IN RE: PETITIONS FOR SPECIAL HEARING SPECIAL VARIANCE AND VARIANCE NE corner of Harford Road and Fourth Avenue 11TH Election District 6TH Councilmanic District (9501 Harford Road)	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY
Belair Road Associates; by William Mitcherling *Petitioner*	*	CASE NO. 07-131-SPHAA

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing, Special Variance and Variance filed by the legal owner of the subject property, Belair Road Associates; by William Mitcherling for property at 9501 Harford Road.

The variance request is to permit existing parking within the residential transition area (RTA) to remain as shown on Plat to Accompany Petition; to permit the existing wood screening fence to remain in lieu of Class 'A Landscape Buffer; and to permit the existing parking within the Residential Transition Area as existing with a 0 foot buffer in lieu of minimum required 50 feet and a setback of 1 foot in lieu of the minimum required 75 foot setback.

The Petitioner also requests a Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G to allow re-development of the property within an area of 2006 basic services maps deficient for transportation.

Finally the Petitioners request a Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to grant a Use Permit for the continued use of existing commercial/business parking in a residential zone (DR - 5.5) pursuant to BCZR Section 409.8.B and the approval of a modified parking plan pursuant to BCZR Section 409.12.B.

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The property was posted with Notice of Hearing on November 10, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 16, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Variance of RTA. [Bill No. 2-1992]

(1)

Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of Public Works, Planning, Environmental Protection and Resource Management, Permits and Development Management, Recreation and Parks, Community Development or the Economic Development Commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

(2)

The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed. [Bill No. 137-2004]

Section 4A02.4.G of the B.C.Z.R. *Special Variances*

G. Petitions for special variance from provisions of this subjection:

1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subjection, only to an extent that will not violate that provision's purpose, pursuant to a finding:

   a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and

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b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 4, 2006 which contain restrictions. Copies of these comments are included in the file of this case.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Douglas L. Kennedy, with KCW Engineering Technologies, Inc., who prepared the site plan and William Mitcherling for Belair Road Associates. F. Vernon Boozer, Esquire, represented the Petitioner. Jeff Root, Denise Root and Rich Hogan appeared at the hearing as adjacent property owners. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Amended Petition

As the result of discussion between the Petitioner and neighbors, the Petitioner modified its petition for variance such that instead of requesting that the existing wood screening fence to remain, the Petitioner will install a new privacy fence similar to that existing at 3005 Fourth Avenue and will install concrete car bumper stops at the fence end of each parking space.

Testimony and Evidence

Mr. Kennedy, a registered professional engineer, indicated that the Petitioners own the 0.3 acre property located at Harford Road and Fourth Avenue which presently is improved by an office building. See existing conditions exhibit 2. The property slopes away from Harford Road

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allowing two levels of office use. The property is primarily zoned BL-AS but has the last 16 feet in the rear (away from Harford Road) zoned DR 5.5 as shown on Petitioner's exhibit 2. He noted that the present office building contains approximately 3800 square feet on two levels and opined that the Petitioners who purchased the property in 2001 find it difficult to find and keep suitable tenants because of the poor condition of the building which was built in 1940.

The Petitioners now propose to replace the existing building with a modern two level structure as shown in exhibit 5. The new building would have retail uses on the first level which has direct access to Harford Road and office uses on the lower level with access to Fourth Avenue. There would be no restaurants or medical offices. Both levels would contain approximately 1800 square feet so that the overall size of the building will be reduced by 200 square feet as compared to the present structure. The new building will meet all setback regulations.

Special Hearing

The Petitioners will provide the proper number of parking spaces for each use. However the site would not have a loading space as required by the regulations. In addition the County is requiring an exaction of 5 feet of frontage along Fourth Avenue leaving 9 feet from the parking to the new right of way. 10 feet is required per Section 202.3 C2b. As a result the Petitioner is requesting approval of a modified parking plan under Section 409.12B and opined that strictly enforcing the loading space and setback regulations would create an undue hardship on the Petitioner and the plan reflects existing conditions. However Mr. Kennedy indicated that all spaces and parking requirements were updated so that although this is a modified parking plan, it is an updated plan rather than reflecting strictly existing conditions.

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In addition the Petitioner's are requesting a use permit under Section 409.8B to allow commercial parking in a residential zone. He noted that the boundary line between business and residential zones did not follow the property line for unknown reasons. However in order to provide the proper number of spaces, the Petitioner must utilize the full parking field including the existing parking along the rear portion of the property. He indicated that he could find no record of any prior use permit granted in the past. He opined the modified plan met each criteria of Section 409.8 B2 and would not be detrimental to adjacent properties.

Variance

The Petitioners are requesting to permit existing parking within the residential transition area (RTA) to remain; to permit a new privacy screening fence and bumpers in each parking space in lieu of Class 'A Landscape Buffer; and to permit the existing parking within the Residential Transition Area as existing with a 0 foot buffer in lieu of minimum required 50 feet and a setback of 1 foot in lieu of the minimum required 75 foot setback. All this simply reflects present parking. He noted that the property has existing conditions and can not be redeveloped in accord with the BL regulations without relief.

Special Variance

Mr. Kennedy indicated that the Council included the intersection of Joppa Road and Harford Road as a failing intersection when it adopted the 2006 Basic Services Maps and that the subject property is within the failing traffic shed. He noted that the size of the new building will be smaller than the existing building, and change in traffic for the retail/office uses will be minimal compared to all office. The Planning Office agrees with this assessment. He indicated that Public Works has no prior applicants listed who would be delayed if this special variance is granted.

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In regard to the Planning comments, the Petitioner indicated that he agreed to each except the matter of ground mounted signage. He noted that the site presently has pole mounted signage, that the tenants in the new building may require use of the existing pole mounted sign and there is signage proposed on the new building as shown on exhibit 5.

Findings of Fact and Conclusions of Law

Special Hearing

The Petitioner is requesting approval of a modified parking plan under Section 409.12 B which will not have a loading space and the full 10 foot setback from the right of way. The setback problem arises because of the exaction imposed by the County. Most importantly Mr. Kennedy indicated that all spaces and parking requirements were updated so that although this is a modified parking plan, it is an updated plan rather than reflecting strictly existing conditions. It is the same parking field but updated to present requirements. I find that strictly enforcing the loading space and setback regulations would create an undue hardship on the Petitioner and so will grant the request.

In addition the Petitioner's are requesting a use permit under Section 409.8B to allow commercial parking in a residential zone. The boundary line between business and residential zones did not follow the property line for unknown reasons. This means that the Petitioner can not use the rear 16 feet of its property. This is neither reasonable or helpful to the neighborhood. To provide the proper number of spaces, the Petitioner must utilize the full parking field including the existing parking along the rear portion of the property. I find the use permit requested meets each criteria of Section 409.8B2 and would not be detrimental to adjacent properties.

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Date 12-9-96

Variance

The Petitioners are requesting to permit existing parking within the residential transition area (RTA) to remain; to permit a new privacy screening fence and bumpers in each parking space in lieu of Class 'A Landscape Buffer; and to permit the existing parking within the Residential Transition Area as existing with a 0 foot buffer in lieu of minimum required 50 feet and a setback of 1 foot in lieu of the minimum required 75 foot setback. I agree with the Petitioner that this simply reflects present parking arrangement. The neighbors are satisfied as long as the old fence is replaced by a new privacy fence and parking bumpers added so that vehicles will not damage the new fence.

I find that the use of the existing parking field under these circumstances meets the compatibility objectives of Section 32-4-402(d) and the requested reduction will not adversely impact the adjacent residential community. Therefore I will grant the requested variances to the RTA regulations.

Special Variance

As expressed at the hearing, I was concerned that the Council eliminated this Commission's jurisdiction to grant special variances. However after reviewing Section 259.9 of the BCZR it is clear that the limitation on Special Variances applies to Honeygo overlay areas only and not this case. Therefore I find this Commission has jurisdiction to grant such variances.

I understand that the intersection of Joppa Road and Harford Road as a failing intersection as shown on the 2006 Basic Services Maps and that the subject property is within the failing traffic shed. I note that the size of the new building will be smaller than the existing building, and find that any change in traffic for the retail/office uses will be minimal compared to the present all office uses. The Planning Office agrees with this assessment. There is no

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evidence of any prior applicants who would be delayed if this special variance is granted. Therefore considering the criteria of Section 4A02.4G I will grant the requested special variance.

In regard to the conditions suggested by the Planning Office in its December 4, 2006 ZAC comments, the Petitioner has agreed to condition 1 but opposes condition 2 on the basis that there is an existing pole mounted sign. I have no reason to believe the pole mounted sign is a problem and although the property is being redeveloped, other than the building, the plan reflects existing conditions. Consequently I will impose on condition 1 only.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing, variance and special variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of December, 2006, that the Petitioners' request for variance from the RTA regulations of Section 1B01.B to permit existing parking within the residential transition area (RTA) to remain as shown on Plat to Accompany Petition; to permit a new privacy fence and car stop bumpers as shown on exhibit 1, the redline Plat to Accompany, in lieu of Class A Landscape Buffer and to permit the existing parking within the Residential Transition Area to remain as existing with a 0 foot buffer in lieu of minimum required 50 feet and a setback of 1 foot in lieu of the minimum required 75 foot setback is hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing request pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to grant a Use Permit for the continued use of existing commercial/business parking in a residential zone (DR 5.5) pursuant to BCZR Section 409.8.B and to approve a modified parking plan pursuant to BCZR Section 409.12.B is hereby GRANTED; and

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IT IS FURTHER ORDERED the Petitioner's request for Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G. to allow re-development of the property within an area of 2006 basic services maps deficient for transportation is hereby GRANTED; and subject to the following:

1. Petitioner to provide a landscape and lighting plan to be reviewed by Avery Harden, Baltimore County Landscape Architect.
2. Petitioner to provide elevations of the proposed building and its associated signage to the Office of Planning prior to building permit for review and approval.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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Date 12-6-06
By B

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 6, 2006

WILLIAM MITCHERLING
BELAIR ROAD ASSOCIATES
1900 EAST NORTHERN PARKWAY, SUITE 108
BALTIMORE MD 21239

Re: Petition for Special Hearing, Special Variance and Variance
Case No. 07-131-SPHAA
Property: 9501 Harford Road

Dear Mr. Mitcherling:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: F. Vernon Boozer, Esquire, Covahey Boozer Devan & Dores, 614 Bosley Avenue, Towson MD 21204
Douglas Kennedy, 3106 Lord Baltimore, Suite 110, Baltimore MD 21244
Jeff & Denise Root, 3004 Fourth Avenue, Baltimore MD 21234
Rich Hogan, 3005 Fourth Avenue, Baltimore MD 21234

RECEIVED FOR FILING
Date 12-6-06

SPECIAL

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9501 HARFORD ROAD

which is presently zoned BL-AS AND D.R. 5.5

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)

4A02.4.G.

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

SEE ATTACHED

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

Legal Owner(s):

BELAIR ROAD ASSOCIATES
Name - Type or Print

x
Signature

BY: WILLIAM MITCHERLING
Name - Type or Print

Signature SUITE 108 443-463-5955

1900 E. NORTHERN PARKWAY
Address Telephone No.

BALTIMORE, MD. 21239
State Zip Code

Attorney For Petitioner:

F. VERNON BOOZER
Name - Type or Print

x
Signature

COVAHEY, BOOZER, DEVAN & DORES, P.A.
Company

614 BOSLEY AVENUE 410-828-9441
Address Telephone No.

TOWSON, MD. 21204
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING —

UNAVAILABLE FOR HEARING —

Reviewed By STN Date 09/21/06

Case No. 07-131 SPHAA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 12-6-06
By

PETITION FOR SPECIAL VARIANCE

PROPERTY LOCATED AT 9501 HARFORD ROAD

ZONED BL-AS and D.R. 5.5

Petition for a Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G. to allow re-development of the property at 9501 Harford Road in accordance with the attached "Plan to Accompany Petition". This property lies within an area of 2006 Basic Services Maps deficient for Transportation. The intersection of Harford Road and Joppa Road is designated as 'F' level intersection.

The 0.32 acre property located at the northeast corner of Harford Road and 4th Avenue in the 11th Election District of Baltimore County is improved with an existing building used for office building and associated parking area.

It is proposed to re-develop the property with a new 2-story building with 1800 s.f. of retail space on the upper level and 1800 s.f. of office space on the lower level. It is proposed to continue the use of the existing parking area that lies within the D.R. 5.5 zone.

The increase in traffic volume associated with re-development of 9501 Harford Road is minimal. The owner would suffer hardship and practical difficulty without the relief requested because he would not be able to improve the property with better office and retail space.

07-131-SPHA

SPECIAL

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9501 HARFORD ROAD

which is presently zoned BL-AS AND D.R. 5.5

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)

4A02.4.G.

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

SEE ATTACHED

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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:

F. VERNON BOOZER

Name - Type or Print

x

Signature

COVAHEY, BOOZER, DEVAN & DORES, P.A.

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Legal Owner(s):

BELAIR ROAD ASSOCIATES

Name - Type or Print

x

Signature

BY: WILLIAM MITCHERLING

Name - Type or Print

Signature

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ESTIMATED LENGTH OF HEARING —

UNAVAILABLE FOR HEARING —

Reviewed By SDA Date 09-21-06

Case No. 07-131-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 12-6-06

By M

PETITION FOR SPECIAL VARIANCE

PROPERTY LOCATED AT 9501 HARFORD ROAD

ZONED BL-AS and D.R. 5.5

Petition for a Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G. to allow re-development of the property at 9501 Harford Road in accordance with the attached "Plan to Accompany Petition". This property lies within an area of 2006 Basic Services Maps deficient for Transportation. The intersection of Harford Road and Joppa Road is designated as 'F' level intersection.

The 0.32 acre property located at the northeast corner of Harford Road and 4th Avenue in the 11th Election District of Baltimore County is improved with an existing building used for office building and associated parking area.

It is proposed to re-develop the property with a new 2-story building with 1800 s.f. of retail space on the upper level and 1800 s.f. of office space on the lower level. It is proposed to continue the use of the existing parking area that lies within the D.R. 5.5 zone.

The increase in traffic volume associated with re-development of 9501 Harford Road is minimal. The owner would suffer hardship and practical difficulty without the relief requested because he would not be able to improve the property with better office and retail space.

07-131 SPH A.A.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9501 HARFORD ROAD

which is presently zoned BL-AS AND D.R. 5.5

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)

1B01.1B

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

SEE ATTACHED

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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.

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Contract Purchaser/Lessee:

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BELAIR ROAD ASSOCIATES

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BY: WILLIAM MITCHERLING

Name - Type or Print

Signature

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F. VERNON BOOZER

Name - Type or Print

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ESTIMATED LENGTH OF HEARING —

UNAVAILABLE FOR HEARING —

Reviewed By SDT Date 09-21-06

Case No. 07-131-SPHAA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 12-6-06

By

PETITION FOR VARIANCE
PROPERTY LOCATED AT 9501 HARFORD ROAD
ZONED BL-AS and D.R. 5.5

Petition for a **VARIANCE** under Baltimore County Zoning Regulations § 1B01.1B. to determine whether or not the Zoning Commissioner should approve:

1. Variance from BCZR §1B01.1B. (Residential Transition Area) to allow:
   a. Existing parking within the residential transition area (RTA) to remain as shown on Plat to Accompany Petition. [BCZR §1B01.1B1.c.(2)]
   b. To allow the existing wood screening fence to remain in lieu of Class 'A Landscape Buffer. [BCZR §1B01.1B1.d.(3)]
   c. To allow the existing parking within the Residential Transition Area to remain as existing with a 0 ft. buffer in lieu of minimum required 50 ft. and a setback of 1 ft. in lieu of the minimum required 75 ft. setback. [BCZR §1B01.1B1.e.(5)]

The 0.32 acre property located at the northeast corner of Harford Road and 4th Avenue in the 11th Election District of Baltimore County is improved with an existing building (converted residential dwelling) used for office building and associated parking area. Part of the existing parking area (1520 s.f or 0.035 ac.) lies within an area of D.R. 5.5 zone. Research of the Baltimore County Office of Zoning records does not result in finding of a previous Use Permit having been issued for this existing parking area.

It is proposed to re-develop the property with a new 2-story building with 1800 s.f. of retail space on the upper level and 1800 s.f. of office space on the lower level. It is proposed to continue the use of the existing parking area that lies within the D.R. 5.5 zone.

It is hereby requested that the Zoning Commissioner grant a Variance from BCZR § 1B01.1B. to permit the continued use of an existing parking area within area zoned DR5.5 and a residential transition area (RTA). The size of the area within RTA is 16'x 95'. This parking within a RTA has existed for many years, and the existing parking area is screened with a solid wood fence. Its continued use will not adversely impact the adjacent residential community. Due to the small size of the property, relief from the requirements of RTA is absolutely necessary for parking to support permitted uses within the BL-AS zoning classification on this site.

07-131-SPHA

SPECIAL

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9501 HARFORD ROAD

which is presently zoned BL-AS AND D.R. 5.5

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)

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

BELAIR ROAD ASSOCIATES

Name - Type or Print

x

Signature

BY: WILLIAM MITCHERLING

Name - Type or Print

Signature SUITE 108 443-463-5955

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State Zip Code

Attorney For Petitioner:

F. VERNON BOOZER

Name - Type or Print City

x

Signature

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Reviewed By SPD Date 09-21-06

REV 9/15/98

ORDER RECEIVED FOR FILING

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By

PETITION FOR SPECIAL VARIANCE

PROPERTY LOCATED AT 9501 HARFORD ROAD

ZONED BL-AS and D.R. 5.5

Petition for a Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G. to allow re-development of the property at 9501 Harford Road in accordance with the attached "Plan to Accompany Petition". This property lies within an area of 2006 Basic Services Maps deficient for Transportation. The intersection of Harford Road and Joppa Road is designated as 'F' level intersection.

The 0.32 acre property located at the northeast corner of Harford Road and 4th Avenue in the 11th Election District of Baltimore County is improved with an existing building used for office building and associated parking area.

It is proposed to re-develop the property with a new 2-story building with 1800 s.f. of retail space on the upper level and 1800 s.f. of office space on the lower level. It is proposed to continue the use of the existing parking area that lies within the D.R. 5.5 zone.

The increase in traffic volume associated with re-development of 9501 Harford Road is minimal. The owner would suffer hardship and practical difficulty without the relief requested because he would not be able to improve the property with better office and retail space.

07-131-SPHA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9501 HARFORD ROAD
which is presently zoned BL-AS AND D.R. 5.5

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

THE GRANTING OF A USE PERMIT FOR THE CONTINUED USE OF EXISTING COMMERCIAL/BUSINESS PARKING IN A RESIDENTIAL ZONE (D.R. 5.5) PURSUANT TO B.C.Z.R. SECTION 409.8.B.

AND APPROVAL OF A MODIFIED PARKING PLAN PURSUANT TO B.C.Z.R. SECTION 409.12.B.

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:

F. VERNON BOOZER
Name - Type or Print

x [signature]
Signature

COVAHEY, BOOZER, DEVAN & DORES, P.A.
Company

614 BOSLEY AVENUE 410-828-9441
Address — Telephone No.

TOWSON, MD. 21204
City — State — Zip Code

Legal Owner(s):

BELAIR ROAD ASSOCIATES
Name - Type or Print

x [signature]
Signature

BY: WILLIAM MITCHERLING
Name - Type or Print

Signature

SUITE 108 443-463-5955
1900 E. NORTHERN PARKWAY,
Address — Telephone No.

BALTIMORE, MD. 21239
City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING —

UNAVAILABLE FOR HEARING —

Reviewed By [initials] Date 09-21-06

Case No. 07-131-SPHA.A.

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 12-6-06
By [initials]

PETITION FOR SPECIAL HEARING
PROPERTY LOCATED AT 9501 HARFORD ROAD
ZONED BL-AS and D.R. 5.5

Petition for a **SPECIAL HEARING** under Baltimore County Zoning Regulations § 500.7 to determine whether or not the Zoning Commissioner should approve:

1. The granting of a Use Permit for the continued use of existing commercial / business parking in a residential D.R. zone pursuant to BCZR § 409.8.B.

2. A Modified Parking Plan pursuant to BCZR § 409.12.B. to allow
   a. Parking arrangement as shown on Site Plan without a loading space.
   b. Setback of parking to right-of-way line of 9 ft. in lieu of the minimum required 10 ft.

The 0.32 acre property located at the northeast corner of Harford Road and 4th Avenue in the 11th Election District of Baltimore County is improved with an existing building (converted residential dwelling) used for office building and associated parking area. Part of the existing parking area (1520 s.f or 0.035 ac.) lies within an area of D.R. 5.5 zone. Research of the Baltimore County Office of Zoning records does not result in finding of a previous Use Permit having been issued for this existing parking area.

It is proposed to re-develop the property with a new 2-story building with 1800 s.f. of retail space on the upper level and 1800 s.f. of office space on the lower level. It is proposed to continue the use of the existing parking area that lies within the D.R. 5.5 zone.

It is hereby requested that the Zoning Commissioner grant a use permit for commercial / business parking in a residential D.R. zone pursuant to B.C.Z.R. § 409.8.B.1. This use has existed for many years and is in compliance with the conditions for commercial / business parking within D.R. zone established in B.C.Z.R. § 409.8.B.2. The existing parking area is screened with a solid wood fence, and its continued use will not adversely impact the adjacent residential community. Due to the small size of the property, the continued use of the parking area within the DR zone is absolutely necessary for parking to support permitted uses within the BL-AS zoning classification on this site.

07-131-SPHA

KCW
ENGINEERING
TECHNOLOGIES

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL VARIANCE

PROPERTY OF
BELAIR ROAD ASSOCIATES
9501 HARFORD ROAD
11th Election District
Baltimore County, Maryland

Beginning for the same at a point on the North East corner of the intersection of Fourth Avenue, 30' ft. wide, and Harford Road, 70 ft. wide, which said Point of Beginning being 15 ft. Northerly from the centerline of Fourth Avenue, thence:

1. North 37 degrees 04 minutes 43 seconds East 8.55 ft.
2. Along a curve to the right with a R=25 ft. Length=23.25 ft. and chord of North 14 degrees 17 minutes 32 seconds West
3. North 36 degrees 40 minutes 39 seconds East 77.33 ft.
4. South 53 degrees 19 minutes 21 seconds East 141.00 ft.
5. South 36 degrees 40 minutes 39 seconds West 100.00 ft.
6. North 53 degrees 19 minutes 21 seconds West 123.64 ft.

to the Point of Beginning.

Containing 13,830 sq. ft., or 0.317 acres, of land, more or less.

Being known as 9501 Harford Road
and located in the 11th Election District of Baltimore County, MD.

Being the same parcel of land, which by Deed dated February 13, 2001 and recorded in the Land Records of Baltimore County in Liber No. 14979, folio 110, was granted and conveyed to **BELAIR ROAD ASSOCIATES** by LUCILLE S. POOLE and PRESTON E. POOLE.

STATE OF MARYLAND
DOUGLAS LANE KENNEDY
No. 10748
REGISTERED
PROFESSIONAL ENGINEER

9-18-2006

KCW Engineering Technologies, Inc. • 3106 Lord Baltimore Drive • Suite 110 • Baltimore, MD 21244
Tele 410-281-0033 • Fax 410-281-1065

07-131-SPHAA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

07-131-SPHA-A

No. 21038

DATE 09-21-06 ACCOUNT R 001-006-6150

AMOUNT $ 800.00

RECEIVED FROM: K.C.W. ENGINEERING

FOR: C. VARIE SPEC. VAR.S SPEC. HEARING
9501 HARFORD RD.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/22/2006	9/21/2006	14:28:38	1

REG WSD1 WALKIN JRIC JRK
>>RECEIPT # 302693 9/21/2006 OFLJ
Dept 5 526 ZONING VERIFICATION
CR NO. 021038
Recpt Tot $800.00
$800.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #07-131-SPHAA
9501 Harford Road
Northeast corner of Harford Road and Fourth Avenue
11th Election District — 6th Councilmanic District
Legal Owner(s): Belair Road Associates; by William Mitcherling

Special Hearing: The granting of a Use Permit for the continued use of existing commercial/business parking in a residential zone (DR - 5.5) pursuant to BCZR Section 409.8.B and the approval of a modified parking plan pursuant to BCZR Section 409.12.B.

Special Variance: Petition for a Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G to allow re-development of the property.

Variance: To permit existing parking within the residential transition area (RTA) to remain as shown on Plat to Accompany Petition and to permit the existing wood screening fence to remain in lieu of Class A Landscape Buffer and to permit the existing parking within the Residential Transition Area to remain as existing with a 0 foot buffer in lieu of minimum required 50 feet and a setback of 1 foot in lieu of the minimum required 75 foot setback.

Hearing: Monday, December 4, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

11/199 Nov. 16 116296

CERTIFICATE OF PUBLICATION

11/16/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/16/, 2006.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-131-SPHAA

Petitioner/Developer: BELAIR RD. ASSOC.,

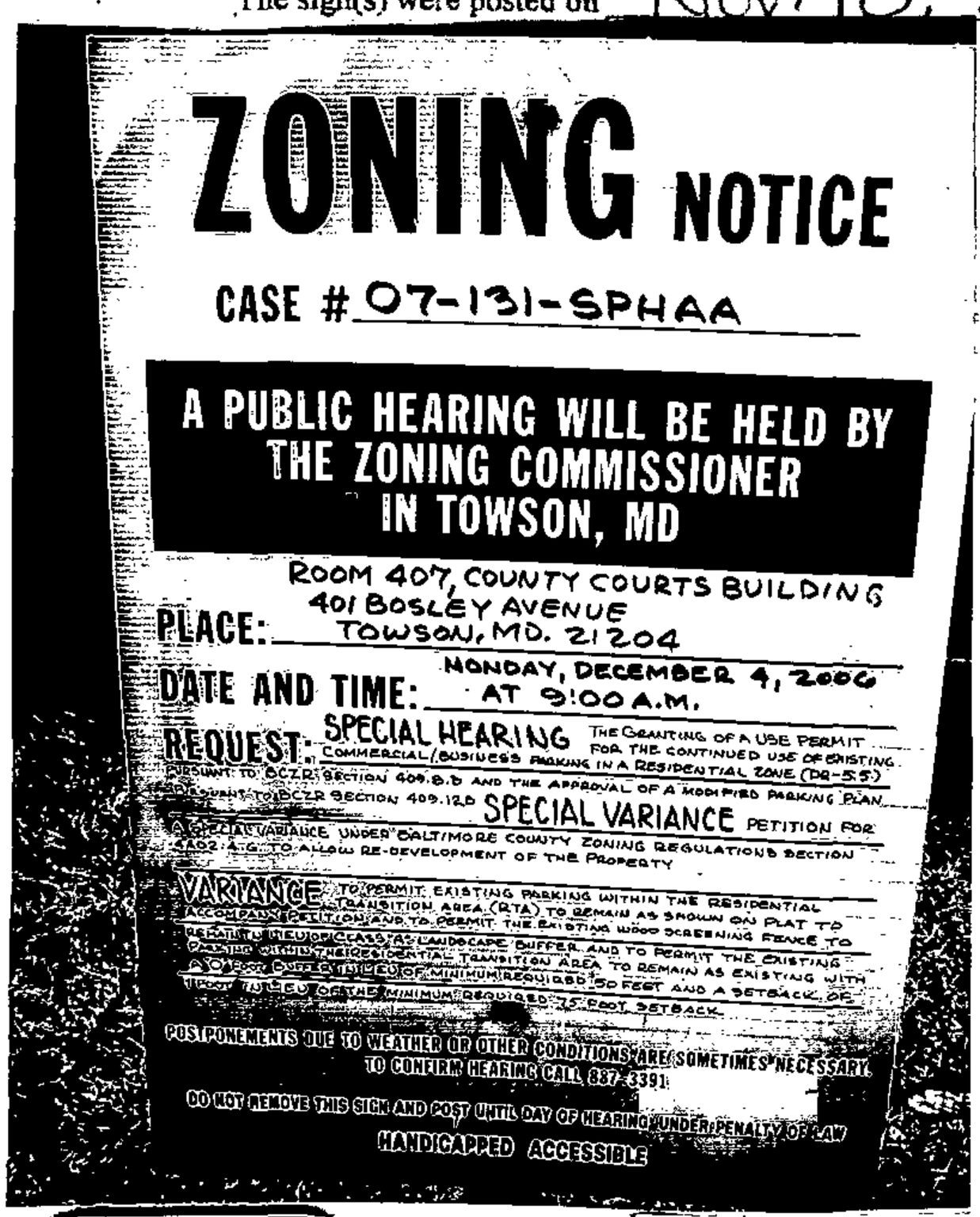
Date of Hearing/Closing: DEC. 4, 2006

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

Attention: **Christen Matthews**

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 propery located at #9501 HARFORD ROAD, N.E. CORNER HARFORD RD. AND FOURTH AVE.

The sign(s) were posted on NOV. 10, 2006
(Month, Day, Year)



Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
9501 Harford Road; NE corner Harford Road & Fourth Avenue	*	ZONING COMMISSIONER
11th Election & 6th Councilmanic Districts	*	FOR
Legal Owner(s): Belair Road Associates by William Mitcherling	*	BALTIMORE COUNTY
Petitioner(s)	*	07-131-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed Vernon Boozer, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
0 6 2006
Per

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 3, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-131-SPHAA
9501 Harford Road
Northeast corner of Harford Road and Fourth Avenue.
11th Election District – 6th Councilmanic District
Legal Owner(s): Belair Road Associates; by William Mitcherling

SPECIAL HEARING The granting of a Use Permit for the continued use of existing commercial/business parking in a residential zone (DR - 5.5) pursuant to BCZR Section 409.8.B and the approval of a modified parking plan pursuant to BCZR Section 409.12.B.
SPECIAL VARIANCE Petition for a Special Variance under Baltimore County Zoning Regulations Section 4A02.4.G. to allow re-development of the property.
VARIANCE To permit existing parking within the residential transition area (RTA) to remain as shown on Plat to Accompany Petition and to permit the existing wood screening fence to remain in lieu of Class 'A Landscape Buffer and to permit the existing parking within the Residential Transition Area to remain as existing with a 0 foot buffer in lieu of minimum required 50 feet and a setback of 1 foot in lieu of the minimum required 75 foot setback.

Hearing: Monday, December 4, 2006 at 9:00 a.m. in Room 407 in the County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: Belair Road Associates William Mitcherling 1900 E. Northern Parkway, Suite 108 Baltimore 21239
F. Vernon Boozer Covahey, Boozer, Devan & Dores, P.A. 614 Bosley Avenue Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 17, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 16, 2006 Issue - Jeffersonian

Please forward billing to:
William Mitcherling
1900 E. Northern Parkway
Suite 108
Baltimore, MD 21239

443-463-5955

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:

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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-131 SPHA A.

Petitioner: BELAIR ROAD ASSOCIATES

Address or Location: 9501 HARFORD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM MITCHERLING

Address: 1900 E. NORTHERN PARKWAY
SUITE 108
BALTIMORE, MD 21239

Telephone Number: 443-463-5955

Revised 2/20/98 - SCJ

07-131SPHA A

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

November 30, 2006

F. Vernon Boozer
Covahey, Boozer, Devan & Dores, P.A.
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Boozer:

RE: Case Number: 07-131-SPHAA, 9501 Harford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Belair Road Associates William Mitcherling Suite 108 1900 E. Northern Parkway Baltimore 21239

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 4, 2006

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

SUBJECT: 9501 Harford Road

INFORMATION:

Item Number: 7-131

Petitioner: Belair Road Associates

Zoning: BL-AS and DR 5.5

Requested Action: Special Variance

DEC 0 4 2006
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request as the site was already improved with an office building and any increases in traffic flow appear to be minimal. The Office of Planning previously met with the petitioner on site design and other planning related issues. However the following items need to be submitted to this office for review and approval:

1. Provide a landscape and lighting plan, to also be reviewed by Avery Harden, Baltimore County Landscape Architect.
2. Provide elevations of the proposed building and it's associated signage. Signage should be ground mounted.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\7-131.doc

#6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 22, 2005

TO: Ed Adams, Jr., Director
Department of Public Works

FROM: Darrell A. Wiles, Chief
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2006 Basic Services Maps – Transportation; Draft Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2005 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2006:

ADDITIONS:	LEVEL-OF-SERVICE
Windsor Mill Rd/Essex Rd	D
Hillen Rd/Stevenson Lane	D

DELETIONS:
None

CHANGES:	
Pulaski Hwy/Middle River Rd	D to F

General increases in traffic on the Windsor Mill Rd/Essex Rd and Hillen Rd/Stevenson Lane intersections resulted in the inability of these intersections to continue to operate at a level-of-service "C". Repeated attempts were made to adjust the signal timings at both locations, however the existing geometrics cannot handle the current traffic volumes. While there are geometric improvements planned for both of these locations that may address the capacity issues, there currently is no time schedule for these projects. Additionally, there may be some issues with community support that must be resolved before any work is started.

In addition, traffic increases at the Pulaski Hwy/Middle River Rd intersection have resulted in causing this intersection to fail. MdSHA is likewise aware of the situation and the County is partnering with MdSHA for intersection improvements which are intended to bring the level of service up to at least a "D". This project is scheduled for advertisement in 2006. Therefore it appears that action is being taken to remedy the problems at this intersection within the relatively near future.

To be restudied when Md. 43 is opened.

Has been resolved; now "D".

Unexpectedly, following an upgrade to a level of service "D" last year following the completion of the MdSHA project at the Beltway & Liberty Rd(MD 26) which included the extension of Lord Baltimore Dr to Liberty Rd., this year our we found the intersection of Liberty Rd/Washington Ave to be a level of service "F" again. We anticipate this may be resolved with improved signal timings and we continue to work with MdSHA to get the most efficient signal timings possible implemented. We hope MdSHA will have the new timings installed in early January so we can restudy this location prior to the second Planning Board meeting. We will certainly keep you posted on our findings

Assuming the issues at Liberty Rd/Washington Ave can be resolved. There would be seven "F" intersections that are being proposed on the 2006 Basic Services Transportation Map that would control development. Those intersections are:

Harford Rd/Putty Hill Ave	LOS = F
Loch Raven Blvd/Joppa Rd	LOS = F
York Rd/Burke Ave	LOS = F
Falls Rd/Seminary Ave	LOS = F
Falls Rd/Greenspring Valley Rd	LOS = F
Falls Rd/Joppa Rd	LOS = F
Pulaski Hwy/Middle River Rd	LOS = F

Enclosed is a list of the D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2006, please contact me or Steve Weber at ext. 3554.

DAW/GWC
Enclosure

C: Dave Thomas
Steve Weber
Woody Hood- OOTS

U:\Bureaus\Traffic\2005 Documents\Engineering\Carski\gwc122205 Basic Services 2006.doc

negotiations broke
final hours of the
regular session

pleased with the
ov. Robert L. Ehr-
ling that his only
s that the manda-
es do not prohibit
lso said he would
nnouncement on
sexual predators
ut did not elabo-

General J. Joseph
who pushed a simi-
last summer, said
rings Maryland
lot of states" in
s convicted child

d that while the fi-
not have all the ele-
referred, he was
the Assembly's de-
FENDER, 8B]

[SUN REPORTER]

WASHINGTON // Gov. Robert L. Ehrlich Jr. fired one of his appointees to the Washington Metropolitan Area Transit Authority yesterday after the board member asserted on a local cable talk show that homosexuals lived a life of "sexual deviancy."

The termination came a few hours after Metro board member Robert J. Smith, an architect and unsuccessful Republican candidate for the General Assembly from Montgomery County, was publicly confronted by a transit board colleague. Board member Jim Graham, a District of Columbia councilman who is openly gay, called on Smith to disavow his remarks or resign during yesterday's regular meeting of the panel, which oversees Metro business.

Graham said he was gratified that Ehrlich decided to replace Smith. Earlier in the day, Smith said that he stood by his beliefs, which he said stemmed from his Roman Catholic faith, and insisted that

Board member Jim Graham calls for Robert Smith's resignation during a meeting of the D.C. transit authority.

he would not resign unless ordered by the governor.

"Governor Ehrlich got it; Mr. Smith was clueless until the end," Graham said. "This is serious. To defend this point of view is beyond the pale. And so I think Governor Ehrlich got that very clearly, very quickly. So I appreciate his action."

Ehrlich said in a statement that Smith "Robert Smith's comments were highly inappropriate, insensitive and unacceptable," the governor said. "They are in direct conflict to my administration's commitment to inclusiveness, tolerance and opportunity."

In an interview last night, Smith criticized Ehrlich for bowing to public pressure. "At this juncture, I assume that the confrontation that arose today and the heat it generated was too much to take in an election year," he said. "I'm disappointed that the governor's office kind of reacted with dispatch to a groundswell of press criticism without contacting me."

Earlier, Smith was unrepentant in a discussion with reporters, saying that Graham was attempting to create "high theater" and that Smith's personal views should not have been aired in that forum. Smith also reaffirmed his beliefs — expressed on the show *21 This Week*, a political roundtable that runs on cable Channel 21 in Montgomery County — and said he is entitled to his opinion.

"The notion that I consider homosexual

[Please see METRO, 5B]

BY ANICA BUTLER
[SUN REPORTER]

A memorial service will be held Th
day in Washington for Philip Merrill,
newspaper publisher, philanthropist
former diplomat who disappeared fr
his yacht Saturday while sailing the Ch
peake Bay.

The search continues for the body of
Merrill, who was chairman of Capital-
zette Communications Inc., publishers
The Capital of Annapolis and *Washin*
nian magazine.

MERRILL

He was, friends and
sociates said this we
passionate, intellig
and fiercel quisit
— a complex an wh
sometimes gruff man
was tempered by a p
ful nature.

Mr. Merrill, 72, v
born in Baltimore a
raised in New York
Connecticut. Most
cently, he had been living on the Sev
River in Arnold. An avid yachtsman,
learned to sail at 7 and had been boat
on the Chesapeake since 1958.

He served under several presidential
ministrations between the 1960s and 2
as a diplomat, negotiator and a consult
on issues of national security.

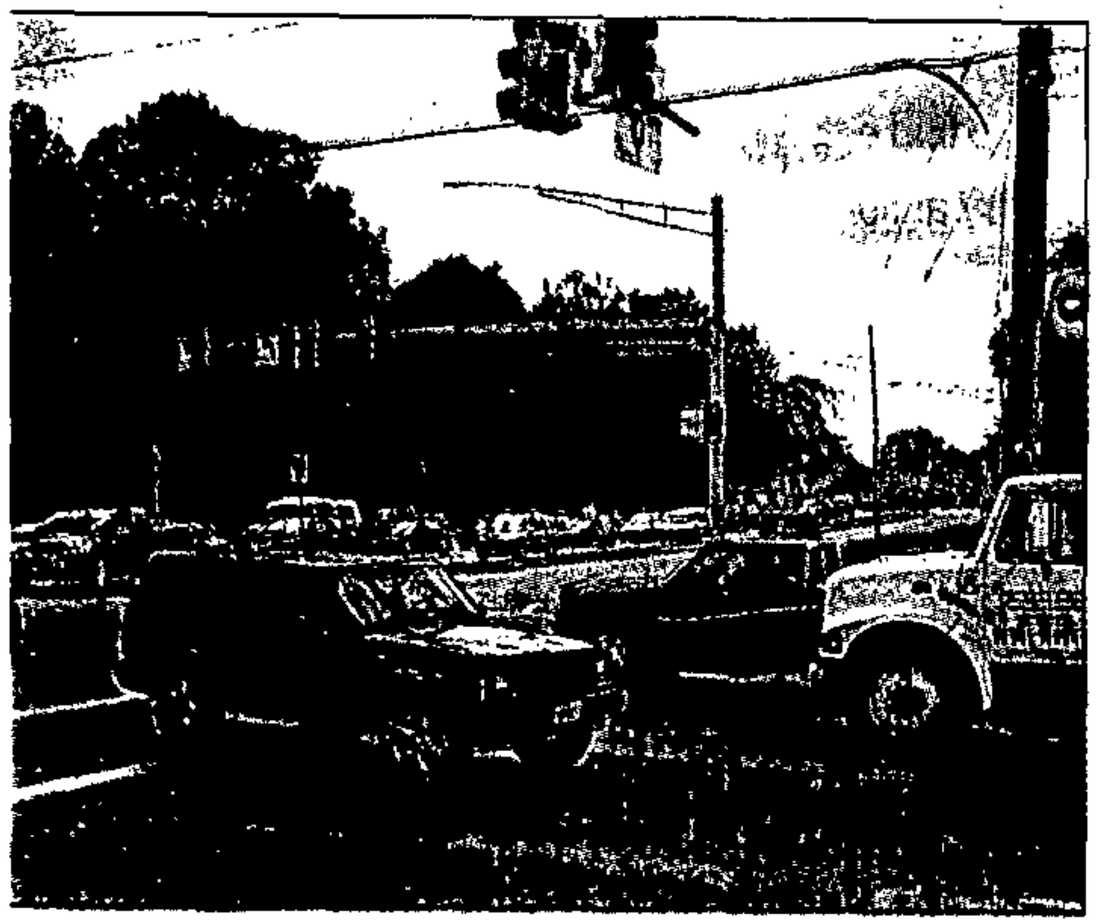
He donated millions of dollars to the
versity of Maryland's journalism colle
which bears his name, and to the Jo
Hopkins School for Advanced Internati
al Studies and the Chesapeake Foun
tion.

"He was a brilliant businessman who
gan his life in a Baltimore rowhouse.
came from a humble background, and
life is a real rags-to-riches story," sai
Stanley Heuisler, who once worked for
Merrill at *Baltimore* magazine.

Eliot Cohen, a professor at the School
Advanced International Studies, descri
Mr. Merrill as "a guy you could argue wit

"His public persona was loud and bras
he said, adding that Mr. Merrill had "a
racious intellect ... tremendous curiosit
penetrating voice, a wonderful laugh.

[Please see MERRILL, 7B]



ore County Council has designated the crossing of Harford
oads in Carney a failed intersection. Local landowners are up-
the label puts a hold on construction in the area.
DOCK TAYLOR [SUN PHOTOGRAPHER]

County Council, developers fail to agree on intersection

BY JOSH MITCHELL
[SUN REPORTER]

At the intersection of Joppa and Harford roads, the rush-hour backup extends past the drug store, past the chiropractor's office, around the bend and nearly to the Firehouse Tavern.

A good 10 seconds after the light has turned green, the last of the 40 cars in the line still haven't moved. The light is red, again, before they can cross through and continue the homeward suburban commute.

"It's crazy — you can't get out any of the side streets" during rush hour, said Meg O'Hare, who has lived near the intersection for years. "You have to wait and wait and wait to get out."

The Joppa and Harford intersection, just outside the Baltimore Beltway in the Baltimore County community of Carney, gets an F. So says the County Council, which added the crossroads to a list of seven others across the county that get a failing grade — blocking construction in the immediate area until the traffic flow improves.

In the past decade, moratoriums have been imposed near at least 10 failing intersections in the county, some staying in place for years as the county tries to find money for road projects or waits for the state to improve them.

As the county continues to grow, residents have made clear they have grown tired of congested roads — and they're being heard.

[Please see INTERSECTION, 8B]

POLICE BLOTTER 3B // LOTTERY 3B // OBITUARIES 6B // WEATHER 14B

BALTIMORE SUN 06·16·2006

County Council, landowners cross swords over junction

INTERSECTION [From Page 1B]

The council imposed the moratorium at Joppa and Harford — where two residential projects are planned — even though the county's own engineers gave the crossroads a passing grade, albeit barely.

"There's got to be something done to improve" traffic flow at the intersection, said County Councilman Vincent J. Gardina. "You can't just ignore it."

But the council's most recent use of the moratorium is being challenged by landowners and attorneys who say the council is violating the spirit, and perhaps the letter, of the law. Also, the deputy zoning commissioner has called for the county to take a serious look at its system for rating intersections.

The two development plans — one for 18 single-family houses, the other for 29 townhouses — would be blocked because of the moratorium.

"To stop the development without attempting to compensate the developer for his land is just fundamentally unconstitutional and unfair," said Benjamin Bronstein, an attorney for one of the developers attempting to put homes near the intersection.

The failing grade of the Joppa-Harford intersection has left the county government with something of a puzzle.

County law states that F-rated intersections should be improved to at least a D rating, using the Highway Capacity Manual. Under that standard, the intersection is already a D.

"We can't do anything," said Stephen Weber, the county's chief traffic engineer. "I've had one developer ask that question — 'What are you going to do to get it improved to a D?' We said, 'We don't have to do anything. It's already a D.' "

Councilman Joseph Bartenfelder, one of three council members who urged the moratorium for the area, said his intention was to send the county a message that something needed to be done to improve conditions, even if the intersection is technically not an F.

"Some people do whatever they have to do to avoid" the intersection, said Bartenfelder, a Fullerton Democrat. "That's what causes the cut-through traffic that goes through the residential neighborhoods in the surrounding community."

"I think when they come up with a plan to make improvements to it, [and] it starts getting under way to be implemented, then we can look at changing the designation," he added.

The eight intersections on this year's "failing" list are all clustered near the Beltway, including three on Falls Road. There are plans to widen roads at two of the crossings: Pulaski Highway and Middle River Road, and Harford Road and Putty Hill Avenue, which has been designated a failing road since 1997.

Doug Carroll, a Lutherville resident who has long complained publicly about traffic, said fixing one intersection might cause the failure of nearby intersections, and advocated looking at traffic issues on a wider scale.

He dismissed the notion that moratoriums infringe on property rights.

"They do not consider the individual who lives there who has made a huge investment there and is now seeing a huge decrease in their quality of life" because of increased traffic, Carroll said. "People do not have the right to maximize the value of their property if it destroys the community they're in."

Residents who oppose further growth near Joppa and Harford roads point out that the State Highway Administration, which uses a different rating system, gave the intersection an F.

State engineers rate state roads, including Harford Road, at least every two years to prioritize funding for projects. Their standard involves counting the number of vehicles that cross an intersection in a particular lane during a busy hour of the day.

The county's system involves counting how many times an hour cars are stuck at a particular intersection for more than one light cycle.

In a written opinion involving a project near Harford and Joppa roads, Deputy Zoning Commissioner John V. Murphy said, "The fact that the county and state have different intersection rating systems is very troubling ... and with all due respect needs to be corrected by legislation."

G. Scott Barhight, a land-use lawyer in Towson, said the council should change an intersection rating only if there are serious questions about the research that led to the designation.

"It sounds to me like the County Council made an error," he said, referring to the F designation of Harford and Joppa.

But O'Hare, who is president of the Carney Improvement Association, said she doesn't need a formula to know that the intersection is congested.

"Anybody that has eyes that has ever had to go to work either in the morning or when they're going home in the evening knows that it should be a failing intersection," O'Hare said.

josh.mitchell@baltsun.com

(RFP)
TO PROVIDE
ACCOUNTING/AUDITING
SERVICES AT
8722 LOCH RAVEN BLVD.,
TOWSON, MD 21286

IWIF invites vendors to submit proposals to provide Accounting/Auditing Services.

Proposals must be received by 5:00 p.m. (EST) on Monday, July 10, 2006.

RFP documents may be obtained from:

IWIF
8722 Loch Raven Boulevard
Towson, MD 21286-2235
Attn: Kallie Graff
Tel: 410-494-2022
Fax: 410-494-2088

Any questions about the contents of the RFP should be directed to: Frank Linardi @ 410-494-2096.

Certified Minority/Women Business Enterprises are encouraged to respond to this solicitation.

Advertisement for
Oriole Park at
Camden Yards Improvements

The Maryland Stadium Authority (MSA) is seeking three contracts for electrical upgrades, banner/signage installation, and concrete repair/improvements as part of anticipated enhancements to Oriole Park at Camden Yards. Only contractors familiar with working on Class A facilities need apply. Contractorsshould have bonding capacity as it may be required.

It is the intent of the MSA to select the most qualified contractor based on the combination of technical merit, value engineering ideas, and cost.

Interested firms should submit five copies of a letter of interest, company resume, and a listing of similar projects. Submitted material must be bound and on 8 1/2" x 11" paper. Interested bidders should submit material to the address listed below by June 23, 2006, no later than 2:00 pm. All questions regarding this advertisement should be submitted in writing to:

Philip B. Hutson
Assistant Project Manager
Maryland Stadium Authority
333 West Camden Street,
Suite 500
Baltimore, MD 21201
(410) 333-1560 (office)
(410) 333-1752 (fax)
Phutson@mdstad.com

Advertisement for
Construction Management
Services at Oriole Park
at Camden Yards

The Maryland Stadium Authority (MSA) is seeking a construction manager (CM) for major enhancements to Oriole Park at Camden Yards. Only CM firms familiar with working on Class A facilities need apply. The CM should have a bonding capacity of at least $9 million.

It is the intent of the MSA to select the most qualified CM to assist with the design review

---

Structures
- A cast-in-place reinforced concrete Trash Rack Structure and Diversion Structure and appurtenances
- Related reforestation and invasive species control.

This project is mandated by Baltimore City's Consent Decree with the U.S. Environmental Protection Agency. All work must be completed by December 31, 2007.

Minor modification to the tunneled segments of the interceptor shown on the Contract Drawings may be allowed to accommodate the bidder's selected tunneling method and equipment. Modifications must meet certain design criteria specified in the Contract Special Conditions.

Pursuant to Article 5, Subtitle 28 of the Baltimore City Code (2000 Edition)-Minority and Women's Business Program, Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation goals apply to this contract.

The MBE goal is 10%
The WBE goal is 10%

APPROVAL OF CONTRACT DOCUMENTS FOR
DEPARTMENT OF WATER & WASTEWATER
SANITARY CONTRACT NO. 839

Bernice H. Taylor
Clerk, Board of Estimates

George L. Winfield
Director of Public Works

CITY OF BALTIMORE
DEPARTMENT OF TRANSPORTATION
NOTICE OF LETTING

Sealed Bids or Proposals, in duplicate addressed to the Board of Estimates of the Mayor and City Council of Baltimore and marked for **F.A.P. No. BC STP-1 (852) E, S.H.A. No. AT9535125, Contract No. TR05304, Mount Royal Station Renovation** will be received at the Office of the Comptroller, Room 204, City Hall, Baltimore, Maryland until 11:00 A.M. **July 26, 2006.**

Board of Estimates employees will be stationed at the Security Unit Counter just inside the Holliday Street entrance to City Hall from 10:45 A.M. every Wednesday to receive Bids from Bidders who feel they would not be able to deliver the bid envelope to Room 204 by 11:00 A.M. due to a possible delay by the security check and scanner process. The bids will be processed with a hand scanner, placed in a box and promptly at 11:00 A.M., the box will be sealed and brought to Room 204 City Hall, Comptroller's Office. Positively no bids will be received after 11:00 A.M. and at 12:00 Noon on said date they will be publicly opened by the Board of Estimates in Room 215 in said City Hall.

Baltimore City hereby notifies all Bidders that it will affirmatively insure that in any Contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award. Also, the Bidder's attention is called to the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) which is a part of the Contract proposal. All of these activities shall be done in accordance will Title VI of the 1964 Civil Rights Act, as amended.

It is the goal of the Department of Transportation that Disadvantaged Business Enterprises participate in all Federal-Aid Contracts. The total Disadvantaged Business (DBE) goal for this project is **25%**. In accordance will Surface Transportation and Uniform Relocation Assistance Act of 1987, Women are included in the definition of DBE and will be counted toward meeting this goal. THE CONTRACTOR SUBMITTING A BID ON THIS CONTRACT WILL SUBMIT A DBE PARTICIPATION PROGRAM IN CONFORMANCE WITH THE CONTRACT SPECIFICATIONS.

Plans, specifications and other contract documents may be examined, without charge, at the Baltimore City Department of Public Works Service Center located on the first floor of the Abel Wolman Municipal Building, Baltimore, Maryland 21202 on or after **June 16, 2006** and copies therefore may be obtained on payment of **FIFTY DOLLARS AND NO CENTS ($50.00)** Payment will not be refunded.

The Standard Specifications for Construction and Material, Maryland Department of Transportation, State Highway Administration, dated January 2001 are to be used in this contract. Each bid must be accompanied by a Certified Check of the Bidder or Bank Cashier's Check or Bank Treasurer's Check drawn on a solvent Clearinghouse made payable to the Mayor and City Council of Baltimore, or a Bid Bond executed on the Form as provided in the Bid or Proposal, for an amount which is determined by multiplying the Total Bid or Proposal submitted by five percent (5%).

The successful Bidder will be required to give both Performance Bond and Payment Bond in the amount of the Contract Price.

The Board of Estimates reserves the right to reject any and all Bids and/or waive technical defects if in its judgement, the interest of the Mayor and City Council may so require.

Bid when filed shall be irrevocable. Attention of Bidders is called to the Minimum Wage Rates to be paid on this project.

All contractors bidding on this Contract must first be prequalified by the City of Baltimore Contractors Qualification Committee Room 633, Charles L. Benton Jr. Building, 417 East Fayette Street, Baltimore, Maryland 21202.

Bernice H. Taylor
Clerk, Board of Estim

DEPART
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Sealed Bids or Prop
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APPROV
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Bernice H. Taylor
Clerk, Board of Estim

MBE WANTE
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related services. Qua
please call (410) 64
email
info@langenfelder
marine.com.

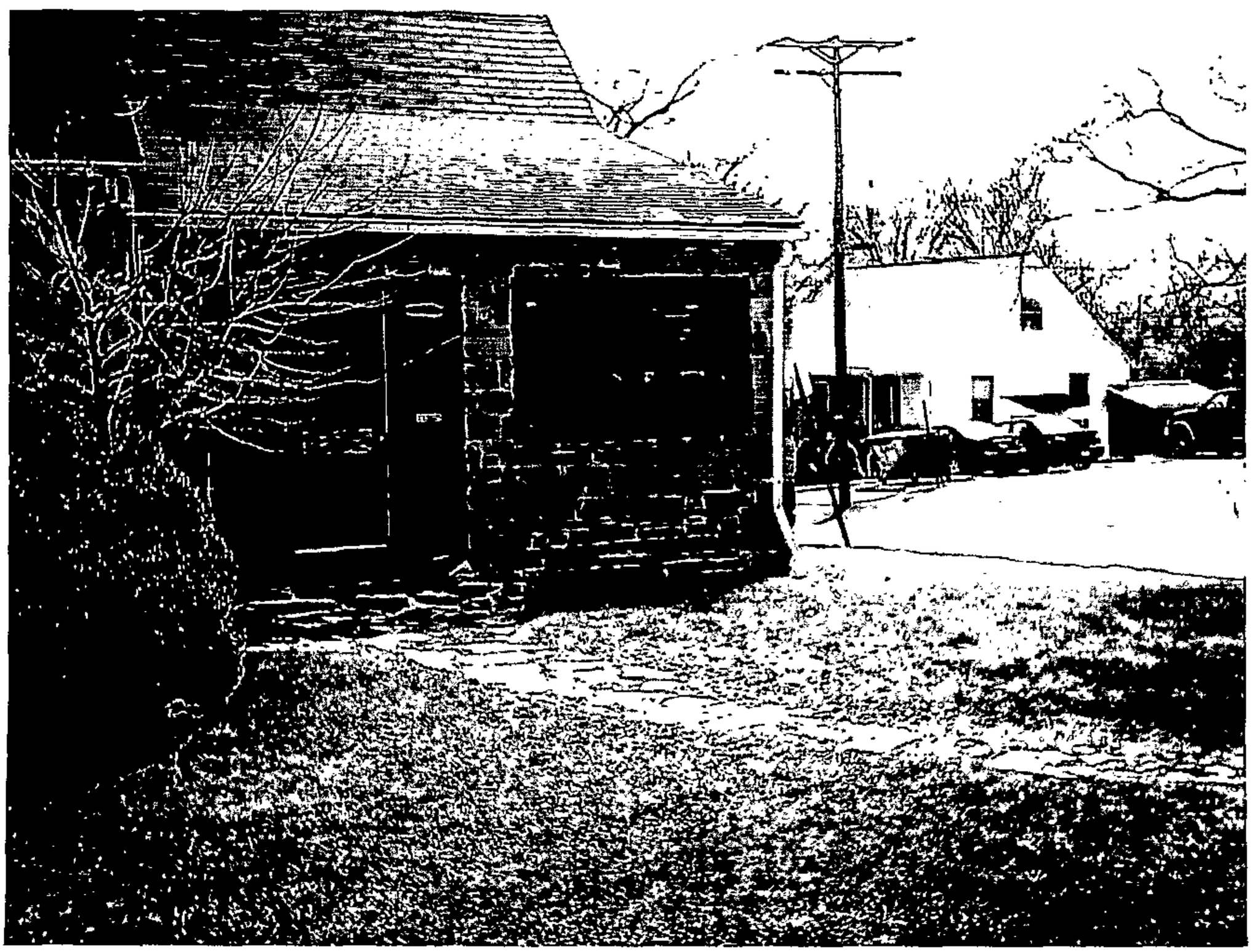
WEB ID BA00

Assistive Te

#4

#3004 FOURTH AVE.

FRONT OF #9501 HARFORD ROAD



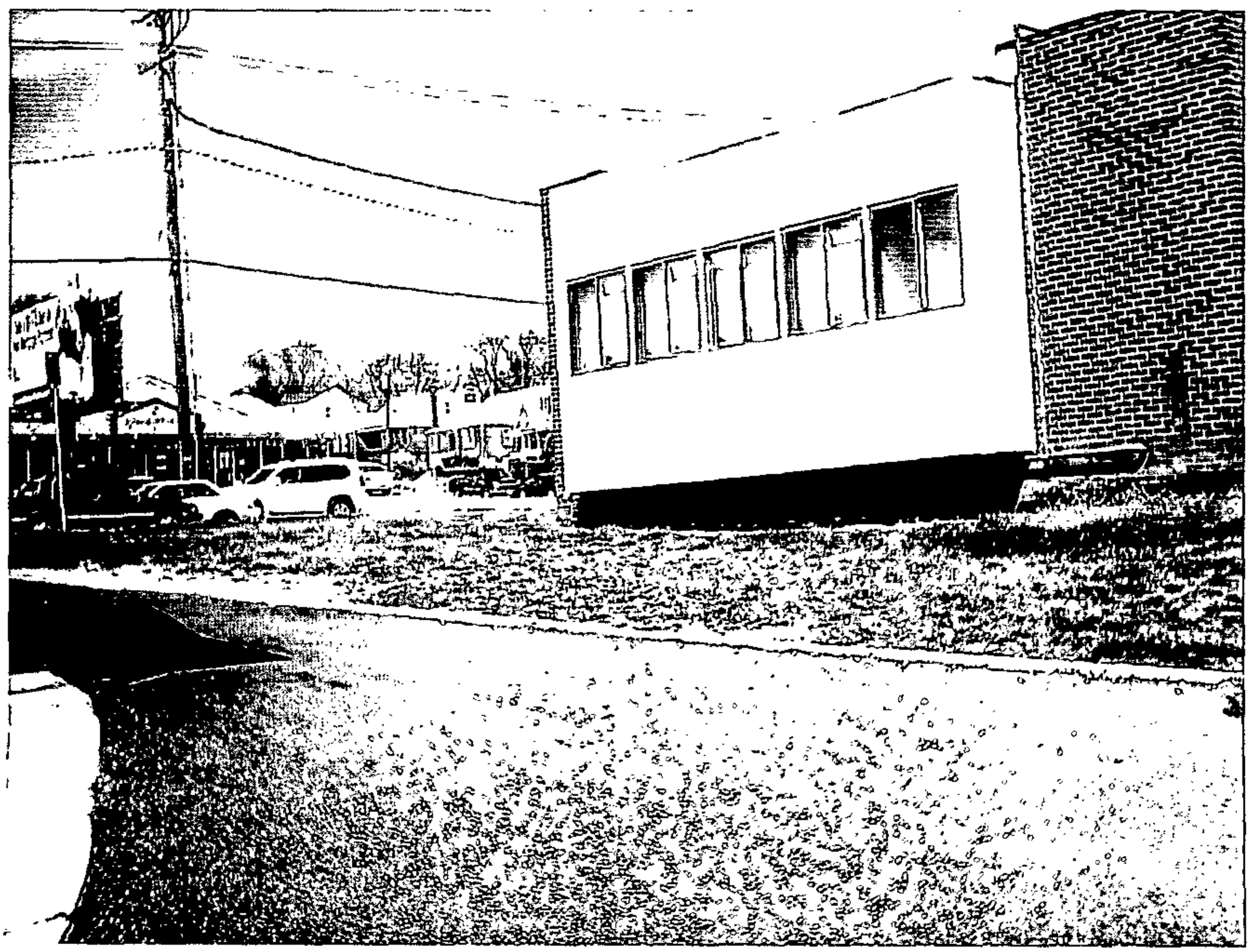
950 HARFORD

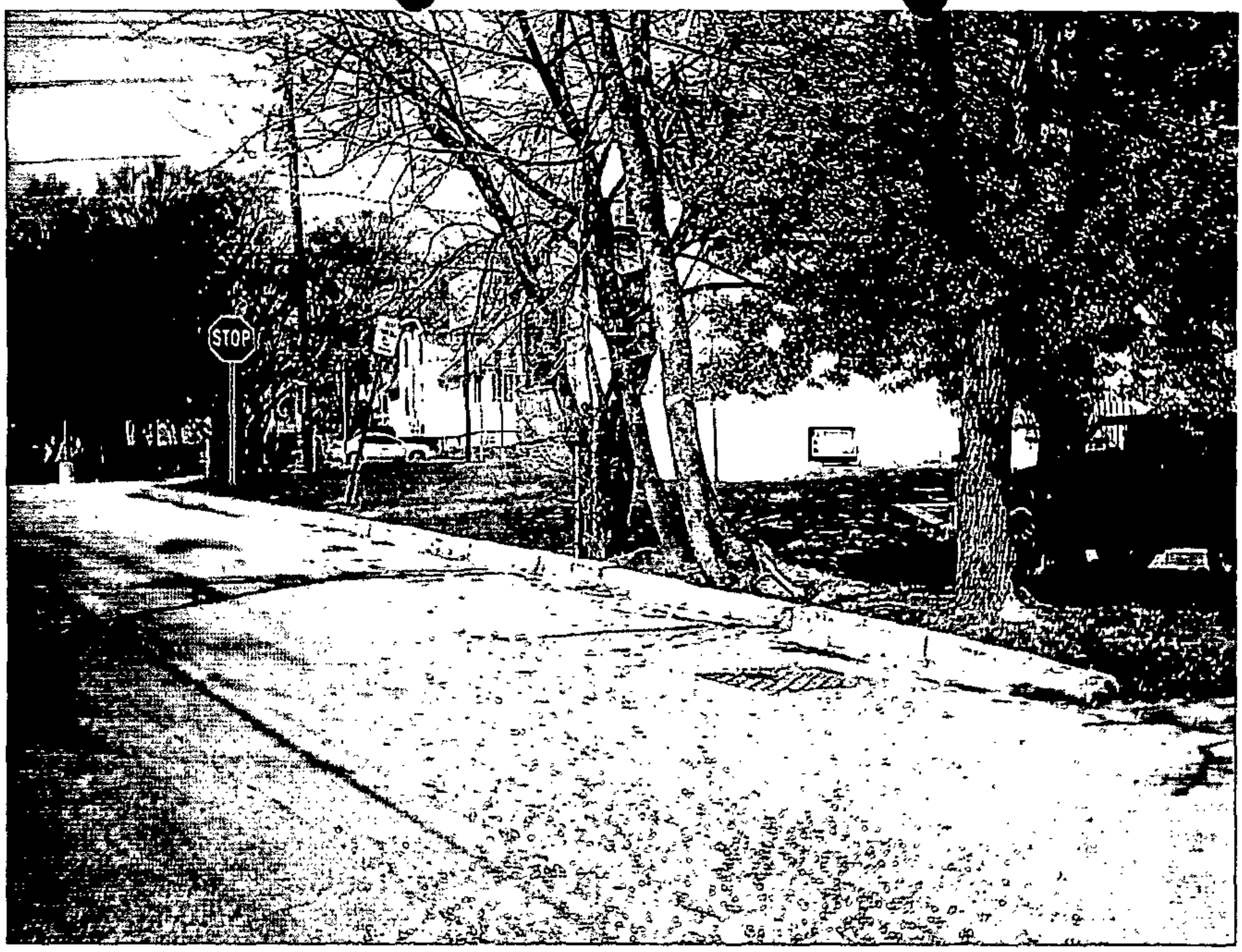
PARKING
HARFORD ROAD

LOOKING EAST ON FOURTH AVE.

Barnett
Wilmar

BFI

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ZONING NOTICE

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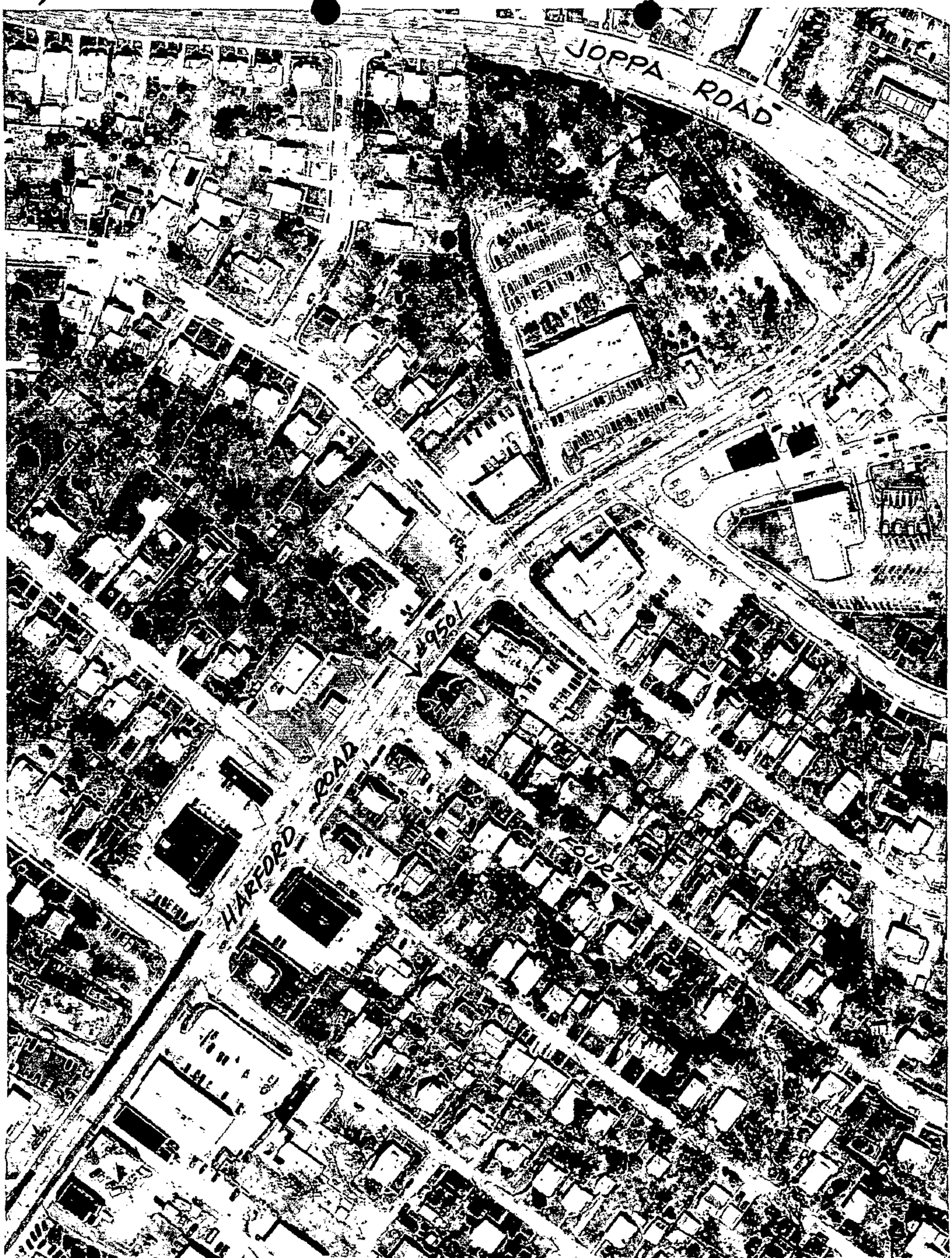

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 4, 2006

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

RECEIVED

DEC 0 4 2006

ZONING COMMISSIONER

SUBJECT: 9501 Harford Road

INFORMATION:

Item Number: 7-131

Petitioner: Belair Road Associates

Zoning: BL-AS and DR 5.5

Requested Action: Special Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request as the site was already improved with an office building and any increases in traffic flow appear to be minimal. The Office of Planning previously met with the petitioner on site design and other planning related issues. However the following items need to be submitted to this office for review and approval:

1. Provide a landscape and lighting plan, to also be reviewed by Avery Harden, Baltimore County Landscape Architect.
2. Provide elevations of the proposed building and it's associated signage. Signage should be ground mounted.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by: Cynthia Murray

Division Chief: Lynn Lanham
AFK/LL: CM

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Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA State Highway Administration *Driven to Excel*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

To Kristen/WCK

October 10, 2006

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

RE: Baltimore County
Item No. 7-131-SPHA
MD 147 (Harford Road)
9501 Harford Road
Belair Road Associates
Special Exception/Variance
To grant use permit for existing
commercial business & parking

Dear Ms. Matthews:

Thank you for the opportunity to review the plan submission on the subject of the above captioned, which was received on October 5, 2006. We have reviewed the referenced plan and have no objection to approval for Item No. 7-131. Based on a field inspection we have determined that the existing entrance on to MD 147 is acceptable to the State Highway Administration (SHA) at this time. However, the State Highway Administration has approved and funded a community safety and enhancement project that will impact the existing entrance on MD 147 (Harford Road). The project has received notice to proceed with construction on January 22, 2007.

Prior to the issuance of a building permit for the subject property coordination with the Mr. Phil Humbertson State Highway Administration- Special Programs 401.321.2852 is necessary. If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Michael P. Bailey

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB
Cc: Belair Road Associates, Applicant
Mr. Phillip Humbertson, D-4 Special Programs, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Randal Scott, ADE-Traffic, SHA

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: October 4, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 9, 2006
Item Nos. 07-131, 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-10042006.doc

Baltimore County
Fire Department

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

October 4, 2006

County Office Building, Room 111
4,20064, 2006, 2006
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 131 and 135 through 144

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jeff & Denise Root	3004 Fourth Ave.	Balto MD 21234	JeffRoot@msn.com
Rich Hogan	3005 Fourth Ave	Balt MD 21234	N3WHK@BCR.NET

PLEASE PRINT CLEARLY

CASE NAME 9501 HARFORD ROAD
CASE NUMBER 07-131-SPHAA
DATE DEC. 4, 2006

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DOUGLAS L. KENNEDY, P.E.	3106 LORD BALTIMORE - SUITE 110	BALTIMORE, MD. 21244	DKennedy@KCW-ET.com
F. VERNON BOOZER	614 BOSLEY AVE.	TOWSON MD 21204	GAB@CABLAW.COM
WILLIAM MITCHELLINC	1900 E NORTHERN PKWY Ste 101	BALTIMORE MD 21239	WMITCHELLINC@AOL.COM

similar plan prepared by the Office of Planning or a consultant to the county, but does not include a subdivision plan or other developer's plan.

f. On-site expansions of existing hospitals; any development of a "continuing care facility" as defined in § 7 of Article 70B of the Annotated Code of Maryland.

g. Any development in an area for which an official detailed plan has been prepared that contains a recommendation that the area be exempted from basic services restrictions. For purposes of this exception, an "official detailed plan" includes an official "revitalization" plan or similar plan prepared by the Office of Planning or a consultant to the county and approved, subsequent to July 1, 1982, by the Planning Board and the County Council, but does not include a subdivision plan or other developer's plan.

F. **[Bill No. 35-2001[3]]** South Perry Hall – White Marsh Area. No grading permit or other building permit shall be issued for development pursuant to a development plan approved after February 1, 2001, for any development project that will be accessed from Bucks School House Road or White Marsh Road, until all of the following road projects have been contracted for construction:

1. Replace the box culvert under White Marsh Road that crosses the tributary of White Marsh Run located between Perry Ridge Court and Selwin Court.

2. Widen the paved section of White Marsh Road between Bucks School House Road and Selwin Court to 20 feet.

3. Widen the paved section of Bucks School House Road between Ridge Road and Perry Hall Boulevard to 20 feet.

4. Realign horizontal curves along Bucks School House Road so that the minimum radius of the center line for any horizontal curve is not less than 380 feet.

G. Petitions for special variance from provisions of this subsection.

1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding:

a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and

---

[3] **Editor's Note: This bill provided for the renumbering of former Subsection F as Subsection G. It also stated that the provisions of this subsection shall expire and be of no further effect when all of the road projects listed have been contracted for construction, or May 25, 2004, whichever shall first occur.**

b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.

2. The Office of Planning shall give a report on the petition to the Zoning Commissioner prior to his consideration of the petition.

3. The Zoning Commissioner may grant or deny the petition, or grant it subject to any conditions or limitations consistent with the criteria set forth in Paragraph 1 above.

4. An appeal may be filed with the County Board of Appeals within 30 days of the decision of the Zoning Commissioner.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 4, 2006

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

RECEIVED

DEC 0 4 2006

ZONING COMMISSIONER

SUBJECT: 9501 Harford Road

INFORMATION:

Item Number: 7-131

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Zoning: BL-AS and DR 5.5

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Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

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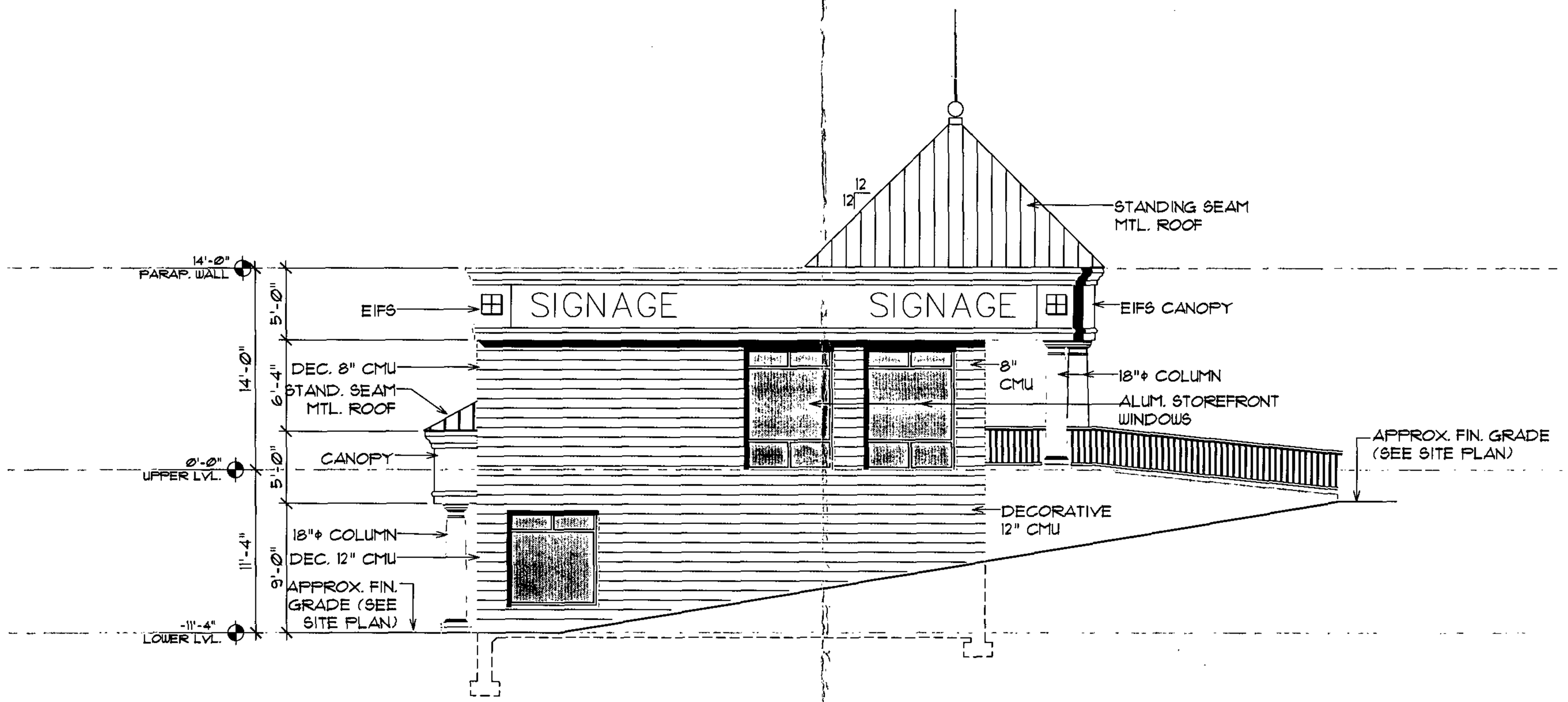


Side Elevation

Scale: 1/8" = 1'-0"

Det #5

Bon Contracting Co., Inc.

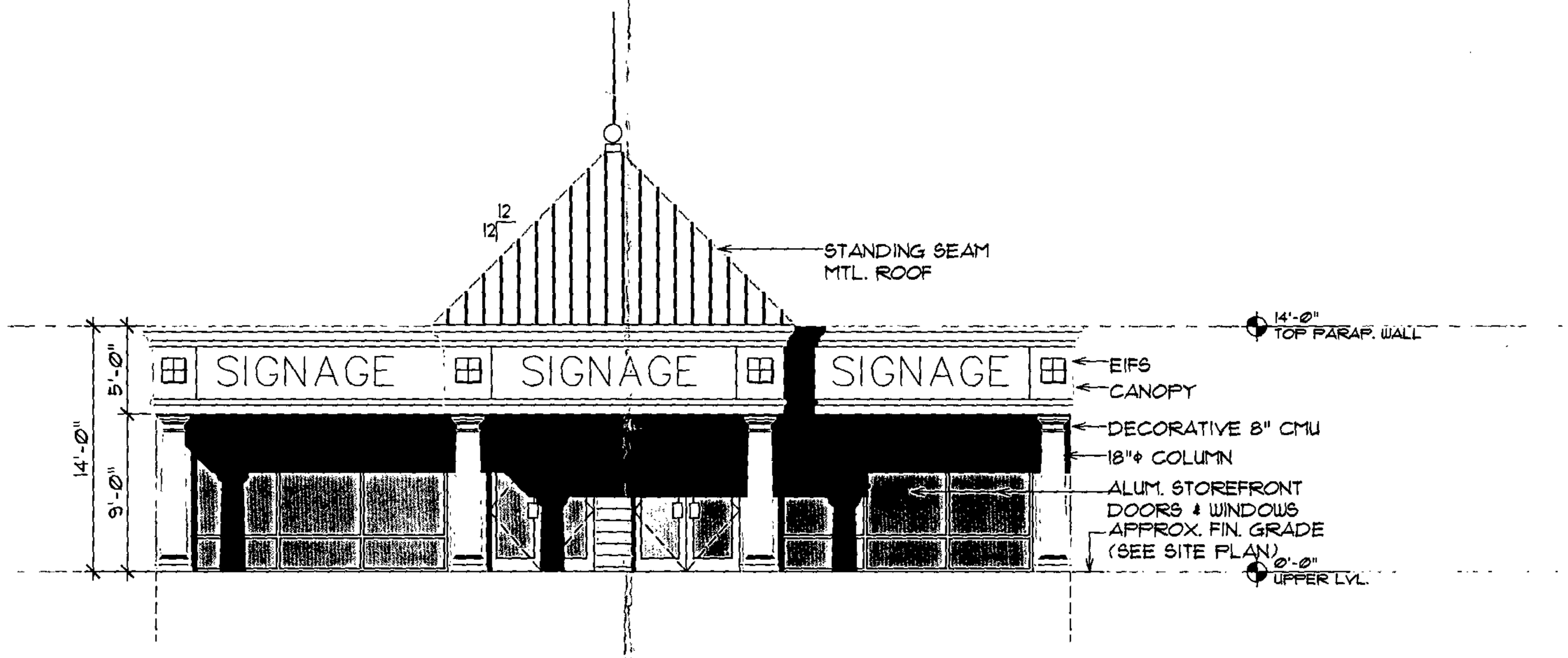
145 N. Haven Street, Building 2
Baltimore. MD 21224
phone: 410 563 1452
fax: 410 327 1323

NEW RETAIL CENTER

9501 Harford Road, Baltimore, MD 21234

Burton
Chambers
Architects LLC

FEBRUARY 03, 2006



Front Elevation

Scale: 1/8" = 1'-0"

Bon Contracting Co., Inc.

145 N. Haven Street, Building 2
Baltimore. MD 21224
phone: 410 563 1452
fax: 410 327 1323

NEW RETAIL CENTER

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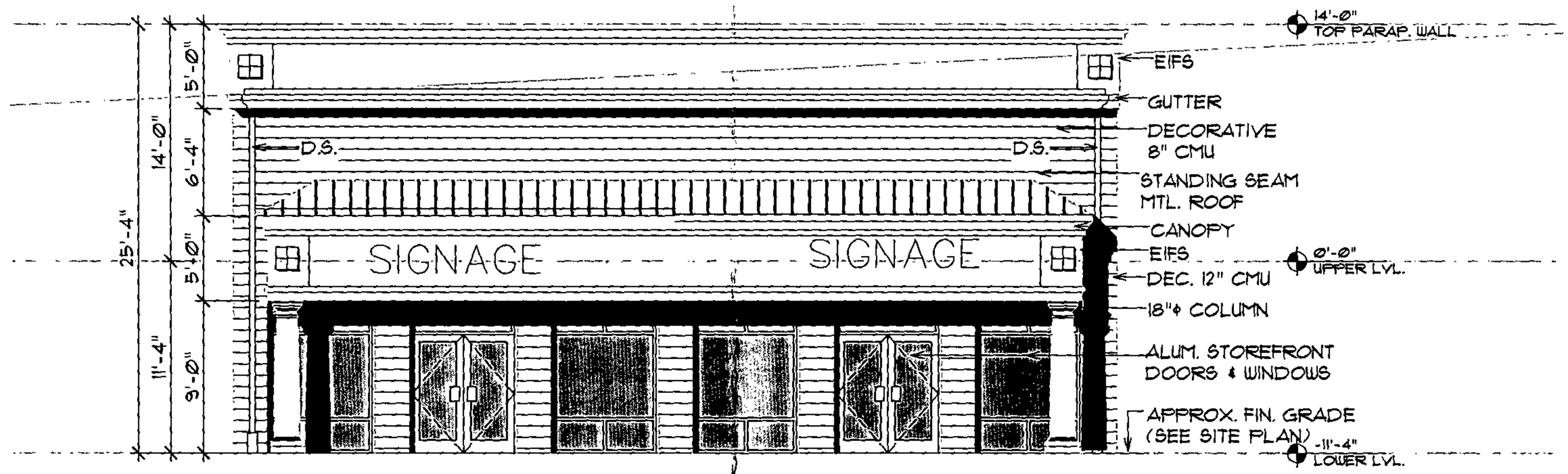
FEBRUARY 03, 2006



Rear Elevation

Scale: 1/8" = 1'-0"

Bon Contracting Co., Inc.

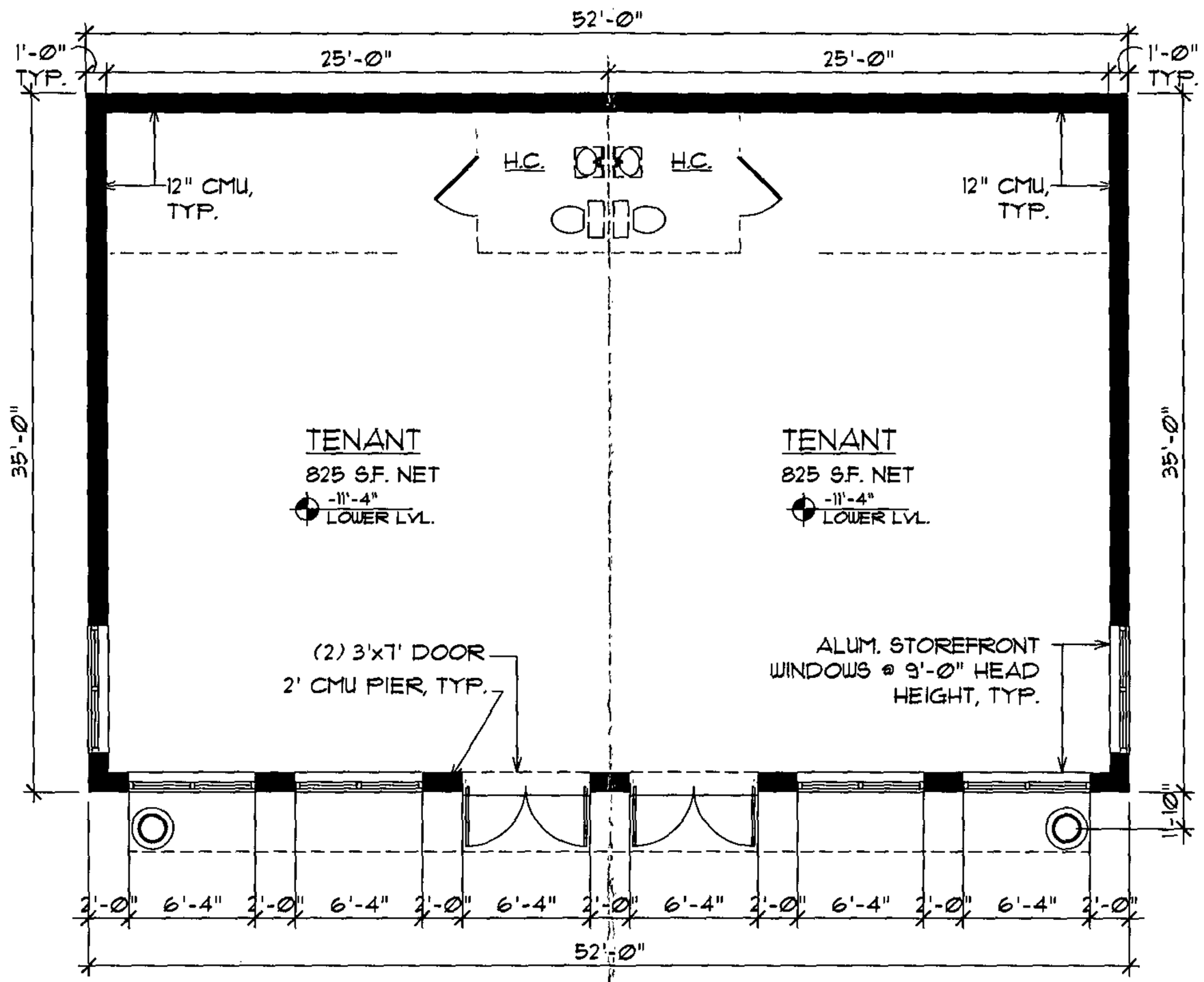
145 N. Haven Street, Building 2
Baltimore. MD 21224
phone: 410 563 1452
fax: 410 327 1323

NEW RETAIL CENTER

9501 Harford Road, Baltimore, MD 21234

Burton
Chambers
Architects LLC

FEBRUARY 03, 2006



Lower Level Floor Plan

Scale: 1/8" = 1'-0"

Bon Contracting Co., Inc.

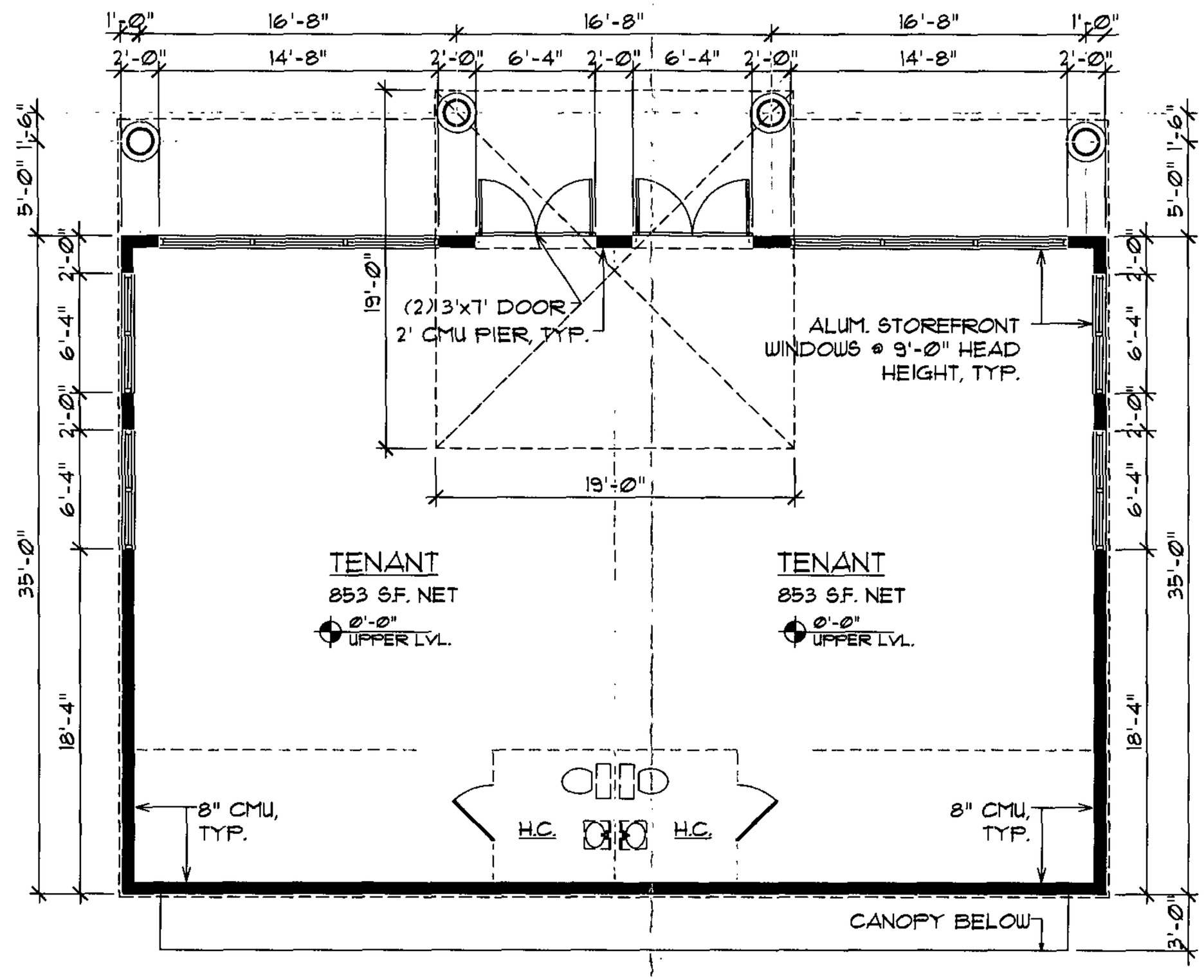
145 N. Haven Street, Building 2
Baltimore. MD 21224
phone: 410 563 1452
fax: 410 327 1323

NEW RETAIL CENTER

9501 Harford Road, Baltimore, MD 21234

Burton Chambers Architects LLC

FEBRUARY 03, 2006



Upper Level Floor Plan

Scale: 1/8" = 1'-0"

Bon Contracting Co., Inc.

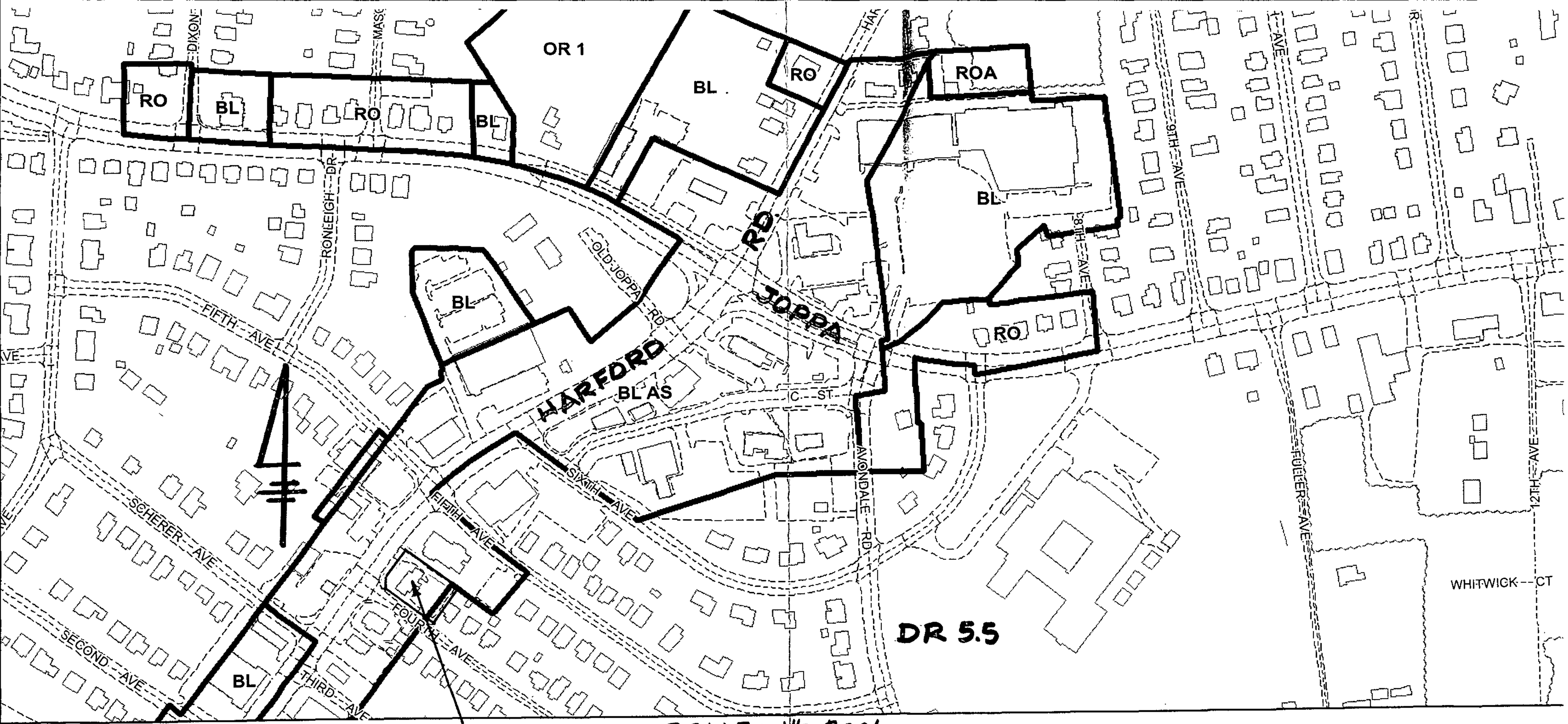
145 N. Haven Street, Building 2
Baltimore. MD 21224
phone: 410 563 1452
fax: 410 327 1323

NEW RETAIL CENTER

9501 Harford Road, Baltimore, MD 21234

Burton Chambers Architects LLC

FEBRUARY 03, 2006



071B2 Baltimore County
Office of Planning and Zoning
Official Zoning Map

070C1	071A1	071B1	071C1
070C2	071A2	071B2	071C2
070C3	071A3	071B3	071C3

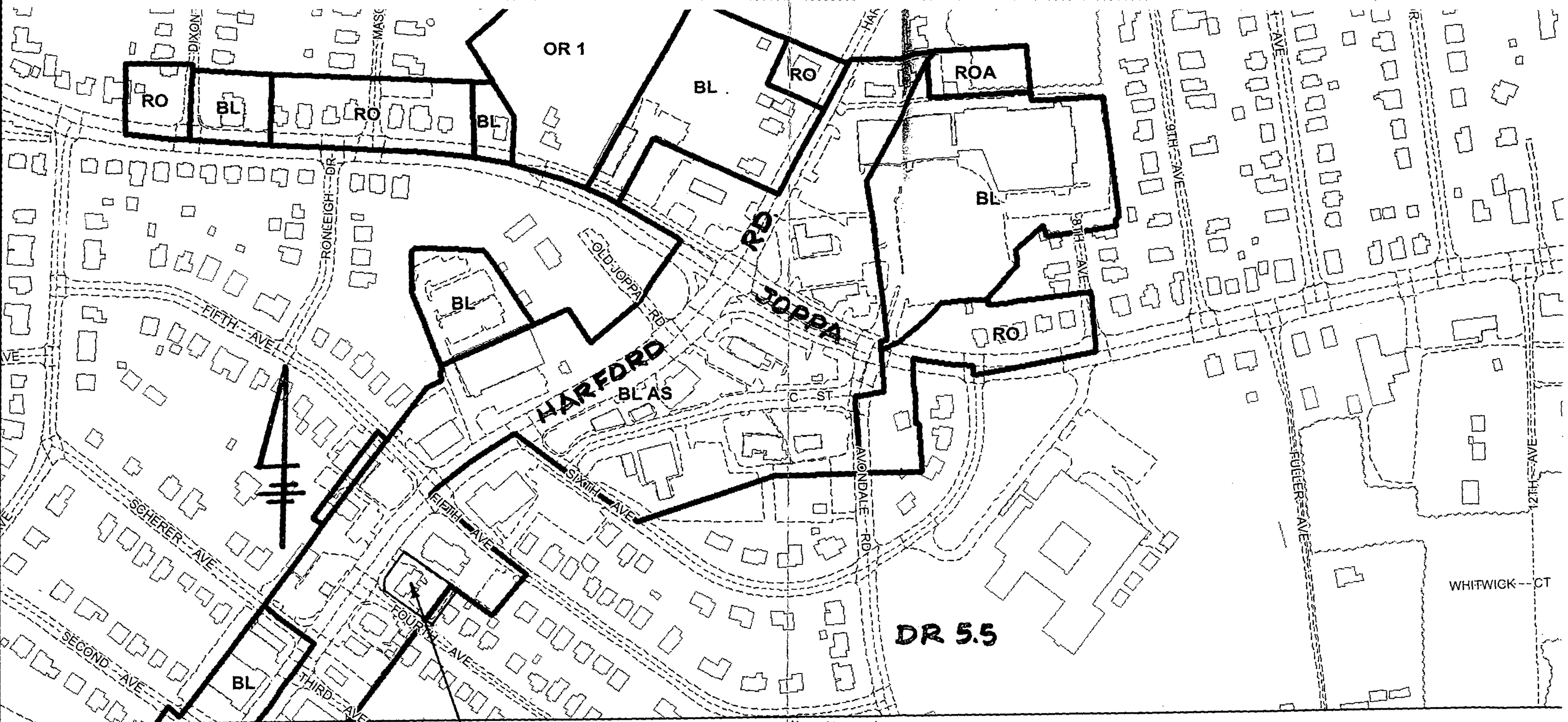
egend

Zoning — Streams — Vegetation

Buildings — Roads — Rail Lines

9501 HARFORD ROAD

07-131-SPHA



SCALE: 1" = 200'

egend

Zoning — Streams — Vegetation

Buildings — Roads — Rail Lines

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Office of Planning and Zoning
Official Zoning Map

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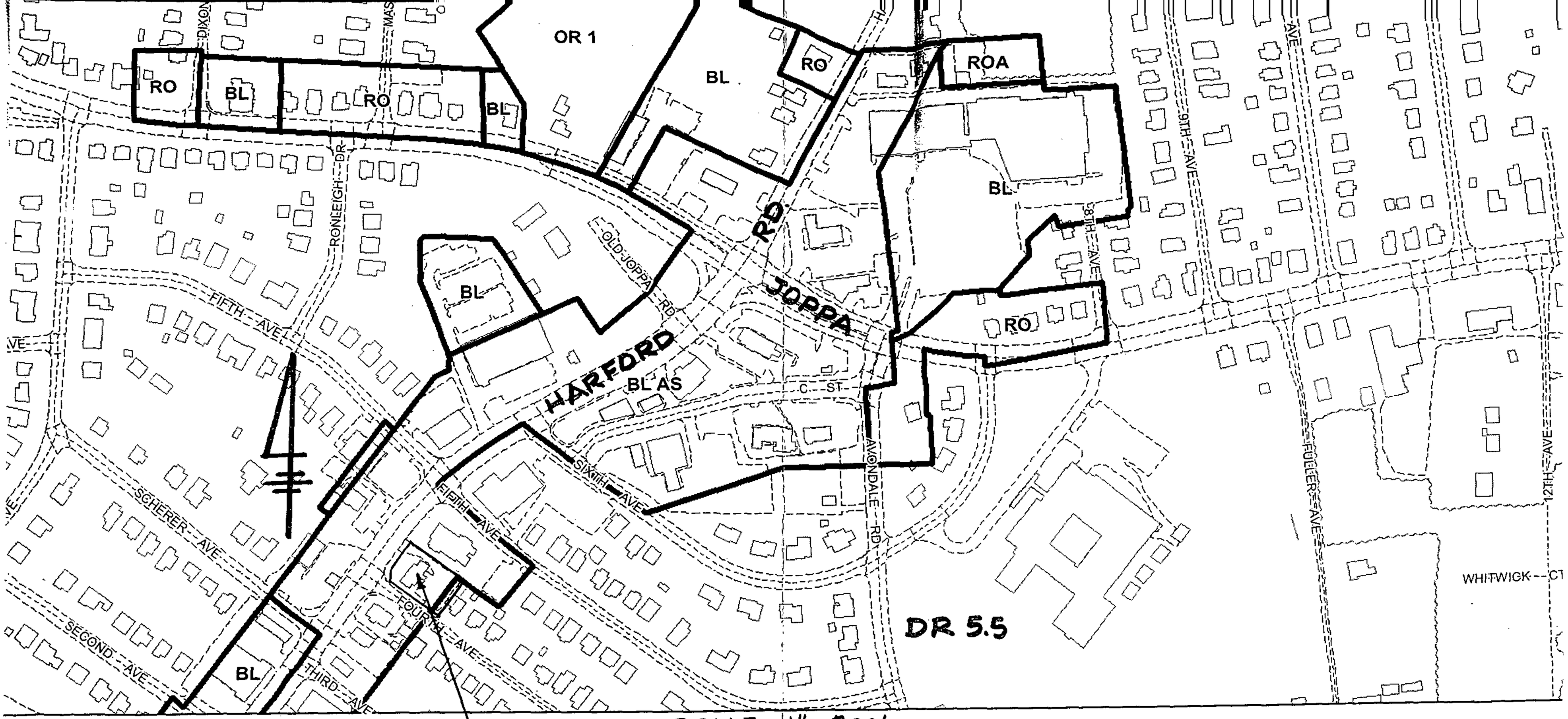
9501 HARFORD ROAD

07-131-SPH.AA.



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Zoning — Streams — Vegetation

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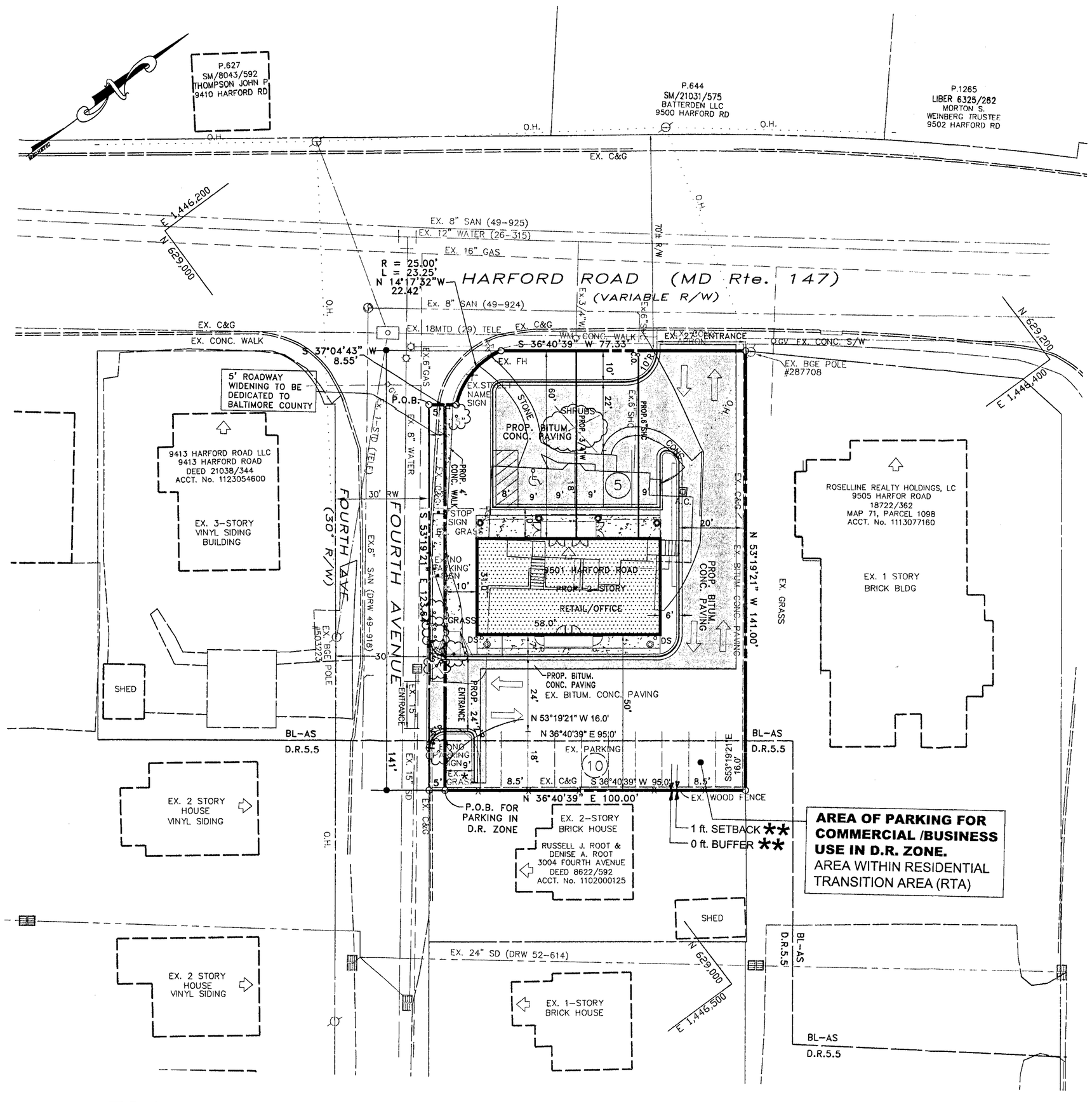

AREA OF PARKING FOR COMMERCIAL /BUSINESS USE IN D.R. ZONE.
AREA WITHIN RESIDENTIAL TRANSITION AREA (RTA)

PLAN Scale: 1"=20'

BELL ATLANTIC MANHOLE	TELEPHONE BOOTH
PIPE BOLLARD	SANITARY CLEAN OUT
CONIFER TREE	SIGN
DECIDUOUS TREE	SINGLE DOOR
DOUBLE INLET	SINGLE INLET
STORM DRAIN MANHOLE	SANITARY SEWER MANHOLE
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FUEL CAP	WATER METER
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GAS VENT	LIGHT POLE

LEGEND

MARYLAND COORDINATE SYSTEM	
HORIZONTAL DATUM	NAD 83/91
VERTICAL DATUM	NAVD 88

BENCHMARK:
BALTIMORE COUNTY GEODETIC CONTROL
#1095 – R.R. SPIKE @ AVONDALE RD & EAST AVE.
NORTH: 626661.13 EAST: 1447187.33 ELEV: 277.14
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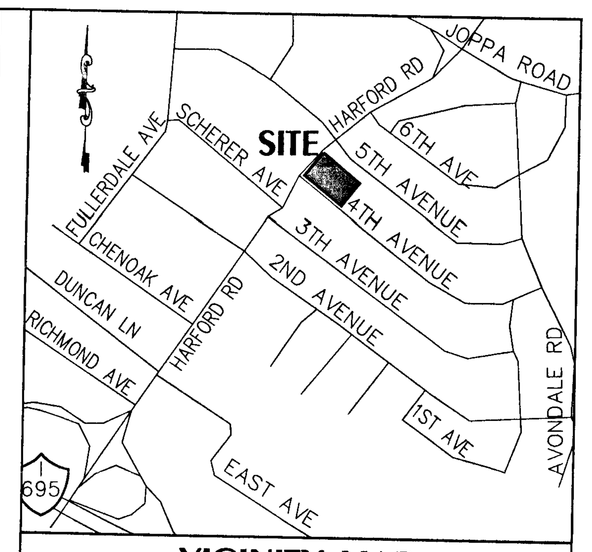

VICINITY MAP
SCALE: 1"=500'

PARKING AREA FOR PARKING WITHIN D.R. ZONE IS COMPLIANT WITH B.C.Z.R. Section 409.8.B.2.

THE PARKING AREA FOR PARKING WITHIN D.R. ZONE IS IN COMPLIANCE WITH B.C.Z.R. Section 409.8.B.2.
a. The land for parking adjoins the business involved.
b. Only passenger vehicles may use the D.R. zoned area of the parking facility.
c. No loading, service or other use other than parking will occur within the area of parking within D.R. zone.
d. Lighting is not proposed within parking area within D.R. zone.
e. Parking plan is as shown hereon.
f. Maintenace shall be by property owner. Hours of operation shall be same as for business and office uses for property at 9501 Harford Road.
g. The parking area is existing, is screened from adjacent residential property with solid wood fence, and is not detrimental to adjacent properties.

PETITION FOR SPECIAL HEARING

FOR GRANTING OF:

1. A USE PERMIT FOR THE CONTINUED USE OF EXISTING COMMERCIAL / BUSINESS PARKING IN A D.R. ZONE PURSUANT TO B.C.Z.R. Section 409.8.B.
2. A MODIFIED PARKING PLAN PURSUANT TO B.C.Z.R. Section 409.12.B.
   a. AS SHOWN ON THIS SITE PLAN WITHOUT A LOADING SPACE.
   * b. WITH SETBACK OF PARKING TO RIGHT-OF-WAY LINE OF 9 ft. IN LIEU OF THE MINIMUM REQUIRED 10 ft.

PETITION FOR VARIANCE

FOR GRANTING OF:

1. VARIANCE FROM B.C.Z.R. Section 1B01.1B (RESIDENTIAL TRANSITION AREA) TO ALLOW:
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   b. TO ALLOW THE EXISTING WOOD SCREENING FENCE TO REMAIN IN LIEU OF CLASS 'A' LANDSCAPE BUFFER. (BCZR 1B01.1B1.d.(3))
   ** c. EXISTING PARKING WITHIN THE RESIDENTIAL TRANSITION AREA TO REMAIN AS EXISTING WITH A 0 ft. BUFFER IN LIEU OF REQUIRED 50 ft. BUFFER AND A SETBACK OF 1 ft. IN LIEU OF THE REQUIRED 75 ft. SETBACK. (BCZR 1B01.1B.e.(5))

PETITION FOR SPECIAL VARIANCE

PER B.C.Z.R. Section 4A02.4.G. TO ALLOW RE-DEVELOPMENT OF THE PROPERTY AT 9501 HARFORD ROAD WHICH LIES WITHIN AN AREA OF 2006 BASIC SERVICES MAPS DEFICIENT FOR TRANSPORATION.

GENERAL NOTES

1. OWNER: BELAIR ROAD ASSOCIATES, SUITE 108, 1900 E. NORTHERN PARKWAY, BALTIMORE, MD 21239
2. LOCATION: 9501 HARFORD ROAD
3. TAX MAP: 71, parcel 1098
4. DEED: Liber 14979 folio 110
   AREA: 0.317 ac± = 13,830 s.f.
   PROPERTY ACCOUNT: 1104020653
5. ELECTION DISTRICT: 11 WATERSHED: Bird River
   COUNCILMATIC DISTRICT: C-6 SEWERSHED: 18
   CENSUS TRACT : 411407
6. ZONING: BL-AS (0.22 ac.) and D.R.5.5 (0.6 ac.)
7. EXISTING LAND USE: General Office Use.
8. PROPOSED LAND USE: 1800 s.f. Retail on Upper Level; 1800 s.f. Office on Lower Level; 3600 s.f. Total Building Area
9. PARKING REQUIRED: RETAIL: 1800 s.f. retail x 5.0 p.s. per 1000 s.f. = 9 p.s.; OFFICE: 1800 s.f. retail x 3.3 p.s. per 1000 s.f. = 6 p.s.
   PARKING PROVIDED: 15 p.s. (Including 1 H.C. spaces). All spaces shall be 8.5'x18' minimum and striped in accordance with BCZR Section 409.
10. LIGHTING: Lighting of parking areas shall be directed away from residential properties and public rights-of-way.
11. LANDSAPING: A Landscape Plan shall be provided in accordinance with the Baltimore County Landscape Manual.
12. STORMWATER MANAGEMENT: SWM shall be provided in accordance with Baltimore County's 2000 SWM Regulations.
13. UTILITIES: Public water and sanitary sewer are existing.
14. FOREST CONSERVATION: Disturbed Area < 40,000 s.f.
15. PREVIOUS COMMERCIAL PERMITS: None.
16. PRIOR ZONING CASES: None.
17. DEVELOPMENT PROCESS: Development Review Committee (DRC) # 060506H granted limited exemption under Section 32-4-106(b)(8).
18. FLOOR AREA RATIO: 3600 s.f./(0.317 ac.)(43,560 s.f./ac) = 0.3 < 2.0 max.
19. BUILDING SEBACKS:

	Min. Reqr.	Proposed
Front:	35'	60'
Side:	0'	10', 26'
Rear:	0'	50'

20. STATE HIGHWAY PERMIT: Any work within the right-of-way of Harford Road (MD Rte.147) shall be accomplished in accordance with Permits to be issued by the State Highway Administration.
21. There are no known historic buildings, archaeological sites, endangered species habitats, hazardous material sites, underground storage tanks, wetlands, wells or septic systems, floodplains located on this property. There are no significant views or site features that the development proposal will negatively effect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
22. SIGNS: All signs shall comply with BCZR Section 450.
23. SOILS: Baltimore County Soil Survey Map No.36. BuB – Beltsville-Urban Land Complex, 0 to 5 persent slopes.

KCW ENGINEERING TECHNOLOGIES
KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele 410-281-0033
Fax 410-281-1065
www.KCW-ET.com

STATE OF MARYLAND — DOUGLAS LANE KENNEDY — No. 10760 — REGISTERED PROFESSIONAL ENGINEER
9-18-2006
Douglas L. Kennedy

OWNER/DEVELOPER:
BELAIR ROAD ASSOCIATES
Suite 108
1900 E. Northern Pkwy
Baltimore, Maryland 21239
Tele: 410-365-2222

REVISIONS

DATE	DESCRIPTION

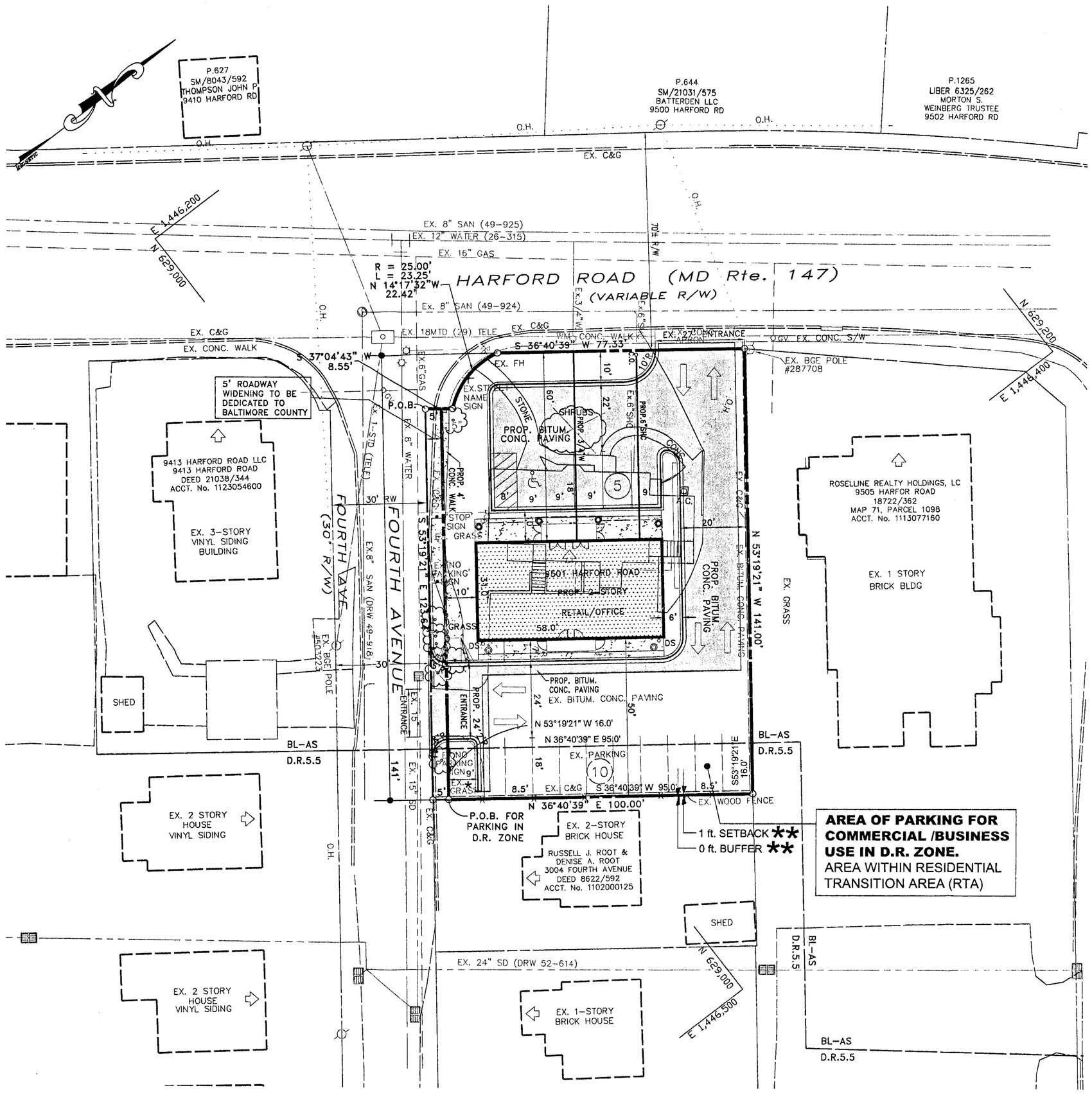
KCW J.O.:	2060147
SCALE:	1"=20'
DESIGNED:	DLK
DRAWN:	AM
CHECKED:	DLK
DATE:	Sept. 18, 2006
DWG. NO.:	Z-100

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL VARIANCE, SPECIAL HEARING and VARIANCE

PROPERTY OF BELAIR ROAD ASSOCIATES

9501 HARFORD ROAD

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 11, C-6



PLAN Scale: 1"=20'

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PIPE BOLLARD		SANITARY CLEAN OUT	
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LEGEND

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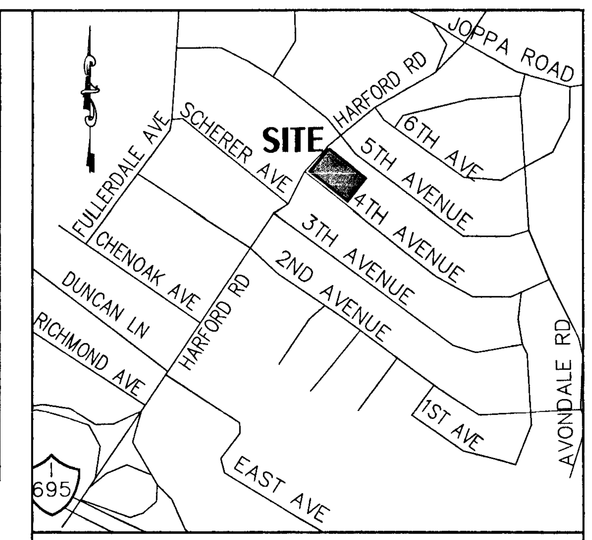

VICINITY MAP
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PER B.C.Z.R. Section 4A02.4.G. TO ALLOW RE-DEVELOPMENT OF THE PROPERTY AT 9501 HARFORD ROAD WHICH LIES WITHIN AN AREA OF 2006 BASIC SERVICES MAPS DEFICIENT FOR TRANSPORATION.

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14. FOREST CONSERVATION: Disturbed Area < 40,000 s.f.
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9-18-2006
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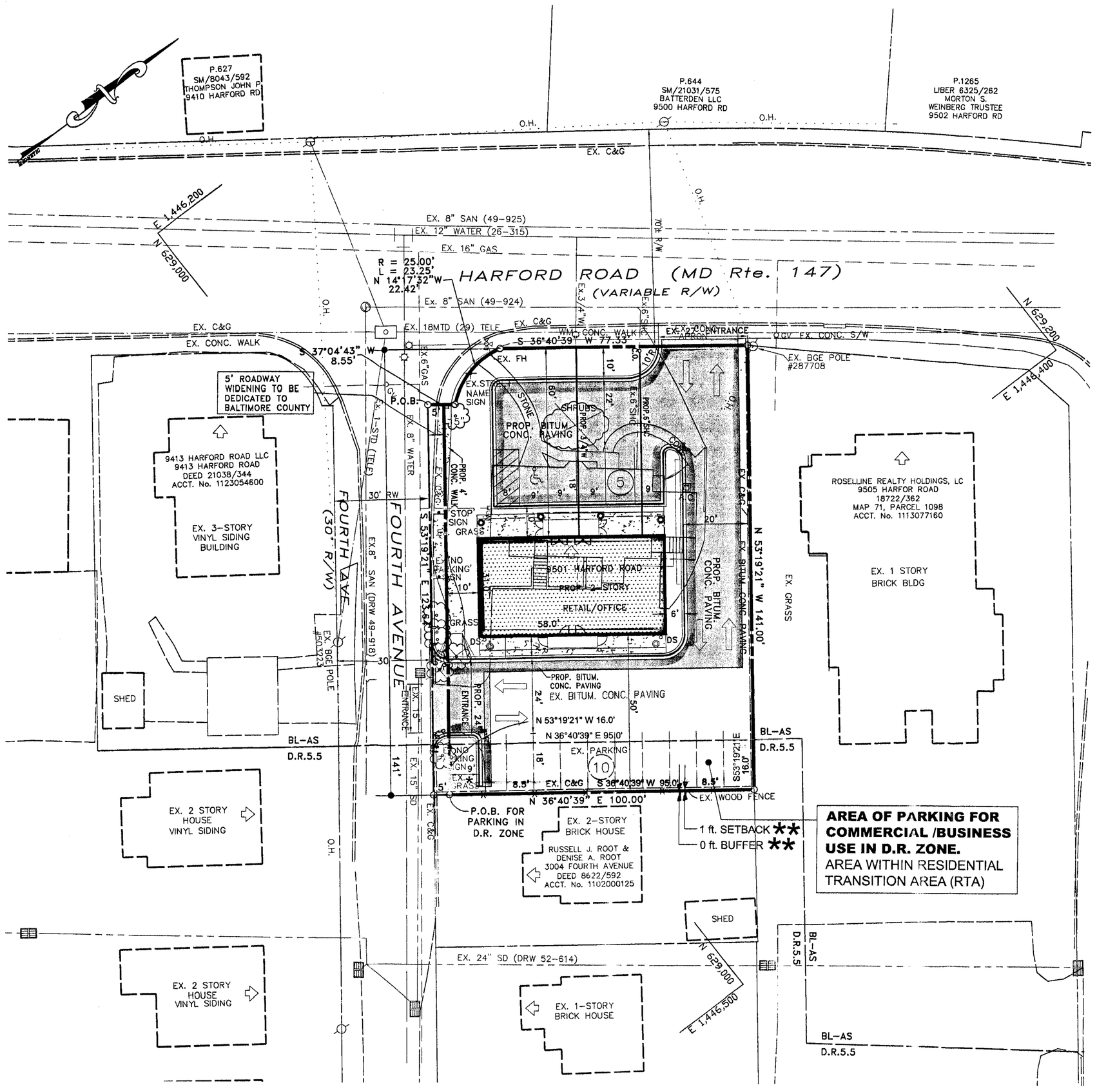

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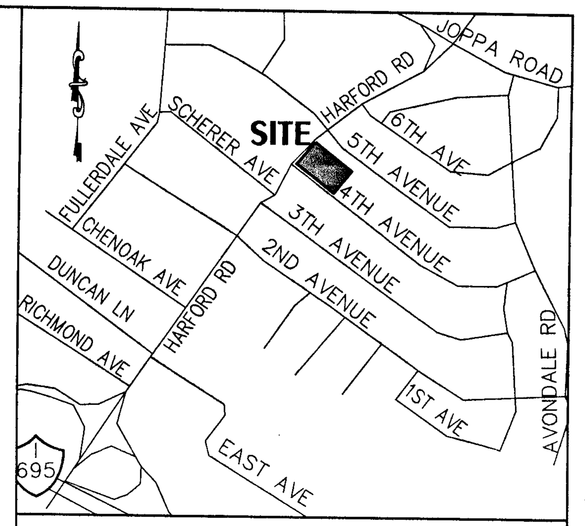

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	Min. Reqr.	Proposed
Front:	35'	60'
Side:	0'	10', 26'
Rear:	0'	50'

20. STATE HIGHWAY PERMIT: Any work within the right-of-way of Harford Road (MD Rte.147) shall be accomplished in accordance with Permits to be issued by the State Highway Administration.
21. There are no known historic buildings, archaeological sites, endangered species habitats, hazardous material sites, underground storage tanks, wetlands, wells or septic systems, floodplains located on this property. There are no significant views or site features that the development proposal will negatively effect. There are no significant regulated plant or wildlife communities based upon DEPRM and DNR data.
22. SIGNS: All signs shall comply with BCZR Section 450.
23. SOILS: Baltimore County Soil Survey Map No.36.
    BuB – Beltsville-Urban Land Complex, 0 to 5 persent slopes.

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL VARIANCE, SPECIAL HEARING and VARIANCE

KCW ENGINEERING TECHNOLOGIES
KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele 410-281-0033
Fax 410-281-1065
www.KCW-ET.com

STATE OF MARYLAND DOUGLAS LANE KENNEDY No. 10748 REGISTERED PROFESSIONAL ENGINEER
9-18-2006
Douglas L. Kennedy

OWNER/DEVELOPER:
BELAIR ROAD ASSOCIATES
Suite 108
1900 E. Northern Pkwy
Baltimore, Maryland 21239
Tele: 410-365-2222

REVISIONS

DATE	DESCRIPTION

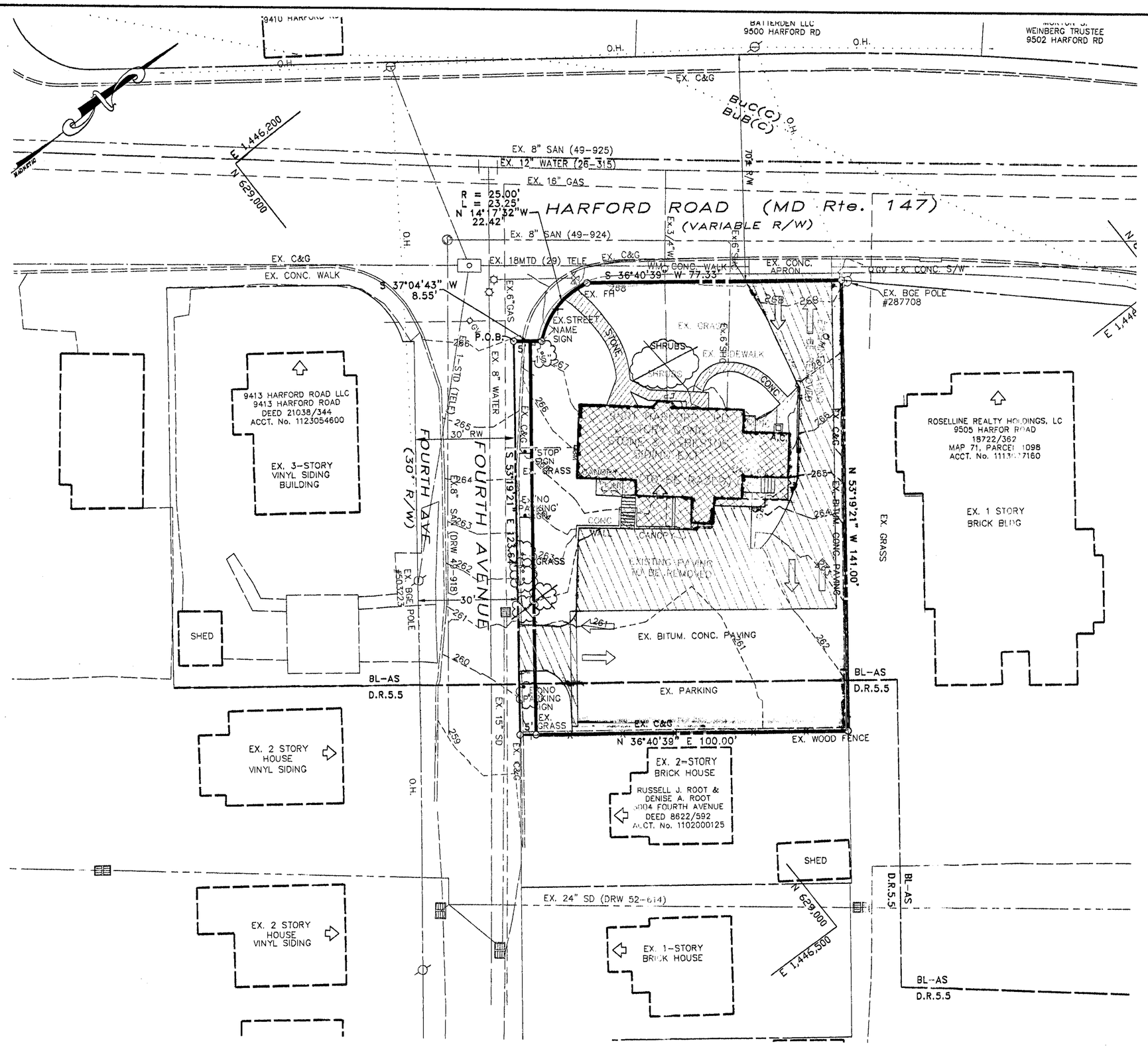
KCW J.O.:	2060147
SCALE:	1"=20'
DESIGNED:	DLK
DRAWN:	AM
CHECKED:	DLK
DATE:	Sept. 18, 2006
DWG. NO.:	Z-100

PROPERTY OF BELAIR ROAD ASSOCIATES

9501 HARFORD ROAD

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 11, C-6

#1 ORIGINAL

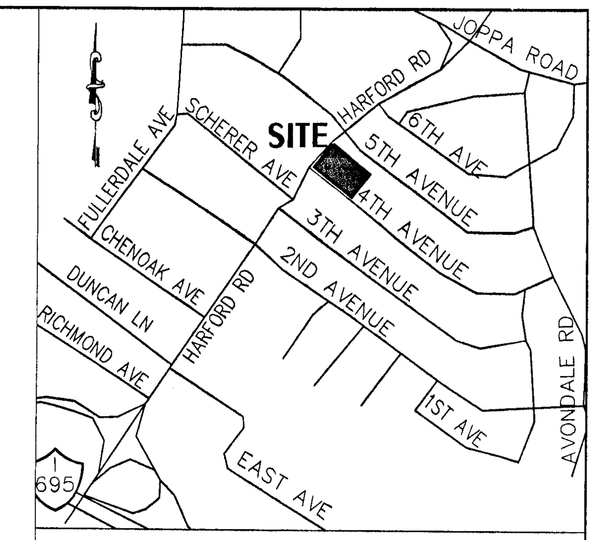


PLAN Scale: 1"=20'

BENCHMARK:
BALTIMORE COUNTY GEODETIC CONTROL
#1095 – R.R. SPIKE @ AVONDALE RD & EAST AVE.
NORTH: 626661.13 EAST: 1447187.33 ELEV: 277.14
#1096 – R.R. SPIKE @ AVONDALE RD & GLENSIDE DR.
NORTH: 627050.28 EAST: 1447392.59 ELEV: 294.63

LEGEND

- BELL ATLANTIC MANHOLE
- PIPE BOLLARD
- CONIFER TREE
- DECIDUOUS TREE
- EX.TREE TO BE REMOVED
- DOUBLE INLET
- STORM DRAIN MANHOLE
- PUBLIC WORKS MANHOLE
- ELECTRIC JUNCTION BOX
- ELECTRIC MANHOLE
- FIRE HYDRANT
- GUY WIRE
- GV GAS VALVE
- VENT GAS VENT
- SANITARY CLEAN OUT
- SIGN
- SINGLE DOOR
- SINGLE INLET
- SANITARY SEWER MANHOLE
- TP TRAFFIC POLE
- TELEPHONE MANHOLE
- UNKNOWN MANHOLE
- UTILITY POLE
- WM WATER METER
- WATER VALVE
- HB HAND BOX
- LIGHT POLE
- EX. TREE TO BE REMOVED
- EX. PAVING AND WALK SIDES TO BE REMOVED
- EX. BUILDING TO BE REMOVED



VICINITY MAP
SCALE: 1"=500'

GENERAL NOTES

1. OWNER: BELAIR ROAD ASSOCIATES
   SUITE 108
   1900 E. NORTHERN PARKWAY
   BALTIMORE, MD 21239
2. LOCATION: 9501 HARFORD ROAD
3. TAX MAP: 71, parcel 1098
4. DEED: Liber 14979 folio 110
   AREA: 0.317 ac± = 13,830 s.f.
   PROPERTY ACCOUNT: 1104020653
5. ELECTION DISTRICT: 11 WATERSHED: Bird River
   COUNCILMATIC DISTRICT: C-6 SEWERSHED: 18
   CENSUS TRACT : 411407
6. ZONING: BL-AS (0.22 ac.) and D.R.5.5 (0.6 ac.)

P.E. #2

EXISTING CONDITION and DEMOLITION PLAN

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STATE OF MARYLAND — DOUGLAS LANE KENNEDY — No. 10148 — REGISTERED PROFESSIONAL ENGINEER

Douglas L. Kennedy

LIST OF DRAWINGS:

C-101 SITE and GRADING PLAN
C-102 EXISTING and DEMOLITION PLAN
C-103 PROFILES and DETAILS

OWNER/DEVELOPER:
Belair Road Associates
Suite 108
1900 E. Northern Pkwy
Baltimore, Maryland 21239
Tele: 410-365-2222

REVISIONS	
DATE	DESCRIPTION

KCW J.O.:	2060147
SCALE:	1"=20'
DESIGNED:	DLK
DRAWN:	AM
CHECKED:	DLK
DATE:	April 18, 2006
DWG. NO.:	C-102

BELAIR ROAD ASSOCIATES
9501 HARFORD ROAD
BALTIMORE, MARYLAND

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 11