IN RE: PETITION FOR VARIANCE N/S Bellona Avenue, 445' W of Charles Avenue Extended (1300 - 1306 Bellona Avenue) 8th Election District 4th Councilmanic District Philip C. Iglehart, et al Petitioners	* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 98-112-A *	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Philip C. Iglehart, et al, d/b/a Beltway Investors, LLP, through their attorney, John P. Machen. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 238.1 and 238.2 to permit front yard setbacks of 47', 49', 40' and 24' for commercial buildings in a B.R. zone fronting a dual highway in lieu of the required 50 feet, and to permit a rear yard setback of 18 feet in lieu of the required 30 feet for Building 1; and from Section 102.2 of the B.C.Z.R. to permit a building-to-building separation of 59 feet for adjoining buildings in the B.R. zone in lieu of the required 60 feet for Buildings 2 and 3. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David Frederick, a representative of Beltway Investors, LLP, Robert Morelock with Daft-McCune-Walker, Inc., who prepared the site plan for this property, and John P. Machen, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 4.199 acres, more or less, zoned B.R., and is improved with four individual professional/medical office buildings. The property is located on the north side of Bellona Avenue near its intersection with the Baltimore Beltway. Testimony revealed that the Petitioners recently refinanced the loan associated with this property at which time it was determined that several building setback requirements were not met. The Petitioners testified that these buildings have existed on the property for many years and that the setback deficiencies were probably the result of several road widenings that have occured over the past 3 to 4 decades. Clearly, the requested variances are more of a housekeeping measure in an effort to bring the property into compliance with present zoning regulations and the granting of same will not adversely impact the surrounding locale.

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

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of November, 1997 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 238.1 and 238.2 to permit front yard setbacks of 47', 49', 40' and 24' for commercial buildings in a B.R. zone fronting a dual highway in lieu of the required 50 feet, and to permit a rear yard setback of 18 feet in lieu of the required 30 feet for Building 1; and from Section 102.2 of the B.C.Z.R. to permit a building-to-building separation of 59 feet for adjoining buildings in the B.R. zone in lieu of the required 60 feet for Buildings 2 and 3, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/19/99
By

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 19, 1997

John P. Machen, Esquire
Piper and Marbury
36 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
N/S Bellona Avenue, 445' W of Charles Avenue Extended
(1300 - 1306 Bellona Avenue)
8th Election District - 4th Councilmanic District
Philip C. Iglehart, et al - Petitioners
Case No. 98-112-A

Dear Mr. Machen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Philip C. Iglehart, c/o Walter Pinkard
7 E. Redwood Street, Suite 1200, Baltimore, Md. 21202

Mr. Robert Morelock, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel; Case Files

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1300, 1302, 1304, & 1306 Bellona Ave., Lutherville

which is presently zoned BR

98-112-A

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 Variance from Section (s)

238.1 to permit front yard setbacks of 47', 49', 40', and 24' for commercial buildings in a BR zone fronting a dual highway in lieu of the required 50'.

238.2 to permit a rear yard setback of 18' in lieu of the required 30' in a BR zone.

102.2 to permit a building-to-building separation of 59' for adjoining buildings in the BR zone in lieu of the required 60'.

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

To be presented at the hearing

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Philip C. Iglehart, et al, dba Beltway Investors LLP

(Type or Print Name) PHILIP IGLEHART

Signature

(Type or Print Name)

Signature WALTER PINKARD

c/o Walter Pinkard

7 E. Redwood Street, Suite 1200 (410) 752-4285

Address Phone No.

Baltimore, MD 21202

City State Zipcode

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

Attorney for Petitioner:

John P. Machen

(Type or Print Name)

Signature

Piper and Marbury

36 S. Charles Street (410) 576-1768

Address Phone No.

Baltimore, MD 21201

City State Zipcode

Robert Morelock

Name

DMW, 200 E. Pennsylvania Ave (410) 296-3333

Address Phone No.

Towson, MD 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: JRA DATE 9-25-97

ORDER RECEIVED FOR FILING

Date 11/17/97

By

Zoning Administration & Development Management

112.

98-112-A

Description

To Accompany Petition for Variance

4.199 Acre Parcel

North Side of Bellona Avenue

Eighth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

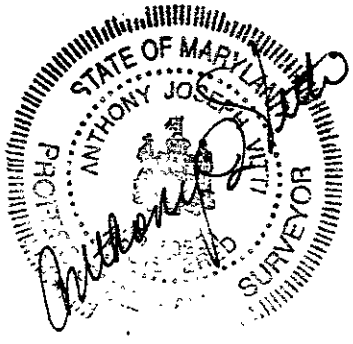
Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Bellona Avenue with the centerline of Charles Street Extended, viz: (1) Northwesterly along the centerline of Bellona Avenue 445 feet, more or less, and thence at a right angle to said centerline (2) Northeasterly 57 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the northernmost side of Bellona Avenue and I-695 (Baltimore Beltway), the nine following courses and distances, viz: (1) South 85 degrees 20 minutes 36 seconds West 79.97 feet, thence (2) North 87 degrees 31 minutes 14 seconds West 7.08 feet, thence (3) North 80 degrees 38 minutes 14 seconds West 146.83 feet, thence (4) South 03 degrees 21 minutes 16 seconds West 17.60 feet, thence (5) North 87 degrees 31 minutes 14 seconds West 45.36 feet, thence (6) North 80 degrees 37 minutes 24 seconds West 166.05 feet, thence (7) Northwesterly by a line curving to the left with a radius of 7764.49 feet for a distance of 248.79 feet (the arc of said curve being subtended by a chord bearing North 67 degrees 34 minutes 04 seconds West 248.78 feet and having a beginning tangent bearing of North 66 degrees 39 minutes 00 seconds West and a departing tangent bearing of North 68 degrees 29 minutes 09 seconds West), thence (8) South 21 degrees 30 minutes 11 seconds West 25.00 feet, and thence (9) Northwesterly by a line curving to the left with a radius of 7739.49 feet for a

distance of 74.22 feet (the arc of said curve being subtended by a chord bearing North 68 degrees 45 minutes 38 seconds West 74.22 feet and having a beginning tangent bearing of North 68 degrees 29 minutes 09 seconds West and a departing tangent bearing of North 69 degrees 02 minutes 07 seconds West), thence running for the seven following courses and distances, viz: (10) North 10 degrees 55 minutes 37 seconds East 193.07 feet, thence (11) South 81 degrees 24 minutes 32 seconds East 109.42 feet, thence (12) South 68 degrees 14 minutes 45 seconds East 291.69 feet, thence (13) North 18 degrees 08 minutes 30 seconds East 165.75 feet, thence (14) South 71 degrees 36 minutes 22 seconds East 150.03 feet, thence (15) South 71 degrees 46 minutes 49 seconds East 184.70 feet, and thence (16) South 08 degrees 07 minutes 16 seconds West 247.72 feet to the point of beginning; containing 4.199 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

September 10, 1997

Project No. 91037 (L91037)



117

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake
Towson, Maryland 21

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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.: 112

Petitioner: BELTWAY INVESTORS

Location: 1300, 1302, 1304 & 1306. BELONA AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ATTN. DAVID FREDERICK C/O WALTER PINKARD

ADDRESS: 7 E. REDWOOD ST. SUITE 200.
BALT. MD 21202

PHONE NUMBER: 410-752-4285

AJ:ggs

(Revised 09/24/96)

112.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
SCELLANEOUS RECEIPT

#112.

No. 043320

DATE 9 24 97 ACCOUNT R. 001. 615C

AMOUNT $ 650 00

RECEIVED FROM: BELTWAY LIQUORS

070 - MULTIPLE LOTS 650 00

FOR: TRAC- 650 00

SDA.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
9/25/1997 9/25/1997 14:03:29
MRS 0502 CASHIER UNIT ONE DRAWER
MISCELLANEOUS CASH RECEIPT
Receipt # 015314
CR NO. 043320
650.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

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: [illegible]
1300 1302 1304 Belfora Avenue
N/S Belfora Avenue, 44' W of Charles Avenue extended
8th Election District
4th Councilmanic
Legal Owner(s):
Philip C. Iglehart, et al dba Beltway Investors LLP

Variance: to permit front yard setbacks of 47 feet, 49 feet, 40 feet, and 24 feet for commercial buildings fronting a dual highway in lieu of the required 50 feet; to permit a rear yard setback of 18 feet in lieu of the required 30 feet; and to permit a building-to-building separation of 59 feet for adjoining buildings in lieu of the required 60 feet.

Hearing: Monday, October 27, 1997 at 2:00 p.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call: (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/164 Oct. 9 C180279

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 9, 19 97

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 Oct. 9, 19 97.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 98-112-A

Petitioner/Developer: BELTWAY INVESTERS PROPERTY

Date of Hearing/Closing: OCT. 27, 1997

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 1300-1306 BELLONA AVE.

The sign(s) were posted on OCTOBER 11, 1997
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

14

9/96
cert.doc

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.: 99-112-A

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

PLACE: *

DATE AND TIME: *

REQUEST: Commercial Var. To Allow A: 47FT, 49FT 40FT & 24FT. For Commercial Buildings in a BR Zone Exceeding Duel Height, B. Read 40 of 18FT C. Setback & Building Buildings Separation of 59 FT in Lieu of Required: A. 50FT, 30FT, & 60FT.

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

9/96
:ost.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

112

Baltimore County
Department of Permits and
Development Management

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

October 6, 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: 98-112-A
1300, 1302, 1304, 1306 Bellona Avenue
N/S Bellona Avenue, 445' W of Charles Avenue Extended
8th Election District - 4th Councilmanic
Legal Owner(s): Philip C. Iglehart, et al, dba Beltway Investors LLP

Variance to permit front yard setbacks of 47 feet, 49 feet, 40 feet, and 24 feet for commercial buildings fronting a dual highway in lieu of the required 50 feet; to permit a rear yard setback of 18 feet in lieu of the required 30 feet; and to permit a building-to-building separation of 59 feet for adjoining buildings in lieu of the required 60 feet.

HEARING: MONDAY, OCTOBER 27, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue/

Arnold Jablon
Director

cc: Beltway Investors c/o Walter Pinkard
John P. Machen, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 12, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: PUTUXENT PUBLISHING COMPANY
October 9, 1997 Issue - Jeffersonian

Please foward billing to:

David Frederich
c/o Walter Pinkard
7 E. Redwood Street, Suite 1200
Baltimore, MD 21202
410-752-4285

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: 98-112-A
1300, 1302, 1304, 1306 Bellona Avenue
N/S Bellona Avenue, 445' W of Charles Avenue Extended
8th Election District - 4th Councilmanic
Legal Owner(s): Philip C. Iglehart, et al, dba Beltway Investors LLP

Variance to permit front yard setbacks of 47 feet, 49 feet, 40 feet, and 24 feet for commercial buildings fronting a dual highway in lieu of the required 50 feet; to permit a rear yard setback of 18 feet in lieu of the required 30 feet; and to permit a building-to-building separation of 59 feet for adjoining buildings in lieu of the required 60 feet.

HEARING: MONDAY, OCTOBER 27, 1997 at 2:00 p.m., Room 407 Courts Building, 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

October 22, 1997

John P. Machen, Esquire
Piper and Marbury
36 S. Charles Street
Baltimore, MD 21201

RE: Item No.: 112
Case No.: 98-112-A
Petitioner: Philip Iglehart

Dear Mr. Machen:

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 September 25, 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 (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

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October 14, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 6, 1997

Item No.: 112 Zoning Agenda:

Gentlemen:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

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

cc: File

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 10-6-97
Item No. 112 JRA

Dear Ms. Eubanks:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/7/97

FROM: R. Bruce Seeley RBS/sp
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Oct. 6, 1997

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

Item #'s: 109 118
111 119
112
114
115

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 15, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for October 14, 1997
Item Nos. 108, 109, 111, 112, 113,
114, 115, 118, and 119

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1014.NOC

RE: PETITION FOR VARIANCE 1300, 1302, 1304, 1306 Bellona Ave, N/S Bellona Ave, 445' W of Charles Ave Ext 8th Election District, 4th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Philip C. Iglehart, et al., dba Beltway Investors LLP Petitioner	*	CASE NO. 98-112-A

* * * * * * * * * * * * *

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

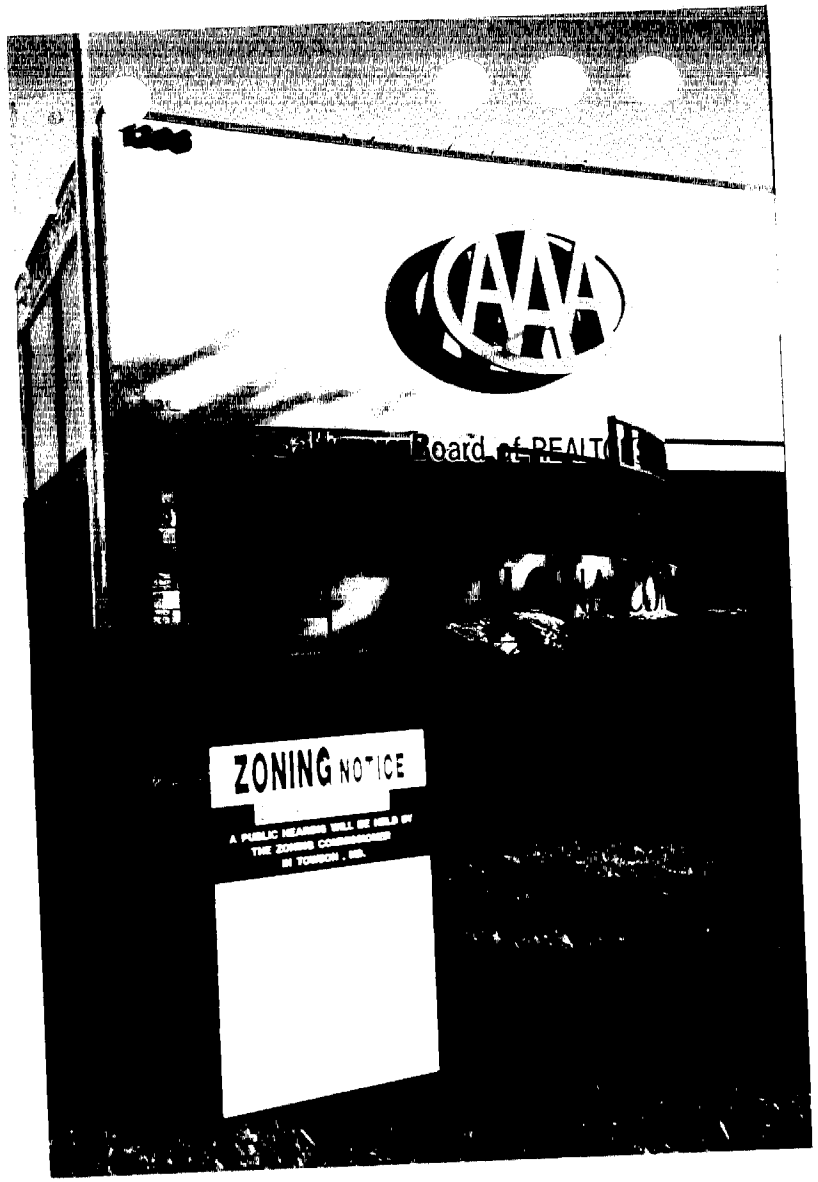
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 1997, a copy of the foregoing Entry of Appearance was mailed to John P. Machen, Esq., Piper & Marbury, 36 S. Charles Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



ZONING NOTICE

Case # : 98-112-A

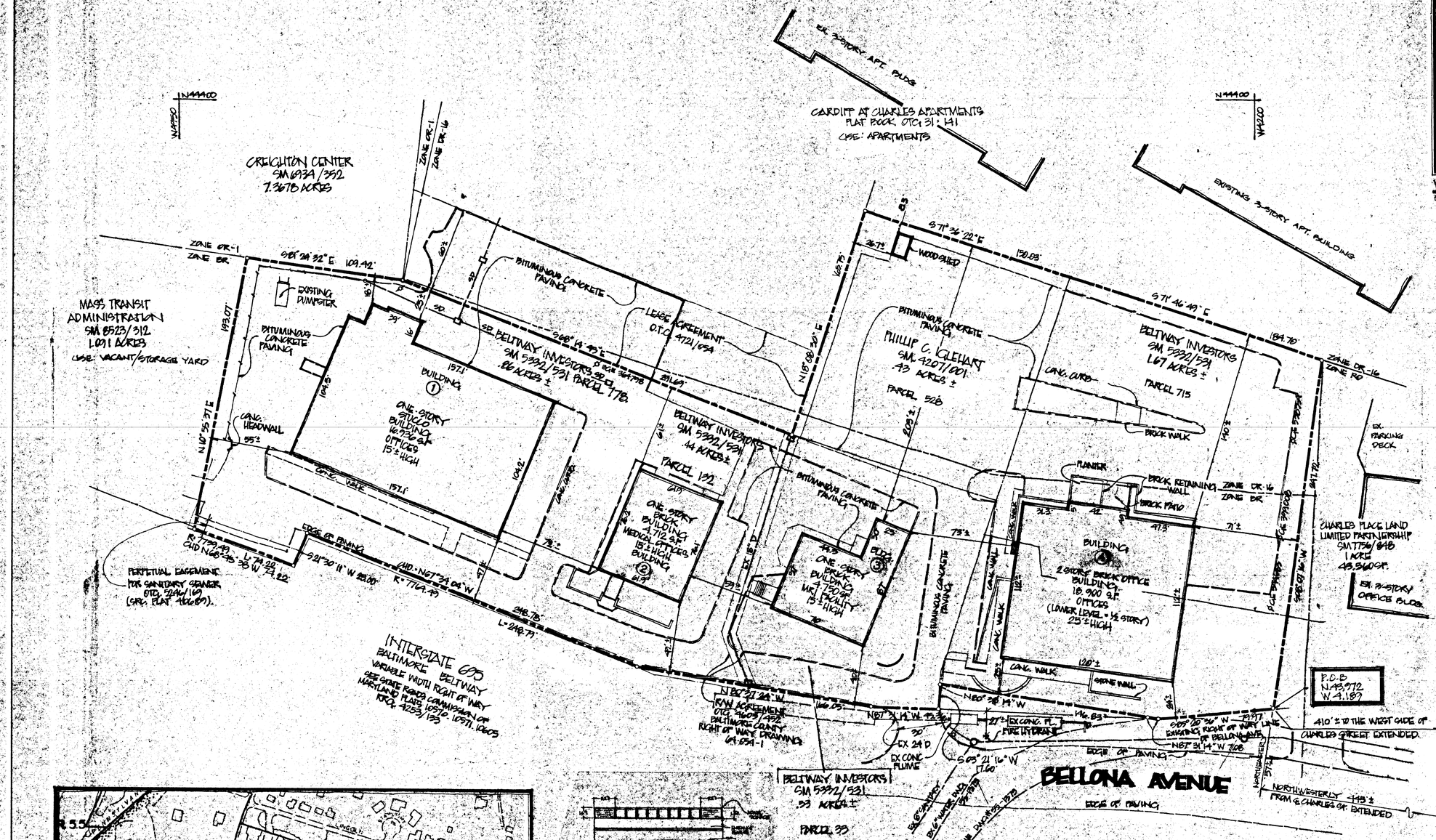
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON , MD.

PLACE : ROOM 407 COURTS BUILDING
401 BOSLEY AVE. TOWSON, MD.

TIME & DATE : OCTOBER 27, 1997 2:00 P.M.

REQUEST: COMMERCIAL VARIANCE TO ALLOW A: 47FT, 48FT, 40FT AND 24FT FRONT YARDS FOR COMMERCIAL BUILDINGS IN A BR ZONE FRONTING ON A DUEL HIGHWAY B: REAR YARD OF 18FT. AND C: BUILDING TO BUILDING SEPERATION OF 59FT IN LIEU OF THE REQUIRED A: 50FT FRONT YARD, B: 30FT REAR YARD AND C: 60FT SEPARATION.

HEARINGS ARE HANDICAPPED ACCESSIBLE



VICINITY MAP
SCALE 1" = 1,000'
PORTION OF BALTIMORE COUNTY ZONING MAP 36
NORTH

GENERAL NOTES

1. CURRENT OWNERS / PETITIONERS: Parcels 33, 132, 715, 778 — Beltway Investors, LLC, c/o Walter Pinkard, 7 E. Redwood Street, Suite 1200, Baltimore, Maryland 21202. Parcel 528 — Iglehart, Philip C. et al, c/o Walter Pinkard, 7 E. Redwood Street, Suite 1200, Baltimore, Maryland 21202
2. STREET ADDRESS OF SITE: 1300, 1302, 1304, & 1306 Bellona Avenue, Lutherville, MD 21093
3. SITE AREA: 4.199 acres, NET (as now surveyed)
4. EXISTING USE: Buildings 1 & 4: Professional offices; Buildings 2 & 3: Medical offices
5. SITE DATA: Zoning: BR; Election District: 9; Councilmanic District: 4

Tax map 60, grid 23

	Parcel 33	Parcel 132	Parcel 528	Parcel 715	Parcel 778
Tax Acct. No.:	0910036560	0908015101	0909015104	0925017200	0910048740
Deed Ref:	5332/531	5332/531	4207/001	5332/531	5332/531

6. This site was the subject of the following commercial zoning:

5293358	sign
5281662	sign
5181829	addition to 1300 Bellona Ave. (Bldg. 1)

7. No additional signs are proposed for this site.
8. ZONING HISTORY:
This site was the subject of Zoning Case #695 which requested a special permit for a contractor's storage yard. The requested relief was granted by the Baltimore County Zoning Commissioner in an Order dated 8/20/48.

This site was the subject of Zoning Case #3090 which requested a zoning reclassification from an "R-10" zone to a "B" zone. The requested relief was denied by the Baltimore County Zoning Commissioner in an Order dated 5/22/56. Zoning Case #64-60 sought the same reclassification from an "R-10" zone to a "B" zone. The requested reclassification was granted by the Baltimore County Board of Appeals in an Order dated 5/31/65.

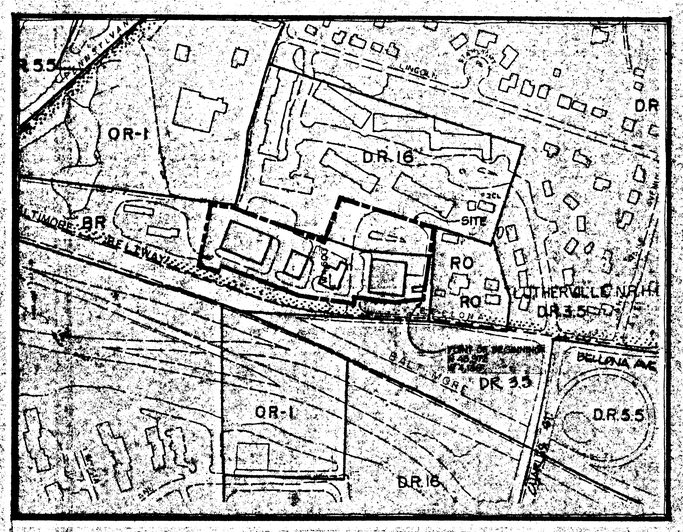
This site was the subject of Zoning Case #66-175 which requested a special hearing for a Parking Use Permit to authorize the use of off-site parking for uses on this site. The requested relief was granted by the Baltimore County Zoning Commissioner in an Order dated 1/26/66.

9. PARKING REQUIRED:

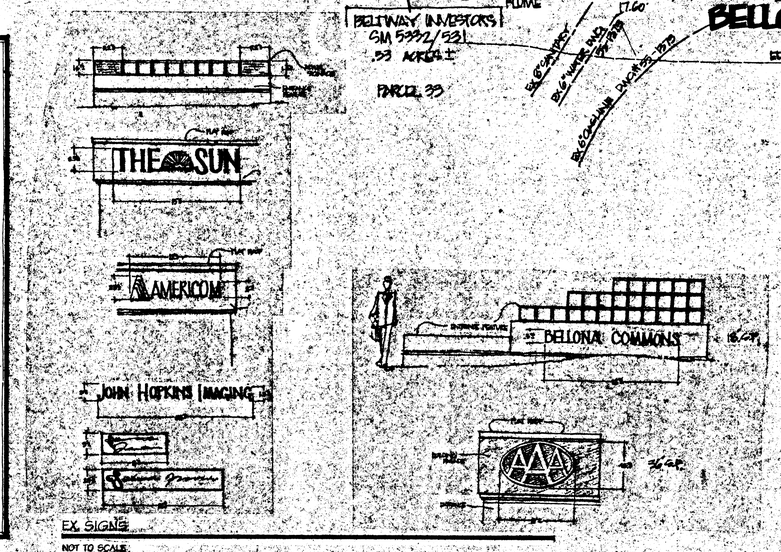
Building #1	16,736 s.f. Office @ 3.3/1,000	=	57 spaces
Building #2	4,712 s.f. Medical Office @ 4.5/1,000	=	22 spaces
Building #3	4,750 s.f. Medical Office @ 4.5/1,000	=	22 spaces
Building #4	18,900 s.f. Office @ 3.3/1,000	=	62 spaces
Total	45,098 s.f.	=	163 spaces

EXISTING PARKING PROVIDED (including off-site spaces authorized in Zoning Case #66-175): 258 spaces

10. FLOOR AREA RATIO:
Maximum Permitted Floor Area Ratio = 2.0
Maximum Floor Area Permitted: 182,908 s.f. (site area) x 2.0 = 365,816 s.f.
Floor Area Existing = 45,298 s.f.
11. This site is within the Lutherville National Register Historic District, but NOT within the Baltimore County Historic Districts.
12. There are no known significant geological formations, critical areas, archeological sites, endangered species habitats, underground tanks, or hazardous materials on site.



PORTION OF 200 SCALE BALTIMORE COUNTY ZONING MAP(S): NW 11A, NW 12A



EX. SIGNS
NOT TO SCALE

98-112-A

ATTORNEY: John P. Wachel, Piper and Marbury, 36 South Charles Street, Baltimore, Maryland 21201, (410) 539-1766

REQUESTED ZONING ACTIONS:
Variance from section 238.1 to permit front yard setbacks of 47' for Building 1, 40' for Building 2, 40' for Building 3, and 24' for Building 4 for commercial buildings in a BR zone fronting a dual highway in lieu of the required 50'.

Variance from section 238.2 to permit a rear yard setback of 18' in lieu of the required 30' in a BR zone for Building 1.

Variance from section 102.2 to permit a building-to-building separation of 8'8" for adjoining Buildings 2 and 3 in the BR zone in lieu of the required 60'.

PETITIONER'S EXHIBIT #1

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

PLAN TO ACCOMPANY PETITION FOR VARIANCE
PROPERTY OF
BELTWAY INVESTORS
1300, 1302, 1304 AND 1306 BELLONA AVE.
LUTHERVILLE, MD. 21093

9th ELECTION DISTRICT — BALTIMORE COUNTY, MDH

NORTH

STATE OF MARYLAND — MARYLAND HOMELAND SECURITY — NATIONAL LAND SURVEYOR

DATE	BY	REVISIONS

ISSUE DATES	
REVIEW:	02 SEPT 97
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	CSC
DRAWN:	CSC
DESIGNED:	
CHECKED BY:	AJV
DATE CHECKED:	12 SEP 97
SCALE:	1" = 30'-0"
PROJECT NO.:	91057
DRAWING:	