

87-213-XA

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10/17/86

N/S of Slade Ave., 850' E of Reisterstown Rd. (6 Slade Ave.)

3rd Elec. Dist.

Special Exception and Variance - filing fee \$200.00 - The Harlan
Company of Maryland, Inc. (See also 87-196-SPH

10/17/86

Hearing set for 11/21/86, at 10:00 a.m.

11/19/86

Advertising and Posting - \$95.75

11/21/86

Case continued - parties to discuss with other neighboring property owners
and notify Zoning Commissioner when to reschedule case.

4/27/87

Continued hearing set for 6/17/87, at 11:15 a.m., before Mr. Jablon

7/17/87

Ordered by the Zoning Commissioner that the Petition for Special Exception for a
high-rise luxury apartment condominium building with a maximum width of 375'
in lieu of the permitted 300' and the Petition for Zoning Variances to permit a
building height of 96' in lieu of the permitted 60', a distance between buildings of
56' in lieu of the required 75', and a setback of 27.4' to a tract boundary in
lieu of the required 30' for an underground parking building are GRANTED.

8/6/87

Appeal filed by David S. Cordish to Board of Appeals. (Filing fee \$100.00)

8/24/87

Hearing set for 10/6/87, at 11:00 a.m., before County Board of Appeals.

10-2-87

For further entries please see other side

9-30-87 Hearing has been postponed from Tuesday 10-6-87 11:00 a.m. to Thursday 10-15-87 at 11:00 a.m. before County Board of Appeals.

10/16/87 Hearing continued from 10/15/87 to Thursday, November 12, 1987 at 10:00 a.m.

01/13/88 ORDERED by the County Board of Appeals, that the Special Exception to permit the building width of 375 feet is GRANTED; that the variances permitting the two portions of the building not with the Residential Transition Area to be 96 feet in height be GRANTED; that the variance to allow the proposed building to be 56 feet from the existing mansion be GRANTED; and that the underground parking facilities be set back 27.4 feet from the tract boundary in lieu of the required 30 feet be GRANTED, with restrictions.

2/16/88 Appeal taken to Circuit Court of Baltimore County by County Board of Appeals.

7/13/92 Circuit Court Hearing held before Hon. John F. Fader, II. Board of Appeal decision Affirmed.

IN THE MATTER OF	:	BEFORE
<u>HALLE PROPERTY</u>		
(6 SLADE AVENUE)	:	COUNTY BOARD OF APPEALS
RE: CRG DECISION		
and	:	OF
<u>THE HARLAN CO. OF MD., INC.</u>		
<u>NORTH SIDE OF SLADE AVENUE, 850'</u>	:	BALTIMORE COUNTY
EAST OF REISTERSTOWN ROAD		
RE: SPECIAL EXCEPTION AND VARIANCES:		CASE NO. CBA-86-157
3rd ELECTION DISTRICT		and
2nd COUNCILMANIC DISTRICT	:	CASE NO. 87-213-XA

O P I N I O N

Case No. CBA-86-157, the appeal on the CRG decision, was heard in its entirety on October 15, 1987. Testimony and evidence were received this day pertaining to the CRG decision from both the Appellee/Developer and the Appellants/Protestants. At the conclusion of all this testimony, a Motion to Dismiss the CRG appeal was made by Counsel for the Appellee/Developer. It was the opinion of this Board that all the requirements of Section 22-61(c) of the Baltimore County Code had been complied with and the Motion to Dismiss the CRG appeal was granted.

David Thaler, engineer, testified he prepared the site plan and described it in detail.

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Richard Blinder, architect, described the proposal as presented and also noted the alternatives that could be developed on the property as of right without needing the special exception or variances, and the advantages of the submitted proposal.

Robert Kleinpaste testified as to a market evaluation of the area and the extreme advantage of maintaining the historic mansion that presently exists on the site. This concluded Petitioner's testimony.

Protestants presented five witnesses in opposition to the submitted proposal. Judith Langenthal, as secretary/vice president for the Dumbarton Improvement Association, testified that her membership voted to oppose the requested special exception and variances.

Mr. William Kahn, a board member of the Longmeadow Improvement Association, testified that his members had voted to oppose the special exception and variances.

Mr. Albert Ottenheimer, a resident of One Slade Avenue, testified on behalf of his association in opposition to the special exception and variances.

Thomas Dittman, a property line surveyor for Kidde Consultants, testified as to a survey of the two parcels west of the Harlan property. There was much testimony and argument as to whether these two properties should be considered separately or as one unit.

Timothy Madden, a registered landscape architect and land planner, testified as to the relationship of these two lots or alternately the one lot and its relationship to the required 250-foot Residential Transition Area.

William F. Kirwin, a land planner, was Protestants' last witness. Mr. Kirwin presented as exhibits alternate ways in which the property could be

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developed under its present zoning without the need for variances or a special exception. This basically concluded testimony and evidence presented in this case.

It was agreed at this time by both attorneys that closing arguments would be submitted in written form, and these arguments are now a part of the case file.

The Developer is proposing a building 375 feet in length, and Baltimore County Zoning Regulations (B.C.Z.R.) 1B01.2B.2 requires a special exception for any excess of 300 feet. Petitioner also amended his petition to request a building height of 96 feet, a distance between buildings of 56 feet, and a setback of 27.4 feet in lieu of the required 30 feet for an underground parking structure.

Since the matter before the Board concerns both a special exception request and variance requests, and since the proposal before the Board is a very specific one, the Board, under the authority in granting special exceptions, has some measure of control over what is ultimately developed. The plan as proposed preserves a great amount of uncovered surfaces, provides that almost all the automobiles will be parked underground, does not appear in any way to be a detriment to the neighborhood, and, importantly, preserves the historic mansion in its present condition. While it is true that alternate plans for the development of the property without these variances or special exception appear feasible, they all include exposed parking for all the automobiles and the associated paving connected with same, the probable razing of the mansion, and the placing of the buildings much closer to Slade Avenue. There was also testimony that this type of development would be less desirable in this neighborhood.

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It is the opinion of this Board that the requirements of B.C.Z.R. 307 have been complied with and these variances should therefore be granted. It is the opinion of this Board that all the requirements of Section 502 regarding the special exception request and the submitted proposal have been complied with and the special exception should be granted. The only matter therefore to be resolved is addressing the Protestants' claim that the 250-foot Residential Transition Area must be enforced regarding the Miller property to the west. There was testimony presented that the owner of the Miller property was in full agreement and was listed as a co-developer of this site. If the two parcels deeded under one deed with two starting points for its perimeters is indeed a co-developer, the Residential Transition Area requirements do not apply.

O R D E R

It is therefore this 13th day of January, 1988, by the County Board of Appeals of Baltimore County ORDERED that the special exception to permit the building width of 375 feet be and the same is GRANTED;

IT IS FURTHER ORDERED that the variances permitting the two portions of the building not within the Residential Transition Area to be 96 feet in height be GRANTED, that the variance to allow the proposed building to be 56 feet from the existing mansion be GRANTED, and that the underground parking facilities be set back 27.4 feet from the tract boundary in lieu of the required 30 feet be GRANTED.

All of the above grantings shall be subject to the following requirements:

1. The existing Halle home, or mansion as it is called, be maintained in its exterior condition as it has always been, and that no commercial use of this building be permitted other than a rental office for the condominiums and living quarters for the condominium superintendent.

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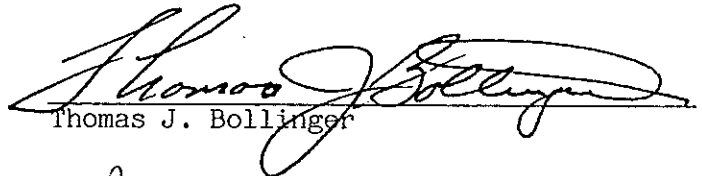
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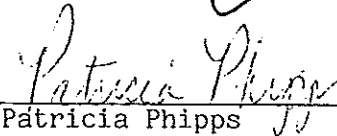
2. The proposal as submitted to this Board on the approved plat, revision date 6/18/87, be precisely complied with. Any deviation from this plan would render the special exception and variances null and void.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


William T. Hackett, Chairman


Thomas J. Bollinger


Patricia Phipps