IN RE: PETITION FOR SPECIAL HEARING NWC York & West Rds.,also SE/S I-695, Ruck Funeral Home 1050 York Road 9th Election District 4th Councilmanic District Legal Owner: Leonard J. Ruck, Inc. Hilltop Service Corporation Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 95-79-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1050 York Road in Towson. The subject property is owned by Leonard J. Ruck, Inc., and the Petition is filed by the property owner and Hilltop Service Corporation, co-Petitioner. Relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to amend by deletion of restriction No. 2, the Order issued by the then Zoning Commissioner in case No. 91-56-SPHA, so as to permit additional cremations on site. The property is the site of the Leonard J. Ruck Funeral Home.

Appearing at the requisite public hearing held for this case was Michael J. Ruck on behalf of the Petitioners. Also appearing was Ken Robinson, a marketing representative of the corporation which sells equipment used in the crematorium and Diana L. Collins, an inspector with the Maryland Department of the Environment. Also appearing was George E. Gavrelis of Daft, McCune and Walker, Land Consultant/Expert. The Petitioners were represented by John Howard, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is approximately 3 acres in area and is zoned B.R. The site is located adjacent to the intersection of York Road and West Road immediately next to the Balti-

more Beltway (I-695) in Towson. The site is well known to this Zoning Commissioner and has been in use for many years as a funeral home. Presently, the property is improved with a 17,028 sq. ft. building which is used as a funeral home and chapel. There is also an existing garage and storage building as well as a 1,085 sq. ft. building used as a crematorium. The balance of the site is covered with open space and related parking.

Mr. Ruck testified that this business has been in the community for many years and that the Ruck family has several places of business throughout the Baltimore Metropolitan area. He noted that, in 1989, approval was granted within case No. 91-56-SPHA to permit a crematorium as an accessory use to the funeral home use on this property. However, within the Order rendered at that time, the Petitioner was limited in the number of cremations that could be performed on referrals from other funeral home establishments. Specifically, the Order provided that cremations should not become a primary use conducted from the subject site, nor shall the service be offered to funeral homes, other than the Ruck Funeral Homes, more frequently than 60 times per year.

Mr. Ruck testified that cremation is an increasingly popular method for the disposition of human remains. As one of the few crematoriums in the area, requests from other funeral homes for Ruck to accept bodies for cremation have increased. Mr. Ruck testified that the restriction as outlined above limits cremations from other sites to no more than 60 per year. He indicated that this arbitrary number has caused a hardship in that, for example, the calendar year of 1994, the facility was approaching that capacity.

Mr. Ruck did note, however, that cremations are a small part of the funeral home operations conducted on this site. He indicated that less

than 1% of the gross revenue of the funeral home operation was generated by cremations. Moreover, he testified that there would be no appreciable increase in vehicular traffic congestion or other adverse effects if the restriction was removed. Mr. Ruck concluded that the numerical restriction was arbitrary and presented a hardship upon his business.

Also testifying on behalf of the Petitioner was Diana L. Collins from the Maryland Department of the Environment. She stated that she randomly inspects the Ruck Crematorium facility on a monthly basis. The site has always fully complied with the Maryland Department of Environmental standards. She believes that the site is a model facility.

Ken Robinson, a marketing representative from the company which sells equipment utilized in the crematorium, also testified. He noted that the equipment was regularly checked and maintained and was built to comply with rigid environmental standards. He believes that a numerical limitation on the use of the equipment has no rational basis. He also testified that he had undertaken a comprehensive study of the potential environmental effects from the operation of the funeral home. He noted, for example, that the crematorium operation on an annual basis would produce 38 pounds of particulate matter. This is to be compared to the 150,000 pounds of particulate matter which is generated by traffic on the Baltimore Beltway in this vicinity. Similar results as to carbon monoxide emissions were found.

Also testifying was George Gavrelis from Daft, McCune and Walker, Land Consultants. He corroborated the testimony of the earlier witnesses and opined that a lifting of the numerical limitation would cause no detriment to health, safety and general welfare of the community. He also noted that section of the Zoning Commissioner's Policy Manual found on

page 2-36 permits crematoriums as an accessory use to the principal use of a funeral establishment.

In considering the Petition for Special Hearing, an initial comment is in order about the accessory use designation of the crematorium. I concur with the language within the Zoning Commissioner's Policy Manual which allows a crematorium as an accessory use to the principal use of the funeral establishment. Clearly, these uses go hand in hand. What is troubling, however, is the definition of accessory use or structure found within Section 101 of the BCZR. Therein, it is provided that the accessory use must be on the same lot as the principal use and must serve said lot. As I pointed out in a previous decision offered by this office (Helix Health Care System, case No. 92-186SPH), an accessory use by definition must be on the same lot as the principal use served. In that case, a medical waste disposal incinerator was planned for Franklin Square Hospital. Although the incinerator and other machinery necessary was properly accessory to the hospital use on the Franklin Square campus, the Petitioner also proposed accepting waste from other facilities, including the Union Memorial Hospital in Baltimore City. In that case, I concluded that waste generated by Union Memorial could not be disposed of at the Franklin Square facility in that the incinerator at Franklin Square could not be accessory to an offsite use. My conclusion, in this respect, was affirmed by the Board of Appeals. Applying that logic to the matter before me, it seems questionable whether remains can be received for cremation at the subject site from offsite facilities. That is, the crematorium as accessory to the Towson Ruck Funeral Home should accept remains only from that facility. Irrespective of this conclusion, however, same cannot be applied in this case. The law of this case, as set forth in the prior opinion, is clear. In that case, the Zoning Commissioner permitted cremation

of remains received from other sites but imposed certain restrictions, including a limitation of the number of bodies which could be received. Thus, although I might reach a different result, on this issue, it is clear that the prior Order permitted remains to be received from offsite facilities. The doctrine of estoppel would prevent this Zoning Commissioner from revoking that holding. Clearly, the Ruck company has expended substantial sums in constructing and utilizing the crematorium. Any decision now which would reverse the prior Order would be manifestly improper and unfair to the Petitioner. For this reason, I must, therefore, conclude that the law of this case allows the Ruck Funeral Home to accept remains from offsite. That conclusion having been reached, the next issue is whether any arbitrary numerical limit should be imposed. In this regard, the uncontradicted testimony of the witnesses was that the crematorium is operated safely without any detriment to the locale. The levels of exhaust generated thereby are substantially lower than from ordinary traffic in the vicinity. There is absolutely no evidence that there is any adverse effect to the health, safety and general welfare. Thus, I shall grant the Petition for Special Hearing and strike restriction No. 2. Moreover, it need be emphasized that the crematorium can continue operations, for so long as it retains its accessory character, in the context of the prior Order, to the funeral home establishment business operations which are conducted on this site.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of October, 1994 that, pursuant to the Petition for Special Hearing, approval from Section 500.7 of the Baltimore County Zon-

ing Regulations (BCZR) to amend by deletion of restriction No. 2, the Order issued by the Zoning Commissioner in case No. 91-56-SPHA, so as to permit additional cremations on site, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 10/13/94
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 12, 1994

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

RE: Petition for Special Hearing
Case No. 95-79-SPH
Leonard J. Ruck, Inc./Hilltop Service Corp., Petitioner
Property: 1050 York Road

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, 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:mmn
att.
cc: Mr. Michael J. Ruck, Leonard J. Ruck, Inc.
Mr. George E. Gavrelis, Daft, McCune, Walker

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Petition for Special Hearing

95-79-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 1050 York Rd. (NW/C of York Rd. & West Rd.)

which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to delete Restriction No. 2 of the Special Hearing Order approved in Case No. 90-156-SPHA to permit additional cremations from other funeral homes.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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.

Petitioner:

Hilltop Service Corporation
(Type or Print Name)

By: Michael J. Ruck
Signature Michael J. Ruck, Vice-President

1050 York Road
Address

Towson Md. 21204
City State Zipcode

Attorney for Petitioner

Robert A. Hoffman
(Type or Print Name)

Signature

Venable, Baetjer and Howard
210 Allegheny Ave. 494-6262
Address Phone No

Towson md. 21204
City State Zipcode

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

Legal Owner(s)

Leonard J. Ruck, Inc.
(Type or Print Name)

By: Michael J. Ruck
Signature Michael J. Ruck, President

(Type or Print Name)

Signature

5305 Harford Rd. 426-1517
Address Phone No

Baltimore Md. 21214
City State Zipcode

Name, Address and phone number of representative to be contacted

Robert A. Hoffman
Name

210 Allegheny Ave. 494-6262
Address Phone No

Towson, Md. 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
No REVIEW APPT.
8-24-94 uCR

Zoning Administration & Development Management

80

95-79-SPH

Description

To Accompany Zoning Petition

2.68 Acre Parcel

Southwest Side of York Road

Northwest Side of West Road

Ninth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of York Road with the centerline of West Road, 60 feet wide, (1) Northwesterly 75 feet, more or less, measured along the centerline of York Road, and thence (2) Southwesterly at right angles to said centerline 55 feet, more or less, thence leaving said point of beginning and the southwest side of York Road and running and binding on the northwest side of West Road, with all courses of this description referred to the deed meridian in Liber E.H.K., Jr. 5954, Folio 305, the two following courses and distances viz: (1) South 12 degrees 24 minutes 30 seconds West 71.62 feet, and thence (2) South 56 degrees 05 minutes 29 seconds West 386.72 feet to intersect the right-of-way line of Baltimore County Beltway, thence leaving said northwest side of West Road and running and binding on said right-of-way line, the six following courses and distances, viz: (3) North 33 degrees 54 minutes 31 seconds West 203.63 feet, thence (4) North 03 degrees 03 minutes 32 seconds East 107.56 feet, thence (5) North 58 degrees 39 minutes 50 seconds East 46.46 feet, thence (6) Northeasterly by a line curving to the right with a radius of 175.00 feet for a distance of 35.00 feet (the arc of said curve being subtended by a long chord bearing North 52 degrees 24 minutes 34 seconds East 34.94 feet), thence (7)

95-79-SPH

Northeasterly by a line curving to the right with a radius of 575.00 feet for a distance of 82.14 feet (the arc of said curve being subtended by a long chord bearing North 62 degrees 13 minutes 53 seconds East 82.07 feet), and thence (8) North 67 degrees 40 minutes 36 seconds East 222.07 feet to intersect the abovementioned southwest side of York Road, thence running and binding on said southwest side of York Road (9) South 31 degrees 53 minutes 11 seconds East 187.00 feet to the point of beginning; containing 2.68 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 15, 1994

Project No. 89061 (L89061)

STATE OF MARYLAND
EDMUND F. HAILE
No. 9010
REGISTERED
PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

95-79-SPH

District 9th

Date of Posting 9/17/94

Posted for: Special Hearing

Petitioner: Leon J. Ruck, Inc. & Hill Top Service Corp.

Location of property: 1050 York Rd, Ruck Funeral Home

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M Stecky
Signature

Date of return: 9/23/94

Number of Signs: 1

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

Case Number:
95-79-SPH (Item 80)
1050 York Road
Ruck Funeral Home
NWC York and West Roads also SE/S I-695
9th Election District
4th Councilmanic
Legal Owner(s):
Leonard J. Ruck, Inc.
Petitioner(s):
Hilltop Service Corp.
HEARING: TUESDAY, OCTOBER 4, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing: to approve an amendment to delete restriction #2 of the special hearing order approved in case #90-156-SPHA to permit additional cremations from other funeral homes.

LAWRENCE E. SCHMIDT,
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.

9/197 September 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/15, 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 9/15, 1994

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

~~Publisher~~

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number 80 (WOR)

Date 8/24/94

DROP-OFF ——— NO REVIEW APPOINTMENT

#040 - SPECIAL HEARING ———————— $250.00
#080 - SIGN POSTING ———————— 35.00

TOTAL ———————————————————— $285.00

Legal Owner: Leonard J. Ruck, Inc.
Petitioner: Hilltop Service Corporation
1050 York Road (Ruck Funeral Home)
2.68 +/- acres
Zoned B.R.
9th Election District; 4th Councilmanic District
Attorney: Robert A. Hoffman

Check From: Venable, Baetjer & Howard

[illegible] $285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-79-SPH

Account: R-001-6150

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2.68 +/- acres
Zoned B.R.
9th Election District; 4th Councilmanic District
Attorney: Robert A. Hoffman

Check From: Venable,
Baetjer & Howard

MICROFILMED

01A01#0024MICHRC $285.00
BA CO08:44AM08-25-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

VENABLE BAETJER AND HOWARD • A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS • 1800 MERCANTILE BANK & TRUST BUILDING • BALTIMORE, MD 21201

CHECK NO 230740 A

06/21/94	A062194	285.00	.00	285.00
	B.Ormord-16860.108458-Advertising & Posting Fees-Petition fo			

80

PLEASE DETACH FROM CHECK BEFORE DEPOSITING
KEEP THIS STUB FOR YOUR FILES

VENABLE BAETJER AND HOWARD • A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS • 1800 MERCANTILE BANK & TRUST BUILDING • BALTIMORE, MD 21201

CHECK NO. 230740 A

06/21/94 A062194 285.00 .00 285.00
B.Ormord 16860.108458-Advertising & Posting Fees-Petition to

PLEASE DETACH FROM CHECK BEFORE DEPOSITING
KEEP THIS STUB FOR YOUR FILES

VENABLE, BAETJER AND HOWARD
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEY'S ACCOUNT
1800 MERCANTILE BANK & TRUST BUILDING
BALTIMORE, MARYLAND 21201

7-61
520

A230740

MERCANTILE
MERCANTILE-SAFE DEPOSIT & TRUST COMPANY

DATE 06/23/94

Two Hundred Eighty-Five & 00/100

$ 285.00

VOID AFTER 180 DAYS

PAY TO THE ORDER OF
Baltimore County, Maryland
Office of Finance
Room 150, Courthouse
Towson, MD 21204-4665

MICROFILMED

BY

BY

NON-NEGOTIABLE
TWO SIGNATURES REQUIRED OVER $10,000.00

CLIENT FILE COPY

VENABLE BAETJER AND HOWARD • A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS • 1800 MERCANTILE BANK & TRUST BUILDING • BALTIMORE, MD 21201

CHECK NO. 230740 A

06/21/94	A062194	285.00	.00	285.00

B.Ormord-16860.108459-Advertising & Posting Fees-Petition to

PLEASE DETACH FROM CHECK BEFORE DEPOSITING
KEEP THIS STUB FOR YOUR FILES

VENABLE, BAETJER AND HOWARD
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEY'S ACCOUNT
1800 MERCANTILE BANK & TRUST BUILDING
BALTIMORE, MARYLAND 21201

7-61
520

A230740

MERCANTILE

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY

DATE 06.23.94

Two Hundred Eighty Five & 00 DO

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BY

BY

NON-NEGOTIABLE
TWO SIGNATURES REQUIRED OVER $10,000.00

ORIGINATOR COPY

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 80

Petitioner: Hilltop Services Corporation

Location: 1050 York Road, Towson Md 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormord

ADDRESS: 210 Allegheny Ave
Towson, Md 21204

PHONE NUMBER: 494-6200

MICROFILMED

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
September 15, 1994 Issue - Jeffersonian

Please foward billing to:

Barbara W. Ormord
210 Allegheny Avenue
Towson, Maryland 21204
494-6200

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: 95-79-SPH (Item 80)
1050 York Road --- Ruck Funeral Home
NWC York and West Roads, also SE/S I-695
9th Election District - 4th Councilmanic
Legal Owner(s): Leonard J. Ruck,Inc.
Petitioner(s): Hilltop Service Corporation
HEARING:TUESDAY, OCTOBER 4, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to delete restriction #2 of the special hearing order approved in case #90-156-SPHA to permit additional cremations from other funeral homes.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

September 6 1994

NOTICE OF HEARING

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

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Arnold Jablon
Director

cc: Hilltop Services Corporation
Leonard J. Ruck, Inc.
Robert A. Hoffman, Esq.

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 21 1994

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

RE: Item No. 80, Case No. 95-79-SPH
Petitioner: Hilltop Service Corporation

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 August 24, 1994 and a hearing scheduled accordingly.

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

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

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

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

Very truly yours,

W. Carl Richards, Jr.

MICROFILMED

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: September 7,1994

SUBJECT: 1050 York Road

INFORMATION:

Item Number: 80

Petitioner: Ruck Property

Property Size:

Zoning: B.R.

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided regarding the deletion of Restriction No. 2, staff offers the following comments:

The petitioner should clarify whether it is intended for the crematorium to become a principle or primary use as opposed to an ancillary use.

In order for the Special Hearing to be granted, the same burdens of proof as required in Special Exception cases pursuant to Section 502 of the Baltimore County Zoning Regulations should be met. The health, safety and welfare of the community should also be considered in evaluating this request.

The State of Maryland regulates cremation through the Department of the Environment, Air and Radiation Administration. It is recommended that comments be provided by the State of Maryland concerning the subject request.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kern

PK/JL:lw

RECEIVED
SEP 12 1994
ZADM

ZAC.80/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

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

Re: Baltimore County
Item No.: +80 (WCR)

95-79

Dear Ms. Winiarski:

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

for David Ramsey, Acting 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

9/7/94
TO JW

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 09/01/94

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

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

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.

8. ~~The~~ Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 73, 74, 76, 77, 79, 80 AND 81.

RECEIVED
SEP 2 1994
ZADM

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

MICROFILMED

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: Sept. 15, 1994

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 12, 1994

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

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Items 73, 74, 76, 77, 79, 80 and 81

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

SECTION
230.13 SPECIAL EXCEPTION USES

OTHER RECREATION FACILITIES including one or several of the following uses:

COUNTRY CLUB
GYMS
HANDBALL COURTS
HEALTH CLUB/SPA
RACQUETBALL COURTS
RELAXATION TANKS
TANNING FACILITY
TENNIS COURTS
WEIGHTLIFTING OR RESISTANCE EQUIPMENT
WHIRLPOOL SPA

See the following case: 83-151 XSPH

FUNERAL ESTABLISHMENT A crematorium is not allowed by right or by special exception in any zone, but is permitted by hearing as an accessory use to the principal use of a funeral establishment.

See the following cases: 71-243-X
85-003-SPH
90-156

RE: PETITION FOR SPECIAL HEARING 1050 York Road - Ruck Funeral Home NWC York and West Roads, also SE/S I-695, 9th Election Dist., 4th Councilmanic	* * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Hilltop Service Corporation/ Leonard J. Ruck,Inc. Petitioners	* *	CASE NO. 95-79-SPH

* * * * * * * * * * * *

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. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

80

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

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

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1866-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS

August 24, 1994

Baltimore County Zoning Administration
and Development Management
111 W. Cheapeake Avenue
County Courts Building
Towson, Maryland 21204

Attn: Carl Richards

Re: Petition for Special Hearing
Petitioner: Hilltop Services Corporation

Dear Carl:

Please accept the attached Petition for Special Hearing for filing. As you will note by the written receipt, Joe Merrey previously reviewed this filing on July 6th and give it an OK to file.

Please call if you have any questions.

Sincerely,

Barbara W. Ormord
Legal Assistant

DROP-OFF
NO REVIEW
APPT.
8-24-94 WCR

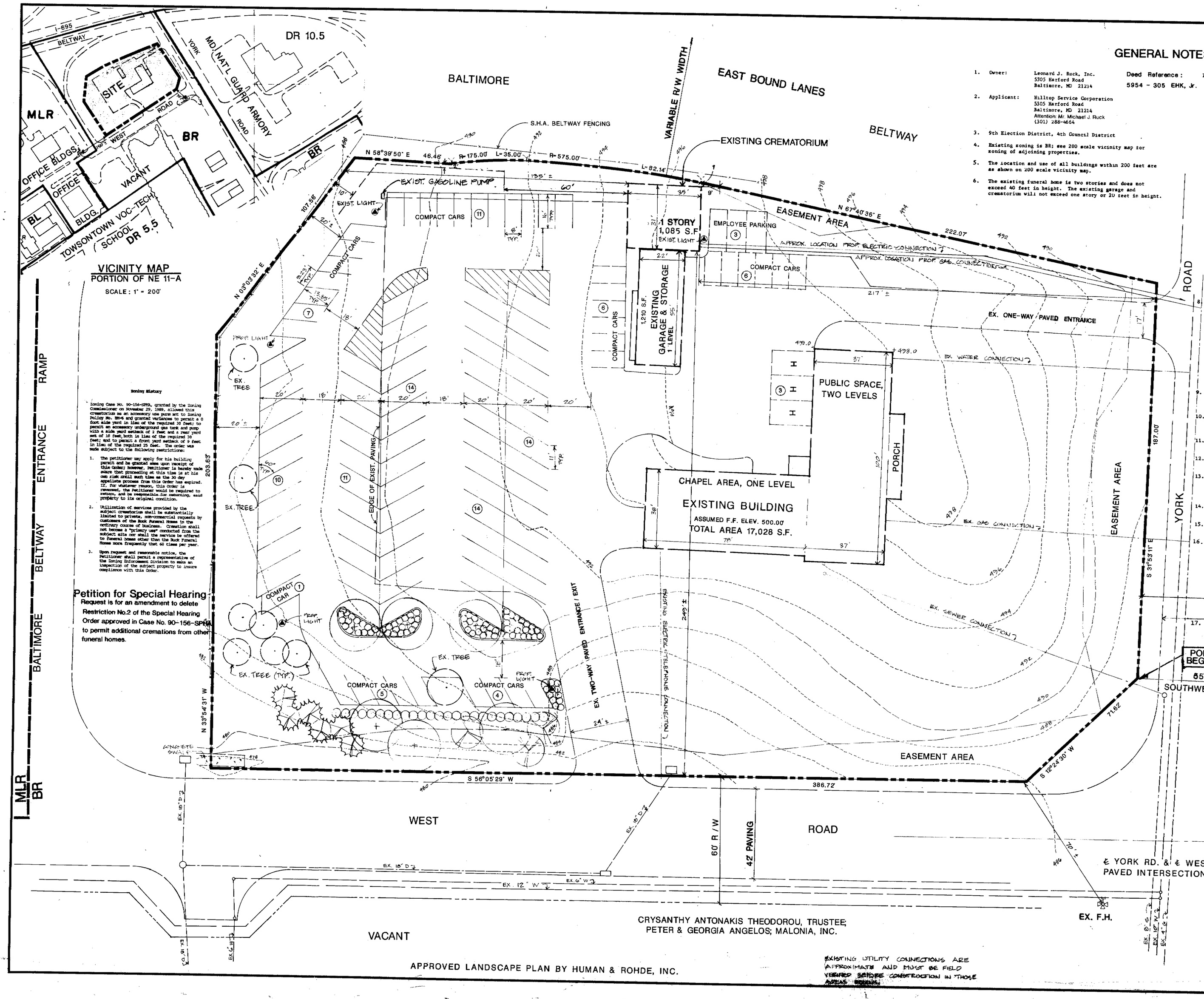
MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Michael J. Ruck	1050 York Road 21204
Ken Robinson	P.O. Box 7796 Orlando, FL 32854
Diana L. Collins	2500 Broening Hwy Baltimore 21224
George E. Gavrelis	DNR: 200 E. Penn. Ave

95-79-SPH



Petition for Special Hearing

Request is for an amendment to delete Restriction No.2 of the Special Hearing Order approved in Case No. 90-156-SPHA to permit additional cremations from other funeral homes.

Zoning History

Zoning Case No. 90-156-SPHA, granted by the Zoning Commissioner on November 29, 1989, allowed this crematorium as an accessory use pace ant to Zoning Policy No. ZR-6 and granted variances to permit a 0 foot side yard in lieu of the required 10 feet; to permit an accessory underground gas tank and pump with a side yard setback of 3 feet and a rear yard set of 10 feet, both in lieu of the required 30 feet; and to permit a front yard setback of 9 feet in lieu of the required 25 feet. The order was made subject to the following restrictions:

1. The petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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. Utilization of services provided by the subject crematorium shall be substantially limited to private, non-commercial requests by customers of the Ruck Funeral Homes in the ordinary course of business. Cremation shall not become a "primary use" conducted from the subject site nor shall the service be offered to funeral homes other than the Ruck Funeral Homes more frequently that 60 times per year.
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

GENERAL NOTES

1. Owner: Leonard J. Ruck, Inc. 5305 Harford Road Baltimore, MD 21214
2. Applicant: Hilltop Service Corporation 5305 Harford Road Baltimore, MD 21214 Attention: Mr. Michael J. Ruck (301) 288-4664
3. 9th Election District, 4th Council District
4. Existing zoning is BR; see 200 scale vicinity map for zoning of adjoining properties.
5. The location and use of all buildings within 200 feet are as shown on 200 scale vicinity map.
6. The existing funeral home is two stories and does not exceed 40 feet in height. The existing garage and crematorium will not exceed one story or 20 feet in height.

Deed Reference: 5954 - 305 EHK, Jr.

7. Off Street Parking Calculations:
   1. Ground Floor Area — 6,664 S.F.
      a. Required parking @ 1 space per 300 S.F. — 22.20 spaces
   2. Second Level Area — 3,700 S.F.
      a. Required parking @ 1 space per 500 S.F. — 7.40 spaces
   3. Below Grade Area — 6,664 S.F.
      a. Required parking @ 1 space per 500 S.F. — 13.30 spaces
   4. Garage Area — 1,210 S.F.
      a. Required parking @ 1 space per 300 S.F. — 4 spaces
   5. Total Required Spaces — 46.90 or 47 spaces
   6. Parking Spaces Provided
      a. Full size includes 3 H.C. — 55 spaces
      b. Compact spaces — 40 spaces
      c. Spaces in garage — 4 spaces
      d. Total spaces provided — 99 spaces
   7. Parking Required for crematorium per Section 409.6A4
      a. Public space, maximum — 112 S.F.
      b. Required parking at 10 spaces per 1,000 S.F. — 1.12 spaces
      c. Additional Employees — 2 employees
      d. Required parking at 1 space per 2 employees — 1 space
      e. No additional vehicles will be required — --
      f. Total parking required for crematorium — 3 spaces
      g. Total required parking — 50 spaces
      h. Total spaces provided — 99 spaces

Floor Area Ratio Calculations

1. Net Site Area — 2.68 acres ± or 116,741 S.F.
2. Gross Site Area (includes 30' of York and West Roads) — 3.12 acres ± or 136,101 S.F.
3. Maximum Permitted Building Area @ 2.0 F.A.R. — 272,202 S.F.
4. Total Building Area — 19,292 S.F.
5. Attained F.A.R. — 0.14 F.A.R.

9. Design screening and landscaping of parking areas shall be in coordance with the provisions of the adopted landscape manual (BCZR 409.8A.1).
10. Paving of parking areas shall be with a durable and dustless surface which shall be drained properly to not create undesirable conditions (BCZR 409.8A.2).
11. On-site lighting shall be arranged to not reflect light on residential lots or public streets (BCZR 409.8A.3).
12. There are no streams or drainage courses on the property.
13. The site is served by existing public water, public sewer and storm drain systems. They are not germaine to the special hearing petitions and are not shown for purposes of clarity. An existing gas main is in West Road.
14. Landscape treatment shown is based on approved landscape plan in connection with parking expansion by Human & Rhode, Inc.
15. Base plan is from survey and site development plan by Spellman, Larson & Associates, Inc. dated 1/31/89.
16. Waiver W-89-147 granted waiver of CRG Plan and meeting on October 20, 1980.

    On August 3, 1990, a variance from additional stormwater management requirements was granted under authority of Section 2-150.3(d) for the construction of the crematorium.
17. No new signs are proposed at this time. All signs will comply with provisions of Section 413 BCZR.

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

PLAN AND PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

RUCK FUNERAL HOME

1050 YORK ROAD

STATE OF MARYLAND — EDWARD F. KIRK — No. 3869 — REGISTERED PROFESSIONAL ENGINEER

DATE	REVISIONS
	80

SCALE: 1" = 20'

JOB ORDER NO. 89061

ISSUE DATE JULY 6, 1994

MICROFILMED

1 OF 1

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NWC York & West Rds.,also SE/S
I-695, Ruck Funeral Home *
1050 York Road ZONING COMMISSIONER
9th Election District *
4th Councilmanic District OF BALTIMORE COUNTY
Legal Owner:
Leonard J. Ruck, Inc. * Case No. 95-79-SPH
Hilltop Service Corporation *
Petitioner
* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1050 York Road in Towson. The subject property is owned by Leonard J. Ruck, Inc., and the Petition is filed by the property owner and Hilltop Service Corporation, co-Petitioner. Relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to amend by deletion of restriction No. 2, the Order issued by the then Zoning Commissioner in case No. 91-56-SPHA, so as to permit additional cremations on site. The property is the site of the Leonard J. Ruck Funeral Home.

Appearing at the requisite public hearing held for this case was Michael J. Ruck on behalf of the Petitioners. Also appearing was Ken Robinson, a marketing representative of the corporation which sells equipment used in the crematorium and Diana L. Collins, an inspector with the Maryland Department of the Environment. Also appearing was George E. Gavrelis of Daft, McCune and Walker, Land Consultant/Expert. The Petitioners were represented by John Howard, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is approximately 3 acres in area and is zoned B.R. The site is located adjacent to the intersection of York Road and West Road immediately next to the Balti-

more Beltway (I-695) in Towson. The site is well known to this Zoning Commissioner and has been in use for many years as a funeral home. Presently, the property is improved with a 17,028 sq. ft. building which is used as a funeral home and chapel. There is also an existing garage and storage building as well as a 1,085 sq. ft. building used as a crematorium. The balance of the site is covered with open space and related parking.

Mr. Ruck testified that this business has been in the community for many years and that the Ruck family has several places of business throughout the Baltimore Metropolitan area. He noted that, in 1989, approval was granted within case No. 91-56-SPHA to permit a crematorium as an accessory use to the funeral home use on this property. However, within the Order rendered at that time, the Petitioner was limited in the number of cremations that could be performed on referrals from other funeral home establishments. Specifically, the Order provided that cremations should not become a primary use conducted from the subject site, nor shall the service be offered to funeral homes, other than the Ruck Funeral Homes, more frequently than 60 times per year.

Mr. Ruck testified that cremation is an increasingly popular method for the disposition of human remains. As one of the few crematoriums in the area, requests from other funeral homes for Ruck to accept bodies for cremation have increased. Mr. Ruck testified that the restriction as outlined above limits cremations from other sites to no more than 60 per year. He indicated that this arbitrary number has caused a hardship in that, for example, the calendar year of 1994, the facility was approaching that capacity.

Mr. Ruck did note, however, that cremations are a small part of the funeral home operations conducted on this site. He indicated that less

than 1% of the gross revenue of the funeral home operation was generated by cremations. Moreover, he testified that there would be no appreciable increase in vehicular traffic congestion or other adverse effects if the restriction was removed. Mr. Ruck concluded that the numerical restriction was arbitrary and presented a hardship upon his business.

Also testifying on behalf of the Petitioner was Diana L. Collins from the Maryland Department of the Environment. She stated that she randomly inspects the Ruck Crematorium facility on a monthly basis. The site has always fully complied with the Maryland Department of Environmental standards. She believes that the site is a model facility.

Ken Robinson, a marketing representative from the company which sells equipment utilized in the crematorium, also testified. He noted that the equipment was regularly checked and maintained and was built to comply with rigid environmental standards. He believes that a numerical limitation on the use of the equipment has no rational basis. He also testified that he had undertaken a comprehensive study of the potential environmental effects from the operation of the funeral home. He noted, for example, that the crematorium operation on an annual basis would produce 38 pounds of particulate matter. This is to be compared to the 150,000 pounds of particulate matter which is generated by traffic on the Baltimore Beltway in this vicinity. Similar results as to carbon monoxide emissions were found.

Also testifying was George Gavrelis from Daft, McCune and Walker, Land Consultants. He corroborated the testimony of the earlier witnesses and opined that a lifting of the numerical limitation would cause no detriment to health, safety and general welfare of the community. He also noted that section of the Zoning Commissioner's Policy Manual found on

page 2-36 permits crematoriums as an accessory use to the principal use of a funeral establishment.

In considering the Petition for Special Hearing, an initial comment is in order about the accessory use designation of the crematorium. I concur with the language within the Zoning Commissioner's Policy Manual which allows a crematorium as an accessory use to the principal use of the funeral establishment. Clearly, these uses go hand in hand. What is troubling, however, is the definition of accessory use or structure found within Section 101 of the BCZR. Therein, it is provided that the accessory use must be on the same lot as the principal use and must serve said lot. As I pointed out in a previous decision offered by this office (Helix Health Care System, case No. 92-186SPH), an accessory use by definition must be on the same lot as the principal use served. In that case, a medical waste disposal incinerator was planned for Franklin Square Hospital. Although the incinerator and other machinery necessary was properly accessory to the hospital use on the Franklin Square campus, the Petitioner also proposed accepting waste from other facilities, including the Union Memorial Hospital in Baltimore City. In that case, I concluded that waste generated by Union Memorial could not be disposed of at the Franklin Square facility in that the incinerator at Franklin Square could not be accessory to an offsite use. My conclusion, in this respect, was affirmed by the Board of Appeals. Applying that logic to the matter before me, it seems questionable whether remains can be received for cremation at the subject site from offsite facilities. That is, the crematorium as accessory to the Towson Ruck Funeral Home should accept remains only from that facility. Irrespective of this conclusion, however, same cannot be applied in this case. The law of this case, as set forth in the prior opinion, is clear. In that case, the Zoning Commissioner permitted cremation

of remains received from other sites but imposed certain restrictions, including a limitation of the number of bodies which could be received. Thus, although I might reach a different result, on this issue, it is clear that the prior Order permitted remains to be received from offsite facilities. The doctrine of estoppel would prevent this Zoning Commissioner from revoking that holding. Clearly, the Ruck company has expended substantial sums in constructing and utilizing the crematorium. Any decision now which would reverse the prior Order would be manifestly improper and unfair to the Petitioner. For this reason, I must, therefore, conclude that the law of this case allows the Ruck Funeral Home to accept remains from offsite. That conclusion having been reached, the next issue is whether any arbitrary numerical limit should be imposed. In this regard, the uncontradicted testimony of the witnesses was that the crematorium is operated safely without any detriment to the locale. The levels of exhaust generated thereby are substantially lower than from ordinary traffic in the vicinity. There is absolutely no evidence that there is any adverse effect to the health, safety and general welfare. Thus, I shall grant the Petition for Special Hearing and strike restriction No. 2. Moreover, it need be emphasized that the crematorium can continue operations, for so long as it retains its accessory character, in the context of the prior Order, to the funeral home establishment business operations which are conducted on this site.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of October, 1994 that, pursuant to the Petition for Special Hearing, approval from Section 500.7 of the Baltimore County Zon-

ing Regulations (BCZR) to amend by deletion of restriction No. 2, the Order issued by the Zoning Commissioner in case No. 91-56-SPHA, so as to permit additional cremations on site, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 12, 1994

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

RE: Petition for Special Hearing
Case No. 95-79-SPH
Leonard J. Ruck, Inc./Hilltop Service Corp., Petitioner
Property: 1050 York Road

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, 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:mmn
att.
cc: Mr. Michael J. Ruck, Leonard J. Ruck, Inc.
Mr. George E. Gavrelis, Daft, McCune, Walker

Printed with Soybean Ink on Recycled Paper

80

Petition for Special Hearing

95-79-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 1050 York Rd. (NW/C of York Rd. & West Rd.)
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to delete Restriction No. 2 of the Special Hearing Order approved in Case No. 90-156-SPHA to permit additional cremations from other funeral homes.

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

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

Petitioner:
Hilltop Service Corporation
(Type or Print Name)
By: Michael J. Ruck
Signature Michael J. Ruck, Vice-President
1050 York Road
Address
Towson Md. 21204
City State Zipcode

Legal Owner(s):
Leonard J. Ruck, Inc.
(Type or Print Name)
By: Michael J. Ruck
Signature Michael J. Ruck, President
(Type or Print Name)
Signature

Attorney for Petitioner:
Robert A. Hoffman
(Type or Print Name)
Signature
Venable, Baetjer and Howard
210 Allegheny Ave. 494-6262
Address Phone No.
Towson md. 21204
City State Zipcode

5305 Harford Rd. 426-1517
Address Phone No.
Baltimore Md. 21214
City State Zipcode
Name, Address and phone number of representative to be contacted
Robert A. Hoffman
Name
210 Allegheny Ave. 494-6262
Address Phone No.
Towson, Md. 21204
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

DROP-OFF
NO REVIEW APPT.
8-24-94 WCR

80

95-79-SPH

Description

To Accompany Zoning Petition

2.68 Acre Parcel

Southwest Side of York Road

Northwest Side of West Road

Ninth Election District, Baltimore County, Maryland

DMW

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of York Road with the centerline of West Road, 60 feet wide, (1) Northwesterly 75 feet, more or less, measured along the centerline of York Road, and thence (2) Southwesterly at right angles to said centerline 55 feet, more or less, thence leaving said point of beginning and the southwest side of York Road and running and binding on the northwest side of West Road, with all courses of this description referred to the deed meridian in Liber E.H.K., Jr. 5954, Folio 305, the two following courses and distances viz: (1) South 12 degrees 24 minutes 30 seconds West 71.62 feet, and thence (2) South 56 degrees 05 minutes 29 seconds West 386.72 feet to intersect the right-of-way line of Baltimore County Beltway, thence leaving said northwest side of West Road and running and binding on said right-of-way line, the six following courses and distances, viz: (3) North 33 degrees 54 minutes 31 seconds West 203.63 feet, thence (4) North 03 degrees 03 minutes 32 seconds East 107.56 feet, thence (5) North 58 degrees 39 minutes 50 seconds East 46.46 feet, thence (6) Northeasterly by a line curving to the right with a radius of 175.00 feet for a distance of 35.00 feet (the arc of said curve being subtended by a long chord bearing North 52 degrees 24 minutes 34 seconds East 34.94 feet), thence (7)

95-79-SPH

Northeasterly by a line curving to the right with a radius of 575.00 feet for a distance of 82.14 feet (the arc of said curve being subtended by a long chord bearing North 62 degrees 13 minutes 53 seconds East 82.07 feet), and thence (8) North 67 degrees 40 minutes 36 seconds East 222.07 feet to intersect the abovementioned southwest side of York Road, thence running and binding on said southwest side of York Road (9) South 31 degrees 53 minutes 11 seconds East 187.00 feet to the point of beginning; containing 2.68 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 15, 1994

Project No. 89061 (L89061)

STATE OF MARYLAND · RICHARD F. HMMEL · No. 6810 · REGISTERED PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-79-SPH
Towson, Maryland

District 9th Date of Posting 9/2/94

Posted for: Special Hearing

Petitioner: Leonard J. Ruck, Inc. & Hilltop Service Corp.

Location of property: 1050 York Rd, Ruck Funeral Home

Location of Signs: Facing roadway on property being posted

Remarks:

Posted by [signature] Signature Date of return: 9/23/94

Number of Signs: 1

Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-79-SPH

Account: R-001-6150

Date 8/24/94

Number 80 (WDR)
DROP-OFF —— NO REVIEW APPOINTMENT

#040 - SPECIAL HEARING —— $250.00
#080 - SIGN POSTING —— 35.00
TOTAL —— $285.00

Legal Owner: Leonard J. Ruck, Inc.
Petitioner: Hilltop Service Corporation
1050 York Road (Ruck Funeral Home)
2.68 +/- acres
Zoned B.R.
9th Election District; 4th Councilmanic District
Attorney: Robert A. Hoffman

Check From: Venable, Baetjer & Howard

01001H0024mICHRC $285.00
B4 C008:44AM08-25-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

Case Number:
95-79-SPH (Item 80)
1050 York Road
Ruck Funeral Home
NWC York and West Roads also SS/S I-695
9th Election District
4th Councilmanic
Legal Owner(s):
Leonard J. Ruck, Inc.
Petitioner(s):
Hilltop Service Corp.
HEARING: TUESDAY, OCTOBER 4, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing: to approve an amendment to delete restriction #2 of the special hearing order approved in case #90-156-SPHA to permit additional cremations from other funeral homes.

LAWRENCE E. SCHMIDT,
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.

9/197 September 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/15, 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 9/15, 1994

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

VENABLE BAETJER AND HOWARD ★ A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS ★ 1800 MERCANTILE BANK & TRUST BUILDING ★ BALTIMORE, MD 21201

CHECK NO 230740 A

06/21/94 A062194 285.00 .00 285.00
B.Ormord-16860.10845B-Advertising & Posting Fees-Petition fo

80

PLEASE DETACH FROM CHECK BEFORE DEPOSITING
KEEP THIS STUB FOR YOUR FILES

VENABLE, BAETJER AND HOWARD
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEY'S ACCOUNT
1800 MERCANTILE BANK & TRUST BUILDING
BALTIMORE, MARYLAND 21201

MERCANTILE-SAFE DEPOSIT & TRUST COMPANY

A230740

7-61 / 520

DATE 06.23.94

PAY TO THE ORDER OF Baltimore County, Maryland
Office of Finance
Room 150, Courthouse
Towson, MD 21204-4665

Two Hundred Eighty-Five & 00/100

$ 285.00

VOID AFTER 180 DAYS

BY

BY NON-NEGOTIABLE

TWO SIGNATURES REQUIRED OVER $10,000.00

CLIENT FILE COPY

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 80

Petitioner: Hilltop Services Corporation

Location: 1050 York Road, Towson Md 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormord

ADDRESS: 210 Allegheny Ave
Towson Md 21204

PHONE NUMBER: 494-6200

AJ:ggs

(Revised 04/09/93)

TO: PATUXENT PUBLISHING COMPANY
September 15, 1994 Issue - Jeffersonian

Please foward billing to:

Barbara W. Ormord
210 Allegheny Avenue
Towson, Maryland 21204
494-6200

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: 95-79-SPH (Item 80)
1050 York Road --- Ruck Funeral Home
NWC York and West Roads, also SS/S I-695
9th Election District - 4th Councilmanic
Legal Owner(s): Leonard J. Ruck,Inc.
Petitioner(s): Hilltop Service Corporation
HEARING:TUESDAY, OCTOBER 4, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to delete restriction #2 of the special hearing order approved in case #90-156-SPHA to permit additional cremations from other funeral homes.

LAWRENCE E. SCHMIDT
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 Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

COPY

(410) 887-3353

September 6 1994

NOTICE OF HEARING

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Arnold Jablon
Director

cc: Hilltop Services Corporation
Leonard J. Ruck, Inc.
Robert A. Hoffman, Esq.

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.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 21 1994

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

RE: Item No. 80, Case No. 95-79-SPH
Petitioner: Hilltop Service Corporation

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 August 24, 1994 and a hearing scheduled accordingly.

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

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

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

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

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:rmh

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: September 7,1994

SUBJECT: 1050 York Road

INFORMATION:

Item Number: 80

Petitioner: Ruck Property

Property Size:

Zoning: B.R.

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided regarding the deletion of Restriction No. 2, staff offers the following comments:

The petitioner should clarify whether it is intended for the crematorium to become a principle or primary use as opposed to an ancillary use.

In order for the Special Hearing to be granted, the same burdens of proof as required in Special Exception cases pursuant to Section 502 of the Baltimore County Zoning Regulations should be met. The health, safety and welfare of the community should also be considered in evaluating this request.

The State of Maryland regulates cremation through the Department of the Environment, Air and Radiation Administration. It is recommended that comments be provided by the State of Maryland concerning the subject request.

Prepared by:

Division Chief:

PK/JL:lw

RECEIVED
SEP 12 1994
ZADM

ZAC.80/PZONE/ZAC1

Pg. 1

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

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

Re: Baltimore County
Item No.: #80 (WCR)

95-79

Dear Ms. Winiarski:

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

for David Ramsey, Acting 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 Government
Fire Department

9/7/94
TO JW

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

(410) 887-4500

DATE: 09/01/94

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

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 73, 74, 76, 77, 79, 80 AND 81.

RECEIVED
SEP 2 1994
ZADM

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

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: Sept. 15, 1994

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp

LETTY2/DEPRM/TXTSBP

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Michael J. Ruck	1050 York Road 21204
Ken Robinson	P.O. Box 7796 Orlando, FL 32854
Diana L. Collins	2500 Brooking Hwy Baltimore 21224
George E. Gavrelis	DMW: 200 E. Penn. Ave

BALTIMORE COUNTY. MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon. Director DATE: September 12. 1994
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for September 12. 1994
Items 73. 74. 76. 77. 79. 80 and 81

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

RECEIVED
SEP 12 1994
ZADM

ZONING COMMISSIONER'S POLICY MANUAL

SECTION
230.13 SPECIAL EXCEPTION USES

OTHER RECREATION FACILITIES including one or several of the following uses:

COUNTRY CLUB
GYMS
HANDBALL COURTS
HEALTH CLUB/SPA
RACQUETBALL COURTS
RELAXATION TANKS
TANNING FACILITY
TENNIS COURTS
WEIGHTLIFTING OR RESISTANCE EQUIPMENT
WHIRLPOOL SPA

See the following case: 83-151 XSPH

FUNERAL ESTABLISHMENT A crematorium is not allowed by right or by special exception in any zone, but is permitted by hearing as an accessory use to the principal use of a funeral establishment.

See the following cases: 71-243-X
85-003-SPH
90-156

RE: PETITION FOR SPECIAL HEARING
1050 York Road - Ruck Funeral Home
NWC York and West Roads, also SE/S
I-695, 9th Election Dist., 4th
Councilmanic

Hilltop Service Corporation/
Leonard J. Ruck,Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-79-SPH

* * * * * * * * * * * *

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
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

Printed with Soy on Recycled

80

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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

RICHARD H. VENABLE (1853-1910)
EDWIN S. BAETJER (1895-1974)
CHARLES MCH. HOWARD (1870-1942)

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS

August 24, 1994

Baltimore County Zoning Administration
and Development Management
111 W. Cheapeake Avenue
County Courts Building
Towson, Maryland 21204

Attn: Carl Richards

Re: Petition for Special Hearing
Petitioner: Hilltop Services Corporation

Dear Carl:

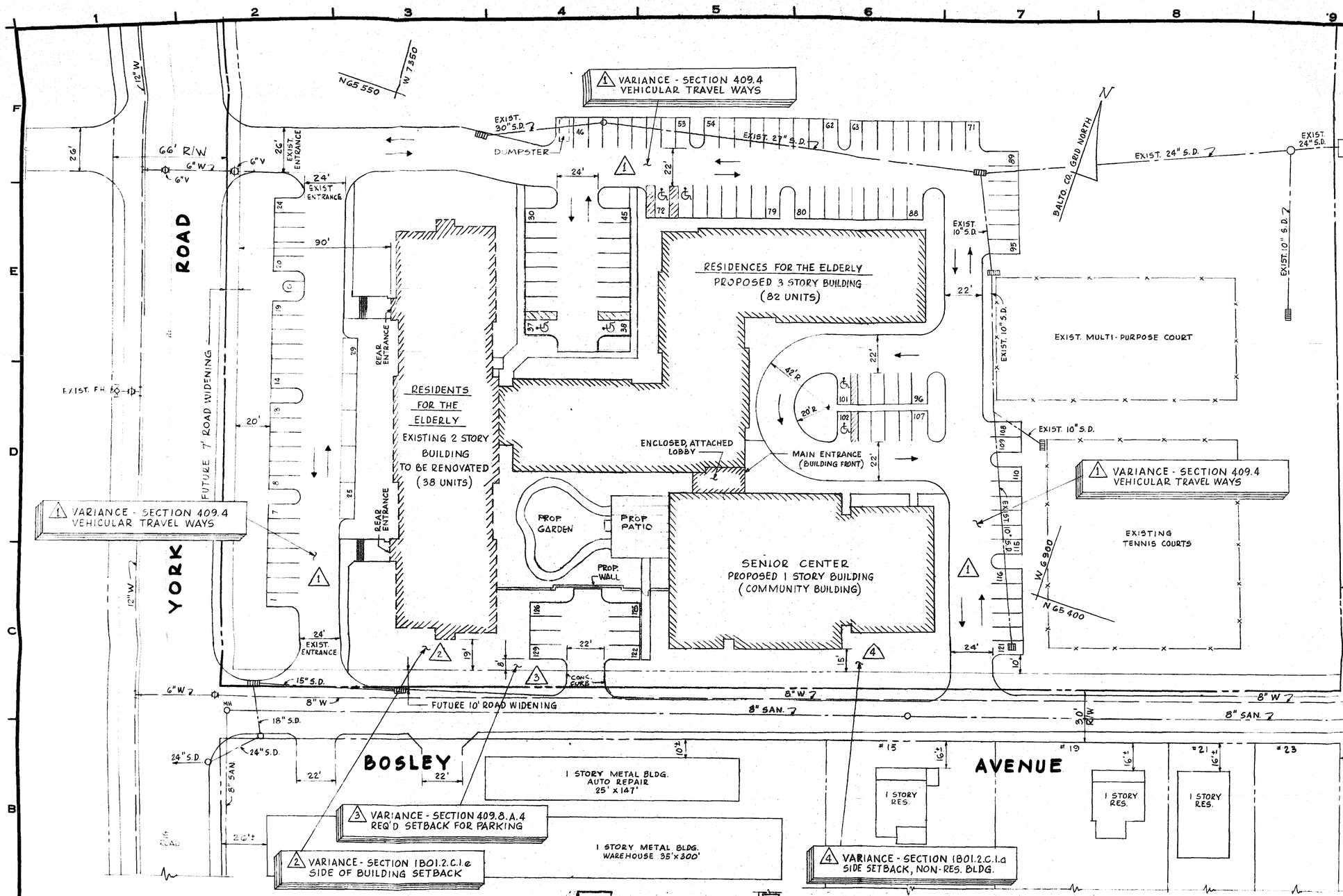
Please accept the attached Petition for Special Hearing for filing. As you will note by the written receipt, Joe Merrey previously reviewed this filing on July 6th and give it an OK to file.

Please call if you have any questions.

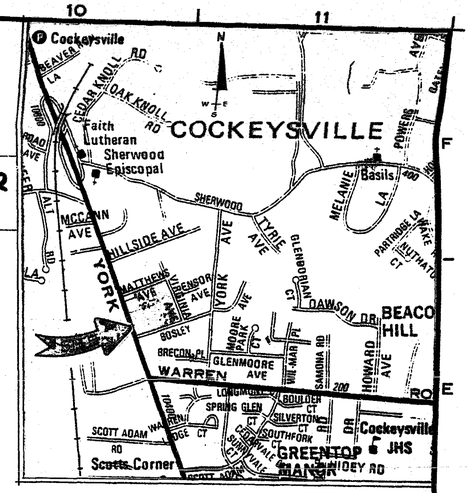
Sincerely,

Barbara W. Ormord
Legal Assistant

DROP-OFF
NO REVIEW
APPT.
8-24-94 WCR



SITE PLAN
SCALE: 1" = 30'



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1.) PRESENT ZONING: PROPERTY IS PRESENTLY ZONED 0-1 AND D.R. 3.5
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

2.) GROSS SITE AREA = 431,291 SQ. FT. OR 9.90 AC.
NET SITE AREA = 387,611 SQ. FT. OR 8.90 AC.

3.) EXISTING ZONING = D.R. 3.5 (4.1 + AC.)
= 0-1 D.R. 5.5 (4.9 + AC.)

3.5 x 4.1 = 14.35
5.5 x 4.9 = 26.95
41.30 or 41 UNITS PERMITTED FOR ENTIRE SITE

4.) PROPOSED USE: ELDERLY HOUSING CLASS A WITH ACCESSORY MEDICAL OFFICE AND BEAUTY SALON USES AND A COMMUNITY SENIOR CENTER. ACCESSORY MEDICAL OFFICE AND BEAUTY SALON ARE FOR RESIDENTS ONLY AND THERE WILL NOT BE ANY EXTERIOR SIGNS FOR SAME. NO ASSISTED LIVING OR CONTINUING CARE IS PROPOSED.

5.) PARKING REQUIREMENTS:
ELDERLY HOUSING = 1 SPACE PER 1.5 LIVING UNITS
120 / 1.5 = 80 SPACES REQUIRED
ADD 15% FOR VISITOR PARKING, 80 X 1.15 = 92 TOTAL SPACES REQUIRED

TOTAL SPACES PROVIDED = 129
PARKING SPACE SIZE:
90° PARKING 8.5' X 18' MIN.
PARALLEL PARKING 8' X 21' MIN.
HANDICAP PARKING = 129 / 25 = 5.2 SPACES
HANDICAP PARKING PROVIDED = 6 SPACES

6.) NO STREAMS EXIST OR ARE WITHIN 50 FEET OF THE PROPERTY.

7.) PAVING: ASPHALT, ALL PARKING SPACES WILL BE PERMANENTLY STRIPED AND LIGHTING WILL BE REFLECTED AWAY FROM ALL ROADS AND RESIDENTIAL USES.

8.) PREVIOUS ZONING HEARING:
89 - 46 SPH - SPECIAL HEARING TO PERMIT MIX OF PUBLIC AND PRIVATE USES OF THE ELEMENTARY SCHOOL TO PROVIDE A SENIOR CENTER, RECREATIONAL USES, OFFICES, GALLERIES, EDUCATIONAL FACILITIES, ETC. COMPLEX WAS NEVER DEVELOPED. THIS APPROVED SPH WILL BE ABANDONED UPON DEVELOPMENT OF THE COCKEYSVILLE SENIOR CENTER COMPLEX (WARREN PLACE).

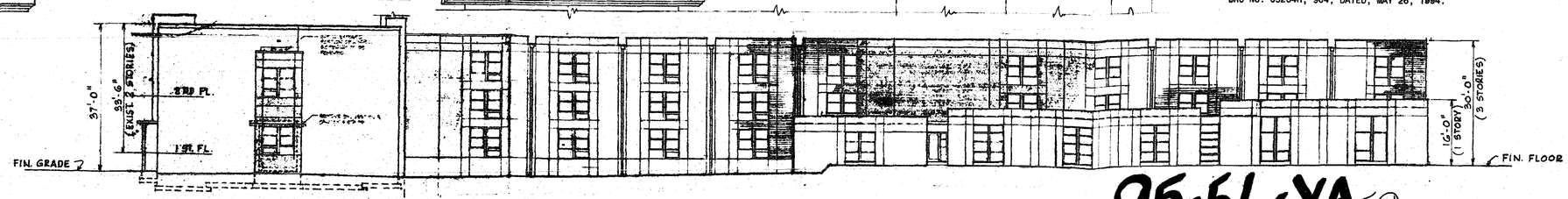
9.) PREVIOUS CRG WAVIERS: NONE FOR THIS PROPERTY

10.) DENSITY CALCULATIONS:
GROSS SITE AREA OF TRACK = 9.90 AC.
DENSITY PROPOSED:
120 ONE BEDROOM UNITS X 0.75 = 90 DENSITY UNITS
PROPOSED DENSITY = 90 / 9.90 = 9.1 DENSITY UNITS PER ACRE.

ALTERNATE PROPOSED DENSITY EXCLUDING COMMUNITY BUILDING AND 37 RELATED PARKING SPACES (0.42 ACRES) = 90/9.48 = 9.5 DENSITY UNITS PER ACRE.

11.) ALL SIGNS WILL COMPLY WITH B.C.Z.R., SECTION 413 AND ALL ZONING SIGN POLICIES.

12.) LIMITED EXEMPTION GRANTED BY THE OFFICE OF ZONING ADMINISTRATION UNDER DRC NO. 05234H, 9C4, DATED, MAY 26, 1994.



ELEVATION - EXISTING BUILDING

SOUTH ELEVATION - THREE STORIES - RESIDENTIAL
APPROX. SCALE: 1/16" = 1'-0"

SOUTH ELEVATION - SENIOR CENTER

95-56-XA 59

TMA
TURPIN, WACHTER ASSOCIATES, INC.
ENGINEERS
8 East Pennsylvania Ave.
Towson, Maryland

OWNER
COCKEYSVILLE ELEM. SCHOOL L.L.C.
6395 DOBBIN ROAD, SUITE 202
COLUMBIA, MD. 21045

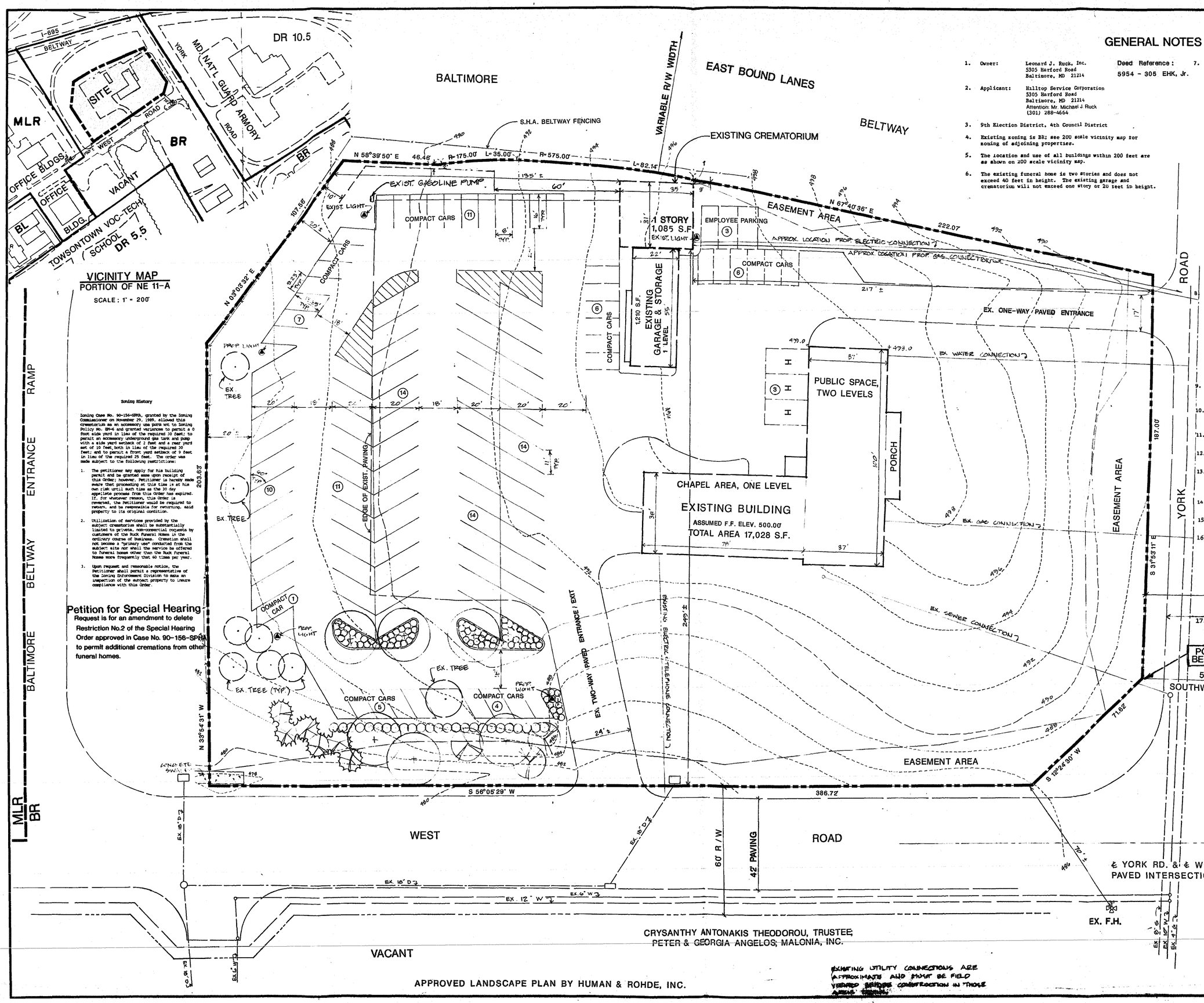
REVISIONS		
NO.		DATE

PLAT TO ACCOMPANY SPECIAL EXEMPTION AND ZONING VARIANCE

WARREN PLACE
COCKEYSVILLE SENIOR COMPLEX
10601 YORK ROAD 21030

DATE: AUGUST 9, 1994
DRAWING NO. 1
1 OF 2 SHEETS
SCALE: AS SHOWN

95-79-SPH



VICINITY MAP
PORTION OF NE 11-A

SCALE: 1" = 200'

Zoning History

Zoning Case No. 90-156-SPHA, granted by the Zoning Commissioner on November 29, 1989, allowed this crematorium as an accessory use pursuant to Zoning Policy No. ZP-4 and granted variances to permit a 0 foot side yard in lieu of the required 30 feet; to permit an accessory underground gas tank and pump with a side yard setback of 2 feet and a rear yard set of 10 feet, both in lieu of the required 30 feet; and to permit a front yard setback of 9 feet in lieu of the required 25 feet. The order was made subject to the following restrictions:

1. The petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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. Utilization of services provided by the subject crematorium shall be substantially limited to private, non-commercial requests by customers of the Ruck Funeral Homes in the ordinary course of business. Cremation shall not become a "primary use" conducted from the subject site nor shall the service be offered to funeral homes other than the Ruck Funeral Homes more frequently than 60 times per year.
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Petition for Special Hearing

Request is for an amendment to delete Restriction No.2 of the Special Hearing Order approved in Case No. 90-156-SPHA to permit additional cremations from other funeral homes.

GENERAL NOTES

1. Owner: Leonard J. Ruck, Inc.
   5305 Harford Road
   Baltimore, MD 21214

   Deed Reference: 5954 - 305 EHK, Jr.

2. Applicant: Hilltop Service Corporation
   5305 Harford Road
   Baltimore, MD 21214
   Attention: Mr. Michael J Ruck
   (301) 288-4664

3. 9th Election District, 4th Council District
4. Existing zoning is BR; see 200 scale vicinity map for zoning of adjoining properties.
5. The location and use of all buildings within 200 feet are as shown on 200 scale vicinity map.
6. The existing funeral home is two stories and does not exceed 40 feet in height. The existing garage and crematorium will not exceed one story or 20 feet in height.
7. Off Street Parking Calculations:

1. Ground Floor Area	6,664	S.F.
a. Required parking @ 1 space per 300 S.F.	22.20	spaces
2. Second Level Area	3,700	S.F.
a. Required parking @ 1 space per 500 S.F	7.40	spaces
3. Below Grade Area	6,664	S.F.
a. Required parking @ 1 space per 500 S.F.	13.30	spaces
4. Garage Area	1,210	S.F.
a. Required parking @ 1 space per 300 S.F.	4	spaces
5. Total Required Spaces	46.90	or 47 spaces
6. Parking Spaces Provided		
a. Full size includes 3 H.C.	55	spaces
b. Compact spaces	40	spaces
c. Spaces in garage	4	spaces
d. Total spaces provided	99	spaces
7. Parking Required for crematorium per Section 409.6A4		
a. Public space, maximum	112	S.F.
b. Required parking at 10 spaces per 1,000 S.F.	1.12	spaces
c. Additional Employees	2	employees
d. Required parking at 1 space per 2 employees	1	space
e. No additional vehicles will be required	—	
f. Total parking required for crematorium	3	spaces
g. Total required parking	50	spaces
h. Total spaces provided	99	spaces

8. Floor Area Ratio Calculations

1. Net Site Area	2.68 acres ±	or 116,741 S.F.
2. Gross Site Area (includes 30' of York and West Roads)	3.12 acres ±	or 136,101 S.F.
3. Maximum Permitted Building Area @ 2.0 F.A.R.	272,202 S.F.	
4. Total Building Area	19,292 S.F.	
5. Attained F.A.R.	0.14 F.A.R.	

9. Design screening and landscaping of parking areas shall be in ccordance with the provisions of the adopted landscape manual (BCZR 409.8A.1).
10. Paving of parking areas shall be with a durable and dustless surface which shall be drained properly to not create undesirable conditions (BCZR 409.8A.2).
11. On-site lighting shall be arranged to not reflect light on residential lots or public streets (BCZR 409.8A.3).
12. There are no streams, or drainage courses on the property.
13. The site is served by existing public water, public sewer and storm drain systems. They are not germaine to the special hearing petitions and are not shown for purposes of clarity. An existing gas main is in West Road.
14. Landscape treatment shown is based on approved landscape plan in connection with parking expansion by Human & Rhode, Inc.
15. Base plan is from survey and site development plan by Spellman, Larson & Associates, Inc. dated 1/31/89.
16. Waiver W-89-147 granted waiver of CRG Plan and meeting on October 20, 1980.

    On August 3, 1990, a variance from additional stormwater management requirements was granted under authority of Section 2-150.3(d) for the construction of the crematorium.
17. No new signs are proposed at this time. All signs will comply with provisions of Section 413 BCZR.

EXISTING UTILITY CONNECTIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED BEFORE CONSTRUCTION IN THOSE AREAS.

APPROVED LANDSCAPE PLAN BY HUMAN & ROHDE, INC.

DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

PLAN AND PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
RUCK FUNERAL HOME
1050 YORK ROAD

STATE OF MARYLAND — EDMUND E. HAKE — No. 3880 — REGISTERED PROFESSIONAL ENGINEER

DATE	REVISIONS
	80

SCALE: 1"= 20'

JOB ORDER NO. 89061

ISSUE DATE JULY 6, 1994

1 OF 1