

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
NC of intersection York and		
Radcliffe Roads	*	DEPUTY ZONING COMMISSIONER
9 th Election District		
4 th Councilmanic District	*	OF BALTIMORE COUNTY
(1017 York Road)		
	*	CASE NO. 00-037-X
Round Hollow, LLC		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Special Exception for the property located at 1017 York Road in Towson. The Petition was filed by Round Hollow, LLC, property owner. Special exception relief is requested to permit a service garage on the subject property, zoned BR. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the requisite public hearing held in this case was Thomas Simmons on behalf of Round Hollow, LLC, property owner. The Petitioners were represented by David K. Gildea, Esquire. There were no protestants present.

Testimony and evidence presented was that the subject property is a portion of that tract known as "Lot 1A" of the holdings of Round Hollow, LLC. Round Hollow, LLC owns a large tract which is situated on the northeast corner of the intersection of York Road (Maryland Route 45) and Fairmount Avenue in Towson. This property includes a parcel upon which is located a CVS Pharmacy and two separate bank buildings. The tract is approximately 5.70 acres in area, zoned BR. Additionally, the tract is bisected by a public road, known as Radcliffe Road, which separates the CVS Pharmacy lot from the balance of the property.

The subject petition relates to a building presently under construction which will be used as a Bryn Mawr Stereo and Video Store. The building will be two stories in height and contain a floor

ORDER RECEIVED FOR FILING

Date 9/20/99

By [Signature]

area of approximately 390.25 sq. ft. An old two-story office building has been razed to accommodate this construction.

Bryn Mawr is in the business of selling stereo, video and electronic equipment. Included in these products are equipment for motor vehicles, including stereos, car alarms, etc.

The Petitioners propose utilizing a portion of the building for two service bays to install such equipment in customers' automobiles. No traditional type service work (i.e. engine repair and maintenance work, body work, etc.) will be provided, only the installation of the electronic equipment sold by the company.

Special exception relief is necessary for the proposed service garage use. Although the proposal does not constitute what is customarily considered to be a service garage, the service garage definition in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) includes a building where motor vehicles are, "... stored, equipped for operation, repaired, or kept for remuneration, hire or sale." (emphasis added) Thus, although no repairs will be done, the equipping of the vehicles proposed by Bryn Mawr makes this use a service garage.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Exception. Clearly, the proposal will not cause any detrimental impact on surrounding properties and uses. In this regard, the proposal is entirely consistent with the commercial/retail nature of the York Road corridor. I am satisfied that the proposal meets the standards set out in Section 502.1 of the B.C.Z.R. There will be no impacts associated with this use on the surrounding locale. Thus, the Petition for Special Exception shall be approved.

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the relief requested in the special exception should be granted.

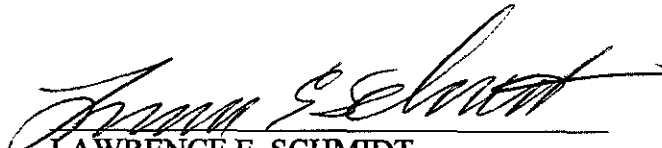
ORDER RECEIVED FOR FILING

Date 9/20/99

By R. Jameson

THEREFORE, IT IS ORDERED this 20th day of September, 1999, by this Zoning Commissioner, that the Petitioners' Petition for Special Exception request to permit a service garage on the subject property zoned BR., be and is hereby APPROVED, subject to the following restriction:p

- 1) The Petitioners may apply for their building permit 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.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING
Date 9/20/99
By R. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 20, 1999

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Case No. 00-037-X
Property: 1017 York Road

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been approved, in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Encl.

c: Paul F. Robinson, Executive Vice-President
c/o Round Hollow, LLC
170 W. Ridgely Road
Lutherville, Maryland 21093

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 1017 York Road

which is presently zoned BR

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

Service garage.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner: David K. Gildea and

Whiteford, Taylor & Preston

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

X Round Hollow, LLC

(Type or Print Name)

By: *Paul F. Robinson*
Signature

Paul F. Robinson, Executive Vice

(Type or Print Name)

President

Signature

170 W. Ridgely Road (410) 684-2000

Address

Phone No.

Lutherville

MD

21093

City

State

Zipcode

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

David K. Gildea

Name

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: *JCM*

DATE 7.28.99



Revised 9/5/95

00-037-X

37

Description

To Accompany Petition for Special Exception

961 Square Foot Parcel

Northeast of York Road

Northwest of Radcliffe Road

Ninth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances as measured from the point formed by the intersection of the centerline of Radcliffe Road with the centerline of York Road (1) North 31 degrees 38 minutes 56 seconds West 210 feet, more or less, and thence (2) North 58 degrees 21 degrees 4 minutes East 95 seconds, more or less to the point of beginning, thence leaving said point of beginning and running for the four following courses and distances, viz: (1) North 31 degrees 38 minutes 56 seconds West 31.00 feet, thence (2) North 58 degrees 21 minutes 04 seconds East 31.00 feet, thence (3) South 31 degrees 38 minutes 56 seconds East 31.00 feet, and thence (4) South 58 degrees 21 minutes 04 seconds West 31.00 feet to the point of beginning; containing 961 square feet of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

May 26, 1999

Project No. 97101.A (L97101A.1)

37



00-037-X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070468

37

DATE 7.28.99 ACCOUNT Fee 1-6-150

AMOUNT \$ 300.00

RECEIVED FROM: Peung Hahn, LLC 1017 York

FOR: (over) Spec. X.

PAID RECEIPT

PROCESS ACTUAL TIME
7/28/1999 7/28/1999 09:03:12
REG 4501 CASHIER JRIG JMK DRAWER 1
Dep 5 52B ZONING VERIFICATION
Receipt # 110617
CR NO. 070468

Receipt Tot 300.00
300.00 CK .00 CA
Baltimore County, Maryland

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

00-037-X

**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: #00-037-X
1017 York Road
at Intersection York and
Raccolite Roads
9th Election District
4th Councilmanic District
Legal Owner(s):
Round Hollow, LLC

Special Exception: for a service garage.
Hearing: Friday, September 3, 1999 at 2:00 p.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 Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20/, 1999

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 8/19/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.

00-037-X

Petitioner/Developer

Mid Atlantic Realty Trust
Tweeters

Date of Hearing/Closing

September 3, 1999
2:00 p.m.

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:

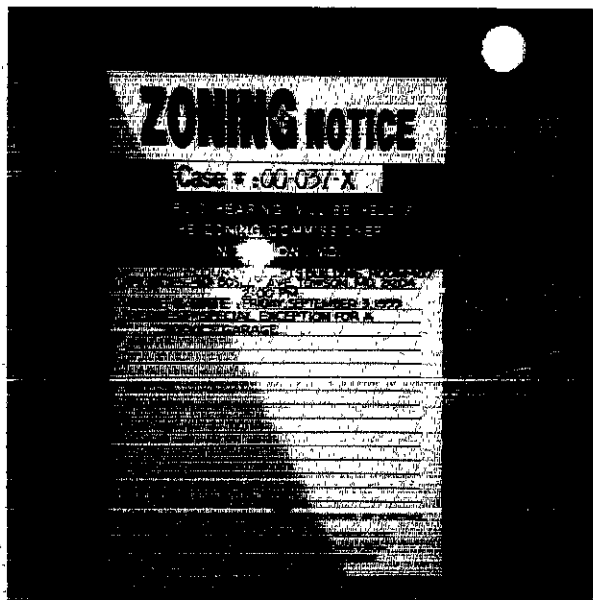
This letter is to certify under penalties of perjury that the necessary sign(s) required by
law were posted conspicuously for the property known as

1017 York Road - Tweeters

The signs were posted on

Wednesday, August 18, 1999

(Month, Day, Year)



Sincerely,

Don Hauk

(Signature of Sign Poster and Date)

Don Hauk

(Printed Name)

200 East Pennsylvania Avenue

Towson, MD 21286

(Address)

410-296-3333

(Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION
1017 York Road, NC of intersection
York and Radcliffe Rds
9th Election District, 4th Councilmanic

Legal Owner: Round Hollow, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-37-X

* * * * *

ENTRY OF APPEARANCE

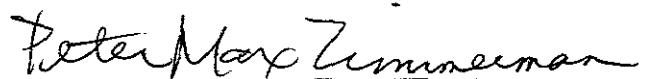
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 11, 1999

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: 00-037-X
1017 York Road
NC of intersection York and Radcliffe Roads
9th Election District – 4th Councilmanic District
Legal Owner: Round Hollow, LLC

Special Exception for a service garage.

HEARING: Friday, September 3, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

c: David K. Gildea, Esquire, 210 W. Pennsylvania Avenue, Towson 21204
Round Hollow, LLC, 170 W. Ridgely Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 19, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 19, 1999 Issue – Jeffersonian

Please forward billing to:

David K. Gildea 410-832-2000
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

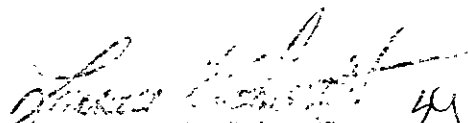
NOTICE OF ZONING HEARING

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CASE NUMBER: 00-037-X
1017 York Road
NC of intersection York and Radcliffe Roads
9th Election District – 4th Councilmanic District
Legal Owner: Round Hollow, LLC

Special Exception for a service garage.

HEARING: Friday, September 3, 1999 at 2:00 p.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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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.

For Newspaper Advertising:

Item Number or Case Number: 37
Petitioner: Round Hollow, LLC
Address or Location: 170 W. Ridge Rd 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: David F. Gildea, Whiteford, Tynan + Preston
Address: 210 W. Penn. Ave.
Towson, Md. 21204
Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

00-037-X



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 27, 1999

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gildea:

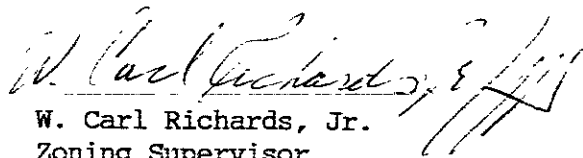
RE: Case No.: 00-37-X
Petitioner: Round Hollow, LLC.
Location: 1017 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 16, 1999

FROM: *fwb* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item Nos. 016, 017, 018, 019, 020,
021, 022, 023, 024, 026, 028, 030,
031, 032, 033, 034, 035, 042, 043,
044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 26, 1999

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 9, 1999

Item No.: 018, 020, 021, AND 037

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.

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", 1994 edition prior to occupancy.

REVIEWER: LT. HERB TAYLOR

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



file
9/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 11, 1999

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

SUBJECT: 1027 York Road

INFORMATION:

Item Number: 037

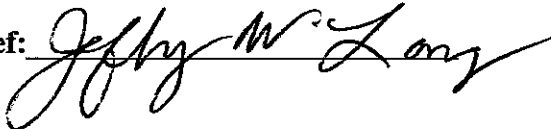
Petitioner: Round Hollow, LLC

Zoning: BR

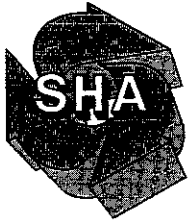
Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The recommendations of the Design Review Panel, which met on April 5, 1999 to review this project, have been incorporated into the plat accompanying the Petition for Special Exception. Based upon the information provided and analysis conducted, the Office of Planning recommends the applicant's request be granted.

Section Chief: 
AFK/JL

1612



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

August 12, 1999

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

RE: Baltimore County
Item No. 037 (JCM)
1017 York Road
MD 45
Mile Post 2.93

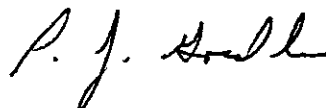
Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the Special Exception.

However, we will require the owner to obtain an access permit through our office.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Kenneth A. McDonald Jr.
Acting 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

4650-X

IT IS THIS 20TH DAY OF MAY, 1959, BE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY ORDERED THAT THE AFORESAID PETITION FOR A SPECIAL EXCEPTION SHOULD BE AND THE SAME IS HEREBY GRANTED, PROVIDED THERE IS NO OVER-NIGHT PARKING OF TRUCKS, TRAILERS OR OTHER COMMERCIAL VEHICLES PERMITTED ON THE SUBJECT PROPERTY

4705-XA

IT IS THIS 20TH DAY OF JULY, 1959, BY THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY, ORDERED THAT THE AFORESAID SPECIAL EXCEPTION SHOULD BE AND THE SAME IS HEREBY GRANTED FOR A GASOLINE SERVICE STATION ON THE FOLLOWING DESCRIBED PROPERTY, PROVIDED THERE IS NO OVERNIGHT PARKING OF TRUCKS, TRAILERS OR OTHER COMMERCIAL VEHICLES PERMITTED ON THE PROPERTY:

BEING KNOWN AND DESIGNATED AS LOT NO.2 ON PLAT OF THE PROPERTY OF THOMAS M. AND EDWIN K. CONTRUM, WHICH SAID PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK NO. 26, FOLIO 62.

4910-V

IT IS THIS 31ST DAY OF MARCH, 1960, BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, ORDERED THAT THE VARIANCE FOR THE ERECTION OF THE ADVERTISING STRUCTURE, SIZE 194 SQUARE FEET INSTEAD OF THE ALLOWABLE 150 SQUARE FEET, AT THE SOUTHEAST CORNER OF YORK AND RADCLIFFE ROADS, SHOULD BE AND THE SAME IS HEREBY GRANTED.

THE VARIANCE REQUESTED AT THE NORTHWEST CORNER OF FAIRMOUNT AVENUE AND RADCLIFFE ROADS IS HEREBY DENIED.

5441-Y

JANUARY 7, 1963, VARIANCE GRANTED TO PERMIT A SIGN OF THE SIZE OF 369 SQ.FT. INSTEAD OF THE ALLOWABLE 250 SQ.FT. VARIANCE DENIED TO PERMIT A SIGN OF FLASHING NATURE AND TO PERMIT A HEIGHT OF 27 FEET INSTEAD OF THE REQUIRED 25 FEET.

5451-Y

JANUARY 3, 1962 APPLICATION FOR ZONING VARIANCE FOR THE
PYLON GROUND SIGN WITHDRAWN.

63-49 1

PETITION TO ALLOW A SIDE YARD OF 10 FEET ON EACH SIDE INSTEAD OF THE REQUIRED 30 FEET IS DENIED.

• 54-103-5111

THE SUBJECT HEARING AROSE FROM A RULING OF THE ZONING COMMISSIONER ON APRIL 14, 1964 REGARDING THE SUBJECT WHIYAR CORPORATION, PETITIONER.

THE PROBLEM PRESENTED BY THE ZONING COMMISSIONER RAISES THE QUESTION AS TO WHETHER A REAL ESTATE OFFICE CAN BE MAINTAINED IN A MOTEL LOCATED ON PROPERTY ZONED "B-R", BUSINESS-ROADSIDE. THE BOARD FINDS THAT ALL THOSE USES PERMITTED IN A "B-L" ZONE ARE ALSO PERMITTED IN A "B-R" ZONE, AND THAT THE PETITIONER MAY PROPERLY CONDUCT HIS OPERATION ON THE PREMISES.

A SECOND QUESTION RAISED BY THE ZONING COMMISSIONER PERTAINED TO A MOTEL IDENTIFICATION SIGN AS PERMITTED IN THE REGULATIONS WHEREIN HE DECIDED THAT THE APPLICANT, PRIOR TO HIS APPLICATION, HAD HAD THE PERMITTED NUMBER OF SIGNS, THE BOARD FINDS, AS MATTER OF FACT, THAT THE PETITIONERS IS ENTITLED TO THE REQUESTED SIGN UNDER SECTION 43.2, SUB-PARAGRAPH (F) OF THE BALTIMORE COUNTY ZONING REGULATIONS, AND THAT THE PETITIONER SHOULD BE PERMITTED TO ERECT HIS SIGN IF HE COMPLIES WITH THE STATED REQUIREMENTS.

IT IS THEREFORE ORDERED THAT THE APPLICATION BY THE PETITIONER BE APPROVED FOR THE REQUESTED SIGN LIMITED, HOWEVER, TO SUCH REGULATIONS AS ESTABLISHED BY OTHER COUNTY AGENCIES RELATING TO THE ERECTION OF SAME.

65-52-XA / 5932Y

VARIANCE GRANTED TO PERMIT A SIDE YARD ALONG THE NORTH 66°22' EAST PROPERTY LINE OF 0 FEET AND A REAR YARD OF 3 FEET INSTEAD OF THE REQUIRED 30 FEET IS GRANTED. SPECIAL EXCEPTION FOR A USED MOTOR VEHICLE OUTDOOR SALES AREA IS GRANTED.

66-50-ASPH

VARIANCE GRANTED TO PERMIT:

- 1) BCZR 238.1 COMMERCIAL CONSTRUCTION OF 25 FEET INSTEAD OF 50 FEET FROM CENTER LINE OR ANY OTHER STREET.
- 2) BCZR 409.2-(4) PARKING WITHIN 2 FEET INSTEAD OF 8 FEET FROM STREET PROPERTY LINE.
- 3) BCZR 413.5d 35 FEET SIGN INSTEAD OF 25 FEET SIGN

USE PERMIT GRANTED FOR PARKING IN RESIDENTIAL ZONE.

66-112-A

PETITION OF THE WYNER CORPORATION FOR VARIANCE FROM SECTIONS
 238.1 AND 238.2 OF THE ZONING REGULATIONS ON PROPERTY LOCATED ON THE
 EAST SIDE OF YORK ROAD 150 FEET NORTH OF RADCLIFFE ROAD IN THE NINTH
 DISTRICT OF BALTIMORE COUNTY.

WHEREAS THE BOARD OF APPEALS IS IN RECEIPT OF A LETTER OF DISMISSAL FILED JANUARY 24, 1966 FROM THE PROTESTANT-APPELLANT THE ABOVE ENTITLED MATTER.

WHEREAS THE SAID PROTESTANT-APPELLANT REQUESTS THAT THE APPEAL FILED ON SAID BEHALF OF SAID PROTESTANT-APPELLANT BE DISMISSED AND WITHDRAWN AS OF JANUARY 24, 1966.

IT IS HEREBY ORDERED THIS 26TH DAY OF JANUARY, 1966, THAT SAID APPEAL BE DISMISSED WITH PREJUDICE AS OF THE AFOREMENTIONED DATE.

79-150-A

PURSUANT TO THE ADVERTISEMENT, POSTING OF PROPERTY, AND PUBLIC HEARING ON THE PETITION AND IT APPEARING THAT BY REASON OF THE FOLLOWING FINDINGS OF FACTS THAT STRICT COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY AND UNREASONABLE HANDSHIP UPON THE PETITIONER(S) THE VARIANCE(S) SHOULD BE MADE; AND IT FURTHER APPEARING THAT BY REASON OF THE GRANTING OF THE VARIANCE(S) REQUESTED NOT ADVERSELY AFFECTING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY, THE VARIANTS TO PERMIT A REAR YARD SETBACK, 24 FEET IN LIEU OF THE REQUIRED 30 FEET, FOR PARCEL NO.3, AND 337 PARKING SPACES IN LIEU OF THE REQUIRED 397 SPACES, FOR PARCEL NOS.1 AND 2, SHOULD BE GRANTED.

IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY, THIS 18TH DAY OF JANUARY, 1979, THAT THE HEREIN PETITION FOR THE AFOREMENTIONED VARIANCE(S) SHOULD BE AND THE SAME IS/ARE GRANTED, FROM AND AFTER THE DATE OF THIS ORDER, SUBJECT TO THE APPROVAL OF A SITE PLAN BY THE STATE HIGHWAY ADMINISTRATION, THE DEPARTMENT OF PUBLIC WORKS, AND THE OFFICE OF PLANNING AND ZONING.

80-62

IT IS ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 1ST DAY OF OCTOBER, 1979, THAT THE HEREIN PETITION FOR VARIANCE TO PERMIT 337 PARKING SPACES IN LIEU OF THE REQUIRED 487 SPACES SHOULD BE AND THE SAME IS GRANTED, FROM AND AFTER THE DATE OF THIS ORDER, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS:

1. THE USE OF THE PROPERTY BEING AS PRESENTLY ESTABLISHED WITH GUEST ROOMS, BANQUET ROOMS, KITCHEN(S), POOL, AUDIO VISUAL CENTER, AND LOBBY, AS SHOWN ON PETITIONER'S EXHIBIT NO. 2 ENTITLED "PLAN TO ACCOMPANY ZONING PETITION FOR PARKING VARIANCE", PREPARED BY GEORGE WILLIAM STEPHENS, JR., DATED APRIL 2, 1979.
2. CONTINUATION OF AVAILABILITY OF USE OF AREA LEASED TO THE UNION TRUST COMPANY OF MARYLAND FOR OVER-FLOW PARKING THEREON DURING NON-BANKING HOURS.
3. APPROVAL OF A SITE PLAN BY THE STATE HIGHWAY ADMINISTRATION, THE DEPARTMENT OF PUBLIC WORKS, AND THE OFFICE OF PLANNING AND ZONING.

80-62 AMENDED ORDER

IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 30TH DAY OF OCTOBER, 1979, THAT THE ORDER, DATED OCTOBER 1, 1979, PASSED IN THIS MANNER, SHALL BE AND IS HEREBY AMENDED BY STRIKING THE SECOND RESTRICTION OF SAID ORDER AND SUBSTITUTING IN LIEU THEREOF THE FOLLOWING

2. CONTINUATION OF AVAILABILITY OF USE OF AREA LEASED TO THE UNION TRUST COMPANY OF MARYLAND FOR OVER-FLOW PARKING THEREON DURING NON-BANKING HOURS, OR, IN THE ALTERNATIVE, THE PROVISION OF EQUIVALENT OVER-FLOW PARKING ON THE SUBJECT PROPERTY THROUGH ON-SITE ATTENDANT PARKING, AT NO CHARGE, DURING PEAK DEMAND PERIODS.

IN ALL OTHER RESPECTS, THE ABOVE REFERENCED ORDER IS HEREBY
RATIFIED AND CONFIRMED AND, AS AMENDED HEREBY, SHALL BE DEEMED TO BE
RESTATED AND PASSED AS OF THIS DATE

#94-213-A

THEREFORE, IT IS ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 28TH DAY OF DECEMBER, 1993 THAT A VARIANCE FROM SECTION 238.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) TO ALLOW A BUILDING REAR YARD SETBACK OF 5 FT. IN LIEU OF THE REQUIRED 30 FT. FOR PROPOSED LOT NO. 6, BE AND IS HEREBY GRANTED; AND,

IT IS FURTHER ORDERED THAT A VARIANCE FROM SECTIONS 102.2 AND 230.2 OF THE B.C.Z.R. TO ALLOW TWO BUILDINGS TO HAVE A DISTANCE BETWEEN THEM OF 30 FT. IN LIEU OF THE REQUIRED 6' FT. FOR LOT NO.1A AND THE PROPOSED LOT NO.6,BE AND IS HEREBY GRANTED, SUBJECT, HOWEVER TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONS PRECEDENT TO THE RELIEF GRANTED HEREIN:

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.

#97-300-A

THEREFORE, IT IS ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 7TH DAY OF MARCH, 1997 THAT A VARIANCE FROM SECTION 409.B-4.4 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) TO ALLOW A PARKING SETBACK OF 0 FEET ALONG THE SOUTHERN AND WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 10 FEET, BE AND IS HEREBY GRANTED; AND,

IT IS FURTHER ORDERED THAT A VARIANCE FROM SECTION 238.2 OF THE B.C.ZR TO ALLOW A BUILDING SETBACK OF 17 FEET, IN LIEU OF THE REQUIRED 30 FEET, BE AND IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. THE PETITIONER HEREBY MAKE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPEAL 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.
2. THE PROPERTY SHALL BE REDEVELOPED IN SUBSTANTIAL ACCORDANCE WITH THE BUILDING ELEVATION DRAWINGS AND SCHEMATIC LANDSCAPE PLAN.



DMW

Drafting & Construction 17411 Beech
 200 East Pennsylvania Avenue
 Towson, Maryland 21204
 (410) 286-2555
 Fax: 286-4706

*A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals*

PLAN AND ZONING MAP TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION RADCLIFFE SHOPPING CENTER 1017 YORK ROAD LUTHERVILLE, MARYLAND 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT BALTIMORE CO., MARYLAND

DATE	BY	REVISIONS

ISSUE DATES

REVIEW: 4-16-99

BID: _____

PERMIT: _____

CONSTRUCTION: _____

SCALE: _____ 1"=40'

PROJECT NO.: 37101A

BASE: NIDE

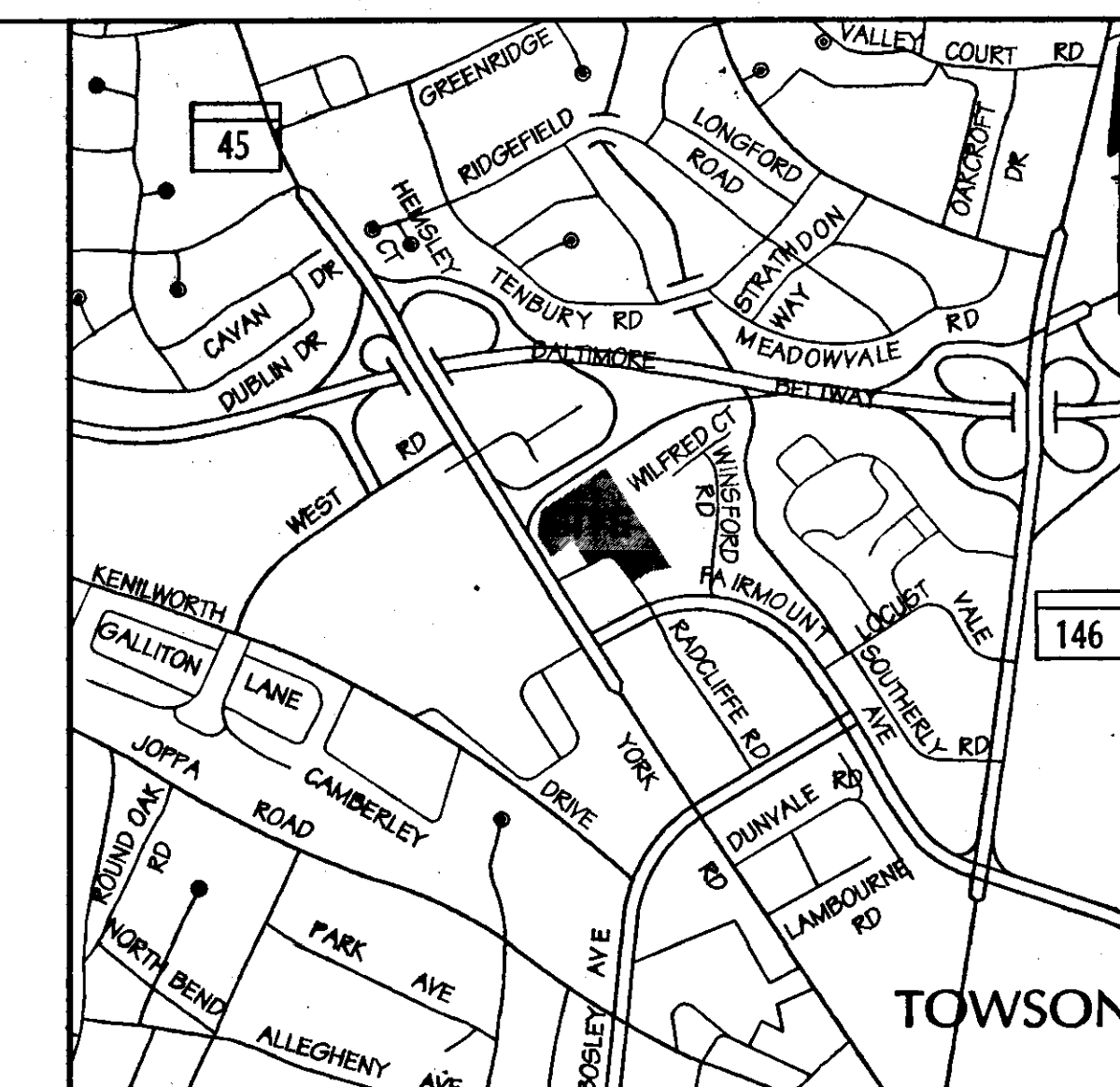
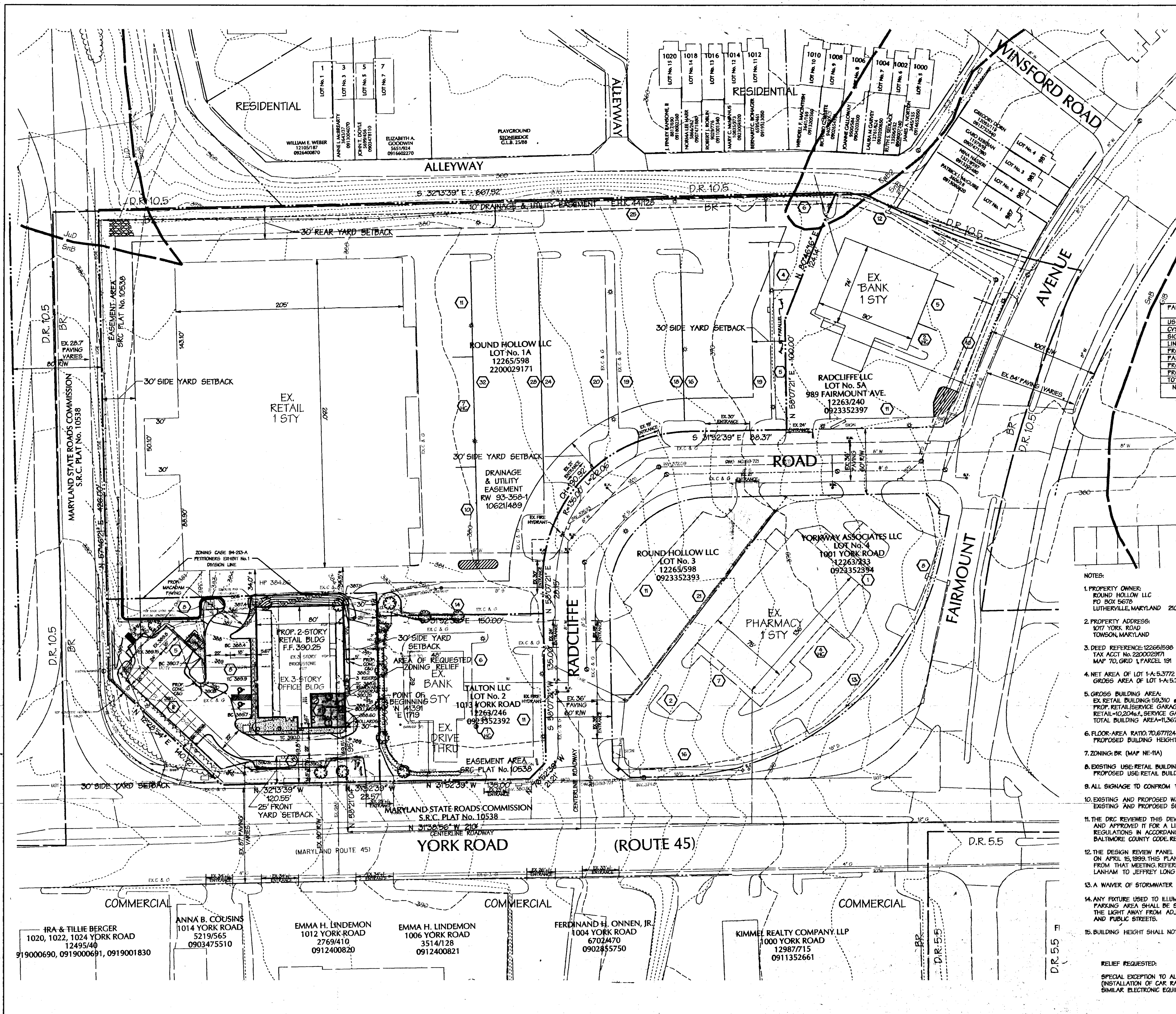
DRAWN: NIDE

DESIGNED: _____

CHECKED BY: _____

DATE CHECKED: _____

DRAWING: 2 of 2



PARKING CALCULATIONS				
USE	SQ. FOOTAGE	REQUIRED	REQ'D SPACES	SPACES PROVIDED
CVS PHARMACY	10,125 S.F.	51,000 S.F.	51	51
SIGNET BANK	6,600 S.F.	3,311,000 S.F.	22	40
LINENS 'N' THINGS & COMPUSA	59,310 S.F.	51,000 S.F.	297	256
PROVIDENT BANK	3,000 S.F.	3,311,000 S.F.	10	16
PARKING LOT 3				32
PROP. RETAIL	10,204 S.F.	51,000 S.F.	51	53
PROP. SERVICE GARAGE	1,163 S.F.	3,311,000 S.F.	4	4
TOTALS			435	436

NOTE: A RECIPROCAL PARKING AGREEMENT EXISTS BETWEEN THE OWNERS OF LOT 1A, 2, 3, 4 & 5A. ALL PARKING SPACES ARE LOCATED WITHIN 500 FEET OF A BUILDING ENTRANCE.

AREA OF ZONING RELIEF LINE TABLE:

ID	BEARING	DISTANCE
1	N 31°38'56" W	31.00'
2	N 58°21'04" E	31.00'
3	S 31°38'56" E	31.00'
4	S 58°21'04" W	31.00'

AREA OF RELIEF = 961 SQUARE FEET MORE OR LESS

DATA SOURCES:
BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED FROM AN ALTA/ACSM LAND TITLE SURVEY PREPARED BY KQ TECHNOLOGIES, INC. DATED MAY 1997 AND FIELD LOCATIONS BY DAFT-MCNEIL-WALKER, INC. IN APRIL 1999.

HORIZONTAL AND VERTICAL DATA SHOWN HEREON IS FROM A SURVEY BY DAFT-MCNEIL-WALKER, INC. DATED APRIL 20, 1999 AND SUPPLEMENTED BY TOPOGRAPHY PRODUCED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GIS SERVICES UNIT, (DATA CAPTURE: MARCH 1995).

SOILS SHOWN HEREON WERE TAKEN FROM THE SOIL SURVEY OF BALTIMORE COUNTY, MARYLAND, 1976.

- NOTES:
1. PROPERTY OWNER: ROUND HOLLOW LLC, 1017 YORK ROAD, TOWSON, MARYLAND 21204
 2. PROPERTY ADDRESS: 1017 YORK ROAD, TOWSON, MARYLAND
 3. DEED REFERENCE: 12265/598, TAX ACCT No. 2200029171, MAP 70, GRID 1, PARCEL 191
 4. NET AREA OF LOT 1-A: 5.3772 AC +/- = 234,179 s.f., GROSS AREA OF LOT 1-A: 5.70 AC +/- = 248,360 s.f.
 5. GROSS BUILDING AREA: EX. RETAIL BUILDING: 59,310 s.f., PROP. RETAIL SERVICE GARAGE: 10,204 s.f., SERVICE GARAGE: 1,163 s.f., TOTAL BUILDING AREA: 70,677 s.f.
 6. FLOOR AREA RATIO: 70,677/248,360 = 0.28 < 2.0, PROPOSED BUILDING HEIGHT: 30' / 2-STORIES
 7. ZONING: BR (MAP NE-11A)
 8. EXISTING USE: RETAIL BUILDING & OFFICE BUILDING (TO BE RAZED), PROPOSED USE: RETAIL BUILDING AND SERVICE GARAGE
 9. ALL SIGNAGE TO CONFORM TO SECTION 460 BCZR
 10. EXISTING AND PROPOSED WATER SERVICE: PUBLIC, EXISTING AND PROPOSED SEWER SERVICE: PUBLIC
 11. THE DRC REVIEWED THIS DEVELOPMENT PROPOSAL ON APRIL 5, 1999 AND APPROVED IT FOR A LIMITED EXEMPTION TO THE DEVELOPMENT REGULATIONS IN ACCORDANCE WITH SECTION 26-71(b)(9) OF THE BALTIMORE COUNTY CODE REFERENCE PDM #01-505 & DRC #04069F.
 12. THE DESIGN REVIEW PANEL REVIEWED THIS DEVELOPMENT PROPOSAL ON APRIL 15, 1999. THIS PLAN INCORPORATES RECOMMENDATIONS FROM THAT MEETING REFERENCE DFP #429 AND LETTER FROM LYNN LANHAM TO JEFFREY LONG DATED APRIL 15, 1999.
 13. A WAIVER OF STORMWATER MANAGEMENT HAS BEEN APPROVED BY DEPDM.
 14. ANY FEATURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
 15. BUILDING HEIGHT SHALL NOT EXCEED TWO STORIES.

DMW
Daft-McNeil-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 808-3333
Fax 206-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

**PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
RADCLIFFE SHOPPING CENTER**
1017 YORK ROAD
LUTHERVILLE, MARYLAND
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT
BALTIMORE CO., MARYLAND

DATE	BY	REVISIONS

00-037-X

ISSUE DATES	BASE:	WDE
REVIEW: 5-26-99	DRAWN: WDE/RGB	
BD:	DESIGNED: RGB	
PERMIT:	CHECKED BY:	
CONSTRUCTION:	DATE CHECKED:	
SCALE: 1"=40'	DRAWING:	
PROJECT NO.: 97101A		1 of 2

37

IRA & TILLIE BERGER
1020, 1022, 1024 YORK ROAD
12495/40
919000690, 0919000691, 0919001830

ANNA B. COUSINS
1014 YORK ROAD
5219/565
0903475510

EMMA H. LINDEMOM
1012 YORK ROAD
2769/410
0912400820

EMMA H. LINDEMOM
1006 YORK ROAD
3514/128
0912400821

FERDINAND H. ONNEN, JR.
1004 YORK ROAD
6702/470
0902855750

KIMMEL REALTY COMPANY LLP
1000 YORK ROAD
12987/715
0911352661