I THENKS

IN RE: PETITION FOR VARIANCE SW/Corner of Walker Avenue and Old Court Road 3rd Election District 2nd Councilmanic District

(28 Walker Avenue)

28 Walker Associates, LLC By: Mark Sapperstein Petitioners

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-243-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, 28 Walker Associates, LLC, by Mark Sapperstein. The Petitioners are requesting variance relief for property located at 28 Walker Avenue in Baltimore The variance request is from Section 409.6.A.2 of the Baltimore County Zoning County. Regulations (B.C.Z.R.), to permit 9 parking spaces in lieu of the required 12 parking spaces.

The property was posted with Notice of Hearing on December 24, 2004, 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 December 23, 2004 to notify any interested persons of the scheduled hearing date.

# Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area. regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of

a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

## **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated December 9, 2004, a copy of which is attached hereto and made a part hereof.

# **Interested Persons**

Appearing at the hearing on behalf of the variance request were Steve Warfield, professional engineer, and Mark Sapperstein on behalf of the Petitioners. David Gildea, Esquire, represented the Petitioners. Pierce Macgill from the Office of Economic Development appeared at the hearing in support of the request. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

# **Testimony and Evidence**

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of .44 acres, more or less, zoned BL-CT. The subject property is located at the acute intersection of Old Court Road and Walker Avenue in the heart of the Pikesville business district. It is presently improved by a two-story building, which had been converted from a dwelling to an office. In addition, the site contains a cell tower and cell tower equipment building.

The Petitioner proposes to raze the existing building, and erect a modern two-story office building on the site. The cell tower and cell tower equipment building would be maintained. As can be seen on Petitioners' Exhibit 1, the new building is triangular in shape to match the acute angle of the intersection. Parking would be provided in the rear as shown on the plan.

The property is surrounded by commercial uses, including the Giant Food Center, office buildings and new County fire station. In conjunction with this plan, the County proposes to improve the intersection at a later date. Mr. Gildea noted that the proposed design for the building

W

had been submitted to the Design Review Panel as the property is located in the Pikesville revitalization area. The Panel made findings, which are noted in the comments from the Office of Planning, all of which have been incorporated into the Plan to Accompany, Petitioners' Exhibit 1. Mr. Gildea indicated that the Petitioner had already submitted the building plans to the Office of Planning as required by the Design Review Panel. Mr. Macgill from the Office of Economic Development noted that the project, although relatively small, was important to the County's revitalization efforts in this area and that his office fully supported the requested relief.

In regard to the variance for parking, Mr. Gildea noted the triangular shape of the lot and the existence of the cell tower and equipment building. He proffered that the technician who services the cell equipment only comes every other month and so logically requires no separate parking space. However, in an abundance of caution, the Petitioner allotted one space to this use. The need for the variance stems from the irregular shape of the lot and the existing cell tower and equipment uses. He indicated that it would a hardship and practical difficulty to gain a few more spaces at the cost of eliminating the cell equipment or reducing the size of the new building which is constrained to follow the acute angle of the intersection. He further indicated that granting the variance would not adversely affect the neighborhood, which is commercial in nature. In support of this position he presented a letter of support from the Pikesville Chamber of Commerce.

# Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure that is the subject of the variance request, because of the triangular shape of the lot and the existence of the cell tower and equipment building. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. It would not make sense to gain a few more spaces at the cost of eliminating the cell equipment or reducing the size of the new building which is constrained to follow the acute angle of the intersection.

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WATER THE SERVICE OF THE PROPERTY OF

Furthermore, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The neighborhood is commercial in nature and supported by the Chamber of Commerce. Allowing the variance means a new building will add to the revitalization efforts of the County in the Pikesville business district.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this \_\_\_\_\_ day of January, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 9 parking spaces in lieu of the required 12 parking spaces, be and is hereby GRANTED subject to the following restrictions:

1. The Petitioners shall comply with the requirements of the Design Review Panel as noted in the comments of the Office of Planning dated December 29, 2004.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOVIN 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 William J. Wiseman III, Zoning Commissioner

January 11, 2005

David K. Gildea, Esquire Gildea, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

Re: Petition for Variance
Case No. 05-243-A
Property: 28 Walker Avenue

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mark Sapperstein, 28 Walker Associates, LLC, 28 Walker Avenue, Baltimore, MD 21208 Steve Warfield, Matis/Warfield, Inc., 10540 York Road, Suite M, Hunt Valley, MD 21030 Peirce Macgill, Dept. Economic Development, 400 Washington Ave., Towson, MD 21204



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





# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 28 Walker Avenue

which is presently zoned BL-CT

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)

409.6.A.2 for 9 parking spaces in lieu of the required 12.

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

To be presented at hearing.

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.

Legal Owner(s):

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

Date 11/10/04

UNAVAILABLE FOR HEARING

BK

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:

Be No. \_\_ 05 - 243- A

ADER RECEIVE

REV 9/15/98

	28 Walker Associates, LLC
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Mark Sapperstein Name-Type or Print Owner
City State Zip Code	Signature
Attorney For Petitioner:	28 Walker Avenue (410)653-0334
	Address Telephone No.
David K. Gildea	Baltimore, MD 21208
Yame - Type or Print	City State Zip Code
Signature July	Representative to be Contacted:
Gildea & Schmidt, LLC	David K. Gildea
Company	Name
300 E. Lombard Street, Suite 1440	300 E. Lombard Street, Suite 1440
Address Telephone No.	Address Telephone No.
Baltimore, MD 21202 (410)234-007	O Baltimore, Md 21202 (410)234-0070
City State Zip Code	Clty State Zip Code
\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	OFFICE USE ONLY

Reviewed By \_





# Matis Warfield

consulting engineers

# **ZONING DESCRIPTION to Accompany Petition for Variance Request**

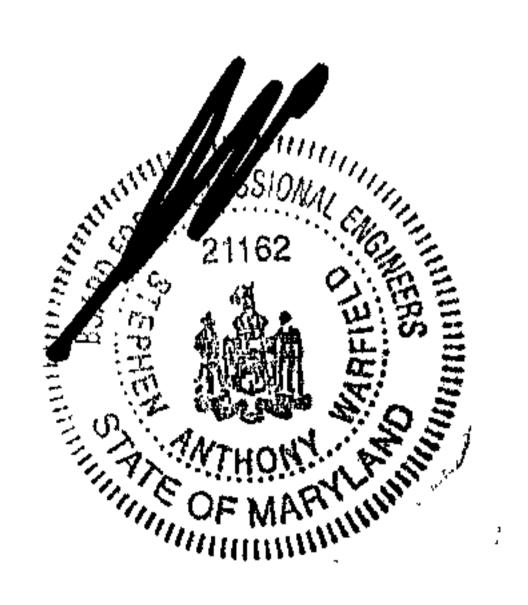
Beginning at a point on the north side of (Old) Old Court Road, which is 40-feet wide at the distance of 38(+/-)-feet southwest of the centerline of the nearest improved intersecting street, Walker Avenue, which is 40-feet wide. Thence the following courses and distances:

S 84° 26' 11" W 141.36'; S 84° 26' 11" W 65.02'; S 28° 50' 09" E 110.68'; N 56° 02' 31" E 59.97'; N 56° 02' 31" E 115.75'; N 18° 26' 44" E 19.83'; To the place of beginning,

Being comprised of parcels 601 and 636 as shown on Baltimore County Tax Map #78, and located in the 3<sup>rd</sup> Election District, containing <del>0.252-</del>acres±.

0.265

THIS DESCRIPTION HAS BEEN COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.



Matis Warfield, Inc.

10540 york road • suite m • hunt valley, maryland 21030

phone 410-683-7004 • facsimile 410-683-1798

www.matiswarfield.com

OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYL MISCELL DISTRIBUTION
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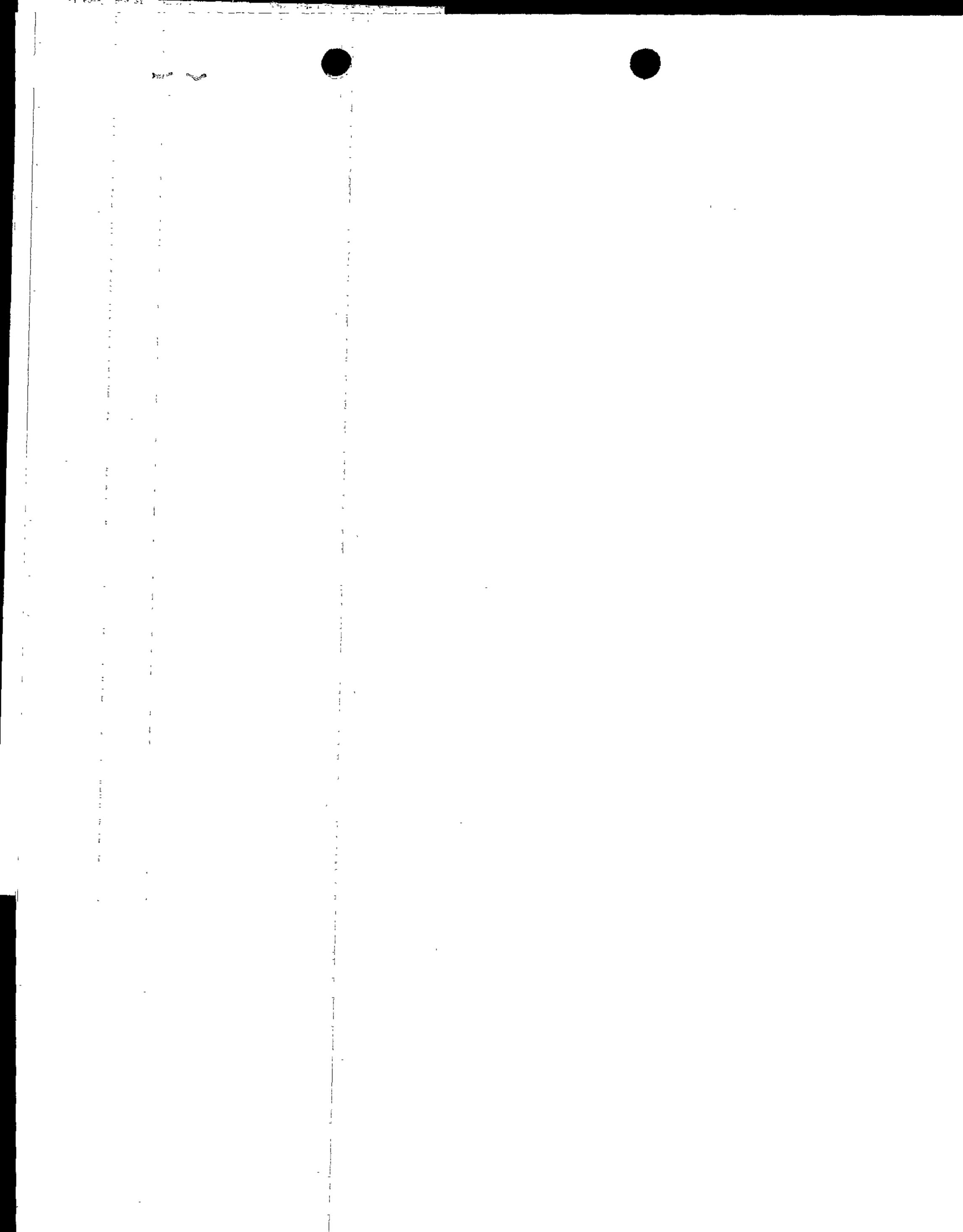
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AGENCY

YELLOW - CUSTOMER



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		THEORIES AND
ABTOM-COSIONER.	ACCOUNT 1	

# 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: #05-243-A 28 Walker Avenue
S/west corner of Walker
Avenue and Old Court Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): 28 Walker
Associates, LLC, Mark Sapperstein Variance: to permit 9 parkIng spaces in fleu of the required 12.
Hearing: Monday, January
10, 2005 at 11:00 a.m. In
Room 407, County Courts
Building, 401 Bosley Avenue.

WILLIAM WISEMAN -Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommoda-tions Please Contact the Zoning Commissioner's Of-fice at (410) 887-4386. (2) For information con-cerning the File and/or Hearing, Contact the Zon-ing Review Office at (410)

887-3391.

33562 12/248 Dec. 23

# CERTIFICATE OF PUBLICATION

12/23/,2004	i
THIS IS TO CERTIFY, that the annexed advertisement was put	olished
in the following weekly newspaper published in Baltimore County,	, Md.,
once in each ofsuccessive weeks, the first publication appears on	aring
on 1225,20 <u>07</u> .	
The Jeffersonian	
☐ Arbutus Times	-
Catonsville Times	-
☐ Towson Times ☐ Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

		j	RE: Case No.: (15 " 470 ")
<i>;</i>			Petitioner/Developer: 28 WALKER
,.#			ASSOCIATES LCC MARK SAPPER STEIN Date of Hearing/Closing: 1/10/05
Baltimore County Departm Permits and Development N County Office Building, Ro 111 West Chesapeake Aven Towson, Maryland 21204	Aanagement om 111		
ATTN: Kristen Matthews	{(410) 887-3394}		
Ladies and Gentlemen:		•	
_		_	the necessary sign(s) required by law were
	28 WALK	BR	AVE
		· · · · · · · · · · · · · · · · · · ·	
	<u> </u>		
The sign(s) were posted on	<del></del>	(Month.	Day, Year)
	<u> </u>	Sincerely	y <b>,</b>
		1	Pulient Black 12/26/04
	-		(Signature of Sign Poster) (Date)
			SSG Robert Black
		-	(Print Name)
			1508 Leslie Road
			(Address)
	-		Dundalk, Maryland 21222
			(City, State, Zip Code)
	-		(410) 282-7940
			(Telephone Number)

# 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.

# 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

November 26, 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: 05-243-A

28 Walker Avenue

S/west corner of Walker Avenue and Old Court Road

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: 28 Walker Associates, LLC, Mark Sapperstein

Variance to permit 9 parking spaces in lieu of the required 12.

Hearing: Monday, January 10, 2005 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotro

Director

TK:klm

C: David Gildea, Gildea & Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Mark Sapperstein, 28 Walker Avenue, Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 24, 2) O4.

- (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

Thursday, December 23, 2004 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

# 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: 05-243-A

28 Walker Avenue

S/west corner of Walker Avenue and Old Court Road

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: 28 Walker Associates, LLC, Mark Sapperstein

Variance to permit 9 parking spaces in lieu of the required 12.

Hearing: Monday, January 10, 2005 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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.

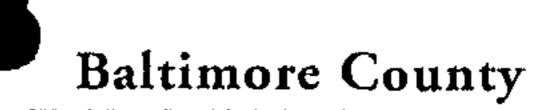
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits a Development Management

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





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

January 4, 2005

David K. Gildea Gildea & Schmidt, LLC. 300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Gildea:

RE: Case Number: 05-243-A, 28 Walker Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 10, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Mark Sapperstein 28 Walker Associates, LLC. 28 Walker Avenue Baltimore 21208



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

# Fire Department

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



# **Baltimore County**

James T Smith, Jr., County Executive John J. Hohman, Chief

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

November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.:

227-241, 243, 245-249

Pursuant to your request, the referenced plan(s) have been reviewed 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



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



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

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

# Maryland Department of Transportation

Date: //. ZZ . 0 4

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

RE:

Baltimore County)
Item No. 743

BPR

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,

Steven D. Foster, Chief

Engineering Access Permits Division

allo

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

TO:

Tim Kotroco

**PDM** 

FROM:

John D. Oltman, Jr IPO

**DEPRM** 

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

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

05-227 05-229 05-230 05-232 05-234 05-235 05-239 05-240 05-241 05-242 05-243 05-243

05-245

05-246

05-247

05-248

Reviewers:

Sue Farinetti, Dave Lykens

RECEIVED

DEC 1 0 2004

ZONING COMMISSIONER



DATE: December 9, 2004

RECEIVED

# 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

**SUBJECT:** 

28 Walker Avenue

**INFORMATION:** 

**Item Number:** 

5-243

Petitioner:

Mark Sapperstein

Zoning:

BL-CT

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The applicant is proposing to build a two story commercial office building (approx. 3,050 S.F.) at the corner of Walker Avenue and Old Old Court Road. The building is located toward the point of the triangle shaped lot. A cellular tower and its associated equipment building will remain on the site in addition to creating a second equipment building by converting the ground level of the existing office building which already houses a large portion of equipment for the cell tower. Five thousand square feet of amenity open space will be provided. A variance will be requested for the 11 required parking spaces since only 9 spaces are proposed. In working with the Department of Public works, Old Old Court Road will be reconfigured to intersect at Walker Avenue at a 90-degree angle to minimize excess paving.

The bare brick and standing seam metal building's intended use will be provided through a greeting space, conference room, storage rooms, bathrooms, a kitchenette and several work areas. Landscaping is proposed along the perimeters of the site as well as around the building itself.

CADER RECEIVED FOR FILING

### **DESIGN REVIEW PANEL COMMENTS:**

The following issues and recommendations were identified at the DRP meeting. These recommendations are binding on the Hearing Officer (Bill 56-04):

- 1. The joinery and reveal of the building need to be developed further to tie the two sides together more cohesively. Either by dropping the roof of the metal side of the building or recessing the reveal. Provide more of a transition of the materials.
- 2. Use horizontal pickets for the balcony railings if the law permits.
- 3. Contrast the balconies through color variation.
- 4. Since using clear glass for the building, use brick walls on the interior to create interest on the inside of the building that relates to the outside.
- 5. Use a paver type material at the entrance to the building.
- 6. Locate the mechanical equipment on the ground and screen with planting. Do not put mechanical equipment on the building.
- 7. Recommend a variance should be granted for not providing sidewalk on the northwest corner of the property since relocation of established trees would remove a significant screen of utilities. In addition, there is no sidewalk on the adjoining property.
- 8. Recommend a variance be granted for providing parking of 9 spaces in lieu of the required 11 spaces.
- 9. Submit revised architectural elevations, site plans and landscape plans to the Office of Planning and the DRP members in attendance for review and final approval.

To date, the Office of Planning has not received revised architectural elevations, site plans, or landscape plan as required per the DRP recommendations listed above.

Prepared by:

Division Chief:

AFK/LL:MAC:

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

DATE: December 7, 2004

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 November 29, 2004

Item Nos. 227, 228, 229, 230, 231, 232, 233, 234, 237, 238, 239, 240, 241, 242,

243, 244, 246, and 248

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

28 Walker Avenue; SW corner Walker

Avenue & Old Court Road

3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): 28 Walker Associates, LLC\*

- Mark Sapperstein

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

05-243-A

# 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

RECEIVED

NOV 2 4 2004

Per C2/6

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 24<sup>th</sup> day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, David Gildea, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

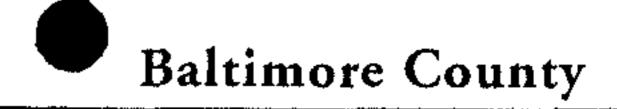
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# 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 17, 2005

David K. Gildea Gildea & Schmidt, LLC 300 East Lombard Street Ste. 1440, Baltimore, MD 21202

Dear Mr. Gildea

RE: Sapperstien / 28 Walker Ave.

Spirit and Intent Case No.05-243-A

3rd Election District

Your letter to Timothy Kotroco, Director, Baltimore Country Department of Permits and Development Management, has been referred to me for reply. Upon careful review of the included site plan and the zoning case file for this property the following determination by the Office of Zoning Review is offered.

The concept of retaining the existing structure and establishing the approved wireless transmission and receiving use therein greatly impacts the site, requiring extensive re-design. The proposed parking spaces must meet the minimum dimensions pursuant to Section 409 of the Baltimore County Zoning Regulations (BCZR). By my measurement of the plan it appears that one of the parallel spaces is only 19.5' long. The required length is 21'. Further, it appears that the HC space is not the required 8.5' wide. The proposed plan must meet all parking requirements save for the granted variance allowing 9 spaces in lieu of the required 12. Provide to this office for review a plan reflecting the requirements of Section 409 BCZR in order to fully consider your "spirit and intent" request. Further, a note confirming the exclusive use of the existing structure, as ancillary to the established wireless transmission and receiving use must be added to the plan.

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.

Sinderely,

Lloyd Tylvoxley

Planner II, Zoning Review

LTM



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

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## GILDEA & SCHMIDT, LLC

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TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPHONE 410-387-7057

Please review this & please review this & let me Know if it's let Since Blog is for Knok cell Towar aguir. Ethnik cell Towar aguir. Ethnik

September 29, 2005

Mr. Timothy Kotroco Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

Re:

Sapperstein/28 Walker Avenue

Spirit and Intent Request

Case No.: 05-243-A

SUBSTANTEM 6 CUANTEE

Dear Tim:

28 Walker Associates, LLC ("Walker"), the property owner for the above referenced property ("Property"), respectfully requests a spirit and intent letter be issued for the above referenced development. The facts as they relate to the issues of spirit and intent are as follows:

- 1. Walker submitted a development proposal to Baltimore County in order to construct a two-story office building upon the existing lot.
- 2. This proposed development received approval, including a grant of a variance through previous Case Number 05-243-A to permit nine parking spaces in lieu of the required 12 spaces (see attached). The proposed development also received limited exemption approval by the Development Review Committee, as well as receiving design approval from the Design Review Panel.
- 3. The property is presently improved by a converted single-family dwelling office, cell tower and a 400 sq ft. cell tower equipment building.
- 4. The development proposal in Case No. 05-243-A sought to raze the existing converted single-family dwelling office and erect a modern two-story office building on the site. The cell tower and cell equipment building were to be maintained.

5. The development of the new office building and the existence of the cell tower with equipment building have not changed, however Walker now desires to maintain the existing converted single family dwelling office building to use for cell tower equipment and related storage.

All W

Allowing this building to remain on-site as non-leaseable cell tower equipment will not affect any of the bulk regulations, including parking, for this proposed development.

- 7. The existing building is in good physical shape and will be maintained as such.
- 8. Granting this Spirit and Intent request will have no detrimental impact on the surrounding locale and practical difficulty will be suffered by Walker if this existing building is not permitted to be used as storage.

I have enclosed a copy of the Order and the proposed development plan for your review. I have also enclosed a check in the amount of \$50.00 for the fee.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,

David K. Gildea

DKG: dls Enclosure

CC: W. Carl Richards, Jr., Permits and Development Management Marc C. Sapperstein, 28 Walker Associates, LLC Stephen A. Warfield, Matis Warfield, Inc. Sebastian A. Cross, Esquire



Design Review Committee Attn: Lynn Lanham Court Building, Room 406 401 Bosley Avenue Towson, Maryland 21204

# To Whom It May Concern:

This letter is written to support the design plans for the property at 28 Walker Avenue. The plans for a new building are an attractive improvement to the area and will be an upgrade to the current structure. The plan shows an attractive office building which will greatly enhance the area and possible encourage other such improvements. The building sits in an area that is bordered by one of the biggest areas of redevelopment in Pikesville. This building will certainly continue that effort and create more continuity to the area by enhancing the south gateway to Walker Avenue, the Giant and Centre Court shopping center.

We are fully in support of these plans and hope that you will approve them,

Sincerely,

Sherrie Becker
Executive Director

Dit 3

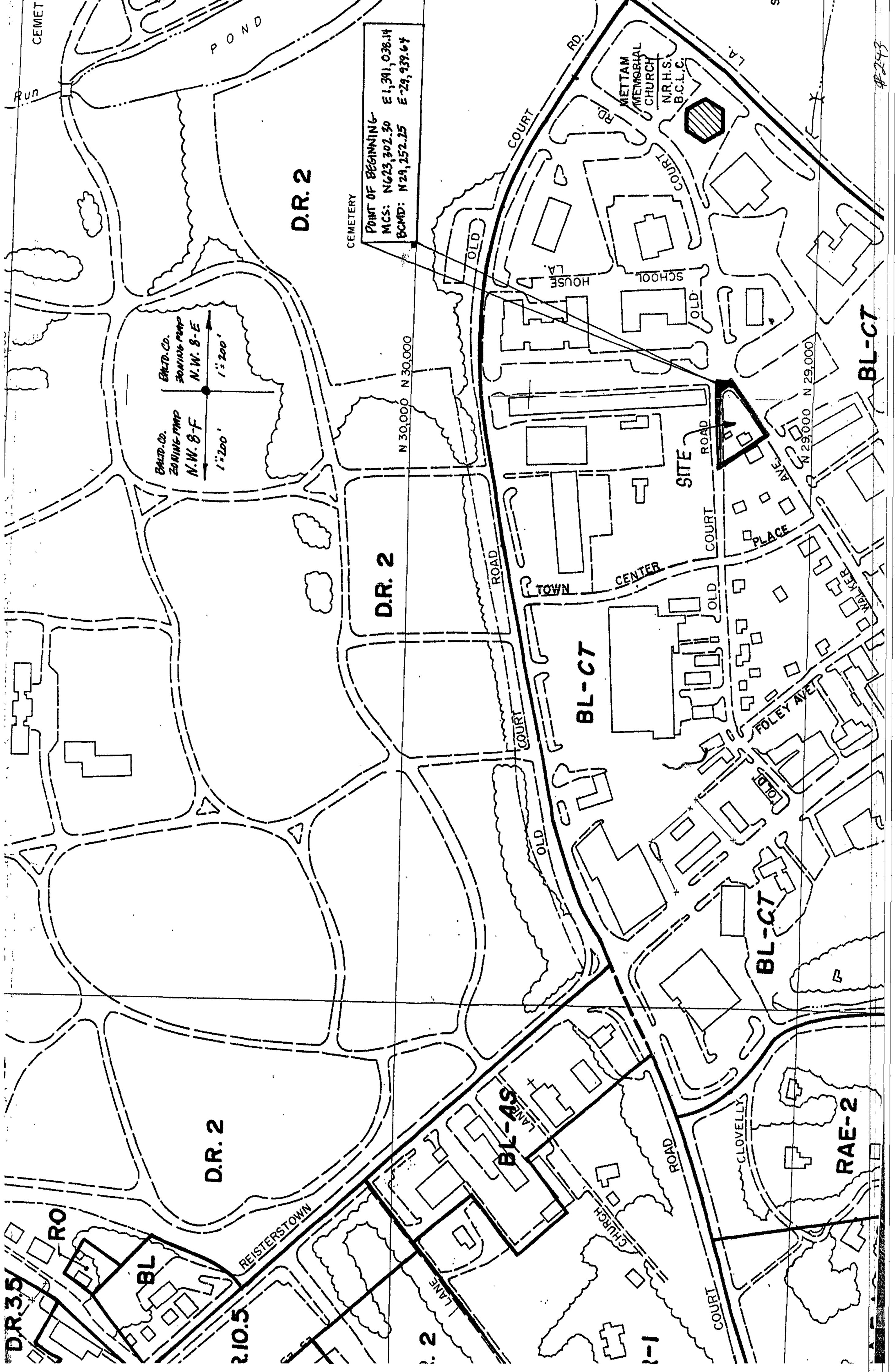
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
CASE NAME 28 LADE AME.
CASE NUMBER 05-223-A
DATE 110/05

# PETITIONER'S SIGN-IN SHEET

E- MAIL	Store & matiswartille								
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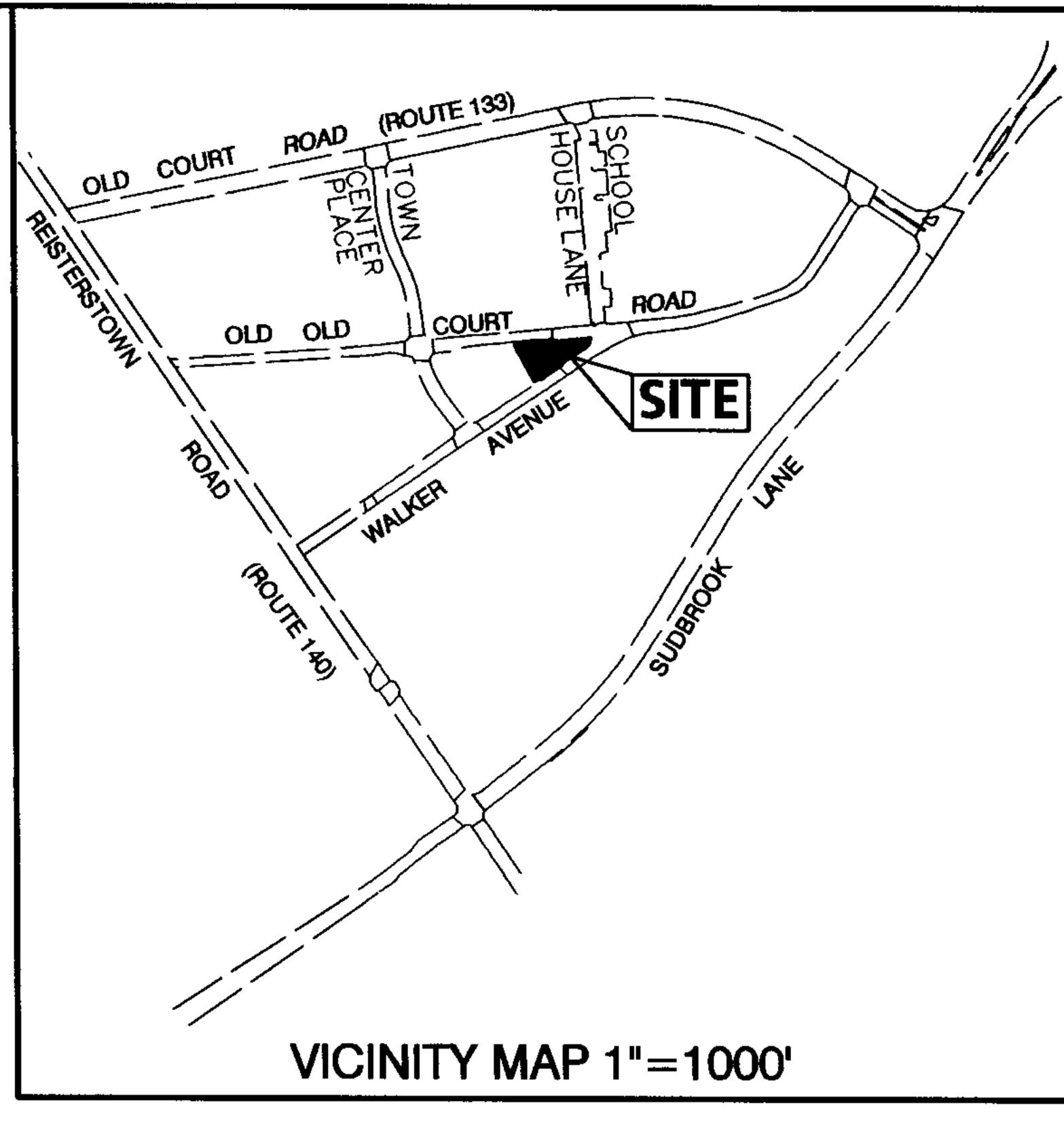








USA REAL ESTATE LLC SCHREIBER EUGENE/SANFORD D TRUSTEE POINT OF BEGINNING HARRY AND JEANETTE WEINBERG HOUSE INC. 30 OLD COURT ROAD TAX ACCT\*: 03-0320019010 16 OLD COURT ROAD EXISTING DEED REF: 10617/76 16 OLD COURT ROTE TAX ACCT\*: 03-2200011220 DEED REF: 9553/52 7 STORY APARTMENTS (ONE WAY ROAD) - 38' +/- TO INTERSECTION Remiove Exist. Mac. — by others OF (OLD) OLD COURT RD & WALKER AVE R 52.33. Office Building Highway Widening Are to be Dedicated to Baltimore County



# SITE DATA

28 Walker Avenue Pikesville, Maryland 21208 01) GROSS AREA OF PROPERTY: 0.443 AC. +/-, 19,314 SF. +/ 02) NET AREA OF PROPERTY: 0.252 AC. +/-, 10,958 SF. +/-03) EXISTING ZONING: BL-CT MAP#: NW-8-F & NW-8-E

04) EXISTING USE: 1,196-sf+/- 2.5-Story Office Building, Cell Tower, & 200-sf+/- 1-Story Cell Tower Bldg. 05) PROPOSED USE: 2-Story Office Building (3,050 SF), Cell Tower, (1) 200-sf+/- 1-Story Cell Tower Bldg., & 2.5-Story Building to Remain, 1,196-sf+/- to be used for Cell

Tower Equipment and Related Storage. 06) EXISTING F.A.R.: (1,396sf adjusted gross building floor area /gross site area) = 0.07 07) PROPOSED F.A.R.: (4,946sf adjusted gross building floor area /gross site area) = 0.26

08) PROPOSED HEIGHT: OFFICE BUILDING HEIGHT: 32'+/-CELL TOWER BUILDINGS: 8.5' +/-Cell Tower Equipment and Storage Building: 30' +/- (Existing Bldg.)

(NO HEIGHT TENT NECESSARY) 09) AMENITY OPEN SPACE: See sheet 2 of 2 10) TAX ACCOUNT #s 0319045210 & 0323001251 11) DEED REFERENCE: 9973/722 &10389/184

12) STORM WATER MANAGEMENT: Existing % Impervious = 58% Proposed % Impervious = 54% (Reduction in impervious area proposed.) 13) FÒREST CONSERVATION: Exempt, Existing Lots, No forest on site, no subdivision proposed

14) TAX MAP: 78 PARCELS: 601 & 636 COMMERCIAL PERMITS AND/OR ZONING CASES: N/A 16) PRIOR CRGs, DEVELOPMENT PLANS, WAIVERS: NA 17) PRIOR DRC ACTIONS:

DRC #03275D: To install tower (A7), Granted DRC #03317E: To construct additional antenna (A7), Granted DRC #021201B: To place antenna on existing tower

18) THIS PROPERTY IS SERVED BY PUBLIC WATER & SEWAGE SYSTEMS. There are not any wells and/or septic systems on site or in the vicinity of

19) This project is located within an area subject to review by the Design

20.) No signs proposed at this time. Any future signs shall comply with Baltimore County Zoning Regulations.

NOTES 1) THIS PLAN WAS PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED FOR USE IN CONVEYANCE OF LAND. 2) THE PROPERTY OUTLINE SHOWN HEREON IS FROM A BOUNDARY SURVEY PREPARED BY KCI. THE TOPOGRAPHIC INFORMATION SHOWN IS FROM FIELD

RUN TOPO AND COUNTY GIS TOPO. 4) ZONING LINES OBTAINED FROM ZONING MAP NW-8-F 5) THIS SITE IS NOT IN A DEFICIENT AREA AS NOTED ON THE BASIC SERVICE MAPS

PARKING REQUIRED: 3,050 sf General office @ 3.3 spaces/1,000 sf = 11 Spaces = 12 spaces = 9 spaces

RELIEF REQUESTED: VARIANCE FROM SECTION 409.6.A.2 FOR 9 PARKING SPACES IN LIEU OF THE REQUIRED 12.

MATIS WARFIELD, INC. CONSULTING ENGINEERS

10540 YORK ROAD, SUITE M HUNT VALLEY, MARYLAND 21030 PHONE:410.683.7004 -- FAX:410.683.1798

OWNER/APPLICANT 28 Walker Associates, LLC 28 Walker Avenue Pikesville, Maryland 21208

DESIGN: <u>5.A.W.</u> DRAWN: CHECKED: 5.A.W. DATE FILING & PLOT DATE Plan to Accompnay S&ILetter Type of Storage changed to cell tower related NOVEMBER 10, 2004

Plan to Accompany Variance Hearing

BALTIMORE COUNTY, MARYLAND

SCALE: 1"-20"

28 Walker Avenue

SHEET

COUNCILMANIC DISTRICT NO. 2 ELECTION DISTRICT NO. 3 NO. 1 OF 2

