6/27

PETITION FOR SPECIAL EXCEPTION 85-326-XSPH

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class B office building in an R-O zone

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

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

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:
WINDSOR COURT LIMITED PARTNERSHIP
By: CREATIVE EQUITIES LIMITED PARTNERSHIP, its General Partner
(Type or Print Name)
By: [signature]
Signature Clark F. MacKenzie, General Partner
2324 West Joppa Road
Address
Lutherville, Maryland 21093
City and State

Legal Owner(s):
Walter Windsor
(Type or Print Name)
[signature] Walter Windsor
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
R. Bruce Alderman
(Type or Print Name)
[signature]
Signature
29 West Susquehanna Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 828-1050

8320 Bellona Avenue
Address Phone No.
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

85-326-XSPH #272

4-15 ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of April, 19 85, 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 20th day of May, 19 85, at 1:30 o'clock P.M.

[signature]
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

ORDER RECEIVED FOR FILING
DATE May 27, 1985
BY [signature]
ADMINISTRATIVE ASSISTANT

Walter Windsor
N/S Bellona Ave., 405' W of c/l of Bellona Lane
85-326-XSPH
9th Dist
#272

PETITION FOR SPECIAL HEARING 85-326-XSPH

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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve commercial parking on a portion of land classified D.R.3.5 in connection with the development of a Class B office building on adjoining land classified R-O pursuant to Section 409.4 of the Baltimore County Zoning Regulations, both ~~parcels of land as aforesaid being under common ownership,~~ (use permit for off-street parking on residential zone).

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:
WINDSOR COURT LIMITED PARTNERSHIP
By: CREATIVE EQUITIES LIMITED PARTNERSHIP, its General Partner
(Type or Print Name)
By: [signature]
Signature Clark F. MacKenzie, General Partner
2324 West Joppa Road
Address
Lutherville, Maryland 21093
City and State

Legal Owner(s):
Walter Windsor
(Type or Print Name)
[signature]
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
R. Bruce Alderman
(Type or Print Name)
[signature]
Signature
29 West Susquehanna Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 828-1050

8320 Bellona Avenue
Address Phone No.
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

4-15 ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of April, 19 85, 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 20th day of May, 19 85, at 1:30 o'clock P.M.

[signature]
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

ORDER RECEIVED FOR FILING
DATE
BY
ADMINISTRATIVE ASSISTANT

Case No. 85-326-XSPH
Item No. 272
Date: June 20, 1985

N/S of Bellona Avenue, 405' W of the centerline of Bellona Lane
9th Election District
Walter Windsor, Petitioner

X	1.	Copy of Petition
X	2.	Copy of Description of Property
X	3.	Copy of Certificate of Posting (2 signs)
X	4.	Copy of Certificates of Publication
X	5.	Copy of Zoning Advisory Committee Comments
X	6.	Copy of Comments from the Director of Planning
	7.	Planning Board Comments and Accompanying Map
X	8.	Copy of Order to Enter Appearance
X	9.	Copy of Order - Zoning/Deputy Zoning Commissioner
	10.	Copy of Plat of Property
	11.	200' Scale Location Plan
	12.	1000' Scale Location Plan
	13.	Memorandum in Support of Petition
	14.	Letter(s) from Protestant(s)
	15.	Letter(s) from Petitioner(s)
	16.	Protestants' Exhibits ___ to ___
X	17.	Petitioners' Exhibits * 1 to 3 (*1 - Plan of Property; *2 - Plan of Building; *3 - Mackenzie & Assoc. Folder)
X	18.	Letter of Appeal

R. Bruce Alderman, Esquire — Attorney for Petitioner
29 West Susquehanna Avenue
Towson, Maryland 21204

Clark F. MacKenzie, General Partner — Contract Purchaser
Windsor Court Limited Partnership
By: Creative Equities Limited Partnership
2324 West Joppa Road
Lutherville, Maryland 21093

Phyllis C. Friedman, Esquire	People's Counsel
Norman E. Gerber	Request Notification
James Hoswell	Request Notification
Arnold Jablon	Request Notification
Jean M. H. Jung	Request Notification
James E. Dyer	Request Notification

Case No. 85-326-XSPH

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 15th day of April, 1985.

[signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner **Walter Windsor**
Petitioner's Attorney **R. Bruce Alderman, Esquire**

Received by: [signature]
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

cc: **G. W. Stephens & Associates, Inc.**
Lapicki/Smith Associates

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 10, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Item No. 272 - Case No. 85-326-XSPH
Petitioner - Walter Windsor
Special Exception and Special Hearing Petitions

Dear Mr. Alderman:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above-referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They 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.

As indicated in our previous conversation, the method of determining the average height of the proposed structure, which cannot exceed 35 feet, should be discussed at the scheduled hearing.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[signature]

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Enclosures

cc: G. W. Stephens & Associates, Inc.
303 Allegheny Avenue, Towson, Maryland 21204

Lapicki/Smith Associates
211 W. Fayette Street, Baltimore, Maryland 21201

COUNTY REVIEW GROUP MEETING MINUTES
Thursday, March 28, 1985

VIII-410

WINDSOR COURT
District 8 C3

COUNTY REVIEW GROUP - THOSE PRESENT *
Gilbert S. Benson, Chairman - Dept. of Public Works
Eugene Bober, Co-Chairman - Office of Planning

Agency-Representatives

Don Schuler - Developers Engineering Division

Developer and/or Representatives

Gary Gill	- MacKenzie & Associates, Inc.
R. Bruce Alderman	- Attorney
Joseph A. Warfield	- MacKenzie & Associates, Inc.
Jim Kline	- G.W. Stephens
Wes Guckert	- STS LTD
Don Smith	- Lapilki/Smith Assoicates, P.a.
J. Strong Smith	- G.W. Stephens
Louise Schulz	- Ruxton-Riderswood-Lake-Roland Assoc.
Mike Ruby	- Towson Times
Brian A. Effinger	- MacKenzie & Associates, Inc.
Robert J. Aumiller	- MacKenzie & Associates, Inc.

* Interested Citizens - Dr. & Mrs. James McCosh, 8404 Bellona La. Towson, Maryland 21204.
Louis Schulz, 1406 Berwick Rd., 21204

Mr. Benson convened the meeting at 1:30 p.m. , introduced the staff and explained the purpose of the meeting.

Mr. John Smith and WIlliam Duckett, developer's engineer presented the plan and stated that the tract is zoned R.O. in front portion and D.R. 3.5 in the rear portion. The tract consists of 3.81 acres. The office building is planned with 3 wings with a court yard (Williamburg type). Excess amenity open space is proposed and shown on the plan.

Mr. Gene Bober summarized the written comments submitted by the staff from the Bureau of Sanitation, Office of Planning, Zoning, Developers Engineering Division, Fire Prevention, Health Department and Traffic Engineering. These comments have been made a part of these minutes, and a copy was also given to the developer and developer's engineer.

Windsor Court -2- March 28, 1985
District 8 C3

1) Developers Engineering Division - stated that off site right-of-way are required prior to recording of plat or building permits. Storm Water Management facility to be restudied.

2) Traffic Engineering - requested the existing fence on Bellona Avenue and proposed landscaping need to be relocated back at least 10 feet behind the curb line to improve sight distance.

3) Office of Zoning - requested changes as outlined in the comments of 3/28/85.

4) Office of Planning - requested changes as outlined in the comments of 3/28/85.

The plan was approved by Office of Planning and Department of Public Works subject to changes as stated.

The meeting was adjourned at 2:30 p.m.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
DATE: March 22, 1985
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Windsor Court
PROJECT NUMBER: #85061
LOCATION: Bellona Avenue
DISTRICT: 8C3

The Plan for the subject site, dated February 22, 1985 and revised February 28, 1985, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

"All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy Permits will be withheld until such damages have been corrected.

HIGHWAY COMMENTS:

Curb and gutter and sidewalks exist along the entire frontage of the property; however, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services, Attention: Mr. C. E. Brown, 494-3321.

The entrance location and width are subject to the approval of the Department of Traffic Engineering.

Depressed curb is to be used with no curb returns to the property line. (See Detail R-32)

In accordance with Bill No. 32-72, street lights are required in all developments. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures.

OCT 28 1985

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING
N/S of Bellona Ave., 405' W of : OF BALTIMORE COUNTY
the Centerline of Bellona
Lane, 9th District :

WALTER WINDSOR, Petitioner : Case No. 85-326-XSPH

: : : : : : :

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of May 27, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

JUN 20 AM

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of June, 1985, a copy of the foregoing Notice of Appeal was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204.

Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 24, 1985

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

Re: Petitions Special Exception
and Special Hearing
N/S of Bellona Avenue, 405' W
of the centerline of Bellona
Lane - 9th Election District
Case No. 85-326-XSPH (Item No. 272)
Walter Windsor, Petitioner

Dear Mr. Alderman:

Please be advised that an appeal has been filed by the People's Counsel of Baltimore County 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.

Sincerely,

Arnold Jablon
Zoning Commissioner

AJ:bg

cc: Clark F. MackKenzie, General Partner
Windsor Court Limited Partnership
By: Creative Equities Limited Partnership
2324 West Joppa Road
Lutherville, Maryland 21093

85-3684

6/26/85 yell file

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
6TH FLOOR, 29 W. SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 828-1050

GEORGE W. WHITE JR.
CHARLES MINDEL
SAMUEL D. HILL
JOSEPH L. JOHNSON
R. BRUCE ALDERMAN
JOHN F. FOLEY, JR.
STANLEY L. HOLMES
PHILIP O. FOARD
STEPHEN C. WINTER
JAMES D. STONE
EUGENE L. MILES, III
WILLIAM C. C. BARNES
ROBERT R. BOWIE, JR.
DENNIS F. O'BRIEN
EUGENE W. CUNNINGHAM, JR.
NANCY KABARA DOWLING

GEORGE L. CLARKE (1908-1975)
COUNSEL
MORTON E. ROME
HAVRE DE GRACE MD. OFFICE
412 GREEN STREET, 21078
(301) 939-3456

June 24, 1985

JUN 25 AM
ZONING DEPARTMENT

HAND DELIVERED

The Honorable Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

WALTER WINDSOR
Re: Case No. 85-326-XSPH

Dear Mr. Jablon:

Pursuant to our telephone conversation Friday, this letter is to serve as a request that the above-entitled case be reopened to place before the Commissioner and consider the question of a Height Variance in lieu of the treatment of the height of the proposed office building as dealt with on pages 3 and 4 of the Zoning Commissioner's Order in this matter dated May 27, 1985 and to further request that this matter be set down for a hearing and the parties of record who appeared at the hearing on this matter be notified.

Very truly yours,

R. Bruce Alderman

RBA/mvj

cc: People's Counsel for Baltimore County

IN RE: PETITION SPECIAL EXCEPTION * BEFORE THE
AND SPECIAL HEARING
N/S of Bellona Avenue, 405' W * ZONING COMMISSIONER
of the centerline of Bellona
Lane - 9th Election District * OF BALTIMORE COUNTY

Walter Windsor, * Case No. 85-326-XSPH

Petitioner *

* * * * * * * * * * *

AMENDED ORDER

Upon uncontested Motion to Reopen the above-entitled matter filed by the Petitioner herein and after a public hearing being held with notice given to all interested parties, including but not limited to People's Counsel for Baltimore County, said Motion is hereby GRANTED the 8th day of July, 1985.

Further, upon uncontested Motion to Amend the original Petitions to request a variance to allow a building height of 39 feet instead of the permitted 35 feet for the proposed Class B office building in a R-O Zone, in addition to the relief prayed for and previously granted by Order dated May 27, 1985, and after a public hearing being held, said Motion is hereby GRANTED the 8th day of July, 1985.

Upon consideration of the testimony, evidence, and expert witnesses presented, it is clear that the burden of proof required by Section 307, Baltimore County Zoning Regulations (BCZR), has been met.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2. whether the grant would do substantial injustice to applicant as well as other property owners in the

ORDER RECEIVED FOR FILING
DATE July 10, 1985
BY

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district or whether a lesser relaxation than that applied for would give substantial relief; and

3. 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 public hearing held on this matter, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of July, 1985, that the variance to permit a building height of 39 feet instead of 35 feet for the proposed Class B office building in a R-O Zone be and is hereby GRANTED from and after the date of this Order.

Zoning Commissioner of
Baltimore County

AJ:bg1

cc: R. Bruce Alderman, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE July 10, 1985
BY

IN RE: PETITIONS SPECIAL EXCEPTION * BEFORE THE
AND SPECIAL HEARING
N/S of Bellona Avenue, 405' W * ZONING COMMISSIONER
of the centerline of Bellona
Lane - 9th Election District * OF BALTIMORE COUNTY

Walter Windsor, * Case No. 85-326-XSPH

Petitioner *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building in a R-O Zone and a use permit for off-street parking in a residential zone incidental to a commercial use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by his Contract Purchaser, Windsor Court Limited Partnership (Windsor Court), appeared and testified and was represented by Counsel. Gary T. Gill, President of MacKenzie & Associates, Inc., principal partner in Windsor Court; John Smith, a registered civil engineer; Donald Smith, a registered architect; and Wes Guckert, a traffic engineer, all appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned R.O. and D.R.3.5, is located adjacent to Bellona Avenue. The Petitioner proposes to construct a three-story Class B office building, consisting of approximately 28,500 square feet, on approximately two acres zoned R.O and fronting on Bellona Avenue. The building will consist of three wings, each containing three stories. The rear portion of the property, zoned D.R.3.5, will be landscaped and contain additional parking spaces and the storm water management pond for the office building.

The Petitioner has entered into and executed an agreement containing restrictive covenants with the Ruxton-Riderwood-Lake Roland Improvement Association, Inc. and the Ruxton Crossing Homeowner's Association, which will be recorded among the Land Records of Baltimore County. See Petitioner's Exhibit 3.

ORDER RECEIVED FOR FILING
DATE May 27, 1985
BY

These covenants delineate the conditions agreed upon by the parties as to screening, signage, lighting, etc. The proposed project was approved by the County Review Group (CRG) on March 28, 1985.

Evidence was presented, concluded by agreement by Messrs. Smith, that all of the conditions precedent as set forth in Section 502.1, Baltimore County Zoning Regulations (BCZR), will be satisfied.

The Petitioner proposes 86 parking spaces in the R-O Zone and 43 spaces in the D.R.3.5 Zone. This far exceeds the 72 spaces required by the BCZR; however, these additional spaces were planned due to the expected demand and marketing for the offices in the proposed building. The considerable experience of the Petitioner in building, leasing, and managing office buildings has proven that the available parking at a project must exceed code requirements if a project is to be successful and not negatively impact the adjacent neighborhood. This project has been reduced in scale from that which was originally conceived as a result of the CRG and community concerns, and the only practical area on the property to provide the parking is within the residential zone. There is no reason to conclude that the parking will not satisfy the intent of Section 409.4, BCZR.

The Petitioner seeks relief from Sections 203.3.B.2 and 409.4, pursuant to Sections 502.1 and 500.7, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in a R-O Zone by special exception and the requested off-street parking in a D.R. zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 have been satisfied by the Petitioner.

ORDER RECEIVED FOR FILING
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BY

As for the parking in a residential zone, it has been determined by the Zoning Commissioner that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977). In reality, the request for a use permit under Section 409.4 is a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1

After reviewing all of the testimony and evidence presented, it appears that the special exception and the relief prayed for should be granted with certain restrictions, as more fully described below.

Two issues of importance will also be addressed. One is the height of the proposed building. A Class B office building can be no higher than 35 feet, Section 101 - Office building, Class B, BCZR, and the height of a building is the vertical distance measured from the average grade to the average elevation of the roof of the highest story, as defined in Section 101 - Building Height.

The proposed building is unusual as it is composed of seven distinct roof lines with some higher than others. The "H-shaped" building has wings with dormers which have roof lines lower than the roof line of the main building. The Zoning Office computed the height of the building from the average grade to the average elevation of the roof of the main building, while the Petitioner averaged the roof lines of the wings and the main building. The difference is approximately 4 feet, i.e., 39 feet as opposed to 35 feet.

The Baltimore County Building Code (BOCA), p. 31, defines building height as the vertical distance from the grade to the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof. The policy, as promulgated by former Zoning Commissioners, was to interpret the BCZR in conjunction with the definition provided in the BOCA, i.e., the building

ORDER RECEIVED FOR FILING
DATE May 27, 1985
BY

OCT 28 1985

height should be measured from the average grade to the average elevation of the highest roof line of the highest story. This policy has been consistent; however, there have been various indications in the past by the Baltimore County Council that this was not necessarily its intent.

However, inasmuch as the difference in computation is minor and since there is no adverse impact on the public interest, as exhibited by the agreement invoking restrictive covenants cited above, the proposed building will be approved as shown on Petitioner's Exhibit 2. Such a "de minimis" approach does not invade the legislative province of application of the strict terms of Section 307, BCZR, since the minor dimensional height variation here does not violate the public policy concerns underlying the law. See West Bradford Township v. Evans, 384 A.2d 1382 (Pa., 1978).

The remaining issue is the placement of the storm water management pond in the D.R. zone. The BCZR are inclusive, that is, only those uses specifically delineated by a matter of right or by special exception are permitted. If not listed, a use is not allowed. Any use other than those permitted and being carried on as a matter of right or by special exception is prohibited. Kowalski v. Lamar, 334 A.2d 536 (1975). If there is no appropriate provision to cover a use, then that use would be prohibited. However, a broad term is used which, by its very nature, covers a multitude of potential uses, i.e., accessory use, Section 1B01.A.14, BCZR. The term is defined in Section 101 as being a use which is customarily incident and subordinate to and serves a principal use or structure; subordinate in area, extent, or purpose to the principal use or structure; located on the same lot as the principal use or structure served; and contributes to the comfort, convenience, or necessity of the occupants. The storm water management pond clearly meets this criteria. Section 101 defines a lot of record as a parcel of land with boundaries as recorded in the Land

ORDER RECEIVED FOR FILING
DATE May 27, 1985
BY [signature] ADMINISTRATIVE ASSISTANT

Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use of the property. The property is one parcel divided by a zoning line. If the parking area were to be located within the buffer area as defined by the Residential Transition Area (RTA) regulations, then the pond would not be permitted. No unlike uses are permitted within the RTA. If the unlike use is outside of the RTA, then no buffer is required because the pond is needed regardless of whether homes or an office building are being constructed on the property. The parking will not be within the RTA, and therefore, no buffer is required. The pond is an accessory use permitted within the D.R. zone. If any other conclusion were reached, it would be inconsistent with the intent of the BCZR. Any type of construction would be prohibited as long as ponds are required to satisfy the appropriate requirements as determined by the development regulations.

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 the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of May, 1985, that the Special Exception for a Class B office building in a R-O Zone be and is hereby GRANTED and, additionally, a use permit for off-street parking in a residential zone be approved and, as such, the Petition for Special Hearing 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:

1. The terms and conditions delineated in the Restrictive Covenant Agreement entered into and executed between the Petitioner and the Ruxton-Riderwood-Lake Roland Improvement Association, Inc. and the Ruxton Crossing

ORDER RECEIVED FOR FILING
DATE May 27, 1985
BY [signature] ADMINISTRATIVE ASSISTANT

Homeowner's Association, dated March 26, 1985, shall be and is hereby incorporated in its entirety and made a part of this Order.

2. If the Petitioner determines that minor changes to the site plans, Petitioner's Exhibits 1 and 2, or to the restrictive covenants are required, no hearing will be necessary to amend this decision provided notice of the proposed modifications are given to representatives of the Associations and to the People's Counsel.

3. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: R. Bruce Alderman, Esquire

People's Counsel

ORDER RECEIVED FOR FILING
DATE May 27, 1985
BY [signature] ADMINISTRATIVE ASSISTANT

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR SPECIAL HEARING N/S Bellona Ave., 405' W from the Centerline of Bellona Lane, 9th District	:	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
WALTER WINDSOR, Petitioner	:	Case No. 85-326-XSPH

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

[signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 1st day of May, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and Clark F. MacKenzie, General Partner, Windsor Court Ltd. Partnership/ Creative Equities Ltd. Partnership, 2324 W. Joppa Rd., Lutherville, MD 21093, Contract Purchaser.

[signature]
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

9th Election District

LOCATION: North side Bellona Avenue, 405 ft. West from the centerline of Bellona Lane

DATE AND TIME: Monday, May 20, 1985 at 1:30 p.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 Class B office building in an R.O. zone; 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 commercial parking on a portion of land classified D.R. 3.5 in connection with the development of a Class B office building on adjoining land classified R.O., pursuant to Section 409.4 of the Baltimore County Zoning Regulations, both parcels of land as aforesaid being under common ownership (use permit for off-street parking on residential zone)

Being the property of Walter Windsor, 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

Plat to Accompany A Special Exception For A Class "B" Office Building In A (R.O. Zone) and A Special Hearing To Permit Commercial Parking In A (DR 3.5 Zone)

REF: Windsor Court
March 6, 1985

Point of beginning being located westerly 405'± from the P.I. of the centerlines of Bellona Avenue and Bellona Lane thence along the north side of Bellona Avenue by a line curving to the right with a radius of 1,402.4 feet a distance of 141.30 feet and by a line curving to the left with a radius of 142.91 feet, a distance of 125.78 feet, continuing North 87° 26' 46" East 47.69 feet, thence leaving said Bellona Avenue and running North 0° 54' 30" West 497.06 feet, thence South 88° 53' 30" East 314.50 feet and South 0° 54' 30" East 497.08 feet to the point of beginning.

Containing 2.57 Acres of land more or less.

STATE OF MARYLAND
JOHN STRONG SMITH
No. 3020
REGISTERED PROFESSIONAL ENGINEER

(THIS DESCRIPTION FOR ZONING PURPOSES ONLY)

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

ARNOLD JABLON
ZONING COMMISSIONER

May 15, 1985

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Petition for Special Exception & Special Hearing
N/S Bellona Ave., 405' W from the c/l of Bellona Lane
Walter Windsor - Petitioner
Case No. 85-326-XSPH

Dear Mr. Alderman:

This is to advise you that $88.97 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,

[signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007354

DATE 5/20/85 ACCOUNT R-01-615-000

AMOUNT $88.97

RECEIVED FROM: Windsor Court LTD. Partnership

FOR: Advertising and Posting Case 85-326 XSPH

VALIDATION OR SIGNATURE OF CASHIER

April 22, 1985

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petitions for Special Exception & Special Hearing
N/S Bellona Avenue, 405' W from the c/l of Bellona Lane
Walter Windsor - Petitioner
Case No. 85-326-XSPH

TIME: 1:30 p.m.

DATE: Monday, May 20, 1985

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

[signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005295

DATE 3/13/85 ACCOUNT 01-615-000

AMOUNT $ 200.00

RECEIVED FROM: Windsor Ct. Ltd Partnership

FOR: Filing Fee SE+SH #272

VALIDATION OR SIGNATURE OF CASHIER

OCT 28 1985

A. JABLON

EXHIBIT 3

MACKENZIE & ASSOCIATES INCORPORATED

Real Estate Development/Leasing & Management

WINDSOR COURT 5/16/85

PROJECT SUMMARY

I. SITE

Postal Address: 8320 Bellona Avenue
Towson, Maryland 21204

Assessment Number: 08-23-056310

Deed Reference: 3399/145

Election District: 8

Councilmanic District: 3

Land Area: R-O: 2.14 acres
DR 3.5: 1.67 acres

Road Frontage: 315'±

Site Dimensions: 315'± x 510'±

Parking Provided: 130 spaces - 4.86 spaces per 1000 sq. ft. of leasable area

Metropolitan Utility Services:

Sanitary Sewer: 8" within easement along north property line
Metropolitan Water: 6" in Bellona Avenue
Storm Water Management: Proposed storm water management detention pond will meet applicable codes.

II. BUILDING

Stories:

Wing A: 3
Wings B & C: 2 1/2

Gross Leasable Area:

Wing A: 9,995 sq. ft.
Wings B & C: 8,252 sq. ft. per wing

WINDSOR COURT
PROJECT SUMMARY

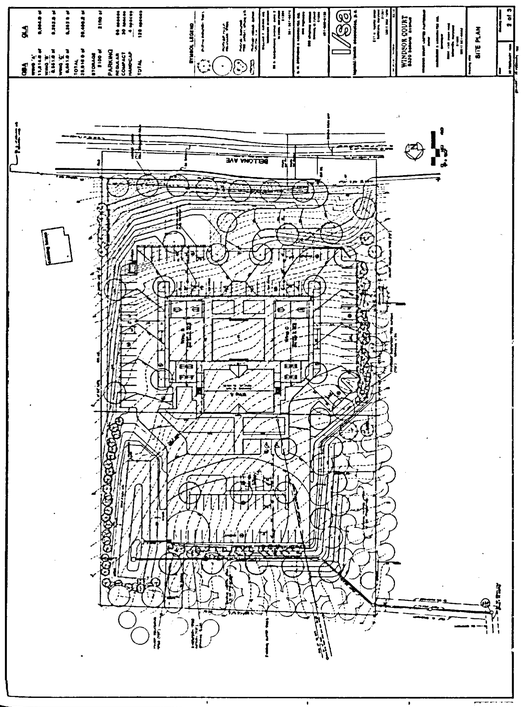
Page 2

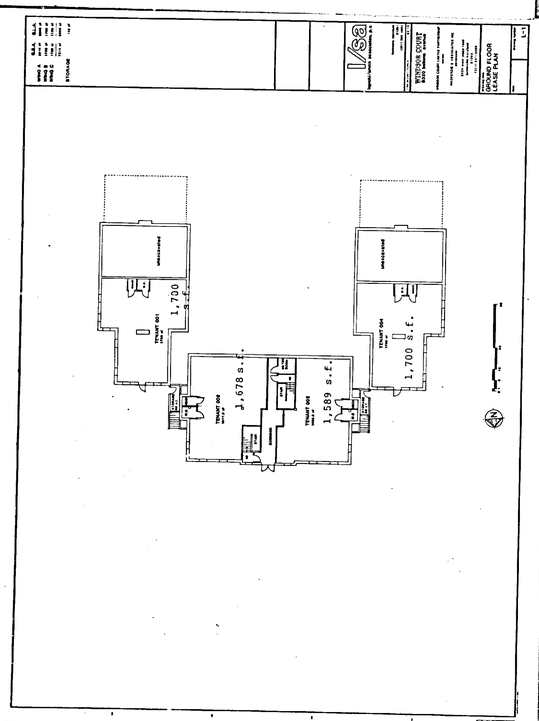
Gross Leasable Area by Floor:

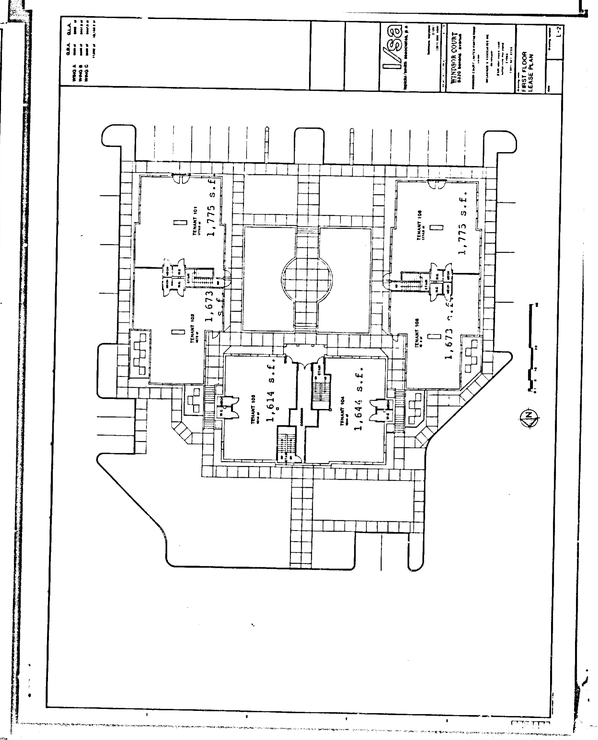
Wing A:	1st floor:	3,267 sq. ft.
	2nd floor:	3,258 sq. ft.
	3rd floor:	3,470 sq. ft.
Wings B & C:	Lower level:	1,700 sq. ft.
	1st floor:	3,448 sq. ft.
	2nd floor:	3,104 sq. ft.

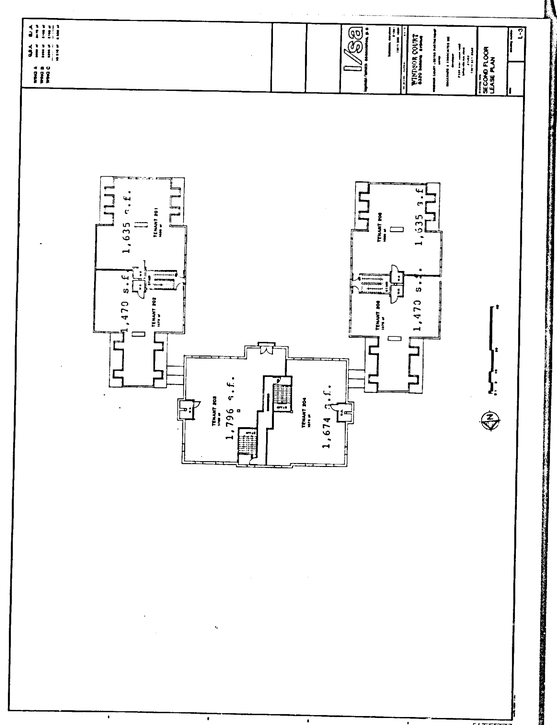
Miscellaneous Building Information:

The Colonial style building will consist of three wings joined by canopies. The largest wing will be of brick construction with two identical adjacent wings being predominantly wood siding. The wings will be residential in character and will have operable windows in wood window frames. The building will be served by a water source heat pump heating and air conditioning system.









MACKENZIE & ASSOCIATES INCORPORATED

Gary T. Gill
President
Chief Operating Officer

May 20, 1985

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
111 N. Chesapeake Avenue
Towson, MD 21204

Re: Windsor Court - Walter Windsor Property
Special Exception Hearing for Class "B" Office Building
and for Special Permit to Park in a Residential Zone

Dear Mr. Jablon,

We are before you today to petition for a Special Exception to construct a Class "B" office building in an R-O zone and for a Special Permit to park in a residential zone. In association with that petition, we wish to highlight herein certain facts about the project. In the way of supporting data, you will also find enclosed a property fact sheet, restrictive covenants, easement agreement, the project rendering, aerial photograph, and a site plan package.

The Windsor Court project will be of Williamsburg architecture similar to Joppa Green and will consist of approximately 26,500 square feet of gross leasable office space. The project will be developed by the Windsor Court Limited Partnership, of which Clark MacKenzie is the sole general partner. We have the property under a contract of sale which was executed with the current owner in May, 1983. Subsequent to that, we submitted for rezoning under the 1984 Comprehensive Map process and obtained R-O zoning on the front 2.2± acres with DR 3.5 zoning retained on the rear portion of the property. On March 28, 1985 the CRG plan was presented and approved and shall serve as an exhibit for this hearing.

REAL ESTATE DEVELOPMENT / LEASING & MANAGEMENT
2324 West Joppa Road
Suite 530
Lutherville, Maryland 21093
(301) 821-0565

OCT 28 1985

Mr. Arnold Jablon
May 20, 1985
Page 2

The zoning of the property was a concern of the Ruxton-Riderwood community for a number of years. After the zoning for the front 2.2 acres of the property was changed to R-O in December of 1984, the contract purchaser, Windsor Court Limited Partnership, sought to distill the fears of the community concerning the development of the property under the R-O zoning regulations. As a result of several months of discussions, Restrictive Covenants were executed which limit the development of the property to alleviate the major concerns of the surrounding communities.

We believe that the findings of the CRG have established that our Plan for development meets the various tests of the County regulations as they relate to the adequacy of facilities, environmental considerations, compatibility with the surrounding neighborhood and such other matters that must be taken into considertion as part of a CRG hearing or a Special Exception hearing.

At this hearing, we are also requesting a Special Permit which will allow parking for the project in the residentially-zoned portion of the property. Our rationale for this Special Permit request is that we know from our considerable experience in building, leasing and managing office buildings, that the available parking at a project must exceed code requirements if a project is to be successful and, at the same time, not negatively impact the adjacent neighborhood. This project has been reduced in scale from that which was originally conceived, to the point that the only practical area within the site to provide the needed parking is within the residential zone.

We have our staff of professionals here today to answer any questions which may arise. We believe that our development proposal offers an excellent opportunity to provide a quality development on this tract of land.

Sincerely,

Gary T. Gill

GTG:lss

Enclosures

WINDSOR COURT
SPECIAL EXCEPTION

5/20/85

TABLE OF CONTENTS

I. Cover Letter
II. Rendering
III. Aerial Photograph
IV. Restrictive Covenant Agreement
V. Easement Agreement
VI. Project Summary
VII. Reduced Site Plan
VIII. Reduced Floor Plan
IX. Site Plan
X. Landscape Plan
XI. Building Elevations

MACKENZIE & ASSOCIATES INCORPORATED

Robert J. Aumiller
General Counsel

March 7, 1985

Mr. Jerome L. Fine
2 Coldwater Court
Ruxton, MD 21204

RE: STORM WATER MANAGEMENT SYSTEM FOR WINDSOR PROPERTY

Dear Jerry:

Enclosed you will find the following documents which have been prepared as a result of the understanding reached at our meeting on Thursday, February 28, 1985:

1. A letter from J. Strong Smith, P.E., of George William Stephens, Jr. & Associates, Inc., consulting engineers, which sets forth the various alternative methods of storm water management available to the Windsor property. This letter also makes reference to the Soil Reports prepared by the Balter Company and the study done by Stephens. As a result of these studies, Stephens has recommended not only the construction of a conventional storm water management pond on the Windsor property but also the drainage of that system by pipe into the existing drainage system serving the Ruxton Crossing Community; this proposal was determined to be more appropriate than the other two less expensive alternatives. Lastly, the letter answers some of the questions which were raised by you on behalf of the Association at our meeting.

2. A Deed and Agreement with an attached plat showing the fifteen foot utility easement to be conveyed to Windsor. This Deed and Agreement is the standard form utilized by Baltimore County to convey a storm drain and construction easement. As we discussed, this Deed and Agreement initially will grant the easement to Walter Windsor, Jr., the present owner of the property. When the developer, Windsor Court Limited Partnership (composed of Clark F. MacKenzie as general partner) takes title to the property, the rights of Mr. Windsor under the Deed and Agreement will be transferred to Windsor Court which in turn, will transfer its rights under the Deed and Agreement to Baltimore County. In this way, Baltimore

County will ultimately have the right (as it now does with the existing drainage system serving Ruxton Crossing) to maintain the connecting pipe from the Windsor property to your existing drainage system.

3. A plat showing the easement as it relates to the Windsor property and to Section 1 of the Ruxton Crossing Community. This plat is for informational purposes only and was included in this package so that you can graphically see the extent of the easement to be granted in relation to the entire Ruxton Crossing Community. The area outlined in green represents the actual easement for the construction of the drainage pipe and the areas cross-hatched and in yellow represent the temporary construction strips.

As we discussed, we hope that these materials can be reviewed by you and the Board of Directors at your meeting on March 11, 1985, and that the Deed and Agreement can be executed thereafter. Two additional copies of the Deed and Agreement are enclosed for execution. Dr. Block should sign as president and the secretary should attest. Thereafter Dr. Block's signature must be notarized.

I want to take this opportunity to personally thank you and Mike Lears for taking the time to meet with us concerning the storm water management system for the Windsor property. Your concern regarding storm water runoff from the Windsor property is certainly a legitimate one and we feel, through the study done by Balter and Stephens, that the proposal which we intend to implement will be protective of our respective properties. By the implementation of this proposal, no additional storm water runoff will be introduced into the existing drainage system and at the same time, the integrity of the sloped areas surrounding the Windsor property will be maintained.

If you need any additional information concerning either the enclosed materials or our plans concerning the construction of our storm water management system, please do not hesitate to contact me.

Very truly yours,

Robert J. Aumiller
General Counsel

RJA/sg

Enclosures

cc: Michael Lears
Clark F. MacKenzie
Gary T. Gill

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

GEORGE WILLIAM STEPHENS, JR
(1888-1983)

TOWSON
503 ALLEGHENY AVENUE
P.O. BOX 6828
TOWSON, MARYLAND 21204
301/825-8120

W. HARRY JESSOP, JR. P.L.S.
CHARLES E. FICK P.E.
FRANCIS W. ZEIGLER, JR. P.L.S.
JOHN J. STAMM P.E.
J. STRONG SMITH P.E.
TAPOBRATA CHAKRABARTI P.E.
CHARLES K. STARK P.L.S.
ROBERT B. EARKELL
PASQUALE R. CIARLO

BEL AIR
204 EAST BROADWAY
BEL AIR, MARYLAND 21014
301-879-1500
301-838-3800

LEONARD A. PARRISH P.E.
WILSON F. OUTEN P.E. P.L.S.
MILLARD T. SCHAUB P.E.
WAYNE E. MAISENHOLDER P.L.S.

March 6, 1985

Ruxton Crossing
Homeowners Association, Inc.
Ruxton
Towson, Maryland 21204

Attention: Dr. Larry Block, President

Re: Windsor Property
Storm Drain Easement to Existing
System Serving Ruxton Crossing

Dear Dr. Block,

We are engineers for the developer of the Windsor Property. We will prepare grading, storm water management and utility plans for the Williamsburg type office building to be constructed on the property.

We have considered several alternative methods of handling storm water runoff including the following:

1. Infiltration or seepage into the ground.
2. Discharge through a perforated pipe located along a contour near the property lines.
3. Conventional pond with a discharge pipe system to be connected to the existing storm drainage system in Ruxton Crossing.

Factors to be considered in selecting one of these alternatives are approvability, safety and cost. We have received Soil Reports prepared by the Balter Company in which some of these methods are discussed. The Balter Company and our office do not recommend infiltration since leakage could contribute to deterioration of the slopes at the north and west boundaries of the Windsor property. Perforated discharge pipes covered with No. 2 stone could be used to spread the discharge (from a conventional storm water management pond) over a large area and thus minimize erosive effects.

We believe that the most efficient proposal (though the most expensive) includes a conventional storm water management pond to which storm water runoff from proposed impervious areas would be channeled. The pond would provide for storage and discharge at a prescribed rate into the existing drainage system serving Ruxton Crossing. In

order to accomplish this, a pipe connecting the drainage system on the Windsor property and the existing drainage system serving Ruxton Crossing must be constructed. It is, therefore, necessary that we obtain an easement and temporary construction strips for that portion of the drainage system which would be located on Ruxton Crossing property.

Enclosed are copies of the following:

1. Deed and Agreement which is based on the standard form for easements used by Baltimore County.
2. Right of Way Plat.
3. Ruxton Crossing Record Plat with the location of the easement indicated.

A meeting attended by representatives of Ruxton Crossing, MacKenzie and Associates and our office was held on Februray 28, 1985 to review this proposal.

Following are responses to some of the questions which were posed by your representatives at that meeting.

A. Storm water runoff is not being diverted from the Windsor Property to the Ruxton Crossing storm drain system. The same storm water runoff which presently flows overland into the existing system would in the future be conveyed in a pipe to the existing system.

B. Provisions were made in design of the existing system for runoff from the Windsor property.

C. Based on studies performed by our office this proposal will not be detrimental to the existing system. The release rate from the proposed storm water management pond will restrict the flow into the existing system to a volume equal to or less than the existing flow.

D. Installation of the pipe will be subject to inspection by Baltimore County.

E. All disturbed areas will be restored to original conditions. Slopes will be sodded.

F. It is hoped that the storm drain connection could be installed during the late summer or early fall of 1985.

G. Upon satisfactory completion of the pipe installation, the easement will be conveyed to Baltimore County for maintenance purposes.

Please let us know if the submission of additional information would be helpful.

Very truly yours,
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

J. Strong Smith, P. E.

JSS:klp

CENTER

THIS DEED and AGREEMENT, Made this 26th day of March, in the year 1985, between Ruxton Crossing Homeowners Association, Inc., a body corporate in the State of Maryland.

party of the first part; and Walter E. Windsor, Jr., party of the second part.

WHEREAS, the party of the second part desires to construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land hereinafter described, and the party of the first part is willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said party of the first part hereby grants and conveys unto Walter E. Windsor, Jr., his successors and assigns, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land of the party of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the easement which is described as follows:

Situate in the Ninth Election District of Baltimore County.

BEING an easement 15 feet wide across the property of the party of the first part, said easement containing .052 acres, more or less (2,267 sq. ft., more or less), as shown shaded and indicated "UTILITY EASEMENT" on the attached Baltimore County Bureau of Land Acquisition Drawing which is made a part hereof.

TOGETHER with temporary easements for construction purposes over the property of the party of the first part, containing a total of .083 acres, more or less (3,616 sq. ft., more or less), as shown indicated "TEMPORARY CONSTRUCTION AREA" on the attached Baltimore County Bureau of Land Acquisition Drawing which is made a part hereof; said temporary easements shall become null and void upon the completion of the installation of utility facilities in the easement hereinabove described, and the party of the first part herein shall hold the property over which the said temporary easements run free and clear of said temporary easements.

TOGETHER ALSO with the right of Walter E. Windsor, Jr., his successors or assigns, employees or agents, to remove any tree having a butt diameter of 3" or less which may be in the aforesaid temporary construction areas.

FOR TITLE: See a Deed dated March 29, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6004, folio 670 from Ruxton Crossing, Ltd. to Ruxton Crossing Homeowners Association, Inc.

AND the party of the first part does hereby agree that Walter E. Windsor, Jr., his successors and assigns, shall have the right and privilege of entering upon the aforesaid land, whenever it may be necessary, to make openings and excavations, and to lay, construct and maintain said municipal utilities and appurtenances, provided, however, that the ground shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on or over the said easement by the party of the first part, its personal represenatives, successors or assigns; nor shall the existing grade be changed without prior approval of the Baltimore County Bureau of Engineering.

AS WITNESS the due execution hereof by the aforenamed party of the first part.

ATTEST:

Corporate Secretary

RUXTON CROSSING HOMEOWNERS ASSOCIATION, INC.

BY:
Larry Block, President

OCT 28 1985

STATE OF MARYLAND, BALTIMORE [illegible], to wit:

I HEREBY CERTIFY that on this 26th day of March [illegible], in the year 19[illegible], before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared [illegible] Ruxton Crossing Homeowners Association, part to the within Deed and Agreement, and he acknowledged the same to be a [illegible] act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my Hand and Notarial Seal.

LINDA S. SHAFFER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986

[signature]
Notary Public

STATE OF MARYLAND, BALTIMORE , to wit:

I HEREBY CERTIFY that on this day of , in the year 19 , before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared , part to the within Deed and Agreement, and acknowledged the same to be act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my Hand and Notarial Seal.

Notary Public

STATE OF MARYLAND, BALTIMORE , to wit:

I HEREBY CERTIFY that on this day of , in the year 19 , before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared , part to the within Deed and Agreement, and acknowledged the same to be act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

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Notary Public

STATE OF MARYLAND, BALTIMORE , to wit:

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AS WITNESS my Hand and Notarial Seal.

Notary Public

FILE NUMBER:	ITEM NO.	JOB ORDER	SHEET 3 OF 4
RECORDS MANAGEMENT SECTION		JANUARY 1, 1985	FORM NO 408

SHEET 4 OF 4

DEED
AND
AGREEMENT
BETWEEN

RUXTON CROSSING HOMEOWNERS ASSOCIATION, INC.

and

WALTER E. WINDSOR, JR.

BUREAU OF LAND ACQUISITION
BALTIMORE COUNTY, MARYLAND
County Office Building
TOWSON, MARYLAND 21204

STATE OF MARYLAND, BALTIMORE , to wit:

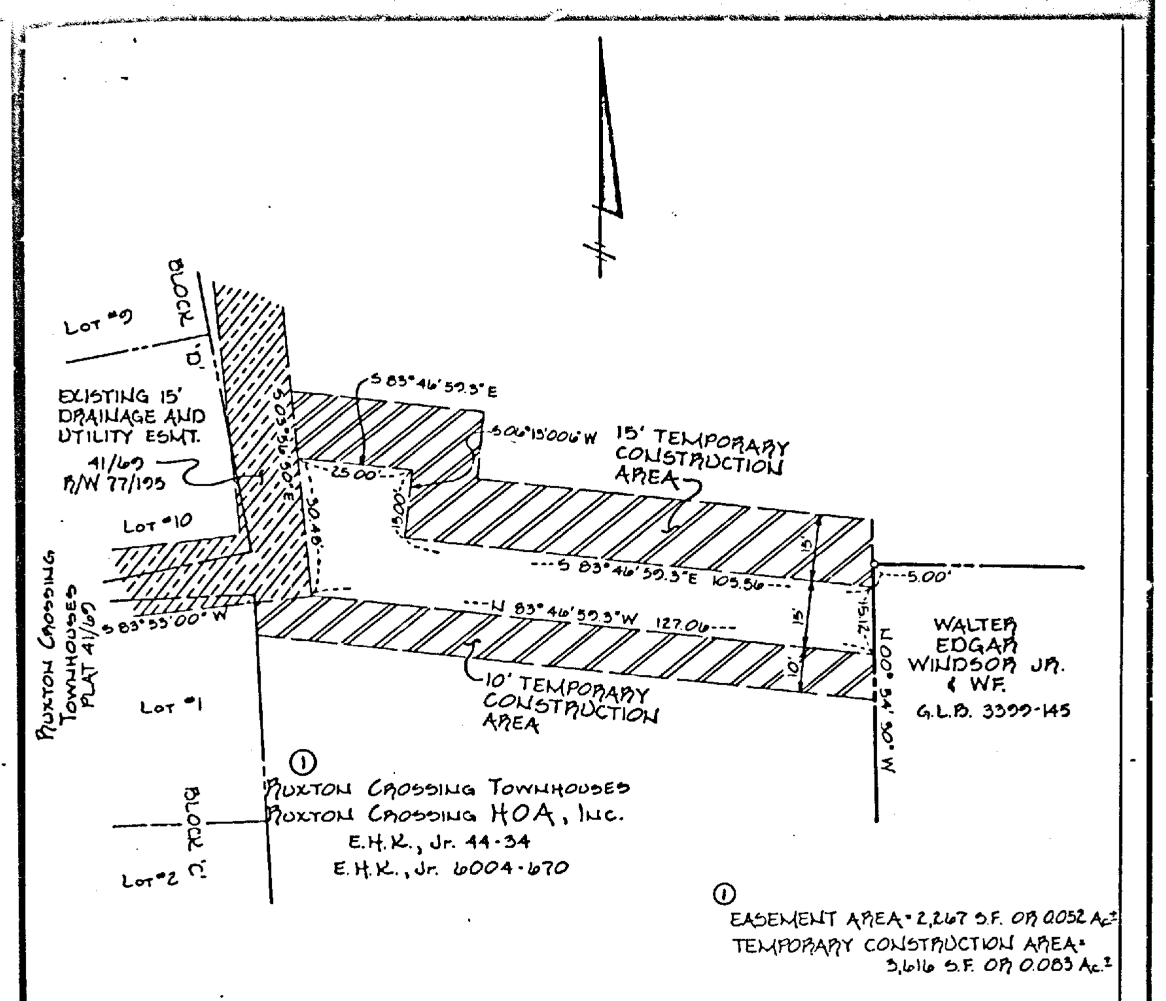
I HEREBY CERTIFY that on this day of , in the year 19 , before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared , part to the within Deed and Agreement, and acknowledged the same to be act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my Hand and Notarial Seal.

Notary Public

APPROVED as to legal form and sufficiency this day of , 19 .

Assistant County Attorney



BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WORKS	BUREAU OF LAND ACQUISITION
SCALE: 1" = 30' / SHEET 1 OF 1	PLAT TO ACCOMPANY ACQUISITION OF	DISTRICT NO. 9c4
John Strong Smith, CONSULTING ENGINEER OR SURVEYOR, DATE 3.6.85 REG. NO. 3020	UTILITY EASEMENT	POSITION SHEET NO. 43,44 NW 4
APPROVED: ROADS ENGINEER, DATE	AREA TO BE ACQUIRED; EXISTING COUNTY R/W; SLOPE AREA; AREA TO BE RELEASED; TEMPORARY CONSTRUCTION AREA	CONSTRUCTION PLAN NO.
BUREAU OF LAND ACQUISITION	NO. / ACQUIRED FROM / RECORDED (1–8)	FEDERAL PROJECT NO.
APPROVED: CHIEF, DATE		MARYLAND PROJECT NO.
DIVISION OF DRAFTING		B.C. JOB ORDER NO.
APPROVED: SUPERVISOR, DATE		
DRAWN D.R.R. / CHECKED J.S.K.		RW

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT is made and entered into as of this 26th day of March, 1985, by and between Windsor Court Limited Partnership, a Maryland limited partnership, as contract purchaser (hereinafter the "Contract Purchaser"), party of the first part, and the Ruxton-Riderwood-Lake Roland Improvement Association, Inc., a Maryland corporation and the Ruxton Crossing Homeowner's Association, a Maryland corporation (hereinafter collectively referred to as the "Associations"), parties of the second part.

WHEREAS, pursuant to an Agreement of Sale, the Contract Purchaser, subject to certain contingencies, has agreed to purchase a tract of land containing approximately 3.83 ± acres as described in a deed recorded in the Land Records of Baltimore County in Liber GLB 3399, folio 145 (the "Property"); and thereafter desires to develop on the Property a multi-wing office building of Colonial Williamsburg architectural design, containing a maximum of 26,500 square feet of gross leasable area (the "Building"), generally in accordance with the Site Plan entitled "Windsor Court", dated February 18, 1985, attached hereto as Exhibit A and incorporated herein (the "Site Plan"); and

WHEREAS, the development of the Building on the Property will require that a Special Exception for the construction of the Building on Parcel 2 and a Special Permit for the construction of the parking area on Parcel 1 be obtained by the Contract Purchaser; and

WHEREAS, the Associations represent the residents and property owners in the area to be affected by the development of the Property, and being so affected, enter into this Agreement for the purpose of protecting the property of such owners and residents by limiting the use of the Property; and

WHEREAS, the Contract Purchaser and the Associations desire to place certain restrictions and conditions upon the Property, by the terms of this Agreement; and

WHEREAS, the Ruxton Crossing Improvement Association is the owner of certain tracts of land proximate to the Property, which tracts are more particularly described on Exhibit B attached hereto and incorporated herein (the "Ruxton Crossing Property") and the Ruxton Crossing Property will be benefited by the restrictions and covenants contained herein; and

WHEREAS, in order to have the restrictions and conditions on the Property in this Agreement binding and in full force and effect upon the Contract Purchaser as future owner of the Property, and any successors and assigns thereof, the parties have entered into this Agreement with the intent that the Contract Purchaser and its successors and assigns will hold, utilize and thereafter convey the Property subject to the covenants, restrictions and conditions herein contained and that these covenants and restrictions shall, as to the Ruxton Crossing Property, constitute a benefit, and as to the Property constitute a burden, so that these covenants and restrictions shall run with and bind the Property in perpetuity.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That in consideration of the mutual agreements, covenants, restrictions and conditions herein contained, the sum of Five Dollars ($5.00) paid by each party to the other, and other good and valuable consideration, the receipt of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents and to have the same recorded among the Land Records of Baltimore County, and that subject to the provisions hereof, the covenants, restrictions and conditions shall be binding upon the Property and shall inure to the benefit of each of the parties and the Ruxton Crossing Property hereto, their successors, heirs, personal representatives and assigns, as follows:

1. The Building, sidewalks and walkways, and parking lot areas to be constructed on the Property shall be located generally in accordance with the Site Plan, subject to any and all restrictions contained herein. The parties hereto understand and agree that the Building, sidewalks and walkways and other improvements as shown within Parcel 2 of the Site

9. Storm water management facilities shall be designed and constructed in accordance with applicable State and County regulations.

10. Use of the Building on the Property shall be restricted to general and professional offices. No retail 24-hour emergency medical service uses shall be permitted in the Building.

11. The number of parking spaces to be constructed on the Property shall not exceed 130 in number.

12. In the event that the trees along the western boundary of the Property are removed, to the extent that the remaining trees do not provide adequate screening of the adjoining property, the Contract Purchaser shall plant, in accordance with the Baltimore County Landscaping Manual, a staggered row of white pines along the western boundary of the Property. The Contract Purchaser shall also construct a 6-foot wooden stockade-type fence running 295 feet along the east boundary of the Property as shown on the Site Plan. The Property along Bellona Avenue shall be landscaped in such a manner that the Building will not be openly visible to vehicular traffic along Bellona Avenue except that partial visibility will be permitted to the extent of width of the entrance to the Property from Bellona Avenue. The parties hereto understand and agree that the preceding sentence shall be read and interpreted in a reasonable manner.

13. The Contract Purchaser, after obtaining appropriate government approvals, may place or construct on the Property along Bellona Avenue a lighted free-standing sign identifying the name and address of the Building, a free-standing Tenant's Directory within the courtyard formed by the Building, and tenant identification signs on the exterior of the Building. These signs shall be similar in design and dimension to the project identification signs shown on Exhibit C attached hereto and incorporated herein.

14. The Associations for their part agree not to oppose the Contract Purchaser, either directly or indirectly, in obtaining through the appropriate zoning, building permit

Plan may be relocated within Parcel 2 as a result of the County Review Group process provided that any such relocation will not in any way result in the violation or breach of any of the covenants or restrictions set forth herein. The existing dwelling on the Property shall be demolished prior to construction of the Building.

2. No building structure shall be constructed within Parcel 1 as shown on the Site Plan. Parking areas, parking lot lighting, trash enclosure facilities, storm water management facilities, utility lines and pipes, and appropriate sidewalks and walkways and the like may be constructed within Parcel 1 as shown on the Site Plan.

3. The cross-hatched area on Parcel 1 as shown on the Site Plan shall be a "Buffer Strip" between the parking areas depicted on Parcel 1 and the adjoining properties. Storm water management facilities, parking lot lighting, utility lines and pipes and any other improvement permitted by applicable law to be constructed therein may be constructed through and within the Buffer Strip; provided, however, that no parking areas, buildings or trash enclosure facilities shall be constructed within the Buffer Strip.

4. The Building to be constructed on Parcel 2 shall be of a colonial Williamsburg architectural design.

5. The maximum gross leasable area of the Building shall be 26,500 square feet.

6. The maximum height of the Building shall not exceed three (3) stories.

7. The exterior finish of the Building shall be a combination of brick, wood and metal.

8. Lighting on the Property shall be limited to residential-type fixtures on poles not to exceed fifteen (15) feet in height and shall be located on the Property and shielded so as not to cause direct illumination on the property of the adjoining property owners.

and/or County Review Group Process, the approvals necessary for the construction of the Building, the construction and placement of the project and tenant identification signs described in paragraph 13 above, and the construction of the parking lot areas and other improvements to the Property as shown on the Site Plan or as otherwise provided for herein.

15. Except to the extent provided for herein, this Agreement shall not in any way restrict the Contract Purchaser from otherwise developing Parcel 2 of the Property in accordance with the applicable provisions of the R-0 zoning classification as they may be amended from time to time.

The Contract Purchaser hereby agrees that these covenants, restrictions and conditions, once recorded among the Land Records of Baltimore County, shall run with and be binding on the Property and shall inure to the benefit of the heirs, successors and assigns of the parties hereto and all persons claiming by or through them or any of them. This Agreement and the rights of the Associations hereunder shall not inure to any third party.

The failure to enforce any of the covenants, restrictions and conditions herein contained, in any instance, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenants, restrictions or conditions in the event of another violation occurring prior or subsequent thereto. Moreover, in the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

This Agreement contains the entire understanding between the parties and may only be amended by the written agreement of the Contract Purchaser, or its successors or assigns, and a duly authorized officer of each of the Associations, or their successors or assigns. In the event that both of the Associations or their successors or assigns shall [illegible]

OCT 28 1985

cease to exist for a period of ninety (90) days or more and no successor of [illegible] is duly appointed or designated by either Association, then this Agreement as to the Associations shall thereafter be null and void, but, as to the Ruxton Crossing Property, this Agreement shall be enforceable by the owner of the Ruxton Crossing Property and continue to inure to the benefit of the Ruxton Crossing Property.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS: WINDSOR COURT LIMITED PARTNERSHIP

By: Clark F. MacKenzie
General Partner

ATTEST: RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

Corporate Secretary — By: President

ATTEST: RUXTON CROSSING Homeowner's ASSOCIATION, INC.

Corporate Secretary — By: President

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this [illegible] day of [illegible], 1985, before me, a Notary Public of the State of Maryland, in and for the Baltimore County, personally appeared Clark F. MacKenzie, general partner of Windsor Court Limited Partnership, and he acknowledged the aforegoing Agreement to be his act and in my prescence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: [illegible]

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this [illegible] day of [illegible], 1985, before me, a Notary Public of the State of Maryland, in and for the Baltimore County, personally appeared [illegible], president of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., and he acknowledged the aforegoing Agreement to be his act and in my prescence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: [illegible]

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this [illegible] day of [illegible], 1985, before me, a Notary Public of the State of Maryland, in and for the Baltimore County, personally appeared [illegible], president of the Ruxton Crossing Homeowner's Association, Inc., and he acknowledged the aforegoing Agreement to be his act and in my prescence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: [illegible]

EXHIBIT A

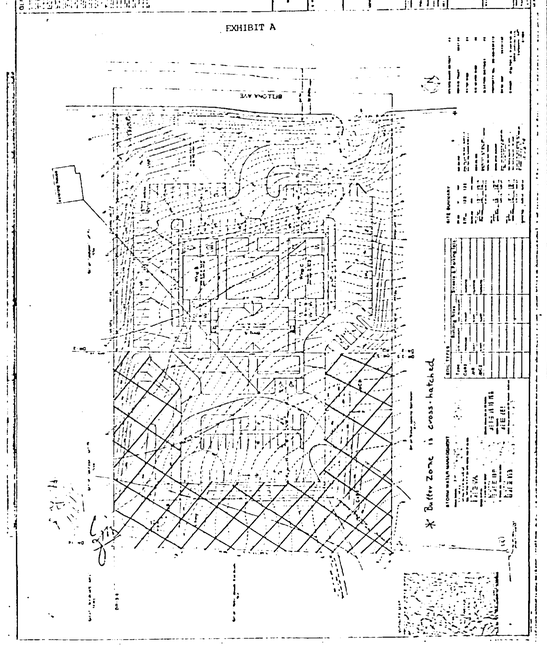
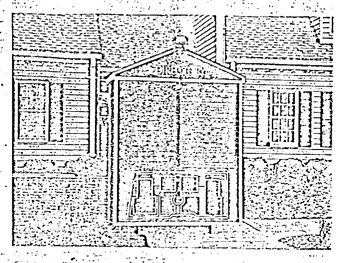


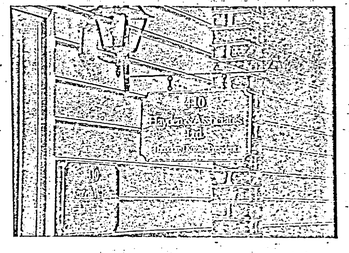
EXHIBIT B

DESCRIPTION OF RUXTON CROSSING PROPERTY

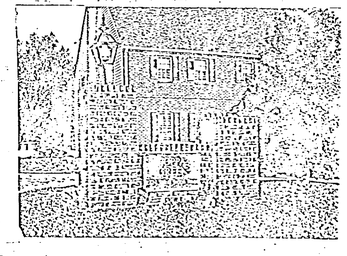
EXHIBIT C



TENANT DIRECTORY



TENANT SIGN



PROJECT SIGN

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-326-XSPH

District: 9th — Date of Posting: 5-4-85
Posted for: Special Exception and Special Hearing
Petitioner: Walter Windsor
Location of property: N/S of Bellona Avenue, 405' W of the c/l of Bellona Lane
Location of Signs: North side of Bellona Avenue on front of subject property, approx. 600' West of the c/l of Bellona Lane
Remarks:
Posted by: [signature] (Signature) — Date of return: 5-10-85
Number of Signs: 2

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
9th Election District

LOCATION: North side Bellona Avenue, 405 ft. West from the centerline of Bellona Lane

DATE AND TIME: Monday, May 20, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Class B office building in an R.O. zone; 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 commercial parking on a portion of land classified D.R. 3.5 in connection with the development of a Class B office building on adjoining land classified R.O. pursuant to Section 409.4 of the Baltimore County Zoning Regulations; both parcels of land as aforesaid being under common ownership; and Variance to allow parking on residential zone.

Being the property of Walter Windsor, as shown on the plat filed with the Zoning Office.

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

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

M82RA1.1712.5.1

CERTIFICATE OF PUBLICATION

85-326-XSPH

5/8

Towson, Md. _____ 1985.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 1st day of May 1985.

THE TOWSON TIMES

Cost of Advertisement: $43.22

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-326-XSPH

District: 9th — Date of Posting: July 11, 1985
Posted for: Appeal
Petitioner: Walter Windsor
Location of property: N/S of Bellona Avenue, 405'11" of the c/l of Bellona Lane
Location of Signs: North side of Bellona Ave. Approx. 600' West of Bellona Lane
Remarks:
Posted by: [signature] (Signature) — Date of return: July 5 - 1985
Number of Signs: 1

#85-326-XSPH — 9th District

N/s Bellona Ave., 405' W of c/l of Bellona Lane

Walter Windsor

2 SIGNS

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
9th Election District

LOCATION: North side Bellona Avenue, 405 ft. West from the centerline of Bellona Lane

DATE AND TIME: Monday, May 20, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Class B office building in an R.O. zone; 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 commercial parking on a portion of land classified D.R. 3.5 in connection with the development of a Class B office building on adjoining land classified R.O. pursuant to Section 409.4 of the Baltimore County Zoning Regulations, both parcels of land as aforesaid being under common ownership; and Variance to allow parking on residential zone.

Being the property of Walter Windsor, as shown on the plat 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 hearer, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County

May 2.

85-326 "DUPLICATE"

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 2, 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 May 2, 1985.

THE JEFFERSONIAN,

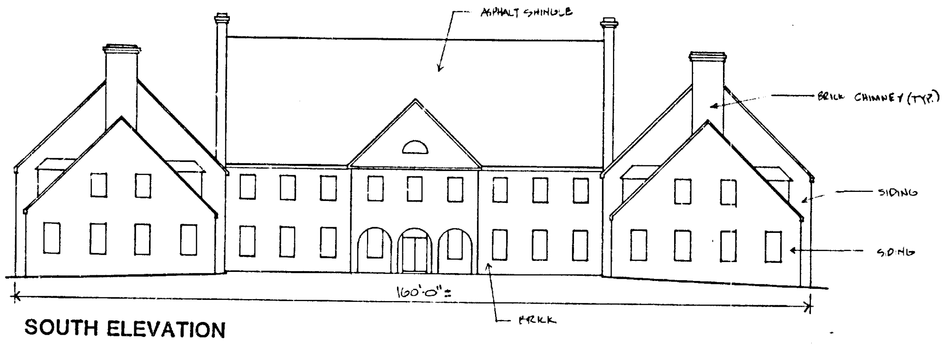
[signature]

Publisher

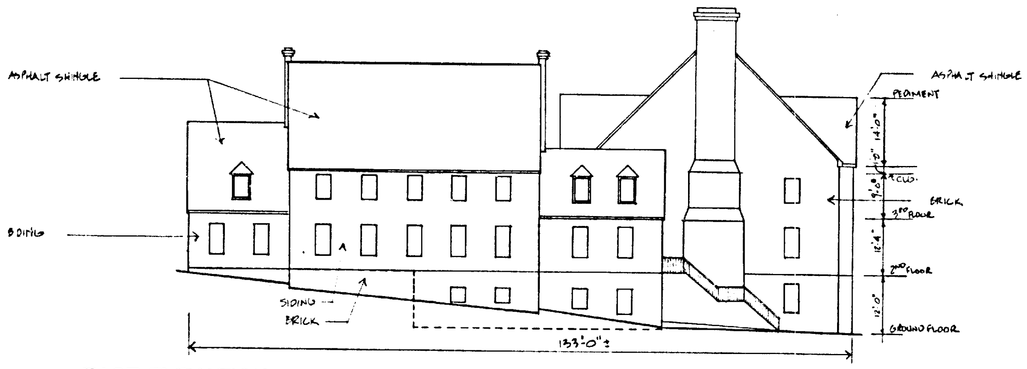
Cost of Advertising

35.75

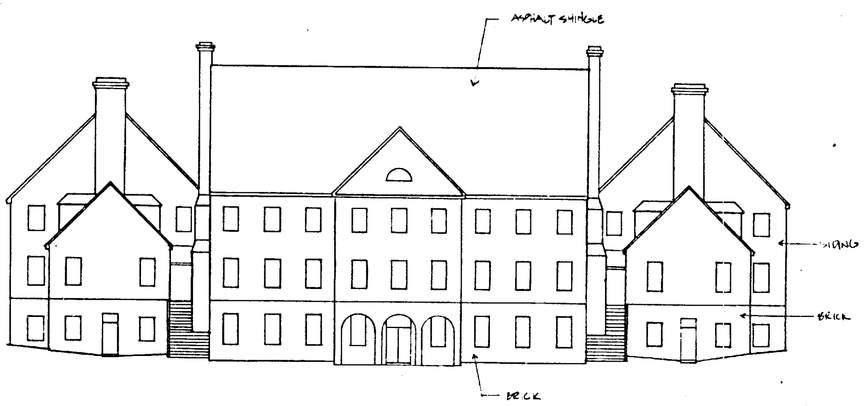
OCT 28 [illegible]



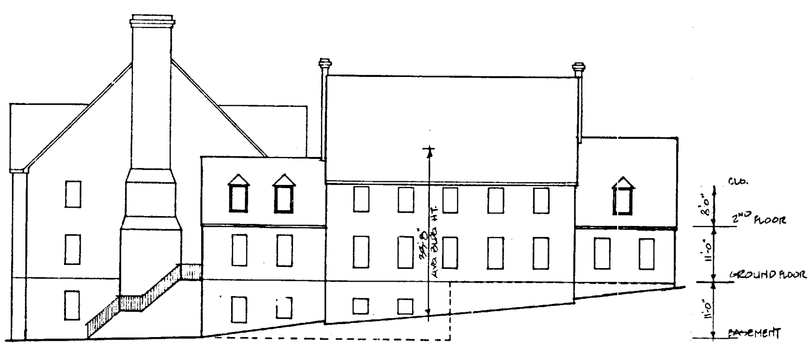
SOUTH ELEVATION



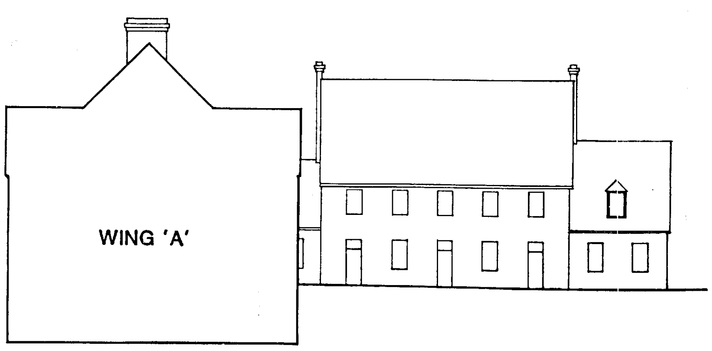
EAST ELEVATION



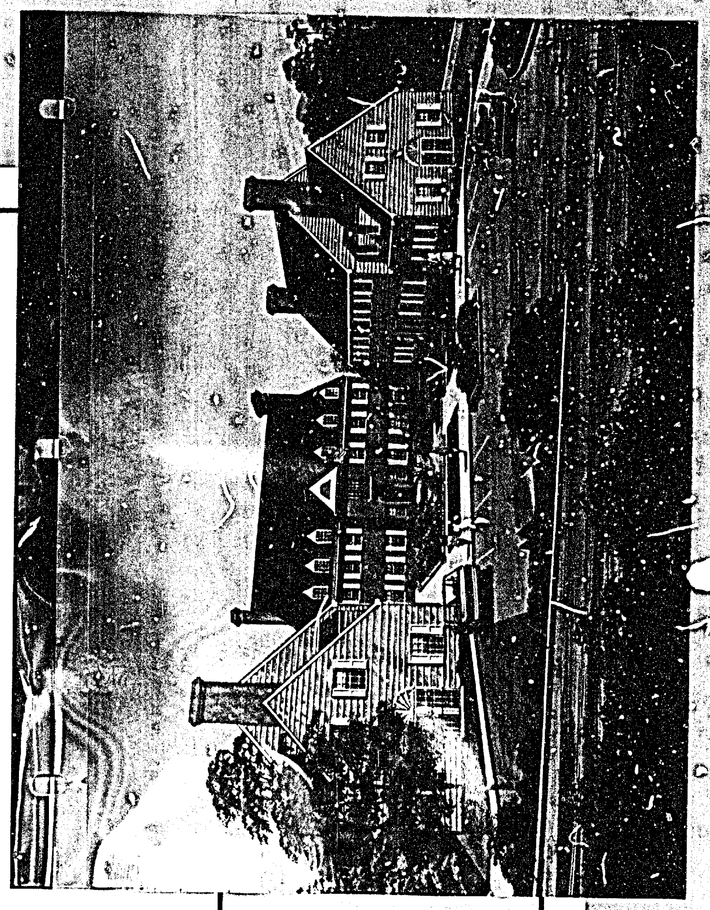
NORTH ELEVATION



WEST ELEVATION



BUILDING SECTION



NOTE: BUILDING DESIGN IS PRELIMINARY IN NATURE, & WILL BE ADJUSTED IN FINAL DESIGN PHASE.

WILLIAM F. KIRWIN INC
landscape architect
28 e. susquehanna avenue suite 2
towson, maryland
21204
301-337-0075

G. W. STEPHENS & ASSOCIATES, INC.
civil engineers
303 allegheny avenue
towson, maryland
21204.
301-825-8120

l/sa
lapicki/smith associates, p.a.
baltimore, maryland
21201
(301) 685-4900

l/sa project number 83.18

EXHIBIT 2

mackenzie & associates, inc.
developer applicant
2324 w. joppa road, suite 530
lutherville, maryland 21093
301-821-8585

CRG PLAN
and
a plat plan to accompany a Special Exception for a Class 'B' Office Building in an R.O. Zone and a Special Hearing to permit Commercial Parking in a D.R. 3.5 Zone

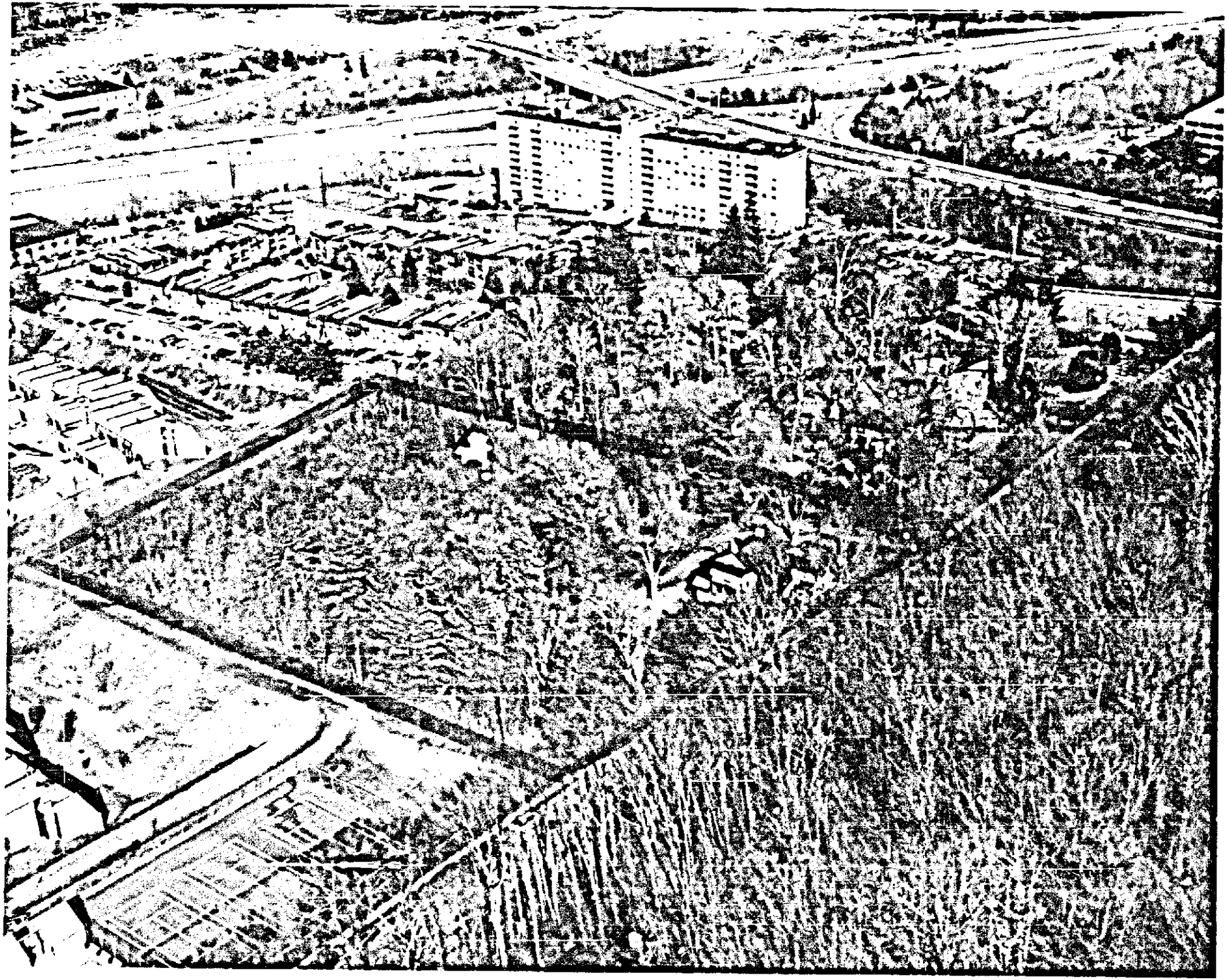
WINDSOR COURT

drawing title
ELEVATIONS

scale : 1/16"=1'0"

date	drawing number
22 FEBRUARY 1985	3 of 3

(REVISED) 28 FEBRUARY 1985



1. 400.4-Business or Industrial Facility in Residence Zone-Upon application for Zoning Commission or any person a use permit for the use of land in a residential zone for permitted uses in the business or industrial zones, the Zoning Commissioner may be granted such permission, subject to the following conditions. If granted, such use permit shall be subject to the following limitations, in addition to the restrictions in Section 400.3 (B) (C.R.G., 1955; Resolution, November 21, 1956; Bill No. 32, 1964.)

a. The land so used must adjoin or be across an alley or street from the business or industrial zone. (B.C.R.G., 1955; Resolution, November 21, 1956.)

b. Only passenger vehicles, excluding buses, may use the parking area. (B.C.R.G., 1955; Resolution, November 21, 1956.)

c. No trailer, service, or any use other than parking shall be permitted. (B.C.R.G., 1955; Resolution, November 21, 1956.)

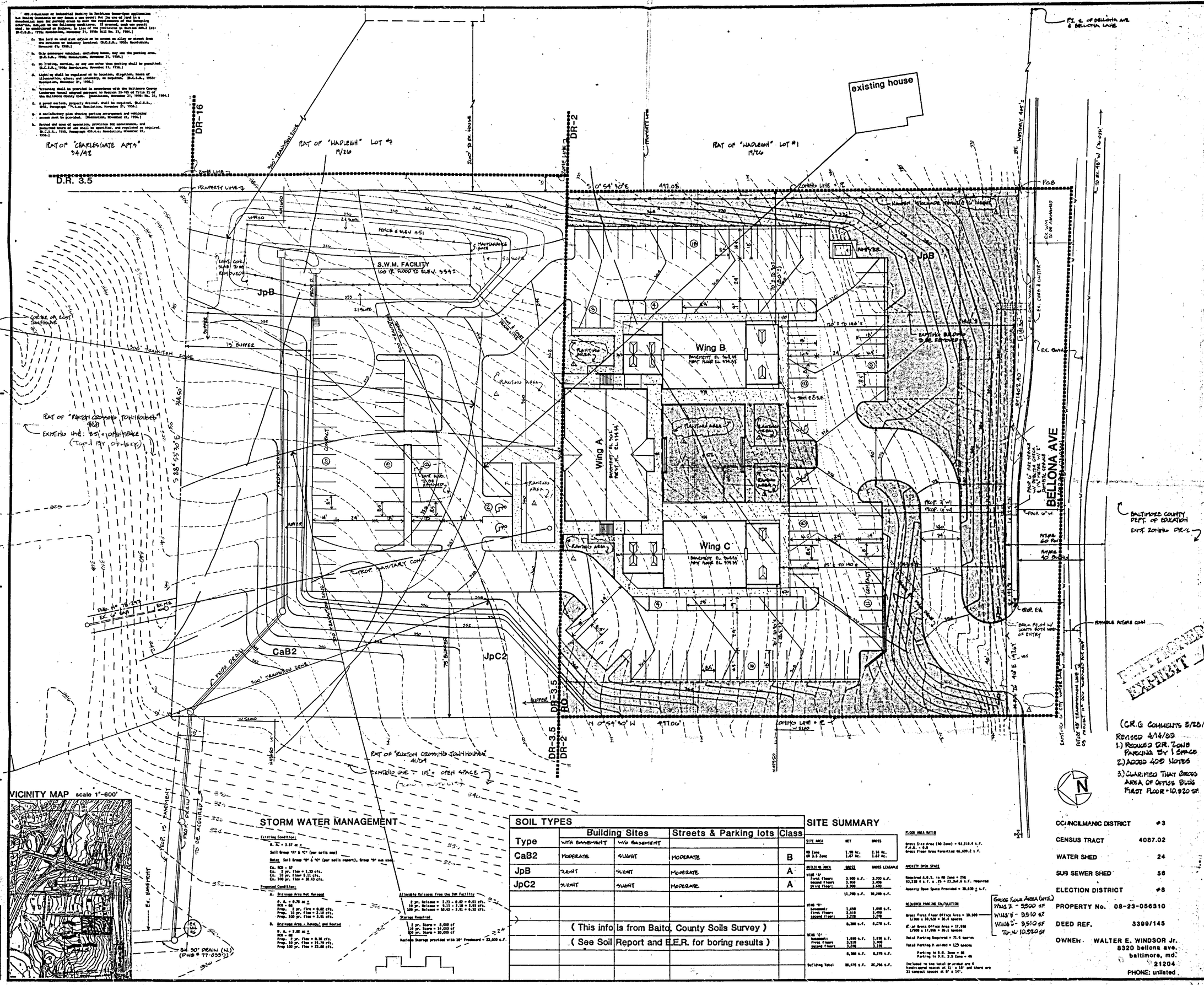
d. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required. (B.C.R.G., 1955; Resolution, November 21, 1956.)

e. Screening shall be provided in accordance with the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. (Resolution, November 21, 1956; No. 32, 1964.)

f. A paved surface, properly drained, shall be required. (B.C.R.G., 1955, Paragraph [illegible].a; Resolution, November 21, 1956.)

g. A satisfactory plan showing parking arrangement and vehicular access must be provided. (Resolution, November 21, 1956.)

h. Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required. (B.C.R.G., 1955, Paragraph 400.4.e; Resolution, November 21, 1956.)



Type	Building Sites: WITH BASEMENT	Building Sites: W/O BASEMENT	Streets & Parking lots	Class
CaB2	MODERATE	SLIGHT	MODERATE	B
JpB	SLIGHT	SLIGHT	MODERATE	A
JpC2	SLIGHT	SLIGHT	MODERATE	A

(This info is from Balto. County Soils Survey)

(See Soil Report and E.E.R. for boring results)

COUNCILMANIC DISTRICT	#3
CENSUS TRACT	4057.02
WATER SHED	24
SUB SEWER SHED	56
ELECTION DISTRICT	#8
PROPERTY No.	08-23-056310
DEED REF.	3399/145
OWNER	WALTER E. WINDSOR Jr. 8320 bellona ave. baltimore, md. 21204 PHONE: unlisted

(C.R.G COMMENTS 3/20/03)
REVISED 4/14/03
1.) REDUCED D.R. ZONE PARKING BY 1 SPACE
2.) ADDED 400 NOTES
3.) CLARIFIED THAT GROSS AREA OF OFFICE BLDG FIRST FLOOR = 10,920 SF.

PETITIONER'S EXHIBIT 1

GENERAL NOTES

1. Building design as shown are preliminary in nature and will be adjusted during final design phase.
2. All exterior signage is to be in accordance with BC zoning regulations i.e. one 8 S.F. maximum non-illuminated sign of 5' maximum projection up the wall of the building.
3. The estimated maximum number of employees, is 200.
4. The anticipated hours of operation for office use are: 8 AM - 6 PM Monday through Friday and 8 AM - 2 PM Saturday.
5. Handicapped parking spaces are indicated on the plans thus ⓗ. Sign arrangements will be addressed in detail when individual building site plan is submitted.
6. All parking lighting fixtures in the vicinity of adjacent residential property will be arranged to reflect light away from the residential lots and to not impede traffic flow by glare. Height of proposed lighting is approximately 16 feet.
7. The subject site has transit service available via Metro bus line No. 84 & 88 on Bellona Avenue.
8. On this site there are no wetlands, no critical areas, no archeological sites, no endangered species, no hazardous materials, and no historic buildings.
9. On this site there are no significant geological formations or other unusual natural formations.
10. On this site there are no existing streams, springs, or flood plains.
11. The estimated average daily trips (ADT) generated by this office development is 697. This amount half of the above is not more than 36/1000 trips and half is retail office at 37.7/1000 trips.
12. Proposed grading is preliminary in nature and subject to adjustment. EXISTING VEGETATION WOODY AND TYPE OF USE ATTR. IS TO BE GRADED.
13. There are no proposed vending facilities.
14. Proposed landscaping is on drawings.
15. Building character is to be "Colonial Williamsburg" or "Federal Period" style. Preliminary building elevations and materials are indicated on drawings.
16. Proposed use is Class "B" Office Building by special exception see BCZR Section 203.3B.2.
17. Existing use is Residential.
18. Maximum average height is 35 feet.
19. On this site there are no natural slopes exceeding 25%.

LEGEND

- tract boundary
- zoning line
- building setback
- existing contours
- proposed contours
- existing trees to be removed
- existing buildings/drives to be removed
- proposed fire hydrant
- amenity open space

WILLIAM F. KIRWIN INC
landscape architect
28 e. susquehanna avenue · suite 2
towson, maryland 21204
301-337-0075

C. W. STEPHENS & ASSOCIATES, INC.
civil engineers
303 allegheny avenue
towson, maryland 21204
301-828-8120

l/sa
lapicki/smith associates, p.a.
211 w. fayette street
baltimore, maryland 21201
(301) 685-4900
l/sa project number 83.18

mackenzie & associates, inc.
developer applicant
2324 w. joppa road, suite 630
lutherville, maryland 21093
301-821-8585

CRG PLAN
and
a plat plan to accompany a Special Exception for a Class "B" Office Building in an R.O. Zone and a Special Hearing to permit Commercial Parking in a D.R. 3.5 Zone

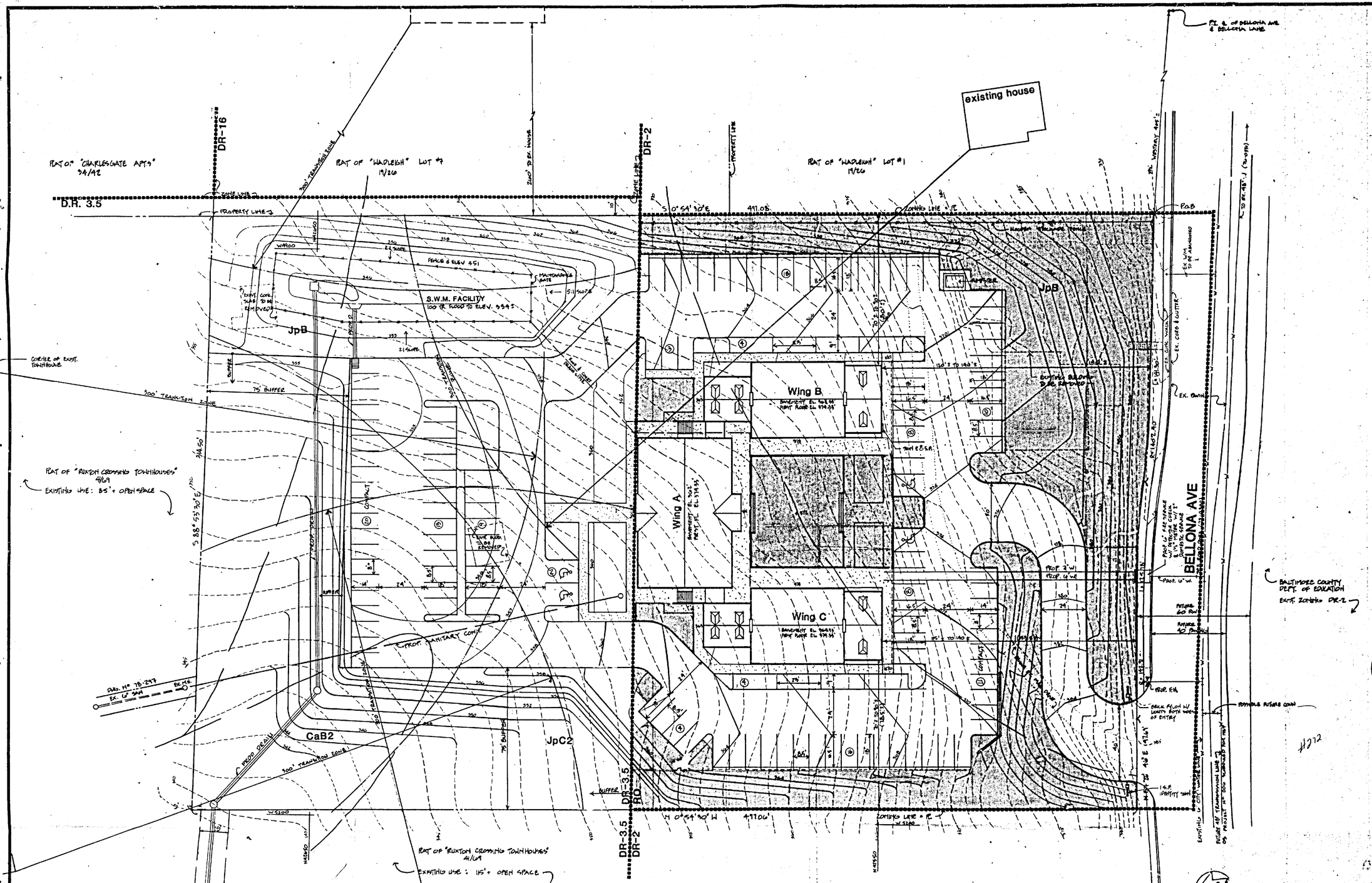
WINDSOR COURT

drawing title
SITE PLAN
scale 1"=20'

4-30-85 REVISED PLANS
#2721

date	drawing number
22 FEBRUARY 1985	1 of 3

Δ 20 MARCH 1985



STORM WATER MANAGEMENT

Existing Conditions:

D. A. = 3.57 ac ±

Soil Group "A" & "C" (per soils map)

Note: Soil Group "B" & "C" (per soils report), Group "B" was used.

Ex. RCN - 67
Ex. 2 yr. flow = 1.33 cfs.
Ex. 10 yr. flow = 5.11 cfs.
Ex. 100 yr. flow = 10.43 cfs.

Proposed Conditions:

A. Drainage Area Not Managed

D. A. = 0.75 ac ±
RCN - 88
Prop. 2 yr. flow = 0.82 cfs.
Prop. 10 yr. flow = 2.18 cfs.
Prop. 100 yr. flow = 3.98 cfs.

B. Drainage Area - Managed and Routed

D. A. = 2.82 ac ±
RCN - 88
Prop. 2 yr. flow = 0.36 cfs.
Prop. 10 yr. flow = 11.79 cfs.
Prop 100 yr. flow = 21.86 cfs.

Allowable Releases from the SWM Facility

2 yr. Release = 1.33 - 0.82 = 0.51 cfs.
10 yr. Release = 5.11 - 2.18 = 2.93 cfs.
100 yr. Release = 10.43 - 3.98 = 6.52 cfs.

Storage Required

2 yr. Storm = 6,000 cf
10 yr. Storm = 14,000 cf
100 yr. Storm = 30,000 cf

Maximum Storage provided with 10' freeboard = 37,000 c.f.

SOIL TYPES

Type	Building Sites: WITH BASEMENT	Building Sites: W/O BASEMENT	Streets & Parking lots	Class
CaB2	MODERATE	SLIGHT	MODERATE	B
JpB	SLIGHT	SLIGHT	MODERATE	A
JpC2	SLIGHT	SLIGHT	MODERATE	A

(This info is from Balto. County Soils Survey)
(See Soil Report and E.E.R. for boring results)

SITE SUMMARY

SITE AREA	NET	GROSS
RO Zone	1.30 Ac.	2.16 Ac.
DR 3.5 Zone	1.87 Ac.	1.87 Ac.

BUILDING AREA	GROSS	GROSS LEASABLE
WING "A"		
First Floor:	3,900 s.f.	3,900 s.f.
second Floor:	3,900	3,900
third Floor:	3,900	3,500
	11,700 s.f.	10,200 s.f.
WING "B"		
Basement:	1,650	1,650 s.f.
first Floor:	2,610	2,400
second Floor:	2,620	2,220
	6,880 s.f.	6,270 s.f.
WING "C"		
Basement:	1,650 s.f.	1,650 s.f.
first Floor:	2,510	2,400
second Floor:	2,620	2,220
	6,780 s.f.	6,270 s.f.
Building Total	25,170 s.f.	22,740 s.f.

FLOOR AREA RATIO

Gross Site Area (RO Zone) = 93,218.4 s.f.
F.A.R. - 0.5
Gross Floor Area Permitted 46,609.2 s.f.

AMENITY OPEN SPACE

Required A.O.S. in RO Zone = 25%
93,218.4 s.f. x .25 = 23,304.6 s.f. required
Amenity Open Space Provided = 36,630 ± s.f.

REQUIRED PARKING CALCULATION

Gross First Floor Office Area = 10,920
1/300 = 10,920 = 36.4 spaces

Gross Gross Office Area = 17,066
1/300 = 17,066 = 56.9 spaces

Total Parking Required = 93.3 spaces

Total Parking Provided = 130 spaces

Parking in C.O. Zone = 88
Parking in D.R. 3.5 Zone = 42

Included in the total provided are 6 handicapped spaces at 12' x 18' or 1 spaces are all compact spaces at 8' x 16'.

GENERAL NOTES

1. Building designs & shapes are preliminary in nature and will be adjusted during final design phase.
2. All exterior signage is to be in accordance with all zoning requirements i.e. one 6 S.F. custom non-illuminated sign of 8' maximum projection.
3. The estimated maximum number of employees is 200.
4. The anticipated hours of operation for office use are 8 AM - 6 PM Monday through Friday and 8 AM - 1 PM Saturday.
5. Handicapped parking spaces are indicated on the plans thus ⓗ. Ramp arrangements will be addressed in detail when individual building site plan is submitted.
6. All parking lighting fixtures in the vicinity of adjacent residential property will be arranged to reflect light away from the residential lots and be cut towards traffic flow by glare. Height of proposed lighting is approximately 16 feet.
7. The subject site has transit service available via Metro bus line No. 84 & 85 on Bellona Avenue.
8. On this site there are no wetlands, no critical areas, no archeological sites, no endangered species, no hazardous materials, and no historic buildings.
9. On this site there are no significant geological formations or other unusual natural formations.
10. On this site there are no existing streams, springs, or flood plains.
11. The estimated average daily trips (ADT) generated by this office development is 1800. This assumes half of the space is retail use at 50/1000 trips and half is general office at 17.7/1000 trips.
12. Proposed grading is preliminary in nature and subject to adjustment, depending upon SWMP and "As-Built" of the site is to be computed.
13. There are no proposed heating facilities.
14. Proposed landscaping is on drawings.
15. Building character is to be "Colonial Williamsburg" or "Federal Period" style. Preliminary building elevations and materials are indicated on drawings.
16. Proposed use is Class "B" Office Building by special exception see BCZR Section 203.9.2.
17. Existing use is Residential.
18. Maximum average height is 36 feet.
19. On this site there are no natural slopes according ESD.

LEGEND

- tract boundary
- zoning line
- building setback
- existing contours
- proposed contours
- existing trees to be removed
- existing buildings/drives to be removed
- proposed fire hydrant
- amenity open space

WILLIAM F. KIRWIN INC
landscape architect
28 e. susquehanna avenue, suite 2
towson, maryland
21204
301-337-0075

G. W. STEPHENS & ASSOCIATES, INC.
civil engineers
303 allegheny avenue
towson, maryland
21204.
301-825-8120

l/sa
lapicki/smith associates, p.a.
211 w. fayette street
baltimore, maryland
21201
(301) 685-4900

l/sa project number 83.18

mackenzie & associates, inc.
developer applicant
2324 w. joppa road, suite 630
lutherville, maryland 21093
301-821-8585

CRG PLAN
and
a plat plan to accompany a Special Exception for a Class "B" Office Building in an R.O. Zone and a Special Hearing to permit Commercial Parking in a D.R. 3.5 Zone

WINDSOR COURT

drawing title
SITE PLAN
scale 1"=20'

COUNCILMANIC DISTRICT	#3
CENSUS TRACT	4087.02
WATER SHED	24
SUB SEWER SHED	56
ELECTION DISTRICT	#8
PROPERTY No.	08-23-056310
DEED REF.	3399/145

OWNER: WALTER E. WINDSOR Jr.
8320 bellona ave.
baltimore, md.
21204
PHONE: unlisted

date: 22 FEBRUARY 1985

drawing number: 1 of 3

(REVISED) 15 FEBRUARY 1986

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

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:

Project #85061
Windsor Court
Page 2
March 22, 1985

HIGHWAY COMMENTS: (Cont'd)

Ramps shall be provided for physically handicapped persons at all street intersections.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on the required construction plans.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

A sediment control plan is required.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year, 10-year and 100-year frequency storm must be provided on the site.

Project #85061
Windsor Court
Page 3
March 22, 1985

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

Offsite rights-of-way are necessary for storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired, or sufficient evidence is presented to indicate that the Developer has legal right to convey the necessary easement for his storm drain outfall. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

Permission to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

* * * * * *

The Plan may be approved, subject to conformance with the above comments.

EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

EAM:DBS:ss

cc: File

CRG Meeting of March 5, 1985
Windsor Court

1. Review of soil borings submitted February 19 indicates that infiltration should not be used due to steep slopes & seepage problems adjacent to the site. The report also recommends that the s w m basin be located in the northwest corner of the site with a minimum set back of 50' from property lines, however, the plan shows the pond in the northeast corner of the site with only 20' setbacks. I believe that the soils engineer's recommendations should be complied with & the facility moved *

* Revised below

The other recommendations to minimize seepage potential should also be followed in final design.

2. 2, 10 & 100 year peak management is required.

Thomas G. Dukes
3/8/85

* On 3/19, additional soils data was provided which indicates that pond locations shown on plan is acceptable & in accordance herewith as a result CRG approval should not be withheld due to SWM.

3/21/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: EUGENE A. BOBER, Chief, Current Planning and Development Div., Office of Planning and Zoning — Date: 28 MARCH 85

FROM: Comprehensive Planning Division, Office of Planning and Zoning

SUBJECT: CRG Comments on WINDSOR COURT

GENERAL COMMENTS:

HISTORICAL COMMENTS:
No historical or archaeological sites.---J. Hubrain

ENVIRONMENTAL COMMENTS:

LOS COMMENTS:

TRANSPORTATION COMMENTS:

COASTAL CRITICAL AREA COMMENTS:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Gene Bober, Chief, Current Planning & Development Division — Date: 3/4/85

FROM: Community Planning Division

SUBJECT: County Review Group Comments On WINDSOR COURT

GENERAL COMMENTS:

ENVIRONMENTAL COMMENTS: Alternate SWM may be needed if offsite easement cannot be acquired (see NW corner of site)

ZONING COMMENTS: I don't believe easement access to rear parking can penetrate the 75' buffer established by transition.
Special Exception & special hearing required for Class B building & parking in a residential zone.

TRANSPORTATION COMMENTS:

MASTER PLAN CONSISTENCY:

BASIC SERVICES DEFICIENCIES:

MASTER WATER AND SEWER PLAN: WATER _____
SEWER _____

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING — DATE: March 28, 1985

PROJECT NAME: Windsor Court — PLAN: XXXXXXXXXXXXXXXXX
COUNCIL & ELECTION DISTRICT: VIII-410 — PLAN EXTENSION: ____ REVISED PLAN: ____ PLAT: ____

The Office of Planning and Zoning has reviewed the subject plan dated March 20, 1985, and has the following comments:

Section 22-104 of the Development Regulations requires that R.O. development be designed to achieve four objectives:

1) Compatibility of the proposed development in the surrounding uses; 2) Tree preservation; 3) Protection of water courses and bodies of water from erosion and siltation, and 4) safety convenience, and amenity for the neighborhood. The development must also be designed in accordance with the Legislative Intent of the R.O. zone as stated in Section 203.2 of the Zoning Regulations.

The plan as submitted fails to demonstrate that this development can meet the criteria in Section 22-104, items #1 and #4 in particular. The plan proposes 44 "overflow" parking spaces in the D.R.3.5 zoned portion of the site. As such, the parking is part of the office development and must also meet the criteria stated above. Additional information is required which would demonstrate how this development "fits in" with the neighborhood while providing "safety, convenience and amenity for the neighborhood". An over all plan view of the neighborhood should be submitted which shows the relationship of this development with the neighborhood. It must be demonstrated that the intrusion of parking into a residentially zoned area can be compatible with the neighbors. Cross sections should be submitted while illustrate the relationship of this development with adjacent residential uses, including the homes on lots 1 and 2 Plat of Waldleigh. Landscaping should be provided along the storm water management area adjacent to Lot #1.

The landscape calculations are correct. The schematic landscape plan should include additional planting along the East side of the storm water management area. The proposed wooden stockade fence is subject to further review on the Final Landscape Plan. The Final Landscape Plan must be approved by this office prior to approval if any grading or building permits.

Susan Carrell
Susan Carrell

OCT 28 1985

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: 3/28/85

FROM: ZONING OFFICE

PROJECT NAME: Windsor Court PLAN: ✓

LOCATION: Bellona Ave. DEVELOPMENT PLAN:

DISTRICT: 8th Election District PLAT:

1. The following comments were written on the revised CRG plan dated March 20, 1985 and the revised elevation drawings dated Feb. 28,1985. A Special Exception for a Class B office building in an R. O. zone and a Special Hearing for parking in a D. R. 5.5 zone, Item 272, was filed on 3/13/85 with the Zoning Office. If CRG approval occurs final approval of any building permits will be contigent upon the outcome of the hearing. CRG comments and minutes should be forwarded by the Bureau of Public Services to the Zoning Office as soon as possible in order to be used for the Zoning hearing.

2. Revisions are needed to the CRG plan and elevation drawings as follows:
   a. It appears that the elevation drawings show an average height in excess of the allowed 35'. It appears that the method utilized in determining the average height which is the average grade to the average elevation of the roof of the highest story, is not in keeping with that definition. Either a Variance will be required, with the average height clearly dimensioned for all 4 elevation drawings, or the building height must be reduced. This matter must be resolved prior to the scheduling of the zoning hearing.
   b. The site plan must be revised with the notes required by Section 409.4 of the Baltimore County Zoning Regulations due to the off street parking in a residential zone.
   c. The parking requirements contain a minor error- parking is based on total floor area not gross leasable area. In Wing A, 1 p. s. per 11,700 sq. ft. is required not 1 per 10,920 sq. ft. Even so there is a surfeit of parking.
   d. The storm water management pond is located within a residential transition area as well as the maneuvering area for some of the parking spaces. The transition area of particular concern is from the dwellings on Lots 1 & 7 of Wadleigh.
      1. There is an area which must be revised as redlined on the accompanying site plan so the maneuvering area for the parking spaces is not within a transition area from Lot 1. One parking space will be deleted. If it is not revised a buffer would have to be provided for this maneuvering area which does not appear to be possible since the driveway is located where the buffer should be.

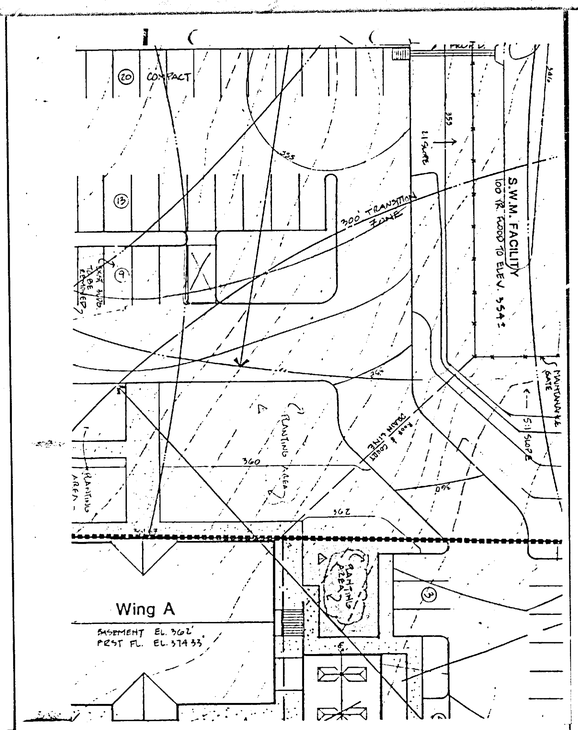
(cont'd)

(cont'd)

2. The storm water management facility in a D. R. 5.5 zone as indicated on the plan appears to be permitted by the DOZA. However a similar CRG plan has resulted in the filing of a Special Hearing on the Invenizzi property for a formal determination of whether a s. w. m. pond is a permitted use in a D. R. zone for an office building located in another zone. If someone wishes to file for a Special Hearing to determine whether the s.w.m. pond may be located as shown, they may do so.

Dennis Kaltenbach
DENNIS KALTENBACH
Zoning Associate III

DK/sz



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Sy Benson Date March 6, 1985

FROM Charles K. Weiss, Chief
Bureau of Sanitation

SUBJECT Windsor Court -- Bellona Avenue
CRG 3/28/85

It must be noted that Baltimore County does not provide commercial refuse collection.

However, no problem is foreseen with the dumpster location as submitted.

Note: Location for dumpster is quite a substantial distance from building A & C.

CKW:gjw

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

WINDSOR COURT
Subdivision Name, Section and/or Plat

MacKenzie + Assoc. — G.W. Stephens, Jr. + Assoc.
Developer and/or Engineer

Watershed	No. of Lots or Units	Total Acreage	Water	Sewer
Jones Falls	3	3.81	Public	Public

COMMENTS ARE AS FOLLOWS:

___ Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.

___ Soil percolation test have been conducted. Revised plans, ___ must be submitted prior to approval of plat, ___ are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.

✓ Public sewers ✓, public water ✓, must be utilized and/or extended to serve the property.

✓ A Hydrogeological Study and Environmental Effects Report for this subdivision, ___ must be submitted, ___ are not required, ___ is incomplete and must be revised, ✓ has/have been reviewed and approved.

___ A Water Appropriation Permit Application, ___ must be submitted, ___ has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

✓ It is recommended the plan, ___ be approved as submitted, ✓ be approved as submitted subject to the following conditions noted: on the attached memo dated 3-27-85

___ It is recommended this plan not be approved at this time. See revisions and/or comments. LP

REVISIONS AND/OR COMMENTS:

SS 783R

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. Brooks Stafford, Director
Environmental Support Services Date March 27, 1985

FROM
Waste and Water Quality Management

SUBJECT ENVIRONMENTAL EFFECTS REPORT Windsor Court
(Name)

CRG MEETING March 28, 1985 ___
(Date) (Time)

PLAN REVIEW NOTES

1. Office complex on 3.81 acres
(Describe Site)

2. Public water and Public sewer is proposed.

3. No streams on site
(Describe streams on-site)

5. No wetlands.
(Describe wetland soils on-site)

6. Storm Water Management is required.

7. ___ proposed impervious area.

RESPONSES

___ The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

✓ The Environmental Effects report is approved, subject to the following checked items/conditions.

A. ___ No development is allowed in ___
(soil/name & symbol)

B. ___ A revised site plan indicating no development in ___ must be submitted.

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

TO : Mr. James A. Markle DATE: March 28, 1985

FROM : C. Richard Moore

SUBJECT: C.R.G. Comments

PROJECT NAME: Windsor Court C.R.G. PLAN: X

PROJECT NUMBER & DISTRICT: 803 DEVELOPMENT PLAN:

LOCATION: Bellona Avenue W. of Charles Street RECORD PLAT:

✓ The existing fence on Bellona Avenue and proposed landscaping need to be relocated back at least 10ft. behind the curb line to improve sight distance.

C. Richard Moore
Deputy Director
Traffic Engineering

CRM/GMJ/ccm

BALTIMORE COUNTY, MARYLAND

DATE: March 26, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME Windsor Court PRELIMINARY PLAN

PROJECT NUMBER CRG Agenda 3/28/85, 1:30 pm TENTATIVE PLAN

LOCATION: Bellona Avenue DEVELOPMENT PLAN

DISTRICT: 8 FINAL PLAT

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.

2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Bellona Avenue as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.

✓ 3. Submitted site plan fails to indicate proposed fire hydrant spacing at 300 feet intervals in accordance with Baltimore County Standard Design Manual.

OCT 28 305

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P. E.
DIRECTOR

April 26, 1985

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

Re: Item #272 (1984-1985)
Property Owner: Walter Windsor
N/S Bellona Avenue 405' W. from
centerline Bellona Lane
Acres: 2.57
District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the subject zoning item.

General Comments:

Please refer to the County Review Group comments prepared by the Developers Engineering Division, dated March 22, 1985, for this site.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

JAM:EAM:ROP:ss

cc: File

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

MAY 3, 1985

Re: Zoning Advisory Meeting of MARCH 26, 1985
Item # 272
Property Owner: WALTER WINDSOR
Location: N/S BELLONA AVE 405' W. FROM
℄ BELLONA LANE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

(X) There are no site planning factors requiring comment.
( ) A County Review Group Meeting is required.
(X) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior to issuance of a building permit.
( ) The access is not satisfactory.
( ) The circulation on this site is not satisfactory.
( ) The parking arrangement is not satisfactory.
( ) Parking calculations must be shown on the plan.
( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
( ) The amended Development Plan was approved by the Planning Board on _____.
( ) Landscaping: Must comply w'th Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____
( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
THE CRG PLAN VIII-410 W/A WINDSOR COURT" WAS APPROVED 3/28/85. PLAN APPROVAL EXPIRES 3/28/88

Eugene A. Bober
Chief, Current Planning and Develo ent

cc: James Hoswell

5/20

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

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

Item No. 272 -ZAC- Meeting of March 26, 1985
Property Owner: Walter Windsor
Location: N/S Bellona Avenue 405' W. from c/l Bellona Lane
Existing Zoning: R.O. & D.R. 3.5
Proposed Zoning: Special exception for a Class B Office Building.
Special hearing to approve commercial parking on a portion of land zoned D.R. 3.5 in connection with the development of a Class B Office Building on adjoining land zoned R.O.

Acres: 2.57
District: 9th

Dear Mr. Jablon:

Item #272 is being reviewed as part of the C.R.G. process.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

April 11, 1985

TED ZALESKI JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 272 Zoning Advisory Committee Meeting are as follows:

Property Owner: Walter Windsor
Location: N/S Bellona Avenue 405' W. from c/l Bellona Lane
Existing Zoning: R.O. & D.R. 3.5 (CRG)
Proposed Zoning: Special exception for a Class B office building. Special hearing to approve commercial parking on a portion of land zoned D.R. 3.5 in connection with the development of a Class B office building on adjoining land zoned R.O.
Acres: 2.57
District: 9th.

The items checked below are applicable:

A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

B. A building/ miscellaneous & other / 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. Non-reproduced seals and signatures are required on Plans and Technical Data.

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

E. 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 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict 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 601.

I. Comments - The handicapped code is the A117.1 A.N.S.I. Standard effective 1/1/85. Please be aware of Section 501.3 as it may affect the number of stories permitted by Table 501.

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. Burnham, Chief
Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date May 7, 1985

FROM Norman E. Gerber, Director, Office of Planning & Zoning

SUBJECT Zoning Petition No. 85-326-XSpH

The plan was approved by the CRG on March 28, 1985.

Norman E. Gerber, Director
Office of Planning & Zoning

NEG:JGH:slm

MAY 9 AM
Arnold
Jablon
Ruble
Enid
Chas
ZONING DEPARTMENT
By

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

July 10, 1985

Phyllis C. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Re: Case No. 85-326-XSPH
Walter Windsor

Dear Mrs. Friedman:

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

Very truly yours,

June Holmen, Secretary

Encl.
cc: R. Bruce Alderman, Esq.
Clark F. MacKenzie
Walter Windsor
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer
Rufus Ridgeway Dep Assn

IN THE MATTER OF THE APPLICATION OF WALTER WINDSOR RE: PETITION FOR SPECIAL HEARING AND PETITION FOR SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTH SIDE OF BELLONA AVE., 405' WEST OF THE CENTER-LINE OF BELLONA LANE 9th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 85-326-XSPH

ORDER OF DISMISSAL

Petition of Walter Windsor for Special Hearing and Special Exception on property located on the north side of Bellona Avenue, 405 feet west of the centerline of Bellona Lane, in the 9th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Motion to Dismiss Appeal filed July 9, 1985 (a copy of which is attached hereto and made a part hereof) from the People's Counsel for Baltimore County.

WHEREAS, the said People's Counsel for Baltimore County request that the appeal filed in their behalf be dismissed as of July 9, 1985.

IT IS HEREBY ORDERED this 10th day of July, 1985, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Kent S. Franz, Acting Chairman

Leroy B. Spurrier

Diana K. Vincent

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR SPECIAL HEARING
N/S of Bellona Ave., 405' W of the Centerline of Bellona Lane, 9th District

WALTER WINDSOR, Petitioner

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Zoning Case No. 85-326-XSPH

MOTION TO DISMISS APPEAL

People's Counsel for Baltimore County, Appellant, moves to dismiss the appeal in the above-captioned matter, on the following grounds:

1. The only reason for the appeal taken was the treatment of the height.

2. Inasmuch as the Zoning Commissioner has now recognized the need for a height variance, People's Counsel herewith withdraws their appeal.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

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COUNTY BOARD OF APPEALS
85 JUL -9 P 01

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Motion to Dismiss Appeal was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204.

Phyllis Cole Friedman

OCT 28 1985