

IN RE: PETITION FOR SPECIAL
HEARING and VARIANCE
405 East Joppa Road and 510-514 &
518 Fairmount Avenue
E/S Fairmount Avenue, 300' North of
Pennsylvania Avenue
9th Election District
4th Councilmanic District

Hogg Properties LLC,

Petitioner

BEFORE THE
DEPUTY ZONING
COMMISSIONER FOR
BALTIMORE COUNTY
Case No.: 00-305-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for Baltimore County pursuant to a Petition for Special Hearing and a Petition for Variance for the properties known as 405 East Joppa Road, 510-514 & 518 Fairmount Avenue, located on the south side of East Joppa Road, east of Fairmount Avenue, in the Towson area of Baltimore County. Variance relief is requested from Section 409.8 of the *Baltimore County Zoning Regulations*, the *Baltimore County Landscape Manual*, and the *Baltimore County Comprehensive Manual of Development Policies* to permit a 2 foot setback between parking areas and existing property lines in lieu of the 10 feet required and a variance from BCZR Section 409.8.B.2.c to permit a dumpster to be located in a portion of the subject property zoned residentially. The Petitioner has also filed a Petition for Special Hearing to approve, pursuant to BCZR Section 409.8.B business parking in a residential zone and to amend the site plan approved in zoning Case No. 83-74-X. All of the requested relief is more particularly shown on the Plat to accompany the zoning Petitions filed in this case, submitted as Petitioner's Exhibit 1. Appearing at the public hearing held on these Petitions was Thomas J. Hoff, the landscape architect who prepared and sealed the Plat to accompany the zoning Petitions and Mr.

Douglas Turner, an authorized member of Hogg Properties, LLC, Petitioner in this matter. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. Also in attendance was J. Carroll Holzer, Esquire and Mr. John Coyle, both of whom are owners of property which adjoin the subject property. There were no other Protestants present.

AMK
This matter was previously called for hearing at which time the hearing was suspended to permit the Petitioner and the adjoining property owners to continue their negotiations regarding the requested relief. ^{NO} ~~This hearing was rescheduled upon the undersigned Deputy Zoning Commissioner receiving notice from the Petitioner~~ ^{given} that a Development Agreement had been executed between the Petitioner and Mr. Holzer (the "Development Agreement") *and Mr. Coyle, the other attending party was in agreement with the proposal.* As noted previously, this request comes before the Deputy Zoning Commissioner for a Special Hearing to permit business parking to be located in a residential zone and to approve an amendment to the site plan approved in a prior zoning case, as well as variance relief necessary to permit some of the proposed parking to be located within two (2) feet of the property line of the subject property and to permit the existing dumpster to be located in the portion of the subject property which is presently zoned residentially. The subject property is comprised of five (5) separate parcels which contain a variety of zoning classifications. Approximately .53 acres of the subject property is zoned OR-2; approximately .84 acres is zoned RAE-2; approximately 0.19 acres is zoned DR-10.5; and the remainder, approximately 0.06 acres of the subject property is presently zoned RO.

In support of the zoning variance and Special Hearing relief requested, evidence and testimony were proffered by Mr. Alderman on behalf of Mr. Hoff, who prepared the plat, and Mr. Turner, a representative of the Petitioner. The proffered testimony indicated that the property is

located at the corner of East Joppa Road and Fairmount Avenue and is irregularly shaped. The approximate size of the subject property is 1.62 acres and a portion of the area zoned RAE-2 is presently improved with an office building containing approximately 30,400 sq. ft. The proffered evidence shows clearly that the Petitioner neither built the existing office building, nor did the Petitioner establish the lot lines of the parcels which, together, comprise the subject property. The testimony offered indicates that additional parking is necessary for the existing use of the current office building as well as Petitioner's proposed expansion thereof. As shown on Petitioner's Exhibit No. 1, the Petitioner is proposing a total of 151 parking spaces through expansion of presently unimproved areas of the subject property. A portion of the existing parking, currently located under the existing office building is proposed for relocation elsewhere on the site and the area under the building will be built out for office and related uses.

Presently, the existing office building is accessed by a single means of ingress and egress from East Joppa Road. The Petitioner proposes to provide an additional entrance from Fairmount Avenue consistent with the location shown on Petitioner's Exhibit 1, which testimony indicated is consistent with County policy and regulation.

As to the Special Hearing relief requested, the testimony indicated that pursuant to the existing zoning classifications attached to the subject property, there are no business or manufacturing zoned areas available for commercial parking; therefore, the Petitioner has sought approval for business parking in the otherwise residentially zoned portions of the Property. Testimony indicated that the residentially zoned land proposed for business parking is part of the subject property and that the parking that will occur will be limited to passenger vehicles and that there will be no loading or service parking spots located within the residentially zoned areas.

As described above, the Petitioner is seeking variance relief to permit the proposed parking areas to be set back from existing property lines a total of 2 feet in lieu of the 10 feet otherwise required and to permit a dumpster to be located in the residentially zoned portion of the subject property. The proffered testimony and Petitioner's Exhibit No.1 shows clearly that the subject property is irregularly shaped with a majority of the property being comprised of a long, very narrow lot. The proposed parking, as more particularly shown on Petitioner's Exhibit No. 1, is located to the west, on the north and south sides of the Coyle property, as well as to the south and west of the existing Macadam parking, portions of which adjoin the property owned by Mr. Holzer. The testimony proffered indicated that the proposed parking spaces and drive aisles have been designed to meet minimum Baltimore County size and locational requirements and that absent the requested 2 foot setback variance between parking areas and existing property lines, the Petitioner would suffer practical difficulty and unnecessary hardship due to the loss of a substantial number of those parking spaces proposed.

In order to construct the parking spaces and drive aisles in accordance with current County regulations and requirements, the existing location of the commercial dumpster on the subject property is proposed for relocation further to the west, south of the Coyle property. As noted above, there are no areas of the subject property that are classified at present with either a commercial or business classification. Therefore, in order to maintain the existing, required dumpster anywhere on the subject property would require a variance from the Baltimore County Zoning Regulations. The Petitioner provided testimony and evidence that the proposed location of the commercial dumpster would be adequately screened so as to avoid any visual impact and the Petitioner further agreed to limit the hours during which the dumpster would be serviced or emptied, saving and

excepting extraordinary situations.

The Petitioner has agreed to provide to Mr. Holzer, during the period of time that Mr. Holzer owns the property at 508 Fairmount Avenue (the "Holzer Property"), the exclusive use of two (2) of the proposed parking spaces to be constructed by the Petitioner. Pursuant to the Development Agreement between the Petitioner and Mr. Holzer, upon the sale of the Holzer Property, the transfer of Mr. Holzer's interest in the Holzer Property or the death of Mr. Holzer, the right of use of these two spaces shall be extinguished immediately.

Proffered testimony indicated that the Petitioner had no role in defining the existing property lines of the subject property into the narrow, irregular configuration shown on Petitioner's Exhibit No. 1. The Petitioner's testimony showed clearly that the existing shape and configuration of the subject property, as well as its location and physical site constraints make it unique from all other properties in the immediate area. This uniqueness, as proffered by the Petitioner, renders the variance relief peculiar to the land, buildings and proposed parking on the subject property. Therefore, it is clear to this Deputy Commissioner from the testimony offered that strict compliance with the zoning regulations would be unnecessarily burdensome on the Petitioner and would result in a continuation of insufficient parking for the existing office building and would perpetuate an undesirable condition regarding ingress and egress to the subject property and the improvements located thereon. Upon consideration of the testimony and evidence presented, this Deputy Commissioner finds that the granting of the requested variance relief would do substantial to the Petitioner, as well as other property owners in the district within the spirit and intent of the Baltimore County Zoning Regulations, without impact on the public health or welfare. Additionally, this Deputy Commissioner finds that based upon the unique characteristics of the subject property, strict

COPIES RECEIVED FOR FILING
Date 9/11/00
By J.R. Gennaro

compliance with the BCZR would unreasonably prevent use of that property for its permitted purposes as set forth by the Baltimore County Council. I further find that the variance relief, as conditioned and limited below, is the minimum relief necessary to do substantial justice to the Petitioner as well as other property owners in the district.

THEREFORE, IT IS ORDERED by the Deputy Commissioner for Baltimore County this 11th day of September, 2000 that the Petition for Special Hearing to permit business parking in a residential zone pursuant to BCZR Section 409.8.B and to amend the site plan in Case No. 83-74-X consistent with Petitioner's Exhibit 1 are hereby GRANTED subject to the conditions and restrictions set forth below; and

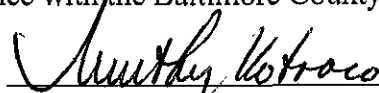
IT IS FURTHER ORDERED that the Petition for the Variance from BCZR Section 409.8, the Baltimore County Landscape Manual and the Baltimore County Comprehensive Manual of Development Policies to permit a 2 foot setback between parking areas and existing property lines in lieu of the 10 feet required and from BCZR Section 409.8.B.2.c to permit the existing dumpster to be located in a residentially zoned portion of the subject property, all as more particularly shown on Petitioner's Exhibit No. 1, is hereby GRANTED, subject to the conditions and restrictions below.

The Special Hearing and Variance Relief granted hereby is subject to the following conditions and restrictions which are conditions precedent to the relief granted herein:

1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from the date of this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning the subject property to its original condition.
2. In accordance with the detail shown on Petitioner's Exhibit No. 1, the Petitioner shall construct along a portion of the south and west sides of the subject property and the north and east sides of the Holzer Property, a solid wooden fence, 6 ft. in height, the design of which is to be reviewed with J. Carroll Holzer prior to its installation.

ORDER RECEIVED FOR FILING
Date 9/11/00
By J. P. Gannon

3. The Petitioner shall plant, within the areas shown and labeled as "proposed low evergreen shrub", evergreen shrubs on the Holzer side of the fence to be constructed, with such evergreen shrubs to be maintained after planting by Holzer.
4. Within the area shown and labeled as "NO BLDG. CONSTRUCTION OR LIGHT POLE IN THIS AREA" on Petitioner's Exhibit No. 1, the Petitioner shall not permit any building construction, light pole erection or dumpsters to be located within said area.
5. The hours of emptying of the dumpster in the location shown on Petitioner's Exhibit No. 1, saving and excepting occasional and extraordinary circumstances, shall be limited to the period from 8:00 a.m. until 7:00 p.m.
6. Enumerated conditions 2 through and including 5 above, shall remain in effect and enforceable so long as J. Carroll Holzer owns the property at 508 Fairmount Avenue. At the earlier to occur of (i) the sale, transfer or assignment by Mr. Holzer of the Holzer Property and/or his interest therein; or (ii) the death of Mr. Holzer, said conditions shall become null and void automatically without the necessity of any further hearing.
7. The Development Agreement defined above, a copy of which is attached hereto as Petitioner's Exhibit No. 2, is **during the time that J. Carroll Holzer owns the property at 508 Fairmount Avenue**, incorporated herein and enforceable as part of this Order. At the earlier to occur of (i) the sale, transfer or assignment by Mr. Holzer of the Property and/or his interest therein; or (ii) the death of Mr. Holzer, said incorporation of Petitioner's Exhibit No. 2, the Development Agreement, and its enforcement hereunder shall become null and void automatically without the necessity of any further hearing.
8. The Petitioner shall install landscaping as shown and delineated on Petitioner's Exhibit No. 1 and in accordance with the Baltimore County Landscape Manual.

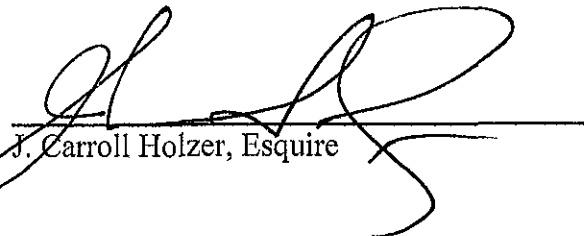


Timothy M. Kotroco

Deputy Zoning Commissioner for Baltimore County

Approved as to Form:


Howard L. Alderman, Jr., Esquire
Counsel to Petitioner


J. Carroll Holzer, Esquire



Baltimore County
Zoning Commissioner

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

September 11, 2000

Howard L. Alderman, Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Re: Petition for Special Hearing & Variance
Case No 00-305-SPHA
Property: 405 E. Joppa Road/510-514 & 518 Fairmount Avenue

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Requests for Special Hearing and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. John J. Coyle, Sr.
516 Fairmount Avenue
Towson, Maryland 21286

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

405 East Joppa Road and
for the property located at 510-514 & 518 Fairmount Avenue
which is presently zoned OR-2; RO; RAE-2 &
DR 10.5

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 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 the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr.
Name - Type or Print
Signature
Levin & Gann, P.A., Suite 113
Company
305 W. Chesapeake Avenue 410-321-0600
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Legal Owner(s):

HOGG PROPERTIES, LLC
Name - Type or Print
By: Signature
JAMES W. HOGG, Authorized Member
Name - Type or Print
Signature
405 East Joppa Road, Suite 300 410-494-1777
Address Telephone No.
Towson Maryland 21286
City State Zip Code

Representative to be Contacted:

Thomas J. Hoff, RLA
Name
410-648-6318 - 116417
406 E. Pennsylvania Avenue 410-296-3668 1741
Address Telephone No.
Towson Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 1/24/00

Case No. 00-305-SHA

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: _____

Address: 405 East Joppa Road; 510-514 & 518 Fairmount Avenue

Legal Owners: Hogg Properties, LLC

Present Zoning: RO; OR-2; RAE-2; DR10.5

REQUESTED RELIEF:

Special Hearing to: i) approve, pursuant to BCZR § 409.8.B to permit business parking in a residential zone; and ii) amend the site plan in Case No. 83-74-X, consistent with the Plat to accompany this Petition.

FOR ADDITIONAL INFORMATION CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderma@bcpl.net



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 405 E. Joppa Road & 510-514 & 518
Fairmount Avenue which is presently zoned OR-2; RO; RAE-2 &
DR 10.5

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)

See Attached

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr.

Name - Type or Print

City

Signature

Leyin & Gann, P.A., Suite 113

Company

305 W. Chesapeake Avenue

410-321-0600

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

HOGG PROPERTIES, LLC

Name - Type or Print

By:

Signature

JAMES W. HOGG,

Authorized Member

Name - Type or Print

Signature

405 East Joppa Road, Suite 300

410-494-1777

Address

Telephone No.

Towson

Maryland

21286

City

State

Zip Code

Representative to be Contacted:

Thomas J. Hoff, RLA

Name

410-668-6318 sup.

406 E. Pennsylvania Avenue

410-296-3668 day

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

BR

Date

1/24/00

Case No. 00-305-5814A

Attachment 1

PETITION FOR VARIANCE

CASE NO: _____

Address: 405 East Joppa Road; 510-514 & 518 Fairmount Avenue

Legal Owners: Hogg Properties, LLC

Present Zoning: RO; OR-2; RAE-2; DR10.5

REQUESTED RELIEF:

A variance from BCZR § 409.8, the *Baltimore County Landscape Manual* and the *Baltimore County Comprehensive Manual of Development Policies* to permit a two foot setback between parking areas and existing property lines in lieu of the ten feet required; and

A variance from BCZR § 409.8.B.2.c to permit a dumpster to be located in a portion of the subject property zoned residentially, all as shown more particularly on the Plat to accompany this Petition.

JUSTIFICATION:

1. The topography of the site and the long, narrow and irregular configuration of the existing property boundaries;
2. The existing uses on adjoining properties;
3. The corner configuration of the existing property; and
4. For such further reasons as will be presented at the time of the hearing held on this petition.

FOR ADDITIONAL INFORMATION CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderma@bcpl.net

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

January 19, 2000

Description One, 405 East Joppa Road, to Accompany Petition for Special Hearing to amend the Special Exception and Variances.

BEGINNING FOR THE SAME at a point on the south R/W line of East Joppa Road, being South 55 degrees 28 minutes 06 seconds East 172.44 feet more or less from the intersection of the centerlines of East Joppa Road and Fairmount Avenue. Said point having coordinates of North 632,101.93, East 1,426,607.37

Thence binding on south side of East Joppa Road,

1) Northeasterly by a curve to the right having a radius of 160.00 feet for a distance of 31.00 feet, said curve being subtended by a chord bearing North 87 degrees 09 minutes 24 seconds East 30.94 feet,

2) South 73 degrees 27 minutes 41 seconds East 30.50 feet,

3) South 74 degrees 47 minutes 37 seconds East 60.01 feet,

Thence leaving the south side of East Joppa Road,

4) South 14 degrees 26 minutes 33 seconds West 273.1 feet,

Thence binding on the RAE-2 zoning line,

5) North 70 degrees 07 minutes 38 seconds West 60.3 feet,

6) North 14 degrees 24 minutes 45 seconds East 15.86 feet,

7) North 73 degrees 20 minutes 48 seconds West 60.24 feet,

8) North 14 degrees 28 minutes 18 seconds East 104.39 feet,

Thence leaving the RAE-2 zoning line and binding on the property line,

9) North 75 degrees 46 minutes 52 seconds West 101.13 feet to the east side of Fairmount Avenue,

Thence binding on the east side of Fairmount Avenue,

10) Northeasterly by a curve to the right having a radius of 160.00 feet for a distance of 59.14 feet, said curve being subtended by a chord bearing North 28 degrees 27 minutes 19 seconds East 58.81 feet,

11) Thence leaving the east side of Fairmount Avenue,

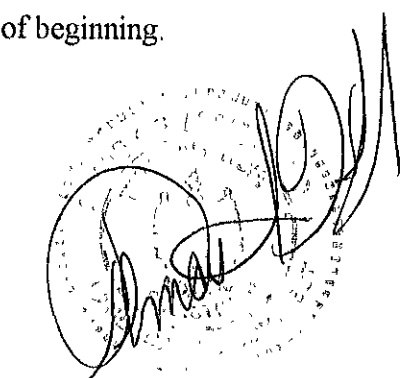
12) South 75 degrees 46 minutes 52 seconds East 86.92 feet,

13) North 14 degrees 28 minutes 18 seconds East 80.55 feet to the place of beginning.

Containing 0.84 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

A handwritten signature in dark ink is written over a circular official stamp. The stamp contains text that is partially obscured by the signature but appears to include 'TOWSON, MD' and 'JAN 19 2000'.

00-305-SPHA

305

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD, 21204
410-296-3668
FAX 410-296-5326

January 19, 2000

Description Two, 405 East Joppa Road, to Accompany Petition for Special Hearing to permit Commercial Parking in a Residential Zone and Variances.

BEGINNING FOR THE SAME at a point on the east R/W line of Fairmount Avenue, being South 01 degrees 17 minutes 53 seconds West 261.02 feet more or less from the intersection of the centerlines of East Joppa Road and Fairmount Avenue. Said point having coordinates of North 631,938.73, East 1,426,459.39

Thence binding on the east side Fairmount Avenue,

1) South 13 degrees 54 minutes 41 seconds West 153.75 feet,

Thence leaving the east side of Fairmount Avenue,

2) South 74 degrees 16 minutes 42 seconds East 100.65 feet,

3) South 14 degrees 38 minutes 28 seconds West 50.52 feet,

4) South 73 degrees 26 minutes 22 seconds East 60.70 feet,

5) South 74 degrees 42 minutes 01 seconds East 60.10 feet,

6) North 14 degrees 26 minutes 33 seconds East 138.79 feet,

Thence binding on the RAE-2 zoning line,

7) North 70 degrees 07 minutes 38 seconds West 60.3 feet,

8) North 14 degrees 24 minutes 45 seconds East 15.86 feet,

9) North 73 degrees 20 minutes 48 seconds West 60.24 feet,

10) North 14 degrees 28 minutes 18 seconds East 47.39 feet,

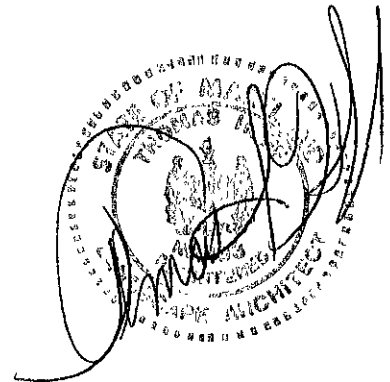
Thence leaving the RAE-2 zoning line and binding on the property line,

11) North 75 degrees 46 minutes 52 seconds West 102.50 feet to the place of beginning.

Containing 0.78 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



00-305-SPHA

305-

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: #00-305-SPHA

405 East Joppa Road and 510-514, 418 Fairmount Ave.

E/S Fairmount Avenue, 300' N of Pennsylvania Avenue

9th Election District - 6th Councilmanic District

Legal Owner(s): Hogg Properties LLC

Special Hearing: to permit business parking in a residential zone and to amend the site plan in case number 83-74-X.

Variance: to permit a 2-foot setback between parking areas and existing property lines in lieu of the 10 feet required; and to permit a dumpster to be located in a portion of the subject property zoned residential.

Hearing: Friday, March 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.

2/17/4 Feb. 17

C370143

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/17, 2000

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 2/17, 2000.

S. Williams
THE JEFFERSONIAN,

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 077961

DATE 1/24/00 ACCOUNT Fund 2150
AMOUNT \$ 500.00

RECEIVED FROM: Police Dept.

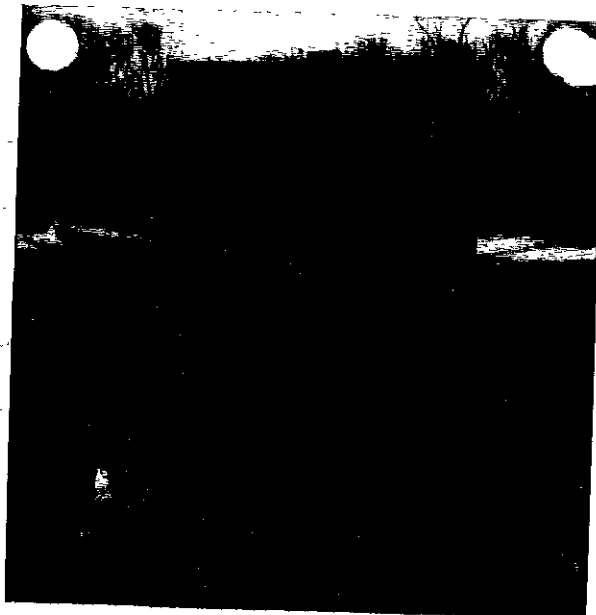
FOR: Police Dept. Vehicle

Police Dept. Special Agent

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

00-305-SPHA

CASHIER'S VALIDATION



FAIRMONT AVE.

CERTIFICATE OF POSTING

**RE: CASE # 00-305-SPHA
PETITIONER/DEVELOPER
(Hogg Properties, LLC)
DATE OF Hearing
(3-3-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

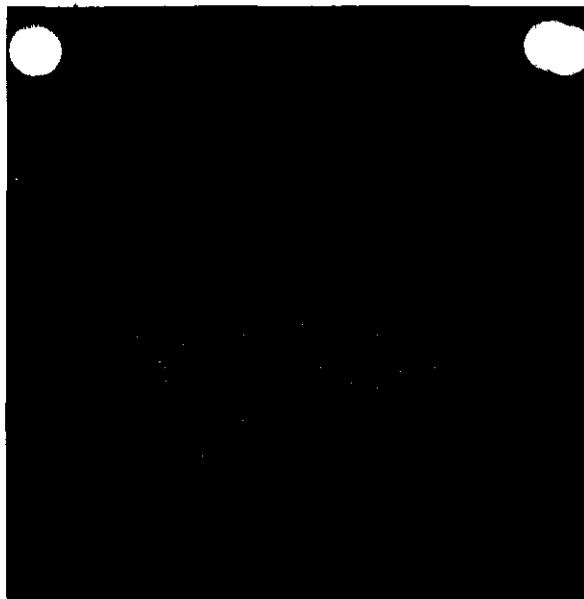
ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

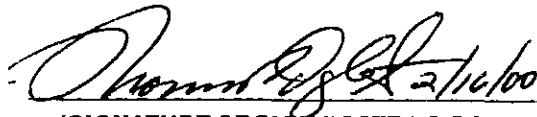
**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

405 East Joppa Road & 510-514, 418 Fairmont Ave. Towson, Maryland 21286_____

THE SIGN(S) WERE POSTED ON_____ 2-16-00 _____
(MONTH, DAY, YEAR)



SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

**_____
THOMAS P. OGLE SR.**

**_____
325 NICHOLSON ROAD**

**_____
BALTIMORE, MARYLAND 21221**

**_____
410-687-8405
(TELEPHONE NUMBER)**

Joppa Road

**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: 00-305-SPH A

Petitioner: HOGG PROPERTIES, LLC

Address or Location: 405 E. JOPPA RD. TOWSON, MD. 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: HOGG CONSTRUCTION, INC.

Address: 405 E. JOPPA RD. SUITE 300
TOWSON, MD. 21204

Telephone Number: 410-494-1777



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

February 7, 2000

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: 00-305-SPHA

405 East Joppa Road and 510-514, 418 Fairmount Avenue
E/S Fairmount Avenue, 300' N of Pennsylvania Avenue
9th Election District – 6th Councilmanic District
Legal Owner: Hogg Properties, LLC

Special Hearing to permit business parking in a residential zone and to amend the site plan in case number 83-74-X. Variance to permit a 2-foot setback between parking areas and existing property lines in lieu of the 10 feet required; and to permit a dumpster to be located in a portion of the subject property zoned residential.

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

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Howard Alderman, Jr., Esq., 305 W Chesapeake Ave., Suite 113, Towson 21204
Hogg Properties, 405 E. Joppa Road, Suite 300, Towson 21286
Thomas Hoff, 406 E. Pennsylvania Ave., Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 17, 2000.**
(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, February 17, 2000 Issue – Jeffersonian

Please forward billing to:

Hogg Construction, Inc. 410-494-1777
405 E. Joppa Road
Suite 300
Towson, MD 21204

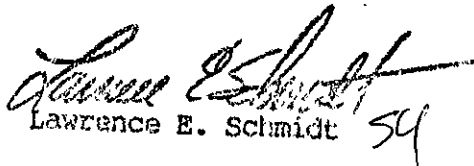
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HEARING: Friday, March 3, 2000 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt 54

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.
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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

February 25, 2000

Mr. Howard L. Alderman, Esq.
Levin & Gann PA
305 W. Chesapeake Avenue, Suite 113
Towson MD 21204

Dear Mr. Alderman, Esq.:

RE: Case Number 00-305-SPHA., 405 E. Joppa Rd/510-514 & 518 Fairmount Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2000.

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,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



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: February 18, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
 for February 14, 2000
 Item Nos. (305) 306, 307, 308, 309,
 310, 311, and 312

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

February 15, 2000

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

RECEIVED FEB 25 2000

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF February 7, 2000

Item No.: See Below

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

(305), 306, 307, 308, 310, 311, 312,

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *AC for RBS*

DATE: February 18, 2000

SUBJECT: Zoning Item #305
405 East Joppa Road; 510-514 Fairmount Avenue
Hogg Properties, LLC

Zoning Advisory Committee Meeting of February 7, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X_____ Development of this property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 14-331 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-442 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Betty Kelley

Date: February 14, 2000

RECEIVED

FEB 18 2000

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 4, 2000

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - LB
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 305
PETITIONER: Hogg Properties, LLC

VIOLATION CASE NO.: 99-5290

LOCATION OF VIOLATION: E/S Fairmount Ave., 300 feet N of Pennsylvania
Ave. (510-514 and 518 Fairmount Avenue)

DEFENDANT(S): Hogg Properties, LLC

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Rebecca Smoyer

2926 Ohio Avenue
Baltimore, MD 21227

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/lb/lmh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 23, 2000

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

SUBJECT: 405 East Joppa Road, 510-514 and 518 Fairmount Avenue

INFORMATION:

Item Number: 00-305-SPHA
Petitioner: Hogg Properties, LLC
Property Size: 1.62 acres
Zoning: OR-2, R.A.E-2. , DR 10.5, RO
Requested Action: Petition for Special Hearing, Variance
Hearing Date: March 3, 2000

REQUEST:

The petition for the Special Hearing being requested in this case seeks approval pursuant to Section 409.8.B, for parking in a residential zone; and to amend the site plan in Case Number 83-74-X. The accompanying variance is from Section 409.8 of the BCZR to permit a two foot setback between parking areas and existing property lines in lieu of the ten feet required, and from Section 409.8.B.2.c to permit a dumpster to be located on a portion of the subject property zoned RO.

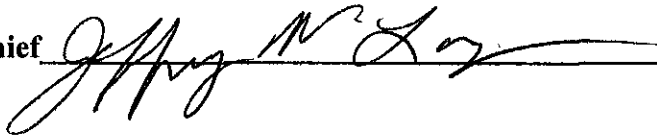
The subject properties are contiguous parcels located at the southeast corner of Joppa Road and Fairmount Avenue. The Towson Community Plan, adopted by County Council in 1992 designates their land use as Urban Center/Employment Area. A portion of the property is improved with a three-story, 30,000+ square foot office building. In addition to the subject request, the property is the subject of CZMP 2000 Issue 4-059. The CZMP request is to change the zoning of all of the parcels from their current zoning classifications to OR-2.

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, the Office of Planning recommends the following:

1. Delete the ten parking spaces located on the western edge of the site in the area zoned R.A.E.-2 and the five parking spaces in the area zoned RO. The addition of these spaces is not in keeping with the residential character of the Fairmount Avenue streetscape, which has already been substantially eroded by the random demolition of structures once facing the street edge. Additionally, these fifteen spaces substantially affect the viability of the residence/photography studio currently located at 516 Fairmount Avenue. The accessible parking spaces could be moved to the area designated for compact vehicle parking. It is important to note that the applicant's plan indicates an additional 51 parking spaces will be provided over which the BCZR requires.
2. Relocate the dumpster to another location such that it does not adversely affect the residence located at 516 Fairmount Avenue.
3. Provide a landscape plan/screening plan to the Office of Planning for review and approval.

Section Chief



LH:lsn



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 2.7.00

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

RE: Baltimore County
Item No. 305 BR

RECEIVED FEB 08 2000

Dear Ms Stephens:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

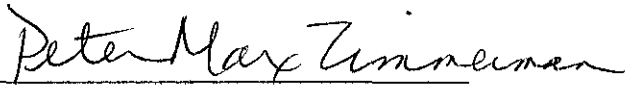
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

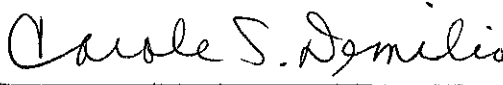
RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
405 E. Joppa Road and 510-14, 518 Fairmount Avenue,	*	ZONING COMMISSIONER
E/S Fairmount Ave, 300' N of Pennsylvania Ave	*	
9th Election District, 6th Councilmanic	*	FOR
Legal Owner: Hogg Properties	*	BALTIMORE COUNTY
Petitioner(s)	*	Case No. 00-305-SPHA

* * * * *

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
 Old Courthouse, Room 47
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 2000 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).


 PETER MAX ZIMMERMAN



2/14/00
ag
SJ

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

February 10, 2000

#

Arnold Jablon
Director of Dept. of Permits
and Development Management
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Case No. 00-305-SPHA
Hogg Properties, LLC
405 E. Joppa Road and
510-514 Fairmount Ave.
6th Councilmanic District

Dear Mr. Jablon:

I have been advised that the above captioned case has been filed by Hogg Properties, LLC for a Special Hearing to amend the site plan in Case 83-74-X and for a Variance.

Please enter my appearance on behalf of Holzer & Lee, 508 Fairmount Ave., Towson, Maryland 21286 and so note in the file that I will be counsel of record.

I would appreciate being notified of the proposed hearing date in this matter. Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "JCH", written over a horizontal line.

J. Carroll Holzer

cc: Larry Schmidt, Zoning Commissioner
Howard Alderman, Esq.

Sent copy of
hearing notice
2/15/00

RECEIVED

00-332

FEB 11 2000

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
halderman@levinGann.com

AUG 29

August 28, 2000

HAND DELIVERED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, MD 21204

John Coyle
825-6858

RE: Hogg Properties, LLC
405 East Joppa Road/510-514 & 518 Fairmount Avenue
Case No. 00-305-SPHA

Dear Mr. Kotroco:

I am enclosing a proposed Order, approved by both Mr. Holzer and myself, for your consideration in the above-referenced case. You will recall that, at the last hearing, Mr. Holzer and my clients have entered into a joint agreement, a copy of which is incorporated into the enclosed Order.

Upon your receipt of the proposed Order and the joint agreement (identified and referred to as "Petitioner's Exhibit No. 2), please call me with any questions. Also, if the Order is acceptable, I would appreciate it if you would please call me when I can obtain a signed copy.

Thank you for your cooperation in this regard.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
Enclosure
c: J. Carroll Holzer, Esquire
Hogg Properties, LLC

Please note that effective September 01, 2000, we will be relocating to 502 Washington Avenue, 8th Floor, Towson, Maryland 21204.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DOUGLAS S. TURNER

405 E. Joppa Rd, Suite 700 / 21286

JAMES L. ROLL

405 E. Joppa Rd, Suite 700 / 21286

THOMAS J. HOFF

406 W. PENNSYLVANIA AVE. 21204

Howard L. Alderman Jr Esquire

305 W. Chesapeake Ave #113 Towson MD 21204



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

J. Carroll Holzer
John J. Coyle Sr.
CASSANDRA HERMAN COYLE

508 Fairmont Ave
Towson Md 21286
516 Fairmont Ave
Towson Md 21286

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is entered into as of the 30th day of June, 2000, by and among HOGG PROPERTIES, LLC, a Maryland limited liability company, and its successors and assigns (hereinafter "Hogg"); and J. CARROLL HOLZER (hereinafter "Holzer").

RECITALS

A. Hogg is the owner of certain parcels of land located on the south side of East Joppa Road and east side of Fairmount Avenue, in the Ninth (9th) election district and Fourth (4th) councilmanic district of Baltimore County, Maryland, by virtue of the following deeds: i) a deed dated August 13, 1999 and recorded among the Land Records of Baltimore County in Liber 14027, folio 577; and ii) a deed dated April 30, 1999 and recorded among the Land Records of Baltimore County in Liber 13732, folio 562, being otherwise known and identified as 405 East Joppa Road and 510-514 Fairmount Avenue (the "Hogg Property"). If Hogg is successful in purchasing, within twenty-one (21) years of the date of this Agreement, the property located on Fairmount Avenue currently identified as Parcel No. 569 [presently owned by John Coyle *et al* and being otherwise identified as 516 Fairmount Avenue] shall become for purposes of this Agreement part of and incorporated into the Hogg Property as that term is used hereinafter.

B. Holzer, pursuant to a deed, dated July 31, 1998 and recorded among the Land Records of Baltimore County in Liber 13052, folio 0621, is the owner of that parcel of land, located on the east side of Fairmount Avenue, in the Ninth (9th) election district and Fourth (4th) councilmanic district of Baltimore County, Maryland, which adjoins on two sides the Hogg Property and which



ORDER RECEIVED FOR FILING

Date 9/1/00
By R. Jamison

is otherwise known and identified as 508 Fairmount Avenue (the "Holzer Property").

C. The Holzer Property is presently improved with a single structure in which are located the residence and the professional law offices of Holzer, together with certain support uses, including without limitation a parking area.

D. A portion of the Hogg Property is presently improved with an office building and associated parking and support areas, including without limitation a commercial dumpster location and vehicle parking under a portion of the existing office building.

E. The Hogg Property is, pursuant to the *Baltimore County Zoning Regulations*, presently classified as lying within four separate zoning classifications, including at least one residential classification.

F. Hogg is seeking to improve, at present, portions of the Hogg Property as follows: i) complete buildout of the existing improvements on the Hogg Property; and ii) the construction of a surface parking lot, with certain, required lighting, dumpster relocation and entranceway improvements, without jeopardizing or limiting the future improvement of the Hogg Property except as otherwise provided herein.

G. Hogg has filed, relative to the Hogg Property, certain zoning petitions seeking approval from the Zoning Commissioner of Baltimore County: i) variance relief to alter setback requirements for surface parking and dumpster location; and ii) special hearing relief to permit business/commercial parking within residentially zoned portions of the Hogg Property and an amendment to a prior approved site plan for a portion of the Hogg Property, said zoning petitions having been docketed as Case No. 00-305-SPHA (the "Zoning Case").

COPY RECEIVED FOR FILING
Date 9/14/00
By R. J. [Signature]

H. Hogg has filed during the *2000 Baltimore County Comprehensive Zoning Process*, an application to change the zoning classifications of the Hogg Property, said application being otherwise known as Issue No. 4-059 (the "Rezoning Application").

I. Holzer has certain concerns regarding the Zoning Case, the Rezoning Application and the present and future use of the Holzer Property as it may be affected by any improvements, present and/or future, on the Hogg Property.

J. Hogg, in recognition of the concerns of the concerns of Holzer is willing to place certain restrictions on the Hogg Property in return for no opposition, either directly or indirectly by Holzer of the Zoning Case and the Rezoning Application.

K. It is intended by the parties hereto that the covenants, restrictions and conditions contained in this Agreement and the attachments hereto shall be: i) binding and fully effective on the Hogg Property upon the conditions hereinafter set forth; ii) binding on Hogg and its successors and assigns of Hogg for the period of time that Holzer owns the Holzer Property; and iii) recorded among the Land Records of Baltimore County at Hogg's expense as a covenant running with the land only for the period of time that Holzer owns the Holzer Property.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual agreements and understandings herein contained, and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

1. The above Recitals are incorporated herein as if set forth again in their entirety.
2. Hogg has caused to be prepared, by Thomas J. Hoff, Inc., a drawing which outlines

COPY RECEIVED FOR FILING
Date 9/11/00
By: J.P. Johnson

the Hogg Property and the Holzer Property, showing presently existing improvements, presently proposed improvements, proposed landscaping and a certain restriction area, said drawing attached hereto and incorporated herein as Exhibit "A".

3. In return for the agreements of Holzer described herein and provided that Holzer is not in breach of any portion of this Agreement, Hogg agrees, as part of the construction of the presently proposed parking area on the Hogg Property to:

3.1. Construct two (2) parking spaces for Holzer's exclusive use during the period of time that Holzer owns the Holzer Property and erect wheel stops in the location and dimensions shown on Exhibit A within the area identified as "PARKING AREA EASEMENT FROM HOGG CONSTRUCTION TO CARROLL HOLZER" (the "Holzer Spaces") and to dedicate to Holzer, only for the period that Holzer owns the Holzer Property, an exclusive easement of the Holzer Spaces;

3.2. Construct on a portion of the south and west sides of the Hogg Property and on the north and east side of the Holzer Spaces a solid wooden fence, six feet in height, as shown and labeled on Exhibit "A" "PROP. 6' HIGH WOOD SCREEN FENCE", the design of which is to be reviewed with Holzer prior to its installation;

3.3. Plant, within the area shown and labeled as "PROPOSED LOW EVERGREEN SHRUB" evergreen shrubs on the Holzer side of the Wooden Fence, to be maintained after planting by Holzer, with Holzer as assignee of Hogg's landscape material guarantee, if any;

3.4. Restrict from building construction, dumpster location and light pole erection, that portion of the Hogg Property shown and labeled on Exhibit "A" as "NO BLDG.

CONSTRUCTION OR LIGHT POLE IN THIS AREA"; and

3.5. Hogg agrees to limit the hours of the emptying of the dumpster on the Hogg Property, saving and excepting occasional and extraordinary circumstances, to the period from 8:00 a.m. until 7:00 p.m.

4. The improvements, landscaping and restrictions contained in Section 3 hereof shall be effective only during the period of time that Holzer owns the Holzer Property and, upon the sale, transfer or assignment of the Holzer Property or the death of Holzer, this entire Agreement, including without limitation the restrictions contained herein, shall automatically become null and void and of no further effect and thereafter shall in no way impose any obligation, restriction or other limitation on the Hogg Property

5. Provided that Hogg is not in breach of any part of this Agreement, Holzer agrees not to oppose, either directly or indirectly, the Zoning Case, the Rezoning Application or any future approval, construction or improvement on the Hogg Property.

6. If the Zoning Case is approved as proposed and in accordance with this Agreement, the parties hereto waive irrevocably the right to appeal any and all present and future approvals necessary for the development, construction and improvement of the Hogg Property in accordance with the conditions and restrictions of this Agreement. If the Zoning Case is approved as proposed and in accordance with this Agreement, and an appeal is taken by other than a party hereto and on appeal the Zoning Case approval is reversed, this Agreement shall automatically terminate and be null and void and of no further force and effect, except for the provision of Section 3.4 hereof which shall remain effective only for the period of time that Holzer owns the Holzer Property.

7. Prior to any party hereto seeking judicial enforcement or enforcement by any governmental agency having jurisdiction hereover, the Hogg or Holzer, as the case may be, shall give the other written notice of the alleged grievance as provided herein. Within fourteen (14) days thereafter, Holzer and representatives of Hogg shall meet to attempt to resolve amicably the alleged non-compliance or grievance. Failure to comply with the dispute resolutions of this enumerated paragraph shall nullify the complaining party's ability to enforce the alleged grievance.

8. The covenants, restrictions and conditions stated herein shall commence from the date of the final, non-appealable approval of the Zoning Case as proposed and shall continue only for so long as Holzer owns the Holzer Property. The parties hereto intend that the provisions of this Agreement shall be incorporated in any final order of the Zoning Commissioner approving the Zoning Case, including without limitation the limit of the restrictions contained herein to the period of time that Holzer owns the Holzer Property.

9. The parties hereto each warrant and represent that they have the power and requisite legal authority to bind themselves, their organization if acting in a representative capacity and their successors and assigns to the covenants and agreements herein contained, and if a corporation, limited liability company, partnership or similar entity, each further warrants and represents that it is duly organized and is in existence in accordance with Maryland law and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents to authorize the execution of this Agreement.

10. This Agreement may be amended by a written instrument executed by Hogg and Holzer.

11. Each of the parties hereto warrant that it or they have carefully read and understand this Agreement, are cognizant of the terms hereof, and have had ample time to consult with legal counsel of their respective choice regarding their respective rights and obligations in connection herewith.

12. Failure, in any instance, to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect. This Agreement, which may be executed in counterparts, contains the entire understanding of the parties hereto. This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective successors and assigns.

13. If, after the dispute resolution provisions contained herein have been complied with any party to this Agreement or any party's successor or assign that is required to institute legal or equitable action, including without limitation an action for injunctive relief, to enforce the terms of this Agreement and is successful in obtaining judgment in favor of its action filed in enforcement of the Agreement, that party shall be entitled to recover reasonable attorney's fees and court costs of the action from the person or entity against whom enforcement is obtained. The provisions of this enumerated paragraph shall not be applicable unless and until the dispute resolution provisions set forth herein have been followed strictly.

COPIES RECEIVED FOR FILING
Date 9/11/00
By R. J. Janssen

14. Notice is required to be given pursuant to this Agreement in writing, and shall be deemed given upon actual receipt and shall be sent to all other parties by certified or registered mail, prepaid, or by federal express or other commercial overnight courier service to the last known address of the receiving party.

15. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, all of which shall together constitute a single and the same Agreement; each counterpart may be signed and transmitted initially by telefacsimile and the facsimile shall be considered as containing original signatures, provided that said counterpart is provided subsequently to each other party in its original form.

16. Any notices required or permitted to be given by either party to the other shall be addressed to the parties as follows:

To Hogg: Hogg Properties, LLC
405 East Joppa Road, Suite 300
Towson, Maryland 21286

To Holzer: J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

Any party hereto may change its address for the service of notice hereunder by delivering written notice of said change to the other parties hereunder, in the manner above specified, ten (10) days prior to the effective date of said change.

17. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of the Agreement or to amend this Agreement as may be required by any governmental agencies having jurisdiction over the Zoning

Case in order to obtain all required approvals required and to otherwise comply with all applicable laws, regulations and codes in keeping with the spirit and intent of this Agreement.

18. The parties hereto agree, without consideration of any conflict of law, that the terms, conditions and obligations contained in this Agreement are to be governed by the laws of the State of Maryland.

19. This Agreement contains the full and complete agreement of the parties hereto and no oral agreements, past, present or future shall be effective or binding on or against the parties unless the same shall be reduced to writing and executed in the same manner as this Agreement. Should any provision(s) of this Agreement require judicial interpretation, it is agreed that the Court interpreting or construing the same shall not apply a presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the parties hereto and their respective agents and/or attorneys have participated in the preparation of this Agreement.

20. Should Hogg be unable to obtain approval from the Zoning Commissioner/Deputy Zoning Commissioner of the Zoning Case as proposed, this Agreement shall terminate and neither party shall have any further obligation to the other, nor shall the Hogg Property be restricted in any manner by virtue of this Agreement, except for the provision of Section 3.4 hereof which shall remain effective only for the period of time that Holzer owns the Holzer Property. .

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Hogg - Holzer Development Agreement 3::June 14, 2000

year first above written.

WITNESS/ATTEST:

HOGG:

HOGG PROPERTIES, LLC, a Maryland limited liability company

By: [Signature] (SEAL)

James W. Hogg
[TYPED/PRINTED NAME]

[POSITION/TITLE]

HOLZER:

Susan A. Buddemeyer

[Signature] (SEAL)
J. Carroll Holzer

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 27th day of June, 2000, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared James Hogg who acknowledged himself to be the Authorized Member of Hogg Properties, LLC, a Maryland limited liability company, one of the parties named herein and that he, as such Authorized Member, being authorized so to do, executed the within instrument on behalf of said company for the purposes herein contained by signing the name of the company by himself as such Authorized Member.

AS WITNESS my Hand and Notarial Seal.

Tamara B. Bissett
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 10, 2004

My Commission Expires:

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 30 day of June, 2000, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared J. Carroll Holzer, who represented himself to be one of the parties named herein and that he affixed his hand and seal hereto the date and year first above written for the purposes herein contained.

AS WITNESS my Hand and Notarial Seal.

Susan A. Buddemeyer
Notary Public

My Commission expires: Jan 1, 2004

Hogg - Holzer Development Agreement 3...June 14, 2000



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION

TOWSON

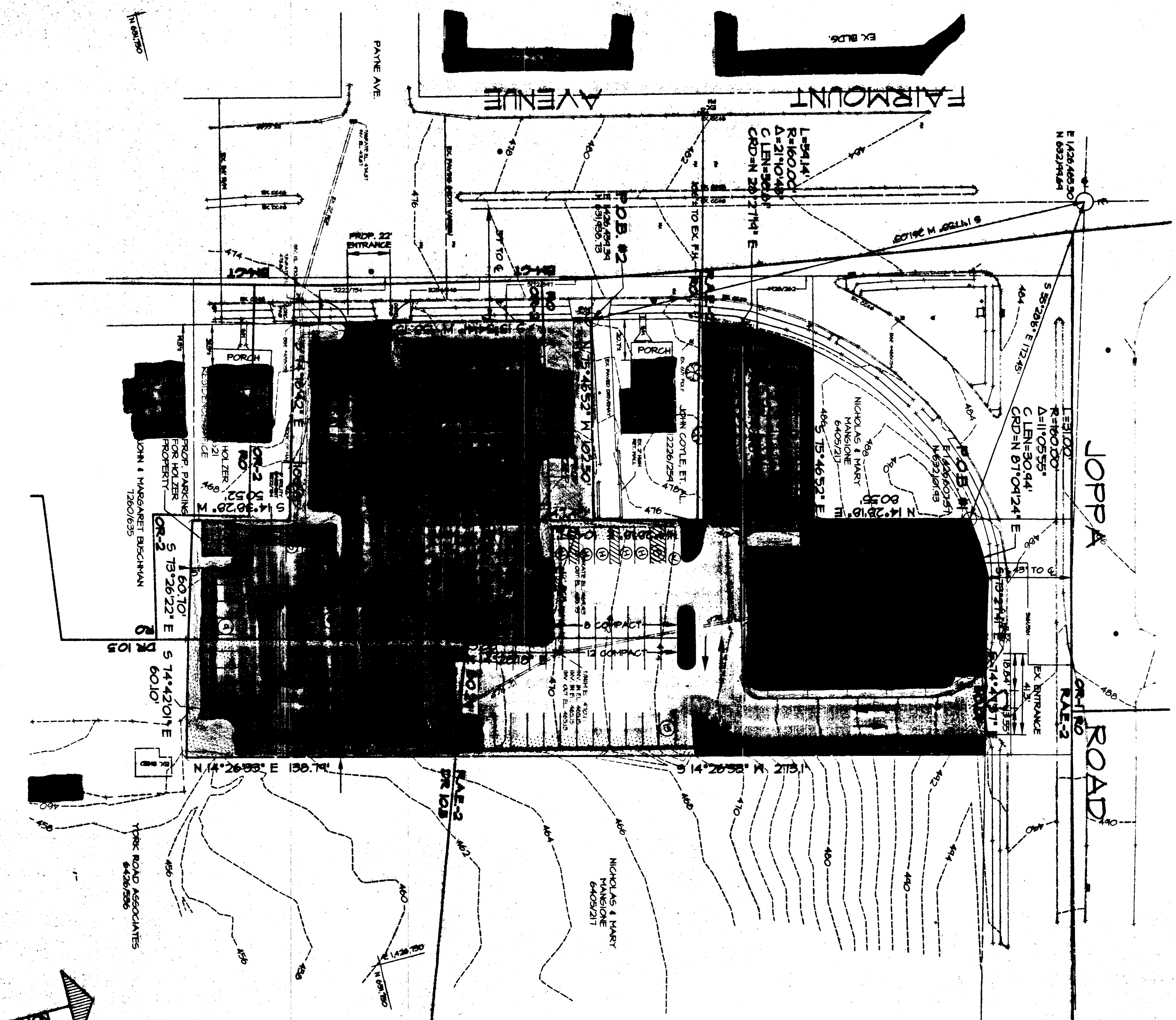
SHEET

N.E.

10-A

00-305-SPHA

305



ZONING HISTORY:

1. THEREFORE IT IS ORDERED BY THE ZONING COMMISSIONER OF BALDWIN COUNTY, THIS 14TH DAY OF JANUARY, 1963, THAT THE PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING CONTAINING OFFICES AND TWO APARTMENTS IN AN RAE-2 ZONE BE GRANTED. THE BUILDING SHALL BE CONSIDERED GRANTED FROM AND AFTER THE DATE OF THIS ORDER, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS:
2. COMPLIANCE WITH THE NOTES CONTAINED ON PETITIONERS' EXHIBIT 1.
3. COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT, THE DEPARTMENT OF TRANSPORTATION, DATED 14-15-63, AND AUGUST 15, 1963 REGARDING THE DIVIDING ISLAND.
4. NO MORE THAN 50% OF THE AVAILABLE OFFICE SPACE SHALL BE RENTED FOR GENERAL OFFICE USE AND THE REMAINING SPACE SHALL BE RENTED TO THE PETITIONER. THE TWO APARTMENTS SHALL BE USED AS RESIDENTIAL HOMES ONLY BY THE PETITIONERS' EMPLOYEES.
5. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITHIN THE BUILDING FOOTPRINT SHOWN ON PETITIONERS' EXHIBIT 1.
6. THE DRAINAGE OF THE REEVEN SPECIAL EXCEPTION IS CONDITIONED UPON THE APPROVAL OF THE DEVELOPMENT PLAN BY THE BALDWIN COUNTY PLANNING BOARD AND THE RECOGNITION OF ITS ALTERNATIVE ACTION AROUND THE HUNTERS' OF THE DEVELOPMENT PLAN SHALL BE SUBSTANTIALLY IN KEEPING WITH THE BOARD'S EXISTING INTERESTS. PETITIONERS' EXHIBIT 1 SHALL BE SUBJECT TO A PUBLIC HEARING FOR THE ADOPTION THEREOF.
7. A REVISED SITE PLAN INCORPORATING THE CONDITIONS AND RESTRICTIONS SET FORTH ABOVE, SHALL BE SUBMITTED FOR APPROVAL BY THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF PLANNING AND DEVELOPMENT. THE PLANS AND SCREENING REQUIRED FOR APPROVAL BY THE CURRENT PLANNING AND DEVELOPMENT DIVISION.
8. **BOARD OF APPEALS.**
9. REVOKED RESTRICTION #5 OF THE ORIGINAL ORDER OF THE ZONING COMMISSIONER ON 1/14/63.

CR6 HISTORY:
CR6 PLAN FOR 4

05 E. JOPPA ROAD WAS APPROVED 5/23/04

ALLEGEDLY OPEN SPACE

MINIMUM AVENITY OPEN SPACE RATIO: 0.2	
TOTAL FLOOR AREA:	30,366 sq ft
(30,366 x 0.2 = 6,073 sq ft)	
TOTAL REQUIRED OPEN SPACE AREA:	6,073 sq ft
TOTAL PROPOSED OPEN SPACE AREA:	6,434 sq ft

PARKING CALCULATIONS

REQUIRED PARKING: 303651 • 33 P5 10001

**PARKING PROVIDED
ALL SIZE SPACES**

TOTAL SIZE OF ROAD	11
ACCESSIBLE SPACES	6
COMPACT SPACES	34
TOTAL PARKING PROVIDED:	151 P.S.
FULL SIZE PARKING SPACES SHALL BE 10' x 0.5	
COMPACT PARKING SPACES SHALL BE 16' x 0.5	

PLATE 2

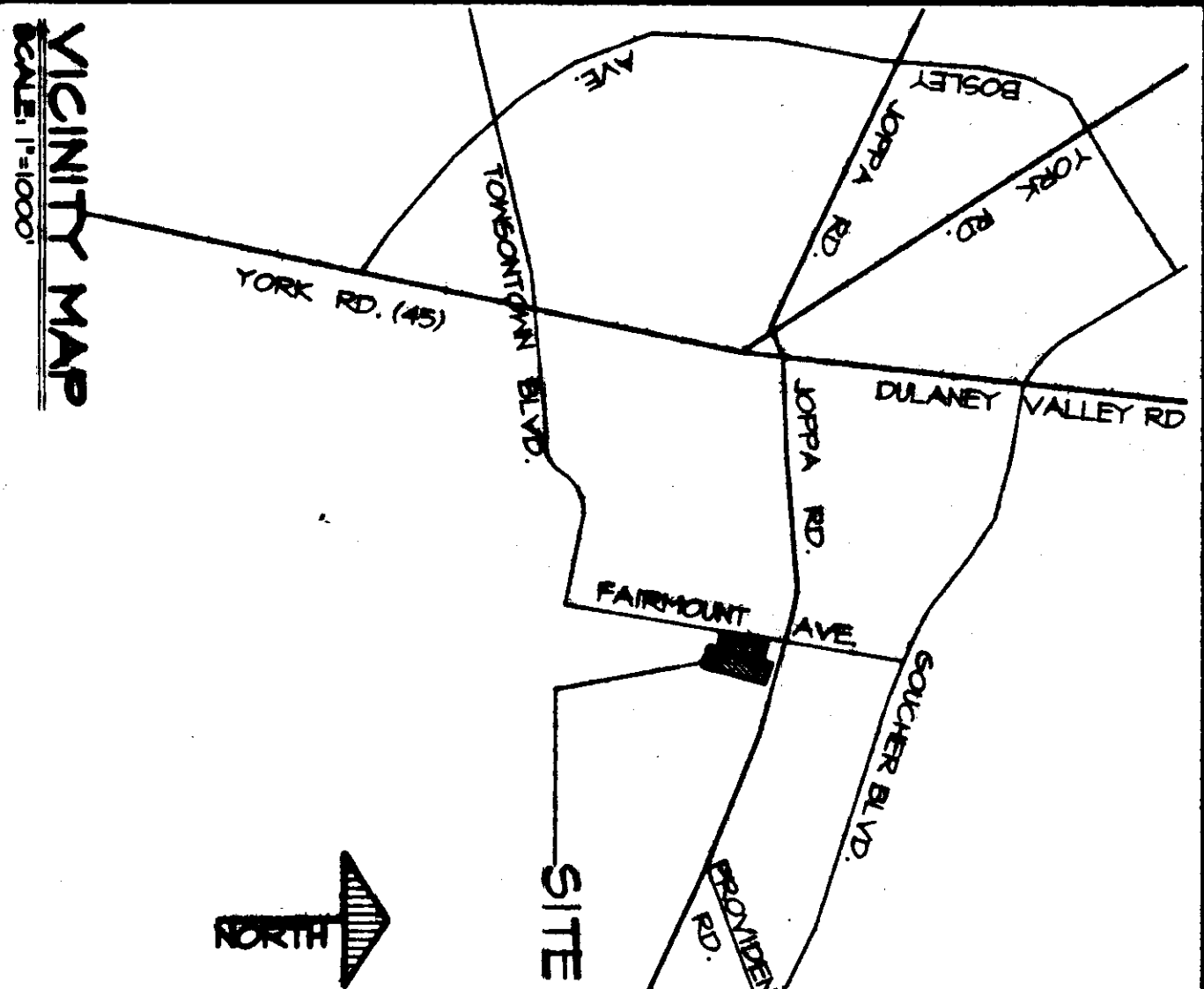
1. THE LAND USED FOR PARKING ADJACENT TO THE OFFICE BUILDING PARKING IN THE RESIDENTIAL ZONE SHALL MEET THE FOLLOWING CONDITIONS:
2. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
3. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED WITH THE EXCEPTION OF THE DROPPER AS DESCRIBED IN THE ZONING ORDINANCE.
4. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED.
5. THIS PLAN SHOWS THE PARKING ARRANGEMENT AND VEHICULAR ACCESS.
6. METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS REQUIRED.
7. THE ZONING COMMISSION ARE IN RESPECT TO BUILDING THE PARKING FACILITY WILL NOT BE PERMITAL TO ADJACENT PROPERTIES.

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- | | |
|---|--|
|  | EX WATER VALVE |
|  | EX WATER METER |
|  | EX SANITARY SEWER
MANHOLE |
|  | EX BODY DRAIN
MANHOLE |
|  | EX INLET |
|  | EX SIGN |
|  | EX ELECTRIC POLE |
|  | EX GUY POLE |
|  | EX TREE |
|  | EX R/W RAP |
|  | EX LIGHT POLE |
|  | EX FIRE HYDRANT |
|  | PROPOSED ANENITY
ORTA SPACE |
|  | AREA OF ORIGINAL
SPECIAL EXEMPTION
CASE 90B-14-X |

VICINITY MAP

SCALE: 1"=1000'



SITE DATA:

NET SITE AREA, 706294± = 162 AC.±
EXISTING ZONING,
OR-21, 23,029± = 0.53 AC.±
R.A.E., 36,177± = 0.64 AC.±
DR 10.5, 0.440± = 0.19 AC.±

**EXISTING
PROPOSE**

OFFICE BLDGS.
OFFICE USE.

NOTES:

100-443887-100

COUNT
NO PT

LANDSCAPE MANUAL REC

ZONING RELIEF REQUESTED:

1. APPROVE PARCELS IN BOER SECTION 40A.B.2 TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE.
2. REJECT THE SITE PLAN IN CASE NO. 85-114-1 CONSISTENT WITH THE ZONING ORDINANCE.
3. A VARIANCE FROM BOER SECTION 40A.2, THE BALTIMORE COUNTY LANDSCAPE MANUAL, AND THE BALTIMORE COUNTY COMPREHENSIVE ZONING ORDINANCE, TO PERMIT A TWO FLOOR RETAIL/REPAIR/DEVELOPMENT PARKING AREAS AND EXISTING PROPERTY TO BE USED FOR THE SAME PURPOSES.
4. A VARIANCE FROM BOER SECTION 40A.2C TO PERMIT A DRIVEWAY TO BE LOCATED IN A PORTION OF THE SUBJECT PROPERTY ADJACENT RESIDENTIALLY.

**SITE PLAN TO ACCOMPANY
ZONING PETITION**

HOGG OFFICE BUILDING
5 E. JOPPA RD. ♦ 510-514 FAIRMOUNT AVE.

PDM #1X-429
ELECTION DISTRICT 9
BALTIMORE COUNTY MD
COUNCILMANIC 6

THOMAS J.
HOFF, INC.

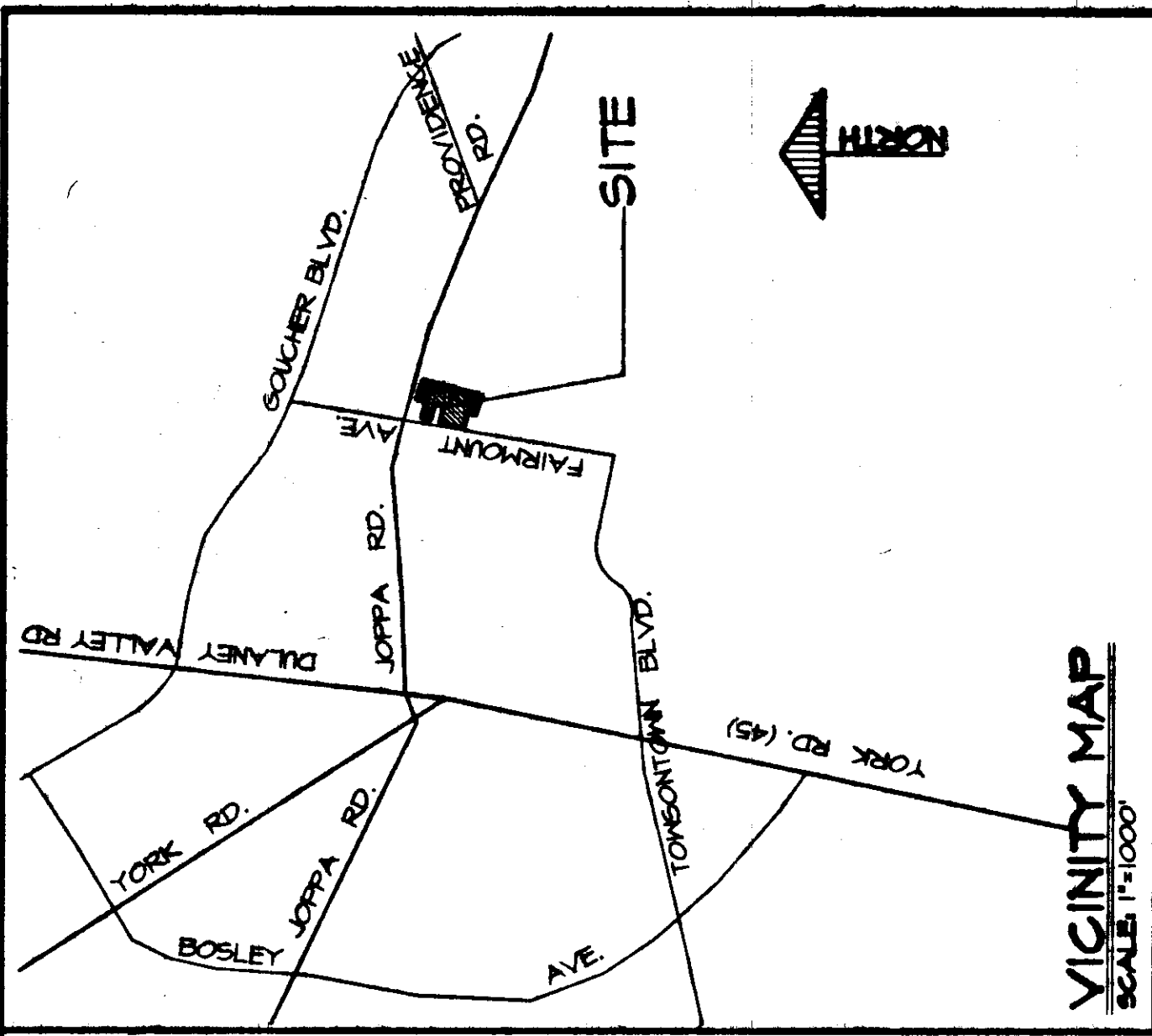
Land Development Consultants and Landscape Architects	CHECKED:
	DRAWING NUMBER:

408 W. PENNSYLVANIA AVE
TOWSON, MD 21204
410-286-3668
FAX: 206-8326

SHEET | OF

CANON SYSTEMS, INC. 1995

10/12/20



VICINITY MAP
SCALE 1"=1000'

SITE DATA
NET SITE AREA: 106,248 ± 1.62 AC.
EXISTING ZONING: OR 2, 230224 ± 0.95 AC.
OR 2, 230224 ± 0.95 AC.
OR 2, 230224 ± 0.95 AC.
OR 2, 230224 ± 0.95 AC.

ZONING MAP
EXISTING USE: OFFICE BUILDING
PROPOSED USE: OFFICE BLDG.

NOTES
1. THE SITE IS LOCATED WITHIN TOWSON AREA SUBJECT TO BALTIMORE COUNTY LANDSCAPE MANUAL REQUIREMENT.
2. LANDSCAPING WILL BE PROVIDED AS PER THE BALTIMORE COUNTY LANDSCAPE MANUAL REQUIREMENT.
3. NO RTA BUFFER REQUIRED FOR THIS DEVELOPMENT.

ZONING RELIEF REQUESTED:

1. APPROVE PARALLEL TO BCDR SECTION 404.6.5 TO PERMIT BUSINESS PARKING IN A RESIDENTIAL ZONE.
2. AMEND THE SITE PLAN IN CASE NO. 88-14-X, CONSISTENT WITH THE PLAN TO ACCORDANT WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND THE BALTIMORE COUNTY COMPREHENSIVE ZONING MAP.
3. SETBACK BETWEEN PARKING AREAS AND EXISTING PROPERTY LINES IN LIEU OF THE TEN FEET REQUIRED.
4. PERMIT A DAMPSTER TO BE LOCATED IN PORTION OF THE SUBJECT PROPERTY ZONED RESIDENTIAL.

Ref Ex 1

**SITE PLAN TO ACCOMPANY
ZONING PETITION**

HOGG OFFICE BUILDING
405 E. JOPPA RD. & 510-514 FAIRMOUNT AVE.

PDM #1X-429
ELECTION DISTRICT 9
BALTIMORE COUNTY, MD
COUNCILMANIC 6

REVISIONS:

SCALE: 1"=30'
DATE: 1/21/2000
JOB NO.: 205-02
DESIGNED: SL
DRAWN: SL
CHECKED:
DRAWING NUMBER:
ZON-1

THOMAS J. HOFF, INC.
Land Development
Consultants
and Landscape
Architects
408 W. PENNSYLVANIA AVE
TOWSON, MD 21204
410-504-3445
FAX: 410-504-3328

LEGEND

- EX WATER VALVE
- EX WATER METER
- EX SANITARY SEWER MANHOLE
- EX STORM DRAIN MANHOLE
- EX INLET
- EX SIGN
- EX ELECTRIC POLE
- EX GUY POLE
- EX TREE
- EX RIPRAP
- EX LIGHT POLE
- EX FIRE HYDRANT
- PROPOSED AVENUE OPEN SPACE
- AREA OF ORIGINAL SPECIAL EXCEPTION CASE 88-14-X

ZONING HISTORY:

CASE 88-14-X:
THEREFORE IT IS ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 14TH DAY OF JANUARY, 1989, THAT THE PETITION FOR SPECIAL EXCEPTION FOR AN OFFICE BUILDING ZONING BE GRANTED. THE PETITIONER HAS COMPLIED WITH THE REQUIREMENTS OF THE ZONING MAP AND THE PETITIONER'S EXHIBIT 1, IS HEREBY GRANTED, FROM AND AFTER THE DATE OF THIS ORDER, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS:
1. COMPLIANCE WITH THE NOTES CONTAINED ON PETITIONER'S EXHIBIT 1.
2. COMPLIANCE WITH THE COMMENTS SUBMITTED BY THE DEPARTMENT OF PERMITS AND LICENSES, DATED JUNE 11, 1982, AND THE MARYLAND DEPARTMENT OF TRANSPORTATION, DATED JUNE 10 OR AUGUST 10, 1982 REGARDING THE DIVIDING ISLAND.
3. THE PETITIONER SHALL BE RESPONSIBLE FOR THE REMAINING SPACE SHALL BE RETAINED FOR USE BY THE PETITIONER, THE TWO APARTMENTS SHALL BE USED AS RESIDENTIAL UNITS ONLY BY THE PETITIONER'S EMPLOYEES.
4. THE BUILDING FOOTPRINT SHALL BE CONSTRUCTED WITHIN THE BUILDING FOOTPRINT SHOWN ON PETITIONER'S EXHIBIT 1.
5. THE GRANTING OF THE HEREIN SPECIAL EXCEPTION IS CONDITIONED UPON, AS A CONDITION PRECEDENT TO THE EFFECTIVE DATE OF THIS ORDER, APPROVAL OF THE DEVELOPMENT PLAN BY THE BALTIMORE COUNTY ZONING COMMISSIONER AND THE RECORDATION OF ITS AFFIRMATION OF ACTION AMONG THE MARYLAND RECORDS.
6. THE DEVELOPMENT PLAN SHALL BE SUBSTANTIALLY IN KEEPING WITH PETITIONER'S EXHIBIT 1, OTHERWISE PETITIONER'S EXHIBIT 1 SHALL BE SUBJECT TO A PUBLIC HEARING FOR THE AMENDMENT.
7. A REVISED SITE PLAN INCORPORATING THE CONDITIONS AND RESTRICTIONS SET FORTH ABOVE SHALL BE SUBMITTED FOR APPROVAL BY THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING, INCLUDING LANDSCAPING AND OPEN SPACE REQUIREMENTS FOR APPROVAL BY THE CURRENT PLANNING AND ZONING COMMISSIONER.
8. BOARD OF APPEALS.
9. REMOVED RESTRICTION IS OF THE ORIGINAL ORDER OF THE ZONING COMMISSIONER ON 04/02/83.

CRS HISTORY:

CAS PLAN FOR 405 E. JOPPA ROAD WAS APPROVED 5/29/84.

MINIMUM AVENUE OPEN SPACE
MINIMUM AVENUE OPEN SPACE RATIO: 0.2
TOTAL FLOOR AREA: 30,968 sq. ft.
TOTAL REQUIRED OPEN SPACE AREA: 6,079 sq. ft.
TOTAL PROPOSED OPEN SPACE AREA: 6,484 sq. ft.

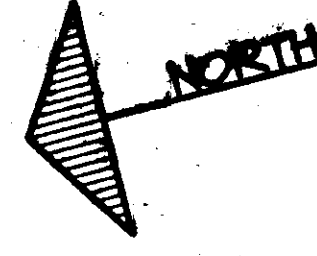
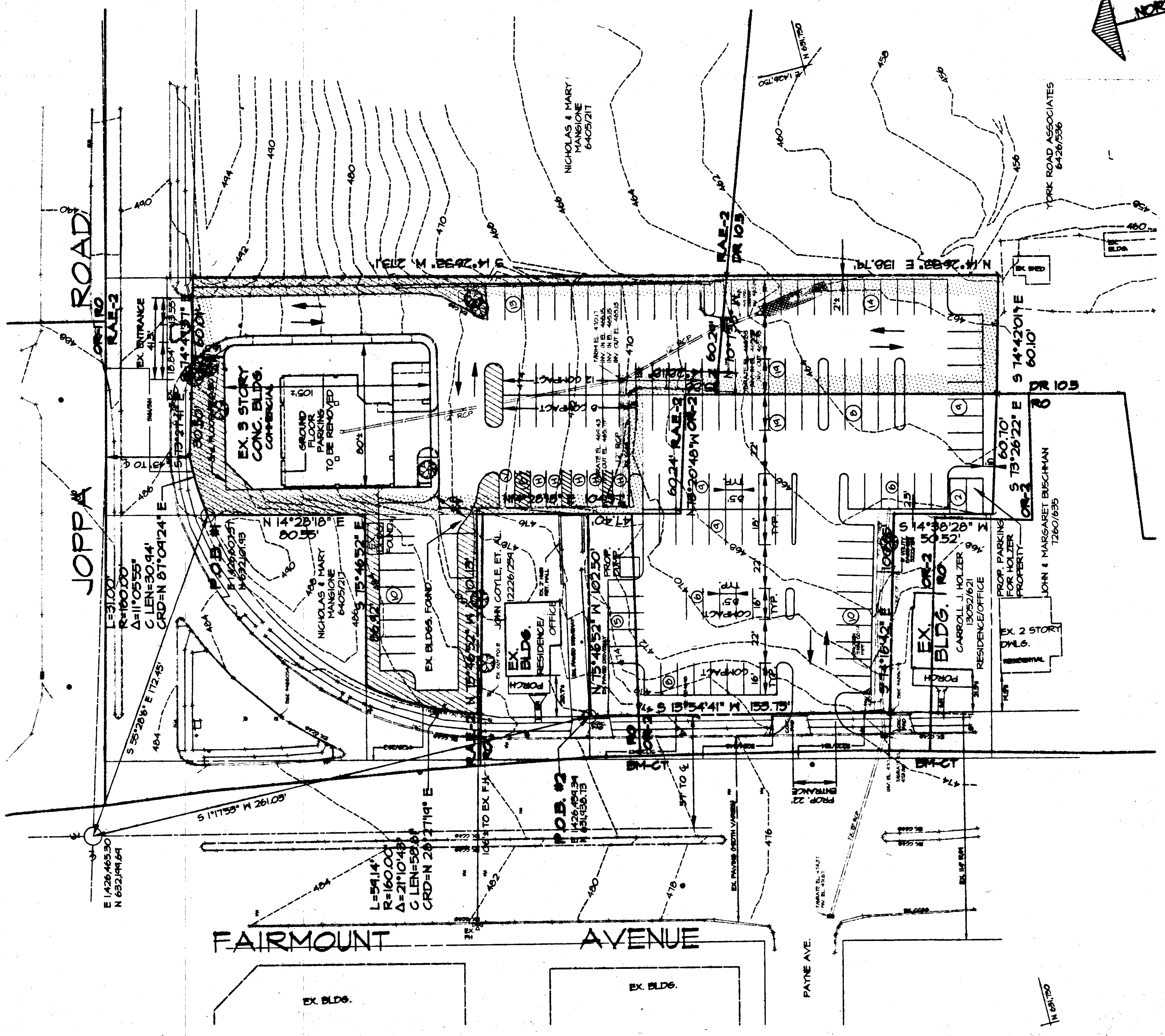
PARKING CALCULATIONS:

REQUIRED PARKING: 30,968 ÷ 3.375/1000 = 100.2 PARKING SPACES
PARKING PROVIDED:
FULL SIZE SPACES: 6
ACCESSIBLE SPACES: 34
COMPACT SPACES: 191 P.S.
TOTAL PARKING SPACES PROVIDED: 231
FULL SIZE PARKING SPACES SHALL BE 16' x 8'5"
COMPACT PARKING SPACES SHALL BE 16' x 6'5"

PARKING AREA NOTES:

1. THE LAND USED FOR PARKING ADJOINING THE OFFICE BUILDING SHALL MEET THE FOLLOWING CONDITIONS:
2. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PROPERTY.
3. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED WITHIN THE EXCEPTION OF THE DAMPSTER AS SHOWN ON THIS PLAN.
4. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, INTENSITY, AND GLARE AS PER BALTIMORE COUNTY ZONING MAP AND VEHICLE ACCESS.
5. THIS PLAN SHOWS THE PARKING ARRANGEMENT AND VEHICLE ACCESS.
6. METHOD AND AREA OF OPERATION PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED.
7. ANY CONDITIONS NOT LISTED ABOVE WHICH IN THE JUDGMENT OF THE ZONING COMMISSIONER ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.

CHRYSLER FINANCIAL CORP.
405 E. JOPPA RD.
TOWSON, MD 21204
TEL: 410-444-1171
FAX: 410-444-1249



Additional proffered testimony indicated that the storm water from the existing uses and the proposed parking areas will be addressed in accordance with county and state regulations through an underground facility and that the total number of parking spaces provided will meet the requirements of the BCZR, both before and after expansion of the existing building. Testimony indicated that there were no out-of-the-ordinary maintenance or operational characteristics associated with the proposed parking areas located within the residentially zoned portions of the site and that if approved, the parking in the residential zones would not have a negative impact on the surrounding community. Further testimony made it clear that in order to provide the parking as proposed, an amendment to the site plan approved in Case No. 83-74-X is necessary.

It is clear from the testimony offered and the evidence presented that the existing and proposed parking areas on the subject property as shown on Petitioner's Exhibit No. 1 can be constructed and operated without adverse impact on the community, subject to the conditions and restrictions contained herein. The proffered testimony was clear that the proposed parking would not create a potential hazard or other danger nor otherwise overcrowd the land or cause undue concentration of population. Likewise, the testimony presented and the parking configuration shown on Petitioner's Exhibit No. 1 makes it clear that the proposed parking will not interfere with adequate provisions for public improvements, interfere with adequate light and air or otherwise impede or be inconsistent with the impermeable surface and vegetation retention requirements of the BCZR. Therefore, Petitioner's request for a use permit for commercial parking in the residentially zoned portion of subject property as shown on Petitioner's Exhibit No. 1 will be granted, as hereinafter conditioned and the site plan approved previously in Case No. 83-74-X will be amended in accordance therewith.