

IN RE: PETITION FOR VARIANCE
SE/S Harford Road, 167' NE of
Fork/Sunshine Road
(12609 Harford Road)
11th Election District
5th Councilmanic District
John Cherry, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-430-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the subject property, known as 12609 Harford Road, which is located in the rural community of Fork, Maryland. The Petition was filed by John Cherry and Patricia Cherry, his wife, property owners. The Petitioners request relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 259.3C.2.b to permit a side yard setback of 6 feet in lieu of the required 15 feet; from Section 259.3C.3.a to permit landscaping of a minimum of 0 feet in lieu of the required 15 feet along the front, side and rear yard setbacks, as shown on the site plan submitted; from Section 259.3C.3.b to permit 0% of the parking lot to be pervious surface in lieu of the required 7% with no trees provided in lieu of the required one tree per eight parking spaces provided; from Section 409.4A, B & C to permit parking spaces with less than the required two-way travel aisle width of 22 feet and to permit said spaces to be located without direct access to an aisle, and to permit a two-way driveway width of a minimum of 10 feet in lieu of the required 20 feet; from Section 409.6A2 to permit 9 parking spaces in lieu of the required 13, or, in the alternative, to permit 2 parking spaces in lieu of the required 13 parking spaces, if the requested variances and modified site plan are not granted; and from Section 409.12.B to permit a modified site plan to be approved by

the Zoning Commissioner in accordance with Section 409.12.B. All of the relief requested and the subject property are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite hearing held on this case was the property owner, John Cherry. Also appearing on behalf of the Petition was Nicholas Comadari, Zoning/Development Consultant. The Petitioner was represented by Edward Covahey, Esquire. Appearing as an interested party was Charlotte W. Pine, Esquire on behalf of the Greater Kingsville Community Association. Ms. Pine indicated that she was unfamiliar with the proposed development but was appearing to learn what was proposed on site and to protect the interests of the Community Association.

Testimony presented by Mr. John Cherry revealed that the subject property, known as 12609 Harford Road, consists of .552 acres, zoned B.L.-C.R. and is improved with a one-story building with attached garage. Said property is located in a small commercial center in the rural village of Fork. Immediately southwest and adjacent to the subject property is an automobile gasoline station, owned and operated by Harvey Russell. On the other side of the property to the northeast is a small residential dwelling. Beyond that property on the same side of Harford Road is a C & P Telephone Company building. Across the street from the site is a small strip shopping center, known as the Fork Plaza Strip Mall. This plaza is occupied by a number of commercial uses, including a High's dairy store, a dry-cleaning business, a video store and a hardware store. As noted above, the subject property is nestled in the small commercial center of the village of Fork. Most of the surrounding properties, including the

parcel immediately to the rear of the subject site, are residential/rural in character and are zoned R.C. 5 and R.C. 2.

Mr. Cherry noted that he purchased the subject property two years ago and uses the site for his business, known as Cherryworks, Ltd. The business is described as a small operation which includes furniture making, fabrication, and sales. Specifically, the business receives finished furniture parts and fabricates same into a finished product. Most often, children's furniture and cabinets are produced. Mr. Cherry has been in this business since 1974 and currently employs three other persons besides himself. He and another individual work at the shop performing the fabrication and sales while the two other employees install the finished furniture at job sites. Mr. Cherry produced a number of photographs, which have been marked as Petitioner's Exhibits 2A and 2D, depicting the type of items he sells. He noted that his business has little walk-in trade. Most of his business is through contractors, although one or two customers might visit the site during the course of a week. Lastly, he noted that approximately half of the furniture he received is already assembled when obtained by him and the other half needs assembly by him and his employees.

As to the site, the property was formerly used as a barber shop. Mr. Cherry indicated that he has spent significant time and money in rehabilitating the property. As shown in the photographs submitted, the site is improved with a 2200 sq.ft. block building and attached garage. Parking is provided by way of a macadam driveway parking pad leading from Harford Road. Also, as clearly shown in the photos, a retaining wall extends on the southwest side of the property separating the use on the subject property from the service station. However, the retaining wall does not follow the property line. As shown on the site plan, a parking lot which appears

connected to the service station use is actually located on the subject property. Three full spaces serving the subject site are so connected and can be accessed only through the service station entrance from Harford Road. Although this might normally present a problem, the Petitioner indicated that he and his neighbor have found the situation workable. In the true spirit of country cooperation, these neighbors apparently share the parking spaces on an as-needed basis.

As to the proposed improvements, the Petitioner contemplates constructing a significantly sized addition (3,444 sq.ft.) to the rear of the existing building. The proposed addition will be anywhere from 28 to 35 feet in depth (depending on where measured) and 105 feet in width. Further, it will be 18 feet tall. Mr. Cherry noted that the proposed addition will be used to house the fabrication shop associated with his business and as storage space. The existing structure will be retained for use as a showroom and sales area. Mr. Cherry also indicated that the exterior of the proposed addition will be a stucco surface similar in character and appearance to the existing building. Further, the driveway will be extended to provide parking and access as shown. In this respect, Mr. Cherry does not anticipate much traffic. He testified that there would be little customer walk-in in view of the nature of his business. Further, he anticipates two deliveries per week. He believes that the parking to be provided will be more than sufficient for his needs.

As noted above, the site is zoned B.L.-C.R. and is in a rural location. Furniture stores are permitted as a matter of right in the B.L. zones (See Section 230.9 of the B.C.Z.R.). Further, a lengthy recommendation was issued by the Office of Planning and Zoning regarding this Petition. The comment offered a number of questions which were addressed by

Mr. Cherry during his testimony. Further, the comment referenced Section 259.2A.1 of the B.C.Z.R. which defines a C.R. district. In essence, that Section states the legislative intent for the C.R. district classification. The district is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residents of the agricultural vicinity. The commercial centers within the C.R. districts are not intended to be regional facilities providing specialty goods to the population outside of the rural area. The goods and services provided by Mr. Cherry are clearly not convenience items or personal services. However, the case before me is not a Petition for Special Exception. The issue is not whether the proposed use is detrimental to the health, safety or general welfare of the locale. The use is permitted as of right in the subject B.L. zone. Further, there is no doubt that the goods and services provided by Mr. Cherry are beneficial to the residents of this locale.

Nevertheless, Mr. Cherry must comply with the use restrictions set forth within Section 230.12 of the B.C.Z.R. These restrictions govern the uses permitted in a B.L. zone. Specifically, no more than five (5) persons shall be engaged in the repair or fabrication of goods on the premises and no more than five (5) horsepower shall be employed in the operation of any one machine used in the repair or fabrication and not more than fifteen (15) horsepower in the operation of all such machines. Further restrictions are contained within Section 230.12 of the B.C.Z.R. relating to the storage, display and use of the property. Mr. Cherry has sought no relief from these Sections and there will be none given. He must comply with the provisions of Section 230.12 of the B.C.Z.R. as it relates to the use of this property. Specifically, the horsepower of the

machinery must be so limited and the Petitioner shall have no more than five (5) persons, including himself, engaged in the repair or fabrication of goods on the premises.

Also testifying on behalf of the Petition was Nicholas Comadari, a development consultant. Mr. Comadari discussed the proposed improvements to the property and the necessary variances.

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

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

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

Applying this standard to the variances requested, consideration is first given to the request for a 6-foot side yard setback in lieu of the required 15 feet. This setback enjoys the support of the Office of Planning and Zoning in that it will orient the appearance of the proposed addition away from Harford Road. Based upon the site constraints imposed by the property, namely the configuration of existing improvements and the use of the lot, I am persuaded that this variance should be granted. The footprint of the proposed addition appears appropriate. Moreover, the

side yard property line relating to this request is adjacent to the service station use and will clearly not adversely affect that property. Clearly, the Petitioner has recognized the desirability of orienting the addition towards the neighboring service station and away from the adjacent dwelling to the northeast.

The second variance request relates to the provisions of Section 259.3C.3A. That regulation requires that "the entire required front, side and rear setbacks shall be landscaped" (emphasis added). The need for the variance is clear in that, notwithstanding that the Petitioner proposes some landscaping, anything less than the entire setback distance requires a variance. I will likewise approve this variance; however, same shall be conditioned upon the submission of a landscape plan to the County Landscape Architect for approval. The site plan shows that the Petitioner proposes the bulk of landscaping contemplated to be along the front and northeast sides of the property adjacent to the residential dwelling. Clearly, this is where landscaping is most needed and should be required. Thus, I will grant the relief requested from the strict requirements of Section 259.3C.3A so that the entire setback distances on the front, side and rear yards need not be landscaped. Nevertheless, the relief is modified so as to require appropriate landscaping consistent with the comments herein.

The third variance request relates to another strict requirement contained in Section 259.3C.3B. Therein, a minimum of 7% of the parking lot shall be pervious surface and a minimum of one tree per eight parking spaces shall be provided. Again, strict compliance with this regulation is not possible or feasible. The nature of the lot, adjacent properties, and proposed construction satisfy me that the Petitioners have met their

burden of practical difficulty in this respect. Moreover, proper landscaping as provided in the method described above will lessen the impact of the proposed use on the surrounding locale.

The remaining variances requested all relate to the proposed parking arrangement and seek relief from numerous divisions of Section 409 of the B.C.Z.R. Here the testimony from Mr. Cherry was particularly persuasive. As noted above, the proposed use cannot be expected to generate significant amounts of traffic, as Mr. Cherry conducts most of his business with contractors by phone and delivers finished products to be installed at locations off-site. Further, materials delivered to the site will be received on an infrequent basis, approximately one or two times per week. In view of the nature of the proposed use and Mr. Cherry's testimony, it appears that the proposed parking arrangement is suitable and workable. As shown on the site plan, a driveway to the loading area in the proposed addition is planned for deliveries. Further, adequate parking on the front of the site is provided to accommodate anticipated customers. In addition, the parking layout in the manner proposed will preserve the north and east portions of the site for landscape utilization. Thus, the variances requested shall be approved. It is to be particularly noted that the request for relief from Section 409.6A.2 shall be limited to permit 9 parking spaces in lieu of the required 13, in view of approval of the other variances referenced above.

Lastly, a comment is in order about other County approvals which may be necessary in order for the Petitioner to proceed with his plans. The relief which is granted herein is specifically limited to the variances which have been requested and approved. Testimony and evidence presented was that the Petitioner may need to proceed through the development pro-

cess or obtain an exemption therefrom. Further, as noted above, I will incorporate certain provisions suggested within the Zoning Plans Advisory Committee comments. In my view, these comments are appropriate and insure that the use of the property will not be detrimental to the surrounding locale and is in keeping with the rural character of this community.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of August, 1993 that the Petition for Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 259.3C.2.b to permit a side yard setback of 6 feet in lieu of the required 15 feet; from Section 259.3C.3.a to permit landscaping of a minimum of 0 feet in lieu of the required 15 feet along the front, side and rear yard setbacks, as shown on the site plan submitted; from Section 259.3C.3.b to permit 0% of the parking lot to be pervious surface in lieu of the required 7% with no trees provided in lieu of the required one tree per eight parking spaces provided; from Section 409.4A, B & C to permit parking spaces with less than the required two-way travel aisle width of 22 feet and to permit these spaces to be located without direct access to an aisle, and to permit a two-way drive of a minimum of 10 feet in lieu of the required 20 feet; from Section 409.6.A2 to permit 9 parking spaces in lieu of the required 13 parking spaces; and from Section 409.12.B to permit a modified site plan to be approved by the Zoning Commissioner in accordance with Section 409.12.B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 9 -

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.

2) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated June 24, 1993, which incorporates their comments of April 27, 1993, regarding the septic system design and water supply system.

3) The proposed addition must comply with the provisions of the 1991 Life Safety Code and the Baltimore County Fire Prevention Code, pursuant to the Zoning Plans Advisory Committee comments submitted by the Baltimore County Fire Department, dated June 16, 1993.

4) The site is subject to the requirements of the Baltimore County Landscape Manual to the best extent possible. The Petitioner shall submit a landscape plan for approval by the County Landscape Architect prior to the issuance of any building permits.

5) The Petitioner must comply with the provisions of Section 230.12 of the B.C.Z.R., including, but not limited to, the fact that no more than five (5) employees, including himself, shall be involved in the fabrication and/or repair of products on site, and the limitation on the horsepower of the machinery used.

6) Prior to the issuance of any permits, the Director of Planning shall approve the exterior design of the new building, including, height, mass, color, materials, detailing and roof style. Building elevations, perspective sketches and/or cross-sections of the proposed development must be submitted to the Director for review and approval prior to the issuance of any building permits.

7) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

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

- 10 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 13, 1993

(410) 887-4386

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SE/8 Harford Road, 167' NE of Fork/Sunshine Road
(12609 Harford Road)
11th Election District - 5th Councilmanic District
John Cherry, et ux - Petitioners
Case No. 93-430-A

Dear Mr. & Mrs. Cherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

LES:bjs

cc: Mr. & Mrs. John Cherry
11630 Camp Cone Road, Glen Arm, Md. 21057

Mr. Nicholas Comadara
3410 Woodstock Avenue, Baltimore, Md. 21213

Charlotte W. Pine, Esquire
607 Baltimore Avenue, Towson, Md. 21204

People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 8/11/93
Posted for: Variances
Petitioner: John & Patricia Cherry
Location of property: 12609 Harford Rd, SE/8, 167' NE of Fork/Sunshine Rd
Location of Sign: 167' NE of Fork/Sunshine Rd, on side of property
Remarks: _____
Posted by: [Signature] Date of return: 8/17/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/17, 1993

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 6/17, 1993.

THE JEFFERSONIAN,

S. Zabe [Signature]
Publisher



439
Petition for Variance
93-430-A
to the Zoning Commissioner of Baltimore County

for the property located at 12609 Harford Road
which is presently zoned B.L.-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) _____

* See Attached Sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Proposed addition is needed for our business operation. Due to the existing building location and size of the property and in order to provide as much landscaping as possible, variances are needed. Practical difficulty and unreasonable hardship would result if the requested variances are not granted. For other reasons to be presented at the scheduled hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zip Code

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

Legal Owner(s)

John Cherry

(Type or Print Name)

Signature

Patricia Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

(Type or Print Name)

Signature

John Cherry

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & 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.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 439

Petitioner: Cherryworks Ltd

Location: 12609 Harford Rd. Towson, Md 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John D. Cherry

ADDRESS: 11630 Camp Cove Rd. Glen Arm Md.
21057

PHONE NUMBER: 410 592-5977

AJ:ggs

(Revised 04/09/93)

JUNE 11, 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 W. Chesapeake Avenue in Towson, Maryland 21204 on:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-430-A (Item 439)

12609 Harford Road

SW/4 Harford Road, 167' RE of York/Summit Road

11th Election District - 5th Councilmanic

Legal Owner(s): John Cherry and Patricia Cherry (Cherryworks Ltd.)

HEARING: THURSDAY, JULY 8, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Variance to permit a side yard setback of 6 feet in lieu of the required 15 feet; to permit landscaping of a minimum of zero feet in lieu of the required 15 feet along the front, side and rear setbacks, as shown on the site plan; to permit zero percent of the parking lot to be pervious surface in lieu of the required 7 percent with no trees provided in lieu of the required 1 tree per 4 parking spaces provided; to allow parking spaces with less than the required two-way travel aisle width of 22 feet and to permit these spaces to be located without direct access to an aisle and to permit a two-way drive of a minimum of 10 feet in lieu of the required 20 feet; to permit 9 parking spaces in lieu of the required 13 parking spaces or in the alternative, to permit 2 parking spaces in lieu of the required 13 parking spaces if the requested variance and modified plan are not granted; and to permit a modified site plan to be approved.

Arnold Jablon
Arnold Jablon
Director

cc: John and Patricia Cherry

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

June 30, 1993

Mr. and Mrs. John Cherry
11630 Camp Cove Road
Glen Arm, MD 21057

RE: Case No. 93-430-A, Item No. 439
Petitioner: John Cherry
Petition for Variance

Dear Mr. and Mrs. Cherry:

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 June 3, 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: June 21, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review *RWB/DNF*

RE: Zoning Advisory Committee Meeting
for June 21, 1993
Item No. 439

The Development Plan Review has reviewed the subject zoning item. The site is subject to the Landscape Manual. Compliance to the extent possible will be sought prior to issuance of the building permit.

Some of the parking spaces shown on the plan are not useable spaces; therefore, adequate "useable" parking spaces should be provided onsite.

A minimum 22-foot wide travelway needs to be provided.

RWB:DAR:e



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-17-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 439 (JLL)

Dear Ms. Kehring:

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 _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5682 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

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

June 24, 1993

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #439, Cherry Property
12609 Harford Road
Zoning Advisory Committee Meeting of June 14, 1993

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

See attached letter to John D. Cherry dated April 27, 1993.

JLP:sp

Attachment

CHERRY/TXTSBP

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Helene Kehring in the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hck
Enclosures

April 27, 1993

MR. JOHN D. CHERRY
CHERRYWORKS LTD
11630 CAMP COVE ROAD
GLEN ARM MD 21057

Dear Mr. Cherry:

Building Permit application number 8-147973, for a commercial building "Cherryworks" located at 12609 Harford Road, E.O. 11

SEPTIC SYSTEM DESIGN

Permission is granted to use the existing sewage disposal system and well.

Prior to use and occupancy, the following work must be completed:

- 1) Clean and inspect the existing septic tank and provide manhole access to grade. Repair septic tank as necessary.
- 2) All plumbing fixtures in the showroom shall be replaced or equipped with water saving devices as follows:
 - All toilets shall be ultra-low volume flush variety (1.6 gallon flush).
 - All faucets shall be equipped with flow reducers rated 2.0 gpm or less.
- 3) An activated carbon filter must be installed on a point of use tap/faucets in the showroom. Water samples must be collected from a raw water tap and the treated water tap and sampled for volatile organics to ensure proper functioning of the activated carbon filter.

A plumbing permit is required for installation of an on site sewage disposal system. Installation detail shall conform with the Baltimore County Plumbing and Gasfitting Code. This office must be contacted if any deviation to specification or location of the sewage disposal system is desired. Deviation requests must be accompanied by revised site plans showing all structures, water well, sewage disposal system and reserve area, for review and approval prior to system construction.

An inspection must be made by the Plumbing Inspection Division at the time the absorption trench is completely excavated to verify the final depth and grade of the trench. A transit or similar device must be provided.

WATER SUPPLY SYSTEM

Permission to use the existing well.

If there are any questions regarding the above, please contact Mr. J. Robert Powell at (410) 887-2762.

Sincerely,

J. Robert Powell
J. Robert Powell, R.S.
Program Supervisor
GROUND WATER MANAGEMENT

JRP:pj

Section 12
Exhibit 3A-
20
Case 93-430 A



