

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE - N/S Highview St.,	* DEPUTY ZONING COMMISSIONER
130' W of York Road	* OF BALTIMORE COUNTY
(Parcel A of Timonium Heights)	* Case No. 98-415-SPHA
8th Election District	*
4th Councilmanic District	
J. R. Brothers, Inc.	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, J. R. Brothers, Inc., by Joann DiPaola, President. The Petitioners seek approval of a parking lot for commercial use in a residential zone, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.1.E.5 to permit a buffer and setback of 2 feet each within the residential transition area in lieu of the minimum required 50-foot buffer and 75-foot setback; from Section 409.8.A.2 to permit a stone parking lot in lieu of the required durable and dustless surface; from Section 409.8.A.4 to permit a parking setback to the street right-of-way line of 0 feet in lieu of the required 10 feet; and, from Section 409.8.A.6 to permit an unstriped parking lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Anthony J. DiPaola, co-owner of the property, Geoffrey C. Schultz, Vice President of McKee & Associates, Inc., the consulting firm which prepared the site plan of this property, and Michael T. Pate, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Edward Blizzard,

ORDER RECEIVED FOR FILING
 Date 12/27/98
 By [Signature]

who owns property to the rear of the proposed parking lot, and Bob Welsh, President of the West Timonium Heights Community Association.

Testimony and evidence offered revealed that the subject property is an unimproved, triangular-shaped lot, located on the north side of Highview Street, just west of its intersection with York Road, across from the Turf Inn Restaurant, which is owned by the Petitioners. The property consists of a gross area of 0.1522 acres, more or less, zoned D.R. 3.5. and is bordered to the east by a commercial flower stand and to the north by three residences, one of which is owned by Mr. Blizzard, who appeared in opposition. The Petitioners have owned the subject property for the past 15 years and are now requesting approval to use this lot for parking for employees, only. Testimony indicated that on peak nights, namely Friday and Saturday evenings, the Petitioner has as many as 20 employees working. The Petitioners would like to use the subject lot to provide additional parking for its employees on those nights, only. The Petitioners propose to secure the property with either a metal gate or a chain so that only its employees can utilize the parking area. In addition, the Petitioners propose to install a board on board fence along the northern edge of the lot to buffer its use from the adjacent residential properties. Furthermore, the lot will not be lighted and the Petitioners propose a stone surface so as to minimize storm water runoff from the site. Due to the unique configuration of the property and its D.R. 3.5 zoning classification, the requested special hearing and variance relief are necessary in order to proceed as proposed.

As noted above, two individuals appeared in opposition to the Petitioners' request. Mr. Blizzard believes that the proposed use of the subject property as a parking lot is a commercial encroachment into his

residential neighborhood which is not welcomed by himself or his neighbors. Although Mr. Blizzard does not live on his property at this time, he wants to protect his investment and prevent commercial encroachment into his neighborhood. Mr. Bob Welsh, who appeared on behalf of the West Timonium Heights Community Association, also expressed concern over commercial encroachment into his residential community. He believes that commercial activity should be limited to commercial zones and should not be allowed to encroach into residential neighborhoods. It is to be noted that the other two residents whose properties abut the rear of the proposed parking lot, submitted letters supporting the Petitioner's request.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing and variances. Given the proposed use of the lot on a limited basis, I find that it would not have an adverse impact on the surrounding community. Furthermore, the lot will be restricted to use by employees only, a maximum of three nights a week. Thus, there will not be a steady flow of traffic to and from the site as would normally be associated with a customer parking lot. Given the buffering proposed and its limited use, I believe that with appropriate restrictions, the property can be used as a parking lot without adversely affecting the adjacent residential community.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 1998 that the Petition for Special Hearing seeking approval of a parking lot for commercial use in a

residential zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.1.E.5 to permit a buffer and setback of 2 feet each within the residential transition area in lieu of the minimum required 50-foot buffer and 75-foot setback; from Section 409.8.A.2 to permit a stone parking lot in lieu of the required durable and dustless surface; from Section 409.8.A.4 to permit a parking setback to the street right-of-way line of 0 feet in lieu of the minimum required 10 feet; and, from Section 409.8.A.6 to permit an unstriped parking lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The use of the subject lot shall be limited to employees of the Turf Inn Restaurant, only, and signs posted accordingly. Parking on the lot shall be permitted on Thursday, Friday, and Saturday nights, only, from 6:00 PM to 3:00 AM. While the restaurant closes at 2:00 AM, employees will have ample time to close up the business and proceed to their cars. There shall be no loitering on this parking lot.

3) There shall be no more than 15 parking spaces provided on the subject property and no more than 15 cars parked on the property at any given time. In addition, no lighting shall be provided on this lot.

4) The entrance to the parking lot shall be properly secured with a gate or chain to insure that only employees of the Turf Inn Restaurant use the property for parking. Furthermore, this lot shall be secured at all other times to prevent its use by anyone other

than employees of the Turf Inn Restaurant on Thursday, Friday and Saturday nights.

5) The Petitioners shall erect a 6-foot tall board on board fence along the north and east boundaries of the subject property to buffer its use from adjacent residential and commercial properties. The fence shall be maintained in good condition and not be allowed to fall into a state of disrepair.

6) The Petitioners shall be permitted to use this parking lot at all times during the Maryland State Fair.

7) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

8) The violation of any of these restrictions shall result in the revocation of the special hearing relief granted herein.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 7/22/88
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

July 27, 1998

Michael T. Pate, Esquire
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Highview Street, 130' W of York Road
(Parcel A of Timonium Heights)
8th Election District - 4th Councilmanic District
J. R. Brothers, Inc. - Petitioners
Case No. 98-415-SPHA

Dear Mr. Pate:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Anthony J. DiPaola
2306 York Road, Timonium, Md. 21093

Mr. Geoffrey C. Schultz, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

Mr. Edward Blizzard, 5 Thelma Street, Timonium, Md. 21093
Mr. Bob Welsh, 115 Washington Street, Timonium, Md. 21093

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Highview St - 130' West of York Rd.

which is presently zoned DR - 3.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A parking lot in a residential zone for commercial use.

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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

State

Zipcode

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

Legal Owner(s). J.R. Brothers, Inc.

Joann DiPaola, President

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2306 York Road

(410) 252-2911

Address

Phone No

Timonium, MD 21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted

McKee & Associates, Inc.

Geoffrey C. Schultz, Vice President

Name

5 Shawan Road, Hunt Valley, MD 21030

Address

(410) 527-1555

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

98-415-SPHA

415

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

Highview St. - 130' West of York Road

which is presently zoned

DR - 3.5

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)

*See Attached Request

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

The small size of the property and its unique triangular shape prevents practical use without the requested relief.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Michael Pate, Esq., Coudrey & Bozeman P.A.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Phone No.

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

Legal Owner(s): J.R. Brothers, Inc.

Joann DiPaola, President

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2306 York Road (410) 252-2911

Address

Phone No

Timonium, MD 21093

City

State

Zipcode

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

McKee & Associates, Inc.

Geoffrey C. Schultz, Vice President

Name

5 Shawan Road, Hunt Valley, MD 21030

Address

(410) 527-1555

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

1 May

Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

98-415-SPHA

415

ORDER RECEIVED FOR FILING

Date

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

April 30, 1998

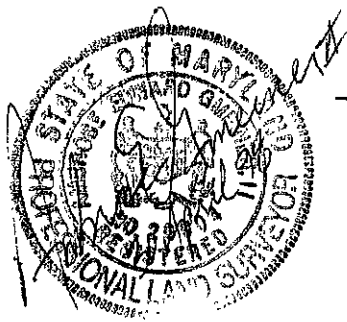
HIGHVIEW STREET Requested Variances

1. Section 1B01.1B.1.E.5 to permit a 2 foot wide buffer and a 2 foot setback within the residential transition area in lieu of the minium required 50 foot buffer and 75 foot setback.
2. Section 409.8.A.2 to allow a stone parking lot in lieu of the required durable and dustless surface.
3. Section 409.8.A.4 to allow a zero foot parking setback to right-of-way line in lieu of the minimum required 10 feet.
4. Section 409.8.A.6 to allow a non-striped parking lot.

ORDER RECEIVED FOR FILING

Date

By



McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

April 30, 1998

**ZONING DESCRIPTION OF
HIGHVIEW STREET
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING at a point on the north side of Highview Street which is 50 feet wide, at a distance of 130 feet from the west side of York Road, which is 80 feet wide, thence running

1. North 82° 16' 45" West, 184.10 feet,
2. North 71° 59' 15" East, 165.84 feet, and
3. South 18° 00' 45" East, 79.93 feet to the place of beginning.

BEING Parcel A in the subdivision of Timonium Heights as recorded in Baltimore County Plat Book No. 57, Folio 135, containing 6630 square feet or 0.1522 acres of land.

98-415-SPHA

BALTIMORE COUNTY, MARYL D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 93715

DATE 1 May 98 ACCOUNT R-001-6150

415
CASH AMOUNT \$ 500.00

RECEIVED FROM: J. R. Pross, Inc.

FOR: NS Highway St 130 W York Rd

SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID 5/1/98
FORDS ADMIN THE
2001-08 500.00 11475
NOV 2001 CASHIER SIGN ON BANNER
5 MISCELLANEOUS CASH RECEIPT
PERMIT # 100216
CASH NO. 007720
500.00 CASH
Baltimore County, Maryland

98-415-SPHA

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARINGS**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-415-SPHA
N/S Highway Street, 1307 W of York Road

8th Election District
4th Councilmanic District
Legal Owner(s):

J.R. Brothers, Inc.

Special Hearing: to approve a parking lot in a residential zone for commercial use.
Variance: to permit a 2-foot wide buffer and a 2-foot setback within the Residential Transition Area (RTA) in lieu of the minimum required 50-foot buffer and 75-foot setback to allow a stone parking lot in lieu of the required durable and dustless surface; to allow a zero foot parking setback to right-of-way line in lieu of the minimum required 10 feet and to allow a non-stripped parking lot.

Hearing: Thursday, June 18, 1998 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bessey Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations Please Call (410) 887-3353.

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

5/4/98 May 28 12:31:20

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/28/, 1998

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 5/28/, 1998

THE JEFFERSONIAN,

A. H. Enid
LEGAL AD. - TOWSON

5

CERTIFICATE OF POSTING

X

RE. Case No. 98-415-SPHA

Petitioner/Developer: J.R. BROS, INC., ETAL
C/O A. DIPAULA, ESQ. @ C&B

Date of Hearing/Closing: 6/18/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Gentlemen

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 N/S HIGHVIEW ST. @
130' W. OF YORK RD.

The sign(s) were posted on 6/2/98
(Month, Day, Year)

Sincerely,

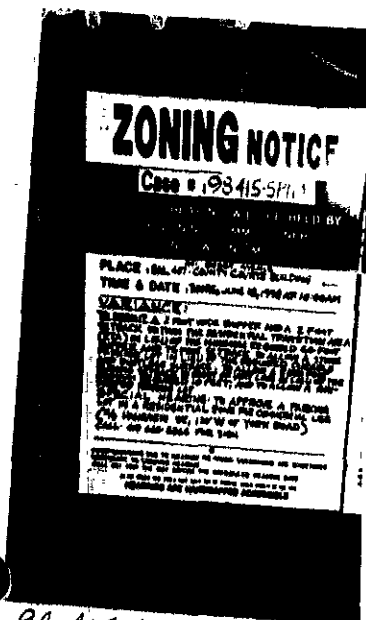
Patrick M. O'Keefe 6/10/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



98-417-SPHA
N/S HIGHVIEW ST @
130' W OF YORK RD.
J.R. BROTHERS, INC.
P. 6/2/98 H. 6/18/98
A. DIPAULA

Request for Zoning: Variance, 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.: 98-415-SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to permit commercial parking
in a Residential zone and VARIANCES to
permit a 2' setback and a 2' buffer in lieu of the
required 75' setback and 50' buffer; to permit parking to be
0' from the street right of way in lieu of the req 10'; to permit
an unstriped stone parking lot in lieu of the required striped
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.

usable dustless
parking lot.

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
May 28, 1998 Issue - Jeffersonian

Please forward billing to:

Michael Pate, Esquire 410-828-9441
Covahey & Boozer, PA
614 Bosley Avenue
Towson, MD 21204

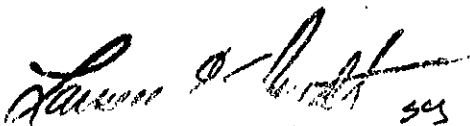
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-415-SPHA
N/S Highview Street, 130' W of York Road
8th Election District - 4th Councilmanic District
Legal Owner: J.R. Brothers, Inc.

Special Hearing to approve a parking lot in a residential zone for commercial use. Variance to permit a 2-foot wide buffer and a 2-foot setback within the Residential Transition Area (RTA) in lieu of the minimum required 50-foot buffer and 75-foot setback; to allow a stone parking lot in lieu of the required durable and dustless surface; to allow a zero foot parking setback to right-of-way line in lieu of the minimum required 10 feet; and to allow a non-striped parking lot.

HEARING: Thursday, June 18, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

May 13, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-415-SPHA
N/S Highview Street, 130' W of York Road
8th Election District - 4th Councilmanic District
Legal Owner: J.R. Brothers, Inc.

Special Hearing to approve a parking lot in a residential zone for commercial use. Variance to permit a 2-foot wide buffer and a 2-foot setback within the Residential Transition Area (RTA) in lieu of the minimum required 50-foot buffer and 75-foot setback; to allow a stone parking lot in lieu of the required durable and dustless surface; to allow a zero foot parking setback to right-of-way line in lieu of the minimum required 10 feet; and to allow a non-striped parking lot.

HEARING: Thursday, June 18, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon", with the initials "scs" written below it.

Arnold Jablon
Director

c: Michael Pate, Esquire
J.R. Brothers, Inc.
McKee & Associates, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 3, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

June 11, 1998

Mr. Geoffrey C. Schultz
McKee & Associates
5 Shawan Road
Hunt Valley, MD 21030

RE: Item No.: 415
Case No.: 98-415-SPHA
Petitioner: J. R. Brothers,
Inc.
Location: Highview Street,
130' West of York Road

Dear Mr. Schultz:

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 May 1, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

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

June 1, 1998

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

RE: Property Owner: FRANK D. REITTERER AND F. LEONARD
AXAYKUMAR AND SHITAL DAVE
DONALD J. RESTORFF AND J. RESTORFF
GEORGE A. KAHL
CHARLES F. EVANS, JR.
FIRST MARINER BANK
TODD LEONARD AND NANCY LEONARD
J.R. BROTHERS, INC.

Location: DISTRIBUTION MEETING OF MAY 11, 1998

Item No.: 406, 407, 408, 409, 410
411, 413, AND 415

Zoning Agenda:

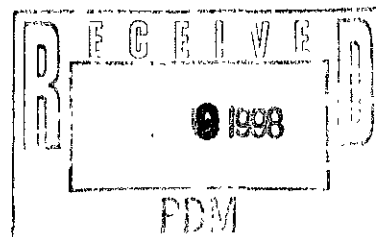
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

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

cc: File



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: May 18, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for May 18, 1998
 Item Nos. 404, 405, 406, 407, 408,
 409, 411, 412, 413, 415

ALSO:

Use Permit for Farmer's Roadside Stand
(W/S Jarrettsville Pike, Opposite
South Side Avenue (14350 Jarrettsville
Pike)

ALSO:

Revised Plans for Case #98-328-SPHXA
(9205 Harford Road)

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

RWB:HJO:jrb

cc: File

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

TO: PDM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: May 11, 98

DATE: _____

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

Item #'s:	406	411
	407	412
	408	413
	409	414
	410	415

RBS:sp

BRUCE2/DEPRM/TXTS8P



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5.12.96
Item No. 415 CAM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

Since
6/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: May 12, 1998

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

SUBJECT: Highview Street, 130' west of York Road

INFORMATION

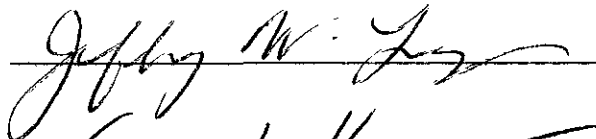
Item Number: 415
Petitioner: JR Brothers Incorporated
Zoning: DR 3.5
Requested Action: Special Hearing & Variance

Summary of Recommendations:

The Office of Planning is opposed to the applicant's request because the proposed use would negatively impact the community of West Timonium Heights. Commercial parking at this particular location would, in particular, impact the homes located at 3, 5 and 9 Thelma Street.

As with any commercial development, it is staff's position that strong buffers along the perimeter of a residential community be provided, which would include fencing and dense landscaping along edges bordering all commercial property. The 4,900 square foot area owned by the petitioner is not of sufficient size to allow for the landscaping and screening necessary to provide a buffer between the proposed use and the residential community.

Prepared by:



Division Chief:



AFK/JL

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
N/S Highview Street, 130' W of York Road, 8th
Election District, 4th Councilmanic

Legal Owners: J.R. Brothers, Inc.

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case Number: 98-415-SPHA

Petitioner(s)

* * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, V.P., McKee & Assoc., Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

FORWARDED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Bob Welch

EDWARD BLIZZARD

115 Washing Street

5 THIELMA ST Timonium, Md



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ANTHONY J. DiPAOLA

2306 YORK RD. TIMONIUUM 21093

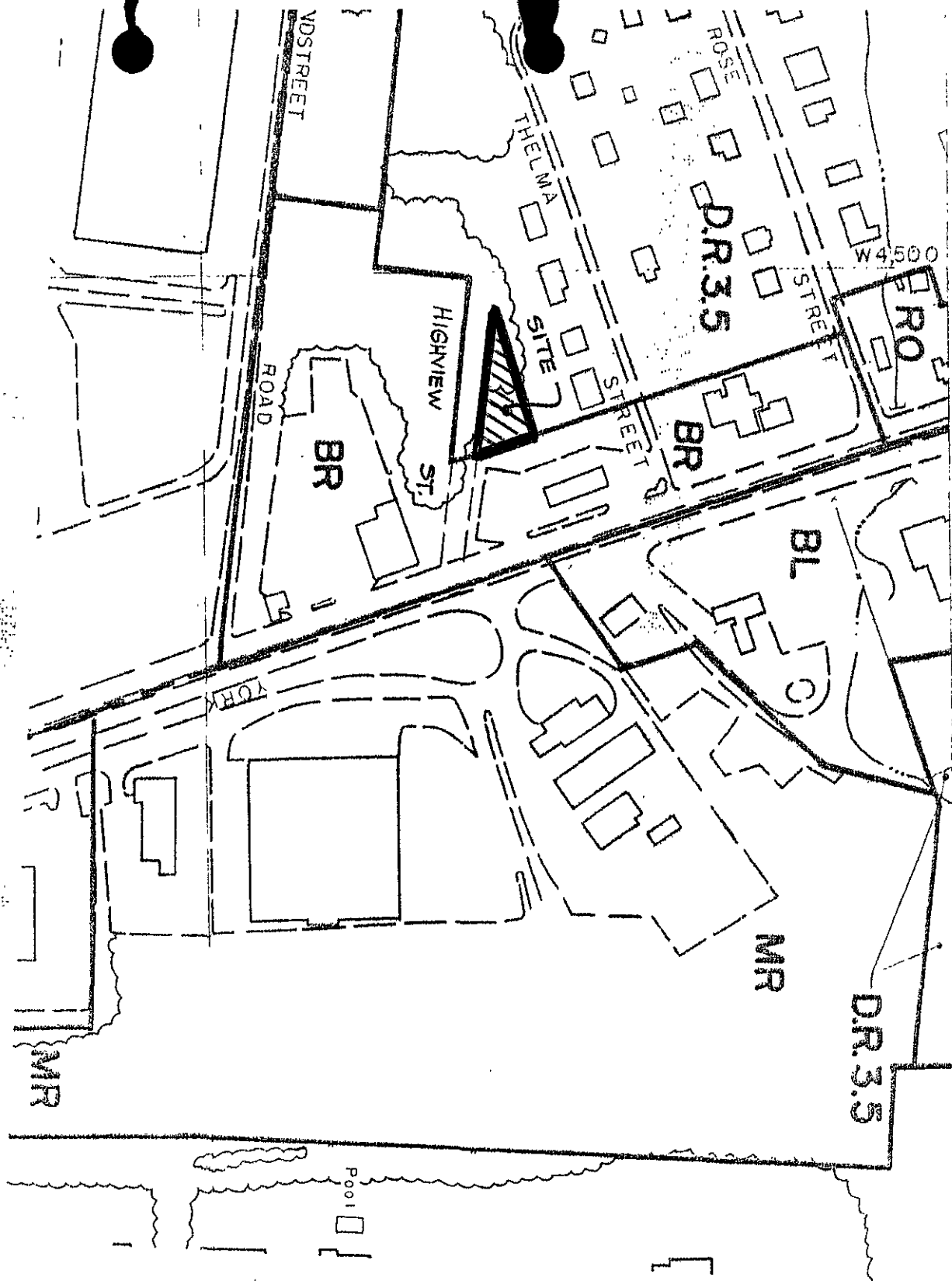
GEORGE C. SCHULTZ

5 SHAWAN RD. 21030

Michael T. Pote, Esq.

401 Bosley Ave, Towson, 21204





98-415-SPHA

415

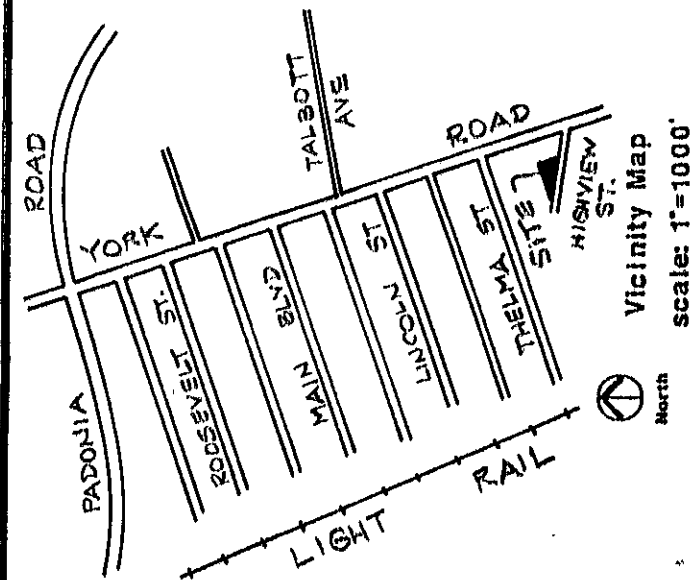
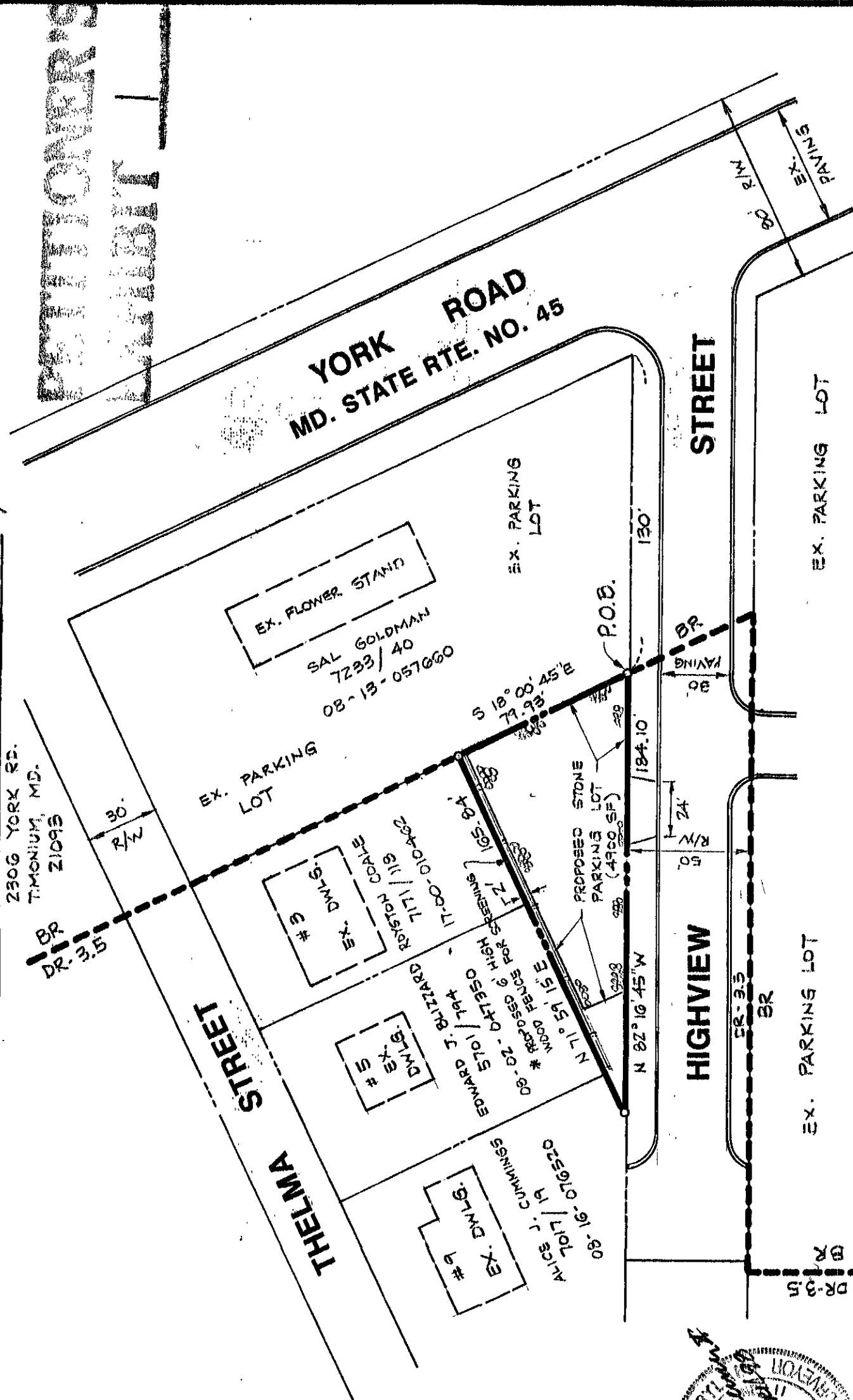
Plat to accompany Petition for Zoning Variance & Special Hearing

PROPERTY ADDRESS: HIGHVIEW STREET

Subdivision name: TIMONIUM HEIGHTS
plat book# 57, folio# 135, lot# A, section# 5

OWNER: J.R. BROTHERS, INC. DEED-7703/440

*NOTE:
THE PROPOSED PARKING LOT
WILL BE USED BY EMPLOYEES
OF THE TURF INN RESTAURANT
DIRECTLY ACROSS HIGHVIEW ST.



LOCATION INFORMATION

Councilmanic District: 4TH.

Election District: 8TH.

1"=200' scale map#: NW 14-A

Zoning: DR-3.5

Lot size: 0.1522 acreage
6630 square feet

SEWER: ☒ public ☐ private
WATER: ☒ yes ☐ no
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

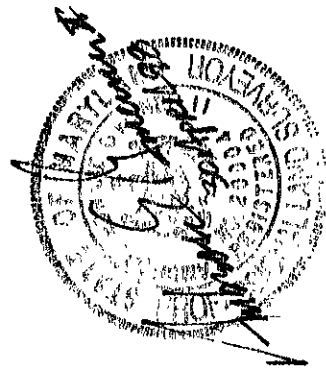
reviewed by: ITEM #: CASE#:

Scale of Drawing: 1"= 50' Date: 4/30/93

EX. RESTAURANT & OFFICE
J.R. BROTHERS, INC.
EX. RESTAURANT
(TURF INN)

MCKEE & ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 527-1555



98-415-SPHA

- ① SH to allow parking in res zone
- ② variance 10' for R/W
- ③ variance 75' RTA setback
- ④ variance 80' Buffer
- ⑤ variance desirable
- ⑥ variance distress
- ⑦ variance non-streets

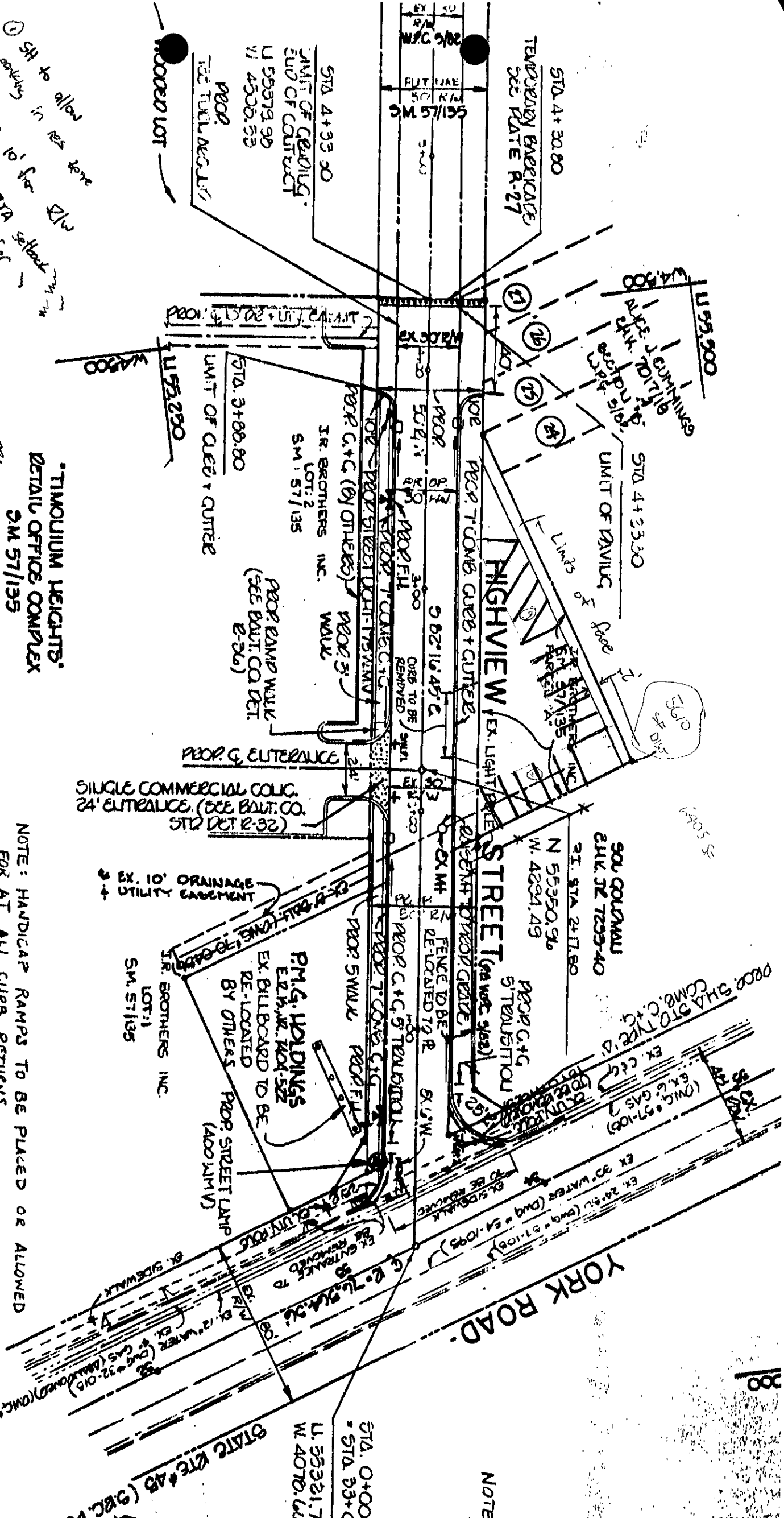
PROJECT 2

LIGHTING LEGEND

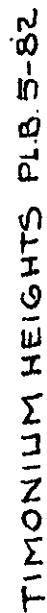
▲ PROP. STREET LIGHT (400W.M.V.)

▲ PROP. STREET LIGHT (175 W.M.V.)

NOTE: HANDICAP RAMPS TO BE PLACED OR ALLOWED FOR AT ALL CURB RETURNS.



NOTE



FOR CONVEYANCE
FROM
S. L. HAMMERMAN ORGANIZATION
TO

THE TOWN OF

EDWARD BLIZZARD
LOT NO. 20, 21, 22 & 23, BL. B. TIMONILUM HEIGHTS.

SCALE 1"=40 OCT 22 1951

SURVEYED & MARKED BY
A.A. RAPHEL, REG. LAND SURVEYOR
TOWSON 4.M.D.

WEST TIMONIUM HEIGHTS COMMUNITY ASSOCIATION

115 Washington Street ~ Timonium Maryland 21093 ~ Country
Phone 1-410-575-7295 ~ Home Phone 1-410-252-7510
Bob Welsh ~ President

June 16, 1998

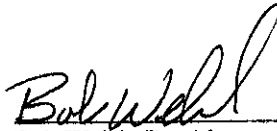
Zonning Commisisoner
401 Bosley Avenue
Towson, MD 21204

Re: Case Number: 98-415 spha

Dear Commisioner:

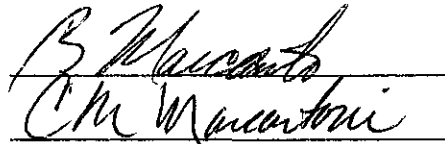
As president of our community association, I respectfully oppose the request for a variance. Additionally, listed below you will find names of other community members who are opposing this variance. The community I'm representing is zoned **Residential (DR3.5)** and it is our intent to maintain that zonning, without exception. There is no **legitimate justification** to necessitate a parking lot to be placed in a residential neighborhood.

Sincerely,

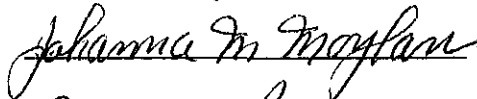

Bob Welsh, President

Thelma Street Members

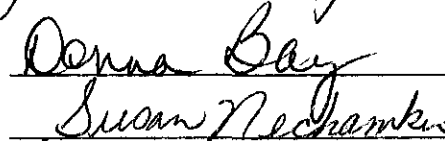
Ben & Candy Marcantoni
8 Thelma Street



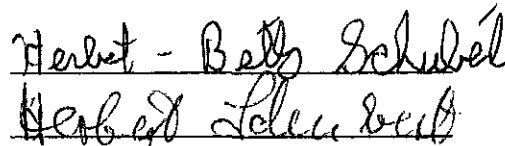
Johanna & Daniel Moylan
11 Thelma Street



Donna Bay
Susan Nechamkin
12 Thelma Street



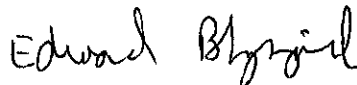
Hrebert & Betty Shcubert
14 Thelma Street



Lettie Schaefer
18 Thelma Street



5 Thelma St





2306 YORK ROAD

TIMONIUM, MARYLAND 21093

410-252-2911

May 12, 1998

Ms. Alice J. Cummings
#9 Thelma Street
Timonium, Maryland 21093

PETITIONER'S
EXHIBIT 3

Ms. Cummings:

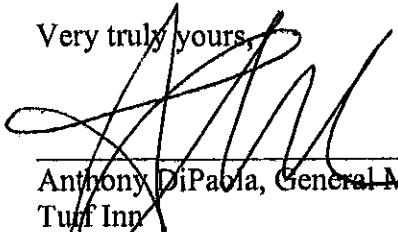
Subject: Highview Street Parking

Please find the enclosed, herewith, a copy of a site plan for our triangular piece of property off of Highview Street. We are intending to pave the lot with stone for use by our employees for parking. To screen the lot from your property, we are proposing a six (6) foot high wood stockade fence. We are also proposing a stone surface to minimize any additional stormwater run off from the site.

We are requesting several zoning variances from Baltimore County to build in accordance with the site plan. We trust that the wooden fence and stone lot will be to your satisfaction and that you will not be opposed to our proposal.

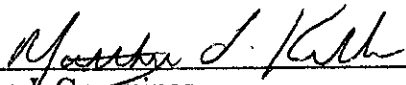
Please call with any questions or concerns you may have. If you are not opposed to this parking lot, please indicate by signing in the space provided below.

Very truly yours,


Anthony DiPaola, General Manager
Turf Inn
(410) 252-2911

Enclosure

I have reviewed the proposed site plan for the Turf Inn employee parking lot on Highview Street and have no objections to the plan.


Alice J. Cummings
M.K.

owner go of
4/1/98



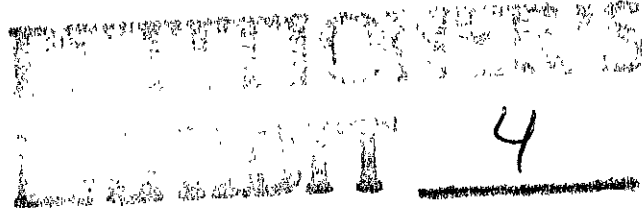
2306 YORK ROAD

TIMONIUM, MARYLAND 21093

410-252-2911

May 12, 1998

Mr. Royston Coale
#3 Thelma Street
Timonium, Maryland 21093



Mr. Coale:

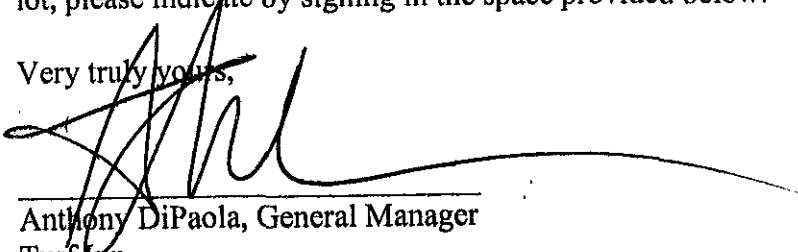
Subject: Highview Street Parking

Please find the enclosed, herewith, a copy of a site plan for our triangular piece of property off of Highview Street. We are intending to pave the lot with stone for use by our employees for parking. To screen the lot from your property, we are proposing a six (6) foot high wood stockade fence. We are also proposing a stone surface to minimize any additional stormwater run off from the site.

We are requesting several zoning variances from Baltimore County to build in accordance with the site plan. We trust that the wooden fence and stone lot will be to your satisfaction and that you will not be opposed to our proposal.

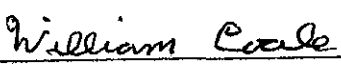
Please call with any questions or concerns you may have. If you are not opposed to this parking lot, please indicate by signing in the space provided below.

Very truly yours,


Anthony DiPaola, General Manager
Turf Inn
(410) 252-2911

Enclosure

I have reviewed the proposed site plan for the Turf Inn employee parking lot on Highview Street and have no objections to the plan.


Royston Coale