

IN RE: PETITION FOR SPECIAL HEARING  
Corner S/S Dogwood Road, W/S  
Gwynn Oak Avenue  
6501 Dogwood Road  
1st Election District  
1st Councilmanic District  
A & E Partners/Emmes Mankens  
Corporation, Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-270-SPH

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner (Hearing Officer) as a Petition for Special Hearing for the property located at 6401 Dogwood Road in Woodlawn. The Petition is filed by A & E Partners, property owner. The Petitioner seeks a waiver of the application of Section 510.2 of the Building Code, to permit parking in a Riverine flood plain. The Petition is filed pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR), and Sections 26-276, 26-670 and 26-172 of the Baltimore County Code. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Hearing received as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Randy Merciez, on behalf of A & E Partners, property owner. Also present was Ken Green from STV, Inc., the firm which prepared the site plan. The Petitioner was represented by Benjamin Bronstein, Esquire. There were no Protestants or other interested persons present.

The subject property is a rectangularly shaped lot comprised of 1.547 acres, zoned M.L. The property is located adjacent to the southwest corner of the intersection of Gwynn Oak Avenue and Dogwood Road in Woodlawn. Presently, the site is improved with a two story brick building which is presently used as a trade school. The site also contains a macadam parking lot. The property is adjacent to the Woodlawn Senior

DATE FILED  
Date 2/24/97  
By M. Spack

W...

High School and a portion of the Dead Run Stream runs across the southern portion of the property. It is this stream which generates the Riverine Floodplain from which the Petitioner seeks special hearing relief.

I am familiar with the subject site by reason of a prior case which I considered in January, 1995. By Order issued on January 26, 1995 in case No. 95-208-SPHA, I granted special hearing and variance relief to permit existing business parking in a residential zone and certain deviations from the Landscape Manual requirements and parking requirements. Variance relief was also granted for RTA buffers and setbacks and to permit a trade school in the existing building.

The history of this property is that the site was originally developed in the mid 1960s and was part of the Meadows Industrial Park. That park was comprised of a series of buildings spread over approximately 25 acres. Formerly, the industrial park was the home of the Health Care Finance Administration (HCFA), a federal government agency. However, that agency relocated several years ago. Due to the loss of HCFA as a major tenant, the property owner entered into a lease with the Holistic Health Center to occupy the building. That entity is engaged in the business of providing health related services and a significant portion of the building is operated as a trade school for massage therapists. I granted the necessary zoning relief to allow this tenant to occupy and utilize the building.

The instant case is presented because of a small improvement proposed to the parking lot. Evidence offered at the hearing was that parking is at a premium on the property and that the Petitioner desires adding additional spaces. As shown on the site plan, 10 spaces will be added and same will replace 4 existing spaces; a net gain of 6 spaces. It was argued that the addition of these spaces would accommodate the use of the

building and would not cause any detrimental impact on the property, the neighborhood or the Dead Run Stream.

Section 26-172 of the Baltimore County Code allows the Zoning Commissioner (Hearing Officer) to grant waivers of certain requirements in the development regulations. Waivers may be granted if the size, scope and nature of the proposed development does not justify strict compliance with the regulations. The Hearing Officer is also to consider if the waiver is within the scope, purpose and intent of the regulations and if all other County laws, ordinances or regulations have been satisfied. Waiver relief may also be granted under Section 26-127 if compliance with the regulations would cause an unnecessary hardship. Section 26-670 of the Code specifically regulates waivers from the terms of the flood plain regulations. Waivers can be granted only upon a showing of good and sufficient cause, upon proof that failure to grant a waiver would result in exceptional hardship to the applicant and a determination that the granting of a waiver would not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local and State laws and ordinances.

Copies of correspondence from a number of County agencies which reviewed this application for waiver were submitted at the hearing. A comment signed by George G. Perdikakis, Director of the Department of Environmental Protection and Resource Management was offered. This comment endorses the waiver. Similar favorable comments were received from P. David Fields, Director of the Office of Community Conservation, Robert W. Bowling, Chief of the Development Plan Review Division, and David L. Thomas of the Department of Public Works.

Based upon the testimony and evidence offered, I am persuaded that the waiver should be granted. In my judgment, the Petitioner has complied

ORDER RECEIVED FOR FILING  
Date 2/24/97  
[Signature]

with those requirements set forth in Section 26-172 and 26-670 of the Baltimore County Code. Additionally, the relief granted is conditioned upon compliance with the terms, conditions and limitations of Mr. Perdika-kis' letter of November 18, 1996.

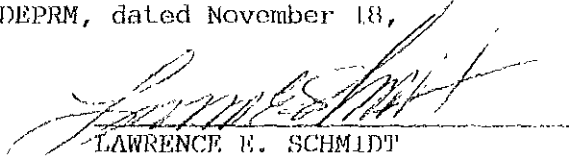
Clearly, the waiver is appropriate in this case. The entire site is within the flood plain and the additional parking area proposed consti-tutes a minute portion of the entire property. Clearly, there will be no detrimental impact by this improvement. As indicated at the hearing, the additional parking which will be provided is greatly needed.


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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Coun-ty this 24th day of February 1997 that, pursuant to the Petition for Special Hearing, approval, be and is hereby GRANTED.

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for return-ing, said property to its original condition.

2. The Petitioner shall comply with the terms and conditions contained within the correspond-ence (Petitioner's Exhibit No.4) from George G. Perdikakis, Director of DEPRM, dated November 18, 1996.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

RECEIVED FOR FILE  
2/24/97  
BY: 

LES:man



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

February 21, 1997

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

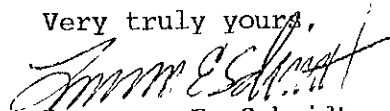
RE: Petition for Special Hearing  
Property: 6401 Dogwood Road  
Case No. 97-270-SPH  
A & E Partners/Emmes Mankens Corp., Petitioner

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted.

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

Very truly yours,

  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att.

c: Mr. Kenneth Green, STV, Inc., 21 Governors Court, 21244  
c: Mr. Randy Merciez, 6666 Securty Boulevard, Baltimore, Md. 21207



7/2/10



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 6401 Dogwood Road

which is presently zoned ML

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a special hearing for a waiver pursuant to Section 500.6, BCZR Section 510.2 Building Code and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit parking in a riverine flood plain.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s)

A & E Partners  
Emmes Realty Corp. Inc., General Partner

(Type or Print Name)

Signature

Andrew Davidoff  
(Type or Print Name) Andrew Davidoff

Signature

Attorney for Petitioner: Benjamin Bronstein

George and Bronstein, LLP

(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205

Address (410) 296-0200 Phone No.

Towson, Maryland 21204

City

State

Zipcode

6666 Security Boulevard (410)944-8900

Address Phone No

Baltimore, Maryland 21207

City State Zipcode

Name, Address and phone number of representative to be contacted

Andrew Davidoff, c/o Emmes Assoc  
Name

Mount. Corp., 420 Leamington Avenue

Address 2722 Pl., N.W., N.W., 18198 Phone No 202-273-8900

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1-2 hr

the following dates \_\_\_\_\_ Next Two Months

ALL  OTHER

REVIEWED BY: [Signature] DATE 12/30/16



www.baltimorecountymd.gov



# 270



# STV Incorporated

21 Governor's Court  
Baltimore, Maryland 21244-2722  
(410) 944-9112 fax (410) 298-2794


11/5/10 SP11

## ZONING DESCRIPTION LOT 17 MEADOWS BUSINESS PARK SOUTHWEST CORNER OF DOGWOOD ROAD AND GWYNN OAK AVENUE ELECTION DISTRICT NO. 1, WOODLAWN BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of Dogwood Road, which is 60 feet wide, being distant 580.00 feet northwesterly from the centerline of Gwynn Oak Avenue, which is 70 feet wide, thence running along said south side of Dogwood Road, the two following courses and distances;

1. South 68°09'50" East 255.32 feet to a point, thence,
2. By a curve to the right having a radius of 2,970.00 feet, an arc length of 261.03 feet, said curve being subtended by a chord bearing South 65°38'46" East 260.94 feet, to a point, thence along a site flare or fillet,
3. South 20°37'07" East 42.29 feet to a point to intersect the west side of the aforesaid Gwynn Oak Avenue, thence along same the two following courses and distances,
4. By a curve to the right having a radius of 2,965.00 feet, an arc length of 126.24 feet, said curve being subtended by a chord bearing South 23°40'49" West 126.23 feet to a point, thence,
5. South 24°54'28" West 22.00 feet to a point, thence leaving said Gwynn Oak Avenue and running,
6. North 54°49'55" West 554.25 feet to a point, thence,
7. North 21°50'10" East 63.00 feet to the place of beginning, as recorded in Deed Liber S.M. No. 10780, Folio 523, as Property No. 17.

Being part of Parcel G in the subdivision of Meadows Industrial Park as recorded in Baltimore County Plat Book W.J.R. No. 27, Fofio 21, containing 67,370 square feet or 1.547 acres of land. Also known as No. 6401 Dogwood Road and located in the First Election District.

  
STV INCORPORATED  
Mark A. Riddle  
MD Professional Land Surveyor No. 10899



December 5, 1996

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 116, 1977

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 116, 1977.

THE JEFFERSONIAN,

*A. Henriksen*

LEGAL AD. - TOWSON

**NOTICE OF HEARING**

The Planning Commission of Baltimore County, by authority of the Board of Land and Natural Resources, will hold a public hearing on the property identified here in Room 106 of the County Office Building, 111 N. Chesapeake Avenue, Towson, Maryland, on February 18, 1987 at 11:30 a.m. in the Boardroom, 400 Maryland Avenue, Towson, Maryland 21284, as follows:

Case: #97-270-SPH (Item 270)  
 6501 Drywood Road  
 Corner S/S Drywood Road  
 W/S Gwynn Oak Avenue  
 1st Election District  
 1st District

Legal Owner(s):  
 A&E Partners/James Mankner  
 ons Corporation, General Partner

Special Hearing: to approve a special hearing for a water flood plain.

Hearing: Tuesday, February 18, 1987 at 11:30 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
 Zoning Commissioner, for Baltimore County

NOTES: (1) Hearings are Special Accommodations Accessible. for Please Call 887-3383.  
 (2) For information concerning the file and/or hearing, Please Call 887-3381.

1/27/87 Jan. 16 C112531

RECORDED



CERTIFICATE OF POSTING

RE: Case No.: 97-270 SPH

Petitioner/Developer: A&E PARTNERS ETAL  
c/o GEORGE - BRONSTEIN

Date of Hearing/Closing: 2/13/97

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #6501 DOGWOOD RD.

The sign(s) were posted on \_\_\_\_\_

1/24/97 CORRECTED  
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/31/97  
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

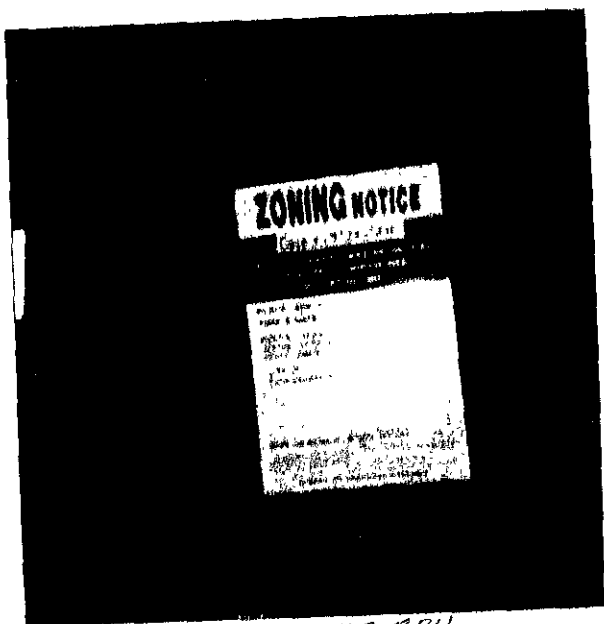
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



CASE-97-270 SPH  
#6401 DOGWOOD RD.  
% BRONSTEIN, ESQ

BALTIMORE COUNTY, MARYLAND  
OFFICE OF F. CE. REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 029958

DATE 12/30/96 ACCOUNT OF 615

Item: 270  
By: MFK

AMOUNT \$ 250.00

RECEIVED FROM: Geoc. + Bronstein, LLP - for - 6401 Dogwood Rd.

FOR: 040 Conn. Sp. Hwy - \$ 250.00

01A00#2238MICHE \$250.00

SA 0101426M12-10-96

VALIDATION OR SIGNATURE OF CASHIER

PINK - AGENCY YELLOW - CUSTOMER

DISTRIBUTION  
WHITE - CASHIER

MICROFILMED

97-270-091  
HDC

# CERTIFICATE OF POSTING

*[Faint handwritten text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*



Baltimore County  
 Department of Permits and  
 Development Management

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

9-26-96

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: 270

Petitioner: A + E Partners

Location: 6401 Dogwood Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: George + Brownstein, LLP

ADDRESS: 29 W Susquehanna Ave - Suite 205

Towson, MD 21204

PHONE NUMBER: (410) 296-0200

AJ:ggs

(Revised 09/24/96)

RECEIVED  
 PERMITS & DEVELOPMENT  
 SEP 26 1996

Request for Zoning: Variance, Special Exception, or Special Hearing

# 276

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

# ZONING NOTICE

Case No.: 97-270-SPH

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD.

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: to permit parking in a riverine flood plain

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

TO: PUTUMENT PUBLISHING COMPANY  
January 16, 1997 Issue - Jeffersonian

Please forward billing to:

George and Bronstein, LLP  
29 W. Susquehanna Avenue #205  
Towson, MD 21204  
296-0200

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-270-SPH (Item 270)  
6501 Dogwood Road  
corner S/S Dogwood Road, W/S Gwynn Oak Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): A & E Partners/Emmos Mankens Corporation, General Partner

Special Hearing to approve a special hearing for a waiver to permit parking in a riverine flood plain.

HEARING: THURSDAY, FEBRUARY 13, 1997 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
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  
Department of Permits and  
Development Management

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

January 10, 1997


NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-270-SPH (Item 270)  
6501 Dogwood Road  
corner S/S Dogwood Road, W/S Gwynn Oak Avenue  
1st Election District - 1st Councilmanic  
Legal Owner(s): A & E Partners/Emmes Mankens Corporation, General Partner

Special Hearing to approve a special hearing for a waiver to permit parking in a riverine flood plain.

HEARING: THURSDAY, FEBRUARY 13, 1997 at 11:00 a.m. in Room 118, Old Courthouse.

  
Arnold Jablon  
Director

cc: A & E Partners/Andrew Davidoff  
Benjamin Bronstein, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 29, 1997.  
(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.

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

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

February 5, 1997

Benjamin Bronstein, Esquire  
George and Bronstein, LLP  
29 Susquehanna Avenue, Suite 205  
Towson, MD 21204

RE: Item No.: 270  
Case No.: 97-270-SPH  
Petitioner: A & E Partners

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: January 16, 1997

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for January 21, 1997  
Item No. 270

The Development Plans Review Division has reviewed the subject zoning item. The Department of Public Works has reviewed the requested waiver. The proposal of additional paving in the existing drainage and utility easement/floodplain is acceptable.

RWB:jrb

cc: File

ZONE45B

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
January 24, 1997

FROM: R. Bruce Seeley *RBS/sp*  
DEPRM

SUBJECT: Zoning Item #270 - A & E Partners  
6401 Dogwood Road  
Zoning Advisory Committee Meeting of January 13, 1997

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

An Alternatives Analysis must be provided for the proposed parking location.

RBS:sp

A&EPART/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: January 15, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 270 and 272

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Caryl Kerna*

PK/JL

RECEIVED  
JAN 16 1997  
PDM

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 01/20/97

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: A & E PARTNERS/EMMES MANKENS CORP. GENERAL PARTNER

Location: CORNER OFS/S DOGWOOD RD. W/S GWYNN OAK AVE. (6501 DOGWOOD RD.)

Item No.: 270

Zoning Agenda: SPECIAL HEARING

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.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File



**BALTIMORE COUNTY, MARYLAND**

**INTER - OFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee

DATE: Jan 21, 1997

ATTN: Mitchell J. Kellman  
Zoning Office, P&DM

FROM: David L. Thomas *DLT*  
DPW Director's Office

SUBJECT: ZAC Agenda **Item 270**  
6401 Dogwood Road

This property is located entirely within the 100-year riverine floodplain.

DPW would prefer that no additional parking be created, but if this is not possible, then because the entire business operation is in the floodplain we would not object to the additional spaces.

DLT/s

cc: Roslyn Eubanks  
Tom Hamer  
John Maple



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 1-13-97  
Item No. 270 (MJK)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*P. J. Gredlein*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

# PETITION PROBLEMS

97-570-9H

## #270 --- MJK

1. Name of legal owner is illegible -- *Emmes ??? Corp.*
2. Need title and authorization for person signing for legal owner.

## #273 --- MJK

1. Need authorization for person signing for legal owner.
2. Need title and authorization for person signing for developer/contract purchaser/lessee.



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 6501 Dogwood Road, Corner S/S Dogwood Rd, \* ZONING COMMISSIONER  
 W/S Gwynn Oak Avenue, 1st Election \* OF BALTIMORE COUNTY  
 District, 1st Councilmanic \*  
 A & E Partners/Emmes Mankens Corp., G.P. \* CASE NO. 97-270-SPH  
 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.

*HEARS. 2/13*

*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 *20<sup>th</sup>* day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George and Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN

11/2/96

LAW OFFICES  
GEORGE AND BRONSTEIN, LLP

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

HARRIS JAMES GEORGE  
BENJAMIN BRONSTEIN  
C. WILLIAM MICHAELS

CONSTANCE K PUTZEL  
OF COUNSEL

December 27, 1996

**HAND DELIVERED**

Arnold Jablon, Director  
Department of Permits  
and Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

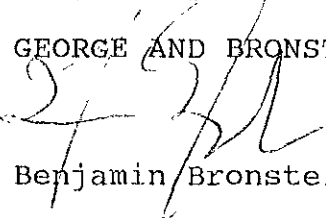
RE: 6401 Dogwood Road

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

1. Petition for Special Hearing in triplicate.
2. Twelve (12) copies of the Plan to Accompany the Petition.
3. Three (3) copies of the description under seal.
4. Copy of the zoning map.
5. My check to cover costs.
6. Copy of my request filed today with the DRC.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very truly yours,  
GEORGE AND BRONSTEIN, LLP  
  
Benjamin Bronstein

BB/mlg  
Enclosures  
cc: Rick Richardson, P.E.  
STV

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Ben Bronstein

29 W. Susquehanna Ave 21204

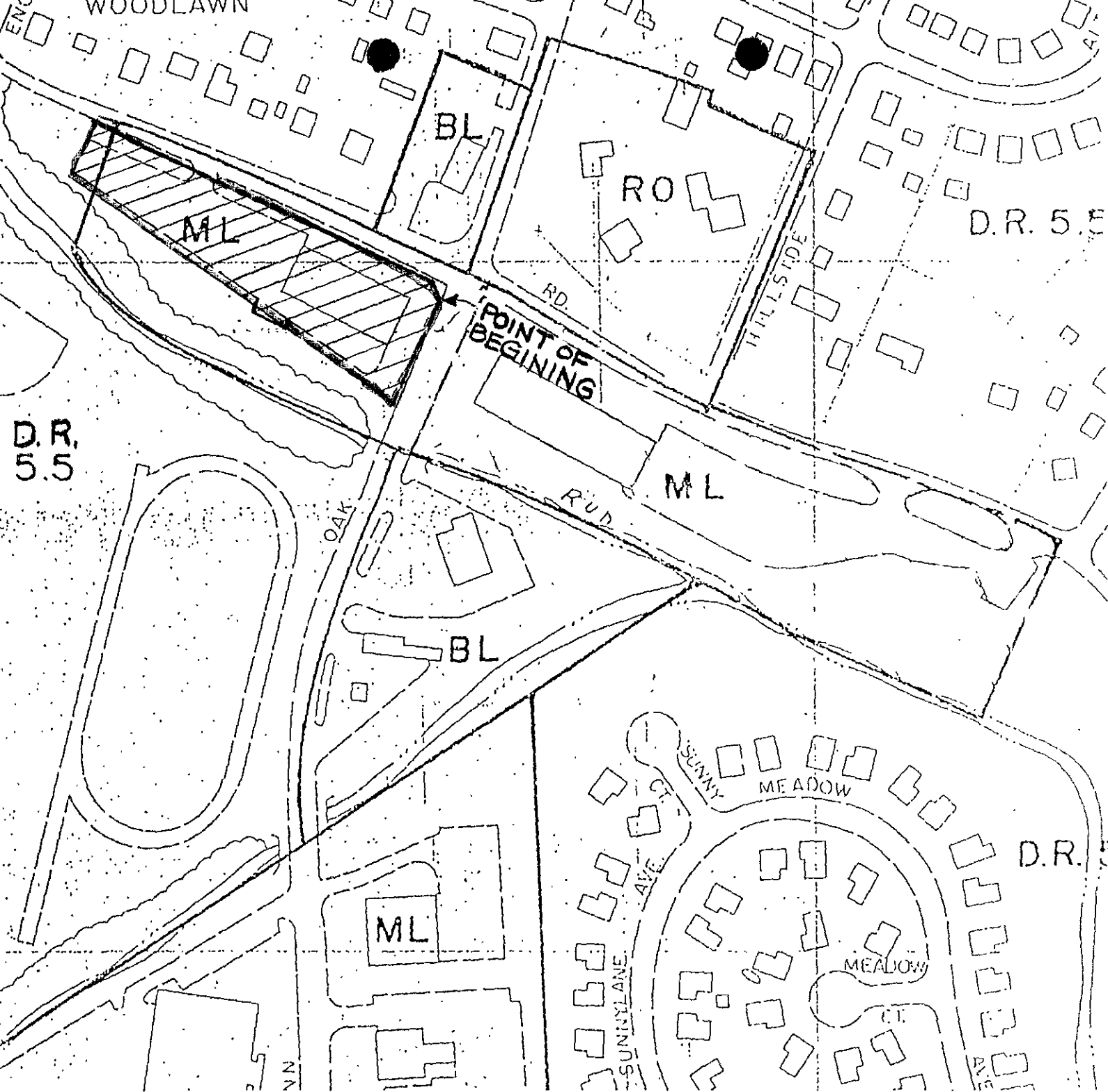
Ken Green

21 Governors Ct 21244

Randy Mercier

666 Security Blvd, Balt 21207

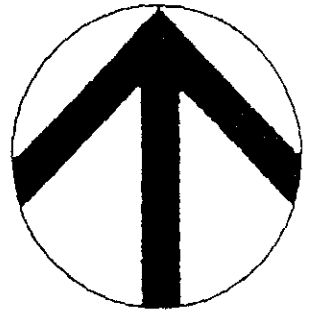




ZONING MAP

Meadows Business Park - Lot 18

**97-270-SPH**



MICROFILMED

# 270

SCALE: 1"=200'-0"

ZONING COMMISSIONER

2

IN RE: PETITION FOR SPECIAL HEARING \*  
SWC Gwynn Oak Avenue and  
Dogwood Avenue \*  
1st Election District  
2nd Councilmanic District \*  
A & E Partners, L.P. & Emmes  
Meadows Corp., General Partner \*  
Petitioner

BEFORE THE  
PETITIONER'S EXHIBIT  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE # 95-208-SPHA

\*\*\*\*\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at the southwest corner of Gwynn Oak Avenue and Dogwood Avenue in Woodlawn owned by A & E Partners, Limited Partnership. With the Petition for Special Hearing, approval is requested to allow existing business parking in a residential zone. In the Petition for Zoning Variance, relief is requested from Sections 409.8.A.1, 409.8.A.4 and 409.4.C. of the Baltimore County Zoning Regulations (BCZR) to permit a variance from the Landscape Manual requirements for parking space setbacks as close as 7 ft. to a right of way in lieu of the required 10 ft.; to allow 14 ft. and 16 ft. driving aisles in lieu of the required 20 ft. and 22 ft. for 90 degree and parallel parking; to allow 7 ft. and 10 ft. wide parallel spaces in lieu of the required 7-1/2 ft. by 21 ft. spaces; and from Section 409.12 to approve a modified parking plan for an existing parking lot and existing building as shown on the site plan. Also requested is a variance from Section 1B01.1.B.1e(5) to permit R.T.A. buffers and setbacks of 4 ft. and 4 ft., respectively, in lieu of the required 50 ft. and 75 ft. setbacks as shown on the plan. Relief is also requested from Sections 243.1 and 243.2 of the BCZR to allow side yard setbacks of 25 ft. in lieu of the required 50 ft. Lastly, a variance is sought from Section 253.4 of the BCZR to permit a trade school (M.I. permitted use) in an existing building to be located as close as 30 ft. from the residential zone boundary right of way in lieu of the required 100 ft. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 2,

P

the site plan.

Appearing at the requisite public hearing held for this case was Mark A. Llewellyn on behalf of A & E Partners, L.P., property owner/landlord. Also appearing was Cindi Pridgen, on behalf of the Baltimore Holistic Group, tenants in the subject building. David S. Thaler, a professional engineer, was also present. The Petitioner was represented by Benjamin Bronstein, Esquire.

Testimony and evidence presented is that the subject property is a roughly rectangularly shaped lot which is approximately 1.54 acres in area. The predominant zoning of the subject lot is M.L., however, there is a small sliver of the property zoned D.R.5.5 on the western side of the property. That small sliver comprises a minuscule portion of the total area of the lot. Approximately .02 acres contains portions of approximately 4 parking spaces.

The subject lot is a portion of the Meadows Industrial Office Park, a large office building complex located in the Woodlawn section of Baltimore County near Security Boulevard. The Meadows Industrial Park was apparently developed in the mid 1960s and comprises a series of buildings spread over 25 acres. Formerly, the industrial park was the home of the Health Care Finance Administration, a federal government agency. However, the HCFA is presently relocating to another facility.

The subject lot is improved with an existing 24,000 sq. ft. two story building as shown on the site plan. The balance of the parcel contains a limited amount of landscaping and a large macadam parking area.

Apparently, due to the loss of the HCFA, a major tenant, the landlord is seeking other tenants for the premises. One of the tenants who has entered into a lease is the Baltimore Holistic Health Center. This is the trade name for a corporation engaged in the business of providing health

related services. Approximately 70 employees of the Baltimore Holistic Health Center now work in the offices maintained at this facility. Those offices occupy a portion of the second floor and may expand to other parts of the building. Also within the building as part of the Baltimore Holistic Health Center, is a trade school for massage therapists. This occupation has come under increased scrutiny in the recent past by government. Baltimore County now requires the licensing of masseuses. The trade school which occupies a portion of the premises is approved by the State Higher Education Commission and is regulated by several national agencies. The school offers programs to train massage therapists in their chosen field of study.

As to the Petition for Special Hearing, relief is sought to legitimize existing business parking in a residential zone. As noted above, a small portion of the parking lot is bifurcated by the D.R.5.5-M.L. zone line which runs across this property. Only a small sliver of the lot is involved and it appears that the placement of the zoning line is a technical error. Due to the limited area involved, it is clear that there will be no detrimental effect on the surrounding locale if the Petition is granted. I will, therefore, approve the Petition for Special Hearing and continue the long standing use of that small portion of the lot to support existing business parking in a residential zone.

As to the variances, the variance from Section 253.4 is triggered by the use of a portion of the building by the trade school. The trade school use is permitted in an M.L. zone for so long as a 100 ft. buffer is maintained. Due to the location of the existing building, which is approximately 30 years old, variances are need. Specifically, that building is as close as 30 ft. from a residential zone boundary right of way.

The remaining variances largely are due to the fact that the applicable provisions of the BCZR have been updated and become more stringent since

this building was constructed. The office park was constructed in the mid 1960s and the subject building in the early 1970s. Relief is requested so as to legitimize the existing conditions which cannot comply with the strict requirements of the BCZR.

Clearly, a denial of the variances would constitute a practical difficulty or unreasonable hardship upon the Petitioner. The unusual shape of the lot constitutes a factor which is unique to this property which justifies the variances in accordance with the test enunciated by the case law. Moreover, the evidence presented supports a finding that a grant of the variances will be consistent with the spirit and intent of the BCZR and will not cause any adverse affect to the surrounding locale. For these reasons, the Petition for Variances will be granted, as shown on the site plan.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petition for Special Hearing and Petition for Zoning Variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this <sup>27<sup>th</sup></sup> ~~26<sup>th</sup>~~ day of January, 1995 that, pursuant to the Petition for Special Hearing, approval for the existing business parking in a residential zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Variance from Sections 409.8.A.1, 409.8.A.4 and 409.4.C. of the Baltimore County Zoning Regulations (BCZR) to permit a variance from the Landscape Manual requirements for parking space setbacks as close as 7 ft. to a right of way, in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow 14 ft. and 16 ft. driving aisles in lieu of the required 20 ft. and 22 ft. for 90 degree and parallel parking, be and is hereby GRANTED, and;



IT IS FURTHER ORDERED that a variance to allow 7 ft. and 10 ft. wide parallel spaces in lieu of the required 7-1/2 ft. by 21 ft. spaces, be and is hereby GRANTED; and,

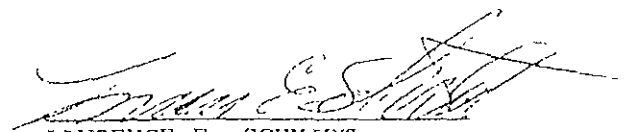
IT IS FURTHER ORDERED that a variance from Section 409.12 to approve a modified parking plan for an existing parking lot and existing building as shown on the site plan, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1e(5) to permit R.T.A. buffers and setbacks of 4 ft. and 4 ft., respectively, in lieu of the required 50 ft. and 75 ft. setbacks as shown on the plan, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 243.1 and 243.2 of the BCZR to allow side yard setbacks of 25 ft., in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 253.4 of the BCZR to permit a trade school (M.L. permitted use) in an existing building to be located as close as 30 ft. from the residential zone boundary right of way in lieu of the required 100 ft., be and is hereby GRANTED subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Bob Olsen, Director, Dept. of Public Works  
George Perdikakis, Director, DEPRM

**DATE:** October 28, 1996

**FROM:** P. David Fields, Director  
Office of Community Conservation

**SUBJECT:** Request for Parking and County Storm drain  
reservation and utility easement Lot 17  
Meadows Industrial Park, 6401 Dogwood Road  
Emmes Realty Services, Inc.

**ZONING COMMISSIONER**  
**PETITIONER'S EXHIBIT** 3

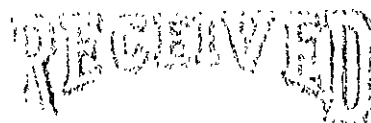
This office has been approached by Attorney Ben Bronstein for support in the request by Emmes Realty for additional parking at the Dogwood Road site.

Obviously, we have no role to play in the technical assessment of the site. However, Emmes Realty is a major factor in the conservation/revitalization of the Woodlawn-Security area, and has been an excellent partner with the County in working with business groups, community leaders and local schools to bring about real improvement to the community. The improved viability of their business efforts will have positive impacts on the Woodlawn area and this office would appreciate anything you and your staff can do to help find an acceptable solution to their parking problem.

  
P. David Fields

PDF:mjm  
C:\OFFICE\WPWIN\WPDOCS\MEADOWS.WPD

cc: Ben Bronstein, Esq. ✓



OCT 30 1996

EVANS, GEORGE &  
BRONSTEIN



Baltimore County  
Department of Environmental Protection  
and Resource Management

Office of the Director  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204  
(410) 887-3733  
Fax: (410) 887-4804

November 18, 1996

Mr. Benjamin Bronstein  
George and Bronstein  
Susquehanna Building, Suite 205  
29 West Susquehanna Avenue  
Towson, Maryland 21204

ZONING COMMISSIONER  
PETITIONER'S EXHIBIT 4

RE: LOT #17, MEADOWS INDUSTRIAL PARK  
6401 Dogwood Road, Emmes Realty  
Services, Inc. Proposed Parking in County Storm  
Drain Reservation

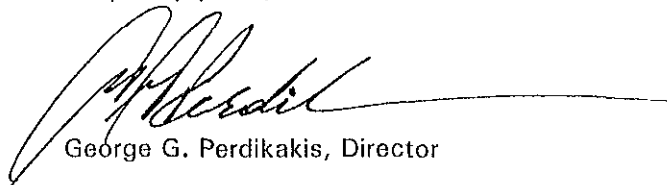
Dear Mr. Bronstein:

We have reviewed the latest proposal to add 10 parking spaces within the County "Storm Drain Reservation & Utility Easement" (3797/448) north of Dead Run, west of Gwynn Oak Avenue. The proposal reduces the setback from stream from an average of 95 feet to an average of 82 feet for a length of 75 feet. Proposed additional impervious surface is approximately 950 sq. feet.

This latest proposal significantly reduces impacts to the stream buffer when compared with the original proposal. In fact, your client has reduced his request by 15 spaces and has relocated the remaining 10 spaces to maximize distance to Dead Run. Therefore, based on the above, this Department will permit encroachment into the stream buffer. Please be advised, however, that all other pertinent regulations and requirements must be satisfied prior to proceeding with construction.

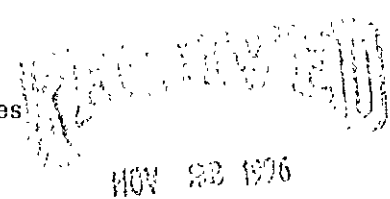
Please contact Mr. Thomas Vidmar, of my staff, at 887-3768 with questions.

Very truly yours,

  
George G. Perdikakis, Director

GGP:pms

- c: Charles R. Olsen, Dir., Dept. of Public Works  
P. David Fields, Dir., Office of Community Conservation  
Stanley Shapiro, Deputy Dir., Permit & Development Mgmt.  
Thomas Vidmar, Chief, Resoruce Mmgt. & Engineering Services  
David Thomas, Asst. to the Dir., General Engineering

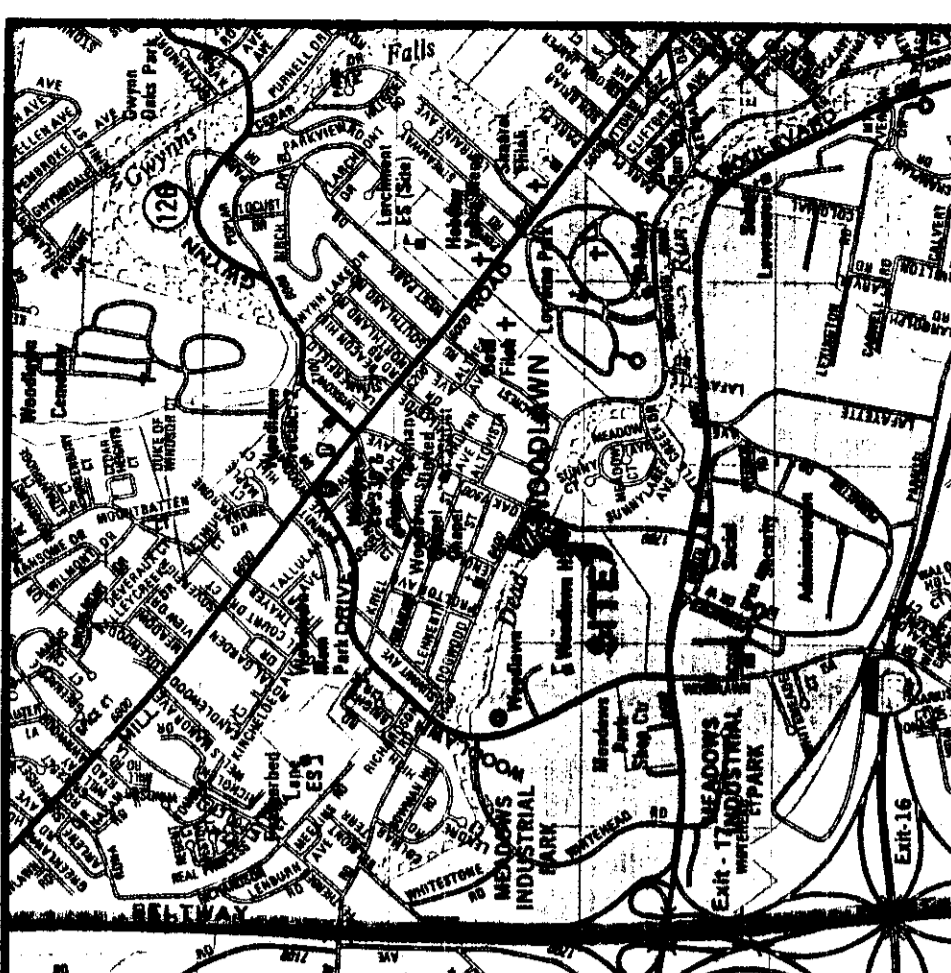


meadows.ggp

EVANS, GEORGE &  
BRONSTEIN

97-270-SPH

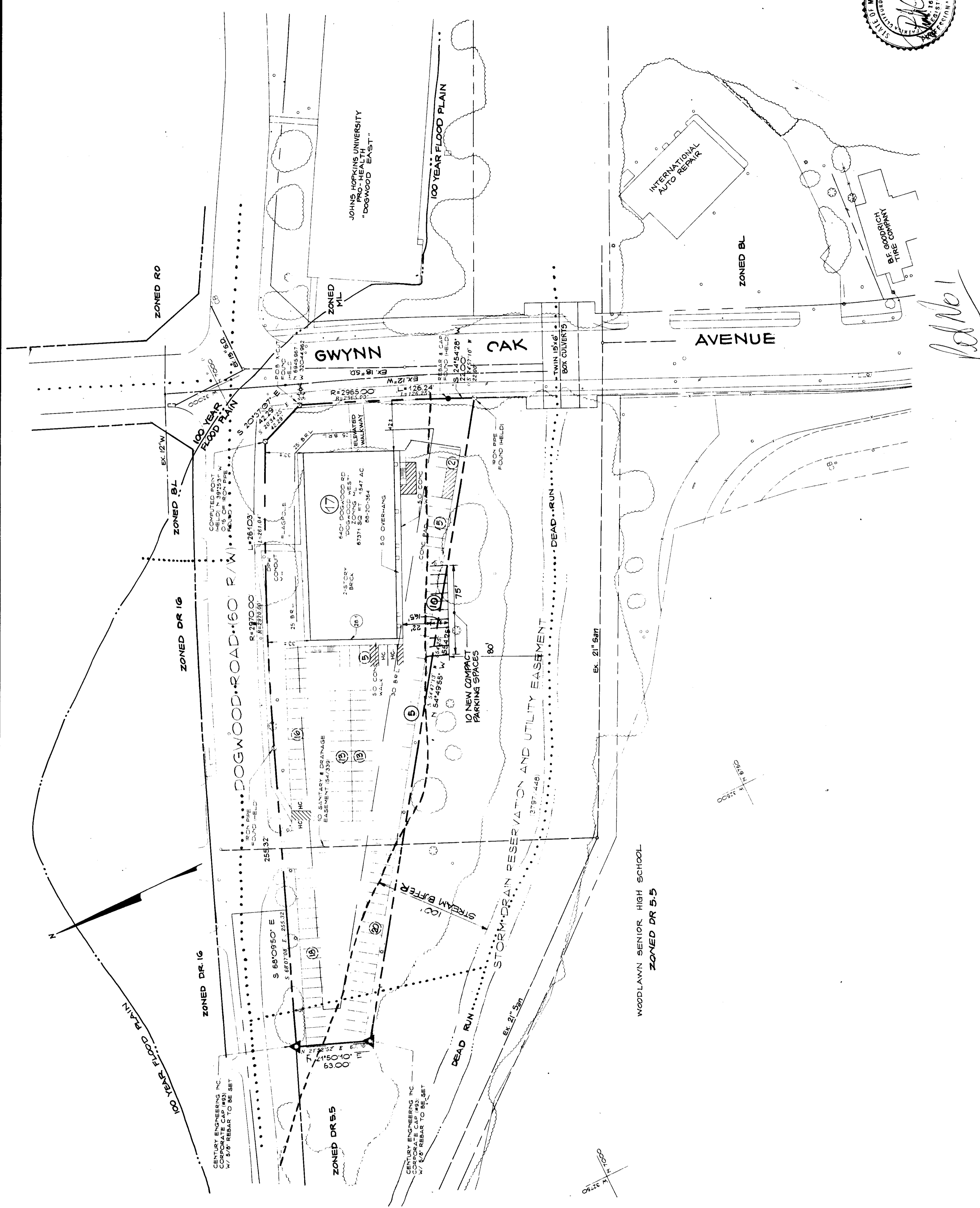
MICROFILMED # 270



LOCATION MAP  
SCALE: 1"=200'

**GENERAL NOTES**

1. SITE AREA = 1.547 AC OR 67,371 S.F.
2. ZONING - M.L. - MANUFACTURING - LIGHT
3. EXISTING USE - TRADE SCHOOL
4. EXISTING BUILDING AREA = 24,530 S.F. (2 SDPR)
5. FLOOR AREA RATIO = 24,930 / 67,371 = 0.36
6. MAXIMUM ALLOWABLE FLOOR AREA = 24,930 S.F.
7. AMENITY OPEN SPACE REQUIRED = NONE
8. PARKING CALCULATIONS: TRADE SCHOOL SPACES REQUIRED - 1 PER EMPLOYEE, PLUS VISITOR SPACES & GRUZZENT PARKING AS DETERMINED BY THE ZONING COMMISSIONER
- EXISTING = 101 SPACES
- PROPOSED = 6 SPACES (NET)
- TOTAL = 107 SPACES



<p><b>STV Incorporated</b> engineers / architects / planners / scientists / construction managers 21 Governor's Court Baltimore, MD 21244-2722 (410) 944-9112</p>		<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>NO</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO	DATE	DESCRIPTION													<p><b>OWNER</b> A &amp; E PARTNERS LIMITED PARTNERSHIP EMMES MEADOWS CORPORATION GENERAL PARTNERSHIP 6600 SECURITY BOULEVARD BALTIMORE, MARYLAND 21207</p>		<p><b>PLAN PREPARATION</b></p> <table border="1"> <tr> <td>DRAWN BY: MWK / CEI</td> <td>DATE: NOV. 26, 1990</td> </tr> <tr> <td>DESIGNED BY: JMS</td> <td>SCALE: 1" = 40'</td> </tr> <tr> <td>CHECKED BY: PCR</td> <td> </td> </tr> </table>		DRAWN BY: MWK / CEI	DATE: NOV. 26, 1990	DESIGNED BY: JMS	SCALE: 1" = 40'	CHECKED BY: PCR		<p>PLAN TO ACCOMPANY THE SPECIAL HEARING FOR 6401 DOGWOOD ROAD ELECTION DISTRICT 1-C1 BALTIMORE COUNTY, MD.</p>		<p>DRAWING NO. SHEET NO. 1 of 1</p>	
NO	DATE	DESCRIPTION																														
DRAWN BY: MWK / CEI	DATE: NOV. 26, 1990																															
DESIGNED BY: JMS	SCALE: 1" = 40'																															
CHECKED BY: PCR																																

