

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCES - W/S of Cherry Hill Lane, 659 ft. SW of Tarragon Road (Parcel B) 4th Election District 3rd Councilmanic District Franklin Boulevard Ltd. Part./ Continental Realty Inv. Corp., Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 90-519-XA

AMENDED ORDER

WHEREAS the Petitioners herein requested a special exception and variances for a Class B office building on the subject property zoned R.O.;

WHEREAS, the relief requested was granted by Order issued September 7, 1990;

WHEREAS, Counsel for Petitioners subsequently submitted a Motion for Reconsideration requesting that said Order be modified to specify a period of five years for utilization of the special exception granted;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of October, 1990 that Petitioners' request to amend the Order issued September 7, 1990 in the above-captioned matter to permit Petitioners five years from the date of said Order in which to utilize the special exception granted therein, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued September 7, 1990 shall remain in full force and effect.

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

JRH:bjs
cc: Robert A. Hoffman, Esquire
210 Allegheny Avenue, Towson, Md. 21204

All Protestants
People's Counsel; File

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE W/S Cherry Hill Lane, 659 ft. SW of Tarragon Road, Parcel A 4th Election District 3rd Councilmanic District Franklin Boulevard Limited Partnership/Continental Realty Investors Corp. Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE # 90-519-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Exception, a Class B office building in an R.O. zone; and, pursuant to the Petition for Zoning Variances, variances, as follows:

Section 203.3.B.2.a to permit a Class B office building containing 100% medical offices in lieu of the limitation to a maximum use of 25% for medical offices;

Section 203.3.B.2.b (1) to permit a floor area ratio (F.A.R.) of 0.23 in lieu of the maximum permitted F.A.R. of 0.20;

Section 203.4.C.7 to permit a Class B office building situated upon a 1.28 acre parcel of land (Parcel B) in lieu of the maximum one (1) acre lot size for a Class B office building;

Section 203.4.C.8.c.1 to permit a 15 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the building and a 14 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the parking area in lieu of the minimum 20 foot landscape buffer from adjacent residentially zoned or residentially used property;

Section 203.4.C.8.c.2 to permit no landscape buffer between Parcel A and Parcel B and to permit a 1 foot landscape buffer from the rear (West) property line to the proposed parking area in lieu of the minimum 10 foot landscape buffer from adjacent non-residentially zoned property;

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Date 9/19/90
By M. H. Hark

Section 203.3.C.2 to permit a freestanding illuminated identification sign on site with 100 sq. ft. of surface area in lieu of the allowed 8 sq. ft. non-illuminated stationary outside identification sign;

Section 203.4.C.3 to permit a 15 ft. building setback from the proposed right of way along Cherry Hill in lieu of the minimum 25 ft. front yard setback requirement;

Section 203.4.C.6 to permit 5.6% previous land area in association with plantings in the interior of the parking lot as Amenity Open Space in lieu of the minimum 7% required, as more particularly described on Petitioner's Exhibits No. 1 and 6.

The Petitioner, Franklin Boulevard Limited Partnership/Continental Realty Investors Corporation by Mark L. Levy, Vice President appeared, testify and was represented by Robert L. Hoffman. Appearing on behalf of the Petition were Ed Hord, Architect, David Martin, Land Planner, Janet C. Henry, Real Estate Broker, Glen Cook, Traffic Engineer, David Sofsky, Lori Hawkins and Bob Marmon. Appearing as Protestants were Jack Abbott, A. Warren Miller, H. Allen Lewis Sr., and L. Driemuller.

This case is the companion case to Petition 90-518-XA. Said Petition addresses Parcel A on the subject site.

Testimony indicated that the subject property known as Franklin Business Park, Parcel B, consists of 1.28 acres +/-, split zoned R.O. and D.R.2, and is currently unimproved. Testimony indicated that the Petitioner is desirous of constructing a one-story medical office building on Parcel B of the subject site as indicated on Petitioner's Exhibits 1 and 6. Testimony indicated that the site is rectangular in shape with access to Franklin Boulevard.

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Testimony and evidence indicated that the site is particularly narrow, which Petitioner contends requires the proposed design as indicated on Petitioner's Exhibits 1 and 6. The Petitioner's experts testified that the project would have no adverse impact on the surrounding community from an esthetic and/or traffic standpoint.

The Protestants were particularly concerned with the volume of traffic that would be generated by the proposed site. The Protestants testified that they were concerned that a new residential development located not far from the subject site, in conjunction with additional traffic created by Petitioner's proposal, would exacerbate the growing traffic problems on Franklin Boulevard.

It is clear that the B.C.Z.R. permits the use proposed in an R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 and 6 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritte, 432 A2d 1319 (1981). The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create con-

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gestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

The Petitioner has also requested numerous variances, aforementioned. 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
- 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, 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 good.

After due consideration of the testimony and evidence presented, it is clear that, in view of the shape of the subject site, the Petitioner would suffer a practical difficulty or unreasonable hardship if the variances 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.

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In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the Special Exception and Variance relief should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of September, 1990 that a Petition for Special Exception for a Class B office building in an R.O. zone, in accordance with Petitioner's Exhibits 1 and 6, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that Petition for Zoning Variance from Section 203.3.B.2.a to permit a Class B office building containing 100% medical offices in lieu of the limitation to a maximum of 25% medical offices is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.3.B.2.b (1) to permit a floor area ratio (F.A.R.) of 0.23 in lieu of the maximum permitted F.A.R. of 0.20 is hereby GRANTED; and

IT IS FURTHER ORDERED that Section 203.4.C.7 to permit a Class B office building situated upon a 1.28 acre parcel of land (Parcel B) in lieu of the maximum one (1) acre lot size for a Class B office building is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.8.c.1 to permit a 15 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the building and a 14 foot landscape buffer from the proposed right of way along Cherry Hill Lane to the parking area in lieu of the minimum 20 foot

ORDER RECEIVED FOR FILING
Date 9/19/90
By M. H. Hark

landscape buffer from adjacent residentially zoned or residentially used property is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.8.c.2 to permit no landscape buffer between Parcel A and Parcel B and to permit a 1 foot landscape buffer from the rear (West) property line to the proposed parking area in lieu of the minimum 10 foot landscape buffer from adjacent non-residentially zoned property is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.3.C.2 to permit a freestanding illuminated identification sign on site with 100 sq. ft. of surface area in lieu of the allowed 8 sq. ft. non-illuminated stationary outside identification sign is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.3 to permit a 15 ft. building setback from the proposed right of way along Cherry Hill in lieu of the minimum 25 ft. front yard setback requirement is hereby GRANTED; and,

IT IS FURTHER ORDERED that Section 203.4.C.6 to permit 5.6% previous land area in association with plantings in the interior of the parking lot as Amenity Open Space in lieu of the minimum 7% required, in accordance with Petitioner's Exhibit No. 1 and 6, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the foregoing relief:

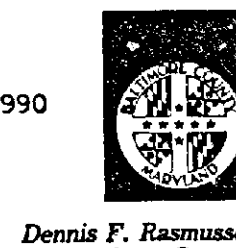
1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

ORDER RECEIVED FOR FILING
Date 9/19/90
By M. H. Hark

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

September 4, 1990



Dennis F. Rasmussen
County Executive

John B. Howard, Esquire
Robert Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 90-519-XA
Franklin Boulevard Ltd. Partnership, etc.
Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mm
attachment
cc: Peoples Counsel
cc: Petitioners
cc: Protestants

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-519-XA

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class B office building in a R.O. Zone on Parcel B described herein.

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

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

I/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: Franklin Boulevard Limited Partnership
(Type or Print Name)
Signature: [Signature]
Address: 210 Allegheny Avenue
City and State: Towson, Maryland 21204
Attorney for Petitioner: John B. Howard, Esquire
(Type or Print Name)
Signature: [Signature]
Address: 210 Allegheny Avenue
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 16 day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12 day of July, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-519-XA

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 (See Attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reason: (Indicate hardship or practical difficulty)

To be determined at 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: Franklin Boulevard Limited Partnership
(Type or Print Name)
Signature: [Signature]
Address: 210 Allegheny Avenue
City and State: Towson, Maryland 21204
Attorney for Petitioner: John B. Howard, Esquire
(Type or Print Name)
Signature: [Signature]
Address: 210 Allegheny Avenue
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 16 day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12 day of July, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

PARCEL B

90-519-XA

203.3.B.2.a to permit a Class B office building containing 100% medical offices in lieu of the limitation to a maximum of 25% medical offices.

203.3.B.2.b.(1) to permit a floor area ratio (F.A.R.) of 0.23 in lieu of the maximum permitted F.A.R. of 0.20 where 100% of the total adjusted gross floor area of a Class B office building is used for medical offices (A reclassification hearing is pending to rezone the D.R. 2 area of Parcel B to the R.O. zone. If this rezoning is approved, the F.A.R. shall be at or below 0.20 as required.)

203.4.C.7 to permit a Class B office building situated upon a 1.28 acre parcel of land (Parcel B) in lieu of the maximum one (1) acre lot size for a Class B office building.

203.4.C.8.c.1 to permit a 15 foot landscape buffer from the proposed right-of-way along Cherry Hill Lane to the building and a 14 foot landscape buffer from the proposed right-of-way along Cherry Hill Lane to the parking area in lieu of the minimum 20 foot landscape buffer from adjacent residentially zoned or residentially used property.

203.4.C.8.c.2 to permit no landscape buffer between Parcel A and Parcel B and to permit a 1 foot landscape buffer from the rear (West) property line to the proposed parking area in lieu of the minimum 10 foot landscape buffer from adjacent non-residentially zoned property.

203.3.C.2 to permit a freestanding illuminated identification sign on site with 100 square feet of surface area in lieu of the allowed 8 square feet non-illuminated stationary outside identification sign.

203.4.C.3 to permit a 15 foot building setback from the proposed right-of-way along Cherry Hill Lane in lieu of the minimum 25 foot front yard setback requirement.

203.4.C.6 to permit 5.6% previous land area in association with plantings in the interior of the parking lot as Amenity Open Space in lieu of the minimum 7% required.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 14, 1990.

THE JEFFERSONIAN,

S. Zate Orlov
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 14, 1990.

OWINGS MILLS TIMES,

S. Zate Orlov
Publisher



Greenhorne & O'Mara, Inc.
113 WEST ROAD • SUITE 208 • BALTIMORE, MARYLAND 21204 • (301) 286-4100
ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

DESCRIPTION OF 1.28 AC. +/-
PARCEL B
FRANKLIN BUSINESS PARK
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
90-519-XA

BEING a part of the secondly described parcel of land contained in a deed dated February 1, 1989 conveyed from Nathan Scherr and Nathan Metz to Franklin Boulevard Limited Partnership recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8792 Folio 249 and being more particularly described as follows:

BEGINNING for the same at a point in the center of Cherry Hill Lane, said point being the beginning of the first or South 29° 07' 32" West 429.75 feet line of the same tract of land described in the aforementioned Liber S.M. 8092 Folio 249, thence binding on and running with the centerline of Cherry Hill Lane,

- 1) South 29° 07' 32" West 82.11 feet, thence at right angles
- 2) North 60° 52' 28" West 25.00 feet to a point in the line drawn twenty five feet north and parallel to the centerline of Cherry Hill Lane said line being the proposed widening line of Cherry Hill Lane; thence along said widening line the two following courses and distances, viz:
- 3) South 29° 07' 32" West 350.00 feet, thence
- 4) South 18° 21' 44" West 41.86 feet; thence departing said widening for five new lines of division through the said secondly described parcel, viz:
- 5) North 60° 09' 14" West 80.29 feet, thence
- 6) North 29° 50' 46" East 29.00 feet, thence at right angles
- 7) North 60° 09' 14" West 52.77 feet, thence
- 8) North 39° 32' 06" East 72.86 feet, thence at right angles
- 9) North 50° 27' 54" West 13.00 feet to intersect the right of way line of Interstate 795 (also known as the Northwest Expressway) as shown on State Highway Administration of Maryland Right of Way Plat Nos. 48143, 48144, 48611, and 48968; thence binding on said right of way line the five following courses and distances, viz:
- 10) North 39° 32' 06" East 45.44 feet, thence
- 11) North 35° 08' 04" East 143.07 feet, thence
- 12) North 06° 27' 33" East 75.00 feet, thence

ANNAPOLIS, MD. • ATLANTA, GA. • AURORA, CO. • BALTIMORE, MD. • CULPEPER, VA. • DULUTH, GA. • EXPORT, PA.
FAIRFAX, VA. • GREENBELT, MD. • LEESBURG, VA. • MANASSAS, VA. • ORLANDO, FL. • RALEIGH, NC.
ROCKVILLE, MD. • TAMPA, FL. • WEST PALM BEACH, FL.

GREENHORNE & O'MARA, INC.

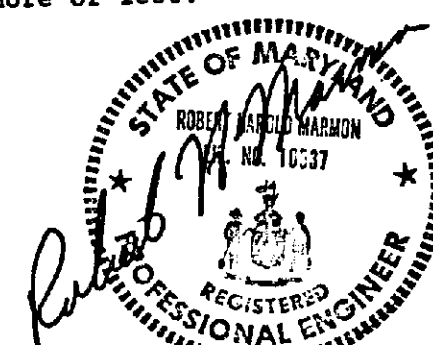
90-519-XA

- 13) North 43° 19' 44" East 124.92 feet, thence
14) South 56° 51' 49" East 124.85 feet to the point of beginning.

CONTAINING 55,620 square feet or 1.28 acres of land, more or less.

January 17, 1990
Revised February 27, 1990
Revised April 20, 1990
EVS

FOR ZONING PURPOSES ONLY



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

No 2281

Date: 4/25/90
PUBLIC HEARING FEES
020 - ZONING VARIANCE (OTHER) 1 X \$175.00
030 - SPECIAL EXCEPTION 1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: FRANKLIN BLVD PRNTS

B 1511*****35000:0 3265F
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-519-XA

District: 4th
Date of Posting: June 16, 90
Posted for: Special Exception & Variance
Petitioner: Franklin Boulevard Limited Partnership/Baltimore
Location of property: W. S. of Cherry Hill Lane, 6.50' S.W. of
Tarragon Road - Parcel A
Location of Sign: West side of Cherry Hill Lane, at prox.
5.50' S.W. of Tarragon Road
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 5
Date of return: June 22-90

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein on the date and at the place indicated below.

Notice of Hearing
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein on the date and at the place indicated below.

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein on the date and at the place indicated below.

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein on the date and at the place indicated below.

PO 105509



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3137

Date 3/08/90

M910010E

PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$298.00
TOTAL: \$298.00
LAST NAME OF OWNER: FRANKLIN BLVD PRINS

044048012WICHC
R0 COLL:SSAM08-13-90

\$298.00

Please make checks payable to Baltimore County

Cashier Validation:

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

DATE



Dennis F. Rasmussen
County Executive

Franklin Boulevard Limited Partnership
Continental Realty Investors Corp.
c/o John B. Howard, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Res Petition for Special Exception and Zoning Variance
CASE NUMBER: 90-519-XA
W/S Cherry Hill Lane, 650' SW of Tarragon Road-Parcel A
4th Election District - 3rd Councilmanic
Petitioner(s): Franklin Boulevard Limited Partnership/Continental Realty Investors Corp.
HEARING: WEDNESDAY, AUGUST 1, 1990 at 9:30 a.m.

Gentlemen

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

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED 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 and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

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

DATE



Dennis F. Rasmussen
County Executive

Franklin Boulevard Limited Partnership
Continental Realty Investors Corp.
c/o John B. Howard, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Res Petition for Special Exception and Zoning Variance
CASE NUMBER: 90-519-XA
W/S Cherry Hill Lane, 650' SW of Tarragon Road-Parcel A
4th Election District - 3rd Councilmanic
Petitioner(s): Franklin Boulevard Limited Partnership/Continental Realty Investors Corp.
HEARING: JULY 12, 1990 at 9:30 a.m.

Gentlemen

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

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED 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 and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

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

June 19, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 90-518-XA and 90-519-XA
PETITIONER(S): Franklin Blvd. LTD Partnership/Continental Realty
LOCATION: W/S Cherry Hill Lane, SW of Tarragon Road

THE ABOVE MATTERS HAVE BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, AUGUST 9, 1990 at 9:30 a.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
cc: Franklin Boulevard Limited Partnership
John B. Howard, Esq.

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



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

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:

Petition for Special Exception and Zoning Variance
CASE NUMBER: 90-519-XA
W/S Cherry Hill Lane, 650' SW of Tarragon Road-Parcel A
4th Election District - 3rd Councilmanic
Petitioner(s): Franklin Boulevard Limited Partnership/Continental Realty Investors Corp.
HEARING: JULY 12, 1990 at 9:30 a.m.

Special Exceptions A Class B office building in a R.O. Zone. Variance to permit a Class B office building containing 100% medical offices in lieu of the limit to a maximum of 25% medical offices; AND to permit a floor area ratio of 0.23 in lieu of the maximum permitted F.A.R. of 0.20 where 100% of the total adjusted gross floor area of the maximum permitted F.A.R. of 0.20 is used for medical offices (A reclassification hearing (R-90-404) a Class B office building is used for medical offices (A reclassification hearing (R-90-404) is pending to rezone the O.R. 2 area of Parcel B to the R.O. zone. If this rezoning is approved, the F.A.R. shall be at or below 0.20 as required) AND to permit a Class B office building situated upon a 1.29 acre parcel of land in lieu of the maximum one acre lot size for a Class B office building; AND to permit a 15 ft. landscape buffer from the proposed right-of-way along Cherry Hill Lane to the building and a 14 ft. landscape buffer from the proposed right-of-way along Cherry Hill Lane to the parking area in lieu of the minimum 20 ft. landscape buffer from adjacent residentially zoned or residentially used property; AND to permit no landscape buffer between Parcel A and Parcel B and to permit a 1 foot landscape buffer from the rear (West) property line to the proposed parking area in lieu of the minimum 10 ft. landscape buffer from adjacent non-residentially zoned property; AND to permit a freestanding illuminated identification sign on site with 100 sq. ft. of surface area in lieu of the allowed 8 sq. ft. nonilluminated stationery outside identification sign; AND to permit a 15 ft. building setback from the proposed right-of-way along Cherry Hill Lane in lieu of the minimum 25 ft. front yard setback requirements; AND to permit 5.6% previous land area in association with plantings in the interior of the parking lot as Amenity Open Space in lieu of the minimum 7% required.

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
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

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

June 22, 1990



Dennis F. Rasmussen
County Executive

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 376, Case No. 90-519-XA
Petitioner: Franklin Blvd Lmt'd, et al
Petition for Zoning Variance and
Special Exception

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. 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

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

May 24, 1990



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 353, 361, 373, 374, 375, 376, 377, 378 and 379.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

RECEIVED
MAY 25 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

MAY 10, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: FRANKLIN BOULEVARD LIMITED
Location: W/S OF CHERRY HILL LANE
Item No.: 376 Zoning Agenda: MAY 15, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 15, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for Items 363, 361, 374, 377 and 378.

For Items 375 and 376 the previous County Review Group Comments still apply.

For Item 373, the shed shown in the easement is acceptable if not permanent (on a concrete base).

For Item 378, the lot is parallelogram. If the house is not built square to the side lot lines, the northern-most corner of the house will have much less than a 10-foot side yard.

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

RWB:s

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

687-3353

January 10, 1991

Paul J. Consbruck
Venable, Baetjer & Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21205-5517

RE: Franklin Business Park
90-518-XA & 90-519-XA

Dear Mr. Consbruck:

I am writing regarding your letter of December 19, 1990 concerning the above-mentioned case numbers.

After consultation with the Zoning Commissioner, J. Robert Haines, it has been determined that the variance for a rear setback of 15 feet in lieu of the required 30 feet was not covered with said Order. It is, therefore, necessary to apply for another hearing in order to obtain this variance.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

cc: Catherine Milton

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE: April 12, 1990

PROJECT NAME: Franklin Business Park 10:00 a.m. XXXXX PLAN

PROJECT NUMBER: IV-383

The Franklin Business Park CRG plan proposes two (2) class "B" buildings totalling 20,210 square feet of office space on 2.59 acres zoned RO located between Franklin Boulevard and Cherry Hill Lane. The Office of Planning and Zoning has reviewed the revised subject plan dated April 6, 1990, and submits the following comments:

This CRG plan has been evaluated for compliance with Section 22-104 of the Baltimore County Development Regulations. The proposed Class "B" office buildings are considered to be appropriate to the specific circumstances of the site provided the following condition is met:

1. A special exception for two (2) Class "B" office buildings in an RO zone is granted by the Zoning Commissioner with the following variances:

PARCEL "A"

- o Variance of Section 203.3.B.2.a of the B.C.Z.R.: "Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices" - to allow 100% medical office usage.
- o Variance of Section 203.4.C.7 of the B.C.Z.R.: Maximum lot size to allow a lot size of 1.50 acres in lieu of the maximum permitted 1.0 acres.
- o Variance of Section 203.4.C.3 of the B.C.Z.R.: Minimum front yard setbacks - to allow a building setback of 15' from the proposed R.O.W. in lieu of the 25' required.
- o Variance of Section 203.4.C.8.c.1 of the B.C.Z.R.: Landscape buffer from property lines abutting residentially zoned or residentially used properties, or those abutting a residential street - to allow a landscape buffer of 12' minimum from the proposed R.O.W. in lieu of the 20' required. (12' min. to parking; 15 min. to building)
- o Variance of Section 203.4.C.8.c.2 of the B.C.Z.R.: Landscape buffer from property lines abutting non-residentially zoned or residentially used properties - to allow a landscape buffer of 0' in lieu of the 10' required.
- o Variance of Section 203.4.C.6 of the B.C.Z.R.: Amenity Open Space - to allow an A.O.S. area of 738 S.F. in lieu of the 1,656.8 S.F. (7% of interior [23,669 S.F.] parking area) required.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
DATE: June 8, 1990
SUBJECT: Franklin Business Park

INFORMATION:

Applications: Nos. 375 and 376

Petitioner: Continental Realty Investors Corp.
17 West Pennsylvania Avenue
Baltimore, Maryland 21204

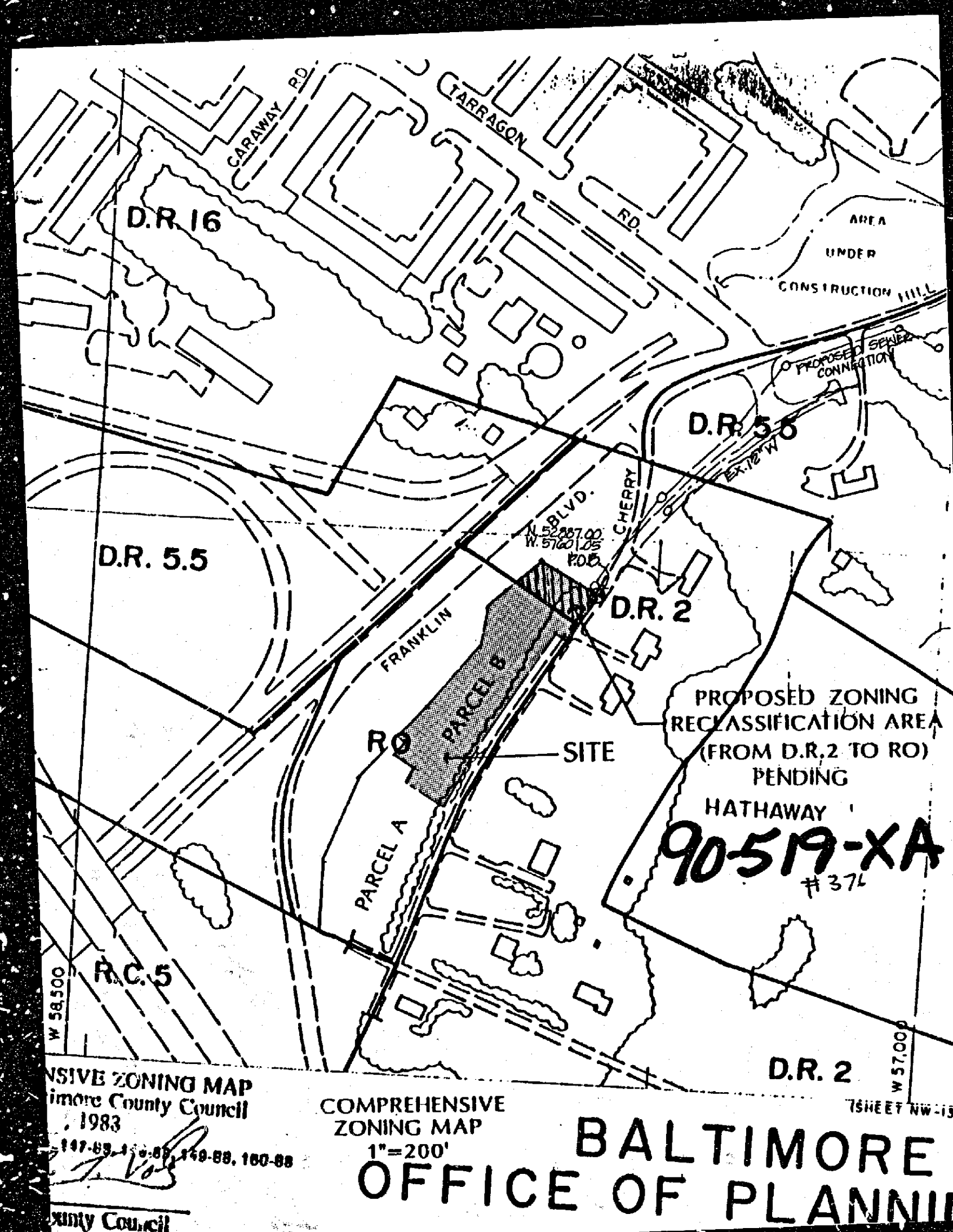
Property Location: I-795/Franklin Boulevard

Size: Parcel A - 1.5+ acres gross, 1.10+ acres net
Parcel B - 1.23+ acres gross, 1.08+ acres net
(.19+ acres D.R.)
Zoning: Parcel A - R-O
Parcel B - R-O/D.R.

Hearing:

- Requested Action:
1. Class B office buildings in an R-O zone.
 2. Permit 100% medical use for both buildings.
 3. Allow parcel sizes greater than 1 acre.
 4. Reduce the required landscape buffers.
 5. Reduce building setbacks.
 6. Reduce interior landscaping.

Attachments: A. Vicinity Map
B. CRG Comments
C. Staff Exhibit



PLEASE PRINT CLEARLY

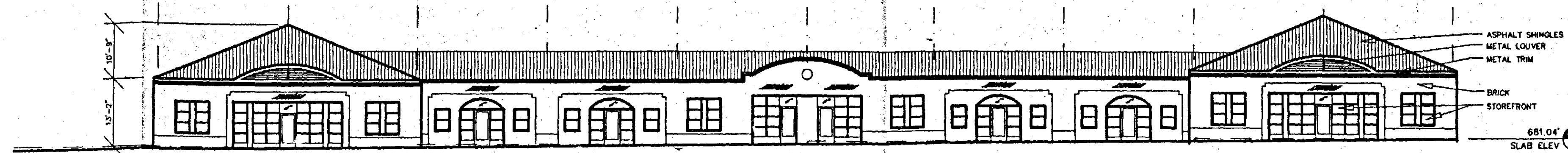
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	216 Allegheny Ave 21204
Mark C. Levy	17 West Pennsylvania Ave. 21204
DAVID L. MARTIN	112 WEST RD. BALT. MD 21204
Janet C. Henry	111 S Calvert Street Baltimore, MD 21202
David S. Sefsky	113 West Rd. BALTO. MD 21204
Barkasa Ransoy (Interested party)	Off Times 409 Washington, Towson
LORI HANKINS	113 WEST RD. BALT MD 21204
Bob Marmar	" " " " "
Glenn Cook	40 W. Chesapeake Ave Suite 300 Towson 21204
ED HORD	1526 St. Paul St. BALTIMORE 21218

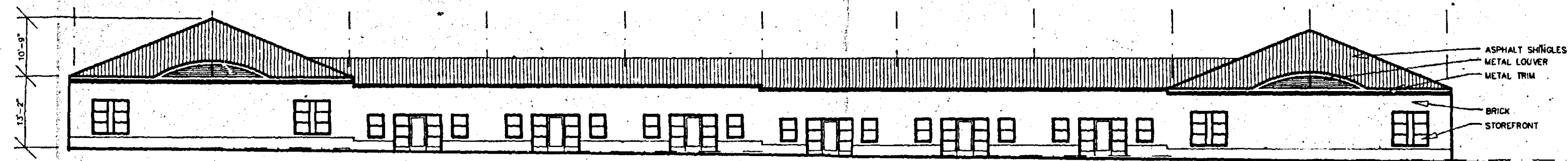
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Jack J. Gifford	117 W. Cherry Hill Rd. 833-1494
Warren Miller	117 W. CHERRY HILL RD. 833-1494
Alan Miller	22 CHERRY HILL RD. 833-2125 R.O.S
Sen. DAVID MILLER	109 W. Cherry Hill Rd.

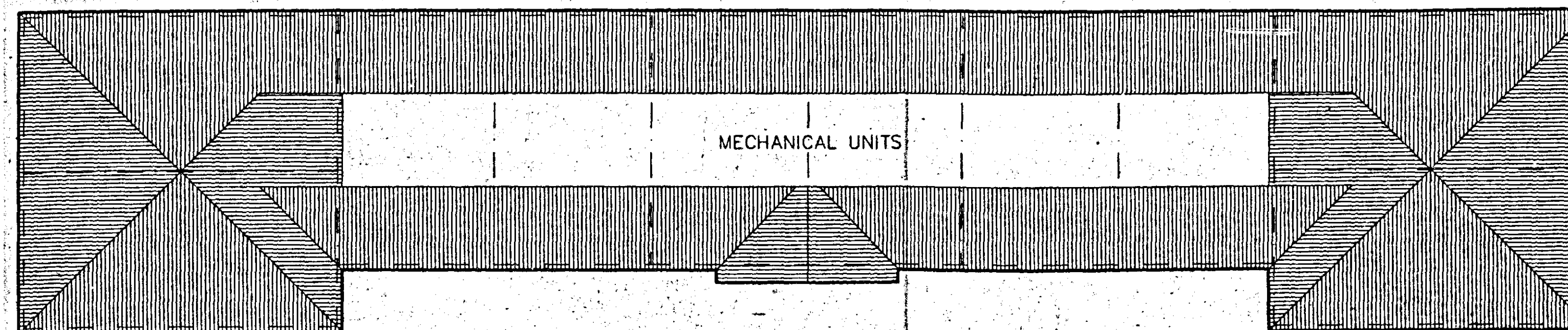
FRANKLIN BOULEVARD
OFFICE BUILDING



1 WEST ELEVATION
A2.1 1/16"=1'-0"



2 EAST ELEVATION
A2.1 1/16"=1'-0"



3 FLOOR PLAN BUILDING "B"
A2.1 1/16"=1'-0" 11,120 SQ. FT.

REVISED

SHEET TITLE
FLOOR PLAN

DRAWN 1/16"=1'-0"

SCALE 1/24/90

DATE

DRAWING

A2.1

SHEET OF

90-519-XA

#374

NORTHWEST EXPRESSWAY

I-795

STATE OF MARYLAND

DR.2 ZONE

DR.2 ZONE

RO ZONE

SEE VARIANCE REQUEST NO.II.6

SEE VARIANCE REQUEST NO.III.6

SEE VARIANCE REQUEST NO.III.7

SEE VARIANCE REQUEST NO.II.5

PARCEL A
1.50 ACRES

PARCEL B
1.28 ACRES

ONE-STOREY MEDICAL OFFICE BUILDING
FAR 20,133,090 S.F.

ONE-STOREY MEDICAL OFFICE BUILDING
FAR 21,180 S.F.

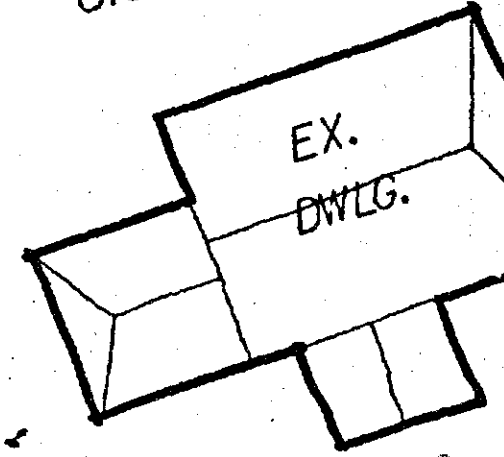
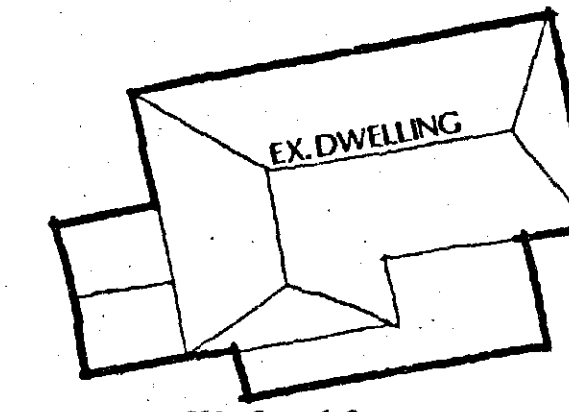
CHERRY HILL LANE
29°07'32" W

MICHAEL DREIMILLER, ET UX
P.274
5975 / 566

DOUGLAS PARKS, ET UX
P.275
6191/15

JACK ABBOTT, ET UX
P.209
2928/48

PETITIONER'S
EXHIBIT



ZONING PUBLIC HEARING REQUESTS

I. Special Exception to allow a class B building in the RO zone.
(Parcel A and Parcel B)

II. Parcel A

- Variance of section 203.3.B.2.a of the B.C.Z.R.: Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices* - to allow 100% medical office usage.
- Variance of section 203.4.C.7 of the B.C.Z.R.: Maximum lot size - to allow a lot size of 1.50 acres in lieu of the maximum permitted 1.0 acres.
- Variance of section 203.4.C.3 of the B.C.Z.R.: Minimum front yard setbacks - to allow a building setback of 15' from the proposed R.O.V. in lieu of the 25' required.
- Variance of section 203.4.C.8.c.1 of the B.C.Z.R.: Landscape buffer from property lines abutting residentially zoned or residentially used properties, or those abutting a residential street: To allow a landscape buffer of 15' from the proposed R.O.V. to the building; 12' from the proposed R.O.V. to the parking area, and 12' from the Southeast property line to the parking area, in lieu of the 20' required.
- Variance of section 203.4.C.8.c.2 of the B.C.Z.R.: Landscape buffer from property lines abutting non-residentially zoned or residentially used properties: To allow a landscape buffer of 0' between Parcel A and B, and 2' from the rear (West) property line to the parking area, in lieu of the 10' required.
- Variance of section 203.4.C.6 of the B.C.Z.R.: Amenity Open Space - to allow an A.O.S. area of 0 S.F. in lieu of the 1,656.8 S.F. (7% of 23,669 S.F. parking area) required.

- Variance of section 203.3.B.2.a of the B.C.Z.R.: Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices* - to allow 100% medical office usage.
- Variance of section 203.3.B.2.b.1 of the B.C.Z.R.: Floor Area Ratio of class B buildings containing medical offices - to allow an F.A.R. of .25 in lieu of the .20 maximum allowed. (Reclassification hearing pending to rezone the DR.2 area of Parcel B - Case # R-90-404-XA, Hearing date Oct 3, 1990, Item 3- Reclassification Cycle 3. At the time of rezoning, the F.A.R. of building B shall be .20 as required.)
- Variance of section 203.4.C.7 of the B.C.Z.R.: Maximum lot size - to allow a lot size of 1.28 acres in lieu of the maximum permitted 1.0 acres.
- Variance of section 203.4.C.3 of the B.C.Z.R.: Minimum front yard setbacks - to allow a building setback of 15' from the proposed R.O.V. in lieu of the 25' required.
- Variance of section 203.4.C.8.c.1 of the B.C.Z.R.: Landscape buffer from property lines abutting a residentially zoned or residentially used property or a residential street: To allow a landscape buffer of 15' from the proposed R.O.V. to the building, and 14' from the proposed R.O.V. to the parking area, in lieu of the 20' required.
- Variance of section 203.4.C.8.c.2 of the B.C.Z.R.: Landscape buffer from property lines abutting non-residentially zoned or non-residentially used properties: To allow a setback of 0' between Parcel A and B, and 1' from the rear (West) property line to the proposed parking area, in lieu of the 10' required.
- Variance of section 203.3.C of the B.C.Z.R.: Signs and Off Street Parking Requirements - to allow a free standing illuminated identification sign on site with 50 S.F. of surface area per face, in lieu of the allowed 0 S.F. non-illuminated identification sign. See detail and sign location, Sheet 2 of 3.
- Variance of section 203.4.C.6 of the B.C.Z.R.: Amenity Open Space - to allow an A.O.S. area of 848 S.F. (3.6% of 23,669 S.F. parking area) in lieu of the 1,033.4 S.F. (7% of parking area) required.

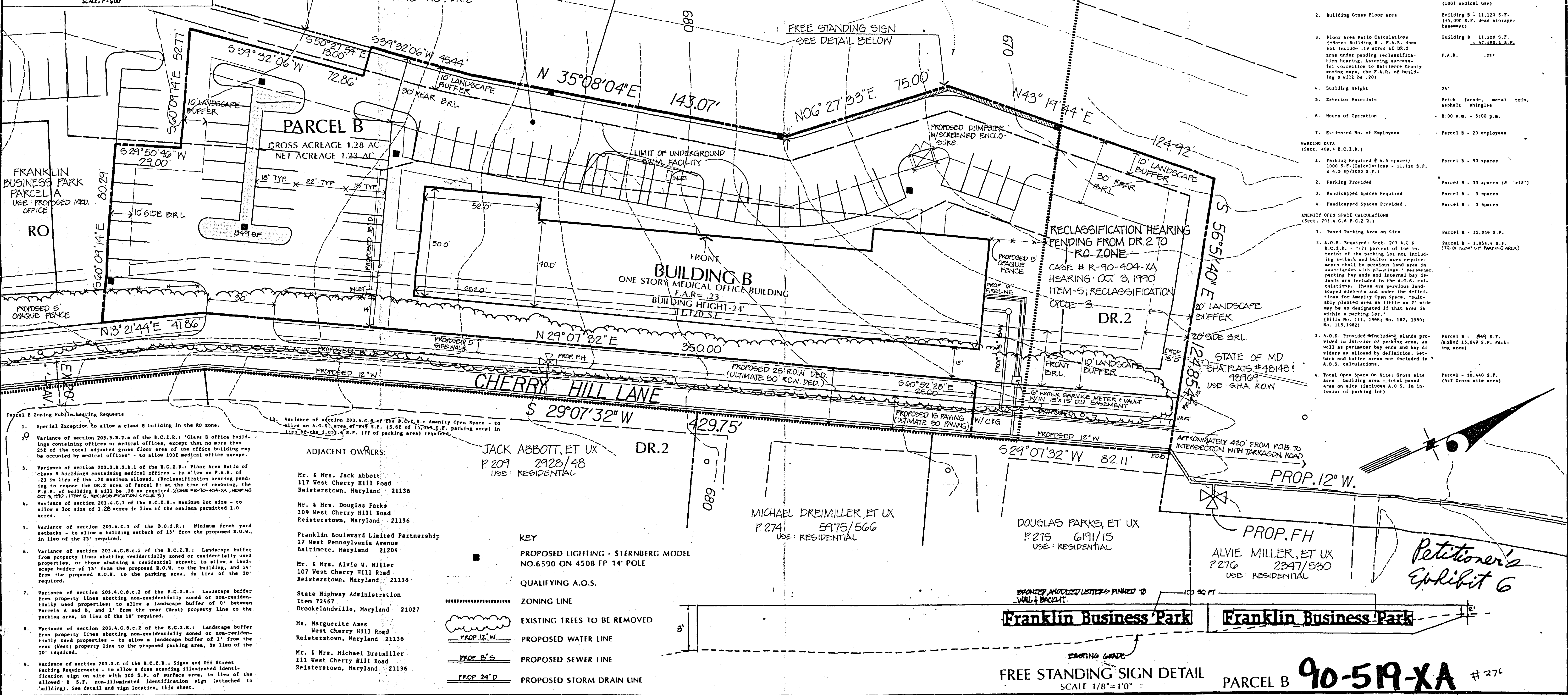
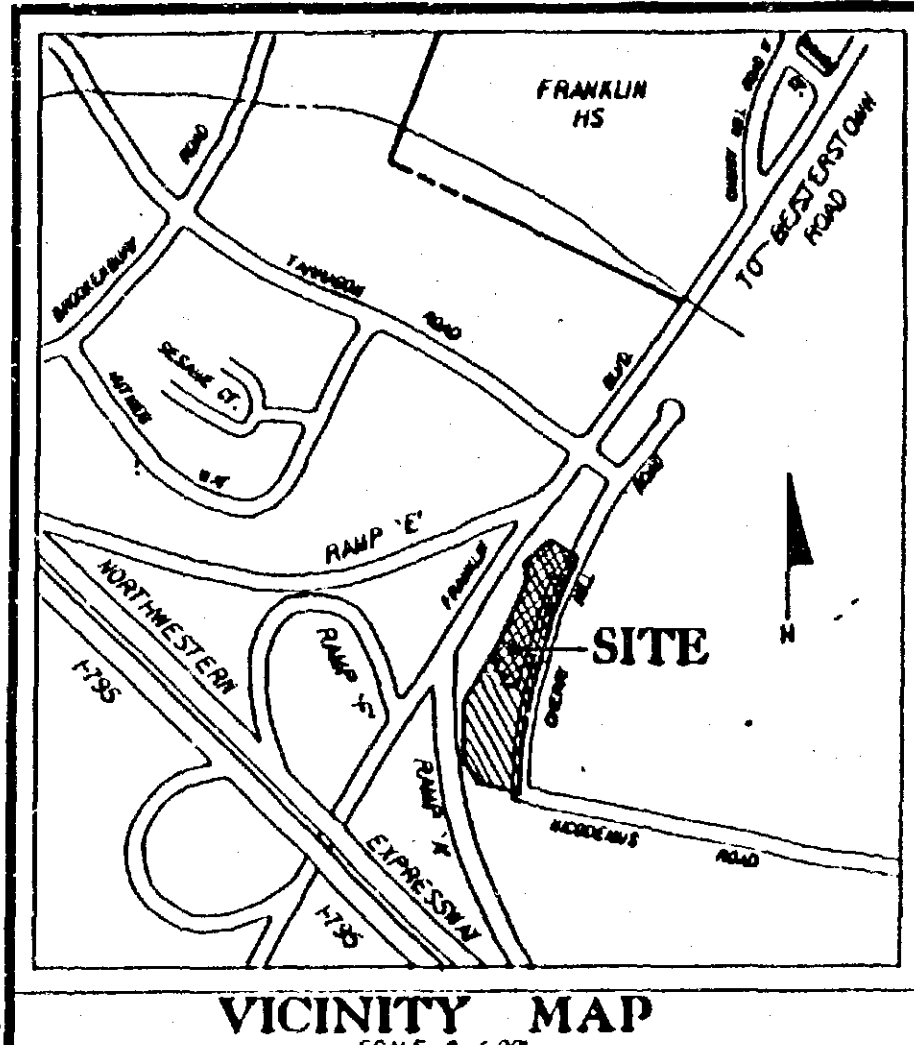
CRG NO.IV-383

OWNER/DEVELOPER:
CONTINENTAL REALTY CORP. INC.
17 WEST PENNSYLVANIA AVENUE
BALTIMORE MARYLAND 21204
(301) 296-4800

No	REVISION	DATE	BY
1	REV. AG PER PRE CRS COMMENTS	3-9-90	LH
2	REV. AG PER CRS HEARING	3-12-90	LH
3	REV. BLDG/PARKING LAYOUT PRE CRS COMMENTS	4-6-90	LH

ENGINEERS • ARCHITECTS • PLANNERS • SCIENTISTS • SURVEYORS • PHOTOGRAMMETRISTS
GREENHORNE & O'MARA, INC.
113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
(301) 296-4100
ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • CULPEPER, VA • DULUTH, GA • ESSEX, PA • FAIRFAX, VA • GREENBELT, MD
LEESBURG, VA • MANASSAS, VA • ORLANDO, FL • RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL • WEST PALM BEACH, FL

SUPPLEMENTAL CRG SITE PLAN
FRANKLIN BUSINESS PARK
CENSUS TRACT NO.4404.01
PUBLIC SERVICES CRG NO.
REGIONAL PLANNING NO.306A
4th ELECTION DISTRICT
COUNCILMANIC DISTRICT NO.3
DEED REFERENCE - S.M.8092/249
TAX ACCOUNT NO.2000-01623
BALTIMORE COUNTY MARYLAND
LH
DESIGN
SCALE 1" = 20'
DRAWN
DLM
CHECKED
SHEET
2 OF 3



OWNER/DEVELOPER
CONTINENTAL REALTY CORP. INC.
 17 WEST PENNSYLVANIA AVENUE
 BALTIMORE, MARYLAND 21204
 (301) 296-4800

No.	REVISION	DATE	BY

ENGINEERS • ARCHITECTS • PLANNERS • SCIENTISTS • SURVEYORS • PHOTOGRAMMETRISTS
GREENHORNE & O'MARA, INC.
 113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
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 LEESBURG, VA • MANASSAS, VA • ORLANDO, FL • RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL • WEST PALM BEACH, FL

PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING
FRANKLIN BUSINESS PARK
 ONE CLASS B OFFICE BUILDING
 CENSUS TRACT NO. 44C401
 PUBLIC SERVICES CRG NO. 90023
 REGIONAL PLANNING NO. 306A
 4TH ELECTION DISTRICT
 COUNCILMANIC DISTRICT NO. 3
 DEED REFERENCE-S.M. 8092/249
 TAX ACCOUNT NO. 2100-01623
 BALTIMORE COUNTY MARYLAND

LLH DESIGN
LLH DRAWN
DLM CHECKED
DATE 4/23/90
SCALE 1"=20'
1 OF 1
SHEET
FILE NO. B-1046-W