IN THE MATTER OF MOUNT CARMEL CENTER / PDM VII-308 S/S MOUNT CARMEL ROAD, WEST OF YORK ROAD 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE COUNTY BOARD OF APPEALS OF
RE: APPROVAL OF DEVELOPMENT PLAN / PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BALTIMORE COUNTY CASE NO. CBA-96-103 AND CASE NO. 96-164-XA

* * * * * * * * * * *

OPINION

People's Counsel for Baltimore County brings an appeal to this Board on the December 19, 1995, decision of the Hearing Officer /Zoning Commissioner in which the development plan for Mount Carmel Center was approved and Petitions for Special Exception and Variance were granted. Michael Marino, Esquire, represented the Developer/Applicants, Allan G. Iannacone and Dennis Eaton. J. Carroll Holzer appeared on behalf of the North County Coalition, an umbrella organization for fourteen community associations. People's Counsel, Peter Max Zimmerman, and Deputy People's Counsel, Carol Demilio, participated in the proceedings.

The Hearing Officer approved the subject development plan. He granted the Petition for Special Exception to permit commercial, office and retail uses within the proposed building; to permit 11,000 square feet of gross floor space in lieu of the permitted 8,800 square feet; and to permit a floor area ratio of .21 in lieu of the permitted .20 floor area ratio, pursuant to Sections 259.3.B.2 and 259.3.B.3 of the Baltimore County Zoning Regulations (BCZR). He dismissed as moot a Petition for Variance from Sections 259.3.C.1.a and b seeking similar relief from the gross floor space area limit and floor area ratio limit. He granted a variance from Section 259.3.C.7 to permit total attached signage to be 250 square feet in area in lieu of the permitted 8 square feet.

People's Counsel contends that a commercial center is not a permitted use in an R.C.5/C.R. zone/overlay district. He argues that the requested deviations from bulk regulations cannot be obtained by special exception, but must be obtained through a variance pursuant to Section 307.1, and that the evidence does not appear to support the uniqueness and practical difficulty standards required for a variance.

People's Counsel concludes that because development plan approval depends on the special

exception approval, and approval of the special exception was illegal, the development plan approval is also illegal.

Mount Carmel Center is a proposed commercial center of professional offices, medical offices and retail use. It is located within the Hereford Town Center District on a 1.2-acre parcel at 111 Mount Carmel Road, west of the intersection of Mount Carmel and York roads and east of the Mount Carmel Road/I-83 interchange. The zoning of the subject site is R.C.5 with a C.R. (commercial, rural) district overlay.

The 11,000-square-foot proposed building would house 750 square feet of medical offices, 8,250 square feet of retail uses and 2,000 square feet of general office space. Mr. Eaton, one of the Developer/Applicants, proposes relocating his pharmacy from its present location in downtown Hereford to the subject site, where it would occupy 3,000 square feet. The other Developer/ Applicant, Mr. Iannacone, an attorney, may move his law office to the proposed building. No other tenants have been identified.

Because approval of the development plan does indeed rest on approval of the special exceptions, as People's Counsel contends, the Board will consider them first, starting with the special exception to permit commercial, office and retail uses within the proposed building.

As noted above, the subject property is zoned R.C.5 with a C.R. district overlay. The R.C. zone is a rural conservation classification that was established to foster a consistent scheme of residential development in the rural areas of Baltimore County. The use regulations contained within the R.C.5 section of the BCZR prohibit most commercial, office and retail uses.

The reason for creating a C.R. district is stated in Section 259.2.A.1:

> The C.R. district is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. . . .

Clearly, the intent of this provision is to allow reasonable and limited commercial enterprises to be clustered within the village center of a largely rural locale.

Sections 259.3.A and 259.3.B.1 and 2 address the issue of uses permited by right and by special exception in C.R. districts as follows:

> A. Uses permitted by right. Any use permitted by right in the underlying zone on which the C.R. district is applied and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by right.

B. Uses permitted by special exception.

1. Any use permitted by special exception in the underlying zone on which the C.R. district designation is applied and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by special exception.

2. Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by special exception, except that service stations and car wash operations are only permitted in a C.R. district with B.L., B.M., or B.R. as a base zone. {Bill No. 172, 1993.} (Emphasis added.)

Thus, Sections 259.3.A and 259.3.B.1 provide that any use permitted by right or special exception in the underlying zone is also permitted by right or special exception respectively in the C.R. district overlay.

Section 259.3.B.2 elaborates further, referring to "Any use permitted (by right or by special exception) but which is not permitted in the underlying zone"; this type of use, if it meets the bulk regulations of Section 259.3.C.1, is to be permitted by special exception.

This section clearly implies that some uses will be permitted, by special exception, in C.R. district overlays that are not permitted in underlying zones. The difficulty lies in the fact that nowhere in Section 259 are these uses enumerated.

People's Counsel argues that, typically in zoning law, each zone identifies specific uses permitted by right and special exception, and because no specific permitted uses for C.R. district overlays are enumerated, other than those enumerated for the underlying zone, only those enumerated for the underlying zone are permitted in a C.R. district overlay.

John Lewis, a Developer II with the Department of Permits and Development Management (PDM), testified that PDM feels the proposed uses would be permitted with a special exception in an R.C.5/C.R. district. Jeffrey Long, a Planner II with the Office of Planning, testified that his office feels that the uses proposed meet the spirit and intent of the BCZR.

Mr. Lewis further testified that the standard opinion of PDM as a reviewing agency has been that the permitted uses in an R.C.5/C.R. district are those permitted in the B.L., B.M., B.R., R-O, and R.C.5 zones, provided that applicable bulk standards are met.

Under cross-examination he acknowledged that Section 26-135, subsection A of the

Baltimore County Code allows the Director of Zoning Administration, now the Director of PDM, to set policy, and that policies in that agency's policy manual are adopted as law. He said that the issue of permitted uses in an R.C.5 zone with a C.R. overlay has not been addressed in PDM's policy manual; however, C.R. district uses have been addressed in a draft policy statement from Arnold F. 'Pat' Keller dated February 12, 1996 (People's Counsel Exhibit 11).

In Mr. Lewis's opinion, according to this draft policy statement, the subject property would be allowed B.M. and B.L. uses by special exception because B.M./C.R. and B.L./C.R. sites are contiguous to the subject site.

People's Counsel contends that such a transfer of uses between zones is a legislative function and that PDM cannot usurp this power, despite its power to make policy under Section 26-135.

This Board has given due consideration to the interpretation of PDM and the Office of Planning of a law which they are charged to administer, as well as to People's Counsel's objections to that interpretation. The Board, however, must decide issues based not on draft policy statements that may or may not be incorporated into law, but on the Baltimore County Zoning Regulations as they presently stand.

People's Counsel would allow only those uses in an R.C.5/C.R. district that are permitted by right or special exception in an R.C.5 zone. These uses are enumerated in Section 1A04.2.A and B and include, for example, antique shops, cemeteries, boat yards, golf courses, and standard restaurants or tea rooms converted from dwellings or other buildings.

To permit only these uses would frustrate the purpose of the C.R. district overlay, clearly stated in Section 259.2.A.1, and ignore the implication in Section 259.3.B.2 that additional uses may be permitted by special exception in C.R. districts that are not enumerated in the underlying zone.

The purpose of the C.R. district is to provide opportunities for "convenience shopping" and "personal services." Absent a definition of these terms in Section 101 of the BCZR, and even in Webster's Third New International Dictionary of the English Language, Unabridged, to which this Board is directed when the regulations do not provide a definition, the Board construes "convenience shopping" to mean the light shopping one does to pick up frequently purchased

items, done in between weekly grocery shopping or more substantive shopping at large stores or malls. This type of shopping can't be accomplished at antique shops or tea rooms.

The Board construes "personal services" to mean those services provided to an individual by doctors, dentists, attorneys, barbers, beauticians, and the like. Based on the commonly understood meaning of these terms, the Board finds that the proposed medical offices, general offices and retail uses would be permitted uses with a special exception.

David Martin, Director of Land Planning and Landscape Architecture for G.W. Stevens, Jr. & Associates, and accepted by the Board as an expert witness in land planning and landscape architecture, testified that the project complies with Section 502.1 requirements for special exceptions. Albert W. Rubeling, Jr., a licensed architect in the state of Maryland accepted as an expert witness in architecture, also testified that the project met the conditions for a special exception under Section 502.1.

In addition to meeting the requirements imposed by Section 502.1, any use permitted by special exception in a C.R. district must meet the requirements of Section 259.3.E.

Regarding that section's requirement to prove need for the proposed development, Cindy Reilly, a local real estate broker, testified that she has had many requests for commercial space in Hereford, and that she thinks that the proposed building would be filled immediately.

Developer/Applicant Dennis Eaton testified that he needs to expand his present pharmacy, which occupies 1,200 square feet at a strip center at York and Mount Carmel roads, to provide certain services which customers demand, such as medical equipment. He said that he and his partner have received numerous requests for space for good, clean businesses, and that the demands, in fact, exceed the proposed space.

Mr. Eaton testified that the members of the Hereford Community Association were overwhelmingly in favor of the proposed project, voting for it 73-12.

Mr. Martin and Mr. Rubeling provided detailed testimony that the subject plan complies with the remainder of the requirements of Section 259.3.E, delineated in paragraphs 2 through 5 of that section.

Additionally, in order to qualify for a special exception in a C.R. district, Section 259.3.B.2 requires that a project must meet the bulk regulations of Section 259.3.C.1. The

Developer/Applicants have requested relief from the requirements in that section that the gross floor area not exceed 8,800 square feet and that the floor area ratio not exceed .20. Section 259.3.B.3 provides:

> Buildings which exceed the requirements of paragraph 1 of Section 259.3.C may be permitted by special exception only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted master plan for the district.

People's Counsel argues that this section simply adds an additional requirement to the special exception; it does not permit deviation from the bulk requirements by special exception rather than variance. He buttresses this construction of the section by noting that the word "only," used in this section, frequently has the meaning, "at the least." He further argues that to allow more than 8,800 square feet in R.C.5/C.R. without a variance would be in direct conflict with BCZR 259.3.B.2. He concludes that variance law is the accepted, principled way to review requests for deviations from functional area standards, and that there is no exemption from the requirement for a variance for C.R. districts in Section 307.1 or Section 259.

The Developer/Applicants, however, contend that the wording of Section 259.3.B.3 is clear and unambiguous, and that the section permits a deviation from the bulk standards by use of a special exception rather than a variance. They argue that Section 307.1, which provides for variances, does not mandate that a variance be used to exceed the bulk variances in a C.R. District, but only vests the Zoning Commissioner and the Board of Appeals with the power to grant variances.

Jeffrey Long testified emphatically that the intent of the Office of Planning, upon the drafting of this section, was to allow deviations through special exception instead of a variance. Mr. Long stated that his office felt that the special exception process would give more power to the Office of Planning and allow more community input. His interpretation is reinforced by the following excerpt from the Hereford Community Plan:

> The C.R. District zoning regulations (BCZR 259.3) require that proposed buildings can exceed the bulk standards (8,800 square feet and 0.20 F.A.R.) "only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district." <u>These guidelines will be used in the review of proposed building projects that seek to exceed the bulk standards in order to assure that the proposed structure will be compatible with the desired architectural and site design character</u>. (p. 38, Appellee's Exhibit 4. Emphasis added.)

Based on the Board's reading of Section 259.3.B.3, on Mr. Long's testimony, and on the stated intent in the Hereford Community Plan, the Board interprets that section to mean that buildings may exceed the bulk requirements of Section 259.3.C.1 by special exception rather than variance.

David Martin testified regarding the requirement, pursuant to Section 259.3.B.3, that in order to obtain a special exception from bulk regulations, the proposed development must be in compliance with the site design guidelines and performance standards of a district's master plan. He stated that the setbacks, landscaping, parking, environmental holding capacity, building architectural design and height were all in conformance with the Hereford Community Plan.

Addressing the special exception to permit a gross floor area of 11,000 square feet in lieu of the permitted 8,800 square feet, testimony by Mr. Martin and Mr. Rubeling showed that the subject property slopes 25 feet from the front to the rear, and that the proposed structure will be built into the slope, with 30 percent of the building below grade. As a result, only one story of the two-story structure is visible from the front; thus, the building presents a one-story facade to Mount Carmel Road. The footprint of the building is 5,500 square feet, substantially less than the 6,600-square-foot limit of the bulk regulations, and the building complies with the 30-foot height limit.

Several witnesses for People's Counsel spoke in opposition to the special exception to permit an 11,000-square-foot building. Wendy McIver, spokesperson for the Greater Sparks-Glencoe Community Council, which includes Hereford as part of its area, testified that she was an alternate delegate to the Hereford Community Plan Committee. She stated that she was concerned that allowing the proposed building to exceed the permitted size would set a dangerous precedent, and that 8,800 square feet seemed to be a good limit because a lot of existing buildings were that size, and the size was suitable to the town's lot sizes.

Ruth Mascari, chairman of the County Landmarks Commission and a member of the Hereford Community Plan Committee, testified that the committee thoroughly discussed the 8,800-square-foot limitation and felt that this was the appropriate size for the town, given its one-acre lots and linear layout.

Dr. Richard McQuaid, president of the North County Coalition, testified of his concern that

if this special exception is granted, buildings in excess of 8,800 square feet may also be permitted by special exception in the C.R. district of the town of Maryland Line, near his home. Under cross-examination, however, he acknowledged that Maryland Line has no master plan, which is a requisite for the granting of a special exception to bulk regulations under Section 259.3.B.3.

Regarding the special exception to exceed the floor area ratio (F.A.R.) limit of .20, Mr. Martin explained that this is the ratio of the total gross area of the building to the site in square feet, obtained by dividing the area of the building by the gross area of the property. In his opinion, the requested .21 F.A.R., which is just a few feet over the limit, is not a significant deviation.

Both Mr. Martin and Mr. Rubeling testified in detail that the requested special exceptions to the bulk regulations meet the Section 502.1 and Section 259.3.E criteria for special exceptions. The only criterion that they did not address was that of the need for the development at the proposed location, which was adressed by Ms. Reilly and Mr. Eaton.

While several witnesses testified in opposition to the special exception to permit an 11,000-square-foot building, the Board notes that the 73-12 vote by the Hereford Community Association indicates that most of the community approves the larger building.

In summary, the Board is persuaded that the requirements for a special exception to the bulk regulations have been met and will grant the special exception to permit an 11,000-square foot building with a floor area ratio of .21.

The Petition for Variance requesting relief from Sections 259.3.C.1.a and b to permit 11,000 square feet in lieu of 8,800 square feet and a floor area ratio of .21 in lieu of the the permitted .20 is repetitive of the special exception petition. The Board finds that Section 259.3.B.3 provides that relief from the bulk regulations of Section 259.3.C.1 may be obtained by special exception rather than by variance. Thus, the request for variance pursuant to Section 307.1 from building size and floor area ratio regulations is moot.

In regard to the request for a sign variance to permit total attached signage of 250 square feet in lieu of the permitted 8 square feet, Mr. Rubeling testified that regulations permit a free-standing sign in front of the building, but this type of signage was rejected for safety reasons in favor of signage attached to the building.

He explained that because the proposed building will contain multiple tenants, the free-

standing sign would have to be a directory-type sign which, due to the speed of traffic on Mount Carmel Road, might create traffic hazards when drivers slow down to read it.

Instead, the Developer/Applicants are requesting individual tenant signs to be attached to the northeast and west sides of the building on a band above the lintels; their design would be similar in lettering and coloring and integral to the project.

To be granted a variance, the Appellees must comply with Section 307.1 of the BCZR, which states that a variance may be granted "only in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship . . ." (Emphasis added.)

In Cromwell v. Ward, 102 Md. App. 691 (1995) the Court of Special Appeals has construed this regulation as follows:

> [T]he variance process . . . is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is -- in and of itself – unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. (Emphasis added.)

The Appellees presented no testimony or evidence that the subject property was unique or unusual in a manner different from the surrounding properties in such a way that the signage requirements would impact disproportionately on that property. Mr. Rubeling testified that the factor of the speed of traffic on Mount Carmel Road would render a free-standing directory sign a hazardous form of signage; however, it was not alleged that the road's speeding traffic is a condition unique or peculiar to the subject property, nor is there any reason for the Board to believe that it is.

The Board, therefore, cannot find that the subject property is unique, unusual or different, and will therefore deny the request for a sign variance.

Finally, turning to the issue of approval of the subject development plan, Section 26-209(d) of the Baltimore County Code provides the following standard of review for this Board upon an appeal of the Hearing Officer's final decision on a development plan:

(d) In a proceeding under this section, the board may:

(1) Remand the case to the hearing officer;

(2) Affirm the decision of the hearing officer; or

(3) Reverse or modify the decision if a finding, conclusion, or decision of the hearing officer:

a. Exceeds the statutory authority or jurisdiction of the hearing officer;
b. Results from an unlawful procedure;
c. Is affected by any other error of law;
d. Is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
e. Is arbitrary or capricious.

People's Counsel contends that approval of the subject development plan depends on the special exception approval, which depends, in turn, on the rulings that the commercial center is a permitted R.C.5/C.R. use and does not require a variance. He argues that the special exception was illegally approved and that the development plan approval is therefore also illegal. He further argues that the Hearing Officer's ruling is also arbitrary and capricious because of its ad hoc, case-by-case approach to permitted uses.

This Board has reviewed the decision of the Hearing Officer pursuant to Section 26-209(d). The Board finds that the Petition for Special Exception was legally approved, and that the Hearing Officer's ruling is not arbitrary and capricious but a reasonable ruling, given the vagueness and ambiguity of the zoning regulations regarding permitted uses in R.C.5/C.R. districts.

The Board will therefore affirm the decision of the Hearing Officer approving the Mount Carmel Center development plan, on the condition that it is amended to reflect this Board's denial of the sign variance.

ORDER

IT IS THEREFORE THIS 29th day of March, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the Hearing Officer approving the subject development plan be and is hereby **AFFIRMED,** with the condition that the development plan be amended to reflect the Board's denial of the sign variance; and it is further

ORDERED that, pursuant to the Petition for Special Exception, approval to permit

commercial, office and retail uses within the proposed building to be located on the property and approval that said building will exceed the 8,800-square-foot gross floor area limit and the .20 area ratio limit; to be built to a size of 11,000 square feet and with a floor area ratio of .21, under Sections 259.3.B.2 and 259.3.B.3 of the BCZR, be and is hereby **GRANTED**; and it is further

ORDERED that variance from Sections 259.3.C.1.a and b of the BCZR to permit a maximum area of 11,000 square feet of gross floor space in lieu of the permitted 8,800 square feet and a floor area ratio of .21 in lieu of the .20 permitted, be and is hereby **DISMISSED AS MOOT**; and it is further

ORDERED that a variance from Section 259.3.C.7 to install attached building signs on the northeast and west sides of the building for tenant identification, and to permit total attached signage to be 250 square feet in area, in lieu of the permitted 8 feet, be and is hereby **DENIED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Acting Chairman

Harry E. Buchheister, Jr.

S. Diane Levero

County Board of Appeals of Baltimore County

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

COPY

March 29, 1996

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. CBA-96-103 /Mount Carmel Center /PDM VII-308 and Case No. 96-164-XA

Dear Mr. Zimmerman:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrative Assistant

encl.

cc: Michael Marino, Esquire
Allan G. Iannacone
Dennis Eaton
James Kline /G.W.Stephens, Jr. & Assoc.
Albert W. Rubeling, Jr.
Peggy Pearce /Hereford Community Assn.
Gary Duvall
Pat Keller, Director /Planning & Comm Consv
Lawrence E. Schmidt
Docket Clerk /PDM
Arnold Jablon, Director/PDM
Kurt A. Kugelberg /Project Manager
Douglas Silber, Assistant County Attorney
Virginia W. Barnhart, County Attorney
J. Carroll Holzer, Esquire

Printed with Soybean Ink
on Recycled Paper

IN RE:	DEV. PLAN HEARING & PETITIONS FOR SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE HEARING OFFICER/
	S/S Mount Carmel Road, 1000 ft. W of c/l of York Road	*	ZONING COMMISSIONER
	7th Election District	*	OF BALTIMORE COUNTY
	3rd Councilmanic District		
	Project: Mount Carmel Center	*	Case Nos.VII-308 and 96-164XA
	Allan G. Iannacone and Dennis Eaton, Applicants	*	

* * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined case pursuant to the authority set forth in Section 26-206.1 of the Baltimore County Code, for the proposed project known as the Mount Carmel Center, located at 111 Mount Carmel Road in Hereford. The Petitioners/Developers seek approval of the development plan prepared by George W. Stephens, Jr. and Associates. Zoning relief is requested through Petitions for Special Exception and Zoning Variance. The Petition for Special Exception seeks approval to permit commercial, office and retail uses within the proposed building and approval to allow the building to exceed the 8,800 square ft. gross floor area limit and the .20 area ratio limit; specifically, to be built to a size of 11,000 sq. ft. and with a floor area ratio of .21. The requested special exception relief is sought, pursuant to Sections 259.3.B.2 and 259.3.B.3 of the Baltimore County Zoning Regulations (BCZR).

The Petition for Variance seeks similar relief. As amended, relief is sought from Sections 259.3.C.a & b. of the BCZR to permit a maximum area of 11,000 sq. of gross floor space in lieu of the permitted 8,800 sq. ft. and a floor area ratio of .21 in lieu of the .20 permitted.

Variances are also requested from the signage regulations in order to install attached building signs on the northeast and west sides of the building for tenant identification signs, and to permit total attached

ORDER RECEIVED FOR FILING
Date 12/19/95
By M. Gorman

signage to be 250 sq. ft. in area, in lieu of the permitted 8 ft., pursuant to Section 259.3.C.7. A red line amended development plan showing both the proposed development and requesting zoning relief was submitted as Developers' Exhibit No. 1. A modified landscape plan was submitted as Developers' Exhibit No. 2. Both of these documents were accepted as evidence in this case.

As to the history of the development review process, a Concept Plan Conference was held on May 8, 1995 and the concept plan was submitted at that time. Thereafter a Community Input Meeting was held on June 22, 1995 at the Hereford Volunteer Fire Company. The Development Plan was submitted and a conference was held thereon on November 16, 1995. The Hearing Officer's hearing was scheduled and held on December 6, 1995.

Appearing as Petitioners/Developers were Allan Iannacone and Dennis Eaton. Also present was David Martin, a Landscape Architect with G.W. Stephens and Associates, Inc. Mr. Martin assisted in the preparation of the site plan and was a leading consultant in the development of the project. Albert W. Rubeling, Jr., an Architect, who prepared the design of the building was also present and testified. The Developers/Petitioners were represented by Michael Marino, Esquire.

Appearing as Protestants were Peggy Pearce, Secretary of the Hereford Community Association, but appearing as an individual property owner. Also opposing the request was Janet Rittenhouse on behalf of the Monkton Preservation Organization, and George McCeney on behalf of the Greater Sparks Glencoe Community Council. Gary Duvall, Esquire appeared as an individual property owner and not in a representative capacity.

Also present were representatives of the various Baltimore County agencies who evaluated the project. These included Kurt Kugelberg, the Project Manager, Bob Small and from the State Highway Administration, Bob

ORDER RECEIVED FOR FILING
Date 12/4/95
By M. Nash

Bowling, Chief, Development Plans Review Division (DPR), Carol McEvoy from the Office of Planning and Zoning (OPZ), and R. Bruce Seeley and Ed Schmaus from the Department of Environmental Protection and Resource Management (DEPRM).

The subject development plan shows that the property is zoned R.C.5 and is overlaid with the C.R. district. The site is approximately 1.20 acres in area and abuts Mount Carmel Road near the rural village known as Hereford. The property is located just west of the center of Hereford, not far from the intersection of Mount Carmel and York Roads. The property is just east of I-83's interchange with Mt. Carmel Road. Presently, the site is improved with an existing single family dwelling. The dwelling is presently under lease and the property has been owned by the Developers/Petitioners for several years.

The Developers propose razing the existing structure and erecting a building of approximately 11,000 sq. ft. on the subject site. The building will be used to house medical offices, retail space and general office space. The medical offices will account for 750 sq. ft. of the building, the retail uses for 8,250 sq. ft. and the general office space for 2,000 sq. ft. No tenants have been identified at this time other than the business conducted by Mr. Eaton, one of the Developers/Petitioners. Presently, Mr. Eaton operates a pharmacy in a small strip center located in downtown Hereford. He proposes relocating his business to the subject site and will occupy approximately 3,000 sq. ft. The other Petitioner/Developer, Mr. Iannacone, is an attorney and may move his law office to the property.

The proposed building is two stories in height, however, as shown on both the development plan and the architectural elevation drawings, the two stories will be somewhat hidden by virtue of the grade of the proper-

ORDER RECEIVED FOR FILING
Date 7/19/
By Mr. Zoning

ty. The site slopes significantly downward from its frontage on Mount Carmel Road. Testimony offered was that from front property line to rear property line, the grade changes by approximately 25 ft. The building will be constructed into this grade. Thus, when viewing the structure from Mount Carmel Road, it will appear to be one story in height. Two stories will be visible when facing the building from the rear of the lot.

The hearing was bifurcated and attention is first given to the development plan. The standard for the review of same is contained within Section 26-206 of the Baltimore County Code. That section requires the Hearing Officer to identify and resolve any open agency development plan review comments. The Hearing Officer must determine if the plan is in compliance with all appropriate standards, rules, regulations, conditions and safeguards contained within the development regulations and policies adopted thereto.

The testimony offered during the portion of the hearing devoted to consideration of the development plan disclosed that only one issue remained outstanding. This issue related to the propriety of construction of a sidewalk across the front of the building parallel to Mount Carmel Road. All of the other issues and development plan comments have been addressed by the red line amendments to the plan.

Mr. Martin, on behalf of the developers, stated that a sidewalk on the front of the property is not appropriate. He testified that it would begin from, and lead to, nowhere in that neither of the adjacent properties features sidewalks. Moreover, he stated that the grade of the property would make the installation of the sidewalk difficult and also observed that there will be an improved shoulder on Mount Carmel Road for pedestrians, joggers and bicyclists.

ORDER RECEIVED FOR FILING
Date 12/14/
By

The Protestants who appeared favor a sidewalk. Moreover, the Department of Public Works (DPW) believes that a sidewalk should be constructed, as does the Office of Planning and Zoning (OPZ). In this respect, it is to be noted that with the construction of a sidewalk is a public works standard (See Baltimore County Code, Section 26-236, et. seq.). As such, this Hearing Officer is authorized to waive the sidewalk requirement only pursuant to a recommendation for waiver from a department director (See Section 26-172).

There has been no request for a waiver from any department director. To the contrary, the County agencies interested in this issue (DPW and OPZ) want a sidewalk to be provided.

This Hearing Officer could excuse this requirement upon a finding that such action would protect the surrounding and neighboring properties (See Section 26-206(o). However, the evidence was not sufficient to support such a finding. To the contrary, the community representatives oppose any waiver from the requirement for a sidewalk and the deletion of same will not protect the neighborhood. For all of these reasons, I will require that a sidewalk be constructed as recommended by DPW. In my judgment, such improvements are warranted and, although may not have immediate benefit, should nonetheless be implemented. It is appropriate to recognize that other properties in the vicinity may be developed and that a consistent sidewalk scheme along Mount Carmel Road may become a reality.

Turning to the zoning relief, it is the issues generated by these Petitions which are most difficult. The difficulty stems, in large part, from the vague wording of Section 259.3 of the BCZR which establishes and regulates C.R. districts. As noted above, the property is zoned R.C.5. The RC zone is a rural conservation classification which was established

ORDER RECEIVED FOR FILING
Date 12/19/91
By M. Bonar

to provide for rural residential development. The R.C.5 zoning classification was adopted to foster a consistent scheme of residential development in the rural areas of Baltimore County. The use regulations contained within the R.C.5 section of the BCZR prohibit most commercial, office and retail uses. Farms, dwellings and similar uses are permitted, however, but for limited commercial uses such as antique shops and professional offices within the professional persons' primary residence, offices and commercial uses are not allowed.

The subject property is overlaid with the C.R. (commercial/rural) district. This district ". . . is established to provide opportunities for convenient shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists." (See Sec. 259.2.A) It is clear that the Council established the C.R. district so as to apply same to village town centers such as Hereford. The district was established to permit reasonable and limited commercial enterprises to be clustered within the village center of a largely rural locale. The threshold issue in this case is to determine what, if any, zoning relief is required and whether that relief should be granted or denied.

Clearly, a Petition for Special Exception must be granted for this project to be moved forward. However, the special exception requested is significantly different from the "usual" special exception Petitions which are entertained by this Zoning Commissioner. Most special exceptions relate to a particular use. In fact, other jurisdictions label special exceptions as "conditional uses" within their zoning regulations. A review of Section 1A04.2.B. of the BCZR discloses special exception uses which are permitted in an R.C.5 zone. That section allows, for example, antique shops, cemeteries and golf courses as special exception uses in an

ORDER RECEIVED FOR FILING
Date 1/9/95
By M. Grant

R.C.5 zone. These uses are easily identified and particularized. In most cases, this Zoning Commissioner is called upon to analyze whether a specific use should be allowed on a particular lot in a given zone under the special exception standard. That process requires an examination of the impacts of the proposed use and whether those impacts adversely affect the surrounding locale within the criteria identified in Section 502.1 of the BCZR. Certain special exception uses, (.e.g. wireless and transmitting receiving facilities) must undergo additional evaluation above and beyond the requirements of Section 502.1 (Section 502.7).

Although the above describes the usual special exception Petition, the subject Petition at issue is not really a use case. There are no special exception uses identified or provided for within the regulations governing C.R. districts in the BCZR. The uses identified under the R.C.5 regulations, either as permitted by right or by special exception, do not identify an office/commercial/medical office building as is proposed here. The absence of this language creates confusion, particularly in view of Sections 259.3.A and 259.3.B.1 of the BCZR. Section 259.3.A provides that any use permitted by right in the underlying zone on which a C.R. district is applied and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by right. Thus, those uses permitted by right in an R.C.5 zone would be permitted by right on a property with a C.R. overlay. Section 259.3.B.1 provides similar language, but states that any use permitted by a special exception in the underlying zone is permitted in the C.R. district by special exception. Essentially, these uses direct the reader to examine the uses permitted in the underlying zone when considering proposed uses in a C.R. district. Again, in this case, the proposed uses are not identified in the R.C.5 regulations.

ORDER RECEIVED FOR FILING
Date 12/19/91
By M. Bonat

Seizing upon the language of these sections, the Protestants assert that the proposed use is, therefore, illegal on the subject property. They claim, quite simply, that the proposed general office/medical office and retail use is not an identified use either by right or by special exception in an R.C.5 zone and, thus, is not allowed on this property. Under their narrow theory, the only commercial types uses which would be allowed on the subject property from any practical purpose would be antique rooms (1A04.2.B.1) and standard restaurants or tea rooms, converted from dwellings from other buildings (1A04.2.B.15). These, essentially, are the only commercial/retail/office uses allowed in an R.C.5 zone.

Despite the logic of this argument, I do not find that the Council intended such a result in that same is clearly contrary to other regulations which govern the C.R. districts. Specifically, Section 259.2 of the BCZR contains a statement of legislative intent for the C.R. district. As set forth in Section 259.2.A.1, the C.R. district is established to provide opportunities for convenience shopping and personal service. Thus, it is clear that the legislature intended to allow those uses which provide shopping and service opportunities to the residents of rural locales. I do not believe that the Council intended to limit those opportunities only to dining at tea rooms and purchasing antiques.

In an effort to shed light on this issue, this Zoning Commissioner called as a witness in the case, John Lewis from the Office of Permits and Development Management (PDM). Mr. Lewis is familiar with the regulations and provided insight into the adoption of the C.R. regulations by the Council. Mr. Lewis cited the language contained in Section 259.2.B. of the BCZR which allows C.R. districts to be overlaid on B.L., B.M., B.R. or R.O. districts in addition to R.C.5 zones. He indicated that it was the policy of his office, based upon consultations with the OPZ, that all uses

ORDER RECEIVED FOR FILING
Date 12/19/95
By M. Hart

identified as permitted by right or special exception in all of those zones would be permitted within any C.R. district. That is, for example, Mr. Lewis indicated that a use permitted in a B.R. zone, (e.g., laboratory, pursuant to Section 236.2 of the BCZR) would be allowed in an R.C.5 zone; if that R.C.5 zone was overlaid with the C.R. district. Adoption of this interpretation, it would seem, would potentially allow numerous uses which are inconsistent with the rural locale. Moreover, such an interpretation is contrary to the express language of Sections 259.3.A and 259.3.B.1, as set forth above, which expressly state that the underlying uses permitted in the subject zone be considered when determining the propriety of a use in the district.

The interpretations offered by the Protestants and the Petitioners, through Mr. Lewis, are directly opposite. To adopt the Protestants' theory would be to limit commercial development in C.R. districts to tea rooms and antique shops; to adopt the Petitioners' approach would potentially allow numerous uses inherently incompatible to the rural zone.

Section 500.7 of the BCZR provides this Zoning Commissioner with the authority to interpret and construe the Baltimore County Zoning Regulations. Clearly, this is a case where such interpretative powers must be exercised. In my judgment, the propriety of a given use on a property zoned R.C.5, with a C.R. district, must be evaluated on a case by case basis. There are some uses for which approval would rarely be given. A number of the uses permitted in the business zones are inherently incompatible with a rural location such that, absent extraordinarily circumstances, they would not be permitted. Other uses, should be allowed.

An evaluation in this case is difficult because tenants have not been selected for the proposed building. I do not fault the Petitioners/Developers for this lack of specificity in identifying the tenants who

ORDER RECEIVED FOR FILING
Date 12/4/91
By M. Grant

are proposed. This project is far away from construction and ultimate occupancy. The precise dates of availability are unknown and market conditions frequently fluctuate. Moreover, tenants often come and go. At this point, the only identifiable tenant is Mr. Eaton's pharmacy, and potentially, Mr. Iannacone's law office. Clearly, these uses are compatible with the rural towncenter of Hereford. Law offices already exist in the Hereford Village, as do two pharmacies. There can be no doubt that general offices, for such professionals as lawyers, accountants and others are allowed. Moreover, medical offices, for doctors, dentists, etc. would also be permitted. Most general retail uses would be allowed as identified and regulated in the BCZR. Thus, despite the nonspecificity of the proposed uses, I conclude that the generally identified uses as medical offices, general offices and retail would be permissible on this site. I note that if a neighbor or community believes that a particular tenant is inappropriate or unacceptable, a Petition for Special Hearing can be filed by that interested person or community so that the Zoning Commissioner's office will consider that issue. Moreover, as Mr. Lewis stated, his office reviews the proposed tenants during the course of issuance of permits. Thus, there are controls to examine and deny occupancy to potentially detrimental uses. In my judgment, the general descriptions of the proposed use are sufficient to permit zoning relief at this point.

Having determined this issue, consideration must again be given to the precise request for relief which has been filed. As noted above, there is no conditional use (special exception) at issue, per se. Nonetheless, the standards applicable to special exceptions must be applied. This is so because of the express language in Section 259.3.B.3 of the BCZR. That section requires that buildings which exceed the bulk regulations, which is the case here, are permitted only by special exception and

ORDER RECEIVED FOR FILING
Date 12/9/97
By M. Zorn

only if the proposed development is in compliance with the site design guidelines and performance standards which are part of a duly adopted master plan for the district. Thus, the Petitioner must obtain special exception relief because of the building size and its failure to comply with the bulk standards for C.R. districts. The testimony offered by the various witnesses on this issue was illuminating. On behalf of the Developers/Petitioners, Messrs. Martin and Rubeling testified extensively about the building and the design criteria which are incorporated into the preparation of the elevation drawings. These witnesses stress the fact that the structure is built into the ground thereby reducing the mass and scale. Indeed, a significant portion of the structure (perhaps as much as 35%) will be built below grade and is not visible. Moreover these witnesses testified about the architectural style of the building; its' roof line, window treatment and other design criteria which has been incorporated into the building. These witnesses concluded that the building would be harmonious in character and style with the surrounding land uses and the structures presently located within the village of Hereford.

Ms. McEvoy, on behalf of OPZ, concurs. Her agency's comment is supportive of the project. Their comment indicates staff's opinion that the building is compatible with the surrounding locale, and the community plan for Hereford.

The testimony of the Protestants, particularly Mr. McCeney is interesting. He and the other witnesses are totally committed to the square foot limitations set forth in the BCZR and designated within the Hereford plan, a duly adopted portion of the Master Plan for Baltimore County. These witnesses believe that no variation should be allowed from the designated limits. To do so, they argue, would establish an undesirable precedent. This Zoning Commissioner pointedly ask Mr. McCeney, while testify-

ORDER RECEIVED FOR FILING
Date 12/19/91
By M. Grant

ing, if his objections would remain if that portion of the building below grade were removed, thereby bringing the structure in compliance with the 8800 sq. ft. limitation. In such an event, the building would have an identical appearance for all practical purposes except for elimination of an internal portion of the building which would not be visible from outside observers in that same was below grade. His answer would be that such an alteration would be significant and that the building could be supported.

This approach, in my view, is improper. Such illogical blind adherence to a numerical standard ignores the spirit and intent of both the BCZR and the Hereford plan. An essential element of sound planning is the retention of a degree of flexibility to permit compatible development. In my view, the proposed building, at this site, and as configured in the manner shown on the elevation drawings, is appropriate. This is not to say that the same building elsewhere in Hereford would be proper or that the numerical standards established in the BCZR and the Hereford plan should not be followed. However, at this location, a variation is entirely warranted. Therefore, I will grant the special exception relief, pursuant to Section 259.3.B.3 of the BCZR, so as to permit medical and general office and retail uses within the proposed building and to allow the building to exceed the bulk regulations of 8800 sq. ft. gross floor area and .20 floor area ratio as shown on the site plan. I am persuaded that the Petitioners have satisfied the standards set forth in Section 502.1 of the BCZR. I find that the use will not detrimentally affect the health, safety and general welfare of the locale and satisfies the particular standards enumerated in Sections 502.1.b. through 502.1.h. of the BCZR.

ORDER RECEIVED FOR FILING
Date 12/19/91
By M. Hoff

Moreover, I am persuaded that the Petitioners have satisfied the standards set forth in Section 259.3.B. of the BCZR. These standards need be satisfied pursuant to Section 259.3.B.4.

In this respect, the testimony of Mr. Eaton was persuasive that general office, medical office and commercial space is needed in the subject vicinity. Clearly, the northern region of the County has experienced growth and the Hereford Village district has been designated as an area where increased commercial and office use is appropriate. The BCZR, no doubt, intends that these uses be clustered within the town centers so as to preserve the vast areas of R.C.2 farm land which exist nearby. In my judgment, based on Mr. Eaton's testimony, a sufficient need exists for the proposed development. Moreover, for the reasons set forth above, I am persuaded that the balance of the requirements contained within Section 259.3.B.2 through 5 are also satisfied. The collective testimony of Messrs. Martin and Rubeling supports such a finding.

Lastly, consideration of the variances requested must be given. These variances are grouped into two categories; one relating to the proposed signage on the property and the second relating to the size and floor area ratio of the building. Addressing the latter, I do not believe that variance relief is necessary in this regard. The variance relief is repetitive of the special exception Petition and a reading of Section 259 is convincing that the variance standards set forth in Section 307 of the BCZR need not be addressed. In this respect, I concur with Deputy Zoning Commissioner Timothy M. Kotroco's opinion, in case No. VII-30 and 96-62-X, relating to a proposed office nearby. As he concluded, variances are not necessary from the bulk standards established in the C.R. district.

Section 307 of the BCZR provides the authority for this Zoning Commissioner to grant variances where strict compliance with the zoning regula-

ORDER RECEIVED FOR FILING
Date 12/19/97
By M. Grant

tions for Baltimore County would result in difficulty or unreasonable hardship. The Hereford plan is not a part of the zoning regulations of Baltimore County and, thus, a variance from the standards therein is unnecessary. Rather, it is an advisory document to be incorporated into the planning and zoning scheme for the County. Although the square footage area and floor area ratio standards would usually be considered area regulations from which variance relief should be sought, the language of Section 259 of the BCZR is convincing that variances are not necessary here. Specifically, as noted above, Section 259.3.B.3 provides that buildings which exceed the square footage and floor area ratio requirements need undergo the special exception tests and must comply with the site design guidelines and performance standards of the Master Plan for this district. Since this specific standard is directed by the County Council, it must be concluded that the Council's intent was that the standards set forth in Section 502.1, and not those listed in Section 307, would be applicable. That is, a fair reading of the statute is that an oversized building must be adjudged in accordance with the criteria set forth in Section 502.1 of the BCZR and not Section 307. I do not believe that the Council intended that a Petitioner must satisfy both standards. Thus, the request for variance, pursuant to Section 307 as it relates to the building's size and area is moot and unnecessary. Ms. McEvoy's testimony and OPZ's comment is sufficient to sustain a finding that the proposed development is in compliance with the site design guidelines and performance standards which are part of the Hereford plan.

The second portion of the Petitioners' request does need variance relief. This request relates to the proposed signage on the property. Again, a significant amount of testimony was received on this issue from Messrs. Martin and Rubeling. They described the proposed signage on this

ORDER RECEIVED FOR FILING
Date 12/19/95
By M. Grant

site and the efforts which were expended to make same consistent with the rural locale. There will be no free-standing signage and the signage which is to be constructed will be lighted and arranged so as to minimize its impact to traffic on Mount Carmel Road and the surrounding properties. I am convinced that the sign package, when considered as part of the overall plan and incorporated therein, is permissible. In this respect, I am persuaded that the Petitioners have satisfied the practical difficulty standard contained in Section 307 of the BCZR. I am convinced that the uniqueness of the property, which necessitates the orientation and configuration of the building so as to result in a two story structure, justifies a finding that the variance request meets the burden set forth in Cromwell v. Ward, 102 Md. App. 307 (1995). Thus, the Petition for Variance in this respect shall be granted.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of December, 1995, that the development plan submitted in the within case as Developers/Petitioners' Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to permit commercial office and retail office uses within the proposed building to be located on the property and approval that said building will exceed the 8,800 square ft. gross floor area limit and the .204 area ratio limit; to be built to a size of 11,000 sq. ft. and

ORDER RECEIVED FOR FILING
Date 12/19/95
By M. Brant

with a floor area ratio of .21, under Sections 259.3.B.2 and 259.3.B.3 of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variance from Sections 259.3.C.a & b. of the BCZR to permit a maximum area of 11,000 sq. of gross floor space in lieu of the permitted 8,800 sq. ft. and a floor area ratio of .21 in lieu of the .20 permitted, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Section 259.3.C.7 to install attached building signs on the northeast and west sides of the building for tenant identifications, and to permit total attached signage to be 250 sq. ft. in area, in lieu of the permitted 8 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/14/93
By Mr. Brent

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 18, 1995

Michael Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: Development Plan Order and Petitions for Special Exception and Variance
Case No. VII-308 and 96-164-XA
Project: Mount Carmel Center
Allan G. Innacone and Dennis Eaton, Developer/Applicants

Dear Mr. Marino:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order, and Petitions For Special Exception and Variance have been approved.

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

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Allan Iannacone, 16940 York Road, Hereford, Md. 21120
cc: Mr. Dennis Eaton, 16948 York Road, Monkton, Md. 21111
cc: Mr. Albert W. Rubeling, Jr., 401 Jefferson Avenue, Towson, Md.21286
cc: Mrs. Peggy Pearce, Hereford Comm. Assoc. 922 Mt. Carmel Rd. 21120
cc: Mr. Gary Duvall, 1300 Monkton Road, Monkton, Md. 21111
cc: Mr. Kurt A. Kugelberg, Project Manager
cc: Various County Agencies

Printed with Soybean Ink
on Recycled Paper

#170

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 111 Mt. Carmel Road, Hereford, Maryland

96-164-XA

which is presently zoned RC-5-CR

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for :

(1) to permit the commercial, office and retail uses within the proposed building located on the property.

(2) to exceed the bulk regulations for the 8,800 sq. ft. gross floor area of the building and allow amaximum of 11,000 sq. ft. and to exceed the .20 F.A.R. and allow an F.A.R. of .21.

Relief is requested pursuant to Sections 259.3.B.2 (Special Regulations for C.R. Districts) and Section 259.3.B.3.

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

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

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

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s)

Allan G. Iannacone
(Type or Print Name)

Allan G. Iannacone
Signature

Dennis Eaton
(Type or Print Name)

Dennis Eaton
Signature

P.O. Box 88
Address Phone No

Monkton, MD 21111
City State Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire
(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633
Address Phone No

Towson, MD 21204
City State Zipcode

Name, Address and phone number of representative to be contacted

Michael E. Marino, Esquire
Name

609 Bosley Avenue (410) 821-6633
Towson, MD 21204
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING *
unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER _____

REVIEWED BY: MJK DATE 10/19/95

* Schedule w/ HOH

Zoning Administration & Development Management

#170

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 111 Mt. Carmel Road, Hereford, Maryland

96-164-XA

which is presently zoned RC-5-CR

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 259.3.C.a & b to permit a maximum of 11,000 sq. ft. of gross floor area in lieu of the permitted 8,800 sq. ft. and an F.A.R. of .21 in lieu of the .20 permitted and adopted in the "Hereford Plan".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The property and/or improvements thereon are unique and without the requested variances, the subject property is not capable of being developed as contemplated, thereby creating practical difficulty or hardship with regard to developability. The granting of this variance will not result in injury to pubic health, safety or welfare.

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

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

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

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Address Phone No

Towson, MD 21202

City State Zipcode

Legal Owner(s)

Allan G. Iannacone

(Type or Print Name)

Signature

Dennis Eaton

(Type or Print Name)

Signature

P.O. Box 88

Address Phone No

Monkton, MD 21111

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Michael E. Marino, Esquire

Name

609 Bosley Avenue (410) 821-6633

Address Towson, MD 21204 Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING *

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER _____

REVIEWED BY MJK DATE 10/19/95

* schedule w/ HOH

Zoning Administration & Development Management

[redacted] JD

Item # 170

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 111 Mt. Carmel Road, Hereford, Maryland

which is presently zoned RC-5-CR

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) in order to install [redacted] attached building ~~permanent~~s band signs [redacted] on the east and west side of the building for tenant identification and a building sign on the north side of the building for identification. To permit total attached signage to be 250 sq.ft in lieu of the permitted 8' (Sec. 259.3.C.7)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The property and/or improvements thereon are unique and without the requested variances, the subject property is not capable of being developed as contemplated, thereby creating practical difficulty or hardship with regard to developability. The granting of this variance will not result in injury to public health, safety and welfare.

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

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

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

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s)

Allan G. Iannacone

(Type or Print Name)

Signature

Dennis Eaton

(Type or Print Name)

Signature

Attorney for Petitioner:

Michael E. Marino

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Address Phone No

Towson, Maryland 21204

City State Zipcode

P.O. Box 88

Address Phone No

Monkton, Maryland 21111

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Michael E. Marino

Name

609 Bosley Avenue

Towson, Maryland 21204 (410) 821-6633

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

96-164-XA

#170

96-164-XA

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

GEORGE WILLIAM STEPHENS JR
(1888-1983)

W. HARRY ISSOP JR. PLS
VICE EXECUTIVE OFFICER

CHARLES E. FIGS, PE
PRESIDENT

LEONARD A. PARRISH, PE
VICE PRESIDENT

TOWSON

SENIOR ASSOCIATES

ROBERT B. BARKELL
FREDERICK N. CHADSEY IV, PE
PASQUALE R. CIARLO
ROBERT P. HENRY, PLS
J. STRONG SMITH, PE

ASSOCIATES

NICHOLAS J. BRADER III, PE
WALTER F. EISNER, PLS
ROBERT L. HURWITZ, PE
DAVID L. MARTIN, LA
ROBERT W. MATIS, PLS
BERNT C. PETERSEN, LA
IWONA ROSTEK-ZARSKA, PE
RICHARD L. UMBARGER, PE

BEL AIR

SENIOR ASSOCIATES

WAYNE E. MAISENHOLDER, PLS
PAUL W. TAYLOR, PE

ASSOCIATES

GERALD P. MARAGOS, PE & PLS
JAMES A. MARKLE, PE

October 9, 1995

Description of Parcel 239, Tax Map 22 Grid 14 Baltimore County, Maryland
to accompany Special Exception and Variance requests.

Beginning for the same at the intersection of the roadway centerlines of York Road and Mount Carmel Road, thence following the centerline of Mount Carmel Road westerly for approximately 2000 feet to the point of beginning designated on the zoning plat and being the northeast corner of Parcel 239, thence the following courses:

1. South 00 degrees, 31 minutes, 51 seconds East for a distance of 219.08 feet to a point, thence
2. North 86 degrees, 45 minutes, 53 seconds West for a distance of 250.72 feet to a point, thence
3. North 04 degrees, 39 minutes, 25 seconds East for a distance of 215.30 feet to a point, thence
4. South 87 degrees, 36 minutes, 03 seconds East for a distance of 231.01 feet back to the point of beginning.

Containing 1.20 acres of land more or less.

NOTE: The above description is for Zoning purposes only and is not to be used for conveyances or agreements.

STATE OF MARYLAND
DAVID LLOYD MARTIN
No. 17
REGISTERED
LANDSCAPE ARCHITECT

TOWSON: 658 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288
BEL AIR: 203 EAST BROADWAY • BEL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 838-3800 • FAX (410) 893-0425

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

No.

DATE 1/95 ACCOUNT 01-615

By [illegible]
Inv. 170

96-164-XA

AMOUNT $ 620.00

RECEIVED
FROM: Cory + Maria — 111 Mt Carmel Rd

FOR: Comm Var — $250.00
50 — Sp Ex — $300.00
50 — 2 Signs — $70.00
620.00

[illegible] 620.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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

DATE 11-16-95 ACCOUNT R-01-6150

AMOUNT $ 285.00

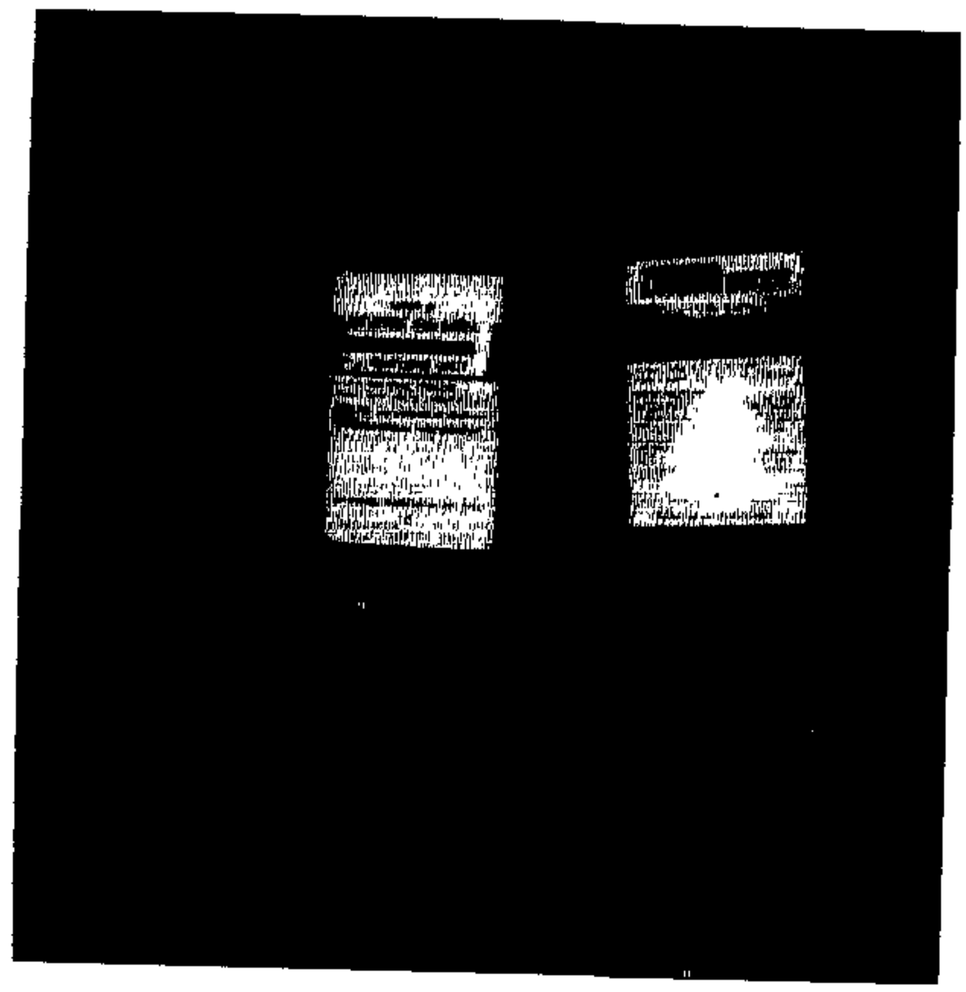
RECEIVED
FROM: Chas. A. Ianniello — 111 Mt. Carmel Rd.
M. Marino

FOR: #020 — Additional Variance fee — $250.00
#040 — Sign & Posting — 35.00
#110 Revisions — 100.00

Total — $ 385.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



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: [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
7th Election District
3rd Councilmanic
Legal Owner(s):
Allan G. Iannacone and Dennis Eaton
Hearing: Wednesday, December 6, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception to permit the commercial, office, and retail uses within the proposed building located on the property, and to exceed the bulk regulations for the 8,800 sq. ft. gross floor area [illegible] area, or ten of the permitted 8,800 sq. ft. and a FAR of .21 permitted and adopted in the "Hereford Plan."

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.

11/193 Nov. 16. C1[illegible]

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 21, 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 Nov. 16, 1995.

THE JEFFERSONIAN,

G. Henicksen

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

96-164-XA

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 7th

Date of Posting: 11/3/95

Posted for: Special Exception

Petitioner: Allen Fennimore + Denis Eaton

Location of property: 111 Mt. Carmel Rd., S/S

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by: [signature] (Signature)

Date of return: 11/10/95

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

III-308

District 7th

Date of Posting 11/3/95

Posted for: Development Plan Hearing

Petitioner: Allen G. Innacone & Dennis Eaton

Location of property: 111 Mt. Carmel Rd., S/S

Location of Signs: Facing roadway on property of D. P. Hearing

Remarks:

Posted by [signature] Date of return: 11/10/95

Signature

Number of Signs: 1

Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 170 Petitioner: Allan G Iannacone / Dennis Eaton

Location: 111 Mt. Carmel Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino

ADDRESS: 609 Bosley Avenue

Towson, MD

PHONE NUMBER: (410) 824-6633

Printed with Soybean Ink
on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please foward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

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: 96-164-XA (ITEM 170)
111 Mt. Carmel Road - Mt. Carmel Center
S/S Mt. Carmel Road, 1000' W of c/l York Road
7th Election District - 3rd Councilmanic
Legal Owner: Allan G. Iannacone and Dennis Eaton

Special Exception to permit the commercial, office, and retail uses within the proposed building located on the property; and to exceed the bulk regulations for the 8,800 sq. ft. gross floor area of the building and allow a maximum of 11,000 sq. ft. and to exceed the .20 FAR and allow a FAR of .21.
Variance to permit a maximum of 11,000 sq. ft. of gross floor area in lieu of the permitted 8.800 sq. ft. and a FAR of .21 in lieu of the .20 permitted and adopted in the "Hereford Plan".

HEARING: WEDNESDAY, DECEMBER 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County
Department of Permits and
Development Management

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

November 7, 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:

DEVELOPMENT PLAN HEARING
Project Number: VII-308
Project Name: Mount Carmel Center
Location: 111 Mount Carmel Road, S/S Mt. Carmel Road, W of York Road
Acres: 1.2
Developer: Allan G. Iannacone and Dennis Eaton
Proposal: Commerical - 11,000 sq. ft.

and

CASE NUMBER: 96-164-XA (ITEM 170)
111 Mt. Carmel Road - Mt. Carmel Center
S/S Mt. Carmel Road, 1000' W of c/l York Road
7th Election District - 3rd Councilmanic
Legal Owner: Allan G. Iannacone and Dennis Eaton

Special Exception to permit the commercial, office, and retail uses within the proposed building located on the property; and to exceed the bulk regulations for the 8,800 sq. ft. gross floor area of the building and allow a maximum of 11,000 sq. ft. and to exceed the .20 FAR and allow a FAR of .21.
Variance to permit a maximum of 11,000 sq. ft. of gross floor area in lieu of the permitted 8.800 sq. ft. and a FAR of .21 in lieu of the .20 permitted and adopted in the "Hereford Plan".

HEARING: WEDNESDAY, DECEMBER 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Arnold Jablon
Director

cc: Allan G. Iannacone and Dennis Easton
Michael E. Marino, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink

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

February 27, 1996

NOTICE OF DELIBERATION

Having opened this matter on February 14, 1996, and having heard oral argument on February 20, 1996; and having received Memorandums from Counsel, deliberation has been scheduled by the Board as follows:

MOUNT CARMEL CENTER /PDM VII-308
CASE NO. CBA-96-103 /96-164-XA

DATE AND TIME : Thursday, March 14, 1996 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

---

cc: People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
Michael Marino, Esquire
Allan G. Iannacone
Dennis Eaton
James Kline /G.W.Stephens, Jr. & Assoc.

Albert W. Rubeling, Jr.
Peggy Pearce /Hereford Community Assn.
Gary Duvall

Pat Keller, Director /Planning & Comm Consv
Lawrence E. Schmidt
Docket Clerk /PDM
Arnold Jablon, Director/PDM
Kurt A. Kugelberg /Project Manager
Douglas Silber, Assistant County Attorney
Virginia W. Barnhart, County Attorney

Copied: L.B.M.

Kathleen C. Bianco
Administrative Assistant

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room -
Room 48, Old Courthouse

February 1, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c) (RULES OF PRACTICE & PROCEDURE /BOARD OF APPEALS, APPENDIX C, BALTO COUNTY CODE)

CASE NO. CBA-96-103	MOUNT CARMEL CENTER /PDM VII-308 Allan G. Iannacone and Dennis Eaton- Developer/Applicants
AND	S/s of Mount Carmel Road, W of York Road 7th Election District 3rd Councilmanic District
96-164-XA	SE -Commercial, office and retail uses; bldg to exceed 8800 sq ft and floor area; VAR - maximum area of 11,000 sq ft in lieu of permitted 8800 sq. ft. and floor area ratio of .21 in lieu of permitted .20; signage regulations. 12/19/95 -Hearing Officer's Order (ZC) in which the subject Development Plan was **APPROVED**; SE /uses and area **GRANTED**; VAR /maximum area and floor area **DISMISSED AS MOOT**; VAR /Signs **GRANTED**.

To be opened on the record on Day #1, February 14, 1996, and continued to Day #2, February 20, 1996, for hearing; and has been

ASSIGNED FOR: **WEDNESDAY, FEBRUARY 14, 1996 at 3:00 p.m. /#1 to open**
TUESDAY, FEBRUARY 20, 1996 at 10:00 a.m. /#2 /Hearing

cc: People's Counsel for Balto County		Appellant
Michael Marino, Esquire	Counsel for	Developer/Applicants
Allan G. Iannacone		" "
Dennis Eaton		" "
James Kline /G.W.Stephens, Jr. & Assoc.		
Albert W. Rubeling, Jr.		
Peggy Pearce /Hereford Community Assn.		
Gary Duvall		
Pat Keller, Director /Planning & Comm Consv		
Lawrence E. Schmidt		
Docket Clerk /PDM		
Arnold Jablon, Director/PDM		
Kurt A. Kugelberg /Project Manager		
Douglas Silber, Assistant County Attorney		
Virginia W. Barnhart, County Attorney		

Kathleen C. Bianco
Administrative Assistant

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

November 30, 1995

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, MD 21204

RE: Item No.: 170
Case No.: 96-164-XA
Petitioner: A. G. Iannacone
Dennis Eaton

Dear Mr. Marino:

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 October 18, 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)

Printed with Soybean Ink
on Recycled Paper

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

October 31, 1995

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

RE: Baltimore County
MD 137 (south side)
MT Carmel Center
111 Mt. Carmel Road
Special Exception and
Variance request
Item #170 (MJK)
Mile Post 8.48

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

In our previous review of the concept plan for the subject site, and in our letter to Mr. Donald Rascoe, Development Manager for Baltimore County, dated May 5th, we indicated that certain entrance improvements and right-of-way dedication along the property frontage on MD 137 would be required by the State Highway Administration (SHA) as a condition of plan approval.

Our review of the current plan reveals that our aforementioned entrance improvement and right-of-way comments have been addressed. Therefore, we have n objection to approval of the special exception and variance request as submitted.

Upon this development gaining final approval through Baltimore County's review process, entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

a. Nine (9) copies of the site plan showing the SHA requirements.
b. Completed application.
c. Performance bond, letter of credit, or certified check (**include Federal ID number or social security number on certified checks only)** in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (**Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).**

My telephone number is 410-545-5600 (Fax# 333-1041)

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

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

d. An engineering fee check in the amount of $50.00 for each point of access, made payable to the State of Maryland.

e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at 410-545-5581. Thank you for your cooperation.

Very truly yours,

David N Ramsey

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc Mr. Valek Zarski

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

November 21, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #170 - Mt. Carmel Center
111 Mt. Carmel Road
Zoning Advisory Committee Meeting of October 30, 1995

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

Ground Water Management

Development Plan Comments dated November 16, 1995 apply.

JLP:TE:sp

MTCARM2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 7, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for November 6, 1995
Item 170

The Development Plans Review Division has reviewed the subject zoning item. A schematic landscape plan must be approved as a condition of Development Plan approval.

RWB:sw

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 10/30/95

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

RE: Property Owner: ALLAN G. IANNACONE & DENNIS EATON

LOCATION: S/S MT. CARMEL RD., 2000' W OF CENTERLINE YORK RD.
(111 MT. CARMEL RD. -- MT. CARMEL CENTER.)

Item No.: 170 Zoning Agenda: SPECIAL EXCEPTION

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.

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

cc: File

Printed on Recycled Paper

RECEIVED
OCT 31 1995
PDM

Baltimore County
Department of Permits and
Development Management

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

February 2, 1996

Michael Marino, Esq.
609 Bosley Avenue
Towson, MD 21204

RE: Appeal of Development Plan, Special Exception and Variance
S/S of Mt. Carmel Rd., W of York Rd.
Mount Carmel Center
District: 7 c 3
Allan Iannacone & Dennis Eaton - Applicant
File No.: VII-308 and 96-164 XA

Dear Mr. Marino:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1996 by Peter Max Zimmerman, Esq., People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to contact the Board at (410) 887-3180.

Sincerely,

Arnold Jablon
Director

AJ:ckr

c: Mr. James Kline, G. W. Stephens, Jr. and Associates
Mr. Allan G. Iannacone
Mr. Dennis Eaton
Mr. Albert W. Rubeling, Jr.
Mrs. Peggy Pearce
Mr. Gary Duvall
People's Counsel

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE
111 Mt. Carmel Road (Mt. Carmel Center), S/S Mt. Carmel Rd. 1000' W of c/l York Rd	*	ZONING COMMISSIONER
7th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Allan G. Iannacone and Dennis Eaton Petitioners	*	CASE NO. 96-164-XA

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

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 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 11, 1996

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: DEVELOPMENT PLAN HEARING,
PETITION FOR SPECIAL EXCEPTION,
PETITION FOR VARIANCE
111 Mt. Carmel Road (Mt. Carmel Center)
S/S Mt. Carmel Rd, 1000' W of c/l York
Rd, 7th Election Dist., 3rd Councilmanic
ALLAN G. IANNACONE AND DENNIS EATON
Petitioners
Case Nos. VII-308 and 96-164-XA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated December 19, 1995 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Michael Marino, Esquire, Attorney for Petitioners ✓

Mr. Gary Duvall, 1300 Monkton Road, Monkton, MD 21111

Ms. Peggy Pearce, 922 Mt. Carmel Road, Parkton, MD 21120

APPEAL

Development Plan Approval, Special Exception and Variance
S/S of Mount Carmel Road, W of York Road
Mount Carmel Center
Allan G. Iannacone and Dennis Eaton - Developer/Applicants
7th Election District - 3rd Councilmanic District
File Nos. VIII-308 and 96-164-XA

CBA-96-103 &

Concept Plan
- Site Constraints and Site Proposal plans
- County agency comments
- Tax Clearance (2)

Community Input Meeting (CIM) dated June 22, 1995
- CIM Minutes
- CIM Attendance Record (4)
- Letter from Valek Zarski to Kurt Kugelberg dated June 6, 1995

Development Plan
- Development plan dated September 25, 1995
- County agency comments

Certificate of posting (1)

Hearing Officer's Hearing Sign-In sheets (3)

Developer's Exhibits
- 1 - Site plan with red line revisions
- 2 - Red line landscape plan
- 3A to L - *Photographs*
- 4 - Letter from Hereford Community Association

Protestants' Exhibits
- 1 - Letter from Monkton Preservation Association dated December 6, 1995

(3) UNMARKED ELEVATION DRAWINGS / BOARDS (LARGE)

Miscellaneous correspondence and documents (6)

Zoning Commissioner's Order dated December 19, 1995 (FDP APPROVED; SE/VAR GRANTED)

Development Plan to accompany Hearing Officer's Order dated January 16, 1996

Petition for Special Exception

Petition for Variance

Addendum to Petition for Variance

Description to accompany petitions for Special Exception and Variances

Zoning Plans Advisory Committee comments

E

✓ Vicinity map - 1" = 200' scale

✓ Notice of hearing

✓ Plan to accompany special exception request

✓ Notice of Appeal received January 11, 1996 from Peter Max Zimmerman, Esq., on behalf of the People's Counsel for Baltimore County

Petition on Appeal dated ( ) from ( ) Esq. (Petition on Appeal not received as of January 30, 1996)

NOTIFICATION LIST

Michael Marino, Esq., 609 Bosley Avenue, Baltimore, MD 21204
Mr. James Kline, G. W. Stephens, Jr. and Associates, Inc., 658 Kenilworth Drive, Suite 100, Towson, MD 21204
Mr. Allan G. Iannacone, 16940 York Road, Monkton, MD 21111
Mr. Dennis Eaton, 16948 York Road, Monkton, MD 21111
Mr. Albert W. Rubeling, Jr., 401 Jefferson Avenue, Towson, Maryland 21286
Mrs. Peggy Pearce, Hereford Community Assn., 922 Mt. Carmel Road, Parkton, MD 21120
Mr. Gary Duvall, 1300 Monkton Road, Monkton, MD 21111

Arnold F. Keller, III, Director, Office of Planning and Community Conservation
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director, Department of Permits and Development Management
Kurt A. Kugelberg, Project Manager

*People's Counsel for Balto. Co.

J. Carroll Holzer, Esquire
HOLZER & LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

ENTERED APPEARANCE 3/4/96
(ON RECORD 2/20/96)

PETITION PROBLEMS

96-164

#170 (Revisions) — JJS

1. No telephone number for legal owner.
2. Review information on bottom of petiton form not completed.

#206 — JJS

1. Need authorization for person to sign for legal owner.
2. No address or telephone number for legal owner.

#207 — JJS

1. Plat says legal owner is Penske Truck Leasing Company; petition says Robert E. Frankel -- Which is correct??

#208 — MJK

1. No signature for legal owners (Robert & Salvatore Yoviene).

#210 — JCM

1. No item number on papers in folders.
2. Review information on bottom of petition form not completed.

#214 — JJS

1. No zip code for legal owner.

2/01/96 -Notice of Assignment sent to following for hearing Day #1 scheduled for Wednesday, February 14, 1996 at 3:00 p.m. /to open on the record; continued to Day #2 /Tuesday, February 20, 1996 at 10:00 for hearing:

People's Counsel for Balto County
Michael Marino, Esquire
Allan G. Iannacone
Dennis Eaton
James Kline /G.W.Stephens, Jr. & Assoc.
Albert W. Rubeling, Jr.
Peggy Pearce /Hereford Community Assn.
Gary Duvall
Pat Keller, Director /Planning & Comm Consv
Lawrence E. Schmidt
Docket Clerk /PDM
Arnold Jablon, Director/PDM
Kurt A. Kugelberg /Project Manager
Douglas Silber, Assistant County Attorney
Virginia W. Barnhart, County Attorney

2/01/96 -Petition on Appeal filed by Peter Max Zimmerman, Esquire.

2/01/96 -Letter from L. Stahl to Messrs. Marino and Zimmerman; requesting that Counsel file memorandum with Board at conclusion of evidence on 2/20/96; should Counsel wish, Board will accept this memorandum in lieu of closing.

2/06/96 -Motion to Dismiss filed by Allen G. Iannacone and Dennis Eaton by their attorneys Michael E. Marino and Levy & Marino, P.A.; Motion to Strike Petition on Appeal of People's Counsel filed by same.

2/14/96 -People's Counsel's Memorandum; Answer to Motion to Strike Petition on Appeal; and Answer to Motion to Dismiss Appeal filed by People's Counsel for Baltimore County.

2/14/96 -William Levy appeared for Michael Marino; Peter Zimmerman appeared for Office of People's Counsel. Matter opened on the record and continued to 2/20/96 for hearing of this case.

In compliance with development regulations and time frames established, tentatively holding 3/14/96 at 9:00 a.m. for deliberation of this matter (includes special exception zoning matter); Board's order will then be due 15 days from that date of 3/14/96, or due to be issued on or before March 29, 1996. Sitting Board = L.M.B.

2/20/96 -Argument concluded; memorandums due from parties 2/26/96; to be deliberated on 3/14/96 at 9:00 a.m.; notice to be sent.

2/26/96 -Appellees' Final Argument Memorandum filed by Michael Marino, Esquire; People's Counsel's Post-Hearing Memorandum filed by Peter Zimmerman. (see CBA-96-103 for cys of memos)

2/27/96 -Notice of Deliberation sent to parties; scheduled for Thursday, March 14, 1996 at 9:00 a.m.; copies of memos to L.B.M.

3/13/96 -Matter deliberated; Special Exception GRANTED; Variances MOOT; Hearing Officer AFFIRMED as to approval of Plan. Order to be issued; appellate period to run from date of that written Order. Due out in 15 days (March 29, 1996).

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Mount Carmel Center /PDM VII-308
Case No. CBA-96-103; Allan G. Iannacone and Dennis Eaton -Developer/Applicants /96-164-XA

DATE : March 14, 1996 @ 9:20 a.m.

BOARD /PANEL : Lawrence M. Stahl (LMS)
S. Diane Levero (SDL)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Those present included Michael Marino, Esquire, on behalf of Developer; J. Carroll Holzer, Esquire; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter presented to the Board; hearing opened on the record February 14, 1996; evidence and testimony presented on February 20, 1996.

LMS: We are calling this matter under session for deliberation in Case No. CBA-96-103 and Case No. 96-164-XA regarding the Mount Carmel Center. Today's the 14th of March 1996. We notice that we have an audience today. Let me go over for some of you who have not been here before. This is an open deliberation; audience is here to watch what happens. There were no discussions previous to this for each of us to hear what the other panel members have to say. Before we begin, it's always my habit to make a comment about the open deliberation process. I'm a member of the Bar; spent 25 years practicing in Maryland. I have a great deal of difficulty with the open deliberation system; sometimes limits the flow of discussion; sometimes it's inimical to the process we are trying to accomplish. The system is working mostly because the cast of characters on this Board is going out of the way to make sure it works. It's a standard, although mandated by the Circuit Court, would not be something the Circuit Court, the Court of Special Appeals or the Court of Appeals would put in rules for themselves. We are not judges; at same time, would imagine they would not want to function under these procedures. However, we will do so.

Having said that, I will ask the panel member to my right to give her presentation first. There will be no questions, comments by counsel and so forth.

SDL: First of all, I found this to be a difficult case. Certainly I came to some conclusions, but I am open to hear what the other Board members say. This is not my final decision on the

case. This request is before the Board pursuant to an appeal filed by People's Counsel; an appeal from the Zoning Commissioner /Hearing Officer decision approving a development plan for Mount Carmel Center; and granting the special exception and variances. The Hearing Officer granted the Petition for Special Exception to permit a commercial office and retail uses within the proposed building; 11,000 sq. ft. of gross floor space; and to permit floor area ration of .21. He dismissed as moot the variance seeking similar relief. He granted Petition for Variance from signage regulations.

Mount Carmel Center is a proposed commercial professional center. It's located within the Hereford town center district; 1.2-acre parcel located on Mount Carmel Road, east of I-83 interchange. It's zoned R.C. 5 with a C.R. district overlay. Proposed 11,000 sq. ft. building: 750 sq. ft. medical; 8,250 sq. ft. retail; and 2,000 sq. ft. general office. Mr. Eaton, Developer /Petitioner, proposed relocating his pharmacy from Hereford to the subject site (3,000 sq. ft.). The other Developer, Allan G. Iannacone, an attorney, may move his law office. No other tenants identified.

Regarding the Development Plan, in order to reverse the action of the Hearing Officer, approval must be arbitrary, capricious or illegal. Since approval of the Development Plan hinges on the Petition for Special Exception, the special exception must be considered first. Considering first the special exception to permit professional offices, medical offices, and retail use, I must comment that relevant facts of law regarding permitted uses in R.C. 5 with C.R. district were confusing and poorly written; leaving it open to conflicting interpretation. The main problem is Section 259.3B.2, which contains language that any use permitted by right or special exception in C.R. district, but which is not permitted in underlying zone. This language would lead one to believe there are uses permitted by right or special exception that are not permitted in underlying zone, but enumerated nowhere. People's Counsel concludes that, because it's not enumerated, there are none. Only those by right or special exception in R.C. are permitted. Only relevant commercial uses in R.C. 5 are by special exception; antique shops, restaurant /tea rooms converted from homes, etc.

These commercial uses do not meet the intent of the County Council in creating a C.R. district per 259.2A.1:

> "The C.R. district is established to provide opportunities for convenience shopping and personal services that are customarily and

frequently needed by the rural residential and agricultural population and tourists."

To accept People's Counsel's interpretation would clearly frustrate the intent of the County Council in creating a C.R. district and render the C.R. district meaningless over R.C. 5 zone. The Offices of Planning and Permits & Development Management are charged with the administration of the C.R. district. Federal court ruling on Maryland law has held that interpretation of agency that administers has deference. Interested in the testimony of Jeffrey Long and John Lewis. Per PDM, all uses allowed in B.M., B.R. and B.L. zoned - allowed by special exception as provided in 259.3B.2. Proposed uses would be permitted uses with special exception. Section 23-135 of the Baltimore County Code allows the Director of PDM to set policy. Mr. Lewis acknowledged that permitted of right uses have not been addressed in Agency's policy manual. A draft statement would appear to permit uses on the subject site by special exception because B.M. and B.L. -C.R. sites are contiguous. Per Jeff Long, proposed uses meet the spirit and intent of the zoning regulations. His office found the development plan in conformance with the guidelines and performance standards of the Hereford Community Plan. There was adequate testimony that the proposed development meets the general requirements for a special exception per section 502.1.

In trying to reconcile failure of 259 to enumerate permitted uses in C.R. district, I considered carefully both Mr. Long's and Mr. Lewis's testimony and 2A.1, namely that C.R. district is to provide opportunities for shopping and professional services. The phrase "convenience shopping" - light shopping to pick up items needed in between frequent, weekly grocery shopping. Hence the term "convenience store", typified by 7-11, High's, etc. This type cannot be accomplished at antique shops or tea rooms. Professional services include doctors and dental visits, attorney, beauty shop, etc. Based on that meaning, the proposed uses would be permitted uses.

Having said this, I must add that I agree with People's Counsel in speaking to PDM's draft policy statement - allowing transfer to contiguous R.C. property. This transfer of uses from one zone to another by special exception seems to have no legal justification, and would allow more intense commercial uses on R.C. zones.

Turning to the Petition for Special Exception for 11,000 sq. ft., People's Counsel argues that 259.3B.3 simply adds additional requirements; that the proposed development must be

in compliance with site guidelines; part of Master Plan for district - need variance. However, Jeff Long testified that Planning intended, when the regulations were drafted, that exemption from bulk regulations would be gotten by special exception rather than by variance. Mr. Long said this was a purposeful action by Planning which felt that a special exception process in combination with requiring compliance with the Master Plan would give more power to Planning to allow for community input.

Regarding the 11,000 sq. ft. building, I was impressed by the fact that due to the slope of the site, the first floor is not visible from Mount Carmel Road; the building appears to be one story. Testimony received that footprint of 5,500 sq. ft. is less than the 6,600 limit set forth in bulk regulations; .21 floor area ratio was previously over. In view of these and other factors, I would grant the special exception to permit 11,000 sq. ft. and a .21 floor area ratio. Having granted this relief through the special exception, variance relief would be dismissed as moot.

Finally, the issue of the sign variance. Regarding this request, I could not find in my review that the subject site was unusual or unique when compared to other properties in such a way to have bearing on signage requirements. The Court of Special Appeals, in Cromwell v. Ward, has made it very clear that a variance cannot be granted unless this uniqueness is met. I would deny the sign variance. However, in this, as with other issues, I am open to opinions of other Board members.

Returning to the Development Plan, the Hearing Officer's approving the Plan was not arbitrary, capricious or illegal, but rather carefully thought out, and in close compliance with the zoning regulations. I would affirm his approval.

HEB: The Mount Carmel Center Development Plan gives me the impression of a well-planned, thoughtful project worked out carefully with Planning and Hereford Community Association, which overwhelmingly approved the project. The architect, Mr. Rubeling, developed the Plan for 11,000 sq. ft. building to be built into the side of the hill. One-third of 11,000 sq. ft. built like a one-story building from front view. With the documented site plan, there is no need for variance for setbacks and the parking requirement is already provided. The R.C. 5 zone of the site, it's argued, may have an overlay of a commercial rural district and, if adjacent to B.R., B.L. or B.M. zone, any allowed use okay in R.C. by special exception. In this matter, People's Counsel points out that the subject

property is not adjacent to these business zones, and therefore does not comply for the special exception, allowing a commercial center in R.C.-C.R. district.

The zoning office and Planning Office say that business zone uses may be transferred to R.C. 5 zone /district. People's Counsel responds that the two offices presented a policy statement to allow transfer of uses from any zone in the general area although not adjacent, reasoning that because Hereford includes business zones, any uses in these zones could be transferred to the subject site. This authority, People's Counsel insists, rests with the Council and their legislative power, and is not subject to administrative policy or opinions of staff of these two offices.

People's Counsel references several statutes to support its contention and interpretation of law that transfer of uses between zones is a basic legislative function, and under 26-122, violates the Code. John Lewis of Permits and Development Management who reviewed this plan for its permit testified that Section 259 will allow business in R.C. 5 with C.R. overlay provided there is a special exception. The requested use for a commercial center, he said, should be approved. He further responded that Section 26-135 of the Code gives the Director of PDM the authority for the transfer of business uses provided one obtains a special exception.

Jeff Long of the Office of Planning reviewed the subject plan and found that it complied with regulations, and that business uses in B.L., B.M. and R.O. contiguous zoned can be applied to R.C.-C.R. district. No list of uses for the C.R. district is in writing, but it is there by inference, if you read 259. A special exception with the C.R. district is similar to a documented site plan. Sites have different characteristics, if considered separately, even when in proximity to each other. Mr. Long said it was the intent of the Office of Planning to allow buildings to exceed the 8,800 sq. ft. size limit by way of special exception and not a variance. People's Counsel argues that 259 states that a building may exceed 8,800 sq. ft. by special exception only if it complies with the Master Plan standards. It does not supplant the variance requirement.

I guess I could say that my review of the testimony and the memorandums submitted by Mr. Marino and Mr. Zimmerman did make for strong arguments, and with understanding that in my private deliberation, without the benefit of the viewpoints until now from my colleagues, makes this extremely difficult. It has been said that the Director of PDM has authority to

transfer business uses in the B.L., B.M., R.O. zones to R.C. 5 -C.R. zone in accordance with the local Hereford Master Plan, which, by chance, is the only such plan for the County. That has been countered by People's Counsel who references laws reserving that authority strictly to the County Council. The matter of variance requirements is covered by the special exception in the documented site plan per Mr. Long. People's Counsel considers this a deviation from legal standards based on subjective judgement of the Planning Office.

The Hereford Association approved the development by a vote of 78 to 12. Dr. Burton testified to his intimate knowledge of Hereford plan in which he participated; his family heritage in the area; long-time resident in Hereford; in support of commercial center. Ms. McG was concerned about the size of the building and precedent for other areas in the County; had no disagreement on subject site; only size of the building.

Based on the testimony and the evidence, I have been able to apply, through personal deliberation, I feel that a special exception for a commercial center for office and retail uses at this location should be granted, but be no more than 8,800 sq. ft.

LMS: As everybody has mentioned, this is not a difficult case in my mind as a result of any intention. It's difficult case, I think, by the nature of the documentation in support; in the law that we have had to deal with.

People's Counsel and Diane point out inconsistencies in statutes; whether this meets this or that is open to interpretation. The good news in this case is that we did request closing memorandums which very properly addressed the issues from the views of both parties; very good jobs, but made life tougher. When, however, faced with that type of situation, my training says to me that, where I can probably support a position well laid-out by either, that I need to look at specific plan. The law is, in this situation, somewhat cloudy; somewhat murky; what is complied with; what is not complied with, etc. You have to fall back on facts. Zoning on the subject of variances and special exceptions within the context of the well-recognized rules and law we have to deal with, i.e. Cromwell v. Ward - within the context of the broad discussion, we sometimes have to make decisions or take a position at this level to make decisions that in a perfect world may have been made better, if laws were written differently and so forth. I think this is one of those situations. Strictly, Diane, I agree with you; the special exception question is first. Having resolved that, it will

lead to the next.

There are things that jump up at me in this case. Cannot say there's absolute clear statutory support for one side or the other. I believe that in this particular situation, however, we have something we don't normally have on the side of a developer looking to "develop" a piece of property. We do have some specific statutory language that where a request to exceed bulk occurs, major factor is Master Plan accepted and done for the area. Hereford is unique in the fact that it does have one. We have heard many cases where counsel on both sides - master plan not adopted for this area. In Hereford there appears to be a Master Plan which I think makes the job in some ways easier.

We then have the plan itself, the degree to which the special exception would alter the realities in the community. The efforts to stay as close to optimum by the developer, or, put another way, degree, how little of degree, to which that development would do detrimental things to the Master Plan /area; the community's response to the plan and Planning; effect on community at large. And, as I sometimes do, I make a list; good new versus bad news.

I think that there is sufficient statutory authority and that makes life a little easier - there is more than sufficient authority under statute for the decision to be made as to whether or not this can be done by special exception. I'm not troubled by that; specific acknowledgement by Council, as there is in fact a Master Plan (259.3B.3); opens door and sets criteria. The plan exists, I think the efforts of the developers very clearly are a tremendously good faith attempt to deal with unique physical setting. I was impressed by architectural witnesses presented by the developer in that there was a very real attempt on everyone's part to come as close as they could to that which would be optimum for the community; uses and so forth. I believe that these people are interested in staying in their community and being in their community. I think the unique architecture which even includes reducing footprint from what could be allowed is an indication that they are more than attempting to follow the Master Plan.

I think the attitude of the Hereford community is certainly important, as you pointed out; that's crystal clear in terms of the community association. The nature of the business asked to be approved; two of them are purported to be requests of people already doing business in the area. These are services that fall within the appropriate listing.

I believe that where we are unsure, each case must go on particular merits; special exception should be handled that way anyway, but especially where something additional is being asked. I believe that there is an ability to grant the special exception. I think the uses requested and evidence to have those uses would, are very absolutely on line with the master plan, the one and only master plan for area that is accepted; uses, I think, are such that a special exception in this particular situation, in this particular community, under this particular given pattern should be granted.

Where the footprint is less than that which would normally be allowed, will address issues raised - once I've gotten past this, you do the special exception; this particular use can be done under that statutory authority, and where I think one of the witnesses went into the fact that the additional space would probably be underground level, I'm not particularly bothered by it, provided it meets the qualifications; I think it does. In this particular case, it would be acceptable. The sign issue is one that troubled me. Harry, you did not address the sign issue.

I'm not sure about the sign as this stage; impressed by the fact that there are changes; counsel mentioned and testimony was that the signs that are allowed were essentially done away with because of reasons affecting the ability to block traffic, cause travel difficulties why certain signs were not appropriate. But I cannot agree that there will be difficulty with that variance. I would like to hear a little more honing in on that issue.

HEB: I think I recall Mr. Rubeling saying that the pylon sign which would have tendency to slow traffic as people are driving by; would be undesirable as opposed to a sign on the building itself. I do feel that the variance for the sign should be granted.

SDL: Something I read in all papers that the pylon sign -- not the word used -- but it was tacky looking. I saw pictures of sign underneath eaves of the building. Attractive; but we have Cromwell v. Ward. I think we just cannot get past that -- no uniqueness in this particular site; there's nothing. For commercial or shopping center /all have problem of sign slowing traffic; alternative is to put signs on building and make them regulation signs. I think the signage regulations are restrictive as far as size and does not help with identification.

LMS: It falls because it does not meet the first...

SDL: It does not meet the uniqueness standard.

LMS: Because of uniqueness in Cromwell v. Ward, ...

SDL: ...could be unsafe. Accepting the Developer's argument that the sign is unsafe, that may be true. But there was no substantive testimony. But that is permitted by law; nothing unique about this property.

HEB: Regarding uniqueness angle -- I've never been to Hereford. I presume from the comments that that particular business section of Mount Carmel Road may be such a traffic congestion that the signs away from the road would be better then with pylon at entrance to drive.

LMS: My thoughts are that where you do not have specific things, where you have to do reading of several statutes - cuts just the other way. Specific case laying out specific criteria; Cromwell is clear. It's there; it's been approved. If you cannot show uniqueness, you do not get to the second issue. It does not say "sometimes." That position has been upheld by this Board and the Court of Special Appeals in the past.

I'm impressed by Developer and understand, but safety is not uniqueness; how it looks is not uniqueness. For very technical reasons, I believe we have to keep Cromwell in force and effect. Any exceptions, alternations, changes to Cromwell that Court has not given us, then you have to deny the variance. There has been no showing of uniqueness. We are talking about a sign. I'm not bothered too much by the fact that I'm going to agree that the variance should be denied; no other choice.

Given the fact that I'm impressed with the architecture and planning team, I have no doubt that they will deal with the problem. It's not a problem, I think, will keep them and/or prevent them from going forward. Although I think Cromwell does have situations that can come up where public safety and common sense would dictate - doing something for public safety - though I think that's something - should be looked at again by Court of Special Appeals. On balance, Cromwell should be dealt with; will agree to deny variance.

I agree as to special exception; would then find that the Development Plan has not been the result of improper act; approval of development plan.

Regarding 8,800 sq. ft. versus 11,000 sq. ft. - any further thoughts?

HEB: We know there is a way that exception can be made to 8,800 sq. ft. - from discussion of how they came up with limit. There is specific concern about other parts of the County. Based on those considerations, and seemingly on each side there are people completely satisfied. I feel we should stay with limitation of 8,800 sq. ft.

LMS: I might agree with you except for two things: (1) the additional square footage, if the addition would change either the way the building appeared on land, affected land, etc. Section 502.1 - the entire list - would be detrimental to health, safety or general welfare, and so forth. There was testimony in fact that if it went from 8,800 to 11,000, no objection. The footprint remains the same and is smaller. The additional square footage does not change the nature of the building or its uses. It does not change effect on prescribed issues of zoning. I'm hard-pressed to say, and plus there are good architectural reasons why it could and should be done, community has no opposition to it...

HEB: I wonder if the community really got into the question of size of the offices; Mr. Rubeling said that he had design of office 20 feet long instead of 18 feet.

LMS: If we decided to say 8,800, that architect could deal with it.

HEB: Would meet the limit set.

LMS: That is the point. If any of those things discussed - additional square footage would essentially be different structured building, larger footprint, over another line, block access to something - if difference had an effect in this structure - I would agree.

I do not see that in this particular situation; that the change from one to the other really is going to have any technical detrimental effect on this project. I think 11,000 in this situation is okay.

HEB: I agree. I'm thinking about what Diane said about position of this building -- the one story appearance; the fact that this plan has been approved by Planning. I think these points are well made. And the extra footage is not going to be detrimental in this case.

LMS: That is not a general statement. Even 100 sq. ft. extra could be detrimental in another situation. Regarding sign variance --

HEB: Cromwell v. Ward holds out.

LMS: Having covered all the issues, I assume that you also approve the Development Plan as a result of approving the special exception?

Then, since this is a development plan case, we have certain time constraints in terms of doing the opinion.

We have no further business.

~~~~~~~~~~~~~~~~~~~~~~~~

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
Administrative Assistant
~~~~~~~~~~~~~~~~~~~~~~~~

MT. CARMEL CENTER
111 MT. CARMEL ROAD
P. O. BOX 36
MONKTON, MD 21111
410-329-6822

To: JLL
If BM is in the "CR" 3106 so kay easy
If not - More difficult
Does Relief granted - personal services" outweigh policy 230-13 pg. 2-36?
Carl
5/14 - TC - left message need SEEWR.

May 8, 1998

Mr. Arnold Jablon
Director of Permits and Development Management
Baltimore County, Maryland
Towson, MD 21204

Re: 111 Mt. Carmel Road
Mt. Carmel Center

Dear Mr. Jablon:

Dennis Eaton and myself have made application for a build-out permit for Interior Alterations of one of the available spaces at our property located at 111 Mt. Carmel Road, Parkton, Maryland. The Building Permit No. is B338105.

We are writing to you today for the approval of this permit and clarification of the Board of Appeals ruling as it applies to our property.

We are planning a tanning salon for one of the spaces available at our location which we believe complies fully with the spirit and intent of the Board of Appeals decision as well as the Baltimore County Zoning Regulations.

I am enclosing a copy of the Board of Appeals decision which effected our property.

Our building was approved for the multi-use of commercial, medical, office and other personal service usages. We feel the intended use applied for fully complies with the Baltimore County Zoning Regulations in all respects.

Very truly yours,

ALLAN G. IANNACONE

AGI:lmg
a.\mtcarmel\jablon.ltr

RECEIVED
MAY 1 3 1998
98-1916
PDM

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048798

DATE 5/15/98 ACCOUNT 001-6150

AMOUNT $ 40.00 (JLL)

RECEIVED FROM: Mt. Carmel Center LLC

FOR: VERIFICATION #98-1916

Mt. Carmel Center
111 Mt. Carmel Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
5/18/1998 5/15/1998 14:57:54
REG WS05 CASHIER KMCM KXM DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 046313 OFLN
CK NO. 048798
40.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

Baltimore County
Department of Permits and
Development Management

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

May 20, 1998

Mr. Allan G. Iannacone
Mt. Carmel Center
111 Mt. Carmel Road
P.O. Box 36
Monkton, MD 21111

RE: Mt. Carmel Center
111 Mt. Carmel Road
Building Permit #B-338105
Zoning Case #96-164-XA
BOA Case #CBA-96-103
8th Election District

Dear Mr. Iannacone:

This letter responds to your request for a zoning determination that a tanning salon is a use permitted in your existing building as approved under the above referenced zoning cases.

Staff has determined that since your R.C.-5/C.R. zoned site, as approved, is located within an overall C.R. district, which includes a B.M./C.R. zone, the tanning salon is a permitted use.

I have notified Mr. Joseph Merrey of this office concerning this use approval, as it relates to your building permit application.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II, Zoning Review

JLL:scj

c: Joseph Merrey
Zoning Case #96-164-XA

Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
MICHAEL MARINO	609 Bosley Ave Towson MD 21204
DAVID MARTIN	G.W. STEPHENS - 163 KENILWORTH Towson 212
ALLAN TANNACONE	16940 YORK RD, Hereford
DENNIS EATON	16948 YORK RD MONKTON MD 21111
ALBERT W. RUBELING, JR	401 JEFFERSON AVE TOWSON MD 21286

Printed with Soybean Ink
on Recycled Paper

Protestants

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Peg Pearce	922 Mt. Carmel Rd 21120
Janet Rittenhouse	Monkton Preservation
George McCeney	Greater Sparks Glencoe Community Counc
GARY Duvall	1300 Monkton Road 21111

Printed with Soybean Ink
on Recycled Paper

STATE OF MARYLAND (F & P)
4409/320
128.68 A
P 50

STATE OF MARYLAND
(DEPT OF F & P)
4174/91
84.7 A
P 51

EXPRESSWAY

YORK ROAD

45

P 433

P 198

P 54

P. 285

P 36

HARRISBURG

P. 291

P 211
P 295

P 278

P 304

P 277

P. 401

P 62

P 159
P 160

P 161

P. 162

P. 487

P. 488

P. 4

P 234

P. 444

P 56

P 57

P 296

4.36 A
P 21

P. 480

P 231

P 232

P. 485

P 252

P 80

P 344

P 8

GIFFORD RD.

P. 479

P 393

P 297

P 245

P 246

P 243

P 226

P 379

MT. CARMEL ROAD

P 167

P 335

P 217

P 172

P 170

P 173

305

P 233

333

P 164

P 169

P 331

HEREFORD

P 103

P 333

P 104

P 109

P 108

P 110

S. MONKTON

P 86

P 407

P 229

P 378

P 319

P 245

P 253

P 309

P 482

111 Mt. Carmel

P. 289

Sparks State Bank

P 29

P 31

P 223

P 339

P 412

P 413

P 228

P 315

P 451

P 298

P 165

P 202

P 311

P 390

P 27

P 312

P 178

P 332

P 471

P 179

P 180

P 181

P 182

P 163

ROAD

EVERETT

P 254

P 457

P 310

P 55

P 184

P 195

P 167

P 185

TIMBER RIDGE

TRACT

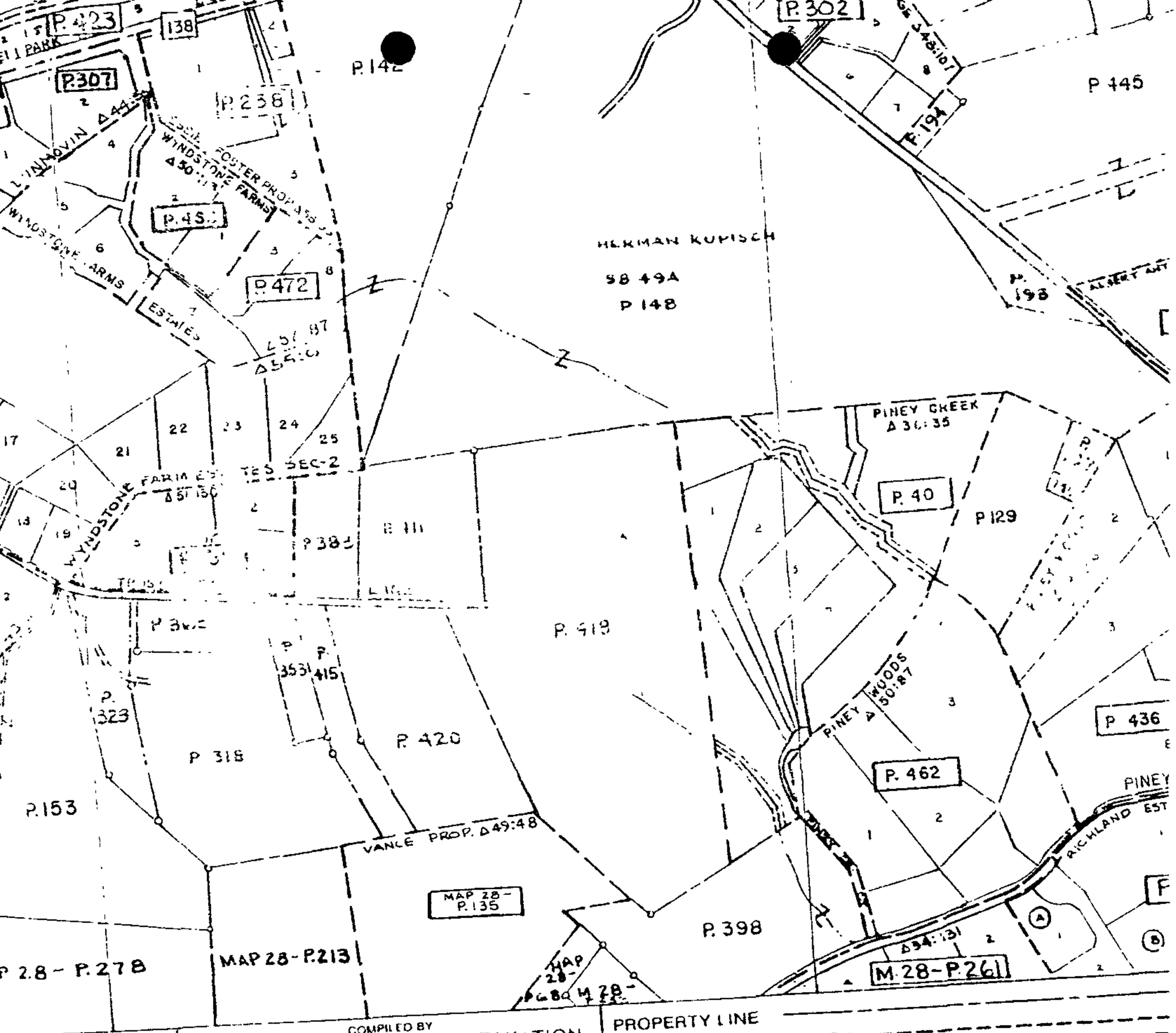
P 249

P 294

P 65

P 487

P 219



COMPILED BY
DEPT OF ASSESSMENTS & TAXATION
PROPERTY MAP DIVISION

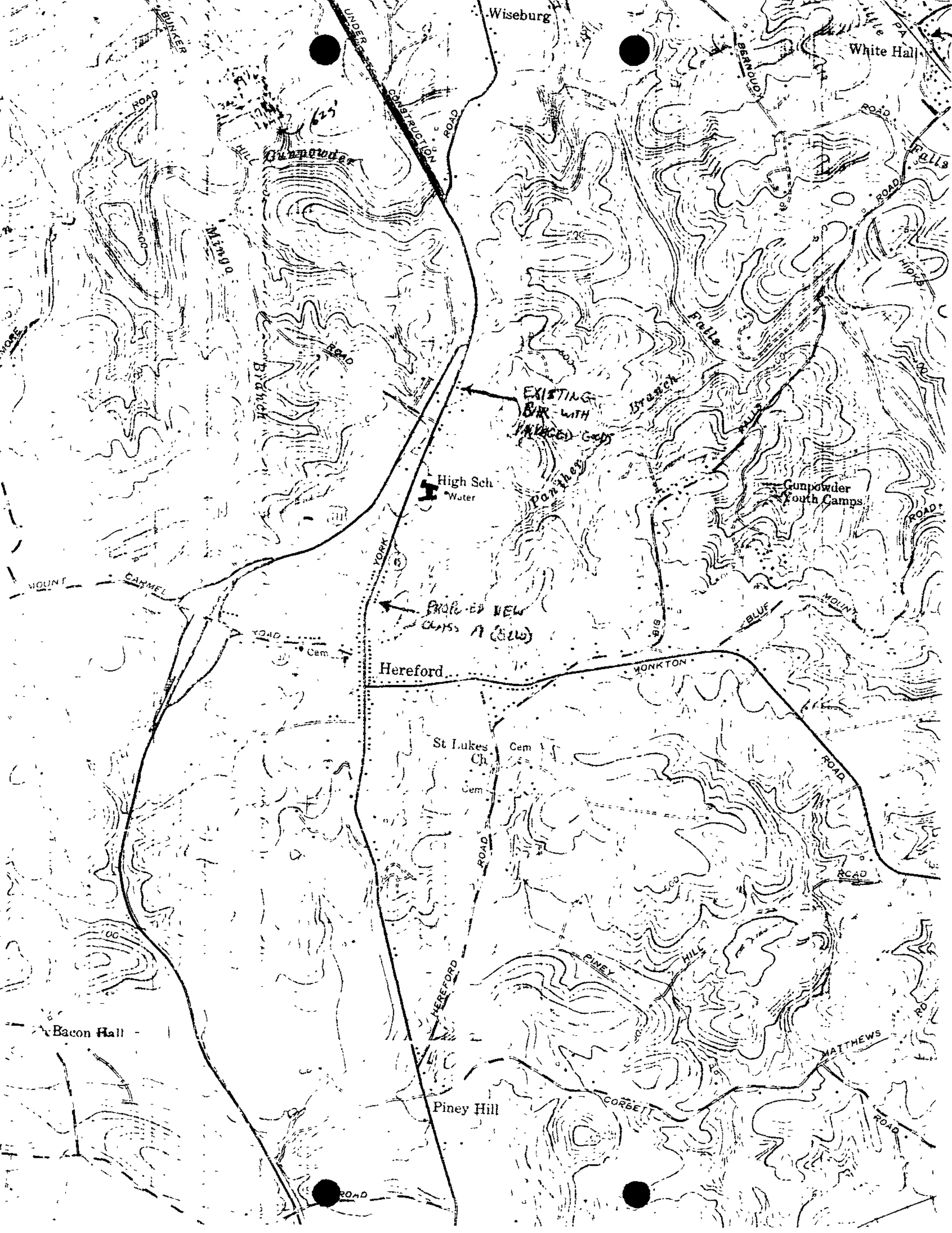
THE INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM DEED DESCRIPTIONS AND IS NOT AN ACTUAL SURVEY. IT SHOULD NOT BE USED FOR LEGAL DESCRIPTION. USERS NOTING ERRORS ARE URGED TO NOTIFY THE ABOVE AGENCY AT 301 W PRESTON STREET BALTIMORE, MD 21201

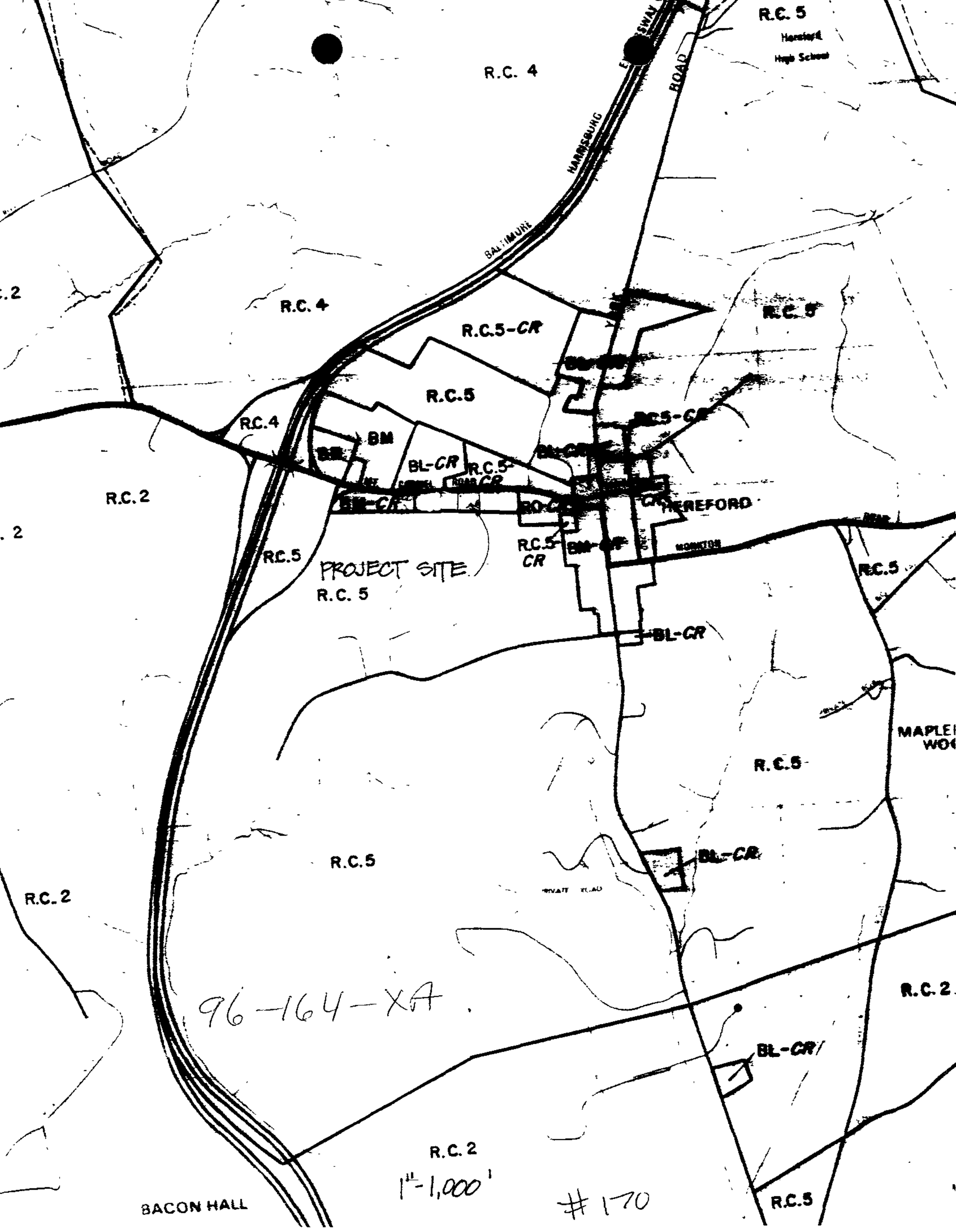
PROPERTY LINE
SUB DIVISION BOUNDARY
CONTINUING OWNERSHIP — Z I.E. —Z— —Z— —Z
PARCEL NUMBER — P 349 (ASSIGNED TO IDENTIFY AND INDEX OWNERSHIP MUST BE PRECEEDED BY MAP NUMBER)

SCALE: 1" = 600'

REVISED TO:	DATE	LIBER	BY	LAST P. NO.	PHOTO	QUADRANGLE
	MARCH 1993	9500	DB	P.500		

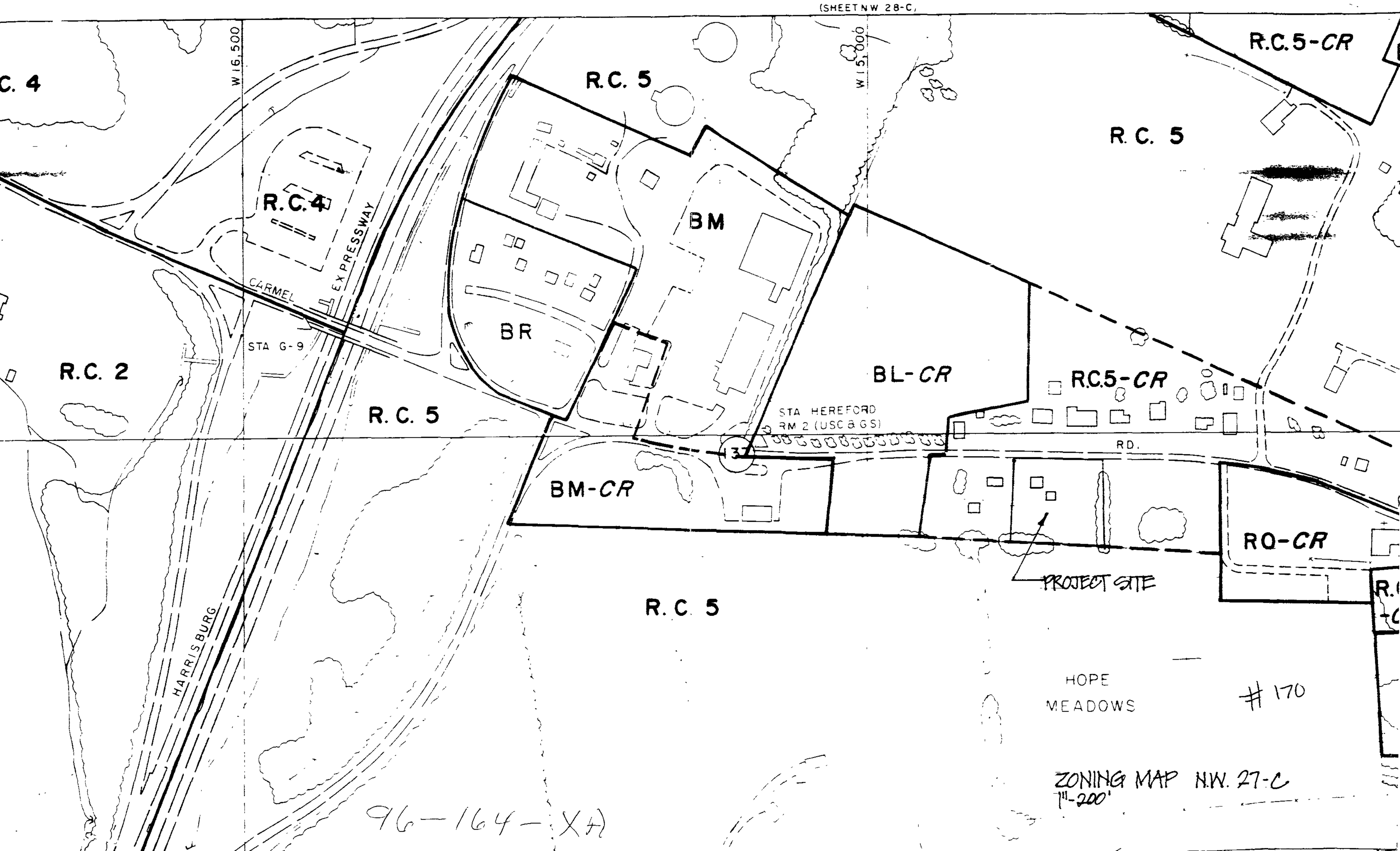
899


Wiseburg
White Hall
BUNKER
UNDER CONSTRUCTION
ROAD
BERNOUDY
Gunpowder
Mingo
Branch
Falls
Branch
EXISTING B/R WITH (MARGED) GODS
Panther
High Sch
Water
Gunpowder Youth Camps
YORK
MOUNT CARMEL
PROPOSED NEW CLASS A (BLW)
Cem
Hereford
MONKTON
BLUF
MOUNT
St Lukes Ch
Cem
HEREFORD
PINEY HILL
CORBETT
MATTHEWS
Bacon Hall
Piney Hill


R.C. 5
R.C. 4
ROAD
HARRISBURG
BALTIMORE
R.C. 4
R.C.5-CR
R.C.5
R.C.4
BM
BL-CR
R.C.5-CR
R.C. 2
HEREFORD
R.C.5
PROJECT SITE
R.C. 5
R.C.5-CR
BL-CR
R.C.5
MAPLE
WOO
R.C.5
R.C.5
BL-CR
R.C. 2
R.C. 2
BL-CR
R.C. 2
1" - 1,000'
BACON HALL
R.C.5

96-164-XA

#170


(SHEET NW 28-C)
W 16,500
W 15,000
R.C. 4
R.C. 5
R.C. 5-CR
R.C. 5
R.C. 4
EXPRESSWAY
CARMEL
STA G-9
BM
BR
R.C. 2
R.C. 5
BL-CR
R.C.5-CR
STA HEREFORD
RM 2 (USC & GS)
RD.
BM-CR
RO-CR
PROJECT SITE
R.C. 5
HARRISBURG
HOPE
MEADOWS
#170
ZONING MAP N.W. 27-C
1"-200'
96-164-XA

People's Counsel Ex. 1

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Due to travel plans on February 20, 1996 made before the hearing date was announced for Mount Carmel Center, I am unable to attend. I would like to express my opposition to the development plan for this property located at 111 Mt. Carmel Road and have this letter entered in the hearing record.

I am opposed to any approval of a building size exceeding 8800 square feet due to the following reasons:

1. It is in opposition to the recommended size of buildings in the Hereford Plan and the standard for C.R. districts for the county. This standard was established with much citizen input and adopted by the County Council for the purpose of limiting commercial growth in rural areas.

2. Increased building size means an increase in the number of parking spaces, traffic entering and exiting on Mt. Carmel Road, storm water run off, water usage, sewage entering the ground water system and lighting requirements. Rural commercial development impacts the surrounding area greatly due to limited investment in public works. Hereford is now experiencing severe storm water problems in the Gifford Lane area due to run off from Hereford Plaza and other commercial buildings. The funds are just not available to combat problems that can be created by major changes in land use.

3. The site is not "unique" in topography as to allow for the larger size because part of the building would be below road level. The sites on either side (P. 378 and P. 407 on the Department of Assessment and Taxation Map, portion of which is attached) have essentially the same contour lines (U.S. Geological Survey Map, portion attached and 111 Mt. Carmel existing house indicated in red). This would mean that they could claim the same "uniqueness" and could apply for and receive exemptions for buildings exceeding 8800 square feet Since P.378 is 1.39 acres, the owner would probably ask for a building size larger than the 11,000 ask in this case in which the lot size is 1.2 acres. Lot P. 407 is 1.2 acres also.

4. Sparks State Bank, located at P. 88 (2 lots west of 111 Mt. Carmel Road, see attached map) with similar topography, has adhered to the 8800 square foot size and has established the standards of size and style for this section of the Hereford area. Another recent development given approval is that of a medical center located at 16926 York Road owned by Dr. McIness. This development plan was held to the 8800 square foot size. If the Mt. Carmel Center is granted an exemption to the 8800 square feet, it would be the first new building to exceed the limit since it was adopted by the County Council.

5. The developers, Dennis Eaton and Allan Innacone have stated that they do not require even 8800 square feet to operate their respective businesses of a neighborhood pharmacy and a law office. The additional space is for speculative office and retail rental. There is no need for commercial rental space in Hereford as there are properties already available. Since these two developers are both now in the Hereford area they will vacate space that will become available.

I urge the Board of Appeals to consider the future impact of granting an exemption for building size, not only for the Hereford area , but for the rest of the county with similar zoning. Thank you for accepting this letter in my absence.

Yours truly.

Peggy A. Pearce

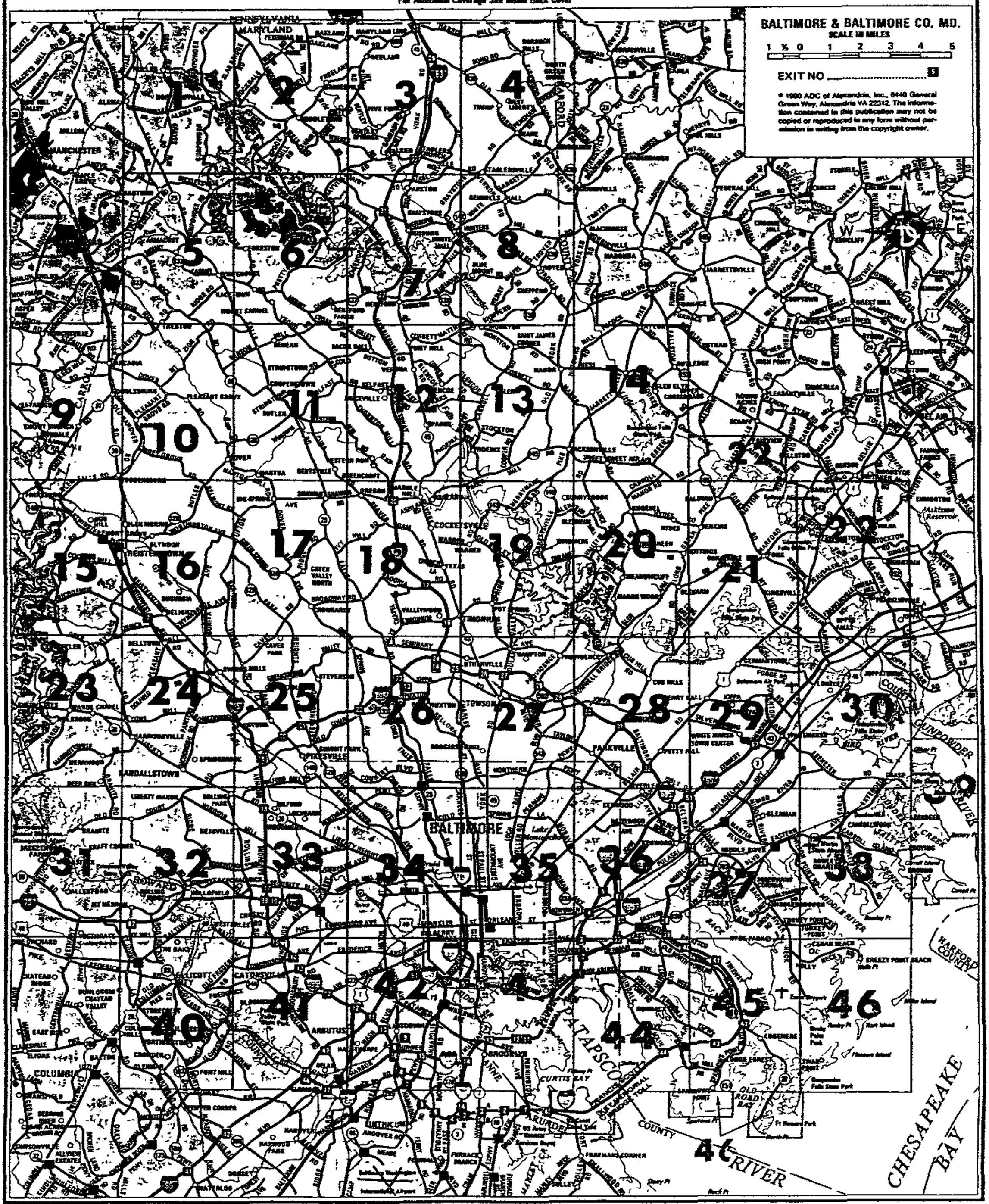
Peggy A. Pearce
922 Mt. Carmel Road
Parkton, Maryland 21120

P.C. Ex 2

BALTIMORE & BALTIMORE COUNTY, MD.

INDEX TO MAP PAGES

For Additional Coverage See Inside Back Cover

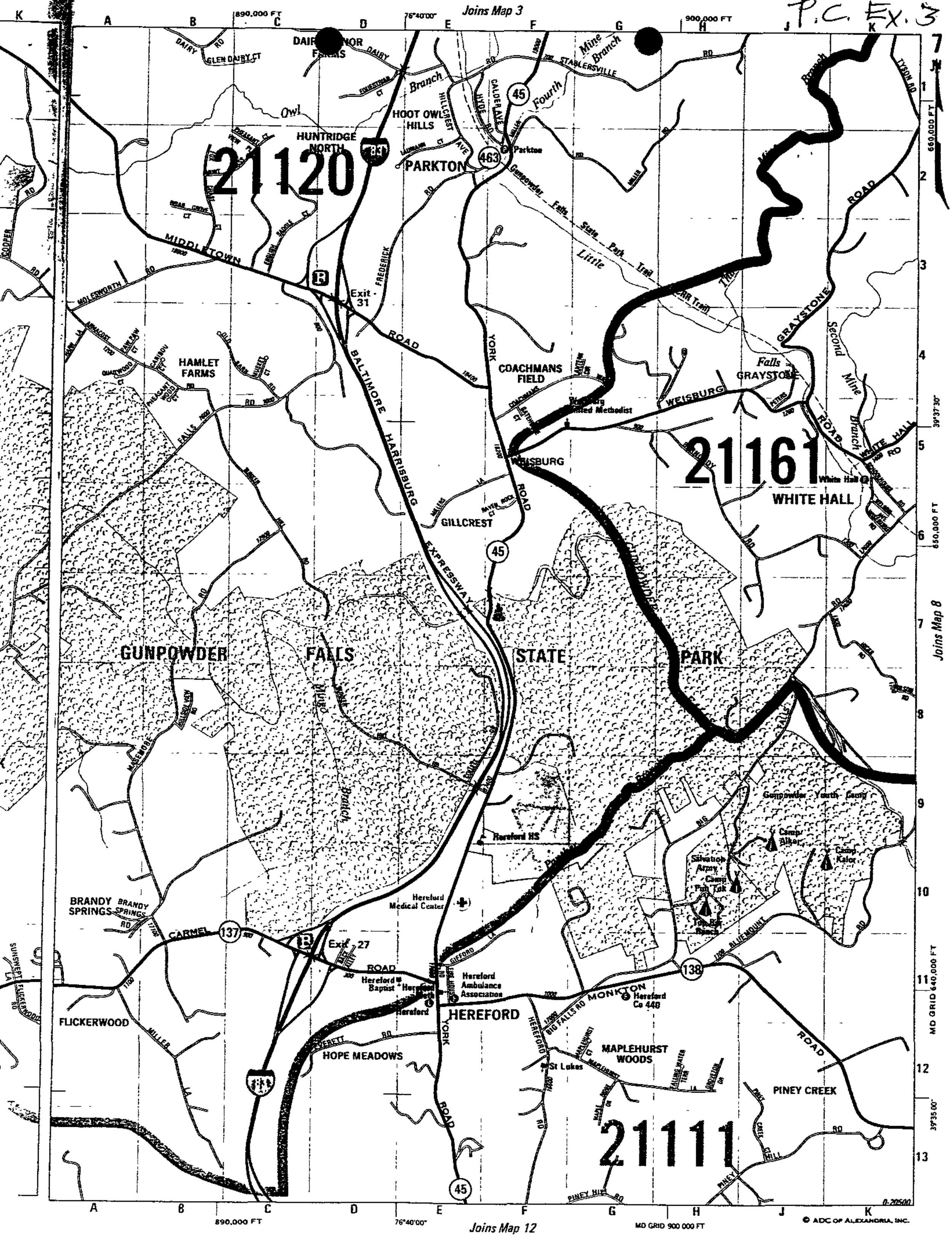


See page III for "MAP LEGEND"

See Centerfold for "DOWNTOWN BALTIMORE"

Stock No 20500

P.C. Ex. 3


Joins Map 3
Joins Map 8
Joins Map 12
21120
21161
21111
HUNTRIDGE NORTH
HOOT OWL HILLS
PARKTON
HAMLET FARMS
COACHMANS FIELD
GRAYSTONE
WEISBURG
WHITE HALL
GILLCREST
GUNPOWDER FALLS STATE PARK
BRANDY SPRINGS
FLICKERWOOD
HOPE MEADOWS
HEREFORD
MAPLEHURST WOODS
PINEY CREEK
Gunpowder Falls State Park Trail
Little Gunpowder Falls
Second Mine Branch
Fourth Mine Branch
Owl Branch
Gunpowder Youth Camp
Camp Alter
Camp Kalor
Salvation Army Camp
Camp Pah Tak
Hereford HS
Hereford Medical Center
Hereford Ambulance Association
Hereford Baptist
Hereford Co 440
St Lukes
Exit 31
Exit 27
BALTIMORE HARRISBURG EXPRESSWAY
MIDDLETOWN ROAD
FREDERICK ROAD
YORK ROAD
WEISBURG ROAD
GRAYSTONE ROAD
WHITE HALL ROAD
CARMEL ROAD
BIG FALLS RD
MONKTON ROAD
BLUE MOUNT RD
PINEY HILL RD
890,000 FT
900,000 FT
76°40'00"
39°37'30"
39°35'00"
660,000 FT
650,000 FT
640,000 FT
MD GRID 900 000 FT
0-20500
© ADC OF ALEXANDRIA, INC.

PC Ex. 4

STATE OF MARYLAND (F & P)
5061/714
22.88 A
P. 251

HARRISBURG

YORK

P. 54

P. 285

P. 36

P. 291

P. 278

P. 304

P. 62

P. 401

P. 277

P. 234

P. 444

P. 244

P. 159

P. 160

P. 161

P. 162

P. 163

P. 488

P. 484

P. 391

P. 80

P. 107

P. 381

P. 344

P. 296

4.36A
P. 21

P. 480

P. 485

P. 479

P. 8

GIFFORD RD.

P. 167

P. 335

P. 217

P. 170

P. 173

P. 305

P. 233

P. 104

P. 331

HEREFORD

P. 103

MT. CARMEL ROAD

P. 407

P. 239

P. 378

P. 317

P. 308

P. 25

P. 253

P. 309

P. 482

P. 289

MONKTON

P. 356

P. 476

P. 404

P. 339

P. 412

P. 413

P. 29

P. 31

P. 315

P. 228

P. 475

P. 165

P. 202

POPE MEADOWS

P. 311

P. 178

P. 332

P. 471

P. 182

P. 183

EVERETT ROAD

P. 466

P. 254

P. 467

P. 310

P. 55

TIMBER RIDGE 458:135

TRACT A

P. 294

P. 185

P. 249

P. 419

P. 464

P. 502

P. 65

P. 509

P. 322

P. 510

P. 380

P. 474

P. 511

WARREN A. MAGRUDER

P. 417

TIMBER RIDGE 458:134

P. 503

P. 442

HENDERSON HILL

P. 299

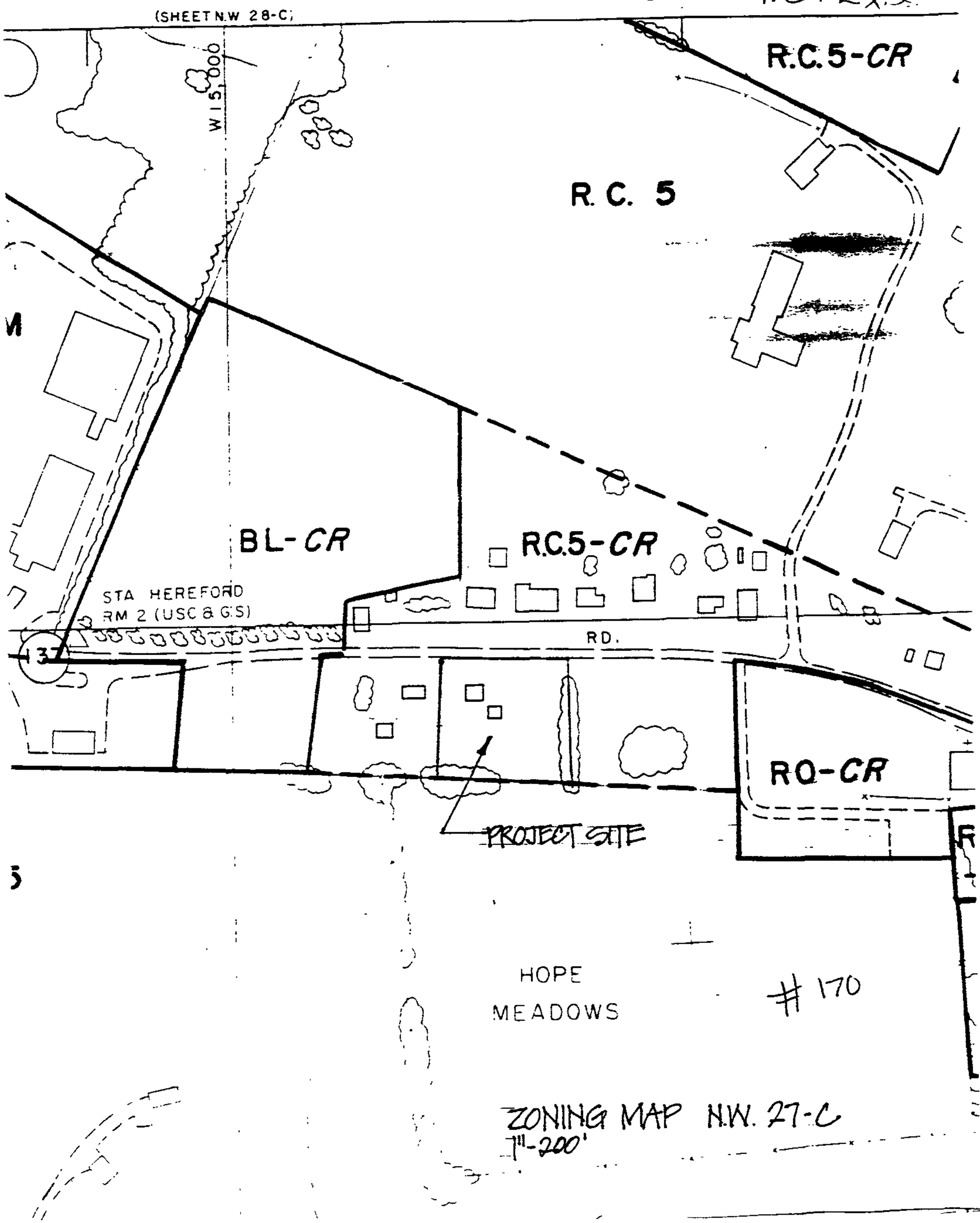
P. 235

T FARM INC.
319/5
.00 A.
P. 10

COPYRIGHT MAP DIVISION - 1967
MD. DEPT. OF ASSESS. & TAX

MAP	GRID	PARCEL
22		

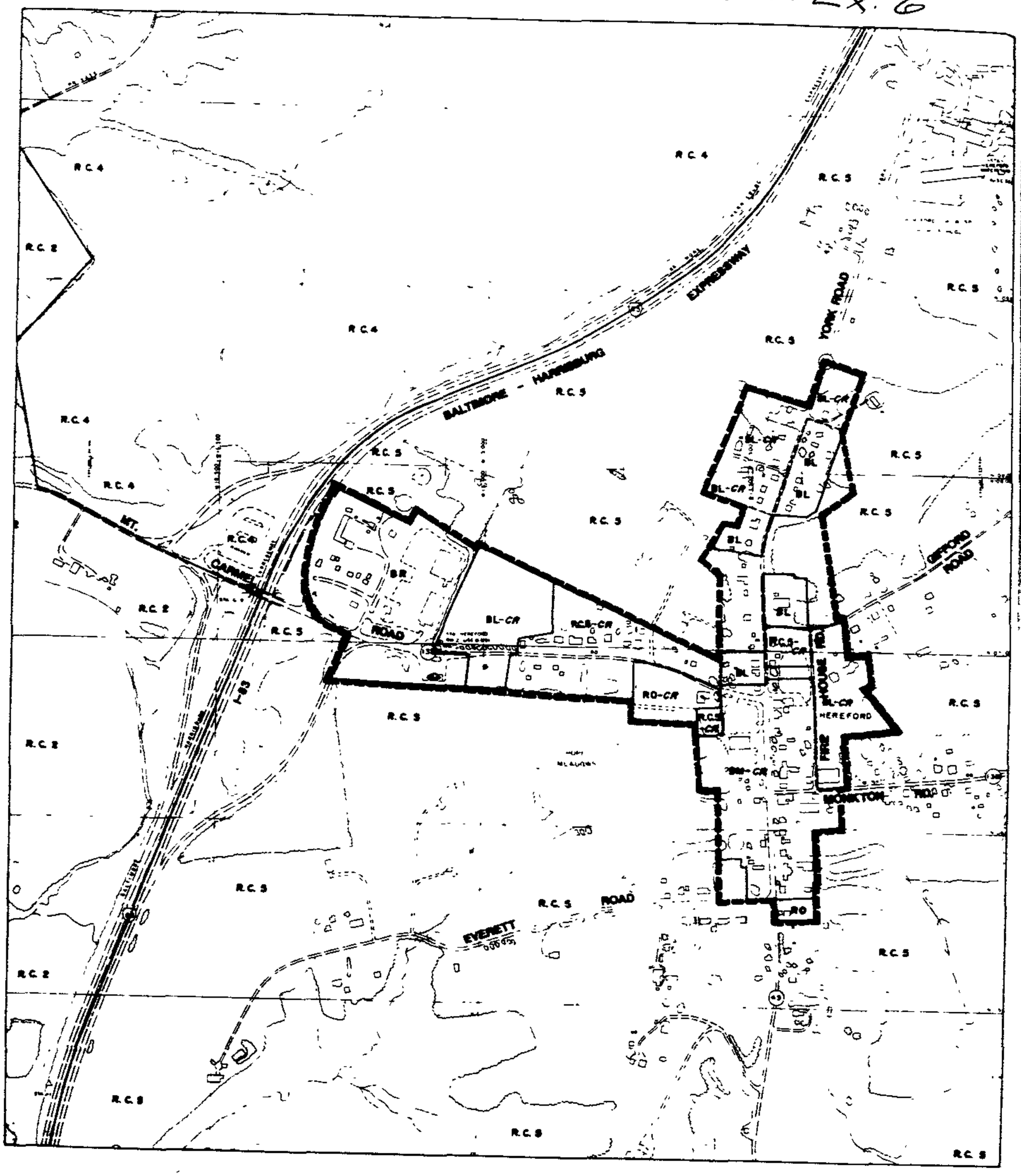
P.C. Ex.5.



#170

ZONING MAP N.W. 27-C
1"-200'

P.C. Ex. 6



LEGEND

Hereford Committee C.R. District Boundary Recommendation (September 1988)

COMMERCIAL RURAL DISTRICT BOUNDARY

HEREFORD COMMUNITY PLAN

Prepared By:
Baltimore County Office of Planning and Zoning

MAP 2

P.C. Ex. 7

For the purposes of this study a reasonable commercial district boundary was determined for Hereford. This boundary was based on existing land use, access of properties, land constraints and the existing zoning. This boundary is indicated on Map 2.

The zoning for that area as indicated on the 1988 Comprehensive Zoning Map is shown in Table 1. There is 48.5 acres of zoning within the commercial rural district overlay. This includes 10.7 acres of rural-residential, 2.8 acres of residential office, 19.6 acres of business local, 15.4 acres of business-major. Commercial areas which are not covered by the commercial district overlay include 4.4 acres of rural-residential, 0.6 acres of residential-office, 6.5 acres of business-local and 16.9 acres of business-roadside.

TABLE 1. **HEREFORD RURAL TOWN CENTER**

ZONING SUMMARY

(1988 Baltimore County Comprehensive Zoning Map, 1" = 200' scale)

ZONING	ACRES
C.R. District	
Rural-Residential (RC 5-CR)	10.7
Residential-Office (RO-CR)	2.8
Business Local (BL-CR)	19.6
Business Major (BM-CR)	15.4
Non District	
Rural-Residential RC 5	4.4
Residential-Office RO	0.6
Business Local BL	6.5
Business Roadside BR	16.9
TOTAL	76.9

A land use inventory was conducted in 1988. The results indicated that there was 41 acres of commercial use, 6 acres of institutional use, 22 acres of residential use and 8 acres of vacant land (Table 2).

People's Counsel
Ex. 8

ARTICLE I - GENERAL PROVISIONS

SECTION 100 - ZONES AND DISTRICTS: BOUNDARIES

SECTION 101 - DEFINITIONS

SECTION 102 - GENERAL REQUIREMENTS

SECTION 103 - APPLICATION OF ZONING REGULATIONS

SECTION 104 - NONCONFORMING USES

People's Counsel Ex. 9

HANOVER ROAD ASSOCIATION, INC.

February 20, 1996

Mr. Lawrence Stahl, Panel Chairman Balto. County Board of Appeals
County Court House Room 49
400 Washington Ave.
Towson, MD 21204

Re: Case # 96 164 XA
Mount Carmel Center

Dear Mr. Stahl,

As an individual tax paying voter in Baltimore County and as President of the Hanover Road Association, Inc. I am very much concerned with the above case. There are CR overlays in the in the Hanover Pike Corridor and the precedent set by Commisioner Schmidt will have negative consequences for the quality of life for residents in the area. As I understand the issue any change in physical regulations must be achieved through a variance and not a special exception. This Association and myself respectfully request that any change in building size be accomplished through a variance and not a spceial exception, and ask that the Board of Appeals overturn Mr. Schmidt's decision.

Thank you very much for your consideration.

Sincerely,

George Neubeck

George Neubeck

P.O. BOX 70, BORING, MARYLAND 21020 GEORGE NEUBECK, PRESIDENT

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

People's Counsel Ex. 10

CONCEPT PLAN CONFERENCE

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Zoning

DATE: May 5, 1995

PROJECT NAME: Mount Carmel Center

PROJECT NUMBER: VII-308

PROJECT PLANNER: Carol McEvoy

GENERAL INFORMATION:

Applicant Name: Allan G. Iannacone and Dennis Eaton

PO Box 88 Monkton MD 21111

Location: S/S Mount Carmel Road, W of York Road

Councilmanic District: 3rd

Growth Management Area: Rural Center Hereford

Zoning: RC 5

Acres: 1.20

Surrounding Land Use and Zoning:

North:	RC 5-CR	Residential
South:	RC 5-CR	Residential
East:	RC 5-CR	Residential
West:	RC 5-CR	Residential

Project Proposal:

The Applicant proposes an 11,000 square feet, two story retail/office building on 1.20 acres of land zoned RC 5 - CR. The proposal calls for 6,250 sq. ft. of retail, 4,000 sq. ft. of general office space, and 750 sq. ft. of medical office. Parking for 52 vehicles is required and will be provided. A dwelling and garage on the site will be removed. There are rows of pine trees on the eastern and southern borders of the property. There also appear to be some specimen trees on the tract. Variances will be requested to permit a setback of 10' in lieu of the required minimum 15' and the required average 17' and to permit a gross floor area of 11,000 sq. ft. in lieu of 8,000 sq. ft.

People's Counsel Exhibit 11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards, Supervisor, PDM

DATE: February 12, 1996

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: CR District Policy

Staff has reviewed your "Draft CR District Uses Zoning Policy Statement" and wholeheartedly concur with the proposed recommendation. Discussions with David Fields, as well as other drafters of the original legislation have all stated that this in fact was the intent of the legislation. The Office supports codification of the policy through the BOMAR process. If I can be of further assistance, please contact me x3211.

Pat Keller

Arnold F. 'Pat' Keller, III

AFK:bjs

CRCHARD2.MMO/PZONE/TXTAFK

DRAFT

PDM, ZR
1/18/96

C.R. DISTRICT USES
ZONING POLICY STATEMENT

Upon reading the Mt. Carmel zoning decision VIII-308 (96-164-XA), it became apparent that there exists uncertainty as to how the C.R. District was designed to function. In an attempt to clarify any concerns that might exist, the following policy is proposed:

BCZR
259.3 – Special Regulations for C.R. Districts
259.3.B. – Uses permitted by special exception.

1. Any use permitted by special exception in the underlying zone on which the ***specific*** ****contiguous*** C.R. district designation is applied and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by special exception.

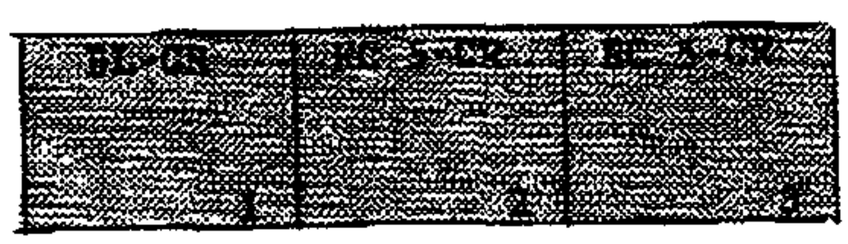
2. Any use permitted (by right or by special exception) ***in an underlying zone listed in paragraph 259.2.A.2 and located*** within the ***specific*** ****contiguous*** C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by special exception, except that service stations and car wash operations are only permitted in a C.R. district with B.L., B.M., or B.R. as a base zone. {Bill No. 172, 1993.}

****C.R. District parcels are considered contiguous for zoning purposes if they are only separated by property which cannot be put to private use. They do not have to "touch" as parcels only separated by a public road. (See Court of Appeals, Gruver-Cooley V. Perlis, 252 Md. 684 [1968] and PF&M Associates, 87-362-SPH order, AJ 4/3/87.)***

NOTE: Bold italics added to zoning regulations to clarify interpretation.

District Functions and Diagram: The C.R. District was crafted in order that uses within various zones could be transferred within the confines of the area encompassed within the C.R. District (as it is applied to a specific area). Uses that are allowed within a C.R. District underlying zone elsewhere in the County cannot be used within a C.R. district that contains a different underlying zone and uses in another part of the County. The primary intent of the C.R. District was to 1) create appropriate rural standards; and 2) allow the flexibility of transferring allowed uses without the need to rezone. An example is provided as follows.

A.



B.

Area A contains 3 parcels, each of the parcels is located within a contiguous C.R. District. Uses may be shared within that specific district boundary. Area B is located in another C.R. District the B.R.-C.R. uses allowed in Area B are not allowed in Area A, or vice-versa.

Policy Accepted:

OPCC: _____
Director Date

PDM: _____
Director Date

P.C. Ex. 12
1/11/96
TO WCR
see me

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits & Development Mgmnt &
Lawrence E. Schmidt
Zoning Commissioner

DATE: January 5, 1996

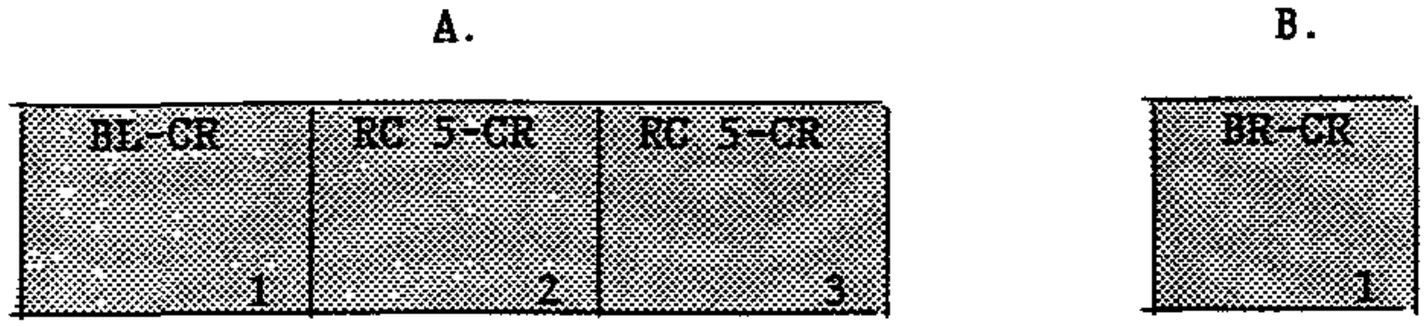
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Mt. Carmel Center
VII-308 (96-164XA)

Upon reading the Mt. Carmel zoning decision, it became apparent that there exists some uncertainty as to how the CR District was designed to function. In an attempt to clarify any concerns that might exist, the following information is provided.

1. **Historic Perspective:** The CR District was created in 1988 in response to 1) the Hereford Community Plan; 2) lack of rural commercial zones and standards; and 3) proliferation of commercial zoning requests BL, BM, BR which were not deemed appropriate for rural areas. The CR District was also created prior to the Development Review Process under which we currently operate.

2. **District Functions:** The CR District was crafted in order that uses within various zones could be transferred within the confines of the area encompassed within the CR District (as it is applied to a ~~given geographic~~ specific area). Uses that are allowed within a CR District elsewhere in the County cannot be used within a district that is applied in another part of the County. The primary intent of the CR District was to 1) create appropriate rural standards; and 2) allow the flexibility of transferring allowed uses without the need to rezone. An example is provided as follows.



- Area A contains 3 parcels, each of the parcels is located within a contiguous CR District. Uses may be shared within the district boundaries. Area B is located in another CR District, the BR-CR uses allowed in Area B are not allowed in Area A, or vice-versa.

AFKeller III

Arnold F. 'Pat' Keller, III

AFK:bjs

C: File VII-308

9507308.MMO/PZONE/CONCEPT

RECEIVED
JAN 11 1996
PDM

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE CORRESPONDENCE

TO: Arnold F. 'Pat' Keller, III
Director, Office of Planning

DATE: December 19, 1995

FROM: Carol McEvoy, Development Review Section, PO

SUBJECT: Uses Allowed Within A CR District by Special Exception

At a recent Hearing Officer's Hearing it became apparent that some clarification of the meaning of Section 259.3.B.2. of the BCZR is needed. The section refers to the uses allowed by Special Exception in a CR District when not permitted in the underlying zone by right or Special Exception.

Section 259.3.B.2 states "Any use permitted (by right or by Special Exception) within the CR District but which is not permitted in the underlying zone and which meets the bulk regulations of paragraph 1 of Section 259.3.C is permitted by Special Exception, except that service stations and car wash operations are only permitted in a CR District with BL, BM, or BR as a base zone. {Bill No. 172, 1993.}"

The key to understanding the intent is the phrase "within the CR District". The CR district is the specific District within the boundaries of which the property lies. Many of the districts can be referred to by name: the Hereford District, the Jacksonville District, the Long Green District, etc. The zones mapped within the subject district determine the uses which may be allowed by Special Exception for any property within that district. If a particular zone is not mapped within a district its uses are not permitted by Special Exception.

Please distribute this clarification to staff involved in plans review and development processing.

CAM:bjs

RECEIVED
JAN 11 1996
PDM

CRDIST.MEM/PZONE/TXTCAM

Ex. B

The Greater Sparks/Glencoe Community Council ASSOCIATION

RESOLVED: That at the Executive Committee meeting of the Greater Sparks-Glencoe Community Council Association held on February 14, 1996, it was decided by the Association that responsibility for review and action on all zoning matters for the period calendar year 1996 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

Lyle Brecht, President
Paul Hupfer, Zoning Chair
George McCaney, Vice President
Wendy McIver, Secretary
Judy Waldman, Land Preservation Chair
David Werfeld, Treasurer

AS WITNESS OUR HANDS AND SEAL THIS 18th day of February, 19 96.

ATTEST:

Greater Sparks-Glencoe Community Council Association

Wendy S. McIver
Secretary

Lyle A Brecht
President

People's Counsel Ex. 14

RESOLUTION

North County Coalition, Inc ASSOCIATION

RESOLVED: That at the Jan. 30, 1996 meeting of the North County Coalition Association held on Jan 30, 19 96, it was decided by the Association that the responsibility for review and action on all zoning matters for the period 1996 be placed in the (Board of Directors) (~~Zoning Committee~~) consisting of the following members:

Dr. Richard W. McQuaid
Mrs. Mary B. Gaines
Mr. Richard Jiranek
Mrs Rebecca Riegel
Mr. George Nelbeck
Ms. Charlotte Pine
Ms. Pamela Follo

AS WITNESS our hands and seal this 30 day of January, 1996.

ATTEST:

Pamela Follo
Pamela Follo
SECRETARY

Dr Richard W. McQuaid
Richard W. McQuaid
PRESIDENT

RESOLUTION

North County Coalition, Inc ASSOCIATION

RESOLVED: That at the position of the North County Coalition, Inc Association as adopted by the (Board of Directors) ~~(Zoning Committee)~~ on the zoning matter known as:

Mt. Carmel Center

is that:

The North County Coalition Inc. is opposed to the Mt Carmel Center development since the size of the building exceeds the size allowed for a building in the CR district and the development should not proceed without a Variance

AS WITNESS our hands and seal this 30 day of January, 19 96.

ATTEST:

North County Coalition, Inc ASSOCIATION

PAMELA FOLLO

Pamela Follo

SECRETARY

Richard W. McJunkin

PRESIDENT

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (~~Zoning Committee~~) of the North County Coalition, Inc. Association.

ATTEST:

Pamela Follo

Pamela Follo

SECRETARY

Dr. Richard W. McQuaid

Richard W. McQuaid

PRESIDENT

Monkton Preservation
Association
P.O.Box 424
Monkton, MD 21111

December 6, 1995

In the matter of the proposed Mt. Carmel Road office building at the Baltimore County Development Plan Hearing, members of the Monkton Preservation Association referred the following comments to the hearing officer:

1. There is no [illegible] building of the proposed size on the southside of Mt. Carmel Road and this would set a precedent.

2. There is no proposed business use in the proposed building that is so large as to require the large size of the structure.

3. The is no recharge area for the well.

4. The proposed building exceeds the bulk and floor ratio in the Hereford Plan.

5. The proposed building exceeds Baltimore County Zoning bulk regulations of 8800 square feet and floor ratio of 0.20.

6. Reference is made to the Cromwell case stating that variances are given out too freely and it is recommended that care be given in this case.

7. There is no apparent reason for the proposed large building on the small lot.

8. Hereford is a rural town center and not Towsontown Center.

The Association supports these comments which are consistent with objectives of our charter, specifically to foster responsible development in accordance with recognized environmental and aesthetic standards and to advocate architecture consistent with the area. In our rural historic community, we urge the hearing officer to take into account the design considerations raised.

Mrs. Janet Rittenhouse, a member of the Association Board, is authorized to present these comments at the hearing.

Sincerely,

Gloria Cameron

Gloria Cameron
President
Monkton Preservation Association

Protest No 1

Date: August 15,2003
RE: Curves

To: John Lewis
Zoning & Planning

From: Sharon Schilling

Curves are not an ordinary exercise facility. We do not have showers, saunas, drink bars or a lounge for people to hang out and socialize. It is set up as a personalized care establishment, which operates on individual appointments. This program is designed to help ladies with high blood pressure, arthritis etc. It is a quick 30-minute workout that consists of 8 to 10 stations. We are asked to only schedule 20 to 25 appointments in a day. I would like to open this facility at 111 Mt. Carmel Rd.

Sincerely,

Sharon L Schilling

Sharon Schilling
Owner/Manager
410 239 2813
CELL 443 992 6379

Discussed with Tim K. 8/20/03
OK as personal care establishment
advised app for CU needed.
detailed parking / use plan.
5/1000 for this use.
MSG TO ME 8/20
MSG GIVEN TO HUSBAND.

HEREFORD COMMUNITY ASSOCIATION
P.O. BOX 180 MONKTON, MD 21111

Pet No 4

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

This letter is to inform you that the owners of 111 Mt. Carmel road presented their development plan to the Hereford Community Association on May 9, 1995. The association voted on the support of the exemptions in the June meeting held on June 13, 1995. The vote was 73 to 12 in support of the exemptions.

Peggy A. Pearce, Secretary

Peggy A. Pearce

Appellee's Ex. 1

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

GEORGE WILLIAM STEPHENS, JR
(1888-1983)

W HARRY JESSOP, JR., PLS
CHIEF EXECUTIVE OFFICER

CHARLES E FICK, PE
PRESIDENT

LEONARD A. PARRISH, PE
VICE PRESIDENT

TOWSON

SENIOR ASSOCIATES

ROBERT B BARKELL
FREDERICK N CHADSEY, IV, PE
PASQUALE R. CIARLO
ROBERT P HENRY, PLS
J STRONG SMITH, PE

ASSOCIATES

NICHOLAS J BRADER, III, PE
WALTER F EISNER, PLS
ROBERT L HURWITZ, PE
DAVID L MARTIN, LA
ROBERT W MATIS, PLS
BERNT C PETERSEN LA
IWONA ROSTEK-ZARSKA, PE
RICHARD L UMBARGER, PE

BEL AIR

SENIOR ASSOCIATES

WAYNE E MAISENHOLDER, PLS
PAUL W TAYLOR, PE

ASSOCIATES

GERALD P MARAGOS, PE & PLS
JAMES A MARKLE, PE

CURRICULA VITAE
DAVID L. MARTIN, L.A.

Director of Land Planning / Landscape Architecture
George William Stephens, Jr. & Associates

Professional Registration: Landscape Architecture
Maryland - No. 776
Pennsylvania - No. 573-E

Education:
The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:
American Society of Landscape Architects, Member
Urban Land Institute, Associate

Professional practice includes 25 years of land planning, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has previously been qualified as an expert in land planning, site planning, and zoning cases in Baltimore County, Howard County, Harford County, Bel Air, MD. and Federal District Court of Baltimore. He has also previously qualified as an expert witness in land planning, site planning & comprehensive zoning before the Baltimore County Board of Appeals.

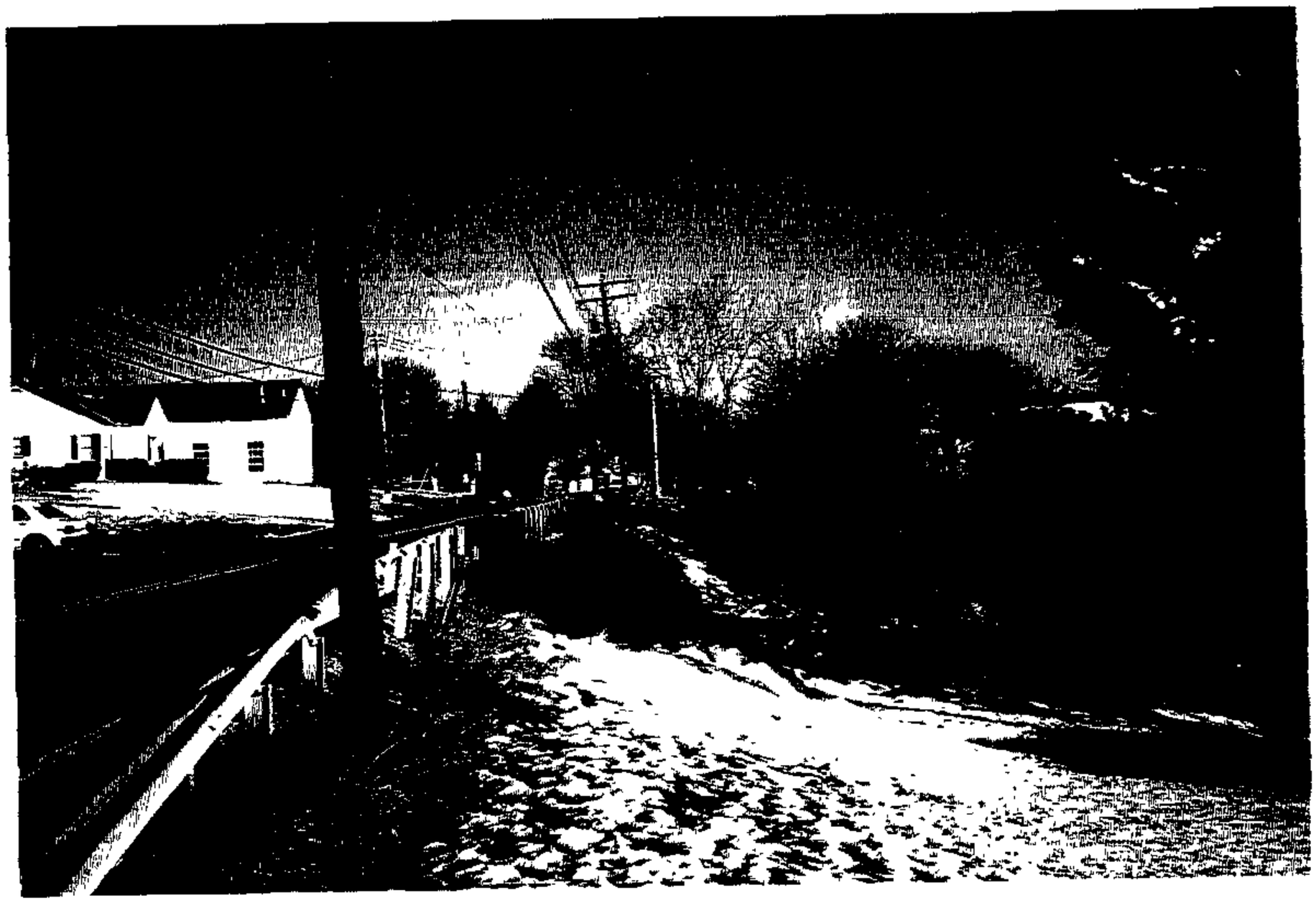
Mr. Martin has practiced in Maryland, Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

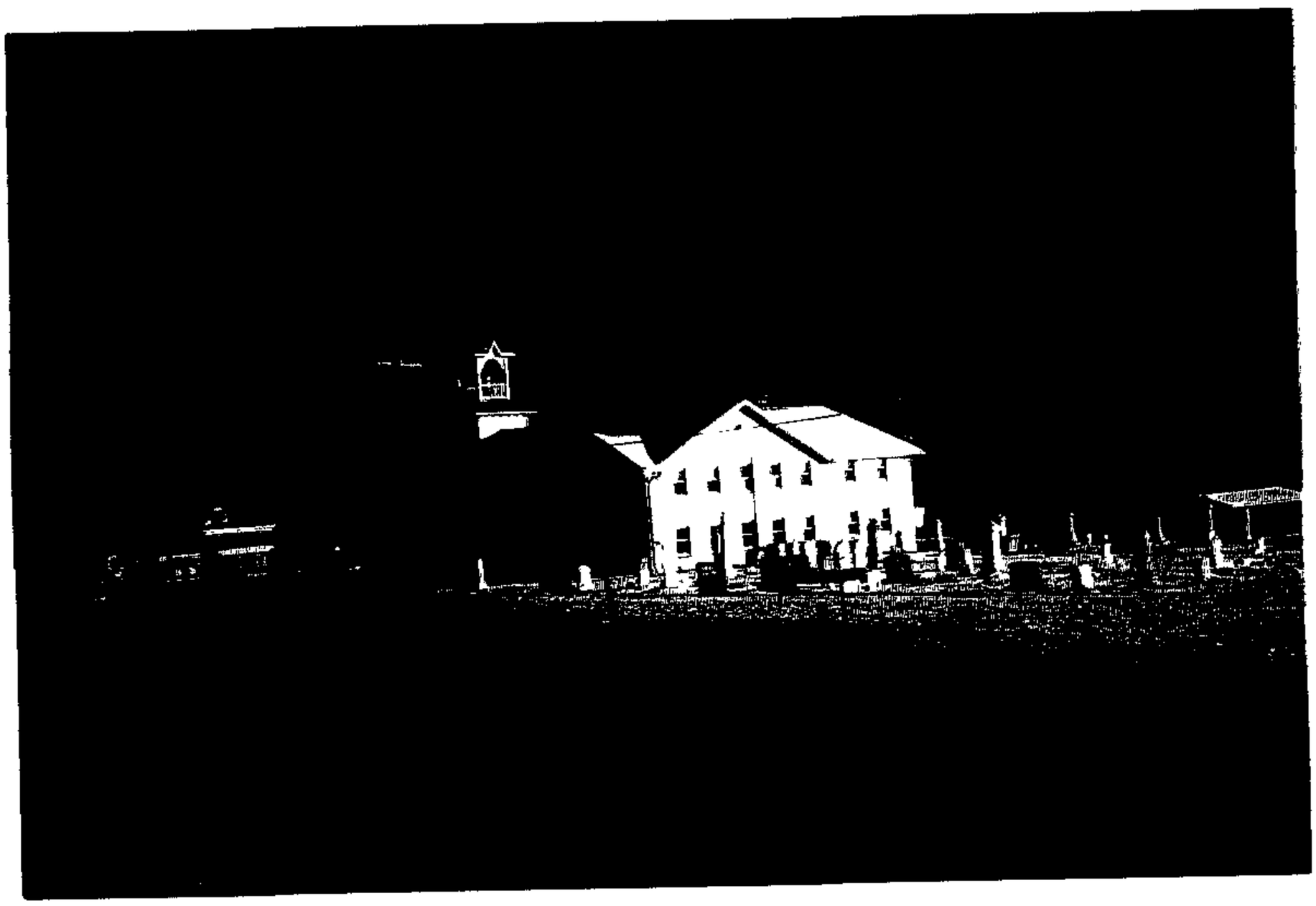
Significant projects include Developments of Regional Impact (DRI) in the State of Florida including; Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Additional Mr. Martin directed a project team in the preparation of Harbor Town, Commonwealth of the Bahamas - 600 acre master plan and zoning documents.

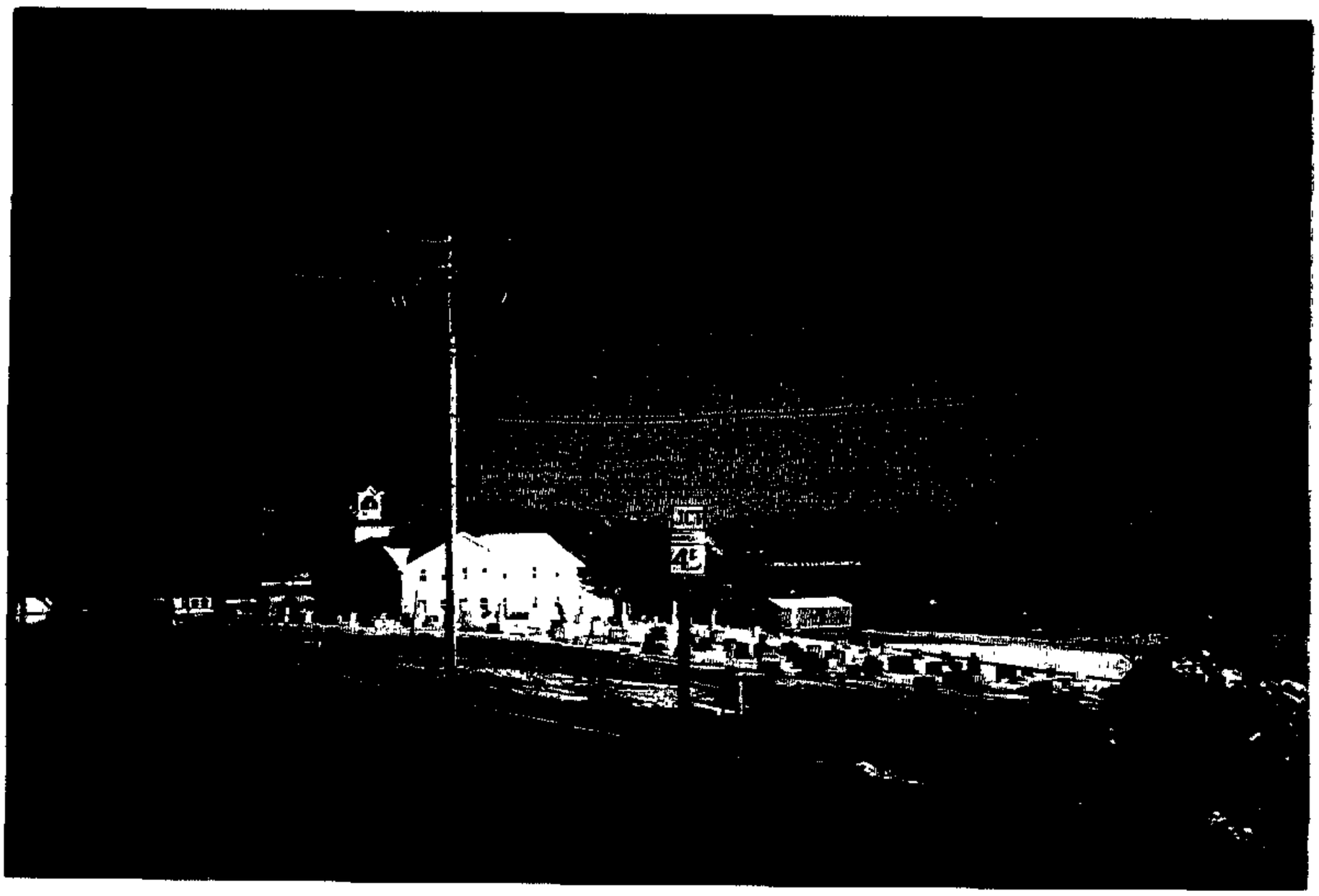
Mr. Martin prepared numerous comprehensive zoning petitions in Baltimore County during the 1992 process and has a thorough understanding of the principles of Euclidean zoning. He also served on an ad-hoc committee which authored the Service Employment (SE) zone of Baltimore County.

Principal duties for G. W. Stephens, Jr. & Assoc. include supervision of site development and land planning, zoning interpretation, community input meetings, special exception petitions, variance request petitions and landscape plan preparation.

TOWSON: 658 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288
BEL AIR: 203 EAST BROADWAY • BEL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 838-3800 • FAX (410) 893-0425







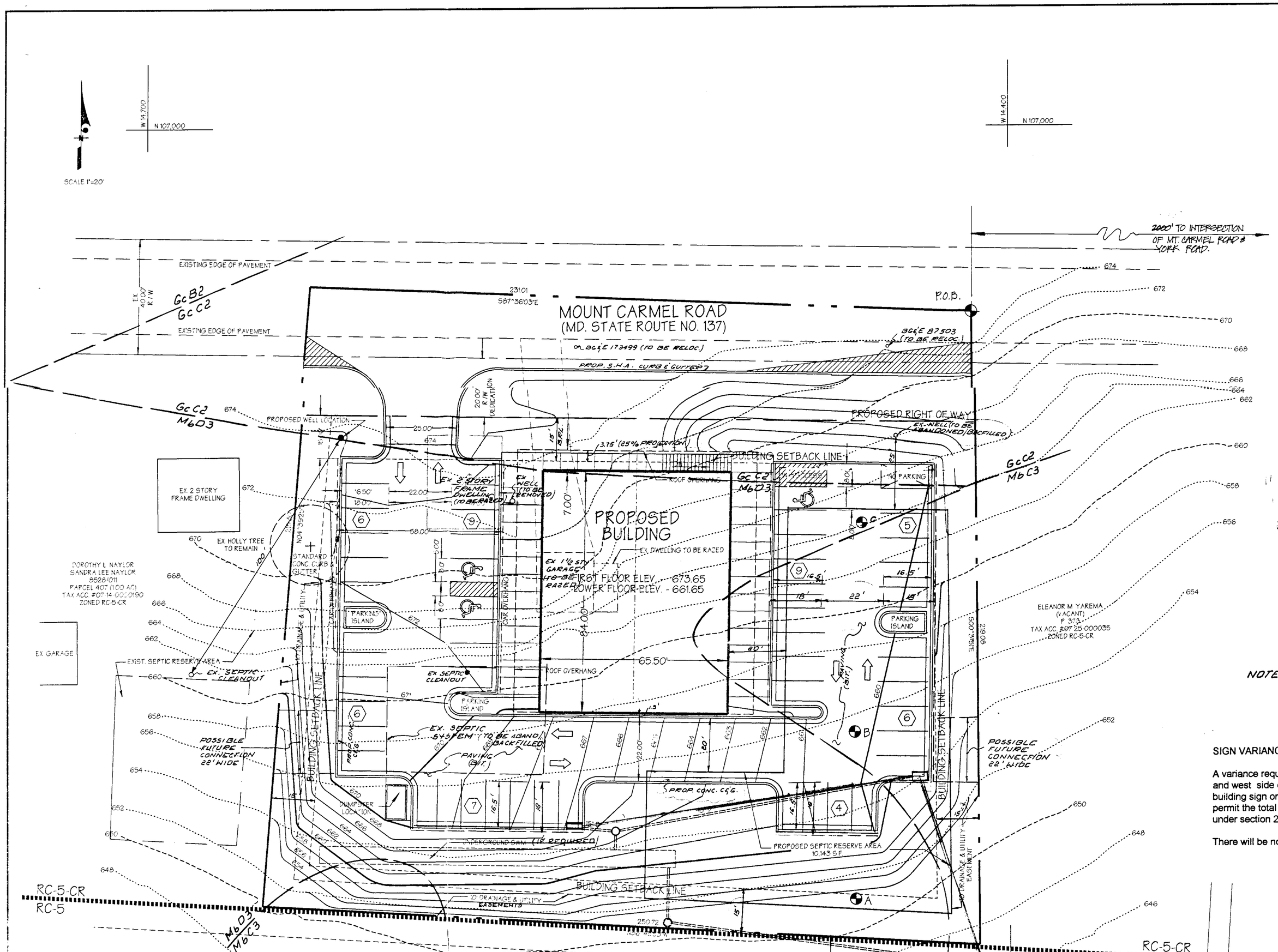
MOUNT CARMEL CENTER

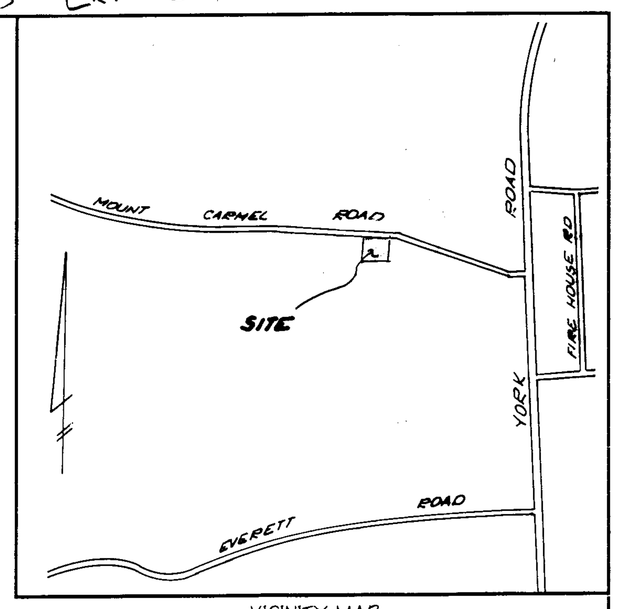
VII-308
&
96-164-XA

DEN. EX. #3 3A-3L

PHOTOGRAPHS

DEVELOPERS Ex. #1





VICINITY MAP
SCALE 1" 1000'

NOTE: WAIVER FOR STORM WATER QUANTITY MANAGEMENT HAS BEEN APPLIED.

SPECIAL EXCEPTION REQUEST:
Section 259.3 B.2. Special Regulations for C.R. Districts:
Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of Paragraph 1 of 259.3.c is permitted by special exception.
Request a special exception to permit the commercial, office and retail uses within the proposed building.

Section 259.3 B.3.
Buildings which exceed the requirements of Paragraph 1 of 259.3.C may be permitted by special exception only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted master plan for the district.
Request a special exception to exceed the bulk regulations for the 8,800 s.f. gross floor area of the building and allow a maximum of 11,000 s.f. and to exceed the .20 F.A.R. and allow an F.A.R. of .21.

SIGN VARIANCE REQUEST:

A variance request is made to install attached building band signs on the east and west side elevations of the proposed building for tenant identification and a building sign on the north side building elevation for building identification. To permit the total attached signage to be 250 S.F. in lieu of the permitted 8 S.F. under section 259.3C.7 of the BCZR.

There will be no free standing signs on the proposed development.

ZONING REQUIREMENTS

1. Gross floor area of building permitted	- 8,800 s.f. (6,600 s.f. on ground floor)
2. Permitted floor area ratio (F.A.R.)	- .20
3. Requested gross floor area	- 11,000 s.f. (5,502 s.f. on ground floor)
4. Requested floor area ratio (F.A.R.)	- .21

VARIANCE REQUESTS
A variance request of Section 259.3.C.1 a, i, ii. Of BCZR for CR Districts to permit a maximum of 11,000 s.f. of gross floor area in lieu of the permitted 8,800 s.f. and an F.A.R. of .21 in lieu of the .20 permitted. (Reference the adopted "Hereford Plan".)

SITE DATA
1. SITE AREA - 1.20 ACRES
2. EXISTING ZONING - RC 5 CR
3. EXISTING USE - TWO STORY DWELLING
4. PROPOSED USE - TWO STORY OFFICE / RETAIL BUILDING
5. OWNER - ALLAN G. IANNACONE & DENNIS EATON
P.O. BOX 88
MONKTON, MARYLAND 21111
6. TAX ACCOUNT NO. - 07-01-035025
7. PROPOSED BUILDING USE AGE:
MEDICAL OFFICE - 750 S.F.
RETAIL 8,850 S.F.
GEN. OFFICE 2,000 S.F.
8. PARKING TABULATION
MEDICAL OFFICE - 4.5 SPACES / 1000 S.F. - 3.37 SPACES
RETAIL - 5.0 SPACES / 1000 S.F. - 41.25 SPACES
OFFICE - 3.3 SPACES / 1000 S.F. - 6.60 SPACES
TOTAL PARKING REQUIRED - 51.02 SPACES
TOTAL PARKING PROVIDED - 52.00 SPACES
9. TRAFFIC GENERATION (AVE. DAILY TRIPS)
MEDICAL OFFICE - 255
GENERAL OFFICE - 100.0
RETAIL - 1050.0
TOTAL ADTS - 1175.5
10. OPEN SPACE PROPOSAL
MIN. REQ. LANDSCAPED AREA - .25 AC
PEVIOUS PARKING AREA - .28 AC
TOTAL OPEN SPACE PROVIDED - .5 AC
11. CENSUS TRACT - 4081
WATERSHED - 4072

PRIVATE WATER & SEWER NOTES:
1. SEPTIC PERCOLATION TESTS WERE PERFORMED AND APPROVED BY DEPRM ON MAR. 17, 1995
2. AN APPROVED WELL LOCATION IS SHOWN ON THIS PLAN.
3. DEPRM HAS APPROVED THE PLACEMENT OF PARKING AND GRADED FILL WITHIN THE SEPTIC RESERVE AREA.

GENERAL NOTES
1. A COMMUNITY INPUT MEETING WAS HELD ON JUNE 22, 1995 IN ACCORDANCE WITH THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS.
2. THE PRINCIPAL ISSUE WITH THE COMMUNITY FOCUSED ON THE HEREFORD PLAN AND THE INTERPRETATION OF THE ALLOWABLE BUILDING SIZE.
3. THE HEREFORD COMMUNITY ASSOC. IS ON RECORD TO HAVE VOTED 73 TO 12 IN FAVOR OF THIS DEVELOPMENT BASED ON THE CONCEPT PLAN SUBMISSION
4. THERE ARE NO WETLANDS, FOREST STANDS, OR ASSOCIATED BUFFERS ON THIS PROPERTY.
5. THIS PROJECT IS EXEMPT FROM THE FOREST CONSERVATION LAW BY AS PROVIDED BY SECTION 14.42b of 10.1 OF THE BALTIMORE COUNTY CODE.
6. THE SITE IS PRIVATE PARKING FOR THE REQUIREMENTS FOR BUILDING APPROVED BY THE ZONING COMMISSIONER PURSUANT TO THE HEREFORD MASTER PLAN, 1 COUNT
7. ALL PARKING SPACES ARE 9' X 18'.
8. ALL HANDICAPPED PARKING SPACES ARE 14' X 18'.
9. ALL COMPACT PARKING SPACES ARE 8' X 16'.

LANDSCAPE MANUAL REQUIREMENTS:

ADJACENT ROADS (MT. CARMEL RD)	230 LF @ 1/40 = 5.8 P.U.
INTERIOR ROADS	80 LF @ 1/30 = 4.0 P.U.
PARKING LOT	52 SP @ 1/8 = 6.5 P.U.
PARKING SCREEN PRIMETRIA	110 LF @ 1/15 = 7.3 P.U.
PROPOSED PLANTING	
MIN. TP EVERGREENS	20 @ 1:1 = 20 P.U.
MIN. TP DECIDUOUS	8 @ 2:1 = 4 P.U.
EVERGREEN TREES	28 @ 2:1 = 14 P.U.
SHRUBS	146 @ 1/2 = 292 P.U.
PERIMETER PARKING	1 @ 1/2 = 2 P.U.
ALL SHRUBS TO BE INSTALLED AT MINIMUM 18-24 INCHES	

GENERAL NOTES (CONTINUATION)
8. THERE ARE NO EXISTING STREAM BODIES OF WATER OR SPRINGS ON THIS PROPERTY.
9. THERE ARE NO FLOODPLAINS OR FLOOD AREAS FOR BOTH RIVERINE & TIDAL AREAS ON THIS PROPERTY.
10. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN PROPERTY LIMITS SHOWN ON THE PLAN.
11. THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
12. A FINAL LANDSCAPE PLAN IS TO BE SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS.
13. SITE LIGHTING AND ILLUMINATION OF SIGNS WILL BE CONSISTENT WITH THE DESIGN GUIDELINES OF THE HEREFORD COMMUNITY PLAN.
14. ANY SIGN(S) WILL COMPLY WITH SECTION 259.3.C.7. OF THE B.C.Z.R. AND ALL ZONING POLICIES.
15. ILLUMINATION FOR OFF STREET PARKING MUST REFLECT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
16. ALL TREE(3) SEPTIC SYSTEMS SHALL BE INSTALLED DURING CONSTRUCTION (INITIAL SEPTIC SYSTEM AND BOTH REPAIRS) THE ABSORBTION TRENCHES MAY NEED TO BE INSTALLED BEFORE THE FILL IS PLACED ON SITE.
17. A VARIANCE FROM THE REQUIREMENT TO PROVIDE STORM WATER MANAGEMENT QUANTITY CONTROL WAS GRANTED FOR THIS PROJECT PROVIDED THAT SUITABLE OUTFALL IS PROVIDED.

PLAN
SCALE: 1" = 20'

LEGEND

RC-5-CR / RC-5	ZONING LINE
650	EXISTING CONTOUR
650	PROPOSED CONTOURS
B	SEPTIC TEST LOCATION
●	PROPOSED WELL
	PROPOSED SEPTIC RESERVE AREA
4	NO PARKING SPACES
MdD3 / MdC3	SOIL LINES

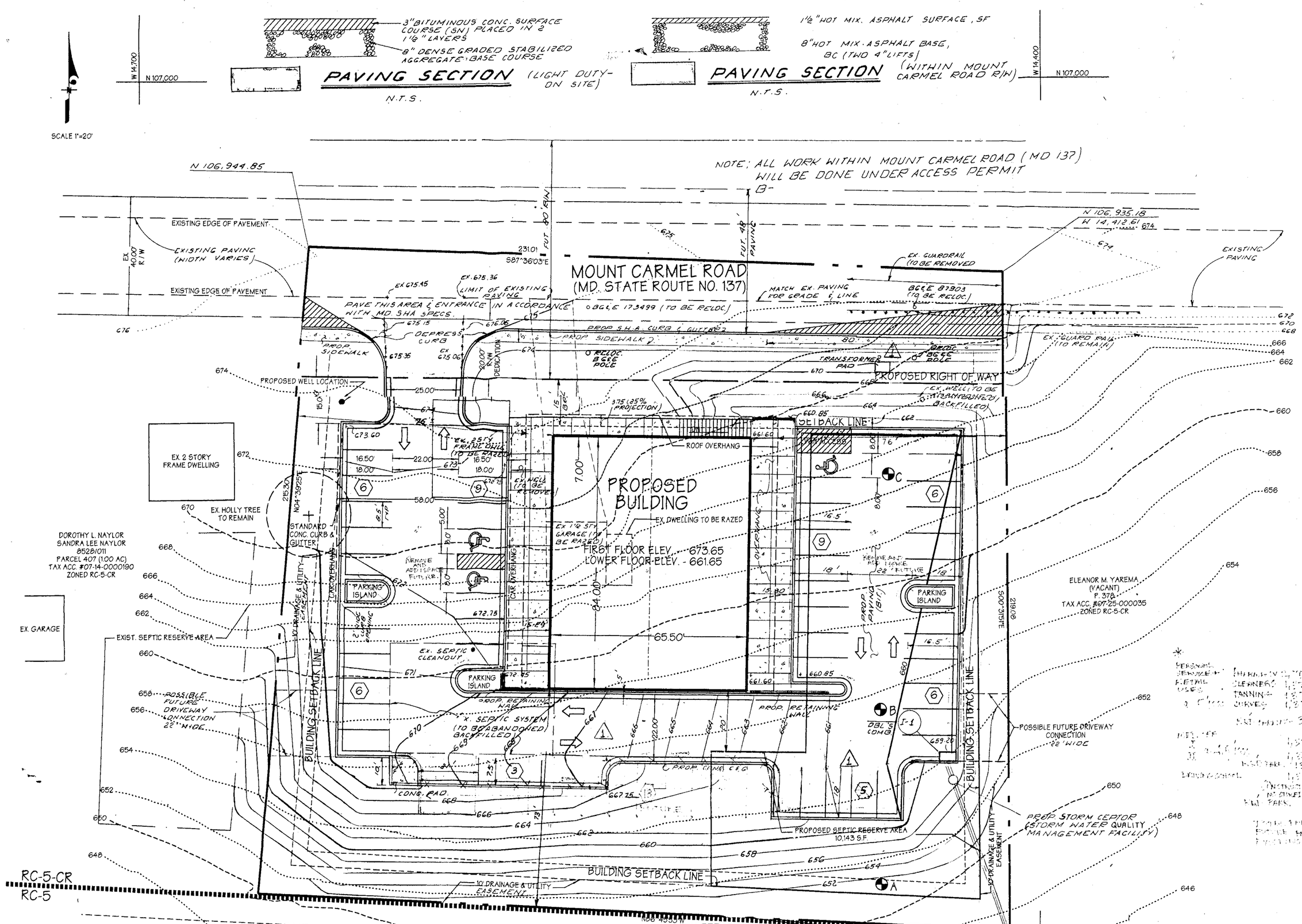
GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

CERTIFICATION AS TO DELINQUENT ACCOUNTS
This certification is submitted in connection with the development known as MOUNT CARMEL CENTER and is given in accordance with the provisions of Bill 32-88 E.S. of the Baltimore County Code 1988 as amended.
DENNIS EATON is not delinquent in the payment of any ground rents, rents, taxes or any other accounts for any other developments due and owed Baltimore County, Maryland by the undersigned, or any entity in which he is a partner or on behalf of the undersigned or any other entity.

I HEREBY CERTIFY that on this 10th day of September 1996, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County and State aforesaid, personally appeared Dennis Eaton and made oath in due form of law that the matters and facts hereinabove set forth are true.
My Commission Expires April 1, 1998
Sharon M. Coppage
NOTE:
If applicant is a corporation, the name of officer must be completed by an authorized officer and if applicant is a partnership or joint venture, the name must be completed by a general partner or an authorized agent.

PLAT TO ACCOMPANY A SPECIAL EXCEPTION REQUEST
DEVELOPMENT PLAN
PLAT TO ACCOMPANY VARIANCE REQUEST

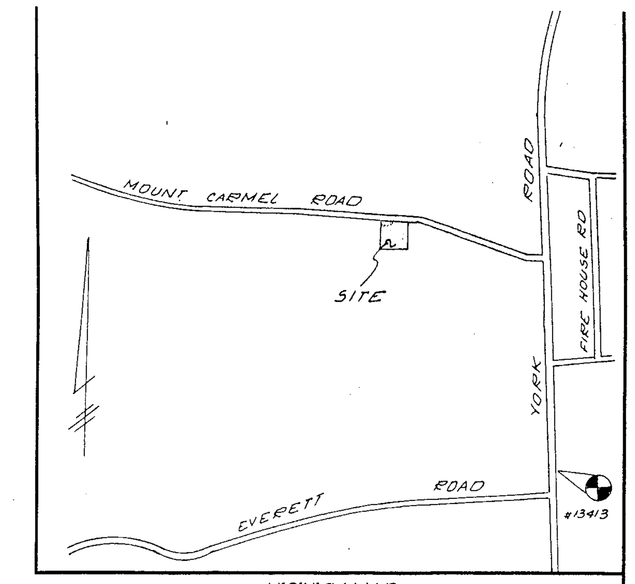
PADM NO. VII-308
MOUNT CARMEL CENTER
111 MOUNT CARMEL ROAD
HEREFORD, MARYLAND



GENERAL NOTES

1. All construction methods and materials shall be in strict conformance to the Baltimore County "Standard Specifications and Details for Construction", the details and specification shown on the drawings, or the manufactures specification for a specific product, whichever is more restrictive
2. The contractor shall notify the gas and electric company and the C&P Telephone company five days prior to beginning work. Call Miss Utility at 1-800-257-7777
3. Approximate location of existing utilities are shown. From best available information the contractor shall take all necessary precautions to protect the existing utilities and maintain uninterrupted service. Any damage incurred due to contractor's operation shall be repaired immediately at the contractor's expense
4. The contractor shall test pit existing utilities at least five (5) days before starting work shown on these drawings to verify their location and elevation. The contractor shall notify the engineer immediately if location or utilities is other than shown
5. Any damage to public rights-of-way and/or adjacent properties shall be repaired immediately at the contractor's expense
6. All areas not being paved or receiving any building coverage shall be stabilized in accordance with the plans approved by the Baltimore County S.C.S.
7. All slopes shall be 2:1 or flatter
8. All materials, unsuitable for reuse, excavated on the site such as paving, curbing, damaged concrete bumper blocks, trees, bushes etc. shall be loaded directly into trucks and shall be removed from the site and disposed of at an approved disposal site
9. The contractor shall maintain at least a 2' level bench behind all curbs in fill areas
10. All utilities installed under the paving shall receive full trench compaction
11. All parking spaces shall be marked with solid 4" wide standard white painted lines for the full depth of the parking spaces
12. All painted islands and handicapped islands if any shall be marked with solid 4" wide standard white painted perimeter lines with 8' wide white, solid diagonal lines 2' on center
13. Traffic control devices, markings and signing shall be in accordance with the latest edition of the "Manual on uniform traffic control devices"
14. CONTRACTOR SHALL PROVIDE A MINIMUM OF 1 FOOT OF PROTECTIVE FILL OVER STORM DRAIN PIPES DURING CONSTRUCTION.
15. CONTRUCTOR TO FURNISH THE OWNER WITH A LETTER STATING THAT ALL WATER MAINS HAVE BEEN STERILIZED AND PRESSURE TESTED IN ACCORDANCE WITH THE BALTIMORE COUNTY PLUMBING CODE AND PROCEDURES ESTABLISHED BY THE BALTIMORE COUNTY FIRE DEPARTMENT.
16. CONTRACTOR SHALL FURNISH A LETTER TO BALTIMORE COUNTY PLUMBING INSPECTOR AND THE OWNER STATING THAT ALL UTILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS AND DETAILS FOR CONSTRUCTION AND THESE PLANS
17. SIDEWALK TO CONFORM TO PLATE R-1.8 AFOREMENTIONED BALTIMORE COUNTY STANDARDS SLOPE WIDTH AND LOCATIONS AS SHOWN ON THESE DRAWINGS. IN ADDITION SIDEWALK IS TO BE PLACED ON A MINIMUM 4" CRUSHED STONE BASE (NO. 57 STONE) AND IS TO BE REINFORCED WITH WIRE MESH.
18. ALL DISTURBED AREAS NOT TO RECEIVE PAVING, SHALL BE STABILIZED WITH A MINIMUM OF 4" TOPSOIL, SEED AND MULCH AS SPECIFIED ON THE SEDIMENT CONTROL PLAN OR AS SPECIFIED ON THE LANDSCAPING PLAN.

S.W.M. NOTES:
WAIVER FOR 10 YR STORM WATER QUANTITY MANAGEMENT WAS GRANTED ON NOV. 15 1995. STORAGE FOR INCREASED VOLUME OF RUNOFF FOR 2 YR STORM FREQUENCY WILL BE PROVIDED IN THE WATER QUALITY POND LOCATED ON ADJACENT DEVELOPMENT.
MOUNT CARMEL MEADOWS



VICINITY MAP
SCALE: 1" 1000'

BENCH MARK:
ELEV. 675.969 N 105,769.96 W 13,330.03
DESCRIPTION; SET R.R. SPIKE IN MAC ON "E" SIDE OF YORK ROAD 157'± "N" ON EVERETT ROAD.

ORDER

IT IS THEREFORE THIS 29th day of March, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the decision of the Hearing Officer approving the subject development plan be and is hereby AFFIRMED, with the condition that the development plan be amended to reflect the Board's denial of the sign variance; and it is further

ORDERED that, pursuant to the Petition for Special Exception, approval to permit Case Nos. CBA-96-103 and 96-164-XA Mount Carmel Center (PDM VII-308) 11 commercial, office and retail uses within the proposed building to be located on the property and approval that said building will exceed the 8,800-square-foot gross floor area limit and the .20 area ratio limit; to be built to a size of 11,000 square feet and with a floor area ratio of .21, under Sections 259.3.B.2 and 259.3.B.3 of the BCZR, be and is hereby GRANTED; and it is further

ORDERED that variance from Section 259.3.C.1.a and b of the BCZR to permit a maximum area of 11,000 square feet of gross floor space in lieu of the permitted 8,800 square feet and a floor area ratio of .21 in lieu of the .20 permitted, be and is hereby DISMISSED AS MOOT; and it is further

ORDERED that a variance from Section 259.3.C.7 to install attached building signs on the northeast and west sides of the building for tenant identification, and to permit total attached signage to be 250 square feet in area, in lieu of the permitted 8 feet, be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Acting Chairman

Harry E. Buchheister, Jr.

S. Diane Levero

PRIVATE WATER & SEWER NOTES:

1. SEPTIC PERCOLATION TESTS WERE PERFORMED AND APPROVED BY DEPRM ON MAR. 17, 1995.
2. AN APPROVED WELL LOCATION IS SHOWN ON THIS PLAN.
3. DEPRM HAS APPROVED THE PLACEMENT OF PARKING AND GRADED FILL WITHIN THE SEPTIC RESERVE AREA.

GENERAL NOTES

1. A COMMUNITY INPUT MEETING WAS HELD ON JUNE 22, 1995 IN ACCORDANCE WITH THE BALTIORE COUNTY DEVELOPMENT REGULATIONS.
2. THE PRINCIPAL ISSUE WITH THE COMMUNITY FOCUSED ON THE HEREFORD PLAN AND THE INTERPRETATION OF THE ALLOWABLE BUILDING SIZE.
3. THE HEREFORD COMMUNITY ASSOC. IS ON RECORD TO HAVE VOTED 73 TO 12 IN FAVOR OF THIS DEVELOPMENT BASED ON THE CONCEPT PLAN SUBMISSION.
4. THERE ARE NO WETLANDS, FOREST STANDS, OR ASSOCIATED BUFFERS ON THIS PROPERTY.
5. THIS DEVELOPMENT IS EXEMPT FROM THE FOREST CONSERVATION LAW BY AS PRESCRIBED BY SECTION 14-403-9.(10) OF THE BALTIMORE COUNTY CODE.
6. THIS DEVELOPMENT PLAN MEETS THE REQUIREMENTS FOR BUILDING ARCHITECTURE LANDSCAPING, AND USES PRESCRIBED IN THE HEREFORD MASTER PLAN DOCUMENT.
7. ALL THREE (3) SEPTIC SYSTEMS SHALL BE INSTALLED DURING CONSTRUCTION (INITIAL SEPTIC SYSTEM AND BOTH REPAIRS). THE ABSORPTION TRENCHES MAY NEED TO BE INSTALLED BEFORE THE FILL IS PLACED ON SITE.
8. SITE LIGHTING AND ILLUMINATION OF SIGNS WILL BE CONSISTENT WITH THE DESIGN GUIDELINES OF THE HEREFORD COMMUNITY PLAN.

PEARL WINEMILLER
PARCEL 289
TAX ACC. #07-23-050800
07-23-050801
ZONED RC-5

PLAN
SCALE: 1"=20'

AS-BUILT PLANS AND CERTIFICATION ARE REQUIRED FOR THIS STORMWATER MANAGEMENT FACILITY. THESE MUST BE PREPARED AND SEALED BY A REGISTERED PROFESSIONAL ENGINEER. BALTIMORE COUNTY WILL NOT PERFORM THE INSPECTION OR PREPARE THE AS-BUILT PLANS OR CERTIFICATION. THE STORMWATER MANAGEMENT PERMIT SECURITY WILL NOT BE RELEASED UNTIL THE AS-BUILT PLANS AND CERTIFICATION ARE APPROVED BY BALTIMORE COUNTY.

IN ORDER TO PREPARE THE REQUIRED AS-BUILT PLANS AND CERTIFICATION, THIS STORMWATER MANAGEMENT FACILITY MUST BE INSPECTED BY THE ENGINEER AT SPECIFIC STAGES DURING CONSTRUCTION AS REQUIRED BY THE CURRENT BALTIMORE COUNTY STORMWATER MANAGEMENT POLICY AND DESIGN MANUAL. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AT LEAST FIVE (5) WORKING DAYS PRIOR TO STARTING ANY WORK SHOWN ON THESE PLANS.

CONSULTANT'S HAZARD CLASS CERTIFICATION

"I certify that this pond meets all requirements for hazard class (A,B or C). (Requirements as noted in the SOIL CONSERVATION SERVICE - MARYLAND STANDARDS AND SPECIFICATIONS FOR POND, CODE 378, NOVEMBER 1992.) All necessary investigations and computations have been performed to verify this finding. A copy of said information has been supplied to S.C.S./B.C.S.C.D.

Signature R.E. Umbarger Md. License No. 10568 Date 6/25/96

Print Name

AS-BUILT CERTIFICATION

I hereby certify that the facility shown on this plan was constructed as shown on the "as-built" plans and meets the approved plans and specifications.

Signature P.E. No.

Print Name Date

NOV. 1996 REMOVED STORM DRAIN SYSTEM FROM I-2 TO I-1 ADDED RELOCATED BG & E POLES AND TRANSFORMER PAD.

LEGEND

- CONC. C&G
- SHA C&G
- RC-5-CR / RC-5 — ZONING LINE
- 650 — EXISTING CONTOUR
- 664 / 666 — PROPOSED CONTOURS
- B — SEPTIC TEST LOCATION
- PROPOSED WELL
- PROPOSED SEPTIC RESERVE AREA
- 4 — NO. PARKING SPACES
- PROPERTY LINE

SITE DATA

1. SITE AREA - 1.20 ACRES
2. EXISTING ZONING - RC-5-CR
3. EXISTING USE - TWO STORY DWELLING
4. PROPOSED USE - TWO STORY OFFICE / RETAIL BUILDING
5. OWNER - ALLAN G. IANNACONE & DENNIS EATON, P.O. BOX 88, MONKTON, MARYLAND 21111
6. TAX ACCOUNT NO. - 07-01-035025
7. PROPOSED BUILDING USEAGE:
   MEDICAL OFFICE - 750 S.F.
   RETAIL 2,500 S.F.
   OFFICE 2,750 S.F.
8. PARKING TABULATION:
   MEDICAL OFFICE - 4.5 SPACES / 1000 S.F. - 3.37 SPACES
   RETAIL - 5.0 SPACES / 1000 S.F. 37.50 SPACES
   OFFICE - 3.3 SPACES / 1000 S.F. - 9.08 SPACES
   TOTAL PARKING REQUIRED 49.95 SPACES
   TOTAL PARKING PROVIDED - 50 SPACES

   ALL STANDARD PARKING SPACES ARE 8.5'x18'
   ALL HANDICAPPED PARKING SPACES ARE 13'x18'
   ALL VAN ACCESSABLE HANDICAPPED PARKING SPACES ARE 16'x18'

CBA-96-103 AND 96-164-XA

GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN

ENGINEER'S CERTIFICATION:

I hereby certify that this plan has been prepared by me or under my supervision and meets the minimum standards of the Baltimore County Department of Environmental Protection and Resource Management and the Baltimore County Soil Conservation District.

Signature P.E. No. 10568

Print Name Date June 25, 1996

OWNER / DEVELOPER
ALLAN G. IANNACONE &
DENNIS EATON
P.O. BOX. 88
MONKTON, MD. 21111

LANDOWNER'S/DEVELOPER'S CERTIFICATION

I / We hereby certify that all work shown on these construction drawings will be accomplished pursuant to these plans. I / We also understand that it is my/our responsibility to have the construction supervised and certified, including the submittal of "as-built" plans within thirty (30) days of completion, by a registered professional engineer.

Signature Owner / Developer Date

Print Name

SITE AND STORM WATER MANAGEMENT PLAN FOR

MOUNT CARMEL CENTER

111 MOUNT CARMEL ROAD
HEREFORD, MARYLAND

7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

REV. NOV. 11, 1996
REV. JUNE / 1995
BALTIMORE COUNTY, MD.
DATE: AUGUST 25, 1995

PLAN FROM SHARON SCHILLING

FOR S.I.

NO WRITTEN RESPONSE PLAN OK FOR USE/OCCUPANCY OF CURVES, SEE LTR FROM MS. SCHILLING DATED 8/15/96 PERSONNEL CARE ESTABLISHMENT PER R.K. APPD 8/27/96

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of December, 1995, that the development plan submitted in the within case as Developers/Petitioners' Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to permit commercial office and retail office uses within the proposed building to be located on the property and approval that said building will exceed the 8,800 square ft. gross floor area limit and the .204 area ratio limit; to be built to a size of 11,000 sq. ft. and with a floor area ratio of .21, under Sections 259.3.B.2 and 259.3.B.3 of the BCZR, be and is hereby GRANTED; and,

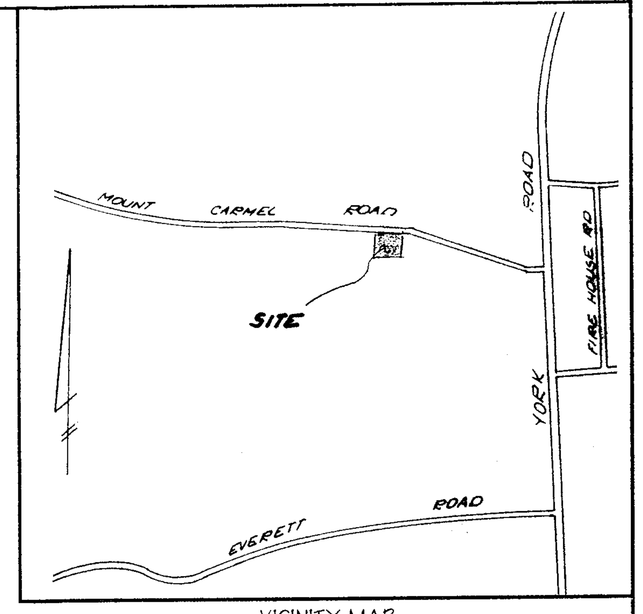
IT IS FURTHER ORDERED that variance from Sections 259.3.C.a & b. of the BCZR to permit a maximum area of 11,000 sq. of gross floor space in lieu of the permitted 8,800 sq. ft. and a floor area ratio of .21 in lieu of the .20 permitted, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Section 259.3.C.7 to install attached building signs on the northeast and west sides of the building for tenant identifications, and to permit total attached signage to be 250 sq. ft. in area, in lieu of the permitted 8 ft., be and is hereby GRANTED; and,

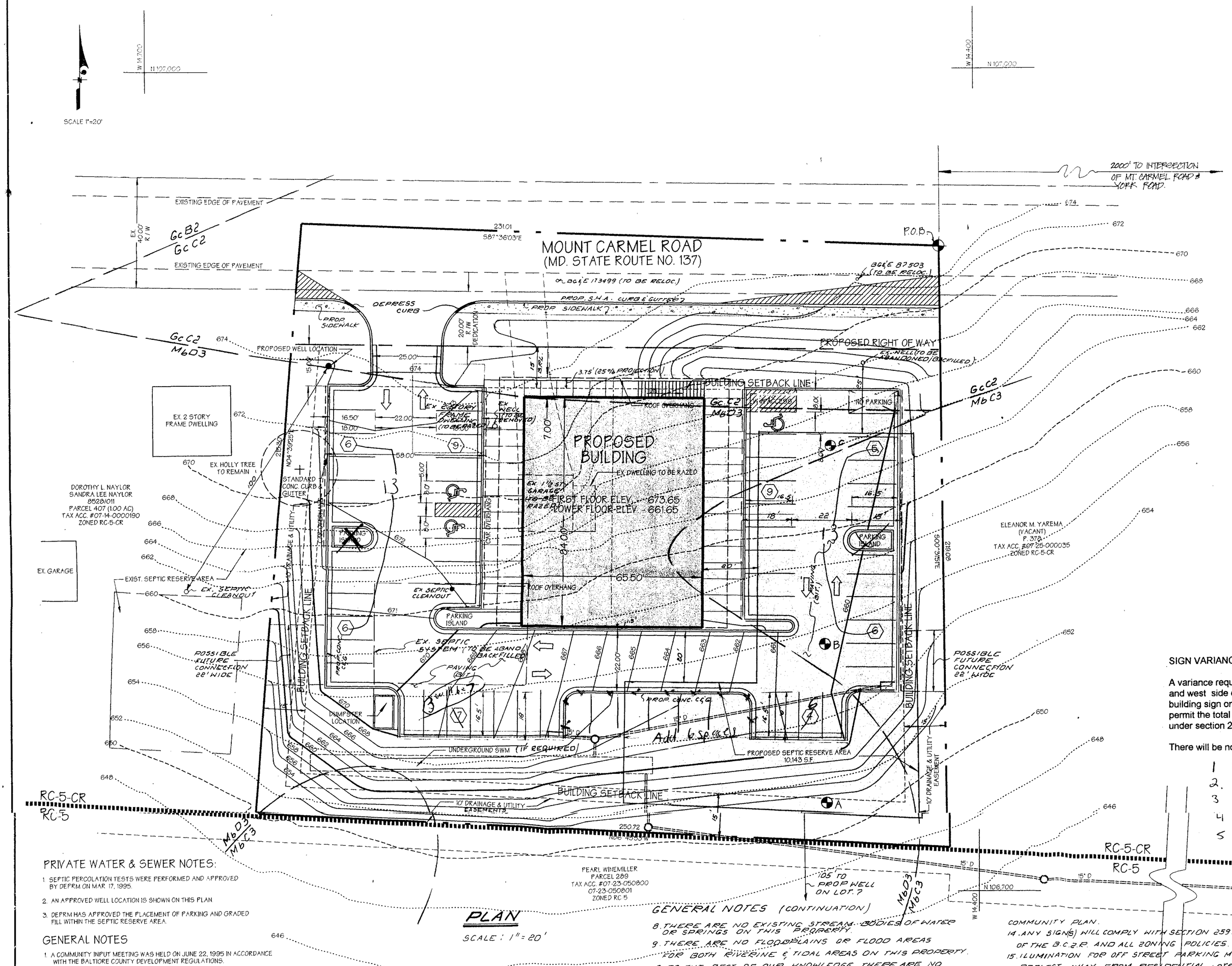
IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



VICINITY MAP
SCALE: 1" 1000



PLAN

SCALE: 1" = 20'

PRIVATE WATER & SEWER NOTES:

1. SEPTIC PERCOLATION TESTS WERE PERFORMED AND APPROVED BY DEPRM ON MAR. 17, 1995.
2. AN APPROVED WELL LOCATION IS SHOWN ON THIS PLAN.
3. DEPRM HAS APPROVED THE PLACEMENT OF PARKING AND GRADED FILL WITHIN THE SEPTIC RESERVE AREA.

GENERAL NOTES

1. A COMMUNITY INPUT MEETING WAS HELD ON JUNE 22, 1995 IN ACCORDANCE WITH THE BALTIORE COUNTY DEVELOPMENT REGULATIONS.
2. THE PRINCIPAL ISSUE WITH THE COMMUNITY FOCUSED ON THE HEREFORD PLAN AND THE INTERPRETATION OF THE ALLOWABLE BUILDING SIZE.
3. THE HEREFORD COMMUNITY ASSOC IS ON RECORD TO HAVE VOTED 73 TO 12 IN FAVOR OF THIS DEVELOPMENT BASED ON THE CONCEPT PLAN SUBMISSION.
4. THERE ARE NO WETLANDS, FOREST STANDS, OR ASSOCIATED BUFFERS ON THIS PROPERTY.
5. THIS DEVELOPMENT IS EXEMPT FROM THE FOREST CONSERVATION LAW BY AS PRESCRIBED BY SECTION 14.403-b (10) OF THE BALTIMORE COUNTY CODE.
6. THIS DEVELOPMENT PLAN MEETS THE REQUIREMENTS FOR BUILDING ARCHITECTURE LANDSCAPING, AND USES PRESCRIBED IN THE HEREFORD MASTER PLAN DOCUMENT.
7. ALL STANDARD PARKING SPACES ARE 8.5' X 18'
   ALL HANDICAPPED PARKING SPACES ARE 13 X 18'
   ALL VAN ACCESSABLE HANDICAPPED PARKING SPACES ARE 16' X 18'

LANDSCAPE MANUAL REQUIREMENTS:

ADJACENT ROADS (MOUNT CARMEL RD)	230 LF @ 1.40 = 5.8 P.U.
INTERIOR ROADS	80 LF @ 1.20 = 4.0 P.U.
PARKING LOT	52 SP @ 1.8 = 6.5 P.U.
PARKING SCREEN FROM R/W	110 LF @ 1.15 = 7.3 P.U.
PROPOSED PLANTING	
MAJOR DECIDUOUS	20 @ 1.1 = 20 P.U.
MINOR DECIDUOUS	8 @ 2.1 = 4 P.U.
EVERGREEN TREES	28 @ 2.1 = 14 P.U.
SHRUBS	146 @ 5.1 = 29.2 P.U.
CREDIT FOR EX. HOLLEY	1 @ 12 = 2 P.U.

ALL EX. TREES TO BE REMOVED EXCEPT AS NOTED

GENERAL NOTES (CONTINUATION)

8. THERE ARE NO EXISTING STREAM, BODIES OF WATER OR SPRINGS ON THIS PROPERTY.
9. THERE ARE NO FLOODPLAINS OR FLOOD AREAS FOR BOTH RIVERINE & TIDAL AREAS ON THIS PROPERTY.
10. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN PROPERTY LIMITS SHOWN ON THE PLAN.
11. THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
12. A FINAL LANDSCAPE PLAN, IS TO BE SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS.
13. SITE LIGHTING AND ILLUMINATION OF SIGNS WILL BE CONSISTENT WITH THE DESIGN GUIDELINES OF THE HEREFORD COMMUNITY PLAN.
14. ANY SIGN(S) WILL COMPLY WITH SECTION 259.3.C.7. OF THE B.C.Z.R. AND ALL ZONING POLICIES.
15. ILLUMINATION FOR OFF STREET PARKING MUST REFLECT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
16. ALL TREE(3) SEPTIC SYSTEMS SHALL BE INSTALLED DURING CONSTRUCTION (INITIAL SEPTIC SYSTEM AND BOTH REPAIRS.) THE ABSORBTION TRENCHES MAY NEED TO BE INSTALLED BEFORE THE FILL IS PLACED ON SITE.
17. A VARIANCE FROM THE REQUIREMENT TO PROVIDE STORM WATER MANAGEMENT QUANTITY CONTROL WAS GRANTED FOR THIS PROJECT PROVIDED THAT SUITABLE OUTFALL IS PROVIDED.

SIGN VARIANCE REQUEST:

A variance request is made to install attached building band signs on the east and west side elevations of the proposed building for tenant identification and a building sign on the north side building elevation for building identification. To permit the total attached signage to be 250 S.F. in lieu of the permitted 8 S.F. under section 259.3C.7 of the BCZR.

There will be no free standing signs on the proposed development.

1. Pharmacy 2750 sq ft
2. Cleaners 1335 sq ft
3. Curves 1335 sq ft
4. Dr. I 1,335 sq ft
5. Dr II 1335 sq ft
6. Driving School 1335 sq ft
7. Tanning 1335 sq ft.

Total Retail Area 6,850 @ 4.5/1000
MED. office 2,714 @ 4.5/1000
Driving School 1,337 @ 1 instructor

Required Retail: 35 spaces
MED. 13 spaces
School: 1 space
59 spaces

Will have a total of 63 spaces

LEGEND

RC-5-CR / RC-5	ZONING LINE
650	EXISTING CONTOUR
664	PROPOSED CONTOURS
B	SEPTIC TEST LOCATION
•	PROPOSED WELL
	PROPOSED SEPTIC RESERVE AREA
(4)	NO. PARKING SPACES
MbD3 / MbC3	SOIL LINES

ZONING REQUIREMENTS

1. Gross floor area of building permitted	- 8,800 s.f. (6,600 s.f. on ground floor)
2. Permitted floor area ratio (F.A.R.)	- .20
3. Requested gross floor area	- 11,000 s.f. (5,502 s.f. on ground floor)
4. Requested floor area ratio (F.A.R.)	- .21

VARIANCE REQUESTS

A variance request of Section 259.3.C.1 a.&b. Of BCZR for CR Districts to permit a maximum of 11,000 s.f. of gross floor area in lieu of the permitted 8,800 s.f. and an F.A.R. of .21 in lieu of the .20 permitted. (Reference the adopted "Hereford Plan".)

SITE DATA

1. SITE AREA - 1.20 ACRES.
2. EXISTING ZONING - RC-5-CR
3. EXISTING USE - TWO STORY DWELLING
4. PROPOSED USE - TWO STORY OFFICE / RETAIL BUILDING
5. OWNER - ALLAN G. IANNACONE & DENNIS EATON
   P.O. BOX 88
   MONKTON, MARYLAND 21111
6. TAX ACCOUNT NO. - 07-01-035025
7. PROPOSED BUILDING USEAGE:
   MEDICAL OFFICE - 750 S.F.
   RETAIL 6,850 S.F.
   GEN. OFFICE 8,000 S.F.
8. PARKING TABULATION:
   MEDICAL OFFICE - 4.5 SPACES / 1000 S.F. - 3.37 SPACES
   RETAIL - 5.0 SPACES / 1000 S.F. 4125 SPACES
   OFFICE - 3.3 SPACES / 1000 S.F. 6.60 SPACES
   TOTAL PARKING REQUIRED - 51.22 SPACES
   TOTAL PARKING PROVIDED 52.00 SPACES
9. TRAFFIC GENERATION: (AVE. DAILY TRIPS)
   MEDICAL OFFICE - 25.5
   GENERAL OFFICE - 100.0
   RETAIL - 1050.0
   TOTAL ADT'S - 1175.5
10. OPEN SPACE PROPOSAL:
    MIN REQ. LANDSCAPED AREA - .25 AC.
    PERVIOUS PARKING AREA - .05 AC.
    TOTAL OPEN SPACE PROVIDED - .5 AC.
11. CENSUS TRACT - 4061
    WATERSHED - 4072

96-164-XA

THIS PLAN IS SEALED AND CERTIFIED TO BE IN ACCORDANCE WITH THE HEARING OFFICER'S ORDER AND ALL NOTE REQUIREMENTS.

SPECIAL EXCEPTION REQUEST:

Section 259.3 B.2. Special Regulations for C.R. Districts:
Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of Paragraph 1 of 259.3.c is permitted by special exception.

Request a special exception to permit the commercial, office and retail uses within the proposed building.

Section 259.3 B.3.
Buildings which exceed the requirements of Paragraph 1 of 259.3 C may be permitted by special exception only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted master plan for the district.

Request a special exception to exceed the bulk regulations for the 8,800 s.f. gross floor area of the building and allow a maximum of 11,000 s.f. and to exceed the .20 F.A.R. and allow an F.A.R. of .21.

GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This certification is submitted in connection with the development known as MOUNT CARMEL CENTER and is given in accordance with the provisions of Section 22-55 (c) of the Baltimore County Code, 1978, as amended.

I, DENNIS EATON, now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, or any person who will perform contractual services on behalf of the proposed development.

I HEREBY CERTIFY, that on this 1st day of September 19__ before me, the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared Dennis Eaton and made oath in due form of law that the matters and facts hereinabove set forth are true.
My Commission Expires April 1, 1996
Sharon M Coppage

NOTE:
If applicant is a corporation, this certification must be completed by an authorized officer and if applicant is a partnership or joint venture, it must be completed by a general partner or venturer or an officer thereof.

PLAT TO ACCOMPANY A SPECIAL EXCEPTION REQUEST

DEVELOPMENT PLAN

PLAT TO ACCOMPANY VARIANCE REQUEST

REVISED PARKING PLAN PADM NO. VII-308 DATE: Aug. 22, 2003

MOUNT CARMEL CENTER

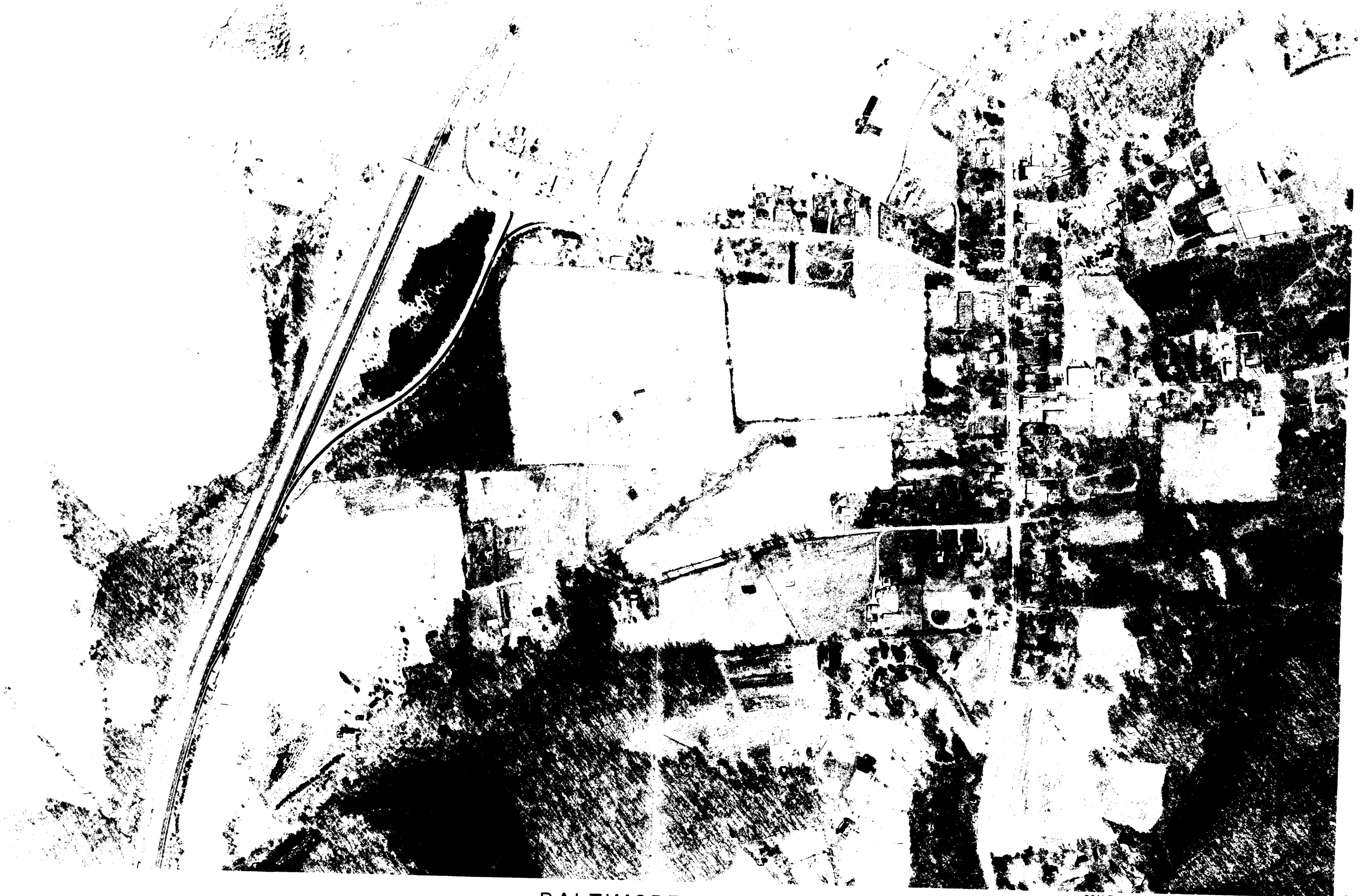
111 MOUNT CARMEL ROAD
HEREFORD, MARYLAND

7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD
DATE: AUGUST 28, 1995

Appellees #3

A10 259 2813.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'±	HEREFORD	N.W. 27-C
DATE OF PHOTOGRAPHY JANUARY 1986		

People's Counsel Ex 18

MICROFILMED

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 163-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

1996 COMPREHENSIVE ZONING ISSUE MAP

Baltimore County, Maryland

A1	A2		
B1	B2		
C1	C2	C3	
D1	D2	D3	D4
E1	E2	E3	E4
F1	F	2	F3
	G1	G2	

Prepared for the Office of Planning and Zoning by Geometry & Stack from Baltimore County's January 1996 Tax Map. Tax names partially updated in November 1995 using names are Baltimore County, Maryland Property Map.

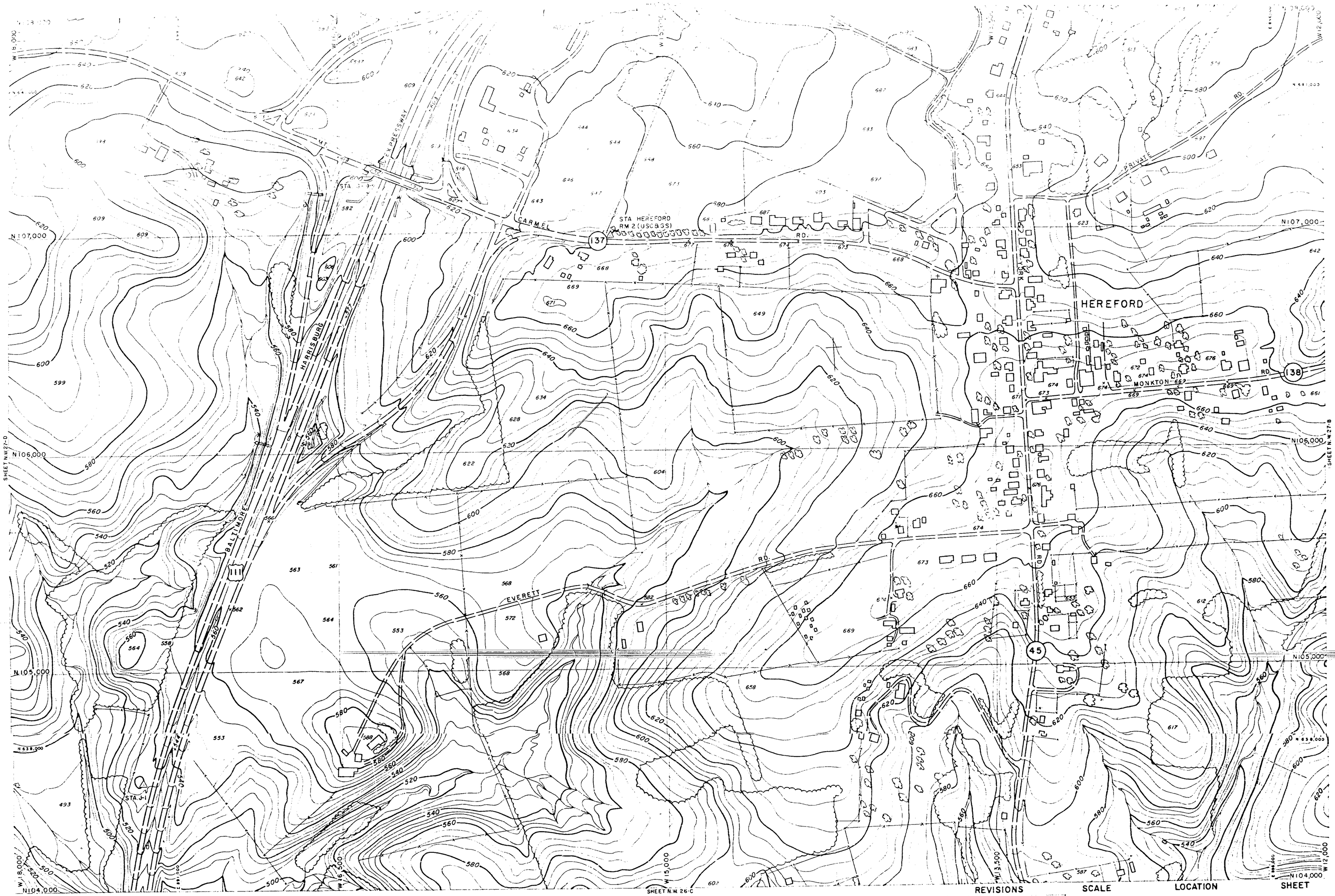
Revisions

Grid North

SHEET
B-2

Scale: 1"=1000'

Miles
1/4 0 1/4 1/2 3/4 1
1,000 0 1,000 2,000 3,000 4,000 5,000



HH-SW HH-SE

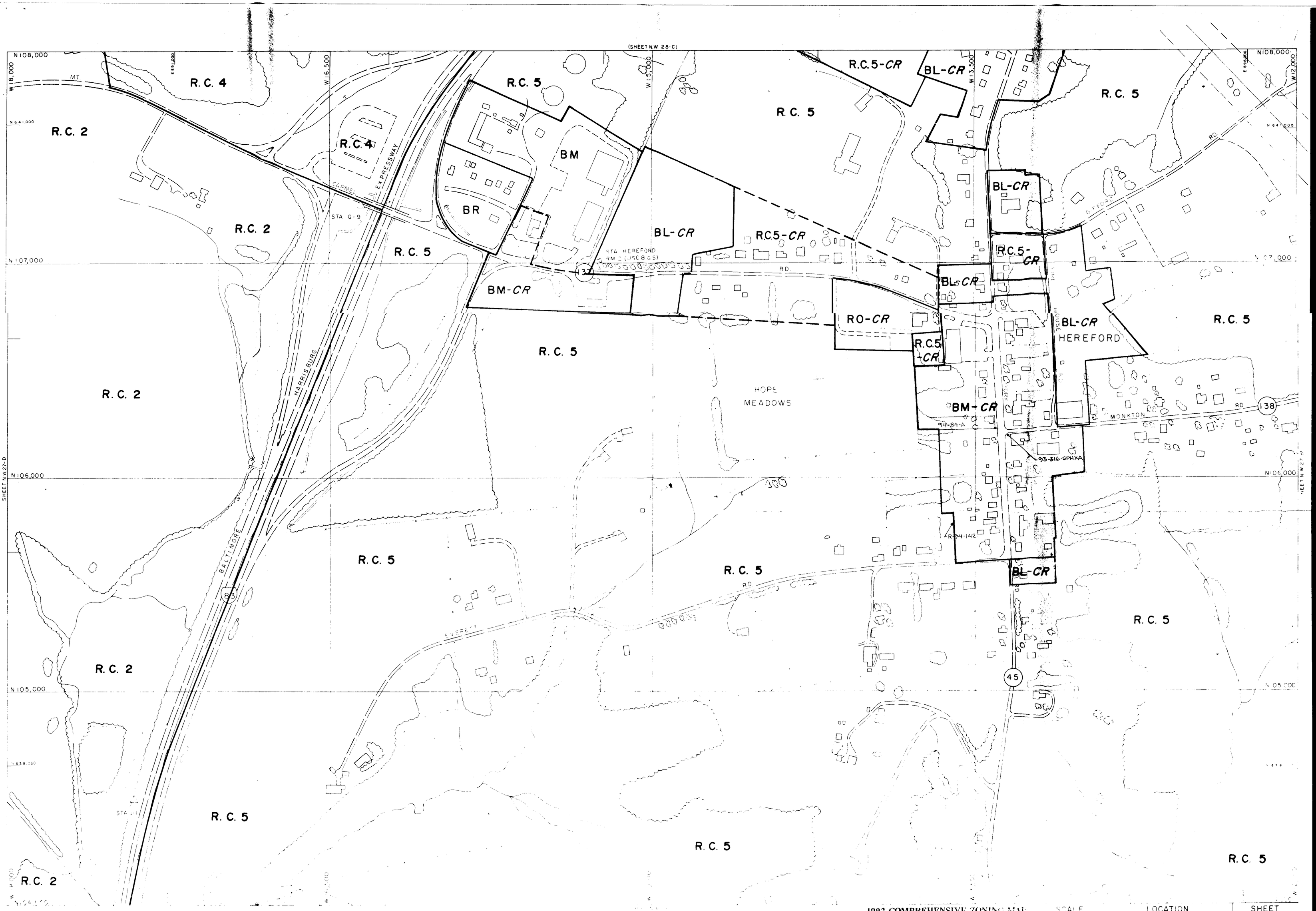
PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	HEREFORD	N.W. 27-C

DATE OF PHOTOGRAPHY APRIL 1961

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED – BALTIMORE 22, MARYLAND

People's Counsel Ex. 17



HH-SW HH-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN INC BALTIMORE MD 21239

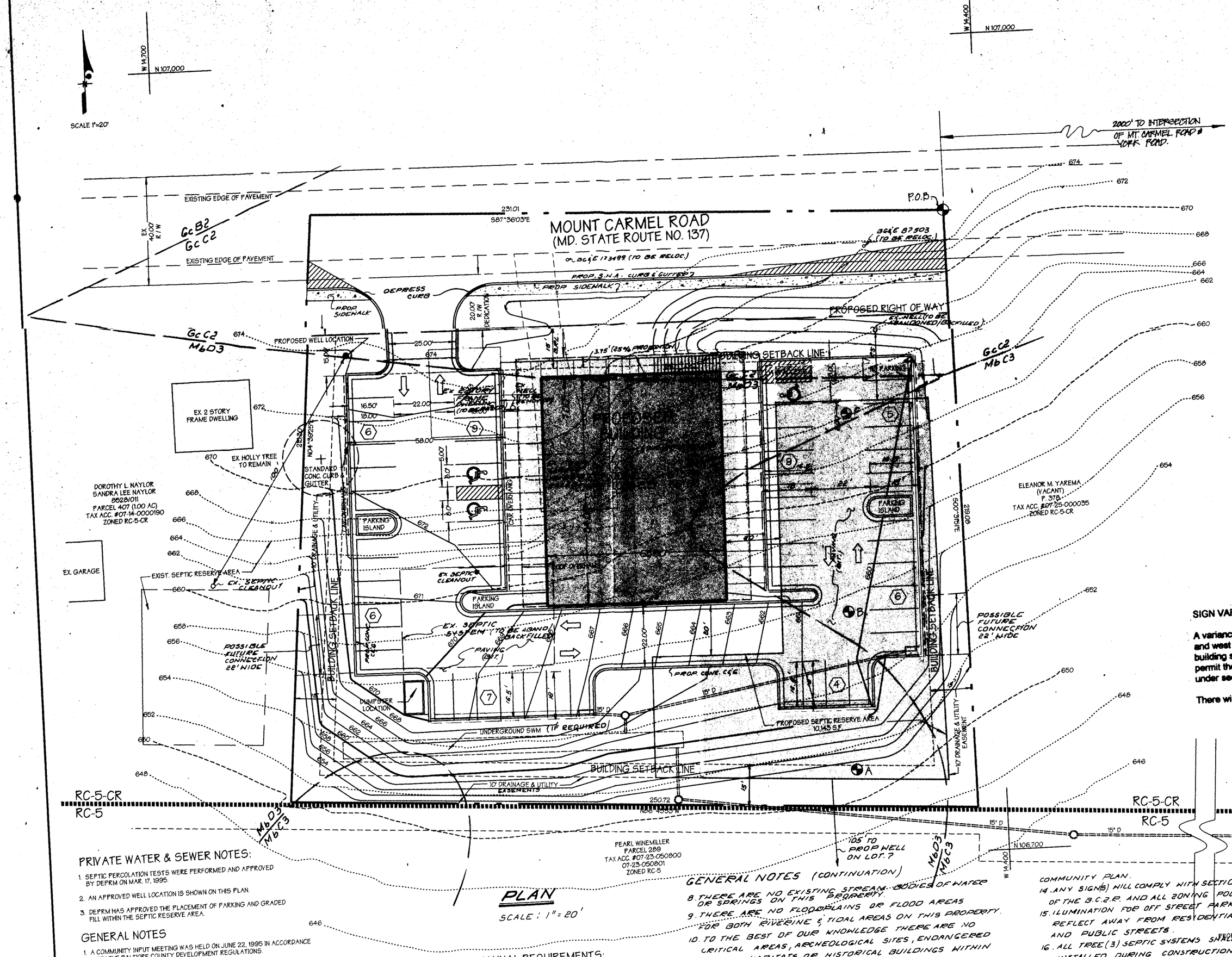
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard IV
Chairman, County Council

People's Counsel Ex. No.

SCALE	LOCATION	SHEET
1" = 200'	HEREFORD	NW 27-C
DATE OF PHOTOGRAPHY JANUARY 1986		



PLAN

SCALE: 1" = 20'

PRIVATE WATER & SEWER NOTES:

1. SEPTIC PERCOLATION TESTS WERE PERFORMED AND APPROVED BY DEPRM ON MAR. 17, 1995.
2. AN APPROVED WELL LOCATION IS SHOWN ON THIS PLAN.
3. DEPRM HAS APPROVED THE PLACEMENT OF PARKING AND GRADED FILL WITHIN THE SEPTIC RESERVE AREA.

GENERAL NOTES

1. A COMMUNITY INPUT MEETING WAS HELD ON JUNE 22, 1995 IN ACCORDANCE WITH THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS.
2. THE PRINCIPAL ISSUE WITH THE COMMUNITY FOCUSED ON THE HEREFORD PLAN AND THE INTERPRETATION OF THE ALLOWABLE BUILDING SIZE.
3. THE HEREFORD COMMUNITY ASSOC. IS ON RECORD TO HAVE VOTED 73 TO 12 IN FAVOR OF THIS DEVELOPMENT BASED ON THE CONCEPT PLAN SUBMISSION.
4. THERE ARE NO WETLANDS, FOREST STANDS, OR ASSOCIATED BUFFERS ON THIS PROPERTY.
5. THIS DEVELOPMENT IS EXEMPT FROM THE FOREST CONSERVATION LAW BY AS PRESCRIBED BY SECTION 14.403-b (10) OF THE BALTIMORE COUNTY CODE.
6. THIS DEVELOPMENT PLAN MEETS THE REQUIREMENTS FOR BUILDING ARCHITECTURE LANDSCAPING, AND USES PRESCRIBED IN THE HEREFORD MASTER PLAN DOCUMENT.
7. ALL STANDARD PARKING SPACES ARE 9'X19'
   ALL HANDICAPPED PARKING SPACES ARE 13'X19'
   ALL HANDICAPPED PARKING SPACES ARE 16'X19'

LANDSCAPE MANUAL REQUIREMENTS:

ADJACENT ROADS (MOUNT CARMEL RD)	230 LF @ 1.40 = 5.8 P.U.
INTERIOR ROADS	80 LF @ 1.20 = 4.0 P.U.
PARKING LOT	52 SF @ 1.8 = 6.5 P.U.
PARKING SCREEN FROM R/W	110 LF @ 1.15 = 7.3 P.U.
PROPOSED PLANTING	
MAJOR DECIDUOUS	20 @ 1.1 = 20 P.U.
MINOR DECIDUOUS	8 @ 2.1 = 4 P.U.
EVERGREEN TREES	26 @ 2.1 = 14 P.U.
SHRUBS	146 @ 51 = 2.92 P.U.
	1 @ 12 = 2 P.U.
CREDIT FOR EX. HOLLEY	

ALL EX. TREES TO BE REMOVED EXCEPT AS NOTED

GENERAL NOTES (CONTINUATION)

8. THERE ARE NO EXISTING STREAM BODIES OF WATER OR SPRINGS ON THIS PROPERTY.
9. THERE ARE NO FLOODPLAINS OR FLOOD AREAS FOR BOTH RIVERINE & TIDAL AREAS ON THIS PROPERTY.
10. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN PROPERTY LIMITS SHOWN ON THE PLAN.
11. THE SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
12. A FINAL LANDSCAPE PLAN, IS TO BE SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS.
13. SITE LIGHTING AND ILLUMINATION OF SIGNS WILL BE CONSISTENT WITH THE DESIGN GUIDELINES OF THE HEREFORD COMMUNITY PLAN.
14. ANY SIGN(S) WILL COMPLY WITH SECTION 259.3.C.7. OF THE B.C.Z.R. AND ALL ZONING POLICIES.
15. ILUMINATION FOR OFF STREET PARKING MUST REFLECT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS.
16. ALL TREE(3) SEPTIC SYSTEMS SHALL BE INSTALLED DURING CONSTRUCTION (INITIAL SEPTIC SYSTEM AND BOTH REPAIRS.) THE ABSORBTION TRENCHES MAY NEED TO BE INSTALLED BEFORE THE FILL IS PLACED ON SITE.
17. A VARIANCE FROM THE REQUIREMENT TO PROVIDE STORM WATER MANAGEMENT QUANITY CONTROL WAS GRANTED FOR THIS PROJECT PROVIDED THAT SUITABLE OUTFALL IS PROVIDED.

PROPOSED BY OTHERS SHALL BE

THIS PLAN IS SEALED AND CERTIFIED TO BE IN ACCORDANCE WITH THE HEARING OFFICER'S ORDER AND ALL AGENCY COMMENTS.

SIGN VARIANCE REQUEST:

A variance request is made to install attached building band signs on the east and west side elevations of the proposed building for tenant identification and a building sign on the north side building elevation for building identification. To permit the total attached signage to be 250 S.F. in lieu of the permitted 8 S.F. under section 259.3C.7 of the BCZR.

There will be no free standing signs on the proposed development.

ZONING REQUIREMENTS

1. Gross floor area of building permitted	- 8,800 s.f. (6,600 s.f. on ground floor)
2. Permitted floor area ratio (F.A.R.)	- .20
3. Requested gross floor area	- 11,000 s.f. (5,502 s.f. on ground floor)
4. Requested floor area ratio (F.A.R.)	- .21

VARIANCE REQUESTS

A variance request of Section 259.3.C.4 & 4.b. Of BCZR for CR Districts to permit a maximum of 11,000 s.f. of gross floor area in lieu of the permitted 8,800 s.f. and an F.A.R. of .21 in lieu of the .20 permitted. (Reference the adopted 'Hereford Plan'.)

SITE DATA

1. SITE AREA - 1.20 ACRES
2. EXISTING ZONING - RC-5-CR
3. EXISTING USE - TWO STORY DWELLING
4. PROPOSED USE - TWO STORY OFFICE / RETAIL BUILDING
5. OWNER - ALLAN G. IANNACONE & DENNIS EATON
   P.O. BOX 88
   MONKTON, MARYLAND 21111
6. TAX ACCOUNT NO. - 07-01-035025
7. PROPOSED BUILDING USEAGE:
   MEDICAL OFFICE - 750 S.F.
   RETAIL 8,250 S.F.
   GEN. OFFICE 2,000 S.F.
8. PARKING TABULATION:

MEDICAL OFFICE - 4.5 SPACES / 1000 S.F.	- 3.37 SPACES
RETAIL - 5.0 SPACES / 1000 S.F.	- 41.25 SPACES
OFFICE - 3.3 SPACES / 1000 S.F.	- 6.60 SPACES
TOTAL PARKING REQUIRED	- 51.22 SPACES
TOTAL PARKING PROVIDED	- 52.00 SPACES

9. TRAFFIC GENERATION: (AVE. DAILY TRIPS)

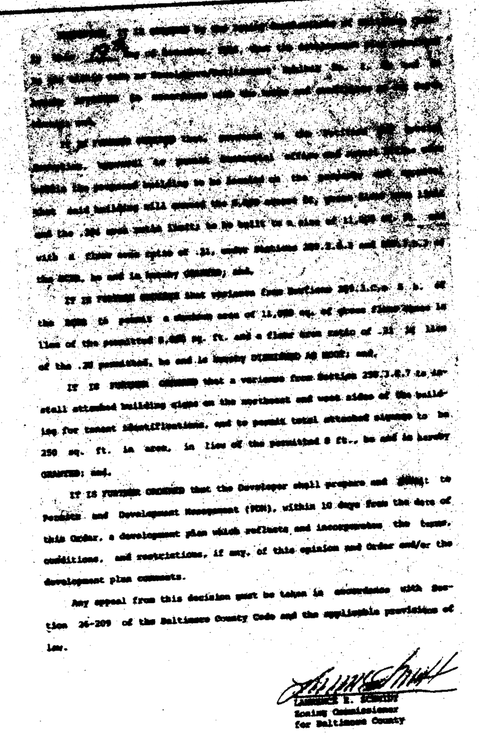
MEDICAL OFFICE	- 25.5
GENERAL OFFICE	- 100.0
RETAIL	- 1050.0
TOTAL ADTS	- 1175.5

10. OPEN SPACE PROPOSAL:
    MIN REQ. LANDSCAPED AREA - .25 AC.
    PERVIOUS PARKING AREA - .05 AC.
    TOTAL OPEN SPACE PROVIDED - .5 AC.
11. CENSUS TRACT - 4081
    WATERSHED - 4072

LEGEND

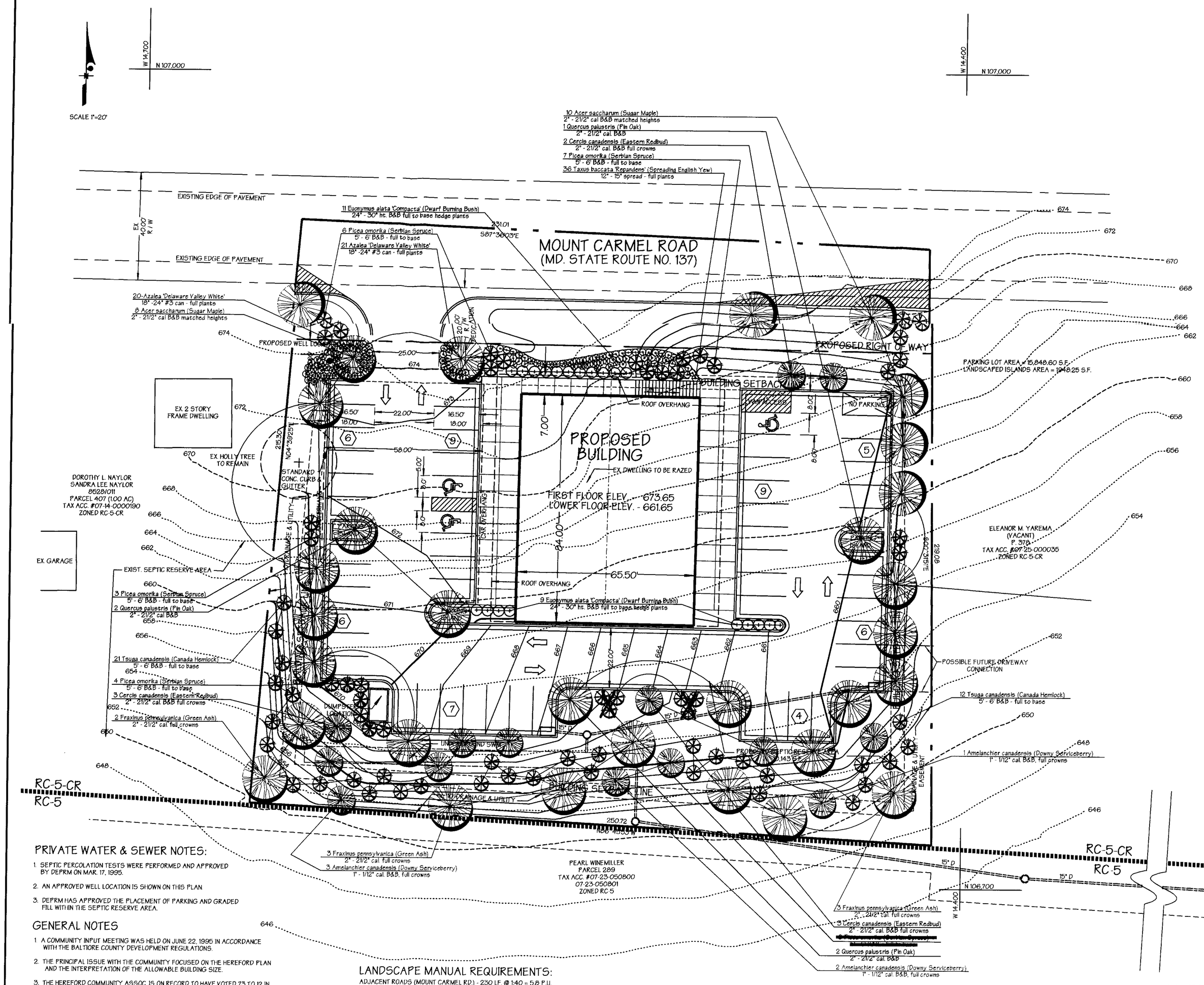
RC-5-CR / RC-5	ZONING LINE
650	EXISTING CONTOUR
666 / 664	PROPOSED CONTOURS
B	SEPTIC TEST LOCATION
●	PROPOSED WELL
	PROPOSED SEPTIC RESERVE AREA
4	NO. PARKING SPACES
	SOIL LINES

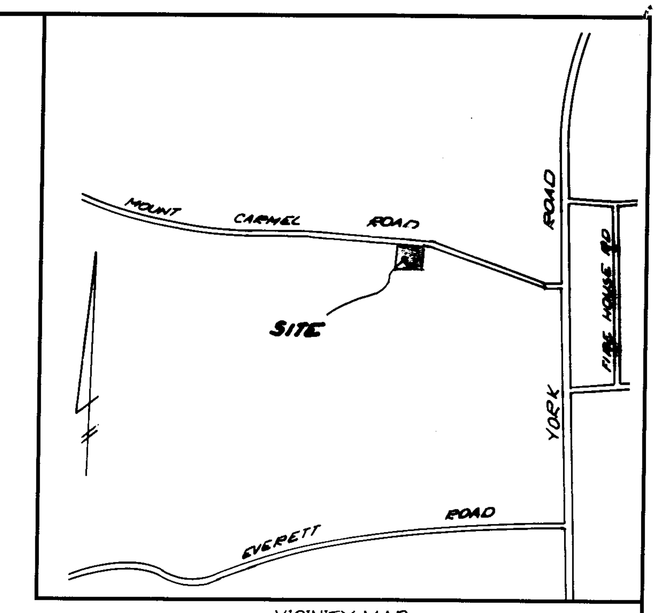
96-164-XA



ORDERED, that the petition for zoning variance to permit a building setback of 15 feet in lieu of the required 50 feet, and a front yard setback of 15 feet in lieu of the required 50 feet, and a side yard setback of 15 feet in lieu of the required 50 feet, and a rear yard setback of 15 feet in lieu of the required 50 feet, and a building height of 35 feet in lieu of the required 30 feet, and a parking setback of 15 feet in lieu of the required 50 feet, and a parking setback of 15 feet in lieu of the required 50 feet, and a parking setback of 15 feet in lieu of the required 50

DEVELOPERS EX. #2





VICINITY MAP
SCALE 1" 1000'

PRIVATE WATER & SEWER NOTES:

1. SEPTIC PERCOLATION TESTS WERE PERFORMED AND APPROVED BY DEPRM ON MAR. 17, 1995.
2. AN APPROVED WELL LOCATION IS SHOWN ON THIS PLAN.
3. DEPRM HAS APPROVED THE PLACEMENT OF PARKING AND GRADED FILL WITHIN THE SEPTIC RESERVE AREA.

GENERAL NOTES

1. A COMMUNITY INPUT MEETING WAS HELD ON JUNE 22, 1995 IN ACCORDANCE WITH THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS.
2. THE PRINCIPAL ISSUE WITH THE COMMUNITY FOCUSED ON THE HEREFORD PLAN AND THE INTERPRETATION OF THE ALLOWABLE BUILDING SIZE.
3. THE HEREFORD COMMUNITY ASSOC. IS ON RECORD TO HAVE VOTED 73 TO 12 IN FAVOR OF THIS DEVELOPMENT BASED ON THE CONCEPT PLAN SUBMISSION.
4. THERE ARE NO WETLANDS, FOREST STANDS, OR ASSOCIATED BUFFERS ON THIS PROPERTY.
5. THIS DEVELOPMENT IS EXEMPT FROM THE FOREST CONSERVATION LAW BY AS PRESCRIBED BY SECTION 14-403-b-(10) OF THE BALTIMORE COUNTY CODE.
6. THIS DEVELOPMENT PLAN MEETS THE REQUIREMENTS FOR BUILDING ARCHITECTURE LANDSCAPING, AND USES PRESCRIBED IN THE HEREFORD MASTER PLAN DOCUMENT.
7. ALL STANDARD PARKING SPACES ARE 8.5' X 18'
   ALL HANDICAPPED PARKING SPACES ARE 13 X 18'
   ALL VAN ACCESSABLE HANDICAPPED PARKING SPACES ARE 16' X 18'

LANDSCAPE MANUAL REQUIREMENTS:

ADJACENT ROADS (MOUNT CARMEL RD) - 230 LF @ 1/40 = 5.8 P.U.	
INTERIOR ROADS - 80 LF @ 1/20 = 4.0 P.U.	
PARKING LOT - 52 SF @ 1/8 = 6.5 P.U.	
C.R. ZONE BUFFER - 700 LF @ 1/15 = 46.6 P.U.	
TOTAL PLANTING UNITS REQUIRED = 63 P.U.	
PROPOSED PLANTING	
MAJOR DECIDUOUS	31 @ 1.1 = 31 P.U.
MINOR DECIDUOUS	14 @ 2.1 = 7 P.U.
EVERGREEN TREES	60 @ 2.1 = 30 P.U.
SHRUBS	56 @ 2/1 = 11.2 P.U.
TOTAL NEW PLANTING UNITS PROVIDED = 79.2 P.U.	
CREDIT FOR EX. HOLLEY	1 @ 12 = 2 P.U.
ALL EX. TREES TO BE REMOVED EXCEPT AS NOTED	
TOTAL PLANTING UNITS PROVIDED = 81.2 P.U.	

LEGEND

RC-5-CR / RC-5	ZONING LINE
650	EXISTING CONTOUR
664 / 666	PROPOSED CONTOURS
	SEPTIC TEST LOCATION
●	PROPOSED WELL
	PROPOSED SEPTIC RESERVE AREA
(4)	NO. PARKING SPACES

SITE DATA

1. SITE AREA - 1.20 ACRES
2. EXISTING ZONING - RC-5-CR
3. EXISTING USE - TWO STORY DWELLING
4. PROPOSED USE - TWO STORY OFFICE / RETAIL BUILDING
5. OWNER - ALLAN G. IANNACONE & DENNIS EATON
   P.O. BOX 88
   MONKTON, MARYLAND 21111
6. TAX ACCOUNT NO. - 07-01-035025
7. PROPOSED BUILDING USEAGE:
   MEDICAL OFFICE - 700 S.F.
   RETAIL - 6250 S.F.
   OFFICE - 4000 S.F.
8. PARKING TABULATION:

MEDICAL OFFICE - 4.5 SPACES / 1000 S.F.	3.37 SPACES
RETAIL - 5.0 SPACES / 1000 S.F.	41.25 SPACES
OFFICE - 3.3 SPACES / 1000 S.F.	6.60 SPACES
TOTAL PARKING REQUIRED	- 51.22 SPACES
TOTAL PARKING PROVIDED	- 52.00 SPACES

9. TRAFFIC GENERATION: (AVE. DAILY TRIPS)
   MEDICAL OFFICE - 25.5
   GENERAL OFFICE - 100.0
   RETAIL - 1050.0
   TOTAL ADTS - 1175.5
10. OPEN SPACE PROPOSAL
   MIN.REQ. LANDSCAPED AREA .25 AC.
   PERVIOUS PARKING AREA .05 AC.
   TOTAL OPEN SPACE PROVIDED .5 AC.

GEORGE W. STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This certification is submitted in connection with the development known as _____ and is given in accordance with the provisions of Section 22-55 (c) of the Baltimore County Code, 1978, as amended.

I, _____ now make oath that, to the best of my knowledge and belief there are no delinquent accounts for any other developments due and owed Baltimore County, Maryland by the applicant, or any person who will perform contractual services on behalf of the proposed development.

I HEREBY CERTIFY, that on this _____ day of _____ 19__ before me, the subscriber, a Notary Public in and for the County and State aforesaid, personaly appeared _____ and made oath in due form of law that the matters and facts hereinabove set forth are true.

My Commission Expires: _____

NOTE:

If applicant is a corporation, this certification must be completed by an authorized officer and if applicant is a partnership or joint venture, it must be completed by a general partner or venturer or an officer thereof.

REDLINE LANDSCAPE PLAN

PADM NO. VII-308

MOUNT CARMEL CENTER

111 MOUNT CARMEL ROAD
HEREFORD, MARYLAND

7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD
DATE: AUGUST 28, 1995

Appellee's #5

CR DISTRICT OVERLAY

SECTION 259.3 - SPECIAL REGULATIONS FOR C.R. DISTRICTS

PROPOSED MT. CARMEL CENTER
ZONED R.C.5-CR

SECTION 259.3 B.2
ANY USE PERMITTED (BY RIGHT OR BY SPECIAL EXCEPTION) WITHIN THE C.R. DISTRICT BUT WHICH IS NOT PERMITTED IN THE UNDERLYING ZONE AND WHICH MEETS THE BULK REGULATIONS OF PARAGRAPH 1 OF 259.3C. IS PERMITTED BY SPECIAL EXCEPTION

IN OTHER WORDS THE USES TO OCCUR INSIDE THE BUILDING WHICH NORMALLY ARE NOT PERMITTED IN AN R.C. 5 ZONE REQUIRE A SPECIAL EXCEPTION

DEVELOPMENT PLAN OPTIONS

DESIGN THE FACILITY IN ACCORDANCE WITH SECTION 259.3.C.a & b.
(8,800 S.F. GROSS FLOOR AREA,
.20 FAR, 6,600 S.F. BLDG. FOOTPRINT,
& 30' HEIGHT RESTRICTION.)

CONCEPT PLAN
COMMUNITY INPUT MEETING
AGENCY REVIEW OF DEVELOPMENT PLAN
(SITE PLAN ONLY)
HEARING OFFICER'S HEARING

IN OTHER WORDS
NO SUBMISSION OF ARCHITECTURE
REQUIRED OR SPECIAL EXCEPTION
CONSIDERATION FOR BUILDING
WHICH DOES NOT EXCEED THE BULK
REGULATIONS

DESIGN THE FACILITY IN ACCORDANCE WITH SECTION 259.3.B.3 FOR BUILDINGS WHICH EXCEED THE BULK USE REGULATIONS
(8,800 S.F. GROSS FLOOR AREA,
.20 FAR, 6,600 S.F. BLDG. FOOTPRINT,
& 30' HEIGHT RESTRICTION.)

SPECIAL EXCEPTION REQUIRED TO USE A BUILDING ON A SITE WHICH EXCEEDS THE BENCHMARK BULK REGULATIONS IN SECTION 259.3.B.3. (ABOVE)

IN OTHER WORDS THIS SPECIAL EXCEPTION PERMITS THE USE OF A BUILDING WHICH EXCEEDS THE BENCHMARK AREA REGULATIONS OF SECTION 259.3.B.3.

CONDITIONS TO BE MET BEFORE SPECIAL EXCEPTION CAN BE GRANTED

HEREFORD PLAN

DESIGNATES:
SITE DEVELOPMENT STANDARDS
NO FRONT YARD PARKING
UTILIZE EX. SITE CONDITIONS
PROVIDE ARCHITECTURAL TREATMENTS

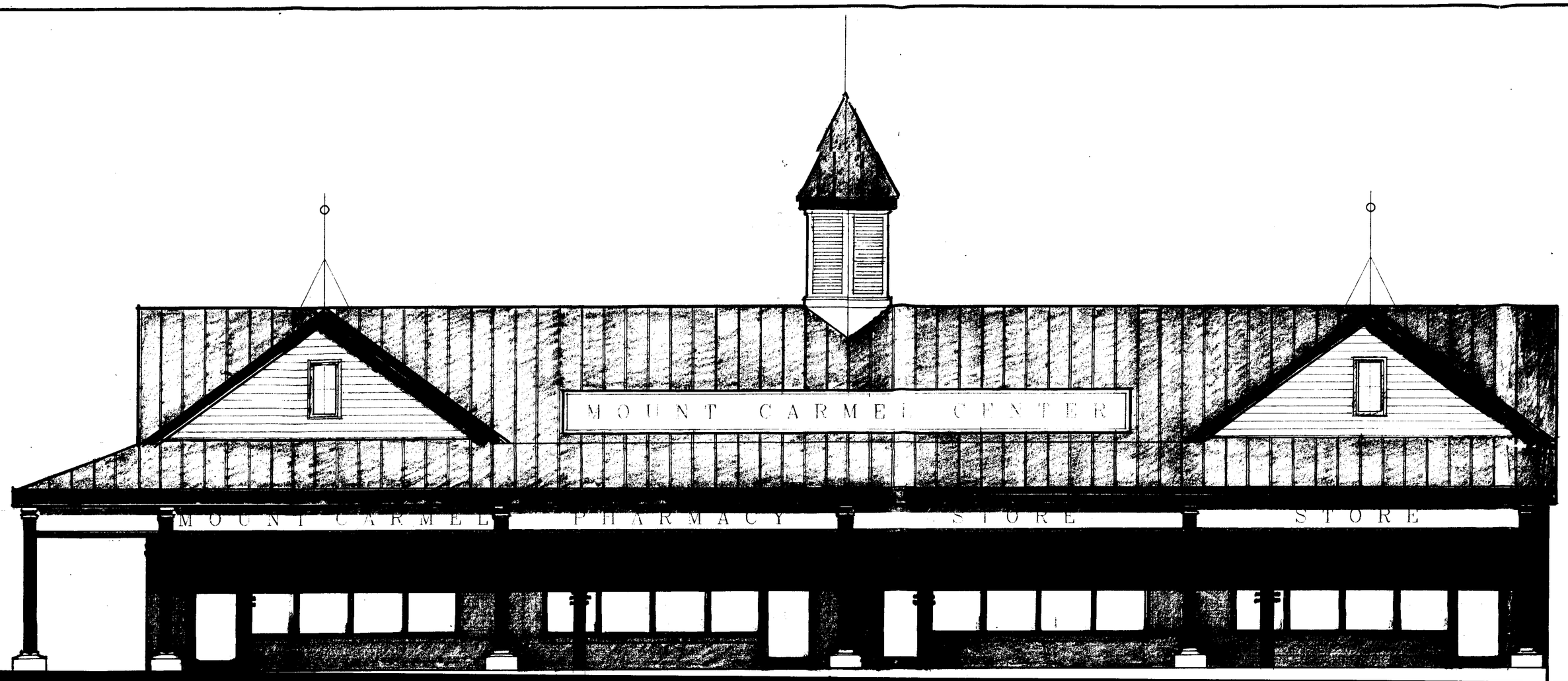
OFFICE (PLANNING
REVIEW & ORSEMENT

COMPATIBILIT DY APPROVED

ARCHITECTURI WED AGAINST
HEREFORD PI RFORMANCE
ST DS.

IF THE CONDITIONS ARE MET AND ENDORSED BY PLANNING OFFICE THE ZONING COMMISSIONER HAS THE AUTHORITY TO GRANT THE SPECIAL EXCEPTION FOR A BUILDING LARGER THAN THE BENCHMARK BULK REGULATIONS.

Mount Carmel Center
96-164-XA/CBA-96-103
Appellee's # 7



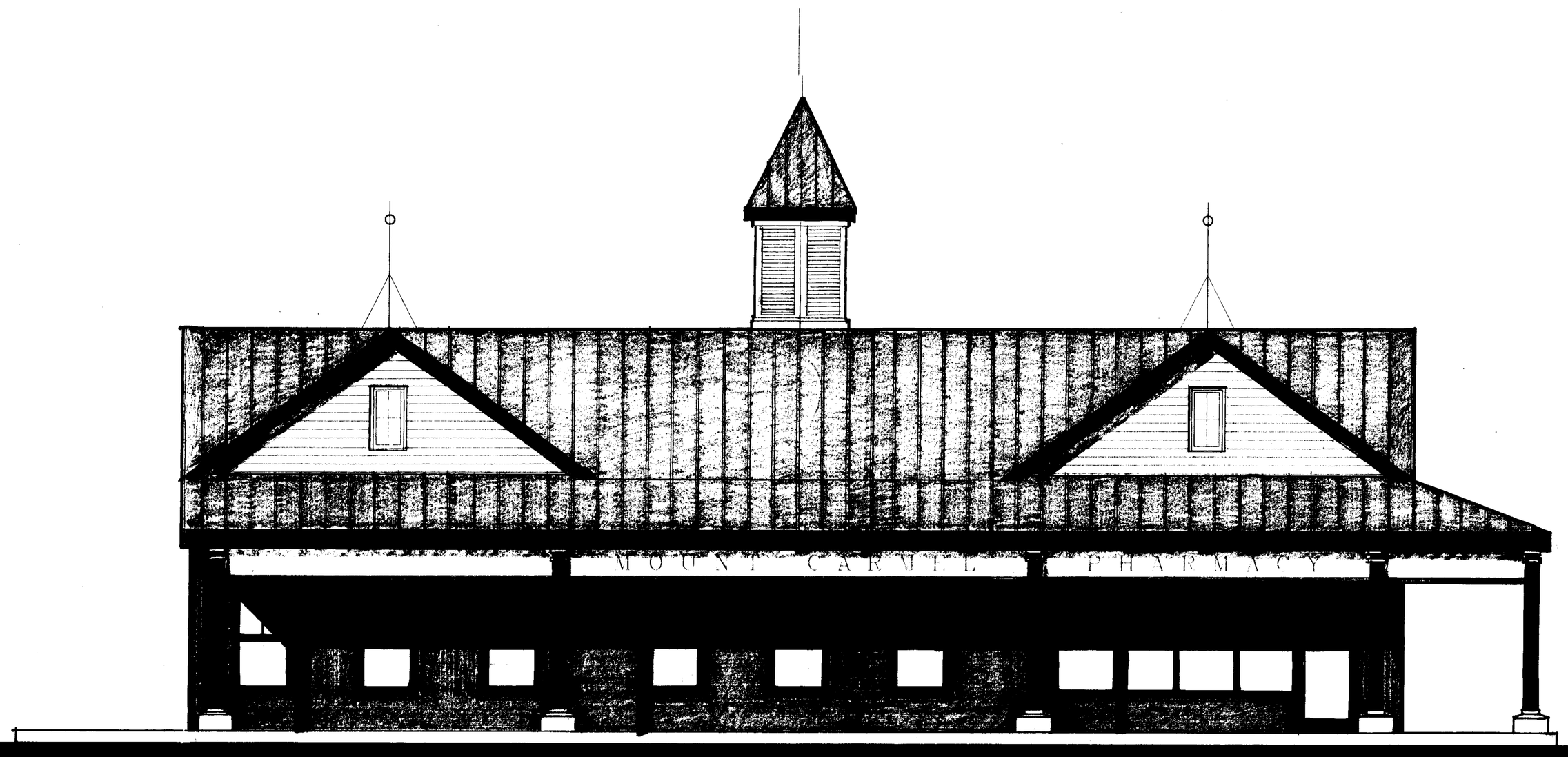
WEST ELEVATION

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2900
FAX 410-337-2971

MOUNT CARMEL CENTER
MOUNT CARMEL ROAD HEREFORD, MARYLAND

REVISIONS

Mount Carmel Center
96-164-XA | CBA-96-103
Appellee's # 8



NORTH ELEVATION

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2866
FAX 410-337-2974

MOUNT CARMEL CENTER
MOUNT CARMEL ROAD
HEREFORD, MARYLAND

REVISIONS:

NO	DESCRIPTION	DATE

LAST REV.
PROJECT NO. 95-054
DATE 13 JUNE 1995
SCALE 1/4" = 1'-0"
TITLE
ELEVATIONS

SHEET
A
103