

IN RE: PETITION FOR VARIANCE

NW/S Franklin Boulevard and SW/S
Tarragon Road at end of Caraway Road
(11918 Tarragon Road)
4th Election District
3rd Councilmanic District

Eugene H. & Philip H. Franz, Owners;
Salony House L.P., Contract Purchasers

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-205-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Eugene H. Franz and Philip H. Franz, owners of the property at the time the Petition was filed, and the Contract Purchasers, Salony House Limited Partnership, by John J. Schuster, Member, through their attorney, G. Scott Barhight, Esquire. Prior to the public hearing on this case, Salony House Limited Partnership acquired title to the property. The Petitioners seek relief from Section 1B01.2.C.1.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building face to side building face setback of 0 feet in lieu of the required 1 foot of setback per 1 foot of height to soffit line of the tallest building, and to permit a front building face to arterial roadway right-of-way setback of 4 feet in lieu of the required 45 feet in a D.R.5.5 zone for an existing structure. In addition, a variance is sought from Section 1B01.2.B.2 of the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.), Page 26 thereof, to permit a building length of 397.50 feet in lieu of the maximum allowed 240 feet in a D.R.16 zone. The subject property and relief sought are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of this request were John Schuster, Jr., a representative of Salony House Limited Partnership, Contract Purchasers of the subject property, Ed Haile and Rick Hoehn, representatives of Daft-McCune-Walker, Inc., the consulting firm which prepared the site plan for this property, and G. Scott Barhight, Esquire, and

ORDER RECEIVED FOR FILING

Date

By

Jennifer Busse, Esquire, attorneys 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 3.51 acres, more or less, split zoned D.R.16 and D.R.5.5. The property is a rectangularly shaped parcel, located immediately adjacent to the ramp connecting Franklin Boulevard to northbound Northwest Expressway (I-795) in Owings Mills. Vehicular access to the property is by way of Caraway Road, south of Tarragon Road. Presently, the property is improved with a single family dwelling, frame garage and several outbuildings. The Petitioners are desirous of redeveloping the site with an elderly housing facility. The redevelopment will be accomplished in two phases. Phase 1 will be on that portion of the site identified as Lot 1 (1.522 acres); Phase 2 will be on that portion of the site identified as Lot 2 (1.989 acres). It is also to be noted that the Phase 2 improvements will be connected to the Phase 1 building. The existing dwelling will be retained for the resident manager; however, the outbuildings will be raised and a new garage is proposed, as shown on the site plan. When developed, the project will contain approximately 60 apartments for the elderly.

The first variance requested is necessitated by the phased nature of the development. As noted above, the Phase 2 building will be connected to the Phase 1 improvements; thus, a setback of 0 feet between buildings is proposed. The second variance requested relates to the existing house. As shown on the plan, the front of the house is within 4 ½ feet of the property line; thus, variance relief is necessary to legitimize this condition. The third variance again relates to the phased nature of the improvements. The total building length when both phases are completed will be 397.5 feet, considerably longer than the 240 feet allowed.

Testimony and evidence offered at the hearing demonstrated that the site is unique by virtue of its sloped topography, narrow width, and existing point of access. It was also indicated that the Petitioner would suffer a practical difficulty if variance relief were denied, and that relief can be granted without detrimental impact to the surrounding locale.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. In view of the site's proximity to I-795 as well as the unusual features of the lot as described above, I am persuaded that variance relief is warranted. This appears to be an appropriate redevelopment of this site. It is also to be noted that the Office of Planning supports the requested relief. That agency also requested that General Note No. 8 on the plan (relating to signage) be incorporated in any relief granted. In that the site plan is being incorporated herein as Petitioner's Exhibit 1, so, too, shall that note be incorporated by reference.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of January, 2000 that the Petition for Variance seeking relief from Section 1B01.2.C.1.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building face to side building face setback of 0 feet in lieu of the required 1 foot of setback per 1 foot of height to soffit line of the tallest building, and to permit a front building face to arterial roadway right-of-way setback of 4 feet in lieu of the required 45 feet in a D.R.5.5 zone for an existing structure; and from Section 1B01.2.B.2 of the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.), Page 26 thereof, to permit a building length of 397.50 feet in lieu of the maximum allowed 240 feet in a D.R.16 zone, 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/12/00
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11918 Tarragon Rd (off of Caraway
which is presently zoned D.R.16 & D.R.5.5 Rd)

This Petition shall be filed with the Department of Permits and 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)

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)

To be set forth at the hearing for this matter.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

salony House Ltd. Partnership,
John J. Schuster, Member

Name - Type or Print
SIS Properties, LLC / ITS General Partner

Signature
111 Westminster Rd. 410-833-5484

Address Telephone No.

Reisterstown, MD 21136
City State Zip Code

Attorney For Petitioner:

G. Scott Barhight, Esq.

Name - Type or Print

Signature
G. Scott Barhight / jrb
Whiteford, Taylor & Preston L.L.P.

Company
210 W. Pennsylvania Ave., 4th Floor
Address Telephone No.
Towson, MD 21204
City State Zip Code

00-205-A

Legal Owner(s):

EUGENE H FRANZ

Name - Type or Print

Signature
Eugene H Franz

Name - Type or Print
Philip H Franz

Signature
Philip H Franz

106 HIGHGATE CT 410-356-2528
Address Telephone No.

OWINGS MILLS MD 21117
City State Zip Code

Representative to be Contacted:

G. Scott Barhight, Esq.

Name

WT&P 210 W. Pennsylvania Ave.

Address

410-823-9644 Telephone No.
Towson, MD 21204 410-832-2000 day
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR Date 11/15/99

ORDER RECEIVED FOR FILING
Date 11/15/99
By

Petition for Variance for Salony House

Variances Requested:

1. A variance pursuant to Section 1B01.2.C.1.e of the BCZR to allow a building face to side building face setback of 0 feet in lieu of the required 1 foot of setback per 1 foot of height to soffit line of tallest building.
2. A variance pursuant to Section 1B01.2.C.1.e of the BCZR to allow a front building face to arterial roadway right-of-way setback of 4 feet in lieu of the required 45 feet in a D.R.5.5 zone.
3. A variance pursuant to Section 1B01.2.B.2 of the BCZR and the Comprehensive Manual of Development Policies, p. 26, to allow a building length of 397.50 feet in lieu of the maximum building length of 240 feet in a D.R.16 zone.

ORDER RECEIVED FOR FILING

Date

By

#205

Description

To Accompany Petition for Variances

3.51 Acre Parcel, Salony House

Northwest side of Franklin Boulevard

Southwest of Tarragon Road

Fourth 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 northwest side of Franklin Boulevard 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 Franklin Boulevard with the centerline of Tarragon Road (60 feet wide), (1) Southwesterly, along the centerline of Franklin Boulevard, 325 feet, more or less, and thence (2) North 57 degrees 05 minutes 45 seconds West 117 feet, more or less, to the point of beginning, thence leaving said beginning point and binding on the northwest side of Franklin Boulevard, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System NAD83 (1991), the four following courses and distances, viz: (1) South 37 degrees 40 minutes 27 seconds West 75.68 feet, thence (2) South 55 degrees 20 minutes 41 seconds West 63.80 feet, thence (3) South 71 degrees 07 minutes 09 seconds West 69.53 feet, and thence (4) South 88 degrees 14 minutes 57 seconds West 18.74 feet, thence leaving said Franklin Boulevard and running the three following courses and distances, viz: (5) North 57 degrees 05 minutes 45 seconds West 702.08 feet, thence (6) North 32 degrees 54 minutes 15 seconds East 199.68 feet, and thence (7) South 57 degrees 05 minutes 45 seconds East 791.16 feet to the point of beginning, containing 3.51 acres of land, more or less.

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

November 11, 1999

Project No. 99083.A (L99083.A)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 075708

DATE 3/17/00 ACCOUNT 001-6150

AMOUNT \$ 40.00

RECEIVED FROM: DMW

FOR: T# 00-587

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 079050

DATE 3/17/00 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JLL)

RECEIVED FROM: DMW

FOR: T# 00-587

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PAYMENT RETURN TIME
3/17/2000 3/17/2000 16:05:20
ALL INFO CASHIER DID THE SAME
DEPT 5 FEB 2000 VERIFICATION
RECEIVED 12808
CR NO. 079050
RECEIVED 40.00
BALANCE FOUR 00-587

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING 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: #00-205-A

11918 Tarragon Road

W/S Franklin Boulevard, 325' E of Tarragon Road

4th Election District - 3rd Councilmanic District

Legal Owner(s): Eugene H. Franz & Philip H. Franz

Contract Purchaser: Salony House Ltd. Partnership

Variance: to allow a building face to side building face of zero feet in lieu of the required 1 foot; to allow a front building face to arterial roadway right-of-way setback of 4 feet in lieu of the required 45 feet; and to allow a building length of 397.5 feet in lieu of the maximum building length of 240 feet.

Hearing: Monday, January 3, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/154 Dec 16

C359250

TOWSON, MD, 12-16, 1999

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 12-16, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-205-A
PETITIONER/DEVELOPER
(Salony House Ltd. Part.)
DATE OF Hearing
(Jan 3, 2000)

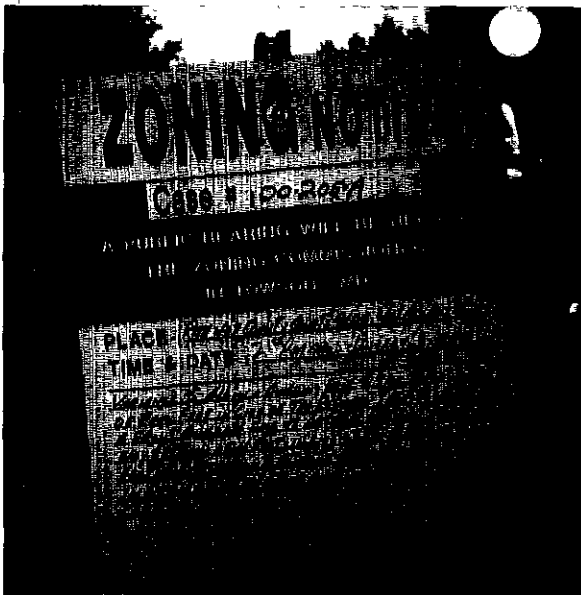
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
11918 Tarragon Road Baltimore, Maryland 21136—

The sign(s) were posted on 12-17-99
[Month, Day, Year]



Sincerely,


(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

RE: PETITION FOR VARIANCE
11918 Tarragon Road, W/S Franklin Blvd.,
3225' E of Tarragon Rd
4th Election District, 3rd Councilmanic

Legal Owner: Eugene H. Franz & Philip H. Franz
Contract Purchaser: Salony House L.P.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-205-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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

29th

I HEREBY CERTIFY that on this 29th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 7, 1999

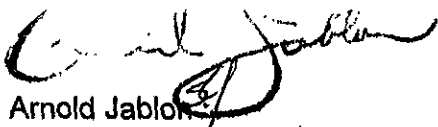
NOTICE OF ZONING HEARING

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: 00-205-A
11918 Tarragon Road
W/S Franklin Boulevard, 325' E of Tarragon Road
4th Election District – 3rd Councilmanic District
Legal Owner: Eugene H. Franz & Philip H. Franz
Contract Purchaser: Salony House Ltd. Partnership

Variance to allow a building face to side building face of zero feet in lieu of the required 1 foot; to allow a front building face to arterial roadway right-of-way setback of 4 feet in lieu of the required 45 feet; and to allow a building length of 397.5 feet in lieu of the maximum building length of 240 feet.

HEARING: Monday, January 3, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

c: G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue,
4th Floor, Towson 21204
Eugene & Philip Franz, 106 Highgate Court, Owings Mills 21117
Salony House Ltd. Partnership, 111 Westminster Road, Reisterstown 21136
Tina Bergman, 11904 Tarragon Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 19, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 16, 1999 Issue – Jeffersonian

Please forward billing to:

Jennifer Busse 410-832-2077
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
4th Floor
Towson, MD 21204

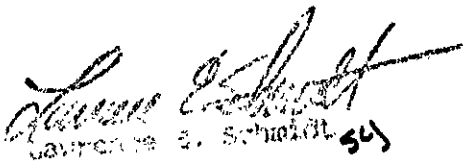
NOTICE OF ZONING HEARING

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: 00-205-A
11918 Tarragon Road
W/S Franklin Boulevard, 325' E of Tarragon Road
4th Election District – 3rd Councilmanic District
Legal Owner: Eugene H. Franz & Philip H. Franz
Contract Purchaser: Salony House Ltd. Partnership

Variance to allow a building face to side building face of zero feet in lieu of the required 1 foot; to allow a front building face to arterial roadway right-of-way setback of 4 feet in lieu of the required 45 feet; and to allow a building length of 397.5 feet in lieu of the maximum building length of 240 feet.

HEARING: Monday, January 3, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-205-A

Petitioner: Salony House Ltd. Partnership John T. Schuster, Member,

Address or Location:

SIS Properties, LLC, Its General Partner
WT+P 210 W. Pennsylvania Ave, 4th Floor,
Towson, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse, Whiteford, Taylor + Preston

Address: 210 W. Pennsylvania Ave., 4th Floor
Towson, MD ~~210~~ 21204

Telephone Number: 410.832.2077



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 30, 1999

G. Scott Barhight, Esq.
Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Ave., 4th Floor
Towson, Maryland 21204

Dear Mr. Barhight:

RE: Case Number 00-205-A , 11918 Tarragon Rd (off of Caraway)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/15/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: John Schuster
Eugene Franz



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

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

INTEROFFICE CORRESPONDENCE

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

Date: December 10, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 10, 1999
 Item No. 205

 The Bureau of Development Plans Review has reviewed the subject zoning item. Caraway Road shall be either extended or permanently terminated with a cul-de-sac.

RWB:HJO:jrb

cc: File

ZAC12699.205



Baltimore County
Fire Department

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

December 17, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Item No.: 205, 207, 211, 216, and 217

Dear Ms. Stephens:

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", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F



11/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

22

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

DATE: December 21, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11918 Tarragon Road

INFORMATION:

Item Number: 205

Petitioner: Solony House Limited Partnership

Zoning: DR 16 and DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The applicant proposes the construction of two three-story Class "A" Elderly Housing Facilities on approximately 3.5 acres of land zoned DR-16 (2.9 acres) and DR 5.5 (.6 acres). The units would ultimately contain 46.5 density units. Variances are requested from Section 1B01.2.C.1.e of the Baltimore County Zoning Regulations (BCZR) to 1) to allow side building face to side building face setback of zero feet in lieu of the required 1 foot of setback per 1 foot of height to soffit line of tallest building, but not less than 30 feet; 2) to allow a front building face to arterial roadway right-of-way setback of 4 feet in lieu the required 45 feet in a DR 5.5 zone; and from Section 1B01.2.B.2 of the BCZR to allow a building length of 397.5 feet in lieu of the maximum building length of 240 feet (CMDP Residential Standards P.26) in a DR 16 zone.

The staff recently met with John J. Schuster and the applicant's attorney, Ms. Jennifer Busse, to discuss details of the proposed elderly housing facility. The Office of Planning supports the petitioner's request based upon a site visit and the information provided at the time of the meeting.

ANALYSIS:

The CMDP states the following: "On the recommendation of the Director of the Office of Planning, the Hearing Officer may increase the building length up to 300 feet if the structure is designed in accordance with special emphasis given to ...design considerations." This project has been designed to include staggered building setbacks; varied facades and materials; the inclusion of amenities such as courtyards and sitting areas; and the project will provide affordable housing to elderly residents. Therefore, the Director of the Office of Planning would have recommended an increase to a building length up to 300 feet had the variance to 397.5 not been requested. The proposed project is compatible with predominate land uses in the vicinity.

Finally, the Office of Planning requests that the Zoning Commissioner incorporate General Note #8 as a condition to the order in this case.

Section Chief: 

AFK/JL

March 9, 2000

Jo. Ju
3/14/00
nca
STI
need \$
JLL - call
for \$40 fee

Mr. Arnold E. Jablon
Baltimore County Zoning Administration and Development
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit and Intent Letter
Salony House (Zoning Case Number 00-205-A)
Limited Exemption File No. 08239.F
DMW Project No: 99083.A

Dear Mr. Jablon:

In response to Baltimore County Parks and Recreation comments, we have proposed shuffle board courts, a patio/terrace, horse shoe pits, a gazebo, and a connecting path system to support the recreational needs for the attached independent living senior apartment community. These additional uses are accessory to the principal use and their locations meet the setback requirements for accessory uses as defined in the Baltimore County Zoning Regulations. The proposed uses add functionality to the proposed elderly community and are within the spirit and intent of the approved variance petition plan. Mr. John L. Lewis (Zoning Review) has commented that your approval of these findings shall be conditional to the approval of the Development Plan and Final Development Plan.

Thank you for your consideration.

Sincerely,

Rick Hoehn, RLA
Associate, Director of Design

RCH/lcz

cc: Mr. Ed Haile
Mr. John J. Schuster, Jr.
File, County File

QUICK RESPONSE:

Salony House, 4th Election District

Dear Mr. Hoehn:

The above changes are approved as being within the spirit and intent of case #00-205-A.
Please document the response on all future plans.

John L. Lewis
Planner II



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

**Speed
Letter**

In the interest of speed and economy, we are relying in your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



SALONY HOUSE
11918 Tarragon Road
00-017-Z

Limited Exemption Comments

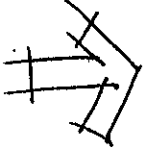
Plan Date: 2/11/00

Comments Due: 3/2/00

Comments Date: 2/18/00

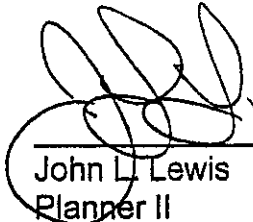
Comments Typed: 2/25/00

Be aware that a Final Development Plan is required for this residential development. Limited exemption (development) plan approval is subject to the resolution of the following comments and issues.

1. Base on the zoning case (00-205-A) and a review of this plan, the proposed use is independent living units for the elderly. State this in note #5.
2. Provide a typical floor plan for each of the one and two bedroom unit types. Show the use of each room, its dimensions and square footage (within each room, in each apartment).
3. State which use the proposed one story garage will serve and clearly show compliance with accessory structure requirements per Section 400 BCZR.
4. Show and label an adequate loading area which does not interfere with parking and maneuvering.
5. Note at the seal that this plan agrees with petitioners' exhibit no. 1 in zoning case 00-205-A.
6. Note that the maximum building height in the DR16 zone is 60 feet.
7.  The proposed terrace is not on the approved petitioners exhibit. A spirit and intent letter with the site plan, as approved by the zoning commissioner, red lined to show the changes and giving the case number 00-205-A, must be submitted to this office with a \$40 check. Explain this change and request approval of same in the letter.
8.  The proposed shuffle board courts and horse shoe pits must either meet Section 400 as accessory uses or meet non-residential principal building setbacks (one or the other). Otherwise, a zoning variance hearing will be necessary. Include these uses in the spirit and intent letter, after resolving the location/setback issues.

9. Final zoning approval is contingent first upon all comments being addressed on the limited exemption (development) plan; secondly upon final resolution of all comments, the outcome of any requested zoning hearings; and finally the Final Development Plan (FDP) checklist information being included on the FDP.
10. Put the project number 00-017-Z in the title block on all future plans.

Any requests for further information from the Zoning Office must include a reference to the limited exemption file number and written correspondence or revised plans must be accompanied by a copy of these comments.



John L. Lewis
Planner II
Zoning Review

JLL:ggs



Daft-McCune-Walker, Inc.

3/13/00
c8
WLR

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 410-296-4705

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

To: BALTIMORE COUNTY ZONING ADMIN.Date: MARCH 4, 2000AND DEVELOPMENTJob No.: 99083.ACOUNTY OFFICE BLDG. RM 111Attention: MR. ARNOLD E. JABLON111 W. CHESAPEAKE AV. TOWSON, MD 21204

Reference: _____

We are sending you

☐ attached☐ under separate cover☒ via mail☐ Shop drawings☐ Samples☐ Plans☐ Specifications☐

Copies	Date	Number	Description
1	3/2		SPILT AND INTENT LETTER

These are transmitted as checked below:

☒ For approval☐ Approved as submitted☐ Resubmit _____ copies for approval☒ For your use☐ Approved as noted☐ Submit _____ copies for distribution☐ As requested☐ Returned for corrections☐ Return _____ corrected for prints☐ For review and comment☐

Remarks: _____

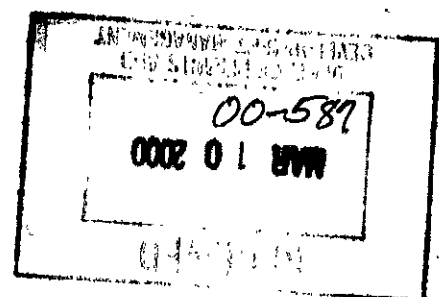
CC: _____

Signed: _____

... ..
... ..
... ..
... ..

... ..
... ..
... ..
... ..

... ..



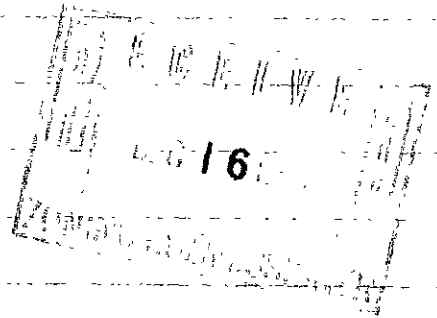
Eugene Frantz
106 Highgate Ct.
Dwings Mills, MD
21117

lis
1/3

Dear Mr. Schmitt,

I am writing in regards to case number: 00-205-A, 11918 Tarragon Road. My brother Philip and I are no longer the legal owners of this property. Since it has been sold do I or any member of my family need to be present at the hearing? Would you please write or call me my daytime # is 410-833-2271 Home # 410-356-2528 and let me know if we need to attend the hearing.

Thank You,
Eugene H. Frantz



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

John Schuster Jr

111 Westminster Rd 21131

Ed Haile DMW

200 E Penna Ave 21286

RICK ~~HA~~ HOELN DMW

200 E. PENNSYLVANIA AVE 21286

Scott Gachert -
Jennifer Burey





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 12, 2000

G. Scott Barhight, Esquire
Jennifer Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/S Franklin Boulevard and SW/S Tarragon Road, at end of Caraway Road
(11918 Tarragon Road)
4th Election District – 3rd Councilmanic District
Eugene H. & Philip Franz (former owners) & Salony House L.P. - Petitioners
Case No. 00-205-A

Dear Mr. Barhight & Ms. Busse:

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,

A handwritten signature in black 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. John J. Schuster, SIS Properties, LLC
111 Westminster Road, Reisterstown, Md. 21136
Messrs. Ed Haile and Rick Hoehn, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
Messrs. Eugene H. and Philip H. Franz
106 Highgate Court, Owings Mills, Md. 21117
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper