

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Enterprise Investment Co., Inc., legal owner... 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an... D.R. 5.5... zone to an... D.R. 16... zone, for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for... Medical Offices...

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Enterprise Investment Co., Inc.
Contract purchaser
John E. Bohlen, Jr., President
Address: 6708 Belair Road
Baltimore, Maryland 21206
Petitioner's Attorney
Address: 6708 Belair Road, Bldg. 10, Md., 21206
No. 6-7-77

ORDERED BY The Zoning Commissioner of Baltimore County, this... 22th... day of... February... 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the... 5th... day of April... 1972, at 10:00 o'clock.

John E. Bohlen, Jr.
Zoning Commissioner of Baltimore County.

ENTERPRISE INVESTMENT COMPANY, INC. * ZONING COMMISSIONER
NO. 72-230-R * OF
* BALTIMORE COUNTY

MEMORANDUM

Enterprise Investment Company, Incorporated, by its attorney, John E. Bohlen, Jr., submits the following Memorandum on Petition No. 72-230-R in which the Enterprise Investment Company, Inc., seeks to have a reclassification of that piece of property lying on the North side of Lenning Lane just North of Lenning Avenue.

SUMMARY

The Petition has shown by the evidence that special exceptions for medical offices would lie in this case due to the fact that on the original classification, no provisions were made for medical offices adjacent to the hospital, also, they have shown that it complies with Section 502.1 of the Zoning Code.

1. The testimony of William Rush a qualified real estate expert, that the classification of the original zoning was in error, because no provisions were made for medical offices in close proximity to the hospital.
2. The testimony of Sanford Kozen, Director of Franklin Square Hospital bears on and strengthens the testimony of Mr. Rush. Mr. Kozen testified that the Hospital has purchased seven (7) acres next to the property of the Enterprise Investment Company, Inc., for additional medical offices to be built at a later date, and they would also apply for reclassification, due to the fact that additional medical offices are needed in the immediate area of the hospital.
3. The Protestants were concerned that apartments would be built on this area if rezoned, however, the petitioners agree that restriction could be placed on the property for medical offices under Section 502.2 of the Code to prevent apartments from being built on this site.

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
CEPTION
NW/5 of Lenning Lane, 521.48' and 634' NE of Lenning Avenue - 14th District
Enterprise Investment Company - : OF
Petitioner
NO. 72-230-RX (Item No. 15) : BALTIMORE COUNTY

This Petition represents a request for a Reclassification and a Special Exception for an Office Building on a five (5) acre tract of land in the Fourteen District of Baltimore County.

The rear of the subject property binds on the southeast property line of Franklin Square Hospital and is more specifically located at the terminus of a fifty (50) foot wide right of way that extends for a distance of 521.48 feet in a northwesterly direction from the westernmost side of Lenning Lane. The intersection of the right of way and Lenning Lane being approximately six hundred and thirty-four (634) feet northeast of Lenning Avenue.

Testimony was presented by the Petitioner and Mr. William Rush, a realtor and real estate broker who has been in business in this area for a period of twenty-five (25) years. Their testimony was, in effect, as follows:

Access to the site will be by way of Philadelphia Road via Lenning Avenue (recently improved as a dual lane type road to provide access to Franklin Square Hospital) and Lenning Lane for a distance of approximately six hundred (600) feet before gaining access to the fifty (50) foot right of way leading to the property. Possible future access will also be gained to the rear of the site from the interior rear ways on Franklin Square Hospital property.

The Petitioner felt that the traffic generated by the proposed office building would be light and spread over a period of hours that would not conflict with peak traffic hours on Lenning Lane. They also felt that the traffic generated by the site would be much less than that generated by the commercial mall that adjoins the front of their property, and as such, would not be detrimental to the health, safety, and general welfare of the community.

It was also their opinion that the need existed in the area for doctor's offices in close proximity to the hospital.

Their testimony was borne out by the unsolicited testimony of Mr. Stanford Anford Kotzen, Director of the Franklin Square Hospital, who indicated

that there was a need for doctor's offices in the immediate vicinity of the hospital. He further testified that the hospital had, in fact, purchased seven (7) acres adjoining the subject property, and intended to file for a Special Exception for medical offices at some future date.

The Petitioner felt that the Comprehensive Plan was in error in not supplying the basic D.R. 16 zoning required for offices adjoining the hospital property. He pointed out that other hospitals in the area had established a trend in that they had applied for and received office zoning on tracts adjoining the hospital site. Since the use was related to the hospital and served a useful purpose, for the community at large it was his contention that such zoning should not be considered as a spot zone.

Several area residents were in attendance at the hearing in protest to the Reclassification. Their protest was based on fears that the traffic generated by the proposed use would create hazardous conditions on Lenning Lane. They also felt that there was not a need for apartment zoning and/or medical office buildings on the subject property, since there are existing sites available within one and one-half (1 1/2) miles of the subject property.

After reviewing all the evidence and/or testimony submitted in this case it is the opinion of the Deputy Zoning Commissioner that the need does exist for the proposed use in the immediate vicinity of the hospital property, and that the Comprehensive Zoning Map was in error in not providing for such a use. It is also the opinion of the Deputy Zoning Commissioner that the proposed will, with certain restrictions with regard to density use, meet all the requirements of Section 502.1 of the Baltimore County Zoning Regulations.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this... day of December, 1972, that the herein described property or area should be and the same is hereby Reclassified from a D.R. 5.5 Zone to a D.R. 16 Zone and a Special Exception for a Medical

Office Building should be and the same is also Granted from and after the date of this Order subject to the following restrictions:

1. The Medical Office Building shall consist of a one (1) story building with a basement.
2. The first floor shall not contain more than ten thousand (10,000) square feet.
3. Office use shall be restricted to the first floor until such time as access is provided from within the Franklin Square Hospital property and/or until such time as Lenning Lane is improved as per the Zoning Advisory Committee comments by the Bureau of Engineering. This comment states, in essence, that that Lenning Lane shall ultimately be improved with thirty-six (36) feet of paving on a sixty (60) foot right of way.
4. Subject to the approval of and strict compliance to a site plan by the Department of Public Works, and the Office of Planning and Zoning.

James S. Lee
Deputy Zoning Commissioner of Baltimore County

CONCLUSION

- A. That there is a real need for medical offices in this area.
- B. That there was an error in the original reclassification.
- C. That the reclassification would not have any adverse effect on the surrounding area.

John E. Bohlen, Jr.
JOHN E. BOHLEN, JR.
Attorney for Enterprise Investment Company, Inc.
6708 Belair Road
Baltimore, Maryland 21206
685-9477

I HEREBY CERTIFY, that on this... day of... 1972 a copy of the foregoing Memorandum was mailed to William W. Carrier, Esq., 4404 Chalet Court, Baltimore, Maryland 21206, Attorney for the Protestants.

John E. Bohlen, Jr.
JOHN E. BOHLEN, JR.

Point of error by the Council in zoning the land D.R. 55

The Franklin Square Hospital is zoned D.R. 55. The maps which were adopted by the Council proposed by the Planning Dept. made no provision for Dr. Offices near the Hospital. The proposed offices will assure that the Drs. are in a close proximity to the hospital and will be available if the need should arise.

Additional facts pertaining to the zoning will be brought out at the hearing.

FRANK S. LEE
1877 NEIGHBORHOOD AVENUE
BALTIMORE, MARYLAND 21227

October 13, 1971

Northwest side of Lenning Lane
14th District Baltimore County, Maryland

Beginning for the same on the northwest side of Lenning Lane at the distance of 634 feet more or less measured along the northwest side of Lenning Lane from the northeast side of Lenning Avenue, thence leaving Lenning Lane and binding on the southeast side of a 50 foot Right of Way leading to the 5 acre tract of land hereinafter described, North 50 degrees 12 minutes 05 seconds East 50.48 feet to the eastern outline of said 5 acre tract of land, thence running and binding on the outline of said 5 acre tract of land as follows: on part of the eastern outline North 50 degrees 05 minutes East 200 feet, on the southern outline North 50 degrees 12 minutes 05 seconds East 516 feet, on the western outline North 50 degrees 03 minutes 45 seconds East 400.07 feet, on the northern outline South 50 degrees 04 minutes 50 seconds East 516 feet, on the eastern outline South 50 degrees 05 minutes East 143.76 feet to of the eastern outline South 50 degrees 05 minutes East 143.76 feet to of the eastern outline South 50 degrees 04 minutes 50 seconds East 516 feet, on the northeast side of said Right of Way South 50 degrees 12 minutes 05 seconds East 50.48 feet to the northwest side of Lenning Lane and thence running and binding on the northwest side of Lenning Lane South 49 degrees 32 minutes 10 seconds East 51.10 feet to the place of beginning.

Containing 5 acres of land.



JOHN J. SCHUCHMAN
ATTORNEY AND COUNSELLOR AT LAW

LEGAL BUILDING
301 E. FAYETTE STREET
BALTIMORE, MARYLAND 21204

April 24, 1972

Mr. James E. Oyer,
Deputy Zoning Commissioner
of Baltimore County
Jefferson Building
Towson, Maryland 21204

RE: Enterprise Investment Co.
Hearing #72-230R

Dear Mr. Oyer:

Please strike my name where it may appear in your records as representing the Greater Rosevale Community Council in the above entitled case. It was my understanding that William W. Carrier, Esq. is the Attorney of record in this case at the present time.

Thanking you, I remain,

Very truly yours,

John J. Schuchman

JJS:W



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

John E. Bohlen, Jr., Esq.
6708 Belair Road
Baltimore, Maryland 21206

RE: Type of Hearing: Reclass. to D.R. 16;
Spec. Ex. for offices
Location: NW/4 Lenning Lane, 634' NE of
Lenning Avenue
Present Zoning: D.R. 5.5
Petitioner: Enterprise Investment, Inc.
14th District
Item 15

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the north side of Lenning Lane just north of Lenning Avenue. It is an unimproved open lot that lies to the rear of the existing residential homes that front on Lenning Lane. The rear of this property is the Franklin Square Hospital. The property to the north is improved with a community building known as Turner Hall.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Access to this site shall be from Lenning Lane, an existing public road which shall ultimately be improved 36 foot combination curb and gutter cross section on a 60 foot right of way.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

John E. Bohlen, Jr., Esq.
Item 15
Page 2

Sediment Control Comments:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Waters:

Public water is available to serve this property. There is an 8-inch existing main in Lenning Lane.

Sanitary Sewer:

There is existing public sanitary sewerage in Franklin Square Drive at Lenning Avenue. It may be required for the Petitioner to acquire private easements to extend sewerage to this site.

DEPT. OF TRAFFIC ENGINEERING:

The subject site can be expected to increase the trip density from 250 to 1,000 trips per day. Lenning Lane, in its present condition, cannot be expected to handle this type of volume.

BOARD OF EDUCATION:

A change from the present zoning to the Special Exception for offices would only result in a loss of potential pupils.

FIRE DEPARTMENT:

Fire hydrants for the proposed site (are required and) shall be in accordance with Baltimore County Standards.

The hydrants shall be located at intervals of 300 feet along an approved road.

The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, (The Life Safety Code), 1957 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

John E. Bohlen, Jr., Esq.
Item 15
Page 3

HEALTH DEPARTMENT:

Metropolitan water and sewer must be extended to building site before building permit is approved.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

ZONING ADMINISTRATION DIVISION:

The petition does not indicate accurately all those dwellings, barns and other buildings that are in close proximity to this property. It also does not indicate the width of driveways and height of the proposed buildings; also, the proposed extension of Franklin Square Drive at the rear of the site.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JJD:JD

Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Attn: Oliver L. Myers
FROM: BALTIMORE COUNTY, MARYLAND
Date: October 27, 1971

SUBJECT: Item #15 (Cycle October 1971 - April 1972)
Property Owner: Enterprise Investment, Inc.
Location: NW/4 Lenning Lane, 634' NE of Lenning Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16; Spec. Ex. for offices
District: 14th District Sector: Northeastern
No. Acres: 5

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Access to this site shall be from Lenning Lane, an existing public road which shall ultimately be improved 36-foot combination curb and gutter cross-section on a 60-foot right-of-way.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

SEDIMENT CONTROL COMMENTS:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Waters:

Public water is available to serve this property. There is an 8-inch existing main in Lenning Lane.

Item #15 (Cycle October 1971 - April 1972)
Page 2
October 27, 1971

SANITARY SEWER:

There is existing public sanitary sewerage in Franklin Square Drive at Lenning Avenue. It may be required for the Petitioner to acquire private easements to extend sewerage to this site.

Signature of S. Eric DiNenna
S. ERIC DINENNA, P.E.
Chief, Bureau of Engineering

ENGINEERING:

*1" H.W. Key Sheet
N.D. 50 Topo

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Attn: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: Item 15 - Cycle Zoning II
Property Owner: Enterprise Investment, Inc.
Lenning Lane NE of Lenning Avenue
Reclass. to D.R. 16; Spec. Ex. for offices

Date: November 2, 1971

The subject site can be expected to increase the trip density from 250 to 1,000 trips per day. Lenning Lane, in its present condition, cannot be expected to handle this type of volume.

Signature of C. Richard Moore
C. RICHARD MOORE
Assistant Traffic Engineer

CRN:R

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1971

Mr. George E. Gavrellis, Director
Office of Planning & Zoning
Room 301, Jefferson Building
Towson, Maryland 21204

RE: Property Owner: Enterprise Investment, Inc.
Location: NW/4 Lenning Lane, 634' NE of
Lenning Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16; Spec. Ex.
for offices
District: 14th District Sector: Northeastern
No. Acres: 5
Item 15

The following comments were compiled after a field investigation and an in-office review which will provide the Planning Board and/or the petitioner with pertinent information of possible development problems.

The subject property is located on the north side of Lenning Lane just north of Lenning Avenue. It is an unimproved open lot that lies to the rear of the existing residential homes that front on Lenning Lane. The rear of this property is the Franklin Square Hospital. The property to the north is improved with a community building known as Turner Hall.

The petition does not indicate accurately all those dwellings, barns and other buildings that are in close proximity to this property. It also does not indicate the width of driveways and height of the proposed building. Also, the proposed extension of Franklin Square Drive at the rear of the site. There is no other D.R. 16 zoning in the vicinity of this site.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JJD:JD

D12 3-5

EXIST:
CUBAN

EXOT. 1000

FRANKLIN
SQUARE
HOSPITAL
DR 53

(VACANT)

P202- SCREENING 4' HIGH CORRET PLANTING

 $N 50^{\circ} 30' 30'' E$

(VACANT)

D.12.5.5

DN 5-5

D12.5-5

EQ 5.5

PROP. 2/4

LENNIN

634' TO
LEADING OVER

PRESENT USE - NONE

PROPOSED USE - MEDICAL OFFICES

PRESENT TENDING - OR 55

PROPOSED ZONING - DR 16 SPEC EXCEPTION FOR

AREA OF LOT - 54c.

DR. OFFICES

PARKING DATA

FLOOR AREA

WFL 502 - 9600 SQ FT.

BASEMENT - 4,400 Sq. Ft.

242415 SPACES 242420

EXPERIMENT 2 1/368 - G - FT. = 15 SPACES

17 SEAS

2. PAID 10/10/20

100 OF PAGES 100 SHOWN - 193 SHOWN

ALL PARKING AREAS AND DRIVES TO BE PAVED WITH A DURABLE DUSTLESS SURFACE.

MAP: 403
NE 56
ELECTION
DISTRICT: 24
DATE: 10/19/71
TYPE 216
HEARING: 316
BY alt
FINAL: 1-4-73
BY: MM



FRANK S. LEE
1277 HENDERSON AVE.
BALTIMORE, MD. 21237

14TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100' DATE: 10-13-91

