



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 11, 1999

David Gildea, Esquire
Whiteford, Taylor and Preston
210 West Pennsylvania Avenue
Towson, MD 21204-4515

Dear Mr. Gildea:

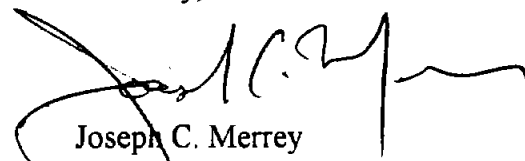
RE: Zoning Spirit & Intent, 1015 York Road, Radcliffe Shopping Center, Zoning Case
94-213-A, 9th Election District

Pursuant to your letter of April 29, 1999, you have requested an opinion from this office regarding whether the variance relief granted in the above referenced case is still valid and if so, whether it can be utilized without the legal creation of lot number six.

It is the opinion of this office that the subject variance relief is currently valid. However, it is requested, that any future building permit site plan for the proposed building show use – division lines consistent with Petitioner's Exhibit number 1 in the aforementioned zoning case.

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,


Joseph C. Merrey
Planner II
Zoning Review

JCM: rsj

c: Zoning Case 94-213-A

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

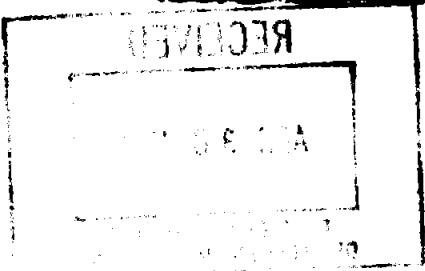
LES/mm

ORDER RECEIVED FOR FILING

Date

By

12/3/93
Mr. Novak





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 11, 1999

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Towson, MD 21204-4515

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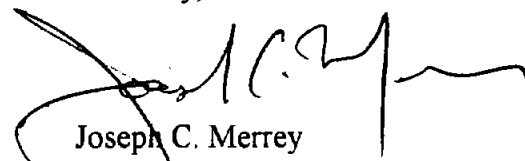
RE: Zoning Spirit & Intent, 1015 York Road, Radcliffe Shopping Center, Zoning Case
94-213-A, 9th Election District

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BALTIMORE, MARYLAND 21202-1626
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FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
dgildea@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

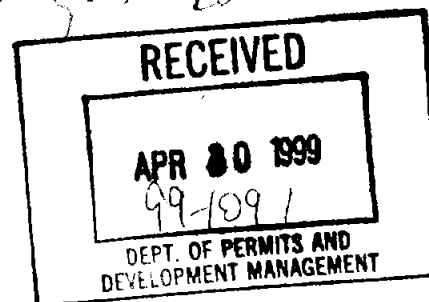
4/30/99 To: JCM
STI 5/3/99
1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 531-0573
W. C. Radcliffe

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

April 29, 1999

Via Hand Delivery

Mr. Arnold Jablon, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204



**Re: Mid-Atlantic Realty Trust, Inc./Radcliffe Shopping
Center
Zoning Confirmation Letter
Our File No.: 03425/00132**

1015 York Rd

Dear Mr. Jablon:

Mid-Atlantic Realty Trust ("MART"), by and through its attorneys,
Whiteford, Taylor & Preston L.L.P., hereby requests a zoning confirmation of
the following.

In case number 94-213-A (Order dated December 28, 1993), the
Zoning Commissioner granted a variance from BCZR Sections 102.2 and 238.2
to permit two buildings to have a distance between them of 30 feet in lieu of the
required 60 feet for the proposed lot number 6 (see attached).

Although the above referenced variance was obtained, MART never
created proposed lot number 6 nor did it build a structure on lot number 6.

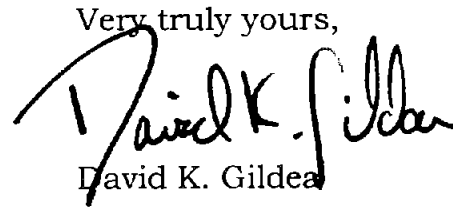
MART now wishes to place a structure at the same location and
footprint as the structure shown in case number 94-213-A. There will be a
distance between the existing building and the proposed building of 30 feet in
lieu of the required 60 feet.

Please confirm that the variance granted in case number 94-213-A
from BCZR Sections 102.2 and 238.2 to allow two buildings to have a distance
between them of 30 feet in lieu of the required 60 feet is still valid and can be

Mr. Arnold Jablon, Director
April 29, 1999
Page 2

applied to the proposed MART building, notwithstanding the fact that the previous lot 6 was never created.

Should you have any questions or comments, or should you require additional information, please contact me.

Very truly yours,

David K. Gildea

DKG:bhb

Enclosures

CC: Mr. Wilbur E. "Tom" Simmons, III, CSM, MART
Mr. Edmund F. Haile, P.E., DMW
Mr. Charles V. Main, P.E., DMW

166360

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067012

DATE 5/3/99 ACCOUNT 001-6150
AMOUNT \$ 40.00 (JCM)

RECEIVED FROM: Whiteford, Taylor & Preston
FOR: #99-1091
1015 York Road
Radcliffe Shopping Center

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
5/06/1999	5/05/1999	14:24:31
REG 4501	CASHIER JRIC JMR	DRAWER 1
Dept 5	528 ZONING VERIFICATION	
Receipt #	100623	UFLN
CP NO.	067012	
Receipt Tot		40.00
40.00 CR		.00 CA
Baltimore County, Maryland		

CASHIER'S VALIDATION

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S York Road, 180 ft. NW of *
c/l Radcliffe Road * ZONING COMMISSIONER
1015 York Road *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Round Hollow Ltd. Partnership * Case Nos. 94-213-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1015 York Road in Towson. The Petitioner requests relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building rear yard setback of 6 ft., in lieu of the required 30 ft., for proposed lot No. 6; a variance to allow a building side yard setback of 24 ft., in lieu of the required 30 ft., for lot No. 1A; and a variance from Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 ft., in lieu of the required 60 ft., for lot No. 1A and the proposed lot No. 6. All of the relief requested is more particularly shown on the site plan which was submitted at the hearing, marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Martin Pechter, a principal in Radcliffe Properties, Inc., a General Partner in Round Hollow Limited Partnership. Round Hollow Limited Partnership is the owner of the subject site. Also appearing was Richard L. Smith of KCI Technologies, Inc. Mr. Smith and his firm prepared the site plan. The Petitioner was represented by G. Paige Wingert, Esquire. There were no Protestants present.

207-1
2008/1
SC

Testimony and evidence presented was that the subject site is comprised of approximately 5.70 acres and is zoned B.R. It is located immediately adjacent to York Road, next to an access ramp to the Baltimore Beltway (I-695). The property is well familiar to this Zoning Commissioner and was formerly the site of the Quality Inn Hotel. This hotel is no longer in business and the hotel building is to be razed. The property sits just behind the Howard Johnson's Restaurant, a familiar Towson landmark for many years.

As depicted on the site plan, the Petitioner proposes a rather ambitious project to replace the Quality Inn building and use. A new one story building is to be constructed, containing 59,310 sq. ft. of space. Moreover, a new parking lot and configuration will be proposed. The exact plans for redevelopment of this site are shown on Petitioner's Exhibit No. 1. That plan shows that the subject property has been divided into a number of lots to support the proposed uses. Lot No. 1A will contain the proposed one story building described above, which will feature a Comp USA Computer Superstore and a Linens and Things houseware store. Lot No. 5A contains an existing Signet Bank which will remain. Lot No. 2 is the parcel which formerly contained a Sunoco Service Station. That use has also been closed down and will be replaced. The proposed lot No. 6 contains the Medix Building. This is the site of a medical careers training school which has been at this location for a number of years. Lastly, the site has a rather significant zoning history which is depicted on the plan. This history contains a number of Petitions previously filed for special exception uses which have existed on site and related variances.

The matter now comes before me as a result of the redevelopment of the site. As noted above, three variances are requested. They all relate

ORDER RECEIVED FOR FILING

Date 12/29/03

By [Signature]

to internal setback distances between existing and proposed uses on the site. The first variance seeks approval of a rear yard setback of 6 ft. in lieu of the required 24 ft. This is actually the distance measured from the rear of the Medix building to the new property line created by the division of this property into new lots. The setback is purely internal in nature and is not relevant to a proposed distance to the tract boundary.

The second variance relates to a side yard variance between the proposed retail building and internal lot line adjacent to the Medix building. A distance of 24 ft. in lieu of the 30 ft. is shown. The last variance relates to a distance between the two buildings described above. Adding the 24 ft. and 6 ft. dimension indicates a 30 ft. total distance to be maintained in lieu of the required 60 ft.

Proffered testimony and evidence presented was that the subject variances are necessary in order to redevelop this property for useful purposes. Again, it was noted that the variance distances are all from internal lot lines. From the perspective of a patron utilizing this facility, the lot lines will contain no distinction. The Petitioner also noted that to deny the variances would cause a practical difficulty on the Petitioner. The property is of such configuration that it cannot be developed as proposed without the necessary variances. The existing buildings, the property's orientation toward York Road and the Beltway access ramp right-of-way were all cited as factors significant to justify the variances. Moreover, it was argued that a granting of the variances would be within the spirit and intent of the B.C.Z.R. and would be without detriment to the surrounding locale. Lastly, it was noted that the project does have the support of the nearest residential subdivision (Stoneridge Community Association),

ORDER RECEIVED FOR FILING

Date

12/21/92

By

CM. J. J. W.

and that this redevelopment has been approved through the new development process. This is particularly significant in view of the Zoning Plans Advisory Committee comment offered by the Office of Planning and Zoning. Upon closer inspection, it appears that that comment goes to the use proposed on the old Sunoco Station site, which is irrelevant to this property. The Petitioner indicates that it has already obtained approval of its landscape plan and architectural drawings for the proposed improvements.

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 (1971). 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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special

ORDER RECEIVED FOR FILING

Date

By

circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of December, 1993 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building rear yard setback of 6 ft., in lieu of the required 30 ft., for proposed lot No. 6, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a building side yard setback of 24 ft., in lieu of the required 30 ft., for lot No. 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 ft., in lieu of the required 60 ft., for lot No. 1A and the proposed lot No. 6, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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,

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
dgildea@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

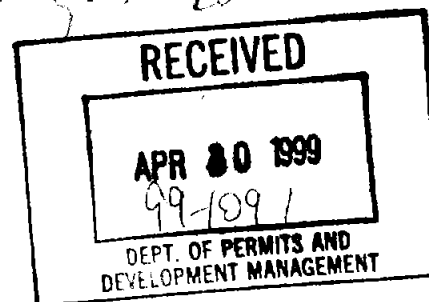
4/30/99 To: JCM
STI 5/3/99
1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 531-0573
Radcliffe

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

April 29, 1999

Via Hand Delivery

Mr. Arnold Jablon, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204



**Re: Mid-Atlantic Realty Trust, Inc./Radcliffe Shopping
Center
Zoning Confirmation Letter
Our File No.: 03425/00132**

1015 York Rd

Dear Mr. Jablon:

Mid-Atlantic Realty Trust ("MART"), by and through its attorneys, Whiteford, Taylor & Preston L.L.P., hereby requests a zoning confirmation of the following.

In case number 94-213-A (Order dated December 28, 1993), the Zoning Commissioner granted a variance from BCZR Sections 102.2 and 238.2 to permit two buildings to have a distance between them of 30 feet in lieu of the required 60 feet for the proposed lot number 6 (see attached).

Although the above referenced variance was obtained, MART never created proposed lot number 6 nor did it build a structure on lot number 6.

MART now wishes to place a structure at the same location and footprint as the structure shown in case number 94-213-A. There will be a distance between the existing building and the proposed building of 30 feet in lieu of the required 60 feet.

Please confirm that the variance granted in case number 94-213-A from BCZR Sections 102.2 and 238.2 to allow two buildings to have a distance between them of 30 feet in lieu of the required 60 feet is still valid and can be

this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

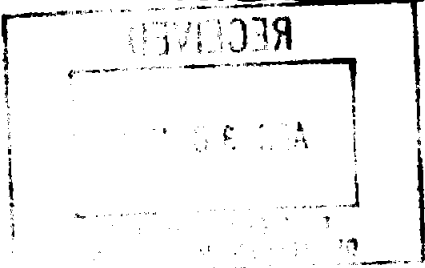
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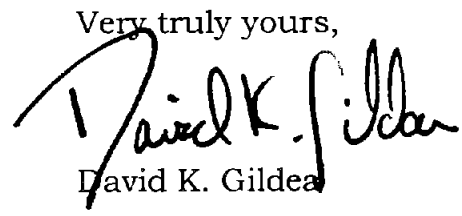
12/3/93
M. Novak



Mr. Arnold Jablon, Director
April 29, 1999
Page 2

applied to the proposed MART building, notwithstanding the fact that the previous lot 6 was never created.

Should you have any questions or comments, or should you require additional information, please contact me.

Very truly yours,

David K. Gildea

DKG:bhb

Enclosures

CC: Mr. Wilbur E. "Tom" Simmons, III, CSM, MART
Mr. Edmund F. Haile, P.E., DMW
Mr. Charles V. Main, P.E., DMW

166360

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067012

DATE 5/3/99 ACCOUNT 001-6150
AMOUNT \$ 40.00 (JCM)

RECEIVED FROM: Whiteford, Taylor & Preston
FOR: #99-1091
1015 York Road
Radcliffe Shopping Center

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
5/06/1999	5/05/1999	14:24:31
REG 4501	CASHIER JRIC JMR	DRAWER 1
Dept 5	528 ZONING VERIFICATION	
Receipt #	100623	UFLN
CP NO.	067012	
Receipt Tot		40.00
40.00 CR		.00 CA
Baltimore County, Maryland		

CASHIER'S VALIDATION

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S York Road, 180 ft. NW of *
c/l Radcliffe Road * ZONING COMMISSIONER
1015 York Road *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Round Hollow Ltd. Partnership * Case Nos. 94-213-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1015 York Road in Towson. The Petitioner requests relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building rear yard setback of 6 ft., in lieu of the required 30 ft., for proposed lot No. 6; a variance to allow a building side yard setback of 24 ft., in lieu of the required 30 ft., for lot No. 1A; and a variance from Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 ft., in lieu of the required 60 ft., for lot No. 1A and the proposed lot No. 6. All of the relief requested is more particularly shown on the site plan which was submitted at the hearing, marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Martin Pechter, a principal in Radcliffe Properties, Inc., a General Partner in Round Hollow Limited Partnership. Round Hollow Limited Partnership is the owner of the subject site. Also appearing was Richard L. Smith of KCI Technologies, Inc. Mr. Smith and his firm prepared the site plan. The Petitioner was represented by G. Paige Wingert, Esquire. There were no Protestants present.

207-1
2008/1
SC

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As depicted on the site plan, the Petitioner proposes a rather ambitious project to replace the Quality Inn building and use. A new one story building is to be constructed, containing 59,310 sq. ft. of space. Moreover, a new parking lot and configuration will be proposed. The exact plans for redevelopment of this site are shown on Petitioner's Exhibit No. 1. That plan shows that the subject property has been divided into a number of lots to support the proposed uses. Lot No. 1A will contain the proposed one story building described above, which will feature a Comp USA Computer Superstore and a Linens and Things houseware store. Lot No. 5A contains an existing Signet Bank which will remain. Lot No. 2 is the parcel which formerly contained a Sunoco Service Station. That use has also been closed down and will be replaced. The proposed lot No. 6 contains the Medix Building. This is the site of a medical careers training school which has been at this location for a number of years. Lastly, the site has a rather significant zoning history which is depicted on the plan. This history contains a number of Petitions previously filed for special exception uses which have existed on site and related variances.

The matter now comes before me as a result of the redevelopment of the site. As noted above, three variances are requested. They all relate

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The second variance relates to a side yard variance between the proposed retail building and internal lot line adjacent to the Medix building. A distance of 24 ft. in lieu of the 30 ft. is shown. The last variance relates to a distance between the two buildings described above. Adding the 24 ft. and 6 ft. dimension indicates a 30 ft. total distance to be maintained in lieu of the required 60 ft.

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By

CM. J. J. W.

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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 (1971). 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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It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special

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By

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of December, 1993 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building rear yard setback of 6 ft., in lieu of the required 30 ft., for proposed lot No. 6, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a building side yard setback of 24 ft., in lieu of the required 30 ft., for lot No. 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 ft., in lieu of the required 60 ft., for lot No. 1A and the proposed lot No. 6, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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,

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S York Road, 180 ft. NW of * ZONING COMMISSIONER
C/L Radcliffe Road *
1015 York Road * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District *
Round Hollow Ltd. Partnership * Case Nos. 94-213-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1015 York Road in Towson. The Petitioner requests relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building rear yard setback of 6 ft., in lieu of the required 30 ft., for proposed lot No. 6; a variance to allow a building side yard setback of 24 ft., in lieu of the required 30 ft., for lot No. 1A; and a variance from Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 ft., in lieu of the required 60 ft., for lot No. 1A and the proposed lot No. 6. All of the relief requested is more particularly shown on the site plan which was submitted at the hearing, marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Martin Pechter, a principal in Radcliffe Properties, Inc., a General Partner in Round Hollow Limited Partnership. Round Hollow Limited Partnership is the owner of the subject site. Also appearing was Richard L. Smith of KCI Technologies, Inc. Mr. Smith and his firm prepared the site plan. The Petitioner was represented by G. Paige Wingert, Esquire. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 12/28/93
By [Signature]

Testimony and evidence presented was that the subject site is comprised of approximately 5.70 acres and is zoned B.R. It is located immediately adjacent to York Road, next to an access ramp to the Baltimore Beltway (I-695). The property is well familiar to this Zoning Commissioner and was formerly the site of the Quality Inn Hotel. This hotel is no longer in business and the hotel building is to be razed. The property sits just behind the Howard Johnson's Restaurant, a familiar Towson landmark for many years.

As depicted on the site plan, the Petitioner proposes a rather ambitious project to replace the Quality Inn building and use. A new one story building is to be constructed, containing 59,310 sq. ft. of space. Moreover, a new parking lot and configuration will be proposed. The exact plans for redevelopment of this site are shown on Petitioner's Exhibit No. 1. That plan shows that the subject property has been divided into a number of lots to support the proposed uses. Lot No. 1A will contain the proposed one story building described above, which will feature a Comp USA Computer Superstore and a Linens and Things houseware store. Lot No. 5A contains an existing Signet Bank which will remain. Lot No. 2 is the parcel which formerly contained a Sunoco Service Station. That use has also been closed down and will be replaced. The proposed lot No. 6 contains the Medix Building. This is the site of a medical careers training school which has been at this location for a number of years. Lastly, the site has a rather significant zoning history which is depicted on the plan. This history contains a number of Petitions previously filed for special exception uses which have existed on site and related variances.

The matter now comes before me as a result of the redevelopment of the site. As noted above, three variances are requested. They all relate

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Date 12/28/93
By [Signature]

-2-

to internal setback distances between existing and proposed uses on the site. The first variance seeks approval of a rear yard setback of 6 ft. in lieu of the required 24 ft. This is actually the distance measured from the rear of the Medix building to the new property line created by the division of this property into new lots. The setback is purely internal in nature and is not relevant to a proposed distance to the tract boundary.

The second variance relates to a side yard variance between the proposed retail building and internal lot line adjacent to the Medix building. A distance of 24 ft. in lieu of the 30 ft. is shown. The last variance relates to a distance between the two buildings described above. Adding the 24 ft. and 6 ft. dimension indicates a 30 ft. total distance to be maintained in lieu of the required 60 ft.

Proffered testimony and evidence presented was that the subject variances are necessary in order to redevelop this property for useful purposes. Again, it was noted that the variance distances are all from internal lot lines. From the perspective of a patron utilizing this facility, the lot lines will contain no distinction. The Petitioner also noted that to deny the variances would cause a practical difficulty on the Petitioner. The property is of such configuration that it cannot be developed as proposed without the necessary variances. The existing buildings, the property's orientation toward York Road and the Beltway access ramp right-of-way were all cited as factors significant to justify the variances. Moreover, it was argued that a granting of the variances would be within the spirit and intent of the B.C.Z.R. and would be without detriment to the surrounding locale. Lastly, it was noted that the project does have the support of the nearest residential subdivision (Stoneridge Community Association),

ORDER RECEIVED FOR FILING
Date 12/28/93
By [Signature]

-3-

and that this redevelopment has been approved through the new development process. This is particularly significant in view of the Zoning Plans Advisory Committee comment offered by the Office of Planning and Zoning. Upon closer inspection, it appears that that comment goes to the use proposed on the old Sunoco Station site, which is irrelevant to this property. The Petitioner indicates that it has already obtained approval of its landscape plan and architectural drawings for the proposed improvements.

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special

ORDER RECEIVED FOR FILING
Date 12/28/93
By [Signature]

-4-

circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of December, 1993 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building rear yard setback of 6 ft., in lieu of the required 30 ft., for proposed lot No. 6, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a building side yard setback of 24 ft., in lieu of the required 30 ft., for lot No. 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 ft., in lieu of the required 60 ft., for lot No. 1A and the proposed lot No. 6, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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,

-5-

ORDER RECEIVED FOR FILING
Date 12/28/93
By [Signature]

this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/28/93
By [Signature]

-6-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 28, 1993

Paige Wingert, Esquire
Robert A. Hoffman, Esquire
Venable, Bastjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-213-A
Petition for Zoning Variance
Round Hollow Ltd. Partnership
Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

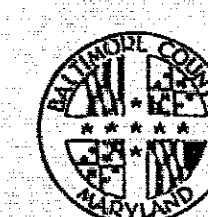
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

cc: Martin H. Pechter, Vice President
Radcliffe Properties, Inc.
Round Hollow Ltd. Partnership
40 York Road, 2nd Floor
Towson Md. 21204



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 1015 York Road, Towson, Maryland 21014
94-213-A which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 Sections 238.2 of the B.C.Z.R. to allow a building rear yard setback of 6 feet in lieu of the required 30 feet for proposed Lot 6; Variance of Section 238.2 of the B.C.Z.R. to allow a building side yard setback of 24 feet in lieu of the required 30 feet for Lot 1A; and Variance of Sections 102.2 and 238.2 of the B.C.Z.R. to allow two buildings to have a distance between them of 30 feet in lieu of the required 60 feet for Lot 1A and proposed Lot 6. (Hardship or practical difficulty to be determined at hearing.)

* buildings to have a distance between them of 30 feet in lieu of the required 60 feet for Lot 1A and proposed Lot 6.

Property is to be posted and advertised as prescribed by Zoning Regulations. A fee will be paid to the Zoning Commissioner for the cost of the posting, and further agree to and are bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

City

State

Zip

Phone No.

Legal Owner(s) Round Hollow Limited Partnership

By: Radcliffe Properties, Inc., General Partner

By: Martin H. Pechter, Vice-President

(Type or Print Name)

Signature

40 York Road, 2nd Floor 321-8460

Towson, Maryland 21204

City

Robert A. Hoffman, Esquire

210 Allegheny Avenue

Towson, Maryland 21204

City

State

Zip

Phone No.

DESCRIPTION
5.376 ACRE PARCEL
KNOWN AS 1015 YORK ROAD

This Description is for Yard Variances

Beginning for the same at a point on the east right-of-way line of York Road as shown on a plat of "Resubdivision and Addition to Property of Edwin K. & Thomas M. Gontum" recorded among the land records of Baltimore County in Plat Book EHK, Jr. 44, folio 128; said point of beginning being located N31° 38' 56"W 180 feet more or less from the center line of Radcliffe Road; thence running and binding on the right-of-way line of York Road as shown on the aforementioned plat (1) N31° 38' 56"W 22.57 feet to a point and (2) N31° 59' 56"W 120.55 feet to intersect the fillet line connecting York Road to the Baltimore Beltway, thence binding on said line (3) N12° 42' 47"E 140.72 feet to a point on the right-of-way line of the Baltimore Beltway, thence binding on said line (4) N58° 00' 04"E 426.00 feet to intersect the east line of the whole tract, thence binding on said line (5) S31° 59' 56"E 667.52 feet to a point; thence (6) S80° 59' 50"W 124.14 feet to a point, thence (7) S58° 21' 04"W 100.00 feet to intersect the east right-of-way line of Radcliffe Road, thence binding on said right-of-way line the three following courses and distances (8) N31° 38' 56"W 88.37 feet, (9) by a curve to the left with a radius of 135.00 feet, an arc length of 212.06 feet and a chord of N76° 38' 56"W 190.92 feet and (10) S58° 21' 04"W 28.15 feet to intersect the east line of Lot 2 as shown on the aforementioned plat, thence binding on the east and north lines of said Lot 2 (11) N31° 38' 56"W 150.00 feet and (12) S58° 21' 04"W 150.00 feet to a place of beginning.

Containing 5.376 Acres, more or less or 234,179 square feet.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 94 Date of Posting: 12/19/93
Posted for: Round Hollow Limited Partnership
Petitioner: Robert A. Hoffman, Esquire
Location of property: 1015 York Rd., Towson, MD 21204
Location of Sign: On the property at the intersection of York Rd. and the Baltimore Beltway
Remarks: None
Posted by: Arnold Jablon Date of return: 12/24/93
Number of Signs: 1

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 identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m. on Monday, December 20, 1993 at 10:00 a.m. in Room 118, Old Courthouse.

Case Number: 94-213-A (Item 215)
1015 York Road
E/S York Road, 180' NW of c/l Radcliffe Road
9th Election District - 4th Councilmanic
Petitioner(s): Round Hollow Limited Partnership
Hearing: MONDAY, DECEMBER 20, 1993 at 10:00 a.m. in Room 118, Old Courthouse

Variance to allow a building rear yard setback of 6 feet in lieu of the required 30 feet for proposed lot 6; to allow a building side yard setback of 24 feet in lieu of the required 30 feet for lot 1A; and to allow two buildings to have a distance between them of 30 feet in lieu of the required 60 feet for lot 1A and proposed lot 6.
Lawrence E. Schmidt, Zoning Commissioner for Baltimore County
NOTES: (1) Petitioner(s) are to be present at the hearing. (2) For information concerning the file and/or hearing, please call 887-3353.
12/02 December 2

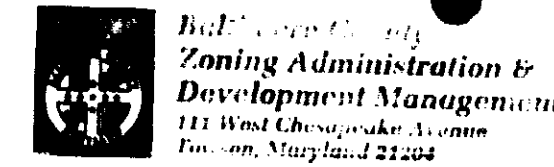
CERTIFICATE OF PUBLICATION

TOWSON, MD. 12/2 1993

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 12/2 1993

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON



receipt

Date: 11-19-93 94-213-A Item Number: 215
Round Hollow Limited Partnership
1015 York Rd.
4000 - Commercial Variance - \$250.00
4080 - Sign Posting - 35.00
Total \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

ZONING HEARING, ADVERTISING, AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 215
Petitioner: Round Hollow Limited Partnership
Location: 1015 York Rd., Towson, Md 21204
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: 210 Allegheny Ave
Towson, Md 21204
PHONE NUMBER: 410-494-6200

AJ:qgs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 24, 1993

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-213-A (Item 215)
1015 York Road
E/S York Road, 180' NW of c/l Radcliffe Road
9th Election District - 4th Councilmanic
Petitioner(s): Round Hollow Limited Partnership
HEARING: MONDAY, DECEMBER 20, 1993 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a building rear yard setback of 6 feet in lieu of the required 30 feet for proposed lot 6; to allow a building side yard setback of 24 feet in lieu of the required 30 feet for lot 1A; and to allow two buildings to have a distance between them of 30 feet in lieu of the required 60 feet for lot 1A and proposed lot 6.

Arnold Jablon
Director

cc: Round Hollow Limited Partnership
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & PETITION MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 10, 1993

Robert A. Hoffman, Esquire
Venble, Bantjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-213-A, Item No. 215
Petitioner: Round Hollow Limited Partnership
Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 November 19, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

DECEMBER 7, 1993

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: MEETING OF NOVEMBER 29, 1993

Property Owner: Jerome A. Siegel, et al
Location: #6500 Block Baltimore National Pike -- Pike Park Plaza
Item No.: +210 (JCM)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Round Hollow Limited Partnership
Location: #1015 York Road
Item No.: +215 (JJS)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Giles Building and Development Company
Location: #6918 Ridge Road - Fuller Medical Center
Item No.: +216 (MKK)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Frost Brothers Development Corporation
Location: #5 Russell Frost Court
Item No.: 217 (JRF)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Manor Farm Homes, Inc.
Location: #6 Clarion Court
Item No.: 206 (JRF)
Comment: 7. The Fire Prevention Bureau has no comments at this time.

Property Owner: Arthur Smith & Arlene Smith
Location: #950 Seneca park Road
Item No.: 207 (MKK)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: December 9, 1993

SUBJECT: 1015 York Road

INFORMATION:
Item Number: 215
Petitioner: _____
Property Size: _____
Zoning: B.R.
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments:

These Variances are necessitated by a proposed re-subdivision of this shopping center which contains several lots controlled by the same general partnership and several limited partnerships.

This shopping center is located within the Towson Community Plan (adopted February 3, 1992) by the Baltimore County Council. The site is located within the York Road North Design area. The Towson Community Plan recommendations that effect this site involve the following:

1. York Road is designated as a gateway corridor which should incorporate special landscaping and design treatment.
2. The Design Review Panel made comments on the proposed Provident Bank shown as Lot 2 on this plan (see attached comments). Since the lot line between Lots 2 and 6 is shared, some of the comments with regard to landscaping and access to York road also apply to this site.

Therefore, the proposed streetscape should be amended to be consistent with the comments made on the landscape and site plan prepared by Paul Lee Engineering dated 9/18/93 and 10/19/93, respectively. In addition, the landscaping treatment and the closed shared entrance on York Road at the southwest corner of Lot 6 must be shown on the plan.

The office recommends restricting the Variances to those specific buildings as shown on the site plan dated November 6, 1993. If in the future the existing Medix School is redeveloped, its access to York Road, parking, landscaping, circulation and connections to lots 2 and 1A would need further review. Future redesign of the Beltway ramp could effect the one remaining entrance to lot 6 from York Road.

Prepared by: Diana Still

Division Chief: Bob Small

PK 221W



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

February 18, 1994

Re: Baltimore County
Item No. #215 (JJS)
MD 45
Round Hollow
Limited Partnership
Proposed Provident Bank
Variance Request

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we offer the following:

We have no objection to approval for the requested variance to allow a building rear yard setback of 6' in lieu of the required 30' for proposed lot 6, to allow a building side-yard setback of 24' in lieu of the required 30' for lot 1A; and to allow two (2) buildings to have a distance between them of 30' in lieu of the required 60' for lot 1A and proposed lot 6.

However, we had previously reviewed a site plan for the proposed development and in a letter to Mr. Donald Rascoe, Development Manager for Baltimore County, dated May 25, 1993, we indicated the existing 25' entrance located on the southernmost quadrant of the property frontage was acceptable to the State Highway Administration (SHA).

The following improvements to the existing "use-in-common" entrance and property frontage would be a condition of plan approval from this office in order to provide adequate ingress and egress and eliminate the potential for stacking problems onto York Road:

1. To reconstruct the existing "use-in-common" entrance to a 25' right-in/right-out with 15' radii (as indicated on the attached copy of the plan).
2. Provide SHA standard handi-cap ramps for the new curb radii for the use-in-common entrance.
3. Replace the damaged curb and gutter sections located on the south side of the use-in-common entrance.

My telephone number is 410-333-1350 (Fax # 333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
February 18, 1994

4. Replace in kind any damaged sidewalk areas along the property frontage.

Although our review of the current plan reveals the site conditions at the existing "use-in-common" entrance to be somewhat different than the plan we had reviewed in May of 1993, the aforementioned entrance improvements remain valid as a condition of plan approval by this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Charlotte Minton
Page Three
February 18, 1994

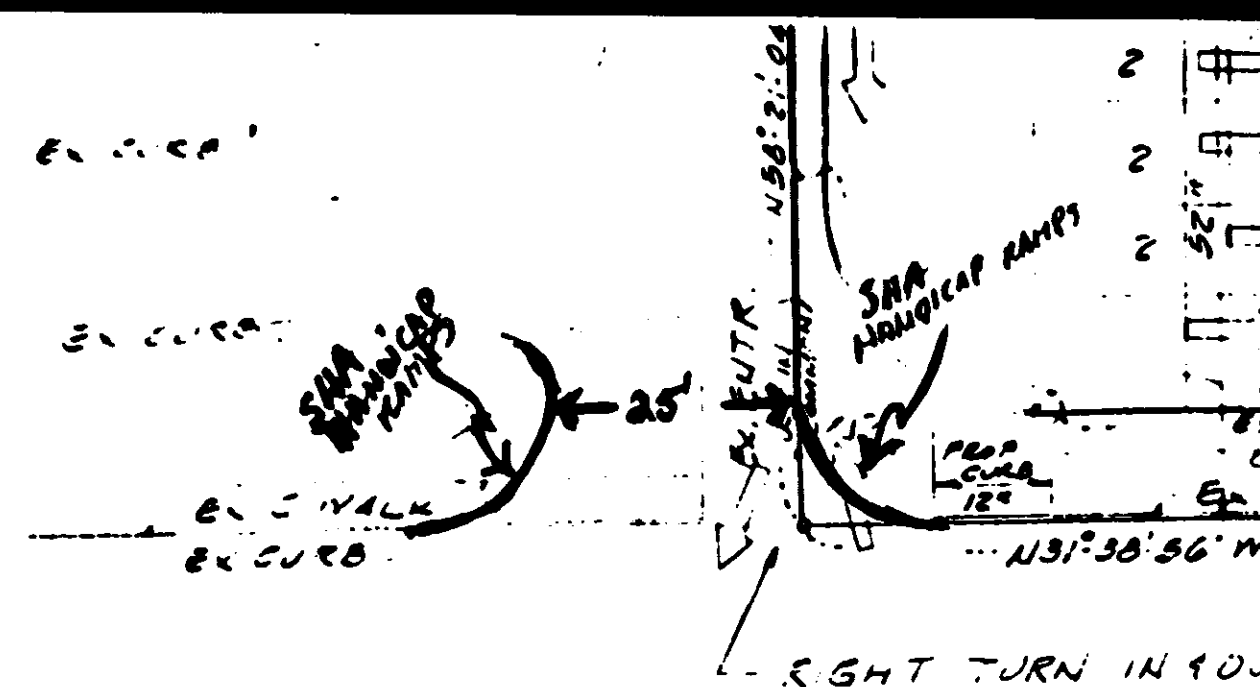
Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

Attachment



YORK RD. EX CURB
EX GUT



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

March 14, 1994

Re: Baltimore County
Item No. #215 (JJS)
MD 45
Round Hollow
Limited Partnership
Proposed Provident Bank
Variance Request
Mile Post 2.85

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we offer the following:

We have no objection to approval for the requested variance to permit a 7' setback for parking spaces to road right-of-way line in lieu of the required 10' and to permit a 15' setback for a drive-thru window canopy from road right-of-way line in lieu of the required 37.5'.

However, we had previously reviewed a site plan for the proposed development and in a letter to Mr. Donald Rascoe, Development Manager for Baltimore County, dated May 25, 1993, we indicated the existing 25' entrance located on the southernmost quadrant of the property frontage was acceptable to the State Highway Administration (SHA).

The following improvements to the existing "use-in-common" entrance and property frontage would be a condition of plan approval from this office in order to provide adequate ingress and egress and eliminate the potential for stacking problems onto York Road:

1. To reconstruct the existing "use-in-common" entrance to a 25' right-in/right-out with 15' radii (as indicated on the attached copy of the plan).
2. Provide SHA standard handi-cap ramps for the new curb radii for the use-in-common entrance.
3. Replace the damaged curb and gutter sections located on the south side of the use-in-common entrance.

My telephone number is 410-333-1350 (Fax # 333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Charlotte Minton
Page Two
March 14, 1994

4. Replace in kind any damaged sidewalk areas along the property frontage.

Although our review of the current plan reveals the site conditions at the existing "use-in-common" entrance to be somewhat different than the plan we had reviewed in May of 1993, the aforementioned entrance improvements remain valid as a condition of plan approval by this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Ms. Charlotte Minton
Page Three
March 14, 1994

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

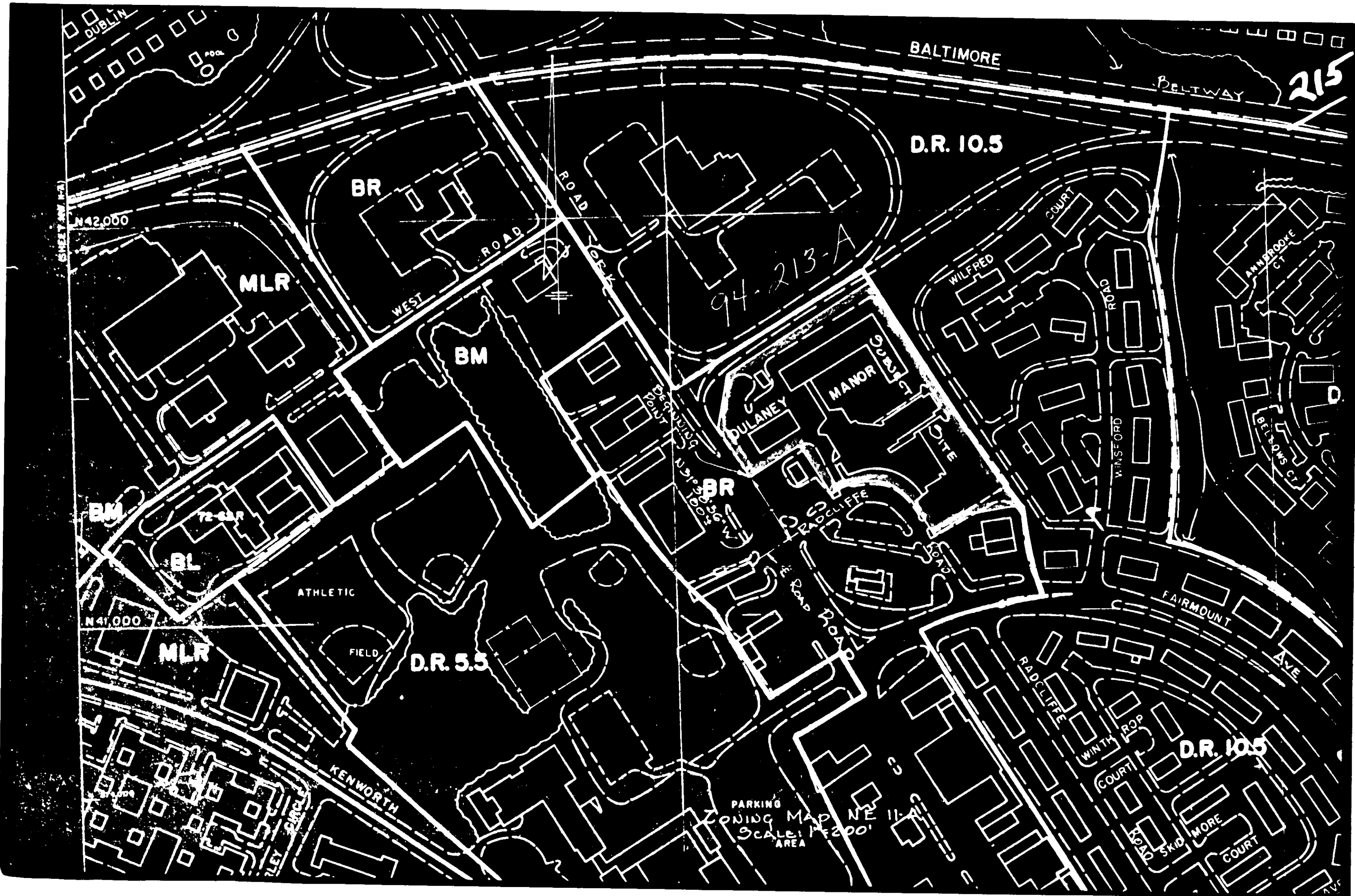
David Ramsey, Acting Chief
Engineering Access Permits
Division

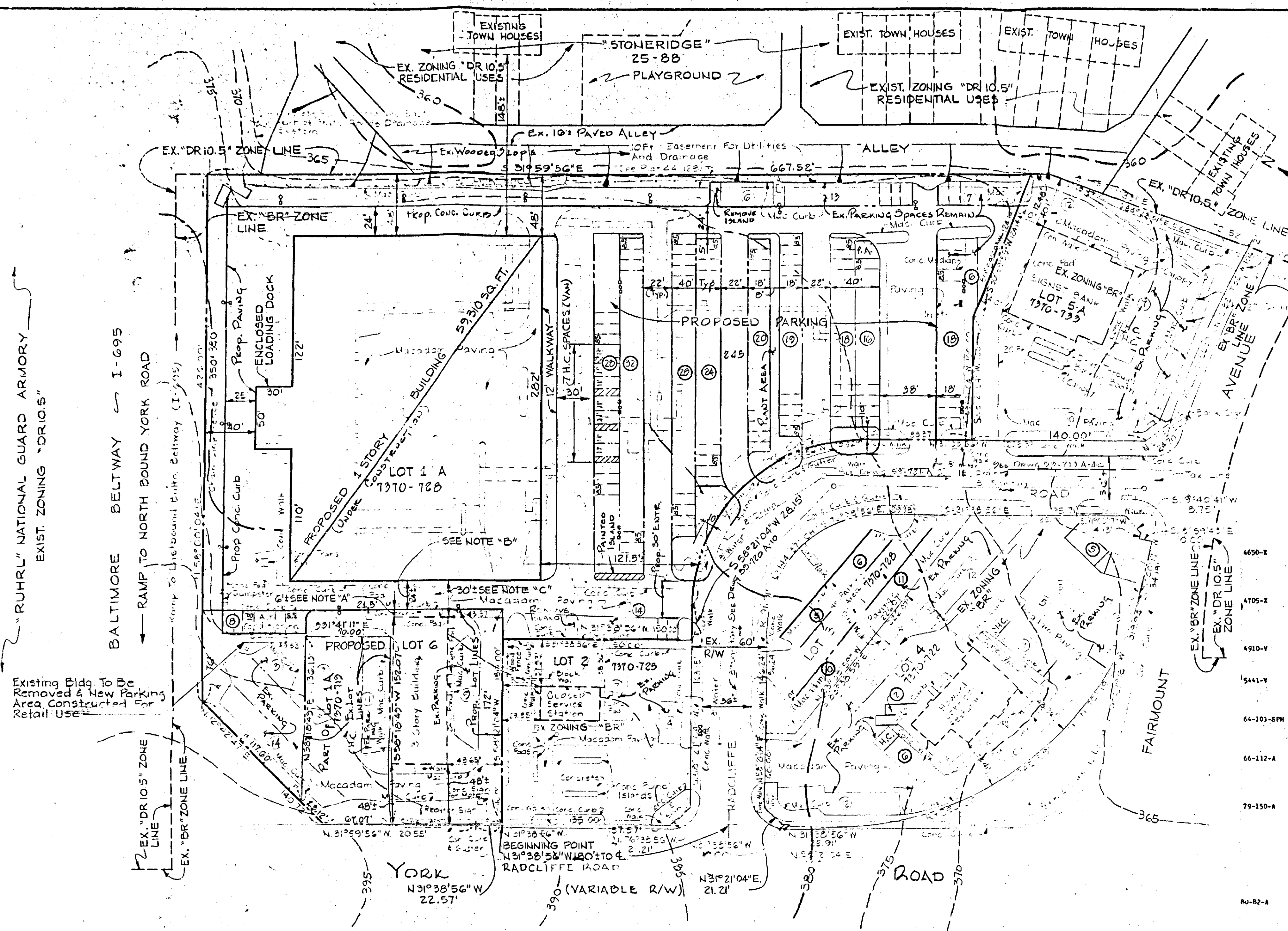
BS/es

Attachment

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
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"RUHL" NATIONAL GUARD ARMORY
EXIST. ZONING "DR10.5"

BALTIMORE BELTWAY - I-695
RAMP TO NORTH BOUND YORK ROAD

Existing Bldg. To Be
Removed & New Parking
Area Constructed
Retail Use

EX. "DR10.5" ZONE LINE
EX. "BR" ZONE LINE
EX. "DR10.5" ZONE LINE

ZONING HISTORY

- Special Exception for a gasoline service station granted by the Deputy Zoning Commissioner 5/20/59. E/S York Road, 1100' N Fairmount Avenue, 150' x 125'. Restricted for no overnight parking of trucks, trailers or other commercial vehicles on the property.
- Special Exception for a gasoline service station granted by the Deputy Zoning Commissioner on 7/20/59. E/S York Road, 1100' N Fairmount Avenue, 150' x 125'. Restricted for no overnight parking of trucks, trailers or other commercial vehicles on the property.
- A variance to permit a 194 sq. ft. advertising structure in lieu of the allowed 150 sq. ft. was granted by the Zoning Commissioner on 7/2/81. S/E corner of York and Radcliffe Roads.
- A variance to permit a 369 sq. ft. sign in lieu of the allowed 150 sq. ft. is granted 1/4/81 by the Zoning Commissioner. (County Court Subsequent Decision) E/S York Road, 150' N of Radcliffe Road.
- A Special Hearing to permit the erection of a 4' x 6' business sign for a real estate agency, granted by the Zoning Commissioner 4/14/64. The Board of Appeals granted the sign on appeal 3/3/65. E/S York Road, 1105' N of hotel entrance, 24' off of York Road.
- A variance to permit a front yard setback of 45' in lieu of the required 50 feet, and a 0' setback in lieu of the required 30 feet granted by the Zoning Commissioner on 11/4/65. Appealed to the Board of Appeals and granted by same on 1/26/66. 101' x 120' motel building, E/S York Road, 150' N Radcliffe Road.
- Variances to permit a 24' rear yard setback in lieu of the required 30' and 337 parking spaces in lieu of the required 397 spaces granted by the Deputy Zoning Commissioner 1/18/79. 82' corner Fairmount Avenue and Radcliffe Road and E/S York Road. The site plan in the file contained a restriction that the motel cannot use all meeting room space for meetings, food service, or retail purposes which would exceed a demand for 158 spaces. Also, it is understood that another parking variance will be applied for on or before 5/15/79 that would cover all the uses that would take place on the property at any given time.
- A variance to permit 337 parking spaces in lieu of the required 487 spaces granted with restrictions by the Zoning Commissioner 10/1/79. Restriction 22 removed by the Zoning Commissioner 10/20/79.
- 1) The use of the property being an presently established with guest rooms, banquet rooms, kitchen, pool, auditorium, center, and lobby, as shown on Petitioner's Exhibit 2, entitled "Plan to Accompany Zoning Petition for Parking Variance", prepared by George W. Stephens, Jr., dated 4/2/78.
- 2) Continuation of availability of use of area leased to the Union Trust Company of Maryland for overflow parking thereon during non-banking hours, or, in the alternative, the provision of equivalent overflow parking on the subject property through on-site attendant parking, at no charge, during peak demand periods.
- 3) Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

GENERAL NOTES

- Area Of Property Of Lot 1A To Be Redeveloped = 5.4 Acres (234,179 S.F.). Gross Area = 5.70 Ac ± (248,360 S.F.)
- Existing Zoning Of Property "BR"
- Existing Use Of Property - Retail Building Under Construction And
- Proposed Use Of Property:
A. Lot 1-A - Commercial (Retail Use)
B. Lot 6 - Trade School
- Off-Street Parking:
A. Proposed Retail Use = 59,310 S.F. Requiring 296.6 Spaces
B. Existing Staff For Trade School = 35 Requiring 35 Spaces (1/Staff Person)
C. Total Spaces Required = 425 (See Parking Tabulation)
D. Total Spaces Existing & Proposed = 460 See Parking Tabulation Of Adjacent Lots. Reciprocal Parking Agreements Exist.
- Floor Area Ratio:
A. Allowed = 496,600 Sq. Ft. (2 x 248,360)
B. Proposed = 75,562 Sq. Ft. = 0.30 (75,562 - 248,360)
- Amenity Open Space:
A. Required = None
B. Existing & Proposed = 54,500 Sq. Ft.
C. MTA Bus Route N28 Serves The Site.
D. Existing Utilities Exist at the Site.
- Proposed A.D.T.'s For The Retail Use = 4900
- Level Of Service At York Road & Fairmount Avenue Is "C"
- Parking Area Lighting Will Be Directed Down & Away From Existing Adjacent Residential Uses. (One Indicated Proposed 350 Watt High Pressure Sodium Lights On A 10' Pole With A 30' Concrete Base)
- Afforestation Calculations Have Been Approved And "In Lieu Of" Fee Has Been Paid To Baltimore Co. By The Petitioner.
- Nearest Group Of Townhouses Are 148' From The Proposed Building And Approximately 18' Lower In Elevation.
- Storm Water Management & Water Quality Management Waived 6-7-93.
- Site Granted Limited Exemption 4-27-93
- Signage Will Be In Conformance With Sections 41.5.6 & 41.5.5 Of The DCZR

PROPERTY OWNERSHIP OF LOTS
Lot 1A, Part of Lot 1A & Lot 3: (Motel Lot, Trade School & 32 Space Parking Area)
Round Hollow Limited Partnership
Lot 2: (Gas Service Station)
Taiton Limited Partnership
Lot 3: (Howard Johnson Restaurant)
Yorkway Associates Limited Partnership
Lot 4: (Signet Bank)
Radcliffe Limited Partnership
Lot 5: (Signet Bank)
Radcliffe Limited Partnership
Note: All The Limited Partnerships Have The Same General Partner.

VARIANCES REQUESTED

- Note "A" - Petitioner is Requesting a Variance to Section 238.2 of the BCZR to Allow a Building Rear Yard of 6' Instead of the Required 30'. A Variance of 24'.
- Note "B" - Petitioner is Requesting a Variance to Section 238.2 of the BCZR to Allow a Building Side Yard of 24' Instead of the Required 30'. A Variance of 6'.
- Note "C" - Petitioner is Requesting a Variance to Sections 102.2 & 238.2 of the BCZR to Allow Two Buildings to Have a Distance Between Them of 30' Instead of the Required 60'. A Variance of 30'.

PETITIONER'S
EXHIBIT No 1

PARKING TABULATION				
USE	SQ. FOOTAGE	REQUIRED	REQD SPACES	EX. SPACES
SIGNET BANK	5865	3.3/1000	19.4	38
RESTAURANT	3365	20/1000	67.3	78
SERVICE STA. 2 SV. BAYS	1330	3/5V. BAY	6	11
PROPOSED RETAIL	59,310	5/1000	296.6	257
TRADE SCHOOL		1/STAFF	35	44
EX. PARKING AREA LOT 3				32
TOTALS			424.3-425	460

PLAT TO ACCOMPANY PETITION FOR VARIANCES
VICINITY
YORK ROAD & RADCLIFFE ROAD,
ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 4 BALTIMORE COUNTY, MD

94-213-A

ZADM N2 IX-G02

DATE	DATE	REVISIONS	KCI TECHNOLOGIES INC. ENGINEERS • PLANNERS • SURVEYORS 1020 CROWWELL BRIDGE ROAD BALTIMORE, MARYLAND 21204 (410) 321-5520	DEVELOPER J.H.P. DEVELOPMENT, INC. 40 YORK ROAD TOWSON, MD 21204 (410) 321-8777	OWNER & PETITIONER ROUND HOLLOW LIMITED PARTNERSHIP 40 YORK ROAD, TOWSON MD 21204 (410) 321-8777	PLAT TO ACCOMPANY PETITION FOR VARIANCES VICINITY YORK ROAD & RADCLIFFE ROAD, ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 4 BALTIMORE COUNTY, MD	SHEET 1 OF 1	DATE Nov. 10, 1993 SCALE 1" = 50'	JOB NUMBER 94-93020
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