FINDINGS OF PACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks approval of the Zoning Commissioner to construct an addition to an existing Class B office building and as an amendment to the site plan as granted in zoning case #84-121-X, as more particularly described on Petitioner's Exhibit 2.

The Petitioner, represented by Neith R. Truffer, Esquire, was present and testified. The Petitioner was supported by Cicero H. Brown, Jr., an

The following Protestants were present: Pierre L. Rochard, Guy A. Kern, Henry P. Goetz, Irene and George Lubin, Glenn I. Kendrick, Carl Kern, Arthur Norman, Veronica Zapf and Jack D. Mantz. Testimony for the Protestants was provided by Messrs. Rochard, Kern and Goetz.

The evidence establishes that in 1984 a Class B office building of approximately 35,000 sq. ft. was developed on the subject site, pursuant to zoning case 84-121-X by a Special Exception. The site is known as 65 E. Timonium Road, Timonium, Maryland 21093. The land is zoned R.O. The currently existing Class B building is used exclusively as office space. The parking complies with the current requirements of the Baltimore County Zoning Regula-

The Petitioner's testimony indicates that an addition to the existing building is proposed of approximately 5100 sq. ft. on three levels. It is to

thereby, causing the traffic congestion problems to worsen. Therefore, the addition would not be consistent with the spirit and intent of the B.C.Z.R and not comply with the requirements of Section 502.1.

Pursuant to the advertisement, posting of the property, and public hearing held and, for the reasons given above, the relief requested should be

THEREPORE, IT IS ORDERED, by the Zoning Coumissioner of Baltimore County, this // day of Pebruary, 1988, that the approval to construct an addition to an existing Class B office building and as an amendment to the site plan as granted in zoning case \$84-121-X, pursuant to the Petition for Special Hearing, be and is hereby DENIED, from and after the date of this Order.

a.

JRH:mmn cc:Keith R. Truffer, Esquire oc:Peoples Counsel oc:Protestants

be attached to the front of the building, as shown on Petitioner's Exhibit 3. The purpose for the additional space is to allow the accounting firm which is a cyrrent tenant to expand its operations.

The Petitioner's expert witness, Mr. Brown, testified that he believed the project complied with the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). He stated there are no traffic problems because the parking lot has 102 spaces and only 100 spaces are required. He testified that he did not know how many parking spaces were actually used by employees and tenants' employees of the building. No traffic count was done The proposed addition would require no variances and the landscaping is already in place on site.

The Petitioner testified that there are always vacant parking spaces on the lot. That there is always room for both employees and visitors to the building to park on the lot. He admitted that there is no requirement that the tenants' employees park on the lot and not on the nearby streets. Likewise, he does not know how many cars are driven to work at this building. He stated he does not know why people park in front of the homes on Gerard Avenue, Timonium Road and Hathaway Road when visiting the building.

The testimony of the Protestants was primarily concerned with the lack of adequate parking at the currently existing site and the congestion created on Timonium Road and some of the side streets from parking by individuals using the subject property on a daily basis. The testimony of the witness for the Protestants was very clear and convincing that the parking lot will not hold all of the cars for the people using the present building. Mr. Goetz stated that the parking on Timonium Road has gotten so bad that Baltimore County put up no parking signs in front of his house.

-2-

PETITION FOR SPECIAL HEARING

Construction of an addition to an existing Class B

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

Office Building as an amendment to the site plan in

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filling of this Petition, and further agree to and are to be bound by the noning regulations and restrictions of Ratifurore County adouted pursuant to the Zooling Law for Baltimore County.

Legal Owner(s)

(Type or Print Name

Timonium, Md. 21093

, 19, that the subject matter of this petition be advertised, as

Aurel / Elliot

65 W. Timonium Road 252-4403

Cicero H. Erown, Jr. - Agent

1008 Hart Rd. 21204 825-4282

J. Robert Haires Zoning Commissioner of Baltimore County

19 at o'clock

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

zoning case #84-121-X

Contract Purchaser

(Type or Print Name

Attorney for Petitione

City and State

Attorney's Telephone No.:

County on the

#78

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MW HW 14A

O. 3H,

DATE 3 174

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on to testify to the type of automobiles and their license our number. He said the young women that drive their automobiles arrive Monday through Priday, around 8:45 A.M., park their car and walk to the subject building They return to their automobiles around 5:00 P.M. and leave for the day.

Timonium Road and the side streets are very congested during the normal work days, because of all the automobiles parked on both sides of the streets. They believe the employees working in the building are not parking on the parking lot in order to save space for visitors and customers

The Protestants do not want the subject site expaned because there is not enough employee parking, now, and the addition will only cause more parking on the residential streets.

This case raises a very interesting issue. Whether or not the fact an R.O. building complies with the parking requirements automatically fulfills the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations

Two facts are very clear. First, the proposed project meets the parking requirements, namely, 102 parking spaces are provided and 100 parking spaces are required. Secondly, the evidence is overwhelming that the present parking

The facts are that Gerard Avenue, Timonium Road and Hathaway Road are all

Several witnesses stated that the same cars park in front of their houses every week day and the people walk over to the office building. Mr. Kern went

All of the Protestants, including Mr. Rochard, complained that both

requirements of the subject building are not being met on site.

being congested by traffic and parked cars from the present building. The individuals who regularly park in the residential areas and walk to the building must be regular users.

Biginning for the one on the northwest side of Thonium Road, 80 feet wide, where it is intersected by the south side of an Existing 16.5 foot Road, as shown on the plat entitled "Resubdivision Plat, Part of Sections A - B an C-Yorkshire and Part of Haverford" dated May 1954 and recorded among the Plat Records of Baltimore County in Plat Book G.L.B. 22 folio 25; said place of beginning being measured North 21°42°57" East 158.97 feet from the centerline intersection of Timonium Road and Hathaway Road; thence from said place of beginning, binding or the northwest side of Timonium Road, the two following lines: (1) South 36*17'20 West 210.13 feet and (2) southwesterly by a curve to the right having a radius of 957.49 feet for the distance of 22.06 feet, said curve being subtended by a chord bearing South 36"56'57" Jest 22.06 feet, thence leaving said Road, binding on the filet leading to the north side of Gerard Avenue, as shown on said ≥lat, (3) westerly by a curve to the right having a radius of 25.00 feet for the distance of 39.39 feet, said curve being subtended by a chord bearing South 82*45'01" West 35.44 feet to the northerly side of said Gerard Avenue 40 feet wide, thence bindin on said side of said Avenue, the two following lines: (4) northwesterly by a curve to the left having a radius of 120.00 feet for the distance of 87.04 feet, said curve being subtended by a chord bearing North 72*53'15" West 85.14 feet and (5) South 86"20'00" West 210.94 feet, thence leaving Gerard Avenue, binding on the existing R.O. zone line, (6) North 11°54'00" West 156.98 feet to intersect the south side of the aforementioned 16.5 Foot Road, thence binding on said side of said Road, (7) North 86"58'19" East 497.73 feet to the place of beginning.

Containing 1.540 Acres of land more or less.

#78

This overflow parking into the residential areas is clearly in violation of both the spirit and intent of the B.C.Z.R. and inconsistent with the purposes of the R.O. zone.

I do not accept the argument that compliance with the parking requirements fulfills Section 502.1.b for no congestion in the roads, streets or alleys, especially when viewed in light of Section 502.1.g. and Section 203.1.

Section 203.2 states that the legislative policy and intent of the R.O. zone is "that buildings and uses in R.O. zones shall be highly compatible with the present or prospective uses of nearby residential property."

When this highly competible language is read with the requirements of Section 502.1.b. and g., there is no doubt that traffic congestion and actual parking needs should be reviewed closely. The parking problems on the residential streets is clearly inconsistent with the spirit and intent of the legislative purpose of Section 203 of the B.C.Z.R. Likewise, the street side parking does create congestion in the roads, namely, Gerard Avenue, Timonius Road and Hathaway, all inconsistent with Section 502.1.b. of the B.C.Z.R.

The Petitioner has the burden of going forward with evidence that establishes the requirements of his case. In light of the evidence provided by the Protestants, about the actual parking problems and the street convestion, and the testimony that the project meets the requirements of Section 502.1, is not conclusive of the matter.

The evidence is that there are parking problems on the nearby residential streets which is created in part by the present operation of the subject office building and this parking problem has led to a congestion of the local streets and roads. An expansion of this building by 5100 sq. ft., for additional office use, would generate additional demands for parking and

- 4 -

RE: PETITION FOR SPECIAL HEARING : SEFORE THE ZONING COMMISSIONER NW/S Timonium Rd., 158.97° E of C/L of Hathaway Rd., 8th Dist. : OF BALTIMORE COUNTY

RUSSELL L. ELLTOTT, Petitioner : Case No. 88-241-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

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

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

I HEREBY CERTIFY that on this 24th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Russell L. Elliott, 65 W. Timonium Rd., Timonium, MD 21093, Petitioner; and Cicero H. Brown, Jr., Agent, 1008 Hart Rd., Towson, MD 21204.

> Peter Max Zuman Horse May Zimperman

ALL V REVIEWED BY: uan DATE 8/21/87

ESTIMATED LESSIN OF PERSONS (-1/25) +180.

ORDERED By The Zoning Commissioner of Baltimore County, this ..

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 78-741-5PH Towson, Moryland News 8th Date of Posting 13/18/07 Special Herring Petitioner Pessell L. Elliott Location of property: N. M.S. Timora 1800 Rd. 158,87' Fl Hittawey & Location of Signe Farm Tracking Ph. ware, 20 F rend way an frosty of lot houses Posted by 11 Herry Date of return: 12/18/87 CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY 88-742-4 Towner, Maryland District. 1574 Posted for: Vorionce Date of Posting 12/17/19 Petitioner: Marto R. Roda Kevis, In. Location of property St. Balla Hinty 220 Ef Minister More. Location of Super Living Ballon Many Malars . 12 far mil 2179. Posted by ... Matter by Number of Signs: Date of return: 12/18/87

_ R. 01-615.000 1 80412-1-151612 5518 - 241-58 H No. 41513 B B \$50***** \$000000 \$2100

DODERT HATMON ZONING COMMISSIONER Dear Mr. Elliotte This is to advise you that \$\frac{93.06}{\text{ is due for advertising}}\$
Order is issued. Do \underline{not} remove sign from property from the time it is placed by this office until the day of the hearing itself. Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing,

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

L. Robert Haines

KEITH R. TRUFFE

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 17 1087 thed in THE JEFFERSONIAN, a weekly newspaper printed Dec 17 10.87

THE IFFEEDSONIAN

Susan Seude Obrecht

89-241-CON

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 3rd day of Honomber , 19e7.

Petitioner Russell L. Elliott Attorney

NOTICE OF HEARING

Petition for Special Hearing

Case No. 88-241-X

Sth Election District; 4th Councilmanic District LOCATION: NW/S Timonium Road, 158.97 E of c/l of Hathaway Road

DATE AND TIME: Tuesday, 1/5/88 at 2:00 PM

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 the construction of an addition to an existing Class 2 office building as an assendment to the site plan approved in Case 664-121-7.

Being the property of Russell L. Elliott
plan filed with the Zoning Office. ____ as shown on plat

In the event that this Petition(s) is granted, a building permit may be insued within the thirty (30) day appeal period. The Zening Commissioner will, however, for good rank request for a stay of the insumers of said permit due to provide the period of good rank period to the period of the period of good rank period to the period of good rank period period to the period of good rank period to the period of good rank period pe

J. ROBERT HAINES

JRHibja

ZONING COMMISSIONER OF BALTIMORE COUNTY co: Cicero H. Brown, Jr. 1008 Hart Boad, Towson, Md. 21204

Russell L. Elliott 65 W. Timonium Road, Timonium, Md. 21093

Baltimore County Department of Public Works Toursen Marriand 21901

November 12, 1987



Russell Elliott 65 W. Timenium Road Timenium, Nd. 21093

RE: Russell Elliott Property, Dist: 8C4

Gentlemen: Revised
Enclosed is a signed copy of the Amended/Plan for the referenced
subdivision. This development proposal may be further processed accordingly.

Very truly yours, Tom Water for JAMES A. MARKLE, P.E., Chief Bureau of Public Services

Fire Department Towson, Maryland 21204-2586 Paul H. Reincke

September 1, 1987

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Faltimore County Office Building Towson, MD 21204

Re: Property Owner: Russell L. Elliott Location: NW/S Timonium Rd., corner N/S Gerard Avenue

Zoning Agenda: Meeting of 9/1/87

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 hydrauts for the referenced property are required and shall be located at intervals or 100 feet along an approved road in accor-dance with Balliance Councy Standards as published by the Department of Public Works. Along Timenium Review.

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

() 3. The vehicle dead end condition shown at EXCEIDS 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.

(\times) 5. The buildings and structures existing or proposed on the site shall The cultilings are structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection 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 community at this time.

REVIDER: Cost Jack Colleged P. Noted and Approved: Floring to the Property of the Prevention Bureau

Baltimore County Department of Public Works Bureau of Truffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3354

Zoning Commissioner County Office Building Towson, Maryland 21204

September 23, 1987

Dear Zoning Commissioner:

The Bureau Of Trackle Engineering has no comments for items number 73, 74, 75, 77, [78, and 80.

Very truly yours,

mulaf Danie -

Micheal S. Flanigan Traffic Engineer Associate II

MSFish



ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Commissioner

Date. November 23, 1987

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

SUBJECT Zoning Petition No. 88-241-SPH

Assuming compliance with the standards set forth in the Baltimore County Landscape Manual, this office is not opposed to the granting of the subject

NEC : JCH : dea

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



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 18, 1987

COUNTY OFFICE SLOG. 111 W. Chesaptake Ave. Towers, Maryland 21204

Bureau of Engineering

Department of Traffic Engineering

State Roads Commissi

Health Department

Project Flanning Building Departmen

Board of Education Boning Administratio Industrial Development

Mr. Russell L. Elliott 65 W. Timonium Road Timonium, Maryland 21093

HE: Item No. 78 - Case No. 88-241-3PH Petitioner: Russell L. Elliott Petition for Special Hearing

Dear Mr. Elliott:

The Coning Fine Advisory Committee has reviewed the plane admitted with the above-referenced putition. The following comments of the coning the proportion of the coning comments action requestly. The coning plane or problems with regard to the development made made as the coning committee of the coning the coning committee of the coning for the coning committee of the coning the coning committee of the commendations as to the autitability of the requested scaling.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on pur-petition. If smilar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that petition was made for filing on the date of the enclosed filing certificate and a leaving technical exceedingly.

JED: kkt

Very truly yours,

lanes E. Dyelkins JAMES E. DYER Chairman Zoning Plans Advisory Committee

cc: Cicero H. Brown, Jr., Agent 1008 Hart Road Towson, Maryland 21204



Pebruary 11, 1988

Reith R. Truffer, Exquire Royaton, Mueller, McLean and Reid 102 West Pennsylvania Avenue Townun, Maryland 21204-4575

Re: Petition for Special Hearing Case No. 88-241-SPH Rassell L. Elliott

enclosure

Pursuant to the recent hearing held on the subject case, please be advised that the Petition for Special Hearing has been Denied.

If you have any questions, concerning this matter, please do not hesitate

Very truly yours,

J. ROBERT HAINES

ZONING COMMISSIONER

CCIPopples Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Councilpersons: Bachur, Evans and Ruppersberger

FEB. 1 7 1988

PROM. . . . Robert Haines. Zoning Commissioner

SUBJECT Partition for Special Hearing, Case #88-241-SPH

For your information, enclosed please find a copy of the Order relative to the above matter.

PROTESTANT(S) SIGN-IN SHEET

	L. RouchaRD
HENRY P CORTE	
HENRY	PGOATZ
GEORGE	LUBIN
	I KENDRICK

ARTHUT W NORMAL

Treme hubin VERONICA ZAPF

Jack K Harts

3 HATHAWAY RD. 21093 17 Timonium Rd. I HATHAWAY RO 2/093

5 HATHAWAY Rd. 21093 18 E. TIMONIUM RD. 18 CINDER RD 21093

11 Satharan Ad



