IN RE: PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
S/S of Town Center Place at
E/S of Old Court Road
3rd Election District
2nd Councilmanic District
(3755 Old Court Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 04-146-SPHX

Reister Court I, LLC

By: Leonard Weinberg, II, Managing Member

Petitioners

*

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

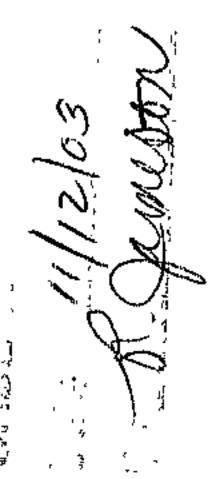
This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception by the legal owner of the subject property, Reister Court I, LLC, by Leonard Weinberg, II, Managing Member. The Petitioners are requesting relief for property they own at 3755 Old Court Road in the Pikesville area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the last approved site plan. In addition, a special exception request has been filed pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a community building (health club).

The property was posted with Notice of Hearing on October 16, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 16, 2003 to notify any interested persons of the scheduled hearing date.

Notice is taken that the property, which is the subject of this special hearing request, consists of 7.2 acres of land, more or less, and is split-zoned BL-CT.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Health Club must comply with the Fire Code



Interested Persons

Appearing at the hearing in support of the request was Leonard Weinberg, II, Managing Member of Reister Court I, LLC, Rick Richardson Civil Engineer and Artha Groves, who would operate the proposed health club. David Karceski, Esquire represented the Petitioners. Ronald Jackson, a law student, participated in the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

It is to be noted that a letters of support was received from The Pikesville Chamber of Commerce dated October 28, 2003, Sudbrook Park and numerous private citizens in which they encourage and endorse the granting of Petitioner's requests.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

In addition, the request is for a special exception under the heading of community building which under the Zoning Commissioner's Policy Manual Section 230.13 includes heath club/spa

Testimony and Evidence

Testimony and evidence proffered by Mr. Karceski indicated that the request was to approve a special exception for a nationally known health club, Curves Fitness & Workout Center, which is exclusively for women. The club will be operated in a vacant suite in the Center Court Shopping Center in which a large food store and bank are presently located. Because the Center's customers will be coming primarily in the evening, shared parking with the existing tenants is available to this tenant. See Shared Parking Table on Petitioner's Exhibit No.

1. Unlike other such center, Curves has no sauna or whirlpool and minimum shower facilities. As noted above, the special exception is supported by several community groups and numerous citizens.

Mr. Karceski proffered that the proposed health club would not be detrimental to the health, safety and welfare of the community enumerating the factors outlined in Section 502.1 of the B.C.Z.R. In fact, because of the mission of the club, he proffered the community health and welfare would be increased due to the effectiveness of this club to improve women's fitness and health in general.

Special Exception

I find that the proposed club will not be detrimental to the health, safety or welfare of the community and meets the criteria listed in Section 502.1 for approval of a special exception.

Special Hearing

Having approved the special exception, I further approve the request for special hearing to amend the site plan to indicate the health club as a tenant and space allocated thereto.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing and special exception requests shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12 day of November, 2003, that the Petitioners' special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the last approved site plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the special exception request filed by Petitioners pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a community building (health club), be and is hereby GRANTED..

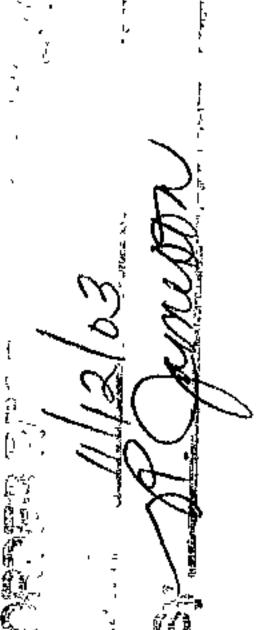
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

November 12, 2003

David Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

Re: Petitions for Special Hearing & Special Exception

Case No. 04-146-SPHX

Property: 3755 Old Court Road

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and special exception 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 & 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

Leonard Weinberg c/o Reister Court I, LLC 1408 Bare Hills Road Baltimore, MD 21209

Rick Richardson Richardson Engineering, LLC 730 W. Padonia Road, Suite 101 Cockeysville, MD 21030 Artha Groves
9199 Reisterstown Road, Suite 104A
Owings Mills, MD 21117

Ronald Jackson
4 Panacea Court
Pikesville, MD 21208



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _

Reviewed By 47m Date 9/24/03

UNAVAILABLE FOR HEARING _

for the property	ocated at which is pr			Court	-CT	
	amen is br	СЭСДИ	y 2011		,	

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

Special Hearing to amend the last approved site plan.

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.

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

Gase No. 04-146-SPUX

PEU 9115198

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: Legal Owner(s): Reister Court I LLC Name - Type or Print Name - Type or Print Signature Signature Leonard Weinberg, II, Managing Member Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: 1408 Bare Hills Road (410)296-1770Address Suite 210 Telephone No. Robert A. Hoffman Baltimore, 21209 Maryland Name - Type or Print City Zip Code State Representative to be Contacted: Signature Venable LLP Robert A. Hoffman Company Name 210 Allegheny Avenue (410)494-6200210 Allegheny Avenue (410)494-6200Address Telephone No. Address Telephone No. 21204 Towson, Maryland Towson, 21204 Maryland City State Zip Code City Zip Code State



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 3755 Old Court Road

Which is presently zoned <u>BL-CT</u> which is presently zoned <u>BL-CT</u> owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use therein described property for

Special Exception pursuant to Section 230.13 of the Baltimore County Zoning Regulations for a community building (health club).

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by t 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:	Legal Owner(s):
	Reister Court I LLC
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Leonard Weinberg, II, Managing Member Name - Type of Print
City State Zip Code	Signature
Attorney For Petitioner:	1408 Bare Hills Road (410)296~1770
Robert A. Hoffman	Address Suite 210 Telephone No.
Name - Type or Print / Mahm / M	Baltimore, Maryland 21209 City State Zip Code
Signature	Representative to be Contacted:
Venable LLP	Robert A. Hoffman
Company 210 Allegheny Avenue (410)494-6200	Name 210 Allegheny Avenue (410)494-6200
Address Telephone No. Towson, Maryland 21204	Address Telephone No. Towson, Maryland 21204
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 04-146-5PHX	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
REV 09 15 98	Reviewed By LTM Date 9/24/03

730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

SPECIAL HEARING ZONING DESCRIPTION CENTRE COURT 3755 OLD COURT ROAD 3RD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point of the intersection of Old Court Road and Town Center Place, thence running with and binding on the right of way of Town Center Place; (1) South 05 degrees 05 minutes 28 seconds East 86.49 feet, (2) by a curve to the left with a radius of 425.00 feet for a distance of 98.95 feet, (3) by a curve to the left with a radius of 425.00 feet for a distance of 61.88 feet, (4) by a curve to the right with a radius of 375.00 feet for a distance of 140.16 feet, (5) South 05 degrees 53 minutes 51 seconds East 72.60 feet, (6) by a curve to the left with a radius of 350.00 feet for a distance of 132.36 feet, (7) South 17 degrees 26 minutes 29 seconds West 19.09 feet, (8) South 55 degrees 46 minutes 39 seconds West 47.36 feet, (9) South 34 degrees 39 minutes 24 seconds East 5.00 feet, (10) South 56 degrees 13 minutes 10 seconds West 221.82 feet, (11) North 34 degrees 10 minutes 26 seconds West 195.58 feet, (12) South 65 degrees 49 minutes 34 seconds West 11.42 feet, (13) North 36 degrees 31 minutes 37 seconds West 239.16 feet, (14) South 46 degrees 48 minutes 53 seconds West 29.92 feet, (15) North 42 degrees 21 minutes 01 seconds East 147.42 feet, (16) North 46 degrees 39 minutes 48 seconds East 63.57 feet, (17) North 44 degrees 56 minutes 23 seconds West 182.15 feet, (18) North 73 degrees 21 minutes 35 seconds East 106.86 feet, (19) North 16 degrees 40 minutes 12 seconds West 125.00 feet, (20) North 69 degrees 47 minutes 45 seconds East 10.76 feet, (21) North 78 degrees 11 minutes 00 seconds East 409.72 feet, (22) South 53 degrees 38 minutes 32 seconds East 13.34 feet, to the point of beginning;

Containing a net area of 314,773 square feet, or 7.2 acres of land, more or less.



FROM: DISTRIBUTION RECEIVED MISCELLANEOUS OFFICE OF BUDGET & FINANCE BALTIMORE CASHIER COUNT RECEIPT AGENCY Y, MAR AMOUNT YELLOW - CUSTO 47

INETARM.

MILEGIERA WING

SHIER'S VALIDATION

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: #04-146-SPHX Case: #04-146-SPHX
3755 Old Court Road
S/side Town Center Place at
east side Old Court Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Reister Court I
LLC, Leonard Weinberg II,
Managing Member
Special Exception: to permit a community building
health club. Special Hearing: to amend the last approved site plan.
Hearing: Friday, October
31, 2003 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Avenue. nue.

LAWRENCE E. SCHMIDT 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) 8873391.
10/276 Oct. 16 C632219.

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-/46-3PH/ Petitioner/Developer: REISTER COURT LLC, LEONARD WEINBERGIII, MANAGING MEMBER. Date of Hearing/Closing: OCT 31, 2003 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: 3755 OCD COURT RD The sign(s) were posted on 10-16-03 (Month, Day, Year) Incerely, (Signature of Sign Poster) (Date) SSG Robert Black CASE # 04-146-SPHX (Print Name) A PUBLIC BLARING WILL BE HID BY THE TORING COMMISSIONER 1508 Leslie Road 18 10型50量。剂进 PLACE: HTM: TIL COMPLETE THE PLACE OF THE PL (Address) DATE AND THE TON CONTRACT OF THE REQUEST: SPECIAL DATE OF THE PARTY OF THE PA Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	3755 Old Court Road; S/side Town Center	*	ZONING COMMISSIONER
	Place at eastside of Old Court Road		
	3 rd Election & 2 nd Councilmanic Districts	*	FOR
	Legal Owner(s): Leonard Weinberg, II,		
	Managing Member Reister Court I LLC	*	BALTIMORE COUNTY
	Petitioner(s)		
		*	04-146-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

OCT 0 9 2003

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 $\frac{|\mathbf{q}|^{\prime}}{|\mathbf{q}|}$ day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 16, 2003 Issue - Jeffersonian

Please forward billing to:

Amy Dontel Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 410-494-6285

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: 04-146-SPHX

3755 Old Court Road

S/side Town Center Place at east side Old Court Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Reister Court I LLC, Leonard Weinberg, II, Managing Member

Special Exception to permit a community building health club. Special Hearing to amend the last approved site plan.

Hearings:

Friday, October 31, 2003 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 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

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 10, 2003

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: 04-146-SPHX

3755 Old Court Road

S/side Town Center Place at east side Old Court Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Reister Court I LLC, Leonard Weinberg, II, Managing Member

Special Exception to permit a community building health club. Special Hearing to amend the last approved site plan.

Hearings:

Friday, October 31, 2003 at 2:00 p.m. in Room 407, County Courts Building 401 Bosley Avenue

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:rlh

C: Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204

Reister Court I LLC, Leonard Weinberg, II, Managing Member, 1408 Bare Hills Road, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 16, 2003.

- (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.



Visit the County's Website at www.baltimorecountyonline.info





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 04-186-SPHX
Petitioner: Reisten Court I LLC
Address or Location: 3755 OW Count Road
PLEASE FORWARD ADVERTISING BILL TO: Name:
- The prove
- Towson MD 21204
Tolophono Number
Telephone Number: (410) 491-6285

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 24, 2003

Robert Hoffman Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 04-146-SPHX, 3755 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 24, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callidal D

WCR:klm

Enclosures

c: People's Counsel

Reister Court, I. LLC, Leonard Weinberg, 1408 Bare Hills Road, Ste. 210,

Baltimore 21209



Visit the County's Website at www.baltimorecountyonline.info



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.:

142, 145, 140

Dear Ms. Hart:

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 Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 13, 2003

Item Nos. 130, 131, 132, 133, 134, 135, 138, 139, 142, 143, 145, 146, 149, and 150

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

RWB:CEN:jrb

cc: File

10/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 22, 2003

RECEIVED

OCT 2 4 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-146

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By

Section Chief:

AFK/LL







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Date: 10.7.03

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

RE:

Baltimore County

Item No. 146

LTM

Dear. Ms. Hart:

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,

1-

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

Department of Permits a Development Management

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



Baltimore County

James T. Smith, Jr, County Executive Timothy M Kotroco, Director

December 27, 2004

David Karceski Venable LLP 210 Allegheny Avenue Towson, MD 21285

Dear Mr. Karceski

RE: 3755 Old Court Road

Spirit and Intent Case No. 04-146-SPHX, 3rd Election District

Please be advised that, after careful review of the zoning case history for the above referenced property, the Department of Permits and Development Management, Office of Zoning Review, has determined the following.

The requested reduction of the approved Area of Special Exception in order to accommodate a separate principal use cannot be achieved through the administrative process. A Special Hearing would be required in order to modify an approved special exception area. Further, related and accessory uses, which are complimentary to the granted special exception use, are permitted within the approved special exception area.

Provided an open communication is maintained between the community building (health club) and the proposed retail area offering related items for sale the Office of Zoning Review considers the proposal to be within the "spirit and intent" of the Zoning Commissioner's Order granted in the above referenced zoning case.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Lloyd T. Moxley

Sincerely,

Planner II, Zoning Review

LTM





July 1

RECEIVED

OCT 2 9 2003

ZONING COMMISSIONER

October 28, 2003

Mr. Lawrence E. Schmidt Zoning Commissioner for Baltimore County 410 Bosley Avenue, 4th Floor Towson, Maryland 21204

Re: Case No. 04-146-SPHX 3755 Old Court Road

Dear Mr. Schmidt:

The Pikesville Chamber of Commerce, an organization who represents the commercial growth and revitalization of Pikesville, has reviewed the requested zoning relief and site plan filed in the case and is familiar with the proposed health club use. It is our understanding that a special exception is required to operate a health club on the subject property. We support the Petitioner's request and believe that the use, if approved, would not have any adverse impact on the community. More importantly, we believe that it would provide a beneficial service to the community. For these reasons, we encourage you to grant the Petitions for Special Exception and Special Hearing.

Thank you in advance for your consideration of our position.

Sincerely,

Sherrie Becker Executive Director



October 29, 2003

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
4th Floor
Towson, Maryland 21204

RE: Case number 04-146-SPHX

3755 Old Court Road, Pikesville

Dear Mr. Schmidt,

I am writing on behalf of Sudbrook Park Inc. to support the Petitioner's request for a special exception to operate a health club on the subject property at 3755 Old Court Road in Pikesville. We do not believe that this development would have an adverse impact on the surrounding communities and in fact, we believe that the addition of this facility could have a beneficial impact by providing a useful service to residents in Pikesville and by creating and attracting more business to the Pikesville area.

Therefore, we encourage you to grant the Petitions for Special Exception and Special Hearing.

Thank you for your careful consideration of this case and of our position.

Sincerely,

Elinor Kotzen Spokes

Elinor Kotzen Spokes

President, Sudbrook Park Inc.

ZONING COMMISSIONER'S POLICY MANUAL

SECTION

230.13 SPECIAL EXCEPTION USES

OTHER RECREATION FACILITIES including one or several of the following uses:

COUNTRY CLUB
GYMS
HANDBALL COURTS
HEALTH CLUB/SPA
RACQUETBALL COURTS
RELAXATION TANKS
TANNING FACILITY
TENNIS COURTS
WEIGHTLIFTING OR RESISTANCE EQUIPMENT
WHIRLPOOL SPA

See the following case: 83-151 XSPH

FUNERAL ESTABLISHMENT A crematorium is not allowed by right or by special exception in any zone, but is permitted by hearing as an accessory use to the principal use of a funeral establishment.

See the following cases: 71-243-X

85-003-SPH

90-156

443-394-3222

TO: 41

7 Slade Avenue, #509 Baltimore, MD 21208

October 28, 2003

Lawrence E. Schmidt Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue, 4th Floor Towson, MD 21204

Re:

Case No.: 04-146 SPHX 3755 Old Court Road

Dear Mr. Schmidt:

I am a resident of Pikesville as well as an extremely happy member of Curves. I have never felt so healthy and full of life. It would be much more convenient to me to have my Curves facility located in Pikesville.

I cannot imagine why anyone would think that a Curves facility would have an adverse impact on any location in Pikesville, especially Centre Court. I feel strongly that a Curves location at Centre Court would provide a very beneficial service to the surrounding community. There are many people in Pikesville who would be able to take advantage of this facility that would not be able to at another location.

Thank you for your consideration in this matter. It would truly mean a great deal to many people, including me.

Sincerely,

Harriet S. Samuels

October 28, 2003

Lawrence E. Schmidt Zoning Commissioner for Baltimore County 401 Bosley Avenue, 4th Floor Towson, MD 21204

Re: Case No.: 04-146 SPHX 3755 Old Court Road

Dear Mr. Schmidt:

I feel that it would be great to have a Curves in Pikesville and I do intend to be a life long member. I like the idea that Curves uses hydraulics and not weights. I have been in Curves and the fact that it is for women only makes it even better. It is, also, about losing weight and being healthy not body building as so many others are.

Once again I feel that it would be great to have a Curves in Pikesville and hope that you will grant the zoning exception that is needed. I can't see how it would have an adverse impact on other businesses. Also, I feel it will bring together a community feeling and will be beneficial to all of Pikesville as a community shopping district. It will show the surrounding area that there is more to Pikesville then Reisterstown Road and Gas Stations.

Sincerely,

Robina Kofsky

October 28, 2003

Lawrence E. Schmidt Zoning Commissioner for Baltimore County 401 Bosley Avenue, 4th Floor Towson, MD 21204

> Case No.: 04-146 SPHX Re: 3755 Old Court Road

Dear Mr. Schmidt:

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Sincerely,
Tracy Wefshy

p.2

COR RATE#-#CCS#-#CRYO-MA

410654

October 30, 2003

Lawrence E. Schmidt, Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue, 4th floor Towson, MD 21204

Case No. 04-146SPHX 3755 Old Court Road

Dear Mr. Schmidt:

This letter is written on the behalf of Curves and their intent to open a new facility on Old Court Rd in the Pikesville area. I am a long time resident of the Pikesville area and feel that a local site of Curves would be beneficial for the women of our community. As a current member of Curves, I would greatly appreciate relocating to a site that is closer to my home and more accessible than the site I currently attend. Opening a site in Pikesville would be beneficial for me as well as other members because it would greatly reduce my travel time and expenses.

I also believe that the opening of a Curves franchise in Pikesville would be an enhancement to the merchants of the area. Membership to Curves is limited strictly to women i.e. shoppers. The proposed site would attract potential customers to other businesses in the area and would bring in added revenue and tax dollars. Problems such as additional traffic congestion and parking needs would not exist as there is ample parking in the area and members attend at varying times and days of the week, not "en masse".

I hope you will give this matter consideration in approving the zoning requirements necessary to open this proposed facility.

Thank you.

Sincerely,

Eileen A. Pelovitz 7 C Pipe Hill Court Baltimore, MD 21209

10/30/03

Koz Shenker

443-394-3222

Dear Mr. Schmidt

This letter in being sont

to you as Zoning Commissionerfor

Baltimore. County. case # 04.1465141X

3755 Old Court Road

Baltimore, Md 21208

is of great interest to me.

which is only minutes away from
the Old Court Rd. address. I know the
area well and feel the additions of
Curves will only bring more and better
activity to the Pikerville area. Pikewille
people are taking their money and businessen
to Owings Mills and other areas. We need
a new business "Curves" to help enhance
this community
please vote for this zoning issue
to pass positively. That year
to pass positively.

4108210147

Lawrence E.Schmidt, Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue, 4th floor Towson, Maryland 21204

Re: Case No. 04-146 SPHX 3755 Old Court Road

Dear Mr. Schmidt,

I am writing to you to appeal for Curves to be established in Pikesville at 3755 Old Court Road. I live within one mile of that address and it would be most convenient for me. Curves would greatly serve the Pikeville area women and they could benefit from the exercise program that it is known for. I intend to be a member, I see no adverse effect on the community. Because Curves only takes one-half hour, parking should not be an issue.

Curves in Pikesville would be a win-win situation for all involved,

Thank you for your consideration. Ellen M. Cohen 7909 Ivy Lane Baltimore, Maryland 21208

10/30/2003 To; members who own businesses in Pikesville who are part of a "community organization" in Proposible, or who fristly want us in Proposible I live in tikesible and I am familian with curves and intend to be a member. also I believe that We will have no adverse impact, lut indeed will provide a beneficial service to the surrounding community. adele maier RE: Case no 04-146 SPHX 3755 Old Court Road

10/30/03

Lawrence E. Schmidt, Zoning Commissioner for Batt. Cty (Connty) County Cts. Founding 401 Bosley Ave., 4th FT. Towson, MD 2204 Re: Case No. 04-146 PHX Re: Case No. 04-146 PHX

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Live in Pilesville & am familian

with Curves & Lesive to join.

Dirmly believe a Curves will

have absolutely his adverse impact

bout will upported a beneficial

seurce to the community

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PLEASE PRINT CLEARLY

CASE NAME 04 - 146-STUX CASE NUMBER 3755 Old Cour DATE 10/51/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
KICHARDSON	730 W. PADOWIA RD 1408 Borro, 1416 RJ	Exercive MD 21030	120 / S
a Groves	9199 Resteven Rd, StriggA	Ownes Mills UND 21117	randagroves @ toal, net
1) KARCESKY	210 ALLEGHENY ANE	Towson 10 21201	- dhkancesti Quenalkina
			l

PLEASE PRINT CLEARLY

CASE NAME 3755 019 COUNT CASE NUMBER 04-146-594X DATE 10/3/03

CITIZEN'S SIGN-IN SHEET

E- MAIL	rp Jocksagooncas 1. nest										
Ę	Presuille, MD										
ADDRESS	4 Panacea Ct										
NAME	ROUMLD TRUKBUD										

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re:

Case No.: 04-146 SPHX 3755 Old Court Road

Dear Mr. Schmidt:

We the undersigned live and work in Pikesville, and thus we have an interest in Case No. 04-146. We are members of Curves who currently have to leave the community to work out at the Curves in Owings Mills. We understand that a special exception is required to operate a Curves on the subject property. We support this request and believe that the use, if approved, will not have any adverse impact on, and will in fact provide a beneficial service to the surrounding community. Therefore we encourage you to grant the Petitions for Special Exception and Special Hearing.

Thank you in advance for your consideration of our position.

Name	Address
Down Randall	40 Thomas Cradock Ct. Bolto 21208
Baoba Stickman	24 Lamplighter Of Baltimus My 21208
Hall Esentre	8000 IVI LANE BALL 21208
L. Kovenslein	3504 Northredg Dz - 21208
Jayel C. Sae to	149 Jumper Jan - 2120
MARIA KANNEN	2701 Quarry Heights Way 21209
SHIRIRA GOIDSER	67 areenwich Pl. 20208
Xxlyn Dunn	nf 16 del let 2 20 509 2000
	11203 Woodland Dr 200c
/) 0	

October 31, 2003

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re:

Case No.: 04-146 SPHX 3755 Old Court Road

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Thank you in advance for your consideration of our position.

Showhank Kurofeld 6708 Park Heights Avenue

LISA Kovens-HAPRIN 7015 Plymouth Rol 21208

Judy Woolfson 7111 Phenomet Grow Dr. 21209

Jour Rase blyn 6311 Try mont Pd 21209

Marcia Sacks 3121 Enclave CX

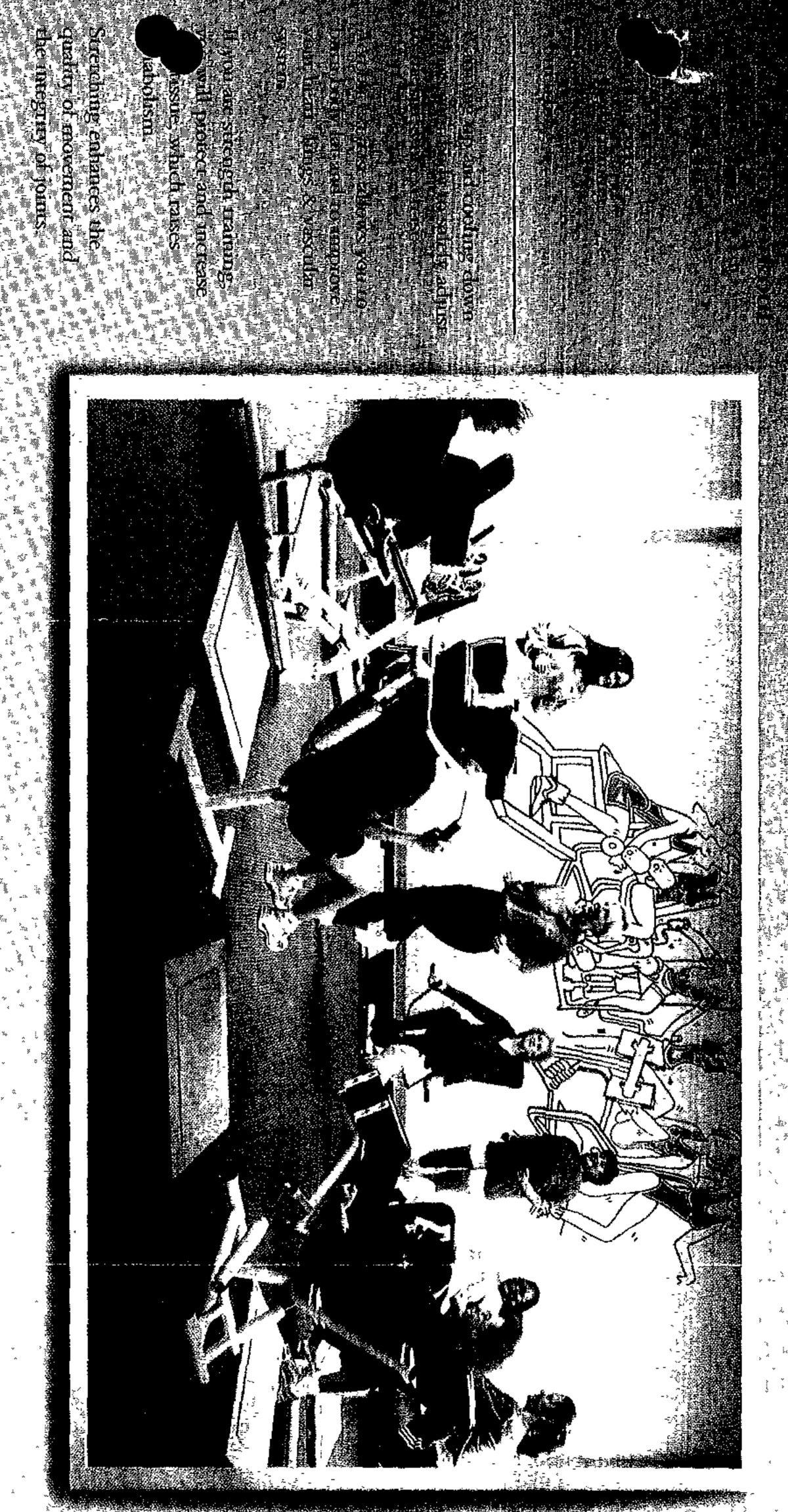
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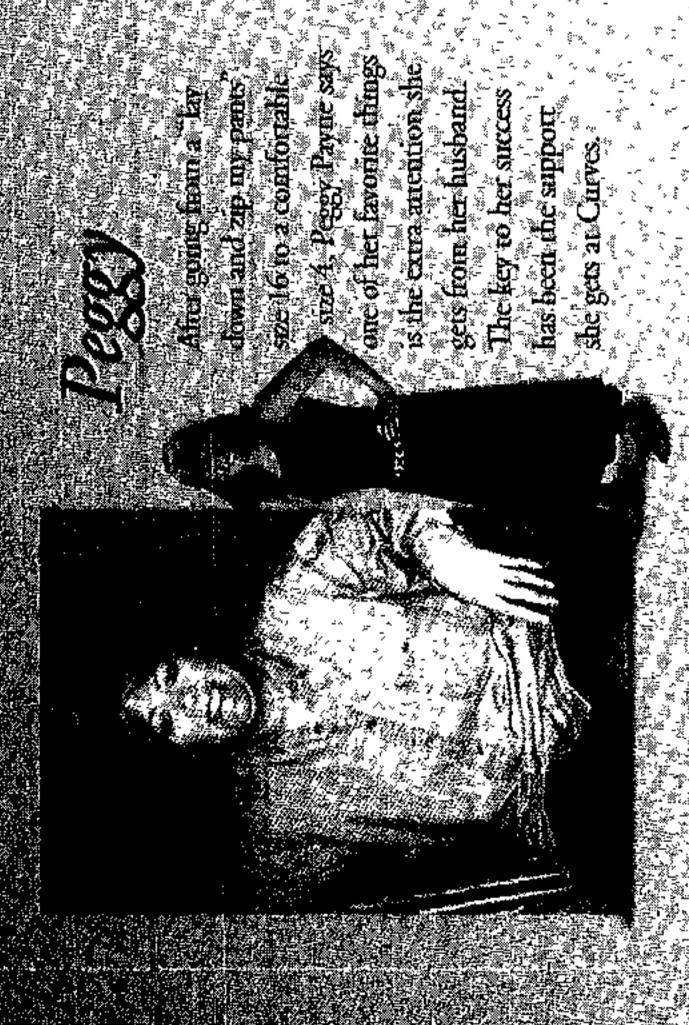
Mary My Karcotis 4009 Roven Rd 2113

2121



- resistance. Curves uses hydraulic
- to manage or change. There are no weight stacks
- smoothly & safely around resistance keeps you moving Safe, accommodating the circuit.
- for soreness and injury. This reduces the potential than lift and lower weights You push, then pull, rather
- osteoporosis. bone density and fight activity helps to maintain A safe, load-bearing
- is a crucial part of provides joint stability and Strengthening muscles arthritis treatment.
- training that women can do. Curves offers strength

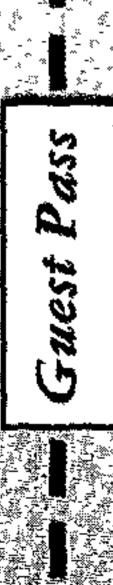
More than 5,000 location



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Or exchange for an exciting first visit disco



But after losing 9 inches is as the beavies pound I lost." Jodi is still losing weight and gaining her first 6 weeks, a funny creeping back with every Lto happen. been when she started Curves. "My self-esteem came respect for herself. Jodí Diller w she had ever thing started

Ienaya

Today she's an optimist who 3 children and tells her supportive friends Desaulnier thought she'd motivation going and you "never be healthy again." hypothyroidism, Tenaya being diagnosed with at Curves "keep the After having can succeed



You warm-up, perform cardiovascular and strength training, cool down and stretch. That's a complete Our unique exercise program makes it easy. workout in just 30-minutes and it's FUN!

