

PETITION FOR SPECIAL HEARING 82-290-SPH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan to the site plan use restaurant for the express use of tenants in the office building.

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: None
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: John B. Howard
(Type or Print Name)
Signature: _____
Address: 210 Allegheny Avenue
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 301-823-4111
Legal Owner(s): Riderwood Associates
(Type or Print Name)
Signature: _____
Address: Suite 322, The Quadrangle, 323-5000
City and State: Baltimore, Maryland 21210
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: John B. Howard
Address: 210 Allegheny Avenue
City and State: Towson, Maryland 21204
Phone No.: 301-823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of May, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of June, 1982, at 11:00 o'clock A.M.

ZCO-No. 1 (over)

RE: PETITION FOR SPECIAL HEARING: BEFORE THE ZONING COMMISSIONER
NE corner of Kenilworth Dr. and
Charles St., 9th District : OF BALTIMORE COUNTY
RIDERWOOD ASSOCIATES, : Case No. 82-290-SPH
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

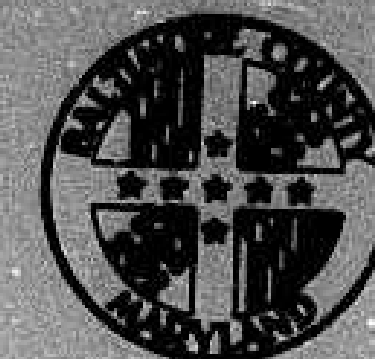
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in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

Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 8th day of June, 1982, a copy of the foregoing Order was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS
**PETITIONER'S
EXHIBIT 3**

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 22, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
080
Nicholas B. Commodari
Chairman
MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 219
Petitioner - Riderwood Associates
Special Hearing Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 suitability of the requested zoning.

Particular attention should be afforded to the comments of the Department of Permits and Licenses. If additional information is required, you may contact Mr. Charles Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

ENCLOSURE
cc: Evans, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, Md. 21236

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

May 25, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #219 (1981-1982)
Property Owner: Riderwood Associates
N/E corner Kenilworth Ave. and Charles St.
Acre: 5.8 District: 9th

Dear Mr. Hammond:

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 supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 153 (1979-1980) 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 219 (1981-1982).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

S-SE Key Sheet
43 W 3 Pos. Sheet
N 11 A Topo
O 5 69 Tax Maps

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
J. S. Catrider
Administrator

May 5, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 5-4-82
ITEM #219.
Property Owner: Riderwood Associates
Location: N/E corner Kenilworth Ave. & Charles St. (Route 139)
Existing Zoning: O-1 & D.B. 16
Proposed Zoning: Special Hearing to amend Special Exception Case #80-220 X to permit an accessory use restaurant for the express use of tenants in the office building.
Acre: 5.8
District: 9th

Dear Mr. Hammond:

On review of the site plan of January 21, 1982 for a special exception, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:vrd

cc: Mr. J. Wimbley

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

June 11, 1982

Mr. William E. Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #219, Zoning Advisory Committee Meeting, May 4, 1982, are as follows:

Property Owner: Riderwood Associates
Location: NE corner Kenilworth Avenue and Charles Street
Acre: 5.8
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.

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3556
STEPHEN E. COLLIN
DIRECTOR

June 4, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: ZAC Meeting of 5/4/82

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment for items numbers 218 through 220 and 222.

Sincerely,

C. Richard Moore
Assistant Traffic Engineer

CSM/GM/r13

My telephone number is (301) 659-1350.

Teletypewriter or Impaired Hearing or Speech
303-7555 Baltimore Metro - 365-0451 D.C. Metro - 1-800-482-5092 Statewide Toll Free
P.O. Box 717 / 717 North Calvert St., Baltimore, Maryland 21203 - 0717

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that to amend the site plan filed in Case No. 80-220-X to permit an accessory use restaurant for the express use of tenants in the office building would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of September, 1982, that the amendment to the site plan filed in Case No. 80-220-X to permit an accessory use restaurant for the express use of the tenants in the office building, in accordance with the site plan prepared by Evans, Hagan & Holdefer, Inc., marked Petitioner's Exhibit 1, is approved and, as such, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The site plan shall designate the areas zoned O-1.
2. The luncheonette/restaurant shall occupy no more than 1% of the total available floor area.
3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Health Department, the Department of Public Works, and the Office of Planning and Zoning.

Jan M.H. Jung
Deputy Zoning Commissioner of Baltimore County

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

June 16, 1982

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 219, Zoning Advisory Committee Meeting of May 4, 1982 are as follows:

Property Owner: Riderwood Associates
Location: NE/Cor. Kenilworth Avenue & Charles Street
Existing Zoning: O-1 & D.R. 16
Proposed Zoning: Special hearing to amend Special Exception Case #80-220 X to permit an accessory use restaurant for the express use of tenants in the office building.

Acres: 5.8
District: 9th

Metropolitan water and sewer exist.

If a food service facility is proposed, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval prior to construction.

Very truly yours,

Jan M.H. Jung
Jan J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF:ru

6/30
82-290

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

June 14, 1982

PAUL H. RENCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Riderwood Associates

Location: NE/Cor. Kenilworth Avenue and Charles Street

Item No.: 219

Zoning Agenda: Meeting of May 4, 1982

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 _____ EXCEEDS 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 operation.
- (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 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *George M. McGonigle*
Planning Group
Special Inspection Division
Approved: Fire Prevention Bureau

JK/ab/cn

6/30
82-290-SPH

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900

May 20, 1982

TED ZALEWSKI JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 219 Zoning Advisory Committee Meeting of May 14th are as follows:

Property Owner: Riderwood Associates
Location: NE/Cor. Kenilworth Avenue & Charles Street
Existing Zoning: O-1 & D.R. 16
Proposed Zoning: Special hearing to amend Special Exception Case #80-220 X to permit an accessory use restaurant for the express use of tenants in the office building.

Acres: 5.8
District: 9th

The items checked below are applicable:

- A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- B. A building/_____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 1401, Line 2, Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.

Important Note: X 1. Comments If area exceeds 10% of first floor of this building (to the fire wall separation), it shall be segregated by 3 hour fire resistive construction 312.2, Table 1402.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 29, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: May 4, 1982

RE: Item No: 218, 219, 220, 221, 222, 223,
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on enrollment/capacity ratio.

Very truly yours,

Wm. E. Hammond
Mr. Nick Petrovich, Assistant
Department of Planning

MNP/bp

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 29, 1982

John S. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NE/Corner of Kenilworth
Dr. and Charles St. - 9th
Election District
Riderwood Associates -
Petitioner
NO. 82-290-SFH (Item No. 219)

Dear Mr. Howard:

It has been brought to my attention that there is an obvious contradiction in my Order dated September 23, 1982 in the above referenced case. It was my intention that the square footage shown on the site plan prepared by Evans, Hagan & Holdefer, Inc., and marked Petitioner's Exhibit 1, i.e., 1,196 square feet, be the controlling factor in determining the size of the permitted restaurant and that Restriction 2 should have indicated a percentage that would accommodate the 1,196 square feet.

Very truly yours,

Jan M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

cc: Mr. William E. Osmeyer
1009 Donington Circle
Towson, Maryland 21204

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

James E. Dyer
Zoning Supervisor

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing
LOCATION: Northeast corner of Kenilworth Drive and Charles Street
DATE & TIME: Wednesday, June 30, 1982 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan in Special Exception 80-220-X to permit an accessory use restaurant for the express use of tenants in the office building

All that parcel of land in the Ninth District of Baltimore County

Being the property of Riderwood Associates, as shown on platplan filed with the Zoning Department.

Hearing Date: Wednesday, June 30, 1982 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner

TO: Zoning Commissioner

Date: June 14, 1982

FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition No. 82-290-SFH
Petitioner: Riderwood Associates

SUBJECT: Petitioner: Riderwood Associates

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:dmc

PETITIONER'S
EXHIBIT 3

IN RE
RIDERWOOD ASSOCIATES
Petition for Special Hearing
NE/Corner of Kenilworth Drive
and Charles Street

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 82-290-SPH
* Item No. 219

* * *

MEMORANDUM IN SUPPORT OF AMENDED ORDER

FACTS

In June, 1980, the Petitioner applied for a special exception for an office building and offices in a DR-16 Zone, as was permitted under the Regulations then in effect. Accompanying Petitioner's request for a special exception was a request to use approximately 8% of the total rentable floor space for commercial uses. The intended ancillary commercial uses at that time were a full-service restaurant and a news stand/tobacco shop.

While the Petitioners were granted a special exception for an office building, the Zoning Commissioner's Order of June 26, 1980 denied the requested ancillary commercial uses. The Commissioner's interpretation of the Regulations excluded ancillary commercial uses from office buildings in DR-16 Zones. This ruling was based on the fact that, while ancillary commercial uses were expressly permitted in the RA Zone (the predecessor of DR-16), no express mention of such uses was made when Bill No. 100, 1970 deleted the RA Zone and specifically designated the DR-16 Zone as its successor.

In 1980, the County Council adopted Bill No. 167 which enacted new zoning classifications for office buildings and prohibited office buildings in DR-16 Zones by way of special exception. The subject parcel was reclassified as O-1.

right, permitted by special exception, or prohibited.

Subsection .5A provides that:

Any requirement, stipulation, or designation with respect to said classifications in any law, ordinance, regulation, private agreement, or official zoning map shall be applied to or construed as the corresponding DR zoning classification, as follows, to the full extent of consistent applicability: Zones heretofore classified as RA are now classified as DR-16.

Also, in §1801.1A.14, accessory uses were permitted as of right in DR Zones of all classification. Significantly, Bill No. 100 also adopted the definition of "accessory use" which incorporates four specific criteria.

It is reasonable to assume, therefore, that since office buildings were allowed by special exception only, thus necessitating a hearing before the Zoning Commissioner, accessory uses as deemed appropriate by the Zoning Commissioner, utilizing the criteria in the newly enacted definition of accessory use, would adequately regulate accessory uses in such office buildings. Further buttressing this argument is the statement in §100.3A which intends to incorporate the previous requirements from the RA Zone to the corresponding DR Zones, cited above, to the extent consistent therewith. There is no express prohibition on accessory uses to DR-16 office buildings, and thus, there is no inconsistency.

There is also legal precedent supporting the application of the standards in §402.4 to office buildings in DR-16 zones. In Case No. 73-307-RSPH, Franklin Square Hospital, Petitioner, the Zoning Commissioner held that §402.4 was intended to apply to office buildings in DR-16 zones to the same extent it had applied to office buildings in RA zones.

It is submitted that a close examination of the Regulation and a prior decision support the allowance of

Accessory commercial uses in office buildings are expressly sanctioned by the O-1 Regulations. See B.C.Z.R. §204.3A.3.c. Due to the new O-1 zoning classification of the property, a representative of the Petitioner discussed the possibility of placing a small eating establishment in the office building with Mr. James Dyer, the Zoning Supervisor. In order to allow the luncheonette, Mr. Dyer indicated that the special exception order must be amended.

Mr. Dyer recommended that the Petitioner request a special hearing to amend the special exception order to permit the restaurant as an accessory use. Mr. Dyer saw a distinction between ancillary commercial uses, which he interpreted the previous order to prohibit, and an accessory use for the express convenience of the building's tenants. Presumably, Mr. Dyer discussed the matter with Mr. Hammond, who had issued the original order, and Mr. Hammond must have indicated that it was not his intent to prohibit all accessory uses from the building, but only the ancillary commercial uses presented at the time of the hearing, or Mr. Dyer would not have recommended the Petition for Special Hearing.

ISSUES

- I. May the original order be amended to allow accessory commercial uses for the express use of the building's tenants?
- II. Was the prior interpretation of the Regulations prohibiting ancillary commercial uses correct?

CONCLUSION

- I. While broadly worded, the intent of the previous order was to prohibit extensive ancillary commercial uses only,

accessory commercial uses in DR-16 office buildings. The original Order should be amended to allow the requested use.

Respectfully submitted,

John B. Howard
John B. Howard
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorney for the Petitioner

and to allow a small accessory use for the sole convenience of the building's tenants would not contradict the prior ruling.

II. The adoption of the DR-16 Zones by Bill No. 100, 1970, replacing the previous RA Zones, did not prohibit accessory commercial uses.

ARGUMENT

I.

While a literal reading of Mr. Hammond's Order in the previous special exception case would appear to prohibit any accessory commercial uses with a DR-16 office building, when considered in the context of the request, it need not be interpreted so broadly. At the prior hearing, the Petitioner requested permission for a large restaurant and a tobacco/newsstand, which would have occupied approximately 8% of the available floor space and a significant portion of the first floor. The restaurant, in addition to serving the needs of the building's tenants, was intended to be extensively used by non tenants and during times other than business hours. In contrast, the requested amendment is to allow a luncheonette occupying only 1% of the total available floor space, and as a practical matter, to be used only by the building's tenants.

The policy reasons behind the prohibition of ancillary commercial uses to office buildings in DR-16 zones should not apply to this minor accessory use, especially in light of the reclassification to O-1 zoning. While office buildings by special exception in residential zones would need special limitations on ancillary commercial uses so as to protect the residential nature of the neighborhood, a small accessory use, for exclusive use of the building's tenants, in a presently existing O-1 Zone, will not adversely affect the surrounding property.

In addition, equitable considerations support the allowance of the proposed accessory use in this instance. The tract's present zoning, O-1, permits as a matter of right the requested use. A luncheonette for this building is especially necessary, as it will be isolated from downtown Towson, and the lack of any eating establishments within a mile will generate unnecessary extra traffic on Kenilworth Drive during lunch hours. It is a particular hardship and inconvenience for the many tenants of the building to travel some distance from the premises to purchase lunch. Thus, the best interests of the surrounding area will be served by granting the request and no violation of the regulations will result.

II.

The Regulations in effect at the time the previous special exception order was issued did not expressly prohibit accessory commercial uses to office buildings in DR-16 Zones. A thorough examination of the enactment of Bill No. 100, 1970, which replaced the previous residential zoning classification with the DR classification leads to the conclusion that the Zoning Commissioner's interpretation to preclude accessory uses in DR-16 Zones was in error and should not be continued to be applied.

The predecessor of the DR-16 Zone was the RA Zone. See B.C.Z.R. §100.3A. Under §402.4 of the Regulations, conditions were placed on accessory business uses in elevator apartment buildings and office buildings, both uses allowed in the RA Zone.

When Bill No. 100, 1970 was enacted, specific uses were not listed for each DR classification in the usual format. Rather, a chart was incorporated into the Regulations which indicated whether certain uses were permitted as of



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 24, 1982

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NE/Corner of Kenilworth Dr. & Charles St.
Riderwood Associates - Petitioner
Case #82-290-SPH Item #219

Dear Mr. Howard:

This is to advise you that \$71.73 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/30/82 ACCOUNT 01-662

AMOUNT \$71.73

RECEIVED FROM John B. Howard, Esquire

FOR Advertising & Posting Case #82-290-SPH (Riderwood Associates)

8 89400000712315 0018A

VALIDATION OR SIGNATURE OF CARRIER

June 1, 1982

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
NE/Corner of Kenilworth Dr. & Charles Street
Riderwood Associates - Petitioner
Case #82-290-SPH

TIME: 9:30 A.M.

DATE: Wednesday, June 30, 1982

PLACE: ROOM 105 COUNTY OFFICE BUILDING, 311 W. GUNNERS AVENUE,

TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/30/82 ACCOUNT 01-661

AMOUNT 25.00

RECEIVED FROM John B. Howard, Esquire

FOR Advertising & Posting Case #82-290-SPH (Riderwood Associates)

8 81700000250000 0228F

VALIDATION OR SIGNATURE OF CARRIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 23, 1982

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NE/corner of Kenilworth Dr. &
Charles St. - 9th Election
District
Riderwood Associates - Petitioner
NO. 82-290-SPH (Item No. 219)

Dear Mr. Howard:

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

Very truly yours,

Jan M.H. Jung
JAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Mr. William E. Osmeier
1005 Donington Circle
Towson, Maryland 21204

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



EVANS, HAGAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS

8013 BELAIR ROAD / BALTIMORE, MD. 21236 (301) 668-1501
FAX: (301) 668-1502
101 JOHN STREET / BALTIMORE, MD. 21202 (410) 481-1100
FAX: (410) 481-1101

April 21, 1982

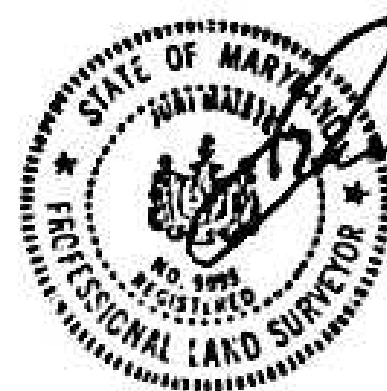
DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the north side of Kenilworth Drive (80 feet wide) at its intersection with the easternmost right of way line of the Baltimore County Beltway - Charles Street Interchange, thence leaving said place of beginning and running and binding on said easternmost right of way line, the 3 following courses and distances, viz: (1) North 37 degrees 56 minutes 20 seconds West 83.47 feet thence (2) North 17 degrees 55 minutes 10 seconds East 435.88 feet and thence (3) North 58 degrees 47 minutes 30 seconds East 147.19 feet, thence leaving the aforesaid easternmost right of way line and running the 2 following courses and distances, viz: (4) South 60 degrees 53 minutes 20 seconds East 450.15 feet and thence (5) South 14 degrees 08 minutes 40 seconds West 311.04 feet to intersect the aforesaid north side of Kenilworth Drive, thence running and binding thereon (6) South 86 degrees 03 minutes 20 seconds West 527.22 feet to the place of beginning.

Containing 5.8 acres of land, more or less.

NOTE: The above description has been prepared for zoning purposes only and is not intended to be used for conveyance.



Jani Marshall

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD. 21204

James, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, MD. 21236

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 10 day of May, 1982.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Riderwood Associates

Petitioner's Attorney John B. Howard, Esquire

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

82-290-SPH

District 9th

Date of Posting June 11, 1982

Posted for Special Hearing

Petitioner Riderwood Associates

Location of property NE/corner Kenilworth Dr. & Charles St.

Location of Signs NE corner of Kenilworth Drive and Charles St.

Remarks

Posted by *S.J. Arata*
Signature

Date of return June 18, 1982

Number of Signs 1

PETITION FOR SPECIAL HEARING
9th Election District
ZONING: Petition for Special Hearing
LOCATION: Northeast corner of Kenilworth Drive and Charles Street
DATE & TIME: Wednesday, June 16, 1982 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Special Hearing under Section 20-2 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan in Special Exception 80-28-X to permit an accessory use restaurant for the express use of tenants in the office building.
All that parcel of land in the Ninth District of Baltimore County beginning for the same on the north side of Kenilworth Drive (80 feet wide) at its intersection with the easternmost right of way line of the Baltimore County Beltway - Charles Street Interchange, thence leaving said place of beginning and running and binding on said easternmost right of way line, the 3 following courses and distances, viz: (1) North 37 degrees 56 minutes 20 seconds West 83.47 feet thence (2) North 17 degrees 55 minutes 10 seconds East 435.88 feet and thence (3) North 58 degrees 47 minutes 30 seconds East 147.19 feet, thence leaving the aforesaid easternmost right of way line and running the 2 following courses and distances, viz: (4) South 60 degrees 53 minutes 20 seconds East 450.15 feet and thence (5) South 14 degrees 08 minutes 40 seconds West 311.04 feet to intersect the aforesaid north side of Kenilworth Drive, thence running and binding thereon (6) South 86 degrees 03 minutes 20 seconds West 527.22 feet to the place of beginning.
Containing 5.8 acres of land, more or less.
NOTE: The above description has been prepared for zoning purposes only and is not intended to be used for conveyance.
Being the property of Riderwood Associates, as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, June 16, 1982 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
By Order Of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
June 12.

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 10, 1982

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once~~ one time ~~before~~ before the 30th day of June, 1982, the publication appearing on the 10th day of June, 1982.

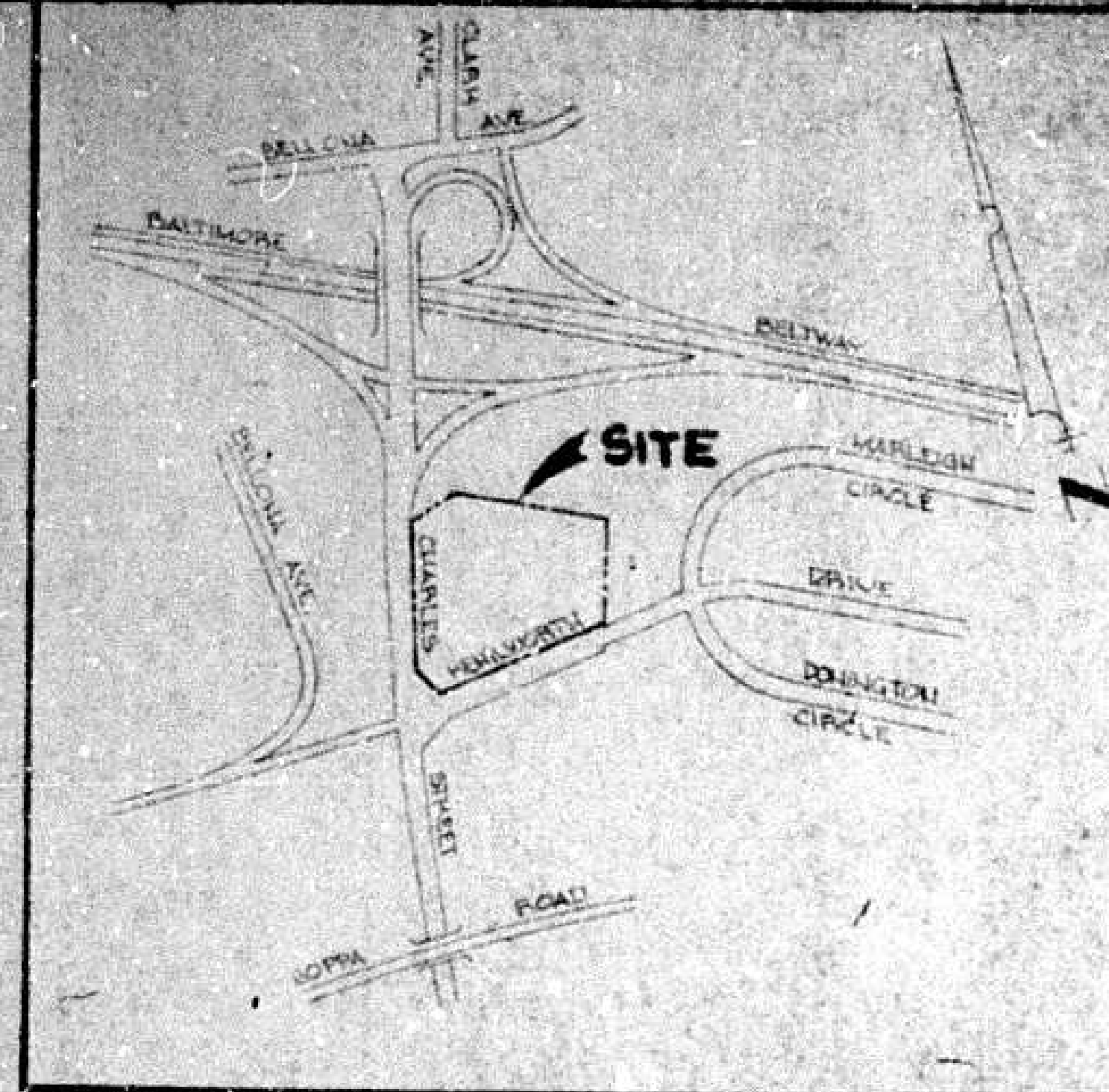
THE JEFFERSONIAN
S. Frank Smith
Manager

Cost of Advertisement, \$



BALTIMORE

BELTWAY



LOCATION MAP

SCALE: 1" = 500'

NOTE:

THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE SHAPE OF THE PROPOSED BLDG. SHOWN HEREIN FOR AESTHETIC AND EFFICIENCY OF DESIGN CONSIDERATIONS ONLY. THE DEVELOPER WILL NOT INCREASE THE SQUARE FOOT AREA OR CHANGE THE OVER-ALL LOCATION OF THE BUILDING SHOWN HEREON.

GENERAL NOTES

1. Applicant: Owners: John Worley Strickland (Trustee), Mary Strickland Johnson (Trustee), and John L. Strickland (Trustee).
2. Contract Purchaser: The Berkshire Corporation.
3. Area of Property: 5.795 Ac. +/- or 250,431 Sq. Ft. +/-
4. Existing Zoning: O-15 DF 16 WITH SPECIAL EXCEPTION FOR OFFICES (2024 SECT. 1-802-1) SEE FILE CASE 60-220-X
5. Existing Use: Office Building (Under Construction)
6. Proposed Use: Proposed Accessory Use Restaurant for the Express Use of Tenants in the Building (1100 Sq. Ft.)
7. Total Proposed Gross Floor Area: 24,000 Sq. Ft. (18,000 Sq. Ft. per Floor)
Net Leasable Area: 20,000 Sq. Ft. (16,000 Sq. Ft. per Floor Average)
Gross Area Ancillary Commercial: 7,000 Sq. Ft.
8. Parking Calculations:
1st Floor Offices: 11,200 Sq. Ft. = 11,200 / 300 = 38
1st Floor Ancillary Comm.: 7,000 Sq. Ft. = 7,000 / 300 = 23
2nd Floor 5th Floor Offices: 75,200 - 500 = 151
9. Total Number of Parking Spaces Required: 38 + 38 + 151 = 227 (94 H.C. Spaces)
10. Total Number of Parking Spaces Provided: 200 (91 H.C. Spaces, 109 H.C. Spaces)
11. If Medical Offices are to be located on the upper floors, parking must be provided at the rate of 1 Space per 300 Sq. Ft.
12. Paving in Parking Lot to be Bituminous Concrete.
13. All existing buildings and structures to be Razed
14. See Restrictions Listed Below.

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING TO AMEND SPECIAL EXCEPTION

THE STRICKLAND PROP.

9th ELECTION DISTRICT BALTIMORE COUNTY, MD.

PETITIONER'S
EXHIBIT 1

FOR
THE BERKSHIRE CORPORATION

Suite 302

The Quadrangle

Village of Cross Keys

Baltimore, Md. 21210

Form 7-79

KENILWORTH

DRIVE

DONINGTON CIRCLE

CHARLES STREET

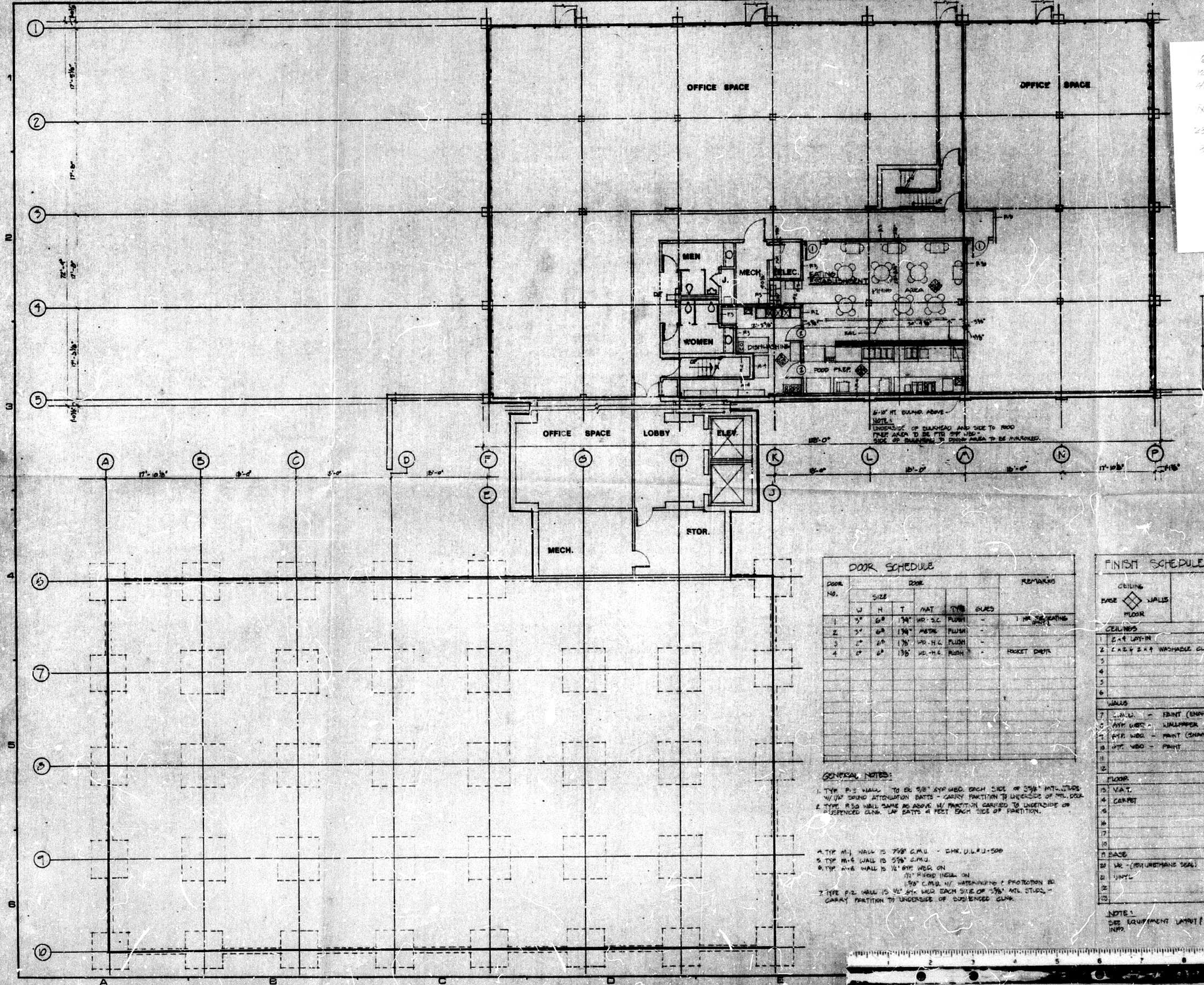


RESTRICTIONS:

1. ALL OUTDOOR LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, IN ORDER TO MINIMIZE ILLUMINATION BEYOND THE SUBJECT PROPERTY.
2. CONFORMANCE WITH THE AGREEMENT DATED JANUARY 7, 1980, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER E.H.K. JR. 10, 6130 FOLIO 563, BETWEEN JOHN L. STRICKLAND, INDIVIDUALLY ET AL. AS OWNERS, THE BERKSHIRE CORPORATION, AS DEVELOPER, AND THE VILLAGE OF CROSS KEYS COMMUNITY ASSOCIATION, INC. RONALD AND RACHEL HANMAN ET AL. AS ASSOCIATION, INCLUDING THEREAFTER ANY FUTURE AMENDMENTS, OR SUPPLEMENTATION, WITH REFERENCE TO COMMERCIAL USES AS MAY BE THE CASE.



EVANS, HAGAN & HOLDER, INC.
SURVEYORS AND CIVIL ENGINEERS
1100 NORTH STREET, BALTIMORE, MD. 21201
JAN 1980



65' x 5' = 32.5
12' x 9' = 108.0
4' x 3.5' = 14.0
R 5' = 4.5
23' x 3.5' = 80.5
31' x 3.5' = 108.5
1,210.0

5' x 30' =

GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

DOOR SCHEDULE							REMARKS
DOOR NO.	SIZE			MAT	TYPE	GLASS	
	W	H	T				
1	3'	6'	1 3/4"	WD. S.C.	FLUSH	-	1 HR. SEPARATING
2	3'	6'	1 3/4"	METE	FLUSH	-	
3	2'	6'	1 3/4"	WD. H.C.	FLUSH	-	
4	0'	6'	1 3/4"	WD. H.C.	FLUSH	-	ROCKET DOOR

FINISH SCHEDULE	
CEILING	
FLOOR	
WALLS	
1. 2" x 4" LATH	
2. 2" x 4" x 4" WASHABLE GYP. TIE	SEE REFLECTED CLING PLAN
3.	
4.	
5.	
6.	
7. 1/2" x 1/2" - PAINT (ENAMEL)	
8. 1/2" x 1/2" - WALLPAPER	
9. 1/2" x 1/2" - PAINT (ENAMEL)	
10. 1/2" x 1/2" - PAINT	
11.	
12.	
FLOOR	
13. V.A.T.	
14. CARPET	
15.	
16.	
17.	
18.	
19. BASE	
20. 1/2" x 1/2" (BOLTHAND SEAL)	
21. 1/2" x 1/2"	
22.	
23.	

GENERAL NOTES:
1. TYPE P-1 WALL TO BE 5/8" STY WED. EACH SIDE OF 3/4" INT. STUDS W/ 1/2" BRIDG ATTENUATION BATTES - CARRY PARTITION TO UNDERSIDE OF MIL. DOOR.
2. TYPE P-2 WALL SAME AS ABOVE W/ PARTITION CARRIED TO UNDERSIDE OF SUSPENDED CLING. LAY BATTES 4 FEET EACH SIDE OF PARTITION.
3. TYPE M-1 WALL IS 7/8" G.M.U. - ENR. U.L. #1-500
4. TYPE M-2 WALL IS 5/8" G.M.U.
5. TYPE M-3 WALL IS 1/2" STY WED. ON 1/2" RIGID INSUL. ON 1/2" RIGID INSUL. ON 1/2" G.M.U. W/ WATERPROOFING + PROTECTION NO.
6. TYPE P-2 WALL IS 1/2" STY WED. EACH SIDE OF 3/4" INT. STUDS - CARRY PARTITION TO UNDERSIDE OF SUSPENDED CLING.

NOTE: SEE EQUIPMENT LAYOUT / INTERIOR DESIGN DRAWING FOR ADDITIONAL INFO.

PETITIONER'S
EXHIBIT 2
note 02 staff member added color 9/12/2012