



Baltimore County
Department of Permits and
Development Management

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

June 13, 1996

Mr. Thomas Faust
Chapel Homes, Inc.
2401 York Road
Timonium, MD 21093

RE: Zoning Verification
2401 York Road
Zoning Case #94-272-XA
8th Election District

Dear Mr. Faust:

Your letter dated May 30, 1996 has been referred to me for reply. Please be advised that the special exception boundary did not include the new land area for the additional parking; therefore, the proposal cannot be approved as within the spirit and intent of the special exception.

The Zoning Commissioner's Policy Manual (ZCPM) considers the R.O. zone as residential when business or office parking is proposed. The additional parking may be approved via a use permit for parking in a residential zone per Section 409.8.B of the Baltimore County Zoning Regulations (BCZR). The other option would be to file for a second special exception to include the new land area.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "M. J. Kellman".

Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case #94-272-XA



Printed with Soybean Ink
on Recycled Paper

I have talked with ~~the~~ the residents on Main Blvd & to the owners of existing business who will be affected. The sentiments are unanimous that this proposal is much too large for this size lot & will make an already bad situation worse. ~~TURN PAGE~~

Main Blvd. is a dead end street. It does not even have a turn around circle at the end. The road paving is 28' across. People are already parking on both sides, which only leaves 12' or 14' max for traffic depending how they park. There is no other way in or out. Traffic turning in off York Rd. cannot safely pass another vehicle coming out. Cars are often parked half way up Main Blvd. Someone has to back up. This goes on now all day.

Chapel Homes is only providing a space 40' x 55' with proposed parking for 6 cars. I am told that there will be at least 4 people employed there. Assuming each as a car, that leaves two spaces for the customers, architects subcontractors, salesmen, engineers & whoever else does business with Chapel Homes. There is no way the traffic generated by this business can be contained within the limits of the property.

We are very upset about this proposal & urge you not to throw the established zoning requirements out the window.

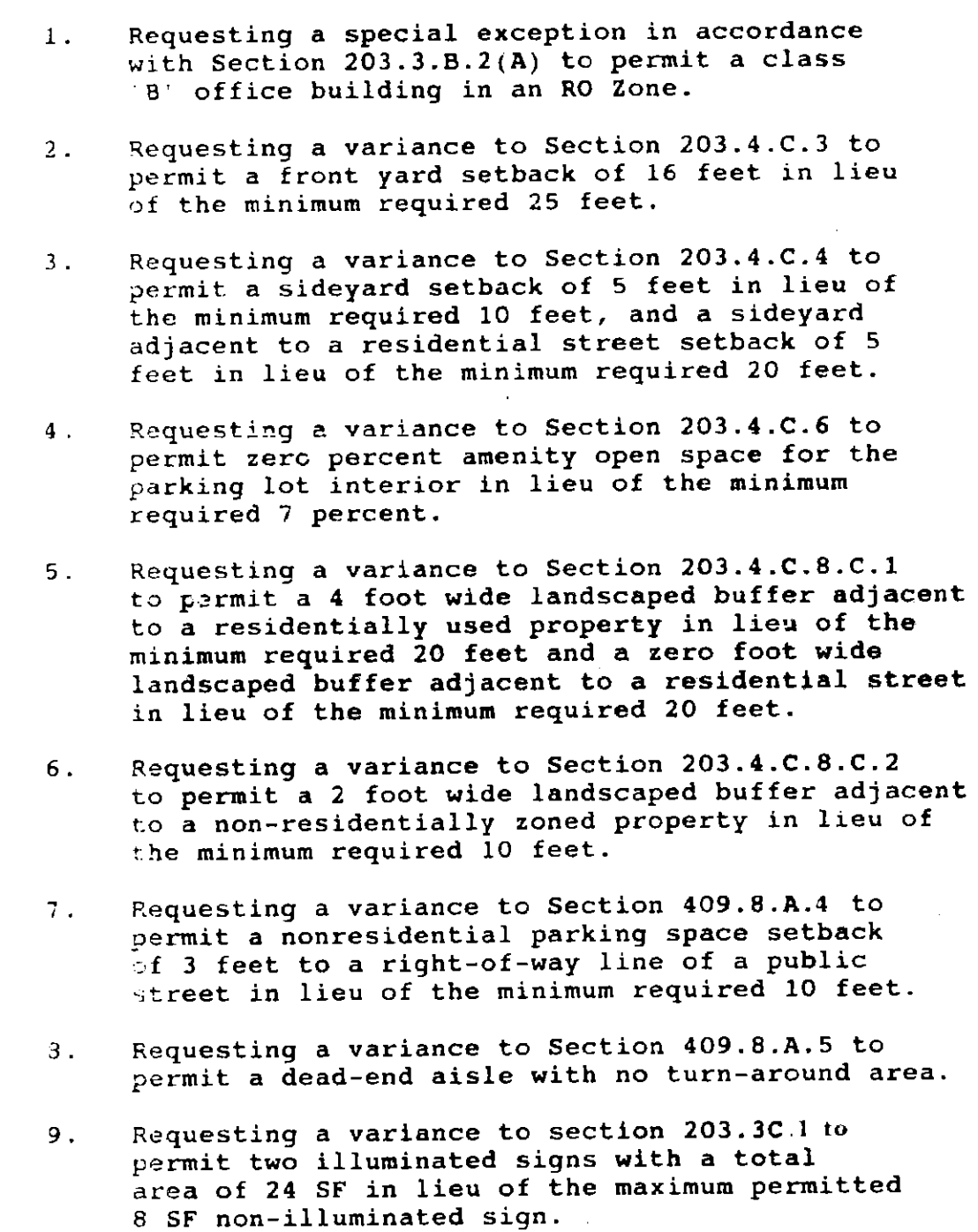
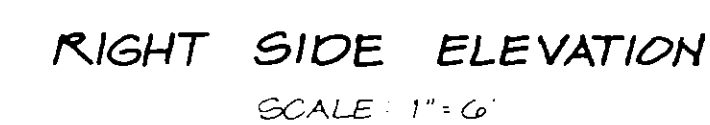
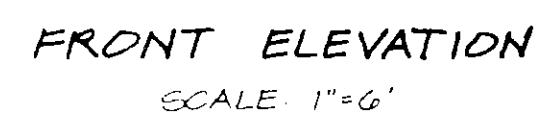
Doris Brayley

These ^{NINE} Requests for variations to the existing
Zoning regulations, if granted, will make a total
mockery of the process & cause additional hardship
& aggravation to the residents of Main Blvd. It
will certainly not help the value of our properties & will
decrease the quality of life another notch.

Thomas Faust
560-1183

1. Existing Zoning: RO
2. Gross Area (by deed): 6,743 SF = 0.155 Ac.±
3. Gross Area (by zoning): 11,408 SF = 0.262 Ac.±
4. Highway Widening Area: 709 SF = 0.016 Ac.±
5. Net Area of Site: 6,034 SF = 0.139 Ac.±
6. Proposed Floor Area: 1,871.5 SF
7. Proposed Use: General Office (Class B)
8. Parking Required:
1,871.5 SF/1,000 SF x 3.3 = 6.18 spaces
less
5% transit adjustment 6.18 x 0.5 = 0.31
TOTAL REQUIRED = 5.87 = 6 spaces
9. Parking Proposed: 6 spaces
10. Maximum Permitted Floor Area Ratio: 0.33
11. Proposed Floor Area Ratio: 1,871.5/11,408 = 0.164
12. Amenity Open Space Required (7% of parking):
0.7 x 2,180 = 152.6 SF
13. Amenity Open Space Provided: 0 SF

1. This site lies within the 4th Councilmanic District.
2. There have been no previous zoning hearings or commercial permits issued for this site.
3. Existing use of site: Residential
4. Proposed use of site: General Office (class B office building)
5. This site has been granted a limited exemption under section 26-677(A) of the Baltimore County Development Regulations (DRC No. 12133K, 8C4, 12-13-93)
6. This site falls on Baltimore County Zoning Map No. N.W.15A.
7. This site is exempt from the Forest Conservation Act.
8. To the best of our knowledge, there are no streams, wetlands, critical areas, 100 year flood plains, archeological sites, endangered species habitats, historical areas, or underground fuel tanks on this site.
9. This site operates on public water and sewer
10. The on-site existing house and garage are to be razed.



AT

2401 YORK ROAD
CASE # 94-272-XA

8TH ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"= 20' JANUARY 3, 1994

OWNER

NENA T. SNYDER
1207 MOLESWORTH ROAD
PARKTON, MD 21120
DEED REF: 1505/532
TAX ACCOUNT No.: 08-19-058100

CONTRACT PURCHASER

CHAPEL HOMES, INC.
c/o THOMAS J. FAUST, PRES.
P.O. BOX 4397
TIMONIUM, MD 21093
PHONE No.: (410) 560-1182

TYPICAL SIGN DETAIL

INDIVIDUAL ILLUMINATED LETTERS
(MAX. DEPTH = 6")
NOT TO SCALE

CHAPEL HOMES

**PROTESTANT'S
EXHIBIT NO. 3**

CASE #
94-436

I have talked with ~~the~~ the residents on Main Blvd & to the owners of existing business who will be affected. The sentiments are unanimous that this proposal is much too large for this size lot & will make an already bad situation worse. ~~TURN PAGE~~

Main Blvd. is a dead end street. It does not even have a turn around circle at the end. The road paving is 28' across. People are already parking on both sides, which only leaves 12' or 14' max for traffic depending how they park. There is no other way in or out. Traffic turning in off York Rd. cannot safely pass another vehicle coming out. Cars are often parked half way up Main Blvd. Someone has to back up. This goes on now all day.

Chapel Homes is only providing a space 40' x 55' with proposed parking for 6 cars. I am told that there will be at least 4 people employed there. Assuming each as a car, that leaves two spaces for the customers, architects subcontractors, salesmen, engineers & whoever else does business with Chapel Homes. There is no way the traffic generated by this business can be contained within the limits of the property.

We are very upset about this proposal & urge you not to throw the established zoning requirements out the window.

Doris Brayley

These ^{NINE} Requests for variations to the existing
Zoning regulations, if granted, will make a total
mockery of the process & cause additional hardship
& aggravation to the residents of Main Blvd. It
will certainly not help the value of our properties & will
decrease the quality of life another notch.

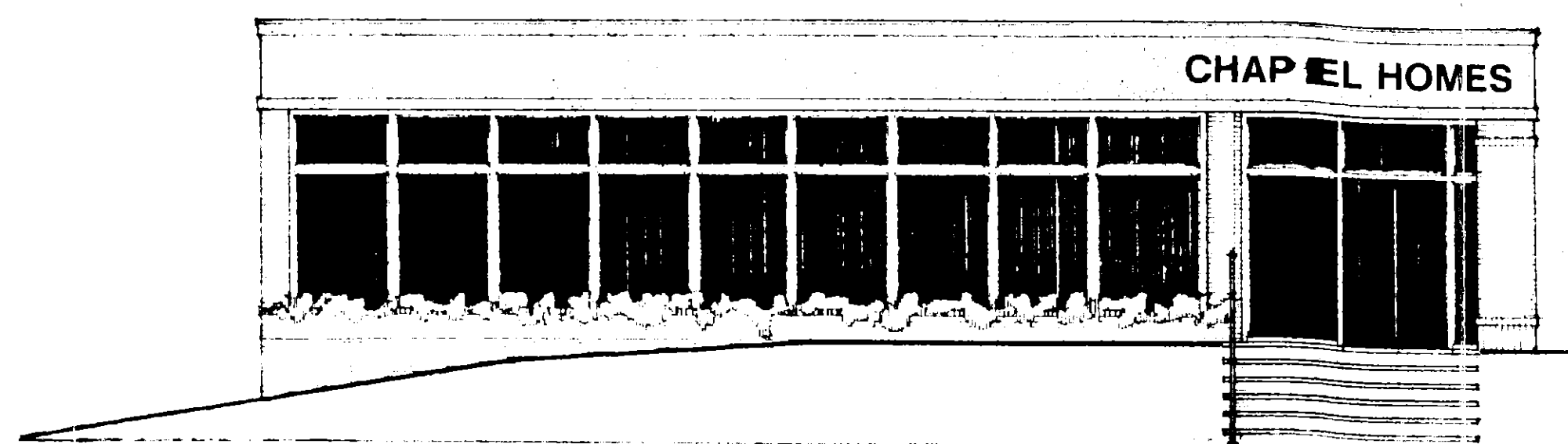
Thomas Faust
560-1183

DENSITY TABULATION

- Existing Zoning: RO
- Gross Area (by deed): 6,743 SF = 0.155 Ac.±
- Gross Area (by zoning): 11,408 SF = 0.262 Ac.±
- Highway Widening Area: 709 SF = 0.016 Ac.±
- Net Area of Site: 6,034 SF = 0.139 Ac.±
- Proposed Floor Area: 1,871.5 SF
- Proposed Use: General Office (Class B)
- Parking Required:
1,871.5 SF/1,000 SF x 3.3 = 6.18 spaces
less
5% transit adjustment 6.18 x 0.5 = 0.31
TOTAL REQUIRED = 5.87 = 6 spaces
- Parking Proposed: 6 spaces
- Maximum Permitted Floor Area Ratio: 0.33
- Proposed Floor Area Ratio: 1,871.5/11,408 = 0.164
- Amenity Open Space Required (7% of parking):
0.7 x 2,180 = 152.6 SF
- Amenity Open Space Provided: 0 SF

GENERAL NOTES

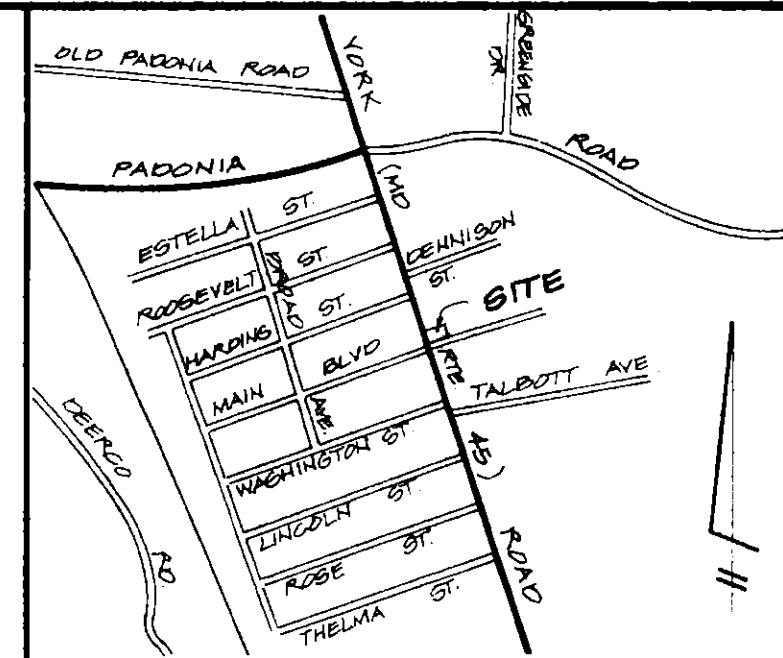
- This site lies within the 4th Councilmanic District.
- There have been no previous zoning hearings or commercial permits issued for this site.
- Existing use of site: Residential
- Proposed use of site: General Office (class B office building)
- This site has been granted a limited exemption under section 26-171(A)(7) of the Baltimore County Development Regulations (DRC No. 12133K, 8C4, 12-13-93).
- This site falls on Baltimore County Zoning Map No. N.W.15A.
- This site is exempt from the Forest Conservation Act.
- To the best of our knowledge, there are no streams, wetlands, critical areas, 100 year flood plains, archeological sites, endangered species habitats, historical areas, or underground fuel tanks on this site.
- This site operates on public water and sewer
- The on-site existing house and garage are to be razed.



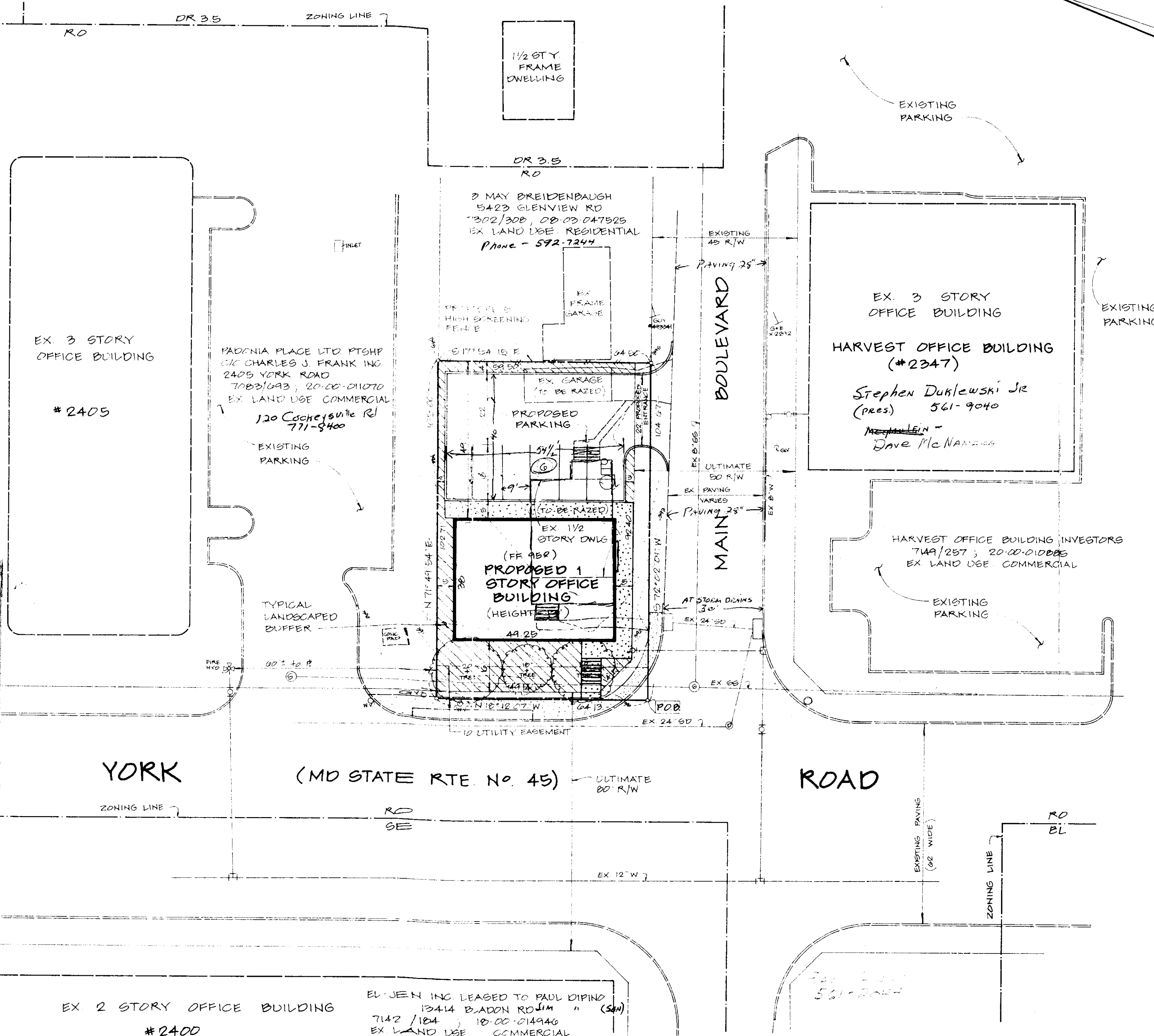
FRONT ELEVATION
SCALE 1"=6'



RIGHT SIDE ELEVATION
SCALE 1"=6'



VICINITY MAP
SCALE 1"=1000'



ZONING REQUESTS:

- Requesting a special exception in accordance with Section 203.3.B.2(A) to permit a class 'B' office building in an RO Zone.
- Requesting a variance to Section 203.4.C.3 to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet.
- Requesting a variance to Section 203.4.C.4 to permit a sideyard setback of 5 feet in lieu of the minimum required 10 feet, and a sideyard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet.
- Requesting a variance to Section 203.4.C.6 to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent.
- Requesting a variance to Section 203.4.C.8.C.1 to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet.
- Requesting a variance to Section 203.4.C.8.C.2 to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet.
- Requesting a variance to Section 409.8.A.4 to permit a nonresidential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet.
- Requesting a variance to Section 409.8.A.5 to permit a dead-end aisle with no turn-around area.
- Requesting a variance to section 203.3C.1 to permit two illuminated signs with a total area of 24 SF in lieu of the maximum permitted 8 SF non-illuminated sign.

PLAT TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCES

AT

2401 YORK ROAD
CASE # 94-272-XA

8TH ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"= 20' JANUARY 3, 1994

OWNER

NENA T. SNYDER
1207 MOLESWORTH ROAD
PARKTON, MD 21120
DEED REF: 1505/532
TAX ACCOUNT No.: 08-19-058100

CONTRACT PURCHASER

CHAPEL HOMES, INC.
c/o THOMAS J. FAUST, PRES.
P.O. BOX 4397
TIMONIUM, MD 21093
PHONE No.: (410) 560-1182

TYPICAL SIGN DETAIL

INDIVIDUAL ILLUMINATED LETTERS
(MAX DEPTH = 6")
NOT TO SCALE

CHAPEL HOMES

PROTESTANT'S
EXHIBIT NO. 3

CASE #
94-436





Baltimore County
Department of Permits and
Development Management

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

June 13, 1996

Mr. Thomas Faust
Chapel Homes, Inc.
2401 York Road
Timonium, MD 21093

RE: Zoning Verification
2401 York Road
Zoning Case #94-272-XA
8th Election District

Dear Mr. Faust:

Your letter dated May 30, 1996 has been referred to me for reply. Please be advised that the special exception boundary did not include the new land area for the additional parking; therefore, the proposal cannot be approved as within the spirit and intent of the special exception.

The Zoning Commissioner's Policy Manual (ZCPM) considers the R.O. zone as residential when business or office parking is proposed. The additional parking may be approved via a use permit for parking in a residential zone per Section 409.8.B of the Baltimore County Zoning Regulations (BCZR). The other option would be to file for a second special exception to include the new land area.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. J. Kellman".

Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case #94-272-XA



Printed with Soybean Ink
on Recycled Paper

IN THE MATTER OF THE
PETITION OF
JOHN H. SNYDER, NENA T. SNYDER, AND
CHAPEL HOMES, INC.
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE EAST SIDE OF YORK ROAD
NORTH SIDE MAIN BOULEVARD
2401 YORK ROAD
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
* * * * *

* BEFORE THE
* COUNTY BOARD
* OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 94-272-XA
* * * * *

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner, dated March 4, 1994, granting, with restrictions, a Special Exception for a Class B office building in a R.O. zone and variances permitting the following:

1. A front yard setback of 16 feet in lieu of the minimum required 20 feet;
2. A side yard setback of 5 feet in lieu of the minimum required 10 feet;
3. A side yard setback adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet;
4. A 4% amenity open space for the parking lot interior in lieu of the minimum required 7%;
5. A 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet;
6. A 2 foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet;
7. A 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

- feet;
8. A non-residential parking space setback of 3 feet to a right of way line of a public street in lieu of the minimum required 10 feet;
 9. A dead end aisle with no turn-around area; and
 10. Two illuminated signs with a total area of 24 square feet in lieu of the maximum permitted 8 square feet non-illuminated sign.

At the de novo hearing before the Board, the Petitioners presented testimony from James W. McKee, a Registered Surveyor with McKee & Associates, Inc., and Thomas J. Faust, a principal of Chapel Homes, Inc., Petitioner and contract purchaser. Five exhibits were offered into evidence by the Petitioners.

The Appellant, Mr. Bruce P. Murdock, and his wife, Beth Murdock, testified. Additional testimony was heard from Steven Weber, Chief of Baltimore County's Division of Traffic Engineering, Eric Rothell, President of the Greater Timonium Community Council, and David Booth a resident of 5 E. Main Boulevard. Four exhibits were offered into evidence by the Appellant.

From the testimony, evidence and exhibits, the Board finds the following facts:

The contract purchaser, Chapel Homes, Inc., plans to raze the existing 1 1/2 story dwelling and garage located at 2401 York Road in order to construct a one story office building. The Petitioner

2

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

plans to use the one story office building as its administrative headquarters. The office building will be approximately 1800 square feet. The subject property is located at the corner of York Road and Main Boulevard in Timonium. The site measures approximately 6743 square feet and is zoned R.O.

The properties in the area of the site along York Road are primarily used for commercial purposes. There are, however, residential communities along the side streets off of York Road. Main Boulevard is immediately adjacent to the site. Main Boulevard contains mostly residential houses. A three story office building known as the Harvest building is located directly to the North of the subject property. The Padonia Place Building is located directly to the South of the subject property.

The Special Exception is requested pursuant to Sections 203.3.B.2.A and 502.1 of the BCZR. The variances are requested pursuant to Section 307.1 and the respective Sections of the BCZR addressed below. The Board reviewed the criteria set forth in the relevant sections of the BCZR and applied the facts of this case.

From the evidence presented, the Board concludes that a Class B office use on this site is warranted and appropriate. The Board bases its conclusion on the testimony of James W. McKee and Thomas Faust and the facts which are summarized below.

The property is located on York Road between two existing office buildings, namely the Padonia Place Building and the Harvest

3

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

Building. Use of the property as a single family dwelling is unrealistic. In fact, the existing improvements have become functionally obsolescent. Commercial use of this site is appropriate within reason. The R.O. zone anticipates and promotes uses such as the one proposed here. The site area is relatively small and significantly limits any practical commercial development on it.

Relying on the testimony of Mr. McKee, the existing building cannot easily be renovated to comply with the American Disabilities Act ("ADA") and current day building codes. Razing the existing dwelling and garage will allow the Petitioner to construct an office building on the site which will comply with the ADA and applicable building codes. Such compliance is essential.

The Board finds, as a fact, that the one story height of the building as proposed is compatible with the surrounding area. The Board also finds, as a fact, that the proposed office building use is compatible with the existing uses of the properties immediately adjacent to the North and South of the property. Therefore, the Board concludes and finds as a fact that the proposed office building use on this R.O. zoned property will not be detrimental to the health, safety or general welfare of the locality involved, and meets the requirements of §502.1 of the BCZR. Moreover, the Board concludes that the proposed use and improvements will not be inconsistent with the spirit and intent of the BCZR.

In regard to the variances, the Board reviewed the criteria

4

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

set forth in Section 307.1 and the test for practical difficulty set forth in the case of McLean v. Soley, 270 Md. 208 (1973). From the evidence presented the Board concludes that strict compliance with the BCZR will result in practical difficulty. Specifically, the Board finds, as a fact, that the small size of the property coupled with the setback requirements will prevent construction of an economically and functionally feasible office building on the site. The Board further finds, as a fact, that granting the variances as requested will give the petitioner the ability to overcome the restraints peculiar to this small site and allow reasonable and appropriate use of the subject property. At this time, the size of the lot coupled with the existing setback requirements render conformance with the BCZR unnecessarily burdensome. Furthermore, relief can be granted in strict harmony with the spirit and intent of the BCZR without causing injury to the health, safety or general welfare of the locality involved.

For the same reasons as stated above, the Board concludes that the ancillary variance requests regarding parking, amenity open space and signage should be granted, subject to the restrictions stated in the Board's Order below.

For these reasons, the Board will grant, with restrictions, the petitions for Special Exception and variances as requested.

ORDER

IT IS THEREFORE this 28th day of October, 1994 by the County

5

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception requesting approval for use of the property as a Class B office building in an R.O. zone, pursuant to Section 203.3.B.2(A) of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.3 of the BCZR to permit a front yard setback of 16 ft. in lieu of the minimum required 25 ft., and be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.4 of the BCZR to permit a side yard setback of 5 ft. in lieu of the minimum required 10 ft., and a side yard setback adjacent to a residential street setback of 5 ft. in lieu of the minimum required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.6 of the BCZR to permit 0% amenity open space for the parking lot interior in lieu of the minimum required 7%, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.8.C.1 to permit a 4 ft. wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 ft., and a 0 ft. wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.8.C.2 to permit a 2 ft. wide landscaped buffer adjacent to

6

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

a non-residentially zoned property in lieu of the minimum required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit a non-residential parking space setback of 3 ft. to a right of way line of a public street in lieu of the minimum required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.5 to permit a dead end aisle with no turn-around area, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.3.C.1 to permit two illuminated signs with a total area of 24 sq. ft. in lieu of the maximum permitted 8 sq. ft. non-illuminated sign, 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 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 not allow the illumination of the signage to reflect into the residential community and the signs cannot be illuminated between the hours of 10:00 P.M. and 7:00 A.M.
3. The Petitioner shall increase the height of the fence on the rear of the property from 5 ft. to 6 ft. The fence line should further be buffered with a row of evergreen trees such as Leland Cypress.

7

Case No. 94-272-XA
John H. Snyder, Nena T. Snyder, and Chapel Homes, Inc.

4. Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for approval by Baltimore County's Landscape Architect, consistent with the comments and restrictions herein.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

William T. Hackett
William T. Hackett, Chairman
William Clark
C. William Clark

Judson H. Lefkowitz
Judson H. Lefkowitz

JHL:DOC/SWYDOR.07W

8

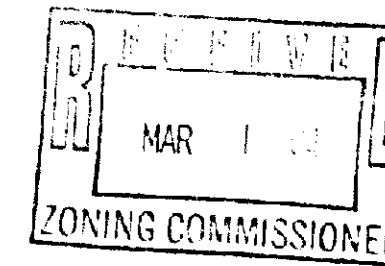
RECEIVED
COUNTY BOARD OF APPEALS
94 APR 13 PM 2:19

BRUCE MURDOCK
6 E MAIN BLVD
TIMONIUM, MD 21093

Phone 252-0051

Feb 23, 1994
Ref. Case # 94-272-XA
2401 York Rd - Timonium

Mr Lawrence Schmidt
Zoning Commission Office
400 Washington Ave
Towson MD 21204



Dear Mr. Schmidt:

After we left the hearing on Tues. 2/22, we realized that a very important aspect of the proposed exception & variances on this property had not been touched.

If these proposals are approved & the property developed, what is to prevent the new owner, Chapel Homes, from selling it to another party, such as doctors who do generate a high volume of traffic.

Chapel Homes Inc. are builders & speculators & this is a very real possibility. I regret that I did not have presence of mind to bring this point up at the hearing.

I hope this letter will not arrive too late for your office to consider this as a very real objection to the proposal as submitted

Yours truly
Bruce Murdock

BRUCE MURDOCK
6 E MAIN BLVD
TIMONIUM, MD 21093

Phone (410) 252-0051

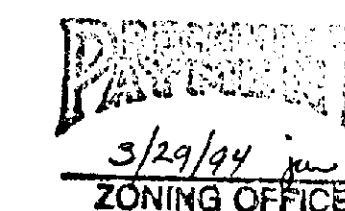
March 29, 1994

Baltimore County
Office of Zoning Adm. & Development Mgt.
County Office Building
111 West Chesapeake Ave.
Towson MD 21204

ATTN: Mr. Arnold Jablon - Director
Ref: Petition for Special Exception & Zoning Variance
- Case # 94-272-XA
- Property - 2401 York Rd. - Timonium
- Legal owner - NENA Snyder
- Contract Purchaser - Chapel Homes Inc
Petitioner

Dear Sir:
I wish to appeal the decisions on special exception & zoning variances dated March 4, 1994 resulting from the zoning hearing held on Feb 22, 1994 on the above mentioned property, on behalf Bruce Murdock & Wauside Community.

Yours truly
Bruce P. Murdock



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Jim McKelvey, Jr. & Assoc.	5 JEFFERSON RD. JEFFERSON
Gregory C. Schwartz MAJ	" " " "
Thomas Faust	108 W. Timonium Rd.
Remond Agnara	" " " "
Larry Snyder	1402 WESTVIEW CT 21093

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Nicholas Gl. Anthony Jr	2401 York Rd. Suite 100
Bruce Murdock	6 E Main Blvd Tim. 21093
C.L. Talbott	11 E Main Blvd Tim. 21093
Melvin Chilcoat	9 E Main Blvd " "
Frank Murdock	6 E Main Blvd " "
Maria Williams Jr	16 E Main Blvd " "
Edward McDermott Jr	2345 York Rd Timonium 21093

Sir
Case #2
94-272-XA
Do may whom is concerned.

I am writing this letter to protest the property at the Snyder Chapel Home.

I am the owner of 4 E Main Blvd. I have no drive way and even now I am having trouble parking in front of the house.

It is certainly going to be a problem with more parking. I feel it is wrong to be hindered from the get out for York Rd.

With parking on both sides of E Main Blvd you wouldn't even be able to get a large emergency vehicle through.

Don J. Bronger
4 E Main Blvd
Timonium Md
21093

July 8, 1994

Peoples Council for Baltimore County
Old Court House Building- Room 47
400 Washington Avenue
Towson, Maryland 21204

Re: Snyder's Residence
York Rd. & Main Blvd.

Attention: Mr. Peter Zimmerman
Dear Mr. Zimmerman,

This is to lodge my personal objection to the ruling on the above referenced project which would permit the erection of a commercial building at that address.

The residents' objections to the excessive variances to be issued were discussed at length at the hearing on the same. Namely, excessive traffic problems; inadequate parking facilities; and the attempt to erect a building, which needs could not be met even with those variances.

There are several items that were not discussed and which I feel are relevant. The first is the safety of children who must travel our street and would be even more endangered with the increased traffic. The enlargement of the Harvest Building's parking lot and the sale of the building to a doctors' group will only add to the strain of excess traffic.

The other items has to do with citizens' rights of who live here. When I came here over twenty years ago, we sought out a quiet neighborhood to have a permanent home. We have gradually seen a steady encroachment on that dream. The industrial center at Padonia & York has been successful in driving the residents on the street adjacent to that area to seek rezoning in order to sell their homes and leaving this area. The entire immediate area is now composed of commercial areas on both sides of York Road. Yet take a look at the many For Sale and Offices for Lease signs also present.

While we are aware of the need for changes in a growing neighborhood, enough is enough. It seems that the individual citizen has lost all rights to consideration for what they consider a decent neighborhood and, frankly, we are disappointed and resentful at our inability to receive any redress.

Sincerely,
C.L. Talbott
11 E. Main Blvd.
410-252-6926

Mr. Lawrence E. Schmidt
Zoning Commissioner
400 Washington Ave
Towson MD 21204

Re: Case # 94-436-SPHXA for VARIANCE
Case # 86-416-XA for Special Exception

As A Resident AND property owner on Main Blvd,
I Am opposed to the Referenced Case.

I Am Concerned About the increased traffic AND what impact it would have. Our dead end street has no turnaround facility therefore all traffic uses my driveway to turn around. My driveway wasn't designed to carry all that traffic.

A hazardous situation has been developing at the intersection already. With cars parked on both sides of a 28' wide street. Getting in or out is a real problem. The addition of more parking with no entrance on the adjoining street would compound our problems.

Please Consider us, Residents AND deny the Zoning

William Quinn
13 E Main Blvd

Timonium, July 7, 1994

Att. Mr. Peter Zimmerman
Peoples Council for Baltimore County
Old Court House Building, Room 47
400 Washington Avenue
Towson, MD 21204

Reference: Snyder's Chapel Homes petition
Corner York Road/E. Main Boulevard

Dear Mr. Zimmerman,

We would like to express our concern about the proposed zoning changes regarding the above case.

We are convinced that any changes in the current situation will be a negative factor for the livability of our street. In our opinion the above mentioned property is not suitable for the plans Chapel Homes has with it.

One of the most important concerns we have is an increase in the parking problems in our street. Having seen the drawings we can only conclude that there will be not enough parking places available for the persons who work there. We anticipate that numerous visitor (this is a project developer) will have to park further down on Main Boulevard. Even now, this is common practice for the visitors of The Harvest Building. For instance passing a car often results in one car having to back up because of all the street parked cars.

The other concern is that 1800 sq ft. for 4 people seems very large to us. This just makes us believe that either there will be a swift increase in the number of people who will work there or the building will be sold in the near future. To us it seems that the building is very large for only four people. We have our serious doubts about the intentions regarding the final use of this building. spending at least \$300,000 for a new office building while there are so many offices for sale on York Rd.

We would highly appreciate it when our above mentioned concerns would be forwarded to the people involved in the decision making regarding this case.

Sincerely,

Robert van Dam
Sandra van Sijck
10 East Main Boulevard
Timonium, MD 21093

Mr. Zimmerman
Peoples Council for Baltimore County
Old Court House Building, Room 47
400 Washington Avenue
Towson, MD 21204

July 7, 1994

RE: Appeals Hearing for Snyder/Chapel Homes

Dear Mr. Zimmerman:

I wish to express my deep concern regarding the pending zoning appeal for the Snyder Property at Main Boulevard and York Road.

Several facts should be considered above the financial gain of those selling the Snyder Property. This zoning change, if granted, will contribute further hardship on the other residents of Main Boulevard by greatly increasing the difficulty in entering and exiting Main Boulevard, due to the existing parking problems caused by the Harvest Building.

Next, the limited amount of parking spaces now available causes patrons of the Harvest Building to park in front of other residences on Main Boulevard. They use our driveways as turn around spots which has nearly caused my wife to back into someone while leaving our drive.

The Postal Service also has to deliver mail to the mailboxes on this street which are blocked a lot of times by these same patrons.

Also, the quiet and tranquility of this dead-end street would be sacrificed just for the financial gain of one family. That leaves approximately twelve other families to deal with the problems caused by this re-zoning. Some of the remaining families are retired couples who cannot afford to escape this problem.

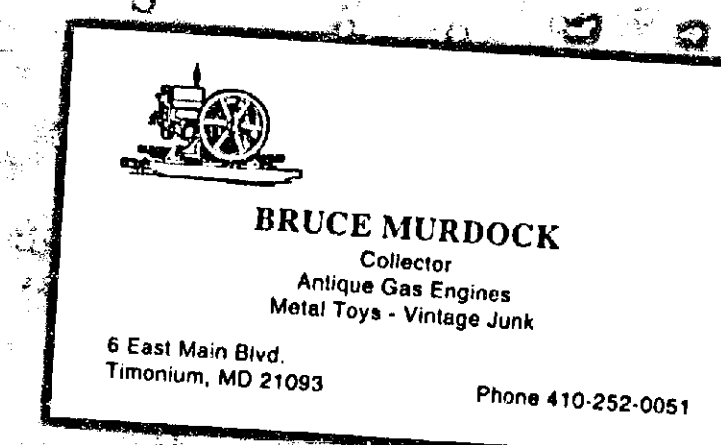
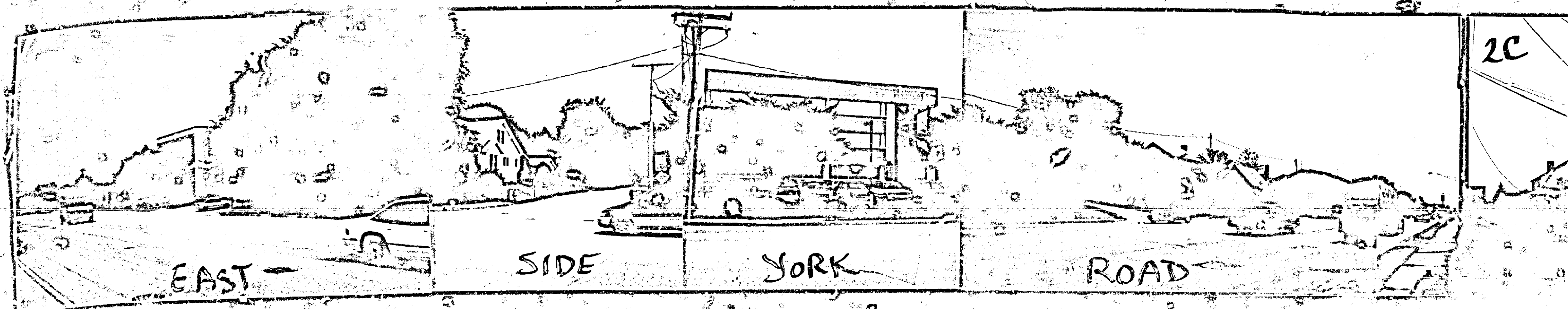
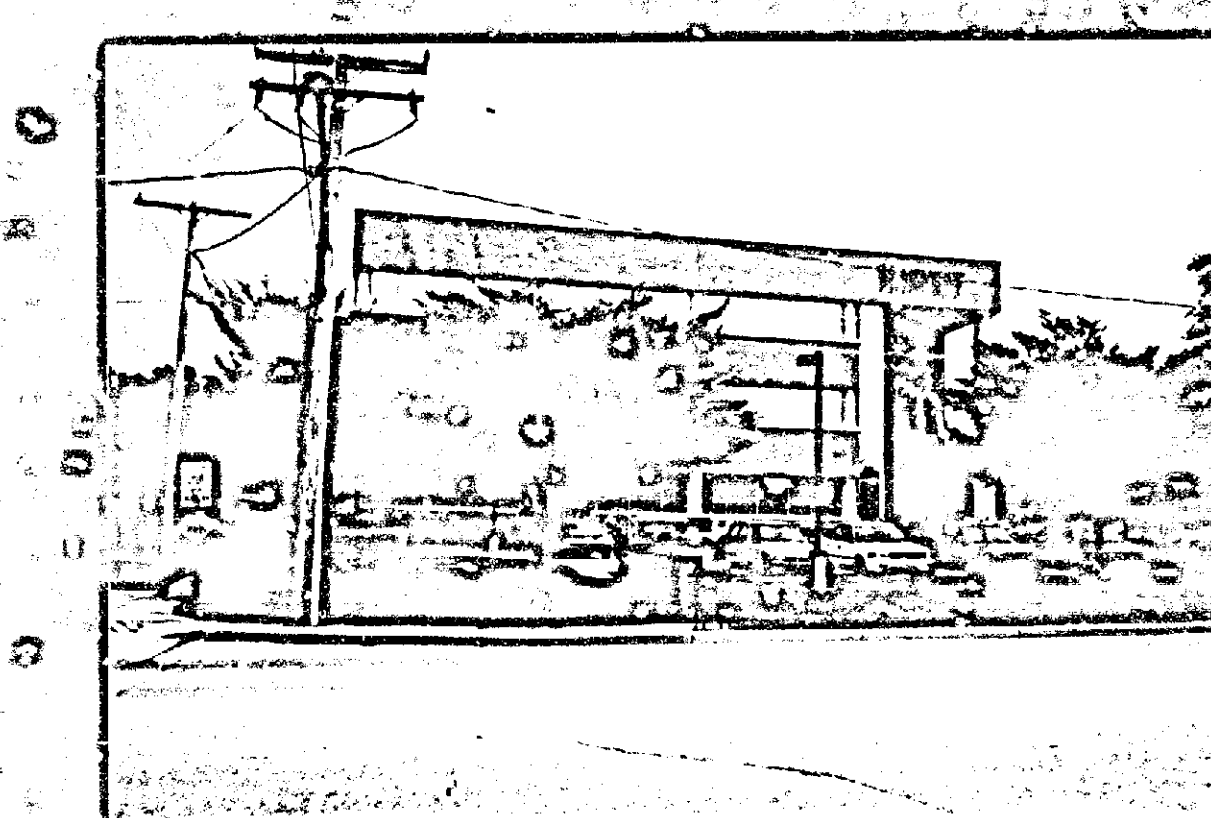
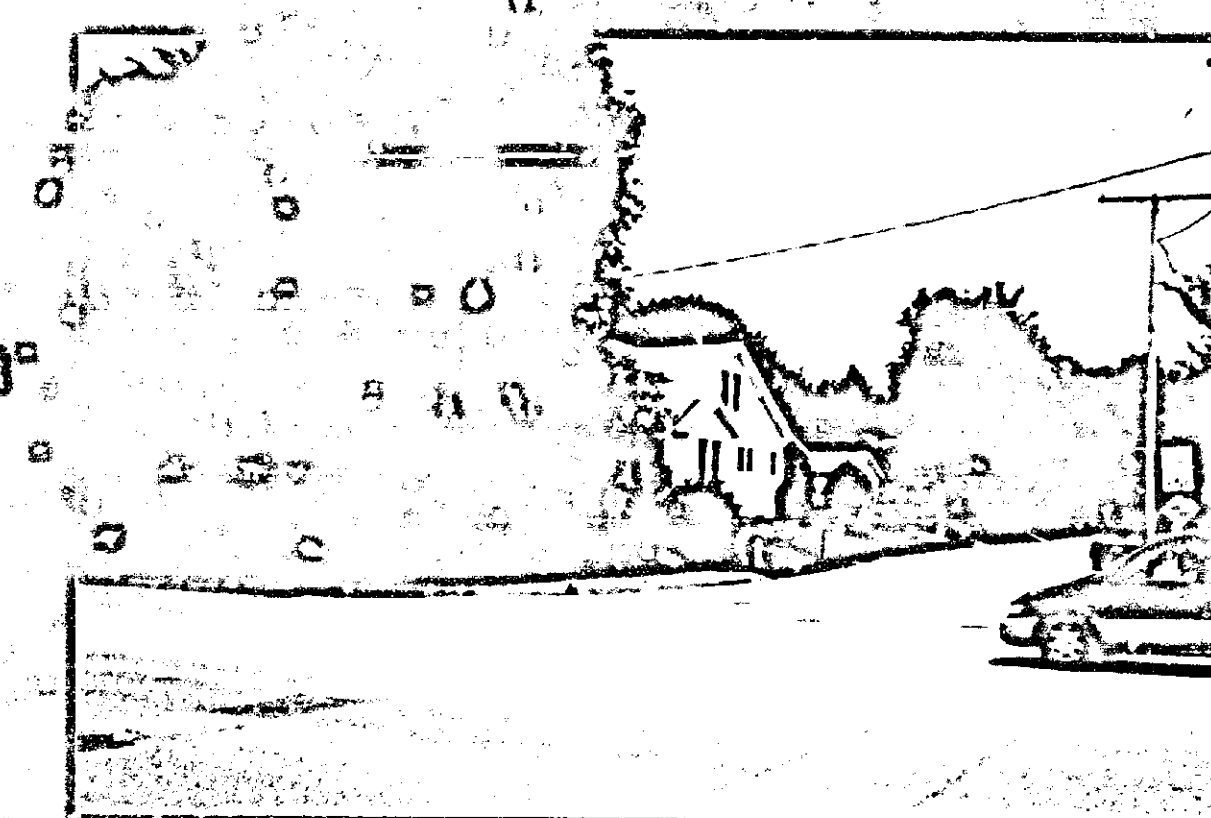
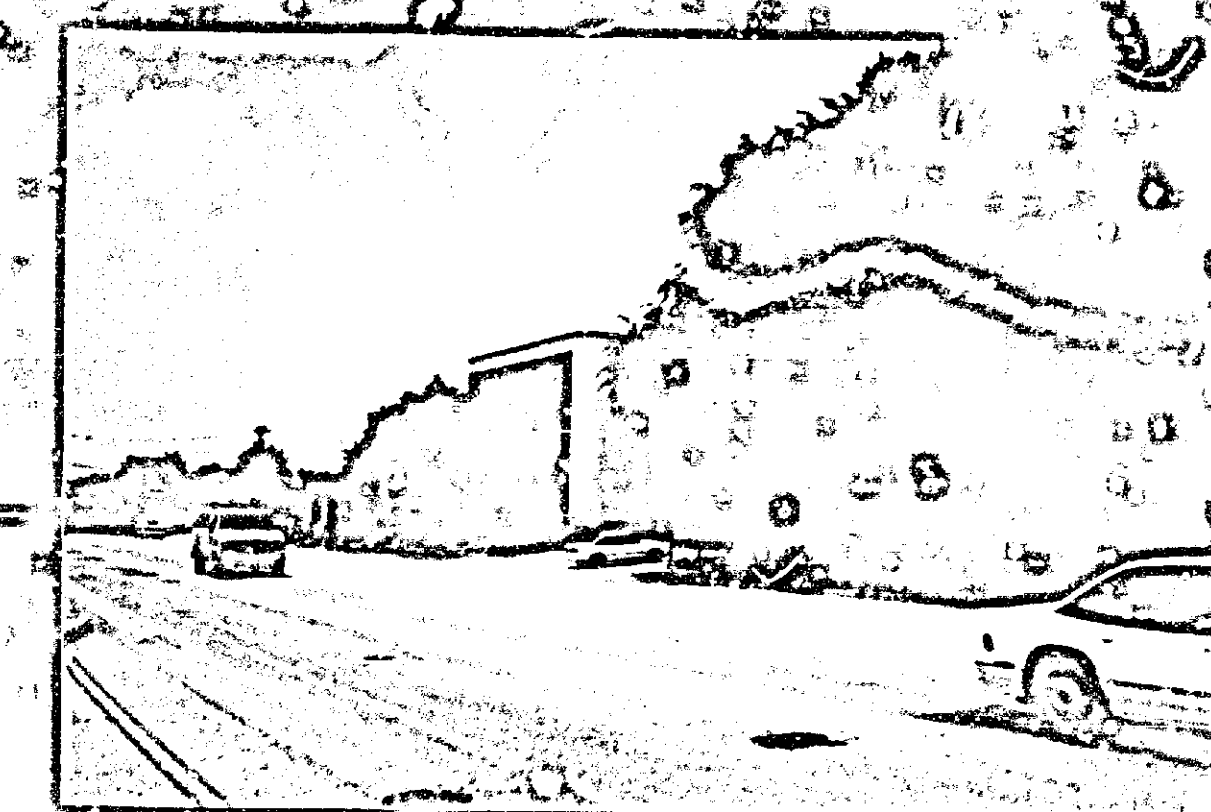
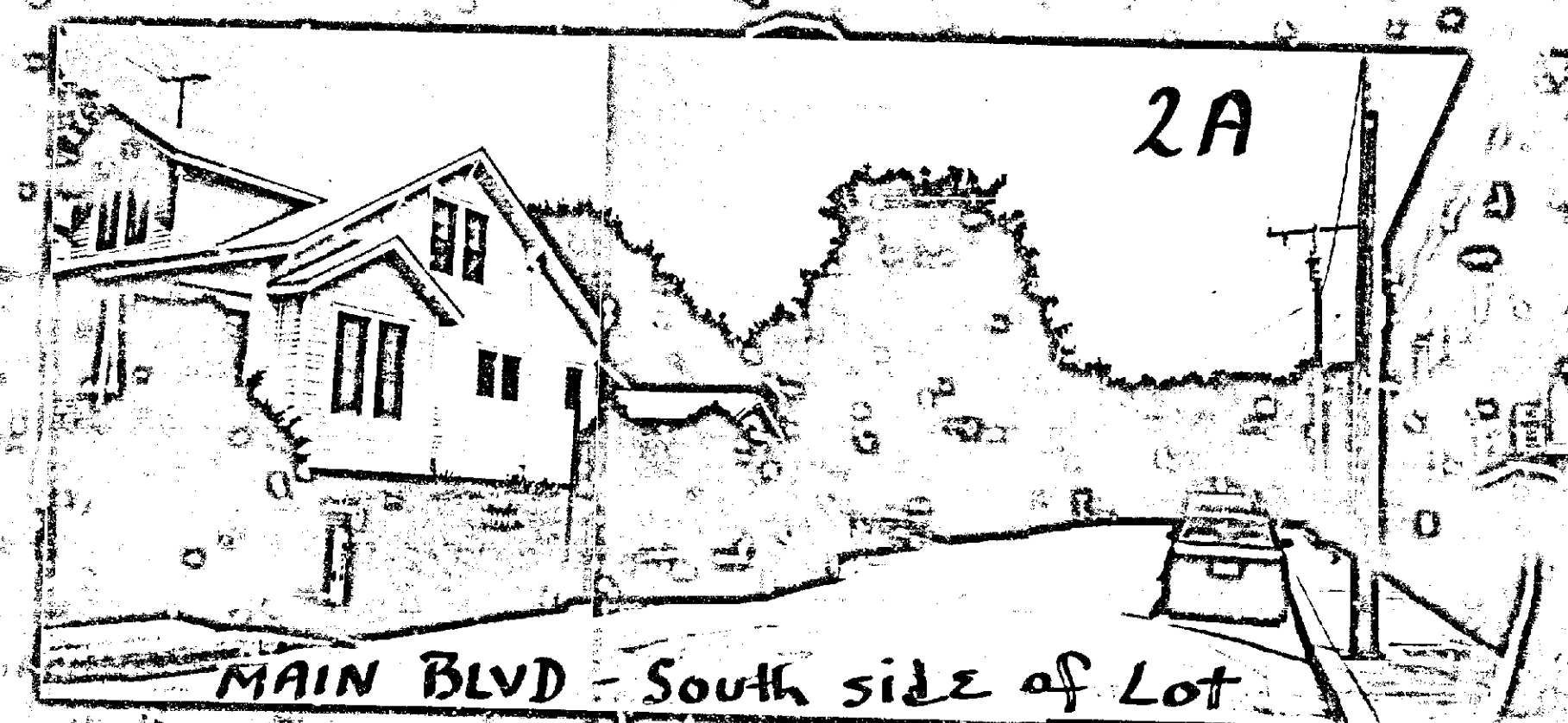
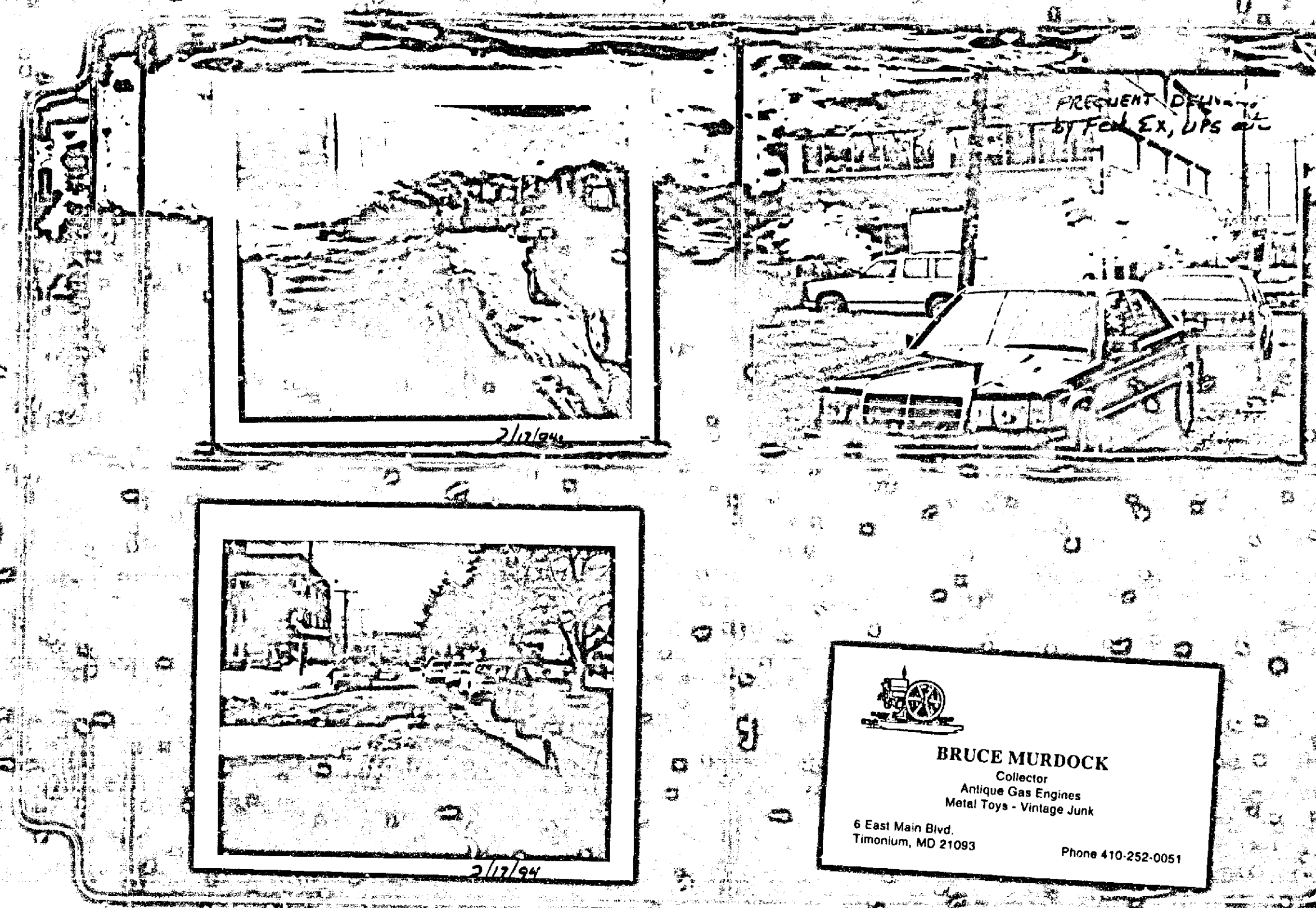
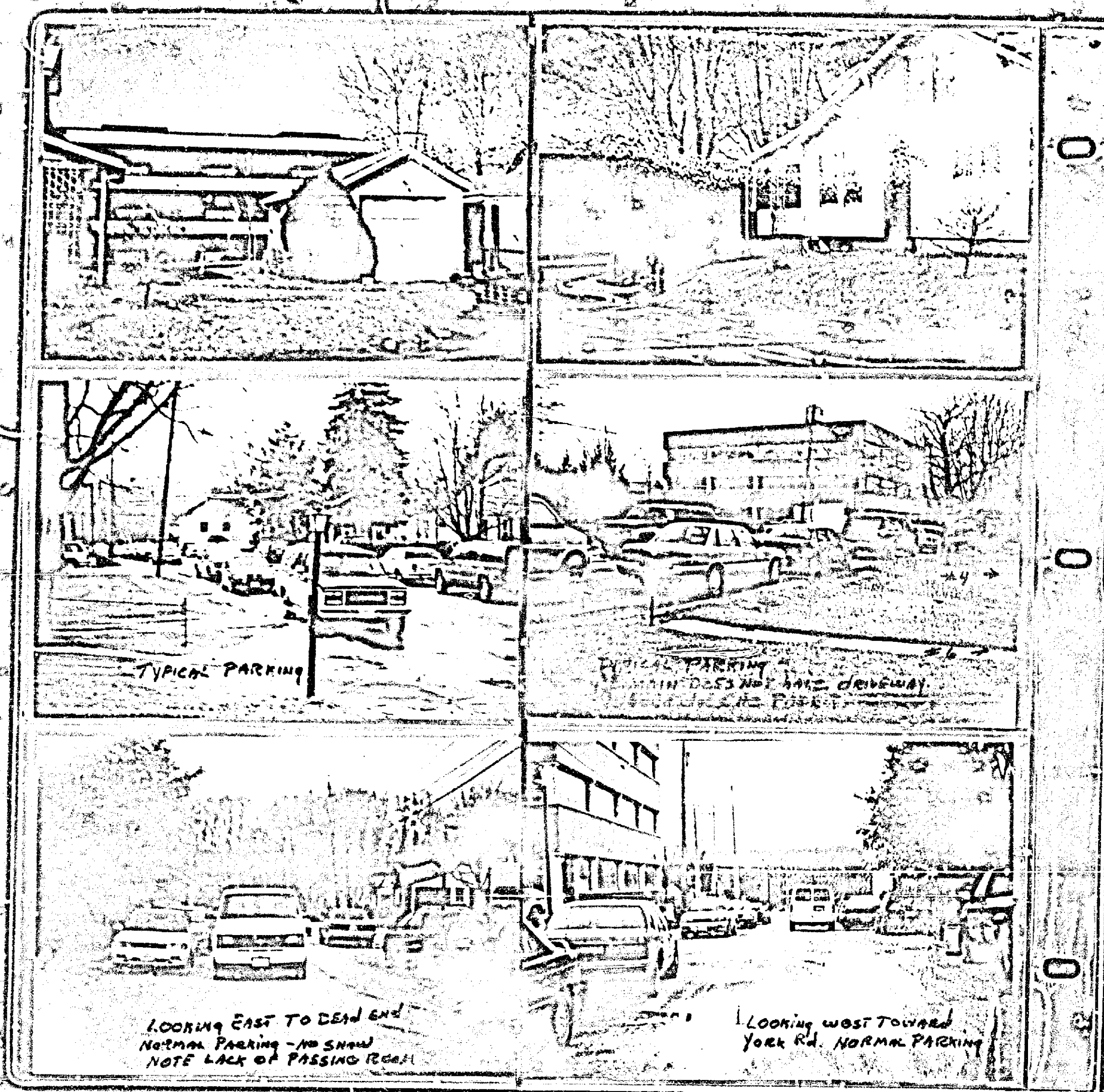
The safety of the small children of this neighborhood is also of concern. They have to walk to York Road to meet the school bus - without the aid of sidewalks. Approving this zoning change will certainly increase the amount of traffic on the street and create more dangerous situations for the children.

One last item is the pending zoning appeal now in progress at the Harvest Building. I feel both of these appeals will have a dramatic, negative affect on the lives of all the residents on Main Boulevard, so I ask for your help in having these appeals denied.

Thank you.

David L. Booth

Sandra Booth



4/2/94
94-272-XA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: January 28, 1994

SUBJECT: 2401 York Road

INFORMATION:

Item Number: 272

Petitioner: Nena T. Snyder

Property Size: _____

Zoning: R.O.

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments:

The existing site is located between two Class B office buildings and the proposed use is appropriate.

The site is very small however. Reductions in building and parking setbacks should be compensated for by an increase in landscape buffering. The screen fence along the rear should be increased in height to 6' and planted with a row of evergreen trees such as Leland Cypress. The three existing 18-20" caliper trees at the front should be preserved by recessing the proposed building entrance and relocating access to the side.

The sign variance requested would be acceptable if no additional signs are permitted, and if the proposed signs are not internally illuminated. Exterior illumination would be more appropriate.

Prepared by: J. Long W. Long

Division Chief: [Signature]

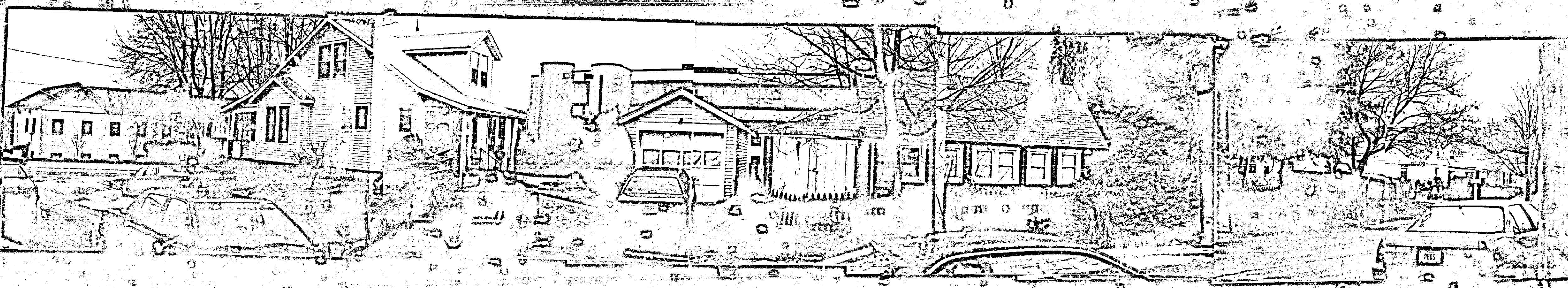
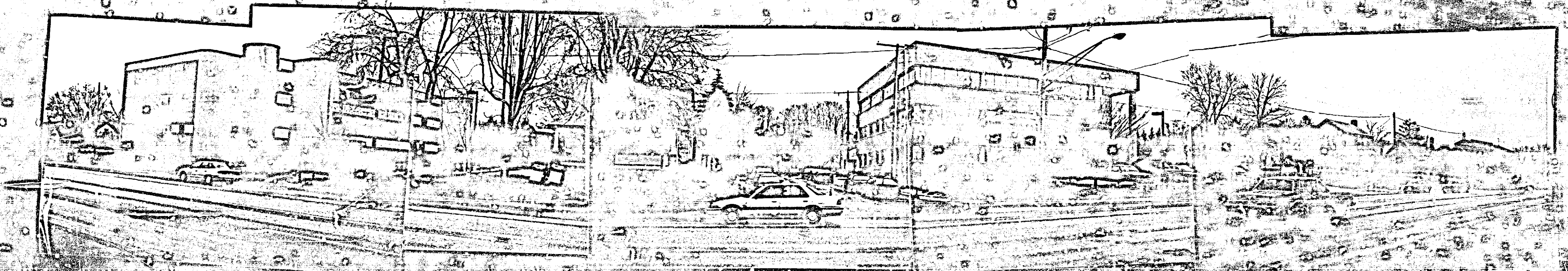
PK/2L:lw

RECEIVED
JAN 31 1994
ZONING COMMISSIONER

94-272-XA
4/2/94

ZAC.272/PZONE/ZAC1

Pg. 1

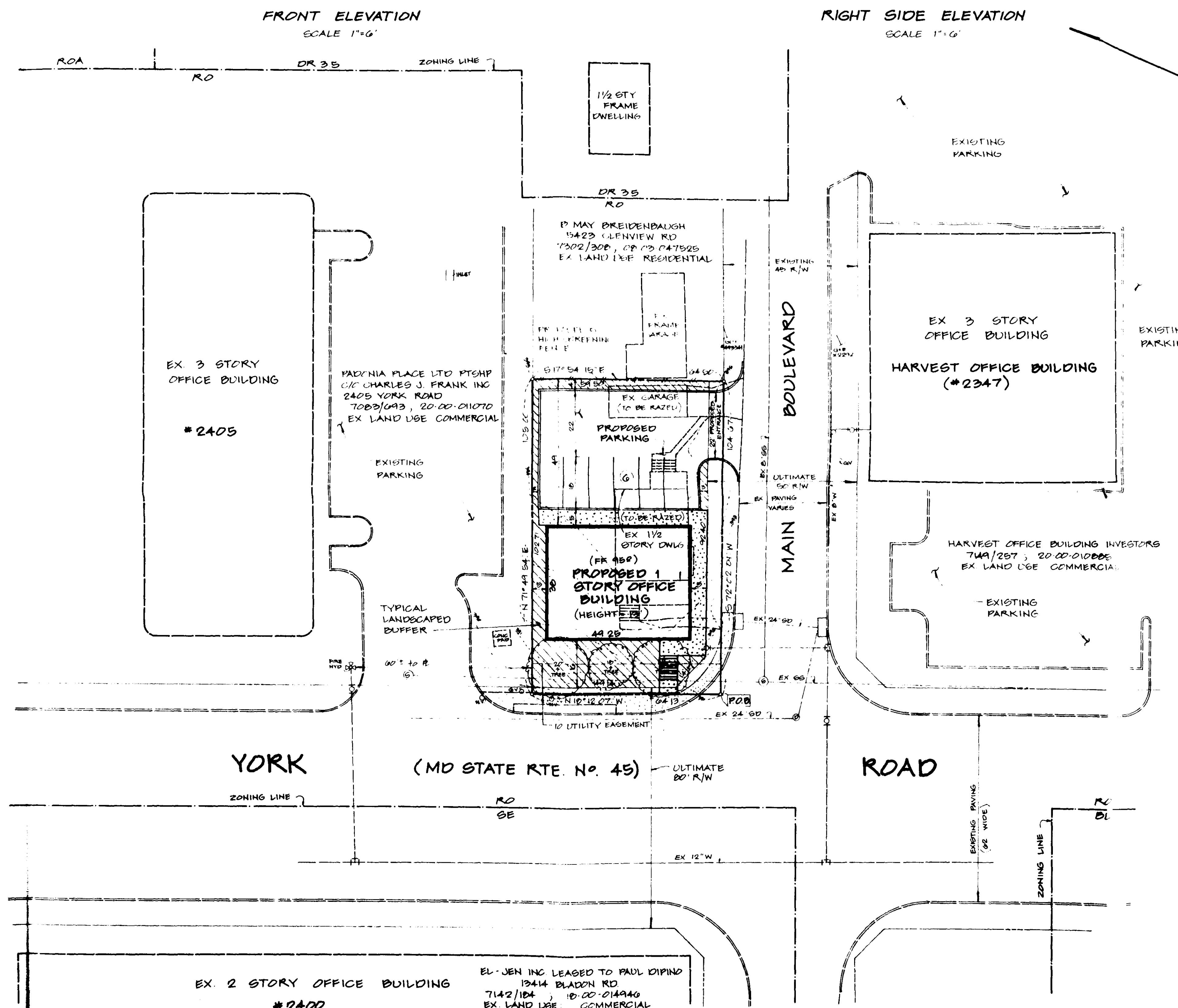
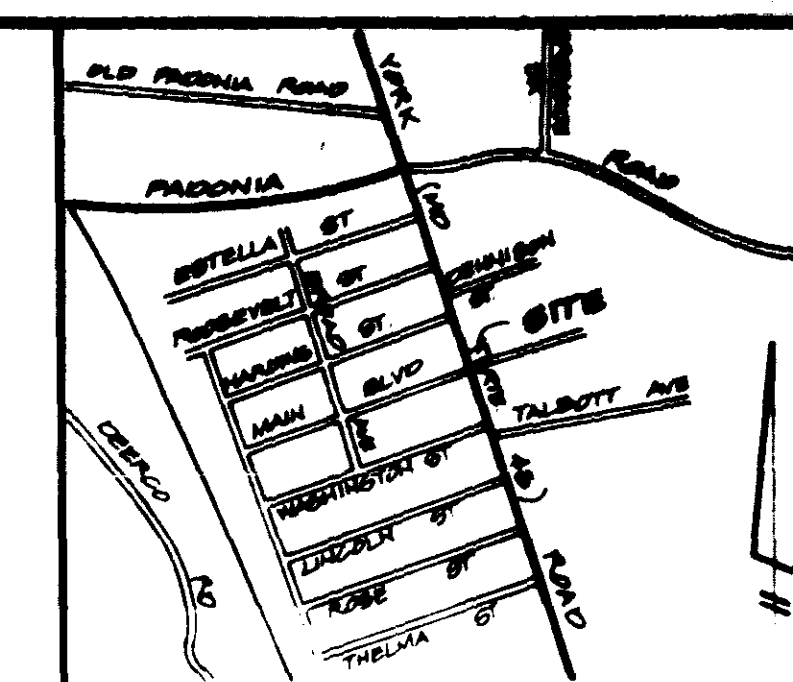
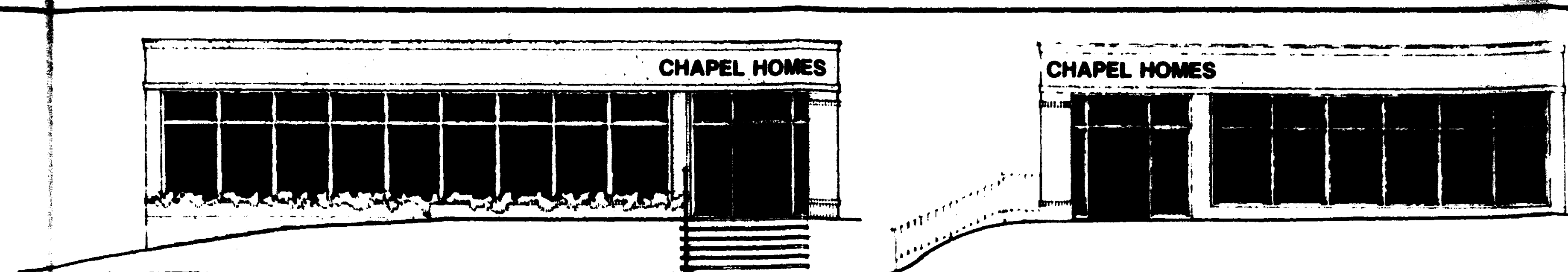


DENSITY TABULATION

- Existing Zoning: RO
- Gross Area (by deed): 6,743 SF = 0.155 Ac.±
- Gross Area (by zoning): 11,408 SF = 0.262 Ac.±
- Highway Widening Area: 709 SF = 0.016 Ac.±
- Net Area of Site: 6,034 SF = 0.139 Ac.±
- Proposed Floor Area: 1,871.5 SF
- Proposed Use: General Office (Class B)
- Parking Required:
1,871.5 SF / 1,000 SF x 3.3 = 6.18 spaces
less
5% transit adjustment 6.18 x 0.5 = 0.31
TOTAL REQUIRED = 5.87 = 6 spaces
- Parking Proposed: 6 spaces
- Maximum Permitted Floor Area Ratio: 0.33
- Proposed Floor Area Ratio: 1,871.5 / 11,408 = 0.164
- Amenity Open Space Required (7% of parking):
0.7 x 2,180 = 152.6 SF
- Amenity Open Space Provided: 0 SF

GENERAL NOTES

- This site lies within the 4th Councilmanic District.
- There have been no previous zoning hearings or commercial permits issued for this site.
- Existing use of site: Residential
- Proposed use of site: General Office (class B office building)
- This site has been granted a limited exemption under section 26-171(A)(7) of the Baltimore County Development Regulations (DRC No. 12133K, BC4, 12-13-93)
- This site falls on Baltimore County Zoning Map No. N.W.15A.
- This site is exempt from the Forest Conservation Act.
- To the best of our knowledge, there are no streams, wetlands, critical areas, 100 year flood plains, archeological sites, endangered species habitats, historical areas, or underground fuel tanks on this site.
- This site operates on public water and sewer
- The on-site existing house and garage are to be razed.



ZONING REQUESTS:

- Requesting a special exception in accordance with Section 203.3.B.2(A) to permit a class B office building in an RO zone.
- Requesting a variance to Section 203.4.C.3 to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet.
- Requesting a variance to Section 203.4.C.4 to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet, and a side yard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet.
- Requesting a variance to Section 203.4.C.6 to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent.
- Requesting a variance to Section 203.4.C.8.C.1 to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet.
- Requesting a variance to Section 203.4.C.8.C.2 to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet.
- Requesting a variance to Section 409.8.A.2 to permit a nonresidential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet.
- Requesting a variance to Section 409.8.A.5 to permit a dead-end aisle with no turn-around area.
- Requesting a variance to section 203.3C.1 to permit two illuminated signs with a total area of 24 SF in lieu of the maximum permitted 8 SF non-illuminated sign.

PLAT TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCES

AT
2401 YORK ROAD

8TH ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"= 20' JANUARY 3, 1994

OWNER

NENA T. SNYDER
1207 MOLESWORTH ROAD
PARKTON, MD 21120
DEED REF: 1505/532
TAX ACCOUNT No: 08-19 058100

CONTRACT PURCHASER

CHAPEL HOMES, INC.
c/o THOMAS J. FAUST, PRES
P.O. BOX 4397
TIMONIUM, MD 21093
PHONE No: (410) 560-1182

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555



Computed by B.N.H.
Drawn by D.A.C.
Checked by G.C.S.
Job Number 98-118

James W. McKee Date
(Maryland Registered No 9012)

TYPICAL SIGN DETAIL

INDIVIDUAL ILLUMINATED LETTERS
(MAX DEPTH = 6")
NOT TO SCALE

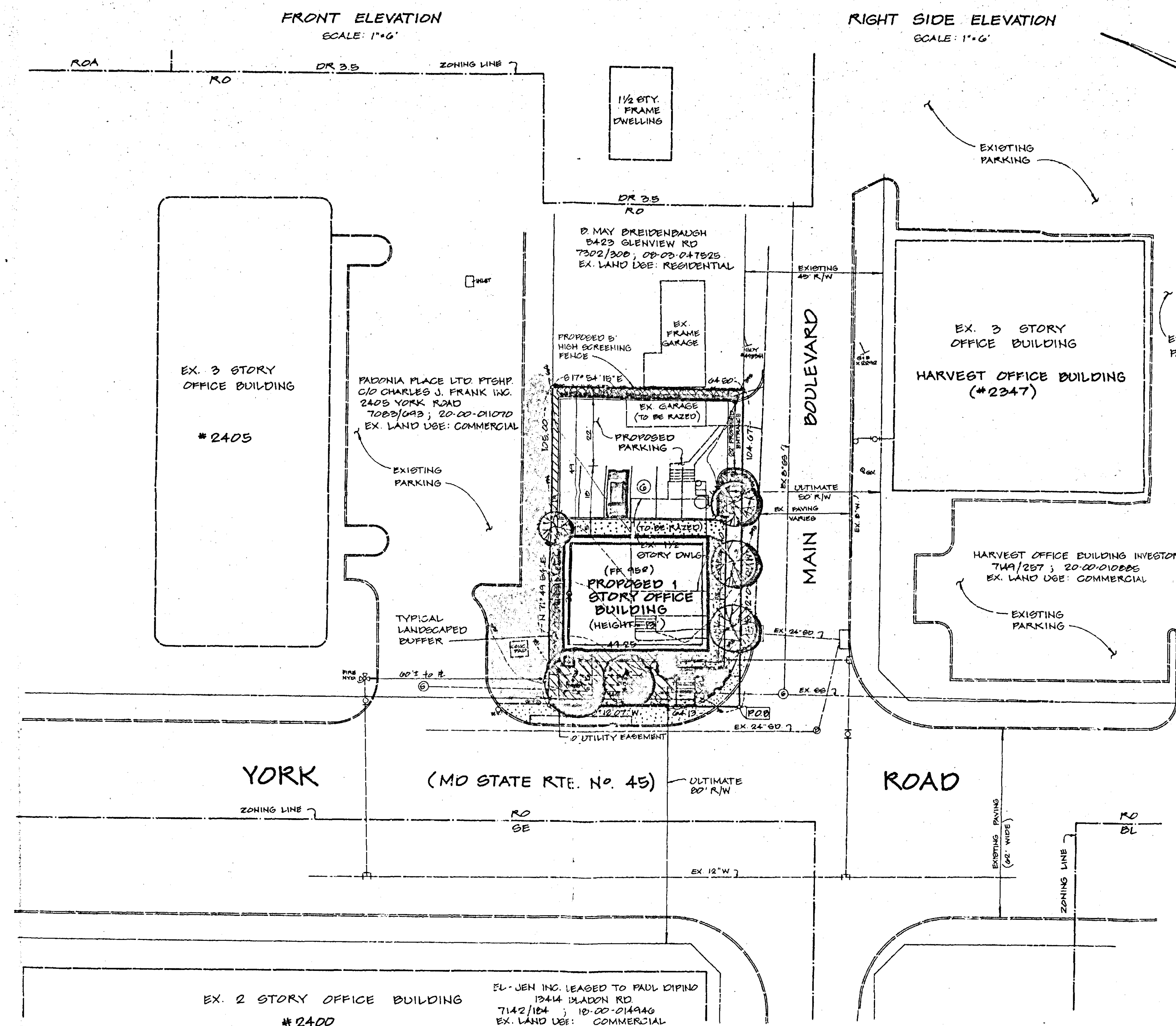
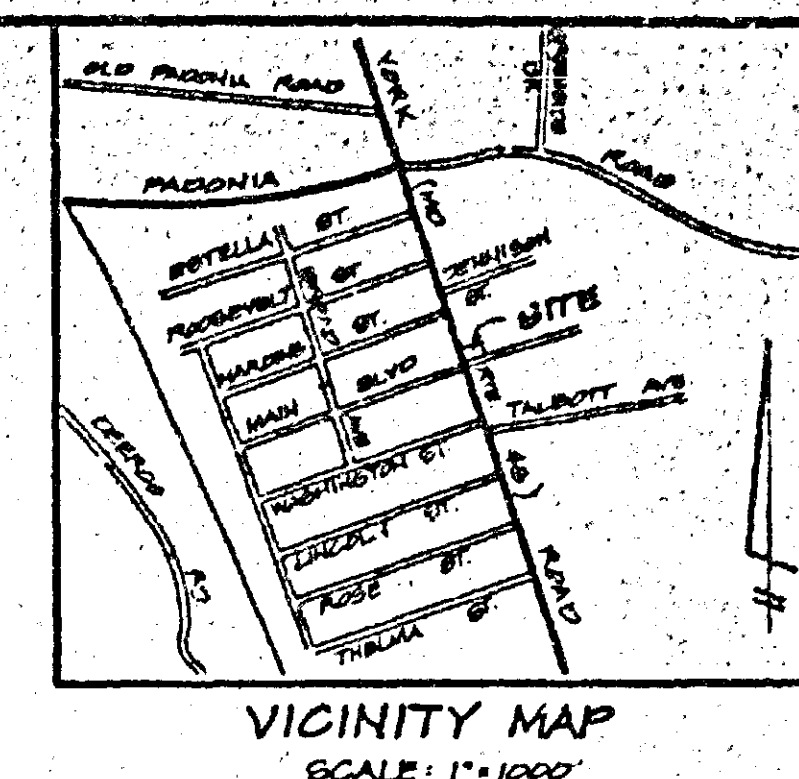
CHAPEL HOMES

DENSITY TABULATION

- Existing Zoning: RO
- Gross Area (by deed): 6,743 SF = 0.155 Ac.±
- Gross Area (by zoning): 11,404 SF = 0.262 Ac.±
- Highway Widening Area: 709 SF = 0.016 Ac.±
- Net Area of Site: 6,034 SF = 0.139 Ac.±
- Proposed Floor Area: 1,871.5 SF
- Proposed Use: General Office (Class B)
- Parking Required:
1,871.5 SF / 1,000 SF x 3.3 = 6.18 spaces
Less:
5% transit adjustment 6.18 x 0.5 = 0.31
TOTAL REQUIRED = 5.87 = 6 spaces
- Parking Proposed: 6 spaces
- Maximum Permitted Floor Area Ratio: 0.33
- Proposed Floor Area Ratio: 1,871.5 / 11,408 = 0.164
- Amenity Open Space Required (7% of parking):
0.7 x 2,180 = 152.6 SF
- Amenity Open Space Provided: 0 SF

GENERAL NOTES

- This site lies within the 4th Councilmanic District.
- There have been no previous zoning hearings or commercial permits issued for this site.
- Existing use of site: Residential
- Proposed use of site: General Office (class B office building)
- This site has been granted a limited exemption under section 26-171(A)(7) of the Baltimore County Development Regulations (DRC No. 12133K, SC4, 12-13-93)
- This site falls on Baltimore County Zoning Map No. N.M.15A.
- This site is exempt from the Forest Conservation Act.
- To the best of our knowledge, there are no streams, wetlands, critical areas, 100 year flood plains, archeological sites, endangered species habitats, historical areas, or underground fuel tanks on this site.
- This site operates on public water and sewer
- The on-site existing house and garage are to be razed.



ZONING REQUESTS:

- Requesting a special exception in accordance with Section 203.3.B.2(a) to permit a class 'B' office building in an RO Zone.
- Requesting a variance to Section 203.4.C.3 to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet.
- Requesting a variance to Section 203.4.C.4 to permit a sideyard setback of 5 feet in lieu of the minimum required 10 feet, and a sideyard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet.
- Requesting a variance to Section 203.4.C.6 to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent.
- Requesting a variance to Section 203.4.C.8.C.1 to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 10 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet.
- Requesting a variance to Section 203.4.C.8.C.2 to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet.
- Requesting a variance to Section 409.8.A.4 to permit a nonresidential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet.
- Requesting a variance to Section 409.8.A.5 to permit a dead-end aisle with no turn-around area.
- Requesting a variance to section 203.3C.1 to permit two illuminated signs with a total area of 24 SF in lieu of the maximum permitted 8 SF non-illuminated sign.

PLAT TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCES

2401 YORK ROAD

8TH ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"= 20' JANUARY 3, 1994

OWNER

JENNA T. SNYDER
1207 MOLESWORTH ROAD
PARKTON, MD 21120
DEED REF: 1505/532
TAX ACCOUNT No.: 08-19-058100

CONTRACT PURCHASER

CHAPEL HOMES, INC.
c/o THOMAS J. FAUST, PRES.
P.O. BOX 4397
TIMONIUM, MD 21093
PHONE No.: (410) 560-1182

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555

Computed by: B.H.H.
Drawn by: P.A.D.
Checked by: G.C.B.
Job Number: 12-110

James W McKee Date
(Maryland Registered No. 9012)



TYPICAL SIGN DETAIL

INDIVIDUAL ILLUMINATED LETTERS
(MAX. DEPTH: 6")
NOT TO SCALE

CHAPEL HOMES

PETITIONER'S
EXHIBIT No 3

ZONING COMMISSIONER'S ORDER **CASE NO. 94-272-XA**

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of March, 1994 that, pursuant to the Petition for Special Exception, approval for use of the property as a Class B office building in an R.O. zone, pursuant to Section 203.3.B.2(A) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.3 of the B.C.Z.R. to permit a front yard setback of 16 ft. in lieu of the minimum required 25 ft., and be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.4 of the B.C.Z.R. to permit a side yard setback of 5 ft. in lieu of the minimum required 10 ft. and a side yard setback adjacent to a residential street setback of 5 ft. in lieu of the minimum required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.6 to permit an amenity open space for the parking lot interior in lieu of the minimum required 7% be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.8.1 to permit a 4 ft. wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 ft., and a 0 ft. wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.8.2 to permit a 2 ft. wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit a non-residential parking space setback of 3 ft. to a right of way line of a public street in lieu of the minimum required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.5 to permit a deadend aisle with no turn-around area, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.3.C.1 to permit two illuminated signs with a total area of 24 sq. ft. in lieu of the maximum permitted 8 sq. ft. non-illuminated sign, 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 prepare and submit to ZADM, within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.
3. The Petitioner shall relocate the entrance to the side of the building in order to save the three trees in the front yard, in compliance with the Landscape Manual, to the greatest extent possible, and in accordance with the Petitioner's Exhibit No. 2.
4. The Petitioner shall not allow the illumination of the signage to reflect into the residential community and the signs cannot be illuminated between the hours of 10:00 P.M. and 7:00 A.M.
5. The Petitioner shall increase the height of the fence on the rear of the property from 5 ft. to 6 ft. The fence line should further be buffered with a row of evergreen trees such as Leland Cypress.
6. Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for approval by Baltimore County's Landscape Architect, consistent with the comments and restrictions herein.

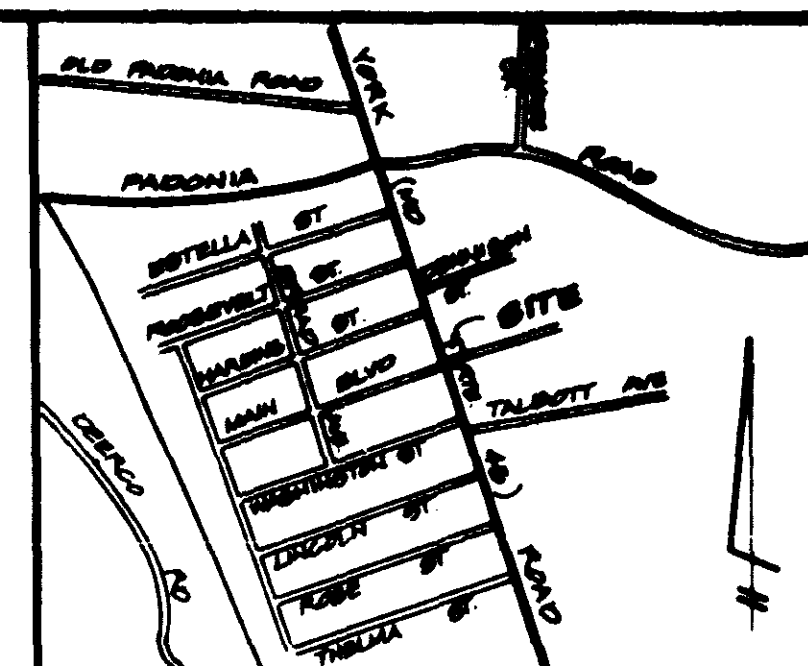
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

McKEE & ASSOCIATES, INC.

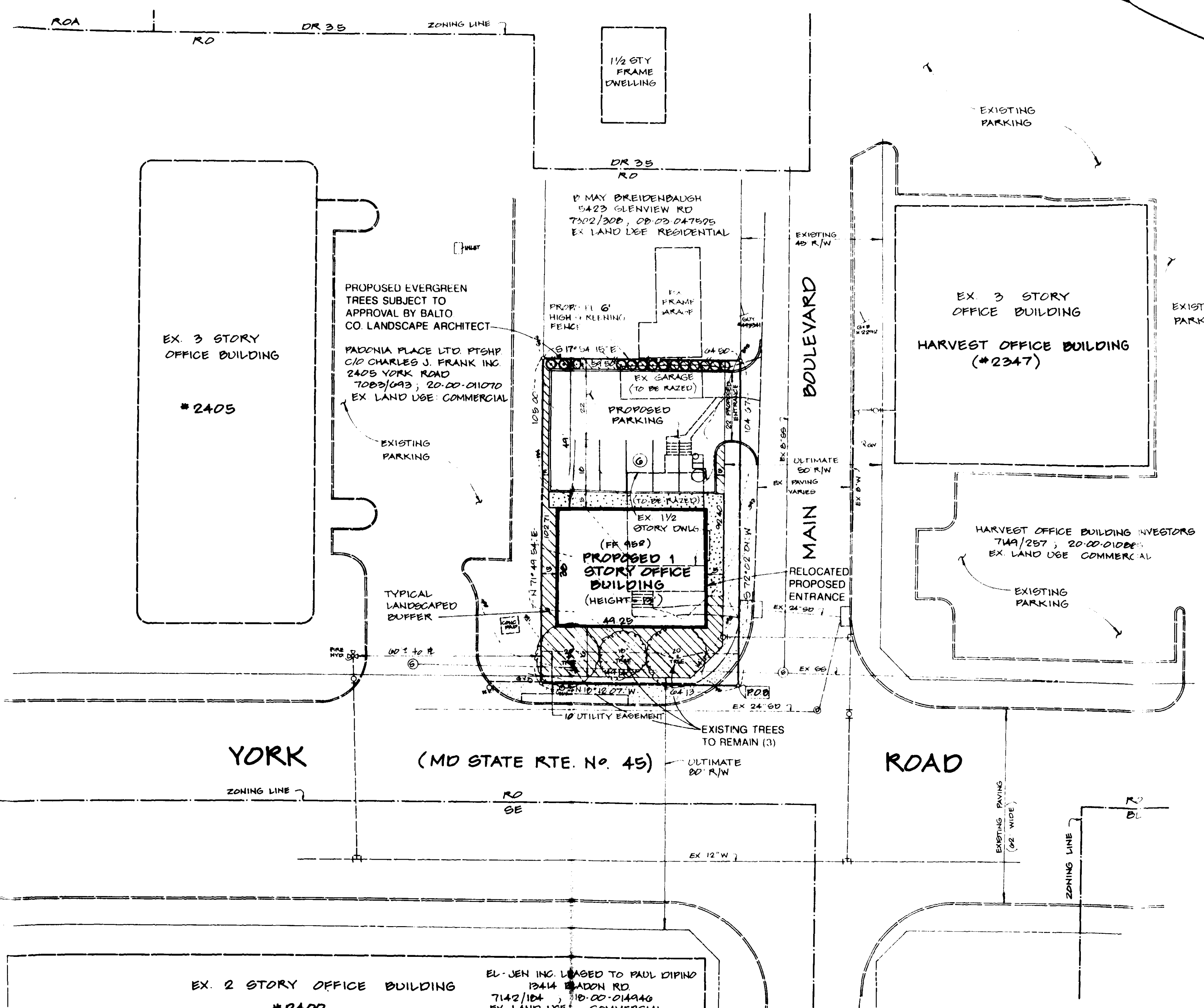
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555

Computed by B.N.H.
Drawn by B.A.D.
Checked by G.C.B.
Job Number 93-118

James W. McKee 1/6/94
James W. McKee Date
(Maryland Registered No. 9012)



VICINITY MAP
SCALE 1"=1000'



DENSITY TABULATION

1. Existing Zoning: R.O.
2. Gross Area (by deed): 6,743 SF = 0.155 Ac.±
3. Gross Area (by zoning): 11,408 SF = 0.262 Ac.±
4. Highway Widening Area: 709 SF = 0.016 Ac.±
5. Net Area of Site: 6,034 SF = 0.139 Ac.±
6. Proposed Floor Area: 1,871.5 SF
7. Proposed Use: General Office (Class B)
8. Parking Required:
1,871.5 SF / 1,000 SF x 3.3 = 6.18 spaces
less
5% transit adjustment 6.18 x 0.5 = 0.31
TOTAL REQUIRED = 5.87 = 6 spaces
9. Parking Proposed: 6 spaces
10. Maximum Permitted Floor Area Ratio: 0.33
11. Proposed Floor Area Ratio: 1,871.5 / 11,408 = 0.164
12. Amenity Open Space Required (7% of parking):
0.7 x 2.180 = 152.6 SF
13. Amenity Open Space Provided: 0 SF

GENERAL NOTES

1. This site lies within the 4th Councilmanic District.
2. There have been no previous zoning hearings or commercial permits issued for this site.
3. Existing use of site: Residential
4. Proposed use of site: General Office (class B office building)
5. This site has been granted a limited exemption under section 28-171(A)(7) of the Baltimore County Development Regulations (BMC No. 121316, R64, 12-11-91).
6. This site falls on Baltimore County Zoning Map No. R.W.15A.
7. This site is exempt from the Forest Conservation Act.
8. To the best of our knowledge, there are no streams, wetlands, critical areas, 100 year flood plains, archeological sites, endangered species habitats, historical areas, or underground fuel tanks on this site.
9. This site operates on public water and sewer.
10. The on-site existing house and garage are to be razed.

PLAT TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION & ZONING VARIANCES

AT
2401 YORK ROAD

8TH ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1"= 20' JANUARY 3, 1994
REVISED JULY 25, 1994

OWNER

NENA T. SNYDER
1207 MOLESWORTH ROAD
PARKTON, MD 21120
DEED REF: 1505/532
TAX ACCOUNT No: 08-19-058100

CONTRACT PURCHASER

CHAPEL HOMES, INC.
c/o THOMAS J. FAUST, PRES.
P.O. BOX 4397
TIMONUM, MD 21093
PHONE No: (410) 560-1182

TYPICAL SIGN DETAIL

INDIVIDUAL ILLUMINATED LETTERS
(MAX. DEPTH = 6")
NOT TO SCALE

CHAPEL HOMES

*04/21/94
94-272-XA
7/2/94*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

John B. Contrum, Esquire
ROMADKA, CONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. 94-272-XA
John H. Snyder, Nena T. Snyder,
and Chapel Homes, Inc.

Dear Mr. Contrum:

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

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

encl.

cc: Mr. Thomas J. Faust /
Chapel Homes, Inc.
Mrs. Nena T. Snyder
Mr. Bruce F. Murdock
Richard Cohen, Esquire
Mr. C. L. Talbott
Mrs. E. David McNamara
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
8/8 York Road M/S Main Blvd. *
2401 York Road * OF BALTIMORE COUNTY
8th Election District *
4th Councilmanic District *
Legal Owners: John H. Snyder & * Case No. 94-272-XA
Nena T. Snyder *
Contract Purchaser: Chapel Homes, *
Inc., Petitioner * * * * *

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 2401 York Road in Timonium. The Petitions are filed by Nena T.
Snyder, property owner and Chapel Homes, Inc., Contract Purchaser. As to
the Petition for Special Exception, relief is requested pursuant to Section
203.3.B.2(A) of the Baltimore County Zoning Regulations (B.C.Z.R.) to per-
mit a Class B office building in an R.O. zone. As to the Petition for
Variance, a number of variances are requested. These include:

1. From Section 203.4.C.3 of the B.C.Z.R. to permit a front yard setback
of 16 ft. in lieu of the minimum required 25 ft.;
2. From Section 203.4.C.4 of the B.C.Z.R. to permit a side yard setback
of 5 ft. in lieu of the minimum required 10 ft. and a side yard setback
adjacent to a residential street setback of 5 ft. in lieu of the minimum
required 20 ft.;
3. From Section 203.4.C.6 to permit zero 0% amenity open space for the
parking lot interior in lieu of the minimum required 7%;
4. From Section 203.4.C.8.C.1 to permit a 4 ft. wide landscaped buffer
adjacent to a residentially used property in lieu of the minimum required
20 ft. and a 0 ft. wide landscaped buffer adjacent to a residential street
in lieu of the minimum required 20 ft.;

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

5. From Section 203.4.C.8.C.2 to permit a 2 ft. wide landscaped buffer
adjacent to a non-residentially zoned property in lieu of the minimum re-
quired 10 ft.;
6. From Section 409.8.A.4 to permit a non-residential parking space set-
back of 3 ft. to a right of way line of a public street in lieu of the
minimum required 10 ft.;
7. From Section 409.8.A.5 to permit a deadend aisle with no turn-around
area; and,
8. From Section 203.3.C.1 to permit two illuminated signs with a total
area of 24 sq. ft. in lieu of the maximum permitted 8 sq. ft. non-illuminat-
ed sign.

Appearing at the requisite public hearing held for this matter was
Thomas J. Faust and Armando Cignarella, of Chapel Homes, Inc. Also appear-
ing was James McKee and Geoffrey C. Schultz, of McKee and Associates, the
firm which prepared the site plan. That plan fully describes the property
and the relief requested, and has been received as Petitioner's Exhibit No.
1. Larry Snyder also appeared in support of the Petition. John B.
Contrum, Esquire represented the Petitioner.

Numerous residents of the surrounding community also appeared and
participated. They included Bruce and Beth Murdock, C.L. Talbott, Melvin
Chilcoat and Mable Delworth. Also present was Richard Cohn, Esquire, an
attorney representing Padonia Place Ltd. Partnership, the owner of an office
building next to the site. Also, F. David McNamara, Jr., affiliated with
the Harvest Office Building south of the site was also present.

Mr. McKee testified and presented the plan. As noted above, the sub-
ject property is located at 2401 York Road in Timonium. At this site, York
Road is a highly commercial/retail corridor which supports a number of
businesses immediately adjacent thereto. However, there are a number of

- 2 -

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

residential communities to the interior and along the side streets off of
York Road. One of those communities exist along Main Boulevard which imme-
diately is adjacent to this site. The property is actually located at the
corner of York Road and Main Boulevard. Presently, the property is im-
proved with an existing 1-1/2 story dwelling and a garage to the rear. The
site is very small, approximately 6,743 sq. ft., or .155 acres. The proper-
ty is zoned R.O. as are most of the properties in this area which adjoin
York Road. To the rear, where the residential communities exist, the area
is zoned D.R.3.5.

Mr. McKee testified that his client, Chapel Homes, Inc., proposes to
raze the existing dwelling and garage and construct a one story office
building. This office building will be quite small, approximately 1800 sq.
ft. Chapel Homes proposes to use this location as its administrative of-
fice. Chapel Homes, Inc., which is in the development and building busi-
ness, does not intend on using this site to store contractor's equipment or
similar uses.

Mr. McKee also described the surrounding locale. As shown on the site
plan, immediately to the north of the site is an existing 3 story office
building known as the Padonia Place building. To the south, immediately
across Main Boulevard, is another existing 3 story office building known as
the Harvest office building. To the rear of the site, along Main Boule-
vard, are a number of residential dwellings. On the other side of York
Road are office buildings and former residential homes which have been
converted to office use.

Throughout his testimony, Mr. McKee emphasized the small area of the
property, which significantly limits development. In his view, the small
area of the site constitutes a sufficient constraint so as to justify the
variances.

- 3 -

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

Mr. Faust, on behalf of Chapel Homes, also testified. He corroborated
Mr. McKee's testimony that the site would be used for the administrative
offices of Chapel Homes, Inc. He indicated that 4 employees would work at
the building, including himself. There will be 6 parking spaces provided
in a small parking area to the rear of the site. He also described the
proposed interior layout of the office building which will include a recep-
tion area, a small kitchen, a conference room, a bathroom and 3 small offic-
es (approximately 10 ft. x 12 ft. each). There will also be some storage
area in the basement.

Mr. Cohn, representing the neighboring building north of the site
known as Padonia Place, offered his clients' objections to the property.
They do not take issue with the development of the site, per se, however,
object to the variances relating to the north side of the property. Specifi-
cally, the Petitioner requests relief to allow a 2 ft. setback from the
parking area to the property line in lieu of the required 10 ft. and a 5
ft. setback from the building to the property line, also in lieu of the
required 10 ft. Mr. Cohn noted that for esthetic and buffer reasons, his
clients want the 10 ft. setback distances to be strictly observed. He did
admit, on cross examination, however, that his client has not buffered its
side yard which adjoins the subject property. If the principals of Padonia
Place are truly interested in preserving a large buffer, it would seem
viable for them to screen their side yard with appropriate landscaping.

Testimony was also received from Bruce Murdock, a resident of the
community along Main Boulevard. Specifically, Mr. Murdock resides at 6 E.
Main Boulevard. His main concern relates to the traffic on Main Boule-
vard. This appears to be a problem now, irrespective of the merits of the
subject Petition before me. Mr. Murdock presented a number of photographs
which showed overflow parking from the patrons of the Harvest Office Build-

- 4 -

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

ing. Apparently, many of the individuals who visit the offices on that site
park along with the narrow width of Main Boulevard and disrupt traffic. As
I suggested to the Petitioner, perhaps contact with the Police Department
to restrict parking may be a viable alternative. In sum, although well
intentional and well taken, Mr. Murdock's statements relate more to an
existing problem than the proposed use. The proposed use should not gener-
ate significant traffic. However, clearly, if overflow parking resulted
from the proposed structure, the existing situation would be exacerbated.
However, the Petitioner indicated that there would be a low traffic produc-
ing use.

Lastly, testimony was received from F. David McNamara, Jr. on behalf
of the principals of the Harvest Office Building to the south. Mr.
McNamara generally objects to the great number of variances requested by
the Petitioner. He also corroborated the parking congestion in this lo-
cale.

In considering the merits of the case before me, a number of observa-
tions are in order. The property is indeed small and presents the Petition-
er with a difficult decision as to proper utilization of the site. As
noted above, the property is presently used to support a single family
house. However, there is no doubt that residential use along York Road in
this area is declining and restoration of the house for that purpose is not
practical. Although the communities to the interior continue to be viable,
properties with frontage immediately on York Road are best utilized by
commercial/retail use. In fact, the R.O. zoning of the site corroborates
this fact. Thus, continued use of the property for residential purposes is
not appropriate.

That being the case, attention is next turned as to whether the exist-
ing use should be converted to office space. Mr. Cohn pointed out that a

- 5 -

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

number of similar residential buildings in this immediate area have been so
utilized. Although that is, indeed, the case, the Petitioner correctly
notes that the subject property is old and will not comply with many of the
federal, state and local codes for office use. Specifically, Mr. McKee
doubted whether the building could be remodeled and renovated to comply
with the Americans Disabilities Act and building codes. Indeed, conversion
of the existing structure to an office use would be most difficult.

Thus, if a decision is made to raze the building and replace same,
many of the subject variances are necessary. This is a small lot with a
number of inherent restraints on building due to this size. In fact, I
concur with the Petitioner's position that the proposed office building
size is the minimum necessary to have any practical use. A smaller office
building strictly observing all setbacks, for example, would have little
utility and not be worth the expense of development. Moreover, although
increasing the height and decreasing the footprint might be proper, I can-
not say for certain that such an alternative is better than what is pro-
posed. Obviously, maintaining a lower building is more compatible with the
houses immediately to the rear.

As noted above, a Class B office building is permitted in an R.O.
zone, pursuant to Section 203.3.B.2.A of the B.C.Z.R. Under Section 502.1,
the test for any special exception use is provided. Therein, it is re-
quired by the Petitioner's testimony and evidence that the proposed use
will not be detrimental to the health, safety and general welfare of the
locale. A number of standards are set forth in Section 502.1 which the
Petitioner must satisfy. In this case, the uncontradicted testimony pre-
sented was that a Class B office use is appropriate. Clearly, such a use
is consistent with the use presently on the neighboring properties, i.e.,

- 6 -

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

the Harvest Office Building and the Padonia Place Building. Thus, I am
persuaded that the Petition for Special Exception should be granted.

Turning to the variances, a number have been requested. Many relate
to the standards set forth in Section 203 of the B.C.Z.R. as they relate to
setbacks. Others relate to parking requirements in Section 409 of the
B.C.Z.R. In order for any variance to be granted, the Petitioner must
adduce testimony and evidence to meet the standards set forth in Section
307. Therein, it is provided that the Petitioner must show that a practi-
cal difficulty or undue hardship would result if the variance was denied.
Moreover, variance relief can only be granted if the proposed property use
will be within the spirit and intent of the regulations and will not harm
the surrounding locale.

As to the setback standards, including front, side, rear and parking
are setbacks, I am persuaded that all should be granted. I am, again,
cognizant of the neighbors concerns regarding the multitude of variances
requested and the fact that the building will be within 5 ft. of the prop-
erty line on the north side. However, the site's small area establishes site
constraints unique to this property which justify the variances. A denial
of the variances would render the property unfit for its highest and best
use as an office building. Moreover, I am persuaded that proper landscap-
ing and buffering will assure that use of the property in the manner pro-
posed will not detrimentally affect the surrounding locale.

Other variances requested relate to the parking area. In this case, I
am also persuaded that they should be granted. It is clear from the testi-
mony and evidence presented that the largest parking area practical should
be maintained. The Petitioner shows that 6 spaces will be provided which
will be sufficient to accommodate its employees. Moreover, this use as an
administrative office in the building business would not appear to generate

- 7 -

ORDER RECEIVED FOR FILING
Date 8/1/94
By M. Threlk

much public traffic. Thus, I am persuaded that the variances as to the parking requirements contained in Section 409 of the B.C.Z.R. and that relating to the amenity open space with Section 203 of the B.C.Z.R. should be granted.

Lastly, variance relief is requested relating to the signage requirements. There will be no free standing signs. Only two signs on the side of the office building are proposed. Those signs will be illuminated and as shown on the site plan. I believe that the proposed signs in this instance are practical and that the variance relief in this request should be granted.

Notwithstanding my approval of the Petitions, I will restrict the relief granted in order to ensure that the proposed development does not adversely affect the community. First, the Petitioner has submitted a preliminary landscape plan, marked as Petitioner's Exhibit No. 2. Moreover, certain landscaping suggestions have been offered within the Zoning Plans Advisory Committee (ZAPAC) comment prepared by the Office of Planning and Zoning (OPZ). It is of note that OPZ finds the Class B office building to be an appropriate use; however, recommends certain landscaping to the property. Among their suggestions is to increase the height of the fence on the rear of the property from 6 ft. to 8 ft. The Petitioner indicated that this height increase was acceptable and I shall require same as a condition to this order. Moreover, the fence line should further be buffered with a row of evergreen trees such as Leland Cypress. This requirement shall also be incorporated within my order.

As to the front of the building, the photographs show that 3 large trees presently exist adjacent to York Road. I concur with OPZ that these trees should be saved and will order that they remain. Moreover, in order to save the largest tree on the southwest side of the site, I will require

- 8 -

the Petitioner to relocate the building entrance to the side (south) of the building. This may result in the loss of 1 tree on that side. However, it seems to be a more practical and appropriate location for the entrance to the site. It is closer to the parking lot and will also allow for the existing large trees in the front of the site to be retained.

It is also to be noted that the Department of Public Works (DPW) has offered a ZAC comment recommending denial of the Petitions. Within their comment, DPW suggest a denial of the request because compliance with the landscape manual is not possible. Denial of the Petition appears to be an inappropriate sanction for the Petitioner's inability to strictly comply with the landscape manual. Again, it should be noted that an office use is entirely appropriate for this site. The Petitioner should landscape the property as well as possible. Preservation of the three trees in the front is warranted as noted above. Moreover, screening as shown on the site plan and recommended by OPZ is appropriate. The County's Landscape Architect, affiliated with DPW, will review the landscape plan before building permits are issued. I will defer to his specific recommendations as to landscaping on this site for so long as denial of the issuance of any permit does not result if strict compliance is not possible.

Certain restrictions are also contained within the State Highway Administration's ZAC comment. Those conditions are set forth within that agency's letter dated January 24, 1994. Those requirements will also be incorporated.

Lastly, in granting the sign variances, a restriction will be added to ensure that the signage does not detrimentally affect the surrounding residential community. Any illumination of the signage will not be permitted to reflect into the residential community and, in any event, the sign cannot be illuminated between the hours of 10:00 P.M. and 7:00 A.M.

- 9 -

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 4th day of March, 1994 that, pursuant to the Petition for Special Exception, approval for use of the property as a Class B office building in an R.O. zone, pursuant to Section 203.3.B.2(A) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.3 of the B.C.Z.R. to permit a front yard setback of 16 ft. in lieu of the minimum required 25 ft., and be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.4 of the B.C.Z.R. to permit a side yard setback of 5 ft. in lieu of the minimum required 10 ft., and a side yard setback adjacent to a residential street setback of 5 ft. in lieu of the minimum required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.6 to permit 0% amenity open space for the parking lot interior in lieu of the minimum required 7%, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.8.C.1 to permit a 4 ft. wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 ft., and a 0 ft. wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.4.C.8.C.2 to permit a 2 ft. wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 ft., be and is hereby GRANTED; and,

- 10 -

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit a non-residential parking space setback of 3 ft. to a right of way line of a public street in lieu of the minimum required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.5 to permit a deadend aisle with no turn-around area, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 203.3.C.1 to permit two illuminated signs with a total area of 24 sq. ft. in lieu of the maximum permitted 8 sq. ft. non-illuminated sign, 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 prepare and submit to ZAPAC, within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.
3. The Petitioner shall relocate the entrance to the side of the building in order to save the three trees in the front yard, in compliance with the Landscape Manual, to the greatest extent possible, and in accordance with the Petitioner's Exhibit No. 2.
4. The Petitioner shall not allow the illumination of the signage to reflect into the residential community and the signs cannot be illuminated between the hours of 10:00 P.M. and 7:00 A.M.
5. The Petitioner shall increase the height of the fence on the rear of the property from 5 ft. to 6 ft. The fence line should further be buffered with a row of evergreen trees such as Leland Cypress.

- 11 -

6. Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for approval by Baltimore County's Landscape Architect, consistent with the comments and restrictions herein.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 3, 1994

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

RE: Petitions for Special Exception and Zoning Variance
Case No. 94-272-XA
Property: 2401 York Road, Timonium
Legal Owner: Nena T. Snyder
Contract Purchaser: Chapel Homes, Inc., Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

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

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

cc: Messrs. Thomas J. Faust and Armando Cignarella, Chapel Homes, Inc.
Mrs. Nena T. Snyder, 1207 Moleworth Road, Parkton, Md. 21120
Richard Cohen, Esquire, 2 Hopkins Plaza, Suite 1200, Balto. Md. 21201
Mr. and Mrs. Bruce Murdock, 6 E. Main Boulevard, Timonium, Md. 21093
Mr. C.L. Talbot, 11 E. Main Boulevard, Timonium, Md. 21093
Mr. Melvin Chilcoat, 9 E. Main Boulevard, Timonium, Md. 21093
Ms. Beth Murdock, 6 E. Main Boulevard, Timonium, Md. 21093
Mrs. E. David McNamara, Jr., 2345 York Road, Timonium, Md. 21093

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 2401 York Road

which is presently zoned RO

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class "B" Office Building in an R0 Zone (BCZR Section 203.3.B.2(A))

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

Legal Owner:
Chapel Homes, Inc.
Thomas J. Faust, President
(Type or Print Name)

Signature: Thomas J. Faust

P. O. Box 4397
Address: Timonium, Maryland 21093

City: State: Zip Code:

Attorney for Petitioner:

John Contrum
(Type or Print Name)

Signature: John Contrum

Address: Romadka, Gontrum & McLaughlin, Inc.
814 Eastern Blvd. 686-8274

City: State: Zip Code:

With do hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:
John H. Snyder, President
(Type or Print Name)

Signature: John H. Snyder

P. O. Box 4397
Address: Timonium, Maryland 21093

City: State: Zip Code:

Attorney for Petitioner:

John Contrum
(Type or Print Name)

Signature: John Contrum

Address: Parkton, Maryland 21120

City: State: Zip Code:

Address: Geoffrey C. Schultz
McKee & Associates, Inc. 527-1555

City: State: Zip Code:

Address: 5 Shawan Road, Hunt Valley, MD 21030

City: State: Zip Code:

Address: 1207 Moleworth Road

City: State: Zip Code:

Address: Parkton, Maryland 21120

City: State: Zip Code:

Address: Geoffrey C. Schultz
McKee & Associates, Inc. 527-1555

City: State: Zip Code:

Address: 5 Shawan Road, Hunt Valley, MD 21030

City: State: Zip Code:



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 2401 York Road

which is presently zoned RO

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 Exhibit "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
The existing lot of record is too small to support a reasonably sized building and parking area without the requested variances.

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.

Legal Owner:
Chapel Homes, Inc.
Thomas J. Faust, President
(Type or Print Name)

Signature: Thomas J. Faust

P. O. Box 4397
Address: Timonium, Maryland 21093

City: State: Zip Code:

Attorney for Petitioner:

John Contrum
(Type or Print Name)

Signature: John Contrum

Address: Parkton, Maryland 21120

City: State: Zip Code:

Address: Geoffrey C. Schultz
McKee & Associates, Inc. 527-1555

City: State: Zip Code:

Address: 5 Shawan Road, Hunt Valley, MD 21030

City: State: Zip Code:

Address: 1207 Moleworth Road

City: State: Zip Code:

Address: Parkton, Maryland 21120

City: State: Zip Code:

Address: Geoffrey C. Schultz
McKee & Associates, Inc. 527-1555

City: State: Zip Code:

Address: 5 Shawan Road, Hunt Valley, MD 21030

City: State: Zip Code:

ORDER RECEIVED FOR FILING
Date: 3/3/94
By: [Signature]

- 12 -

272

272

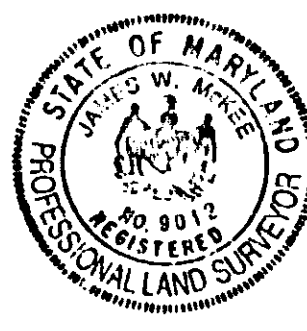
Exhibit A
2401 York Road
Zoning Requests

1. Requesting a special exception in accordance with Section 203.3.B.2(A) to permit a class 'B' office building in an R0 Zone.
2. Requesting a variance to Section 203.4.C.3 to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet.
3. Requesting a variance to Section 203.4.C.4 to permit a sideyard setback of 5 feet in lieu of the minimum required 10 feet, and a sideyard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet.
4. Requesting a variance to Section 203.4.C.6 to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent.
5. Requesting a variance to Section 203.4.C.8.C.1 to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet.
6. Requesting a variance to Section 203.4.C.8.C.2 to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet.
7. Requesting a variance to Section 409.8.A.4 to permit a nonresidential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet.
8. Requesting a variance to Section 409.8.A.5 to permit a dead-end aisle with no turn-around area.
9. Requesting a variance to section 203.3C to permit two illuminated signs with a total area of 24 SF in lieu of the maximum permitted 8 SF non-illuminated sign.

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

January 6, 1994



ZONING DESCRIPTION OF
2401 YORK ROAD
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point at the intersection of the east side of York Road (80 feet wide) and the north side of Main Street (40 feet wide), thence running along the east side of York Road, North 18° 12' 07" West 64.13 feet; thence North 71° 49' 54" East 105.00 feet and South 17° 54' 15" East 64.50 feet to a point on the north side of Main Street; thence running along said street South 72° 02' 01" West 104.67 feet to the place of beginning as recorded in Deed Liber 1505, folio 532.

Containing 6,743 square feet or 0.155 acres of land more or less, and being known as 2401 York Road.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 1/8/94
Posted for: Appeal
Petitioner: John H. & Norma T. Snyder & Chapel Morris, Sons
Location of property: 2401 York Rd., N/S Main Blvd., 2401 York Rd.
Location of Sign: Facing road, on property being appealed
Remarks: _____
Posted by: M. McKee Date of return: 1/15/94
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

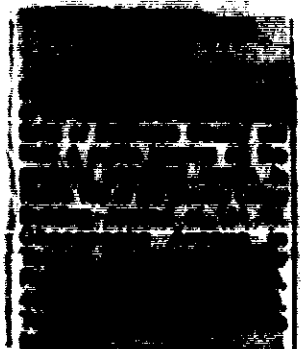
District: 8th Date of Posting: 2/1/94
Posted for: Special Exception
Petitioner: John H. & Norma T. Snyder & Chapel Morris, Sons
Location of property: 2401 York Rd., N/S Main Blvd.
Location of Sign: Facing road, on property being appealed
Remarks: _____
Posted by: M. McKee Date of return: 2/1/94
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/20, 1994
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 1/20, 1994.

THE JEFFERSONIAN,

A. Henikson
LEGAL AD. - TOWSON



Special Exception for a Class B Office Building. Variance to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet; to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet; to permit a side yard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet; to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent; to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet; to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet; to permit a non-residential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet; to permit a dead-end aisle with no turn-around area; and to permit two illuminated signs with a total area of 24 square feet in lieu of the maximum permitted 8 square feet non-illuminated sign.

LAURENCE E. SCHWITZ
Zoning Commissioner for Baltimore County

receipt
94-272-XA

Account: R001-6150

Number: 272

CASH

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 1/11/94 ACCOUNT: R001-6150
AMOUNT: \$ 45.00
RECEIVED FROM: CASH - HENIKSON
FOR: 2401 YORK RD
BALANCE FWD: 0.00
TOTAL: \$ 45.00
VALIDATION OR SIGNATURE OF CLERK: _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 1/11/94 ACCOUNT: R001-6150
AMOUNT: \$ 35.00
RECEIVED FROM: CASH - HENIKSON
FOR: SPECIAL EXC + VARIANCE - APPEAL SIGN
BALANCE FWD: 0.00
TOTAL: \$ 35.00
VALIDATION OR SIGNATURE OF CLERK: _____

Item Number: 272
Planner: CAH
Date Filed: ?

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TYSOPH)
11/17/93

TO: POTOMAC PUBLISHING COMPANY
JANUARY 20, 1994 Issue - Jeffersonian

Please forward billing to:

John Gontum, Esq.
814 Eastern Boulevard
Baltimore, Maryland 21221
666-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-272-XA (Item 272)
2401 York Road
E/S York Road, N/S Main Boulevard
8th Election District - 4th Councilmanic
Legal Owner(s): John H. Snyder (deceased) and Norma T. Snyder
HEARING: TUES., FEB. 22, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a Class B Office Building.
Variance to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet; to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet and a side yard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet; to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent; to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet; to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet; to permit a non-residential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet; to permit a dead-end aisle with no turn-around area; and to permit two illuminated signs with a total area of 24 square feet in lieu of the maximum permitted 8 square feet non-illuminated sign.

LAURENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue
Towson, MD 21204

JANUARY 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-272-XA (Item 272)
2401 York Road
E/S York Road, N/S Main Boulevard
8th Election District - 4th Councilmanic
Legal Owner(s): John H. Snyder (deceased) and Norma T. Snyder
HEARING: TUES., FEB. 22, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a Class B Office Building.
Variance to permit a front yard setback of 16 feet in lieu of the minimum required 25 feet; to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet and a side yard adjacent to a residential street setback of 5 feet in lieu of the minimum required 20 feet; to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7 percent; to permit a 4 foot wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20 feet and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet; to permit a 2 foot wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10 feet; to permit a non-residential parking space setback of 3 feet to a right-of-way line of a public street in lieu of the minimum required 10 feet; to permit a dead-end aisle with no turn-around area; and to permit two illuminated signs with a total area of 24 square feet in lieu of the maximum permitted 8 square feet non-illuminated sign.

Arnold Jablon
Director

cc: Chapel Morris, Inc.
John Gontum, Esq.
Norma T. Snyder

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 FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 15, 1994

John Gontum, Esquire
Romada, Gontum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 94-272-XA, Item No. 272
Petitioner: Nena T. Snyder, et al.
Petitions for Special Exception and Variance

Dear Mr. Gontum:

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 January 6, 1994, 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: January 24, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Development Engineering Division

Robert W. Bowling

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

January 24, 1994

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

Re: Baltimore County
MD 45
2401 York Road
Special Exception
and Variance Request
Item #272 (CAM)
Mile Post 6.02

Dear Ms. Minton:

This office has reviewed the plan for the referenced item and we offer the following:

We have no objection to approval of the special exception for a Class "B" office building or the following variances: to permit a front yard setback of 16' in lieu of the minimum required 25'; to permit a side yard setback of 5' in lieu of the minimum required 10' and a side yard setback of 5' in lieu of the minimum required 20'; to permit zero percent amenity open space for the parking lot interior in lieu of the minimum required 7%; to permit a 4' wide landscaped buffer adjacent to a residentially used property in lieu of the minimum required 20' and a zero foot wide landscaped buffer adjacent to a residential street in lieu of the minimum required 20 feet; to permit a 2' wide landscaped buffer adjacent to a non-residentially zoned property in lieu of the minimum required 10'; to permit a non-residential parking space setback of 3' to a right-of-way line of a public street in lieu of the minimum required 10'; to permit a dead-end aisle with no turn around area; and to permit two illuminated signs with a total area of 24 square feet in lieu of the maximum permitted 8 square feet non-illuminated sign.

If approved, the following conditions must be addressed:

1. The sidewalk and property frontage construction indicated on the plan, shall be subject to the terms and conditions of a permit to be issued by Mr. Joseph McMahon, Utilities Engineer for the State Highway Administration (SHA) in this area. Mr. McMahon can be reached at 410-321-3466.
2. Handicapped ramps must be included within the new sidewalk areas at both the north and south property corners.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
January 24, 1994

3. Due to the small size of the proposed development and the limited amount of anticipated run-off into our storm drain system, a hydraulic analysis will not be necessary.

If you have any questions, or require additional information, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Joe McMahon
Mr. Jeff Schultz

RECEIVED
JAN 31 1994

ZADM

APPEAL

Petition for Special Exception and Variance
E/S York Road, N/S Main Blvd
(2401 York Road)
8th Election District - 4th Councilmanic District
John H. Snyder and Nena T. Snyder-Legal Owners
Chapel Homes, Inc.-Petitioner
Case No. 94-272-XA

Petition(s) for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protester(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Petitions for Special Exception and Variances

2 - 12 Photographs (not marked as exhibits)

3 - Plat to Accompany Petitions for Special Exception and Variances

Protestant's Exhibits: 1 - Three (3) Photographs

Zoning Commissioner's Order dated March 4, 1994 (Granted)

Notice of Appeal received on March 29, 1994 from Bruce P. Murdock on behalf of himself and the Wayside Community.

c: John B. Gontum, Esquire, Romada, Gontum and McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221
Mr. Thomas J. Faust, Chapel Homes, Inc., P.O. Box 4397, Timonium, MD 21093
Mrs. Nena T. Snyder, 1207 Molesworth Road, Parkton, MD 21120
Richard Cohen, Esquire, 2 Hopkins Plaza, Suite 1200, Baltimore, MD 21201
Mr. Bruce P. Murdock, 6 East Main Boulevard, Timonium, MD 21093
Mr. C. L. Talbott, 11 E. Main Boulevard, Timonium, MD 21093
Mr. Melvin Chilcoat, 9 E. Main Boulevard, Timonium, MD 21093
Mrs. E. David McNamara, Jr., 2345 York Road, Timonium, MD 21093
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: January 28, 1994

SUBJECT: 2401 York Road

INFORMATION:

Item Number: 272

Petitioner: Nena T. Snyder

Property Size:

Zoning: R.O.

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments:

The existing site is located between two Class B office buildings and the proposed use is appropriate.

The site is very small however. Reductions in building and parking setbacks should be compensated for by an increase in landscape buffering. The screen fence along the rear should be increased in height to 6' and planted with a row of evergreen trees such as Leland Cypress. The three existing 18-20" caliper trees at the front should be preserved by recessing the proposed building entrance and relocating access to the side.

The sign variance requested would be acceptable if no additional signs are permitted, and if the proposed signs are not internally illuminated. Exterior illumination would be more appropriate.

Prepared by: *Pat Keller*

Division Chief: *Pat Keller*

PK/JL:lw

ZAC.272/PZONE/ZAC1

Pg. 1

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/18/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION:

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time, ON THE FOLLOWING ITEM NUMBERS: 264, 265, 266, 267, 268, 269, 270, 272, 273, 274, 275, AND 276.

RECEIVED
JAN 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4681, MS-1102F

cc: File



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 1, 1994

John B. Gontum, Esquire
Romada, Gontum and McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

RE: Petition for Special Exception and Variance
E/S York Road N/S Main Blvd
(2401 York Road)
8th Election District
4th Councilmanic District
John H. Snyder & Nena T. Snyder-Legal Owners
Chapel Homes, Inc., - Petitioner
Case No. 94-272-XA

Dear Mr. Gontum:

Please be advised that an appeal of the above-referenced case was filed in this office on March 29, 1994 by Bruce P. Murdock on behalf of himself and the Wayside Community. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Thomas J. Faust
Mrs. Nena T. Snyder
Richard Cohen, Esquire
Mr. C. L. Talbott
Mr. Melvin Chilcoat
Mrs. E. David McNamara
People's Counsel

