

IN RE: PETITION FOR VARIANCE
(6415 Baltimore National Pike)
1st Election District
4th Council District
Manus B. Sellman, *Legal Owner*
Gardiner Wolf Furniture,
Lessee
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2017-0222-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Manus B. Sellman, owner of the subject property and Gardiner Wolf Furniture, lessee ("Petitioners"). Petitioners are requesting variance relief from §409 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces; (2) to approve the existing standard parallel parking spaces as small as 9 x 17.6 feet in lieu of the required 7 ½ x 21 feet and the existing angled parking spaces as small as 8.9 x 17.6 feet in lieu of the required 8.5 by 18 feet; and (3) to approve the layout of the existing off street parking spaces on the property. A site plan was marked as Petitioners' Exhibit 1.

Doug Wolf, David Sellman, Jules Shaivitz, Jocelyn Wolf and professional surveyor Keith Heigel appeared in support of the petition. Adam M. Rosenblatt, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), and will be discussed below.

The property is approximately 5.8 acres in size and split-zoned BR and BR-AS. The site is improved with two commercial buildings: one is a furniture store and the other is an indoor

ORDER RECEIVED FOR FILING

Date 6/21/17

By Sen

tennis/racquet facility. The businesses have been in existence for over 40 years, and counsel noted a parking site plan was never filed or approved for the property, which is not unusual in these circumstances. In any event, Petitioners seek zoning relief to legitimize the off-street parking as currently existing and configured.

In its ZAC comment, DPR noted (correctly) that certain deficiencies exist with respect to the parking arrangement that are not encompassed by the two variance requests in the petition. Indeed, the petition expressly seeks variance relief for the number of spaces provided and the dimensions of those spaces. But certain other deficiencies exist; e.g., drive aisle widths, backing areas, and landscaping requirements. Rather than attempting to address these deficiencies with numerous variances, I believe the more appropriate resolution (as suggested by DPR) is to approve the existing conditions pursuant to B.C.Z.R. §409.12. That section provides the Administrative Law Judge with authority to approve a modified parking plan, which is appropriate herein for the reasons discussed above. DPR also requested a landscape plan be provided, although I do not believe Petitioners (who are not at this time proposing any exterior improvements or alterations to the site) should be required to incur the significant expense associated with the preparation and approval of such plans. Instead, the order below will contain a condition requiring Petitioners to provide landscaping or screening as deemed appropriate by the County's landscape architect.

THEREFORE, IT IS ORDERED, this 2nd day of **June, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking: (1) to approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces; and (2) to approve the existing standard parallel parking spaces as small as 9 x 17.6 feet in lieu of the required 7 ½ x 21 feet and the existing angled parking spaces as small as 8.9 x 17.6 feet in lieu of the required 8.5 by 18 feet,

ORDER RECEIVED FOR FILING

Date 6/2/17
By Sen

be and is hereby DISMISSED without prejudice as moot.

IT IS FURTHER ORDERED that the petition for special hearing to approve the layout of the existing off street parking spaces on the property, pursuant to B.C.Z.R.§409.12, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must provide landscaping for the site as determined in the sole discretion of the Baltimore County landscape architect.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 6/2/17
By slm



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 2, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2017-0222-A
Property: 6415 Baltimore National Pike

Dear Mr. Rosenblatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6415 Baltimore National Pike which is presently zoned BR, BR AS
Deed References: 5841/104 10 Digit Tax Account # 0 1 1 9 3 2 1 9 5 2
Property Owner(s) Printed Name(s) Jules R. Shaivitz, Manus B. Sellman and Bernard H. Shaivitz

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. **X** a **Variance** from Section(s)

SEE ATTACHED

VARIANCE #2 + #3 ADDED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

BY

Telephone #

Email Address

Attorney for Petitioner:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson

MD

Mailing Address

City

State

21204

/ 410-294-9430

/ amrosenblatt@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature

210 W. Pennsylvania Avenue Towson

MD

Mailing Address

City

State

21204

/ 410-294-9430

/ amrosenblatt@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0222-A

Filing Date 2/2/17

Do Not Schedule Dates: _____

Reviewer JR

Сторона, в которой находится

10

ATTACHMENT TO PETITION FOR VARIANCE
6415 Baltimore National Pike
Catonsville, MD 21228

Requested Relief for existing conditions:

1. Variance from Section 409.6 of the Baltimore County Zoning Regulations to approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces.
2. Variance from Section 409.3 to approve the existing standard parallel parking spaces as small as 9 x 17.6 feet in lieu of the required 7 ½ x 21 feet and the existing angled parking spaces as small as 8.9 x 17.6 feet in lieu of the required 8.5 by 18 feet.
3. Variance from Section 409 of the Baltimore County Zoning Regulations to approve the layout of the existing off street parking spaces on the property.
4. Also, for such further relief as the Administrative Law Judge may require.

ATTACHMENT TO PETITION FOR VARIANCE
6415 Baltimore National Pike
Catonsville, MD 21228

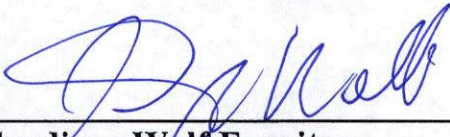
Requested Relief:

1. Variance from Section 409.6 of the Baltimore County Zoning Regulations to approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces.
2. Also, for such further relief as the Administrative Law Judge may require.

OLD

ATTACHMENT TO PETITION FOR VARIANCE
6415 Baltimore National Pike
Catonsville, MD 21228

Contract Purchaser/Lessee:

A handwritten signature in blue ink, appearing to read 'J. Douglas Wolf', is written over a horizontal line.

Gardiner Wolf Furniture

By: J. DOUGLAS WOLF

Title: CEO

ATTACHMENT TO PETITION FOR VARIANCE
6415 Baltimore National Pike
Catonsville, MD 21228

Legal Owner (Petitioner):

A handwritten signature in blue ink, appearing to be 'Manus B. Sellman', is written over a horizontal line.

Manus B. Sellman

By: David S. Sellman, Esq.
Personal Representative of the
Estate of Manus B. Sellman



Light-Heigel & Associates, Inc.
ENGINEERS • SURVEYORS • BUILDING CODE INSPECTORS
MUNICIPAL SERVICES

ZONING PROPERTY DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCES

**6415 BALTIMORE NATIONAL PIKE
CATONSVILLE, MARYLAND 21228
1ST ELECTION DISTRICT 1ST COUNCIL DISTRICT**

February 21, 2017

Beginning at a point on the southern right-of-way line of the Baltimore National Pike (150' wide) at the distance of 540' +/- west of the centerline of the nearest improved intersecting street Geipe Road which is 70' wide; Thence the following courses and distances:

- 1) S. 26° 33' 39" W. 975.90',
- 2) N. 71° 15' 31" W. 215.14',
- 3) N. 20° 41' 29" E. 963.68',
- 4) S. 71° 56' 01" E. 315.17', back to the point of beginning as recorded in Deed Liber 5841, Folio 104.

Containing 255,690 square feet or 5.870 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



License Expiration:
2018-01-06

CIVIL ENGINEERING

STRUCTURAL

MUNICIPAL

ENVIRONMENTAL

HYDROLOGY

INSPECTIONS

LAND SURVEYS

SEPTIC SYSTEM DESIGN

STORM WATER DESIGN

LAND DEVELOPMENT

FARM PRESERVATION

SOIL TESTING

LAND SURVEY

BUILDING CODE SERVICES

ZONING ADMINISTRATION

FLOODPLAIN CERTIFICATION

BERKS

Suite 102, Grande Plaza
1103 Rocky Drive
West Lawn, PA 19609
610-678-7560
Fax: 610-678-7686

DAUPHIN

906 North River Rd.
P.O. Box 602
Halifax, PA 17032
717-896-8881
Fax: 717-896-9145

LANCASTER

930 Red Rose Court
Suite 103
Lancaster, PA 17601
717-892-7002
Fax: 717-892-7020

LEBANON/

DAUPHIN:

430 East Main St.
Palmyra, PA 17078
717-838-1351
1-800-257-2190
Fax: 717-838-3820

NORTHUMBERLAND/

UNION

142 Main St.
P.O. Box 120
Montandon, PA 17850
570-524-7742
Fax: 570-524-7746

SCHUYLKILL

39 Dock St.
Schuylkill Haven, PA 17972
570-385-3439
Fax: 570-385-5788

INSPECTION REQUESTS

888-949-9728

Corporate Office

320 PLAZA DRIVE • PALMYRA, PA 17078 • 717-838-5672 • FAX 717-838-5630

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

NO 150307

Date: 2/21/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	800		0000		6150			500.00

Total: 500.00

Rec From: VENABLE, LAD

For: 6415 Brits Nat. Pike
CD # 2017-0222-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME ID#
2/21/2017 2/21/2017 10:11:49 1

REG WSO1 WALKIN LJR
>>RECEIPT # 708273 2/21/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150307

Receipt Tot \$500.00
\$500.00 - CK \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2017-0222-A

RE: Case No.: _____

Petitioner/Developer: _____

**Manus Sellman
Gardiner Wolf Furniture**

June 1, 2017

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

6415 Baltimore National Pike

May 12, 2017

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



May 12, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

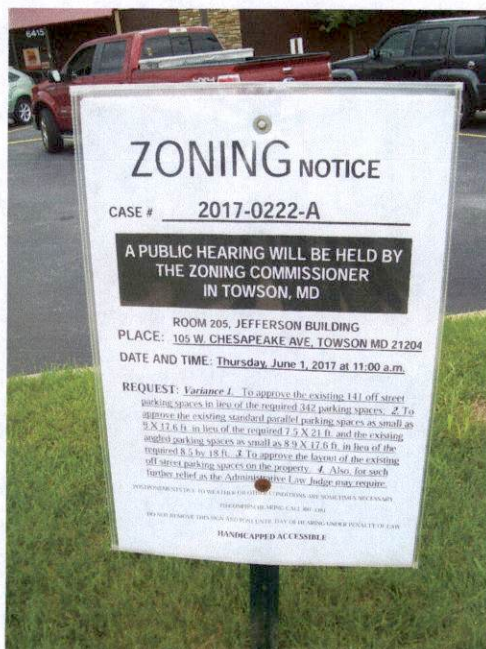
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4945052

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 11, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2017-0222-A
6415 Baltimore National Pike
S/s Baltimore National Pike, 540 ft. +/- W of centerline of Geipe Road
1st Election District - 1st Councilmanic District
Legal Owners: Manus Sellman
Contract Purchaser: Gardiner Wolf Furniture

Variance 1. To approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces; 2. To approve the existing standard parallel parking spaces as small as 9 x 17.6 ft. in lieu of the required 7.5 x 21 ft. and the existing angled parking spaces as small as 8.9 x 17.6 ft. in lieu of the required 8.5 by 18 ft. 3. To approve the layout of the existing off street parking spaces on the property. 4. Also, for such further relief as the Administrative Law Judge may require.

Hearing: Thursday, June 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5/060 May 11 4945052

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 12, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6271

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0222-A

6415 Baltimore National Pike
S/s Baltimore National Pike, 540 ft. +/- W of centerline of Geipe Road
1st Election District – 1st Councilmanic District
Legal Owners: Manus Sellman
Contract Purchaser: Gardiner Wolf Furniture

Variance 1. To approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces; 2. To approve the existing standard parallel parking spaces as small as 9 x 17.6 ft. in lieu of the required 7.5 x 21 ft. and the existing angled parking spaces as small as 8.9 x 17.6 ft. in lieu of the required 8.5 by 18 ft. 3. To approve the layout of the existing off street parking spaces on the property. 4. Also, for such further relief as the Administrative Law Judge may require.

Hearing: ^{Thursday} Monday, June 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 3, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0222-A

6415 Baltimore National Pike

S/s Baltimore National Pike, 540 ft. +/- W of centerline of Geipe Road

1st Election District – 1st Councilmanic District

Legal Owners: Manus Sellman

Contract Purchaser: Gardiner Wolf Furniture

Variance 1. To approve the existing 141 off street parking spaces in lieu of the required 342 parking spaces; 2. To approve the existing standard parallel parking spaces as small as 9 x 17.6 ft. in lieu of the required 7.5 x 21 ft. and the existing angled parking spaces as small as 8.9 x 17.6 ft. in lieu of the required 8.5 by 18 ft. 3. To approve the layout of the existing off street parking spaces on the property. 4. Also, for such further relief as the Administrative Law Judge may require.

Thursday
Hearing: Monday, June 1, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 12, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0222-A
Property Address: 6415 BALTIMORE NATIONAL PIKE
Property Description: _____
Legal Owners (Petitioners): DAVID SELLMAN
Contract Purchaser/Lessee: GARDINER-WOLF

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~BARBARA LUKASEVICH~~ BARBARA LUKASEVICH
Company/Firm (if applicable): Venable LLP
Address: 210 W. Penn Ave Suite 500
Towson, MD 21204
Telephone Number: 4104946271

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

May 24, 2017

Manus B Sellman
David S Sellman, Esquire
6415 Baltimore National Pike
Catonsville MD 21228

RE: Case Number: 2017-0222 A, Address: 6415 Baltimore National Pike

Dear Mr. Sellman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 21, 2017. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Gardiner Wolf Furniture, J Douglas Wolf, CEO, 6415 Baltimore National Pike
Catonsville MD 21228
Adam M Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Date: 4/12/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/12/17. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0222-A.

Variance
Marius B. Sellman
11 Stone Gate Ct.
US40

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard Zeller

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 5/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-222

INFORMATION:

Property Address: 6415 Baltimore National Pike
Petitioner: Manus B. Sellman
Zoning: BR, BR-AS
Requested Action: Variance

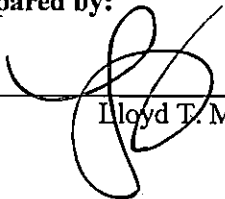
The Department of Planning has reviewed the petition for variance (as revised) to permit the zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on March 8, 2017.

The Department has no objection to granting the petitioned zoning relief.

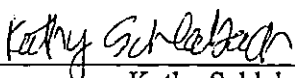
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/27/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/27/17. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0222A.

*Variance
Marius B. Seelman
11 Stone Gate Court
US40*

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 5/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-222

INFORMATION:

Property Address: 6415 Baltimore National Pike
Petitioner: Manus B. Sellman
Zoning: BR, BR-AS
Requested Action: Variance

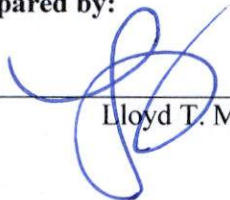
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A site visit was conducted on March 8, 2017.

The Department has no objection to granting the petitioned zoning relief.

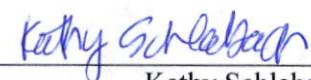
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 8, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For March 3, 2017
Item No. 2017-0221, 0222, 0223 and 0224

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC03032017.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2017
Item No. 2017-0222

DATE: April 20, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Landscape – If zoning relief is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

The seven parallel parking spaces shown on the west side of building "A" should not be allowed since they do not exist on aerial photography and since they would reduce the backing area for the existing perpendicular spaces. Of course, this would change the variance request to 134 spaces instead of the required 342 spaces.

There are other variances that should have been requested-drive aisle width, backing area for perpendicular parking spaces, one-way aisle being too narrow, to mention a few. However, since the site has functioned for some time with the parking layout shown (except for the seven spaces mentioned previously), we have no objection to approving it and calling it all a modified parking plan.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0222-04172017.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2017
Item No. 2017-0222

DATE: May 8, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

Previous comments, dated April 20, 2017, remain in effect.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0222-05012017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 1, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0222-A
Address 6415 Baltimore National Pike
(Sellman Property)

Zoning Advisory Committee Meeting of **March 3, 2017**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 3-1-2017

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 13, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0222-A
Address 6415 Baltimore National Pike
(Sellman Property)

Zoning Advisory Committee Meeting of **April 17, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 4-13-2017

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
6415 Baltimore National Pike; S/S Baltimore * OF ADMINISTRATIVE
National Pike, 540' W of c/line of Geipe Road * HEARINGS FOR
1st Election & 1st Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Manus Sellman
Contract Purchaser(s): Gardiner Wolf Furniture*
Petitioners *
2017-222-A

* * * * *

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

RECEIVED

MAR 06 2017

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 6th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to Adam Rosenblatt, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: July 5, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0222-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 3, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

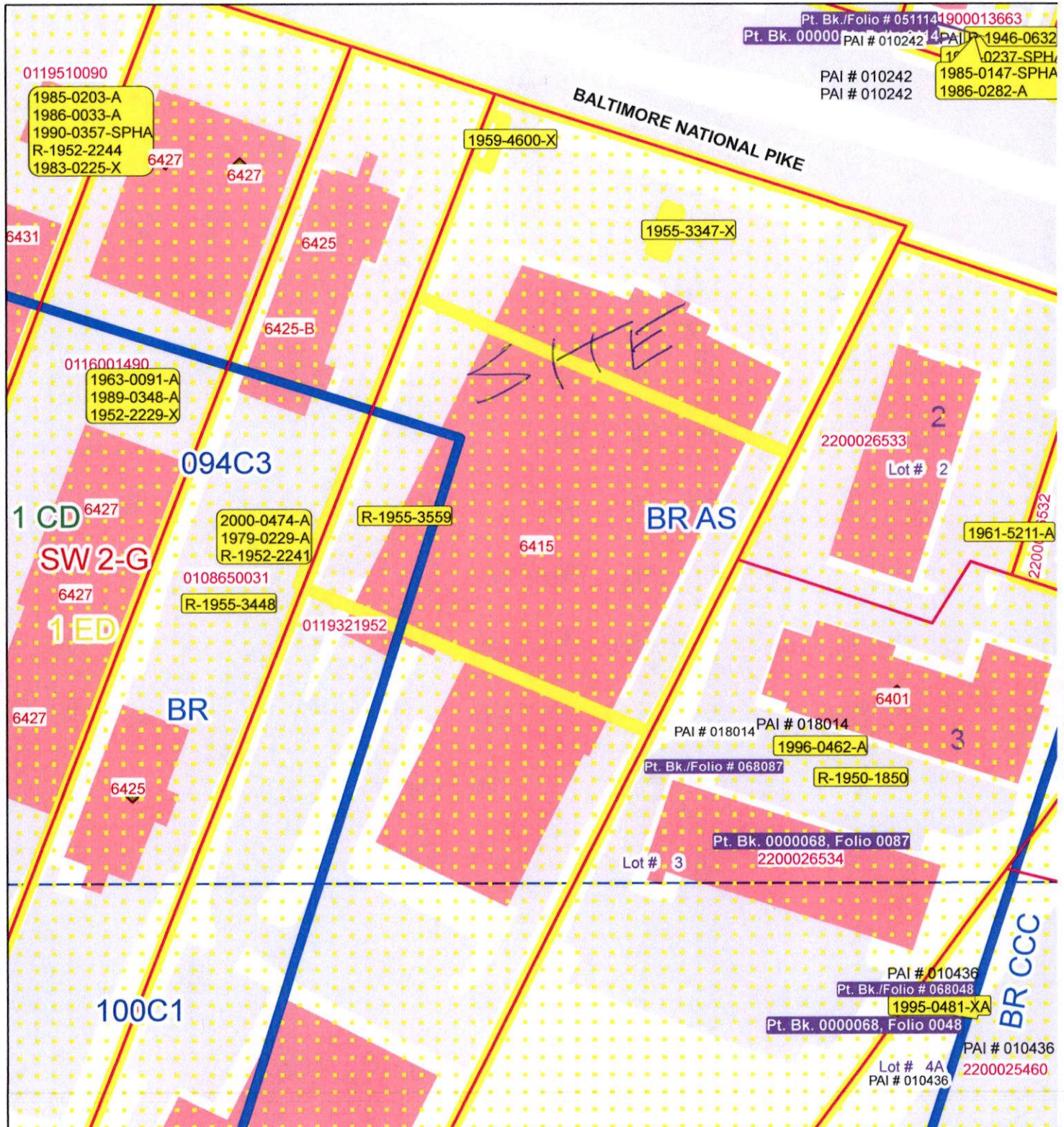
c: / Case File
Office of Administrative Hearings

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Account Identifier:			District - 01 Account Number - 0119321952						
Owner Information									
Owner Name:		SHAIVITZ JULES R SELLMAN MANUS B SHAIVITZ BERNARD H ET AL				Use: Principal Residence:		COMMERCIAL NO	
Mailing Address:		11 STONE GATE CT BALTIMORE MD 21208-1031				Deed Reference:		/05841/ 00104	
Location & Structure Information									
Premises Address:		6415 BALTO NATL PIKE 0-0000				Legal Description:		5.870 AC SS BALTO NATL PIKE 1150 W ROLLING RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0094	0023	0127		0000				2015	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1977		109840				5.8700 AC		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		DISCOUNT STORE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2016		07/01/2017	
Land:		1,475,500		1,475,500					
Improvements		2,596,400		2,606,100					
Total:		4,071,900		4,081,600		4,078,367		4,081,600	
Preferential Land:		0						0	
Transfer Information									
Seller: SHAIVITZ REALTY CORP				Date: 12/28/1977				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /05841/ 00104				Deed2:	
Seller:				Date:				Price:	
Type:				Deed1:				Deed2:	
Seller:				Date:				Price:	
Type:				Deed1:				Deed2:	
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									

64.5 Baltimore National Pike



Publication Date: 2/21/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

CASE NAME _____
CASE NUMBER 2017-222-A
DATE 6/1/17

[illegible]

4-11-18-100

11/13

RESEARCH REPORT

1. Introduction
2. Methodology
3. Results
4. Discussion
5. Conclusion

1. Introduction
2. Methodology
3. Results
4. Discussion
5. Conclusion

1. Introduction
2. Methodology
3. Results
4. Discussion
5. Conclusion

1. Introduction
2. Methodology
3. Results
4. Discussion
5. Conclusion

Case No.: 2017-0222-A

Exhibit Sheet

Petitioner/Developer

7-5-17
DW

Protestant

slw
6-2-17

No. 1	site plan	
No. 2	2A-2G site photos	
No. 3	site plan w/ redline outlines of certain parking spaces	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S EXHIBIT 2A-G



B



C



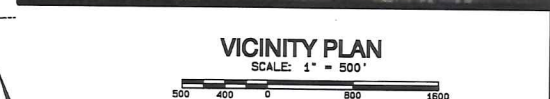
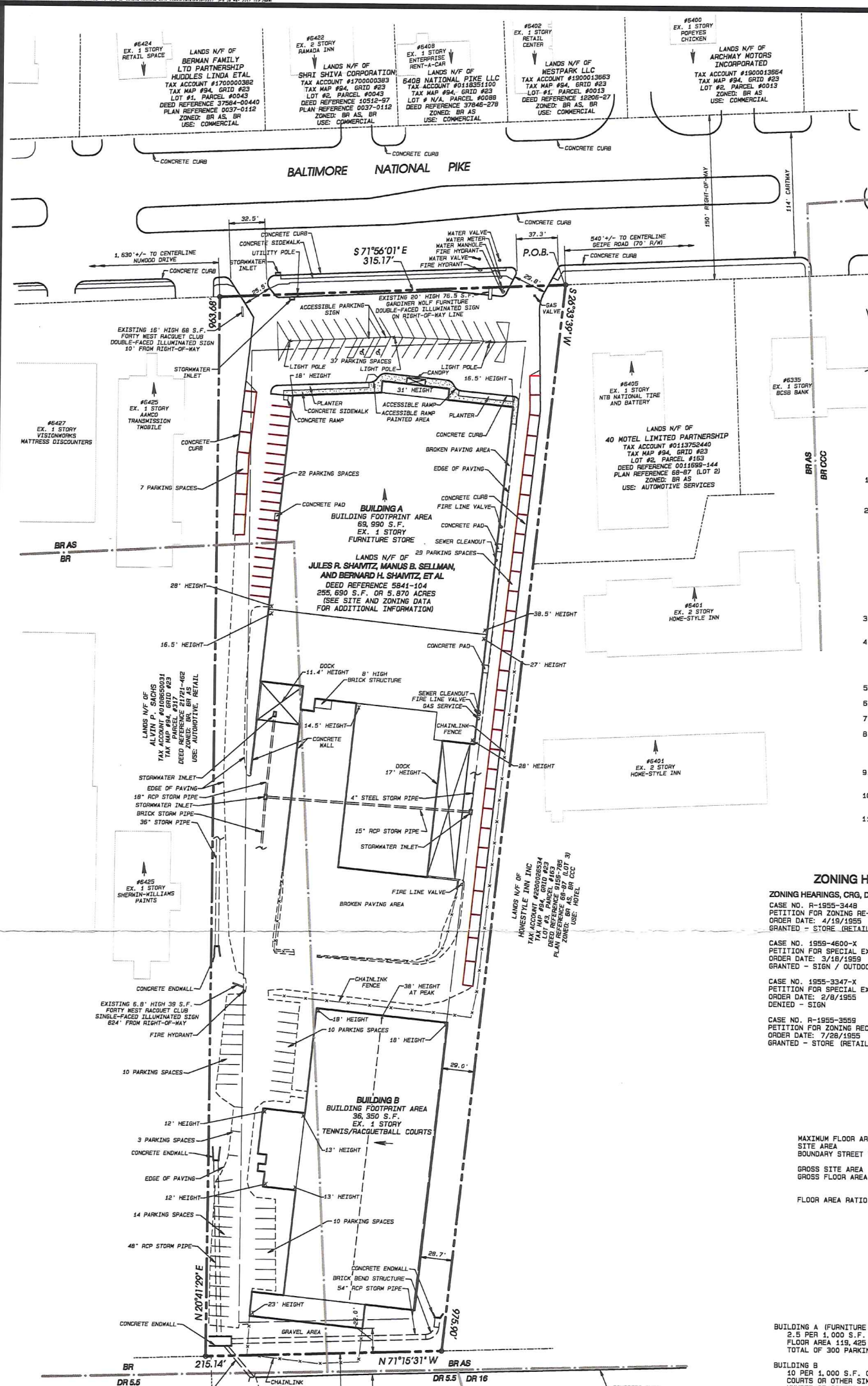
D





AF





1. OWNER: JULES R. SHVAITZ, MANUS B. SELLMAN, AND BERNARD H. SHVAITZ
11 STONE GATE COURT
BALTIMORE, MD 21208

2. SITE DATA:

LOCATION:	6415 BALTIMORE NATIONAL PIKE CATONSVILLE, MD 21228
GROSS AREA:	5.870± ACRES
TAX MAP/PARCEL:	#51 PARCEL #23, LOT 127
DEED REFERENCE:	5841-104
ELECTION DISTRICT:	1
COUNCILMANIC DISTRICT:	1
CENSUS TRACT:	401503
WATERSHED:	PATAPSCO RIVER
TAX ACCOUNT NUMBERS:	0119321952
ZONING MAP REFERENCE:	100C1

3. EXISTING ZONING: BR 1.537 ACRES
BR AS 4.333 ACRES

4. EXISTING USE: BUILDING A: FURNITURE STORE
BUILDING B: TENNIS/RACQUETBALL COURTS

PROPOSED USE: BUILDING A: FURNITURE STORE
BUILDING B: TENNIS/RACQUETBALL COURTS

5. THIS SITE IS INSIDE THE UROL AND IS SERVED BY PUBLIC WATER AND SEWER.

6. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.

7. THIS SITE IS (NOT) LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

8. THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES LISTED ON THE MARYLAND HISTORICAL TRUST INVENTORY, BALTIMORE COUNTY LANDMARKS LISTS, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHAEOLOGICAL SURVEY.

9. THE PROPERTY BOUNDARY SHOWN WAS TAKEN FROM DEED REFERENCE 5841-104 AND A FIELD SURVEY PERFORMED BY LIGHT-HEIGEL IN SEPTEMBER 2016.

10. ALL SIGNS SHALL BE IN CONFORMANCE WITH SECTION 450 BCCR OR A PETITION FOR VARIANCE WILL BE FILED.

11. NO NEW DEVELOPMENT IS BEING PROPOSED AT THIS TIME

ZONING HEARINGS, CRG, DRC, WAIVERS: CASE NO. R-1955-3448 PETITION FOR ZONING RE-CLASSIFICATION ORDER DATE: 4/19/1955 GRANTED - STORE (RETAIL ONLY) CASE NO. 1959-4600-X PETITION FOR SPECIAL EXCEPTION ORDER DATE: 3/18/1959 GRANTED - SIGN / OUTDOOR ADVERTISING CASE NO. 1955-3347-X PETITION FOR SPECIAL EXCEPTION ORDER DATE: 2/8/1955 DENIED - SIGN CASE NO. R-1955-3559 PETITION FOR ZONING RECLASSIFICATION ORDER DATE: 7/28/1955 GRANTED - STORE (RETAIL USE ONLY)	PREVIOUS COMMERCIAL PERMITS: PERMIT NO. B808623 DATE: 3/18/2013 DESCRIPTION: (1) FREE STANDING MESSAGE BOARD 9'x9.3' EQUALING 83.7 S.F., HEIGHT OF 20' PERMIT NO. B882405 DATE: 5/25/2015 DESCRIPTION: (1) NON-ILLUMINATED WALL SIGN 0.8 x18.75' EQUALING 15 S.F., PERMIT NO. B882445 DATE: 5/25/2015 DESCRIPTION: (1) ILLUMINATED WALL SIGN 7.5 x20' EQUALING 150 S.F.
--	---

MAXIMUM FLOOR AREA RATIO PERMITTED	2.0
SITE AREA	255,690 S.F.
BOUNDARY STREET TO WHICH SITE HAS ACCESS	BALTIMORE NATIONAL PIKE (9,455 S.F.)
	GEIPE ROAD (6,455 S.F.)
GROSS SITE AREA	271,600 S.F.
GROSS FLOOR AREA	BUILDING A: 121,000 S.F.
	BUILDING B: 36,350 S.F.
	TOTAL: 157,350 S.F.
FLOOR AREA RATIO	

PARKING CALCULATION

BUILDING A (FURNITURE STORE)
2.5 PER 1,000 S.F. OF GROSS
FLOOR AREA 119,425 S.F.
TOTAL OF 300 PARKING SPACES REQUIRED

BUILDING B
10 PER 1,000 S.F. OF GROSS, EXCLUDING ANY AREA DEVOTED TO TENNIS/RACQUETBALL
COURTS OR OTHER SIMILAR COURTS, IN WHICH CASE THERE SHALL BE 3 PER COURT.
NUMBER OF COURTS: 7 = 21 SPACES
GROSS FLOOR AREA EXCLUDING COURTS 2,516 S.F. = 21 SPACES
TOTAL OF 42 PARKING SPACES REQUIRED

TOTAL SITE REQUIRED PARKING SPACES: 342
TOTAL EXISTING PARKING SPACES: 100

NOTE:
PARKING AREAS OUTLINED IN RED DENOTE PARKING SPACES THAT DO NOT MEET THE
MINIMUM SIZE REQUIREMENTS IN SECTION 409.3 OF THE ZONING REGULATION. ALL
SPACES NOT OUTLINED IN RED MEET THE MINIMUM SIZE REQUIREMENTS.

GARDNER WOLF FURNITURE
8415 BALTIMORE NATIONAL PIKE, CATONSVILLE, MD 21228

LOCATED IN
CATONSVILLE, BALTIMORE COUNTY, MARYLAND
OWNER

JULES R. SHAVITZ, MANUS B. SELMAN AND BERNARD H. SHAVITZ
11 STONE GATE COURT
BALTIMORE, MD 21208-1031

LH LIGHT-HEIGEL & ASSOCIATES, INC.
ENGINEERS AND SURVEYORS
430 EAST MAIN STREET, PALMYRA, PA. 17078
(717) 838-1351 FAX (717) 838-3850 1-800-257-2180 www.light-heigel.com

REGIONAL OFFICES
LANCASTER, PA WEST LAWN, PA MONTANDOM, PA SCHUYLKILL HAVEN, PA

DATE: 02/14/2017
SCALE: 1" = 50'
COMP'D BY: THC
CHECKED BY: SML
FIELD: THC
DWS: NO. PA16-0312
MAPCHECK: TGA

SCALE: 1" = 500'

A horizontal graphic scale bar with alternating black and white segments. Below the bar, numerical values are marked at 500, 400, 0, 800, and 1500. The 0 is in the center, with 500 to its left and 800 to its right. The total length of the bar represents 1500 feet.

1. OWNER: JULES R. SHAHIVITZ, MANUS B. SELLMAN, AND BERNARD H. SHAHIVITZ
11 STONE GATE COURT
BALTIMORE, MD 21208

2. SITE DATA:

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CATONSVILLE, MD 21228

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DEED REFERENCE: 5841-104
ELECTION DISTRICT: 1
COUNCILMANIC DISTRICT: 1
CENSUS TRACT: 401503
WATERSHED: PATAPSCO RIVER
TAX ACCOUNT NUMBERS: 0119321952
ZONING MAP REFERENCE: 100C1

3. EXISTING ZONING: BR 1.537 ACRES
BR AS 4.333 ACRES

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BUILDING B: TENNIS/RACQUETBALL COURTS

PROPOSED USE:
BUILDING A: FURNITURE STORE
BUILDING B: TENNIS/RACQUETBALL COURTS

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9. THE PROPERTY BOUNDARY SHOWN WAS TAKEN FROM DEED REFERENCE 5841-104 AND A FIELD SURVEY PERFORMED BY LIGHT-HEIGEL IN SEPTEMBER 2016.

10. ALL SIGNS SHALL BE IN CONFORMANCE WITH SECTION 450 BCR OR A PETITION FOR VARIANCE WILL BE FILED.

11. NO NEW DEVELOPMENT IS BEING PROPOSED AT THIS TIME.

ZONING HEARINGS, CRO, DRC, WAIVERS:	PREVIOUS COMMERCIAL PERMITS:
CASE NO. R-1955-3448	PERMIT NO. 8806823
PETITION FOR ZONING RE-CLASSIFICATION	DATE: 1/18/2013
ORDER DATE: 4/15/1955	DESCRIPTION: (1) FREE STANDING MESSAGE BOARD
GRANTED - STORE (RETAIL ONLY)	9'x9.3' EQUALING 83.7 S.F., HEIGHT OF 20'
CASE NO. 1959-4600-X	PERMIT NO. 8882406
PETITION FOR SPECIAL EXCEPTION	DATE: 6/25/2015
ORDER DATE: 3/18/1959	DESCRIPTION: (1) NON-ILLUMINATED WALL SIGN
GRANTED - SIGN / OUTDOOR ADVERTISING	0.8'x18.75' EQUALING 15 S.F.,
CASE NO. 1955-3347-X	PERMIT NO. 8882445
PETITION FOR SPECIAL EXCEPTION	DATE: 6/25/2015
ORDER DATE: 2/6/1955	DESCRIPTION: (1) ILLUMINATED WALL SIGN
DENIED - SIGN	7.5'x20' EQUALING 150 S.F.
CASE NO. R-1955-3559	
PETITION FOR ZONING RECLASSIFICATION	
ORDER DATE: 7/28/1955	
GRANTED - STORE (RETAIL USE ONLY)	

MAXIMUM FLOOR AREA RATIO PERMITTED	2.0
SITE AREA	255,690 S.F.
BOUNDARY STREET TO WHICH SITE HAS ACCESS	BALTIMORE NATIONAL PIKE (S. 455 S.F.) GEIPE ROAD (6,455 S.F.)
GROSS SITE AREA	271,800 S.F.
GROSS FLOOR AREA	BUILDING A: 124,000 S.F. BUILDING B: 38,350 S.F. TOTAL: 162,350 S.F.
FLOOR AREA RATIO	0.58

BUILDING A (FURNITURE STORE)
2.5 PER 1,000 S.F. OF GROSS
FLOOR AREA 119,425 S.F.
TOTAL OF 300 PARKING SPACES REQUIRED

BUILDING B
10 PER 1,000 S.F. OF GROSS, EXCLUDING ANY AREA DEVOTED TO TENNIS/RACQUETBALL
COURTS OR OTHER SIMILAR COURTS, IN WHICH CASE THERE SHALL BE 3 PER COURT.
NUMBER OF COURTS: 7 = 21 SPACES
GROSS FLOOR AREA EXCLUDING COURTS 2,516 S.F. = 21 SPACES
TOTAL OF 42 PARKING SPACES REQUIRED

TOTAL SITE REQUIRED PARKING SPACES: 342
TOTAL SITE EXISTING PARKING SPACES: 141

I HEREBY DECLARE THAT THIS PLAN HAS BEEN PREPARED
IN ACCORDANCE WITH THE APPLICABLE STANDARDS SET
FORTH BY THE BALTIMORE COUNTY DEPARTMENT OF
PERMITS, APPROVALS AND INSPECTIONS.



License Expiration
2018-01-06

KEITH L. HETGER, P.J.S.

DATE: 02/14/2017 CHECKED BY: SMI DWG NO.: BA16-0313

© 2015 LIGHT-HEIGEL AND ASSOCIATES, INC.

Ex. 1