

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

333
86-40-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required.

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

See attached Memorandum

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

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

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: THE MARRIOTT CORPORATION Signature: <i>[Signature]</i> 1 Marriott Drive Washington, D. C. 20058 City and State	Legal Owner(s): McCORMICK PROPERTIES, INC. Signature: <i>[Signature]</i> 11011 McCormick Road (Type or Print Name) Hunt Valley, Maryland 21031 City and State	Attorney for Petitioner: Richard A. Reid, Esquire (Type or Print Name) Signature: <i>[Signature]</i> 102 West Pennsylvania Avenue Towson, Maryland 21204-4575 City and State	Attorney's Telephone No.: 823-1600
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ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June 1985, 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 24th day of July, 1985, at 1:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County.
(over)

**PETITIONER'S MEMORANDUM
REASONS FOR ZONING VARIANCE**

The site plan filed herein demonstrates that it would be practically difficult, if not impossible, for Petitioner to provide more than the 160 parking spaces shown. However, the parking provided is more than adequate for this project. The hotel planned for the site is a unique new concept in accommodations for the travelling public. All facilities provided are primarily for the residents of the hotel and non-residents are not encouraged to use them. This is particularly true of the restaurant which is not advertised on the hotel sign and which provides a limited menu to meet the needs of its residents. As will be seen from the photographs in the brochure to be offered in evidence, it is more of an upgraded coffee shop than a full service restaurant and one would not expect members of the public to come there just to eat. Also, there is only a service bar so that one would not expect non-residents to come to the hotel just for a drink. In addition, conference rooms are for the use of the residents and are not available for meetings of non-residents. Consequently, parking spaces for the 146 guest rooms are all that are really required and numerous additional parking spaces for the restaurant, lounge and conference rooms would be superfluous. It would impose an undue hardship on Petitioner to be required to provide the required number of parking spaces because these are calculated based upon requirements for a different type of hotel use than is planned for subject site.

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
September 25, 1985

NOTICE OF ASSIGNMENT

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

CASE NO. 86-40-A McCORMICK PROPERTIES, INC.
SW/S of International Circle, 981' NW of the c/v of International Drive
8th District
Variance-From Sec. 409.2 to permit 160 parking spaces in lieu of the required 216.
8/21/85 - Z.C.'s Order - GRANTED w/restrictions
WEDNESDAY, DECEMBER 4, 1985, at 10 a.m.

ASSIGNED FOR:
cc: Richard A. Reid, Esq. Counsel for Petitioner
McCormick Properties, Inc. Petitioner
The Marriott Corp. Contract Purchaser
John B. Howard, Esq. Counsel for Protestant
Midtex Hospitality, Inc. Protestant
Phyllis C. Friedman People's Counsel
Norman E. Gertler
James Howell
Arnold Jablon
Jean Jung
James Dyer

June Holmen, Secretary

Case No. 86-40-A SWS of International Circle, 981' NW of the centerline of International Drive - 8th Election District
Item No. 333
Date: September 18, 1985
McCormick Properties, Inc., Petitioner

- Variance-From Sec. 409.2 to permit 160 pks. sp. in lieu of 216 required.
- 1. Copy of Petition
 - 2. Copy of Description of Property
 - 3. Copy of Certificate of Posting (2 Signs)
 - 4. Copy of Certificates of Publication
 - 5. Copy of Zoning Advisory Committee Comments
 - 6. Copy of Comments from the Director of Planning
 - 7. Planning Board Comments and Accompanying Map
 - 8. Copy of Order to Enter Appearance
 - 9. Copy of Order - Zoning/ADVISORY COMMITTEE Commissioner-8/21/85, GRANTED w/restrictions
 - 10. Copy of Plat of Property (Petitioner's Exhibit 8)
 - 11. 200' Scale Location Plan
 - 12. 1000' Scale Location Plan
 - 13. Memorandum in Support of Petition
 - 14. Letter(s) from Protestant(s) Memorandum in Opposition to Petition
 - 15. Letter(s) from Petitioner(s)
 - 16. Protestants' Exhibits 1 to 2
 - 17. Petitioners' Exhibits 1 to 11
 - 18. Letter of Appeal, 9/18/85 by John Howard, Esq., on behalf of
 - 19. Affidavit of Compliance for Order for Subpoena (2) Midtex Hospitality, Inc.
- Richard A. Reid, Esquire Attorney for Petitioner
102 West Pennsylvania Avenue
Towson, Maryland 21204
- McCormick Properties, Inc. Petitioner
11011 McCormick Road
Hunt Valley, Maryland 21031
- The Marriott Corporation Contract Purchaser
1 Marriott Drive
Washington, D.C. 20058
- John B. Howard, Esquire Attorney for Protestant
219 Allegheny Avenue
Towson, Maryland 21204
- Midtex Hospitality, Inc. Protestant
600 Madison Avenue
New York, New York 10022
- Phyllis C. Friedman, Esquire People's Counsel
Norman E. Gertler Request Notification
James Howell Request Notification
Arnold Jablon Request Notification
Jean M. H. Jung Request Notification
James E. Dyer Request Notification

ORDER RECEIVED FOR FILING

DATE August 21, 1985
BY *[Signature]*

McCormick Properties, Inc. SWS of International Circle, 981' NW of International Drive 8th District

IN RE: PETITION ZONING VARIANCE SWS of International Circle, 981' NW of the centerline of International Drive - 8th Election District
McCormick Properties, Inc. Case No. 86-40-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 160 parking spaces instead of the required 216 spaces, as more particularly described on Petitioner's Exhibit 8.

The Petitioner appeared, as did its Contract Purchaser, the Marriott Corporation (Marriott), by Ray Warner, its Director of Development, who testified. Also appearing on behalf of the Petitioner was George E. Gavrells, an expert planner. The Petitioner introduced into evidence a deposition of John W. Guckert, an expert traffic engineering transportation planning consultant who could not be present. See Petitioner's Exhibit 10. There was no objection by Counsel for the Protestant, Midtex Hospitality, Inc. (Midtex). Additionally, Edward Tracy, Vice President of Hotel Operations, and John Erdman, an expert traffic engineer, appeared and testified on behalf of the Protestant. Both the Petitioner and the Protestant were represented by Counsel.

Testimony indicated that the subject property, zoned M.L.R. and consisting of approximately 3.7 acres, is located on International Circle in the Shawan in Hunt Valley. Marriott proposes to construct a hotel which will cater to transient commercial traveler. It will be a new approach taken by them in that it will not provide the full range of services normally associated with Marriott hotels. Rather, it will only have a small restaurant, referred to by the Petitioner as an "upgraded coffee shop", with a limited menu, which will not

be advertised to the general public and will not be open at night. There will be no room service. It will also have a lounge with a utilitarian bar to prepare drinks which will be served by a waiter or waitress and no entertainment. There will be no stand-up bar. There will be two small meeting rooms, and no convention facilities or retail space will be provided.

The hotel will be constructed around a courtyard with the wings utilized for 146 guest rooms, the front being the public area, and the rear being an indoor pool, open only to guests. The wings will be three stories; the public building will be one story.

The Contract Purchaser presented a report prepared by The RBA Group entitled "Traffic Generation Study for Courtyard by Marriott", dated March, 1985, which analyzed the parking demands for courtyard hotels and was based on a study of those hotels existing in Atlanta. See Petitioner's Exhibit 9. The conclusion reached therein and supported by Mr. Guckert is that the average parking space demand per occupied room for the Courtyard Hotel concept is 0.65. Assuming that all 146 rooms were occupied at the same time, 95 spaces would be sufficient to satisfy the parking demand.

Mr. Warner testified that, based on his experience and in his opinion, the proposed 160 parking spaces, including six handicapped spaces, with a maximum of 15 employees on the site at any one time, would be more than sufficient to meet the parking demand. If the required 216 spaces were provided, the property could not be utilized for its intended purpose.

Gavrells testified that, in his opinion, a practical difficulty would exist if the variance were denied. He agreed with Mr. Warner and Mr. Guckert in their analyses that 160 spaces were sufficient.

Tracy, however, testified that the variance should not be granted. On July 1985, he visited four of the Marriott Courtyard Hotels in Atlanta and

concluded that there was a spill-over effect on at least one of the sites and that the meeting rooms could be rented to the general public, notwithstanding Mr. Warner's testimony to the contrary. Indeed, Mr. Warner testified that the approach taken by Marriott with its courtyard hotels would not be to affirmatively attract the general public, thereby reducing the appeal that many hotels have to the general public, which in turn requires additional parking. Mr. Tracy disagreed and believes Marriott's new concept will be as attractive to the general public as any hotel.

Midtex is concerned that there will be a spill over of automobiles which could not find parking on the instant site to its property located two parcels away. The Protestant's hotel will open around October, 1985. Mr. Erdman agreed and testified that, based on his experience, he believes too few spaces are proposed and a spill over would definitely be created. See Protestant's Exhibit 2.

It is significant to note that on February 24, 1983, Midtex received a variance to permit 357 parking spaces instead of the required 406 spaces, as well as other assorted variances, a special exception, and a special hearing (Case No. 83-178-XSPHA).

Both sides agreed that the normal industry standard is one space for each room; however, they disagreed as to whether this standard includes accessory services, i.e., restaurant, lounge, and meeting rooms. Mr. Erdman argued that it does not. However, in a report prepared by Midtex to support its case, the traffic engineer concluded that facilities such as the hotel to be constructed by Midtex should not be treated as individual components, i.e., rooms, restaurant lounge, et al. The report went on to state that there is an inter-relationship. Although Mr. Erdman disagreed, it appears that at the time the requested variance to the parking requirements was made in 1983, this position was known to the Deputy Zoning Commissioner, who granted the relief prayed

ORDER RECEIVED FOR FILING

DATE August 21, 1985
BY *[Signature]*

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DATE August 21, 1985
BY *[Signature]*

1 of the relationship again of the location of this site along
2 International Circle, having access directly onto Shawan Road
3 and then onto the Interstate without passing through that
4 key intersection. If we were to take a completely worst
5 case condition and assume that all those trips passed through
6 that intersection, the level of service would not be changed,
7 in my opinion.

8 MR. REID: Witness with you, Mr. Howard.

9 CROSS EXAMINATION

10 BY MR. HOWARD:

11 Q Mr. Guckert, I would assume that you had discussions
12 or at least reviewed materials provided by the Marriott
13 Courtyard people with respect to the use of the conference
14 rooms and the anticipated utilization of the restaurant
15 facilities, is that right?

16 A That's correct.

17 Q And they told you that the conference rooms would
18 be prohibited, I think your statement was, for use by anyone
19 other than guests of the hotel.

20 A That's correct.

21 Q And what, if anything, do they say with regard to

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1 the type of customers that would be anticipated at the
2 restaurant?

3 A Typically, because of the type of restaurant
4 it is going to be that is an -- I will call it an up-scale
5 lunchroom -- they do not anticipate patrons of the restaurant
6 other than those people that are staying at the hotel
7 facility itself.

8 Q That would include all three meals, I would
9 assume?

10 A Yes, sir.

11 Q They do propose having a liquor license, do they
12 not?

13 A To the best of my understanding, yes, and that,
14 you know, you could have a drink with your meal, and I believe
15 there will be a small sitting area, one or two couches or
16 loveseats, where one could sit and have a drink.

17 Q Did you personally have occasion to visit any
18 Marriott Courtyard that is currently in operation?

19 A No, I did not.

20 Q And your knowledge of the operation is based upon
21 studies similar to the type of study that you would make with

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1 regard to parking, mainly the RBA report?

2 A That's correct, and in reviewing that, the report
3 seemed to be, in my opinion, done in a competent manner in
4 the same type of study that I would undertake, that's correct.

5 Q Do you know if that report covers all Marriott
6 Courtyard locations in the Atlanta area?

7 A It is my understanding that there are three
8 locations in the Atlanta area, and this report covers all
9 three. I am not sure whether there are more. I don't believe
10 there are more than these three.

11 Q The Days Inn facility in Gaithersburg that you
12 visited a few years ago is similar in certain respects but
13 dissimilar in others, wouldn't you say, from this proposed
14 facility?

15 A The only difference that I am aware of would be
16 I don't believe that the Days Inn in Gaithersburg has meeting
17 rooms. Obviously, if someone wanted to rent a room to have
18 meetings, which is not unusual and occurs in all types of
19 facilities, they could do so; but the only thing that's
20 different, I believe, about the Marriott versus the Days Inn
21 is the fact that the Days Inn does not have any dedicated

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1 meeting rooms.

2 Q Do you recall whether the Days Inn had a lounge
3 and a liquor license in Gaithersburg?

4 A No, I do not.

5 Q In your studies at similar facilities at the Days
6 Inn in Gaithersburg and based upon your study of industry
7 standards generally, do you know what time of day the help is
8 expected to arrive?

9 A Typically -- bear with me one second. Based upon
10 my experience, and I don't have any direct references, the
11 housekeeping staff would arrive at what is considered normal
12 working hours, you know, an eight to five type of shift for
13 the majority of the housekeeping staff.

14 Q Wouldn't it be reasonable to assume that most of
15 your guests would still be there when the housekeeping staff
16 and other staff arrived?

17 A Based on, for example, the work, the observations
18 we made at Days Inn, that is not the case that the parking rate
19 as far as number of spaces occupied drops off in the eight
20 o'clock, eight A.M., seven A.M. range, so I think what we find
21 is that there is an over -- really not an overlap, but a

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1 complimentary time period where most guests, be them business
2 or otherwise, typically like to get an early start, and they
3 are going to be out of the facility seven, eight, nine o'clock
4 in the morning, which is about the time when the housekeeping
5 would arrive. So where there may be some overlap, the data
6 indicates that there obviously are sufficient numbers of guests
7 who have departed for the morning to not make the morning a
8 peak time with respect to parking demands.

9 Q Do you know whether this location is served by
10 public transportation?

11 A This location is served by public transportation,
12 by our MTA bus system. It is not served by Metro, by rail.

13 Q Did you get into or did you examine the schedules
14 for public transportation at this location?

15 A No, I did not.

16 MR. HOWARD: I think that's all I have, thank you.

17 MR. REID: I have no other questions. We will
18 waive the reading and signing, obviously, since we need this
19 by tomorrow.

20 (Conclusion of deposition.)

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1 STIPULATIONS

2 It is hereby stipulated and agreed by and between
3 counsel for the respective parties that the reading and
4 signing of the deposition by the witness is hereby waived.

5 * * *

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14401 OLD YORK ROAD
PHOENIX, MD 21131
644-8877

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1 STATE OF MARYLAND,
2 BALTIMORE COUNTY:

3 I, Kathryn M. Benhoff, a Notary Public in and for the
4 State and County aforesaid, do hereby certify that the within
5 named JOHN W. GUCKERT, personally appeared before me at the
6 time and place herein set out and after having been duly
7 sworn by me according to law, was interrogated by counsel.

8 I further certify that the examination was recorded
9 by me stenographically and then transcribed from my steno-
10 graphic notes to the within typewritten matter in a true and
11 accurate manner.

12 I further certify that I am not of counsel to any of
13 the parties, nor an employee of counsel, nor related to any
14 of the parties, nor in any way interested in the outcome of
15 this action.

16 As witness my hand and Notarial Seal this 14th day of
17 August, 1985.



Kathryn M. Benhoff
Notary Public

BERNARD DANKER ASSOCIATES
14401 OLD YORK ROAD
PHOENIX, MD 21131
644-8877

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MCCORMICK PROPERTIES, INC. BEFORE THE COUNTY BOARD
SW/S International Circle, OF APPEAL OF BALTIMORE COUNTY
981' NW of the centerline of International Drive
International Drive : Case No. 86-40-A
8th District : : : : :

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify:

- 1. I am a competent person over 18 years of age.
- 2. I am not a party to this action.
- 3. On the 20th day of November, 1985, at 1:40 p.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled action on David G. Mongan, P.E., Kilde Consultants, Inc., 1020 Cromwell Bridge Road, Baltimore, Maryland 21204.

D. Elaine Sauer
Name of Person Serving Paper
Private Process Server

1041d

ROYSTON, MUELLER,
MCLEAN & REID
NOTES AND
102 W. PENN. AVE.
TOWSON, MARYLAND
810-1878
810-1800

DEPT. OF APPEALS
COUNTY BOARD OF APPEALS
FEB 20 P 3 21

MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

ORDER FOR SUBPOENA DUCES TECUM

MR. CHAIRMAN:
Please issue a Subpoena Duces Tecum returnable to the County Board of Appeals of Baltimore County, Room 200 Court House (Hearing Room #218), Towson, Maryland 21204, on Wednesday, December 4, 1985, at 10:00 a.m., to:

DAVID G. MORGAN, P.E., KIDDE CONSULTANTS, INC., 1016 Cromwell Bridge Road, Baltimore, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him all reports, worksheets, correspondence, traffic studies and counts and authorities upon which he relied in preparing his TRAFFIC ANALYSIS FOR PROPOSED MOTEL AT LOT 2 SHAWAN CENTER AT HUNT VALLEY for MiddeX Hospitality, Inc., completed on or about February 10, 1983 (Kidde Consultants, Inc. Job Order No. 01-83029).

By request of
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

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ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4575
823-1800

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MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify:
1. I am a competent person over 18 years of age.
2. I am not a party to this action.
3. On the 3rd day of December, 1985, at 11:25 a.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled action on Stella R. Lowery, Secretar, to Arnold Jablon, Zoning Commissioner, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer
Private Process Server

1078d

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MCLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4575
823-1800

MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

ORDER FOR SUBPOENA DUCES TECUM

MR. CHAIRMAN:
Please issue a Subpoena Duces Tecum returnable to the County Board of Appeals of Baltimore County, Room 200 Court House (Hearing Room #218), Towson, Maryland 21204, on Wednesday, December 4, 1985, at 10:00 a.m., to:

ARNOLD JABLON, ZONING COMMISSIONER, OR HIS DESIGNEE, Office of the Zoning Commissioner for Baltimore County, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him his entire file in Case No. 83-178-XSPHA.

By request of,
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

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MIDDEX HOSPITALITY, INC.

800 MADISON AVENUE
NEW YORK, NEW YORK 10022
PHONE 212/361-0000

February 14, 1986

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

Attention: Mr. William T. Hackett
Chairman

Re: Case No. 86-40-A
McCormick Properties, Inc.

Gentlemen:

We recently learned that despite the fact that the above appeal is still pending, Marriott Corporation has applied for a building permit and has actually commenced construction on its site.

We do not understand how construction could commence before this appeal has been determined by the Board, and before the losing party is given the opportunity to appeal the matter further if it wishes, in accordance with Maryland law.

We are most anxious to know when the Board expects to announce its decision, if that can be disclosed without creating any irregularity or impropriety in the rules and practices of the Board.

Sincerely,
HUNT VALLEY ASSOCIATES
LIMITED PARTNERSHIP

Raphael D. Silver
Raphael D. Silver

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LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

February 19, 1986

HAND-DELIVERED

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O.C. TRACY, JR.
JOHN H. JUNG, III
JOSEPH C. WICH, JR.
TERRY B. PEEL, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DESELY, JR.
LEONARD A. REYNOLDS, III
LAWRENCE L. MOOPER, JR.
M. KING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA M. HARR
KATHLEEN M. GALLAGHY
KEVIN H. SMITH
M. BARRETT PETERSON, JR.

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

Re: Case No.: 86-40-A
McCormick Properties, Inc.

Dear Mr. Hackett:

As you are aware, I am counsel of record for the Appellant in the above-captioned matter.

My client has requested that I personally deliver the enclosed to you.

Please be advised that I have heretofore provided Mr. Silver with this firm's opinion with respect to the question contained in the second paragraph of his letter..

Thank you for your attention to this matter.

Very truly yours,
John B. Howard

John B. Howard

JBH/jhr
Enclosure
cc: Richard A. Reid, Esquire

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MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

ORDER FOR SUBPOENA DUCES TECUM

MR. CHAIRMAN:
Please issue a Subpoena Duces Tecum returnable to the County Board of Appeals of Baltimore County, Room 200 Court House (Hearing Room #218), Towson, Maryland 21204, on Wednesday, December 4, 1985, at 10:00 a.m., to:

ARNOLD JABLON, ZONING COMMISSIONER, OR HIS DESIGNEE, Office of the Zoning Commissioner for Baltimore County, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him his entire file in Case No. 83-178-XSPHA.

By request of,
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

DEC 3 AM
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ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4575
823-1800

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-2180

October 10, 1985

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, MD 21204

Re: Case No. 86-40-A
McCormick Properties, Inc.

Dear Mr. Howard:

This will acknowledge your letter of October 7, 1985, requesting a postponement in the above entitled matter under Rule 2 of the Board's Rules of Procedure.

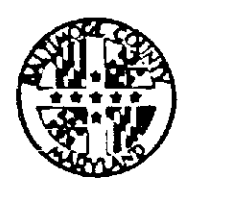
The Board is of the opinion that because Mr. Raphael Silver is testifying in his capacity as Chairman of MiddeX, surely another officer of that corporation can provide the necessary testimony. Therefore, your request for postponement is hereby denied and the case will remain on the docket as scheduled for Wednesday, December 4, 1985 at 10 a.m.

Very truly yours,
William T. Hackett
William T. Hackett, Chairman

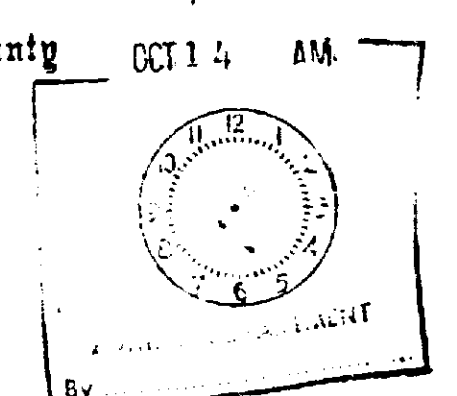
WTH:c

cc: Richard A. Reid, Esquire
McCormick Properties, Inc.
The Marriott Corp.
MiddeX Hospitality, Inc.
Phyllis C. Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean H. Jung
James E. Dyer

10-625-85



JED Reid WK. of
10-5-85



ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

OF COUNSEL
CARROLL W. ROYSTON
M. ANTHONY MUELLER
JOHN LASKIEW

December 12, 1985

Keith S. Franz, Member
Board of Appeals
Room 200 Old Court House
Towson, Maryland 21204

Re:

Dear Mr. Franz:

At the conclusion of the hearing in the above-entitled matter, it was agreed that I would submit to the Board typical menus from a Courtyard by Marriott Restaurant. Accordingly, I am enclosing herewith copies of a Breakfast Menu consisting of one page and a copy of the Luncheon/Dinner Menu consisting of two pages, one of which is entitled "ENTREES" and one of which is entitled "COCKTAIL CORNER." You will note that the Entrees are not available until after 5 p.m.

Very truly yours,
Richard A. Reid

Richard A. Reid

RAR/keg
1106d
Enclosures

cc: John B. Howard, Esquire
Phyllis Cole Friedman, People's Counsel for Baltimore County
both w/enclosures

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 13 40

JAN 20 1986

BREAKFAST

COMPLETE BREAKFAST BUFFET

ASSORTED FRUITS CHILLED JUICES ASSORTED CEREALS
FLUFFY SCRAMBLED EGGS
CRISP BACON AND SAUSAGE
ASSORTED BREAKFAST BREADS GRITS BREAKFAST POTATOES
COFFEE TEA MILK \$4.75
Children 12 and under \$3.25

(We will gladly cook eggs to order with your breakfast buffet)

CONTINENTAL BUFFET

(Help yourself to a quick, light breakfast)

ASSORTED FRUITS AND JUICES

SELECTION OF BREAKFAST BREADS

ASSORTED CEREALS

COFFEE TEA MILK \$3.25

Children 12 and under \$2.25

BREAKFAST SPECIAL

TWO EGGS ANY STYLE FRENCH TOAST
CHOICE OF BACON OR SAUSAGE TOAST OR BISCUIT CHOICE OF BACON OR SAUSAGE
COFFEE, TEA, MILK OR JUICE COFFEE, TEA, MILK OR JUICE
\$3.50 \$3.50

BEVERAGES

CHILLED JUICE \$.75

FRESHLY BREWED COFFEE \$.60

FRESHLY BREWED SANKA \$.60

TEA \$.60

MILK \$.60

5000

ENTREES

(Available after 5:00)

ROASTED BREAST OF CHICKEN \$6.95
marinated and herb-broiled
FILET OF FLOUNDER \$7.25
lightly sautéed with lemon seasonings
SAUTÉED SHRIMP ORIENTAL \$8.95
large shrimp lightly sautéed, served
over oriental vegetables
GRILLED SHORDFISH STEAK \$9.50
8 oz. Shordfish Steak char-broiled
with lemon seasonings
RIB STEAK \$8.95
char-broiled the way you like it
FILET MIGNON \$10.50
7 oz. USDA choice tenderloin
NEW YORK STRIP \$10.95
10 oz. USDA choice sirloin strip

DINNER SPECIALS

TONIGHT'S SPECIAL DINNER

Ask your server about tonight's
selection. \$7.95

STEAK AND SHRIMP DINNER

Complement the Steak of your choice
with our large sautéed shrimp for
an additional \$3.25.

All entrees include a trip to the soup and salad bar,
choice of Courtyard potatoes, baked potato or
rice pilaf and today's vegetables

DESSERTS

ICE CREAM OR SHERBERT \$.95
DEEP DISH APPLE COBBLER \$1.95
with a scoop of vanilla ice cream
ICE CREAM SUNDIAE \$1.50
Chocolate or strawberry sauce, whipped cream,
cherry and a crunchy topping
COURTYARD HONEY AND GRANOLA SUNDIAE \$1.50
vanilla ice cream covered with honey, whipped
cream, cherry, and topped with crunchy granola
CHEESE CAKE "IN THE ROUND" \$2.25
with strawberry sauce

BEVERAGES

FRESHLY BREWED COFFEE \$.60 TEA OR ICED TEA \$.60
FRESHLY BREWED SANKA \$.60 SOFT DRINK OR MILK \$.60

COCKTAIL CORNER

Beer WINE
MILLER LITE, BUDWEISER \$1.50 COLUMBIA CHARLIS \$1.50
BUDGUDY
ROSE'S
NEINEZEN \$2.25 CARAFE \$6.50

Liquor

SMIRNOFF VODKA, BACARDI RUM, BEEFEATER GIN, SEAGRAMS V.O.,
JACK DANIELS, JOSH CUSHY TRUILLA, EDWARDS SCOTCH \$2.50
BALLEYS IRISH CREAM, AMARETTO DI SARONNO, GRAND MARNIER,
Special or Two Liquor Drinks \$3.00

STARTERS

MOZZARELLA STICKS \$3.25 CHICKEN FINGERS \$3.25
lightly breaded with golden brown with
an Italian sauce Honey mustard sauce
POTATO WINGS \$3.25 SHRIMP COCKTAIL \$4.25
cheese & onion

LIGHTER DINING

SOUP - SALAD - BUFFET SANDWICH

choice of any two \$3.95
all three \$4.50
(available at lunch only)

Salads

SALAD MIXLEY \$3.75 CHILLED SHRIMP SALAD \$4.75
crisp lettuce, choice of turkey, ham, cheddar
or scoop of tuna salad wedges and egg slices

Burgers & Sandwiches

BASIC BURGER \$3.25 STEAK AND CHEESE \$3.25
thinly sliced beef, mozzarella cheese
and sautéed onions
COURTYARD BURGER \$3.50
PATTY MELT \$3.75
melted Swiss and cheddar cheese,
sauteed onion on grilled rye
TUNA SALAD \$3.25 HAM AND SWISS \$2.95
BREAST OF TURKEY \$2.50

Omelettes

CHEESE, HAM, OR HAM AND CHEESE \$3.95
served with toast and Courtyard potatoes
with burgers, sandwiches and omelettes, your choice of
soup or salad from our salad bar \$1.50
5890

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

October 15, 1985

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

Re: Case No.: 86-40-A
McCormick Properties, Inc.

Dear Mr. Hackett:

Thank you for your letter of October 10, 1985.

I had spoken to Mr. Reid following receipt of a copy of his letter objecting to the postponement with the suggestion that a meeting be arranged with you in order to explain in detail why it was felt that the presence of Raphael Silver was, in our view, critical to our case.

I had indicated to Mr. Reid the desire that Jordan Band of Cleveland, Ohio, who has been general counsel to Middex for many years, be present at the meeting to provide additional input as to the need for Mr. Silver's presence. Mr. Band is committed until October 30 but could be available then or immediately thereafter; and it had been hoped that you might be available on October 30 or soon afterwards. Mr. Reid had informed me that he had no objection to such a meeting provided the earliest hearing date available following January 6 be reserved at this time in the event that you might deem the postponement appropriate.

I had asked Rob Hoffman to contact your office, as I was out of town this past Thursday and Friday, but when he did so he learned of your decision.

Middex's new Embassy Suites hotel is scheduled to open

William T. Hackett, Chairman
October 15, 1985
Page Two

in Hunt Valley next month. Raphael Silver is the only officer of Middex who has been personally involved with the development of this \$20 million project since its inception in early 1982. He selected the site, negotiated the acquisition of the property, made representations to the lenders and investors and has otherwise been closely involved in this matter for the past 3 1/2 years. He is thus in the position of being uniquely qualified to set forth his reasons for opposition to the requested parking variance on the subject property which is in close proximity to the Embassy site.

Mr. Silver is in Mexico until January 6, 1986 where he is "on location" producing and directing a motion picture. Typically, the filming and other arrangements for this endeavor were scheduled many, many months ago.

It is true, as Mr. Reid points out, that Mr. Silver was not present at the hearing before the Zoning Commissioner; however, it has always been our intention to provide the Board with additional testimony and evidence beyond that which was presented to the Commissioner since the hearing is de novo and of record.

My purpose in writing is not to request a reconsideration of your decision at this time but merely for the opportunity of meeting on October 30, or the next available date thereafter, to discuss personally, and in greater detail, the reasons why we feel a postponement is appropriate. It goes without saying that we would respectfully abide by whatever decision you make on this matter at the conclusion of, or following, such meeting.

Thank you for your careful consideration.

Very truly yours,

John B. Howard

John B. Howard

JBH/dw

cc: Richard A. Reid, Esquire
Phyllis C. Friedman

Case Set Dec 4, 1985

RECEIVED
COUNTY BOARD OF APPEALS
OCT 16 8 44 AM '85

ROYSTON, MUELLER, MCLEAN & REID

ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

October 9, 1985

HAND DELIVERED

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

Re: Case No. 86-40-A
McCormick Properties, Inc., Petitioner

Dear Chairman Hackett:

On behalf of Petitioner in the above-entitled case, I most strenuously object to the request for a postponement by Protestant, Middex Hospitality, Inc. as set forth in the letter of its attorney to you dated October 7, 1985. As I indicated in my letter to you of September 20, 1985, the timing of this project is critical to my client. Furthermore, no explanation was given as to why the presence of Mr. Silver would be necessary to Protestant's case. Mr. Howard merely set forth the bald allegation that it was "essential." This is not a satisfactory ground for a postponement, especially since Mr. Silver did not appear at the hearing of this matter before the Zoning Commissioner.

Very truly yours,

Richard A. Reid

Richard A. Reid

RAR/keg
0927d
cc: Phyllis C. Friedman, People's Counsel
John B. Howard, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
OCT 16 9 33 AM '85

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

October 7, 1985

HAND DELIVERED

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

RE: Case No.: 86-40-A
McCormick Properties, Inc., Petitioner

Dear Mr. Hackett:

I am counsel of record for the Protestent, Middex Hospitality, Inc. and am in receipt of a copy of the Notice of Assignment scheduling this matter for hearing on Wednesday, December 4, 1986 (sic).

It is essential from the Protestent's standpoint that Raphael Silver, Chairman of Middex, be personally present at the hearing to provide testimony. Unfortunately, Mr. Silver is presently out of the country on a business commitment, which was scheduled many months ago, and will not be returning until January 6, 1986.

It is respectfully requested that this matter be reassigned on the earliest date available following January 6.

In accordance with the Rules, I am forwarding copies of this letter to other counsel of record with two copies going to Mr. Reid with the request that he forward one to the appropriate representative of McCormick Properties, Inc.

William T. Hackett, Chairman
October 7, 1985
Page 2

Thank you for your consideration of this matter.

Very truly yours,

John B. Howard

John B. Howard

JBH/jhr
cc: Richard A. Reid, Esquire
Phyllis C. Friedman

RECEIVED
COUNTY BOARD OF APPEALS
OCT 16 9 40 AM '85

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

SITE 602
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 493-1800

September 20, 1985

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

RE: PETITION FOR ZONING VARIANCE
SW/S of International Circle, 981' NW of the
centerline of International Drive - 6th Election
District - McCormick Properties, Inc., Petitioner
Case No. 86-40-A

Dear Chairman Hackett:

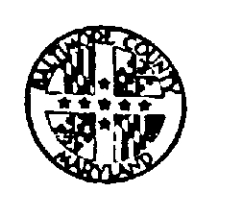
I represent Marriott Corporation, Petitioner and Appellee in the above-entitled case. It is under very severe time constraints with respect to the acquisition and development of the property involved in this appeal.

Accordingly, it is requested that the case be set for hearing at the very earliest date available.

Very truly yours,
Richard A. Reid
Richard A. Reid

RAR/keg
0894d
cc: John B. Howard, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
15 SEP 20 P 6 55
John B. Howard



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

October 17, 1985

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

Re: Case No. 86-40-A
McCormick Properties, Inc.

Dear Mr. Howard:

Replying to your letter of October 15, 1985, please be advised that the Board will grant your request for a meeting regarding postponement of the above entitled case.

This meeting is scheduled for TUESDAY, NOVEMBER 5, 1985 at 9 a.m. Please note that we have notified all interested parties.

Very truly yours,
William T. Hackett, Jr.
William T. Hackett, Chairman

WTH:c
cc: Richard A. Reid, Esquire
Phyllis Cole Friedman
Midtex Hospitality, Inc.
McCormick Properties, Inc.
The Marriott Corp.

9/25/85 - Following were notified of hearing set for Wednesday, Dec. 4, 1986, at 10 a.m.:

Richard Reid, Esq.
McCormick Properties, Inc.
Marriott Corp.
John B. Howard, Esq.
Midtex Hospitality, Inc.
Phyllis Friedman
N. Gerber, J. Hoswell
A. Jablon, J. Jung, J. Dyer

10/17/85 - All notified of MEETING regarding requested postponement set for TUESDAY, NOVEMBER 5, 1985 at 9 a.m.

TRAFFIC GENERATION STUDY
FOR
COURTYARD
BY MARRIOTT

Prepared for:
MARRIOTT CORPORATION

Prepared by:
THE RBA GROUP
MARCH 1985

Pat Ex 9

THE RBA GROUP

*Robert Spitzer - Exhibit 6
11/1/85*

Maple: Courtyard Parking Study
cc: *Reg. E.E. Owens, Brad Byers, Craig Schmitt, Dan Washburn*

COURTYARD BY MARRIOTT
PARKING STUDY

The Marriott Corporation is providing a successful product in Courtyard - lodging facilities designed for the business traveler. The food service and meeting areas are intended to meet the needs of the guests only. Thus, the lack of a full-service restaurant, banquet and convention facilities reduces the parking requirement.

This parking study documents the parking demand for a Courtyard facility. Parking lot counts were made at each of the existing Courtyard facilities in Atlanta, Georgia. The maximum number of spaces occupied occurred in the late evening through mid-morning. The following table shows the maximum spaces occupied with the total rooms occupied for a one week period at each facility.

DATE	WINDY HILL			NORTHLAKE			JOHNSON FERRY		
	Spaces	Rooms	Rate	Spaces	Rooms	Rate	Spaces	Rooms	Rate
3-18	74	128	.58	82	127	.65	62	126	.49
3-19	97	126	.77	86	127	.68	76	129	.59
3-20	105	126	.83	73	126	.58	74	125	.59
3-21	96	126	.76	72	126	.57	65	123	.53
3-22	92	125	.74	82	127	.65	78	125	.62
3-23	96	128	.75	69	119	.58	82	129	.64
AVERAGE			.74			.62			.58

The parking space inventory indicates an average parking space demand of .65 spaces per occupied room. With a maximum of 7 employees included during the peak parking period, the demand is well within the Marriott requirement of providing at least one space per unit.

The low demand experienced is attributed not only to the lack of a full service restaurant and meeting facilities but also to the availability of taxi and limousine service. Also there is the possibility of two or more guests using the same vehicle. However, we recommend providing at least one space per room in the event that each guest may drive one vehicle.

Marriott Corporation recently introduced Courtyard as a new concept in lodging for the business traveler, providing comfortable luxury accommodations in a residential styled environment. A Courtyard facility typically consists of approximately 150 lodging units built around a heavily landscaped open courtyard. Limited service accessory facilities including a fifty-seat restaurant, a living room styled lounge, and an executive board room are provided to accommodate the needs of guests only. The food and beverage services are not designed to attract outside business.

The traffic generated by a Courtyard facility is noticeably less than that of a typical hotel. The reduced number of trips is attributed to the absence of high trip generators such as full service restaurants, banquet and convention facilities. In an effort to determine trip generation of a Courtyard facility, RBA conducted traffic counts at three existing Courtyards during the summer of 1984. Additional information has recently been collected in an effort to refine the generation rates.

PROCEDURE

Traffic counts were made at the Johnson Ferry, Northlake, and Windy Hill Courtyards during June 1984 and updated in February 1985. Mechanical traffic counters set to count at 15-minute intervals were placed at the drive-ways to each facility for one week. Manual counts were performed for 15-minute intervals during peak periods. The number of vehicles counted at each facility was averaged for a.m. and p.m. weekday peak periods and

twenty-four hour weekday periods. These counts were divided by the number of rooms occupied during each period to determine individual facility generation rates. The generation rates, constant for all facilities, were averaged. These rates are shown in Table 1 along with the Institute of Transportation Engineers' published generation rates for a typical hotel.

Table 1: GENERATION RATES
(trips per occupied room)

Period	Courtyard		Typical Hotel
	In	Out	
A.M.	.25	.30	.58
P.M.	.31	.20	.36
DAILY	3.01		10.5

The daily generation rates for the Courtyard are approximately one-third of the rates for a typical hotel. This is attributed to the food and beverage services, meeting areas, and other accessory facilities in a Courtyard being sized for the needs of guests only.

KIDDE CONSULTANTS, INC.
Subsidiary of Kide, Inc.

Cable KIDDENGR
Telex 87767
1020 Cromwell Bridge Road
Baltimore, Maryland 21204
(301) 321-5500
Direct Dial Number
321-5545

February 10, 1983

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204

Dear Mr. Howard:

Subject: Midtex Hospitality Hotel
Our Job Order No. 01-83029

In accordance with your request, I have completed a traffic analysis of the proposed project. The results of that analysis are attached. In summary, the proposed development would not add undue congestion to the transportation system nor create an unsafe condition for motorists.

With regard to the parking requirements, the industry standard would be one per motel room. A review of adjacent subdivision standards and other literature would indicate that the provision of 321 parking spaces would be more than adequate for this facility - 357 per 11/1/85 plot plan.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
David G. Mongan
David G. Mongan, P.E.
Vice President

11

Attachment

Pat Ex 11

PETITIONER'S
EXHIBIT 6

CONSULTING ENGINEERS

TRAFFIC ANALYSIS FOR PROPOSED MOTEL
AT LOT 2
SHAWAN CENTER AT HUNT VALLEY

The proposed motel will consist of 225 rooms with a total restaurant lounge and kitchen facility totaling 5,864 square feet, with retail space of 483 square feet and with 5,324 square feet of meeting room space. The proposed motel is located on Lot 2 in Shawan Center. Access would be provided off of International Circle. International Circle has access to both McCormick Road extended and to International Drive. Major access is then provided to Shawan Road and to Interstate 83. Shawan Road is a major arterial highway providing access and circulation for the entire Hunt Valley Shawan Center Business Community.

The current traffic volume on both McCormick Road extended and International Circle is extremely light due to the lack of development along both of these roadways. Shawan Road carries approximately 35 to 40 thousand vehicles per day. Currently there are no intersections within this traffic shed that are classified by Baltimore County as either Level of Service 'E' or 'F'.

The proposed motel would generate approximately 2,326 trips (total both directions) in a given day. During the A.M. peak period, approximately 7 to 8 or 8 to 9, 200 trips total would be generated to and from the facility and during the P.M. peak hour 4 to 5 or 5 to 6, approximately 165 trips would be generated. This small number of additional trips when added to the existing traffic and the additional traffic that would be generated by the two office facilities currently under construction in Shawan Center will not adversely impact any of the surrounding streets. Both the intersection at International Drive and Shawan Road and the intersection of McCormick Road and Shawan Road will continue to operate at their current level of service. The current zoning for the

subject property permits the development of office based on the current zoning and FAR area ratio, approximately 163,000 square feet of office space could be developed. If this space were developed, total traffic from the site would be approximately 2,200 vehicles per day, with A.M. and P.M. peak hour volumes exceeding 340.

Thus, the impact of that type of development on peak hour traffic is much more intense than traffic from the proposed motel. Therefore, from a traffic standpoint, the development of a motel/office site would not adversely impact the current traffic patterns or present any unsafe conditions to the motorists. In fact, the development at this lower intensity would reduce the ultimate traffic potential from this particular site.

The parking requirements for the proposed motel in accordance with Baltimore County regulations would be 406 spaces. This appears to be an extremely excessive number and does not take into consideration the synergistic effect of the motel with the restaurant/lounge/meeting room areas. Typically, an industry standard for required parking spaces would be one per room for a total of 225 rooms. References for these industry standards are the Highway Research Bulletin No. 19, the Traffic Quarterly, the ENO Foundation Report entitled "Zoning, Parking and Traffic", and the Parking Principals - Special Report 125 from the Highway Research Board. Additional references relating one per room are the Institute of Transportation Engineers Handbook and the Wilbur Smith Publication entitled "Parking". Also, adjacent subdivisions such as Anne Arundel, Howard and Montgomery Counties have requirements that would place the total parking required for the facility well below the proposed 406. In particular, Anne Arundel County would be approximately 280, Howard County 310, Montgomery County 337. Facilities of this nature should not be treated as individual components, i.e., motel room, a separate restaurant/lounge, a separate retail, or a separate meeting room. These facilities have a definite inter-relationship within this type of facility and are used by the patrons of the motel and are primarily for the benefit of the patrons of the motel.

Moreover, the restaurant will only be open to motel patrons during the A.M. period. The small meeting rooms are not designed for large conferences plus there are no banquet facilities provided. Data from other similar facilities indicate that a ratio of 1.1 parking spaces per room is an acceptable standard. The proposed ratio of 365 spaces to 225 rooms or 1.59 is more than adequate for this type of facility. Therefore, from a parking standpoint the provision of 365 spaces would be more than sufficient for the proposed motel and would not create a condition that would lead to congestion on nearby streets or adjacent parking facilities.

DAVID G. HONGAN, P.E.

EDUCATION: Master of Science, Civil Engineering - 1976
University of Maryland
Bachelor of Science, Civil Engineering - 1971
University of Maryland

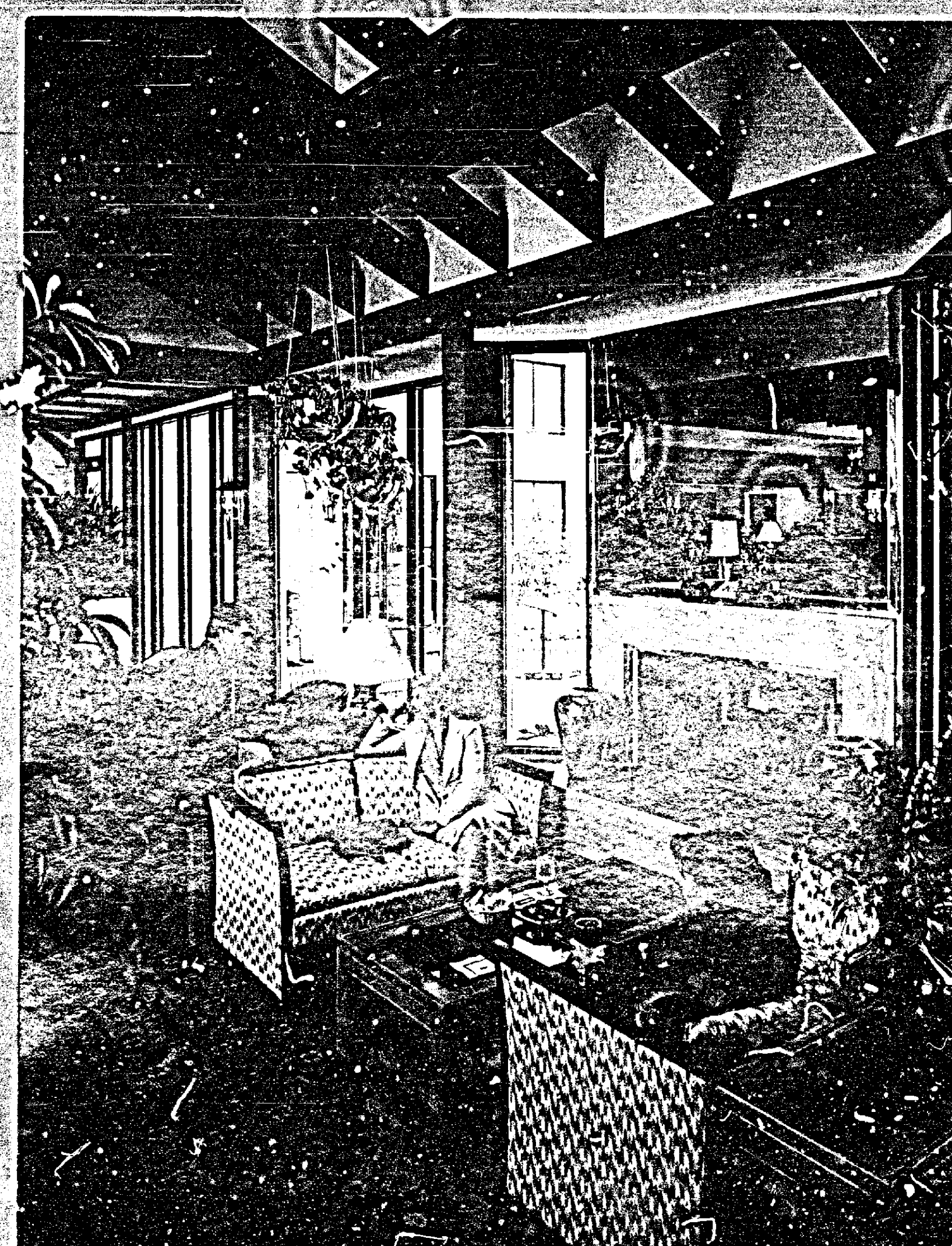
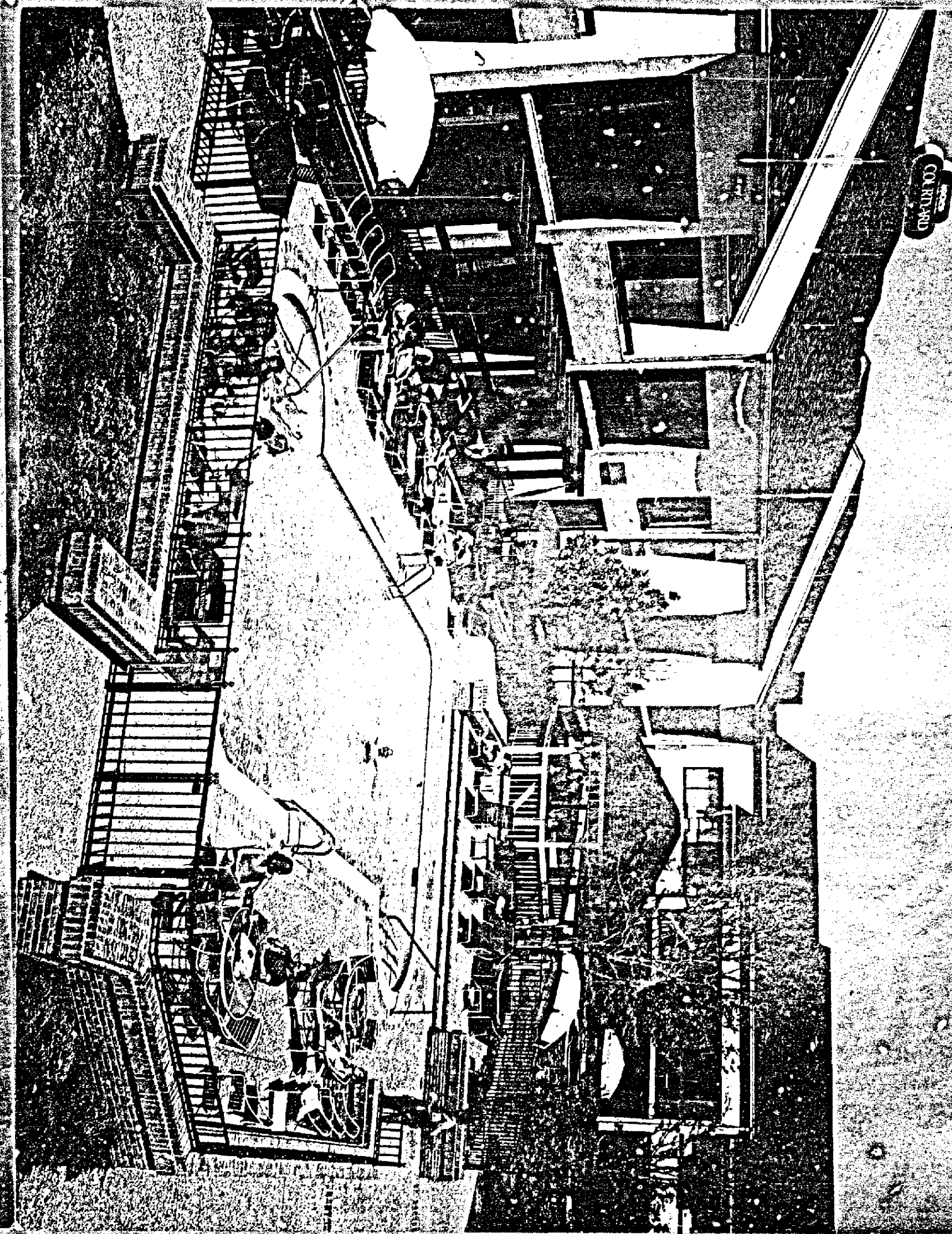
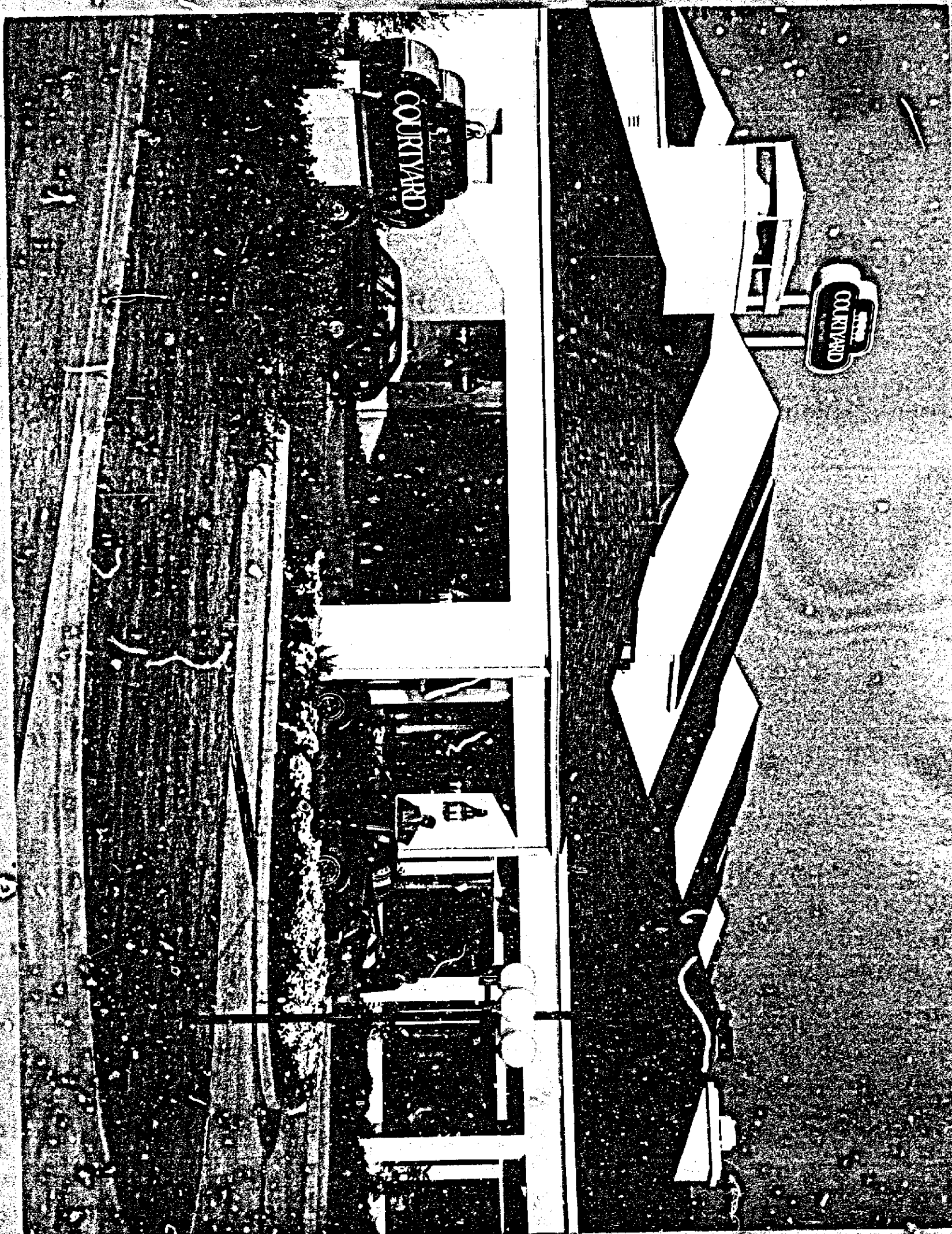
REGISTRATION: Professional Engineer - MD

PROFESSIONAL AFFILIATIONS: Institute of Traffic Engineers
American Society of Civil Engineers
Highway Research Board
Chi Epsilon, Honorary Civil Engineering Fraternity
National Society of Professional Engineers
Maryland Society of Professional Engineers
International Municipal Signal Association, Inc.
American Public Works Association

EXPERIENCE: Mr. Hongan is Vice President and Chief of the Transportation Division, where he supervises the study and design of highway, rail, and other transportation-related projects. Included in the work under his direction are the rehabilitation of 18 miles of Antrak's Northeast Corridor Rail Line; development for a master plan for Baltimore's Masonville Marine Terminal; the roads and access for Holabird Industrial Park in Baltimore; and the dualization of 8 miles of Maryland Route 210.

Mr. Hongan is presently working on the Harford County Resource Recovery Facility in Harford County Maryland and is the assistant Program Manager. The work on the project includes waste stream analysis, environmental assessments, site evaluation and footprint planning of the project.

Since joining Kide in 1973, Mr. Hongan's responsibilities have involved a wide range of activities encompassing transportation planning studies, traffic impact studies, traffic engineering, signalization design, and highway-symptoms.





Case No. 86-40-A

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
18th day of June, 1985.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner McCormick Properties, Inc.
Petitioner's Attorney Richard A. Reid, Esquire
cc: Daft-McCune-Walker, Inc.

Received by *[Signature]*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-40-A

District 8th Date of Posting July 3-85
Posted for: Variance
Petitioner: McCormick Properties, Inc.
Location of property: S.W. of International Circle, 981' ft NW of the centerline of International Drive
Location of Signs: S.W. of International Circle, approx 1000' NW of International Drive in front of subject property and 1 sign to rear of property facing T.S. with house ramp
Remarks: 1 sign to rear of property facing T.S. with house ramp
Posted by *[Signature]* Date of return: July 5, 1985
Signature
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-40-A

District 8th Date of Posting October 2, 1985
Posted for: Appeal
Petitioner: McCormick Properties, Inc.
Location of property: S.W. of International Circle, 981' NW of S.W. of International Drive
Location of Signs: S.W. side of International Circle, approx 1150' NW of International Drive, 1 sign rear of property facing T.S.
Remarks:
Posted by *[Signature]* Date of return: October 4, 1985
Signature
Number of Signs: 2

86-40-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 4, 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 July 4, 1985.

THE JEFFERSONIAN,
[Signature]
Publisher

Cost of Advertising
22.00

PETITION FOR VARIANCE
8th Election District
LOCATION: Southwest side of International Circle, 981 ft. Northwest of the centerline of International Drive
DATE AND TIME: Wednesday, July 24, 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 Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required. Being the property of McCormick Properties, Inc. 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, 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
July 4.

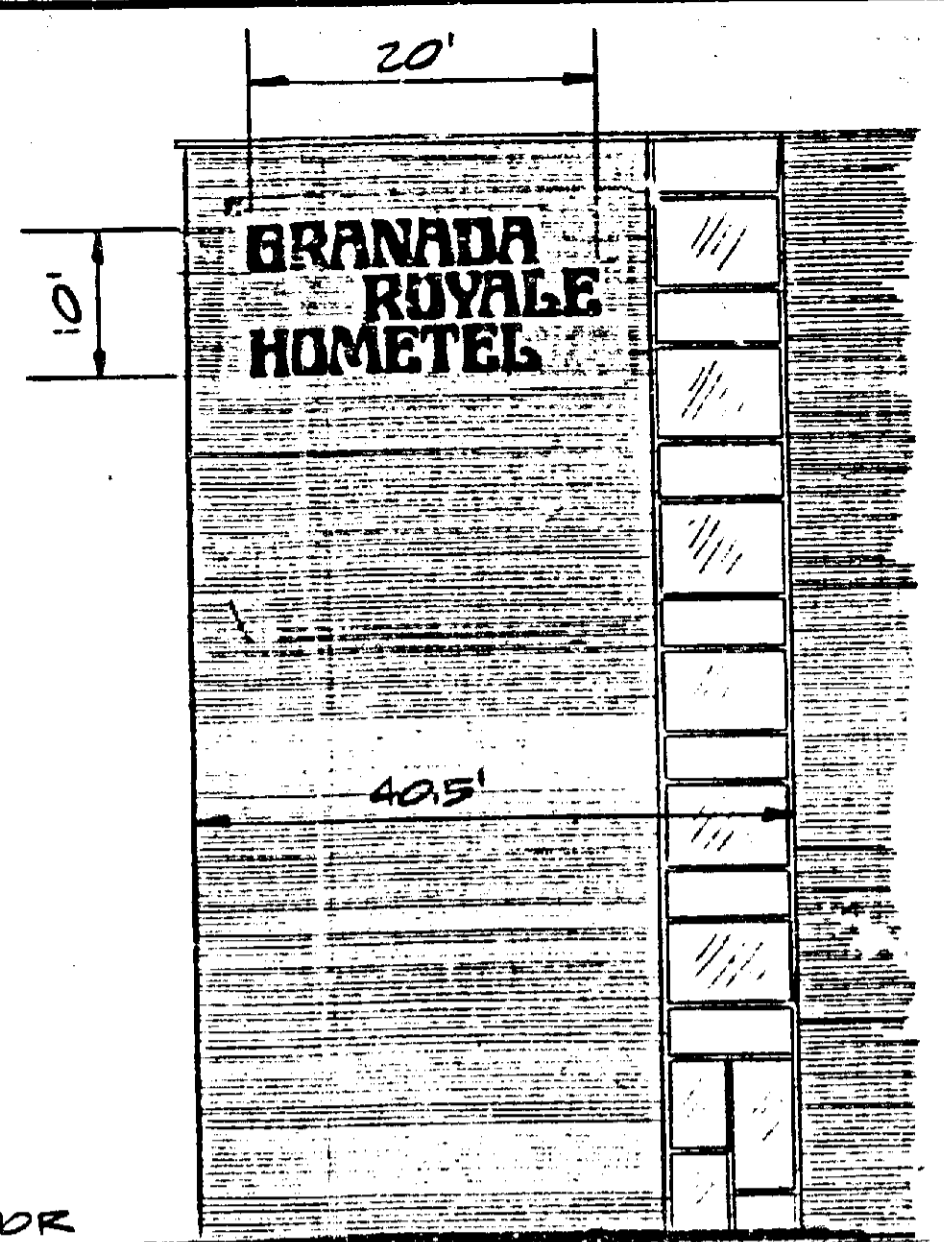
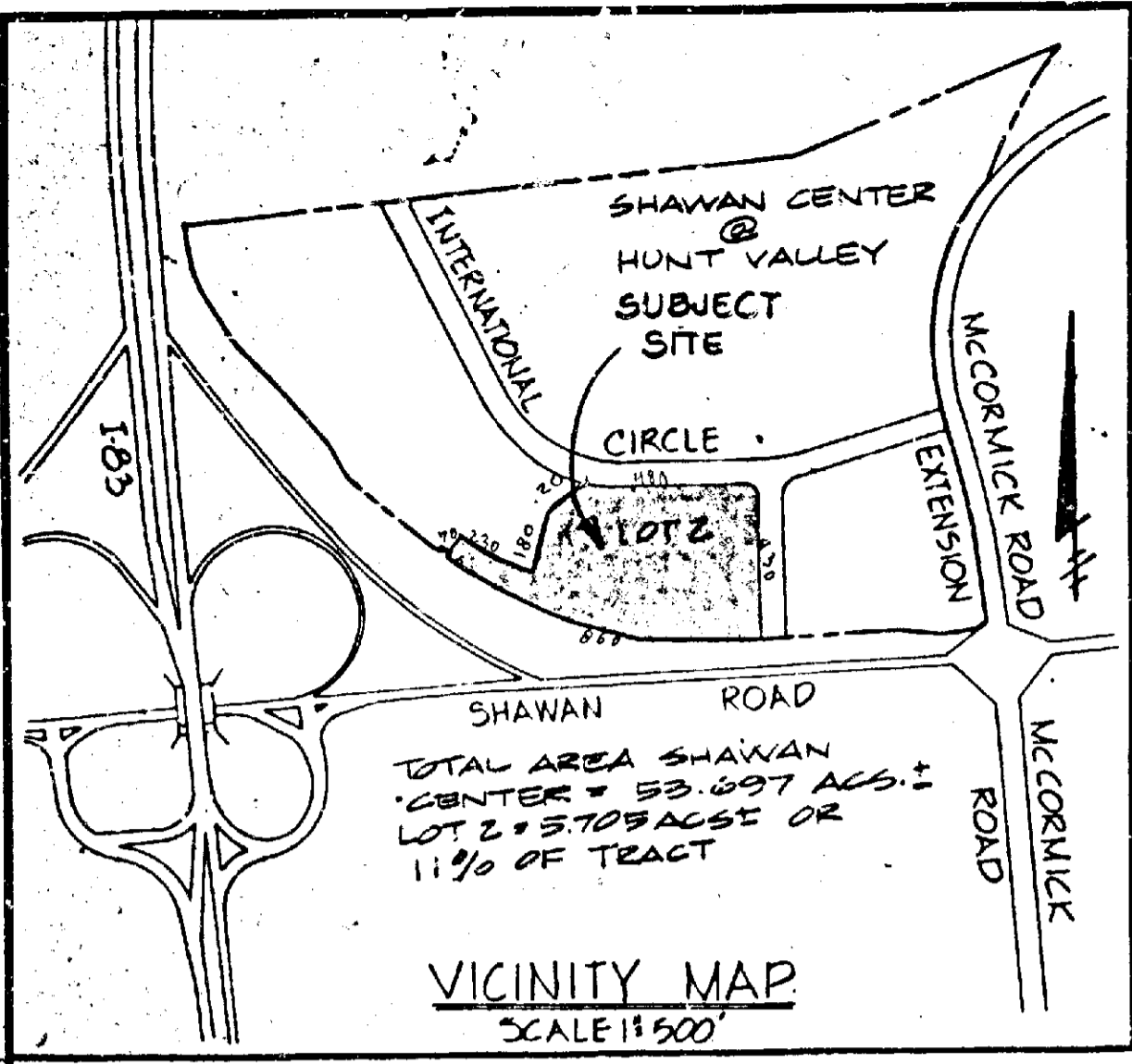
PETITION FOR VARIANCE
8th Election District
LOCATION: Southwest side of International Circle, 981 ft. Northwest of the centerline of International Drive
DATE AND TIME: Wednesday, July 24, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required. Being the property of McCormick Properties, Inc. 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, 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
67088-47377 7-3

CERTIFICATE OF PUBLICATION
86-40-A

Towson, Md. 7/9 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 21st day of July 1985.

The TOWSON TIMES
[Signature]
Cost of Advertisement: \$ 58.67



PARKING TABULATION:

RESTAURANT 2000 SF, LOUNGE 1564 SF, KITCHEN 2000 SF / TOTAL OF 5064 SF @ 1 SF/50 SEAT	110
MEETING ROOM 5324 SF / OCCUPANCY @ 1 SEAT / 15 S.F. = 355 SEATS	160
PARKING REQ'D @ 1 SF/6 SEATS	3
RETAIL SPACE 403 SF @ 1 SF/200 SF	225
SLEEPING ROOMS @ 1 SF/ROOM	406
TOTAL PARKING REQUIRED	357
TOTAL PARKING PROPOSED SPACES 8' X 10' TYP, 24' ALLEYS INCLUDES 9 SPACES FOR THE HANDICAPPED (12' X 10' TYP)	357

VARIANCE REQUESTED REQUEST (B)

LOT 6 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 LOT 7 EX. ZONING - MLR / PRESENT USE - VACANT

SIGN DETAIL REQUEST (E)
 SOUTHWEST WALL (NO SCALE)

SITE DATA

- AREA OF SITE = 5.705 ACES ±
- EX. ZONING - MLR
- PRESENT USE - VACANT
- PUBLIC WATER AND SEWER EXIST.
- PROPOSED USE - MOTEL

1ST LEVEL

RETAIL AREA	~ 403 S.F.
REST, LOUNGE, KITCH.	~ 5064 S.F.
MEETING AREA	~ 5324 S.F.
RECEPTION, PAUL, ...	~ 20,325 S.F.
TOTAL 1ST LEVEL	= 32,000 S.F.

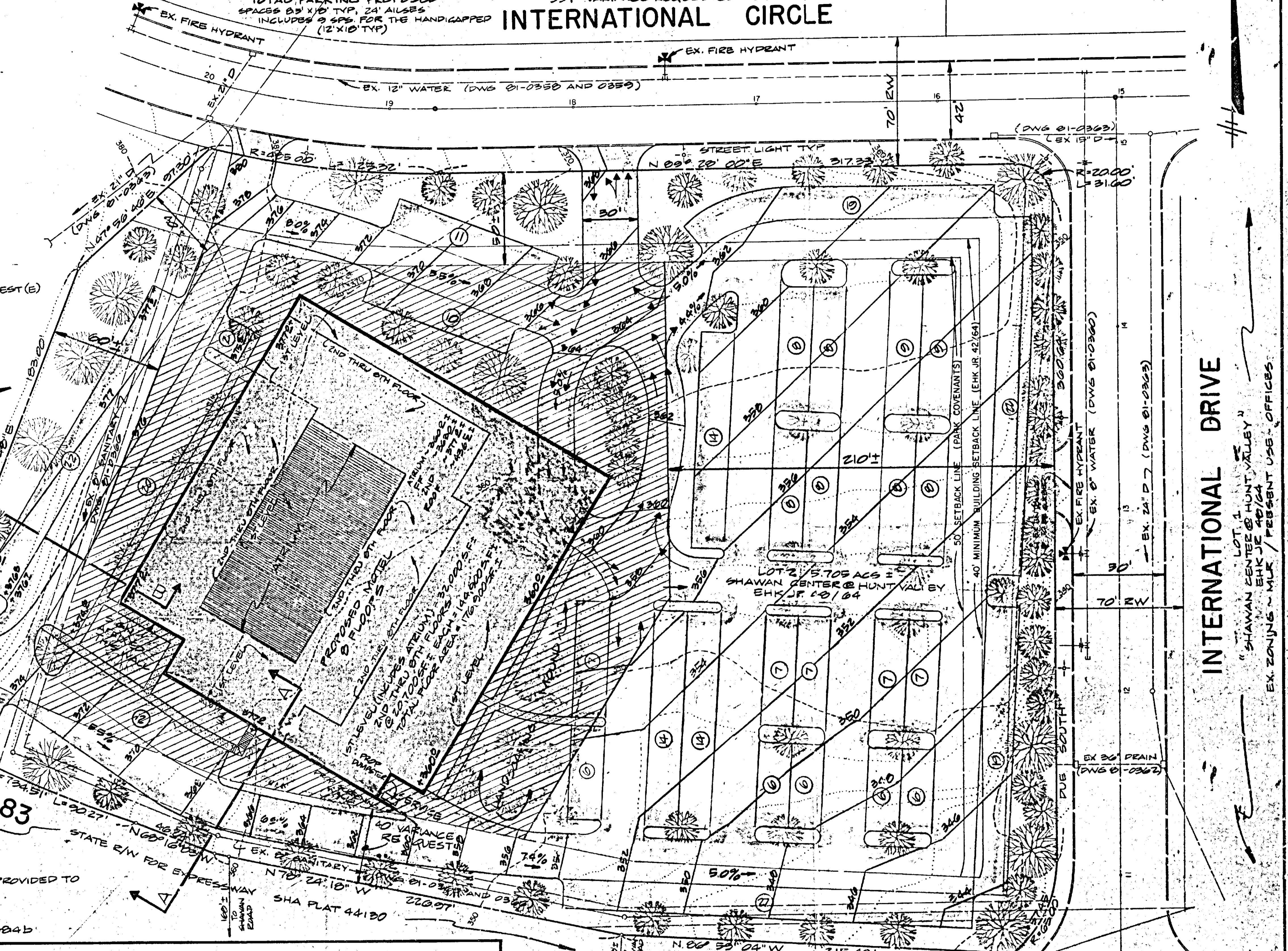
2ND THRU 6TH FLOOR

@ 20,700 S.F. / FLOOR	= 144,000 S.F.
TOTAL FLOOR AREA	= 176,000 S.F.

FLOOR AREA RATIO

GROSS AREA = 5.705 ACES ± (240,310 S.F.) + (125.32 + 317.33 + 360.64) (30) = 272,000 S.F.
FLOOR AREA RATIO = 176,000 S.F. / 272,000 S.F. = 65 VARIANCE REQUEST (C)

- A SPECIAL HEARING IS REQUESTED FOR APPROVAL OF THE 200 S.F. SIGN DETAILED HEREON. SEE REQUEST (E)
- PAVING SHALL BE A DURABLE, DUST FREE SURFACE AS DETERMINED BY SOILS ENGINEER
- LIGHTING SHALL BE ERRECTED AS TO NOT REFLECT RAYS INTO RESIDENTIAL AREAS.
- BUILDING ENVELOPE SHOWN HEREON IS INTENDED TO INDICATE THE EXTREMITIES TO WHICH THE BLDGS MAY BE POSITIONED. SINCE SIZE AND SHAPE OF THE BUILDING ARE GENERALLY AS SHOWN HEREON, THE ENVELOPE IS PROVIDED TO ALLOW FLEXIBILITY IN SITING OF THE BLDGS, AS WELL AS TO ALLOW INCORPORATION OF POSSIBLE ARCHITECTURAL CHANGES. PARKING REQUIREMENTS (AS ESTABLISHED) WILL BE INTEGRATED INTO ANY CHANGE.
- 4% OF 'SHAWAN CENTER' REMAINS FOR COMMERCIAL USE AS DEFINED UNDER SECT. 240.4B



PLAT TO ACCOMPANY ZONING PETITION REQUESTS FOR:

- VARIANCE OF PARKING REQUIREMENTS
- VARIANCE OF FLOOR AREA RATIO
- VARIANCE OF SETBACKS AND A SPECIAL HEARING FOR A SIGN IN A MLR SITE DEVELOPMENT

BALTO. CO. MD SCALE: 1" = 30'

LOT 2 "SHAWAN CENTER @ HUNT VALLEY"

ELECT DISTRICT NO. 8 DECEMBER 11, 1982 REV. JAN 11, 1983 PER ZAC COMMENTS

SUMMARY OF PETITION REQUESTS

- SPECIAL EXCEPTION TO ALLOW MOTEL IN AN EX. MLR ZONE AS PER SECTION 240.4B (BCZR)
- A VARIANCE TO PERMIT 357 SPACES IN LIEU OF 406 AS REQUIRED BY SECTION 409.2 (BCZR)
- A VARIANCE TO PERMIT A FLOOR AREA OF 0.65 IN LIEU OF THE 0.00 LIMITATION AS PER SECTION 250.5 (BCZR)
- VARIANCE OF SETBACKS (TENNIS COURT) TO PERMIT A FRONT YARD OF 0' IN LIEU OF THE REQ. 50' (SECT. 250.1), TO PERMIT A REAR YARD OF 0' IN LIEU OF THE REQ. 40' (SECT. 250.3), AND TO PERMIT A SIDE YARD OF 25' IN LIEU OF REQ. 30' (SECT. 250.2). VARIANCE OF SETBACKS (PROP. BLDG) TO PERMIT A SIDE YARD OF 40' IN LIEU OF THE REQUIRED 50' (SECT. 250.3)
- A SPECIAL HEARING FOR APPROVAL OF 200 S.F. SIGN AS DETAILED ON THIS PLAT.

CONTRACT PURCHASER AND PETITIONER

MIDDEK HOSPITALITY, INC.
 600 MADISON AVENUE
 NEW YORK, NEW YORK 10022
 (212) 355-0200

ENGINEERS

GEORGE WILLIAM STEPHENS JR. AND ASSOCIATES INC.
 303 ALLEGHENY AVE. TOWSON, MD. 21204
 (301) 925-0120

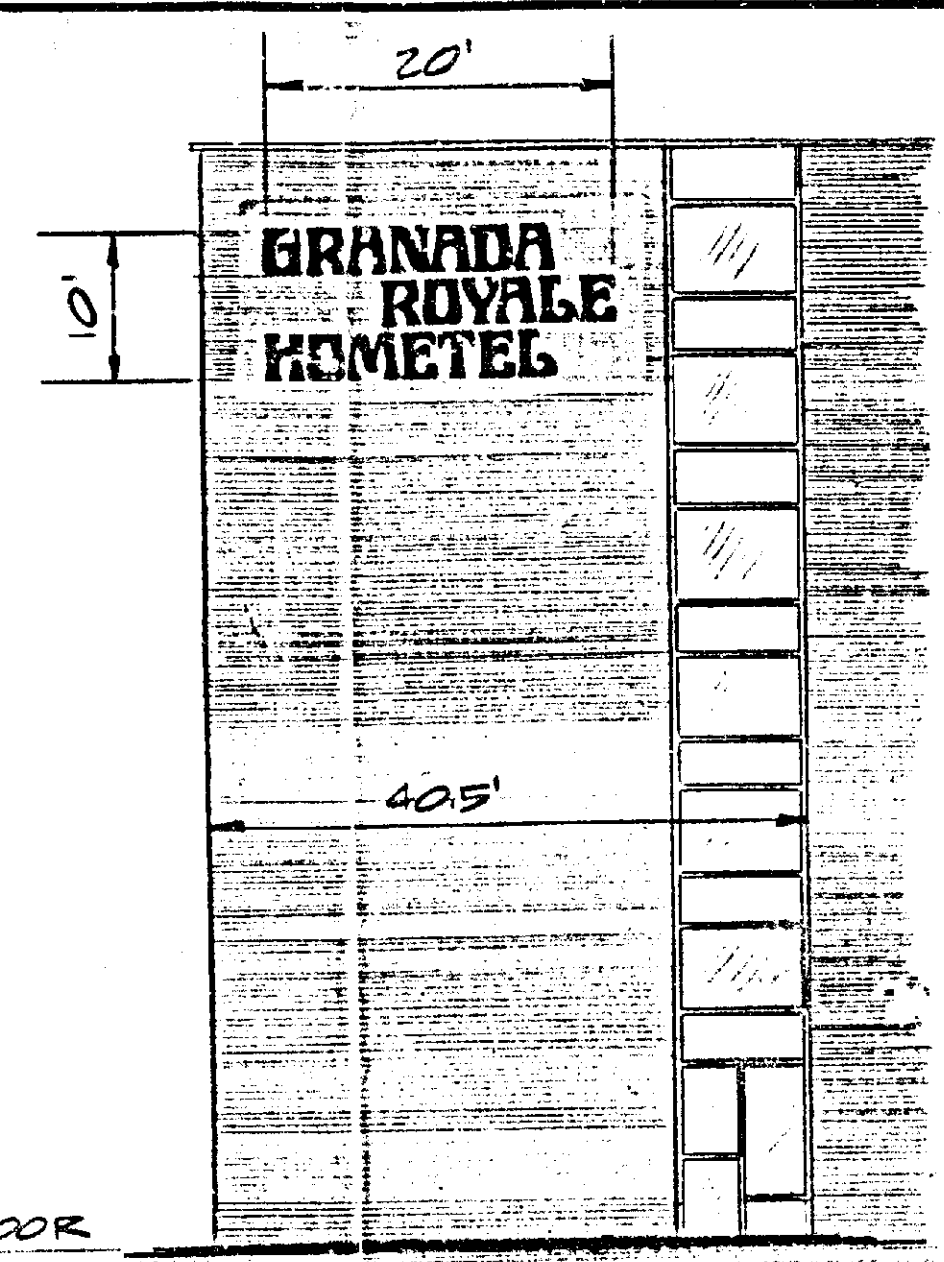
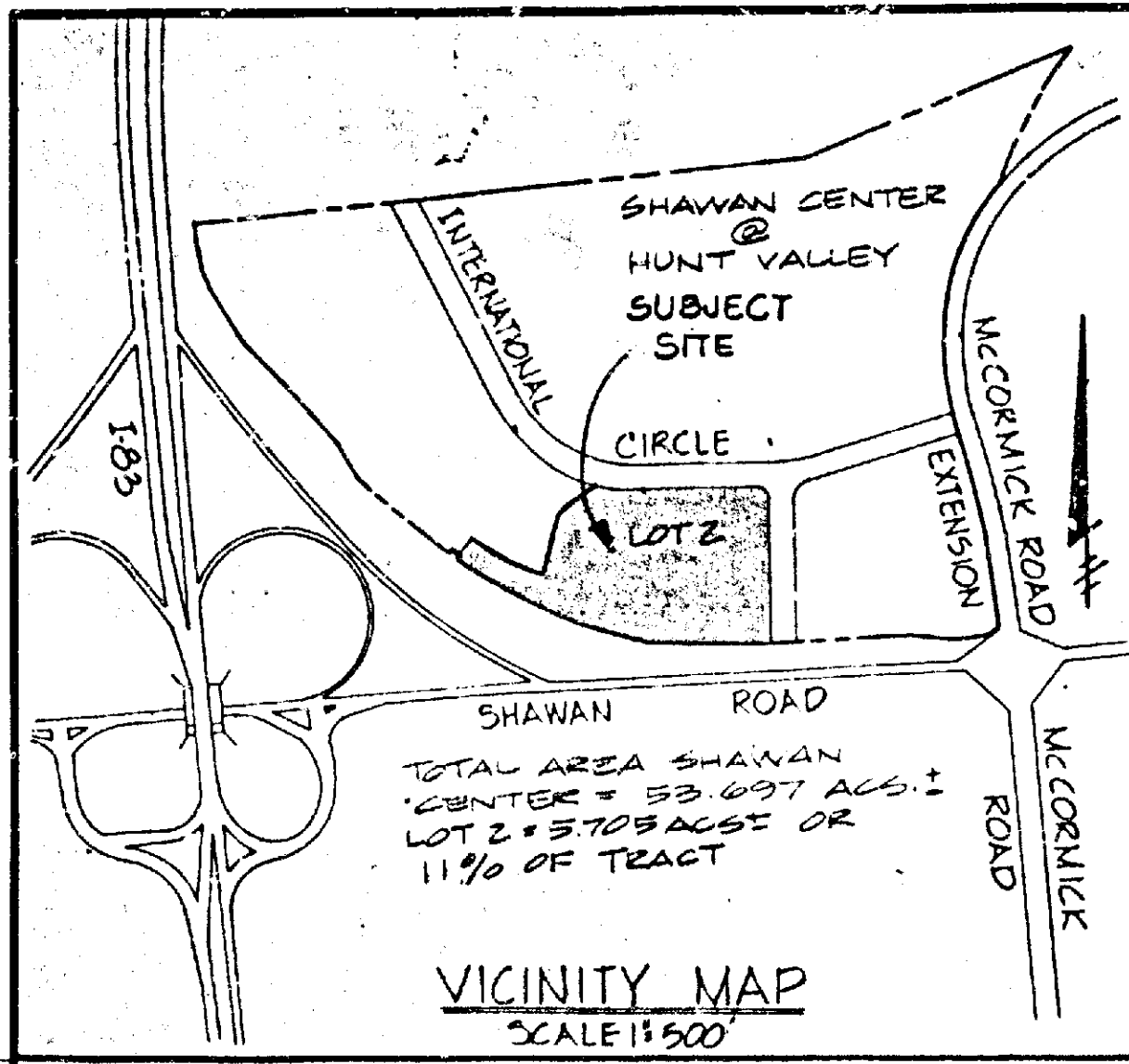
STATE R/W FOR EXPRESSWAY SHA PLAT 44130

SHAWAN ROAD

INTERNATIONAL DRIVE

RI & S OF SHAWAN ROAD & INTERNATIONAL DRIVE

MICROFILMED



PARKING TABULATION:

RESTAURANT 2000 SF, LOUNGE 1504 SF, KITCHEN 2200 SF/	110
TOTAL OF 5004 SF @ 1 SP/50 SF	100
MEETING ROOM 5324 SF/OCCUPANCY @ 1 SEAT/155 SF = 355 SEATS	355
PARKING REQ'D @ 1 SP/6 SEATS	60
RETAIL SPACE 483 SF @ 1 SP/200 SF	3
SLEEPING ROOMS @ 1 SP/ROOM	225
TOTAL PARKING REQUIRED	406
TOTAL PARKING PROPOSED	357
VARIANCE REQUESTED REQUEST (B)	
SPACES 49 X 10' TYP, 24 ALLEYS	
INCLUDES 9 SPACES FOR THE HANDICAPPED (12 X 10' TYP)	

LOT 6 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 LOT 7 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 EX. ZONING - MLR / PRESENT USE - VACANT

SIGN DETAIL REQUEST (E)
 SOUTHWEST WALL (NO SCALE)

SITE DATA

- 1) AREA OF SITE = 5.705 ACRES
- 2) EX. ZONING = MLR
- 3) PRESENT USE = VACANT
- 4) PUBLIC WATER AND SEWER EXIST
- 5) PROPOSED USE = MOTEL

1ST LEVEL

RETAIL AREA	~ 400 SF
REST., LOUNGE, KITCH.	~ 5064 SF
MEETING AREA	~ 5324 SF
RECEPTION, POOL, ...	~ 20,320 SF
TOTAL 1ST LEVEL	~ 32,000 SF

2ND THRU 8TH FLOOR

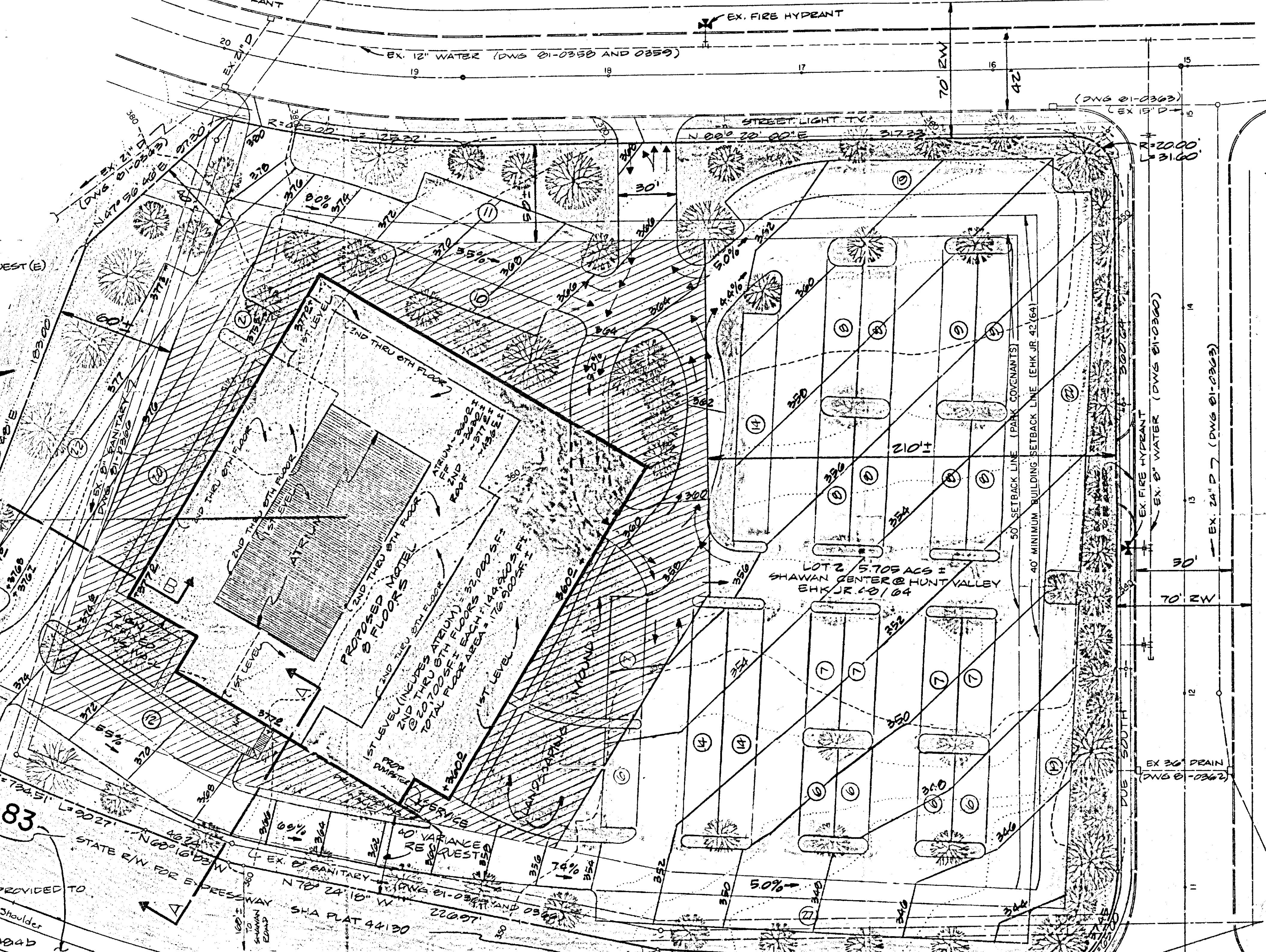
@ 20,700 S.F./FLOOR	144,900 SF
TOTAL FLOOR AREA	176,900 SF

FLOOR AREA RATIO

GROSS AREA = 5.705 ACRES (240,510 SF) + (125.32 + 317.33 + 360.64) (30) = 272,000 SF

FLOOR AREA RATIO = 176,900 SF / 272,000 SF = .65 VARIANCE REQUEST (C)

- 7) A SPECIAL HEARING IS REQUESTED FOR APPROVAL OF THE 200 SF SIGN DETAILED HEREON SEE REQUEST (E)
- 8) PAVING SHALL BE A DURABLE, DUST FREE SURFACE AS DETERMINED BY SOILS ENGINEER
- 9) LIGHTING SHALL BE ERRECTED AS TO NOT REFLECT RAYS INTO RESIDENTIAL AREAS.
- 10) BUILDING ENVELOPE SHOWN HEREON IS INTENDED TO INDICATE THE EXTREMITIES TO WHICH THE BLDGS MAY BE POSITIONED. SINCE SIZE AND SHAPE OF THE BUILDING ARE GENERALLY AS SHOWN HEREON, THE ENVELOPE ALLOW FLEXIBILITY IN SITING OF THE BLDGS, AS WELL AS, TO ALLOW INCORPORATION OF POSSIBLE ARCHITECTURAL CHANGES. PARKING REQUIREMENTS (AS ESTABLISHED) WILL BE INTEGRATED INTO ANY CHANGE.
- 11) 4% OF "SHAWAN CENTER" REMAINS FOR COMMERCIAL USE AS DEFINED UNDER SECT. 2484B



PLAT TO ACCOMPANY ZONING PETITION REQUESTS FOR:

- SPECIAL EXCEPTION FOR MOTEL IN A MLR ZONE
- VARIANCE OF PARKING REQUIREMENTS
- VARIANCE OF FLOOR AREA RATIO
- VARIANCE OF SETBACKS AND A
- SPECIAL HEARING FOR A SIGN IN A MLR SITE DEVELOPMENT

LOT 2
 "SHAWAN CENTER @ HUNT VALLEY"

BALTO CO, MD
 SCALE: 1" = 30'

ELECT DISTRICT NO 8
 DECEMBER 1, 1982
 REV JAN 11, 1983
 PER ZAC COMMENT

SUMMARY OF PETITION REQUESTS

- (A) SPECIAL EXCEPTION TO ALLOW MOTEL IN AN EX. MLR ZONE AS PER SECTION 2484B (BCCR)
- (B) A VARIANCE TO PERMIT 357 SPACES IN LIEU OF 406 AS REQUIRED BY SECTION 409.2 (BCCR)
- (C) A VARIANCE TO PERMIT A FLOOR AREA OF 065 IN LIEU OF THE 000 LIMITATION AS PER SECTION 230.5 (BCCR)
- (D) VARIANCE OF SETBACKS (TENNIS COURT) TO PERMIT A FRONT YARD OF 25' IN LIEU OF THE REQ 40' (SECT 230.5), AND TO PERMIT A SIDE YARD OF 25' IN LIEU OF REQ 30' (SECT 230.2). VARIANCE OF SETBACKS (FRONT YARD) TO PERMIT A SIDE YARD OF 40' IN LIEU OF REQ 30' (SECT. 230.2)
- (E) A SPECIAL HEARING FOR APPROVAL OF 200 SF SIGN AS DETAILED ON THIS PLAT.

CONTRACT PURCHASER AND PETITIONER:
 MIDDEX HOSPITALITY, INC.
 600 MADISON AVENUE
 NEW YORK, NEW YORK 10022
 (212) 355-0200

ENGINEERS:
 GEORGE WILLIAM STEPHENS JR. AND ASSOCIATES INC.
 303 ALLEGHENY AVE. TOWSON, MD. 21204
 (301) 253-8120

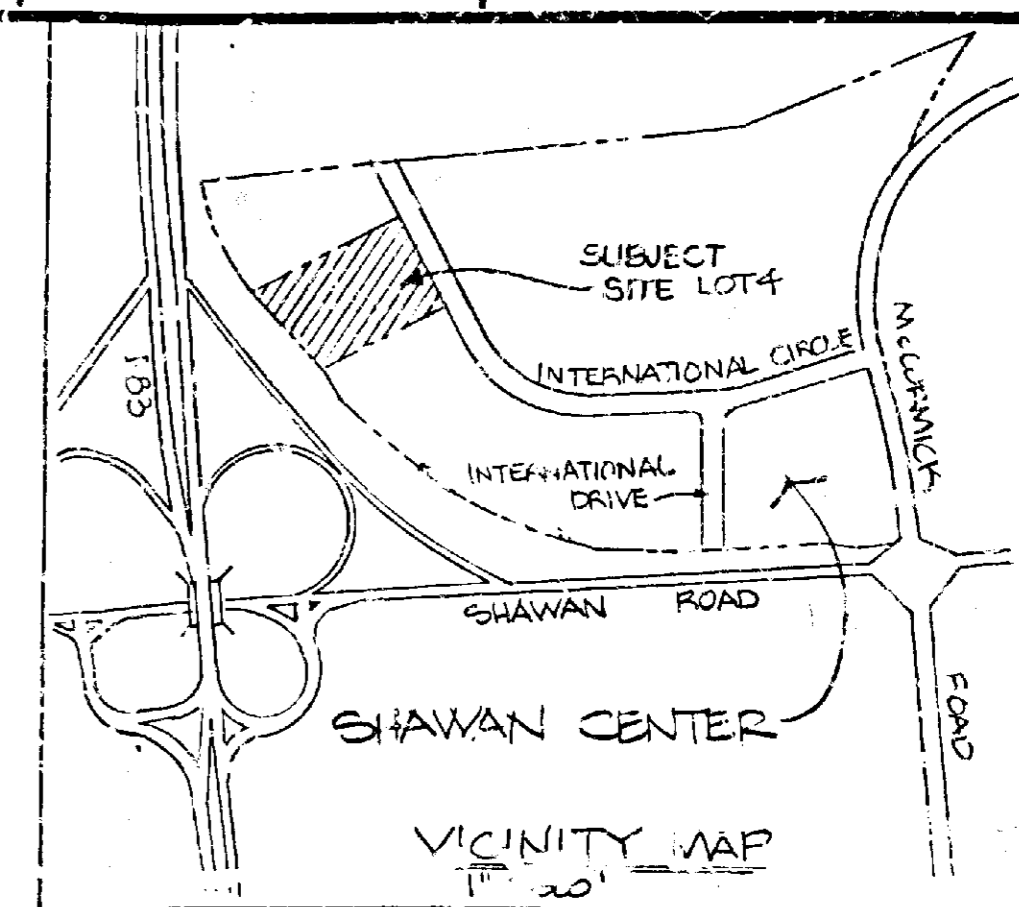
STATE R/W FOR EXPRESSWAY SHA PLAT 44130

SHAWAN ROAD

INTERNATIONAL DRIVE

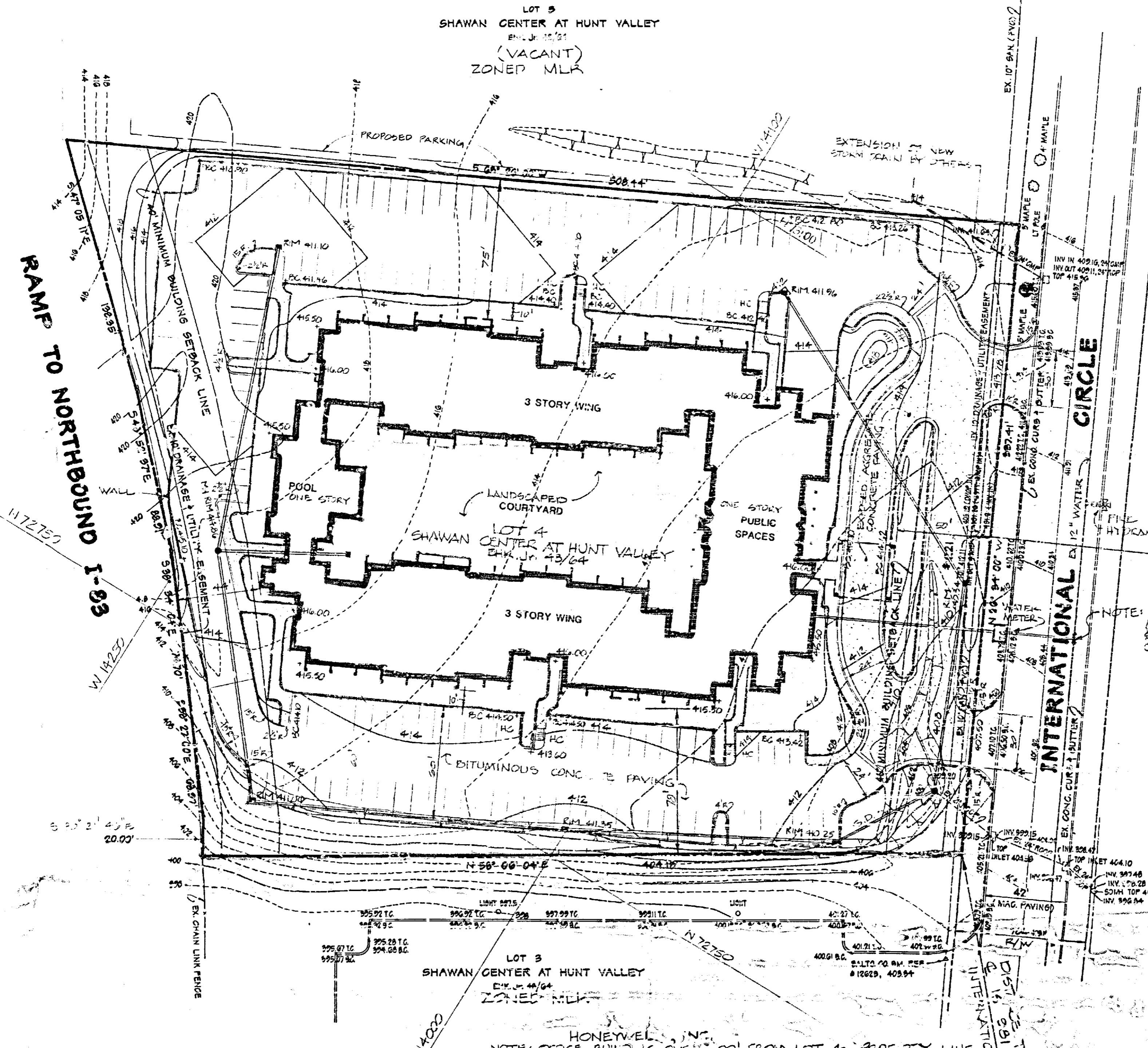
RI E'S OF SHAWAN ROAD & INTERNATIONAL DRIVE
 MICROFILMED

8



OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DESIGNATED TO HOTEL USE:
 NET LOT AREA ZONED MLR 49,474.0
 EXISTING HOTEL LOT 2 5.71
 COURTYARD LOT 4 8,306.7
 TOTAL HOTEL FOOTPRINT 13,992.4
 PERCENT USED FOR HOTEL 28.29%
- F.A.R. BUILDING COVERAGE
 GROSS SITE AREA 172,278.90 FT.
 NET SITE AREA (3,674.0) 159,005.90 FT.
 TOTAL BUILDING AREA 20,022.00 FT.
 GROUND FLOOR BUILDING AREA 36,000.00 FT.
 PER CENT OF SITE BLDG. COVERAGE 23.07%
 FLOOR AREA RATIO 0.46



LOT 3
 SHAWAN CENTER AT HUNT VALLEY
 E.H.K. J. 4/8/04
 (VACANT)
 ZONED MLR

NOTE: CONNECTION TO WATER MAIN VALVE INSTALLATION & METER IS UNDER SEPARATE CONTRACT.
 NOTE: DETAILED LANDSCAPE PLAN SHALL BE SUBMITTED AT TIME OF APPLICATION FOR BUILDING PERMIT.
 SIGNAGE SHALL COMPLY WITH BALTIMORE COUNTY SIGNAGE REGULATIONS AND MCCORMICK PROPERTIES, INC.'S RESTRICTIVE COVENANTS FOR SHAWAN CENTER.

SITE DATA

LOT AREA 5,073.42
 ZONED MLR
 PERMITTED USES: HOTEL, RESTAURANT, MEETING

PARKING CALCULATIONS

USE	RSR PARKING	NO. RSR
146 HOTEL GUEST ROOMS 1/ROOM		146.00
RESTAURANT, KITCHEN, & 1/50 SQ. FT.		116.00
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		60.6
3030 + 53 = 60.6		
GAME ROOM - 240 SQ. FT.		
1 SPACE PER 300 SQ. FT.		0.8
TWO MEETING ROOMS - 1350 SQ. FT.		
SEATING CAPACITY: 25 SEATS		
PER ROOM X 2 = 50		
PARKING REQUIRED @ 1 SPACE/6 SEATS = 8.33		
TOTAL PARKING REQUIRED = 215.73 SAY 216		
TOTAL PARKING PROVIDED		160
VARIANCE REQUIRED FOR 56 SPACES		

NOTE: HONEYWELL, INC. OFFICE BUILDING OVER 100' FROM LOT 4 PROPERTY LINE.

NOTE: NO GAS MAINS EXIST IN ADJACENT STREET. NEAREST GAS MAIN IS AT INTERSECTION OF INTERNATIONAL CIRCLE & MCCORMICK ROAD.
 UNDERGROUND ELECTRIC IS LOCATED IN UTILITY EASEMENT IN THE LOT FRONT YARD, WEST OF R/W LINE.

PRINTS ISSUED

NO.	DESCRIPTION	DATE BY
1	PRELIMINARY	11/19/03
2	REVISED	1/10/04
3	REVISED	1/10/04
4	REVISED	1/10/04
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97	REVISED	1/10/04
98	REVISED	1/10/04
99	REVISED	1/10/04
100	REVISED	1/10/04

REVISIONS

ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR

ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK

OWNER
 MCCORMICK PROPERTIES, INC.
 11011 MCCORMICK ROAD
 HUNT VALLEY, MD.

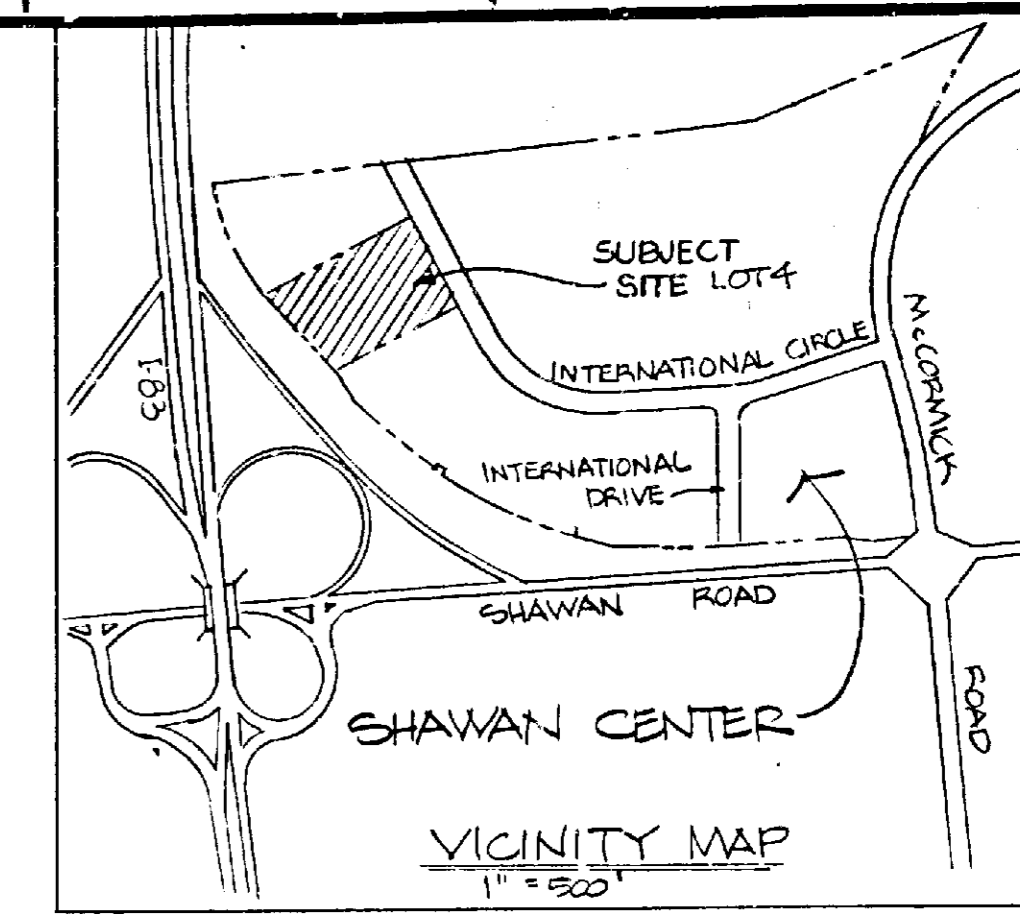
PLAN TO ACCOMPANY VARIANCE REQUEST

COURTYARD
 LOT 4
 SHAWAN CENTER
 BALTIMORE COUNTY, MD

INTERNATIONAL HEADQUARTERS
 MARRIOTT DRIVE
 WASHINGTON, D.C. 20088

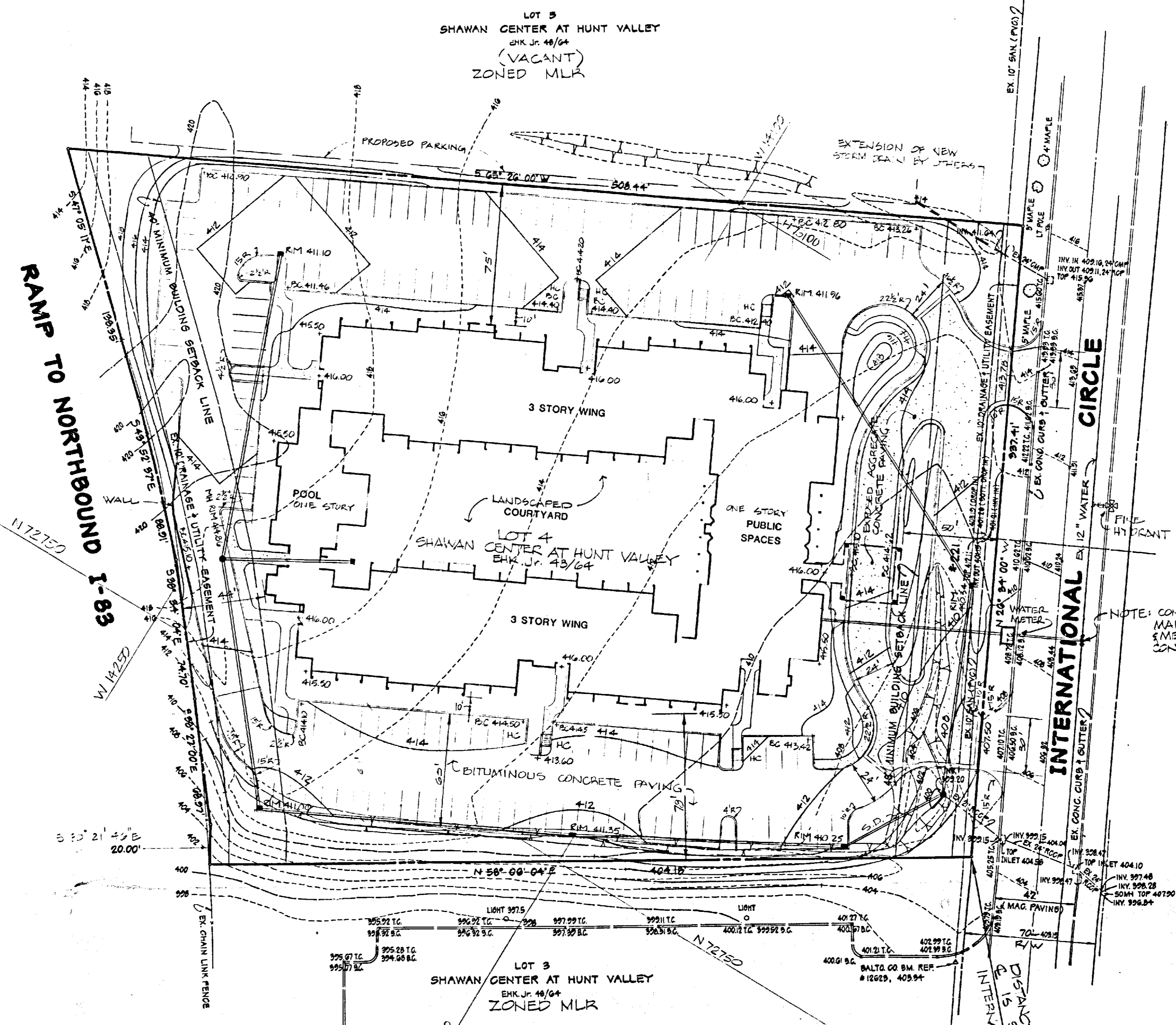
SHEET TITLE
SITE PLAN

DATE: 4/25/05
 SCALE: 1" = 30'
 SHEET NO: 1 OF 1



OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DEVOTED TO HOTEL USE:
 NET LOT AREA ZONED MLR 40.47 AC
 EXISTING HOTEL LOT 2 5.71
 COURTYARD LOT 4 3.67
 TOTAL HOTEL ACREAGE 9.95
 PER CENT USED FOR HOTEL 18.96
- F.A.R., BUILDING COVERAGE
 GROSS SITE AREA 172,278 SQ. FT.
 NET SITE AREA (3,671 AC) 150,805 SQ. FT.
 TOTAL BUILDING AREA 20,020 SQ. FT.
 GROUND FLOOR BUILDING AREA 36,820 SQ. FT.
 PER CENT OF SITE BLDG. COVERAGE 23.07%
 FLOOR AREA RATIO 0.46



LOT 3
 SHAWAN CENTER AT HUNT VALLEY
 EHK, JR. 43/64
 (VACANT)
 ZONED MLR

LOT 4
 SHAWAN CENTER AT HUNT VALLEY
 EHK, JR. 43/64
 (VACANT)
 ZONED MLR

NOTE: CONNECTION TO WATER MAIN VAULT INSTALLATION (METER IS UNDER SEPARATE CONTRACT).

NOTE: DETAILED LANDSCAPE PLANS SHALL BE SUBMITTED AT TIME OF APPLICATION FOR BUILDING PERMIT.

SIGNAGE SHALL COMPLY WITH BALTIMORE COUNTY SIGNAGE REGULATIONS AND MCCORMICK PROPERTIES, INC.'S RESTRICTIVE COVENANTS FOR SHAWAN CENTER.

SITE DATA

LOT AREA - 3.673 AC
 ZONED - MLR
 PERMITTED USES: HOTEL, RESTAURANT, MEETING ROOMS

PARKING CALCULATIONS

USE	REQ. PARKING	NO. REQ.
146 HOTEL GUEST ROOMS	1/ROOM	146.0
RESTAURANT, KITCHEN, &	1/50 SQ. FT.	146.0
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		60.6
GAME ROOM - 240 SQ. FT.		0.8
1 SPACE PER 300 SQ. FT.		10.2
TWO MEETING ROOMS - 1350 SQ. FT.		4.5
SEATING CAPACITY: 25 SEATS		0.8
PER ROOM X 2 = 50		0.8
PARKING REQUIRED @ 1 SPACE/6 SEATS		13.33
TOTAL PARKING REQUIRED = 215.73		216
TOTAL PARKING PROVIDED		160
VARI. SE. REQUIRED FOR 50 SPACES		

NOTE: NO GAS MAINS EXIST IN ADJACENT STREET. NEAREST GAS MAIN IS AT INTERSECTION OF INTERNATIONAL CIRCLE & MCCORMICK ROAD.

UNDERGROUND ELECTRIC IS LOCATED IN UTILITY EASEMENT IN THE FRONT YARD, WEST OF RAW LINE.

PRINTS ISSUED

NO.	DESCRIPTION	DATE BY
1	OTHER NOTES	4/18/85

REVISIONS

ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR. ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK.

OWNER
 MCCORMICK PROPERTIES, INC.
 11011 MCCORMICK ROAD
 HUNT VALLEY, MD.

PLAN TO ACCOMPANY VARIANCE REQUEST

COURTYARD LOT 4 SHAWAN CENTER
 ELECTION DISTRICT NO. 8
 BALTIMORE COUNTY, MD.

Marriott corporation
 CONTRACT PURCHASER

INTERNATIONAL HEADQUARTERS
 MARRIOTT DRIVE
 WASHINGTON, D.C. 20088

SHEET TITLE
SITE PLAN

DATE 4/25/85
 SCALE 1" = 30'
 SHEET NO. 1 OF 1

for. In considering the entire report as a whole, the standard of one space per room, including the accessory services, seem to have been adopted by Middex.

The Petitioner seeks relief from Section 409.2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The Protestant strongly believes that the variance requested by Marriott, which will permit 1.1 spaces per room if granted as contrasted with its own variance permitting 1.6 spaces per room, will be insufficient to meet the parking demand and that automobiles will park on Middex's lot. Therefore, it requests that the instant variance be denied.

While it is true that financial considerations are not to be considered in the granting or denial of a variance, it can be assumed that the requisite 216 parking spaces could be provided if the hotel were smaller. It could also be assumed that Middex could have met the BCZR if its hotel were smaller. Indeed, it might be that if the tennis courts were deleted or the other setback requirements met, Middex might have provided the full complement of spaces. Middex, as well as Marriott, decided how many rooms and what kinds of services it wanted to provide based on financial considerations, and thereafter, it determined the size and scope. Middex not only received a parking variance but also a floor area ratio variance, side and front yard setback variances, and a side yard variance for the tennis courts. The request for these variances, the special exception for a motel, and the special hearing for a business sign were made based on a detailed cost analysis which included the size of the property and the projected income. Marriott is no different and the conclusions reached were exactly the same. The size of the building, projected use, market analysis, etc., disclosed Middex's and Marriott's requests.

Will there be spill over? There is no absolute answer, and with expert testimony presented by both sides being contradictory on this point, a decision

can only be made based on equity. There is no question that the hotel proposed by Marriott cannot be constructed unless the requested parking variance is granted, just as the hotel proposed by Middex could not be constructed if all of the requested variances were not granted. The Zoning Commissioner agrees with all of the legal points made by the Protestant in its Memorandum in Opposition to the Petition for Zoning Variance but not to its conclusions. Nonetheless, it is clear that the Petitioner has demonstrated a practical difficulty. After all of the testimony and exhibits presented by both sides, it is concluded that the requested parking variance will not create an adverse impact on the community and will be in the spirit and intent of the BCZR. Mr. Warner's testimony is convincing. It seems that Middex wishes to avail itself of the system by playing it at its weakest points and against itself.

"Every form of government tends to perish by excess of its basic principle." Plato, Republic.

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 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 advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of August, 1985, that the Petition for Zoning Variance to permit 160 parking spaces instead of the required 216 spaces be and 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 Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.
2. The meeting rooms shall not be made available to or be rented to the general public.
3. There shall be no public advertising for the restaurant or lounge.

Richard A. Reid, Esquire
Zoning Commissioner of Baltimore County

Richard A. Reid, Esquire
John B. Howard, Esquire
People's Counsel

DAFT-MCCLINE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

Description

3.673 Acre Parcel, Lot 4, "Shawan Center at Hunt Valley", Southwest Side of International Circle, West of International Drive, Eighth Election District, Baltimore County, Maryland.

This Description is for Variance in an MLR Zone.

Beginning for the same on the southwest side of International Circle, seventy feet wide, at the distance of 981 feet, more or less, as measured westerly and northwesterly along the south and southwest side of said International Circle from its intersection with the center line of International Drive, seventy feet wide, running thence binding on the southwest side of said International Circle, (1) North 26 degrees 34 minutes 00 seconds West 337.41 feet, thence (2) South 63 degrees 26 minutes 00 seconds West 508.44 feet, thence along the northeast side of the Ramp to Northbound I-83, five courses: (3) South 47 degrees 05 minutes 11 seconds East 138.35 feet, (4) South 43 degrees 52 minutes 37 seconds East 88.91 feet, (5) South 38 degrees 34 minutes 04 seconds East 74.70 feet, (6) South 38 degrees 27 minutes 00 seconds East 68.97 feet, and (7) South 30 degrees 21 minutes 46 seconds East 20.00 feet, and thence (8) North 58 degrees 06 minutes 04 seconds East 404.18 feet to the place of beginning.

Containing 3.673 acres of land, more or less.

April 25, 1985
Our File No. 85046

ORDER RECEIVED FOR FILING

DATE August 31, 1985
BY [Signature]

ORDER RECEIVED FOR FILING

DATE August 31, 1985
BY [Signature]

ORDER RECEIVED FOR FILING

DATE August 31, 1985
BY [Signature]

PETITION FOR VARIANCE
8th Election District

LOCATION: Southwest side of International Circle, 981 ft. Northwest of the centerline of International Drive
DATE AND TIME: Wednesday, July 24, 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 Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required.

Being the property of McCormick Properties, Inc. 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, 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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International :
Drive, 8th District :
McCORMICK PROPERTIES, INC., : Case No. 86-40-A
Petitioner :
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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Richard S. Evans, Agent, The Marriott Corporation, 1 Marriott Drive, Washington, D. C. 20058, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S of International Circle, 981' NW
of centerline of International Drive
8th Election District
McCormick Properties, Inc. - Petitioners
Case No. 86-40-A

Dear Mr. Reid,

This is to advise you that \$ 70.67 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 006845

DATE 7-24-85 ACCOUNT 01-115-001

AMOUNT \$ 70.67

RECEIVED FROM [Signature]

FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SW/S of International Circle, 981 ft. NW/
centerline of International Drive
8th Election District
McCormick Properties, Inc. - Petitioners
Case No. 86-40-A

TIME: 1:30 p.m.

DATE: Wednesday, July 24, 1985

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

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

No. 007477

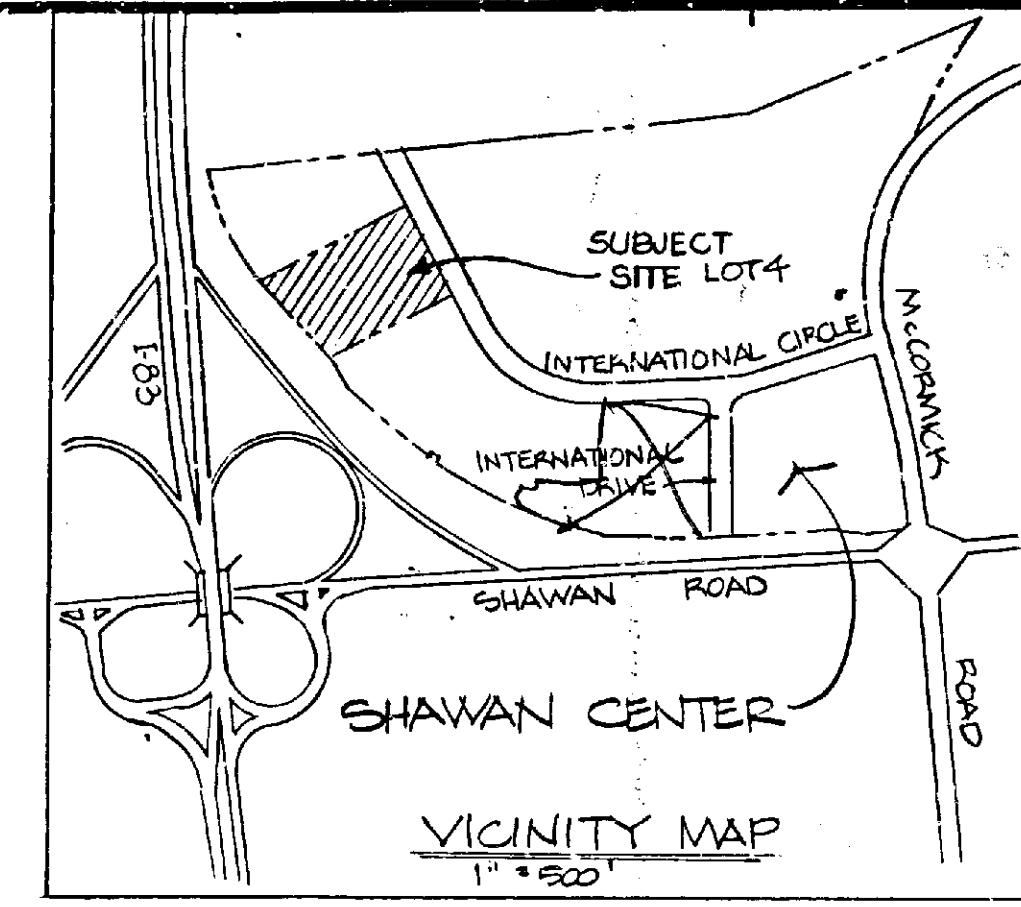
DATE 7-24-85 ACCOUNT 01-115-001

AMOUNT \$ 175.00

RECEIVED FROM [Signature]

FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER

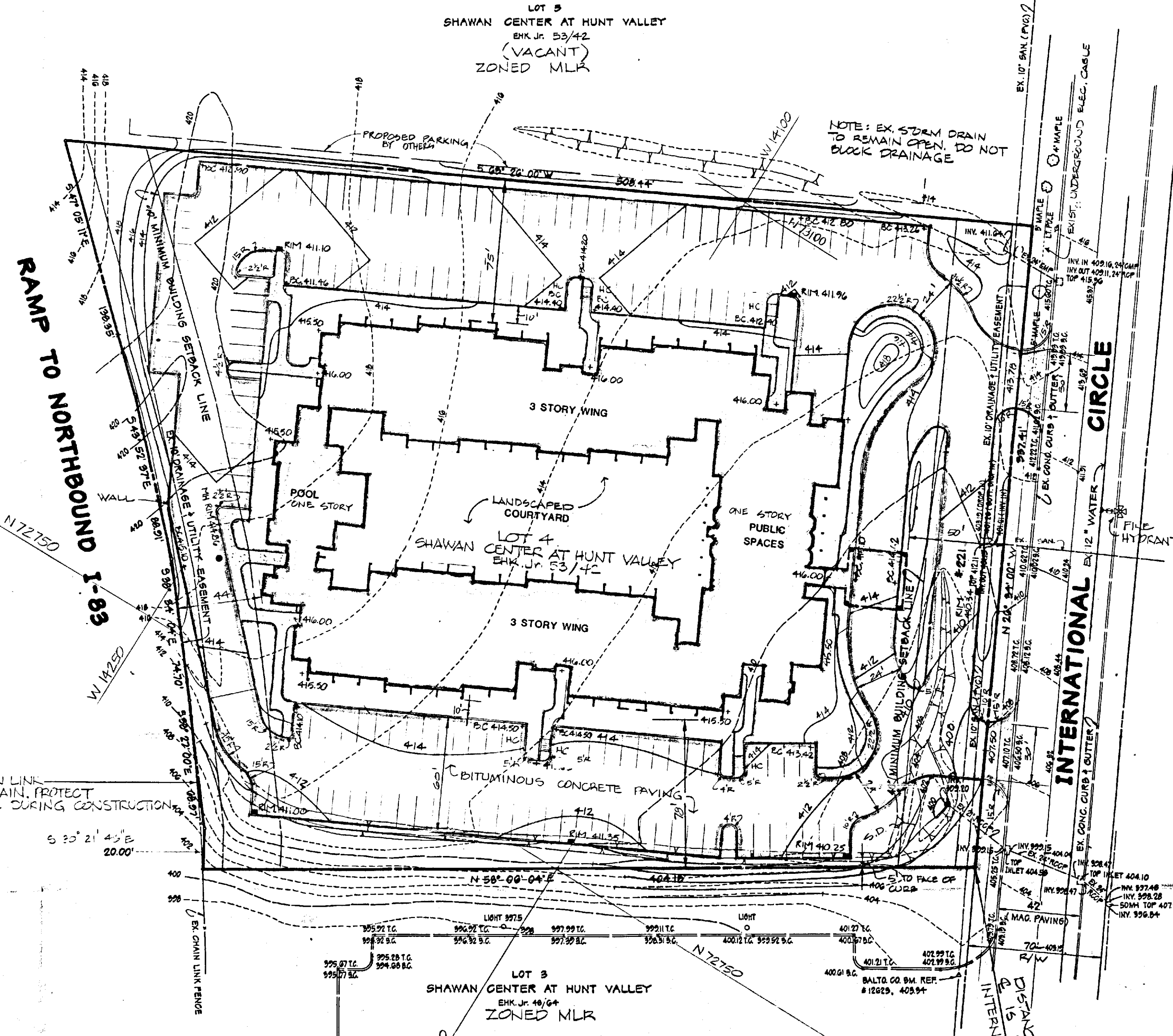


OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DEVOTED TO HOTEL USE:

NET LOT AREA ZONED MLR	49.47 AC
EXISTING HOTEL LOT 2	5.71
COURTYARD LOT 4	3.67
TOTAL HOTEL ACREAGE	9.38
PER CENT USED FOR HOTEL	18.96
- F.A.R., BUILDING COVERAGE

GROSS SITE AREA	172,278 SQ. FT.
NET SITE AREA (3.67 AC)	159,865 SQ. FT.
TOTAL BUILDING AREA	20,020 SQ. FT.
GROUND FLOOR BUILDING AREA	36,820 SQ. FT.
PER CENT OF SITE BLDG. COVERAGE	23.07%
FLOOR AREA RATIO	0.46



LOT 3
SHAWAN CENTER AT HUNT VALLEY
E.H.K. JR. 43/64
(VACANT)
ZONED MLR

PRINTED
DEC 02 1985
DAFT-McCUNE-WALKER, INC.

SITE DATA

LOT AREA - 3.673 AC
ZONED - MLR
PERMITTED USES: HOTEL, RESTAURANT, MEETING ROOMS

PARKING CALCULATIONS

USE	REQ. PARKING	NO. REQ.
146 HOTEL GUEST ROOMS 1/ROOM		146.00
RESTAURANT, KITCHEN, & 1/50 SQ. FT.		146.00
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		60.6
3030 + 50 = 60.6		60.6
GAME ROOM - 240 SQ. FT.		
1 SPACE PER 300 SQ. FT.		0.8
TWO MEETING ROOMS - 1350 SQ. FT.		
SEATING CAPACITY: 25 SEATS		
PER ROOM X 2 = 50		
PARKING REQUIRED @ 1 SPACE/6 SEATS		8.33
TOTAL PARKING REQUIRED = 215.73 SAY		216
TOTAL PARKING PROVIDED		160
VAPOR SPACE REQUIRED FOR 50 SPACES		

NO.	DESCRIPTION	DATE BY
REVISIONS		
ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR		
ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK		

DAFT - McCUNE - WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21284
TELEPHONE: (301) 294-3333

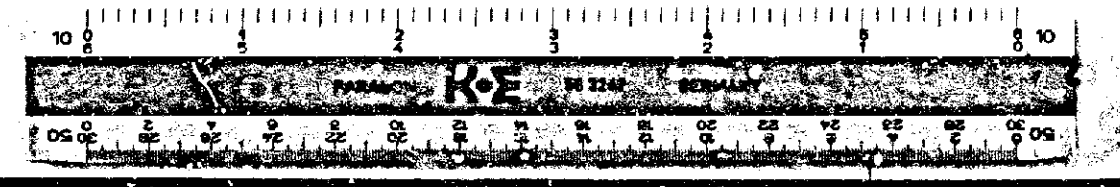
COURTYARD LOT 4
SHAWAN CENTER
ELECTION DISTRICT NO. 8
BALTIMORE COUNTY, MD

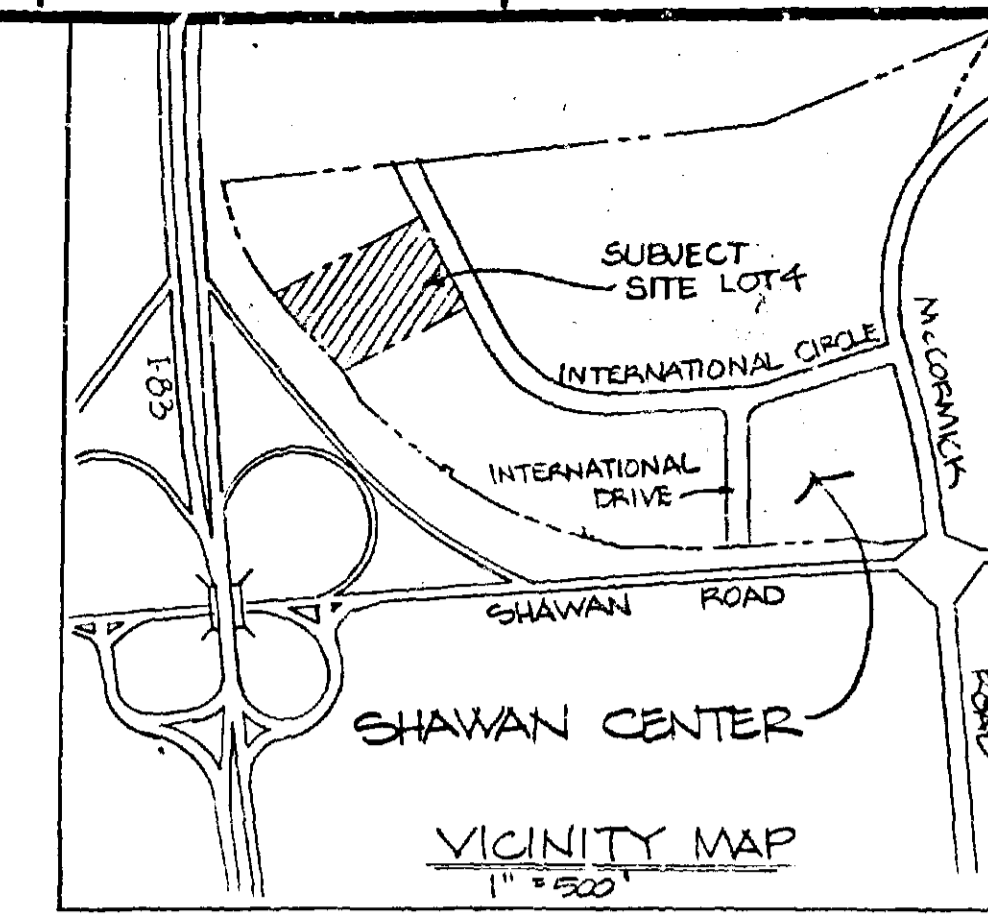


INTERNATIONAL HEADQUARTERS
MARRIOTT DRIVE
WASHINGTON, D.C. 20088

SHEET TITLE
SITE GRADING PLAN

DATE	APPROVED	DATE	SCALE
12/2/85	[Signature]	12/2/85	1" = 30'
DRAWN BY	CHECKED BY	DATE	SCALE
C519	C-2		



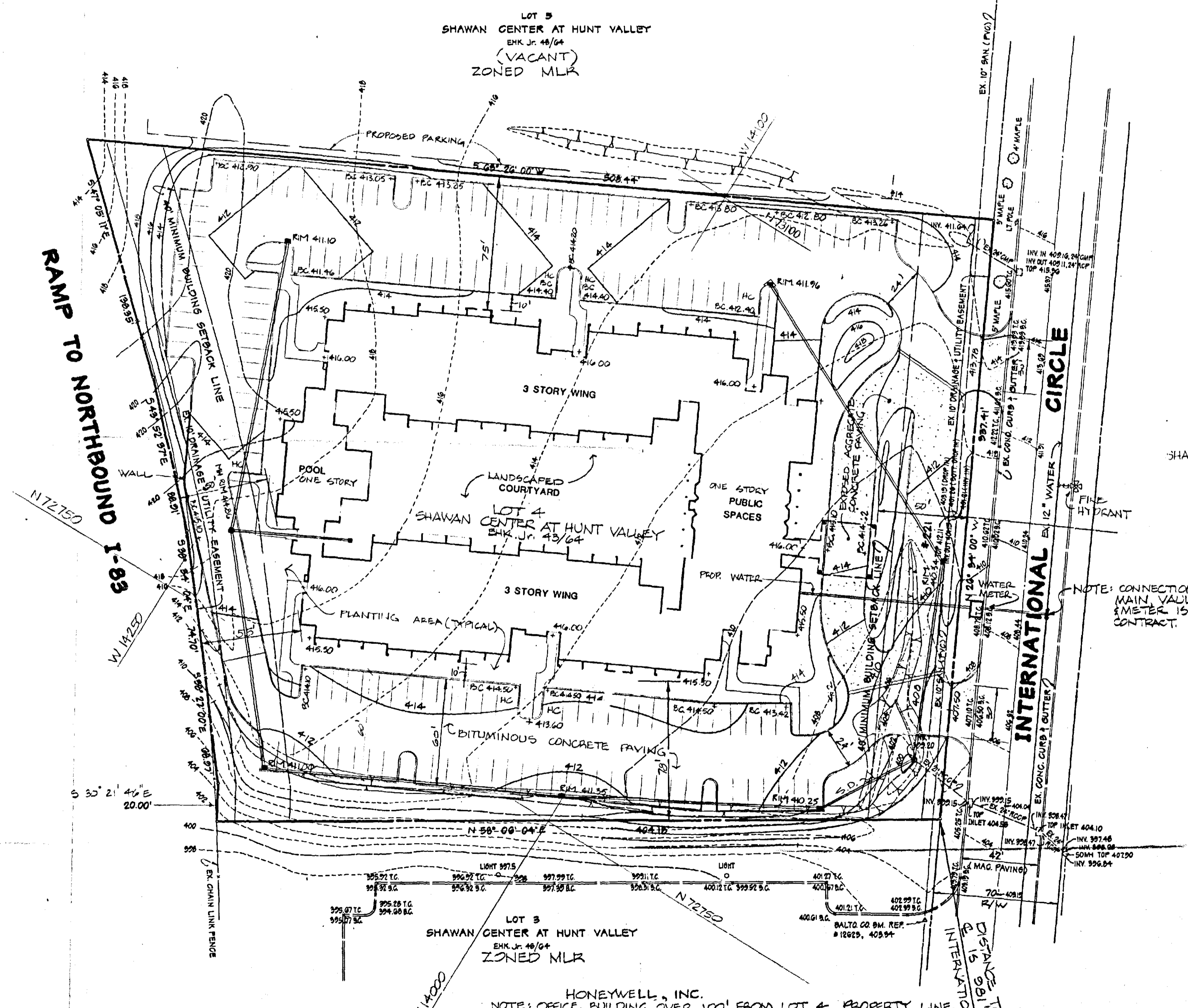


OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DEVOTED TO HOTEL USE:

NET LOT AREA ZONED MLR	49,474 AC
EXISTING HOTEL LOT 2	5.71
COURTYARD LOT 4	3.97
TOTAL HOTEL ACREAGE	19.38
PER CENT USED FOR HOTEL	18.96
- F.A.R., BUILDING COVERAGE

GROSS SITE AREA	172,278 SQ. FT.
NET SITE AREA (3,673 AC)	159,805 SQ. FT.
TOTAL BUILDING AREA	80,020 SQ. FT.
GROUND FLOOR BUILDING AREA	36,830 SQ. FT.
PER CENT OF SITE BLDG. COVERAGE	23.07%
FLOOR AREA RATIO	0.46



LOT 4
SHAWAN CENTER AT HUNT VALLEY
E.H.K. JR. 43/64
(VACANT)
ZONED MLR

NOTE: CONNECTION TO WATER MAIN VAULT INSTALLATION & METER IS UNDER SEPARATE CONTRACT.

NOTE: DETAILED LANDSCAPE PLANS SHALL BE SUBMITTED AT TIME OF APPLICATION FOR BUILDING PERMIT.

SIGNAGE SHALL COMPLY WITH BALTIMORE COUNTY SIGNAGE REGULATIONS AND MCCORMICK PROPERTIES, INC.'S RESTRICTIVE COVENANTS FOR SHAWAN CENTER.

SITE DATA

LOT AREA	-	3,673 AC
ZONED	-	MLR
PERMITTED USES	HOTEL, RESTAURANT, MEETING ROOMS	

PARKING CALCULATIONS

USE	PER PARKING	NO. PER
146 HOTEL GUEST ROOMS	1/ROOM	146.0
RESTAURANT, KIT, LUN.	1/50 SQ. FT.	146.0
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		100.0
3030 ÷ 50 = 60.6		60.6
GAME ROOM - 240 SQ. FT.		1.0
1 SPACE PER 300 SQ. FT.		0.8
TWO MEETING ROOMS - 1350 SQ. FT.		1.0
SEATING CAPACITY: 25 SEATS		0.33
PER ROOM X 2 = 50		0.33
PARKING REQUIRED @ 1 SPACE/6 SEATS		8.33
TOTAL PARKING REQUIRED = 215.73 SAY		216
TOTAL PARKING PROVIDED		160
VARIANCE REQUIRED FOR		56 SPACES

HONEYWELL, INC.
NOTE: OFFICE BUILDING OVER 100' FROM LOT 4 PROPERTY LINE.

NOTE: NO GAS MAINS EXIST IN ADJACENT STREET. NEAREST GAS MAIN IS AT INTERSECTION OF INTERNATIONAL CIRCLE & MCCORMICK ROAD.
UNDERGROUND ELECTRIC IS LOCATED IN UTILITY EASEMENT IN THE LOT FRONT YARD, WEST OF R/W LINE.

PRINTS ISSUED

NO.	DESCRIPTION	DATE BY
REVISIONS 0/18	OTHER NOTES	

OWNER
MCCORMICK PROPERTIES, INC.
11011 MCCORMICK ROAD
HUNT VALLEY, MD.

PLAN TO ACCOMPANY VARIANCE REQUEST
COURTYARD LOT 4 SHAWAN CENTER
ELECTION DISTRICT NO. 8
BALTIMORE COUNTY, MD.

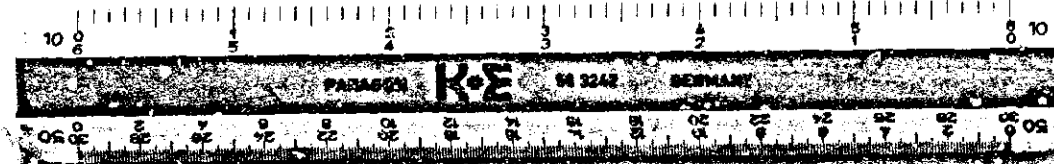
Marriott corporation
CONTRACT PURCHASER

33 PRINTED
INTERNATIONAL QUARTERS
MARRIOTT DRIVE
WASHINGTON, D.C. 20008

SHEET TITLE
SITE PLAN

DATE	4/25/85
SCALE	1" = 30'
APP. NO.	20810
DESIGNER	85046

1 of 1



86-443
Cook J/A

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

August 16, 1985

8:06 AM
ZONING DEPARTMENT

HAND DELIVERED

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

Re: Case No. 86-40-A - Petition for Variance
Marriott Corporation

Dear Mr. Jablon:

This firm represents the Protestant in the above-captioned matter, Middex Hospitality, Inc., 600 Madison Avenue, New York, New York 10022. Please note the appearance of John B. Howard, Esquire and Deborah C. Dopkin, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, 823-4111, on behalf of Middex.

Sincerely,
Deborah C. Dopkin
Deborah C. Dopkin

cc: John B. Howard, Esquire
Richard A. Reid, Esquire

ROYSTON, MUELLER, McLEAN & REID
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
823-1800

86-443
shuk S

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

August 15, 1985

HAND DELIVERED

Arnold Jablon, Zoning Commissioner
Office of Zoning
Court House
Towson, Maryland 21204

Re: Case No. 86-40-A - Petition for Zoning
Variance, LOT NO. 4, Shawan Center,
Hunt Valley - The Marriott Corporation, Petitioner

Dear Commissioner Jablon:

I have reviewed the Protestant's Memorandum filed in the above-entitled case by Mr. Howard on behalf of Middex Hospitality, Inc. My copy of the Memorandum was not signed by Mr. Howard. That is understandable. His client's position as set forth therein apparently is that the parking requirements for motels/hotels in Baltimore County should be applied without variation and be binding upon all but his client, which required a parking variance to construct its motel two lots away from the petitioner. The argument, of course, disregards the provision of B.C.Z.R., Section 307, authorizing the zoning Commissioner to grant variances from off-street parking regulations to all who meet the requirements therefor, not just Middex.

It is submitted that the evidence received by you at the hearing today amply justifies the granting of the variance requested by petitioner because of practical difficulty and unreasonable hardship. No further response to the Memorandum is deemed to be necessary.

Very truly yours,
Richard A. Reid
Richard A. Reid

RAR/keg
cc: John B. Howard, Esquire
0799d

86-443
shuk S

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

August 28, 1985

Arnold Jablon, Zoning Commissioner
Baltimore County Office of Zoning
Court House
Towson, Maryland 21204

Re: Case No. 86-40-A
Petition of McCormick Properties, Inc. for Variance

Dear Commissioner Jablon:

In reviewing your Opinion and Order of August 21, 1985, in the above-entitled case, I noted what I believe was a typographical error. The first line on page 2 indicates that the restaurant "will not be open at night." I believe you meant that sentence to read "will not be open late at night," which would be in accordance with the testimony presented to you.

I call the foregoing to your attention only for the sake of accuracy. I do not believe that it requires the issuance of a revised Opinion, and certainly has no effect on your Order of August 21st.

Very truly yours,
Richard A. Reid
Richard A. Reid

RAR:jse
cc: Phyllis Cole Friedman, Esq.
People's Counsel for Baltimore County
John B. Howard, Esq.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/W of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District : Case No. 86-40-A

MCCORMICK PROPERTIES, :
INC., Petitioner

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify that:

- I am a competent person over 18 years of age.
- I am not a party to this action.
- On the 8th day of August, 1985, at 4:16 p.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled matter on DAVID G. MONGAN, P.E., KIDDE CONSULTANTS, INC., 1020 Cromwell Bridge Road, Baltimore, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer
Private Process Server

0785d

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/W of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District : Case No. 86-40-A

MCCORMICK PROPERTIES, :
INC., Petitioner

ORDER FOR SUBPOENA DUCES TECUM

MR. COMMISSIONER:

Please issue a Subpoena Duces Tecum returnable to Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Thursday, August 15, 1985, to:

DAVID G. MONGAN, P.E., KIDDE CONSULTANTS, INC., 1016 Cromwell Bridge Road, Baltimore, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him all reports, worksheets, correspondence, traffic studies and counts and authorities upon which he relied in preparing his TRAFFIC ANALYSIS FOR PROPOSED MOTEL AT LOT 2 SHAWAN CENTER AT HUNT VALLEY for Middex Hospitality, Inc., completed on or about February 10, 1983 (Kidde Consultants, Inc. Job Order No. 01-83029).

By request of,
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

86-443
shuk S

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District :
MCCORMICK PROPERTIES, INC., : Case No. 86-40-A
Petitioner

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify that:

- I am a competent person over 18 year of age.
- I am not a party to this action.
- On the 23rd day of July, 1985, at 9:55 a.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled matter on Shirley Lorber, Administrative Assistant, Kidde Consultants, Inc. 1016 Cromwell Bridge Road, Baltimore, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer
Private Process Server

86-443
shuk S

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District :
MCCORMICK PROPERTIES, INC., : Case No. 86-40-A
Petitioner

ORDER FOR SUBPOENA DUCES TECUM

MR. COMMISSIONER:

Please issue a Subpoena Duces Tecum returnable to Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, at 1:30 p.m. on Wednesday, July 24, 1985, to:

DAVID G. MONGAN, P.E., KIDDE CONSULTANTS, INC., 1020 Cromwell Bridge Road, Baltimore, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him all reports, worksheets, correspondence, traffic studies and counts and authorities upon which he relied in preparing his TRAFFIC ANALYSIS FOR PROPOSED MOTEL AT LOT 2 SHAWAN CENTER AT HUNT VALLEY for Middex Hospitality, Inc., completed on or about February 10, 1983 (Kidde Consultants, Inc. Job Order No. 01-83029).

By request of,
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 11, 1985

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

SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

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

NEG:JGH:slm

RE: PETITION FOR ZONING * BEFORE THE ZONING
VARIANCE * COMMISSIONER OF
LOT NO. 4, * BALTIMORE COUNTY
SHAWAN CENTER * No. 85-40A
HUNT VALLEY *
THE MARRIOTT CORPORATION *
Petitioner *

PROTESTANT'S MEMORANDUM
IN OPPOSITION TO PETITION FOR ZONING VARIANCE

Middex Hospitality, Inc., Protestant, by its attorneys, John B. Howard and Cook, Howard, Downes & Tracy, files this Memorandum in Opposition to Petition for Zoning Variance and states the following:

This case comes before the Zoning Commissioner of Baltimore County pursuant to the Petition of the Marriott Corporation for a variance from §409.2 of the Baltimore County Zoning Regulations to permit 160 parking spaces in lieu of 216 parking spaces as required. Protestant is the sole general partner of Hunt Valley Associates Limited Partnership, the owner of the real property known as Lot No. 2, Shawan Business Center, 213 International Drive, Hunt Valley, Maryland. Protestant is the owner and operator of the Embassy Suites Hotel now constructed upon the property.

ordinance and cause discrimination. Carney v. City of Balto., 201 Md. 130 (1952).

The extensive coverage of the site combined with the dramatic deviation from the regulations — some 26% — represents so great a relaxation of the regulations as to render the purpose for which they were enacted of no effect. The scope of the variance, if granted, would defeat the spirit and purpose of the parking regulations, and would exacerbate the very problems the ordinance is intended to alleviate.

II.

THE COUNTY COUNCIL DID NOT INTEND TO
RELAX PARKING REQUIREMENTS FOR
HOTEL-MOTEL USES IN THE MLR ZONE.

Prior to 1984, motels were not permitted in the MLR zone except by special exception. Baltimore County Zoning Regulations, §§101.248.3, 248.4b, 253.2.B. Bill No. 82-84, enacted in 1984, provides that hotels and motels may be constructed in the MLR and ML zones as a matter of right. At the time of the enactment, the legislative draftsman and County Council considered, but did not amend, the parking requirements applicable to this use.

The Baltimore County Office of Planning and Zoning is the administrative agency responsible for administering the Zoning Regulations. The professional

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QUESTION PRESENTED

WHETHER THE REQUESTED VARIANCE FROM §409.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO PERMIT 160 PARKING SPACES IN LIEU OF 216 PARKING SPACES AS REQUIRED, SATISFIES THE STANDARD OF PRACTICAL DIFFICULTY OR UNREASONABLE HARDSHIP REQUIRED PURSUANT TO §307 OF THE ZONING REGULATIONS?

ARGUMENT

I.

THE DIFFICULTY ALLEGED BY PETITIONER RESULTS FROM A PROPOSED USE WHICH OVERBURDENS THE SITE RATHER THAN FROM THE UNIQUE EFFECT OF THE ZONING REGULATIONS ON THE PROPERTY.

In order to obtain a variance based on practical difficulty, Petitioner must show the following:

1. Whether compliance with the strict letter of the restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
2. Whether a grant of the variance would do substantial justice to the applicant as well as to other property owners in the area, or whether stricter compliance than that applied for would give substantial relief to the owner and be more consistent with justice to the other property owners;
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean v. Soley, 270 Md. 208 (1973) citing 2 Rathkopf, The Law of Zoning and Planning (3d Ed. 1972), Anderson v. Board of Appeals, 22 Md. App. 28 (1974).

2

planners within this agency also conduct research and make recommendations to the Baltimore County Planning Board and County Council for amending the Zoning Regulations.

When applying the requirements of §409.2 of the Baltimore County Zoning Regulations as it pertains to hotels and motels, the Office of Zoning has required that there be one parking space for each guest room plus additional parking for each other use included in the hotel facility. The Office of Zoning has neither interpreted nor applied this regulation to limit the parking spaces necessary to the number of rooms within the hotel, but has treated §409.2 as a minimum standard. Consistent construction by the agency responsible for administering a statute is entitled to considerable weight. National Asphalt Pavement Ass'n. v. Prince George's County, 292 Md. 75 (1981). Maryland courts have consistently given great weight to the administrative construction applied to a law over a long period of time and have held that such an interpretation should not be disregarded except for the strongest and most urgent reason. State Department of Assessments & Taxation v. Greyhound Computer Corp., 271 Md. 575 (1974).

The County Council, the legislative branch of county government, has acquiesced in this interpretation as recently as 1984 and by such acquiescence affirmed that this standard should continue to prevail. When the

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The difficulties alleged must be shown to be those which are "peculiar to the situation of the applicant... and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant." Petitioner must be able to show that its need is "substantial and urgent" and that because of its unique situation the burden of the ordinance does not serve the "essential legislative policy" and would constitute an unwarranted invasion of its basic property rights. McLean v. Soley, 270 Md. 212, citing Carney v. City of Baltimore, 201 Md. 130 (1952).

Petitioner's property rights are not subject to an unwarranted invasion by the strict application of the Baltimore County parking regulations. Compliance with the parking regulations here does not prevent use of the subject property for a permitted purpose. A motel is a use permitted by right; if the proposed motel involved less land coverage by buildings, Petitioner would have more area remaining to provide adequate parking. The alleged difficulty results from an overburdening use by Petitioner of his property. It is the purpose of the parking requirements to regulate and limit the permitted use. The spirit of the ordinance is aimed at preventing over intensive land use and avoiding congestion and similar problems.

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definition of hotels was amended in the Zoning Regulation, no accompanying relaxation of the parking regulation was enacted. Long continued acquiescence by the legislature in administrative interpretation of the statutes is indicative that the legislative intent is being carried out. Jackson Marine Sales v. State Department of Assessments & Taxation, 32 Md. App. 213 (1976). The event which precipitated the legislative change in the definition of a hotel/motel involved a zoning special exception and accompanying variance similar to the subject petition. Had the County Council intended to relax the standards for parking in this zone for hotels, such amendments would have been included within Bill 82-84.

Where the County Council has intended to relax the parking regulations, the Zoning Regulations reflect that intent. It is significant to note that the County Council has provided specific standards for modifying parking requirements in particular districts in recognition of the unique characteristics within those districts. Section 409.2. No such consideration was given to hotel use in the MLR zone, nor were the standards to be considered for granting exceptions set forth in greater detail or defined to modify the common law criteria, as they were by §409.2. Based on administrative construction and legislative intent, the parking

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Though the size of Petitioner's proposed motel may render it more profitable, an increased return is not a sufficient reason to grant a variance. Baltimore City v. Borkinsky, 239 Md. 611 (1965). Maryland cases have repeatedly held that the fact that a variance would make a property more profitable does not warrant a relaxation of the zoning regulations. Easter v. Mayor & C. C. of Balto., 195 Md. 395 (1950). Marino v. Mayor & C. C. of Balto., 215 Md. 206 (1957).

The Marino case also recognized the importance of traffic congestion as an element which should be considered in the grant of a variance. There, the traffic director for the City of Baltimore testified that the proposed variance would aggravate an existing congested situation. The Court held that where the variance would tend to increase congestion, not to lessen it, as was the intent of the statute, the variance had to be denied. 215 Md. at 222. The Baltimore County Department of Traffic Engineering has stated in its comments (May 20, 1985) that to grant the subject variance would result in parking problems. Based on the opinion of the County's own traffic engineers, the variance should be denied.

Maryland courts have avoided a liberal construction allowing exceptions to variance requirements for reasons that are not substantial and urgent because such a reading would tend to destroy the usefulness of the

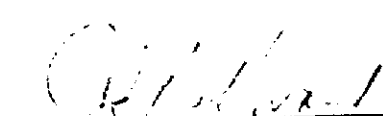
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requirements for hotel facilities in the MLR zone should not be relaxed.

CONCLUSION

As a matter of law, Petitioner has not demonstrated that the off-street regulations impose a unique and burdensome practical difficulty or undue hardship for which it is entitled to the requested variance.

Respectfully submitted,


JOHN B. HOWARD
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210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorneys for the Protestant

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McCormick Properties, Inc.
Case No. 86-40-A

In opposition to the petition, Mr. Edward Tracy, a Vice-President of Midtex, Inc., appeared. Midtex owns the neighboring/competing facility, the Embassy Suites Hotel. Mr. Tracy testified that he had visited a number of the Marriott locations featuring a facility of this type across the country. Based upon the highly successful nature of those operations and his extensive hotel management experience, Mr. Tracy expressed concerns regarding insufficient proposed parking for this project. As he is the owner of a nearby competitor, however, we must view these concerns with some degree of suspicion.

A somewhat more credible objection was opined however by a traffic engineer produced by the Protestants, namely, John Erdman. Rejecting Mr. Gavrelis's premise that the "component addition" theory on which the parking regulation is based is faulty, Mr. Erdman testified that a variance could not be supported. Mr. Erdman's report, which is in evidence, fully sets forth the nature of his objections. However, it may be best summarized by stating that if the facility enjoys the anticipated high rate of occupancy, there would be extremely limited parking available for employees and members of the public using this facility, assuming that each guest had his own automobile.

In determining whether the requested variance should be granted, we must apply the practical difficulty standard mandated in McLean vs Soley 220 MD 208 (1973). The standard for establishing practical difficulty is as set forth in the Zoning Commissioner's opinion and Anderson vs Board of Appeals, Town of Chesapeake Beach, 22 MD App. 28, 1974. That is:

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

McCormick Properties, Inc.
Case No. 86-40-A

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Upon review of all of the evidence, we believe that the Petitioners have met their burden and that, therefore, the requested variance should be granted. Although we will not reject the parking regulation standard as was suggested by Mr. Gavrelis, we believe that the proposed number of spaces is sufficient for the type of facility proposed here; a "no frills" hotel. We must, however, consider Mr. Erdman's objections as well taken. Although we believe that the proposed parking will adequately service the hotel's guests, any significant use by the public of this hotel will surely cause spillage. We therefore will grant the variance with restrictions to discourage use of this facility by anyone other than guests.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Zoning Variance to permit 160 parking spaces instead of the required 216 spaces be and is hereby GRANTED, subject to the following restrictions:

- 1) There shall be no public advertising for the restaurant or lounge.
- 2) The meeting room shall not be made available to or be rented to individuals other than hotel guests.
- 3) The pool and any other recreational facilities will be open to guests only and not the general public.

McCormick Properties, Inc.
Case No. 86-40-A

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz
Keith S. Franz, Acting Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Patricia Phipps
Patricia Phipps

IN RE: PETITION ZONING VARIANCE
S/W/S of International Circle,
981' NW of the centerline of
International Drive - 8th
Election District
McCormick Properties, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-40-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 160 parking spaces instead of the required 216 spaces, as more particularly described on Petitioner's Exhibit 9.

The Petitioner appeared, as did its Contract Purchaser, the Marriott Corporation (Marriott), by Ray Warner, its Director of Development, who testified. Also appearing on behalf of the Petitioner was George E. Gavrelis, an expert planner. The Petitioner introduced into evidence a deposition of John W. Guckert, an expert traffic engineering transportation planning consultant who could not be present. See Petitioner's Exhibit 10. There was no objection by Counsel for the Protestant Midtex Hospitality, Inc. (Midtex). Additionally, Edward Tracy, Vice President of Hotel Operations, and John Erdman, an expert traffic engineer, appeared and testified on behalf of the Protestant. Both the Petitioner and the Protestant were represented by Counsel.

Testimony indicated that the subject property, zoned M.L.R. and consisting of approximately 3.7 acres, is located on International Circle in the Shawan Center in Hunt Valley. Marriott proposes to construct a hotel which will cater to the transient commercial traveler. It will be a new approach taken by them in that it will not provide the full range of services normally associated with Marriott hotels. Rather, it will only have a small restaurant, referred to by the Petitioner as an "upgraded coffee shop", with a limited menu, which will not

be advertised to the general public and will not be open at night. There will be no room service. It will also have a lounge with a utilitarian bar to prepare drinks which will be served by a waiter or waitress and no entertainment. There will be no stand-up bar. There will be two small meeting rooms, and no convention facilities or retail space will be provided.

The hotel will be constructed around a courtyard with the wings utilized for 146 guest rooms, the front being the public area, and the rear being an indoor pool, open only to guests. The wings will be three stories; the public building will be one story.

The Contract Purchaser presented a report prepared by The RBA Group entitled "Traffic Generation Study for Courtyard by Marriott", dated March, 1985, which analyzed the parking demands for courtyard hotels and was based on a study of those hotels existing in Atlanta. See Petitioner's Exhibit 9. The conclusion reached therein and supported by Mr. Guckert is that the average parking space demand per occupied room for the Courtyard Hotel concept is 0.65. Assuming that all 146 rooms were occupied at the same time, 95 spaces would be sufficient to satisfy the parking demand.

Mr. Warner testified that, based on his experience and in his opinion, the proposed 160 parking spaces, including six handicapped spaces, with a maximum of 15 employees on the site at any one time, would be more than sufficient to meet the parking demand. If the required 216 spaces were provided, the property could not be utilized for its intended purpose.

Mr. Gavrelis testified that, in his opinion, a practical difficulty would exist if the variance were denied. He agreed with Mr. Warner and Mr. Guckert in their analyses that 160 spaces were sufficient.

Mr. Tracy, however, testified that the variance should not be granted. On July 3, 1985, he visited four of the Marriott Courtyard Hotels in Atlanta and

concluded that there was a spill-over effect on at least one of the sites and that the meeting rooms could be rented to the general public, notwithstanding Mr. Warner's testimony to the contrary. Indeed, Mr. Warner testified that the approach taken by Marriott with its courtyard hotels would not be to affirmatively attract the general public, thereby reducing the appeal that many hotels have to the general public, which in turn requires additional parking. Mr. Tracy disagreed and believes Marriott's new concept will be as attractive to the general public as any hotel.

Midtex is concerned that there will be a spill over of automobiles which could not find parking on the instant site to its property located two parcels away. The Protestant's hotel will open around October, 1985. Mr. Erdman agreed and testified that, based on his experience, he believes too few spaces are proposed and a spill over would definitely be created. See Protestant's Exhibit 2.

It is significant to note that on February 24, 1983, Midtex received a variance to permit 357 parking spaces instead of the required 406 spaces, as well as other assorted variances, a special exception, and a special hearing (Case No. 83-178-KSFA).

Both sides agreed that the normal industry standard is one space for each room; however, they disagreed as to whether this standard includes accessory services, i.e., restaurant, lounge, and meeting rooms. Mr. Erdman argued that it does not. However, in a report prepared by Midtex to support its case, the traffic engineer concluded that facilities such as the hotel to be constructed by Midtex should not be treated as individual components, i.e., rooms, restaurant, lounge, et al. The report went on to state that there is an inter-relationship. Although Mr. Erdman disagreed, it appears that at the time the requested variance to the parking requirements was made in 1983, this position was made known to the Deputy Zoning Commissioner, who granted the relief prayed

for. In considering the entire report as a whole, the standard of one space per room, including the accessory services, seems to have been adopted by Midtex.

The Petitioner seeks relief from Section 409.2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The Protestant strongly believes that the variance requested by Marriott, which will permit 1.1 spaces per room if granted as contrasted with its own variance permitting 1.6 spaces per room, will be insufficient to meet the parking demand and that automobiles will park on Midtex's lot. Therefore, it requests that the instant variance be denied.

While it is true that financial considerations are not to be considered in the granting or denial of a variance, it can be assumed that the requisite 216 parking spaces could be provided if the hotel were smaller. It could also be assumed that Midtex could have met the BCZR if its hotel were smaller. Indeed, it might be that if the tennis courts were deleted or the other setback requirements met, Midtex might have provided the full complement of spaces. Midtex, as well as Marriott, decided how many rooms and what kinds of services it wanted to provide based on financial considerations, and thereafter, it determined the size and scope. Midtex not only received a parking variance but also a floor area ratio variance, side and front yard setback variances, and a side yard variance for the tennis courts. The request for these variances, the special exception for a motel, and the special hearing for a business sign were made based on a detailed cost analysis which included the size of the property and the projected income. Marriott is no different and the conclusions reached were exactly the same. The size of the building, projected use, market analysis, etc., dictated Midtex's and Marriott's requests.

Will there be spill over? There is no absolute answer, and with expert testimony presented by both sides being contradictory on this point, a decision

can only be made based on equity. There is no question that the hotel proposed by Marriott cannot be constructed unless the requested parking variance is granted, just as the hotel proposed by Midtex could not be constructed if all of the requested variances were not granted. The Zoning Commissioner agrees with all of the legal points made by the Protestant in its Memorandum in Opposition to the Petition for Zoning Variance but not to its conclusions. Nonetheless, it is clear that the Petitioner has demonstrated a practical difficulty. After all of the testimony and exhibits presented by both sides, it is concluded that the requested parking variance will not create an adverse impact on the community and will be in the spirit and intent of the BCZR. Mr. Warner's testimony is convincing. It seems that Midtex wishes to avail itself of the system by playing it at its weakest points and against itself.

"Every form of government tends to perish by excess of its basic principle." Plato, Republic.

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 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 advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of August, 1985, that the Petition for Zoning Variance to permit 160 parking spaces instead of the required 216 spaces be and 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:

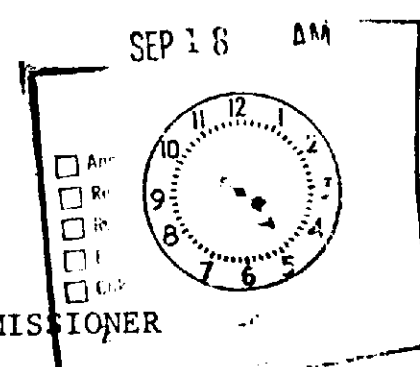
1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The meeting rooms shall not be made available to or be rented to the general public.
3. There shall be no public advertising for the restaurant or lounge.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Richard A. Reid, Esquire
John B. Howard, Esquire
People's Counsel

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IN RE: PETITION ZONING VARIANCE * BEFORE THE
SW/S of International Circle, 981' NW of the centerline of International Drive - 8th Election District * ZONING COMMISSIONER
McCormick Properties, Inc. * OF BALTIMORE COUNTY
Case No. 86-40-A

Petitioner *

* * * * *

ORDER OF APPEAL

Mr. Zoning Commissioner:

Please enter an Appeal on Behalf of Midex Hospitality, Inc., Appellant, from the Order of the Zoning Commissioner dated August 21, 1985, in the above-referenced case to the Board of Appeals for Baltimore County. The Appellant's address is 600 Madison Avenue, New York, N.Y. 10017.

2. for the filing costs is

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

DATE: 8/21/85 ACCOUNT: No. 012539

AMOUNT: \$ 100.00

RECEIVED FROM: Cash, Richard A. Reid, Esquire

FOR: Midex Hospitality, Inc., 600 Madison Avenue, New York, N.Y. 10017

VALIDATION OR SIGNATURE OF CASHIER: *[Signature]*
Richard A. Reid, Esquire
Phyllis Cole Friedman, Esquire

Erdman and Associates, Inc.
Consulting Engineers

MARRIOTT CORPORATION
PETITION FOR ZONING VARIANCE

The Marriott Corporation, as contract purchaser, and McCormick Properties, Inc., as legal owner, have filed a Petition For Zoning Variance from section 409.2 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County. This variance would permit 160 parking spaces in lieu of 216 parking spaces required by the Regulations.

The property which is the subject of this Petition is the 3.673 acre parcel known as Lot 4, "Shawhan Center At Hunt Valley". The property is located on the southwest side of International Circle, west of International Drive, in the Eighth Election District of Baltimore County, Maryland. The Lot is zoned MLR and the uses proposed (Hotel, Restaurant, and Meeting Rooms) are permitted uses within an MLR zone.

The contract purchaser proposes to construct 146 Hotel Guest rooms; a 3030 square foot Restaurant, Kitchen, and Lounge; a 240 square foot Game Room; and two Meeting Rooms of 1350 square feet. A tabulation of the parking required, as presented on the plan to accompany variance request, follows:

Use	Unit	Quantity	Parking Required
Hotel Guest Rooms	Room	146	146.0
Restaurant, etc.	Sq. Ft.	3030	60.6
Game Room	Sq. Ft.	240	0.8
Meeting Rooms	Seats	50	8.33
Total		215.73	
Say		216	

The petitioner proposes to provide 160 parking spaces; a variance of 56 spaces would be required.

The precise magnitude of this variance can best be understood by inspecting more completely, the information presented

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Consulting Engineers

with this Petition:

TABLE 2

Hotel Guest Room Parking	160 spaces
Parking Provided	146 spaces
Hotel Parking Required	146 spaces
Difference	14*spaces
Other Use Parking	
Restaurant	60.6 spaces
Game Room	0.8 spaces
Meeting Rooms	8.33 spaces
	69.73

*Six (6) of these spaces are reserved for the handicapped and are not available for use by the general public. Therefore, only eight (8) of these spaces may be available. If the variance were granted, and if each Hotel guest room were occupied by a party which had arrived by automobile, and if none of the handicapped spaces were occupied, eight (8) parking spaces would be available to serve the other uses, including Hotel/Restaurant employees. This may not be a scenario which would occur every day, but it must be the goal of the management to fill the facility as often as possible. To the extent that the management is successful, this scenario will be experienced.

Inspection of Table 2 reveals that only the number of spaces required to serve the Hotel and Restaurant are large enough to provide a reduction of the magnitude (56 spaces) of the requested variance. Either the Hotel or the Restaurant would have to be underutilized. In projects configured with larger meeting/function facilities, underutilization of those facilities (because of peak use periods which do not coincide) could contribute to the reduction of parking requirement. The inability to identify major alternate uses (meeting/function

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Consulting Engineers

rooms) within the proposed development severely limits the primary justification for approving the requested variance. Further concern must result from the magnitude of the variance.

	TABLE 3
Parking Required	216 spaces
Parking Provided	160 spaces
Variance	56 spaces (26%)

The Petition requests that twenty-six (26%) percent of the required parking be eliminated and that only seventy-four (74%) percent of the required parking be provided.

In summary, the petitioner asked that a substantial portion (26%) of the parking requirement be eliminated through this variance, while proposing a combination of uses for the property which does not provide for the separation in time of peak usage which is a primary justification for approving such variance.

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Consulting Engineers

	Lot 2 Embassy	Lot 4 Marriott
Parking Provided	357	160
Hotel Parking Required	225 (1.59)	146 (1.10)
Difference (1-2)	+132	+ 14
No. of Rooms	225	146
Other Requirements		
Restaurant	118 *	60.6
Game Room		0.8
Meeting Rooms	60 **	8.33
Retail	3	
Total Required	406	216
Variance	49 (12%)	56 (26%)

*restaurant open during a.m. period only
**meeting rooms usually not used during a.m. period

1 RE: Petition for Zoning Variance : BEFORE THE
2 Lot No. 4, Shawhan Center : ZONING COMMISSIONER
3 Hunt Valley : OF
4 The Marriott Corporation, : BALTIMORE COUNTY
5 Petitioner : No. 86-40A
6 :
7 APPEARANCES:
8 RICHARD A. REID, ESQUIRE,
9 In behalf of the Petitioner
10 JOHN B. HOWARD, ESQUIRE,
11 In behalf of the Protestants
12 Deposition of JOHN W. GUCKERT, taken in behalf of the
13 Petitioner, before Kathryn M. Benhoff, a Notary Public in and
14 for Baltimore County, State of Maryland, at the offices of
15 Richard A. Reid, Esquire, Suite 600, 102 W. Pennsylvania
16 Avenue, Towson, Maryland 21204, at 2:00 o'clock, P.M.,
17 August 14th, 1985.
18
19
20 Reported by:
21 Kathryn M. Benhoff

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1441 OLD YORK ROAD
PHOENIX, MD 21151
444-8877
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MR. REID: This deposition is being taken by me because Mr. Guckert will be unable to appear at the hearing tomorrow in this matter which is scheduled for 10:00 A.M., and the deposition by agreement is to be submitted in lieu of Mr. Guckert's live testimony at the trial.

JOHN W. GUCKERT, a witness produced on call of the Petitioner, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. REID:

Q State your full name, please.

A My name is John W. Guckert, G-U-C-K-E-R-T, address is Suite 220, 2360 West Joppa Road, Lutherville, Maryland.

Q What is your occupation, Mr. Guckert?

A I am a Traffic Engineering Transportation Planning Consultant.

Q And what are your qualifications to engage in that occupation?

MR. HOWARD: I will stipulate, Mr. Reid, Mr. Guckert's qualifications. I have known him for years, and he's

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appeared on many occasions in zoning matters, and I think I have no problem in stipulating he has the highest qualifications.

MR. REID: All right, thank you.

Q You have qualified as an expert in that field before Courts and Administrative bodies in the State of Maryland, have you not?

A Yes.

Q And that includes the Circuit Court for Baltimore County and the Zoning Commissioner and the Board of Zoning Appeals of Baltimore County?

A That's correct.

Q On many occasions?

A That's correct.

Q Are you familiar with a hotel known as the Courtyard by Marriott which is proposed to be constructed on Lot 4, International Circle, Shawan Center, Hunt Valley?

A Yes, I am.

MR. REID: And I ask that this plat be marked as a Deposition Exhibit.

(Whereupon Guckert Deposition Exhibit No. 1 was marked for identification by the Reporter.)

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Q Mr. Guckert, I have shown you a Plat marked Deposition Exhibit 1 and ask you if you recognize that plat?

A Yes, it is a site plan for the Marriott Courtyard project for Lot 4 in the Hunt Valley area.

Q And does it show computations with respect to the parking provided by Marriott for that facility?

A Yes, those computations are shown in the lower right-hand corner of the Exhibit.

Q And how many parking spaces are provided?

A There are one hundred sixty parking spaces provided for the one hundred forty-six guest rooms in the facility.

Q All right, and does the plat also show the parking requirements as required by Baltimore County?

A Yes, there is a breakdown showing the number of guest rooms and the number of spaces required for each of those rooms, which is one, and then breaks down the restaurant, kitchen facilities, lounge area, game room, meeting rooms, etcetera, so that the total parking required by Baltimore County is shown as two hundred sixteen parking spaces.

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Q Have you, at my request, made a study of the traffic and the proposed parking for that facility?

A Yes.

Q What did your study consist of?

A My study consisted of a field investigation of the roadways and general area. It also consisted of a review of the Baltimore County Basic Services map as well as research into data that I have previously collected at other similar facilities, hotel-motel facilities, regarding parking space demand for this type of operation.

Q Did you also consider the study that was conducted by a group known as the RBA group in March, 1985 for Marriott with respect to three of its Courtyard Hotels in Atlanta?

A Yes, I did review that information.

Q Did you also review the industry standards with respect to parking for hotels and motels?

A Yes, the most recent industry standard is a highly recognized and I think acclaimed document that was published by the Urban Land Institute called "Shared Parking". That document was recently published and has and shows parking characteristics for various land uses, including hotels.

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Q And, of course, you also reviewed the plans for this specific hotel?

A That's correct, regarding the internal parking and circulation.

Q Did you also make an investigation with respect to the type of facility that was proposed here by Marriott with respect to the use of the rooms other than guest rooms?

A As it relates to the meeting rooms that are detailed on the plan, yes. I had discussions with Marriott officials, and generally, those meeting rooms are going to be limited in use by the guests who are staying at the room unlike other, I will say larger facilities such as the Hunt Valley Inn where the meeting and conference facilities are oftentimes and probably, I would say, the majority of the time, their conference facilities are generally leased or rented by people who are not even staying in the facility, so there is a vast contrast, a vast difference in how the meeting rooms in the Courtyard project will be used and leased versus what would be considered a standard type hotel; again, that difference is that the rooms will not be leased to people, someone coming, for example, from a nearby business

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who wants to use a room for a conference. That will not be the purpose of the two meeting rooms that are proposed for this site. It will strictly be for guests of the facility such as a businessman or several businessmen staying there who want to have a meeting and want to have it somewhat in neutral territory or their own territory and are able to have the meeting there where they are staying.

Q Did your investigation also include an inquiry as to the type of restaurant and lounge facilities that will be provided?

A Yes, again, unlike many other hotels, the restaurant facilities are not going to be geared towards providing food service to people outside of the facility. That is to say, it is going to be geared to its providing food, quality food but not certainly gourmet food, to the guests of the hotel. It is my understanding that the restaurant facility itself will not even be advertised. It will simply be an adjunct for ancillary use to the hotel rooms itself. Likewise, with the lounge which will -- a person could obtain a drink, but it will not be a lounge as is normally referred to where there is a full service bar with music and entertain-

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ment, that type of thing. All of the facilities that will be on site are geared towards internal use, that is use by the guests of the hotel, and are not being presented, marketed, or publicized for those who are outside the facility, although obviously, they would not be prohibited other than the meeting rooms; but it is not anticipated that you'd have someone coming off the street to come in and have a drink or eat dinner at the facility.

Q Taking one at a time the various studies that you reviewed, what did your study show with respect to the three Courtyards by Marriott in Atlanta with respect to the parking requirements for those Courtyards?

A As I stated earlier, there was a trip generation study that was conducted for the Marriott Corporation by the RBA Group. This study details the maximum number of parking spaces that were occupied at what would be considered peak periods, that is to say, for facilities like this. Late evening, early morning hours when someone is sleeping is the time that this type of facility will achieve its highest number of parked vehicles. The study was conducted for the Marriott Corporation at three different facilities in the

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Atlanta area.

Q Would you just describe those, please, the three facilities?

A By name?

Q By name.

A Windy Hill, North Lake and Johnson Ferry were the three facilities in the Atlanta area.

Q And how do those facilities compare with the Courtyard planned by Marriott at the subject site?

A Just about identical. The subject site may have a few more guest rooms, but with respect to the development of the site as a whole, its facilities, restaurant, etcetera, it is identical.

Q And what do those studies indicate?

A Those studies indicate after a review of the parking at all three facilities for a six-day period that the parking demand required or the number of parking spaces required for this type of facility ranges from an average low of .58 spaces per room to a high of .74 spaces per room. That is to say, looking at a conservative or worst case condition, less than one space per room was found to be

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1 required to serve this type of facility.
 2 Q When you say required to serve this type of
 3 facility, are you talking about the total facility including
 4 the restaurant, meeting rooms, the swimming pool, the guest
 5 rooms --
 6 A Yes.
 7 Q -- employee parking and everything?
 8 A Yes, that's correct. Now, let me just take a
 9 few moments to go over why the study would be done at the
 10 time it was done. During the daylight hours is the time when
 11 the hotel is really going to be least occupied by guests.
 12 That would be the time when there may be more employees on
 13 site. During the late afternoon is the time when employees
 14 are starting to leave and the guests are starting to arrive.
 15 During the evening, early evening hours, you will have guests
 16 that will be leaving the facility for meetings, entertainment,
 17 dinner off-site, and that's the time when most of the
 18 employees in the facility are gone. That's the -- I will
 19 call it the clean up crews for lack of a better word. I
 20 can't think of the word I am looking for.
 21 Q housekeepers?

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1 A Housekeepers, housekeeping staff is generally
 2 gone late in the afternoon, early evening, so what occurs,
 3 and not only at this site but at other facilities that are
 4 comparable, is that from midnight on when the guests are
 5 finally settled in for the evening is the time that you are
 6 going to get your highest occupancy of parking spaces.
 7 Q When you use the term guests in your testimony,
 8 you are referring to residents of the hotel?
 9 A Temporary residents of the hotel, right. So the
 10 time of the study is critical, obviously, because had the
 11 study been conducted at what would be considered the normal
 12 peak for other types of commercial uses such as if it was an
 13 office building, you would look at it late morning, early
 14 afternoon; if it was completely a restaurant, you would look
 15 at it early evening; if it was a hotel/motel that had a
 16 full service gourmet restaurant with lounge, you would obviously
 17 want to look at it between the six and nine, six and ten P.M.
 18 time frame; but with this type of facility, based on my
 19 experience and other studies that I have conducted, looking
 20 at the site very late evening, early morning hours is most
 21 representative of peak number of parked cars.

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1 MR. REID: I would ask you to mark that report
 2 as Deposition Exhibit 2.
 3 (Whereupon Guckert Deposition Exhibit No. 2 was marked
 4 for identification by the Reporter.)
 5 MR. HOWARD: You have no objection to letting us
 6 have a copy of this?
 7 MR. REID: No.
 8 A That Deposition Exhibit No. 2 also contains trip
 9 generation data as well.
 10 Q You also said that your investigation included
 11 studies that you had made yourself at similar facilities.
 12 Where were those facilities?
 13 A I conducted a series of parking space demand
 14 studies at a Days Inn, D-A-Y-S I-N-N, along Shady Grove Road
 15 in Gaithersburg, Maryland. These studies were conducted at
 16 various time periods in 1981 and 1982 throughout various hours
 17 of the day in an effort to arrive at the same type of information
 18 that was found by the RBA Group for the Marriott group in their
 19 study of March, 1985, which is Deposition Exhibit No. 2. The
 20 Days Inn has a similar type facility to the Courtyard at
 21 Marriott inasmuch as their restaurant is low-keyed and geared

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1 for the occupants of the facility, they do not have conference
 2 facilities, and from that standpoint, the operations are very
 3 similar.
 4 (Whereupon a brief recess was taken.)
 5 Q You were talking about Days Inn, Gaithersburg,
 6 and I think just before we took a little break, you told us
 7 about the comparability of it to the Courtyard by Marriott
 8 planned for the subject site.
 9 A Yes, some of the other comparabilities is its
 10 juxtaposition to both the interstate highways, which in the
 11 Gaithersburg area, the Days Inn is very close to I-270 and
 12 sits just, I will say, outside within several hundred feet of
 13 a major industrial area that exists along both sides of I-270,
 14 so it serves a business traveler as well as others, which I
 15 suspect the Courtyard at Marriott will also serve both types
 16 of travelers. So not only is it comparable in terms of
 17 services provided, but in location, I think demographics with
 18 respect to how the facility will be used and by whom it is
 19 being used. We conducted observations at various times
 20 throughout the day, which we found that at all other times
 21 other than in the very late evening, the demand of the number

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1 of parking spaces was substantially less. What we found was
 2 for four different midnight observations an average of .66
 3 vehicles per occupied room being parked on the site and
 4 again, that's based on occupied rooms, not gross number of
 5 rooms in the facility, but on occupied rooms.
 6 Q Again, although that is .66 per occupied room,
 7 based upon what you have testified to before, I gather that
 8 means that the vehicles there represented the total number of
 9 vehicles there, whether they were for people staying in the
 10 rooms as residents or there for any other purpose?
 11 A That's correct.
 12 Q All right, did you make any other studies yourself
 13 with respect to the parking requirements of hotels?
 14 A There was one other study that I have access to,
 15 counts that were conducted early morning hours in that same
 16 Days Inn facility that were conducted throughout 1981 by
 17 the Churchman Corporation, which I believe is one of the owners
 18 of the Days Inn facility, and they conducted thirty-six
 19 observations at a time when the facility was one hundred
 20 percent occupied and found an average of .70 vehicles per
 21 room at that same facility.

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1 Q And again, that refers to the vehicles of all
 2 people using the facility, not just the residents?
 3 A That's correct. That is a summary of the data
 4 that I have collected regarding parking space demands for this
 5 type of facility.
 6 Q Now, as a result, what conclusions did you reach
 7 with respect to the parking required for the Marriott
 8 Courtyard at the subject site based upon your studies and
 9 investigation?
 10 A Based upon my studies and investigation, it is
 11 my opinion that something less than one parking space per room
 12 would be sufficient to accommodate the maximum number of
 13 vehicles that would likely have a desire to park on the site,
 14 but certainly the number of spaces that are proposed for this
 15 site, which is in excess of one, is certainly sufficient in
 16 my opinion to handle the peak demands.
 17 Q The number of rooms at this facility total a
 18 hundred forty-six, do they not?
 19 A That's correct.
 20 Q And a hundred sixty spaces are provided?
 21 A That's correct.

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1 Q What is the basis of your conclusion?
 2 A The basis of my conclusions are the traffic
 3 study that was prepared and undertaken by the RBA Group for
 4 the Marriott Corporation looking at specific identical
 5 Courtyard facilities in Atlanta as well as the studies that
 6 were undertaken on a local basis for the Days Inn in
 7 Gaithersburg.
 8 Q All right, in your opinion, is the parking
 9 provided for the Courtyard by Marriott at Hunt Valley on the
 10 subject site as shown on the plan adequate to serve the needs
 11 of that facility?
 12 A Yes.
 13 Q Are you familiar with the level of service at
 14 intersections in the vicinity of the proposed hotel?
 15 A Yes, I am at what is considered the key inter-
 16 section in the vicinity of the site, the intersection of
 17 McCormick Road and Shawan Road.
 18 Q What is the level of service at that intersection?
 19 A The Basic Services Map that was adopted in
 20 December of 1984 lists that intersection as operating level
 21 of service D.

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1 Q And what does that mean?
 2 A That means that there is additional capacity
 3 remaining at the intersection to accommodate additional trips
 4 and that with respect to Baltimore County, the intersection
 5 is operating at an acceptable level of service and is not
 6 what is considered at capacity nor is it falling.
 7 Q Would the development of the subject facility,
 8 the Courtyard by Marriott, have any adverse impact on the
 9 level of service at that intersection?
 10 A In my opinion, it would not. Based upon the
 11 study conducted by RBA, the site would likely generate --
 12 bear with me one second -- would likely generate in the range
 13 of about a hundred total two-way trips during the evening
 14 peak hours. That's wrong, scratch that. We are really in
 15 the range of about seventy-five peak hour trips, total two-
 16 way for this type of facility. Typically, you would be
 17 generating about a half a trip per room during both the
 18 morning and evening peak hour, so it would be generating
 19 seventy-five peak hour trips for this facility. The majority
 20 of those trips, in my opinion, will likely not even pass
 21 through the key intersection of McCormick and Shawan because

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

333
86-40-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required.

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

See attached Memorandum

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

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

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: THE MARRIOTT CORPORATION Signature: <i>[Signature]</i> 1 Marriott Drive Washington, D. C. 20058 City and State	Legal Owner(s): McCORMICK PROPERTIES, INC. Signature: <i>[Signature]</i> 11011 McCormick Road (Type or Print Name) Hunt Valley, Maryland 21031 City and State	Attorney for Petitioner: Richard A. Reid, Esquire (Type or Print Name) Signature: <i>[Signature]</i> 102 West Pennsylvania Avenue Towson, Maryland 21204-4575 City and State	Attorney's Telephone No.: 823-1600
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ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June 1985, 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 24th day of July, 1985, at 1:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County.
(over)

**PETITIONER'S MEMORANDUM
REASONS FOR ZONING VARIANCE**

The site plan filed herein demonstrates that it would be practically difficult, if not impossible, for Petitioner to provide more than the 160 parking spaces shown. However, the parking provided is more than adequate for this project. The hotel planned for the site is a unique new concept in accommodations for the travelling public. All facilities provided are primarily for the residents of the hotel and non-residents are not encouraged to use them. This is particularly true of the restaurant which is not advertised on the hotel sign and which provides a limited menu to meet the needs of its residents. As will be seen from the photographs in the brochure to be offered in evidence, it is more of an upgraded coffee shop than a full service restaurant and one would not expect members of the public to come there just to eat. Also, there is only a service bar so that one would not expect non-residents to come to the hotel just for a drink. In addition, conference rooms are for the use of the residents and are not available for meetings of non-residents. Consequently, parking spaces for the 146 guest rooms are all that are really required and numerous additional parking spaces for the restaurant, lounge and conference rooms would be superfluous. It would impose an undue hardship on Petitioner to be required to provide the required number of parking spaces because these are calculated based upon requirements for a different type of hotel use than is planned for subject site.

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
September 25, 1985

NOTICE OF ASSIGNMENT

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

CASE NO. 86-40-A McCORMICK PROPERTIES, INC.
SW/S of International Circle, 981' NW of the c/v of International Drive
8th District
Variance-From Sec. 409.2 to permit 160 parking spaces in lieu of the required 216.
8/21/85 - Z.C.'s Order - GRANTED w/restrictions
WEDNESDAY, DECEMBER 4, 1985, at 10 a.m.

ASSIGNED FOR:
cc: Richard A. Reid, Esq. Counsel for Petitioner
McCormick Properties, Inc. Petitioner
The Marriott Corp. Contract Purchaser
John B. Howard, Esq. Counsel for Protestant
Midtex Hospitality, Inc. Protestant
Phyllis C. Friedman People's Counsel
Norman E. Gertler
James Howell
Arnold Jablon
Jean Jung
James Dyer

June Holmen, Secretary

Case No. 86-40-A SW/S of International Circle, 981' NW of the centerline of International Drive - 8th Election District
Item No. 333
Date: September 18, 1985
McCormick Properties, Inc., Petitioner

- Variance-From Sec. 409.2 to permit 160 pks. sp. in lieu of 216 required.
- 1. Copy of Petition
 - 2. Copy of Description of Property
 - 3. Copy of Certificate of Posting (2 Signs)
 - 4. Copy of Certificates of Publication
 - 5. Copy of Zoning Advisory Committee Comments
 - 6. Copy of Comments from the Director of Planning
 - 7. Planning Board Comments and Accompanying Map
 - 8. Copy of Order to Enter Appearance
 - 9. Copy of Order - Zoning/ADVISORY COMMITTEE Commissioner-8/21/85, GRANTED w/restrictions
 - 10. Copy of Plat of Property (Petitioner's Exhibit 8)
 - 11. 200' Scale Location Plan
 - 12. 1000' Scale Location Plan
 - 13. Memorandum in Support of Petition
 - 14. Letter(s) from Protestant(s) Memorandum in Opposition to Petition
 - 15. Letter(s) from Petitioner(s)
 - 16. Protestants' Exhibits 1 to 2
 - 17. Petitioners' Exhibits 1 to 11
 - 18. Letter of Appeal, 9/18/85 by John Howard, Esq., on behalf of
 - 19. Affidavit of Compliance for Order for Subpoena (2) Midtex Hospitality, Inc.
- | | |
|--|--|
| Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204 | Attorney for Petitioner |
| McCormick Properties, Inc.
11011 McCormick Road
Hunt Valley, Maryland 21031 | Petitioner |
| The Marriott Corporation
1 Marriott Drive
Washington, D.C. 20058 | Contract Purchaser |
| John B. Howard, Esquire
219 Allegheny Avenue
Towson, Maryland 21204 | Attorney for Protestant |
| Midtex Hospitality, Inc.
600 Madison Avenue
New York, New York 10022 | Protestant |
| Phyllis C. Friedman, Esquire
Norman E. Gertler
James Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer | People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification |

IN RE: PETITION ZONING VARIANCE
SW/S of International Circle,
981' NW of the centerline of
International Drive - 8th
Election District
McCormick Properties, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-40-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 160 parking spaces instead of the required 216 spaces, as more particularly described on Petitioner's Exhibit 8.

The Petitioner appeared, as did its Contract Purchaser, the Marriott Corporation (Marriott), by Ray Warner, its Director of Development, who testified. Also appearing on behalf of the Petitioner was George E. Gavrelis, an expert planner. The Petitioner introduced into evidence a deposition of John W. Guckert, an expert traffic engineering transportation planning consultant who could not be present. See Petitioner's Exhibit 10. There was no objection by Counsel for the Protestant, Midtex Hospitality, Inc. (Midtex). Additionally, Edward Tracy, Vice President of Hotel Operations, and John Erdman, an expert traffic engineer, appeared and testified on behalf of the Protestant. Both the Petitioner and the Protestant were represented by Counsel.

Testimony indicated that the subject property, zoned M.L.R. and consisting of approximately 3.7 acres, is located on International Circle in the Shawan in Hunt Valley. Marriott proposes to construct a hotel which will cater to transient commercial traveler. It will be a new approach taken by them in that it will not provide the full range of services normally associated with Marriott hotels. Rather, it will only have a small restaurant, referred to by the Petitioner as an "upgraded coffee shop", with a limited menu, which will not

be advertised to the general public and will not be open at night. There will be no room service. It will also have a lounge with a utilitarian bar to prepare drinks which will be served by a waiter or waitress and no entertainment. There will be no stand-up bar. There will be two small meeting rooms, and no convention facilities or retail space will be provided.

The hotel will be constructed around a courtyard with the wings utilized for 146 guest rooms, the front being the public area, and the rear being an indoor pool, open only to guests. The wings will be three stories; the public building will be one story.

The Contract Purchaser presented a report prepared by The RBA Group entitled "Traffic Generation Study for Courtyard by Marriott", dated March, 1985, which analyzed the parking demands for courtyard hotels and was based on a study of those hotels existing in Atlanta. See Petitioner's Exhibit 9. The conclusion reached therein and supported by Mr. Guckert is that the average parking space demand per occupied room for the Courtyard Hotel concept is 0.65. Assuming that all 146 rooms were occupied at the same time, 95 spaces would be sufficient to satisfy the parking demand.

Mr. Warner testified that, based on his experience and in his opinion, the proposed 160 parking spaces, including six handicapped spaces, with a maximum of 15 employees on the site at any one time, would be more than sufficient to meet the parking demand. If the required 216 spaces were provided, the property could not be utilized for its intended purpose.

Gavrelis testified that, in his opinion, a practical difficulty would exist if the variance were denied. He agreed with Mr. Warner and Mr. Guckert in their analyses that 160 spaces were sufficient.

Tracy, however, testified that the variance should not be granted. On July 1985, he visited four of the Marriott Courtyard Hotels in Atlanta and

concluded that there was a spill-over effect on at least one of the sites and that the meeting rooms could be rented to the general public, notwithstanding Mr. Warner's testimony to the contrary. Indeed, Mr. Warner testified that the approach taken by Marriott with its courtyard hotels would not be to affirmatively attract the general public, thereby reducing the appeal that many hotels have to the general public, which in turn requires additional parking. Mr. Tracy disagreed and believes Marriott's new concept will be as attractive to the general public as any hotel.

Midtex is concerned that there will be a spill over of automobiles which could not find parking on the instant site to its property located two parcels away. The Protestant's hotel will open around October, 1985. Mr. Erdman agreed and testified that, based on his experience, he believes too few spaces are proposed and a spill over would definitely be created. See Protestant's Exhibit 2.

It is significant to note that on February 24, 1983, Midtex received a variance to permit 357 parking spaces instead of the required 406 spaces, as well as other assorted variances, a special exception, and a special hearing (Case No. 83-178-XSPHA).

Both sides agreed that the normal industry standard is one space for each room; however, they disagreed as to whether this standard includes accessory services, i.e., restaurant, lounge, and meeting rooms. Mr. Erdman argued that it does not. However, in a report prepared by Midtex to support its case, the traffic engineer concluded that facilities such as the hotel to be constructed by Midtex should not be treated as individual components, i.e., rooms, restaurant lounge, et al. The report went on to state that there is an inter-relationship. Although Mr. Erdman disagreed, it appears that at the time the requested variance to the parking requirements was made in 1983, this position was well known to the Deputy Zoning Commissioner, who granted the relief prayed

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DATE August 21, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 21, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 21, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 21, 1985
BY [Signature]

1 of the relationship again of the location of this site along
2 International Circle, having access directly onto Shawan Road
3 and then onto the Interstate without passing through that
4 key intersection. If we were to take a completely worst
5 case condition and assume that all those trips passed through
6 that intersection, the level of service would not be changed,
7 in my opinion.

8 MR. REID: Witness with you, Mr. Howard.

9 CROSS EXAMINATION

10 BY MR. HOWARD:

11 Q Mr. Guckert, I would assume that you had discussions
12 or at least reviewed materials provided by the Marriott
13 Courtyard people with respect to the use of the conference
14 rooms and the anticipated utilization of the restaurant
15 facilities, is that right?

16 A That's correct.

17 Q And they told you that the conference rooms would
18 be prohibited, I think your statement was, for use by anyone
19 other than guests of the hotel.

20 A That's correct.

21 Q And what, if anything, do they say with regard to

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1 the type of customers that would be anticipated at the
2 restaurant?

3 A Typically, because of the type of restaurant
4 it is going to be that is an -- I will call it an up-scale
5 lunchroom -- they do not anticipate patrons of the restaurant
6 other than those people that are staying at the hotel
7 facility itself.

8 Q That would include all three meals, I would
9 assume?

10 A Yes, sir.

11 Q They do propose having a liquor license, do they
12 not?

13 A To the best of my understanding, yes, and that,
14 you know, you could have a drink with your meal, and I believe
15 there will be a small sitting area, one or two couches or
16 loveseats, where one could sit and have a drink.

17 Q Did you personally have occasion to visit any
18 Marriott Courtyard that is currently in operation?

19 A No, I did not.

20 Q And your knowledge of the operation is based upon
21 studies similar to the type of study that you would make with

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1 regard to parking, mainly the RBA report?

2 A That's correct, and in reviewing that, the report
3 seemed to be, in my opinion, done in a competent manner in
4 the same type of study that I would undertake, that's correct.

5 Q Do you know if that report covers all Marriott
6 Courtyard locations in the Atlanta area?

7 A It is my understanding that there are three
8 locations in the Atlanta area, and this report covers all
9 three. I am not sure whether there are more. I don't believe
10 there are more than these three.

11 Q The Days Inn facility in Gaithersburg that you
12 visited a few years ago is similar in certain respects but
13 dissimilar in others, wouldn't you say, from this proposed
14 facility?

15 A The only difference that I am aware of would be
16 I don't believe that the Days Inn in Gaithersburg has meeting
17 rooms. Obviously, if someone wanted to rent a room to have
18 meetings, which is not unusual and occurs in all types of
19 facilities, they could do so; but the only thing that's
20 different, I believe, about the Marriott versus the Days Inn
21 is the fact that the Days Inn does not have any dedicated

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1 meeting rooms.

2 Q Do you recall whether the Days Inn had a lounge
3 and a liquor license in Gaithersburg?

4 A No, I do not.

5 Q In your studies at similar facilities at the Days
6 Inn in Gaithersburg and based upon your study of industry
7 standards generally, do you know what time of day the help is
8 expected to arrive?

9 A Typically -- bear with me one second. Based upon
10 my experience, and I don't have any direct references, the
11 housekeeping staff would arrive at what is considered normal
12 working hours, you know, an eight to five type of shift for
13 the majority of the housekeeping staff.

14 Q Wouldn't it be reasonable to assume that most of
15 your guests would still be there when the housekeeping staff
16 and other staff arrived?

17 A Based on, for example, the work, the observations
18 we made at Days Inn, that is not the case that the parking rate
19 as far as number of spaces occupied drops off in the eight
20 o'clock, eight A.M., seven A.M. range, so I think what we find
21 is that there is an over -- really not an overlap, but a

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1 complimentary time period where most guests, be them business
2 or otherwise, typically like to get an early start, and they
3 are going to be out of the facility seven, eight, nine o'clock
4 in the morning, which is about the time when the housekeeping
5 would arrive. So where there may be some overlap, the data
6 indicates that there obviously are sufficient numbers of guests
7 who have departed for the morning to not make the morning a
8 peak time with respect to parking demands.

9 Q Do you know whether this location is served by
10 public transportation?

11 A This location is served by public transportation,
12 by our MTA bus system. It is not served by Metro, by rail.

13 Q Did you get into or did you examine the schedules
14 for public transportation at this location?

15 A No, I did not.

16 MR. HOWARD: I think that's all I have, thank you.

17 MR. REID: I have no other questions. We will
18 waive the reading and signing, obviously, since we need this
19 by tomorrow.

20 (Conclusion of deposition.)

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1 STIPULATIONS

2 It is hereby stipulated and agreed by and between
3 counsel for the respective parties that the reading and
4 signing of the deposition by the witness is hereby waived.

5 * * *

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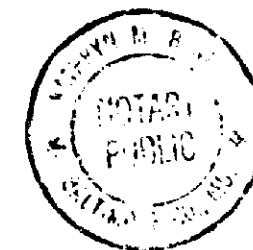
1 STATE OF MARYLAND,
2 BALTIMORE COUNTY:

3 I, Kathryn M. Benhoff, a Notary Public in and for the
4 State and County aforesaid, do hereby certify that the within
5 named JOHN W. GUCKERT, personally appeared before me at the
6 time and place herein set out and after having been duly
7 sworn by me according to law, was interrogated by counsel.

8 I further certify that the examination was recorded
9 by me stenographically and then transcribed from my steno-
10 graphic notes to the within typewritten matter in a true and
11 accurate manner.

12 I further certify that I am not of counsel to any of
13 the parties, nor an employee of counsel, nor related to any
14 of the parties, nor in any way interested in the outcome of
15 this action.

16 As witness my hand and Notarial Seal this 14th day of
17 August, 1985.



Kathryn M. Benhoff
Notary Public

BERNARD DANKER ASSOCIATES
14401 OLD YORK ROAD
PHOENIX, MD 21131
444-8877

SERVING MARYLAND ATTORNEYS SINCE 1947

MCCORMICK PROPERTIES, INC. BEFORE THE COUNTY BOARD
SW/S International Circle, OP APPEAL OF BALTIMORE COUNTY
981' NW of the centerline of International Drive
International Drive : : : : : Case No. 86-40-A
8th District : : : : :

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify:

- 1. I am a competent person over 18 years of age.
- 2. I am not a party to this action.
- 3. On the 20th day of November, 1985, at 1:40 p.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled action on David G. Mongan, P.E., Kilde Consultants, Inc., 1020 Cromwell Bridge Road, Baltimore, Maryland 21204.

D. Elaine Sauer
Name of Person Serving Paper
Private Process Server

1041d

ROYSTON, MUELLER,
MCLEAN & REID
NOTES AND
102 W. PENN. AVE.
TOWSON, MARYLAND
810-1878
810-1800

DEPT. OF APPEALS
COUNTY BOARD
FEB 20 3 21

MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

ORDER FOR SUBPOENA DUCES TECUM

MR. CHAIRMAN:

Please issue a Subpoena Duces Tecum returnable to the County Board of Appeals of Baltimore County, Room 200 Court House (Hearing Room #218), Towson, Maryland 21204, on Wednesday, December 4, 1985, at 10:00 a.m., to:

DAVID G. MORGAN, P.E., KIDDE CONSULTANTS, INC., 1016 Cromwell Bridge Road, Baltimore, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him all reports, worksheets, correspondence, traffic studies and counts and authorities upon which he relied in preparing his TRAFFIC ANALYSIS FOR PROPOSED MOTEL AT LOT 2 SHAWAN CENTER AT HUNT VALLEY for MiddeX Hospitality, Inc., completed on or about February 10, 1983 (Kidde Consultants, Inc. Job Order No. 01-83029).

By request of
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

1037d

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 11 11 C

MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify:

- 1. I am a competent person over 18 years of age.
- 2. I am not a party to this action.
- 3. On the 3rd day of December, 1985, at 11:25 a.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled action on Stella R. Lowery, Secretar, to Arnold Jablon, Zoning Commissioner, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer
Private Process Server

1078d

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 11 11 C

MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

ORDER FOR SUBPOENA DUCES TECUM

MR. CHAIRMAN:

Please issue a Subpoena Duces Tecum returnable to the County Board of Appeals of Baltimore County, Room 200 Court House (Hearing Room #218), Towson, Maryland 21204, on Wednesday, December 4, 1985, at 10:00 a.m., to:

ARNOLD JABLON, ZONING COMMISSIONER, OR HIS DESIGNEE, Office of the Zoning Commissioner for Baltimore County, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him his entire file in Case No. 83-178-XSPHA.

By request of,

Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

1076d

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 11 11 C

MIDDEX HOSPITALITY, INC.

800 MADISON AVENUE
NEW YORK, NEW YORK 10022
PHONE 212/361-0000

February 14, 1986

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

Attention: Mr. William T. Hackett
Chairman

Re: Case No. 86-40-A
McCormick Properties, Inc.

Gentlemen:

We recently learned that despite the fact that the above appeal is still pending, Marriott Corporation has applied for a building permit and has actually commenced construction on its site.

We do not understand how construction could commence before this appeal has been determined by the Board, and before the losing party is given the opportunity to appeal the matter further if it wishes, in accordance with Maryland law.

We are most anxious to know when the Board expects to announce its decision, if that can be disclosed without creating any irregularity or impropriety in the rules and practices of the Board.

Sincerely,

HUNT VALLEY ASSOCIATES
LIMITED PARTNERSHIP

Raphael D. Silver
Raphael D. Silver

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 12 40

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

February 19, 1986

HAND-DELIVERED

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O.C. TRACY, JR.
JOHN H. JUNG, III
JOSEPH C. WICH, JR.
TERRY B. PEEL, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DESELY, JR.
LEONARD A. REYNOLDS, III
LAWRENCE L. MOOPER, JR.
M. KING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPPIN
CYNTHIA M. HARR
KATHLEEN M. GALLAGHY
KEVIN H. SMITH
M. BARRETT PETERSON, JR.

JAMES D. C. DOWNES
1908-10791
TELEPHONE
800-823-4444
TELECOPIER
1301-82-0147

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

Re: Case No.: 86-40-A
McCormick Properties, Inc.

Dear Mr. Hackett:

As you are aware, I am counsel of record for the Appellant in the above-captioned matter.

My client has requested that I personally deliver the enclosed to you.

Please be advised that I have heretofore provided Mr. Silver with this firm's opinion with respect to the question contained in the second paragraph of his letter..

Thank you for your attention to this matter.

Very truly yours,

John B. Howard
John B. Howard

JBH/jhr
Enclosure
cc: Richard A. Reid, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 12 40

MCCORMICK PROPERTIES, INC. : BEFORE THE COUNTY BOARD
SW/S International Circle : OF APPEALS OF BALTIMORE COUNTY
981' NW of the centerline of : International Drive
8th District : Case No. 86-40-A

ORDER FOR SUBPOENA DUCES TECUM

MR. CHAIRMAN:

Please issue a Subpoena Duces Tecum returnable to the County Board of Appeals of Baltimore County, Room 200 Court House (Hearing Room #218), Towson, Maryland 21204, on Wednesday, December 4, 1985, at 10:00 a.m., to:

ARNOLD JABLON, ZONING COMMISSIONER, OR HIS DESIGNEE, Office of the Zoning Commissioner for Baltimore County, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him his entire file in Case No. 83-178-XSPHA.

By request of,

Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

1076d

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 11 11 C

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-2180

October 10, 1985

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, MD 21204

Re: Case No. 86-40-A
McCormick Properties, Inc.

Dear Mr. Howard:

This will acknowledge your letter of October 7, 1985, requesting a postponement in the above entitled matter under Rule 2 of the Board's Rules of Procedure.

The Board is of the opinion that because Mr. Raphael Silver is testifying in his capacity as Chairman of MiddeX, surely another officer of that corporation can provide the necessary testimony. Therefore, your request for postponement is hereby denied and the case will remain on the docket as scheduled for Wednesday, December 4, 1985 at 10 a.m.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:c

cc: Richard A. Reid, Esquire
McCormick Properties, Inc.
The Marriott Corp.
MiddeX Hospitality, Inc.
Phyllis C. Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean H. Jung
James E. Dyer

ROYSTON, MUELLER, MCLEAN & REID

ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800

OF COUNSEL
CARROLL W. ROYSTON
M. ANTHONY MUELLER
JOHN LASKIEW

December 12, 1985

Keith S. Franz, Member
Board of Appeals
Room 200 Old Court House
Towson, Maryland 21204

Re:

Dear Mr. Franz:

At the conclusion of the hearing in the above-entitled matter, it was agreed that I would submit to the Board typical menus from a Courtyard by Marriott Restaurant. Accordingly, I am enclosing herewith copies of a Breakfast Menu consisting of one page and a copy of the Luncheon/Dinner Menu consisting of two pages, one of which is entitled "ENTREES" and one of which is entitled "COCKTAIL CORNER." You will note that the Entrees are not available until after 5 p.m.

Very truly yours,

Richard A. Reid
Richard A. Reid

RAR/keg
1106d
Enclosures

cc: John B. Howard, Esquire
Phyllis Cole Friedman, People's Counsel for Baltimore County
both w/enclosures

RECEIVED
COUNTY BOARD OF APPEALS
NOV 20 13 40

BREAKFAST	
COMPLETE BREAKFAST BUFFET	
ASSORTED FRUITS	CHILLED JUICES
ASSORTED CEREALS	FLUFFY SCRAMBLED EGGS
CRISP BACON AND SAUSAGE	CHIPS
ASSORTED BREAKFAST BREADS	CRISPS
BREAKFAST POTATOES	COFFEE
TEA	MILK
	\$4.75
Children 12 and under	\$3.25
(We will gladly cook eggs to order with your breakfast buffet)	
CONTINENTAL BUFFET	
(Help yourself to a quick, light breakfast)	
ASSORTED FRUITS AND JUICES	
SELECTION OF BREAKFAST BREADS	
ASSORTED CEREALS	
COFFEE	TEA
MILK	
	\$3.25
Children 12 and under	\$2.25
BREAKFAST SPECIAL	
TWO EGGS ANY STYLE	FRENCH TOAST
CHOICE OF	CHOICE OF
BACON OR SAUSAGE	TOAST OR BISCUIT
BACON OR SAUSAGE	
COFFEE, TEA, MILK OR JUICE	COFFEE, TEA, MILK OR JUICE
\$3.50	\$3.50
BEVERAGES	
CHILLED JUICE	\$.75
FRESHLY BREWED COFFEE	\$.60
FRESHLY BREWED SANKA	\$.60
TEA	\$.60
MILK	\$.60
	5000

ENTREES	
(Available after 5:00)	
ROASTED BREAST OF CHICKEN	\$6.95
marinated and herb-broiled	
FILET OF FLOUNDER	\$7.25
lightly sautéed with lemon seasonings	
SAUTÉED SHRIMP ORIENTAL	\$8.95
large shrimp lightly sautéed, served over oriental vegetables	
GRILLED SHORDFISH STEAK	\$9.50
8 oz. Shordfish Steak char-broiled with lemon seasonings	
RIB STEAK	\$8.95
char-broiled the way you like it	
FILET MIGNON	\$10.50
7 oz. USDA choice tenderloin	
NEW YORK STRIP	\$10.95
10 oz. USDA choice sirloin strip	
DINNER SPECIALS	
TONIGHT'S SPECIAL DINNER	
Ask your server about tonight's selection - \$7.95	
STEAK AND SHRIMP DINNER	
Complement the Steak of your choice with our large sautéed shrimp for an additional - \$3.25.	
All entrees include a trip to the soup and salad bar, choice of Courtyard potatoes, baked potato or rice pilaf and today's vegetables	
DESSERTS	
ICE CREAM OR SHERBERT	\$.95
DEEP DISH APPLE COBBLER	\$1.95
with a scoop of vanilla ice cream	
ICE CREAM SUNDIAE	\$1.50
Chocolate or strawberry sauce, whipped cream, cherry and a crunchy topping	
COURTYARD HONEY AND GRANOLA SUNDIAE	\$1.50
vanilla ice cream covered with honey, whipped cream, cherry, and topped with crunchy granola	
CHEESE CAKE "IN THE ROUND"	\$2.25
with strawberry sauce	
BEVERAGES	
FRESHLY BREWED COFFEE	\$.60
TEA OR ICED TEA	\$.60
FRESHLY BREWED SANKA	\$.60
SOFT DRINK OR MILK	\$.60
	5890

COCKTAIL CORNER	
Beer	Wine
MILLER LITE, BUDWEISER \$1.50	COLUMBIA CHARLIS \$1.50
NEHECEN \$2.25	BUSCHNY \$1.50
	ROSE \$1.50
	CARAFE \$1.50
Liquor	
SMIRNOFF VODKA, BACARDI RUM, BEEFEATER GIN, SEAGRAMS V.O., JACK DANIELS, J&B WHISKY, TROUSSEAU, BURNERS SCOTCH	\$2.50
BALLIE'S IRISH CREAM, AMARETTO DI SARONNO, GRAND MARNIER, Special or Two Liquor Drinks	\$3.00
STARTERS	
MOZZARELLA STICKS	\$3.25
lightly breaded with golden brown with honey mustard sauce	\$3.25
POTATO WINGS	\$3.25
cheese & bacon	\$4.25
SHRIMP COCKTAIL	\$4.25
LIGHTER DINING	
SOUP - SALAD - BUFFET SANDWICH BAR	
choice of any two \$3.95	
all three \$4.50	
(available at lunch only)	
Salads	
SALAD MEXLEY	\$3.75
crisp lettuce, choice of turkey, ham, cheddar or scoop of tuna salad	
CHILLED SHRIMP SALAD	\$4.75
crisp lettuce, choice of lettuce with tomato wedges and egg slices	
Burgers & Sandwiches	
BASIC BURGER	\$3.25
STEAK AND CHEESE	\$3.25
thinly sliced beef, mozzarella cheese and sautéed onions	
COURTYARD BURGER	\$3.50
PATTY MELT	\$3.75
grilled beef and cheddar cheese, sautéed onions on grilled rye	\$3.75
BREAST OF CHICKEN	\$3.75
sauteed mozzarella and crisp bacon	
TUNA SALAD	\$3.25
HAM AND SWISS	\$2.95
BREAST OF TURKEY	\$2.50
Omelettes	
CHEESE, HAM, OR HAM AND CHEESE	\$3.95
served with toast and Courtyard potatoes	
with burgers, sandwiches and omelettes, your choice of soup or salad from our salad bar	\$1.50
	5890

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
 210 ALLEGHENY AVENUE
 P.O. BOX 5517
 TOWSON, MARYLAND 21204

JAMES H. COOK
 JOHN B. HOWARD
 DAVID D. DOWNES
 DANIEL O.C. TRACY, JR.
 JOHN H. ENK, III
 JOSEPH C. WICH, JR.
 HENRY B. PECK, JR.
 HERBERT R. OGDON, III
 THOMAS L. HUDSON
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 GEORGE H. REYNOLDS, III
 LAWRENCE L. HOOPER, JR.
 M. KING HILL, III
 ROBERT A. HOFFMAN
 DEBORAH C. GOPKIN
 CYNTHIA M. HAHN
 PATRICK M. GALLOWAY
 KEVIN H. SMITH
 H. BARNETT PETERSON, JR.

October 15, 1985

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

Re: Case No.: 86-40-A
 McCormick Properties, Inc.

Dear Mr. Hackett:

Thank you for your letter of October 10, 1985.

I had spoken to Mr. Reid following receipt of a copy of his letter objecting to the postponement with the suggestion that a meeting be arranged with you in order to explain in detail why it was felt that the presence of Raphael Silver was, in our view, critical to our case.

I had indicated to Mr. Reid the desire that Jordan Band of Cleveland, Ohio, who has been general counsel to Middex for many years, be present at the meeting to provide additional input as to the need for Mr. Silver's presence. Mr. Band is committed until October 30 but could be available then or immediately thereafter; and it had been hoped that you might be available on October 30 or soon afterwards. Mr. Reid had informed me that he had no objection to such a meeting provided the earliest hearing date available following January 6 be reserved at this time in the event that you might deem the postponement appropriate.

I had asked Rob Hoffman to contact your office, as I was out of town this past Thursday and Friday, but when he did so he learned of your decision.

Middex's new Embassy Suites hotel is scheduled to open

William T. Hackett, Chairman
 October 15, 1985
 Page Two

in Hunt Valley next month. Raphael Silver is the only officer of Middex who has been personally involved with the development of this \$20 million project since its inception in early 1982. He selected the site, negotiated the acquisition of the property, made representations to the lenders and investors and has otherwise been closely involved in this matter for the past 3 1/2 years. He is thus in the position of being uniquely qualified to set forth his reasons for opposition to the requested parking variance on the subject property which is in close proximity to the Embassy site.

Mr. Silver is in Mexico until January 6, 1986 where he is "on location" producing and directing a motion picture. Typically, the filming and other arrangements for this endeavor were scheduled many, many months ago.

It is true, as Mr. Reid points out, that Mr. Silver was not present at the hearing before the Zoning Commissioner; however, it has always been our intention to provide the Board with additional testimony and evidence beyond that which was presented to the Commissioner since the hearing is de novo and of record.

My purpose in writing is not to request a reconsideration of your decision at this time but merely for the opportunity of meeting on October 30, or the next available date thereafter, to discuss personally, and in greater detail, the reasons why we feel a postponement is appropriate. It goes without saying that we would respectfully abide by whatever decision you make on this matter at the conclusion of, or following, such meeting.

Thank you for your careful consideration.

Very truly yours,
John B. Howard
 John B. Howard

JBH/dw
 cc: Richard A. Reid, Esquire
 Phyllis C. Friedman

Case Set Dec 4, 1985

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 COUNTY BOARD OF APPEALS
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ROYSTON, MUELLER, MCLEAN & REID
 ATTORNEYS AT LAW
 SUITE 600
 102 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204-4575
 (301) 823-1800

W. TAYLOR MCLEAN
 RICHARD A. REID
 E. HARRISON STONE
 MILTON R. SMITH, JR.
 C. S. KINGSFORSTER III
 THOMAS F. MCDONOUGH
 LAWRENCE F. HANSHIP
 LAWRENCE F. EVANS
 KEITH R. TRUFFER
 ROBERT S. HANDED

W. CONNOR
 CARROLL W. ROYSTON
 H. ANTHONY MUELLER
 JOHN LASKER

October 9, 1985

HAND DELIVERED

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

Re: Case No. 86-40-A
 McCormick Properties, Inc., Petitioner

Dear Chairman Hackett:

On behalf of Petitioner in the above-entitled case, I most strenuously object to the request for a postponement by Protestant, Middex Hospitality, Inc. as set forth in the letter of its attorney to you dated October 7, 1985. As I indicated in my letter to you of September 20, 1985, the timing of this project is critical to my client. Furthermore, no explanation was given as to why the presence of Mr. Silver would be necessary to Protestant's case. Mr. Howard merely set forth the bald allegation that it was "essential." This is not a satisfactory ground for a postponement, especially since Mr. Silver did not appear at the hearing of this matter before the Zoning Commissioner.

Very truly yours,
Richard A. Reid
 Richard A. Reid

RAR/keg
 0927d
 cc: Phyllis C. Friedman, People's Counsel
 John B. Howard, Esquire

RECEIVED
 COUNTY BOARD OF APPEALS
 OCT 9 9 33 AM '85

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
 210 ALLEGHENY AVENUE
 P.O. BOX 5517
 TOWSON, MARYLAND 21204

JAMES H. COOK
 JOHN B. HOWARD
 DAVID D. DOWNES
 DANIEL O.C. TRACY, JR.
 JOHN H. ENK, III
 JOSEPH C. WICH, JR.
 HENRY B. PECK, JR.
 HERBERT R. OGDON, III
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 ROBERT A. HOFFMAN
 DEBORAH C. GOPKIN
 CYNTHIA M. HAHN
 PATRICK M. GALLOWAY
 KEVIN H. SMITH
 H. BARNETT PETERSON, JR.

October 7, 1985

HAND DELIVERED

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

RE: Case No.: 86-40-A
 McCormick Properties, Inc., Petitioner

Dear Mr. Hackett:

I am counsel of record for the Protestent, Middex Hospitality, Inc. and am in receipt of a copy of the Notice of Assignment scheduling this matter for hearing on Wednesday, December 4, 1986 (sic).

It is essential from the Protestent's standpoint that Raphael Silver, Chairman of Middex, be personally present at the hearing to provide testimony. Unfortunately, Mr. Silver is presently out of the country on a business commitment, which was scheduled many months ago, and will not be returning until January 6, 1986.

It is respectfully requested that this matter be reassigned on the earliest date available following January 6.

In accordance with the Rules, I am forwarding copies of this letter to other counsel of record with two copies going to Mr. Reid with the request that he forward one to the appropriate representative of McCormick Properties, Inc.

William T. Hackett, Chairman
 October 7, 1985
 Page 2

Thank you for your consideration of this matter.

Very truly yours,
John B. Howard
 John B. Howard

JBH/jhr
 cc: Richard A. Reid, Esquire
 Phyllis C. Friedman

RECEIVED
 COUNTY BOARD OF APPEALS
 OCT 8 9 40 AM '85

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

SITE 602
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 493-1800

September 20, 1985

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

RE: PETITION FOR ZONING VARIANCE
SW/S of International Circle, 981' NW of the
centerline of International Drive - 6th Election
District - McCormick Properties, Inc., Petitioner
Case No. 86-40-A

Dear Chairman Hackett:

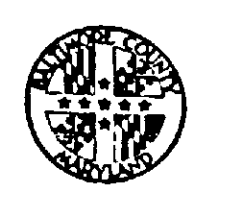
I represent Marriott Corporation, Petitioner and Appellee in the above-entitled case. It is under very severe time constraints with respect to the acquisition and development of the property involved in this appeal.

Accordingly, it is requested that the case be set for hearing at the very earliest date available.

Very truly yours,
Richard A. Reid
Richard A. Reid

RAR/keg
0894d
cc: John B. Howard, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
15 SEP 20 P 6 55
John B. Howard



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

October 17, 1985

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

Re: Case No. 86-40-A
McCormick Properties, Inc.

Dear Mr. Howard:

Replying to your letter of October 15, 1985, please be advised that the Board will grant your request for a meeting regarding postponement of the above entitled case.

This meeting is scheduled for TUESDAY, NOVEMBER 5, 1985 at 9 a.m. Please note that we have notified all interested parties.

Very truly yours,

William T. Hackett, Jr.
William T. Hackett, Chairman

WTH:e

cc: Richard A. Reid, Esquire
Phyllis Cole Friedman
Midtex Hospitality, Inc.
McCormick Properties, Inc.
The Marriott Corp.

9/25/85 - Following were notified of hearing set for Wednesday, Dec. 4, 1986, at 10 a.m.:

Richard Reid, Esq.
McCormick Properties, Inc.
Marriott Corp.
John B. Howard, Esq.
Midtex Hospitality, Inc.
Phyllis Friedman
N. Gerber, J. Hoswell
A. Jablon, J. Jung, J. Dyer

10/17/85 - All notified of MEETING regarding requested postponement set for TUESDAY, NOVEMBER 5, 1985 at 9 a.m.

TRAFFIC GENERATION STUDY
FOR
COURTYARD
BY MARRIOTT

Prepared for:
MARRIOTT CORPORATION

Prepared by:
THE RBA GROUP
MARCH 1985

Pat Ex 9

THE RBA GROUP

*Robert Spitzer - Exhibit 6
11/1/85*

Maple: Courtyard Parking Study
cc: *Reg. E.E. Owens, Brad Byers, Craig Schmitt, Dan Washburn*

COURTYARD BY MARRIOTT
PARKING STUDY

The Marriott Corporation is providing a successful product in Courtyard - lodging facilities designed for the business traveler. The food service and meeting areas are intended to meet the needs of the guests only. Thus, the lack of a full-service restaurant, banquet and convention facilities reduces the parking requirement.

This parking study documents the parking demand for a Courtyard facility. Parking lot counts were made at each of the existing Courtyard facilities in Atlanta, Georgia. The maximum number of spaces occupied occurred in the late evening through mid-morning. The following table shows the maximum spaces occupied with the total rooms occupied for a one week period at each facility.

TABLE 1 - PARKING SURVEY

DATE	WINDY HILL			NORTHLAKE			JOHNSON FERRY		
	Spaces	Rooms	Rate	Spaces	Rooms	Rate	Spaces	Rooms	Rate
3-18	74	128	.58	82	127	.65	62	126	.49
3-19	97	126	.77	86	127	.68	76	129	.59
3-20	105	126	.83	73	126	.58	74	125	.59
3-21	96	126	.76	72	126	.57	65	123	.53
3-22	92	125	.74	82	127	.65	78	125	.62
3-23	96	128	.75	69	119	.58	82	129	.64
AVERAGE			.74			.62			.58

The parking space inventory indicates an average parking space demand of .65 spaces per occupied room. With a maximum of 7 employees included during the peak parking period, the demand is well within the Marriott requirement of providing at least one space per unit.

The low demand experienced is attributed not only to the lack of a full service restaurant and meeting facilities but also to the availability of taxi and limousine service. Also there is the possibility of two or more guests using the same vehicle. However, we recommend providing at least one space per room in the event that each guest may drive one vehicle.

Marriott Corporation recently introduced Courtyard as a new concept in lodging for the business traveler, providing comfortable luxury accommodations in a residential styled environment. A Courtyard facility typically consists of approximately 150 lodging units built around a heavily landscaped open courtyard. Limited service accessory facilities including a fifty-seat restaurant, a living room styled lounge, and an executive board room are provided to accommodate the needs of guests only. The food and beverage services are not designed to attract outside business.

The traffic generated by a Courtyard facility is noticeably less than that of a typical hotel. The reduced number of trips is attributed to the absence of high trip generators such as full service restaurants, banquet and convention facilities. In an effort to determine trip generation of a Courtyard facility, RBA conducted traffic counts at three existing Courtyards during the summer of 1984. Additional information has recently been collected in an effort to refine the generation rates.

PROCEDURE

Traffic counts were made at the Johnson Ferry, Northlake, and Windy Hill Courtyards during June 1984 and updated in February 1985. Mechanical traffic counters set to count at 15-minute intervals were placed at the drive-ways to each facility for one week. Manual counts were performed for 15-minute intervals during peak periods. The number of vehicles counted at each facility was averaged for a.m. and p.m. weekday peak periods and

twenty-four hour weekday periods. These counts were divided by the number of rooms occupied during each period to determine individual facility generation rates. The generation rates, constant for all facilities, were averaged. These rates are shown in Table 1 along with the Institute of Transportation Engineers' published generation rates for a typical hotel.

Table 1: GENERATION RATES (trips per occupied room)

Period	Courtyard		Typical Hotel
	In	Out	
A.M.	.25	.30	.58
P.M.	.31	.20	.36
DAILY	3.01		10.5

The daily generation rates for the Courtyard are approximately one-third of the rates for a typical hotel. This is attributed to the food and beverage services, meeting areas, and other accessory facilities in a Courtyard being sized for the needs of guests only.

KIDDE CONSULTANTS, INC.
Subsidiary of Kide, Inc.

Cable KIDDENGR
Telex 87767
1020 Cromwell Bridge Road
Baltimore, Maryland 21204
(301) 321-5500
Direct Dial Number
321-5545

February 10, 1983

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204

Dear Mr. Howard:

Subject: Midtex Hospitality Hotel
Our Job Order No. 01-83029

In accordance with your request, I have completed a traffic analysis of the proposed project. The results of that analysis are attached. In summary, the proposed development would not add undue congestion to the transportation system nor create an unsafe condition for motorists.

With regard to the parking requirements, the industry standard would be one per motel room. A review of adjacent subdivision standards and other literature would indicate that the provision of 321 parking spaces would be more than adequate for this facility - 357 per 11/1/83 plot plan.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

David G. Mongan
David G. Mongan, P.E.
Vice President

11

Attachment

Pat Ex 11

PETITIONER'S
EXHIBIT 6

CONSULTING ENGINEERS

TRAFFIC ANALYSIS FOR PROPOSED MOTEL
AT LOT 2
SHAWAN CENTER AT HUNT VALLEY

The proposed motel will consist of 225 rooms with a total restaurant lounge and kitchen facility totaling 5,864 square feet, with retail space of 483 square feet and with 5,324 square feet of meeting room space. The proposed motel is located on Lot 2 in Shawan Center. Access would be provided off of International Circle. International Circle has access to both McCormick Road extended and to International Drive. Major access is then provided to Shawan Road and to Interstate 83. Shawan Road is a major arterial highway providing access and circulation for the entire Hunt Valley Shawan Center Business Community.

The current traffic volume on both McCormick Road extended and International Circle is extremely light due to the lack of development along both of these roadways. Shawan Road carries approximately 35 to 40 thousand vehicles per day. Currently there are no intersections within this traffic shed that are classified by Baltimore County as either Level of Service 'E' or 'F'.

The proposed motel would generate approximately 2,326 trips (total both directions) in a given day. During the A.M. peak period, approximately 7 to 8 or 8 to 9, 200 trips total would be generated to and from the facility and during the P.M. peak hour 4 to 5 or 5 to 6, approximately 165 trips would be generated. This small number of additional trips when added to the existing traffic and the additional traffic that would be generated by the two office facilities currently under construction in Shawan Center will not adversely impact any of the surrounding streets. Both the intersection at International Drive and Shawan Road and the intersection of McCormick Road and Shawan Road will continue to operate at their current level of service. The current zoning for the

subject property permits the development of office based on the current zoning and FAR area ratio, approximately 163,000 square feet of office space could be developed. If this space were developed, total traffic from the site would be approximately 2,200 vehicles per day, with A.M. and P.M. peak hour volumes exceeding 340.

Thus, the impact of that type of development on peak hour traffic is much more intense than traffic from the proposed motel. Therefore, from a traffic standpoint, the development of a motel/office site would not adversely impact the current traffic patterns or present any unsafe conditions to the motorists. In fact, the development at this lower intensity would reduce the ultimate traffic potential from this particular site.

The parking requirements for the proposed motel in accordance with Baltimore County regulations would be 406 spaces. This appears to be an extremely excessive number and does not take into consideration the synergistic effect of the motel with the restaurant/lounge/meeting room areas. Typically, an industry standard for required parking spaces would be one per room for a total of 225 rooms. References for these industry standards are the Highway Research Bulletin No. 19, the Traffic Quarterly, the ENO Foundation Report entitled "Zoning, Parking and Traffic", and the Parking Principals - Special Report 125 from the Highway Research Board. Additional references relating one per room are the Institute of Transportation Engineers Handbook and the Wilbur Smith Publication entitled "Parking". Also, adjacent subdivisions such as Anne Arundel, Howard and Montgomery Counties have requirements that would place the total parking required for the facility well below the proposed 406. In particular, Anne Arundel County would be approximately 280, Howard County 310, Montgomery County 337. Facilities of this nature should not be treated as individual components, i.e., motel room, a separate restaurant/lounge, a separate retail, or a separate meeting room. These facilities have a definite inter-relationship within this type of facility and are used by the patrons of the motel and are primarily for the benefit of the patrons of the motel.

Moreover, the restaurant will only be open to motel patrons during the A.M. period. The small meeting rooms are not designed for large conferences plus there are no banquet facilities provided. Data from other similar facilities indicate that a ratio of 1.1 parking spaces per room is an acceptable standard. The proposed ratio of 365 spaces to 225 rooms or 1.59 is more than adequate for this type of facility. Therefore, from a parking standpoint the provision of 365 spaces would be more than sufficient for the proposed motel and would not create a condition that would lead to congestion on nearby streets or adjacent parking facilities.

DAVID G. HONGAN, P.E.

EDUCATION: Master of Science, Civil Engineering - 1976
University of Maryland
Bachelor of Science, Civil Engineering - 1971
University of Maryland

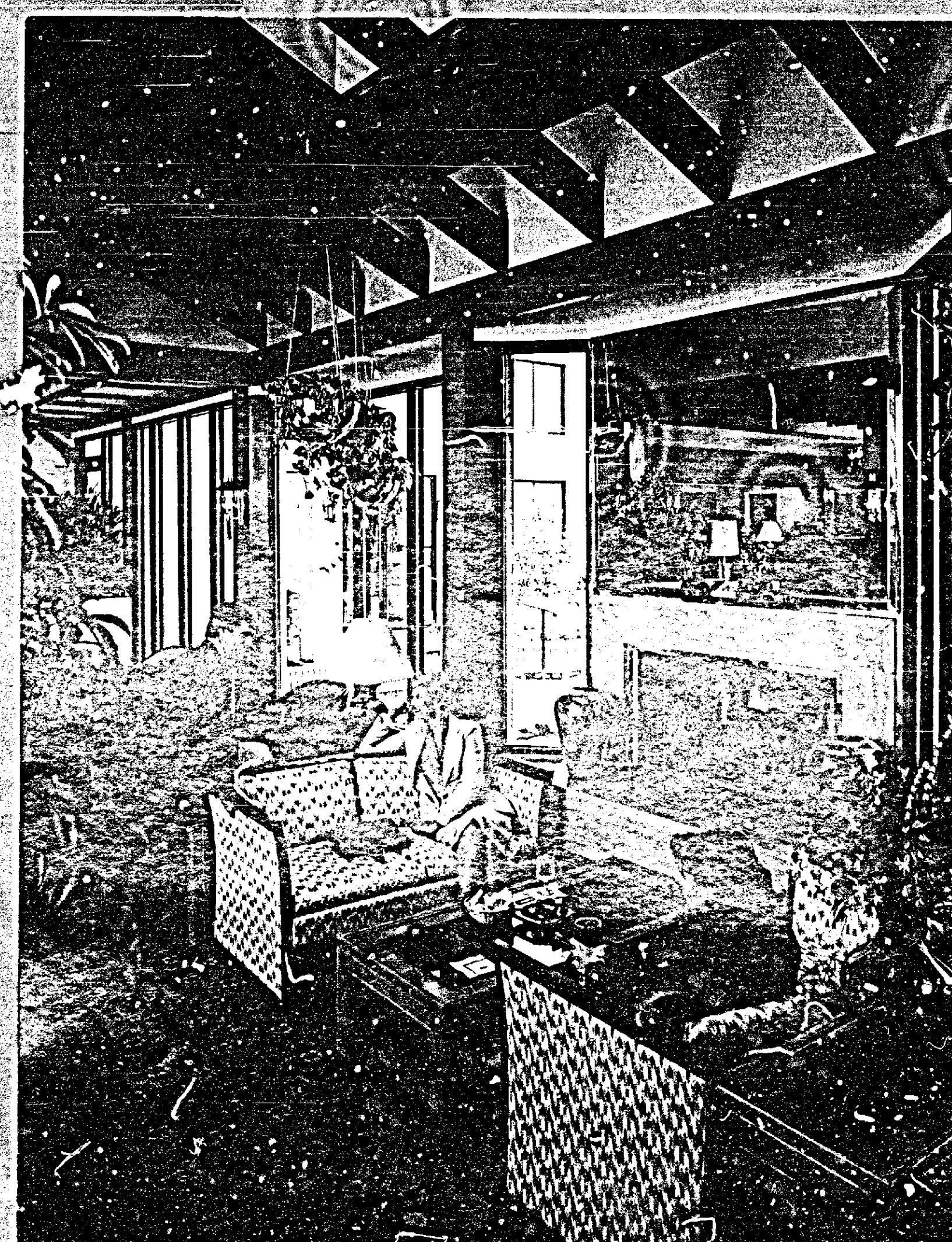
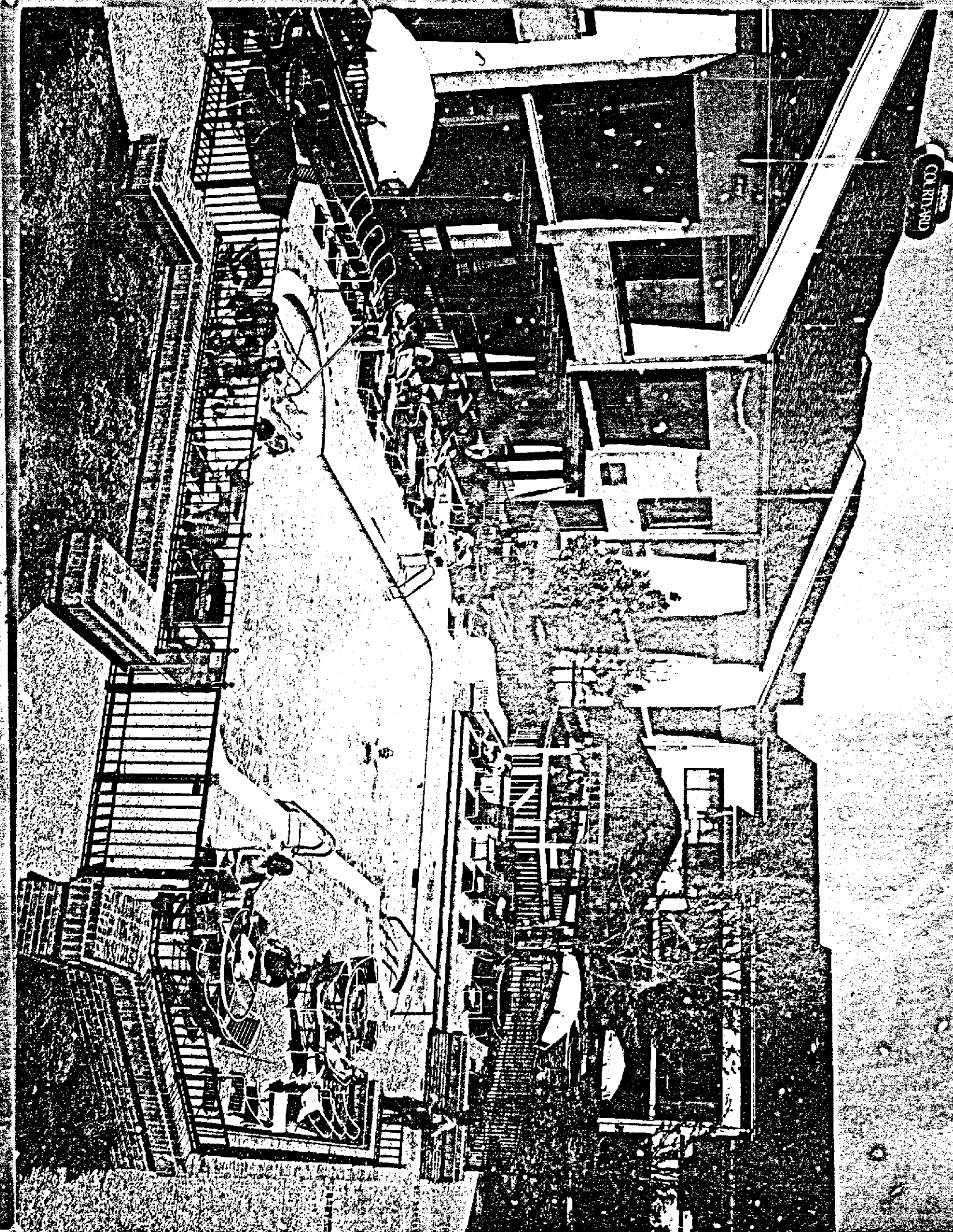
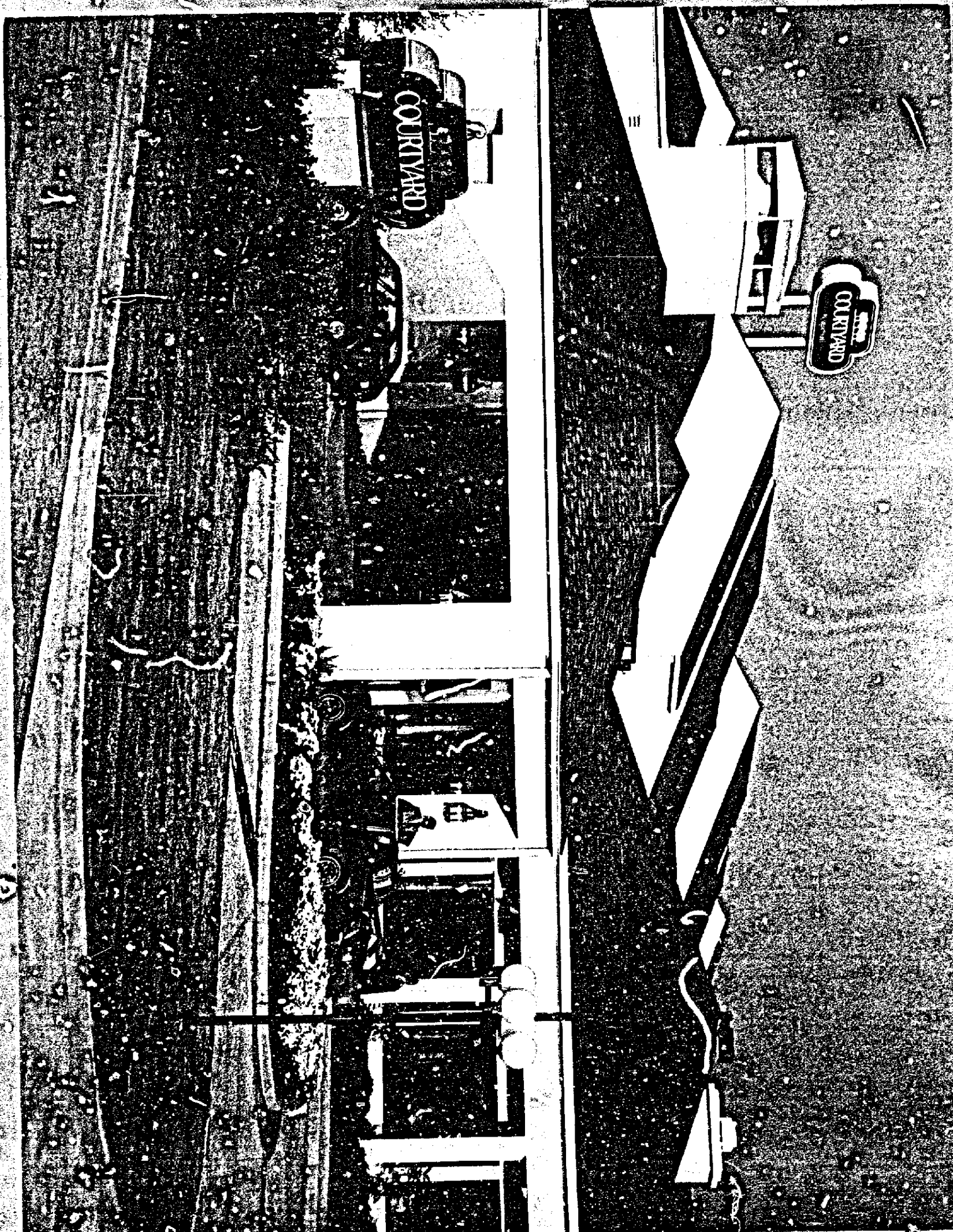
REGISTRATION: Professional Engineer - MD

PROFESSIONAL AFFILIATIONS: Institute of Traffic Engineers
American Society of Civil Engineers
Highway Research Board
Chi Epsilon, Honorary Civil Engineering Fraternity
National Society of Professional Engineers
Maryland Society of Professional Engineers
International Municipal Signal Association, Inc.
American Public Works Association

EXPERIENCE: Mr. Hongan is Vice President and Chief of the Transportation Division, where he supervises the study and design of highway, rail, and other transportation-related projects. Included in the work under his direction are the rehabilitation of 18 miles of Antrak's Northeast Corridor Rail Line; development for a master plan for Baltimore's Masonville Marine Terminal; the roads and access for Holabird Industrial Park in Baltimore; and the dualization of 8 miles of Maryland Route 210.

Mr. Hongan is presently working on the Harford County Resource Recovery Facility in Harford County Maryland and is the Assistant Program Manager. The work on the project includes waste stream analysis, environmental assessments, site evaluation and footprint planning of the project.

Since joining Kide in 1973, Mr. Hongan's responsibilities have involved a wide range of activities encompassing transportation planning studies, traffic impact studies, traffic engineering, signalization design, and highway-symptoms.





Case No. 86-40-A

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
18th day of June, 1985.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner McCormick Properties, Inc.
Petitioner's Attorney Richard A. Reid, Esquire
cc: Daft-McCune-Walker, Inc.

Received by *[Signature]*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-40-A

District 8th Date of Posting July 3-85
Posted for: Variance
Petitioner: McCormick Properties, Inc.
Location of property: S.W. of International Circle, 981' ft NW of the centerline of International Drive
Location of Signs: S.W. of International Circle, approx 1000' NW of International Drive in front of subject property and 1 sign to rear of property facing T.S. with house ramp
Remarks: 1 sign to rear of property facing T.S. with house ramp
Posted by *[Signature]* Date of return: July 5, 1985
Signature
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-40-A

District 8th Date of Posting October 2, 1985
Posted for: Appeal
Petitioner: McCormick Properties, Inc.
Location of property: S.W. of International Circle, 981' NW of S.W. of International Drive
Location of Signs: S.W. side of International Circle, approx 1150' NW of International Drive, 1 sign rear of property facing T.S.
Remarks:
Posted by *[Signature]* Date of return: October 4, 1985
Signature
Number of Signs: 2

86-40-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 4, 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 July 4, 1985.

THE JEFFERSONIAN,
[Signature]
Publisher

Cost of Advertising
22.00

PETITION FOR VARIANCE
8th Election District
LOCATION: Southwest side of International Circle, 981 ft. Northwest of the centerline of International Drive
DATE AND TIME: Wednesday, July 24, 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 Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required. Being the property of McCormick Properties, Inc. 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, 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
July 4.

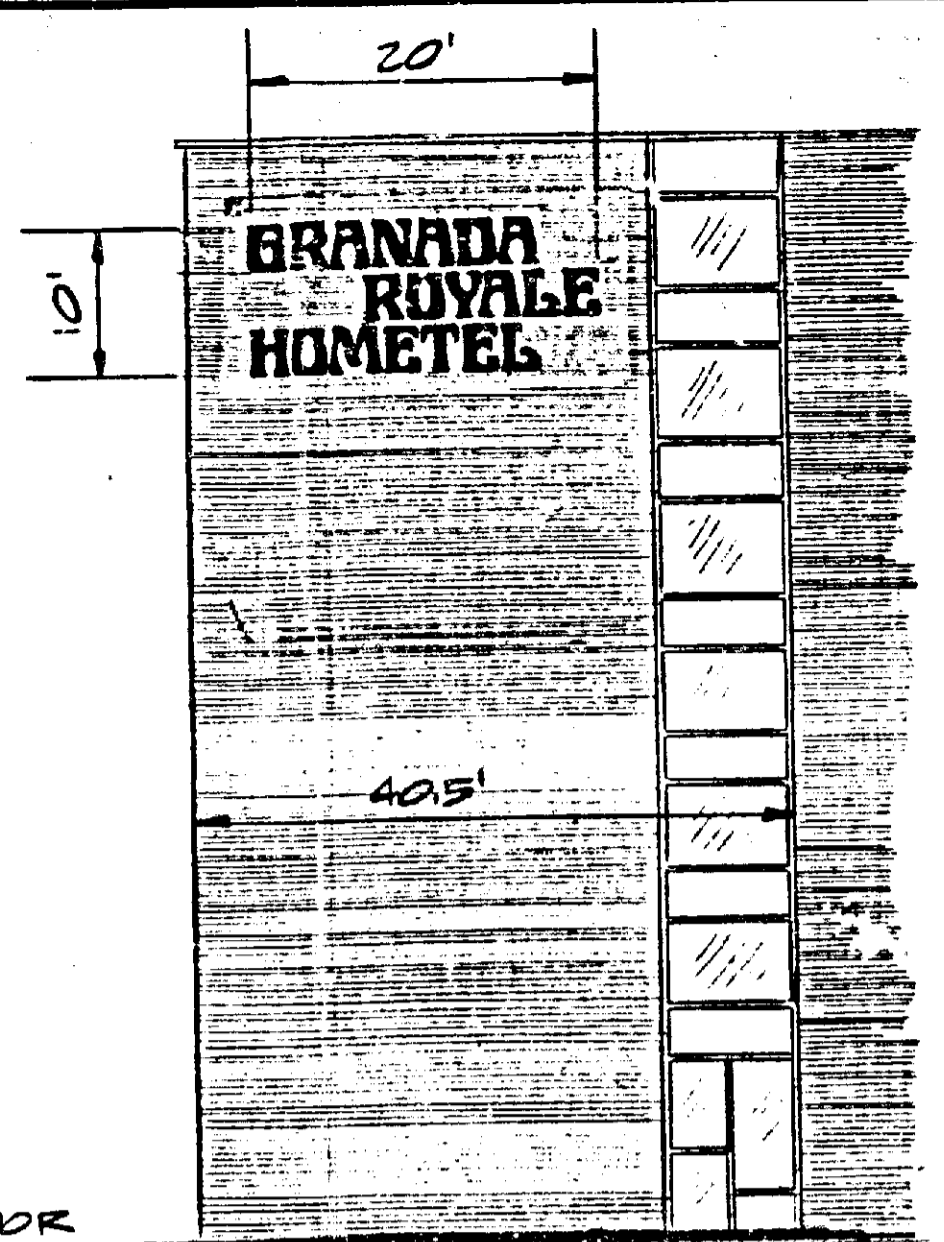
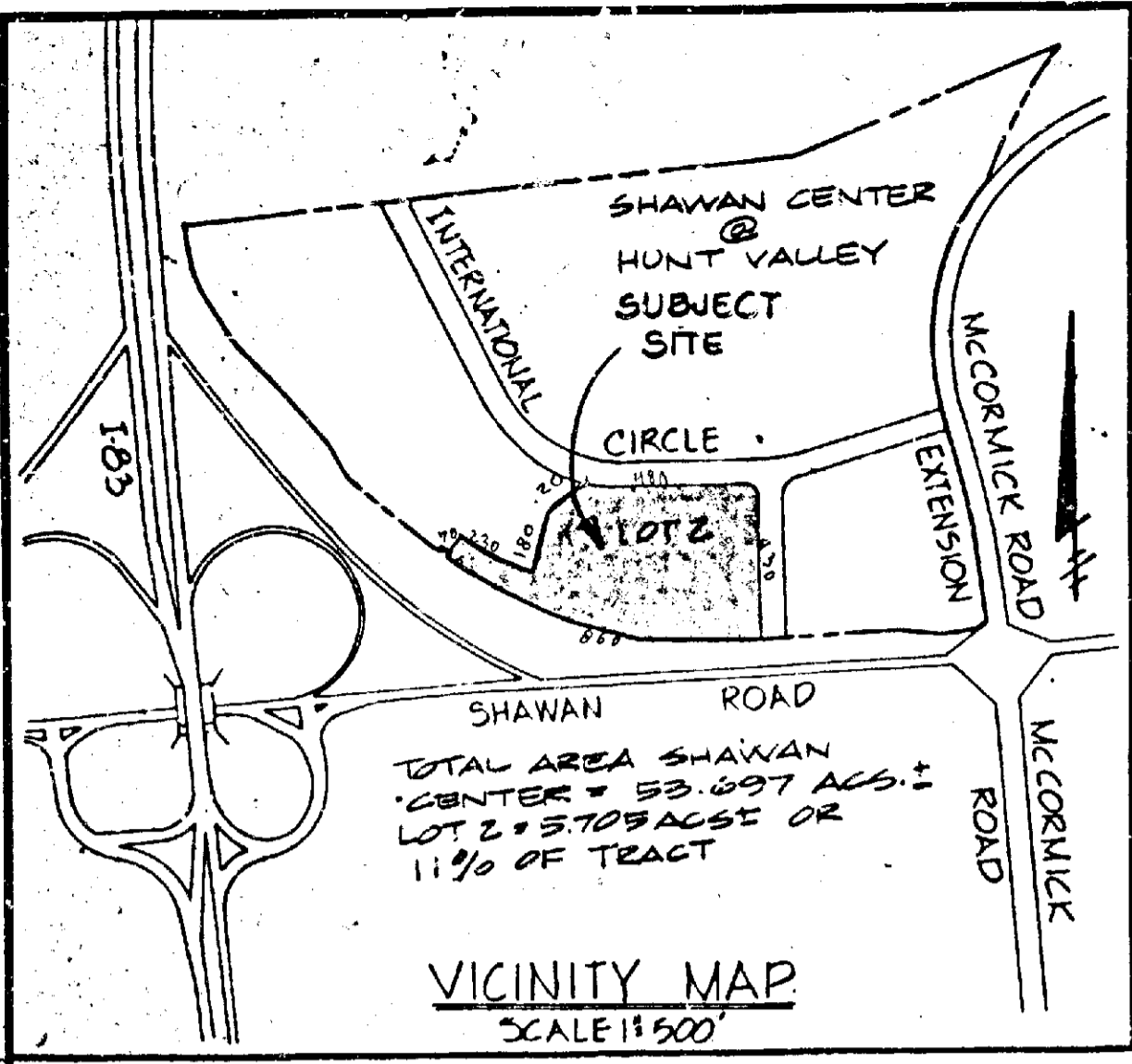
PETITION FOR VARIANCE
8th Election District
LOCATION: Southwest side of International Circle, 981 ft. Northwest of the centerline of International Drive
DATE AND TIME: Wednesday, July 24, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required. Being the property of McCormick Properties, Inc. 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, 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
67088-47377 7-3

CERTIFICATE OF PUBLICATION
86-40-A

Towson, Md. 7/9 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 21st day of July 1985.

The TOWSON TIMES
[Signature]
Cost of Advertisement: \$ 58.67



PARKING TABULATION:

RESTAURANT 2000 SF, LOUNGE 1564 SF, KITCHEN 2000 SF / TOTAL OF 5064 SF @ 1 SF/50 SEAT	110
MEETING ROOM 5324 SF / OCCUPANCY @ 1 SEAT / 15 S.F. = 355 SEATS	160
PARKING REQ'D @ 1 SF/6 SEATS	3
RETAIL SPACE 403 SF @ 1 SF/200 SF	225
SLEEPING ROOMS @ 1 SF/ROOM	406
TOTAL PARKING REQUIRED	357
TOTAL PARKING PROPOSED SPACES 8' X 10' TYP, 24' ALLEYS INCLUDES 9 SPACES FOR THE HANDICAPPED (12' X 10' TYP)	357

VARIANCE REQUESTED REQUEST (B)

LOT 6 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 LOT 7 EX. ZONING - MLR / PRESENT USE - VACANT

SIGN DETAIL REQUEST (E)
 SOUTHWEST WALL (NO SCALE)

SITE DATA

- 1) AREA OF SITE = 5.705 ACES ±
- 2) EX. ZONING - MLR
- 3) PRESENT USE - VACANT
- 4) PUBLIC WATER AND SEWER EXIST.
- 5) PROPOSED USE - MOTEL

1ST LEVEL

RETAIL AREA	~ 403 S.F.
REST, LOUNGE, KITCH.	~ 5064 S.F.
MEETING AREA	~ 5324 S.F.
RECEPTION, PAUL, ...	~ 20,325 S.F.
TOTAL 1ST LEVEL	= 32,000 S.F.

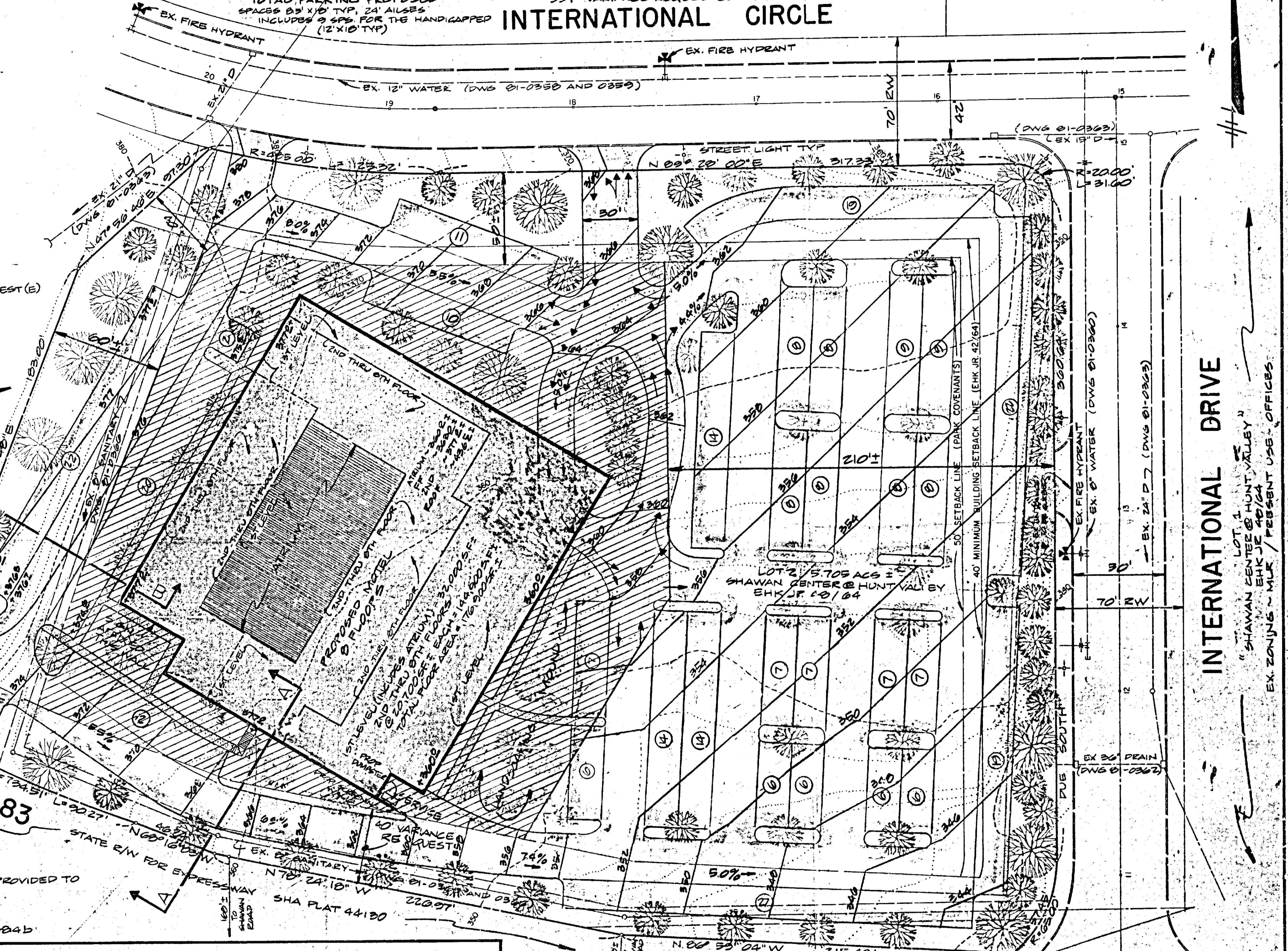
2ND THRU 6TH FLOOR

@ 20,700 S.F. / FLOOR	= 144,000 S.F.
TOTAL FLOOR AREA	= 176,000 S.F.

FLOOR AREA RATIO

GROSS AREA = 5.705 ACES ± (240,310 S.F.) + (125.32 + 317.33 + 360.64) (30) = 272,000 S.F.
FLOOR AREA RATIO = 176,000 S.F. / 272,000 S.F. = 65 VARIANCE REQUEST (C)

- 7) A SPECIAL HEARING IS REQUESTED FOR APPROVAL OF THE 200 S.F. SIGN DETAILED HEREON. SEE REQUEST (E)
- 8) PAVING SHALL BE A DURABLE, DUST FREE SURFACE AS DETERMINED BY SOILS ENGINEER
- 9) LIGHTING SHALL BE ERRECTED AS TO NOT REFLECT RAYS INTO RESIDENTIAL AREAS.
- 10) BUILDING ENVELOPE SHOWN HEREON IS INTENDED TO INDICATE THE EXTREMITIES TO WHICH THE BLDGS MAY BE POSITIONED. SINCE SIZE AND SHAPE OF THE BUILDING ARE GENERALLY AS SHOWN HEREON, THE ENVELOPE IS PROVIDED TO ALLOW FLEXIBILITY IN SITING OF THE BLDGS, AS WELL AS TO ALLOW INCORPORATION OF POSSIBLE ARCHITECTURAL CHANGES. PARKING REQUIREMENTS (AS ESTABLISHED) WILL BE INTEGRATED INTO ANY CHANGE.
- 11) 4% OF 'SHAWAN CENTER' REMAINS FOR COMMERCIAL USE AS DEFINED UNDER SECT. 2404B



PLAT TO ACCOMPANY ZONING PETITION REQUESTS FOR:

- VARIANCE OF PARKING REQUIREMENTS
- VARIANCE OF FLOOR AREA RATIO
- VARIANCE OF SETBACKS AND A SPECIAL HEARING FOR A SIGN IN A MLR SITE DEVELOPMENT

BALTO. CO. MD SCALE: 1"=30'

LOT 2
 "SHAWAN CENTER @ HUNT VALLEY"

ELECT DISTRICT NO. 8
 DECEMBER 11, 1982
 REV. JAN 11, 1983
 PER ZAC COMMENTS

SUMMARY OF PETITION REQUESTS

- (A) SPECIAL EXCEPTION TO ALLOW MOTEL IN AN EX. MLR ZONE AS PER SECTION 2404B (BCZR)
- (B) A VARIANCE TO PERMIT 357 SPACES IN LIEU OF 406 AS REQUIRED BY SECTION 409.2 (BCZR)
- (C) A VARIANCE TO PERMIT A FLOOR AREA OF 0.65 IN LIEU OF THE 0.00 LIMITATION AS PER SECTION 250.5 (BCZR)
- (D) VARIANCE OF SETBACKS (TENNIS COURT) TO PERMIT A FRONT YARD OF 0' IN LIEU OF THE REQ. 50' (SECT. 250.1), TO PERMIT A REAR YARD OF 0' IN LIEU OF THE REQ. 40' (SECT. 250.3), AND TO PERMIT A SIDE YARD OF 25' IN LIEU OF REQ. 30' (SECT. 250.2). VARIANCE OF SETBACKS (PROP. BLDG) TO PERMIT A SIDE YARD OF 40' IN LIEU OF THE REQUIRED 50' (SECT. 250.3)
- (E) A SPECIAL HEARING FOR APPROVAL OF 200 S.F. SIGN AS DETAILED ON THIS PLAT.

CONTRACT PURCHASER AND PETITIONER
 MIDDEX HOSPITALITY, INC.
 600 MADISON AVENUE
 NEW YORK, NEW YORK 10022
 (212) 355-0200

ENGINEERS
 GEORGE WILLIAM STEPHENS JR. AND ASSOCIATES INC.
 303 ALLEGHENY AVE. TOWSON, MD. 21204
 (301) 925-0120

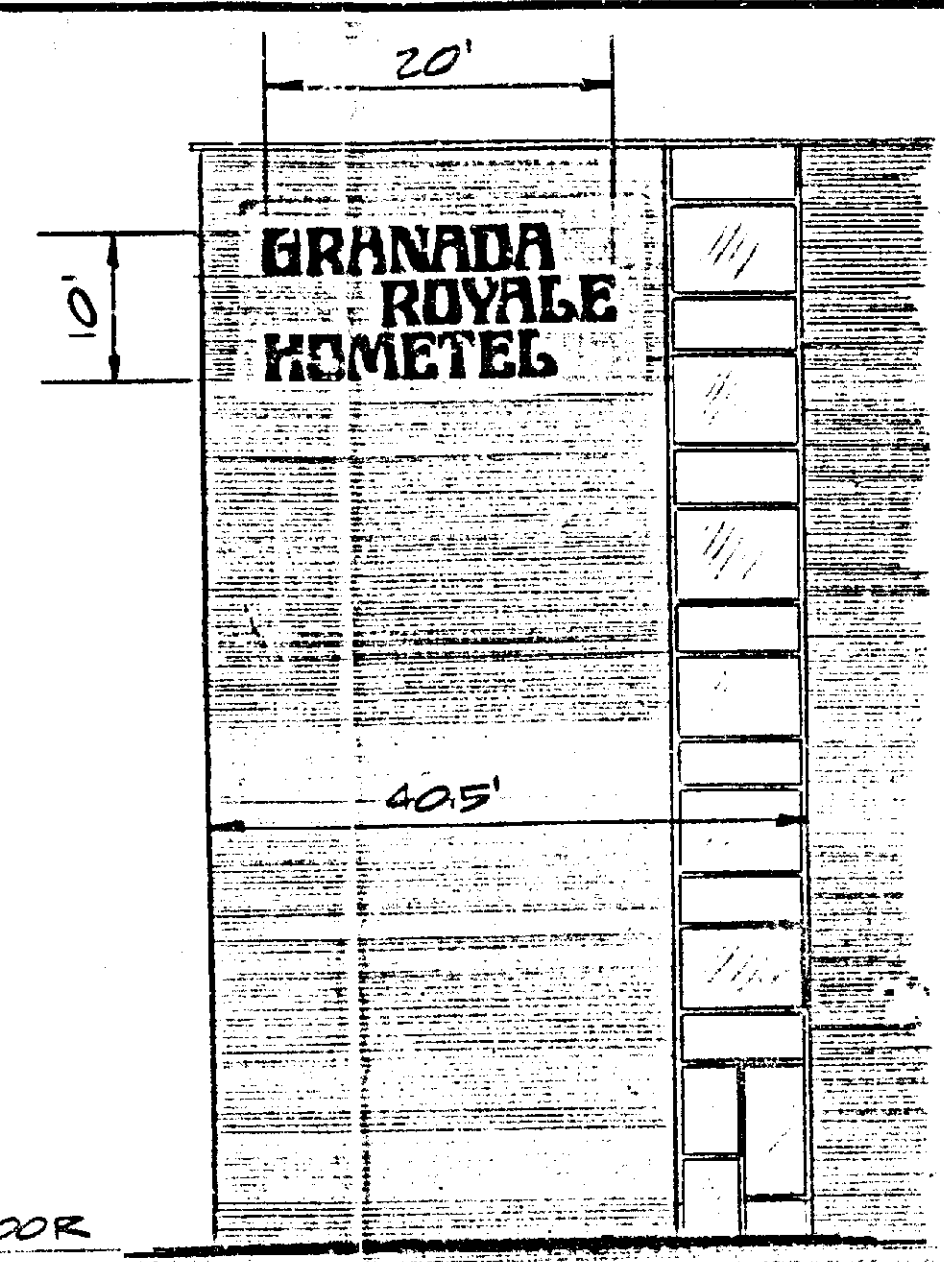
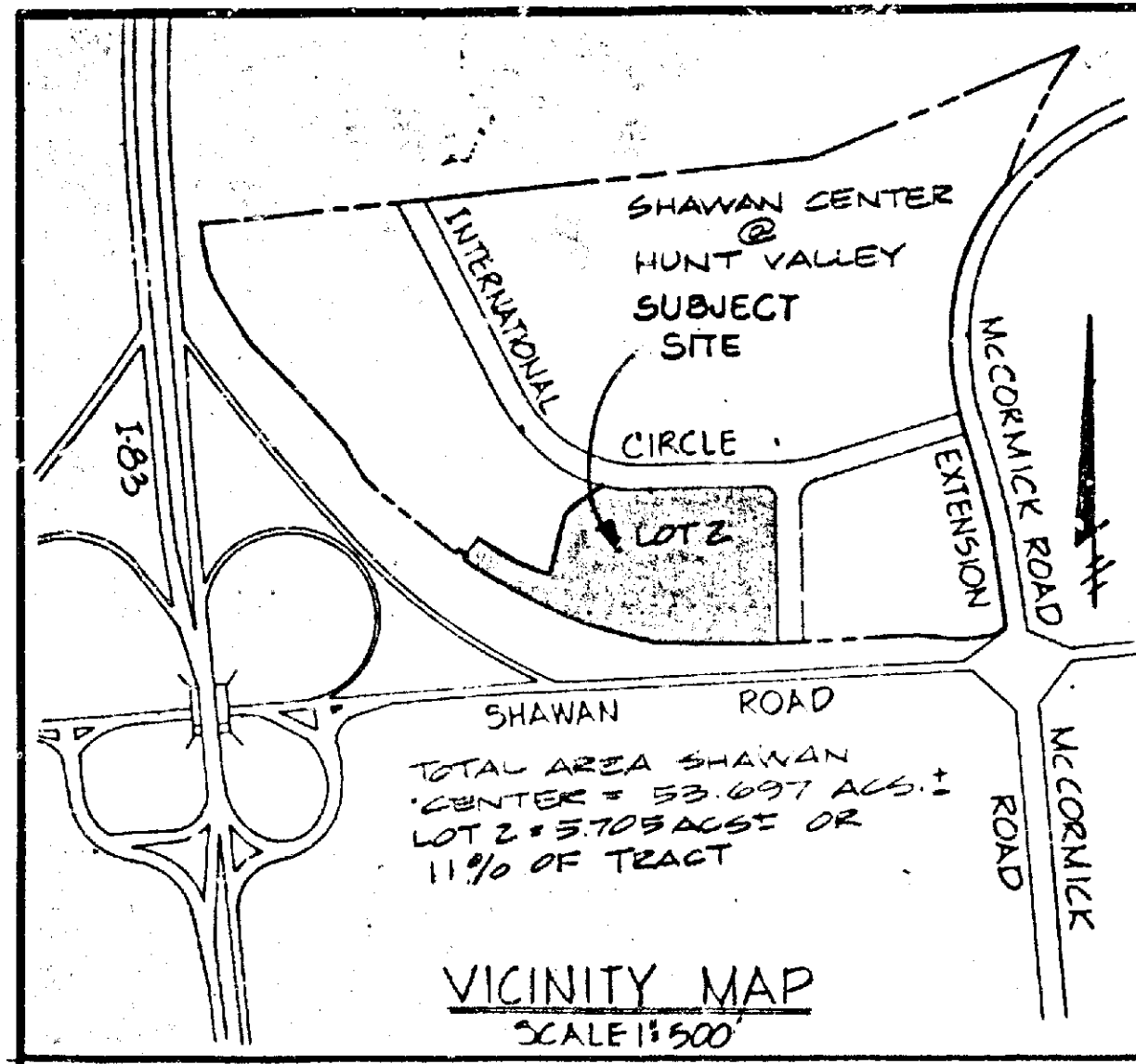
STATE R/W FOR EXPRESSWAY SHA PLAT 44130

SHAWAN ROAD

INTERNATIONAL DRIVE

LOT 1 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 EX. ZONING - MLR / PRESENT USE - OFFICES

MICROFILMED



PARKING TABULATION:

RESTAURANT 2000 SF, LOUNGE 1504 SF, KITCHEN 2200 SF/	110
TOTAL OF 5804 SF @ 1 SP/50 SF	116
MEETING ROOM 5324 SF/OCCUPANCY @ 1 SEAT/155 SF = 355 SEATS	355
PARKING REQ'D @ 1 SP/6 SEATS	60
RETAIL SPACE 483 SF @ 1 SP/200 SF	3
SLEEPING ROOMS @ 1 SP/ROOM	225
TOTAL PARKING REQUIRED	406
TOTAL PARKING PROPOSED	357
VARIANCE REQUESTED REQUEST (B)	
SPACES 49 X 10' TYP, 24 ALLEYS	
INCLUDES 9 SPACES FOR THE HANDICAPPED (12 X 10' TYP)	

LOT 6 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 LOT 7 "SHAWAN CENTER @ HUNT VALLEY" EHK JR. 40/64
 EX. ZONING - MLR / PRESENT USE - VACANT

SIGN DETAIL REQUEST (E)
 SOUTHWEST WALL (NO SCALE)

SITE DATA

- 1) AREA OF SITE = 5.705 ACRES
- 2) EX. ZONING = MLR
- 3) PRESENT USE = VACANT
- 4) PUBLIC WATER AND SEWER EXIST
- 5) PROPOSED USE = MOTEL

1ST LEVEL

RETAIL AREA	~ 400 SF
REST., LOUNGE, KITCH.	~ 5864 SF
MEETING AREA	~ 5324 SF
RECEPTION, POOL, ...	~ 20,320 SF
TOTAL 1ST LEVEL	~ 32,000 SF

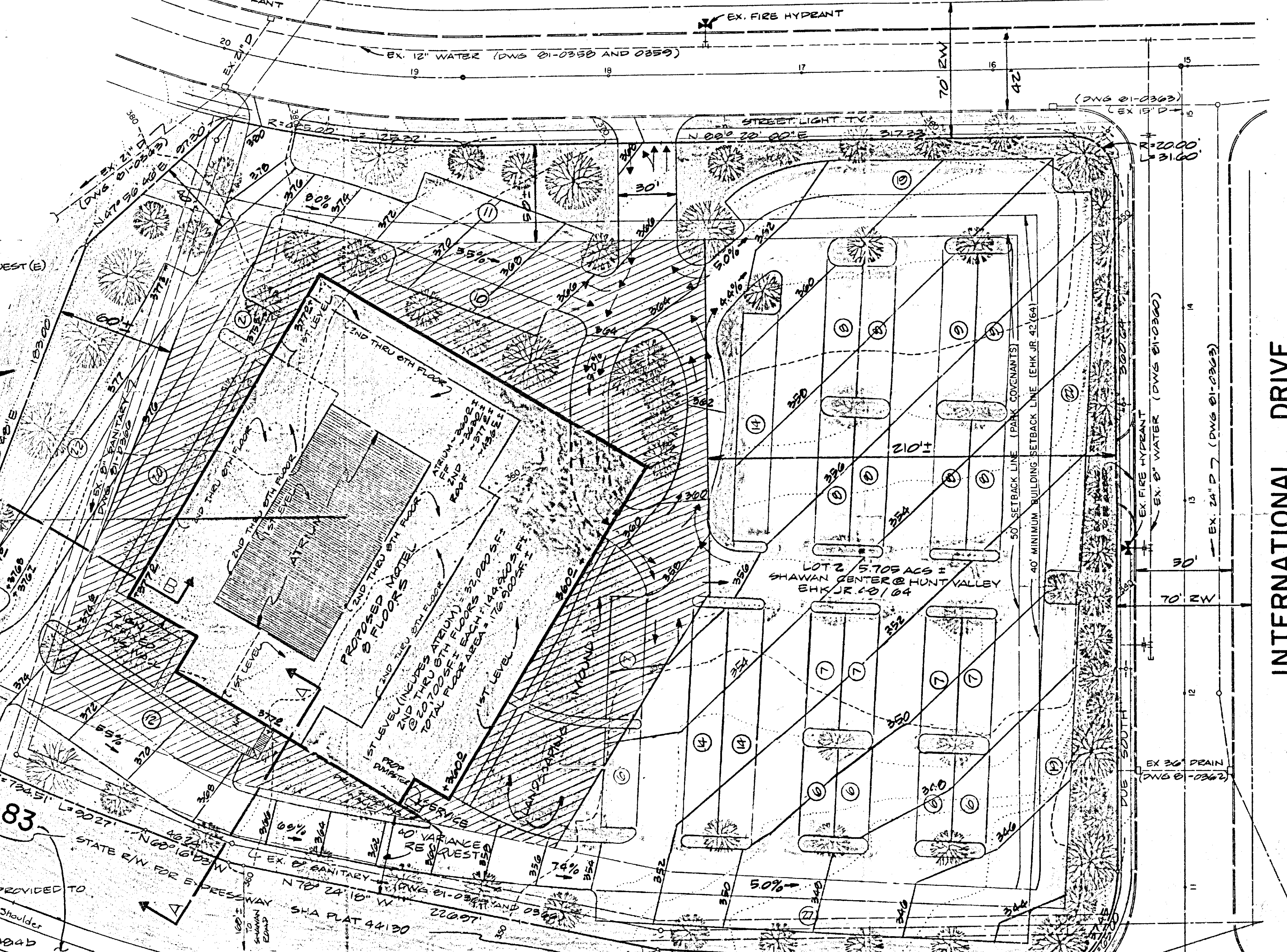
2ND THRU 8TH FLOOR

@ 20,700 S.F./FLOOR	144,900 SF
TOTAL FLOOR AREA	176,900 SF

FLOOR AREA RATIO

GROSS AREA = 5.705 ACRES (240,510 SF) + (125.32 + 317.33 + 360.64) (30) = 272,000 SF
 FLOOR AREA RATIO = 176,900 SF / 272,000 SF = .65 VARIANCE REQUEST (C)

- 7) A SPECIAL HEARING IS REQUESTED FOR APPROVAL OF THE 200 SF SIGN DETAILED HEREON SEE REQUEST (E)
- 8) PAVING SHALL BE A DURABLE, DUST FREE SURFACE AS DETERMINED BY SOILS ENGINEER.
- 9) LIGHTING SHALL BE ERRECTED AS TO NOT REFLECT RAYS INTO RESIDENTIAL AREAS.
- 10) BUILDING ENVELOPE SHOWN HEREON IS INTENDED TO INDICATE THE EXTREMITIES TO WHICH THE BLDGS MAY BE POSITIONED. SINCE SIZE AND SHAPE OF THE BUILDING ARE GENERALLY AS SHOWN HEREON, THE ENVELOPE ALLOW FLEXIBILITY IN SITING OF THE BLDG, AS WELL AS, TO ALLOW INCORPORATION OF POSSIBLE ARCHITECTURAL CHANGES. PARKING REQUIREMENTS (AS ESTABLISHED) WILL BE INTEGRATED INTO ANY CHANGE.
- 11) 4% OF "SHAWAN CENTER" REMAINS FOR COMMERCIAL USE AS DEFINED UNDER SECT. 2484B



PLAT TO ACCOMPANY ZONING PETITION REQUESTS FOR:

- SPECIAL EXCEPTION FOR MOTEL IN A MLR ZONE
- VARIANCE OF PARKING REQUIREMENTS
- VARIANCE OF FLOOR AREA RATIO
- VARIANCE OF SETBACKS AND A
- SPECIAL HEARING FOR A SIGN IN A MLR SITE DEVELOPMENT

LOT 2
 "SHAWAN CENTER @ HUNT VALLEY"

BALTO CO, MD
 SCALE: 1" = 30'

ELECT DISTRICT NO 8
 DECEMBER 1, 1982
 REV JAN 11, 1983
 PER ZAC COMMENT

SUMMARY OF PETITION REQUESTS

- (A) SPECIAL EXCEPTION TO ALLOW MOTEL IN AN EX. MLR ZONE AS PER SECTION 2484B (BCCR)
- (B) A VARIANCE TO PERMIT 357 SPACES IN LIEU OF 406 AS REQUIRED BY SECTION 409.2 (BCCR)
- (C) A VARIANCE TO PERMIT A FLOOR AREA OF 065 IN LIEU OF THE 000 LIMITATION AS PER SECTION 230.5 (BCCR)
- (D) VARIANCE OF SETBACKS (TENNIS COURT) TO PERMIT A FRONT YARD OF 25' IN LIEU OF THE REQ 40' (SECT 230.5), AND TO PERMIT A SIDE YARD OF 25' IN LIEU OF REQ 30' (SECT 230.2). VARIANCE OF SETBACKS (FRONT YARD) TO PERMIT A SIDE YARD OF 40' IN LIEU OF REQ 30' (SECT. 230.2)
- (E) A SPECIAL HEARING FOR APPROVAL OF 200 SF SIGN AS DETAILED ON THIS PLAT.

CONTRACT PURCHASER AND PETITIONER:
 MIDDEX HOSPITALITY, INC.
 600 MADISON AVENUE
 NEW YORK, NEW YORK 10022
 (212) 355-0200

ENGINEERS:
 GEORGE WILLIAM STEPHENS JR. AND ASSOCIATES INC.
 303 ALLEGHENY AVE. TOWSON, MD. 21204
 (301) 253-8120

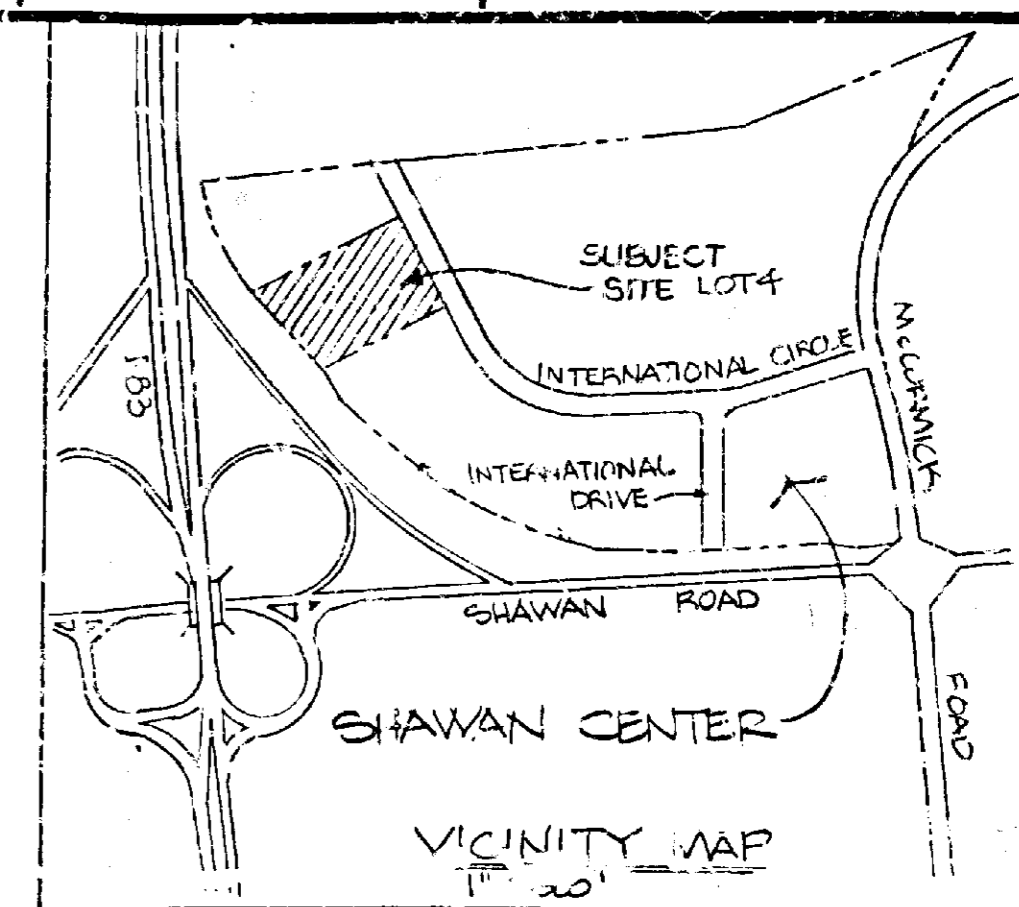
STATE R/W FOR EXPRESSWAY SHA PLAT 44130

SHAWAN ROAD

INTERNATIONAL DRIVE

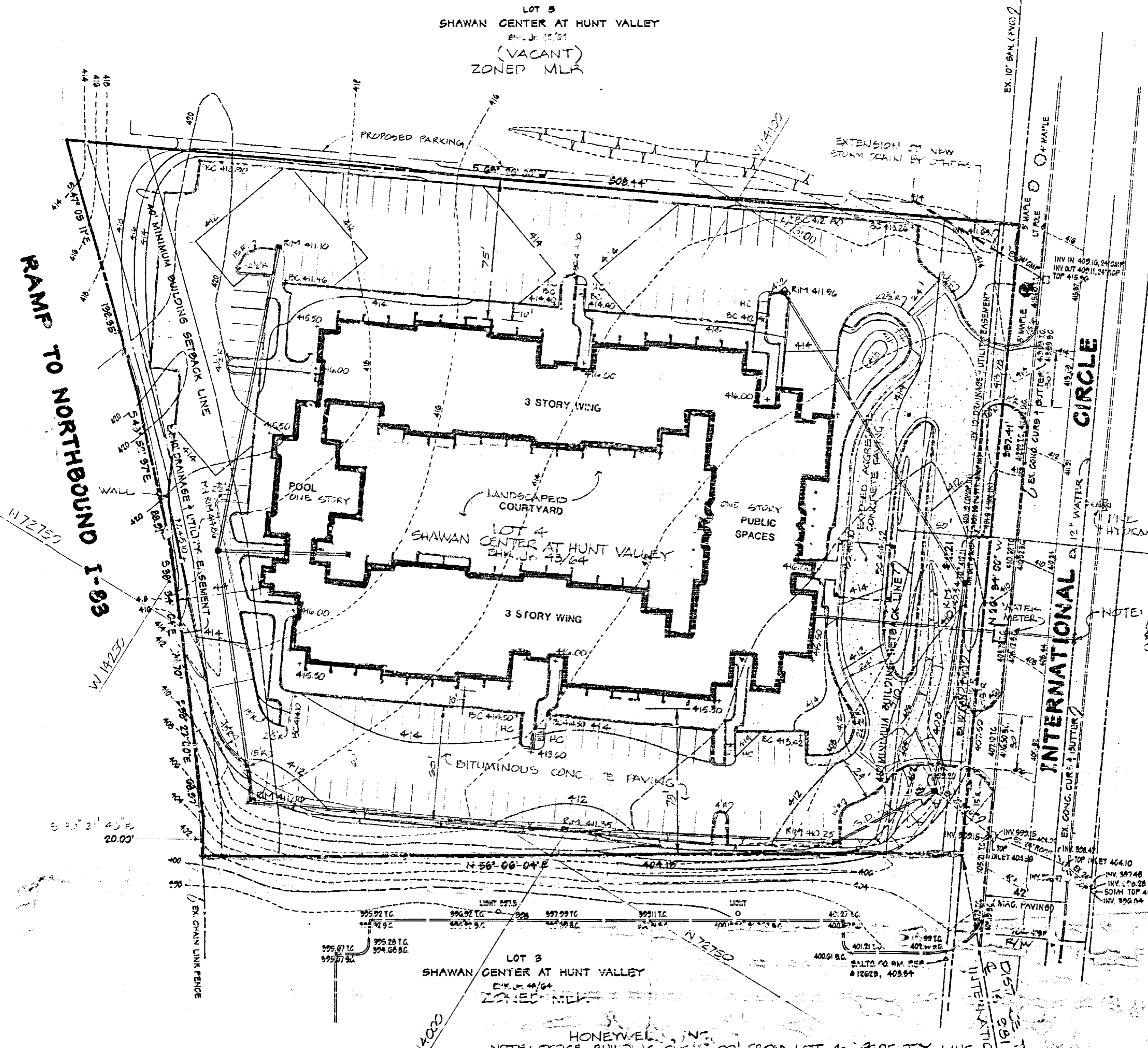
RI E'S OF SHAWAN ROAD & INTERNATIONAL DRIVE
 MICROFILMED

8



OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DESIGNATED TO HOTEL USE:
 NET LOT AREA ZONED MLR 49,474.0
 EXISTING HOTEL LOT 2 5.71
 COURTYARD LOT 4 8,306.7
 TOTAL HOTEL FOOTPRINT 13,992.4
 PERCENT USED FOR HOTEL 28.29%
- F.A.R. BUILDING COVERAGE
 GROSS SITE AREA 172,278.90 FT.
 NET SITE AREA (3,674.0) 159,005.90 FT.
 TOTAL BUILDING AREA 20,022.50 FT.
 GROUND FLOOR BUILDING AREA 36,000.00 FT.
 PER CENT OF SITE BLDG. COVERAGE 23.07%
 FLOOR AREA RATIO 0.46



LOT 4
 SHAWAN CENTER AT HUNT VALLEY
 E.H.K. J. 4/8/04
 (VACANT)
 ZONED MLR

NOTE: CONNECTION TO WATER MAIN VALVE INSTALLATION & METER IS UNDER SEPARATE CONTRACT.

NOTE: DETAILED LANDSCAPE PLAN SHALL BE SUBMITTED AT TIME OF APPLICATION FOR BUILDING PERMIT.

SIGNAGE SHALL COMPLY WITH BALTIMORE COUNTY SIGNAGE REGULATIONS AND MCCORMICK PROPERTIES, INC.'S RESTRICTIVE COVENANTS FOR SHAWAN CENTER.

SITE DATA

LOT AREA 3,673.42
 ZONED MLR
 PERMITTED USES: HOTEL, RESTAURANT, MEETING

PARKING CALCULATIONS

USE	RSR PARKING	NO. REQ.
146 HOTEL GUEST ROOMS 1/ROOM		146
RESTAURANT, KITCHEN, & LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		116
3030 + 53 = 60.6		160.6
GAME ROOM - 240 SQ. FT.		
1 SPACE PER 300 SQ. FT.		0.8
TWO MEETING ROOMS - 1350 SQ. FT.		
SEATING CAPACITY: 25 SEATS PER ROOM X 2 = 50		
PARKING REQUIRED @ 1 SPACE/6 SEATS = 8.33		
TOTAL PARKING REQUIRED = 215.73 SAY 216		
TOTAL PARKING PROVIDED		160
VARIANCE REQUIRED FOR 56 SPACES		

NOTE: HONEYWELL, INC. OFFICE BUILDING OVER 100' FROM LOT 4 PROPERTY LINE.

NOTE: NO GAS MAINS EXIST IN ADJACENT STREET. NEAREST GAS MAIN IS AT INTERSECTION OF INTERNATIONAL CIRCLE & MCCORMICK ROAD.

UNDERGROUND ELECTRIC IS LOCATED IN UTILITY EASEMENT IN THE LOT FRONT YARD, WEST OF R/W LINE.

PRINTS ISSUED

NO.	DESCRIPTION	DATE BY
1	PRELIMINARY	11/19/03
2	FINAL	4/10/04

REVISIONS

ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR

ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK

OWNER
 MCCORMICK PROPERTIES, INC.
 11011 MCCORMICK ROAD
 HUNT VALLEY, MD.

PLAN TO ACCOMPANY VARIANCE REQUEST

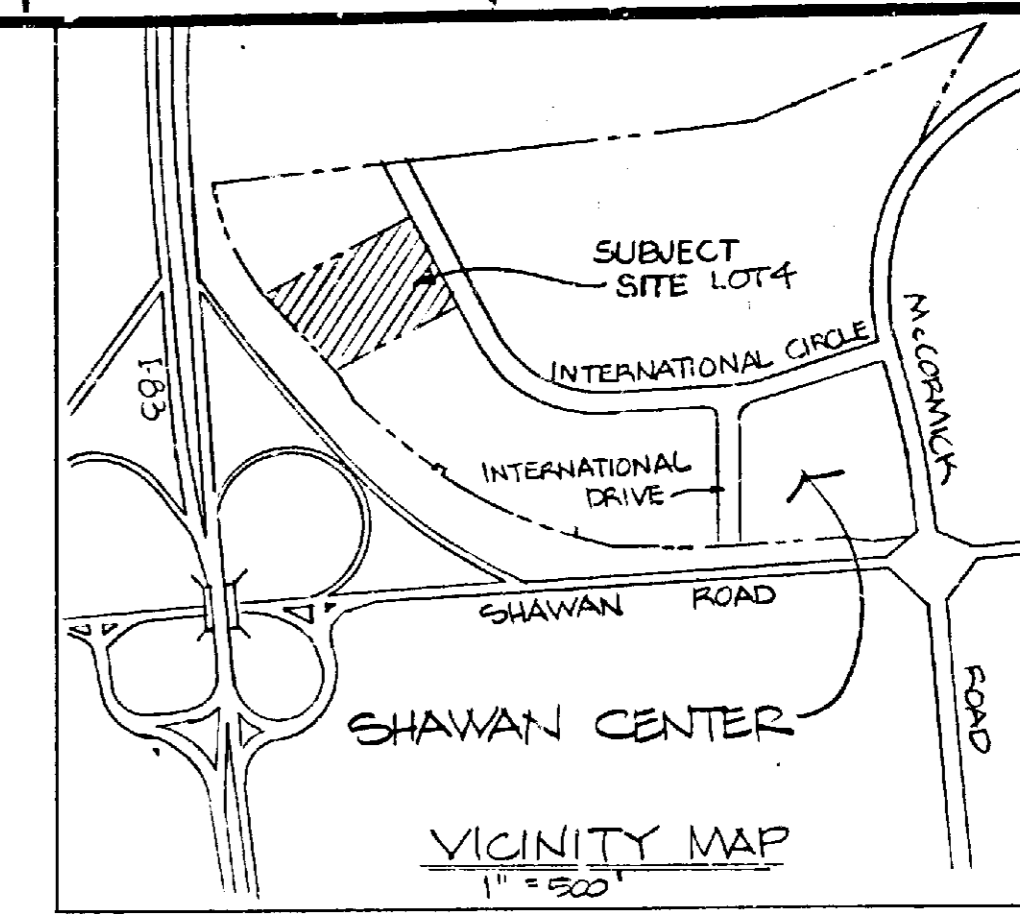
COURTYARD
LOT 4
SHAWAN CENTER
 ELECTION DISTRICT NO. 8
 BALTIMORE COUNTY, MD.

Marriott
 CORPORATION
 CONTRACT PURCHASER

INTERNATIONAL HEADQUARTERS
 MARSHALL DRIVE
 WASHINGTON, D.C. 20008

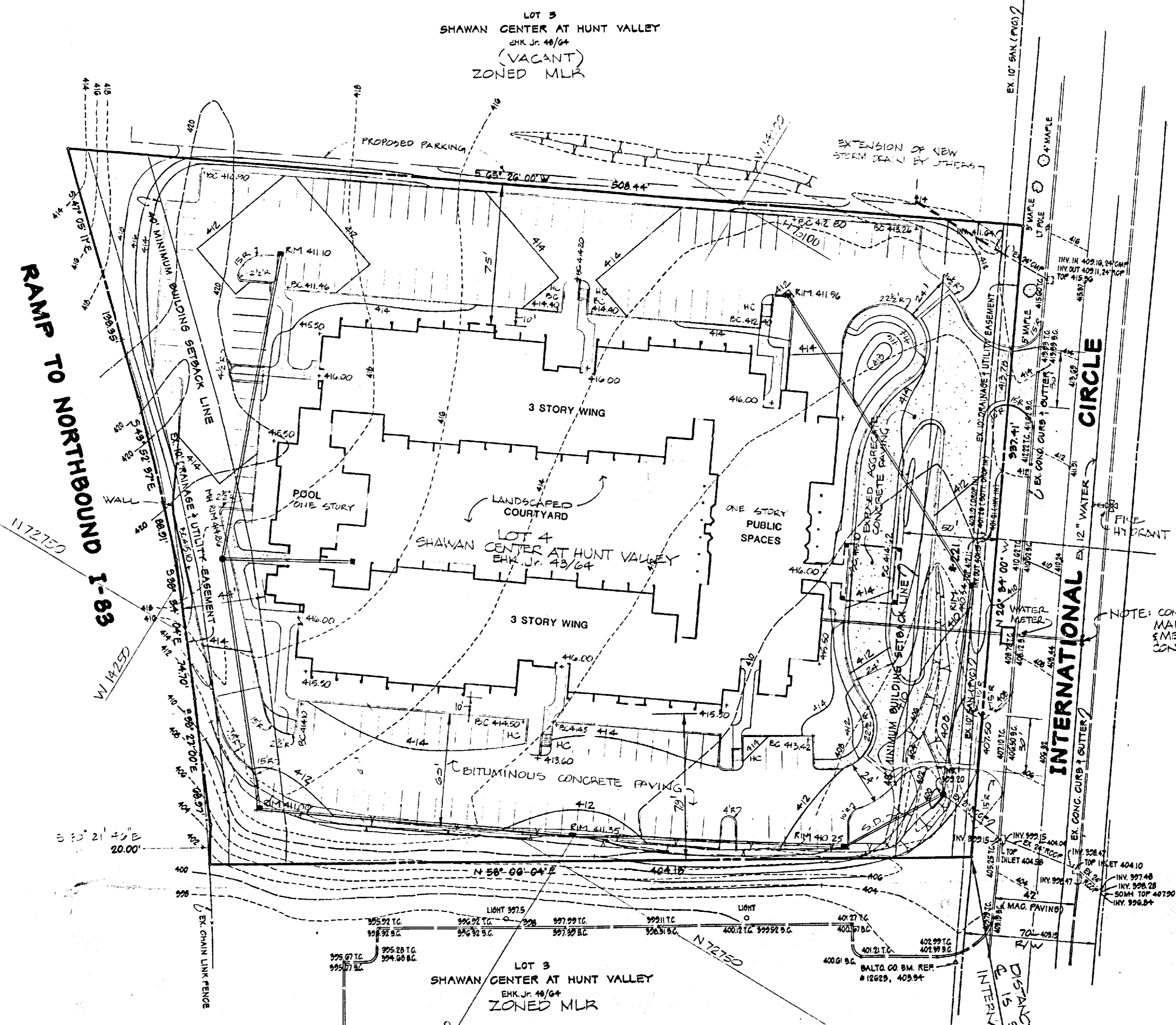
SHEET TITLE
SITE PLAN

DATE: 4/25/05
 SCALE: 1" = 30'
 SHEET NO: 1 OF 1



OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DEVOTED TO HOTEL USE:
 NET LOT AREA ZONED MLR 40.47 AC
 EXISTING HOTEL LOT 2 5.71
 COURTYARD LOT 4 3.67
 TOTAL HOTEL ACREAGE 9.95
 PER CENT USED FOR HOTEL 18.96
- F.A.R., BUILDING COVERAGE
 GROSS SITE AREA 172,278 SQ. FT.
 NET SITE AREA (3,671 AC) 150,805 SQ. FT.
 TOTAL BUILDING AREA 20,020 SQ. FT.
 GROUND FLOOR BUILDING AREA 36,820 SQ. FT.
 PER CENT OF SITE BLDG. COVERAGE 23.07%
 FLOOR AREA RATIO 0.46



LOT 3
 SHAWAN CENTER AT HUNT VALLEY
 EHK, JR. 43/64
 (VACANT)
 ZONED MLR

LOT 4
 SHAWAN CENTER AT HUNT VALLEY
 EHK, JR. 43/64
 (VACANT)
 ZONED MLR

NOTE: CONNECTION TO WATER MAIN VAULT INSTALLATION (METER IS UNDER SEPARATE CONTRACT).

NOTE: DETAILED LANDSCAPE PLANS SHALL BE SUBMITTED AT TIME OF APPLICATION FOR BUILDING PERMIT.

SIGNAGE SHALL COMPLY WITH BALTIMORE COUNTY SIGNAGE REGULATIONS AND MCCORMICK PROPERTIES, INC.'S RESTRICTIVE COVENANTS FOR SHAWAN CENTER.

SITE DATA

LOT AREA - 3.673 AC
 ZONED - MLR
 PERMITTED USES: HOTEL, RESTAURANT, MEETING ROOMS

PARKING CALCULATIONS

USE	REQ. PARKING	NO. REQ.
146 HOTEL GUEST ROOMS	1/ROOM	146.0
RESTAURANT, KITCHEN, &	1/50 SQ. FT.	146.0
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		60.6
GAME ROOM - 240 SQ. FT.		0.8
1 SPACE PER 300 SQ. FT.		10.1
TWO MEETING ROOMS - 1350 SQ. FT.		4.5
SEATING CAPACITY: 25 SEATS		0.8
PER ROOM X 2 = 50		0.8
PARKING REQUIRED @ 1 SPACE/6 SEATS		13.3
TOTAL PARKING REQUIRED = 215.73		216
TOTAL PARKING PROVIDED		160
VARI. SE. REQUIRED FOR 50 SPACES		

NOTE: NO GAS MAINS EXIST IN ADJACENT STREET. NEAREST GAS MAIN IS AT INTERSECTION OF INTERNATIONAL CIRCLE & MCCORMICK ROAD.

UNDERGROUND ELECTRIC IS LOCATED IN UTILITY EASEMENT IN THE FRONT YARD, WEST OF RAW LINE.

PRINTS ISSUED

NO.	DESCRIPTION	DATE	BY
1	OTHER NOTES	4/18/85	

REVISIONS

ALL MEASUREMENTS MUST BE CHECKED ON THE JOB BY THE CONTRACTOR

ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE OWNER AND MUST BE RETURNED UPON COMPLETION OF THE WORK

OWNER
 MCCORMICK PROPERTIES, INC.
 11011 MCCORMICK ROAD
 HUNT VALLEY, MD.

PLAN TO ACCOMPANY VARIANCE REQUEST

COURTYARD LOT 4 SHAWAN CENTER
 ELECTION DISTRICT NO. 8
 BALTIMORE COUNTY, MD.

Marriott corporation
 CONTRACT PURCHASER

INTERNATIONAL HEADQUARTERS
 MARRIOTT DRIVE
 WASHINGTON, D.C. 20088

SHEET TITLE
SITE PLAN

DATE 4/24/85
 SCALE 1" = 30'
 SHEET NO. 1 OF 1

for. In considering the entire report as a whole, the standard of one space per room, including the accessory services, seems to have been adopted by Middex.

The Petitioner seeks relief from Section 409.2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The Protestant strongly believes that the variance requested by Marriott, which will permit 1.1 spaces per room if granted as contrasted with its own variance permitting 1.6 spaces per room, will be insufficient to meet the parking demand and that automobiles will park on Middex's lot. Therefore, it requests that the instant variance be denied.

While it is true that financial considerations are not to be considered in the granting or denial of a variance, it can be assumed that the requisite 216 parking spaces could be provided if the hotel were smaller. It could also be assumed that Middex could have met the BCZR if its hotel were smaller. Indeed, it might be that if the tennis courts were deleted or the other setback requirements met, Middex might have provided the full complement of spaces. Middex, as well as Marriott, decided how many rooms and what kinds of services it wanted to provide based on financial considerations, and thereafter, it determined the size and scope. Middex not only received a parking variance but also a floor area ratio variance, side and front yard setback variances, and a side yard variance for the tennis courts. The request for these variances, the special exception for a motel, and the special hearing for a business sign were made based on a detailed cost analysis which included the size of the property and the projected income. Marriott is no different and the conclusions reached were exactly the same. The size of the building, projected use, market analysis, etc., disclosed Middex's and Marriott's requests.

Will there be spill over? There is no absolute answer, and with expert testimony presented by both sides being contradictory on this point, a decision

can only be made based on equity. There is no question that the hotel proposed by Marriott cannot be constructed unless the requested parking variance is granted, just as the hotel proposed by Middex could not be constructed if all of the requested variances were not granted. The Zoning Commissioner agrees with all of the legal points made by the Protestant in its Memorandum in Opposition to the Petition for Zoning Variance but not to its conclusions. Nonetheless, it is clear that the Petitioner has demonstrated a practical difficulty. After all of the testimony and exhibits presented by both sides, it is concluded that the requested parking variance will not create an adverse impact on the community and will be in the spirit and intent of the BCZR. Mr. Warner's testimony is convincing. It seems that Middex wishes to avail itself of the system by playing it at its weakest points and against itself.

"Every form of government tends to perish by excess of its basic principle." Plato, Republic.

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 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 advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of August, 1985, that the Petition for Zoning Variance to permit 160 parking spaces instead of the required 216 spaces be and 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 Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.
2. The meeting rooms shall not be made available to or be rented to the general public.
3. There shall be no public advertising for the restaurant or lounge.

Richard A. Reid, Esquire
Zoning Commissioner of Baltimore County

cc: Richard A. Reid, Esquire
John B. Howard, Esquire
People's Counsel

DAFT-MCCLINE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

Description

3.673 Acre Parcel, Lot 4, "Shawan Center at Hunt Valley", Southwest Side of International Circle, West of International Drive, Eighth Election District, Baltimore County, Maryland.

This Description is for Variance in an MLR Zone.

Beginning for the same on the southwest side of International Circle, seventy feet wide, at the distance of 981 feet, more or less, as measured westerly and northwesterly along the south and southwest side of said International Circle from its intersection with the center line of International Drive, seventy feet wide, running thence binding on the southwest side of said International Circle, (1) North 26 degrees 34 minutes 00 seconds West 337.41 feet, thence (2) South 63 degrees 26 minutes 00 seconds West 508.44 feet, thence along the northeast side of the Ramp to Northbound I-83, five courses: (3) South 47 degrees 05 minutes 11 seconds East 138.35 feet, (4) South 43 degrees 52 minutes 37 seconds East 88.91 feet, (5) South 38 degrees 34 minutes 04 seconds East 74.70 feet, (6) South 38 degrees 27 minutes 00 seconds East 68.97 feet, and (7) South 30 degrees 21 minutes 46 seconds East 20.00 feet, and thence (8) North 58 degrees 06 minutes 04 seconds East 404.18 feet to the place of beginning.

Containing 3.673 acres of land, more or less.

April 25, 1985

Our File No. 85046

ORDER RECEIVED FOR FILING
DATE August 31, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 31, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE August 31, 1985
BY [Signature]

PETITION FOR VARIANCE
8th Election District

LOCATION: Southwest side of International Circle, 981 ft. Northwest of the centerline of International Drive
DATE AND TIME: Wednesday, July 24, 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 Variance from Section 409.2 to permit 160 parking spaces in lieu of 216 parking spaces as required.

Being the property of McCormick Properties, Inc. 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, 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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International :
Drive, 8th District :
McCORMICK PROPERTIES, INC., : Case No. 86-40-A
Petitioner :
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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Richard S. Evans, Agent, The Marriott Corporation, 1 Marriott Drive, Washington, D. C. 20058, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S of International Circle, 981' NW
of centerline of International Drive
8th Election District
McCormick Properties, Inc. - Petitioners
Case No. 86-40-A

Dear Mr. Reid,
This is to advise you that \$ 70.67 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.
This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.
Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland, 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 006845
DATE 7-24-85 ACCOUNT 01-415-001
AMOUNT \$ 70.67
RECEIVED FROM [Signature]
FOR [Signature]
VALIDATION OR SIGNATURE OF CASHIER

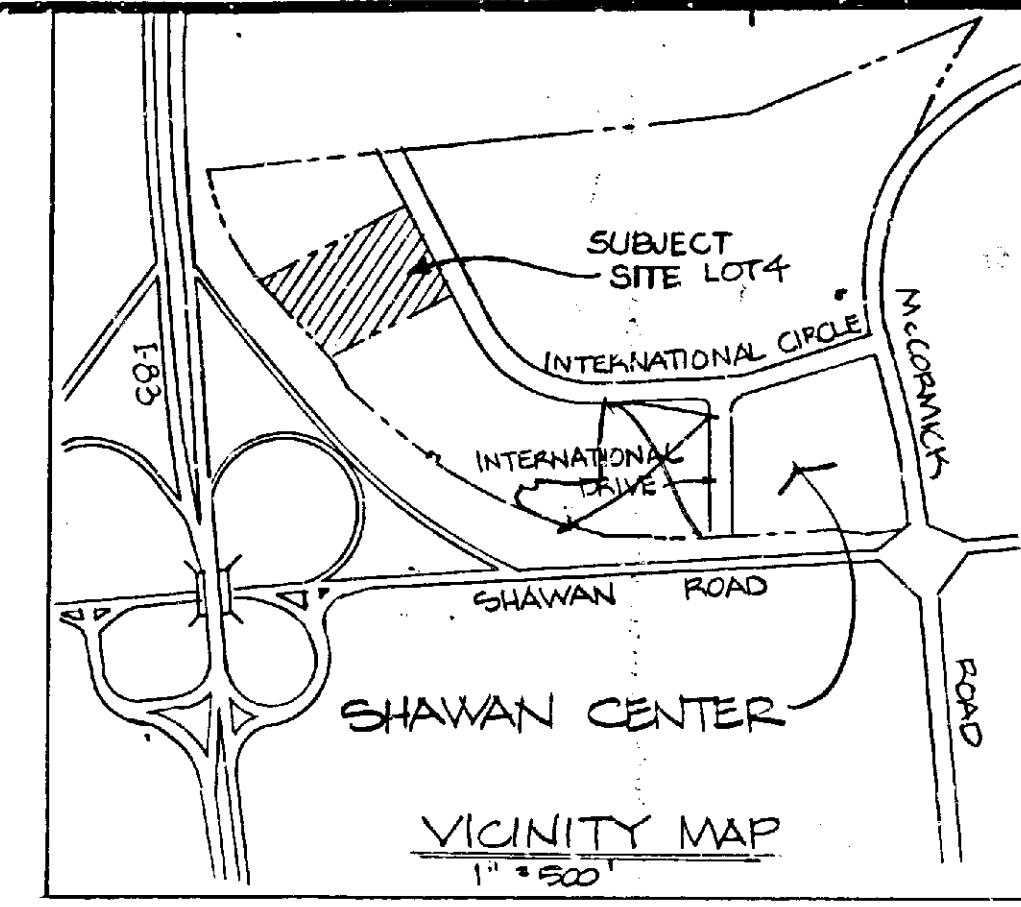
Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204
June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SW/S of International Circle, 981 ft. NW/
centerline of International Drive
8th Election District
McCormick Properties, Inc. - Petitioners
Case No. 86-40-A

TIME: 1:30 p.m.
DATE: Wednesday, July 24, 1985
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007477
DATE 7-24-85 ACCOUNT 01-415-001
AMOUNT \$ 175.00
RECEIVED FROM [Signature]
FOR [Signature]
VALIDATION OR SIGNATURE OF CASHIER

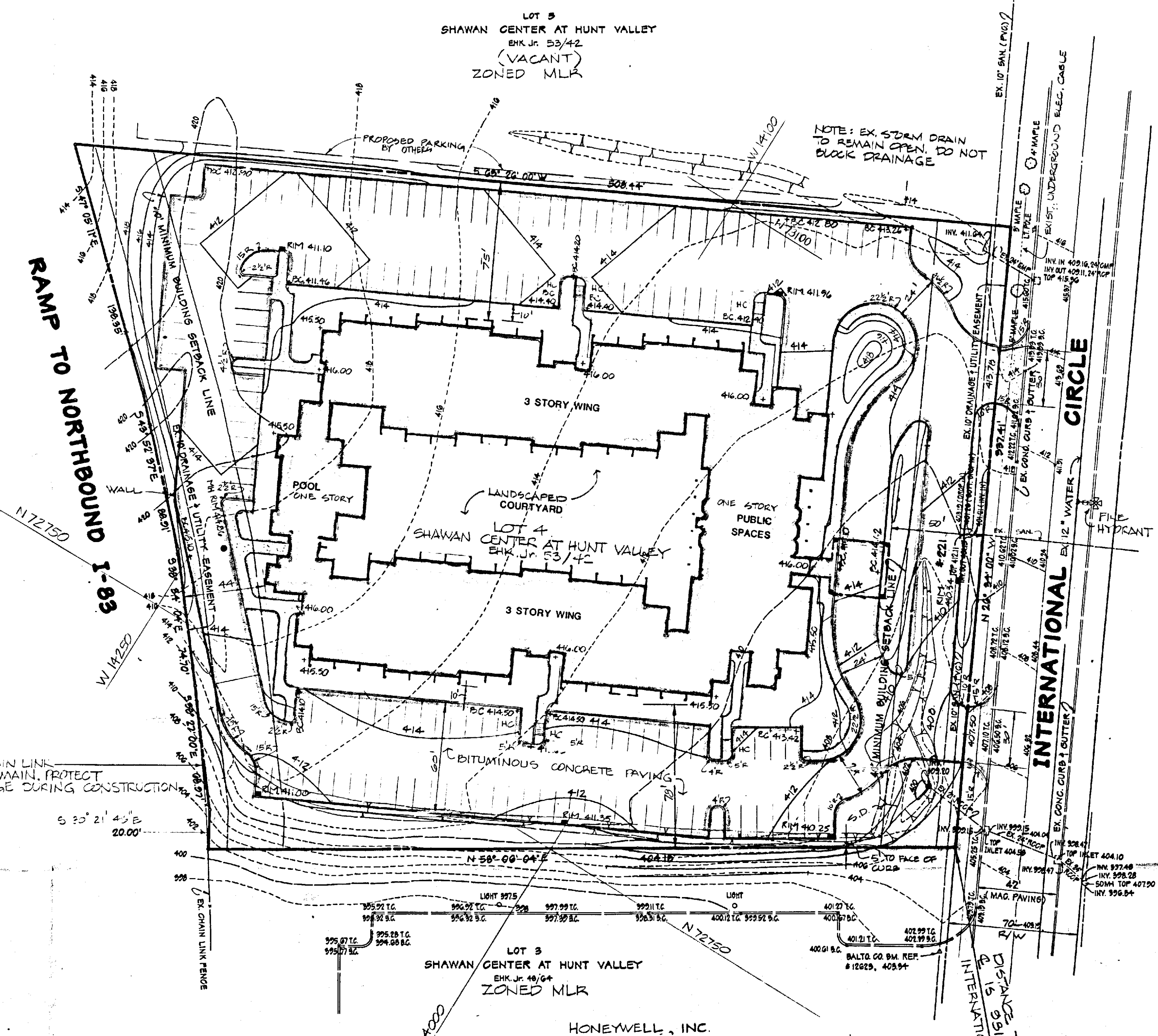


OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DEVOTED TO HOTEL USE:

NET LOT AREA ZONED MLR	49.47 AC
EXISTING HOTEL LOT 2	5.71
COURTYARD LOT 4	3.67
TOTAL HOTEL ACREAGE	9.38
PER CENT USED FOR HOTEL	18.96
- F.A.R., BUILDING COVERAGE

GROSS SITE AREA	172,278 SQ. FT.
NET SITE AREA (3.67 AC)	159,865 SQ. FT.
TOTAL BUILDING AREA	80,020 SQ. FT.
GROUND FLOOR BUILDING AREA	36,820 SQ. FT.
PER CENT OF SITE BLDG. COVERAGE	23.07%
FLOOR AREA RATIO	0.46



LOT 4
SHAWAN CENTER AT HUNT VALLEY
E.H.K. JR. 48/64
(VACANT)
ZONED MLR

PRINTED
DEC 02 1985
DAFT-McCUNE-WALKER, INC.

SITE DATA

LOT AREA	3.673 AC
ZONED	MLR
PERMITTED USES:	HOTEL, RESTAURANT, MEETING ROOMS

PARKING CALCULATIONS

USE	REQ. PARKING	NO. REQ.
146 HOTEL GUEST ROOMS 1/ROOM		146.00
RESTAURANT, KITCHEN, & 1/50 SQ. FT.		
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		60.6
3030 + 50 = 60.6		60.6
GAME ROOM - 240 SQ. FT.		
1 SPACE PER 300 SQ. FT.		0.8
TWO MEETING ROOMS - 1350 SQ. FT.		
SEATING CAPACITY: 25 SEATS		
PER ROOM X 2 = 50		
PARKING REQUIRED @ 1 SPACE/6 SEATS		8.33
TOTAL PARKING REQUIRED		215.73 SAY 216
TOTAL PARKING PROVIDED		160
VAP NCE REQUIRED FOR 50 SPACES		

REVISIONS

NO.	DESCRIPTION	DATE BY

DAFT-McCUNE-WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21284
TELEPHONE: (301) 294-3333

COURTYARD LOT 4 SHAWAN CENTER
ELECTION DISTRICT NO. 8
BALTIMORE COUNTY, MD

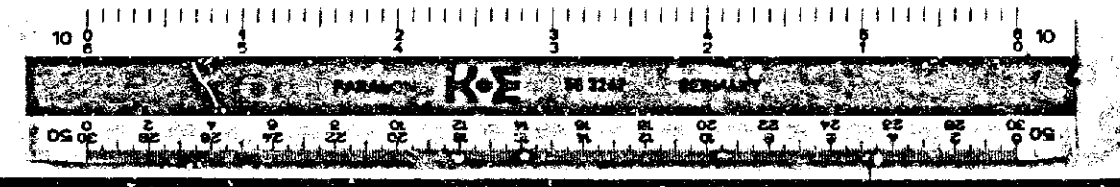


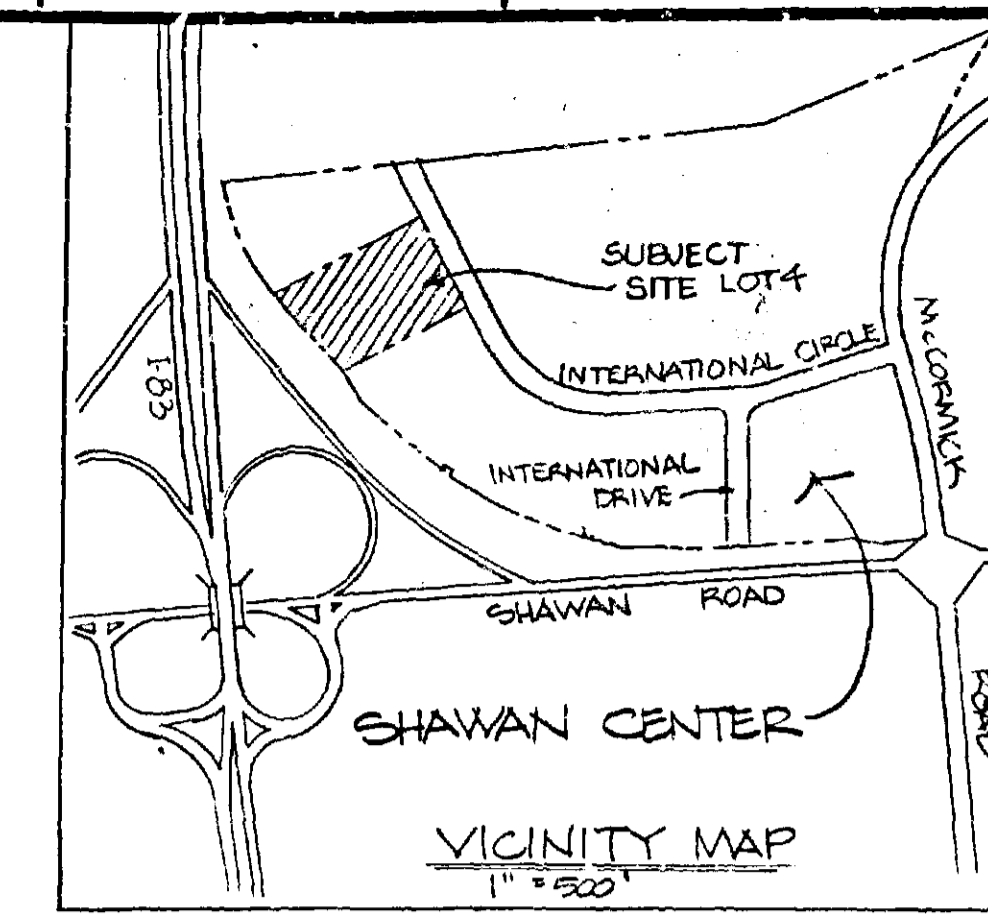
INTERNATIONAL HEADQUARTERS
MARRIOTT DRIVE
WASHINGTON, D.C. 20088

SHEET TITLE

DATE	REVISED
APP. BY	SCALE
JOB NO.	DWG NO.

DATE: DEC 4 1985
SCALE: 1" = 30'
JOB NO: C519
DWG NO: C-2



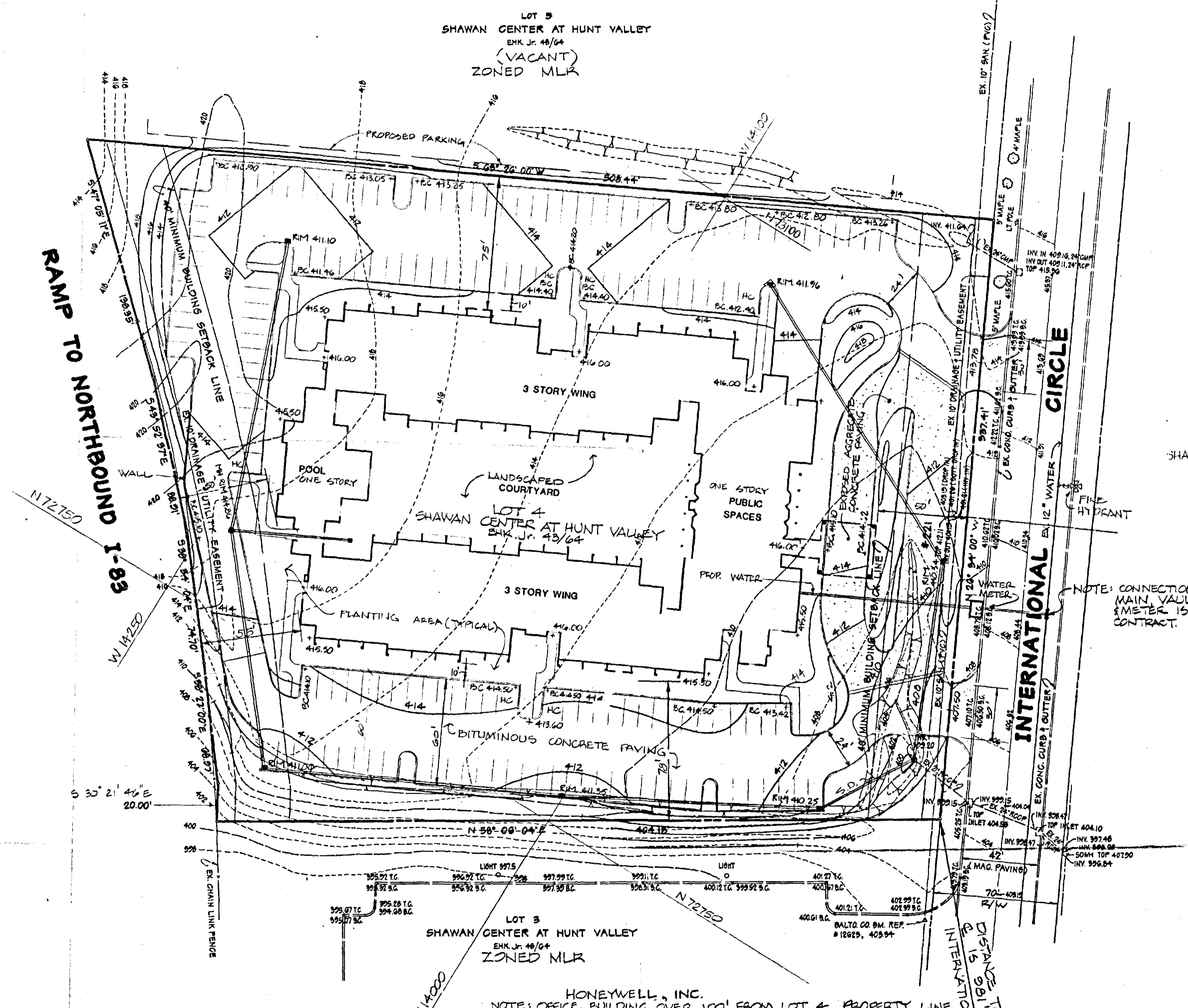


OTHER NOTES:

- AREA WITHIN SHAWAN CENTER DEVOTED TO HOTEL USE:

NET LOT AREA ZONED MLR	49,474 AC
EXISTING HOTEL LOT 2	5.71
COURTYARD LOT 4	3.97
TOTAL HOTEL ACREAGE	10.65
PER CENT USED FOR HOTEL	18.96
- F.A.R., BUILDING COVERAGE

GROSS SITE AREA	172,278 SQ. FT.
NET SITE AREA (3,673 AC)	159,805 SQ. FT.
TOTAL BUILDING AREA	80,020 SQ. FT.
GROUND FLOOR BUILDING AREA	36,830 SQ. FT.
PER CENT OF SITE BLDG. COVERAGE	23.07%
FLOOR AREA RATIO	0.46



LOT 4
SHAWAN CENTER AT HUNT VALLEY
E.H.K. JR. 43/64
(VACANT)
ZONED MLR

NOTE: CONNECTION TO WATER MAIN VAULT INSTALLATION & METER IS UNDER SEPARATE CONTRACT.

NOTE: DETAILED LANDSCAPE PLANS SHALL BE SUBMITTED AT TIME OF APPLICATION FOR BUILDING PERMIT.

SIGNAGE SHALL COMPLY WITH BALTIMORE COUNTY SIGNAGE REGULATIONS AND MCCORMICK PROPERTIES, INC.'S RESTRICTIVE COVENANTS FOR SHAWAN CENTER.

SITE DATA

LOT AREA	-	3,673 AC
ZONED	-	MLR
PERMITTED USES	HOTEL, RESTAURANT, MEETING ROOMS	

PARKING CALCULATIONS

USE	PER PARKING	NO. PER
146 HOTEL GUEST ROOMS	1/ROOM	146.0
RESTAURANT, KIT, LUN.	1/50 SQ. FT.	146.0
LOUNGE AREA - TOTAL SQ. FOOTAGE: 3030 SQ. FT.		
3030 ÷ 50 = 60.6		60.6
GAME ROOM - 240 SQ. FT.		
1 SPACE PER 300 SQ. FT.		0.8
TWO MEETING ROOMS - 1350 SQ. FT.		
SEATING CAPACITY: 25 SEATS		
PER ROOM X 2 = 50		0.33
PARKING REQUIRED @ 1 SPACE/6 SEATS		8.33
TOTAL PARKING REQUIRED = 215.73 SAY		216
TOTAL PARKING PROVIDED		160
VARIANCE REQUIRED FOR		56 SPACES

HONEYWELL, INC.
NOTE: OFFICE BUILDING OVER 100' FROM LOT 4 PROPERTY LINE.

NOTE: NO GAS MAINS EXIST IN ADJACENT STREET. NEAREST GAS MAIN IS AT INTERSECTION OF INTERNATIONAL CIRCLE & MCCORMICK ROAD.
UNDERGROUND ELECTRIC IS LOCATED IN UTILITY EASEMENT IN THE LOT FRONT YARD, WEST OF R/W LINE.

PRINTS ISSUED

NO.	DESCRIPTION	DATE BY
REVISIONS 0/18	OTHER NOTES	

OWNER
MCCORMICK PROPERTIES, INC.
11011 MCCORMICK ROAD
HUNT VALLEY, MD.

PLAN TO ACCOMPANY VARIANCE REQUEST
COURTYARD LOT 4 SHAWAN CENTER
ELECTION DISTRICT NO. 8
BALTIMORE COUNTY, MD.

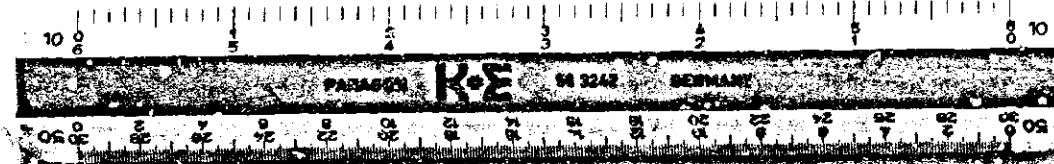
Marriott corporation
CONTRACT PURCHASER

33 PRINTED
INTERNATIONAL QUARTERS
MARRIOTT DRIVE
WASHINGTON, D.C. 20008

SHEET TITLE
SITE PLAN

DATE	4/25/85
SCALE	1" = 30'
APP. NO.	20810
DESIGNER	85046

1 of 1



86-443
Cook J.R.

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

August 16, 1985

8:06 AM
ZONING DEPARTMENT

HAND DELIVERED

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

Re: Case No. 86-40-A - Petition for Variance
Marriott Corporation

Dear Mr. Jablon:

This firm represents the Protestant in the above-captioned matter, Middex Hospitality, Inc., 600 Madison Avenue, New York, New York 10022. Please note the appearance of John B. Howard, Esquire and Deborah C. Dopkin, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, 823-4111, on behalf of Middex.

Sincerely,
Deborah C. Dopkin
Deborah C. Dopkin

cc: John B. Howard, Esquire
Richard A. Reid, Esquire

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
TELEPHONE 823-1800
TELEFAX 823-1800

86-453
shuk S

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
TELEPHONE 823-1800
TELEFAX 823-1800

August 15, 1985

HAND DELIVERED

Arnold Jablon, Zoning Commissioner
Office of Zoning
Court House
Towson, Maryland 21204

Re: Case No. 86-40-A - Petition for Zoning
Variance, LOT NO. 4, Shawan Center,
Hunt Valley - The Marriott Corporation, Petitioner

Dear Commissioner Jablon:

I have reviewed the Protestant's Memorandum filed in the above-entitled case by Mr. Howard on behalf of Middex Hospitality, Inc. My copy of the Memorandum was not signed by Mr. Howard. That is understandable. His client's position as set forth therein apparently is that the parking requirements for motels/hotels in Baltimore County should be applied without variation and be binding upon all but his client, which required a parking variance to construct its motel two lots away from Petitioner. The argument, of course, disregards the provision of B.C.Z.R., Section 307, authorizing the zoning Commissioner to grant variances from off-street parking regulations to all who meet the requirements therefor, not just Middex.

It is submitted that the evidence received by you at the hearing today amply justifies the granting of the variance requested by Petitioner because of practical difficulty and unreasonable hardship. No further response to the Memorandum is deemed to be necessary.

Very truly yours,
Richard A. Reid
Richard A. Reid

RAR/keg
cc: John B. Howard, Esquire
0799d

86-505
shuk S

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
TELEPHONE 823-1800
TELEFAX 823-1800

August 28, 1985

Arnold Jablon, Zoning Commissioner
Baltimore County Office of Zoning
Court House
Towson, Maryland 21204

Re: Case No. 86-40-A
Petition of McCormick Properties, Inc. for Variance

Dear Commissioner Jablon:

In reviewing your Opinion and Order of August 21, 1985, in the above-entitled case, I noted what I believe was a typographical error. The first line on page 2 indicates that the restaurant "will not be open at night." I believe you meant that sentence to read "will not be open late at night," which would be in accordance with the testimony presented to you.

I call the foregoing to your attention only for the sake of accuracy. I do not believe that it requires the issuance of a revised Opinion, and certainly has no effect on your Order of August 21st.

Very truly yours,
Richard A. Reid
Richard A. Reid

RAR:jse
cc: Phyllis Cole Friedman, Esq.
People's Counsel for Baltimore County
John B. Howard, Esq.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/W of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District : Case No. 86-40-A

MCCORMICK PROPERTIES, :
INC., Petitioner

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify that:

- I am a competent person over 18 years of age.
- I am not a party to this action.
- On the 8th day of August, 1985, at 4:16 p.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled matter on DAVID G. MONGAN, P.E., Kidde Consultants, Inc., 1020 Cromwell Bridge Road, Baltimore, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer
Private Process Server

0785d

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/W of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District : Case No. 86-40-A

MCCORMICK PROPERTIES, :
INC., Petitioner

ORDER FOR SUBPOENA DUCES TECUM

MR. COMMISSIONER:

Please issue a Subpoena Duces Tecum returnable to Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Thursday, August 15, 1985, to:

DAVID G. MONGAN, P.E., KIDDE CONSULTANTS, INC., 1016 Cromwell Bridge Road, Baltimore, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him all reports, worksheets, correspondence, traffic studies and counts and authorities upon which he relied in preparing his TRAFFIC ANALYSIS FOR PROPOSED MOTEL AT LOT 2 SHAWAN CENTER AT HUNT VALLEY for Middex Hospitality, Inc., completed on or about February 10, 1983 (Kidde Consultants, Inc. Job Order No. 01-83029).

By request of,
Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

86-501
shuk S

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District :
MCCORMICK PROPERTIES, INC., : Case No. 86-40-A
Petitioner

AFFIDAVIT OF COMPLIANCE

I, D. ELAINE SAUER, hereby certify that:

- I am a competent person over 18 year of age.
- I am not a party to this action.
- On the 23rd day of July, 1985, at 9:55 a.m., I personally served a copy of the attached ORDER FOR SUBPOENA DUCES TECUM in the above-entitled matter on Shirley Lorber, Administrative Assistant, Kidde Consultants, Inc. 1016 Cromwell Bridge Road, Baltimore, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer
Private Process Server

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of International : OF BALTIMORE COUNTY
Circle, 981' NW of the :
Centerline of International Drive, 8th District :
MCCORMICK PROPERTIES, INC., : Case No. 86-40-A
Petitioner

ORDER FOR SUBPOENA DUCES TECUM

MR. COMMISSIONER:

Please issue a Subpoena Duces Tecum returnable to Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, at 1:30 p.m. on Wednesday, July 24, 1985, to:

DAVID G. MONGAN, P.E., KIDDE CONSULTANTS, INC., 1020 Cromwell Bridge Road, Baltimore, Maryland 21204, commanding him to appear and be prepared to testify at the hearing of the above-entitled Petition and to bring with him all reports, worksheets, correspondence, traffic studies and counts and authorities upon which he relied in preparing his TRAFFIC ANALYSIS FOR PROPOSED MOTEL AT LOT 2 SHAWAN CENTER AT HUNT VALLEY for Middex Hospitality, Inc., completed on or about February 10, 1983 (Kidde Consultants, Inc. Job Order No. 01-83029).

By request of,
Richard A. Reid
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Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
823-1800
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 11, 1985

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

SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

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

NEG:JGH:slm

RE: PETITION FOR ZONING * BEFORE THE ZONING
VARIANCE * COMMISSIONER OF
LOT NO. 4, * BALTIMORE COUNTY
SHAWAN CENTER * No. 85-40A
HUNT VALLEY *
THE MARRIOTT CORPORATION *
Petitioner *

PROTESTANT'S MEMORANDUM
IN OPPOSITION TO PETITION FOR ZONING VARIANCE

Middex Hospitality, Inc., Protestant, by its attorneys, John B. Howard and Cook, Howard, Downes & Tracy, files this Memorandum in Opposition to Petition for Zoning Variance and states the following:

This case comes before the Zoning Commissioner of Baltimore County pursuant to the Petition of the Marriott Corporation for a variance from §409.2 of the Baltimore County Zoning Regulations to permit 160 parking spaces in lieu of 216 parking spaces as required. Protestant is the sole general partner of Hunt Valley Associates Limited Partnership, the owner of the real property known as Lot No. 2, Shawan Business Center, 213 International Drive, Hunt Valley, Maryland. Protestant is the owner and operator of the Embassy Suites Hotel now constructed upon the property.

ordinance and cause discrimination. Carney v. City of Balto., 201 Md. 130 (1952).

The extensive coverage of the site combined with the dramatic deviation from the regulations — some 26% — represents so great a relaxation of the regulations as to render the purpose for which they were enacted of no effect. The scope of the variance, if granted, would defeat the spirit and purpose of the parking regulations, and would exacerbate the very problems the ordinance is intended to alleviate.

II.

THE COUNTY COUNCIL DID NOT INTEND TO
RELAX PARKING REQUIREMENTS FOR
HOTEL-MOTEL USES IN THE MLR ZONE.

Prior to 1984, motels were not permitted in the MLR zone except by special exception. Baltimore County Zoning Regulations, §§101.248.3, 248.4b, 253.2.B. Bill No. 82-84, enacted in 1984, provides that hotels and motels may be constructed in the MLR and ML zones as a matter of right. At the time of the enactment, the legislative draftsman and County Council considered, but did not amend, the parking requirements applicable to this use.

The Baltimore County Office of Planning and Zoning is the administrative agency responsible for administering the Zoning Regulations. The professional

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QUESTION PRESENTED

WHETHER THE REQUESTED VARIANCE FROM §409.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO PERMIT 160 PARKING SPACES IN LIEU OF 216 PARKING SPACES AS REQUIRED, SATISFIES THE STANDARD OF PRACTICAL DIFFICULTY OR UNREASONABLE HARDSHIP REQUIRED PURSUANT TO §307 OF THE ZONING REGULATIONS?

ARGUMENT

I.

THE DIFFICULTY ALLEGED BY PETITIONER RESULTS FROM A PROPOSED USE WHICH OVERBURDENS THE SITE RATHER THAN FROM THE UNIQUE EFFECT OF THE ZONING REGULATIONS ON THE PROPERTY.

In order to obtain a variance based on practical difficulty, Petitioner must show the following:

1. Whether compliance with the strict letter of the restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
2. Whether a grant of the variance would do substantial justice to the applicant as well as to other property owners in the area, or whether stricter compliance than that applied for would give substantial relief to the owner and be more consistent with justice to the other property owners;
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean v. Soley, 270 Md. 208 (1973) citing 2 Rathkopf, The Law of Zoning and Planning (3d Ed. 1972), Anderson v. Board of Appeals, 22 Md. App. 28 (1974).

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planners within this agency also conduct research and make recommendations to the Baltimore County Planning Board and County Council for amending the Zoning Regulations.

When applying the requirements of §409.2 of the Baltimore County Zoning Regulations as it pertains to hotels and motels, the Office of Zoning has required that there be one parking space for each guest room plus additional parking for each other use included in the hotel facility. The Office of Zoning has neither interpreted nor applied this regulation to limit the parking spaces necessary to the number of rooms within the hotel, but has treated §409.2 as a minimum standard. Consistent construction by the agency responsible for administering a statute is entitled to considerable weight. National Asphalt Pavement Ass'n. v. Prince George's County, 292 Md. 75 (1981). Maryland courts have consistently given great weight to the administrative construction applied to a law over a long period of time and have held that such an interpretation should not be disregarded except for the strongest and most urgent reason. State Department of Assessments & Taxation v. Greyhound Computer Corp., 271 Md. 575 (1974).

The County Council, the legislative branch of county government, has acquiesced in this interpretation as recently as 1984 and by such acquiescence affirmed that this standard should continue to prevail. When the

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The difficulties alleged must be shown to be those which are "peculiar to the situation of the applicant... and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant." Petitioner must be able to show that its need is "substantial and urgent" and that because of its unique situation the burden of the ordinance does not serve the "essential legislative policy" and would constitute an unwarranted invasion of its basic property rights. McLean v. Soley, 270 Md. 212, citing Carney v. City of Baltimore, 201 Md. 130 (1952).

Petitioner's property rights are not subject to an unwarranted invasion by the strict application of the Baltimore County parking regulations. Compliance with the parking regulations here does not prevent use of the subject property for a permitted purpose. A motel is a use permitted by right; if the proposed motel involved less land coverage by buildings, Petitioner would have more area remaining to provide adequate parking. The alleged difficulty results from an overburdening use by Petitioner of his property. It is the purpose of the parking requirements to regulate and limit the permitted use. The spirit of the ordinance is aimed at preventing over intensive land use and avoiding congestion and similar problems.

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definition of hotels was amended in the Zoning Regulation, no accompanying relaxation of the parking regulation was enacted. Long continued acquiescence by the legislature in administrative interpretation of the statutes is indicative that the legislative intent is being carried out. Jackson Marine Sales v. State Department of Assessments & Taxation, 32 Md. App. 213 (1976). The event which precipitated the legislative change in the definition of a hotel/motel involved a zoning special exception and accompanying variance similar to the subject petition. Had the County Council intended to relax the standards for parking in this zone for hotels, such amendments would have been included within Bill 82-84.

Where the County Council has intended to relax the parking regulations, the Zoning Regulations reflect that intent. It is significant to note that the County Council has provided specific standards for modifying parking requirements in particular districts in recognition of the unique characteristics within those districts. Section 409.2. No such consideration was given to hotel use in the MLR zone, nor were the standards to be considered for granting exceptions set forth in greater detail or defined to modify the common law criteria, as they were by §409.2. Based on administrative construction and legislative intent, the parking

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Though the size of Petitioner's proposed motel may render it more profitable, an increased return is not a sufficient reason to grant a variance. Baltimore City v. Borkinsky, 239 Md. 611 (1965). Maryland cases have repeatedly held that the fact that a variance would make a property more profitable does not warrant a relaxation of the zoning regulations. Easter v. Mayor & C. C. of Balto., 195 Md. 395 (1950). Marino v. Mayor & C. C. of Balto., 215 Md. 206 (1957).

The Marino case also recognized the importance of traffic congestion as an element which should be considered in the grant of a variance. There, the traffic director for the City of Baltimore testified that the proposed variance would aggravate an existing congested situation. The Court held that where the variance would tend to increase congestion, not to lessen it, as was the intent of the statute, the variance had to be denied. 215 Md. at 222. The Baltimore County Department of Traffic Engineering has stated in its comments (May 20, 1985) that to grant the subject variance would result in parking problems. Based on the opinion of the County's own traffic engineers, the variance should be denied.

Maryland courts have avoided a liberal construction allowing exceptions to variance requirements for reasons that are not substantial and urgent because such a reading would tend to destroy the usefulness of the

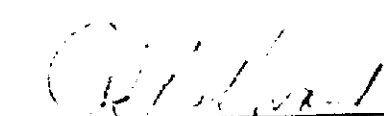
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requirements for hotel facilities in the MLR zone should not be relaxed.

CONCLUSION

As a matter of law, Petitioner has not demonstrated that the off-street regulations impose a unique and burdensome practical difficulty or undue hardship for which it is entitled to the requested variance.

Respectfully submitted,


JOHN B. HOWARD
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorneys for the Protestant

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McCormick Properties, Inc.
Case No. 86-40-A

In opposition to the petition, Mr. Edward Tracy, a Vice-President of Midtex, Inc., appeared. Midtex owns the neighboring/competing facility, the Embassy Suites Hotel. Mr. Tracy testified that he had visited a number of the Marriott locations featuring a facility of this type across the country. Based upon the highly successful nature of those operations and his extensive hotel management experience, Mr. Tracy expressed concerns regarding insufficient proposed parking for this project. As he is the owner of a nearby competitor, however, we must view these concerns with some degree of suspicion.

A somewhat more credible objection was opined however by a traffic engineer produced by the Protestants, namely, John Erdman. Rejecting Mr. Gavrelis's premise that the "component addition" theory on which the parking regulation is based is faulty, Mr. Erdman testified that a variance could not be supported. Mr. Erdman's report, which is in evidence, fully sets forth the nature of his objections. However, it may be best summarized by stating that if the facility enjoys the anticipated high rate of occupancy, there would be extremely limited parking available for employees and members of the public using this facility, assuming that each guest had his own automobile.

In determining whether the requested variance should be granted, we must apply the practical difficulty standard mandated in McLean vs Soley 220 MD 208 (1973). The standard for establishing practical difficulty is as set forth in the Zoning Commissioner's opinion and Anderson vs Board of Appeals, Town of Chesapeake Beach, 22 MD App. 28, 1974. That is:

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

McCormick Properties, Inc.
Case No. 86-40-A

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Upon review of all of the evidence, we believe that the Petitioners have met their burden and that, therefore, the requested variance should be granted. Although we will not reject the parking regulation standard as was suggested by Mr. Gavrelis, we believe that the proposed number of spaces is sufficient for the type of facility proposed here; a "no frills" hotel. We must, however, consider Mr. Erdman's objections as well taken. Although we believe that the proposed parking will adequately service the hotel's guests, any significant use by the public of this hotel will surely cause spillage. We therefore will grant the variance with restrictions to discourage use of this facility by anyone other than guests.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Zoning Variance to permit 160 parking spaces instead of the required 216 spaces be and is hereby GRANTED, subject to the following restrictions:

- 1) There shall be no public advertising for the restaurant or lounge.
- 2) The meeting room shall not be made available to or be rented to individuals other than hotel guests.
- 3) The pool and any other recreational facilities will be open to guests only and not the general public.

McCormick Properties, Inc.
Case No. 86-40-A

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Lawrence E. Schmidt

Patricia Phipps

IN RE: PETITION ZONING VARIANCE
S/W/S of International Circle,
981' NW of the centerline of
International Drive - 8th
Election District
McCormick Properties, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-40-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 160 parking spaces instead of the required 216 spaces, as more particularly described on Petitioner's Exhibit 9.

The Petitioner appeared, as did its Contract Purchaser, the Marriott Corporation (Marriott), by Ray Warner, its Director of Development, who testified. Also appearing on behalf of the Petitioner was George E. Gavrelis, an expert planner. The Petitioner introduced into evidence a deposition of John W. Guckert, an expert traffic engineering transportation planning consultant who could not be present. See Petitioner's Exhibit 10. There was no objection by Counsel for the Protestant Midtex Hospitality, Inc. (Midtex). Additionally, Edward Tracy, Vice President of Hotel Operations, and John Erdman, an expert traffic engineer, appeared and testified on behalf of the Protestant. Both the Petitioner and the Protestant were represented by Counsel.

Testimony indicated that the subject property, zoned M.L.R. and consisting of approximately 3.7 acres, is located on International Circle in the Shawan Center in Hunt Valley. Marriott proposes to construct a hotel which will cater to the transient commercial traveler. It will be a new approach taken by them in that it will not provide the full range of services normally associated with Marriott hotels. Rather, it will only have a small restaurant, referred to by the Petitioner as an "upgraded coffee shop", with a limited menu, which will not

be advertised to the general public and will not be open at night. There will be no room service. It will also have a lounge with a utilitarian bar to prepare drinks which will be served by a waiter or waitress and no entertainment. There will be no stand-up bar. There will be two small meeting rooms, and no convention facilities or retail space will be provided.

The hotel will be constructed around a courtyard with the wings utilized for 146 guest rooms, the front being the public area, and the rear being an indoor pool, open only to guests. The wings will be three stories; the public building will be one story.

The Contract Purchaser presented a report prepared by The RBA Group entitled "Traffic Generation Study for Courtyard by Marriott", dated March, 1985, which analyzed the parking demands for courtyard hotels and was based on a study of those hotels existing in Atlanta. See Petitioner's Exhibit 9. The conclusion reached therein and supported by Mr. Guckert is that the average parking space demand per occupied room for the Courtyard Hotel concept is 0.65. Assuming that all 146 rooms were occupied at the same time, 95 spaces would be sufficient to satisfy the parking demand.

Mr. Warner testified that, based on his experience and in his opinion, the proposed 160 parking spaces, including six handicapped spaces, with a maximum of 15 employees on the site at any one time, would be more than sufficient to meet the parking demand. If the required 216 spaces were provided, the property could not be utilized for its intended purpose.

Mr. Gavrelis testified that, in his opinion, a practical difficulty would exist if the variance were denied. He agreed with Mr. Warner and Mr. Guckert in their analyses that 160 spaces were sufficient.

Mr. Tracy, however, testified that the variance should not be granted. On July 3, 1985, he visited four of the Marriott Courtyard Hotels in Atlanta and

concluded that there was a spill-over effect on at least one of the sites and that the meeting rooms could be rented to the general public, notwithstanding Mr. Warner's testimony to the contrary. Indeed, Mr. Warner testified that the approach taken by Marriott with its courtyard hotels would not be to affirmatively attract the general public, thereby reducing the appeal that many hotels have to the general public, which in turn requires additional parking. Mr. Tracy disagreed and believes Marriott's new concept will be as attractive to the general public as any hotel.

Midtex is concerned that there will be a spill over of automobiles which could not find parking on the instant site to its property located two parcels away. The Protestant's hotel will open around October, 1985. Mr. Erdman agreed and testified that, based on his experience, he believes too few spaces are proposed and a spill over would definitely be created. See Protestant's Exhibit 2.

It is significant to note that on February 24, 1983, Midtex received a variance to permit 357 parking spaces instead of the required 406 spaces, as well as other assorted variances, a special exception, and a special hearing (Case No. 83-178-KSFA).

Both sides agreed that the normal industry standard is one space for each room; however, they disagreed as to whether this standard includes accessory services, i.e., restaurant, lounge, and meeting rooms. Mr. Erdman argued that it does not. However, in a report prepared by Midtex to support its case, the traffic engineer concluded that facilities such as the hotel to be constructed by Midtex should not be treated as individual components, i.e., rooms, restaurant, lounge, et al. The report went on to state that there is an inter-relationship. Although Mr. Erdman disagreed, it appears that at the time the requested variance to the parking requirements was made in 1983, this position was made known to the Deputy Zoning Commissioner, who granted the relief prayed

for. In considering the entire report as a whole, the standard of one space per room, including the accessory services, seems to have been adopted by Midtex.

The Petitioner seeks relief from Section 409.2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The Protestant strongly believes that the variance requested by Marriott, which will permit 1.1 spaces per room if granted as contrasted with its own variance permitting 1.6 spaces per room, will be insufficient to meet the parking demand and that automobiles will park on Midtex's lot. Therefore, it requests that the instant variance be denied.

While it is true that financial considerations are not to be considered in the granting or denial of a variance, it can be assumed that the requisite 216 parking spaces could be provided if the hotel were smaller. It could also be assumed that Midtex could have met the BCZR if its hotel were smaller. Indeed, it might be that if the tennis courts were deleted or the other setback requirements met, Midtex might have provided the full complement of spaces. Midtex, as well as Marriott, decided how many rooms and what kinds of services it wanted to provide based on financial considerations, and thereafter, it determined the size and scope. Midtex not only received a parking variance but also a floor area ratio variance, side and front yard setback variances, and a side yard variance for the tennis courts. The request for these variances, the special exception for a motel, and the special hearing for a business sign were made based on a detailed cost analysis which included the size of the property and the projected income. Marriott is no different and the conclusions reached were exactly the same. The size of the building, projected use, market analysis, etc., dictated Midtex's and Marriott's requests.

Will there be spill over? There is no absolute answer, and with expert testimony presented by both sides being contradictory on this point, a decision

can only be made based on equity. There is no question that the hotel proposed by Marriott cannot be constructed unless the requested parking variance is granted, just as the hotel proposed by Midtex could not be constructed if all of the requested variances were not granted. The Zoning Commissioner agrees with all of the legal points made by the Protestant in its Memorandum in Opposition to the Petition for Zoning Variance but not to its conclusions. Nonetheless, it is clear that the Petitioner has demonstrated a practical difficulty. After all of the testimony and exhibits presented by both sides, it is concluded that the requested parking variance will not create an adverse impact on the community and will be in the spirit and intent of the BCZR. Mr. Warner's testimony is convincing. It seems that Midtex wishes to avail itself of the system by playing it at its weakest points and against itself.

"Every form of government tends to perish by excess of its basic principle." Plato, Republic.

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 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 advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of August, 1985, that the Petition for Zoning Variance to permit 160 parking spaces instead of the required 216 spaces be and 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:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.
- The meeting rooms shall not be made available to or be rented to the general public.
- There shall be no public advertising for the restaurant or lounge.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Richard A. Reid, Esquire
John B. Howard, Esquire
People's Counsel

- 6 -

IN RE: PETITION ZONING VARIANCE * BEFORE THE
SW/S of International Circle, 981' NW of the centerline of International Drive - 8th Election District * ZONING COMMISSIONER
McCormick Properties, Inc. * OF BALTIMORE COUNTY
Case No. 86-40-A

Petitioner *

* * * * *

ORDER OF APPEAL

Mr. Zoning Commissioner:

Please enter an Appeal on Behalf of Midex Hospitality, Inc., Appellant, from the Order of the Zoning Commissioner dated August 21, 1985, in the above-referenced case to the Board of Appeals for Baltimore County. The Appellant's address is 600 Madison Avenue, Maryland.

2. for the filing costs is

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

DATE: 8/21/85 ACCOUNT: No. 012539

AMOUNT: \$ 100.00

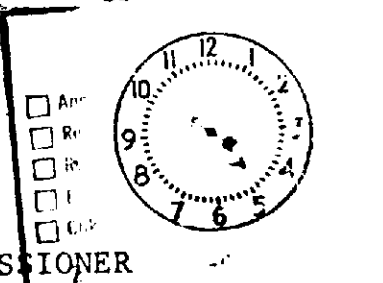
RECEIVED FROM: Cash, Richard A. Reid, Esquire, People's Counsel

FOR: Midex Hospitality, Inc., 600 Madison Avenue, Baltimore, MD 21204

VALIDATION OR SIGNATURE OF CASHIER: *[Signature]*

Richard A. Reid, Esquire
Phyllis Cole Friedman, Esquire

SEP 16 AM



Erdman and Associates, Inc.
Consulting Engineers

MARRIOTT CORPORATION
PETITION FOR ZONING VARIANCE

The Marriott Corporation, as contract purchaser, and McCormick Properties, Inc., as legal owner, have filed a Petition For Zoning Variance from section 409.2 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County. This variance would permit 160 parking spaces in lieu of 216 parking spaces required by the Regulations.

The property which is the subject of this Petition is the 3.673 acre parcel known as Lot 4, "Shawhan Center At Hunt Valley". The property is located on the southwest side of International Circle, west of International Drive, in the Eighth Election District of Baltimore County, Maryland. The Lot is zoned MLR and the uses proposed (Hotel, Restaurant, and Meeting Rooms) are permitted uses within an MLR zone.

The contract purchaser proposes to construct 146 Hotel Guest rooms; a 3030 square foot Restaurant, Kitchen, and Lounge; a 240 square foot Game Room; and two Meeting Rooms of 1350 square feet. A tabulation of the parking required, as presented on the plan to accompany variance request, follows:

Use	Unit	Quantity	Parking Required
Hotel Guest Rooms	Room	146	146.0
Restaurant, etc.	Sq. Ft.	3030	60.6
Game Room	Sq. Ft.	240	0.8
Meeting Rooms	Seats	50	8.33
Total			215.73
Say			216

The petitioner proposes to provide 160 parking spaces; a variance of 56 spaces would be required.

The precise magnitude of this variance can best be understood by inspecting more completely, the information presented

Erdman and Associates, Inc.
Consulting Engineers

with this Petition:

TABLE 2

Hotel Guest Room Parking	160 spaces
Parking Provided	146 spaces
Hotel Parking Required	146 spaces
Difference	14*spaces
Other Use Parking	
Restaurant	60.6 spaces
Game Room	0.8 spaces
Meeting Rooms	8.33 spaces
	69.73

*Six (6) of these spaces are reserved for the handicapped and are not available for use by the general public. Therefore, only eight (8) of these spaces may be available. If the variance were granted, and if each Hotel guest room were occupied by a party which had arrived by automobile, and if none of the handicapped spaces were occupied, eight (8) parking spaces would be available to serve the other uses, including Hotel/Restaurant employees. This may not be a scenario which would occur every day, but it must be the goal of the management to fill the facility as often as possible. To the extent that the management is successful, this scenario will be experienced.

Inspection of Table 2 reveals that only the number of spaces required to serve the Hotel and Restaurant are large enough to provide a reduction of the magnitude (56 spaces) of the requested variance. Either the Hotel or the Restaurant would have to be underutilized. In projects configured with larger meeting/function facilities, underutilization of those facilities (because of peak use periods which do not coincide) could contribute to the reduction of parking requirement. The inability to identify major alternate uses (meeting/function

Erdman and Associates, Inc.
Consulting Engineers

rooms) within the proposed development severely limits the primary justification for approving the requested variance. Further concern must result from the magnitude of the variance.

	TABLE 3
Parking Required	216 spaces
Parking Provided	160 spaces
Variance	56 spaces (26%)

The Petition requests that twenty-six (26%) percent of the required parking be eliminated and that only seventy-four (74%) percent of the required parking be provided.

In summary, the petitioner asked that a substantial portion (26%) of the parking requirement be eliminated through this variance, while proposing a combination of uses for the property which does not provide for the separation in time of peak usage which is a primary justification for approving such variance.

Erdman and Associates, Inc.
Consulting Engineers

	Lot 2 Embassy	Lot 4 Marriott
Parking Provided	357	160
Hotel Parking Required	225 (1.59)	146 (1.10)
Difference (1-2)	+132	+ 14
No. of Rooms	225	146
Other Requirements		
Restaurant	118 *	60.6
Game Room		0.8
Meeting Rooms	60 **	8.33
Retail	3	
Total Required	406	216
Variance	49 (12%)	56 (26%)

*restaurant open during a.m. period only
**meeting rooms usually not used during a.m. period

1 RE: Petition for Zoning Variance : BEFORE THE
2 Lot No. 4, Shawhan Center : ZONING COMMISSIONER
3 Hunt Valley : OF
4 The Marriott Corporation, : BALTIMORE COUNTY
5 Petitioner : No. 86-40A
6 : :

APPEARANCES:

7 RICHARD A. REID, ESQUIRE,
8 In behalf of the Petitioner
9 JOHN B. HOWARD, ESQUIRE,
10 In behalf of the Protestants

11 Deposition of JOHN W. GUCKERT, taken in behalf of the
12 Petitioner, before Kathryn M. Benhoff, a Notary Public in and
13 for Baltimore County, State of Maryland, at the offices of
14 Richard A. Reid, Esquire, Suite 600, 102 W. Pennsylvania
15 Avenue, Towson, Maryland 21204, at 2:00 o'clock, P.M.,
16 August 14th, 1985.

17 Reported by:
18 Kathryn M. Benhoff
19
20
21

[Signature]
BERNARD DANKER ASSOCIATES
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SERVING MARYLAND ATTORNEYS SINCE 1942

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MR. REID: This deposition is being taken by me because Mr. Guckert will be unable to appear at the hearing tomorrow in this matter which is scheduled for 10:00 A.M., and the deposition by agreement is to be submitted in lieu of Mr. Guckert's live testimony at the trial.

JOHN W. GUCKERT, a witness produced on call of the Petitioner, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. REID:

Q State your full name, please.

A My name is John W. Guckert, G-U-C-K-E-R-T, address is Suite 220, 2360 West Joppa Road, Lutherville, Maryland.

Q What is your occupation, Mr. Guckert?

A I am a Traffic Engineering Transportation Planning Consultant.

Q And what are your qualifications to engage in that occupation?

MR. HOWARD: I will stipulate, Mr. Reid, Mr. Guckert's qualifications. I have known him for years, and he's

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appeared on many occasions in zoning matters, and I think I have no problem in stipulating he has the highest qualifications.

MR. REID: All right, thank you.

Q You have qualified as an expert in that field before Courts and Administrative bodies in the State of Maryland, have you not?

A Yes.

Q And that includes the Circuit Court for Baltimore County and the Zoning Commissioner and the Board of Zoning Appeals of Baltimore County?

A That's correct.

Q On many occasions?

A That's correct.

Q Are you familiar with a hotel known as the Courtyard by Marriott which is proposed to be constructed on Lot 4, International Circle, Shawan Center, Hunt Valley?

A Yes, I am.

MR. REID: And I ask that this plat be marked as a Deposition Exhibit.

(Whereupon Guckert Deposition Exhibit No. 1 was marked for identification by the Reporter.)

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Q Mr. Guckert, I have shown you a Plat marked Deposition Exhibit 1 and ask you if you recognize that plat?

A Yes, it is a site plan for the Marriott Courtyard project for Lot 4 in the Hunt Valley area.

Q And does it show computations with respect to the parking provided by Marriott for that facility?

A Yes, those computations are shown in the lower right-hand corner of the Exhibit.

Q And how many parking spaces are provided?

A There are one hundred sixty parking spaces provided for the one hundred forty-six guest rooms in the facility.

Q All right, and does the plat also show the parking requirements as required by Baltimore County?

A Yes, there is a breakdown showing the number of guest rooms and the number of spaces required for each of those rooms, which is one, and then breaks down the restaurant, kitchen facilities, lounge area, game room, meeting rooms, etcetera, so that the total parking required by Baltimore County is shown as two hundred sixteen parking spaces.

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Q Have you, at my request, made a study of the traffic and the proposed parking for that facility?

A Yes.

Q What did your study consist of?

A My study consisted of a field investigation of the roadways and general area. It also consisted of a review of the Baltimore County Basic Services map as well as research into data that I have previously collected at other similar facilities, hotel-motel facilities, regarding parking space demand for this type of operation.

Q Did you also consider the study that was conducted by a group known as the RBA group in March, 1985 for Marriott with respect to three of its Courtyard Hotels in Atlanta?

A Yes, I did review that information.

Q Did you also review the industry standards with respect to parking for hotels and motels?

A Yes, the most recent industry standard is a highly recognized and I think acclaimed document that was published by the Urban Land Institute called "Shared Parking". That document was recently published and has and shows parking characteristics for various land uses, including hotels.

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Q And, of course, you also reviewed the plans for this specific hotel?

A That's correct, regarding the internal parking and circulation.

Q Did you also make an investigation with respect to the type of facility that was proposed here by Marriott with respect to the use of the rooms other than guest rooms?

A As it relates to the meeting rooms that are detailed on the plan, yes. I had discussions with Marriott officials, and generally, those meeting rooms are going to be limited in use by the guests who are staying at the room unlike other, I will say larger facilities such as the Hunt Valley Inn where the meeting and conference facilities are oftentimes and probably, I would say, the majority of the time, their conference facilities are generally leased or rented by people who are not even staying in the facility, so there is a vast contrast, a vast difference in how the meeting rooms in the Courtyard project will be used and leased versus what would be considered a standard type hotel; again, that difference is that the rooms will not be leased to people, someone coming, for example, from a nearby business

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who wants to use a room for a conference. That will not be the purpose of the two meeting rooms that are proposed for this site. It will strictly be for guests of the facility such as a businessman or several businessmen staying there who want to have a meeting and want to have it somewhat in neutral territory or their own territory and are able to have the meeting there where they are staying.

Q Did your investigation also include an inquiry as to the type of restaurant and lounge facilities that will be provided?

A Yes, again, unlike many other hotels, the restaurant facilities are not going to be geared towards providing food service to people outside of the facility. That is to say, it is going to be geared to its providing food, quality food but not certainly gourmet food, to the guests of the hotel. It is my understanding that the restaurant facility itself will not even be advertised. It will simply be an adjunct for ancillary use to the hotel rooms itself. Likewise, with the lounge which will -- a person could obtain a drink, but it will not be a lounge as is normally referred to where there is a full service bar with music and entertain-

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ment, that type of thing. All of the facilities that will be on site are geared towards internal use, that is use by the guests of the hotel, and are not being presented, marketed, or publicized for those who are outside the facility, although obviously, they would not be prohibited other than the meeting rooms; but it is not anticipated that you'd have someone coming off the street to come in and have a drink or eat dinner at the facility.

Q Taking one at a time the various studies that you reviewed, what did your study show with respect to the three Courtyards by Marriott in Atlanta with respect to the parking requirements for those Courtyards?

A As I stated earlier, there was a trip generation study that was conducted for the Marriott Corporation by the RBA Group. This study details the maximum number of parking spaces that were occupied at what would be considered peak periods, that is to say, for facilities like this. Late evening, early morning hours when someone is sleeping is the time that this type of facility will achieve its highest number of parked vehicles. The study was conducted for the Marriott Corporation at three different facilities in the

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Atlanta area.

Q Would you just describe those, please, the three facilities?

A By name?

Q By name.

A Windy Hill, North Lake and Johnson Ferry were the three facilities in the Atlanta area.

Q And how do those facilities compare with the Courtyard planned by Marriott at the subject site?

A Just about identical. The subject site may have a few more guest rooms, but with respect to the development of the site as a whole, its facilities, restaurant, etcetera, it is identical.

Q And what do those studies indicate?

A Those studies indicate after a review of the parking at all three facilities for a six-day period that the parking demand required or the number of parking spaces required for this type of facility ranges from an average low of .58 spaces per room to a high of .74 spaces per room. That is to say, looking at a conservative or worst case condition, less than one space per room was found to be

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1 required to serve this type of facility.
 2 Q When you say required to serve this type of
 3 facility, are you talking about the total facility including
 4 the restaurant, meeting rooms, the swimming pool, the guest
 5 rooms --
 6 A Yes.
 7 Q -- employee parking and everything?
 8 A Yes, that's correct. Now, let me just take a
 9 few moments to go over why the study would be done at the
 10 time it was done. During the daylight hours is the time when
 11 the hotel is really going to be least occupied by guests.
 12 That would be the time when there may be more employees on
 13 site. During the late afternoon is the time when employees
 14 are starting to leave and the guests are starting to arrive.
 15 During the evening, early evening hours, you will have guests
 16 that will be leaving the facility for meetings, entertainment,
 17 dinner off-site, and that's the time when most of the
 18 employees in the facility are gone. That's the -- I will
 19 call it the clean up crews for lack of a better word. I
 20 can't think of the word I am looking for.
 21 Q housekeepers?

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1 A Housekeepers, housekeeping staff is generally
 2 gone late in the afternoon, early evening, so what occurs,
 3 and not only at this site but at other facilities that are
 4 comparable, is that from midnight on when the guests are
 5 finally settled in for the evening is the time that you are
 6 going to get your highest occupancy of parking spaces.
 7 Q When you use the term guests in your testimony,
 8 you are referring to residents of the hotel?
 9 A Temporary residents of the hotel, right. So the
 10 time of the study is critical, obviously, because had the
 11 study been conducted at what would be considered the normal
 12 peak for other types of commercial uses such as if it was an
 13 office building, you would look at it late morning, early
 14 afternoon; if it was completely a restaurant, you would look
 15 at it early evening; if it was a hotel/motel that had a
 16 full service gourmet restaurant with lounge, you would obviously
 17 want to look at it between the six and nine, six and ten P.M.
 18 time frame; but with this type of facility, based on my
 19 experience and other studies that I have conducted, looking
 20 at the site very late evening, early morning hours is most
 21 representative of peak number of parked cars.

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1 MR. REID: I would ask you to mark that report
 2 as Deposition Exhibit 2.
 3 (Whereupon Guckert Deposition Exhibit No. 2 was marked
 4 for identification by the Reporter.)
 5 MR. HOWARD: You have no objection to letting us
 6 have a copy of this?
 7 MR. REID: No.
 8 A That Deposition Exhibit No. 2 also contains trip
 9 generation data as well.
 10 Q You also said that your investigation included
 11 studies that you had made yourself at similar facilities.
 12 Where were those facilities?
 13 A I conducted a series of parking space demand
 14 studies at a Days Inn, D-A-Y-S I-N-N, along Shady Grove Road
 15 in Gaithersburg, Maryland. These studies were conducted at
 16 various time periods in 1981 and 1982 throughout various hours
 17 of the day in an effort to arrive at the same type of information
 18 that was found by the RBA Group for the Marriott group in their
 19 study of March, 1985, which is Deposition Exhibit No. 2. The
 20 Days Inn has a similar type facility to the Courtyard at
 21 Marriott inasmuch as their restaurant is low-keyed and geared

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1 for the occupants of the facility, they do not have conference
 2 facilities, and from that standpoint, the operations are very
 3 similar.
 4 (Whereupon a brief recess was taken.)
 5 Q You were talking about Days Inn, Gaithersburg,
 6 and I think just before we took a little break, you told us
 7 about the comparability of it to the Courtyard by Marriott
 8 planned for the subject site.
 9 A Yes, some of the other comparabilities is its
 10 juxtaposition to both the interstate highways, which in the
 11 Gaithersburg area, the Days Inn is very close to I-270 and
 12 sits just, I will say, outside within several hundred feet of
 13 a major industrial area that exists along both sides of I-270,
 14 so it serves a business traveler as well as others, which I
 15 suspect the Courtyard at Marriott will also serve both types
 16 of travelers. So not only is it comparable in terms of
 17 services provided, but in location, I think demographics with
 18 respect to how the facility will be used and by whom it is
 19 being used. We conducted observations at various times
 20 throughout the day, which we found that at all other times
 21 other than in the very late evening, the demand of the number

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1 of parking spaces was substantially less. What we found was
 2 for four different midnight observations an average of .66
 3 vehicles per occupied room being parked on the site and
 4 again, that's based on occupied rooms, not gross number of
 5 rooms in the facility, but on occupied rooms.
 6 Q Again, although that is .66 per occupied room,
 7 based upon what you have testified to before, I gather that
 8 means that the vehicles there represented the total number of
 9 vehicles there, whether they were for people staying in the
 10 rooms as residents or there for any other purpose?
 11 A That's correct.
 12 Q All right, did you make any other studies yourself
 13 with respect to the parking requirements of hotels?
 14 A There was one other study that I have access to,
 15 counts that were conducted early morning hours in that same
 16 Days Inn facility that were conducted throughout 1981 by
 17 the Churchman Corporation, which I believe is one of the owners
 18 of the Days Inn facility, and they conducted thirty-six
 19 observations at a time when the facility was one hundred
 20 percent occupied and found an average of .70 vehicles per
 21 room at that same facility.

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1 Q And again, that refers to the vehicles of all
 2 people using the facility, not just the residents?
 3 A That's correct. That is a summary of the data
 4 that I have collected regarding parking space demands for this
 5 type of facility.
 6 Q Now, as a result, what conclusions did you reach
 7 with respect to the parking required for the Marriott
 8 Courtyard at the subject site based upon your studies and
 9 investigation?
 10 A Based upon my studies and investigation, it is
 11 my opinion that something less than one parking space per room
 12 would be sufficient to accommodate the maximum number of
 13 vehicles that would likely have a desire to park on the site,
 14 but certainly the number of spaces that are proposed for this
 15 site, which is in excess of one, is certainly sufficient in
 16 my opinion to handle the peak demands.
 17 Q The number of rooms at this facility total a
 18 hundred forty-six, do they not?
 19 A That's correct.
 20 Q And a hundred sixty spaces are provided?
 21 A That's correct.

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1 Q What is the basis of your conclusion?
 2 A The basis of my conclusions are the traffic
 3 study that was prepared and undertaken by the RBA Group for
 4 the Marriott Corporation looking at specific identical
 5 Courtyard facilities in Atlanta as well as the studies that
 6 were undertaken on a local basis for the Days Inn in
 7 Gaithersburg.
 8 Q All right, in your opinion, is the parking
 9 provided for the Courtyard by Marriott at Hunt Valley on the
 10 subject site as shown on the plan adequate to serve the needs
 11 of that facility?
 12 A Yes.
 13 Q Are you familiar with the level of service at
 14 intersections in the vicinity of the proposed hotel?
 15 A Yes, I am at what is considered the key inter-
 16 section in the vicinity of the site, the intersection of
 17 McCormick Road and Shawan Road.
 18 Q What is the level of service at that intersection?
 19 A The Basic Services Map that was adopted in
 20 December of 1984 lists that intersection as operating level
 21 of service D.

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1 Q And what does that mean?
 2 A That means that there is additional capacity
 3 remaining at the intersection to accommodate additional trips
 4 and that with respect to Baltimore County, the intersection
 5 is operating at an acceptable level of service and is not
 6 what is considered at capacity nor is it falling.
 7 Q Would the development of the subject facility,
 8 the Courtyard by Marriott, have any adverse impact on the
 9 level of service at that intersection?
 10 A In my opinion, it would not. Based upon the
 11 study conducted by RBA, the site would likely generate --
 12 bear with me one second -- would likely generate in the range
 13 of about a hundred total two-way trips during the evening
 14 peak hours. That's wrong, scratch that. We are really in
 15 the range of about seventy-five peak hour trips, total two-
 16 way for this type of facility. Typically, you would be
 17 generating about a half a trip per room during both the
 18 morning and evening peak hour, so it would be generating
 19 seventy-five peak hour trips for this facility. The majority
 20 of those trips, in my opinion, will likely not even pass
 21 through the key intersection of McCormick and Shawan because

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