IN RE: PETITION FOR ZONING VARIANCE \*

S/S Fontana Lane, 283 ft. +/-

W of c/l Philadelphia Road

15 Fontana Lane

14th Election District

6th Councilmanic District

Legal Owner: GR4 Ltd. Partner-\*

ship/Siena Corporation Lessee: Provident Bank of

Maryland, Petitioner \*

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-56-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 15 Fontana Lane in the Golden Ring section of Baltimore County. The Petition was filed by GR4 Ltd. Partnership and Siena Corporation, General Partner, property owners, and Provident Bank of Maryland, Lessee. Variance relief is requested from Sections 250.3 and 301.1A of the Baltimore County Zoning Regulations (BCZR) to permit a rear setback for a drive-thru bank canopy of 25 ft., in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Richard T. Boecker, Jr. on behalf of Provident Bank of Maryland, and Pau Lee, of Paul Lee Engineering, Inc. Also appearing was Ronald W. Clayton of KCM, Architects, who prepared the site plan. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately .376 acres in area, zoned MLR-IM. The property is located on Fontana Lane near the Golden Ring Mall, and near the interchange of the Baltimore Beltway (I-695) and Philadelphia Road (Md. Route 7). the property is improved with an existing building which is used as a bank branch by the Provident Bank of Maryland. Apparently, the bank has been



at this location for approximately 10 years. As shown on the site plan, the bank branch features a drive-in window. Presently, there are three lanes, one which allows drive-in access to an ATM machine and two which allow drive-in teller service.

In order to increase capacity and enhance service, the bank proposes the construction of a fourth drive-in lane. Moreover, to shield this lane from inclement weather, the existing canopy will be extended. As a result of this extension, variance relief is requested so as to allow the end of the canopy to be located approximately 25 ft. from the property line, in lieu of the required 30 ft.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. Clearly, there will be no detrimental impact on surrounding properties if variance relief is granted. The extension of the canopy appears an appropriate use for this site. In this regard, the canopy will be extended towards Fontana Lane and will not detrimentally impact any adjacent lots or occupants thereof.

It is also to be noted that a comment was received within the Zoning Plans Advisory Committee (ZAC) from Robert W. Bowling, Chief, Bureau of Developer's Plans Review, regarding the existence of a floodplain on the subject site. However, Mr. Clayton testified at the hearing that the floodplain is located on the southern portion of the site and the canopy expansion is located on the north side of the property. Thus, there would be no impact on the 100 year flood reservation area.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 197 day of September 1997 that a variance from Sections

250.3 and 301.1A of the Baltimore County Zoning Regulations (BCZR) to permit a rear setback for a drive-thru bank canopy of 25 ft., in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 18, 1997

Mr. Richard T. Boecker, Jr. Provident Bank of Maryland 114 E. Lexington Street Baltimore, Maryland 21202

RE: Case No. 98-56-A

Petition for Zoning Variance

Property: 15 Fontana Lane, Baltimore, Md. 21237

Lessee: Provident Bank of Maryland

Dear Mr. Boecker:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

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

Very truly yours, Samm & Micel

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

c: Mr. Ronald W. Clayton KCM Architects 2508 N. Calvert St. Baltimore, Md. 21218

c: Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvnia Avenue
Towson, Maryland 21204



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 15 Fontana Lane, Baltimore, MD. 21237

98-56-A

which is presently zoned

MLR-IM

This Petition shall be filed with the Department of Permits & 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)

...From Sections 250.3 and 301.1A; BCZR, to permit a rear yard setback for a drive-through canopy of 25 ft. in lieu of the required 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be developed at Hearing.

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

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

	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	Legal Owner(s)
Provident Bank of Maryland	GR4 Limited Partnership
(Type or Print Name)	(Type or Print Name)
hand the	Siena Corporation, General Partner
Signature CHARCET L. LONTZ, Vice President	Signature
114 E.Lexington Street	Kenneth L. Hankin, President
Address	(Type or Print Name)
Baltimore MD . 21202	10l11Ag 2
Ciry State Zipcode	Signature
Attorney for Petitloner	
Antonio P. Salazar (Type or Print Name)	12011 Guilford Road 410-792-8395
Signature School	Annapolis Junction MD. 20701  City State Zipcode
U	Name, Address and phone number of representative to be contacted
114 E.Lexington St. 410-281-7000	Ronald W. Clayton
Address Phone No. Baltimore, MD. 21202	Name KCM Architects
Baltimore, MD. 21202 City State Zipcode	2508 N.Calvert St. 410-889-2613
Zipcode	Address Baltimore, MD. 21218 Phone No
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
	unavailable for Hoaring
Printed with Soybean Ink	the following dates Next Two Months
on Recycled Paper	ALLOTHER
Revised 9/5/95	REVIEWED BY: DATE 8-12-97
RECEIVED NUB 2 1 19	97/



ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



## 98-56 - A zoning description

Beginning for the same at a point on the south side of Fontana Lane which is 60 feet wide at the distance of 283 feet more or less west of the centerline of Philadelphia Road (MD Route 7). Thence the following courses and distances:

- 1. S 52° 18' 37" W, 176.88 feet;
- 2. N 79° 14' 02" W, 10.63 feet to the centerline of Philadelphia Court, a private road;
- 3. Along the centerline of Philadelphia Court by a curve to the left with radius of 165.00 feet, arc length of 15.37 feet subtended by a chord of N 17° 06' 12" W, 15.37 feet;
- 4. Continuing along said road centerline by a curve to the right with radius of 170.00 feet, arc length of 153.46 feet subtended by a chord of N 06° 05' 15" E, 148.30;
- 5. Continuing along said road centerline N 31° 56' 52" E, 26.03 feet to the south side of Fontana Lane;
- 6. Along Fontana Lane S 58° 05' 47" E 147.75 feet to the point of beginning;

containing 0.376 acres of land more or less.

Being Lot #4 as shown on the Plat of Golden Ring Executive Park as recorded in Baltimore County Plat Book 54 Folio 131. Also known as 15 Fontana Lane and located in the 14th Election District.

9997.RFB



56

RFB:mak\a\bb\ zoning.des\070197

CERTIFICA	OF	POS	TING	

Baltimore County Department of

Towson, MD 21204

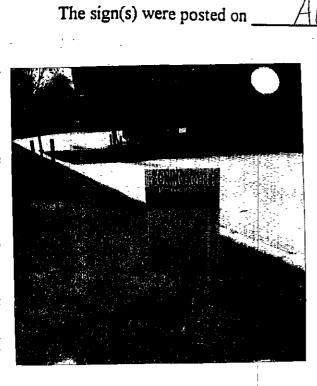
Ladies and Gentlemen

Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue

Attention: Ms. Gwendolyn Stephens

Fontana Lone - Baltimore

98-56 RE: Case No.: 98-2-97 Petitioner/Developer: <u>KCM Architects</u> Provident-Bank Date of Hearing/Closing: 9-17-97@11:WAM This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at <u>Provident Bank</u> Sincerely, (Signature of Sign Poster and Date) MARK FITZGERALD (Printed Name)

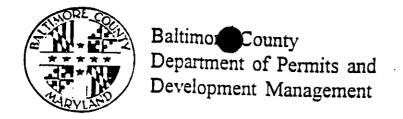




SHANNON-BAUM SIGNS

(City, State, Zip Code)

(Telephone Number)



Development Processing County Office Building 111 West Chesapeake Av Towson, Maryland 2120-

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

98-56-A

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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 newspap	er advertising:
Item No.:	56
Petitioner:	Provident Bank of Maryland
Location:	15 Fontana Lane, Baltimore, Maryland 21237
PLEASE FORW	ARD ADVERTISING BILL TO:
NAME:	KCM Architects
ADDRESS:	2508 North Calvert Street, Baltimore, Maryland 21218
	Attention: Ronald Clayton
PHONE NUMBER	: (410)889-2613
AJ:ggs	(Revised 09/24/96)

Printed with Sovbean in

Request for Zoning: Vance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than *
Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 98-56-A.

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *	
DATE AND TIME: *	
REQUEST: A VARIANCE TO K	Penit A REAR YARD
SETBACK OF 25ft. IN	LEU OF THE REQUIRED
30ft- BR A DRIVE TAP	ough CANODY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

### HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
August 28, 1997 Issue - Jeffersonian

Please foward billing to:

KCM Architects Ronald Clayton 2508 N Calvert Street Baltimore MD 21218 410-889-2613

#### 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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-56-A
15 Fontana Lane
S/S Fontana Lane, 283'+/- W of c/l Philadelphia Road
14th Election District - 6th Councilmanic
Legal Owner(s): GR4 Limited Partnership/Siena Corporation, General Partner
Contract Purchaser(s): Provident Bank of Maryland

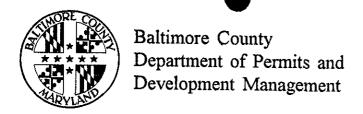
Variance to permit a rear yard setback for a drive-through canopy of 25 feet in lieu of the required 30 feet.

HEARING: WEDNESDAY, SEPTEMBER 17, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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.



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

August 22, 1997

#### 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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-56-A
15 Fontana Lane
S/S Fontana Lane, 283'+/- W of c/l Philadelphia Road
14th Election District - 6th Councilmanic
Legal Owner(s): GR4 Limited Partnership/Siena Corporation, General Partner
Contract Purchaser(s): Provident Bank of Maryland

Variance to permit a rear yard setback for a drive-through canopy of 25 feet in lieu of the required 30 feet.

HEARING: WEDNESDAY, SEPTEMBER 17, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon Director

cc: GR4 Limited Partnership
Provident Bank of Maryland
Antonio P. Salazar, Esq.
Ronald W. Clayton/KCM Architects

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 2, 1997.

- (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.

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#### NOTICE OF HEARING

The Zening Commissioner of Battimore County, by authority of the Zoning Act and Regula-tions of Baltimore County will-hold a public hearing in Towson. Maryland on the property identified herein as follows:

Case: #98-56-A 15 Fontana Lane S/S Fontana Lane, 283'+/- W of c/l Philadelphia Road 14th Election District 14th Councilmanic Legal Owner(s) GR4 Limited Partnership/Siena Corpora-tion, General Partner Contract Purchaser(s): Provident Bank of Maryland

Variance: to permit a rear yard setback for a drive-through canopy of 25 feet in lieu of the required 30 feet. Hearing: Wednesday, Sep-tember 17, 1997 at 11:00 (a.m., Room 407 Courts Building, 401 Bosley Ave-AUA.

LAWRENCE E. SCHMIDT

AWHENUE E. SOMMIUT
Zoning Commissioner for.
Battyrore County
NOTES: (1) Hearlings are
Handicapped Accessible; for special accommodations,
Please Call (410) 887-3353.
(2) For information concern-

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

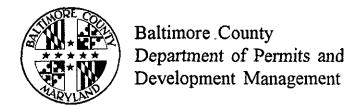
8/328 Aug. 28 : C169197

### CERTIFICATE OF PUBLICATION

lug. 28, 1997 TOWSON, MD., 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 Olig. 28, 1997. weeks, the first publication appearing on

THE JEFFERSONIAN.

LEGAL AD. - TOWSON



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

September 11, 1997

Antonio P. Salazar, Esquire 114 E. Lexington Street Baltimore, MD 21202

RE: Item No.: 56

Case No.: 97-56-A

Petitioner: GR4 Ltd. Partnership

Dear Mr. Salazar:

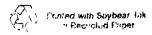
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 12, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)





Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

AUGUST 25, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 25, 1997

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Fursuant 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. THE FOLLOWING INFORMATION APPLIES TO THE BELOW MENTIONED ITEM NUMBERS: 053, 056, 061, AND 063

- 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



BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 29, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for September 2, 1997

Item No. 056

The Development Plans Review Division has reviewed the subject zoning item. A portion of the private driveway is located in the "100 Year Flood Reservation" which is County owned. The 100 year flood elevation along the southeast property is approximately 34.49 feet per recorded plat 54/131 "Golden Ring Industrial Park". Per County regulations, "no construction in or alteration of any flood plain may be permitted".

If granted, this office requests that the proposal be made subject to the Baltimore County Landscape Manual to the extent possible.

RWB:HJO:jrb

cc: File

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**DATE:** August 25, 1997

TO: Arnold Jablon, Director Department of Permits and Development Management

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 52, 53, 55, 56, 57, 60, 61, 62, and 64

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffry W. Long

Division Chief: Cary L. Kenns

AFK/JL

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

TO:

MOR

DATE: 3/26/97

FROM:

R. Bruce Seelev.

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: Chipas

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

Item #'s:

5 3

60

61

62

RBS:sp

BRUCE2/DEPRM/TXTSBP



David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building Room 109 Towson, Maryland 21204

Baltimore County RE: Item No. 56 (JCM)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as the proposed development is not located on a State roadway and there are no impacts to any SHA facilities.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Ronald Burns, Chief Engineering Access Permits

LG

RE: PETITION FOR VARIANCE	*	BEFORE THE
15 Fontana Lane, S/S Fontana Lane, 283'+/- W of c/l Philadelphia Road	*	ZONING COMMISSIONER
14th Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): GR4 Limited Partnership/		••••••
Siena Corporation, General Partner Contract Purchaser: Provident Bank of Md.	*	CASE NO. 98-56-A
Petitioners		

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this Standard day of September, 1997, a copy of the foregoing Entry of Appearance was mailed to Antonio P. Salazar, Esq., 114 E. Lexington Street, Baltimore, MD 21202, attorney for Petitioners.

PETER MAX ZIMMERMAN

### PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

<u>NAME</u>	ADDRESS  114 E. LEXINGTON ST. BOUT. 2121					
BICHARD J. BOECKER JO.						
RONALD W. CLAYton	2508 H. CALVERT ST. BAG. 2					
fine Lu	304 W. Peru ave VIvoy					
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