

IN RE: PETITION FOR VARIANCE
SE/Corner Reisterstown Road
and Hammershire Road
(11623 Reisterstown Road)
4th Election District
3rd Councilmanic District

Alvin Schuster
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-199-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11623 Reisterstown Road, located in the vicinity of Owings Mills in northwestern Baltimore County. The Petition was filed by the owner of the property, Alvin Schuster, and the Contract Purchaser, Revco Drug Store, through their attorneys, Geraldine Valentino, Esquire and Josep A. Schwartz, III, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6(A)(2) to permit 37 parking spaces in lieu of the minimum required 44; from Section 409.4 to permit parking spaces to have direct access to a driveway in lieu of parking aisles; from Section 409.8(A)(4) to permit parking spaces to be 7 feet from the right-of-way line of a public street in lieu of the required 10 feet; and from Section 232.2.b to permit a side yard setback of 10 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Geraldine Valentino, Esquire, and Richard Smith, Professional Engineer with KCI Technologies, Inc. There were no Protestants present.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

It should be noted that at the outset of the hearing, the Petitioners modified their request for variance from Section 409.6(A)(2) to permit 40 parking spaces in lieu of the minimum required 43. The Petition and site plan filed were amended accordingly.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.08 acres, more or less, zoned B.L. and is presently improved with a vacant dwelling and other accessory structures which will be removed to permit construction of the proposed improvements. The Petitioners are desirous of developing the site with a one-story retail drug store consisting of 8,450 sq.ft. in accordance with Petitioner's Exhibit 1. On behalf of KCI Technologies, Mr. Dick Smith testified as to the proposed use of the property and described the design and layout of the proposed store. Mr. Smith also testified in detail concerning the number of variances requested and the justification for each. Furthermore, he testified that this project has been issued a limited exemption from the development plan process so that a Hearing Officer's Hearing is not needed for the proposed improvements to the site. Mr. Smith testified that Revco Drug Stores has instituted a policy of building freestanding stores, as opposed to locating stores within strip shopping centers, and that this hearing is one of a series of hearings that Revco has been going through to develop prospective sites with freestanding drug stores.

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;

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Date

By

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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.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. 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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations

ORDER RECEIVED FOR FILING

Date

By

(B.C.Z.R.) as follows: From Section 409.6(A)(2) to permit 40 parking spaces in lieu of the minimum required 43; from Section 409.4 to permit parking spaces to have direct access to a driveway in lieu of parking aisles; from Section 409.8(A)(4) to permit parking spaces to be 7 feet from the right-of-way line of a public street in lieu of the required 10 feet; and from Section 232.2.b to permit a side yard setback of 10 feet in lieu of the required 25 feet, 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) Compliance with all Zoning Plans Advisory Committee (ZAC) comments submitted hereto and made a part hereof.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 24, 1995

Geraldine Valentino, Esquire
Josep A. Schwartz, III, Esquire
10 West Madison Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
SE/Corner Reisterstown Road and Hammershire Road
(11623 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Alvin Schuster - Petitioner
Case No. 95-199-A

Dear Ms. Valentino & Mr. Schwartz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Aaron Margolis
405 E. Joppa Road, Suite 100, Baltimore, Md. 21286

People's Counsel

✓ File

MICROFILMED





Petition for Variance

75-199-A
to the Zoning Commissioner of Baltimore County

for the property located at 11623 Reisterstown Road

which is presently zoned BL

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 Variance from Section(s) (1) Section 409.6(A)(2) BCZR - to allow ~~40~~ 40 parking spaces in lieu of the minimum required 40 spaces. (2) Section 409.4 of the BCZR to allow parking spaces to have direct access to a driveway in lieu of parking aisles. (3) Section 409.8(A)(4) BCZR to allow parking spaces to be seven feet from the right-of-way line of a public street instead of the required 10 feet on the Hammershine Road side of the development. (4) Section 232.2b BCZR to allow a side yard of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 10 feet instead of the required 25 feet.

See attached sheet.

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

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

Contract Purchaser/Lessee:

Revco Drug Store

(Type or Print Name)

Revco Drug Store (CV)

Signature

1925 Enterprise Parkway

Address

Twinsburg, Ohio 44087

City

State

Zipcode

Attorney for Petitioner:

Geraldine Valentino

(Type or Print Name)

Josep A. Schwartz, III, P.A.

Geraldine Valentino / Josep A. Schwartz III P.A.

Signature

10 West Madison Street (410) 244-7000

Address

Phone No.

Baltimore, Maryland 21201

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):

Alvin Schuster

(Type or Print Name)

Alvin Schuster

Signature

(Type or Print Name)

Signature

10906 Park Heights Avenue

Address

Phone No.

Owings Mills, Maryland 21117

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Aaron Margolis

Margolis, Pritzker & Epstein

Name

405 E. Joppa Road, Suite 100 (410) 823-2222

Address Baltimore, MD 21286

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing 2. hrs

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JAH

DATE 12-1-94

ORDER RECEIVED FOR FILING

Date 12/1/95

By [Signature]

Printed with Soybean Ink
on Recycled Paper

MICROSOFT

194

95-199-A

Attachment to Petition for Variance
for Revco Drug Store at 11623 Reisterstown Road
Baltimore, Maryland

1) The Petitioner requests a variance to allow 37 parking spaces in lieu of the minimum required 44 spaces because strict compliance with the required 44 spaces would result in unreasonable hardship and practical difficulties.

The Revco drug store designed for development at 11623 Reisterstown Road is designed to ensure a functional drug store with sufficient shelving and storage space. If the square footage of the drug store is reduced to allow additional parking the site will no longer be considered by the Petitioner as a viable site for development of a drug store capable of a reasonable profit return. Further, Revco has performed market studies which confirm that the average customer is in the store for approximately ten to twelve minutes, thereby resulting in decreased car usage and overall need for parking spaces. The 37 spaces will provide more than adequate parking in compliance with the spirit of the ordinance and will not jeopardize public safety and welfare.

2) The Petitioner requests a variance to allow parking spaces to have direct access to a driveway based upon hardship and practical difficulty in that: 1) the existing site configuration does not allow off-street parking to conform to the BCZR regardless of how the site is developed; and 2) the proposed development of the site maximizes the parking requirements for off-street parking for a retail use. Creating parking aisles for parking spaces would require a greater parking variance than requested.

3) The Petitioner requests a variance to allow parking spaces to be 7 feet from the right-of-way line of a public street based on the fact that existing site configuration and necessary grading requirements on the northeast side of the store prohibit any reconfiguration of the development to allow for the required 10 foot buffer, thereby creating hardship and practical difficulty.

4) The Petitioner requests a variance to allow a side yard adjacent to the "DR-16" property of 10 feet in lieu of the required 25 feet because if the minimum side yard requirement is strictly observed, only 99 ft. of property would be available for development which would require a significantly smaller building and a greater variance for parking. The square footage of the drug store has been reduced from the initial concept plan to comply with the BCZR and cannot be reduced any further.

ENCLOSURE

194

95-199-A

**ZONING DESCRIPTION
FOR VARIANCE AT THE SOUTHEAST CORNER OF
HAMMERSHIRE AND REISTERSTOWN ROADS
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at the intersection of the northeasterly right of way line of Reisterstown Road with the southerly right of way line of Hammershire Road, thence binding on said right of way line

1) Northeasterly by a curve to the right 47.45 feet, said curve having a radius of 30.00 feet and a chord of North 01 degrees 25 seconds 10 minutes East 42.66 feet, thence

2) North 46 degrees 43 minutes 50 seconds East 236.69 feet, thence leaving said right of way

3) South 43 degrees 19 minutes 40 seconds East 134.65 feet, thence

4) South 46 degrees 39 minutes 53 seconds West 265.68 feet to the right of way line of Reisterstown Road, thence

5) North 43 degrees 53 minutes 31 seconds West 104.64 feet to the **POINT OF BEGINNING.**

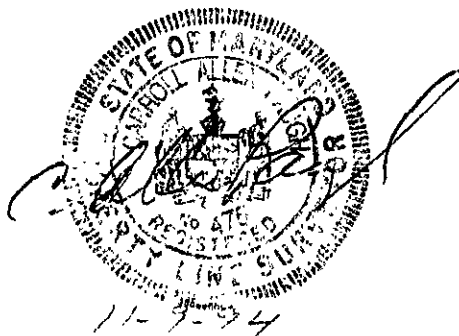
Containing 0.82 acres of land more or less.

AP/dgj

KCI Job No. 01-94060A

November 9, 1994

Filename: a:\hammreis.rev



hearing 1-12-95

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-199-A

District H7B Date of Posting 12/16/94

Posted for: Verlence

Petitioner: Alvin Schuster - Rexco

Location of property: 11675 Risters Town Rd, SE/Cor Homewood

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by M. Steady Date of return: 12/22/94
Signature

Number of Signs: 1



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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 108 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: #95-199-A
(Item 184)
11623 Reisterstown Road
SEO Reisterstown Road
and Hammershire Road
4th Election District
3rd Councilmanic
Legal Office (1)

Alvin
Comptroller
Reisterstown

Hearing Thursday
January 12, 1996 at
11:00 a.m. in Rm. 118 Old
Courthouse.

Variance to allow 37 parking spaces in lieu of the minimum required 44 spaces; to allow parking spaces to have direct access to a driveway in lieu of parking aisles; to allow parking spaces to be 7 feet from the right-of-way line of a public street instead of the required 10 feet on Hammershire Road side of the development; and to allow a side yard of 10 feet instead of the required 25 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
12/153 December 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

12/15, 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 12/15, 1994.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

11/10/1994



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

receipt

95-199-A

Account: R-001-6150

Date 12-1-94

Item Number ~~7-94~~ 194

Taken in by JSP

Owner: A. Schuster (Contract Purchaser: Rocco Drug Store)

Site: 11623 Reisterstown Rd.

020: Commercial Variance Filing Fee \$250.00

080: Sign & Posting 35.00

Total \$285.00

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Please Make Checks Payable To: Baltimore County

Cashier Validation

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.: 194

Petitioner: ALVIN SCHUSTER

Location: NORTHEAST CORNER REISTERSTOWN RD. & HAMMER-
SHIRE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH A. SCHWARTZ III, ATTN: MRS. GERALDINE VALENTINO

ADDRESS: 10 WEST MADISON STREET

BALTO. MD. 21201

PHONE NUMBER: 410-244-7000

AJ:ggs

(Revised 04/09/93)

TO: PUTKENT PUBLISHING COMPANY
December 15, 1994 Issue - Jeffersonian

Please forward billing to:

Joseph M. Schwartz, III, Esq.
Geraldine Valentino, Esq.
10 W. Madison Street
Baltimore, MD 21201
410-244-7000

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: 95-199-A (Item 194)
11623 Reisterstown Road
SEC Reisterstown Road and Hammershire Roads
4th Election District - 3rd Councilmanic
Legal Owner(s): Alvin Schuster
Contract Purchaser: Revco Drug Store
HEARING: THURSDAY, JANUARY 12, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow 37 parking spaces in lieu of the minimum required 44 spaces; to allow parking spaces to have direct access to a driveway in lieu of parking aisles; to allow parking spaces to be 7 feet from the right-of-way line of a public street instead of the required 10 feet on Hammershire Road side of the development; and to allow a side yard of 10 feet instead of the required 25 feet.

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.

RECEIVED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 8, 1994

NOTICE OF HEARING

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

CASE NUMBER: 95-199-A (Item 194)
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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Alvin Schuster
Aaron Margolis
Revco Drug Store
Geraldine Valentino and Joseph A. Schwartz, III, P.A.

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.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 23, 1994

Geraldine Valentino, Esquire
10 West Madison Street
Baltimore, Maryland 21201

RE: Item No:194
Case No.: 95-199-A
Petitioner: ALvin Schuster/Revco

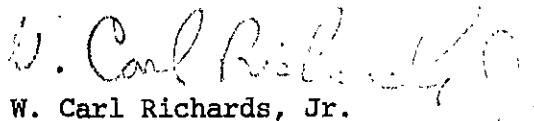
Dear Ms Valentino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 1, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i. e. zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 12/08/94

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 12, 1994

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.

9. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 190, 191, 192, 193, 194,
195, 196 AND 198.

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

cc: File

RECEIVED

DEC 9 1994

ZADM

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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: December 14, 1994

SUBJECT: 11623 Reisterstown Road

INFORMATION:

Item Number: 194
Petitioner: Alvin Schuster
Property Size: .82 acres
Zoning: BL
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff met with the developer before final development of the plat accompanying this request to discuss design details, and to offer recommendations regarding enhancement of the site. The plan reflects an effort on the part of the developer to be responsive to this office's recommendations.

Reisterstown Road from Glyndon Drive to the Baltimore Beltway is identified as a non-programmed Transportation project in the 1989-2000 Baltimore County Master Plan. The right-of way for this future transportation project is shown on the plan.

The applicant should provide a landscape treatment of the property consistent with the design called for in the Reisterstown Road Corridor Study.

Prepared by: Jeffrey W. Long
Division Chief: Cam L. Kerns
PK/JL

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

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: see below

DATE: 12/15/94

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

Item #'s:

Agenda -
Mtg. of 11/28/94
Items # 178, 179, 180, 183, 184, 185

Mtg. of 12/5/94
Items 188 and 189

Mtg. of 12/12/94
Items 191, 192, 194, 195, 198

LS:sp

LETTY2/DEPRM/TXTSBP

MPD

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 19, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 19, 1994
Item No. 194

The Developers Engineering Section has reviewed the subject zoning item. All improvements, intersections, drainage requirements and construction affecting Md. State Route 140, the Reisterstown Road right-of-way, are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Hammershire Road is a County road, which has been improved to a 40-foot paved street cross-section on a 60-foot right-of-way. Please clarify the right-of-way limits along your frontage.

Per the Department of Public Works' Standard Plate R-32, Single Commercial Entrance, a 5-foot minimum width concrete sidewalk is required along a commercial property.

A 7-foot setback variance is okay. However, this site is subject to the previous Landscape Comments.

In addition, a 10-foot right-of-way behind the curb line of Hammershire Road along the property frontage, must be dedicated to the County at no cost.

RWB:sw

RE: PETITION FOR VARIANCE	*	BEFORE THE
11623 Reisterstown Road, SEC		
Reisterstown Rd and Hammershire Rd	*	ZONING COMMISSIONER
4th Election Dist., 3rd Councilmanic	*	
		OF BALTIMORE COUNTY
Alvin Schuster / Revco Drug Store	*	
Petitioners	*	CASE NO. 95-199-A
* * * * *		

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 December, 1994, a copy of the foregoing Entry of Appearance was mailed to Geraldine Valentino, Esquire, Joseph A. Schwartz, III, P.A., 10 W. Madison Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

11-12-94

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD L SMITH

GERALDINE VALENTINO

BOB VAYDA

KEVIN SYNNESTVEDT

JOHN W. ERDMAN

10 NORTH PARK DRIVE HUNT VALLEY 21030

10 W. MADISON ST. BALTO. 21201

7611 W. 130TH ST. CLEV. OH. 44130

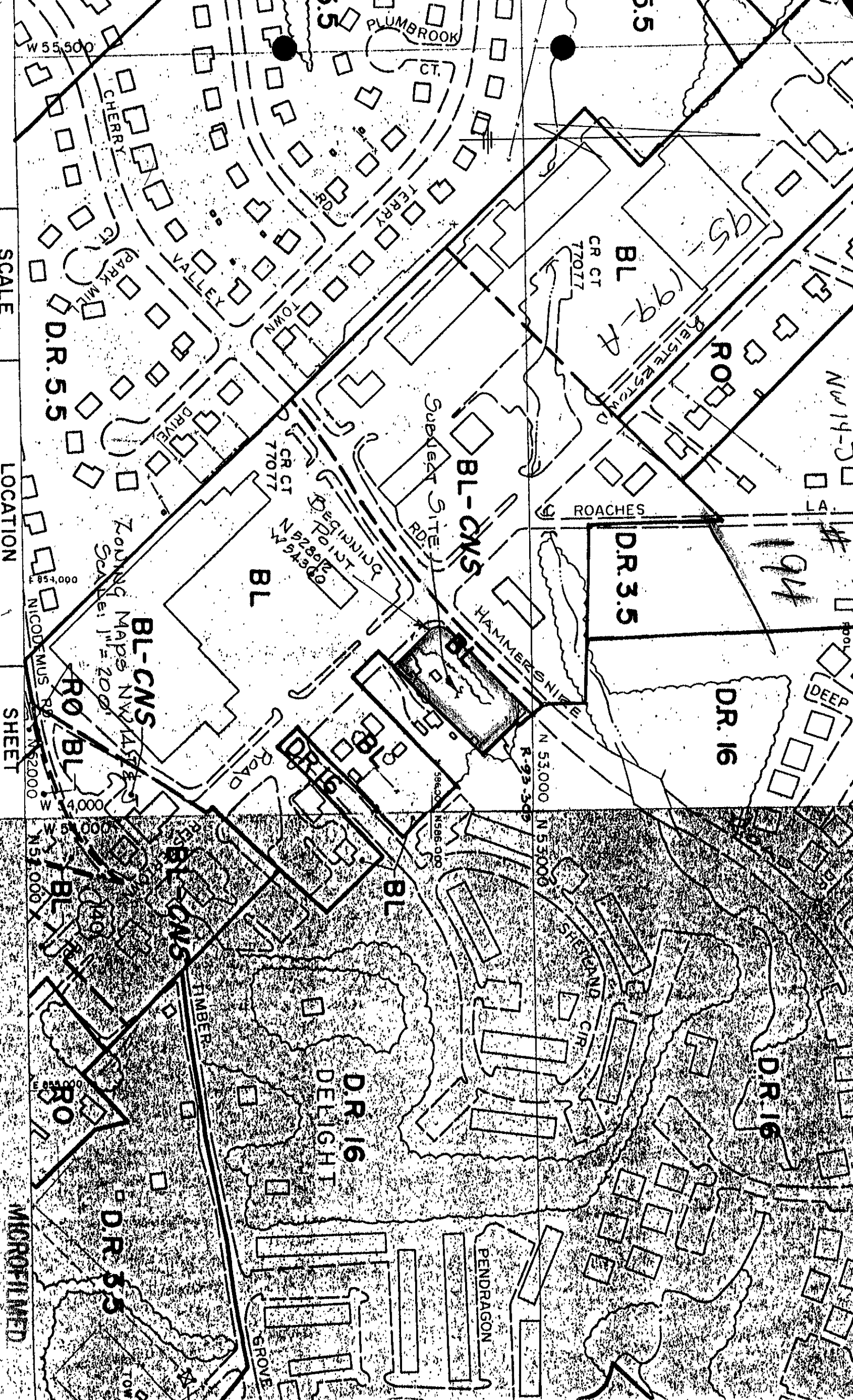
7993 WINDSAIL CT., FREDERICK, MD. 21701

10 NORTH PARK DRIVE, Hunt Valley 21030



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



SCALE

LOCATION

SHEET

MICROFILMED

W 55.500

CHERRY

CT.

(PARK MIL)

DRIVE

VALLEY

TOWN

CR CT

77077

BL

BL-CNS

DR. 16

DR. 3.5

DR. 5.5

BL

BL-CNS

DR. 16

DR. 3.5

DR. 5.5

BL

BL-CNS

DR. 16

DR. 3.5

DR. 5.5

BL

BL-CNS

DR. 16

DR. 3.5

DR. 5.5

BL

BL-CNS

DR. 16

DR. 3.5

DR. 5.5

BL

BL-CNS

DR. 16

DR. 3.5

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761 W. 130th STREET
CLEVELAND, OHIO 44130
(216) 845-2255 FAX (216) 845-2524

DATE	NOVEMBER 15, 1994
REVISIONS	
A	REVISED PER COMMENTS FROM BALTO. CO. ZADM.
2A	REVISED PLAN IN RESPONSE TO BALTO CO REVIEW REAISED TO BUILD FRONT BUILDING SO FOOTAGE, GENERAL NOTES & 2.5 PARKING VARIANCE REQUESTED PER DEVELOPERS REQUEST.

PROJECT NO. KCI-10A • 0194060

PROPOSED
EXHIBIT
Revco

5 ENTERPRISE PARKWAY TWINSBURG, OHIO 44087 216-425-9811

KCI
CHRONOLOGIES

ENGINEERS AND PLANNERS
10 NORTH PARK DRIVE
HUNT VALLEY, MD. 21030-1888
(410) 316-7800

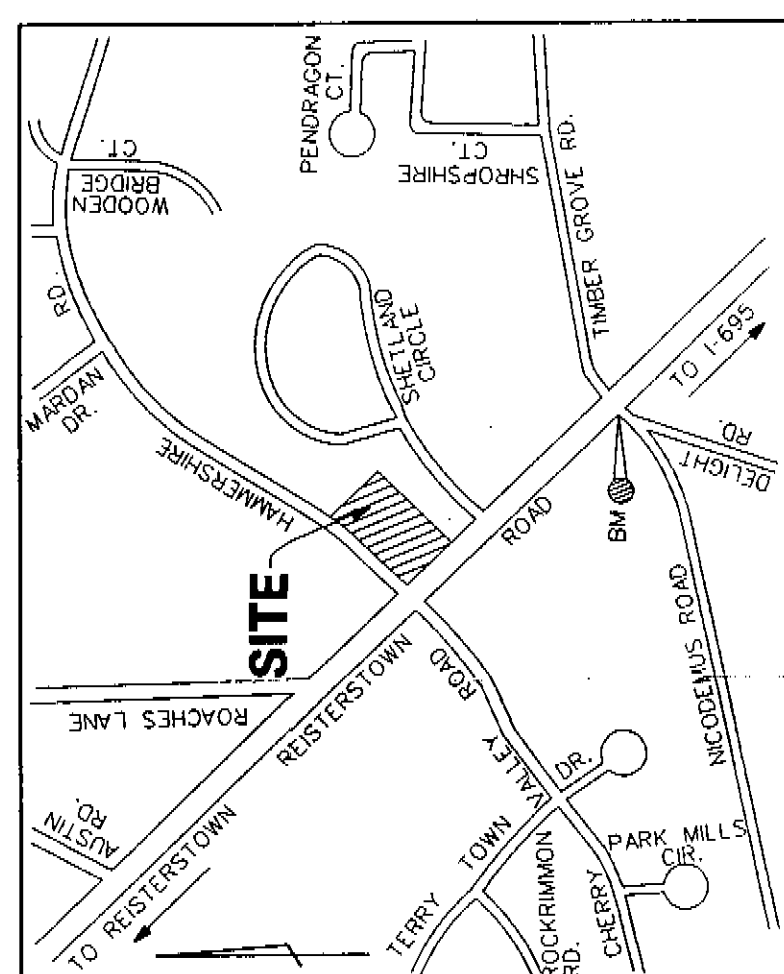


DEVELOPER
VAYDA AND ASSOCIATES INC.
7611 W. 130th STREET
CLEVELAND, OHIO 44130

SHEET TITLE
DEVELOPMENT PLAN
AND
EXHIBIT TO ACCOMPANY PETITION FOR VARIANCES

SHEET NO.

MICROFILMED



LOCATION MAP

SCALE: 1" = 500'

BENCH MARK DATA

B.C.M.D. BM #14786
R.R. SPIKE IN MAC. S.W. SIDE OF REISTERSTOWN
ELEV. 658.274

GENERAL NOTES

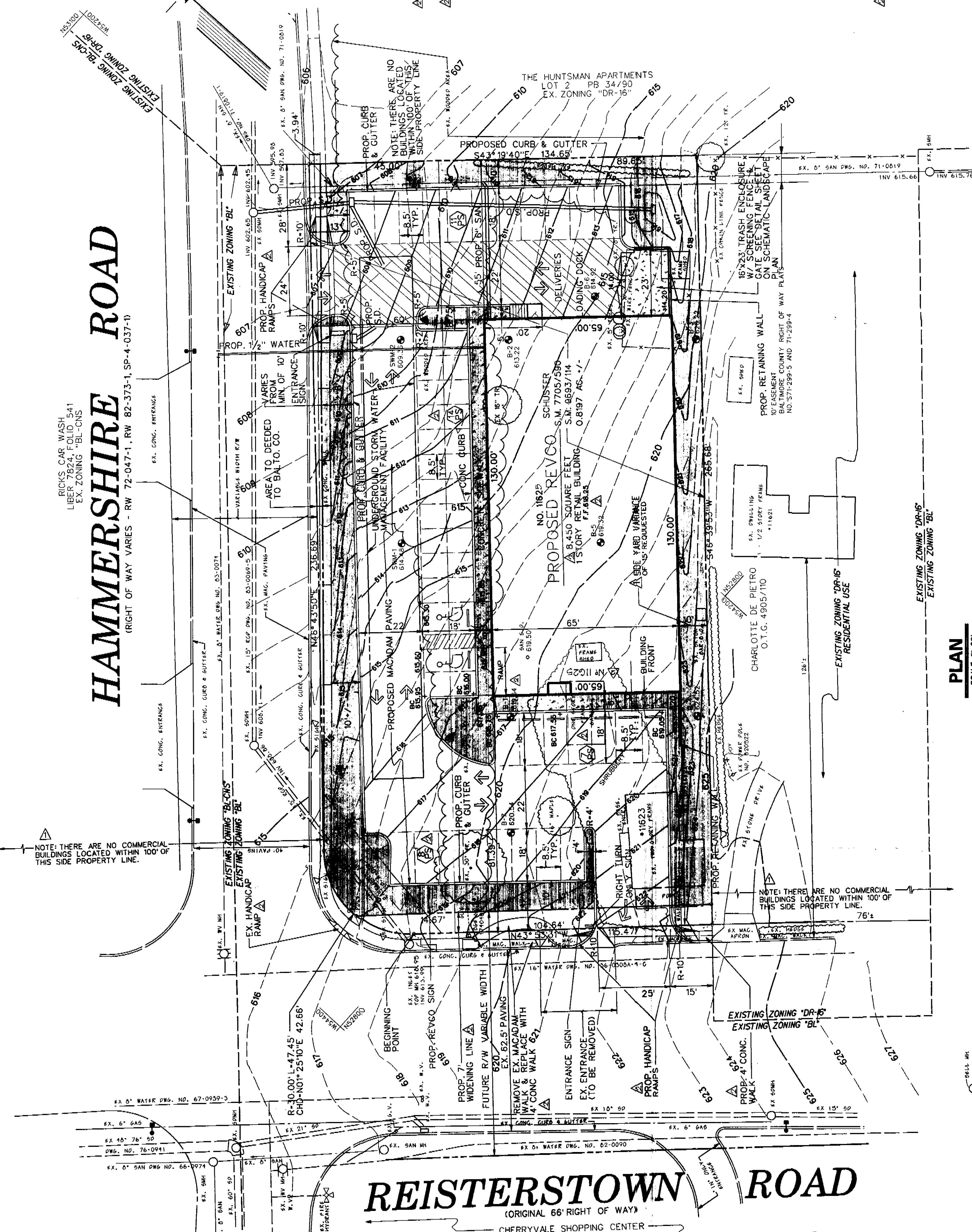
- AREA OF PROPERTY = 0.9197 ACRES +/- (35,706 S.F. +/-)
GROSS SITE AREA = 1.08 ACRES +/- (46,929 S.F. +/-)
2. EXISTING ZONING OF PROPERTY = "BL"
3. EXISTING USE - EX. DWELLING (EX. BUILDINGS ON SITE TO BE REMOVED)
PROPOSED USE - RETAIL DRUG STORE
4. FLOOR AREA RATIO
EXISTING = 0.0797 SQ. FT. (46,909 +/- S.F.)
AS PROPOSED = 0.4500 SQ. FT. (0.48 (84,50 +/- 46,929)
5. OFF-STREET PARKING
A. 43 SPACES (15,700 SQ. FT.)
B. PROPOSED = 40 SPACES (INCLUDING 2 HANDICAPPED SPACES)
PARKING VARIANCE REQUESTED. SEE VARIANCE REQUEST FOR THIS VARIANCE.
6. MENTY OPEN SPACE (SHOVED AREAS)
A. 43 SPACES (15,700 SQ. FT.)
B. PROPOSED = 8,776 SQ. FT. +/-
7. TOPOGRAPHY SHOWN HAS BEEN SHOWN FROM PLAN PREPARED BY
NOT TECHNOLOGIES DATED AUGUST 12, 1994.
8. ON SITE LOTTERIES SHALL BE SO ARRANGED AND SITED AS TO CONFINED ALL
DRAINAGE FROM THE LOTTERIES ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND
PREVENT FLOODING OF ADJACENT RESIDENTIAL PROPERTIES.
9. THERE ARE NO KNOWN HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL
SITES OR ENDANGERED SPECIES HABITATS ON THE SITE TO OUR KNOWLEDGE.
10. THERE ARE NO EXISTING STREAMS, SPRINGS OR FLOOD PLAINS ON THE
SITE.
11. TRASH COLLECTION WILL BE PROVIDED BY A PRIVATE TRASH COLLECTION COMPANY.
12. CONSTRUCTION OF CONCRETE CURBS, WALKS, ENTRANCES AND PAVING WILL
BE IN CONFORMANCE WITH THE BALTIMORE COUNTY DEPARTMENT OF
PUBLIC WORKS STANDARD SPECIFICATIONS AND DETAILS.
13. STORM WATER MANAGEMENT & WATER QUALITY MANAGEMENT WILL BE PROVIDED
WITH AN UNDERGROUND MANAGEMENT FACILITY
14. THIS SITE IS EXEMPT FROM THE BALTIMORE COUNTY REFORESTATION REQUIREMENTS.
(DISTURBANCE IS LESS THAN 40,000 SQ. FT.)
15. SEE SCHEMATIC LANDSCAPE PLAN FOR LANDSCAPE DETAILS.
16. ALL EXISTING BUILDINGS ON SITE TO BE RAZED.
17. AVERAGE DAILY TRIPS = 603 (WEEKDAYS) / 625 (SATURDAYS)
18. SITE IS LOCATED IN THE GWYNNS FALLS DRAINAGE AREA
19. THERE ARE NO DESIGNATED AREAS OF CRITICAL CONCERN.
20. BASED ON A REVIEW OF A RECENT USE OF A COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION & LIABILITY INFORMATION SYSTEM (CERCLIS) LISTING THIS SITE HAS NOT
BEEN IDENTIFIED AS A KNOWN ALLEGED OR POTENTIAL HAZARDOUS WASTE SITE.
21. DIRECTIONAL SIGNAGE WILL BE A 1'x3' LIGHTED SIGN (3 S.F.), DOUBLE FACED, POLE MOUNTED
WITH TOP OF SIGN 3.5' ABOVE FIN GRADE.
22. THERE ARE NO WELLS OR SEPTIC SYSTEMS ON THE PROPERTY TO OUR KNOWLEDGE
23. EXISTING ABOVE GROUND FUEL TANK IN BASEMENT OF THE HOUSE WILL BE REMOVED UNDER
THE SUPERVISION OF THE BALTIMORE COUNTY OFFICE OF DEPRM PRIOR TO RAZING THE BUILDING
24. THERE ARE NO EXISTING UNDER GROUND STORAGE TANKS ON THE SITE.

SITE NOTES

- DATE NOTED: 11/1/80
1. OWNER: I, RICHARD L. SMITH CERTIFY UNDER OATH THAT THERE ARE NO LIENED ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING PARCELS:
ALVIN SCHUSTER IN THE PROPOSED DEVELOPMENT OR A PERSON WHO WILL
LIBER 7705 FOLIO 590 PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE
TAX ACCOUNT NO.2 00000216 PROPOSED DEVELOPMENT.

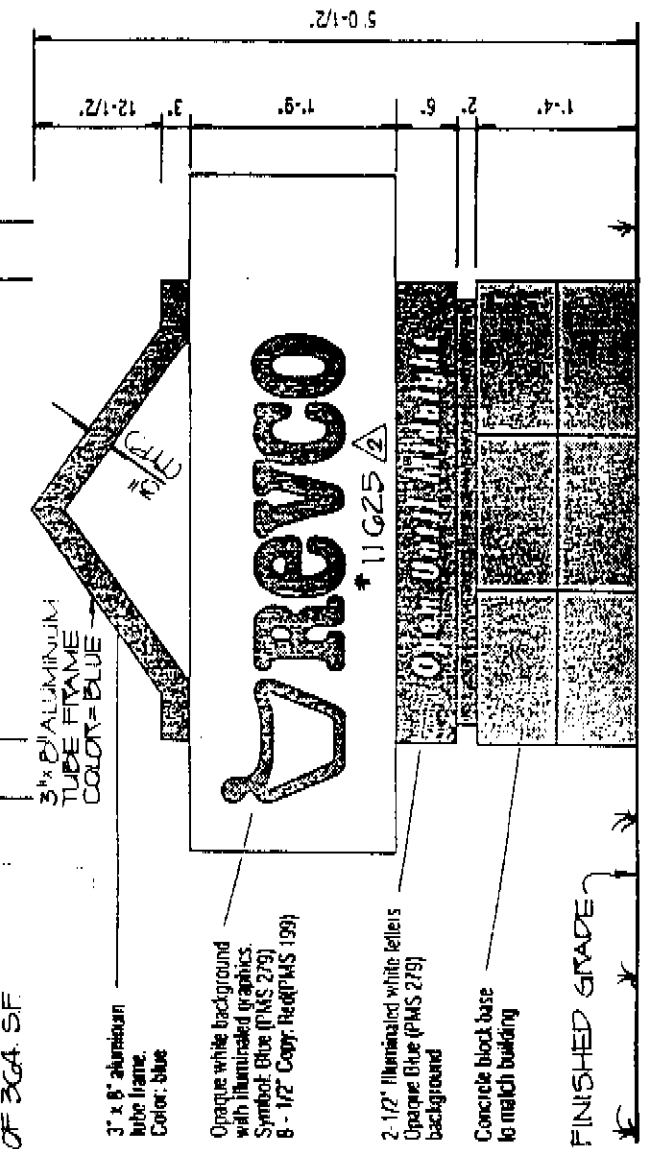
SOIL SERIES AND SYMBOL	LIMITATIONS OF SOILS			STREETS AND PARKING
	HYDRO CLASS	WITH BASEMENTS	WITHOUT BASEMENTS	
MAJOR LOAM MNC2	B	MODERATE; SLOPE	SEVERE; SLOPE	

INFORMATION TAKEN FROM BALTIMORE COUNTY SOIL SURVEY-MAP NO. 26
SITE CONSISTS ENTIRELY OF SOILS-MNC2



PLAN
SCALE: 1"=20'

NOTE: SIGN IS DOUBLE SIDED
BOTH SIDES ARE IDENTICAL
SQ. FOOTAGE EACH FACE = 10.2 SF
FOR A TOTAL OF 30.6 SF.



PROPOSED "REVCO" SIGN

NO SCALE

LEGEND

- EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED BOTTOM OF CURB ELEVATION
PROPOSED TOP OF CURB ELEVATION
PROPOSED CURB AND GUTTER
PROPOSED HEAVY DUTY PAVING
TYPICAL PARKING BAY 5.5' x 18'
UNLESS OTHERWISE NOTED
PROPOSED CONCRETE SIDEWALK/
PROPOSED CONCRETE DUMPSTER PAD/
PROPOSED CONCRETE ENTRANCE
PROPOSED LIGHT POST

SIGN

EXISTING STREET LIGHT

IN RE: PETITION FOR VARIANCE
SE/Corner Reisterstown Road
and Hammershire Road
(11623 Reisterstown Road)
4th Election District
3rd Councilmanic District
Alvin Schuster
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-199-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 11623 Reisterstown Road, located in the vicinity of Owings Mills in northwestern Baltimore County. The Petition was filed by the owner of the property, Alvin Schuster, and the Contract Purchaser, Revco Drug Store, through their attorneys, Geraldine Valentino, Esquire and Josep A. Schwartz, III, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6(A)(2) to permit 37 parking spaces in lieu of the minimum required 44; from Section 409.4 to permit parking spaces to have direct access to a driveway in lieu of parking aisles; from Section 409.8(A)(4) to permit parking spaces to be 7 feet from the right-of-way line of a public street in lieu of the required 10 feet; and from Section 232.2.b to permit a side yard setback of 10 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Geraldine Valentino, Esquire, and Richard Smith, Professional Engineer with KCI Technologies, Inc. There were no Protestants present.

It should be noted that at the outset of the hearing, the Petitioners modified their request for variance from Section 409.6(A)(2) to permit 40 parking spaces in lieu of the minimum required 43. The Petition and site plan filed were amended accordingly.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.08 acres, more or less, zoned B.L. and is presently improved with a vacant dwelling and other accessory structures which will be removed to permit construction of the proposed improvements. The Petitioners are desirous of developing the site with a one-story retail drug store consisting of 8,450 sq.ft. in accordance with Petitioner's Exhibit 1. On behalf of KCI Technologies, Mr. Dick Smith testified as to the proposed use of the property and described the design and layout of the proposed store. Mr. Smith also testified in detail concerning the number of variances requested and the justification for each. Furthermore, he testified that this project has been issued a limited exemption from the development plan process so that a Hearing Officer's Hearing is not needed for the proposed improvements to the site. Mr. Smith testified that Revco Drug Stores has instituted a policy of building freestanding stores, as opposed to locating stores within strip shopping centers, and that this hearing is one of a series of hearings that Revco has been going through to develop prospective sites with freestanding drug stores.

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.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. 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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations

(B.C.Z.R.) as follows: From Section 409.6(A)(2) to permit 40 parking spaces in lieu of the minimum required 43; from Section 409.4 to permit parking spaces to have direct access to a driveway in lieu of parking aisles; from Section 409.8(A)(4) to permit parking spaces to be 7 feet from the right-of-way line of a public street in lieu of the required 10 feet; and from Section 232.2.b to permit a side yard setback of 10 feet in lieu of the required 25 feet, 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) Compliance with all Zoning Plans Advisory Committee (ZAC) comments submitted hereto and made a part hereof.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/24/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/24/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/24/95
By [Signature]

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Date 1/24/95
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

January 24, 1995

(410) 887-4386

Geraldine Valentino, Esquire
Josep A. Schwartz, III, Esquire
10 West Madison Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
SE/Corner Reisterstown Road and Hammershire Road
(11623 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Alvin Schuster - Petitioner
Case No. 95-199-A

Dear Ms. Valentino & Mr. Schwartz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Aaron Margolis
405 E. Joppa Road, Suite 100, Baltimore, Md. 21286

People's Counsel

File

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 11623 Reisterstown Road
which is presently zoned B.L.

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 the Baltimore County Zoning Regulations (1) Section 409.6(A)(2) BCZR - to allow 40 parking spaces in lieu of the minimum required 44 spaces, (2) Section 409.4 of the BCZR to allow parking spaces to have direct access to a driveway in lieu of parking aisles, (3) Section 409.8(A)(4) BCZR to allow parking spaces to be seven feet from the right-of-way line of a public street instead of the required 10 feet on the Hammershire Road side of the development, (4) Section 232.2.b BCZR to allow a side yard of practical difficulty 10 feet instead of the required 25 feet.

See attached sheet.

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

Contract Purchaser/Owner:

Revco Drug Store

1095 Enterprise Parkway

Towson, Ohio 44087

10906 Park Heights Avenue

Owings Mills, Maryland 21117

10 West Madison Street

Baltimore, Maryland 21201

405 E. Joppa Road, Suite 100

Baltimore, MD 21286

405 E. Joppa Road, Suite 100

Baltimore, MD 21286

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405 E. Joppa Road, Suite 100

Baltimore, MD 21286

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):

Alvin Schuster

10906 Park Heights Avenue

Owings Mills, Maryland 21117

10 West Madison Street

Baltimore, Maryland 21201

405 E. Joppa Road, Suite 100

Baltimore, MD 21286

405 E. Joppa Road, Suite 100

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405 E. Joppa Road, Suite 100

Baltimore, MD 21286

Attachment to Petition for Variance
for Revco Drug Store at 11623 Reisterstown Road
Baltimore, Maryland

- 1) The Petitioner requests a variance to allow 37 parking spaces in lieu of the minimum required 44 spaces because strict compliance with the required 44 spaces would result in unreasonable hardship and practical difficulties.

The Revco drug store designed for development at 11623 Reisterstown Road is designed to ensure a functional drug store with sufficient shelving and storage space. If the square footage of the drug store is reduced to allow additional parking the site will no longer be considered by the Petitioner as a viable site for development of a drug store capable of a reasonable profit return. Further, Revco has performed market studies which confirm that the average customer is in the store for approximately ten to twelve minutes, thereby resulting in decreased car usage and overall need for parking spaces. The 37 spaces will provide more than adequate parking in compliance with the spirit of the ordinance and will not jeopardize public safety and welfare.

- 2) The Petitioner requests a variance to allow parking spaces to have direct access to a driveway based upon hardship and practical difficulty in that: 1) the existing site configuration does not allow off-street parking to conform to the BCZR regardless of how the site is developed; and 2) the proposed development of the site maximizes the parking requirements for off-street parking for a retail use. Creating parking aisles for parking spaces would require a greater parking variance than requested.

- 3) The Petitioner requests a variance to allow parking spaces to be 7 feet from the right-of-way line of a public street based on the fact that existing site configuration and necessary grading requirements on the northeast side of the store prohibit any reconfiguration of the development to allow for the required 10 foot buffer, thereby creating hardship and practical difficulty.

- 4) The Petitioner requests a variance to allow a side yard adjacent to the "DR-16" property of 10 feet in lieu of the required 25 feet because if the minimum side yard requirement is strictly observed, only 99 ft. of property would be available for development which would require a significantly smaller building and a greater variance for parking. The square footage of the drug store has been reduced from the initial concept plan to comply with the BCZR and cannot be reduced any further.

KCI
TECHNOLOGIES

ZONING DESCRIPTION
FOR VARIANCE AT THE SOUTHEAST CORNER OF
HAMMERSHIRE AND REISTERSTOWN ROADS
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the intersection of the northeasterly right of way line of Reisterstown Road with the southerly right of way line of Hammershire Road, thence binding on said right of way line

- 1) Northeasterly by a curve to the right 47.45 feet, said curve having a radius of 30.00 feet and a chord of North 01 degrees 25 seconds 10 minutes East 42.66 feet, thence
- 2) North 46 degrees 43 minutes 50 seconds East 236.69 feet, thence leaving said right of way
- 3) South 43 degrees 19 minutes 40 seconds East 134.65 feet, thence
- 4) South 46 degrees 39 minutes 53 seconds West 265.68 feet to the right of way line of Reisterstown Road, thence
- 5) North 43 degrees 53 minutes 31 seconds West 104.64 feet to the POINT OF BEGINNING.

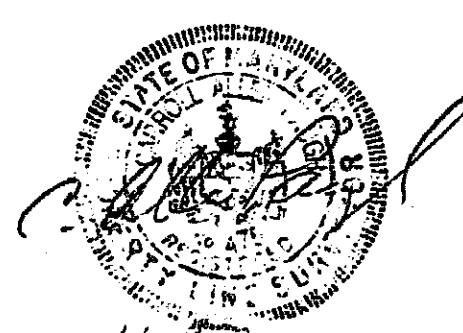
Containing 0.82 acres of land more or less.

AP/dgj

KCI Job No. 01-94060A

November 9, 1994

Filename: s:\hammureis.jev



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 118 Date of Posting: 12/14/94
Posted for: Variance
Petitioner: Alvin Schuster, T. Revco
Location of property: 11623 Reisterstown Rd, SE Corner Hammershire
Location of Sign: 11623 Reisterstown Rd, SE Corner Hammershire
Remarks: None
Posted by: Mark H. Schuster Date of return: 12/22/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 12/15, 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 12/15, 1994

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

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:

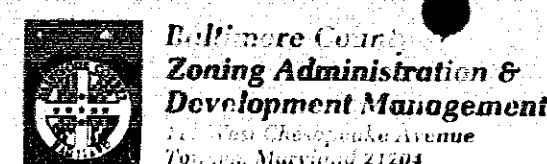
Case: 95-199-A (Item 194)
11623 Reisterstown Road
SEC Reisterstown Road and Hammershire Roads
4th Election District - 3rd Councilmanic
Legal Owner(s): Alvin Schuster
Contract Purchaser: Revco Drug Store

Hearing: Thursday, January 12, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow 37 parking spaces in lieu of the minimum required 44 spaces; to allow parking spaces to have direct access to a driveway in lieu of parking spaces; to allow parking spaces to be 7 feet from the right-of-way line of a public street instead of the required 10 feet on Hammershire Road side of the development; and to allow a side yard of 10 feet instead of the required 25 feet.

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 887-3351.
12/15/94 December 15.



Date: 12/14/94

Item Number: 194

Alvin Schuster (owner) 11623 Reisterstown Rd

65' to 11623 Reisterstown Rd

4000 Commercial Variance Along Hwy 194 # 2500

1000 Sign & Posting # 2500

Total # 2850

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

95-199-A

Account: R-001-6150

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 194

Petitioner: Alvin Schuster

Location: Newman Center Reisterstown Rd & Hammer-

SHIRE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph A. Schwartz III, Anna McGraw-Vaentino

ADDRESS: 10 West Madison Street

Phone No. 21201

PHONE NUMBER: 410-284-7000

At: ggs

(Revised 04/09/93)

13

TO: PUTNEY PUBLISHING COMPANY
December 15, 1994 Issue - Jeffersonian

Please forward billing to:

Joseph A. Schwartz, III, Esq.
Geraldine Vaentino, Esq.
10 W. Madison Street
Baltimore, MD 21201
410-244-7000

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: 95-199-A (Item 194)

11623 Reisterstown Road

SEC Reisterstown Road and Hammershire Roads

4th Election District - 3rd Councilmanic

Legal Owner(s): Alvin Schuster

Contract Purchaser: Revco Drug Store

HEARING: THURSDAY, JANUARY 12, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to allow 37 parking spaces in lieu of the minimum required 44 spaces; to allow parking spaces to have direct access to a driveway in lieu of parking spaces; to allow parking spaces to be 7 feet from the right-of-way line of a public street instead of the required 10 feet on Hammershire Road side of the development; and to allow a side yard of 10 feet instead of the required 25 feet.

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 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 8, 1994

NOTICE OF HEARING

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Arnold Jablon
Arnold Jablon
Director

cc: Alvin Schuster
Baron Marjolla
Revco Drug Store
Geraldine Vaentino and Joseph A. Schwartz, III, P.A.

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 887-3351.

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 12/08/94

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1994

Item No.: SEE BELOW

Zoning Agency:

Contentment:

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.

3. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 190, 191, 192, 193, 194, 195, 196 AND 198.

SPVIERZ: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4500, MS-1105F

cc: File

RECEIVED
DEC 9 1994

ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: December 14, 1994

SUBJECT: 11623 Reisterstown Road

INFORMATION:

Item Number: 194

Petitioner: Alvin Schuster

Property Size: .82 acres

Zoning: BL

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff met with the developer before final development of the plat accompanying this request to discuss design details, and to offer recommendations regarding enhancement of the site. The plan reflects an effort on the part of the developer to be responsive to this office's recommendations.

Reisterstown Road from Glyndon Drive to the Baltimore Beltway is identified as a non-programmed transportation project in the 1989-2000 Baltimore County Master Plan. The right-of way for this future transportation project is shown on the plan.

The applicant should provide a landscape treatment of the property consistent with the design called for in the Reisterstown Road Corridor Study.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kears

PK/JL

ITEM194/PZONE/TXTJWL

Pg. 1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 12/15/94

FROM: DEPRM

Development Coordination

SUBJECT: Zoning Advisory Committee

Agenda: See Below

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

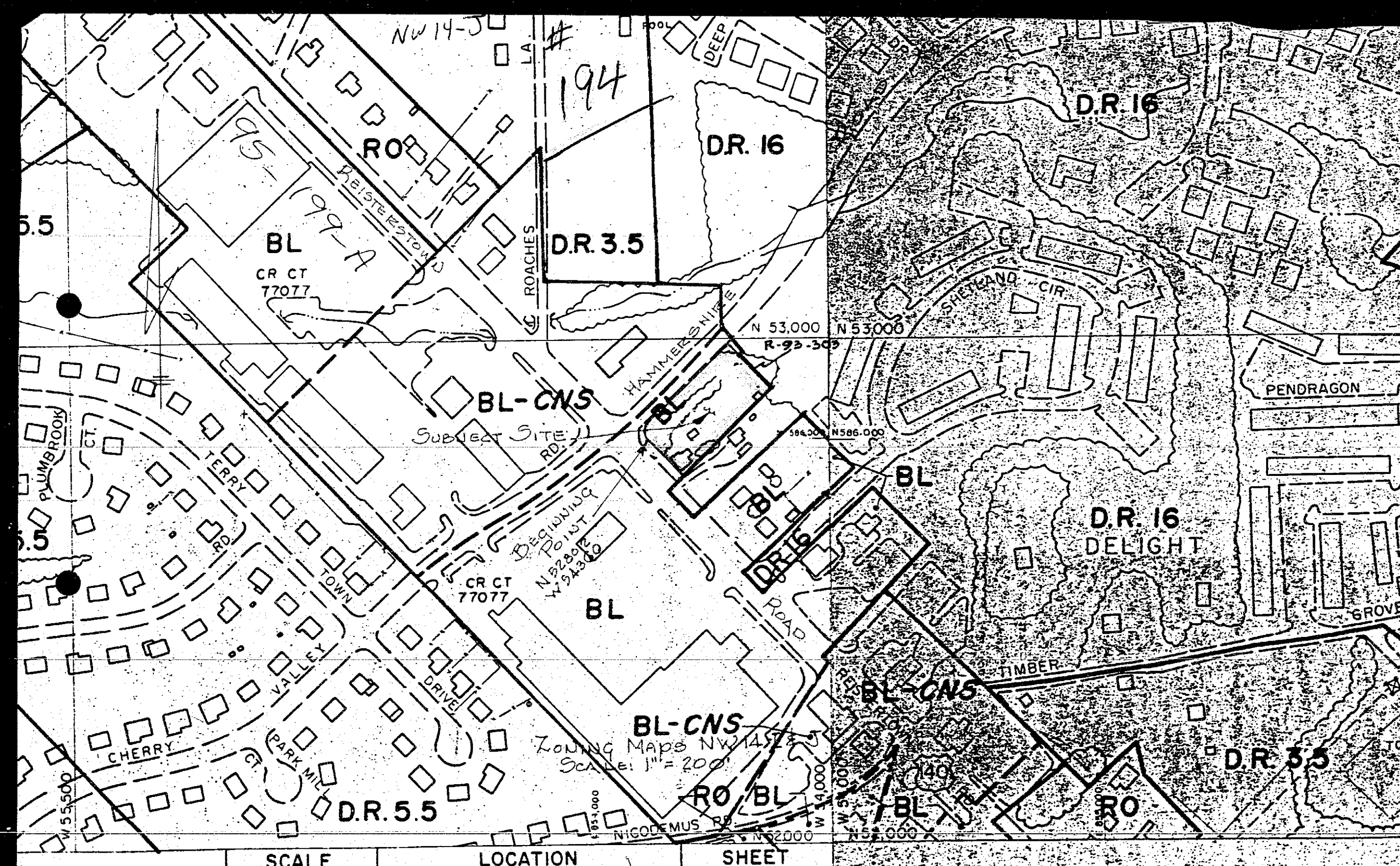
Item #'s: Glyndon -
mtg. of 11/28/94
Items # 178, 179, 180, 183, 184, 185

mtg. of 12/5/94
Items 188 and 189

mtg. of 12/12/94
Items 191, 192, 194, 195, 198

LS:sp

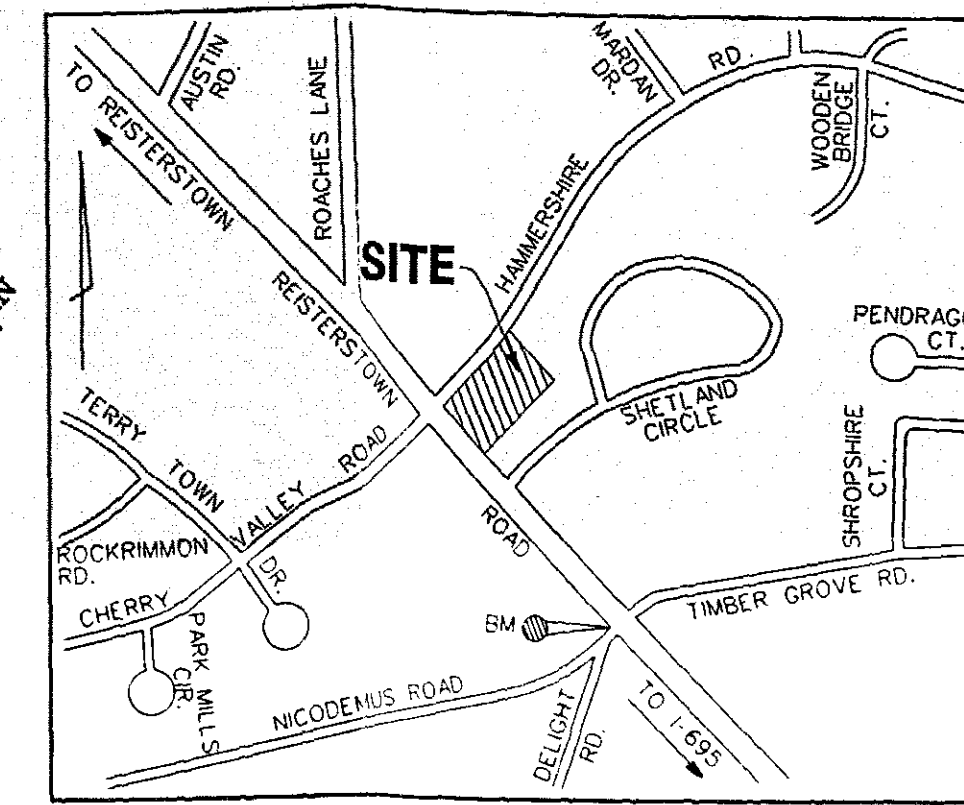
LETY2/DEPRM/TXTSPB



HAMMERSHIRE ROAD

(RIGHT OF WAY VARIES - RW 72-047-1, RW 82-373-1, SP-4-037-1)

RICKS CAR WASH
LIBER 7824, FOLIO 541
EX. ZONING "BL-CNS"



LOCATION MAP

SCALE: 1" = 500'

BENCH MARK DATA
B.C.M.D. 84-14780 ELEV. 658.274
R.R. SPIKE IN MAC. S.W. SIDE OF REISTERSTOWN
ROAD AT DELIGHT ROAD

GENERAL NOTES

- AREA OF PROPERTY = 0.8197 ACRES +/- (35,706 S.F. +/-)
GROSS SITE AREA = 1.08 ACRES +/- (46,928 S.F. +/-)
- EXISTING ZONING OF PROPERTY = "BL"
- EXISTING USE: EX. DWELLING (EX. BUILDINGS ON SITE TO BE REMOVED)
PROPOSED USE: RETAIL DRUG STORE
- FLOOR AREA RATIO
A. ALLOWED = 140,787 SQ. FT. (46,928 x 3.0)
B. PROPOSED = 8,450 SQ. FT. = 0.18 (8,450 / 46,928)
- OFF-STREET PARKING:
A. PROPOSED FLOOR AREA = 8,450 SQ. FT. REQUIRING 42.3 SPACES - 43 SPACES (15,100 SQ. FT.)
B. PROPOSED = 40 SPACES (INCLUDING 2 HANDICAPPED SPACES).
PARKING VARIANCE REQUESTED. SEE VARIANCE REQUEST THIS DRAWING.
- AMENITY OPEN SPACE (SHADED AREAS)
A. REQUIRED = 0 SQ. FT.
B. PROPOSED = 8,776 SQ. FT. +/-
- TOPOGRAPHY SHOWN HAS BEEN SHOWN FROM PLAN PREPARED BY KCI TECHNOLOGIES, DATED AUGUST 12, 1994.
- ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND AWAY FROM RESIDENTIAL PROPERTIES.
- THERE ARE NO KNOWN HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES OR ENDANGERED SPECIES HABITATS ON THE SITE TO OUR KNOWLEDGE.
- THERE ARE NO EXISTING STREAMS, SPRINGS OR FLOOD PLANS ON THE SITE.
- TRASH COLLECTION WILL BE PROVIDED BY A PRIVATE TRASH COLLECTION COMPANY.
- CONSTRUCTION OF CONCRETE CURBS, WALKS, ENTRANCES AND PAVING WILL BE IN CONFORMANCE WITH THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS AND DETAILS.
- STORM WATER MANAGEMENT & WATER QUALITY MANAGEMENT WILL BE PROVIDED WITH AN UNDERGROUND MANAGEMENT FACILITY.
- THIS SITE IS EXEMPT FROM THE BALTIMORE COUNTY REFORESTATION REQUIREMENTS. (DISTURBANCE IS LESS THAN 40,000 SQ. FT.)
- SEE SCHEMATIC LANDSCAPE PLAN FOR LANDSCAPE DETAILS.
- ALL EXISTING BUILDINGS ON SITE TO BE RAZED.
- AVERAGE DAILY TRIPS = 603 (WEEKDAYS) / 625 (SATURDAYS)
- SITE IS LOCATED IN THE GWYNNS FALLS DRAINAGE AREA.
- THERE ARE NO DESIGNATED AREAS OF CRITICAL CONCERN.
- BASED ON A REVIEW OF A RECENT U.S.E.P.A. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY INFORMATION SYSTEM (CERCLIS) LISTING THIS SITE HAS NOT BEEN IDENTIFIED AS A KNOWN, ALLEGED OR POTENTIAL HAZARDOUS WASTE SITE.
- DIRECTIONAL SIGNAGE WILL BE A 1"x3" LIGHTED SIGN (3 S.F.), DOUBLE FACED, POLE MOUNTED WITH TOP OF SIGN 3.5' ABOVE FIN. GRADE.
- THERE ARE NO WELLS OR SEPTIC SYSTEMS ON THE PROPERTY TO OUR KNOWLEDGE.
- EXISTING ABOVE GROUND FUEL TANK IN BASEMENT OF THE HOUSE WILL BE REMOVED UNDER THE SUPERVISION OF THE BALTIMORE COUNTY OFFICE OF DEPRM PRIOR TO RAZING THE BUILDING.
- THERE ARE NO EXISTING UNDER GROUND STORAGE TANKS ON THE SITE.

SITE NOTES

- OWNER:
PARCEL-1
ALVIN SCHUSTER
LIBER 7705, FOLIO 590
TAX ACCOUNT NO. 2100001216
PARCEL-2
ALVIN SCHUSTER
LIBER 9883, FOLIO 114
TAX ACCOUNT NO. 2100001216
- CENSUS TRACT - 4502.
- ELECTION DISTRICT NUMBER-4.
- COUNCILMANIC DISTRICT NUMBER-3.
- WATERSHED-27
- SUBSEWERSHED-67
- DRC NO. 08224H LIMITED
EXEMPTION GRANTED 8/22/94
- B. ZADM NO. IV-473

LIMITATIONS OF SOILS				
SOIL SERIES AND SYMBOL	HYDRO CLASS	WITH BASEMENTS	WITHOUT BASEMENTS	STREETS AND PARKING
MAJOR LOAM MDC2	B	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE

INFORMATION TAKEN FROM BALTIMORE COUNTY SOIL SURVEY-MAP NO. 26
SITE CONSISTS ENTIRELY OF SOILS-MDC2

PLAN

SCALE: 1" = 20'

NOTE: SIGN IS DOUBLE SIDED BOTH SIDES ARE IDENTICAL SQ. FOOTAGE EACH FACE = 102.56 FOR A TOTAL OF 205.12 SQ. FT.



ELEVATION

NO SCALE

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED BOTTOM OF CURB ELEVATION
- PROPOSED TOP OF CURB ELEVATION
- PROPOSED CURB AND GUTTER
- PROPOSED HEAVY DUTY PAVING
- TYPICAL PARKING BAY 8.5' x 18' UNLESS OTHERWISE NOTED
- PROPOSED CONCRETE SIDEWALK/ PROPOSED CONCRETE DUMPSITER PAD/ PROPOSED CONCRETE ENTRANCE
- PROPOSED LIGHT POST
- EXISTING SIGN
- EXISTING STREET LIGHT

ZONING COMMISSIONER'S ORDER

BALTIMORE COUNTY BOARD OF APPEALS
CASE NO. R-93-303
ORDER

IT IS THEREFORE THIS 20TH DAY OF OCTOBER, 1993 BY THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY ORDERED THAT THE PETITION TO RECLASSIFY THE PARCEL OF .54 ACRE AS SHOWN ON PETITIONER'S EXHIBIT #1 FROM D.R. 16 TO B.L. BE AND THE SAME IS HEREBY GRANTED.

VARIANCES REQUESTED

- PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.4 OF THE BCZR TO ALLOW PARKING SPACES TO HAVE DIRECT ACCESS FROM DRIVEWAYS IN LIEU OF PARKING AISLES. A VARIANCE OF 3 SPACES.
- PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.6 A2 OF THE BCZR TO ALLOW A TOTAL OF 40 PARKING SPACES INSTEAD OF THE REQUIRED 43 PARKING SPACES. A VARIANCE OF 3 SPACES.
- PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.8 A4 OF THE BCZR TO ALLOW PARKING SPACES TO BE 7' FROM THE STREET R/W LINE INSTEAD OF THE REQUIRED 10'. A VARIANCE OF 3'.
- PETITIONER IS REQUESTING A VARIANCE TO SECTION 232.2B OF THE BCZR TO ALLOW AN INTERIOR SIDE YARD OF 10' INSTEAD OF THE REQUIRED 25'. A VARIANCE OF 15'.

VAYDA

AND ASSOCIATES INC.
ARCHITECTS

7611 W. 130th STREET
CLEVELAND, OHIO 44130

(216) 845-2255 FAX (216) 845-2524

DATE NOVEMBER 15, 1994
REVISED

REVISED PER COMMENTS FROM BALTO. CO. ZADM
REVISED PLAN IN RESPONSE TO BALTO. CO. REVIEW REVEALED BUILDING FRONT BUILDING FOOTAGE. GENERAL NOTES #4 & #5. PARKING VARIANCE REQUESTED PER DEVELOPER'S REQUEST.

PROJECT NO.

KCI JOB # 0194060

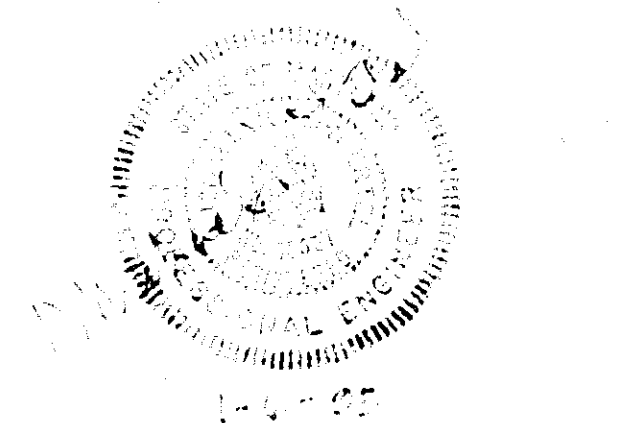
PETITIONER'S PROPOSED **Revco** 1

1925 ENTERPRISE PARKWAY, HUNTSVILLE, OHIO 44087 216-425-9511

CORNER OF REISTERSTOWN RD AND HAMMERSHIRE RD, 11625 REISTERSTOWN RD

ENGINEERS AND PLANNERS
10 NORTH PARK DRIVE
HUNT VALLEY, MD. 21030-1888
(410) 316-7800

KCI TECHNOLOGIES



DEVELOPER
VAYDA AND ASSOCIATES INC.
7611 W. 130th STREET
CLEVELAND, OHIO 44130

SHEET TITLE
DEVELOPMENT PLAN
AND
PLAT TO ACCOMPANY PETITION
FOR VARIANCES

SHEET NO.

DP-1