

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE – S/S Castleon Avenue,
 280' NE of the c/l Reisterstown Road * ZONING COMMISSIONER
 (9 Castleon Avenue) *
 3rd Election District * OF BALTIMORE COUNTY
 2nd Councilmanic District *
 * Case No. 00-147-SPHA
 *
 ElkrIDGE Plaza, Inc.
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, ElkrIDGE Plaza, Inc., by Stewart J. Greenebaum, President, through their attorney, Benjamin Bronstein, Esquire. The Petitioners request a special hearing to approve business parking in a residential zone and a waiver of public works standards to eliminate road improvements to Castleon Avenue (a/k/a Casleon Avenue). Subsequent to filing the instant Petitions, the Petitioners amended their Petition for Variance and now seek 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 minimum RTA setback and buffer of 9 feet in lieu of the required 75 feet; from Section 1B01.1.B.1.e(2) to permit a minimum parking lot setback from the tract boundary of 9 feet in lieu of the required 75 feet, and to allow a minimum RTA buffer of 9 feet in lieu of the required 50 feet; and, from Section 409.8.A.4 to permit a parking lot setback to a public street right-of-way of 9 feet in lieu of the required 10 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Michael Greenebaum and Mark Bennett, representatives of ElkrIDGE Plaza, Inc., property owners; David S. Thaler, Professional Engineer who prepared the site plan for this property; George E. Weber,

ORDER RECEIVED FOR FILING
 Date 12/16/99
 By [Signature]

adjoining property owner; and, Benjamin Bronstein, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the Petitioners, Elkridge Plaza, Inc., own and have developed a large tract of land adjacent to Reisterstown Road, near I-695 in the Woodholme community of Baltimore County. That property has been developed with a series of office and retail buildings, which include the Sinai Wellness Center. CRG approvals for the project were obtained in the mid-1980s and subsequent zoning relief in 1994, 1996 and 1998. The retail/office complex and zoning history of the property are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

The subject property under consideration is actually a small tract which abuts the larger Elkridge Plaza parcel. This tract is a rectangular-shaped parcel, approximately 110 feet by 250 feet in dimension, zoned D.R.3.5. The property is presently improved with an old dwelling which is unoccupied and is in a state of disrepair. In order to provide additional parking for the office/retail complex on the Elkridge Plaza parcel, the Petitioners have acquired the subject tract and propose to develop same with a 45-space parking lot thereon. The property actually abuts Castleon Avenue, a small private road which accesses Reisterstown Road. It was indicated at the hearing that there will be no curb cut created to allow traffic from exiting or entering the parking lot from Castleon Avenue. Instead, vehicular access to the new lot will be from the existing lot on the Elkridge Plaza parcel. Additionally, at the present time, Castleon Avenue accesses only one occupied residential building, which is owned by George Weber. Mr. Weber attended the hearing and indicated his support for the project.

Special hearing relief is requested to permit the use of the subject property as a parking lot and to permit parking on a residential parcel to support an adjacent business use. In addition, a series of variances are requested as outlined above. These variances are generated by the fact that the property is relatively narrow in width and configuration.

It was indicated at the hearing that use of the property as a parking lot is appropriate in that it would provide additional space for the tenants and customers of the large retail/office

complex. It was also indicated that the property can be developed as a parking lot without resulting in any detrimental impact to the surrounding locale. In this regard, Mr. Weber voiced a concern regarding potential storm water runoff from the site. In response to this concern, Mr. Thaler indicated that the parking lot would be designed in such a manner so as to prevent inappropriate volumes or flows of storm water from the lot. Additionally, recommendations for the requested waiver were received from Charles R. Olsen, Director of the Department of Public Works, by his letter dated September 22, 1999 (Petitioner's Exhibit 2). Approval of the use of the property as proposed was also recommended by George G. Perdikakis, Director of the Department of Environmental Protection and Resource Management (DEPRM), pursuant to his letter of May 20, 1999 which granted a variance from certain environmental standards (Petitioner's Exhibit 3).

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, use of the property as a parking lot will not be detrimental to the health, safety or general welfare of the surrounding locale, and special hearing relief should be granted. Moreover, I am persuaded that the Petitioners have satisfied the requirements for zoning relief to be granted, as set out in Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the zoning Commissioner for Baltimore County this 6th day of December, 1999 that the Petition for Special Hearing to approve business parking in a residential zone and a waiver of public works standards to eliminate road improvements to Castleon Avenue (a/k/a Casleon Avenue), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance (as amended) 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 minimum RTA setback and buffer of 9 feet in lieu of the required 75 feet; from Section 1B01.1.B.1.e(2) to permit a minimum parking lot setback from the tract boundary of 9 feet in lieu of the required 75 feet, and to allow a minimum RTA buffer of 9 feet in lieu of the required

50 feet; and, from Section 409.8.A.4 to permit a parking lot setback to a public street right-of-way of 9 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) The Petitioners shall comply with the requirements set forth in the letter dated September 22, 1999 from Charles R. Olsen, Director of Public Works, and the letter dated May 20, 1999 from George G. Perdikakis, Director of DEPRM, copies of which are attached hereto and made a part hereof.
- 3) The parking lot shall be designed and constructed in accordance with applicable storm water management regulations of Baltimore County so as to prevent inappropriate discharge of storm water onto adjacent lots.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/14/99
LES



Baltimore County
Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3300
Fax: 410-887-3406

September 22, 1999

RECEIVED
SEP 24 1999

Stacey A. McArthur
D.S. Thaler & Associates, Inc
7115 Ambassador Road
P.O. Box 47428
Baltimore, Maryland 21244-7428

Re: Mauthe Property -- Additional Parking for Sinai Fitness Center

Dear Ms. McArthur:

The Department of Public Works has reviewed your request for a waiver of road improvements to Castleton Avenue. On the basis that your project involves only the provision of additional parking within the Festival at Woodholme Center for the Sinai Fitness Center and no access to Castleton Avenue we can support your waiver request. We will require the dedication of highway widening along Castleton Avenue in the event that the property along this currently private gravel road ever develops or requires road improvements

Sincerely,

for Charles R. Olsen
Director

CRO/THH/mdo

ZONING COMMISSIONER

PETITIONER'S EXHIBIT 2

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

ORDER RECEIVED FOR FILING

Date: 12/16/99

By: [Signature]



Baltimore County
Zoning Commissioner

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

December 2, 1999

Benjamin Bronstein, Esquire
George & Bronstein
29 West Susquehanna Avenue, suite 205
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Castleon Avenue, 280' NE of the c/l Reisterstown Road
(9 Castleon Avenue)
3rd Election District -- 2nd Councilmanic District
Elkridge Plaza, Inc. - Petitioners
Case No. 00-147-SPHA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance (as amended) 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 black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Michael Greenebaum and Mark Bennett, Elkridge Plaza, Inc.
1829 Reisterstown Road, Suite 410, Pikesville, Md. 21208
Mr. David S. Thaler, D.S. Thaler & Associates, Inc.
7115 Ambassador Road, Baltimore, Md. 21244
Mr. George E. Weber, 18 Castleon Avenue, Pikesville, Md. 21208
People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9 Castleon Avenue a/k/a Casleon
which is presently zoned DR3.5

This Petition shall be filed with the Department of Permits and 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

business parking in a residential zone and approval of a waiver of public works standards to eliminate road improvements to Castleon a/k/a Casleon Avenue.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Benjamin Bronstein
Name - Type or Print _____
Signature *Benjamin Bronstein* _____
George & Bronstein, LLP
Company _____
20 West Susquehanna Avenue, Suite 205 410-296-0200
Address _____ Telephone No. _____
Towson Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Elkridge Plaza, Inc.
Name - Type or Print _____
Signature *Stewart J. Greenebaum* _____
Stewart J. Greenebaum, President
Name - Type or Print _____
Signature _____
1829 Reisterstown Road 410-484-8400
Address _____ Telephone No. _____
Baltimore MD 21208
City _____ State _____ Zip Code _____

Representative to be Contacted:

Stacey McArthur D.S. Thaler & Associates, Inc.
Name _____
7115 Ambassador Road 410-944-3647
Address _____ Telephone No. _____
Baltimore MD 21244
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By WCA Date 10-7-99

Drop off *No Review*

Case No. 00-147-SPHA

REV 9/15/98

Date _____

ORDER RECEIVED FOR FILING



AMENDED

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Castleon Avenue a/k/a Casleon

which is presently zoned DR3.5

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

(17,700 SE+); 1B01.B.1.e(5) to allow a minimum 9 ft+ RTA setback and buffer in lieu of the required 75 ft; 1B01.B.1.e(2) to allow a minimum 9 ft+ parking lot setback from the tract boundary in lieu of the required 75 ft and to allow a minimum 9 ft RTA buffer in lieu of the required 50 ft; Sec. 409.8.A.4. to allow a 9 ft setback from the parking lot to the right-of-way of a public street in lieu of the required 10 ft setback.

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

1. Topography of site.
2. Configuration of site.
3. And for other such reasons as may be demonstrated at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Benjamin Bronstein

Name - Type or Print

Signature

George & Bronstein, LLP

Company

29 West Susquehanna Avenue, Suite 205

410-296-0200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Elkridge Plaza, Inc.

Name - Type or Print

Stewart J. Greenebaum

Signature

Stewart J. Greenebaum, President

Name - Type or Print

Signature

1829 Reisterstown Road

410-484-8400

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Representative to be Contacted:

Stacey McArthur

D.S. Thaler & Associates, Inc.

Name

7115 Ambassador Road

410-944-3647

Address

Telephone No.

Baltimore

MD

21244

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. _____

REV 9/15/98

ORDER RECORDED FOR FILING
DATE 12/11/98 BY 12/11/98

**PROPERTY DESCRIPTION
(DESCRIPTION FOR ZONING PETITION)**

FESTIVAL AT WOODHOLME (PHASE IV)

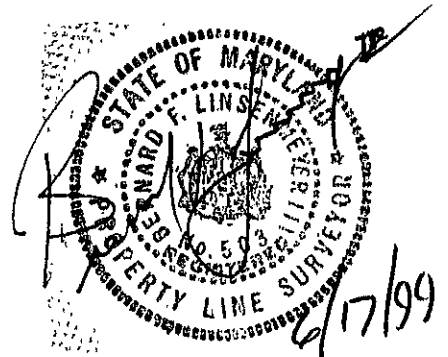
Beginning at a point located approximately 280 feet, Northeast of the intersection of the center line of Reisterstown Road (MD Route 140) and on the Southerly side of Castleon Avenue; thence running the following four (4) courses and distances:

1. North 47°15'54" East 250.00 feet to a point; thence,
2. South 42°41'06" East 110.67 feet to a point; thence,
3. South 47°15'54" West 250.00 feet to a point; thence,
4. North 42°41'06" West 110.67 feet to the point of beginning.

Also known as lots 8 through 10 as shown on a Record Plat entitled Property of George Schwesinger, Jr. as recorded in the Land Records of Baltimore County in Plat Book C.W.B. Jr. No. 12, Folio 35.

Containing 0.6352 acres of land, more or less.

FESTIVAL/WOODHOLME AEO DESCR DSK #2/98



147

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072304

DATE 10/7/99 ACCOUNT 001-6150

AMOUNT \$ 500.00

RECEIVED FROM: George & Bronstein

FOR: 00-147-SPHA

9 Castleton Ave

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
10/13/1999	10/12/1999	15:20:37
REG 4504	CASHIER JKAR JLK	DRAWER
Dept 5	528 ZONING VERIFICATION	
Receipt #	097336	
CR NO.	072304	

Receipt Tot 500.00
500.00 CK .00 DR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/28, 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 10/28, 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: #00-147-SPHA

9 Castleton Avenue aka Casteon

SE/S Castleton Avenue, 270' NE of c/ Reisterstown Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Elkridge Plaza, Inc.

Variance: To allow a variable width (disturbed RTA buffer (11,350 SE+/-) in lieu of the required 50 ft. undisturbed buffer (17,700 SE+/-); to allow a minimum 9 ft. RTA buffer in lieu of the required 75 ft.; to allow a minimum 9 ft. parking lot setback from the tract boundary in lieu of the required 75 ft. and to allow a minimum 9 ft. RTA buffer in lieu of the required 59 ft.

Special Hearing: To approve business parking in a residential zone and approval of a waiver to public works standards to eliminate road improvements to Castleton aka Casteon Avenue

Hearing: Wednesday, November 17, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake 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.

10/26/99 October 28

G349708

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-147-SPHA
PETITIONER/DEVELOPER:
[Elkridge Plaza, Inc.]
DATE OF Hearing
[Nov. 17, 1999]

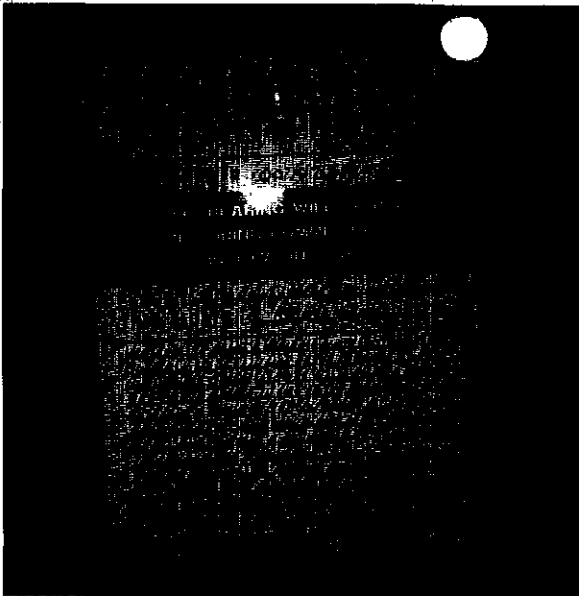
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
9 Castleon Ave. Baltimore, Maryland 21208__

The sign(s) were posted on__ 11-2-99 __
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ [410]-687-8405 ____
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE

9 Castleon Avenue (a/k/a Casleon), SE/S Castleon Ave,
270' NE of c/I Reisterstown Rd
3rd Election District, 2nd Councilmanic

Legal Owner: Elkridge Plaza, Inc.
Petitioner(s)

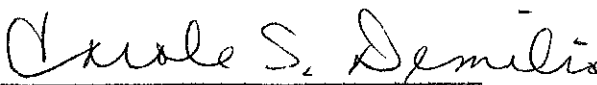
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-147-SPHA

* * * * *

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 28th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, 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

October 25, 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: 00-147-SPHA

9 Castleon Avenue aka Casleon
SE/S Castelton Avenue, 270' NE of c/l Reisterstown Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Elkridge Plaza, Inc.

VARIANCE: To allow a variable width (disturbed) RTA buffer (11,350 SE+/-) in lieu of the required 50 ft. undisturbed buffer (17,700 SE+/-); to allow a minimum 9 ft.+/- RTA buffer in lieu of the required 75 ft.; to allow a minimum 9 ft.+/- parking lot setback from the tract boundary in lieu of the required 75 ft. and to allow a minimum 9 ft. RTA buffer in lieu of the required 59 ft.

SPECIAL HEARING: To approve business parking in a residential zone and approval of a waiver of public works standards to eliminate road improvements to Castleon aka Casleon Avenue

HEARING: WEDNESDAY, NOVEMBER 17, 1999 AT 2:00 P.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

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

Arnold Jablon
Director

cc: Benjamin Bronstein, Esq.
Stacey McArthur/D.S. Thaler & Associates, Inc.
Elkridge Plaza, Inc.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 2, 1999.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT 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
October 28, 1999 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esq.
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204
410-296-0200

NOTICE OF ZONING HEARING

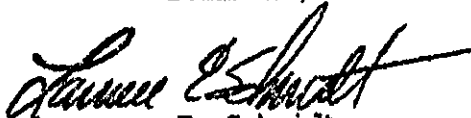
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-147-SPHA
9 Castleon Avenue aka Casleon
SE/S Castelton Avenue, 270' NE of c/l Reisterstown Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Elkridge Plaza, Inc.

VARIANCE: To allow a variable width (distrubed) RTA buffer (11,350 SE+/-) in lieu of the required 50 ft. undistrubed buffer (17,700 SE+/-); to allow a minimum 9 ft.+/- RTA buffer in lieu of the required 75 ft.; to allow a minimum 9 ft.+/- parking lot setback from the tract boundary in lieu of the required 75 ft. and to allow a minimum 9 ft. RTA buffer in lieu of the required 59 ft.

SPECIAL HEARING: To approve business parking in a residential zone and appproval of a waiver of public works standards to eliminate road improvements to Castleon aka Casleon Avenue

HEARING: WEDNESDAY, NOVEMBER 17, 1999 AT 2:00 P.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.


Lawrence E. Schmidt

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.



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

November 12, 1999

Mr. Benjamin Bronstein
George & Bronstein, LLP
29 West Susquehanna Avenue, Ste 205
Towson, MD 21204

Dear Mr. Bronstein:

RE: 00-147-SPHA , 9 Castleon Avenue

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

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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures



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

INTEROFFICE CORRESPONDENCE

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

Date: November 4, 1999

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

SUBJECT: Zoning Advisory Committee Meeting
 for November 1, 1999
 Item No. 147

The Bureau of Development Plans Review has reviewed the subject zoning item. See letter (dated September 22, 1999) from C. R. Olsen, Director, Department of Public Works, supporting the waiver of road improvements along Castleton Avenue.

This bureau agrees with the decision of the Department of Public Works and supports the waiver request.

RWB:HJO:jrb

cc: File

ZAC11019.147

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley */ms*

DATE: November 5, 1999

SUBJECT: Zoning Item #147
9 Castleon Avenue

Zoning Advisory Committee Meeting of October 25, 1999

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

16

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

Date: November 16, 1999

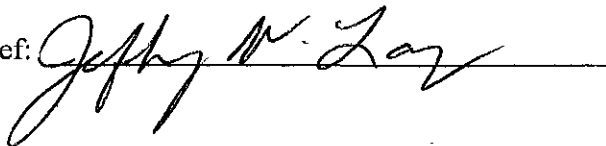
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 147, 159, 162, 163, and 167

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.25.99

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

RE: Baltimore County
Item No. 147 WCR

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.

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,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Ben Bronsten
DAVID S. THALER
MARK BENNETT
Michael Greengbaum
George E. Weber

29 W Suquehanna Ave 21204
7115 AMBASSADOR RD
1829 Reisterstown Rd. Suite 40
1829 Reisterstown Rd. Suite 400
18 Castleon Ave, Pikesville Md
21208





Baltimore County
Fire Department

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

November 29, 1999

RECEIVED JAN 06 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner:

NORTH OAKS REAL ESTATE PTNP. & GWYNNS FALLS L P - 136*
PATRICIA L. SHANEYBROOK & SUSAN H. BASSO - 139
DEVON SELF STORAGE, LLC - 141
ELKRIDGE PLAZA, INC. - 147
MARK E. GREEN & GORDON K. HARDEN, JR. - 154

Location: DISTRIBUTION MEETING OF OCTOBER 25, 1999

Item No.: See Below

Dear Ms. Stephens:

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
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



LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

October 6, 1999

CONSTANCE K. PUTZEL
OF COUNSEL

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 9 Castleon Avenue a/k/a Casleon

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

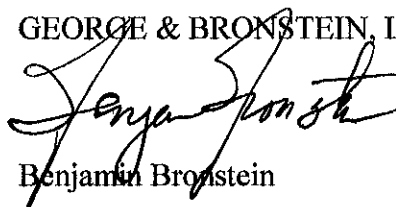
1. Petition for Variance in triplicate;
2. Petition for Special Hearing in triplicate;
3. Twelve (12) copies of the Plat to Accompany Zoning Petitions;
4. Three copies of the description under seal;
5. Copy of the 200 Scale Zoning Map; and
6. My check to cover costs.

There are no violations.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very truly yours,

GEORGE & BRONSTEIN, LLP


Benjamin Bronstein

BB/mlh
Enclosures

147



Baltimore County
Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3300
Fax: 410-887-3406

September 22, 1999

RECEIVED
SEP 24 1999

Stacey A. McArthur
D.S. Thaler & Associates, Inc
7115 Ambassador Road
P.O. Box 47428
Baltimore, Maryland 21244-7428

Re: Mauthe Property – Additional Parking for Sinai Fitness Center

Dear Ms. McArthur:

The Department of Public Works has reviewed your request for a waiver of road improvements to Castleton Avenue. On the basis that your project involves only the provision of additional parking within the Festival at Woodholme Center for the Sinai Fitness Center and no access to Castleton Avenue we can support your waiver request. We will require the dedication of highway widening along Castleton Avenue in the event that the property along this currently private gravel road ever develops or requires road improvements

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles R. Olsen".

 Charles R. Olsen
Director

CRO/THH/mdo

ZONING COMMISSIONER

PETITIONER'S EXHIBIT

2



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

May 20, 1999

Ms. Stacey McArthur
D.S. Thaler & Assoc., Inc.
7115 Ambassador Road
P.O. Box 47428
Baltimore, MD 21244

Re: Mauths Property
Forest Buffer Variance

Dear Ms. McArthur:

A request for a variance from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received and reviewed by this Department. This request proposes to reduce the 75 foot stream buffer to 25 feet on a Use I tributary to the Gwynns Falls. A vacant house, lawn and associated driveway currently exist within the buffer.

A site inspection of the property and Festival at Woodholme provides a convincing argument for the need of the additional parking. Also noted is the inquiry to the Department of Permits and Development Management regarding the future conditions of Castleon Avenue, which if occur, would adversely impact the stream along the road.

This Department has reviewed your request, and has determined that a practical difficulty and unsafe traffic conditions do exist, and that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Therefore, we will grant this request in accordance with Section 14-334 of the Baltimore County Code, with the following conditions:

- ☒ The following note must appear on all plans submitted for this project:
"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and building setback shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts."
- ☒ The Forest Buffer Easement shall be permanently posted at 40 foot intervals with "Forest Buffer - Do Not Disturb" signs that are available from this Department, prior to release of the grading security.
- ☒ A permanent fence shall be installed along the limit of the Forest Buffer Easement prior to release of the grading security.

ORDER RECEIVED FOR FILING

Date

Printed with Soybean Ink
P.03/08

410 944 3647

D S THALER

NOV-16-1999 09:56

Ms. Stacey McArthur
May 20, 1999
Page 2

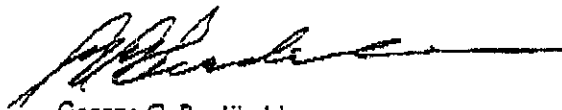
- ☒ The Forest Buffer Easement shall be planted in accordance with the guidance found in the Baltimore County Forest Conservation Technical Manual. A Forest Buffer Protection Plan outlining the proposed planting schedule shall be submitted to the Department for approval prior to grading plan approval.
- ☒ All trash and debris shall be removed from the Forest Buffer Easement prior to release of grading security.
- ☒ A security equal to 110% of the cost of implementing the Forest Buffer Protection plan, but not less than \$0.25 per square foot, shall be posted prior to grading permit approval. An Environmental Agreement shall be submitted to the Department to accompany this security.
- ☒ All planting required as a condition of this variance approval shall be completed within one year of grading permit issuance.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement on below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Bery Kelley at (410) 887-3980.

Sincerely yours,

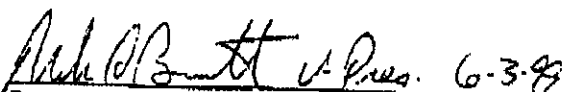


George G. Perdikakis
Director

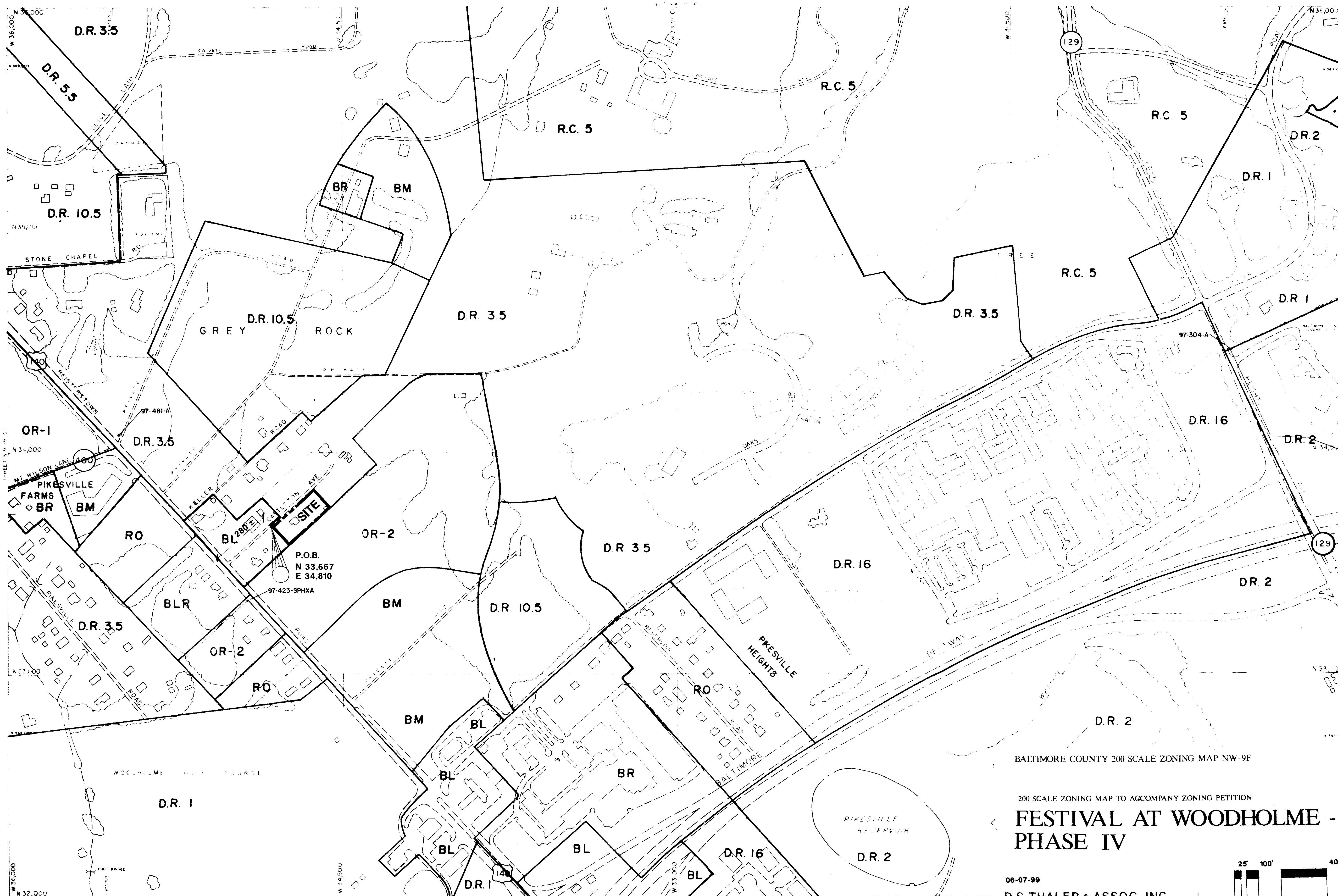
GGP:blk

betty7\wmauthorfbv.doc

I/we agree to the above conditions to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.


Property Owner _____ Date 6-3-99

Property Owner _____ Date _____



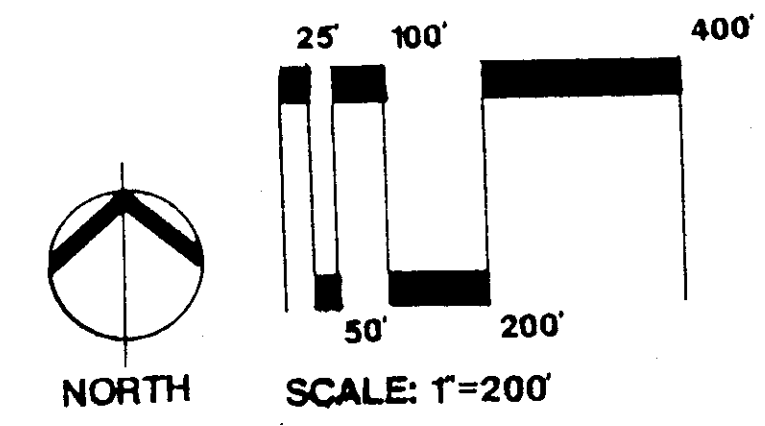
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

BALTIMORE COUNTY 200 SCALE ZONING MAP NW-9F

200 SCALE ZONING MAP TO ACCOMPANY ZONING PETITION

FESTIVAL AT WOODHOLME -
PHASE IV

06-07-99
D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS LAND PLANNERS
7115 Ambassador Road
P.O. Box 47428
Baltimore MD 21244-7428
410-944-3647



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

00-147-SPHA

