

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 19, 2005

Robert S. Rosenfelt, P.E.
Vice President
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21209

Dear Mr. Rosenfelt:

RE: Spirit and Intent Request, Case # 94-384-XA, Sol Levinson Funeral Home, 10 Mt. Wilson Lane, 3rd Election District

Your recent letter to Timothy Kotroco, Director of Permits and Development Management, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. After consultation with Carl Richards, Zoning Review Supervisor, the proposed modifications to the site plan in Case # 94-384-XA, specifically the 464 square foot expansion of the chapel (area of an existing carport to be eliminated) and the expansion of the second carport are approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR), subject to any restrictions contained in the Zoning Commissioner's order.
2. A copy of your request letter, this response and a signed red-lined plan will be recorded and made a permanent part of the zoning case file.
3. A verbatim copy of this response must be affixed to your building permit site plan prior to building permit application.
4. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

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 410-887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey N. Perlow".

Jeffrey N. Perlow
Planner II
Zoning Review

JNP

c: Zoning Hearing File 94-384-XA
File-Spirit & Intent Letters

Visit the County's Website at www.baltimorecountyonline.info

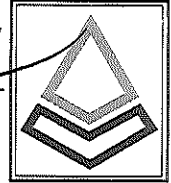


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Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

To: JNP
4/13/05
w



April 8, 2005

Mr. Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Md. 21204

Re: Spirit and Intent Request
Sol Levinson Funeral Home
10 Mt. Wilson Lane
CMR No. 2005030

Dear Mr. Kotroco,

This is a request for approval of a minor change to the above-referenced property as being within the "spirit and intent" of Zoning Case No. 94-384-XA.

That case was a Special Exception approval to construct a funeral home as well as a variance for an illuminated sign, of 50 square feet. The current proposal is to expand the chapel by 464 square feet. The chapel expansion will be in an area now occupied by a carport. A second carport will be expanded to replace it. The proposed expansion is approximately two percent (2%) of the total building area. No other changes are proposed.

The existing parking lot provides 242 spaces and the current parking requirement is 238 spaces. The proposed expansion will add four (4) spaces to the parking requirement, which can be accommodated on the existing lot.

We look forward to your approval of this request.

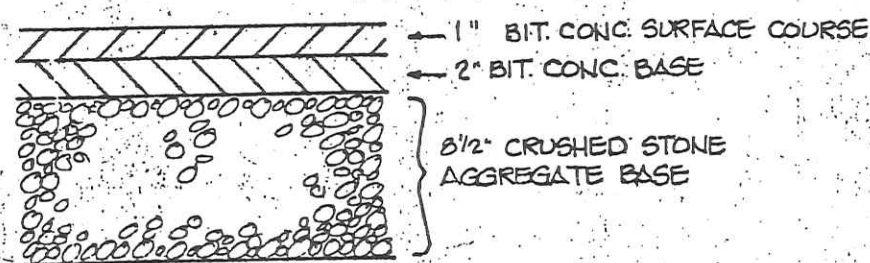
Yours truly,

Robert S. Rosenfelt, P.E.
Vice-President
COLBERT MATZ ROSENFELT, INC.

cc: Ira Levinson
Becky Levin Kent

GENERAL NOTES

1. THE CONTRACTOR SHALL NOTIFY THE BALTIMORE GAS AND ELECTRIC COMPANY AND THE C&P TELEPHONE COMPANY PRIOR TO BEGINNING WORK AS SHOWN ON THESE PLANS. CALL MISS UTILITY. RELOCATION OF THESE FACILITIES, IF NECESSARY, SHALL BE AT THE EXPENSE OF THE OWNER. CONTRACTOR SHALL COORDINATE RELOCATION OF THESE FACILITIES WITH B.G.E. AND C&P.
2. ANY DAMAGE TO OFF-SITE RIGHTS-OF-WAY, ROADS, OR ADJACENT PROPERTY SHALL BE REPAIRED IMMEDIATELY AT THE EXPENSE OF THE CONTRACTOR.
3. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND PAVING DETAILS.
4. ALL CONSTRUCTION ONSITE SHALL BE DONE IN ACCORDANCE WITH THE BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION DATED 1976 AND AMENDED AND THE BALTIMORE COUNTY PLUMBING CODE, EXCEPT WHERE NOTED.
5. SIDEWALK TO CONFORM TO PLATE R-19 OF THE AFOREMENTIONED BALTIMORE COUNTY STANDARDS. SLOPE, WIDTH AND LOCATION, AS SHOWN HEREON. IN ADDITION, SIDEWALK IS TO BE PLACED ON CRUSHED STONE BASE AND IS TO BE REINFORCED WITH WIRE MESH.
6. CONTRACTOR TO PROVIDE MINIMUM 2 FOOT BENCH BEHIND ALL CURBS AND GUTTER IN FILL AREAS.
7. CONTRACTOR SHALL PROVIDE ALL PAVEMENT MARKINGS AND SIGNAGE FOR HANDICAP SPACES INDICATED ON HEREON IN ACCORDANCE WITH ALL APPLICABLE CODES.
8. CONTRACTOR SHALL FURNISH THE OWNER WITH A LETTER STATING THAT ALL WATER MAINS HAVE BEEN STERILIZED AND PRESSURE TESTED IN ACCORDANCE WITH THE BALTIMORE COUNTY PLUMBING CODE, AND PROCEDURES ESTABLISHED BY THE BALTIMORE COUNTY FIRE DEPARTMENT.
9. CONTRACTOR SHALL FURNISH A LETTER TO BALTIMORE COUNTY PLUMBING INSPECTOR AND THE OWNER STATING THAT ALL UTILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE BALTIMORE COUNTY STANDARDS AND DETAILS FOR CONSTRUCTION AND THESE PLANS.
10. CONTRACTOR SHALL PROVIDE A MINIMUM OF 1 FOOT OF PROTECTIVE FILL OVER STORM DRAIN PIPES DURING CONSTRUCTION.
11. CONTRACTOR SHALL OBTAIN FIRE LINE PERMIT FOR ALL EXTERIOR FIRE LINES. PERMIT REQUIREMENTS SHALL BE STRICTLY ADHERED TO.
12. PROPOSED CONTOURS ARE TOP OF PROPOSED PAVING OR 4" TOPSOIL COVER.
13. TOPS OF EXISTING INLETS AND MANHOLES TO BE ADJUSTED IF NECESSARY.
14. ONLY REMOVE THOSE TREES AND/OR SHRUBS NECESSARY FOR IMPROVEMENTS.
15. THE PROPOSED GRADING SHOWN ON THIS PLAN MEETS THE REQUIREMENTS SET FORTH BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT AND COMPLIES WITH TITLE 14, ARTICLE VI OF THE BALTIMORE COUNTY CODE. HOWEVER, DUE TO BUILDING TYPES AND LAYOUT, SOME FIELD ADJUSTMENT MAY BE REQUIRED. ALL CHANGES MUST COMPLY WITH THE ABOVE MENTIONED REQUIREMENTS.
16. ALL AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
17. ALL CURB AND GUTTER RADI AREAS UNLESS OTHERWISE NOTED.
18. PROPOSED PAVING IS TO BE DURABLE, DUST-FREE AND PERMANENTLY STRIPED.
19. THERE ARE NO KNOWN UNDERGROUND TANKS ON THE SITE.
20. THE PROPOSED BUILDING SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PROTECTION CODE AND THE NFPA 101 LIFE SAFETY CODE, CURRENT EDITION.
21. SEE LANDSCAPE PLAN FOR DETAILS OF PROPOSED LANDSCAPING.
22. THIS SITE IS EXEMPT FROM ANY FOREST CONSERVATION AND FOREST BUFFER REGULATIONS.



ONSITE PAVING SECTION
NO SCALE

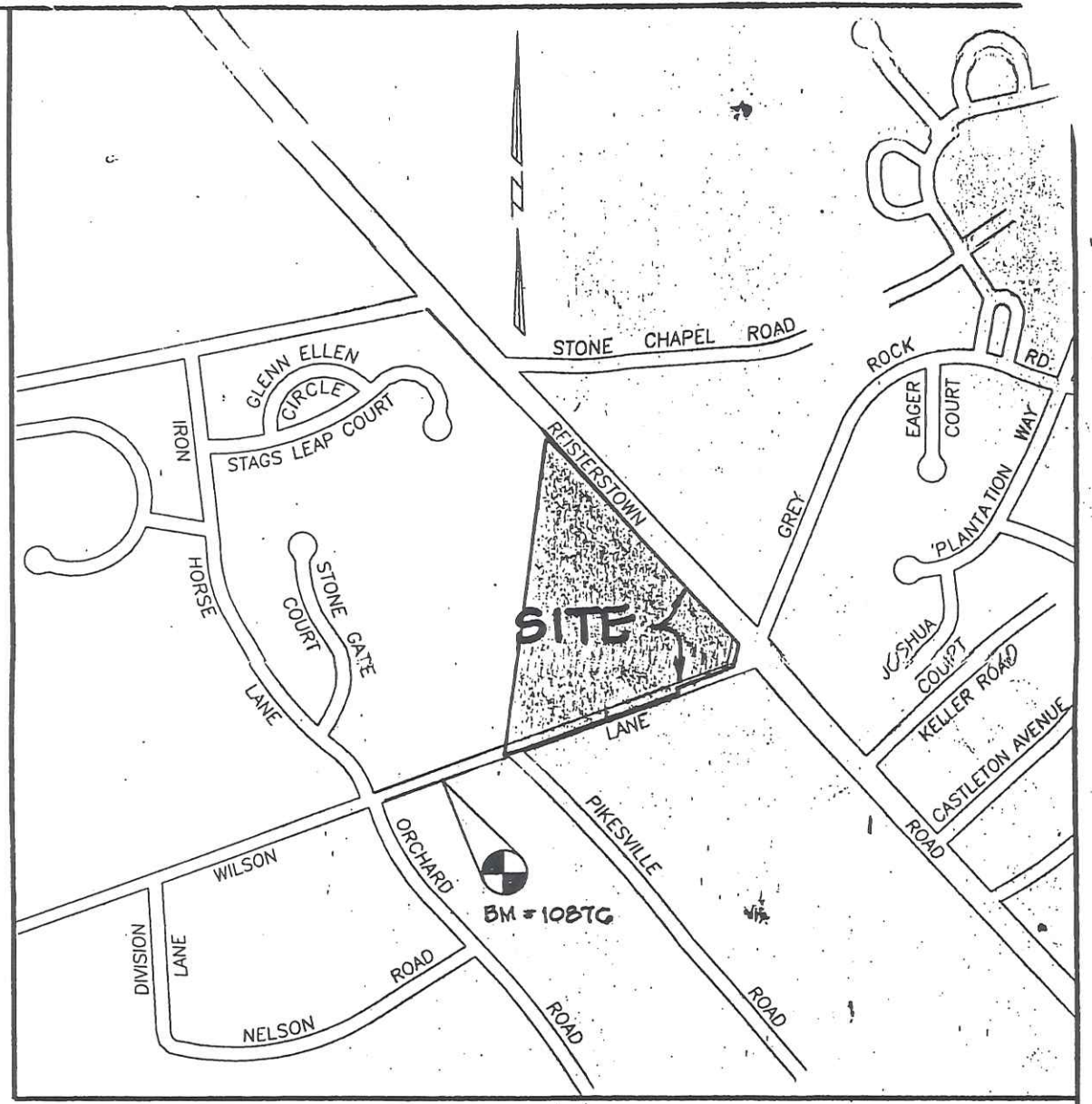
SEE STORMWATER MANAGEMENT PLAN FOR CROSS SECTIONS & DETAILS FOR STORMWATER MANAGEMENT PONDS

CHECK WITH B.G.E. TO DETERMINE STATUS OF CIP POLES #4, 5, 6 DUE TO LOWERING OF GRADES

Benchmark # 10876
7/8" Iron Bar on south side of Mt. Wilson Lane 200± east of Orchard Road.

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY LINE
- EX. CURB & GUTTER
- PROP. CURB & GUTTER
- EX. FIRE HYDRANT
- EX. WATER
- EX. SEWER
- EX. STORM DRAIN
- EX. GAS
- EX. B.G. & E. POLE
- EX. ROAD RIGHT-OF-WAY
- SOILS LINE
- ZONING LINE
- LIMIT OF DISTURBANCE
- PROP. WATER
- PROP. SEWER
- PROP. STORM DRAIN
- SOIL BORING
- EX. B.G. & E. POLE W/LIGHT
- PROP. STREETLIGHT



VICINITY MAP
SCALE: 1" = 500'

All swales have been designed by the Engineer to convey runoff according to Baltimore County Department of Public Works design standards.

SITE DATA

Gross Area of Site	8.72 Acres
Net Area of Site	6.55 Acres
Area of Highway Widening	0.13 Acres
Existing Zoning	0-1
Existing Use	Wooded
Proposed Use	Funeral Establishment
Deed Reference	8368 / 023
Tax Account Number	03 - 0316015076
Councilmanic District	3
Election District	3
Proposed Floor Area (Gross)	24,330 S.F.
(Net)	22,439 S.F. (without garages and carports)
Signage	50 S.F. (By variance dated 5/23/94 - see CRG Plan)
Building Height	27
Floodplain	N/A
Watershed	27
Subwatershed	65
Total Parking Area	1.75 Ac.
Landscape Area Required	1.75 x 0.7 = 0.123 Ac.
Landscape Area Provided	0.153 Ac.

PARKING TABULATION

Parking Required:
22,439 S.F. / 1000 x 10 = (14 employees x 1/2) + (4 business vehicles)
= 230 Spaces
230 + 7 + 4 = 237 Spaces
Parking Provided:
= 230 Spaces + 12 Carport Spaces = 242 Spaces
Includes 8 Handicap Spaces (see plan for dimensions)

CRG Refinement Approved: 11/09/94
DRG No. 110745

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ORDER IN ZONING CASE # 94-384-XA
SIGNED BY: [Signature] DATE: 4/19/95

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

APPROVED FOR GRADING

[Signature] 4-6-95
Date

Storm Water Management Permit Required

'SPIRIT & INTENT' REQUEST 4-8-95

OWNER/DEVELOPER'S GRADING CERTIFICATION

"I/We certify that all grading on this site will be done in accordance with the current grading requirements as set forth by the Baltimore County Department of Environmental Protection and Resource Management and with the requirements specified in Title 14, Article VI of the Baltimore County Code."

Owner/Developer Signature: [Signature] IRVIN B. LEVINSON
Name (Print): IRVIN B. LEVINSON
Date: 12/1/94

OWNER/DEVELOPER'S CERTIFICATION - AIR QUALITY

"I acknowledge that I am responsible under the Code of Maryland Regulations (22.11.08.03) to prevent particulate matter from becoming airborne due to grading, land clearing, excavation, construction or other related activities. I have received a copy of 'Guidelines to the Air Pollution Regulations for Controlling Excessive Air (Dust) on Activity Sites' which includes a copy of COMAR 26.11.08.03. I will contact the Bureau of Air Quality, Field Services Section (887-3775) at least three days prior to beginning work."

Signature: [Signature] IRVIN B. LEVINSON
Name (Print): IRVIN B. LEVINSON
Date: 12/1/94

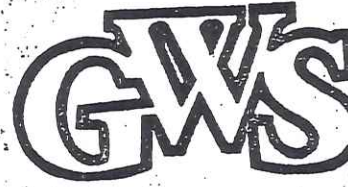
Site & Grading Plan

LEVINSON FUNERAL HOME

10 MOUNT WILSON LANE

Election District 3
Tax Map 68 - Parcel 557
Scale: 1" = 50'

Baltimore County, Maryland
December 9, 1994
Sheet 1 of 2



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204



REVISIONS		
4/28/95	ADDED BERM @ PROPERTY LINE	GWS
6/4/95	ADDED VAULTS, CHECK VALVES & CONTROL VALVES ON FIRELINE PER FIRE DEPT. COMMENTS	GWS
9/1/95	ADDED '18" MIN. DIMENSION BETWEEN CANOPY & FACE OF CURB @ EAST BUILDING ENTRANCE. ADDED SIDEWALK & STEPS ON S.E. SIDE OF BUILDING & CHAPEL	GWS
9/12/95	REVISED GRADES @ WEST DRIVEWAY ON MT. WILSON LANE	GWS

OWNER
MT. WILSON OFFICE CENTER LIMITED PARTNERSHIP
(A Maryland Limited Partnership)
6010 Reisterstown Road
Baltimore, Maryland 21215

LIMIT OF DISTURBANCE: 279,812 S.F. (6.42 Ac.)

2005-030

IN THE MATTER OF
THE APPLICATION OF
MT. WILSON OFFICE CENTER
LIMITED PARTNERSHIP FOR A
SPECIAL EXCEPTION AND VARIANCE*
ON PROPERTY LOCATED ON THE
NORTHWEST CORNER REISTERSTOWN *
ROAD AND MT. WILSON LANE *
3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *
* * * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
* CASE NO. 94-384-XA
* * * * *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated May 23, 1994 in which the Petitions for Special Exception and Variance were granted with restrictions.

WHEREAS, the Board is in receipt of a Stipulation of Dismissal filed jointly by Howard L. Alderman, Jr., Esquire, on behalf of Mt. Wilson Partnership, Appellant; and by Robert A. Hoffman, Esquire, on behalf of Mt. Wilson Office Center Limited Partnership, Appellants, dated October 3, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellants request that the appeals filed in this matter be dismissed as of October 3, 1994;

IT IS HEREBY ORDERED this 11th day of October, 1994 by the County Board of Appeals of Baltimore County that said appeals be and the same are hereby DISMISSED with prejudice.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

C. William Clark
C. William Clark

S. Diane Levero
S. Diane Levero

IN THE MATTER OF
MT. WILSON OFFICE CENTER
LIMITED PARTNERSHIP
NW/C REISTERSTOWN ROAD AND
MT. WILSON LANE
3rd Election District
3rd Councilmanic District
* BEFORE
* THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Zoning Case No. 94-384-XA
* * * * *

STIPULATION OF DISMISSAL

Mt. Wilson Partnership, Appellant, by its attorney, Howard L. Alderman of Levin & Gann, and Mt. Wilson Office Center Limited Partnership and Sol Levinson, Inc., Appellants, by their attorney, Robert A. Hoffman of Venable, Baetjer & Howard, hereby withdraw their respective appeals and stipulate to the dismissal of this action with prejudice.

Howard L. Alderman
HOWARD L. ALDERMAN
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600
Attorney for Appellant

Robert A. Hoffman
ROBERT A. HOFFMAN
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
(410) 494-6262
Attorney for Appellants

STIP0175.GPW

8:00 PM 8-100-96
10-11-94



County Board of Appeals of Baltimore County

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

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 94-384-XA
Mt. Wilson Office Center Ltd. Partnership

Dear Counsel:

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

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Irvin B. Levinson /Sol Levinson
Brothers, Inc.
Mt. Wilson Office Center Ltd. Partnership
Ms. Marguerite Jenkins
Ms. Lillian Berger
Mr. & Mrs. Fred Schutzman
Benjamin Bronstein, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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on Recycled Paper

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - NW/Cor. Reisterstown Road and Mt. Wilson Lane 3rd Election District 3rd Councilmanic District
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-384-XA
* Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and Variance for the subject property located at the corner of Reisterstown Road and Mt. Wilson Lane in the Pikesville area of northwestern Baltimore County. The Petition was filed by the owners of the property, Mt. Wilson Office Center Limited Partnership, by Columbia Realty, Inc., a General Partner, through Robert R. Moxley, President, and the Contract Purchaser, Sol Levinson Brothers, Inc., by Irvin B. Levinson, Vice President. The Petitioners seek a special exception to permit a funeral establishment on the subject property, pursuant to Sections 204.3.B.1 and 1801.1.C.8, and variance relief from Section 413.1.A of the B.C.Z.R. to permit an illuminated sign of 50 sq.ft. in lieu of the maximum permitted 1 sq.ft. The subject property and relief sought are more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Irvin, Ira, Burton and Stanley Levinson for Sol Levinson Brothers, Inc., Contract Purchaser, George Frizzell, Real Estate Appraiser, Wes Guckert, Traffic Engineering expert with The Traffic Group, Rabbi H. N. Neuberger, Edward Haladay, Architect, and others. The Petitioners were represented by Robert A. Hoffman, Esquire. Appearing as Protestants in the matter were numerous residents of the surrounding community, including Kenneth Sidle, Lillian

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Date 5/23/94
By [Signature]

Berger and Fred and Janet Schutzman. Appearing as interested parties were Howard L. Alderman, Jr., Esquire who appeared on behalf of the Mt. Wilson Partnership, adjoining property owner, and Marguerite Jenkins.

Testimony revealed that the subject unimproved property consists of 6.60 acres, more or less, zoned O-1, and is located at the northwest corner of Reisterstown Road and Mt. Wilson Lane. The Contract Purchaser, Sol Levinson Brothers, Inc. is desirous of developing the site with a funeral establishment in accordance with Petitioner's Exhibit 1. Testimony indicated that the property had previously received CRG approval for a five-story office building of 82,000 sq.ft. Mr. Ira Levinson, a licensed funeral director, testified that his family started their funeral business in 1894 and have been operating continuously since that time. He testified that his family started their business in downtown Baltimore and have moved to various locations through the years. Mr. Levinson testified that they cater to the Jewish community and have found it necessary to move their business to a more central location in Baltimore County. He testified that after an exhaustive search for a large enough piece of land in an appropriate location, the subject site was found to meet their needs. Furthermore, Mr. Levinson testified that they hired many consultants to assist in designing the proposed facility to provide greater services to its clients.

Mr. Levinson further testified regarding the extensive landscaping proposed for the subject site and the overall operation of their business. He testified that there will be no cremations performed on the property as cremation is contrary to Jewish law and he has agreed to be bound in perpetuity from performing any cremations on the subject site. Mr. Levinson testified that inasmuch as they are a Jewish facility, no services will be conducted on Saturday and the funeral home would be closed. Mr. Levinson

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Date 5/23/94
By [Signature]

also stated that there would be no funeral services conducted at night, although on occasion, some families will come back to the funeral home in the evenings for certain purposes. He testified that 90% of the business taking place at this establishment would be conducted between the hours of 10:00 AM and 3:00 PM Monday through Friday, and Sunday, with no activity on Saturdays. Further, based on their hours of operation, Mr. Levinson stated that the proposed use will work nicely with existing traffic patterns and businesses in the area, due to the fact that peak hours for the funeral business are outside the peak hours of other businesses on Reisterstown Road.

Mr. Edward Haladay, an Architect hired by the Contract Purchaser, testified on behalf of the Petitions. Mr. Haladay has reviewed the extensive landscaping proposed for this site and believes that the landscaping proposed is double that required by the Baltimore County Landscape Manual. Mr. Haladay also offered testimony concerning the proposed identification sign. He testified that the proposed sign will be a low, ground-mounted sign, 5' x 10' in dimension and will be located on the southeast corner of the subject site. Mr. Haladay testified that the sign will be illuminated so that the business would be easily identified after dark and that the sign will be appropriately landscaped.

Mr. Wes Guckert, a traffic engineering expert, testified on behalf of the Petitioners. Mr. Guckert testified concerning a traffic study that was conducted by his company at the Sol Levinson Brothers, Inc. Funeral Home in Baltimore City. Mr. Guckert testified that this area of Reisterstown Road was studied to see what, if any, effect the relocation of the subject funeral establishment would have at the location proposed. Inasmuch as there is currently a traffic light at the intersection of Mt. Wilson

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Date 5/23/94
By [Signature]

Lane and Reisterstown Road, and, given the off-peak hours that the business will be generating traffic, it was concluded that the use proposed would have no adverse effect upon the surrounding locale. Mr. Guckert testified that the use proposed at this location is ideal and the traffic that will be generated will be substantially less than that which would be generated by the previously approved five-story office building.

In response to some of the concerns raised by the citizens in attendance, Mr. Guckert testified that the State Highway Administration (SHA) is experiencing a problem with the traffic light at the above-named intersection. He stated that the trip signal is not functioning properly at this time and it could be some 6 - 9 months before the SHA will have the tripping device repaired. Mr. Guckert stated that he intends to work with the SHA in an effort to lengthen the amount of "green" time for those individuals travelling on Mt. Wilson Lane and Grey Rock Road. Testimony indicated that at the present time, there is a 25-second "green" time which Mr. Guckert hopes to increase to 45 seconds, if possible. Furthermore, Mr. Guckert concluded that he sees no adverse consequences as a result of funeral processions leaving the subject site due to the existence of a traffic light at this intersection. Furthermore, Mr. Guckert testified that he will also request the SHA permit a right-turn exit onto Reisterstown Road from the northern corner of the subject property. Mr. Guckert testified that this would further assist in the smooth flow of traffic from the site and would be a benefit to those individuals visiting the property. Mr. Guckert testified that this would be a right turn exit only onto Reisterstown Road which would not be detrimental to existing traffic patterns in the area.

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Date 5/23/94
By [Signature]

Mr. George Frizzell, a licensed Real Estate Appraiser, testified on behalf of the Petitioners. Mr. Frizzell testified concerning a study that his firm was hired to perform. This study determined that there would be no loss in property values to the surrounding residents by virtue of their being located near the proposed funeral home.

Finally, Rabbi H. N. Neuberger testified on behalf of the Petitioners. Rabbi Neuberger testified that relocating the Levinson Brothers' funeral home to the subject site will be a benefit to the Jewish community in that the proposed facility will not only be more conveniently located but will also be a more efficient operation.

Several individuals appeared in opposition to the Petitioners' request. Ms. Marguerite Jenkins appeared and testified on behalf of the North Oaks Partnership who operates a retirement home further west of the subject site on Mt. Wilson Lane. Ms. Jenkins testified concerning pedestrian traffic that utilizes Mt. Wilson Lane. She testified that 30% of her staff uses public transportation and that many of her employees walk along Mt. Wilson Lane from Reisterstown Road to their jobs each day.

In response to the concerns raised by Ms. Jenkins, the Petitioner has agreed to install sidewalks along the southern boundary line of their property along Mt. Wilson Lane to enhance the safety of all pedestrians in the area and to provide a safe walkway for pedestrians from the bus stop on Reisterstown Road.

Mr. Fred Schutzman, a nearby property owner, raised concerns as to the traffic situation on Reisterstown Road. He testified that he is concerned about additional development on Reisterstown Road and the traffic it will generate. While the concerns raised by Mr. Schutzman are legitimate, I find that the proposed funeral home will not increase traffic

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By [Signature]

congestion inasmuch their business is generally conducted during off-peak hours, which is somewhat mitigating in and of itself.

It is clear that the B.C.Z.R. permits the use proposed in an O-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that the Petition for Special Exception to permit a funeral establishment on the subject property, pursuant to Sections 204.3.B.1 and 1801.1.C.8, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.1.A of the B.C.Z.R. to permit an illuminated sign of 50 sq.ft. in lieu of the maximum permitted 1 sq.ft., in accordance with

Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners, their successors, assigns, and/or transferees, shall be prohibited in perpetuity from performing any cremations on the subject site.
- 3) The Petitioner shall be required to perform the necessary improvements to Mt. Wilson Lane, on both the north and south sides thereof, which could involve the widening of Mt. Wilson Lane along the BG & E property as depicted on Petitioner's Exhibit 1.
- 4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that in the event the Petitioners receive approval from the SHA as to a right-turn in/right-turn out exit onto Reisterstown Road, the Petitioners shall be permitted to proceed with the installation of that improvement without the necessity of filing for a special hearing.

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special exception relief granted herein.

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

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
May 23, 1994
(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/Corner Reisterstown Road and Mt. Wilson Lane
3rd Election District - 3rd Councilmanic District
Mt. Wilson Office Center Limited Partnership - Petitioner
Case No. 94-384-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Irvin B. Levinson, Vice President, Sol Levinson Brothers, Inc.,
6010 Reisterstown Road, Baltimore, Md. 21215

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204

Ms. Marguerite Jenkins, North Oaks Retirement Home
725 Mt. Wilson Lane, Baltimore, Md. 21208

Ms. Lillian Berger, 2 Cornelius Court, Baltimore, Md. 21208

Mr. & Mrs. Fred Schutzman, 59 River Oaks Circle, Baltimore, Md. 21208

People's Counsel; File

Petition for Variance

to the Zoning Commissioner of Baltimore County
Northwest corner of intersection of
for the property located at Reisterstown Road and Mt. Wilson Lane
which is presently zoned O-1

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) _____ of the Baltimore County Zoning Regulations
Variance for an illuminated sign of 50 square feet in lieu of the 1 square foot as limited by Section 413.1.A of the Baltimore County Zoning Regulations
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be determined at hearing

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

Correct Purchaser/Lessor:
Sol Levinson & Bros., Inc.
By: Irvin B. Levinson, Vice President
6010 Reisterstown Rd.
Baltimore, Maryland 21215
City State Zipcode

Legal Owner(s):
Mt. Wilson Office Center
Limited Partnership
By: Columbia Realty, Inc., General Partner
By: Robert R. Moxley, President
8480 Baltimore National Pike
Suite 408 465-4242
City State Zipcode

Ellicott City MD 21043
Name, address and phone number of legal owner, correct purchaser or representative to be contacted:
Robert A. Hoffman
Name 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date: _____ Next Two Months
ALL OTHER
REVIEWED BY: JCM DATE: 3-22-94

Petition for Special Exception

to the Zoning Commissioner of Baltimore County
Northwest corner of intersection of
for the property located at Reisterstown Road and Mt. Wilson Lane
which is presently zoned O-1

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
a funeral establishment pursuant to Sections 204.3.B.1 and 1801.1.C.8 of the Baltimore County Zoning Regulations.

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.

Correct Purchaser/Lessor:
Sol Levinson & Bros., Inc.
By: Irvin B. Levinson, Vice President
6010 Reisterstown Rd.
Baltimore, Maryland 21215
City State Zipcode

Legal Owner(s):
Mt. Wilson Office Center
Limited Partnership
By: Columbia Realty, Inc., General Partner
By: Robert R. Moxley, President
8480 Baltimore National Pike
Suite 408 465-4242
City State Zipcode

Ellicott City MD 21043
Name, address and phone number of legal owner, correct purchaser or representative to be contacted:
Robert A. Hoffman
Name 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date: _____ Next Two Months
ALL OTHER
REVIEWED BY: JCM DATE: 3-30-94

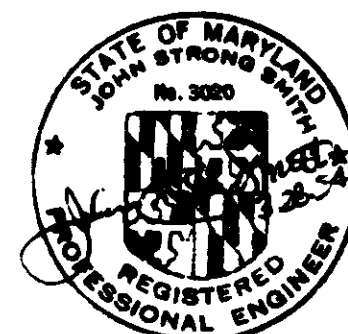
FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description of Property to Accompany
Request for a Special Exception for a
Funeral Establishment and a Sign Variance.

March 25, 1994

Beginning at the intersection of the center lines of Reisterstown Road and Mt. Wilson Lane and thence binding on the center line of Reisterstown Road
1 - North 42° 16' 20" West 877.35 feet thence leaving said center line
2 - South 05° 46' 23" West 908.00 feet to the center line of Mt. Wilson Lane
thence binding on the center line of Mt. Wilson Lane
3 - North 69° 32' 40" East 727.35 feet to the point of beginning.
Containing 6.60 gross acres of land more or less.
Saving and excepting the right-of-way of Reisterstown Road and Mt. Wilson Lane.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCING OF LAND NOR TO ACCOMPANY AGREEMENTS.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 4/28/94
Posted for: Special Exception & Variance
Petitioner: Sol Levinson & Bros., Inc.
Location of property: NW/Cor. Reisterstown Rd. & Mt. Wilson Lane
Location of Sign: Reisterstown Rd. on property being zoned
Remarks:
Posted by: Matthew Date of return: 4/29/94
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 15, 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 April 14, 1994

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

VENABLE
ATTORNEYS AT LAW

VENABLE, BAETJER AND HOWARD
A Partnership including professional corporations
111 W. Chesapeake Avenue
Post Office Box 5517
Towson, Maryland 21204-5517
(410) 494-6200 Fax (410) 821-0147

OFFICES IN
BALTIMORE, MD
WASHINGTON, D.C.
MCKEEN, VA
ROCKVILLE, MD

November 7, 1994
DIRECT DIAL NO.
(410) 494-6203

Mr. Arnold Jablon, Director
Baltimore County
Zoning Administration Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Levinson Funeral Home - Zoning Case No. 94-384-XA
ZADM Project No. 111-209 (former DRC No. 03144M-3C3)

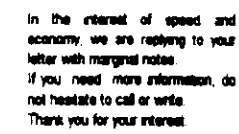
Dear Mr. Jablon:

The purpose of this letter is to request your confirmation that the enclosed red-lined copy of the refined Alternates CRG Plan, which was granted a second refinement at yesterday's DRC meeting, is within the spirit and intent of the Deputy Zoning Commissioner's Order in the above-referenced case, dated May 23, 1994.

The footprint of the building has been changed slightly as a result of the final architectural design process. The original approved floor area was 25,800 square feet; the proposed floor area is 24,070 square feet. Additional enclosed parking spaces are provided in the building, and the total number of parking spaces has increased to 233 from 220 spaces as originally shown. There are some minor changes to the parking field due mainly to final grading considerations.

Due to the minor nature of the changes, it is respectfully submitted that the enclosed red-lined plan be considered within the spirit and intent of the Deputy Zoning Commissioner's Order in Case No. 94-384-XA, a copy of which is enclosed for your review. A check in the amount of \$40.00 has also been enclosed to cover the filing fee for this confirmation. We thank you for your prompt assistance.

Speed
Letter



Sincerely,

G. Paige Wingert
G. Paige Wingert

November 16, 1994

Please be advised that the second refined CRG plan is within the spirit and intent of case #94-384-XA. All other zoning issues must be complied with at the time of building permit application.

Mitchell J. Kellman, Planner II

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204-5517
(410) 494-6200
FAX (410) 821-0147

ROBERT A. HOFFMAN
BALTIMORE, MD
WASHINGTON, D.C.
MCKEEN, VA
ROCKVILLE, MD

May 10, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6202

HAND-DELIVERED

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse, 1st Floor
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Variance
Levinson Funeral Home
Case No. 94-384-XA

Dear Mr. Kotroco:

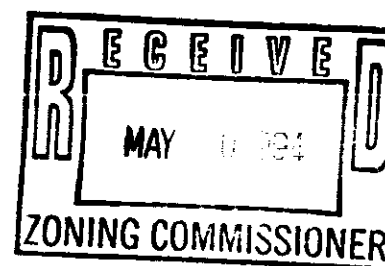
Immediately following today's hearing, Mr. Ira Levinson pointed out to me that their schedule for relocation to the proposed new facility could take as long as five years. Factors involved in the relocation include selling their existing facility, financing the new facility and the business decision as to the appropriate time for relocation. I had intended to have Mr. Levinson make this statement at the hearing.

Accordingly, it is respectfully requested that should you grant the requested special exception and variance, that the special exception remain valid for up to five years following the date of your order to accommodate the Levinsons' schedule. I apologize for neglecting to advise you of their timetable. Thank you for your consideration.

Yours truly,

Robert A. Hoffman

RAH/tls



VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
MCKEEN, VA
ROCKVILLE, MD

ROBERT A. HOFFMAN

June 22, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6202

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Mt. Wilson Office Center, L.P.
Appeal of Case No. 94-384-XA

Dear Mr. Jablon:

On behalf our client, Sol Levinson and Brothers, Inc., Jr., whose address is 6010 Reisterstown Road, Baltimore, Maryland 21215, I hereby note an appeal from the above-referenced Order of the Deputy Zoning Commissioner dated May 23, 1994.

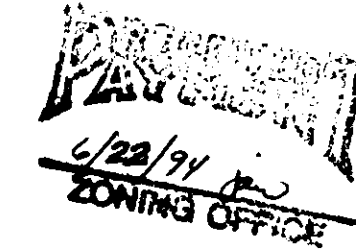
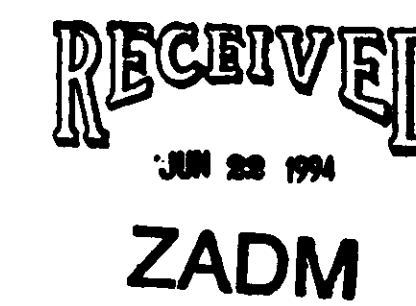
Enclosed is a check payable to Baltimore County in the amount of \$460.00 to cover the cost of this appeal. Thank you for your cooperation.

Yours Truly,

Robert A. Hoffman

GPW/pr
cc: Baltimore County Board of Appeals
Baltimore County Public Works Dept.

JABLON29.GPW



LAWS OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELEPHONE 410-625-9050

ELLIS LEVIN (1963-1980)

June 20, 1994

HAND DELIVERED

Arnold Jablon, Director
Office of Zoning Administration and
Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

Re: Order of Appeal
Mt. Wilson Office Center Limited Partnership, Petitioner
N/W Corner Reisterstown Road & Mt. Wilson Lane
Case No. 94-384-XA

Dear Mr. Jablon:

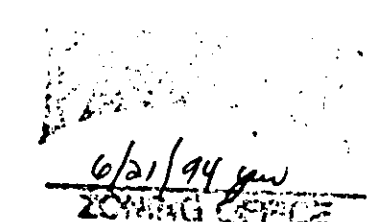
Please note an appeal of the above-referenced decision of the Deputy Zoning Commissioner, dated May 23, 1994. This appeal is ordered on behalf of our client, Mt. Wilson Partnership, an adjoining landowner and aggrieved party.

I have enclosed this firm's check in the amount of \$460.00 as the cost of the appeal and the posting of the required signs. Should you need any additional information in this regard, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/gk
cc: Mt. Wilson Partnership
Robert A. Hoffman, Esquire



VENABLE
ATTORNEYS AT LAW

VENABLE, BAETJER AND HOWARD, LLP
A Partnership including professional corporations
111 W. Chesapeake Avenue
Post Office Box 5517
Towson, Maryland 21204-5517
(410) 494-6200 Fax (410) 821-0147

OFFICES IN
BALTIMORE, MD
WASHINGTON, D.C.
MCKEEN, VA
ROCKVILLE, MD

ROBERT A. HOFFMAN
(410) 494-6202

May 23, 1995

John J. Sullivan
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Levinson Funeral Home
Case No. 94-384-XA
See Bldg. Permit # B 232131

Dear John:

A Special Exception for the proposed Levinson Funeral Home at Reisterstown Road and Mt. Wilson Lane was granted by the Deputy Zoning Commissioner on May 23, 1994. As you can see from the attached Site and Grading Plan, there is a structure labeled future Cohain Room. Jewish custom requires that this small structure be located under a separate roof to allow members of certain families to remain in a separate "building" from their deceased loved one.

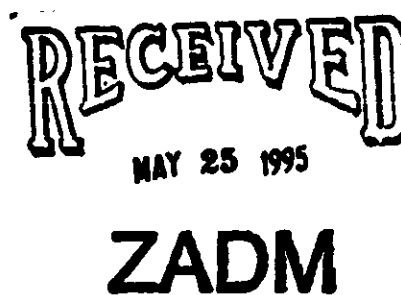
Given the small size of the proposed room and the religious implications, it is respectfully requested that you approve this minor modification to the site plan filed in the referenced zoning case as being within the spirit and intent of the Deputy Zoning Commissioner's Order.

Yours truly,

Robert A. Hoffman

cc: Mark L. Levy
Irvin B. Levinson
Ira Levinson

TOIDOC51/1502/0006895.01



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegany Ave
Joe Hoffman	6010 Reisterstown Rd
William H. Hoffman	6010 Reisterstown Rd
Thomas H. Hoffman	6010 Reisterstown Rd
George Hoffman	6010 Reisterstown Rd
George Hoffman	1940 Front Ave 21093
J. Steven Smith	650 Kenilworth Dr 21201
Wes Guckert	40 West Chesapeake
Rabbi H N Neuberger	400 Mount Wilson Lane 21208
Jerome H Kadlen	400 Mount Wilson Lane 21209
Mark L. Levy	25 Mann Street 21236
Edwin J. Levy	1810 Kenilworth Rd 21209
Alonso Chidister	710 Phoenix Dr 21050

(410) 298
FAX (410) 297

LAWS OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
28 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
BENJAMIN BRONSTEIN
ATTORNEY

on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Marquese Jenkins	16 Mary Carroll Ct
MILB HEKLER	725 Mt Wilson Lane
Kenneth Sidle	16 Mary Carroll Ct
William Bligh	2 Cornelia Pl 21208
Sandra Wenderman	30 Mary Carroll Ct
Henry Carlsberg	23 " " "
Janet Schuttsman	59 Riverdale Cir 21208
Gayed Schuttsman	" " "
Lawrence Young	21 Mary Carroll Ct
Ellen Young	21 Mary Carroll Ct
Howard L. Alderman, Jr. Esq. / Levin & Gann PA	305 W. Chesapeake Ave 4113 Towson MD 21204
Representing Mt. Wilson Partnership - adjoining owner	

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204-5517
(410) 494-6200
FAX (410) 821-0147

ROBERT A. HOFFMAN

May 6, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6202

VIA TELECOPY

Benjamin Bronstein, Esquire
Evans, George & Bronstein
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, Maryland 21204

Re: Levinson Funeral Home at
Mt. Wilson Lane and Reisterstown Road

Dear Ben:

I attended a meeting last night with the Cobblestone Community regarding the proposed Levinson Funeral Home. Stewart Greenbaum suggested that I contact you regarding an issue which he feels is critical to his support of the project. Specifically, Mr. Greenbaum would like a deed restriction that would prohibit the construction of a crematorium on the subject property, in perpetuity. The Levinsons are agreeable to having such a restriction placed in the deed, however, they are currently the contract purchaser.

Therefore, I will be proposing as a condition to the special exception that a restriction be placed in the deed to the property prohibiting the establishment of a crematorium in perpetuity.

In addition to making this proffer, I will submit a copy of this correspondence to the Zoning Commissioner.

PETITIONER'S
EXHIBIT 2

APPEAL

Petition for Special Exception and Variance
N/W Corner Reisterstown Road and Mt. Wilson Lane
3rd Election District - 3rd Councilmanic District
Mt. Wilson Office Center Limited Partnership-PETITIONER
Case No. 94-384-XA

Petition(s) for Special Exception and Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1 - Plat to Accompany Request for a Funeral Establishment
2 - Letter to Benjamin Bronstein dated 5/6/94
3 - Landscape Plan
4 - Letter to Lawrence Schmidt dated 5/5/94
5 - Letter to Venable, Baetjer and Howard dated 5/9/94

Protestant's Exhibits: 1 - Two photographs

Letter to Timothy M. Kotroco dated May 10, 1994 from Robert A. Hoffman

Deputy Zoning Commissioner's Order dated May 23, 1994 (Granted)

Notice of Appeal received on June 21, 1994 from Howard L. Alderman, Jr. on behalf of Mt. Wilson Partnership

Notice of Appeal received on June 22, 1994 from Robert A. Hoffman on behalf of Sol Levinson and Brothers, Inc.

c: Howard L. Alderman, Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204
Robert A. Hoffman, Venable, Baetjer and Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21285-5517
Mr. Irvin B. Levinson, Vice President, Sol Levinson Brothers, Inc., 6010 Reisterstown Road, Baltimore, MD 21215
Ms. Marguerite Jenkins, North Oaks Retirement Home, 725 Mt. Wilson Lane, Baltimore, MD 21208
Ms. Lillian Berger, 2 Cornelius Court, Baltimore, MD 21208
Mr. & Mrs. Fred Schutzman, 59 River Oaks Circle, Balto., MD 21208
Benjamin Bronstein, Evans, George and Bronstein, 29 West Susquehanna Avenue, Towson, MD 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM

9/02/94 -Notice of Assignment for hearing scheduled for Wednesday, October 12, 1994 at 10:30 a.m. sent to the following:

Robert A. Hoffman, Esquire
Mr. Irvin B. Levinson
Sol Levinson Brothers, Inc.
Mt. Wilson Office Center Ltd. Partnership /Legal Owner
Howard L. Alderman, Jr., Esquire
Ms. Marguerite Jenkins
Ms. Lillian Berger
Mr. & Mrs. Fred Schutzman
Benjamin Bronstein, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

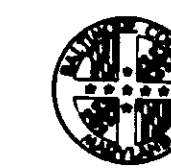
10/03/94 -Stipulation of Dismissal filed by Robert A. Hoffman, Esquire, and Howard L. Alderman, Esquire, Counsel for Appellants in above matter. Respective appeals withdrawn; parties stipulate to dismissal of action with prejudice.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management
DATE: March 3, 1995
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: Case No. 94-384-XA
MT. WILSON OFFICE CENTER LTD. PARTNERSHIP
3rd E; 3rd C

As no further appeals have been taken regarding the subject case, which was dismissed by Order dated October 11, 1994, we are closing the file and returning same to you herewith.

Attachment



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 3, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-384-XA
MT. WILSON OFFICE CENTER
LIMITED PARTNERSHIP

Dear Mr. Hoffman:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Irvin B. Levinson
Howard L. Alderman, Jr., Esquire
Benjamin Bronstein, Esquire
People's Counsel for Baltimore County

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 2, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-384-XA MT WILSON OFFICE CENTER LIMITED PARTNERSHIP
NW/Corner Reisterstown Road & Mt. Wilson Lane
3rd Election District
3rd Councilmanic District

SE -Funeral establishment in 0-1 zone;
VAR -Illuminated sign of 50 sq. ft. in lieu of maximum permitted 1 sq. ft.

5/23/94 -D.Z.C.'s Order in which Petitions were GRANTED with restrictions.

ASSIGNED FOR: WEDNESDAY, OCTOBER 12, 1994 at 10:30 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Appellant /Petitioner
Mr. Irvin B. Levinson Appellant /Petitioner
Sol Levinson Brothers, Inc.
Mt. Wilson Office Center Ltd. Partnership /Legal Owner

Howard L. Alderman, Jr., Esquire Counsel for Appellant /Protestant (Mt. Wilson Partnership)

Ms. Marguerite Jenkins
Ms. Lillian Berger
Mr. & Mrs. Fred Schutzman
Benjamin Bronstein, Esquire

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

PETITION FOR SPECIAL EXCEPTION : BEFORE THE
PETITION FOR VARIANCE : ZONING COMMISSIONER
NWC Reisterstown Road and Mt. Wilson Lane, 3rd Election Dist., : OF BALTIMORE COUNTY
3rd Councilmanic Dist.
PETITIONER : CASE NO: 94-384-XA
MT. WILSON OFFICE CENTER :
LIMITED PARTNERSHIP : : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demillo
Carole S. Demillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

NOTE TO FILE: 371
1. SIGN TYPICAL w/b/ provided @ Hearing.

VENABLE
BAETJER & HOWARD
ATTORNEYS AT LAW
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6300, Fax (410) 821-0107

OFFICE IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

November 7, 1994
DIRECT DIAL NO.
(410) 494-6303

Mr. Arnold Jablon, Director
Baltimore County
Zoning Administration Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Levinson Funeral Home - Zoning Case No. 94-384-XA
ZADM Project No. III-209 (former DRC No. 03144M, 3C3)

Dear Mr. Jablon:

The purpose of this letter is to request your confirmation that the enclosed red-lined copy of the refined Alternate CNG Plan, which was granted a second refinement at yesterday's DRC meeting, is within the spirit and intent of the Deputy Zoning Commissioner's Order in the above-referenced case, dated May 23, 1994.

The footprint of the building has been changed slightly as a result of the final architectural design process. The original approved floor area was 25,800 square feet; the proposed floor area is 24,070 square feet. Additional enclosed parking spaces are provided in the building, and the total number of parking spaces has increased to 233 from 220 spaces as originally shown. There are some minor changes to the parking field due mainly to final grading considerations.

Due to the minor nature of the changes, it is respectfully submitted that the enclosed red-lined plan be considered within the spirit and intent of the Deputy Zoning Commissioner's Order in Case No. 94-384-XA, a copy of which is enclosed for your review. A check in the amount of \$40.00 has also been enclosed to cover the filing fee for this confirmation. We thank you for your prompt assistance.

Sincerely,

G. Paige Wingert
G. Paige Wingert

GPW/dok
enclosures

cc: Mark Levy
Nick Brader
Robert A. Hoffman, Esq.

RECEIVED
NOV 9 1994
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 2, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-384-A, Item No. 371
Petition for Variance

Dear Mr. Hoffman:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on May 2, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Charlotte Minton
Charlotte Minton

Enclosure

Printed with Soy-based Ink on Recycled Paper

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

April 28, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #371 - Funeral Home
Mt. Wilson Lane
Zoning Advisory Committee Meeting of April 11, 1994

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

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

The wetland shown on the accompanying plat is not the same as shown on the plan signed for CRG approval. If another delineation has been done, the report shall be submitted to this office for review and approval. Otherwise, the wetlands shall be revised to agree with the approved CRG plan.

JLP:BK:sp
MTWILSON/DEPRM/TXTSBP

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

May 17, 1994

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #371 - Funeral Home - REVISED
Mt. Wilson Lane
Zoning Advisory Committee Meeting of May 17, 1994

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

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

The wetland limit shown has not been revised to concur with the CRG plan. If a new delineation has been done, send the information in for this office to review and verify. Otherwise, the delineations should be the same.

JLP:BK:sp
MTWILSON/DEPRM/TXTSBP

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 04/12/94

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

RE: Property Owners

LOCATION:

Item No.: 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.

B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 366,367,369,370,371 and 375.

RECEIVED
APR 13 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-6-94

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

Re: Baltimore County
Item No.: 371 MAY 17/94

Dear Ms. Minton:

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

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

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
BOB SMALL, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: May 17, 1994

TO: Arnold Jablon, Director
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for May 16, 1994
Item No. 371

The Developers Engineering Section has reviewed the subject zoning item. The following Landscape Manual comments must be accommodated prior to the variance hearing:

1. Section IX C.2.b.1. - 7% of parking lot areas must be reserved for landscaping.
2. Add an additional 133 planting units.
 - a. Section IX.C.b.2 and 3. buffer parking from adjacent road. Buffer site from adjacent residential zone or use.
 - b. Section IX.B. Buffer storm water management facilities.
3. Revision of the planting design is a condition of the development plan approval.

RWB:sw

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 23, 1994

Howard L. Alderman, Esquire
Levin & Gunn
305 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Special Exception and Variance
N/W Corner Reisterstown Road & Mt. Wilson Lane
3rd Election District
3rd Councilmanic District
Mt. Wilson Office Center Limited
Partnership-Petitioner
Case No. 94-384-XA

Dear Mr. Alderman:

Please be advised that an appeal of the above-referenced case was filed in this office on June 23, 1994 by Robert A. Hoffman on behalf of Sol Levinson and Brothers, Inc. 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. Irvin B. Levinson
Ms. Marguerite Jenkins
Ms. Lillian Berger
Mr. & Mrs. Fred Schutzman
Benjamin Bronstein, Esquire
People's Counsel

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 23, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Petition for Special Exception and Variance
N/W Corner Reisterstown Road & Mt. Wilson Lane
3rd Election District
3rd Councilmanic District
Mt. Wilson Office Center Limited
Partnership-Petitioner
Case No. 94-384-XA

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on June 21, 1994 by Howard L. Alderman on behalf of Mt. Wilson Partnership. 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. Irvin B. Levinson
Ms. Marguerite Jenkins
Ms. Lillian Berger
Mr. & Mrs. Fred Schutzman
Benjamin Bronstein, Esquire
People's Counsel


 District of Columbia
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Washington, Maryland 20004

ITEM 371

receipt
 94-384-XA

Account: R-001-4180

Date: 3-30-94

Number: JCM

MC. WILSON OFFICE CENTER LTM PTR.

1/16 of 288,000 sq ft
 MC. WILSON OFF.

SP. EX (050) _____
 VAR. (020) _____
 Parking (030) 2 x 35 _____

300.00
 250.40
 70.20
 620.60

05A03#0007#1MCHS
 EA 0002713P03-30-94

Phone Make Checks Payable To: Baltimore County

3620.00

Cashier Validation

TO: POTOMAC PUBLISHING COMPANY
April 14, 1994 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormrod
Venable, Baetjer & Howard
210 Allegheby Avenue
Towson, Maryland 21204
494-6201

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: 94-384-EA (11wa 371)
MAC Registration Road and Mt. Wilson Lane
3rd Election District - 3rd Councilmanic
Legal Owner(s): Mt. Wilson Office Center Limited Partnership
Contract Purchaser(s): Sol Levinson & Brothers, Inc.
HEARING: THURSDAY, MAY 10, 1994 at 9:00 a.m., Rm. 118, Old Courthouse.

Special Exception for a funeral establishment.
Variance for an illuminated sign of 50 sq. ft. in lieu of the 1 sq. ft.

LAWRENCE E. SCHULTZ
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.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. **150489**

DATE 11/10/94 ACCOUNT 001-6130

AMOUNT \$ 40.00 (HUK)

RECEIVED FROM Vennble, Bester & Howard

4710 - VERIFICATION
 Levinson Funeral Home

FOR 404-304-34

PREPARED BY W. J. COOK JR. JR. DATE 11-10-94

VALIDATION OR SIGNATURE OF CARRIER

PREPARED BY _____ FEE AGENCY _____ YELLOW CARRIER _____

[illegible]

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE 12/31/94 ACCOUNT ACCT-6150

AMOUNT \$ 466.00

RECEIVED FROM: VEHICLE LICENSE & REGISTRATION

FOR: MT. CLEMENS OFFICE CENTER - APPEAL
(51% of VARIANCE = 10%) 74-384-XA

0206201011011000 \$660.00
 VA CODE 552006-24-94

VALIDATION OR SIGNATURE OF CASHIER
 01/01/95

POC: AGENCY YELLOW - CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 2, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-384-A, Item No. 371
Petitioner: Mt. Wilson Office Center Limited Partnership
Petition for Variance

Dear Mr. Hoffman:

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 March 30, 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
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 18, 1994
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for April 18, 1994
Item No. 371

The Developers Engineering Section has reviewed the subject zoning item. See subdivision file "Mt. Wilson Office Center" for comments. In addition, the proposed center landscaping island needs to be modified (see attached sketch).

RWB:sw

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: April 20, 1994

SUBJECT: Northwest corner of Reisterstown Road and Mt. Wilson Lane

INFORMATION:

Item Number: 371

Petitioner: Mt. Wilson Office Center Limited Partnership

Property Size: _____

Zoning: O-1

Requested Action: _____

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's requested Special Exception and Variance conditioned upon the following:

The proposed 50 square ft. sign should be wall or ground mounted. The plat accompanying the Special Exception must also be amended to reflect this design treatment.

While an effort has been made to reflect the special landscaped corridor treatment as outlined in the Reisterstown Road Corridor Study, the applicant should meet with this office in order to develop a more detailed plan.

Prepared by: Jeffrey W. Long

Division Chief: Caryl K. Kene

PK/JL:lw



May 5, 1994

Mr. Lawrence Schmidt
Zoning Commissioner
Old Court House
113 Washington Ave
Towson, Md. 21204

Re: 94-384 YA

Dear Mr. Schmidt:

This is to inform you that the Zoning Committee of the Pikesville Chamber of Commerce has reviewed with the developer all of the information concerning their zoning request is the above mentioned matter.

It is the opinion of the full committee and of the Board of the Chamber of Commerce that we should support this petition and request that you record our support at the hearing on May 10, 1994.

We feel that the proposed use of the property for the relocation of Sol Levinson Funeral establishment is the highest and best use and will have less impact on the community than the present current zoning would permit.

It is suggested however that consideration be given to adding to the current traffic lights a turn signal for traffic moving North and desiring to turn West off of Reisterstown Rd into Mt. Wilson Lane.

We are forwarding a copy of this letter to the developer for his files.

Very truly yours,

Gabriel W. Rosenbush, Jr.
Chairman of Zoning Committee

GWR:ad
cc: Mark Levy Rock Realty ✓

PETITIONER'S
EXHIBIT 4



May 9, 1994

Venable, Baetjer and Howard
Rob Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Sol Levinson Brothers, Inc. Funeral Home
Baltimore County, Maryland
Our Job No.: 940203

Dear Mr. Hoffman:

This is to confirm that I have undertaken a Traffic Analysis relating to the Special Exception for the proposed Funeral Home to be located at the intersection of MD 140 (Reisterstown Road) and MD 400 (Mt. Wilson Lane).

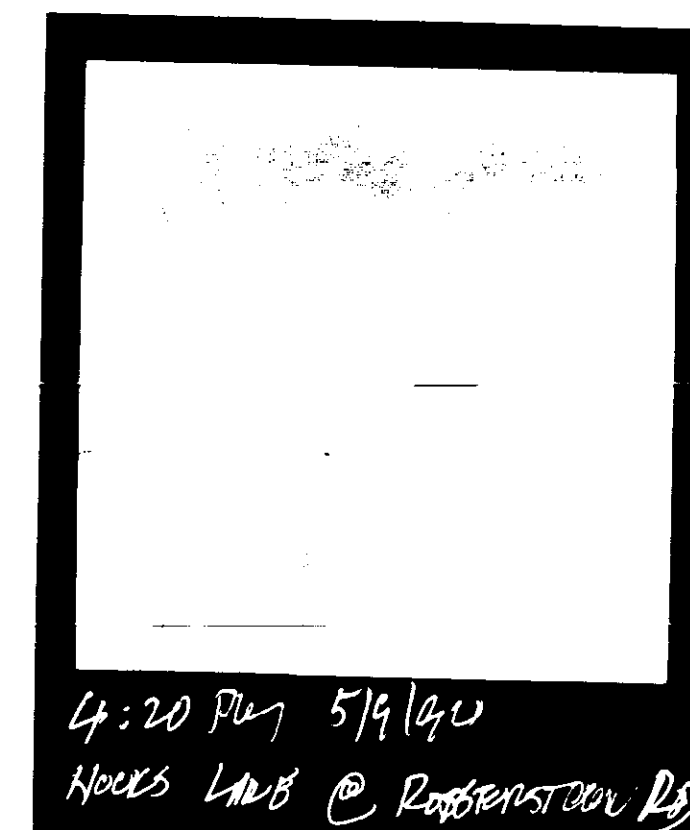
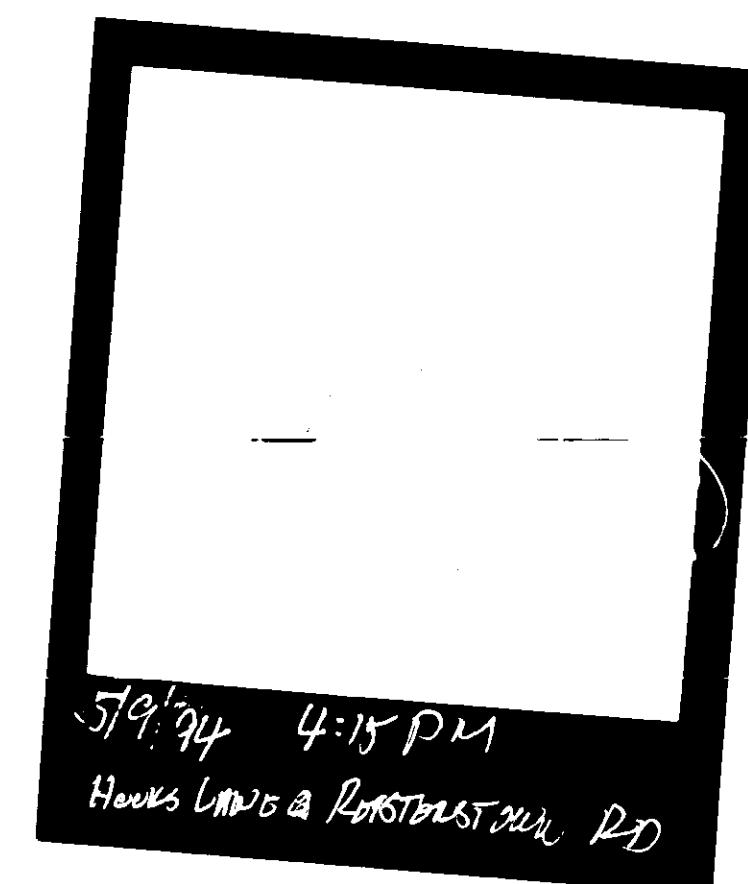
The principal scope of services undertaken as part of my analysis was as follows:

- Field inspection to collect physical information concerning the nearby road system.
- Conduct new turning movement counts at MD 400 and MD 140 to determine the existing mid-day traffic conditions during the week. Additionally, we obtained copies of traffic counts from the files of Baltimore County Department of Traffic Engineering.
- Survey the existing funeral home operations in Baltimore City to arrive at traffic patterns generated by the existing funeral home.
- Determine the impact of the funeral home on the nearby road system.

The Traffic Group, Inc.
Suite 600
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-383-9403
Fax 410-321-8458

PETITIONER'S
EXHIBIT 5

Protestants
Exhibits 1 & 1A
94-384-XA



County Board of Appeals of Baltimore County
ROOM 43 OLD COURTHOUSE
TOWSON, MARYLAND 21204

MARGUERITE JENKINS
NORTH OAKS RETIREMENT HOME
725 Mt. WILSON LANE
BALTIMORE MD 21208

Case No. 94-384-XA
Plat to accompany request for a
FUNERAL ESTABLISHMENT
In an O-1 Zone*
Petitioner's Exhibit No. 1
taken by Barbara Ormord to be
copied this 6th day of July, 1994.

Barbara Ormord
Venable, Baetjer and Howard

7-6-94

SOIL LIMITATIONS CHART				
TYPE	CLASS	ROSES WBSMTS	STREETS AND LOTS	
GLENELO	G-2	B	MODERATE SLOPE	SEVERE SLOPE
GLENELO	G-2	B	SLIGHT	MODERATE SLOPE
CHESTER	C-2	B	SLIGHT	MODERATE SLOPE
GLENELO	G-2	C	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that the Petition for Special Exception to permit a funeral establishment on the subject property, pursuant to Sections 204.3.B.1 and 1801.1.C.6, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.1.A of the B.C.D.R. to permit an illuminated sign of 50 sq.ft. in lieu of the maximum permitted 1 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

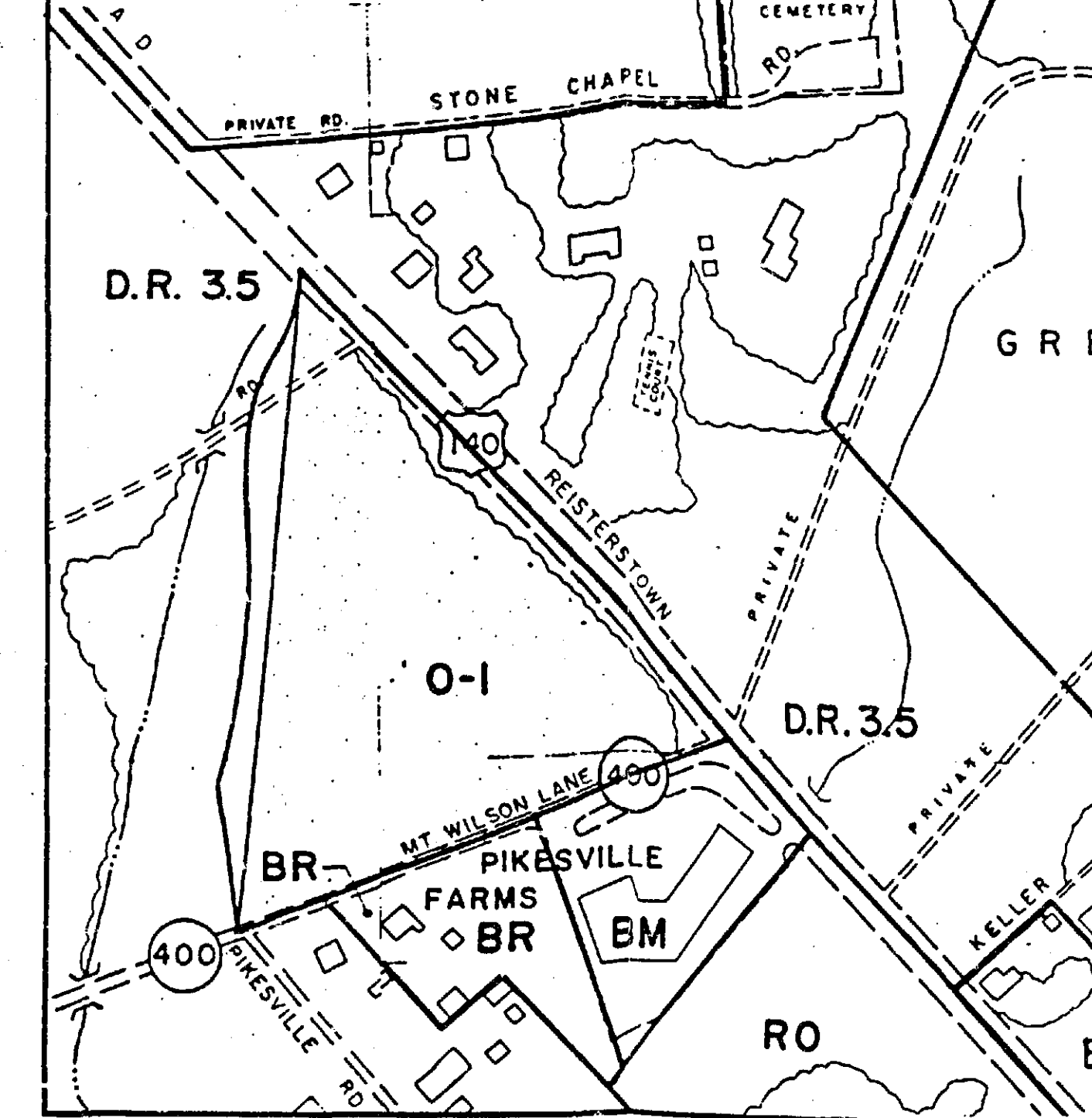
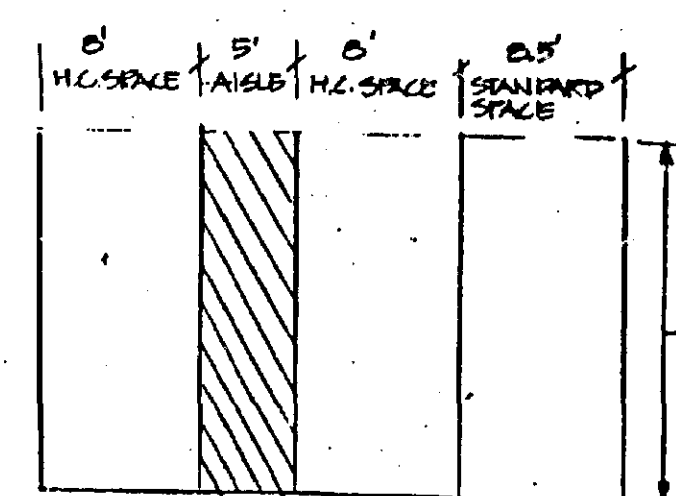
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners, their successors, assigns, and/or transferees, shall be prohibited in perpetuity from performing any cremations on the subject site.
- 3) The Petitioners shall be required to perform the necessary improvements to Mt. Wilson Lane, on both the north and south side thereof, which could involve the widening of Mt. Wilson Lane along the R2 & E property as depicted on Petitioner's Exhibit 1.
- 4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that in the event the Petitioners receive approval from the BSA as to a right-turn in/right-turn out exit onto Reisterstown Road, the Petitioners shall be permitted to proceed with the installation of that improvement without the necessity of filing for a special hearing.

IT IS FURTHER ORDERED that the petitioner shall have five (5) years from the date of this order in which to utilize the special exception relief granted herein.

Timothy W. Roberts
Deputy Zoning Commissioner
for Baltimore County

THK:bjb



ZONING MAP
SCALE: 1" = 200'
PART OF BALTO. CO. ZOO SCALE ZONING MAPS NW 2-F 1 NW 9-G

STORM WATER MANAGEMENT DATA

EXISTING CONDITIONS:

D.A. #1 = 0.6 Ac	D.A. #2 = 2.07 Ac	D.A. #3 = 3.69 Ac
R.C.N. = 78	R.C.N. = 55	R.C.N. = 57
T.C. = 0.1 Hr	T.C. = 0.2 Hr	T.C. = 0.22 Hr
2 year flow = 1.12 cfs	2 year flow = 0.31 cfs	2 year flow = 0.8 cfs
10 year flow = 2.41 cfs	10 year flow = 2.42 cfs	10 year flow = 4.83 cfs
100 year flow = 3.83 cfs	100 year flow = 5.65 cfs	100 year flow = 10.63 cfs

PROPOSED CONDITIONS:

Drainage area routed through the facility:
D.A. = 0.92 Ac
R.C.N. = 81
T.C. = 0.1 Hr
2 year flow = 1.97 cfs
10 year flow = 4.01 cfs
100 year flow = 6.21 cfs

Drainage area routed through the facility:
D.A. = 5.45 Ac
R.C.N. = 91
T.C. = 0.1 Hr
2 year flow = 17.8 cfs
10 year flow = 30.03 cfs
100 year flow = 42.72 cfs

ALLOWABLE RELEASES

2 year storm = 0 cfs
10 year storm = 5.2 cfs
100 year storm = 13.24 cfs

STORAGE REQUIREMENTS:

2 year storm = 31600 cf + 7800 (water quality) = 39400 cf
10 year storm = 41000 cf + 7800 = 48800 cf
100 year storm = 46000 cf + 7800 = 53800 cf

VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

1. EXISTING ZONING = O-1
2. AREA OF TRACT = 6.60 ACRES ± 6000
3. ELECTION DISTRICT: NO. 3
4. CENSUS TRACT: 4037.02
5. COUNCILMANIC DISTRICT: NO. 3
6. WATERSHED: 27
7. SUBSEVERED: 65
8. PROPOSED FLOOR AREA: 24,070 GROSS
9. PARKING REQUIRED: 100 SO FT. 16,000
10. AVAILABLE X 10/1000 + 14 EMPLOYEES X 1/2 = 176
11. BUSINESS VEHICLES: 233 + 12 enclosed spaces
12. PARKING PROVIDED: 233 + 12 enclosed spaces
13. PUBLIC WATER AND SEWER ARE AVAILABLE.
14. TOPOGRAPHY IS TAKEN FROM THE BALTIMORE COUNTY SURVEY DATED 1953.
15. PUBLIC SERVICES CRG # 69148
16. PLANNING # III-209
17. SEE SEPARATE LANDSCAPING PLAN
18. SIGN LOCATION AND DETAIL TO BE FURNISHED AT A LATER DATE. (SEE VARIANCES)
19. LANDSCAPING AND SCREENING SHALL BE IN ACCORDANCE WITH BALTO. LANDSCAPE MANUAL
20. LIGHTING SHALL BE DIRECTED AWAY FROM RESIDENTIAL PROPERTY AND NOT TO INTERFERE WITH TRAFFIC HEIGHT
21. PLAN REFINEMENT APPROVED BY P.R.C.
22. ALL LOADING, SERVICE, OUTSIDE STORAGE AND DUMPSTER AREAS SHALL BE SCREENED WITH A MINIMUM 5' HIGH EVERGREEN SCREEN
23. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES, OR HAZARDOUS MATERIALS ON THIS SITE.
24. USE: THE EXISTING USE IS WOODED
25. THE PROPOSED USE IS FUNERAL HOME
26. STORM WATER MANAGEMENT WILL CONFORM TO BALTIMORE COUNTY STANDARDS
27. GRADING SHOWN IS SCHEMATIC ONLY
28. PROPOSED SIGHT LINES ARE SHOWN ON PLAN AND WILL BE KEPT CLEAR AND GRADED TO ENSURE UNOBSTRUCTED SIGHT AT ALL TIMES
29. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE
30. ALL PARKING AND MANEUVERING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPPED
31. THE DEVELOPER WILL BE RESPONSIBLE FOR ALL SIGNAL/DETECTOR MODIFICATION COSTS AT THE INTERSECTION OF MT. WILSON LANE AND REISTERSTOWN ROAD.

* OFFICE ALTERNATE TO REMAIN VALID
(SEE NOTES 9 & 10)

2nd Plan Refinement

*** ALTERNATE CRG PLAN FOR FUNERAL ESTABLISHMENT**

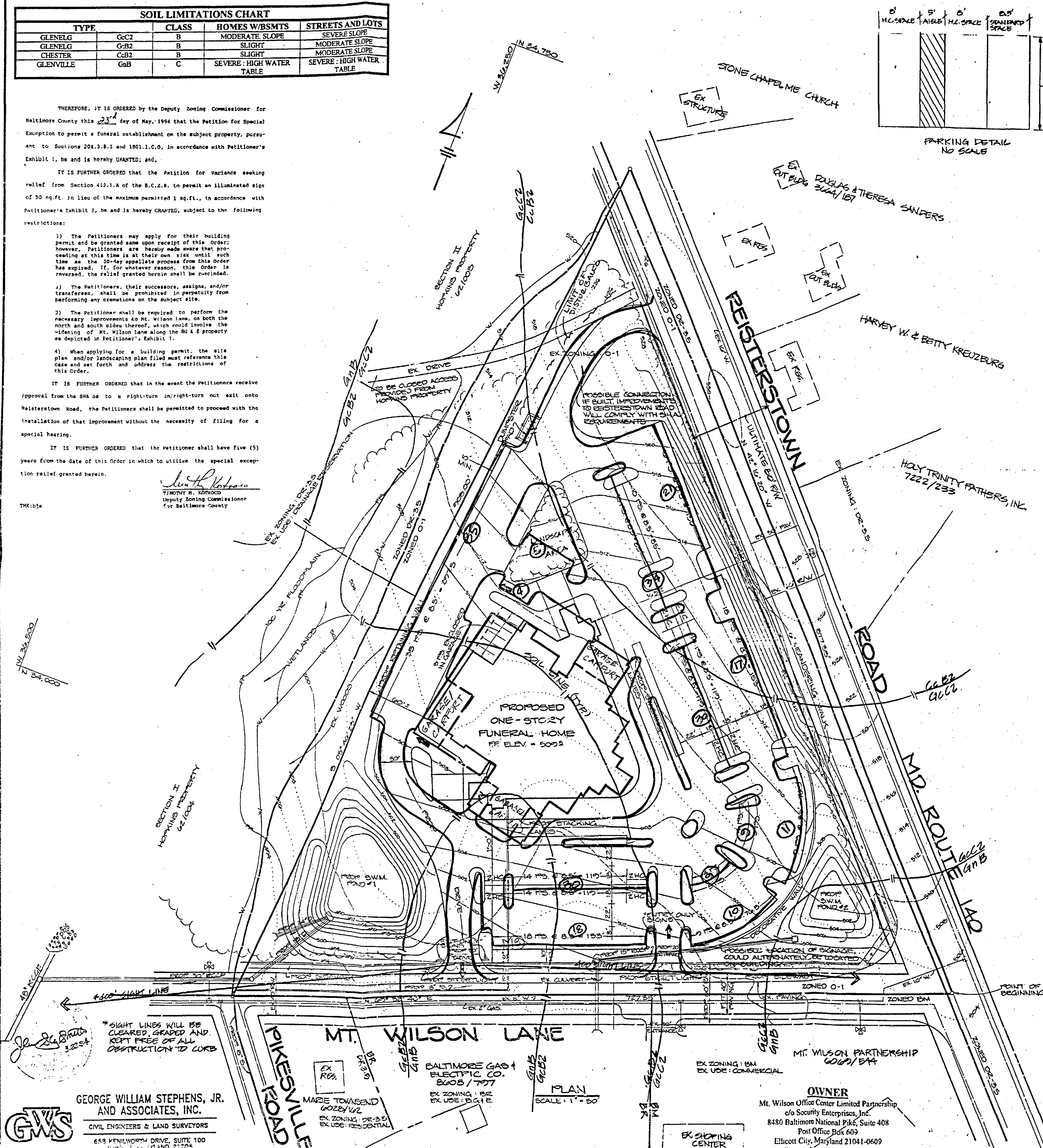
ZADM. NO: III-209

SCALE: 1" = 50'

MAY 2, 1994

REVISIONS	
DATE	ITEM
4/21/94	ADDED ZONING ORDER
5/1/94	2nd Plan Refinement

- AS PER SECTION 204.3.B.1 AND 1801.1.C.8
- VARIANCE IS FOR AN ILLUMINATED SIGN OF 50 SQUARE FEET IN LIEU OF THE ONE SQUARE FOOT AS LIMITED BY SECTION 413.1.A



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.



CIVIL ENGINEERS & LAND SURVEYORS
649 KENILWORTH DRIVE, SUITE 100
BALTIMORE, MD 21204

MARIE TOWNSEND
6022/102

EX ZONING: DE-3.5
EX USE: RESIDENTIAL

BALTIMORE GAS & ELECTRIC CO.
6003/707

EX ZONING: B2
EX USE: B2, E

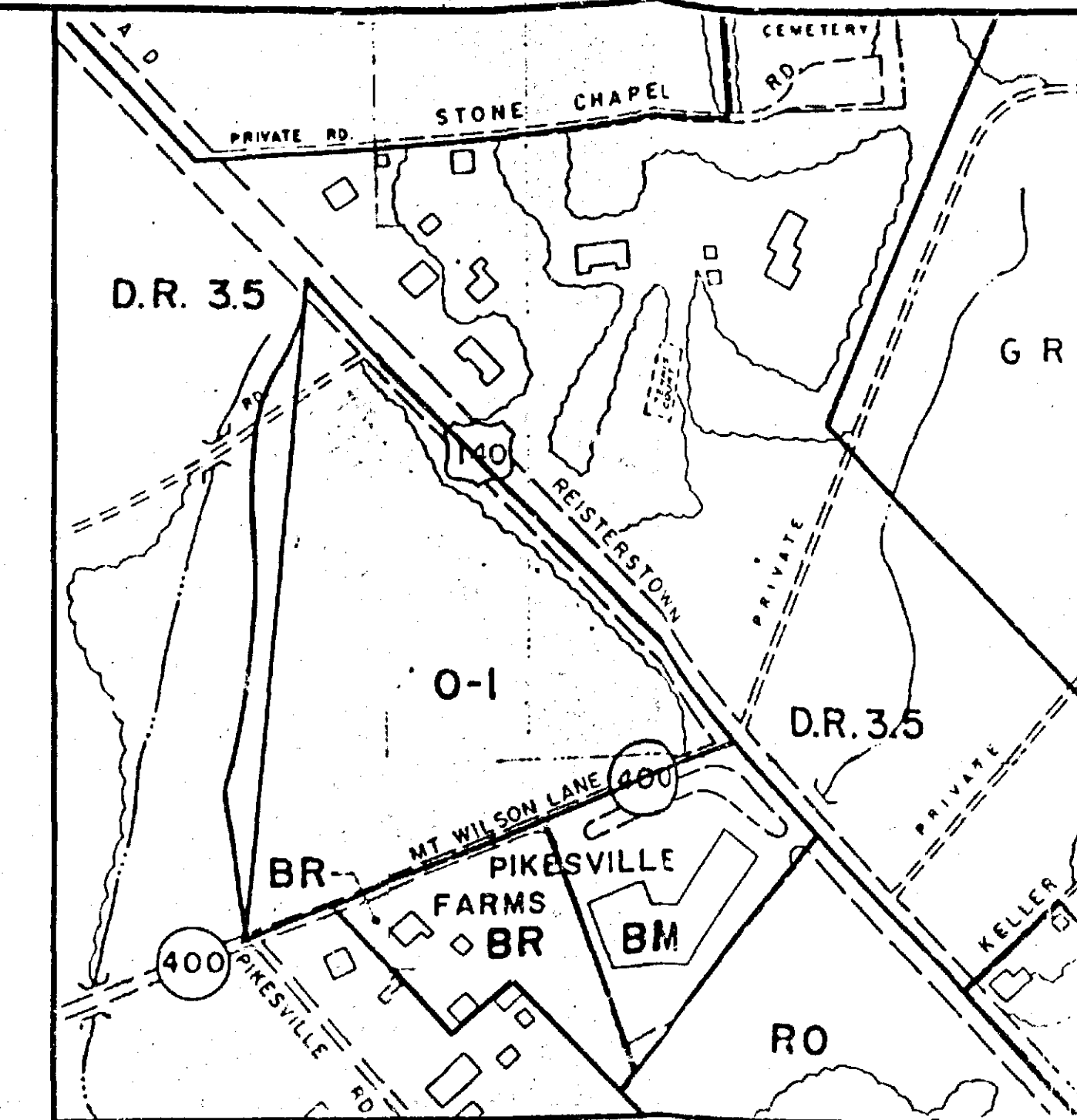
PLAN
SCALE: 1" = 50'

OWNER

Mt. Wilson Office Center Limited Partnership
c/o Security Enterprises, Inc.
8480 Baltimore National Pike, Suite 408
Post Office Box 609
Ellicott City, Maryland 21041-0609

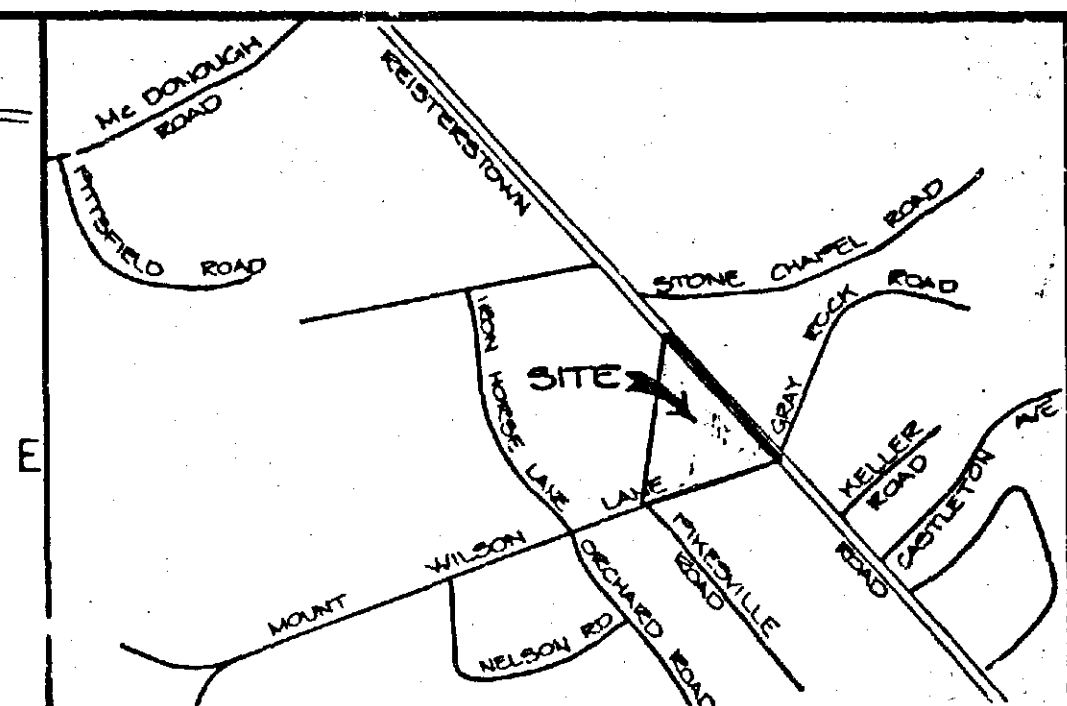
EX SHOPPING CENTER

- GENERAL NOTES**
- 1) All plant materials shall be nursery grown and shall conform to American Association of Nurserymen, Inc. standards.
 - 2) All planting procedures and specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan area" latest edition.



ZONING MAP

SCALE: 1" = 200'
PART OF BALTO. CO. 200 SCALE ZONING MAPS NW D-F 1 NW D-G



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

1. EXISTING ZONING - O-1
2. AREA OF TRACT - 6.00 ACRES ±
3. ELECTION DISTRICT - NO 3
4. CENSUS TRACT - 4037.02
5. COUNCILMANIC DISTRICT - NO 3
6. WATERSHED - 27
7. SUBWATERSHED - 65
8. PROPOSED FLOOR AREA - 25,800 SQ. FT.
9. PARKING REQUIRED - 18,000 SQ. FT. (AVAIL. 23X 10/1000 + 14 EMPLOYEES X 1/2 + 3 BUSINESS VEHICLES = 180 + 7 + 3 = 190 PS)
10. PARKING PROVIDED - 212 PS + 8 HC
11. PUBLIC WATER AND SEWER ARE AVAILABLE
12. TOPOGRAPHY IS TAKEN FROM THE BALTIMORE COUNTY SURVEY DATED 1953.
13. PUBLIC SERVICES CRG # 89148
14. PLANNING # III-209
15. SEE SEPARATE LANDSCAPING PLAN SIGN LOCATION AND DETAIL TO BE FURNISHED AT A LATER DATE
16. LANDSCAPING AND SCREENING SHALL BE IN ACCORDANCE WITH BALTO. LANDSCAPE MANUAL
17. LIGHTING SHALL BE DIRECTED AWAY FROM RESIDENTIAL PROPERTY AND NOT TO INTERFERE WITH TRAFFIC HEIGHT
18. PLAN REFINEMENT APPROVED BY P.R.C.

PLANT LIST

Key Quantity Botanical/Common Name Size Root Comments/Accept. Subst.

EVERGREEN TREES

P2	51	Pinus strobus/Eastern White Pine	10'-12' ht.	BB	Premium Specimens - Full
H	42	Juniperus Chinensis Hetzi Columnaris	10'-12' ht.	P3	Matched Specimens - Full
P	46	Pinus strobus/Eastern White Pine	6'-8' ht.	BB	Full
T	22	Tsuga canadensis/Canadian Hemlock	6'-8' ht.	BB	Full
T1	13	Tsuga canadensis/Canadian Hemlock	8'-10' ht.	BB	Full
P1	22	Pinus strobus/Eastern White Pine	8'-10' ht.	BB	Full

DECIDUOUS TREES

PS	52	Prunus serrulata 'Kwanzan'/'Kwanzan	2 1/2' - 3'	cal BB	Matched
QP	13	Quercus palustris 'Sovereign'/'	2' - 2 1/2'	cal BB	CENTRAL LEAFER TO 6' HGT - FULL CROWN
SB	35	Salix babylonica/Weeping Willow	2 1/2' - 3'	cal BB	Full crown
ZS	20	Zelkova serrata 'Village Green'/'	2' - 2 1/2'	cal BB	Full crown
		Village Green Japanese Zelkova			
PC	6	Pyrus calleryana 'Chanticleer'	2 1/2' - 3'	cal EP	MATCHED

Planting Calculations

Landscape planting per Baltimore County Landscape Manual, adopted October 1, 1990.

Required:	Proposed
Adjacent Road: 1 pu per 40 LF - @ 1480 LF = 37 pu	64 pu
Interior Road: 1 pu per 20 LF - @ 370 LF = 18.5 pu	41 MAJOR - 75%
Parking: 1 pu per 12 SF - @ 220 SF = 18.3 pu	24 pu
	14 MAJOR - 75%
Class A Screen: No Adj. req. zoning.	41 EVERGREEN - 89.5 pu
Dumpster: 1 pu per 15 LF - @ 60 LF = 5 pu	6 pu
	12 EVERGREEN - 100%
TOTAL PLANTING UNITS REQUIRED	96 pu
TOTAL PLANTING UNITS PROVIDED	210 pu
78.0 MAJOR	
69.0 MINOR	
109.0 EVERGREEN	

LANDSCAPE PLAN

PER BALTIMORE COUNTY LANDSCAPE MANUAL
DESIGN COLLECTIVE, INC. LANDSCAPE ARCHITECT

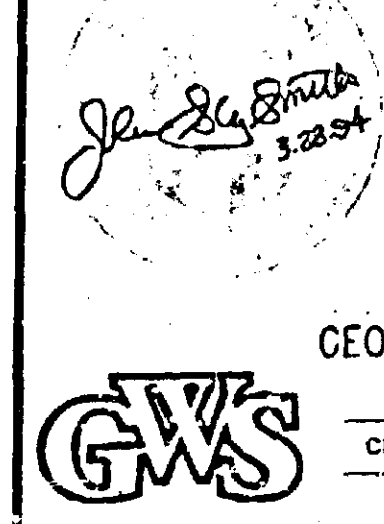
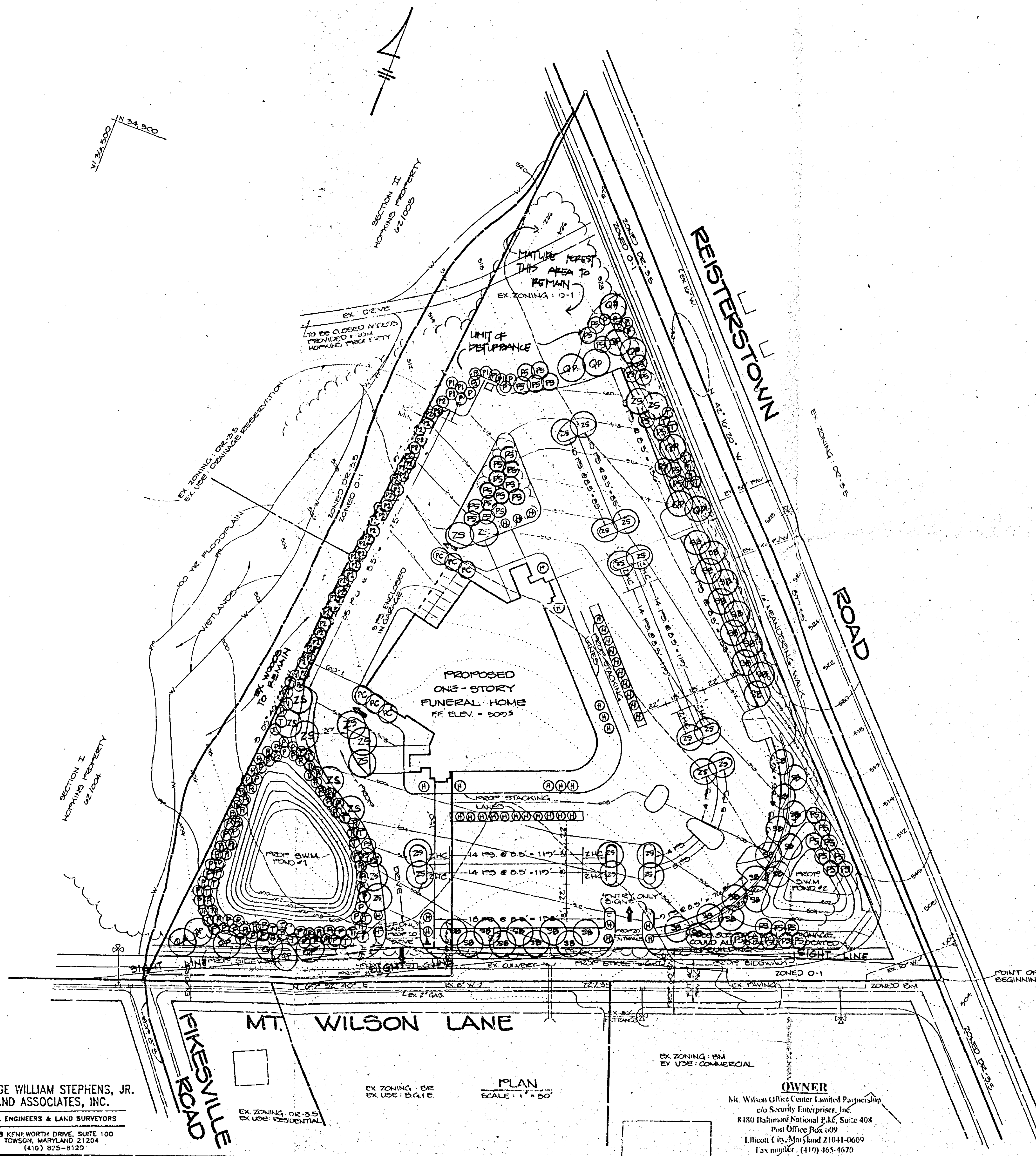
DESIGN

ARCHITECTURE PLANNING INTERIORS
100 EAST PRATT STREET
14TH FLOOR
BALTIMORE, MARYLAND 21202
TELEPHONE 410.683.6655
FAX 410.539.5242

DATE	REVISIONS
	ITEM

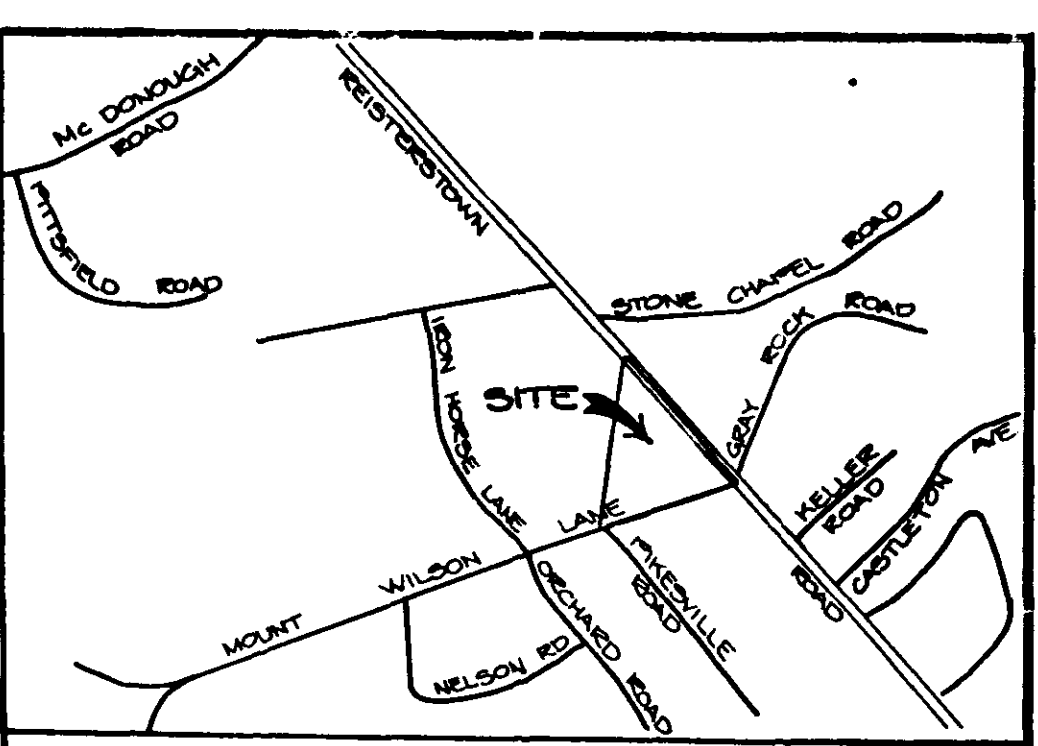
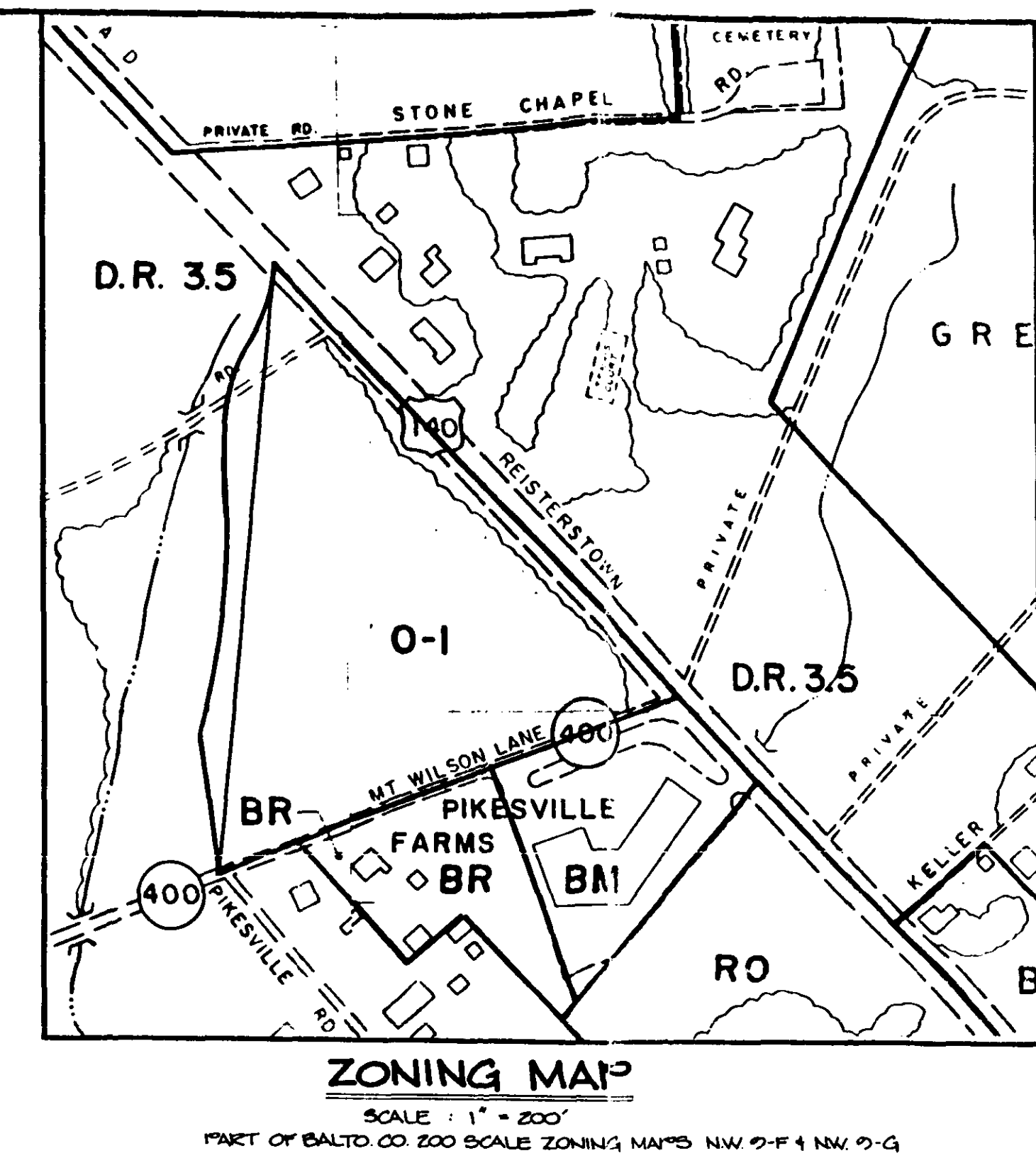
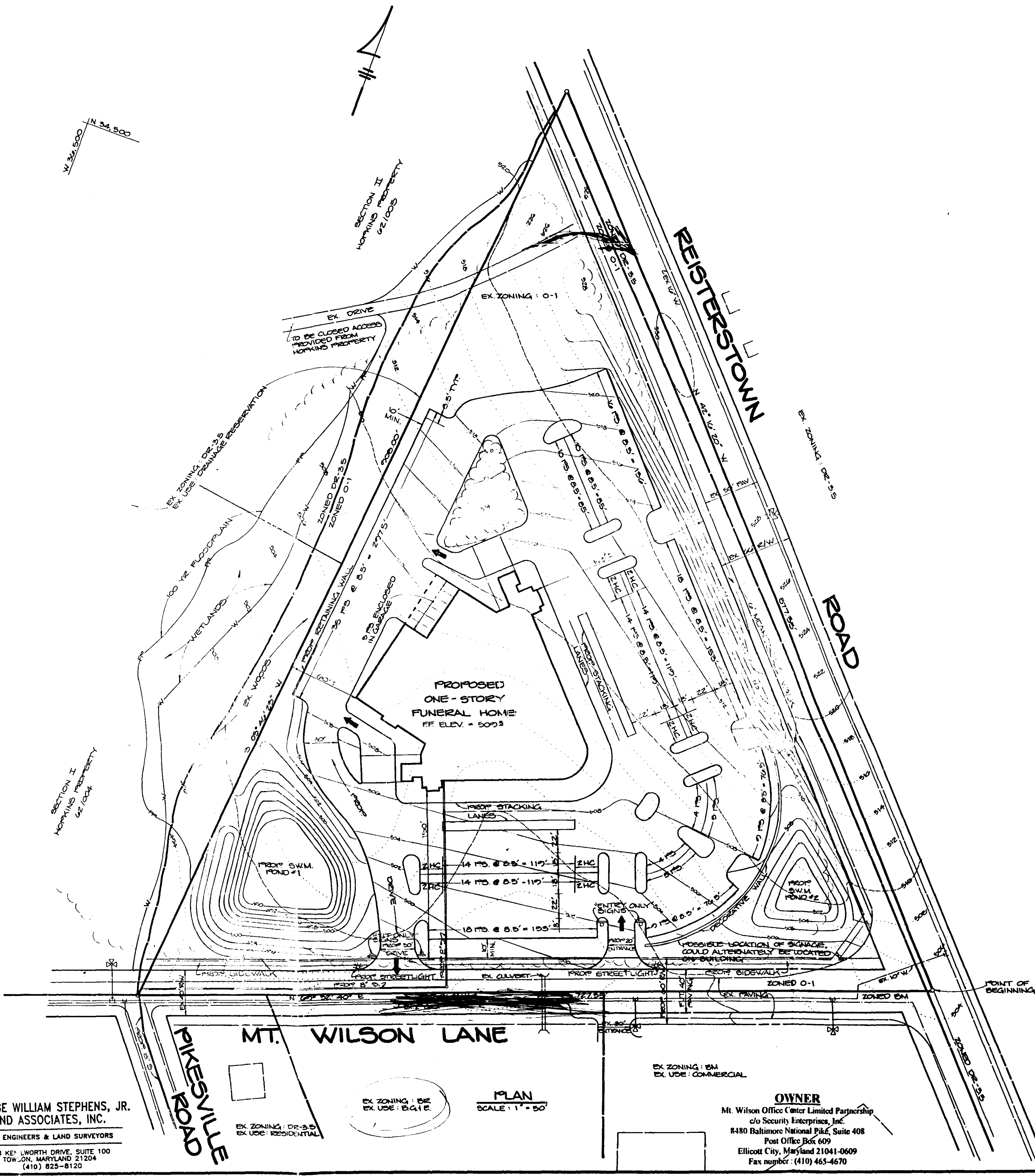
- AS PER SECTION 204.3 B.1 AND 1101.1 C.8
- VARIANCE IS FOR AN ILLUMINATED SIGN OF 50 SQUARE FEET IN LIEU OF THE ONE SQUARE FOOT AS LIMITED BY SECTION 413.1 A

PETITIONER'S EXHIBIT 3



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
855 KENIL WORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER
Mt. Wilson Office Center Limited Partnership
c/o Security Enterprises, Inc.
8480 Baltimore National Pk. Suite 404
P.O. Box 606
Illicott Ctr., Maryland 21041-0609
Fax number: (410) 465-4670



- SITE DATA**
- EXISTING ZONING = O-1
 - AREA OF TRACT = 6.60 ACRES ±
 - ELECTION DISTRICT - NO. 3
 - CENSUS TRACT - 403702
 - COUNCILMANIC DISTRICT - NO. 3
 - WATERSHED - 27
 - SUPERSEDED - 65
 - PROPOSED FLOOR AREA - 25,800 SQ. FT.
 - PARKING REQUIRED - 18,000 SQ. FT.
 - AVAILABLE EX - 10,000 + 14 EMPLOYEES X 1/2 + 3 BUSINESS VEHICLES = 180 + 7 + 3 = 190 PS
 - PARKING PROVIDED - 212 PS + 8 HC
 - PUBLIC WATER AND SEWER ARE AVAILABLE
 - TOPOGRAPHY IS TAKEN FROM THE BALTIMORE COUNTY SURVEY DATED 1953.
 - PUBLIC SERVICES CRG # 89148
 - PLANNING # III-209
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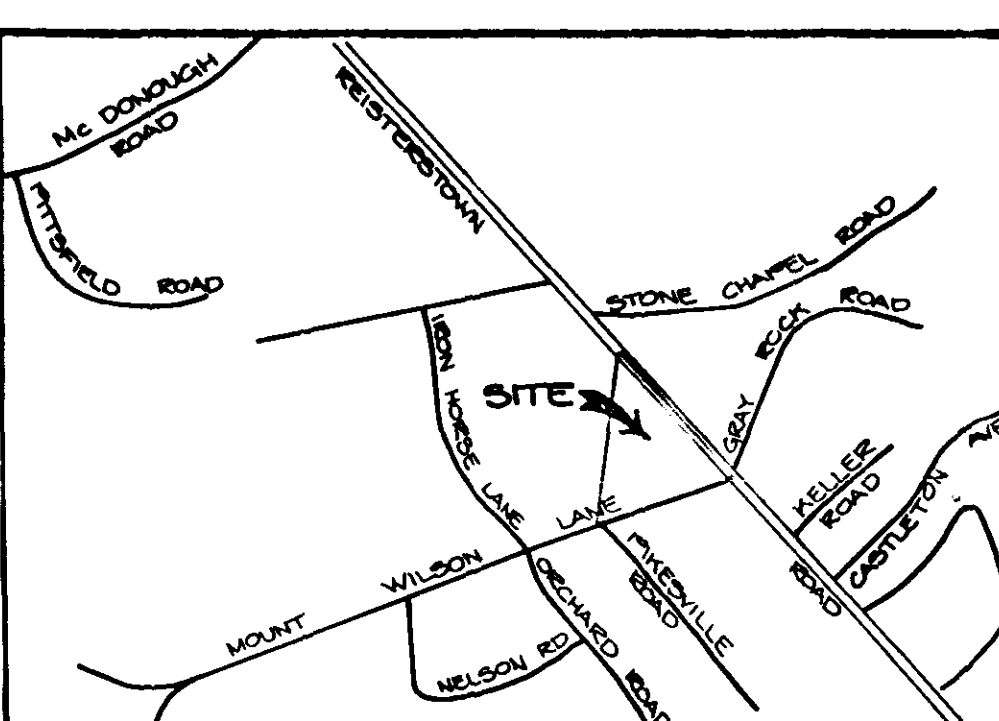
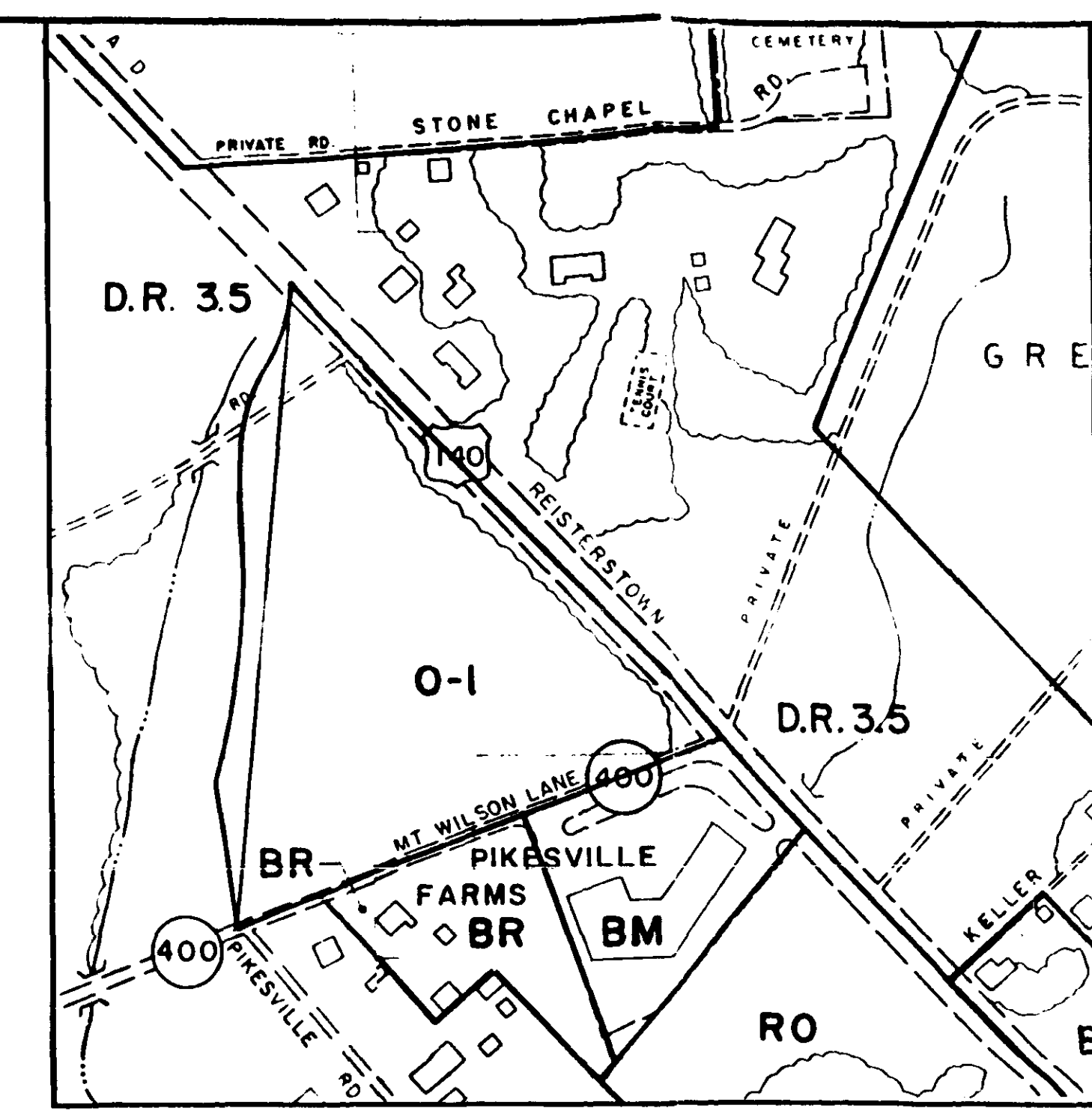
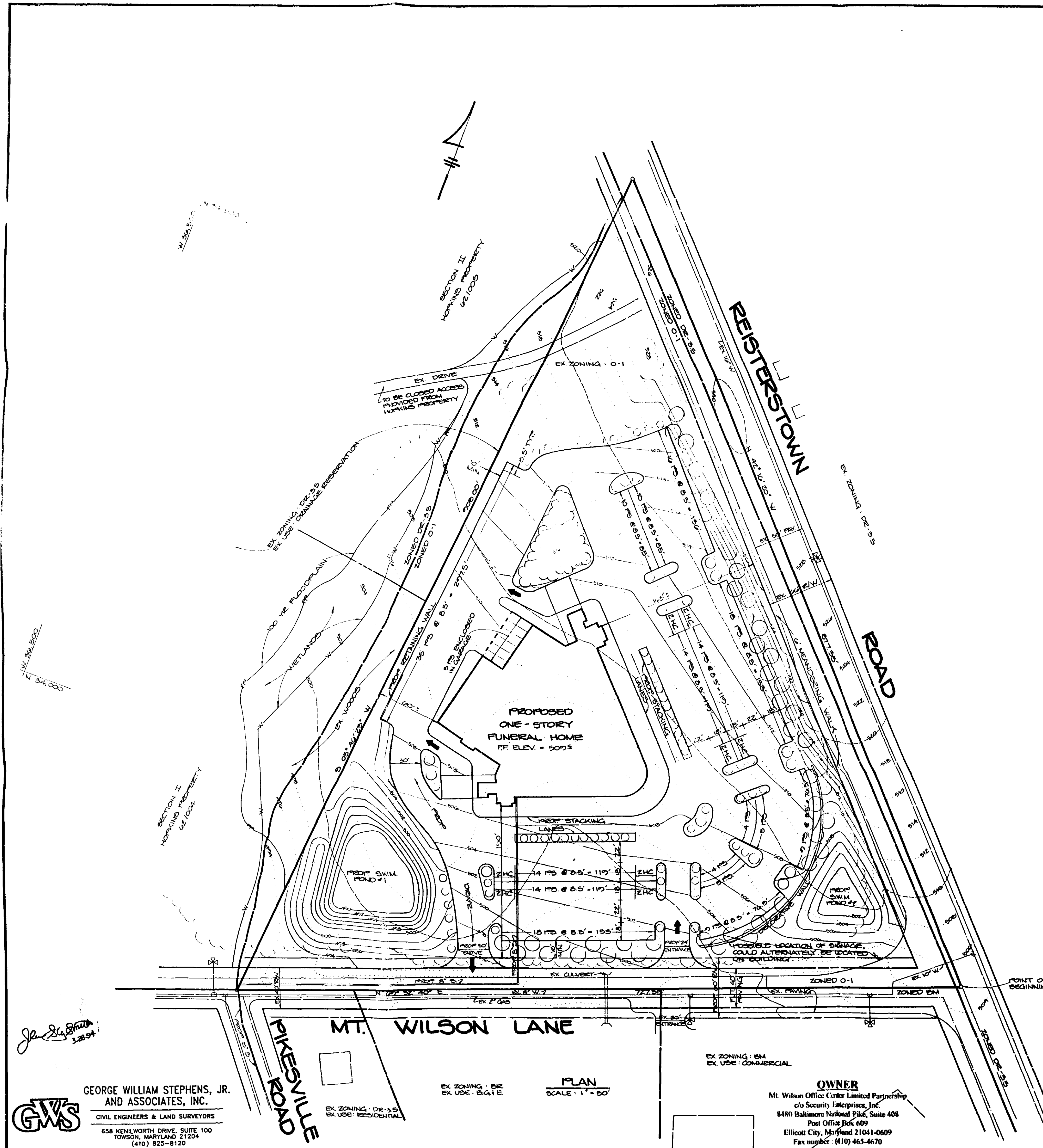
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 8480 Baltimore National Pike, Suite 408
 Post Office Box 609
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 Fax number: (410) 463-4670

REVISIONS	
DATE	ITEM
4-26-94	ADDED WALK, REDUCED INGRESS ROAD

* AS PER SECTION 204.3.B.1 AND 1801.1.C.8
 ** VARIANCE IS FOR AN ILLUMINATED SIGN OF 50 SQUARE FEET IN LIEU OF THE ONE SQUARE FOOT AS LIMITED BY SECTION 413.1.A

PLAT TO ACCOMPANY REQUEST FOR A FUNERAL ESTABLISHMENT IN AN O-1 ZONE*
 AND A VARIANCE FOR A SIGN OF 50 SQUARE FEET**
 SCALE: 1" = 50'
 MARCH 25, 1994

Petitioners
 Ex 1



- SITE DATA**
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 3. ELECTION DISTRICT - NO 3
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94-384-XA

371

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
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