Type or Print Name

Signature

Address

City State Zip

With an extremely detailed and often, under the provisions of policy, that view are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Type or Print Name

Signature

Address

City State Zip

Attorney for Petitioner:

Type or Print Name

Signature

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

A practical difficulty exists with strict compliance to the Baltimore County Zoning Regulations (B.C.Z.R.) regarding the installation of my satellite dish antenna in the following ways:

1. Strict compliance with requirements set forth in the B.C.Z.R. will unreasonably and unconstitutionally prevent the use of my property for a permitted purpose. This is because a satellite dish antenna, in order to work at all, must have an unrestricted line of sight towards the equator to the south and to the southwest. No such line of sight exists from either the part of my yard permitted by the B.C.Z.R. unless several trees are removed from properties belonging to neighbors. In addition, to achieve the required line of sight from the permitted portion of my property, I would have to place the dish on a pole which exceeds the 15 foot height limitation imposed by the B.C.Z.R. and thus require another variance. Even if such variance were granted, then the electrical service to my house would have to be relocated to the front of my house so that safe clearances from the power line could be met. If the satellite dish were moved to the roof of the dwelling as suggested in a previous case before the Zoning Commissioner, then the only mature tree on the property would have to be removed to provide the necessary line of sight. All of these factors make compliance unnecessarily burdensome.
2. Failure to grant the variance requested would be substantial injustice to the applicant as well as other property owners in the district. All concerns which were expressed by other property owners concerned the aesthetics. The satellite dish is now located on the ground in 800 pounds of concrete. Shrubbery has been planted around the antenna which will, in time, grow to a height of more than 15 feet. This will address all aesthetic concerns of everyone in the district. If the satellite dish is moved to the roof of the dwelling, then it will be impossible to screen its view in any way.
3. Relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured. If the variance is granted, then, in time, the dish will be screened from view, thus addressing everyone's aesthetic concerns. Since the dish is securely mounted in the ground, and, in fact, has weathered the passing of hurricane Hugo without damage or movement, the public safety and welfare is secured. Moving the dish to the roof of the dwelling will make it more attractive to lightning along with raising the possibility of damage to my home in the event of a storm.
4. No increase in residential density beyond that allowed by the B.C.Z.R. will occur.
5. It is in strict harmony with the spirit and intent of height, area, off-street parking, and sign regulations.
6. Relief can be granted without substantial injury to public health, safety and general welfare.
7. Failure to grant the relief requested will be in violation of the property owner's Civil Rights under the First Amendment of the U.S. Constitution and applicable Regulations of the Federal Communications Commissions.

ORDER RECEIVED FOR FILING
Date 8/16/92
By J. J. Cook

ZONING DESCRIPTION 92-476-A

Beginning at a point on the east side of McPherson Court which is 36 feet wide at the distance of 71 feet north of the centerline of Othoridge Road which is 36 feet wide. Being lot #4, Block R, Section #2 in the subdivision of Devonshire Forest as recorded in Baltimore County Plat Book #20, Folio #132, containing 7,314 square feet. Also known as 1301 McPherson Court and located in the #9 Election District.

#506

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-476-A
District: 9th Date of Posting: 7-6-92
Posted for: Variance
Petitioner: Timothy W. Frost and Carol Ann Frost
Location of property: E/S of McPherson Court - 71' N. of the S/E of Othoridge Road - 1321 McPherson Court
Location of Sign: Corner of 1321 McPherson Court
Remarks:
Posted by: J. J. Rute Date of return: 7-10-92
Number of Signs: 1
MICROFILMED

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

receipt

Account: R-001-4100
Number: H9200506
6/09/92
PUBLIC HEARING FEES: \$50.00
010 ZONING VARIANCE: \$50.00
TOTAL: \$50.00
LAST NAME OF OWNER: FROST
Please Make Checks Payable To: Baltimore County
BA E003148PH06-03-92 \$50.00
MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 18, 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 June 16, 1992

THE JEFFERSONIAN,

55 State - Orlean
Publisher

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

receipt

92-476
Account: R-001-4150
Number: 72112
Date: 6/22/92
PUBLIC HEARING FEES: \$63.18
010 ZONING VARIANCE: \$63.18
TOTAL: \$63.18
LAST NAME OF OWNER: FROST
Please Make Checks Payable To: Baltimore County
BA E008435AM07-27-92 \$63.18
MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Timothy W. and Carol Ann W. Frost
1301 McPherson Court
Lutherville, Maryland 21093-5508

RE:
CASE #92-476-A (Item 506)
E/S McPherson Court, 71' N of c/l Othoridge Road
1301 McPherson Court
9th Election District - 4th Councilmanic
Petitioner(s): Timothy W. Frost and Carol Ann Frost
HEARING: MONDAY, JULY 27, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$63.18 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jablon
ARNOLD JABLON
DIRECTOR

Printed on Recycled Paper

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 11, 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-476-A (Item 506)
E/S McPherson Court, 71' N of c/l Othoridge Road
1301 McPherson Court
9th Election District - 4th Councilmanic
Petitioner(s): Timothy W. Frost and Carol Ann Frost
HEARING: MONDAY, JULY 27, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Variance to permit placement of a satellite dish antenna in the rear yard of a corner lot but not within the rear 1/3 of the lot farthest removed from any street.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Timothy and Carol Ann Frost

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

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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

(410) 887-3353

July 6, 1992

Mr. & Mrs. Timothy W. Frost
1301 McPherson Court
Lutherville, MD 21093-5508

RE: Item No. 506, Case No. 92-476-A
Petitioner: Timothy W. Frost, et ux
Petition for Variance

Dear Mr. & Mrs. Frost:

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.

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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

(410) 887-3353

Your petition has been received and accepted for filing this 2nd day of June, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Timothy W. Frost

Petitioner's Attorney:

MICROFILMED

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 22, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for June 22, 1992
Item 506

The Developers Engineering Division has reviewed the subject zoning item and we recommend that a landscape plan be required, providing for effectively screening the dish from the neighbors and the street.

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

RWB:DAX:s

RECEIVED
JUL 27 1992
ZONING OFFICE

6/22/92
W

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 17, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 15, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Robert A. Yeatman - Item 504
Joseph & Aurelia Loveman - Item 505
Timothy & Carol Ann Frost - Item 506
James & Brenda Thomas - Item 507
Victor & Sandra Fiorenza - Item 509

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUN 23 1992

ZONING OFFICE

MICROFILMED

6.15.92.txt
Pctfns.txt

Development Review Committee Response Form
Authorized signature _____ Date 6/22/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Stonegate at Patapsco (Azreal Property)
90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Washington Homes, Inc. 504 N/C ✓ 6-15-92
DED DEPRM RP STP TE
Aurelia Loveman For Joseph H. Loveman 505 N/C ✓
DED DEPRM RP STP TE
Timothy W. And Carol Anne M. Frost
DED DEPRM RP STP TE
James B. And Brenda G. Thomas 507 N/C ✓
DED DEPRM RP STP TE
James E. Bishop, Sr. 508 N/C ✓
DED DEPRM RP STP TE
Victor E. And Sandra J. Fiorenza 509 N/C ✓
DED DEPRM RP STP TE
Lena Guise 510 N/C ✓
DED DEPRM RP STP TE

COUNT 7

Howard W. Dawson, Sr. 508 N/C ✓ 6-8-92
TE

COUNT 1

FINAL TOTALS
COUNT 7

MICROFILMED

Development Review Committee Response Form
Authorized signature _____ Date 6-22-92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Robert N. And Joan M. Greene 466 in process 6-18-92
DED DEPRM
Baltimore Gas And Electric Company 475 in process

COUNT 2

Albert F. And Ann B. Hocar 478 written comments 6-1-92
DED DEPRM TE
Gene Nelson And Paulette Enos 489 in process
DED DEPRM
Lawrence F. And Ruth C. Solomon 493 in process
DED DEPRM

COUNT 3

Washington Homes, Inc. 504 6-15-92 in process
DED DEPRM RP STP TE
Aurelia Loveman For Joseph H. Loveman 505
DED DEPRM RP STP TE
Timothy W. And Carol Anne M. Frost
DED DEPRM RP STP TE
James B. And Brenda G. Thomas 507 NO COMMENTS
DED DEPRM RP STP TE
James E. Bishop, Sr. 508 in process
DED DEPRM RP STP TE
Victor E. And Sandra J. Fiorenza 509 NO COMMENTS
DED DEPRM RP STP TE

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

JUNE 12, 1992

(410) 887-4500

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

RE: Property Owner: TIMOTHY W. FROST AND CAROL ANN M. FROST
Location: #1301 MCPHERSON COURT
Item No.: 506 (JCM) Zoning Agenda: JUNE 15, 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: *Capit...* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 6/23/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Washington Homes, Inc. 504 No Comments ✓ 6-15-92
DED DEPRM RP STP TE
Aurelia Loveman For Joseph H. Loveman 505 No Comments ✓
DED DEPRM RP STP TE
Timothy W. And Carol Anne M. Frost 506 No Comments ✓
DED DEPRM RP STP TE
James B. And Brenda G. Thomas 507 No Comments ✓
DED DEPRM RP STP TE
James E. Bishop, Sr. 508 No Comments ✓
DED DEPRM RP STP TE
Victor E. And Sandra J. Fiorenza 509 No Comments ✓
DED DEPRM RP STP TE
Lena Guise 510 No Comments ✓
DED DEPRM RP STP TE

COUNT 7

FINAL TOTALS
COUNT 7

*** END OF REPORT ***

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards June 5, 1992

FROM: James H. Thompson

SUBJECT: ITEM NO. 506
1301 MCPHERSON COURT
FROST - PETITIONER

When the above petition is scheduled for a public hearing, please notify:

- A) Councilman Douglas B. Riley
B) Dale Rauschenberg
29 Othoridge Road
Lutherville, MD 21093
C) Jay Esser
21 Othoridge Road
Lutherville, MD 21093
D) John Trueschler
39 Othoridge Road
Lutherville, MD 21093

It is imperative that this case not be scheduled before the Deputy Zoning Commissioner, Timothy Kotrood, because of his prior involvement with this property.

JH/car

cc: Gwendolyn Stephens - Docket Clerk

C-90-758
ACTIVE ZONING CASE
MICROFILMED

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

J. Robert Haines
Zoning Commissioner

January 29, 1990

NOTICE OF HEARING

Dennis P. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-350-A
NE Corner McPherson Court and Othoridge Road
1301 McPherson Court
9th Election District - 4th Councilmanic
Petitioner(s): Timothy W. Frost, et al
HEARING: WEDNESDAY, MARCH 14, 1990 at 9:30 a.m.

Variance: To permit placement of a satellite dish antenna in a position in the lot which is in the rear yard but within the third of the lot farthest from any street.

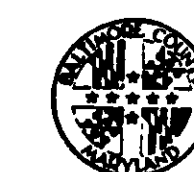
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Frost
Dale Rauschenberg
Jay Esser
John Trueschler

Board of Appeals
887-3180



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

January 8, 1991

Mr. and Mrs. Timothy Frost
1301 McPherson Court
Timonium, Maryland 21093

Re: Case No. 90-350-A (Timothy W. Frost, et al)

Dear Mr. and Mrs. Frost:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Walter Frazier
Mr. and Mrs. Dale Rauschenberg
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

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

MEMORANDUM
TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 18, 1992

SUBJECT: Bishop Property

INFORMATION:
Item Number: 508

Petitioner: James E. Bishop

Property Size: 1.6 acres

Zoning: ML

Requested Action: Variance

Hearing Date: 6/22/92

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a variance to permit a front yard setback of 16.8' in lieu of 75', a side yard setback of 0' in lieu of 50', a rear yard setback of 39' in lieu of 50', a rear yard side setback of 45' in lieu of 100', a sideyard setback of 45' in lieu of 50' and to permit loading areas within 97' of a residential street right of way in lieu of the required 100'.

The Office of Planning and Zoning recommends that this hearing not be held until all zoning violations are cleared up as stated in section 26-180 of the Development Regulations. Also, this plan must progress through Division I and II of the development process. Therefore, the Hearing Officers Hearing for this development should be combined with the Zoning Hearing for the variances rather than having two separate hearings.

Prepared by: [Signature]

Division Chief: [Signature]

FM:rdn

RECEIVED
JUL 22 1992
ZONING OFFICE

508.ZAC/ZAC1

Development Review Committee Response Form

Authorized signature: [Signature] Date: 6/22/92

Project Name: Stonegate at Patapsco (Azeal Property)

File Number: 90476 Waiver Number: ZON DED TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1

Washington Homes, Inc. 504 N/C 6-15-92

DED DEPRM RP STP TE Aurelia Loveman For Joseph H. Loveman 505 N/C

DED DEPRM RP STP TE Timothy W. And Carol Anne M. Frost 506 N/C

DED DEPRM RP STP TE James B. And Brenda G. Thomas 507 N/C

DED DEPRM RP STP TE James E. Bishop, Sr. 509 N/C

DED DEPRM RP STP TE Victor E. And Sandra J. Fiorenza 509 N/C

DED DEPRM RP STP TE Lena Guise 510 N/C

DED DEPRM RP STP TE Howard W. Dawson, Sr. 503 N/C 6-8-92

TE

COUNT 1

FINAL TOTALS

COUNT 9

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director Zoning Administration and Development Management DATE: July 6, 1992

FROM: J. Lawrence Pilson, DEPRM Development Coordinator

SUBJECT: Zoning Item 508 #1701 Leland Avenue Zoning Advisory Committee Meeting of June 15, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

On June 11, 1992, an inspection of this property was conducted. It was noted that the proposed warehouse and loading dock is in close proximity to residentially zoned properties. It is our opinion that if activities occurred at this site during the hours from 10:00 p.m. to 7:00 a.m., the noise levels imposed on adjacent properties may exceed the State of Maryland Noise Pollution Standards.

RECEIVED
JUL 9 1992
ZONING OFFICE

JLP:sp

JABLON/S/TXTSBB

Baltimore County Government
Fire Department

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

JUNE 12, 1992

(410) 887-4500

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

RE: Property Owner: JAMES E. BISHOP, SR.

Location: #1701 LELAND AVENUE

Item No.: #508 (WCR) Zoning Agenda: JUNE 15, 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.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
JUL 15 1992
ZONING OFFICE
MICROFILMED

Department of Recreation and Parks
Development Review Committee Response Form

Authorized signature: [Signature] Date: 6/23/92

Project Name: Washington Homes, Inc. 504 6-15-92

DED DEPRM RP STP TE Aurelia Loveman For Joseph H. Loveman 505 No Comments

DED DEPRM RP STP TE Timothy W. And Carol Anne M. Frost 506 No Comments

DED DEPRM RP STP TE James B. And Brenda G. Thomas 507 No Comments

DED DEPRM RP STP TE James E. Bishop, Sr. 508 No Comments

DED DEPRM RP STP TE Victor E. And Sandra J. Fiorenza 509 No Comments

DED DEPRM RP STP TE Lena Guise 510 No Comments

DED DEPRM RP STP TE

COUNT 7

FINAL TOTALS

COUNT 7

*** END OF REPORT ***

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1992

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

RE: Preliminary Petition Review (Item #508)
Legal Owner: James E. Bishop, Sr.
1701 Leland Avenue
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. The Zoning Enforcement Office has informed me that a zoning violation (citation case #91-29-A) remains outstanding on properties owned by Mr. Bishop. Section 26-180 of the Baltimore County Code states, in part: "The County may not process plans or permits for any proposed development if the applicant owns or has interest in any property located in Baltimore County upon which there exists at the time of application or during the processing thereof, a violation of the Zoning or Development Regulations of Baltimore County." As with all petitions filed in this office, it is the final responsibility of the petitioner to address any zoning conflicts. A copy of this letter is being inserted in the zoning hearing file for the Zoning Commissioner's reference.

If you need further information or have any questions, please do not hesitate to contact John Lewis at 887-3391.

Very truly yours,

WCR
W. Carl Richards, Jr.
Zoning Coordinator

[Signature]
John L. Lewis
Planner II

JLL:scj

Printed on Recycled Paper

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 11, 1992

Mr. James E. Bishop, Sr.
1701 Leland Avenue
Baltimore, Maryland 21220

Re: Citation No. 91-29A
S/S Leland Avenue
15th Election District

Dear Mr. Bishop:

Please be advised that a recent inspection of the above location revealed apparent violations of the Baltimore County Zoning Regulations. The following action needs to be taken to bring the property into compliance:

1. remove the temporary sign or obtain a temporary sign permit;
2. remove the freight shipping containers;
3. remove the trailers; and
4. remove/license all inoperative/unlicensed motor vehicles.

Failure to bring the property into compliance will result in Baltimore County seeking to reopen the stat that was entered in this case on December 5, 1990.

Should you have any questions, do not hesitate to call me at 887-8091.

Sincerely,

CRAIG MCGRAW
Zoning Inspector

CM/cmm

c: John B. Gontrum, Esq.

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John L. Lewis Zoning Office DATE: February 11, 1992

FROM: Craig McGraw Zoning Enforcement

RE: Bishop Property
Leland Avenue
15th Election District

Please be advised that a recent inspection of the above site revealed the following zoning violations:

1. temporary sign with no permit;
2. storage of freight shipping containers;
3. storage of two (2) trailers; and
4. four (4) unlicensed motor vehicles.

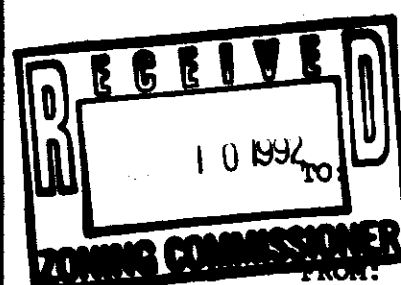
A correction notice has been sent to the property owners.

CM/cmm

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Larry E. Schmidt
Zoning Commissioner
March 23, 1992
James H. Thompson
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 508
PETITIONER: JAMES E. Bishop Sr.

VIOLATION CASE: # 092- C 91-29-12

LOCATION OF VIOLATION: 1701 Leland Ave.

DEFENDANT: James E. Bishop Sr.

ADDRESS: 1701 Leland Ave.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

John C. Dumer Jr.
1906 Magnolia Ave.

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/cer

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards, Coordinator
Development Control
DATE: June 29, 1992

FROM: Craig McGraw
Zoning Enforcement

RE: Bishop Property on Leland Avenue
15th Election District

A recent inspection revealed the following apparent zoning violations:

1. storage of freight shipping container
2. storage of two (2) trailers
3. storage of unlicensed motor vehicles

CM/cmm

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Development Control Coordinator
DATE: July 23, 1992

FROM: Craig McGraw
Zoning Inspector

RE: Bishop Property
Leland Avenue
15th Election District

An inspection of the property on this date (July 23, 1992) revealed the following:

1. storage of a freight shipping container;
2. storage of two (2) office trailers; and
3. storage of an unlicensed brown Ford van.

CM/cmm

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 5, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-475-A
LEGAL OWNER: JAMES E. BISHOP, SR.
LOCATION: 1701 LELAND AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, SEPTEMBER 15, 1992 at 9:00 a.m.
IN ROOM 118, OLD COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MD.

James E. Bishop Sr.
James E. Bishop Sr.

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: James E. Bishop, Sr.
John B. Contrum, Esq.
John C. Dumer, Jr.
John C. Dumer, III
James M. O'Guin

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
James E. Bishop	2515 Bay Dr. 21220
Leo W. Rader	33 Bulfoot Rd Timonium

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
James J. Dumer Jr.	2001 Leland Ave.
John C. Dumer Jr.	1906 Magnolia Ave. 21220
Kathleen Dumer	1906 Magnolia Ave. 21220
John C. Dumer III	1908 Leland Ave. 21220
Carol J. Dumer	2001 Leland Ave. 21220

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

James M. O'Guin	1906 Magnolia Ave. Baltimore 21220
John C. Dumer Jr.	1906 Magnolia Ave. 21220
John C. Dumer III	1908 Leland Ave. 21220

Both case was PP & AP
This case was scheduled to make
Next to case before we set
7 call that date
ensure that
He having
7/24/92
Must be scheduled before
filing

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BALTIMORE COUNTY, MARYLAND
SUBJECT: SUBDIVISION REVIEW COMMENTS
DATE: 05/02/90

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: Subdivision at Middle River

PROJECT NO: 90108

LOCATION: Leland Avenue

DISTRICT: 15C5

The CRG Plan for the subject site, with the latest revision date of April 25, 1990, has been reviewed by the Developers Engineering Division and the following comments are furnished:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The proposed private utilities and roads shall be drawn on County Standard Linens and shall follow County Standards for size, materials and construction details, and shall be submitted to the Bureau of Public Services for review and approval.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

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BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS

PROJECT NAME: SUBDIVISION AT MIDDLE RIVER
LOCATION: 1701 Leland Avenue
Developer: James E. Bishop, Sr.
Engineer: Leo Rader
Meeting Date: May 3, 1990 Time: 11:00 A.M.

RECOMMENDATIONS:

APPROVAL: CONTINUANCE OF MEETING: X DISAPPROVAL:

(See Site Specific Comments from: Storm Water Management and Environmental Impact Review Sections)

DIVISION OF WATER AND SEWER
Land Development Section
887-2762

GENERAL COMMENTS:

Metropolitan water and sewer is available to this site and must be utilized and/or extended to serve the property.

SITE SPECIFIC COMMENTS:

MICROFILMED

Safeway Moving and Storage Co.
1701 LELAND AVENUE BALTIMORE, MARYLAND 21220
PHONE (301) 687-3000 NIGHT (301) 676-2800

April 21, 1992

Mr. Thomas W. Shea
Real Estate Dept.
Nat'l R.R. Pass. Corp.
60 Massachusetts Avenue
N.E., Washington, D.C. 20002

Enclosed please find our check # 9709 in the amount of six hundred dollars (\$600.00) for the payment of the Document Preparation Fee in regards to the above mentioned Project number.

I will keep you informed on the progress of the County. If you should have any questions, please don't hesitate to call me. Thank you.

Sincerely,
James E. Bishop
James E. Bishop
Safeway Mov. and Stg. Inc.

Enclosures
JEB:pt

SAFEGWAY MOVING & STORAGE CO.
1701 LELAND AVENUE
BALTIMORE, MD 21220
301-687-3000

7-11-500
Branch 62
9709

PAY AMOUNT OF *Six Hundred and no/100* DOLLARS
TO THE ORDER OF *National Railroad Passenger Corp*
DATE *4/21/92* CHECK NO. *9709* CHECK AMOUNT *600.00*

FIRST NATIONAL BANK OF MARYLAND
Baltimore, Maryland Branching Office

NATIONAL RAILROAD PASSENGER CORPORATION
LICENSE AGREEMENT

THIS AGREEMENT, made this 21st day of April, 1992, between National Railroad Passenger Corporation, a corporation of the District of Columbia, with offices at 60 Massachusetts Avenue, N.E., Washington, D.C. 20002, party of the first part (hereinafter called "Railroad") and Safeway Moving and Storage Inc., operating under the laws of the State of Maryland with principle offices at 1701 Leland Avenue Baltimore, Maryland 21220, as party of the second part (hereinafter called "Licensee").

WITNESSETH, that the said Railroad (which when used herein shall include any lessor, successor or assignee of or operator over its railroad) insofar as it has the legal right and its present title permits, and in consideration of the covenants and conditions hereinafter stated on the part of the Licensee to be kept and performed, hereby permits, as a temporary license, the Licensee to construct, maintain, repair, alter, renew, relocate and ultimately remove:

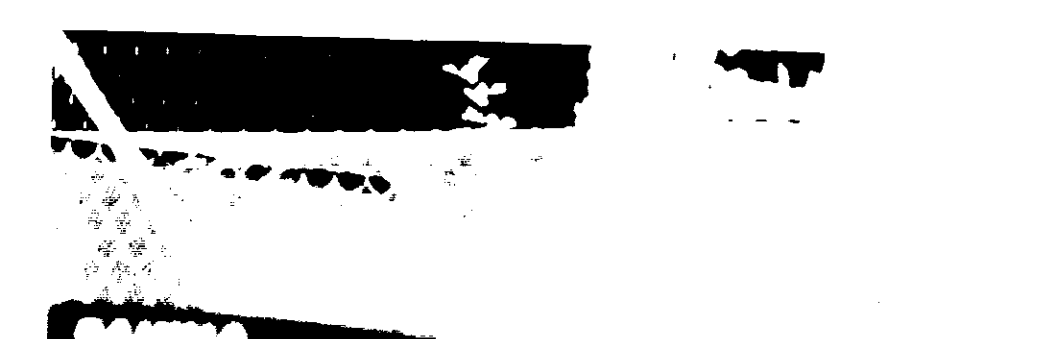
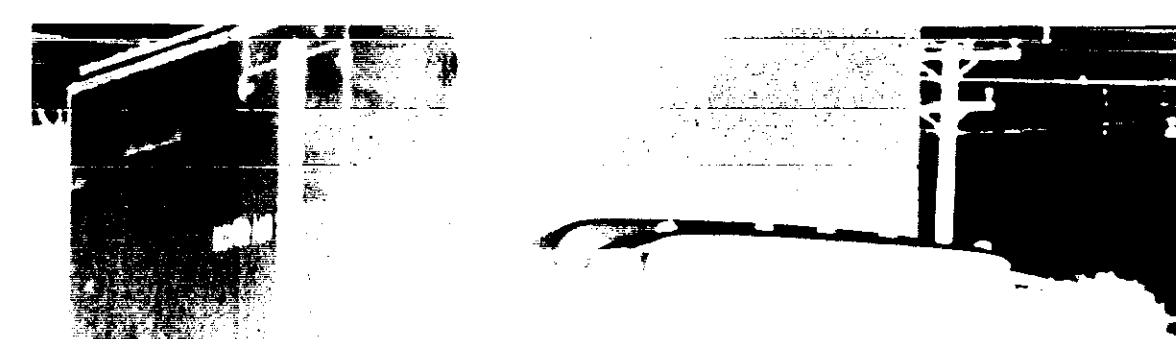
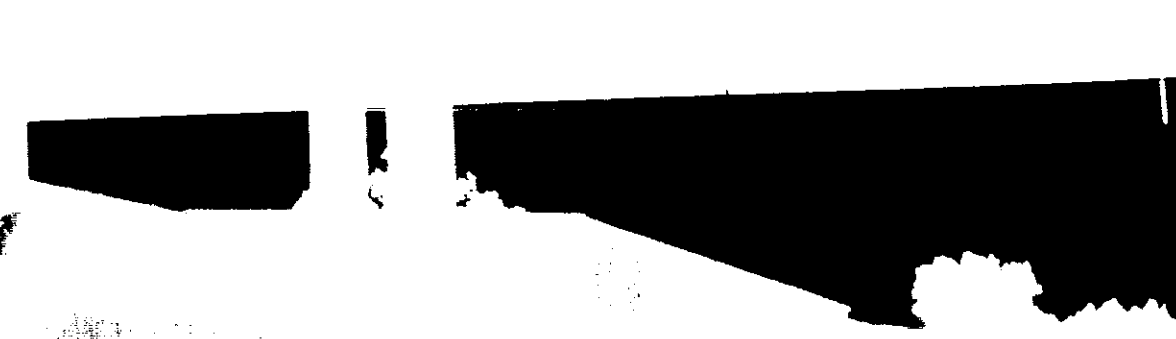
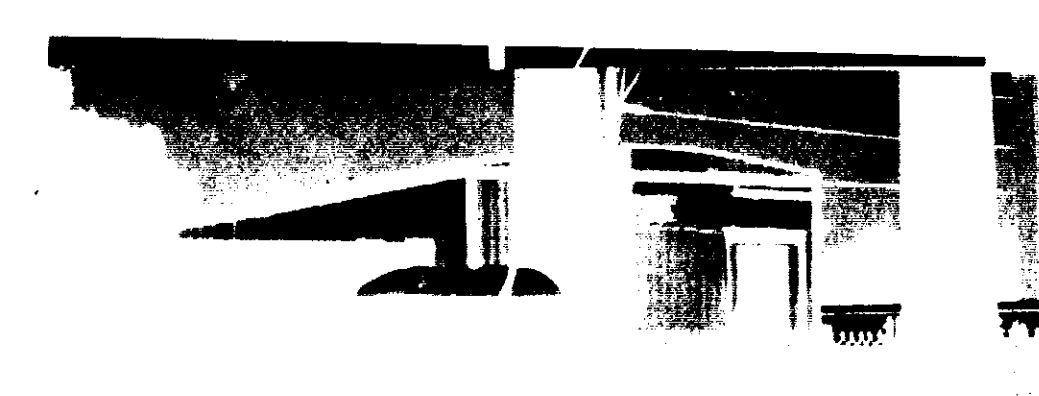
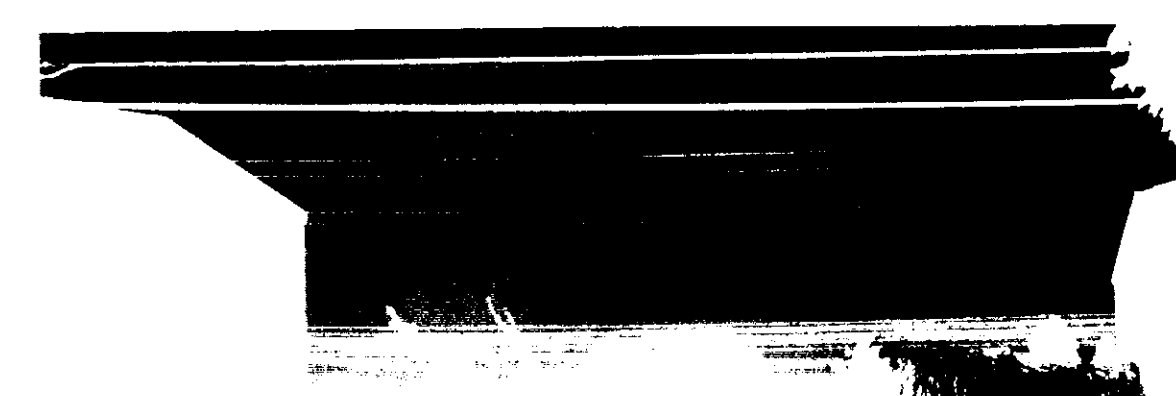
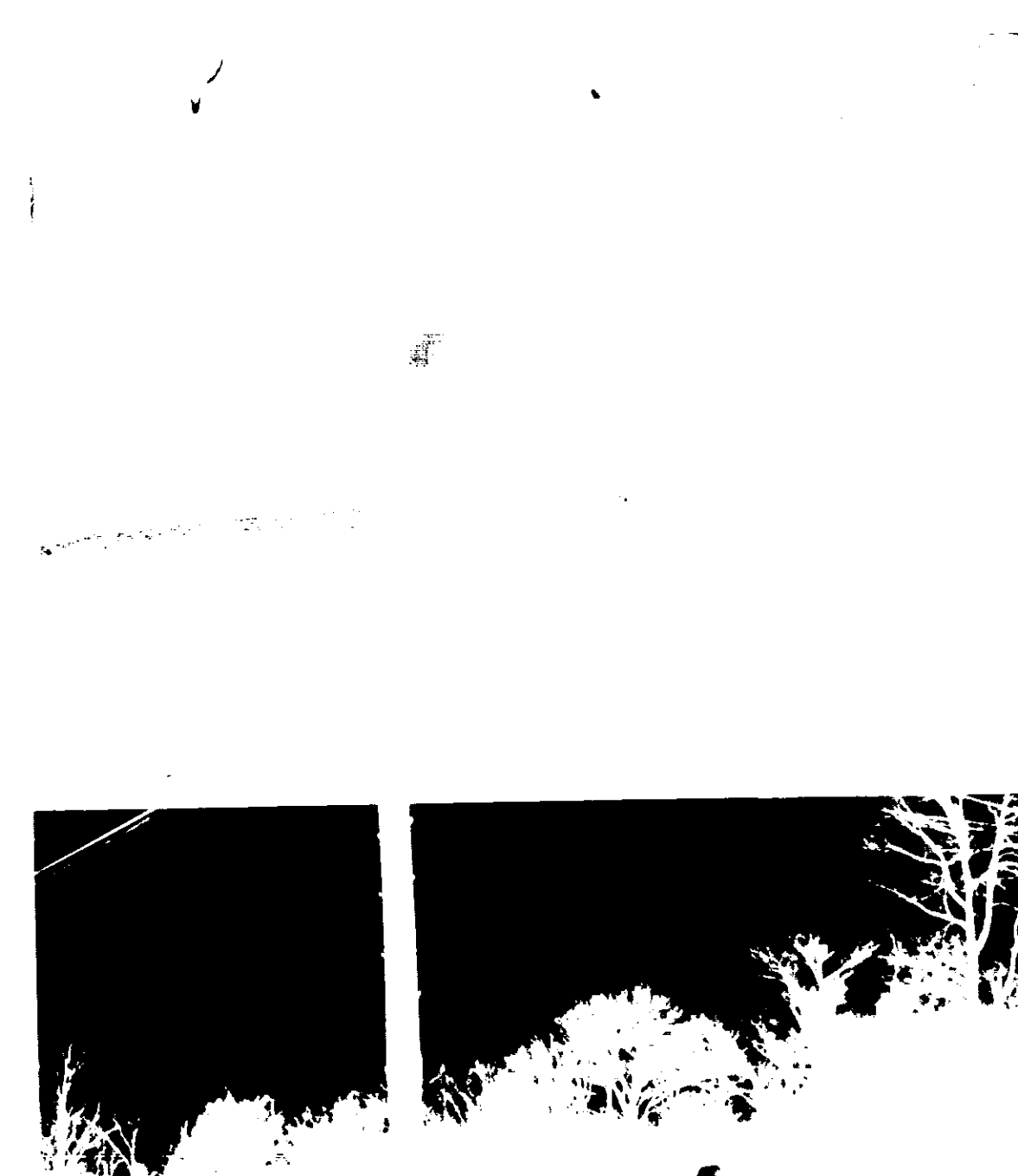
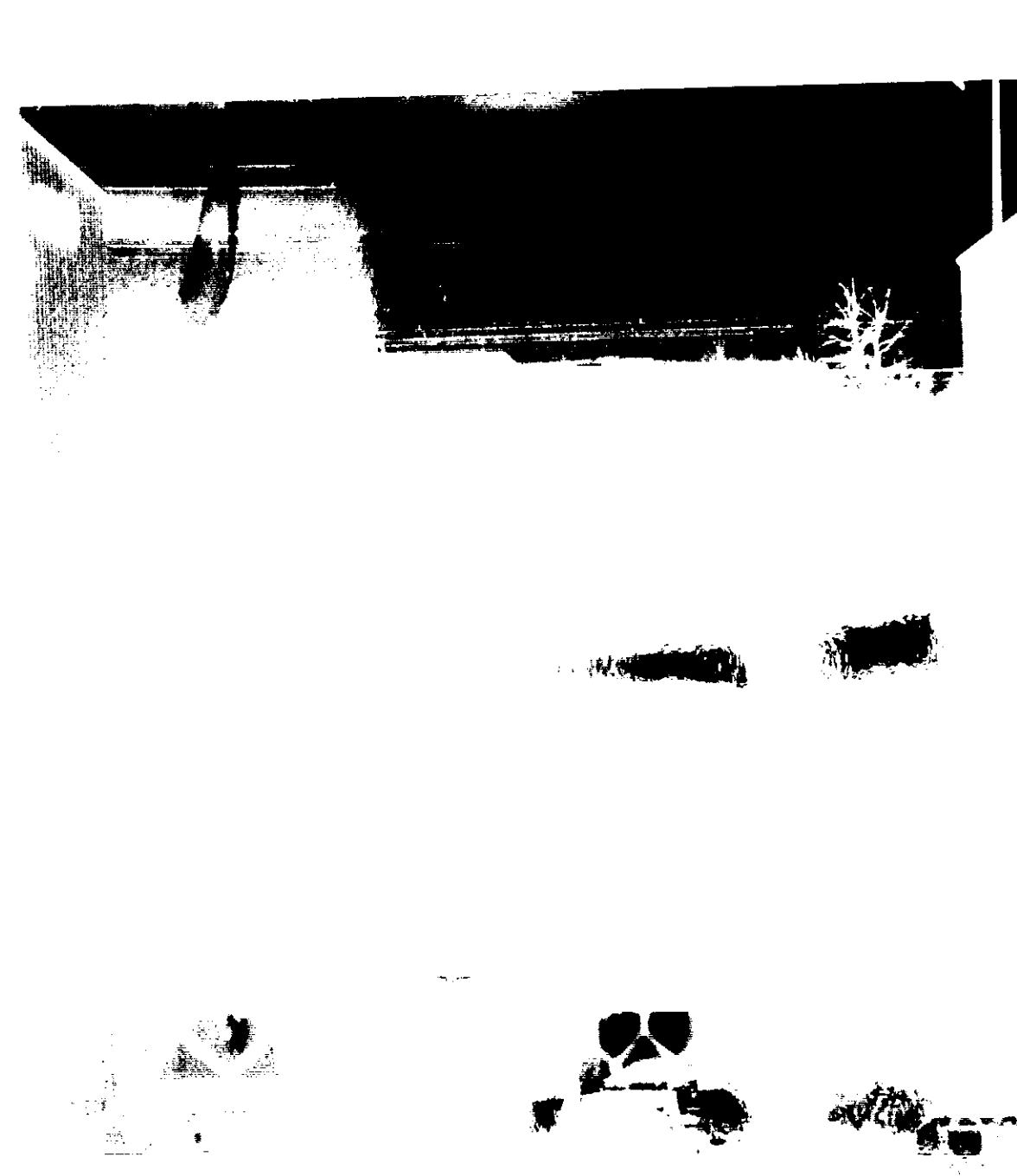
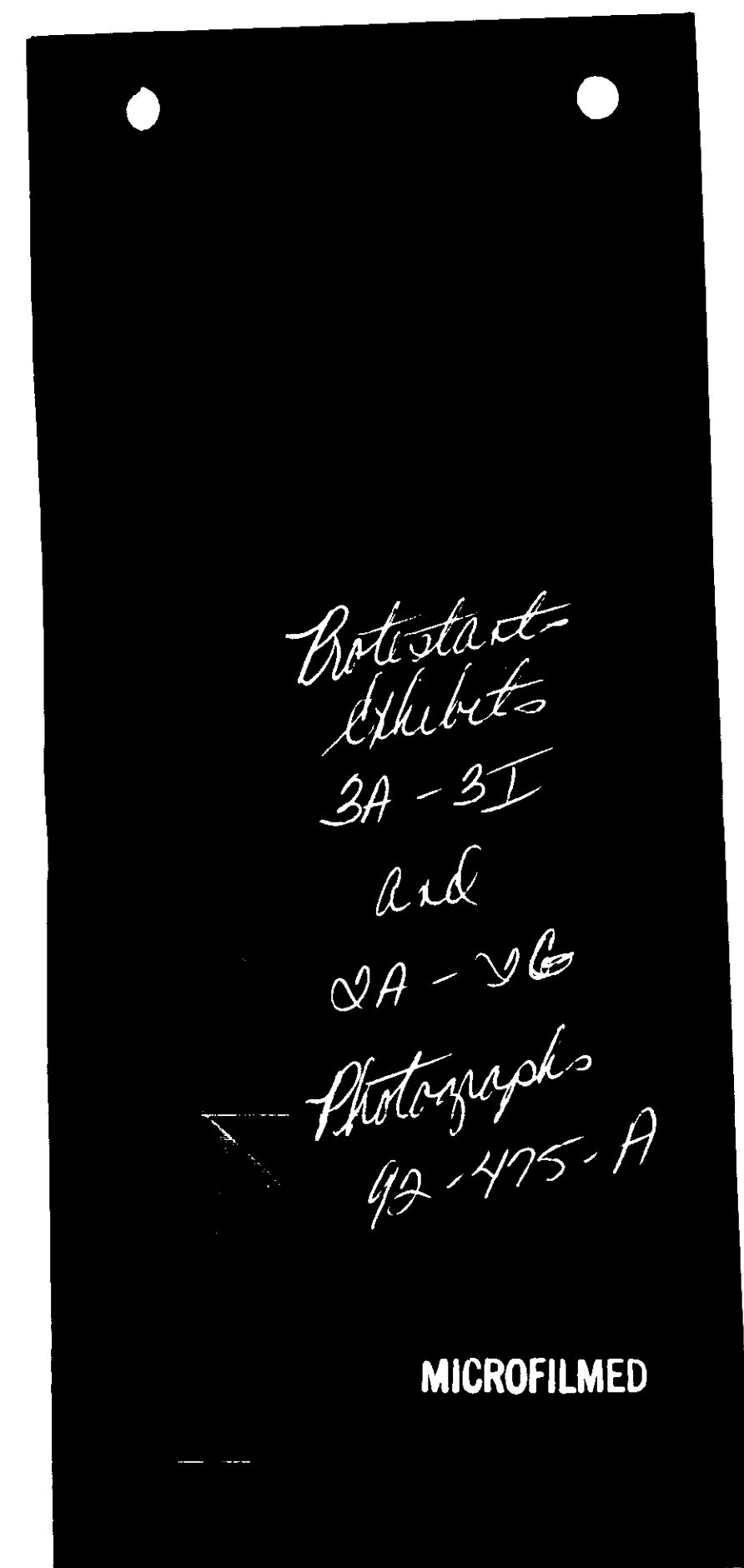
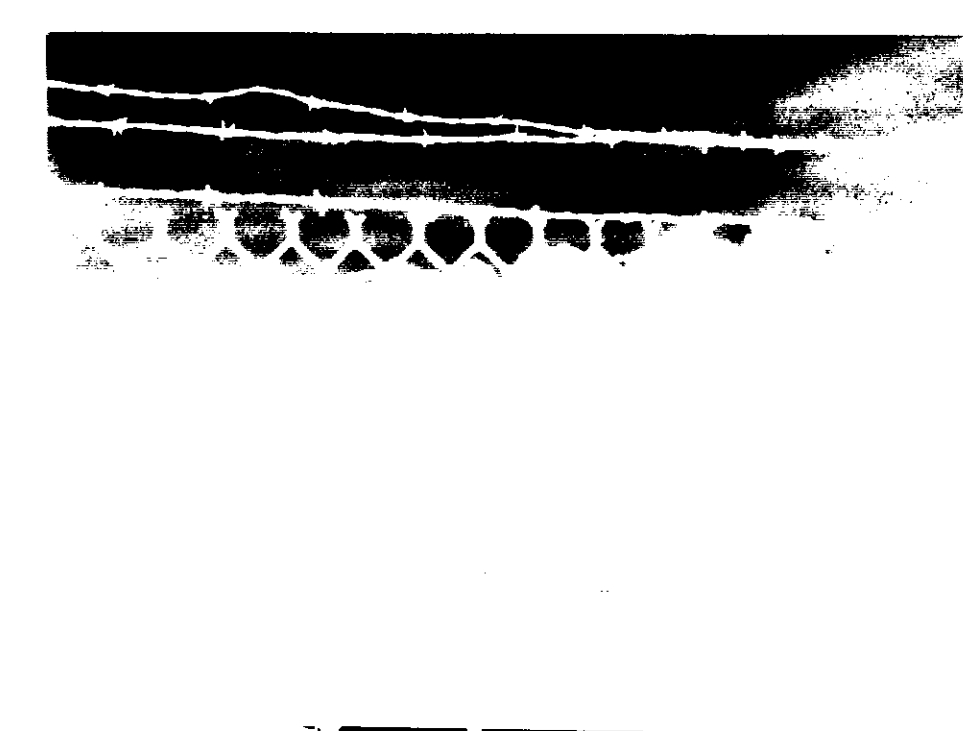
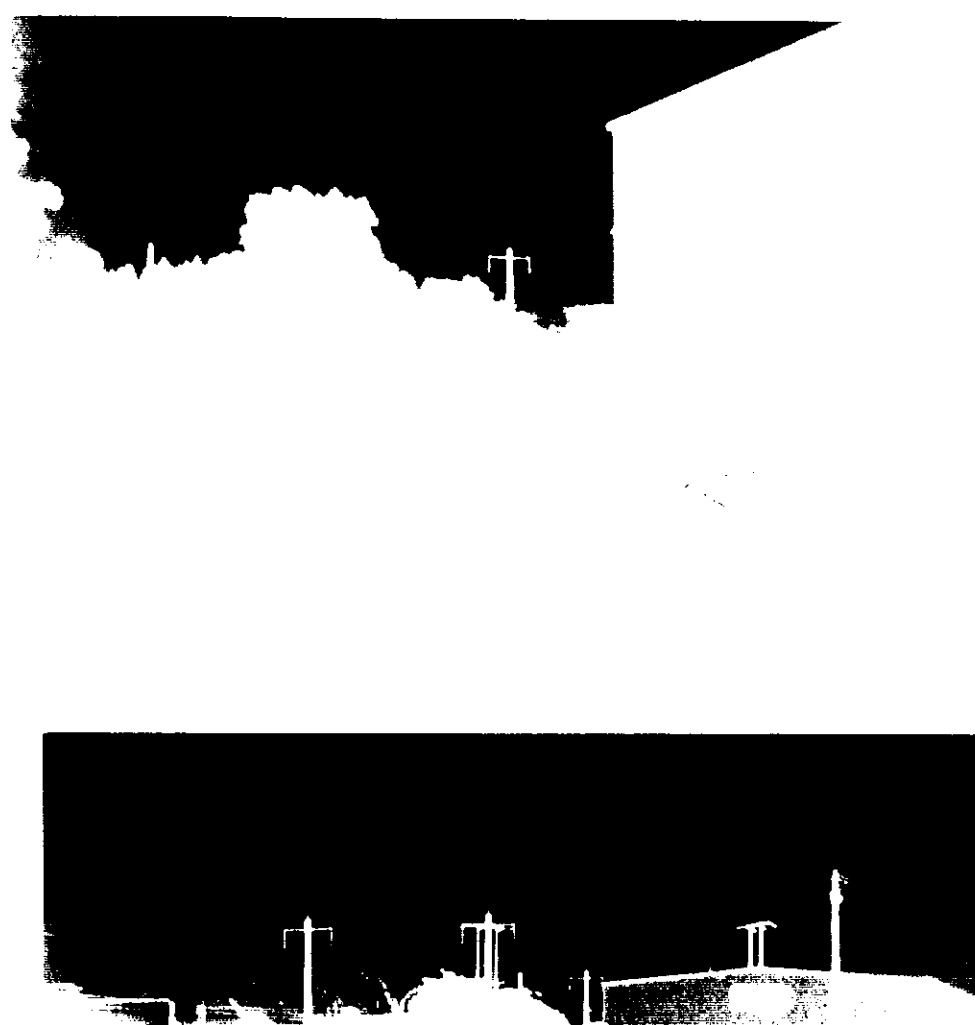
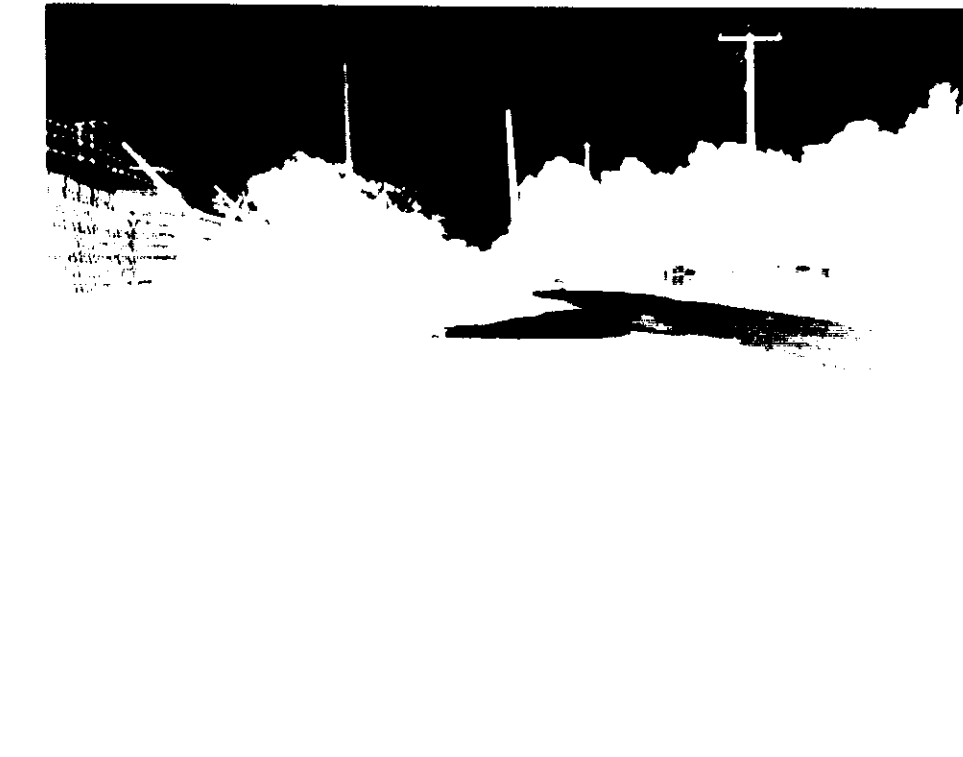
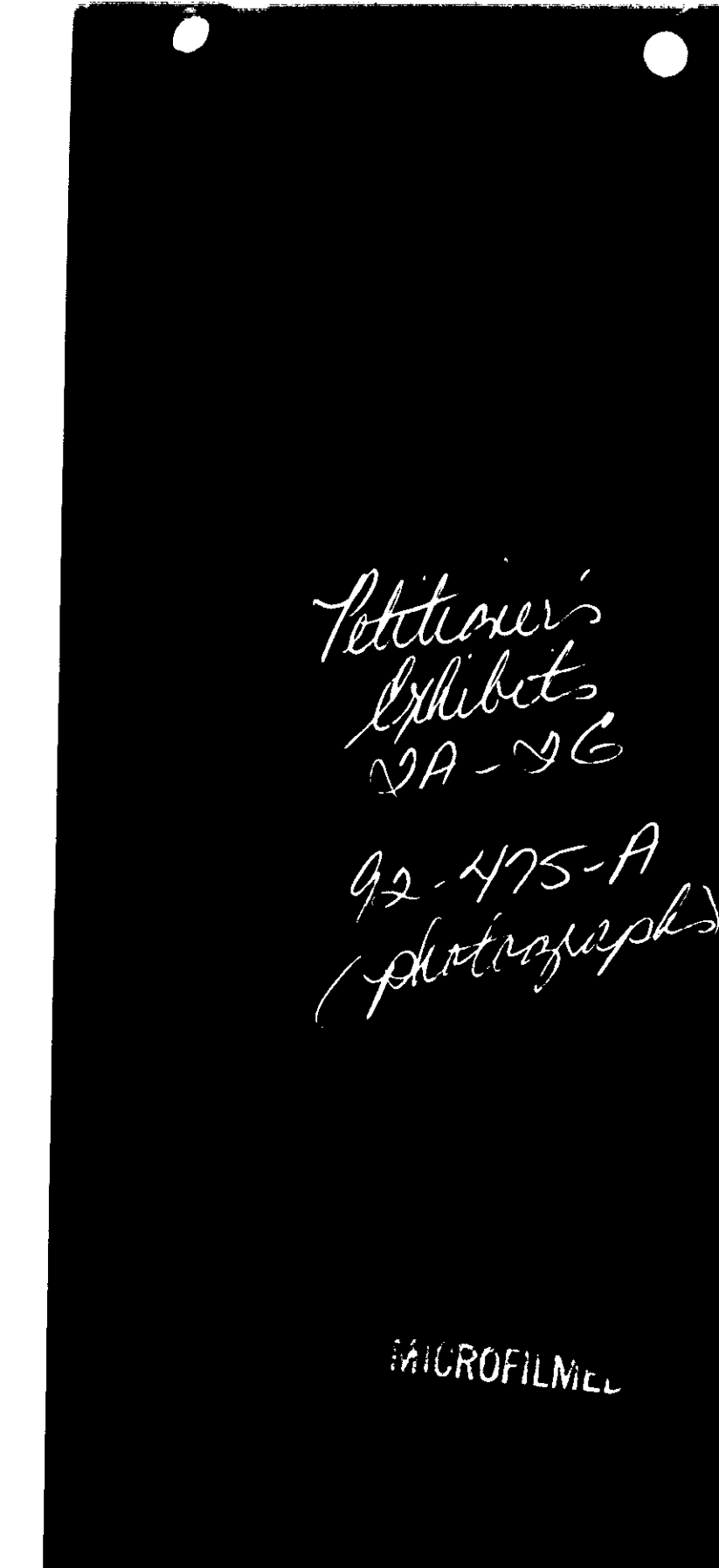
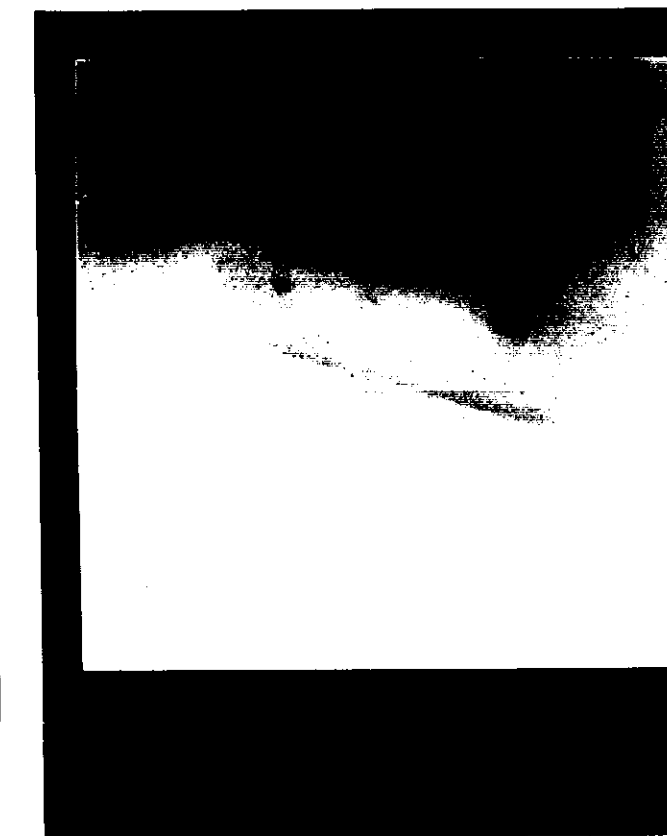
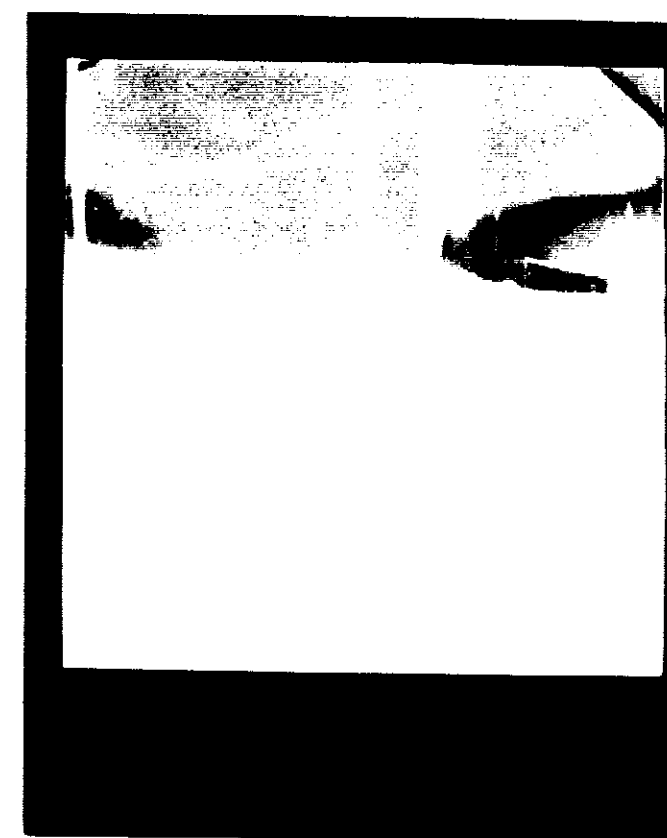
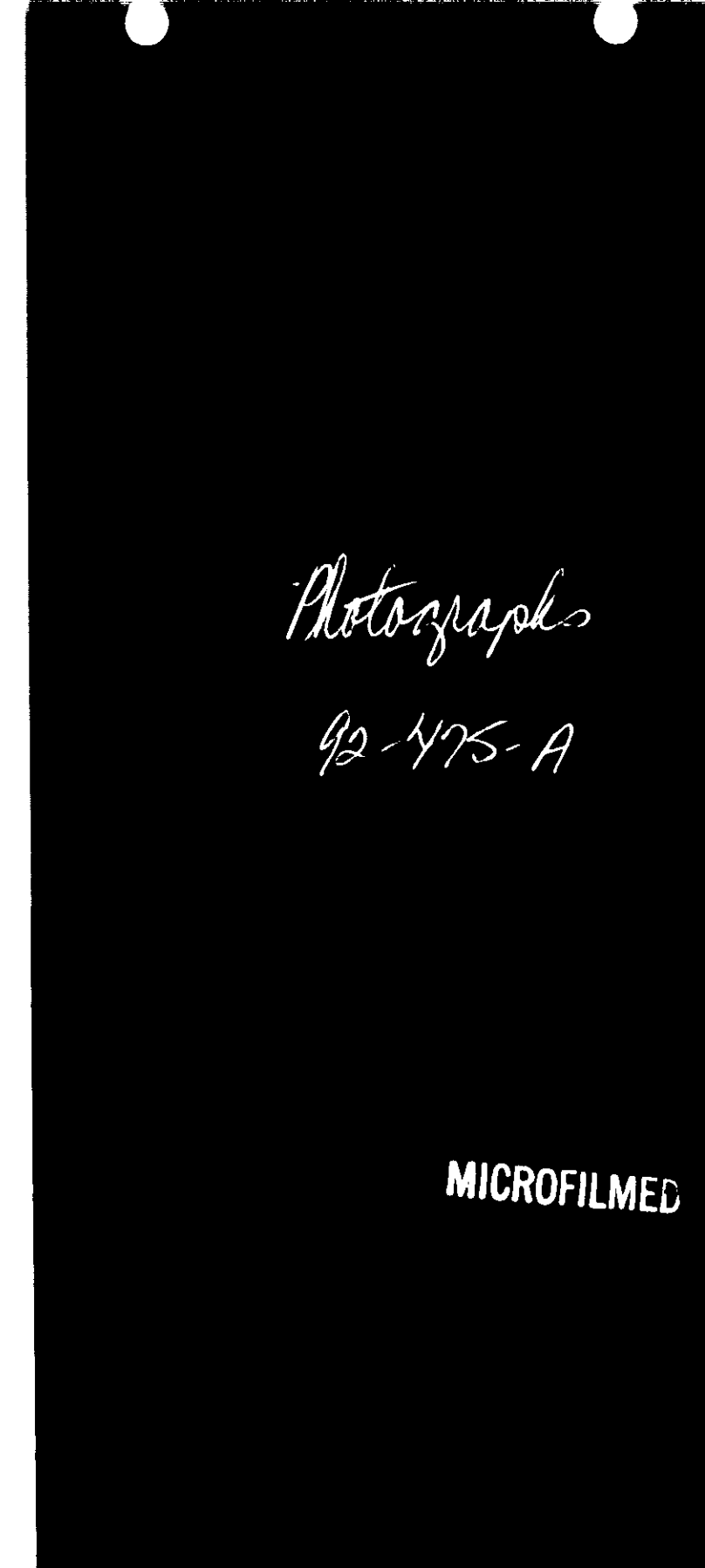
A. Description of Facility: Ground Water Discharge System.

B. Purpose: Manage the flow of storm water runoff.

C. Location: 1701 Leland Avenue, Baltimore, Maryland.

(1) Milepost: 85
(2) Nearest Station: Penn Station Baltimore
(3) City: Baltimore
(4) County: Baltimore
(5) State: Maryland

RECEIVED

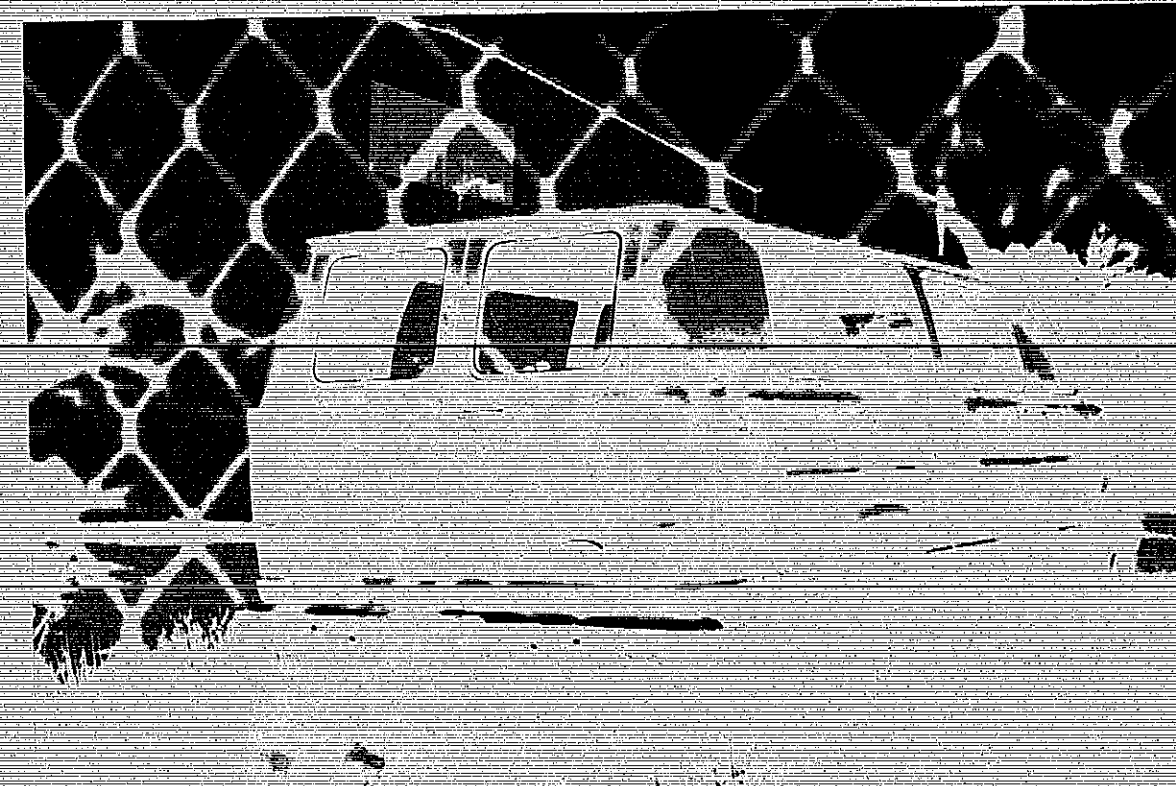
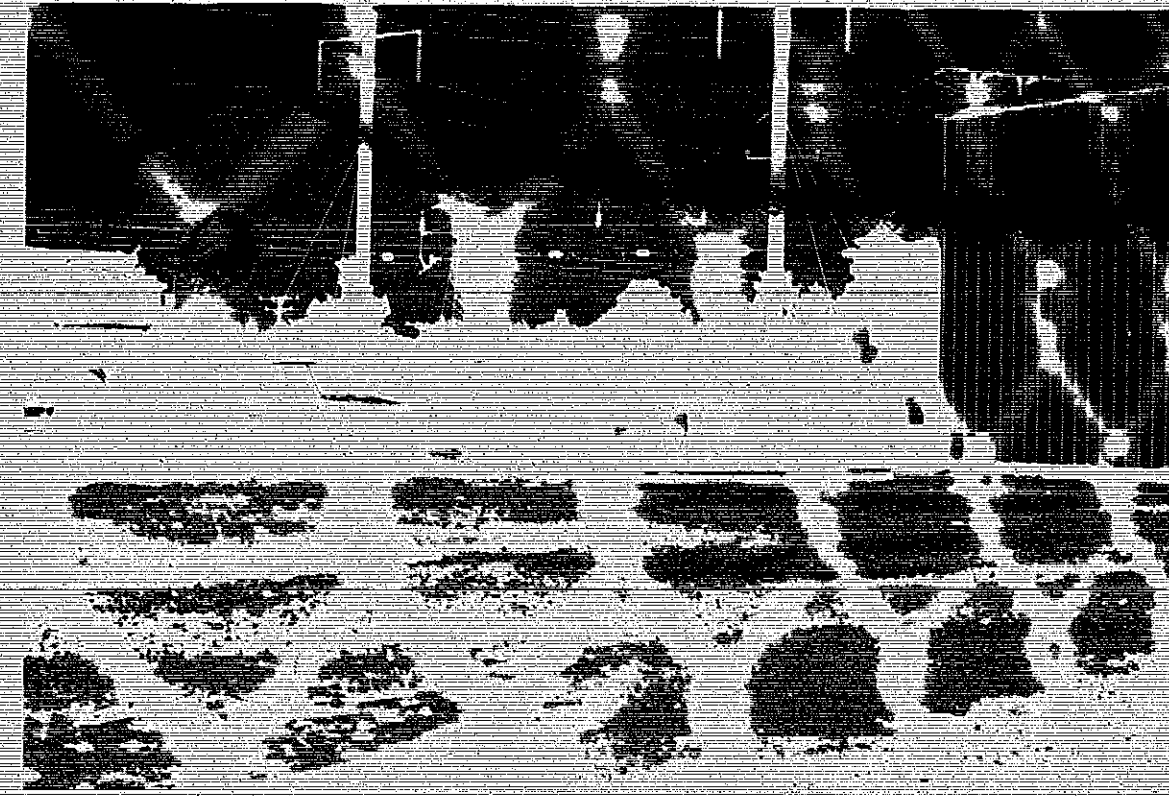


WARNING NOTICE

WARNING NOTICE

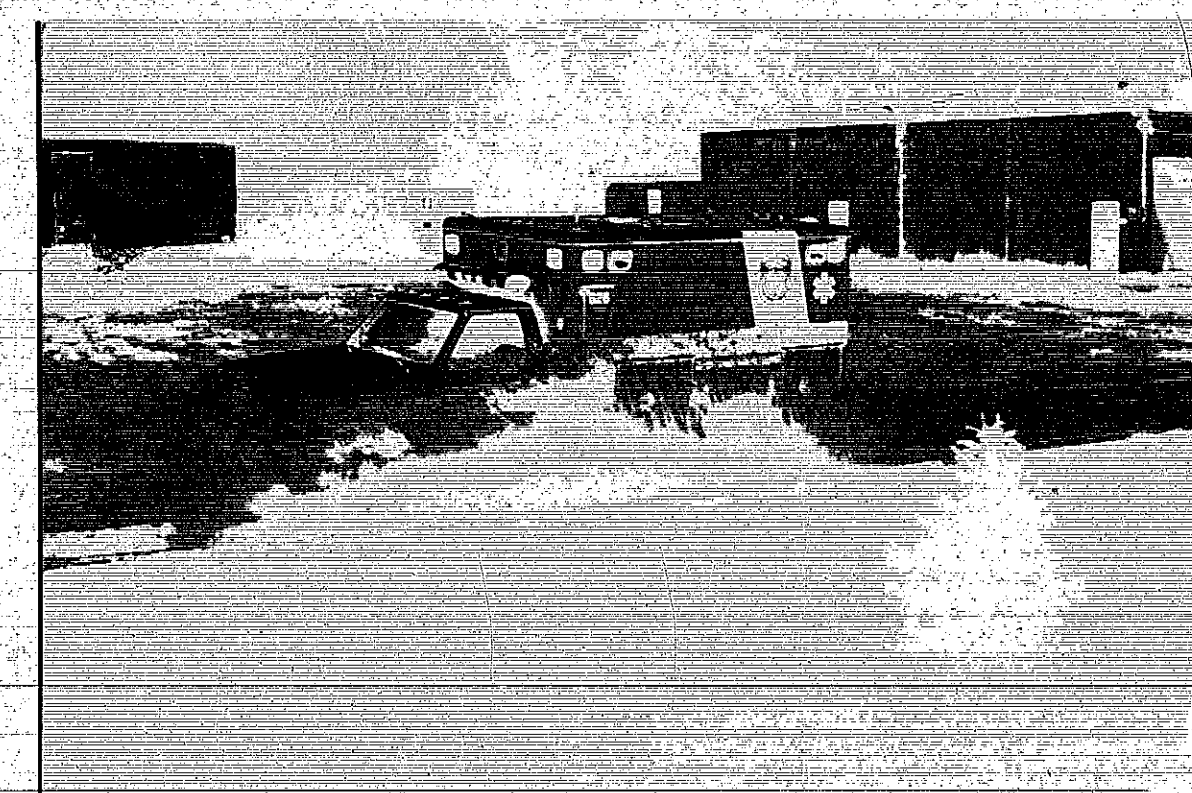
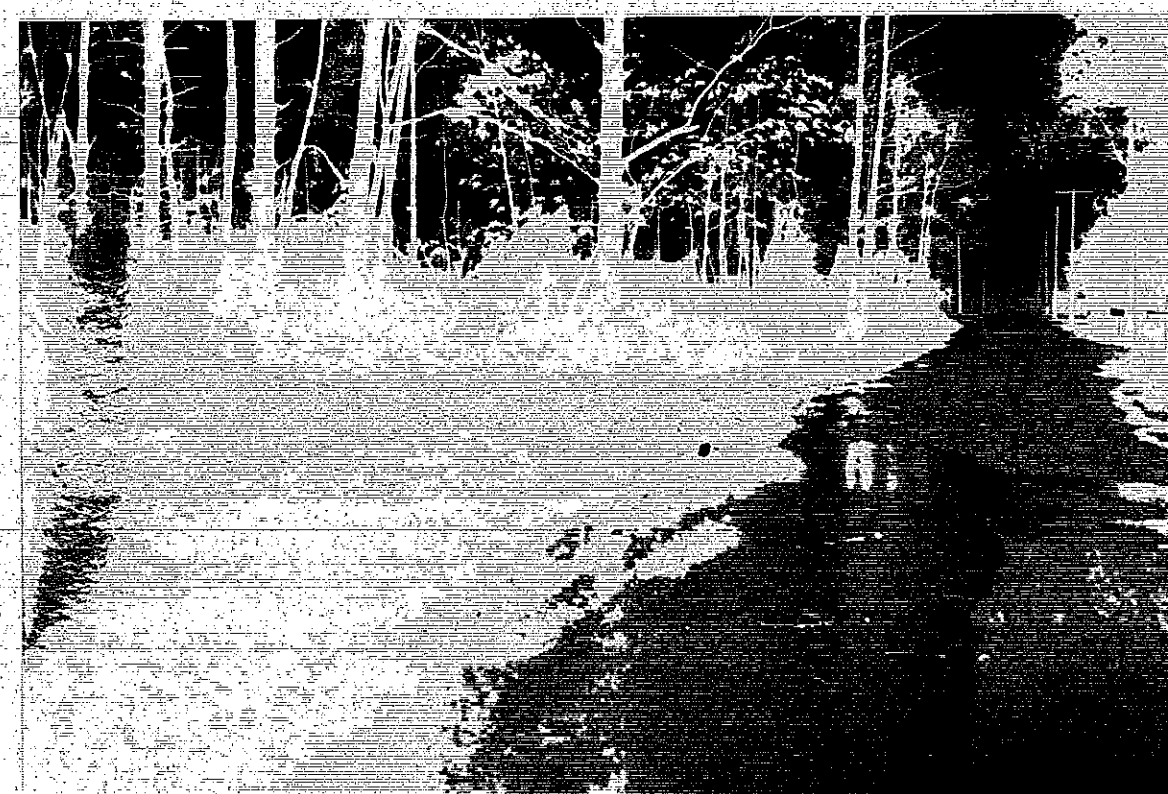
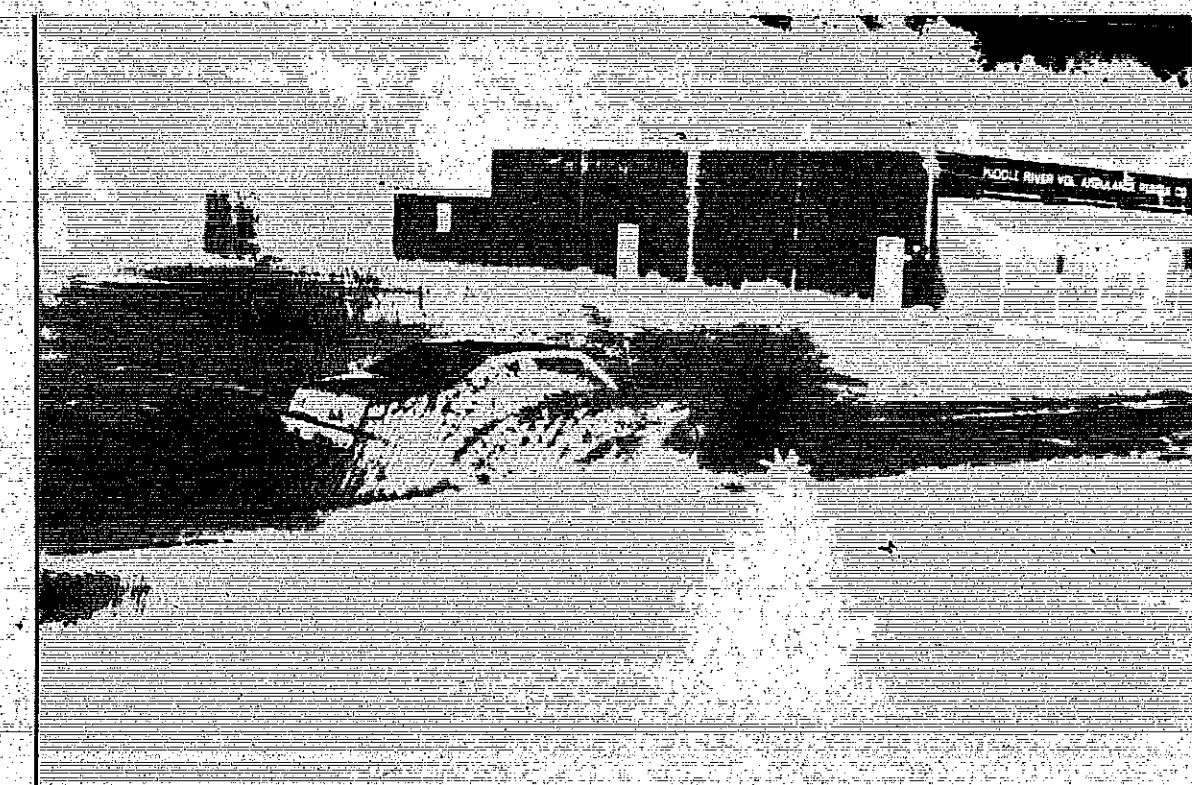
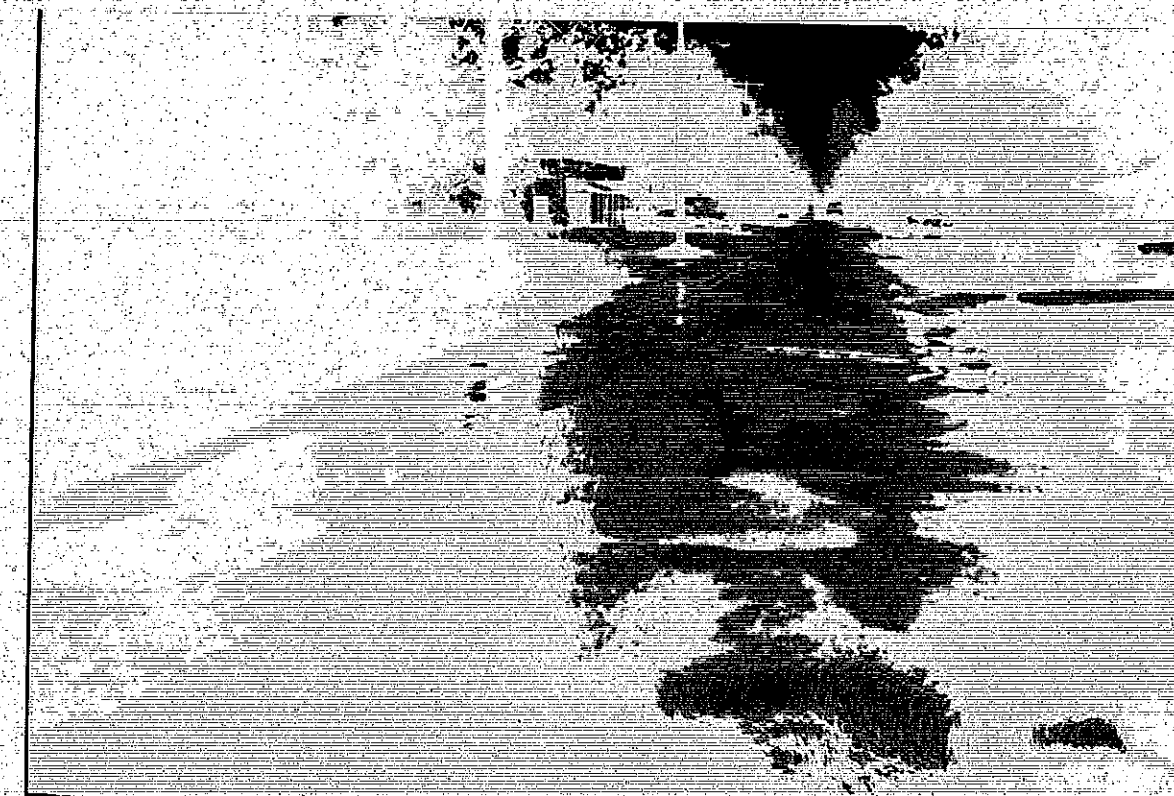
Bolstead-
 141414
 3A-31
 2nd
 8A-86
 Photographs
 42-475-A

MICROFILMED



Bolstead's
 141414
 Photographs
 Case 42-475-A

MICROFILMED



PLAT TO ACCOMPANY A PETITION FOR A ZONING VARIANCE

- FOR THE FOLLOWING REASONS:
- 1) TO PERMIT A FRONT BLDG. SETBACK OF 16.8' IN LIEU OF THE REQ'D 20'
 - 2) TO PERMIT A SIDE YARD BLDG. SETBACK OF 0' IN LIEU OF THE REQ'D 50'
 - 3) TO PERMIT A REAR YARD BLDG. SETBACK OF 30' IN LIEU OF THE REQ'D 50'
 - 4) TO PERMIT A SIDE YARD SETBACK OF 45' IN LIEU OF THE REQ'D 100'
 - 5) TO PERMIT A SIDE YARD SETBACK OF 45' IN LIEU OF THE REQ'D 50'
 - 6) TO PERMIT LOADING AREAS WITHIN 57' OF RESIDENTIAL STREET RIGHT OF WAY IN LIEU OF THE REQ'D 100'

"SUBDIVISION AT MIDDLE RIVER"

JWS 1-120
15TH ELECT. DIST. BALTO. CO., MD.
SCALE: 1" = 50'
OWNER AND DEVELOPER: JAMES E. BISHOP, SR.
1701 LELAND AVENUE
BALTO., MD. 21220
PHONE: OFFICE 687-3000
WATERSHED 5
SUBWERSHED 15
CENSUS TRACT: 451.01
COUNCILMANIC DIST: 5TH COUNCILMANIC DISTRICT
TAX ACCOUNT NO:
15-02-005620905
15-02-005621903
19-00-010225902
DEED REF:
ENK, JR. 6409-763
SM 7425-623
SITE STREET ADDRESS: 1701 LELAND AVENUE

NOTES

- 1) SITE AREA 70,837 SQ. FT. ± OR 1.6262 AC.
- 2) SITE ZONING: M.L.
- 3) THERE ARE NO HISTORIC BUILDINGS, WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
- 4) THERE ARE NO STREAMS, BODIES OF WATER OR SPRINGS ON THIS SITE.
- 5) ALL CONSTRUCTION ON-SITE SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION AND THE PLUMBING CODE, UNLESS OTHERWISE NOTED.
- 6) THE LOCATION OF ALL EXISTING UTILITIES IS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND IDENTIFY ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.
- 7) NO STRUCTURES, SLABS OR PAVEMENT SHALL BE PLACED ON A FILL ON UNSUITABLE MATERIAL.
- 8) UNLESS OTHERWISE NOTED, ALL FILL UNDER PAVEMENT, SLABS OR STRUCTURES SHALL BE PLACED AND TESTED IN ACCORDANCE WITH DIVISION II, PART I OF THE 1968 STATE ROADS COMMISSION SPECIFICATIONS. ALL TESTING TO BE DONE PRIOR TO CONSTRUCTION.
- 9) THE CONTRACTOR SHALL NOTIFY THE GAS AND ELECTRIC COMPANY AND THE CBP TELEPHONE COMPANY FIVE DAYS PRIOR TO BEGINNING WORK SHOWN ON THESE PLANS. CALL MISS UTILITY 1-559-0100.
- 10) ALL HANDICAPPED PARKING AND SIGNAGE SHALL BE IN ACCORDANCE WITH MARYLAND BUILDING CODE FOR THE HANDICAPPED AND THE AGED.
- 11) PAVING SECTION TO BE SPECIFIED BY SOILS ENGINEER.
- 12) ESTIMATED ADT'S: 165 (32,936 ± 1000 X 5).
- 13) EXISTING CONTOURS SHOWN DASHED. PROPOSED CONTOURS SHOWN SOLID.
- 14) THE PROPOSED ZERO SETBACK BUILDING WILL MEET BUILDING CODE, AS WELL AS FIRE CODE REQUIREMENTS WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

NOTES (CONTINUED)

- 15) STORM WATER MANAGEMENT-WAIVER REQUESTED
- 16) STORM DRAINS-NONE PROPOSED
- 17) ZONING VARIANCES REQUESTED ON BUILDING SETBACKS.
- 18) PROPOSED GRADINGS SCHEMATICALLY SHOWN. (SUBJECT TO FINAL SITE ENGINEERING)
- 19) PETITION FOR WAIVER OF PUBLIC WORKS HAS BEEN SUBMITTED (S.A.M. AND WATER)
- 20) PETITION FOR WAIVER OF SWM HAS BEEN SUBMITTED
- 21) NO LOADING OR PARKING BETWEEN BUILDINGS
- 22) AREAS BETWEEN BUILDINGS AND FROM BUILDINGS SOUTH TO PROPERTY LINE SHALL BE BITUMINOUS CONCRETE PAVING PERMANENTLY STRIPED
- 23) NO OFFICES ARE PROPOSED IN EITHER BUILDING.
- 24) SITE IS NOT LOCATED IN CRITICAL AREAS.
- 25) BUILDING HEIGHTS NOT TO EXCEED 40 FT.
- 26) PREVIOUS ZONING CASE # 30-441-A WAS DENIED ON MAY 30, 1990.
- 27) ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.

SITE TABULATION

PARKING DATA
BUILDING USES: WAREHOUSES
NO. OF EMPLOYEES ON LARGEST SHIFT: 6
NO. OF PARKING SPACES REQUIRED: 6
NO. OF PARKING SPACES PROVIDED: 6
SIZE OF PARKING SPACES: 14' X 21'

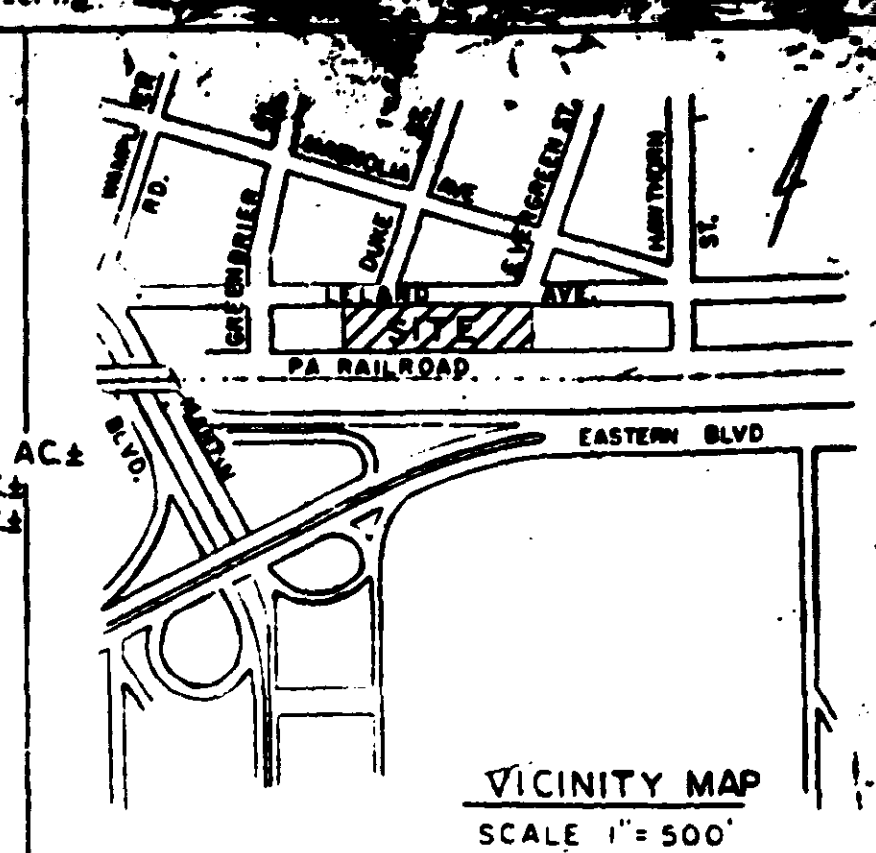
GROSS AREA OF SITE: 70,837 SQ. FT. ± OR 1.6262 AC. ±
HIGHWAY WIDENING AREA: 2,500 SQ. FT. OR 0.0574 AC. ±
NET AREA OF SITE: 68,337 SQ. FT. ± OR 1.5688 AC. ±
EXISTING ZONING: ML

FLOOR AREA RATIO:
MAXIMUM PERMITTED: 2.0
PROPOSED FAR: 32,936 ± 68,337 ± 0.48

PARKING DATA BY BUILDING

BUILDING "A":
NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3
BUILDING "B":
NO. OF EMPLOYEES - 3
NO. OF SPACES REQ. - 3
NO. OF SPACES PROV. - 3

ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE, DUSTLESS ASPHALTIC SURFACE AND PERMANENTLY STRIPED.



BENCH MARK: BALTO. CO. MET. DIST. CONTROL
SURVEY HUB NO. X-2493
ELEV. = 30.867

NOTE:

WAREHOUSE AND OFFICE AREAS AS SHOWN ON THIS PLAN CANNOT BE INCREASED OR DECREASED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTION 253.1 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 253, 254, 255, 409, 413 AND THE ZONING POLICY MANUAL.

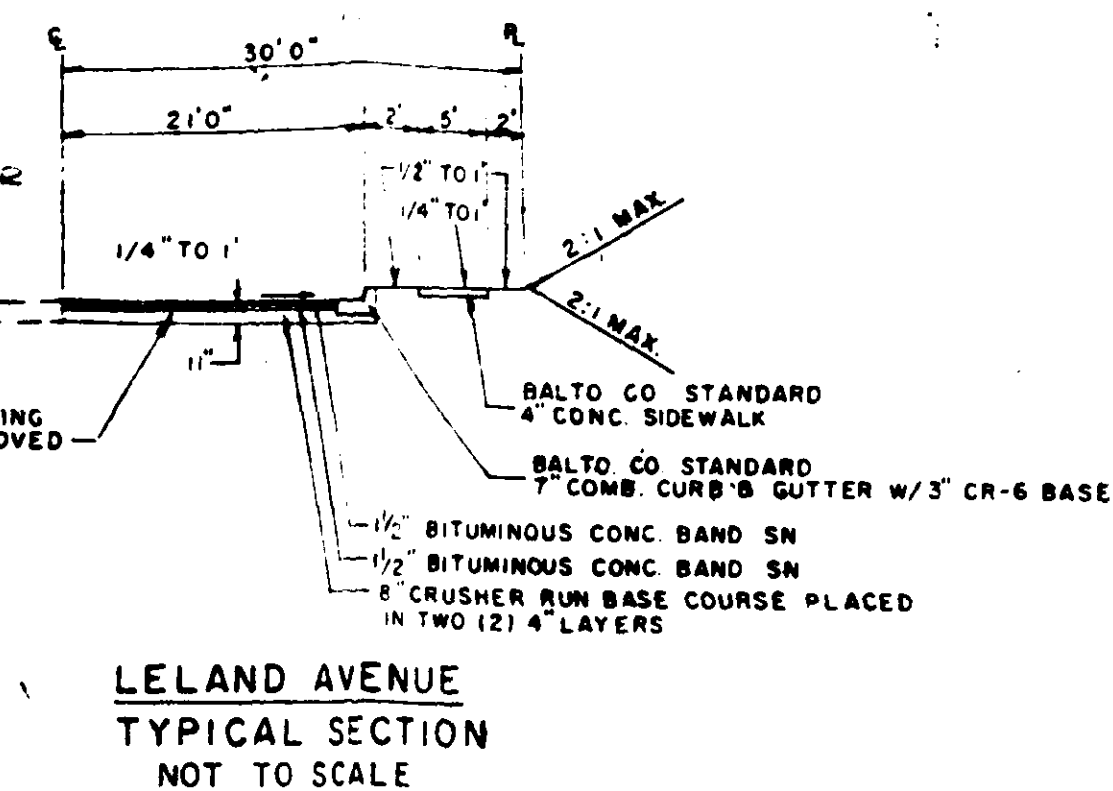
NOTE

253.4--Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. zones as limited by the use regulations in Section 241 established within 100 feet of the right of way of an existing or proposed freeway or expressway as designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right of way. (Bills No. 100, 1970; No. 176, 1981; No. 324, 1984.)

SIGN NOTE

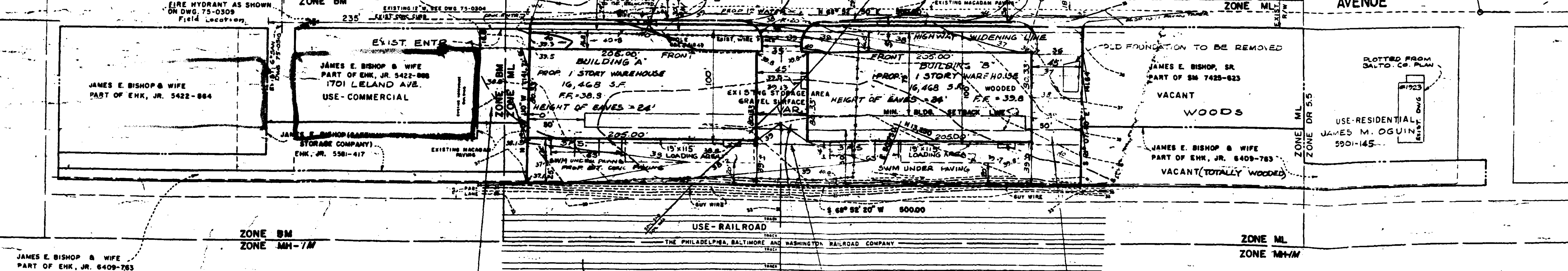
SIGNS WILL COMPLY WITH SECTION 413.6 B.C.Z.R. AND ALL ZONING SIGN POLICIES

NOTE: RE SURFACING AS DIRECTED BY THE ENGR. IN THE FIELD



LELAND AVENUE
TYPICAL SECTION
NOT TO SCALE

LELAND



SOILS DATA

SMB-SASSAPRAS SANDY LOAM, 7 TO 9% SLOPES			
WMS-WOODSTOWN SANDY LOAM, 0 TO 2% SLOPES			
LIMITATIONS OF			
TYPE	AREA	BUILDINGS, STY NO. BASEMENT	STREETS AND PARKING LOTS
SMB	0.72 AC	1-10 FT	MODERATE SLOPE
WMS	0.91 AC	1-10 FT	MODERATE TO MODERATELY HIGH WATER TABLE

MITIGATIVE MEASURES: BUILDINGS WILL BE BUILT WITHOUT BASEMENTS.

PUBLIC SERVICES CRG. NO. 90108

PLANNING NO.

PETITIONER'S
EXHIBIT No. 1

MICROFILMED



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST ROAD
THORNIUM MD. 21088-2998