



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 16, 2010

MICHAEL J. ERTEL P.E.
MJ CONSULTING, INC.
100 EAST PENNSYLVANIA AVENUE
SUITE 210
TOWSON MD 21286

Re: Case No. 2010-0046-A
937 York Road – Proposed Walgreens Drug Store

Dear Mr. Ertel:

I am in receipt of your letter dated March 8, 2010 and accompanying documents, including the original site plan that was approved in my November 16, 2009 Order and a revised DRP site plan.

You indicate in your letter that the above-referenced case was originally before me as a request for certain parking and building setback variances related to the construction of a new Walgreens store at the corner of York Road and Fairmount Avenue in Towson. I granted those variance requests; however, you were also required to proceed through the Baltimore County Design Review Panel ("DRP") because the project is located in the Towson core. Due to the DRP requirements, which includes moving the location of the building closer to the street, the site plan has been changed to accommodate this request.

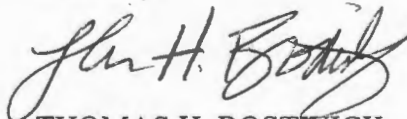
In particular, the proposed building has been moved closer to York Road by approximately 20 feet. By moving the building, the parking configuration has changed, though the total number of spaces provided (43) is the same. This has included removing the parking spaces (12) directly in front of the building along York Road, increasing the number of spaces along Fairmount Avenue (from 7 to 10), removing the spaces (4) at the corner of York Road and Fairmount Avenue (which was the subject of the 1.2 foot variance request to the street right-of-way), removing one space along the York Road frontage (from 12 to 11), and creating parking spaces (14) along the rear alley way. This results in 43 spaces provided as before.

MICHAEL J. ERTEL P.E.
MJ CONSULTING, INC.
March 16, 2010
Page 2

With the number of parking spaces along Fairmount Avenue increasing from 7 to 10, there is still the necessity of a variance of 1.2 feet to the street right-of-way in lieu of the required 10 feet. The distance to the adjacent property line to the south along York Road (a Texaco Service Station) is virtually the same (20.69 feet instead of 20.42 feet) as the variance that was originally granted.

You have requested a determination as to whether the revised building location and parking arrangement is consistent with and in the spirit of my previous Order. In reviewing my November 16, 2009 Order, the original site plan, and the revised DRP site plan, I find that the revised plan does not deviate significantly from the original plan. The variances that were granted previously are essentially unchanged and the revisions do not result in additional relief being needed. In my view the changes are more "form" over "substance." Hence, I also find that the revised DRP site plan is consistent with and is within the spirit and intent of my previous Order and the Zoning Regulations.

Sincerely,



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

c: **Zoning File**
William Monk, Chairman, Baltimore County Design Review Panel

MJ CONSULTING, INC.

100 E. Pennsylvania Avenue, Suite 210
Towson, Maryland 21286

Phone 410-296-5288
Fax 410-296-4084
E-mail mjconsultinginc@comcast.net

March 8, 2010

Mr. Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Md. 21204

Re: Petition for Variance
Ronald Kelbaugh & Deborah Sparks – Legal Owners
937 York Road, LLC – Contract Purchasers
937 & 939 York Road
Proposed Walgreens Drug Store
Case No. 2010-0046-A

Dear Mr. Bostwick,

On October 5, 2009 we appeared before you to request a variance to the BCZR for building and parking setbacks. On November 16, 2009 we received your order granting the requested variances. No appeals were filed within the 30 day period following the order and we have moved forward to acquire necessary approvals and permits.

Since the project is in the Towson core we are subject to review by the Baltimore County Design Review Panel (DRP). We chose to apply for the Variance prior to submittal to the DRP as it would not be feasible to develop without the needed variances.

The DRP voted to deny approval of the project at the January 13, 2010 meeting. The primary objection to the plan was building location. The panel wants the building as close to the street as possible. We agreed to study the concept of moving the building forward and attempt to find an alternative that works for the retailer, the community and the panel. At least a half dozen concepts were developed and an interim meeting was held with panel members. No consensus was achieved. Finally a sketch was developed by the Office of Planning that led to development of the current plan attached.

Four parking spaces at the corner were originally shown and were the subject of the variance to allow a parking space as close as 1.2' to the right of way line. Those spaces have been removed and the parking bay along Fairmount is expanded. This expanded bay of parking is now shown as close as 1.2' to the right of way.

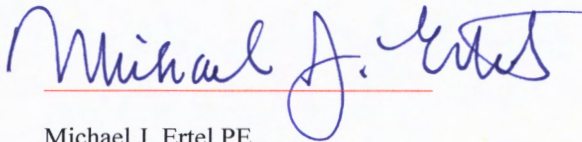
Mr. Thomas H. Bostwick, Deputy Zoning Commissioner
March 8, 2010
Page No. 2

We are hereby requesting your opinion that the revised parking arrangement is consistent with and in the spirit of the variance granted by your office.

We have shared the plan with the Towson Park Community Association and have received no objections to the changes. Our Tri-party agreement with the community remains in place.

Thank you for your consideration and please do not hesitate to call if you have any questions or require any additional information.

Sincerely,



Michael J. Ertel PE

Cc. 937 York Road, LLC



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 1, 2009

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2010-0046-A
Property: Southeast Corner of York Road and Fairmount Avenue

Dear Mr. Borgerding:

I am in receipt of your letter dated November 20, 2009 concerning the above-referenced matter in which you alert me to a typographical error made in my Order dated November 16, 2009. In particular, you note that in condition number 3 of my Order, I indicated that "Deliveries to the store shall be permitted only from 6:00 AM to 9:00 AM ..." However, you also point out that it was your understanding from the testimony and evidence that deliveries were to be limited to 6:00 AM to 9:00 PM. Hence, you request reconsideration of my Order and ask that I correct the minor error.

In reviewing this matter, I believe you are correct and that the condition should have reflected deliveries to be permitted until 9:00 PM. Therefore, by way of this letter, I shall grant your request for reconsideration and amend condition number 3 of my November 16, 2009 Order as follows:

3. Deliveries to the store shall be permitted only from 6:00 AM to 9:00 PM, except none on Sunday mornings, and shall not be made during peak rush hour times in the evening. Trash pickup shall be permitted only from 6:00 AM to 7:00 PM, also none on Sunday mornings.

This letter shall become part of the Zoning file as an amendment to the November 16, 2009 Order, and shall replace and supercede condition number 3 of that Order.

Very truly yours,

Handwritten signature of Thomas H. Bostwick.
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: See Attached List

Case No. 2010-0046-A

Ronald Kelbaugh and Deborah Sparks, 1505 Ivy Hill Road, Cockeysville MD 21030

Edward Kilcullen, Jr., President of the Greater Towson Council of Community Associations, Inc., PO Box 5421, Towson MD 21285

Nancy Pivec, 934 Radcliffe Road, Towson MD 21204

Sister Evelyn Grudya, 9 Skidmore Court, Towson MD 21204

Nancy Barker, 13 Skidmore Court, Towson MD 21204

Bill Adams, 936 Radcliffe Road, Towson MD 21204

Herb and Sue Shankroff, 10 Winthrop Court, Towson MD 21204

Abigail Knauff, 200 Strathdon Way, Lutherville MD 21095

Richard Parsons, 412 Woodbine Avenue, Towson MD 21204

Frederick Weimert, 944 Radcliffe Road, Towson MD 21204

Sandra Roberts, 957 Radcliffe Road, Towson MD 21204

Arthur Adler, 23 Walker Avenue, Pikesville MD 21208

Debbie Sparks, 76 Cinder Road, Lutherville MD 21093

Arsh Mirmiran, 951 Fell Street #619, Baltimore MD 21231

William Lippincott, 3505 Crossland Avenue, Baltimore MD 21213

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

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NOV 23 2009

ZONING COMMISSIONER

November 20, 2009

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
Case No.: 2010-0046-A
Property: Southeast Corner of York Road and Fairmount Avenue

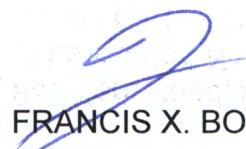
Dear Mr. Bostwick:

I am writing on behalf of my client, 937 York Road, LLC, to request reconsideration of the Findings of Fact and Conclusions of Law dated November 16, 2009 in the above-referenced case. The reason for the requested reconsideration is that condition number 3 of your Findings of Fact and Conclusions of Law states that "Deliveries to the store shall be permitted only from 6:00 AM to 9:00 AM,..."

It was the understanding of the Petitioner in relation to this matter that there was an agreement between the representatives of the surrounding community and the Petitioner that deliveries would be limited to 6 AM to 9 PM. Accordingly, the Petitioner requests reconsideration of your Findings of Fact and Conclusions of Law dated November 16, 2009 to reword condition number 3 in pertinent part "Deliveries to the store shall be permitted only from 6 AM to 9 PM,..." to correct what the Petitioner believes is a typographical error.

Thank you for your consideration of this matter.

Very truly yours,


FRANCIS X. BORGERDING, JR.

FXBJr:bjk

Ronald Kelbaugh and Deborah Sparks, 1505 Ivy Hill Road, Cockeysville, MD 21030
Edward Kilcullen, Jr., President of the Greater Towson Council of Community
Associations, Inc., P. O. Box 5421, Towson, MD 21285
Nancy Pivec, 934 Radcliffe Road, Towson, MD 21204
Sister Evelyn Grudya, 9 Skidmore Court, Towson, MD 21204
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Debbie Sparks, 76 Cinder Road, Lutherville, MD 21093
Arsh Mirmiran, 951 Fell Street, #619, Baltimore, MD 21231
William Lippincott, 3505 Crossland Avenue, Baltimore, MD 21213

IN RE: PETITION FOR VARIANCE

SE corner of York Road and Fairmount
Avenue
9th Election District
5th Councilmanic District
(York Road)

Ronald Kelbaugh and Deborah Sparks
Legal Owners
937 York Road, LLC
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* CASE NO. 2010-0046-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Ronald Kelbaugh and Deborah Sparks, and the contract purchaser, 937 York Road, LLC. Petitioners are requesting Variance relief from Sections 238.2, 409.6, 409.8.A.1 and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To allow a proposed rear building setback of 10 feet and side building setback of 20.4 feet in lieu of the required 30 feet for each; and
- To permit off-street parking with setbacks as close as 1.2 feet in lieu of 10 feet to a street right-of-way with required landscaping to be approved as determined by the Zoning Commissioner; and
- To permit 42 parking spaces in lieu of the required 62 spaces.¹

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were David Schlachman on behalf of Petitioner 937 York Road, LLC, and Francis X. Borgerding, Jr.,

¹ During the hearing, Petitioner's attorney, Mr. Borgerding, indicated that the original parking plan had been reconfigured and also the square footage of floor space for the proposed building had been recalculated so that a variance from the parking requirements was no longer necessary; hence, Mr. Borgerding withdrew this variance request.

11-16-09
jm

Esquire, attorney for Petitioner. Also attending was Michael J. Ertel with M.J. Consulting, Inc., the professional engineer who prepared the site plan. The case also garnered significant interest from the community and a number of nearby neighbors and interested citizens attended the hearing as well. Their names and addresses are listed on the "Citizen's Sign-In Sheet" contained within the case file.

Testimony and evidence offered revealed that the subject property is irregular-shaped and consists of approximately 33,192 square feet or 0.762 acre, more or less, zoned B.R. The property is located at the southeast corner of York Road and Fairmount Avenue, just north of the Towson Bypass (Bosley Avenue), in the Towson area of Baltimore County. The property is situated in a commercial corridor of York Road in the northwest Towson area, with retail stores, fuel service stations, automotive service stations, a car wash, fast food and similar restaurants, a liquor store, and dry cleaner. The property also backs up to a residentially zoned (D.R.10.5) area consisting of a mature neighborhood of row homes, and is also near newer infill development consisting of apartment and condominium buildings. The subject property is improved with a commercial style building and parking areas and currently serves as an auto repair service garage, a paint shop, and pit beef shop. The property was at one time a fuel service station and was recently the home of Brooks Huff Tire Company of Towson, Inc.² As shown on the photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, a small park with several mature trees is also located at the northwest corner of the property at the aforementioned intersection.

At this juncture, Petitioner desires to redevelop the property by razing the existing structures and constructing a "Walgreens" pharmacy and convenience store on the site. In order

² Brooks Huff has since moved a few blocks south to 909 York Road where it operates its tire and automotive repair service business.

to do so, Petitioner retained Mr. Ertel, a professional engineer, to evaluate the property for use as a drug store and to prepare the site plan that would address the building location, parking, and site development issues. Following Mr. Ertel's evaluation, it was determined that certain variances would be needed, primarily as a result of existing right-of-way issues, the proximity to the residential community to the east, and the setback requirements of the B.R. Zone.

In support of the variance requests, Mr. Ertel indicated that Petitioner proposes a 8,580 square foot one-story building with a lower level storage area/stockroom consisting of 3,780 square feet.³ Like most of the buildings on the east side of York Road in the immediate area, the Walgreens building would be situated closer to the alley way than to York Road. As shown on the site plan, Petitioner proposes an entrance/exit off York Road, as well as an entrance/exit off the 20 foot wide alley way adjacent to the property. Petitioner originally proposed a right turn/left turn exit out of the property onto York Road, but has now eliminated the left turn exit due to traffic concerns expressed by the State Highway Administration. A drive-thru is also proposed for the south side of the building, to be used primarily for prescription drop-offs and pick-ups. The drive-thru would have the required number of stacking spaces and would depart the store via the alley way, making either a left (to Fairmount Avenue) or right turn (to Bosley Avenue). As also shown on the site plan, multiple areas of parking are planned for the site, with 43 spaces provided.

In addition, Petitioner's landscape plan and revised site plan, which were marked and accepted into evidence as Petitioner's Exhibits 3 and 4, respectively, show the proposed landscaping for the property. Highlights of the landscaping include the planting of large deciduous trees and shrubs along the property's frontage on York Road. A decorative wall and

³ As filed, Petitioner proposed a second story for an upper level storage area/stockroom, however, this was changed in favor of a lower level basement area. In addition to negating the need for a second floor, this change also solved the parking issues by reducing the number of spaces required and thus obviating the need for the parking variance.

fence is also proposed along York Road and Fairmount Avenue. Elevation drawings of the proposed building were marked and accepted into evidence as Petitioner's Exhibit 5 and depict an attractive commercial style building with a mix of brick and decorative block facades.

As to the variances specifically, Mr. Ertel explained that Petitioner is need of relief from the side and rear yard setbacks for the proposed building. As planed, the building would sit 10 feet from the rear lot line along the alley way and residential row homes, and 20 feet from the side lot line to the adjacent Texaco fuel service station, in lieu of the required 30 feet. The 10 foot distance from the rear lot line is necessary in order to configure the property for adequate on-site parking, and to place the building in a line similar to other buildings along York Road, as is the 20 foot distance to the side lot line. Although the current building is situated right at the lot line next to the Texaco station, and the planned 20 foot setback would be a marked improvement from what exists now, a variance is still necessary. As to the request for off-street parking with setbacks as close as 1.2 feet in lieu of 10 feet to a street right-of-way, this relief is driven by the 10 foot landscape strip required along York Road, and is also the result of providing the required off street parking.

As indicated previously, a number of neighbors and interested citizens attended the hearing and several voiced their concerns over the project. In general, the community did not voice objections to the proposal to redevelop the property and the related variance requests; however, as is often the case when commercial redevelopment is so close to existing residences, the community did express concerns over issues such as traffic, parking, noise, trash, and lighting. In particular, Nancy Pivec testified in her capacity as President of the Towson Park Residential Development, which encompasses the 189 row homes located directly behind the proposed development. Again, her community is not opposed to the project, per se, but does

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11-16-09

want certain conditions attached to the granting of any zoning relief, including restrictions on trash pickup and delivery times, traffic control, a wall or fence to mitigate the impact of headlights from cars waiting at the drive-thru, improvements to the alley by Petitioner, and limits on the brightness of outdoor lighting. Ms. Pivec also submitted a letter dated October 5, 2009 from Edward Kilcullen, Jr., President of the Greater Towson Council of Community Associations, Inc., which was marked and accepted into evidence as Community Exhibit 1, and adopts the position of Towson Park Residential Development.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated August 19, 2009 which indicates that they have no objection to granting the requested variances. However, if Petitioner does not acquire the narrow strips of land along York Road and Fairmount Avenue from Baltimore County and Towson Park, Inc., in their view the variances are void. Comments were received from the Office of Planning dated September 10, 2009 which indicates that they cannot recommend approval of Petitioners' request as the site falls within the boundaries of the Towson Design Review Panel Area. The Baltimore County Code in Section 32-4-203(i)(2) states: "The Panel's recommendation is binding on the Hearing Officer and on the agencies under subsection (1) of this section, unless the Hearing Officer or agencies find that the Panel's actions constitute an abuse of its discretion or are unsupported by the documentations and evidence presented." Nonetheless, the Planning Office indicates that certain issues shall be addressed, which include improving the sidewalks along York Road and Fairmount Avenue, provide a landscape plan for this area, indicating on the plan the times when deliveries are made, providing documentation of no opposition from adjacent residential property

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[Signature]

owners, submitting architectural elevations and building materials for review, and providing details on the dumpster enclosure.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The subject property is in close proximity to several different residential zoning classifications, including D.R.5.5 and D.R.10.5, but also sits in a well developed commercial corridor just north of downtown Towson. The current building on the property was built in 1946 and was added onto by at least 1957 according to Mr. Ertel's investigation into the property. As a result, the current building is a rather unattractive, whitewash garage style building that essentially overwhelms the property and has few if any redeeming aesthetic qualities, especially when viewed in light of the recent commercial improvements to this area of York Road. Indeed, this site is ready for a new, more commercially appropriate use that would benefit the community as a whole. Although there is a CVS Pharmacy just across the street on the northeast side of Fairmount and York Roads, it appears the proposed Walgreens would provide additional pharmacy and convenience store services, not to mention potential healthy competition to the existing CVS. In my view the variance requests are driven by the setback requirements of the B.R. Zone, as well as the limited amount of space along York Road once internal parking and circulation issues are addressed. They are also driven by the desire for consistency in terms of the placement of the proposed building further from the road -- in line with other commercial buildings along York Road.

Hence, I conclude that the subject property is unique in a zoning sense and that Petitioner would suffer practical difficulty and undue hardship if the variance requests were to be denied. Strict compliance with the Zoning Regulations would "pinch" the placement of the building and

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essentially render the property commercially useless. I further find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance requests should be granted. I will, however, attach certain conditions to the granting of relief in order to address some of the concerns expressed by the community and the potential impact that this redevelopment would have on the nearby residences.

THEREFORE, IT IS ORDERED this 16th day of November, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance relief from Sections 238.2, 409.6, 409.8.A.1 and 409.8A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To allow a proposed rear building setback of 10 feet and side building setback of 20.4 feet in lieu of the required 30 feet for each; and
- To permit off-street parking with setbacks as close as 1.2 feet in lieu of 10 feet to a street right-of-way with required landscaping consistent with the landscape plan and revised site plan that were accepted into evidence as Petitioner's Exhibits 3 and 4, respectively,

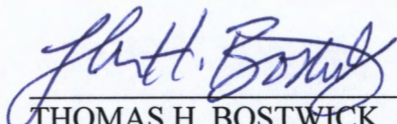
be and are hereby **GRANTED**, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall improve the sidewalks along York Road and Fairmount Avenue and provide a detailed landscape plan consistent with Petitioner's Exhibits 3 and 4. This plan shall include a brick banding along the sidewalk. A vegetative buffer in combination with ornamental iron fencing with brick piers or a brick wall is highly recommended.

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3. Deliveries to the store shall be permitted only from 6:00 AM to 9:00 AM, except none on Sunday mornings, and shall not be made during peak rush hour times in the evening. Trash pickup shall be permitted only from 6:00 AM to 7:00 PM, also none on Sunday mornings.
4. Petitioners shall improve the alley way proposed for egress and ingress to a level that will accommodate traffic entering and exiting the property, as approved by Baltimore County.
5. Petitioners shall submit architectural elevations to the Office of Planning including materials for all facades of the proposed building as well as elevations of all signage for the proposed establishment.
6. Petitioners shall provide details of the dumpster enclosure to the Office of Planning. The enclosure shall utilize the same building materials as the proposed building.
7. If requested by the residential community, Petitioners shall erect a new fence along the properties adjacent to the alley way (a wooden, possibly board-on-board fence as determined by the Office of Planning) in order to provide a buffer from traffic and noise.
8. Lighting shall be provided to illuminate the site, but in such a manner that it shines away from the adjacent residential community, and also at a candle level to be approved by the Office of Planning or other applicable County agency.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 16, 2009

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2010-0046-A
Property: Southeast Corner of York Road and Fairmount Avenue

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Ronald Kelbaugh and Deborah Sparks, 1505 Ivy Hill Road, Cockeysville MD 21030
Michael J. Ertel and David Schlaushman, M.J. Consulting, Inc., 100 East Pennsylvania Avenue, Suite 210, Towson MD 21286
Edward Kilcullen, Jr., President of the Greater Towson Council of Community Associations, Inc., PO Box 5421, Towson MD 21285
See Attached List



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 937 & 939 YORK ROAD
which is presently zoned BR

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)

238.2, 409.6, 409.8, A.1 AND 409.8, A.4 OF THE DCZR TO ALLOW A PROPOSED REAR BUILDING SETBACK OF 10' AND SIDE BUILDING SETBACK OF 20.4' IN LIEU OF THE REQUIRED 30' FOR EACH, AND TO PERMIT OFFSTREET PARKING WITH SETBACKS AS CLOSE AS 1.2' IN LIEU OF 10' TO A STREET RIGHT OF WAY WITH REQUIRED LANDSCAPING TO BE APPROVED AS DETERMINED BY THE ZONING COMMISSIONER AND TO PERMIT 42 PARKING SPACES IN LIEU OF THE REQUIRED 62 SPACES.

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

TO BE DETERMINED AT HEARING.

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

937 YORK ROAD LLC
Name - Type or Print
Signature
Address 100 E. PENNSYLVANIA AVE 296-3715
SUITE 210 Telephone No.
TOWSON, MD. 21286
City State Zip Code

Attorney For Petitioner:

FRANCIS X. BORGERDING, JR
Name - Type or Print
Signature
Company
Address 409 WASHINGTON AVE 296-6820
SUITE 600 Telephone No.
TOWSON, MD. 21204
City State Zip Code

Legal Owner(s):

RONALD F. KELBAUGH
Name - Type or Print
Signature
Name - Type or Print
Signature
Address 1505 IVY HILL RD
COCKEYSVILLE, MD. Telephone No. 21030
City State Zip Code

Representative to be Contacted:

MJ CONSULTING, INC.
Name
Signature
Address 100 E. PENNSYLVANIA AVE 296-5288
SUITE 210 Telephone No.
TOWSON, MD. 21286
City State Zip Code

2010-0046-A
Case No.

DEV 0/15/09

Reviewed By

UNAVAILABLE FOR HEARING

Date

8/12/09

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

1HR

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Brian R. Dietz, Inc.
Professional Land Surveyor #21080
8119 Oakleigh Road, Parkville, MD 21234
Phone 410-661-3160 Fax 410-661-3163
www.dietzsurveying.net

July 21, 2009

Zoning Description
937-939 York Road

All that piece or parcel, situate, lying and being in the 9th Election District, Towson, Baltimore County, Maryland and described as follows to wit.

Beginning for the same at a point of intersection of the southside of Fairmount Avenue with the west side of an alley there situate 20 feet wide and thence leaving Fairmount Avenue and running and binding on the west side of said alley as the courses are referred to the Maryland Coordinate System NAD 83/91

1. South 31 degrees 51 minutes 00 seconds East 199.89 feet, thence leaving said alley and running
2. South 57 degrees 36 minutes 25 seconds West 159.73 feet to the east side of York Road (MD Route 45) as now widened, thence running and binding on the east side of York Road as now widened
3. North 30 degrees 41 minutes 45 seconds West 141.78 feet thence running and binding on the Right of Way lines connecting York Road and Fairmount Avenue, the 6 following lines viz;
4. Northwesterly, by a line curving to the right, having a radius of 77.00 feet for an arc length of 55.20 feet (the chord of said arc bearing North 10 degrees 09 minutes 26 seconds West 54.03 feet)
5. South 72 degrees 09 minutes 23 seconds East 10.51 feet,
6. North 17 degrees 50 minutes 37 seconds East 27.00 feet,
7. North 72 degrees 09 minutes 23 seconds West 10.51 feet and
8. Northeasterly by a line curving to the right, having a radius of 77.00 feet for an arc length of 60.88 feet (the chord of said arc

bearing North 47 degrees 57 minutes 20 seconds East 59.31 feet)
to the southside of Fairmount Avenue and thence running and
binding on the southside of Fairmount Avenue,

9. North 70 degrees 36 minutes 22 seconds East 64.81 to the place of
beginning.

Containing 0.737 of an acre of Land more or less. (32,096.27 square
feet)

Also known as 937-939 York Road, located in the 9th Election District,
5th Councilmanic District.



Brian R. Dietz

**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: 2010 0046 A
Petitioner: 937 YORK ROAD LLC
Address or Location: 937-939 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: 937 YORK ROAD LLC
Address: 100 E. PENNSYLVANIA AVE SUITE 210
TOWSON, MD 21286
Telephone Number: 410-296-3715

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 43321

Date: 8/12/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				325.00

Total: 325.00

Rec From: David Schachman

For: MN/RES VAR FILING
731-739 YORK RD

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS 8/12/09 TIME 10:14
 8/13/2009 8/13/2009 10:14:14 2
 REC 43321 8/12/09 10:14:14
 RECEIPT # 50045 8/12/2009 10:14
 5 528 05010 VERIFICATION
 083321
 Inscr Tot 4325.00
 1325.00 01 1.00 04
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

RE: Case No 2010-0046-A

Petitioner/Developer 937 York
RD LLC

Date Of Hearing/Closing: 10/5/09

Attention:

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 937-939 York Rd

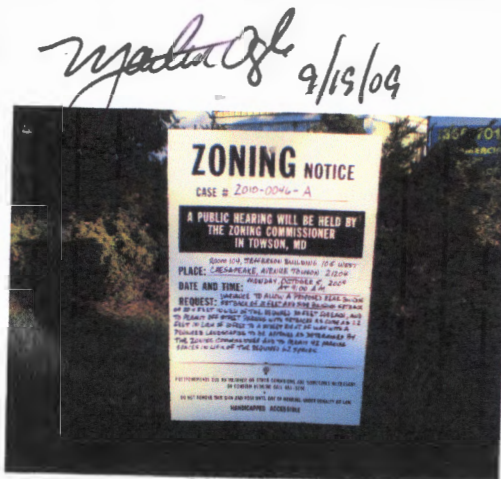
This sign(s) were posted on September 19, 2009
Month/Day/Year

Sincerely,

Signature of Sign Poster and Date

Martin Ogle

**60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411**



09/19/2009

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: # 2010-0046-A

937 & 939 York Road

S/east corner of York Road and Fairmount Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): Ronald Kelbaugh & Deborah Sparks

Contract Purchaser: 937 York Road, LLC

Variance: to allow a proposed rear building setback of 10 feet and side building setback of 20.4 feet in lieu of the required 30 feet for each, and to permit off street parking with setbacks as close as 1.2 feet in lieu of 10 feet to a street right of way with a required landscaping to be approved as determined by the zoning commissioner and to permit 42 parking spaces in lieu of the required 62 spaces.

Hearing: Monday, October 5, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

9/324 September 17

213886

CERTIFICATE OF PUBLICATION

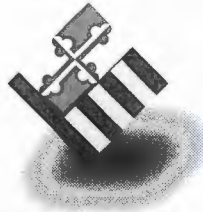
9/17, 2009

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 9/17, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
August 31, 2009

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2010-0046-A

937 & 939 York Road
S/east corner of York Rod and Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Ronald Kelbaugh & Deborah Sparks
Contract Purchaser: 937 York Road, LLC

Variance to allow a proposed rear building setback of 10 feet and side building setback of 20.4 feet in lieu of the required 30 feet for each, and to permit off street parking with setbacks as close as 1.2 feet in lieu of 10 feet to a street right of way with a required landscaping to be approved as determined by the zoning commissioner and to permit 42 parking spaces in lieu of the required 62 spaces.

Hearing: Monday, October 5, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21204
Mr. Kelbaugh & Ms. Sparks, 1505 Ivy Hill Road, Cockeysville 21030
937 York Road, LLC, 100 E. Pennsylvania Ave., Ste. 210, Towson 21286
Michael Ertel, MJ Consulting, Inc., 100 E. Pennsylvania Ave., Ste. 210, 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 19, 2009.**
(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, September 17, 2009 Issue - Jeffersonian

Please forward billing to:

937 York Road
100 E. Pennsylvania Avenue, Ste. 210
Towson, MD 21286

410-296-3715

NOTICE OF ZONING HEARING

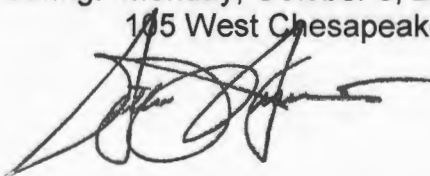
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0046-A

937 & 939 York Road
S/east corner of York Rod and Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Ronald Kelbaugh & Deborah Sparks
Contract Purchaser: 937 York Road, LLC

Variance to allow a proposed rear building setback of 10 feet and side building setback of 20.4 feet in lieu of the required 30 feet for each, and to permit off street parking with setbacks as close as 1.2 feet in lieu of 10 feet to a street right of way with a required landscaping to be approved as determined by the zoning commissioner and to permit 42 parking spaces in lieu of the required 62 spaces.

Hearing: Monday, October 5, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 2, 2009

Francis Borgerding, Jr.
409 Washington Ave. Ste. 600
Towson, MD 21204

Dear: Francis Borgerding, Jr.

RE: Case Number 2010-0046-A, 937 & 939 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 12, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Ronald Kelbaugh & Deborah Sparks; 1505 Ivy Hill Rd.; Cockeysville, MD 21030
MJ Consulting, Inc.; 100 E. Pennsylvania Ave. Ste. 210; Towson, MD 21286
937 York Road; 100 E. Pennsylvania Ave. Ste. 210; Towson, MD 21286

TB 10/5
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2009

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

RECEIVED

SUBJECT: 937 and 939 York Road

SEP 29 2009

Item Number: 10-046

Petitioner: Ronald F. Kelbaugh

ZONING COMMISSIONER

Zoning: BR

Requested Action: Variance

The petitioner is seeking multiple variances to allow a rear-building setback of 10' and a side yard setback of 20'4" in lieu of the required 30' setback for each side. The petitioner is also seeking to permit off street parking with setbacks as close as 1.2' in lieu of 10' of required landscaping. Finally the petitioner is seeking a variance to allow 42 parking spaces instead of the required 62 spaces.

SUMMARY OF RECOMMENDATIONS:

After reviewing the petitioner's request the Office of Planning has the following comments:

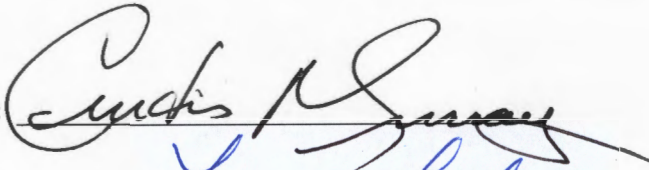
The Office of Planning cannot recommend approval of the petitioner's request as the subject site falls within the boundaries of the Towson Design Review Panel Area. The Baltimore County Code in Section 32-4-203i(2) states: "The Panel's recommendation is binding on the Hearing Officer, and on the agencies under subsection (l) of this section, unless the Hearing Officer or agencies find that the Panel's actions constitute an abuse of its discretion or are unsupported by the documentation and evidence presented." Nonetheless, the following shall be addressed:

1. Improve the sidewalks along York Road and Fairmount Avenue. Provide a detailed landscape plan. This plan should include a brick banding along the sidewalk. A vegetative buffer in combination with ornamental iron fencing with brick piers or a brick wall is highly recommended.
2. Indicate on the plan the times when deliveries will be made to the store. Deliveries to the store should not be made during peak rush hour times in the morning or in the evening.
3. The use of the alley for egress and ingress is a concern. Provide documentation that the proposed Walgreens has no opposition from the residential owners who regularly use the alley for ingress/egress.
4. Submit architectural elevations including materials for all facades of the proposed building as well as elevations of all signage for proposed establishment.
5. Provide a details of the dumpster enclosure. The enclosure shall utilize the same building materials as the proposed building.

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

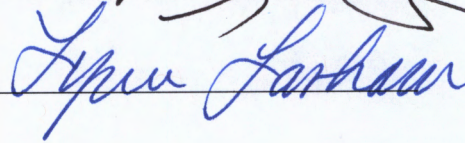
For further information concerning the matters stated here in, please contact Curtis Murray at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



TB 10/5
9Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-046-A
Address 937 & 939 York Road
(Kelbaugh/Sparks Property)

Zoning Advisory Committee Meeting of August 17, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/29/09



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 17, 2009

Item Numbers 0041, 0043, 0044, 0045, 0046, 0047

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For August 17, 2009
Item No. 2010-0046-A

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to granting the requested variances; however, the file should recognize that, if the petitioner does not acquire the land from Baltimore County and from Towson Park, Inc., the variances are void.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0046-A-08172009.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*



Beverley K. Swaim-Staley, *Acting Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

August 24, 2009

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

RE: Baltimore County
Item No. 2010-0046-A
MD 45 (York Road)
937 York Road/Fairmount Avenue
937 York Road, LLC
Walgreens - Towson
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Case Number 2010-0046A- for the property located at 937 York Road, which was received on August 18th. We understand that this application illustrates a proposal to redevelop the afore mentioned site with a 1st floor 8,580 s/f retail space, a 3,750s/f 2nd floor storage area and surface parking for 42 vehicles as depicted on the plat to accompany petition for variance.

We have completed a cursory review of the referenced plan as well as a field inspection. The results of our review reveal that a permit issued by the State Highway Administration (SHA) Engineering Access Permits is required for improvements along the property fronting MD 45 (York Road). We note that the plan reflects a thirty-five feet (35') wide full movement channeled entrance. The proposed entrance needs to be designed for right-in/right-out traffic movements *only*. Other improvements associated with this application are subject to SHA requirements. These items can be addressed at such time when a formal application for permitting improvements within the MD 45 (York Road) right-of-way is received.

In summation: We request that the County require coordination with SHA, as a condition of Variance Case No.2010-0046-A approval for the 937 York Road property. Please include our comments in staff report to the Zoning Hearing Officer.

My telephone number/toll-free number is _____

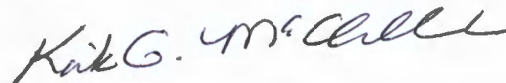
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Ms. Kristen Matthews
Page Two

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (mbailey@sha.state.md.us). Thank you for your attention.

Sincerely,



Kirk G. McClelland, Director
Office of Highway Development

KGM/mb

cc: Mr. Michael Bailey, Area Engineer, SHA
Mr. Thomas A. Church, Engineer, Development Engineering Consultants, Inc.
Mr. Donald Distance, Traffic Manager, SHA
Mr. Ronald F. Kelbaugh, Owner
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County
Mr. David M. Schlachman, Developer, 937 York, LLC
Ms. Deborah K. Sparks, Owner
Mr. William Wiseman, Zoning Commissioner, Baltimore County



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Maryland Department of Transportation
September 23, 2010

TB-10/5/09
2010-0046-A
RECEIVED

SEP 30 2010

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administration

ZONING COMMISSIONER

Mr. Joseph Merrey
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson, Maryland 21204

RE: Baltimore County
MD 45 (York Road)
at Fairmount Avenue
927-39 York Road
Proposed Walgreens Drug Store
Permit No. B 747004-C
Mile Post 2.81

Dear Mr. Merrey:

Thank you for the opportunity to review the building permit application and site plan to accompany building permit for the 937 York Road, LLC property located at 937-39 York Road, which was received on September 21, 2010. We understand this submittal illustrates a proposal to raise an existing auto service building and construct a Walgreen's Drug Store with drive-thru and surface parking for 42 vehicles on a 0.762 Ac site.

The State Highway Administration (SHA) completed a cursory review of the plan and deemed it acceptable (See attached letter dated October 7, 2009). Therefore, prior to building permit issuance we will require the applicant to obtain a State Highway Administration Access Permit to construct improvements within the MD 45 right-of-way. As a condition of Building Permit No. B747004 -C approval for 937 York Road, LLC property, 937-39 York Road location we request that the County require coordination with SHA. Please include our comments in your staff report to the Zoning Hearing Officer.

Should you have any questions, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742. Also, you may e-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Kirk G. McClelland, Director
Office of Highway Development

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

Mr. Joseph Merrey
Building Permit No. B 747004 C
Walgreens Drug Store
Page 2

KGM/mb
Attachment

Cc: Mr. Michael Bailey, Area Engineer, SHA
Mr. Donald Distance, Traffic Manager, SHA
Mrs. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. R. Craig Rogers, Applicant, R Craig, Inc.
Mr. David M. Schlabhman. Developer, 937 York, LLC
Ms. Deborah K. Sparks, Owner
Mr. William Wiseman, Zoning Commissioner, Baltimore County

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverly K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

RECEIVED

OCT 13 2009

ZONING COMMISSIONER

October 7, 2009

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

RE: Baltimore County
Item No. 2010-0046-A
MD 45 (York Road)
937 York Road/Fairmount Avenue
937 York Road, LLC
Walgreens - Towson
Variance

Dear Ms. Matthews:

Following the submittal of our comment letter to your office, dated August 24, 2009, (Mr. McClelland to Ms. Matthews) regarding ZAC Agenda Case Number 2010-0046A, for the property located at 937 York Road, we received additional information regarding this proposal via a site visit. We understand that this application illustrates a proposal to redevelop the aforementioned site with a first floor 8,580 square foot (sf) retail space, a 3,750 sf second floor storage area and surface parking for forty-two (42) vehicles as depicted on the plat to accompany petition for variance.

On September 13th, this on-site meeting was held with the State Highway Administration's (SHA's) District Four Traffic Manager SHA's Engineering Access Permits Area Engineer and representatives for Walgreens. At that meeting it was confirmed that an access permit from SHA will be required for the proposed improvements along the property fronting MD 45 (York Road). It was agreed that a directional type entrance, with a splitter island designed for right-in/right-out and left-in traffic movements *only*, is appropriate. Other improvements associated with this project are subject to SHA requirements. These items can be addressed at such time when a formal application for permitting improvements within the MD 45 (York Road) right-of-way is received.

To ensure that SHA permitting requirements are met, we request that the County require coordination with SHA as a condition of approval for Variance Case No. 2010-0046-A for the 937 York Road property. Please include our comments in the staff report to the Zoning Hearing Officer.

410-545-8800

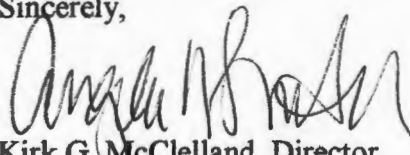
My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Kristen Matthews
Item No. 2010-0046-A
Page 2

Should you have any questions regarding this matter, please 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.

Sincerely,



Kirk G. McClelland, Director
Office of Highway Development

KGM/mb

cc: Mr. Michael Bailey, Area Engineer, SHA
Mr. Thomas A. Church, Engineer, Development Engineering Consultants, Inc.
Mr. Donald Distance, Traffic Manager, SHA
Mr. Ronald F. Kelbaugh, Owner
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County
Mr. David M. Schlachman, Developer, 937 York, LLC
Ms. Deborah K. Sparks, Owner
Mr. William Wiseman, Zoning Commissioner, Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE
937 & 939 York Road; SE corner of York	*	ZONING COMMISSIONER
Road & Fairmount Avenue	*	FOR
9 th Election & 5 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Ronald Kelbaugh &	*	10-046-A
Deborah Sparks		
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

AUG 27 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to MJ Consulting, Inc, Michael Ertel, 100 E. Pennsylvania Avenue, Suite 210, Towson, MD 21286 and Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

TB 10/5
9 AM

September 15, 2009

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

SEP 15 2009

ZONING COMMISSIONER

Re: PETITION FOR VARIANCE
Ronald Kelbaugh & Deborah Sparks – Legal Owners
937 York Road, LLC – Contract Purchaser(s)
937 & 939 York Road
Case No: 10-046-A

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case for any traffic/parking issues. As a result, he sent the enclosed e-mail dated September 14, 2009, which is self-explanatory. As is our custom, we forward it to you for consideration. The hearing date has been scheduled for October 5, 2009.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Francis X. Borgerding, Jr., Esquire
Stephen E. Weber, Division of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 9/14/2009 6:46 PM
Subject: Fwd: 10-046-A, 937-939 York Rd, York Rd & Fairmount Ave
Attachments: 10-046-A Pet.pdf

Mr. Zimmerman:

We have examined the request for setback and parking variances for the subject site. The developer for this project came to this office a few months ago to discuss site issues, primarily dealing with the need to officially close and surplus a portion of County-owned property on the north end of the subject site in order for this project to move forward. The building currently on the site has been using this County property for parking and a drive aisle for at least the 30+ years I've been here. I don't know how that ever happened, but the developer was looking to see if there was a way of legitimizing that use and actually try to acquire what is essentially an excess of County-owned R/W that could not reasonably be used for Fairmount Ave. It was determined that it appears reasonable for the County to surplus the excess R/W that is not needed for Fairmount Ave. However, at the same time we did want to see a dedication of R/W along the York Rd frontage that is needed to not only ensure that the current sidewalk area is contained within the R/W but which could also provide for an enhanced re-alignment of York Rd in the future to better provide for northbound traffic thru the Fairmount Ave intersection. (This was actually suggested several years ago when the State Highway Administration was designing the streetscape work completed just a few years ago. However, since neither the County nor the State had the R/W at the time to provide for a better alignment, the modifications were not done.) In making the provisions for the R/W dedication along York Rd, we realized that we would be causing the requirement for a number of variances for off-street parking setbacks to help ensure that we could pickup the R/W for potential future R/W improvements and still allow the site to be able to function adequately. Therefore, the request for most of the off-street parking setbacks have been caused by our request for the developer to dedicate R/W. We have no objection to them since the dedication is more valuable to us to address potential future road improvements along York Rd. With the current plan the developer would still have room between the sidewalk and the parking lot to provide for a landscape buffer within the proposed York Rd R/W. However, when and if York Rd is ever realigned (very unlikely in the near future), that landscape buffer would most likely be removed. The developer did indicate that they might still be looking at some type of wall adjacent to the parking lot, like a brick wall, which could be contained on their property and still provide for a visual barrier of the parking lot and cars from York Rd, should any vegetation ever be removed by the County/State with a York Rd realignment in the future. Currently the Road Closing Hearing for officially determining whether the portion of Fairmount Ave at the north end of the property is no longer be needed by the County as a R/W is scheduled for the latter half of October. The Department of Public Works will have no objections to that closure subject to the retention of a utility easement for a 10-inch sanitary sewer line running under the drive aisle to the north of the current building.

With regard to the second variance request for a parking variance of 42 spaces in lieu of the required 62 spaces, we do not have a significant concern over this, however we do recognize there is the possibility that employees may be "requested" to park their vehicles off site if the utilization of the 42 parking spaces on-site becomes too high, thus trying to insure that all the 42 parking spaces are available for customers and that they aren't utilized for staff/employees. On-street parking near this site is available on both Radcliffe Rd and Fairmount Ave starting at points about 175 feet away from the site. It is unreasonable that customers would park that far away and walk to this site, but it is clearly within probability that employees could be encouraged to park that far away if management feels they need to keep as much on-site parking available for customers as possible. Of additional note, there is a CVS Drugstore on the NE corner of Fairmount Ave & York Rd, directly across from this proposed Walgreens. That store is approximately 10% larger than the subject Walgreens store and the available parking on site for CVS is about 10% larger than the proposed 42 spaces for Walgreens. Based on the fact that the two uses are essentially identical and that the parking for CVS appears to be reasonably kept on site, it is therefore reasonable to conclude that the request for a variance of 42 spaces in lieu of the required 62 will not pose any significant detriment to the surrounding residential area or street system.

These are the issues we see with the subject request. Should you have any questions regarding these comments, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 9/1/09 10:35 AM >>>
Mr. Weber,

Attached you will find the Petition for Variance in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.

Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 937 + 939 YORK ROAD

which is presently zoned BR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situated 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)

238.2, 409.6, 409.8.A.1 AND 409.8.A.4 OF THE DCZR TO ALLOW A PROPOSED REAR BUILDING SETBACK OF 10' AND SIDE BUILDING SETBACK OF 20.4' IN LIEU OF THE REQUIRED 30' FOR EACH, AND TO PERMIT OFFSTREET PARKING WITH SETBACKS AS CLOSE AS 1.2' IN LIEU OF 10' TO A STREET RIGHT OF WAY WITH REQUIRED LANDSCAPING TO BE APPROVED AS DETERMINED BY THE ZONING COMMISSIONER AND TO PERMIT 42 PARKING SPACES IN LIEU OF THE REQUIRED 62 SPACES.

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

TO BE DETERMINED AT HEARING.

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

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.

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:

937 YORK ROAD LLC
Name - Type or Print
Signature
Address 100 E. PENNSYLVANIA AVE Telephone No. 410 296-3715
Address SUITE 210 Telephone No.
City TOWSON, MD. State MD. Zip Code 21286

Attorney For Petitioner:

FRANCIS X. BORGERDING, JR.
Name - Type or Print
Signature
Company
Address 409 WASHINGTON AVE Telephone No. 410 296-6820
Address SUITE 600 Telephone No.
City TOWSON, MD. State MD. Zip Code 21204

Legal Owner(s):

RONALD F. KELBAUGH
Name - Type or Print
Signature
Name - Type or Print
Address 1505 IVY HILL RD Telephone No.
City COCKEYSVILLE, MD. State MD. Zip Code 21030

Representative to be Contacted:

MJ CONSULTING, INC.
Name
Address 100 E. PENNSYLVANIA AVE Telephone No. 410 296-5288
Address SUITE 210 Telephone No.
City TOWSON, MD. State MD. Zip Code 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 9/12/09

DEL 09/15/09

Case No. 2010-0046-A

Towson TIMES

Cockeysville | Hunt Valley | Loch Raven | Lutherville | Timonium | Towson

Week of September 2, 2009 | Volume 38, Number 11

www.towsontimes.com

Walgreens has a prescription for competition

By Loni Ingraham
lingraham@patuxent.com

A developer is seeking zoning variances that would allow construction of a Walgreens pharmacy on the southeast corner of York Road and Fairmount Avenue.

DMS Development LLC has a contract

to purchase the .737-acre site just north of the Texaco station — and just across Fairmount Avenue from an existing CVS pharmacy, according to attorney Francis Borgerding, who is representing the firm.

The property was the site of the Brooks

See **Pharmacy**, Page 13

New two-story Walgreens would need zoning variances

Pharmacy, from Page 1

Huff auto center, which has closed, and is still Smith Auto Glass, which operates there on a lease basis.

The proposed two-story Walgreens at 937 York Road would feature 8,580 square feet of space on its first level and an additional 3,780 of square feet on its upper level, according to the county zoning record.

It also would feature a drive-through window on the north side of the building, a loading dock on the east next to an alley that backs to Towson Park houses in the 900 block of Radcliffe Road and a 25-foot high pylon for a 75-square-foot sign.

The developer needs variances from the county to allow the building to be set back only 10 feet from the rear property line and 20.4 feet from the side property line. Normally, a 30-foot setback is required in both cases.

The developer also needs variances to permit off-street parking as close as 1.2 feet from a street right of way — instead of the required 10 feet — and to allow 42 parking spaces instead of the required 62.

The footprint of the Walgreens building might be different, Borgerding acknowledged, but even with variances won't be closer to property lines than the existing building has been, and in some cases may

be 5 feet farther away. He said the existing auto center was constructed before zoning requirements were instituted.

Towson Park no longer has a community association, but DMS representatives recently met with the Stoneridge Community Association, which represents the next closest neighborhood.

"As a group, we had no problem with it," said Stoneridge president Mike Mitchlerling, whose organization represents 114 homes on the east side of Fairmount Avenue. "With all the development that is under way, it can only benefit the entire community."

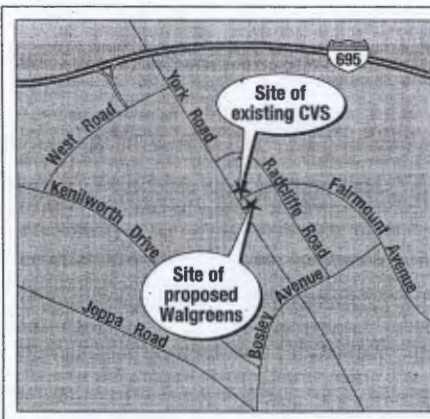
Towson Park resident Ed Tabling, who lives across the alley on the 900 block of Radcliffe, is less enthusiastic.

"I'd have no problem with it — unless it means more tractor trailers chewing up that alley more than they already have," he said. "It's a mess."

But Tabling is also concerned about the growing population of rats in the alley, now that a Burger King has been built on the north side of the Texaco.

"The rodent problem increases every time we get an additional food place," he said.

Walgreens' desired location near a CVS pharmacy is likely no accident; the two drug store chains are seen in the industry as prime competitors.



Map by Patricia Irwin

PRESCRIPTION FOR COMPETITION

Walgreens is seeking to build a new, two-story pharmacy on the southeast corner of York Road and Fairmount Avenue, across the street from an existing CVS store. The Walgreens proposal would require several variances from the county.

"It's not unusual to enter a market with existing competition," said Vivika Vegara, a spokeswoman for Walgreens. "It doesn't appear to hurt the competition and it offers more opportunities for customers and patients."

A 2003 Forbes magazine article noted the competition between the two chains, and stated, "Walgreens' strength is its expert real estate division, which is good at spotting properties in markets with strong sales potential."

According to financial information on its corporate Web site, Walgreens operates some 6,857 drug stores in 49 states, as well as worksite health and wellness centers and other centers. Fortune magazine reports that Walgreens' 2008 revenues were \$53.76 billion. Meanwhile,

CVS operates a reported 6,200 pharmacy stores, and had a 2008 revenue of \$76.33 billion, also according to Fortune.

Currently, the closest Walgreens is also along York Road, just inside the city line at Walker Avenue.

The zoning office expects the hearing on the variances DMS is seeking to be scheduled in October.

HO.

0046 TO FILE

THERE ARE SOME OWNERSHIP ISSUES
THAT THE ATTORNEY WILL BRING UP AT THE
HEARING. THERE IS A SMALL OWNERSHIP ACTION
ON CLOSING ROADS ETC. DETAIL ON THE PLAN.
MR. BORGERDING WILL RESOLVE THESE AT THE HEARING
AS HE REQUESTED & STATED HE WOULD.

John Lewis
REVIEWER

CASE NAME _____
CASE NUMBER 2010-0046-A
DATE 10-5-09

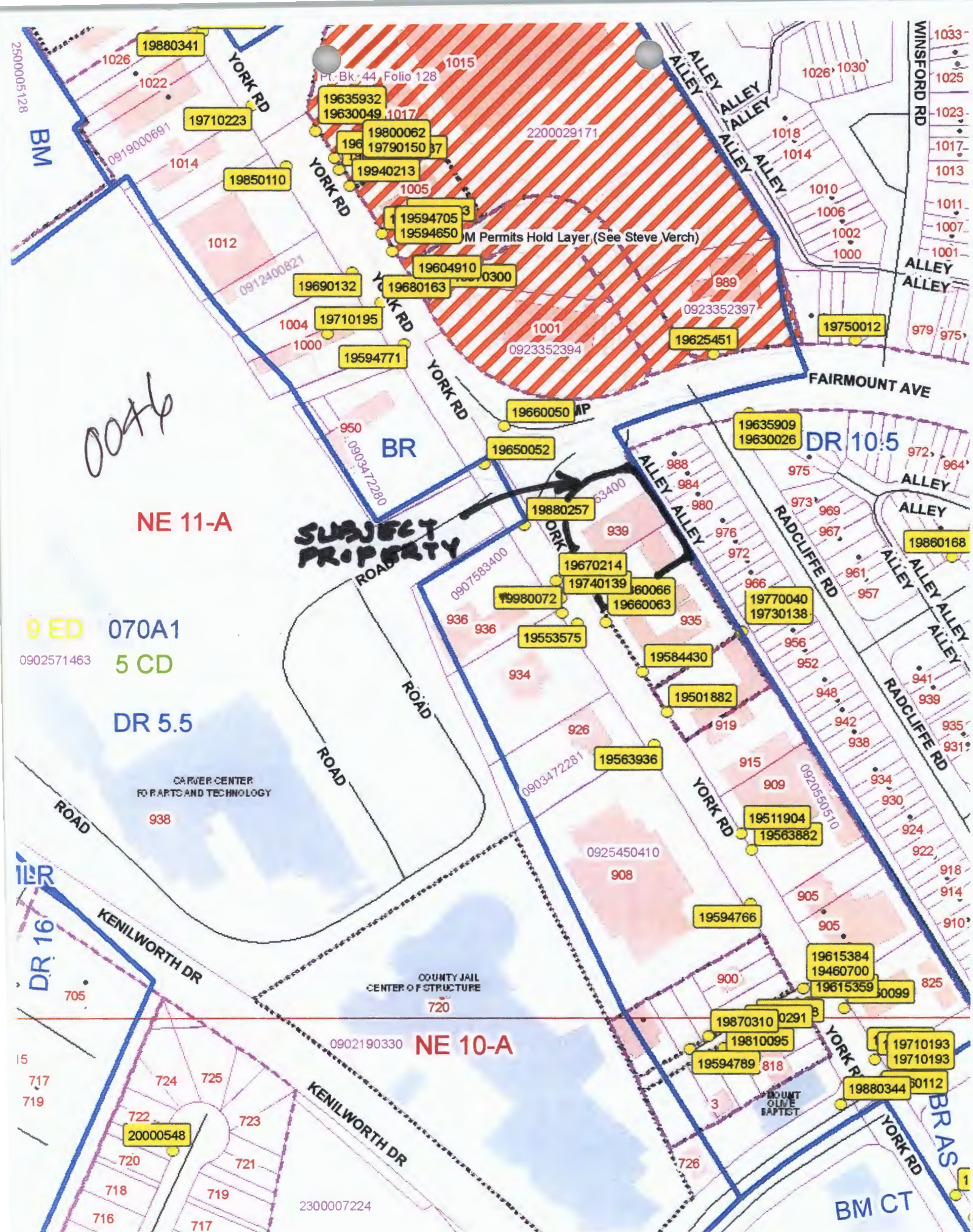
[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2010-0046-A
DATE 10-5-09

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Nancy Pivec	939 Radcliffe Rd	21204	nancypivec@aol.com
Sister Evelyn Gudge	9 Skidmore Court	Towson 21204	genesish@verizon.net
Nanci Barker	13 Skidmore Ct	Towson MD 21204	nancibarker@yahoo.com
Ruth Adams	936 Radcliffe Rd	TOWSON MD 21204	jotomoteA@Yahoo.com
HANS SHANKROFF	10 WINTHROP CT	TOWSON, MD 21204	shshankroff@earthlink.net
Sue SHANKROFF	12 W	"	"
Abigail S. Knauft	200 Stratford Way	Lutheville MD 21093	abigail.knauft@unalt.edu
Richard Parsons	412 Woodbine Ave	Towson, Md 21204	rparsone@BCPL.net
Frederick K. Seeman	944 Radcliffe Rd	Towson, Md. 21204	freemert@hotmail.com
Sandra Roberts	90951 Radcliffe Rd	Towson MD 21204	SandraKara@aol.com
Arthur Adler	23 Walker Avenue	Pikesville, Md 21208	aadler@caesvalleypartners.com
Debbie Sparks	76 Cedar Rd	21093	
Mike Kolbaugh	1505 Ivy Hill Rd	21030	
Arsh Mirmiran	951 Fell St. #619 Baltimore 21231	21231	amirmiran@mirmiranatlantic.com
William Lippert	3505 Crossland Ave	BALTO 21213	WEL@Verizon.net



Case No.: 2010-0046-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	10-5-09 letter from GTCCA of support
No. 2 A+B+C	Photographs	email string re: lighting 10-2-09
No. 3	Landscape Plan	10-4-09 email string
No. 4	Revised Site Plan	Towson Park Community concerns
No. 5	Elevation Drawing	
No. 6	email from Steve Weber	
No. 7	SHA Comment	
No. 8	OPR Comment	
No. 9	Planning Comment	
No. 10		
No. 11		
No. 12		

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 9/14/2009 6:46 PM
Subject: Fwd: 10-046-A, 937-939 York Rd, York Rd & Fairmount Ave
Attachments: 10-046-A Pet.pdf

Mr. Zimmerman:

We have examined the request for setback and parking variances for the subject site. The developer for this project came to this office a few months ago to discuss site issues, primarily dealing with the need to officially close and surplus a portion of County-owned property on the north end of the subject site in order for this project to move forward. The building currently on the site has been using this County property for parking and a drive aisle for at least the 30+ years I've been here. I don't know how that ever happened, but the developer was looking to see if there was a way of legitimizing that use and actually try to acquire what is essentially an excess of County-owned R/W that could not reasonably be used for Fairmount Ave. It was determined that it appears reasonable for the County to surplus the excess R/W that is not needed for Fairmount Ave. However, at the same time we did want to see a dedication of R/W along the York Rd frontage that is needed to not only ensure that the current sidewalk area is contained within the R/W but which could also provide for an enhanced re-alignment of York Rd in the future to better provide for northbound traffic thru the Fairmount Ave Intersection. (This was actually suggested several years ago when the State Highway Administration was designing the streetscape work completed just a few years ago. However, since neither the County nor the State had the R/W at the time to provide for a better alignment, the modifications were not done.) In making the provisions for the R/W dedication along York Rd, we realized that we would be causing the requirement for a number of variances for off-street parking setbacks to help ensure that we could pickup the R/W for potential future R/W improvements and still allow the site to be able to function adequately. Therefore, the request for most of the off-street parking setbacks have been caused by our request for the developer to dedicate R/W. We have no objection to them since the dedication is more valuable to us to address potential future road improvements along York Rd. With the current plan the developer would still have room between the sidewalk and the parking lot to provide for a landscape buffer within the proposed York Rd R/W. However, when and if York Rd is ever realigned (very unlikely in the near future), that landscape buffer would most likely be removed. The developer did indicate that they might still be looking at some type of wall adjacent to the parking lot, like a brick wall, which could be contained on their property and still provide for a visual barrier of the parking lot and cars from York Rd, should any vegetation ever be removed by the County/State with a York Rd realignment in the future. Currently the Road Closing Hearing for officially determining whether the portion of Fairmount Ave at the north end of the property is no longer be needed by the County as a R/W is scheduled for the latter half of October. The Department of Public Works will have no objections to that closure subject to the retention of a utility easement for a 10-inch sanitary sewer line running under the drive aisle to the north of the current building.

With regard to the second variance request for a parking variance of 42 spaces in lieu of the required 62 spaces, we do not have a significant concern over this, however we do recognize there is the possibility that employees may be "requested" to park their vehicles off site if the utilization of the 42 parking spaces on-site becomes too high, thus trying to insure that all the 42 parking spaces are available for customers and that they aren't utilized for staff/employees. On-street parking near this site is available on both Radcliffe Rd and Fairmount Ave starting at points about 175 feet away from the site. It is unreasonable that customers would park that far away and walk to this site, but it is clearly within probability that employees could be encouraged to park that far away if management feels they need to keep as much on-site parking available for customers as possible. Of additional note, there is a CVS Drugstore on the NE corner of Fairmount Ave & York Rd, directly across from this proposed Walgreens. That store is approximately 10% larger than the subject Walgreens store and the available parking on site for CVS is about 10% larger than the proposed 42 spaces for Walgreens. Based on the fact that the two uses are essentially identical and that the parking for CVS appears to be reasonably kept on site, it is therefore reasonable to conclude that the request for a variance of 42 spaces in lieu of the required 62 will not pose any significant detriment to the surrounding residential area or street system.

These are the issues we see with the subject request. Should you have any questions regarding these comments, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 9/1/09 10:35 AM >>>
Mr. Weber,

Attached you will find the Petition for Variance in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.

PETITIONER' S

EXHIBIT NO. 6



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

August 24, 2009

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

RE: Baltimore County
Item No. 2010-0046-A
MD 45 (York Road)
937 York Road/Fairmount Avenue
937 York Road, LLC
Walgreens - Towson
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC-Agenda Case Number 2010-0046A- for the property located at 937 York Road, which was received on August 18th. We understand that this application illustrates a proposal to redevelop the afore mentioned site with a 1st floor 8,580 s/f retail space, a 3,750s/f 2nd floor storage area and surface parking for 42 vehicles as depicted on the plat to accompany petition for variance.

We have completed a cursory review of the referenced plan as well as a field inspection. The results of our review reveal that a permit issued by the State Highway Administration (SHA) Engineering Access Permits is required for improvements along the property fronting MD 45 (York Road). We note that the plan reflects a thirty-five feet (35') wide full movement channeled entrance. The proposed entrance needs to be designed for right-in/right-out traffic movements *only*. Other improvements associated with this application are subject to SHA requirements. These items can be addressed at such time when a formal application for permitting improvements within the MD 45 (York Road) right-of-way is received.

In summation: We request that the County require coordination with SHA, as a condition of Variance Case No.2010-0046-A approval for the 937 York Road property. Please include our comments in staff report to the Zoning Hearing Officer.

PETITIONER'S

EXHIBIT NO. 7

BALTIMORE COUNTY, MARYLAND**INTEROFFICE CORRESPONDENCE**

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 17, 2009
Item No. 2010-0046-A

DATE: August 19, 2009

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to granting the requested variances; however, the file should recognize that, if the petitioner does not acquire the land from Baltimore County and from Towson Park, Inc., the variances are void.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0046-A-08172009.doc

PETITIONER' S

EXHIBIT NO. 8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2009

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

SUBJECT: 937 and 939 York Road

Item Number: 10-046

Petitioner: Ronald F. Kelbaugh

Zoning: BR

Requested Action: Variance

The petitioner is seeking multiple variances to allow a rear-building setback of 10' and a side yard setback of 20'4" in lieu of the required 30' setback for each side. The petitioner is also seeking to permit off street parking with setbacks as close as 1.2' in lieu of 10' of required landscaping. Finally the petitioner is seeking a variance to allow 42 parking spaces instead of the required 62 spaces.

SUMMARY OF RECOMMENDATIONS:

After reviewing the petitioner's request the Office of Planning has the following comments:

The Office of Planning cannot recommend approval of the petitioner's request as the subject site falls within the boundaries of the Towson Design Review Panel Area. The Baltimore County Code in Section 32-4-203i(2) states: "The Panel's recommendation is binding on the Hearing Officer, and on the agencies under subsection (l) of this section, unless the Hearing Officer or agencies find that the Panel's actions constitute an abuse of its discretion or are unsupported by the documentation and evidence presented." Nonetheless, the following shall be addressed:

1. Improve the sidewalks along York Road and Fairmount Avenue. Provide a detailed landscape plan. This plan should include a brick banding along the sidewalk. A vegetative buffer in combination with ornamental iron fencing with brick piers or a brick wall is highly recommended.
2. Indicate on the plan the times when deliveries will be made to the store. Deliveries to the store should not be made during peak rush hour times in the morning or in the evening.
3. The use of the alley for egress and ingress is a concern. Provide documentation that the proposed Walgreens has no opposition from the residential owners who regularly use the alley for ingress/egress.
4. Submit architectural elevations including materials for all facades of the proposed building as well as elevations of all signage for proposed establishment.
5. Provide a details of the dumpster enclosure. The enclosure shall utilize the same building materials as the proposed building.

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

W:\DEVREV\ZAC\10-046.doc

PETITIONER'S

EXHIBIT NO.

9

Case No.: 2010-0046-A

Exhibit Sheet

Petitioner/Developer

Protestant

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No. 8	DPK Comment	
No. 9	Planning Comment	
No. 10		
No. 11		
No. 12		

The Greater Towson Council of Community Associations, Inc.

♦ P.O. Box 5421 ♦ Towson, MD 21285-5421 ♦ www.gtcca.org

October 5, 2009

Mr. William Wiseman
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RE: Walgreen's

Dear Mr. Wiseman:

I am writing on behalf of the Greater Towson Council of Community Associations (GTCCA) regarding the above-referenced case. The GTCCA is an umbrella organization representing the interests of more than thirty community associations in the Greater Towson area.

The GTCCA voted at its September 17, 2009 meeting to support the position of the Towson Park Association with regard to the variances requested in this case. We support the Towson Park Association in opposing the variance for fewer parking spaces than those required by the County. Insufficient on-site parking will invariably result in employees and customers parking in the Towson Park community.

The GTCCA has learned that the Towson Park Association has no opposition to the setback requirement variance requested by Walgreen's. We support their position but note that this support is contingent upon Walgreen's complying with the numerous other concerns Towson Park has communicated to the Walgreen's representatives.

While the GTCCA recognizes that the site proposed for the Walgreen's is a commercially-zoned property and that a pharmacy is allowed by right. We have serious concerns about the 24-hour operation proposed for Walgreen's, which raises numerous concerns for the community immediately abutting the property.

The Greater Towson Council of Community Associations respectfully requests your serious consideration of the community's concerns when deciding on these variance requests and that the conditions identified by the Towson Park Association be included in your decision.

Thank you for your consideration.

Sincerely,



Edward T. Kilcullen, Jr.
President

COMMUNITY

EXHIBIT NO. 1

Evelyn Grudza*Lighting*

From: <nancypivec@aol.com>
To: <genesish@verizon.net>
Sent: Friday, October 02, 2009 4:28 PM
Subject: Oh - read these two - not liking that 5 foot candle lighting.

-----Original Message-----

From: Heather Henck <hhenck@gmail.com>
To: nancypivec@aol.com
Sent: Fri, Oct 2, 2009 4:09 pm
Subject: Re:

Don't be fooled by a comparison of 5 to 75. If he is referring to the foot-candle level in the parking lot, 5 foot-candles is EXTREMELY bright. Think of how bright a Target or Walmart parking lot is - I would not want that in my back yard. For basic parking lot lighting, an average of 1.0 horizontal foot-candles is acceptable. For enhanced security, which I would say we should go with, you could assume 2.5 average horizontal foot-candles will meet recommended parking lot light levels. These values come from the Illuminating Engineering Society of North America's "Lighting for Parking Facilities", which is a nationally recognized design guideline. The Walmarts of the world are lighting their parking lots a lot brighter than they need to be. For comparison, freeway lighting is typically designed around 0.9 foot-candles. Imagine 5 times as bright as a freeway at night.

I think the parking variance is probably one of the most important issues that we need to fight. Parking in our neighborhood is difficult enough as it is, without having Walgreen's employees and patrons parking in it. In addition, we do not need added traffic on Radcliffe of drivers looking for parking spaces. I know their site is small and they will have a tough time fitting in the required number of parking spaces. I think having spaces with signs designating "Employee Parking Only" would help our cause. It's the employees who would be more likely to park in our neighborhood on a regular basis. I think we should push for 62 spaces, and if they cannot achieve that, it could be a bargaining chip for other issues that we may want to have addressed.

On Fri, Oct 2, 2009 at 2:02 PM, <nancypivec@aol.com> wrote:

He did say the the lights in the sconces would be 5 (I forget the measurement term he used) and that the room we were in was at 75. I think it's pretty low. I'm more concerned about the headlights. However, those houses are up a little not at ground level. We'll see. I'll let you know what they say. They DO NOT like that we are opposing the parking variance. I expect a fight there. Keep in touch. If i hear anything i will pass it on. If you want to send me something opposing the parking variance and with some of the info below, send it on and I'll print it out and deliver it. The more we have the better.

-----Original Message-----

From: Heather Henck <hhenck@gmail.com>
To: nancypivec@aol.com
Sent: Fri, Oct 2, 2009 1:47 pm
Subject: Re:

COMMUNITY**EXHIBIT NO.** *2*

10/4/2009

Nancy,

I unfortunately have a meeting Monday morning in Burtonsville and will not be able to attend the hearing. I appreciate all of the time and effort you have put into this issue!

Regarding the site lighting, I thought of one additional piece of information after our meeting last weekend. The developer should be able to show us a photometric plan for the site that shows the proposed light locations and light levels on the pavement. In addition, this analysis should include an analysis of the light trespass onto the adjacent properties or the light levels on the property lines, both horizontal (on the ground) and vertical (as if a person was looking towards the Walgreen's building). This will give us a better idea of the light spill over onto the adjacent properties from the site lighting. The only element it would not account for is car headlights in the drive through. We do photometric analysis in my office for parking lots and roadways frequently (I work for a civil engineering company) - I imagine they have a lighting designer on staff who has already developed this or can develop this easily.

Good luck at the hearing!!

Heather

On Fri, Oct 2, 2009 at 12:00 PM, <nancypivec@aol.com> wrote:

Attached is what was sent to the developer for Walgreens. He will address some of these at the hearing on Monday, October 5 at 9 a.m.

You all signed up to possibly go to the hearing. We thought it would be good if each person took one thing to specifically talk about. so if you want to pick one and get back to me, as to which you prefer, I'll take what's left.

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10/4/2009

Evelyn Grudza

From: <nancypivec@aol.com>
To: <hhenck@gmail.com>; <genesish@verizon.net>
Sent: Sunday, October 04, 2009 7:36 PM
Subject: Re: Oh - read these two - not liking that 5 foot candle lighting.

Heather, thanks - that is comforting. David has indicated that if they have to put the storage part underground they will and that is about 1500 sq ft. That's what is making the requirement for 62 spaces. I do hope that we can get more than 42 AND include assigned employee parking. They have 8500 sq ft of retail space. that's where they are indicating that 42 is enough. by your research, that sounds right too. I do think they are trying to do it right, and please us too. We'll see what unfolds tomorrow. Thanks for offering to meet with the engineer. I know I would feel better getting your opinion.

-----Original Message-----

From: Heather Henck <hhenck@gmail.com>
To: evelyn grudza <genesish@verizon.net>
Cc: nancypivec@aol.com
Sent: Sun, Oct 4, 2009 6:52 pm
Subject: Re: Oh - read these two - not liking that 5 foot candle lighting.

Nancy, Sr. Evelyn -

I did a little research on the parking situation. While zoning codes require 62 spaces (5 spaces per 1000 square feet of building), this may not be necessary. Looking through some traffic and parking generation manuals at my office, for similar pharmacy businesses with a drive-through window, peak parking will be around 35 spaces (I don't remember the exact numbers, but it was a little over 60 trips an hour, which includes cars entering and exiting the site). This does not include employee parking. So, if they really cannot accomodate the 62 spaces, there is some research to that support fewer spaces will in fact be used.

I'm hoping that providing this info will help ease any concerns you might have over fewer parking spaces. I still think you should stand strong on trying to get them to provide as many spots as feasible, and request that all employees must park on site. It's a great bargaining chip, if nothing else.

Also, if you decide to meet with their traffic engineer, I'd be happy to sit in and provide my two cents from an engineering perspective.

Heather

On Fri, Oct 2, 2009 at 8:50 PM, evelyn grudza <genesish@verizon.net> wrote:

Nancy,
 It sounds as if Heather knows what she is talking about. We should probably add that to our list even though Mr. Schlachman may not be happy about it.
 PEACE!
 Sr. Evelyn

----- Original Message -----

From: nancypivec@aol.com
To: genesish@verizon.net

COMMUNITY

EXHIBIT NO. 3

10/4/2009

- I would not want that in my back yard. For basic parking lot lighting, an average of 1.0 horizontal foot-candles is acceptable. For enhanced security, which I would say we should go with, you could assume 2.5 average horizontal foot-candles will meet recommended parking lot light levels. These values come from the Illuminating Engineering Society of North America's "Lighting for Parking Facilities", which is a nationally recognized design guideline. The Walgreens of the world are lighting their parking lots a lot brighter than they need to be. For comparison, freeway lighting is typically designed around 0.9 foot-candles. Imagine 5 times as bright as a freeway at night.

I think the parking variance is probably one of the most important issues that we need to fight. Parking in our neighborhood is difficult enough as it is, without having Walgreen's employees and patrons parking in it. In addition, we do not need added traffic on Radcliffe of drivers looking for parking spaces. I know their site is small and they will have a tough time fitting in the required number of parking spaces. I think having spaces with signs designating "Employee Parking Only" would help our cause. It's the employees who would be more likely to park in our neighborhood on a regular basis. I think we should push for 62 spaces, and if they cannot achieve that, it could be a bargaining chip for other issues that we may want to have addressed.

On Fri, Oct 2, 2009 at 2:02 PM, <nancypivec@aol.com> wrote:

He did say the the lights in the sconces would be 5 (I forget the measurement term he used) and that the room we were in was at 75. I think it's pretty low. I'm more concerned about the headlights. However, those houses are up a little not at ground level. We'll see. I'll let you know what they say. They DO NOT like that we are opposing the parking variance. I expect a fight there.

Keep in touch. If i hear anything i will pass it on. If you want to send me something opposing the parking variance and with some of the info below, send it on and I'll print it out and deliver it.

The more we have the better.

-----Original Message-----

From: Heather Henck <hhenck@gmail.com>

To: nancypivec@aol.com

Sent: Fri, Oct 2, 2009 1:47 pm

Subject: Re:

Nancy,

I unfortunately have a meeting Monday morning in Burtonsville and will not be able to attend the hearing. I appreciate all of the time and effort you have put into this issue!

Regarding the site lighting, I thought of one additional piece of information after our meeting last weekend. The developer should be able to show us a photometric plan for the site that shows the proposed light locations and light levels on the pavement. In addition, this analysis should include an analysis of the light trespass onto the adjacent properties or the light levels on the property lines, both horizontal (on the ground) and vertical (as if a person was looking towards the Walgreen's building). This will give us a better idea of the light spill over onto the adjacent properties from the site lighting. The only element it would not account for is car headlights in the drive through. We do photometric analysis in my office for parking lots and roadways frequently (I work for a civil engineering company) - I imagine they have a lighting designer on staff who has already developed this or can develop this easily.

Good luck at the hearing!!

10/4/2009

Heather

On Fri, Oct 2, 2009 at 12:00 PM, <nancypivec@aol.com> wrote:

Attached is what was sent to the developer for Walgreens. He will address some of these at the hearing on Monday, October 5 at 9 a.m.

You all signed up to possibly go to the hearing. We thought it would be good if each person took one thing to specifically talk about. so if you want to pick one and get back to me, as to which you prefer, I'll take what's left.

They have already answered me back about the parking. We need to stand strong on that issue. Also the alley egress. He did not like my alluding to not having a drive thru. I would then suggest a circle maybe that dumps them back onto York. That way, it wouldn't impact both streets. Just my thoughts. Let me know who is coming, and what you want to speak about.

10/4/2009

Walgreens Zoning Hearing - Add to covenants

Mostly we accept having Walgreens in the neighborhood with reservations.

Variance of set back – ok as requested.

Variance of parking places - NOT ok as requested. We stand at 62. Need assigned spaces for employees – equal to a normal daily shift number of people. Therefore we request 62 spaces be mandated AND employees to be notified not to park elsewhere.

Underground storage would allow the 42 spaces, but that opens a whole other issue with going into the ground and the added expense.

Drive Thru. – Build some sort of wall or barrier to stop the headlights from shining into the houses behind the store. This could be critical during the late night hours. Or don't use the alley for exit at all.

Issues also raised about noise of cars waiting. – possibly have a sign asking them to turn down the radio while waiting for the prescriptions.

Trash pickup time and delivery times – to be kept between 6a and 7pm

Traffic control – Request zoning to prohibit Left turn back onto York Road... That would be very dangerous – need to go right out of the York Road side.

Bus Stops – will be affected by this also. Need to move the TU one, and address the MTA stop.

Alley exit by drive thru - Also a quandary – it's not the ideal answer. Possible exit to the right – as it's one way after the store? Results of traffic study may help with this one. Both ways exit to a divided street. See above Drive thru request about headlights.

Alley to be paved by the developer. We appreciate having the whole alley done, but– we need to be sure it will be able to support the additional traffic brought by the drive thru and the weight of the delivery trucks and trash trucks - if that's the actual exit.

Rat control – during AND after construction – during Walgreens occupancy, rat problems will be addressed by them as well as dumpsters being kept closed etc.

Lighting – all offered special lighting is graciously accepted. However, 5 foot candles needs to be lowered to at least 2.5 or less. One of our residents is a civil engineer and she says this:

5 foot-candles is EXTREMELY bright. Think of how bright a Target or Walmart parking lot is - I would not want that in my back yard. For basic parking lot lighting, an average of 1.0 horizontal foot-candles is acceptable. For enhanced security, which I would say we should go with, you could assume 2.5 average horizontal foot-candles will meet recommended parking lot light levels. These values come from the Illuminating Engineering Society of North America's "Lighting for Parking Facilities", which is a nationally recognized design guideline. The Walmarts of the world are lighting their parking lots a lot brighter than they need to be. For comparison, freeway lighting is typically designed around 0.9 foot-candles. Imagine 5 times as

COMMUNITY

EXHIBIT NO. 4

bright as a freeway at night.

Architectural – We like all the options presented including the lower “monument” type sign. Can we possibly keep the large trees which were planted by the Association years ago?

Storage area - Storage area sq. footage shall never become retail space.

Pan 1

PETITIONER'S

EXHIBIT NO. 2A





PETITIONER'S
EXHIBIT NO. 2B



INQUIRY #: 2323520.5

YEAR: 1957

| = 750'



PETITIONER'S

EXHIBIT NO. 2C

[B] FIELD BRICK #1
WATSONTOWN
MANHATTAN SERIES
COLOR: WASHINGTON
W/COLORED MORTAR

[C] CAST STONE #1
ROCKCAST
CUSTOM CAST STONE SERIES
COLOR: BUCKSKIN

[D] CAST STONE #2
ROCKCAST
CUSTOM CAST STONE SERIES
COLOR: GRAY

[E] PRE-FINISHED ALUMINUM
STOREFRONT ENTRANCE SYSTEM
COLOR: MILL FIN
GLAZING - AZURA

[F] PRE-FINISHED ALUMINUM COPING
COLOR: PAC-CLAD
CHAMPAGNE

[G] PRE-FINISHED STANDING SEAM
METAL ROOF
COLOR: CHAMPAGNE

[H] EPS
(TO MATCH CAST STONE #2)

RICHARD POLAN ASSOCIATES
ARCHITECTURE
ENGINEERING
SPACE PLANNING
740 LIGHT STREET
BALTIMORE MD 21230
4architecture.net

NO.	DATE	DESCRIPTION

Walgreens
The Pharmacy
YORK @ FAIRMOUNT / TOWSON
BALTIMORE COUNTY, MARYLAND

TYPE	ELEVATION RENDERING
SCALE	1/8" = 1'-0"
DATE	4/11/08
DESIGNED BY	RPA
PROJECT	F. DNS - WAG-TOWSON Renderings
SKETCHED BY	SK

[A] FIELD BRICK #1
WATSONTOWN
MANHATTAN SERIES
COLOR: WASHINGTON

[B] FIELD BRICK #1
WATSONTOWN
MANHATTAN SERIES
COLOR: WASHINGTON
W/COLORED MORTAR

[C] CAST STONE #1
ROCKCAST
CUSTOM CAST STONE SERIES
COLOR: BUCKSKIN

[D] CAST STONE #2
ROCKCAST
CUSTOM CAST STONE SERIES
COLOR: GRAY

[E] PRE-FINISHED ALUMINUM
STOREFRONT ENTRANCE SYSTEM
COLOR: MILL FIN
GLAZING - AZURA

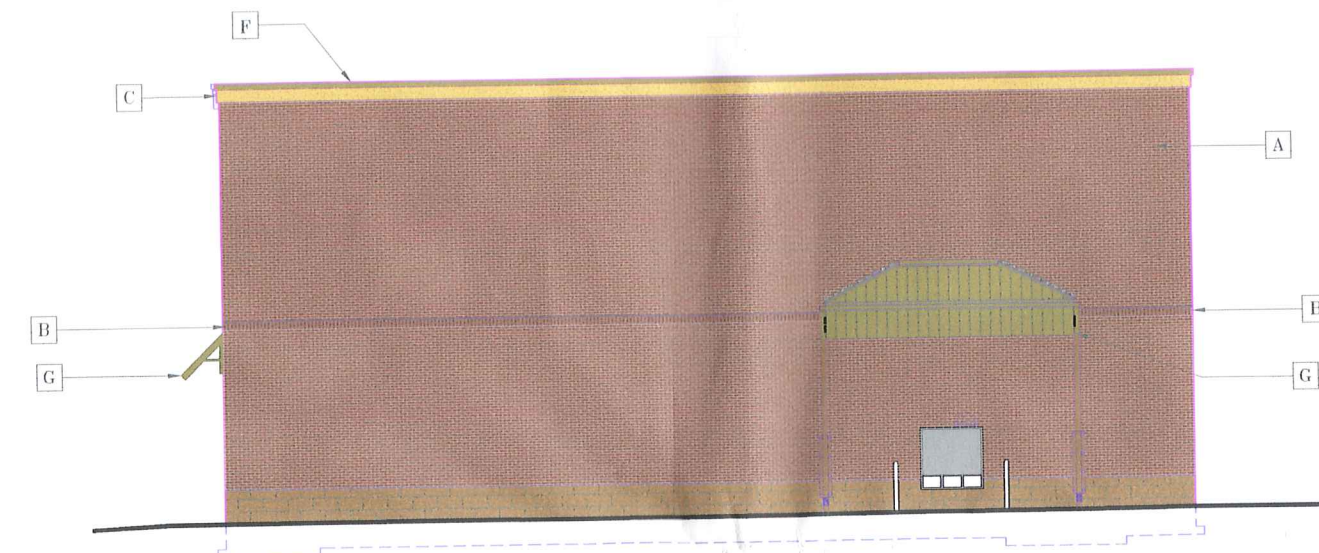
[F] PRE-FINISHED ALUMINUM COPING
COLOR: PAC-CLAD
CHAMPAGNE

[G] PRE-FINISHED STANDING SEAM
METAL ROOF
COLOR: CHAMPAGNE

[H] EPS
(TO MATCH CAST STONE #2)



NORTHWEST ELEVATION



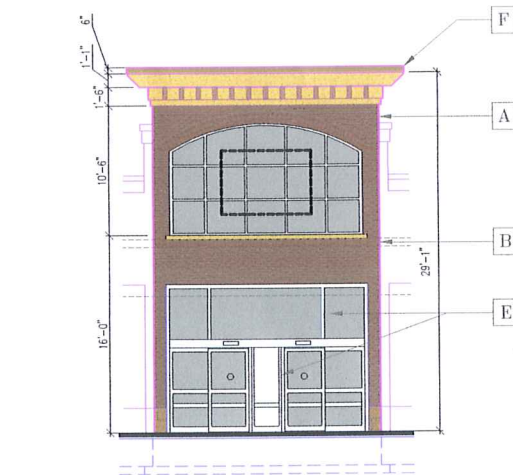
SOUTHWEST ELEVATION

PETITIONER'S
EXHIBIT NO. 5

SOUTHEAST ELEVATION

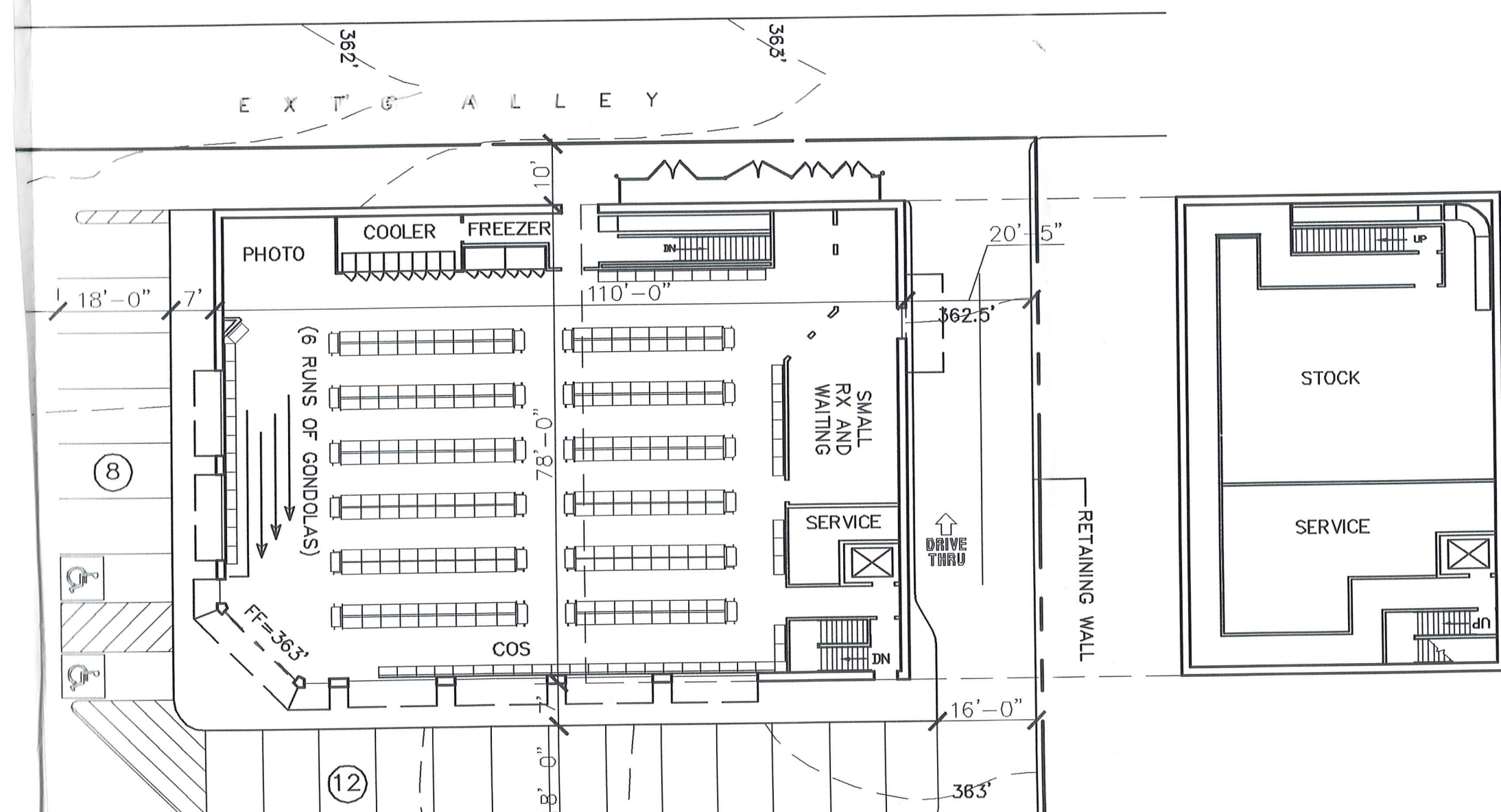


NORTHEAST ELEVATION

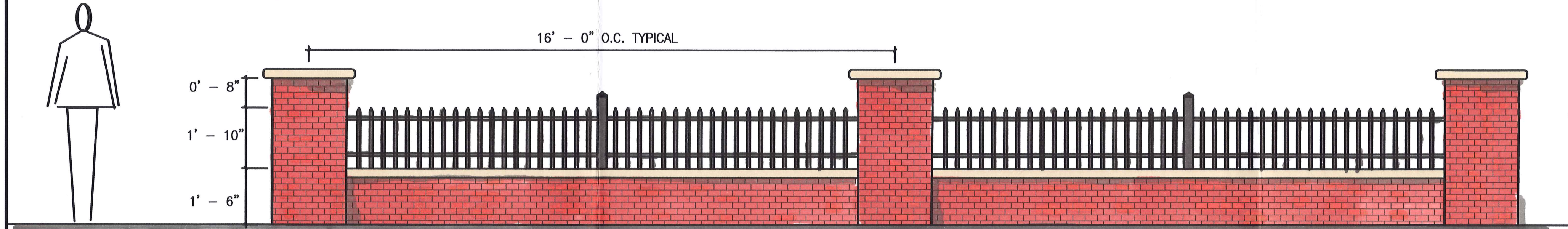
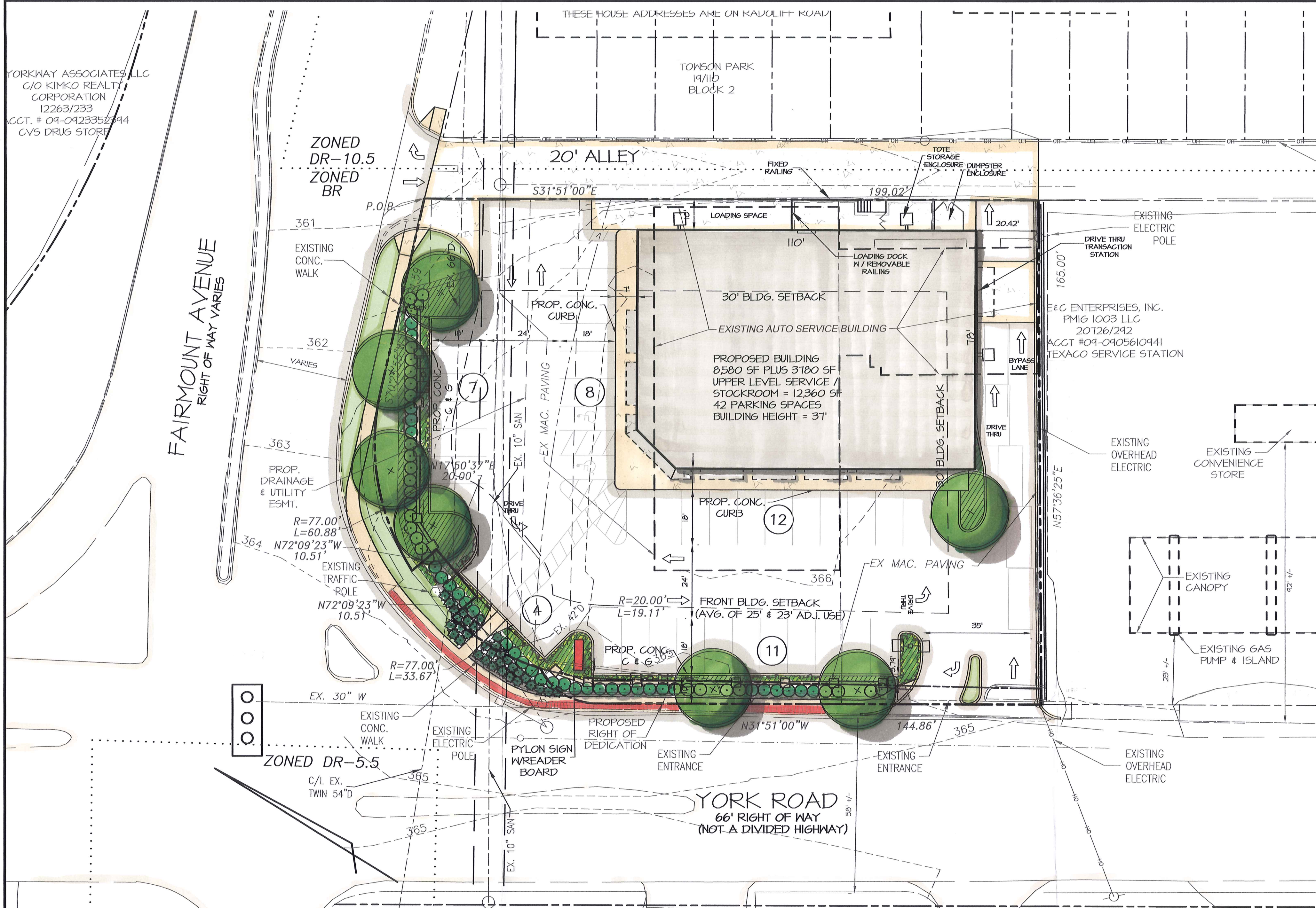


NORTH ELEVATION

F:\DMS-WAG-Towson\Renderings\Rendering\WAGBEN.dwg, N ELEV, 6/5/2009 6:49:23 AM



YORKWAY ASSOCIATES, LLC
C/O KIMKO REALTY
CORPORATION
12263/233
ACCT. # 04-0423352/44
CVS DRUG STORE



PROPOSED WALL / FENCE ELEVATION
SCALE: 1"=2'

PLAN PREPARED BY:
HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

BY	REVISION			DATE	

OWNER
RONALD F. KELBAUGH &
DEBORAH K. SPARKS ET AL
1505 IVY HILL ROAD SUITE 210
COCKEYSVILLE, MD 21030

DEVELOPER/CONTRACT
PURCHASER
437 YORK, LLC
100 E. PENNSYLVANIA AVENUE,
SUITE 210 TOWSON, MD 21286
CONTACT PERSON: DAVID M.
SCHLAGIMAN
TELEPHONE #: (410) 296 3716

MJ CONSULTING, INC.
100 E. Pennsylvania Avenue
Suite 210
Towson, Maryland 21286
410-296-5288
410-296-4084 fax
email
mjconsultinginc@comcast.net

SCALE 1" = 20'	DATE: 9/22/2009
DESIGNED BY: AAE	CHECKED BY: SAM
JOB NO: 08-008	SHEET 1 OF 1

SCHEMATIC LANDSCAPE PLAN

937 TO 939 YORK ROAD.
YORK ROAD & FAIRMOUNT AVENUE

COUNCILMANIC DISTRICT 5
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

LANDSCAPE CALCULATIONS:

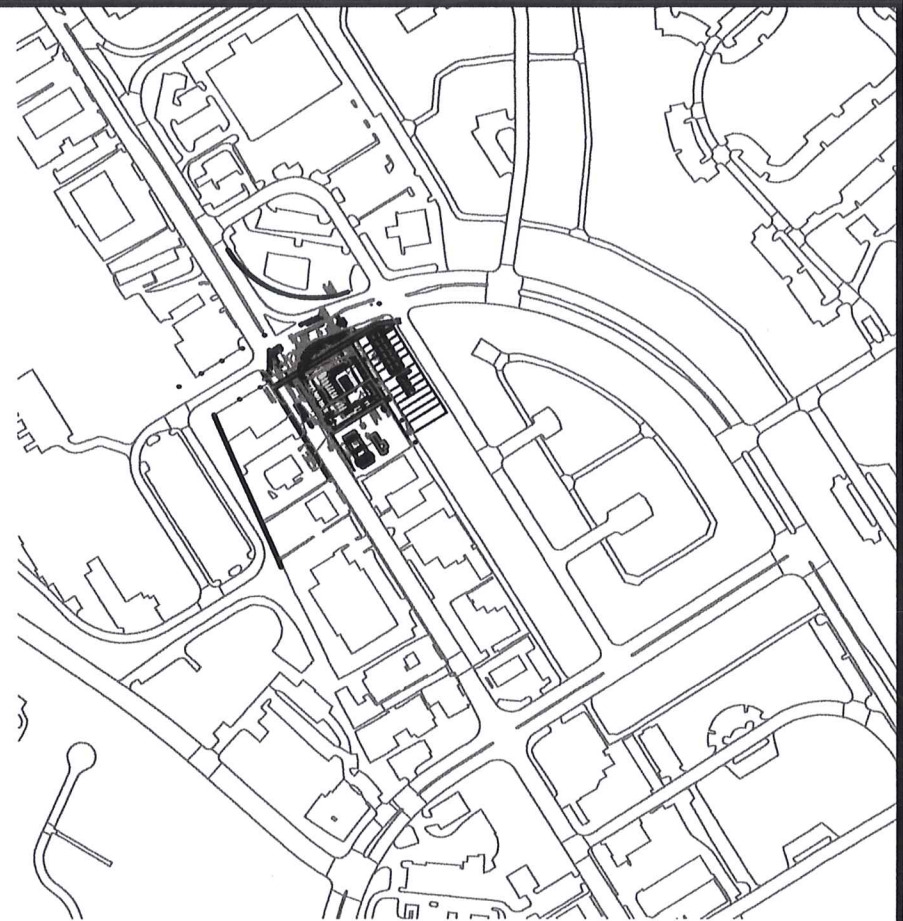
PLANTING REQUIRED:
370 LF OF ADJACENT RDWY. @ 1 PU / 40 LF = 10 PU's
45 LF INTERIOR ROADWAY @ 1 PU / 20 LF = 3 PU's
42 PARKING SPACES @ 1 PU / 12 SPACES = 4 PU's
205 LF PARKING ADJACENT TO RDWY. @ 1 PU / 15 LF = 14 PU's
140 LF SERVICE LANE @ 1 PU / 15 LF = 10 PU's
TOTAL PLANTING REQUIRED = 41 PU's

PLANTING PROVIDED:
7 MAJOR DECIDUOUS TREES @ 1:1 = 7 PU's
94 SHRUBS @ 5:1 = 18 PU's
1,612 SF GROUND COVER @ 500 SF:1 = 3 PU's
TOTAL PLANTING PROVIDED = 27 PU's

**A SCEERN WALL IS PROPOSED ALONG YORK ROAD AND FAIRMOUNT AVENUE
TO PROVIDE ADDITIONAL SCREENING OF THE PARKING AREA.

SCHEMATIC LANDSCAPE PLAN KEY

- MAJOR DECIDUOUS TREE
SUGGESTED JAPANESE ZELKOVA
OR CHINESE ELM
- SHRUB - SUGGESTED CHERRYLAUREL
- SHRUB - SUGGESTED JUNIPER
- GROUND COVER -
SUGGESTED LIRIOPE
OR ORNAMENTAL GRASS

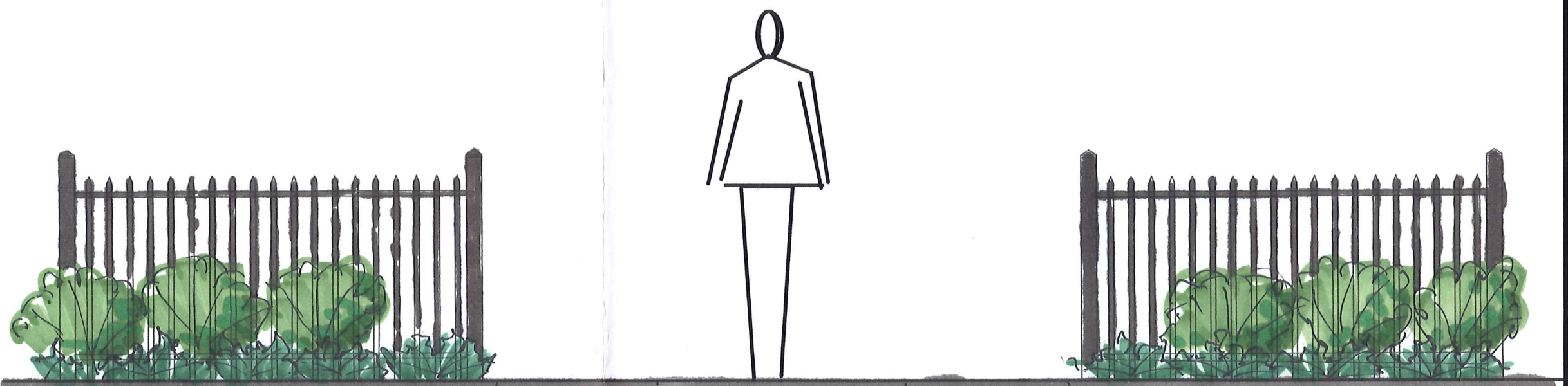


VICINITY MAP
SCALE: 1"=500'

BENCH MARKS

STATION 911 N 634133.56 E 1423440.88
ELEV. = 343.81
STATION 912 N 633160.61 E 1423193.14
ELEV. = 413.74

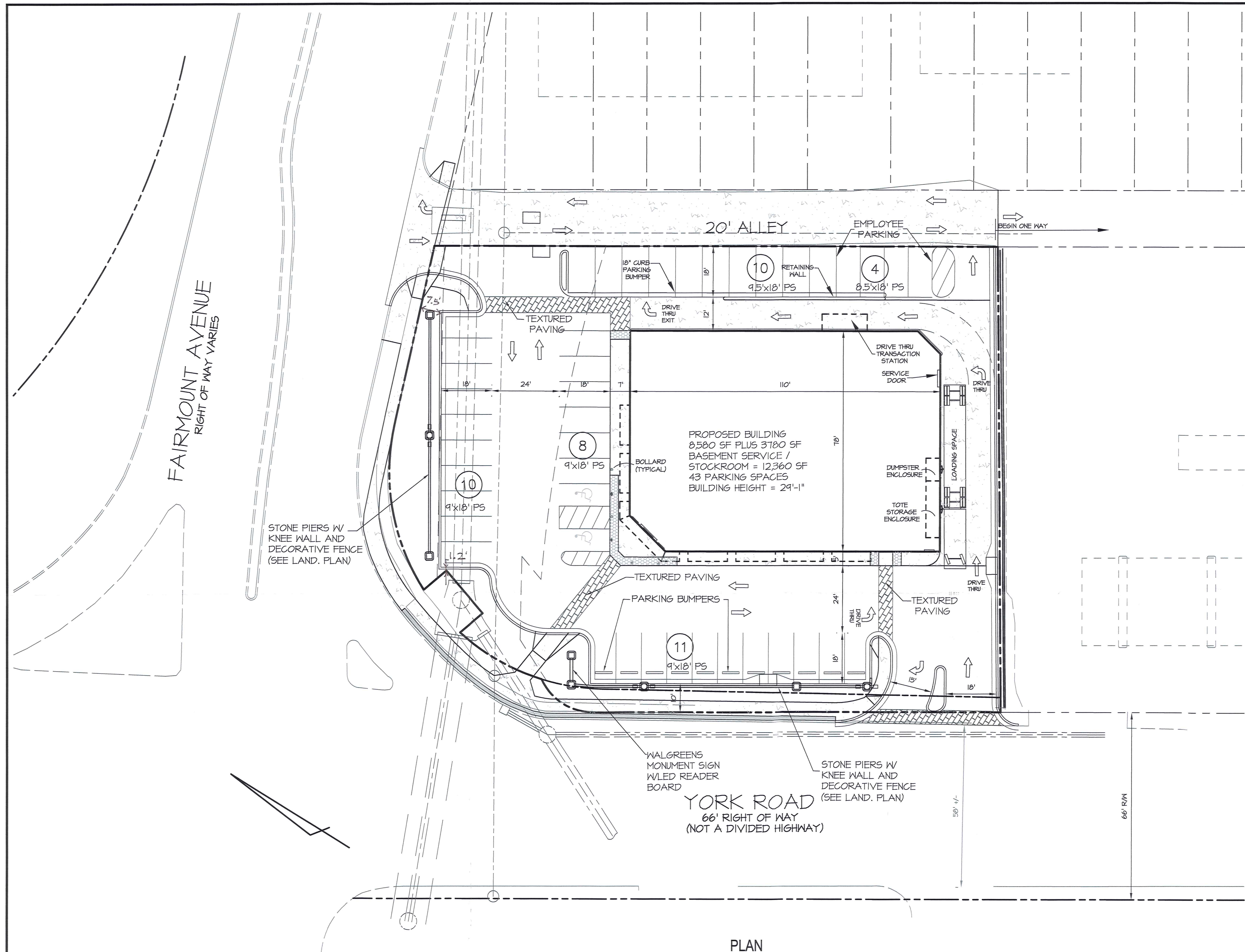
GENERAL NOTES
DEED REFERENCES: 28327/262, 28327/256, 2405/212, PART OF COUNTY RIGHT OF WAY TO BE
ACQUIRED RW 53-174.
CENSUS TRACT: 49301, 2000 CENSUS BLOCK GROUP 240054903011
LAND MANAGEMENT AREA: EMPLOYMENT CENTER
TAX MAP: 70, BLOCK: 1, PARCEL: 378 AND 877
TAX ACCOUNT NO. 09-09111532401, 09-0911153400
COUNCILMANIC DISTRICT: 5
WATERSHED: LOCH RAVEN RESERVOIR
SUBSEWERSHED: 29
LOT ACREAGE: 0.762 ACRES = 33,192 SF INCLUDING 0.117 AC. BALTIMORE COUNTY RIGHT OF
WAY, 0.055 AC. PARCEL TO BE ACQUIRED, 0.344 AC. PARCEL 1 OF KELBAUGH AND 0.246 AC.
PARCEL 2 OF KELBAUGH.
REGIONAL PLANNING DISTRICT: 315
200 SCALE MAP REFERENCE: 070A1
WATER SERVICE AREA: TOWSON FOURTH ZONE
TRANSPORTATION ZONE: 0555
BALTIMORE COUNTY 200 SCALE ZONING MAP - NE-11A
1. EXISTING USE: AUTOMOTIVE SERVICE GLASS REPAIR
2. EXISTING ZONING: BR
3. THERE ARE NO KNOWN HAZARDOUS MATERIAL SITES ON THIS PROPERTY. SOME HAZARDOUS
MATERIALS HAVE BEEN REMOVED FROM THE SITE UNDER THE SUPERVISION OF MDE AND AN
APPLICATION FOR A "NO FURTHER ACTION" HAS BEEN MADE WITH MDE.
4. THERE ARE NO KNOWN HISTORICAL SITES ON THIS PROPERTY.
5. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS PROPERTY. UNDERGROUND
TANKS WERE REMOVED IN JUNE OF 2009.
6. THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
7. THERE ARE NO PREVIOUS ZONING HEARINGS ON THIS PROPERTY.
8. THERE ARE NO PERMITS FOR IMPROVEMENTS ON THIS PROPERTY.
9. PROPOSED USE IS A DRUG STORE WITH DRIVE THRU. PROPOSED BUILDING IS 8,580 SF ON
THE FIRST FLOOR AND 3,780 SF ON THE UPPER LEVEL.
10. PARKING REQUIRED IS 1 PS PER 200 SF OF GROSS FLOOR AREA. GROSS FLOOR AREA =
8,580 SF (1ST FLOOR) PLUS 3,780 SF (2ND FLOOR STOCKROOM AND SERVICE) = 12,360 SF
PARKING REQUIRED: 12,360/200 = 62 PS.
PARKING PROVIDED = 42 PS.
A VARIANCE IS BEING REQUESTED TO ALLOW 42 PS IN LIEU OF THE REQUIRED 62.
PARKING PROVIDED WILL BE A DURABLE DUSTLESS SURFACE IN ACCORDANCE WITH SECTION
409.8 OF THE BCZR.
11. FLOOR AREA RATIO ALLOWED = 2.0, FAR PROPOSED = 12369/33,192 = 0.37
12. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE
MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE
COUNTY CODE.
13. LIGHTING SHALL BE ARRANGED SO AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL
SITES AND PUBLIC STREETS PER SECTION 409.8.A.3 OF THE BCZR.
14. NO OUTSIDE MATERIAL STORAGE IS PROPOSED.



PROPOSED FENCE ELEVATION AT PEDESTRAIN WALK
SCALE: 1"=2'

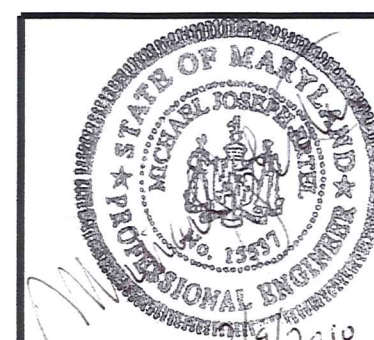
PETITIONER'S

EXHIBIT NO. 3



PLAN
SCALE: 1"=20'

I HEREBY CERTIFY THAT
THESE DOCUMENTS
WERE PREPARED BY OR
APPROVED BY ME, AND
THAT I AM A DULY
LICENSED
PROFESSIONAL
ENGINEER UNDER THE
LAWS OF THE STATE OF
MARYLAND, LICENSE NO.
15537, EXPIRATION
DATE 9/21/2011.



BY	REVISION	DATE

OWNER
RONALD F. KELBAUGH &
DEBORAH K. SPARKS ET AL
1505 IVY HILL ROAD SUITE 210
COCKEYSVILLE, MD 21030

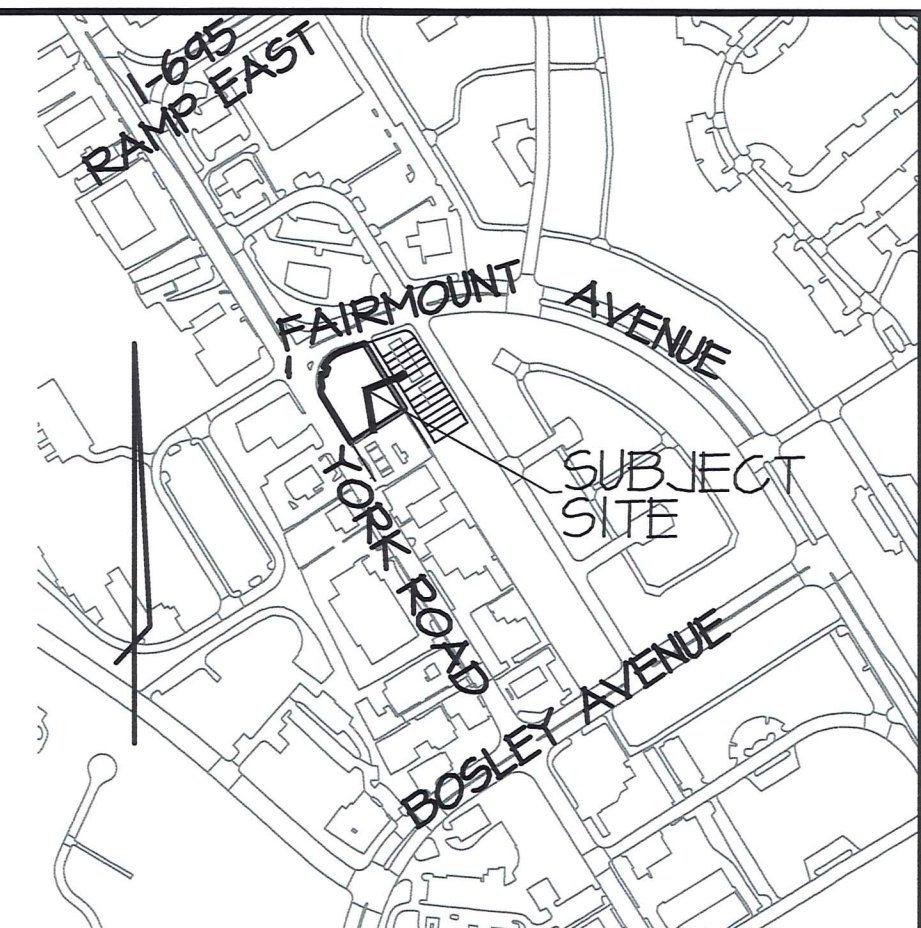
DEVELOPER/CONTRACT
PURCHASER
931 YORK LLC
100 E. PENNSYLVANIA AVENUE,
SUITE 210 TOWSON, MD 21286
CONTACT PERSON: DAVID M.
SCHILACHMAN
TELEPHONE #: (410) 296-5288

MJ CONSULTING, INC.
100 E. Pennsylvania Avenue
Suite 210
Towson, Maryland 21286
410-296-5288
410-296-4084 fax
email
mjconsultinginc@comcast.net

SCALE 1" = 20'	DATE: 3/9/2010
DESIGNED BY: MJC	CHECKED BY: MJE
JOB NO: 08-008	SHEET 1 OF 1

DRP SITE PLAN
WALGREENS
937 TO 939 YORK ROAD.

COUNCILMATIC DISTRICT 5
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

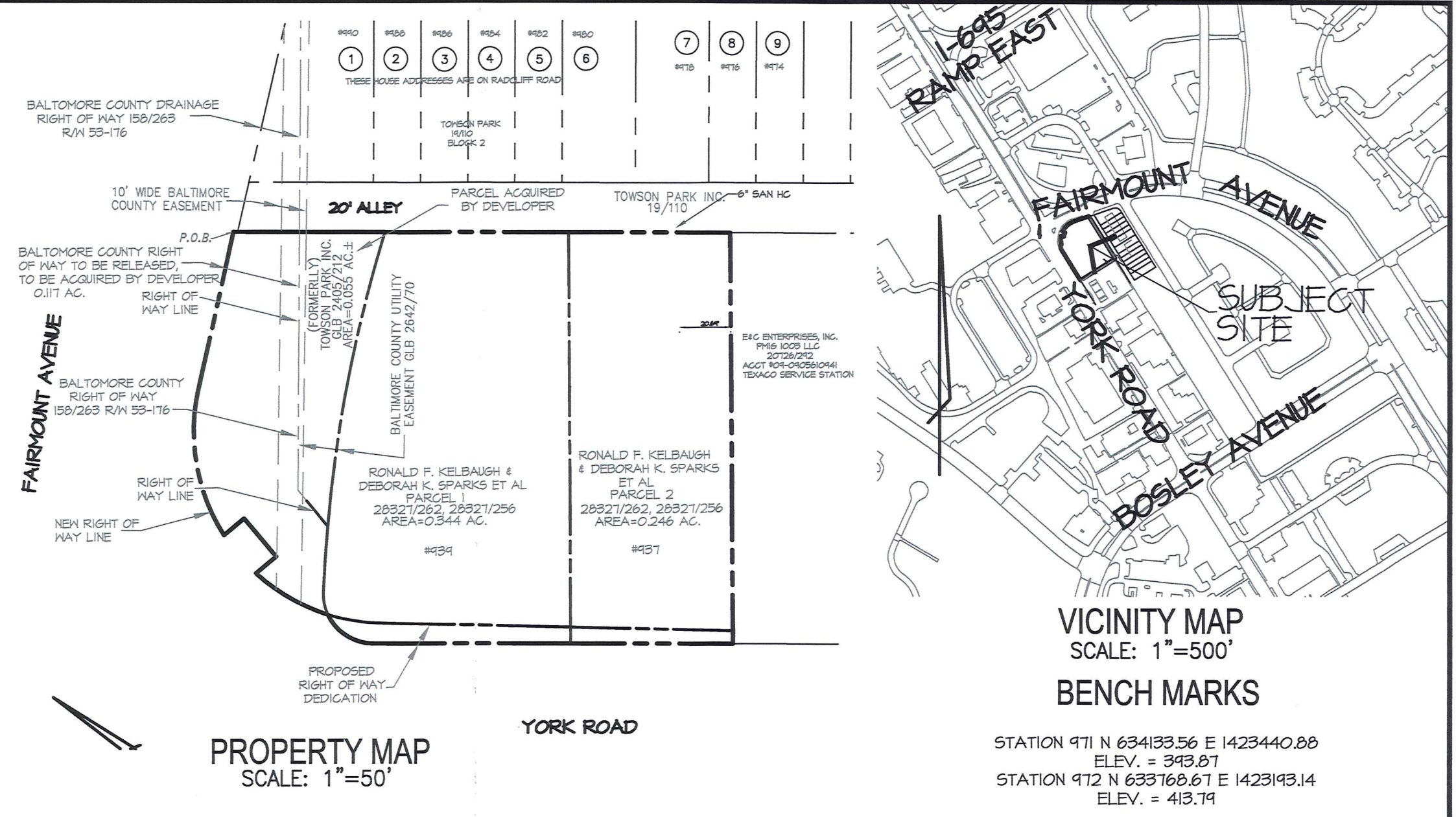
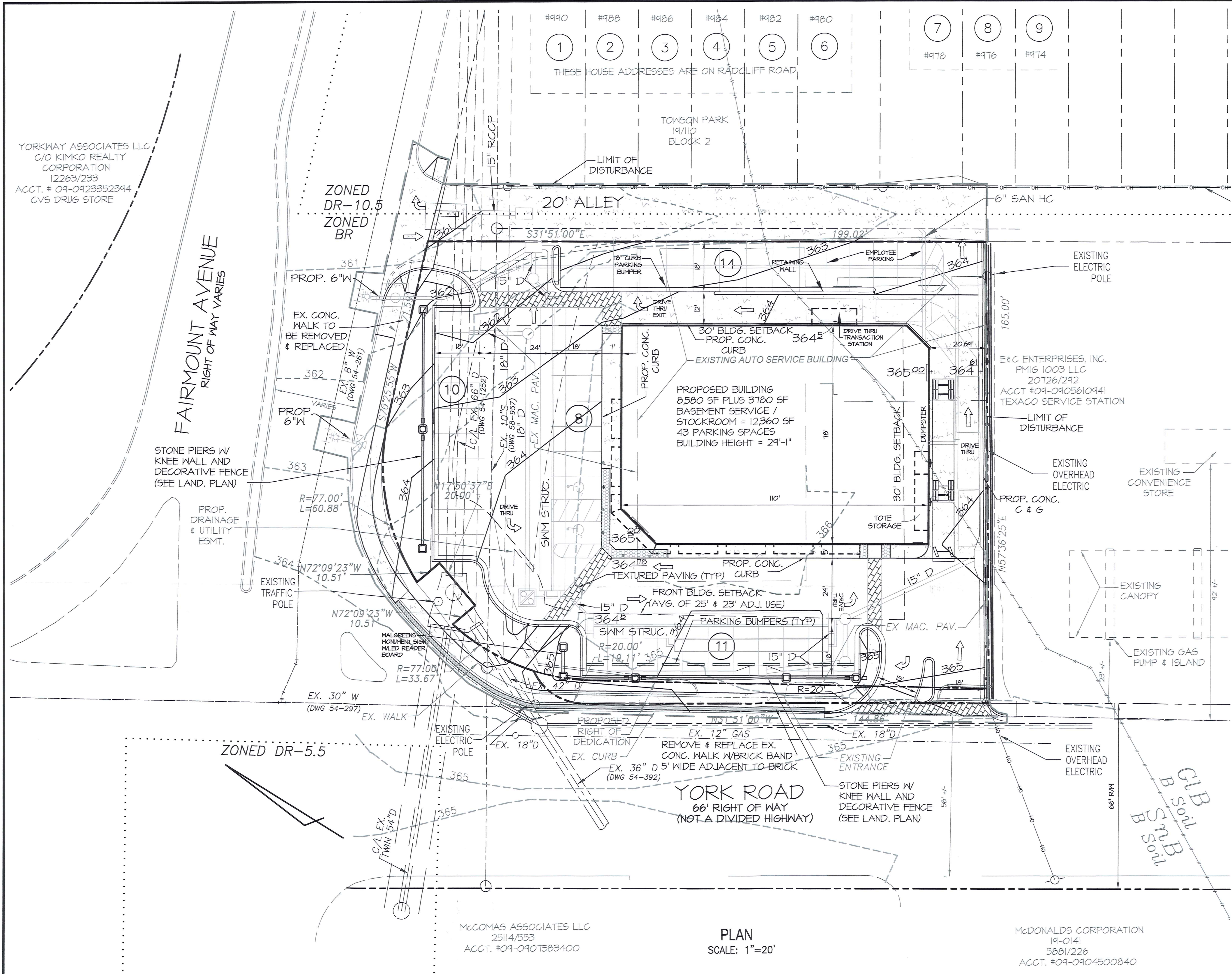


VICINITY MAP
SCALE: 1"=500'
BENCH MARKS

STATION 9T1 N 634133.56 E 1423440.88
ELEV. = 343.81
STATION 9T2 N 633768.61 E 1423193.14
ELEV. = 413.14

LEGEND

---	EXISTING RIGHT OF WAY
---	PROPERTY LINE
---	EXISTING CENTERLINE
---	EXISTING EASEMENT
---	EXISTING 2' CONTOUR
---	EXISTING 10' CONTOUR
---	EXISTING CURB & GUTTER
---	EXISTING MACADAM
---	EX. WATER
---	EX. STORM DRAIN
---	EXISTING WOODS / VEGETATION
---	EXISTING BUILDING
---	PROPOSED 2' CONTOUR
---	PROPOSED 10' CONTOUR
---	PROPOSED CURB & GUTTER
---	PROPOSED STORM DRAIN
---	UTILITY EASEMENT
---	APPROXIMATE LIMIT OF DISTURBANCE
---	WATER QUALITY STUDY AREA
---	SOIL DWIDE



WHEREFORE, IT IS ORDERED that, 7/6th day of November, 2009 by this Deputy
Deputy Commissioner, this Petitioner's Variance relief from Section 232.2, 409.6, 409.8.A.1
and 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To allow a proposed new building setback of 16 feet and side building setback of 20.4 feet in lieu of the required 10 feet for the same use.
- To permit off-street parking with setbacks as close as 1.5 feet to front of lot and 10 feet to rear right-of-way with required landscaping consistent with the landscape plan and enclose the area that was accepted into variance as Petitioner's Exhibit 1 and 2, respectively, and are hereby GRANTED, subject to the following:

- Petitioner are advised that they may apply for any required building permits and be granted relief from the provisions of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:
- Petitioner shall improve the sidewalk along York Road and Fairmount Avenue and provide a detailed landscape plan consistent with Petitioner's Exhibit 1 and 2. This plan shall include a brick heading along the sidewalk. A negative letter in consultation with the Department of Public Works and the Department of Planning and Zoning shall be required to be submitted and approved by the Department of Planning and Zoning.
- In addition to the site plan, the petitioner shall submit a site plan showing the proposed building and the proposed building as well as setbacks of all proposed buildings.
- Petitioner shall improve the sidewalk along York Road and Fairmount Avenue and provide a detailed landscape plan consistent with Petitioner's Exhibit 1 and 2. This plan shall include a brick heading along the sidewalk. A negative letter in consultation with the Department of Public Works and the Department of Planning and Zoning shall be required to be submitted and approved by the Department of Planning and Zoning.
- Petitioner shall provide details of the proposed building to the Office of Planning. The architect shall submit architectural elevations to the Office of Planning including the proposed building as well as setbacks of all proposed buildings.
- If requested by the residential community, Petitioner shall open a new fence along the properties adjacent to the site way to be removed, possibly based on the plan, as determined by the Office of Planning and Zoning to provide a better view of the site.
- Lighting shall be provided to illuminate the site, but in such a manner that it does not cause glare or light pollution to the surrounding community and is in accordance with the Baltimore County Code.

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

John H. Bork
Deputy Deputy Commissioner
Baltimore County

GENERAL NOTES

DEED REFERENCES: 28327/262, 26327/256, 2405/212, PART OF COUNTY RIGHT OF WAY TO BE ACQUIRED RW 53-174. CENSUS TRACT: 49301, 2000 CENSUS BLOCK GROUP 240054903011

LAND MANAGEMENT AREA: EMPLOYMENT CENTER
TAX MAP: 70, BLOCK: 1, PARCEL: 378 AND 877
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WATER SERVICE AREA: TOWSON FOURTH ZONE
TRANSPORTATION ZONE: 0555
BALTIMORE COUNTY 200 SCALE ZONING MAP - NE-11A

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- EXISTING ZONING: BR
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- THERE ARE NO PREVIOUS ZONING HEARINGS ON THIS PROPERTY
- THERE ARE NO PERMITS FOR IMPROVEMENTS ON THIS PROPERTY.
- PROPOSED USE IS A DRUG STORE WITH DRIVE THRU. PROPOSED BUILDING IS 8,580 SF ON THE FIRST FLOOR AND 3,780 SF ON THE UPPER LEVEL.
- PARKING REQUIRED IS 1 PS PER 200 SF OF GROSS FLOOR AREA. GROSS FLOOR AREA = 8,580 SF (1ST FLOOR), 3,780 SF (BASEMENT STOCKROOM AND SERVICE) = 12,360 SF PARKING REQUIRED: 8,580/200 = 43 PS.
- PARKING PROVIDED = 43 PS.
- PARKING PROVIDED WILL BE A DURABLE DUSTLESS SURFACE IN ACCORDANCE WITH SECTION 409.8 OF THE BCZR.
- FLOOR AREA RATIO ALLOWED = 2.0, FAR PROPOSED = 12369/33,192 = 0.37
- LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE.
- LIGHTING SHALL BE ARRANGED SO AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS PER SECTION 409.8.A.3 OF THE BCZR.
- NO OUTSIDE MATERIAL STORAGE IS PROPOSED.
- A VARIANCE TO THE BCZR WAS GRANTED ON NOVEMBER 16, 2009. A COPY OF THE ORDER IS SHOWN ON THIS PLAN.

LEGEND	
	EXISTING RIGHT OF WAY
	PROPERTY LINE
	EXISTING CENTERLINE
	EXISTING EASEMENT
	EXISTING 2' CONTOUR
	EXISTING 10' CONTOUR
	EXISTING CURB & GUTTER
	EXISTING MACADAM
	EX. WATER
	EX. 15' SD
	EXISTING WOODS / VEGETATION
	EXISTING BUILDING
	PROPOSED 2' CONTOUR
	PROPOSED 10' CONTOUR
	PROPOSED CURB & GUTTER
	PROPOSED STORM DRAIN
	UTILITY EASEMENT
	APPROXIMATE LIMIT OF DISTURBANCE
	WATER QUALITY STUDY AREA
	SOIL DIVIDE

ADJACENT OWNERS
TOWSON PARK
288 Radcliffe Road
Mr. Norbert & Mabel Muench
102 Springview Court
Timonium, Maryland 21093

Ms. Kathleen Agnes Wolfe
986 Radcliffe Road
Towson, Maryland 21204

Ms. Dorthea L. Trubing
984 Radcliffe Road
Towson, Maryland 21204

Ms. Joan Todd
982 Radcliffe Road
Towson, Maryland 21204

Mr. Daniel P. Herman
980 Radcliffe Road
Towson, Maryland 21204

976-978 Radcliffe Road LLC
635 Chestnut Avenue
Towson, Maryland 21204

CERTIFICATION AS TO DELINQUENT ACCOUNTS
THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS THE LIPARIN PROPERTY AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-55 (C) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

I, _____, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO SHALL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

AFFIANT

I HEREBY CERTIFY, THAT ON THIS ____ DAY OF _____, BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED AND MADE OATH IN DUE FORM OF LAW THAT THE MATTERS AND FACTS HEREINABOVE SET FORTH ARE TRUE.

NOTARY PUBLIC
NOTE: IF APPLICANT IS A CORPORATION, THIS CERTIFICATION MUST BE COMPLETED BY AN AUTHORIZED OFFICER AND IF APPLICANT IS A PARTNERSHIP OR JOINT VENTURE, IT MUST BE COMPLETED BY A GENERAL PARTNER OR VENTURE OR AN OFFICER THEREOF, IF HE PARTNER OR VENTURE IS A CORPORATION.

PLAN
SCALE: 1"=20'

McCOMAS ASSOCIATES LLC
25114/553
ACCT. #09-0901503400

McDONALDS CORPORATION
19-0141
5881/226
ACCT. #09-0904500840

DETAIL - CURB AT S/P/L
NO SCALE

OWNER
RONALD F. KELBAUGH &
DEBORAH K. SPARKS ET AL
1505 IVY HILL ROAD SUITE 210
COCKEYSVILLE, MD 21030

DEVELOPER/CONTRACT
PURCHASER
451 YORK LLC
100 E. PENNSYLVANIA AVENUE,
SUITE 210 TOWSON, MD 21286
CONTACT PERSON: DAVID M.
SCHLAGMAN
TELEPHONE #: (410) 246 3715

BY
DATE

REVISION

DATE

MJ CONSULTING, INC.
100 E. Pennsylvania Avenue
Suite 210
Towson, Maryland 21286
410-296-5288
410-296-4084 fax
email
mjconsultinginc@comcast.net

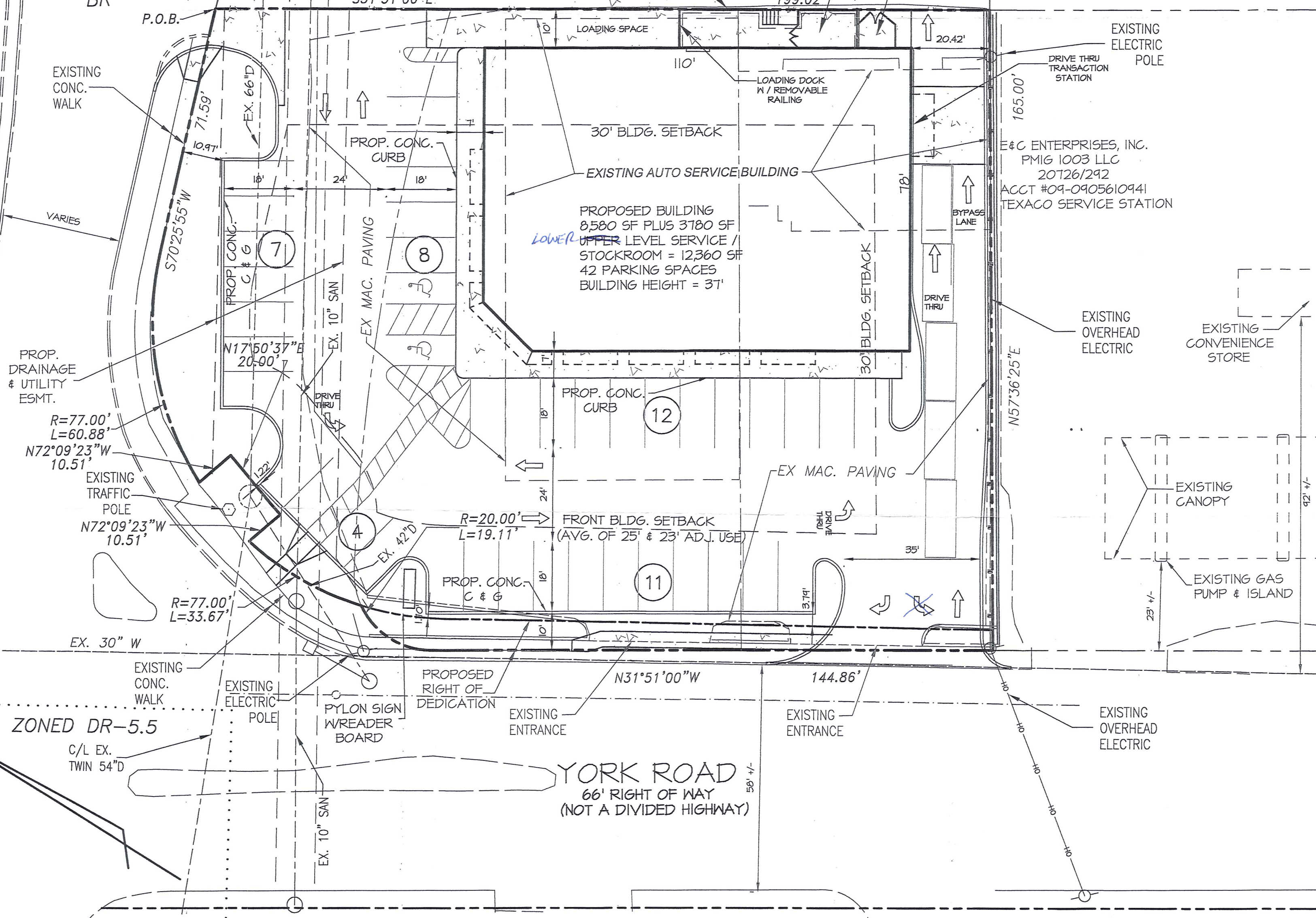
SCALE 1" = 20'	DATE: 3/9/2010
DESIGNED BY: MJC	CHECKED BY: MJE
JOB NO: 08-008	SHEET 1 OF 1

PLAN TO ACCOMPANY DRC REQUEST
WALGREENS
937 TO 939 YORK ROAD.
COUNCILMANIC DISTRICT 5
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

YORKWAY ASSOCIATES LLC
C/O KIMKO REALTY
CORPORATION
12263/233
ACCT. # 09-0423352394
CVS DRUG STORE

FAIRMOUNT AVENUE
RIGHT OF WAY VARIES

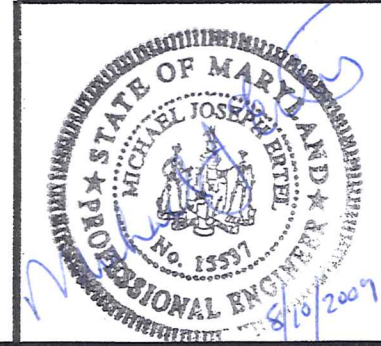
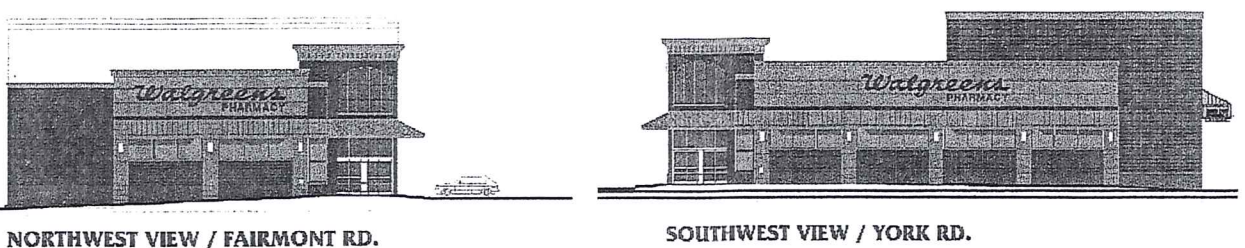
ZONED
DR-10.5
ZONED
BR



ZONED DR-5.5
C/L EX. TWIN 54°D

MCCOMAS ASSOCIATES LLC
25114/553
ACCT. #09-0901583400

PLAN
SCALE: 1"=20'



I HEREBY CERTIFY THAT
THESE DOCUMENTS
WERE PREPARED BY OR
APPROVED BY ME, AND
THAT I AM A DULY
LICENSED
PROFESSIONAL
ENGINEER UNDER THE
LAWS OF THE STATE OF
MARYLAND, LICENSE NO.
15537, EXPIRATION
DATE 9/21/2009.

ADJACENT OWNERS
TOWSON PARK
288 Radcliffe Road
Mr. Norbert & Mabel Muench
102 Springview Court
Timonium, Maryland 21093
Ms. Kathleen Agnes Wolfe
986 Radcliffe Road
Towson, Maryland 21204
Ms. Doretha L. Trubing
984 Radcliffe Road
Towson, Maryland 21204
Ms. Joan Todd
982 Radcliffe Road
Towson, Maryland 21204
Mr. Daniel P. Herman
980 Radcliffe Road
Towson, Maryland 21204
976-978 Radcliffe Road LLC
635 Chestnut Avenue
Towson, Maryland 21204

OWNER
RONALD F. KELBAUGH &
DEBORAH K. SPARKS ET AL
1505 IVY HILL ROAD SUITE 210
COCKEYSVILLE, MD 21030

DEVELOPER/CONTRACT
PURCHASER
637 YORK, LLC
100 E. PENNSYLVANIA AVENUE,
SUITE 210 TOWSON, MD 21286
CONTACT PERSON: DAVID M.
SCHLACHMAN
TELEPHONE #: (410) 296 3716

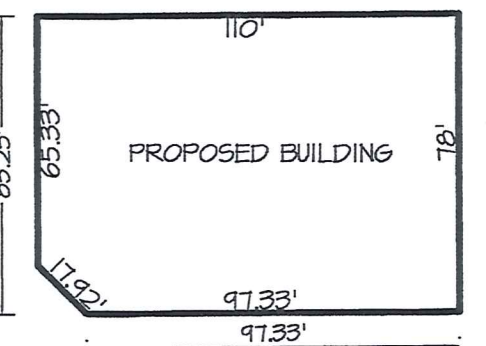
MJ CONSULTING, INC.
100 E. Pennsylvania Avenue
Suite 210
Towson, Maryland 21286
410-296-5288
410-296-4084 fax
email
mjconsultinginc@comcast.net

SCALE 1" = 20'	DATE: 8/8/2009
DESIGNED BY: MJC	CHECKED BY: MJE
JOB NO: 08-008	SHEET 1 OF 1

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
937 TO 939 YORK ROAD.
YORK ROAD & FAIRMOUNT AVENUE
COUNCILMATIC DISTRICT 5
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

FAIRMOUNT AVENUE
ATTACHED SIGN CALCULATION
ROAD FRONTAGE = 65.25' X 2 = 130.50' SF

MAXIMUM SIGN SQUARE FOOTAGE
ALLOWED ON EACH BUILDING
FACE IS 150 SF
BOTH BUILDING FACES WILL
SUPPORT MAX. 150 SF SIGN



ATTACHED SIGN CALCULATION YORK
ROAD FRONTAGE = 91.33' X 2 = 182.66' SF

YORK ROAD
ATTACHED SIGN SF CALCULATION
SCALE: 1"=50'

ONE SIGN IS PROPOSED ON THE YORK
ROAD SIDE AND ONE ON THE
FAIRMOUNT AVENUE SIDE OF THE
BUILDING. EACH SIGN WILL BE
ILLUMINATED AND WILL BE 150 SQUARE
FEET AND WILL COMPLY WITH SECTION
450 OF THE BCZR.



PROPOSED ATTACHED
WALL SIGNS

PYLON SIGN

ONE FREE STANDING PYLON SIGN IS
PROPOSED AS SHOWN ON THE PLAN.
THE SIGN HEIGHT WILL BE 25' AND WILL
INCLUDE THE SAME WALGREENS SCRIPT
SHOWN ABOVE AND A READER BOARD.
THE SIGN WILL BE DOUBLE FACED AND
EACH SIDE WILL TOTAL 75 SQUARE
FEET AND WILL COMPLY WITH SECTION
450 OF THE BCZR.

PETITIONER'S
EXHIBIT NO. 1

0046

FAIRMOUNT AVENUE
RIGHT OF WAY VARIES
BRICK DECOR

ZONED
DR-10.5
ZONED
BR
PROP. 6"W

EX. CONC.
WALK TO
BE REMOVED
& REPLACED

ZONED DR-5.5

PLAN
SCALE: 1"=20'

McDONALDS CORPORATION
19-0141
5881/226
ACCT. #09-0904500840

PROPERTY MAP
SCALE: 1"=50'

VICINITY MAP
SCALE: 1"=500'
BENCH MARKS

STATION 971 N 634133.56 E 1423440.88
ELEV. = 393.87
STATION 972 N 633768.67 E 1423193.14
ELEV. = 413.79

GENERAL NOTES

DEED REFERENCES: 28327/262, 28327/256, 2405/212, PART OF
COUNTY RIGHT OF WAY TO BE ACQUIRED RW 53-174.
CENSUS TRACT: 49301, 2000 CENSUS BLOCK GROUP
240054903011

LAND MANAGEMENT AREA: EMPLOYMENT CENTER
TAX MAP: 70, BLOCK: 1, PARCEL: 378 AND 877
TAX ACCOUNT NO. 09-09111532401, 09-0911153400
COUNCILMANIC DISTRICT: 5
WATERSHED: LOCH RAVEN RESERVOIR
SUBSEWERSHED: 29

LOT ACREAGE: 0.762 ACRES = 33,192 SF INCLUDING 0.117 AC.
BALTIMORE COUNTY RIGHT OF WAY, 0.055 AC. PARCEL TO BE
ACQUIRED, 0.344 AC. PARCEL 1 OF KELBAUGH AND 0.246 AC.
PARCEL 2 OF KELBAUGH.

REGIONAL PLANNING DISTRICT: 315
200 SCALE MAP REFERENCE: 070A1
WATER SERVICE AREA: TOWSON FOURTH ZONE
TRANSPORTATION ZONE: 0555

1. EXISTING USE: AUTOMOTIVE SERVICE GLASS REPAIR
2. EXISTING ZONING: BR
3. THERE ARE NO KNOWN HAZARDOUS MATERIAL SITES ON THIS

PROPERTY. SOME HAZARDOUS MATERIALS HAVE BEEN REMOVED FROM THE SITE UNDER THE SUPERVISION OF MDE AND AN APPLICATION FOR A "NO FURTHER ACTION" HAS BEEN MADE WITH MDE.

4. THERE ARE NO KNOWN HISTORICAL SITES ON THIS PROPERTY
5. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS PROPERTY. UNDERGROUND TANKS WERE REMOVED IN JUNE OF 2009.

6. THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY
CRITICAL AREA
7. THERE ARE NO PREVIOUS ZONING HEARINGS ON THIS
PROPERTY.

8. THERE ARE NO PERMITS FOR IMPROVEMENTS ON THIS PROPERTY.

9. PROPOSED USE IS A DRUG STORE WITH DRIVE THRU. PROPOSED BUILDING IS 8,580 SF ON THE FIRST FLOOR AND

10. PARKING REQUIRED IS 1 PS PER 200 SF OF GROSS FLOOR AREA. GROSS FLOOR AREA = 8,580 SF (1ST FLOOR). 3,780 SF (BASEMENT STOCKROOM AND SERVICE) - 12,360 SF. PARKING

PARKING PROVIDED WILL BE A DURABLE DUSTLESS SURFACE IN
ACCORDANCE WITH SECTION 102.2 OF THE BCRB.

12. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE

13. LIGHTING SHALL BE ARRANGED SO AS TO REFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.

15. A VARIANCE TO THE BCZR WAS GRANTED ON NOVEMBER 16,

2009. A COPY OF THE ORDER IS SHOWN ON THIS PLAN.

CERTIFICATION AS TO DELINQUENT ACCOUNTS
THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE
DEVELOPMENT KNOWN AS THE LIPARINI PROPERTY AND IS GIVEN IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 22-55 (C) OF
THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.

1. DAVID SCHUCHMAN CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO SHALL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

I HEREBY CERTIFY THAT
THESE DOCUMENTS
WERE PREPARED BY OR
APPROVED BY ME, AND
THAT I AM A DULY
LICENSED
PROFESSIONAL
ENGINEER UNDER THE
LAWS OF THE STATE OF
MARYLAND, LICENSE NO.
15537, EXPIRATION
DATE 9/21/2011.

I HEREBY CERTIFY, THAT ON THIS 8th DAY OF December,
BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR THE
COUNTY AND STATE AFORESAID, PERSONALLY APPEARED David S.
AND MADE OATH IN DUE FORM OF LAW THAT THE MATTERS AND FACTS
HEREINABOVE SET FORTH ARE TRUE.

NOTE: IF APPLICANT IS A CORPORATION, THIS CERTIFICATION MUST BE COMPLETED BY AN AUTHORIZED OFFICER AND IF APPLICANT IS A PARTNERSHIP OR JOINT VENTURE, IT MUST BE COMPLETED BY A GENERAL PARTNER OR VENTURE OR AN OFFICER THEREOF, IF HE PARTNER OR VENTURER IS A CORPORATION.

ADJACENT OWNERS
TOWSON PARK
988 Radcliffe Road
Mr. Norbert & Mabel Muench
102 Springview Court
Timonium, Maryland 21093

Ms. Kathleen Agnes Wolfe
986 Radcliffe Road
Towson, Maryland 21204

Ms. Dorteia L. Trabing
984 Radcliffe Road
Towson, Maryland 21204

Ms. Joan Todd
982 Radcliffe Road
Towson, Maryland 21204

Mr. Daniel P. Herman
980 Radcliffe Road
Towson, Maryland 21204

976-978 Radcliffe Road LLC
635 Chestnut Avenue
Towson, Maryland 21204

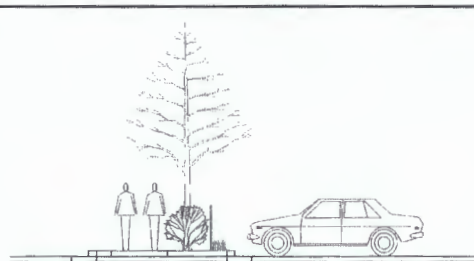
DEVELOPER/CONTRACT
PURCHASER
937 YORK, LLC
200 E. PENNSYLVANIA AVENUE,
SUITE 210 TOWSON, MD 21286
CONTACT PERSON: DAVID M.
SCHLACHMAN
TELEPHONE #: (410) 296 3715

MJ CONSULTING, INC.
100 E. Pennsylvania Avenue
Suite 210
Towson, Maryland 21286
410-296-5288
410-296-4084 fax
email
mjconsultinginc@comcast.net

SCALE 1" = 20'	DATE: 12/8/2009
DESIGNED BY: MJC	CHECKED BY: MJE
JOB NO: 08-008	SHEET 1 OF 1

PLAN TO ACCOMPANY DRC REQUEST
WALGREENS
937 TO 939 YORK ROAD.

COUNCILMATIC DISTRICT 5
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

[illegible]

SIDEWALK SECTION A-A
SCALE: 1"=5'



VICINITY MAP
SCALE: 1"=500'
BENCH MARKS

STATION #78 N 654839.56 E 1429440.68
ELEV. = 593.87
STATION #72 N 653760.61 E 1429463.4
ELEV. = 493.74

GENERAL NOTES
DATA REFERENCES:

GENERAL NOTES: 2837/282, 2830/2825, 2834/254, 2405/212, PART OF COUNTY HIGHWAY 81 WAY TO BE ACQUIRED PER 53-174.

CEGUS TRACT: 49301, 2000 CEGUS ROAD, BLOCK 20054943011

USE AND MANAGEMENT AREA: EMPLOYMENT CENTER

MAP: TAX MAP, 100, 1, PARCELS: 378 AND 877

TAX ACCOUNT NO. 00-0011533401, 00-001153400

COUNTMANIC DISTRICT: 5

WATERED: LAKSH AUBURN RESERVATION

SUBDIVISION: 29

LOT ACRES: 6.72 ACRES = 33,192 SF INCLUDING 0.1117 AC. BALTIMORE COUNTY RIGHT OF WAY TO BE ACQUIRED, 0.3344 AC. PARCEL 1 OF KIDWASH AND 0.246 AC. PARCEL 2 OF KIDWASH.

FEDERAL PLANNING DISTRICT: 315

200 SCALE MAP RESTRICTION: 07041

WATER SERVICE AREA: TOWSON TOWN ZONE

TRANSPORTATION ZONE: 0553

BALTIMORE COUNTY 200 SCALE ZONING MAP - HE-11A

1. EXISTING USE: AUTOMOTIVE SERVICE GLASS REPAIR

2. EXISTING ZONING: B1

3. THERE ARE NO KNOWN HAZARDOUS MATERIAL SITES ON THIS PROPERTY. SOME HAZARDOUS MATERIALS MAY BE PRESENT FROM THE SITE DUE TO THE SUPERVISION OF A HIDE AND AN APPLICATION FOR A "NO FURTHER" ACTION HAS BEEN MADE WITH MDE.

4. THERE ARE NO KNOWN HISTORICAL SITES ON THIS PROPERTY

5. THERE ARE NO KNOWN HISTORICALLY SIGNIFICANT TOWNS ON THIS PROPERTY. UNDERGROUND TOWNS WERE REMOVED IN JUNE OF 2006.

6. THERE ARE NO SITES NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA

7. THERE ARE NO PREVIOUS ORDINANCES ON THIS PROPERTY

8. THERE ARE NO PERMITS FOR IMPROVEMENTS ON THIS PROPERTY

9. A. THERE ARE NO PROPOSED IMPROVEMENTS TO THE PROPOSED BUILDING IS 6,540 SF ON THE FIRST FLOOR AND 3,760 SF ON THE UPPER LEVEL.

10. THE PARKING REQUIRED IS 15 PER 200 SF OF GROSS FLOOR AREA. GROSS FLOOR AREA = 10,300 SF OF FLOOR PLANS. 15 PER 200 SF OF GROSS FLOOR AREA (STOCKROOM AND SERVICES) = 12,360 SF

11. PARKING REQUIRED = 12,360/200 = 62 PS

12. PARKING PROVIDED = 42 PS

13. PARKING PROVIDED IS BEING REDUCED TO 42 PS IN LINE OF THE REQUIRED 62.

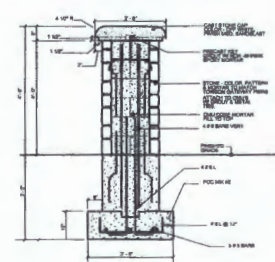
14. PARKING PROVIDED WILL BE A DURABLE OUTSIDE SURFACE IN ACCORDANCE WITH BALTIMORE COUNTY ZONING

15. 11. FLOOR AREA RATIO ALLOWED = 2.0, FAR PROPOSED = 12360/33192 = 0.37

16. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANAGEMENT DESIGN GUIDELINES FOR THE PROPOSED PLANS TO SECTION 25-105

17. THE DEVELOPER SHALL BE ARRANGED SO AS TO REFLECT LIGHT ARMY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS PER SECTION 409.A.0.3 OF THE BCZDR.

18. NO OUTSIDE WATER STORAGE IS PROPOSED.



SECTION THRU COLUMN
SCALE: 1/2" = 1'-0"

THESE HOUSE ADDRESSES ARE ON RADCLIFF ROAD

TOYSEN PARK
BLOCK 2

LIMIT OF DISTURBANCE

TOTE
STORAGE
ENCLOSURE

DUMPSITE
ENCLOSURE

20' ALLEY

LOADING SPACE

LOADING DOCK

PROPOSED BUILDING
8560 SF PLUS 3780 SF
BASEMENT (STORAGE)
= 12360 SF
43 PARKING SPACES
FF ELEV. 365.00

TOTAL LOT AREA = 0.762 ACRES

EXISTING ELECTRIC POLE

DRIVE THRU
TRANSACTION
STATION

LIMIT OF DISTURBANCE

EXISTING OVERHEAD
ELECTRIC

EAC ENTERPRISES:
PACO LOGS LLC
20728/PAC
ACCT ROR ORANGE
TEXAS SERVICE

FAIRMOUNT AVENUE
80' RIGHT OF WAY VARIES

EX CONC. PAULT TO BE REMOVED & REPLACED

EX TRW 54' D.

EX 30' W

EX 18' D

EX 12' GAS

EX 36' D

YORK ROAD
66' RIGHT OF WAY
(NOT A DIVIDED HIGHWAY)

MCCOMAS ASSOCIATES LLC
ZSR-1-003
ACCT. 104-091753400

PLAN
SCALE: 1"=20'

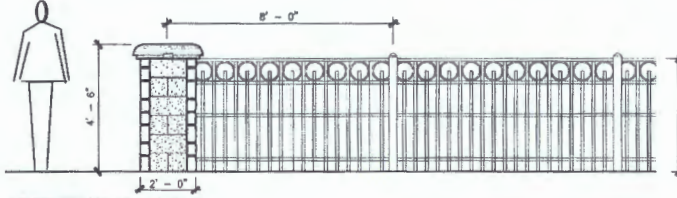
MCDONALDS CORPORATION
R-034
3800/226
ACCT. ROR-DHOS00840

LANDSCAPE CALCULATIONS:

PLANTING REQUIRED:		
370 LF OF ADJACENT RDWY.	@ 1 PU / 40 LF	= 10 PUs
45 LF INTERIOR ROADWAY	@ 1 PU / 20 LF	= 3 PUs
43 PARKING SPACES	@ 1 PU / 12 SPACES	= 4 PUs
205 LF PARKING ADJACENT TO RDWY.	@ 1 PU / 15 LF	= 14 PUs
140 LF SERVICE LAJNE	@ 1 PU / 15 LF	= 10 PUs
	TOTAL PLANTING REQUIRED	= 41 PUs
 7 PLANTING PROVIDED:		
7 MAJOR DECIDUOUS TREES	@ 1:1	= 7 PUs
88 SHRUBS	@ 1:1	= 18 PUs
1,588 SF GROUND COVER	@ 500 SF:1	= 3 PUs
	TOTAL PLANTING PROVIDED	= 28 PUs

SCHEMATIC LANDSCAPE PLAN KEY

	MAJOR DECIDUOUS TREE SUGGESTED JAPANESE ZELKOVA OR CHINESE ELM
	SHRUB - SUGGESTED MANHATTAN EUNYMIUS
	SHRUB - SUGGESTED JUNIPER
	GROUND COVER - SUGGESTED LIRIOPE OR ORNAMENTAL GRASS



PROPOSED FENCE ELEVATION
SCALE: 1"=2'

***A SCEERN WALL IS PROPOSED ALONG YORK ROAD AND FAIRMOUNT AVE
TO PROVIDE ADDITIONAL SCREENING OF THE PARKING AREA.

PLAN PREPARED BY:
HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21206
(410) 825-3856 Phone
(410) 825-3857 Fax

[illegible]

**DEVELOPER/CONTRACT
PURCHASER**
197 YORK, LLC
100 E. PENNSYLVANIA AVENUE,
SUITE 210 TOPSAIL, MD 21206
CONTACT PERSON: DAVID M.
SCHLACHMAN
TELEPHONE #: (410) 246-9766

MJ CONSULTING, INC.
100 E. Pennsylvania Avenue
Suite 210
Towson, Maryland 21286
410-296-5288
410-296-4084 fax
email
mjconsultinginc@comcast.net

SCALE 1" = 20'	DATE: 12/22/2009
DESIGNED BY: AAE	CHECKED BY: SAM
JOB NO: 08-008	SHEET 1 OF 1

SCHEMATIC LANDSCAPE PLAN
937 TO 939 YORK ROAD.
YORK ROAD & FAIRMOUNT AVENUE

COUNCILMATIC DISTRICT 5
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

