

AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, E. J. R. ASSOCIATES, 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 N.A. zone to an N.A. 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 offices, office buildings, professional offices, and medical offices in a D.R.16 zone.

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.

By E. J. R. Associates
Contract purchaser
By Robert C. McGowan, Legal Owner
General Partner
Address 200 Towson Court
Towson, Maryland 21204
By James D. Nolan, Protestor's Attorney
Protestor's Attorney

Address 204 W. Pennsylvania Avenue
Towson, Maryland 21204
By James D. Nolan, Protestor's Attorney
Protestor's Attorney

ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of May, 1973, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of June, 1973, at 1:00 o'clock.

James S. Dineen
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR SPECIAL EX-
CEPTION
N/S of Towson Boulevard,
1674' E of Old Charles Street -
9th District
E. J. R. Associates -
Petitioner
NO. 73-301-X (Item No. 203)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Special Exception to convert three (3) apartment units to office use. The three (3) units are located within a five (5) story, ninety-two (92) unit apartment complex, located on the north side of Towson Boulevard, sixteen hundred and seventy-four (1674) feet east of Charles Street, in the Ninth Election District of Baltimore County.

Testimony and evidence presented at the hearing indicated that the Petitioner plans to convert one (1) efficiency unit, containing five hundred and fifty-six (556) square feet, and two (2) one (1) bedroom apartments, containing seventeen hundred and fifty (1750) square feet, to medical offices. The offices would be located on the ground floor, partly below ground level. Parking is to be set aside specifically for the offices and will represent spaces over and above that required for the apartment units. The only visible evidence of office use would be a one (1) square foot sign indicating the names of the physicians.

It was the opinion of the owner-developer that doctors' offices would be desirable and compatible with use with respect to the apartment complex as well as the surrounding community. The developer has been contacted by at least one (1) area physician who desires to locate his practice in the apartment building. They explained that many doctors do not want to practice in their own homes but do feel that they should be located close to or within the community rather than in large office complexes.

A great deal of testimony was also offered with regard to adjoining land uses that consist of apartments on the west; individual homes on the

north; a recreational area and a large building used as warehousing offices, equipment storages, etc., for Towson State College, on the east; and Sheppard-Pratt Hospital and Towson State College Proper located on the opposite side of Towson Boulevard to the south and southeast, respectively.

The developer's engineer also testified, in detail, with regard to the site planning and care taken to preserve trees along the rear of the individual homes that front on Dixie Drive within the Southland Hills development.

Several area residents were present in protest to the Special Exception. Their protest covered a wide range but basically concerned four (4) principle issues:

1. They questioned the need for medical offices within such close proximity of two (2) major hospitals, St. Joseph's and the Greater Baltimore Medical Center, that either have or are planning office buildings on hospital grounds to accommodate their doctors.
2. They felt that the Special Exception would represent a change in the neighborhood that would lead to future reclassifications or additional offices.
3. They were concerned with the increase in traffic that would be generated by the offices and the resulting effect on Towson Boulevard.
4. The overall general effect that offices have on residential areas.

The County agencies, who reviewed the Petitioner's proposed plans, had no adverse comment with regard to the office use. The Baltimore County Department of Traffic Engineering, in commenting on the traffic situation, stated that "No traffic problems are anticipated by the requested Special Exception for offices."

Planning staff recommendations are apparently non-committal insofar as the proposed use is concerned, however, they do indicate that general offices would not be consistent with their Guide Plan.

In view of the above testimony, evidence, and an on-site field inspection of the subject property and the surrounding area, it is apparent to the

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Deputy Zoning Commissioner that the conversion of three (3) apartment units in the five (5) story, ninety-two (92) unit apartment complex (presently under construction) would have little, if any, adverse effect on traffic nor would it present any aesthetic change in the outward appearance of the structure.

It is also apparent that medical offices serve a need that exists in all residential communities and, as such, should be an asset to the area. Since very few doctors make house calls, their presence within communities should be desirable regardless of their proximity to hospitals or general office complexes that are usually located in commercial centers. It goes without saying that over saturation of offices of any type could be detrimental to the health, safety, or general welfare of the community. Special Exceptions are meant to control just such activities or uses and should not be looked upon as a means for bringing about additional changes but as a tool to control and stabilize the demands, uses, and needs of residential areas.

Insofar as this case is concerned, it is the opinion of the Deputy Zoning Commissioner that the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been met and that the Special Exception, with certain restrictions, can be granted without being detrimental to the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of June, 1973, that the herein requested Special Exception for doctors' offices should be and the same is GRANTED from and after the date of this Order, subject, however, to the following restrictions:

1. That no more than three (3) medical offices be established in this apartment complex and that they be located on the ground floor.
2. That the offices be open only between the hours of 7:00 A. M. and 10:00 P. M.
3. That the parking spaces intended for office use be clearly marked and reserved for the use of doctors and patients at all times.

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4. That no additional requests be made for additional office space in this building for a minimum of ten (10) years.
5. That there be strict compliance with the site plan which is to be reviewed and approved by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

James S. Dineen
Deputy Zoning Commissioner of Baltimore County

JAMES S. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
5017 YORK ROAD - TOWSON, MD. 21204
BY James S. Spamer
DATE June 14, 1973
SPECIAL EXCEPTION
SHEET 1 OF 1
FILE

Beginning for the first at a point distant 36.31 feet North 11° 31' 17" East from a point on the north side of Towson Boulevard 70 feet wide which point is distant 1674 feet South 89° 22' 50" East from the center of Old Charles Street said beginning point also being distant 36.31 feet North 11° 31' 17" East from the first line and distant 162.56 feet South 89° 22' 50" East from the beginning of that tract of land which by deed dated April 27, 1978 and recorded among the land records of Baltimore in Liber O.T.O. #5364, folio 555 etc., was conveyed by Monumental Properties, Inc. to E.J.R. Associates, thence for lines of division the four following courses and distances

1. North 11° 31' 17" East 25.67 feet
2. South 78° 28' 13" East 21.67 feet
3. South 11° 31' 17" West 25.67 feet and
4. North 78° 28' 13" West 21.67 feet to the place of beginning.

Containing 556 square feet of area more or less.

Being Suite No. 101 on the terrace floor of apartment building No. 200 Towson Court.

Beginning for the second at a point distant 65.05 feet North 11° 31' 17" East from a point on the north side of Towson Boulevard 70 feet wide which point is distant 1768.55 feet South 89° 22' 50" East from the center of Old Charles Street said beginning point also being distant 65.05 feet North 11° 31' 17" East from the first line and distant 331.21 feet South 89° 22' 50" East from the beginning of the said E.J.R. Associates conveyance, thence for lines of division the four following courses and distances

1. North 11° 31' 17" East 25.67 feet
2. South 78° 28' 13" East 21.67 feet
3. South 11° 31' 17" West 25.67 feet and
4. North 78° 28' 13" West 21.67 feet to the place of beginning.

Containing 1720 square feet of area more or less.

Being Suite No. 112 and No. 114 on the terrace floor of apartment building No. 200 Towson Court.

Charles H. Stark
#100

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dineen, Zoning Commissioner Date: May 31, 1973

FROM: William D. Fromm, Director

SUBJECT: Petition #73-301-X, North side of Towson Boulevard 1674 feet East of Old Charles Street.
Petition for Special Exception for Offices and Office Buildings.
Petitioner - E. J. R. Associates

9th District

HEARING: Monday, June 11, 1973 (1:00 P. M.)

The Office of Planning and Zoning has reviewed the above petition and has the following comments to make.

The staff forces no negative "planning" considerations as long as the proposed use is restricted to activities which directly relate to the operation of this complex. However, it should be noted that the location of and operation of general offices here would be inconsistent with the policies stated in the 1980 Guideplan.

William D. Fromm
William D. Fromm, Director
Office of Planning and Zoning

WD:EG:rw



James S. Dineen, Esq.
5th M. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 19th day of May 1973

S. Eric Dineen
S. ERIC DINEEN,
Zoning Commissioner

Petitioner: E. J. R. Associates

Reviewed by William D. Fromm
William D. Fromm, Director
Office of Planning and Zoning

Reviewed by James S. Dineen
James S. Dineen, Esq.
Zoning Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: May 26, 1973
Posted for: SPECIAL EXCEPTION
Petitioner: E. J. R. ASSOCIATES
Location of property: N. S. OF TOWSON BOULEVARD, 1674 FEET E. OF
OLD CHARLES STREET
Location of Sign: N. S. OF TOWSON BOULEVARD, AT E. 300
Remarks:
Posted by: Charles H. Stark Date of return: May 30, 1973

AUG 14 1973

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 24, 1973

COUNTY OFFICE BUILDING
211 N. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF
ENGINEERINGDEPARTMENT OF
TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

OFFICE OF PLANNING

BOARD OF EDUCATION

GENERAL ADMINISTRATION

INDUSTRIAL
DEVELOPMENTJames D. Nolan, Esq.,
214 W. Pennsylvania Avenue
Towson, Maryland 21204RE: Special Exception Petition
Item 203
E. J. R. Associates - Petitioners

Dear Mr. Nolan:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the north side of Towsontown Blvd., 1674' feet south of Old Charles Street, in the 9th District of Baltimore County. The subject property, which is zoned D.R. 16, is requesting a Special Exception for professional offices and medical offices. It will be located within an apartment complex that is currently under construction. This complex, which is bordered on the north by the residences that front on Alabama and Dixie Drive in Southland Hills and the Versailles apartments on the west, the Towson State College property on the south side of Towsontown Blvd., and the Towson State College maintenance facilities on the east side of the property. The apartment complex that is currently under construction as originally designed would permit 76 density units, and a total of 92 dwelling units utilizing the efficiencies - one bedroom and two bedroom was proposed. The revised density calculations reduce the number of units by one efficiency and two one-bedroom units, bringing the total number of dwelling units to 89 units proposed.

The petitioners' site plan should be revised to indicate

James D. Nolan, Esq.,
Item 203
Page 2
May 24, 1973

the following items:

1. Clearly indicate which floor the proposed office uses would be located (terrace, first floor, second floor, or third floor).
2. The approximate location of the dwellings at the rear of the property.
3. The approximate hours of operation that are anticipated for the proposed office use.

Revised site plans must be submitted prior to the hearing.

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,


JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr:jd

(Enclosure)

cc: James S. Spamer & Associates
807 York Road
Towson, Maryland 21204Baltimore County, Maryland
Department Of Public WorksCOUNTY OFFICE BUILDINGS
TOWSON, MARYLAND 21204Bureau of Engineering
ELLSWORTH N. RIVES, P.E. CHIEF

May 10, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

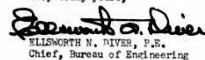
Re: Item #203 (1972 - 1973)
Property Owner: E. J. R. Associates
N/S of Towsontown Blvd., 1674' S. of Old Charles St.
Present Zoning: D.R. 16
Proposed Zoning: Special Exception for offices, office buildings, professional offices, and medical offices in a D.R. 16 zone
District: 9th No. Acres: 1720 sq. ft. and 556 sq. ft.

Dear Mr. DiNenna:

Baltimore County utilities and highway improvements are not involved. However, sidewalk is required along the frontage of this property. The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #203 (1972 - 1973).

Very truly yours,


ELLSWORTH N. RIVES, P.E.
Chief, Bureau of Engineering

ENCLOSURE:

C-100 Key Sheet
36 & 37 NW 1 & 2 Pos. Sheet
NW 9 & 10 A Topo
69 Tax Map

cc: C. L. Warfield

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.

ENGINEER

WM. T. MOLES

DEPT. TRAFFIC ENGINEERING

May 30, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 203 - ZAC - April 24, 1973
Property Owner: E.J.R. Associates
NS of Towsontown Boulevard, 1674' S of Old Charles Street
Special Exception for offices, office building, professional offices, and medical offices in a D.R. 16 zone
District 9

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested special exception for offices.

Very truly yours,


Michael S. Flanigan
Traffic Engineer Associate

M:FP/k

Baltimore County Fire Department

J Austin Deitz
ChiefTowson, Maryland 21204
822-7310Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: E. J. R. Associates

Location: NS of Towsontown Boulevard, 1674' S of Old Charles Street

Item No. 203 Zoning Agenda Tuesday, April 24, 1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "H" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
- () 4. _____ the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed:  Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

M/S
4/16/73

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH

JEFFERSON BUILDINGS
TOWSON, MARYLAND 21204

April 25, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICERMr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 203, Zoning Advisory Committee Meeting
April 24, 1973, are as follows:

Property Owner: E.J.R. Associates
Location: NS of Towsontown Blvd., 1674' S of Old Charles St.
Present Zoning: D.R. 16
Proposed Zoning: Special Exception for offices, office buildings, professional offices and medical offices in a D.R. 16 zone
District: 9
No. Acres: 1720 sq. ft. and 556 sq. ft.

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,


Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVD:ms

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: May 1, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: Tuesday April 24, 1973

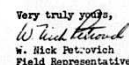
Re: Item 203
Property Owner: E.J.R. Associates
Location: NS of Towsontown Boulevard, 1674' S of Old Charles Street
Present Zoning: D.R. 16
Proposed Zoning: Special Exception for offices, office buildings, professional offices, and medical offices in a D.R. 16 zone.

District: 9
No. Acres: 1720 square feet and 556 square feet

Dear Mr. DiNenna:

Acresage too small to have an effect on student population.

WNP/ml

Very truly yours,

W. Neil Peterson
Field Representative

M. ENGLE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BENEY

MARCUS W. BOSTANS
JOSEPH N. MCGOWAN
ALVIN LORICK
JOSHUA A. K. HELEN, CLERK

T. HARVARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.D.
MRS. RICHARD K. W. WILSON

