

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION
SEC York Road & Seminary Avenue * ZONING COMMISSIONER
1433 York Road (The Galleria)
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Legal Owner: Seminary Limited * Case No. 97-382-SPHX
Partnership
Lessee: Essel Enterprises, Inc.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Special Exception for the property located at 1433 York Road in Lutherville. The Petition is filed by Seminary Limited Partnership, Property Owner, and Essel Enterprises, Inc., Lessee. Special Hearing relief is requested to approve a modification to expand and upgrade the health and fitness center at the subject location approved in case No. 85-265-XA. Special Exception relief is requested to approve a community building, i.e., as a health and fitness center on the subject site. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

Appearing at the requisite public hearing held for this case was Bernard Caplan, principal of Essel Enterprises, Inc., Lessee. Also present was Bill Russell, on behalf of Seminary Limited Partnership, Property Owner. Dean Hoover of G.S. Stephens and Associates also appeared. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

The subject property is located at the southeast corner of the intersection of York Road and Seminary Avenue. The property is a substantially sized tract, zoned B.L. The property is improved with an existing three story building attached to an existing one story wing and separate 8 story

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

existing tower building, all with an associated parking lot. Collectively, these improvements are known as the Galleria, a large complex which contains office and retail uses. This Zoning Commissioner is familiar with this site which has operated near full capacity for many years.

In a prior case, 85-265-XA, special exception and variance relief was granted for a health and fitness center at the subject property. This business is operated by Mr. Caplan's corporation, Essel Enterprises, Inc. The business operates under the trade name of Quest Health and Fitness Center. Presently, entrance to the fitness center is from the rear of the building. Partly to improve this access to the front of the building and to provide additional room for expansion, the Petitioner now comes before me for approval of an amended plan. As that plan (Exhibit No. 1) indicates, the fitness center will expand to occupy an additional 8700 sq. ft. within the three story building. Mr. Caplan indicated that these improvements were necessary to make a health and fitness center competitive with similar clubs in the area and to provide additional room for both office and health/fitness activities.

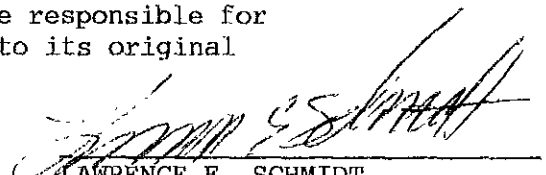
It is apparent, based upon the uncontradicted testimony and evidence offered, that the Petition for Special Exception and Petition for Special Hearing should be granted. Clearly, there will be no detriment to the health, safety or general welfare of the locale resulting from the expansion. It is to be particularly noted that parking utilized by patrons of the facility frequently occurs when other tenants at the site are not on the property. That is, most of Mr. Caplan's clients visit the club after regular business hours. Moreover, it is apparent that there will be no other impacts associated with the expansion which would be adverse to the other tenants or the surrounding community. For these reasons, the Petitions for Special Hearing and Exception shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April, 1997 that, pursuant to the Petition for Special Hearing, approval for a modification to expand and upgrade the health and fitness center at the subject location approved in case No. 85-265-XA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval for a community building, i.e., as a health and fitness center on the subject site, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are 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 Petitioners 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

ORDER RECEIVED FOR FILING
Date 4/29/97
By M. Goad



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 29, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

RE: Case No. 97-382-SPHX
Petitions for Special Hearing & Special Exception
Location: 1433 York Road
Seminary Ltd. Partnership/Essel Enterprises, Inc., Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing & Special Exception have been granted with the 30 day restriction.

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,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Mr. Bernard Caplan, 1407 York Road, Lutherville, Md. 21093
c: Mr. William Russell, 9640 Deereco Road, Timonium, Md. 21093



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

1433 York Road

which is presently zoned

BL

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 modification to expand and upgrade the health and fitness center granted in Case No. 85-265-XA.

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.

Contract Purchaser/Lessee:

Essel Enterprises, Inc.

(Type or Print Name)

Dr. R. C. [Signature] President

Signature

1433 York Road

Address

Lutherville

MD

21093

City

State

Zip Code

Attorney for Petitioner:

Newton A. Williams, Nolan, Plumhoff &

(Type or Print Name)

Williams

Newton A. Williams

Signature

Suite 700 - Nottingham Centre

502 Washington Avenue

823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zip Code

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

Legal Owner(s):

Seminary Limited Partnership

(Type or Print Name)

[Signature]

Signature

Anthony Julio

(Type or Print Name)

Signature

10 Parks Avenue

666-0040

Address

Phone No.

Cockeysville

MD

21230

City

State

Zip Code

Name, Address and phone number of representative to be contacted.

Newton A. Williams, Esquire

Nolan, Plumhoff & Williams

Suite 700 - Nottingham Centre

502 Washington Avenue

823-7800

Address

Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

On the following date:

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

MICROFILMED

382



Petition for Special Exception

97-882-SPTX

to the Zoning Commissioner of Baltimore County

for the property located at

1433 York Road

which is presently zoned

BL

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 community building, i.e., expanded health and fitness center

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

Contract Purchaser/Lessee:

Essel Enterprises, Inc.

(Type or Print Name)

Bernard C. Cyle, President

Signature

1433 York Road

Address

Lutherville, MD 21093

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

Nolan, Plumhoff & Williams

(Type or Print Name)

Newton A. Williams

Signature

Suite 700 - Nottingham Centre
502 Washington Ave. 823-7800

Address

Towson

MD

Phone No.

21204

City

State

Zipcode

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(s):

SEMINARY LIMITED PARTNERSHIP

(Type or Print Name)

Anthony Julio

Signature

Anthony Julio

(Type or Print Name)

Signature

10 Park Avenue

666-0040

Address

Phone No.

Cockeysville

MD

21230

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams, Esquire

Nolan, Plumhoff & Williams

Name

Suite 700 - Nottingham Centre

502 Washington Avenue 823-7800

Address

Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

The following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

382

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

pg 1 of 2
47-382-SPHX

MARCH 10, 1997

RE: GALLERIA
'QUEST FITNESS'

DESCRIPTION TO ACCOMPANY
A PETITION FOR A SPECIAL EXCEPTION

BEGINNING AT A POINT LOCATED S 53° E ± 385 FEET MORE OR LESS FROM
POINT OF INTERSECTION OF THE CENTERLINES OF SEMINARY AVENUE AND YORK
ROAD. THENCE, IN A CLOCKWISE DIRECTION:

- 1) N 68° 08' 00" E 44 FEET ±
- 2) S 21° 52' 00" E 163.5 FEET ±
- 3) S 68° 08' 00" W 66 FEET ±
- 4) N 21° 52' 00" W 68.5 FEET ±
- 5) N 68° 08' 00" E 22 FEET ± AND
- 6) N 21° 52' 00" W 95 FEET ± TO

THE PLACE OF BEGINNING.

CONTAINING 8700 S.F. OF LAND MORE OR LESS.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND
NOT TO BE USED IN CONVEYANCES OR AGREEMENT.



March 10, 1997

pg 2062

DESCRIPTION TO ACCOMPANY
A PETITION FOR A SPECIAL EXCEPTION
FOR GALLERIA QUEST FITNESS PARKING

BEGINNING AT A POINT LOCATED S 45° E 95 FEET MORE OR LESS FROM POINT
OF INTERSECTION OF THE CENTERLINE OF SEMINARY AVENUE AND YORK ROAD.
THENCE IN A CLOCKWISE DIRECTION:

- 1) N 78° 10' 00" E 205 FEET ±
- 2) S 21° 52' 00" E 112 FEET ±
- 3) S 68° 08' 00" W 18 FEET ±
- 4) S 21° 52' 00" E 18 FEET ±
- 5) S 68° 08' 00" W 180 FEET ± AND
- 6) N 21° 52' 00" W 190 FEET ± TO

THE PLACE OF BEGINNING

CONTAINING 31, 000 SF OF LAND MORE OR LESS

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND
NOT TO BE USE IN CONVEYANCES OR AGREEMENTS

CERTIFICATE OF PUBLICATION

47-382-SPHX

TOWSON, MD.,

March 27 1997

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 March 27, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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 in Towson, Maryland on the property identified herein as follows:

Case: #87-382-SPHX

1433 York Road
The Galleria
SEC York and Seminary
Roads
9th Election District
4th Councilmanic
Legal Owner(s):
Seminary Limited Partner-
ship

Contract Purchaser:
Essei Enterprises, Inc.

Special Hearing: to approve
a modification to expand and
upgrade the health and fitness
center granted in case no.
85-285-KA. Special Excep-
tion: for a community build-
ing; i.e. expanded health and
fitness center.

Hearing: Thursday, April 17,
1997 at 2:00 p.m., 4th floor
hearing room, County Courts
Bldg., 401 Bosley Ave.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

3/346 March 27 C130066

THIS RECEIPT IS VALID ONLY WHEN USED IN CONNECTION WITH THE BALTIMORE COUNTY, MARYLAND, OFFICE OF FINANCE - REVENUE DIVISION

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026703
47-382-SPHX

DATE 11/19/97 ACCOUNT 8-001-6150

382
AMOUNT \$ 550.00

RECEIVED FROM: 3001 E. York Rd

FOR: 1933 York Rd

02692180250NICHRC
BA 0002:16PM03-11-97
\$550.00
VALIDATION ON SIGNATURE OF CASHIER
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management
41-382-SPHX

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

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.: 382

Petitioner: Cosel Enterprises

Location: 1433 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bernie Caplan

ADDRESS: P.O. Box 936

Chingdon, Md. 21009

PHONE NUMBER: 538-5300

AJ:ggs

(Revised 09/24/96)

MICROFILMED

382

CERTIFICATE OF POSTING

RE: Case No.: 97-382-SPHX

Petitioner/Developer: ESSEL ENTERPRISES, INC. ETAL

Date of Hearing/Closing: 4/17/97
@ 2:00 PM

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 #1433 YORK ROAD
THE GALLERIA S.E.C. YORK & SEMINARY RDS.
#1433 YORK RD.

The sign(s) were posted on 4/2/97
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 4/3/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

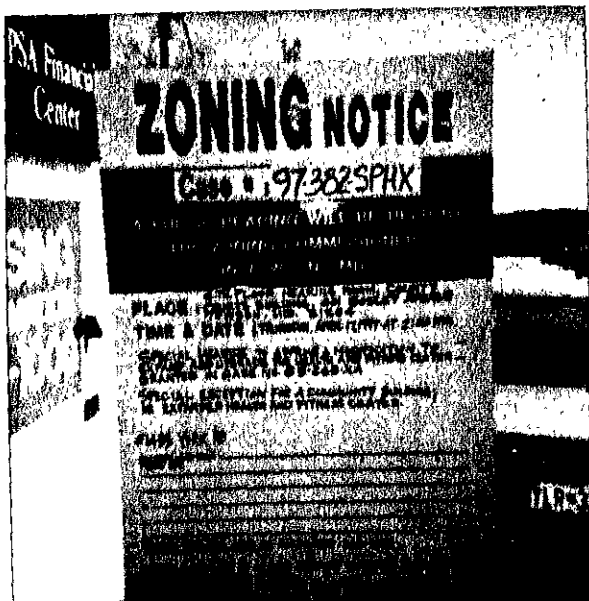
(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354
(Telephone Number)



97-382-SPHX
#1433 YORK RD. @ SEMINARY AVE.
4/2/97

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

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-382-SPHX

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to Amend Case
85-265-XA And Special Exception to
allow a Community building in a BC zone

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: PUTUXENT PUBLISHING COMPANY
March 27, 1997 Issue - Jeffersonian

Please forward billing to:

Bernie Coplan
P. O. Box 936
Abingdon, MD 21009
538-5300

97-382-SPHX

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Essel Enterprises, Inc.

Special Hearing to approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.

Special Exception for a community building; i.e. expanded health and fitness center.

HEARING: THURSDAY, APRIL 17, 1997, at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

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

97-382-SPHX

March 21, 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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Essel Enterprises, Inc.

Special Hearing to approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.

Special Exception for a community building; i.e. expanded health and fitness center.

HEARING: THURSDAY, APRIL 17, 1997, at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

HRE, DATE
THURS, 4/17

Arnold Jablon
Director

cc: Seminary Limited Partnership
Essel Enterprises, Inc.
Newton A. Williams, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 2, 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.





Baltimore County
Department of Permits and
Development Management

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

April 10, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 382
Case No.: 97-382-SPHX
Petitioner: Seminary Ltd.

Dear Mr. Williams:

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 March 11, 1997.

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,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





**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

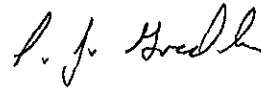
RE: Baltimore County 3-21-77
Item No. 382 com

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,


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

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 21, 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. 378, 380, 381, 382, 383, 385, 386, 391, and 392

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:

Carol L. Keener

PK/JL

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: March 31, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for March 31, 1997
 Item Nos. 378, 379, 380, 381, (382,) 383, 384, 385, 386, 387 & 391

 The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE331.NOC

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

TO: POM

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

DATE: 3/25/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

379

388

381

389

382

390

383

393

385

394

387

RBS:sp

BRUCE2/DEPRM/TXTSBP

PETITION PROBLEMS

97-382-SPHX

#378 --- MJK

1. Sign form is incomplete/incorrect.

#379 --- JLL

1. Sign form is incomplete/incorrect.

#380 --- RT

1. Folder says zoning is D.R.-3.5; petition says zoning is D.R.-5.5 -- Which is correct?

#382 --- CAM

1. Need printed or typed title and authorization of person signing for legal owner.
2. Need printed name and title and authorization of person signing for contract purchaser.
3. No review information on bottom of petition form.

#385 --- MJK

1. Sign form is incomplete/incorrect.
2. No description on folder.
3. No zoning on folder.
4. No acreage on folder.
5. No election district on folder.
6. No councilmanic district on folder.
7. Plan is illegible.

Section 502--SPECIAL EXCEPTIONS [B.C.Z.R., 1955.]

(See Section 270--Schedule of Special Exceptions) [B.C.Z.R., 1955.]

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the Board of Zoning Appeals.³⁶ [B.C.Z.R., 1955.]

In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals,³⁷ upon appeal, shall be governed by the following principles and conditions. [B.C.Z.R., 1955.]

502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not; [B.C.Z.R., 1955; Bill No. 45, 1982.]

- Health-fitness center, safety, BOCA - more entrances, general welfare*
- a. Be detrimental to the health, safety, or general welfare of the locality involved; [B.C.Z.R., 1955.] *- air asset early A.M.*
 - b. Tend to create congestion in roads, streets or alleys therein; [B.C.Z.R., 1955.] *- No "F" dist, Off peak hours - Day Evening*
 - c. Create a potential hazard from fire, panic or other dangers; [B.C.Z.R., 1955.] *BOCA - Fire Station, Sprinkler*
 - d. Tend to overcrowd land and cause undue concentration of population; [B.C.Z.R., 1955.] *No new bldg.*
 - e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; [B.C.Z.R., 1955.] *- No neg. 2AC*
 - f. Interfere with adequate light and air; [B.C.Z.R., 1955; Bill No. 45, 1982.] *Comments No new buildings*

Consistent with comm'l zone

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor [Bill No. 45, 1982.]

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. [Bill No. 45, 1982.]

No new paving

502.2--In granting any special exception, the zoning commissioner or the Board of Zoning Appeals,³⁸ upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the zoning commissioner, or Board of Zoning Appeals,³⁹ upon appeal, shall enter into an agreement in writing with said zoning commissioner and/or the county commissioners⁴⁰ of Baltimore County, stipulating the conditions, restrictions, or regulations governing such special exception, the same to be recorded among the Land Records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. [B.C.Z.R., 1955.]

502.3--A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The zoning commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits,⁴¹ the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the zoning commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception the zoning commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. [B.C.Z.R., 1955; Bill No. 42, 1962; No. 85, 1967.]

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION * ZONING COMMISSIONER
1433 York Road (The Galleria) *
SEC York and Seminary Roads * OF BALTIMORE COUNTY
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Essel Enterprises, Inc.
Petitioners * CASE NO. 97-382-SPHX

* * * * *

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 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Bonne Canyon - Esel
Enterprise

opened as Gold's Gym across the
street -

Taking over lower level of Sears -
entrance will be located
in front

Baby sitting area
expanded offices

hours of operation 6:00 am to
10:00

~~1000~~ members
~~225~~ active

8:00 to 7:00

8:00 to 5:00

~~1000~~ Parking -

~~unklered~~
No adverse
impact

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Case No 97-382-SPHX

NAME

ADDRESS

Newton Williams

502 Wash. Ave. Towson

21204

Bernie Caplan

1407 York Rd. Lutherville 21093

Dean Hoover

658 Kewicworth Ave

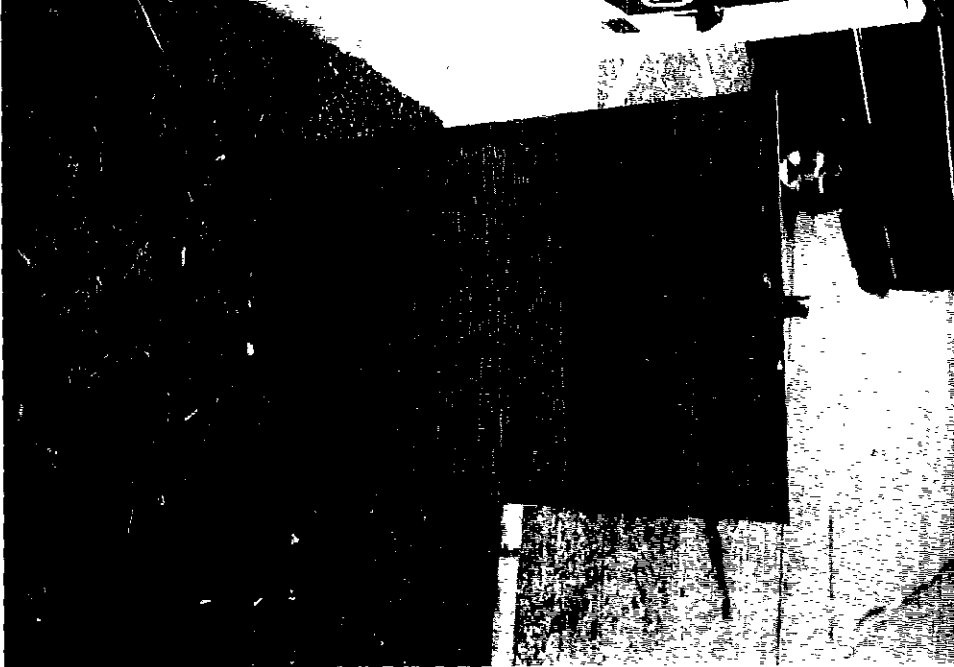
Towson 21204

Bill Russell

9640 Deereco Rd

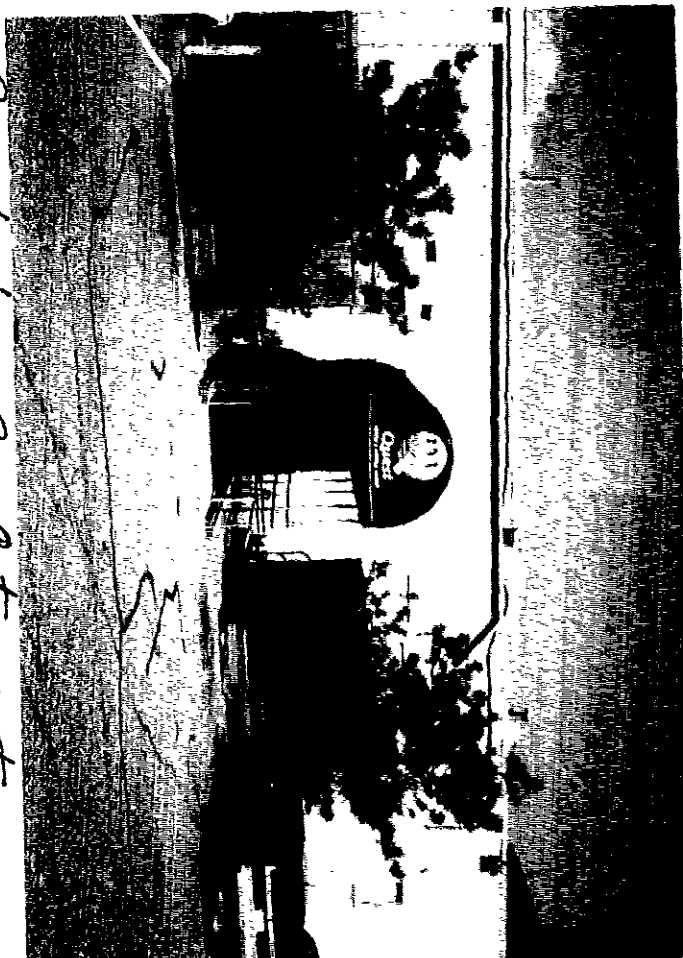
Timonium, MD 21093



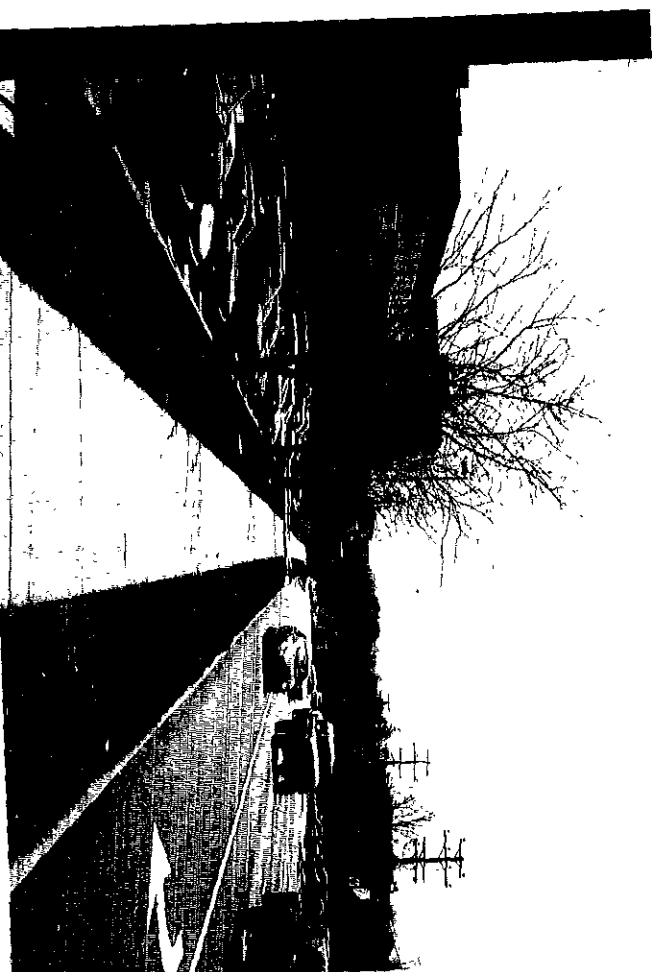


A. Posted sign on
the property.

10/24



B. Present S/S on Rear Entrance to
be replaced with main center
entrance



C. Looking S on York Rd.
from Kennedy Ave
at the station

University Limited
Partnership

Quest Future

See No. 85-265-X4

Kallens Tower



Kallens
Station

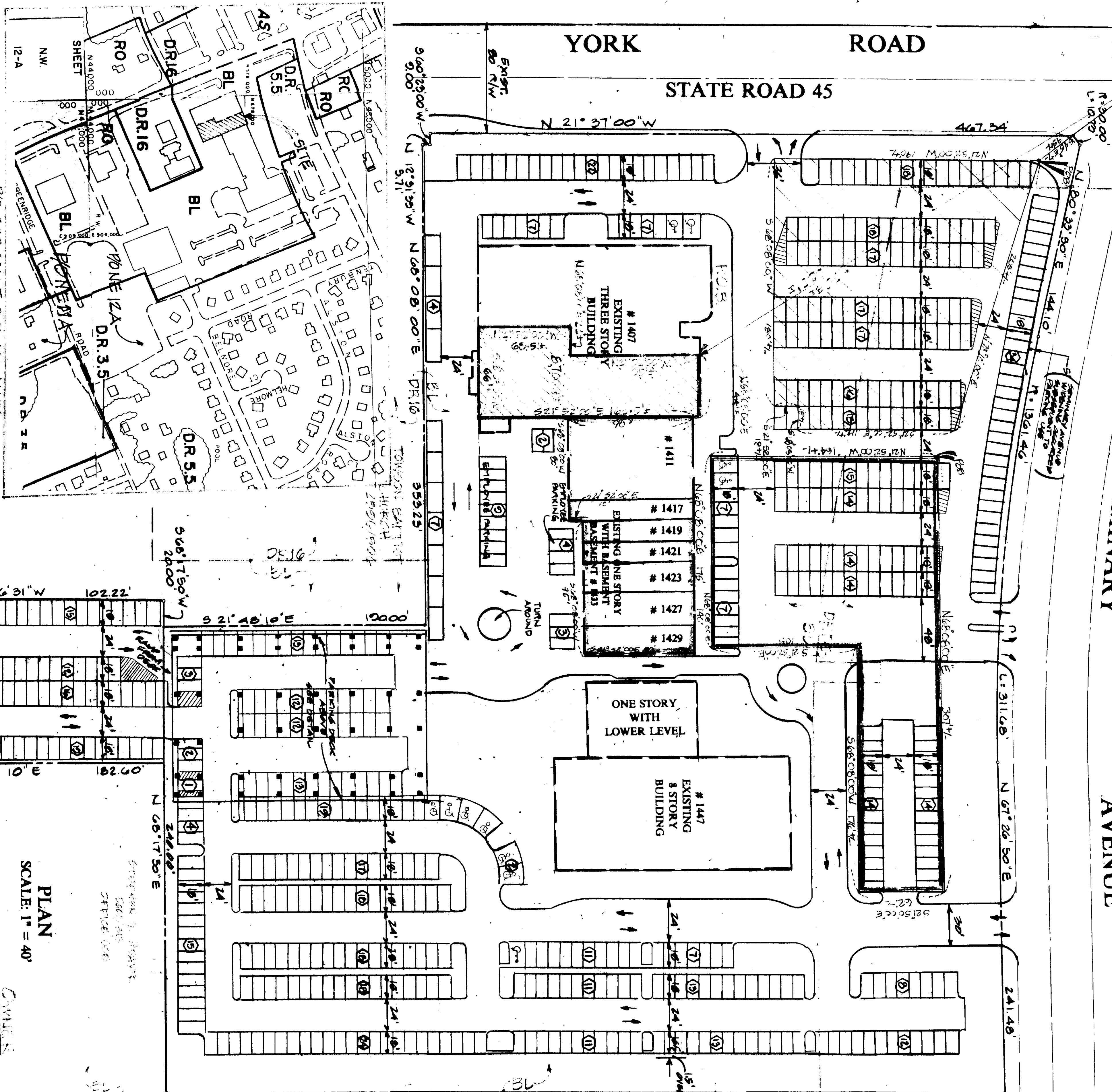
①. Looking East on Lemmonway Avenue - View of Kallens Center

12/15

12/15/15

SEMINARY AVENUE

YORK ROAD
STATE ROAD 45



PLAN
SCALE: 1" = 40'

PARKING TABULATION

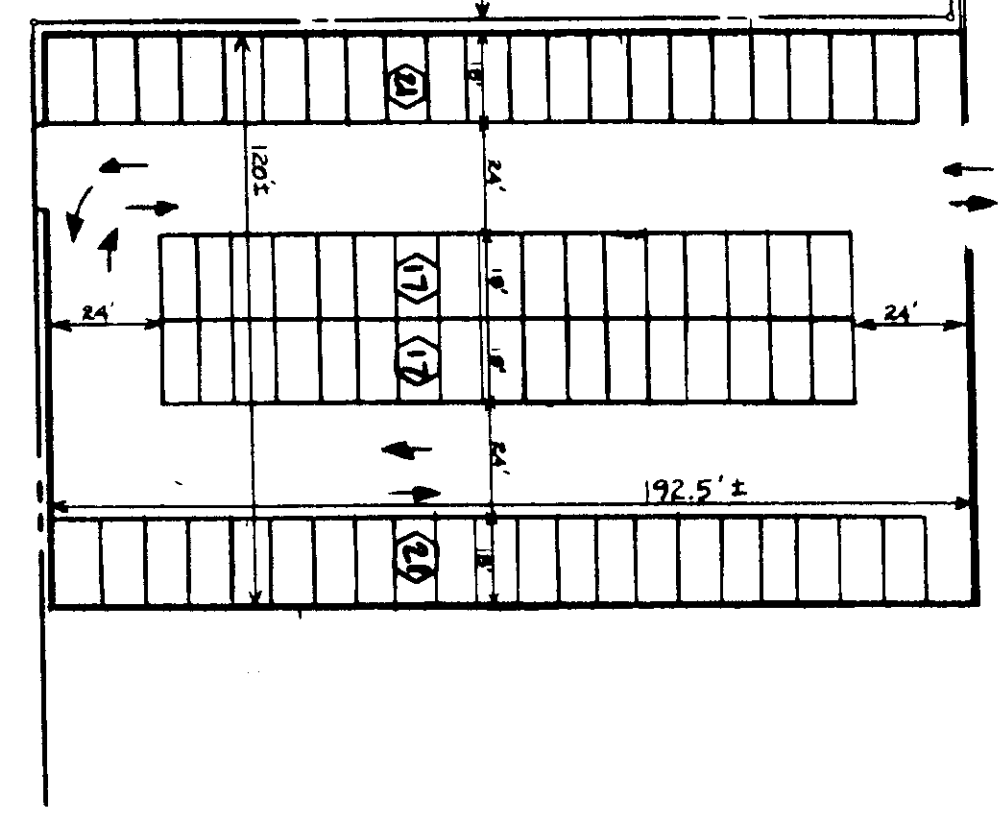
TENANT	SUITE	SF	USE	PARKING	RECD
new office tenant	101	5440	office	1/500	10.88
Trusted Home	104	3000	retail	1/200	15
Code	105	3277	office	1/500	6.55
Voice of Video	108	12661	retail	1/200	6.33
Subway	109	1078	restaurant	1/50	21.56
Jersey Club	110	2044	service	1/200	6.81
Eastern Metals	200	1016	office	1/500	2.03
Hearing Assessment	201	1377	medical	1/500	4.59
office tenant	204	1487	office	1/500	2.97
office tenant	206	1900	office	1/500	3.8
Vacant	207	1200	office	1/500	2.4
Mercurius Mortgage	208	12135	service	1/500	4.04
American Home Loan	210	2257	office	1/500	4.51
State Farm Insurance	211	982	office	1/500	1.92
Dr. Kohn	212	1500	medical	1/500	3.01
Azzam Eye Care	213	2800	service	1/200	9.33
Alstair Insurance	215	348	office	1/500	0.7
Dr. Perez	300	1285	medical	1/200	4.21
Dr. Greene	301	524	office	1/500	1.05
Toddman	302	3880	office	1/500	7.76
Bob English	304	2214	office	1/500	4.43
Pulmonary Critical Care	305	1078	medical	1/200	5.39
Dr. Martin Long, DDS	306	12372	medical	1/200	4.12
Don Sawchuk	308	1075	medical	1/500	4.58
Dr. Lefterian	309	1365	medical	1/200	4.55
Dr. Jeffrey Kison	310	1115	medical	1/200	3.72
Montage	311	4025	office	1/500	8.05

Shp Store

TENANT	SUITE	SF	USE	PARKING	RECD
Kaiser Health	100,200	2888778	medical	1/200	96.29
Vacant	301	960	service	1/200	2.87
H & B Block	302-303	2172	service	1/200	7.24
Dr. John Stough, MD	304	2481	medical	1/200	8.27
Cardinal Radiology, Inc	310	1388	retail	1/200	6.84
Independence One	312,314	4027	office	1/500	8.05
PSA Financial	400	14955	office	1/500	29.99
Dr. Edwin Estlin, MD	502	1568	medical	1/200	5.23
Lin Rabin, MD	504	1273	medical	1/200	4.24
Technical Art Corp	505	1033	office	1/500	2.81
Mary Kent & Associates	506	2237	office	1/500	4.47
GS&C Agency	508	2820	office	1/500	5.24
Eastern Hospital Health	510	2380	office	1/500	4.7
First National Mortgage	601	4788	office	1/500	9.58
Dr. Stoltz	602	1716	medical	1/200	5.72
Vacant	606	212	medical	1/200	0.71
Vacant	607	1991	office	1/500	3.88
Reese-Hunt	608	5189	office	1/500	10.38
Hawman, Inc	700,704	11432	office	1/500	22.88
Smith Acker & Co	800	11116	office	1/500	22.23
Norval Services, Inc	801	1407	office	1/500	2.81

PARKING DECK DETAIL

SCALE: 1" = 40'



72 STANDARD SPACES @ 15' x 10' TYPICAL
11 BARRIER SPACES @ 15' x 10' TYPICAL
(6) BARRIER SPACES @ 15' x 10' TYPICAL
ALL EXISTING AND FUTURE SPACES MUST COMPLY WITH
SECTION 410.6 OF THE BALTO. CO. ZONING REGULATIONS.

PLAN TO ACCOMPANY APPLICATION FOR A SPECIAL EXCEPTION
FOR THE
GALLERIA
YORK ROAD AND SEMINARY AVENUE
BALTIMORE COUNTY, MD ELECTION DISTRICT #9
SCALE: 1" = 40'

17-382-844X

GWS
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

[illegible]

1. DOOR OR WITHIN 18" OF THE FINISHED FLOOR SHALL BE APPROVED SAFETY GLASS.
2. APPROVED BATTERY POWERED EMERGENCY LIGHTING SHALL BE PROVIDED WITHIN THE SPACE AS REQUIRED BY LOCAL CODE (LATEST EDITION).
3. INTERIOR FINISHES SHALL BE CLASS A OR B IN EXITS AND CLASS A, B OR C ELSEWHERE IN ACCORDANCE WITH NFPA.
4. ALL EXTERIOR DOOR HARDWARE PROVIDED WITH STEEL INTERIOR DOORS TO HAVE PAULICE TYPE 1 IN COMPLIANCE WITH ADA REQUIREMENTS.
5. ALL WALLS TO BE PAINTED WITH 2 COATS FLAT LATEX (U.N.O.). COLORS TO BE PROVIDED BY OWNER AND TENANT.
6. SELECTED WALL MOUNTED RECEPTACLES APPROXIMATELY 18" ABOVE GROUND TO BE PROVIDED WITH AN ELECTRICAL COVER PLATE (LATEST EDITION). ALL RECEPTACLES SHALL BE STANDARD DUPLEX (U.N.O.).
7. ALL FLOORS TO BE CARPETED. ALL FLOORS IN TOILET ROOMS TO BE COVERED WITH VINYL TILE. ALL EXISTING FLOOR FINISHES WITH TENANT PRIOR TO INSTALLATION.
8. ALL FLOORS TO BE CARPETED. ALL FLOORS IN TOILET ROOMS TO BE COVERED WITH VINYL TILE. ALL EXISTING FLOOR FINISHES WITH TENANT PRIOR TO INSTALLATION.
9. SPRINKLERS TO BE PROVIDED BELOW CEILING. SEPARATE SPRINKLER PERMIT APPLICATION WILL BE FILED BY THE CONTRACTOR.

GALLERIA ATRIUM
1407 YORK ROAD
CUTHERSVILLE, MD

CARROLL BROS. & CO. INC. 1000 N. 10TH ST. ST. LOUIS, MO. 63101

Figure 1 illustrates the experimental setup. A subject is seated at a table, looking at a video screen. A camera is positioned above the screen to capture the subject's view. A light source is positioned to the left of the screen to illuminate the scene. A scale bar is shown below the screen to provide a reference for the size of the objects. The diagram is labeled with 'Subject', 'Video Screen', 'Camera', 'Light Source', and 'Scale Bar'.

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
SEC York Road & Seminary Avenue
1433 York Road (The Galleria)
9th Election District
4th Councilmanic District
Legal Owner: Seminary Limited Partnership
Lessee: Essel Enterprises, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-382-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Special Exception for the property located at 1433 York Road in Lutherville. The Petition is filed by Seminary Limited Partnership, Property Owner, and Essel Enterprises, Inc., Lessee. Special Hearing relief is requested to approve a modification to expand and upgrade the health and fitness center at the subject location approved in case No. 85-265-XA. Special Exception relief is requested to approve a community building, i.e., as a health and fitness center on the subject site. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

Appearing at the requisite public hearing held for this case was Bernard Caplan, principal of Essel Enterprises, Inc., Lessee. Also present was Bill Russell, on behalf of Seminary Limited Partnership, Property Owner. Dean Hoover of G.S. Stephens and Associates also appeared. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

The subject property is located at the southeast corner of the intersection of York Road and Seminary Avenue. The property is a substantially sized tract, zoned B.L. The property is improved with an existing three story building attached to an existing one story wing and separate 8 story

existing tower building, all with an associated parking lot. Collectively, these improvements are known as the Galleria, a large complex which contains office and retail uses. This Zoning Commissioner is familiar with this site which has operated near full capacity for many years.

In a prior case, 85-265-XA, special exception and variance relief was granted for a health and fitness center at the subject property. This business is operated by Mr. Caplan's corporation, Essel Enterprises, Inc. The business operates under the trade name of Quost Health and Fitness Center. Presently, entrance to the fitness center is from the rear of the building. Partly to improve this access to the front of the building and to provide additional room for expansion, the Petitioner now comes before me for approval of an amended plan. As that plan (Exhibit No. 1) indicates, the fitness center will expand to occupy an additional 8700 sq. ft. within the three story building. Mr. Caplan indicated that these improvements were necessary to make a health and fitness center competitive with similar clubs in the area and to provide additional room for both office and health/fitness activities.

It is apparent, based upon the uncontradicted testimony and evidence offered, that the Petition for Special Exception and Petition for Special Hearing should be granted. Clearly, there will be no detriment to the health, safety or general welfare of the locale resulting from the expansion. It is to be particularly noted that parking utilized by patrons of the facility frequently occurs when other tenants at the site are not on the property. That is, most of Mr. Caplan's clients visit the club after regular business hours. Moreover, it is apparent that there will be no other impacts associated with the expansion which would be adverse to the other tenants or the surrounding community. For these reasons, the Petitions for Special Hearing and Exception shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April, 1997 that, pursuant to the Petition for Special Hearing, approval for a modification to expand and upgrade the health and fitness center at the subject location approved in case No. 85-265-XA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval for a community building, i.e., as a health and fitness center on the subject site, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 29, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

RE: Case No. 97-382-SPHX
Petitions for Special Hearing & Special Exception
Location: 1433 York Road
Seminary Ltd. Partnership/Essel Enterprises, Inc., Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing & Special Exception have been granted with the 30 day restriction.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

cc: Mr. Bernard Caplan, 1407 York Road, Lutherville, Md. 21093
cc: Mr. William Russell, 9640 Deereco Road, Timonium, Md. 21093

ORDER RECEIVED FOR FILING
Date 4/29/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/29/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/29/97
By [Signature]

LES:mmm

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 1433 York Road which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property, hereby certify that the information contained herein is true and correct, and that the undersigned, legal owners of the property, hereby certify that the information contained herein is true and correct, and that the undersigned, legal owners of the property, hereby certify that the information contained herein is true and correct.

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.

Contract Purchaser/Lessee:
Essel Enterprises, Inc.
Type of Petition: Special Exception
Signature: [Signature]
Address: 1433 York Road
City: Lutherville MD 21093

Address for Petitioner:
Newton A. Williams, Nolan, Plumhoff & Williams
Type of Petition: Special Exception
Signature: [Signature]
Address: Suite 700 - Nottingham Centre
502 Washington Avenue 823-7800
Towson MD 21204

Petition for Special Exception 47-882-SPHX to the Zoning Commissioner of Baltimore County for the property located at 1433 York Road which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property, hereby certify that the information contained herein is true and correct, and that the undersigned, legal owners of the property, hereby certify that the information contained herein is true and correct, and that the undersigned, legal owners of the property, hereby certify that the information contained herein is true and correct.

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.

Contract Purchaser/Lessee:
Essel Enterprises, Inc.
Type of Petition: Special Exception
Signature: [Signature]
Address: 1433 York Road
City: Lutherville MD 21093

Address for Petitioner:
Newton A. Williams, Nolan, Plumhoff & Williams
Type of Petition: Special Exception
Signature: [Signature]
Address: Suite 700 - Nottingham Centre
502 Washington Avenue 823-7800
Towson MD 21204

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
INCORPORATED
ANALYSTS/ENGINEERS/ARCHITECTS/PLANNERS/INTERIORS
1400 W. BELT ROAD, SUITE 100, TOWSON, MARYLAND 21204

MARCH 10, 1997
RE: GALLERIA
QUEST FITNESS

DESCRIPTION TO ACCOMPANY
A PETITION FOR A SPECIAL EXCEPTION

BEGINNING AT A POINT LOCATED S 53° E - 385 FEET MORE OR LESS FROM
POINT OF INTERSECTION OF THE CENTERLINES OF SEMINARY AVENUE AND YORK
ROAD THENCE, IN A CLOCKWISE DIRECTION

- 1) N 68° 08' 00" E 44 FEET ±
- 2) S 21° 52' 00" E 163.5 FEET ±
- 3) S 68° 08' 00" W 66 FEET ±
- 4) N 21° 52' 00" W 68.5 FEET ±
- 5) N 68° 08' 00" E 22 FEET ± AND
- 6) N 21° 52' 00" W 95 FEET ± TO

THE PLACE OF BEGINNING

CONTAINING 8700 S.F. OF LAND MORE OR LESS.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN CONVEYANCES OR AGREEMENT.



(410) 825-8120 • FAX (410) 584-0288

DESCRIPTION TO ACCOMPANY
A PETITION FOR A SPECIAL EXCEPTION
FOR GALLERIA QUEST FITNESS PARKING

BEGINNING AT A POINT LOCATED S 45° E 95 FEET MORE OR LESS FROM POINT
OF INTERSECTION OF THE CENTERLINE OF SEMINARY AVENUE AND YORK ROAD,
THENCE IN A CLOCKWISE DIRECTION:

- 1) N 78° 10' 00" E 205 FEET ±
- 2) S 21° 52' 00" E 112 FEET ±
- 3) S 68° 08' 00" W 18 FEET ±
- 4) S 21° 52' 00" E 18 FEET ±
- 5) S 68° 08' 00" W 180 FEET ± AND
- 6) N 21° 52' 00" W 190 FEET ± TO

THE PLACE OF BEGINNING

CONTAINING 31,000 SF OF LAND MORE OR LESS

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN CONVEYANCES OR AGREEMENTS

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Case No. 97-382-SPH

NAME

ADDRESS

Newton Williams	502 Wash. Ave. Towson 21204
Bernie Caplan	1407 York Pl. Lutherville 21093
Dan Leavie	653 Kewwooden Way Towson 21204
Pat Russell	9640 Decoco Rd Timonium, MD 21093



A. Postal sign on the Property



B. Present S/S or Rear Entrance to be replaced with main center entrance



C. Looking S on York Pl. from Community Center at The Galleria

Seminary Limited Partnership

Quest Fitness

Case No. 95-265-X4



D. Looking East on Seminary Avenue - View of Galleria Center

Galleria Tower

Galleria Atrium

PI. C-5 SEMINARY AVE
#YORK RD

SEMINARY AVENUE

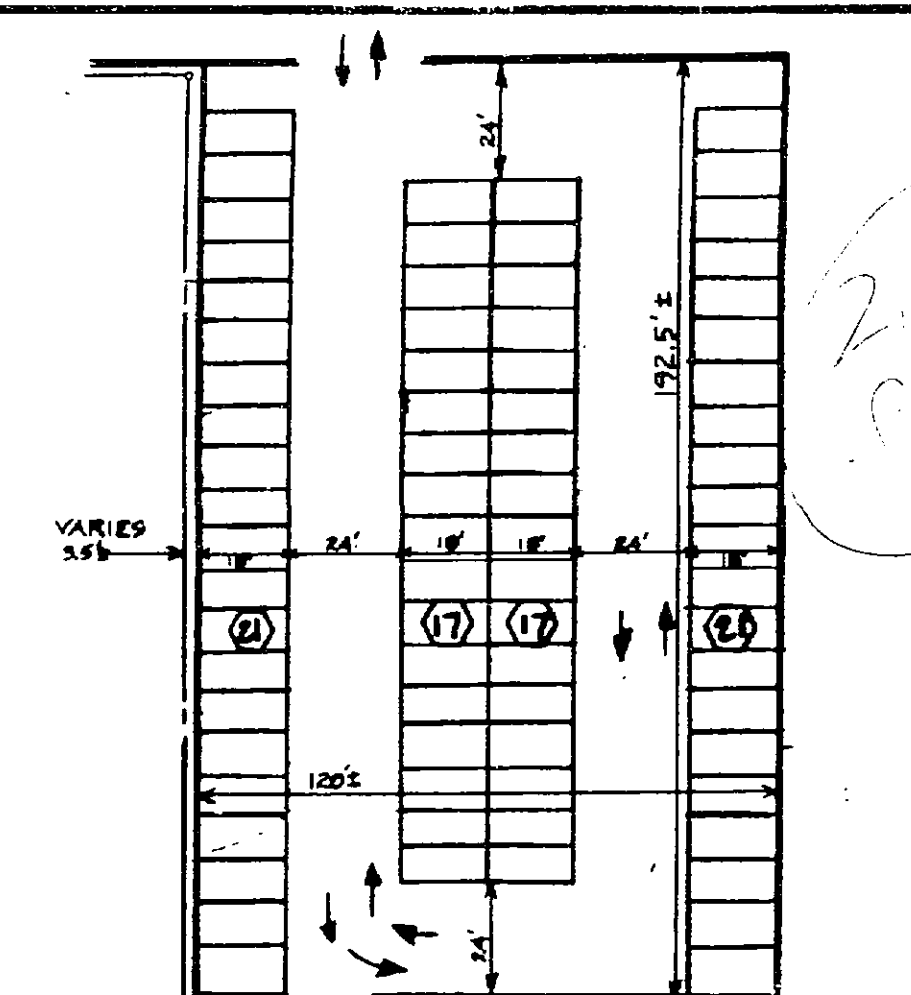
ROAD

STATE ROAD 45

YORK



LOCATION MAP 1"=2000'



PARKING DECK
DETAIL
SCALE: 1" = 40'

PARKING TABULATION

#1407 York Road

TENANT	SUITE	SF	USE	PARKING	PARKING REQ'D
new office tenant	101	5440	office	1/500	10.88
Ryan's Home	104	3000	retail	1/200	15
Okie	105	3277	office	1/500	6.55
Voice of Video	108	1268.1	retail	1/200	6.33
Subway	109	1078	restaurant	1/50	21.56
Jenny Craig	110	2044	service	1/300	6.81
Boston Metals	200	1018	office	1/500	2.03
Hearing Assessment	201	1377	medical	1/200	4.59
office tenant	204	1487	office	1/500	2.97
office tenant	206	1803	office	1/500	3.6
Vacant	207	1210	office	1/500	2.4
Hair Act	208	1212.25	service	1/500	4.04
Mercantile Mortgage	209	1712	office	1/500	3.54
American Home Loan	210	2257	office	1/500	4.51
Boston Metals	210A	413	office	1/500	.83
State Farm Insurance	211	62	office	1/500	1.32
Dr. Klatt	212	1503	medical	1/300	5.01
Azman Eye Care	213	2800	service	1/300	9.33
Allstate Insurance	215	348	office	1/500	.7
Dr. Perez	300	1233	medical	1/300	4.21
AP Greene	301	324	office	1/500	.55
Tedakmatix	302	3690	office	1/500	7.38
Bob Ehrlich	304	2214	office	1/500	4.43
Pulmonary Critical Care	305	1078	medical	1/300	3.59
Dr. Martin Lang, DDS	306	1237.2	medical	1/300	4.12
John Sawchuk	308	1375	medical	1/300	4.58
Dr. Lafferman	309	1365	medical	1/300	4.55
Dr. Jeffrey Kitson	310	1115	medical	1/300	3.72
Columbia National Mortgage	311	4025	office	1/500	8.05

157.00 SUB TOTAL

#1447 York Road

TENANT	SUITE	SF	USE	PARKING	PARKING REQ'D
Kaiser Health	100-200	2888.78	medical	1/300	96.29
Vacant	301	860	service	1/300	2.87
H & R Block	302-303	2172	service	1/300	7.24
Dr. John Skouge, MD	304	2481	medical	1/300	8.27
Canfield Rarities, Inc.	310	1368	retail	1/200	6.84
Independence One Mortgage	312,314, 400A	4027	office	1/500	8.05
PSA Financial	400	14995	office	1/500	29.99
Dr. Edwin Epstein, MD	502	1568	medical	1/300	5.23
Lisa Rubin, MD	504	1273	medical	1/300	4.24
Technical Aid Corp.	505	1403	office	1/500	2.81
Mary Kraft & Associate	506	2237	office	1/500	4.47
GSBC Agency	508	2620	office	1/500	5.24
Johns Hopkins Health Center	510	2350	office	1/500	4.7
First National Mortgage	601	4788	office	1/500	9.58
Dr. Stoltz	605	1716	medical	1/300	5.72
Vacant	608	212	medical	1/300	.71
Vacant	607	1991	office	1/500	3.98
Rossmann-Hunt-Hawkins, Inc.	608	5189	office	1/500	10.38
Ryan's Home	700,704, 705	11432	office	1/500	22.86
Smith Abbot & Co	800	11116	office	1/500	22.23
Norrell Services, Inc.	801	1407	office	1/500	2.81

264.61 SUB TOTAL

TENANT	SUITE	SF	USE	PARKING	PARKING REQ'D
Rite Aid	1411	5760	retail	1/200	28.8
One Hour Martinizing	1417	1440	service	1/300	4.8
Galleria Deli	1419	1136	carry out	1/200	5.68
Rolling Road Tobacco Shop	1421	1264	retail	1/200	6.32
Coco & Buff	1423	1500	service	1/300	.5
Szechuan House	1427	2100	restaurant	1/50	42
First Virginia Bank	1429	1600	bank	1/300	5.33
Quest	1433	927.5	health club	1/500	19.26
Quest	1433	4900	health club	1/500	9.8
Quest (proposed addition)	1433	8700	health club	1/100	87

213.99 SUB TOTAL

TOTAL PARKING REQUIRE: 635.58 = 636 SPACES
TOTAL PARKING SHOWN: 74 SPACES
PARKING REQUIREMENT BASED ON PARKING REGULATIONS IN EFFECT AT TIME OF C.E.G. APPROVAL (EXCEPT HEALTH CLUB ADDITION)

722 STANDARD SPACES (11.5' x 18' IF TYPICAL)
11 BAYONET SPACES @ 12' x 18' IF TYPICAL
11 PARALLEL SPACES @ 22' x 18' IF TYPICAL
(SEE SURFACE SPACES 74 SPACES ON DECK)

ALL EXISTING AND FUTURE SIGNS MUST COMPLY WITH SECTION 413.6 OF THE BALTO. CO. ZONING REGULATIONS.

NO COMMERCIAL PERMITS FOUND FOR THE CONSTRUCTION OF THE PARKING DECK.

Reference is directed to:
(1) Zoning Map 11418 which allows passenger vehicle parking in the 20' wide portion of the property, fronting Seminary Avenue, as shown on the map dated May 15, 1993 to Maria Karpman, et al. from James R. Boring (Boring's), subject to the following restrictions:
a-1. This passenger vehicle parking shall be permitted to use such parking area.
a-2. No portion of any kind shall be extended to persons occupying vehicles in said parking area, nor shall any such space be used for automobile service or repair.
a-3. Any lighting installation shall be so screened as to not reflect the light away from the adjoining residential property and also the property on the opposite side of Seminary Avenue.
a-4. There shall be no sign posting on the residential property on the opposite side of Seminary Avenue. Such sign posting shall be done at the rear of the property shall be used for parking and planting activities required only for those portions of this property which shall be actually used for the parking of vehicles, whose operation which must be approved for entrance onto the property. Such shall not be used to be screened under this provision.

(2) Zoning Map 1429-14 which permits a sign displaying in the existing Galleria Complex.

(3) Zoning Map 1429-14 which permits a sign displaying in the existing Galleria Complex.

(4) Zoning Map 1429-14 which permits a sign displaying in the existing Galleria Complex.

(5) The Petitioner must comply with the regulations set forth in the case of 1418-1419 which allows parking in the 20' wide portion of the property, fronting Seminary Avenue, as shown on the map dated May 15, 1993 to Maria Karpman, et al. from James R. Boring (Boring's), subject to the following restrictions:
a-1. This passenger vehicle parking shall be permitted to use such parking area.
a-2. No portion of any kind shall be extended to persons occupying vehicles in said parking area, nor shall any such space be used for automobile service or repair.
a-3. Any lighting installation shall be so screened as to not reflect the light away from the adjoining residential property and also the property on the opposite side of Seminary Avenue.
a-4. There shall be no sign posting on the residential property on the opposite side of Seminary Avenue. Such sign posting shall be done at the rear of the property shall be used for parking and planting activities required only for those portions of this property which shall be actually used for the parking of vehicles, whose operation which must be approved for entrance onto the property. Such shall not be used to be screened under this provision.

(6) The Petitioner must comply with the regulations set forth in the case of 1418-1419 which allows parking in the 20' wide portion of the property, fronting Seminary Avenue, as shown on the map dated May 15, 1993 to Maria Karpman, et al. from James R. Boring (Boring's), subject to the following restrictions:
a-1. This passenger vehicle parking shall be permitted to use such parking area.
a-2. No portion of any kind shall be extended to persons occupying vehicles in said parking area, nor shall any such space be used for automobile service or repair.
a-3. Any lighting installation shall be so screened as to not reflect the light away from the adjoining residential property and also the property on the opposite side of Seminary Avenue.
a-4. There shall be no sign posting on the residential property on the opposite side of Seminary Avenue. Such sign posting shall be done at the rear of the property shall be used for parking and planting activities required only for those portions of this property which shall be actually used for the parking of vehicles, whose operation which must be approved for entrance onto the property. Such shall not be used to be screened under this provision.

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION & PARKING PLAN FOR THE

GALLERIA

YORK ROAD & SEMINARY AVENUE

BALTIMORE COUNTY, MD ELECTION DISTRICT 9

SCALE: 1" = 40'

REV MAR 5, 1997

PN 5145

PLAN
SCALE: 1" = 40'

OWNER
SEMINARY LIMITED PARTNERSHIP
10 PARKS AVENUE
COCKEYSVILLE MD 21030-4922

PLAT REF. 53/18
ELECTION 1ST #9 COUNCILMANIC DIST #4

GEORGE WILLIAM STEPHENS, JR.
& ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

8: KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 625-6120



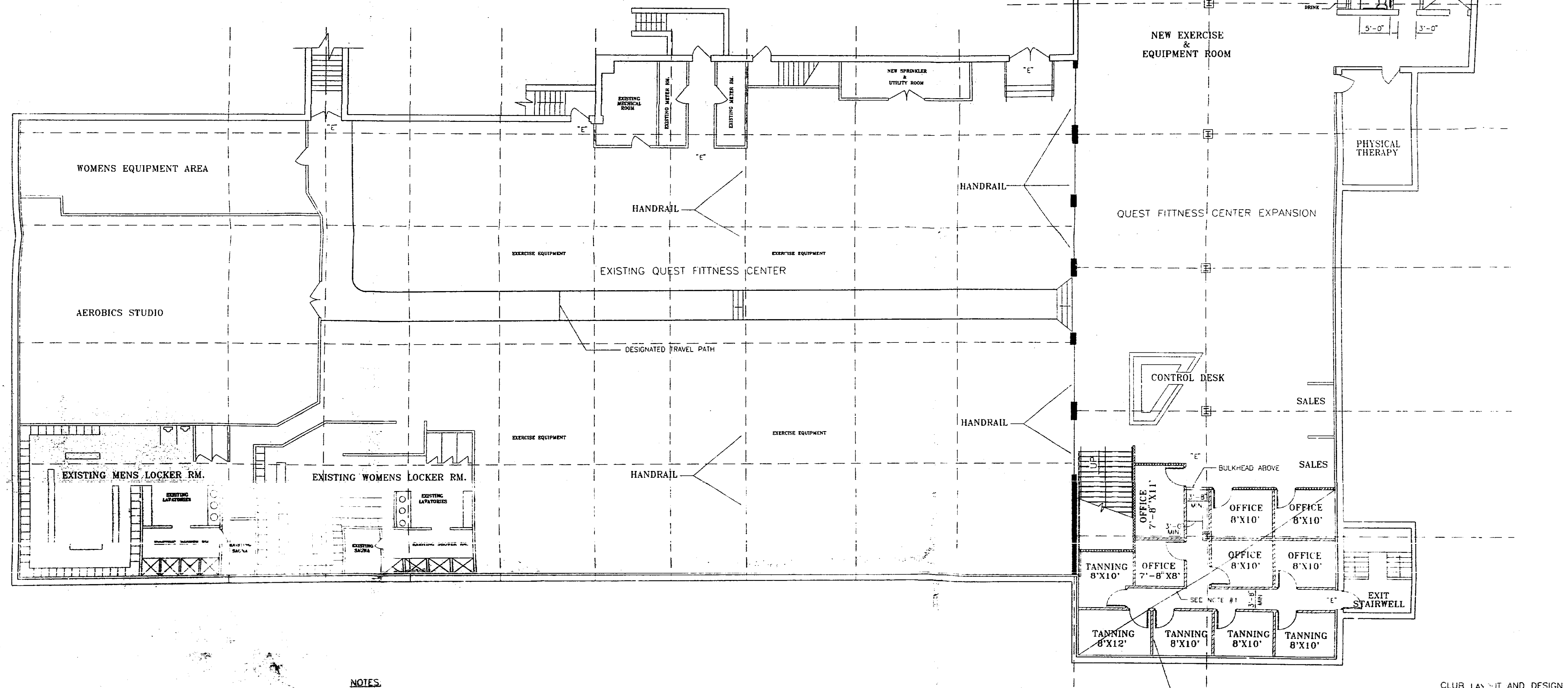
P/D 200 SCALE ZONING MAPS

548'17.50"W
521'42.10"E 19.00'

INTERIOR FINISH NOTES

1. "E" INDICATES EXIT LIGHTS TO BE PROVIDED IN ACCORDANCE WITH NFPA 101 LIFE SAFETY CODE (LATEST EDITION) AND/OR LOCAL COUNTY CODE.
2. FIRE EXTINGUISHERS TO BE PROVIDED IN ACCORDANCE WITH NFPA 101 LIFE SAFETY CODE (LATEST EDITION) AND/OR LOCAL COUNTY CODE. LOCATIONS TO BE DETERMINED BY FIRE DEPARTMENT UPON FINAL INSPECTION.
3. ALL HEAT AND A.C. EQUIPMENT TO BE LISTED BY UNDERWRITERS LABORATORIES.
4. HEATING, VENTILATION AND AIR CONDITIONING SHALL COMPLY WITH BOCA MECHANICAL (LATEST EDITION) FOR BUSINESS USE. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE ADDITIONAL VENTILATION IF PROVIDED BY CODE FOR THE OPERATIONS TAKING PLACE WITHIN THE SPACE AND FOR THE DESIGN AND INSTALLATION OF THE AIR DISTRIBUTION SYSTEM AND DEVICES.
5. PARTITIONS TO BE 3 5/8" GAGE METAL STUDS @ 16" O.C. (U.N.O.). FIRE RATED PARTITIONS, IF REQUIRED, SHALL BE AS INDICATED ON THE PLANS.
6. ALL EXTERIOR AND DIVISING WALLS IN FINISHED SPACE SHALL HAVE 1" RIGID INSULATION BETWEEN 1 5/8" FURRING STRIPS. POWDER ROOM WALLS SHALL HAVE 2 1/2" BATT INSULATION BETWEEN STUDS. INSTALL 6" BATT INSULATION OVER ALL CEILING IN FINISHED SPACE.
7. CEILING TO BE 2"x4" ACOUSTICAL TILE IN AN EXPOSED SPINE GRID SUSPENDED FROM STRUCTURE ABOVE. CEILING HEIGHT TO BE 8'-0" (MIN.) ABOVE FINISHED FLOOR. CEILING HEIGHT TO BE INSTALLED IN OFFICE AND RESTROOM/ELEVATOR AREA ONLY.
8. THE CONSTRUCTION AND INSTALLATION OF ALL DUCTWORK SHALL COMPLY WITH BOCA MECHANICAL CODE (LATEST EDITION).
9. ALL DOORS SHALL BE 3'-0" X 8'-0", HOLLOW CORE WOOD WITH A BIRCH VENEER (U.N.O.) AND SHALL HAVE 32 INCH (MIN.) CLEAR OPENING WHEN MEASURED IN ACCORDANCE WITH NFPA. ALL DOORS TO BE LOCATED WITH AT LEAST 18" FROM WING TO THE NEAREST FACE OF WALL.

10. ALL GLAZING IN EXTERIOR DOORS WITHIN 24" OF ANY EXTERIOR OR INTERIOR DOOR OR WITHIN 18" OF THE FINISHED FLOOR SHALL BE APPROVED SAFETY GLASS.
11. APPROVED BATTERY POWERED EMERGENCY LIGHTING SHALL BE PROVIDED WITHIN THE SPACE AS REQUIRED BY LOCAL CODE (LATEST EDITION).
12. INTERIOR FINISHES SHALL BE CLASS A OR B IN EXITWAYS AND CLASS A, B OR C ELSEWHERE IN ACCORDANCE WITH NFPA.
13. ALL EXTERIOR DOOR HARDWARE PROVIDED WITH SHELL. ALL INTERIOR DOORS TO HAVE PADLOCK TYPE IN ACCORDANCE WITH ADA REQUIREMENTS.
14. ALL WALLS TO BE PAINTED WITH 2 COATS FLAT LATEX (U.N.O.). COLORS TO BE SELECTED BY OWNER AND TENANT.
15. PROVIDE WALL MOUNTED RECEPTACLES, APPROXIMATELY 18" ABOVE GRADE IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE (LATEST EDITION). ALL RECEPTACLES SHALL BE STANDARD DUPLEX (U.N.O.).
16. ALL FLOORS TO BE CARPETED. ALL FLOORS IN TOILET ROOMS TO HAVE VINYL TILE. COORDINATE EXACT FLOOR FINISHES WITH TENANT PRIOR TO INSTALLATION.
17. SPRINKLERS TO BE PROVIDED BELOW CEILING. SEPARATE SPRINKLER PERMIT APPLICATION WILL BE FILED BY THE CONTRACTOR.



NOTES

1. PROVIDE SUSPENDED CEILING THIS AREA ONLY.
2. CO. VMS SHALL BE WRAPPED IN DRYWALL TO THE UNDERSIDE OF THE FLOOR DECK ABOVE IN ACCORDANCE WITH UL DESIGN # 17.
3. REF ACE ALL SPRAY-ON FIREPROOFING ON EXISTING BEAMS AND SEAL WITH COATING TO PREVENT FLARING OFF.
4. NEW INDICATES NEW PARTITION WALLS.
5. NEW INDICATES NEW PARTITION WALLS TIGHT TO UNDERSIDE OF FLOOR DECK ABOVE.
6. WALLS AROUND TANNING BOOTHS STOP 12" BELOW FLOOR DECK CEILING.

SEE NOTE #6 (TYP.)

CLUB LAYOUT AND DESIGN BASED ON DRAWINGS FROM "QUALITY DESIGN & CONSTRUCTION"

RELEASED FOR	
☐	Preliminary Des.
☐	Bidding
☐	Permit
☐	Construction

GALLERY ATRIUM 1407 YORK ROAD LUTHERVILLE, MD	CARROLL ENGINEERING, INC. 21001 (410) 282-8111 TENANT QUEST FITNESS CLUB FLOOR PLAN
---	--

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 27, 1997

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 March 27, 1997.

THE JEFFERSONIAN,

A. Hennrich
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:
Case #97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
9th Section District
4th Subdivision
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Eszel Enterprises, Inc.
Special Hearing: To approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.
Special Exception: For a community building, i.e. expanded health and fitness center.
Hearing: Thursday, April 17, 1997 at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTICE: (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.
3/24/97 March 27 010066

BALTIMORE COUNTY, MARYLAND No. 028703
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT 17-382-SPHX
DATE 11 March 1997 ACCOUNT R-001-6450
382
AMOUNT \$ 550.00
RECEIVED FROM Eszel Enterprises, Inc.
FOR 433 York Rd
0349180250N1CHRC \$550.00
SPX 3/11 BA 000218PM03-11-97
VALIDATION OR SIGNATURE OF CASHIER
BRIAN L. COOPER PNC AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management
17-382-SPHX

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

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.: 382

Petitioner: Eszel Enterprises

Location: 1433 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bernie Coplan

ADDRESS: P.O. Box 936

Chingston, Md. 21009

PHONE NUMBER: 538-5300

AJ:ggg

(Revised 09/24/96)

382

CERTIFICATE OF POSTING

RE: Case No.: 97-382-SPHX

Petitioner/Developer: ESZEL ENTERPRISES, INC. ETAL

Date of Hearing/Closing: 4/17/97

@ 2:00 PM

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 #1433 YORK ROAD
THE GALLERIA SEC. YORK & SEMINARY RDS.
#1433 YORK RD.

The sign(s) were posted on 4/2/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

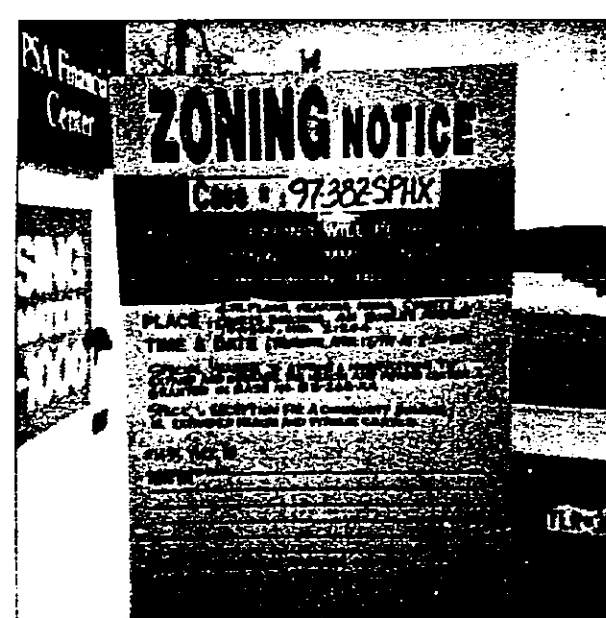
(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 646-5344 (410) 646-5354

(Telephone Number)



97-382-SPHX
#1433 YORK RD @ SEMINARY AVE.
4/2/97

Exhibit B

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

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-382-SPHX

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

PLACE:

DATE AND TIME:

REQUEST: Special Hearing to Amend Case
85-265-XA and Special Exception to
allow a community building in a R-2 zone

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

996
post 4.doc

382

TO: POTTYEN PUBLISHING COMPANY
March 27, 1997 Issue - Jeffersonian

Please forward billing to:

Bernie Coplan
P. O. Box 936
Chingston, MD 21009
538-5300

17-382-SPHX

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Eszel Enterprises, Inc.

Special Hearing to approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.

Special Exception for a community building; i.e. expanded health and fitness center.

HEARING: THURSDAY, APRIL 17, 1997, at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

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
17-382-SPHX

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

March 21, 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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Eszel Enterprises, Inc.

Special Hearing to approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.

Special Exception for a community building; i.e. expanded health and fitness center.

HEARING: THURSDAY, APRIL 17, 1997, at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

Arnold Jablon
Director

cc: Seminary Limited Partnership
Eszel Enterprises, Inc.
Newton A. Williams, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 2, 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.



Baltimore County
Department of Permits and
Development Management

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

April 10, 1997

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 382
Case No.: 97-382-SPHX
Petitioner: Seminary Ltd.

Dear Mr. Williams:

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 March 11, 1997.

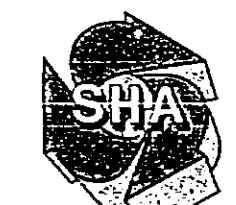
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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)



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 3-21-97
Item No. 382 CAM

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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. Hudell
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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: March 21, 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. 378, 380, 381, 382, 383, 385, 386, 391, and 392

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 M. Long*
Division Chief: *Carol L. Keane*

PK/JL

ITEM378/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 31, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item Nos. 378, 379, 380, 381, 382, 383, 384, 385, 386, 387 & 391

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWS:HJO:cab
cc: File

ZONE331.NOC

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

TO: PDM
DATE: *3/25/97*

FROM: R. Bruce Sealey
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *March 24, 97*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	379	388
	381	389
	382	390
	383	393
	385	394
	387	

RBS:sp

BRUCE2/DEPRM/TXTSBB

PETITION PROBLEMS

97-382-SPHX

#378 --- MJK

1. Sign form is incomplete/incorrect.

#379 --- JLL

1. Sign form is incomplete/incorrect.

#380 --- RT

1. Folder says zoning is D.R.-3.5; petition says zoning is D.R.-5.5 -- Which is correct?

#382 --- CAM

1. Need printed or typed title and authorization of person signing for legal owner.
2. Need printed name and title and authorization of person signing for contract purchaser.
3. No review information on bottom of petition form.

#385 --- MJK

1. Sign form is incomplete/incorrect.
2. No description on folder.
3. No zoning on folder.
4. No acreage on folder.
5. No election district on folder.
6. No councilmanic district on folder.
7. Plan is illegible.

Section 502--SPECIAL EXCEPTIONS [B.C.Z.R., 1955.]

(See Section 270--Schedule of Special Exceptions) [B.C.Z.R., 1955.]

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the Board of Zoning Appeals. [B.C.Z.R., 1955.]

In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. [B.C.Z.R., 1955.]

502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955; Bill No. 45, 1982.]

- a. Be detrimental to the health, safety, or general welfare of the locality involved; [B.C.Z.R., 1955.] *Health-planning center, safety, health - most intended, general welfare - only*
- b. Tend to create congestion in roads, streets or alleys therein; [B.C.Z.R., 1955.] *No F. City, Off public house - any*
- c. Create a potential hazard from fire, panic or other dangers; [B.C.Z.R., 1955.] *BOCA - Fire station, Apartment - any*
- d. Tend to overcrowd land and cause undue concentration of population; [B.C.Z.R., 1955.] *No new bldg.*
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; [B.C.Z.R., 1955.] *No new*
- f. Interfere with adequate light and air; [B.C.Z.R., 1955; Bill No. 45, 1982.] *No new buildings*

APPROVED JUL 01 1989

5-9

Consistent with council zone

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor [Bill No. 45, 1982.]

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. [Bill No. 45, 1982.] *No new parking*

502.2--In granting any special exception, the zoning commissioner or the Board of Zoning Appeals, upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the zoning commissioner, or Board of Zoning Appeals, upon appeal, shall enter into an agreement in writing with said zoning commissioner and/or the county commissioners of Baltimore County, stipulating the conditions, restrictions, or regulations governing such special exception, the same to be recorded among the Land Records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. [B.C.Z.R., 1955.]

502.3--A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The zoning commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the zoning commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception the zoning commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. [B.C.Z.R., 1955; Bill No. 42, 1962; No. 85, 1967.]

REV 8/93

5-9

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
1433 York Road (The Galleria)
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Essel Enterprises, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-382-SPHX

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 *25th* day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumbhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Zone location - Essel Enterprises

around by bid's own down the street

taking over lower level of Sean - entrance will be located in front

burying area in wooded off-site

hours of operation 6:00 am to 10:00

1000 members 225 active

8:00 to 7:00

8:00 to 5:00

1000 parking - 10000
frankland
No adverse impact

Case No 97-382-SPHX

ADDRESS

NAME

Newton Williams

502 Wash. Ave. Tucson
21204.

Bernie Caplan

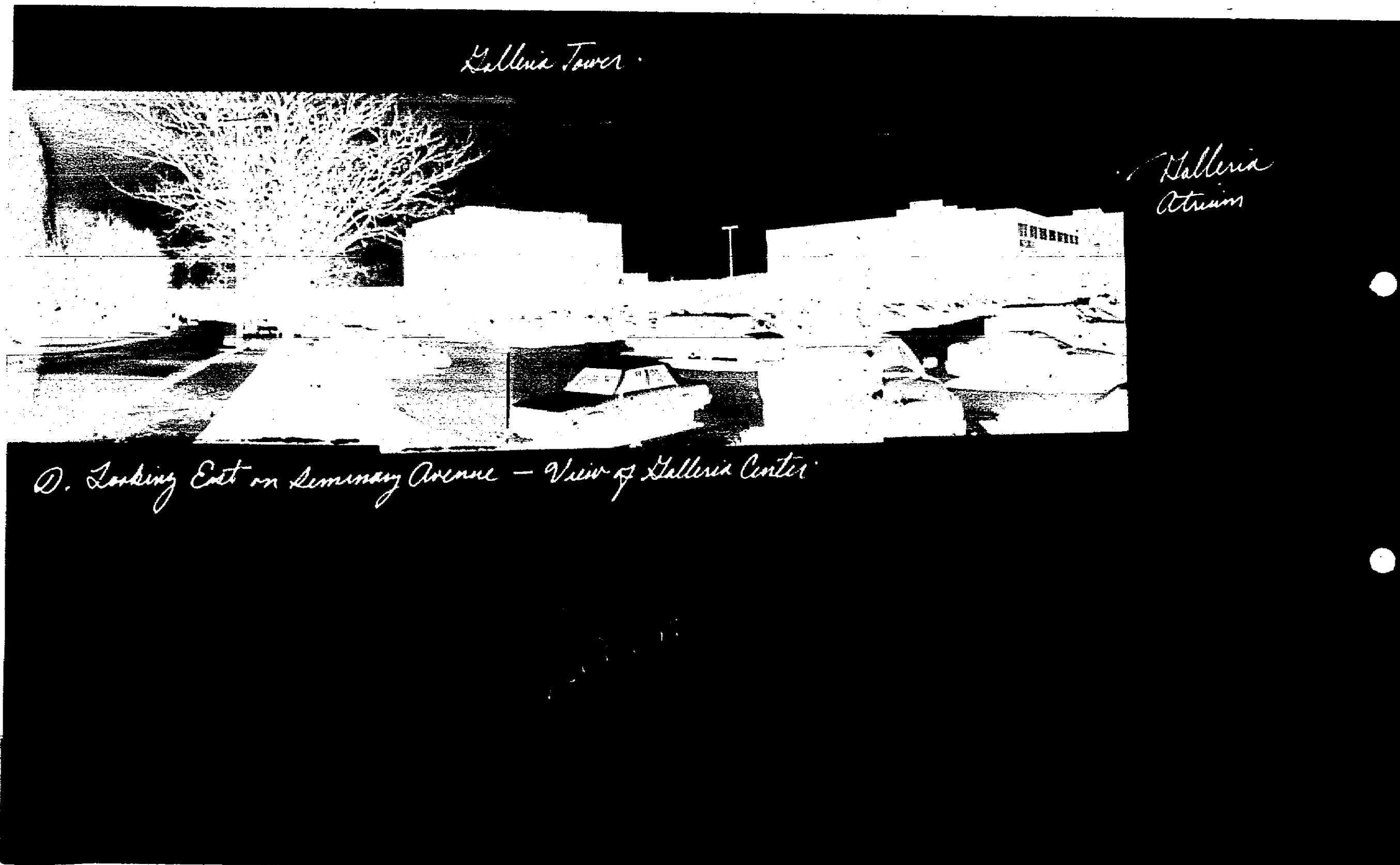
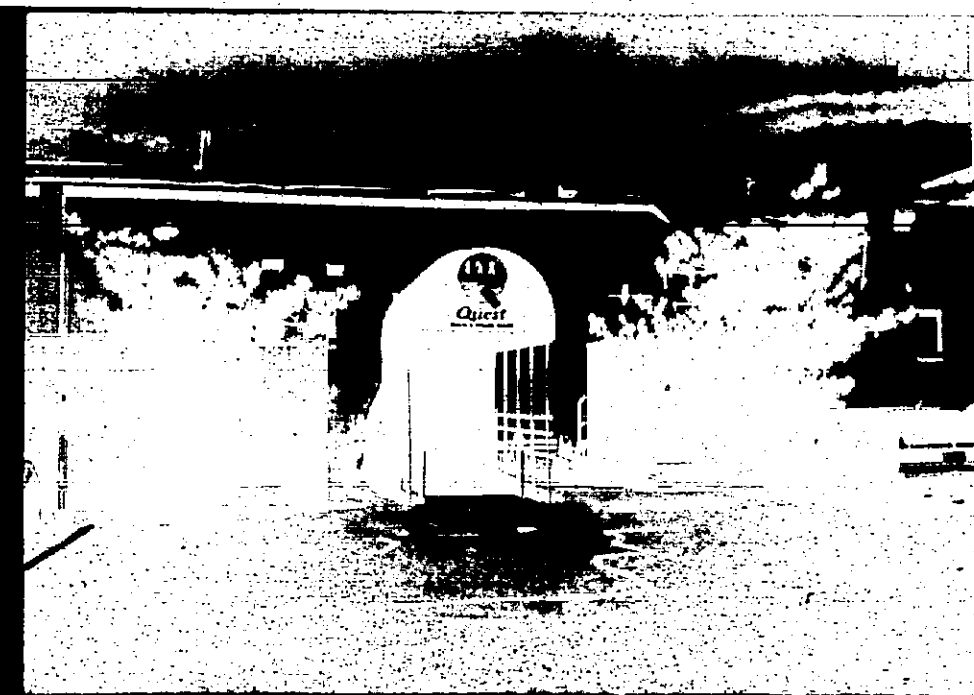
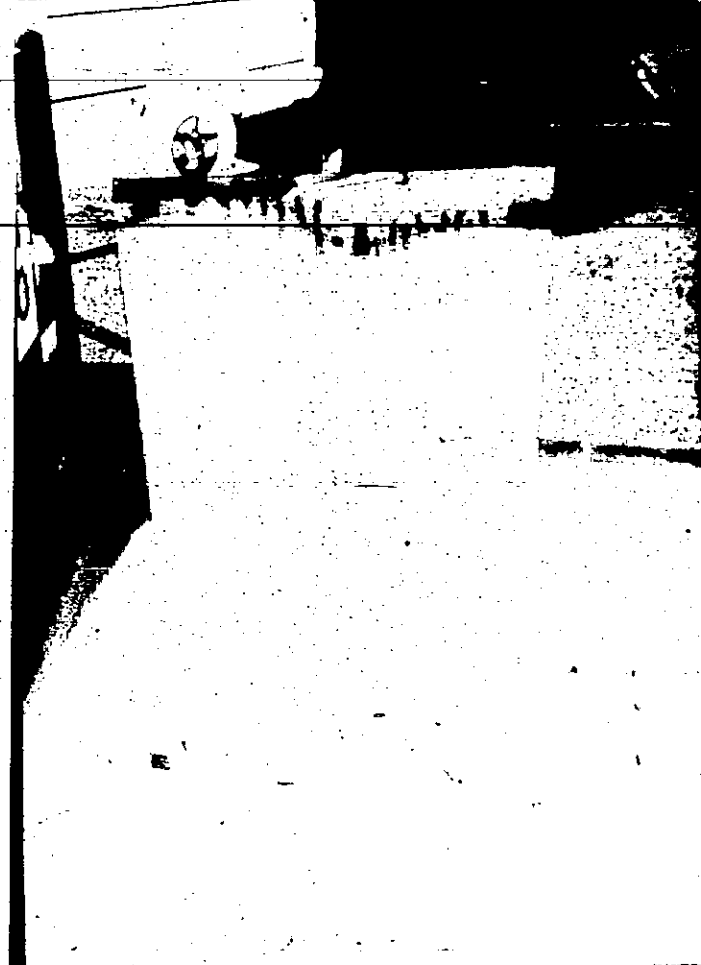
1707 York Rd. Lutherville 2103

Diana Thomas

653 Kendrick Rd.
Tomboro 21204

Bert Russell

9640 Secesco RD
TIMONIUM, MD 21093



Summary Limited Partnerships

Quest Fitness

Case No. 85-265-XA

C, Looking S on York Pl
from Remondy Corner
at
The Galleria

PI. C-5 SEMINARY AVE
#YORK RD

SEMINARY AVENUE

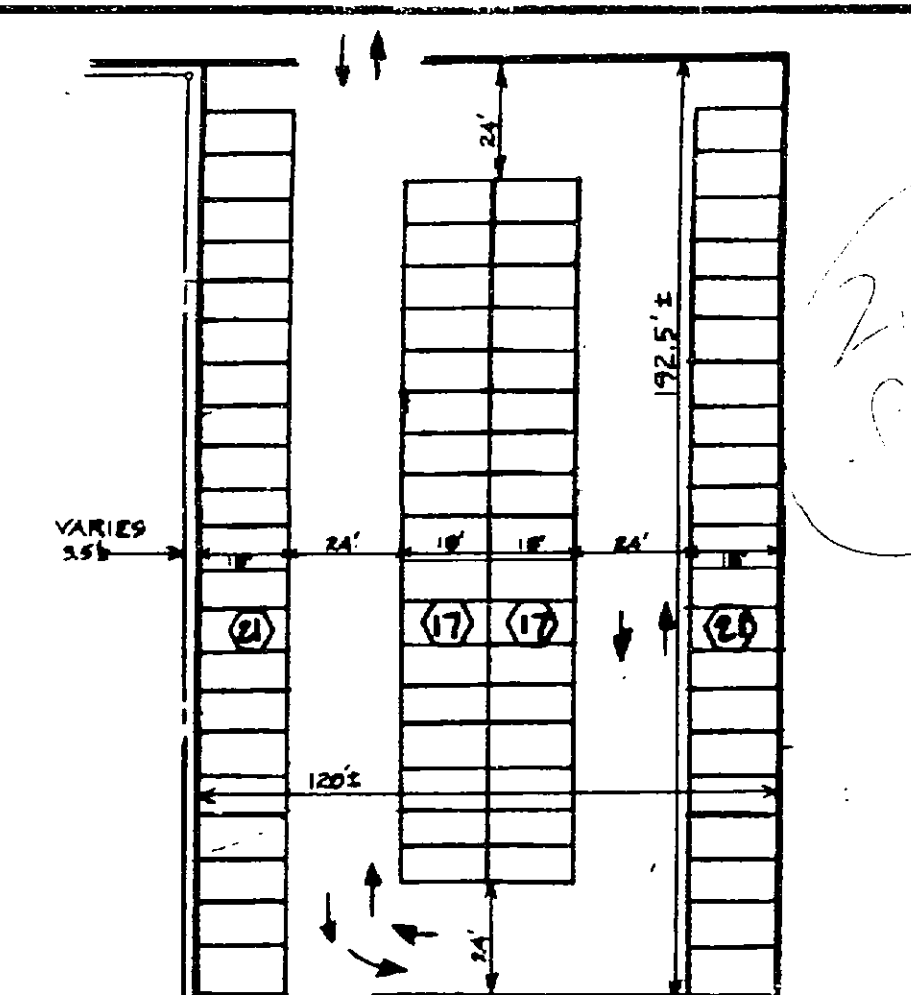
ROAD

STATE ROAD 45

YORK



LOCATION MAP 1"=2000'



PARKING DECK
DETAIL
SCALE: 1" = 40'

PARKING TABULATION

#1407 York Road

TENANT	SUITE	SF	USE	PARKING	PARKING REQ'D
New office tenant	101	5440	office	1/500	10.88
Ryan's Home	104	3000	retail	1/200	15
Okie	105	3277	office	1/500	6.55
Voice of Video	108	1268.1	retail	1/200	6.33
Subway	109	1078	restaurant	1/50	21.56
Jenny Craig	110	2044	service	1/300	6.81
Boston Metals	200	1018	office	1/500	2.03
Hearing Assessment	201	1377	medical	1/200	4.59
office tenant	204	1487	office	1/500	2.97
office tenant	206	1803	office	1/500	3.6
Vacant	207	1210	office	1/500	2.4
Hair Act	208	1212.25	service	1/500	4.04
Mercantile Mortgage	209	1712	office	1/500	3.54
American Home Loan	210	2257	office	1/500	4.51
Boston Metals	210A	413	office	1/500	.83
State Farm Insurance	211	62	office	1/500	1.32
Dr. Klatt	212	1503	medical	1/300	5.01
Azman Eye Care	213	2800	service	1/300	9.33
Allstate Insurance	215	348	office	1/500	.7
Dr. Perez	300	1233	medical	1/300	4.21
AP Greene	301	324	office	1/500	.55
Tedakmatix	302	3690	office	1/500	7.38
Bob Ehrlich	304	2214	office	1/500	4.43
Pulmonary Critical Care	305	1078	medical	1/300	3.59
Dr. Martin Lang, DDS	306	1237.2	medical	1/300	4.12
John Sawchuk	308	1375	medical	1/300	4.58
Dr. Lafferman	309	1365	medical	1/300	4.55
Dr. Jeffrey Kitson	310	1115	medical	1/300	3.72
Columbia National Mortgage	311	4025	office	1/500	8.05

157.00 SUB TOTAL

#1447 York Road

TENANT	SUITE	SF	USE	PARKING	PARKING REQ'D
Kaiser Health	100-200	2888.78	medical	1/300	96.29
Vacant	301	860	service	1/300	2.87
H & R Block	302-303	2172	service	1/300	7.24
Dr. John Skouge, MD	304	2481	medical	1/300	8.27
Canfield Rarities, Inc.	310	1368	retail	1/200	6.84
Independence One Mortgage	312,314, 400A	4027	office	1/500	8.05
PSA Financial	400	14995	office	1/500	29.99
Dr. Edwin Epstein, MD	502	1568	medical	1/300	5.23
Lisa Rubin, MD	504	1273	medical	1/300	4.24
Technical Aid Corp.	505	1403	office	1/500	2.81
Mary Kraft & Associate	506	2237	office	1/500	4.47
GSBC Agency	508	2620	office	1/500	5.24
Johns Hopkins Health Center	510	2350	office	1/500	4.7
First National Mortgage	601	4788	office	1/500	9.58
Dr. Stoltz	605	1716	medical	1/300	5.72
Vacant	608	212	medical	1/300	.71
Vacant	607	1991	office	1/500	3.98
Rossmann-Hunt-Hawkins, Inc.	608	5189	office	1/500	10.38
Ryan's Home	700,704, 705	11432	office	1/500	22.86
Smith Abbot & Co	800	11116	office	1/500	22.23
Norrell Services, Inc.	801	1407	office	1/500	2.81

264.61 SUB TOTAL

TENANT	SUITE	SF	USE	PARKING	PARKING REQ'D
Rite Aid	1411	5760	retail	1/200	28.8
One Hour Martinizing	1417	1440	service	1/300	4.8
Galleria Deli	1419	1136	carry out	1/200	5.68
Rolling Road Tobacco Shop	1421	1264	retail	1/200	6.32
Coco & Buff	1423	1500	service	1/300	.5
Szechuan House	1427	2100	restaurant	1/50	42
First Virginia Bank	1429	1600	bank	1/300	5.33
Quest	1433	927.5	health club	1/500	19.26
Quest	1433	4900	health club	1/500	9.8
Quest (proposed addition)	1433	8700	health club	1/100	87

213.99 SUB TOTAL

TOTAL PARKING REQUIRE: 635.58 = 636 SPACES
TOTAL PARKING SHOWN: 74 SPACES
PARKING REQUIREMENT BASED ON PARKING REGULATIONS IN EFFECT AT TIME OF C.E.G. APPROVAL (EXCEPT HEALTH CLUB ADDITION)

72 STANDARD SPACES (1.5' x 1' IF TYPICAL)
11 HANDICAP SPACES @ 12' x 1' IF TYPICAL
11 PARALLEL SPACES @ 22' x 1' IF TYPICAL
(SEE SURFACE SPACES 74 SPACES ON DECK)

ALL EXISTING AND FUTURE SIGNS MUST COMPLY WITH SECTION 413.6 OF THE BALTO. CO. ZONING REGULATIONS.

NO COMMERCIAL PERMITS FOUND FOR THE CONSTRUCTION OF THE PARKING DECK.

Reference is directed to:
(1) Zoning Map 11418 which allows passenger vehicle parking in the 20' wide portion of the property, fronting Seminary Ave. by lotter dated Jan 15, 1993 to Maria Karpman, et al. from James R. Soley (Soley's), subject to the following restrictions:
a-1. This passenger vehicle shall be permitted to use such parking area.
a-2. No portion of any kind shall be extended to persons occupying vehicles in said parking space, nor shall any such space be used for automobile service or repair.
a-3. Any lighting installation shall be so screened as to not reflect the light away from the adjoining residential property and also the property on the opposite side of Seminary Avenue.
a-4. There shall be no sign posting on the residential property on the opposite side of Seminary Avenue. Such sign posting shall be done at the rear of the property shall be used for parking and planting activities required only for those portions of this property which shall be actually used for the parking of vehicles, whose existence shall not be approved for entrance onto the property. Such shall not be used to be approved under this provision.

(2) Soley's 1429-14 which permitted a sign standing in the existing Galleria Complex.

(3) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(4) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(5) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(6) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(7) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(8) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(9) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(10) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(11) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(12) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(13) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(14) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(15) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(16) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(17) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

(18) Zoning Map 11418-1A which permitted a sign standing in the existing Galleria Complex.

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION & PARKING PLAN FOR THE

GALLERIA

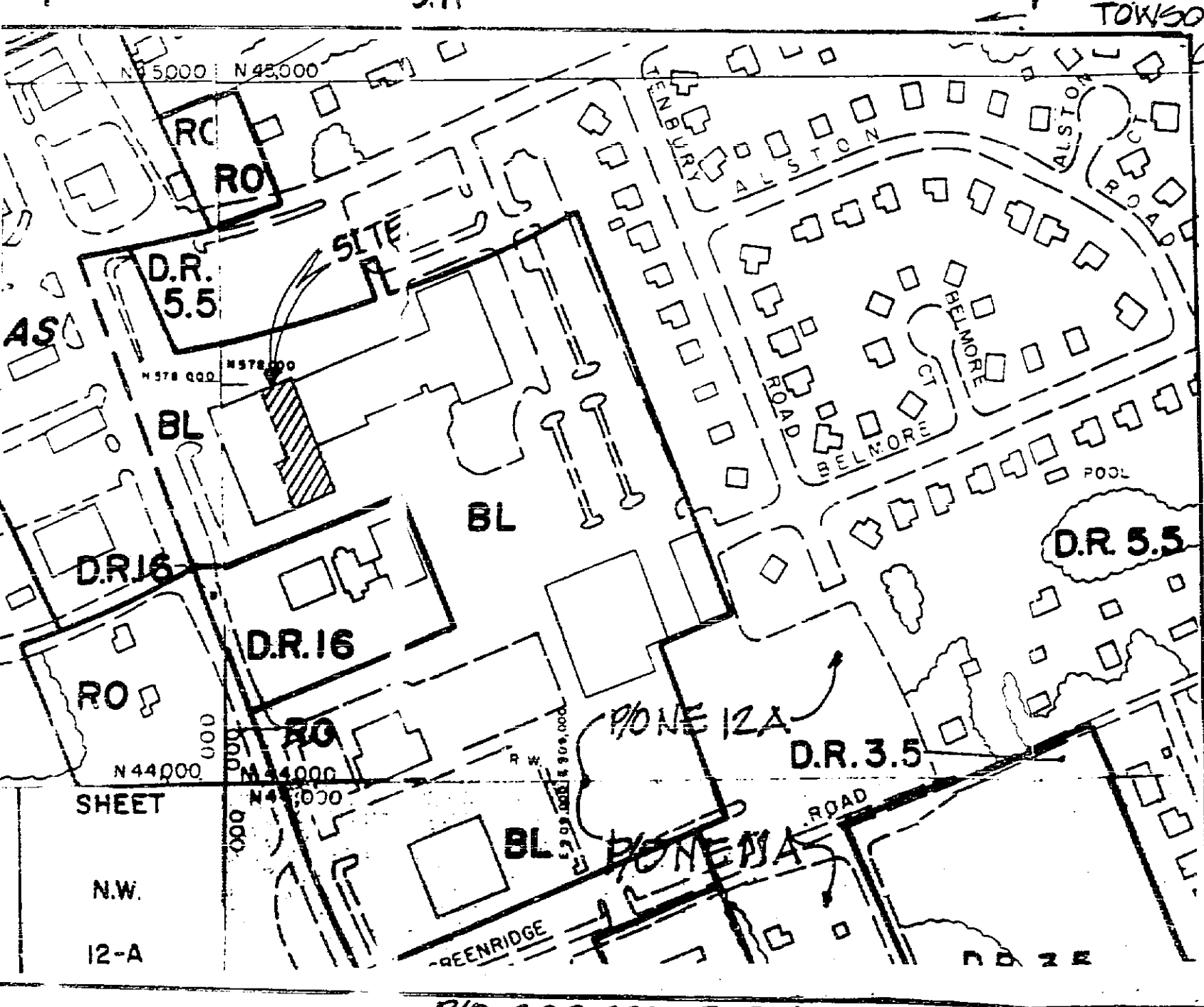
YORK ROAD & SEMINARY AVENUE

BALTIMORE COUNTY, MD ELECTION DISTRICT 9

SCALE: 1" = 40'

REV MAR 5, 1997

PN 5145



GEORGE WILLIAM STEPHENS, JR.
ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

8: KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 625-8120

PLAN
SCALE: 1" = 40'

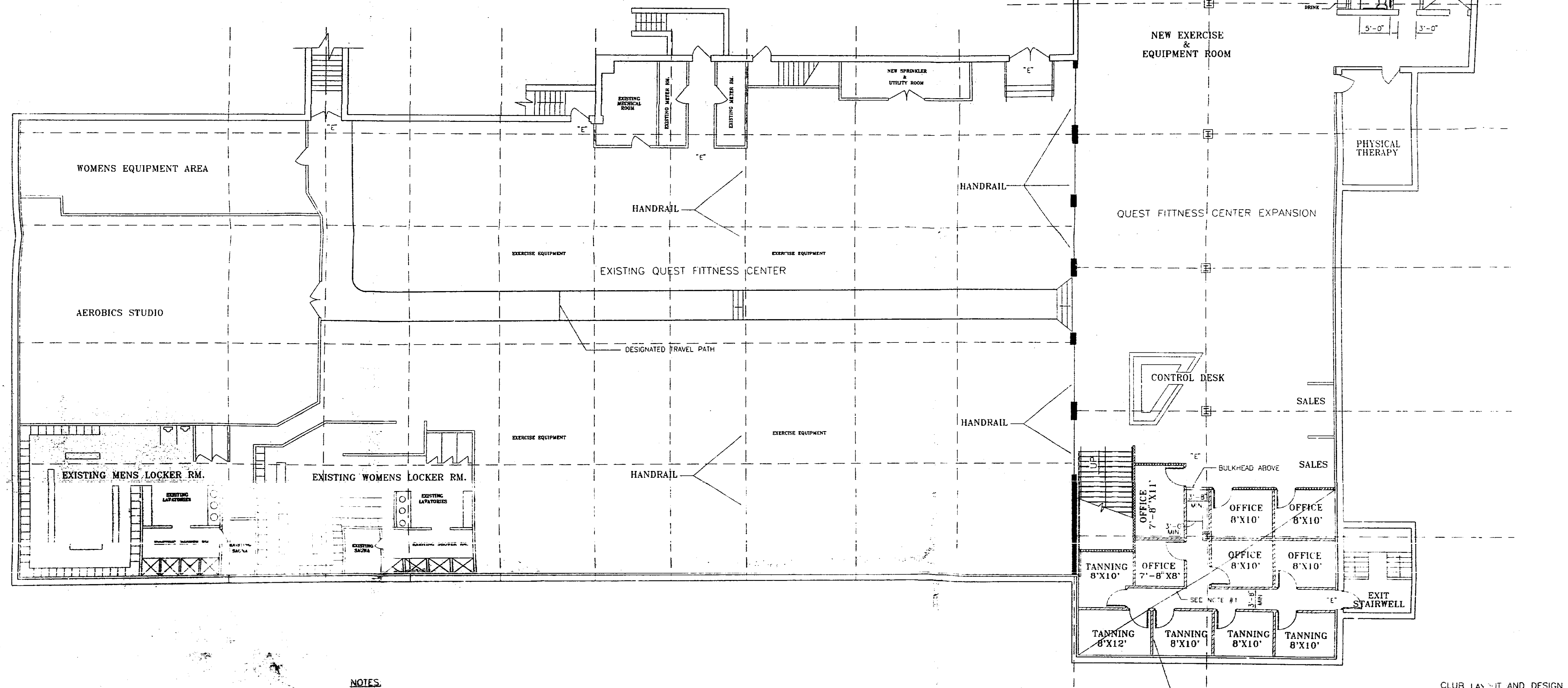
OWNER
SEMINARY LIMITED PARTNERSHIP
10 PARKS AVENUE
COCKEYSVILLE MD 21030-4922

PLAT REF. 53/18
ELECTION 1ST #9 COUNCILMANIC DIST #4

INTERIOR FINISH NOTES

1. "E" INDICATES EXIT LIGHTS TO BE PROVIDED IN ACCORDANCE WITH NFPA 101 LIFE SAFETY CODE (LATEST EDITION) AND/OR LOCAL COUNTY CODE.
2. FIRE EXTINGUISHERS TO BE PROVIDED IN ACCORDANCE WITH NFPA 101 LIFE SAFETY CODE (LATEST EDITION) AND/OR LOCAL COUNTY CODE. LOCATIONS TO BE DETERMINED BY FIRE DEPARTMENT UPON FINAL INSPECTION.
3. ALL HEAT AND A.C. EQUIPMENT TO BE LISTED BY UNDERWRITERS LABORATORIES.
4. HEATING, VENTILATION AND AIR CONDITIONING SHALL COMPLY WITH BOCA MECHANICAL (LATEST EDITION) FOR BUSINESS USE. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE ADDITIONAL VENTILATION IF PROVIDED BY CODE FOR THE OPERATIONS TAKING PLACE WITHIN THE SPACE AND FOR THE DESIGN AND INSTALLATION OF THE AIR DISTRIBUTION SYSTEM AND DEVICES.
5. PARTITIONS TO BE 3 5/8" GAGE METAL STUDS @ 16" O.C. (U.N.O.). FIRE RATED PARTITIONS, IF REQUIRED, SHALL BE AS INDICATED ON THE PLANS.
6. ALL EXTERIOR AND DIVISING WALLS IN FINISHED SPACE SHALL HAVE 1" RIGID INSULATION BETWEEN 1 5/8" FURRING STRIPS. POWDER ROOM WALLS SHALL HAVE 2 1/2" BATT INSULATION BETWEEN STUDS. INSTALL 6" BATT INSULATION OVER ALL CEILING IN FINISHED SPACE.
7. CEILING TO BE 2"x4" ACOUSTICAL TILE IN AN EXPOSED SPLINE GRID SUSPENDED FROM STRUCTURE ABOVE. CEILING HEIGHT TO BE 8'-0" (MIN.) ABOVE FINISHED FLOOR. CEILING HEIGHT TO BE INSTALLED IN OFFICE AND RESTROOM/ELEVATOR AREA ONLY.
8. THE CONSTRUCTION AND INSTALLATION OF ALL DUCTWORK SHALL COMPLY WITH BOCA MECHANICAL CODE (LATEST EDITION).
9. ALL DOORS SHALL BE 3'-0" X 8'-0", HOLLOW CORE WOOD WITH A BIRCH VENEER (U.N.O.) AND SHALL HAVE 32 INCH (MIN.) CLEAR OPENING WHEN MEASURED IN ACCORDANCE WITH NFPA. ALL DOORS TO BE LOCATED WITH AT LEAST 18" FROM WING TO THE NEAREST FACE OF WALL.

10. ALL GLAZING IN EXTERIOR DOORS WITHIN 24" OF ANY EXTERIOR OR INTERIOR DOOR OR WITHIN 18" OF THE FINISHED FLOOR SHALL BE APPROVED SAFETY GLASS.
11. APPROVED BATTERY POWERED EMERGENCY LIGHTING SHALL BE PROVIDED WITHIN THE SPACE AS REQUIRED BY LOCAL CODE (LATEST EDITION).
12. INTERIOR FINISHES SHALL BE CLASS A OR B IN EXITWAYS AND CLASS A, B OR C ELSEWHERE IN ACCORDANCE WITH NFPA.
13. ALL EXTERIOR DOOR HARDWARE PROVIDED WITH SHELL. ALL INTERIOR DOORS TO HAVE PADLOCK TYPE IN ACCORDANCE WITH ADA REQUIREMENTS.
14. ALL WALLS TO BE PAINTED WITH 2 COATS FLAT LATEX (U.N.O.). COLORS TO BE SELECTED BY OWNER AND TENANT.
15. PROVIDE WALL MOUNTED RECEPTACLES, APPROXIMATELY 18" ABOVE GRADE IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE (LATEST EDITION). ALL RECEPTACLES SHALL BE STANDARD DUPLEX (U.N.O.).
16. ALL FLOORS TO BE CARPETED. ALL FLOORS IN TOILET ROOMS TO HAVE VINYL TILE. COORDINATE EXACT FLOOR FINISHES WITH TENANT PRIOR TO INSTALLATION.
17. SPRINKLERS TO BE PROVIDED BELOW CEILING. SEPARATE SPRINKLER PERMIT APPLICATION WILL BE FILED BY THE CONTRACTOR.



NOTES

1. PROVIDE SUSPENDED CEILING THIS AREA ONLY.
2. CO. VMS SHALL BE WRAPPED IN DRYWALL TO THE UNDERSIDE OF THE FLOOR DECK ABOVE IN ACCORDANCE WITH UL DESIGN # 17.
3. REF ACE ALL SPRAY-ON FIREPROOFING ON EXISTING BEAMS AND SEAL WITH COATING TO PREVENT FLARING OFF.
4. NEW INDICATES NEW PARTITION WALLS.
5. NEW INDICATES NEW PARTITION WALLS TIGHT TO UNDERSIDE OF FLOOR DECK ABOVE.
6. WALLS AROUND TANNING BOOTHS STOP 12" BELOW FLOOR DECK CEILING.

SEE NOTE #6 (TYP.)

CLUB LAYOUT AND DESIGN BASED ON DRAWINGS FROM "QUALITY DESIGN & CONSTRUCTION"

RELEASED FOR	
☐	Preliminary Des.
☐	Bidding
☐	Permit
☐	Construction

GALLERY ATRIUM 1407 YORK ROAD LUTHERVILLE, MD	CARROLL ENGINEERING, INC. 21001 (410) 282-8111 TENANT QUEST FITNESS CLUB FLOOR PLAN
---	--

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
SEC York Road & Seminary Avenue
1433 York Road (The Galleria)
9th Election District
4th Councilmanic District
Legal Owner: Seminary Limited Partnership
Lessee: Essel Enterprises, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-382-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Special Exception for the property located at 1433 York Road in Lutherville. The Petition is filed by Seminary Limited Partnership, Property Owner, and Essel Enterprises, Inc., Lessee. Special Hearing relief is requested to approve a modification to expand and upgrade the health and fitness center at the subject location approved in case No. 85-265-XA. Special Exception relief is requested to approve a community building, i.e., as a health and fitness center on the subject site. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

Appearing at the requisite public hearing held for this case was Bernard Caplan, principal of Essel Enterprises, Inc., Lessee. Also present was Bill Russell, on behalf of Seminary Limited Partnership, Property Owner. Dean Hoover of G.S. Stephens and Associates also appeared. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

The subject property is located at the southeast corner of the intersection of York Road and Seminary Avenue. The property is a substantially sized tract, zoned B.L. The property is improved with an existing three story building attached to an existing one story wing and separate 8 story

existing tower building, all with an associated parking lot. Collectively, these improvements are known as the Galleria, a large complex which contains office and retail uses. This Zoning Commissioner is familiar with this site which has operated near full capacity for many years.

In a prior case, 85-265-XA, special exception and variance relief was granted for a health and fitness center at the subject property. This business is operated by Mr. Caplan's corporation, Essel Enterprises, Inc. The business operates under the trade name of Quost Health and Fitness Center. Presently, entrance to the fitness center is from the rear of the building. Partly to improve this access to the front of the building and to provide additional room for expansion, the Petitioner now comes before me for approval of an amended plan. As that plan (Exhibit No. 1) indicates, the fitness center will expand to occupy an additional 8700 sq. ft. within the three story building. Mr. Caplan indicated that these improvements were necessary to make a health and fitness center competitive with similar clubs in the area and to provide additional room for both office and health/fitness activities.

It is apparent, based upon the uncontradicted testimony and evidence offered, that the Petition for Special Exception and Petition for Special Hearing should be granted. Clearly, there will be no detriment to the health, safety or general welfare of the locale resulting from the expansion. It is to be particularly noted that parking utilized by patrons of the facility frequently occurs when other tenants at the site are not on the property. That is, most of Mr. Caplan's clients visit the club after regular business hours. Moreover, it is apparent that there will be no other impacts associated with the expansion which would be adverse to the other tenants or the surrounding community. For these reasons, the Petitions for Special Hearing and Exception shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April, 1997 that, pursuant to the Petition for Special Hearing, approval for a modification to expand and upgrade the health and fitness center at the subject location approved in case No. 85-265-XA, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval for a community building, i.e., as a health and fitness center on the subject site, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 29, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

RE: Case No. 97-382-SPHX
Petitions for Special Hearing & Special Exception
Location: 1433 York Road
Seminary Ltd. Partnership/Essel Enterprises, Inc., Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing & Special Exception have been granted with the 30 day restriction.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

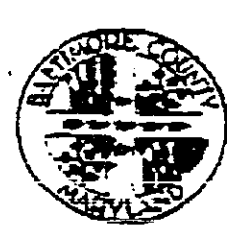
cc: Mr. Bernard Caplan, 1407 York Road, Lutherville, Md. 21093
cc: Mr. William Russell, 9640 Deereco Road, Timonium, Md. 21093

ORDER RECEIVED FOR FILING
Date 4/29/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/29/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 4/29/97
By [Signature]

LES:mmm



Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 1433 York Road

which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property, hereby request a Special Hearing and a Special Exception to the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve a modification to expand and upgrade the health and fitness center granted in Case No. 85-265-XA.

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.

Contract Purchaser/Lessee:
Essel Enterprises, Inc.
Type of Petition: Special Exception
Signature: [Signature]
Address: 1433 York Road
City: Lutherville MD 21093

Address for Petitioner:
Newton A. Williams, Nolan, Plumhoff & Williams
Type of Petition: Special Exception
Signature: [Signature]
Address: Suite 700 - Nottingham Centre
502 Washington Avenue 823-7800
Towson MD 21204

FILE NO. 037 02 17 97 12:00 JOURNAL PLUMHOFF WILLIAMS PAGE 3



Petition for Special Exception 47-882-SPHX to the Zoning Commissioner of Baltimore County for the property located at 1433 York Road

which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property, hereby request a Special Exception to the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve a modification to expand and upgrade the health and fitness center granted in Case No. 85-265-XA.

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.

Contract Purchaser/Lessee:
Essel Enterprises, Inc.
Type of Petition: Special Exception
Signature: [Signature]
Address: 1433 York Road
City: Lutherville MD 21093

Address for Petitioner:
Newton A. Williams, Nolan, Plumhoff & Williams
Type of Petition: Special Exception
Signature: [Signature]
Address: Suite 700 - Nottingham Centre
502 Washington Avenue 823-7800
Towson MD 21204

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
CONSULTANTS
ANALYSTS/ENGINEERS/ARCHITECTS/PLANNERS/INTERIORS
10 PARK AVENUE, SUITE 700, TOWSON, MARYLAND 21204

MARCH 10, 1997
RE: GALLERIA
QUEST FITNESS

DESCRIPTION TO ACCOMPANY
A PETITION FOR A SPECIAL EXCEPTION

BEGINNING AT A POINT LOCATED S 53° E - 385 FEET MORE OR LESS FROM
POINT OF INTERSECTION OF THE CENTERLINE OF SEMINARY AVENUE AND YORK
ROAD THENCE, IN A CLOCKWISE DIRECTION

- 1) N 68° 08' 00" E 44 FEET ±
- 2) S 21° 52' 00" E 163.5 FEET ±
- 3) S 68° 08' 00" W 66 FEET ±
- 4) N 21° 52' 00" W 68.5 FEET ±
- 5) N 68° 08' 00" E 22 FEET ± AND
- 6) N 21° 52' 00" W 95 FEET ± TO

THE PLACE OF BEGINNING

CONTAINING 8700 S.F. OF LAND MORE OR LESS.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN CONVEYANCES OR AGREEMENT.



(410) 825-8120 • FAX (410) 584-0288

DESCRIPTION TO ACCOMPANY
A PETITION FOR A SPECIAL EXCEPTION
FOR GALLERIA QUEST FITNESS PARKING

BEGINNING AT A POINT LOCATED S 45° E 95 FEET MORE OR LESS FROM POINT
OF INTERSECTION OF THE CENTERLINE OF SEMINARY AVENUE AND YORK ROAD,
THENCE IN A CLOCKWISE DIRECTION:

- 1) N 78° 10' 00" E 205 FEET ±
- 2) S 21° 52' 00" E 112 FEET ±
- 3) S 68° 08' 00" W 18 FEET ±
- 4) S 21° 52' 00" E 18 FEET ±
- 5) S 68° 08' 00" W 180 FEET ± AND
- 6) N 21° 52' 00" W 190 FEET ± TO

THE PLACE OF BEGINNING

CONTAINING 31,000 SF OF LAND MORE OR LESS

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN CONVEYANCES OR AGREEMENTS

pg 2 of 2
March 10, 1997

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 27 1997

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 March 27 1997.

THE JEFFERSONIAN,

A. Hennrich
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:
Case #7-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
9th Section District
4th Subdivision
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Eszel Enterprises, Inc.
Special Hearing: To approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.
Special Exception: For a community building, i.e. expanded health and fitness center.
Hearing: Thursday, April 17, 1997 at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTICE: (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.
3/24/97 March 27 1997

BALTIMORE COUNTY, MARYLAND No. 028703
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT 17-382-SPHX
DATE 11 March 1997 ACCOUNT R-001-6150
382
AMOUNT \$ 550.00
RECEIVED FROM Eszel Enterprises, Inc.
FOR 433 York Rd
0349180250N1CHRC \$550.00
SPX 3/11 BA 000218PM03-11-97
VALIDATION OR SIGNATURE OF CASHIER
BRIAN L. COOPER PNC AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management
17-382-SPHX

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

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.: 382

Petitioner: Eszel Enterprises

Location: 1433 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bernie Coplan

ADDRESS: P.O. Box 936

Chingston, Md. 21009

PHONE NUMBER: 538-5300

AJ:ggg

(Revised 09/24/96)

382

CERTIFICATE OF POSTING

RE: Case No.: 97-382-SPHX

Petitioner/Developer: ESZEL ENTERPRISES, INC. ETAL

Date of Hearing/Closing: 4/17/97
@ 2:00 PM

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 #1433 YORK ROAD
THE GALLERIA SEC. YORK & SEMINARY RDS.
#1433 YORK RD.

The sign(s) were posted on 4/2/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

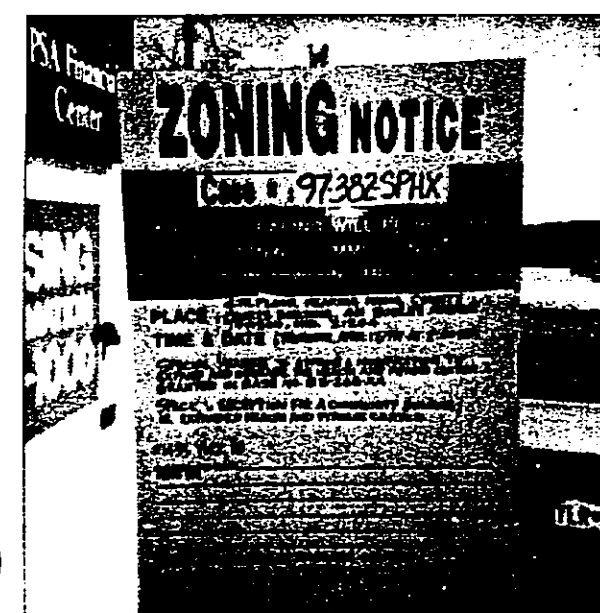
(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 646-5344 (410) 646-5354

(Telephone Number)



97-382-SPHX
#1433 YORK RD @ SEMINARY AVE.
4/2/97

Exhibit B

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

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-382-SPHX

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

PLACE:

DATE AND TIME:

REQUEST: Special Hearing to Amend Case
85-265-XA and Special Exception to
allow a community building in a R-2 zone

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

976
page 4.doc

382

TO: POTTYENT PUBLISHING COMPANY
March 27, 1997 Issue - Jeffersonian

Please forward billing to:

Bernie Coplan
P. O. Box 936
Chingston, MD 21009
538-5300

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Eszel Enterprises, Inc.

Special Hearing to approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.

Special Exception for a community building; i.e. expanded health and fitness center.

HEARING: THURSDAY, APRIL 17, 1997, at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

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
17-382-SPHX

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

March 21, 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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-382-SPHX
1433 York Road
The Galleria
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Eszel Enterprises, Inc.

Special Hearing to approve a modification to expand and upgrade the health and fitness center granted in case no. 85-265-XA.

Special Exception for a community building; i.e. expanded health and fitness center.

HEARING: THURSDAY, APRIL 17, 1997, at 2:00 p.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

Arnold Jablon
Director

cc: Seminary Limited Partnership
Eszel Enterprises, Inc.
Newton A. Williams, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 2, 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.



Baltimore County
Department of Permits and
Development Management

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

April 10, 1997

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 382
Case No.: 97-382-SPHX
Petitioner: Seminary Ltd.

Dear Mr. Williams:

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 March 11, 1997.

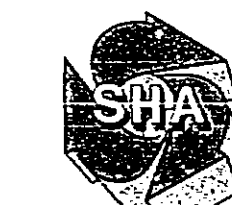
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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

WCB/re
Attachment(s)



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 3-21-97
Item No. 382 CAM

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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. Hudell
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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: March 21, 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. 378, 380, 381, 382, 383, 385, 386, 391, and 392

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 M. Long*
Division Chief: *Carol L. Keane*

PK/JL

ITEM378/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 31, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item Nos. 378, 379, 380, 381, 382, 383, 384, 385, 386, 387 & 391

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWS:HJO:cab

cc: File

ZONE331.NOC

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

TO: PDM
FROM: R. Bruce Sealey
Permits and Development Review
DEPRM
DATE: 3/25/97

SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	379	388
	381	389
	382	390
	383	393
	385	394
	387	

RBS:sp

BRUCE2/DEPRM/TXTSBB

PETITION PROBLEMS

97-382-SPHX

#378 --- MJK
1. Sign form is incomplete/incorrect.

#379 --- JLL
1. Sign form is incomplete/incorrect.

#380 --- RT
1. Folder says zoning is D.R.-3.5; petition says zoning is D.R.-5.5 -- Which is correct?

#382 --- CAM
1. Need printed or typed title and authorization of person signing for legal owner.
2. Need printed name and title and authorization of person signing for contract purchaser.
3. No review information on bottom of petition form.

#385 --- MJK
1. Sign form is incomplete/incorrect.
2. No description on folder.
3. No zoning on folder.
4. No acreage on folder.
5. No election district on folder.
6. No councilmanic district on folder.
7. Plan is illegible.

Section 502--SPECIAL EXCEPTIONS (B.C.Z.R., 1955.)

(See Section 270--Schedule of Special Exceptions) (B.C.Z.R., 1955.)

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the Board of Zoning Appeals. (B.C.Z.R., 1955.)

In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. (B.C.Z.R., 1955.)

- 502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: (B.C.Z.R., 1955; Bill No. 45, 1982.)
- North-plains center strip, block - most intended, general welfare*
- Be detrimental to the health, safety, or general welfare of the locality involved; (B.C.Z.R., 1955.)
 - Tend to create congestion in roads, streets or alleys therein; (B.C.Z.R., 1955.) *No F City Office hours - any*
 - Create a potential hazard from fire, panic or other dangers; (B.C.Z.R., 1955.) *BOCA - Fire station, apartment - any*
 - Tend to overcrowd land and cause undue concentration of population; (B.C.Z.R., 1955.) *No new bldg*
 - Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; (B.C.Z.R., 1955.) *No new*
 - Interfere with adequate light and air; (B.C.Z.R., 1955; Bill No. 45, 1982.) *No new buildings*

APPROVED JUL 01 1989

5-9

Consistent with council zone

- Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor (Bill No. 45, 1982.)
- Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. (Bill No. 45, 1982.) *No new parking*

502.2--In granting any special exception, the zoning commissioner or the Board of Zoning Appeals, upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the zoning commissioner, or Board of Zoning Appeals, upon appeal, shall enter into an agreement in writing with said zoning commissioner and/or the county commissioners of Baltimore County, stipulating the conditions, restrictions, or regulations governing such special exception, the same to be recorded among the Land Records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. (B.C.Z.R., 1955.)

502.3--A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The zoning commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the zoning commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception the zoning commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. (B.C.Z.R., 1955; Bill No. 42, 1962; No. 85, 1967.)

REV 8/93

5-9

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
1433 York Road (The Galleria)
SEC York and Seminary Roads
Legal Owner(s): Seminary Limited Partnership
Contract Purchaser: Essel Enterprises, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 97-382-SPHX

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 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumbhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Zone location - Essel Enterprises

around by bid's open down the street

taking over lower level of Sean - entrance will be located in front

burying area in wooded off-site

hours of operation 6:00 am to 10:00

1000 members 225 active

8:00 to 7:00

8:00 to 5:00

1000 parking - 10000
frankland
No adverse impact