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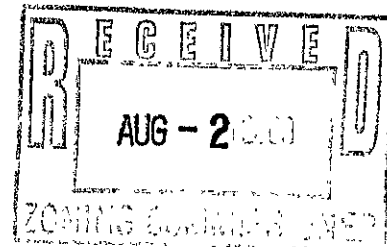
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(RETIRED 1980)

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(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
(410) 823-7850

August 2, 2000



VIA HAND DELIVERY

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 405 County Courts Building
401 Bosley Avenue
Mail Stop 3401
Towson, MD 21204

Re: Development Plan and Petitions for Special Hearing and Variance;
Fullerton Federal Savings Association and Case Nos. XIV-386 and 00-
355-SPHA

Dear Commissioner Schmidt:

Following the receipt of your Decision rendered in the above-captioned matters, my client has met with Scott Rouk of Morris & Ritchie Associates, the engineers who prepared the site plan for the proposed development. As a result of that meeting, and the changes necessary to comply with your Order of July 13, 2000, concerning the submission of a revised development plan, we would like some additional time in order to do so.

Paragraph One of your Order required a revised development plan to be submitted within thirty (30) days of the date of the Order, which is August 13, 2000. Mr. Rouk scheduled a vacation, during this time period, and it will be difficult for him to submit the plan within the thirty (30) days stated. We ask that you expand that time from thirty (30) days to a period of sixty (60) days from the date of your Order to enable Mr. Rouk to submit the revised plan.

If you have any questions, or need any further information concerning these matters, please contact me.

Until then, I remain.

Very truly yours,

C. William Clark
C. William Clark

CWC:kal
cc: Charles N. Dontell, President
Scott Rouk
Thomas Mack
J. Carroll Holzer, Esquire

D:\data\CWC\ZONING-CLIENTS\Fullerton\Schmidt1tr2.wpd

OK extension approved
James Schmitt
8/4/00

IN RE: DEVELOPMENT PLAN HEARING and	* BEFORE THE
PETITIONS FOR SPECIAL HEARING	
AND VARIANCE	* ZONING COMMISSIONER
(Fullerton Federal Savings Assoc.)	
14 th Election District	* OF BALTIMORE COUNTY
6 th Council District	
	* Cases Nos. XIV-386 and 00-355-SPHA
Fullerton Federal Savings Assoc.	
Owner/Developer	*

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code. The Owner/Developer and its Assignees seek development plan approval and zoning relief for the revitalization of the subject site. Specifically, the Owner/Developer proposes a two-story, 6,000 sq.ft. bank building, associated 17,338 sq.ft. business parking lot, located, in part, in the D.R.5.5 zoned portion of the property, six residential building lots, of which three are already improved with single family dwellings, and the retention of two lots, one of which is already improved with a single family dwelling. In addition to development plan approval, the Owner/Developer requests a special hearing to approve a use permit for parking and drive aisles for commercial use within a residential (D.R.5.5) zone, pursuant to Section 409.8.B.1 of the B.C.Z.R., and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.C.3 to permit clearing, grading and building lots for single family homes to be located within the required 50-foot Residential Transition Area (RTA) buffer and 75-foot RTA setback for Lots 9 and 10; from Section 1B01.2.C.1.b to permit a front setback of 13 feet in lieu of the required 25 feet for Lot 9, a setback of 9.6 feet in lieu of the required 10.6 feet front average for Lot 3, and a side to tract boundary setback of 2 feet in lieu of the required 15 feet for Lot 4; and, from Section 102.4 to permit a right-of-way of 16 feet for Lot 9 and 25 feet for Lots 5 through 8 in lieu of the required 30 feet for all. The development proposal and zoning relief requested are more particularly described

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on the development plan/site plan prepared by Morris & Ritchie Associates, Inc., which was submitted into evidence and marked as Developer's Exhibit 1. The subject property consists of a gross area of 2.92 acres, more or less, split zoned B.L.-A.S. (0.90 acres) and D.R.5.5 (2.02 acres), and is located on the southeast side of Belair Road, not far from its intersection with Henry Avenue in Fullerton.

As to the history of this project, a concept plan of the proposed development was initially prepared and a conference held thereon on October 18, 1999. Thereafter, two community input meetings were conducted within the affected neighborhood at the Fullerton Elementary School café. The first was held on November 10, 1999 and the second, on November 29, 1999. Subsequently, a development plan was submitted and a conference held thereon on April 12, 2000. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County. A revised development plan incorporating these comments was submitted at the Hearing Officer's Hearing which consumed all or part of the four hearing dates scheduled for this matter, namely, May 10th, June 12th, June 14th, and June 29th, 2000. As noted above, the Hearing Officer's Hearing was combined with the public hearing necessary for the requested zoning relief, pursuant to Section 26-206.1 of the B.C.Z.R.

Appearing at the requisite public hearing in support of this project were Charles Dontell, Executive Vice President, and John P. Kocus, on behalf of Fullerton Federal Savings and Loan; Scott D. Rouk, a Landscape Architect with Morris & Ritchie Associates who prepared the development plan/site plan for this project; Wes Guckert, Traffic Engineer; and, C. William Clarke, Esquire, attorney for the Owner/Developer. Also appearing and testifying in support of the request were Abigail Byers, Baltimore County's Office of Economic Development; and, Mary Harvey, Baltimore County's Office of Community Conservation. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing(s), including Donald Rascoe, Project Manager, and Robert W. Bowling, Development Plans Review, Colleen Kelly, Land Acquisition, and Mitchell Kellman, Zoning Review, all representatives of the Department of Permits and Development Management (PDM); Kimberly Golden and Jeffrey

Long, Office of Planning (OP); R. Bruce Seeley and Alli Cauthorn, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook and Howard Gaskill, Department of Recreation and Parks (R&P). In addition, Thomas Mack and Ed Lassaghn, Jr., adjacent and nearby property owners, appeared and testified in support of the project. Mr. Mack proposes to convey a portion of his property to the Owner/Developer to provide additional access to the site from Henry Avenue. A number of residents from the surrounding locale appeared in opposition to the request and were represented by J. Carroll Holzer, Esquire. Their attendance is reflected on the Sign-In Sheets that were circulated over the four hearing dates and are contained within the case file. However, acting as spokespersons for the group were Lorraine Gordon, President of the Linover Community Association, and Leslie Glass, an immediate neighbor. A number of other individuals appeared and testified at the hearing, including William Kirwin, a Landscape Architect who has practiced in Baltimore County for many years.

On behalf of the Owner/Developer, Mr. Rouk appeared and testified. Mr. Rouk presented the red-lined development plan (Developer's Exhibit 1), the plan which accompanied the Petitions for Special Hearing and Variance (Developer's Exhibit 2), the schematic landscape plan (Developer's Exhibit 3) and a preliminary Forest Conservation Plan (Developer's Exhibit 4). As noted above, the subject property consists of approximately 2.92 acres and is split zoned B.L.-A.S. and D.R.5.5. The predominant zoning of the site is D.R.5.5 (2.02 acres) with the balance (0.90 acres) zoned B.L.-A.S. The property lies immediately adjacent to Maryland Route 1 (Belair Road) in the Fullerton area of Baltimore County, and is located inside the Baltimore Beltway, between that road and the Baltimore County/Baltimore City Line.

Presently, the property is improved with an older building which has been converted to the offices of the Fullerton Federal Savings and Loan Association. Additionally, there is a smaller three-story brick structure, known as 7527 Belair Road, which contains approximately 3600 sq.ft. of retail use. This building is proposed to be retained for that purpose; however, the Owner/Developer proposes the construction of a new bank building to be known as 7529 Belair Road. The new bank building will be 6,000 sq.ft. in area, contain a basement, and first floor

level. Vehicular access is proposed to be by three means. There will be one major curb cut along Belair Road, providing access both to and from the site onto that roadway. A second curb cut is proposed along Belair Road, but will permit right turn-out movements, only. The third means of access proposed generated the most controversy. Specifically, the Owner/Developer proposes the construction of a narrow access road to Henry Avenue through property presently owned by Thomas Mack. That road will be through that portion of Mr. Mack's property zoned B.L.-A.S.

The character of the neighborhood and vicinity is of particular note. In this regard, testimony was offered from a number of neighbors and photographs of the area were submitted. Additionally, I had the opportunity to visit the site and inspect the property and environs. Obviously, this stretch of Belair Road is highly commercial/business in character. A McDonald's restaurant is located immediately across from the site, and the property abuts a Crown gasoline service station. Similar shopping/business operations exist all along Belair Road. The nearest intersection to the subject property is located one lot north of the subject site. That signalized intersection is located at Belair Road and Henry Avenue. The adjoining Crown service station immediately abuts that intersection. Turning down Henry Avenue from Belair Road, a motorist notes an immediate change in the character of the neighborhood. Although the properties fronting Belair Road are all commercial and business in nature, the interior community is strictly residential. A large County park abuts the rear of the subject site along a residential street known as Marks Avenue. Additionally, there is a large residential community along Henry Avenue to the interior, away from Belair Road.

Turning first to the merits of the development plan, Section 26-206 of the Baltimore County Code requires that the Hearing Officer first identify any unresolved agency comments or issues. On behalf of the Owner/Developer, Mr. Clarke indicated that there were no outstanding issues, and that the plan was in compliance with all County agency requirements and regulations. His testimony was largely corroborated by the County agency representatives present. Mr. Long from the Office of Planning indicated that his department supported the plan and relief requested; however, did seek permission to review elevation drawings for the proposed building and signage

prior to the issuance of any permits. Mr. Seeley with the Department of Environmental Protection and Resource Management (DEPRM) indicated that there were no outstanding issues, as did Mr. Kellman of the Zoning Review division of the Department of Permits and Development Management (PDM). The Department of Recreation and Parks (R&P) indicated that they had no outstanding issues and that the local open space requirements for this project were satisfied. Mr. Cook indicated that his department would defer to the recommendations of the Department of Public Works as to proposed improvements to Marks Avenue. Marks Avenue abuts the rear property line of the subject parcel and the existing and proposed residential lots. Testimony was also received from Abigail Byers on behalf of the Office of Economic Development in support of the request. Mary Harvey from the Office of Community Conservation believes the project is appropriate; however, expressed sensitivity to the community's concerns.

On behalf of the Protestants, Mr. Holzer identified a number of concerns. The predominant concern from the community appears to be the proposed access road from the site to Henry Avenue. The Protestants who appeared oppose the construction of this road, believing it will intrude into their residential community. Mr. Holzer also raised objections as to the zoning relief sought and the expansion of commercialism and business into the residential community to the rear. A number of citizens also appeared to amplify these concerns. Their testimony will not be repeated here in that it is contained within the record of the case. However, that testimony and the exhibits offered in connection therewith were considered carefully by this Hearing Officer.

As noted above, the primary issue that elicited the most testimony in opposition relates to the proposed access road to Henry Avenue. It is to be emphasized that the development plan provides two means of access to Belair Road. One is a full service access, allowing both in and out movements in each direction (north or south) onto Belair Road. The second is a right turn only (northbound) onto Belair Road. The third means of access proposed leads from the rear/side of the lot through the Mack property onto Henry Avenue. As noted above, the intersection of Henry Avenue/Belair Road, which is signalized, is one lot removed from the subject parcel. Comments were offered by the Owner/Developer that it desired to provide its customers with the

opportunity to enter and exit the site through a controlled, signalized intersection. That is, by utilizing the proposed access road through the Mack property, customers of the bank could enter/exit the site from Henry Avenue and the controlled intersection at Belair Road. This would assist traffic movements through the area.

A significant factor in considering this issue is the actual operation of the bank. Testimony and evidence offered revealed that the bank is open only five days a week and for limited hours. At the time of my site visit (approximately 8:30 AM on a weekday morning), the parking lot was nearly vacant and traffic on Belair Road was moderate. The hours of the bank are 9:00 AM to 2:00 PM, Monday through Friday, with additional hours of 6:30 PM to 8:30 PM on Monday evenings. The bank was described as the fifth smallest savings and loan in Maryland. Many of the bank's customers are local residents.

The Owner/Developer called Rahee Famili, a traffic engineer with the Department of Public Works, to testify on their behalf. Mr. Famili indicated that the County supports the proposed access road to Henry Avenue. He believes that such a road promotes better traffic circulation and he supports the premise that customers who utilize the traffic signal will promote traffic safety. Mr. Famili also believes the sight distance from the access road onto Henry Avenue is sufficient. In fact, during my site visit, I pulled my vehicle into the Mack property to replicate a customer exiting the bank from the proposed access road. Notwithstanding the existence of a retaining wall and landscaping to the rear of the Crown service station property, I had no difficulty seeing in both directions. In my judgment, the sight distance is appropriate.

Testimony was also received from Larry Gredlein, of the Maryland State Highway Administration. He concurred with Mr. Famili's comments and believes it is appropriate to permit the access road. He believes that the access road will promote a better traffic flow for the neighborhood at large.

Additional testimony was received from Wes Guckert, a paid consultant. Mr. Guckert's credible testimony highlighted his opinion that the access road is appropriate. He indicated that Belair Road at this location has but two lanes in each direction with no turning lane.

He also noted the large proportion of elderly drivers in this area and as bank customers. In his judgment, the proposed access road is good transportation planning and additional means of access should be provided in this commercial locale.

The Protestants and neighbors bitterly oppose this means of access. They essentially believe that it will bring more traffic into the residential community that adjoins Henry Avenue. They also believe that it is unnecessary and unwarranted. They fear the potential noise, lights, and other impacts associated with the access road.

This issue has been a difficult one for this Hearing Officer to decide, not so much because of the merits of the arguments advanced by either side. To the contrary, I do not appreciate the Developer's reasons for insisting that the access road be constructed, nor does the community's opposition make practical sense. As to the Developer, the bank has limited hours of operation that are off-peak traffic times. Additionally, the two means of access to the interior of the site from Belair Road appear to be more than sufficient for the bank's purposes. In my judgment, there is no real "need" for the construction of the access road. On the other hand, for the Protestants to complain about potential impacts caused by what will be a little-used road is disingenuous. The road immediately abuts a 24-hour gasoline service station and is across the street from a service garage. The volumes of traffic and the impacts generated on the proposed access road will pale in comparison with those uses and the heavier volumes of traffic on Belair Road. Why the parties are respectively so adamant in their positions is difficult to understand.

However, in reaching a decision on this issue, consideration must be given to the language found in Section 26-206(o) of the Baltimore County Code. That Section empowers the Hearing Officer to impose such conditions on a plan, "...as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence for the protection of surrounding and neighboring properties." Albeit minor, the proposed access road will cause an identifiable adverse impact on the health, safety or welfare of the community; to wit, increased noise, lights, and traffic. Although these impacts are insignificant in relation to the existing features of the community at large, I do find factually that the road will cause such impacts. I also

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find that the access road is not necessary. I do not intend to second-guess the expert opinions offered by Messrs. Famili, Gredlein and Guckert. From purely a transportation-planning standpoint, I am appreciative of these experts' arguments as they relate to improved circulation in the area and the desirability of multiple access points. However, under the subject proposal, they are simply not warranted. The volume of traffic to be expected at this site is very minor. Additionally, it will be generated during non-peak traffic hours. After taking these factors into consideration, I will require the Developer amend its plan to eliminate this access road. However, it should be noted that the access road issue may ultimately be reconsidered. I am aware of the fact that the Owner/Developer has requested a rezoning of a portion of its property to a more intense use. Although that proposal is not before me and not under my consideration, it is indeed possible that the future use of this property may be different from what is now shown on the plan. The rear of the property may ultimately be redeveloped for commercial purposes. At that time, consideration of an alternate means of access to Henry Avenue may very well be appropriate. However, under the current proposal (e.g., a 6,000 sq.ft. bank building), I do not believe that the limited need for the access road outweighs the minimal detrimental impacts on the community. Thus, the plan shall be amended to eliminate this means of access.

There were several other minor issues identified at the hearing on which testimony or argument was offered. Ms. Gordon, for example, offered lengthy testimony about research done by her regarding the ownership of the various lots and parcels which encompass the 2.92 acres of this site. With all due respect to Ms. Gordon, this is a case where a little knowledge and certain unfounded assumptions have led to erroneous conclusions. As Ms. Kelly from the Land Acquisition division of PDM noted, the Developer will ultimately be required to submit certification from a title insurance company or attorney that it owns and can develop the lands within the four corners of the property which are shown on the plan. At this stage of the proceedings, the plan is of sufficient detail to support a finding that the Developer owns or has access to the lands on which it proposes development. Admittedly, certain information on the plan (e.g., property owners' names) is erroneous as the result of research transfers and/or

typographical errors. However, I am convinced that the plan is an appropriate representation of the parcel at issue and that Ms. Gordon's objections and testimony do not warrant a denial of the plan.

Another issue relating to the development plan is also the subject of the special hearing relief. Specifically, the Owner/Developer requests a special hearing to approve business parking in the D.R. 5.5 zone, pursuant to Section 409.8.B.1 of the B.C.Z.R. As noted above, the property is split zoned with the business zone occupying that portion of the site immediately adjacent to Belair Road. The residential zone occupies much of the rear portion of the site. Currently, a portion of the existing parking lot is located within the D.R.5.5 zone. Interestingly, that lot provides not only parking for the bank, but also access to certain residences to the rear of the parcel that adjoin Marks Road. In fact, this unusual layout with the houses in the rear of the lot (at least one of which even bears a Belair Road address) resulted in some of the confusion in Ms. Gordon's investigation. In any event, I am persuaded that the special hearing relief should be granted and that the Owner/Developer has satisfied the requirements of Section 409.8.B.1 of the B.C.Z.R. In my judgment, the proposed parking layout (without the access road) is appropriate and will not cause detrimental impact to adjacent residential uses. The proposed parking lot, although a portion of same extends into the D.R.5.5 zone, appears appropriate with other business uses in the immediate neighborhood. Thus, I am persuaded that the Petition for Special Hearing should be granted.

Attention is next given to the variance relief requested. Mr. Rouk testified regarding the variances requested as did Mr. Kellman. Indeed, the record of the case will reflect testimony from both of those gentlemen as to the necessity of the Residential Transition Area (RTA) variances being requested. The RTA requirements are found in Section 1B01.1.B of the B.C.Z.R. Essentially, the RTA is a zoning mechanism used to provide reasonable buffers and separations from differing types of land uses. In applying the RTA regulations to the subject plan, I concur with Mr. Rouk and Mr. Kellman's assessment that RTA relief is not necessary. In this case, I do not believe that the RTA is applicable to this plan. Thus, the RTA variances will be dismissed, in

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that they are not necessary. The other variance requests relative to setback requirements, are, in some cases, for existing structures on Marks Road. Mr. Rouk offered testimony sufficient to grant that variance relief under Section 307 of the B.C.Z.R. and pursuant to Cromwell v. Ward, 102 Md. App. 691 (1995). It is also of note that Mr. Kirwin who was called as a witness by the Protestants, testified that those variances were proper. Thus, they shall be granted.

Finally, note should be made of an issue that was raised at the end of the hearing by the Protestants regarding the storm water management facility for this project. As shown on the plan, this facility is located to the rear of the bank building, within the D.R.5.5 zoned portion of the property. The Owner/Developer proposes an underground storm water management facility. The Protestants raise concern about whether such a facility here is permitted as of right, particularly in view of prior decisions by this Zoning Commissioner. A review of those cases and the applicable regulations is persuasive to a finding that the use is permitted here. The subject property is zoned D.R., not R.C., and more importantly, is located within the same lot of the principle use served. Thus, I believe that the proposed storm water management facility is permitted in this instance.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved, consistent with the required modification and comments contained herein and the Petitions for Special Hearing and Variance relief shall be granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 13th day of July, 2000 that the development plan for Fullerton Federal Savings Association, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following restriction:

- 1) Within thirty (30) days of the date of this Order, the Owner/Developer shall submit a revised development plan, eliminating the proposed access road to Henry Avenue.

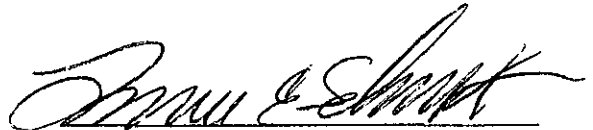
IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a use permit for parking and drive aisles for commercial use within a residential (D.R.5.5) zone, pursuant to Section 409.8.B.1 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b to permit a front setback of 13 feet in lieu of the required 25 feet for Lot 9, a setback of 9.6 feet in lieu of the required 10.6 feet front average for Lot 3, and a side to tract boundary setback of 2 feet in lieu of the required 15 feet for Lot 4, and from Section 102.4 to permit a right-of-way of 16 feet for Lot 9 and 25 feet for Lots 5 through 8 in lieu of the required 30 feet for all, in accordance with Developer's Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.1.B.C.3 to permit clearing, grading and building lots for single family homes to be located within the required 50-foot Residential Transition Area (RTA) buffer and 75-foot RTA setback for Lots 9 and 10, be and is hereby DISMISSED as moot.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

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**Baltimore County
Zoning Commissioner**

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

July 13, 2000

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN & PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Belair Road, NE Fullerton Avenue (Fullerton Federal Savings Assoc.)
14th Election District – 6th Councilmanic District
Fullerton Federal Savings Assoc. – Owner/Developer
Cases Nos. XIV-386 & 00-355-SPHA

Dear Mr. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, and the Petitions for Special Hearing and Variance 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Charles N. Dontell, President, Fullerton Federal Savings Assoc.
7527 Belair Road, Baltimore, Md. 21236
Mr. Scott Rouk, Morris & Ritchie Assoc., 110 West Road, Suite 245, Towson, Md. 21204
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21204
Ms. Lorraine Gordon, 215 Leslie Avenue, Baltimore, Md. 21236
Ms. Anita Bollino, 124 Leslie Avenue, Baltimore, Md. 21236
Mr. Ralph J. Frank, 5175 Terrace Drive, Baltimore, Md. 21236
Mr. Leslie Glass, 2 Henry Avenue, Baltimore, Md. 21236
Mr. & Mrs. John Vaeth, 4207 Fullerton Avenue, Baltimore, Md. 21236
Mr. Charles B. Kropfelder, Sr., 112 Sipple Avenue, Baltimore, Md. 21236
Mr. Perry Canning, 4205 Fullerton Avenue, Baltimore, Md. 21236
Ms. Vikki Creswell, 103 Elinor Avenue, Baltimore, Md. 21236
Ms. Karen Evans, 119 Leslie Avenue, Baltimore, Md. 21236
Ms. Terry Jones, 2 Sipple Avenue, Baltimore, Md. 21236
Mr. John Simms, 2 Henry Avenue, Baltimore, Md. 21236
Ms. Lori Rivieri, 4 Delight Avenue, Baltimore, Md. 21236
Don Rascoe & Bob Bowling, PDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

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Baltimore County
Zoning Commissioner

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June 15, 2000

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN & PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Belair Road, NE Fullerton Avenue (Fullerton Federal Savings Assoc.)
14th Election District – 6th Councilmanic District
Fullerton Federal Savings Assoc. – Owner/Developer
Cases Nos. XIV-386 & 00-355-SPHA

Dear Mr. Clark:

This letter is to confirm that the above-captioned matter has been scheduled for a continued hearing on Thursday, June 29, 2000, commencing at 11:00 AM in Room 407 of the Circuit Courts Building. By copy of this letter, all parties to this case are being notified of the continued hearing date, time and location. Should anyone have any questions concerning this matter, please feel free to call this office.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21204
Ms. Lorraine Gordon, 215 Leslie Avenue, Baltimore, Md. 21236
Ms. Anita Bollino, 124 Leslie Avenue, Baltimore, Md. 21236
Mr. Ralph J. Frank, 5175 Terrace Drive, Baltimore, Md. 21236
Mr. Leslie Glass, 2 Henry Avenue, Baltimore, Md. 21236
Mr. & Mrs. John Vaeth, 4207 Fullerton Avenue, Baltimore, Md. 21236
Mr. Charles B. Kropfelder, Sr., 112 Sipple Avenue, Baltimore, Md. 21236
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Ms. Terry Jones, 2 Sipple Avenue, Baltimore, Md. 21236
Ms. Lori Rivieri, 4 Delight Avenue, Baltimore, Md. 21236
Mr. John Simms, 2 Henry Avenue, Baltimore, Md. 21236
Don Rascoe & Bob Bowling, PDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

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Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
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May 10, 2000

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN & PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Belair Road, NE Fullerton Avenue (Fullerton Federal Savings Assoc.)
14th Election District – 6th Councilmanic District
Fullerton Federal Savings Assoc. – Owner/Developer
Cases Nos. XIV-386 & 00-355-SPHA

Dear Mr. Clark:

This letter is to confirm that the above-captioned matter was continued in open hearing this morning at the request of J. Carroll Holzer, Esquire, who was recently retained by the Linover Improvement Association, Inc. to represent them in this matter.

Please be advised that by mutual agreement of all parties, this matter has been scheduled for a continued hearing on Monday, June 12, 2000, commencing at 9:00 AM in Room 407 of the Circuit Courts Building. A second hearing date has been scheduled for Wednesday, June 14, 2000, commencing at 1:00 PM, same location. By copy of this letter, all parties to this case are being notified of the continued hearing date(s), time(s) and location. Should anyone have any questions concerning this matter, please feel free to call this office.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21204
Ms. Lorraine Gordon, 215 Leslie Avenue, Baltimore, Md. 21236
Ms. Anita Bollino, 124 Leslie Avenue, Baltimore, Md. 21236
Mr. Ralph J. Frank, 5175 Terrace Drive, Baltimore, Md. 21236
Mr. Leslie Glass, 2 Henry Avenue, Baltimore, Md. 21236
Mr. & Mrs. John Vaeth, 4207 Fullerton Avenue, Baltimore, Md. 21236
Mr. Charles B. Kropfelder, Sr., 112 Sipple Avenue, Baltimore, Md. 21236
Mr. Perry Canning, 4205 Fullerton Avenue, Baltimore, Md. 21236
Ms. Vikki Creswell, 103 Elinor Avenue, Baltimore, Md. 21236
Mr. Karen Evans, 119 Leslie Avenue, Baltimore, Md. 21236
Ms. Terry Jones, 2 Sipple Avenue, Baltimore, Md. 21236
Ms. Lori Rivieri, 4 Delight Avenue, Baltimore, Md. 21236
Mr. John Simms, 2 Henry Avenue, Baltimore, Md. 21236
Don Rascoe & Bob Bowling, PDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7531 Bel Air Road

which is presently zoned BL-AS, DR5.5

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

A use permit for parking and drive aisles for commercial use within a residential DR5.5 zone as shown on the plat to accompany, pursuant to section 409.8.B.1.

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:

Fullerton Federal Savings Association and

Name - Type or Print it's Assignees, Charles N. Dontell

Signature

7527 BEL AIR ROAD

(410) 665-5200

Address

BALTIMORE

MD

21236

City

State

Zip Code

Attorney For Petitioner:

Newton A. Williams

Name - Type or Print

Newton A. Williams

Signature

Newton A. Williams, L.L.C.

Company

502 Washington Avenue

(410) 823-7800

Address

Towson, MD

21204

City

State

Zip Code

Legal Owner(s):

Fullerton Federal Savings Assoc. and it's

Name - Type or Print Assignees, Charles N. Dontell

Signature

CHARLES N. DONTELL, President

Name - Type or Print

Signature

7527 Bel Air Road

(410) 665-5200

Address

BALTIMORE

MD

21236

City

State

Zip Code

Representative to be Contacted:

Newton A. Williams, L.L.C.

Name

502 Washington Avenue

(410) 823-7800

Address

Towson, MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2-3hr

UNAVAILABLE FOR HEARING Call Newton

Reviewed By msk

Date 2/29/08

ORDER RECEIVED FOR FILING

Date 2/29/08
BY [Signature]

Case No. 00-355-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7531 Bel Air Road

which is presently zoned BL-AS DR5.5

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) 1B01.1.B.C.3 to allow clearing and grading & lots for single family residences within a 50' RTA Buffer & 75' RTA Setback for a 0' RTA Buffer on Lots 9 & 10, 1B01.2.C.1b to allow a 13' front setback in lieu of the required 25' on Lot 9, to allow a 9.6' front setback in lieu of the 10.6' front average setback on Lot 3, and to allow a 2' side to tract boundary in lieu of the 15' side to tract boundary setback for Lot 4. A variance from Section 102.4, BC2R to allow 16' R/W on Lot 9 and 25' R/W Lots 5-8 in lieu of 30' R/W requirement of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at zoning 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:

Fullerton Federal Savings Assoc. & it's
Assignees, Charles N. Dontell

Name - Type or Print

Charles N. Dontell
Signature

7527 BEL AIR ROAD 410 665-5205
Address Telephone No.

BALTIMORE MD 21236
City State Zip Code

Attorney For Petitioner:

Newton A. Williams

Name - Type or Print

Newton A. Williams
Signature

Newton A. Williams, L.L.C.
Company
502 Washington Avenue (410) 823-7800
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Fullerton Federal Savings Assoc. & its'

Name - Type or Print Assignees, Charles N. Dontell

Charles N. Dontell
Signature

CHARLES N. DONTELL, President
Name - Type or Print

Signature

7527 Bel Air Road (410) 665-5200
Address Telephone No.

BALTIMORE MD 21236
City State Zip Code

Representative to be Contacted:

Newton A. Williams, L.L.C.

Name
502 Washington Avenue (410) 823-7800
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2-3hr

UNAVAILABLE FOR HEARING Call Newton
Reviewed By msj Date 2/29/05

Case No. 00-355-SPHA

Date 2/29/05

By msj

ORDER RECEIVED FOR FILING
Date 7/13/00
By msj

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description
0.376 Acre Parcel of Land
Fourteenth Election District
Baltimore County, Maryland

Beginning for the same at a point on the southern right of way of Bel Air Road (MD Rte. 1) 60 feet wide said point being located a distant 950 feet from the eastern right of way of Fullerton Avenue (30 feet wide) thence South $54^{\circ}52'11''$ East 138.32 feet to the point of beginning, thence from the POINT OF BEGINNING, so fixed with bearings and distances referred to the Maryland Coordinate System NAD 83/91 the following seven courses and distances viz:

1. North $41^{\circ}04'43''$ East, 250.05 feet,
2. South $54^{\circ}52'11''$ East, 1.76 feet,
3. South $18^{\circ}01'36''$ West, 25.90 feet,
4. South $07^{\circ}13'18''$ West, 56.67 feet,
5. South $55^{\circ}01'57''$ East, 39.08 feet,
6. South $39^{\circ}31'00''$ West, 174.50 feet,
7. North $54^{\circ}52'11''$ West, 87.54 feet to the POINT OF BEGINNING.

Containing 0.376 acres of land more or less.

Being known as Part of Parcels 142, 641, 96, 526 and 308 of Tax Map 81.



Mark A. Busch

Registered Property Line Surveyor #508

GP:sdm\10906\0.376acre\022200

355

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1741

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (410) 792-1690
FAX (410) 792-7395

00-355-SPHA

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description
2.825 Acre Parcel of Land
Fourteenth Election District
Baltimore County, Maryland

Beginning for the same at a point on the southern right of way of Bel Air Road (MD Rte. 1) 60 feet wide said point being located a distant 1200 feet from the eastern right of way of Fullerton Avenue (30 feet wide) thence from the POINT OF BEGINNING, so fixed with bearings and distances referred to the Maryland Coordinate System NAD 83/91 the following fourteen courses and distances viz:

1. South 54°52' 11" East , 110.47 feet,
2. North 39°52' 49" East, 129.88 feet,
3. South 52°56' 11" East, 20.02 feet,
4. North 39°52' 49" East, 3.00 feet,
5. South 52°56' 11" East, 92.38 feet,
6. South 41°45' 19" West, 129.50 feet,
7. South 54°52' 11" East, 158.42 feet,
8. South 43°18' 49" West, 301.52 feet,
9. North 54°52' 11" West, 15.15 feet,
10. South 43°18' 49" West, 50.25 feet,
11. North 54°52' 11" West, 152.67 feet,
12. North 40°57' 49" East, 100.00 feet,

#355

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☐ 110 WEST ROAD, SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-0792 (301) 792-1690
FAX (410) 792-7595

00-355-SPHA

13. North 54°52' 11" West, 194.97 feet,

14. North 40°57' 49" East, 250.00 feet,

Containing 2.825 acres of land more or less.

Being known as Parcel 349, Lots 19, 20, Parcels 142, 641, 96, 39 and 40 of Tax Map 81.



**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: 00-355-SPHA

Petitioner: Fullerton Federal Savings Assoc.

Address or Location: 7531 Bel Air Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charles N. Dantell, Fullerton Federal Savings Assoc.

Address: 7527 Bel Air Road
Beth. MD 21236

Telephone Number: (410) 665-5200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 076754

DATE 2/24/00 ACCOUNT 001-6150

Item: 355

By: MMK

AMOUNT \$ 500.00

RECEIVED FROM: Fullerton Federal / Marine Reserve — 7931 Federal Rd

020 - Comm Voucher — \$250.00

FOR: 020 - Comm Voucher — \$250.00

00-355-SPAA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PAYMENT ACCOUNT FUND
2/01/2000 2/24/2000 1000754
REF USES CREDIT DEBIT AND DEBIT
DATE 5 520 /ORIGIN VERIFICATION
RECEIVED 8 100204 0414
CR NO. 076754
RECEIPT FOR 500.00
500.00 04 100 04
Baltimore County, Maryland

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: #00-355-SPHA

7531 Belair Road

SE/S Belair Road, 1225' NE of centerline Fullerton Avenue

14th Election District - 6th Councilmanic District

Legal Owner(s): Fullerton Federal Savings Association and its Assignees

Special Hearing: to approve a use permit for parking and drive aisles for commercial use with a residential D.R.5.5 zone. **Variance:** to allow clearing and grading and lots for single family residences within a 50-foot RTA buffer and 75-foot RTA setback for a zero foot RTA buffer on lots 9 and 10; to allow a 13-foot front setback in lieu of the required 25 feet on lot 9; to allow a 9.6-foot front setback in lieu of the 10.6-foot front average setback on lot 3; to allow a 2-foot side to tract boundary in lieu of the 15-foot side to tract boundary setback for lot 4; and to allow a 16-foot right-of-way on lot 9 and 25-foot right-of-way on lots 5-8 in lieu of 30-foot right-of-way.

Hearing: Wednesday, May 10, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please 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.

JT 4/7/03 April 25

C386239

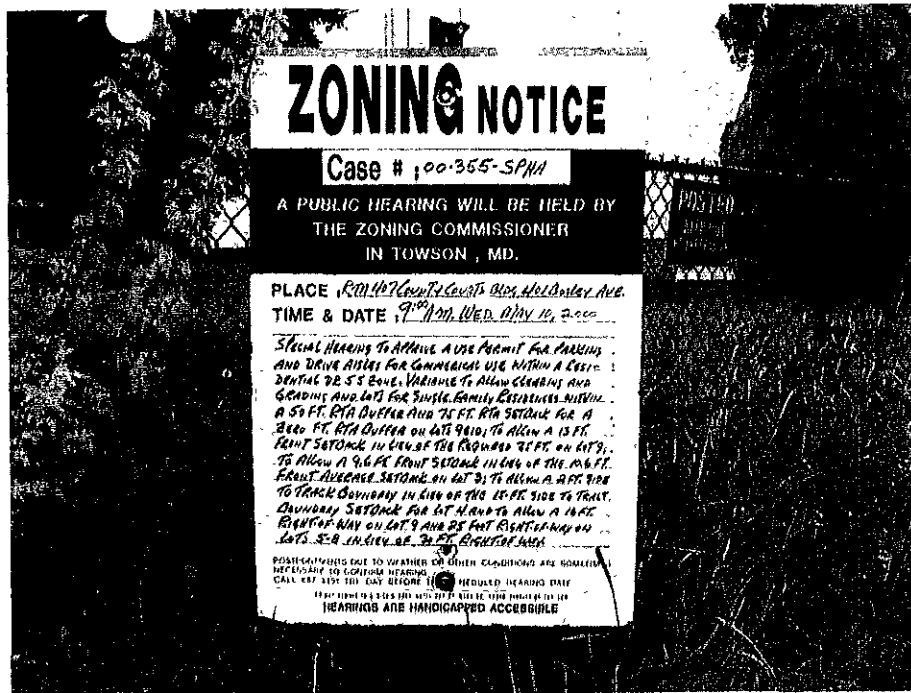
CERTIFICATE OF PUBLICATION

TOWSON, MD, 4/27/, 2000

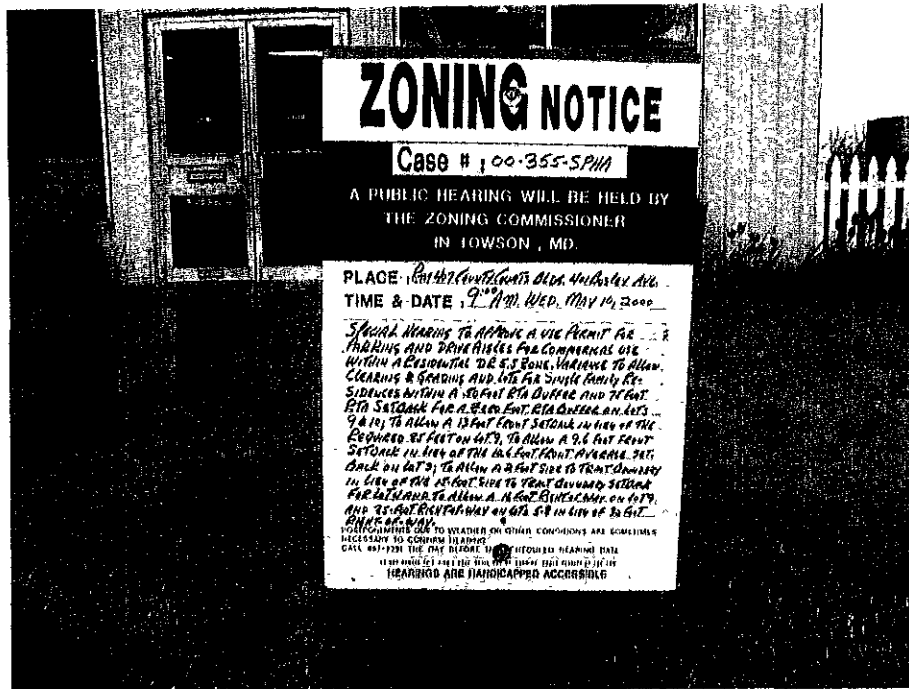
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25/, 2000.

 THE JEFFERSONIAN,

LEGAL ADVERTISING



Posted on Marks Ave.



Posted at 7531 Belair Rd.

ZONING NOTICE

Case # 100-355-SP11A

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

PLACE Rm 402 County Court Bldg 401 Barclay Ave.
TIME & DATE 9⁰⁰ AM WED. MAY 10, 2000

[illegible]

POSTPONEMENTS ARE TO BE MADE ONLY ON OTHER LEADERSHIP
NECESSARY TO COMPLETE HEARING
CALL 847-3391 THIS DAY PLEASE
HOLD DATE TO BE FOR THE TIME OF THE HEARING AND HANDS OFF RESPONSIBLE

Posted on Henry Ave.

CERTIFICATE OF POSTING

**RE: CASE # 00-355-SPHA
PETITIONER/DEVELOPER
(Fullerton Fed Sav. & Loan)
DATE OF Hearing
(5-10-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

Posted on Bel Air Road, Henry & Marks Ave. Baltimore, Maryland 21236_____

THE SIGN(S) WERE POSTED ON_____ 4-25-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(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
7531 Belair Road, SE/S Belair Rd,
1225' NE of c/I Fullerton Ave
14th Election District, 6th Councilmanic

Legal Owner: Fullerton Federal Savings Assoc. and its
Assignees, Charles N. Dontell
Contract Purchaser: Fullerton Federal Savings Assoc. et al
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-355-SPHA

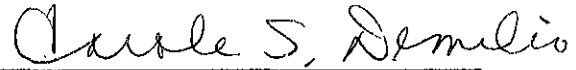
* * * * *

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 14th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).



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

March 24, 2000

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:

HEARING OFFICER HEARING

PROJECT NAME: Fullerton Federal Savings Association

Project Number: 14-386

Location: NE/S Belair Rd NE Fullerton Av

Acres: 2.87

Developer: Charles N. Dontell Fullerton Federal Savings Association

Engineer: Morris & Ritchie Assoc Inc

Proposal: 6000 SF Commrc'l Bldg 3600 Exist Retail 6 New Res Lots 2 Exist Res Lts

***** AND *****

CASE NUMBER: 00-355-SPHA

7531 Belair Road

SE/S Belair Road, 1225' NE of centerline Fullerton Avenue

14th Election District – 6th Councilmanic District

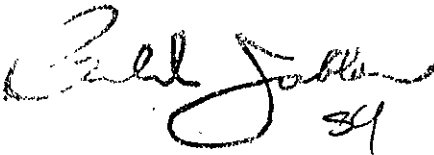
Legal Owner: Fullerton Federal Savings Association and its Assignees

Special Hearing to approve a use permit for parking and drive aisles for commercial use within a residential D.R.5.5 zone. Variance to allow clearing and grading and lots for single family residences within a 50-foot RTA buffer and 75-foot RTA setback for a zero foot RTA buffer on lots 9 and 10; to allow a 13-foot front setback in lieu of the required 25 feet on lot 9; to allow a 9.6-foot front setback in lieu of the 10.6-foot front average setback on lot 3; to allow a 2-foot side to tract boundary in lieu of the 15-foot side to tract boundary setback for lot 4; and to allow a 16-foot right-of-way on lot 9 and 25-foot right-of-way on lots 5-8 in lieu of 30-foot right-of-way.



HEARING OFFICER HEARING
PROJECT NAME: Fullerton Federal Savings Association
CASE NUMBER: 00-355-SPHA
PAGE 2

HEARING: Wednesday, May 10, 2000 at 9:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue



Arnold Jablon
Director

C: Newton Williams, Esquire, 502 Washington Avenue, Towson 21204
Fullerton Fed. Savings Assoc. & its' Assignees, 7527 Belair Road, Balto. 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 25, 2000.**
- (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
Tuesday, April 25, 2000 Issue – Jeffersonian

Please forward billing to:

Charles N. Dontell
Fullerton Federal Savings Assoc.
7527 Bel Air Road
Baltimore, MD 21236

410-665-5200

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: 00-355-SPHA

7531 Belair Road

SE/S Belair Road, 1225' NE of centerline Fullerton Avenue

14th Election District – 6th Councilmanic District

Legal Owner: Fullerton Federal Savings Association and its Assignees

Special Hearing to approve a use permit for parking and drive aisles for commercial use within a residential D.R.5.5 zone. Variance to allow clearing and grading and lots for single family residences within a 50-foot RTA buffer and 75-foot RTA setback for a zero foot RTA buffer on lots 9 and 10; to allow a 13-foot front setback in lieu of the required 25 feet on lot 9; to allow a 9.6-foot front setback in lieu of the 10.6-foot front average setback on lot 3; to allow a 2-foot side to tract boundary in lieu of the 15-foot side to tract boundary setback for lot 4; and to allow a 16-foot right-of-way on lot 9 and 25-foot right-of-way on lots 5-8 in lieu of 30-foot right-of-way.

HEARING: Wednesday, May 10, 2000 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 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.



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

MAY 5, 2000

Attorney Newton A. Williams
502 Washington Avenue
Towson MD 21204

Dear Attorney Williams:

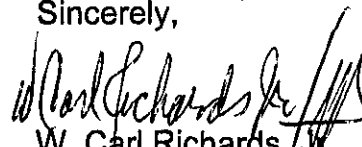
RE: Case Number 00-355-SPHA , 7531 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 29, 2000.

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.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

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

March 21, 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:
354 - DUDA-RUCK FUNERAL HOME OF DUNDALK, INC.
355 - FULLERTON FEDERAL SAVINGS ASSOC. AND IT'S

Location: DISTRIBUTION MEETING OF MARCH 13, 2000

Item No.: 354 AND 355

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.

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: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

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

Date: March 13, 2000

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

RE: Baltimore County
Item No. 355 (MTK)
Fullerton Federal Savings Assoc.
US 1 (East Side)
Mile Post 16.45

Dear Ms. Jackson:

This office has reviewed the referenced Item and has no objection to approval..

However we will require the owner to obtain an access permit and as a minimum the following will be required:

- Replace the existing curb, gutter and sidewalk from property corner to property corner.
- The full directional entrance shall be 25' wide.
- The right out only should be designed as half of a "bell-shaped" entrance.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required 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., 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: March 15, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of March 13, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
354	7922-7930 Wise Avenue
355	7531 Bel Air Road
358	Highgate/Cedar Avenue
359	313 Weatherbee Road
360	1434 Darius Court
361	13803 Manor Glen Road

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For March 20, 2000
Item Nos. 353, 355, 356, 357, 359, 360
and 361

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

RWB:HJO:jrb

cc: File

ZAC-3-20-2000-NO COMMENT ITEMS

IMPORTANT MESSAGE

FOR _____

DATE _____ TIME _____ A.M.
P.M.

M. Louise Gordon

OF _____

PHONE _____
AREA CODE _____ NUMBER _____ EXTENSION _____

☐ FAX

☐ MOBILE _____
AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Review Comments

HCH XIV-386
Case # 00-359
SPHA

Gulletton
Belair Rd. Gulletton Ave.
Reg.

DEPRM
LAND ACQUISITION

SIGNED _____

REQUEST FOR HOH

MANAGER

DONALD RASCOE

PDW

14-386

ADRES

2.87

NAME

FULLERTON FEDERAL SAVINGS ASSOCIATION

ADDRESS

NE/S BELAIR RD NE FULLERTON AV

DEVELOPER

CHARLES N DONTELL FULLERTON FEDERAL SAVINGS ASSOCIATION

ENGINEER

MORRIS & RITCHIE ASSOC INC

PROPOSAL

6000 S F COMMRL BLDG 3600 EXIST
RETAIL 6 NEW RES LOTS 2EXIST RES LTS

PLANNER

DOES THIS NEED A SPECIAL EXCEPTION OR VARIANCE?

YES



NO

ITEM NUMBER AND/OR DROP-OFF DATE 00-355 SPHA FOR VARIANCE, ET AL.

ESTIMATED LENGTH OF HEARING 1 Day

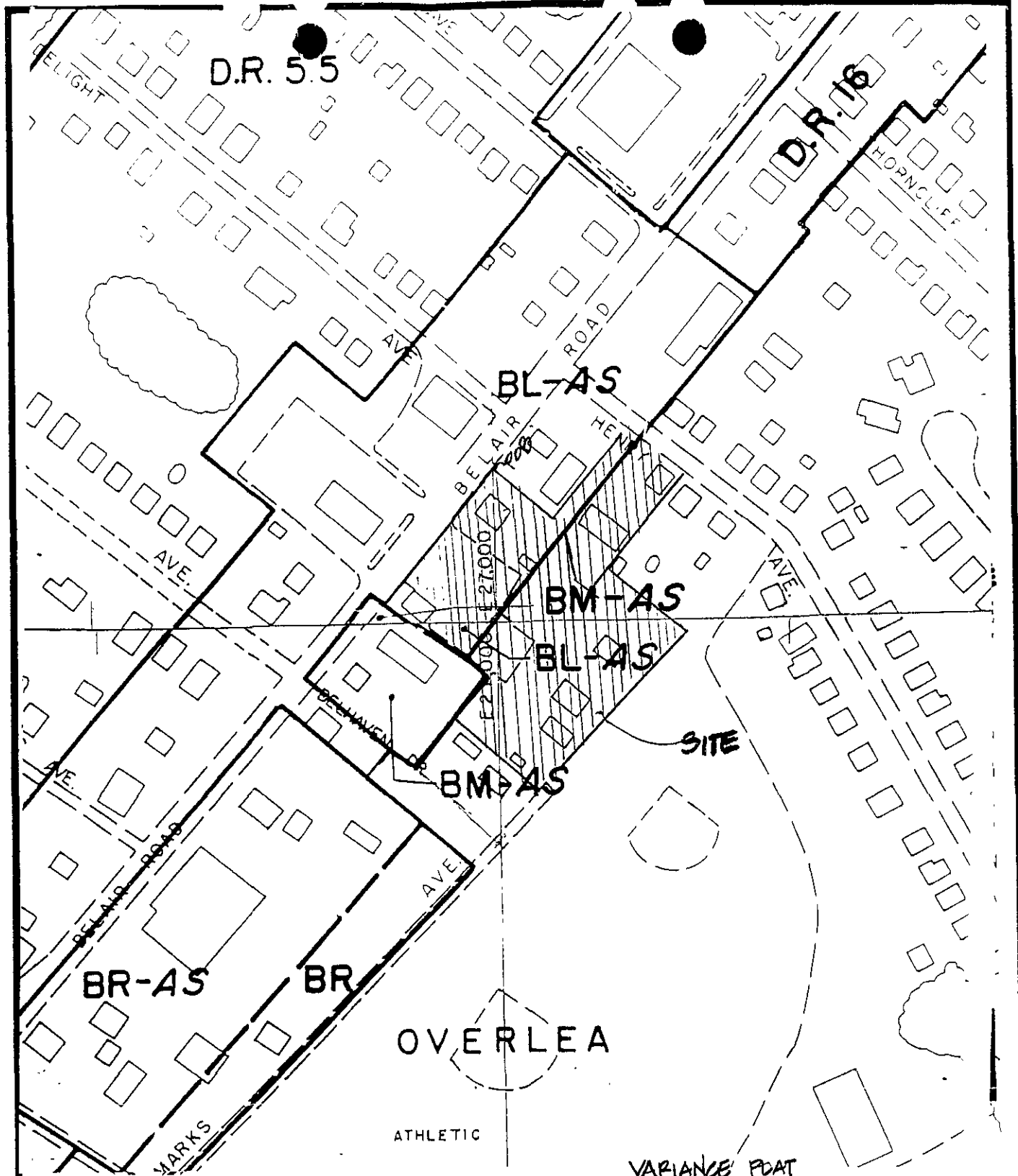
ATTORNEY: Newell Williams

OPPOSING ATTORNEY:

DATES NOT TO SET

Wed 5/10/00
9AM
RM 407

Check w/Dm
Re. DATES before
Setting



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS
 110 West Road, Suite 245
 Towson, Maryland 21204
 (410) 821-1690
 Fax: (410) 821-1748

BALTIMORE COUNTY
 200' SCALE ZONING MAP
 OVERLEA N.E 6-E & 7-E
 FULLERTON FEDERAL



SCALE 1" = 200'	DATE 10-26-99	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO 10906
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00-355-SPHA

355