IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE - W/S Rolling Road,

44.91' S of the c/l Tudsbury Road

(2500 Rolling Road)

2<sup>nd</sup> Election District

2<sup>nd</sup> Council District

Rolling Road Ventures, LLC Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 04-473-XA

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Rolling Road Ventures, LLC, by Paul Harans, Member. The Petitioners request a special exception to utilize the subject property as a Class B Office Building, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested as follows: 1) from Sections 413.1 and 204.3.C of the B.C.Z.R. to permit an additional freestanding sign with a surface area of no more than 40 sq.ft. per face in lieu of the maximum allowed 15 sq.ft. per side, and located adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used; 2) from Section 204.4.C.4 to permit a minimum side yard setback of 10 feet in lieu of the required 20 feet adjacent to predominantly residentially zoned and used property; 3) from Section 204.4.C.5 to permit a minimum rear yard setback of 25 feet in lieu of the required 30 feet; 4) from Section 204.4.C.9.c(1) to permit a landscape buffer of 10 feet in lieu of the required 20 feet, which abuts property that is predominantly residentially zoned and used; and, 5) from Section 409.6.A.2 to permit the number of required off-street parking spaces for 25% medical office or clinic (4.5 per 1,000 sq.ft.) and 75% general offices (3.3 per 1,000 sq.ft.) as calculated for the proposed 7,000 sq.ft. of gross floor area Class B Office Building to be 22 parking spaces in lieu of the required 25, after allowing for the transit adjustments to general requirements, pursuant to Section 409.6.B which applies to this site. The subject property and requested relief are more

PADER RECEIVED FOR FILING Date By

particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Paul Harans, member of Rolling Road Ventures, LLC, property owners; James S. Patton, the Professional Engineer who prepared the site plan for this property; Gary Talles, Builder; and Nicole Lacoste, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southwest corner of Rolling Road and Tudsbury Road in Woodlawn. The property contains a gross area of 0.77 acres, more or less, zoned R.O. and is improved with a single family dwelling, detached garage and shed; however, has been vacant for some time. In this regard, the property was the subject of prior Case No. 97-224-XA in which the then owners were granted special exception and variance relief to raze all existing structures and build a Class B Office Building on the site on February 4, 1997. In that case, the Petitioners proposed 100% of the building for medical office space; however, agreed not to have a medical clinic. It was also agreed that access from Rolling Road would be limited to right-turn in, right-turn out, only, and the plan was modified accordingly. In any event, construction never commenced and the property is now under new ownership. Due to the fact that the special exception relief expired in 1999, the new owners/Petitioners have filed the instant requests seeking special exception and similar variance relief as set forth above.

Addressing first the Petition for Special Exception, I am easily persuaded that same should be granted. The testimony and evidence offered was persuasive that a Class B Office Building on the subject site will not be detrimental to the health, safety and general welfare of the locale and meets the standards set forth in Section 502.1 of the B.C.Z.R. Also, the facts and circumstances relative to this property and the vicinity have not materially changed since the special exception relief was granted on February 4, 1997. Thus, I find it appropriate to grant similar relief as was approved in the prior case.

As to the variances, to the extent that they are identical to those granted in the prior case, the variances requested in the instant case shall be dismissed as moot. That is, unlike special exceptions, variances do not expire, but run with the land in perpetuity. Thus, the first variance to permit an additional freestanding sign with a surface area of no more than 40 sq.ft. per face in lieu of the maximum allowed 15 sq.ft. per side, and located adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used, remains in full force and effect. Variance Requests Nos. 2, 3 and 4 are necessary in large part due to the property's corner location adjacent to residential uses and unusual shape of the property. As shown on the site plan, the Petitioners propose to locate the building close to the rear, southwest corner of the lot in such a manner that it is square to the intersection of Rolling Road and Tudsbury Road. However, because the building is square and the lot is irregular, a small portion of the rear, southwest corner of the building will be located outside the allowable building envelope. Parking will be provided in the front portion of the site with landscaped areas interspersed throughout and an existing driveway will be removed and landscaping provided to the rear to shield the building from adjacent residential uses. As to the parking variance requested (No. 5) I am persuaded to grant same. In this regard, the testimony and evidence was persuasive that the 22 spaces proposed are sufficient for the proposed building. The subject site has access to public transportation and there is no indication that parking for the property will spill over onto adjacent neighborhoods or properties.

As noted above, there were no Protestants or other interested persons present; however, Zoning Advisory Committee (ZAC) comments were received from the Office of Planning in which they recommend certain conditions be imposed upon any relief granted. I have reviewed their recommendations and agree with all but Condition No. 2, which requires that a 6' high privacy fence be installed along the property line adjacent to residential uses. In this regard, photographs submitted show that the residential buildings on the other side of this fence are multi-story condominium-type structures which would ultimately tower over the fence line. Thus, I will not require the 6-foot privacy fence, in that same will not be effective. A vegetative screen will provide a better buffer. Moreover, I will require compliance with the remaining conditions.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of July 2004 that the Petition for Special Exception to permit a Class B Office Building on the subject property, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from (1) Sections 413.1 and 204.3.C of the B.C.Z.R. to permit an additional freestanding sign with a surface area of no more than 40 sq.ft. per face in lieu of the maximum allowed 15 sq.ft. per side, and located adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used; be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: 2) from Section 204.4.C.4 to permit a minimum side yard setback of 10 feet in lieu of the required 20 feet adjacent to predominantly residentially zoned and used property; 3) from Section 204.4.C.5 to permit a minimum rear yard setback of 25 feet in lieu of the required 30 feet; 4) from Section 204.4.C.9.c(1) to permit a landscape buffer of 10 feet in lieu of the required 20 feet, which abuts property that is predominantly residentially zoned and used; and, 5) from Section 409.6.A.2 to permit the number of required off-street parking spaces for 25% medical office or clinic (4.5 per 1,000 sq.ft.) and 75% general offices (3.3 per 1,000 sq.ft.) as calculated for the proposed 7,000 sq.ft. of gross floor area Class B Office Building to be 22 parking spaces in lieu of the required 25, after allowing for the transit adjustments to general requirements, pursuant to Section 409.6.B which applies to this site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal

ORDER RECEWED FOR FILING

By

By

period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The proposed development shall comply with the recommendations made by the Office of Planning as set forth in their ZAC comments dated May 5, 2004, a copy of which is attached hereto and made a part hereof. However, the Petitioners shall not be required to install a 6-foot tall privacy fence along the property line adjoining residential uses.
- 3) When applying for any permits, the site plan/landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioners shall have five (5) years from the date

of this Order in which to utilize the special exception relief granted.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

#### **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

July 20, 2004

Nicole M. Lacoste, Esquire Ballard Spahr Andrews & Ingersoll, LLP 300 E. Lombard Street, 18<sup>th</sup> Floor Baltimore, Maryland 21202-3268

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE SW/Corner Rolling Road and Tudsbury Road

(2500 Rolling Road)

2<sup>nd</sup> Election District – 2<sup>nd</sup> Council District Rolling Road Ventures, LLC - Petitioners Case No. 04-473-XA

Dear Ms. Lacoste:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Mr. Paul Harans, Rolling Road Ventures, LLC
 2221 Maryland Avenue, Baltimore, Md. 21218
 Mr. James S. Patton, 305 W. Chesapeake Avenue, #100, Towson, Md. 21204
 Mr. Gary Talles, 1133 Greenwood Road, Pikesville, Md. 21208
 Office of Planning; People's Counsel; Case File





OK TILING

ORDER RECEIVED

# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at	2500 Rolling Road
	presently zoned RO

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A CLASS B OFFICE BUILDING AS PERMITTED BY BCZR SECTION 204.3 B2 a.

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 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.

#### <u>Legal Owner(s):</u> Contract Purchaser/Lessee: ROLLING ROAD VENTURES, LLC N/A Name - Type or Print Name - Type or Print Signature Signature PAUL HARANG MEMBER Name - Type or Print Telephone No. Address Zip Code Signature State City 410-960-4500 2221 Maryland Avenue Attorney For Petitioner: Telephone No. Address 21218 TBD Baltimore, MD State ZIP Code Name - Type or Frint City Representative to be Contacted: Signature James S. Patton, P.E. Name: Company 305 W. Chesapeake Ave. #100 (410) 296-2140 Address Telephone No. Telephone No. Address 21204 MD **Baltimore** City Zip Code Zip Code State State OFFICE USE ONLY 73 KA ESTIMATED LENGTH OF HEARING gase No. 📐 UNAVAILABLE FOR HEARING Date 4.16.04 #EV 09/15/98



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2500 ROLLING ROAD

which is presently zoned RO

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)

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.

ROLLING ROAD VENTURES, LLC

#### Contract Purchaser/Lessee:

Name - Type or Print

ORDER RECEVED FILING

N/A

Legal	Own	er(s)	•
<del> </del>			_

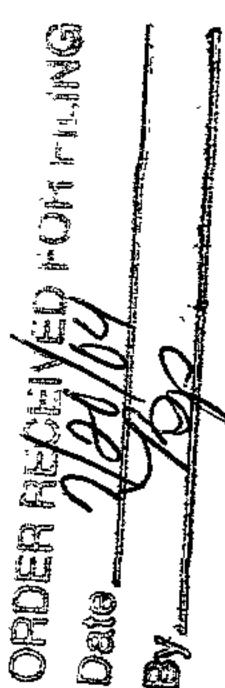
Name - Type or Print

			/ X1 (8)	2	
Signature	*		Signature	- HARAMS, MEN	13/6/L
Address		Telephone No.	Name - Type or Print	***************************************	
City	State	Zip Code	Signature		### NOON "#ERE
Attorney For Petit	ioner:		2221 Marylan	a Avenue	410-960-4500
			Address		Telephone No.
-	TBD		Baltimore, MD	)	21204
Name - Type or Print		City	* * · · · · · · · · · · · · · · · · · ·	State	Zip Code
o was a substitute of the subs	li il isovia i a	<u> </u>	Representative t	o be Contacted:	
Signature			James S. Pa		
Company		-	305 West Ches	apeake Ave. #16	00 (410) 296-214
Address		Telephone No.	Address Baltimore	MD	Telephone No. 21204
- Gary	State	Zip Code	City	State	Zip Code
			OFF	ICE USE ONLY	
case No.	-473 X	<del>/)</del>	ESTIMATED LENGTH C	F HEARING	_
			UNAVATLABLE FOR HE	ARING	_
REV 9/75/98		Reviewed By	4-000- p	tre 4.16.04	
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# ATTACHMENT 2500 ROLLING ROAD PETITION FOR A VARIANCE

- 1. VARIANCE FROM SECTION 413.1 AND SECTION 204.3C TO PERMIT AN ADDITIONAL FREE-STANDING SIGN WITH A SURFACE AREA OF NO MORE THAN 40 SQUARE FEET PER FACE IN LIEU OF AN AREA NO MORE THAN 15 SQUARE FEET PER SIDE AND ADJACENT TO A RESIDENTIALLY USED FRONTAGE IN LIEU OF THE REQUIREMENT THAT THE FRONTAGE BE NON-RESIDENTIALLY USED.
- 2. VARIANCE FROM SECTION 204.4 C.4. TO PERMIT A MINIMUM SIDEYARD SETBACK OF 10 FEET, IN LIEU OF THE REQUIRED 20 FEET ADJACENT TO PREDOMINANTLY RESIDENTIALLY ZONED, RESIDENTIALLY USED PROPERTY.
- 3. VARIANCE FROM SECTION 204.4C.5 TO PERMIT A MINIMUM REAR YARD SETBACK OF 25 FEET IN LIEU OF THE REQUIRED 30 FEET.
- 4. VARIANCE FROM SECTION204.4C.9.c.(1) TO PERMIT A TEN FOOT LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 20 FOOT LANDSCAPE BUFFER WHICH ABUT PROPERTY WHICH IS PREDOMINANTLY RESIDENTIALLY ZONED, RESIDENTIALLY USED.
- 5. VARIANCE FROM SECTION 409.6 A.2. TO PERMIT THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES FOR 25 % MEDICAL OFFICE OR CLINIC (4.5 PER 1,000 SQUARE FEET) AND 75% GENERAL OFFICES (3.3 PER 1,000 SQUARE FEET) AS CALCULATED FOR THE PROPOSED 7,000 SQUARE FEET OF GROSS FLOOR AREA CLASS B OFFICE BUILDING TO BE 22 PARKING SPACES IN LIEU OF THE REQUIRED 25 PARKING SPACES AFTER ALLOWING FOR THE TRANSIT ADJUSTMENTS TO GENERAL REQUIREMENTS AS PROVIDED BY SECTION 409.6 B. WHICH APPLIES TO THIS SITE.

THE HARDSHIP AND PRACTICULAR DIFFICULTY ARE DUE TO THE UNIQUENESS OF THE SITE, SHAPE OF THE LOT, THE READILY AVAILABLE ON-STREET PARKING ADJACENT TO THE SITE, AND SUCH OTHER REASONS AS MAY BE PRESENTED AT THE TIME OF THE HEARING.



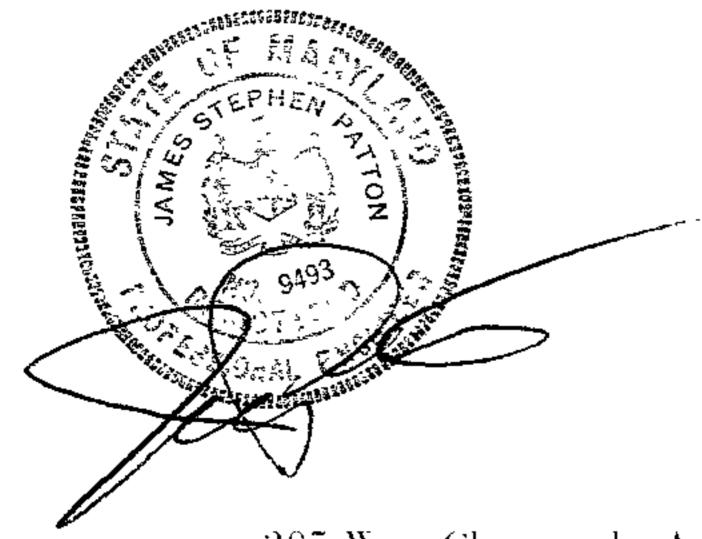
#### **ZONING DESCRIPTION**

### ROLLING ROAD VENTURES, LLC PROPERTY 2500 Rolling Road

Beginning at a point on the west right-of-way line of Rolling Road which is 70 feet wide at a distance of 44.91 feet south of the centerline of Tudsbury Road which is 70 feet wide. Thence the following courses and distance.

1.	S 03° 00' 00" W -	185 04'
2.	N 62° 14' 45" W -	170 78'
3.	N 26° 26' 00" E -	151.66'
4.	A curve to the left Arc length - 91.34'	with radius of 670.0
<b>5</b> .	S 41° 27' 59" E -	14.01'

Containing 0.53 acres, also known as 2500 Rolling Road and located in the 2nd Election District (2nd Councilmanic District).



2 OFLA S 528 ZONING VERIFICATION \$705.00 8.8 4/16/2004 11:38:14 County, Maryland TIME I CASHIER'S VALIDATION KEG #501 WALKIN JRIC JAR >>RECEIPT # 183140 4/16/2004 CEIPT ACTUM. \$705.00 CK PAID RE **Baltimore** Recot Tot 0.35707 **MISTAKESS** 4/19/2004 Sept. No. 35707 900-YELLOW - CUSTOMER AMOUNT \$ MARYL AND ACCOUNT. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY BALTIMORE COUNTY, DISTRIBUTION WHITE - CASHIER RECEIVED FROM: FOR:

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#### **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: #04-473-XA

2500 Rolling Road

W/side of Rolling Road, 45 feet +/- south of centerline of Tudsbury Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Rolling Road Ventures, LLC
Special Exception: to permit a Class B Office Building.
Variance: to permit an additional free standing sign with a surface area of no more than 40 square feet per face in lieu of an area no more than 15 square feet per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used, to permit a minimum side yard setback of 10 feet in lieu of the required 20 feet, to permit a minimum rear yard setback of 25 feet in lieu of the required 30 feet, to permit a 10 foot landscape buffer in lieu of the required 20 feet, and to permit 22 parking spaces in lieu of the required 25.

Hearing: Thursday, June 10, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

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LAWRENCE E. SCHMIDT

**Zoning Commissioner for Baltimore County** 

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing. Contact the Zoning Review Office at (410) 887-3391. JT 5/754 May 25

#### CERTIFICATE OF PUBLICATION

527,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 525 ,200+.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

#### Certificate Of Posting

RE: Case NO.: 04-473-X4

Petitioner/Developer: Roulus
ROAD VENTURES (PAUL HAZANS)

Date of Hearing/Closing: 6/10/04

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention:

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 2500 LOLLING ZDAD at

WISIDE OF ROLLING SOUTH CENTELLINE

> ROAD TudsBuey

This sign(s) were posted on

(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

Balto, MD 21237

(City,State,Zip Code)

(410)-933-9470

(Phone Number)



# Department of Permits Development Management

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





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

April 22, 2004

#### **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: 04-473-XA

2500 Rolling Road

W/side of Rolling Road, 45 feet +/- south of centerline of Tudsbury Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Rolling Road Ventures, LLC

Special Exception to permit a Class B Office Building. <u>Variance</u> to permit an additional free-standing sign with a surface area of no more than 40 square feet per face in lieu of an area no more than 15 square feet per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used, to permit a minimum side yard setback of 10 feet in lieu of the required 20 feet, to permit a minimum rear yard setback of 25 feet in lieu of the required 30 feet, to permit a 10 foot landscape buffer in lieu of the required 20 feet, and to permit 22 parking spaces in lieu of the required 25.

Hearing: Thursday, June 10, 2004 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco Director

TK:klm

C: Rolling Road Ventures, LLC, Paul Harans, 2221 Maryland Avenue James Patton, 305 West Chesapeake Ave., Ste. 100, Baltimore 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 26, 2004.

- (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

TO: PATUXENT PUBLISHING COMPANY
Tuesday May 25, 2004 Issue - Jeffersonian

Please forward billing to:

James Patton
305 West Chesapeake Avenue, Ste. 100
Towson, MD 21204

410-296-2140

#### **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: 04-473-XA

2500 Rolling Road
W/side of Rolling Road, 45 feet +/- south of centerline of Tudsbury Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District
Legal Owners: Rolling Road Ventures, LLC

Special Exception to permit a Class B Office Building. Variance to permit an additional free-standing sign with a surface area of no more than 40 square feet per face in lieu of an area no more than 15 square feet per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used, to permit a minimum side yard setback of 10 feet in lieu of the required 20 feet, to permit a minimum rear yard setback of 25 feet in lieu of the required 30 feet, to permit a 10 foot landscape buffer in lieu of the required 20 feet, and to permit 22 parking spaces in lieu of the required 25.

Hearing: Thursday, June 10, 2004 at 11:00 a.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.



#### 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 tisted 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 473
Petitioner Biling ROAD VENTURES, CCC
Address or Location 2500 Rolling Ropp
PLEASE FORWARD ADVERTISING BILL TO  Name
Address 305 West Chesapeake Ave.,  Suite 100
TOWSON 2012. Md. 21204
Telephone Number 41.0 - 296 - 2140

# Department of Permits Development Management

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





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

June 1, 2004

Paul Harris Rolling Road Ventures, LLC 2221 Maryland Avenue Baltimore, Maryland 21204

Dear Mr. Harris:

RE: Case Number:04-473-XA, 2500 Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 16, 2004.

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,

Call Rill Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel James S. Patton 305 West Chesapeake Avenue, # 100 Baltimore 21204



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

April 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.26.04

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

RE:

Baltimore County

Item No. 473

Dear. Ms. Matthews:

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

1. J. Hall

#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 199/1985

DATE:

April 30,2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 26, 2004

<u>X</u> The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-470

(04-473)

04-474

04-477

04-478

04-479

04-480

04-481

Reviewers:

Sue Farinetti, Dave Lykens

S-\Devcoord\ZAC SHELL 11-20-03.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** May 5, 2004

RECEIVED

MAY - 7 2004

NING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2500 Rolling Road

**INFORMATION:** 

Item Number:

4-473

Petitioner:

Rolling Ventures, LLC.

Zoning:

RO

Requested Action: Variance/Special Exception

#### SUMMARY OF RECOMMENDATIONS:

An inspection of the above referenced property revealed that it is located next to high-density residential uses (garden apartments and condominiums) along a busy cross county road. While there is no on street parking, public transportation is located in the immediate vicinity. A wellplanned redevelopment of this site is encouraged as it will be an enhancement to this site and the surrounding community.

The Office of Planning supports the requested variances provided the following conditions are met:

- 1. Submit a landscape plan to include landscaping along Rolling Road and Tudsbury Road to the County landscape architect for review and approval.
- Install a 6' wood privacy fence along the property line of the adjoining residential uses.
- 3. Submit a lighting plan to show lighting that will not conflict with adjacent residential uses.
- Provide walking connection from the public sidewalks to the building entrance.

DAFILING OHOME THOMS

- 5. The proposed dumpster location shall be effectively screened from public view.
- 6. Submit sign detail and building elevations (all sides) to this office for review and approval prior to applying for any building permits. The proposed building should be compatible with the surrounding residential uses.

For further information concerning the matters stated herein, please contact Dave Green at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL:MAC:

OHDER RECENED FOR FILING
Date
By

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

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 May 3, 2004 Item No. 473

The Bureau of Development Plans Review has reviewed the subject-zoning item.

**DATE:** May 13, 2004

This site is subject to all development regulations.

RWB:cab

cc: File

PETITION FOR SPECIAL EXCEPTION RE:

AND VARIANCE

2500 Rolling Road; W/side Rolling Road, 45' S c/line of Tudsbury Road

2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Rolling Road Ventures, LLC,

Paul Harrans, Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

04-473-XA

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.

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 29th day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to James S Patton, P.E., 305 W Chesapeake Avenue, Suite 100, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

APR 2 9 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

ATTORNEYS AT LAW

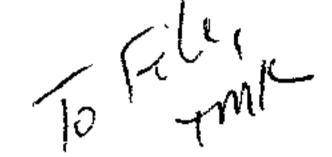
#### TYDINGS & ROSENBERG LLP

100 EAST PRATT STREET
26TH FLOOR
BALTIMORE MARYLAND 21202
410 752 9700
EVY -10 727 5-52

www.ydmgslaw.com

NICOLE M. LACOSTE 410 752 9764 nlacoste@tydingslaw.com

May 5, 2004



#### **BY FACSIMILE (410-887-5708) AND MAIL**

Mr. Timothy M. Kotroco, Director Department of Permits & Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Entry of Appearance for Case No. 4-473-XA

Dear Mr. Kotroco:

Please enter my appearance as the attorney for the applicant for the above referenced case. This application is a Petition for Special Exception and Petition for Variance to permit a Class B Office Building at 2500 Rolling Road.

Should you have any questions, do not hesitate to contact me. Thank you.

Sincerely,

Micole M. Lacoste

cc: Paul Harans, Rolling Road Ventures LLC Mr. Lawrence E. Schmidt, Baltimore County Zoning Commissioner Peter Max Zimmerman, People's Counsel



#### PATTON CONSULTANTS, LTD.

30 To (4) Fa

TO: .	ZONING REVIEW PERMITS & DEVELOPMENT HOW
ATTN:	W, CARL RICHARDS

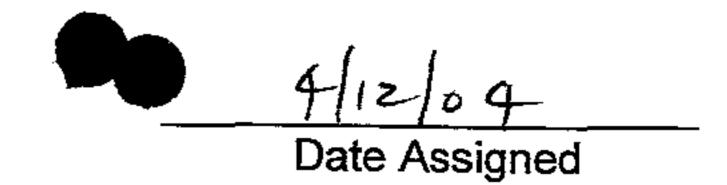
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Proj. No.:

(x (410) 296-0419  VAICHALOF +	PETON TIMON VIPES L
WE ARE PLEASED TO SEND YOU:  Attached	
COPIES DATE DESCRIPTION DV  3 PETTING FOR SPEND DCCP / VIPI INVET  13 PLAN 2 PLAN 3  CHELK 305  1 ZOWN G DESCRIPTION  THIS TRANSMITTAL IS  For your approval  For your use  At your request  For review and comment  DESCRIPTION  DESCRIPTION  Approved with exception  To us  Approved as submitted	
FURTHER ACTION REQUIRED  Resubmit copies for approval _ Submit copies for distribution _ Return correct  REMARKS: CAPL_'. THIS WAS PROVIDUS Y SUBMIT  REMARKS: AND   HAPPE WITH CAPTER ISS  THE SPECIAL PART SET BIRTH  FOR TO PROVIDE SET BIRTH  SOPY TO PROVIDE SIGNED:  If enclosures are not as noted, please notify as at once.  CHOL ' USE CELL PARTE A1D-760-8283	

20m	
Intake Planner	





# DROP-OFF PETITIONS PROCESSING CHECK-OFF

	Two Questions Answered on Cover Sheet:
	Any previous reviews in the zoning office?
	Any current building or zoning violations on site?
	Petition Form Matches Plat in these areas:
	Address
	Zoning
	Legal Owner(s)
	Contract Purchaser(s)
	Request (if listed on plat)
	Petition Form (must be current PDM form) is Complete:
	Request:
	Section Numbers  Correct Wording (must relate to the code, conscielly fleedalpin and biggeried to the decidence.)
	Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the <u>request</u> in lieu of the <u>required</u> code quantities.
	Hardship/Practical Difficulty Reasons
	Legal Owner/Contract Purchaser:
	Signatures (originals)
	Printed/Typed Name and Title (if company)
	Attorney (if incorporated)
	Signature/Address/Telephone Number of Attorney
	Correct Number of Petition Forms, Descriptions and Plats
	200 Scale Zoning Map
<del></del>	
	Check: Amount Correct? Signed?
	ZAC Plat Information:
	Location (by Carl) Sulpor Rolling Road + Judsbury Rol.
	2500 Rolling R.D.
	Zoning: Acreage: Previous Hearing Listed With Decision
	Election District Councilmanic District Case # 97-229 x A, wc -93-
	Check to See if the Subject Site or Request is:
	CBCA Floodplain
	Elderly
	Historical
	Pawn Shop
	Helicopter
	*If Yes, Print Special Handling Category Here
	*If No, Print No
	*If No, Print No

# PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

# PETITIONER'S SIGN-IN SHEET

E- MAIL	Lacoste N@ ballandspar.com	PCI. Datton @ UBRZEDN. NAT	dems@hotma:	•									
CITY, STATE, ZIP	Balthnone, MD 7	BALTIMORE	DACKIMORE,	PHESULLE, MD. 2120							•		
ADDRESS	BSA1, 300 E. Lowbard, 1844 A)	1257-305 3. CHの家庭が	2221 MARKLAHO AVENUE	1133 GREENWOOD RD.	*					AL FAX. 410-361-8942	∢ }		
NAME	Micole Lacoste	12 14 12	PAUL HARRANS	GARY TALLES				<b>4</b>	 NICOLE M. LACOSTI	4 a a	BALTIMORE, MARYLAND ETCOM LACOSTENOBALI WWW.BALLARDSPAHR COM		



Side entrance to existing structure at 2500 Rolling Road

M 2 A



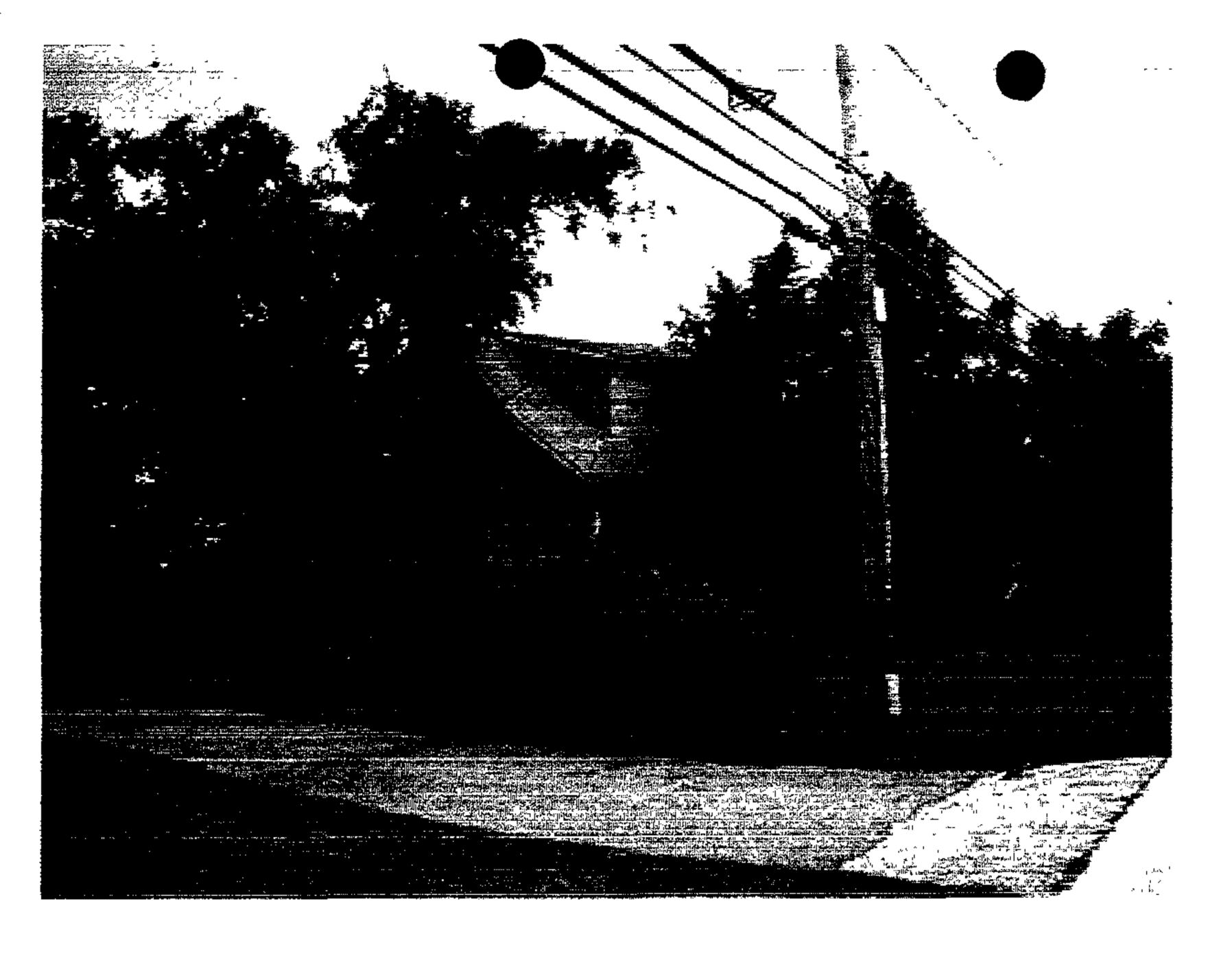
Side yard with garage in background at 2500 Rolling Road

25

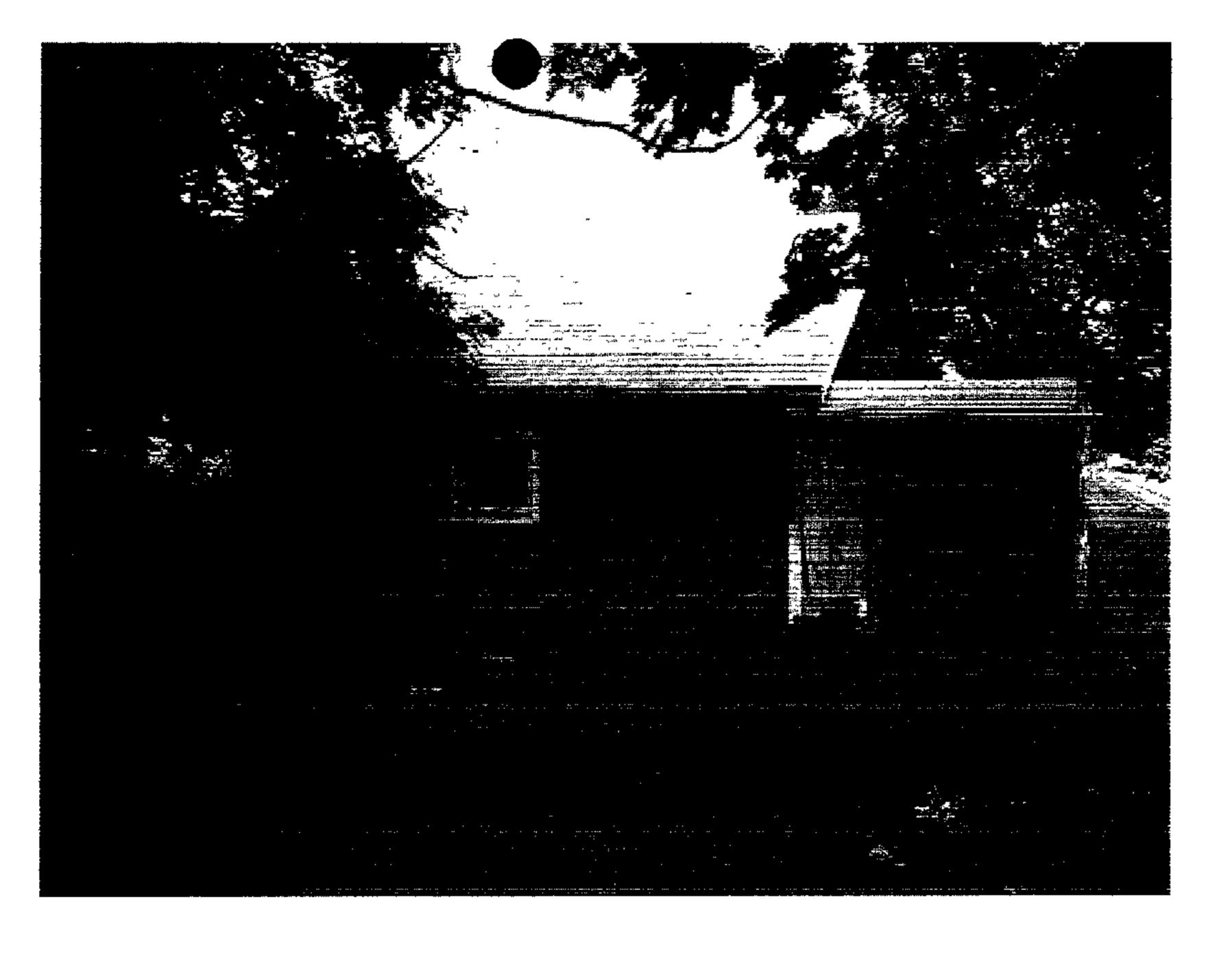


Partial view of front of existing structure at 2500 Rolling Road

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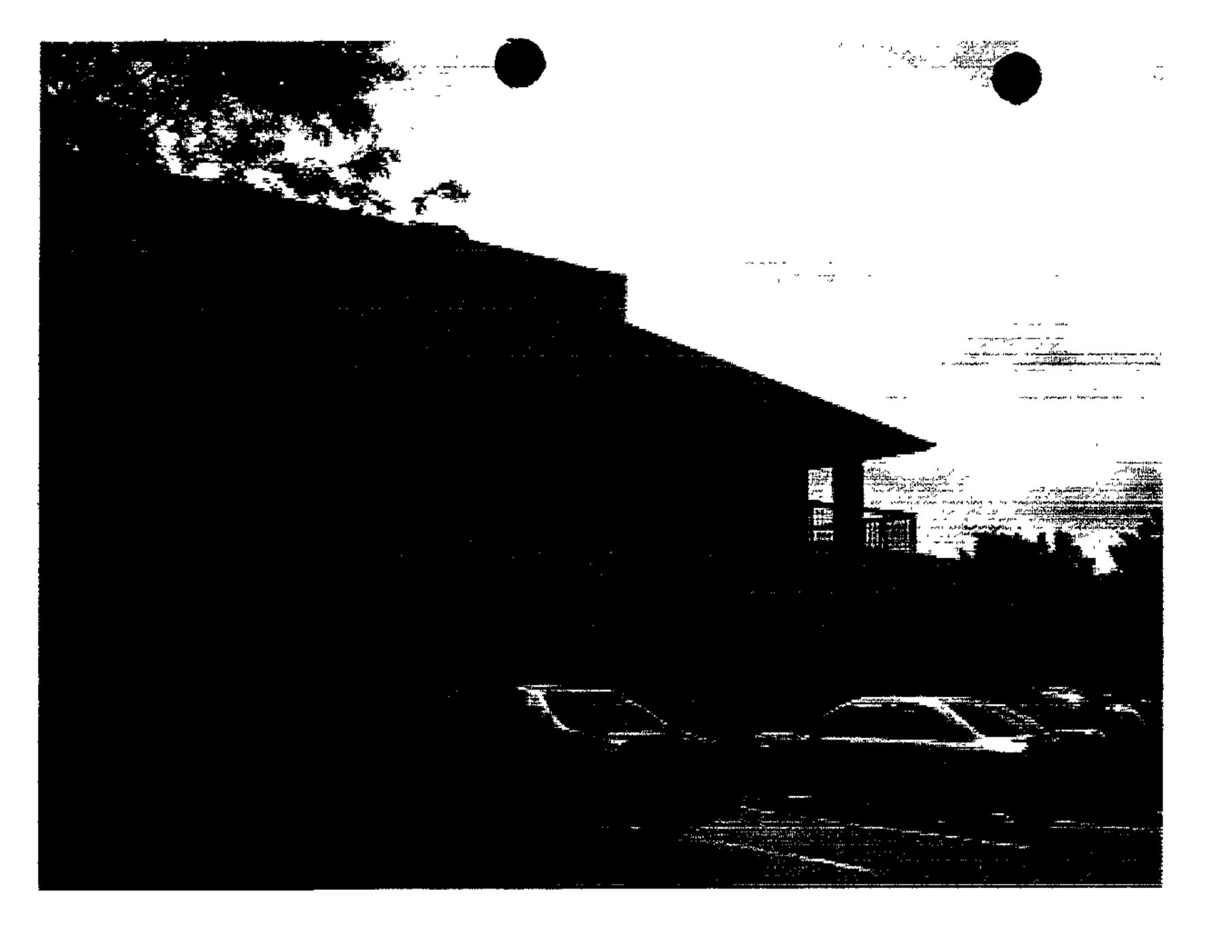


Existing driveway and existing structure at 2500 Rolling Road

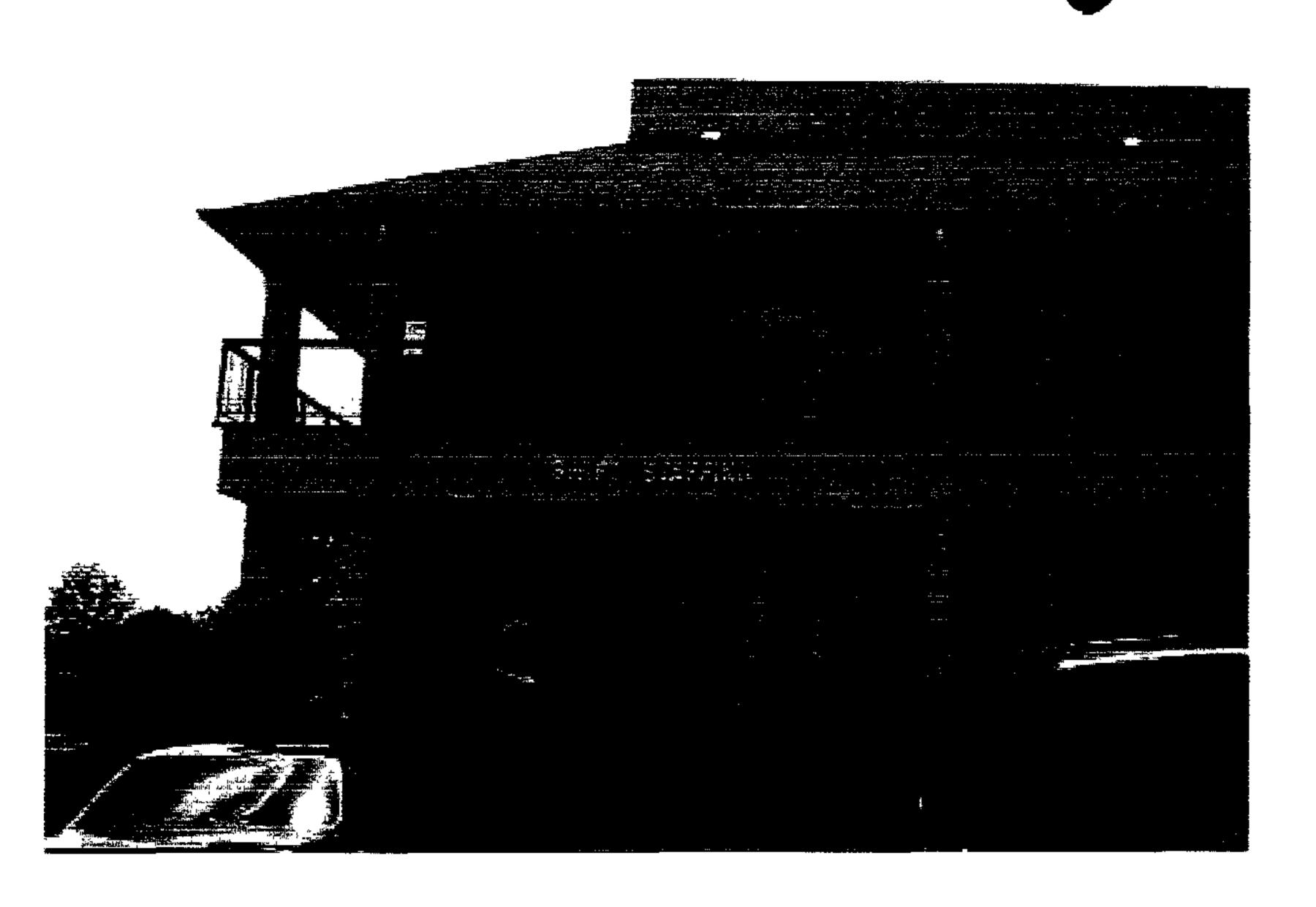


Existing accessory structure at 2500 Rolling Road

M2E



Example of 2-story office building with entrances from exterior walkway



Example of 2-story office building with entrances from exterior walkway



Example of 2-story office building with entrances from exterior walkway

1



Residential community adjacent to 2500 Rolling Road



Residential community adjacent to 2500 Rolling Road



Residential community adjacent to 2500 Rolling Road



Residential community adjacent to 2500 Rolling Road



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

February 4, 1997

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

RE: PETITIONS FOR SPECIAL EXCEPTION and VARIANCE
SW/Corner Rolling Road and Tudsbury Road
(2500 Rolling Road)
1st Election District - 1st Councilmanic District
Herbert V. Sauter and Elinor M. Baim - Petitioners
Case No. 97-224-XA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

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

Very truly yours,

why to how

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Herbert V. Sauter & Ms. Elinor M. Baim 3505 Jean Drive, Baltimore, Md. 21244

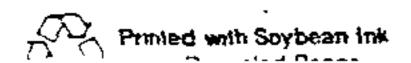
Mr. James S. Patton

✓ 305 W. Chesapeake Avenue, Suite 118, Towson, Md. 21204

People's Counsel

File

RECEIVED FEB - 4 1997



IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - SW/Corner Rolling

Road and Tudsbury Road (2500 Rolling Road) 1st Election District 1st Councilmanic District

Herbert V. Sauter and Elinor M. Baim - Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

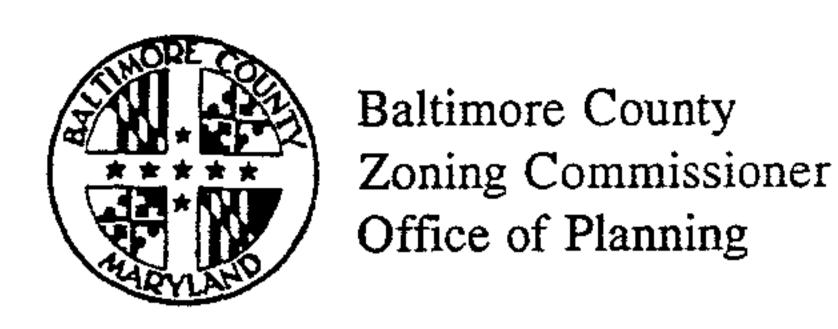
OF BALTIMORE COUNTY

Case No. 97-224-XA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 2500 Rolling Road, located in the vicinity of Dogwood Road near Woodlawn. The Petitions were filed by the owners of the property, Herbert V. Sauter and Elinor M. Baim, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek a special exception for a Class B Office Building at the subject location, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Sections 413.1 and 204.3.C to permit an additional freestanding sign of no more than 40 sq.ft. per face located adjacent to a residentially used frontage, in lieu of the maximum permitted 15 sq.ft. per face, and non-residential use frontage; from Section 204.3.B.2 to permit the proposed Class B Office Building to have 100% of the total adjusted gross floor area occupied by medical offices; and, from Section 409.6.A.2 to permit 23 off-street parking spaces in lieu of the 32 spaces required for a medical office or clinic use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Herbert and Betty J. Sauter, James S. Patton, Professional Engineer who prepared



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

March 2, 1998

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

RE: REQUEST FOR REMAND

PETITIONS FOR SPECIAL HEARING AND VARIANCE

SW/Corner Rolling Road and Tudsbury Road

(2500 Rolling Road)

1st Election District - 1st Councilmanic District

Herbert V. Sauter and Elinor M. Baim - Petitioners

Case No. 97-224-XA

gov For

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

lunthy llotrow

for Baltimore County

TMK:bjs

cc: Mr. Herbert V. Sauter & Ms. Elinor M. Baim 3505 Jean Drive, Baltimore, Md. 21244

Mr. James Patton

305 W. Chesapeake Avenue, Suite 206, Towson, Md. 21204

People's Counsel; Case Files

RECEIVED MAR - 5 1998

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - SW/Corner Rolling

Road and Fudsbury Road (2500 Rolling Road) 1st Election District 1st Councilmanic District

Herbert V. Sauter and Elinor M. Baim - Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 97-224-XA

\* \* \* \* \* \* \* \* \*

\*

#### ORDER ON REMAND

WHEREAS, this matter came before me for consideration of Petitions for Special Exception and Variance relief for a Class B office building at the subject location. Specifically, the Petitioners sought relief for a freestanding identification sign of 40 sq.ft. total in lieu of the maximum permitted 15 sq.ft.; to permit 100% of the gross floor area of the proposed office building to be dedicated to medical offices in lieu of the maximum permitted 25%; and to permit 23 off-street parking spaces in lieu of the 32 spaces required. By Order issued February 4, 1997, I granted the relief requested, subject to certain terms and restrictions.

Subsequent to the issuance of my Order, an appeal of my decision was entered by the Office of People's Counsel for Baltimore County. A hearing before the Board of Appeals was scheduled for July 30, 1997; however, prior to the appeal hearing taking place, the Petitioners filed a Request for Remand to this Deputy Zoning Commissioner for a modification of my prior decision and further consideration of their plans. By Order dated August 12, 1997, the Baltimore County Board of Appeals granted the Petitioners' request and ordered that the case be remanded to this Deputy Zoning Commissioner for further consideration. A hearing on the remand was scheduled before me on February 26, 1998.

Appearing at that hearing on behalf of the Petitioners' request

were Herbert V. Sauter, co-owner of the property, James Patton, Professional Engineer who prepared the site plan in this case, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the Petitioners no longer wish to dedicate 100% of the proposed office building to medical office space. Apparently, after reviewing the market demands relative to the need for medical office space in this particular area of Baltimore County, the Petitioners have determined that only 25% of the proposed building will be dedicated to such use and thus, the previously granted variance to permit 100% occupancy of the proposed building by medical offices is no longer necessary.

Given the Petitioners' request to have the previously granted variance rescinded, and the fact that the Office of People's Counsel does not object to the remand, I am persuaded to grant the request for modification of my prior Order.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of March, 1998 that the Order issued February 4, 1997 be and is hereby AMENDED to RESCIND the variance to permit 100% of the proposed Class B office building to be used for medical offices; and

IT IS FURTHER ORDERED that only 25% of the gross floor area of the proposed Class B Office Building shall be used for medical offices; and,

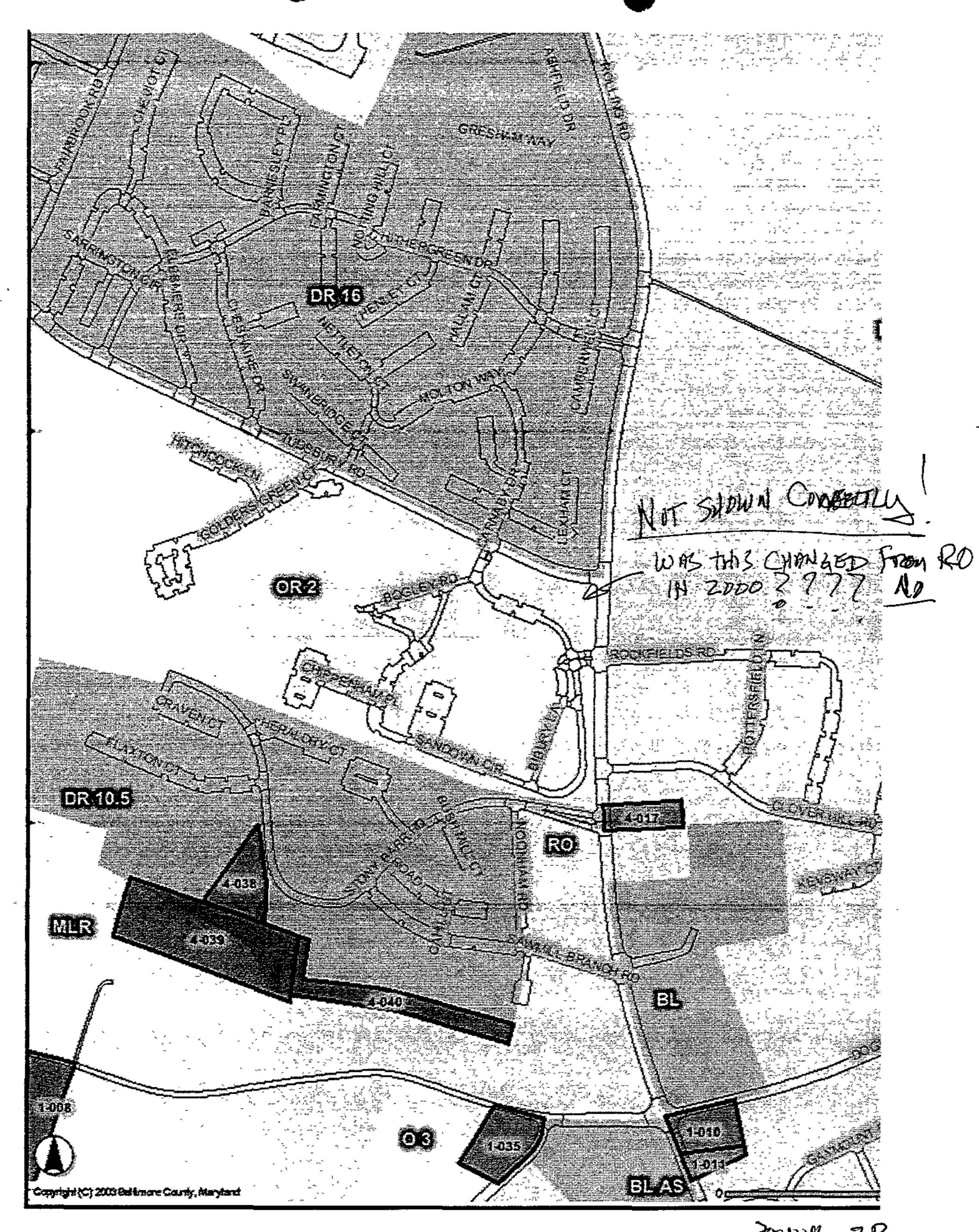
IT IS FURTHER ORDERED that all other terms and conditions of the Order issued February 4, 1997 shall remain in full force and effect.

IMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Clie... 4/12/2004

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