

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITION FOR SPECIAL HEARING -
 NE/Corner York Road & Greenridge * DEPUTY ZONING COMMISSIONER
 Road, SW/S Tenbury Road
 (1301 York Road) * OF BALTIMORE COUNTY
 9th Election District
 4th Councilmanic District * Case No. IX-676 & 98-132-SPH
 Heaver Properties, LP *
 Owner/Developer
 * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by Daft-McCune-Walker, Inc., for the proposed development of the subject property by Heaver Properties Limited Partnership, Owner/Developer, with additional improvements including a 2-story atrium, an 8-story office building, and a 4-level parking garage, in accordance with the development plan submitted into evidence as Develop-

~~er's Exhibit 1.~~ In addition to development plan approval, the Owner/Developer requests special hearing relief to approve the following: 1) an amendment to the use permit for parking granted in prior Case No. 69-28-ASPH to permit the proposed parking garage; 2) to approve and confirm that the atrium/reception and circulation area proposed is not to be included as part of the calculation for parking requirements under the Baltimore County Zoning Regulations (B.C.Z.R.); 3) to determine the amount of Residential Transition Area (RTA), pursuant to Sections 1B01.1.B.1.c(1) and (2), by approving the maintenance of the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the required 50-foot buffer required by Section 1B01.1.B.1.3(5); and 4) to determine the amount of RTA for existing and proposed parking, pursuant to Sections 1B01.1.B.1. c(1) and (2) by approving the existing minimum setbacks of 7 feet, 9 feet, 23 feet, and 15 feet respectively, in lieu of the required

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 By [Signature]

75 feet each required by Section 1B01.1.B.1.e(5). The Owner/Developer also seeks variance relief from the B.C.Z.R. as follows: 1) From Section 409.6.A.2 to permit 744 parking spaces in lieu of the required 945 to accommodate an increased buffer area (alternate request); 2) from Section 409.6.A.2 to permit 0 spaces in lieu of the required 32 spaces to provide parking for the atrium reception and circulation area (alternate request); 3) from Section 1B01.1.B.1.3(5) to permit existing minimum buffers of 7 feet, 29 feet, 23 feet and 15 feet, respectively in lieu of the required 50 feet (alternate request); 4) from Section 1B01.1.B.1.e(5) to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the required 75 feet (alternate request); and 5) from Section 409.8.A.4 to permit the existing parking space to street right-of-way setback of 7 feet in lieu of the required 10 feet. The first four variances listed above will not be required and the request for same will be moot, if the relief requested in the Petition for Special Hearing is granted. The subject property and relief sought are more particularly described on the site plan/red-lined development plan submitted which was accepted and marked into evidence as Developer's Exhibit 1.

As to the history of this project through the development review process, a concept plan conference for this development was conducted on June 9, 1997. As required, a community input meeting was held on July 22, 1997 at the Hampton Elementary School. Subsequently, a development plan was submitted and a conference held thereon on October 29, 1997. Following the submission of that plan, comments were submitted by the appropriate reviewing agencies of Baltimore County and a red-lined development plan

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incorporating these comments was submitted at the hearing held before me on November 21, 1997.

Appearing at the public hearing required for this project were Allan B. Heaver, Managing General Partner of Heaver Properties Limited Partnership, Owner/Developer of the subject property; Ed Haile, Charles Main, and George Gavrelis, representatives of Daft-McCune-Walker, Inc., who prepared the development plan for this project; Dave Recchia, Architect with Rubeling and Associates; Cal Disney with Whiting-Turner, Contractor; Wes Guckert, traffic engineering expert with The Traffic Group; Richard Blue, a realtor with Colliers-Pinkard; and, Steven J. Nolan, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing, including Robert W. Bowling, Bureau of Development Plans Review, Colleen M. Kelley, Bureau of Land Acquisition, and David C. Flowers, Project Manager, all of whom are representatives of the Department of Permits and Development Management (DPDM), R. Bruce Seeley with the Department of Environmental Protection and Resource Management, and Carol McEvoy with the Office of Planning. A number of citizens representing adjacent property owners and interested organizations appeared, including Louis Mangione, who appeared on behalf of the Mangione family who owns the adjacent property at 1205 York Road. Mr. Mangione was represented by Messrs. Joe LaVerghetta and G. Scott Barhight, attorneys at law. Also present were a number of individuals from the Dulaney Valley Improvement Association, on whose behalf Conrad Poniatowski testified. Those individuals were represented by Michael Tanczyn, Esquire. Also present were Donald M. McCulloh, Jr. and Mary Frances Graef on behalf of the Towson Development Corporation, and Lisa Keir who appeared on behalf of Councilman Douglas B. Riley in whose district the subject

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property is located. The attendance of other individuals who were present is reflected in the sign in sheet which was circulated at the hearing.

Testimony and evidence offered revealed that the subject property consists of approximately 6.959 acres, split zoned B.L., OR-1, and D.R. 5.5, and is located at the northeast corner of York Road and Greenridge Road in Lutherville. The property is just north of the interchange of the Baltimore Beltway (I-695) and York Road. To the south, the property abuts Greenridge Road. On the other side of that road, fronting York Road is the SEBCO Federal Credit Union building, and further to the south is the 1205 York Road building, which is owned by the Mangione family. That family also owns several other individual lots nearby. To the north, the subject property contains a building which is used as the Fire Museum of Maryland. Other commercial buildings to the north are owned by 1317 York Road Associates and the Baptist Convention of Maryland. Further north is the Galleria office/retail complex. That complex is located on the southeast corner of York Road and Seminary Avenue.

The subject property is improved with a 9-story building known as Heaver Plaza which was constructed approximately 20 years ago. That building contains approximately 145,600 sq.ft. of general office space and the Peppermill Restaurant which is located on the ground floor. The Owner/Developer proposes additional construction on the site as set forth on the development plan. To the rear of the existing building is a proposed second tower which will also be 9 stories in height. These two office towers, when completed, will be connected by a proposed atrium/reception area. Additionally, a 4-level parking garage is proposed to be constructed to the rear of the site. This garage is designed to replace and expand the existing parking arrangement. Presently, parking is provided by a

large macadam-paved lot which virtually surrounds the existing building. Most of the parking presently available is to the rear of the building.

Turning first to consideration of the development plan, all Counsel present corroborated that the Owner/Developer had had extensive communications and negotiations with surrounding property owners, both residential and commercial, regarding the proposed development. In this case, the development process has clearly worked as it was envisioned when adopted by the County Council. The process is designed to ensure community and neighborhood participation during the development of any property. Moreover, the original plan for this project, which was approved before the first office tower was constructed, showed a proposed second tower towards the rear of this site. Although the time table for construction has been somewhat extended, the plan presently before me is actually the ~~culmination of the original plan proposed when the property was first~~ developed.

In any event, the Owner/Developer has reached an agreement with the Dulaney Valley Improvement Association regarding the proposed project. That agreement has been memorialized in a written 4-page document which was submitted and accepted into evidence at the hearing as Developer's Exhibit 2. At the request of the parties, all of the terms, conditions, and representations contained therein will be incorporated into this Order as conditions precedent to the approval of the development plan. Those terms and conditions deal with a variety of issues, including traffic control, hours of construction activity, sound attenuation measures, garage lighting, etc. Many of these conditions have already been incorporated into the red-lined plan submitted at the hearing as Developer's Exhibit 1.

Whether incorporated on the plan or not, the terms and conditions of the written agreement will be and are hereby adopted.

Section 26-206 requires that the Hearing Officer identify any unresolved issues or open County agency comments at the hearing. In this regard, it was indicated that many of the County's concerns had been resolved and incorporated into the development plan, and as noted above, the community's concerns had been resolved by the written agreement. However, there were certain issues which remained open and necessitated a resolution by this Hearing Officer. Testimony was taken on these issues from Edmund Haile and George Gavrelis with Daft-McCune-Walker, Inc., and Wes Guckert from The Traffic Group. As to the County representatives, testimony was offered by Carol McEvoy with the Office of Planning. Additionally, attorney G. Scott Barhight on behalf of the Mangione family, offered argument in support of his client's position.

The first such issue identified was raised by Baltimore County, specifically, Carol McEvoy with the Office of Planning. Ms. McEvoy discussed the lengthy commercial corridor of which this property is a part on the east side of York Road from the Baltimore Beltway to the south to Seminary Avenue to the north. Both Ms. McEvoy and Mr. Haile testified and described this neighborhood, with which I am well familiar. She specifically described the Galleria project, including the considerable improvements thereon.

The Office of Planning proposes the eventual construction of a parallel road system through the subject property leading to the Galleria property. This road system will parallel York Road and is proposed to ease traffic congestion on that major corridor. Specifically, the Office of Planning wants this Developer to amend its plan to show the possible

connection on the north side of the subject property from which a roadway could be constructed leading from the Heaver Plaza to the Galleria. It is envisioned that visitors, employees, and customers of the Galleria project will be able to travel southward through this road system to the Heaver Plaza without utilizing York Road.

For their part, the Developer believes that such a roadway is impractical and could never be built. The Developer's witnesses stated that the change in elevation and grade between these properties is a major obstacle and also observed that all of the land in this area is privately owned, thereby making it difficult to establish such a road network.

I am appreciative of the Office of Planning's goals in this regard and believe that their concerns are valid. Nonetheless, I concur that the ultimate construction of such a road network is unlikely. In my judgment, the appropriate resolution of this issue is to add a note to the plan indicating that the Developer will agree to revisit this issue and provide access in the future should same become practical and ultimately approved by Baltimore County. That is, if there comes a time when the County is able to realize its plans to provide such a parallel road network, this property owner will be required to participate by providing access to its property to accommodate same. However, to require any dedication of easement or access at this time, when the plans are totally speculative, is inappropriate. To attempt to set out any of the details of this future road (i.e., its location, point of access to the subject property, etc.) is foolish at this time, given the speculative nature of its potential construction. It is my intent to only leave this matter open for future consideration and discussion. Thus, a note shall be added to the plan with the following language: "Developer agrees to provide

future access to internal road network as set forth in Hearing Officer's Opinion in Case Nos. IX-676 and 98-132-SPH." This note shall alert future reader's attention to this Opinion and the intent expressed herein.

A second issue raised as to the development plan relates to the potential widening of Greenridge Road. In this regard, it is to be noted that Greenridge Road runs in an easterly direction from its intersection with York Road along the southern property line of the subject property. As shown on the plan, the southern side of the road suddenly narrows near the OR-1/RO zone line, just opposite the first entrance to the subject property. Further easterly from that point, the road becomes one lane as it joins the balance of the subject property and enters the residential community which is a part of the Dulaney Valley Improvement Association. Originally, when the plan was submitted, the Developer showed a taper of the road from its widest point to a single lane. Ultimately, a red line was added showing a further highway widening area. However, now the Developer wishes to strike these proposed improvements to the road. Obviously, to increase their availability of access and improve their road frontage, the Mangione family wants these improvements to be made.

In my judgment, the proper solution will be to require the construction of the taper as originally shown on the development plan. That is, road improvements should be made to the south side of Greenridge Road, from the end of the curb near the OR-1/RO zone line, as was originally shown in a "blue line" on the plan. I believe that such improvements are warranted and should be this Developer's responsibility. I reach this judgment based on the fact that the initial means of access to the subject property is on the north side of Greenridge Road, opposite the location of the needed taper and the second means of access is further down Greenridge

Road in an easterly direction. A substantial volume of new traffic will be caused by the proposed construction. Thus, modest improvements to the south side of Greenridge Road are warranted. The sudden termination of one lane of Greenridge Road as is the present condition will cause traffic congestion and detrimentally impact public safety when the increased volume of traffic is realized. I am led to this conclusion by balancing the need to accommodate this additional traffic, the desire to maintain the residential character of Greenridge Road further easterly, and considering the responsibility of the Mangione family vs. this Developer to improve the south side of Greenridge Road. Thus, I will require the Developer to improve the road as it originally proposed. The red-lined changes need not be made, only the taper as shown on the original plan.

The third development plan issue was raised by the Dulaney Valley Improvement Association and the Mangione family and relates to the temporary parking arrangement while construction is ongoing. In this regard, the terms and conditions of the Agreement (Exhibit 2) largely resolve this issue. The garage will be completed first, so that no new tenants or offices will be in place without the available parking. Additionally, the parking arrangement described by the Developer's testimony regarding the obtaining of temporary parking spaces seems to be appropriate. I am satisfied that the Developer's representations resolve this issue.

Other than these issues, I hereby find that the plan satisfies all of the requirements of the development regulations of Baltimore County. As such, in accordance with the provisions of Section 26-206 of the County Code, the plan shall be approved. Moreover, I expressly find that the compatibility requirements set forth in Section 26-282 have been met. In this regard, the Developer's compatibility recommendation report was

accepted into evidence, as was the Office of Planning's comments in response thereto.

Turning to the Petitions for Special Hearing and Variance, many of the requests made therein are in the nature of alternate relief. As noted above, a grant of the relief requested in the Petition for Special Hearing renders moot the need for variance requests 1, 2, 3 and 4. In this regard, I hereby grant and approve the special hearing relief requested. An amendment to the use permit to allow parking in the residential zone of the property is approved. There is already parking in the residential zone and the relief requested is only to accommodate the new garage. Substantial testimony was offered describing the architecture and the design of the garage, which was undertaken with the intent of reducing its visual impact, particularly on the surrounding residential community. Based on this testimony, I believe that this portion of the Petition for Special Hearing should be granted.

I shall also approve and confirm that the atrium/reception and circulation area shall not be included as a part of the calculation for the parking requirements. Section 409 of the B.C.Z.R. sets out the parking requirements for office use. Such requirements are driven by the amount of "gross floor area" of the proposed building. This term is expressly defined in Section 101 of the B.C.Z.R. and said definitions specifically exclude the area used as a lobby or atrium. Therefore, the atrium area need not be considered in this case when determining the parking requirement.

Next, pursuant to Section 1B01.1.B.1.c(1) and (2), I find that the RTA for the subject property is as it presently exists, thereby permitting the maintenance of the existing minimum buffers of 7 feet, 29 feet,

23 feet, and 50 feet, respectively, in lieu of the 50-foot buffer requirement and 75-foot setback requirements. I specifically adopt the compatibility recommendations offered in this case and find that the project will not adversely impact the residential community and neighboring properties.

Having reached these conclusions and granting the Petition for Special Hearing, variance requests 1 through 4 as set forth on the plan are therefore moot. As to the final variance request (from Section 409.8.A.4), same shall be granted. The testimony of Messrs. Gavrelis and Haile was persuasive on this issue. I expressly find that the requirements of Section 307 of the B.C.Z.R. have been met and that variance relief should be granted.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Special Hearing granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/Hearing Officer for Baltimore County this 15th day of December, 1997 that the development plan for Heaver Plaza, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve: 1) an amendment to the use permit for parking granted in prior Case No. 69-28-ASPH to permit a parking structure; 2) that the atrium/reception and circulation area proposed is not to be included as part of the calculation for parking requirements under the B.C.Z.R.; and 3) and 4) that the RTA of the subject property is as it presently exists, and as

such, the maintenance of the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the required 50-foot buffer, and, the existing minimum setbacks of 7 feet, 9 feet, 23 feet, and 15 feet respectively, in lieu of the required 75 feet each, required by Section 1B01.1.B.1.e(5), be and are hereby GRANTED in accordance with Developer's Exhibit 1; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing parking space to street right-of-way setback of 7 feet in lieu of the required 10 feet, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Agreement (Exhibit 2) by and between Heaver Properties Limited Partnership and the Dulaney Valley Improvement Association be and is hereby incorporated herein as a condition precedent to the approval of the development plan marked as Developer's Exhibit 1.

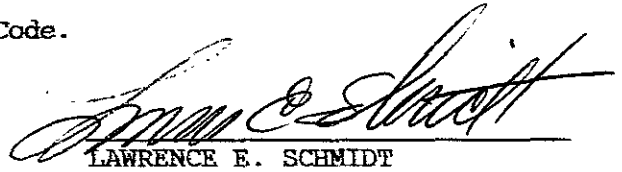
2) The development plan shall be amended by the addition of the following note: "Developer agrees to provide future access to internal road network as set forth in Hearing Officer's Opinion in Case Nos. IX-676 and 98-132-SPH."

3) The Developer shall make certain improvements to the south side of Greenridge Road as originally shown on the development plan and set out herein.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) From Section 409.6.A.2 to permit 744 parking spaces in lieu of the required 945 to accommodate an increased buffer area (alternate request); 2) from Section 409.6.A.2 to permit 0 spaces in lieu of the required 32 spaces to provide parking for the atrium reception and circulation area (alternate request); 3) from Section 1B01.1.B.1.3(5) to permit existing minimum buffers of 7 feet, 29 feet, 23

feet and 15 feet, respectively in lieu of the required 50 feet (alternate request); and 4) from Section 1B01.1.B.1.e(5) to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the required 75 feet (alternate request), be and is hereby DISMISSED AS MOOT, by virtue of the relief granted in the Petition for Special Hearing.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

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Date 12/1/97

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

December 1, 1997

Stephen J. Nolan, Esquire
Nolan, Plunhoffs & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING
NE/Corner York Road & Greenridge Road, SW/S Tenbury Road
(1301 York Road)
9th Election District - 4th Councilmanic District
Heaver Properties, LP - Owner/Developer
Case No. IX-676 & 98-132-SPH

Dear Mr. Nolan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved, and the Petitions for Special Hearing and Variance 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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Allan Heaver, 1301 York Road, Suite 707, Lutherville, Md. 21093

Messrs. Ed Haile, George Gavrelis and Charles Main
Daft-McCune-Walker, Inc., 200 E. Pennsylvania Ave., Towson, Md. 21286

Mr. David Ricchia, Rubeling & Assoc., 401 Jefferson Ave., Towson 21286
Mr. Conrad Poniatowski, 26 Greenridge Road, Lutherville, Md. 21093
Joseph LaVerghetta, Esquire, 1205 York Road, Lutherville, Md. 21093
G. Scott Barhight, Esq., (WTP) 210 W. Pa. Ave., Towson, Md 21204
Towson Development Corp., 23 W. Chesapeake Ave., Towson, Md. 21204
Dave Flowers, DPDM; DEPRM; DPW; OP; RP; People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 1301 York Road

which is presently zoned BL, OR-1, D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, 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

See Attached

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 owners(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.
(Type or Print Name)

Signature

700 Nottingham Centre
502 Washington Avenue 410-823-7800

Towson MD 21204
City State Zip Code

Legal Owner(s):

Heaver Properties Limited Partnership

(Type or Print Name)

Signature

Allan B. Heaver, Managing General Partner
(Type or Print Name)

Signature

Heaver Plaza, 1301 York Road

Address Phone No.

Lutherville MD 21093
City State Zip Code

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

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.

Name

700 Nottingham Centre
502 Washington Avenue

Towson, MD 21204 410-823-7800
Address Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING 1 Day
unavailable for Hearing

the following dates Next Two Months

ALL * OTHER
REVIEWED BY: WJH DATE 10/6/17

* w/ Dev Plan

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By

Zoning Administration and
Development Management

ZONING AND HEARING OFFICER REQUESTS**I. Petition for Special Hearing**

Petitioner requests that the Commissioner:

1. Approve an amendment of the use permit for parking in a residential zone previously granted by Case No. 69-28 ASPH to allow a parking structure;
2. Approve and confirm that the atrium reception and circulation area is not to be included as part of the calculation for the parking requirements under the BCZR;
3. Determine the amount of RTA, pursuant to Sections 1B01.1.B.1.c.1 and 2, by approving the maintenance of the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the 50 foot buffer required by Section 1B01.1.B.1.e(5); and
4. Determine the amount of RTA for existing and proposed parking, pursuant to Sections 1B01.1.B.1.c.1 and 2, by approving the existing minimum setbacks of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the 75-foot setback required by Section 1B01.1.B.1.e(5).

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Date 10/1/07

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1301 York Road

which is presently zoned BL, OR-1, D.R.5.5

#132

98-132-SPHA

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, petition for a Variance from Section(s)

See Attached

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

See Attached

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 owners(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Heaver Properties Limited Partnership

(Type or Print Name)

Signature

Signature

Address

Allan B. Heaver, Managing General Partner

(Type or Print Name)

City State Zip Code

Signature

Attorney for Petitioner:

Heaver Plaza, 1301 York Road

Address

Phone No.

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd
(Type or Print Name)

Lutherville, MD 21093
City State Zip Code

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

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chtd.

Name
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204
410-823-7800

Address Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING 1 Day
unavailable for Hearing

the following dates Next Two Months

ALL * 26th OTHER

REVIEWED BY: DATE 10/6/97

* w/ Dev. Plan

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ZONING AND HEARING OFFICER REQUESTS**II. Petition for Zoning Variance**

Petitioner further requests a Variance from each of the following Sections:

1. Section 409.6.A.2 in order to permit 744 ^{parking} spaces in lieu of the required 945 spaces in order to accommodate an increased buffer area [alternate request];

2. Section 409.6.A.2 in order to permit 0 spaces in lieu of the required 32 spaces in order to provide parking for the atrium reception and circulation area [alternate request];

3. Section 1B01.1.B.1.e(5) to permit existing minimum buffers of 7 feet, 29 feet, 23 feet and 15 feet, respectively in lieu of the required 50 foot buffer [alternate request];

4. Section 1B01.1.B.1.e(5) to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the required 75 foot setback [alternate request];

5. Section 409.8.A.4 to permit the existing ~~8~~ ⁷ foot parking space to street right-of-way setback in lieu of the required 10 foot setback.

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**REASONS FOR THE REQUESTED AMENDMENT
TO THE EXISTING SPECIAL HEARING PERMIT
AND PROPOSED, ALTERNATE VARIANCE REQUESTS**

HEAVER II COMPLEX

1. The Heaver Plaza was conceived in the 1960's and the project always included and showed a second twin tower behind the front building.
2. The Heaver Plaza was planned, laid out, buffered and built long before there were provisions in the BCZR for Residential Transition Areas (RTA's).
3. RTA's are an outgrowth of the 1971 and 1976 revisions of the Regulations. The long existent, adjoining residential areas affect the long planned second tower, and this part of the site is now affected by the RTA's.
4. The Heaver Plaza site is relatively narrow in relation to its depth, namely a width of 300 feet as opposed to a depth of 870 feet. Thus, with a narrow width, 100 feet on the north, south and east boundaries from a point in the vicinity of the rear of the Fire Museum Building are in an RTA status.
5. The rear of the site is presently fully developed, with a parking lot within 7 feet, 29 feet, 23 feet and 15 feet from south to east, to north to east, around the parking lot presently in existence. These setbacks with the present landscaping have proved entirely satisfactory over the years since the 1960's.
6. The location of the front tower, and the atrium, dictates the rear tower location. The rear tower location in turn dictates the location of the rear parking structure.
7. The parking structure in turn is dictated as to size by the parking requirements. It is important, if possible, for the parking structure to as closely as possible meet the parking requirement. In order to do so, adjustments must be made to the RTA requirements. The requested adjustments basically adopt the status quo for setbacks, driveway locations, landscaped areas, etc.
8. The parking structure as proposed will by only 4 levels, with a level below ground. The present driveway locations will allow this parking structure to be kept to a reasonable size and height, whereas if the RTA's are literally enforced, the parking structure will be higher and more obtrusive.
9. The proposed adjustment to the RTA requirements is in fact the appropriate solution.
10. If the RTA adjustments are not made for any reason, then the next best solution is to grant the several requested parking variances, and parking lot minor setback as presently existent.

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By [Signature]

11. Without the requested, alternative relief, the long planned matching Heaver Plaza Tower cannot be built in a symmetrical, balanced way. The Petitioners will thereby suffer practical difficulty and unreasonable hardship.
12. The long planned building in twin towers is unique. The site is uniquely narrow. The site is unique as a 1960 design which predates the RTA requirements.
13. The requested adjustments and variances will foster the completion of the original plan, and in no way will adversely affect the health, safety and welfare of the area involved.

Respectfully submitted,

Stephen J. Nolan
Attorney for Petitioner Heaver Properties
Limited Partnership

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By

Description

To Accompany Petition for Special Hearing and Variance

6.958 Acre Parcel

Northeast Side of York Road

Northwest Side of Greenridge Road

Ninth Election District, Baltimore County, Maryland



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

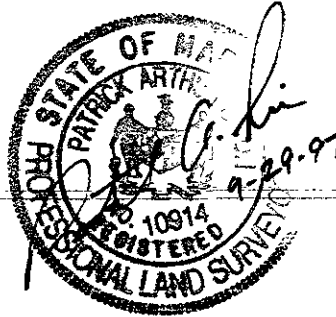
Beginning for the same on the northeast side of York Road at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of York Road (variable width) with the centerline of Greenridge Road (50 feet wide), viz: (1) Northwesterly along said centerline of York Road, 25 feet, more or less, and thence (2) Northeasterly 56 feet, more or less, to the point of beginning, thence leaving said point of beginning and binding on the northeast side of York Road, the three following courses and distances, viz: (1) North 66 degrees 02 minutes 33 seconds West 21.16 feet, thence (2) Northwesterly by a line curving to the right having a radius of 2824.54 feet for a distance of 62.82 feet (the arc of said curve being subtended by a chord bearing North 22 degrees 16 minutes 54 seconds West 62.82 feet and having beginning tangent bearing of North 22 degrees 55 minutes 09 seconds West and having departing tangent bearing of North 21 degrees 38 minutes 40 seconds West), and thence (3) North 21 degrees 38 minutes 40 seconds West 207.05 feet, thence running the eight following courses and distances, viz: (4) North 68 degrees 17 minutes 50 seconds East 392.67 feet, thence (5) North 21 degrees 42 minutes 10 seconds West 15.00, thence (6) North 68 degrees 17 minutes 50 seconds East 69.29 feet, thence (7) North 21 degrees 42 minutes 10 seconds West 182.60 feet, thence (8) North 68 degrees 17 minutes 50 seconds East

240.00 feet, thence (9) South 21 degrees 42 minutes 10 seconds East 182.60 feet, thence (10) North 68 degrees 17 minutes 50 seconds East 182.20 feet, and thence (11) South 21 degrees 42 minutes 10 seconds East 300.00 feet to intersect the northwest side of Greenridge Road, thence binding thereon (12) South 68 degrees 17 minutes 50 seconds West 868.95 feet to the point of beginning, containing 6.958 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 29, 1997

Project No. 97029 (L97029)



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.: 98-132-SPHA

Items # 132

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

PLACE: _____

DATE AND TIME: _____

REQUEST: special hearing to amend Zoning Case 69-28-SPHA; to continue
that the atrium and circulation area should not be included within the parking
requirements; and determine the amount of R.T.A. by approving
the maintenance of the existing buffers and existing setbacks
of 7 ft, 29 ft, 23 ft, + 15 ft in lieu of 50 ft. and 75 ft, respectively.

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

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.: 98-132-SPHA

Item # 132

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

PLACE: _____

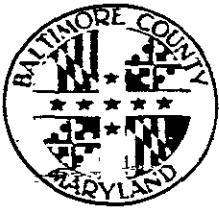
DATE AND TIME: _____

REQUEST: *Variance to permit 744 parking spaces in lieu of 945; to permit parking 0/1 spaces in lieu of 32 spaces; to permit existing ^{R.T.A.} buffers of 7 ft, 29 ft, 23 ft, and 15 ft in lieu of 50 ft.; to permit existing ^{R.T.A.} setbacks of 7 ft, 29 ft, 23 ft, and 15 ft in lieu of 75 ft.; and to permit an existing 8 ft street right-of-way setback in lieu of 10 ft.*

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



Baltimore County
Department of Permits and
Development Management

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

98-132-SPHA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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.: 132

Petitioner: Heaver Properties Limited Partnership

Location: 1301 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Allan B. Heaver

ADDRESS: Heaver Plaza, 1301 York Road
Lutherville, MD 21093

PHONE NUMBER: (410) 321-7501

AJ:ggg

(Revised 09/24/96)

100-111

二、

01-615

AMOUNT \$ 500.⁰⁰

Heater Reproaches - 1301 York Road

250.

250.

YELLOW - CUSTOMER

98-132-SP44

CASHIER'S VALIDATION

10/06/1997	13/06/1997	20/11/97
SEB 06304	06301015 (SM) L3	0630205
5 M3221 (M3221) 06301 RET 1		
K990301 #	022653	
10/06/1997	06/06/99	

$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx$

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: #98-132-SP4A
1301 York Road, Heaver
Piazza II, Corner ETS York Road
and N/S Greengridge Road,
9th Election District,
4th Councilmanic
Legal Owner(s):
Heaver Properties Limited
Partnership

Special Hearing: to approve an amendment of the use permit granted by case No. 89-28-ASPH to allow a parking structure, confirm that the atrium reception and circulation area is not to be included as part of the calculation for the parking; determine that amount of RTA by approving the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the 50 foot buffer required; and determine the amount of RTA by approving existing setbacks of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the 75 foot setback required. **Variance:** to permit 744 parking spaces in lieu of the required 945 spaces (alternate request); to permit zero parking spaces in lieu of the required 82 spaces for the atrium (alternate request); to permit existing minimum buffers of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 50 foot buffer (alternate request); to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 75 foot setback (alternate request); and to permit the existing 8 foot parking space to street right-of-way setback in lieu of the required 10 foot setback.

Hearing: Friday, November 21, 1987 at 9:00 a.m., in Room 100 County Office Building, 111 W. Chesapeake 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.

10/27/87 Oct. 16 C181898

CERTIFICATE OF PUBLICATION

98-132-SP4A

TOWSON, MD., October 16, 1987

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 16, 1987.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Emickson



Baltimore County
Department of Permits and
Development Management

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

October 10, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

DEVELOPMENT PLAN HEARING

Project Name: Heaver Plaza

Project Number: IX-676

Location: N/S Greensridge Road, E/S of York Road

Acres: 6.959

Developer: Heaver Properties, LP

Proposal: 3,960 sq. ft. restaurant addition, 15,371 sq. ft. office/atrium

AND

CASE NUMBER: 98-132-SPHA

1301 York Road - Heaver Plaza II

Corner E/S York Road and N/S Greenridge Road

9th Election District - 4th Councilmanic

Legal Owner(s): Heaver Properties Limited Partnership

Special Hearing to approve an amendment of the use permit granted by case No. 69-28-ASPH to allow a parking structure; confirm that the atrium reception and circulation area is not to be included as part of the calculation for the parking; determine that amount of RTA by approving the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the 50 foot buffer required; and determine the amount of RTA by approving existing setbacks of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the 75 foot setback required. Variance to permit 744 parking spaces in lieu of the required 945 spaces (alternate request); to permit zero parking spaces in lieu of the required 32 spaces for the atrium (alternate request); to permit existing minimum buffers of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 50 foot buffer (alternate request); to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 75 foot setback (alternate request); and to permit the existing 8 foot parking space to street right-of-way setback in lieu of the required 10 foot setback.

HEARING: FRIDAY, NOVEMBER 21, 1997 at 9:00 a.m. in Room 106 County Office Building, 111 W. Chesapeake Ave.

Arnold Jablon
Director

cc: Heaver Properties Limited Partnership/Allan B. Heaver
Stephen J. Nolan, Esq.
Michael Tanczyn, Esq.
Daft-McCune Walker, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 16, 1997.

Printed with Soybean Ink on Recycled Paper (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

October 10, 1997

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Project Number: IX-676

Location: N/S Greensridge Road, E/S of York Road

Acres: 6.959

Developer: Heaver Properties, LP

Proposal: 3,960 sq. ft. restaurant addition, 15,371 sq. ft. ~~office/atrium~~

*of mechanical space, 156,104 SQ. FT. OF
OFFICE/ATRIUM AND A FOUR(4) STORY PARKING STRUCTURE OF 248,680 SQ. FT.
AND*

CASE NUMBER: 98-132-SPHA

1301 York Road - Heaver Plaza II

Corner E/S York Road and N/S Greenridge Road

9th Election District - 4th Councilmanic

Legal Owner(s): Heaver Properties Limited Partnership

Special Hearing to approve an amendment of the use permit granted by case No. 69-28-ASPH to allow a parking structure; confirm that the atrium reception and circulation area is not to be included as part of the calculation for the parking; determine that amount of RTA by approving the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the 50 foot buffer required; and determine the amount of RTA by approving existing setbacks of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the 75 foot setback required. Variance to permit 744 parking spaces in lieu of the required 945 spaces (alternate request); to permit zero parking spaces in lieu of the required 32 spaces for the atrium (alternate request); to permit existing minimum buffers of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 50 foot buffer (alternate request); to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 75 foot setback (alternate request); and to permit the existing 8 foot parking space to street right-of-way setback in lieu of the required 10 foot setback.

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cc: Heaver Properties Limited Partnership/Allan B. Heaver
Stephen J. Nolan, Esq.
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Printed with Soybean Ink
on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY

October 16, 1997 Issue - Jeffersonian

Please forward billing to:

Allan B. Heaver
Heaver Plaza
1301 York Road
Lutherville, MD 21093
410-321-7501

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: 98-132-SPHA

1301 York Road - Heaver Plaza II

Corner E/S York Road and N/S Greenridge Road

9th Election District - 4th Councilmanic

Legal Owner(s): Heaver Properties Limited Partnership

~~Special Hearing to approve an amendment of the use permit granted by case No. 69-28-ASPH to allow a parking structure; confirm that the atrium reception and circulation area is not to be included as part of the calculation for the parking; determine that amount of RTA by approving the existing minimum buffers of 7 feet, 29 feet, 23 feet, and 15 feet, respectively, in lieu of the 50 foot buffer required; and determine the amount of RTA by approving existing setbacks of 7 feet, 29 feet, 23 feet and 15 feet, respectively, in lieu of the 75 foot setback required.~~

Variance to permit 744 parking spaces in lieu of the required 945 spaces (alternate request); to permit zero parking spaces in lieu of the required 32 spaces for the atrium (alternate request); to permit existing minimum buffers of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 50 foot buffer (alternate request); to permit the existing minimum setbacks from existing and proposed parking of 7 feet, 29 feet, 23 feet and 15 feet in lieu of the required 75 foot setback (alternate request); and to permit the existing 8 foot parking space to street right-of-way setback in lieu of the required 10 foot setback.

HEARING: FRIDAY, NOVEMBER 21, 1997 at 9:00 a.m. in Room 106 County Office Building, 111 W. Chesapeake 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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
1301 York Road (Heaver Plaza II), Corner	*	ZONING COMMISSIONER
E/S York Road and N/S Greenridge Road		
9th Election District, 4th Councilmanic	*	OF BALTIMORE COUNTY
Heaver Properties Limited Partnership	*	CASE NO. 98-132-SPHA
Petitioner		
* * * * *		

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
 People's Counsel for Baltimore County


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 16th day of November, 1997, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esq., Nolan, Plunhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

Mon, 10/20
4:37

Gwen,

Pls. hold up on advertising
for Heaving Plaza, Newton
W. will be in to see you
tomorrow with revisions,

[Signature]

98-132-SPHA

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

10/8/97
Y

97-4682
No check

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7853

October 2, 1997

98-132-SPHA

VIA HAND DELIVERY

Mr. Mitch Kellman
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Heaver Properties Limited Partnership

Dear Mitch:

Consistent with our meeting last Thursday, September 25, 1997, during which we reviewed the draft site plan and petitions, I am hand delivering herewith the following documents and materials:

1. Three (3) original Petition for Special Hearing forms signed by Allan B. Heaver, Managing General Partner of the property owner;
2. Three (3) original Petition for Variance forms with two attachments;
3. Four (4) copies of the Zoning Description prepared and sealed by DMW;
4. Twelve (12) site plans to accompany the aforesaid petitions;
5. One (1) 200-scale zoning map prepared by DMW; and
6. Heaver Properties' check number 018751 payable to Baltimore County, Maryland in the amount of \$500.00 representing the filing fees.

As you know, this zoning filing is part of a development plan submission in Project No. IX-676. In other words, we are requesting that these zoning requests be heard as part of the Hearing

Mr. Mitch Kellman
October 2, 1997
page two

Officer's hearing. Accordingly, we request that the Hearing Clerk arrange for the advertising of the zoning requests in accordance with ZADM's policies and requirements.

Thank you for your assistance.

Very truly yours,



Stephen J. Nolan
Counsel to Petitioner Heaver Properties
Limited Partnership

SJN:mao
encls.

cc: Ervin McDaniel, Project Planner
Edmund Haile, DMW
Charles Main, DMW
Albert I. Rubeling, FAIA
David Recchia, AIA
Wes Guckert, The Traffic Group
Michael P. Tanczyn, Esquire, Counsel for DVIA (w/enclosures)
Allan B. Heaver, Managing General Partner (w/enclosures)
Mr. Michael Myers, Construction Manager

FAX TRANSMISSION

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
502 Washington Avenue, Suite 700
Towson, Maryland 21204
(410) 823-7800
Fax: (410) 296-2765

To: *Mrs. Gwen Stephens* Date: *October 20, 1997*
Fax #: *410-587-5708* Pages: *2*, including this cover sheet.
From: *Steve Nolan and Newton Williams*
Subject: *Corrected Information - Development Plan Hearing -*
Heaver Plaza
COMMENTS:

Gwen: Somehow part of Development Plan Hearing Proposal was omitted, see the attached Notice of Hearing - We are correcting the Posted Sign - We also need to correct the ads. We hope that you have not already sent them out to Patuxent. Please review and advise. Thank you.

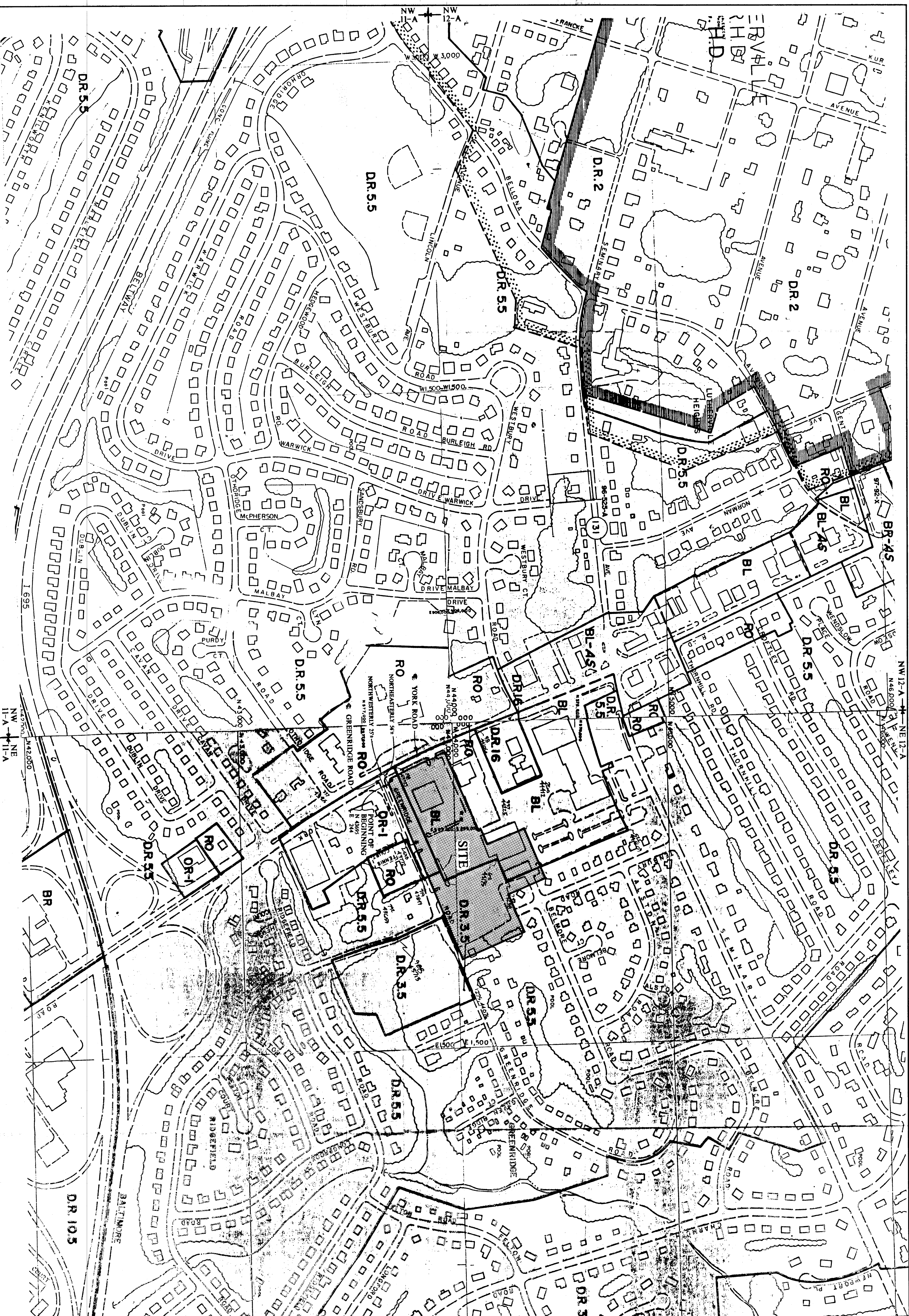
*Sincerely,
Newton*

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland laws."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

*Fax CC: Ed Haile and Charles Main - DMW - 410-296-4705
David Recchia, Rubeling and Associates - 410-337-2994
Al Heaver - Heaver Plaza 410-321-5679*



DMW
Doherty-McGee-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
Tel: 286-4705
Fax: 286-4705

A Team of Land Planners
Landscape Architects
Environmental Engineers
Environmental Professionals

**Zoning Map to Accompany
Petition for Special Hearing
and Variance
HEAVER PLAZA II
#1301 YORK ROAD**

9TH ELECTION DISTRICT
4TH CONGRESSIONAL DISTRICT
BALTIMORE COUNTY, MARYLAND PDM File #IX-676

DATE	BY	REVISIONS

ISSUE DATE	BASE	COUNTY

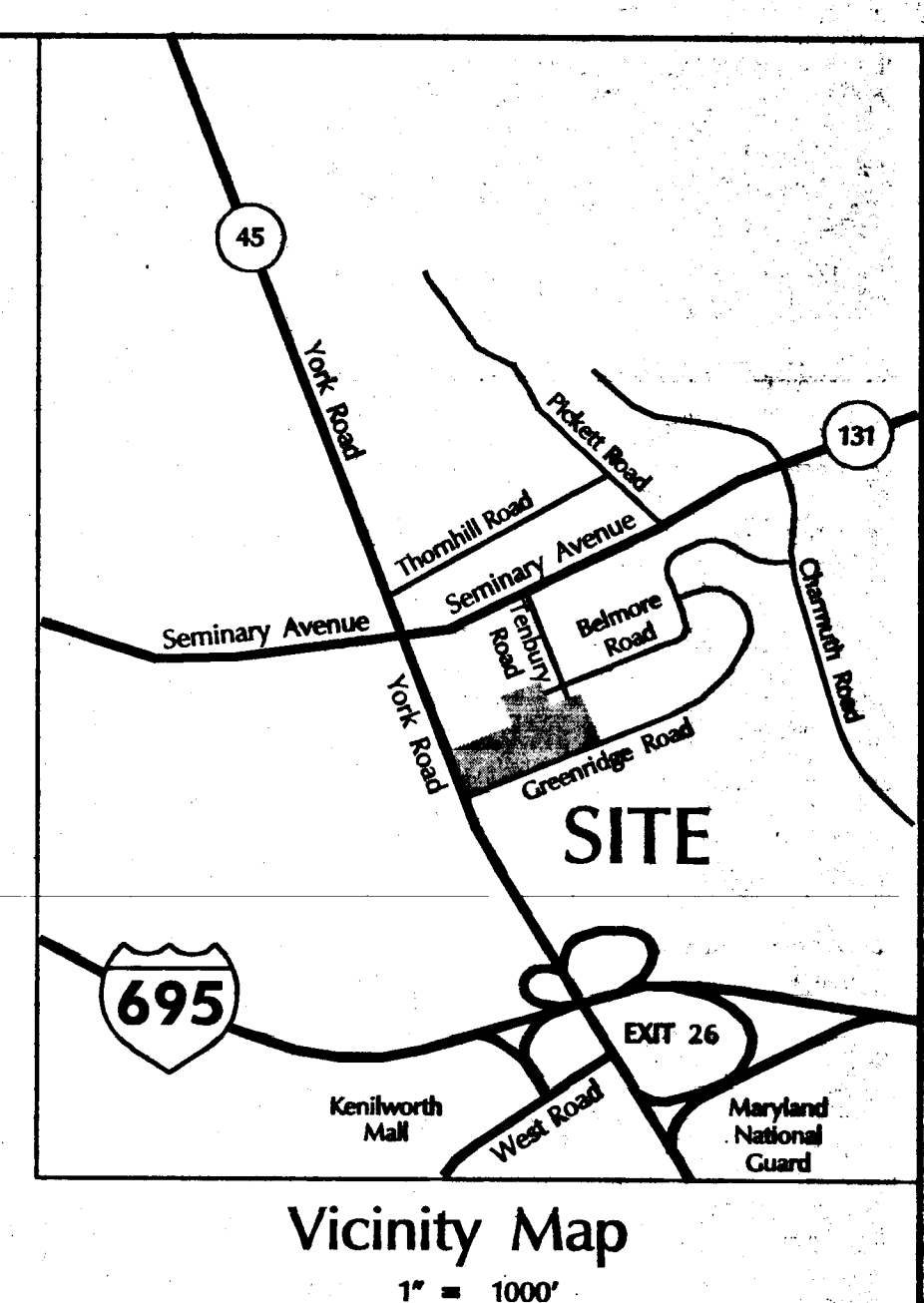
REVIEW	DRAWN	DESIGNED	PERMIT	CONSTRUCTION	DATE CHECKED	DRAWING

SCALE: 1" = 200'

PROJECT NO. 9703

1 of 1

#132
98-132-SM1A



"S.F. RESIDENTIAL"
Walter H. Smith, 3rd
Toni H. Smith
SM 10444/130
22-00-019245

DATA SOURCES:

Proposed layout from Rubelling & Associates, March 3, 1997

Topography from survey completed by McKee & Associates, Inc. on November 12, 1996

Boundary compiled from plat prepared by S.L. Martenet & Co. on November 27, 1984.

DMW

Dar 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 Special Hearing
and Variance
HEAVER PLAZA II
#1301 YORK ROAD
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
PDM File #IX-676

		ISSUE DATES
		REVIEW: <u>9-26-97</u>
		BID: _____
		PERMIT: _____
		CONSTRUCTION: _____
		BASE: <u>RGB</u>
		DRAWN: <u>RGB</u>
		DESIGNED BY: _____
		CHECKED BY: <u>CVM</u>
		DATE CHECKED: <u>9-29-97</u>
		SCALE: <u>1"=40'</u>
		PROJECT NO.: <u>97029</u>
		DRAWING: <u>1 of 1</u>

GENERAL NOTES:
OWNER/APPLICANT: Heaver Properties, LP
150 York Road
Suite 107
Lutherville, MD 20939
2. Legal Address: 150 York Road
Lutherville, MD 20939
3. Gross Tract Area 7,662 AC, includes 30' of York Rd
& 25' of Greenridge Road
Net Tract Area 503,058 sq. ft. = 6,994 AC
4. Tax Account No. 4-00-005336 & 4-00-005336
5. Tax Map No. G, 6L Grid, Parcel 73
6. DED Reference: 10/20/450
7. Zoning Map: NEA & NEA
8. Existing and Proposed Building, Fire Museum Surface Parking Lot
9. Existing/Proposed Street: Service Road
10. Existing/Proposed: 10' x 10' +/- road widening to Greenridge Road
11. All existing for parking area should be arranged so as to reflect
the light away from adjacent residential areas and public streets
12. All new to conform to Section 43 of the Baltimore
County Zoning Regulations.
13. Previous commercial permits:
8230486
2960
23037 Sign
14. There is a proposed 100' x 10' +/- road widening to Greenridge Road
DISCUSSING HISTORY:
65-99 RIA Dismissed September 8, 1966.
68-28 ASPH use permit for off-street parking in residence zone
It is this on the basis of the ASPH use permit for off-street
parking is granted, subject to approval of the site plan by the
City Services Bureau of Traffic Engineering and the Street
Commission, and the Office of Planning.

TRANSIT AND SHARED PARKING ADJUSTMENT							
Use	Faringham Repaired	Transit Adjustment	WEEKDAY		WEEKEND		
			Dynalene - a.m. - 6 p.m.	Evening - 6 p.m. - Midnight	Dynalene - a.m. - 6 p.m.	Evening - 6 p.m. - Midnight	Nighttime - 6 a.m. - 10 p.m.
Office	262.87	197.71/197.73	100.76/1.97	101.91/1.97	101.67/1.97	101.67/1.97	101.67/1.97
Restaurant	352.74	860.1/25.91	100.76/2.91	100.76/2.91	100.76/2.91	100.76/2.91	100.76/2.91
Ice Museum	85.01	860.1/1.76	100.76/1.76	100.76/1.76	100.76/1.76	100.76/1.76	100.76/1.76
Subtotal			844.45	269.64	269.64	229.66	116.54
USE			845				

EXISTING ZONING AND FAR PROPOSAL							
Zone	Net Tract Area (Ac)	Gross Tract Area (Ac)	FAR Allowed	Avg. Gross Floor Area/Acre	S.F. Existing	Avg. Gross Floor Area/Proposed Acre	S.F. Total
BL	5.98	4.04	3.00	328,447	165,067	0	397,598
OK - 1	0.790	1.94	NA	NA	0	0	0
DK S.B.	2.276	2.475	NA	NA	0	NA	17,560
TOTAL	8.956	7.662					556,724

Product: Below-Grade Mechanical (24,472 sq.ft.) & Parking (10,206 sq.ft.)

PARKING PROPOSAL

GARAGE	
Standard (8.5' x 10')	612
Compact (7.5' x 10')	104
Handicap (2 side-by-side @ 21' x 20')	16
SURFACE	
Standard (8.5' x 10')	228
Compact (7.5' x 10')	0
Handicap (2 side-by-side @ 21' x 20')	12
TOTAL	972