

MAP 220-15A
3P
E.D. 8
DATE 1-22-81
200
10-2-81
DP

El-Jon, Inc.,
86-359-SPHA
W/S York Rd. between Main Blvd. and
Harding St. (2400-08 York Rd.)
8th Elec. Dist.

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 27, 1987

Mr. William F. Oehrl
4 West Main Boulevard
Timonium, Maryland 21093

RE: 2400-08 York Road
Screening

Dear Mr. Oehrl:

I am in receipt of your letter dated February 17, 1987.

Please be advised that the owner of the office building must have a fence along his property line and the alley, with all landscaping to be done on his property. The fence shall remain or be replaced with another and no trees planted in the alley.

If this is not occurring, please let me know and I will send a zoning inspector to the site to insure compliance.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:ech

No Act Case! 86-359-SPHA
2-28-87, INC.

2/17/87
2/24/87
filing file

ZONING OFFICE

Dear Sir:

I am writing in regard to the "Zoning requirements" being placed on the owner of the property at 2400 York Road between Main Blvd and Harding St.

I own the property at 4 W. Main Blvd. My side property line is common to the rear property line of 2400 York Road for 126 feet. This common property line is the center line of a 12 wide utility paper alley.

I am objecting of the planting of the scrub pines in the paper alley and the requirement of the removal of the existing slatted chain link fence to accommodate other planting.

At the variance hearing for the original structure at 2400 York Road, I with drew my objections when the Planning Commissioner assured the erecting of adequate privacy screening and that no fence erecting or tree planting would be allowed in the paper alley. Again several years ago I wrote as a friend of the Zoning Commission when again the owner of 2400 York Road was going to be required to remove the slatted chain link fence for the planting of trees. I stress my desire that the fence offered more privacy, protecting and clean up that trees.

At the variance hearing for the recent adding to 2400 York Road structure, I was the sole concerned witness. I recommended that if the chain link slatted fence remained I had no objects to the adding. It was my testimony which the Commissioner allowed the adding.

Therefore the planting of the scrub pines in the paper alley and the requirement of other planting which will force the removal of the slatted chain link fence is a breach of the County's assurance of my privacy, protecting and use of my property for residential purposes.

The scrub pines offer no privacy screening. I will be denied the privacy and residential use of my side and back yards. I will be exposed for all to see any activity in these areas. I will be forced to look at cars and dumpsters/dumpsters and the office building at ground level. The scrub pines will not keep the paper, trash, and packing material from blowing on to my property. I will be exposed to the night action that occurs after dark when people drive off of York Road to the parking area for drinking, sex and urinating.

The scrub pines will not provide protection from theft and vandalism of my property because vandals will be able to escape through the trees.

The Slatted chain link fence provides a solid screening at ground level from the sights of the cars, trash, Dumping Dumpster's traffic of people both sight and physical. The fence protects me my family and grandchildren from the sights that occur at night. The fence prevents my grandchildren from wandering onto the property parking lot. The fence offers security and screening from York Road itself.

Notwithstanding the fence is easily maintained and easy for me to run the lawn mower right next to it. You are invited to visit the property and see how ridiculous the scrub pines are and how much better as a privacy screen the slatted chain link fence really is.

Your cooperating in reversing your directive and reinstating the fence is appreciated.

Sincerely,

William F. Oehrl

William F. Oehrl
4 W. Main Blvd
Timonium MD 21093

IN RE: PETITIONS SPECIAL HEARING, *
SPECIAL EXCEPTION, AND ZONING *
VARIANCES *
W/S of York Road between Main *
Boulevard and Harding Street *
(2400-08 York Road) - 8th *
Elec. District *
El-Jon, Inc., *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building and variances to permit a floor area ratio of 0.529 instead of the permitted 0.50 and 5,100 square feet of amenity open space instead of the required 10,950 square feet and, additionally, to amend Case No. 79-263-A to permit 5 feet of new construction within the site described therein, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Paul J. DiPino, President, appeared and testified. Michael Dallas, a registered land surveyor, and William Oehrl, an adjacent residential property owner, testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the instant property, zoned R-O and containing approximately 0.7 acres, is located on York Road between Main Boulevard and Harding Street. Adjacent to the property and Main Boulevard is an existing two-story office building owned by the Petitioner, which was permitted pursuant to Case No. 79-263-A. That lot was purchased by the Petitioner in 1978 and the subject lot was purchased in 1985. The existing office building is set back 5 feet from the boundary line separating the two lots.

Case No. 80-240-SPHA, a special exception was granted for an office building on the instant site, and in Case No. 82-722-SPH, permission was

granted to add a third story. However, the special exception was not utilized within the requisite time frame. The Petitioner then purchased the property.

The Petitioner now wishes to construct a two-story general office building and attach it to the existing building. Mr. Dallas testified that the floor area ratio variance is needed because the State requires an elevator for the handicapped in any building greater than 4,000 square feet. In his opinion, there would be no adverse impact if the variance were granted and it would be within the spirit and intent of the Baltimore County Zoning Regulations (BCZR).

The variance to the amenity open space requirement is necessary due to the size of the lot. A smaller building would not work on the site. The lot is too small to permit both the requisite amenity open space and a commercial building. It is of a sufficient size for a dwelling, but since the lot is sandwiched between and surrounded by commercial uses on York Road, it is not feasible to develop it other than for a commercial use.

The amendment to Case No. 79-263-A is necessary in order to attach the addition to the existing building on the second parcel. The setback was originally necessary because this parcel was previously zoned residential. A setback is no longer necessary.

Mr. Oehrl, who lives on Main Boulevard, does not object to the proposed addition and, in fact, on behalf of most of the families who still reside behind these lots, who are mostly related, expressed support for the proposed buffering and landscaping.

The Petitioner seeks relief from Section 203.3.B.2, pursuant to Section 502.1, from Sections 203.4 and 101 (Definition - Office building, Class B), pursuant to Section 307, and from Section 500.9, pursuant to Section 500.7, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in an R-O Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

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

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Section 203.2, BCZR, requires that the proposed office building "...shall be highly compatible with the present or prospective uses of nearby residential property..." Testimony presented by Mr. Morelock and the Protestants was convincing that there is substantial evidence to justify such a conclusion,

which is, however, based on the restrictions delineated below. In addition, Section 502.2.3, BCZR, requires that the proposed use not be inconsistent with the purposes of the property's zoning classification nor be inconsistent with the spirit and intent of the BCZR. A finding that the condition required by Section 502.1.9 has been met necessarily implies a finding that the proposed use is a compatible one as required by Section 203.2, BCZR. See People's Counsel v. Webster, No. 361, Ct. of Sp. Appeals, January 8, 1986.

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 variances 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.

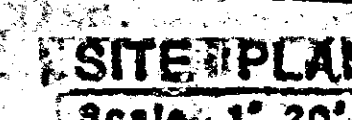
After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of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

ORDER RECEIVED FOR FILING
DATE April 4, 1987
BY [Signature]

ORDER RECEIVED FOR FILING
DATE April 4, 1987
BY [Signature]

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DATE April 4, 1987
BY [Signature]

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DATE April 4, 1987
BY [Signature]



CONSULTANT

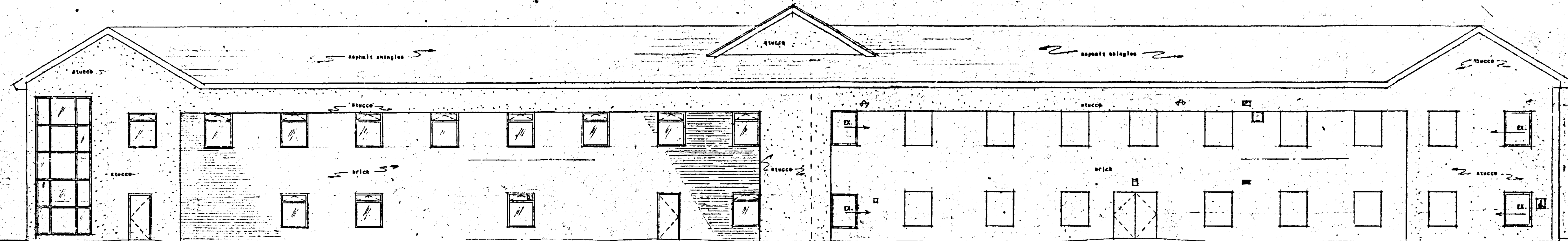
STRUCTURAL ENGINEERING
LPJ, INC.
16 B. 25TH STREET
BALTIMORE, MARYLAND 21276
TELEPHONE (301) 366-7900

MECHANICAL ELECTRICAL ENGINEERING
HAROLD A. SCHENKER, INC.
716 PARK AVENUE
BALTIMORE, MARYLAND 21201
TELEPHONE (301) 728-7200

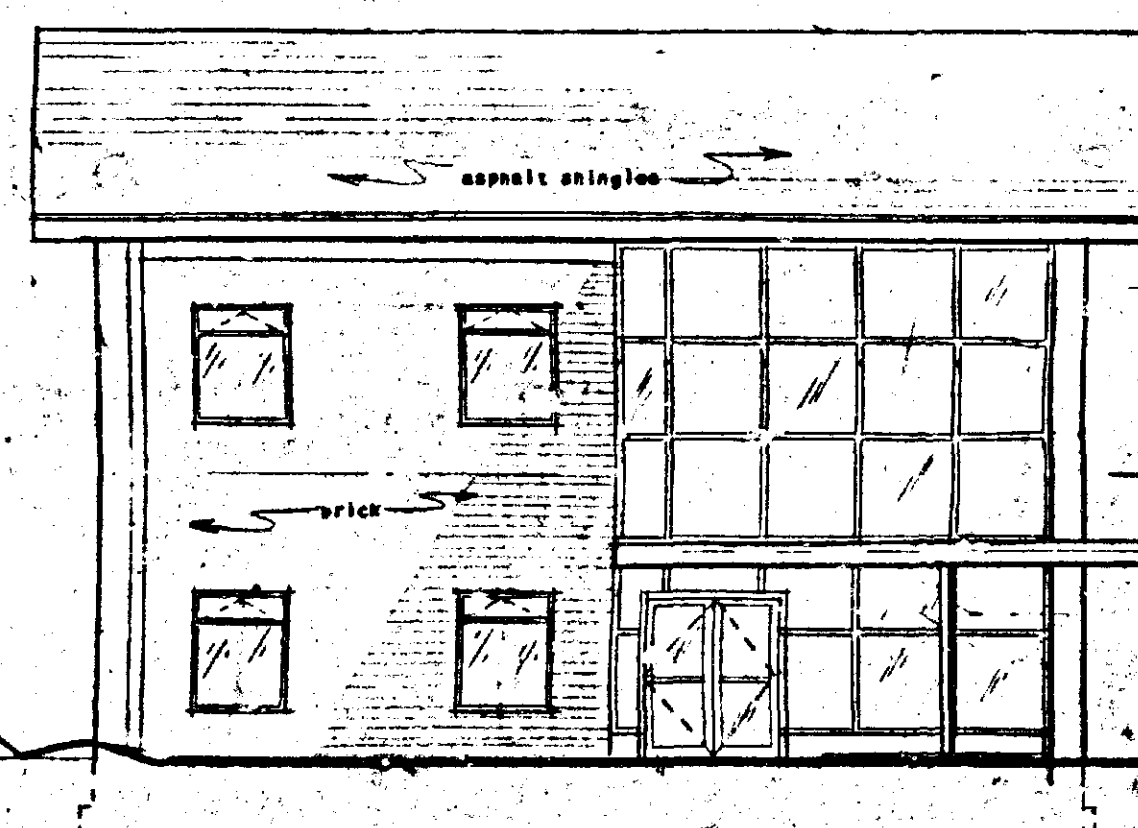
THE DIPINO
OFFICE BLDG.
ALTERATIONS
& ADDITIONS
2400 YORK RD.
TIMONUM MD 2109

SITE PLAN
VICINITY MAP

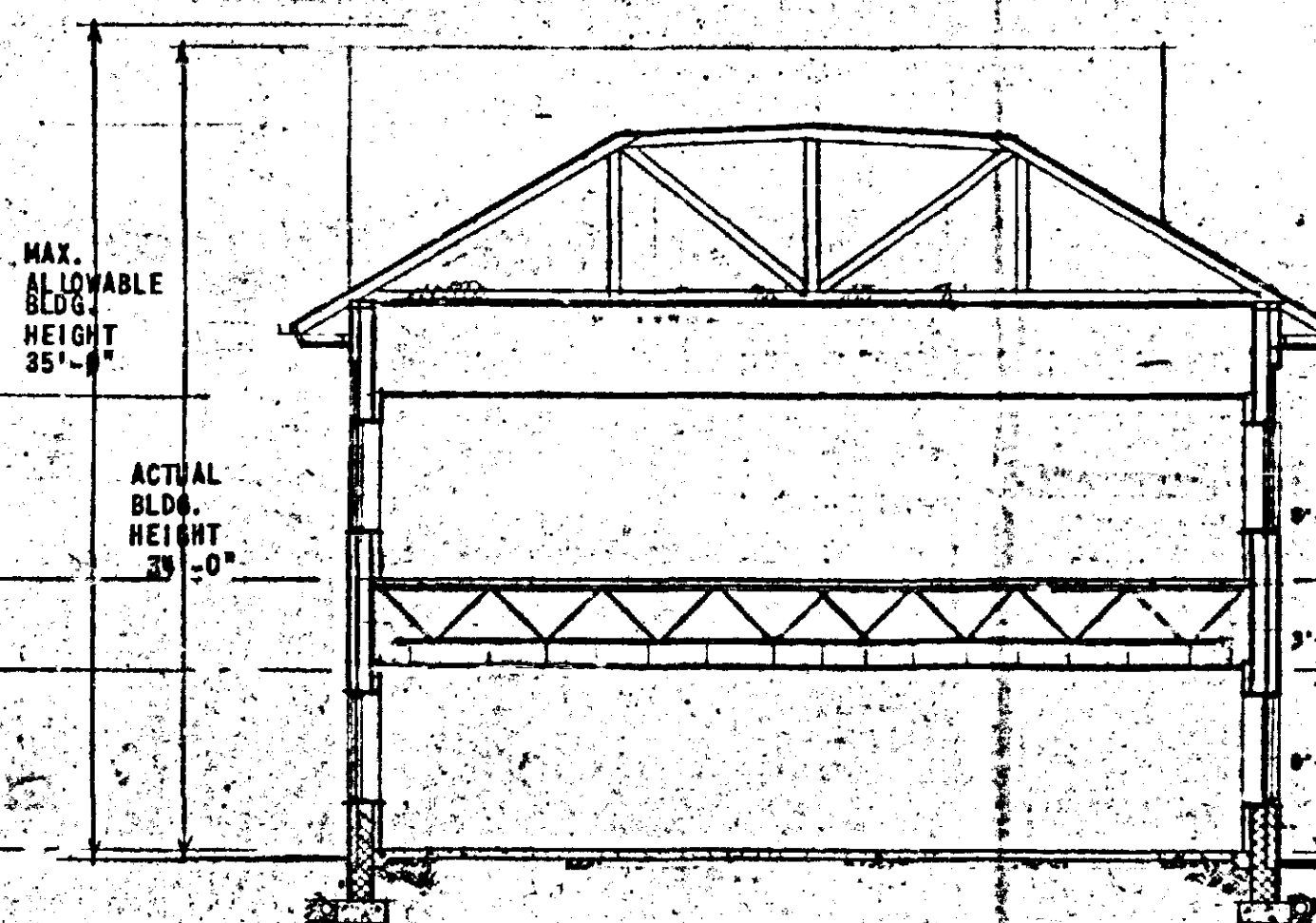
PROJ. NO.	8607
SCALE	1"=20'
DATE	26 MAR. 86



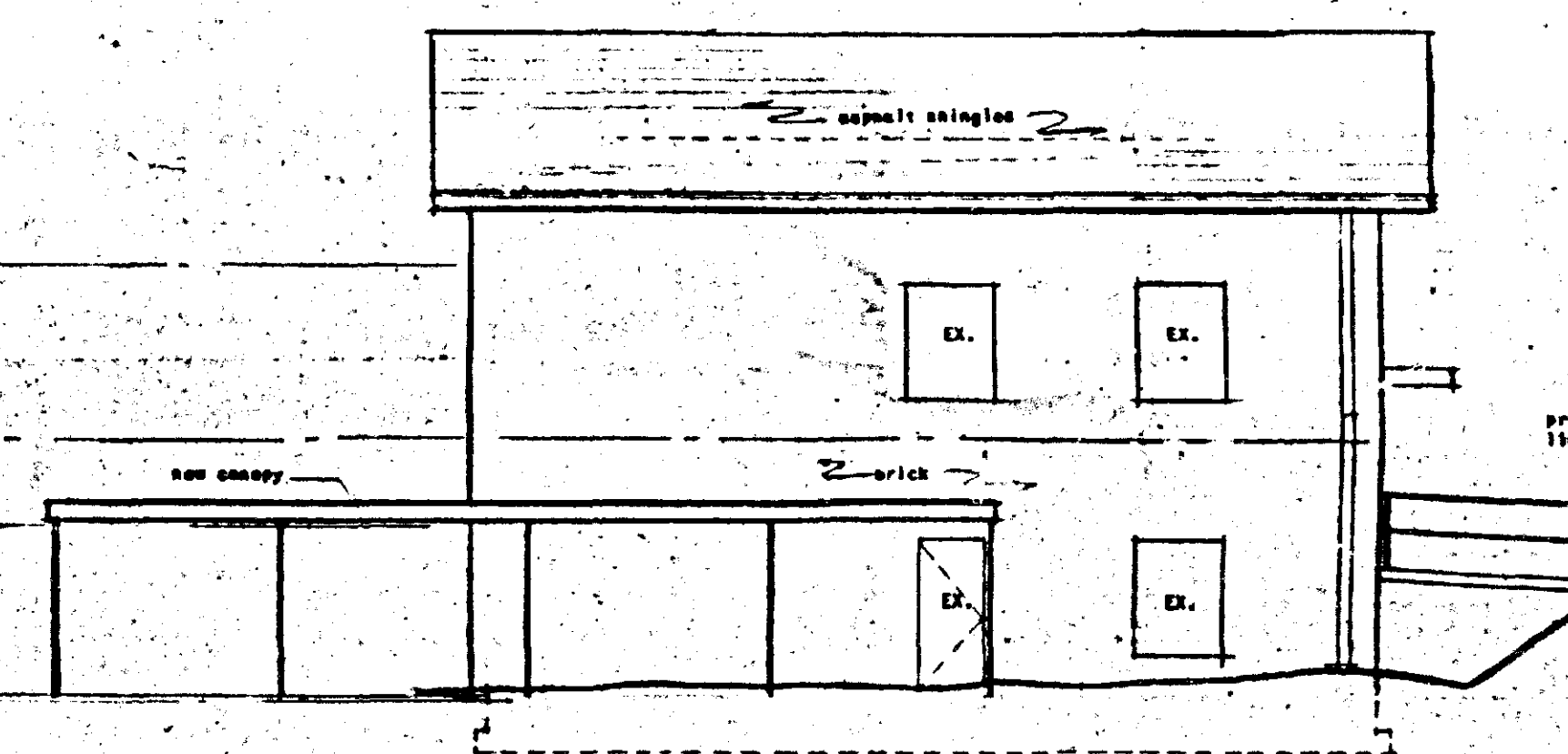
WEST ELEVATION



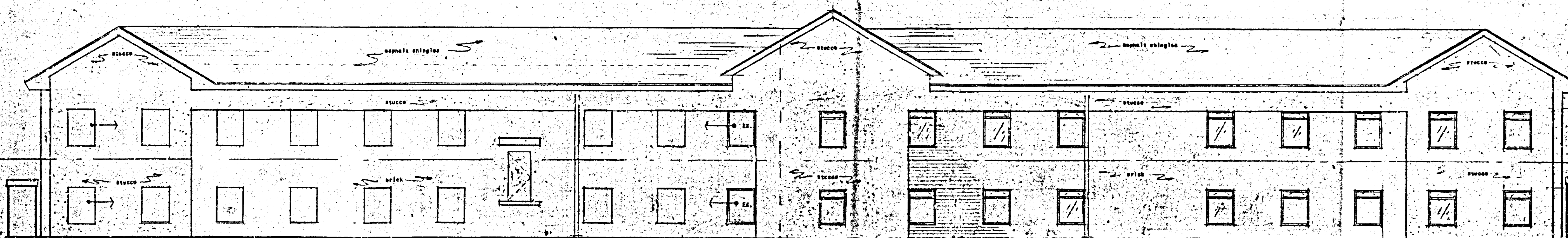
NORTH ELEVATION



2/154 SECTION



SOUTH ELEVATION



EAST ELEVATION

NO.	DATE	ITEM
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3		
4		
5		

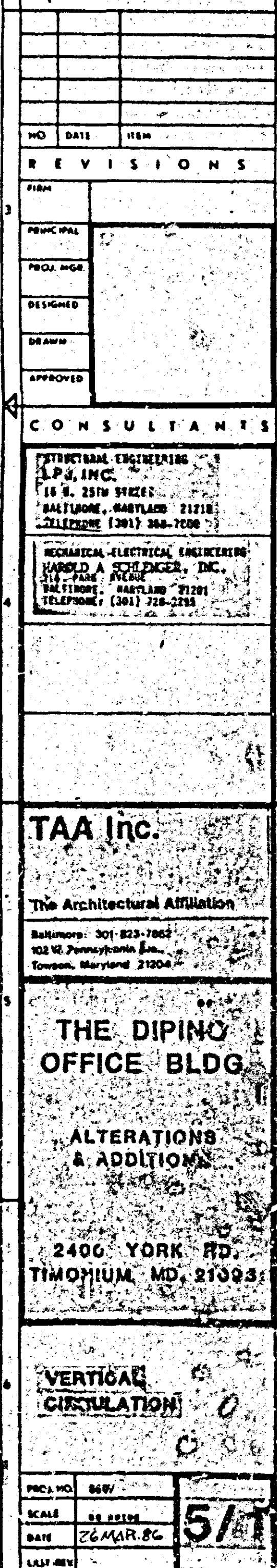
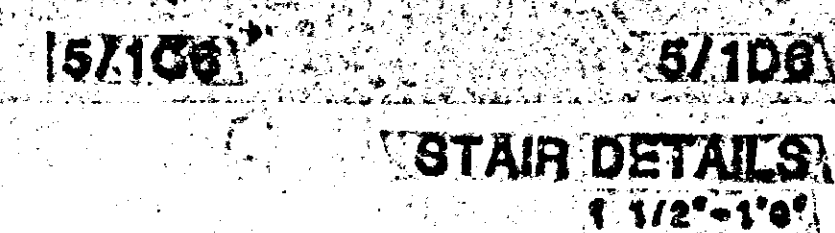
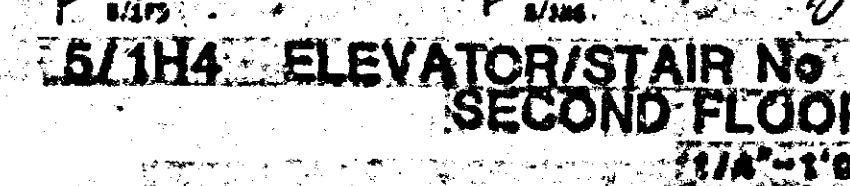
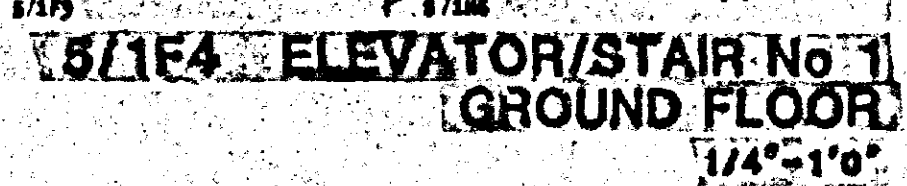
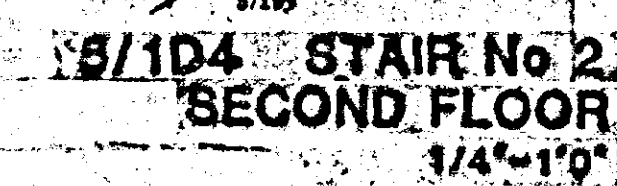
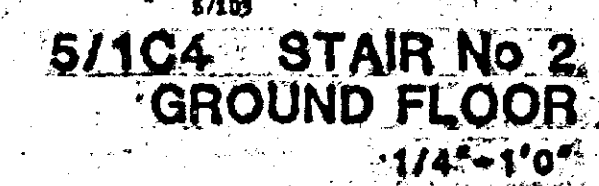
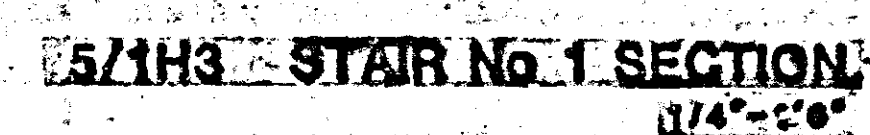
REVISIONS
1
2
3
4
5

CONSULTANTS
MECHANICAL-ELECTRICAL ENGINEERING HAROLD A. STEPHENSON, INC. BALTIMORE, MARYLAND 21204 TELEPHONE (301) 728-2754
STRUCTURAL ENGINEERING S.P.J. INC. 26 W. 25TH STREET BALTIMORE, MARYLAND 21218 TELEPHONE (301) 366-7000

TAA Inc.
The Architecture Affiliation Baltimore: 301-825-7000 100 W. Pennsylvania Ave. Towson, Maryland 21204

THE DIPING OFFICE BLDG.
ALTERATIONS & ADDITIONS 2400 YORK RD. TIMONIUM, MD 21088

ELEVATIONS SECTION
PROJ. NO. 68-272 SCALE 1/8" = 1'-0" DATE 26 MAR 68 LAST REV.



addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of April, 1986, that the Petition for Special Exception for a Class B office building in an R-O Zone and the Petition for Zoning Variances to permit a floor area ratio of .529 instead of the permitted .50 and 5,100 square feet of amenity open space instead of the required 10,950 square feet be and are hereby GRANTED and, additionally, the amendment to Case No. 79-263-A be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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 Petitioner shall submit one deed with includes both lots under one metes and bounds description to the Zoning Commissioner for approval within 30 days from the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

- 5 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section

Floor area ratio of 0.529 instead of 0.50
5100 square feet of amenity open space instead of 10,950 square feet

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

Property cannot be fully developed under existing standards

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

2400 York Rd. 252-6576
Timonium, Md.
Michael B. Dallas
28 Allegheny Avenue
Timonium, Md. 21093
494-0020

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County

(over)

cc: Mr. Paul J. DiPino
S. Eric DiNenna, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE April 4, 1986
BY *[Signature]*

- 6 -

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

The amendment of existing order to allow 5 feet of new construction within the site

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

2400 York Road 252-6576
Timonium, Md.
Michael B. Dallas
28 Allegheny Ave., suite 507 494-0020

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County

(over)

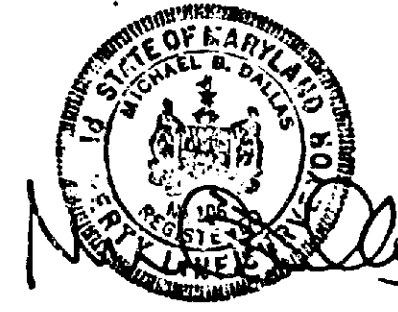
Michael B. Dallas
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0020

Spec. Ex. Class B Office Bldg
Parcel No. 2
Zoning Description 2408 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plate No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said plat, thence leaving said Street and binding on the center of said alley South 18-27-51 east 125.93 feet to the division line between Lots No. 6 and 7 as shown on said plat, thence on said division line North 71-22-09 east 117.86 feet to the westernmost side of said York Road, thence binding on said Road North 18-27-51 west 100.93 feet to the place of beginning.

CONTAINING 0.687 acre of land more or less.

January 30, 1986



PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Class 'B' Office Building in a R-O Zone

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

El-Jen, Inc.
2400 York Road 252-6576
Timonium, Md. 21093
Michael B. Dallas
28 Allegheny Ave. 494-0020

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County

(over)

PETITIONS FOR SPECIAL HEARING, EXCEPTION AND VARIANCES

8th Election District

LOCATION: West Side of York Road between Main Boulevard and Harding Street (2400-08 York Road)

DATE AND TIME: Monday, March 24, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing to amend the existing order to permit 5 feet of new construction within the site

Petition for Special Exception for a Class B office building in a R.O. Zone

Petition for Zoning Variances for a floor area ratio of 0.529 in lieu of the required 0.50 and 5100 square feet of amenity open space in lieu of the required 10,950 square feet

Being the property of El-Jen, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

LIBERTY 142 FOLIO 195

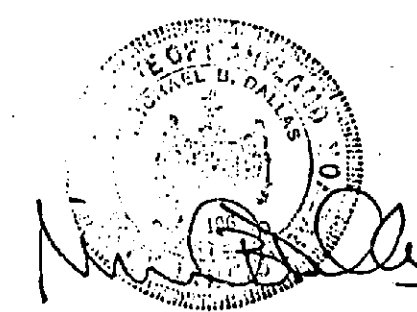
Michael B. Dallas
Registered Surveyor
Suite 507
18 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0920

Parcels No. 1 & 2
Zoning Description 2400-08 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plats No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said Plat, thence leaving said street and binding on the center of said alley South 18-27-51 east 256.17 feet to the northernmost side of Main Boulevard (40 feet wide) thence binding on said Boulevard North 71-32-09 east 92.86 feet, thence easterly by a line curving toward the north with a radius of 25 feet for a distance of 39.37 feet to said westernmost side of York Road, thence binding on said Road North 18-27-51 west 206.16 feet to the place of beginning.

CONTAINING 0.687 acre of land more or less.

January 30, 1986



Case No. 86-359-SPHXA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

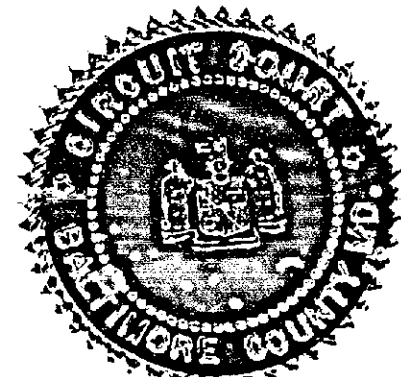
Your petition has been received and accepted for filing this
19th day of February, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner El-Jen, Inc.
Petitioner's
Attorney

Received by: James E. Dyer
Chairman, Zoning Plans (n)
Advisory Committee

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the foregoing is a true copy of the original
Record of the
County of Baltimore
Filed in the
Office of the
County Clerk
this 19th day of February, 1986.
Clerk of the Circuit Court of Baltimore County



IN TESTIMONY WHEREOF I have signed at my hand
and affix the seal of the Circuit Court for
Baltimore County
this 19th day of February, 1986.
Clerk of the Circuit Court of Baltimore County

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

Honorable Arnold Jablon
March 27, 1986
Page 2

An office building Class "B" would permit the proposed building by attaching the proposed building to the existing building, it becomes one structure. The total property is zoned in the RO classification and by the granting of this Special Exception and attaching this building to the existing building, this would make the total property conform with the definition of a Class "B" office building.

The construction on this site will do nothing more than extend his present building. As you can see from the plats submitted with this Petition, the property line that did divide the two properties would run through the new building. It is inconceivable that there would ever be a sale of one portion of either parcel in the future. Though not necessary, the property owner agrees, if required, to re-deed both parcels into one.

For the above reasons, the request of El-Jen, Inc. is within the confines of the definition of an office building, Class "B"; there is nothing more than an extension of the existing building with the proposed new building.

A Special Exception, of course is necessary in the RO Zone in order to effectuate this. It is my understanding from my client that the requirements of Section 502.1 were met.

Therefore, it would be respectfully requested that these Petitions be granted in accordance with the testimony and this Opinion.

If you have any questions concerning this, do not hesitate to call upon me.

Very truly yours,
Eric Dinenna
Eric Dinenna

SED:kar
cc: Paul DiPino

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: March 10, 1986

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

SUBJECT: Zoning Petition No. 86-359-SPHXA

This office is opposed to the granting of the subject request. We believe that our comment on Zoning Petition No. 79-263 is valid today. We reiterate, the size of the structure is not compatible with the type of development appropriate to RO zoned property in this locality.

Norman E. Gerber, AICP
Director

NEG:JCH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
February 26, 1986

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

000

Mr. Paul J. DiPino
El-Jen, Inc.
2400 York Road
Timonium, Maryland 21093

RE: Item No. 274 - Case No. 86-359-SPHXA
El-Jen, Inc. - Petitioner
Special Hearing, Special Exception
and Variance Petitions

Dear Mr. DiPino:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petitions. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Mr. Michael B. Dallas
28 W. Allegheny Avenue
Towson, Maryland 21204



Maryland Department of Transportation
State Highway Administration

William K. Hellman
Secretary
Hal Kassoff
Administrator

February 19, 1986

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

Attention: Mr. James Dyer

Re: ZAC Meeting of 2-11-86
ITEM: 4274
Property Owner: El-Jen, Inc.
Location: W/S York Road,
Route 45 Between Main Blvd. &
Harding Street
Existing Zoning: R.O.
Proposed Zoning: Special
Hearing to approve the amendment
of existing order to allow 5 feet
of new construction within the
site and Special Exception for
Class "B" office building in a
R.O. zone and a Variance for
floor area ratio of 0.529 instead
of 0.50 and 5100 square feet of
amenity open space instead of
10,950 square feet
Acres: .687 Acres
District: 8th Election District

Dear Mr. Jablon:

On review of the submittal of 1-28-86 the State Highway Administration finds the site plan for new construction generally acceptable.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-9451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 707 No. Calvert St., Baltimore, Maryland 21203-0717



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

MARCH 3, 1986

Re: Zoning Advisory Meeting of February 11, 1986
Item # 274
Property Owner: EL-JEN, INC.
Location: W/S YORK RD. BETWEEN MAIN
BLVD & HARDING ST.

Dear Mr. Jablon:

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

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on or alteration of the floodplain is prohibited under the provisions of Section 22-99 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/28/86.
- (X) The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and its conditions change the re-evaluated annually by the County Council.

A LOWER SECTOR PLAN WAS DENIED
BY PLANNING DIRECTOR ON 1/28/86
SEE FILE # (W-25-163)

cc: James Howell

Eunice A. Boser
Chief, Current Planning and Development



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

February 20, 1986

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: El-Jen, Inc.

Location: W/S York Road bet. Main Blvd. & Harding St.

Item No.: 274 Zoning Agenda: Meeting of 2-11-86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

Noted and
REVIEWER: James E. Dyer Approved: John F. O'Neill
Planning Group
Special Inspection Division

/mb

1. Existing Zoning of Tract total RO
2. Proposed Zoning of Tract total RO
3. Gross Acreage of Tract 43792 SF / 1.21 Acres
4. Proposed Use 18,464.52 sq Office Building
4732.0 Basement Storage
5. Required Parking
1st Floor 9232.26 / 300 = 30.77
2nd Floor 9232.26 / 500 = 18.46
49.23 Spaces
6. Proposed Parking 50 Spaces
7. F.A.R. $9232.26 \times 2 = 18464.52$
Basement 4732.26

$$= 0.529$$

8 Amenity Open Space 43792 x 0.25 =
10,950 SF
Proposed 5,100 SF

LOCATION MAP
Scale 1" = 200'
NW 15-A

EXHIBITIONER'S
EXHIBIT

ZONING PLAT
2400-2403 YORK ROAD

3rd Election District Baltimore Co, Md
Scale 1" = 20' September 25, 1985
Nov 6, 1985
Jan 28, 1986
OWNER
• EL JEN INC.

OWNER

EL JEN Inc.
Paul J. DiPino, President
2400 York Road
Timonium, MD 21033
Phone 232-6576

86-359
SPHXA

REQUESTED ZONING:

Parcel 2 - Special Exception for Office Bldg., class "B" in RO Zone
Parcel 1 - Special Hearing to amend setback, req'ment of 5' 0"
Parcels 1 & 2 - Variance 3: F.A.R. of 0.529 instead of 0.50
Amenity Open Space 5100 SF instead of 10,750 SF

Michael B. Dallas
Registered Surveyor
28 Allegheny Avenue
Towson, Md. 21204
410-0010

13401

1994

#2495

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

EC-359SPH

THE DIPINO OFFICE BLDG. ALTERATIONS & ADDITIONS

TAA Inc

The Deflected Aesthetic

Advertisement 302-673-2862

W. W. Parry, Inc.
New York, N. Y.

100

THE UNIVERSITY OF CHICAGO PRESS

86-359
Elevations
Ro Class "B"

MAP 220-15A
3P
E.D. 8
DATE 1-22-81
200
10-2-81
DP

El-Jon, Inc.,
86-359-SPH
W/S York Rd. between Main Blvd. and
Harding St. (2400-08 York Rd.)
8th Elec. Dist.

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 27, 1987

Mr. William F. Oehrl
4 West Main Boulevard
Timonium, Maryland 21093

RE: 2400-08 York Road
Screening

Dear Mr. Oehrl:

I am in receipt of your letter dated February 17, 1987.

Please be advised that the owner of the office building must have a fence along his property line and the alley, with all landscaping to be done on his property. The fence shall remain or be replaced with another and no trees planted in the alley.

If this is not occurring, please let me know and I will send a zoning inspector to the site to insure compliance.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:ech

No Act Case! 86-359-SPH/A
2-28-87, INC.

2/17/87
2/24/87
filing file

2/28/87
FEB 28 1987

Dear Sir:

I am writing in regard to the "Zoning requirements" being placed on the owner of the property at 2400 York Road between Main Blvd and Harding St.

I own the property at 4 W. Main Blvd. My side property line is common to the rear property line of 2400 York Road for 126 feet. This common property line is the center line of a 12 wide utility paper alley.

I am objecting to the planting of the scrub pines in the paper alley and the requirement of the removal of the existing slatted chain link fence to accommodate other planting.

At the variance hearing for the original structure at 2400 York Road, I with drew my objections when the Planning Commissioner assured the erecting of adequate privacy screening and that no fence erecting or tree planting would be allowed in the paper alley. Again several years ago I wrote as a friend of the Zoning Commission when again the owner of 2400 York Road was going to be required to remove the slatted chain link fence for the planting of trees. I stress my desire that the fence offered more privacy, protecting and clean up that trees.

At the variance hearing for the recent addition to 2400 York Road structure, I was the sole concerned witness. I recommended that if the chain link slatted fence remained I had no objects to the addition. It was my testimony which the Commissioner allowed the addition.

Therefore the planting of the scrub pines in the paper alley and the requirement of other planting which will force the removal of the slatted chain link fence is a breach of the County's assurance of my privacy, protecting and use of my property for residential purposes.

The scrub pines offer no privacy screening. I will be denied the privacy and residential use of my side and back yards. I will be exposed for all to see any activity in these areas. I will be forced to look at cars and dumpsters/dumpsters and the office building at ground level. The scrub pines will not keep the paper, trash, and packing material from blowing on to my property. I will be exposed to the night action that occurs after dark when people drive off of York Road to the parking area for drinking, sex and urinating.

The scrub pines will not provide protection from theft and vandalism of my property because vandals will be able to escape through the trees.

The Slatted chain link fence provides a solid screening at ground level from the sights of the cars, trash, Dumping Dumpster's traffic of people both sight and physical. The fence protects me my family and grandchildren from the sights that occur at night. The fence prevents my grandchildren from wandering onto the property parking lot. The fence offers security and screening from York Road itself.

Notwithstanding the fence is easily maintained and easy for me to run the lawn mower right next to it. You are invited to visit the property and see how ridiculous the scrub pines are and how much better as a privacy screen the slatted chain link fence really is.

Your cooperating in reversing your directive and reinstating the fence is appreciated.

Sincerely,

William F. Oehrl

William F. Oehrl
4 W. Main Blvd
Timonium MD 21093

IN RE: PETITIONS SPECIAL HEARING, *
SPECIAL EXCEPTION, AND ZONING *
VARIANCES *
W/S of York Road between Main *
Boulevard and Harding Street *
(2400-08 York Road) - 8th *
Elec. District *
El-Jon, Inc., *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building and variances to permit a floor area ratio of 0.529 instead of the permitted 0.50 and 5,100 square feet of amenity open space instead of the required 10,950 square feet and, additionally, to amend Case No. 79-263-A to permit 5 feet of new construction within the site described therein, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Paul J. DiPino, President, appeared and testified. Michael Dallas, a registered land surveyor, and William Oehrl, an adjacent residential property owner, testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the instant property, zoned R-O and containing approximately 0.7 acres, is located on York Road between Main Boulevard and Harding Street. Adjacent to the property and Main Boulevard is an existing two-story office building owned by the Petitioner, which was permitted pursuant to Case No. 79-263-A. That lot was purchased by the Petitioner in 1978 and the subject lot was purchased in 1985. The existing office building is set back 5 feet from the boundary line separating the two lots.

Case No. 80-240-SPH, a special exception was granted for an office building on the instant site, and in Case No. 82-722-SPH, permission was

granted to add a third story. However, the special exception was not utilized within the requisite time frame. The Petitioner then purchased the property.

The Petitioner now wishes to construct a two-story general office building and attach it to the existing building. Mr. Dallas testified that the floor area ratio variance is needed because the State requires an elevator for the handicapped in any building greater than 4,000 square feet. In his opinion, there would be no adverse impact if the variance were granted and it would be within the spirit and intent of the Baltimore County Zoning Regulations (BCZR).

The variance to the amenity open space requirement is necessary due to the size of the lot. A smaller building would not work on the site. The lot is too small to permit both the requisite amenity open space and a commercial building. It is of a sufficient size for a dwelling, but since the lot is sandwiched between and surrounded by commercial uses on York Road, it is not feasible to develop it other than for a commercial use.

The amendment to Case No. 79-263-A is necessary in order to attach the addition to the existing building on the second parcel. The setback was originally necessary because this parcel was previously zoned residential. A setback is no longer necessary.

Mr. Oehrl, who lives on Main Boulevard, does not object to the proposed addition and, in fact, on behalf of most of the families who still reside behind these lots, who are mostly related, expressed support for the proposed buffering and landscaping.

The Petitioner seeks relief from Section 203.3.B.2, pursuant to Section 502.1, from Sections 203.4 and 101 (Definition - Office building, Class B), pursuant to Section 307, and from Section 500.9, pursuant to Section 500.7, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in an R-O Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

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

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Section 203.2, BCZR, requires that the proposed office building "...shall be highly compatible with the present or prospective uses of nearby residential property..." Testimony presented by Mr. Morelock and the Protestants was convincing that there is substantial evidence to justify such a conclusion,

which is, however, based on the restrictions delineated below. In addition, Section 502.2.3, BCZR, requires that the proposed use not be inconsistent with the purposes of the property's zoning classification nor be inconsistent with the spirit and intent of the BCZR. A finding that the condition required by Section 502.1.9 has been met necessarily implies a finding that the proposed use is a compatible one as required by Section 203.2, BCZR. See People's Counsel v. Webster, No. 361, Ct. of Sp. Appeals, January 8, 1986.

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 variances 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 variances 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

ORDER RECEIVED FOR FILING
DATE 3/4/87
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 3/4/87
BY [Signature]

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DATE 3/4/87
BY [Signature]

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DATE 3/4/87
BY [Signature]



CONSULTANT

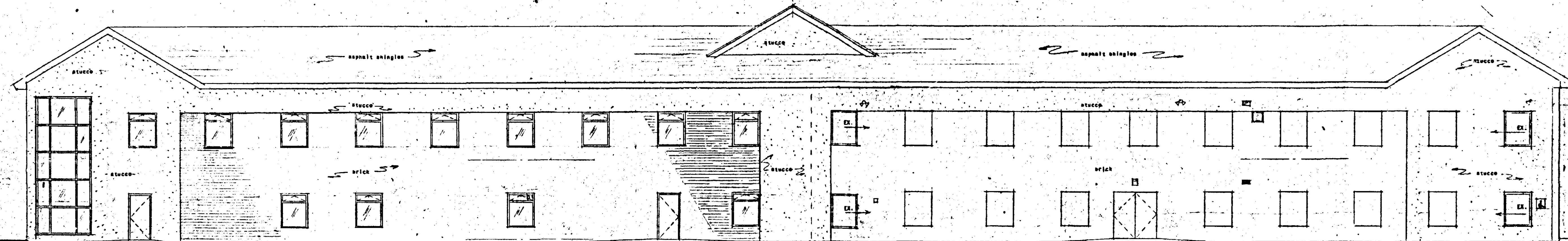
STRUCTURAL ENGINEERING
L.P.J., INC.
16 B. 25TH STREET
BALTIMORE, MARYLAND 21276
TELEPHONE (301) 366-7000

MECHANICAL-ELECTRICAL ENGINEERING
HAROLD A. SCHLENGER, INC.
716 PARK WYOMING
BALTIMORE, MARYLAND 21201

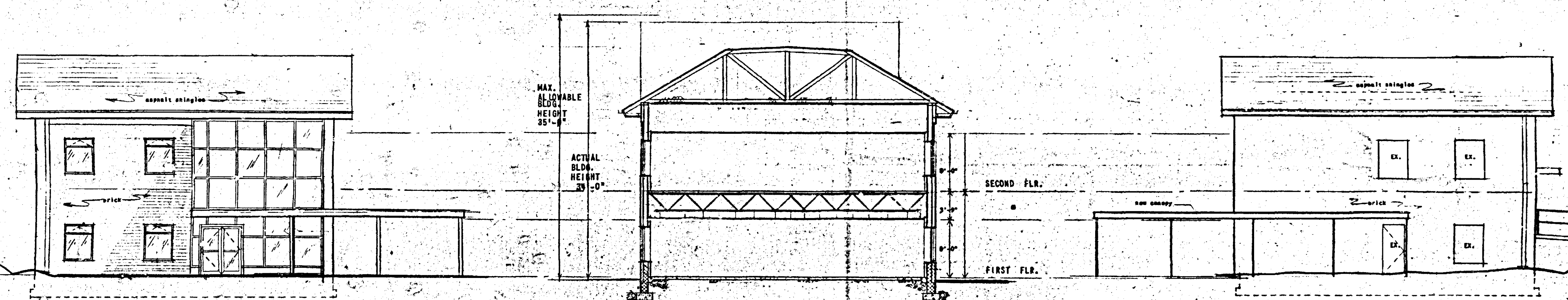
THE DIPNO
OFFICE BLDG.
ALTERATIONS
& ADDITIONS
2400 YORK RD.
TIMONUM, MD. 21083

6 SITE PLAN
VICINITY MAP

PROJ. NO.	8607	
SCALE	1"=20'	
DATE	26 MAR. 86	
LASE NO.		



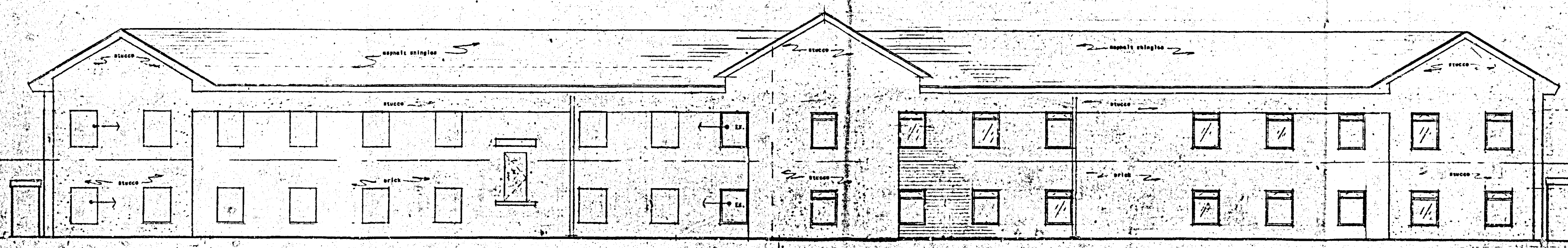
WEST ELEVATION



NORTH ELEVATION

2/154 SECTION

SOUTH ELEVATION



EAST ELEVATION

NO.	DATE	ITEM
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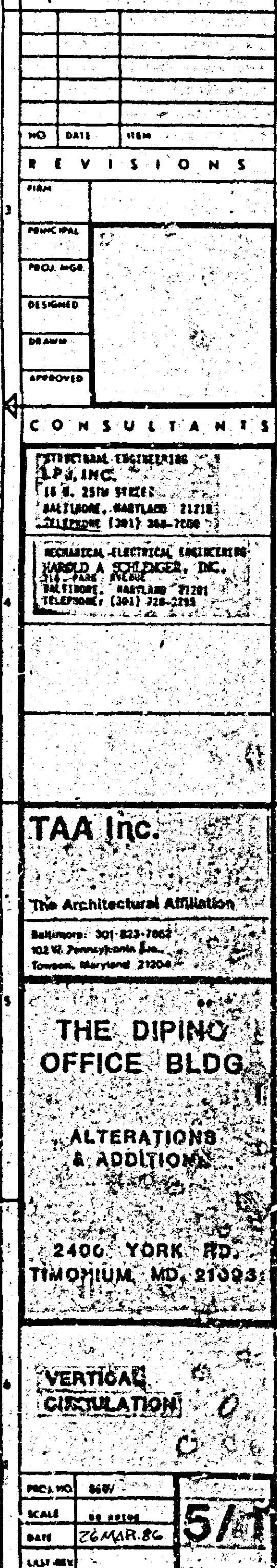
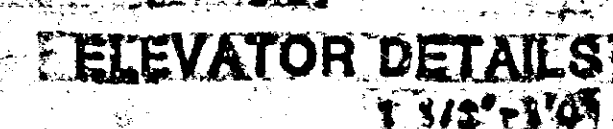
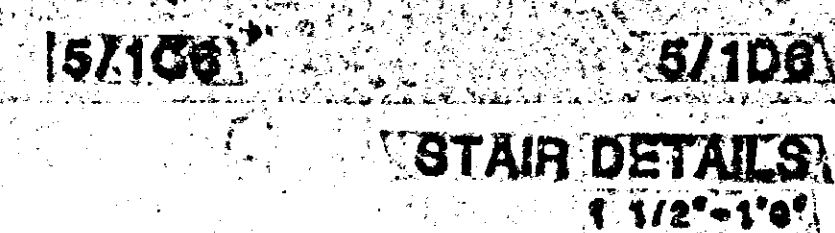
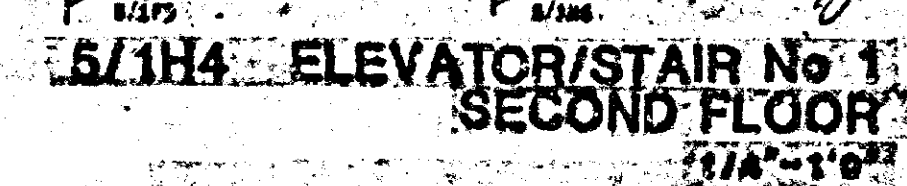
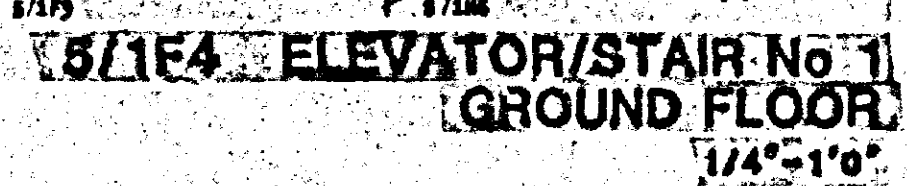
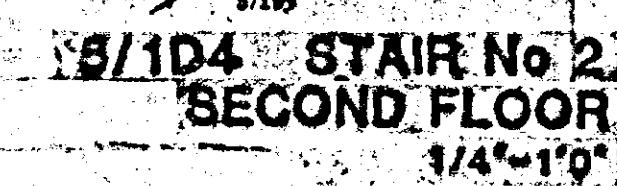
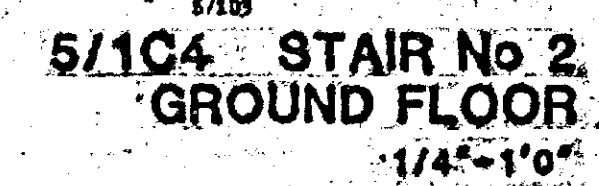
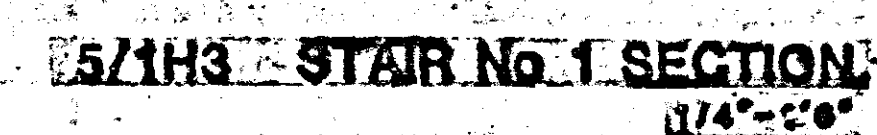
TAA Inc.
The Architecture Affiliation
Baltimore: 201-825-7000
100 W. Pennsylvania Ave.
Towson, Maryland 21204

THE DIPING OFFICE BLDG.
ALTERATIONS & ADDITIONS
2400 YORK RD.
TIMONIUM, MD 21088

ELEVATIONS SECTION

PROJ. NO. 68-272
SCALE 1/8" = 1'-0"
DATE 26 MAR 84
LAST REV.

2/1



addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of April, 1986, that the Petition for Special Exception for a Class B office building in an R-O Zone and the Petition for Zoning Variances to permit a floor area ratio of .529 instead of the permitted .50 and 5,100 square feet of amenity open space instead of the required 10,950 square feet be and are hereby GRANTED and, additionally, the amendment to Case No. 79-263-A be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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 Petitioner shall submit one deed with includes both lots under one metes and bounds description to the Zoning Commissioner for approval within 30 days from the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

- 5 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section

Floor area ratio of 0.529 instead of 0.50
5100 square feet of amenity open space instead of 10,950 square feet

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

Property cannot be fully developed under existing standards

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

2400 York Rd. 252-6576
Timonium, Md.
Michael B. Dallas
28 Allegheny Avenue
Timonium, Md. 21093
494-0020

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County

(over)

cc: Mr. Paul J. DiPino
S. Eric DiNenna, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE April 4, 1986
BY *[Signature]*

- 6 -

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

The amendment of existing order to allow 5 feet of new construction within the site

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

2400 York Road 252-6576
Timonium, Md.
Michael B. Dallas
28 Allegheny Ave., suite 507 494-0020

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
DATE April 4, 1986
BY *[Signature]*

Michael B. Dallas
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0020

Spec. Ex. Class B Office Bldg
Parcel No. 2
Zoning Description 2408 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plate No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said plat, thence leaving said Street and binding on the center of said alley South 18-27-51 east 125.93 feet to the division line between Lots No. 6 and 7 as shown on said plat, thence on said division line North 71-22-09 east 117.86 feet to the westernmost side of said York Road, thence binding on said Road North 18-27-51 west 100.93 feet to the place of beginning.

CONTAINING 0.687 acre of land more or less.

January 30, 1986



PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Class 'B' Office Building in a R-O Zone

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

El-Jen, Inc.
2400 York Road 252-6576
Timonium, Md. 21093
Michael B. Dallas
28 Allegheny Ave. 494-0020

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
DATE April 4, 1986
BY *[Signature]*

PETITIONS FOR SPECIAL HEARING, EXCEPTION AND VARIANCES

8th Election District

LOCATION: West Side of York Road between Main Boulevard and Harding Street (2400-08 York Road)

DATE AND TIME: Monday, March 24, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing to amend the existing order to permit 5 feet of new construction within the site

Petition for Special Exception for a Class B office building in a R.O. Zone

Petition for Zoning Variances for a floor area ratio of 0.529 in lieu of the required 0.50 and 5100 square feet of amenity open space in lieu of the required 10,950 square feet

Being the property of El-Jen, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

Michael B. Dallas
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0020

Spec. Ex. Class B Office Bldg
Parcel No. 2
Zoning Description 2408 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plate No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said plat, thence leaving said Street and binding on the center of said alley South 18-27-51 east 125.93 feet to the division line between Lots No. 6 and 7 as shown on said plat, thence on said division line North 71-22-09 east 117.86 feet to the westernmost side of said York Road, thence binding on said Road North 18-27-51 west 100.93 feet to the place of beginning.

CONTAINING 0.337 acre of land more or less.

October 8, 1985



LIBERTY 142 FOLIO 195

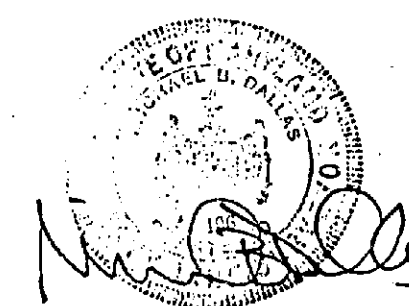
Michael B. Dallas
Registered Surveyor
Suite 507
18 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0920

Parcels No. 1 & 2
Zoning Description 2400-08 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plats No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said Plat, thence leaving said street and binding on the center of said alley South 18-27-51 east 256.17 feet to the northernmost side of Main Boulevard (40 feet wide) thence binding on said Boulevard North 71-32-09 east 92.86 feet, thence easterly by a line curving toward the north with a radius of 25 feet for a distance of 39.37 feet to said westernmost side of York Road, thence binding on said Road North 18-27-51 west 206.16 feet to the place of beginning.

CONTAINING 0.687 acre of land more or less.

January 30, 1986



Case No. 86-359-SPHXA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

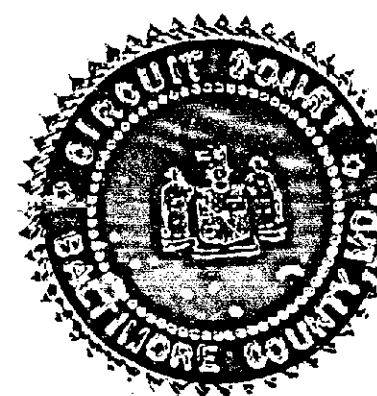
Your petition has been received and accepted for filing this
19th day of February, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner El-Jen, Inc.
Petitioner's
Attorney

Received by: James E. Dyer
Chairman, Zoning Plans (w)
Advisory Committee

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the foregoing is a true copy of the original
Record of the County of Baltimore
Filed in the Office of the Clerk of the Circuit Court for
Baltimore County
This 19th day of February, 1986
Clerk of the Circuit Court of Baltimore County



IN TESTIMONY WHEREOF I have signed at my hand
and affix the seal of the Circuit Court for
Baltimore County
this 19th day of February, 1986
Clerk of the Circuit Court of Baltimore County

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

Honorable Arnold Jablon
March 27, 1986
Page 2

An office building Class "B" would permit the proposed building by attaching the proposed building to the existing building, it becomes one structure. The total property is zoned in the RO classification and by the granting of this Special Exception and attaching this building to the existing building, this would make the total property conform with the definition of a Class "B" office building.

The construction on this site will do nothing more than extend his present building. As you can see from the plats submitted with this Petition, the property line that did divide the two properties would run through the new building. It is inconceivable that there would ever be a sale of one portion of either parcel in the future. Though not necessary, the property owner agrees, if required, to re-deed both parcels into one.

For the above reasons, the request of El-Jen, Inc. is within the confines of the definition of an office building, Class "B"; there is nothing more than an extension of the existing building with the proposed new building.

A Special Exception, of course is necessary in the RO Zone in order to effectuate this. It is my understanding from my client that the requirements of Section 502.1 were met.

Therefore, it would be respectfully requested that these Petitions be granted in accordance with the testimony and this Opinion.

If you have any questions concerning this, do not hesitate to call upon me.

Very truly yours,
Eric Dinenna
Eric Dinenna

SED:kar
cc: Paul DiPino

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: March 10, 1986

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

SUBJECT: Zoning Petition No. 86-359-SPHXA

This office is opposed to the granting of the subject request. We believe that our comment on Zoning Petition No. 79-263 is valid today. We reiterate, the size of the structure is not compatible with the type of development appropriate to RO zoned property in this locality.

Norman E. Gerber, AICP
Director

NEG:JCH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
February 26, 1986

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

080

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. Paul J. DiPino
El-Jen, Inc.
2400 York Road
Timonium, Maryland 21093

RE: Item No. 274 - Case No. 86-359-SPHXA
El-Jen, Inc. - Petitioner
Special Hearing, Special Exception
and Variance Petitions

Dear Mr. DiPino:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petitions. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Mr. Michael B. Dallas
28 W. Allegheny Avenue
Towson, Maryland 21204



Maryland Department of Transportation
State Highway Administration

William K. Hellman
Secretary
Hal Kassoff
Administrator

February 19, 1986

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

Attention: Mr. James Dyer

Re: ZAC Meeting of 2-11-86
ITEM: 4274
Property Owner: El-Jen, Inc.
Location: W/S York Road,
Route 45 Between Main Blvd. &
Harding Street
Existing Zoning: R.O.
Proposed Zoning: Special
Hearing to approve the amendment
of existing order to allow 5 feet
of new construction within the
site and Special Exception for
Class "B" office building in a
R.O. zone and a Variance for
floor area ratio of 0.529 instead
of 0.50 and 5100 square feet of
amenity open space instead of
10,950 square feet
Acres: .687 Acres
District: 8th Election District

Dear Mr. Jablon:

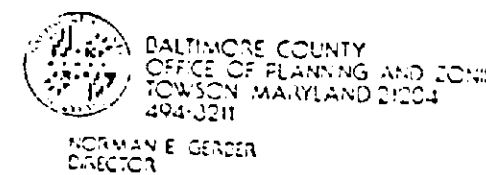
On review of the submittal of 1-28-86 the State Highway Administration finds the site plan for new construction generally acceptable.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-9451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 707 No. Calvert St., Baltimore, Maryland 21203-0717



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

MARCH 3, 1986

Re: Zoning Advisory Meeting of February 11, 1986
Item # 274
Property Owner: EL-JEN, INC.
Location: W/S YORK RD. BETWEEN MAIN
BLVD & HARDING ST.

Dear Mr. Jablon:

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

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on or alteration of the floodplain is prohibited under the provisions of Section 22-99 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/28/86.
- (X) The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and its conditions change the re-evaluated annually by the County Council.

A LOWER SECTOR PLAN WAS DENIED
BY PLANNING DIRECTOR ON 1/28/86
SEE FILE # (W-25-163)

cc: James Howell

Eunice A. Boser
Chief, Current Planning and Development



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

February 20, 1986

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: El-Jen, Inc.

Location: W/S York Road bet. Main Blvd. & Harding St.

Item No.: 274 Zoning Agenda: Meeting of 2-11-86

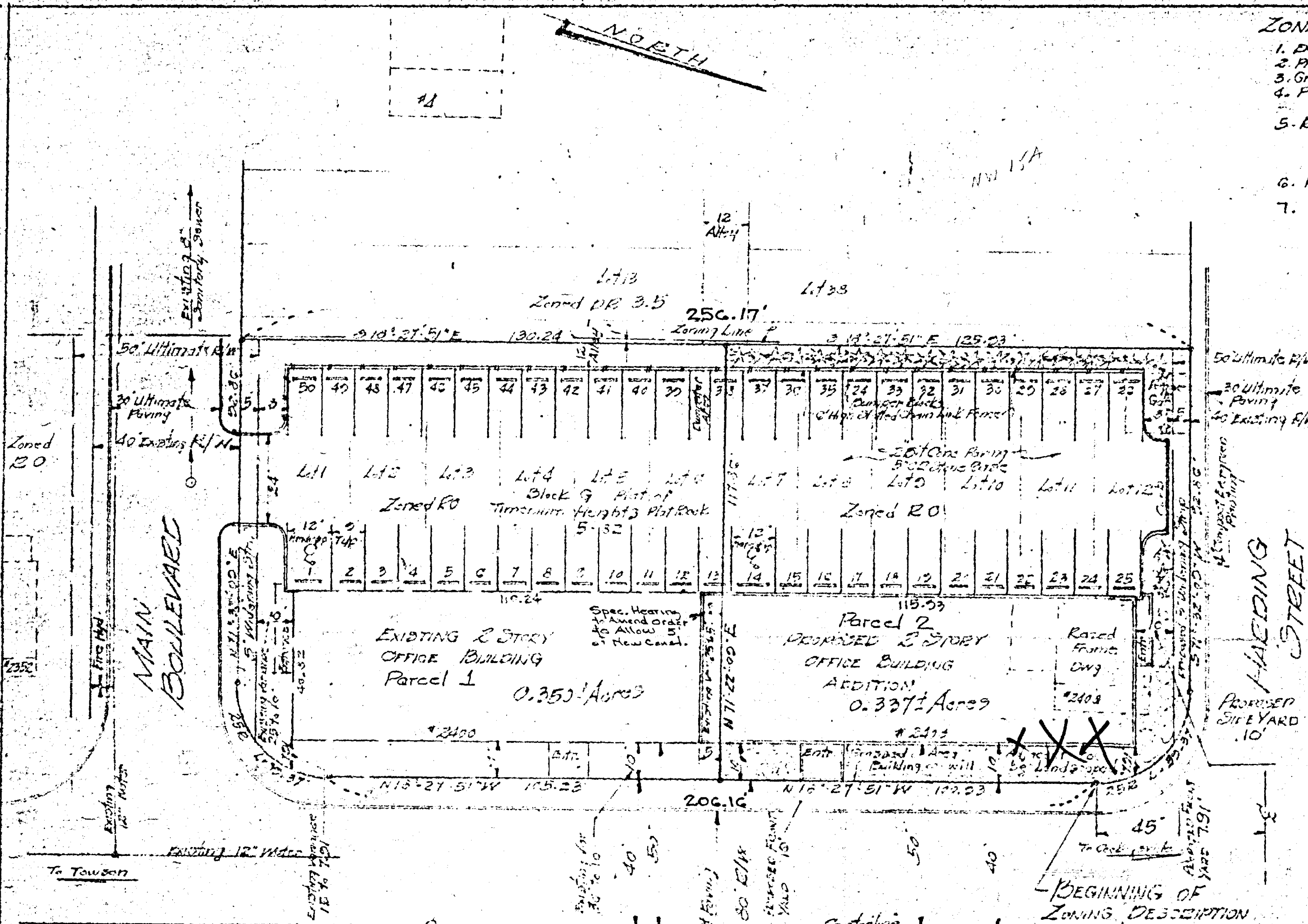
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

Noted and
REVIEWER: John F. O'Neill Approved: John F. O'Neill
Planning Group
Special Inspection Division

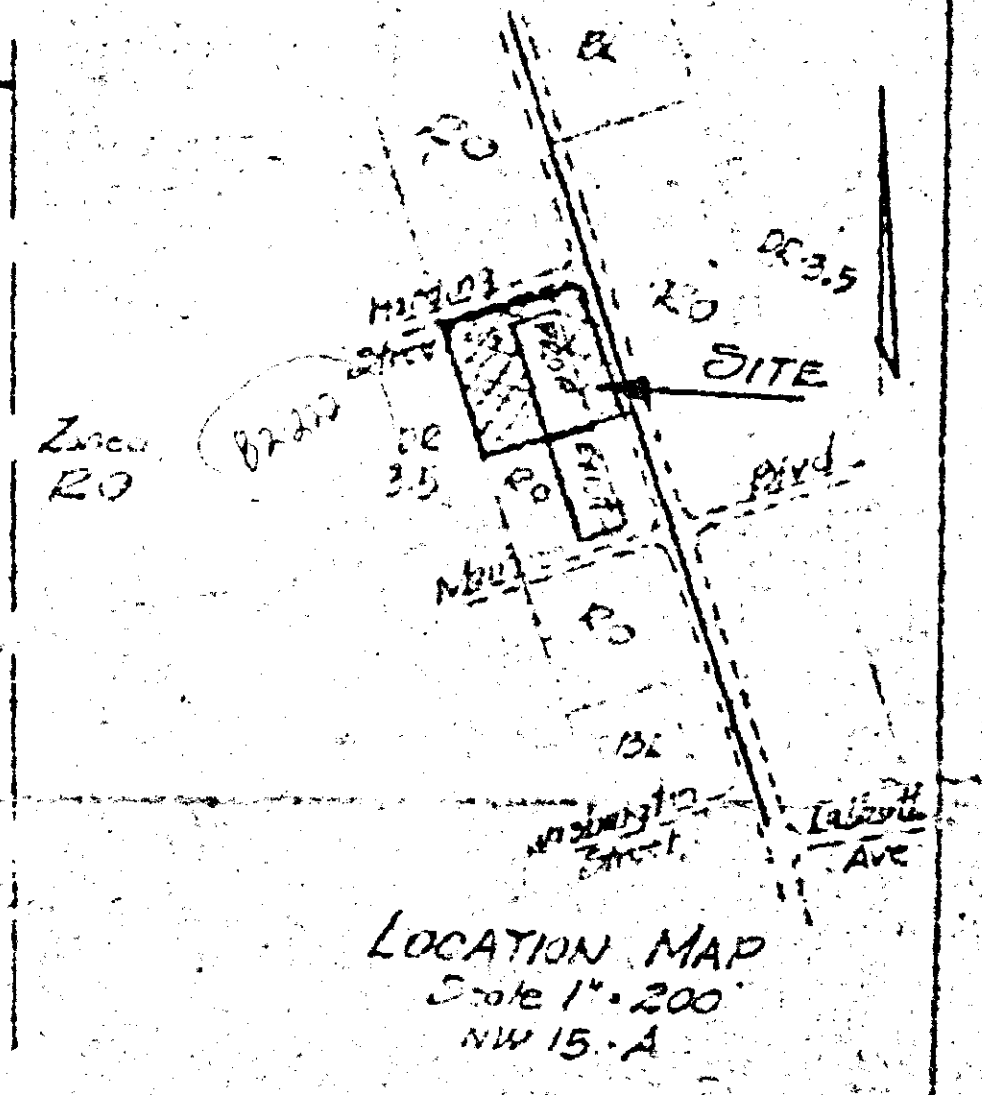
/mb



ZONING DATA ENTIRE TRACT 0.687Ac² NET

1. Existing Zoning of Tract **R0**
2. Proposed Zoning of Tract **R0**
3. Gross Acreage of Tract **43792 SF = 1.01 Acres**
4. Proposed Use **18,464.52² Office Building**
4,732.4² Basement Storage
5. Required Parking
 1st Floor $9232.24/300 = 30.77$
 2nd Floor $9232.24/500 = 18.46$
49.23 Spaces
6. Proposed Parking **50 Spaces**
7. F.A.R. $9232.24 \times 2 = 18464.52$
 Basement 4732.24
23196.76 / 43792.0
= 0.529

2 Acre Open Space $43792 \times 0.25 = 10,950 SF$
 Proposed **5,100 SF**

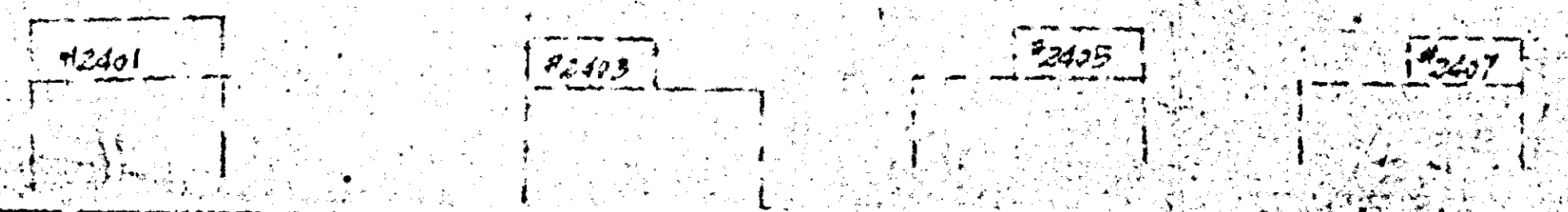


PETITIONER'S EXHIBIT

YORK ROAD ROUTE N^o 45
 SHA PLAT #42187 & #42188



Michael B. Dallas
 Registered Surveyor
 28 Allegheny Avenue
 Towson, Md. 21204
 410-4020



ZONING PLAT
2400-2403 YORK ROAD
 8th Election District Baltimore Co., Md.
 Scale 1" = 20'
 September 25, 1985
 Nov 9, 1985
 Jan 18, 1986

OWNER:
 EL JEN INC.
 Paul J. Di Pino, President
 2403 York Road
 Timonium, MD 21103
 Phone 282-6576

274
 86359
 SPHXA

REQUESTED ZONING:
 Parcel 2 - Special Exception for Office Bldg. class "B" in R0 Zone
 Parcel 1 - Special Hearing to amend setback requirement of 5'
 Parcels 1 & 2 - Variance 3: F.A.R. of 0.529 instead of 0.50
 Amenity Open Space 5100 SF instead of 10950 SF

EC-359SPH

THE DIPINO OFFICE BLDG. ALTERATIONS & ADDITIONS

TAA Inc

The Deflected Aesthetic

Customer: 207-632-1062
 121 W. Perry Street
 West, Stamford, CT 06901

100

86-359
Elevations
Ro Class "B"

MAP 220-15A
3P
E.D. 8
DATE 1-22-81
200
10-25-81
DP

El-Jon, Inc.,
86-359-SPH
W/S York Rd. between Main Blvd. and
Harding St. (2400-08 York Rd.)
8th Elec. Dist.

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 27, 1987

Mr. William F. Oehrl
4 West Main Boulevard
Timonium, Maryland 21093

RE: 2400-08 York Road
Screening

Dear Mr. Oehrl:

I am in receipt of your letter dated February 17, 1987.

Please be advised that the owner of the office building must have a fence along his property line and the alley, with all landscaping to be done on his property. The fence shall remain or be replaced with another and no trees planted in the alley.

If this is not occurring, please let me know and I will send a zoning inspector to the site to insure compliance.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:ech

No Act Case! 86-359-SPH/A
2-28-87, ENC.

2/17/87
2/24/87
filing file

ZONING OFFICE

Dear Sir:

I am writing in regard to the "Zoning requirements" being placed on the owner of the property at 2400 York Road between Main Blvd and Harding St.

I own the property at 4 W. Main Blvd. My side property line is common to the rear property line of 2400 York Road for 126 feet. This common property line is the center line of a 12 wide utility paper alley.

I am objecting of the planting of the scrub pines in the paper alley and the requirement of the removal of the existing slatted chain link fence to accommodate other planting.

At the variance hearing for the original structure at 2400 York Road, I with drew my objections when the Planning Commissioner assured the erecting of adequate privacy screening and that no fence erecting or tree planting would be allowed in the paper alley. Again several years ago I wrote as a friend of the Zoning Commission when again the owner of 2400 York Road was going to be required to remove the slatted chain link fence for the planting of trees. I stress my desire that the fence offered more privacy, protecting and clean up that trees.

At the variance hearing for the recent adding to 2400 York Road structure, I was the sole concerned witness. I recommended that if the chain link slatted fence remained I had no objects to the adding. It was my testimony which the Commissioner allowed the adding.

Therefore the planting of the scrub pines in the paper alley and the requirement of other planting which will force the removal of the slatted chain link fence is a breach of the County's assurance of my privacy, protecting and use of my property for residential purposes.

The scrub pines offer no privacy screening. I will be denied the privacy and residential use of my side and back yards. I will be exposed for all to see any activity in these areas. I will be forced to look at cars and dumpsters/dumpsters and the office building at ground level. The scrub pines will not keep the paper, trash, and packing material from blowing on to my property. I will be exposed to the night action that occurs after dark when people drive off of York Road to the parking area for drinking, sex and urinating.

The scrub pines will not provide protection from theft and vandalism of my property because vandals will be able to escape through the trees.

The Slatted chain link fence provides a solid screening at ground level from the sights of the cars, trash, Dumping Dumpster's traffic of people both sight and physical. The fence protects me my family and grandchildren from the sights that occur at night. The fence prevents my grandchildren from wandering onto the property parking lot. The fence offers security and screening from York Road itself.

Notwithstanding the fence is easily maintained and easy for me to run the lawn mower right next to it. You are invited to visit the property and see how ridiculous the scrub pines are and how much better as a privacy screen the slatted chain link fence really is.

Your cooperating in reversing your directive and reinstating the fence is appreciated.

Sincerely,

William F. Oehrl

William F. Oehrl
4 W. Main Blvd
Timonium MD 21093

IN RE: PETITIONS SPECIAL HEARING, *
SPECIAL EXCEPTION, AND ZONING *
VARIANCES *
W/S of York Road between Main *
Boulevard and Harding Street *
(2400-08 York Road) - 8th *
Elec. District *
El-Jon, Inc., *
Petitioner *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 86-359-SPH/A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a Class B office building and variances to permit a floor area ratio of 0.529 instead of the permitted 0.50 and 5,100 square feet of amenity open space instead of the required 10,950 square feet and, additionally, to amend Case No. 79-263-A to permit 5 feet of new construction within the site described therein, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Paul J. DiPino, President, appeared and testified. Michael Dallas, a registered land surveyor, and William Oehrl, an adjacent residential property owner, testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the instant property, zoned R-O and containing approximately 0.7 acres, is located on York Road between Main Boulevard and Harding Street. Adjacent to the property and Main Boulevard is an existing two-story office building owned by the Petitioner, which was permitted pursuant to Case No. 79-263-A. That lot was purchased by the Petitioner in 1978 and the subject lot was purchased in 1985. The existing office building is set back 5 feet from the boundary line separating the two lots.

Case No. 80-240-SPH, a special exception was granted for an office building on the instant site, and in Case No. 82-722-SPH, permission was

granted to add a third story. However, the special exception was not utilized within the requisite time frame. The Petitioner then purchased the property.

The Petitioner now wishes to construct a two-story general office building and attach it to the existing building. Mr. Dallas testified that the floor area ratio variance is needed because the State requires an elevator for the handicapped in any building greater than 4,000 square feet. In his opinion, there would be no adverse impact if the variance were granted and it would be within the spirit and intent of the Baltimore County Zoning Regulations (BCZR).

The variance to the amenity open space requirement is necessary due to the size of the lot. A smaller building would not work on the site. The lot is too small to permit both the requisite amenity open space and a commercial building. It is of a sufficient size for a dwelling, but since the lot is sandwiched between and surrounded by commercial uses on York Road, it is not feasible to develop it other than for a commercial use.

The amendment to Case No. 79-263-A is necessary in order to attach the addition to the existing building on the second parcel. The setback was originally necessary because this parcel was previously zoned residential. A setback is no longer necessary.

Mr. Oehrl, who lives on Main Boulevard, does not object to the proposed addition and, in fact, on behalf of most of the families who still reside behind these lots, who are mostly related, expressed support for the proposed buffering and landscaping.

The Petitioner seeks relief from Section 203.3.B.2, pursuant to Section 502.1, from Sections 203.4 and 101 (Definition - Office building, Class B), pursuant to Section 307, and from Section 500.9, pursuant to Section 500.7, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in an R-O Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

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

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Section 203.2, BCZR, requires that the proposed office building "...shall be highly compatible with the present or prospective uses of nearby residential property..." Testimony presented by Mr. Morelock and the Protestants was convincing that there is substantial evidence to justify such a conclusion,

which is, however, based on the restrictions delineated below. In addition, Section 502.2.3, BCZR, requires that the proposed use not be inconsistent with the purposes of the property's zoning classification nor be inconsistent with the spirit and intent of the BCZR. A finding that the condition required by Section 502.1.9 has been met necessarily implies a finding that the proposed use is a compatible one as required by Section 203.2, BCZR. See People's Counsel v. Webster, No. 361, Ct. of Sp. Appeals, January 8, 1986.

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 variances 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.

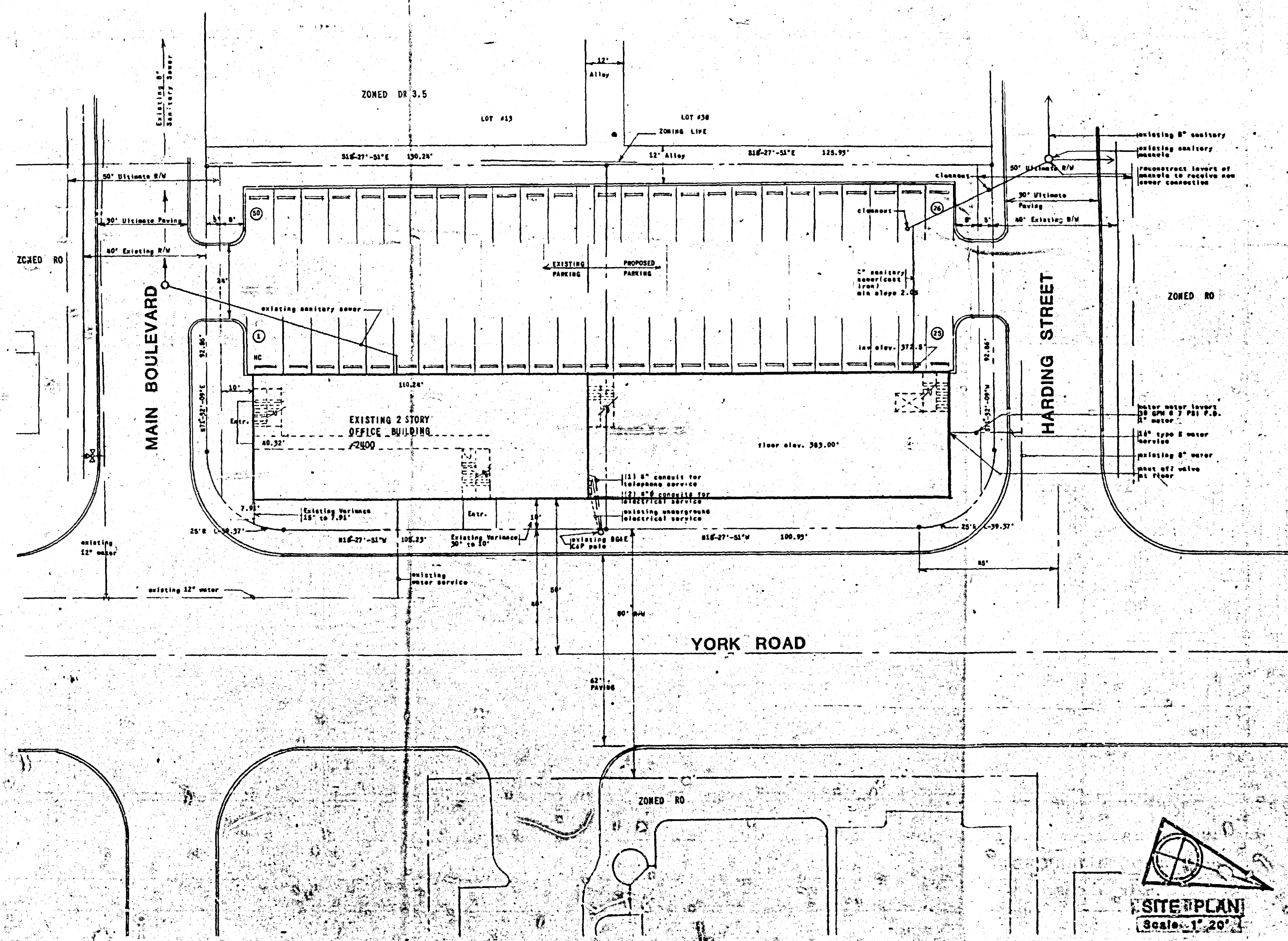
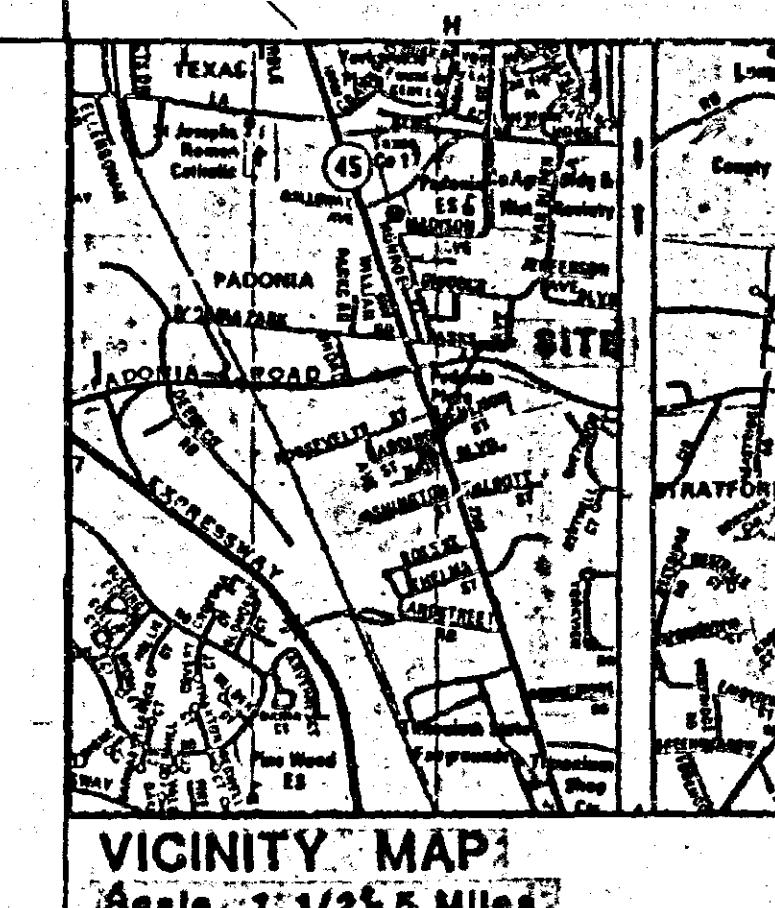
After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of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

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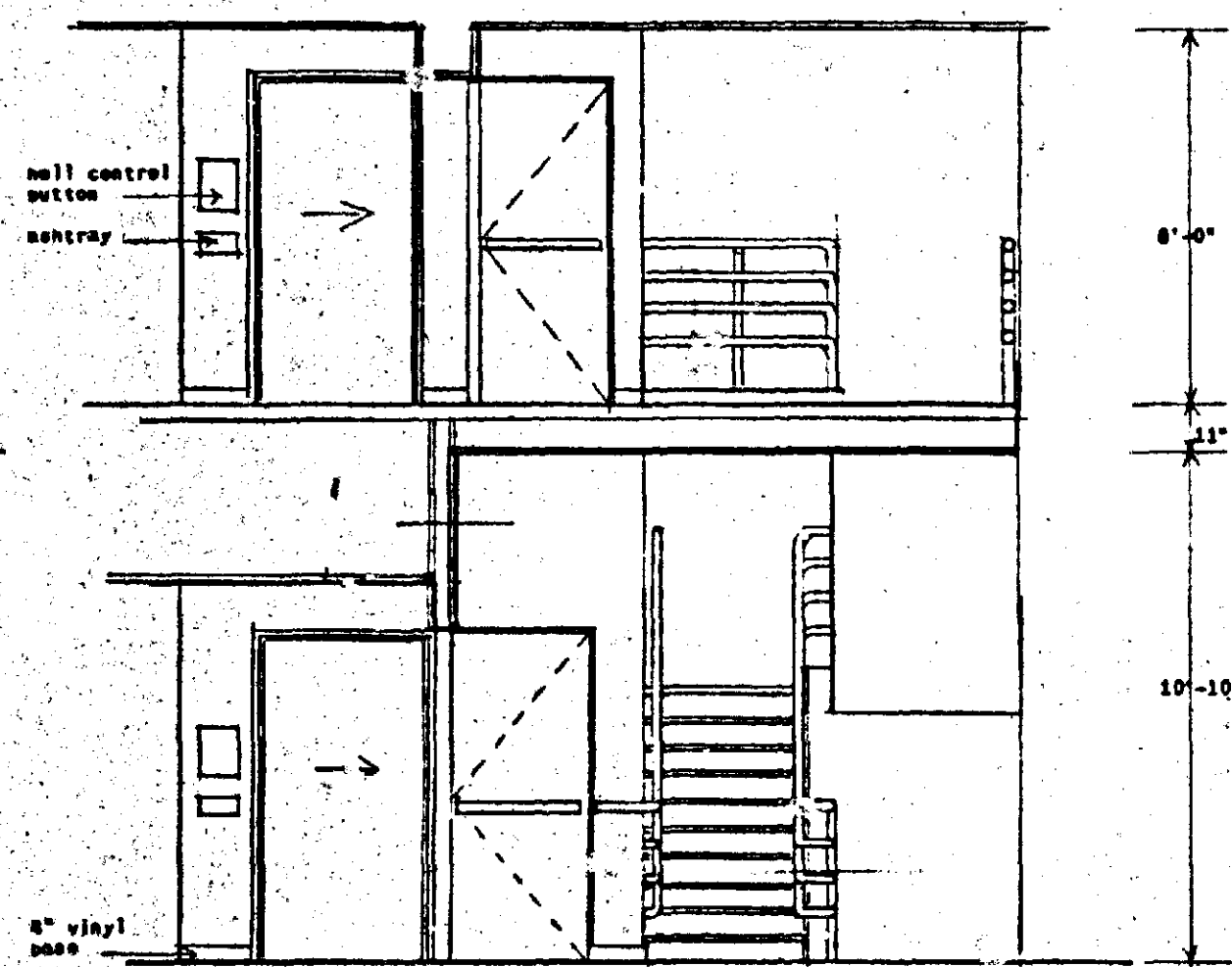
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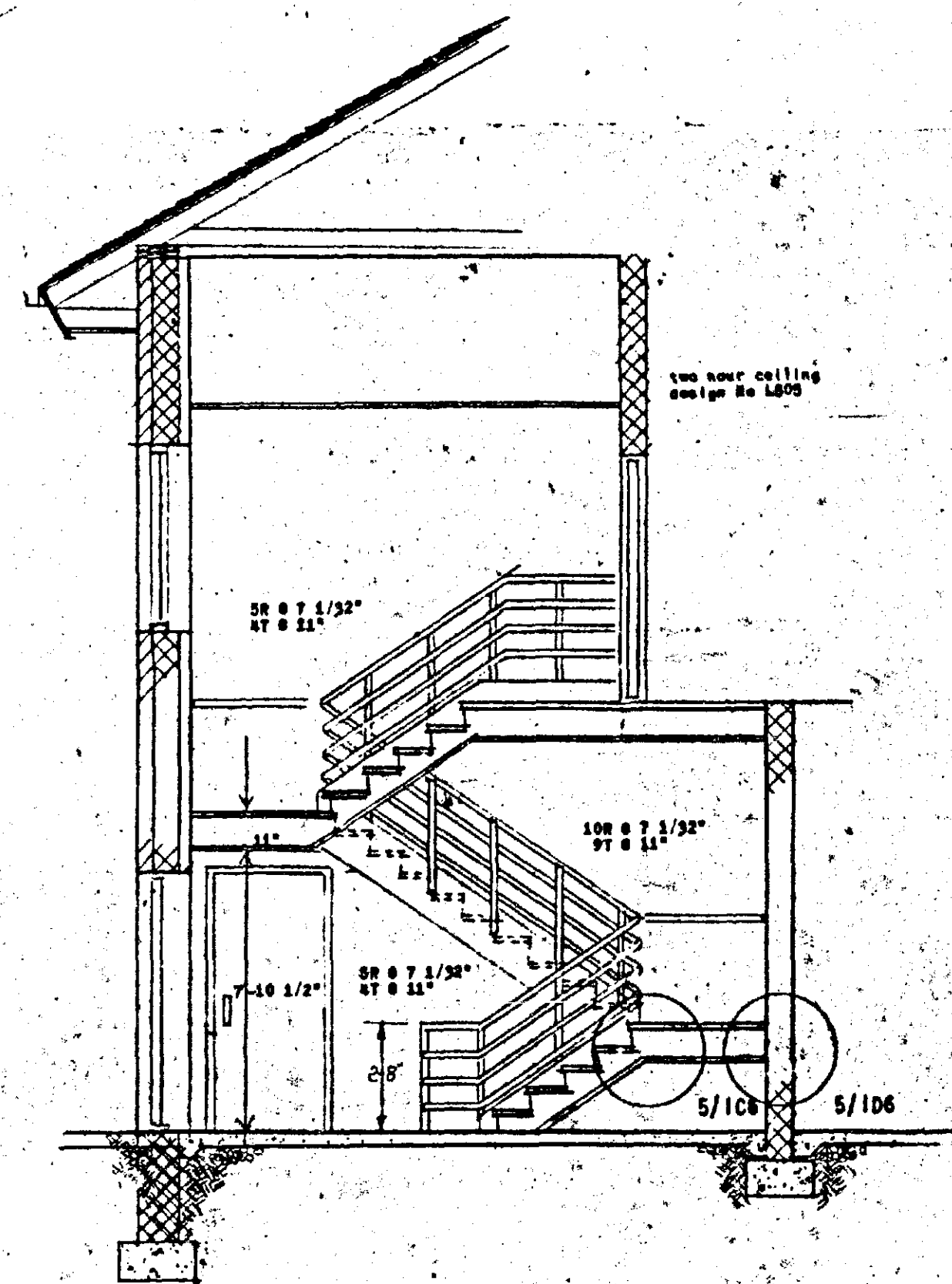


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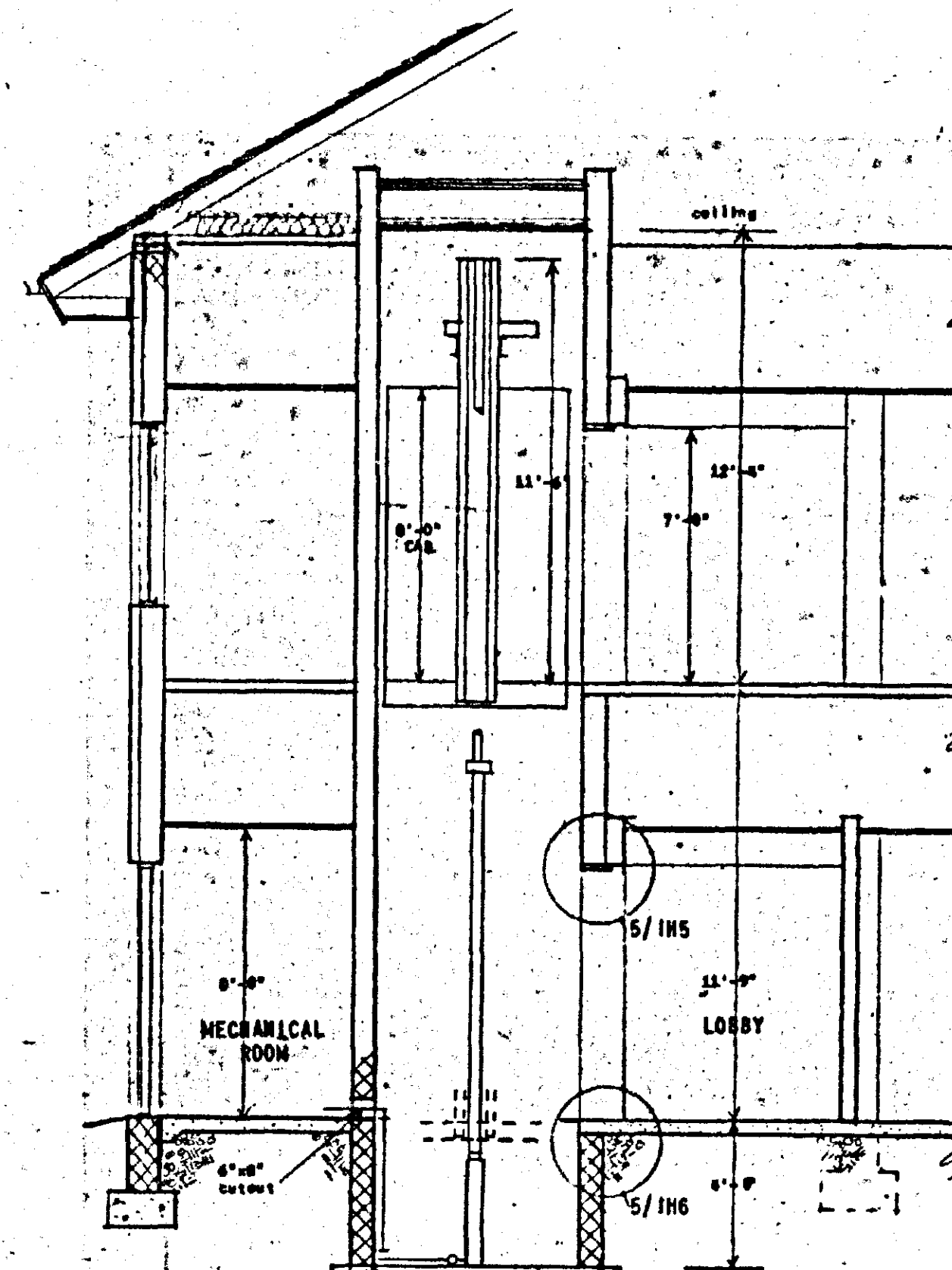
CONSULTANTS
STRUCTURAL ENGINEERING L.P.J., INC. 16 S. 25TH STREET BALTIMORE, MARYLAND 21278 TELEPHONE (301) 368-7000
MECHANICAL-ELECTRICAL ENGINEERING HAROLD A. SCHENKER, INC. 111 N. 25TH STREET BALTIMORE, MARYLAND 21278 TELEPHONE (301) 728-2200
TAA Inc. The Architectural Affiliation Baltimore: 301-823-7882 102 N. Pennsylvania Ave. Roxon, Maryland 21204
THE DIPINO OFFICE BLDG ALTERATIONS & ADDITIONS 2400 YORK ROAD TIMONISION, MD 21083
SITE PLAN VICINITY MAP
PROJ. NO. 8607
SCALE 1"=20'
DATE JULY 1986
FAST NO.



5/1B3 INTERIOR ELEVATIONS
1/4"=1'-0"

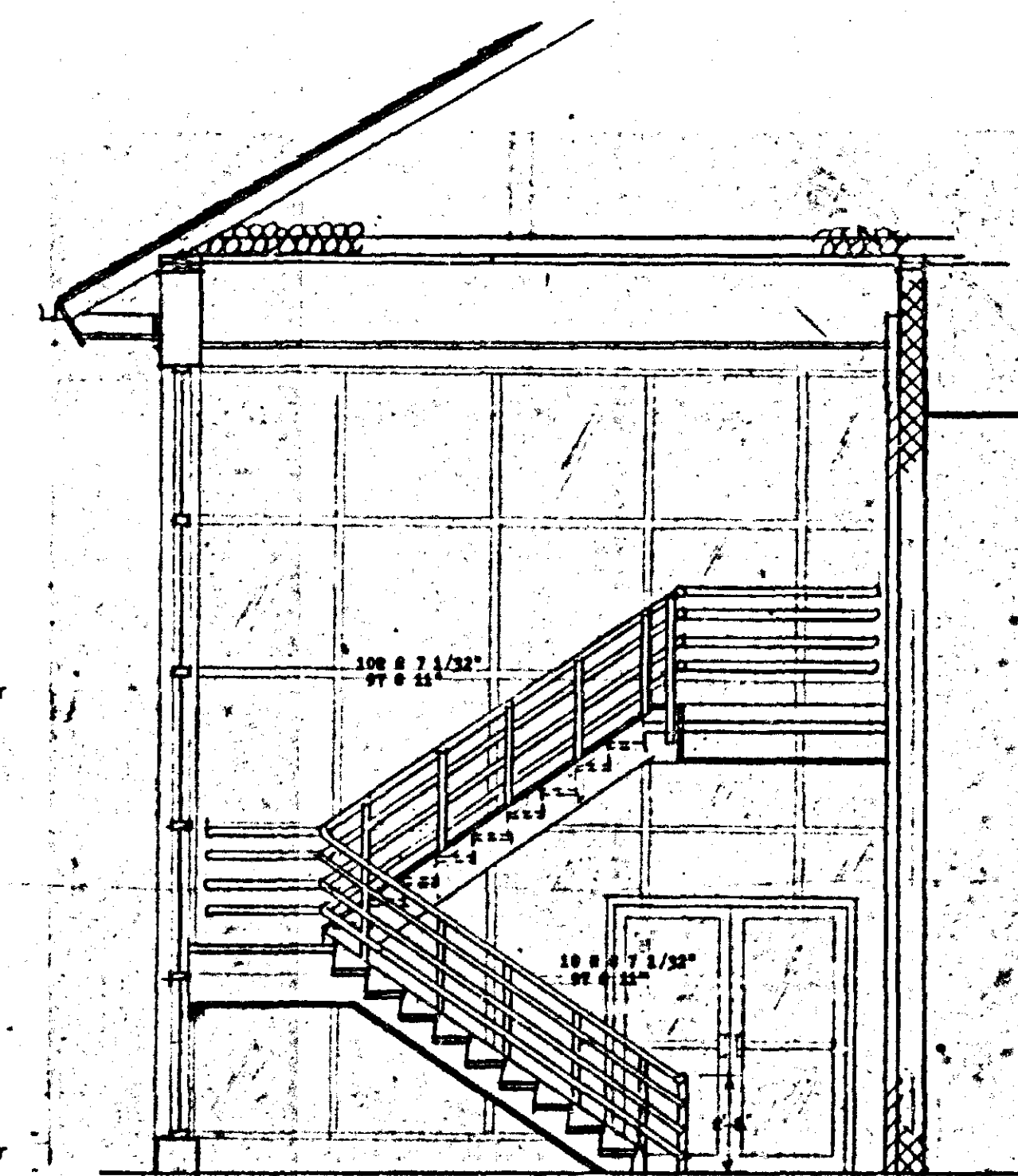


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1/4"=1'-0"

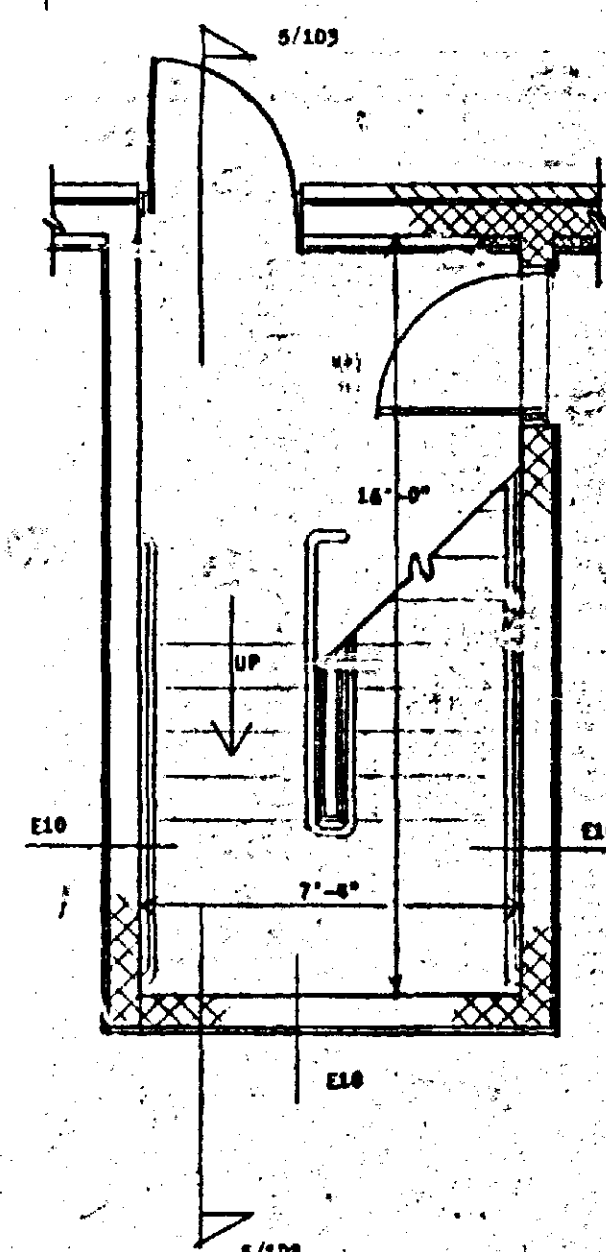


5/1F3 ELEVATOR SECTION
1/4"=1'-0"

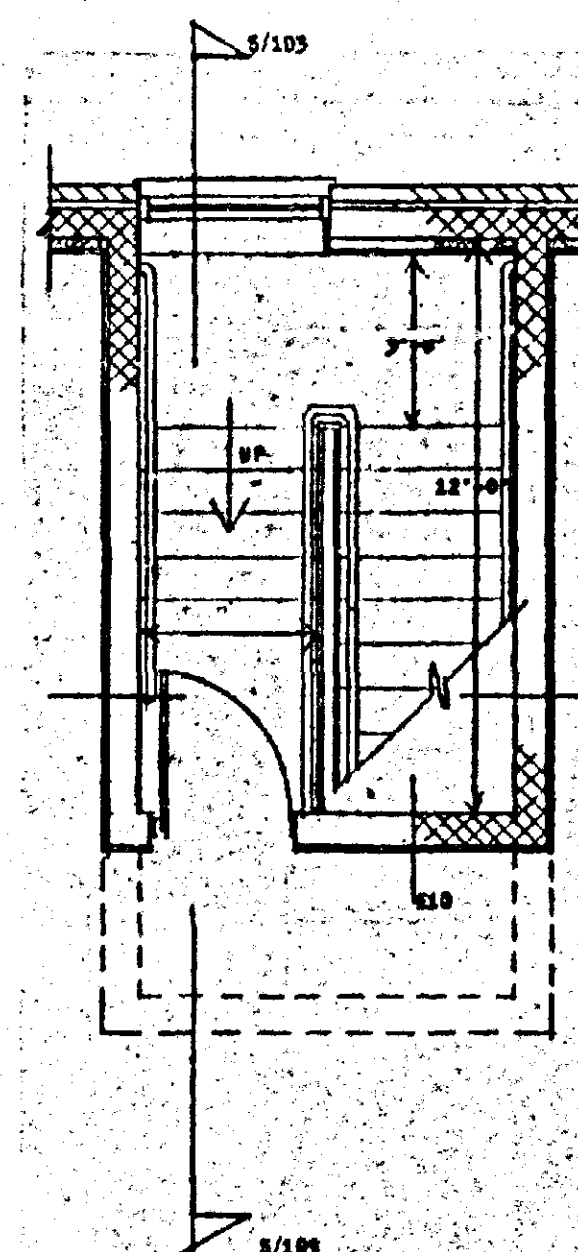
ceiling
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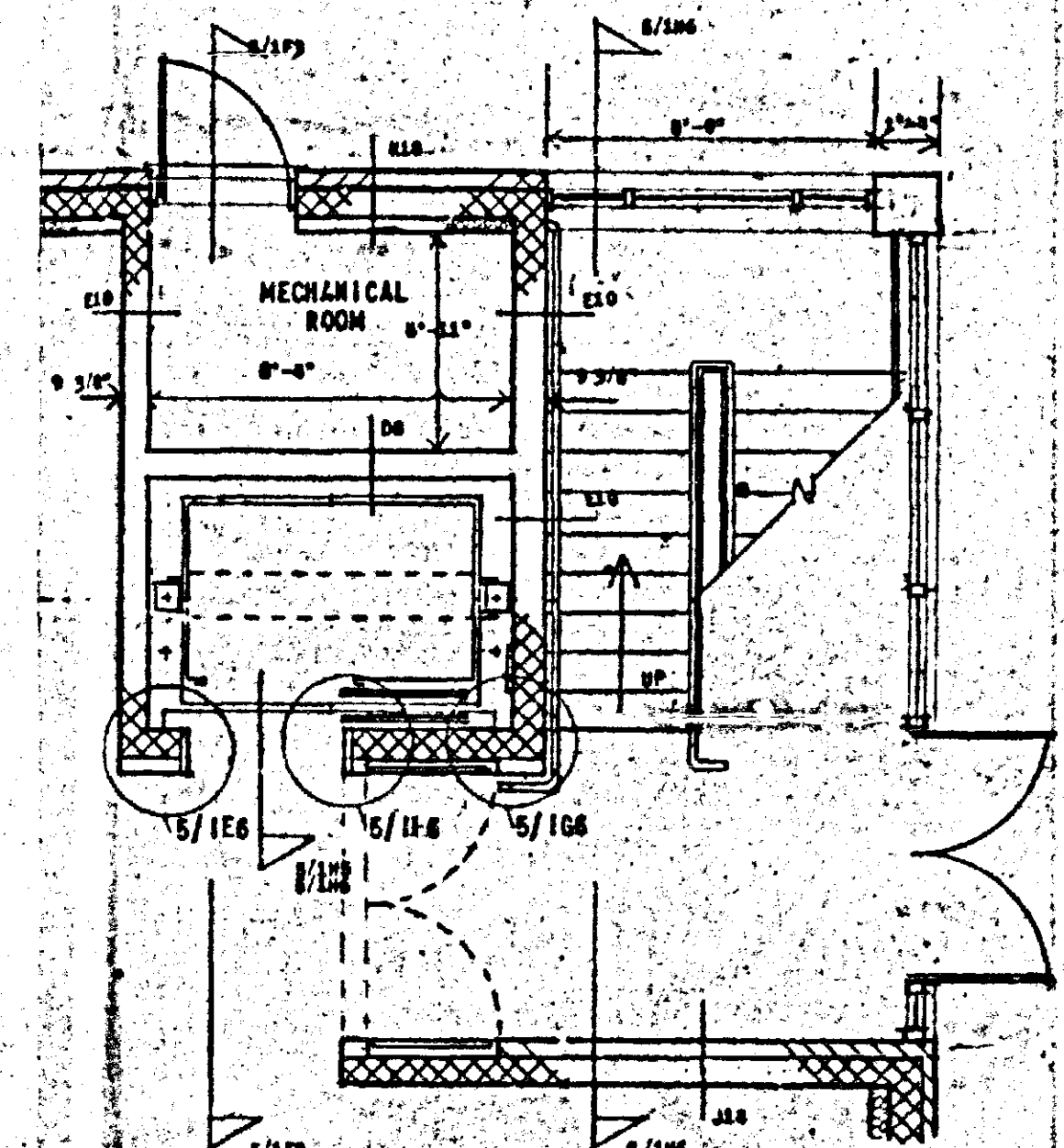
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1/4"=1'-0"



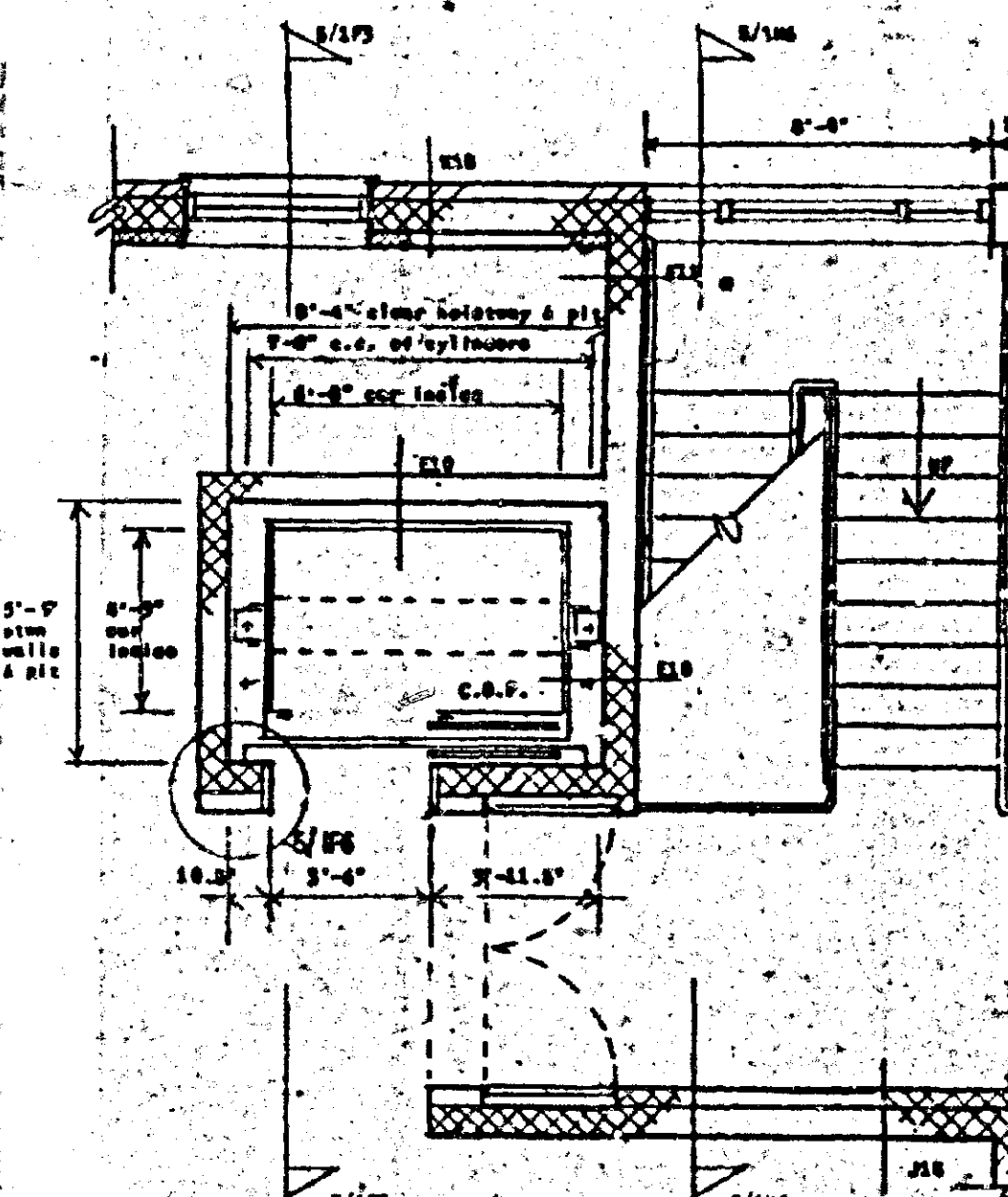
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GROUND FLOOR
1/4"=1'-0"



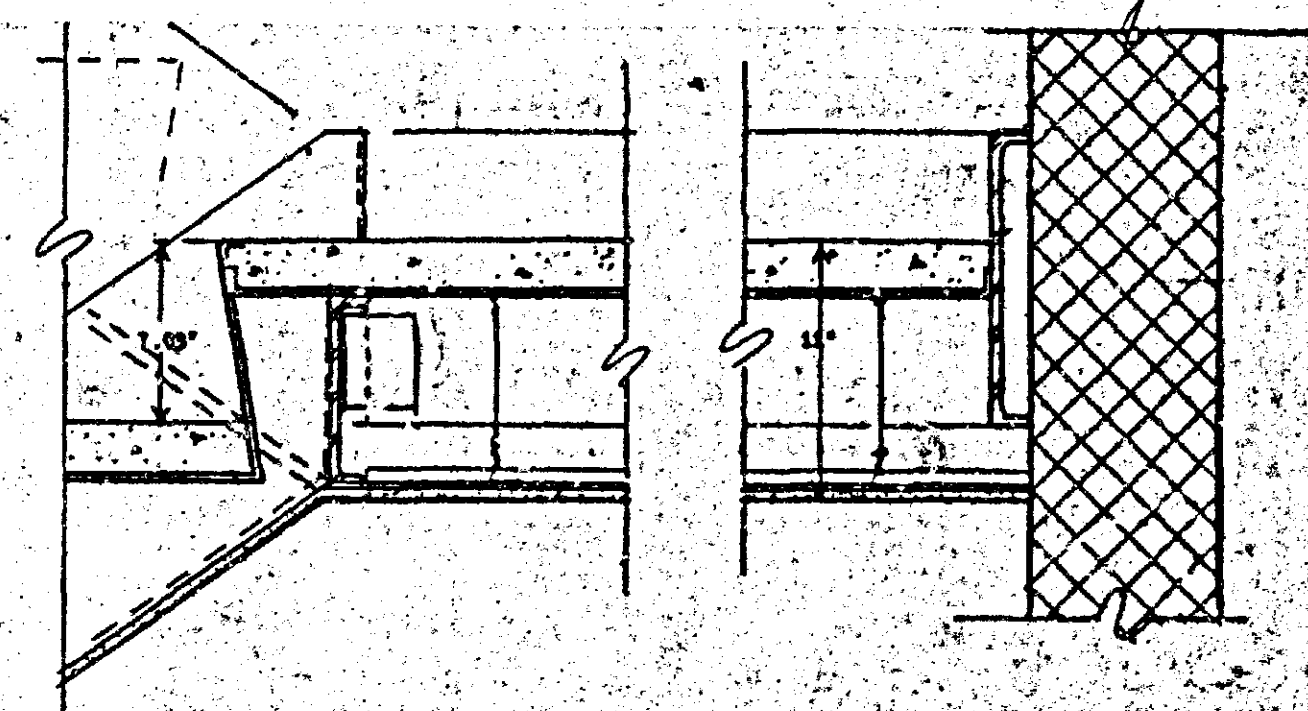
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SECOND FLOOR
1/4"=1'-0"



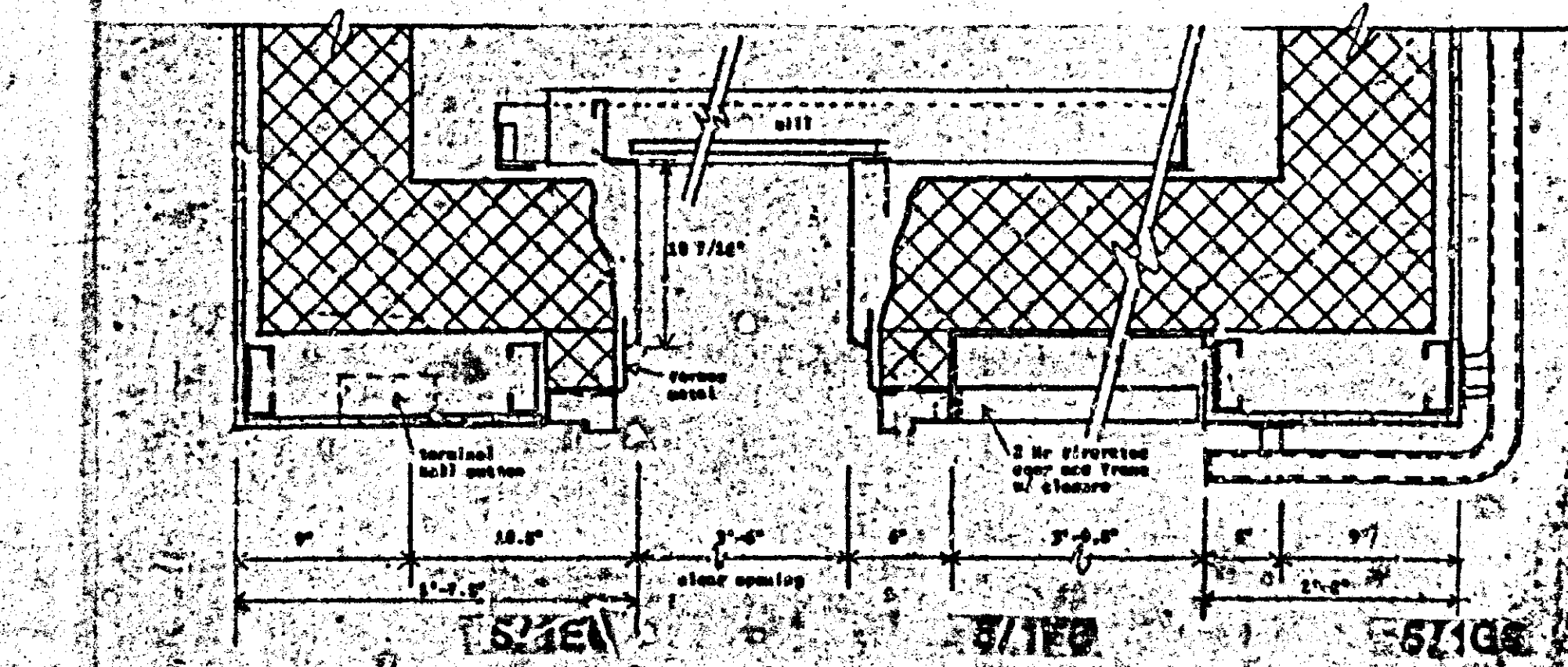
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1/4"=1'-0"



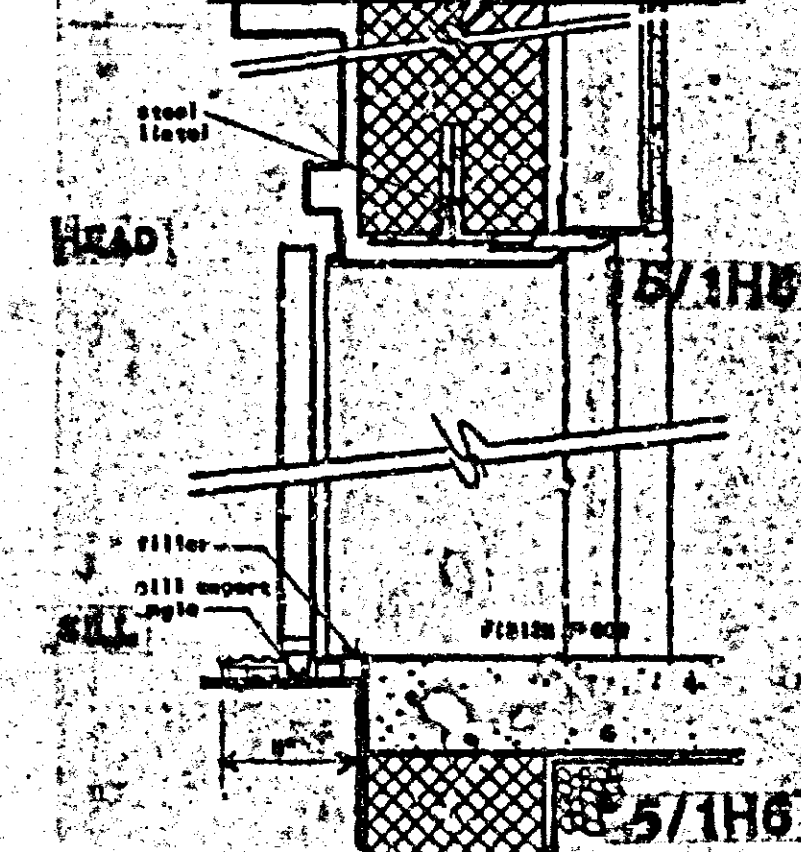
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SECOND FLOOR
1/4"=1'-0"



5/1C6 STAIR DETAILS
1 1/2"=1'-0"



5/1E6 ELEVATOR DETAILS
1 1/2"=1'-0"



5/1H6 STAIR DETAILS
1 1/2"=1'-0"

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CONSULTANTS
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 J.P. & J.C.
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 MECHANICAL-ELECTRICAL ENGINEERING
 HAROLD A. KUTNER, INC.
 100 E. BALTIMORE
 BALTIMORE, MARYLAND 21201
 TELEPHONE (301) 728-2255

TAA Inc.
 The Architectural Affiliation
 Baltimore: 301 823-1903
 102 W. Pennsylvania Ave.
 Towson, Maryland 21204

THE DIPINO
 OFFICE BLDG
 ALTERATIONS
 & ADDITIONS
 2400 YORK RD.
 TIMONIUM, MD. 21093

VERTICAL
 CIRCULATION
 SCALE: 1/4"=1'-0"
 DATE: 26 MAR 80
 5/1

addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of April, 1986, that the Petition for Special Exception for a Class B office building in an R-O Zone and the Petition for Zoning Variances to permit a floor area ratio of .529 instead of the permitted .50 and 5,100 square feet of amenity open space instead of the required 10,950 square feet be and are hereby GRANTED and, additionally, the amendment to Case No. 79-263-A be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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 Petitioner shall submit one deed with includes both lots under one metes and bounds description to the Zoning Commissioner for approval within 30 days from the date of this Order.

Paul J. Dipino
Zoning Commissioner of
Baltimore County

- 5 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section _____

Floor area ratio of 0.529 instead of 0.50

5100 square feet of amenity open space instead of 10,950 square feet

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

Property cannot be fully developed under existing standards

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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Signature

2400 York Rd.

Address

Timonium, Md.

Name

Michael B. Dallas

Registered Surveyor

28 Allegheny Avenue

Towson, Md. 21204

Address

494-0020

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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, 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 March, 1986, at 9:30 o'clock

Paul J. Dipino
Zoning Commissioner of Baltimore County

(over)

cc: Mr. Paul J. Dipino
S. Eric DiNenna, Esquire
People's Counsel

ORDER RECEIVED FOR FILING

DATE April 4, 1986
BY *Paul J. Dipino*
ADMINISTRATIVE ASSISTANT

- 6 -

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

The amendment of existing order to allow 5 feet of new construction within _____

the site

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Signature

2400 York Road

Address

Timonium, Md.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Michael B. Dallas

Name

28 Allegheny Ave., suite 507

Address

494-0020

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

Paul J. Dipino
Zoning Commissioner of Baltimore County

(over)

Michael B. Dallas
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0020

Spec. Ex. Class B Office Bldg
Parcel No. 2
Zoning Description 2408 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plate No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said plat, thence leaving said Street and binding on the center of said alley South 18-27-51 east 125.93 feet to the division line between Lots No. 6 and 7 as shown on said plat, thence on said division line North 71-22-09 east 117.86 feet to the westernmost side of said York Road, thence binding on said Road North 18-27-51 west 100.93 feet to the place of beginning.

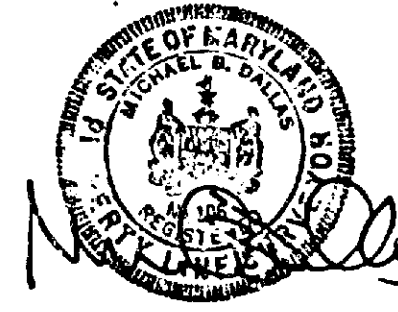
CONTAINING 0.337 acre of land more or less.

October 8, 1985



CONTAINING 0.687 acre of land more or less.

January 30, 1986



PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Class 'B' Office Building in a R-O Zone

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

El-Jen, Inc.

(Type or Print Name)

Signature

Address

City and State

Signature

2400 York Road

Address

Timonium, Md. 21093

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Michael B. Dallas

Name

Suite 507, 28 Allegheny Ave.

Address

494-0020

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 1986, 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 March, 1986, at 9:30 o'clock

Paul J. Dipino
Zoning Commissioner of Baltimore County

(over)

PETITIONS FOR SPECIAL HEARING, EXCEPTION AND VARIANCES

8th Election District

LOCATION: West Side of York Road between Main Boulevard and Harding Street (2400-08 York Road)

DATE AND TIME: Monday, March 24, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing to amend the existing order to permit 5 feet of new construction within the site

Petition for Special Exception for a Class B office building in a R.O. Zone

Petition for Zoning Variances for a floor area ratio of 0.529 in lieu of the required 0.50 and 5100 square feet of amenity open space in lieu of the required 10,950 square feet

Being the property of El-Jen, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

LIBERTY 142 FOLIO 195

Michael B. Dallas
Registered Surveyor
Suite 507
18 W. Allegheny Avenue
Towson, Maryland 21204
Phone 494-0920

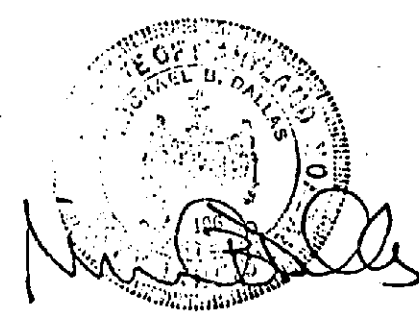
REMEMBER
SCHEDULE A

Parcels No. 1 & 2
Zoning Description 2400-08 York Road

BEGINNING for the same on the westernmost side of York Road (80 feet wide) as shown on State Highway Administration Plats No. 42197 and 42198 at a point distant 45 feet measured southerly from the center of Harding Street (40 feet wide) thence northerly by a line curving toward the west with a radius of 25 feet for a distance of 39.17 feet to the southernmost side of said Harding Street, thence binding on said Street South 71-32-09 west 92.86 feet to the division line between Lots No. 12 and 38, Block G as shown on the Plat of Timonium Heights Plat Book No. 5 folio 82 and to the center of a 12 foot alley as shown on said Plat, thence leaving said street and binding on the center of said alley South 18-27-51 east 256.17 feet to the northernmost side of Main Boulevard (40 feet wide) thence binding on said Boulevard North 71-32-09 east 92.86 feet, thence easterly by a line curving toward the north with a radius of 25 feet for a distance of 39.37 feet to said westernmost side of York Road, thence binding on said Road North 18-27-51 west 206.16 feet to the place of beginning.

CONTAINING 0.687 acre of land more or less.

January 30, 1986



Case No. 86-359-SPHXA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

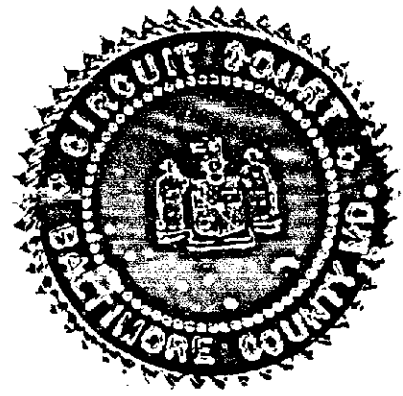
Your petition has been received and accepted for filing this
19th day of February, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner El-Jen, Inc.
Petitioner's
Attorney

Received by: James E. Dyer
Chairman, Zoning Plans (n)
Advisory Committee

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the foregoing is a true copy of the original
Record of the
Filed in the
Records of Baltimore County.



IN TESTIMONY WHEREOF I have signed at my hand
and affix the seal of the Office of Planning and Zoning
this 19th day of February, 1986.
Arnold Jablon
Chairman of the Board of Baltimore County

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

Honorable Arnold Jablon
March 27, 1986
Page 2

An office building Class "B" would permit the proposed building by attaching the proposed building to the existing building, it becomes one structure. The total property is zoned in the RO classification and by the granting of this Special Exception and attaching this building to the existing building, this would make the total property conform with the definition of a Class "B" office building.

The construction on this site will do nothing more than extend his present building. As you can see from the plats submitted with this Petition, the property line that did divide the two properties would run through the new building. It is inconceivable that there would ever be a sale of one portion of either parcel in the future. Though not necessary, the property owner agrees, if required, to re-deed both parcels into one.

For the above reasons, the request of El-Jen, Inc. is within the confines of the definition of an office building, Class "B"; there is nothing more than an extension of the existing building with the proposed new building.

A Special Exception, of course is necessary in the RO Zone in order to effectuate this. It is my understanding from my client that the requirements of Section 502.1 were met.

Therefore, it would be respectfully requested that these Petitions be granted in accordance with the testimony and this Opinion.

If you have any questions concerning this, do not hesitate to call upon me.

Very truly yours,
Eric Dinenna

SED:kar
cc: Paul DiPino

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: March 10, 1986

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

SUBJECT: Zoning Petition No. 86-359-SPHXA

This office is opposed to the granting of the subject request. We believe that our comment on Zoning Petition No. 79-263 is valid today. We reiterate, the size of the structure is not compatible with the type of development appropriate to RO zoned property in this locality.

Norman E. Gerber, AICP
Director

NEG:JCH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
February 26, 1986

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

Mr. Paul J. DiPino
El-Jen, Inc.
2400 York Road
Timonium, Maryland 21093

RE: Item No. 274 - Case No. 86-359-SPHXA
El-Jen, Inc. - Petitioner
Special Hearing, Special Exception
and Variance Petitions

Dear Mr. DiPino:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petitions. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Mr. Michael B. Dallas
28 W. Allegheny Avenue
Towson, Maryland 21204



Maryland Department of Transportation
State Highway Administration

William K. Hellman
Secretary
Hal Kassoff
Administrator

February 19, 1986

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

Attention: Mr. James Dyer

Re: ZAC Meeting of 2-11-86
ITEM: 4274
Property Owner: El-Jen, Inc.
Location: W/S York Road,
Route 45 Between Main Blvd. &
Harding Street
Existing Zoning: R.O.
Proposed Zoning: Special
Hearing to approve the amendment
of existing order to allow 5 feet
of new construction within the
site and Special Exception for
Class "B" office building in a
R.O. zone and a Variance for
floor area ratio of 0.529 instead
of 0.50 and 5100 square feet of
amenity open space instead of
10,950 square feet
Acres: .687 Acres
District: 8th Election District

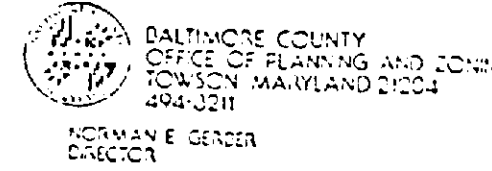
Dear Mr. Jablon:

On review of the submittal of 1-28-86 the State Highway Administration finds the site plan for new construction generally acceptable.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

cc: Mr. J. Ogle



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

MARCH 3, 1986

Re: Zoning Advisory Meeting of February 11, 1986
Item # 274
Property Owner: EL-JEN, INC.
Location: W/S YORK RD. BETWEEN MAIN
BLVD & HARDING ST.

Dear Mr. Jablon:

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

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on or alteration of the floodplain is prohibited under the provisions of Section 22-99 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/28/86.
- (X) The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and its conditions change the re-evaluated annually by the County Council.

A LOWER SECTOR PLAN WAS DENIED
BY PLANNING DIRECTOR ON 1/28/86
SEE FILE # (W-25-163)

cc: James Howell

Eunice A. Boser
Chief, Current Planning and Development



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

February 20, 1986

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: El-Jen, Inc.

Location: W/S York Road bet. Main Blvd. & Harding St.

Item No.: 274

Zoning Agenda: Meeting of 2-11-86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

Noted and
REVIEWER: John F. O'Neill Approved: John F. O'Neill
Planning Group
Special Inspection Division

/mb

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-9451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 No. Calvert St., Baltimore, Maryland 21203 - 0717



TED ZALESKI, JR.
DIRECTOR

Dear Mr. Jablons:

Comments on Item # 274 Zoning Advisory Committee Meeting are as follows:

Property Owner: El-Jen, Inc.
Location: W/S York Road between Main Blvd. and Harding Street
District: 6th.

APPLICABLE ITEMS ARE CIRCLED:

- ① All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

- B A building and other miscellaneous permits shall be required before the start of any construction.
A razing permit is required.

- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

- B. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

- G. The requested variance appears to conflict with Section(s) _____, _____, of the Baltimore County Building Code.

- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating that the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Uses _____ See Section 312 of the Building Code.

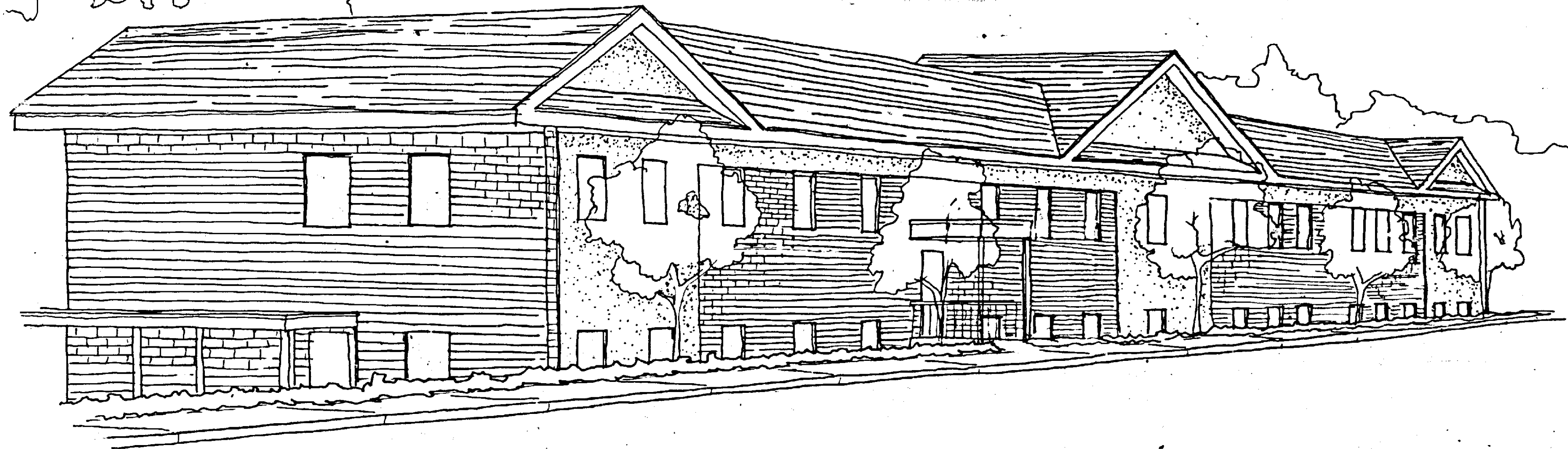
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

- Comments: If this becomes "one" building, access to all levels shall be provided for the handicapped. If it is two buildings then a 2 hour fire wall separation is required complying to Section 1407.0. See also State Regulation .05.01.07.

- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BY: C. E. Burnham, Chief
Building Plans Review

4/22/85

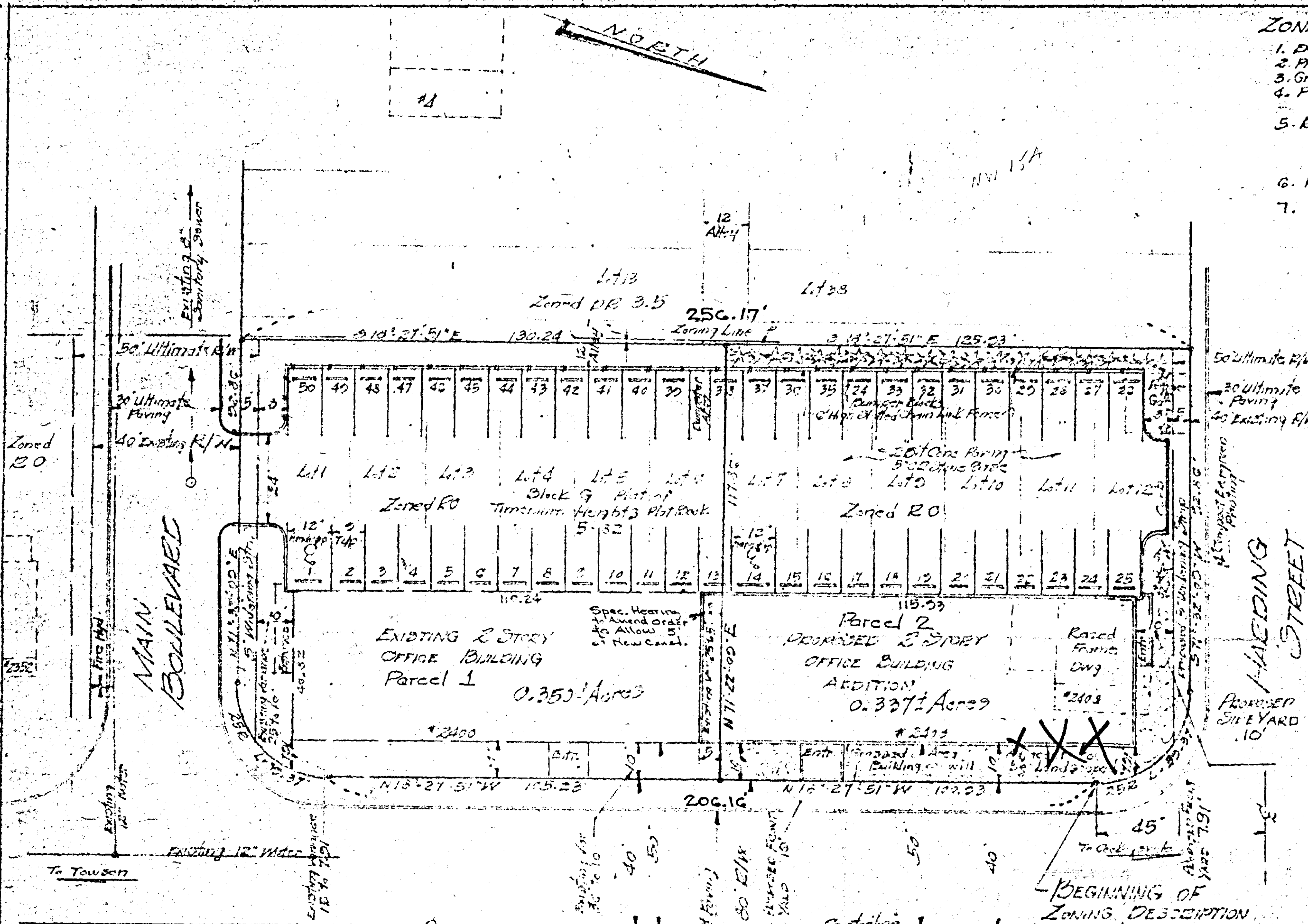


NO	DATE	ITEM
R E V I S I O N S		

SR M	
FRANCIA, A.	
ROJ. SAGR	
DE SAGNEU	
MR A 1978	
APPROVED	

**THE
DIPINO
OFFICE
BUILDING**

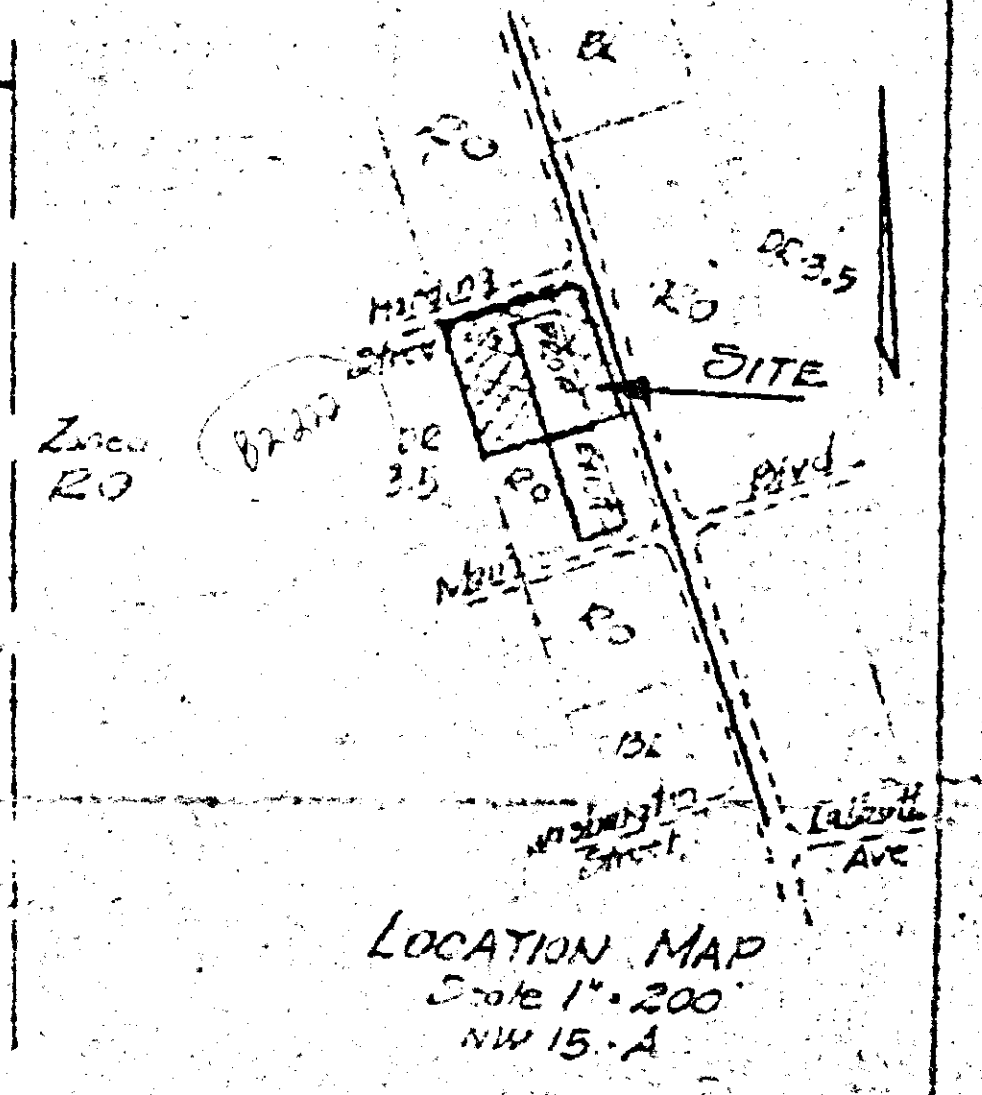
PROJ NO		
SC 248		
DATE		
LAB- 030		



ZONING DATA ENTIRE TRACT 0.687Ac² NET

1. Existing Zoning of Tract total **RO**
2. Proposed Zoning of Tract total **RO**
3. Gross Acreage of Tract **43792 SF = 1.01 Acres**
4. Proposed Use **18,464.52² Office Building**
4,732.4² Basement Storage
5. Required Parking
 1st Floor $9232.24/300 = 30.77$
 2nd Floor $9232.24/500 = 18.46$
49.23 Spaces
6. Proposed Parking **50 Spaces**
7. F.A.R. $9232.24 \times 2 = 18464.52$
 Basement 4732.24
23196.76 / 43792.0
= 0.529

2 Acre Open Space $43792 \times 0.25 = 10,950 SF$
 Proposed **5,100 SF**

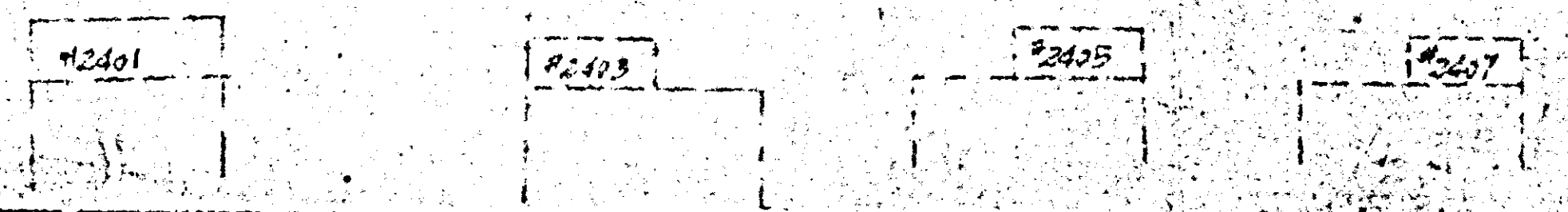


PETITIONER'S EXHIBIT 1

YORK ROAD ROUTE N^o 45
 SHA PLAT #42187 & #42188



Michael B. Dallas
 Registered Surveyor
 28 Allegheny Avenue
 Towson, Md. 21204
 410-4020



ZONING PLAT
2400-2403 YORK ROAD
 8th Election District Baltimore Co., Md.
 Scale 1" = 20'
 September 25, 1985
 Nov 9, 1985
 Jan 28, 1986

OWNER:
 EL JEN INC.
 Paul J. Di Pino, President
 2403 York Road
 Timonium, MD 21103
 Phone 282-6576

274
 86359
 SPHXA

REQUESTED ZONING:
 Parcel 2 - Special Exception for Office Bldg., class "B" in RO Zone
 Parcel 1 - Special Hearing to amend setback requirement of 5'
 Parcels 1 & 2 - Variance 3: F.A.R. of 0.529 instead of 0.50
 Amenity Open Space 5100 SF instead of 10950 SF

86-359 SPH

THE DIPINO OFFICE BLDG. ALTERATIONS & ADDITIONS

TAA Inc.

The Architectural Association

100 N. Dearborn Ave.
Chicago, Illinois 60610

86-359
Elevations
20 Class "B"