

|                                     |   |                            |
|-------------------------------------|---|----------------------------|
| IN RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE                 |
| Site Not Specific                   | * | DEPUTY ZONING COMMISSIONER |
| ML Zone                             | * | OF BALTIMORE COUNTY        |
| James Riffin                        | * | Case No. 95-470-SPH        |
| Petitioner                          | * |                            |

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition For Special Hearing. No specific site is the subject of this request, however the petitioner, James Riffin, is attempting to find a suitable site within the ML zone in the Cockeysville-Timonium area upon which to operate a Dutch Farmer's Market. In this special hearing the Petitioner requested the answer to the following hypothetical question: Was the legislative intent, of the amendment to §103.1 of the B.C.Z.R. in Bill No. 100, 1970, to permit continued use of the newly created ML zone for retail purposes as were permitted before the 1970 change?

Mr. Riffin plans to establish a Pennsylvania Dutch Farmer's Market in the ML Zone. However, no Pennsylvania Dutch Market is permitted by right or special exception in this zone. Mr. Riffin argues that the intent of the Bill No. 100, 1970, specifically the amendment to subsection 103.1, was to "provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans." In this he is correct. However, Mr. Riffin also argues that the permitted uses prior to 1970 carry over to any subsequent purchaser, regardless of what use has been applied to the property since 1970. In this analysis, his argument fails.

The only landowners who had rights to a continued expectation of a

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Date \_\_\_\_\_

By \_\_\_\_\_

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retail use were the land owners who (1) had an approved preliminary development plan before the effective date of Bill No. 100, and (2) if, on the fifth anniversary of such effective date, construction is either completed or is substantially commenced and diligently being pursued to completion. This saving clause or "grandfathering" provision was added to §103.1 to permit vested landowners to continue with their plans.

Mr. Riffin interprets the saving clause as a grandfathering of all uses permitted before 1970. However, grandfathering provisions are generally designed to allow uses already in existence or for which a plan has been approved. The purpose of a grandfathering provision is to protect the expectations of an investor who had complied with regulations at the time that an investment decision was made. This balances the public gain against the private loss.

Although, no opposition to Mr. Riffin's farmer's market is apparent at this time, an overbroad interpretation of §103.1 would dramatically change the uses permitted in the ML zone. On sites that were originally exempted under the saving clause, any purchaser of land in the ML zone could establish as of right any uses permitted prior to the 1970 change. This interpretation would send prospective purchasers on a search for sites that met the requirements of the 1970 saving clause. The intent of the legislature was to change the zoning of the area to ML. The saving clause should not be misconstrued to permit buyers 25 years later to work around the established zoning.

Mr. Riffin relied upon Feinburg v. Southland Corporation, 268 Md. 141, 301 A.2d 6 (1973). This case is distinguishable on the facts. The developers purchased the property and acquired approval on a preliminary plan before the 1970 changes, but the neighboring landowners brought suit

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Date 9/2/95  
By [Signature]

to stop the commercial development. The neighbors tried to stop the development by arguing that the preliminary plan did not perfectly conform to the existing regulations. But the Court of Appeals of Maryland held that the project still came within the saving clause and was not barred by the new ordinance. The application of this case was exactly what the legislature intended. But, application of the same analysis to Mr. Riffin would be unreasonable.

The last sentence of the amendment to §103.1 in §4 of Bill 100, 1970 states that, "otherwise, the regulations in effect at the time such use or development is to be established shall control." Mr. Riffin is establishing a new use and as such it must comply with the regulations in effect today. Maryland courts have held that the "ultimate purpose of zoning is to reduce non-conformance to conformance as speedily as possible..." Grant v. Baltimore, 212 MD 301, 129 A.2d 363 (1957). Mr. Riffin's interpretation runs directly counter to this purpose of the zoning change.

There is no reason to institute Mr. Riffin's convoluted interpretation of Bill No. 100. Mr. Riffin has other options such as (1) utilizing the PUDC (Planned Unit Development Commercial) to acquire the retail use, (2) purchasing a site in a zone that permits farmer's markets, or (3) finding a site in the ML zone that meets the non-conforming use standards.

Pursuant to the advertisement and public hearing on this Petition held, and for the reasons given above, the interpretation requested is denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

September 7, 1995

Mr. James Riffin  
P.O. Box 588, York Road  
Glenhcoe, Maryland 21152

RE: PETITION FOR SPECIAL HEARING  
Site Not Specific  
ML Zones  
Case No. 95-470-SPH

Dear Mr. Riffin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

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# Petition for Special Hearing

95-478-SFH

to the Zoning Commissioner of Baltimore County

for the property located at site not specific

which is presently zoned ML-IM

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

Petitioner's interpretation of §103.1 of the B.C.Z.R., to wit:

The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

See attached.

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.

Contract Purchaser/Lessee

James Riffin

(Type or Print Name)

Signature

Box 588 York Road

Address

Glencoe, MD 21152

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

ORDER RECEIVED FOR FILING

Date: \_\_\_\_\_  
By: \_\_\_\_\_



95-470-SPH

James Riffin  
Box 588 York Rd  
Glencoe, MD 21152  
(410) 296-6713

Zoning Commissioner  
111 W. Chesapeake Ave  
Towson, MD 21204

RE: Special Hearing for an interpretation of §103.1 of the B.C.Z.R.

Dear Commissioner:

When:

1. A property is located in a ML zone, and
2. The preliminary development plan for the property was approved by the Office of Planning and Zoning (formerly Baltimore County Planning Board) PRIOR TO September 19, 1970, and
3. The site was developed in accordance with the preliminary development plan, and
4. The building on the property was erected PRIOR TO September 19, 1975, and
5. The building is NOT being expanded, and
6. The entire site meets the present parking requirements of Section 409 of the B.C.Z.R., and
7. The spirit and intent of the zoning regulations are being adhered to,

Then Petitioner believes §103.1 of the B.C.Z.R. permits the site to be used for both ML and BR uses that were permitted uses as of September 19, 1970.

More specifically, Petitioner believes a Pennsylvania Dutch market would be a permitted use at a site located in a ML-IM zone, so long as the building was not being expanded, the entire site met the present parking requirements of Section 409 of the B.C.Z.R., and the market promoted the health, security, comfort, convenience, prosperity, and other aspects of the general welfare of the community.

The Pa Dutch market may not be a permitted use under the present Zoning Regulations. However, when Bill 100 was adopted in 1970, it established a separate category of 'grandfathering' under Section 103.1. The specific intent of Section 103.1 was to grandfather the B.L., B.R., and B.M. uses allowed under Section 253.1 of the 1963 edition of the B.C.Z.R. (The introductory paragraph to the Act states the purpose of the Act was to "provide for the application of light manufacturing zoning regulations (as they existed prior to the passage of Bill No. 100, 1970), to areas covered by previously submitted subdivision plans"). For a property, presently located in a ML zone, to be eligible for these uses, the applicant must document the following:

- a. The preliminary plan for the site was approved by the Baltimore County Planning Board prior to the effective date of Bill No. 100, 1970 (the effective date for Bill 100, 1970 was September 19, 1970.),
- b. Construction on the site was finished prior to September 19, 1975.

Section 103.1.B.3.c. of The Zoning Commissioner's Policy Manual indicates all of the uses permitted as of right in the 1963 B.L., B.M., and B.R. zones, will continue to be permitted as of right, so long as:

465

- a. The building is not being expanded;
- b. The entire site meets the present parking requirements of Section 409;
- c. The spirit and intent of the zoning regulations are being adhered to.

The intent of the zoning regulations is to promote the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community. A Pa Dutch market would further all of these goals. Residents of the community would find a market to be conveniently located (the nearest Pa Dutch Market is in Westminster, Md and York, Pa.) The market would increase the prosperity of the community, for it would create a number of new jobs and it would provide the community with a forum where they could display and sell hand-crafts they have produced. Any proposed site would be made secure. It would be maintained so that it would not create a health hazard or nuisance.

TRAFFIC: Using a site as a Pa Dutch market would complement, rather than aggravate traffic. If a site were to be used exclusively as office space, traffic to and from the site would coincide with other peak hour traffic. Using a site as a Pa Dutch market would NOT contribute to peak hour traffic, since the Market would not open until 9 am (which is after peak traffic). In addition, peak traffic to and from a market would probably occur on the weekend, when offices in the surrounding area would be closed.

The applicant has attached a brochure from the Westminster Pa Dutch Market. Hopefully this will give the Commissioner some idea as to what a Pa Dutch Market is.

For all of the reasons stated above, the applicant requests the Zoning Commissioner adopt Petitioner's interpretation of §103.1 of the B.C.Z.R., and find that a Pa Dutch market would be a permitted use on a site in a ML zone, providing the site met the requirements stated above.

Sincerely,



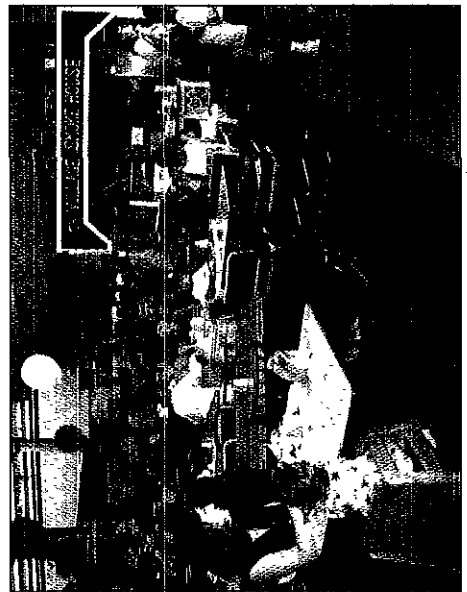
James Riffin  
Applicant

attached: 3 special hearing petitions

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The Pennsylvania Dutch Farmers Market of Westminster is located on MD. Routes 140 and 97 South, just East (about 1/2 mile) of downtown Westminster, Maryland, in beautiful Carroll County. The merchants are a mixture of Old Order Amish, Mennonites and local vendors, each displaying their own talents and products.

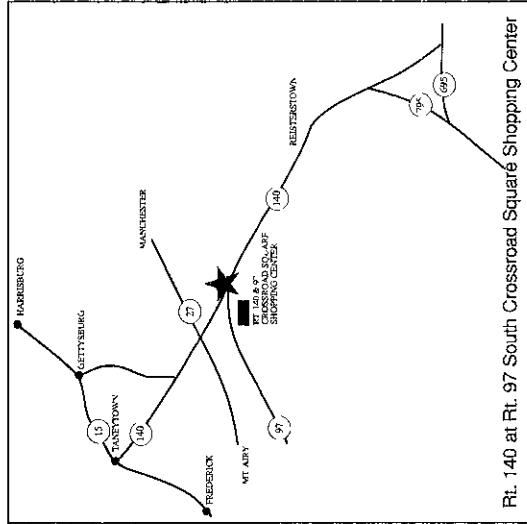


The Pennsylvania Dutch Farmers Market of Westminster  
*Relaxed, friendly, with all you expect to find...and more.*

CALL FOR SPECIAL EVENTS,  
EXHIBITS OR  
MORE INFORMATION

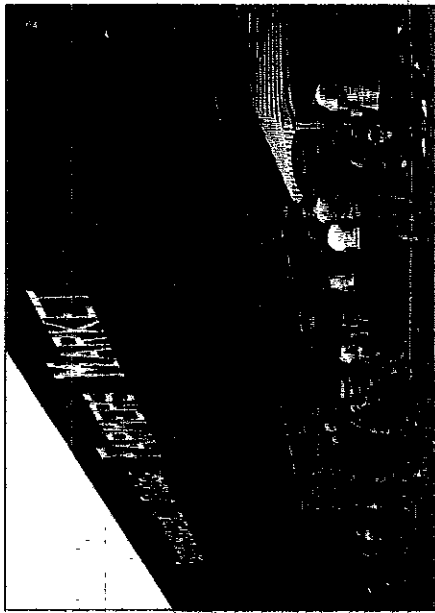
410 • 876 • 8100

OPEN YEAR ROUND  
THURSDAYS • 10AM - 6PM  
FRIDAYS • 10AM - 8PM  
SATURDAYS • 9AM - 4PM

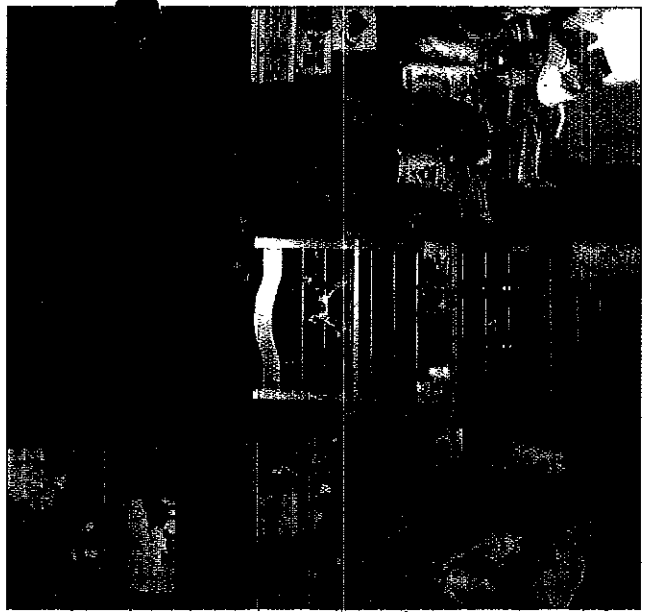


FREE ADMISSION & PARKING  
TOUR BUSES & GROUPS WELCOME  
HANDICAPPED ACCESSIBLE

95-470-SRH



# Pennsylvania Dutch Farmers Market of Westminster



MICROFILMED 465

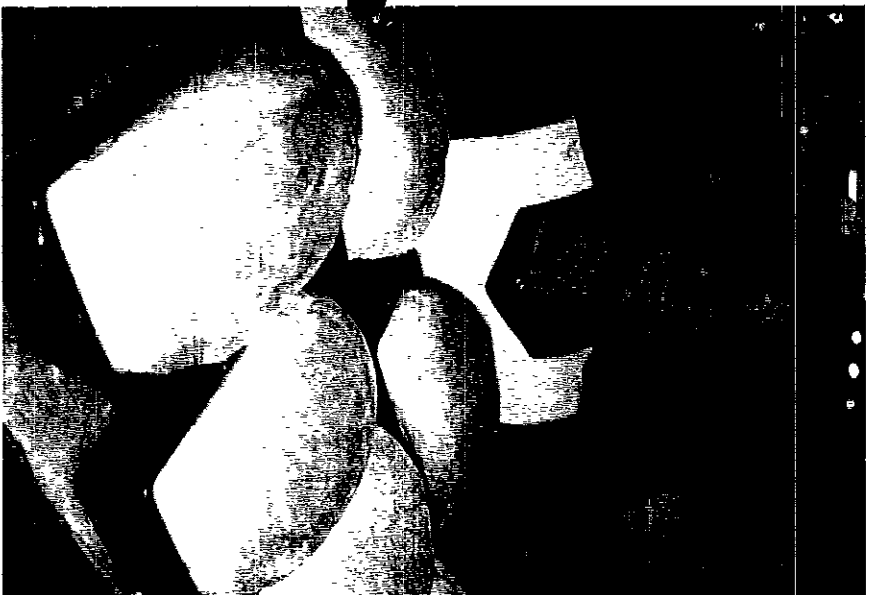
## A sampling of our offerings...

### Eats

- country breakfast
- fresh cut meats
- fresh seafood
- freshly squeezed orange juice
- fresh soft pretzels
- vitamin and spice shops
- eat-in or carry out available from a number of vendors, each offering specialties that are sure to satisfy your tastes
- home brew shop
- specialty coffees and teas

### 'n Treats

- stained glass artist
- on-site potter
- fine china
- motorcycle clothing and accessories
- hand made jewelry
- adult and youth art classes including pottery and porcelain doll making
- dried wreaths and flower arrangements
- oak furniture and accessories
- handmade Amish quilts
- porcelain dolls
- clothing, crafts and brooms
- sheds and gazebos
- family oriented entertainment



## Fresh from the Pennsylvania Dutch Country and Maryland

...Featuring our own on premises bakery, for wholesome on the spot goodness.

...Fresh fruits, vegetables, breads, pies, candies, salads, meats, cheeses and more in the true Pennsylvania Dutch tradition.

Something for everyone - a wide variety of country crafts; fresh cut flowers; plants; ceramics; jewelry; antique tools; hand-crafted wood furniture and accessories; Maryland and Pennsylvania Dutch souvenirs; decorated tee shirts and sweatshirts; baskets; collectibles from the past; two Amish country stores, and much more.

If you like warm, friendly, informal "country" living you will love our offerings in fabrics, furniture, stained glass, and our broad range of home decorations.

Walk into a country decor lover's dream!

ZONING DESCRIPTION

ADDRESS: 11126 McCormick Road  
Hunt Valley, MD 21031

ZONING DESCRIPTION:

Beginning at point number 14, as shown on Plat Three of the Hunt Valley Business Community, which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr., 47, folio 5, said point being on the west side of **McCormick Road**, which is 48 feet wide, with a 70-foot right of way, and 30 feet from the centerline of the southern section of **Schilling Circle**, which is 42 feet wide and has a 60-foot right of way, thence S68° 55' 30" E 35.36 feet to point number 15, thence along the west side of McCormick Road S23°55'30"E 210.31 feet to point 16, thence 238.28 feet on a circle with a radius of 6905.81 feet to point number 17, thence S66°04'30"W 351.16 feet to point number 18, thence S80°55'07"W 553.78 feet to point number 19, thence N67°12'07"W 57.89 feet to point number 20, which point is on the east side of **Gilroy Road**, which is 42 feet wide and has a 60-foot right of way, thence along the east side of Gilroy Road, N4°31'35"W 476.44 feet to point number 9, thence N40°48'22"E 35.15 feet to point number 10, thence along the southern side of Schilling Road 116.85 feet on a circle with a radius of 1,667.00 feet, to point number 11, thence N81°41'39"E 453.62 feet to point number 12, thence 128.01 feet on a circle with a radius of 469.58 feet to point number 13, thence N66°04'30"E 40.57 feet to the place of beginning,

BEING KNOWN AND DESIGNATED as Lot No. 18, as shown on a Plat entitled "Plat Three, Hunt Valley Business Community," which Plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr., No. 47, folio 5, containing 10.167 acres, more or less, also known as 11126 McCormick Road, Hunt Valley, Maryland 21031, located in the 8th Election District.

PROFESSIONAL ENGINEER'S CERTIFICATE

The undersigned, a registered professional engineer of the State of Maryland, does hereby certify that the Zoning Description for a property known as 11126 McCormick Road, Hunt Valley, Maryland, is as described above.

Lee J. Andre 5/29/95  
Lee Andre, P.E. Date  
Professional Engineer  
Reg. No.: 19392

SEAL



RECORDED

## 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: #95-470-SPH  
(Item 485)

No Specific Address  
Petitioner(s):

James Riffin

Hearing: Wednesday,

August 2, 1995, at 9:00  
a.m. in Rm. 108, County Office Building

Special Hearing to approve petitioner's interpretation of Section 103.1 of the B.C.Z.R. to wit: The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

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.

7/128 - July 13.

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 14, 1995

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 July 13, 1995.

THE JEFFERSONIAN,

A. H. Harrison  
LEGAL AD. - TOWSON



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

receipt

95-470-SPH

Account: R-001-6150

Number

465

CAM

Date

15 June 95

JAMES R. FITZ -- site Not specific

040 - 250.00

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03003#0046MICHRC

1250.00

BA 0003:00PM06-15-95

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TO: PUTUXENT PUBLISHING COMPANY  
Issue - Jeffersonian

Please forward billing to:

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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 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: 95-470-SPH (Item 465)

No Specific Address

Petitioner(s): James Riffin

HEARING: WEDNESDAY, AUGUST 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve petitioner's interpretation of Section 103.1 of the B.C.Z.R., to wit: The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

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.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 10, 1995

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: 95-470-SPH (Item 465)

No Specific Address

Petitioner(s): James Riffin

HEARING: WEDNESDAY, AUGUST 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve petitioner's interpretation of Section 103.1 of the B.C.Z.R., to wit: The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

Arnold Jablon  
Director  
Department of Permits and Development Management

cc: James Ruffin

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

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# BALTIMORE COUNTY COUNCIL MINUTES

Legislative Day No. 14

August 3, 1970 - 7:30 P. M.

The meeting was called to order at 7:30 P. M. by the Chairman. The Chairman then asked the audience to rise for a moment of silent prayer. There were approximately 100 persons present. The following councilmen were present:

|                       |                  |                                  |
|-----------------------|------------------|----------------------------------|
| Samuel J. Dantoni     | First District   | <u>10-774</u><br>webster Dantoni |
| Milton H. Miller      | Second District  | Gary Huddles                     |
| G. Walter Tyrie, Jr.  | Third District   | Walter Tyrie                     |
| George W.H. Pierson   | Fourth District  | Francis Bougle                   |
| Harry J. Bartenfelder | Fifth District   | Harry Bartenfelder               |
| Francis C. Barrett    | Sixth District   | Francis Barrett                  |
| Wallace A. Williams   | Seventh District | Wallace Williams                 |

## Approval of Journal

The Journal Entries for the meetings of July 6th, 9th and 22nd, 1970 were read and upon motion by Councilman Williams, seconded by Councilman Tyrie were approved as read.

At this time Councilman Barrett acknowledged the Overlea Chapter of DeMolay who were in attendance.

## Enrollment of Bills

The Chairman advised the Council that the following bills, which had been passed by the County Council, had been signed by the County Executive. He certified and delivered to the Secretary, Bills Nos. 72, 73, 74, 75, 76, 77, 78, 82, 83, 84, 85, 86, 95, 96, 104 and 105.

## Introduction of Bills

Bill No. 106 entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Frenchs Avenue in the Essex area.

Bill No. 107 entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Hilltop Avenue, in the Catonsville Manor area.

Bill No. 108 entitled AN ACT, To prohibit a person from parking a vehicle at any time on a certain portion of Woodvalley Drive in the Stevenson area.

Bill No. 109 entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Cedarmere Road, in the Cedarmere area.

Bill No. 110 entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Oakmere Road, in the Cedarmere area.

288 Md. 141

Raymond FEINBERG et al.

v.

The SOUTHLAND CORPORATION et al.

No. 153.

Court of Appeals of Maryland.

Feb. 9, 1973.

Owners of property near property in which commercial development was planned filed bill of complaint for declaratory relief and for permanent injunction against owners of the subject property and against the county. The Circuit Court for Baltimore County, W. Albert Menchine, J., dismissed the complaint, and plaintiffs appealed. The Court of Appeals, Barnes, J., held that where preliminary plan for construction of retail stores had been approved prior to effective date of new zoning ordinance prohibiting the proposed use unless it was within purview of saving clause and where final plan, which was approved after effective date of new ordinance, did not change essential nature of the proposed use, the project came within saving clause and was not barred by the new ordinance, notwithstanding that preliminary plan had not conformed to the existing regulations.

Order affirmed.

1. Zoning  $\S$  235

Where preliminary plan for construction of retail stores had been approved prior to effective date of new zoning ordinance prohibiting the proposed use unless it was within purview of saving clause and where final plan, which was approved after effective date of new ordinance, did not change essential nature of the proposed use, the project came within saving clause and was not barred by the new ordinance, notwithstanding that preliminary plan had not conformed to the existing regulations.

2. Zoning  $\S$  278

The fact that a division wall exists between units does not cause each unit to be a "building" within a zoning ordinance.

See publication Words and Phrases for other judicial constructions and definitions.

3. Zoning  $\S$  278

Definition and use of "building" in zoning regulations were sufficiently broad to include combination of units under development plan which provided for two retail stores in one structure and reflected common scheme to develop the tract as a unit with common entrances, parking areas and walkways, even though plan indicated an intent to divide the tract into two lots, so that the proposed structure, under development plan providing for a singleness of use, was a single "building" and not two "buildings," and regulations pertaining to sideyards on each side of a building did not require a sideyard between the two lots.

4. Zoning  $\S$  271

The development of lands by combining dual owners must be carried out as fully in accordance with the development plan in zoning regulations as land being developed by a single owner.

5. Zoning  $\S$  271

Zoning ordinances are concerned with the use of property and not with ownership thereof or with purposes of the owners or occupants.

Francis N. Iglehart, Towson (Hessian & Iglehart, Towson, on the brief), for appellants.

William F. Mosner, Towson (Power & Mosner, Towson, on the brief for Murray Wolman and Herbert Kishter; R. Bruce Alderman, County Sol. and Maurice W. Baldwin, Jr., Asst. County Sol., Towson, on the brief for Baltimore County, and Lawrence F. Rodowsky and Frank, Bern-

95-470-384

ENACTED 8/5/70  
EFFECTIVE 9/19/70 (+15 DAYS)

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1970, Legislative Day No. 11

BILL NO. 100

Mr. Bartenfelder, Councilman  
(Request of County Executive)

By the County Council, July 6, 1970

A BILL  
ENTITLED

AN ACT, To amend the Baltimore County Zoning Regulations to provide certain new regulations and to revise certain existing regulations for establishment of zoning classifications, conversion and redesignation of "Residence" zoning classifications; to provide for the deletion and addition of terms and definitions; to provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans; to establish Rural and Rural-Suburban zoning classifications, "Density" Residential (D. R.) zoning classifications and Elevator-Apartment-Residence Zoning Classifications; to amend the special regulations for Community-Core Commercial (C. C. C.) Districts; to revise the use regulations in Light Manufacturing (M. L.) Zones; to revise the regulations governing automotive service stations in permitted parking garages; to establish regulations for Unit Developments and the classifications and authorizations thereof; to provide for the continuing validity of special exceptions granted for elevator apartment buildings or office buildings under R. A. Zoning Classifications; to provide that the Planning Board may adopt and implement certain policies and procedures in furtherance of the Zoning Regulations; by repealing and re-enacting with amendments Subparagraph 100.1.A.2; by adding new Subsection 100.3A; by deleting and adding certain definitions to Section 101, entitled "Definitions"; by amending Subsection 103.1; by adding new Articles 1A and 1B; by repealing designation and title, "Article 2-Zones and Districts: Use, Height and Area Regulations" and the subtitle, "R.40 Zone-Residence,

p. 5  
p. 61

*Adopted March 30, 1955*

## Preface to Second Edition

The first Zoning Regulations for Baltimore County went into effect in 1945. Within a few years it became obvious they were not adequate to cope with the County's population growth and the need for greater differentiation among housing, business, and manufacturing uses. Professor Flavel Shurtleff of the Massachusetts Institute of Technology was retained as a consultant to begin preliminary review of the zoning text.

In 1952 the County Commissioners acceded to the request of the Planning Commission to provide funds for studies looking toward a complete revision of the Zoning Regulations. These studies, under the direction of Malcolm H. Dill, Planning Director, continued over a period of two and one-half years, in cooperation with Augustine J. Muller, then Zoning Commissioner, and his successor, Wilsie H. Adams.

Many and varied interests were brought into consultation, including architects, lawyers, engineers, builders, developers, and real estate brokers, all of whom contributed substantially to formulating the Regulations. After a preliminary draft had been completed, further meetings and discussions were held. As a result of these conferences a final version was adopted by the County Commissioners on March 30, 1955.

On the whole these Regulations have provided the people of Baltimore County with a sound basis for the protection of property values and the general welfare. However, it was expected from the outset that the Regulations would have to be modified as the County grew and changed character. During the nearly nine years since the Regulations were adopted many amendments have been made. For example, the original twelve zones—six for residences, and three each for commercial and manufacturing—have been enlarged to thirteen with the adoption by the

County Council in 1961 of the Manufacturing, Light Restricted Zone.

Even with the prospect of completely revised Zoning Regulations emerging a few years hence from current studies authorized by the County Executive, the numerous changes make it desirable to publish an up to date edition of the 1955 text. Further interim amendments are to be expected, and, in order to provide an easy method of keeping the Regulations up to date, the loose-leaf format of the earlier edition has been repeated.

## ARTICLE 1—GENERAL PROVISIONS

### Section 100—ZONES AND ZONE BOUNDARIES

100.1—For the purpose of these regulations, Baltimore County is hereby divided into zones, as follows:

|               |                                 |
|---------------|---------------------------------|
| R. 40 Zone    | Residence, one-family           |
| R. 20 Zone    | Residence, one-family           |
| R. 10 Zone    | Residence, one-family           |
| R. 6 Zone     | Residence, one and two-family   |
| R. G. Zone    | Residence, group house          |
| R. A. Zone    | Residence, apartment            |
| B. L. Zone    | Business, local                 |
| B. M. Zone    | Business, major                 |
| B. R. Zone    | Business, roadside              |
| M. R. Zone    | Manufacturing, restricted       |
| M. L. R. Zone | Manufacturing, light restricted |
| M. L. Zone    | Manufacturing, light            |
| M. H. Zone    | Manufacturing, heavy            |

100.2—The Official Zoning Map of Baltimore County, hereby adopted as part of these regulations, is the existing map in the Office of the Zoning Commissioner of Baltimore County on which are designated the zones and zone boundaries adopted on January 2, 1945 together with all amendments thereto, the changes in zone designations set forth in Section 100.3 herein, and maps subsequently adopted by the Baltimore County Council.

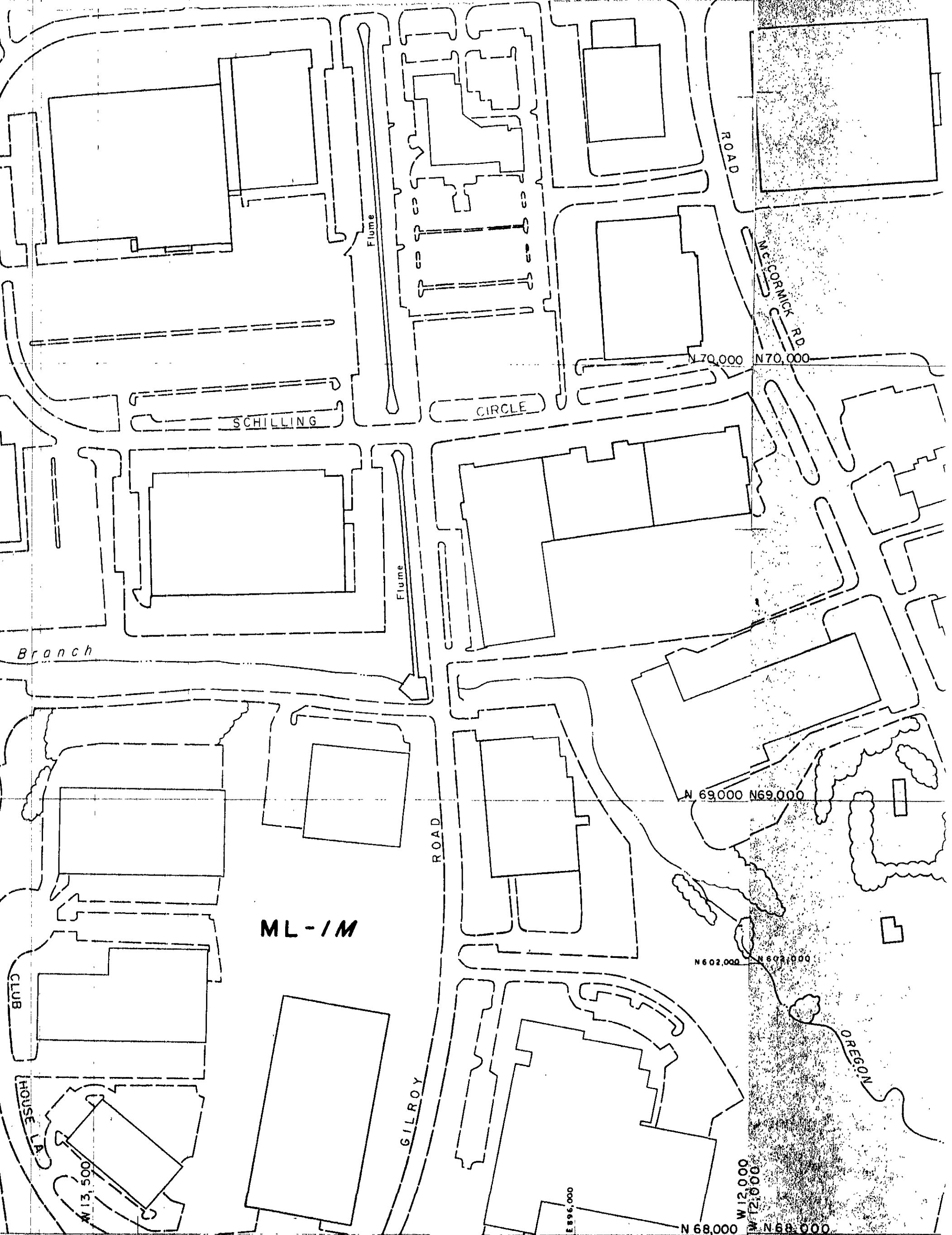
100.3—The zones as created in Section 100.1 change the present zone designations as follows:

|        |                                |
|--------|--------------------------------|
| A or B | Residence to R. 6 Zone         |
| C      | Residence to R. A. Zone        |
| D      | Residence to R. G. Zone        |
| E      | Commercial to B. L. Zone       |
| F      | Light Industrial to M. L. Zone |
| G      | Heavy Industrial to M. H. Zone |

100.4—The location of any zone boundary, unless indicated by dimensions shown on the zoning map, shall be determined by use of the map scale shown thereon and scaled to the nearest foot.

### Section 101—DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural



COMPREHENSIVE ZONING MAP  
Baltimore County Council  
15, 1992  
05-02, 110-02, 107-02, 108-02, 189-02

*W. Howard IV*  
Baltimore County Council

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

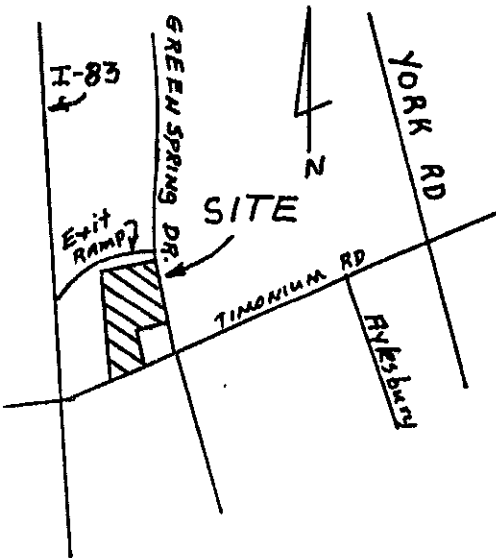
LOCATION  
COCKEYSVILLE  
MICROFILMED

SHEET  
N. W.  
18-C

V - SE  
V - NE  
THIS MAP HAS BEEN REVISED  
TOPOGRAPHY COMPILED BY P  
BY BUCHART-HORN, INC. BALT



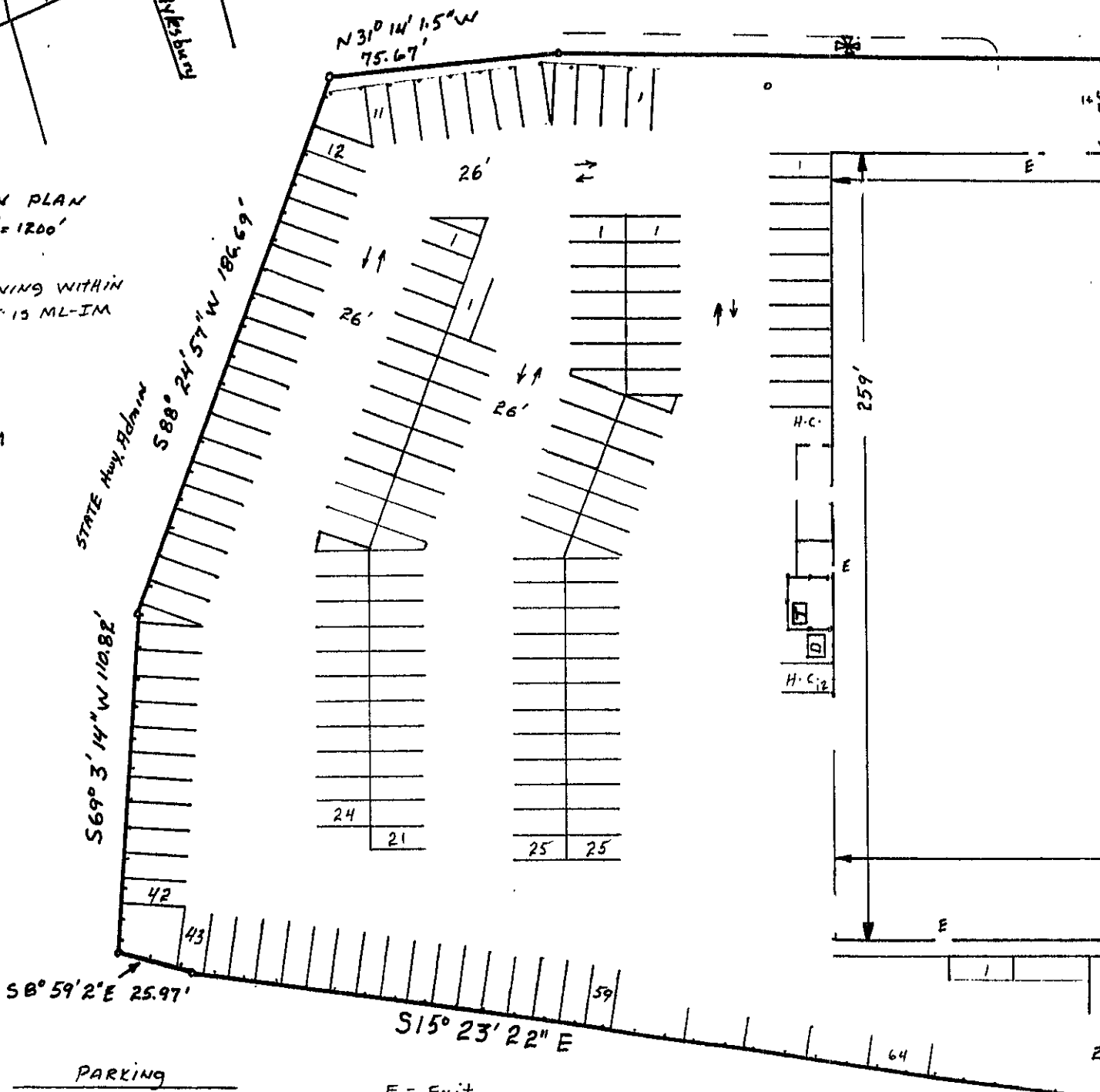
MICROFILMED



LOCATION PLAN  
SCALE: 1" = 1200'

ALL ZONING WITHIN  
400 FT. IS ML-IM

ML-IM



PARKING

# SPACES AVAILABLE: 215  
# SPACES Required: 193  
ALL SPACES: 8.5' x 18'  
H.C. (HANDICAP) SPACES: 11' x 18'  
PARALLEL SPACES: 8' x 21'  
PAVING TYPE: MACADEM

E = Exit

⊛ = Fire Hydrant

GROSS AREA: 3.38 Acres

PAVING permanently striped

NO PRIOR ZONING HEARINGS FOR LOT #1

LOT #2: CASE BT-209A (11-28-86)

(FRONT AND SIDE YARD VARIANCE GRANTED.)

Expressway  
2990/394

8th Election District  
3rd Councilmanic District

F.A.R.:  $\frac{53,100}{3.38 \text{ Acres}} = 15,710$

F.A.R. Allowed: 2.0

ML-IM

GREENSPRING DRIVE

Highway Widening

N 23° 6' 12" W 397.64'

EX 60' R/W

N 30° 17' 10" E  
44.50'

N 58° 21' 50" E  
31.40'

LOT #2

TIMONIUM Rd LTD Partnership  
8439/433

S 55° 58' 11" W 84.55 0.795

R = 1869.86'  
L = 132.65'

S 23° 6' 12" E 227.44'

EX. 80' R/W

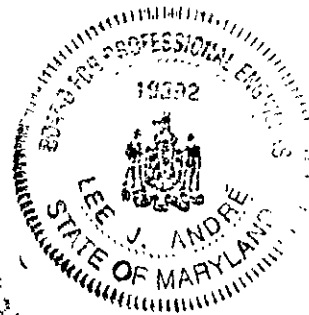
Red Roof Inns  
8015/514

ML-IM

W. TIMONIUM RD

PLAT OF  
110 W.  
TIMONIUM RD.  
LOT #1

SCALE:  
1" = 50'



Lee Andre, P.E.  
Professional Engineer  
Reg No.: 19392  
DATE 8/1/95

Existing Bldg  
LOT #1

2ND FLOOR

280'

100'

24'

180.48'

ML-IM

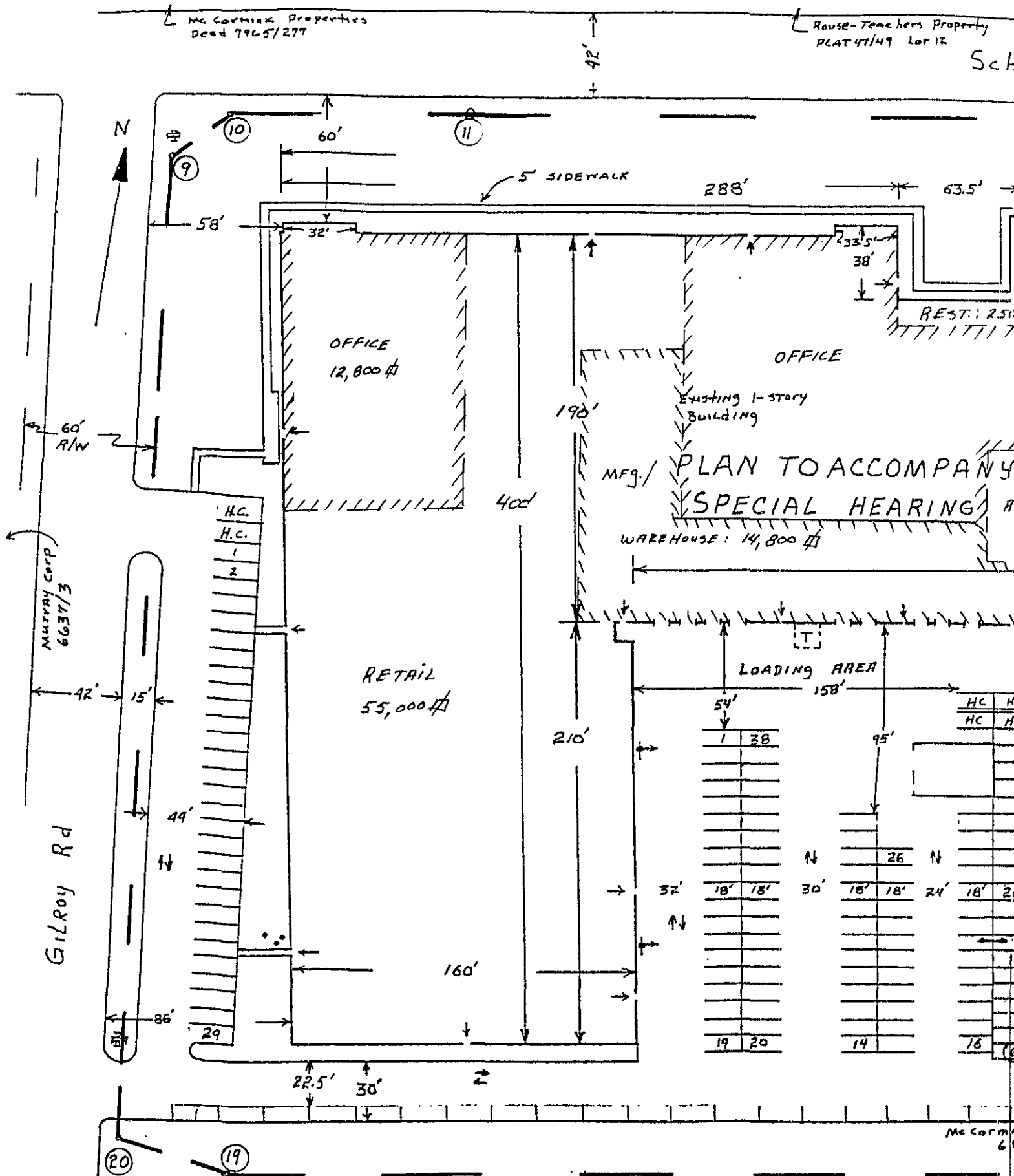
576.81'

OWNER: TIMONIUM I-83 INVESTORS  
LTD PARTNERSHIP

Deed Ref: 6810/728

PLAT: 60/91

A.O.S.: NONE REQUIRED



SITE PLAN  
11126 McCORMICK RD

Scale: 1" = 60'

8th Election District  
3rd Councilmanic District

ALL Property within 1000 FT  
is Zoned ML-1M.  
10.167 ACRES gross AREA  
F.A.R.:  $\frac{154,000 \text{ ft}^2}{10.167 \text{ Acres}} = 0.35$   
F.A.R. Allowed: 2.0

→ = Exit  
Light STD 20' High  
FILL PARKING SPACES  
ARE 8.5' x 20' (OR 18')  
EXCEPT:  
SMALL CAR: 7.5' x 18'  
PARALLEL: 7.5' x 21'  
HANDICAP: x 20'

PAVING THE  
SPACES WITH  
NO PRIOR  
Previous, C  
C-188-62  
C-177-70  
NO STRUCTURE  
F.O.S.: NO

### LLing Circle

60' R/W

12

VICINITY MAP

York PA

**X-83**

6.4

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**Y'**

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2 Co.

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7

side

5:27-

OF 30

HUNT VALLEY, MD

SHEET 1 OF 2

RE: MACRADM  
permanently striped  
mining hearings on site  
commercial permits:  
- SHALL 2-503-76-AIZ.  
- ALTERATIONS  
YES WITHIN 200 FT OF SITE.  
ARE REQUIRED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 26, 1995

Mr. James Riffin  
Box 588 York Road  
Glencoe, Maryland 21152

RE: Item No.: 465  
Case No.: 95-470-SPH  
Petitioner: James Riffin

Dear Mr. Riffin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 15, 1995.

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 (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,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the word "Sincerely,".

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 5, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: No Specific Address

INFORMATION:

Item Number:

465

Petitioner:

James Riffin

Property Size:

Zoning:

ML-IM

Requested Action:

Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The attached intra-office correspondence from the office's legislative planning division reflects the position of the Office of Planning.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

Attachments

ENCLOSURE

## INTER-OFFICE CORRESPONDENCE

**FROM:** Hillorie Morrison

RIFFIN/PZONE/TXTHSR

BALTIMORE COUNTY OFFICE OF LAW  
INTEROFFICE MEMORANDUM

**TO:** The Honorable Kevin Kamenetz  
**FROM:** Virginia W. Barnhart  
County Attorney  
**DATE:** June 23, 1995  
**RE:** Proposed Pawnshop Legislation

|                        |                  |           |              |
|------------------------|------------------|-----------|--------------|
| Post-It® Fax Note 7671 |                  | Date 6-27 | # of Pages 3 |
| To HILLARY             | From PAT. Roddy  |           |              |
| Co./Dept. PLANNING     | Co.              |           |              |
| Phone #                | Phone # 887-4420 |           |              |
| Fax # 887-5862         | Fax # 296-0931   |           |              |

As discussed, we have received an inquiry from Newton Williams, a local attorney, concerning Bill No. 112-95's compliance with equal protection standards and the sufficiency of the amortization period set forth in the Bill with respect to its prohibition against free standing signs. This issue has also been raised by the Planning Office, as reflected in Pat Keller's recent memorandum.

In addition, we have discussed the potential for a First Amendment challenge to the free standing signage prohibition in the Bill. This memorandum is intended to address these issues, and to articulate the burden which must be satisfied by a party who challenges the constitutionality of such legislation.

**Equal Protection and Due Process**

Trade regulation is often subjected to scrutiny under the constitutional precepts of due process and equal protection. Different levels of judicial scrutiny are applied to legislation challenged on equal protection and due process grounds, depending upon the nature of the rights impinged.

Where suspect classifications or fundamental rights are not involved (such as in this case), a "rational basis" test is applied and requires only that a statutory classification be "rationally related to a legitimate state interest." Cleburne v. Cleburne Living Center, Inc. 473 U.S. 432 (1985). While this "rational basis" test is a low threshold of scrutiny, a government "may not rely on a classification whose relationship to an asserted goal is so attenuated as to render the distinction arbitrary or irrational." Id. at 446-47.

When a regulatory statute is challenged under the Fourteenth Amendment, the following principals of judicial review are applicable. First, courts generally presume that the judgment of the legislative body is sound with respect to the wisdom, need, or appropriateness of the legislation, and therefore will uphold the legislation if there is any rational basis for its enactment. Ferguson v. Skrupa, 372 U.S. 726 (1963).

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Second, when an economic regulation is challenged on either equal protection or substantive due process grounds, it generally will not be overturned if the legislation appears to be rationally designed to correct a recognized "evil" which adversely affects governmental interests. Williamson v. Lee Optical Co., 348 U.S. 483 (1955); New Orleans v. Duke, 427 U. S. 297 (1976). Legislation is typically held to fall within permissible bounds of the exercise of police power if it is reasonably and substantially related to public health, morals, safety and welfare of the people, *beyond that, an act must not infringe upon any constitutional guarantees.* Cade v. Montgomery Co., 83 Md.App. 419 (1990), *cert. denied*, 320 Md. 350, *cert. denied*, 498 U.S. 1086.

Third, the federal courts have held that the due process clause does not prohibit governments from anticipating and addressing problems which have yet to manifest themselves so long as the perceived problem is at least rationally conceivable. Detroit Automotive Purchasing Services v. Lee, 463 F. Supp. 954 (D. Md. 1978).

Under these basis precepts, the courts are required to uphold legislation which limits the activities of legitimate businesses in cases where a *rational* basis for the limitation exists. Notably, in those cases which concern municipal regulation of pawnbrokers, the courts have demonstrated a willingness to recognize the inherent "evils" of pawnshops and their connection to criminal activity.

In a 1949 decision, Flax v. City of Richmond, 52 S.E.2d 250 (Va. 1949), the Virginia Supreme Court of Appeals, held that the conduct of a pawnshop is "within the classification of business activities which may be rigidly regulated under municipal police powers." While recognizing that an individual's right to engage in a lawful business "may not be arbitrarily denied to him and granted to another under the guise of trade regulation," the Flax court nonetheless upheld a city ordinance which limited the number of pawnshops to those already in existence. In addition, the Court upheld the City's authority to grant licenses on the basis of an owner's moral character and voter status. In so holding, the Court reasoned that the "business of a pawnbroker is such as to place it that category which justifies police control and supervision, limited only by the requirement that the classification does not constitute arbitrary discrimination."

While this blanket recognition of the "evils" of pawnshops is meaningful, it should be noted that in Flax the State of Virginia had already passed legislation recognizing the "evils" of pawnshops and authorizing local jurisdictions to limit their number.

Pawnshop regulation was likewise upheld in City of Hobbs v. Blswell, 473 P.2d 917 (N.M. 1970), as a lawful exercise of municipal police powers. As in Flax, the Hobbs court recognized an inherent connection between pawnbrokering and theft, while noting that:

7 McQuillin, Municipal Corporations §24.335 (3rd. ed. rev. 1968) states:

\* \* \*

"Municipal police regulations generally may be made with respect to pawnbrokers and pawnbrokering, unless the subject is exclusively regulated by state statute." \* \* \*

WILLIAMSON

\* \* \* In this connection, regulation of pawnbroking under the police power has been placed on the basis of facilitation of pawnbroking to crime. Thus it has been said: 'The business of pawnbrokers because of the facility it furnishes for the commission of crime, and for its concealment, is one which belongs to a class where the strictest police regulation may be imposed.' " \*

\* \*

473 P.2d at 919.

The Hobbs case is notable for two reasons. First, the ordinance at issue required all pawnbrokers to maintain a log of transactions and to record their customer's descriptions as to age, height, weight, complexion, race, color of hair and eyes, sex and nationality. Second, the ordinance was more strict than existing state regulations. In upholding the ordinance, the Hobbs court reasoned that the existence of lesser state regulations did not affect the enforcement of the ordinance provided that it was not in conflict with, but was merely an expansion of state law.

In contrast, a pawnbroking ordinance in Lakewood Pawnbrokers, Inc. v. City of Lakewood, 517 P.2d 834 (Colo. 1974), was struck down in part due to its conflict with provisions of state law. The remainder of the ordinance in Lakewood, however, which related to the regulation of excess sums received by pawnbrokers from the sale of forfeited goods, was held not to be in conflict with state law and therefore was upheld as a legitimate exercise of municipal police powers, even though it did not contain a "grandfather" clause as to existing pawnbrokers. See also, Lieberman v. Cervantes, 511 S.W.2d 835 (Mo. 1974) (upholding an ordinance which required pawnbrokers to take photographs of customers and make them available to law enforcement officers upon request).

Thus, pawnbroker regulation has been upheld as a legitimate exercise of municipal police powers based upon the recognized relationship of pawnbroking to criminal activity. While these cases should give you significant comfort in this area, we are compelled to remind you that each regulation in your proposed legislation could be challenged under the Fourteenth Amendment. Thus, it is important to demonstrate a rational basis for each proposed regulation, and to identify the basis for the overall limit of pawnshops within the County, and the per district limit. On this point, we note that there are already more than two pawnshops in certain Districts within the County. As such, we recommend that, if you choose to maintain a per district limitation on the number of pawnshops, existing pawnshops be grandfathered into this limitation, so as to reduce the potential for challenge.

### First Amendment

Trade regulation is often challenged under First Amendment principals as well. While the reasonable and non-discriminatory regulation of signs has long been recognized as a valid exercise of municipal police and zoning powers, St. Louis Poster Advertising Co. v. St. Louis, 249 U.S. 269, 63 L.Ed. 599, 39 S. Ct. 274, signage restrictions will not be upheld if they create unreasonable classifications based upon content under the First Amendment.

In order for legislation to be upheld under the First Amendment, a municipality must demonstrate that the ordinance furthers a particular, substantial governmental interest, and that it is

sufficiently narrow to further that interest without unnecessarily restricting fundamental constitutional rights. In addition, commercial speech legislation may not discriminate on the basis of content, unless the legislature can demonstrate a compelling governmental interest mandating such distinction. McQuillin, *Municipal Corporations*, § 24.380 and § 25.131.50 (3rd. ed. rev. ).

Accordingly, we anticipate the potential for a First Amendment challenge to the Bill's proscription against free standing signs in connection with pawnshops, where pawnshop signage is otherwise permitted, and other local businesses are not subjected to the same proscription in the same areas. Such legislation may be construed to be content based and not in furtherance of a particular, substantial governmental interest. Accordingly, you may wish to consider limiting this restriction, such that it applies to only future signage, as suggested in Mr. Keller's memorandum of June 15, 1995. By "grandfathering" existing signage, the potential for challenge is greatly reduced.

### Amortization

In the event that you determine not to "grandfather in" existing signage, we recommend that you consider an extension of the amortization period for the regulation of existing signs.

The reaction of the Maryland courts to amortization has been favorable. In determining the reasonableness of a particular ordinance, the courts have considered circumstances bearing on the balance of the public gain against the private loss. *Grant v. Baltimore*, 212 Md. 301, 129 A.2d 363 (1957) (denying complaint to enjoin City from enforcing ordinance requiring the removal of billboards from residential districts within five years and holding that the earnest aim and ultimate purpose of zoning is to reduce non-conformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned). Courts will uphold provisions in zoning regulations dealing with nonconforming uses where the benefit to the public outweighs the resulting loss to the landowner. On the public benefit side of the scale, the Maryland courts have considered the offensiveness of the non-conforming use in view of the character of the surrounding area. In determining the private loss, the courts will consider, *inter alia*, the length of time in which a landowner, or as here an operator, is expected to amortize his investment.

Thus, in *Gough v. Board of Zoning Appeals for Calvert County*, 21 Md. App. 697, 321 A.2d 315 (1974), a zoning provision eliminating nonconforming uses by an amortization method of compelling termination after a reasonable and specified time was held to be constitutional. The constitutionality depended, as discussed above, on the restriction's overall reasonableness and the importance of the public gain in relation to private rights.

Generally, courts will not require an amortization period that fully amortizes the value of the nonconforming use. All that is required is an amortization period which strikes a reasonable balance between the property interest in the nonconforming use and the interest of the community in the integrity of its zoning regulations.

While in *Harris v. Mayor & City Council of Baltimore*, 35 Md. App. 572, 371 A.2d 706 (1977), it was recognized that it is unreasonable and unconstitutional for a zoning law to require immediate cessation of an otherwise unlawful nonconforming use, the Court nonetheless reasoned

JUN-27-93 10:11:43 ID:BN1703 and OFFICE TEL NO: 410 210 0000

that the elimination of an existing use within a reasonable time provides a means of reconciling due process requirements. Suggesting that an amortization period need not fully amortize the value of a nonconforming use, the Harris Court held that the investment to be amortized was not necessarily the entire cost of a structure - since all but the nonconforming uses would continue to have a useful life - but rather it was the original cost of converting the nonconforming to a conforming use. In addition, the amortization period was not intended to provide an owner with an opportunity to depreciate fully the value of his property.

Accordingly, we suggest that in order to avoid concerns regarding amortization, you may wish to consider a 1 to 2 year rather than a 6 month amortization period, to avoid challenges from existing pawnbrokers who may have invested recently in free standing signage.

We trust this advice is of assistance to you.

MICROFILMED

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: July 7, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for July 3, 1995  
Items 451, 453, 454, 463, 464 and (465)

The Development Plans Review Division has reviewed  
the subject zoning item and we have no comments.

RWB:sw

10/10/95 11:00 AM

Baltimore County Government  
Fire Department



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

(410) 887-4500

DATE: 07/03/95

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

RE: Property Owner: ???

LOCATION: NO SPECIFIC ADDRESS

Item No.: 465

Zoning Agenda: SPECIAL HEARING

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED  
JUL 8 1995

ZADM

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

cc: File



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

TO: ZADM  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 6/26/95

DATE: 6/30/95

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

Item #'s:

450

451

452

453

456

457

458

459

460

463

465 ✓

467

11

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

10-23-95

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

Re: Baltimore County  
Item No.: 465 (CAM)

Dear Ms. Watson:

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,

*for* Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

MICROFILM

# **PETITION PROBLEMS**

## **AGENDA OF JUNE 26, 1995**

### **#451 --- MJK**

1. No legal owner listed on petition form.
2. No address or telephone number for protestants.
3. Zoning listed on petition form does not agree with zoning on front of folder (D.R.-5.5 on petition form; D.R.-5.5, D.R.-10.5, D.R.-16, O-2 listed on folder).

### **#452 --- JLL**

1. Petitioner's copy of receipt is still in folder.

### **#454 --- RT**

1. No special hearing fee charged to amend the FDP.
2. Need attorney.

### **#455 --- MJK**

1. No telephone number for legal owner.

### **#456 --- JRA**

1. No telephone number for legal owner.
2. No councilmanic district on folder.

### **#457 --- MJK**

1. No telephone number for legal owner.

### **#459 --- MJK**

1. Need title of persons signing for legal owner.
2. No telephone number or address for representative to be contacted.

**#461 --- JLL**

1. No review information on bottom of petition forms.
2. No practical difficulty or hardship listed on variance petition.

**#465 --- CAM**

1. No review information on bottom of petition form.
2. No item number on petition form.
3. No legal owner signature, typed name, address, or telephone number.
4. No name or telephone number of representative to be contacted.

**#466 --- MJK**

1. No telephone number for legal owner.

RE: PETITION FOR SPECIAL HEARING  
No Specific Address

James Riffin  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 95-470-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 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to James Riffin, Box 588 York Road, Glencoe, MD 21152, Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

RECORDED

# APPENDIX ONE - SQUARE FOOTAGE OF BUILDING

|                                      |                       |                      |                        |
|--------------------------------------|-----------------------|----------------------|------------------------|
| Main Bldg:                           | 190 ft x 640 ft =     | 121,600 sq ft        |                        |
| Two corner protrusions:              | 2(5.3 ft x 32 ft) =   | 340 sq ft            |                        |
| Two central protrusions:             | 2(5.3 ft x 33.5 ft) = | 355 sq ft            |                        |
| Subtotal:                            |                       | 122,295 sq ft        | (Parking spaces req'd) |
| Less courtyard indent:               | 32.67 ft x 63.5 ft =  | - 2,075 sq ft        | (For 100% retail use)  |
| Square feet of main bldg:            |                       | 120,220 sq ft        | (at 5/k sq ft = 601)   |
| Warehouse part of bldg:              | 160 ft x 210 ft =     | + 33,600 sq ft       | (at 1/employee = 24)   |
| <b>TOTAL GROSS AREA OF BUILDING:</b> |                       | <b>153,820 sq ft</b> | (retail sp req: 625)   |

# APPENDIX TWO - PARKING REQUIREMENT CALCULATIONS

TABLE ONE - GENERAL PARKING SPACES REQUIRED

|                | sq ft          | Parking<br>Spaces per<br>1,000 sq ft | Parking<br>Spaces<br>Required | Transit<br>Adjustment<br>(less 5 %) | Total<br>Spaces<br>Required | Small Car<br>Spaces<br>Allowed |
|----------------|----------------|--------------------------------------|-------------------------------|-------------------------------------|-----------------------------|--------------------------------|
| Office:        | 76,000         | 3.3/k sq ft                          | 251                           | - 13                                | 238                         | 100                            |
| Restaurant:    | 8,000          | 16/k sq ft                           | 128                           | n a                                 | 128                         | 0                              |
| Retail:        | 55,000         | 5/k sq ft                            | 275                           | n a                                 | 275                         | 0                              |
| Mfg/warehouse: | 14,820         | 1/employee                           | 11                            | - 1                                 | 10                          | 4                              |
|                | <u>153,820</u> |                                      |                               |                                     |                             | <u>104</u>                     |

TABLE TWO - SHARED PARKING ADJUSTMENTS TO GENERAL PARKING REQUIREMENTS

|                | WEEKDAY           |            | WEEKEND    |            |           |
|----------------|-------------------|------------|------------|------------|-----------|
|                | 6a-6p             | 6p-midnt   | 6a-6p      | 6p-midnt   | midnt-6a  |
| Office:        | 100 %             | 10 %       | 10 %       | 5 %        | 5 %       |
| 238 spaces:    | <b>238</b>        | 24         | 24         | 12         | 12        |
| Restaurant:    | 50 %              | 100 %      | 100 %      | 100 %      | 10 %      |
| 128 spaces:    | <b>64</b>         | 128        | 128        | 128        | 13        |
| Retail:        | 60 %              | 90 %       | 100 %      | 70 %       | 5 %       |
| 275 spaces:    | <b>165</b>        | 248        | 275        | 193        | 14        |
| Mfg/warehouse: | 100 %             | 10 %       | 10 %       | 5 %        | 5 %       |
| 10 spaces:     | <b>10</b>         | 1          | 1          | 1          | 1         |
|                | <u><b>477</b></u> | <u>401</u> | <u>428</u> | <u>334</u> | <u>40</u> |

HIGHEST COLUMN TOTAL: **477 spaces required**  
 Parking sq ft req'd per space: 300 sq ft / parking space  
 TOTAL PARKING SQUARE FOOTAGE REQUIRED: **143,100 sq ft**

**PARKING SPACES AVAILABLE: 478 spaces available** (388 reg; 82 small; 8 H.C.)  
**TOTAL PARKING SQ FT AVAILABLE: 190,600 sq ft** (enough for 635 parking spaces)  
 Amenity Open Space: 442,875 sq ft total - (153,820 bldg + 190,600 parking lot.) = 98,455 sq ft  
 A.O.S.: 98,455 sq ft = 0.64 A.O.S. ratio  
 Bldg: 153,820 sq ft

# APPENDIX ONE - SQUARE FOOTAGE OF BUILDING

|                                   |                   |              |
|-----------------------------------|-------------------|--------------|
| Main Bldg:                        | 82 ft x 280 ft =  | 22,960 sq ft |
|                                   | 124 ft x 177 ft = | 21,950 sq ft |
| Second Floor:                     | 82 ft x 100 ft =  | 8,200 sq ft  |
| TOTAL SQUARE FOOTAGE OF BUILDING: |                   | 53,110 sq ft |

# APPENDIX TWO - PARKING REQUIREMENT CALCULATIONS

TABLE ONE - GENERAL PARKING SPACES REQUIRED

|                | sq ft  | Parking<br>Spaces per<br>1,000 sq ft | Parking<br>Spaces<br>Required | Transit<br>Adjustment<br>(less 5 %) | Total<br>Spaces<br>Required |
|----------------|--------|--------------------------------------|-------------------------------|-------------------------------------|-----------------------------|
| Retail:        | 28,600 | 5/k sq ft                            | 143                           | n a                                 | 143                         |
| Office:        | 3,000  | 3.3/k sq ft                          | 10                            | - 0.5                               | 9.5                         |
| Meeting hall:  | 3,000  | 16/k sq ft                           | 48                            | n a                                 | 48                          |
| Mfg/warehouse: | 18,500 | 1/employee                           | 10                            | - 0.5                               | 9.5                         |
|                | 53,100 |                                      |                               |                                     | 210                         |

TABLE TWO - SHARED PARKING ADJUSTMENTS TO GENERAL PARKING REQUIREMENTS

|                | WEEKDAY |          | WEEKEND |          |          |
|----------------|---------|----------|---------|----------|----------|
|                | 6a-6p   | 6p-midnt | 6a-6p   | 6p-midnt | midnt-6a |
| Office:        | 100 %   | 10 %     | 10 %    | 5 %      | 5 %      |
| 9.5 spaces:    | 9.5     | 1        | 1       | .5       | .5       |
| Meeting hall:  | 50 %    | 100 %    | 100 %   | 100 %    | 10 %     |
| 48 spaces:     | 24      | 48       | 48      | 48       | 5        |
| Retail:        | 60 %    | 90 %     | 100 %   | 70 %     | 5 %      |
| 143 spaces:    | 86      | 129      | 143     | 100      | 7        |
| Mfg/warehouse: | 100 %   | 10 %     | 10 %    | 5 %      | 5 %      |
| 10 spaces:     | 9.5     | 1        | 1       | .5       | .5       |
|                | 129     | 179      | 193     | 149      | 40       |

HIGHEST COLUMN TOTAL: 193 spaces required  
 Parking sq ft req'd per space: 300 sq ft / parking space  
 TOTAL PARKING SQUARE FOOTAGE REQUIRED: 57,900 sq ft

PARKING SPACES AVAILABLE: 215 spaces available (211 reg; 4 H.C.)  
 TOTAL PARKING SQ FT AVAILABLE: 90,000 sq ft

145,500 sq ft total - (44,910 bldg + 90,000 parking lot) = 10,590 sq ft  
 A.O.S.: 10,590 sq ft = 0.20 A.O.S. ratio  
 Bldg: 53,100 sq ft

other uses in the Corridor he is  
interested in

110 W. TIMONIUM ROAD  
NON-ML ZONING BUSINESS USES IN IMMEDIATE AREA

|                          |                               |            |
|--------------------------|-------------------------------|------------|
| <u>W. Timonium Rd:</u>   | Total # non-ML business uses: | 20= 51.3 % |
| 100 Sunoco               | Total # businesses:           | 39         |
| 108 Office Bldg          |                               |            |
| 109 Red Roof Inns        |                               |            |
| 110 <b>SITE</b>          |                               |            |
| 112 Christhilf Equipment |                               |            |

Greenspring Dr:

|      |                                       |
|------|---------------------------------------|
| 2101 | Craft Woods                           |
| 2103 | Signs by Tomorrow                     |
| 2105 | Icing on the Cake                     |
| 2109 | Ambulance service                     |
| 2111 | Vordemberge Saddlery                  |
| 2115 | Office                                |
| 2125 | Milner Fenwick (film mfg)             |
| 2137 | <b>Tuxedo House</b>                   |
| 2141 | Franco's Eatery                       |
| 2143 | Pizza Boli                            |
| 2145 | <b>Budeke Paints</b>                  |
| 2147 | Graymar Office Products               |
| 2149 | <b>SOS TV Repair</b>                  |
| 2151 | Pet Depot                             |
| 2155 | Sports Closet                         |
| 2157 | <b>Video Sales</b>                    |
| 2161 | Photo Lab                             |
| 2165 | Vacant                                |
| 2167 | County Auto Parts                     |
| 2173 | Screen Printing                       |
| 2175 | Triangle Pacific Kitchens             |
| 2183 | Tae Kwon Do School                    |
| 2187 | <b>Shades of Summer Tanning Salon</b> |
| 2191 | Lonzdale & Holtzman (hydraulic hose)  |
| 2193 | Machine shop                          |
| 2197 | Safety Sight                          |
| 2199 | Reliance testing                      |
| 2120 | Memtec Filters                        |
| 2130 | Timonium mini-storage                 |
| 2200 | <b>Fairgrounds auto body</b>          |
| 2212 | <b>Towson stationers</b>              |
| 2216 | <b>Installers service warehouse</b>   |
| 2220 | Commerce Electric                     |
| 2224 | <b>Hohne Pools and Spas</b>           |
| 2232 | Airco Supply                          |
| 2240 | <b>Ceramic Tile show room</b>         |

Enacted 8/5/70  
Effective 9/19/70 (+45 DAY)

95-470-384

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1970, Legislative Day No. 11

BILL NO. 100

Mr. Bartenfelder, Councilman  
(Request of County Executive)

By the County Council, July 6, 1970

A BILL  
ENTITLED

AN ACT, To amend the Baltimore County Zoning Regulations to provide certain new

regulations and to revise certain existing regulations for establishment of zoning classifications, conversion and redesignation of "Residence" zoning classifications; to provide for the deletion and addition of terms and definitions; to provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans; to establish Rural and Rural-Suburban zoning classifications, "Density" Residential (D. R.) zoning classifications and Elevator-Apartment-Residence Zoning Classifications; to amend the special regulations for Community-Core Commercial (C. C. C.) Districts; to revise the use regulations in Light Manufacturing (M. L.) Zones; to revise the regulations governing automotive service stations in permitted parking garages; to establish regulations for Unit Developments and the classifications and authorizations thereof; to provide for the continuing validity of special exceptions granted for elevator apartment buildings or office buildings under R.A. Zoning Classifications; to provide that the Planning Board may adopt and implement certain policies and procedures in furtherance of the Zoning Regulations; by repealing and re-enacting with amendments Subparagraph 100.1.A.2; by adding new Subsection 100.3A; by deleting and adding certain definitions to Section 101, entitled "Definitions"; by amending Subsection 103.1; by adding new Articles 1A and 1B; by repealing designation and title, "Article 2-Zones and Districts: Use, Height and Area Regulations" and the subtitle, "R.40 Zone-Residence,

AGS

1. Water-supply system, public: A water-supply system which is  
2. operated by the County or a public agency of metropolitan or regional  
3. jurisdiction, and which is owned by or meets design and performance  
4. standards whereby it is eligible for ownership by the County or such agency,  
5. whether or not it is part of or connected with the physical facilities of the  
6. metropolitan or regional water-supply system.

7. SECTION 4. And be it further enacted, That Sub-section 103.1  
8. is hereby amended by adding the following:

9. Provided further, however, that the use and development of land in  
10. M. L. zones shall not be affected by the foregoing provision, but development  
11. is permitted in accordance with any preliminary development plan approved  
12. by the Office of Planning and Zoning before the effective date of this further  
13. proviso, even though such development may be counter to then-current  
14. regulations for M. L. zones, if, on the fifth anniversary of such effective  
15. date, construction either is completed or is substantially commenced and  
16. diligently being pursued to completion; otherwise, the regulations generally  
17. in effect at the time such use or development is to be established shall control.

18. SECTION 5. And be it further enacted, That new Articles 1A and 1B  
19. be and they are hereby added immediately after Article 1, said new Articles  
20. to read as follows:

21. ARTICLE 1A-RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES

22. Section 1A00-R. D. P. Zones (Rural; Deferred-Planning).

23. 1A00.1-General Provisions.

24.-----A.---Legislative Statement of Findings and Policy;-----

25.-----1.---Declaration of Findings.---It is found;-----

26.-----a.---That new development in Baltimore County has-----

27.-----occurred to an appreciable degree in the form of urban sprawl;---

28.-----b.---That there are disadvantages experienced by the-----

29.-----residents of prematurely developed outlying areas which are-----

1.           Section 238A-Special Regulations for C. C. C. Districts.

2.           Contrary provisions of these Zoning Regulations notwith-  
3. standing, the regulations of this section shall apply in C. C. C. districts  
4. superimposed upon B. R. zones. (All aspects of matters not governed  
5. by the following provisions of this section shall be governed by all  
6. other applicable provisions of these Zoning Regulations.)

7.           238A. 1-Apartments shall be permitted, but only above the first  
8. story of a building.

9.           238A. 2-No apartment window facing a property line other than  
10. a street line shall be closer than 25 feet thereto. The minimum distance  
11. between the centers of facing windows of different apartments on the  
12. same lot shall be 50 feet.

13.          238A. 3-The maximum permitted floor area ratio for any site  
14. shall be 4.0; the specific number of density or dwelling units, as such,  
15. shall not be directly limited.

16.          238A. 4-The minimum permitted amenity open space ratio shall  
17. be 0.2.

18.          238A. 5-For all buildings containing apartments, there shall be  
19. provided at least 1.25 parking spaces for each dwelling unit. Up to  
20. 50 per cent of such spaces on any lot shall be counted in determining  
21. the number of spaces provided for commercial and office uses on the  
22. same lot. (See also Paragraph 409.2.d.)

23.          Section 13. And be it further enacted, That Article 2 be and  
24. it is hereby amended by deleting Section 253 and by adding new Section  
25. 253 in lieu thereof, said new Section to read as follows:

26.          Section 253-Use Regulations

27.          253.1-Uses Permitted as of Right. The uses listed in this  
28. subsection, only, shall be permitted as of right in M. L. zones, subject  
29. to any conditions hereinafter prescribed.

Baltimore County this 7<sup>th</sup> day of September, 1995 that the Petition for Special Hearing to interpret §103.1 of the B.C.Z.R. to permit the site to be used for both ML and BR uses that were permitted uses as of the effective date of the change, is denied.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:rdm

ORDER RECEIVED FOR FILING

DAD

By



1. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET EASEMENT, PARK, OPEN SPACE OR PUBLIC AREA SHOWN ON THE PLAT.
2. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTO. CO.
3. THE INFORMATION SHOWN MAY BE SUPERCEDED BY A SUBSEQUENT OR AMENDED PLAT.
4. ADDITIONAL INFORMATION CONCERNING THE PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING & ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
5. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECT. 22-68 OF THE BALTIMORE COUNTY CODE.
6. THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES CONTAINED IN THE WATER QUALITY MANAGEMENT POLICY, EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THE RESTRICTIONS MAY APPLY.
8. WAIVER OF C.R.G. (Meeting & Process) APPROVED JUNE 19, 1987. W-87-173.
9. STORM WATER MANAGEMENT MUST BE APPROVED 248 FOR LOT 1 & LOT 2 PRIOR TO ISSUANCE OF BUILDING & GRADING PERMIT.

STORM WATER MANAGEMENT MUST BE APPROVED 248 FOR LOT 1 & LOT 2 PRIOR TO ISSUANCE OF BUILDING & GRADING PERMIT.

W 4750

N 52000

S 88°24'57"W

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| CURVE DATA |          |        |            |                           |
|------------|----------|--------|------------|---------------------------|
| NO'S       | RADIUS   | ARC    | DELTA      | TAN                       |
| 240-241    | 1,869.86 | 313.13 | 9° 54' 42" | 156.93                    |
|            |          |        |            | N 63° 09' 41" E - 312.77' |

| CURVE DATA |          |        |            |                           |
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|------------|----------|--------|------------|---------------------------|
| NO'S       | RADIUS   | ARC    | DELTA      | TAN                       |
| 240-241    | 1,869.86 | 313.13 | 9° 54' 42" | 156.93                    |
|            |          |        |            | N 63° 09' 41" E - 312.77' |

| CURVE DATA |          |        |            |                           |
|------------|----------|--------|------------|---------------------------|
| NO'S       | RADIUS   | ARC    | DELTA      | TAN                       |
| 240-241    | 1,869.86 | 313.13 | 9° 54' 42" | 156.93                    |
|            |          |        |            | N 63° 09' 41" E - 312.77' |

| CURVE DATA |          |        |            |                           |
|------------|----------|--------|------------|---------------------------|
| NO'S       | RADIUS   | ARC    | DELTA      | TAN                       |
| 240-241    | 1,869.86 | 313.13 | 9° 54' 42" | 156.93                    |
|            |          |        |            | N 63° 09' 41" E - 312.77' |

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| NO'S       | RADIUS   | ARC    | DELTA      | TAN                       |
| 240-241    | 1,869.86 | 313.13 | 9° 54' 42" | 156.93                    |
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| NO'S       | RADIUS   | ARC    | DELTA      | TAN                       |
| 240-241    | 1,869.86 | 313.13 | 9° 54' 42" | 156.93                    |
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| CURVE DATA |          |        |        |     |
|------------|----------|--------|--------|-----|
| NO'S       | RADIUS   | ARC    | DELTA  | TAN |
| 240-241    | 1,869.86 | 313.13 | 9° 54' |     |

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
Site Not Specific \* DEPUTY ZONING COMMISSIONER  
ML Zone \* OF BALTIMORE COUNTY  
  
James Riffin \* Case No. 95-470-SPH  
Petitioner \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition For Special Hearing. No specific site is the subject of this request, however the petitioner, James Riffin, is attempting to find a suitable site within the ML zone in the Cockeysville-Timonium area upon which to operate a Dutch Farmer's Market. In this special hearing the Petitioner requested the answer to the following hypothetical question: Was the legislative intent, of the amendment to §103.1 of the B.C.Z.R. in Bill No. 100, 1970, to permit continued use of the newly created ML zone for retail purposes as were permitted before the 1970 change?

Mr. Riffin plans to establish a Pennsylvania Dutch Farmer's Market in the ML Zone. However, no Pennsylvania Dutch Market is permitted by right or special exception in this zone. Mr. Riffin argues that the intent of the Bill No. 100, 1970, specifically the amendment to subsection 103.1, was to "provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans." In this he is correct. However, Mr. Riffin also argues that the permitted uses prior to 1970 carry over to any subsequent purchaser, regardless of what use has been applied to the property since 1970. In this analysis, his argument fails.

The only landowners who had rights to a continued expectation of a

1

retail use were the land owners who (1) had an approved preliminary development plan before the effective date of Bill No. 100, and (2) if, on the fifth anniversary of such effective date, construction is either completed or is substantially commenced and diligently being pursued to completion. This saving clause or "grandfathering" provision was added to §103.1 to permit vested landowners to continue with their plans.

Mr. Riffin interprets the saving clause as a grandfathering of all uses permitted before 1970. However, grandfathering provisions are generally designed to allow uses already in existence or for which a plan has been approved. The purpose of a grandfathering provision is to protect the expectations of an investor who had complied with regulations at the time that an investment decision was made. This balances the public gain against the private loss.

Although, no opposition to Mr. Riffin's farmer's market is apparent at this time, an overbroad interpretation of §103.1 would dramatically change the uses permitted in the ML zone. On sites that were originally exempted under the saving clause, any purchaser of land in the ML zone could establish as of right any uses permitted prior to the 1970 change. This interpretation would send prospective purchasers on a search for sites that met the requirements of the 1970 saving clause. The intent of the legislature was to change the zoning of the area to ML. The saving clause should not be misconstrued to permit buyers 25 years later to work around the established zoning.

Mr. Riffin relied upon *Feinburg v. Southland Corporation*, 268 Md. 141, 301 A.2d 6 (1973). This case is distinguishable on the facts. The developers purchased the property and acquired approval on a preliminary plan before the 1970 changes, but the neighboring landowners brought suit

2

to stop the commercial development. The neighbors tried to stop the development by arguing that the preliminary plan did not perfectly conform to the existing regulations. But the Court of Appeals of Maryland held that the project still came within the saving clause and was not barred by the new ordinance. The application of this case was exactly what the legislature intended. But, application of the same analysis to Mr. Riffin would be unreasonable.

The last sentence of the amendment to §103.1 in §4 of Bill 100, 1970 states that, "otherwise, the regulations in effect at the time such use or development is to be established shall control." Mr. Riffin is establishing a new use and as such it must comply with the regulations in effect today. Maryland courts have held that the "ultimate purpose of zoning is to reduce non-conformance to conformance as speedily as possible..." *Grant v. Baltimore*, 212 MD 301, 129 A.2d 363 (1957). Mr. Riffin's interpretation runs directly counter to this purpose of the zoning change.

There is no reason to institute Mr. Riffin's convoluted interpretation of Bill No. 100. Mr. Riffin has other options such as (1) utilizing the PUDC (Planned Unit Development Commercial) to acquire the retail use, (2) purchasing a site in a zone that permits farmer's markets, or (3) finding a site in the ML zone that meets the non-conforming use standards.

Pursuant to the advertisement and public hearing on this Petition held, and for the reasons given above, the interpretation requested is denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

3

Baltimore County this 7<sup>th</sup> day of September, 1995 that the Petition for Special Hearing to interpret §103.1 of the B.C.Z.R. to permit the site to be used for both ML and BR uses that were permitted uses as of the effective date of the change, is denied.

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

TMK:rdm

4

ORDER RECEIVED FOR FILING  
Date: 9/19/95  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 9/19/95  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 9/19/95  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 9/19/95  
By: [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

September 7, 1995

(410) 887-4386

Mr. James Riffin  
P.O. Box 588, York Road  
Glencoe, Maryland 21152

RE: PETITION FOR SPECIAL HEARING  
Site Not Specific  
ML Zones  
Case No. 95-470-SPH

Dear Mr. Riffin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 Permits and Development Management office at 887-3391.

Very truly yours,

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

TMK:hjs

cc: People's Counsel

File



## Petition for Special Hearing

95-470-SPH  
to the Zoning Commissioner of Baltimore County

for the property located at site not specific

which is presently zoned ML-1M

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 Commissioners should approve

Petitioner's interpretation of §103.1 of the B.C.Z.R., to wit:

The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

See attached.

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.

James Riffin  
Type or Print Name

Box 588 York Road  
Glencoe, MD 21152

City State Zipcode

Attorney for Petitioner

City State Zipcode

ORDER RECEIVED FOR FILING  
Date: 9/19/95  
By: [Signature]

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

Large Owners

Type or Print Name

Signature

Type or Print Name

Signature

Address Phone No.

City State Zipcode

Name

Address Phone No.

City State Zipcode

Name

Address Phone No.

City State Zipcode

Zoning Commissioner  
111 W. Chesapeake Ave  
Towson, MD 21204

RE: Special Hearing for an interpretation of §103.1 of the B.C.Z.R.

Dear Commissioner:

When:

1. A property is located in a ML zone, and
2. The preliminary development plan for the property was approved by the Office of Planning and Zoning (formerly Baltimore County Planning Board) PRIOR TO September 19, 1970, and
3. The site was developed in accordance with the preliminary development plan, and
4. The building on the property was erected PRIOR TO September 19, 1970, and
5. The building is NOT being expanded, and
6. The entire site meets the present parking requirements of Section 409 of the B.C.Z.R., and
7. The spirit and intent of the zoning regulations are being adhered to,

Then Petitioner believes §103.1 of the B.C.Z.R. permits the site to be used for both ML and BR uses that were permitted uses as of September 19, 1970.

More specifically, Petitioner believes a Pennsylvania Dutch market would be a permitted use at a site located in a ML-1M zone, so long as the building was not being expanded, the entire site met the present parking requirements of Section 409 of the B.C.Z.R., and the market promoted the health, security, comfort, convenience, prosperity, and other aspects of the general welfare of the community.

The Pa Dutch market may not be a permitted use under the present Zoning Regulations. However, when Bill 100 was adopted in 1970, it established a separate category of "grandfathering" under Section 103.1. The specific intent of Section 103.1 was to grandfather the B.L., B.R., and B.M. uses allowed under Section 253.1 of the 1963 edition of the B.C.Z.R. (The introductory paragraph to the Act states the purpose of the Act was to "provide for the application of light manufacturing zoning regulations (as they existed prior to the passage of Bill No. 100, 1970), to areas covered by previously submitted subdivision plans"). For a property, presently located in a ML zone, to be eligible for these uses, the applicant must document the following:

- a. The preliminary plan for the site was approved by the Baltimore County Planning Board prior to the effective date of Bill No. 100, 1970 (the effective date for Bill 100, 1970 was September 19, 1970),
- b. Construction on the site was finished prior to September 19, 1975.

Section 103.1.B.3.c. of The Zoning Commissioner's Policy Manual indicates all of the uses permitted as of right in the 1963 B.L., B.M., and B.R. zones, will continue to be permitted as of right, so long as:

465

- 95-470-SPH
- a. The building is not being expanded;
  - b. The entire site meets the present parking requirements of Section 409;
  - c. The spirit and intent of the zoning regulations are being adhered to.

The intent of the zoning regulations is to promote the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community. A Pa Dutch market would further all of these goals. Residents of the community would find a market to be conveniently located (the nearest Pa Dutch Market is in Westminster, Md and York, Pa.) The market would increase the prosperity of the community, for it would create a number of new jobs and it would provide the community with a forum where they could display and sell hand-crafts they have produced. Any proposed site would be made secure. It would be maintained so that it would not create a health hazard or nuisance.

TRAFFIC: Using a site as a Pa Dutch market would complement, rather than aggravate traffic. If a site were to be used exclusively as office space, traffic to and from the site would coincide with other peak hour traffic. Using a site as a Pa Dutch market would NOT contribute to peak hour traffic, since the Market would not open until 9 am (which is after peak traffic). In addition, peak traffic to and from a market would probably occur on the weekend, when offices in the surrounding area would be closed.

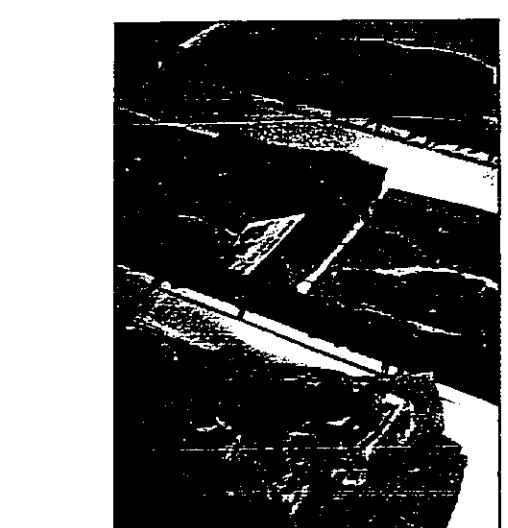
The applicant has attached a brochure from the Westminster Pa Dutch Market. Hopefully this will give the Commissioner some idea as to what a Pa Dutch Market is.

For all of the reasons stated above, the applicant requests the Zoning Commissioner adopt Petitioner's interpretation of §103.1 of the B.C.Z.R., and find that a Pa Dutch market would be a permitted use on a site in a ML zone, providing the site met the requirements stated above.

Sincerely,  
*James Riffin*  
James Riffin  
Applicant

attached: 3 special hearing petitions

465



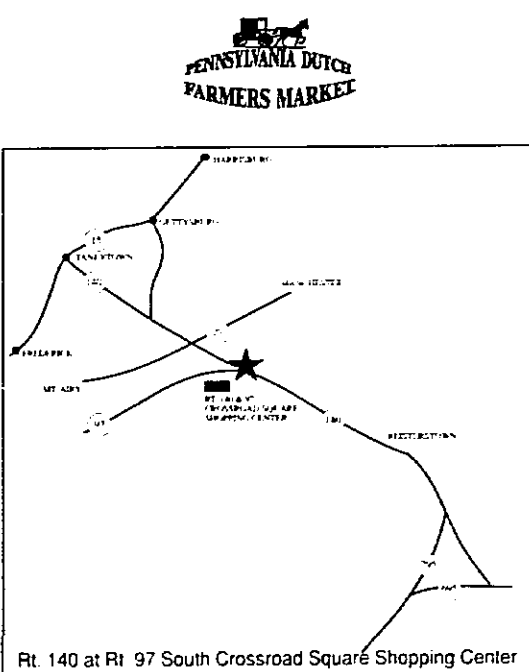
The Pennsylvania Dutch Farmers Market of Westminster is located on MD. Routes 140 and 97 South, just East (about 1/2 mile) of downtown Westminster, Maryland, in beautiful Carroll County. The merchants are a mixture of Old Order Amish, Mennonites and local vendors, each displaying their own talents and products.



The Pennsylvania Dutch Farmers Market of Westminster  
Relaxed, friendly, with all you expect to find...and more.

CALL FOR SPECIAL EVENTS, EXHIBITS OR MORE INFORMATION  
410 • 876 • 8100

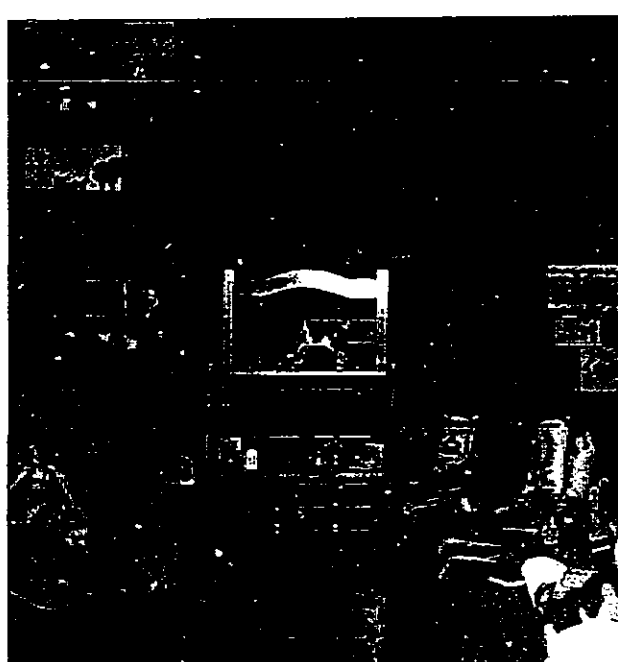
OPEN YEAR ROUND  
THURSDAYS • 10AM - 6PM  
FRIDAYS • 10AM - 8PM  
SATURDAYS • 9AM - 4PM



FREE ADMISSION & PARKING  
TOUR BUSES & GROUPS WELCOME  
HANDICAPPED ACCESSIBLE



## Pennsylvania Dutch Farmers Market of Westminster



### ZONING DESCRIPTION

ADDRESS: 11126 McCormick Road  
Hunt Valley, MD 21031

#### ZONING DESCRIPTION:

Beginning at point number 14, as shown on Plat Three of the Hunt Valley Business Community, which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr., 47, folio 5, said point being on the west side of McCormick Road, which is 48 feet wide, with a 70-foot right of way, and 30 feet from the centerline of the southern section of Schilling Circle, which is 42 feet wide and has a 60-foot right of way, thence S68° 55' 30" E 35.36 feet to point number 15, thence along the west side of McCormick Road S23° 55' 30" E 210.31 feet to point 16, thence 238.28 feet on a circle with a radius of 6905.81 feet to point number 17, thence S66° 04' 30" W 351.16 feet to point number 18, thence S80° 55' 07" W 553.78 feet to point number 19, thence N67° 12' 07" W 57.89 feet to point number 20, which point is on the east side of Gilroy Road, which is 42 feet wide and has a 60-foot right of way, thence along the east side of Gilroy Road, N4° 31' 35" W 476.44 feet to point number 9, thence N40° 48' 22" E 35.15 feet to point number 10, thence along the southern side of Schilling Road 116.85 feet on a circle with a radius of 1,667.00 feet, to point number 11, thence N81° 41' 39" E 453.62 feet to point number 12, thence 128.01 feet on a circle with a radius of 469.58 feet to point number 13, thence N66° 04' 30" E 40.57 feet to the place of beginning,

BEING KNOWN AND DESIGNATED as Lot No. 18, as shown on a Plat entitled "Plat Three, Hunt Valley Business Community," which Plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr., No. 47, folio 5, containing 10.167 acres, more or less, also known as 11126 McCormick Road, Hunt Valley, Maryland, 21031, located in the 8th Election District.

#### PROFESSIONAL ENGINEER'S CERTIFICATE

The undersigned, a registered professional engineer of the State of Maryland, does hereby certify that the Zoning Description for a property known as 11126 McCormick Road, Hunt Valley, Maryland, is as described above.

Lee Andre, P.E.  
Professional Engineer  
Reg. No.: 19392

SEAL



### NOTICE OF HEARING

The Zoning Commission 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, Towson, Maryland 21204, on August 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Case: 95-470-SFH (Item 465)  
No Specific Address  
Petitioner(s): James Riffin  
Hearing: Wednesday, August 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve petitioner's interpretation of Section 103.1 of the B.C.Z.R., to wit: The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

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. July 13

### CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1995

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 July 13, 1995.

THE JEFFERSONIAN,

C. H. Harrison  
LEGAL AD. - TOWSON

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Case Number: 95-470-SFH (Item 465)

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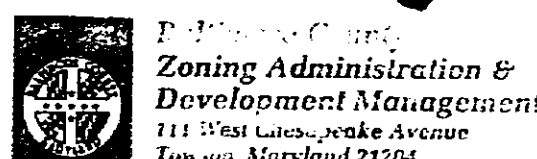
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LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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.



Date: 15 June 95

JAMES RIFFIN - site Not Specified

040 - 250.00

Account: R-001-6150

Number

465

CAH

0340340064MCHRC

Please Make Checks Payable To: Baltimore County

\$250.00

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

July 10, 1995

(410) 887-3353

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on August 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

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No Specific Address

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Hearing: Wednesday, August 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve petitioner's interpretation of Section 103.1 of the B.C.Z.R., to wit: The Legislative intent in Bill No. 100, 1970, was to provide for the application of light manufacturing zoning regulations, as they existed prior to the passage of Bill No. 100, 1970, to areas covered by previously submitted subdivision plans.

Arnold Jablon  
Director  
Department of Permits and Development Management

cc: James Riffin

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING 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

July 26, 1995

(410) 887-3353

Mr. James Riffin  
Box 588 York Road  
Glencoe, Maryland 21152

RE: Item No.: 465  
Case No.: 95-470-SFH  
Petitioner: James Riffin

Dear Mr. Riffin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 15, 1995.

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 (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.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 5, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: No Specific Address

#### INFORMATION:

Item Number: 465

Petitioner: James Riffin

Property Size:

Zoning: M-1H

Requested Action: Special Hearing

Hearing Date: 7/1

#### SUMMARY OF RECOMMENDATIONS:

The attached intra-office correspondence from the office's legislative planning division reflects the position of the Office of Planning.

Prepared by: Jeffrey W. Long

Division Chief: Amy L. Kerns

PK/JL

Attachments

BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Jeff Long DATE: June 28, 1995

FROM: Hillorie Morrison

SUBJECT: Riffin, petition for special hearing

I have never worked with 103.1 of the Zoning Regulations. However, grandfathering provisions are generally designed to allow uses already in existence or for which a plan has been approved to continue. The purpose of a grandfathering provision is to protect the expectations of an investor who had who complied with all regulations at the time that an investment decision was made. This balances the public gain against the private loss.

As quoted in a memo from the County Attorney, Maryland courts have held "that the earnest aim and ultimate purpose of zoning is to reduce non-conformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned." Grant v. Baltimore, 212 Md. 301, 129A.2d 363(1957) (holding) (memo from County Attorney to Councilman Kamanetz, June 23, 1995)

It would seem to me that allowing Mr. Riffin's interpretation runs directly counter to the intent of the Zoning Regulations.

RIFFIN/FZONE/TATHSR

BALTIMORE COUNTY OFFICE OF LAW  
INTEROFFICE MEMORANDUM

TO: The Honorable Kevin Kamenetz  
FROM: Virginia W. Barnhart  
County Attorney  
DATE: June 23, 1995  
RE: Proposed Pawnshop Legislation

|                  |          |         |           |      |   |
|------------------|----------|---------|-----------|------|---|
| Post-It Fax Note | 7671     | Date    | 6-27-95   | Page | 3 |
| To               | HILLARY  | From    | PAT Raddy |      |   |
| On               | PLANNING | Co.     |           |      |   |
| Phone #          |          | Phone # | 887-4430  |      |   |
| Fax #            | 887-3862 | Fax #   | 296-0931  |      |   |

As discussed, we have received an inquiry from Newson Williams, a local attorney, concerning Bill No. 112-95's compliance with equal protection standards and the sufficiency of the amortization period set forth in the Bill with respect to its prohibition against free standing signs. This issue has also been raised by the Planning Office, as reflected in Pat Keller's recent memorandum.

In addition, we have discussed the potential for a First Amendment challenge to the free standing signage prohibition in the Bill. This memorandum is intended to address these issues, and to articulate the burden which must be satisfied by a party who challenges the constitutionality of such legislation.

Equal Protection and Due Process

Trade regulation is often subjected to scrutiny under the constitutional precepts of due process and equal protection. Different levels of judicial scrutiny are applied to legislation challenged on equal protection and due process grounds, depending upon the nature of the rights impinged.

Where suspect classifications or fundamental rights are not involved (such as in this case), a "rational basis" test is applied and requires only that a statutory classification be "rationally related to a legitimate state interest." *Cleburne v. Cleburne Living Center, Inc.* 473 U.S. 432 (1985). While this "rational basis" test is a low threshold of scrutiny, a government "may not rely on a classification whose relationship to an asserted goal is so attenuated as to render the distinction arbitrary or irrational." *Id.* at 446-47.

When a regulatory statute is challenged under the Fourteenth Amendment, the following principles of judicial review are applicable. First, courts generally presume that the judgment of the legislative body is sound with respect to the wisdom, need, or appropriateness of the legislation, and therefore will uphold the legislation if there is any rational basis for its enactment. *Ferguson v. Skrupa*, 372 U.S. 726 (1963).

Second, when an economic regulation is challenged on either equal protection or substantive due process grounds, it generally will not be overturned if the legislation appears to be rationally designed to correct a recognized "evil" which adversely affects governmental interests. *Williams v. Lee Optical Co.*, 348 U.S. 483 (1955); *New Orleans v. Duke*, 427 U.S. 297 (1976). Legislation is typically held to fall within permissible bounds of the exercise of police power if it is reasonably and substantially related to public health, morals, safety and welfare of the people, beyond that, an act must not infringe upon any constitutional guarantees. *Cade v. Montgomery Co.*, 83 Md. App. 419 (1990), *cert. denied*, 320 Md. 350, *cert. denied*, 498 U.S. 1086.

Third, the federal courts have held that the due process clause does not prohibit governments from anticipating and addressing problems which have yet to manifest themselves so long as the perceived problem is at least rationally conceivable. *Detroit Automotive Purchasing Services v. Leg.*, 463 F. Supp. 954 (D. Md. 1978).

Under these basic precepts, the courts are required to uphold legislation which limits the activities of legitimate businesses in cases where a rational basis for the limitation exists. Notably, in those cases which concern municipal regulation of pawnbrokers, the courts have demonstrated a willingness to recognize the inherent "evils" of pawnshops and their connection to criminal activity.

In a 1949 decision, *Elax v. City of Richmond*, 52 S.E.2d 250 (Va. 1949), the Virginia Supreme Court of Appeals, held that the conduct of a pawnshop is "within the classification of business activities which may be rigidly regulated under municipal police powers." While recognizing that an individual's right to engage in a lawful business "may not be arbitrarily denied to him and granted to another under the guise of trade regulation," the *Elax* court nonetheless upheld a city ordinance which limited the number of pawnshops to those already in existence. In addition, the Court upheld the City's authority to grant licenses on the basis of an owner's moral character and voter status. In so holding, the Court reasoned that the "business of a pawnbroker is such as to place it that category which justifies police control and supervision, limited only by the requirement that the classification does not constitute arbitrary discrimination."

While this blanket recognition of the "evils" if pawnshops is meaningful, it should be noted that in *Elax* the State of Virginia had already passed legislation recognizing the "evils" of pawnshops and authorizing local jurisdictions to limit their number.

Pawnshop regulation was likewise upheld in *City of Hobbs v. Blswell*, 473 P.2d 917 (N.M. 1970), as a lawful exercise of municipal police powers. As in *Elax*, the *Hobbs* court recognized an inherent connection between pawnbroking and theft, while noting that:

7 McQuillin, *Municipal Corporations* §24.335 (3rd. ed. rev. 1968) states:

\* \* \*

"Municipal police regulations generally may be made with respect to pawnbrokers and pawnbroking, unless the subject is exclusively regulated by state statute." \* \* \*

\* \* \* In this connection, regulation of pawnbroking under the police power has been placed on the basis of facilitation of pawnbroking to crime. Thus it has been said: 'The business of pawnbrokers because of the facility it furnishes for the commission of crime, and for its concealment, is one which belongs to a class where the strictest police regulation may be imposed.' \* \* \*

473 P.2d at 919.

The *Hobbs* case is notable for two reasons. First, the ordinance at issue required all pawnbrokers to maintain a log of transactions and to record their customer's descriptions as to age, height, weight, complexion, race, color of hair and eyes, sex and nationality. Second, the ordinance was more strict than existing state regulations. In upholding the ordinance, the *Hobbs* court reasoned that the existence of lesser state regulations did not affect the enforcement of the ordinance provided that it was not in conflict with, but was merely an expansion of state law.

In contrast, a pawnbroking ordinance in *Lakewood Pawnbrokers, Inc. v. City of Lakewood*, 517 P.2d 834 (Colo. 1974), was struck down in part due to its conflict with provisions of state law. The remainder of the ordinance in *Lakewood*, however, which related to the regulation of excess sums received by pawnbrokers from the sale of forfeited goods, was held not to be in conflict with state law and therefore was upheld as a legitimate exercise of municipal police powers, even though it did not contain a "grandfather" clause as to existing pawnbrokers. See also, *Liberman v. Cerskus*, 511 S.W.2d 835 (Mo. 1974) (upholding an ordinance which required pawnbrokers to take photographs of customers and make them available to law enforcement officers upon request).

Thus, pawnbroker regulation has been upheld as a legitimate exercise of municipal police powers based upon the recognized relationship of pawnbroking to criminal activity. While these cases should give you significant comfort in this area, we are compelled to remind you that each regulation in your proposed legislation could be challenged under the Fourteenth Amendment. Thus, it is important to demonstrate a rational basis for each proposed regulation, and to identify the basis for the overall limit of pawnshops within the County, and the per district limit. On this point, we note that there are already more than two pawnshops in certain Districts within the County. As such, we recommend that, if you choose to maintain a per district limitation on the number of pawnshops, existing pawnshops be grandfathered into this limitation, so as to reduce the potential for challenge.

First Amendment

Trade regulation is often challenged under First Amendment principals as well. While the reasonable and non-discriminatory regulation of signs has long been recognized as a valid exercise of municipal police and zoning powers, *St. Louis Poster Advertising Co. v. St. Louis*, 249 U.S. 269, 63 L. Ed. 599, 39 S. Ct. 274, signage restrictions will not be upheld if they create unreasonable classifications based upon content under the First Amendment.

In order for legislation to be upheld under the First Amendment, a municipality must demonstrate that the ordinance furthers a particular, substantial governmental interest, and that it is

sufficiently narrow to further that interest without unnecessarily restricting fundamental constitutional rights. In addition, commercial speech legislation may not discriminate on the basis of content, unless the legislature can demonstrate a compelling governmental interest mandating such distinction. *McQuillin, Municipal Corporations*, § 24.380 and § 25.131.50 (3rd. ed. rev.).

Accordingly, we anticipate the potential for a First Amendment challenge to the Bill's proscription against free standing signs in connection with pawnshops, where pawnshop signage is otherwise permitted, and other local businesses are not subjected to the same proscription in the same areas. Such legislation may be construed to be content based and not in furtherance of a particular, substantial governmental interest. Accordingly, you may wish to consider limiting this restriction, such that it applies to only future signage, as suggested in Mr. Keller's memorandum of June 15, 1995. By "grandfathering" existing signage, the potential for challenge is greatly reduced.

Amortization

In the event that you determine not to "grandfather in" existing signage, we recommend that you consider an extension of the amortization period for the regulation of existing signs.

The reaction of the Maryland courts to amortization has been favorable. In determining the reasonableness of a particular ordinance, the courts have considered circumstances bearing on the balance of the public gain against the private loss. *Claw v. Baltimore*, 212 Md. 301, 129 A.2d 363 (1957) (denying complaint to enjoin City from enforcing ordinance requiring the removal of billboards from residential districts within five years and holding that the ordinance was a valid exercise of the legitimate interests of all concerned). Courts will uphold provisions in zoning regulations dealing with nonconforming uses where the benefit to the public outweighs the resulting loss to the landowner. On the public benefit side of the scale, the Maryland courts have considered the offensiveness of the non-conforming use in view of the character of the surrounding area. In determining the private loss, the courts will consider, *inter alia*, the length of time in which a landowner, or as here an operator, is expected to amortize his investment.

Thus, in *Gough v. Board of Zoning Appeals for Calvert County*, 21 Md. App. 697, 321 A.2d 315 (1974), a zoning provision eliminating nonconforming uses by an amortization method of compelling termination after a reasonable and specified time was held to be constitutional. The constitutionality depended, as discussed above, on the restriction's overall reasonableness and the importance of the public gain in relation to private rights.

Generally, courts will not require an amortization period that fully amortizes the value of the nonconforming use. All that is required is an amortization period which strikes a reasonable balance between the property interest in the nonconforming use and the interest of the community in the integrity of its zoning regulations.

While in *Harris v. Mayor & City Council of Baltimore*, 35 Md. App. 572, 371 A.2d 706 (1977), it was recognized that it is unreasonable and unconstitutional for a zoning law to require immediate cessation of an otherwise unlawful nonconforming use, the Court nonetheless reasoned

that the elimination of an existing use within a reasonable time provides a means of reconciling due process requirements. Suggesting that an amortization period need not fully amortize the value of a nonconforming use, the *Harris* Court held that the investment to be amortized was not necessarily the entire cost of a structure - since all but the nonconforming uses would continue to have a useful life - but rather it was the original cost of converting the nonconforming to a conforming use. In addition, the amortization period was not intended to provide an owner with an opportunity to depreciate fully the value of his property.

Accordingly, we suggest that in order to avoid concerns regarding amortization, you may wish to consider a 1 to 2 year rather than a 6 month amortization period, to avoid challenges from existing pawnbrokers who may have invested recently in free standing signage.

We trust this advice is of assistance to you.

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 7, 1995  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review  
RE: Zoning Advisory Committee Meeting  
for July 3, 1995  
Items 451, 453, 454, 463, 464 and 465

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



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

(410) 887-1500

DATE: 07/03/95

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

RE: Property Owner: ???

LOCATION: NO SPECIFIC ADDRESS

Item No.: 465 Zoning Agenda: SPECIAL HEARING

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED  
JUL 3 1995

ZADM

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

cc: File

Printed on Recycled Paper

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

TO: ZADM  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 6/24/95

DATE: 6/30/95

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

Item #'s:  
450  
451  
452  
453  
456  
457  
458  
459  
460  
463  
465  
467

LS:sp

LETTY/DEPRM/TXTSPB

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

Dear Ms. Watson:

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 Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

O. James Lighthizer  
Secretary  
Hal Kasson  
Administrator

Re: Baltimore County  
Item No: 465 (CAM)

PETITION PROBLEMS  
AGENDA OF JUNE 26, 1995

#451 — MJK

1. No legal owner listed on petition form.
2. No address or telephone number for protestants.
3. Zoning listed on petition form does not agree with zoning on front of folder (D.R.-5.5 on petition form; D.R.-5.5, D.R.-10.5, D.R.-16, O-2 listed on folder).

#452 — JLL

1. Petitioner's copy of receipt is still in folder.

#454 — RT

1. No special hearing fee charged to amend the FDP.
2. Need attorney.

#455 — MJK

1. No telephone number for legal owner.

#456 — JRA

1. No telephone number for legal owner.
2. No councilmanic district on folder.

#457 — MJK

1. No telephone number for legal owner.

#459 — MJK

1. Need title of persons signing for legal owner.
2. No telephone number or address for representative to be contacted.

#461 — JLL

1. No review information on bottom of petition forms.
2. No practical difficulty or hardship listed on variance petition.

#465 — CAM

1. No review information on bottom of petition form.
2. No item number on petition form.
3. No legal owner signature, typed name, address, or telephone number.
4. No name or telephone number of representative to be contacted.

#466 — MJK

1. No telephone number for legal owner.

RE: PETITION FOR SPECIAL HEARING  
No Specific Address  
James Riffin  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-470-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) 687-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to James Riffin, Box 588 York Road, Glencoe, MD 21152, Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

Adopted March 29, 1955

Preface to Second Edition

The first Zoning Regulations for Baltimore County went into effect in 1945. Within a few years it became obvious they were not adequate to cope with the County's population growth and the need for greater differentiation among housing, business, and manufacturing uses. Professor Flavel Shurtleff of the Massachusetts Institute of Technology was retained as a consultant to begin preliminary review of the zoning text.

In 1952 the County Commissioners acceded to the request of the Planning Commission to provide funds for studies looking toward a complete revision of the Zoning Regulations. These studies, under the direction of Malcolm H. Dill, Planning Director, continued over a period of two and one-half years, in cooperation with Augustine J. Muller, then Zoning Commissioner, and his successor, Willis H. Adams.

Many and varied interests were brought into consultation, including architects, lawyers, engineers, builders, developers, and real estate brokers, all of whom contributed substantially to formulating the Regulations. After a preliminary draft had been completed, further meetings and discussions were held. As a result of these conferences a final version was adopted by the County Commissioners on March 30, 1955.

On the whole these Regulations have provided the people of Baltimore County with a sound basis for the protection of property values and the general welfare. However, it was expected from the outset that the Regulations would have to be modified as the County grew and changed character. During the nearly nine years since the Regulations were adopted many amendments have been made. For example, the original twelve zones—six for residences, and three each for commercial and manufacturing—have been enlarged to thirteen with the adoption by the

County Council in 1961 of the Manufacturing, Light Restricted Zone.

Even with the prospect of completely revised Zoning Regulations emerging a few years hence from current studies authorized by the County Executive, the numerous changes make it desirable to publish an up to date edition of the 1955 text. Further interim amendments are to be expected, and, in order to provide an easy method of keeping the Regulations up to date, the loose-leaf format of the earlier edition has been repeated.

ARTICLE 1—GENERAL PROVISIONS  
Section 100—ZONES AND ZONE BOUNDARIES

100.1—For the purpose of these regulations, Baltimore County is hereby divided into zones, as follows:

|            |                                 |
|------------|---------------------------------|
| R. 40 Zone | Residence, one-family           |
| R. 20 Zone | Residence, one-family           |
| R. 10 Zone | Residence, one-family           |
| R. 6 Zone  | Residence, one and two-family   |
| R. C. Zone | Residence, group house          |
| R. A. Zone | Residence, apartment            |
| B. L. Zone | Business, local                 |
| B. M. Zone | Business, major                 |
| B. R. Zone | Business, roadside              |
| M. L. Zone | Manufacturing, restricted       |
| M. R. Zone | Manufacturing, light restricted |
| M. L. Zone | Manufacturing, light            |
| M. H. Zone | Manufacturing, heavy            |

100.2—The Official Zoning Map of Baltimore County, hereby adopted as part of these regulations, is the existing map in the Office of the Zoning Commissioner of Baltimore County on which are designated the zones and zone boundaries adopted on January 2, 1945 together with all amendments hereto, the changes in zone designations set forth in Section 100.3 herein, and maps subsequently adopted by the Baltimore County Council.

100.3—The zones as created in Section 100.1 change the present zone designations as follows:

|                                  |
|----------------------------------|
| A or B Residence to R. 6 Zone    |
| C Residence to R. A. Zone        |
| D Residence to R. C. Zone        |
| E Commercial to B. L. Zone       |
| F Light Industrial to M. L. Zone |
| G Heavy Industrial to M. H. Zone |

100.4—The location of any zone boundary, unless indicated by dimensions shown on the zoning map, shall be determined by use of the map scale shown thereon and scaled to the nearest foot.

Section 101—DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural

BALTIMORE COUNTY COUNCIL MINUTES

Legislative Day No. 14

August 3, 1970 - 7:30 P. M.

The meeting was called to order at 7:30 P. M. by the Chairman. The Chairman then asked the audience to rise for a moment of silent prayer. There were approximately 100 persons present. The following councilmen were present:

|                       |                  |
|-----------------------|------------------|
| Samuel J. Danton      | First District   |
| Milton H. Miller      | Second District  |
| G. Walter Tyrre, Jr.  | Third District   |
| George W. H. Pierson  | Fourth District  |
| Harry J. Bartenfelder | Fifth District   |
| Francis C. Barrett    | Sixth District   |
| Wallace A. Williams   | Seventh District |

Approval of Journal

The Journal Entries for the meetings of July 6th, 9th and 22nd, 1970 were read and upon motion by Councilman Williams, seconded by Councilman Tyrre were approved as read.

At this time Councilman Barrett acknowledged the Overlea Chapter of DeMolay who were in attendance.

Enrollment of Bills

The Chairman advised the Council that the following bills, which had been passed by the County Council, had been signed by the County Executive. He certified and delivered to the Secretary, Bills Nos. 72, 73, 74, 75, 76, 77, 78, 82, 83, 84, 85, 86, 95, 96, 104 and 105.

Introduction of Bills

Bill No. 136, entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of French Avenue in the Essex area.

Bill No. 107, entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Hilltop Avenue, in the Catonsville Manor area.

Bill No. 108, entitled AN ACT, To prohibit a person from parking a vehicle at any time on a certain portion of Woodvalley Drive in the Stevenson area.

Bill No. 109, entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Cedarmere Road, in the Cedarmere area.

Bill No. 110, entitled AN ACT, To prohibit any person from operating a vehicle in excess of 25 miles per hour on a certain section of Oakmere Road, in the Cedarmere area.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1970, Legislative Day No. 11

BILL NO. 100

Mr. Bartenfelder, Councilman  
(Request of County Executive)

By the County Council, July 6, 1970

A BILL  
ENTITLED

AN ACT, To amend the Baltimore County Zoning Regulations to provide certain new regulations and to revise certain existing regulations for establishment of zoning classifications, conversion and redesignation of "Residence" zoning classifications; to provide for the deletion and addition of terms and definitions; to provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans; to establish Rural and Rural-Suburban zoning classifications, "Density" Residential (D.R.) zoning classifications and Elevator-Apartment-Residence Zoning Classifications; to amend the special regulations for Community-Core Commercial (C.C.C.) Districts; to revise the use regulations in Light Manufacturing (M.L.) Zones; to revise the regulations governing automotive service stations in permitted parking garages; to establish regulations for Unit Developments and the classifications and authorizations thereof; to provide for the continuing validity of special exceptions granted for elevator apartment buildings or office buildings under R.A. Zoning Classifications; to provide that the Planning Board may adopt and implement certain policies and procedures in furtherance of the Zoning Regulations; by repealing and re-enacting with amendments Subparagraph 100.1.A.2; by adding new Subsection 100.3A; by deleting and adding certain definitions to Section 101, entitled "Definitions"; by amending Subsection 103.1; by adding new Articles 1A and 1B; by repealing designation and title, "Article 2-Zones and Districts: Use, Height and Area Regulations" and the subtitle, "R.40 Zone-Residence,

295 310, 311  
Raymond FEINBERG et al.  
v.  
The SOUTHLAND CORPORATION et al.  
No. 153.

Court of Appeals of Maryland.  
Feb. 9, 1973.

Owners of property near property in which commercial development was planned filed bill of complaint for declaratory relief and for permanent injunction against owners of the subject property and against the county. The Circuit Court for Baltimore County, W. Albert Menchine, J., dismissed the complaint, and plaintiffs appealed. The Court of Appeals, Barnes, J., held that where preliminary plan for construction of retail stores had been approved prior to effective date of new zoning ordinance prohibiting the proposed use unless it was within purview of saving clause and where final plan, which was approved after effective date of new ordinance, did not change essential nature of the proposed use, the project came within saving clause and was not barred by the new ordinance, notwithstanding that preliminary plan had not conformed to the existing regulations.

Order affirmed.

1. Zoning §225

Where preliminary plan for construction of retail stores had been approved prior to effective date of new zoning ordinance prohibiting the proposed use unless it was within purview of saving clause and where final plan, which was approved after effective date of new ordinance, did not change essential nature of the proposed use, the project came within saving clause and was not barred by the new ordinance, notwithstanding that preliminary plan had not conformed to the existing regulations.

2. Zoning §227  
The fact that a division wall exists between units does not cause each unit to be a "building" within a zoning ordinance.

See publication Words and Phrases for other judicial constructions and definitions.

3. Zoning §227  
Definition and use of "building" in zoning regulations were sufficiently broad to include combination of units under development plan which provided for two retail stores in one structure and reflected common scheme to develop the tract as a unit with common entrances, parking areas and walkways, even though plan indicated an intent to divide the tract into two lots, so that the proposed structure, under development plan providing for a singleness of use, was a single "building" and not two "buildings," and regulations pertaining to sideyards on each side of a building did not require a sideyard between the two lots.

4. Zoning §271  
The development of lands by combining dual owners must be carried out as fully in accordance with the development plan in zoning regulations as land being developed by a single owner.

5. Zoning §271  
Zoning ordinances are concerned with the use of property and not with ownership thereof or with purposes of the owners or occupants.

Francis N. Iglehart, Towson (Hessan & Iglehart, Towson, on the brief), for appellants.

William F. Mosner, Towson (Power & Mosner, Towson, on the brief for Murray Wolman and Herbert Kishner; R. Bruce Alderman, County Sol. and Maurice W. Baldwin, Jr., Asst. County Sol., Towson, on the brief for Baltimore County, and Lawrence F. Rodowsky and Frank, Bern-

APPENDIX ONE - SQUARE FOOTAGE OF BUILDING

Main Bldg: 190 ft x 640 ft = 121,600 sq ft  
Two corner protrusions: 2(5.3 ft x 32 ft) = 340 sq ft  
Two central protrusions: 2(5.3 ft x 33.5 ft) = 355 sq ft  
Subtotal: 122,295 sq ft (Parking spaces req'd)  
Less courtyard indent: 32.67 ft x 63.5 ft = 2,075 sq ft (For 100% retail use)  
Square feet of main bldg: 120,220 sq ft (at 5/k sq ft = 601)  
Warehouse part of bldg: 160 ft x 210 ft = 33,600 sq ft (at 1/employee = 24)  
TOTAL GROSS AREA OF BUILDING: 153,820 sq ft (retail sp req: 625)

APPENDIX TWO - PARKING REQUIREMENT CALCULATIONS

TABLE ONE - GENERAL PARKING SPACES REQUIRED

|                | Parking Spaces per 1,000 sq ft | Parking Spaces Required | Transit Adjustment (less 5 %) | Total Spaces Required | Small Car Spaces Allowed |
|----------------|--------------------------------|-------------------------|-------------------------------|-----------------------|--------------------------|
| Office:        | 76,000                         | 3.3/k sq ft             | 251                           | - 13                  | 238                      |
| Restaurant:    | 8,000                          | 16/k sq ft              | 128                           | n a                   | 128                      |
| Retail:        | 55,000                         | 5/k sq ft               | 275                           | n a                   | 275                      |
| Mfg/warehouse: | 14,820                         | 1/employee              | 11                            | - 1                   | 10                       |
|                | 153,820                        |                         |                               |                       | 104                      |

TABLE TWO - SHARED PARKING ADJUSTMENTS TO GENERAL PARKING REQUIREMENTS

|                | WEEKDAY |          | WEEKEND |          | midnt-6a |
|----------------|---------|----------|---------|----------|----------|
|                | 6a-6p   | 6p-midnt | 6a-6p   | 6p-midnt |          |
| Office:        | 100 %   | 10 %     | 10 %    | 5 %      | 5 %      |
| 238 spaces:    | 238     | 24       | 24      | 12       | 12       |
| Restaurant:    | 50 %    | 100 %    | 100 %   | 100 %    | 10 %     |
| 128 spaces:    | 64      | 128      | 128     | 128      | 13       |
| Retail:        | 60 %    | 90 %     | 100 %   | 70 %     | 5 %      |
| 275 spaces:    | 165     | 248      | 275     | 193      | 14       |
| Mfg/warehouse: | 100 %   | 10 %     | 10 %    | 5 %      | 5 %      |
| 10 spaces:     | 10      | 1        | 1       | 1        | 1        |
|                | 477     | 401      | 426     | 334      | 40       |

HIGHEST COLUMN TOTAL: 477 spaces required

Parking sq ft req'd per space: 300 sq ft / parking space

TOTAL PARKING SQUARE FOOTAGE REQUIRED: 143,100 sq ft

PARKING SPACES AVAILABLE: 478 spaces available (388 reg; 82 small; 8 H.C.)

TOTAL PARKING SQ FT AVAILABLE: 190,600 sq ft (enough for 635 parking spaces)

Amenity Open Space: 442,875 sq ft total - (153,820 bldg + 190,600 parking lot) = 98,455 sq ft

A.O.S.: 98,455 sq ft = 0.64 A.O.S. ratio

Bldg: 153,820 sq ft

Sheet 2 of 2

APPENDIX ONE - SQUARE FOOTAGE OF BUILDING

Main Bldg: 82 ft x 280 ft = 22,960 sq ft  
124 ft x 177 ft = 21,950 sq ft  
82 ft x 100 ft = 8,200 sq ft  
Second Floor: 22,960 sq ft  
TOTAL SQUARE FOOTAGE OF BUILDING: 53,110 sq ft

APPENDIX TWO - PARKING REQUIREMENT CALCULATIONS

TABLE ONE - GENERAL PARKING SPACES REQUIRED

|                | Parking Spaces per 1,000 sq ft | Parking Spaces Required | Transit Adjustment (less 5 %) | Total Spaces Required |
|----------------|--------------------------------|-------------------------|-------------------------------|-----------------------|
| Retail:        | 28,600                         | 5.7/k sq ft             | 143                           | n a                   |
| Office:        | 3,000                          | 3.3/k sq ft             | 10                            | - 0.5                 |
| Meeting hall:  | 3,000                          | 16/k sq ft              | 48                            | n a                   |
| Mfg/warehouse: | 18,500                         | 1/employee              | 10                            | - 0.5                 |
|                | 53,100                         |                         |                               | 210                   |

TABLE TWO - SHARED PARKING ADJUSTMENTS TO GENERAL PARKING REQUIREMENTS

|                | WEEKDAY |          | WEEKEND |          | midnt-6a |
|----------------|---------|----------|---------|----------|----------|
|                | 6a-6p   | 6p-midnt | 6a-6p   | 6p-midnt |          |
| Office:        | 100 %   | 10 %     | 10 %    | 5 %      | 5 %      |
| 9.5 spaces:    | 9.5     | 1        | 1       | .5       | .5       |
| Meeting hall:  | 50 %    | 100 %    | 100 %   | 100 %    | 10 %     |
| 48 spaces:     | 24      | 48       | 48      | 48       | 5        |
| Retail:        | 60 %    | 90 %     | 100 %   | 70 %     | 5 %      |
| 143 spaces:    | 86      | 129      | 143     | 100      | 7        |
| Mfg/warehouse: | 100 %   | 10 %     | 10 %    | 5 %      | 5 %      |
| 10 spaces:     | 9.5     | 1        | 1       | .5       | .5       |
|                | 129     | 179      | 193     | 149      | 40       |

HIGHEST COLUMN TOTAL: 193 spaces required

Parking sq ft req'd per space: 300 sq ft / parking space

TOTAL PARKING SQUARE FOOTAGE REQUIRED: 57,900 sq ft

PARKING SPACES AVAILABLE: 215 spaces available (211 reg; 4 H.C.)

TOTAL PARKING SQ FT AVAILABLE: 90,000 sq ft

145,500 sq ft total - (44,910 bldg + 90,000 parking lot) = 10,590 sq ft

A.O.S.: 10,590 sq ft = 0.20 A.O.S. ratio

Bldg: 53,110 sq ft

Sheet 2 of 2

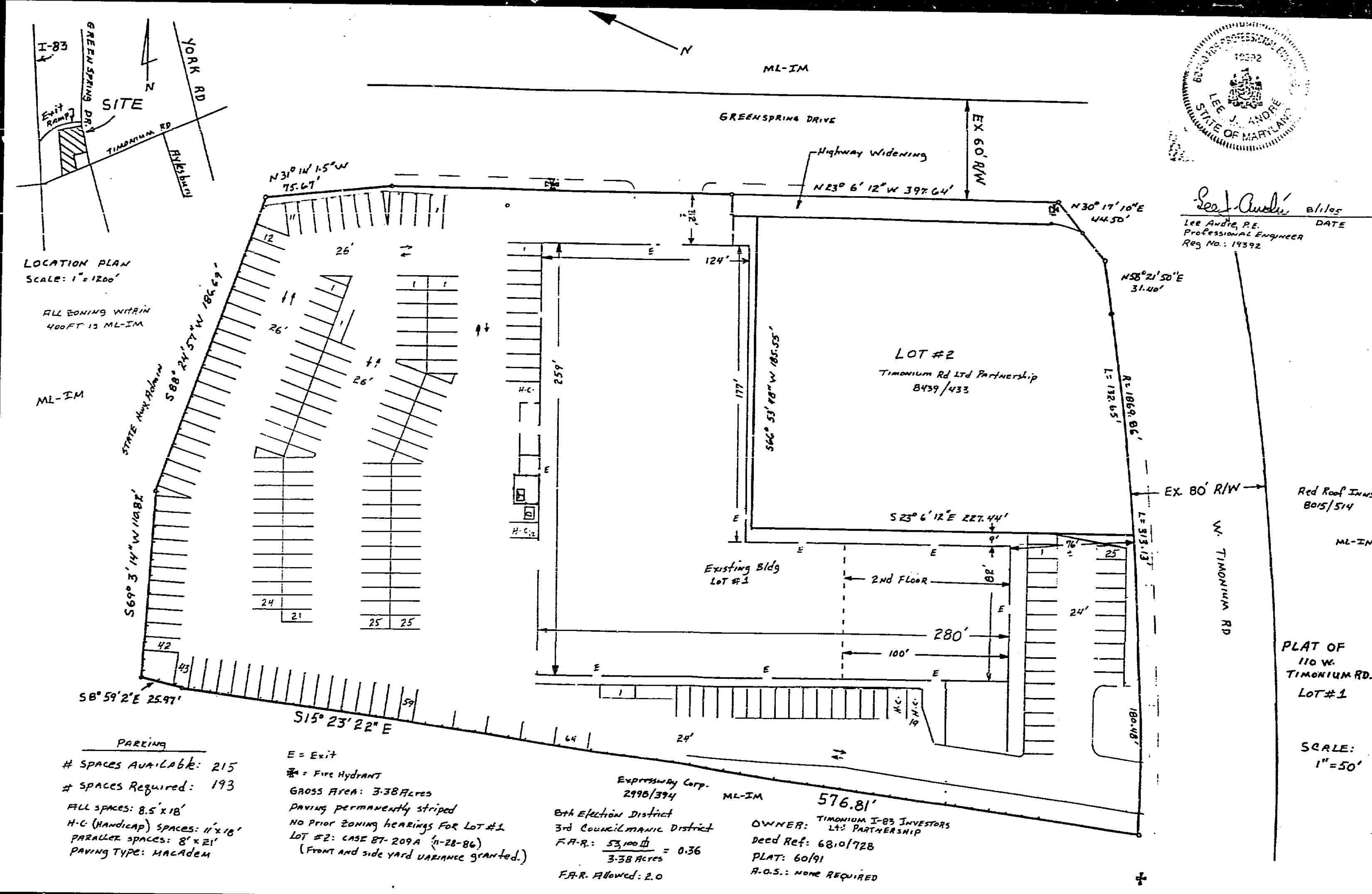
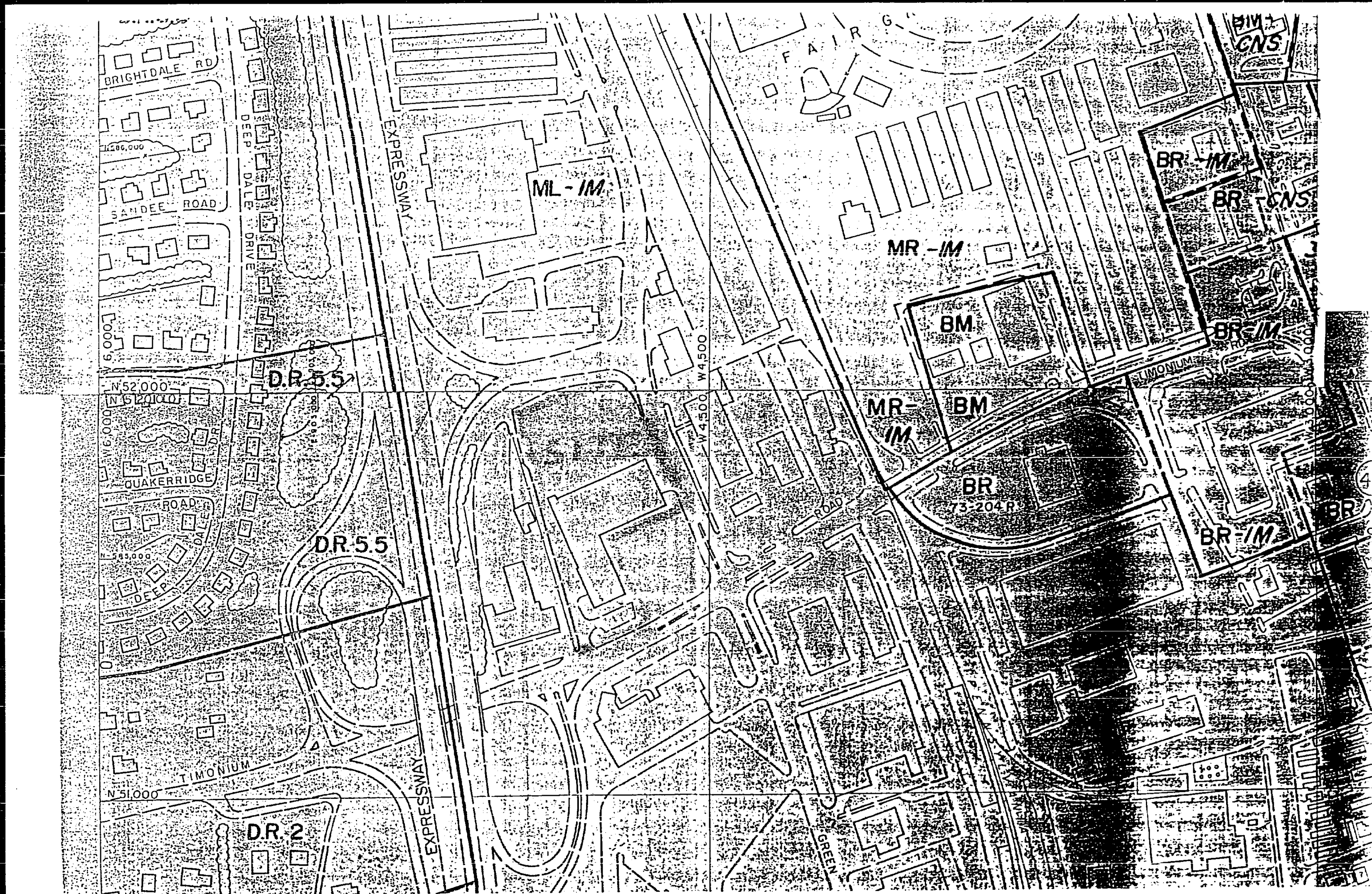
110 W. TIMONIUM ROAD  
NON-ML ZONING BUSINESS USES IN IMMEDIATE AREA

W. Timonium Rd:  
100 Sunoco  
108 Office Bldg  
109 Red Roof Inns  
110 STEB  
112 Christhill Equipment

Total # non-ML business uses: 20 = 51.3 %  
Total # businesses: 39

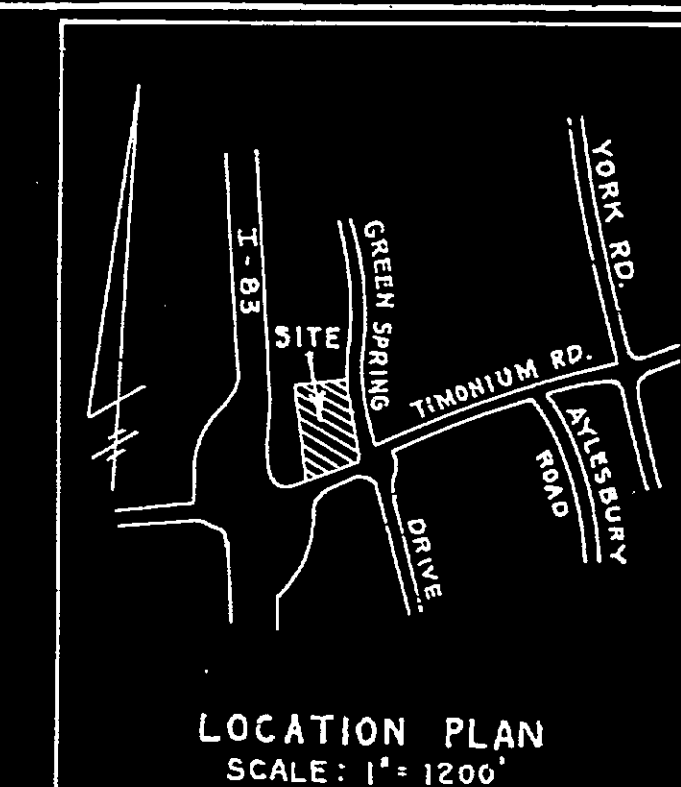
Greenspring Dr.:

2101 Craft Woods  
2103 Signs by Tomorrow  
2105 Icing on the Cake  
2109 Ambulance service  
2111 Vardensberger Saddle  
2115 Office  
2125 Milner Fenwick (film mfg)  
2137 Tuxedo House  
2141 Franco's Bakery  
2143 Pizza Boli  
2145 Budeke Paints  
2147 Graymar Office Products  
2149 SOS TV Repair  
2151 Pet Depot  
2155 Sports Closet  
2157 Video Sales  
2161 Photo Lab  
2165 Vacant  
2167 County Auto Parts  
2173 Screen Printing  
2175 Triangle Pacific Kitchens  
2183 The Kwon Do School  
2187 Shades of Summer Tanning Salon  
2191 Lonzdale & Holtzman (hydraulic hose)  
2193 Machine shop  
2197 Safety Sight  
2199 Reliance testing  
2200 Memtec Filters  
2200 Timonium mini-storage  
2200 Fairgrounds auto body  
2212 Towson stationers  
2216 Installers services warehouse  
2220 Commerce Electric  
2224 Bohne Pools and Spas  
2232 Alcro Supply  
2240 Ceramic Tile show room



1. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET EASEMENTS OR OPEN SPACE OR PUBLIC AREA SHOWN ON THE PLAT.
2. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTO CO.
3. THE INFORMATION SHOWN MAY BE SUPERCEDED BY A SUBSEQUENT OR AMENDED PLAT.
4. ADDITIONAL INFORMATION CONCERNING THE PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING & ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
5. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECT. 22-68 OF THE BALTIMORE COUNTY CODE.
6. THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES CONTAINED IN THE WATER QUALITY MANAGEMENT POLICY.
7. EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THE RESTRICTIONS MAY APPLY.
8. WAIVER OF C.R.G. (Meeting & Process) Approved JUNE 19, 1987, W-87-173.
9. STORM WATER MANAGEMENT MUST BE APPROVED 248 FOR LOT 1 & LOT 2 PRIOR TO ISSUANCE OF BUILDING & GRADING PERMIT.

| CURVE DATA |          |         |           |         |                           |
|------------|----------|---------|-----------|---------|---------------------------|
| NO'S       | RADIUS   | ARC     | DELTA     | TAN     | CHORD                     |
| 240-241    | 1,867.86 | 313.13' | 9° 5' 42" | 156.93' | N 63° 09' 41" E - 312.77' |



| COORDINATES |           |          |
|-------------|-----------|----------|
| NO.         | NORTH     | WEST     |
| 245         | 51,913.04 | 4,910.84 |
| 246         | 51,938.69 | 4,924.30 |
| 247         | 51,978.31 | 4,931.40 |
| 248         | 51,983.47 | 4,904.78 |
| 244         | 51,918.77 | 4,665.54 |
| 243         | 51,553.02 | 4,509.51 |
| 242         | 51,514.59 | 4,531.95 |
| 241         | 51,498.12 | 4,538.69 |
| 240         | 51,356.91 | 4,837.77 |

Filed for record  
S.M. 60 FOLIO 91  
Date JUN 25 1989  
Test:  
*Signe M. Clark*  
Clerk

Final Plat  
Planned  
Engineered  
Surveyed  
Date 4-10-89

**SURVEYOR'S CERTIFICATE:**  
The undersigned, a Registered Land Surveyor of the State of Maryland, does hereby certify that he is the Surveyor who prepared the plat and that the land shown on the plat has been laid out and the plat thereof has been prepared in compliance with Subsection (c) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland particularly insofar as same concerns the making of the plat and the setting of the markers.  
*Walter E. Jenkins*  
Reg. No. 5095 Date 11/12/87

APPROVED: BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
*James C. Hare*  
Director Date 6/23/89

APPROVED: BALTIMORE COUNTY DEPT. OF PUBLIC WORKS  
*Thomas J. Hare*  
Dep. Director Date 6-21-89

APPROVED: ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT  
*Robert W. Hare*  
Director Date 6-9-89

THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE CONSTRUCTED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

**NOTE:**  
HIGHWAY AND HIGHWAY WIDENING, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, AND STORMWATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND, AT NO COST.

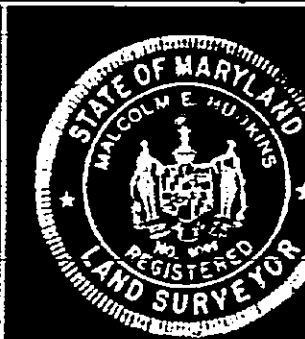
**NOTE:**  
Coordinates & bearings shown hereon are referred to the system of coordinates established by the Baltimore County Metropolitan District and are based on the following traverse stations:  
HUB No. 10006 N51,512.15 W4,440.90  
HUB No. 10007 N51,304.34 W4,899.55

**OWNER'S CERTIFICATE:**  
The undersigned, owners of the land shown hereon, hereby certify that to the best of his/her knowledge, the requirements of Section (c) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland has been complied with, insofar as same concerns the making of the plat and the setting of the markers.  
**TIMONIUM II-88 INVESTORS LIMITED PARTNERSHIP**  
By: *Malcolm C. Berney*, General Partner  
By: *Malcolm C. Berney*, President

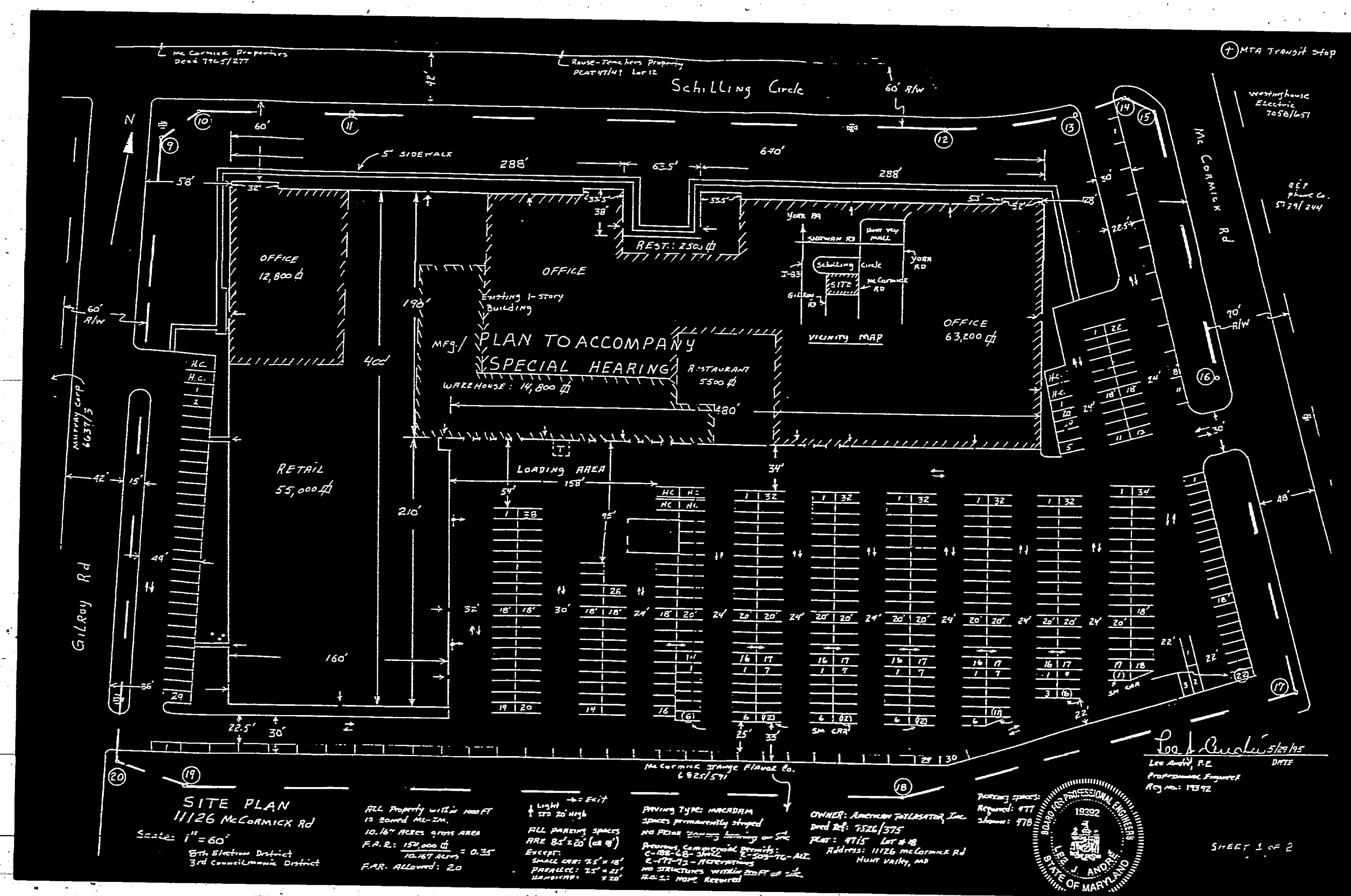
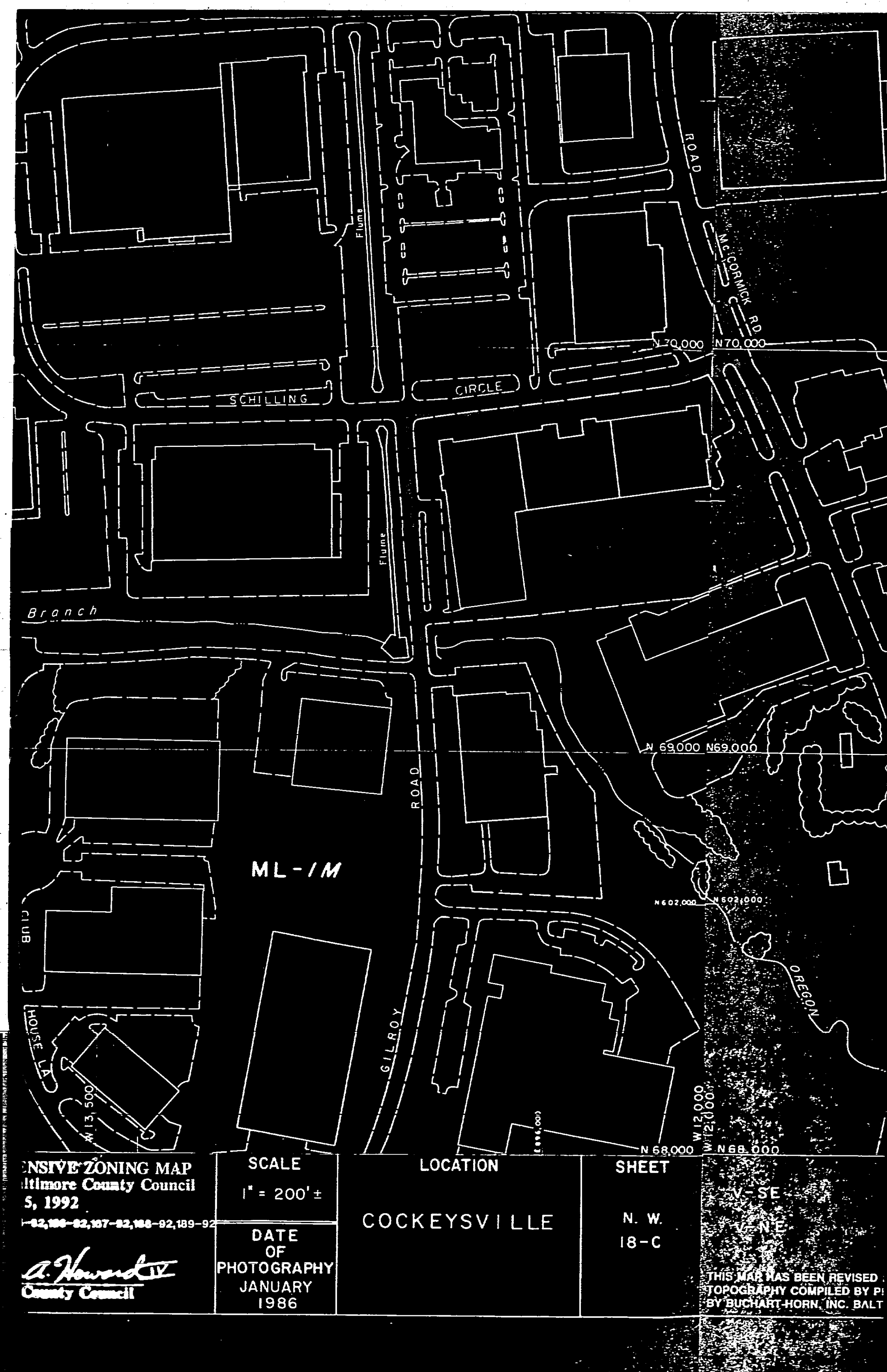
# FINAL PLAT "108 & "110 TIMONIUM ROAD ELECTION DIST. 8 BALTIMORE CO., MARYLAND SCALE: 1" = 50'

FEBRUARY 8, 1989  
REVISED - JUNE 20, 1989  
DEVELOPMENT  
ENGINEERS, INC.  
700 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204

**NOTE:**  
The streets and roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the lands thereof is expressly reserved in the Grantors of the deed to which this plat is attached, their heirs and assigns.

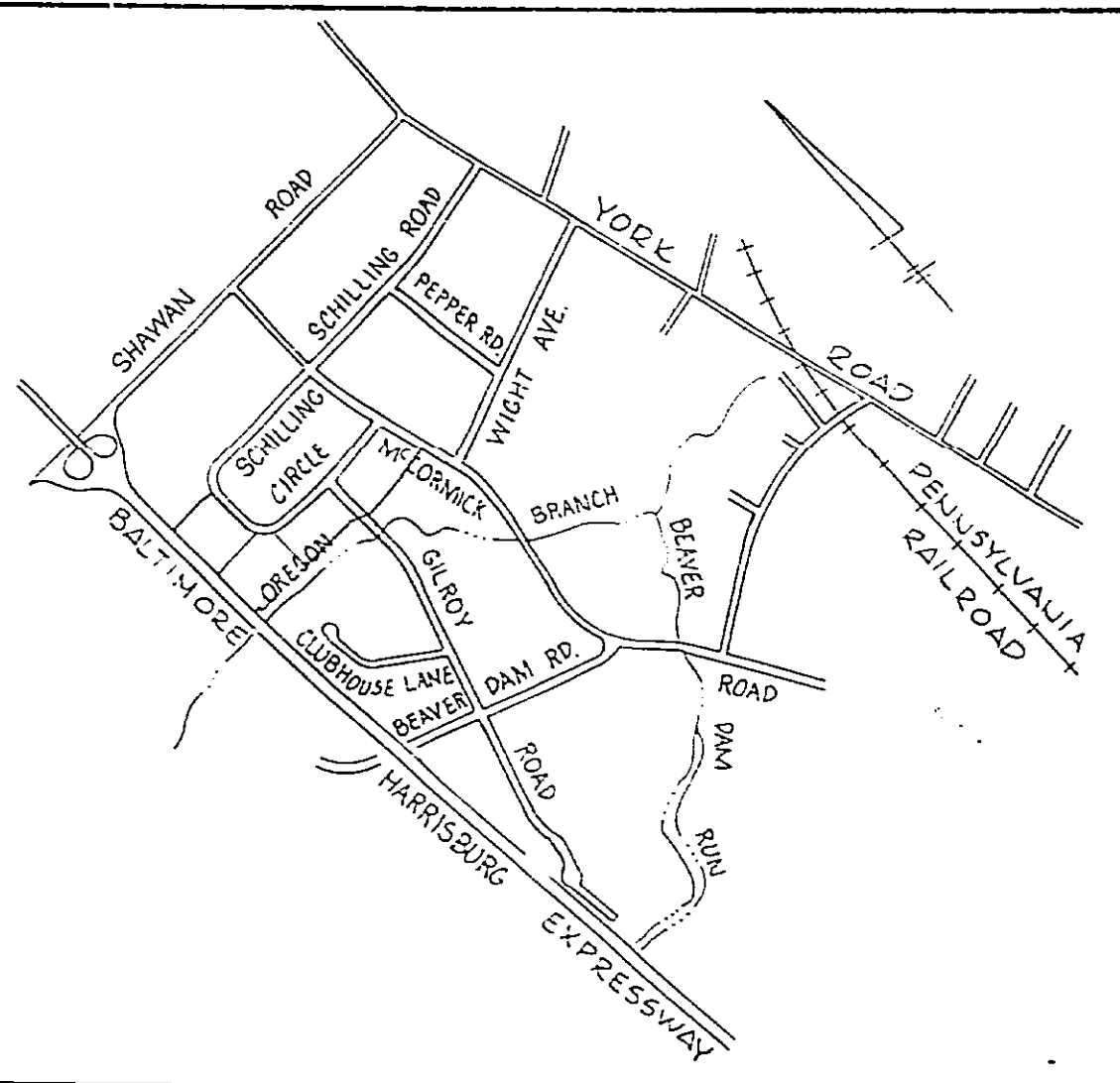


#6613 60-91



# PLAT ONE HUNT VALLEY BUSINESS COMMUNITY

| CURVE DATA |           |           |         |         |             |                    | COORDINATE SCHEDULE |          |          |     |          |          |  |
|------------|-----------|-----------|---------|---------|-------------|--------------------|---------------------|----------|----------|-----|----------|----------|--|
| No.        | Radius    | Δ         | Length  | Tan.    | Chord       | Chord Bn. L. Lgth. | No.                 | Length   | West     | No. | Length   | West     |  |
| 1          | 280.00'   | 14°10'44" | 89.25'  | 34.80'  | 52°33'29"W  | 69.07'             | 1                   | 7056.307 | 13777.35 | 18  | 69379.36 | 12087.10 |  |
| 2          | 280.00'   | 37°37'52" | 183.90' | 95.40'  | 52°30'31"E  | 100.61'            | 2                   | 7044.06  | 13780.46 | 19  | 69222.15 | 12633.97 |  |
| 3          | 1667.00'  | 4°20'58"  | 116.85' | 58.45'  | 145°42'08"E | 116.53'            | 3                   | 70050.52 | 13745.34 | 20  | 69344.56 | 12647.34 |  |
| 4          | 469.58'   | 15°37'09" | 128.01' | 64.40'  | 171°53'04"E | 127.61'            | 4                   | 69384.69 | 13783.79 | 21  | 69320.75 | 12744.60 |  |
| 5          | 4905.81'  | 1°50'37"  | 338.28' | 119.15' | 52°56'15"E  | 285.27'            | 5                   | 69794.44 | 13495.14 | 22  |          |          |  |
| 6          | 28547.90' | 1°07'20"  | 259.11' | 279.50' | 116°23'39"W | 559.10'            | 6                   | 69774.73 | 13453.22 | 23  | 69364.23 | 12857.00 |  |
| 7          | 280.00'   | 41°17'42" | 201.81' | 105.51' | 56°48'18"E  | 197.47'            | 7                   |          |          | 24  | 69374.77 | 13444.10 |  |
| 8          | 280.00'   | 8°11'08"  | 50.00'  | 20.03'  | 58°48'22"E  | 39.97'             | 8                   | 69811.93 | 12762.90 | 25  |          |          |  |
| 9          | 1667.00'  | 4°00'58"  | 116.85' | 58.45'  | 145°42'08"E | 116.53'            | 9                   | 69789.53 | 12724.94 | 26  |          |          |  |
|            |           |           |         |         |             |                    | 10                  | 69816.14 | 12761.97 | 27  |          |          |  |
|            |           |           |         |         |             |                    | 11                  | 69723.69 | 12585.55 | 28  | 69839.36 | 14246.39 |  |
|            |           |           |         |         |             |                    | 12                  | 69492.47 | 12134.77 | 29  | 70394.95 | 14306.56 |  |
|            |           |           |         |         |             |                    | 13                  | 69922.91 | 12014.37 | 30  | 70554.52 | 14325.16 |  |
|            |           |           |         |         |             |                    | 14                  | 69946.36 | 11977.29 | 31  | 70587.02 | 13916.39 |  |
|            |           |           |         |         |             |                    | 15                  | 69933.65 | 11944.29 |     |          |          |  |
|            |           |           |         |         |             |                    | 16                  | 69761.61 | 11659.00 |     |          |          |  |
|            |           |           |         |         |             |                    | 17                  | 69721.97 | 11646.14 |     |          |          |  |



VICINITY MAP  
SCALE: 1"=2000'

## LEGEND

- OUTLINE OF PLAT SHOWN THUS
- BOUNDARY OF ROADS SHOWN THUS
- SETBACK LINES SHOWN THUS
- EASEMENTS FOR UTILITIES AND DRAINAGE SHOWN THUS
- LOT LINES SHOWN THUS
- COORDINATE REFERENCE
- CURVE REFERENCE

NOTE:  
This Plat is a Resubdivision of Part of Block "E" as Shown on The Plat Entitled "Greater Baltimore Industrial Park" Dated August 28, 1964 and Recorded Among The Plat Records of Baltimore County, R.R. 50-28

E.H.K., JR. 47 FOLIO 5

Filed for record  
Date NOV 26 1980  
Test

John A. Clark

Reason for Re-recording:  
To consolidate previously recorded plats and to include areas not previously shown on recorded plats and to change name from Greater Baltimore Industrial Park to Hunt Valley Business Community.

## PLAT THREE HUNT VALLEY BUSINESS COMMUNITY BALTIMORE COUNTY, MARYLAND Scale: 1"=100' Election District #3 Oct. 15, 1980

BALTIMORE - HARRISBURG  
I-83

BALTIMORE - HARRISBURG  
I-83

NOTE:  
Highway and highway widening, slope, drainage and utility easements shown hereon are reserved unto the Developer and are hereby offered for dedication to Balto. Co., Md. The Developer, his personal representatives and assigns, shall convey said areas by deed to Balto. Co., Md. at no cost.

OWNER AND DEVELOPER  
McCormick Properties Inc.  
11011 McCormick Road  
Hunt Valley, Maryland 21031

EXISTING ZONING - ML-1M

|                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                                                 |                                                                                                                              |                                                                                                      |                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <p>NOTE:<br/>COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVELER STATIONS:<br/>COORDINATES ARE REFERRED TO "BONNIE BLINK" TRIANGULATION STATION AND AZIMUTH MARKERS.</p> | <p>NOTE:<br/>THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE ALLOTMENT THEREOF IN DEEDS ARE FOR THE PURPOSE OF DISCIP- TION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.</p> | <p>OWNERS CERTIFICATE:<br/>THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-101 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.<br/>Michael P. ...<br/>DATE 11/15/80</p> | <p>SURVEYORS CERTIFICATE:<br/>THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN Laid OUT, AND THE PLAT THEREOF HAS BEEN PREPARED, IN COM- PLIANCE WITH SUBSECTION (C) OF SECTION 3-101 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.<br/>George William Stephens, Jr.<br/>DATE 11/15/80</p> |  | <p>APPROVED BY BALTIMORE COUNTY HEALTH DEPARTMENT<br/>11/15/80<br/>APPROVED BY BALTIMORE COUNTY PLANNING BOARD<br/>11/15/80</p> | <p>GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.<br/>CIVIL ENGINEERS &amp; LAND SURVEYORS<br/>TOWSON, MARYLAND 21204</p> | <p>P.W.A. COMPLETED 862.03<br/>FINAL PLAT CHECKED: [Signature]<br/>ENGINEERING 10-22-80<br/>DATE</p> | <p>COMPUTED BY: H.K. CHECKED BY: H.K.<br/>DRAWN BY: H.M.B. W.O. NO.: 24314</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|