

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

TEACHERS' ASSOCIATION OF BALTO. COUNTY, MD., 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 for a Variance from Section 409.2a and 409.2b.5 and 235.6 B.6 to permit 80 offstreet parking spaces instead of the required 200 offstreet parking spaces.

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

The building to be constructed is designed for and will house elderly persons who will utilize, for the most part, public transportation with minimal dependence upon privately owned vehicles. It would create an unnecessary hardship and practical difficulty in developing a building for the elderly if the net-profit sponsor is required to utilize any part of the property for a purpose incompatible with such tenancy.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

TABCO TOWERS ASSOCIATES, a Maryland limited partnership
By: William J. Malester Contract purchaser
Address: 305 E. Joppa Rd., Towson, Md. 21204
TEACHERS' ASS'N. OF BALTO. COUNTY, MARYLAND, INC.
By: Donald P. Kopp Legal Owner
Address: 305 E. Joppa Rd., Towson, Md. 21204
Allan J. Malester
Counsel for Petitioner
1200 Garrett Building, Redwood and South Streets, Baltimore, Md. 21202
Telephone: 752-4567
Protestant's Attorney
Address: 1200 Garrett Bldg., Baltimore, Md. 21202
Telephone: 752-4567

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of July, 1974.

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 12th day of August, 1974, at 10:30 A.M.

Zoning Commissioner of Baltimore County.

(over)

Appealed 1/31/75

RE: PETITION FOR VARIANCE from Sections 409.2a, 409.2b.5, 409.2b.6 and 235.6 of the Baltimore County Zoning Regulations 5/5 of Joppa Road 475.5' E. of Virginia Avenue 9th District
Teachers Association of Baltimore County, Maryland, Inc.
Petitioner-Appellant
Tabco Towers Associates, Contract Purchaser
Zoning File No. 75-17-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Misc. Docket No. 10
File No. 5301

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-9(4) of the Maryland Rules of Procedure, Robert L. Gillard, Walter C. Ham, Jr. and W. Giles Parker, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it, namely, Allan J. Malester, Esq., 1200 Garrett Building, Redwood and South Streets, Baltimore, Maryland, 21202, attorney for the Petitioner, and William J. Blondell, Jr., Esq., 628 Eastern Avenue, Baltimore, Maryland, 21221, and Joseph A. Lynott, Jr., Esq., 1010 Rockville Pike, Suite 506, Rockville, Maryland, 20852, attorneys for Protestants, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Telephone - 494-3100

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Allan J. Malester, Esq., 1200 Garrett Building, Redwood and South Streets, Baltimore, Maryland, 21202, attorney for the Petitioner, and William J. Blondell, Jr., Esq., 628 Eastern Avenue, Baltimore, Maryland, 21221, and Joseph A. Lynott, Jr., Esq., 1010 Rockville Pike, Suite 506, Rockville, Maryland, 20852, attorneys for Protestants, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Teachers Assn. of Balto. Co., Md., Inc. - No. 75-17-A

2.

628 Eastern Avenue, Baltimore, Maryland, 21221, and Joseph A. Lynott, Jr., Esq., 1010 Rockville Pike, Suite 506, Rockville, Md. 20852, attorneys for the Protestants, on this 6th day of February, 1975.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

cc: Zoning
Mrs. Werneth, Plg.
J. Heslan, III, Esq.
Mr. Mario P. Docclo
Mr. William G. Wood

September 26, 1974

Case No. 75-17-A (Item No. 11) - Teachers' Association of Baltimore County, Maryland, Incorporated

S/S of Joppa Road, 475.5' E of Virginia Avenue - 9th Election District

Petition for Variance

Description of Property

Site Plan, dated May 20, 1974

Zoning Plans Advisory Committee Comments, dated July 17, 1974

Revised Parking Layout, dated August 6, 1974

Comments from William D. Fromm, Director of Planning, dated August 7, 1974

Certificates of Publication

Certificate of Posting (One (1) Sign)

Three (3) Letters of Correspondence from William G. Wood, President, Towson-Lock Raven Community Council, Inc., and William F. Wilke, Tabco Towers Associates

Copy of Page 128, Chapter 9 - Off-street Parking Regulations of the Baltimore City Zoning Regulations

Order of the Zoning Commissioner, dated August 22, 1974 - GRANTED

Letter of Appeal from William J. Blondell, Jr., on Behalf of the Protestants, received September 16, 1974

Allan J. Malester, Esquire
1200 Garrett Building
Redwood and South Streets
Baltimore, Maryland 21202
Counsel for Petitioner

William J. Blondell, Jr., Esquire
628 Eastern Avenue
Baltimore, Maryland 21221
Counsel for Protestants

Mr. Mario P. Docclo
Docclo Management Company
300 East Joppa Road
Towson, Maryland 21204
Request Notification

Mr. William G. Wood
930 Park Avenue
Baltimore, Maryland 21201
Requests Notification

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: August 7, 1974

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #75-17-A. South side of Joppa Road 475.5 feet, more or less, East of Virginia Avenue.
Petition for Variance for Off-Street Parking
Petitioner - Teachers' Ass'n. of Balto. County, Maryland, Inc.

9th District

HEARING: Monday, August 12, 1974 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

This property is located within the boundaries of the designated Town Center of Towson. Intensive development here, such as the subject proposal, would be consistent with the Baltimore County 1980 Guidelines, the County's official master plan. The property is currently served directly by the #55 and #8 lines of the Mass Transit Administration, and a wide variety of commercial services are within a reasonable walking distance; hence, this would be a highly desirable location for housing for the elderly. It should also be noted that recent housing studies conducted by the Regional Planning Council indicate a definite need for housing for the elderly in Baltimore County.

There are no parking structures or lots proposed for construction by any public agencies which could serve possible overflow parking needs from this proposal; there are spaces being constructed on nearby property, by private developers which might be available to accommodate such needs. It is apparent that there is little available capacity to accommodate possible overflow on nearby streets; however, we would agree that, generally speaking, housing units for the elderly do not generate as much need for parking as other types of housing.

The petitioner proposes to build a 22-story office and apartment building. He does not indicate how many housing units nor, more importantly, how much space he intends to devote to offices; therefore, until we have more specific information about the project, we cannot adequately assess the impact of the granting of the requested parking variance on the surrounding area.

If the variance is granted, the residential units should be limited to use by the elderly and the amount of floor space devoted to office use should be minimal.

William D. Fromm
William D. Fromm, Director of Planning

WDB:REG:rv

LAW OFFICES OF

Lynott and Craven, P.A.

1010 ROCKVILLE PIKE
ROCKVILLE, MARYLAND 20852

November 11, 1974

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

Re: Case No. 75-17-A
Teachers' Assn. of Baltimore County, Md., Inc.

Dear Mr. Chairman:

Please enter my appearance as attorney for Towson Associates Limited Partnership, a protestant in the above captioned case. Towson Associates Limited Partnership is the owner of a substantial parcel of land situate at 205 East Joppa Road, in the immediate vicinity of the subject application.

Very truly yours,

Joseph A. Lynott, Jr.

JAL/mhr

LAW OFFICES WILLIAM J. BLONDELL, JR., CHARTERED

828 EASTERN AVENUE
BALTIMORE, MARYLAND 21221

September 13, 1974

WILLIAM J. BLONDELL, JR.
RAYMOND J. CANNOLLO

Phone MU 7-7878

S. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Teachers Association of Baltimore County, Maryland, Inc.
Case No. 75-17-A

Dear Mr. DiNenna:

This is to advise you that I represent One Investment Plaza Associates.

Enclosed please find check in the amount of Thirty Five (\$35.00) Dollars. Kindly note an appeal on behalf of my clients to the Board of Appeals from your Order in the above captioned case dated August 22, 1974.

Very truly yours,

William J. Blondell, Jr.

WJB:gp

Enclosure



Allan J. Malester, Esquire
1200 Garrett Boulevard
Baltimore, Maryland 21202

RE: Petition for Variance
S/S of Joppa Road, 475.5' E of Virginia Avenue - 9th Election District
Teachers' Association of Baltimore County, Maryland, Incorporated - Petitioner
NO. 75-17-A (Item No. 1)

Dear Mr. Malester:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/sw

Attachments:

cc: Mr. Mario P. Docclo
Docclo Management Company
300 East Joppa Road
Towson, Maryland 21204

Mr. William G. Wood
930 Park Avenue
Baltimore, Maryland 21201

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10
Folio No. 2
File No. 5501

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, &c.

Muriel E. Buddemeyer
County Board of Appeals
of Baltimore County

cc: Malester, Esq.
Blondell, Esq.
Lynott, Esq.

RE: PETITION FOR VARIANCE	BEFORE
from Sections 409.2a, 409.2b.5,	COUNTY BOARD OF APPEALS
409.2b.6 and 235b.6 of the	
Baltimore County	OF
Zoning Regulations	
5/5 of Joppa Road, 475.5'	BALTIMORE COUNTY
E. of Virginia Avenue	
9th District	
Teachers' Association of	No. 75-17-A
Baltimore County, Maryland, Inc.	
Petitioners	
Tal to Towers Associates,	
Contract Purchasers	

OPINION

This case comes before the Board on an appeal from an Order of the Zoning Commissioner, dated August 22, 1974, granting a variance to permit one hundred (100) off-street parking spaces in lieu of the required two hundred (200) spaces. The subject property is located on the south side of Joppa Road, 475.5 feet east of Virginia Avenue, in the Ninth Election District of Baltimore County and contains 0.6436 of an acre of land more or less.

The testimony adduced before the Board indicated that the Petitioners intended to build a highrise for housing for the elderly, with approximately .eight thousand (8,000) square feet of office space to be used by the Teachers' Association of Baltimore County. There was no testimony as to the type of construction or the number of units other than the indication on the plot contained in the file of the instant case, which was introduced into evidence, and which indicates a proposed twenty-two story combined office and apartment building.

The Petitioners produced testimony concerning the need for housing for the elderly, and also the fact that elderly tenants' parking requirements are substantially less than would normally be required. Further, they indicated that their financing arrangements with the State and Federal Governments prohibit them from deviating from the proposed rental to elderly persons.

The Petitioners feel that strict adherence to the Zoning Regulations requirements for two hundred parking spaces (which this Board can only infer to be the correct amount) would be an unreasonable hardship and a practical difficulty, and further, that the

RE:	IN THE
	CIRCUIT COURT
	FOR
	BA-TIMORE COUNTY
	AT LAW
Teachers Association of Baltimore County, Maryland, Inc.	Misc. Docket No. <u>10</u>
Partitioners - Appellants	Folio No. <u>2</u>
Takko Towers Associates Contract Purchasers	File No. <u>5501</u>
Zoning File No. 75-17-A	

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Robert L. Gilland, Walter C. Horn, Jr. and W. Giles Pariser, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or originals to file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 75-17-A	
July 12, 1974	Petition of Teachers' Association of Baltimore County, Maryland, Inc. (Taboo Towns Association, contra, petition) for variance from Section 409.2a, 409.2b.5, 409.2b.6 and 233b.6 of the Baltimore County Zoning Regulations on property located on the south side of Joppa Road 475.5' east of Virginia Avenue, 9th District - filed
" 12	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for August 12, 1974 at 10:30 a.m.
" 17	Concurrence of Baltimore County Zoning Plans Advisory Committee - filed
" 25	Certificate of Posting of property - filed
" 25	" " Publication in newspaper - filed
Aug. 7	Comments from Director of Planning - filed
" 12	At 10:30 a.m. hearing held on petition by Zoning Commissioner - case held sub curia
" 22	Order of Zoning Commissioner granting variance
Sept. 16	Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

Tabco - #75-17-A

granting of the variance would be in the best interest of the health, safety and general welfare of Baltimore County. The basis for this contention initially was the need for housing for the elderly and the allegation that the parking requirements for such a building were substantially less than for other occupancy.

However, during the course of the hearing of this case, the Petitioners acquired additional adjoining property and filed for building permits, which were granted on December 13, 1974 (Protestants' Exhibit D - 1 thru 4), which show provisions for the required parking spaces and thereby no variance would be required. The Petitioners indicated that this is a conditional arrangement in the event that the variance petitioned for is denied, and that it now becomes a matter of practical difficulty to the Petitioners in that they would be exposed to some \$150,000 additional in costs to provide for the required parking if the variance is not granted. They further indicated that this expense would be passed onto tenants at the approximate increase of \$3.00 per month in their rental. However, the Board feels that the Petitioners have not met the burden of proof in showing either practical difficulty and/or unreasonable hardship. The mere fact that it may be more expensive to comply with the parking requirements than to obtain a variance is certainly not the sole test of unreasonable hardship or practical difficulty, and the denial of such a request for a variance certainly would not be confiscatory in nature.

In view of the more recent developments in this case wherein the Petitioners have acquired additional property and have permits issued for the construction of the proposed structure without the necessity of a variance is indicative to this Board that they can proceed with this project without a variance and, in fact, are doing so. Consequently, we do not see how the denial of this variance could produce a practical difficulty or unreasonable hardship other than some additional costs to the developers and ultimately to the tenants. Therefore, the variance petitioned for will be denied.

File No. 75-17-A - Teachers' Assn.

Nov.	6, 1974	Hearing on appeal before County Board of Appeals
"	19	Continued hearing " " " " "
Jan.	6, 1975	" " " " " "
"	6	Order of County Board of Appeals denying variance
"	31	Order for Appeal filed in the Circuit Court for Baltimore County by Allan J. Makster, Esq., attorney for Petitioners-Appellants
"	"	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
Feb.	6	Certificate of Notice sent to all interested parties
"	29	Petition to extend time for filing record to April 1, 1975
Mar.	18	Transcript of testimony filed - 2 vols.
		Petitioner's Exhibit No. 1 - Copy of Bill No. 108
	"	" " " 2 - Zoning Commissioner's file, Case No. 75-17-A
	"	" " " 3 - Resolution authorizing William G. Wood to testify and speak for Association - <u>BACC</u>
	"	" " " 4 - Agreement entitled "Regulatory Agreement" approved 7/30/74 by Asst. Attorney General State of Maryland
	"	" " " 5 - Chart summarizing survey made by Mr. Kingston
	"	" " " 6 - Chart of survey made by Mr. Kingston
		Protestants' Exhibit A - Marized for identification - Group of documents consisting of 10 pgs. 1st pg. is letter from Dept. of Economic & Comm. Development to Tobacco Towns Assoc. dated 7/25/74
	"	" " " B - Letter to One Investment Plaza Assoc. from Zoning Commissioner dated 12/19/74 - Marized for identification
	"	" " " C-1 - Site plan drawing 12/9/74
	"	" " " C-2 - " " " " "
	"	" " " D-1 - Building Permit App. # 63322 dated 10/13/74
	"	" " " D-2 - " " " # 63323 " 12/13/74
	"	" " " D-3 - " " " # 63324 " 12/13/74
	"	" " " D-4 - " " " # 66187 " 12/13/74
"	20	Record of proceedings filed in the Circuit Court for Baltimore County

Tabco - #75-17-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of January, 1975, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland, Acting Chairman

Walter C. Horn, Jr.

W. Giles Parker

File No. 75-17-A - Teachers' Assn.

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this position, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals of
Baltimore County

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-8080

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 878-0000

BEL AIR
L. GERALD WOLFF
Landscape Architect
Phone 938-0888

July 2, 1974

ZONING VARIANCE:

Beginning for the same at a point distant measured easterly along the south side of Joppa Road 475.5 feet from the centerline of Virginia Avenue thence binding along the said south side of Joppa Road by a curve to the right having a radius of 944.94 feet for an arc length of 139.30 feet thence leaving the said south side of Joppa Road South 14° 06' 02" West 235.92 feet thence North 7° 53' 58" West 88.17 feet thence North 13° 29' 02" East 25.63 feet thence North 01° 56' 00" West 263.75 feet to the place of beginning.

Containing 0.6456 Acres of land more or less.

Malcolm E. Hudkins
Registered Surveyor #5095

RE: PETITION FOR VARIANCE : BEFORE THE
S/S of Joppa Road, 475.5' E of : ZONING COMMISSIONER
Virginia Avenue - 9th Election :
District : OF
Teachers' Association of Baltimore :
County, Maryland, Incorporated - : BALTIMORE COUNTY
Petitioner :
NO. 75-17-A (Item No. 9)

The Petitioner requests a Variance from Sections 409.2a., 409.2b. (5) and (6), and 235B.6, to permit eighty (80) off-street parking spaces in lieu of the required two hundred (200) spaces. The subject property is located on the south side of Joppa Road, 475.5 feet east of Virginia Avenue, in the Ninth Election District of Baltimore County, and contains 0.6456 of an acre of land, more or less.

At the outset of the public hearing, the Petitioner moved to amend the Variance to permit one hundred (100) off-street parking spaces in lieu of the required two hundred (200) spaces. Leave to amend the Variance was granted by the Zoning Commissioner.

Evidence, on behalf of the Petitioner, indicated that a twenty-two (22) story apartment building was to be constructed and would be used as housing for the elderly. The United States Regulations, with reference to this type housing, indicate that only one (1) parking space for every four (4) living units was required. This type of Regulation also appears in the Baltimore City Zoning Regulations, under Chapter 9. Expert testimony indicated that housing for the elderly does not necessitate one (1) parking space per living unit.

The subject property is located near public transportation and is in close proximity to a shopping area.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner,

the requested Variance should be granted. The area involved, the economic factors, and the overwhelming evidence that there is no need for one (1) parking space per living unit supports the request.

The granting of the subject Petition will not be detrimental to the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of August, 1974, that the Petition for a Variance from Sections 409.2a., 409.2b. (5) and (6), and 235B.6, to permit one hundred (100) off-street parking spaces in lieu of the required two hundred (200) spaces, should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE August 22, 1974
BY [Signature]
JUDICIAL CLERK

-2-

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needed, whereas, the variance granted by the Zoning Commissioner still maintains a fifty percent ratio. The testimony is clear that the petitioner could acquire and in fact does have sufficient land to provide the necessary off-street parking spaces, but, the cost thereof would be an economic burden that would eventually be passed on to the elderly people of low income for whom this project is designed and the Zoning Commissioner believed that to be an economic factor justifying the variance.

After that order a letter from an attorney was written to the Zoning Commissioner with the following statements: "This is to advise you that I represent One Investment Plaza Associates....Kindly note an appeal...." Despite vigorous objection by the petitioner an appeal was entertained by the Board of Appeals, who reversed the Zoning Commissioner and denied the variance, whereupon, the petitioner has appealed to this Court.

The Board of Appeals has authority to adopt rules of practice and procedure and those rules have the effect of law when approved by the County Council. The County Council has approved the rules and they are now set forth in Appendix

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F in the current zoning regulations. Rule 3A provides that no appeal shall be entertained by the Board of Appeals unless the notice of appeal shall state the names and addresses of the persons taking such appeal. The Rule is couched in mandatory terms and it is obvious that the purported notice of appeal was fatally defective and that the County Board of Appeals had no right to entertain the appeal.

Accordingly, the order of the County Board of Appeals passed on January 6, 1975 must be reversed. The case is presented here today by counsel for the petitioner except although the Board of Appeals and Baltimore County were aware of the pendency of these proceedings. It is further noted that those originally opposed to the issuance of a variance permit have also abandoned the case.

REVERSED.

Judge

ZONING FILE #75-17-A

1 PETITION FOR VARIANCE from * IN THE
2 Sections 409.2a., 409.2b.5, * CIRCUIT COURT
3 409.2b6 and 235.6 of the *
4 Baltimore County Zoning Regu- *
5 lations S/S of Joppa Road * FOR BALTIMORE COUNTY
6 475.5' E of Virginia Avenue, * At Law
7 9th District * Misc. 10/2/5501
8 Teachers' Assn. of Baltimore * April 11, 1975
9 County, Maryland, Inc. *
10 Petitioners *
11 TACO TOWERS ASSOCIATES, *
12 Contract Purchasers *
13 Teachers' Association of *
14 Baltimore County, Md., Inc., *
15 and Teco Assistance, Inc. and *
16 Scrivener-Wilke Development *
17 Corp., a Md. Corporation and *
18 J. Thomas Scrivener and *
19 William F. Wilke as general *
20 and/or limited partners of a *
21 Maryland limited partnership *
22 trading as TACO TOWERS *
23 ASSOCIATES *
24 Appellants *
25 vs *
26 BALTIMORE COUNTY, a body *
27 corporate and politic *
28 Appellee *
29 BEFORE: HONORABLE JOHN E. RAINE, JR., Judge
30 ALLAN J. KALESTER, Esq.
31 On behalf of Petitioners

[Handwritten note]
Rec'd 5-9-75
9:30 am

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(ORAL OPINION)

THE COURT: On August 22, 1974 a corporation, hereafter referred to as TACO, was granted a variance from the off-street parking requirements by the Zoning Commissioner. The existing regulations require 200 spaces for an apartment project that the plats and application for building permits clearly show contain 200 apartments. The bulk of the apartments are "efficiencies," for the project only contains eighty bedrooms. The Commissioner granted the variance on the basis that this is a project financed by governmental agencies and will be used as housing for the elderly in addition to a limited amount of office use by TACO. The Commissioner was persuaded by the testimony that this particular type of project did not need one space per living unit because of the limitations on the nature of the tenants. The petitioners produced evidence that other apartment projects of this nature have demonstrated that the need for parking spaces for persons in the elderly category are not as great as otherwise. For example, one space for every four units is permitted in Baltimore City. In other areas it is shown that substantially fewer spaces than twenty-five percent are

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 9

Allan J. Kalester, Esq.
Gordon, Feilblatt, Rothman, Hoffberger & Hollander
1200 Garrett Bldg.
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted
for filing this 12th day of July 1974.

[Signature]
S. ERIC DINENBA
Zoning Commissioner

Petitioner Teachers' Assn. of Balto. Co. Md., Inc.

Petitioner's Attorney Allan J. Kalester Reviewed by James B. Byrnes, Jr.
L. Adams Wolf architect, located in J. Hutchinsville
Hutchins Associates, Inc. 209 S. Joppa Rd. Zoning Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 17, 1974

Allan J. Malester, Esq.
of Gordon, Feinblatt, Rothmann,
Hoffberger & Hollander
1200 Garrett Bldg.
Baltimore, Maryland 21202

RE: Variance Petition
Item 9
Teachers' Association of
of Baltimore County, Md., Inc. -
Petitioners

Dear Mr. Malester:

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 assure 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 south side of Joppa Road, approximately 475 feet east of Virginia Avenue, in the 9th Election District of Baltimore County. A portion of the property is presently improved by the existing offices and parking area of Tabco, Inc.

The properties to the west are improved with existing residences which have been converted to office use. The Hampton House apartment complex exists opposite the site on Joppa Road.

The petitioner is requesting a Variance to permit 80 off street parking spaces instead of the

Allan J. Malester, Esq.
Re: Item 9
July 17, 1974

Page 2

required 200, and proposes to erect a twenty-two story highrise complex to be used as housing for the elderly.

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,

James B. Byrne, III
JAMES B. BYRNE, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: L. Edward Wolf architect

homot road lutherville, maryland 21093

Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 19, 1974

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

Z.A.C. Meeting - July 16, 1974

Re: Item 9

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Joppa Road, 475.5' E. of Virginia Avenue
Present Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b and 235.6 to permit 80 offstreet parking spaces instead of the required 200 offstreet parking spaces.

District: 9th
No. Acres: 0.6456

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/al

Baltimore County Fire Department

J Austin Deitz
Chief



Towson, Maryland 21204

825-7210

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Teacher's Association of Baltimore County, Md., Inc.

Location: S/S of Joppa Road, 475.5' E of Virginia Avenue

Item No. 9 Zoning Agenda July 16, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" 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 XXXXXX the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 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.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *Paul H. Reincke* Noted and Approved: *Paul H. Reincke*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

nl
4/16/73

Baltimore County, Maryland
Department of Public WorksCOUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Division of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

August 8, 1974

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

Re: Item #9 (1974-1975)

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Joppa Rd., 475.5' E. of Virginia Ave.
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2b.5 and 235.6 to permit 80 offstreet parking spaces instead of the required 200 offstreet parking spaces
No. of Acres: 0.6456 District: 9th

Dear Mr. DiNenna:

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 is from Joppa Road, a County road, which is fully improved along the frontage of this property on a right-of-way of variable width.

Construction or reconstruction of sidewalks, curb and gutter, entrances, aprons, etc. will be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

The status of Payne Avenue, an unimproved 140-foot "paper" street, shown on the plat of "Belle View" (Recorded W.P.C. 1, Folio 159) is unknown. It is the responsibility of the Petitioner to ascertain and clarify rights therein. At such time as Payne Avenue might be improved as a public street, it would be as a 30-foot close-type roadway cross-section on a 50-foot right-of-way. However, no highway improvements or highway right-of-way widening will be required in connection with this site (Tabco Towers).

Sediment Control:

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.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD A. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

July 17, 1974

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

Dear Mr. DiNenna:

Comments on Item 9, Zoning Advisory Committee Meeting,
July 16, 1974, are as follows:

Property Owner: Teacher's Association of Baltimore County, Md., Inc.

Location: S/S of Joppa Road, 475.5' E of Virginia Avenue

Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b.5 and 235.6 to permit 80 offstreet parking spaces instead of the required 200 offstreet parking spaces.

No. of Acres: 0.6456
District: 9th

Metropolitan water and sewer are available.

Jonas Falls Moratorium: A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973; therefore approval may be withheld for this connection.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVS/mcp

WILLIAM D. FROMM
DIRECTOR
ERIC DINENNA
ZONING COMMISSIONER



July 25, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #9, Zoning Advisory Committee Meeting, July 16, 1974, are as follows:

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Joppa Road, 475.5' E of Virginia Avenue
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b.5 215.6 to permit 80 offstreet parking spaces instead of the required 200 offstreet parking spaces
No. of Acres: 0.6456
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

It is suggested that the petitioner and his architect contact this office to set up a meeting with the Department of Traffic Engineering concerning the requested variance and traffic circulation on the property.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-2821 ZONING 484-3381

M. EMILE PARKS, M.D.
EDWARD C. MULL, M.D.
MRS. ROBERT L. BENNETT

MARSHALL M. WITKOWSKI
JOSEPH M. MCGOWAN
ALVIN LORECK
JOSHUA W. WHEELER, M.D.

T. HAROLD WILLIAMS, JR.
EDWARD W. TRACEY, M.D.
MRS. RICHARD F. GUERTEL

Item #9 (1974-1975)
Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Page 2
August 8, 1974

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances 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.

Water:

Public water supply (12-inch main) exists in Joppa Road. Additional fire hydrant protection and onsite pumping appear to be required for the proposed structure.

Sanitary Sewer:

Public sanitary sewerage exists in Joppa Road. This property is tributary to the Towson - Roland Run - Jones Falls Sewage System subject to State Health Department imposed moratorium restrictions.

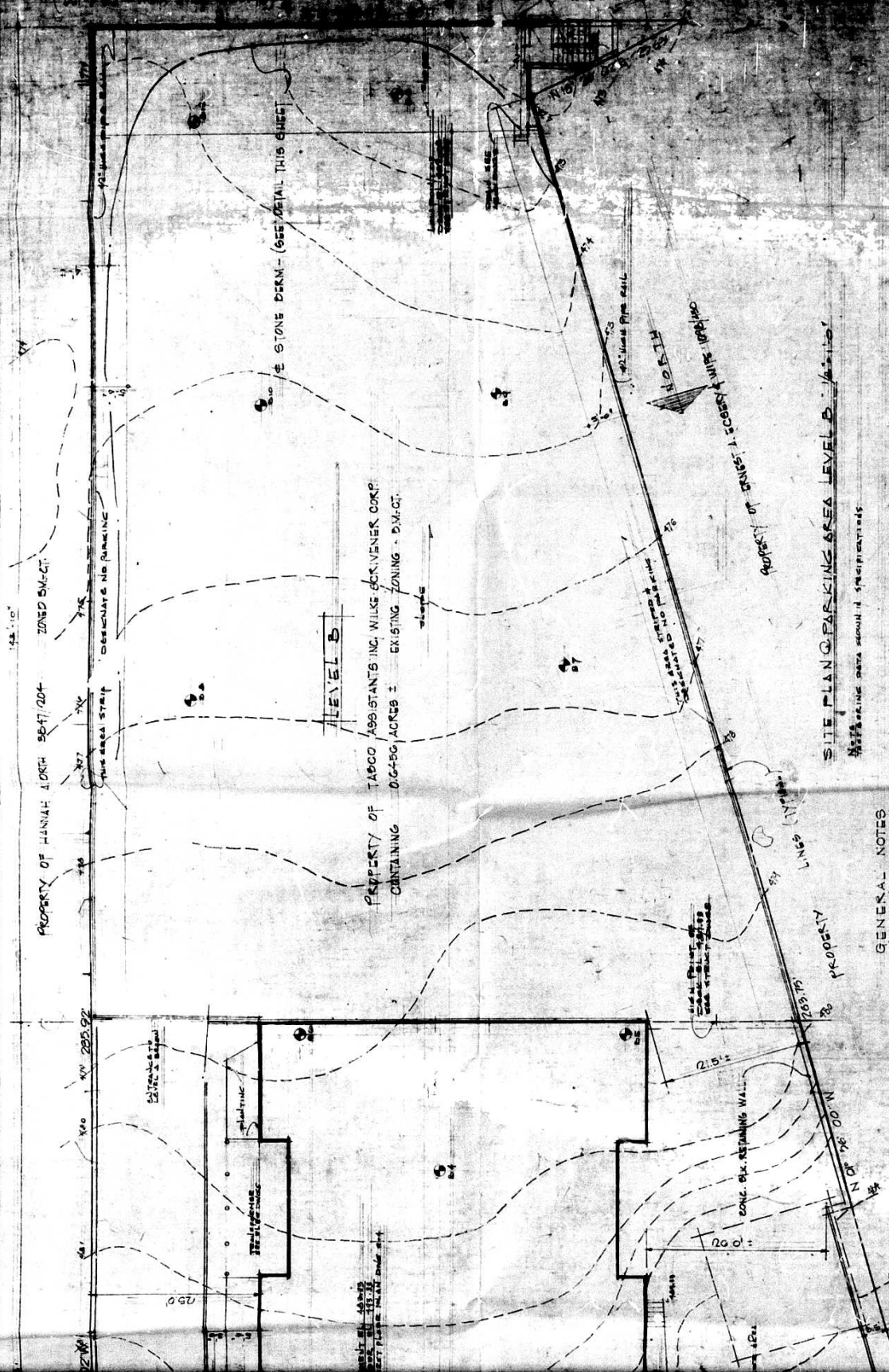
Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EN:PMR:iss

cc: J. Trenner
G. Reier

W-W Key Sheet:
38 & 39 NE & Pos. Sheet
ME 10 A Topo
70 & 70A Tax Map



SITE PLAN OF PARKING AREA LEVEL B - 1/8\"/>

NOTES: SEE SHEET 11 FOR SPECIFICATIONS

GENERAL NOTES
 1. All construction shall be in accordance with Baltimore County Standards and Specifications for Soil Erosion and Siltation Control in Urbanizing Areas and as detailed on this sheet.
 2. Structural measures, such as piers, dikes, traps, etc., will be installed and stabilized according to this plan prior to any other grading, clearing, or disturbance of the existing surface of the site.
 3. Continual inspection and maintenance of sediment control facilities shall be performed until permission for their removal has been obtained from the Baltimore County Soil Conservation Inspector.
 4. Notify the Baltimore County Soil Conservation District at least 72 hours before starting any work.
 5. All sediment control measures to be installed to meet field conditions.
 6. All construction shall be completed by the date shown on this sheet.
 7. Elevation shown in feet above sea level based on Baltimore County Traverse Station A 4746 El. 475.694 & X 4942 El. 474.10



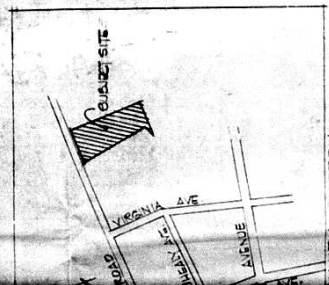
DETAIL - STONE DERM
NOT TO SCALE

Sign of development and
 adjacent streets to be
 vacated by the SD
 DISTRICT

DATE MAY 22, 1974

(1) SECTION OF PARKING AREA 1/8\"/>

ZONING VARIANCE
PROPOSED 22 STORY OFFICE & APARTMENT BUILDING
 #5 211 & 505 EAST JOFFA ROAD - 9TH ELEC DIST - TOWSON, MD.
 DATE MAY 22, 1974



ENGINEERING ASSOCIATES, INC.
 Consulting Mechanical/Electrical Engineers
 3047 ST. PAUL STREET
 BALTIMORE, MARYLAND

FORBOTH ASSOCIATES PROJECT

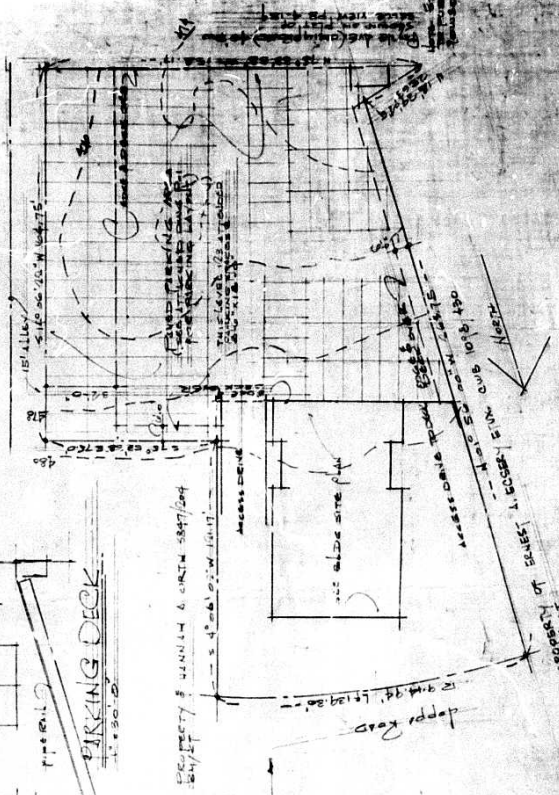
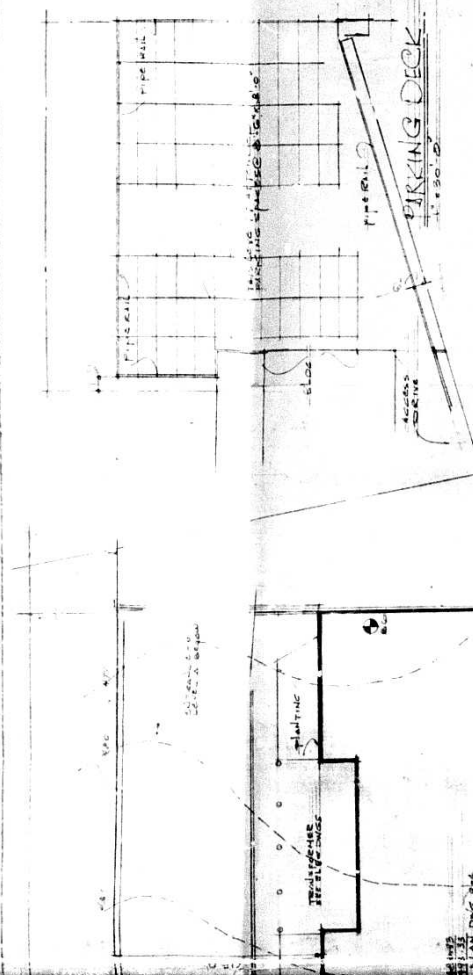
L. EDWARD WOLF Architect
 10000 N. E. 4TH AVE., SUITE 200
 MIAMI, FLORIDA 33154



TARGO TOWERS

Designed by TARGO Associates, Inc. (a subsidiary of TARGO)
 TARGO INC., President
 305 East Joffa Road, Towson, Maryland 21204





OVERALL SITE PLAN
 AREA 0.75 ACRES
 FOR PARKING LAYOUT SEE DRAWING #1
 SCALE 1"=50'

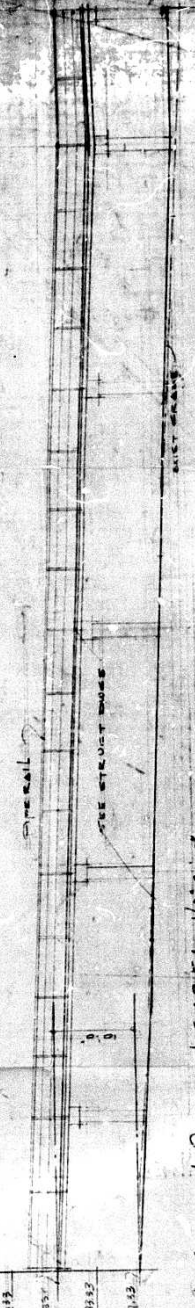
GENERAL NOTES
 1. All construction shall be in accordance with Baltimore County Standards and Specifications For Soil Erosion And Sediment Control In Urbanizing Areas and as detailed on this sheet.
 2. Structural measures, such as berms, traps, etc., will be installed and stabilized according to this plan prior to any other grading, clearing, or disturbance of the existing surface of the site.
 3. Continual inspection and maintenance of sediment control facilities shall be performed until permission for their removal has been obtained from the Baltimore County Department of Public Works.
 4. All existing structures to be razed.
 5. All existing structures to be razed.
 6. Elevation shown in parenthesis are based on Baltimore County Traverse Station X 4146 ± 475.34 ± X 4142 ± 474.161

SEE PARKING DATA SHOWN IN SPECIFICATIONS

AREA SITE PLAN
 SCALE 1"=50'



DETAIL - STONE DERM
 NOT TO SCALE



SECTION OF PARKING AREA 1/2"=1'-0"

Development and
 Streets the rest of
 the lot

5-29-74
 ddb

DO NOT REQUIRE 100 PARKING SPACES
 10 SPACES REQUIRED FOR TRUCKS 30,000 SQ FT REQUIRED
 (SEE TRUCKS FLOOR AREA UNDER)
 10,000 SQ FT REQUIRED FOR TRUCKS
 10,000 SQ FT REQUIRED FOR TRUCKS
 10,000 SQ FT REQUIRED FOR TRUCKS

PROPOSED 22 STORY OFFICE APARTMENT BUILDING
 5, 211 & 305 EAST JOPPA ROAD - 9TH ELEC DIS - TOWSON, MD.
 DATE MAY 02, 1974

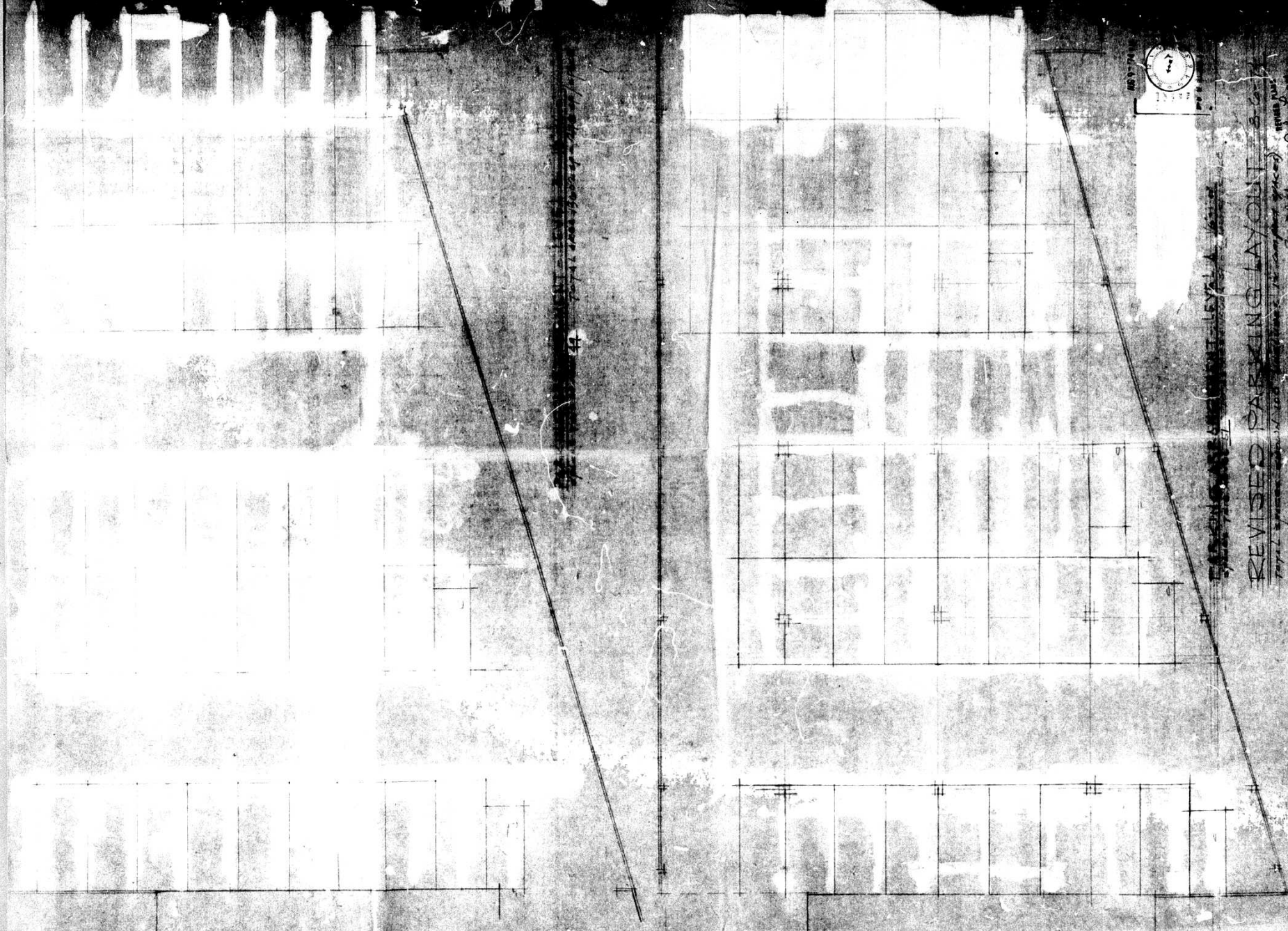
ENGINEERING ASSOCIATES, INC.
 Consulting Mechanical/Electrical Engineers
 3047 ST. PAUL STREET
 BALTIMORE, MARYLAND

STONNET ASSOCIATES PROJECT
 L. EDWARD WOLF architect
 1000 N. E. STREET, BALTIMORE, MARYLAND 21203
 TEL (410) 253-4154

1100 10018

Prepared by: TACCO Associates, Inc. (subsidiary of TACCO)
 TACCO Associates, Inc., President
 305 East Joppa Road, Towson, Maryland 21204





LEVALA

REVISED PARKING LAYOUT

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PARKING ARRANGEMENT LEVEL 2 1/4" = 1'-0"

PARKING ARRANGEMENT LEVEL 1 1/4" = 1'-0"

PARKING TABULATION

TYPE	NO.	AREA	TOTAL
COMMERCIAL ATTACHED	10	10.0	10.0
COMMERCIAL DET. PARK	10	10.0	10.0
RESIDENTIAL	10	10.0	10.0
TOTAL	30	30.0	30.0

Tabco
ARCHITECTS & ENGINEERS
BALTIMORE, MARYLAND

drawing
a2
date

DESIGNED BY TABCO ARCHITECTS & ENGINEERS
ENGINEERED BY TABCO ARCHITECTS & ENGINEERS
FOR THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS

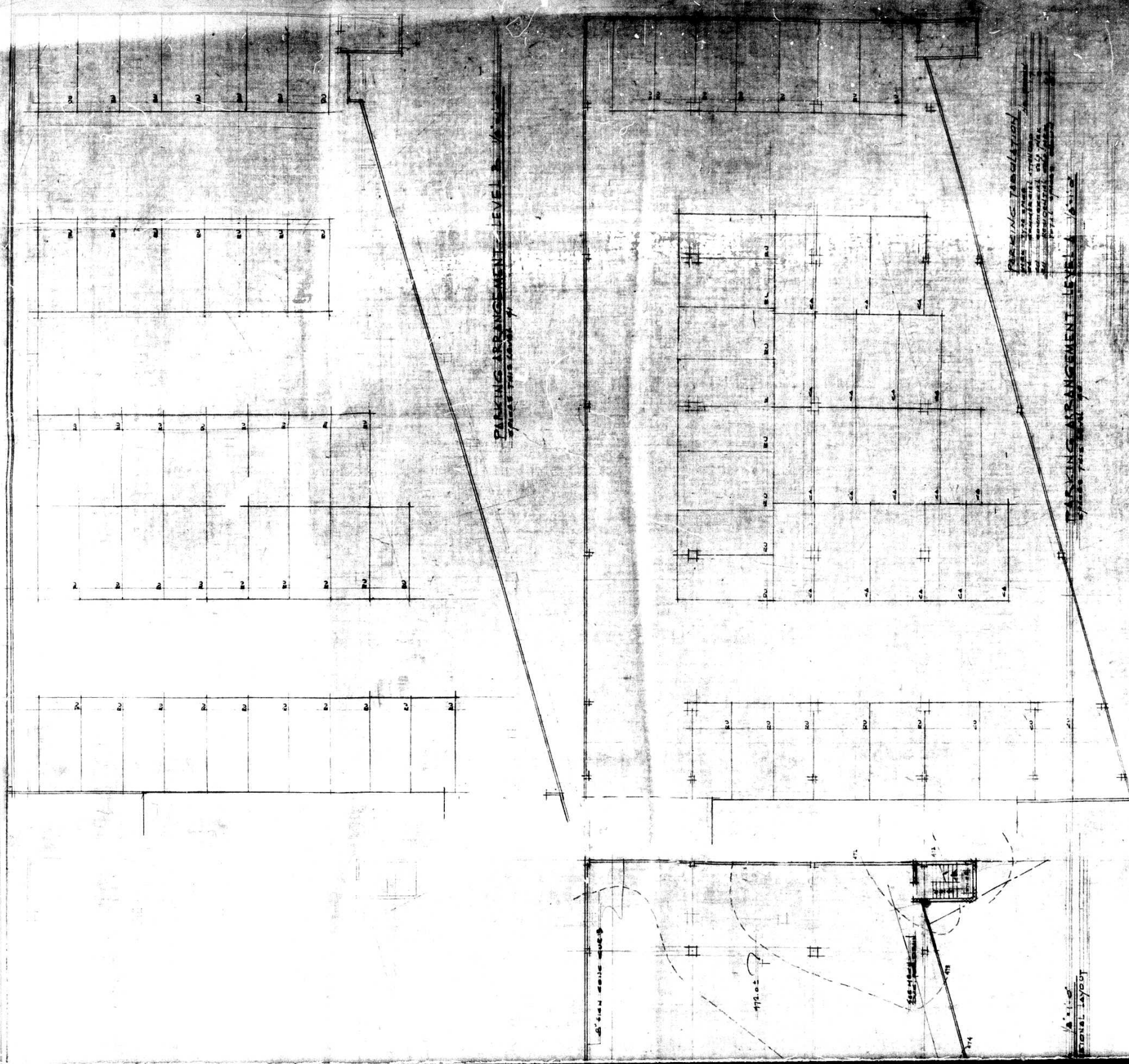


3 DUNN ASSOCIATES, INC.
L. EDWARD VOCK, ARCHITECT
BALTIMORE, MARYLAND

ENGINEERING ASSOCIATES, INC.
CONSULTING MECHANICAL/ELECTRICAL ENGINEERS
3047 ST. PAUL STREET
BALTIMORE, MARYLAND

1/10





J. J. J. ASSOCIATES PROJECT

ENGINEERING ASSOCIATES, INC.
 CONSULTING MECHANICAL/ELECTRICAL ENGINEERS
 3047 ST. PAUL STREET
 BALTIMORE, MARYLAND

1160 TAVOIS

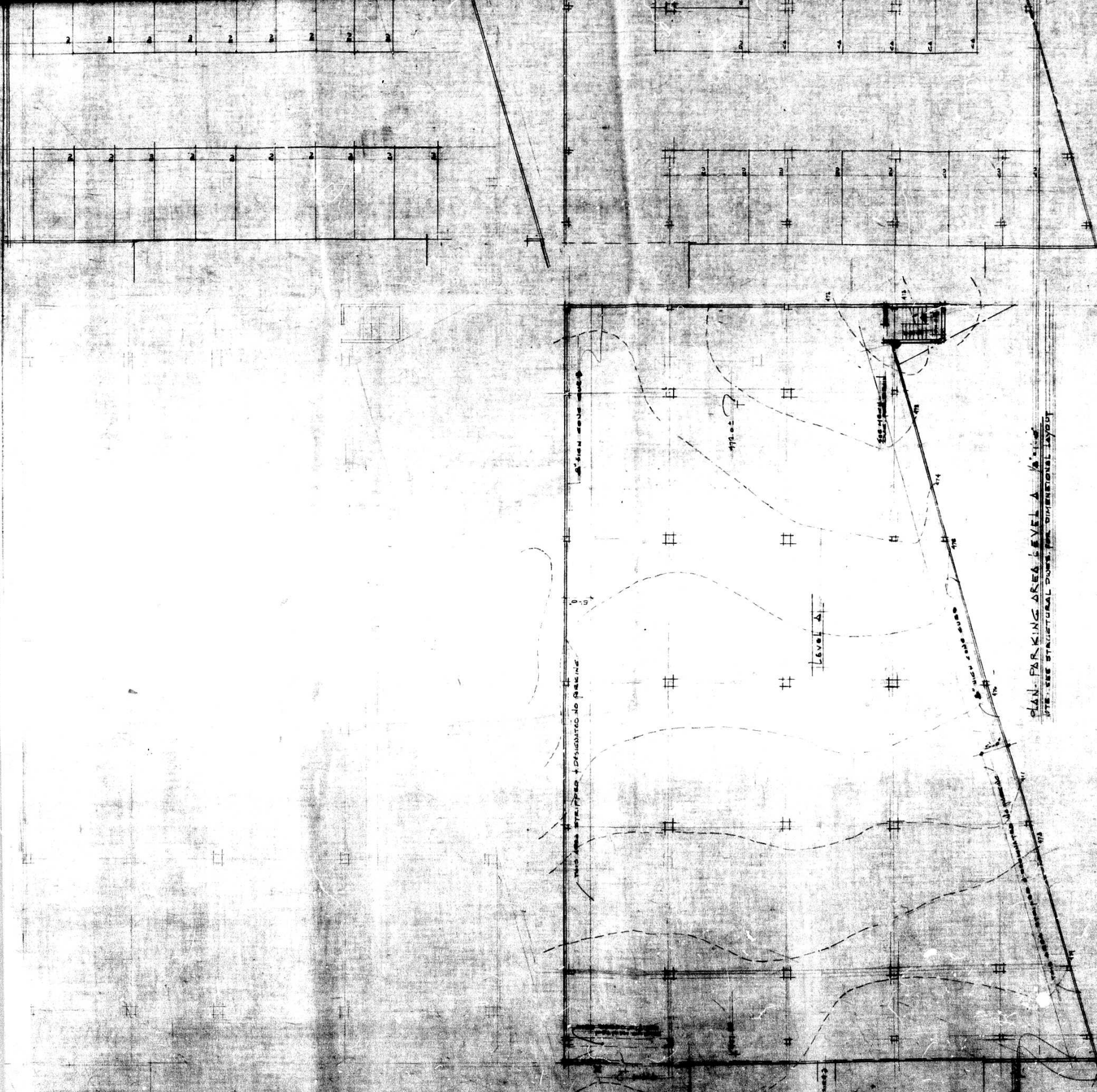
DESIGNED BY J. J. J. ASSOCIATES PROJECT
 ENGINEERED BY J. J. J. ASSOCIATES PROJECT
 1160 TAVOIS PROJECT, BALTIMORE, MARYLAND 21204

Tab

2

DATE: 11-1-74





PLAN - PARKING AREA LEVEL A 1/8" = 1'-0"
SEE STRUCTURAL DWS. FOR DIMENSIONAL LAYOUT

ENGINEERING ASSOCIATES, L.P.
CONSULTING MECHANICAL/ELECTRICAL ENGINEERS
3047 ST. PAUL STREET
BALTIMORE, MARYLAND

VAN RENSSLAER P. SAKS
CONSULTING STRUCTURAL ENGINEER
1701 ST. PAUL STREET
BALTIMORE, MARYLAND

A. BRIGHT ASSOCIATES PROJECT

1/4" = 1'-0" ONLY ARCHITECT
MECHANICAL/ELECTRICAL ENGINEERS
1/4" = 1'-0" ONLY ARCHITECT

