

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Partnership

1. or we, The Gateway Limited Partnership, legal owner... of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11002.2B (V.B.2) of the Zoning Regulations of Baltimore County, to allow a rear yard setback of 10.4' plus or minus, instead of required 20'; (11) a street side yard setback of 18.2' instead of the required 25'; and (111) a rear yard setback of 5.2' instead of the required 20'.

(1) a front yard setback of 10.4' plus or minus, instead of required 20'; (11) a street side yard setback of 18.2' instead of the required 25'; and (111) a rear yard setback of 5.2' instead of the required 20'.
Corrective zoning in that the subject parcel is improved by an existing and occupied two-story office building which without the requested variances constitutes a non-conforming use.

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 and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

THE GATEWAY LIMITED PARTNERSHIP
By: Louis Horst, Jr. Legal Owner
General Partner
Address: 3710 E. Baltimore Street
Baltimore, Maryland

John B. Howard, Petitioner's Attorney
Cook, Howard, Downes & Tracy
409 Washington Avenue
Towson, Md. 21204 (823-4111)
ORDERED BY THE Zoning Commissioner of Baltimore County, this 31st day of October, 1977, 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 104, County Office Building in Towson, Baltimore County, on the 24th day of March, 1978, at 10:00 o'clock P.M.

of October, 1977, 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 104, County Office Building in Towson, Baltimore County, on the 24th day of March, 1978, at 10:00 o'clock P.M.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

1. or we, The Gateway Limited Partnership, legal owner... of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R.R. 1 zone to an R.R. 1B zone; for the following reason:

Corrective zoning in that the subject parcel is improved by an existing and occupied two-story office building which without the requested variances constitutes a non-conforming use.

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... and office building and 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.

THE GATEWAY LIMITED PARTNERSHIP
By: Louis Horst, Jr. Legal Owner
General Partner
Address: 3710 E. Baltimore Street
Baltimore, Maryland 21224

John B. Howard, Petitioner's Attorney
Cook, Howard, Downes & Tracy
409 Washington Avenue
Towson, Maryland 21204

ORDERED BY THE Zoning Commissioner of Baltimore County, this 31st day of October, 1977, 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 104, County Office Building in Towson, Baltimore County, on the 24th day of March, 1978, at 10:00 o'clock P.M.

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The following information is submitted in relation to the property situated in Baltimore County, the primary address of which is shown on the plat attached hereto and made a part hereof, and which is described in the description and plat attached hereto and made a part hereof.

THE PROPERTY IS DESCRIBED AS FOLLOWS:
CHASSIS SITE AREA 0.2295 AC. 2 CHASSIS REF. 1400
CHASSIS 0 % OF CHASSIS SITE SHALL BE USED FOR...

RECEIVED
OCT 3 1977
OFFICE OF PLANNING & ZONING

REQUIRED NUMBER OF FRANCHISE SPACES
CHASSIS PLACES 6 OTHER PLACES 7 TOTAL 13

UTILITIES
WATER: PUBLIC PRIVATE, TYPE OF SYSTEM

SEWER: PUBLIC PRIVATE, TYPE OF SYSTEM

UTILITY SECURITY SERVICE

THE GATEWAY LIMITED PARTNERSHIP
By: Louis Horst, Jr. General Partner
Address: 3710 E. Baltimore Street
Baltimore, Maryland 21224

THE PLANNING BOARD HAS DETERMINED ON 12-15-77 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF PARAGRAPH 20-41.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
12-15-77 Signed: John B. Howard for
DATE CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD



BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

THE GATEWAY LIMITED PARTNERSHIP Petitioners Case No. 78-181-EXA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the posting of any preliminary or final Order in connection therewith.

Charles E. Koutz, Jr. John W. Haselan, III
Deputy People's Counsel People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of February, 1978, a copy of the foregoing Order was mailed to John B. Howard, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Haselan, III



MCA CONSULTING ENGINEERS
1820 Cromwell Bridge Road, Baltimore, Maryland 21204 - Tel. (301) 823-0900
Cable address: MCAENGR

DESCRIPTION

0.2295 ACRE PARCEL, JOPPA ROAD AND JONES FALLS EXPRESSWAY, BALTIMORE COUNTY, MARYLAND

Parcel "A"

This Description is for DR-16 Zoning with Special Exception and Yard Variances

Beginning for the same at a point on the northeast right of way line of Jones Falls Expressway opposite Station 197450 on the base line of right of way, as shown on State Highway Administration Plat No. 28577, said point being at the southeast corner of said Jones Falls Expressway and relocated Joppa Road connection to Jones Falls Expressway, running thence binding on the gusset line connecting said northeast right of way line with the southwest right of way line of Joppa Road as shown on said plat, (1) N 44° 26' 06" E 106.33 feet to said southwest right of way line of Joppa Road, thence binding

thereon, two courses: (2) southeasterly, by a curve to the right with a radius of 292.00 feet, the distance of 77.71 feet, the chord of said arc being S 62° 51' 56" E 77.48 feet and (3) S 55° 14' 30" E 39.73 feet to a point on the first line of the land described in the deed from William T. Biermann and wife and others to The Lord Baltimore Laundry, Inc., dated July 14, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.D. 2515, page 407, thence binding reversely on a part of said line, (4) S 70° 07' 32" W 169.56 feet to a point on said northeast right of way line of Jones Falls Expressway, thence binding thereon, (5) northwesterly, by a curve to the right with a radius of 2789.79 feet, the distance of 43.02 feet, the chord of said arc being N 22° 39' 38" W 43.02 feet to the place of beginning.

Containing 0.2295 of an acre of land.

RWB:mpe J.O. 1-76081-A 9/23/77
W.O. 19055-X



Baltimore County Office of Planning and Zoning
TOWSON, MARYLAND 21204
5. ERIC DIMENNA ZONING COMMISSIONER

April 5, 1978

John B. Howard, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Reclassification, Special Exception, and Variance SW corner of Joppa Road (Relocated) and Jones Falls Expressway - 9th Election District The Gateway Limited Partnership - Petitioner NO. 78-181-RKA (Item No. 7)

Dear Mr. Howard:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
George J. Dimenna
GEORGE J. DIMENNA
Deputy Zoning Commissioner

GJM/mc
Attachments

cc: Carroll W. Royston, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

John W. Haselan, III, Esquire
People's Counsel

ROYSTON, MUELLER & MCLEAN ATTORNEYS AT LAW
CARROLL W. ROYSTON
JOHN W. HASELAN, III
RICHARD A. KEIF
MEDION W. MATHIAS, JR.
C. S. KUNZELSHOFER III
THOMAS F. MCDONOUGH

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

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION, AND VARIANCE SW corner of Joppa Road (Relocated) and Jones Falls Expressway 9th Election District The Gateway Limited Partnership - Petitioner NO. 78-181-RKA (Item No. 7)

Dear Mr. Dimenna:
Please note an appeal of the April 6, 1978 decision in the above matter.

Very truly yours,
E. Harrison Stone
E. Harrison Stone
On Behalf of
Carroll W. Royston, et al
c/o Carroll W. Royston
102 West Pennsylvania Avenue
Towson, Maryland 21204



MAR 22 1978

IN THE MATTER OF
THE PETITION OF
THE GATEWAY LIMITED PARTNERSHIP,
LEGAL OWNER, FOR RECLASSIFICATION
FROM DR. 1 TO DR. 16 AND A SPECIAL
EXCEPTION FOR OFFICES AND OFFICE
BUILDING, PROPERTY LOCATED AT
FALLS ROAD AND THE JONES FALLS
EXPRESSWAY, NINTH ELECTION
DISTRICT, BALTIMORE COUNTY,
MARYLAND.

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF PETITIONS FOR
RECLASSIFICATION, SPECIAL EXCEPTION AND
VARIANCES

The subject property, consisting of .2295 of an acre (herein Parcel A) is located on the south side of the intersection of Joppa Road and the Jones Falls Expressway. This property and a smaller parcel consisting of .0792 of an acre (herein Parcel B) had been part of a larger tract that had been owned by the Horst family. Several years ago the State Highway Administration in connection with the construction of the Jones Falls Expressway severed the Horst parcel in order to locate a new intersection for Joppa Road with the Expressway. The above-mentioned two small parcels were left in the ownership of the Horst family following the State's acquisition.

Following adoption of the 1971 Comprehensive Zoning Map, at which time both parcels were zoned RL, plans were initiated toward development of the property for office use. The two properties were transferred to the present owner, The Gateway Limited Partnership, consisting of members of the Horst family and substantial architectural, legal, engineering and financial commitments were entered into. The final plan called for the construction of a small, two-story structure, colonial and residential in appearance, on Parcel A with supporting parking on Parcel B.

Construction began in mid 1976, and at about the same time it was determined that the Baltimore County Planning Department had recommended that the zoning of Parcel A be changed from RL to DR.1. Representatives of the owner then met with personnel of the Baltimore County Planning Department advising that development plans were well underway. The Planning Department took the position that, under the circumstances, their recommendation would be a "mistake". Subsequently during the hearings conducted by the Baltimore County Council preliminary to adoption of the 1976 Comprehensive Zoning Map representatives of the owner advised the Council that construction had already begun on Parcel A and it would be patent error to effect a reclassification under the circumstances. In response to a question by the Council a representative of the Planning Department acknowledged the existence of the "mistake" on the part of the Department.

Notwithstanding adoption of the Comprehensive Map in October 1976 the "downshift" from RL to DR.1 was effected with the result that the existing and occupied building is a non-conforming use. The very substantial investment on the part of the property owner is thus quite seriously compromised as is the position of the permanent lender for the building.

It is respectfully submitted that, in all likelihood, the change in zoning effected by the 1976 map was merely an oversight and overlooked in the vast confusion and substantial controversial issues then under consideration by the Baltimore County Council. At the above-mentioned hearing before the Council every indication was that it planned to correct on the final maps the inadvertent mistake that the Planning Board had made in its recommendations. Moreover, irrespective of whether or not it was an oversight, prudent land use planning dictated that the subject property could never be developed in the DR.1

category. DR.1 requires one acre for a residence, and the subject .2 acre surrounded on three sides by roads and to the south by the State Highway Administration property could not have been combined with any other property for DR.1 development. Additionally, to locate DR.1 zoning at a very busy intersection and surrounded by other commercial use only compounded the error. For the above reasons it is respectfully requested that the subject property be reclassified to DR.16 with a special exception for offices; and that the variances requested be allowed so that the subject property will be compatible with its existing use.

Respectfully submitted,
[Signature]
John S. Hester

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION, AND VARIANCES SW/corner of Joppa Road (Relocated) and Jones Falls Expressway - 9th Election District The Gateway Limited Partnership - Petitioner NO. 78-181-RXA (Item No. 7)

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for reclassification from a D.R.1 Zone to a D.R.16 Zone, a Special Exception for an office building and offices, and Variances to permit a front yard setback of 10.4 feet instead of the required 30 feet; a side yard setback of 18.2 feet instead of the required 25 feet; and a rear yard setback of 5.2 feet instead of the required 30 feet.

Testimony on behalf of the Petitioner indicated that the subject .2295 acre property was previously zoned B. L. It has had commercial zoning since 1945. During the period of time the property enjoyed a B. L. classification, ownership was transferred to The Gateway Limited Partnership from the Horst family. The partnership's plans envisioned the construction of an office building with supporting parking facilities. Construction began in mid 1976, at which time the Baltimore County Planning Department recommended that the zoning be changed from B. L. to D.R.1. The adoption of the 1976 Comprehensive Zoning Map in October, 1976, downshifted the property from B. L. to D.R.1, resulting in a nonconforming status for the building.

Further testimony on behalf of the Petitioner indicated that the proposed variances were not required when the building was constructed but are now needed to legitimize the status quo. The Petitioner further pointed out that development of the property for residential purposes would encounter great

ORDER RECEIVED FOR FILING

DATE: *Sept 16, 1978*
BY: *John P. Hester*

difficulties, since it is surrounded by roads on three sides and is bordered on the south by a State Highways Administration property.

Without reviewing the evidence further in detail but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the Comprehensive Zoning Map is clearly in error in the instant case. It is apparent that the Petitioner acquired this property with the intention of developing it commercially and that he relied upon the zoning classification which existed not only at the time of such acquisition but, indeed, prevailed during the early stages of construction of their office building. The downshifting of this relatively small tract cannot be justified on the basis of serving the public, nor can it be reasonably assumed that the tract is desirable for residential development, since it is virtually an enclave within a commercially-oriented setting and, therefore, constitutes zoning error.

Moreover, the fact accompli presented by the existing building appears to preclude any additional detrimental effect that might befall the area in question as a result of its present use.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 6th day of April, 1978, that the herein described property or area should be and the same is hereby reclassified from a D.R.1 Zone to a D.R.16 Zone, and the aforementioned Special Exception and Variance should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, Department of Public Works, and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION FROM D.R. 1 to D.R. 16, SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (V.B.2) of the Baltimore County Zoning Regulations SW corner of Joppa Road (relocated) and Jones Falls Expressway 9th District The Gateway Limited Partnership Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-181-RXA

ORDER OF DISMISSAL

Petition of The Gateway Limited Partnership for reclassification from D.R. 1 to a D.R. 16 zone, special exception for Offices and Office Building, and a variance from Section 1802.28 (V.B.2) of the Baltimore County Zoning Regulations on property located on the southeast corner of Joppa Road (relocated) and the Jones Falls Expressway, in the Ninth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed August 17, 1978 (in copy of which is attached hereto and made a part hereof), from the attorney representing the Protestants-Appellants in the above entitled matter.

WHEREAS, the said attorney for the Protestants-Appellants requests that the appeal filed on behalf of said Protestants be dismissed.

IT IS HEREBY ORDERED, this 17th day of August, 1978, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
[Signature]
Kearl L. Gilford, Vice Chairman
[Signature]
John A. Miller
[Signature]
William T. Hester

ROYSTON, MUELLER & MCLEAN
ATTORNEYS AT LAW

100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21284
August 16, 1978

Mr. Walter A. Reiter, Jr.
Chairman
County Board of Appeals
Room 219, Court House
Towson, Maryland 21284

Re: File No. 78-181-RXA
The Gateway Limited Partnership

Dear Mr. Reiter:
Please dismiss the Appeal taken on May 4, 1978 in the above captioned matter.

Very truly yours,
[Signature]
E. Harrison Stone

On Behalf Of
Carroll W. Royston, et al
c/o Carroll W. Royston
182 W. Pennsylvania Avenue
Towson, Maryland 21204

EMS:ndv
cc: S. Eric DiMenna
Zoning Commissioner

Rec'd 8/17/78
10:30am

August 17, 1978

E. Harrison Stone, Esquire
Suite 600
182 W. Pennsylvania Avenue
Towson, Maryland 21284

Re: Case No. 78-09-RXA
The Gateway Limited Partnership

Dear Mr. Stone:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

[Signature]

End.

cc: Carroll W. Royston, Esquire
John S. Hester, Esquire
Mr. Louis Hunt, Jr.
John W. Hester, III, Esquire
Mr. S. E. Simmons
Mr. G. J. Hester
Mr. L. H. Gant
Mr. J. Hester
Mr. A. S. Byer

ORDER RECEIVED FOR FILING

DATE: *Sept 16, 1978*
BY: *John P. Hester*

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: November 22, 1977

BY: Elsworth N. Diver, P.E.
Chief, Bureau of Engineering

IDCA NO. 77-54X

PROJECT NAME: Gateway Limited Partnership	IDCA PLAN	X
PROJECT NUMBER: IDCA NO. 77-54X	PRELIMINARY PLAN	
LOCATION: Falls Road	TENTATIVE PLAN	
DISTRICT: 902	DEVELOPMENT PLAN	
	FINAL PLAN	

This application for special exception (No. 77-542) was received by the Developers Design and Approval Section on October 11, 1977 and we comment as follows:

Water: (Eastern Third Zone) Urban Area

There is a 12-inch public water main in Joppa Road. There are no problems with water service reported in the area. This property is within the Urban-Rural Domination Line and in an area designated "Existing Service" on Baltimore County Water Plan W-16B, as amended. The requested change in use will not adversely affect the system; therefore, this project may be approved.

Sanitary Sewer: (Jones Falls Interceptor - Mt. Washington Plume - Jones Falls Pumping Station - Back River Waste Water Treatment Plant) Mt. Washington Plume 27.00 mgd, restricted to 14.48 mgd.

There is an 8-inch public sanitary sewer in Joppa Road. No dry weather flow problems are reported in the area. This property is within the Urban-Rural Domination Line and in an area designated "Existing Service" on Baltimore County Sewerage Plan S-16B, as amended. The requested change in use will not adversely affect the system; therefore, this project may be approved.

Storm Drains: (Jones Falls - Patuxent River)

This property drains to Jones Falls. Known flooding occurs along Jones Falls within Baltimore City with numerous commercial, industrial and residential properties and buildings flooded within the City limits. However, no increase of onsite impervious area is indicated; therefore, this project may be approved. No increase of 100-year design storm runoff is anticipated.

Elsworth N. Diver, P.E.
ELSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

EHD:EMH/PWR:8

NOV 29 1977
OFFICE OF
PLANNING & ZONING

LOCATION: Joppa Rd

IDCA Analysis

- Nearest Arterial Intersection Joppa Rd + Falls Rd
 - Level of Service C 7/12/77
- Trip Generation from Site 50 TRIPS/Day
 - Proposed Level of Service C
- Proposed Road Improvements Programmed for Construction Within Next Two Years.
 - None

RecommendationApproval: *C. Diver*

Denial:

Remarks:

RECEIVED

OCT 28 1977
OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 31, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake St.,
Towson, Maryland 21286c/o
Nicholas B. Commodari
ChairmanMEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Protection
Public Health Department
Project Planning
Building Department
Board of Education
County Administration
Industrial DevelopmentJohn B. Howard, Esquire
Cook, Howard, Downes & Tracy
409 Washington Avenue
Towson, Maryland 21284RE: Reclassification, Special
Exception & Variance Petition
Item Number 7 - Cycle II
Petitioner - The Gateway Limited

DEAR Mr. Howard:

The Zoning Plans 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, currently zoned D.R. 1 and prior to the adoption of the recent countywide zoning map (at the end of 1976), B.L., is located on the south side of the intersection of Joppa Road and the Jones Falls Expressway in the 9th Election District. It is presently improved with a two story brick and frame office building and accessory parking area, with the facilities of the State Highway Administration, also zoned D.R. 1, to the south and abutting this property. Additional parking for the office building and various commercial uses exist to the north, while vacant land zoned D.R. 2 exists to the east across Joppa Road.

John B. Howard, Esq.

Page 2
Item No. 7
Oct. 31, 1977

A building permit (C-1058-76) to construct the existing building was issued in September of 1976 when the zoning classification was commercial (B.L.). Since the building was under substantial construction when the zoning was downshifted, as indicated above, it was completed. This hearing is now necessitated in order to make the existing situation conform to a D.R. 16 zoning classification.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to November 28, 1977 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1978 and April 15, 1978 will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NHC:rjf

cc: MCA Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204THORNTON M. MOURING, P.E.
DIRECTORMr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

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.

General:

The comments which were supplied by the Bureau of Engineering September 10, 1976, in connection with the site plan for the recently completed office building (Nearest Property - BLD. 1058-76), Project 80199, are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #7 Cycle II (October 1977 - April 1978).

Very truly yours,

Elsworth N. Diver, P.E.
ELSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

EHD:EMH/PWR:8

cc: H. Shalovitz, R. Norton

S-SW Key Sheet
45' Wx 10' x 11' Pos. Sheets
NW 12 C Topo
60 Tax Map

PETITION AND SITE PLAN

EVALUATION COMMENTS

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
409 Washington Avenue
Towson, Maryland 21284

Item # 7

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204Your Petition has been received and accepted for filing
this 21st day of October 1977.

S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

Petitioner: The Gateway Limited
Petitioner's Attorney: John B. HowardMCA Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204Nicholas B. Commodari
Chairman, Zoning Plans
Advisory CommitteeMaryland Department of Transportation
State Highway AdministrationNicholas E. Intemann
Secretary
Edward H. Evans
Assistant Secretary

October 7, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Dear Mr. DiNenna:

Existing Zoning: D.R. 1
Proposed Zoning: D.R. 16
with a Special Exception for
offices and Variance to permit
a front setback of 10.4' in
lieu of the required 30' and a
side street setback of 18.2'
in lieu of the required 25'
and a rear setback of 5.2' in
lieu of the required 30'.
Acres: 0.2295
District: 9th

A parking lot for the office is across Joppa Road at the intersection of Jones Falls Expressway-Falls Road. This is a rather heavily travelled intersection and to have pedestrian traffic cross the street on a regular basis is somewhat of a hazard. The area is not conducive to pedestrian traffic. Motorists traveling the area do not expect to encounter pedestrians.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Myers

CLJEM:vr

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

Dear Mr. DiNenna:
Comments on Item #7, Zoning Cycle II, October 1977, are as follows:

Property Owner: The Gateway Limited Partnership
Location: SE/C Jones Falls Exp. & Joppa Road
Existing Zoning: D.R. 1
Proposed Zoning: D.R. 16 with Special Exception for offices and Variance to permit a front setback of 10.4' in lieu of the required 30' and a side street setback of 18.2' in lieu of the required 25' and a rear setback of 5.2' in lieu of the required 30'.
Acres: 0.2295
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.

Since the property was developed under the then existing B.L. zoning, this office has no comment to offer as to site plan factors.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

October 24, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 7 - SAC - October 13, 1977
Property Owner: The Gateway Limited Partnership
Location: SE/C Jones Falls Exp. & Joppa Road
Existing Zoning: D. R. 1
Proposed Zoning: D. R. 16 with a Special Exception for offices and variance to permit a front setback of 10.4' in lieu of the required 30' and a side street setback of 18.2' in lieu of the required 25' and a rear setback of 5.2' in lieu of the required 30'.

Dear Mr. DiNenna:
The subject petition is requesting a change from D. R. 1 to D. R. 16 with a special exception for office of .2295 acres. This should increase the trip density from 10 to 24 trips per day for D. R. 16 or 50 trips per day for offices.
The intersection of Joppa and Falls Road is presently operating at Level of Service C. Due to the configuration of the intersection however, due care will have to be exercised in the entrance locations.

Very truly yours,
C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CMA/bza

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

October 14, 1977

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

Dear Mr. DiNenna:

Comments on Item #7, Zoning Advisory Committee Meeting for Cycle II, October 5, 1977, are as follows:
Property Owner: The Gateway Limited Partnership
Location: SE/C Jones Falls Exp. & Joppa Rd.
D.R. 1
Proposed Zoning: D.R. 16 with a special Exception for offices and Variance to permit a front setback of 10.4' in lieu of the required 30' and a side setback of 18.2' in lieu of the required 25' and a rear setback of 5.2' in lieu of the required 30'.
Acres: 0.2295
District: 9th

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Very truly yours,
Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TBD/ks/rtho

October 26, 1977

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: The Gateway Limited Partnership
Location: SE/C Jones Falls Exp. & Joppa Rd.
Item No. 7 Zoning Agenda Cycle II

Comments:
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 _____ REMOVED 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 "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.

Reviewed: *St. J. Kelly* Planning and Zoning Special Inspection Division
Noted and Approved: *George W. Cagwell* Deputy Chief of Fire Prevention Bureau

October 10, 1977

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

Dear Mr. DiNenna:
Comments on Item # 7 Zoning Advisory Committee Meeting, Cycle II are as follows:

Property Owner: The Gateway Limited Partnership
Location: S/W/C Jones Falls Exp. & Joppa Road
Existing Zoning: D.R. 1
Proposed Zoning: D.R. 16 with a Special Exception for offices and Variance to permit a front setback of 10.4' in lieu of the required 30' and a side street setback of 18.2' in lieu of the required 25' and a rear setback of 5.2' in lieu of the required 30'.
Acres: 0.2295
District: 9th

- The items checked below are applicable:
- A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
 - B. A building permit shall be required before construction can begin.
 - C. Three sets of construction drawings will be required to file an application for a building permit.
 - D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
 - E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
 - F. No comment.
 - G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CIB:rrj

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

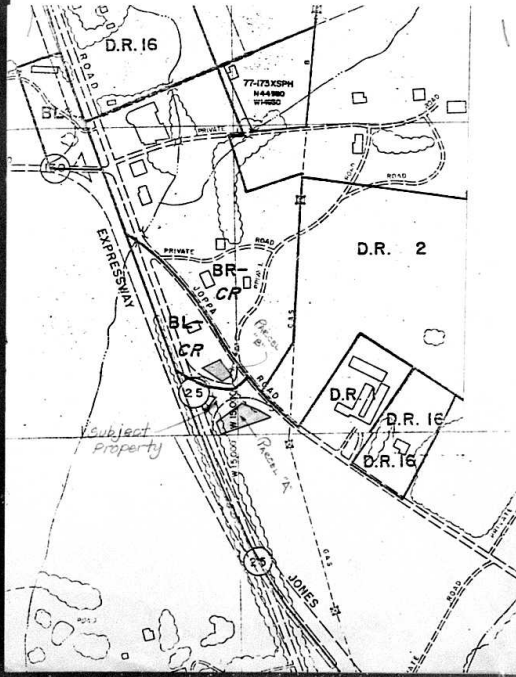
Z.A.C. Meeting of: Cycle II

RE: Item No: 7
Property Owner: The Gateway Limited Partnership
Location: SE/C Jones Falls Exp. & Joppa Rd.
Present Zoning: D. R. 1
Proposed Zoning: D.R. 16 with a Special Exception for offices and Variance to permit a front setback of 10.4' in lieu of the required 30' and a side street setback of 18.2' in lieu of the required 25' and a rear setback of 5.2' in lieu of the required 30'.
District: 9th
No. Acres: 0.2295

Dear Mr. DiNenna:
No effect on student population.

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

- WNP/Ep
- | | | |
|---|---------------------------------|---------------------------|
| JOSEPH M. MCCORMACK, PRESIDENT | THOMAS H. ROYER | ALVIN LORICK |
| T. HAROLD WILLIAMS, JR., VICE-PRESIDENT | MRS. LOREANE F. CHURCH | MRS. WALTON R. SMITH, JR. |
| MARCUS M. BENTARD | ROGER B. HAYDEN | RICHARD W. TRACEY, D.V.M. |
| | ROBERT V. DUBEL, REPRESENTATIVE | |



CERTIFICATE OF PUBLICATION

TOWSON, MD. February 9, 1978

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing on one day before the 2nd day of March, 1978, the 1978 publication appearing on the 9th day of February 1978.

THE JEFFERSONIAN,

L. Leach Strickland
Manager

Cost of Advertisement, \$.....

OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 Feb. 9, 1978

THIS IS TO CERTIFY that the annexed advertisement of Petition for Reclassification-Spec. Exception * was inserted in the following: **Variance-The Gateway Limited Partnership**

- Catonsville Times
- Dundalk Times
- Essex Times
- Suburban Times East
- Towson Times
- Arbutus Times
- Community Times
- Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for 9th successive weeks before the 10 day of Feb. 1978, that is to say, the same was inserted in the issues of Feb. 9, 1978.

STROMBERG PUBLICATIONS, INC.

BY *Laura Pawelczyk*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: gd Date of Posting: May 19, 1978
 Posted for: APPEAL
 Petitioner: The Gateway Limited Partnership
 Location of property: SW/4 COR. OF TOPPA RD. (RELOCATED) AND JONES FALLS EXP.
 Location of Signs: SW/4 COR. OF TOPPA RD. (RELOCATED) AND JONES FALLS EXP.
 Remarks: Thomas F. Voland
 Posted by: Thomas F. Voland Date of return: MAY 19, 1978

3-S-GWS 78-181-RXA
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: gd Date of Posting: FEB. 11, 1978
 Posted for: PETITION FOR RECLASSIFICATION-SPEC. EXCEPTION-C. VARIANCE
 Petitioner: THE GATEWAY LIMITED PARTNERSHIP
 Location of property: SW/4 COR. OF TOPPA RD. (RELOCATED) AND JONES FALLS EXP.
 Location of Signs: SW/4 COR. OF TOPPA RD. (RELOCATED) AND JONES FALLS EXP.
 Remarks: Thomas F. Voland
 Posted by: Thomas F. Voland Date of return: FEB. 17, 1978

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 65609
DATE: May 15, 1978 ACCOUNT: 01-662
AMOUNT: \$70.00
RECEIVED FROM: B. Macrianna Home, 1006 Pennsylvania Ave. Towson, Md. 21286
FOR: Cost of Appeal on Case No. 78-181-RXA BY/OWNER of JONES RD. (RELOCATED) AND JONES FALLS EXPRESSWAY 9th DISTRICT The Gateway Limited Partnership - Petitioner
\$09 42 000 10 7000 MGC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 65614
DATE: May 15, 1978 ACCOUNT: 01-662
AMOUNT: \$5.00
RECEIVED FROM: Burgess, Mueller & Malcom, 102 V. Pa. Ave. Towson, Md. 21286
FOR: Cost of Posting for Petition for Reclassification-Spec. Exception and Variance BY/OWNER of JONES RD. (RELOCATED) AND JONES FALLS EXPRESSWAY - Gateway Limited Partnership 78-181-RXA
\$26 43 72 000 10 5000 MGC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 57236
DATE: Oct. 18, 1977 ACCOUNT: 01-662
AMOUNT: \$50.00
RECEIVED FROM: Messrs. Cook, Howard, Jones & Tracy 109 Washington Ave., P.O. Box 5917 Towson, Md. 21286
FOR: Petition for Reclassification & Special Exception for Gateway Limited Partnership
\$15 50 000 10 5000 MGC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 65502
DATE: March 13, 1978 ACCOUNT: 01-662
AMOUNT: \$31.50
RECEIVED FROM: Jones-Palls Limited Partnership 1028 N. Howard, Md. 109 Washington Ave., Towson, Md. 21286
FOR: Petition for Reclassification & Special Exception for Advertising and posting of signs for The Gateway Limited Partnership - 78-181-RXA
\$7 2 000 10 31450 MGC
VALIDATION OR SIGNATURE OF CASHIER

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	done	by	done	by	done	by	done	by	done	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>MBC</u>	Revised Plans: Change in outline or description Yes ___ No ___									
Previous case: _____	Map # <u>3C</u>									

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

Your Petition has been received * this 29 day of Sept. 1977. Filing Fee \$ 50. Received Cash Other

H. D. Vance
S. Eric Dinkens,
Zoning Commissioner

Petitioner: Gateway Limited Submitted by: M. Hogg
 Petitioner's Attorney: J. HAWKINS Reviewed by: MBC

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.





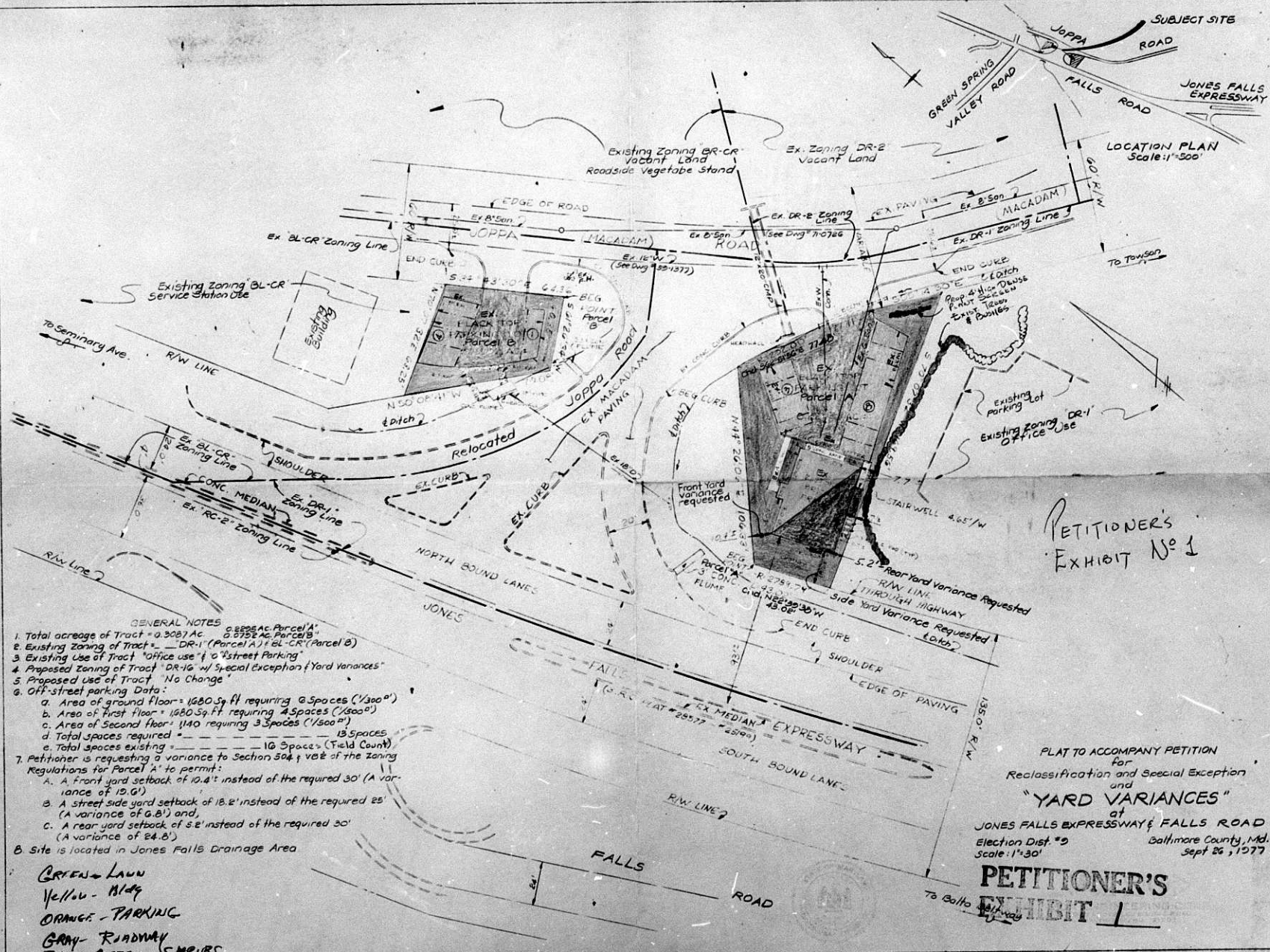
**PHOTOGAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA**

CLAMP HENSIVE
 PREPARED BY THE
 BALTIMORE COUNTY COMMISSION
 JULY 7, 1976 & OCT. 8, 1976
 MAPS NOS. 108-76, 109-76, 110-76, 111-76,
 112-76, 113-76, and 114-76

DOWNING COUNTY ENGINEERS

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	BROOKLANDVILLE	N. W. 12-C
Planimetric	MAPS INC. 4-11-70			
		DATE OF PHOTOGRAPHY		
		APRIL, 1969		

S-SW S-SE



GENERAL NOTES

1. Total acreage of Tract = 0.3087 Ac
0.2952 Ac Parcel A
0.0135 Ac Parcel B
2. Existing Zoning of Tract = DR-1 (Parcel A) & BL-CR (Parcel B)
3. Existing Use of Tract "office use & "Street Parking"
4. Proposed Zoning of Tract "DR-1G w/ special Exception f Yard Variances"
5. Proposed Use of Tract "No Change"
6. Off-street parking data:
 - a. Area of ground floor = 1680 Sq Ft requiring 6 Spaces (1/300^{sq})
 - b. Area of first floor = 1680 Sq Ft requiring 4 Spaces (1/420^{sq})
 - c. Area of second floor = 1140 requiring 3 Spaces (1/380^{sq})
 - d. Total spaces required = 13 Spaces
 - e. Total spaces existing = 10 Spaces (Field Count)
7. Petitioner is requesting a variance to Section 504 & 502 of the zoning Regulations for Parcel A to permit:
 - A. A front yard setback of 10.4' instead of the required 30' (A variance of 19.6')
 - B. A street side yard setback of 18.2' instead of the required 25' (A variance of 6.8') and,
 - C. A rear yard setback of 3.2' instead of the required 30' (A variance of 26.8')
8. Site is located in Jones Falls Drainage Area

GREEN - LAWN
 YELLOW - MUD
 ORANGE - PARKING
 GRAY - ROADWAY
 DARK GREEN - SHRUBS

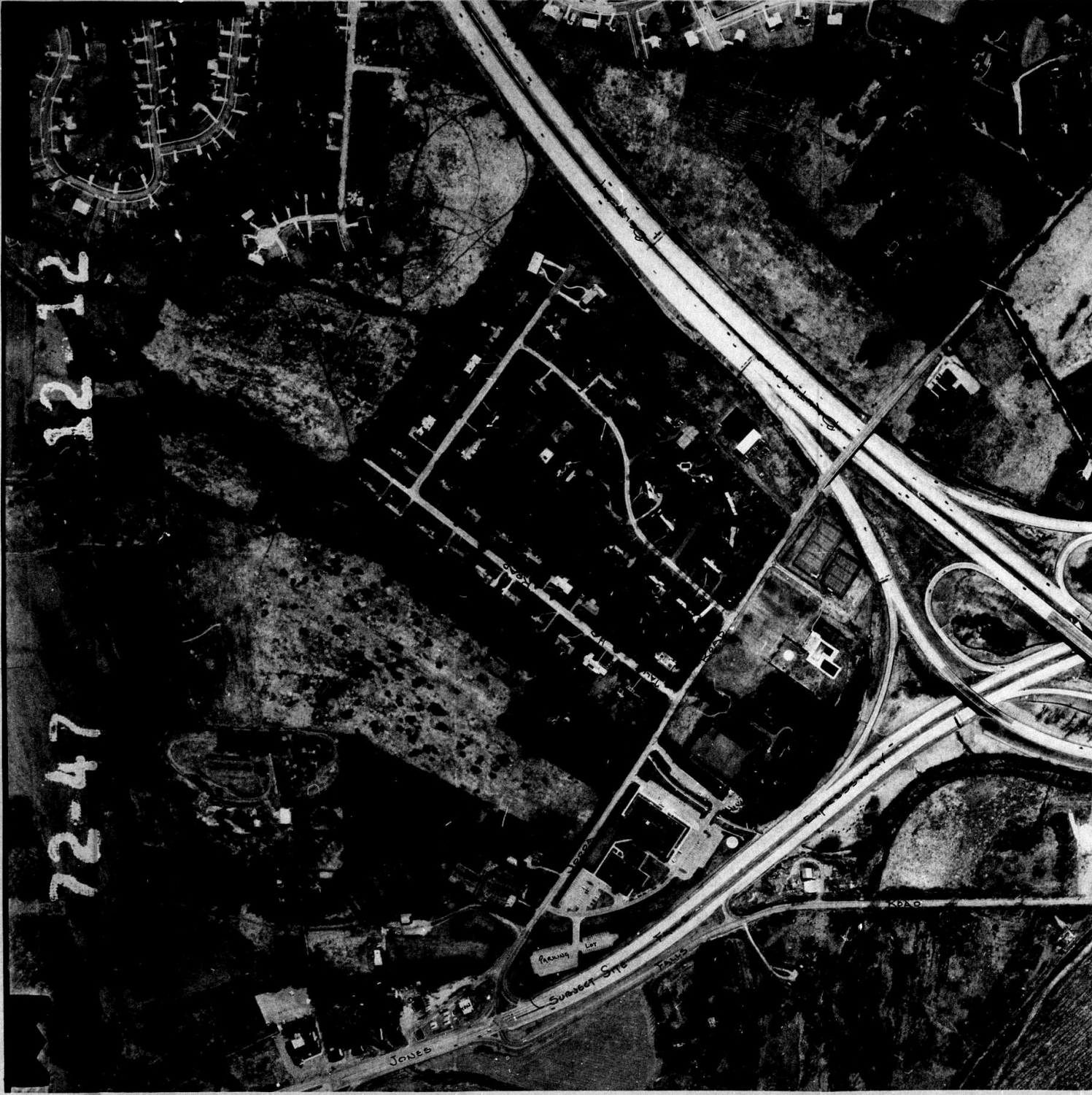
PETITIONER'S
 EXHIBIT No. 1

PLAT TO ACCOMPANY PETITION
 For
 Reclassification and Special Exception
 and
 "YARD VARIANCES"
 at
 JONES FALLS EXPRESSWAY & FALLS ROAD
 Election Dist. #9 Baltimore County, Md.
 Scale: 1"=30' Sept 26, 1977

PETITIONER'S
 EXHIBIT 1

72-47

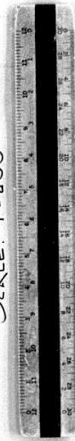
12-12



4

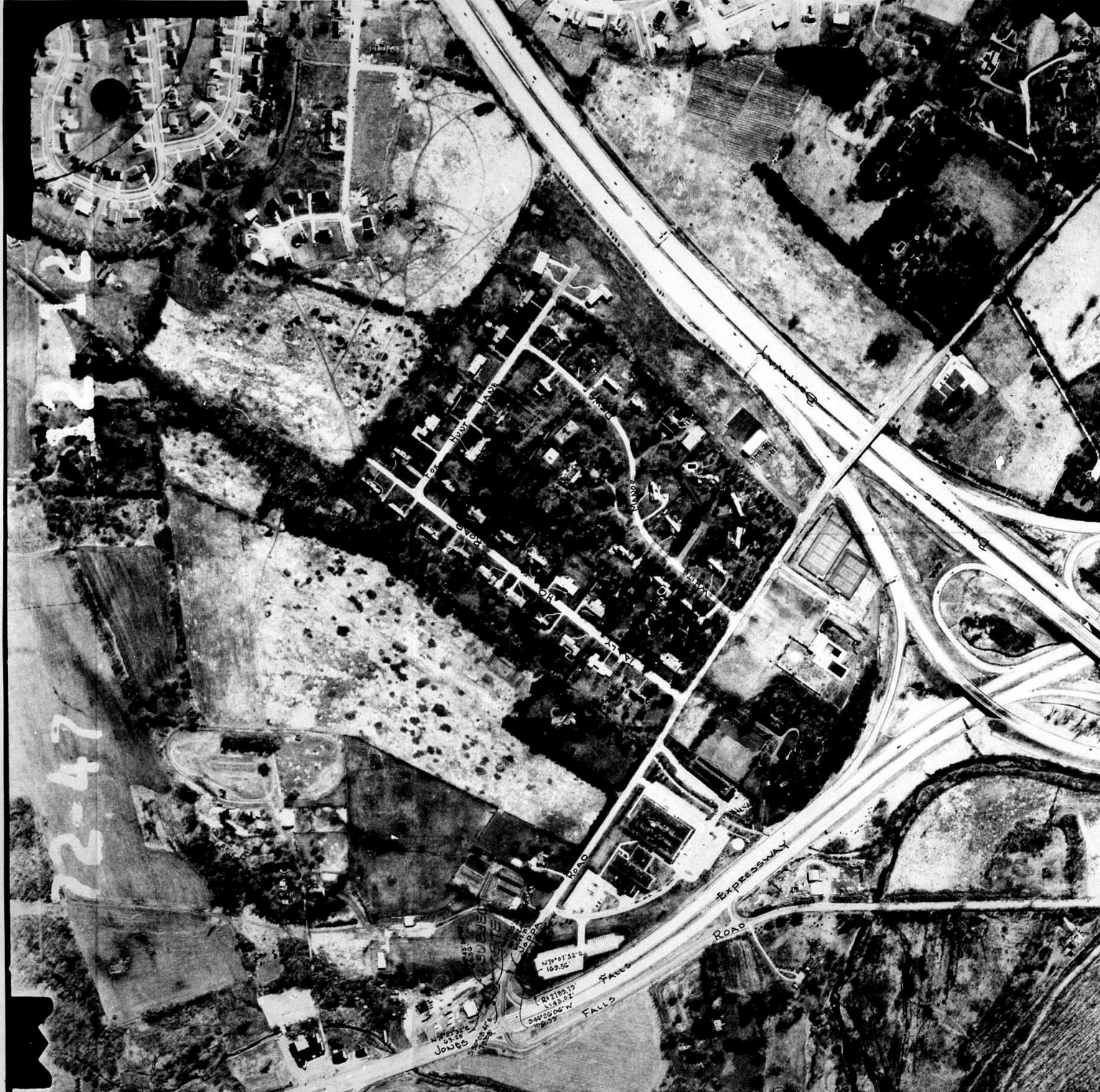
PETITIONER'S EXHIBIT 2A

SCALE: 1"=200'



PETITIONER'S EXHIBIT N^o 2

12-12 NE



12-12 NE

PETITIONERS
EXHIBIT 27



4



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

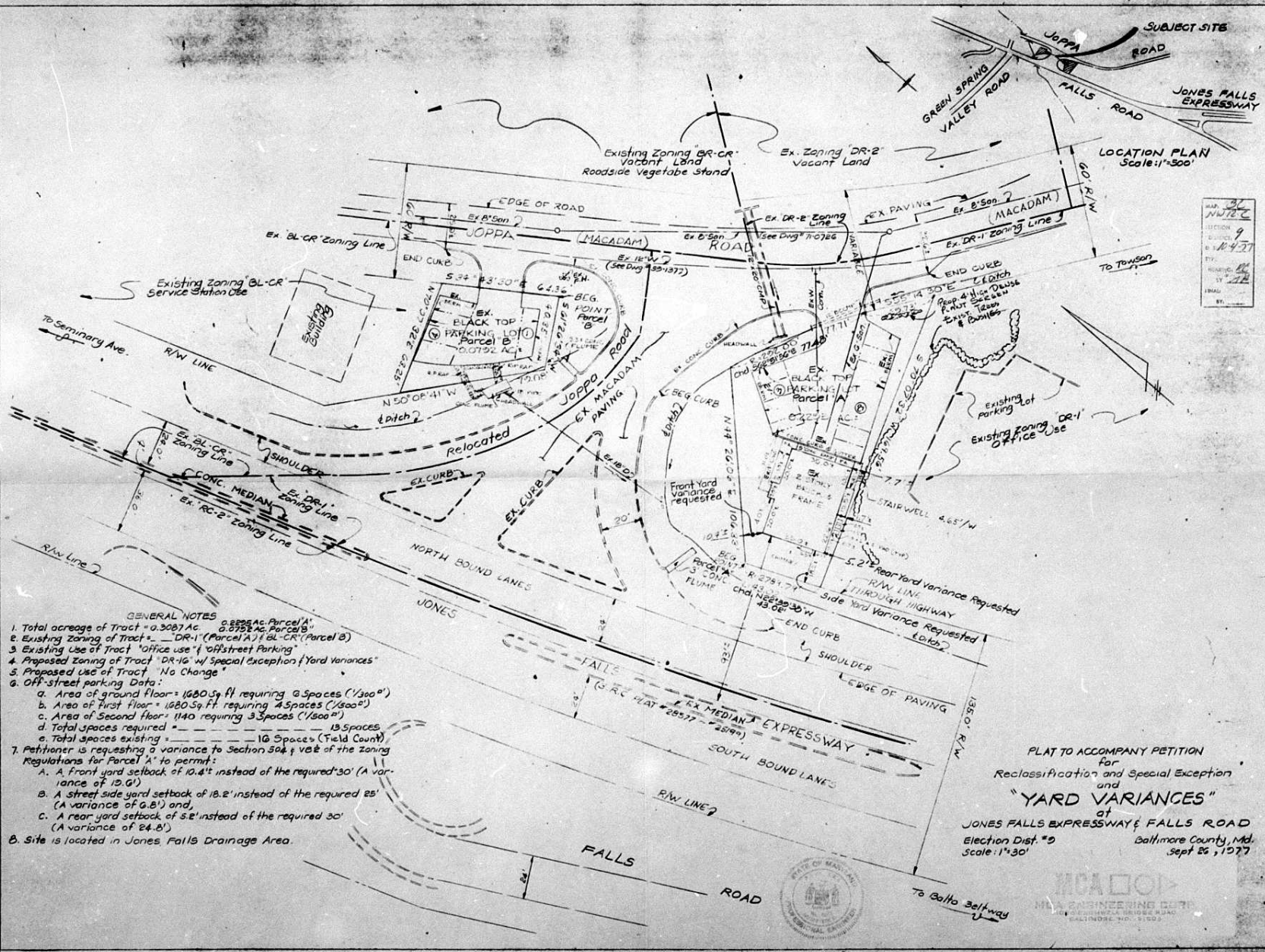
N 70° 02' E 63.55'
 N 182° 30' W 113.35'
 N 125° 42' E 40.35'
 R 125.00' L 7.75'
 S 44° 25' 00" W 105.85'
 R 276.70' L 43.32'
 S 15° 14' 30" E 30.75'
 N 70° 02' E 63.55'
 S 15° 14' 30" E 30.75'
 R 125.00' L 7.75'
 S 44° 25' 00" W 105.85'
 R 276.70' L 43.32'

REVISIONS: DATE: SCALE: LOCATION:
 TEMPERATURE: 61.7 F
 BRICKLANDVILLE

8-SW 8-SE

1953





MAP NO.	26
SECTION	9
SUBJECT	9
DATE	4-27
BY	AK
SCALE	1"=24'
BY	

GENERAL NOTES

1. Total acreage of Tract = 0.2087 Ac. 0.8898 Ac. Parcel A, 0.0758 Ac. Parcel B
2. Existing Zoning of Tract - DR-1 (Parcel A) & BL-CR (Parcel B)
3. Existing Use of Tract "Office use" & "offstreet Parking"
4. Proposed Zoning of Tract "DR-16 w/ special exception if Yard Variances"
5. Proposed use of Tract "No Change"
6. Off-street parking Data:
 - a. Area of ground floor = 1680 Sq. Ft. requiring 6 Spaces (1/300")
 - b. Area of First floor = 1580 Sq. Ft. requiring 4 Spaces (1/300")
 - c. Area of Second floor = 1140 requiring 3 Spaces (1/300")
 - d. Total spaces required = 13 Spaces
 - e. Total spaces existing = 10 Spaces (Field Count)
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 - A. A front yard setback of 10.4' instead of the required 30' (A variance of 19.6')
 - B. A street side yard setback of 18.2' instead of the required 25' (A variance of 6.8') and,
 - C. A rear yard setback of 5.2' instead of the required 30' (A variance of 24.8')
8. Site is located in Jones Falls Drainage Area.

PLAT TO ACCOMPANY PETITION
for
Reclassification and Special Exception
and
"YARD VARIANCES"
at
JONES FALLS EXPRESSWAY & FALLS ROAD
Election Dist. #9 Baltimore County, Md.
Sept 26, 1977



MCA
ENGINEERING CORP.
1000 GREENBELT ROAD
GREENBELT, MD. 21740

75-5



JD 17604
WO 15866 C 95.5

MAR 22 1979