

September 16, 2020

David H. Karceski

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Via Hand Delivery

W. Carl Richards, Jr., Supervisor
Zoning Review Bureau
Department of Permits, Approvals
and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit and Intent Letter
Perry Hall Square Shopping Center
4313 Ebenezer Road

Dear Mr. Richards:

This firm represents the owner of Perry Hall Square Shopping Center located at 4313 Ebenezer Road in the Perry Hall area of Baltimore County (the "Property"). The Property is improved with a main shopping center containing a mix of commercial uses, a pad site with a restaurant, and a large associated surface parking area. Our client is proposing to redevelop a portion of the existing parking area with a daycare use. We are seeking confirmation that we are within the spirit and intent of the prior zoning cases for the Property and are properly determining the parking calculations and landscape requirements applicable to our proposed redevelopment of the site.

The Property is located at the southeast corner of Belair and Ebenezer Roads and has been improved with a strip shopping center for over 30 years. Baltimore County's My Neighborhood system confirms that the Property is zoned BL CCC and has been the subject of a number of zoning cases dating back to the early 1950s. While the site was originally developed prior to the latest iteration of the Baltimore County Zoning Regulations ("BCZR"), the more recent zoning cases brought the Property into compliance with the current version of Baltimore County's parking and landscaping regulations.

Specifically, in Case No. 93-349-XA, a series of variances were granted to the parking and landscaping provisions contained in Section 409 of the BCZR. The overall number of parking spaces required for the uses existing at that time was reduced from 1146 to 1059 (an 87 space reduction), the location of the existing parking spaces was approved (8 feet from the right of way in lieu of a minimum 10 feet), direct access to existing parking spaces from a travel way was

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approved, the number of stacking spaces for an existing bank was reduced from 7 to 4, and relief was granted from Section 409.8.A.1 so that full compliance with the Landscape Manual was not required (the owner had to provide landscaping “as necessary and possible”). The Zoning Commissioner (now Administrative Law Judge) characterized the variances as necessary to “legitimize the existing situation” on the Property. Throughout the Order, the Zoning Commissioner repeatedly mentioned that the site was developed prior to the latest version of the parking and landscaping requirements, and that the relief was being granted so that a long-standing site would not be forced to unnecessarily comply with the strict letter of the more recent parking and landscaping regulations.

The site plan that accompanied the relief in Case No. 93-349-XA reveals that the required number of parking spaces was calculated “based on current requirements.” As permitted by Section 409.6. of the BCZR, the number of required parking spaces was calculated as “5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses.” The resulting requirement was 1146, which was reduced to 1059 through the petition for variance.

In two more recent cases, the parking calculations for the Property were likewise performed under the current iteration of Section 409 of the BCZR. The site plans that were approved in Case Nos. 2018-0351-SPHA and 2020-041-X are attached hereto for your convenience. Both contain a parking chart that calculates the required number of parking spaces for the various commercial uses in the shopping center at 5 spaces per 1,000 square feet of gross leasable area as permitted by the current version of Section 409.6.

We are now attaching a site plan, entitled Plan to Accompany Spirit and Intent Request and dated July 28, 2020, that shows the location of the daycare center that our client is proposing to construct in the parking area on the Property. The required number of parking spaces for the uses on the Property are once again calculated under the current zoning regulations as follows:

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PARKING TABULATION CHART - SHOPPING CENTER			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)			
USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	156,769	5/1,000 S.F.	784
PAD #1 - RESTAURANT	6,768	5/1,000 S.F.	34
PAD #2 - DAYCARE	7,200	5/1,000 S.F.	36
TOTAL REQUIRED			854
TOTAL SPACES PROVIDED (INCLUDES 42 ADA SPACES)			861
NOTE: PREVIOUS VARIANCE GRANTED TO FURTHER REDUCE REQUIRED PARKING (SEE CASE NO. 1993 - 349 - XA)			

We are seeking confirmation that construction of the proposed day care pad site and associated changes to the existing layout for surface parking is within the spirit and intent of the relief obtained in Case No. 93-349-XA, and that we have correctly calculated the required number of off-street parking spaces for the Property under the current iteration of Section 409. The discrepancy in the number of required parking spaces between the 1993 case and the present proposal is related to a change in the mix of tenants and elimination of a movie theater that was requiring over 200 parking spaces.

With respect to landscaping, the relief granted in Case No. 93-349-XA “legitimized the conditions” of the site and reduced the requirements so that landscaping only needed to be provided “as necessary and possible.” The proposed daycare center will comply with the Landscape Manual with the exception of one landscaped parking island that will be 4’3” wide in lieu of the required 9 feet. This issue is identified in the “Landscape Note” on the attached Site Plan. We are seeking confirmation that the reduced size of this single parking island falls within the spirit and intent of the relief granted in Case No. 93-349-XA to provide landscaping “as necessary and possible” on the site. As all other aspects of the current Landscape Manual will be met for the proposed daycare center, please confirm that no relief will be required from BCZR Section 409.8.A.1.

Please confirm your agreement by countersignature below that:

1. The parking requirements shown on the attached Site Plan are properly calculated and a sufficient number of off-street parking spaces are provided on the Property to accommodate the proposed daycare center.
2. The proposed landscaping for the daycare center falls within the spirit and intent of the relief granted in Case No. 93-349-XA and will not require any relief from BCZR Section 409.8.A.1.

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Very truly yours,



Adam M. Rosenblatt
David H. Karceski

AGREED AND ACCEPTED:



W. Carl Richards, Jr., Supervisor
Zoning Review Bureau

Enclosures

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND ZONING VARIANCE *
 S/S Ebenezer Rd., 164.61 ft. E * ZONING COMMISSIONER
 of NE/S Belair Road *
 4335 Ebenezer Road * OF BALTIMORE COUNTY
 11th Election District *
 5th Councilmanic District * Case No. 93-349-XA
 Perry Hall Square Partnership, *
 Legal Owner *
 PHW Health & Fitness, Inc. *
 Petitioner/Lessee *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property known as the Perry Hall Square Shopping Center located in the Perry Hall section of Baltimore County. Within the Petition for Special Exception, approval is sought for use of a portion of the subject site as a health club (fitness center). As to the Petition for Variance, relief from strict compliance with five specific regulations is sought. This includes a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in lieu of the required 1,146 (a deficit of 87 spaces); a variance from Section 409.4 to permit direct access parking on a vehicle travelway; a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual; a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft.; and a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank. All of the relief is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions.

Appearing on behalf of the Petitions was Martin Pechter from the Perry Hall Square Partnership, a limited partnership which owns the subject

NOTICE RECEIVED FOR FILING

Date

7/22/93

By

M. Pechter

site. Also appearing and participating in support of the Petition were William F. Kirwin, the engineer who prepared the site plan, as well as Kathy Klausmeier, a representative from the Perry Hall Improvement Association, Inc. The Petitioner was represented by Jay L. Lenrow, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject site is 15.693 net acres in size and is zoned B.L.-C.C.C. The property has been commercially developed as a strip shopping center known as the Perry Hall Square Shopping Center. The site lies adjacent to the intersection of Ebenezer and Belair Roads. To the west, Ebenezer Road becomes Joppa Road. This site is located within a highly commercial corridor of similar properties which front Belair Road. Further, institutional uses, including Perry Hall Elementary School and Perry Hall Middle School are located nearby.

As noted above, this property has been improved and is built out. The shopping center contains a number of retail and commercial uses including a movie theatre, a bowling alley, a restaurant and other retail establishments. The property was under my consideration recently within case No. 93-124-SPHX. At that time, a special hearing was granted permitting conversion of a portion of the site for use by the business known as the Family Fun Jungle. Further, a parking variance previously allowed in case No. 90-318-XA was approved as modified. The Petitioner now comes in for approval of a special exception and related variances.

As to the special exception, the property owner proposes leasing 10,274 sq. ft. (+/-) for use as a health club (fitness center). At the time the Petition was filed, a proposed lessee had been located, namely, PHW Health and Fitness, Inc. That corporation operates a number of other fitness centers in Baltimore County. However, testimony and evidence pre-

By J. L. Lenrow

presented was that the lease had not been consummated and that PHW Health and Fitness, Inc. had, therefore, withdrawn as a co-Petitioner at the time of the hearing. Nonetheless, the property owner seeks to move ahead with the subject Petition, no doubt hoping that another tenant with similar business interests can be located. As to the variances, there are five requested that are more fully outlined above. These variances mainly relate to the parking requirements for the shopping center and the changes that are necessary to the parking plan as a result of the proposed special exception use.

At the hearing, Mr. Kirwin testified and presented the plan. He noted that the shopping center has been in existence for approximately 30 years and that the parking alignment has remained unchanged during that time. He observed that sufficient parking exists to accommodate the existing and proposed uses in the Center. That is, there is no overflow parking problem or other detrimental traffic impact caused by the shopping center use on the surrounding locale. He also noted those sections of the Zoning Commissioner's Policy Manual which state that a health club (fitness center) is permitted only by special exception in a B.L. zone. In this respect, he discussed the enumerated factors set forth in Section 502.1 of the B.C.Z.R. As is well settled, a special exception may be granted only upon the showing that the proposed use will not be detrimental to the health, safety or general welfare of the locale. The standard for special exceptions is set out in Section 502 of the B.C.Z.R. and has been comprehensively analyzed in other opinions of this office and the case law. Based upon those factors, I am persuaded that the special exception use in this case should be granted. Clearly, the proposed fitness club is entirely consistent with the other uses in this strip shopping center. The clientele of the fitness center will no doubt patronize the other uses in the Center.

That is, the fitness club use is entirely appropriate and consistent with the retail and commercial uses at this location. As such, there will be no detriment to the health, safety or general welfare of the community if the special exception is granted.

Turning to the variances, Mr. Kirwin noted that all are necessary to legitimize the existing situation. As to the first variance relating to the number of spaces required, Mr. Kirwin noted that what is requested at present is a reduction in the number of spaces variances in the prior case (90-318-XA). That is, the Petitioner's parking plan now submitted contains a deficit of only 87 spaces, 7 less than that previously approved. Based upon the testimony of Mr. Kirwin, as corroborated by Ms. Klausmeier, it appears that parking congestion at this location is not an issue. There appears to be more than sufficient spaces available to accommodate all of the tenants of the shopping center. Further, the Center is fully built out and there is no additional area for more spaces to be constructed. Thus, the variance to permit 1,059 parking spaces in lieu of the required 1,146 should be granted.

The second variance relates to Section 409.4 to permit direct access parking on a vehicular travelway. The necessity of this variance is also demonstrated on the site plan and was also testified to by Mr. Kirwin. It is noted that if the variance was not granted, 84 parking spaces would be lost. Generally, these spaces are directed to both the front and rear of the retail buildings. Again, testimony and evidence presented was that the Center has been in existence for many years and that the parking arrangement, as shown, has worked and causes no traffic congestion on site. To reduce the number of spaces available in order to strictly comply with the

By Sh. Smith

regulation would be inappropriate. Therefore, this variance will also be granted.

The third variance relates to a requested waiver of the required design, screening, and landscaping requirements of the Landscape Manual, pursuant to Section 409.8.A.1 of the B.C.Z.R. In this respect, Mr. Kirwin noted that some landscaping is already in place, particularly on the shopping center's frontage along Ebenezer Road. Further, this Center has been in existence for many years and the proposed special exception relates to but a small portion of the improved area of the Center. To require the Petitioner to re-landscape the entire property fully in compliance with the Manual, at this time, would be, in my view, illogical. Nonetheless, Mr. Kirwin indicated that the Petitioner is contemplating additional landscaping. Moreover, the approval granted by this office under case No. 93-18-XA was conditioned upon the Petitioner submitting a landscape plan, which apparently was never done. I am appreciative of the position taken by the Department of Public Works, within their Zoning Plans Advisory Committee comment, that compliance with this prior Order should be required. Thus, I will reaffirm the restrictions contained therein and require the Petitioner to submit a landscape plan. However, that plan need not fully comply with the Manual. Clearly, the fact that the site is fully built out must be taken into account. Further, the proposed special exception area is but a small part of the overall tract. Thus, any landscaping plan should be consistent with that already in place and cognizant of the limited area remaining available for further landscaping improvements.

The fourth variance relates to a request permitting the existing parking spaces to be 8 ft. to the right-of way-line in lieu of the required 10 ft. Again, as Mr. Kirwin observed, this variance is necessary to legiti-

Date 7/22/93
By M. Spork

mize an existing situation. Further, to strictly observe this requirement would result in a loss of a number of spaces and several of the mature trees which are located on site. Clearly, the possible loss of these trees and spaces justifies the granting of this variance.

Lastly, a variance is sought to permit 4 stacking spaces in lieu of the required 7. This variance request relates to the drive-in bank use which is located in the middle of the shopping center. I reviewed the site plan carefully on this issue, as well as considered the testimony of Mr. Kirwin. Also, I have considered the comment from the Department of Public Works as it relates to the bank's drive-in facility. Also, I questioned Mrs. Klausmeier, who resides in the area, regarding the current use of this facility. After considering all of this evidence, I am persuaded that the Petition for Variance should, likewise, be granted. A reconfiguration or reorientation of the drive-in facility would not be practical. Reorientation of the drive-in facility towards the rear of the site would not work. The current arrangement works and is acceptable. In view of same, I will grant the final variance proposed, as shown on the site plan.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of July, 1993 that, pursuant to a Petition for Special Exception, approval for a portion of the subject site as a health club (fitness center), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in

Mr. [unclear]

lieu of the required 1,146 (a deficit of 87 spaces), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to permit direct access parking on a vehicle travelway, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall submit a landscape plan to the Architect for review and approval. Due to the built out nature of the site, the plan need not comply fully with the Landscape Manual but shall provide for additional landscape, where necessary and possible. The Baltimore County Landscape Architect shall approve the plan consistent with the comments expressed herein.

Date 7/25/83
By [Signature]

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 93-349-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property known as the Perry Hall Square Shopping Center located in the Perry Hall section of Baltimore County.

Appearing on behalf of the Petitions was Martin Pechter from the Perry Hall Square Partnership, a limited partnership which owns the subject

ORDER RECEIVED FOR FILING Date 7/6/93 By [Signature]

site. Also appearing and participating in support of the Petition were William F. Kirwin, the engineer who prepared the site plan, as well as Kathy Klausmeier, a representative from the Perry Hall Improvement Association, Inc.

Testimony and evidence offered was that the subject site is 15.693 net acres in size and is zoned B.L.-C.C.C. The property has been commercially developed as a strip shopping center known as the Perry Hall Square Shopping Center.

As noted above, this property has been improved and is built out. The shopping center contains a number of retail and commercial uses including a movie theatre, a bowling alley, a restaurant and other retail establishments.

As to the special exception, the property owner proposes leasing 10,274 sq. ft. (+/-) for use as a health club (fitness center). At the time the Petition was filed, a proposed lessee had been located, namely, PHW Health and Fitness, Inc.

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sented was that the lease had not been consummated and that PHW Health and Fitness, Inc. had, therefore, withdrawn as a co-petitioner at the time of the hearing.

At the hearing, Mr. Kirwin testified and presented the plan. He noted that the shopping center has been in existence for approximately 30 years and that the parking alignment has remained unchanged during that time.

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That is, the fitness club use is entirely appropriate and consistent with the retail and commercial uses at this location. As such, there will be no detriment to the health, safety or general welfare of the community if the special exception is granted.

Turning to the variances, Mr. Kirwin noted that all are necessary to legitimize the existing situation. As to the first variance relating to the number of spaces required, Mr. Kirwin noted that what is requested at present is a reduction in the number of spaces variances in the prior case (90-318-XA).

The second variance relates to Section 409.4 to permit direct access parking on a vehicular travelway. The necessity of this variance is also demonstrated on the site plan and was also testified to by Mr. Kirwin.

ORDER RECEIVED FOR FILING Date 7/6/93 By [Signature]

regulation would be inappropriate. Therefore, this variance will also be granted.

The third variance relates to a requested waiver of the required design, screening, and landscaping requirements of the Landscape Manual, pursuant to Section 409.8.A.1 of the B.C.Z.R. In this respect, Mr. Kirwin noted that some landscaping is already in place, particularly on the shopping center's frontage along Ebenezer Road.

The fourth variance relates to a request permitting the existing parking spaces to be 8 ft. to the right-of way-line in lieu of the required 10 ft. Again, as Mr. Kirwin observed, this variance is necessary to legitimize an existing situation.

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Further, to strictly observe this requirement would result in a loss of a number of spaces and several of the mature trees which are located on site. Clearly, the possible loss of these trees and spaces justifies the granting of this variance.

Lastly, a variance is sought to permit 4 stacking spaces in lieu of the required 7. This variance request relates to the drive-in bank use which is located in the middle of the shopping center. I reviewed the site plan carefully on this issue, as well as considered the testimony of Mr. Kirwin.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of July, 1993 that, pursuant to a Petition for Special Exception, approval for a portion of the subject site as a health club (fitness center), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in

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lieu of the required 1,146 (a deficit of 87 spaces), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to permit direct access parking on a vehicle travelway, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall submit a landscape plan to the Architect for review and approval. Due to the built out nature of the site, the plan need not comply fully with the Landscape Manual but shall provide for additional landscape, where necessary and possible. The Baltimore County Landscape Architect shall approve the plan consistent with the comments expressed herein.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING Date 7/6/93 By [Signature]

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-4386

July 21, 1993

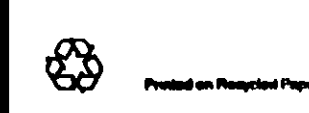
Jay L. Lenrow, Esquire Goldman, Kohn and Dembert, P.A. 36 South Charles Street Baltimore, Maryland 21201

RE: Case No. 93-349-A Petition for Zoning Variance Legal Owner: Perry Hall Square Partnership Contract Purchase/Lessee: PHW Health and Fitness, Inc. Petitioner:

Dear Mr. Lenrow: Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

Very truly yours, Lawrence E. Schmidt Zoning Commissioner

LES:mmn att: Mr. William Kirwin cc: Ms. Kathy Klausmeier



Petition for Special Exception

to the Zoning Commissioner of Baltimore County 93-349-XA

The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and which is hereby petitioning for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a health club (fitness center) in a R.C. - C.C.C. Zone.

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

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

Owner/Proprietor/Leasee:
Perry Health & Fitness, Inc.
(Type or Print Name)
John L. Lawton, President
C. Victor Beck, Vice President
200 West Padonia Road
Padonia, MD 21093
City and State

Legal Owner(s):
Perry Hall Square Partnership, a Limited Partnership
Perry Hall Square Partnership
C. Victor Beck, Vice President
200 West Padonia Road
Padonia, MD 21093
City and State

Attorney for Petitioner:
Jay L. Lenrow, Esquire
16 MYRTLE ROAD, SUITE 200
TOWSON, MD 21284
City and State
Phone: 410-251-1500
Address: 28 East Susquehanna Avenue
Crownsville, MD 21032-5118
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Address: 28 East Susquehanna Avenue
Crownsville, MD 21032-5118
City and State
Attorney's Telephone No. (410) 541-1500

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING
NEW, CORRECTED, BEST TWO FORFEIT
RECEIVED BY: DATE: 4-7-93

Petition for Variance

to the Zoning Commissioner of Baltimore County 93-349-XA

for the property located at 4111 Governor Road, Baltimore, Maryland 21228 which is generally zoned R.C. - C.C.C.

This petition must be filed with the Office of Zoning Administration & Enforcement. The undersigned, legal owner(s) of the property, which is described in the description and plat attached hereto and which is hereby petitioning for a Variance under the Zoning Law for Baltimore County, to use the herein described property for a health club (fitness center) in a R.C. - C.C.C. Zone.

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

Owner/Proprietor/Leasee:
Perry Health & Fitness, Inc.
(Type or Print Name)
John L. Lawton, President
C. Victor Beck, Vice President
200 West Padonia Road
Padonia, MD 21093
City and State

Legal Owner(s):
Perry Hall Square Partnership, a Limited Partnership
Perry Hall Square Partnership
C. Victor Beck, Vice President
200 West Padonia Road
Padonia, MD 21093
City and State

Attorney for Petitioner:
Jay L. Lenrow, Esquire
16 MYRTLE ROAD, SUITE 200
TOWSON, MD 21284
City and State
Phone: 410-251-1500
Address: 28 East Susquehanna Avenue
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ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING
NEW, CORRECTED, BEST TWO FORFEIT
RECEIVED BY: DATE: 4-7-93

ATTACHMENT A

REQUIRED ZONING VARIANCES 93-349-XA

- Variance from Section 409.6 to permit 1,059 parking spaces instead of the required 1,146 spaces - a deficit of 87 spaces. (Note that Case 90-318-XA granted a variance to allow 1,059 spaces in lieu of the required 1,153 spaces a deficit of 94 spaces. This variance was reaffirmed in Case 93-124-SPEX.)
- Variance from Section 409.4 to permit direct access parking on a vehicle driveway.
- Variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual.
- Variance from Section 409.8.A.4 to permit existing parking spaces 3 feet to the right of way line in lieu of the required 10 feet.
- Variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank.

ATTACHMENT B 93-349-XA

To satisfy current zoning regulations for the existing shopping center, substantial changes will be required in order to compute parking regulations under the current parking requirements. Significant reconstruction of the parking area will be necessary without variance approval, including:

- Increasing the buffer area width between Ebanon Road and the parking area by narrowing the parking lot resulting in the removal of pavement, existing curb and gutter, repaving, repaving and replacement of curb and gutter to achieve the requirements of Section 409.8.A.4.
- Changing the plan which currently has direct access parking from a vehicular driveway which is not permitted under Section 409.4. This would require substantial reconstruction and reducing the amount of existing parking.
- Requiring significant landscape screening and other planting per Section 408.A.1 and the Baltimore County Landscape Manual, occasioned by the use of the current parking regulation requirements.
- Requiring seven stacking spaces under Section 409.10 for the Maryland National Bank Drive-Through which currently contains only 4 spaces. There is no current ability to accomplish this without further diminishing the amount of parking provided.

The reconstruction of the above items, associated costs and service disruptions will constitute a practical difficulty for the charge of use of an existing structure from retail to a health and fitness center.

93-349-XA

PERRY HALL SQUARE
PERRY HALL, MARYLAND
SPECIAL EXCEPTION REQUEST
FOR HEALTH AND FITNESS CENTER

ZONING DESCRIPTION

PARKING PARCEL:
BEGINNING at a point on the south side of Ebanon Road with a right of way width of 70 feet, at a distance of 865 feet +/- east of the centerline of Belair Road with a right of way width of 70 feet. Thence the following courses and distances:

North 69 degrees 45 minutes 55 seconds West 165.0 ft., South 20 degrees 14 minutes 05 seconds West 48.0 ft., South 69 degrees 45 minutes 55 seconds East 87.0 ft., South 20 degrees 14 minutes 5 seconds West 194.8 ft., South 53 degrees 51 minutes 25 seconds East 81.1 ft., North 20 degrees 14 minutes 5 seconds East 265.0 ft. to the place of beginning.

CONTAINING 0.55 acres or 23,980 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 6602, Page 711. Also known as 6300 Ebanon Road, Perry Hall, Maryland 21128 in the Eleventh Election District.

WILLIAM F. KIRWIN, INC.
28 E. Susquehanna Avenue
Towson, MD 21286-2518
Phone: 410-251-1500
Fax: 410-251-1507

93-349-XA

PERRY HALL SQUARE
PERRY HALL, MARYLAND
SPECIAL EXCEPTION REQUEST
FOR HEALTH AND FITNESS CENTER

ZONING DESCRIPTION

PARKING PARCEL:
BEGINNING at a point at the intersection of the centerlines of Belair Road and Ebanon Road, thence running in the centerline of Ebanon Road South 69 degrees 45 minutes 55 seconds East 1,024.00 feet +/-, thence leaving said centerline and running South 20 degrees 14 minutes 05 seconds West 397.00 feet +/- to the place of beginning.

Beginning at said point and running the following courses and distances: South 69 degrees 12 minutes 36 seconds West 27.8 ft., North 53 degrees 51 minutes 25 seconds West 6.0 ft., South 36 degrees 07 minutes 35 seconds West 96.5 ft., South 53 degrees 51 minutes 25 seconds East 9.5 ft., North 69 degrees 12 minutes 36 seconds East 83.0 ft., North 03 degrees 47 minutes 24 seconds West 79.3 ft., to the place of beginning.

CONTAINING 0.11 acres or 5,137 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 6602, Page 711. Also known as 6300 Ebanon Road, Perry Hall, Maryland 21128 in the eleventh Election District.

WILLIAM F. KIRWIN, INC.
28 E. Susquehanna Avenue
Towson, MD 21286-2518
Phone: 410-251-1500
Fax: 410-251-1507

93-349-XA

PERRY HALL SQUARE
PERRY HALL, MARYLAND
SPECIAL EXCEPTION REQUEST
FOR HEALTH AND FITNESS CENTER

PARKING PARCEL:
BEGINNING at a point on the south side of Ebanon Road, formerly New Joyce Road, located 1843.7 feet easterly from the intersection formed by the extension of the southeast side of Belair Road and the north side of Ebanon Road, formerly New Joyce Road, as laid out 70 feet wide, and said point being at the southeast corner of Parcel "T", as shown on the plan of Section "A", Joyce Vale, recorded among the Land Records of Baltimore County in Plat Book O.L.B. No. 20, 206-125 and running thence, being on the south side of Ebanon Road, formerly New Joyce Road, South 69 degrees 45 minutes 25 seconds East 1198.75 feet, thence by a line parallel to and 484.13 feet at a right angle from "Perry Hall Square", as shown on the plan of Section "A", Joyce Vale, South 03 degrees 47 minutes 24 seconds East 770.47 feet to intersect the southeast boundary of South 03 degrees 47 minutes 24 seconds West 148.26 feet and North 43 degrees 00 minutes 35 seconds East 120.00 feet and North 23 degrees 22 minutes 22 seconds West 121.92 feet to the southeast corner of Parcel "T", and thence being on the outline of said Parcel "T", North 43 degrees 00 minutes 35 seconds East 189.85 feet to the place of beginning. Containing 15 acres of land, more or less.

WILLIAM F. KIRWIN, INC.
28 E. Susquehanna Avenue
Towson, MD 21286-2518
Phone: 410-251-1500
Fax: 410-251-1507

CERTIFICATE OF POSTING
BALTIMORE COUNTY
TOWSON, MARYLAND
93-349-XA

Date of Posting: 4/7/93
Posted to: Special Exception & Variance
Petitioner: Perry Hall Square, Perry Hall, MD
Location of Property: 6300 Ebanon Road, Perry Hall, MD 21128
Name of Signer: Jay L. Lenrow
Date of Return: 4/7/93

CERTIFICATE OF PUBLICATION
TOWSON, MD. 4/22, 1993

THIS IS TO CERTIFY that the attached advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 consecutive weeks, the first publication appearing on 4/22, 1993.

THE JEFFERSONIAN,
S. Zafe Orlov
Publisher

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6180
Number: Item #360

Date: 4-9-93 93-349-XA

Perry Hall Square Partnership
Special Ex ception for 4335 Ebenezer Rd - 300.00
(Commercial)
Golman & Kohn, PA.

Sign & Postng 35.00

Total \$335.00

01A0180102MICHRC \$335.00
BA 0009115AN04-09-93

Please Make Checks Payable To: Baltimore County

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6180
Number: Item #360

Date: 4-9

Owner: Perry Hall Square Partnership
for Commercial Variance (4335 Ebenezer Rd)

Tristar Management, Inc.

\$250.00

01A0180102MICHRC \$250.00
BA 0009115AN04-09-93

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

93-349-XA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:
Case No.: _____ Item No.: 360
Petitioner: _____
LOCATION: _____

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Jay L. Lenrow, Esquire
ADDRESS: Golman, Kohn & Damborg, P.A., 36 South Charles Street,
Suite 1500, Baltimore, Maryland 21201-3020
PHONE NUMBER: 410/544-1400

AJ:888
(Revised 3/29/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

APRIL 16, 1993

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 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 93-349-2A (Item 360)
4335 Ebenezer Road
Perry Hall Square Shopping Center
5/5 Ebenezer Road, 164.61' E of 88/5 Delair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Perry Hall Square Partnership
Lessee: P&H Health & Fitness, Inc.
HEARING: TUESDAY, MAY 25, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a health club (fitness center).
Variance to permit 1059 parking spaces instead of the required 1146 spaces (a deficit of 87 spaces); to permit direct access parking on a vehicle traveling; requiring design, screening, and landscaping in accordance with the landscape manual; to permit existing parking spaces 8 feet to the right of way line in lieu of the required 10 feet; and to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank.

Arnold Jablon
Director

cc: Perry Hall Square Partnership
P&H Health & Fitness, Inc.
Jay L. Lenrow, Esq.
William F. Kirwin, R.L.S.

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

May 20, 1993

Jay L. Lenrow, Esquire
36 South Charles Street STE 1500
Baltimore, MD 21201

RE: Case No. 93-349-XA, Item No. 360
Petitioner: Perry Hall Square
Partnership, et al
Petition for Special Exception & Variance

Dear Mr. Lenrow:

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 April 9, 1993, and a hearing was scheduled accordingly.

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

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 26, 1993
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for April 26, 1993
Item No. 360

The Developers Engineering Division has reviewed the subject zoning item. It appears from the plan that the parking layout can be modified such that no perpendicular parking is proposed along the travelway. This may require loss of some of the parking spaces.

The drive-in windows for the bank should be relocated to the south to provide more spaces for stacking.

Per Case #90-318-XA a landscape plan was required, but never submitted. Compliance with the subject order should be required as part of considering the current petition.

RWB:s

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-15-93

HELLEN KEARING
Ms. Julia Winarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +360 (JJS)

Dear Ms. Winarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-2682 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 4, 1993
Zoning Administration and
Development Management

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 359, 360, 367, 368, 370, 381 and 382.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Carol L. Burns

PK/JL:lw

360.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

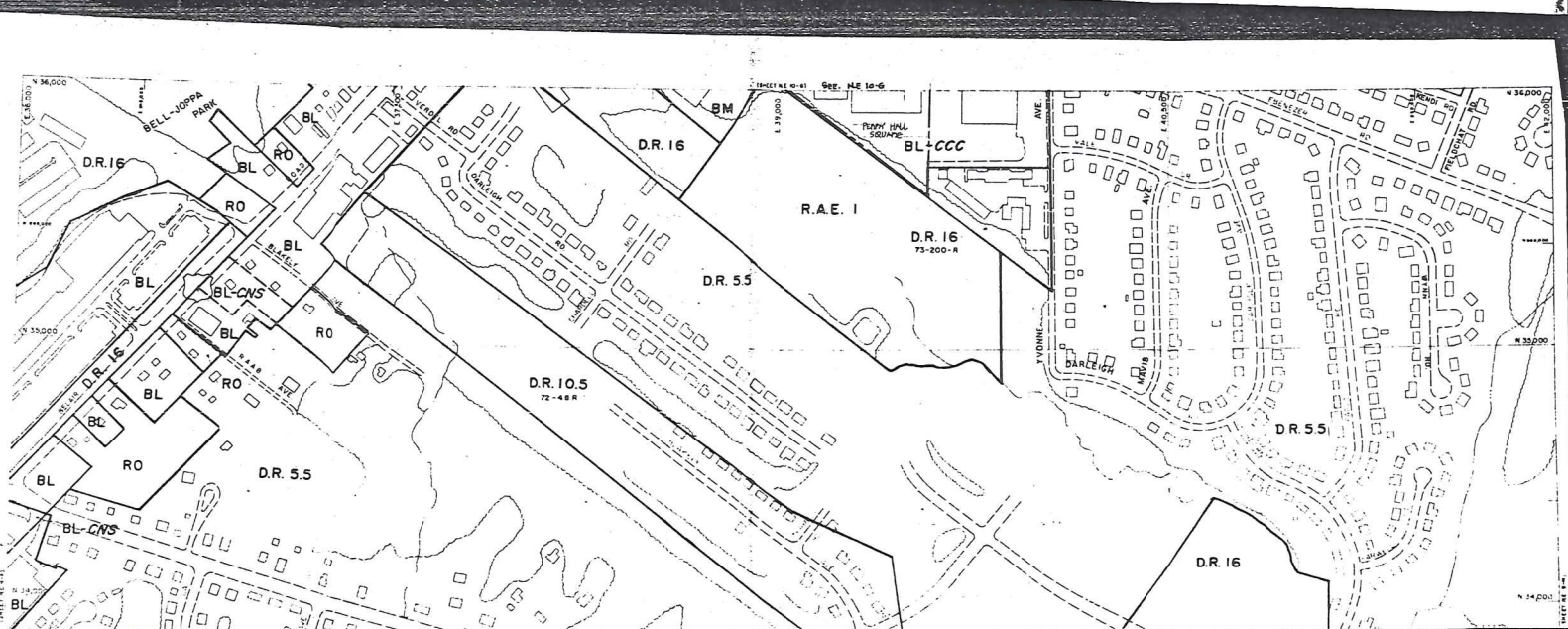
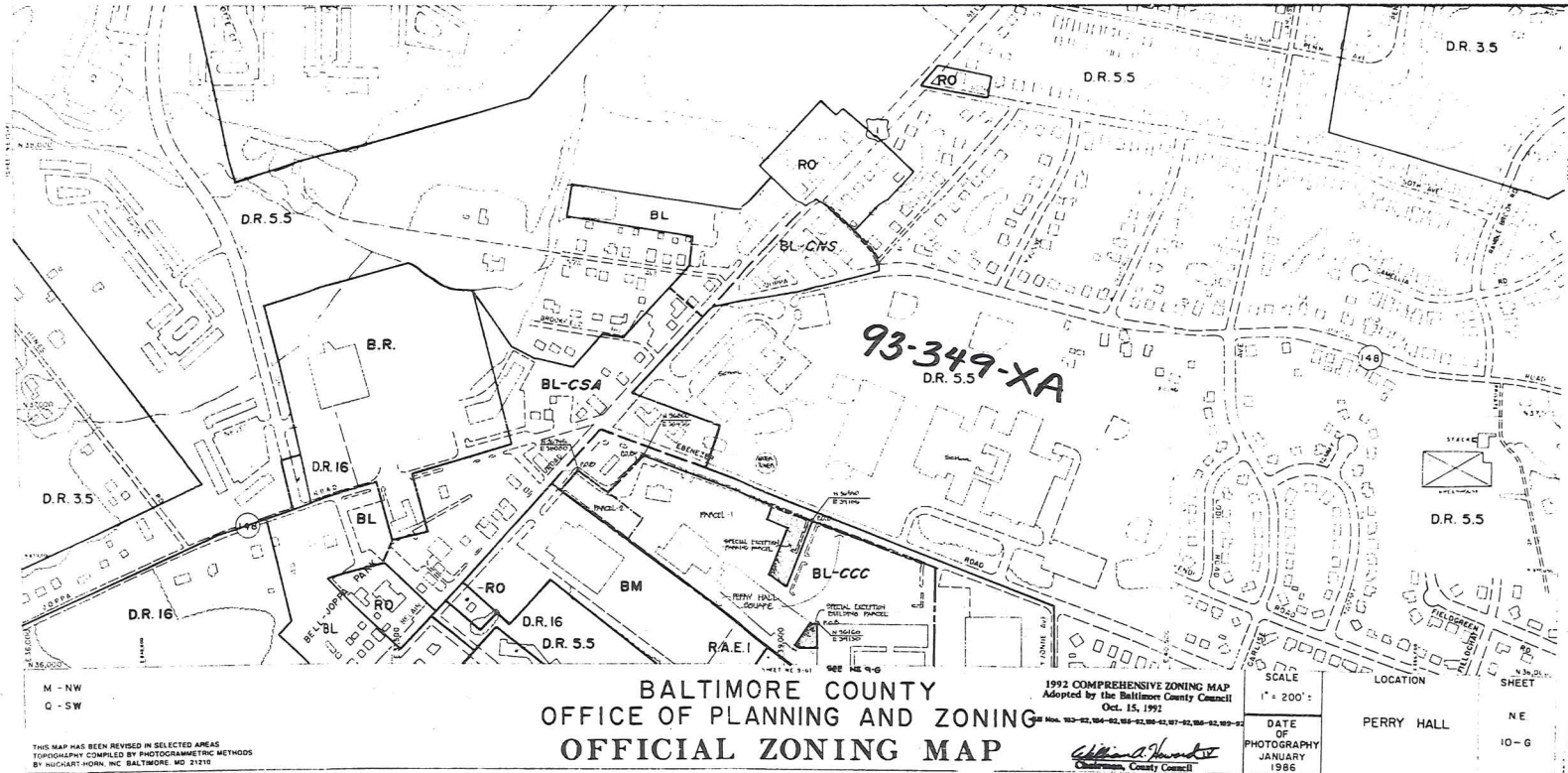
TO: Zoning Advisory Committee DATE: April 16, 1993

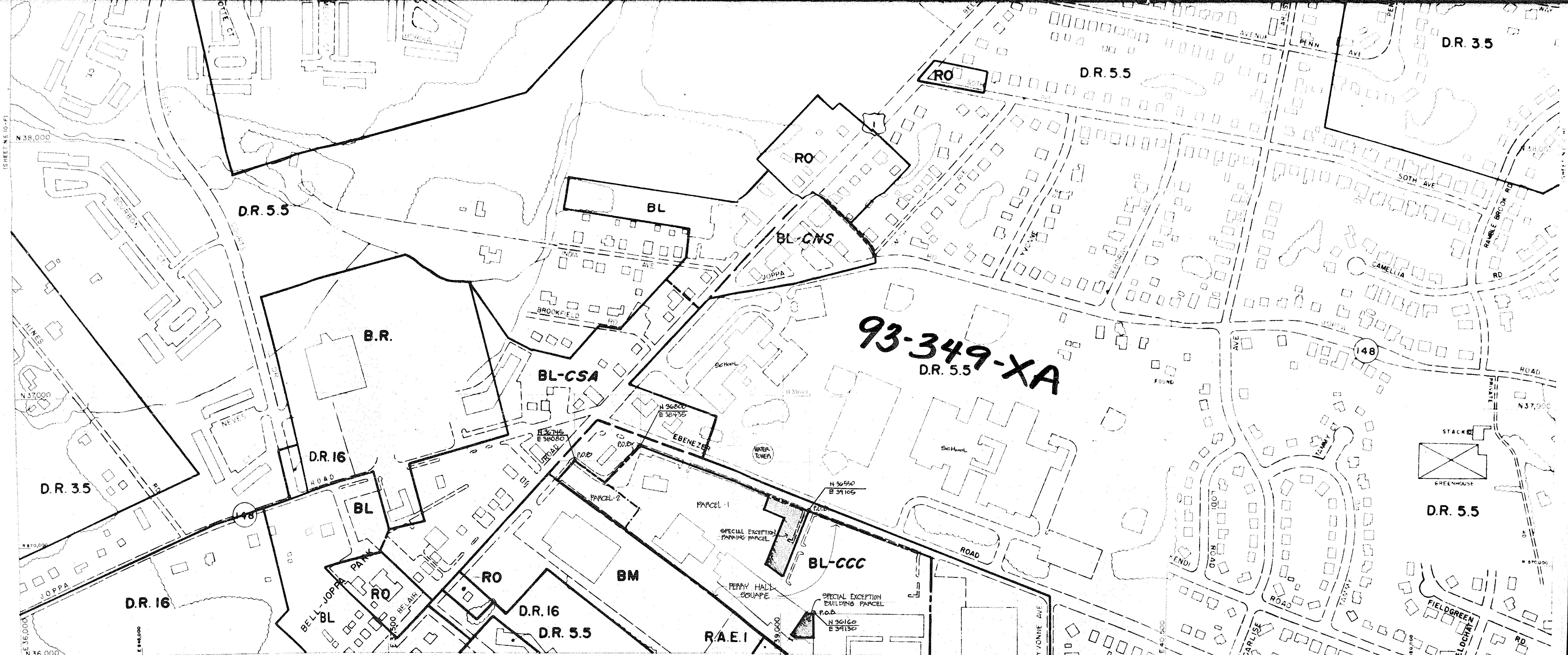
FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: Zoning Petitions

#352B	No comments
#353	No comments
#354	No comments
#355	No comments
#356	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.
#357	No comments
#358	No comments
#359	No comments
#360	Building shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

JLP/dal
cc: File





M - NW
Q - SW

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

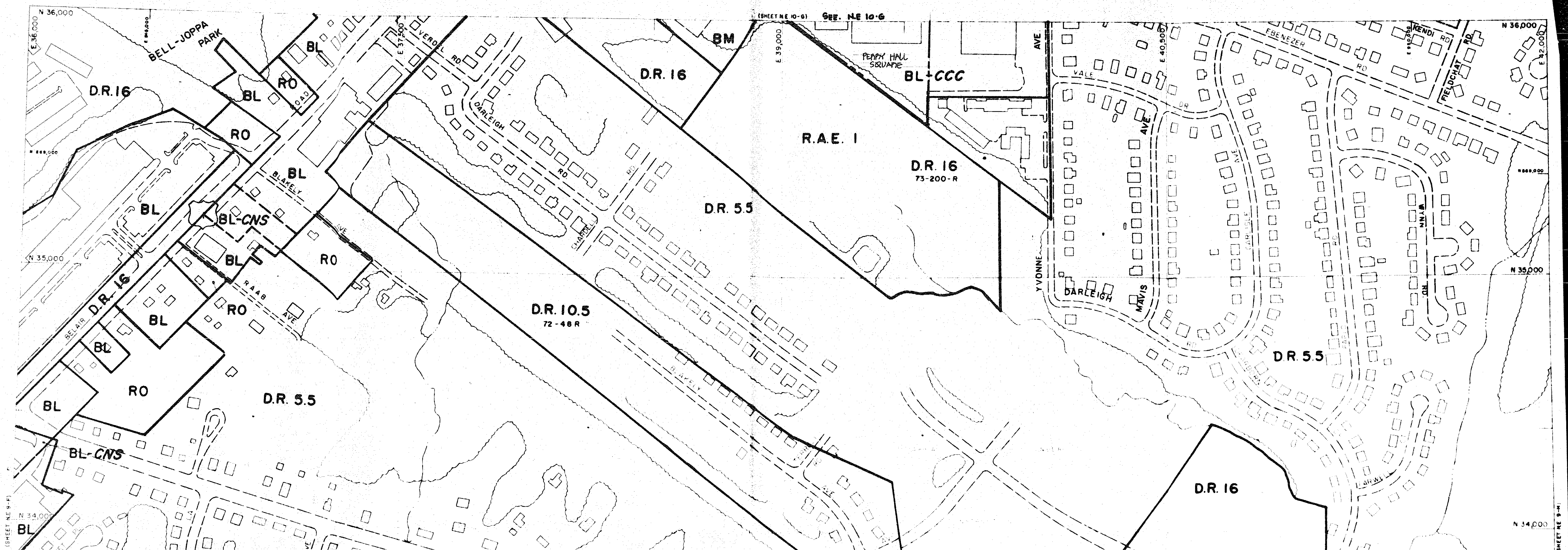
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

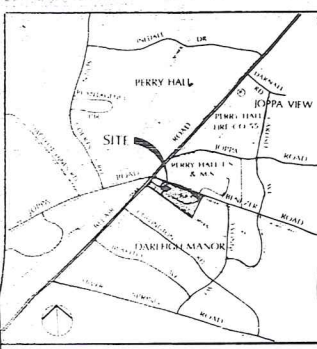
Bill Howard
Chairman, County Council

SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
PERRY HALL
SHEET
NE
10-6

360





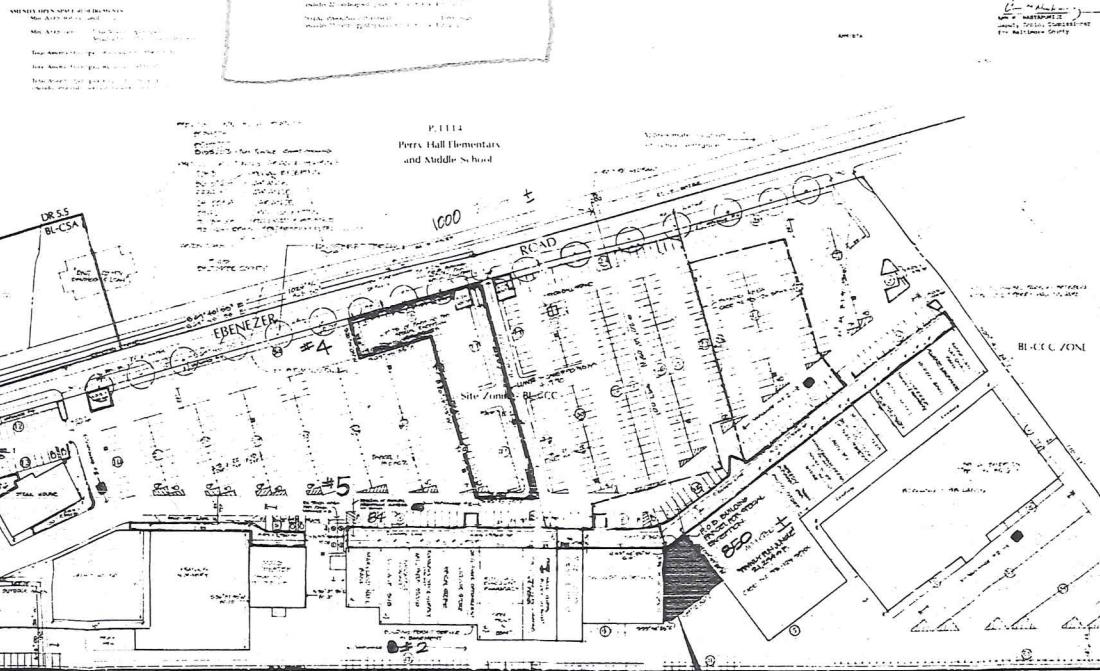
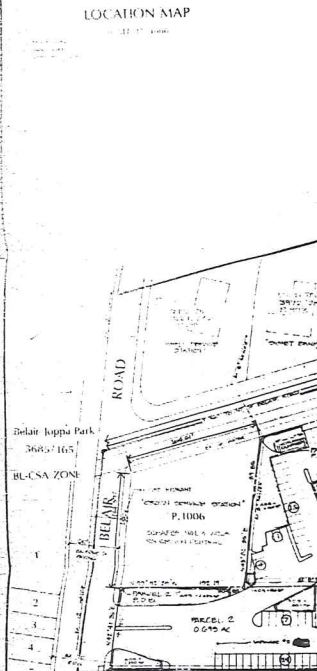
NEIGHBORHOOD
PERRY HALL
JOPPA VIEW
DARBY'S MANOR

PROPOSED DEVELOPMENT
Perry Hall Elementary and Middle School

PROPOSED DEVELOPMENT
Perry Hall Elementary and Middle School

KEY

- PROPOSED DEVELOPMENT
- EXISTING DEVELOPMENT
- EXISTING WATER USE
- EXISTING SEWER DRAINAGE
- EXISTING FIRE DRAINAGE



PROPOSED DEVELOPMENT
Perry Hall Elementary and Middle School

PROPOSED DEVELOPMENT
Perry Hall Elementary and Middle School

NO.	REVISION	DATE	BY

GREENHORNE & O'MARA, INC.
113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
(301) 296-4100

PETITIONER'S EXHIBIT No 1

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AND VARIANCES
PERRY HALL SQUARE

113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
PHONE: (301) 296-4100

DESIGN SCALE: 1" = 10'

SHEET: 1 OF 1

DATE: 11/77

FILE NO.

PROPERTY OWNER
Perry Hall Square Limited Partnership
c/o JJP Development Co., Inc.
40 York Road, Suite 200
Towson, MD 21284
(410) 321-8777

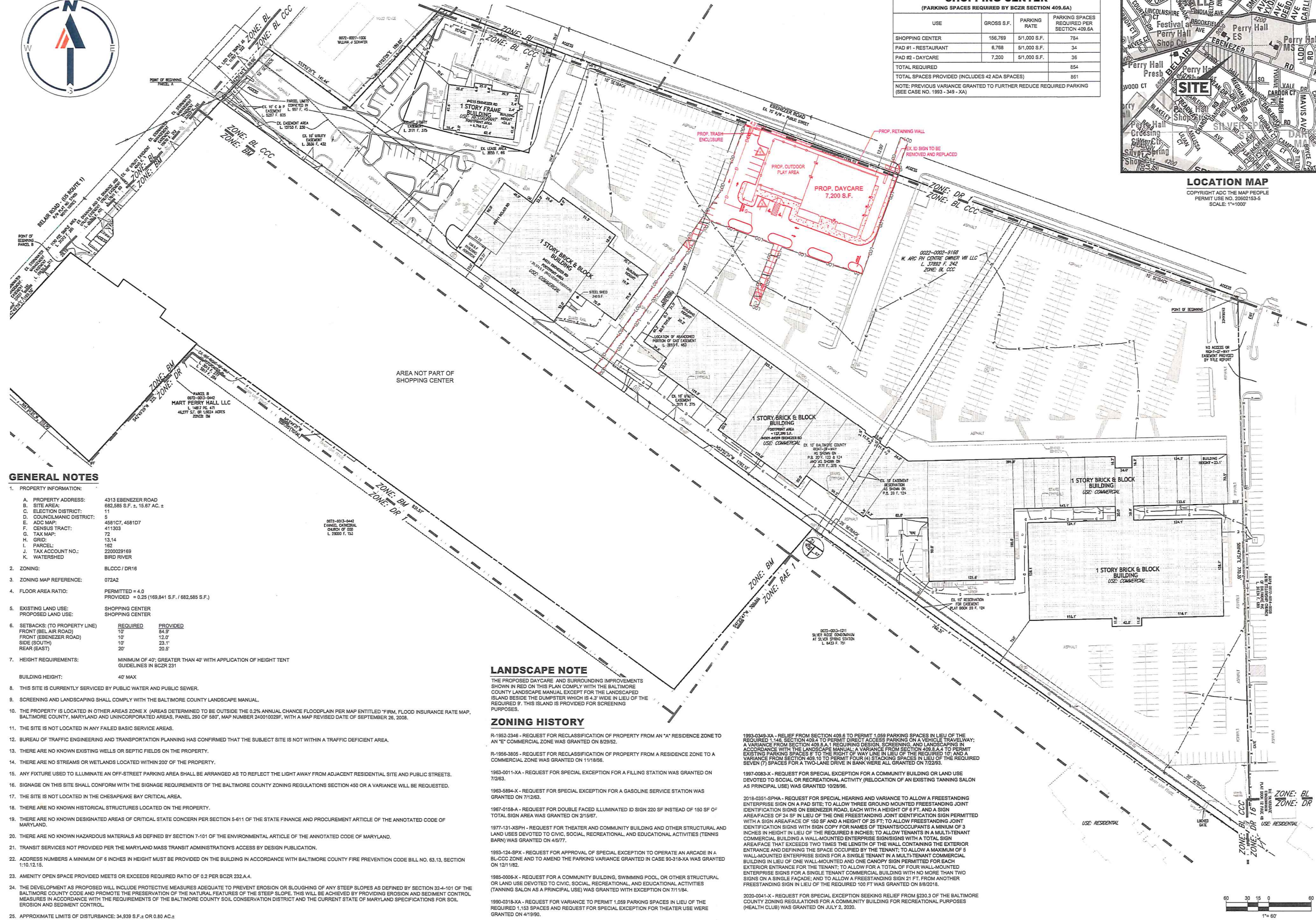
WILLIAM F. KIRWIN, INC.
Phone: 410-587-5000
Fax: 410-587-5001
201 E. Joppa Road
Towson, MD 21286

GREENHORNE & O'MARA, INC.
113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
(301) 296-4100

PETITIONER'S EXHIBIT No 1

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AND VARIANCES
PERRY HALL SQUARE

113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
PHONE: (301) 296-4100



GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 4313 EBENEZER ROAD
 - B. SITE AREA: 682,585 S.F. ±, 15.67 AC. ±
 - C. ELECTION DISTRICT: 11
 - D. COUNCILMANIC DISTRICT: 5
 - E. ADC MAP: 4591C7, 4581D7
 - F. CENSUS TRACT: 411303
 - G. TAX MAP: 72
 - H. GRID: 13, 14
 - I. PARCELS: 162
 - J. TAX ACCOUNT NO.: 2200029169
 - K. WATERSHED: BIRD RIVER
- ZONING: BLCCC / DR16
- ZONING MAP REFERENCE: 072A2
- FLOOR AREA RATIO:
 - PERMITTED = 4.0
 - PROVIDED = 0.25 (169,841 S.F. / 682,585 S.F.)
- EXISTING LAND USE: SHOPPING CENTER
PROPOSED LAND USE: SHOPPING CENTER
- SETBACKS: (TO PROPERTY LINE)

	REQUIRED	PROVIDED
FRONT (EBENEZER ROAD)	10'	84.3'
FRONT (EBENEZER ROAD)	10'	12.0'
SIDE (SOUTH)	10'	23.1'
REAR (EAST)	20'	20.5'
- HEIGHT REQUIREMENTS:
 - MINIMUM OF 40'; GREATER THAN 40' WITH APPLICATION OF HEIGHT TENT GUIDELINES IN BCZR 231
 - BUILDING HEIGHT: 40' MAX
- THIS SITE IS CURRENTLY SERVICED BY PUBLIC WATER AND PUBLIC SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND AND UNINCORPORATED AREAS, PANEL 290 OF 580", MAP NUMBER 240010022F, WITH A MAP REVISED DATE OF SEPTEMBER 26, 2008.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- THERE ARE NO STREAMS OR WETLANDS LOCATED WITHIN 200' OF THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450 OR A VARIANCE WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.
- THERE ARE NO KNOWN DESIGNATED AREAS OF CRITICAL STATE CONCERN PER SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- TRANSIT SERVICES NOT PROVIDED PER THE MARYLAND MASS TRANSIT ADMINISTRATIONS ACCESS BY DESIGN PUBLICATION.
- ADDRESS NUMBERS A MINIMUM OF 6 INCHES IN HEIGHT MUST BE PROVIDED ON THE BUILDING IN ACCORDANCE WITH BALTIMORE COUNTY FIRE PREVENTION CODE BILL NO. 63.13, SECTION 1:10.12.15.
- AMENITY OPEN SPACE PROVIDED MEETS OR EXCEEDS REQUIRED RATIO OF 0.2 PER BCZR 232.A.4.
- THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 324-1.01 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- APPROXIMATE LIMITS OF DISTURBANCE: 34,939 S.F. ± OR 0.80 AC. ±

LANDSCAPE NOTE

THE PROPOSED DAYCARE AND SURROUNDING IMPROVEMENTS SHOWN IN RED ON THIS PLAN COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL EXCEPT FOR THE LANDSCAPED ISLAND BESIDE THE DUMPSTER WHICH IS 4.3' WIDE IN LIEU OF THE REQUIRED 9'. THIS ISLAND IS PROVIDED FOR SCREENING PURPOSES.

ZONING HISTORY

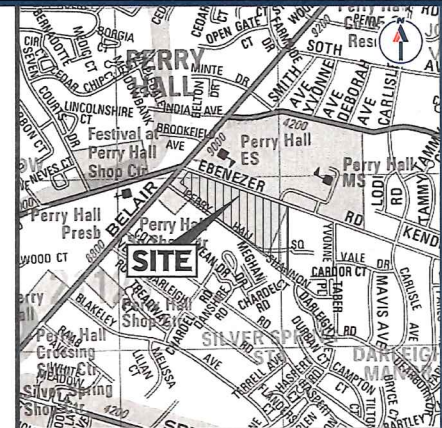
- R-1952-2346 - REQUEST FOR RECLASSIFICATION OF PROPERTY FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE WAS GRANTED ON 8/29/52.
- R-1956-3805 - REQUEST FOR RECLASSIFICATION OF PROPERTY FROM A RESIDENCE ZONE TO A COMMERCIAL ZONE WAS GRANTED ON 1/11/58.
- 1983-0011-XA - REQUEST FOR SPECIAL EXCEPTION FOR A FILLING STATION WAS GRANTED ON 7/2/83.
- 1983-3884-X - REQUEST FOR SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION WAS GRANTED ON 7/12/83.
- 1967-0158-A - REQUEST FOR DOUBLE FACED ILLUMINATED ID SIGN 220 SF INSTEAD OF 150 SF OF TOTAL SIGN AREA WAS GRANTED ON 2/15/67.
- 1977-131-XSPH - REQUEST FOR THEATER AND COMMUNITY BUILDING AND OTHER STRUCTURAL AND LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL AND EDUCATIONAL ACTIVITIES (TENNIS BARNS) WAS GRANTED ON 4/27/77.
- 1993-124-SPX - REQUEST FOR APPROVAL OF SPECIAL EXCEPTION TO OPERATE AN ARCADE IN A BL-CCC ZONE AND TO AMEND THE PARKING VARIANCE GRANTED IN CASE 90-318-XA WAS GRANTED ON 12/11/92.
- 1985-0006-X - REQUEST FOR A COMMUNITY BUILDING, SWIMMING POOL, OR OTHER STRUCTURAL OR LAND USE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, AND EDUCATIONAL ACTIVITIES (TANNING SALON AS A PRINCIPAL USE) WAS GRANTED WITH EXCEPTION ON 7/11/84.
- 1990-0318-XA - REQUEST FOR VARIANCE TO PERMIT 1,059 PARKING SPACES IN LIEU OF THE REQUIRED 1,153 SPACES AND REQUEST FOR SPECIAL EXCEPTION FOR THEATER USE WERE GRANTED ON 4/19/90.

- 1993-0348-XA - RELIEF FROM SECTION 409.6 TO PERMIT 1,059 PARKING SPACES IN LIEU OF THE REQUIRED 1,148. SECTION 409.6 TO PERMIT DIRECT ACCESS PARKING ON A VEHICLE TRAVELWAY; A VARIANCE FROM SECTION 409.6.A.1, REQUIRING DESIGN, SCREENING, AND LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPE MANUAL; A VARIANCE FROM SECTION 409.6.A.4 TO PERMIT EXISTING PARKING SPACES 9' TO THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'; AND A VARIANCE FROM SECTION 409.10 TO PERMIT FOUR (4) STACKING SPACES IN LIEU OF THE REQUIRED SEVEN (7) SPACES FOR A TWO-LANE DRIVE IN BANK WERE ALL GRANTED ON 7/23/93.
- 1987-0063-X - REQUEST FOR SPECIAL EXCEPTION FOR A COMMUNITY BUILDING OR LAND USE DEVOTED TO SOCIAL OR RECREATIONAL ACTIVITY (RELOCATION OF AN EXISTING TANNING SALON AS PRINCIPAL USE) WAS GRANTED 10/28/86.
- 2018-0351-SPHA - REQUEST FOR SPECIAL HEARING AND VARIANCE TO ALLOW A FREESTANDING ENTERPRISE SIGN ON A PAD SITE; TO ALLOW THREE GROUND MOUNTED FREESTANDING JOINT IDENTIFICATION SIGNS ON EBENEZER ROAD, EACH WITH A HEIGHT OF 8 FT. AND A SIGN AREA/FACES OF 24 SF IN LIEU OF THE ONE FREESTANDING JOINT IDENTIFICATION SIGN PERMITTED WITH A SIGN AREA/FACE OF 150 SF AND A HEIGHT OF 25 FT.; TO ALLOW FREESTANDING JOINT IDENTIFICATION SIGNS WITH SIGN COPY FOR NAMES OF TENANTS/OCCUPANTS A MINIMUM OF 3 INCHES IN HEIGHT IN LIEU OF THE REQUIRED 8 INCHES; TO ALLOW TENANTS IN A MULTI-TENANT COMMERCIAL BUILDING A WALL-MOUNTED ENTERPRISE SIGNING WITH A TOTAL SIGN AREA/FACE THAT EXCEEDS TWO TIMES THE LENGTH OF THE WALL CONTAINING THE EXTERIOR ENTRANCE AND DEFINING THE SPACE OCCUPIED BY THE TENANT; TO ALLOW A MAXIMUM OF 5 WALL-MOUNTED ENTERPRISE SIGNS FOR A SINGLE TENANT IN A MULTI-TENANT COMMERCIAL BUILDING IN LIEU OF ONE WALL-MOUNTED AND ONE CANOPY SIGN PERMITTED FOR EACH EXTERIOR ENTRANCE FOR THE TENANT; TO ALLOW FOR A TOTAL OF FOUR WALL-MOUNTED ENTERPRISE SIGNS FOR A SINGLE TENANT COMMERCIAL BUILDING WITH NO MORE THAN TWO SIGNS ON A SINGLE FACADE; AND TO ALLOW A FREESTANDING SIGN 21 FT. FROM ANOTHER FREESTANDING SIGN IN LIEU OF THE REQUIRED 100 FT WAS GRANTED ON 8/9/2018.
- 2020-0041-X - REQUEST FOR SPECIAL EXCEPTION SEEKING RELIEF FROM §230.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A COMMUNITY BUILDING FOR RECREATIONAL PURPOSES (HEALTH CLUB) WAS GRANTED ON JULY 2, 2020.

PARKING TABULATION CHART - SHOPPING CENTER
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	156,789	5/1,000 S.F.	754
PAD #1 - RESTAURANT	6,788	5/1,000 S.F.	34
PAD #2 - DAYCARE	7,200	5/1,000 S.F.	36
TOTAL REQUIRED			854
TOTAL SPACES PROVIDED (INCLUDES 42 ADA SPACES)			861

NOTE: PREVIOUS VARIANCE GRANTED TO FURTHER REDUCE REQUIRED PARKING (SEE CASE NO. 1993-349-XA)



LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 2002163-9
SCALE: 1"=1000'

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DESIGN BY

811
Know what's below.
Call before you dig.
ALWAYS CALL 811
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CHECKED BY: JCB
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SITE PLAN
FOR
W-ARC PH SQUARE
OWNER VIII, LLC
PERRY HALL SQUARE
SHOPPING CENTER
4313 EBENEZER ROAD
NOTTINGHAM MD 21238
BALTIMORE COUNTY
TM 72 G 14 P 162

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M.J. GESELL
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 44007
PROFESSIONAL CERTIFICATION
L. MICHAEL GESELL, HESBRY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44007, EXPIRATION DATE: 8/30/21

SHEET TITLE:
PLAN TO ACCOMPANY SPIRIT & INTENT REQUEST
SHEET NUMBER:
1
ORG. DATE - 7/28/20