

IN RE: PETITIONS FOR SPECIAL HEARING & \* BEFORE THE  
 ZONING VARIANCE \*  
 SWC Belair Road and Overlea Ave. \* ZONING COMMISSIONER

6814 Belair Road \* OF BALTIMORE COUNTY  
 14th Election District \*  
 6th Councilmanic District \*

Legal Owner: Mass Transit Admin- Case No. 99-68-SPHA  
 istration, Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance for the property located at 6814 Belair Road in Overlea. The Petition was filed by Mass Transit Administration, property owner. Special Hearing relief is requested to approve a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, of Sections 26-203(C)(8) and 26-278 of the Baltimore County Code; to raze a building and construct a new building. Variance relief is sought from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (BCZR) to permit a front average building setback of 7 ft. in lieu of the required 39 ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petitions for Variance and Special Hearing, received as Petitioners' Exhibit No. 3.

Appearing at the public hearing held for this case was Nelson E. Reichart, Manager of the Real Estate Division of the Mass Transit Administration. Also present was R. Alonzo Childress, the engineer who prepared the site plan. Appearing as interested parties were Susan Kahle, on behalf of Delegate Kathy Klausmeier, and Michael Balducci. The Petitioner was represented by Jack R. Sturgill, Jr., Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject property is .29 acres in area zoned B.L.-CCC. This is an irregularly shaped tract, located at the southwest corner of the intersection of Belair Road (Md. Route

ORDER RECEIVED FOR FILING  
 Date 9/27/98  
 BY [Signature]

1) and Overlea Avenue.

Testimony and evidence reveals that the property has been owned and utilized by the MTA for many years. Presently, the site is improved with a small wooden/stucco building which was apparently constructed in 1917. That building and site is listed on the Maryland Historical Trust inventory as No.BA2772. Originally, the building and property was the terminus of the streetcar line which led from Baltimore City and ended at this location in the Overlea community of Baltimore County. At that time, streetcars turned around after their journey from Baltimore City on the subject site. The building was used as a rest stop for driver's of Mass Transit vehicles and also as a bus stop for riders. Apparently, the building has significantly deteriorated. Photographs were submitted at the hearing which show the subject property and its environs. Those photographs show that the area at large is commercial in character. Moreover, the subject site has a sloping topography and rises from the grade at the road. The property is much higher in the rear and the rear area of the property is separated from the front by a retaining wall.

The Petitioner has undertaken a significant study regarding rehabilitation of the building. That study was submitted as Petitioner's Exhibit No. 5. The study concludes that it would be appropriate to tear down the existing building and construct a new building in its place. Apparently, this is more economically feasible than attempting to restore the existing building. The full particulars of the study are contained within the exhibit referenced above.

This matter has been considered by the Landmarks Preservation Commission. In its September 10, 1998 meeting, that agency recommended an approval of the demolition and reconstruction plans for the station.

Special Hearing relief is requested to permit the razing of the building and the construction of a new building. Moreover, due to the

Special Hearing relief is requested to permit the razing of the building and the construction of a new building. Moreover, due to the uniqueness of the site, variance relief is requested as to the front yard setback.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the relief requested. The proposed upgrade to this property has obviously been the source of significant discussions and study by the MTA and consultation with the business and residential community. In my judgment, the proposed plans are altogether appropriate and will represent a significant improvement to the site. In my judgment, the retention of the existing structure does not comply with the intention of the requirements of Section 26-278 of the Code. That is, this building should be torn down and a replacement constructed to allow the ongoing appropriate use of the site. Moreover, variance relief is warranted, pursuant to the requirements of Section 307 of the BCZR. Essentially, the new building will be in the same footprint and the unique topography of the site justifies the variance relief.

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

IT IS, THEREFORE, ORDERED, this <sup>22nd</sup> day of September 1998, that approval for a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code, and Sections 26-203(C)(8) and 26-278 of the Baltimore County Code to raze a building and construct a new building, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (BCZR) to permit a front average building setback of 7 ft., in lieu of the required 39 ft., be and is hereby GRANTED, subject, however, to the following restriction:

ORDINANCE NO. 111-1998 FOR FILING  
Date 9/22/98  
By [Signature]

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:mmm

ORDER RECEIVED FOR FILING  
Date 9/23/98  
By M. Horak



Baltimore County  
Zoning Commissioner  
Office of Planning

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

September 21, 1998

Jack R. Sturgill, Jr., Esquire  
606 Baltimore Avenue  
Suite 207  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance  
Case No. 99-68-SPHA  
Mass Transit Administration, Petitioner

Dear Mr. Sturgill:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have 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,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

- c: Mr. Nelson E. Reichart, Manager, R.E.  
Mass Transit Administration  
Suite 1204, 6 St. Paul Street  
Baltimore, Maryland 21202-1614
- c: Ms. Susan Kahle, Legislative Aide  
c/o Delegate Kathy Klausmeier  
9528 Gunhill Dircle  
Baltimore, Maryland 21236
- c: Mr. Michael Balducci  
204 E. Preston Street  
Baltimore, Maryland 21202



# Petition for Special Hearing <sup>68</sup>

## to the Zoning Commissioner of Baltimore County

for the property located at 6814 Belair Road, Balto., MD 21206

which is presently zoned BL-CCC

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

Special hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203 (C) (8) and Section 26-278 to raze a building and construct a new building.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Jack R. Sturgill, Jr.

Sp. Asst. Attorney General

(Type or Print Name)

Signature

606 Baltimore Ave., Ste.207  
410-296-6485

Address

Phone No

Towson  
City

MD  
State

21204  
Zipcode

Legal Owner(s).

Mass Transit Administration

(Type or Print Name)

Signature

Louis H. Pickney  
Director of Real Estate MTA

(Type or Print Name)

Signature

MTA  
6 St. Paul St, Suite 1204  
Balto., MD 21202-1614 410-767-3695

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 HR

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JLL

DATE

8/10/98



Revised 9/5/95

# 99-68-SPHA

68



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 6814 Belair Road, Baltimore, MD 21206

which is presently zoned BL-CC/C

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) 232.1 and 303.2 of the BCZR to permit a front average building set back of 7 feet in lieu of the required 39 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The original structure has been in existence for 87 years and its location is dictated by the limitations of the site, topography and size of the property and its use as a bus turn around. Petitioner has been requested to maintain the building in its present location by the community and various Baltimore County agencies. That the adjacent building from which front average set backs are partially calculated is an unusually large distance from the right-of-way. All of these constraints have created a practical difficulty and undue hardships.

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.

(With the solemnly declared and sworn, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contact Person(s):

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Jack R. Sturgill, Jr.

(Type or Print Name) Sp. Asst. Attorney General

Signature [Signature]

Suite 207

606 Baltimore Avenue 410/296-6485

Address Phone No.  
Towson, MD 21204

City State Zipcode

Legal Owner(s):

MASS TRANSIT ADMINISTRATION

(Type or Print Name)

Signature [Signature]  
Louis H. Pinkney

Director of Real Estate, MTA

(Type or Print Name)

Signature SAME AS BELOW

Address Phone No.

City State Zipcode

Name, Address and phone number of representative to be contacted.  
Louis H. Pinkney, Director of Real Estate  
MTA, 6 St. Paul St., Suite 1204,

Name Address Phone No.  
Baltimore, MD 21202-1614 410/7673695

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1  
week(s) for hearing

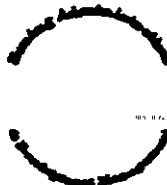
the following dates Next Two Months

ALL  OTHER

REVIEWED BY: JLL DATE: 8/10/98



Printed with Soy-based Ink on Recycled Paper



# 99-68-5PHA

68

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION  
6814 BELAIR ROAD  
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE SOUTHWEST CORNER OF BELAIR ROAD, 60 FEET WIDE, AND OVERLEA AVENUE, 50 FEET WIDE, THENCE BINDING ON BELAIR ROAD:

- 1 SOUTH 41° 58' 45" WEST 157.37 FEET, THENCE LEAVING BELAIR ROAD AND RUNNING THE TWO (2) FOLLOWING COURSES AND DISTANCES
- 2 NORTH 70° 53' 34" WEST 58.00 FEET AND
- 3 NORTH 19° 06' 26" EAST 145.00 FEET TO OVERLEA AVENUE, THENCE BINDING THEREON:
- 4. SOUTH 70° 53' 34" EAST 119.17 FEET TO THE PLACE OF BEGINNING.

CONTAINING 12,844 SQUARE FEET OR 0.29 OF AN ACRE OF LAND, MORE OR LESS

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE



HERBERT MALMUD  
REGISTERED LAND SURVEYOR  
MARYLAND # 7558

AUGUST 6, 1998

H.E. DESMIAI

99-68-5PA A



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

No. 056118

# 68

JLL

DATE 8/10/98

ACCOUNT R0016150

AMOUNT \$ 250.00 + 250.00 = 500.00

RECEIVED FROM: STURGILL (ATTY)

FOR: NMI RES SPHA.

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT  
PROCESS ACTUAL TIME  
8/10/1998 8/10/1998 13:41:00  
REC 4505 CASHIER LGNI LKS DRAWER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 070167 OFLN  
NO. 056118  
500.00 CHECK  
Baltimore County, Maryland

99-68-SPHA

CASHIER'S VALIDATION

**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: #99-68-SPHA  
6814 Belair Road  
SWC Belair Road and Overlea Avenue  
14th Election District  
6th Councilmanic District  
Legal Owner(s):

Mass Transit Administration  
Special Hearing: to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278, to raze a building and construct a new building.

Variance: to permit a front average building setback of 7 feet in lieu of the required 39 feet.

Hearing: Monday, September 21, 1998 at 9:00 a.m., in Room 407, County Courts Bldg., 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.

9/013 Sept. 3 C255572

# CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 3, 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 Sept. 3, 1998.

**THE JEFFERSONIAN,**

*A. Henikson*  
LEGAL AD. - TOWSON

*File No. 2*

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 68  
Petitioner: Mass Transit Administration  
Address or Location: 6814 Belair Road 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jack R Sturgill, Jr  
Address: 606 Baltimore Avenue (suite 207)  
Towson MD 21204  
Telephone Number: 410-296-2485

Revised 2/20/98 - SCJ

99-68-SPAA

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.: 79-68-SPHA

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

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A VARIANCE TO PERMIT A FRONT AVERAGE BUILDING SETBACK OF 7 FT.  
IN LIEU OF THE REQUIRED 39 FT. AND A SPECIAL HEARING TO APPROVE A  
WAIVER PURSUANT TO SECTIONS 26-171, 26-172(b), BCL OF SECTIONS 26-203(c)(8)  
AND SECTION 26-27B TO RAZE A BUILDING AND CONSTRUCT A NEW  
BUILDING.

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: PATUXENT PUBLISHING COMPANY  
September 3, 1998 Issue - Jeffersonian

Please forward billing to:

Jack R. Sturgill, Jr., Esquire                      410-296-6485  
606 Baltimore Avenue  
Suite 207  
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: 99-68-SPHA  
6814 Belair Road  
SWC Belair Road and Overlea Avenue  
14th Election District - 6th Councilmanic District  
Legal Owner: Mass Transit Administration

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to raze a building and construct a new building. Variance to permit a front average building setback of 7 feet in lieu of the required 39 feet.

HEARING:     Monday, September 21, 1998 at 9:00 a.m. in Room 407, County Courts  
                  Building, 401 Bosley Avenue

  
Lawrence E. Schmidt

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

August 12, 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: 99-68-SPHA  
6814 Belair Road  
SWC Belair Road and Overlea Avenue  
14th Election District - 6th Councilmanic District  
Legal Owner: Mass Transit Administration

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to raze a building and construct a new building. Variance to permit a front average building setback of 7 feet in lieu of the required 39 feet.

HEARING: Monday, September 21, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: Jack R. Sturgill, Jr., Esquire  
Mass Transit Administration

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 6, 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, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Dept. of Permits & Development Management

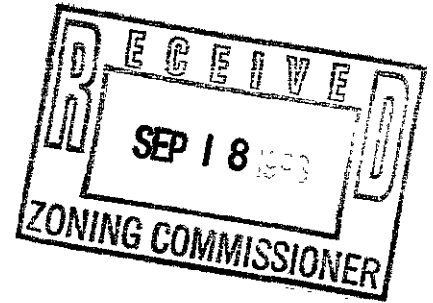
**DATE:** September 17, 1998

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

**SUBJECT:** 6814 Belair Road

### INFORMATION

Item Number: 68  
Petitioner: Mass Transit Administration  
Zoning: BL-CCC  
Requested Action: Special Hearing  
Hearing Date: Monday, September 21, 1998, 9:00 a.m.



**COMMENTS ON PROCEDURE** - The petition requests a Special Hearing "to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(c)(8) and 26-278...." The first reference is incorrectly stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2. A waiver might be granted (pursuant to the authority in Section 26-172) in conjunction with a finding of eligibility under Section 26-171, but a waiver could not be granted "pursuant to" the latter section.
2. Subsection 26-172(b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172(a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172(b) unnecessary.
3. Subsection 26-203(c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172(b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

MEMO TO: Arnold Jablon  
DATE: September 17, 1998  
SUBJECT: 6814 Belair Road  
Page 2

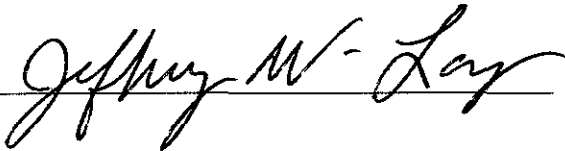
**RECOMMENDATIONS ON PROCEDURE** - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, (a) to request a finding that the development qualifies for a limited exemption (Sec. 26-171) and (b) to achieve one of two alternatives, either:

1. A ruling that, on its merits, the proposed construction of the addition does comply with intent of the "must be preserved" requirement in Section 26-278; or
2. Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a)(1) or (2).

**RECOMMENDATIONS ON THE DEVELOPMENT** - The property at 6814 Belair Road, called the "Overlea Bus Loop Waiting Station", is listed on the Maryland Historical Trust Inventory as BA No. 2772.

At their meeting on September 10, 1998, the Landmarks Preservation Commission recommended approval of the demolition and reconstruction plans for this station.

Section Chief: \_\_\_\_\_



AFK:JL:KA:rlh

c: Robert C. Scott, Chairman  
Landmarks Preservation Commission



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

TO: PDM  
FROM: R. Bruce Seeley *RBS/sp*  
Permits and Development Review  
DEPRM

DATE: 9/11/93

SUBJECT: Zoning Advisory Committee  
Meeting Date: Aug 24, 93  
*f*

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

Item #'s:

68  
69  
70  
71  
72  
74

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 28, 1998

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

SUBJECT: Zoning Advisory Committee Meeting  
for August 31, 1998  
Item Nos. 68, 69, 70, 72, 73, 74  
and  
Case No. 98-125-SPHXA

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

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCE  
6814 Belair Road, SWC Belair Road and  
Overlea Avenue, 14th Election District,  
6th Councilmanic

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-68-SPHA

Legal Owners: Mass Transit Administration

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 1st day of Sept., 1998, a copy of the foregoing Entry of Appearance was mailed to Jack R. Sturgill, Jr., Esq., Sp. Asst. Attorney General, 606 Baltimore Avenue, Suite 207, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE: Case No.: 99-68 SPHA

Petitioner/Developer: M.T.A. % JACK STURBILL

ATTN. R. ALONZO CHILDRESS, P.E.

Date of Hearing/Closing: 9/21/98

@ 9:00 AM  
ROOM-407  
C.C.B.

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

Attention: Ms. Gwendolyn Stephens

Ladies and 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 #6814 BELAIR RD.

M.T.A.

The sign(s) were posted on \_\_\_\_\_

9/2/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 9/4/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

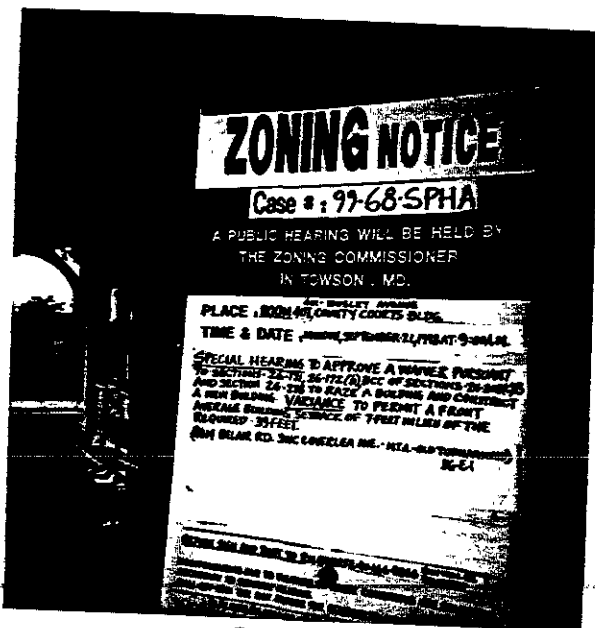
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

Red No 1



99-68-SPHA  
6814 BELAIR RD.  
M.T.A. - JACK  
P. 9/2/98 STURBILL H-9/21/98

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

SUSAN KAHLE

Delegate Kathy Klausmeier - Legislative Aide  
9528 Gunhill CR 21236

ALONZO CHILDRESS

713 Pleasant Drive Forest Hill Md  
21050

MICHAEL BALDULLI

204 E. PRESTON ST., BALTIMORE, MD 21202

NELSON E. REICHAERT, MANAGER R.F

MTA SUITE 1204  
6 ST. PAUL ST., BALTO, MD 21202-1614



Ref No 5



**MASS TRANSIT ADMINISTRATION**



**Maryland Department  
of Transportation**



**MASS TRANSIT ADMINISTRATION**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

*Parris N. Glendening, Governor • David L. Winstead, Secretary • Ronald L. Freeland, Administrator*

**PROJECT DESCRIPTION**

**OVERLEA BUS LOOP WAITING STATION**

The Existing Facility

The Overlea Bus Loop Waiting Station is located at the southwest corner of Belair Road (US Route 1) and West Overlea Ave in Overlea, Baltimore County. The Station serves 150 passengers daily and is located at the end of the MTA Bus Route No.15. The Station accommodates waiting patrons while serving as a rest stop for the bus operators.

The structure was built in 1917 and has undergone substantial repairs at numerous times over the years. It has 570 square feet that is comprised of: a waiting area and a bathroom. A semi-elliptical bus turnaround extends behind the building and is bounded by a concrete retaining wall. There is an original Trolley Pole behind the building. An abandoned water well exists within the building.

In working with the community, the Maryland Historic Trust, and the Baltimore County Historic Society, MTA's engineers determined that much of the facility is dilapidated and beyond repair. The building foundation, in particular, is in very bad condition.

Proposed Project

An agreement with the Maryland Historic Trust was completed that incorporates the demolition of the existing structure and construction of a replacement structure in keeping with the original design of the building. The proposed work includes: demolition, removal of lead-based paint, construction of the new facility comprised of a waiting area, community room with an office for the local Baltimore County Police Officer, and a rest room for the operators. The building will retain the existing ornamental wood angle brackets, beams, the trolley wire pole, and a slate roof (the original slate roof was replaced on the existing structure). An interpretative display of the historic significance of the building will be created and mounted inside the waiting area.

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE MARYLAND HISTORICAL TRUST  
AND  
THE MARYLAND MASS TRANSIT ADMINISTRATION  
REGARDING  
THE OVERLEA WAITING STATION  
BALTIMORE COUNTY MARYLAND

WHEREAS, the Mass Transit Administration ("MTA") has determined that the Overlea Waiting Station project will have an adverse effect upon the existing Overlea Waiting Station which is eligible for the Maryland Register of Historic Properties, and MTA has consulted with the Maryland Historical Trust ("MHT") in accordance with Article 83B, §5-617 and §5-618 of the Annotated Code of Maryland ("the Act"); and

WHEREAS, MTA has determined that it is infeasible to rehabilitate the Overlea Waiting Station; and

WHEREAS, MTA proposes to raze the Overlea Waiting Station and to construct a like building in its place; and

WHEREAS, MTA has consulted local and community officials concerning the undertaking; and

WHEREAS, MTA has recorded the Overlea Waiting Station for the Maryland Inventory of Historic Properties (BA-2772) and that documentation has been accepted by MHT;

NOW, THEREFORE, MTA and MHT agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on the historic property.

Stipulations

1. The foregoing recitals are incorporated herein by reference and made a part of this Memorandum of Agreement.
2. The parties to the Memorandum of Agreement are the MTA and MHT.
3. MTA will ensure that each of the stipulations listed hereafter are carried out.



#### 4. Project Description

The project will raze the Overlea Waiting Station, which was constructed in 1917 and is located at the southwest corner of Belair Road and West Overlea Avenue in Overlea, Baltimore County, Maryland. MTA will construct a similar Waiting Station on the site.

#### 5. Design

MTA shall, if feasible, salvage the roof brackets and longitudinal beams from the existing building and reuse them in the new waiting station building.

#### 6. Utility Pole

MTA shall recover and reinstall as part of an interpretation, a utility pole used for the original trolley operation at the Overlea Loop.

#### 7. Public Interpretation

MTA, in consultation with the MHT, shall develop and implement a program of public interpretation dealing with the original Waiting Station and history of the trolley line. The history and photographs developed for the *Phase II Architectural Resources Investigation: Overlea Waiting Station, Baltimore County, Maryland* shall be used as the basis for several plaques to be prominently displayed in the new building.

#### 8. Dispute Resolution

In the event that the MTA and MHT are unable to resolve any dispute under this Memorandum of Agreement, in accordance with the Act, MTA shall either present the disputed matter to the Maryland Advisory Council on Historic Preservation ("Council") for the Council's review or permit MHT to present the matter to the Council for review. The Council's determination shall be binding on all parties to this agreement.

The execution of this agreement and implementation of its terms evidences that MTA has complied with the requirements of the Act.

In Witness hereof the parties have executed this Agreement by their duly authorized officers as of the date and year set forth below.

MASS TRANSIT ADMINISTRATION

By: Ronald L. Freedland Date: 5/11/97

MARYLAND HISTORICAL TRUST

By: [Signature] Date: 5-15-97

Approved as to form and legal sufficiency:

Kathleen Masterton  
Assistant Attorney General, Mass Transit Administration

## *Overlea Community Association*

September 10, 1998

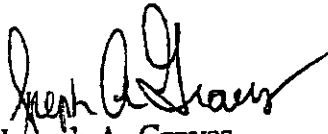
Mr. Scott  
Chairman  
Baltimore County Landmarks Preservation Commission  
401 Bosley Avenue  
Towson, Maryland 21204

Dear Mr. Scott:

The Overlea Community Association is writing to the Commission in support of the Mass Transit Administration's (MTA) plan to replace the Overlea Bus Loop facility. The current facility is a detriment to the neighborhood that we are rehabilitating. The building is beyond repair, and we support the agreement between the MTA and Maryland Historic Trust. We also understand that a permanent display interpreting the history of the trolley system and the Overlea stop is nearing completion. It will be located in the new facility.

We ask that the Commission approve this project. Please feel free to contact me if I can provide further information.

Sincerely,



Joseph A. Groves  
President



**OVERLEA FULLERTON  
DEVELOPMENT CORPORATION**

6721 BELAIR ROAD, BALTIMORE, MD 21206, PHONE: 301-665-4433

September 9, 1998

Mr. Scott  
Chairman  
Baltimore County Landmarks Preservation Commission  
401 Bosley Avenue  
Towson, MD 21204

Dear Mr. Scott,

The Overlea/Fullerton Development Corporation is writing to the Commission in support of the Mas Transit Administration's (MTA) plan to replace the Overlea Bus Loop facility. The current facility is a blighting influence on the character of the neighborhood that we are attempting to revitalize. The building is beyond repair, and we support the agreement that the MTA and the Maryland Historic Trust executed.

We believe the MTA will faithfully reproduce the building and use as many of the existing building components in the new structure as feasible. We also understand that a permanent display interpreting the history of the trolley system and the Overlea stop is nearing completion. It will be located in the new facility.

We ask that the Commission favorable review this MTA project. Please feel free to contact me if I can provide further information.

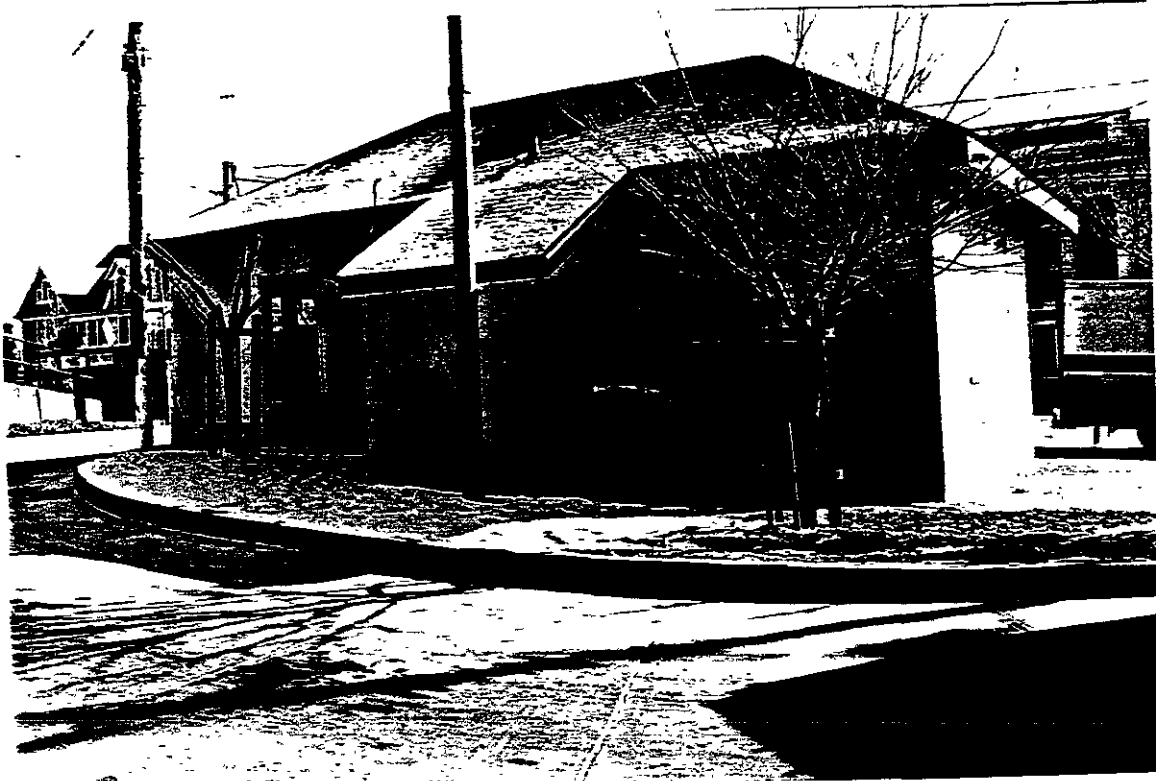
Sincerely,

Mark Taubenfeld  
President  
Overlea/Fullerton  
Development Corporation

OVERLEA BUS LOOP



1. PERSPECTIVE VIEW OF THE FRONT OF THE BUILDING LOOKING SOUTH.

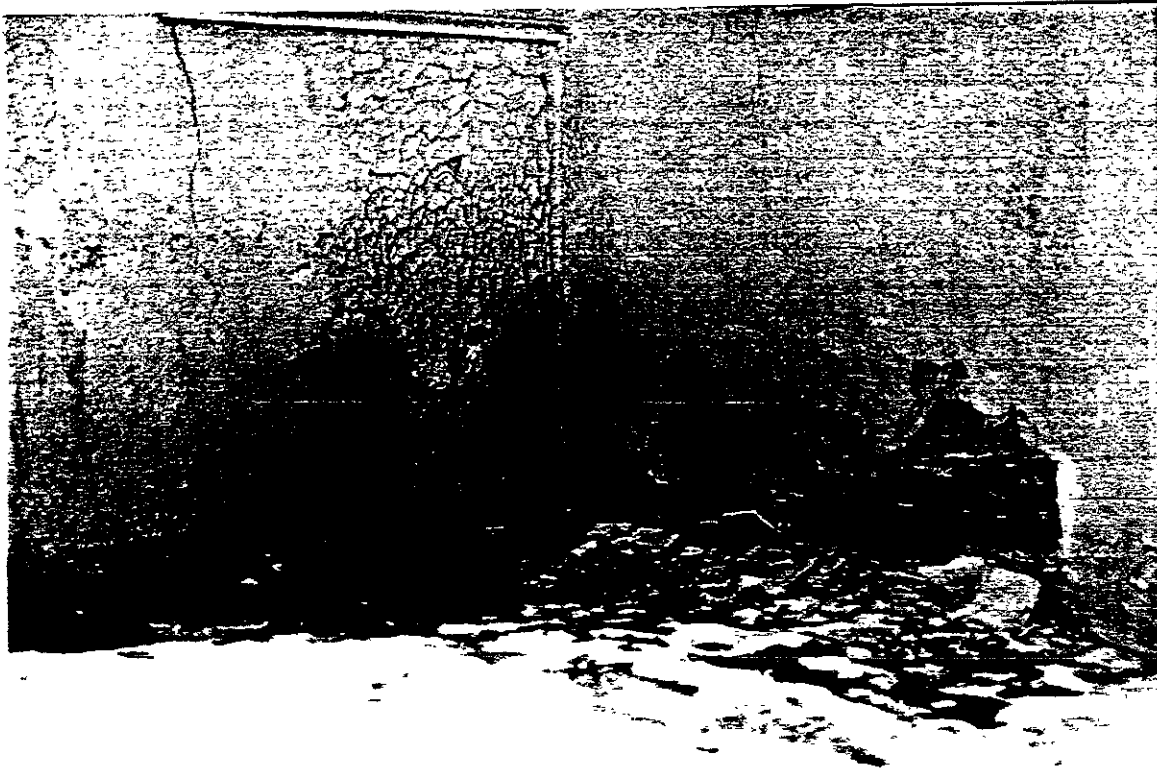


2. PERSPECTIVE VIEW OF THE REAR OF THE BUILDING LOOKING NORTH.

*OVERLEA BUS LOOP*

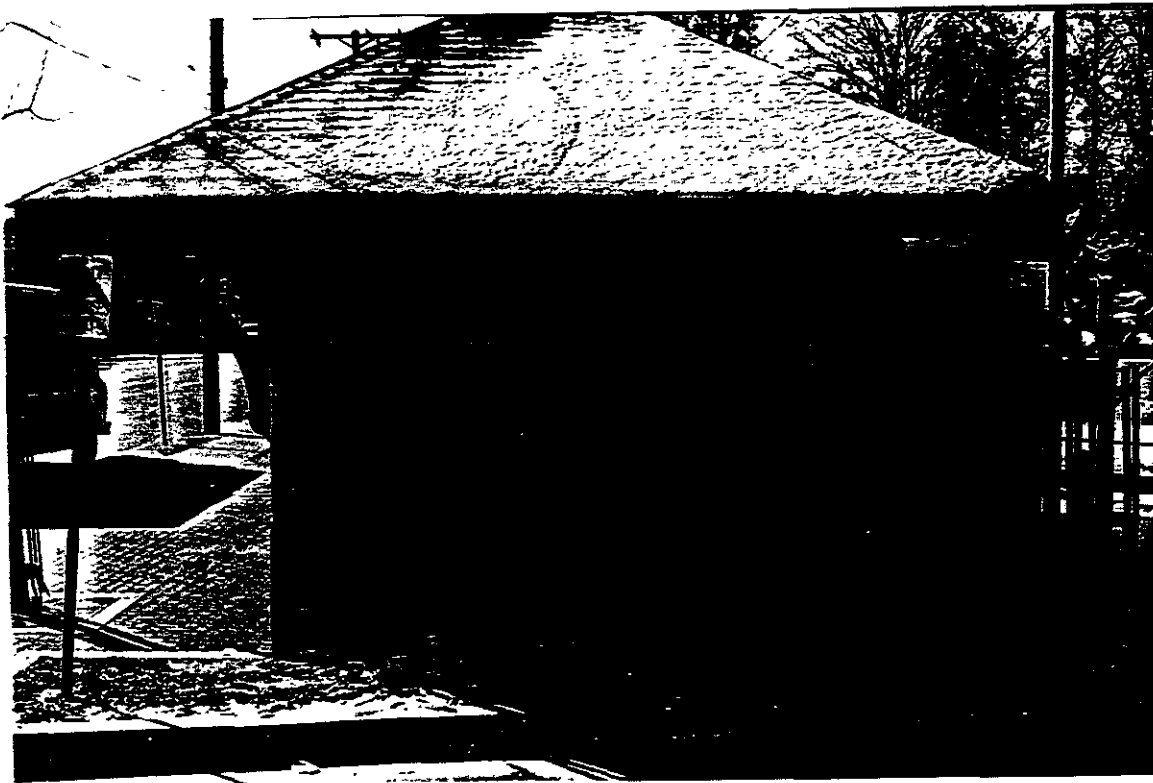


3. PERSPECTIVE VIEW OF THE REAR OF THE BUILDING LOOKING SOUTH

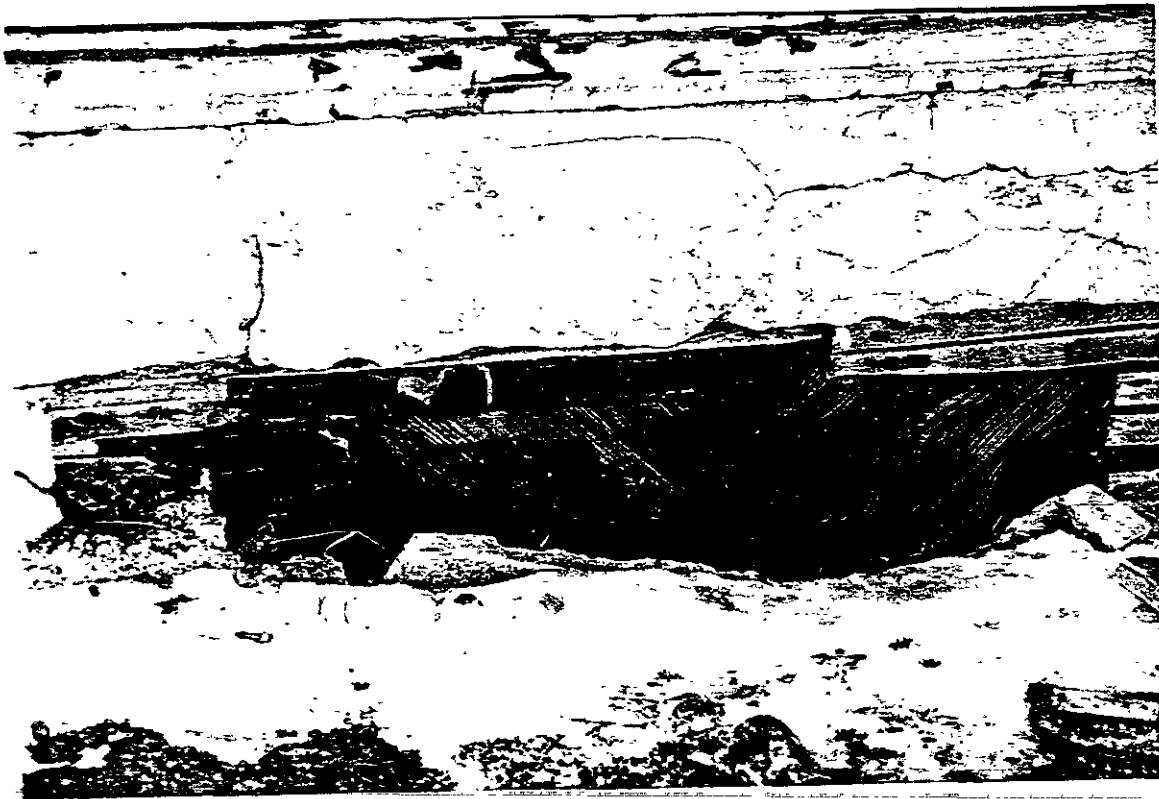


4. VIEW OF DETERIORATED STUCCO AT THE REAR.

*OVERLEA BUS LOOP*

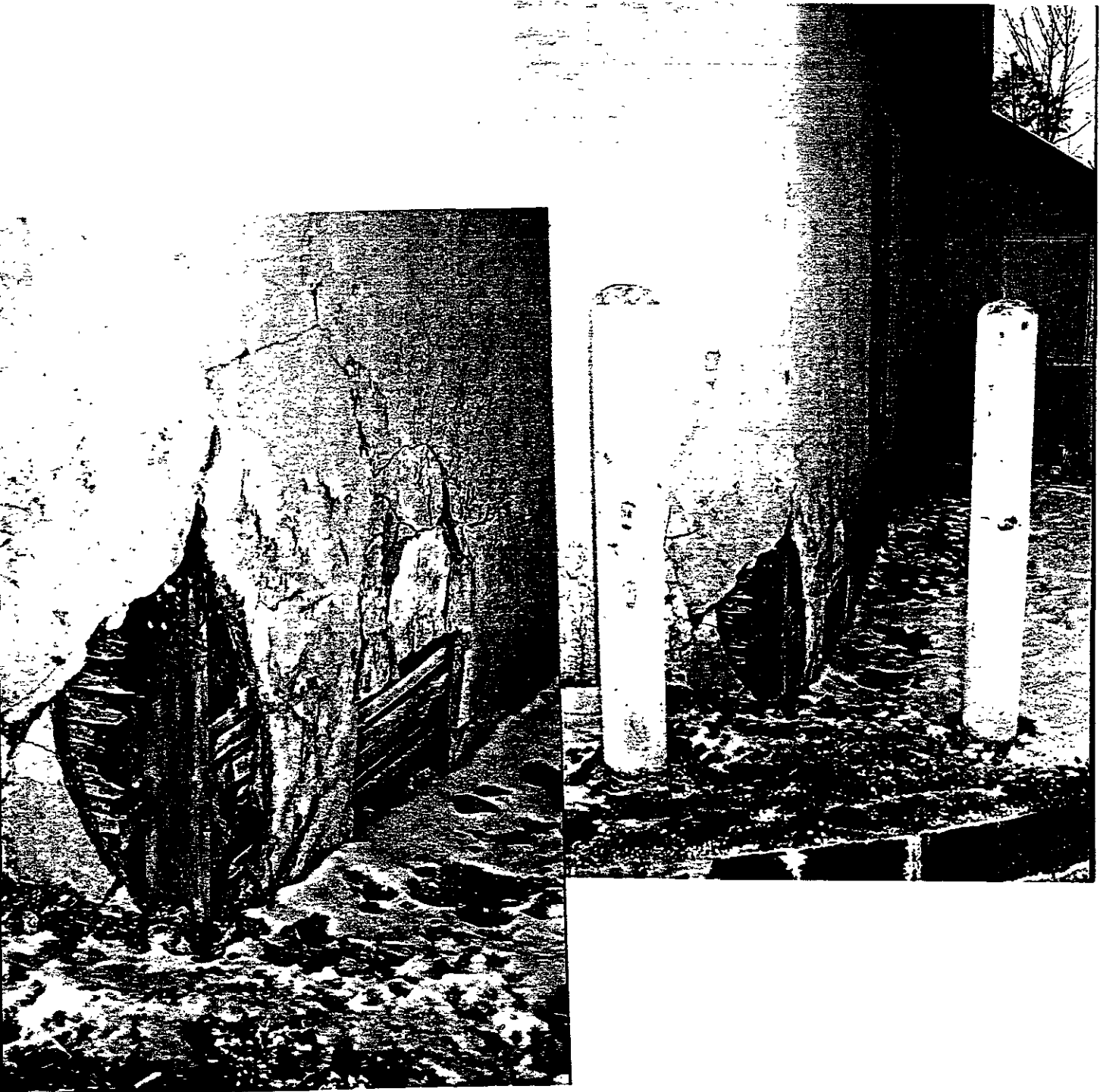


5. SIDE VIEW OF THE BUILDING LOOKING SOUTH.



5A. VIEW OF DETERIORATED STUCCO BELOW WINDOW.

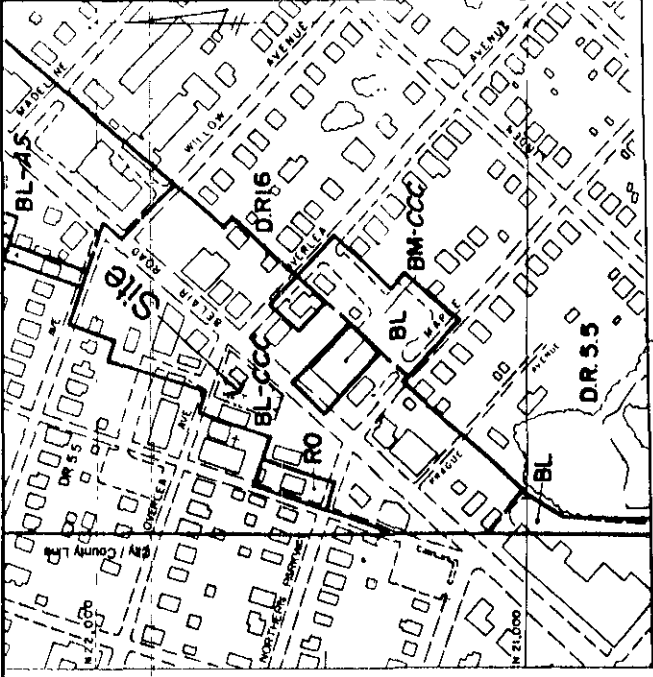
*OVERLEA BUS LOOP*



6. DETERIORATION OF STUCCO AT THE REAR OF THE BUILDING.

*EBA Ernest Bland Associates, P.C.*





**VICINITY MAP / ZONING MAP**  
(Baltimore County Zoning Map NE-E)  
SCALE 1"=200'

FROM COMPREHENSIVE ZONING MAP  
APRIL 1978  
THE BALTIMORE COUNTY COMPTON

**GENERAL NOTES FOR BUILDING PERMIT APPLICATION**

- ZONING**
1. ZONING DISTRICT: DR 5.5
  2. EXISTING ZONING: BL-CC
  3. EXISTING USE: BUS STOP AND WAITING STATION
  4. PROPOSED USE: ONE STORY 6831 BLDG. 17.4 x 39.4'
  5. PARKING REQUIRED: NONE (NO NEW EMPLOYEES AT WAITING STATION)
  6. ESTIMATED ACT: INCREASE PROPOSED
  7. ESTIMATED ACT: INCREASE PROPOSED
  8. DRIVEWAY: EXISTING CONCRETE DRIVEWAY TO EXISTING PAVED BUS LOOP PROPOSED
  9. DRIVEWAY: EXISTING CONCRETE DRIVEWAY TO EXISTING PAVED BUS LOOP PROPOSED
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  24. DRIVEWAY: EXISTING CONCRETE DRIVEWAY TO EXISTING PAVED BUS LOOP PROPOSED
  25. DRIVEWAY: EXISTING CONCRETE DRIVEWAY TO EXISTING PAVED BUS LOOP PROPOSED
- ENVIRONMENTAL**
1. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHAEOLOGICAL SITES OR ENDANGERED SPECIES HABITATS WITHIN THE SITE BOUNDARIES OR ADJACENT AREAS.
  2. THERE ARE NO EXISTING SEPTIC SYSTEMS OR ABANDONED UNDERGROUND TANKS ON SITE.
  3. THERE ARE NO EXISTING SEPTIC SYSTEMS OR ABANDONED UNDERGROUND TANKS ON SITE.
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  23. THERE ARE NO EXISTING SEPTIC SYSTEMS OR ABANDONED UNDERGROUND TANKS ON SITE.
  24. THERE ARE NO EXISTING SEPTIC SYSTEMS OR ABANDONED UNDERGROUND TANKS ON SITE.
  25. THERE ARE NO EXISTING SEPTIC SYSTEMS OR ABANDONED UNDERGROUND TANKS ON SITE.
- LANDSCAPING**
1. DUE TO THE SMALL SCALE OF THE PROJECT, LANDSCAPING, IN ACCORDANCE WITH PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL, WILL NOT APPLY.

**PLAN TO ACCOMPANY PETITIONS FOR ZONING VARIANCE AND SPECIAL HEARING**  
AND  
**PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION**  
for  
**Mass Transit Administration**  
**Overlea Bus Loop Waiting Station**  
8814 Belair Road (State Route 108)

OWNER REPRESENTATIVE  
DATE: AUGUST 7, 1988

OWNER: MASS TRANSIT ADMINISTRATION  
1000 PENNSYLVANIA AVENUE  
BALTIMORE, MD 21201

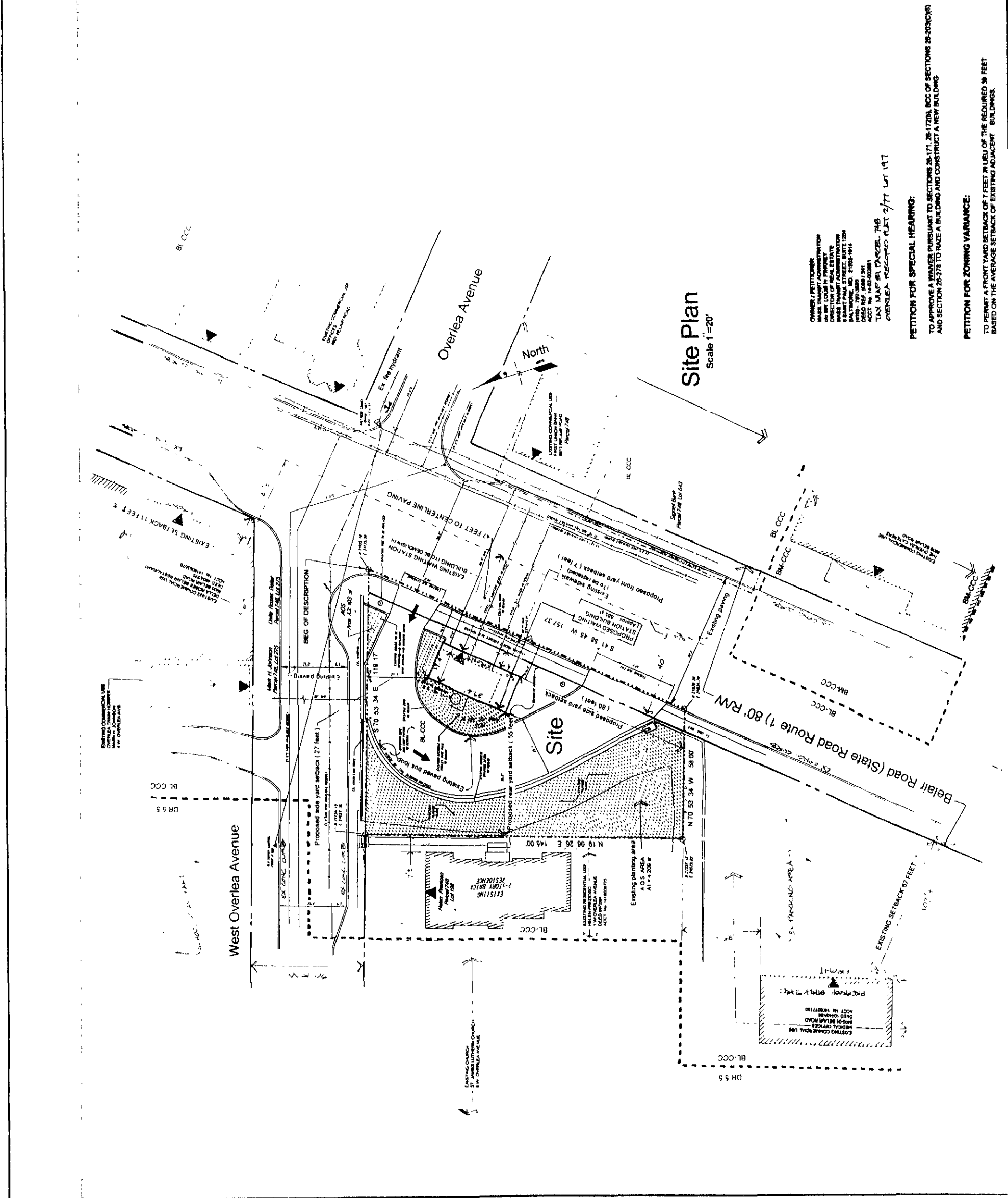
ENGINEER: R. ALBERT  
1000 PENNSYLVANIA AVENUE  
BALTIMORE, MD 21201

SCALE: AS SHOWN

BALTIMORE COUNTY DIST: 1403

DATE: AUGUST 7, 1988

SP-1  
SHEET 1 OF 1



**Site Plan**  
Scale 1"=20'

OWNER/PETITIONER  
MASS TRANSIT ADMINISTRATION  
1000 PENNSYLVANIA AVENUE  
BALTIMORE, MD 21201

ENGINEER  
R. ALBERT  
1000 PENNSYLVANIA AVENUE  
BALTIMORE, MD 21201

TAX MAP #1 PARCEL TAB  
OVERLEA, BELAIR RD 2/77 W 197

**PETITION FOR SPECIAL HEARING:**  
TO APPROVE A VARIANCE PURSUANT TO SECTIONS 26-171, 26-172(B), B.C. OF SECTIONS 26-200(C)(8) AND SECTION 26-278 TO RAISE A BUILDING AND CONSTRUCT A NEW BUILDING

**PETITION FOR ZONING VARIANCE:**  
TO PERMIT A FRONT YARD SETBACK OF 7 FEET IN LIEU OF THE REQUIRED 30 FEET BASED ON THE AVERAGE SETBACK OF EXISTING ADJACENT BUILDINGS.

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***Overlea Bus Loop Waiting Station***

*Conditions Survey and Recommendations*

*Overlea, Maryland*

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Prepared for:

***Mass Transit Administration***

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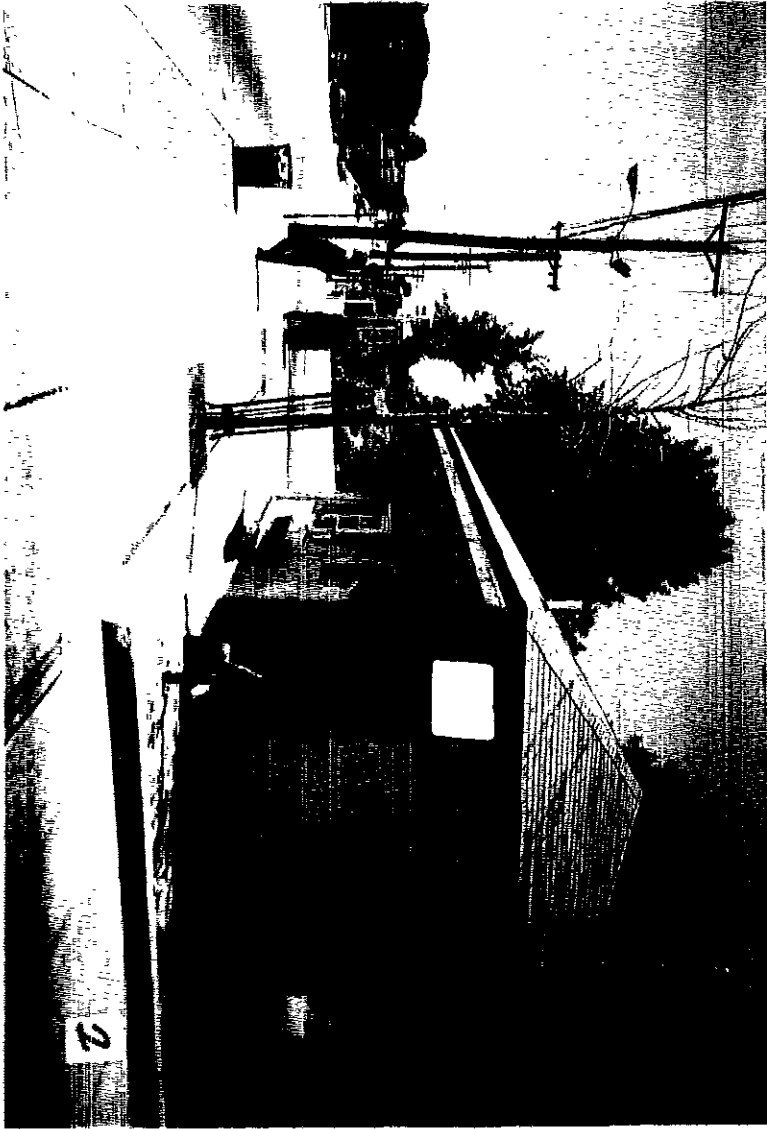
Prepared by :

EBA Ernest Bland Associates, P.C.  
Silver Spring, Maryland 20190

Project Management by:

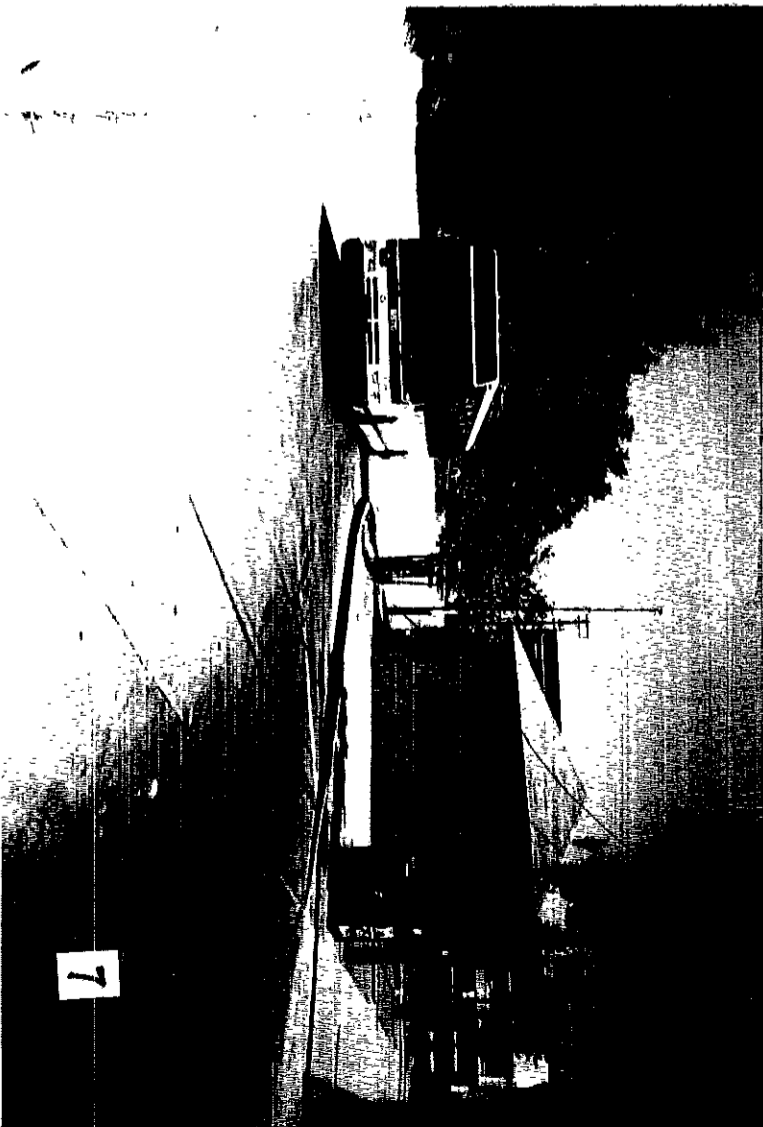
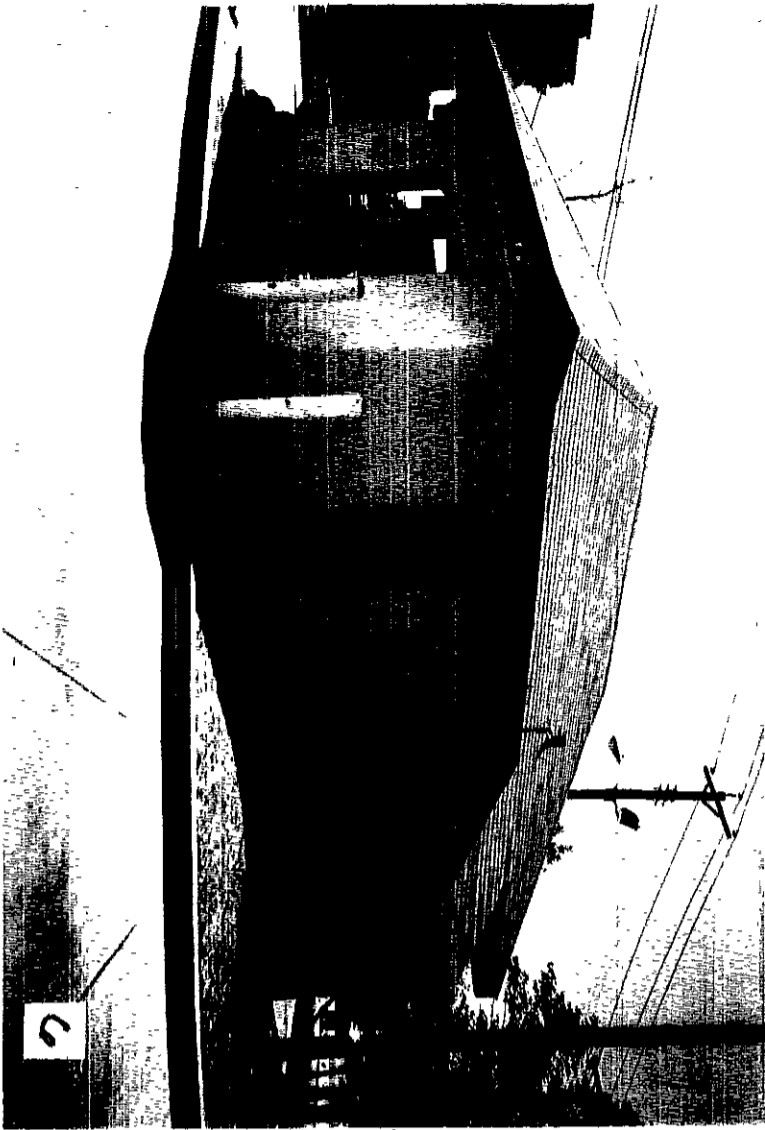
Parsons Brinckerhoff  
Baltimore, Maryland 21201

March 14, 1997

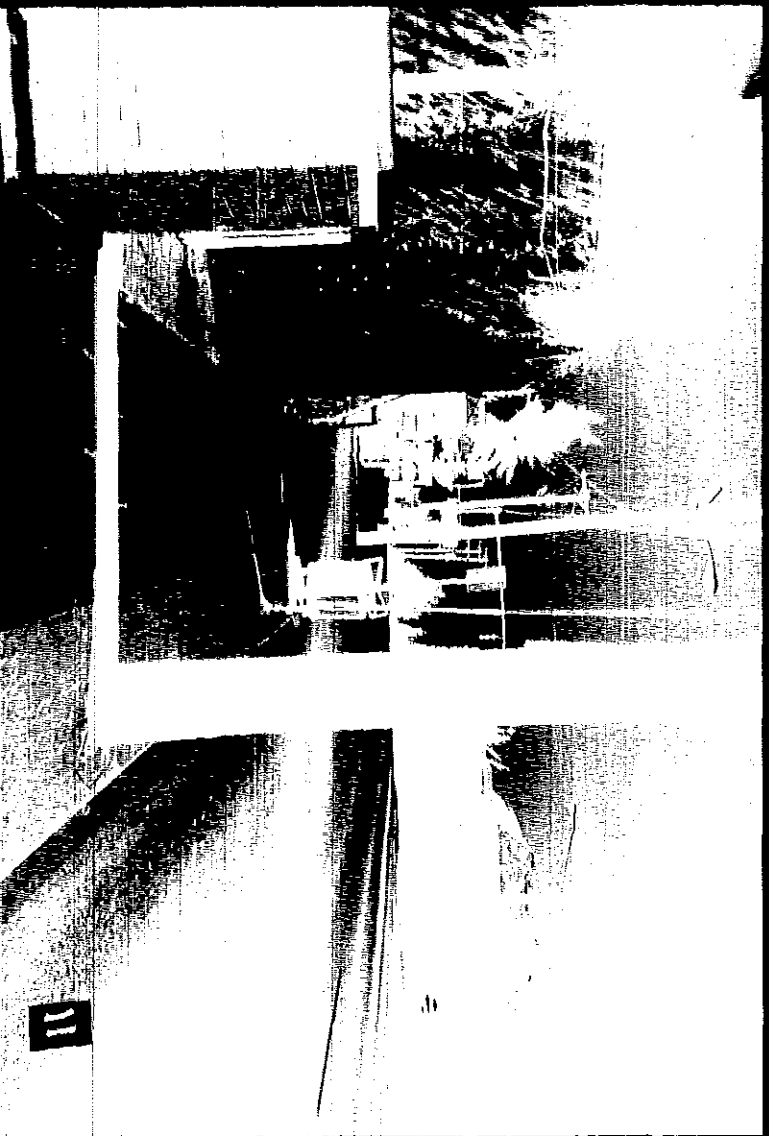


*Phot  
10/4*

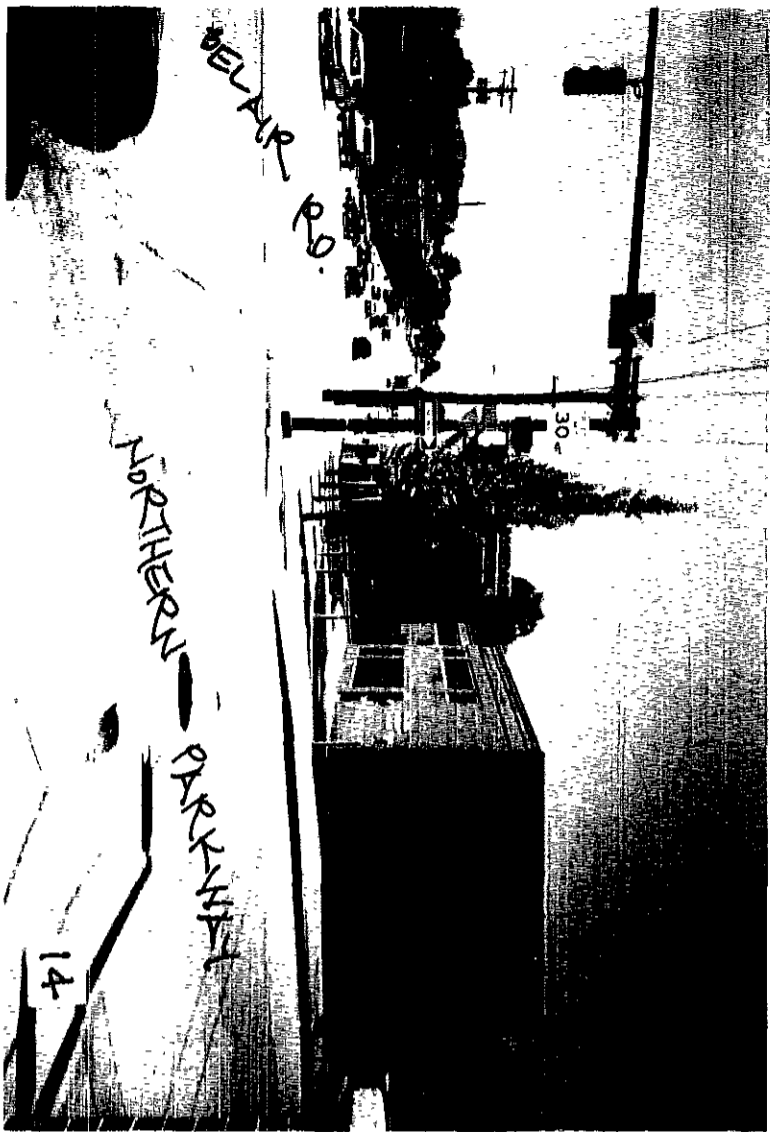
TAKEN BY RA Childress Aug 93



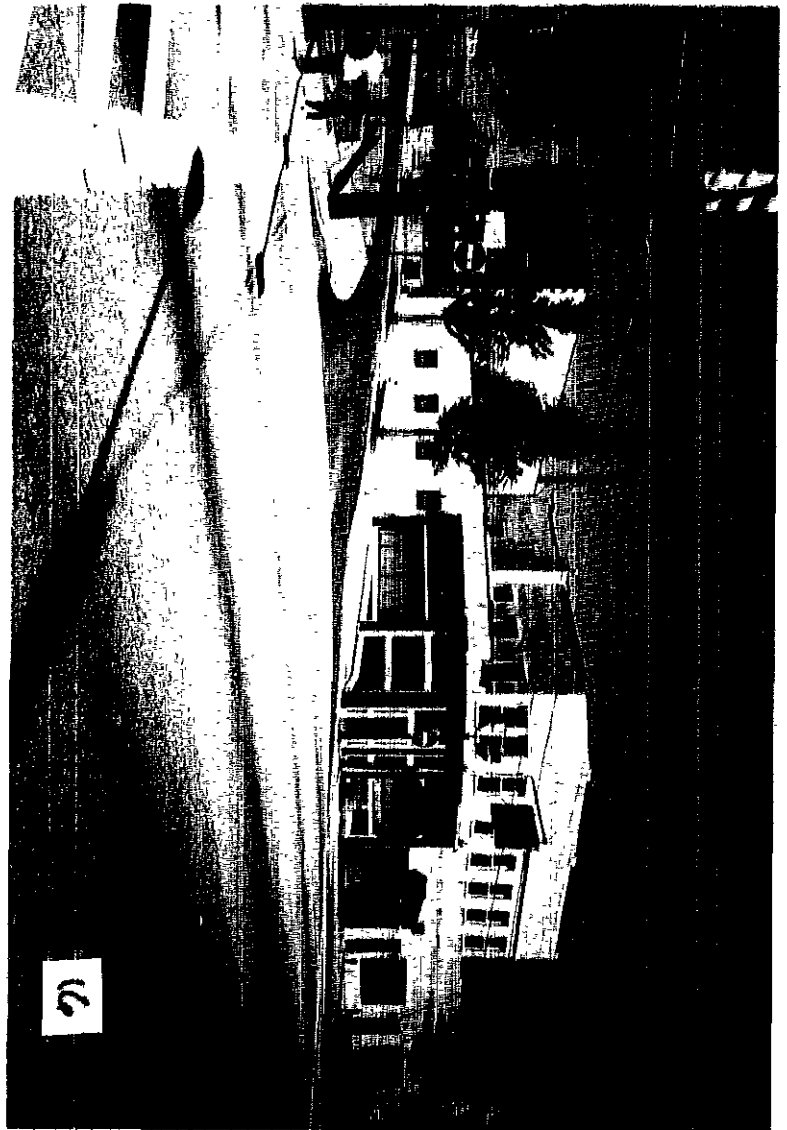
TAKEN BY R A Childress Aug 98



TAKEN BY R 9 Childress Aug 78



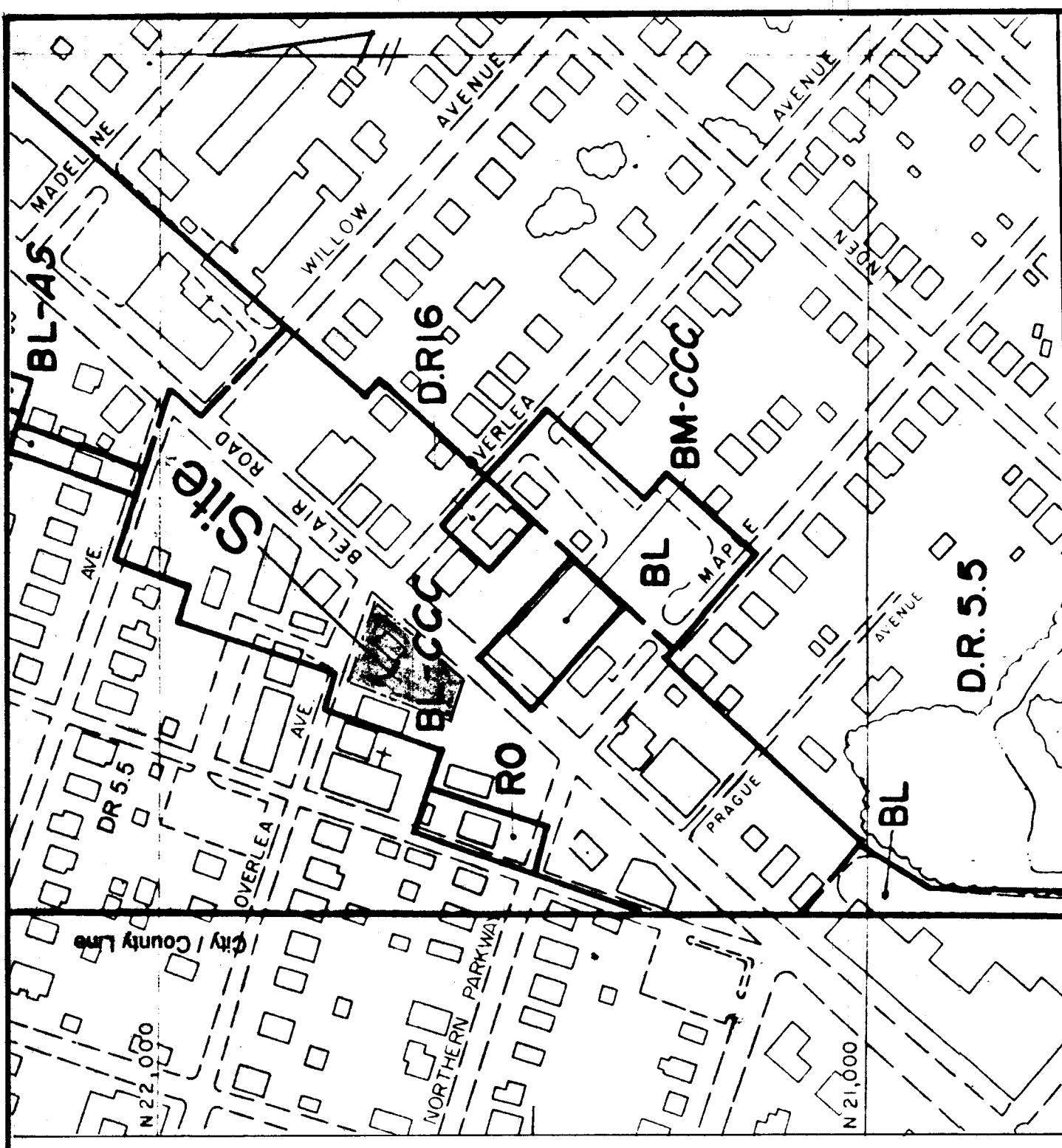
TAKEN BY R A Childers Aug 98



TAKEN BY R A Childers Aug 93







**VICINITY MAP / ZONING MAP**  
 (Baltimore County Zoning Map NE/6-E)  
 SCALE 1"=200'

1996 COMPREHENSIVE ZONING MAP  
 THE BALTIMORE COUNTY COUNCIL  
 OCTOBER 1996  
 BILL NO. 129-86, 129-87, 129-88, 129-89, 129-90, 129-91, 129-92, 129-93, 129-94, 129-95, 129-96, 129-97, 129-98, 129-99, 130-00

**GENERAL NOTES FOR BUILDING PERMIT APPLICATION**

**ZONING**

1. SITE SIZE APPROX. 12,344 sq. ft. (0.28 acre)
2. EXISTING USE: MTA BUS LOOP AND WAITING STATION
3. EXISTING USE: MTA BUS LOOP AND WAITING STATION
4. PROPOSED USE: MTA BUS LOOP AND WAITING STATION
5. PARKING REQUIRED: NONE (NO MTA EMER OVERS AT WAITING STATION)
6. ESTIMATED ADJ. TO INCREASE PROPOSED: NONE
7. ESTIMATED ADJ. TO DECREASE PROPOSED: NONE
8. PROPERTY SURVEY: THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, ENCUMBRANCES, AND LIENS OF RECORD AND IS SUBJECT TO ANY AND ALL RECORDS OF RECORD.
9. FLOOR AREA RATIO: FLOOR AREA 105.11' x 119.17' = 12,511.17
10. FLOOR AREA RATIO: FLOOR AREA 105.11' x 119.17' = 12,511.17
11. AMENITY OPEN SPACE: F.A.S. = 20,044.11 sq. ft. ALLOWED F.A.S. = 20,044.11 sq. ft. F.A.S. PROVIDED: A1 = 4,209 sq. ft. A2 = 1,917 sq. ft. A3 = 1,917 sq. ft. TOTAL F.A.S. PROVIDED: 8,043 sq. ft. A.O.S. RATIO: 0.0643
12. ZONING HISTORY: NONE - PREVIOUS COMMERCIAL PERMIT. NONE
13. ANY NEW SIGNS WILL COMPLY WITH SECTION 6505 OF THE '2002' AND ALL ZONING POLICIES AND REGULATIONS OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND PUBLIC UTILITIES.
14. THE SITE IS LISTED ON THE MARYLAND HISTORIC TRUST INVENTORY.

**ENVIRONMENTAL**

15. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHAEOLOGICAL SITES OR ENDANGERED SPECIES ON THE SITE.
16. THERE ARE NO CRITICAL EXISTING SLOPES OF 2% OR GREATER.
17. THE EXISTING AND PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MARYLAND STATE HEALTH DEPARTMENT REGULATIONS.
18. THE EXISTING WELL ON SITE WILL BE ABANDONED AND BACKFILLED WITH CLEAN EARTH IN ACCORDANCE WITH THE MARYLAND STATE HEALTH DEPARTMENT REGULATIONS.
19. THE EXISTING WELL ON SITE WILL BE ABANDONED AND BACKFILLED WITH CLEAN EARTH IN ACCORDANCE WITH THE MARYLAND STATE HEALTH DEPARTMENT REGULATIONS.
20. CORRECT MARYLAND STATE HEALTH DEPARTMENT REGULATIONS.
21. NO WETLANDS EXIST WITHIN 25' OF THE SITE.
22. PUBLIC WATER AND SEWER EXISTING ON SITE.
23. STORMWATER MANAGEMENT NOT REQUIRED - DISTURBED AREA LESS THAN 5,000 SF.
24. STORMWATER MANAGEMENT NOT REQUIRED - DISTURBED AREA LESS THAN 5,000 SF.

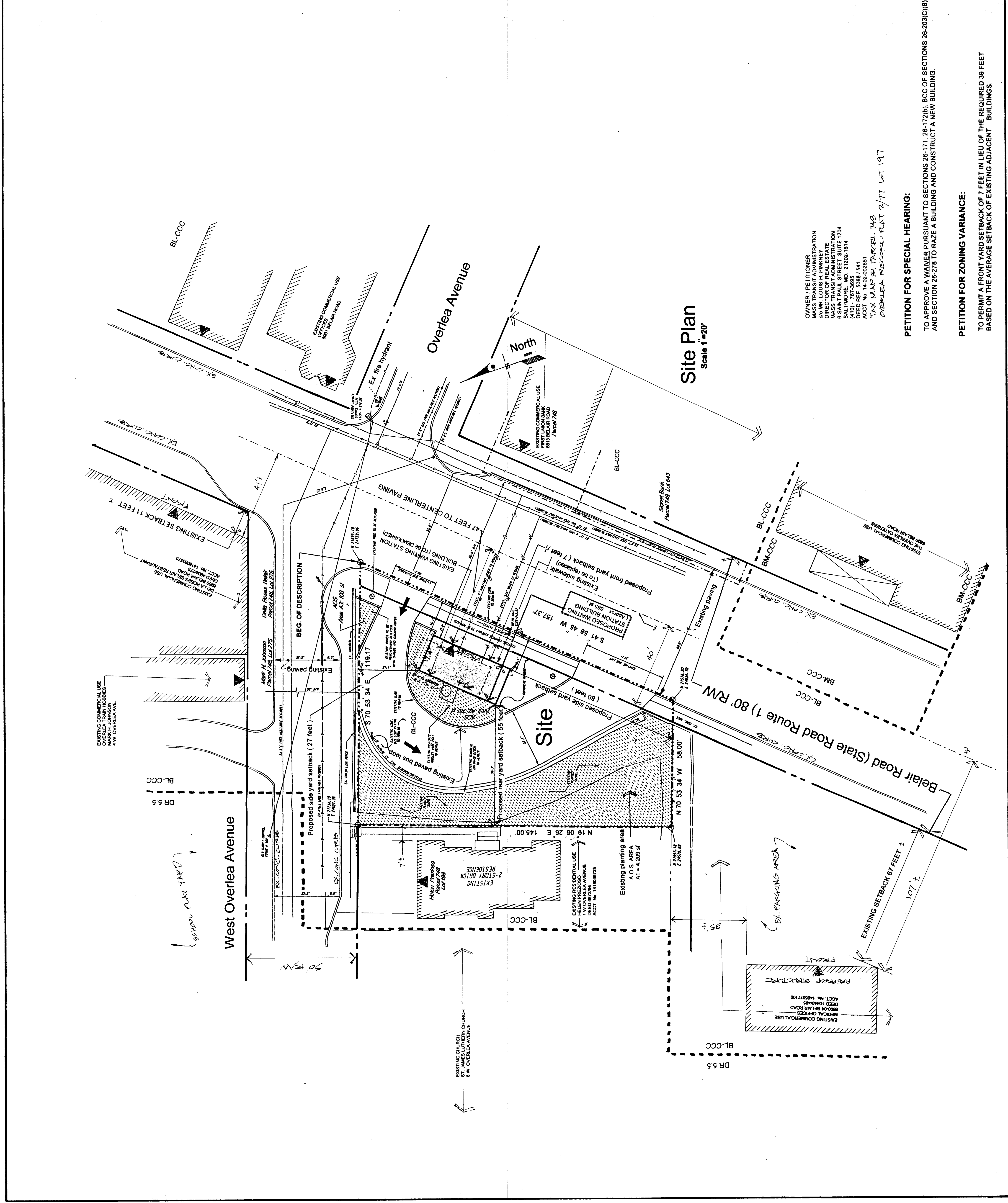
**LANDSCAPING**

25. BALTIMORE COUNTY LANDSCAPE MANUAL WILL NOT APPLY.

**PLAN TO ACCOMPANY PETITIONS FOR ZONING VARIANCE AND SPECIAL HEARING**  
**and**  
**PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION**  
 for  
**Mass Transit Administration**  
**Overlea Bus Loop Waiting Station**  
 6814 Belair Road (State Road Route 1)

BALTIMORE COUNTY DIST. 14C3 MARYLAND DATE: AUGUST 7, 1998

ENGINEER: AS SHOWN  
 OWNER REPRESENTATIVE: R. A. CHILDRESS & ASSOC., INC. 713 PLEASANT DRIVE FOREST HILLS, MD 21086 (410) 383-2004  
 DRAWING NO. SP-1 SHEET 1 OF 1



OWNER / PETITIONER  
 MASS TRANSIT ADMINISTRATION  
 600 MR. LOUIS H. PINNEY  
 6 SAINT PAUL STREET, SUITE 1704  
 BALTIMORE, MD 21202-7614  
 (410) 757-3695

DEED REF. 5089 / 441  
 TOWN MAPS RECORDED  
 BELAIR ROAD 2/77 LOT 197

**PETITION FOR SPECIAL HEARING:**  
 TO APPROVE A WAIVER PURSUANT TO SECTIONS 26-171, 26-172(D), BCC OF SECTIONS 26-203(C)(8) AND SECTION 26-278 TO RAISE A BUILDING AND CONSTRUCT A NEW BUILDING.

**PETITION FOR ZONING VARIANCE:**  
 TO PERMIT A FRONT YARD SETBACK OF 7 FEET IN LIEU OF THE REQUIRED 39 FEET SETBACK BASED ON THE AVERAGE SETBACK OF EXISTING ADJACENT BUILDINGS.

68

99-68-SPHA