

IN RE: PETITION FOR ZONING VARIANCE
S/S Deereco Road, 1.064" SE of
Intersection of Deereco Road
and Padonia Road
8th Election District
3rd Councilmanic District
9500 Deereco Road Part. Assoc.
Petitioners

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 89-511-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a rear yard setback of 0 feet in lieu of the required 50 feet for proposed Parking Structures "A" and "B"; a side yard setback of 10 feet in lieu of the required 50 feet for proposed Parking Structure "B"; a side yard setback of 10 feet in lieu of the required 10 feet for proposed Parking Structure "B"; a distance between buildings of 40 feet in lieu of the required 60 feet for proposed Parking Structure "B" and an existing building; a side yard setback of 45 feet in lieu of the required 50 feet for proposed Parking Structure "B" and the proposed ten story building; a distance between buildings of 90 feet in lieu of the required 100 feet for proposed Parking Structure "B" and the proposed ten story building; and to permit one (1) stationary double-faced park identification sign of 150 sq.ft. per face (300 sq.ft. total) mounted on a parking structure in lieu of the permitted freestanding stationary park identification sign of 150 sq.ft. per face, (one sign for each structure, two signs total) all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Benjamin Bronstein, Esquire, appeared and testified. Also appearing and testifying on behalf of the Petition were Marsha A. Lea, Landscape Architect with Columbia Design Collective, Inc.; James Martin with George W. Stephens, Jr. and Associates, Inc.; and Anthony

Tullio and evidence presented by Petitioners' witnesses established that the requirements of Section 507 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met by this project. To further support Petitioner's request, Petitioners submitted a letter from the F. Frederick Obrecht & Son company, identified herein as Petitioner's Exhibit 5, which states that they have reviewed the site plan and are not opposed to the requested variance for the parking garage adjoining their property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Melvin v. Foley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser restriction 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).

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, if the area variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. However, the sign variances requested are unnecessary and not within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the variances requested, as modified, should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 0 feet in lieu of the required 50 feet for proposed parking structures "A" and "B"; a side yard setback of 10 feet in lieu of the required 50 feet for proposed Parking Structure "B"; a side yard setback of 10 feet in lieu of the required 10 feet for proposed Parking Structure "B"; a distance between buildings of 40 feet in lieu of the required 60 feet for proposed Parking Structure "B" and an existing building; a side yard setback of 45 feet in lieu of the required 50 feet for proposed Parking Structure "B" and the proposed ten story building; and a distance between buildings of 90 feet in lieu of the required 100 feet for proposed Parking Structure "B" and the proposed ten story building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that pending at this time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reasons, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Additional screening and landscaping is required for the south side of the property near the proposed Parking Structure "B". Prior to the issuance of any permit, Petitioners shall submit for approval, by the Zoning Commissioner and the Baltimore County Landscape Planner a new landscaping plan which takes into consideration the restriction set forth herein and provides better screening of the parking structure.

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 . . . SEE ATTACHED.

1. Configuration of property.
2. And for such other and further reasons as may be demonstrated at the time of hearing.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

(Type or Print Name)

City and State

Attorney for Petitioner: BENJAMIN BRONSTEIN

AND EVANS, GEORGE S. & BRONSTEIN

(Type or Print Name)

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Julio of Hill Management Company, Project Manager for Petitioners. There were no Protestants.

Testimony indicated that the subject property consists of 9,239 acres more or less zoned M.L.-1.M. and is improved with a ten story office building, identified as T.C.C. #1 on Petitioner's Exhibit 1, and a warehouse/showroom building formerly used by Lavita Furniture. Testimony indicated Petitioners propose to add two additional office buildings, which will be similar in design and character to the existing ten story building, and two parking structures. Although the permitted FAR for the site is 950,000 sq.ft., the total FAR proposed is 450,000 sq.ft., including the existing office building. Petitioners submitted Petitioner's Exhibit 3 which details the Petitioners' interest in adjoining property north of the site, extending to the south side of Padonia Road, and an office/warehouse development on the opposite side of the subject property on Deereco Road through interlocking ownership. A preliminary plan, identified as Petitioner's Exhibit 4, would have satisfied zoning criteria and permitted the development of all three office buildings and proposed parking structures without a variance. However, said plan would restrict the distance between the buildings, require a parking structure over 400 feet in length paralleling I-83, necessitate moving one of the office buildings closer to Deereco Road and result in diminishing the open space between buildings. Petitioners' proposed plan, as set forth in Petitioner's Exhibits 1 and 7, promotes an office campus-type setting. The upper levels of the parking structures, with brick trim facades, will be compatible with the grade of I-83. This structure will provide sufficient parking together with surface parking to meet site requirements. Further, the site will be substantially landscaped by existing and supplemental foliage. The

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Date 7/27/89
By J. Robert Haines

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VARIANCE REQUESTS

1. Section 255.2 to permit a rear yard of 0 ft. in lieu of the required 50 ft. (Parking structures "A" and "B").
2. Section 255.2 to permit a sideyard of 10 ft. in lieu of the required 50 ft. (Parking structure "B").
3. Section 255.1 to permit a sideyard of 10 ft. in lieu of the required 30 ft. (Parking structure "B").
4. Section 102.2 to permit a distance between buildings of 40 ft. in lieu of the required 60 ft. (Parking structure "B" and existing building).
5. Section 255.2 to permit a sideyard of 45 ft. in lieu of the required 50 ft. (Parking structure "B" and the proposed ten story building).
6. Section 255.2 to permit a distance between buildings of 90 ft. in lieu of the required 100 ft. (Parking structure "B" and proposed ten story building).
7. Section 413.6f to permit 1 stationary double face (150 s.f. per face) park identification sign mounted on a parking structure in lieu of the permitted freestanding stationary 150 s.f. per face park identification sign. (Design per city property, 2 signs total)

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 SEE ATTACHED.

1. Configuration of property.
2. And for such other and further reasons as may be demonstrated at the time of hearing.

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

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Atorney for Petitioner: BENJAMIN BRONSTEIN
AND EVANS, GEORGE & BRONSTEIN
(Type or Print Name)
Signature _____
Address _____
City and State _____
Atorney's Telephone No.: 296-0200

Legal Owner(s): 9500 DEERCO ROAD
PARTNERSHIP ASSOCIATES / Deereco Road Ltd
(Type or Print Name)
BY: _____
Signature _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
G. W. STEPHENS, JR. & ASSOCIATES
303 ALLEGHENY AVENUE, TOWSON, MD 21204
825-8120

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of April, 1989, that the subject matter of this petition be advertised, as required by 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 19th day of June, 1989, at 3 o'clock P.M.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 27, 1989



Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Deereco Road, 1.064' SE of the intersection
of Deereco and Padonia Roads
8th Election District - 3rd Councilmanic District
9500 Deereco Road Partnership Assoc. - Petitioners
Case No. 89-511-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel
File

ORDER RECEIVED FOR FILING
Date 7/27/89
By J. Robert Haines

5-15-89
Date

MAY 17 1989

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

ZONING OFFICE, 1989

Zoning Item #388, Zoning Advisory Committee Meeting of 5/15/89

Property Owner: 9500 Deereco Rd. Pkshp. District: 8

Location: S/S Deereco Rd. Sewage Disposal: none

Water Supply: none

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.
- (X) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) 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) (5,000 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 charcoal generation 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () 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 887-3745, 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, 887-3775.
- () 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 887-3745.
- () Soil percolation tests, have been _____, 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 15-117 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.
- (X) In submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3880.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENTBaltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500Paul H. Reincke
ChiefJ. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204Dennis F. Rasmussen
County ExecutiveRe: Property Owner: 9500 Deereco Road Partnership
Associates/Deereco Road Limited Partnership
Location: S/S Deereco Road, 1064' SE of Deereco and
Padonia Road centerline intersection.
Item No.: 388 Zoning Agenda: April 18, 1989

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 of 300' feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
* on site
- () 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," 1988 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* 4-14-89 Noted and Approved: *Carl J. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 18, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 415, 418, 419, 420, 421, 422 and 423.

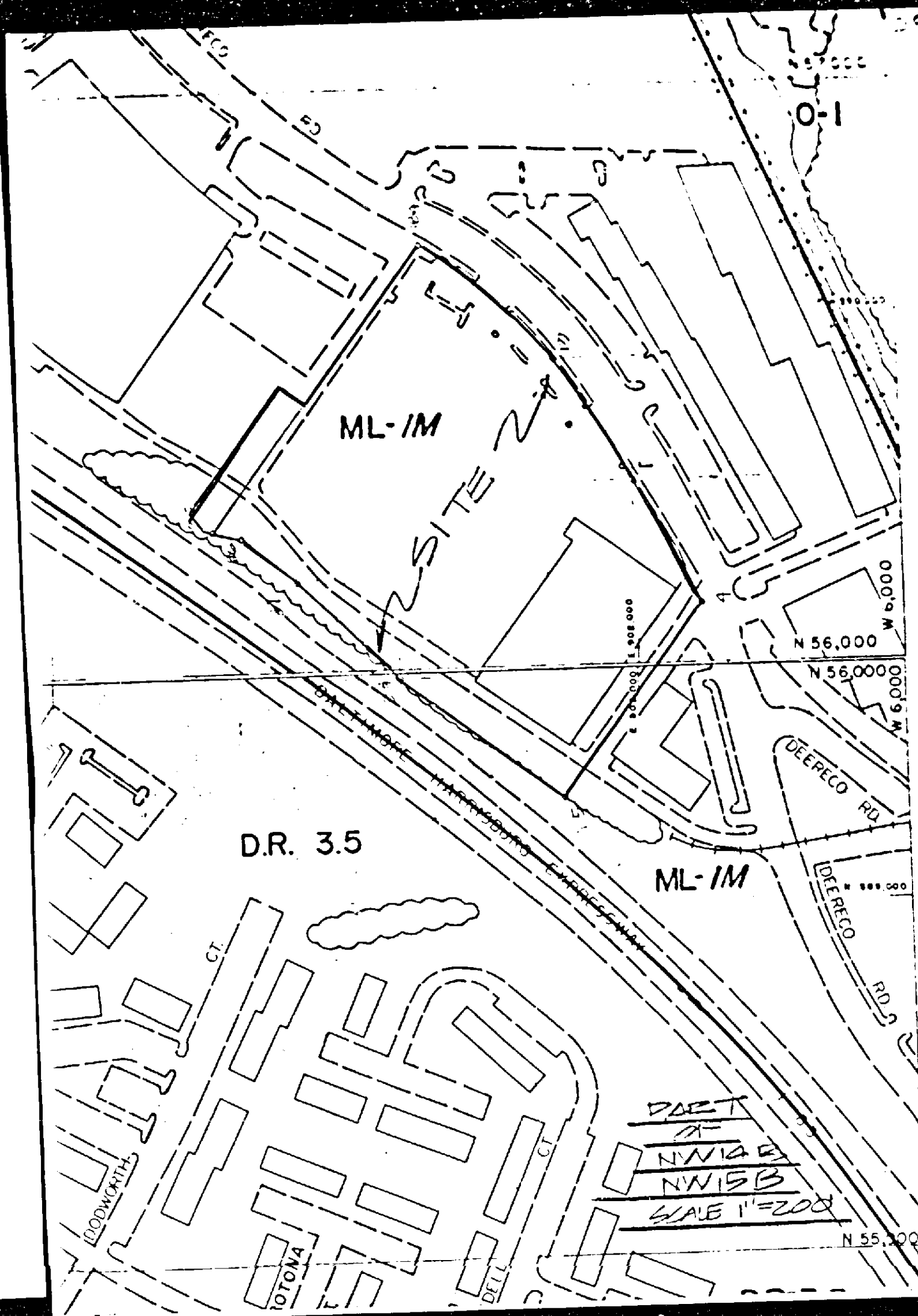
For Item 358 a new County Review Group Meeting will be required.

For Item 388 the previous County Review Group comments still apply.

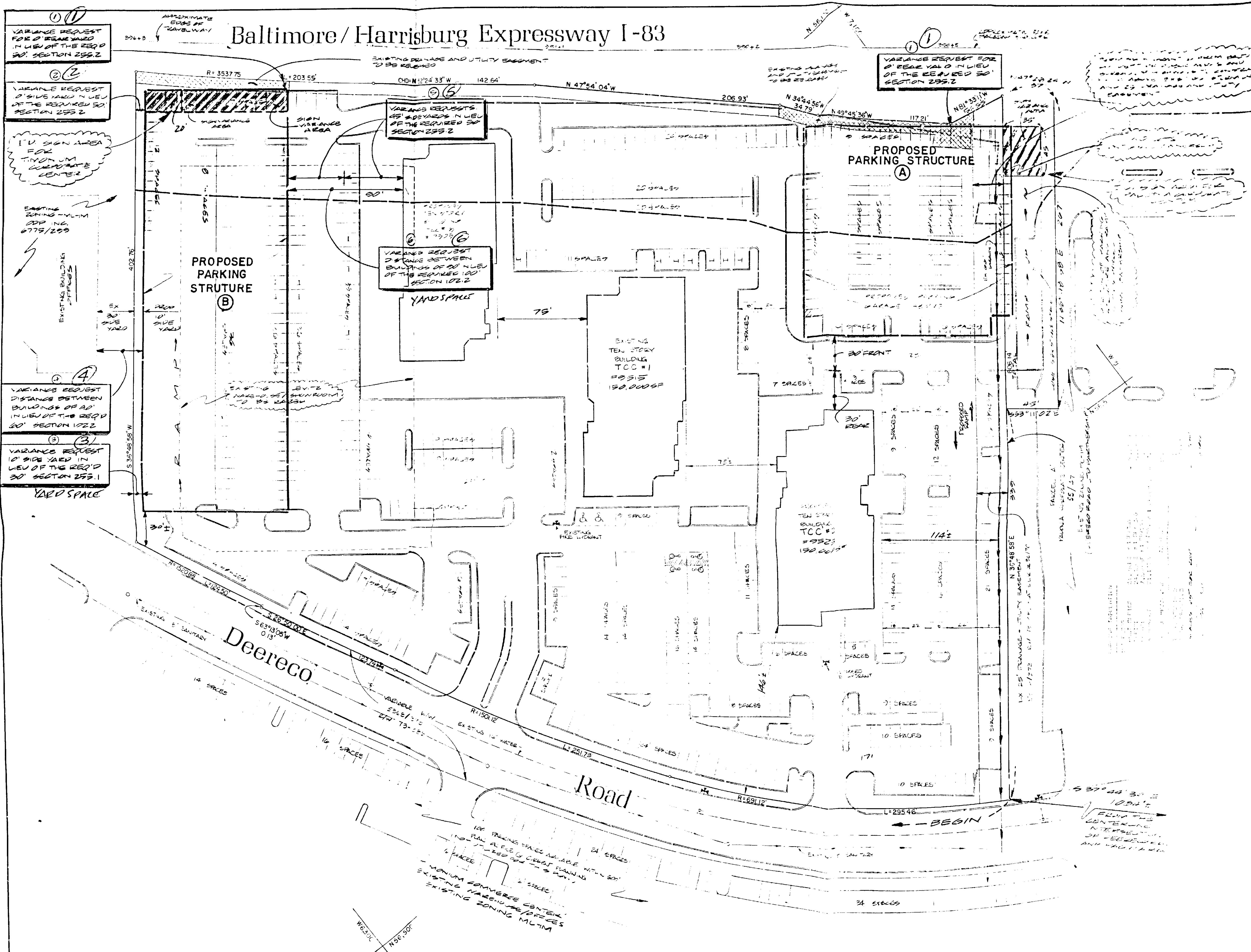
Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

JUN 02 1989



Baltimore/Harrisburg Expressway I-83



PETITIONER'S
EXHIBIT 1

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

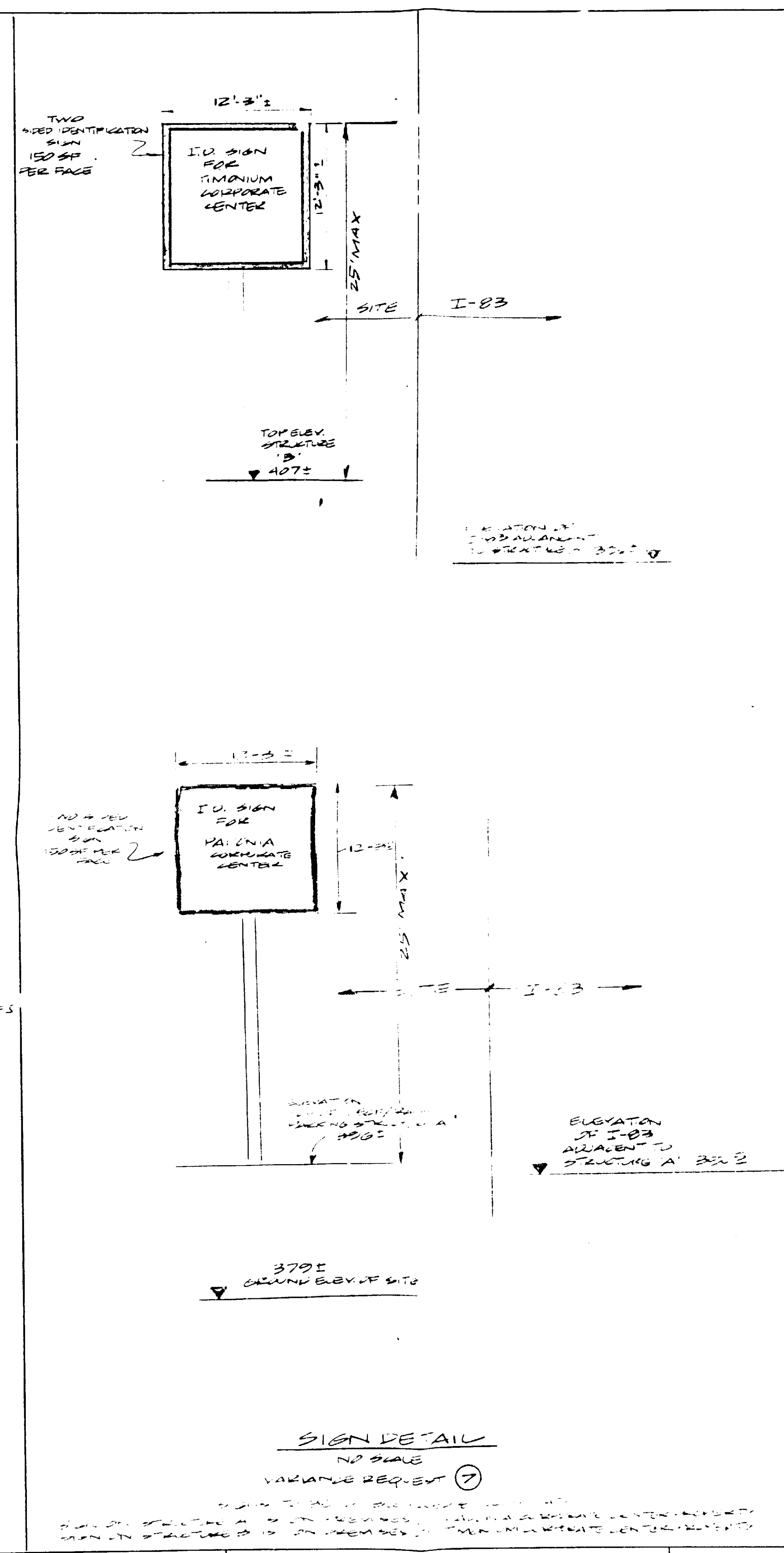
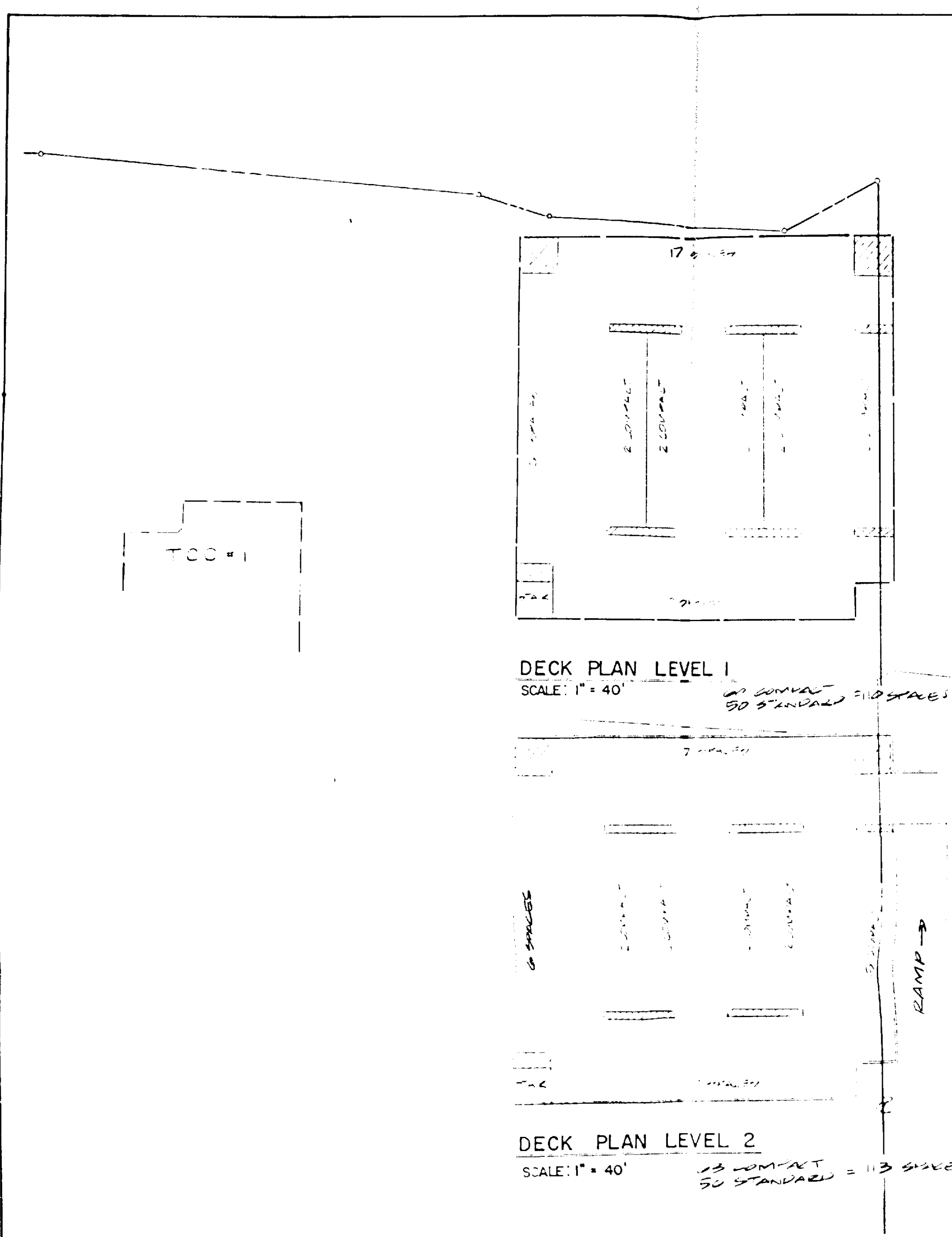
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 625-8120

OWNER / LESSOR

[illegible]

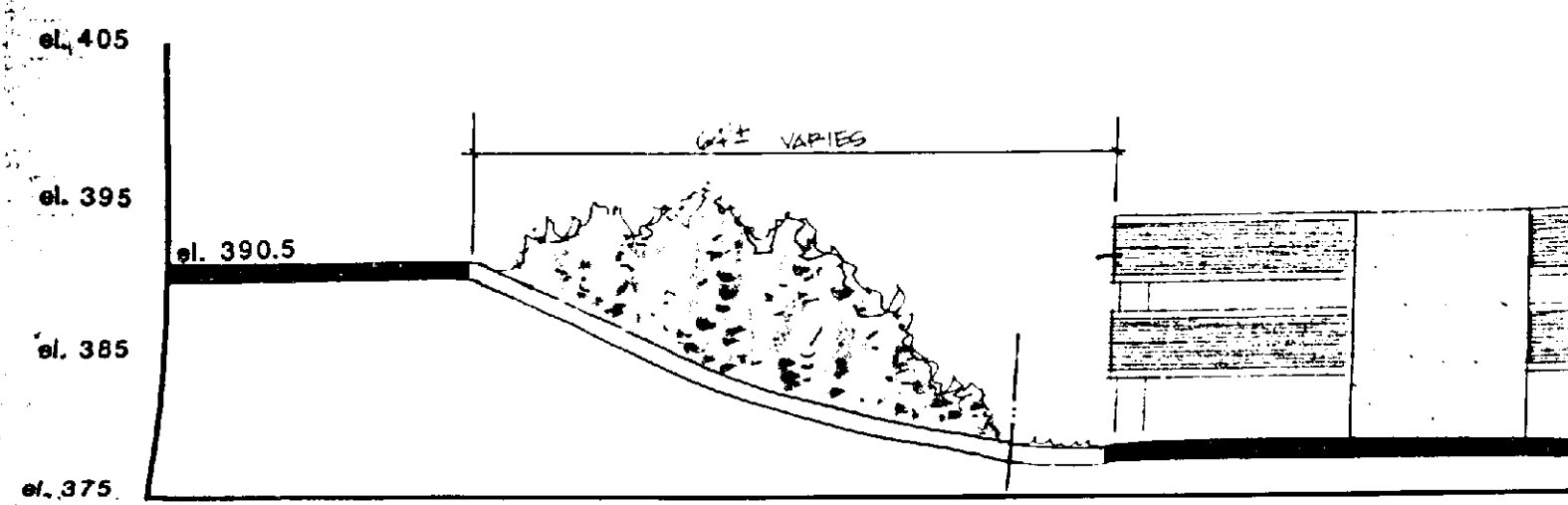
ELIOMIUM CORFOR III. CENTER

Page 1-4,
Bellingham Co. 319

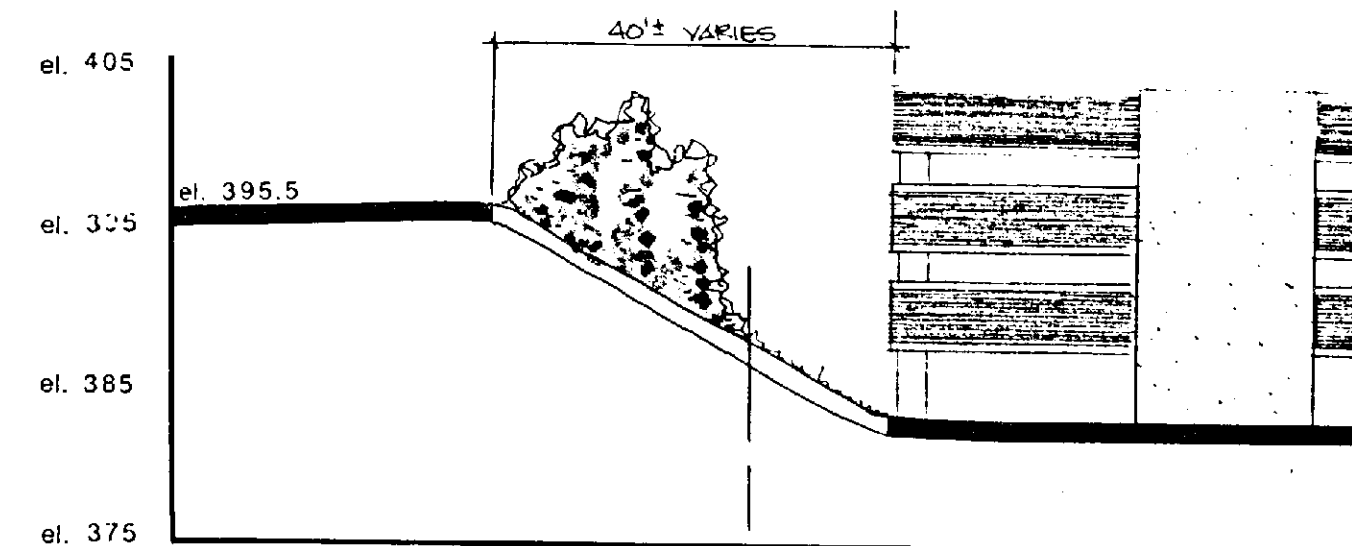


LEVEL 3	
LEVEL 2	
LEVEL 1	
GROUND	

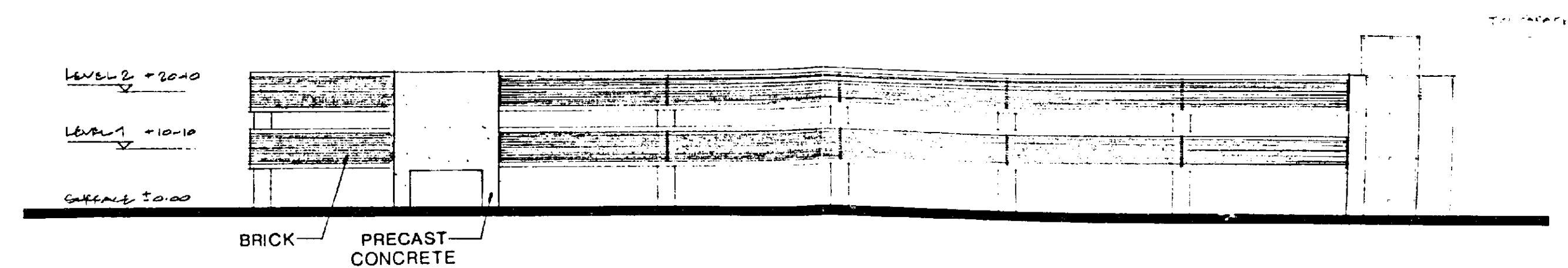
PETITIONER'S EXHIBIT



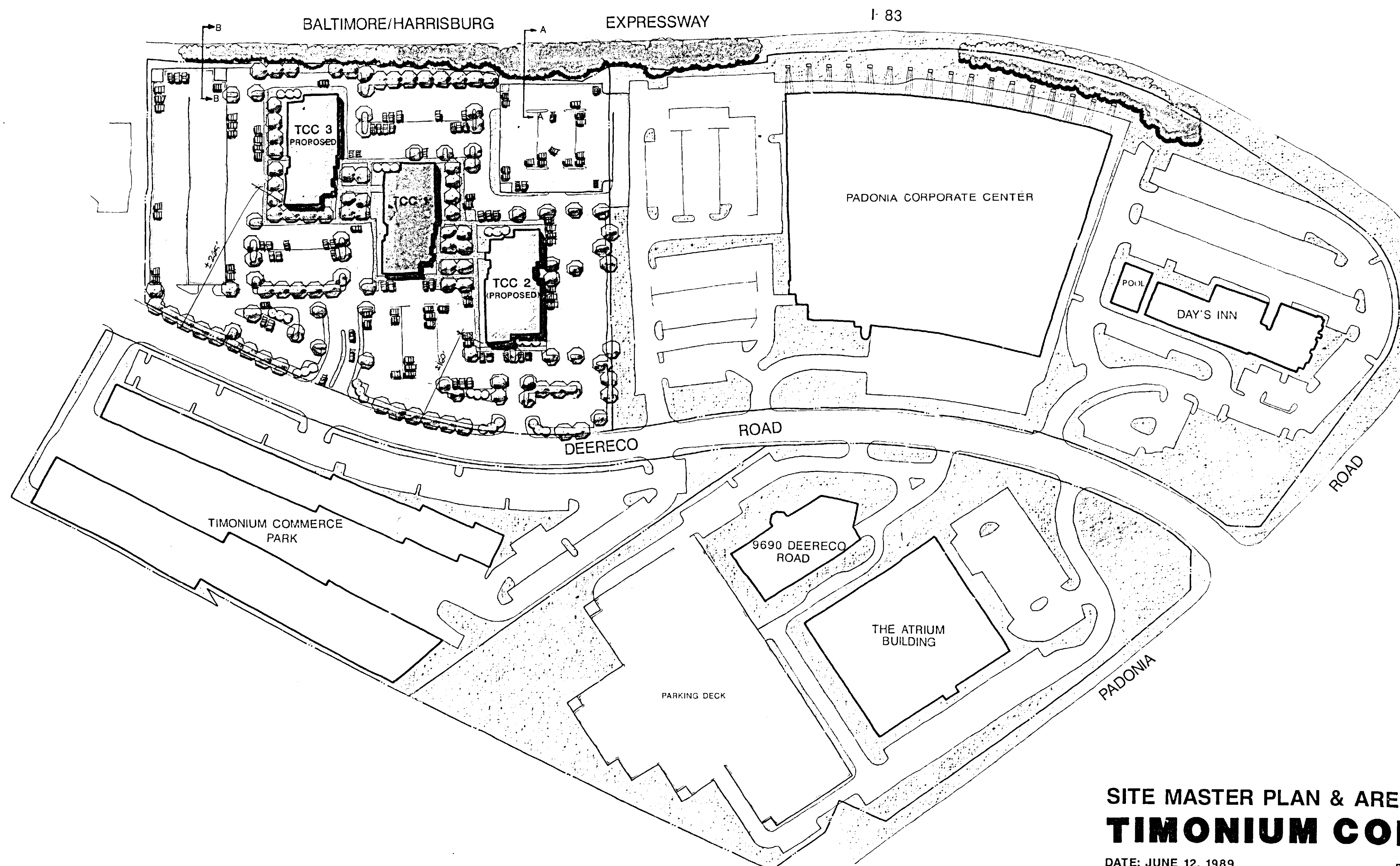
SECTION AA



SECTION B3



ELEVATION OF PHASE 1 PARKING STRUCTURE AS SEEN FROM I-83



PETITIONER'S
EXHIBIT 3

SITE MASTER PLAN & AREA CONTEXT **TIMONIUM CORPORATE CENTER**

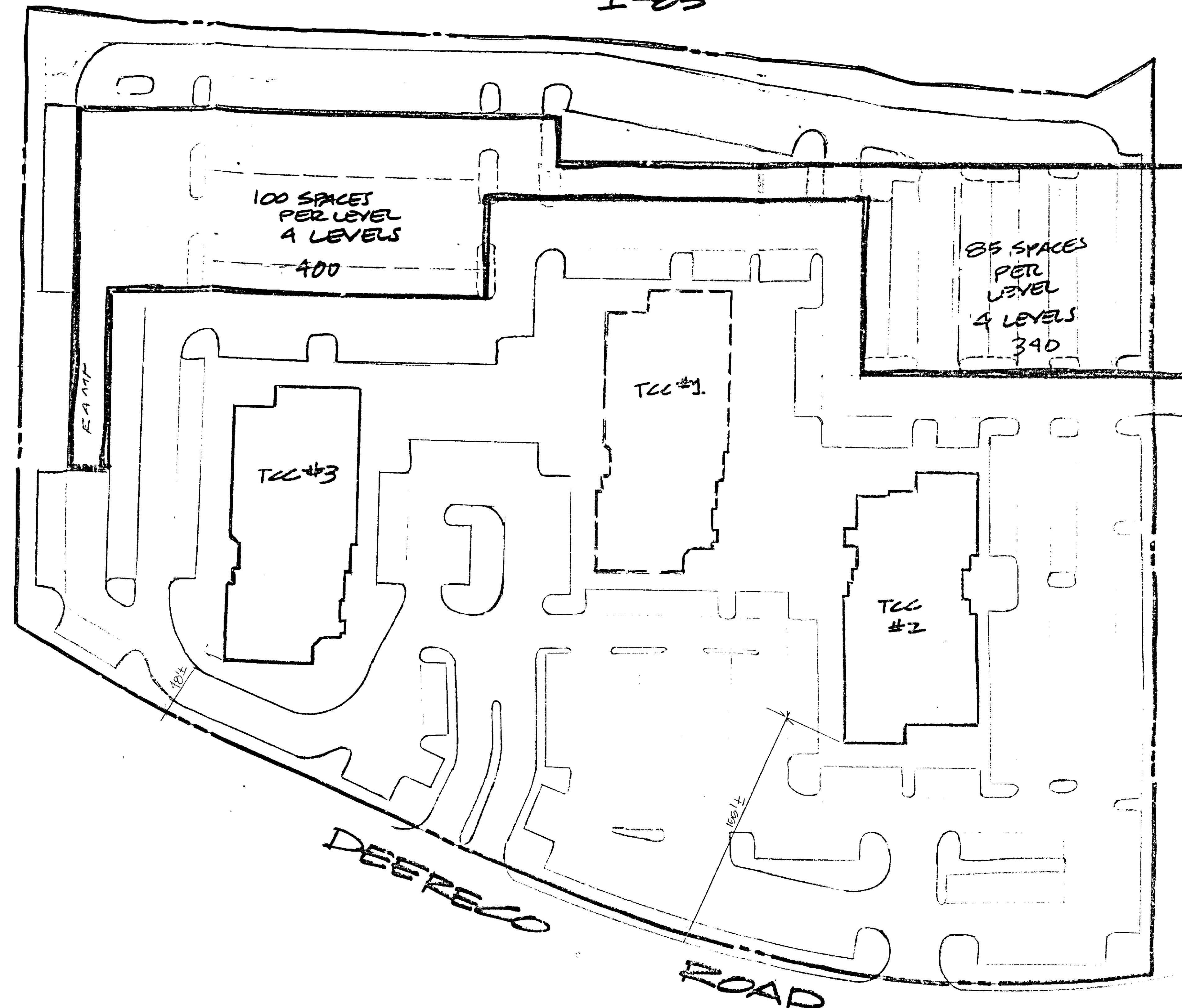
DATE: JUNE 12, 1989

PROJECT NO.: 228-88

SCALE: 1"=80'

cbp

BALTIMORE HARRISBURG EXPRESSWAY I-83



SCHEME 'D'
TIMONIUM CORPORATE
CENTER
SCALE 1"=40'
1440 SPACES ±

ADVANTAGES

- * NO ZONING VARIANCES REQ'D
- * DECKS BEHIND BUILDINGS

DISADVANTAGES

- * GREATER TUNNEL ALONG DEERCO
- * CREATES WALL ALONG I-83
- * POOR FIRE TRUCK ACCESS
- * NEGATES COURTYARD EFFECT
- * VIEWS BLOCKED
- * AWKWARD DECK LAYOUT

PETITIONER'S
EXHIBIT 4