

IN RE: PETITION FOR SPECIAL HEARING
NR/S Reisterstown Road, 186'
NW of NW/8 of Garrison View Rd.
3rd Election District
3rd Councilmanic District
Professional Realty Co.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-195 SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of an intended variance of 16% of the Amenity Open Space as shown in the Community Review Group Site Plans and alluded to in Zoning Commissioner's Case No. 87-12 XA that granted a variance of 18% for Amenity Open Space, all of which is more completely described in Petitioner's Exhibit 1 and on Petitioner's Exhibit A.

The Petitioner was present and represented by counsel. Testimony was proffered by counsel and supported by the direct testimony of the Petitioner. There were no Protestants.

The testimony tends to indicate the following:

That the Petitioner had requested a variance in conjunction with the Special Exception hearing held in zoning matter No. 87-12 XA for the proposed building project known as the St. Thomas Professional Building. This project was reviewed at CRG and contained a request for a variance Amenity Open Space (A.O.S.) of 16%. In the opinion issued by Deputy Zoning Commissioner, Jean Jung, the variance for A.O.S. of 16% was referred to and approved, but not granted in the final Order. In the final Order, the Petitioner was granted an A.O.S. variance of 18.5% in lieu of the required 25%.

The additional direct testimony indicates that the A.O.S. for this project was shown to be 16-1/2% on the original C.R.G. drawings and was requested as such. That upon re-calculation of the A.O.S. for this special hearing, the engineer has determined that the A.O.S. calculation is actually 4,508 square feet or 18.48% of the project.

As a result of this testimony, a follow-up site plan was required by the Zoning Commissioner and has been accepted for filing and marked as Petitioner's Exhibit "A". The new site plan indicates with cross hatching the A.O.S. on the subject site. According to the calculations, the A.O.S. on the subject property is 18.48% in lieu of the required 25%. There was some discussion during the hearing about the inclusion of an area adjacent to the under building parking area being counted as A.O.S. The determination of this opinion does not, in any way, change, alter, or interpret the appropriateness of counting A.C.S. adjacent to parking areas under the building. The determination in this case is simply that 18.48% of the project is committed to A.O.S.

There is no need to amend the original granted variance since the actual A.O.S. shown on Petitioner's Exhibit "A" complies with the existing variance on the property. Therefore, it is only necessary to amend this project with the inclusion of Petitioner's Exhibit "A" as the final, as built, site plan indicating the appropriate A.O.S., complying with the already existing variance of 18%.

Therefore, there is no need to amend the variance granted in zoning case No. 87-12 XA or to change the opinion in that matter to indicate a 16% A.O.S. variance. The original opinion in zoning case No. 87-12 XA grants a variance to the Petitioner for A.O.S. of 18% in lieu of the required 25%.

- 2 -

pursuant to the advertisement, posting of the property and the public hearing held and it appearing for the reasons set forth above, that the requested relief set forth in the Petition for Special Hearing need not be granted. However, the finding that the Petitioner is in compliance with the A.O.S. requirements of Case No. 87-12 XA shall be rendered.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of January, 1988 that the amended site plan for the St. Thomas Professional Building project marked as Petitioner's Exhibit A indicating that the project is in compliance with the variance granted in zoning case No. 87-12 XA permitting an A.O.S. variance of 7% for a total A.O.S. for the project of 18% be and is hereby GRANTED and the relief requested to approve a 16% A.O.S. amendment to case 87-12 XA be and is hereby DISMISSED, from and after the date of this Order.

J. Robert Haines
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mn
cc: Peoples Counsel
cc: John B. Contrum, Esq.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41698
DATE 1/21/88 AMOUNT \$100.00
RECEIVED BY Rhonda G.H.F.
FOR \$113.9
VALIDATION OF SIGNATURE OF FARMER

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING TO CLARIFY AMOUNT OF A.O.S. GRANTED IN 87-12 XA

RE: St. Thomas Green

Point of beginning being located on the east side of Reisterstown Road North 41° 20' 00" West 186.05 feet ± from the intersection of the north side of Garrison View Road with the east side of Reisterstown Road, thence in a clockwise direction:

- 1) South 46° 29' 22" West 7.00 feet ±
 - 2) North 41° 20' 00" West 100.00 feet
 - 3) North 46° 30' 00" East 250.06 feet
 - 4) South 41° 14' 03" East 99.96 feet and
 - 5) South 46° 29' 22" West 242.89 feet ± to the place of beginning.
- Containing 0.57 Acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)

PETITION FOR SPECIAL HEARING

3rd Election District - 3rd Councilmanic District
Case No. 88-195-SPH

LOCATION: Northeast Side of Reisterstown Road, 186 feet Northwest of Northwest Side of Garrison View Road
DATE AND TIME: Monday, November 23, 1987, at 2:45 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing to approve an intended variance of 16% A.O.S. as shown in the CRG in lieu of the 18% A.O.S. granted in Case No. 87-12 XA

Being the property of Professional Realty Company, 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.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING
NR/S Reisterstown Rd., 186' NW
of NW/8 Garrison View Rd.,
3rd District
PROFESSIONAL REALTY COMPANY,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-195-SPH

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 2nd day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to John B. Contrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL HEARING 88-195-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part thereof, hereby petition for a Special Hearing under Section 100.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an intended variance of 16% A.O.S. as shown in the C.R.G.

In lieu of the 18% A.O.S. granted in Case No. 87-12 XA

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 penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	MAP 11211
(Type or Print Name)	Professional Realty Company	2C
Signature	Signature	DATE 3-2-88
Address	Address	1008 BF
City and State	City and State	DE 21204
Attorney for Petitioner:	Attorney for Petitioner:	N-42,170
John B. Contrum	John B. Contrum	W-43,970
(Type or Print Name)	(Type or Print Name)	PRIGR CASE
Signature	Signature	87-12 XA
Address	Address	
City and State	City and State	
Attorney's Telephone No.:	Attorney's Telephone No.:	

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1987, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of November, 1987, at 2:45 o'clock p.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting 11-4-87
Posted for: Special Hearing
Petitioner: Professional Realty Co.
Location of property: NE 1/4 of Reisterstown Road, 186' NW of Garrison View Road
Location of Sign: NE side of Reisterstown Road opposite 240' NW of Garrison View Road
Posted by: J. J. Rade Date of return 11-6-87
Number of Signs: 1

MICROFILMED

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

Mr. Mark T. Miller
Professional Realty Company
110 Painters Mill Road
Owings Mills, Maryland 21117

Re: Petition for Special Hearing
NE/S Reisterstown Rd., 186' NW of NW/S
of Garrison View Rd.
3rd Election District
Professional Realty Co., Petitioner
Case No. 88-195-SPH

This is to advise you that \$2.73 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45822

Sincerely,
J. Robert Haines
Zoning Commissioner

JRH:med

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

October 27, 1987

Paul H. Reindt
Chief

Re: Property Owner: Professional Realty Company
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Location: NE/S Reisterstown Rd., 186' NW of NW/S Garrison View Rd.
Item No. 139 Zoning Agenda Meeting of 10/20/87

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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

(X) 2. A second means of vehicle access is required for the site.

(X) 3. Vehicle dead end condition shown at _____

Exceeds the maximum allowed by the Fire Department.

(X) 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.

(X) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning & Zoning Division Fire Prevention Bureau

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Planning & Zoning Division Fire Prevention Bureau

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., on November 5, 1987.

OWINGS MILLS TIMES

James E. Dyer

Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 5, 1987
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on November 5, 1987.

THE JEFFERSONIAN

James E. Dyer

Publisher

John B. Gontum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

October 23, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NE/S Reisterstown Rd., 186' NW of NW/S
of Garrison View Rd.
3rd Election District
Professional Realty Co., Petitioner
Case No. 88-195-SPH

TIME: 2:45 p.m.

DATE: Monday, November 23, 1987

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

Attn: Mr. Mark T. Miller

Professional Realty Company

110 Painters Mill Road

Owings Mills, Maryland 21117

JRH:med

cc: Mr. Mark T. Miller

Professional Realty Company

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Owings Mills, Maryland 21117

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JRH:med

cc: Mr. Mark T. Miller

Professional Realty Company

110 Painters Mill Road

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commission

Date: November 4, 1987

FROM: Director of Planning and Zoning

Subject: Petition No. 88-195-SPH

NEC:JCH:med

cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel

File

This office does not support the granting of variances to amenity open space, believing that proposals should be scaled down to meet the standards.

Norman E. Gerber, AICP
Director of Planning and Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 17, 1987

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

John B. Gontum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 139 - Case No. 88-195-SPH
Petitioner: Professional Realty Co.
Petition for Special Hearing

Dear Mr. Gontum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning of 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 Commission 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 petition. 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. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer

JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:kbb

Enclosures

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Fassoff
Administrator

October 23, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of 10-20-87
ITEM #139
Property Owner: Professional Realty Company

Location: NE/S Reisterstown Rd., 186' NW of NW/S Garrison View Rd.
Existing Zoning: R.O. and D.R. 16
Proposed Zoning: Special Hearing to approve an intended variance of 16' A.O.S. as approved in the CRG in lieu of the 18' A.O.S. granted in Case No. 87-12-KA

Area: 0.57 acres
District: 3rd Election District

Dear Mr. Haines:

On review of the submittal of 4-14-86 for St. Thomas Professional Building, the State Highway Administration Bureau of Engineering Access Permits finds the existing site plan generally acceptable.

If you have any questions, please contact Mr. George Wittman at 333-11350.

Very truly yours,

Creighton J. Mills, Jr.

Creighton J. Mills, Jr.

Acting Chief

Bureau of Engineering

Access Permits

GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 383-0451 D.C. Metro - 1-800-492-5063 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-3717

1019 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21204
PHONE: 301/837-0194

RECEIVED
DEC 2 1987
ZONING OFFICE

PURDUM
and
JESCHKE
CONSULTING ENGINEERS
AND LAND SURVEYORS

Date: December 1, 1987

Re: St. Thomas Prof. Bldg.

To: Baltimore County Office Bldg.

Zoning Commission

111 W. Chesapeake Avenue

Towson, Maryland 21204

Attention: Mr. J. Robert Haines

Zoning Commissioner

Gentlemen:

We are submitting

We are forwarding

We are returning

We request

Herewith

Under separate cover

No. Description

1 Print of site showing A.O.S. as approved in meeting on Nov. 2, 1987

Item #139

Case #88-195-SPH

Remarks:

In accordance with your request

For your review

For processing

Plans reviewed and accepted

Plans reviewed and accepted as noted

For revision by you

For your use

Please call when ready

Please return to this office

Approval requested

Conference requested at your convenience

For further information, please contact the writer at this office.

Sincerely yours,

John H. Kline

John H. Kline

cc: Mr. John Gontum

cc: Mr. Mark Miller

cc: File

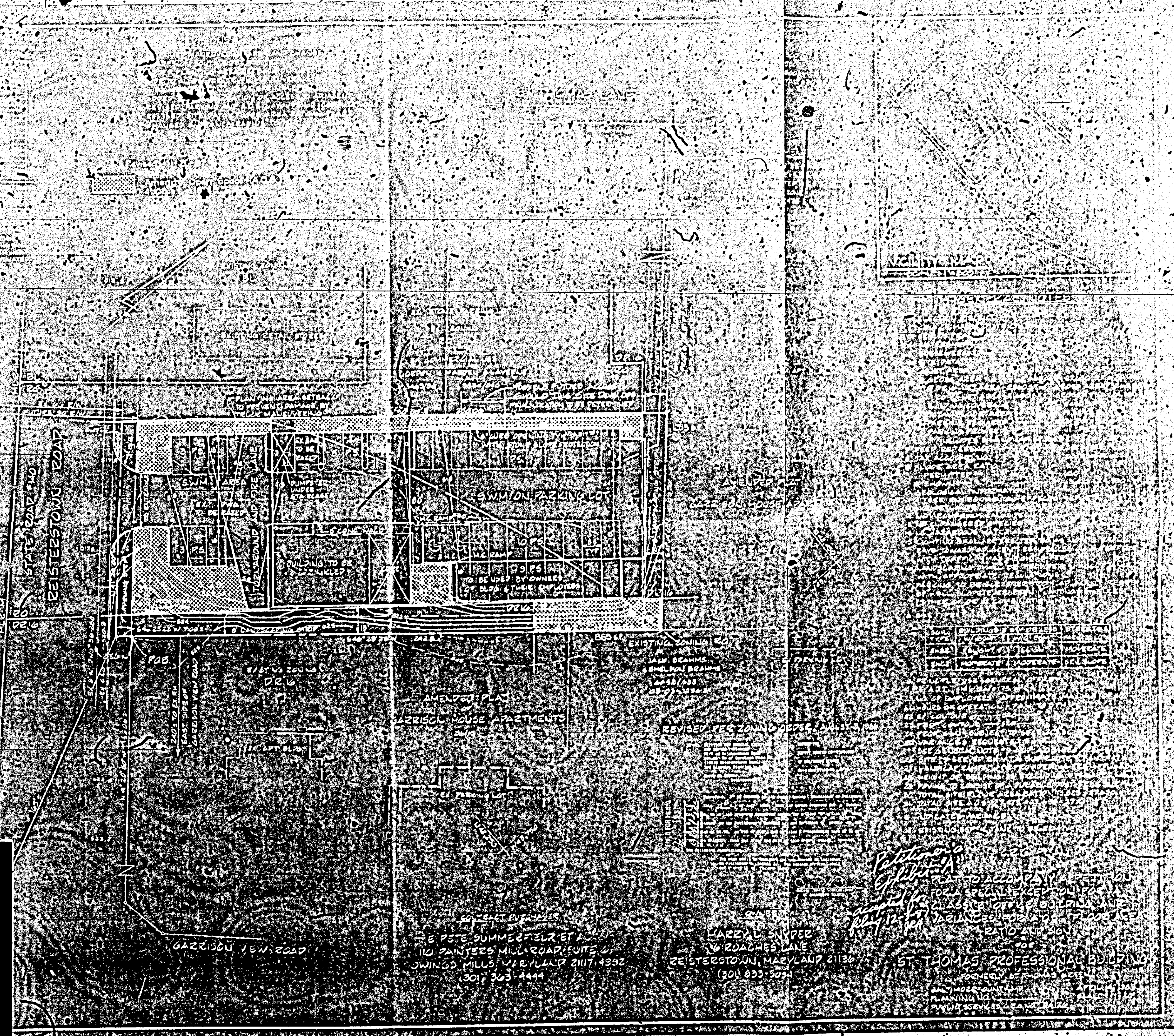
Enclosure

REVISIONS - JANUARY 1987

1. RELOCATED BUILDING AND ADJUSTED PARKING
2. ADDED TURBOCHARGER AND FIRE LANE
3. REVISED ADJUSTMENTS AND REQUIREMENTS
4. REVISED ZONING LINE IN REAR OF LOT AND
5. ADJUSTED PARKING SPACES
6. ADJUSTED FUTURE ACCESS TO ADJACENT
7. ADDED NOTE ON EXISTING SEPTIC SYSTEM
8. ADDED POSSIBLE FUTURE ACCESS TO ADJACENT
9. ADDED STORM WATER MANAGEMENT AREA IN
10. FRONT OF BUILDING
11. INDICATED ILLUMINATION OF IDENTIFICATION SIGN

REVISIONS - MAY 1987

1. LABELED FUTURE 2/1W ON REISTERSTOWN ROAD
2. INDICATED CLOSEST FIRE HYDRANT
3. INDICATED RADIUS ON ENTRANCE
4. ADDED NOTES TO SITE PLAN
5. REVISED PARKING SPACES AND ADDED SIDEWALK
6. REVISED ADJUSTMENT AND PARKING TABULATION
7. RELOCATED PUMPSTATION
8. CHANGED OWNER AND ADDED CONTACT INFORMATION
9. ADDED PROPERTY OWNER ADDRESS REISTERSTOWN ROAD
10. INDICATED SWM AREA ON PARKING LOT
11. REVISED FLOOD AREA DATA
12. SHOWED PRIVATE SEWER CONNECTION
13. REVISED NOTES TO 10, 12 AND 24
14. REVISED FLOOD AREA DATA
15. SHOWED TYPICAL CURB OPENING
16. EXTENDED PLANTING STRIP ALONG REISTERSTOWN ROAD
17. INDICATED RETAINING WALLS
18. ADDED SIGN INFORMATION



LAW FIRM
Donath, Portum, Langston & Fox
 100 WESTERN FEDERAL BUILDING
 100 EASTERN BOULEVARD
 BALTIMORE, MARYLAND 21202
 TELEPHONE (410) 528-8874

ROBERT J. DONATH
 JOHN B. CONTRUM
 JAMES A. PORTUM
 DONALD E. FOX
 DONALD E. FOX
 DONALD E. FOX

October 8, 1987

Mr. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Towson, Maryland 21204

Re: Case No. 87-12-KA
 Reisterstown Road

Dear Mr. Haines:

You may recall that we discussed the above referenced case, and the fact that although the CGO granted a variance of amenity open space of 16% and this fact was presented to Mr. Jung the only allowed a 18.5% amenity open space variance. We both felt that this was in all likelihood an oversight but should be put to a public hearing and you suggested that I file a special hearing based on the previous case to amend variance to 16% amenity open space based on the amended plan and description contained in Case No. 87-12-KA. The difference comes to approximately four parking spaces which we need for the building and which were approved on the CGO.

It was my understanding that you would be able to set this matter in very promptly for a hearing. As the matter is not expected to take more than a couple of minutes, we are proceeding to construct the building and move tenants in and have been put in a somewhat urgent position.

Thank you for your cooperation.

Very truly yours,

John B. Contrum
 John B. Contrum

6 POTE SUMMERFIELD ET AL
 110 PAINTERS MILL ROAD, SUITE 6
 OWINGS MILLS, MARYLAND 21117-1932
 (301) 363-4444

LARRY D. SNYDER
 10 COACHES LANE
 REISTERSTOWN, MARYLAND 21136
 (301) 833-5034

Patricia J. Galt
 ST. THOMAS PROFESSIONAL BUILDING
 100 WESTERN FEDERAL BUILDING
 100 EASTERN BOULEVARD
 BALTIMORE, MARYLAND 21202
 TELEPHONE (410) 528-8874