



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 6, 1996

Ann E. Betten
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21244

RE: Festival at Woodholme
Phase I and II
5th CRG Refinement, Plan
Building Permit #B-256839 and
B-259539
Zoning Case #94-440-SPHXA
3rd Election District

Dear Ms. Betten:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. As per my telephone conversation in January with a gentlemen in reference to these two permits and my letter of February 20, 1996, the building configuration and height on the submitted building permit site plan differs with those approved by zoning hearing case #94-440-SPHXA and the 5th CRG refinement plan. At that time it was stated that a spirit and intent letter was required. The recent request for same to be approved as being within the spirit and intent of the aforementioned approved plans has been approved.

Please be advised that on February 28, 1996 I telephoned Mr. Michael Greenbaum and advised him that building permit application #B-256839 states that the building is to be constructed on lot #4 while the permit application for the foundation for the same building (permit #B259539) states lot #5 and must be corrected. Each permit application was signed by an employee of Design Collective. Both permits have been approved.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Sincerely,

A handwritten signature in dark ink, appearing to read "John J. Sullivan, Jr.", is written over the typed name.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS/jnw



B-256839
(48-257559)
??
Pat Cashier

D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

February 12, 1996

Arnold Jablon, Esquire
Baltimore County, Maryland
Office of Zoning Administration and
Development Management
111 West Chesapeake Avenue
Towson, MD 21204

RE: Festival at Woodholme
Phases I and II
2nd Amended CRG Plan
Phase Two and
Amended Plat to
Accompany Zoning Petition

Dear Mr. Jablon:

This letter is a request for approval of the enclosed "red-lined" plan as being within the spirit and intent of the last approved plan per Zoning Case #94-440-SPHXA.

The use of the property will remain the same. The changes highlighted on the plan are simply refinements to the plan previously approved. The building footprints have been revised slightly to reflect the as-built survey. The building square footage has been adjusted to reflect the final architectural plans with the parking spaces and the drop-off areas adjusted accordingly.

There are a number of phases for the development of Festival at Woodholme. The lot numbers on the attached plan have been changed so that the lot numbers in all of the phases follow consecutively.

Lot No. 6 and Parcel B were created from Lot No. 5 in order to facilitate a future land exchange with Greyrock and The Margate. (Lot No. 6 Plat Reference S.M. 67/115).

No other changes are currently proposed to any of the variances granted in Case No. 94-440-SPHXA.

Page 2
February 12, 1996
Arnold Jablon, Esquire

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

A handwritten signature in cursive script, appearing to read "Ann E. Betten".

Ann E. Betten

96-959

D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

2/26/96
g

Date 2/26/96

To: Baltimore County, MD
Zoning
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Festival at Woodholme
Phase I & II

Attention: Mr. John Sullivan

Gentlemen:

- ☒ We are submitting
- ☐ We are forwarding
- ☐ We are returning
- ☐ We request

☒ Herewith

☐ Under Separate Cover

No.	Description
2	Red Lines
1	Filing Fee & Justification

Remarks:

- ☐ In accordance with your request
- ☒ For your review
- ☒ For processing
- ☐ Plans reviewed and accepted
- ☐ Plans reviewed and accepted as noted
- ☐ For revision by you

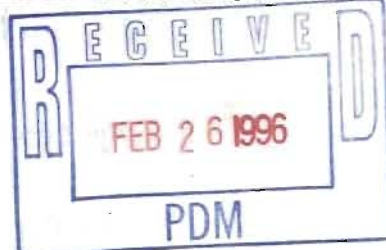
- ☐ For your use
- ☐ Please call when ready
- ☐ Please return to this office
- ☒ Approval requested
- ☐ Conference requested at your convenience

For further information, please contact the writer at this office

CC: file

Enclosure ☒

B. Bronstein
Mark Bennett



Sincerely yours,

Stacey A. McArthur

Stacey A. McArthur, R.L.A.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-1810

January 13, 1995

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-440-SPHXA
GREENEBAUM & ROSE INVESTMENTS
PARTNERSHIP, ET AL
(FESTIVAL AT WOODHOLME)
3rd District

Dear Mr. Bronstein:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. Stewart J. Greenebaum
Greenebaum & Rose
Mr. Philip Antonucci
Hoff & Antonucci Associates
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING *
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE *
W/S Greentree Road, 640' N
of Hooks Lane (Festival at
Woodholme), 3rd Election
Dist., 3rd Councilmanic Dist. *
GREENBAUM & ROSE INVESTMENTS PARTNERSHIP.
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-440-SPHXA
Petitioners *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

May 6, 1994

HAND DELIVERED

Mr. John Lewis
Office of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Sinai Fitness/Woodholme Center

Dear Mr. Lewis:

In reference to the above entitled project I have enclosed in triplicate a Petition for Special Exception, a Petition for Variance and a Petition for Special Hearing. Attached to the Petitions are 12 site plans, three descriptions, a copy of the 200 scale zoning map together with my check for costs.

It is my understanding from Gwen Stephens that this case can be set in for hearing on June 22, 1994. While I do not anticipate opposition, I suggest that the entire day be reserved for this case.

Thank you for your kind assistance and cooperation.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein

BB/mlg
Enclosures
cc: Ms. Gwen Stephens
Office of Zoning Administration
and Development Management

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

May 6, 1994

HAND DELIVERED

Mr. John Lewis
Office of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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Very truly yours,
EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein

BB/mlg
Enclosures
cc: Ms. Gwen Stephens
Office of Zoning Administration
and Development Management

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

June 20, 1994

Mr. John Lewis, Zoning Technician
Office of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-440-SPHXA
W 678 Greentree Road, 640' N of Hooks Lane
Festival at Woodholme
3rd Election District
3rd Councilmanic District
Petitioner(s): Greenebaum & Rose
Investments Partnership, a Maryland
Partnership and WH-I Land Limited
Partnership, Woodholme Office, Inc.

Dear Mr. Lewis:

In reference to the above entitled matter, I am enclosing twelve (12) copies of the Amended Plat to Accompany the Zoning Petition for filing in the above entitled case. While the Amended Plat requires amending some of the requested variances, it adds no new variances nor does it change the spirit and intent of the entire plan.

On or before the time of hearing I will amend by interlineation the requested variances. It is our intention to proceed with the hearing on June 23, 1994.

I have enclosed my check for costs in the amount of \$100.00 to cover the cost of amendment.

LAW OFFICES OF
TABOR, BETTEN AND BERMAN

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

PROFESSIONAL ASSOCIATION
SUITE 1115 THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

TELEPHONE 847-1800
FACSIMILE 847-0436
AREA CODE 410

June 21, 1994

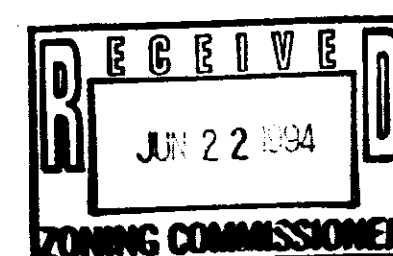
VIA HAND DELIVERY

Mr. Pat Keller, Director
Baltimore County Department
of Planning and Zoning
Administration
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

RE: Case No. 94-440-SPHXA (Item 427),
Festival At Woodholme

Dear Mr. Keller:

This firm represents Pikesville Community Growth Corporation ("PCGC") with regard to the above-captioned matter. PCGC hereby requests that it be noted in the case file concerning this matter that it does not oppose the special exception requested by the Petitioners for a health and fitness club in an O-2 zone, as well as the several variances requested attendant to such special exception, provided that the granting of such special exception and the related variances are specifically limited to the use of the Petitioner's proposed 56,000 square foot building for a health and fitness club, such as Sinai Fitness, or for other commercial office uses as are permitted in an O-2 zone. PCGC remains adamantly opposed to the granting of any special exception and related variances that would act as a blanket permission to the Petitioners to use the proposed 56,000 square foot facility for any purpose other than those commercial office uses currently permitted in an O-2 zone.



LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

August 2, 1994

Board of Appeals for Baltimore County
Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

Attn: Ms. Kathleen C. Weidenhammer
Administrative Assistant

RE: Festival at Woodholme
Petitioner: Greenebaum & Rose
Investments Partnership, et al.
Case No. 94-440-SPHXA

Dear Ms. Weidenhammer:

Please dismiss the appeal noted by me on behalf of Greenebaum & Rose Investments Partnership and WH-I Land Limited Partnership from the order of the Deputy Zoning Commissioner dated June 28, 1994 in the above entitled case.

Sincerely,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlg
cc: Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Carole S. Demilio, Esquire
Deputy People's Counsel for Baltimore County

94 AUG -3 PM12:03

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 24, 1994

SUBJECT: West side of Greentree Rd. & 40 ft. north of Hook Lane

INFORMATION: *W. 440 SPHXA*

Item Number: 427

Petitioner: Greenbaum & Rose Investments, Partnership

Property Size:

Zoning: O-2 and D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The Planning Office has had a number of meetings over the last several months with the developer and his designers, and attorney. These meetings were primarily devoted to reviewing a variety of design concepts that would accommodate the special needs of the proposed Sinai Fitness facility and its associated offices, while maintaining the same degree of quality found in the remainder of the complex. An attempt was also made to minimize the impact of the two large buildings on the residential community of Greentree, which is located immediately east of Greentree Road.

We find that the plan submitted accomplishes these goals. Although the site design does require a series of Variances, a Special Exception, and a Special Hearing, this Office supports the subject request and recommends its approval.

Prepared by:

Division Chief:

PK/JULW

ZAC, 427/PZONE/ZAC1

Pg. 1

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/17/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
Rm. 5100-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Towson Agenda:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 421, 421, 424, 426, AND 427.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

RECEIVED
MAY 18 1994

ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 1, 1994

Mr. Philip Antonucci
Hoff & Antonucci Associates
1717 York Road, Suite 1B
Lutherville, MD 21193

RE: Petition for Special Exception, Special Hearing
and Zoning Variance
W/S Greentree Road 640 ft. North of Hooks Lane
(Festival at Woodholme)
3rd Election District
3rd Councilmanic District
Greenbaum & Rose Investments
Partnership-Petitioner
Case No. 94-440-SPHXA

Dear Mr. Antonucci:

Please be advised that an appeal of the above-referenced case was filed in this office on June 29, 1994 by Benjamin Bronstein, Esquire on behalf of Greenbaum & Rose Investments Partnership and WH-I Land Limited Partnership. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Stewart J. Greenbaum
People's Counsel

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 1, 1994

Mr. Philip Antonucci
Hoff & Antonucci Associates
1717 York Road, Suite 1B
Lutherville, MD 21193

RE: Petition for Special Exception, Special Hearing
and Zoning Variance
W/S Greentree Road 640 ft. North of Hooks Lane
(Festival at Woodholme)
3rd Election District
3rd Councilmanic District
Greenbaum & Rose Investments
Partnership-Petitioner
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If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Stewart J. Greenbaum
People's Counsel

Printed with Soybean Ink
on Recycled Paper

88/mg/06.29.94

IN RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & ZONING VARIANCE * ZONING COMMISSIONER
W/S GREENTREE ROAD *
640' NORTH OF HOOKS LANE *
FESTIVAL AT WOODHOLME * FOR
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *

Petitioners: GREENBAUM & ROSE *
INVESTMENTS PARTNERSHIP *
A MARYLAND PARTNERSHIP *
AND WH-I LAND LIMITED *
PARTNERSHIP *

Petitioners * CASE NO.: 94-440-SPHXA

NOTICE TO ENTER APPEAL

Please enter an appeal on behalf of Greenbaum & Rose Investments Partnership and WH-I Land Limited Partnership, 1829 Reisterstown Road, Baltimore, Maryland 21208 to the Board of Appeals from the Order of the Deputy Zoning Commissioner dated June 28, 1994 granting the Special Exception in the above captioned case. Please enter my appearance on behalf of the Appellant.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

4/29/94
ZONING OFFICE

APPEAL

Petition for Special Hearing, Special Exception
and Zoning Variance
W/S Greentree Road, 640 ft. N of Hooks Lane
(Festival at Woodholme)
3rd Election District - 3rd Councilmanic District
Greenbaum & Rose Investments Partnership and
WH-I Land Ltd. Partnership-PETITIONER
Case No. 94-440-SPHXA

Petition(s) for Special Hearing, Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protest(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Zoning Petition

2 - Plat to Accompany Zoning Petition

3 - The Traffic Group

4 - Abbreviated Client List
Jeffrey M. Benaky Resume

Deputy Zoning Commissioner's Order dated June 28, 1994 (Granted)

Notice of Appeal received on June 29, 1994 from Benjamin Bronstein, Esquire on behalf of Greenbaum & Rose Investments Partnership and WH-I Land Limited Partnership

c: Mr. Philip Antonucci, Hoff & Antonucci Associates, 1717 York Road, Suite 1B, Lutherville, MD 21193
Mr. Stewart J. Greenbaum, Greenbaum & Rose, Woodholme Center, 1829 Reisterstown Road, Suite 410, Baltimore, MD 21208
Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 13, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-440
GREENBAUM & ROSE INVESTMENTS PARTNERSHIP, ET AL
(FESTIVAL AT WOODHOLME)
District 3

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

Case No. 94-440-SPHXA
Festival at Woodholme

Greenbaum & Rose Investment Partnership et al -Petitioners

8/03/94 -Letter of Dismissal dated August 2, 1994 filed by Benjamin Bronstein, Esquire, on behalf of Appellants /Petitioners. Order of Dismissal to be issued by Board.

ZONING HEARING ADVERTISING AND FILING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors/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.

Carl Jahn
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 427
Petitioner: *Greenebaum & Rose Investments Partnership, et al.*
Address: *111 W. Chesapeake Avenue, Towson, MD 21204*
Phone: *410-440-SPHXA*
Fax: *410-440-SPHXA*
E-mail: *410-440-SPHXA*

MUST BE SUPPLIED

Item Number: 427
Planner: JLL
Date Filed: 5-16-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophie. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acres
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BC2R section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: POTOMAC PUBLISHING COMPANY
May 19, 1994 Issue - Jeffersonian

Please forward billing to:
Stewart J. Greenebaum
410 Woodholme Center
1829 Rutherford Road
Baltimore, Maryland 21204
410-8400

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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-440-SPHXA (Item 427)
W/S Greentree Road, 640' N of Hooks Lane
Festival at Woodholme
3rd Election District - 3rd Councilmanic
Petitioner(s): Greenebaum & Rose Investments Partnership, a MD Partnership
and M-1 Land Limited Partnership, Woodholme Office, Inc.
HEARING: THURSDAY, JUNE 23, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse.

Special hearing to approve a commercial access through a residential zone.
Special Exception for a health and fitness club in an O-2 zone.
Variance to permit 108 parking spaces in lieu of the required 385 and to approve a modified parking plan; to permit parking on a travelway; to permit an aggregate adjusted gross floor area of 27A in lieu of the maximum 10A for accessory conference facilities or commercial use; to permit a setback of 70 feet from a D.R. zone in lieu of the required twice the height of the building; and to permit a FAR of .41 in lieu of the required maximum .4 for the existing building on lot 1A and to permit a FAR of .46 in lieu of the permitted FAR for building B, lot 2.

LAWRENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

111 West Chesapeake Avenue
Towson, MD 21204

MAY 12, 1994

(410) 887-3353

NOTICE OF HEARING

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-440-SPHXA (Item 427)
W/S Greentree Road, 640' N of Hooks Lane
Festival at Woodholme
3rd Election District - 3rd Councilmanic
Petitioner(s): Greenebaum & Rose Investments Partnership, a MD Partnership
and M-1 Land Limited Partnership, Woodholme Office, Inc.
HEARING: THURSDAY, JUNE 23, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse.

Special hearing to approve a commercial access through a residential zone.
Special Exception for a health and fitness club in an O-2 zone.
Variance to permit 108 parking spaces in lieu of the required 385 and to approve a modified parking plan; to permit parking on a travelway; to permit an aggregate adjusted gross floor area of 27A in lieu of the maximum 10A for accessory conference facilities or commercial use; to permit a setback of 70 feet from a D.R. zone in lieu of the required twice the height of the building; and to permit a FAR of .41 in lieu of the required maximum .4 for the existing building on lot 1A and to permit a FAR of .46 in lieu of the permitted FAR for building B, lot 2.

Carl Jahn
ARNOLD JABLON
Director

cc: Stewart J. Greenebaum
D.S. Thaler & Associates
Benjamin Bronstein, Esq.

NOTES: (1) ZONING SIGN & POST 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 887-3351.

Printed with Synthes Ink
on Recycled Paper

Benjamin Bronstein, Esquire
Evans, George & Bronstein
Suite 205
29 West Pennsylvania Avenue
Towson, Maryland

RE: Case No. 94-440-SPHXA, Item No. 427
Petitioner: Greenebaum & Rose Investments Partnership, et al.
Petitions for Special Hearing, Special Exception, and Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 6, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-17-94

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

Re: Baltimore County
Item No.: 427 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. KANSEY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-9-94

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

Re: Baltimore County
Item No.: 427
CASE NO. 94-440-SPHXA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. KANSEY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 23, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 23, 1994
Item No. 427

The Developers Engineering Section has reviewed the subject zoning item. A revised schematic landscape plan must be submitted and tentatively approved prior to the special hearing.

RWB:aw



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at West side of Greentree Road 640 ft North of
Hooks Lane which is presently zoned O-2 & DR10.5

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 Section(s)

as per attached

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

1. Configuration of Property
2. And for such reasons as may be demonstrated at the time of hearing

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

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

Legal Owner: W-I Land Limited Partnership
Greentree Office, Inc., Gen. Partner
Stewart J. Greenebaum, President Partner
A Maryland Partnership

BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore, Maryland 21208

City: Baltimore State: Maryland Zip: 21208

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein

BY: [Signature]
Suite 205
111 W. Susquehanna Ave., Suite 205
Baltimore, Maryland 21204

City: Baltimore State: Maryland Zip: 21204

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
The following date: _____ Next Two Months
ALL OTHER DATE

REVIEWED BY: _____ DATE

ORDER RECEIVED FOR FILING
Date: 4/29/94
By: [Signature]

AMENDED SCHEDULE A TO BE ATTACHED TO PETITION FOR VARIANCE

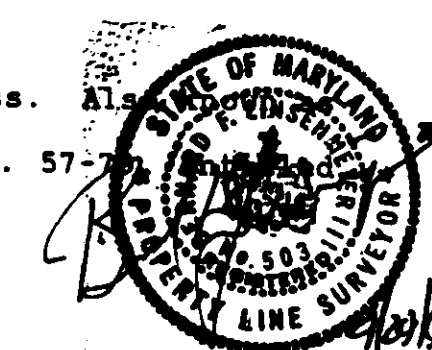
1. From Section 409.6.A.4 to permit 91 parking spaces in lieu of the required 434 and pursuant to Section 409.12 to approve a modified parking plan.
2. From Section 409.4 to permit parking on a travelway.
3. From Section 205.4.C.1.a to permit an aggregate adjusted gross floor area of 29% in lieu of the maximum 10% for accessory conference facilities or commercial use.
4. From Section 205.4.D.1 to permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building.
5. From Section 205.4.D.3. to permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for building B lot 2.

ORDER RECEIVED FOR FILING
Date: 4/29/94
By: [Signature]

FESTIVAL AT WOODHOLME -
PROPERTY DESCRIPTION (FOR ZONING PURPOSES ONLY)
PHASE I (LOT #1-A), BUILDING 'A' (LOT #1) AND
BUILDING 'B' (LOT #2)

Beginning for the same at a point on the west side of
Greentree Road, a sixty (60) foot right-of-way, approximately 640
feet, more or less, northeast of its intersection with Hooks Lane,
a sixty (60) foot right-of-way; thence, running the following
eleven (11) courses and distances:

1. North 81°03'01" West 150.67 feet to a point; thence,
 2. Northwest 360.51 feet by a curve to the left, having a
radius of 400.00 feet and a chord bearing South 73°07'46" West
348.43 feet to a point; thence,
 3. South 47°18'35" West 334.41 feet to a point; thence,
 4. North 41°53'18" West 392.83 feet to a point; thence,
 5. North 47°15'54" East 967.54 feet to a point; thence,
 6. North 42°56'58" West 342.50 feet to a point; thence,
 7. North 89°06'32" East 523.39 feet to a point; thence,
 8. South 08°32'47" East 453.83 feet to a point; thence,
 9. Southwest 346.18 feet by a curve to the right, having a
radius of 640.00 feet and a chord bearing of South 06°57'00"
West 341.98 feet to a point; thence,
 10. South 20°04'06" West 58.08 feet to a point; thence,
 11. Southeast 62.82 feet by a curve to the left, having a
radius of 700.00 feet and a chord bearing South 15°07'11" West
62.79 feet to the point of beginning.
- Containing 14.67 acres or land, more or less. All part of Lots #1, #4, #5 and #6 of Plat S.M. No. 57-79, entitled "Festival at Woodholme".



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 5/18/94
Posted for: Special Hearing - Special Exceptions - Variance
Petitioner: Greentree Office, Inc. & W-I Land Limited Partnership
Location of property: W. Greentree Rd. - 640' N. Hooks Lane
Location of Sign: Along road way on property being zoned
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/3/94
Number of Signs: 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 5/18/94
Posted for: Appeal
Petitioner: Greentree Office, Inc. & W-I Land Limited Partnership
Location of property: W. Greentree Rd. - 640' N. Hooks Lane
Location of Sign: Along road way on property being zoned
Remarks: [Signature]
Posted by: [Signature] Date of return: 5/18/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/20, 1994

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 5/19, 1994

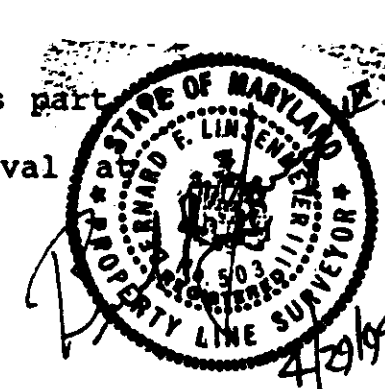
THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County will hold a public hearing on the petition for a Variance from the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. Configuration of Property
2. And for such reasons as may be demonstrated at the time of hearing
The hearing will be held on Thursday, June 2, 1994 at 10:00 a.m. in Room 118, 118, 016
Case Number: 94-440-SPHXA (Item 427)
W-I Land Limited Partnership, a Maryland Partnership, and W-I Land Limited Partnership, Woodholme Office, Inc., Gen. Partner, A Maryland Partnership, Petitioner
Greentree Office, Inc. & W-I Land Limited Partnership, Woodholme Office, Inc., Gen. Partner, A Maryland Partnership, Petitioner
Hearing: Thursday, June 2, 1994 at 10:00 a.m. in Room 118, 118, 016
Special Hearing to approve a commercial center located in a residential zone. Special exceptions for a building and parking spaces in lieu of the required maximum 10% for accessory conference facilities or commercial use. To permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building. To permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for building B lot 2.

12. South 40°08'09" West 19.98 feet to a point; thence,
13. Southwest 52.71 feet by a curve to the left, having a
radius of 630.00 feet and having a chord bearing of South
42°31'58" West 52.69 feet to a point; thence,
14. North 42°44'06" West 47.81 feet to a point; thence,
15. North 47°15'54" East 466.01 feet to a point; thence,
16. South 57°48'55" East 31.53 feet to a point; thence,
17. North 69°00'16" East 71.69 feet to a point; thence,
18. South 31°50'58" East 26.48 feet to a point; thence,
19. South 81°54'31" East 34.82 feet to a point; thence,
20. South 42°44'06" East 18.00 feet to a point; thence,
21. North 47°15'54" East 129.78 feet to a point; thence,
22. South 42°44'06" East 237.34 feet to a point; thence,
23. South 78°27'40" East 177.81 feet to a point; thence,
24. South 40°24'51" East 25.62 feet to a point; thence,
25. South 71°16'06" East 45.71 feet to a point; thence,
26. Southwest 60.30 feet by a curve to the right having a
radius of 640.00 feet and having a chord bearing of South
19°44'47" West 60.28 feet to a point; thence,
27. South 20°04'06" West 58.08 feet to a point; thence,
28. Southeast 62.82 feet by a curve to the left, having a
radius of 700.00 feet and having a chord of South 15°07'11"
West 62.79 feet to the point of beginning.

Containing 3.81 acres, more or less. Also known as part
Lots #4, and #5 of Plat S.M. 57-79, entitled "Festival
Woodholme".



April 29, 1994
FESTIVAL AT WOODHOLME
PROPERTY DESCRIPTION (FOR ZONING PURPOSES ONLY)
LOT #1

Beginning for the same at a point on the west side of
Greentree Road, a 60 foot right-of-way, approximately 640 feet
northeast of its intersection with Hooks Lane, a 60 foot right-of-
way; thence, running

1. North 81°03'01" West 150.67 feet to a point; thence,
2. Southwest 221.67 feet by a curve to the left, having a
radius of 400.00 feet and a chord bearing South 83°04'24"
West 218.85 feet to a point; thence,
3. Northwest 180.00 feet by a curve to the left, having a
radius of 465.00 feet and a chord bearing North 31°36'01"
West 178.88 feet to a point; thence,
4. North 42°41'25" West 36.08 feet to a point; thence,
5. Northwest 102.62 feet by a curve to the left, having a
radius of 145.00 feet and a chord bearing North 62°57'57"
West 100.49 feet to a point; thence,
6. North 06°45'31" East, 20.00 feet to a point; thence,
7. Northwest 96.02 feet by a curve to the left, having a
radius of 165.00 feet and a chord bearing South 80°05'13"
West 94.67 feet to a point; thence,
8. North 26°35'05" West, 15.00 feet to a point; thence,
9. Southwest 62.83 feet by a curve to the left, having a
radius of 180.00 feet and a chord bearing South 53°24'52"
West 62.52 feet to a point; thence,
10. South 43°24'48" West 85.41 feet to a point; thence,
11. Southwest 103.39 feet by a curve to the left, having a
radius of 1592.37 feet and a chord bearing South 41°58'11"
West 103.38 feet to a point; thence,

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 427

Date: 5/6/94

Codes
10207
SPH040 } 070 = 650.00
SPH050 }
CODE 080 (5) SIGNS 175.00
TOTAL \$ 825.00

LOC: USING GREENETREE RD 640 FT N OF HOOKS LA.
OWNER: GREENTREE OFFICE, INC. & W-I LAND LIMITED PARTNERSHIP
BA 0001-SPH05 63-94 4825.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/1/94 ACCOUNT: 1-RECEIVED

AMOUNT: \$ 25.00

RECEIVED FROM: EVANS GEORGE & BRONSTEIN

FOR: 94-440-SPHXA - APPEAL SIGN

DIAGRAMATIC CHRC \$35.00

BA 0001-SPH05 63-94 4825.00
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/1/95 ACCOUNT: 1-RECEIVED

AMOUNT: \$ 50.00

RECEIVED FROM: EVANS GEORGE AND BRONSTEIN

FOR: 94-440-SPHXA - APPEAL

DIAGRAMATIC CHRC \$250.00

BA 0001-SPH05 63-94 4825.00
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number: 94440-SPHXA
BY: JLL

Date: 6/20/94

REVISIONS TO Zoning Case.

CODE 110 \$ 100.00

TOTAL 100.00

CANCEL. Inmate's Petition of A.M. Petition
LOC Festival at Woodholme
W side Greentree Rd
BA 0001-SPH05 63-94 4825.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

side of Greentree Road is too small for any residential use. Testimony further indicated that the DR 10.5 sliver, which will be traversed by the new entrance into Greentree Road, was necessitated by the fact that the road alignment was created after the zone line.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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. Board 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

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established that special circumstances and conditions exist that are peculiar to this site, and that the requirements from which the Petitioners 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 variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

The Zoning Commissioner's Policy Manual Section 102.6, provides in part that commercial access through a residential zone may be permitted when the land in issue is too small to support a residential use. It is obvious that the sliver of DR 10.5 land on which the proposed access on to Greentree Road as shown on Exhibits 1 and 2 is too small for residential use. It also is clear that the new access is preferable for the flow of traffic than the existing single access point.

Section 205.3.8 permits a special exception for a health and fitness club in an O-2 zone provided that the Zoning Commissioner finds that the use will primarily serve the principal use of the lot or office park. The Petitioners also have the burden of adducing testimony and evidence which shows that the proposed use meets with the prescribed standards and requirements of Section 202.1. I make a finding of fact that the Petitioners have met their burden.

Petitioners have shown the proposed use would be conducted without real detriment to the neighborhood and would not adversely

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effect the public interest. The facts and circumstances do not show the proposed use at the particular location described in Petitioners' Exhibits 1 and 2 would have an adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purpose of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

It further appears from the evidence and exhibits that the relief requested should be granted, that the requirements of Sections 305.B.3 and 502.1 of the B.C.Z.R. are satisfied, and it further appears that the health, safety and general welfare of the community will not be adversely affected by the proposed special exception and variances as requested.

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.

IT IS THEREFORE ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994, that the Petition for Special Exception for a health and fitness center in an O-2 zone, as more particularly shown on Petitioners' Exhibits 1 and 2, be and is hereby granted; and

8

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit commercial access through a residential zone be and is hereby granted; and,

IT IS FURTHER ORDERED that the Amended Petition for Variances to permit 91 spaces in lieu of the required 434 spaces, to approve a modified parking plan, to permit parking on a traveled way, to permit an adjusted gross area of 29% in lieu of the maximum 10% on accessory conference facility or commercial use, to permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building, to permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A, and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for Building B on lot 2, be and they are hereby granted.

The relief granted in this order is, however, subject to the following restrictions which are conditions precedent to relief granted herein:

1. That the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to the original condition.

2. The Petitioners shall record among the Land Records of Baltimore County a Reciprocal Access and Parking Agreement.

3. That the Petitioners shall submit a landscaping plan to the Office of Zoning Administration and Development Management for approval by the Baltimore County Landscape Planner, and a copy of the approved plan shall be

9

submitted to the Deputy Zoning Commissioner for final approval and inclusion in the case file.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 28, 1994

(410) 887-4386

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
W/S Greentree Road, 640' N of Hooks Lane
(Festival at Woodholme)
3rd Election District - 3rd Councilmanic District
Greenebaum & Rose Investments Partnership
WH-I Land Ltd. Partnership - Petitioners
Case No. 94-440-SPHX

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have been granted in accordance with the attached Order.

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

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Stewart J. Greenebaum, Greenebaum & Rose, Woodholme Center
1829 Reisterstown Road, Suite 410, Baltimore, Md. 21208

People's Counsel

file

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]

10

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____
a commercial access through a residential zone

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

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

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

Legal Owner: WH-I Land Limited Partnership
Greenebaum & Rose Investments
Stewart J. Greenebaum, President Gen. Partner
(Type or Print Name) a Maryland Partnership Partnership
(Type or Print Name)

BY: [Signature] BY: [Signature]
Signature Signature
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore Maryland 21208
(Type or Print Name)
City and State

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein
(Type or Print Name)
Signature
Suite 410 Woodholme Center
1829 Reisterstown Road 484-8400
Address Phone No.
Baltimore, Maryland 21208
City and State

29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204
City and State

People's Telephone No.: 410-296-0200

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
ALL MON./TUES./WED. - NEXT TWO MONTHS
OTHER DATE
REVIEWED BY: _____

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at West side of Greentree Road 640 ft North of Hooks Lane which is presently zoned O-2 & DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a health and fitness club in an O-2 zone

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

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

Legal Owner: WH-I Land Limited Partnership
Woodholme Office, Inc., Gen. Partner
Stewart J. Greenebaum, President Partner a Maryland Partnership Partnership
(Type or Print Name)
(Type or Print Name)

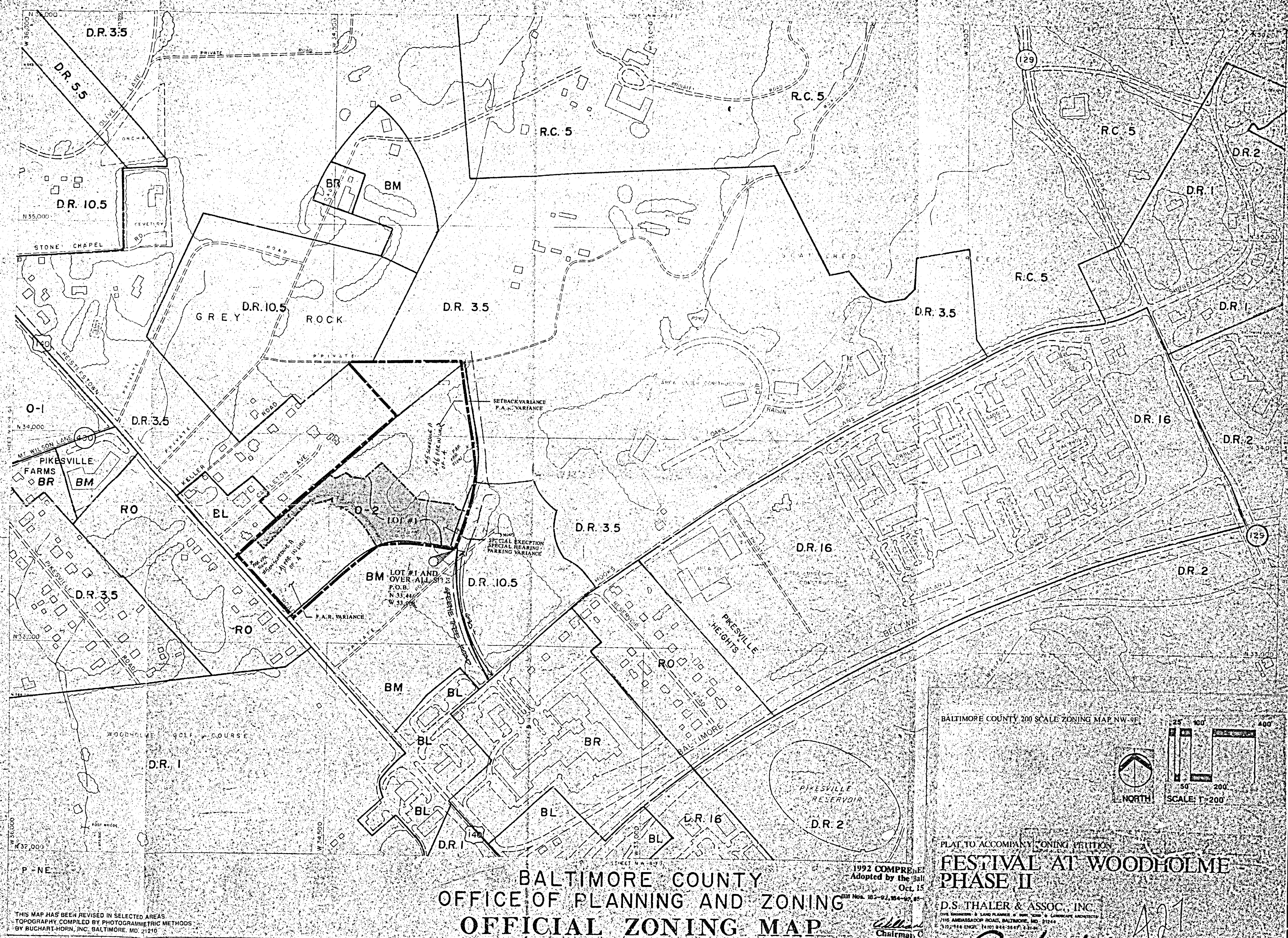
BY: [Signature] BY: [Signature]
Signature Signature
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore Maryland 21208
(Type or Print Name)
City and State

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein
(Type or Print Name)
Signature
Suite 410 Woodholme Center
1829 Reisterstown Road 484-8400
Address Phone No.
Baltimore Maryland 21208
City and State

29 W. Susquehanna Ave., Suite 205
Towson Maryland 21204
City and State

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
ALL MON./TUES./WED. - NEXT TWO MONTHS
OTHER DATE
REVIEWED BY: _____



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE
Adopted by the Bal. Co. Council
Oct. 15
BIL Nos. 105-92, 106-92, 85-92
Chairman

PLAN TO ACCOMPANY ZONING PETITION
**FESTIVAL AT WOODHOLME
PHASE II**
D.S. THALER & ASSOC., INC.
1110 AMBASSADOR ROAD, BALTIMORE, MD. 21244
(410) 944-5847 FAX (410) 944-5848

94-440 SPHVA

CRIMINAL HISTORY

DATE: 01/18/80 - CATEGORY: 00 - 001

I WAS ARRESTED FOR THE SECOND TIME ON 01/18/80 FOR THE SAME TYPE OF VIOLATION. I WAS RELEASED ON BOND AND AM CURRENTLY ON BOND.

DATE: 01/18/80 - CATEGORY: 00 - 001

I WAS ARRESTED FOR THE THIRD TIME ON 01/18/80 FOR THE SAME TYPE OF VIOLATION. I WAS RELEASED ON BOND AND AM CURRENTLY ON BOND.

DATE: 01/18/80 - CATEGORY: 00 - 001

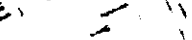
I WAS ARRESTED FOR THE FOURTH TIME ON 01/18/80 FOR THE SAME TYPE OF VIOLATION. I WAS RELEASED ON BOND AND AM CURRENTLY ON BOND.

DATE: 01/18/80 - CATEGORY: 00 - 001

I WAS ARRESTED FOR THE FIFTH TIME ON 01/18/80 FOR THE SAME TYPE OF VIOLATION. I WAS RELEASED ON BOND AND AM CURRENTLY ON BOND.

[illegible]

~~SECRET~~



PETITIONER
EXHIBIT 2

VICINITY MAP

SCALE BAR: 0 0.5 1 MILE

GENERAL NOTES:

[illegible][illegible]

TWO MORE - AS 0810 - 76 PAGE(S), 92P
PLAT, 37/P

1 NO RE-QUEST
AS
NO RE-QUEST BY:

O O. Thayer S. Johnson, Inc.
7119 Baltimore Road
Baltimore, Maryland 21244
ATTN: Steven S. Hadenhorst, G L D.
CITY OF BALTIMORE

```

5 0 100 0000 0000: 0:devType 0:status 0
                  0:msgType 000 700
                  0:msgLen 0:status 0
                  0:devType 00
                  0:devType 00
5 0 10 0000 0000: 0:devType 0:status 0:15 00 00 0
                  0:devType 0:status 0:15 00 00 0

```

B Santiago				
	Phone 1	Building 1	Building 2	Weather 1
	Ex. loc. 1 a	Loc. 01	Loc. 02	
001	0 56 Az(1)Wet	0 01 Az(1)Wet	0/6	0 25 Az(1)Wet
	0 59 Az(1)Wet	0 11 Az(1)Wet		1 30 Az(1)Wet
0 2	5 06 Az(1)Wet	5 07 Az(1)Wet	5 15 Az(1)Wet	5 20 Az(1)Wet

0 17 Hz(100ms)	0 30 Hz(100ms)	0 50 Hz(100ms)	1 10 Hz(100ms)
00 0 0	0 0	1 00 Hz(100ms)	1 50 Hz(100ms)
		0 00 Hz(100ms)	1 0 Hz(100ms)
00 10 0	0 0	0 00 Hz(100ms)	0 75 Hz(100ms)
		0 22 Hz(100ms)	0 50 Hz(100ms)
FORM 4 00 Hz(100ms)	0 0 Hz(100ms)	0 75 Hz(100ms)	1 0 Hz(100ms)

4.57 Sec (Gross) 3.54 Sec (Gross) 7.29 Sec (Gross) 19.60 Sec (Gross)
4 per Second Plot 17.7 Mps

C. Density Calculations:
300 ft round = 0.0 0 0 0
0.2 ft round = 0.0 0 0 0 0 (Cells = 5)

Phase 1	Building "A"	Building "B"	Source 1
Ex. Len "1.0"	Len 01	Len 00	

	Allowed	Excess mg	Allowed	Proposed	Allowed	Proposed	Allowed	Proposed
00	20.730 of	0/0	19.500 of	0/0	0/0	0/0	03.300 of	0/0
0 2	77.014 of	79.75 of	02.000 of	14.000 of	00.100 of	100.000 of	70.004 of	21.71 of
		0 1 Feb		0 10 Feb		0 10 Feb		
00 2 2		0/0		0/0	1 0 00	0/0	1 0 00	0/0

00 16 9

A/S	Z I SW	S/S	I F SW	N/S	L SW	O/S
P-9-10g						
BULLDOG/A'1						
WAG -	MOR -	PAGE TWO	SEVEN ZERO			

Baraka	6 448 afz	576,000 af o	9 499,000
Amphib	6 448 afz	545,000 af o	44 1 499,000
Effluent & Frag. oil/10	6 512 afz	545,000 af o	44 1 499,000
Exordio	1 241 afz	545,000 af o	32 4 499,000

Suburb	1,110 sq ft	4,000 sq ft	50 ft square
Bedroom	2,014 sq ft	10,000 sq ft	75 ft square
Living & Dining	2,740 sq ft	10,000 sq ft	75 ft square
Bedroom, Bath, &	3,070 sq ft	9,000 sq ft	60 ft square
Bedroom, Bath	3,061 sq ft	9,000 sq ft	60 ft square

Barbery	1,500 sq ft	1 Employee B - largest sub/s	1 square
Barber Shop	1,000 sq ft	0.5/1,000 sq ft	0.5 square
Assembly	7,100 sq ft	100/7,100 sq ft	100 square
Assembly plant	4,000 sq ft	(400 x 100)	
Barber & Laundry	10,000 sq ft	10 x 1,000 sq ft	

[illegible]

Industrial Outlets	91,000 sq ft	5.5/10,000 sq ft	420	medium
Amall	15,000 sq ft	5/1,000 sq ft	2	small
Outlying			500	medium
Transit				
Office	70 Per cent	5.5/1,000 sq ft	200	medium

```

TOTAL COMPLETED:    DELIVERED "S" =   412 SPACES
                       OUTSTANDING "S" =   765 SPACES
                       PENDING =     81,904

```

Page 10

SECRET

867 (Rev. 9-6)

2. Security Open Areas:

Excluded: 25% of the new storage B 2

Phase I	Building -B-	Building -B-	Overall
Ex. Lot -A-	Lot #1	Lot #2	

Approved 5 00 Arg = 270 = 5.00 Arg = 270 = 5.00 Arg
 0 50 Arg 0 00 Arg 0 50 Arg
 Proposed 1 25 Arg 1 25 Arg 1 25 Arg 1 25 Arg

2. Low - upon printing on report will be the following
 County Landmark Report, submitted October 1, 1990.

P. 0. = 1 please see page

Sched 1		Sched 2		Sched 3		Sched 4		Sched 5		Sched 6		Sched 7		Sched 8		Sched 9		Sched 10		Sched 11		Sched 12		Sched 13		Sched 14		Sched 15		Sched 16		Sched 17		Sched 18		Sched 19		Sched 20		Sched 21		Sched 22		Sched 23		Sched 24		Sched 25		Sched 26		Sched 27		Sched 28		Sched 29		Sched 30		Sched 31		Sched 32		Sched 33		Sched 34		Sched 35		Sched 36		Sched 37		Sched 38		Sched 39		Sched 40		Sched 41		Sched 42		Sched 43		Sched 44		Sched 45		Sched 46		Sched 47		Sched 48		Sched 49		Sched 50		Sched 51		Sched 52		Sched 53		Sched 54		Sched 55		Sched 56		Sched 57		Sched 58		Sched 59		Sched 60		Sched 61		Sched 62		Sched 63		Sched 64		Sched 65		Sched 66		Sched 67		Sched 68		Sched 69		Sched 70		Sched 71		Sched 72		Sched 73		Sched 74		Sched 75		Sched 76		Sched 77		Sched 78		Sched 79		Sched 80		Sched 81		Sched 82		Sched 83		Sched 84		Sched 85		Sched 86		Sched 87		Sched 88		Sched 89		Sched 90		Sched 91		Sched 92		Sched 93		Sched 94		Sched 95		Sched 96		Sched 97		Sched 98		Sched 99		Sched 100	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100																																																																																																				

addendum sheet 7-107-1-00	0.0 mg	100-1-00	6.0 mg	99-1-00	23 mg	37.4 mg	37.4 mg
1 sheet 1.0	0.0 mg	6.0 mg	6.0 mg	23 mg			
Internal sheet 6,00-700	24 mg	100-1-00	12.0 mg	100-1-00	20.0 mg	600 mg	600 mg
1 sheet 1.0	24 mg	12.0 mg	12.0 mg	20.0 mg			
Part 12: Specimen 10,0-12	22 mg	10-12	3.5 mg	10-12	42 mg	31.5 mg	31.5 mg
1 sheet 1.0	22 mg	3.5 mg	3.5 mg	42 mg			

Stream metering									
From Inflow	775.115	0	10.0	130.115	0	0.6	1075.115	0	60.0
Public Use	10	0.0		0.0	0.0		00	0.0	
100% 10									
100%	70.0	0.0	70.0	0.0	75.2	0.0	163.3	0.0	163.3
	70.0	0.0	70.0	0.0	75.2	0.0	163.3	0.0	163.3

6. 07/11/10 Public sewer and sewer will be provided.
 Drained at 11/10 and grading on when are available.

7. 000: The existing use of office building Phase 1, lot -B3 replacing site to remove the proposed use to industrial development with no and result

8. 0001000: There are no known owner of building, city had owned, subsequently sold to, and owner of property, or surrounding lot to be sold to city.

OODHOLME - PHASE I

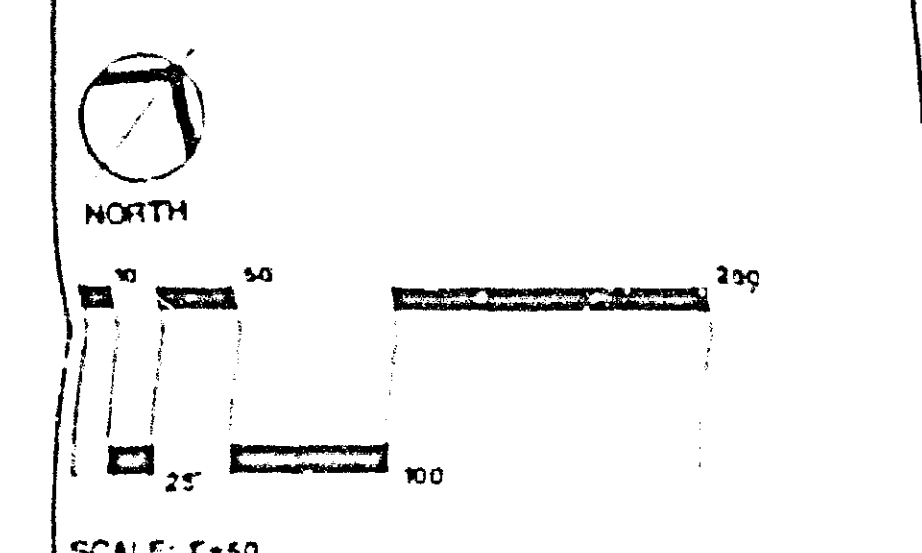
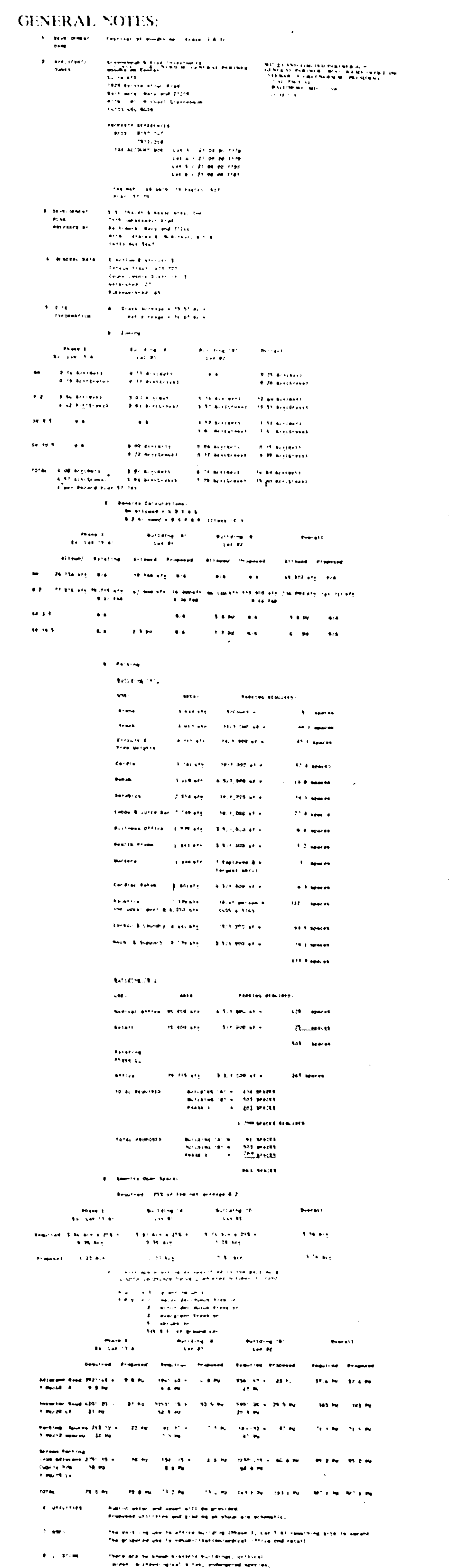
D.S. THALER & ASSOC., INC.
 CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL • LABORATORY ARCHITECTURE
 7110 AMBASSADOR ROAD, BALTIMORE, MD 21244
 (410) 944-0800, (410) 944-3447 • 24 HRS.
 D.S. THALER & ASSOC., INC.

[illegible]

1. To permit power plant to start to go

2. To permit power plant to start to go

3. To permit power plant to start to go

[illegible]

LEADS				
BIRMINGHAM	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
BIRMINGHAM	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
BIRMINGHAM	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2
	JOHN W. GIBSON	1000 1/2	1000 1/2	1000 1/2

AMENDED
 PLAT TO ACCOMPANY ZONING PETITION (VARIANCES, SPECIAL EXCEPTION & SPECIAL HEARING)
FESTIVAL AT WOODHOLME - PHASE I & II
 D.S. THALER & ASSOC., INC.
2001 UNIVERSITY BLVD., SUITE 200, WASHINGTON, DC 20037
 TEL: (202) 462-1000 FAX: (202) 462-1001
 E-MAIL: DTHALER@AOL.COM WWW.DTHALER.COM

PETITIONER'S EXHIBIT 3



EXAMPLES OF PLACES WHERE MR. GUCKERT HAS QUALIFIED AS AN EXPERT WITNESS

Maryland

Alleghens County Planning Board
Anne Arundel County, Board of Appeals, Circuit Court, Zoning Hearing Examiner
City of Annapolis City Council, Planning Commission
Heating County Board of Zoning Appeals, City Council, Federal District Court, Planning Commission
Baltimore County Board of Appeals, Circuit Court, County Council, Planning Board, Zoning Commission
Town of Bel Air Board of Appeals, Planning Board, Town Commissioners
Carroll County Board of Appeals, County Commissioners, Planning Board
Charles County, Town of Indian Head Mayor and City Council
Howard County Board of Appeals, County Commissioners, Planning Board
City of Frederick Board of Appeals, City Council, Planning Commission
Frederick County Board of Appeals, County Commissioners, Planning Board
Harford County Planning Commission, Zoning Hearing Examiner
Howard County Board of Appeals, Planning Board, Zoning Board

New Jersey

Undeveloped Township Planning Board

Virginia

Arlington County Board of Supervisors
Loudoun County Planning Board
Prince William County Planning Board and Board of Supervisors

Pennsylvania

West Whiteland Township Planning Board, Town Council
City of Scrampton Board of Appeals, Planning Board

REPRESENTATIVE LIST OF PROJECTS AND STUDIES

Retail Projects

Annapolis Plaza and Restaurant Park, Anne Arundel Co.
Annapolis Mall, Anne Arundel Co.
Brattlefields Mall, Myrtle Beach, South Carolina
Cranberry Mall, Carroll Co.
Diamond Point Mall, Baltimore Co.
Festival at Rixia, Anne Arundel Co.
Festival at Wilford, Charles Co.
Great Mall of the Bay Area, Milpitas, California
The Mall at Mill Creek, Scrampton, Pennsylvania
Monongomery Mall, Monongomery Co.
Ponemon Mills, Pr. William Co., Virginia
Sara's Club, Anne Arundel Co.
Township Town Center, Baltimore Co.
Wal-Mart Store, Anne Arundel Co.
Wheaton Plaza, Monongomery Co.
Yorkdale Shopping Center, Baltimore Co.

Office Projects

BWI Commerce Park, Anne Arundel Co.
Collington Court, Ctr., Pr. George's Co.
Green Spring Station, Baltimore Co.
National Business Park, Anne Arundel Co.
Owings Mills Corp. Campus, Baltimore Co.
Port America, Pr. George's Co.
Presidential Center City, Pr. George's Co.
USF&C, Baltimore City

Residential Projects

Villages of Belmont, Pr. George's Co.
Villages of Middlebrook, Pr. George's Co.
White Marsh, Baltimore Co.
Woodbridge, Harford Co.
Villages of Elk Neck, Cecil Co.
Wixom, Woods, Howard Co.

Mixed-Use Projects

Bonnie New Town Center, Pr. George's Co.
Kempner's Landing PUD, Charles Co.
Pines Orchard PUD, Anne Arundel Co.
Riverside PUD, Harford Co.

Institutional Projects

Boys' Marx School, Baltimore City
CB&M, Baltimore Co.
Friends School, Baltimore City
McDonough School, Baltimore Co.
Sinai Hospital, Baltimore City
St. Joseph's Hospital, Baltimore City
UNSTAR, Baltimore City
Union Memorial Hospital, Baltimore City
University of Maryland, Pr. George's Co.
Villa Julie College, Baltimore Co.

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 fax (410) 321-8458

PETITIONER'S EXHIBIT 48

JEFFREY M. BENSKY
Principal

PROFESSIONAL SUMMARY

My career involves over fifteen years of strategic management consulting experience in different healthcare and corporate settings. Experience includes strategic business and market planning, feasibility studies and developing ambulatory and medical staff development plans, managing national and local marketing plans, designing, developing, implementing and evaluating alternative and ambulatory care delivery services.

PROFESSIONAL EXPERIENCE

THE BENFIELD GROUP, INC.
Principal
1989 to present

Started this company to assist clients in reaching higher levels of profitability. Major focus is on developing strategic business and marketing plans for a variety of healthcare service-oriented businesses. Projects have included conducting marketing/financial feasibility studies for new business ventures; developing plans/interventions for improved organizational performance and enhancing operational efficiencies; and planning/developing/implementing programs for employers to better manage health and mental health costs. Extensive work has been conducted in developing medical staff relationship and development programs.

PRICE WATERHOUSE
Senior Manager
Manager
1968 to 1969
1966 to 1968

Senior member of the National Healthcare Strategic Consulting Group with responsibilities that included developing and managing strategy-oriented projects with three major client groups: healthcare suppliers, healthcare providers (hospitals and physicians) and corporations. A majority of the projects focused on strategic business decisions/approaches (financial, marketing, organizational and operational) related to ambulatory care, managed care, medical staff development, preventive healthcare service, outpatient and rehabilitative services, corporate health services and healthcare cost management. Developed computer-based model for determining medical staff loyalty, productivity and needs.

CHARTER MEDICAL CORPORATION
CHARTER HEALTH CENTERS
Executive Director
1984 to 1986

Developed a new business concept for this for-profit healthcare management company. Responsibilities included developing business, financial and marketing plans for business start up, program development of a comprehensive set of alternative services for cost containment and lifestyle improvement and managing a staff of over fifty professionals. Worked extensively with area physicians and regional medical directors to ensure medical credibility of services.

IN THE MATTER OF
THE APPLICATION OF
GREENEBAUM & ROSE INVESTMENTS
PARTNERSHIP, ET AL
WEST SIDE GREENTREE ROAD,
640 FEET NORTH OF HOOKS LANE
(FESTIVAL AT WOODHOLME)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-440-SPHXA

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 28, 1994 in which the Petitions for Special Hearing, Special Exception and Variance were granted with restrictions.

WHEREAS, the Board is in receipt of a Letter of Dismissal filed by Benjamin Bronstein and EVANS, GEORGE AND BRONSTEIN, Counsel for Greenebaum & Rose Investments Partnership and WH-I Limited Partnership, Appellants /Petitioners, dated August 2, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, Counsel for said Appellants /Petitioners requests that the appeal filed in this matter be dismissed and withdrawn as of August 2, 1994;

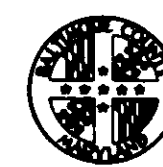
IT IS HEREBY ORDERED this 10th day of August, 1994 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Robert O. Schuetz
Robert O. Schuetz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 10, 1994

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-440-SPHXA
Greenebaum & Rose Investments
Partnership, et al
(Festival at Woodholme)

Dear Mr. Bronstein:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Stewart J. Greenebaum
Mr. Philip Antonucci
Hoff & Antonucci Associates
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soy-based Ink
on Recycled Paper

88/12/06, 29, 94

IN RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & ZONING VARIANCE * ZONING COMMISSIONER
W/S GREENTREE ROAD *
640' NORTH OF HOOKS LANE * FOR
FESTIVAL AT WOODHOLME *
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *

Petitioners: GREENEBAUM & ROSE *
INVESTMENTS PARTNERSHIP *
A MARYLAND PARTNERSHIP *
AND WH-I LAND LIMITED *
PARTNERSHIP *

Petitioners * CASE NO.: 94-440-SPHXA

NOTICE TO ENTER APPEAL

Please enter an appeal on behalf of Greenebaum & Rose Investments Partnership and WH-I Land Limited Partnership, 1829 Reisterstown Road, Baltimore, Maryland 21208 to the Board of Appeals from the Order of the Deputy Zoning Commissioner dated June 28, 1994 granting the Special Exception in the above captioned case. Please enter my appearance on behalf of the Appellant.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

6/29/94
6/29/94

IN RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & ZONING VARIANCE * ZONING COMMISSIONER
W/S GREENTREE ROAD *
640' NORTH OF HOOKS LANE * FOR
FESTIVAL AT WOODHOLME *
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *

Petitioners: GREENEBAUM & ROSE *
INVESTMENTS PARTNERSHIP *
A MARYLAND PARTNERSHIP *
AND WH-I LAND LIMITED *
PARTNERSHIP *

Petitioners * CASE NO.: 94-440-SPHXA

FINDING OF FACTS AND CONCLUSION OF LAW

Petitioners come before the Deputy Zoning Commissioner on a Petition for Special Exception for a health and fitness club in an O-2 zone; on a Petition for Special Hearing to approve a commercial access through a residential zone; and on an Amended Petition for Variances from Section 409.6.A.4, to permit 91 parking spaces in lieu of the required 434 from Section 409.12 to approve a modified parking plan to permit an aggregate adjusted gross area of 29% in lieu of the maximum 10% for accessory conference facility or commercial use, from Section 205.4.D.1 to permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building, from Section 205.4.D.3 to permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A, and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for Building B lot 2.

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Date 6/29/94
By 6/29/94

Petitioners were represented by Benjamin Bronstein and Michael J. Chomel. Appearing and supporting the Petitioners' request were Mr. Bruce Eisen on behalf of the Associated Jewish Charities, Mr. Warren Green, President of Sinai Hospital; Sidney Friedman, CPA, President of the Pikesville Chamber of Commerce. Also appearing on behalf of the Petitioners as expert witnesses were Mr. Matt D'Amico, a registered landscape architect with the firm of Design Collective, Inc.; Mr. Jeffrey Bensky, a principal of The Benfield Group, a management and health care consulting firm; Wes Guckert, President of The Traffic Group, Inc., a Baltimore County based traffic engineering firm; and David S. Thaler, P.E. of D.S. Thaler & Associates, Inc., a Baltimore County based civil engineering and land consultant firm. Stewart Greenebaum, a partner of both the petitioning partnerships, was also present. In view of the fact that there were no protestants, a proffer by Mr. Bronstein of the testimony of the respective witnesses was accepted.

In addition to the proffered testimony, a plat entitled Amended Plat Accompanying the Zoning Petition Festival at Woodholme, Phases I and II dated 6/17/94 prepared by D.S. Thaler & Associates, Inc., together with a colored rendition of the same plat, were introduced as Exhibits 1 and 2 respectively. The remaining exhibits included the Curriculum Vitae of Mr. Guckert as Exhibit 3, the Curriculum Vitae of Mr. Bensky as Exhibit 4A and lastly a client list of The Benfield Group as Exhibit 4B.

The proffered testimony included the following relevant facts. The entire Woodholme site consists of approximately 15 acres

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Date 6/29/94
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subdivided into lots as shown on Exhibit 1 and 2. The interlocking partnerships remain in control of the entire site which is currently improved by a shopping center, an office building and a retail building currently under construction, identified on the plat as 1819 Reisterstown Road. The site is north of the Baltimore County Beltway on the east side of Reisterstown Road. Access to the site on Reisterstown Road is at two separate locations, one of which is controlled by an automatic signal. Access to the site through Greentree Road is limited to one access at this time with an additional proposed access shown on Exhibits 1 and 2 and designated as "Area of Special Hearing".

Petitioners also seek a special exception for the new Sinai Fitness Center identified as Building A on Exhibits 1 and 2. Building B, on Exhibits 1 and 2, not part of the special exception, will primarily be utilized as a medical office building.

The Petitioners had extensive meetings with the Office of Planning and Zoning of Baltimore County relating to the site design. As a result of those meetings, Petitioners prepared a plan (Exhibits 1 and 2) providing a substantial building setback into the site from Greentree Road in order to avoid having a building mass close to Greentree Road and the adjoining Greene Tree subdivision. The current Greentree Road access is redesigned together with a landscaped drop-off area in front of Buildings A and B in order to foster a sense of place. The new southerly entrance on Greentree Road was suggested by the Office of Planning and Zoning in order to provide a more direct access for shopping

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Date 6/29/94
By 6/29/94

center patrons.

The proffered testimony also indicates that Buildings A and B will each have approximately 4,000 sq ft of space allocated for heating and air conditioning. The significantly increased space for heating and air conditioning is required in order to accommodate energy saving equipment under a new program which is being implemented by Baltimore Gas & Electric Company.

The proffered testimony indicated that Mr. Guckert conducted a parking study and that all of the subdivided lots self park with the exception of the Sinai Fitness lot. That study indicated that the required number of parking spaces under the Baltimore County Zoning Regulations as noted in Note 5D on Exhibits 1 and 2, do not reflect the reality of actual usage. Two examples that stand out are that it would be highly unlikely that the number of persons utilizing in excess of 46 parking spaces would be on the running track at the same time that the number of persons utilizing in excess of 100 parking spaces would be in the aquatic pools. Mr. Guckert's proffered testimony revealed that the existing uses and the proposed uses have complementary peak hour parking demands and not overlapping demands. Mr. Guckert's analysis indicates under the worst case condition the existing Sinai patronage could double and sufficient parking would still exist. The Petitioners are also agreeable to recording a reciprocal access and parking agreement as a condition of approval of the Petitions filed in this proceeding.

Additional proffered testimony of Mr. Bensky was that Sinai Fitness Center will have programs including but not limited to

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Date 6/29/94
By 6/29/94

cardiac rehabilitation and other forms of rehabilitation and health promotion designed to accommodate patient needs of the doctors in the medical building. The testimony is that the Sinai Fitness Center will primarily serve the tenants of the existing and new office building.

Testimony proffered on behalf of Mr. D'Amico, a landscape architect, was that the additional energy saving space for Buildings A and B contributed to the increased square footage of those buildings and the request for an aggregate adjusted gross floor area of 29% in lieu of the maximum 10% for accessory conference facilities or commercial use. Further testimony proffered on behalf of Mr. D'Amico was that the variance request to permit a setback of 70 ft from the DR zone line was triggered by the need to move Building B back from Greentree Road, placing it in closer proximity to the DR 3.5 zone area of the property which has an existing use permit for parking.

Proffered testimony on behalf of Mr. Thaler was that the variance request for the existing office building relating to floor area ratio was a result of calculating a portion of that lot zoned BM as part of the permitted F.A.R. when the building was erected.

The proffered testimony on behalf of Mr. Guckert and Mr. Thaler was that the requested variances and the special exception met the requirements of the Baltimore County Zoning Regulations. The proffered testimony of Mr. Thaler also indicated that the utilization of access through the DR 10.5 zone should be permitted in view of the fact that the DR 10.5 strip existing on the west

ORDER RECEIVED FOR FILING
Date 6/29/94
By 6/29/94



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-1810

January 13, 1995

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-440-SPHXA
GREENEBAUM & ROSE INVESTMENTS
PARTNERSHIP, ET AL
(FESTIVAL AT WOODHOLME)
3rd District

Dear Mr. Bronstein:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. Stewart J. Greenebaum
Greenebaum & Rose
Mr. Philip Antonucci
Hoff & Antonucci Associates
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING *
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE *
W/S Greentree Road, 640' N
of Hooks Lane (Festival at
Woodholme), 3rd Election
Dist., 3rd Councilmanic Dist. *
GREENBAUM & ROSE INVESTMENTS PTNRSHIP.
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-440-SPHXA
Petitioners *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

May 6, 1994

HAND DELIVERED

Mr. John Lewis
Office of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Sinai Fitness/Woodholme Center

Dear Mr. Lewis:

In reference to the above entitled project I have enclosed in triplicate a Petition for Special Exception, a Petition for Variance and a Petition for Special Hearing. Attached to the Petitions are 12 site plans, three descriptions, a copy of the 200 scale zoning map together with my check for costs.

It is my understanding from Gwen Stephens that this case can be set in for hearing on June 22, 1994. While I do not anticipate opposition, I suggest that the entire day be reserved for this case.

Thank you for your kind assistance and cooperation.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein

BB/mlg
Enclosures
cc: Ms. Gwen Stephens
Office of Zoning Administration
and Development Management

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

May 6, 1994

HAND DELIVERED

Mr. John Lewis
Office of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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Thank you for your kind assistance and cooperation.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein

BB/mlg
Enclosures
cc: Ms. Gwen Stephens
Office of Zoning Administration
and Development Management

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

June 20, 1994

Mr. John Lewis, Zoning Technician
Office of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-440-SPHXA
W/S Greentree Road, 640' N of Hooks Lane
Festival at Woodholme
3rd Election District
3rd Councilmanic District
Petitioner(s): Greenebaum & Rose
Investments Partnership, a Maryland
Partnership and WH-I Land Limited
Partnership, Woodholme Office, Inc.

Dear Mr. Lewis:

In reference to the above entitled matter, I am enclosing twelve (12) copies of the Amended Plat to Accompany the Zoning Petition for filing in the above entitled case. While the Amended Plat requires amending some of the requested variances, it adds no new variances nor does it change the spirit and intent of the entire plan.

On or before the time of hearing I will amend by interlineation the requested variances. It is our intention to proceed with the hearing on June 23, 1994.

I have enclosed my check for costs in the amount of \$100.00 to cover the cost of amendment.

LAW OFFICES OF
TABOR, BETTEN AND BERMAN

NEIL TABOR
ALAN BETTEN
CYNTHIA A. BERMAN

PROFESSIONAL ASSOCIATION
SUITE 1115 THE BLAUSTEIN BUILDING
ONE NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3719

TELEPHONE 847-1800
FACSIMILE 847-0436
AREA CODE 410

June 21, 1994

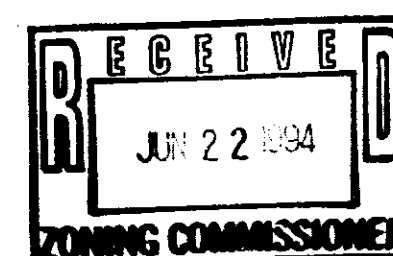
VIA HAND DELIVERY

Mr. Pat Keller, Director
Baltimore County Department
of Planning and Zoning
Administration
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

RE: Case No. 94-440-SPHXA (Item 427),
Festival At Woodholme

Dear Mr. Keller:

This firm represents Pikesville Community Growth Corporation ("PCGC") with regard to the above-captioned matter. PCGC hereby requests that it be noted in the case file concerning this matter that it does not oppose the special exception requested by the Petitioners for a health and fitness club in an O-2 zone, as well as the several variances requested attendant to such special exception, provided that the granting of such special exception and the related variances are specifically limited to the use of the Petitioner's proposed 56,000 square foot building for a health and fitness club, such as Sinai Fitness, or for other commercial office uses as are permitted in an O-2 zone. PCGC remains adamantly opposed to the granting of any special exception and related variances that would act as a blanket permission to the Petitioners to use the proposed 56,000 square foot facility for any purpose other than those commercial office uses currently permitted in an O-2 zone.



LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX (410) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

August 2, 1994

Board of Appeals for Baltimore County
Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

Attn: Ms. Kathleen C. Weidenhammer
Administrative Assistant

RE: Festival at Woodholme
Petitioner: Greenebaum & Rose
Investments Partnership, et al.
Case No. 94-440-SPHXA

Dear Ms. Weidenhammer:

Please dismiss the appeal noted by me on behalf of Greenebaum & Rose Investments Partnership and WH-I Land Limited Partnership from the order of the Deputy Zoning Commissioner dated June 28, 1994 in the above entitled case.

Sincerely,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlg
cc: Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Carole S. Demilio, Esquire
Deputy People's Counsel for Baltimore County

94 AUG -3 PM12:03

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 24, 1994

SUBJECT: West side of Greentree Rd. & 40 ft. north of Hook Lane

INFORMATION: *W. 440 SPHXA*

Item Number: 427

Petitioner: Greenbaum & Rose Investments, Partnership

Property Size: _____

Zoning: O-2 and D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The Planning Office has had a number of meetings over the last several months with the developer and his designers, and attorney. These meetings were primarily devoted to reviewing a variety of design concepts that would accommodate the special needs of the proposed Sinai Fitness facility and its associated offices, while maintaining the same degree of quality found in the remainder of the complex. An attempt was also made to minimize the impact of the two large buildings on the residential community of Greentree, which is located immediately east of Greentree Road.

We find that the plan submitted accomplishes these goals. Although the site design does require a series of Variances, a Special Exception, and a Special Hearing, this Office supports the subject request and recommends its approval.

Prepared by: _____

Division Chief: _____

PK/JUL:W

ZAC, 427/PZONE/ZAC1

Pg. 1

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/17/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
NHL 510P-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Towson Agenda:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 421, 421, 424, 426, AND 427.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

RECEIVED
MAY 18 1994

ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 1, 1994

Mr. Philip Antonucci
Hoff & Antonucci Associates
1717 York Road, Suite 1B
Lutherville, MD 21193

RE: Petition for Special Exception, Special Hearing
and Zoning Variance
W/S Greentree Road 640 ft. North of Hooks Lane
(Festival at Woodholme)
3rd Election District
3rd Councilmanic District
Greenbaum & Rose Investments
Partnership-Petitioner
Case No. 94-440-SPHXA

Dear Mr. Antonucci:

Please be advised that an appeal of the above-referenced case was filed in this office on June 29, 1994 by Benjamin Bronstein, Esquire on behalf of Greenbaum & Rose Investments Partnership and WH-I Land Limited Partnership. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Stewart J. Greenbaum
People's Counsel

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 1, 1994

Mr. Philip Antonucci
Hoff & Antonucci Associates
1717 York Road, Suite 1B
Lutherville, MD 21193

RE: Petition for Special Exception, Special Hearing
and Zoning Variance
W/S Greentree Road 640 ft. North of Hooks Lane
(Festival at Woodholme)
3rd Election District
3rd Councilmanic District
Greenbaum & Rose Investments
Partnership-Petitioner
Case No. 94-440-SPHXA

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If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Stewart J. Greenbaum
People's Counsel

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on Recycled Paper

88/mg/06.29.94

IN RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & ZONING VARIANCE * ZONING COMMISSIONER
W/S GREENTREE ROAD *
640' NORTH OF HOOKS LANE *
FESTIVAL AT WOODHOLME * FOR
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *

Petitioners: GREENBAUM & ROSE *
INVESTMENTS PARTNERSHIP *
A MARYLAND PARTNERSHIP *
AND WH-I LAND LIMITED *
PARTNERSHIP *

Petitioners * CASE NO.: 94-440-SPHXA

* * * * *

NOTICE TO ENTER APPEAL

Please enter an appeal on behalf of Greenbaum & Rose Investments Partnership and WH-I Land Limited Partnership, 1829 Reisterstown Road, Baltimore, Maryland 21208 to the Board of Appeals from the Order of the Deputy Zoning Commissioner dated June 28, 1994 granting the Special Exception in the above captioned case. Please enter my appearance on behalf of the Appellant.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

4/29/94
ZONING OFFICE

APPEAL

Petition for Special Hearing, Special Exception
and Zoning Variance
W/S Greentree Road, 640 ft. N of Hooks Lane
(Festival at Woodholme)
3rd Election District - 3rd Councilmanic District
Greenbaum & Rose Investments Partnership and
WH-I Land Ltd. Partnership-PETITIONER
Case No. 94-440-SPHXA

Petition(s) for Special Hearing, Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protest(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Zoning Petition

2 - Plat to Accompany Zoning Petition

3 - The Traffic Group

4 - Abbreviated Client List

Jeffrey M. Benaky Resume

Deputy Zoning Commissioner's Order dated June 28, 1994 (Granted)

Notice of Appeal received on June 29, 1994 from Benjamin Bronstein, Esquire on behalf of Greenbaum & Rose Investments Partnership and WH-I Land Limited Partnership

c: Mr. Philip Antonucci, Hoff & Antonucci Associates, 1717 York Road, Suite 1B, Lutherville, MD 21193
Mr. Stewart J. Greenbaum, Greenbaum & Rose, Woodholme Center, 1829 Reisterstown Road, Suite 410, Baltimore, MD 21208
Benjamin Bronstein, Esquire, Evans, George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 13, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-440
GREENBAUM & ROSE INVESTMENTS PARTNERSHIP, ET AL
(FESTIVAL AT WOODHOLME)
District 3

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

Case No. 94-440-SPHXA
Festival at Woodholme

Greenbaum & Rose Investment Partnership et al -Petitioners

8/03/94 -Letter of Dismissal dated August 2, 1994 filed by Benjamin Bronstein, Esquire, on behalf of Appellants /Petitioners. Order of Dismissal to be issued by Board.

ZONING HEARING ADVERTISING AND FILING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors/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.

Carl Jahn
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 427
Petitioner: *Greenebaum & Rose Investments Partnership, et al.*
Address: *111 W. Chesapeake Avenue, Towson, MD 21204*
Phone: *410-440-SPHXA*
Fax: *410-440-SPHXA*
E-mail: *410-440-SPHXA*

MUST BE SUPPLIED

Item Number: 427
Planner: JLL
Date Filed: 5-16-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophie. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acres
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BC2R section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: POTOMAC PUBLISHING COMPANY
May 19, 1994 Issue - Jeffersonian

Please forward billing to:
Stewart J. Greenebaum
410 Woodholme Center
1829 Rutherford Road
Baltimore, Maryland 21208
410-8400

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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-440-SPHXA (Item 427)
W/S Greentree Road, 640' N of Hooks Lane
Festival at Woodholme
3rd Election District - 3rd Councilmanic
Petitioner(s): Greenebaum & Rose Investments Partnership, a MD Partnership
and W-1 Land Limited Partnership, Woodholme Office, Inc.
HEARING: THURSDAY, JUNE 23, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse.

Special hearing to approve a commercial access through a residential zone.
Special Exception for a health and fitness club in an O-2 zone.
Variance to permit 108 parking spaces in lieu of the required 385 and to approve a modified parking plan; to permit parking on a travelway; to permit an aggregate adjusted gross floor area of 27A in lieu of the maximum 10A for accessory conference facilities or commercial use; to permit a setback of 70 feet from a D.R. zone in lieu of the required twice the height of the building; and to permit a FAR of .41 in lieu of the required maximum .4 for the existing building on lot 1A and to permit a FAR of .46 in lieu of the permitted FAR for building B, lot 2.

LAWRENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 12, 1994

(410) 887-3353

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Carl Jahn
ARNOLD JABLON
Director

cc: Stewart J. Greenebaum
D.S. Thaler & Associates
Benjamin Bronstein, Esq.

NOTES: (1) ZONING SIGN & POST 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 887-3391.

Printed with Synthes Ink
on Recycled Paper

Benjamin Bronstein, Esquire
Evans, George & Bronstein
Suite 205
29 West Pennsylvania Avenue
Towson, Maryland

RE: Case No. 94-440-SPHXA, Item No. 427
Petitioner: Greenebaum & Rose Investments Partnership, et al.
Petitions for Special Hearing, Special Exception, and Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 6, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-17-94

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

Re: Baltimore County
Item No.: 427 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. KANSEY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-9-94

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

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CASE NO. 94-440-SPHXA

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Bob Small
for DAVID N. KANSEY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

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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

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 23, 1994
Item No. 427

The Developers Engineering Section has reviewed the subject zoning item. A revised schematic landscape plan must be submitted and tentatively approved prior to the special hearing.

RWB:aw



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at West side of Greentree Road 640 ft North of
Hooks Lane which is presently zoned O-2 & DR10.5

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 Section(s)

as per attached

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

1. Configuration of Property
2. And for such reasons as may be demonstrated at the time of hearing

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

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

Legal Owner: W-L Land Limited Partnership
Greentree Office, Inc., Gen. Partner
Stewart J. Greenebaum, President Partner
A Maryland Partnership

BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore, Maryland 21208

City: Baltimore State: Maryland Zip: 21208

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein

BY: [Signature]
Suite 205
111 W. Susquehanna Ave., Suite 205
Baltimore, Maryland 21204

City: Baltimore State: Maryland Zip: 21204

Legal Owner: Greenebaum & Rose Investments
A Maryland Partnership

BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore, Maryland 21208

City: Baltimore State: Maryland Zip: 21208

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein

BY: [Signature]
Suite 205
111 W. Susquehanna Ave., Suite 205
Baltimore, Maryland 21204

City: Baltimore State: Maryland Zip: 21204

Office Use Only
ESTIMATED LENGTH OF HEARING
The following date: _____ Next Two Months
ALL OTHER _____
REVIEWED BY: _____ DATE: _____

ORDER RECEIVED FOR FILING
Date: 4/29/94
By: [Signature]

AMENDED SCHEDULE A TO BE ATTACHED TO PETITION FOR VARIANCE

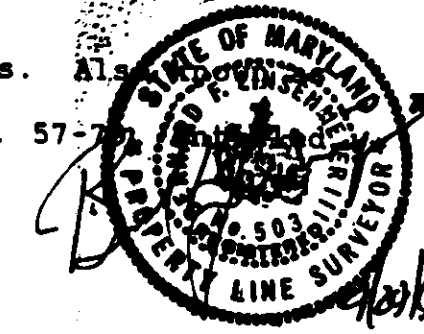
1. From Section 409.6.A.4 to permit 91 parking spaces in lieu of the required 434 and pursuant to Section 409.12 to approve a modified parking plan.
2. From Section 409.4 to permit parking on a travelway.
3. From Section 205.4.C.1.a to permit an aggregate adjusted gross floor area of 29% in lieu of the maximum 10% for accessory conference facilities or commercial use.
4. From Section 205.4.D.1 to permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building.
5. From Section 205.4.D.3. to permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for building B lot 2.

ORDER RECEIVED FOR FILING
Date: 4/29/94
By: [Signature]

FESTIVAL AT WOODHOLME - PROPERTY DESCRIPTION (FOR ZONING PURPOSES ONLY) PHASE I (LOT #1-A), BUILDING 'A' (LOT #1) AND BUILDING 'B' (LOT #2)

Beginning for the same at a point on the west side of
Greentree Road, a sixty (60) foot right-of-way, approximately 640
feet, more or less, northeast of its intersection with Hooks Lane,
a sixty (60) foot right-of-way; thence, running the following
eleven (11) courses and distances:

1. North 81°03'01" West 150.67 feet to a point; thence,
 2. Northwestly 360.51 feet by a curve to the left, having a
radius of 400.00 feet and a chord bearing South 73°07'46" West
348.43 feet to a point; thence,
 3. South 47°18'35" West 334.41 feet to a point; thence,
 4. North 41°53'18" West 392.83 feet to a point; thence,
 5. North 47°15'54" East 967.54 feet to a point; thence,
 6. North 42°56'58" West 342.50 feet to a point; thence,
 7. North 89°06'32" East 523.39 feet to a point; thence,
 8. South 08°32'47" East 453.83 feet to a point; thence,
 9. Southwestly 346.18 feet by a curve to the right, having a
radius of 640.00 feet and a chord bearing of South 06°57'00"
West 341.98 feet to a point; thence,
 10. South 20°04'06" West 58.08 feet to a point; thence,
 11. Southeastly 62.82 feet by a curve to the left, having a
radius of 700.00 feet and a chord bearing South 15°07'11" West
62.79 feet to the point of beginning.
- Containing 14.67 acres or land, more or less. All part of Lots #1, #4, #5 and #6 of Plat S.M. No. 57-79, entitled "Festival at Woodholme".



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 5/18/94
Posted for: Special Hearing - Special Exceptions - Variance
Petitioner: Greenebaum & Rose Investments, Inc. W-L Land Partnership
Location of property: W. Greentree Rd. - 640' N. Hooks Lane
Location of Sign: Along road way on property being zoned
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/3/94
Number of Signs: 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 5/18/94
Posted for: Appeal
Petitioner: Greenebaum & Rose Investments, Inc. W-L Land Partnership
Location of property: W. Greentree Rd. - 640' N. Hooks Lane
Location of Sign: Along road way on property being zoned
Remarks: [Signature]
Posted by: [Signature] Date of return: 5/18/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/20, 1994

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 5/19, 1994

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County will hold a public hearing on the petition for a Variance from the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. Configuration of Property
2. And for such reasons as may be demonstrated at the time of hearing
The hearing will be held on Thursday, June 2, 1994 at 10:00 a.m. in Room 118, 118, 016
Case Number: 94-440-SPHXA (Item 427)
W-L Land Partnership
1829 Reisterstown Road, 1829
Baltimore, Maryland 21208
Petitioner: Greenebaum & Rose Investments, Inc. W-L Land Partnership
A Maryland Partnership
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore, Maryland 21208
Special Hearing to approve a commercial center located in a residential zone. Special exceptions for a building and parking spaces in lieu of the maximum 10% for accessory conference facilities or commercial use. To permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building. To permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for building B lot 2.

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150

Date: 6/20/94
Number: 94440-SPHXA
By: JLL

REVISIONS TO Zoning Case.

CODE 110 \$100.00

TOTAL 100.00

CANCEL. Investment Partnership of A.M. Partnership
Loc Festival at Woodholme
W side Greentree Rd
Please Make Checks Payable To: Baltimore County

FESTIVAL AT WOODHOLME PROPERTY DESCRIPTION (FOR ZONING PURPOSES ONLY) LOT #1

Beginning for the same at a point on the west side of
Greentree Road, a 60 foot right-of-way, approximately 640 feet
northeast of its intersection with Hooks Lane, a 60 foot right-of-
way; thence, running

1. North 81°03'01" West 150.67 feet to a point; thence,
2. Southwestly 221.67 feet by a curve to the left, having a
radius of 400.00 feet and a chord bearing South 83°04'24"
West 218.85 feet to a point; thence,
3. Northwestly 180.00 feet by a curve to the left, having a
radius of 465.00 feet and a chord bearing North 31°36'01"
West 178.88 feet to a point; thence,
4. North 42°41'25" West 36.08 feet to a point; thence,
5. Northwestly 102.62 feet by a curve to the left, having a
radius of 145.00 feet and a chord bearing North 62°57'57"
West 100.49 feet to a point; thence,
6. North 06°45'31" East, 20.00 feet to a point; thence,
7. Northwestly 96.02 feet by a curve to the left, having a
radius of 165.00 feet and a chord bearing South 80°05'13"
West 94.67 feet to a point; thence,
8. North 26°35'05" West, 15.00 feet to a point; thence,
9. Southwestly 62.83 feet by a curve to the left, having a
radius of 180.00 feet and a chord bearing South 53°24'52"
West 62.52 feet to a point; thence,
10. South 43°24'48" West 85.41 feet to a point; thence,
11. Southwestly 103.39 feet by a curve to the left, having a
radius of 1592.37 feet and a chord bearing South 41°58'11"
West 103.38 feet to a point; thence,

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150

Date: 5/6/94
Number: 427

Codes
10207 070 = 650.00
SPH040
SPH050
CODE 080 (5) SIGNS 175.00
TOTAL \$825.00

LOC: USING GREENETREE RD 640 FT N OF HOOKS LA.
OWNER: GREENEBAUM & ROSE INVESTMENTS, INC. W-L LAND PARTNERSHIP
Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND OFFICE OF REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 7/1/94 ACCOUNT: 1-RECEIPTS
AMOUNT: \$25.00
RECEIVED FROM: EVANS GEORGE & BRONSTEIN
FOR: 94-440-SPHXA - APPEAL SIGN
DIAD18001SHICRC \$35.00
BALANCE: 00000000-05-04
VALIDATION OR SIGNATURE OF CLERK

BALTIMORE COUNTY, MARYLAND OFFICE OF REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 7/1/95 ACCOUNT: 1-RECEIPTS
AMOUNT: \$250.00
RECEIVED FROM: EVANS GEORGE AND BRONSTEIN
FOR: 94-440-SPHXA - APPEAL
DIAD18001SHICRC \$250.00
BALANCE: 00000000-05-04
VALIDATION OR SIGNATURE OF CLERK

side of Greentree Road is too small for any residential use. Testimony further indicated that the DR 10.5 sliver, which will be traversed by the new entrance into Greentree Road, was necessitated by the fact that the road alignment was created after the zone line.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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. Board 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

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established that special circumstances and conditions exist that are peculiar to this site, and that the requirements from which the Petitioners 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 variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

The Zoning Commissioner's Policy Manual Section 102.6, provides in part that commercial access through a residential zone may be permitted when the land in issue is too small to support a residential use. It is obvious that the sliver of DR 10.5 land on which the proposed access on to Greentree Road as shown on Exhibits 1 and 2 is too small for residential use. It also is clear that the new access is preferable for the flow of traffic than the existing single access point.

Section 205.3.8 permits a special exception for a health and fitness club in an O-2 zone provided that the Zoning Commissioner finds that the use will primarily serve the principal use of the lot or office park. The Petitioners also have the burden of adducing testimony and evidence which shows that the proposed use meets with the prescribed standards and requirements of Section 202.1. I make a finding of fact that the Petitioners have met their burden.

Petitioners have shown the proposed use would be conducted without real detriment to the neighborhood and would not adversely

7

effect the public interest. The facts and circumstances do not show the proposed use at the particular location described in Petitioners' Exhibits 1 and 2 would have an adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purpose of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

It further appears from the evidence and exhibits that the relief requested should be granted, that the requirements of Sections 305.B.3 and 502.1 of the B.C.Z.R. are satisfied, and it further appears that the health, safety and general welfare of the community will not be adversely affected by the proposed special exception and variances as requested.

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.

IT IS THEREFORE ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994, that the Petition for Special Exception for a health and fitness center in an O-2 zone, as more particularly shown on Petitioners' Exhibits 1 and 2, be and is hereby granted; and

8

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit commercial access through a residential zone be and is hereby granted; and,

IT IS FURTHER ORDERED that the Amended Petition for Variances to permit 91 spaces in lieu of the required 434 spaces, to approve a modified parking plan, to permit parking on a traveled way, to permit an adjusted gross area of 29% in lieu of the maximum 10% on accessory conference facility or commercial use, to permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building, to permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A, and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for Building B on lot 2, be and they are hereby granted.

The relief granted in this order is, however, subject to the following restrictions which are conditions precedent to relief granted herein:

1. That the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to the original condition.

2. The Petitioners shall record among the Land Records of Baltimore County a Reciprocal Access and Parking Agreement.

3. That the Petitioners shall submit a landscaping plan to the Office of Zoning Administration and Development Management for approval by the Baltimore County Landscape Planner, and a copy of the approved plan shall be

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submitted to the Deputy Zoning Commissioner for final approval and inclusion in the case file.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 28, 1994

(410) 887-4386

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
W/S Greentree Road, 640' N of Hooks Lane
(Festival at Woodholme)
3rd Election District - 3rd Councilmanic District
Greenebaum & Rose Investments Partnership
WH-I Land Ltd. Partnership - Petitioners
Case No. 94-440-SPHX

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have been granted in accordance with the attached Order.

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

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Stewart J. Greenebaum, Greenebaum & Rose, Woodholme Center
1829 Reisterstown Road, Suite 410, Baltimore, Md. 21208

People's Counsel

file

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]

10

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____
a commercial access through a residential zone

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

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

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

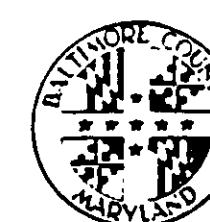
Legal Owner: WH-I Land Limited Partnership
Greenebaum & Rose Investments
Stewart J. Greenebaum, President
(Type or Print Name)
BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore Maryland 21208
City and State

Legal Owner(s): Greenebaum & Rose Investments
Woodholme Office, Inc., Gen. Partner
Stewart J. Greenebaum
(Type or Print Name)
BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore Maryland 21208
City and State

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein
(Type or Print Name)
BY: [Signature]
29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204
City and State

29 W. Susquehanna Ave., Suite 205
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
D. St. Thaler & Associates
7115 Ambassador Road 944-3647
Baltimore Maryland 21204
City and State

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: _____

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at West side of Greentree Road 640 ft North of Hooks Lane, which is presently zoned O-2 & DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for _____

a health and fitness club in an O-2 zone

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

Legal Owner: WH-I Land Limited Partnership
Woodholme Office, Inc., Gen. Partner
Stewart J. Greenebaum, President
(Type or Print Name)
BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore Maryland 21208
City and State

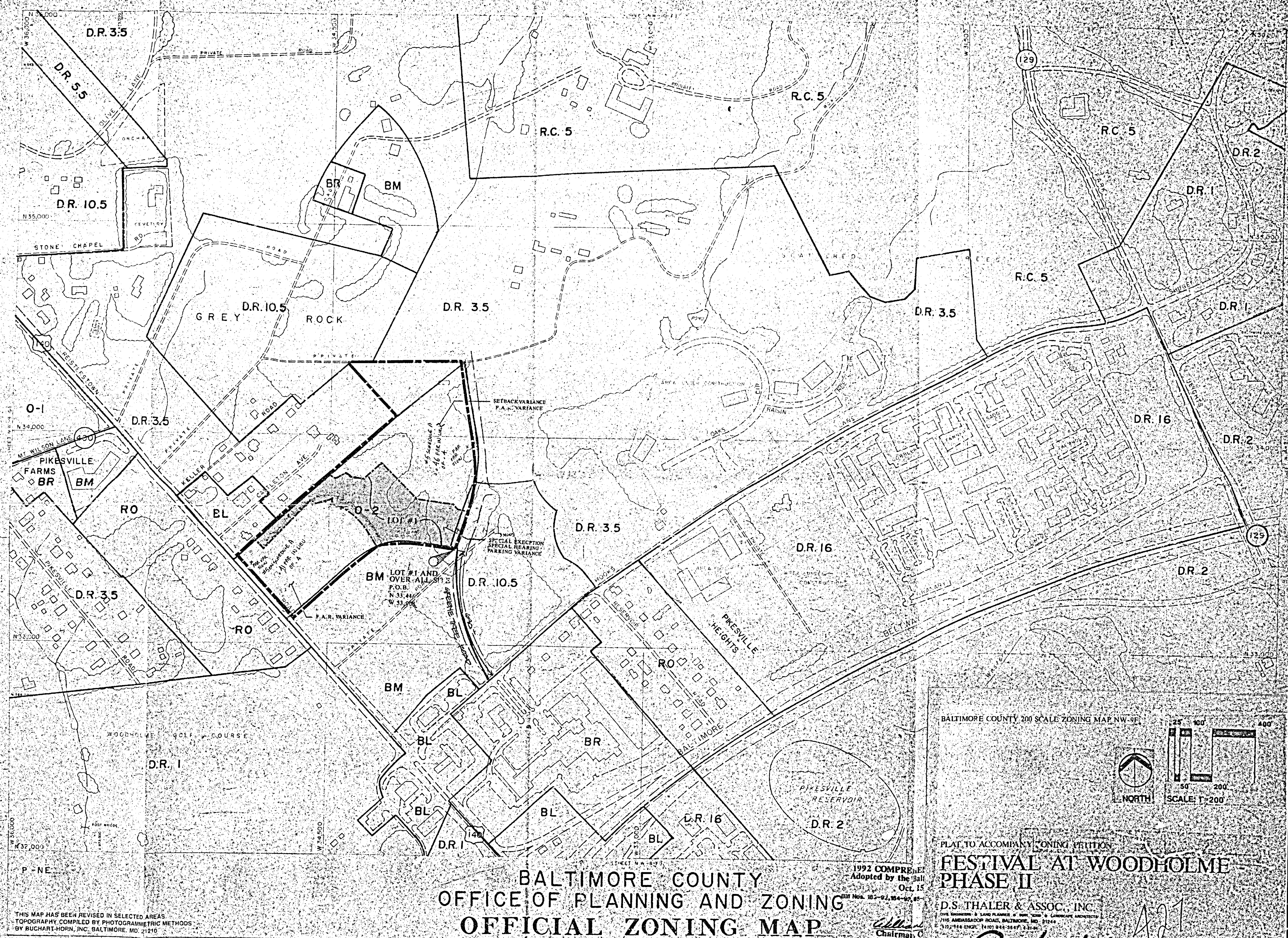
Legal Owner(s): Greenebaum & Rose Investments
Woodholme Office, Inc., Gen. Partner
Stewart J. Greenebaum
(Type or Print Name)
BY: [Signature]
Suite 410 Woodholme Center
1829 Reisterstown Road
Baltimore Maryland 21208
City and State

Attorney for Petitioner: Benjamin Bronstein
Evans, George & Bronstein
(Type or Print Name)
BY: [Signature]
29 W. Susquehanna Ave., Suite 205
Towson Maryland 21204
City and State

29 W. Susquehanna Ave., Suite 205
Towson Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
D.S. Thaler & Associates
7115 Ambassador Road 944-3647
Baltimore Maryland 21204
City and State

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: _____



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE
Adopted by the Bal. Co. Council
Oct. 15
BIL Nos. 105-92, 106-92, 85-92
Chairman

BALTIMORE COUNTY 200 SCALE ZONING MAP NW-9E
25' 100' 400'
50' 200' 400'
NORTH
SCALE: 1"=200'
PLAN TO ACCOMPANY ZONING PETITION
**FESTIVAL AT WOODHOLME
PHASE II**
D.S. THALER & ASSOC., INC.
1110 AMBASSADOR ROAD, BALTIMORE, MD. 21244
(410) 944-5847, (410) 944-5848, (410) 944-5849

Q4-440 SPHVA

[illegible][illegible]

~~SECRET~~



PETITION
EXHIBIT

ER'S

[illegible]

GENERAL NOTES:

[illegible]

```

      +-----+
      | 1971  50  000 |
      +-----+

* PROPHET INFORMATION
DEMO: 0100/017
      0110/000

Tab DEMO:001  MOD:  100  0  21 00 00 1170
              100  0  21 00 00 1170
              100  0  21 00 00 1100
              100  0  21 00 00 1101

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740 MR. AD 0010: 10 MR. C. 127
P. 1, 17/79

Q. 0. What is the location, map
7119 International Road
Baltimore, Maryland 21244
410. 516-0135, 516-0136, 516-0137
(410) 506-3637

[illegible]

	Phase 1	On-Going 'A'	On-Going 'B'	Phase 2
	1st Set 'A'	1st Set	1st Set	
00	0 10 001(0001)	0 11 001(0001)	0 00	0 20 001(0001)
	0 10 001(0000)	0 11 001(0000)		0 20 001(0000)
0 0	0 10 001(0001)	0 01 001(0001)	0 10 001(0001)	0 20 001(0001)
	0 10 001(0000)	0 01 001(0000)	0 10 001(0000)	0 20 001(0000)

```

00 10 5 0.0 0.0 1 00 Acc(Yes) 1 10 Acc(Yes)
00 10 5 0.0 0.0 0 00 Acc(No) 1 0 Acc(Yes)
00 10 5 0.0 0.00 Acc(Yes) 0 00 Acc(No) 0 0 Acc(Yes)
00 10 5 0.0 0.22 Acc(Yes) 0 17 Acc(No) 0 00 Acc(Yes)
TOTAL: 0 00 Acc(Yes) 0 01 Acc(Yes) 0 70 Acc(Yes) 14 00 Acc(Yes)
0 17 Acc(No) 0 30 Acc(No) 0 70 Acc(No) 19 00 Acc(No)
0 00 Acc(Yes) 0 00 Acc(No) 0 00 Acc(Yes) 0 00 Acc(No)

```

Phase 1 Ex. 101-10	Building 'A' Lot 01	Building 'B' Lot 01	Overall
Allowed Existing	Allowed Proposed	Allowed Proposed	Allowed Proposed

[illegible][illegible]

Bruch	6 461 474	161,1 000 of a	161 1 000 000
Struett & Frey (all rights)	6 117 471	161,1 000 of a	161 1 000 000
Landt	1 261 471	161,1 000 of a	161 1 000 000
Landt	1 110 471	161,1 000 of a	161 1 000 000
Landt	1 010 471	161,1 000 of a	161 1 000 000

Category	Value	Unit	Value	Unit
1st Year	1000	Bar	7.60	g/L
2nd Year	1000	Bar	7.60	g/L
3rd Year	1000	Bar	7.60	g/L
4th Year	1000	Bar	7.60	g/L
5th Year	1000	Bar	7.60	g/L
6th Year	1000	Bar	7.60	g/L
7th Year	1000	Bar	7.60	g/L
8th Year	1000	Bar	7.60	g/L
9th Year	1000	Bar	7.60	g/L
10th Year	1000	Bar	7.60	g/L

Location: South	Waste	6 3/4, 000 sq ft	3 3 spaces
Activities	7 1/2 sq ft	Waste storage	Waste storage
Installation: Single	4, 000 sq ft	(600 x 100)	
Location: S. Laundry	4 sq ft	35, 000 sq ft	64 4 spaces
Work: S. Support	2 1/2 sq ft	5 3/4, 000 sq ft	29 13 spaces

218 8 pages

Section 2

NAME	DOB	Address
Wheatfield Office	19,000 sf	4 1/2, 200 sf
Amesbury	15,000 sf	21 Amesbury

Existing
 Fund L
 Office \$9,750 at 1 1/2, 000 of =
 Total amount \$110,000 - " = 114,750
 \$114,750 - " = 105,000-00

PAGE 7
01 JUL 68

(198 SPACES REMAINING)

FORM COMPLETED BY DATE OF WORKSHEET
BY DATE OF WORKSHEET
PAGE 7 0

01 JUL 68

8. Supply Item Dates:

Impaired: 250 of the net savings 0.0				
Phase 1	Outgoing 'S'	Outgoing 'S'		Overall
Ex. 1st 'S'	1st net	1st net		
Impaired	5.00 net + 250 = 0.00 net	5.00 net + 250 = 0.00 net	5.00 net + 250 = 1.50 net	5.00 net
Proposed	1.75 net	1.25 net	1.50 net	1.75 net

[illegible]

Phase 3 So. (10' x 8')		Building "A" Lot 68		Building "B" Lot 69		Overall	
Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed
Admittance Load 710' x 400' =	0.0 Mg	100' x 40' =	6.0 Mg	90' x 40' =	22 Mg	37.1 Mg	37.6 Mg
1 Moment (L)	0.0 Mg				63 Mg		
Interior Dead 620' x 20' =	24 Mg	1000' x 20' =	52.0 Mg	900' x 20' =	36.0 Mg	100 Mg	100 Mg

1 May/10 10	21 May	50 May	20 May			
Parting - Success 10:12 =		22 May	50:15 =	6.5 May	50:10 =	6.2 May
1 May/10 Success 10:10		7 May			6.2 May	11 May 11 May
Break morning						
Free Movement 17:15 =	10 May	17:15 =	6.6 May	10:10:15 =	6.6 May	10.2 May 10.2 May
10:10:15 10:10	10 May	8.0 May		6.6 May		
1 May/10 10						

[illegible]

ATION (VARIANCES, SPECIAL EXCEPTION & SPECIAL HEARING)

OODHOLME - PHASE I

AMENDED
PLAT TO ACCOMPANY ZONING PETITION (VARIANCES, SPECIAL EXCEPTION & SPECIAL HEARING)
FESTIVAL AT WOODHOLME - PHASE I & II

D.S. THALER & ASSOC., INC.

CIVIL ENGINEERING • INTERIOR DESIGN • SUPPLY • LANDSCAPE ARCHITECTURE
7116 AMBASSADOR ROAD, BALTIMORE, MD 21244

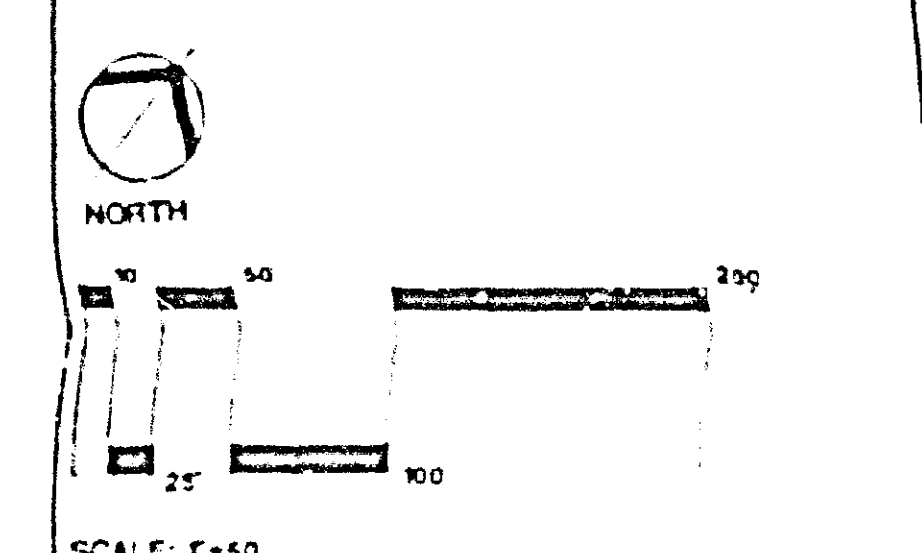
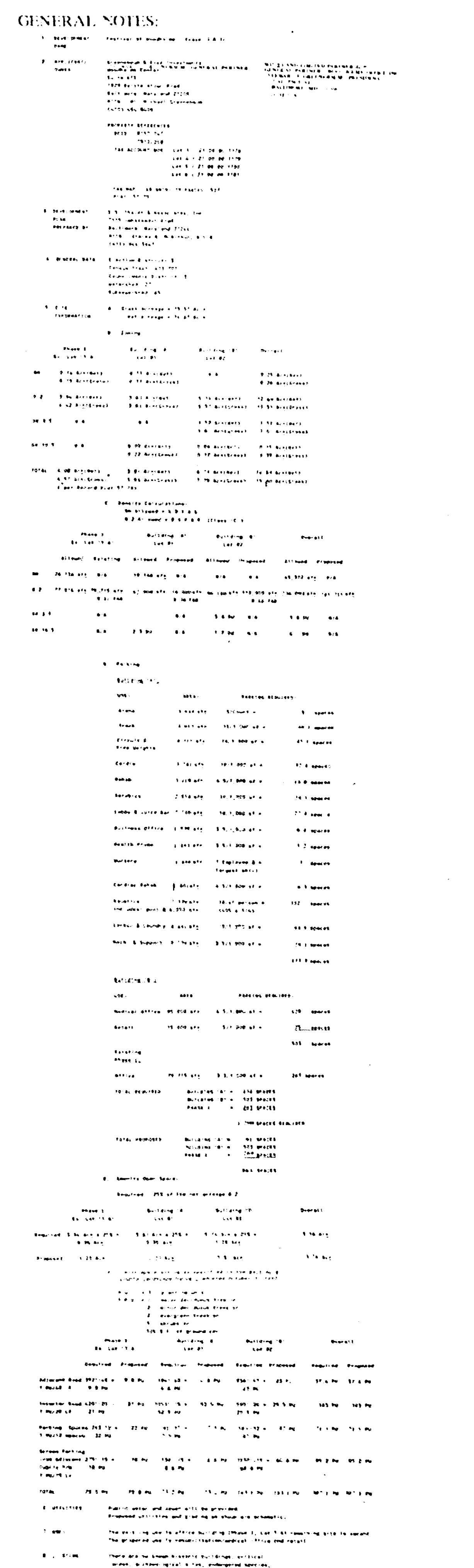
[illegible]

1. To permit power plant to start to go

2. To permit power plant to start to go

3. To permit power plant to start to go

1. The photograph of the woman in the photograph is a woman in a white dress, standing in a field. The photograph is a black and white photograph, and the woman is looking towards the camera. The photograph is a full-length photograph, and the woman is standing in a field. The photograph is a black and white photograph, and the woman is looking towards the camera. The photograph is a full-length photograph, and the woman is standing in a field.



D.S. THALER & ASSOC., INC.
7701 E. CHANDLER BLVD. SUITE 100, CHANDLER, AZ 85226
7701 E. CHANDLER BLVD. SUITE 100, CHANDLER, AZ 85226
TEL: 480/948-1100 FAX: 480/948-1101

PETITIONER'S EXHIBIT 3



EXAMPLES OF PLACES WHERE MR. GUCKERT HAS QUALIFIED AS AN EXPERT WITNESS

Maryland

Alleghens County Planning Board
Anne Arundel County, Board of Appeals, Circuit Court, Zoning Hearing Examiner
City of Annapolis City Council, Planning Commission
Heating County Board of Zoning Appeals, City Council, Federal District Court, Planning Commission
Baltimore County Board of Appeals, Circuit Court, County Council, Planning Board, Zoning Commission
Town of Bel Air Board of Appeals, Planning Board, Town Commissioners
Carroll County Board of Appeals, County Commissioners, Planning Board
Charles County, Town of Indian Head Mayor and City Council
Howard County Board of Appeals, County Commissioners, Planning Board
City of Frederick Board of Appeals, City Council, Planning Commission
Frederick County Board of Appeals, County Commissioners, Planning Board
Harford County Planning Commission, Zoning Hearing Examiner
Howard County Board of Appeals, Planning Board, Zoning Board

New Jersey

Undeveloped Township Planning Board

Virginia

Arlington County Board of Supervisors
Loudoun County Planning Board
Prince William County Planning Board and Board of Supervisors

Pennsylvania

West Whiteland Township Planning Board, Town Council
City of Scarsdale Board of Appeals, Planning Board

REPRESENTATIVE LIST OF PROJECTS AND STUDIES

Retail Projects

Annapolis Plaza and Restaurant Park, Anne Arundel Co.
Annapolis Mall, Anne Arundel Co.
Brattlefields Mall, Myrtle Beach, South Carolina
Cranberry Mall, Carroll Co.
Diamond Point Mall, Baltimore Co.
Festival at Rixia, Anne Arundel Co.
Festival at Wilford, Charles Co.
Great Mall of the Bay Area, Milpitas, California
The Mall at Mill Creek, Scarsdale, Pennsylvania
Montgomery Mall, Montgomery Co.
Pomona Mills, Pr. William Co., Virginia
Sara's Club, Anne Arundel Co.
Township Town Center, Baltimore Co.
Wal-Mart Store, Anne Arundel Co.
Wheaton Plaza, Montgomery Co.
Yorkdale Shopping Center, Baltimore Co.

Office Projects

BWI Commerce Park, Anne Arundel Co.
Collington Court, Ctr., Pr. George's Co.
Green Spring Station, Baltimore Co.
National Business Park, Anne Arundel Co.
Owings Mills Corp. Campus, Baltimore Co.
Port America, Pr. George's Co.
Presidential Center City, Pr. George's Co.
USF&C, Baltimore City

Residential Projects

Villages of Belmont, Pr. George's Co.
Villages of Middlebrook, Pr. George's Co.
White Marsh, Baltimore Co.
Woodbridge, Harford Co.
Villages of Elk Neck, Cecil Co.
Wixom, Woods, Howard Co.

Mixed-Use Projects

Bonnie New Town Center, Pr. George's Co.
Kempner's Landing PUD, Charles Co.
Pines Orchard PUD, Anne Arundel Co.
Riverside PUD, Harford Co.

Institutional Projects

Boys' Marx School, Baltimore City
CB&M, Baltimore Co.
Friedrich School, Baltimore City
McDonough School, Baltimore Co.
Sinai Hospital, Baltimore City
St. Joseph's Hospital, Baltimore City
UNSTAR, Baltimore City
United Memorial Hospital, Baltimore City
University of Maryland, Pr. George's Co.
Villa Julie College, Baltimore Co.

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 fax (410) 321-8458

PETITIONER'S EXHIBIT 48

JEFFREY M. BENSKY
Principal

PROFESSIONAL SUMMARY

My career involves over fifteen years of strategic management consulting experience in different healthcare and corporate settings. Experience includes strategic business and market planning, feasibility studies and developing ambulatory and medical staff development plans, managing national and local marketing plans, designing, developing, implementing and evaluating alternative and ambulatory care delivery services.

PROFESSIONAL EXPERIENCE

THE BENFIELD GROUP, INC.
Principal
1989 to present

Started this company to assist clients in reaching higher levels of profitability. Major focus is on developing strategic business and marketing plans for a variety of healthcare service-oriented businesses. Projects have included conducting marketing/financial feasibility studies for new business ventures; developing plans/interventions for improved organizational performance and enhancing operational efficiencies; and planning/developing/implementing programs for employers to better manage health and mental health costs. Extensive work has been conducted in developing medical staff relationship and development programs.

PRICE WATERHOUSE
Senior Manager
Manager
1968 to 1989
1986 to 1988

Senior member of the National Healthcare Strategic Consulting Group with responsibilities that included developing and managing strategy-oriented projects with three major client groups: healthcare suppliers, healthcare providers (hospitals and physicians) and corporations. A majority of the projects focused on strategic business decisions/approaches (financial, marketing, organizational and operational) related to ambulatory care, managed care, medical staff development, preventive healthcare service, outpatient and rehabilitative services, corporate health services and healthcare cost management. Developed computer-based model for determining medical staff loyalty, productivity and needs.

CHARTER MEDICAL CORPORATION
CHARTER HEALTH CENTERS
Executive Director
1984 to 1986

Developed a new business concept for this for-profit healthcare management company. Responsibilities included developing business, financial and marketing plans for business start up, program development of a comprehensive set of alternative services for cost containment and lifestyle improvement and managing a staff of over fifty professionals. Worked extensively with area physicians and regional medical directors to ensure medical credibility of services.

IN THE MATTER OF
THE APPLICATION OF
GREENEBAUM & ROSE INVESTMENTS
PARTNERSHIP, ET AL
WEST SIDE GREENTREE ROAD,
640 FEET NORTH OF HOOKS LANE
(FESTIVAL AT WOODHOLME)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
COUNTY BOARD OF APPEALS
* OF
BALTIMORE COUNTY
* CASE NO. 94-440-SPHXA

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 28, 1994 in which the Petitions for Special Hearing, Special Exception and Variance were granted with restrictions.

WHEREAS, the Board is in receipt of a Letter of Dismissal filed by Benjamin Bronstein and EVANS, GEORGE AND BRONSTEIN, Counsel for Greenebaum & Rose Investments Partnership and WH-I Limited Partnership, Appellants /Petitioners, dated August 2, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, Counsel for said Appellants /Petitioners requests that the appeal filed in this matter be dismissed and withdrawn as of August 2, 1994;

IT IS HEREBY ORDERED this 10th day of August, 1994 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Robert O. Schuetz
Robert O. Schuetz

Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 10, 1994

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-440-SPHXA
Greenebaum & Rose Investments
Partnership, et al
(Festival at Woodholme)

Dear Mr. Bronstein:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Stewart J. Greenebaum
Mr. Philip Antonucci
Hoff & Antonucci Associates
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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on Recycled Paper

88/12/06-29-94

IN RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & ZONING VARIANCE * ZONING COMMISSIONER
W/S GREENTREE ROAD *
640' NORTH OF HOOKS LANE * FOR
FESTIVAL AT WOODHOLME *
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *

Petitioners: GREENEBAUM & ROSE *
INVESTMENTS PARTNERSHIP *
A MARYLAND PARTNERSHIP *
AND WH-I LAND LIMITED *
PARTNERSHIP *

Petitioners * CASE NO.: 94-440-SPHXA

NOTICE TO ENTER APPEAL

Please enter an appeal on behalf of Greenebaum & Rose Investments Partnership and WH-I Land Limited Partnership, 1829 Reisterstown Road, Baltimore, Maryland 21208 to the Board of Appeals from the Order of the Deputy Zoning Commissioner dated June 28, 1994 granting the Special Exception in the above captioned case. Please enter my appearance on behalf of the Appellant.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(410) 296-0200

6/29/94
6/29/94

IN RE: PETITION FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & ZONING VARIANCE * ZONING COMMISSIONER
W/S GREENTREE ROAD *
640' NORTH OF HOOKS LANE * FOR
FESTIVAL AT WOODHOLME *
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *

Petitioners: GREENEBAUM & ROSE *
INVESTMENTS PARTNERSHIP *
A MARYLAND PARTNERSHIP *
AND WH-I LAND LIMITED *
PARTNERSHIP *

Petitioners * CASE NO.: 94-440-SPHXA

FINDING OF FACTS AND CONCLUSION OF LAW

Petitioners come before the Deputy Zoning Commissioner on a Petition for Special Exception for a health and fitness club in an O-2 zone; on a Petition for Special Hearing to approve a commercial access through a residential zone; and on an Amended Petition for Variances from Section 409.6.A.4, to permit 91 parking spaces in lieu of the required 434 from Section 409.12 to approve a modified parking plan to permit an aggregate adjusted gross area of 29% in lieu of the maximum 10% for accessory conference facility or commercial use, from Section 205.4.D.1 to permit a setback of 70 ft from a DR zone in lieu of the required twice the height of the building, from Section 205.4.D.3 to permit a F.A.R. of 0.41 in lieu of the required maximum 0.4 for the existing building on lot 1A, and to permit a F.A.R. of 0.46 in lieu of the permitted F.A.R. for Building B lot 2.

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Petitioners were represented by Benjamin Bronstein and Michael J. Chomel. Appearing and supporting the Petitioners' request were Mr. Bruce Eisen on behalf of the Associated Jewish Charities, Mr. Warren Green, President of Sinai Hospital; Sidney Friedman, CPA, President of the Pikesville Chamber of Commerce. Also appearing on behalf of the Petitioners as expert witnesses were Mr. Matt D'Amico, a registered landscape architect with the firm of Design Collective, Inc.; Mr. Jeffrey Bensky, a principal of The Benfield Group, a management and health care consulting firm; Wes Guckert, President of The Traffic Group, Inc., a Baltimore County based traffic engineering firm; and David S. Thaler, P.E. of D.S. Thaler & Associates, Inc., a Baltimore County based civil engineering and land consultant firm. Stewart Greenebaum, a partner of both the petitioning partnerships, was also present. In view of the fact that there were no protestants, a proffer by Mr. Bronstein of the testimony of the respective witnesses was accepted.

In addition to the proffered testimony, a plat entitled Amended Plat Accompanying the Zoning Petition Festival at Woodholme, Phases I and II dated 6/17/94 prepared by D.S. Thaler & Associates, Inc., together with a colored rendition of the same plat, were introduced as Exhibits 1 and 2 respectively. The remaining exhibits included the Curriculum Vitae of Mr. Guckert as Exhibit 3, the Curriculum Vitae of Mr. Bensky as Exhibit 4A and lastly a client list of The Benfield Group as Exhibit 4B.

The proffered testimony included the following relevant facts. The entire Woodholme site consists of approximately 15 acres

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subdivided into lots as shown on Exhibit 1 and 2. The interlocking partnerships remain in control of the entire site which is currently improved by a shopping center, an office building and a retail building currently under construction, identified on the plat as 1819 Reisterstown Road. The site is north of the Baltimore County Beltway on the east side of Reisterstown Road. Access to the site on Reisterstown Road is at two separate locations, one of which is controlled by an automatic signal. Access to the site through Greentree Road is limited to one access at this time with an additional proposed access shown on Exhibits 1 and 2 and designated as "Area of Special Hearing".

Petitioners also seek a special exception for the new Sinai Fitness Center identified as Building A on Exhibits 1 and 2. Building B, on Exhibits 1 and 2, not part of the special exception, will primarily be utilized as a medical office building.

The Petitioners had extensive meetings with the Office of Planning and Zoning of Baltimore County relating to the site design. As a result of those meetings, Petitioners prepared a plan (Exhibits 1 and 2) providing a substantial building setback into the site from Greentree Road in order to avoid having a building mass close to Greentree Road and the adjoining Greene Tree subdivision. The current Greentree Road access is redesigned together with a landscaped drop-off area in front of Buildings A and B in order to foster a sense of place. The new southerly entrance on Greentree Road was suggested by the Office of Planning and Zoning in order to provide a more direct access for shopping

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center patrons.

The proffered testimony also indicates that Buildings A and B will each have approximately 4,000 sq ft of space allocated for heating and air conditioning. The significantly increased space for heating and air conditioning is required in order to accommodate energy saving equipment under a new program which is being implemented by Baltimore Gas & Electric Company.

The proffered testimony indicated that Mr. Guckert conducted a parking study and that all of the subdivided lots self park with the exception of the Sinai Fitness lot. That study indicated that the required number of parking spaces under the Baltimore County Zoning Regulations as noted in Note 5D on Exhibits 1 and 2, do not reflect the reality of actual usage. Two examples that stand out are that it would be highly unlikely that the number of persons utilizing in excess of 46 parking spaces would be on the running track at the same time that the number of persons utilizing in excess of 100 parking spaces would be in the aquatic pools. Mr. Guckert's proffered testimony revealed that the existing uses and the proposed uses have complementary peak hour parking demands and not overlapping demands. Mr. Guckert's analysis indicates under the worst case condition the existing Sinai patronage could double and sufficient parking would still exist. The Petitioners are also agreeable to recording a reciprocal access and parking agreement as a condition of approval of the Petitions filed in this proceeding.

Additional proffered testimony of Mr. Bensky was that Sinai Fitness Center will have programs including but not limited to

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cardiac rehabilitation and other forms of rehabilitation and health promotion designed to accommodate patient needs of the doctors in the medical building. The testimony is that the Sinai Fitness Center will primarily serve the tenants of the existing and new office building.

Testimony proffered on behalf of Mr. D'Amico, a landscape architect, was that the additional energy saving space for Buildings A and B contributed to the increased square footage of those buildings and the request for an aggregate adjusted gross floor area of 29% in lieu of the maximum 10% for accessory conference facilities or commercial use. Further testimony proffered on behalf of Mr. D'Amico was that the variance request to permit a setback of 70 ft from the DR zone line was triggered by the need to move Building B back from Greentree Road, placing it in closer proximity to the DR 3.5 zone area of the property which has an existing use permit for parking.

Proffered testimony on behalf of Mr. Thaler was that the variance request for the existing office building relating to floor area ratio was a result of calculating a portion of that lot zoned BM as part of the permitted F.A.R. when the building was erected.

The proffered testimony on behalf of Mr. Guckert and Mr. Thaler was that the requested variances and the special exception met the requirements of the Baltimore County Zoning Regulations. The proffered testimony of Mr. Thaler also indicated that the utilization of access through the DR 10.5 zone should be permitted in view of the fact that the DR 10.5 strip existing on the west

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