

88-396-XA
#241

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - NW corner Townsontown Boulevard and Jefferson Avenue, 9th Election District, 4th Councilmanic District, R.E.L. Associates, Inc., Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-396-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit a Class B office building in an R.O. zone and variances to permit 20% Amenity Open Space (AOS) in lieu of the required 25%; one (1) parking space within 2.5 feet of a street right-of-way in lieu of the required 8 feet; nine (9) parking spaces in lieu of the required/suggested 13 parking spaces as part of the plan approval process; and a 39.7 sq.ft. freestanding, illuminated I.D. sign in lieu of the allowed 8 sq.ft., non-illuminated, building sign, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Robert E. Lashaw, Jr., appeared, testified and was represented by Newton A. Williams, Esquire. The Contract Purchaser of the subject property, Rubeling & Associates, by Albert W. Rubeling, Jr. and John J. Dimenna, a partner, appeared, testified and were represented by Mr. Williams. Also appearing on behalf of the Petition was Bernard F. Semon, a real estate appraiser. Kevin Durham, a resident of the area, appeared toward the end of the hearing to express his viewpoint.

Testimony indicated that the subject property, located at the corner of Townsontown Boulevard and Jefferson Avenue, is zoned R.O. Testimony further indicated that across the street from the subject property on Jefferson Avenue is the old Carver Center School which is currently used by the Board of Education. The remaining property on Jefferson Avenue is zoned D.R. 10.5 and is improved by residential homes that have existed for many years and are mainly used as pri-

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 B.C.Z.R. Section 203.2 of the B.C.Z.R. requires that the proposed office building "...shall be highly compatible with the present or prospective uses of nearby residential property..." Testimony presented by Mr. Semon during the hearing was convincing that there is substantial evidence to justify such a conclusion. The Deputy Zoning Commissioner understands and concurs with the statements expressed by Mr. Durham. However, the zoning classification of the property is R.O. and the undisputed testimony presented was that the office building proposed by the Contract Purchaser is compatible with the neighborhood and has met the requirements of Section 502.1 of the B.C.Z.R.

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.

An area variance may be granted where strict application of the zoning regulations 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:

vate residences. Across the street on Townsontown Boulevard the zoning is a combination of R.O. and B.M.-C.T. and the property is currently developed and occupied by various business enterprises.

Bernard Semon, a real estate appraiser, testified that he has been familiar with the development of the Towson area since approximately 1954. He introduced 14 pictures identified as Petitioner's Exhibit 2, which depict the surrounding area. Mr. Semon indicated that in his professional opinion, the proposed Class B office building, as depicted by the architectural plans submitted by the Contract Purchaser, would be compatible with the neighborhood. In his belief, the proposed Class B office building has been developed in such a manner to be compatible with the neighborhood based upon the fact that the subject property is a vacant lot with an R.O. zoning. Mr. Semon further testified that all the conditions precedent to Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) will be satisfied. He further testified that the sign variance being requested by the Petitioner is reasonable in light of traffic on Townsontown Boulevard at the posted speed limit of 40 mph.

Mr. Rubeling testified that he is an architect and has been licensed in the State of Maryland for the past 8 years. He testified that it is his company's intention to use the subject property as their business offices. The firm presently consists of 4 licensed architects with a support staff of 14. He testified that in the past 6 and 1/2 years, he has been involved in numerous projects of this nature for other clients. He estimated that his clientele in the past 6 and 1/2 years has numbered approximately 600. In support of the Petitioner's proposal, the Petitioner had renditions of the proposed building plus a streetscape elevation drawing dated February 17, 1988, which has been marked Petitioner's Exhibit 3. For the purposes of the hearing, a three-dimensional rendition of the building was presented but not marked as an exhibit. In his

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- 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 he requested variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and will not be detrimental to the public health, safety, and general welfare. After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted in part. In the opinion of the Deputy Zoning Commissioner, while a freestanding sign is appropriate, the size of the sign proposed is not necessary.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and zoning variances should be granted in part, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of April, 1988 that a Class B office building in an R.O. zone be approved, and variances to permit 20% Amenity Open Space (AOS) in lieu of the required 25%; one (1) parking space within 2.5 feet of a street right-of-way in lieu of the required 8 feet; nine (9) parking spaces in lieu of the required/suggested 13 parking spaces as part of the plan approval process; and a 39 sq.ft. (no more than 15 sq.ft. per side) freestanding, illuminated I.D. sign in lieu of the permitted 8 sq.ft., non-illuminated building sign, in accordance

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professional opinion, Mr. Rubeling believes the proposal has taken into consideration the adjoining residential neighborhood and provides for an office building that is compatible. Mr. Rubeling emphasized that great care was taken to come up with an aesthetically pleasing design which would be compatible with the neighborhood as the office building would be a reflection on their business. He indicated that the roof design is one of residential character. The materials used in the construction of the building and the location of signs, lights, and landscaping will be done in such a manner to take into consideration the adjoining residential area. He testified that the sign variance requested is necessary due to its location on Townsontown Boulevard. He believes that the proposed sign will permit customers to his firm adequate notice to safely turn into the property. He indicated that the sign has conciously been located on Townsontown Boulevard at a point that will prevent its visibility from Jefferson Avenue and the residential area. He indicated that the sign is strictly for identification purposes only and not for advertisement as the business is not one which has developed clients via public advertisement. The Contract Purchaser agreed that illumination of the sign would be in such a manner that it would not be seen from the residential area and would be limited to the hours the company was in operation.

The Petitioner argued that since the overall size of the building is less than 5,000 sq.ft., technically no parking is required under the current B.C.Z.R. Mr. Rubeling testified that 9 spaces would be provided which are 5 less than the suggested number if the regulations are applied to this project. Mr. Rubeling indicated that the business would never have more than 24 employees on the premises. When questioned about the potential interference with residential parking, the Contract Purchaser agreed to ensure his employees do not park in the adjoining residential area by contracting with one of the commercial parking garages in the area for spaces for all but 5 of the personnel. It was

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agreed that if the number of personnel is 16 at the time the building is completed, the Contract Purchaser will provide to the Office of Zoning proof that 13 parking spaces are being leased. The Contract Purchaser further agreed that he would require all employees to use the leased spaces rather than parking in the residential area. Mr. Rubeling testified that on a typical work day, the business has no greater than an average of six visitors.

The Petitioner indicated that the amenity open space (AOS) would, from an aesthetic point of view, be greater than 20% because its property line, as seen in Petitioner's Exhibit 1, does not abut Jefferson Avenue. The remaining portion of the land abutting Jefferson Avenue is owned by Baltimore County. Mr. Rubeling indicated that as a result of permission obtained from Baltimore County representatives, it is their intention to landscape the area between the subject property line and Jefferson Avenue.

Mr. Durham arrived near the end of the hearing. He testified that he lives on the corner of Lennox and Jefferson Avenues. He indicated that while the project proposed by the Petitioner may not be offensive, he is not in favor of same as he is concerned over the commercialization of the east Towson area, a residential neighborhood in which he and many others have lived for many years.

The Petitioner seeks relief from Section 203.3B.2, pursuant to Section 202.1, and from Sections 203.4, 409.204, and 203.3C, pursuant to Section 307 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed 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 have been satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements

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With the revised plan dated March 11, 1988 approved by the County Review Group (CRG), be permitted, and as such, the Petitions for Special Exception and Zoning Variance are hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 property shall be landscaped at a minimum in compliance with the Baltimore County Landscaping Manual. Further, the property shall be landscaped in a manner deemed appropriate by the Office of Current Planning to screen the adjoining residences known as 407 Jefferson Avenue and 133 East Chesapeake Avenue, as shown on Petitioner's Exhibit 1, even though the requirements imposed may be beyond those set forth in the Manual. The Petitioner shall submit a copy of the plan to the adjoining property owners for their input.

3) As long as so permitted by the owner, the Petitioner shall landscape the property owned by Baltimore County which abuts the subject property along Jefferson Avenue in accordance with the Baltimore County Landscaping Manual.

4) The Contract Purchaser, any future owner, and/or occupants of the subject property, whether by lease or by ownership, shall be permitted to enjoy the special exception use granted herein so long as the occupant proves that it has leased off-site parking for all but 5 personnel on the premises. Further there shall at no time be more than 24 personnel employed out of the site. For the purposes of this Order, personnel shall include owners, principals, professionals, or any individuals who work out of the premises.

5) The Contract Purchaser, any future owner, and/or occupants of the subject property, shall provide the Baltimore County Office of Zoning with proof of compliance with Restriction No. 4 prior to occupancy of the building. Further, at any other time upon reasonable notice by the Zoning Commissioner and/or the Zoning Enforcement Division of this office, the Petitioner shall provide documentation evidencing compliance with Restriction No. 4.

6) The illumination of the sign shall at no time be earlier than 7:00 AM or later than 9:00 PM. Further, illumination of the sign shall at no time be seen from any residential area. No other signs shall be placed on the property or building other than the 39 sq.ft. freestanding I.D. sign granted herein.

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- 7) Compliance with all other requirements as set forth in the Zoning Plans Advisory Committee comments submitted with respect to this case.
- 8) Compliance with all CRG requirements.

ANNEXES

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ANNEX 1
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ANNEX 99
ANNEX 100

PPP

April 11, 1988

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
1105 Hampton Plaza
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
NW/Corner Towson Boulevard and Jefferson Avenue
8th Election District; 3rd Councilmanic District
R.E.L. Associates, Inc. - Petitioner
Case No. 88-396-XA

Dear Mr. Williams:

Enclosed please find the decision rendered on the above-referenced case. The Petitions for Special Exception and Zoning Variance have been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:hjs
Enclosures

cc: Mr. Albert W. Rubeling, Jr.
Rubeling & Associates
530 E. Joppa Road, Towson, Md. 21204

Mr. Bernard F. Semon
828 Dulany Valley Road, Towson, Md. 21204

Mr. Kevin Durham
Corner Lennox and Jefferson Avenues, Towson, Md. 21204

People's Counsel

File

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 203.4 to permit 20% Amenity Open space in lieu of the required 25% and S. 409.2(c)(4) to permit 1 parking space within 2.5 ft. of a street R/W in lieu of the required 8 ft. also to permit 9 parking spaces in lieu of the required/suggested 13 parking spaces as part of the plan approval process. Also S. 203.3(c) to permit a 39.7 sq. ft. freestanding, illuminated L.D. sign in lieu of the allowed 8 sq. ft., non-illuminated, building sign.

- of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. That public ownership give the appearance of far more than the required open space.
2. That the site is on a corner and on a wide public right of way which causes a hardship due to the restrictive property lines.
3. That the building is to be used for architectural offices with a low rate of the office and parking.
4. That without the requested variance, the Petitioners will sustain practical difficulty and unreasonable hardship.

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.

Contract Purchaser:
Rubeling & Associates, Architects
(Type or Print Name)
Signature
530 E. Joppa Road
Address
Towson, Maryland 21204
City and State

Legal Owner(s):
R.E.L. Associates, Inc.
(Type or Print Name)
Signature
Jefferson Avenue Joint Venture
(Type or Print Name)
Signature
600 E. Joppa Road, Ste. 1105
Address
Towson, Maryland 21204
City and State

Attorney for Petitioner: Newton A. Williams
Nolan, Plumbhoff & Williams, Chartered
(Type or Print Name)
Signature
300 E. Joppa Rd. 1105
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-71

ORDERED By The Zoning Con

of Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County

County, on the 3rd day of March, 1988, at 9 o'clock

A.M.

MAP REF: 3-C
DATE: 4/13/88
E.D.: 94
200
4600
DP
N-36,870
E-4,200
No. 50575
DATE: 4/13/88
ACCOUNT: 800-15000
AMOUNT: \$ 131.58
FOR: Newton Williams (P.E.)
VALIDATION OR SIGNATURE OF CASHIER
J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3383

J. Robert Haines
Zoning Commissioner

March 14, 1989

Mr. Albert J. Rubeling, Jr.
Managing Partner
Towsontown Architectural Partnership
401 Jefferson Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
NW/Corner Towson Boulevard and Jefferson Avenue
(401 Jefferson Avenue)
9th Election District - 4th Councilmanic District
R.E.L. Associates, Inc. - Petitioners
Case No. 88-396-XA

Dear Mr. Rubeling:

This office is in receipt of your letter dated March 8, 1989 and accompanying statement from Shell Realty, Inc. regarding the leased parking spaces in the above-captioned matter.

As you may recall, the restrictions of the Order dated April 11, 1988 in the above-referenced case require that Petitioner provide leased parking spaces for all but 5 of the personnel and that at no time are more than 24 personnel employed at this location. Therefore, please provide me with written documentation as to the number of personnel operating from the subject property as well as a copy of the lease agreement with Penguin Parking which clearly reflects the commencement of the leased 13 parking spaces and the terms of said lease.

Petitioner is also required to notify the Zoning Office in writing upon termination of any of the leased parking spaces with Penguin Parking of its alternative parking arrangements. Additionally, as the number of personnel increase from the current situation, Petitioner shall provide written proof of compliance with Restriction No. 4 of said Order.

If you should have any questions on the subject, please do not hesitate to contact me. Thank you for your cooperation in this matter.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs
cc: Case File

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 a Class B Office in an R-1 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, or 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:
Rubeling & Associates, Architects
(Type or Print Name)
Signature
530 E. Joppa Road
Address
Towson, MD 21204
City and State

Legal Owner(s):
R.E.L. Associates, Inc.
(Type or Print Name)
Signature
Jefferson Avenue Joint Venture
(Type or Print Name)
Signature
600 E. Joppa Road
Address
Towson, MD 21204
City and State

Attorney for Petitioner:
Newton A. Williams
(Type or Print Name)
Signature
Suite 1105, Hampton Plaza
300 E. Joppa Road
Address
Towson, MD 21204
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1988, 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 3rd day of March, 1988, at 9 o'clock

A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

RUBELING & ASSOCIATES
ARCHITECTS

ALBERT W. RUBELING, JR. AIA

JOHN L. DIX AIA

MICHELLE NELSON AIA

DAVID P. RECCHIA AIA

NANCY E. HENRY AIA

ARCHITECTURE

INTERIOR DESIGN

March 8, 1989

Ms. Ann Nastorowicz
Deputy Zoning Commissioner
Baltimore County
Department of Planning and Zoning
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

RE: Towsontown Architectural Partnership
401 Jefferson Avenue

Dear Ms. Nastorowicz:

Please find attached herewith a copy of Shell Realty's letter dated January 12, 1989 stating that our partnership has agreed to lease thirteen (13) parking spaces from Penguin Parking on the parking lot at Susquehanna and Virginia Avenues in Towson to satisfy the requirements of our zoning case No. 88-396-XA dated 11 April 1988.

Should you have any questions, please feel free to contact me.

Regards,
TOWSONTOWN ARCHITECTURAL PARTNERSHIP

Albert W. Rubeling, Jr. AIA
Managing Partner

AMR:jb
cc: File



J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. Box 10160
TOWSON, MARYLAND
21285-0160

666-7448

ZONING DESCRIPTION

No. 405 Jefferson Avenue
9th Election District
Baltimore County, Maryland

BEGINNING for the same at the corner formed by the intersection of the westerly side of Jefferson Avenue with the northerly side of Towsontown Boulevard, and running thence and binding on the outlines of the property of the petitioners herein and binding on the northerly side of said boulevard by a line curving towards the left having a radius of 1,951.86 feet for an arc distance of 48.67 feet, the chord of said arc bearing North 87 degrees 45 minutes 42 seconds West 48.60 feet, thence leaving said boulevard:
1) North 70 degrees 07 minutes 42 seconds. 20.60 feet;
2) North 11 degrees 50 minutes 18 seconds. 80.60 feet;
3) South 85 degrees 17 minutes 42 seconds. 95.15 feet;
to the westerly side of the said Jefferson Avenue, thence South 12 degrees 13 minutes 18 seconds West 89.37 feet to the point of beginning.

CONTAINING 0.189 of an acre of land more or less.

#541

(301) 685-6465
685-6436

SHELL REALTY, INC.
409 TYSON STREET
BALTIMORE, MD 21201

January 12, 1989

Mr. Albert Rubeling Jr.
Towsontown Architectural Partnership
401 Jefferson Ave.
Towson, Maryland 21204

Dear Mr. Rubeling:

This letter is to acknowledge that Mr. Rubeling has leased thirteen (13) parking spaces from Penguin Parking, Shell Realty, Inc. on the parking lot at Susquehanna & Virginia Ave.

John L. Dix

Office Manager
Shell Realty, Inc.
409 Tyson St.
Baltimore, Md. 21201



PENGUIN PARKING

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
NW/Corner Towsontown Blvd. & :
Jefferson Ave., 9th District :
R.E.L. ASSOCIATES, INC., : Case No. 88-396-XA
Petitioner :
123 1 1989

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
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
444-2188

I HEREBY CERTIFY that on this 29th day of January, 1988, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, Chartered, Suite 1105, Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204, Attorney for Petitioner; and Albert W. Rubeling, Jr., Rubeling & Associates, Architects, 530 E. Joppa Rd., Towson, MD 21204, Contract Purchasers.

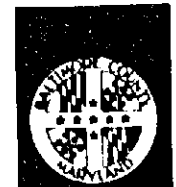
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

FEB 23 1988

Date:



Dennis F. Rasmussen
County Executive

Newton A. Williams, Esq.
Nolan, Plumbhoff & Williams, Chartered
Suite 1103, Hampton Plaza
300 E. Joppa Road
Towson, Maryland 21204

Re: Petitions for Special Exception and Zoning Variance
Case number: 88-396-A
NW/Cor Towson Town Blvd. & Jefferson Avenue
9th Election District - 4th Councilmanic District
Petitioner(s): R.E.L. Associates, Inc.
HEARING SCHEDULED: THURSDAY, MARCH 3, 1988 at 9:00 a.m.

Dear Mr. Williams:

Please be advised that \$13.99 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

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.

Please make your check payable to Baltimore County, Maryland and forward
to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

JAN 28 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
Case number: 88-396-A
NW/Cor Towson Town Blvd. & Jefferson Avenue
9th Election District - 4th Councilmanic District
Petitioner(s): R.E.L. Associates, Inc.
HEARING SCHEDULED: THURSDAY, MARCH 3, 1988 at 9:00 a.m.

Special Exception: A Class B Office in an R.O. Zone.

Variance - 233.4 to permit 20% Amenity Open space in lieu of the required 25% and \$409.2(c)(4) to permit 1 parking space within 2.5 ft. of a street R/W in lieu of the required 8 ft.; also to permit 9 parking spaces in lieu of the required/suggested 11 parking spaces as part of the plan approval process. Also \$23.3.C to permit a 39.7 sq. ft. freestanding, illuminated I.D. sign in lieu of the allowed 8 sq. ft., non-illuminated, building sign.

In the event that this Petition is granted, a building permit may be issued within one year will, however, entertain during this period for good red in this office by the date

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

No. 47425

DATE: 12/3/87 ACCOUNT: 01115-000

AMOUNT: \$ 200.00

RECEIVED BY: Nolan, Plumbhoff & Williams

FOR: SE + W # 291

B 1130*****200043 50456

VALIDATION OR SIGNATURE OF CARRIER

on this date. Your case will be

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 10, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper, printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Feb. 10, 1988.

TOWSON TIMES,

Susan Shuck Obrecht
Publisher

\$60.78

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 2/14/88
Posted for: Special Exception & Variance
Petitioner: R.E.L. Associates, Inc.
Location of property: NW/Cor. Towson Town Blvd. & Jefferson Ave.
Location of Sign: Corner of Towson Town Blvd. & Jefferson Ave.
Remarks: R.E.L. Associates, Inc. has submitted a petition for a Special Exception and Zoning Variance for a Class B Office in an R.O. Zone and a 39.7 sq. ft. freestanding, illuminated I.D. sign in lieu of the allowed 8 sq. ft., non-illuminated, building sign.
Posted by: M. Haines Date of return: 2/15/88
Number of Signs: 2

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: 3/18/88

FROM: ZONING OFFICE

PROJECT NAME: R.A.I. Office Building

PLAN: 1/20/88

LOCATION: NW/Corner Towson Town Blvd. and Jefferson St.

REV: 3/11/88 REV:

DISTRICT: 9c4

REVISOR PLAN KEY: [X] COMPLIANCE [X] NON-COMP
[X] BE ADVISED () IT NECESSARY FOR CIG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL.
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

- As noted on the plans, a Special Exception zoning hearing is required to permit a Class "B" Office Building in a R.O. zone. Also variances (as noted) will be requested for A.O.S., parking setback and number of spaces, and for the proposed freestanding sign. Petitions were filed in the zoning office on 12/3/87 under item #241 (case# 88-396XA). The case was heard on 3/3/88 and zoning approval would be contingent upon the outcome. There is no decision as of this writing.
- The following comments should be addressed on the C.R.G. and zoning hearing plans, and copies submitted to the zoning office for inclusion in the files:
 - include the correct zone line designations and division lines as per the 1"-200' zoning map #E10A.
 - clearly show the street right-of-way lines and building and parking setbacks to street and interior property lines.
 - label the building elevations and height determination as in zoning policy 104-6.
 - sub-total and shade the qualifying A.O.S. areas on the plan and include the square footage equivalent of the gross site area in Notes #7 and #10.
 - in note #18 include "General" before office and add "by regulation" after none. Also clarify that general office use is proposed and medical offices will not be permitted.
 - list the total square footage of all floors in the proposed building as a separate note and include the square footage equivalent for the gross site area in the F.A.R. calculations.
 - include a 1"-200' vicinity sketch or zoning map accurately showing the property boundary.
 - include the paving type and label the proposed curb around the parking area.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jrkbb

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 11, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 11, 1988.

THE JEFFERSONIAN,

Susan Shuck Obrecht
Publisher

41.11

PROJECT: JEFFERSON AVENUE
PROJECT NO: 87-115
DATE: 15 FEBRUARY 88
TITLE: STREET VIEW LOOKING EAST



LENNOX AVENUE

CARVER CENTER

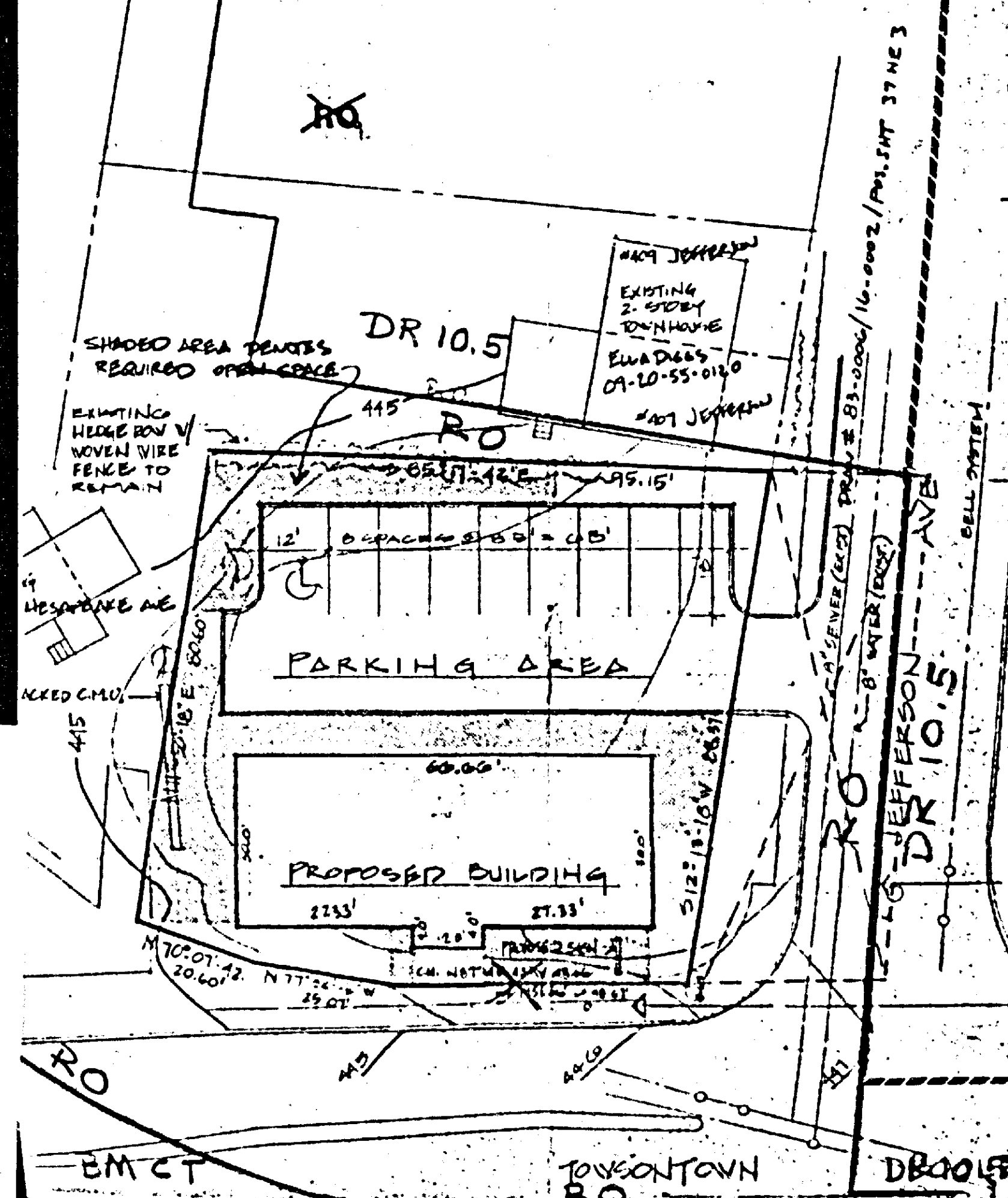
PAGE 12

DR 10.5

CHECKED AGAINST OUR 1984

200 SCALE.

JOHN L.

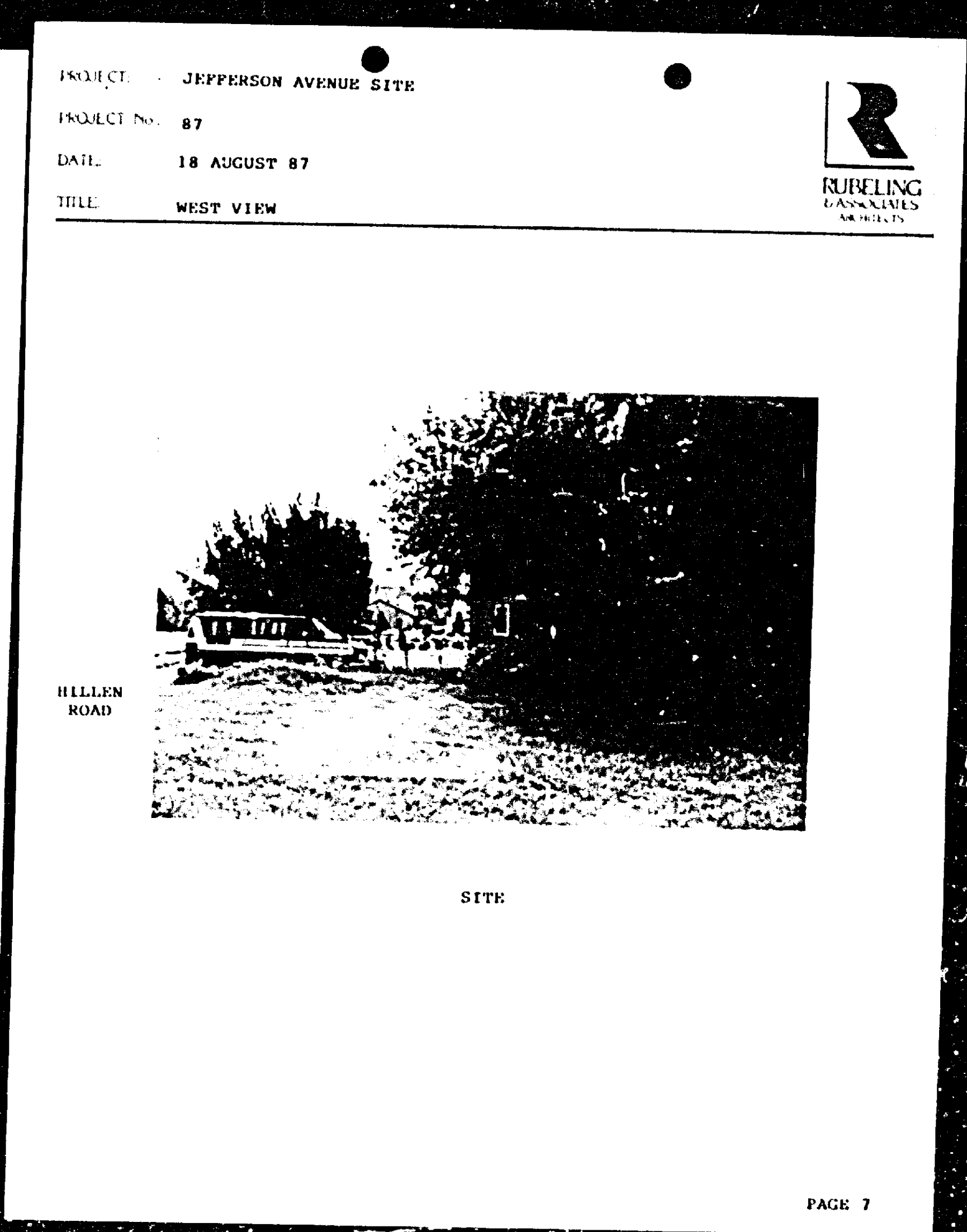
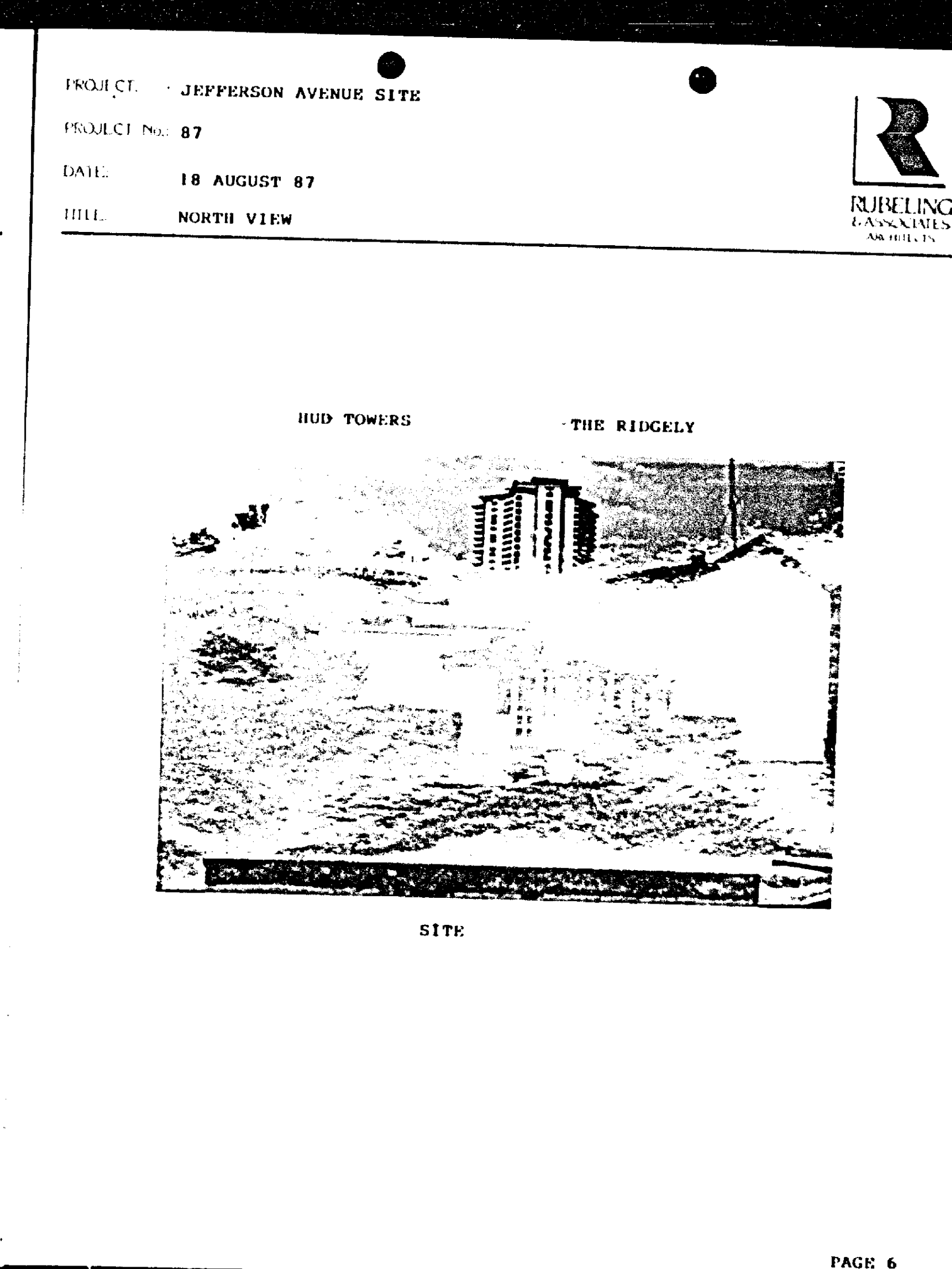
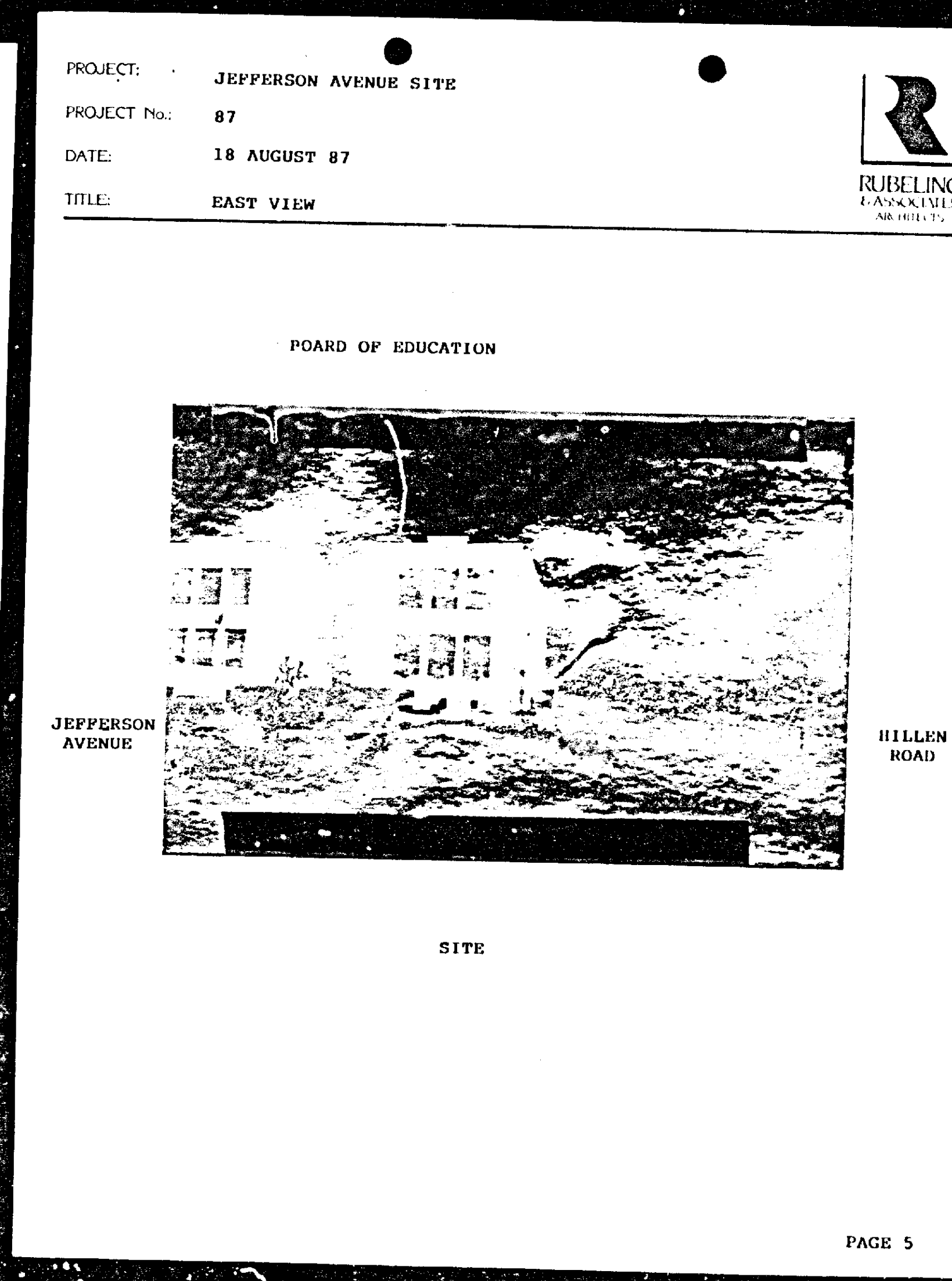
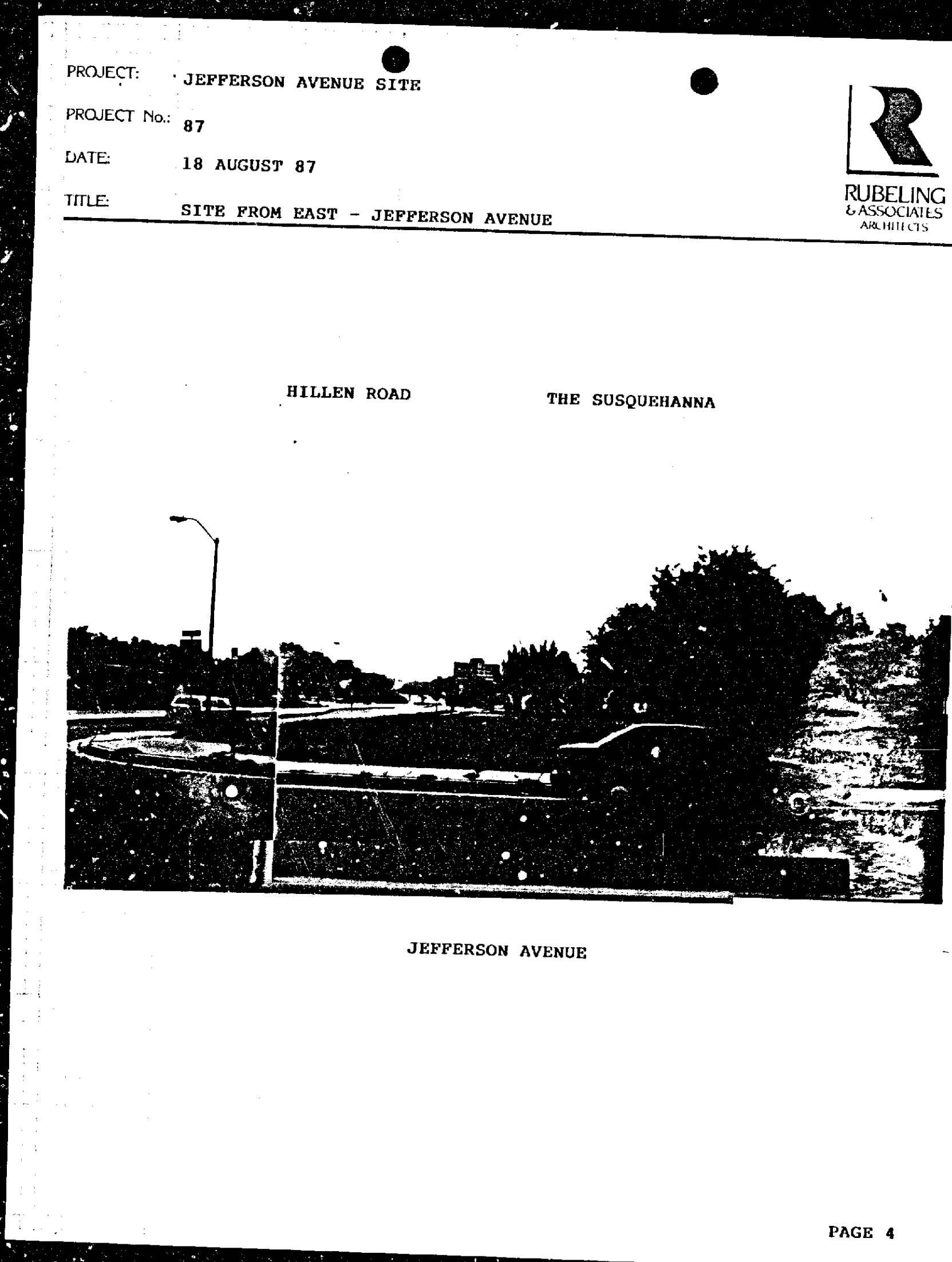
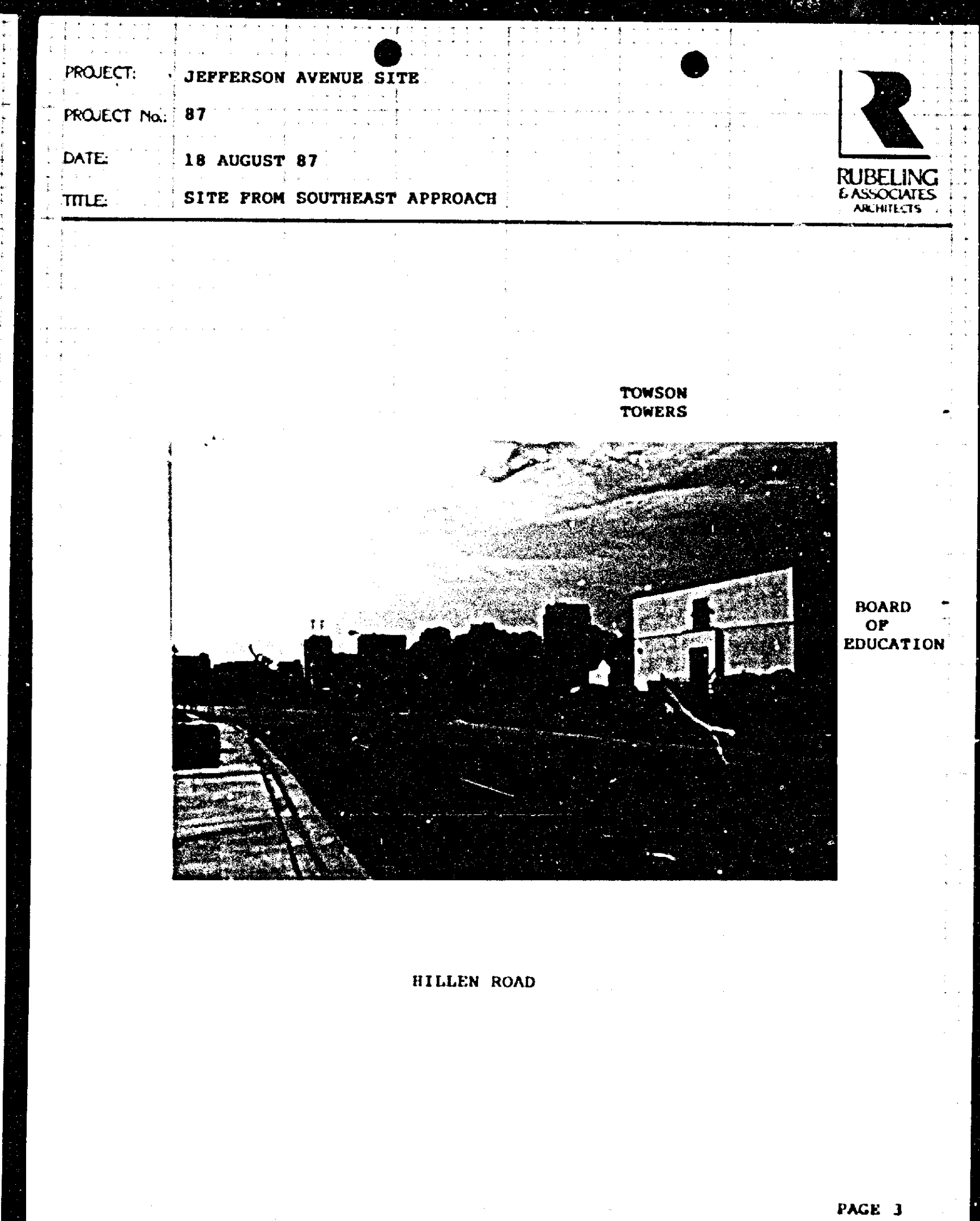
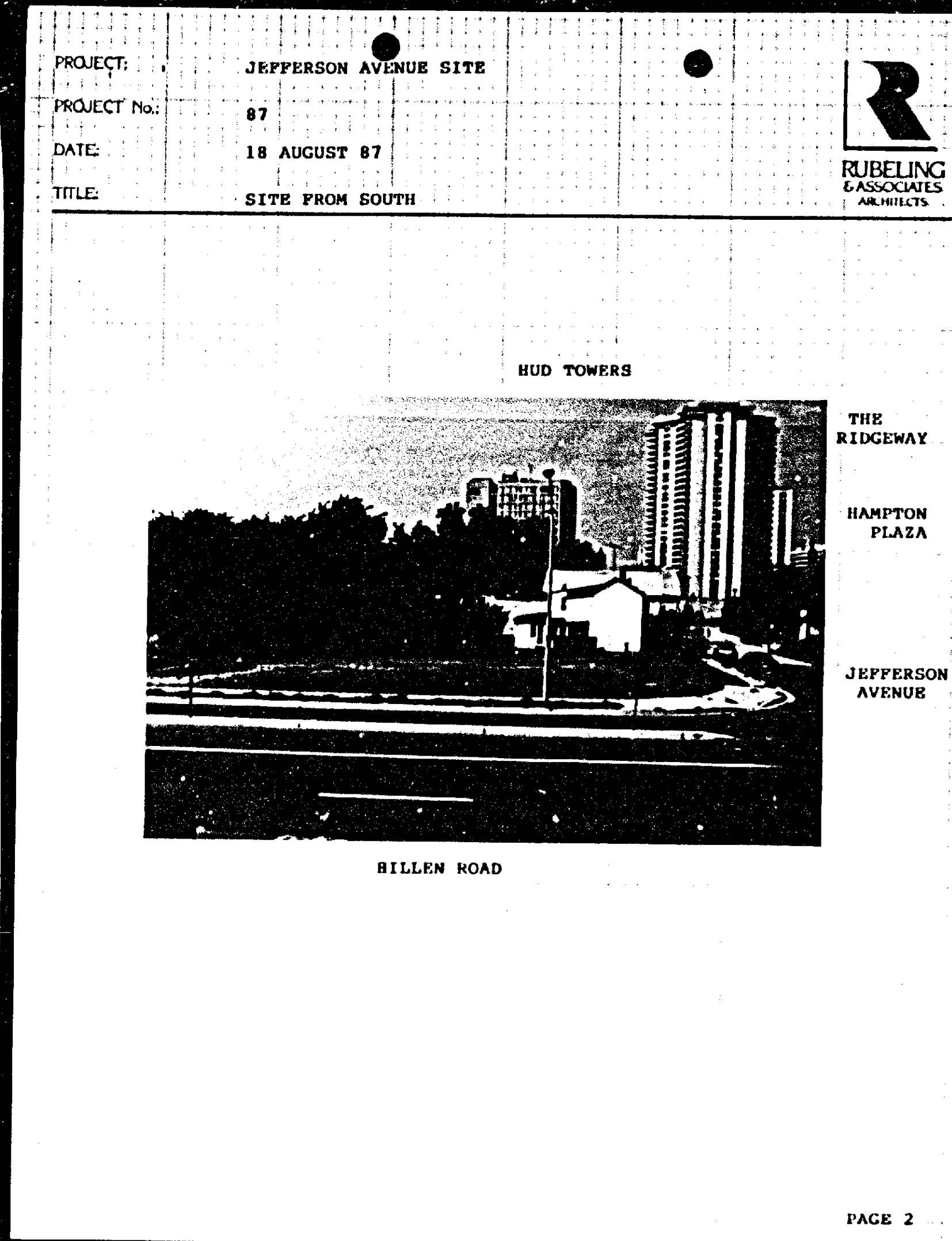
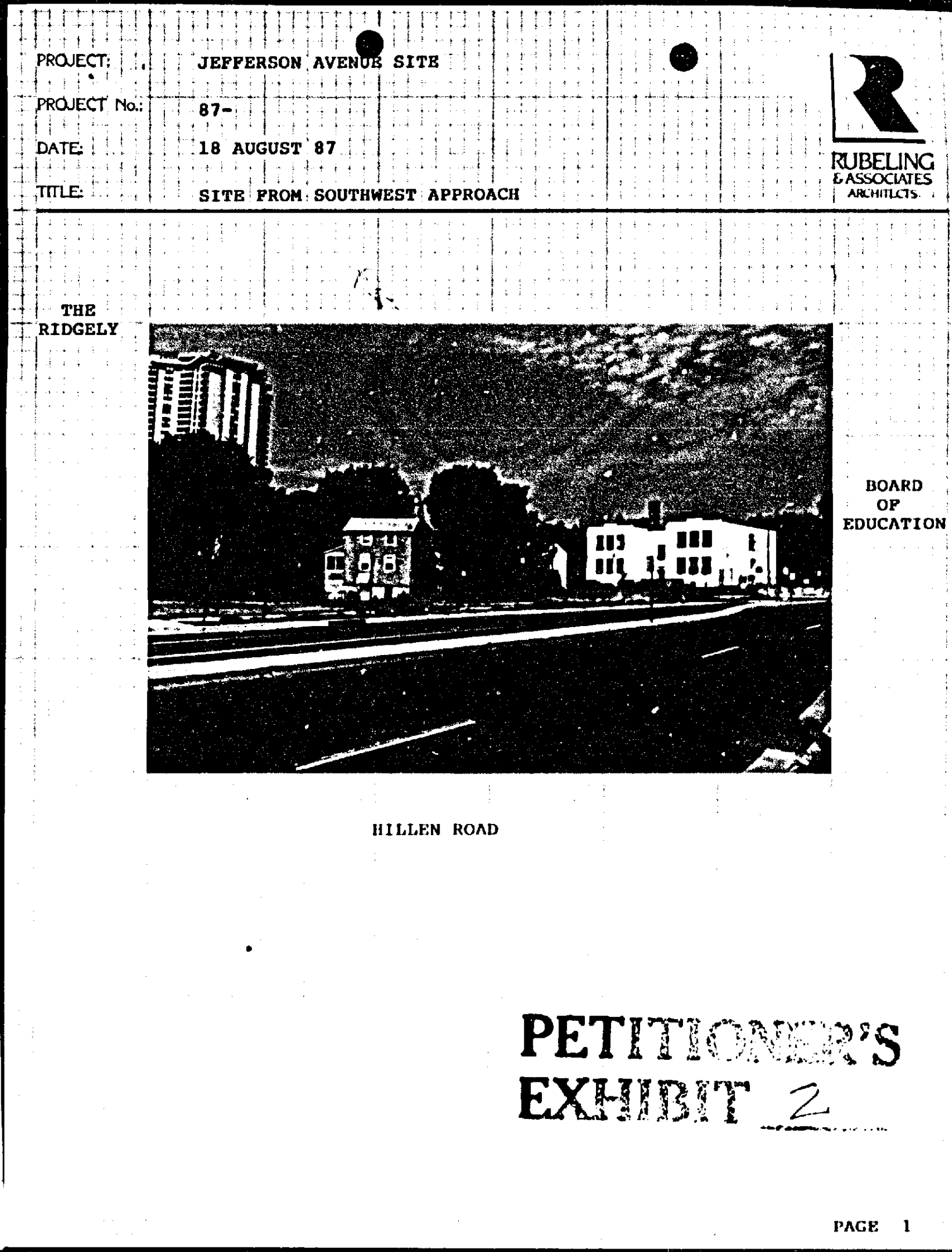
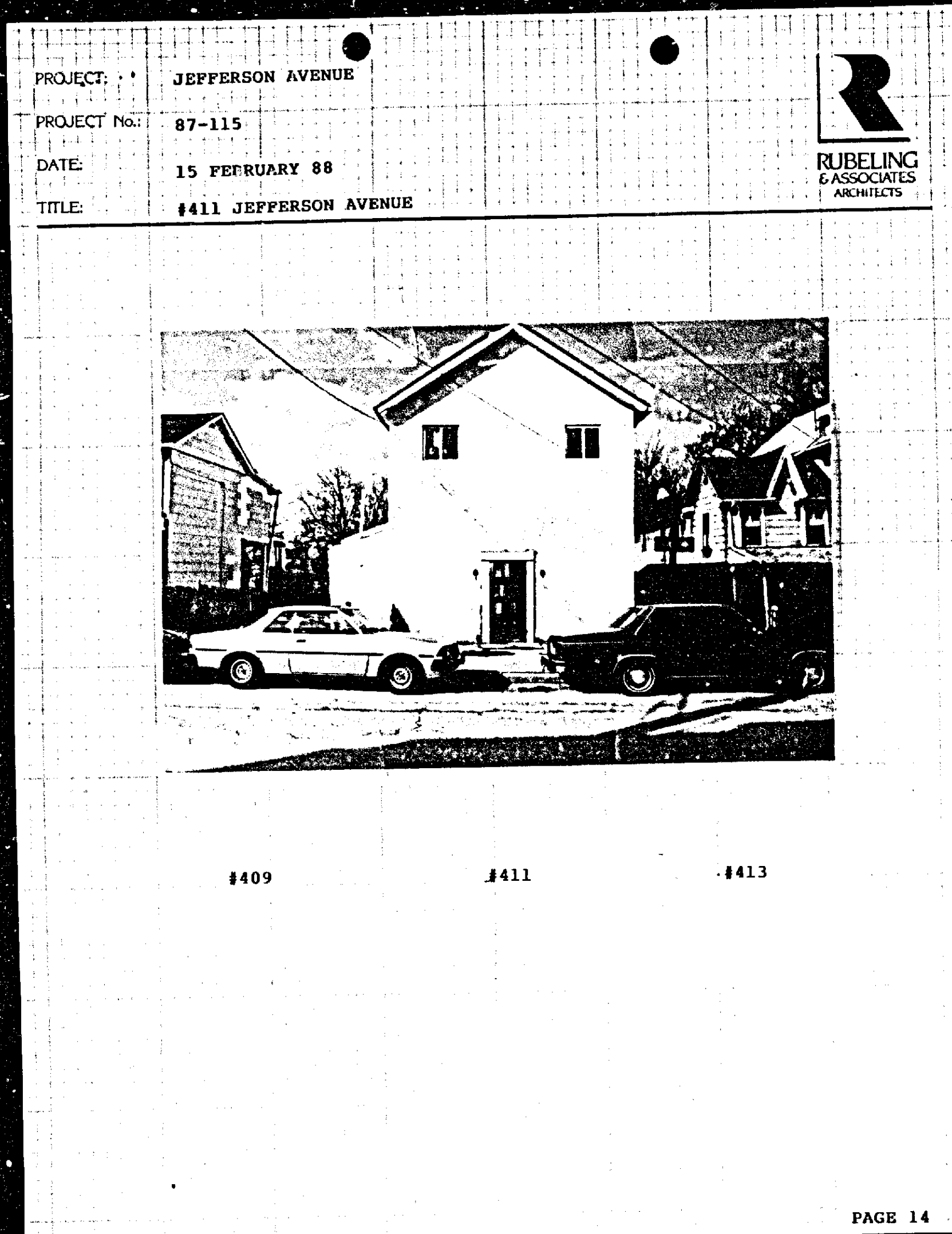


PROJECT: JEFFERSON AVENUE
PROJECT NO: 87-115
DATE: 15 FEBRUARY 88
TITLE: #407/409 JEFFERSON AVENUE



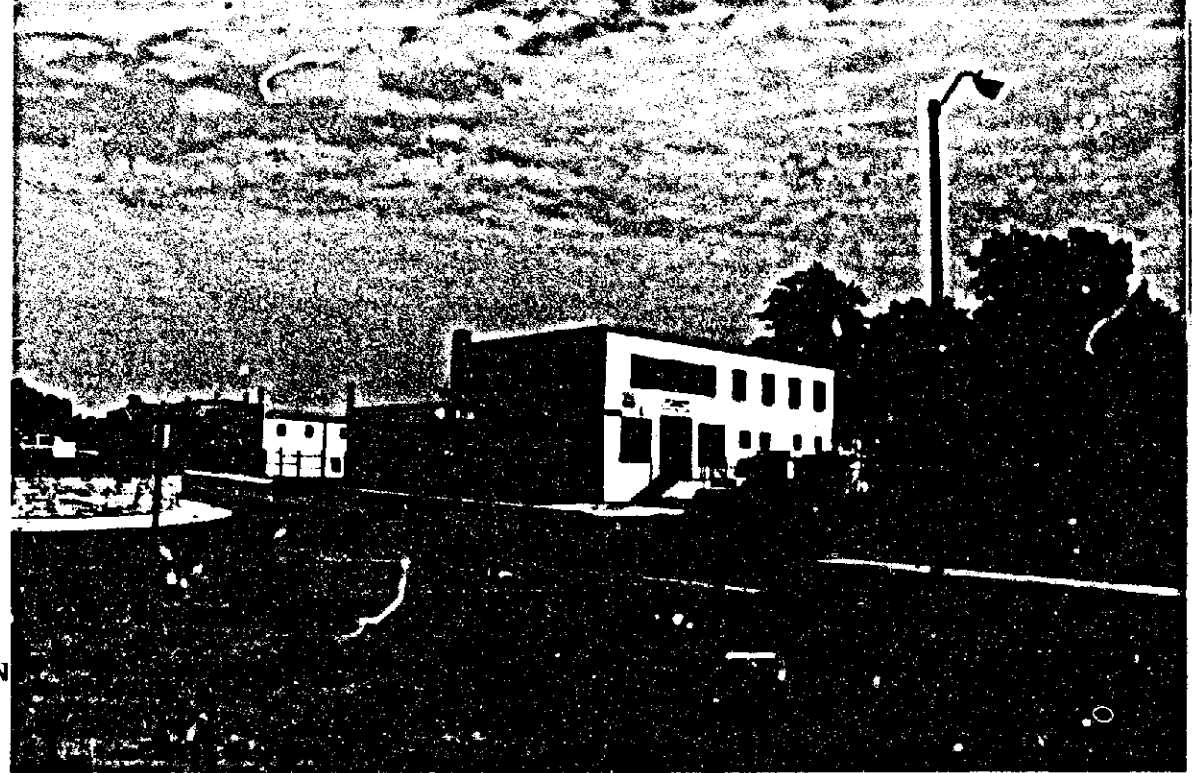
- 4407

4409



PROJECT: JEFFERSON AVENUE SITE
PROJECT No: 87
DATE: 18 AUGUST 87
TITLE: SOUTHEAST VIEW

RUBELING & ASSOCIATES ARCHITECTS

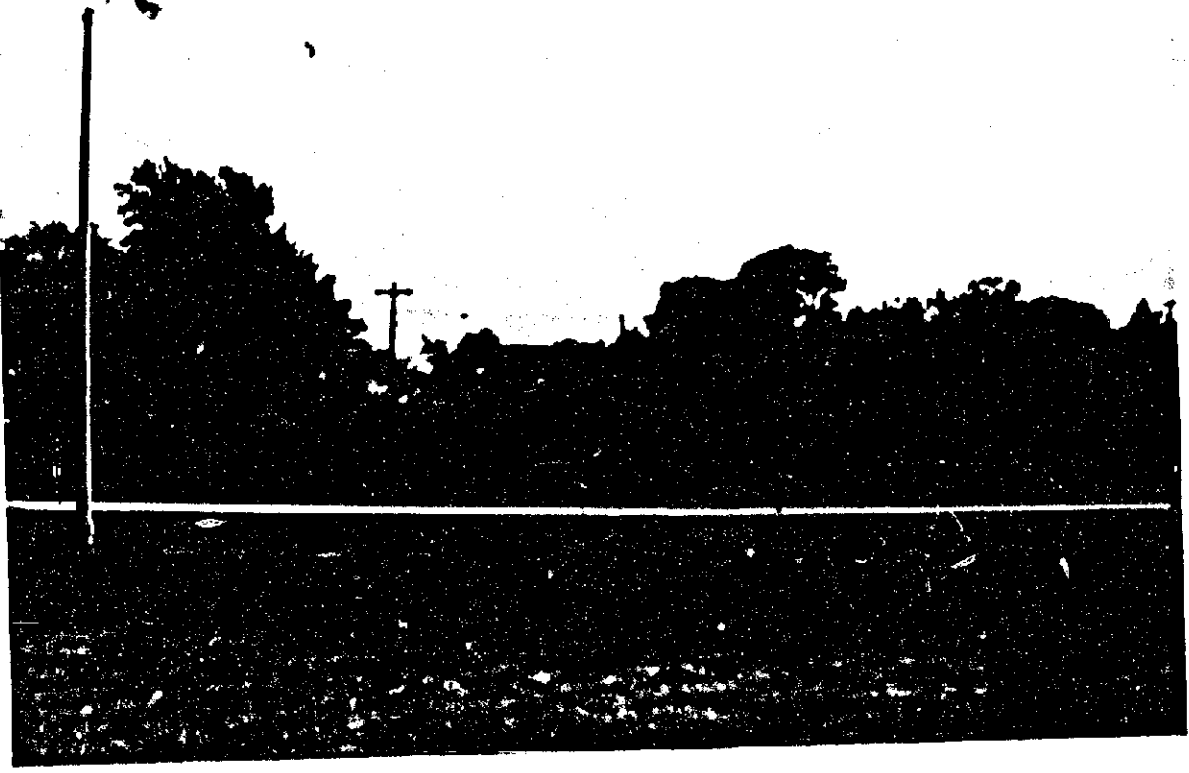


BALTIMORE COUNTY CENTRAL STORES
JEFFERSON AVENUE
HILLEN ROAD
SITE

PAGE 9

PROJECT: JEFFERSON AVENUE SITE
PROJECT No: 87
DATE: 18 AUGUST 87
TITLE: SOUTH VIEW

RUBELING & ASSOCIATES ARCHITECTS



HILLEN ROAD
SITE

PAGE 8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner
FROM: Mr. P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petition #88-396-XA

Date: February 25, 1988

RECEIVED
MAR 1 1988
ZONING OFFICE

This office is opposed to the granting of the subject petition, believing that the proposed development would be overbuilding the site. We share the concerns expressed by the Bureau of Traffic Engineering's representative to the Zoning Plans Advisory Committee and are particularly concerned that any parking overflow would usurp on-street spaces in the adjacent residential area. Please note that the zoning of the adjacent property to the south of the site is zoned D.R. 10.5, not R.O. as shown on the submitted plat.

The granting of the request to variance the required amenity open space would be particularly inappropriate in view of the adjacent residences. More landscaping and open space rather than its reduction would be desirable.

Plans must be submitted for CRG review; a waiver of CRG would not be acceptable.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
Jake Morsey
Gary Kerns
J. G. Howell

CPS-008

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Honorable Dennis F. Rasmussen, County Executive
FROM: J. Robert Haines, Esq., Zoning Commissioner
SUBJECT: ZONING, REARNS, Rm. 106, County Office Bldg.

Date: JAN 28 1988

RECEIVED
FEB 4 1988
ZONING OFFICE

PLEASE NOTE THE FOLLOWING REARNS:

THURSDAY, MARCH 3, 1988:

9:00 a.m. NW/Car Towncenter Blvd. & Jefferson Avenue
9:30-10:30 a.m. 9th Election District - 4th Concomit District
Item 241 Special Exception: A Class B Office in an R.O. Zone
Variance to permit 2% amenity open space in lieu of the required 25% and to permit 1 parking space within 25 ft. of street R/W in lieu of the required 8 ft., also permit 9 parking spaces in lieu of the required/suggested 11 parking spaces; to permit a 39.7 sq. ft. freestanding, illuminated I.D. sign in lieu of the allowed 8 sq. ft., non-illuminated, building sign.
Petitioner: R.E.L. Associates, Inc.

Bah
No, No, No! Please remember what the R.O. was designed to do - provide a buffer. This intensification is not appropriate - it is a real abuse of the concept.
Thanks for testimony -
Barbara Backen

CPS-008

PROJECT: JEFFERSON AVENUE
PROJECT No: 87-115
DATE: 15 FEBRUARY 88
TITLE: STREET VIEW LOOKING SOUTH

RUBELING & ASSOCIATES ARCHITECTS



CARVER CENTER
LENNOX AVENUE
JEFFERSON AVENUE

PAGE 11

PROJECT: JEFFERSON AVENUE
PROJECT No: 87-115
DATE: 15 FEBRUARY 88
TITLE: STREET VIEW LOOKING SOUTH

RUBELING & ASSOCIATES ARCHITECTS



JEFFERSON AVENUE

PAGE 10

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 27th day of January, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: R.E.L. Associates, Inc.
Petitioner's Attorney: Newton A. Williams, Esquire

Received by: James R. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department
Towson, Maryland 21204 2386
(410) 430-4500

Paul H. Bousche
Chief

January 12, 1988

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

Re: Property Owner: R.E.L. Associates, Inc.
Location: NW/Corner Towncenter Blvd. & Jefferson Avenue
Item No: 241 Zoning Appeals: Meeting of 1/19/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the covenants 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 of 300 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 comments at this time.

REVIEWER: *John F. O'Neill*
Served and
Approved: _____
Planning Group
Special Inspection Division
Fire Prevention Bureau

7/1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 1, 1988

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

ofo

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 241 - Case No. 88-396-XA
Petitioner: R.E.L. Associates, Inc.
Petitions for Zoning Variance and
Special Exception

Dear Mr. Williams:

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 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 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.

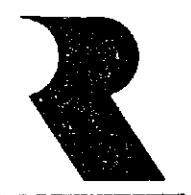
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: J. Finley Ransone & Associates
P.O. Box 10160
Towson, Maryland 21204



RUBELING
& ASSOCIATES
ARCHITECTS

March 11, 1988

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: R.E.L. Inc.
Petitioner Case No.: 88-396-XA

Dear Ms. Nastarowicz:

Please find enclosed four copies of our revised CRG plan and special exception for Class B Office Building and variances, drawing #1, dated last revision 3/11/88, for the above referenced project.

We have submitted sixteen copies for our CRG review meeting scheduled for Friday, March 18, 1988.

Should you have any questions concerning any data on the drawings, please feel free to contact this office.

Regards,

RUBELING & ASSOCIATES, INC.

Albert W. Rubeling, Jr., AIA
President

cc: Newton Williams

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

February 18, 1988

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

Dear Mr. Haines:

Item No. 241 - ZAC -
Property Owner: R.E.L. Associates, Inc.
Location: NW Cor Towson Blvd. & Jefferson Ave.
Existing Zoning: R.O.
Proposed Zoning: Variance to permit 20% Amenity Open Space in lieu of the required 25%, and to permit 1 parking space within 2.5' of a street R/W in lieu of the required 8'; also to permit 9 parking spaces in lieu of the required/suggested 11 parking spaces as part of the plan approval process, also to permit a 39.7 sq. ft. free-standing, illuminated I.D. sign in lieu of the allowed 8 sq. ft., non-illuminated, building sign. Special exception to permit a Class B Office in an R.O. Zone.
Area: 0.188 acre
District: 9th Election District

We have reviewed the site plan for this site and we have the following comments:

1. The site plan should provide 14 parking spaces;
2. The entrance fails to meet county standards and should be redesigned.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:jml-b

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

1/21/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 241, Zoning Advisory Committee Meeting of January 19, 1988

Property Owner: R.E.L. Associates, Inc.

Location: NW Cor Towson Blvd. & Jefferson Ave. District ?

Water Supply Metro Sewage Disposal Metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (3,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chaffronier operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been conducted, must be conducted.
- () The results are valid until () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

NOTES:

1. Election District No. 9
2. Councilmatic District No. 4
3. Census Tract 4909
4. Watershed: 4
5. Subwatershed: 29
6. Net Site Area: 0.188 Acres +/-
7. Gross Site Area: 0.254 Acres +/-
8. Existing Zoning: RO
9. Proposed Density: R/A
10. Open Space Required: 25% of 0.254 AC = 2766 S.F.
11. Open Space Provided: 2291 S.F. (21%) of gross area.
12. No existing or proposed well & septic area
13. There are no known wetlands, archaeological sites, endangered species habitat or hazardous waste on this site.
14. Estimated Average Daily Trips: $2.34 \times 4,096 = 9,58$ Peak Hour Trips: 20
15. Deed Reference: 5118/640
16. Property Nos. 09-06-572970
17. Total site lies within the GU 8 soil type.
18. Required Parking: Office building less than 5000 S.F.--None
19. Total No. of parking spaces required: 0 spaces
20. Total No. of parking spaces provided: 9 spaces (including 1 handicap)
21. All parking spaces shall be minimum size of 8.5' x 18'. One handicapped space to be provided.
22. Existing use: vacant lot
23. Proposed building use: Class "B" office building
24. Floor area ratio: maximum permitted .254 AC +/- = 11,064 S.F. x .5 = 5,532
25. Floor area ratio proposed: 4,900 = 89% of total allowed.
26. % of building coverage to net site: $2,048 \div 1,819 = 25\%$
27. Landscaping to be accomplished in accordance with the landscape manual standards.
28. Number of employees - 18 present, up to 24 future.

SOIL TYPES & LIMITATIONS

Soil Type	Build/Use	Parking Lot
GU 8	Severe: High Water Table	Severe: High Water Table

LANDSCAPE NOTES

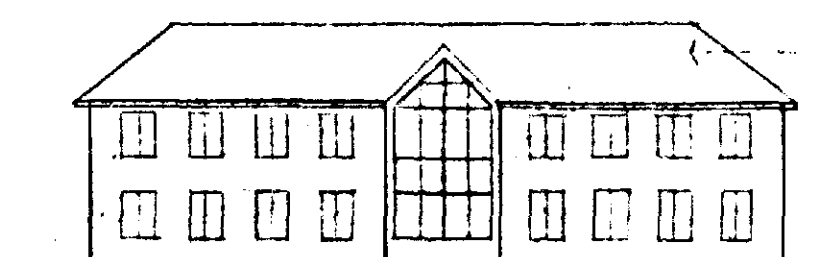
1. One tree per 20 lf frontage = $207.04 \div 20 = 10.4$ trees = 11 TREES
2. One tree per 12 parking spaces = $9 \div 12 = 1$ tree
3. Total number of trees required = 12 trees

VARIANCE(S) REQUESTED

- A. VARIANCE FROM SECTION 203.4 TO PERMIT AMENITY OPEN SPACE AREA OF 213 IN LIEU OF THE REQUIRED 251
- B. A PARKING VARIANCE FROM SECTION 409.2 C-(4) TO PERMIT ONE PARKING SPACE WITHIN 2.5 FEET OF STREET PROPERTY LINE IN LIEU OF REQ'D 5 FEET. ALSO TO PERMIT NINE (9) PARKING SPACES IN LIEU OF THE REQUIRED/SUGGESTED THIRTY (30) PARKING SPACES AS PART OF THE PLAN APPROVAL PROCESS.
- C. A VARIANCE FROM SECTION 203.3C - TO PERMIT A FREE STANDING ILLUMINATED SIGN OF 32.7 SQUARE FEET IN LIEU OF THE PERMITTED NON-ILLUMINATED BUILDING SIGN OF EIGHT (8) SQUARE FEET.

LANDSCAPE LEGEND

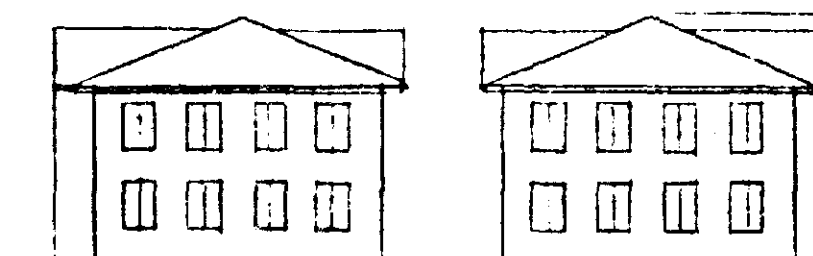
- PROPOSED TREE
- EXIST. 12" LIGNUM TO REMAIN



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

WEST ELEVATION

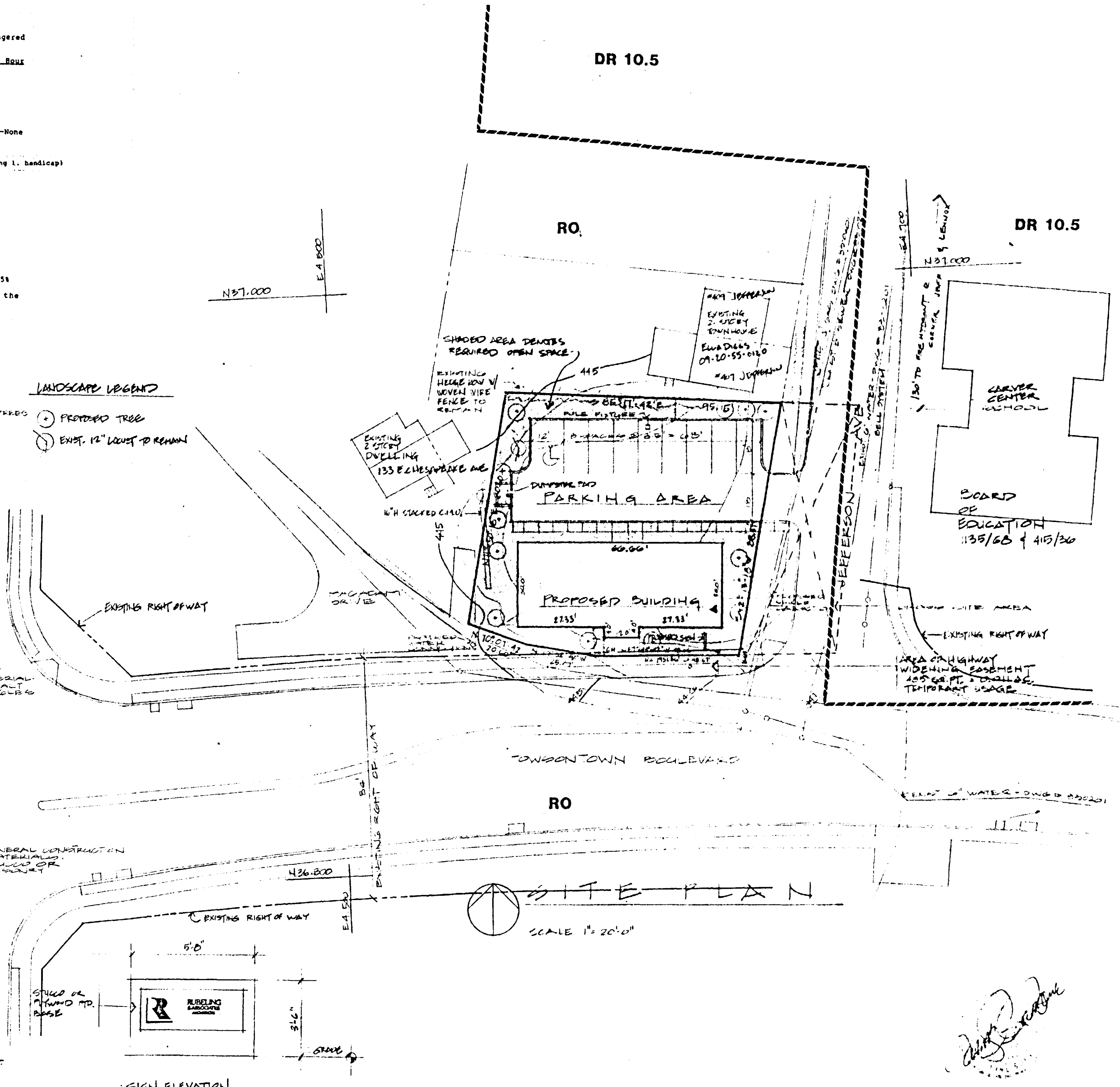


WEST ELEVATION



SIGN ELEVATION

3.5 x 5.67 = 19.65 SF x 2 SIDES = 39.7 SF



STORM WATER MANAGEMENT EXEMPTION REQUESTED

NOTES



VICINITY MAP SCALE: 1" = 400'

Rubeling & Associates Office Building
Towson, Md.
Towson, Maryland.

DEVELOPMENT NAME

LATSHAW /RUBELING & ASSOCIATES INC. (501-351-2866)
530 EAST JOPPA RD
TOWSON, MD. 21204

APPLICANT

RUBELING & ASSOCIATES INC.
530 EAST JOPPA ROAD
TOWSON, MD. 21204

OWNER

PUBLIC SERVICES CRG NO 88022
PLANNING NO.

PETITION
EXHIBIT 1



Rubeling & Associates Office Building
Towson, Md.
Towson, Maryland.

No.	Description	Date
1	CRG PLAN / AND SPECIAL EXEMPTION FOR CLASS "B" OFFICE BUILDING AND VARIANCES	20 JAN 88
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