



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

May 5, 2000

Nicholas J. Giampetro, Esquire  
c/o Giampetro & Associates  
920 Providence Road, Suite 407  
Towson, Maryland 21286

Dear Mr. Giampetro:

RE: Zoning Verification, 8322 Bellona Avenue, 8<sup>th</sup> Election District

In response to your letter dated April 18, 2000, to Arnold Jablon, Director of Permits and Development Management, the following has been determined.

The above property is currently designated OR-1 (Office Building-Residential) as shown on Baltimore County zoning map NW-11A (see copy). Also, enclosed are copies from the Baltimore County Zoning Regulations (B.C.Z.R.) listing the permitted uses in the OR-1 zone.

This office would require an A.L.T.A. survey or similar engineered as-built survey in order to confirm adherence to all zoning regulations. Please be advised that, if constructed per all required Baltimore County permits, the property and improvements comply with the B.C.Z.R. including, but not limited to, parking, building setbacks and building height.

Finally, the property was the subject of at least two zoning variance hearings: case #CR-87-455-XA (dismissed) and case #90-113-SPHA (granted, docket book description enclosed).

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,  
*R. David Duvall*  
R. David Duvall  
Drafting Technician, II  
Zoning Review

RDD:kew

Census 2000 For You, For Baltimore County Census 2000



Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 080789

DATE 4/25/00 ACCOUNT 001-6150

AMOUNT \$ 40.00 (DD)

RECEIVED FROM: Giampetro + Levin

FOR: 00-948

8322 Bellona Ave

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT  
DATE 4/25/00 TIME 14:19:07  
REG NO. 001 CASHIER JRG JWR DRAMER  
NO. 5 528 ZONING MODIFICATION  
RECEIPT # 145417  
CP NO. 080789  
Receipt for 40.00  
40.00 US 00 00  
Baltimore County, Maryland

CASHIER'S VALIDATION

**Giampetro & Associates**  
ATTORNEYS AT LAW

920 Providence Road Suite 407  
Towson, Maryland 21286  
410/339-7466  
Fax 410/339-7621  
e mail 102101.1326@compuserve.com

April 18, 2000

Mr. Arnold Jablon  
Director of Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Zoning matters  
8322 Bellona Avenue  
Baltimore, Maryland 21204

Dear Mr. Jablon:

We represent Ruxton Professional Center, LLC, the record owner of the above referenced property. Kindly provide us with the following zoning information regarding the above referenced property:

1. verification of current zoning and compliance therewith;
2. certified copy of the applicable zoning ordinance, including use, site development requirements and parking requirements;
3. zoning map; and
4. evidence of any applicable variances and any special or conditional use permits.

This information is being requested in connection with the refinancing of the property. We are enclosing our check in the amount of \$40.00.

Should you have any questions, regarding this request feel free to contact our office.

Very truly yours,  
*Nicholas J. Giampetro*  
Nicholas J. Giampetro

NJG\njg\skr  
Enclosure  
NETWORK\CLIENTS\OAPM-18.LET


4/18/00  
8  
WCR  
p. Dave D  
412400  
Nicholas J. Giampetro  
D.C., PA. and N.J. Also  
\$ cash

BELLONA LANE OFFICE BUILDING

CRG Plan Refinement  
Red-Lined Plan Date: 3/22/91  
Comments Date: 4/5/91  
Comments Typed: 4/5/91

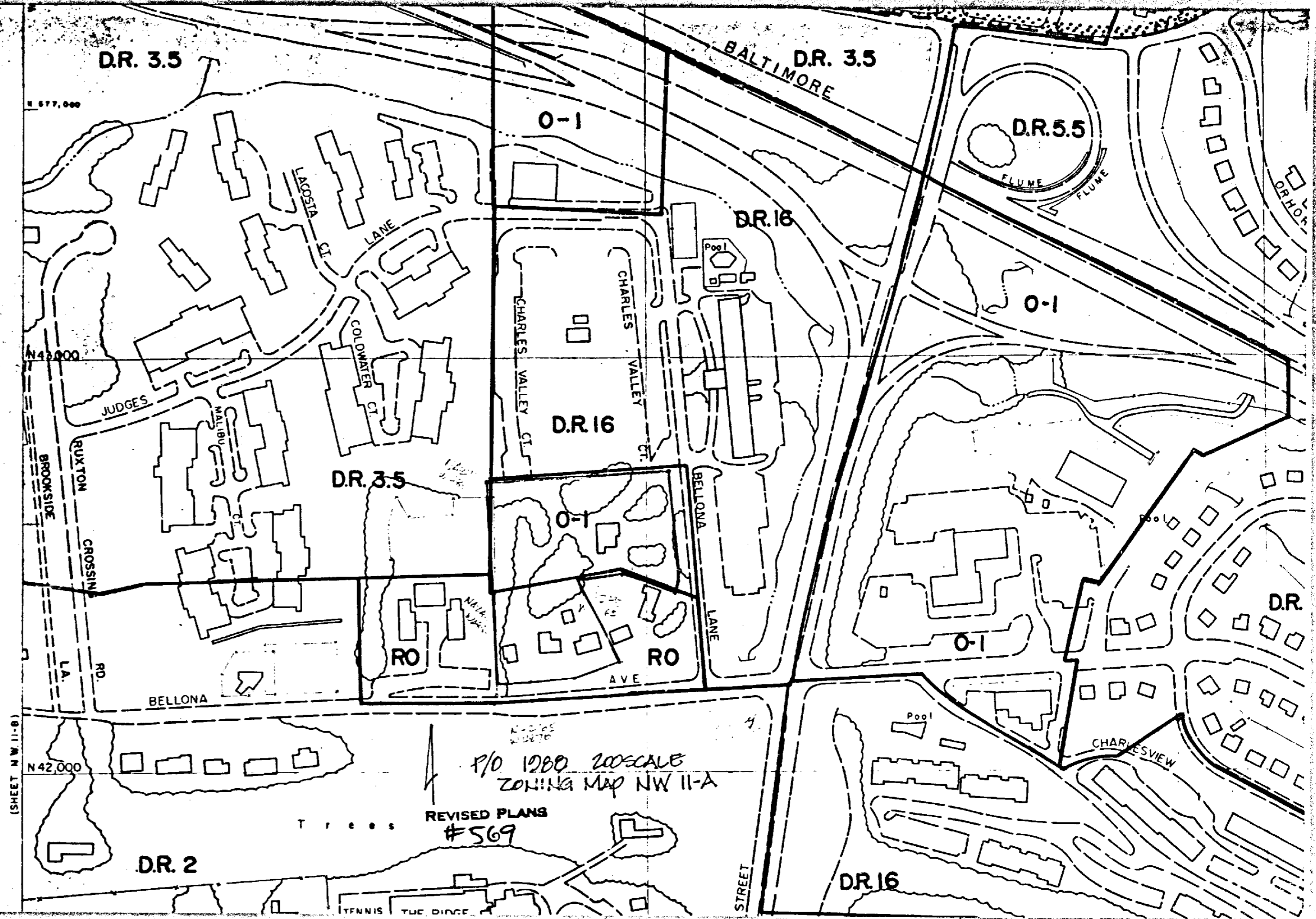
Show F.A.R. calculations per Section 101, "Definitions" (B.C.Z.R.). Darken the plan print to make the latest zoning hearing information more legible. Comply with any previous C.R.G. comments which have not been addressed prior to building permit application. Building permit application also requires commercial (blue) checklist information for filing.

Any requests for further information from the Zoning Office must include a reference to the CRG Plan Refinement and written correspondence or revised plans must be accompanied by a copy of these comments.

  
JOHN L. LEWIS  
PLANNER II

JLL:scj

cc: Current Planning - #VIII-545  
Zoning File - #90-113-SPHA,  
Waiver File



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

J. Robert Haines  
Zoning Commissioner

October 4, 1990



Dennis F. Rasmussen  
County Executive

Mr. Gregory E. Gann  
James E. Knott Development Corporation  
110 West Road, Suite 203  
Towson, Maryland 21204

RE: Modification of Site Plan  
Case No. 90-113-SPHA  
Bellona Avenue  
9th Election District

Dear Mr. Gann:

Reference is made to your letter of September 27, 1990 requesting information relative to obtaining County's Zoning approval to modify the above referenced site plan. The use of the office building as presented during the course of the above referenced hearing was for general offices and medical offices. At the present time, you are proposing that the office building be used in its entirety for medical offices.

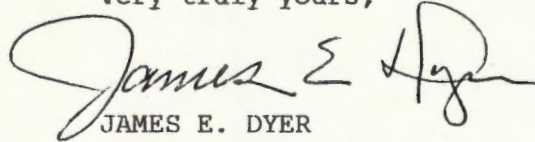
Your letter proposes two alternatives to achieve your proposed change to medical offices. Your first alternative is to maintain the existing site plan, leaving the existing parking space show totally unchanged, and accomplishing the required increased parking ratio for medical offices by building only three of the approved four stories, thereby decreasing the height of the building and its gross square footage. The second alternative is to purchase the adjoining property (lots) owned by John Aumiller and Jerome Weiner and convert this acreage into additional parking spaces to serve the original building as shown on the above site plan.

The first alternative which reduces the building size so as to negate the need to amend the parking as originally approved, would be approved by this office without the necessity of an additional hearing. The second alternative which requires the use of adjoining property not originally included in the above referenced hearing will require a public hearing i.e. special hearing to (1) amend the original hearing and (2) request a use permit for parking in the expanded R.O. zoned portion of the property.

Mr. Gregory E. Gann  
Re: Bellona Avenue - Case No. 90-113-SPHA  
October 4, 1990  
Page 2

If I can be of further assistance in this matter, please do not  
hesitate to contact me at this office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James E. Dyer". The signature is written in dark ink and is positioned above the printed name.

JAMES E. DYER  
Zoning Supervisor

JED:cer

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - W/S of Bellona Lane, 232' N of the c/1 of Bellona Avenue 9th Election District 3rd Councilmanic District Bellona Lane Ltd. Part. Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-113-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to determine whether it may transfer unused floor area ratio (F.A.R.) from the R.O. zoned portion of its property to an O-1 zoned portion of its property on the same site for the purpose of constructing a Class "C" office building; to approve commercial parking in and access through a residential zone (R.O.), pursuant to Section 409.8B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Policy EM-1.A.4; and to determine if a principal use parking lot in a R.O. zone would be subject to the amenity open space (A.O.S.) requirements for a Class "B" office building in an R.O. zone. Petitioners further request variances to permit a setback of 5 feet in lieu of the required 100 feet from an interior R.O. zone; a setback of 60 feet in lieu of the required 100 feet from a D.R. 3.5 zone line; a setback of 52 feet in lieu of the required 100 feet from a D.R. 16 zone line; a floor area ratio of .65 in lieu of the required .55 for a Class C office building in an O-1 zone (if the F.A.R. cannot be transferred from the R.O. zone as requested in the Petition for Special Hearing); to permit 4.3% amenity open space (A.O.S.) in the interior of the parking lot in lieu of the required 7% (if necessary); and to permit a freestanding, double-faced, illuminated sign of 15 sq.ft. per face (30 sq.ft. total) in lieu of

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Date 11/5/89  
By [Signature]

the permitted freestanding, non-illuminated sign of 1 sq.ft. total, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by John G. Gontrum, Esquire, appeared and testified. Also appearing on behalf of the Petition was J. Strong Smith, Professional Engineer; Alicia Roffis, Planner; Arthur Adler, General Partner of Petitioner; Gregory Gann and Sam Hillers. Appearing as Protestants in the matter were: Mr. & Mrs. John M. Jigatko, Mrs. Eleanor F. Wukin, Miss Verda Dorach, Mr. John D. Montgomery and G. Benson Waldman, all residents of the nearby Charlesgate Apartments. Louise Schultz, Executive Director of the Ruxton-Riderwood-Lake Roland Area Improvement Association, appeared as an interested party.

Testimony indicated that the subject property is located on the corner of Bellona Avenue and Bellona Lane, consists of 4.445 acres more or less split zoned R.O., D.R. 3.5 and O-1, and is currently unimproved. Petitioners are desirous of constructing a 67,743 sq.ft. Class "C" office building in the O-1 zone and locating commercial parking in and access through the R.O. zoned portion of the site as set forth in Petitioner's Exhibits 1 and 2. The subject site is located near the northwest corner of Bellona Lane and Bellona Avenue with access from both roadways. Two corner properties are surrounded by the subject property but are not part of Petitioners' plan. The property is predominately R.O. and O-1 with small areas of D.R. zoning as a result of zoning map changes in the 1988 Comprehensive Zoning process. To the west of the site is property occupied by the Windsor Court office development. Across Bellona Lane from the subject site is the Ruxton Tower apartment building. The two aforementioned corner properties are zoned R.O. and currently used for offices.

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The Charlesgate Apartments and Ruxton Crossing neighborhood are located to the north of the site, a predominately residential community.

Pursuant to proffered testimony by John B. Gontrum, Esquire, Petitioner indicated that the proposed location of the building as indicated in Petitioner's Exhibit 1, is a result of comprehensive site planning which received input from the Ruxton-Riderwood-Lake Roland Area Improvement Association and the Ruxton Crossing Improvement Association. Petitioner testified that as a result of said planning, a Restrictive Covenant Agreement with the Association (Petitioner's Exhibit 3) was entered into which preserves many of the existing mature trees on the subject site. Petitioner has proposed locating the 50-foot high office building on the O-1 zoned portion of the property, which is adjacent to the Charlesgate Apartments. The O-1 portion consists of approximately 119,905 sq.ft., exceeding the two (2) acres suggested by the B.C.Z.R. In view of the fact that Petitioner is proposing a building that will exceed 35 feet in height and have a F.A.R. greater than 0.5, the building is considered a Class "C" office building as defined by Section 101 of the B.C.Z.R. Section 204.4.C of the B.C.Z.R. requires, subject to variance, that the maximum F.A.R. for a Class "C" office building in an O-1 zone be no more than .55 and that the building setbacks from the boundary of a residential or R.O. zone line be a distance equal to twice the height of the building. Petitioner argues that since no portion of the proposed building will be located in the R.O. zoned portion of the subject property, the permitted F.A.R. of that zone should be allowed to be transferred to the permissible F.A.R. in the O-1 zone. Petitioner opined that if the building were to be "spread out" upon the site so as not to exceed 35 feet in height that it would qualify as a Class "B" office building and accordingly, could be moved closer to the

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zoning lines than proposed and consequently, closer to the Protestants' property line.

The Protestants argued that the proposed office building is not compatible with this predominately residential community, and they are concerned that the project will only exacerbate the already severe traffic problems and negatively impact their property values. The Protestants voiced concern regarding the large, mature trees existing on the site, particularly those located between the proposed project and the Charlesgate Apartments complex. They were also concerned with the proposed signage for the subject building, particularly the signage to be located on Bellona Lane within the O-1 zone.

Petitioners requested a determination regarding whether the unused F.A.R. from the R.O. zone could be transferred to the permitted F.A.R. in the O-1 zone. In the opinion of the Zoning Commissioner, the B.C.Z.R. does not provide for the accumulation of F.A.R. between two separate and unique zones. The R.O. zone is a highly restricted zone and such a transfer would be contrary to the spirit and intent of the B.C.Z.R. Accordingly, the request for a transfer of the unused F.A.R. to the O-1 zoned portion of the subject property is denied.

Petitioner also requested a determination regarding whether commercial parking in and access through the R.O. zone could be permitted, pursuant to Section 407.8.B of the B.C.Z.R. Testimony and evidence presented indicated that the subject R.O. property lies between these sites currently utilized as offices or slated for such use. The subject R.O. parcel is situated well below the street grade and will be landscaped in accordance with, and with the prior approval of, the Baltimore County Landscape Planner. Approximately 40% of the R.O. area will remain open

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space. Additionally, testimony indicated that the proposed ingress and egress from Bellona Avenue is necessary for traffic safety.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the Petition for Special Hearing to approve commercial access through and parking in the R.O. zone were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Petitioner also requested a special hearing for a determination regarding the applicability of Section 203.4.C.6 of the B.C.Z.R. to the subject property. As aforementioned, Petitioners made application for use of the subject R.O. property solely as a parking area, which is permitted by the permit in D.R. 5.5 zones. Section 203.4.C.6 of the B.C.Z.R. reads as follows:

"Amenity Open Space: Seven (7) percent of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings."

Testimony and evidence indicated that Petitioners would be required to cut into the earthen bank between the subject site and Bellona Avenue to provide interior open space in addition to that already proposed. If required to meet Section 203.4.C.6 requirements, testimony also indicated that excavating the earthen bank will result in a net loss of open space and push the parking area closer to the roadway. Petitioners' proposed design provides for approximately 14,000 sq.ft. of open space area between the indicated access in Bellona Avenue and the adjacent offices. Additionally, there is significant open space located within the O-1

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zoned portion of the site which will provide relief from the paving and proposed building.

In consideration of the testimony and evidence presented at the hearing and the particular facts of this case, the Zoning Commissioner finds that Petitioners will not be required to add additional interior open space to the subject site, pursuant to Section 203.4.C.6 of the B.C.Z.R. The relief granted herein is narrowly tailored to address the particular facts of this case, and future cases addressing this issue shall be decided on a case by case basis.

Petitioners also requested an alternative relief to their requested combination of F.A.R. from the R.O. and O-1 zones, that a variance be granted from the permitted F.A.R. of .55 for a Class "C" office building to .65. Petitioners proposal provides for approximately 40% more open space in the O-1 zone as required by the B.C.Z.R. Petitioners have also made efforts to retain the existing large, mature trees growing on the site. In the opinion of the Zoning Commissioner, if the Petitioners' variance were to be denied, the resulting effect would be a building lower in height but longer in length, which would result in the loss of significant open space and screening and would create a greater adverse impact on the adjoining residential community.

The Protestants argued that the proposed commercial use for this site is not compatible with the adjoining residential neighborhood and will negatively impact the community. However meritorious the Zoning Commissioner may find the Protestants' position, the fact remains that the subject site received O-1 zoning pursuant to the Comprehensive Zoning process over which the Zoning Commissioner has no jurisdiction or control. The subject commercial use is permitted as of right in the O-1 zone.

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Petitioners have also requested variances from various setback requirements. Bellona Avenue at this location is heavily travelled and congested. To the west of the subject site is a large office complex which was developed under prior R.O. regulations. The properties to the east consist of offices and a high-rise apartment building (Ruxton Tower Apartments) with commercial and residential uses. The requested variances will facilitate the conservation of a large portion of the existing open space and will consequently lessen the impact of the site and make it more compatible with the surrounding neighborhood. Additionally, the large evergreen trees existing along the property will be retained to provide additional buffer for the apartment residents. Therefore, Petitioners' request for setback variances from Section 204.4.C.1 and a floor area variance from Section 204.4.C.3 should be granted.

Petitioners have also requested a sign variance relative to the R.O. zone. In the opinion of the Zoning Commissioner, the requested signage is excessive and otherwise contrary to the spirit and intent of the B.C.Z.R. Therefore, the requested sign variance should be denied.

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:

- 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

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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 the variances are granted, in part, 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.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petition for Special Hearing and Easing Variance should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of November, 1989 that the Petition for Special Hearing to permit the transfer of F.A.R. from an R.O. zone to an O-1 zone on the same site for the purpose of constructing a Class "C" office building is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to permit a freestanding, double-faced, illuminated sign of 15 sq.ft. per side in lieu of the required 1 sq.ft. sign, in accordance with Petitioner's Exhibit 2, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the proposed principal use parking lot in the subject R.O. zone is not subject to the requirements of Section 203.4.C, and as such, the Petition for Special Hearing is hereby GRANTED; and,

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Date 11/5/89  
By [Signature]

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow commercial parking in and access through an R.O. zone, is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a setback of 3 feet in lieu of the required 100 feet from an interior R.O. zone, a setback of 60 feet in lieu of the required 100 feet from a D.R. 3.5 zone, a setback of 52 feet in lieu of the required 100 feet from a D.R. 16 zone, and a P.A.R. for a Class "C" office building in an O-1 zone of .65 in lieu of the permitted .55, in accordance with Petition Exhibit 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 proceeding 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 reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) A landscaping plan for the proposed project shall be developed and submitted for approval by the sole discretion of the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval prior to the issuance of any permits.

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

ORDER RECEIVED FOR FILING  
Date By

#569  
REVISED PLANS  
AS 1 1 1988

### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 20-115-541A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 600.1 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

1) COMMERCIAL PARKING IN AND ACCESS THROUGH A RESIDENTIAL ZONE (R.O.) PER B.C.Z.R. SECTION 409.8 B 7/ A TRANSFER OF A P.A.R. FROM A P.C.U. ZONING TYPE TO AN O-1 ZONING TYPE ON THE SAME SITE AND TO DETERMINE IF A P.A.R. TRANSFER TO AN O-1 ZONE ON THE SAME SITE WOULD BE SUBJECT TO THE REQUIREMENTS OF SECTION 209.4 C. PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.

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

I/We do solemnly declare and affirm under the 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	Legal Owner(s): Bellona Lane Limited Partnership by James F. Knott, President (Type or Print Name) Signature Address City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	Attorney for Petitioner: (Type or Print Name) Signature Address City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of August, 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 27th day of August, 1988, at 1:30 o'clock.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date By

#569  
REVISED PLANS  
AS 1 1 1988

### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 20-115-541A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204.4 C.3 - A floor area ratio variance to permit a ratio of .65 in lieu of .55 for a Class "C" office building in an O-1 zone (if P.A.R. cannot be transferred from Section 203.4 C.6 to permit a ratio of .65 in the interior of the parking lot in lieu of the required 78 (if necessary)).

the required 60' from an interior R.O. zone, to permit a setback of 60' in lieu of the required 100' from a D.R. 3.5 zone in lieu of the required 100' from a D.R. 16 zone, and a P.A.R. for a Class "C" office building in an O-1 zone.

To most effectively harmonize office construction on site in keeping with the site configuration and topography, variances as stated are required. Sign variance from requirements is necessary to provide adequate site identification on Bellona Avenue. Floor area ratio variance requested as a permissive relief to that requested in accompanying special 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	Legal Owner(s): Bellona Lane Limited Partnership by James F. Knott, President (Type or Print Name) Signature Address City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	Attorney for Petitioner: (Type or Print Name) Signature Address City and State

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*J. Robert Haines*  
Zoning Commissioner of Baltimore County

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#569  
REVISED PLANS  
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Section 204.4 C.3 - A floor area ratio variance to permit a ratio of .65 in lieu of .55 for a Class "C" office building in an O-1 zone (if P.A.R. cannot be transferred from Section 203.4 C.6 to permit a ratio of .65 in the interior of the parking lot in lieu of the required 78 (if necessary)).

Section 203.4 C.6 to permit a ratio of .65 in the interior of the parking lot in lieu of the required 78 (if necessary).

Section 203.3 C.1 to permit a free-standing double faced illuminated sign of 15 square feet per face (30 feet by 6 feet) in lieu of the permitted free-standing 1 square foot sign per Section 413.1 in an R.O. zone.

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	Legal Owner(s): Bellona Lane Limited Partnership by James F. Knott, President (Type or Print Name) Signature Address City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	Attorney for Petitioner: (Type or Print Name) Signature Address City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of August, 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 27th day of August, 1988, at 1:30 o'clock.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

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JUL 12 '89 15:34 TO 201 10:11:18 FROM G.H.S. T-735 P.02 #569 REVISED PLANS AUG 1 1 1988

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS P.O. BOX 6628, TOWSON, MARYLAND 21286

June 9, 1988

Description of Bellona Lane Office Building, North Side of Bellona Avenue, East Side of Bellona Lane, containing 4.452 acres of land more or less.

Beginning at a point north 12° 30' West 231' 3" from the centerline intersection of Bellona Avenue and Bellona Lane, said point being in the west right-of-way line of Bellona Lane and also being the southeast corner of Lot 6 as shown on the Plat of Bellona Lane, said plat being recorded among the Land Records of Baltimore County in Plat Book 41, Page 281, thence leaving said point and binding on part of the division line between Lots 5 and 6 shown on said plat, as now surveyed, 1) North 75° 07' 30" East 119.36 feet, thence binding reversely on the fourth line of GRAP 75° 07' 30" East 119.36 feet, as now surveyed, 2) South 81° 47' 38" East 44.18 feet, thence binding reversely on part of the third line of said deed and binding on the northern side of Lot 4 shown on said plat as now surveyed, 3) South 78° 34' 20" West 74.22 feet, thence binding on the division line between Lots 3 and 4 shown on said plat, as now surveyed, 4) South 7° 50' 14" East 220.53 feet to the northern side of said Bellona Avenue, shown on State Roads Commission of Maryland, Plat Number 10606, running thence binding on the northern side of said Bellona Avenue, the two following courses, as now surveyed, viz: 4) North 86° 03' 20" East 78.09 feet and 5) North 75° 49' 27" East 21.61 feet to the place of beginning.

JUL 08 '89 09:52 JAMES KNOTT DEVELOPMENT P.2-4 #569 REVISED PLANS AUG 1 1 1988

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS P.O. BOX 6628, TOWSON, MARYLAND 21286

February 28, 1988

Description of Lot 2 "Wadleigh", To be Acquired, Northern Side of Bellona Avenue, Containing 0.450 acres of land more or less.

Beginning for the same at a point on the northern side of Bellona Avenue, at the southeastern corner of Lot 2, shown on a plat entitled "Plat of Wadleigh", recorded among the Plat Records of Baltimore County, Maryland in Plat Book G.L.B. 19 folio 26, running thence leaving said place of beginning binding on the division line between Lots 2 and 3 shown on said plat, as now surveyed, 1) North 14° 10' 31" West 229.49 feet, running thence binding on the northern side of said Lot 2, as now surveyed, 2) South 78° 34' 20" West 74.22 feet, running thence binding on the division line between Lots 1 and 2 shown on said plat, as now surveyed, 3) South 7° 50' 14" East 220.53 feet to the northern side of said Bellona Avenue, shown on State Roads Commission of Maryland, Plat Number 10606, running thence binding on the northern side of said Bellona Avenue, the two following courses, as now surveyed, viz: 4) North 86° 03' 20" East 78.09 feet and 5) North 75° 49' 27" East 21.61 feet to the place of beginning.

JUL 08 '89 09:52 JAMES KNOTT DEVELOPMENT P.4-3 #569 REVISED PLANS AUG 1 1 1988

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS P.O. BOX 6628, TOWSON, MARYLAND 21286

February 7, 1988

Description of Parcel to be Acquired, North and West Sides of Bellona Avenue, Containing 3.552 Acres of Land more or less.

1) South 86° 03' 20" West 22.62 feet and 2) southwesterly by a curve to the right having a radius of 1392.40 feet for a distance of 77.37 feet, said curve being subtended by a chord bearing South 87° 38' 51" West 77.36 feet to the beginning of the first or North 0° 54' 30" West 497.08 foot line of that parcel of Land described in a deed dated September 11, 1985 between Walter Edgar Windsor, Jr. and Windsor Court Limited Partnership, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6991 folio 818, thence binding on part of said first line, as now surveyed, 13) North 0° 54' 30" West 486.81 feet to a pipe found, thence binding reversely for part of the distance on the first line of said first mentioned deed and binding on part of the northern side of said first mentioned plat, as now surveyed, 14) North 87° 19' 48" East 444.87 feet to the place of beginning.

JUL 08 '89 09:52 JAMES KNOTT DEVELOPMENT P.2-4 #569 REVISED PLANS AUG 1 1 1988

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS P.O. BOX 6628, TOWSON, MARYLAND 21286

February 7, 1988

Description of Parcel to be Acquired, North and West Sides of Bellona Avenue, Containing 3.552 Acres of Land more or less.

Beginning for the same at the northeast corner of Lot 7, shown on a plat entitled "Plat of Wadleigh", recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. 19 folio 26, and on the west side of Bellona Avenue shown on said plat, said place of beginning also being at the end of the eighth or North 4° 53' 53" West 179.73 foot line of that parcel of Land described in a deed dated March 20, 1985 between James M. McCosh et ux and Mary Ann McCosh, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6887 folio 559, running thence leaving said place of beginning, binding on said west side of Bellona Avenue and binding reversely on the eighth, seventh, and sixth lines of said deed, the two following courses, as now surveyed, viz: 1) South 4° 57' 31" East in all 247.06 feet and 2) southwesterly by a curve to the right having a radius of 215.38 feet for a distance of 48.67 feet, said curve being subtended by a chord bearing South 1° 30' 52" West 48.57 feet to the end of the fifth line of said deed, thence leaving said Avenue, binding reversely on said fifth line and binding on part of the division line between Lots 5 and 6 shown on said plat, as now surveyed, 3) North 70° 19' 47" West 149.36 feet, thence binding reversely on the fourth line of said deed and running, through said Lot 5, as now surveyed, 4) South 81° 47' 38" East 44.18 feet, thence binding reversely on part of the third line of said deed and binding on the northern side of Lot 4 shown on said plat as now surveyed, 5) South 78° 34' 20" West 74.22 feet, thence binding on the division line between Lots 3 and 4, shown on said plat, as now surveyed, 6) South 20° 45' 05" East 227.64 feet to the northern side of said Avenue, thence binding on the northwest side of said Avenue, as now surveyed, 7) South 75° 49' 27" West 100.00 feet, thence leaving said Avenue binding on the division line between Lots 2 and 3 shown on said plat, as now surveyed, 8) North 14° 10' 31" West 229.49 feet to intersect said third line thence binding reversely on part of said third line and binding on the northern side of said Lot 2, as now surveyed, 9) South 78° 34' 20" West 74.22 feet, thence binding on part of the division line between Lots 1 and 2 shown on said plat, as now surveyed, 10) South 7° 50' 14" East 220.53 feet to the northern side of said Avenue, shown on State Roads Commission of Maryland, Plat Number 10606, thence binding on the northern right of way line shown on said Plat Number 10606, the two following courses, as now surveyed, viz:

LAW FIRM  
**Romada, Johnson & Hennegan, P.A.**  
 WASHINGTON FEDERAL BUILDING  
 809 EASTERN BOULEVARD  
 ESSEX, MARYLAND 21221  
 TELEPHONE (301) 552-0274  
 FAX (301) 552-0118

**RECEIVED**  
 OCT 13 1989  
**ZONING OFFICE**

October 13, 1989

J. Robert Haines  
 Zoning Commissioner  
 Office of Planning and Zoning  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Re: Case No. 90-113-SPHA  
 Bellona Lane Limited Partnership

Dear Commissioner Haines:

As you suggested at the public hearing, I am enclosing with this letter a proposed draft order in the above referenced case. The order covers the three issues raised in the petition for special hearing as well as the variances requested from setbacks, floor area ratio, and interior amenity open space.

At the hearing, you asked for a response dealing with the issues of the floor area ratio and the interior amenity open space in particular. With respect to the interior amenity open space, this issue is raised by virtue of Section 203.4c of the Baltimore County Zoning Regulations. This section applies specifically to bulk regulations for Class B office buildings in an R.O. zone. These office buildings are only allowed by special exception pursuant to Section 203.4b. The parking area which we have requested as a primary use is requested pursuant to Section 409.8b and policy BM-1.A.4, allowing by use permit commercial access and parking through a residential zone (R.O.). Because the requirements for interior amenity open space relate solely to a special exception proceeding, where the parking lot is accessory to a Class "B" office building, I do not believe that Section 203.4.c.6 applies to this particular request. Certainly, there is no similar requirement for amenity open space for permitted uses as of right, which include uses allowed as of right in a D5.5 zone.

Under Section 409.8b, however, the Zoning Commissioner has the right to set specific conditions upon the grant of a use permit. Specifically, subsection 409.8b.2 allows the Zoning Commissioner to set such additional requirements as he may find "necessary to insure that the parking facility will not be detrimental to adjacent properties." Under this section the Zoning Commissioner has the right to dictate any requirements which he may feel appropriate to make the site compatible with adjacent properties. If the Zoning Commissioner determines in a particular case that the interior open space requirement of Section 203.4.c.6 is appropriate to the R.O. zone, the Commissioner may impose these conditions, or any more stringent conditions which he may deem appropriate. Consequently, in the proposed order I have suggested that the special hearing determination indicates that Section 409.8b.2 is not applicable in this particular case, but have also indicated that the Commissioner's authority is not bound by this particular section, but rather by the use permit being sought and those regulations.

Applying these regulations to this particular case, however, we believe that we have shown that the addition of interior open space on the R.O. zoned portion of this property would not serve any of the intended purposes of the R.O. zone. As indicated on petitioner's site plans, there is an extremely steep grade from Bellona Avenue down to the subject site. The parking will be considerably below street level, and consequently its impact from the street will be diminished. In addition, there is a substantial open space "green" area between Bellona Avenue and the parking area, which will be landscaped. This "green" area from Bellona Avenue will be far more effective in reducing the impact of the parking than additional interior open space. Furthermore, as the site plans indicate, over 40% of the R.O. zoned portion of the property is already in open space. This open space lies primarily along the lot lines and buffers the property from the adjacent office uses. This particular design was chosen in order not so much to buffer this particular office use from other office uses, but rather to establish a "green" area reducing the impact of the office building on the O-1 portion as well as the parking area from neighborhood travellers on Bellona Avenue. If the parking area were shifted closer to Bellona Avenue, the impact of it would necessarily become greater. Furthermore, a review of the site plan indicates significant open area within the parking lot area on the O-1 portion of the property nearest the residences. If the intent of the amenity open space requirements is to buffer the office use from adjacent residential uses, then the site plan indicates that we have complied with this particular intent. There is significant interior open space between the Ruxton Towers development and the proposed office space as well as between Charlesgate Apartments to the rear and the Ruxton-Crossing

Condominiums behind the Windsor Court project. These particular open space areas were deliberately chosen due to the desire to preserve the already large trees in these particular locations. In this case, we are preserving trees which have developed over many decades, and which serve as an amenity to the neighborhood. Reconfiguring the parking area could well reduce not only the amount of area of open space provided, but also reduce the quality of open space which we have shown. As was indicated at the public hearing, and as indicated in the covenants which were filed as petitioner's exhibit, the developer was required to work with a representative of the community group on all issues involving the landscaping and planning of shrubbery, trees, bushes and other vegetation around the building in addition to the landscaping and planning of shrubbery, trees, bushes and other vegetation on the property that shall serve as a buffer around the property. The developer in this case specifically retained the services of a landscape and land planting firm recommended by the community. In this case, Land Design Research of Columbia, Maryland. The design of this site, and particularly the landscaping, was worked out deliberately with the community to preserve as much of the existing buffer as was possible.

One other factor, perhaps, should be considered. The interior open space requirements relate solely to the R.O. zone, which is not adjacent to any residential development. In the O-1 zone, which is adjacent to residential development, the developer has placed over 40% more open space than is otherwise required by the zoning regulations. This particular property's zoning and configuration is such that amenity open space is important both in the O-1 area and to buffer the property from Bellona Avenue. That is where the amenity open space has primarily been placed.

The lot site and configuration is also very important to the developer's request for zoning variance from the floor area ratio requirements. For "Class C" office buildings in an O-1 zone, the floor area requirement is .55. We have requested a variance of this standard to .65. Although the zoning commissioner is quite correct that one way of meeting the standard is to reduce the building, in this particular case it would also be possible to meet the standard by shifting some of the building forward toward Bellona Avenue such that a portion of the building is in the R.O. property. The overall site floor area ratio of the proposed development on this particular tract is .37. This is significantly below that which would otherwise be allowed if the tract were all zoned O-1, and is only slightly more than would be permitted by a Class "B" office building if the entire site were zoned R.O. If the building were shifted toward Bellona Avenue, there would be a loss of parking area which could only be supplied between the proposed building and the Charlesgate Apartments to the north. This could very well result in a diminished amount of open space. It is not question of the builder requesting to over build the site. Indeed, if the

entire site is looked at as a single parcel, the site is being underbuilt. It is the developer's desire to minimize the impact of this particular building on the lot in working with the community that has developed this particular site plan with the community that has developed this particular site plan.

As the Commissioner is well aware, if the building were lowered to 35 feet, and this could be accomplished by eliminating the parking underneath the building, the building could then be considered a Class "B" office building. If the building is considered a Class "B" office building, it may then approach considered a Class "B" office building. Unfortunately, this within 35 feet of the zoning lines. Unfortunately, this particular design, which had been studied, also tends to lead toward a more spread-out design upon the site with the elimination of the open space than is required on the O-1 portion more than 40% more open space than is required on the R.O. of the property as well as significant open space on the O-1 portion of the property, it was felt that the tradeoff from putting parking under the building rather than spreading it out was also a consideration. Again, if the topography of the site is examined, it becomes clear that the significant drop in elevation from the street to where the building is located. Significant large trees exist along the northern and western property lines which will effectively block and shield the building, and the closest improvements to the building are the adjacent parking lots on the Charlesgate Apartments.

We would request that you review the Restricted Covenant Agreements which was entered into with the community, for they indicate how important the open space preservation was to the community groups.

This site is also unique in one other respect. There are very few tracts of property, if any, of over four acres in size which have this particular combination of zoning. Rather than spread buildings out upon the property as would be required by the R.O. zoning or move the buildings closer to the road as could be done, it was determined that the site should be planned comprehensively. This allows for a much better internal traffic circulation pattern and the overall design to the lot.

The developer is cognizant of the traffic issues as well as the community residents concerns with respect to the appearance of the building. With respect to the traffic issues, the developer in working with traffic engineering, determined that there should be no left hand turn exists from the site onto Bellona Lane so as to bring an office traffic flow into the primarily residential neighborhood to the north and west of the subject site. Bellona Avenue will be the primary entrance and

exit to and from the site. For safety considerations, a dual access to and from the property, however, was found to be important.

The construction and appearance of the building is governed by the restrictive covenants which we have recorded among the Land Records of the County. Significantly, regardless of the land records of the property these covenants would run with the land. This assures the community that they will have a voice in the appearance of the building; in the materials chosen as well as in the color. Presumably, the community's input would be along the lines of the other sections in the covenants designed to make the site's use compatible with the neighborhood.

The approval by the Baltimore County C.R.G. of the proposed site plan clearly indicates that the plan meets County standards with respect to development including issues of compatibility under the Baltimore County Code. Despite the community's interests in the project, no appeal was taken by anyone from the issues raised from the C.R.G. We believe that this indicates that many of the concerns with respect to design have at least been met in a conceptual way, and we intend to continue to work with the community in the further development of this project.

Accordingly, we do not believe that the variances requested are solely to yield a larger building than that which would otherwise be developed. It is our understanding of the zoning variance law that aesthetic is a County Board of Appeals of Baltimore County, 258 Md. 157, 263 A.2d 227 (1970). In this case we believe that there is a true practical difficulty as determined in *Anderson v. Board of Appeals, Town of Chesapeake*, 27 Md. App. 257, 322 A.2d 220 (1974). The need for the variances is not simply for the convenience of the petitioner in this case but more important, for the desire to maximize the zoning which has been placed on the property to the fullest extent with the existing conditions of the site and with the neighborhood adjacent to it.

We request your consideration with respect to the petition.

Very truly yours,  
 John B. Contrum

40-113 SPHA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
J. STEVEN SMITH	303 Allegany Ave Towson
ANNETTE ADLER	Suite 203, 110 West Rd, Towson, Md 21204
Alicia Roffis	1094 Heathfield Pl, Baltimore
Gregory GANN	Suite 243, 110 West Rd. Towson, Md. 21204
Sam Hillier	Suite 203 110 West Rd. Towson MD 21204

40-113-SPHA

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Mrs. Mrs. John M. Jantico	446 F Charles Valley Ct
Mrs. Edward T. Wilson	2428 D Charles Valley Ct, Baltimore
Mrs. Verle Derach	842 V B Charles Valley Ct, Baltimore
Michael D. Montross	8404 F " " "
Ch. Benson W. Varga	8134 G " " "
Debra A. Schulz	Interested party
Barbara Ramsey	Towson Times - 409 Washington St

RESTRICTIVE COVENANT AGREEMENT

THIS AMENDED RESTRICTIVE COVENANT AGREEMENT, Made this 19th day of May, 1989, by and between Bellona Lane Limited Partnership, a Maryland Limited Partnership (hereinafter referred to as "Developer"), party of the first part, and Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., a Maryland corporation, and Ruxton Crossing Homeowner's Association, a Maryland Corporation (collectively hereinafter referred to as the "Community"), parties of the second part.

WITNESSES:

WHEREAS, the Developer is the owner and contract purchaser of property formerly owned by Dr. and Mrs. James McCosh located at 8404 Bellona Lane (hereinafter referred to as McCosh), Ms. Catherine B. Seim located at 8322 Bellona Avenue (hereinafter referred to as Seim), and Mr. and Mrs. John T. Torpey at 8324 Bellona Avenue, (hereinafter referred to as Torpey) and Ms. Rosalie Wolanski and Mr. Barry Gold located at 8326 Bellona Avenue (hereinafter referred to as Wolanski), in the Third Councilmanic District of Baltimore County (hereinafter referred to as the "Property"), more particularly described on a site plan entitled Wadleigh, (hereinafter referred to as the "Plan"), a copy of which is attached hereto and made a part hereof; and,

RECEIVED FOR TRANSFER  
 State Department of Assessments & Taxation  
 for Baltimore County  
 May 15/89

DINENNA, MANN & BRESCHI  
 ATTORNEYS AT LAW

P.O. BOX 10108  
 TOWSON, MARYLAND 21285-0108

SUITE 600  
 MERCHANTS TOWSON BUILDING  
 409 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 296-6230  
 (301) FAX (301) 296-6884

September 27, 1989

RE: Case No.: 90-113SPHA  
 Bellona Lane Limited Partnership  
 Petitioner

Zoning Commissioner of Baltimore County  
 County Office Building  
 Towson, Maryland 21204

Dear Mr. Commissioner:

Please be advised that I represent an interested party concerning the above-captioned matter.

After hearing this matter, would you be so kind as to send me a copy of your decision.

Thank you for your cooperation.

Very truly yours,  
 EPIC DINENNA

SEP 28 1989  
**RECEIVED**  
**ZONING OFFICE**

TRANSFER TAX 59.00  
 BALTIMORE COUNTY  
 SEP 28 1989

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
 RECEIVED FOR TRANSFER  
 SEP 28 1989

90-113-SPHA

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: September 11, 1989

Posted for: Special Hearing and Zoning Variance

Postmaster: Bellona Lane Limited Partnership

Location of property: Parcel # 1 - W Bellona Lane, approx. 210' W of c/l of Bellona Lane

Location of signs: West side of Bellona Lane on front of subject property

Number of signs: 2

Posted by: J. Robert Haines Date of return: September 11, 1989

**NOTICE OF HEARING**

August 15, 1989

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 Hearing and Zoning Variance  
CASE NUMBER: 90-113-9

Parcel #1 - W Bellona Lane, 232' N to c/l of Bellona Lane  
Parcel #2 - W Bellona Lane, approx. 210' W of c/l of Bellona Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Bellona Lane Limited Partnership  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 27, 1989 at 1:30 p.m.

Variations to permit a setback of 5 ft. in lieu of the required 100 ft. from an interior R.O. zone; to permit a setback of 60 ft. in lieu of the required 100 ft. from a D.M.3.5 zone line; to permit a setback of 52 ft. in lieu of the required 100 ft. from a D.R.16 zone line to the north of the proposed building; a floor area ratio variance to permit a ratio of .65 in lieu of the .55 for a Class "C" office building in an O-1 zone (if F.A.R. cannot be transferred from an R.O. zone); to permit 435 A.D.S. in the interior of the parcel in lieu of the required 9% (if necessary); the interior of the parcel in lieu of the permitted free-standing 1 square foot sign in an R.O. zone, which does not allow illumination.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of Baltimore County

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

September 19, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21286

MEMBERS:

- Department of Engineering
- Department of Traffic Engineering
- State Health Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

John B. Gontrum, Esquire  
809 Eastern Boulevard  
Essex, MD 21221

RE: Item No. 569, Case No. 90-113-SPHA  
Petitioner: Bellona Lane Ltd P'tshp, et al  
Petition for Special Hearing and Variance

Dear Mr. Gontrum:

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 of plans that may have a bearing on this case. Director of Planning has filed 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIASKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

cc: Mr. James F. Knott  
Bellona Lane Limited Partnership  
110 West Road  
Towson, MD 21204

**Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333**

J. Robert Haines  
Zoning Commissioner

Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 11th day of July, 1989.

J. Robert Haines  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: James F. Knott  
Petitioner's Attorney: John B. Gontrum

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. Sept 1 1989

THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Aug 31, 1989.

THE JEFFERSONIAN  
TOWSON TIMES,  
S. Zeke Orlean  
Publisher

PO 16254  
reg M34164  
cc 90-113-SPHA  
price \$157.23

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: J. Robert Haines, Zoning Commissioner

FROM: Pat Keller, Deputy Director, Office of Planning and Zoning

SUBJECT: Bellona Lane Ltd. Partnership, Item 569, Zoning Petition No. 90-113-ASPH

DATE: September 13, 1989

The petitioner is requesting variances and a special hearing to construct a Class C office building in an O1 zone. In reference to this request, staff provides the following information:

This petition received CRG approval on June 29, 1989.

As part of the 1988 Comprehensive Zoning, this particular area was zoned RO and O1. The intention of the comprehensive zoning request was to construct a Class C office building.

- The combined floor area ratio of the RO and O1 parcels would allow approximately 90,094 sq. ft. of office use. The applicant is proposing 67,743 sq. ft. of development consisting of 1,000 sq. ft. restaurant, 200 sq. ft. vending, 21,143 sq. ft. general office, and 45,400 sq. ft. medical offices. The combination of density on the parcel between the RO and O1 zoning in this situation does not pose an adverse impact on the parcel, adjoining parcels, or neighborhood.
- The planning issues regarding this petition include the following:
  - The use of the RO zone throughout Baltimore County has been one primarily as a "transitional zone" between commercial and residential areas. In cases where the transitional zone provides a buffer to residential communities, the zone should not be used as a parking area or driveway for a large commercial use. The most prominent example would be the use of a retail shopping center of an adjacent RO zone, for parking and driveways for the retail center. Clearly, the intent and purpose of the RO transitional zone is being violated.

90-113-ASPH  
Page Two

In this particular case the RO zone is 1) providing adequate buffers; 2) is adjacent to a public street and another RO zone; 3) serves an office building and not a retail (business) use; 4) is part of an overall office site plan, and 5) will not generate negative impacts on the adjoining residential community.

B. In order to develop this property, a density between an RO and O1 zone needs to be combined, or b) a floor area variance from .55 to .65 is required in an O1 zone.

Regardless of the technique utilized to enable the petitioner's request, the actual development of the property will be the same. The actual impact from a planning perspective will not be different if either one of the options is used. In support of this request, staff would suggest that the Zoning Commissioner utilize whichever mechanism is most compatible with practice and policy of the Zoning Office.

The overall development of the property has been reviewed in the 1988 Comprehensive Zoning and the CRG review for this project. From an impact perspective, this particular site plan represents a comprehensive development of the property. The development of this parcel for one building with an integrated parking lot layout is in keeping with the intent of the O1 zone, and the use of the RO zone as a buffer or transition zone.

C. Variances related to building setbacks generated by the height of the building in relation to the RO and DR zoning lines, is being requested.

The building setback provisions were designed to prevent the visual and physical encroachment of large O1 buildings into residential zones (includes RO as a residential zone). The proposed 4-story office building is being placed in the northwest corner of the parcel. The building will be 60 feet from the western property line which contains a parking lot and office buildings. The proposed building is approximately 47 feet from the northern property line and 52 feet from the zoning line. The area located to the north of this parcel contains an apartment complex and parking areas. The proposed variances should not violate the purpose and intent of the setbacks of the O1 zone. Buffer, open areas and parking are being provided between the building and the adjoining properties.

90-113-ASPH  
Page Three

The petitioner has worked closely with planning staff, neighborhood residents and organizations to develop a site plan that addresses the needs and concerns of the general public. The site plan and landscape plan reflect the concerns of staff and residents. Staff has only one outstanding issue regarding the site plan and that is providing shared access with 8328 and 8400 Bellona Avenue. In the event that either of these parcels develop in the future, 8328 and 8400 Bellona Avenue have existing buildings located on corner lots. Future access should be directed through the petitioner's site rather than onto the road intersection. A note on the site plan should indicate that access will be permitted through the petitioner's site by 8328 and 8400 Bellona Avenue in the event that these properties are significantly redevelopment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

**Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333**

J. Robert Haines  
Zoning Commissioner

Dennis F. Rasmussen  
County Executive

DATE: 9-7-89

Bellona Lane Limited Partnership  
c/o James F. Knott  
110 West Road, Suite 203  
Towson, Maryland, 21204

Re: Petition for Special Hearing and Zoning Variance  
Case No. 90-113-SPHA  
Parcel #1 - W Bellona Lane, 232' N to c/l of Bellona Lane  
Parcel #2 - W Bellona Lane, approx. 210' W of c/l of Bellona Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Bellona Lane Limited Partnership  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 27, 1989 at 1:30 p.m.

Please be advised that \$207.23 is due for advertising and posting of the above captioned property.

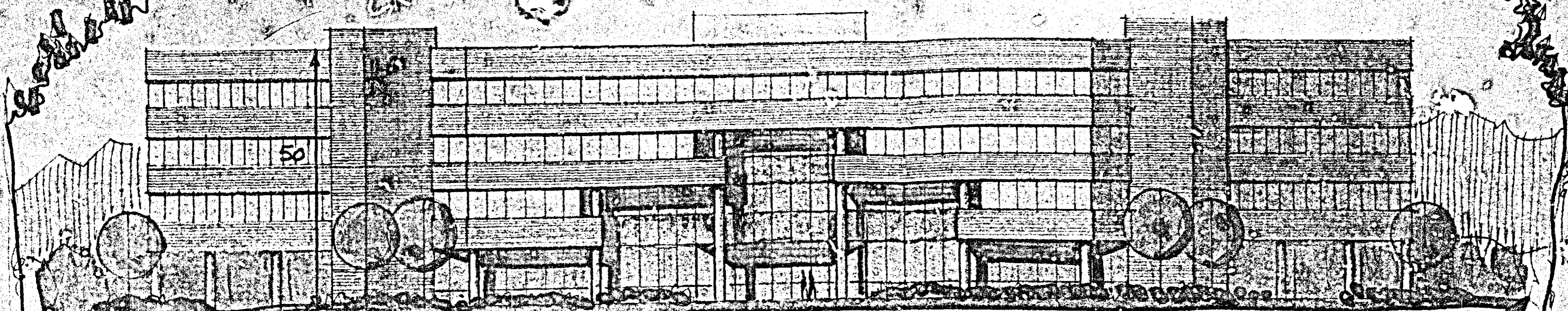
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) BE PLACED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check to the sign & post set(s) to the Zoning Office, County Office Building, Chesapeake Avenue, Room 112, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

077319  
9/2/89  
207.23  
Bellona Lane Ltd Part  
9/17/89 hearing 90-113-SPHA







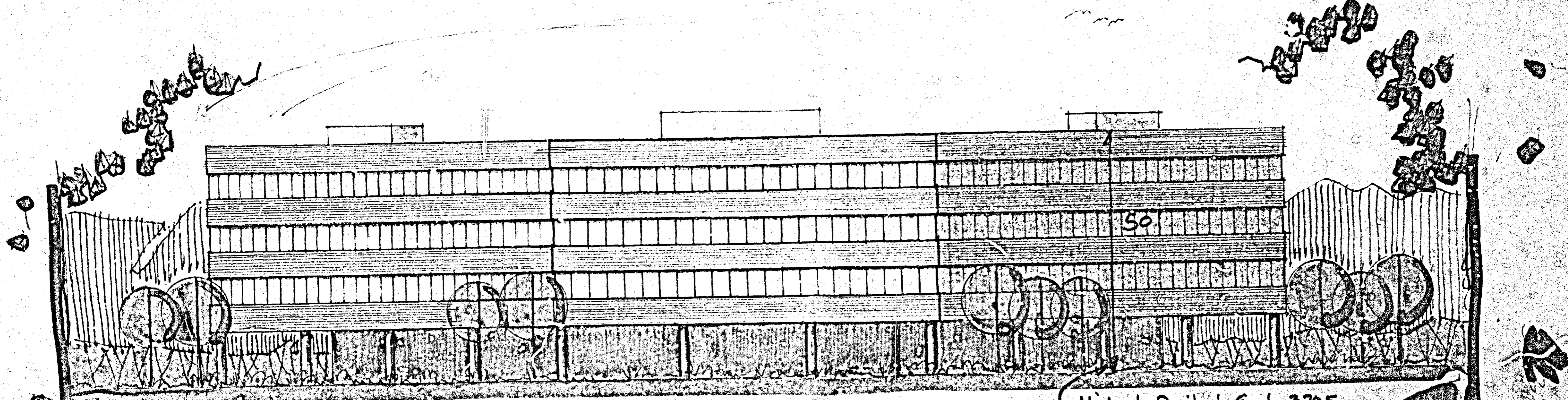
Highest Point at Grade 370.5

FRONT ELEVATION

BELLONA OFFICE BUILDING

JAMES F. KNOTT DEVELOPMENT CO.

DONALD B. RATCLIFFE A.I.A. & ASSOC., ARCHITECTS



Highest Point at Grade 370.5

REAR ELEVATION

#569

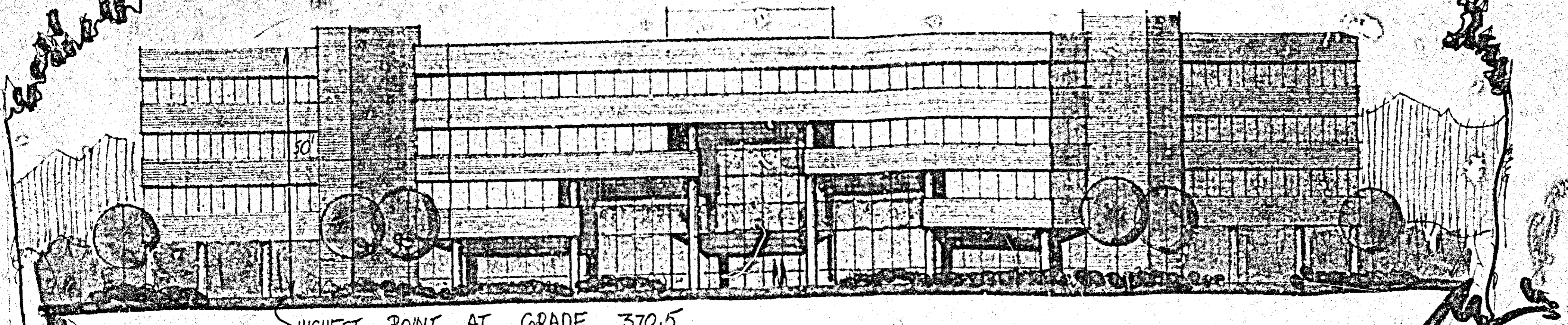
REVISED PLANS

AUG 11 1966

BELLONA OFFICE BUILDING

JAMES F. KNOTT DEVELOPMENT CO.

DONALD B. RATCLIFFE A.I.A. & ASSOC., ARCHITECTS



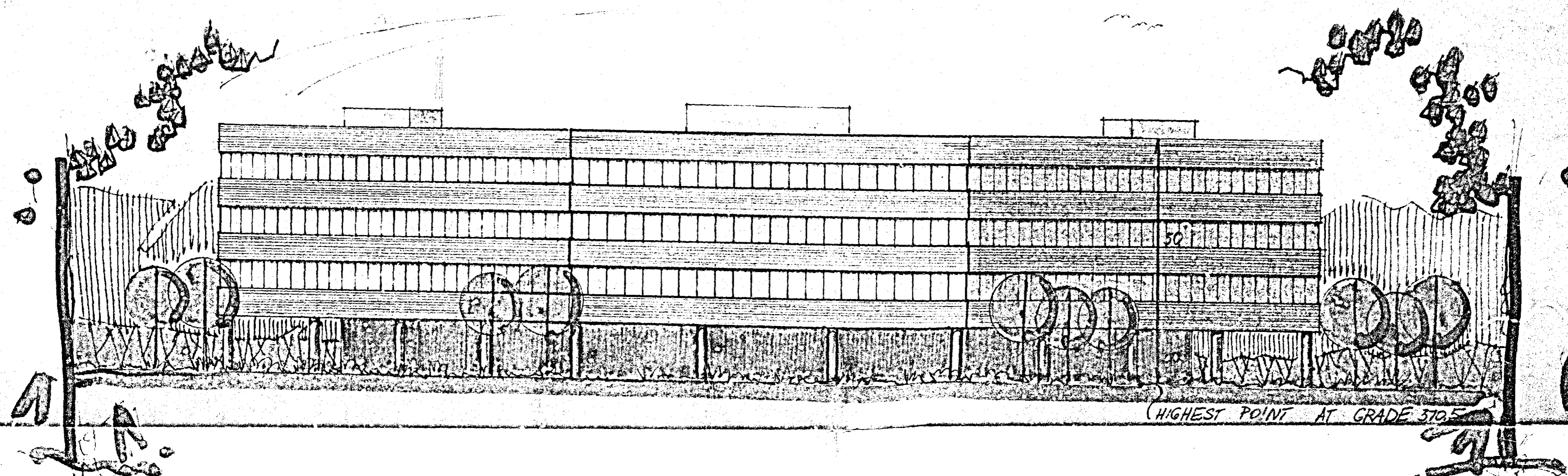
HIGHEST POINT AT GRADE 370.5

FRONT ELEVATION

BELLONA OFFICE BUILDING

JAMES F. KNOTT DEVELOPMENT CO.

DONALD B. RATCUFFE A.I.A. & ASSOC., ARCHITECTS



HIGHEST POINT AT GRADE 370.5

REAR ELEVATION

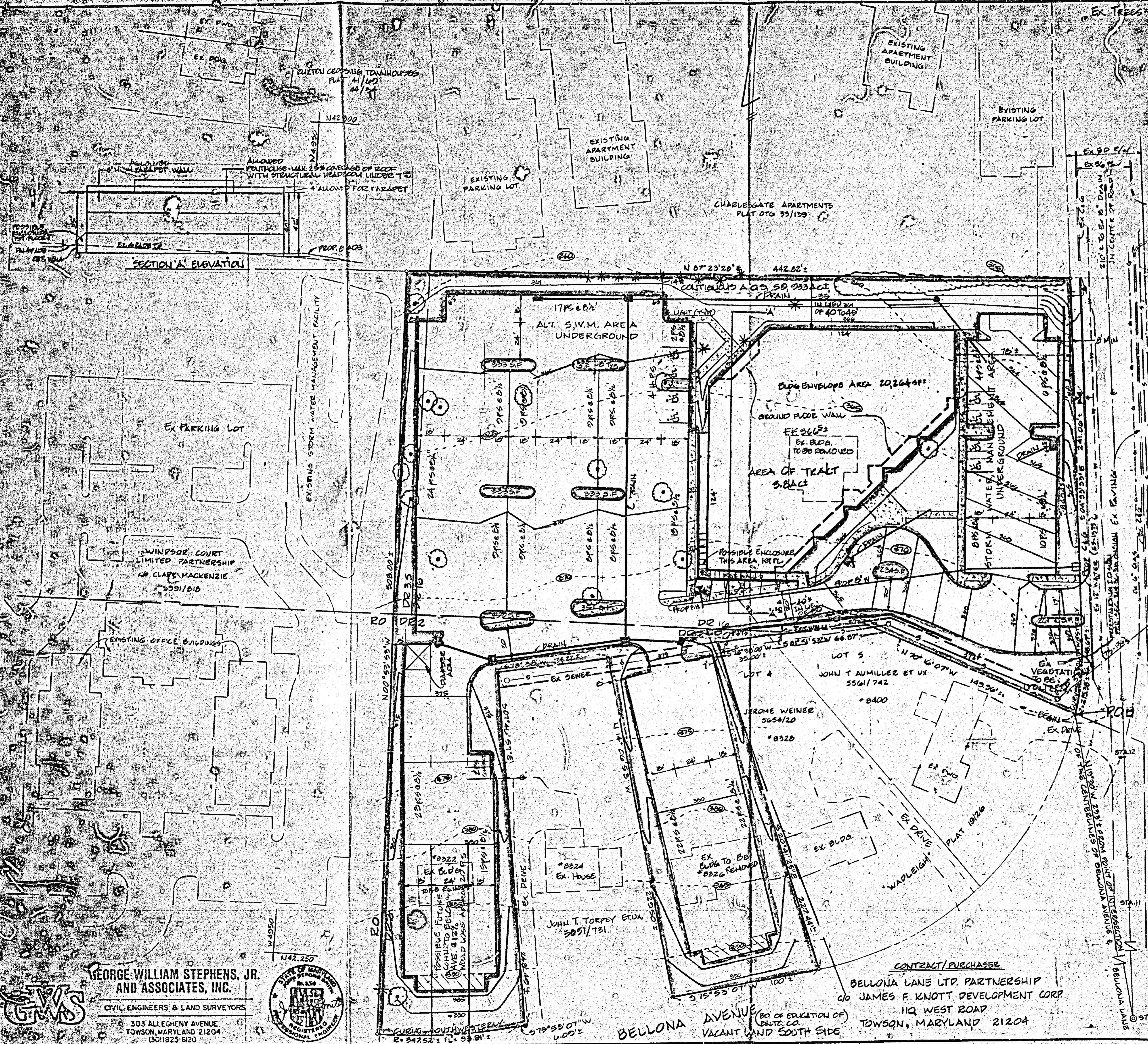
#569  
REVISED PLANS  
AUG 1 1958

BELLONA OFFICE BUILDING

JAMES F. KNOTT DEVELOPMENT CO.

DONALD B. RATCUFFE A.I.A. & ASSOC., ARCHITECTS





CAUTIONOUS  
 \* EVERGREEN  
 TO BE INVESTIGATED IN THOSE  
 APPROXIMATE LOCATIONS SHOWN  
 AND IF POSSIBLE, ISLANDS AND  
 PARKING LOT WILL BE ADJUSTED  
 WITHIN THE SAME PARAMETER



- Area of tract - Net 3.8 Ac., Gross 4.1 Ac.
- Surface change proposed
  - 1) Ex. 16 to 0-1 - 2.415 Ac.
  - 2) Ex. 18 to 0-1 - 1.29 Ac.
  - 3) Ex. 19 to 0-1 - 0.072 Ac.
  - 4) Ex. 20 to 0-1 - 0.019 Ac.
- Comprehensive district (P)
- Old Amenity Open Space required .20 = 165,528 s.f. --- 33,105.6 s.f.
- A.O.S. shown - 51,570 s.f.
- Permitted (Class B) - 5 = 178,596 s.f. - 89,298 s.f.
  - Shown 50,702 s.f. - 178,596 s.f. - 30 units
- Parking required (see all parking notes #11)
  - 1st floor 70,256 = 300 = 87.3 p.s.
  - 2nd and 3rd floor 40,028 = 300 = 41.1 p.s.
  - Total - 148.6 p.s.
- Parking shown - 264 p.s. (including 4 h.e.)
  - With entrance to Bellona Avenue 224 p.s.
- Landscaping requirements
  - 400 l.f. outside road - 20 - 12
  - 400 l.f. internal - 20 - 22
  - 200 p.s. - 12 - 21
  - Total - 55 major trees
- Amenity Com. fees
  - Allowed: 60,000 s.f. (A.C.P.A.) = 0.75 (7.5%) = 4,500 s.f.
  - Possible fees proposed 3,000 s.f.:
  - 1) 100' x 100' = 10,000 s.f. = 100 s.f.
  - 2) 100' x 100' = 10,000 s.f. = 100 s.f.
  - 3) 100' x 100' = 10,000 s.f. = 100 s.f.
  - Total = 300 s.f.
- No second levels associated with the uses above should operate from this site at more than 50 to 70 ft. Example (near freeway exit) - 100' x 100' = 10,000 s.f. = 100 s.f.
- No anticipated easements are expected to be encountered from front, side, grass, light or heat.
- Landscaping or mounding can be considered at the front, side or rear of the lot around area.
- Driveway grades across borders are derived from Baltimore parking sheets and not current field run tops. Some degree of change will be encountered but no major problem is anticipated.
- Nearest land ownership across Bellona Avenue.
- Soil borings will be conducted prior to construction to enable utilities measures to be taken if adverse soil conditions encountered.
- No. of employees - Permitted 200.
- Hours of operation - 7:30 A.M. to 10 P.M.
- Lighting shall be so directed as not to reflect toward roadways or interfere with traffic. Also all 10' high low potential safety lighting to security lighting in parking lot 20 feet high.
- Existing structures to be removed get inspected for asbestos prior thereto under Health Department guidelines.
- No medical offices.
- Class shall conform to Sec. 204.27.
- A side yard variance of 35' is filed of the required 40 to 45 feet.

**OWNERS**  
 MARY ANN MCCOY  
 8404 BELLONA LANE  
 LUTHERVILLE, MARYLAND 21093  
 GABRIEL W. SOVI STUL  
 8322 BELLONA AVENUE  
 LUTHERVILLE, MARYLAND 21093  
 BARRY S. GOLD &  
 ROSALIE WOLANSKI  
 8326 BELLONA AVENUE  
 LUTHERVILLE, MARYLAND 21093

**CONTRACT/PURCHASER**  
 BELLONA LANE LTD. PARTNERSHIP  
 C/O JAMES F. KNOTT DEVELOPMENT CORP.  
 119 WEST ROAD  
 TOWSON, MARYLAND 21204

**GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 303 ALLEGHENY AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 825-8120

CASE NO. 81-CR-455 XA  
 PETITION TO ACCOMPANY AN AMENDED  
 PETITION FOR A ZONING RECLASSIFICATION  
 TO AN C-1 ZONE AND SEVENTH VARIANCE  
 MICROFILMED  
**WADLEIGH**  
 ELECTION DISTRICT 2  
 SCALE 1" = 30'  
 BALTIMORE COUNTY, MD  
 SEPTEMBER 27, 1991  
 PN 5355





