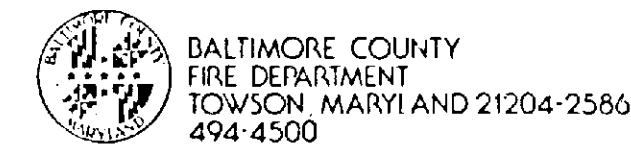


Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



PAUL H. RENCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Comodori, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Seminary Ltd. Partnership

Location: S/E Cor. Seminary Ave. and York Road

Item No.: 195

January 23, 1985

Zoning Agenda: Meeting of 1/16/85

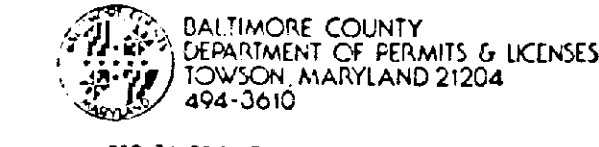
Gentlemen:

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 or _____ 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: *Errol M. Markowitz* Approved: *Errol M. Markowitz*
Special Inspection Division Fire Prevention Bureau

/mb



110 ZALEWSKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 195 Zoning Advisory Committee Meeting are as follows:

Property Owner: Seminary Limited Partnership
Location: S/E Cor. Seminary Avenue and York Road
Existing Zoning: E.L. - CUS - D.R. - 5.5
Proposed Zoning: Special Exception for a community building, for a health club/fitness center. Variance to permit 600 parking spaces in lieu of the required 613 parking spaces.

Address: 8.1.2
District: 9th.

The items checked below are applicable:

() All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-85 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(X) A building/other permit shall be required before beginning construction.

() Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 19/16 not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

() Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

() An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group 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 101, line 2, Section 1107 and Table 1102, also Section 503.2.

() Requested variance appears to conflict with the Baltimore County Building Code, Section 5.

(X) 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. From Mercantile/Business use to A-3 assembly use.

() 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 101.

(X) Comments - Review Table 302.7 for applicable requirements for the proposed new use. Exits, sprinklers, and fire separation of uses would be major areas of concern.

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 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdman
Charles E. Burdman, Chief
Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
No. 85-256-XA
SUBJECT: Seminary Limited Partnership

Date: March 13, 1985

This office is not opposed to the granting of the subject request.

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

NBG/JGH/st



Dulaney Valley Improvement Association

P.O. Box 102
Lutherville, Md. 21093

April 25, 1985

Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case #85-256-XA
(Seminary Limited Partnership)

Dear Mr. Jablon,

Our Board of Directors has directed me to inform you that we hereby appeal your ruling on the above case, dated March 27, 1985. Enclosed is our check for \$185.00 representing the \$175.00 appeal fee plus the \$10.00 posting fee.

Please direct any correspondence on this matter to my attention as follows:

Glenn L. Wilson, President
Dulaney Valley Improvement Association

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

No. 007202

11093

DATE: 4/25/85

ACCOUNT:

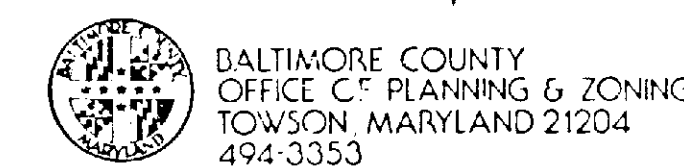
AMOUNT: \$185.00

RECEIVED FROM:

FOR:

Very Truly Yours,

Glenn L. Wilson
Glenn L. Wilson, President



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 9, 1985

G. Scott Barhight, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: SE/Corner of Seminary Avenue
and York Road - 9th Election
District
Seminary Limited Partnership,
Petitioner
Case No. 85-256-XA (Item No. 195)

Dear Mr. Barhight:

Please be advised that an appeal has been filed by the Dulaney Valley Improvement Association from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:hg

cc: Glenn L. Wilson, President
Dulaney Valley Improvement Assoc.
P. O. Box 102
Lutherville, Maryland 21093

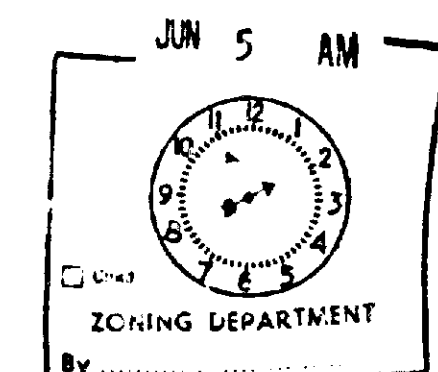
Mr. Jasper M. Buck
1403 York Road, Suite 214
Timonium, Maryland 21093

People's Counsel

TELEPHONE 666-0040

Seminary Limited Partnership
10 PARKS AVENUE
COCKEYSVILLE, MD. 21030

June 4, 1985



Mr. Arnold Jablon
Zoning Commission
Baltimore County, Maryland
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #85-256-XA
Petition Special Exception
and Zoning Variance

Dear Mr. Jablon:

With reference to your amended order of April 10, 1985, a copy of which is attached; please be advised that shrubbery screening on the southeast corner of York Road and Seminary Avenue, required by the Zoning Commissioners letter of December 19, 1985, is under contract and scheduled to be installed after the curb work on the parking lot of the Galleria and Galleria Towers has been completed. We fully intend to comply with your order and request that you allow us this grace period so that the work may be performed in a progressive and consistent manner, so as not to require replacement or transplanting of the screening because of construction work yet to be completed.

Very truly yours,

T.C. Julio
T.C. Julio
Vice President

TGJ/kjb

JUN 18 1985

page two - Mr. J. P. Offutt, Jr. - December 19, 1985

4. There shall be correct planting to screen the residents' property on the opposite side of Seminary Avenue. Such planting shall be done at the time this property shall be used for parking and planting shall be required only for those portions of this property which shall be actually used for the parking of vehicles. These portions which shall be approved for parking and which by the Planning Board shall not have to be screened under this provision.

Very truly yours,

William T. Hackett



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2100

PHILLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

June 19, 1985

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Seminary Limited Partnership,
Petitioner - Case No. 85-256-XA

Dear Chairman Hackett:

We are in receipt of the appeal dated April 25, 1985 filed by Glenn L. Wilson, President, on the stationery of the Dulane Valley Improvement Association, and we have also reviewed the Motion for Dismissal filed by the Petitioner.

It is our understanding from the correspondence that Mr. Wilson, by virtue of his individual signature, is appealing on his own behalf as well as on behalf of the Dulane Valley Improvement Association. Assuming arguendo there is any ambiguity, it certainly should be resolved liberally in that connection.

Furthermore, it is debatable that the court cases involving limitations on standing of community associations at the Circuit Court level are applicable on appeals to the County Board of Appeals. This is a de novo administrative proceeding, and Section 22-32 provides for an appeal for any person or taxpayer feeling aggrieved. Moreover, Rule 6 of the Rules of Practice and Procedure of the County Board of Appeals authorizes appearances on behalf of associations, with conditions set forth more fully in Rule 8.

It is apparent that the Dulane Valley Improvement Association feels aggrieved, so that should be sufficient to go forward with the case even if Mr. Glenn Wilson himself were not also appealing.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: G. Scott Barhight, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
JUN 19 1985
A 10 25

J. EARLE PLUMHOFF
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

**LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED**

OF COUNSEL
RALPH E. DEITE
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2121
RUSSELL J. WHITE

June 21, 1985

Honorable William T. Hackett
County Board of Appeals for
Baltimore County
Court House
Towson, Maryland 21204

Re: Case No. 85-256-XA
Petitioner: Fitness Unlimited, Inc. (*Seminary Ltd Partnership*)

Dear Chairman Hackett:

On June 3, 1985 I filed a Motion for Dismissal on behalf of the petitioner, Fitness Unlimited, Inc. in the above matter. Along with this Motion I filed a Request for Hearing to be held on the Motion prior to the full de novo evidentiary hearing. If the Motion is granted, substantial savings of time can be realized by all of the litigants and the Board.

Given the nature of this Motion, I respectfully request that a special hearing be scheduled solely for the purpose of hearing argument on the Motion for Dismissal. Thank you for your kind attention to this matter.

Very truly yours,

G. Scott Barhight
G. Scott Barhight

GSB:ylm

cc: Mr. Glenn L. Wilson, President
Dulane Valley Improvement Assoc.
Phyllis Cole Friedman, Esquire
Thomas J. Bollinger, Assistant County Attorney
Fitness Unlimited, Inc.

RECEIVED
COUNTY BOARD OF APPEALS
JUN 21 1985
A 9 50

J. EARLE PLUMHOFF
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800

**LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED**

OF COUNSEL
RALPH E. DEITE
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2121
RUSSELL J. WHITE

June 24, 1985

Honorable William T. Hackett
Chairman, County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Re: Case No. 85-256-XA
Petitioner: Fitness Unlimited, Inc.

Dear Chairman Hackett:

I am in receipt of Mr. Zimmerman's correspondence to you dated June 19, 1985, regarding the above case. As I disagree with Mr. Zimmerman's characterization of the appeal letter, and as I wish to restate my request for a special motions hearing in this matter, I am responding with this letter.

Mr. Zimmerman states that it is his understanding that Mr. Wilson is appealing on his own behalf, as well as on behalf of the Dulane Valley Improvement Association. This understanding is clearly not supported by the appeal letter.

The April 25, 1985 appeal letter is written on Dulane Valley Improvement Association's stationery. The first paragraph of the letter indicates that the Board of Directors directed Mr. Wilson to appeal on behalf of the Association. There is no mention of any appeal being taken by any individual person. Correspondence from the Board was requested to be sent to Mr. Wilson as President of the Association. Finally, and most importantly, Mr. Wilson has signed in his capacity as President of the Association.

Since it is clear that the Association is the only appellant in this matter, and as the case law is clear on whether an association has standing to file an appeal, I believe that a special motions hearing is appropriate. Please schedule such a hearing at the Board's earliest convenience.

My client is also concerned about the potential for delay in the scheduling of the de novo hearing, if it is necessary.

Honorable William T. Hackett
June 24, 1985
Page 2

Please schedule the de novo hearing in the ordinary course.

I am looking forward to the scheduling of the motions hearing and de novo hearing in this matter. Thank you for your kind attention to this matter.

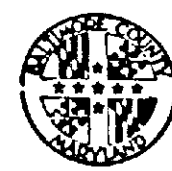
Very truly yours,

G. Scott Barhight
G. Scott Barhight

GSB:ylm

cc: Peter Max Zimmerman, Deputy
People's Counsel

Mr. Glenn L. Wilson, President
Dulane Valley Improvement Assoc.
Fitness Unlimited, Inc.



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

June 28, 1985

NOTICE OF ASSIGNMENT

ON MOTIONS ONLY

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-256-XA

SEMINARY LIMITED PARTNERSHIP
(FITNESS UNLIMITED, INC.)

FOR-SE - COMMUNITY BUILDING IN A BL-CNS ZONE
FOR A HEALTH CLUB/FITNESS CENTER

SE CORNER SEMINARY AVE. AND YORK ROAD
9TH DISTRICT

3/27/85 - Z.C. GRANTED WITH RESTRICTIONS
4/10/85 - AMENDED ORDER MODIFYING REST. #1

ASSIGNED FOR:

WEDNESDAY, JULY 24, 1985 at 10 a.m.

cc: G. Scott Barhight, Esquire	Attorney for Petitioner
Seminary Ltd. Partnership	Property Owner
Fitness Unlimited, Inc.	Lenssee/Petitioner
Glenn L. Wilson, President	Protestant-Appellant
Dulane Valley Imp. Assn.	
Jasper M. Buck	Protestant
Phyllis Cole Friedman	People's Counsel
Thomas J. Bollinger, Esq.	Asst. County Attorney
Norman E. Gertor	
James G. Hoswell	
Arnold Jablon	
Jean M. H. Jung	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary

RE: PETITIONS FOR SPECIAL	* BEFORE THE COUNTY
EXCEPTION AND ZONING	* BOARD OF APPEALS FOR
VARIANCE	* BALTIMORE COUNTY
SOUTHEAST CORNER OF	
SEMINARY AVENUE AND	
YORK ROAD	
9TH ELECTION DISTRICT	
FITNESS UNLIMITED, INC.	* Case No. 85-256-XA
Petitioner	* (Item No. 195)

ANSWER TO MOTION TO DISMISS

NOW COMES, GLENN L. WILSON, individually and as President of Dulane Valley Improvement Association, for himself and for other individual resident Protestants, by his attorney, Michael P. Tanczyn, Esq., and for Answer to the Motion to Dismiss filed heretofore says:

1. That he admits the allegations contained in paragraph numbered "1".
2. That he is without knowledge and can neither admit nor deny the allegations contained in paragraph numbered "2" as he was never sent a copy of the Amended Order, as the Petitioner apparently was, dated April 10, 1985.
3. That he admits that the Dulane Valley Improvement Association appealed the first Order of the Commissioner of which it had knowledge, but further answering states that it was his understanding based on the information contained in the affidavit attached hereto and prayed to be made a part hereof that he was designated under the auspices of Dulane Valley Improvement

Association to be the speaker and Appellant for not only the Association by the Zoning Commissioner but also for himself as an individual and for the other individual resident Protestants who appeared and were not allowed to testify at the hearing held by Zoning Commissioner Jablon.

4. That he denies the allegations contained in paragraphs numbered "4" and "5", and further answering states that Dulane Valley Improvement Association is an incorporated entity empowered by the covenants affecting the Dulane Valley Improvement Association to speak for the residents of Dulane Valley Improvement Association bounded by Seminary Avenue, York Road, Baltimore Beltway on its south and Dulane Valley Road on its east, on all matters affecting the safety, health and wellbeing of its members, both individually and for the Association as a whole, and that the subject Petition is located in the Northwest quad of the area enclosed by and included in the Dulane Valley Improvement Association's geographic boundaries.

WHEREFORE, having fully answered, Glenn L. Wilson asks that the Motion to Dismiss in this matter be denied.

Michael P. Tanczyn, Esq.
MICHAEL P. TANCZYN, ESQ.
Attorney for Glenn L. Wilson
118 West Pennsylvania Avenue
Towson, MD 21204
(301) 296-8823

RECEIVED
COUNTY BOARD OF APPEALS
JUN 28 1985
A 10 34

I HEREBY CERTIFY that, on this 9th day of July, 1985, a copy of the foregoing was mailed, postage prepaid, to each of: Mr. Jasper M. Buck, 1403 York Road, Suite 214, Timonium, Maryland, 21093; Phyllis Cole Friedman, Esq., People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland, 21204; Thomas J. Bollinger, Esq., Assistant County Attorney, Office of Law, Mezzanine, Court House, Towson, Maryland, 21204; Honorable Arnold Jablon, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland, 21204; and G. Scott Barhight, 204 West Pennsylvania Avenue, Towson, Maryland, 21204, attorney for Petitioner.

Michael P. Tanczyn
MICHAEL P. TANCZYN, ESQ.

STATE OF MARYLAND, COUNTY OF BALTIMORE; to wit:

I HEREBY CERTIFY that, before me, a Notary Public in and for the State and County aforesaid, personally appeared, this 9th day of July, 1985, GLENN L. WILSON, who made oath in due form of law that:

1. He is over the age of eighteen (18) years of age and competent to make this oath.

2. That he appeared at the hearing before the Zoning Commissioner of Baltimore County in Case No. 85-256-XA, the Petition for Special Exception and Zoning Variance of the Seminary Limited Partnership.

3. That with him on that same occasion were numerous residents of the Dulany Valley area who reside as did he in close proximity to the subject area, who were present to protest with him, both individually and as members of the Dulany Valley Improvement Association, the Petition for Special Exception and Zoning Variance referred to earlier.

4. That, upon convening the Zoning Hearing, the Zoning Commissioner, Arnold Jablon, established certain ground rules so far as the Protestants were concerned, nominating Glenn Wilson as the representative both for the individual Protestants and as representative of the Dulany Valley Improvement Association as the sole individual entitled to question the Petitioner and the Petitioner's witnesses and to represent all of the residential Protestants. The Zoning Commissioner similarly allowed Joseph M. Buck, a tenant of the Petitioner who appeared and testified in opposition, to speak for the Petitioner's tenant Protestants, who were similarly opposed to the petition for Special Exception and Zoning Variance.

5. That Glenn Wilson's understanding, based on the guidance given by the Zoning Commissioner, was that only he would be allowed to speak in his representative capacity for the individual residential Protestants, himself and the Dulany Valley Improvement Association, which he did.

6. Subsequent to the hearing, the Zoning Commissioner issued his Order on or about March 27, 1985 granting the Petition for Special Exception and Zoning Variance with conditions attached, which the affiant, Glenn L. Wilson, did, on advice and consent of various community association and for himself and for the other residential Protestants whom he as a lay person believed, based on the guidance from Zoning Commissioner Jablon, he represented in the taking of an appeal, filed a timely appeal on April 25, 1985 by letter with copies sent to both other

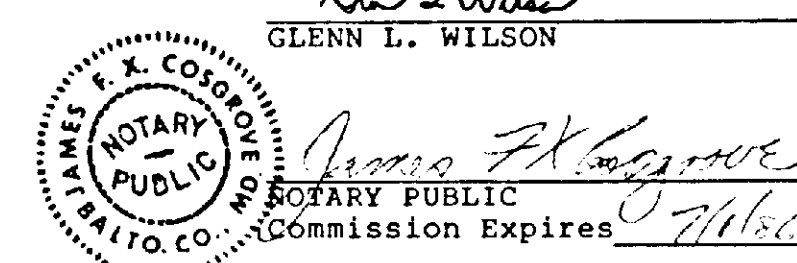
members of the Dulany Valley Improvement Association, some other Protestants in attendance.

7. That Glenn L. Wilson resides at 40 Belmore Road in the vicinity of the subject property and appeared at the Zoning Commissioner's hearing both in his individual capacity as a resident opposed to the special exception as well as a representative of the Dulany Valley Improvement Association and that the appeal taken was made based on guidelines laid out by the Zoning Commissioner at the original hearing in a representative capacity not only for himself as an individual but for his Association and for the other Protestants, who were not allowed by Order of the Zoning Commissioner to directly participate in the proceedings before him, but who were told, as was Mr. Wilson, by the Zoning Commissioner, Mr. Jablon, that Mr. Wilson would be representing them individually and in a representative capacity as the spokesperson against the Petition on behalf of the resident Protestants.

8. It was based on that understanding that the appeal was filed in good faith and the intent of Glenn L. Wilson was to appeal for himself, for the Dulany Valley Improvement Association, as well as for the individual residential Protestants who appeared with him at the hearing, but who understood as he did that he was to be their spokesman and their representative in the presentation of testimony and the taking of any appeals.

9. That all of the above facts are true.

Glenn L. Wilson
GLENN L. WILSON



Law Offices
Michael P. Tanczyn, P.A.
18 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

July 9, 1985

County Board of Appeals of Baltimore County
Court House, Room 200
Towson, MD 21204

Re: Case No. 85-256-XA

Gentlemen:

I have been retained by Glenn L. Wilson, the Protestant-Appellant in the above case, to represent him in the hearing scheduled for Wednesday, July 24, 1985 at 10:00 a.m.

The purpose of this letter is to request that this hearing be postponed due to the fact that I will be at summer camp with the Maryland Army National Guard from July 14 - 28, 1985 and, therefore, cannot be present at that date and time. Your cooperation in the rescheduling of this matter is appreciated.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
cc: Glenn L. Wilson, President of
Dulany Valley Improvement Association
G. Scott Barhight, Esq.
Phyllis Cole Friedman, Esq.
Thomas J. Bollinger, Esq.

RECEIVED
COUNTY BOARD OF APPEALS
JUL 11 9 10 AM '85

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
July 11, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-256-XA
SEMINARY LIMITED PARTNERSHIP
(FITNESS UNLIMITED, INC.)
FOR SE-COMMUNITY BUILDING IN A BL-CNS ZONE
FOR A HEALTH CLUB/FITNESS CENTER
SE CORNER SEMINARY AVE. AND YORK ROAD
9th DISTRICT
3/27/85 - Z.C. GRANTED WITH RESTRICTIONS
4/10/85 - AMENDED ORDER MODIFYING REST. #1
ASSIGNED FOR: THURSDAY, SEPTEMBER 5, 1985 at 10 a.m.

cc: G. Scott Barhight, Esquire Attorney for Petitioner
Seminary Ltd. Partnership Property Owner
Fitness Unlimited, Inc. Lessee/Petitioner
Michael P. Tanczyn, Esquire Attorney for Protestant-Appellant
Glenn L. Wilson, President Protestant-Appellant
Dulany Valley Imp. Assn. Protestant
Jasper M. Buck People's Counsel
Phyllis Cole Friedman Astd. County Attorney
Thomas J. Bollinger, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
July 11, 1985

NOTICE OF POSTPONEMENT AND REASSIGNMENT

ON MOTIONS ONLY

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-256-XA
SEMINARY LIMITED PARTNERSHIP
(FITNESS UNLIMITED, INC.)
FOR SE-COMMUNITY BUILDING IN A BL-CNS ZONE
FOR A HEALTH CLUB/FITNESS CENTER
SE CORNER SEMINARY AVE. AND YORK ROAD
9th DISTRICT
3/27/85 - Z.C. GRANTED WITH RESTRICTIONS
4/10/85 - AMENDED ORDER MODIFYING RES. #1

Scheduled for hearing on Wednesday, July 24, 1985 at 10 a.m. has been POSTPONED at the request of counsel for Protestants (Military Duty) and has been

REASSIGNED FOR: TUESDAY, AUGUST 6, 1985 at 9 a.m.

cc: G. Scott Barhight, Esquire Attorney for Petitioner
Seminary Ltd. Partnership Property Owner
Fitness Unlimited, Inc. Lessee/Petitioner
Michael P. Tanczyn, Esquire Attorney for Protestant-Appellant
Glenn L. Wilson, President Protestant-Appellant
Dulany Valley Imp. Assn. Protestant
Jasper M. Buck People's Counsel
Phyllis Cole Friedman Astd. County Attorney
Thomas J. Bollinger, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
ATTORNEYS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
301.873.7800
OF COUNSEL
RALPH E. DEITZ
3026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
301.822.2121
RUSSELL J. WHITE

July 16, 1985

Honorable William T. Hackett
Chairman, County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Re: Case No. 85-256-XA
Petitioner: Fitness Unlimited, Inc.

Dear Chairman Hackett:

I am in receipt of the July 11th Notice of Assignment and the July 11th Notice of Postponement and Reassignment regarding the above case. Thank you for your efforts to schedule this case.

Please reschedule the hearing of September 5th to another date. At 9:30 a.m. that same morning I must argue an appeal from the Board of Appeals before the Circuit Court for Baltimore County (in the matter of the application of Paul Farace, Case No. 85-CG-11878). I apologize for any additional inconvenience that this rescheduling may cause. However, because of this prior commitment, I must ask for a rescheduling of the hearing on the merits.

Please feel free to contact my office to check my availability as to any proposed hearing dates. Thank you for your continued cooperation in this regard.

Very truly yours,

G. Scott Barhight
G. Scott Barhight

GSB:ylm

cc: Michael P. Tanczyn, Esquire
Phyllis Cole Friedman, Esquire
Thomas J. Bollinger, Esquire
Fitness Unlimited, Inc.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
July 26, 1985

G. Scott Barhight, Esquire
204 W. Pennsylvania Avenue
Towson, MD 21204

Re: Case No. 85-256-XA
Seminary Ltd. Partnership
(Fitness Unlimited, Inc.)

Dear Mr. Barhight:

Replying to your letter of July 16, 1985, the Board is agreeable to granting your request for postponement of the above entitled case, presently scheduled for September 5, 1985 at 10 a.m.

The next open date on the Board's docket is October 9th. If we do not hear from you and other parties of record within ten (10) days from the date of this letter that the proposed hearing date is not suitable, the Board will schedule the case for hearing on its merits on October 9, 1985 at 10 a.m., and no further postponements will be granted.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:e

cc: Michael P. Tanczyn, Esquire
Phyllis Cole Friedman
Thomas J. Bollinger, Esquire
Fitness Unlimited, Inc.
Seminary Limited Partnership
Glenn L. Wilson
Jasper M. Buck

JUN 18 1986

Law Offices
Michael P. Tanczyn, P.A.
118 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

July 30, 1985

Arnold Jablon, Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
Towson, MD 21204

Re: Case No. 85-256-XA
Seminary Limited Partnership, Petitioner

Dear Mr. Jablon:

Thank you for yours of July 12, 1985, which I have reviewed on return from military training today. I checked with my client who did in fact receive the amended Order, dated April 10, 1985, although that had not been forwarded to me, so that you are indeed correct and an error was made for which I apologize.

The allegations as made in the affidavit, however, as to Mr. Wilson and Mr. Buck being the only persons allowed to make questions on behalf of all the numerous protestants who were present was correct.

Very truly yours,

Michael P. Tanczyn

MPT/ed

Michael P. Tanczyn, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

July 12, 1985

Re: Case No. 85-256-XA
Seminary Limited Partnership, Petitioner

Dear Mr. Tanczyn:

I am in receipt of a copy of your Answer to Motion to Dismiss and refer specifically to Paragraph 2 wherein you allege that Mr. Wilson was never sent a copy of my Amended Order dated April 10, 1985. I am somewhat amazed that you would make that allegation in an Answer without first checking the official file. If you had, you would have learned that Mr. Wilson was indeed sent a copy. Whether or not he received the copy is another matter. Additionally, Paragraph 3 is also in error. I did not prohibit other Protestants from testifying. In fact, three Protestants in addition to Mr. Wilson and Mr. Buck testified.

I do not appreciate allegations that are untrue and presented as fact. It would behoove any attorney who appears before the Zoning Commissioner of Baltimore County to insure the accuracy of his allegations.

I should also point out that the Rules of Practice and Procedure before the Zoning Commissioner and the Baltimore County Board of Appeals are not in all respects the same but are adopted pursuant to the authority vested in each by law.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: G. Scott Barhight, Esquire

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSELMAN, JR.
THOMAS J. PENNER
WILLIAM R. ENGLISH, JR.
STEPHEN J. NGILANT
G. SCOTT BARHIGHT
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 293-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-5401
RUSSELL J. WHITE

July 30, 1985

Honorable William T. Hackett
Chairman, County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Re: Case No. 85-256-XA
Petitioner: Fitness Unlimited, Inc.

Dear Chairman Hackett:

Subsequent to the filing of the Answer to Motion to Dismiss by Mr. Tanczyn, counsel for the Dulany Valley Improvement Association, Zoning Commissioner Arnold Jablon sent Mr. Tanczyn the enclosed correspondence dated July 12, 1985. As Commissioner Jablon responds to several of the factual allegations contained in the Answer to the Motion to Dismiss, I thought it appropriate to provide you with a copy of this letter.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

G. Scott Barhight

GSB:ylm

Enclosure

cc: Michael P. Tanczyn, Esquire (w/encl.)
Phyllis Cole Friedman, Esquire (w/encl.)
Thomas J. Bollinger, Esquire (w/encl.)
Fitness Unlimited, Inc. (w/encl.)
Seminary Ltd. Partnership (w/encl.)

RECEIVED
COUNTY BOARD OF APPEALS
JUL 31 11 13 C

July 12, 1985

Michael P. Tanczyn, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 85-256-XA
Seminary Limited Partnership, Petitioner

Dear Mr. Tanczyn:

I am in receipt of a copy of your Answer to Motion to Dismiss and refer specifically to Paragraph 2 wherein you allege that Mr. Wilson was never sent a copy of my Amended Order dated April 10, 1985. I am somewhat amazed that you would make that allegation in an Answer without first checking the official file. If you had, you would have learned that Mr. Wilson was indeed sent a copy. Whether or not he received the copy is another matter. Additionally, Paragraph 3 is also in error. I did not prohibit other Protestants from testifying. In fact, three Protestants in addition to Mr. Wilson and Mr. Buck testified.

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I should also point out that the Rules of Practice and Procedure before the Zoning Commissioner and the Baltimore County Board of Appeals are not in all respects the same but are adopted pursuant to the authority vested in each by law.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: G. Scott Barhight, Esquire

Law Offices
Michael P. Tanczyn, P.A.
118 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

July 31, 1985

Honorable William T. Hackett
Chairman, County Board of Appeals
Room 200, Court House
Towson, MD 21204

Re: Case No. 85-256-XA
Petitioner: Fitness Unlimited Inc.

Dear Mr. Hackett:

In light of Mr. Barhight's letter of July 30, 1985, enclosed you will find copy of my response letter.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosure

Arnold Jablon, Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
Towson, MD 21204

Re: Case No. 85-256-XA
Seminary Limited Partnership, Petitioner

Dear Mr. Jablon:

Thank you for yours of July 12, 1985, which I have reviewed on return from military training today. I checked with my client who did in fact receive the amended Order, dated April 10, 1985, although that had not been forwarded to me, so that you are indeed correct and an error was made for which I apologize.

The allegations as made in the affidavit, however, as to Mr. Wilson and Mr. Buck being the only persons allowed to make questions on behalf of all the numerous protestants who were present was correct.

Very truly yours,

Michael P. Tanczyn

MPT/ed



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
August 7, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-77

CASE NO. 85-256-XA SEMINARY LIMITED PARTNERSHIP
(Fitness Unlimited, Inc.)
For SE-Community Building in a BL-CNS zone
for a Health Club/Fitness Center
SE corner Seminary Ave. and York Road
9th District
3/27/85 - Z.C. GRANTED with restrictions
4/10/85 - Amended Order modifying Restr. #1

ASSIGNED FOR: WEDNESDAY, OCTOBER 9, 1985 at 10 a.m.

cc: G. Scott Barhight, Esquire	Counsel for Petitioner
Seminary Ltd. Partnership	Property Owner
Fitness Unlimited, Inc.	Lessee/Petitioner
Michael P. Tanczyn, Esquire	Counsel for Protestant-Appellant
Glenn L. Wilson, President	Protestant-Appellant
Dulaney Valley Imp. Assn.	
Jasper M. Buck	Protestant
Phyllis Cole Friedman	People's Counsel
Thomas J. Bollinger, Esquire	Asst. County Attorney
Norman E. Gerber	
James G. Hoswell	
Arnold Jablon	
Jean M. H. Jung	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary

RE: PETITIONS FOR SPECIAL
EXCEPTION AND ZONING VARIANCE
SOUTHEAST CORNER OF SEMINARY
AVENUE AND YORK ROAD
9TH ELECTION DISTRICT
FITNESS UNLIMITED, INC.
Petitioner.

BEFORE THE COUNTY
BOARD OF APPEALS FOR
BALTIMORE COUNTY
Case NO. 85-256-XA

SUBPOENA

TO: MICHAEL FLANAGAN
Baltimore County Dept. of Traffic Engineering
County Courts Building
401 Bosley Avenue
Towson, MD 21204

YOU ARE HEREBY COMMANDED to personally appear and produce documents or objects at Baltimore County Board of Appeals Wednesday, October 9, 1985 at 10:00 a.m.

YOU ARE COMMANDED to produce the following documents or objects: The Baltimore County file on this project and the traffic studies for the major arteries and intersections, including, but not limited to, York and Seminary, York and Greenridge, Dulany Valley and Seminary, Seminary and Charnmouth.

This Subpoena is requested by the Protestants and any questions should be referred to Michael P. Tanczyn, Esq., 118 West Pennsylvania Avenue, Towson, Maryland 21204, (301) 296-8823.

SUMMONED 10
NOT SERVED 13/5 19 85
REASON NOT SERVED CA AT
OFFICE
JUL 31 11 13 C

Mr. Sheriff:

Please issue the above summons.

June Holmer, Board of Appeals

JUN 18 1985

The signatures here are allowing Edward J. Bielski and Jasper M. Buck of Diversified Planning Services, Ltd. and the Voice of Video to speak on their behalf in regard to the above.

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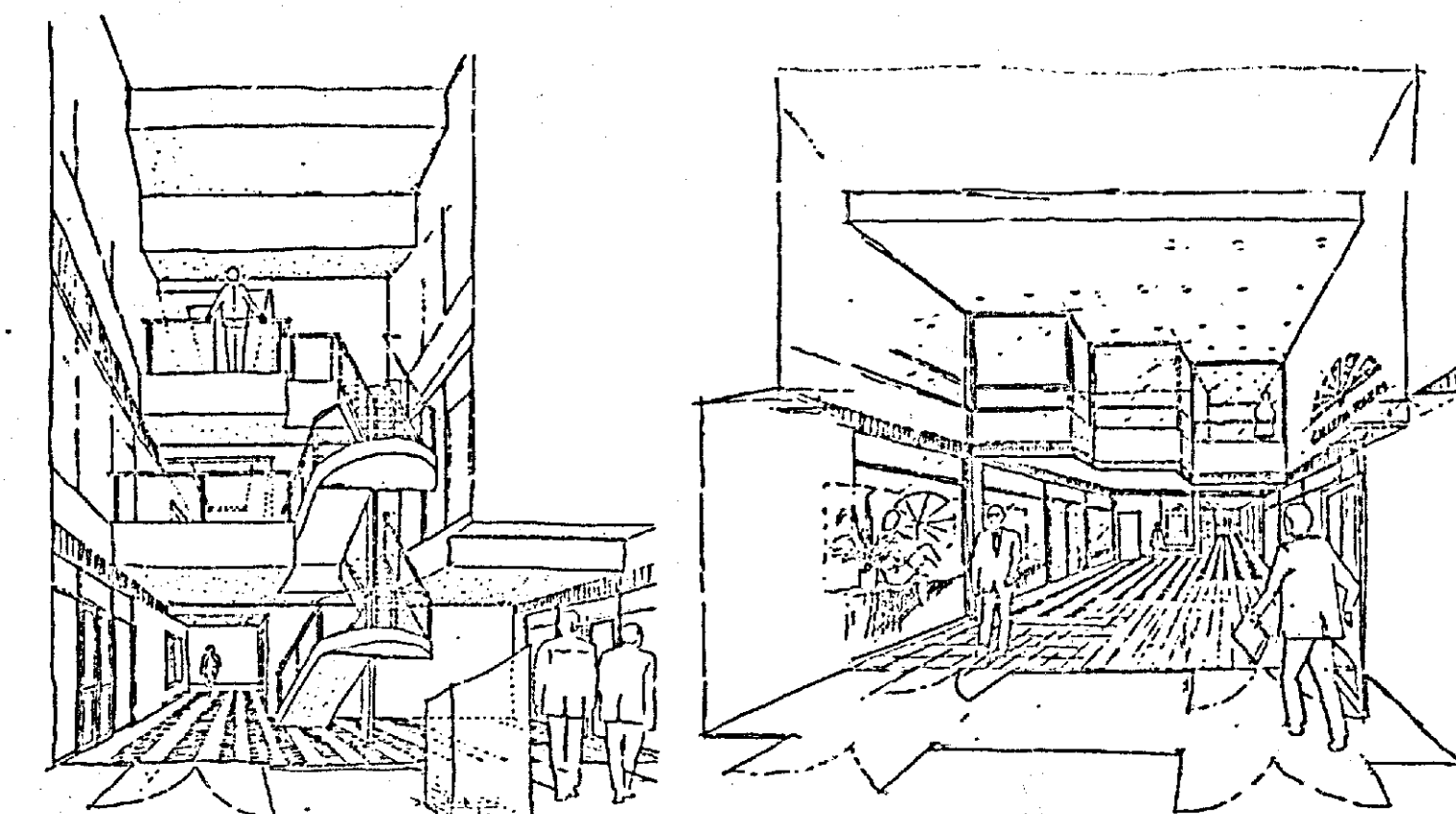


**Dulaney
Valley
Improvement
Association**

p.o. box 102
lutherville, md, 21093

AFFIDAVIT

Barbara Ann Ellis, Recording Secretary

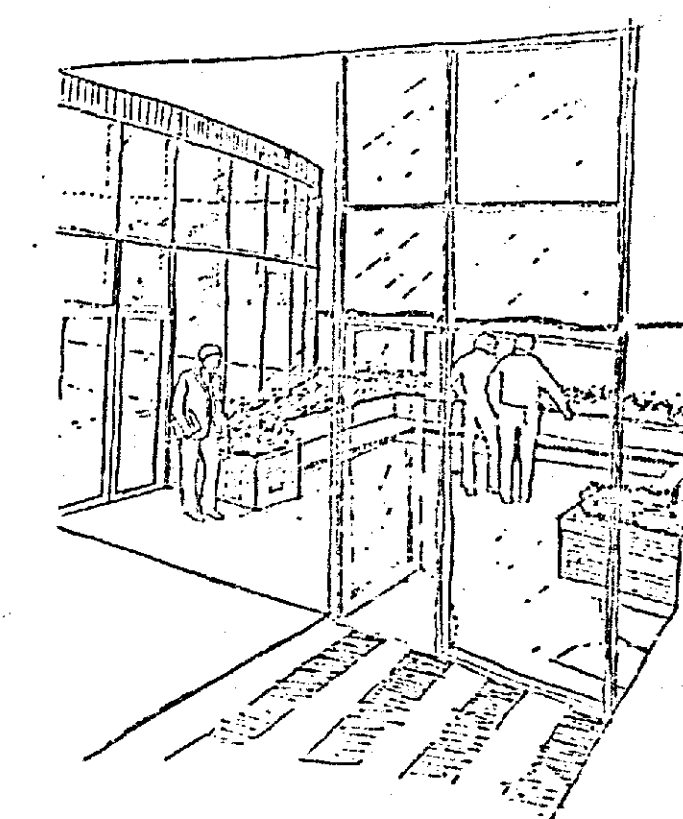


GALLERIA
AT 100 AND 1000


Width of aluminum space $1\frac{1}{2}$ in

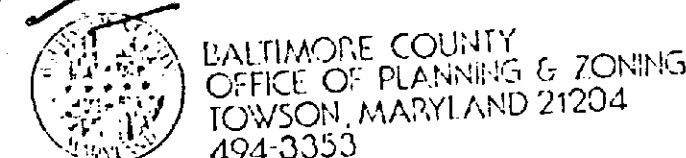
GALLERIA
AT YUCCA AND SINGAPORE


Kind of abrain space 3rd fl



GALLERIA
57 YEARS AND STILL MOVING

view of outdoor space at Fonthill Lodge



WILLIAM E. HAMMOND
ZONING COMMISSIONER

Mr. Melvin L. Herzberger
President, Hill Management, Inc.
10 Parks Avenue
Cockeysville, Maryland 21030

June 15, 1983

RE: Passenger Vehicle Parking
S/S of Seminary Avenue and
E/S of York Road -
9th Election District

Dear Mr. Herzberger:

Reference is made to your letter of May 26, 1983 requesting verification that the parking use permit for the above property, issued by the then Zoning Commissioner, Wilsie H. Adams on December 19, 1955, is still valid.

still valid.

Please be advised that the use permit, as granted in 1955, is still valid including the restrictions contained therein which are as follows:

1. Only passenger vehicles shall be permitted to use such parking area.
2. No service of any kind shall be extended to persons occupying vehicles in said parking space, nor shall any such space be used for automobile service or repair.
3. Any lighting installation shall be so arranged as to reflect the light away from the adjoining residential property and also the property on the opposite side of Seminary Avenue.
4. There shall be compact planting to screen the residential property on the opposite side of Seminary Avenue. Such planting shall be done at the time this property shall be used for parking and planting shall be required only for those portions of this property which shall be actually used for the parking of vehicles. Those portions which must be approved for entrances and exits by the Planning Board shall not have to be screened under this provision.

PETITIONER'S
EXHIBIT 3

GAY-CORP.
JEN
Sen. Conn File

Mr. Melvin L. Herzberger
Page 2
June 15, 1983

If you have any questions concerning the above, please do not hesitate to contact this office.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Mr. William E. Hammond
Zoning Commissioner

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner

KIDDE CONSULTANTS, INC.

JOHN W. ERDMAN

EDUCATION

BES - Civil Engineering - 1959
Johns Hopkins University
Traffic Engineering Short Courses - 1964
Northwestern University
Professional Program in Urban Transportation - 1971
Carnegie-Mellon University

REGISTRATION
PROFESSIONAL
AFFILIATIONS

Professional Engineer - MD - 1966

Institute of Transportation Engineers
National Society of Professional Engineers
American Society of Civil Engineers
Maryland Society of Professional Engineers

EXPERIENCE

Mr. Erdman has responsibility for all Transportation Planning and Traffic Engineering Services. He has testified as an expert witness over 100 times before the Zoning Authorities or Appeals Boards in Baltimore, Harford and Howard Counties. His expert testimony has often been reviewed by the Circuit Court.

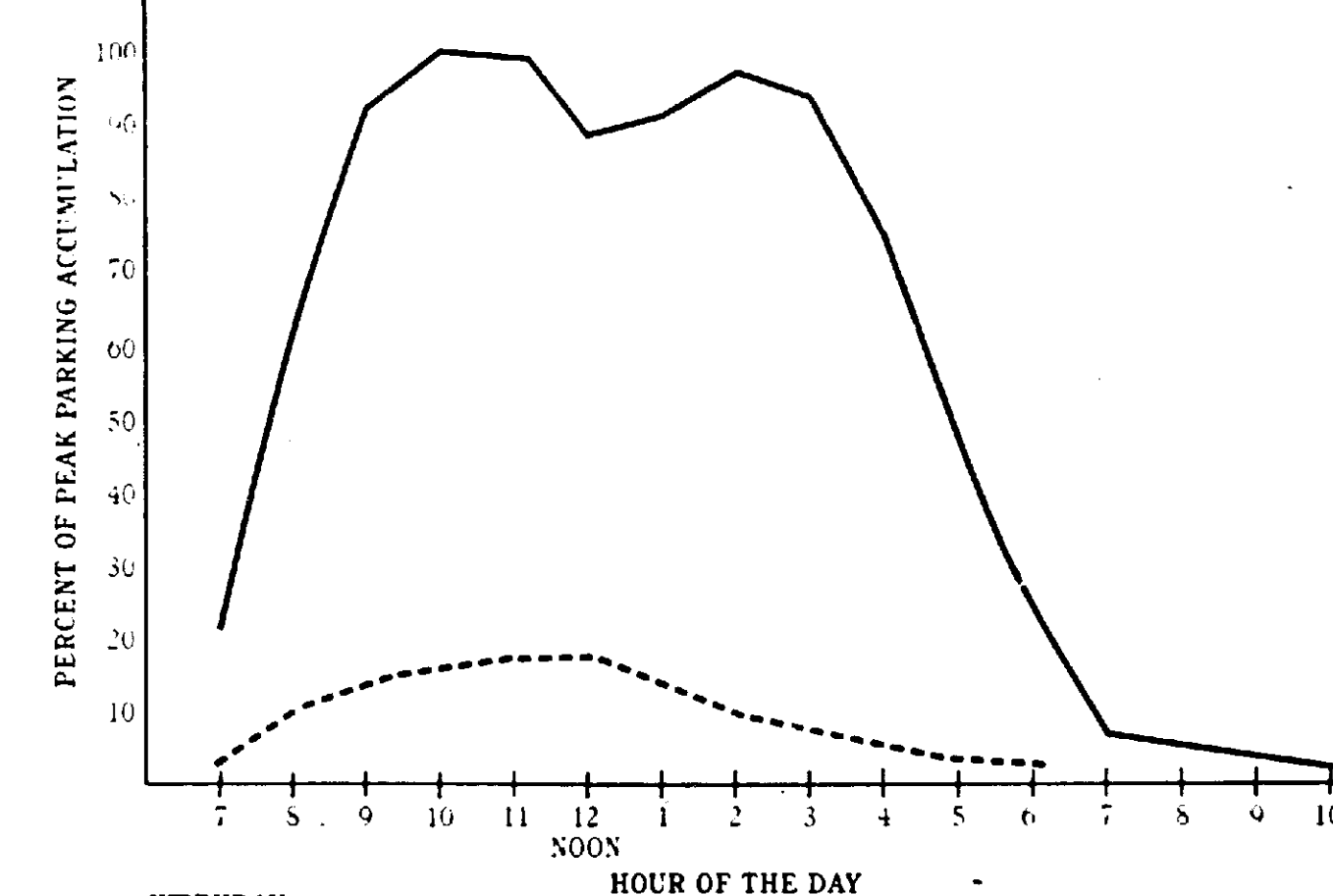
For 11 years, Mr. Erdman served with the Department of Transit and Traffic, City of Baltimore as an Assistant Commissioner. He was responsible for transportation planning within the City of Baltimore.

Prior to 1968 Mr. Erdman was employed by Edwards and Kelcey, Consulting Engineers as a Project Engineer. He undertook assignments in the Minneapolis office and Newark headquarters office.

Prior to his employment by Edwards and Kelcey, Mr. Erdman was employed by Baltimore County. He served on the Baltimore County Zoning Advisory Board in 1961. He also served on the technical staff of the Baltimore

He also served on the technical staff of the Baltimore Metropolitan Area Transportation Study.

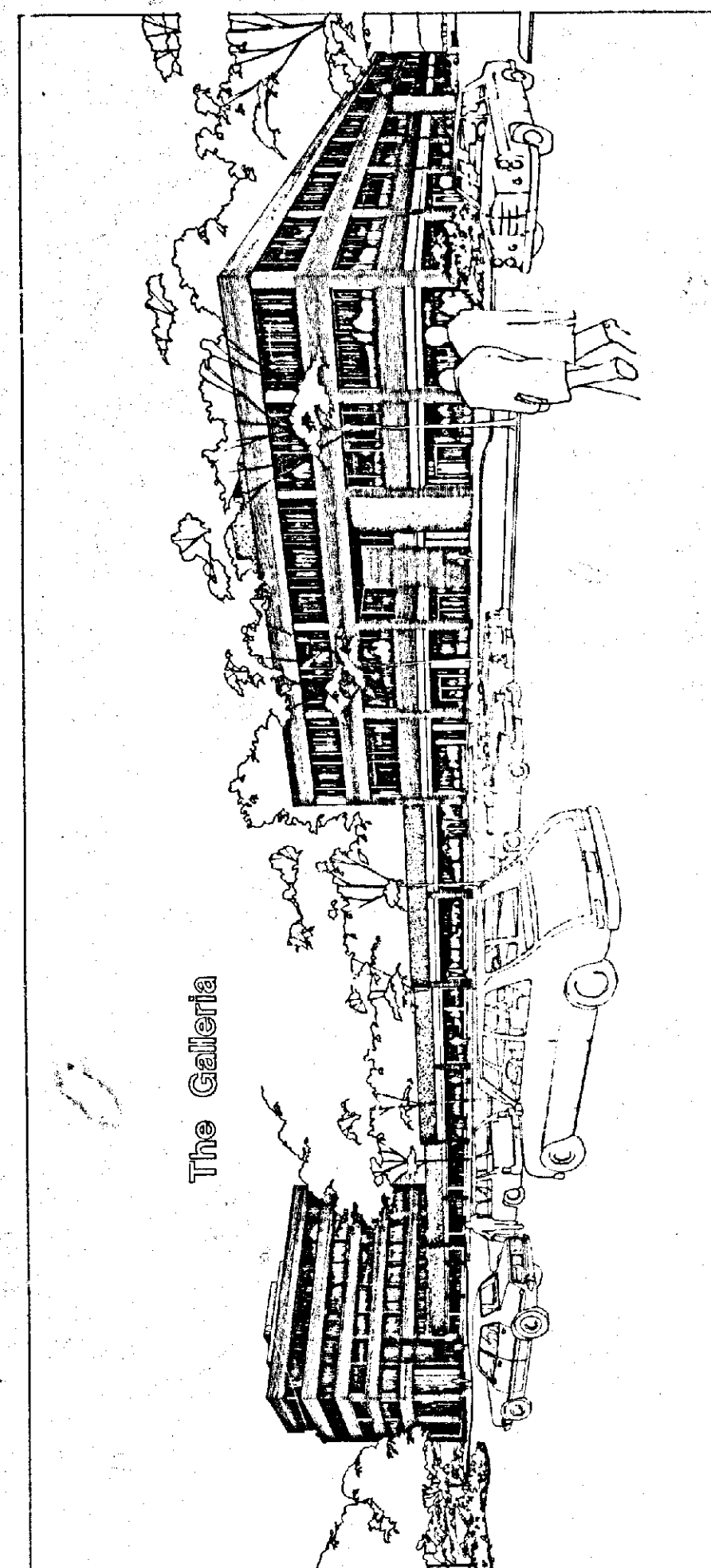
EXHIBIT 6
OFFICE PARKING ACCUMULATION



— WEEKDAY
--- SATURDAY

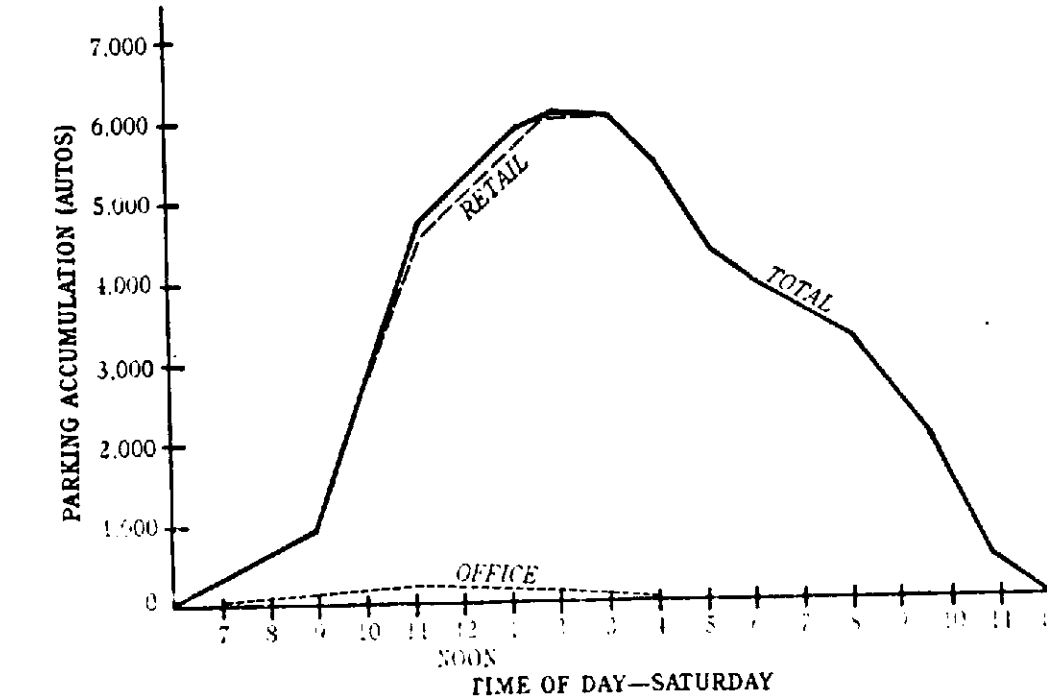
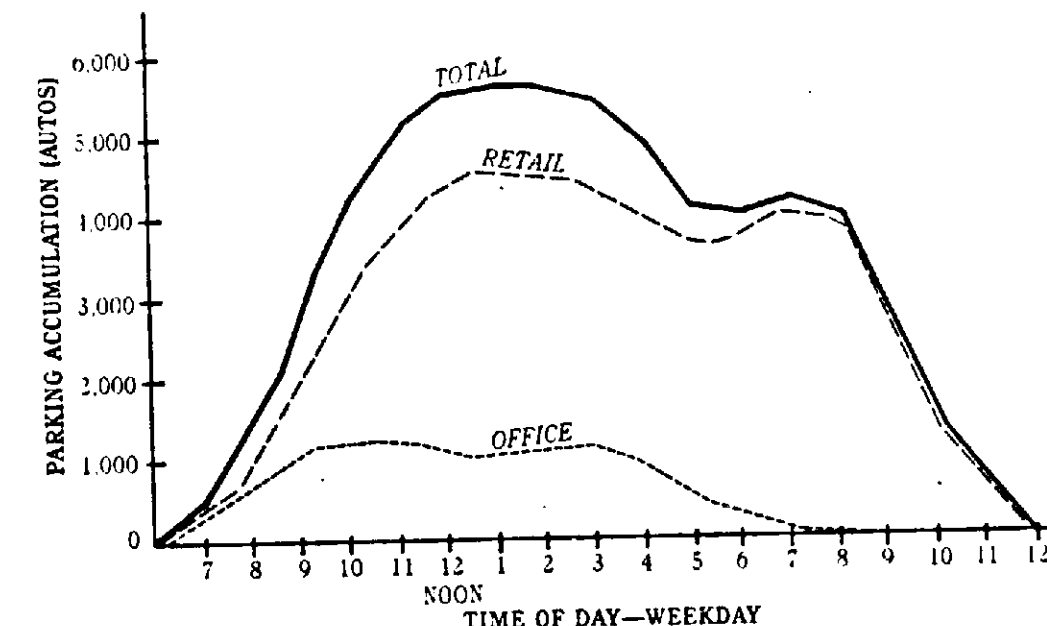
**PETITIONER'S
EXHIBIT 5**

JUN 18 1966

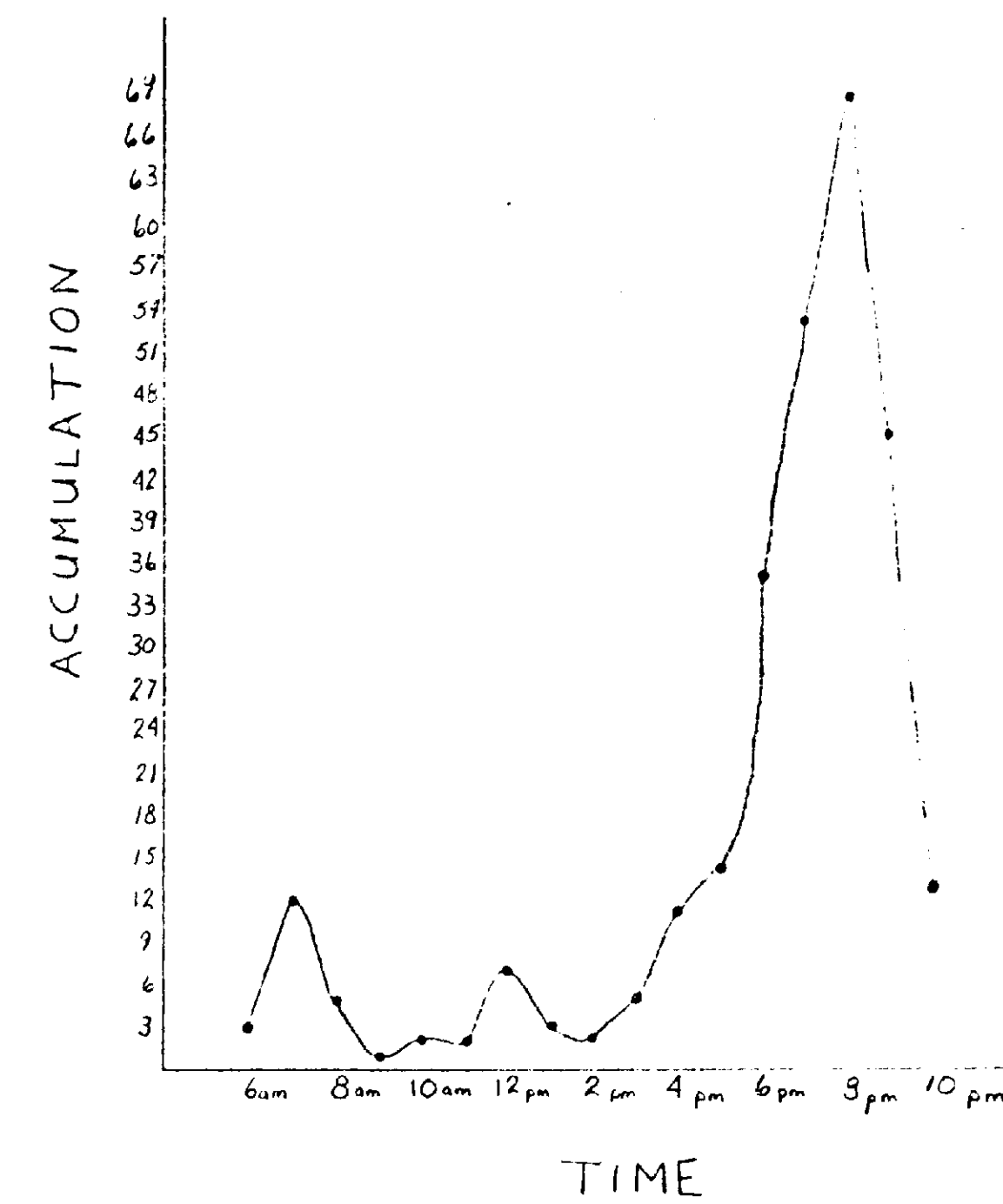


PETITIONER'S EXHIBIT

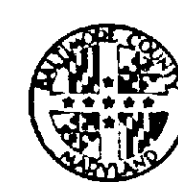
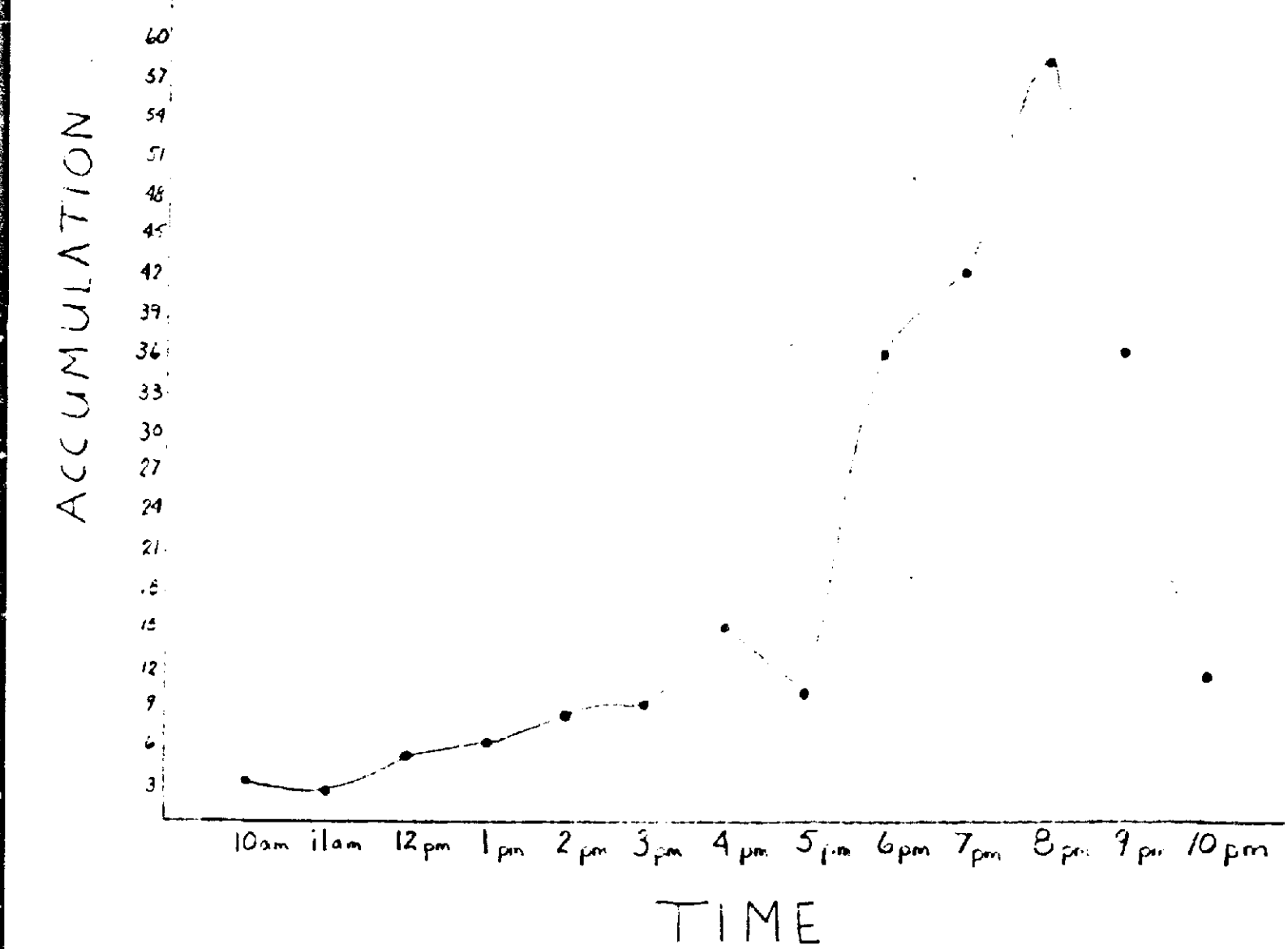
EXHIBIT 19 OFFICE/RETAIL PARKING ACCUMULATIONS (Office—100,000 sq. ft.; retail—1,200,000 sq. ft.)



PADONIA FITNESS CENTER



HOLIDAY SPA



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 10, 1985

Michael P. Tanczyn, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Re: Case No. 85-256-XA
Seminary Limited Partnership

Dear Mr. Tanczyn:

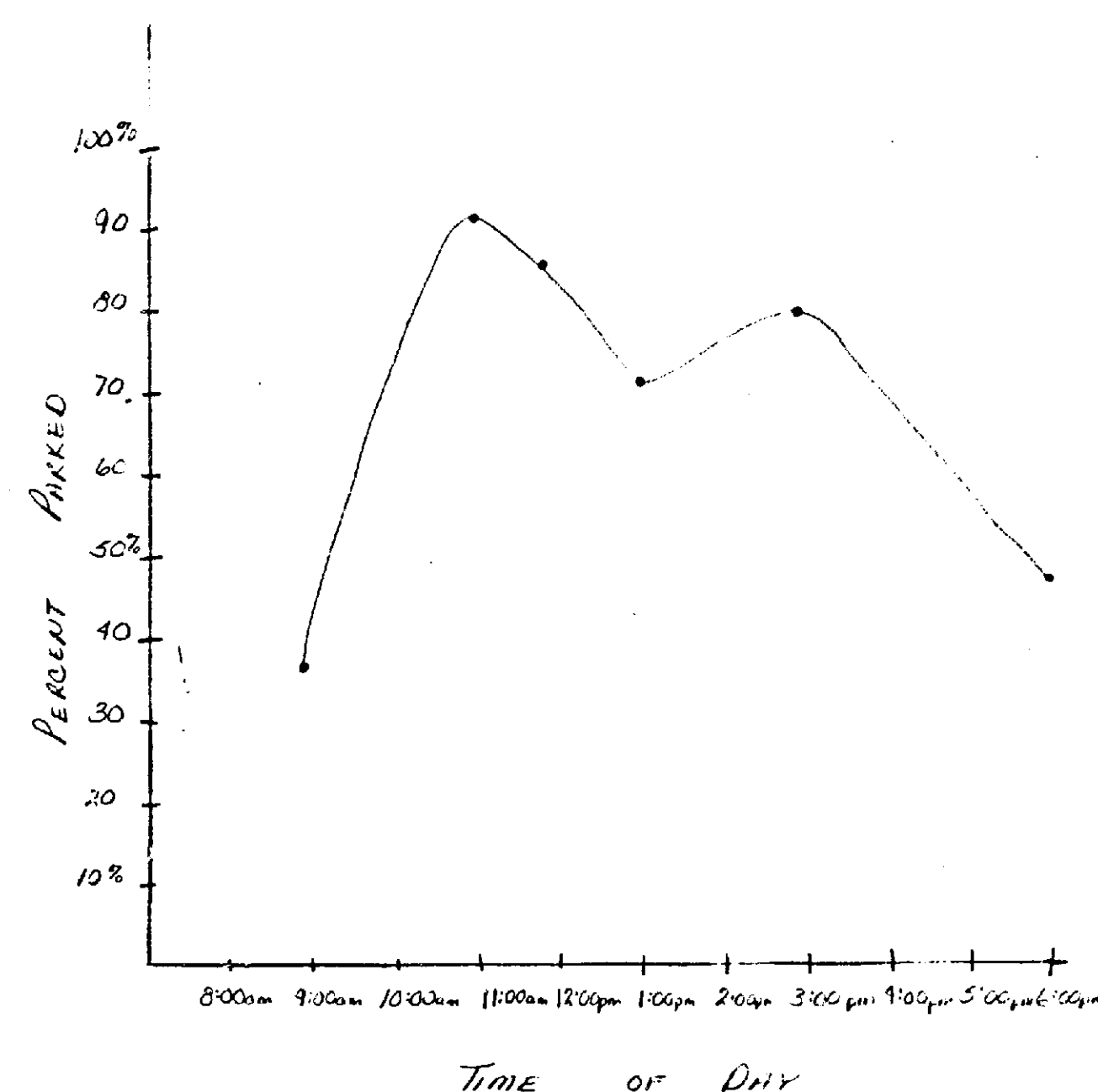
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Glenn L. Wilson
G. Scott Barhight, Esquire
Jasper M. Buck
Thomas J. Bollinger, Esq.
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Seminary Ltd. Partnership
Fitness Unlimited, Inc.



IN THE MATTER OF : BEFORE
MOTION FOR DISMISSAL : COUNTY BOARD OF APPEALS
OF APPEAL :
OF :
SEMINARY LIMITED PARTNERSHIP : OF
(FITNESS UNLIMITED, INC.) : BALTIMORE COUNTY
SE CORNER SEMINARY AVENUE : NO. 85-256-XA
AND YORK ROAD :
9th DISTRICT :

OPINION

This matter comes before the Board of Appeals on a Motion for Dismissal of Protestants appeal filed with the Board on the 4th day of June, 1985. Answer to this Motion for Dismissal was filed with this office on the 9th day of July, 1985. A hearing to allow arguments on this matter was held by the Board on August 6, 1985.

Petitioner's Motion for Dismissal notes particularly that the appeal was filed in the name of Dulany Valley Improvement Association and signed by its President, Glenn L. Wilson. It is Petitioner's contention that a civic association, a community association or an improvement association does not have standing to appeal a zoning decision unless it is either a taxpayer or an aggrieved party. The Petitioner further contends that the association which is the appellant in this case lacks standing as it has no property interest of its own separate and distinct from its individual members.

Protestants argue that the Dulany Valley Improvement Association is an incorporated entity and that its President appeared and testified at

SEMINARY LIMITED PARTNERSHIP - #85-256-XA

2.

the hearing before the Zoning Commissioner, representing both his personal objections and those of the Association.

In deciding the ruling on this Motion to Dismiss, the Board notes particularly §22.32 of the Baltimore County Code entitled "Appeals to county board of appeals" which states "Any person or persons, jointly or severally, or any taxpayer or any official, office, department, board or bureau of the county, feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the county board of appeals. . . ." Section 1-2 of the Baltimore County Code defines "Person" and states "The word 'person' means any individual, partnership, corporation, joint stock association or any city or state or any subdivision thereof; and includes any trustee, receiver, assignee or personal representative thereof." [Emphasis added]

It is the opinion of this Board that the Dulany Valley Improvement Association, being a corporation, should be considered a "person" and, therefore, as stated in §22-32 has standing to take an appeal from the decision of the Zoning Commissioner to the County Board of Appeals of Baltimore County.

In addition thereto and in support thereof, People's Counsel noted Morris v. Howard Research and Development Corporation 278 Md 417 (1976) which states that any active party who was present at the hearing before the Zoning Commissioner, testified and made statements, has documented sufficient partici-

JUN 18 1986

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, that on the day of March, 1985, that the Petition for Special Exception for a community building for a health club/fitness center and, additionally, the Petition for Zoning Variance to permit 600 parking spaces instead of the required 643 spaces be and the same is hereby GRANTED, from and after the date of this Order. Subject, however, to the following restrictions which are conditions precedent to the relief herein granted.

- 4 -

- The Petitioner must comply with the restrictions set forth in Case No. 3410 which allows parking in the D.R.5.5 Zone along Seminary Avenue within 30 days.
- The Petitioner must notify all employees and tenants that there shall be no parking in any illegal area or on the streets and shall vigorously enforce this restriction.
- The Petitioner must bear the cost of all signs needed to prevent parking of vehicles other than those of the residents on the streets adjacent to the property.
- The variance granted herein will be valid for one year from the date of this Order, at which time the Petitioner must present evidence at a public hearing that the variance has not adversely impacted the on-street parking privileges of the residents living adjacent to and surrounding the instant property.

Zoning Commissioner of Baltimore County

Ad/srl

cc: G. Scott Barhight, Esquire
Mr. Glenn L. Wilson
Mr. Jasper M. Buck
People's Counsel

ORDER RECEIVED FOR FILING

DATE March 29, 1985
BY [Signature]
ADMINISTRATIVE ASSISTANT

- 5 -

IN RE: PETITIONER'S SPECIAL EXCEPTION AND ZONING VARIANCE
SE/corner of Seminary Avenue and York Road - 9th Election District
Seminary Limited Partnership, Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-256-XA

AMENDED ORDER

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of April, 1985, that the Order passed in this matter, dated March 27, 1985, be and the same is hereby AMENDED to modify Restriction 1 to read as follows:

The Petitioner must comply within 30 days with the restrictions set forth by the Zoning Commissioner in a letter dated December 19, 1985, in which a Use Permit was granted allowing parking in the D.R.5.5 Zone along Seminary Avenue.

Zoning Commissioner of Baltimore County

Ad/srl

cc: G. Scott Barhight, Esquire
Mr. Glenn L. Wilson
Mr. Jasper M. Buck
People's Counsel

ORDER RECEIVED FOR FILING

DATE April 10, 1985
BY [Signature]
ADMINISTRATIVE ASSISTANT

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
9th Election District

LOCATION: Southeast corner of Seminary Avenue and York Road

DATE AND TIME: Wednesday, March 20, 1985 at 10:15 A.M.

PUBLIC HEARING: Room 105, 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 Exception for a community building in a B.L.-C.N.S. zone, for a health club/fitness center and Variance to permit 600 parking spaces in lieu of the required 643 parking spaces

Being the property of Seminary Limited Partnership, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany
Zoning Petition for a
Parking Variance in an
Existing DL-CNS Zone and
DR 5.5 Zone

November 29, 1984

Beginning for the same at a point identified as (2) as shown on a Plat entitled "Galleria At York And Seminary" dated June 29, 1984 and recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 51 folio 91 said point being located South 68° 30' East 68 feet more or less from the centerline intersection of York Road and Seminary Avenue, running thence and binding along the outline of parcels 'A' and 'B' as shown on said plat to the place of beginning.

Containing 8.42 acres more or less.

Being all of parcels 'A' and 'B' as shown on a plat entitled "Galleria At York And Seminary" dated June 29, 1984 and recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 51, folio 91.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY.



Office Copy

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany
Zoning Petition for Special
Exception for a Community
Building in a DL-CNS Zone

November 29, 1983

Beginning for the same at a point on the face of a building, at the centerline of a party wall, said point being located South 58° 30' East 412 feet more or less from the centerline intersection of York Road and Seminary Avenue and running thence and binding along the outside face of said building wall the five following courses viz:

- North 68° 08' 00" East 175 feet
- South 21° 22' 00" East 80 feet
- South 68° 08' 00" West 95 feet
- South 21° 52' 00" East 10 feet
- South 68° 08' 00" West 80 feet to the center of a party wall, thence binding along the centerline of said party wall
- North 21° 52' 00" West 90 feet to the place of beginning.

Containing 0.34 acres more or less.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY



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

ARNOLD JABLON
ZONING COMMISSIONER

March 13, 1985

G. Scott Barhight, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
SE/corner Seminary Ave. & York Road
Seminary Limited Partnership - Petitioner
Case No. 85-256-XA

Dear Mr. Barhight:

This is to advise you that \$67.56 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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

Sincerely,

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

No. 004950

ARNOLD JABLON
Zoning Commissioner

DATE _____ ACCOUNT _____

AMOUNT \$ _____

RECEIVED FROM _____

FOR _____

VALIDATION OR SIGNATURE OF CASHIER _____

February 21, 1985

G. Scott Barhight, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Exception and Variance
SE/corner Seminary Avenue and York Road
Seminary Limited Partnership - Petitioner
Case No. 85-256-XA

TIME: 10:15 A.M.

DATE: Wednesday, March 20, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner of Baltimore County

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

No. 003156

DATE _____ ACCOUNT _____

AMOUNT \$ _____

RECEIVED FROM _____

FOR _____

VALIDATION OR SIGNATURE OF CASHIER _____

JUN 18 1985

**PETITION FOR SPECIAL
EXCEPTION AND VARIANCE
9th Election District**

LOCATION: Southeast corner
of Seminary Avenue and
York Road

DATE AND TIME: Wednes-
day, March 20, 1985 at 10:15
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 Regu-
lations of Baltimore County,
will hold a public hearing:

Petition for Special Excep-
tion for a community building
in a B.L.-C.N.S. zone, for a
health club/fitness center and
variance to permit 600 parking
spaces in lieu of the required
643 parking spaces.

Being the property of Semi-
nary Limited Partnership, as
shown on plat plan filed with
the Zoning Office.

In the event that these Peti-
tions are granted, a building
permit may be issued within
the thirty (30) day appeal pe-
riod. The Zoning Commissioner
will, however, entertain any
request for a stay of the issu-
ance of said permit during this
period for good cause shown.
Such request must be received
in writing by the date of the
hearing set above or made at
the hearing.

By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Feb. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 28 1985

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
February 28, 1985.

THE JEFFERSONIAN,

W. Venetian

Publisher

\$20.00

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-256-XA

District: 9TH Date of Posting: 5/31/85

Posted for: Appeal

Petitioner: Seminary Ltd. Partnership

Location of property: SE/cor Seminary Ave & York Rd

Location of Signs: (1) at ent./exit of York Rd, approx 10' from roadway

(2) at lat ent./exit of Seminary Ave. on York Rd, approx 10' from roadway

Remarks:

Posted by: *W. Venetian* Date of return: 5/24/85

Number of Signs: 2

CATE OF PUBLICATION

**PETITION FOR SPECIAL
EXCEPTION AND VARIANCE
9th Election District**

LOCATION: Southeast corner of Seminary
Avenue and York Road

DATE AND TIME: Wednesday, March 20, 1985
at 10:15 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 Exception for a community
building in a B.L.-C.N.S. zone, for a health
club/fitness center and Variance to permit 600
parking spaces in lieu of the required 643 parking
spaces.

Being the property of Seminary Limited Part-
nership, as shown on plat plan filed with the Zoning
Office.

In the event that these Petitions are granted, a
building permit may be issued within the thirty
(30) day appeal period. The Zoning Commis-
sioner will, however, entertain any request for a
stay of the issuance of said permit during this
period for good cause shown. Such request must
be received in writing by the date of the hearing
set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

63055-1.70354 2/27

Towson, Md. 4/3 1985

THIS IS TO CERTIFY, that the annexed advertisement
was published in the TOWSON TIMES, a weekly news-
paper distributed in Towson, Baltimore County, Md.,
once a week for 1 consecutive weeks, the
first publication appearing on the 27th day of
7th 1985

The TOWSON TIMES

Cost of Advertisement: \$27.50

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-256-XA

District: 9TH Date of Posting: 3/1/85

Posted for: Special Exception & Variance

Petitioner: Seminary Limited Partnership

Location of property: SE/cor of Seminary Ave & York Rd

Location of Signs: (1) facing Seminary, at Entrance, approx 6' from roadway

(2) Facing York Rd, at Entrance, approx 10' from roadway

Remarks: Showing location on property of Petitioner

Posted by: *W. Venetian* Date of return: 3/8/85

Number of Signs: 4

#85-256-XA

9th Election

SE/corner Seminary Ave. and York Rd.

SEMINARY LTD. PARTNERSHIP

2 SIGNS

PI E'S SEMINARY AVENUE
& YORK ROAD

ST. RT. 45

YORK ROAD

SEMINARY AVENUE

PARKING SPACE DETAIL
(NO SCALE)

(A)

(B)

(C)

BALTA CO. STD E-21
T' COMB. CURE AND
GUTTER, THUS:

BALTA CO. STD E-21
T' COMB. REVERSE
SLOPE CURE AND
GUTTER, THUS:

6" HIGH COMB RE-
VERSE SLOPE CURE
AND GUTTER, THUS:
6" HIGH CURE

SAME AS (B) EXCEPT
AS NOTED

LOCATION MAP SCALE 1"=50'

REACH MARSH - 1000' ELEV 4400'
RAILROAD SPUR IN MAGADAM NORTH SIDE ON
HARRIS AVENUE WEST OF YORK ROAD

LEGEND

EXISTING CONTAINERS	---
PROPOSED CONTAINERS	---
EX. STORM DRAIN	---
EX. SEWER	---
EX. WATER	---
PROP. STORM DRAIN	---
PROP. SEWER	---
PROP. WATER	---
PROP. RETAINING WALL	---
PROP. CURE AND GUTTER	---
PROP. REVERSE SLOPE	---
CURE AND GUTTER	---
PROPOSED PAVING	---
PROPOSED CONCRETE	---
RESURFACING/REPAVING	---
EXISTING WOODS	---

RESTRICTIONS

- The Petitioner must comply with the restrictions set forth in Case No. 3410 which allows parking in the D.B.S.S. zone along Seminary Avenue within 30 days.
- The Petitioner must notify all employees and tenants that there shall be no parking in any illegal area or on the streets and shall vigorously enforce this restriction.
- The Petitioner must bear the cost of all signs needed to prevent parking of vehicles other than those of the residents on the streets adjacent to the property.
- The variance granted herein will be valid for one year from the date of this Order, at which time the Petitioner must present evidence at a public hearing that the variance has not adversely impacted the on-street parking privileges of the residents living adjacent to and surrounding the instant property.

GENERAL NOTES

- 1) WATER AND SEWER EXIST
- 2) EXISTING ZONING - BUCNG, DR5.9
- 3) EXISTING USE - SHOPPING/OFFICE COMPLEX
- 4) TOTAL AREA OF SITE = 0.42 AC.±
- 5) AREA OF SPECIAL EXCEPTION = 0.34 AC.± / VARIANCE = 0.08 AC.±
- 6) PROP. SPECIAL EXCEPTION FOR COMMUNITY BUILDING; OR MORE SPECIALLY, A HEALTH CLUB
- 7) REFERENCE IS DIRECTED TO ZONING CASE #3410 WHICH ALLOWS PASSENGER VEHICLE PARKING IN THE LIR ZONED PORTION OF THE PROPERTY, AND ZONING CASE #4093-XA WHICH PERMITTED A DRY CLEANING PLANT ON-SITE.
- 8) SEE PLAT ENTITLED "GALLERIA AT YORK AND SEMINARY DATED JUNE 29, 1984 AND RECORDED AMONG THE PLAT RECORDS OF BALTA CO. IN PLAT BOOK ENJR NO 51, PAGE 001
- 9) HEALTH CLUB IS TO BE LOCATED IN THE BASEMENT OF THE EXISTING STRIP STORES.

SPECIAL EXCEPTION HAS BEEN GRANTED TO PERMIT A COMMUNITY BUILDING IN A BUCNG ZONE (BUCNG 230.13) AND A VARIANCE HAS BEEN GRANTED TO PERMIT 600 PARKING SPACES IN LIEU OF THE REQUIRED 643 PARKING SPACES (BUCNG 4093)

APPROVED
OFFICE OF PLANNING & ZONING

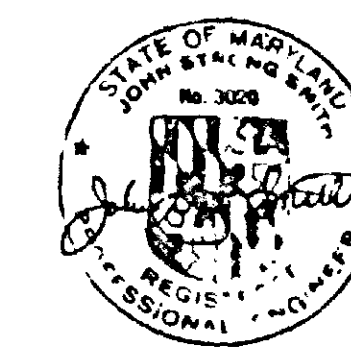
BY: *[Signature]*

DATE: *5/18/85*

BY: *[Signature]*

DATE: *5/18/85*

DATE: *8-5-85-XA*



SITE PLAN
FOR

"GALLERIA HEALTH CLUB"
YORK AT SEMINARY

BALTIMORE CO., MD
SCALE: 1"=30'
ELECTION DISTRICT NO. 9

MICROFILMED

ENGINEER:
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES INCORPORATED
303 ALLEGHENY AVENUE
TOWSON, MARYLAND
301-825-8120

ADDRESS	FLOOR	USE	STAGES
#121 REED	1ST	OFFICE 1/1000	22.7
	2ND	RETAIL 1/1000	22.9
	3RD	OFFICE 1/1000	22.0
	4TH	OFFICE 1/1000	22.0
	5TH	OFFICE 1/1000	22.0
	6TH	OFFICE 1/1000	22.0
	7TH	OFFICE 1/1000	22.0
	8TH	OFFICE 1/1000	22.0
	9TH	OFFICE 1/1000	22.0
	10TH	OFFICE 1/1000	22.0
	11TH	OFFICE 1/1000	22.0
	12TH	OFFICE 1/1000	22.0
	13TH	OFFICE 1/1000	22.0
	14TH	OFFICE 1/1000	22.0
	15TH	OFFICE 1/1000	22.0
	16TH	OFFICE 1/1000	22.0
	17TH	OFFICE 1/1000	22.0
	18TH	OFFICE 1/1000	22.0
	19TH	OFFICE 1/1000	22.0
	20TH	OFFICE 1/1000	22.0
	21TH	OFFICE 1/1000	22.0
	22TH	OFFICE 1/1000	22.0
	23TH	OFFICE 1/1000	22.0
	24TH	OFFICE 1/1000	22.0
	25TH	OFFICE 1/1000	22.0
	26TH	OFFICE 1/1000	22.0
	27TH	OFFICE 1/1000	22.0
	28TH	OFFICE 1/1000	22.0
	29TH	OFFICE 1/1000	22.0
	30TH	OFFICE 1/1000	22.0
	31TH	OFFICE 1/1000	22.0
	32TH	OFFICE 1/1000	22.0
	33TH	OFFICE 1/1000	22.0
	34TH	OFFICE 1/1000	22.0
	35TH	OFFICE 1/1000	22.0
	36TH	OFFICE 1/1000	22.0
	37TH	OFFICE 1/1000	22.0
	38TH	OFFICE 1/1000	22.0
	39TH	OFFICE 1/1000	22.0
	40TH	OFFICE 1/1000	22.0
	41TH	OFFICE 1/1000	22.0
	42TH	OFFICE 1/1000	22.0
	43TH	OFFICE 1/1000	22.0
	44TH	OFFICE 1/1000	22.0
	45TH	OFFICE 1/1000	22.0
	46TH	OFFICE 1/1000	22.0
	47TH	OFFICE 1/1000	22.0
	48TH	OFFICE 1/1000	22.0
	49TH	OFFICE 1/1000	22.0
	50TH	OFFICE 1/1000	22.0
	51TH	OFFICE 1/1000	22.0
	52TH	OFFICE 1/1000	22.0
	53TH	OFFICE 1/1000	22.0
	54TH	OFFICE 1/1000	22.0
	55TH	OFFICE 1/1000	22.0
	56TH	OFFICE 1/1000	22.0
	57TH	OFFICE 1/1000	22.0
	58TH	OFFICE 1/1000	22.0
	59TH	OFFICE 1/1000	22.0
	60TH	OFFICE 1/1000	22.0
	61TH	OFFICE 1/1000	22.0
	62TH	OFFICE 1/1000	22.0
	63TH	OFFICE 1/1000	22.0
	64TH	OFFICE 1/1000	22.0
	65TH	OFFICE 1/1000	22.0
	66TH	OFFICE 1/1000	22.0
	67TH	OFFICE 1/1000	22.0
	68TH	OFFICE 1/1000	22.0
	69TH	OFFICE 1/1000	22.0
	70TH	OFFICE 1/1000	22.0
	71TH	OFFICE 1/1000	22.0
	72TH	OFFICE 1/1000	22.0
	73TH	OFFICE 1/1000	22.0
	74TH	OFFICE 1/1000	22.0
	75TH	OFFICE 1/1000	22.0
	76TH	OFFICE 1/1000	22.0
	77TH	OFFICE 1/1000	22.0
	78TH	OFFICE 1/1000	22.0
	79TH	OFFICE 1/1000	22.0
	80TH	OFFICE 1/1000	22.0
	81TH	OFFICE 1/1000	22.0
	82TH	OFFICE 1/1000	22.0
	83TH	OFFICE 1/1000	22.0
	84TH	OFFICE 1/1000	22.0
	85TH	OFFICE 1/1000	22.0
	86TH	OFFICE 1/1000	22.0
	87TH	OFFICE 1/1000	22.0
	88TH	OFFICE 1/1000	22.0
	89TH	OFFICE 1/1000	22.0
	90TH	OFFICE 1/1000	22.0
	91TH	OFFICE 1/1000	22.0
	92TH	OFFICE 1/1000	22.0
	93TH	OFFICE 1/1000	22.0
	94TH	OFFICE 1/1000	22.0
	95TH	OFFICE 1/1000	22.0
	96TH	OFFICE 1/1000	22.0
	97TH	OFFICE 1/1000	22.0
	98TH	OFFICE 1/1000	22.0
	99TH	OFFICE 1/1000	22.0
	100TH	OFFICE 1/1000	22.0

TOTAL REQUIRED OVERALL = 643 SP
TOTAL PARKING SHOWN = 600 SP

HANDICAP PARKING PROVIDED: 11 SPACES
PARKING SPACES 8'5" X 10', 9' X 23', AND 12' X 10' (HDC)

* VARIANCE HAS BEEN GRANTED TO PERMIT A TOTAL OF 600 SPACES
IN LIEU OF THE REQUIRED 643 SPACES; SEE ZONING CASE 85-250-XA

PI & S SEMINARY AVENUE
& YORK ROAD

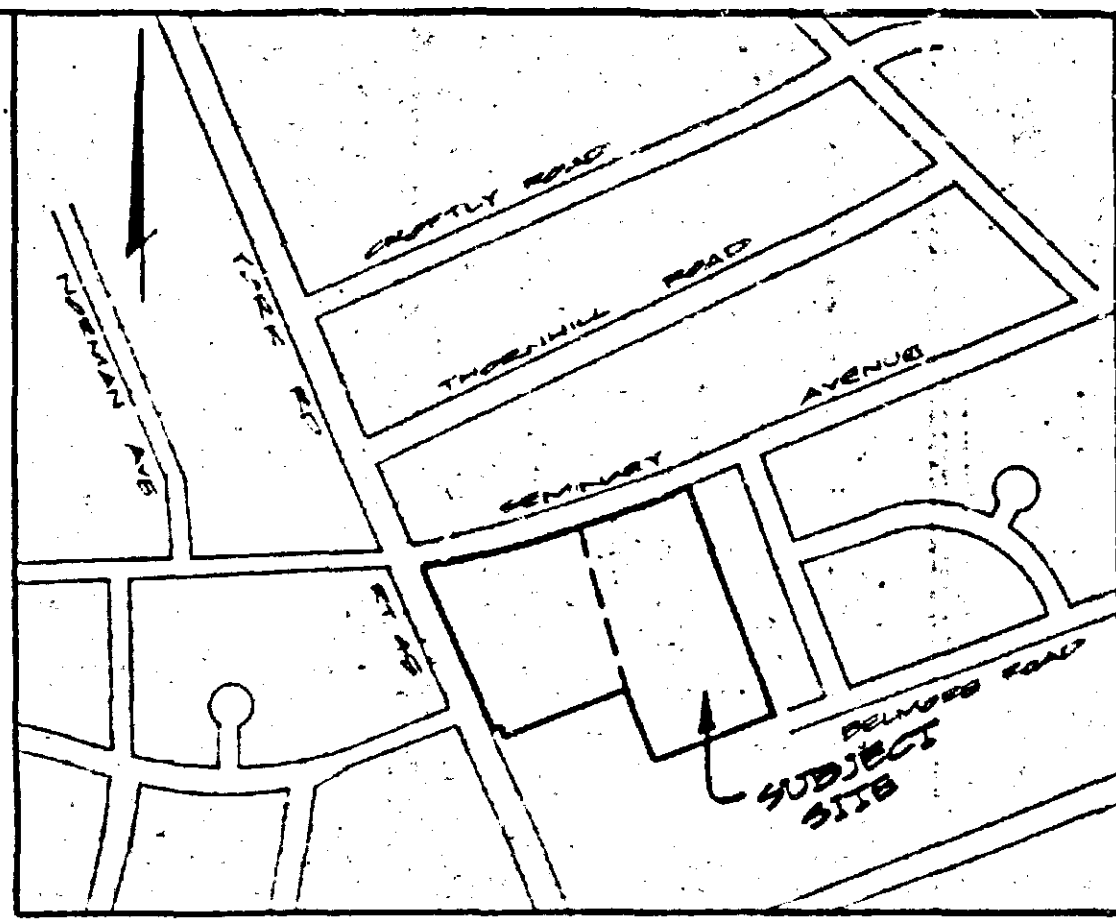
ST. RT. 45

YORK ROAD

SEMINARY AVENUE

PARKING SPACE DETAIL
(NO SCALE)

TENBURY ROAD



LOCATION MAP

PERM. MARK & ROAD ELEV. 44.50
RAILROAD SPIKE IN MARIETTA NORTH SIDE OF
SEMINARY AVENUE WEST OF YORK ROAD

LEGEND

- EXISTING CONTAINS
- PROPOSED CONTAINS
- EX. STORM DRAIN
- EX. SEWER
- EX. WATER
- PROP. STORM DRAIN
- PROP. SEWER
- PROP. WATER
- PROP. RETAINING WALL
- PROP. CURB AND GUTTER
- PROP. REVERSE SLOPE
- PROP. CURB AND GUTTER
- PROPOSED PAVING
- PROPOSED CONCRETE
- RESURFACING/REPAVING
- EXISTING WOODS

GENERAL NOTES

- 1) WATER AND SEWER EXIST
- 2) EXISTING ZONING - BL-CNS, DR-5
- 3) EXISTING USE - SHOPPING/COMPLEX
- 4) TOTAL AREA OF SITE - 0.842 AC
- 5) AREA OF SPECIAL EXCEPTION - 0.842 AC / VARIANCE - 0.842 AC
- 6) PROP. SPECIAL EXCEPTION FOR COMMUNITY BUILDING; OR
NOR SPECIFICALLY, A HEALTH CLUB
- 7) REFERENCE IS DIRECTED TO ZONING CASE #3410 WHICH
ALLOWS PASSENGER VEHICLE PARKING IN THE DE ZONED
PORTION OF THE PROPERTY, AND ZONING CASE #4078-XA
WHICH PERMITTED A DRY CLEANING PLANT ON-SITE.
- 8) SEE PLAT ENTITLED 'GALLERIA AT YORK AND SEMINARY'
DATED JUNE 29, 1984 AND RECORDED AMONG THE PLAT
RECORDS OF BALTO. CO. IN PLAT BOOK EHK JR NO 51, PAGE 91.
- 9) HEALTH CLUB IS TO BE LOCATED IN THE BASEMENT OF
THE EXISTING STRIP STORES.

SPECIAL EXCEPTION IS REQUESTED TO PERMIT A COMMUNITY
BUILDING IN A BL-CNS ZONE (BCCR 230.13) AND A
VARIANCE IS REQUESTED TO PERMIT 600 PARKING SPACES
IN LIEU OF THE REQUIRED 648 PARKING SPACES (BCCR 154)

PETITIONER'S
EXHIBIT

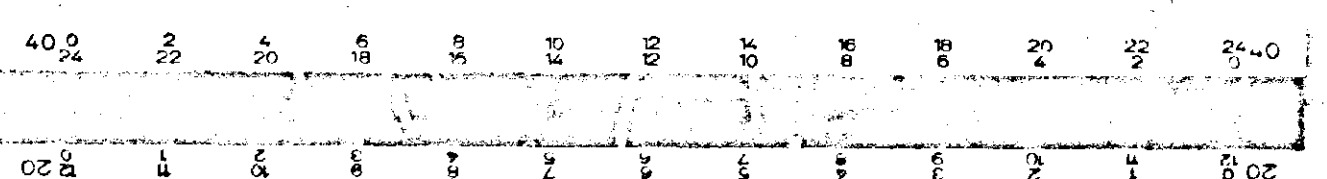
PLAT TO ACCOMPANY ZONING
PETITION FOR SPECIAL EXCEPTION
FOR A COMMUNITY BUILDING IN AN
EXISTING BL-CNS ZONE AND FOR
A PARKING VARIANCE IN AN
EXISTING BL-CNS & DR-5 ZONE
"GALLERIA HEALTH CLUB"
YORK AT SEMINARY

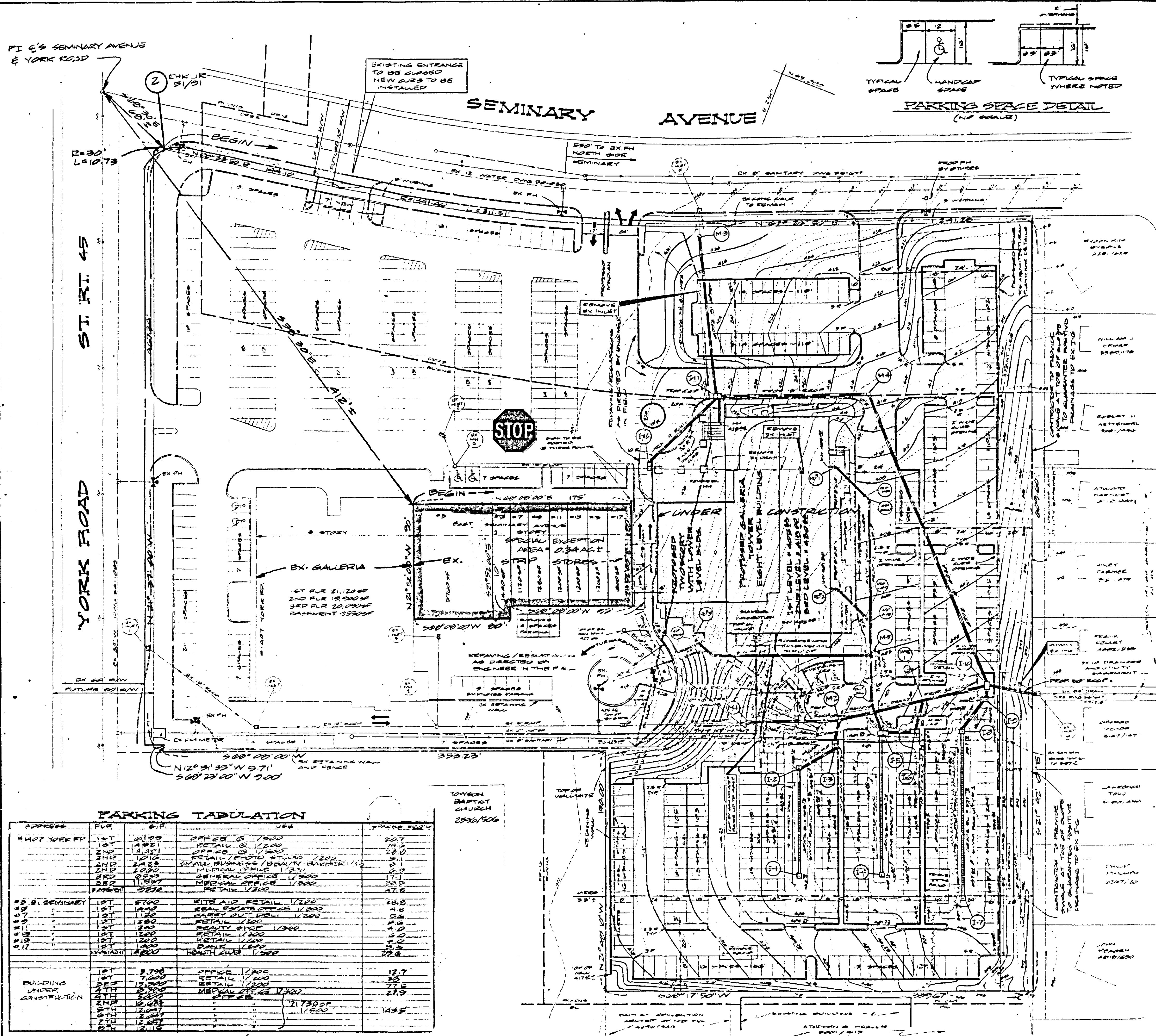
BALTIMORE CO, MD
SCALE: 1"=40'
ELECTION DISTRICT NO. 9

ENGINEER:
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES INCORPORATED
303 ALLEGHENY AVENUE
TOWSON, MARYLAND
301-825-8122

PETITIONER:
FITNESS UNLIMITED INC.
90 GORDON & HENSON
SUITE 1107 BLAUSTEIN BLDG.
ONE NORTH CHARLES STREET
BALTO, MD 21201

PARKING TABULATION				
ADDRESS	FLR	S.F.	USE	SPACES REQ'D
1402 YORK RD	1ST	2153	OFFICE & 1/2000	207
	2ND	1861	RETAIL & 1/2000	246
	3RD	1610	RETAIL & 1/2000	246
	4TH	1610	RETAIL & 1/2000	246
	5TH	1610	RETAIL & 1/2000	246
	6TH	1610	RETAIL & 1/2000	246
	7TH	1610	RETAIL & 1/2000	246
	8TH	1610	RETAIL & 1/2000	246
	9TH	1610	RETAIL & 1/2000	246
	10TH	1610	RETAIL & 1/2000	246
1404 YORK RD	1ST	1760	RETAIL & 1/2000	207
	2ND	1760	RETAIL & 1/2000	207
	3RD	1760	RETAIL & 1/2000	207
	4TH	1760	RETAIL & 1/2000	207
	5TH	1760	RETAIL & 1/2000	207
	6TH	1760	RETAIL & 1/2000	207
	7TH	1760	RETAIL & 1/2000	207
	8TH	1760	RETAIL & 1/2000	207
	9TH	1760	RETAIL & 1/2000	207
	10TH	1760	RETAIL & 1/2000	207
1406 YORK RD	1ST	1760	RETAIL & 1/2000	207
	2ND	1760	RETAIL & 1/2000	207
	3RD	1760	RETAIL & 1/2000	207
	4TH	1760	RETAIL & 1/2000	207
	5TH	1760	RETAIL & 1/2000	207
	6TH	1760	RETAIL & 1/2000	207
	7TH	1760	RETAIL & 1/2000	207
	8TH	1760	RETAIL & 1/2000	207
	9TH	1760	RETAIL & 1/2000	207
	10TH	1760	RETAIL & 1/2000	207
TOTAL REQUIRED OVERALL = 648 SP				
TOTAL PARKING SHOWN = 600 SP				
HANDICAP PARKING PROVIDED: 11 SPACES				
PARKING SPACE 8'5" X 10', 9' X 25', AND 12' X 10' (HDB)				
* VARIANCE REQUESTED				





PARKING SPACE DETAIL
(NO CURBS)

TYPICAL SPACE
HANDICAP SPACE
TYPICAL SPACE WHERE NOTED

① BALD CO. STD E-21
7' COMB. SLOPE AND
OUTER, THIS:

② BALD CO. STD E-21
7' COMB. REVERSE
SLOPE AND
OUTER, THIS:

③ 0.2' HIGH CURB RE-
VERSE SLOPE AND
OUTER, THIS:

④ 0.2' HIGH CURB

SAME AS ③ EXCEPT
AS NOTED

LOCATION MAP

SEMINARY AVENUE
YORK ROAD
TENBURY ROAD

LEGEND

EXISTING CONTAINERS
PROPOSED CONTAINERS
EX. STORM DRAIN
EX. SEWER
EX. WATER
PROP. STORM DRAIN
PROP. SEWER
PROP. WATER
PROP. RETAINING WALL
PROP. CURB AND GUTTER
PROP. EDGEWIDE SLOPE
CURB AND GUTTER
PROPOSED PAVING
PROPOSED CONCRETE
RESURFACING/REPAVING
EXISTING WALKS

GENERAL NOTES

- 1) WATER AND SEWER EXIST
- 2) EXISTING ZONING - BL-CNS, DR-3.5
- 3) EXISTING USE - SHOPPING/OFFICE COMPLEX
- 4) TOTAL AREA OF SITE - 0.42 AC.
- 5) AREA OF SPECIAL EXCEPTION - 0.34 AC. / VARIANCE - 0.08 AC.
- 6) PROP. SPECIAL EXCEPTION FOR COMMUNITY BUILDING OR MORE SPECIFICALLY, A HEALTH CLUB
- 7) REFERENCE IS DIRECTED TO ZONING CASE #3410 WHICH ALLOWS PASSENGER VEHICLE PARKING IN THE DR ZONED PORTION OF THE PROPERTY, AND ZONING CASE #4093-XA WHICH PERMITTED A DRY CLEANING PLANT ON-SITE
- 8) SEE PLAT ENTITLED "GALLERIA AT YORK AND SEMINARY" DATED JUNE 29, 1984 AND RECORDED AMONG THE PLAT RECORDS OF BALTO. CO. IN PLAT BOOK ENR-JR NO. 51, PAGE 101
- 9) HEALTH CLUB IS TO BE LOCATED IN THE BASEMENT OF THE EXISTING STRIP STORES.

SPECIAL EXCEPTION & REQUESTED TO PERMIT A COMMUNITY BUILDING IN A BL-CNS ZONE (BCCR 230.13) AND A VARIANCE IS REQUESTED TO PERMIT 600 PARKING SPACES IN LIEU OF THE REQUIRED 643 PARKING SPACES (BCCR 409.5)

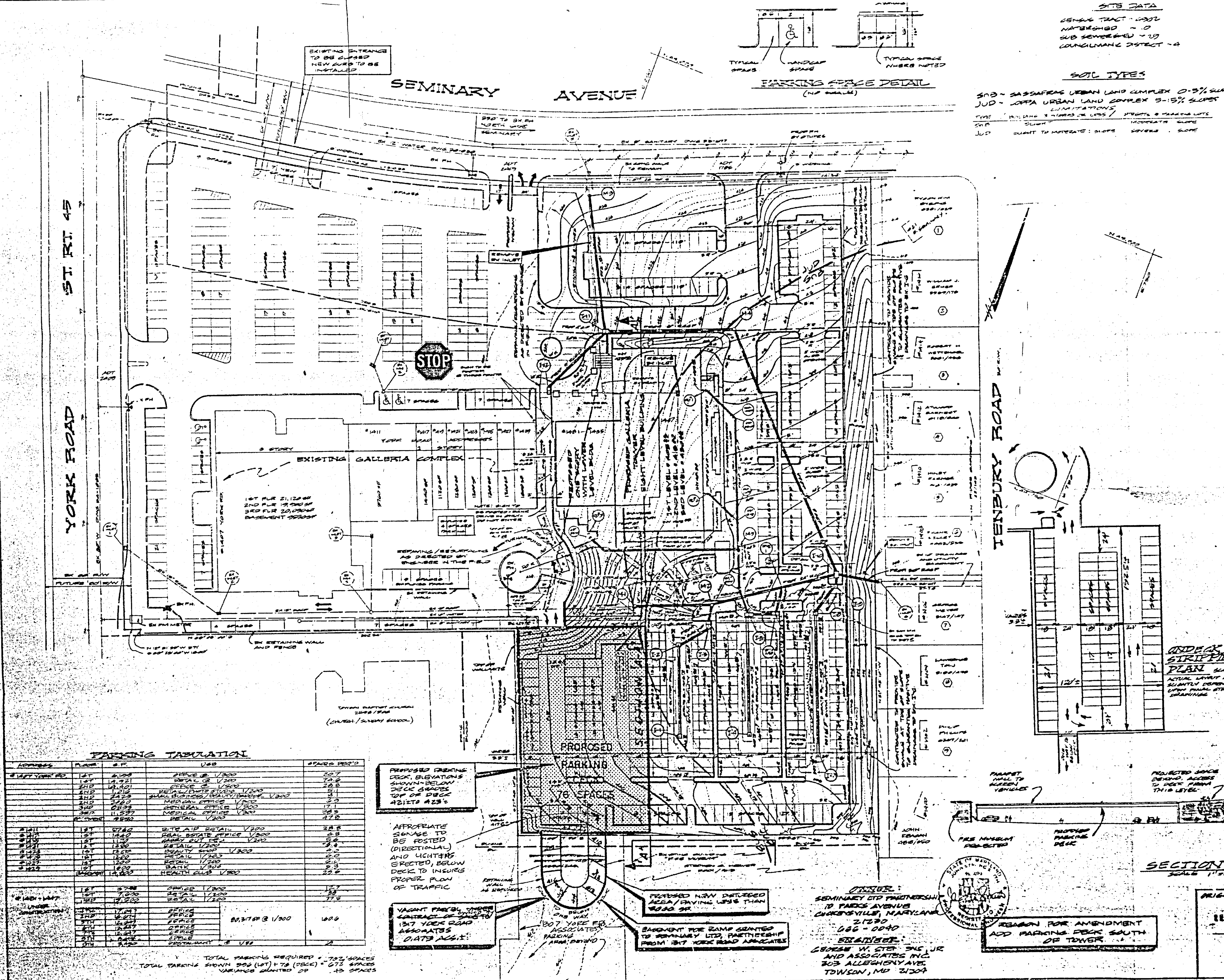
PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION FOR A COMMUNITY BUILDING IN AN EXISTING BL-CNS ZONE AND FOR A PARKING VARIANCE IN AN EXISTING BL-CNS & DR-3.5 ZONE "GALLERIA HEALTH CLUB" YORKS AT SEMINARY

BALTIMORE CO., MD
SCALE: 1"=40'
ELECTION DISTRICT NO. 9

PETITIONER:
FITNESS UNLIMITED INC.
90 GORDON & HENSON
SUITE 1107 ELAUSTEIN BLVD.
ONE NORTH CHARLES STREET
BALTO. MD 21201

ENGINEER:
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES INCORPORATED
303 ALLEGHENY AVENUE
TOWSON, MARYLAND
501-825-8120

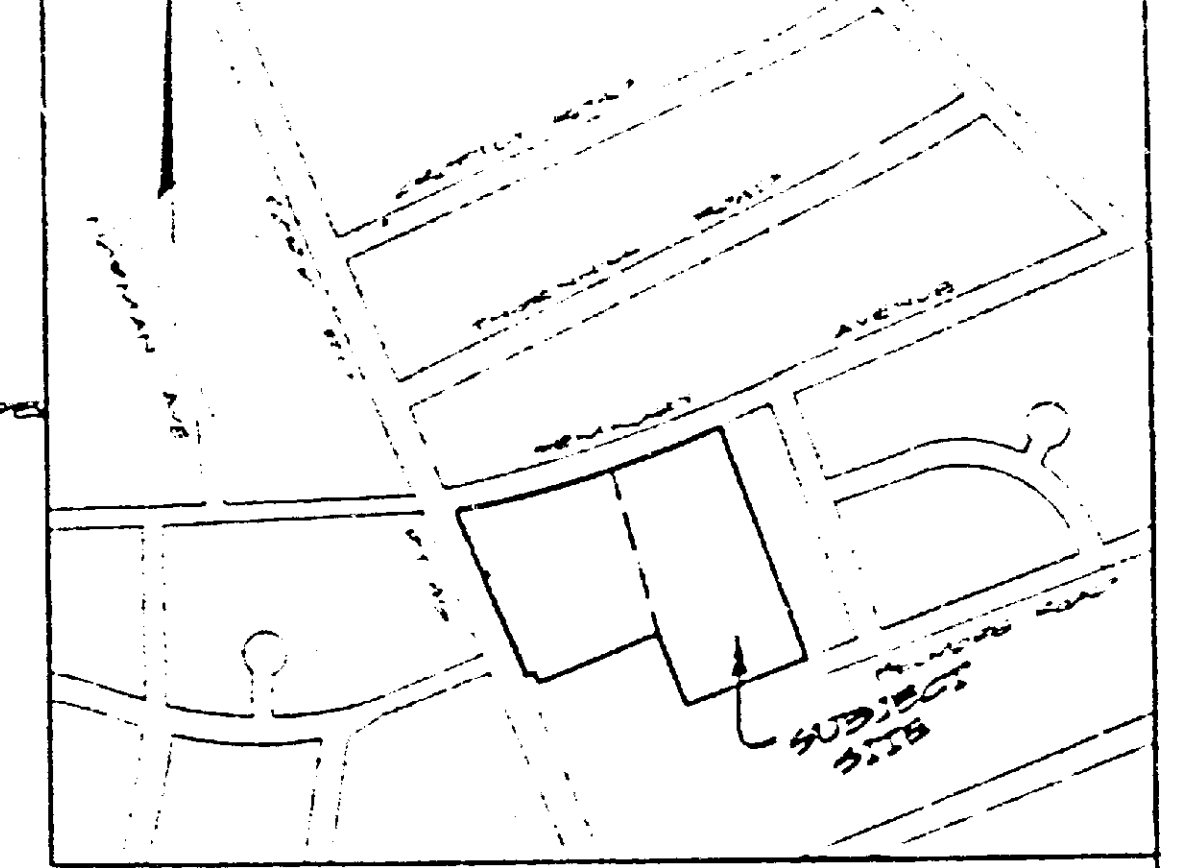
APPROVALS:
BALTO. CO. CLERK
DATE: 9/1/84
BY: [Signature]
TITLE: [Title]
BALTO. CO. CLERK
DATE: 9/1/84
BY: [Signature]
TITLE: [Title]



SITE DATA
GENUS TRACT - 0002
NATRESHD - 0
SUB SEMINARY - 19
COUNCILMAN DISTRICT - 4

SOIL TYPES

SUB - SASSAPARA URBAN LAND COMPLEX 0-5% SLOPE
JUD - JOPPA URBAN LAND COMPLEX 5-15% SLOPE
LIMITATIONS
TYPE BUILDING 3 STORIES OR LESS / MODERATE SLOPE
SUB SLIGHT / MODERATE SLOPE
JUD SUIT TO MODERATE SLOPE / STEEP SLOPE



LOCATION MAP SCALE 1"=100'

DRIVE WAY - 10' WIDE
RAILROAD SPUR IN URBAN NORTH SIDE OF SEMINARY AVENUE WEST OF YORK ROAD

LEGEND

- EXISTING CONTAINERS
- FEATHERED ANTICUTS
- EX. STORM DRAIN
- EX. SLOPE
- EX. WATER
- FEET STORM DRAIN
- FEET SLOPE
- FEET WATER
- FEET RETAINING WALL
- FEET CURB AND GUTTER
- FEET ROVERED DRIVE
- FEET AND GUTTER
- PROPOSED PAVING
- PROPOSED CONCRETE
- RESURFACING/REPAVING
- EXISTING WOODS

GENERAL NOTES

- This site is not: A wetland, A critical area, An archeological site, An endangered species habitat, A historical site.
- Existing source - 21-08-28 5.5.
- Proposed use - Shopping Center and vacant land.
- Proposed use - Shopping Center with office and retail expansion (possible future restaurant).
- Parking adjacent to Seminary Avenue, in the SE 5.5 acre use was granted by letter from Planning Commission dated December 19, 1955. (Case #3410).
- Dead reference - 420-441/Record Plat 53/79.
- Account Number - 09-04-452140.
- Highway Planning for York Road to be offered to the State at no cost.
- MIT counts based on "Trip Generation" published by the Institute of Traffic Engineers.
- Area of site = 8.5 Acres = (gross) (6.2 acres this submission) net, road widening = 0.13 Acres = 2.93 Acres.
- Reference is directed to zoning case #15-250-7A which granted a special exception for a community building (health club) and a variance of 43 parking spaces.
- #1595-7A which permitted a dry cleaning plant in the existing shopping center (use extinct).
- #3410 which permitted passenger vehicle parking on the SE 5.5 acre portion of the site.

BALTIMORE COUNTY MD. COUNTY REVIEW GROUP

This Plan Was Reviewed By The CRG On 9-22-82 With The Following Action Taken

AMENDED 0-30-05
Plan Approved D-111
Plan Approved C-2
Approval Signature Date 9-22-06
Plan Development
Committed Not Required
Plan Related To Plan 83-4

ORIGINAL PLAN APPROVAL DATE 9/13/83
"AMENDED CRG PLAN"

"THE GALLERIA TOWER"
YORK AT SEMINARY

BALTIMORE COUNTY, MD. SCALE T-40
ELECTION DISTRICT NO. 9
AUGUST 20, 1985

PARKING TABULATION				
ADDITIONAL	PLACES	USE	STANDARD	STANDARD
1ST FLOOR	121	OFFICE	1/2000	24.2
2ND FLOOR	121	OFFICE	1/2000	24.2
3RD FLOOR	121	OFFICE	1/2000	24.2
4TH FLOOR	121	OFFICE	1/2000	24.2
5TH FLOOR	121	OFFICE	1/2000	24.2
6TH FLOOR	121	OFFICE	1/2000	24.2
7TH FLOOR	121	OFFICE	1/2000	24.2
8TH FLOOR	121	OFFICE	1/2000	24.2
9TH FLOOR	121	OFFICE	1/2000	24.2
10TH FLOOR	121	OFFICE	1/2000	24.2
11TH FLOOR	121	OFFICE	1/2000	24.2
12TH FLOOR	121	OFFICE	1/2000	24.2
13TH FLOOR	121	OFFICE	1/2000	24.2
14TH FLOOR	121	OFFICE	1/2000	24.2
15TH FLOOR	121	OFFICE	1/2000	24.2
16TH FLOOR	121	OFFICE	1/2000	24.2
17TH FLOOR	121	OFFICE	1/2000	24.2
18TH FLOOR	121	OFFICE	1/2000	24.2
19TH FLOOR	121	OFFICE	1/2000	24.2
20TH FLOOR	121	OFFICE	1/2000	24.2
21ST FLOOR	121	OFFICE	1/2000	24.2
22ND FLOOR	121	OFFICE	1/2000	24.2
23RD FLOOR	121	OFFICE	1/2000	24.2
24TH FLOOR	121	OFFICE	1/2000	24.2
25TH FLOOR	121	OFFICE	1/2000	24.2
26TH FLOOR	121	OFFICE	1/2000	24.2
27TH FLOOR	121	OFFICE	1/2000	24.2
28TH FLOOR	121	OFFICE	1/2000	24.2
29TH FLOOR	121	OFFICE	1/2000	24.2
30TH FLOOR	121	OFFICE	1/2000	24.2
31ST FLOOR	121	OFFICE	1/2000	24.2
32ND FLOOR	121	OFFICE	1/2000	24.2
33RD FLOOR	121	OFFICE	1/2000	24.2
34TH FLOOR	121	OFFICE	1/2000	24.2
35TH FLOOR	121	OFFICE	1/2000	24.2
36TH FLOOR	121	OFFICE	1/2000	24.2
37TH FLOOR	121	OFFICE	1/2000	24.2
38TH FLOOR	121	OFFICE	1/2000	24.2
39TH FLOOR	121	OFFICE	1/2000	24.2
40TH FLOOR	121	OFFICE	1/2000	24.2
41ST FLOOR	121	OFFICE	1/2000	24.2
42ND FLOOR	121	OFFICE	1/2000	24.2
43RD FLOOR	121	OFFICE	1/2000	24.2
44TH FLOOR	121	OFFICE	1/2000	24.2
45TH FLOOR	121	OFFICE	1/2000	24.2
46TH FLOOR	121	OFFICE	1/2000	24.2
47TH FLOOR	121	OFFICE	1/2000	24.2
48TH FLOOR	121	OFFICE	1/2000	24.2
49TH FLOOR	121	OFFICE	1/2000	24.2
50TH FLOOR	121	OFFICE	1/2000	24.2
51ST FLOOR	121	OFFICE	1/2000	24.2
52ND FLOOR	121	OFFICE	1/2000	24.2
53RD FLOOR	121	OFFICE	1/2000	24.2
54TH FLOOR	121	OFFICE	1/2000	24.2
55TH FLOOR	121	OFFICE	1/2000	24.2
56TH FLOOR	121	OFFICE	1/2000	24.2
57TH FLOOR	121	OFFICE	1/2000	24.2
58TH FLOOR	121	OFFICE	1/2000	24.2
59TH FLOOR	121	OFFICE	1/2000	24.2
60TH FLOOR	121	OFFICE	1/2000	24.2
61ST FLOOR	121	OFFICE	1/2000	24.2
62ND FLOOR	121	OFFICE	1/2000	24.2
63RD FLOOR	121	OFFICE	1/2000	24.2
64TH FLOOR	121	OFFICE	1/2000	24.2
65TH FLOOR	121	OFFICE	1/2000	24.2
66TH FLOOR	121	OFFICE	1/2000	24.2
67TH FLOOR	121	OFFICE	1/2000	24.2
68TH FLOOR	121	OFFICE	1/2000	24.2
69TH FLOOR	121	OFFICE	1/2000	24.2
70TH FLOOR	121	OFFICE	1/2000	24.2
71ST FLOOR	121	OFFICE	1/2000	24.2
72ND FLOOR	121	OFFICE	1/2000	24.2
73RD FLOOR	121	OFFICE	1/2000	24.2
74TH FLOOR	121	OFFICE	1/2000	24.2
75TH FLOOR	121	OFFICE	1/2000	24.2
76TH FLOOR	121	OFFICE	1/2000	24.2
77TH FLOOR	121	OFFICE	1/2000	24.2
78TH FLOOR	121	OFFICE	1/2000	24.2
79TH FLOOR	121	OFFICE	1/2000	24.2
80TH FLOOR	121	OFFICE	1/2000	24.2
81ST FLOOR	121	OFFICE	1/2000	24.2
82ND FLOOR	121	OFFICE	1/2000	24.2
83RD FLOOR	121	OFFICE	1/2000	24.2
84TH FLOOR	121	OFFICE	1/2000	24.2
85TH FLOOR	121	OFFICE	1/2000	24.2
86TH FLOOR	121	OFFICE	1/2000	24.2
87TH FLOOR	121	OFFICE	1/2000	24.2
88TH FLOOR	121	OFFICE	1/2000	24.2
89TH FLOOR	121	OFFICE	1/2000	24.2
90TH FLOOR	121	OFFICE	1/2000	24.2
91ST FLOOR	121	OFFICE	1/2000	24.2
92ND FLOOR	121	OFFICE	1/2000	24.2
93RD FLOOR	121	OFFICE	1/2000	24.2
94TH FLOOR	121	OFFICE	1/2000	24.2
95TH FLOOR	121	OFFICE	1/2000	24.2
96TH FLOOR	121	OFFICE	1/2000	24.2
97TH FLOOR	121	OFFICE	1/2000	24.2
98TH FLOOR	121	OFFICE	1/2000	24.2
99TH FLOOR	121	OFFICE	1/2000	24.2
100TH FLOOR	121	OFFICE	1/2000	24.2