

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

E/S of Pleasant Hill Road, 820 Ft.

S center of Run Crossing Drive

4th Election District

3rd Councilmanic District

(E/S of Pleasant Hill Road, 820 ft.

S of Run Crossing Drive)

Lakeside Financial Center, LLC By: Howard Brown, Managing Member Petitioners



* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-386-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Lakeside Financial Center, LLC, by Howard Brown, Managing Member. The Petitioners are requesting a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan approved in Case No. 05-002-SPHA. In addition, variance relief is requested as follows:

- 1. from Section 209.4.C.2 of the B.C.Z.R., to permit building to street line setbacks a minimum of 14.25 ft. (residential building) and 34.26 ft. (guard house) in lieu of the required 50 ft.;
- 2. from Section 209.4.C.1 of the B.C.Z.R., to permit minimum building to lot line setback of 18.29 ft. (guard house front yard) and 47.14 ft. (guard house side yard) in lieu of the required 50 ft.; and
- 3. from Section 209.4.B, to permit building line lot widths of 111.36 ft., 88.11 ft. and 96.39 ft. in lieu of the required 150 ft. (guard house).

The property was posted with Notice of Hearing on March 1, 2005, 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 March 3, 2005, to notify any interested persons of the scheduled hearing date.

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 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." 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.

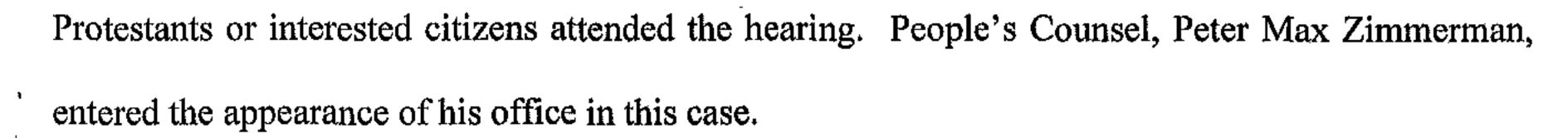
Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

N. H. W.

Appearing at the hearing on behalf of the requested special hearing and variance relief were Steve Warfield and Gwenn Crupi from the engineering firm that prepared the Plan to Accompany, and Arthur Adler for the Petitioner LLC. Arnold Jablon, Esquire represented the Petitioners. No



Testimony and Evidence

At the outset, Mr. Jablon noted that this same project had recently been considered by this Commission in Case No. 05-002-SPHA. The Petitioners would like to erect a 36-unit condo residential unit on the remaining lot in the Lakeside Financial Center located on Pleasant Hill Road. The overall site contains 600,000 sq. ft. of office buildings and to a large extent is built out. The zoning is OT (Office and Technology Zone) which allows residential development by right as a principal use along with the office and research facilities associated with a technology park. Mr. Jablon noted that in field problems arose in implementing the prior order and so the Petitioners return for changes. These problems include the need for retaining walls set forth on the original proposal.

In the original plan, the condo would be isolated from larger office development by having its only road access via Pleasant Hill Road through a guarded entrance. However, the revised plan presented herein has access to the condos via the office park and Red Brook Boulevard. The condo building will be now rotated 90 degrees with its front toward the office park rather than toward Pleasant Hill Road. See Petitioners' Exhibit Nos. 2 and 4 for the revised plan and Exhibits 3 and 5 for the original plan. The revised plan also eliminates the temporary road access through the office park that was intended to allow time to have the road system connecting to Pleasant Hill Road be significantly improved. A new lot line between the subject site and the existing office park was established.

To a large extent, the request for variances arises because of the location of the guardhouse in relationship to the lot and property lines. See detail of guardhouse distances to lot and property lines. The guardhouse is not on a separate parcel but on the subject lot. In addition, the condo

building also requires variances to the required distance to a street. As shown on the exhibit, the corner of the building is 14 feet from the right-of-way for Pleasant Hill Road.

Findings of Fact and Conclusions of Law

From the testimony and evidence, I find that the proposed 36-unit residential building is compatible with the letter, spirit and intent of the OT zoning as it is now located. I see no adverse impact on the community by rotating the building or using Red Brook Boulevard for access rather than Pleasant Hill Road. Considering the testimony from the community in the prior case this access is much preferred.

I further find that the variances requested are reasonable and for the most part internal to the Center. The Center is nearly built out. Parcel A-1a is oddly shaped and constrained by a large storm water management facility. I find that it would be a hardship for the Petitioners to comply with the setback regulations for the guardhouse and the residential building. Therefore, I will grant the variances requested.

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 and special hearing requests should be granted.

IT IS FURTHER ORDERED, that the variance relief requested as follows:

- 1. from Section 209.4.C.2 of the B.C.Z.R., to permit building to street line setbacks a minimum of 14.25 ft. (residential building) and 34.26 ft. (guard house) in lieu of the required 50 ft.;
- 2. from Section 209.4.C.1 of the B.C.Z.R., to permit minimum building to lot line setback of 18.29 ft. (guard house front yard) and 47.14 ft. (guard house side yard) in lieu of the required 50 ft.; and

3. from Section 209.4.B, to permit building line lot widths of 111.36 ft., 88.11 ft. and 96.39 ft. in lieu of the required 150 ft. (guardhouse).

be and is hereby GRANTED.

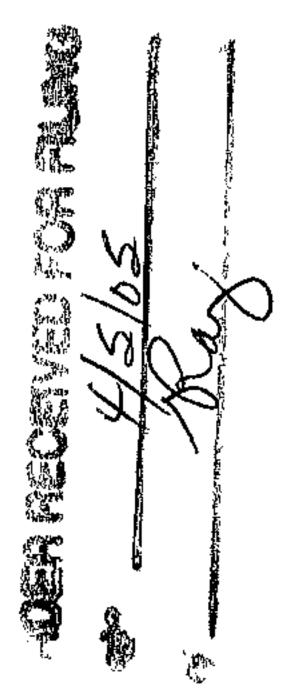
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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 | William J. Wiseman III , Zoning Commissioner

April 5, 2005

Arnold Jablon, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance

Case No. 05-386-SPHA

Property: E/S of Pleasant Hill Road, 820 ft. S of Run Crossing Drive

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

John W. Murphy 12

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Arthur Adler, Lakeside Financial Center, LLC, 100 Painters Mill Road, Suite 900, Owings Mills, MD 21117
Steve Warfield & Gwenn Crupi, Matis/Warfield, Inc., 10540 York Road, Suite M,

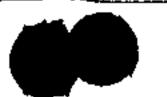
Hunt Valley, MD 21030

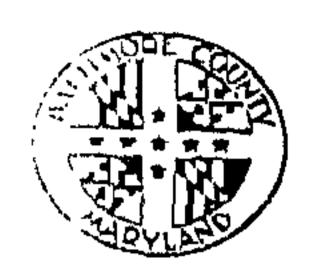


Visit the County's Website at www.baltimorecountyonline.info

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

15-386-SPHA





5

Petition for Special Hearing

to the Zoning Commissioner of Baltimore Counky E/S of Pleasant Hill Road, 830

Telephone No.

51210

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Zip Code

ZID CDd3

for the property located at South of Run Grossing Drive which is presently zoned or

This Putition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto are part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore. Commissioner should approve

Special Hearing to amend the site plan approved in Case No. 05-002-SPHA

or or agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zon and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. IWe do selemnly 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. CRI Mac Purchaser/Lessee: Legal Owner(s): Lakeside Financial Center, Nath. Tice or Print Name - Type of Print 5:50 Howard Brown, Managing Member A TOTE Telephone No. Name - Type or Pont City " Sigle Zip Code Signatura 100 Painters Mill Road Amerina: Fer Petitioner: (410)363-3434 Address Penthouse Robert A. Hoffman Owings Mills, Maryland 21117: Name Myte or Print Sulo Representative to be Contacted: នាពួក_{អ្}េ Robert A. Hoffman Venable <u>LLP</u> Name 21D Allegheny Avenue 4410-494-6200 210 Allegheny Avenue 494-6200 (410)AJO. elephone No. Address Taiaphone Na Towson, Maryland 21204 noewoT. Maryland 21204 State Chy

5115198



Petition for Variance

to the Zoning Commissioner of Baltimore County ALD for the property located at E/S of Pleasant Hill Road, 800'

for the property located at South of Run Crossing Drive which is presently zoned _______ Crossing Drive

This Patition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
If or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the doning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

IWe do solemnly declare and affirm, under the penalties of

perjury, that I've are the legal owner(s) of the property which is the subject of this Pelition. Legal Owner(s): Contract Purchaser/Lessee: Lakeside Financial Center. Name - Type Punt Name - Type or Print Signature Howard Brown, Managing Member Name - Type or Print Telephone Ne. ACC: 655 Signature Zip Code \$14:0 City (410) 363-3434 100 Painters Mill Road Attorney For Petitioner: Telephane No. Addiess 21117 Owings Mills, MD Zip Cade Robert A. Hoffman State Hame. Type of Print Representative to be Confacted: Hollman Signature Robert A. Hoffman Venable LLP Name Сриралу 494-6200 (410) 210 Allegheny Avenue (410) 494-6200410 Allegheny Avenue Teipphone No. Addiess Telephane No. Attress 21204 MD Towson, 21204 Zip Coce MD lowspn, State Zip Code CITY State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ______ UNAVAILABLE FOR HEARING Date Reviewed By _

ATTACHMENT TO PETITION FOR VARIANCE

- Variance from Section 209.4.C.2 of the Baltimore County Zoning Regulations ("BCZR") to permit building to street line setbacks a minimum of 14.25 feet (residential building) and 34.26 feet (guard house) in lieu of the required 50 feet.
- 2. Variance from BCZR Section 209.4.C.1 to permit minimum building to lot line setback of 18.29 feet (guard house-front yard) and 47.14 feet (guard house-side yard) in lieu of the required 50 feet.
- Variance from BCZR Section 209.4.B to permit building line lot widths of 111.36 feet, 88.11 feet and 96.39 feet in lieu of the required 150 feet (Guard House).

TO1DOCS1/DHK01/#200512 v1



Matis Warfield

consulting engineers

ZONING DESCRIPTION to Accompany Petition For Variance Request & Special Hearing

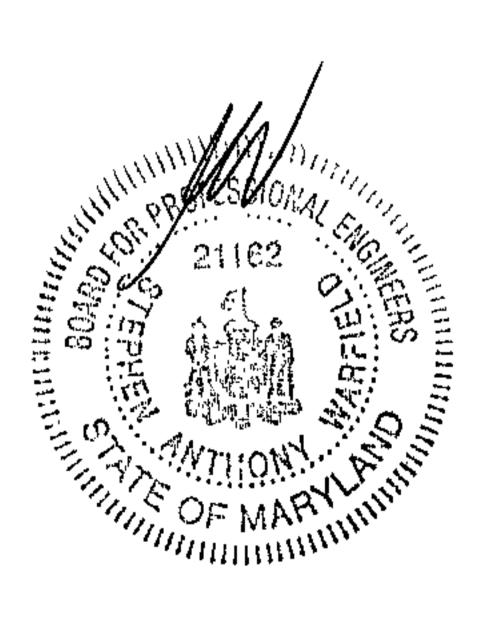
Beginning at a point on the east side of Pleasant Hill Road which is 50-feet wide at the distance of 820(+/-)-feet south of the centerline of the nearest improved intersecting street, Run Crossing Drive, which is 50-feet wide. Thence the following courses and distances:

S 25° 52' 15" W 724.85'; N 78° 19' 50" E 74.70'; N 65° 37' 33" E 193.04'; N 23° 46' 04" E 149.01'; S 86° 54' 01" E 105.56'; N 53° 55' 32" E 78.61'; N 24° 42' 08" W 288.29'; N 03° 30' 09" W 101.78'; N 64° 07' 45" W 38.91'; To the place of beginning,

Containing 2.7081-acres±, and being a portion of Lot #A-1 in the subdivision known as Friedler Property, as recorded in Baltimore County Plat Book #72, Folio #139. Also known as Lakeside Financial Center, and located in the 4th Election District.

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





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: #05-386-SPHA

Case: #05-386-SPHA

E/S of Pleasant Hill Rd., 820' south of Run Crossing Drive

E/S of Pleasant Hill Rd., 820' south of Run Crossing Drive

4th Election District - 3rd Councilmanic District

Legal Owner(s): Lakeside Financial Center, LLC

Howard Brown, Managing Member

Special Hearing: to amend the site plan approved in Case

No. 05-002-SPH. Variance: to permit building to street

line setbacks a minimum of 14.25 feet (residential

building) and 34.26 feet (guard house) in lieu of the

required 50 feet, to permit minimum building to lot line

setbacks of 18.29 feet (guard house - front yard) and

47.14 feet (guard house-side yard) in lieu of the required

50 feet, and to permit building line lot widths of 111.36

feet, 88.11 feet and 96.3 feet in lieu of the required 150

feet (guard house).

Hearing: Friday, March 18, 2005 at 11:00 a.m. in Room

106, County Office Building, 111 W. Chesapeake

Avenue, Towson 21204.

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning

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

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 3/004 March 3

CERTIFICATE OF PUBLICATION

3/3,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $3/3$,20_05.
The Jeffersonian
☐ Arbutus Times

☐ Catonsville Times

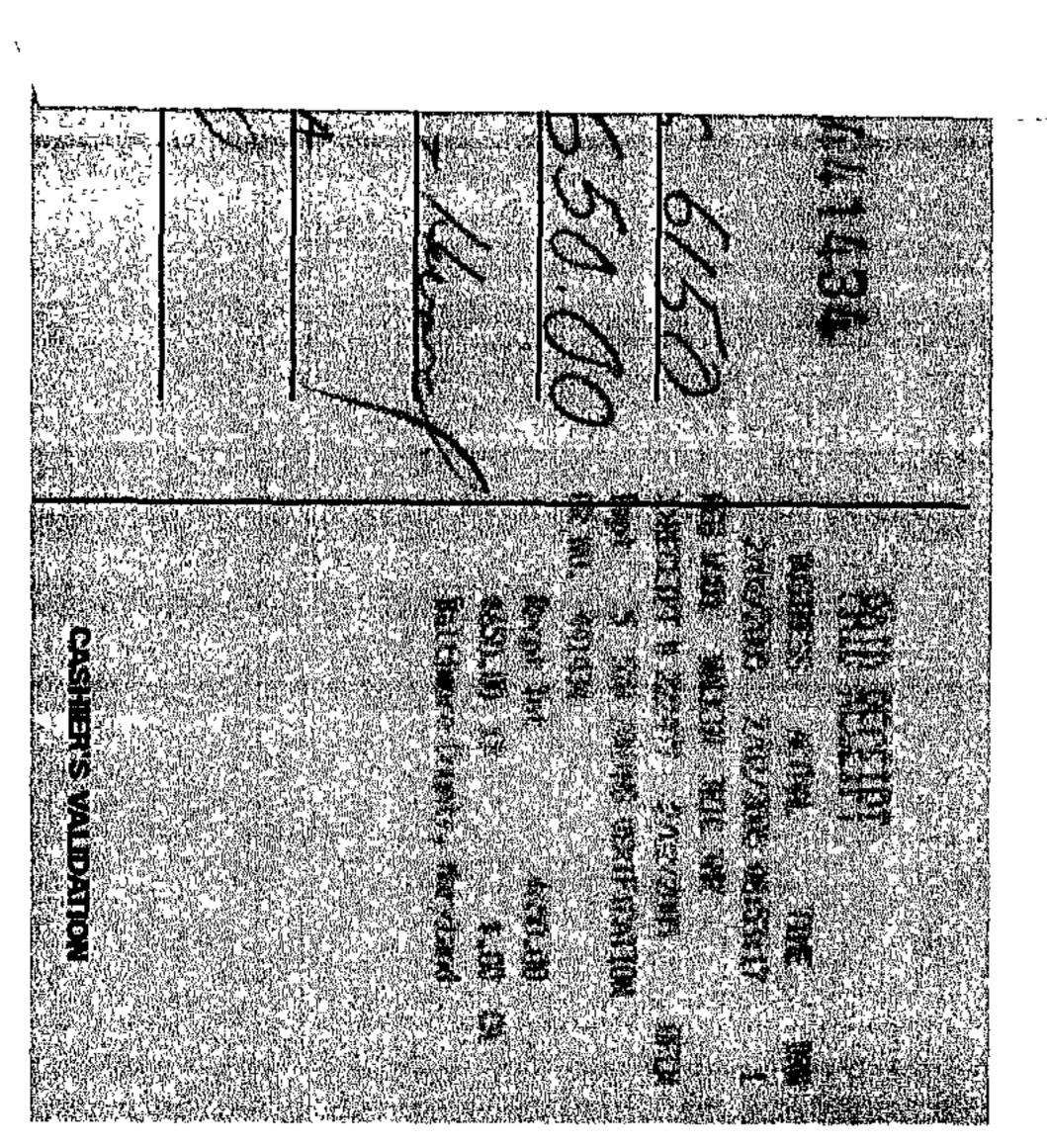
☐ Towson Times

Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: Case No.: 05-386-SPHA

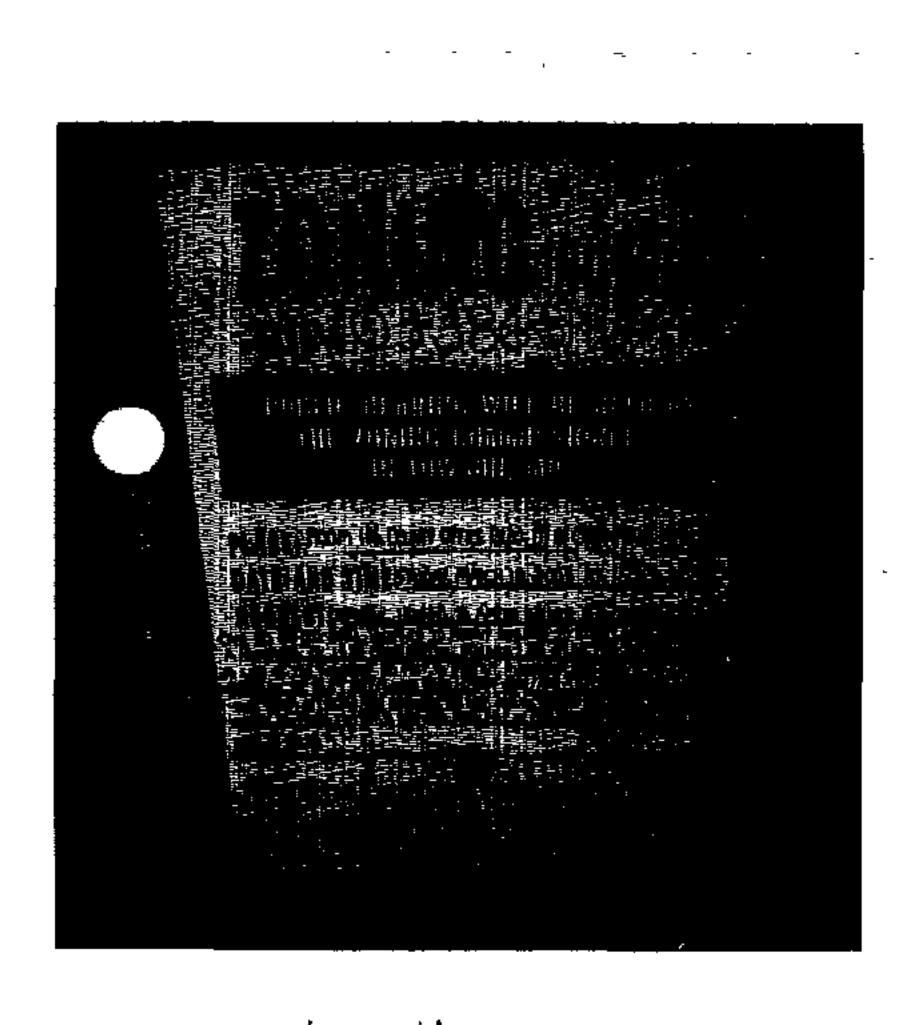
Petitioner/Developer: LAKESIDE FINANCIAL CENTER LLC

Date of Hearing/Closing: MARCH 18, 2005 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: E/S OF PLEASANT HILL RD 820 5. OF RUN CROSSING DR. Month, Day, Year) Sincerely, Redust Black (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

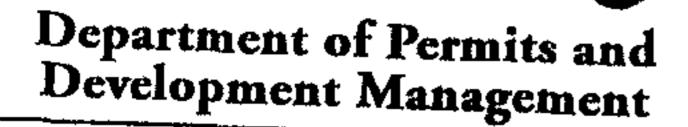
Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

ATTN: Kristen Matthews {(410) 887-3394}



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

February 11, 2005

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: 05-386-SPHA

E/S of Pleasant Hill Rd., 820' south of Run Crossing Drive E/S of Pleasant Hill Rd., 820' south of Run Crossing Drive

4th Election District – 3rd Councilmanic District

Legal Owners: Lakeside Financial Center, LLC, Howard Brown, Managing Member

Special Hearing to amend the site plan approved in Case No. 05-002-SPHA. <u>Variance</u> to permit building to street line setbacks a minimum of 14.25 feet (residential building) and 34.26 feet (guard house) in lieu of the required 50 feet, to permit minimum building to lot line setbacks of 18.29 feet (guard house – front yard) and 47.14 feet (guard house- side yard) in lieu of the required 50 feet, and to permit building line lot widths of 111.36 feet, 88.11 feet and 96.3 feet in lieu of the required 150 feet (guard house).

Hearing: Friday, March 18, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, Venable, LLP, 210 Allegheny Avenue, Towson 21204 Howard Brown, 100 Painters Mills Rd., Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 3, 2005.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 3, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6244

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: 05-386-SPHA

E/S of Pleasant Hill Rd., 820' south of Run Crossing Drive E/S of Pleasant Hill Rd., 820' south of Run Crossing Drive

4th Election District – 3rd Councilmanic District

Legal Owners: Lakeside Financial Center, LLC, Howard Brown, Managing Member

Special Hearing to amend the site plan approved in Case No. 05-002-SPHA. <u>Variance</u> to permit building to street line setbacks a minimum of 14.25 feet (residential building) and 34.26 feet (guard house) in lieu of the required 50 feet, to permit minimum building to lot line setbacks of 18.29 feet (guard house – front yard) and 47.14 feet (guard house- side yard) in lieu of the required 50 feet, and to permit building line lot widths of 111.36 feet, 88.11 feet and 96.3 feet in lieu of the required 150 feet (guard house).

Hearing: Friday, March 18, 2005 at 11:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake 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 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: <u>05 - 386 - 5PH4</u>
Petitioner: <u>Lakeside Financial Conterlu</u>
Address or Location: Els of Pleasant Hill Road South of Run Crossing Drive
Run Crossing Drive
PLEASE FORWARD ADVERTISING BILL TO:
Name: Amy Dontell
Address: Venable, UP
210 Allegheny Avenue
Towson, Maryland 21204
Telephone Number: 410-494-6244

Department of Permit. Development Management

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





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

March 8, 2005

Robert A. Hoffman Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-386-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 2, 2005.

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, Land D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR; clb

Enclosures

c: People's Counsel Lakeside Financial Center, LLC. Howard Brown 100 Painters Mill Road Owings Mills 21117



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

February 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 379, 380-392, 394



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.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

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



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

Maryland Department of Transportation

Date: 2.11.05

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

RE:

Baltimore County

Item No. 386

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 416-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. J. Holle

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

February 25, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 14, 2005

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

05-379

05-381

05-385

05-386

05-387

05-388

05-389

05-390

05-391

05-394

Reviewers:

Sue Farinetti, Dave Lykens

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



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: March 4, 2005

MAR - 7 2005

The state of the s

TOWNS COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-386 and 5-398

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief: Maw

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 7, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

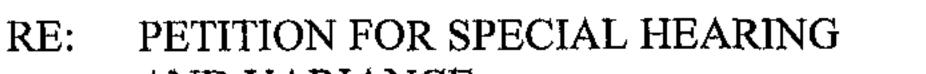
Zoning Advisory Committee Meeting

For February 22, 2005 Item Nos. 379, 380, 381, 383, 384 386 387, 388, 390, 391, 392, 393, and 394

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

RWB:CEN:jrb

cc: File



AND VARIANCE

E/S Pleasant Hill Road, 820' South

of Run Crossing Drive

4th Election & 3rd Councilmanic Districts

Legal Owner(s): Lakeside Financial Center,

LLC, Howard Brown, Managing Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-386-SPHA

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

Per.

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 17th day of February, 2004, 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).

PETER MAX ZÍMMERMAN

People's Counsel for Baltimore County



RENEW, Inc.

The Randallstown Community Organization

March 1, 2005

Department of Permits and Development

111 E.Chesapeake Ave

Towson, Maryland 21204

Case# 05-386

Fax# 410 887-5708

Attention: Commissioner Jack Murphy

Dear Commissioner Murphy,

In reference to case # Q5-386, the property described as East Side of Pleasant Hill Road 80 feet south of Run Crossing Drive, I feel that the advertisement of this property as councilmanic disrict 3 is in error. I'am familiar with the district borders in that area and feel that the correct advertisement should have stated District 4.

This omission of the the correct identification of the property is causing confusion to the general public and that persons that may have objections to the variances requested have not been properly notified.

I respectfully request that this hearing be postponed and rescheduled until such time that the proper notifications may be made. If this identification is in error, one must wonder about the correctness of other data- measurments, and descriptions could also be in error.

I would like to appear in person, however not being properly notified. I am unavailable today to protest.

Thank you for your consideration.

Sincerely

Bill Bralove President

J9M

PLEASE PRINT CLEARLY

CASE NAME 6/8 1/2 CASE NUMBER 005-38-5P

PETITIONER'S SIGN-IN SHEET

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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

September 24, 2004

Robert A. Hoffman, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance Case No. 05-002-SPHA

Property: E/S of Pleasant Hill Road, N of Dolfield Road

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Arthur Adler, 100 Painters Mill Rd., Ste. 900, Owings Mills, MD 21117
Steve Warfield, Matis/Warfield, Inc., 10540 York Rd., Ste. M, Hunt Valley, MD 21030
Sidney Katz, 9732 Ashlyn Cir., Owings Mills, MD 21117
Allan McLeod, 9683 Ashlyn Cir., Owings Mills, MD 21117
Dorothy Keslinger, 9423 Ashlyn Cir., Owings Mills, MD 21117
Cephas Thornton, 9521 Tessa La., Owings Mills, MD 21117
Amy Mitchell, 11027 Mill Centre Dr., Owings Mills, MD 21117

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

38247.174091

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

E/S of Pleasant Hill Road, N of Dolfield Road *

E/S of Pleasant Hill Road, 820 ft. S

centerline of Run Crossing Drive

4th Election District

3rd Councilmanic District

(E/S of Pleasant Hill Road, N of Dolfield Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-002-SPHA

Redbrook Financial Center, LLC

By: Howard Brown, Managing Member

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at north side of Pleasant Hill Road, north of Dolfield Road in the Owings Mills area of Baltimore County. The Petition was filed by Redbrook Financial Center, LLC., by Howard Brown, Managing Member, the Petitioners and legal owner of the property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a 36-unit residential building in the O.T. zone. In addition, variance relief is requested from the B.C.Z.R. as follows:

- 1. from Section 209.4.C.1, to permit a building to lot line setback a minimum of 3.91 ft. in lieu of the required 50 ft.;
- 2. from Section 209.4.C.1, to permit a building to lot line setback a minimum of 32.31 ft. in lieu of the required 50 ft.; and
- 3. from Section 209.4.C.2, to permit a building to street line setback a minimum of 23 ft. in lieu of the required 50 ft.

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

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 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, off-street 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 Comments are made part of the record of this case and contain the following highlights: ZAC comments were submitted by the Bureau of Development Plans Review dated August 27, 2004, a copy of which is attached hereto and made a part hereto.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Arthur Adler, member of the Petitioner LLC and Steve Warfield appeared on behalf of

Matis/Warfield, Inc., the engineering firm that prepared the site plan of the property on behalf of the Petitioners. Robert A. Hoffman., Esquire represented the Petitioners. Appearing as protestants or interested citizens at the hearing were Sidney Katz, Allan McLeod, Dorothy Kesinger, Peggy Ricely, Cephas Thornton and Amy Mitchell. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner would like to erect a 36-unit condo residential unit on the remaining lot in the Lakeside Financial Center located on Pleasant Hill Road. The overall site contains 600,000 sq. ft. of office buildings and to a large extent is built out. The zoning is OT (Office and Technology Zone) which allows residential development by right as a principal use along with the office and research facilities associated with a technology park. The condo would be isolated from larger office development having its only road access via Pleasant Hill Road through a guarded entrance. The condo will be located on Parcel A-1a of the previously subdivided project. See Petitioner's Exhibit No. 1.

Mr. Hoffman indicated that he was not sure why a special hearing was required because the residential use is as of right. However, he indicated that the Petitioner requests one internal variance of 3.91 ft. in lieu of the required 50 ft. for the distance between the proposed residential building and the lot line. He noted this request was for an internal variance between lots in the existing Center and obviously the adjacent and affected lot was owned by the Petitioner. In addition, the Petitioner is requesting two variances for the guardhouse located at the entrance to the condos off of Pleasant Hill Road. This guardhouse would be 23 ft. from the right-of-way of Pleasant Hill Road and 32.31 ft. from the lot line of the subject lot in lieu of the 50 ft. setback requirement prescribed by the OT zone. The Petitioner agreed to the comment from

Development Plans Review regarding the 50 ft. right-of-way that is incorporated into the site plan.

The protestants universally did not oppose approval of a 36-unit condo on the site or any of the variances. Mr. Hoffman pointed out that parcel A-1a could be developed in a much more intense manner than proposed under the regulations. However, the protestants were concerned with the traffic generated by any new development in the area. Their principal issue was the added traffic on Pleasant Hill Road, which they described as woefully inadequate for the presently existing uses.

Mr. Hoffman explained that the County has a major capital improvement project to construct a bridge over marshy land to the west of the site. This bridge will connect this lot and the adjacent and rapidly growing residential corridor to Dolfield Boulevard, which in turn will give this area access to Owings Mills Boulevard and the interstate road system. The portion of Dolfield Boulevard that would serve the subject condo and the exiting community is a developer's road, the actual construction of which is the responsibility of the various developers in the area. Testimony indicated that the County bridge project was recently delayed by design problems and that the developers were less than enthusiastic about building their portion of extended Dolfield Boulevard.

The Petitioner in this case agreed with and fully supported any effort to move the County and other developers along to complete extended Dolfield Boulevard. In fact, all parties left the hearing to jointly petition the Department of Public Works to accelerate these projects. The problem for this project is not the long term traffic, which all agree will likely be acceptable once the extended Dolfield Boulevard is completed, but what to do in the short term. Specifically, the community is concerned that not only is Pleasant Hill inadequate but various connecting roads as

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well. The Petitioner indicated that in all likelihood, the subject condo would not be complete until the fall of 2005. The County bridge is now scheduled to be completed in 2007. The Petitioner is opposed to connecting the subject condo to Red Brook Boulevard in order to allow residents of the condo access to the major roadways through the Center.

A general discussion then arose as to what, if any, short term solutions could be found. Eventually, the Petitioner agreed to provide a connection of the road that serves the subject site to the internal circle road in the Center until extended Dolfield Boulevard is ready to accept traffic. In all likelihood, this would be about 18 months after which time the temporary connection will be severed and the residents of the condo will use Pleasant Hill Road.

Findings of Fact and Conclusions of Law

From the testimony and evidence, I find that the proposed 36-unit residential building is compatible with the letter, spirit and intent of the OT zoning. I see no adverse impact on the community given the short term and long term traffic arrangements in place or in planning.

I further find that the variances requested are reasonable and for the most part internal to the Center. The Center is nearly built out. Parcel A-1a is oddly shaped and constrained by a large storm water management facility. I find that it would be a hardship for the Petitioner to comply with the setback regulations. Therefore, I will grant the variances requested provided the Petitioner constructs temporary access to the project from the Center until extended Dolfield Boulevard is able to handle traffic.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 34 day of September, 2004, that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to

IT IS FURTHER ORDERED, that the variance relief requested from the B.C.Z.R. as follows:

approve a 36-unit residential building in the O.T. zone, be and is hereby GRANTED;

- 1. from Section 209.4.C.1, to permit a building to lot line setback a minimum of 3.91 ft. in lieu of the required 50 ft.;
- 2. from Section 209.4.C.1, to permit a building to lot line setback a minimum of 32.31 ft. in lieu of the required 50 ft.; and
- 3. from Section 209.4.C.2, to permit a building to street line setback a minimum of 23 ft. in lieu of the required 50 ft.

be and is hereby GRANTED subject to the following conditions:

The Petitioner shall provide a temporary road connection to serve the 36 residential units on the subject project directly to the existing roadways in the Lakeside Financial Center until extended Dolfield Boulevard is able to handle traffic.

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

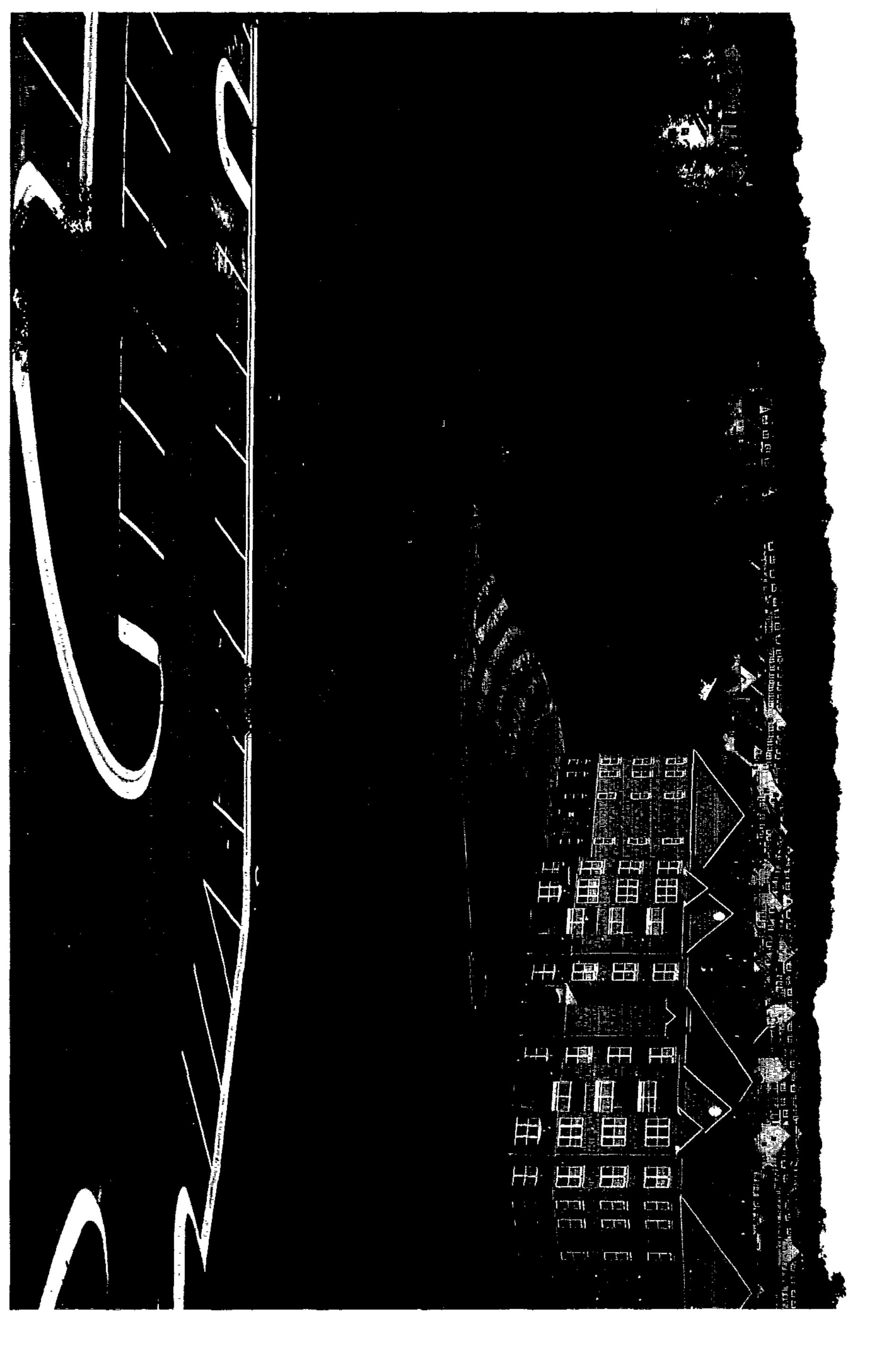
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

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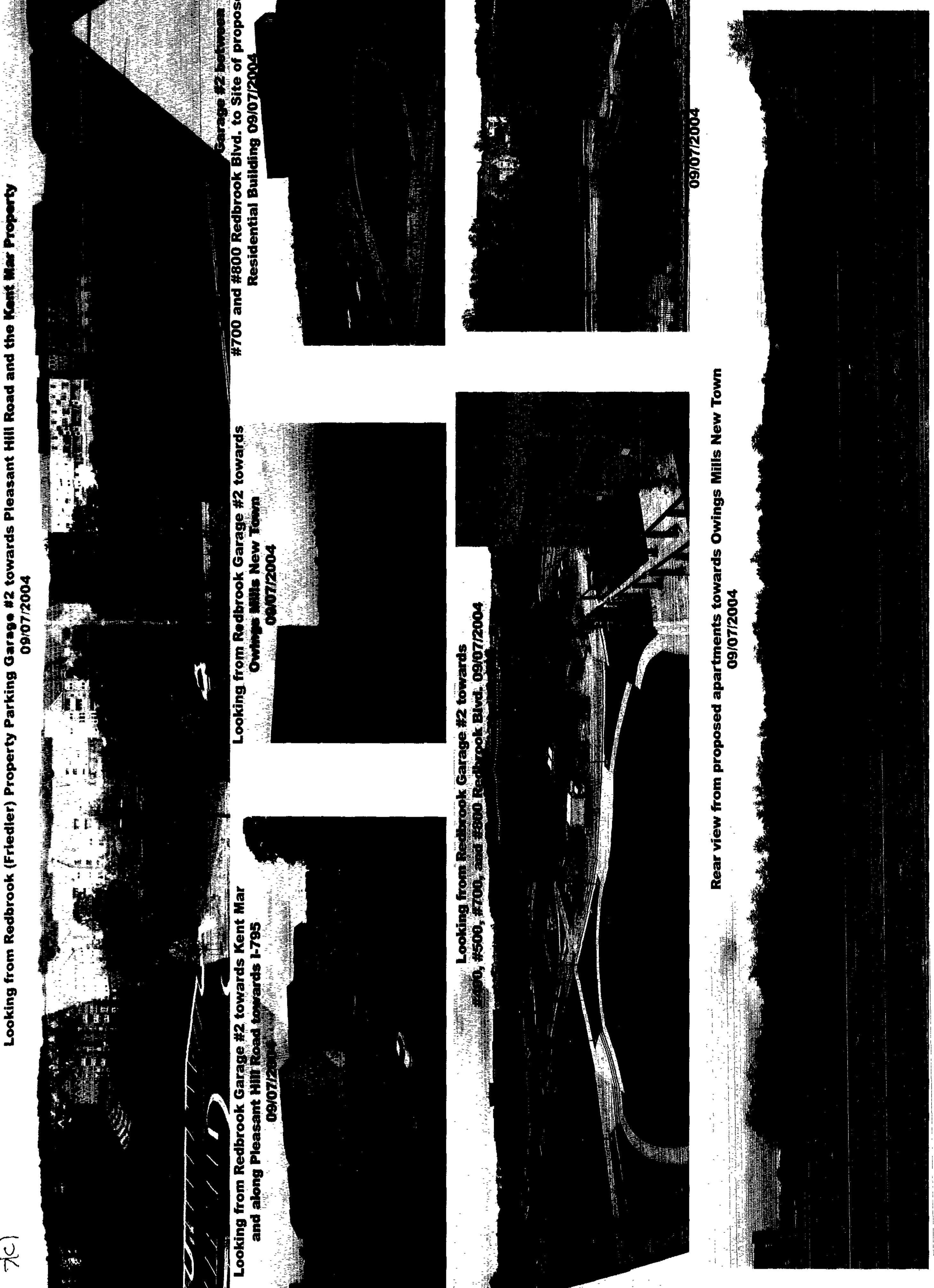


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Looking from Redbrook

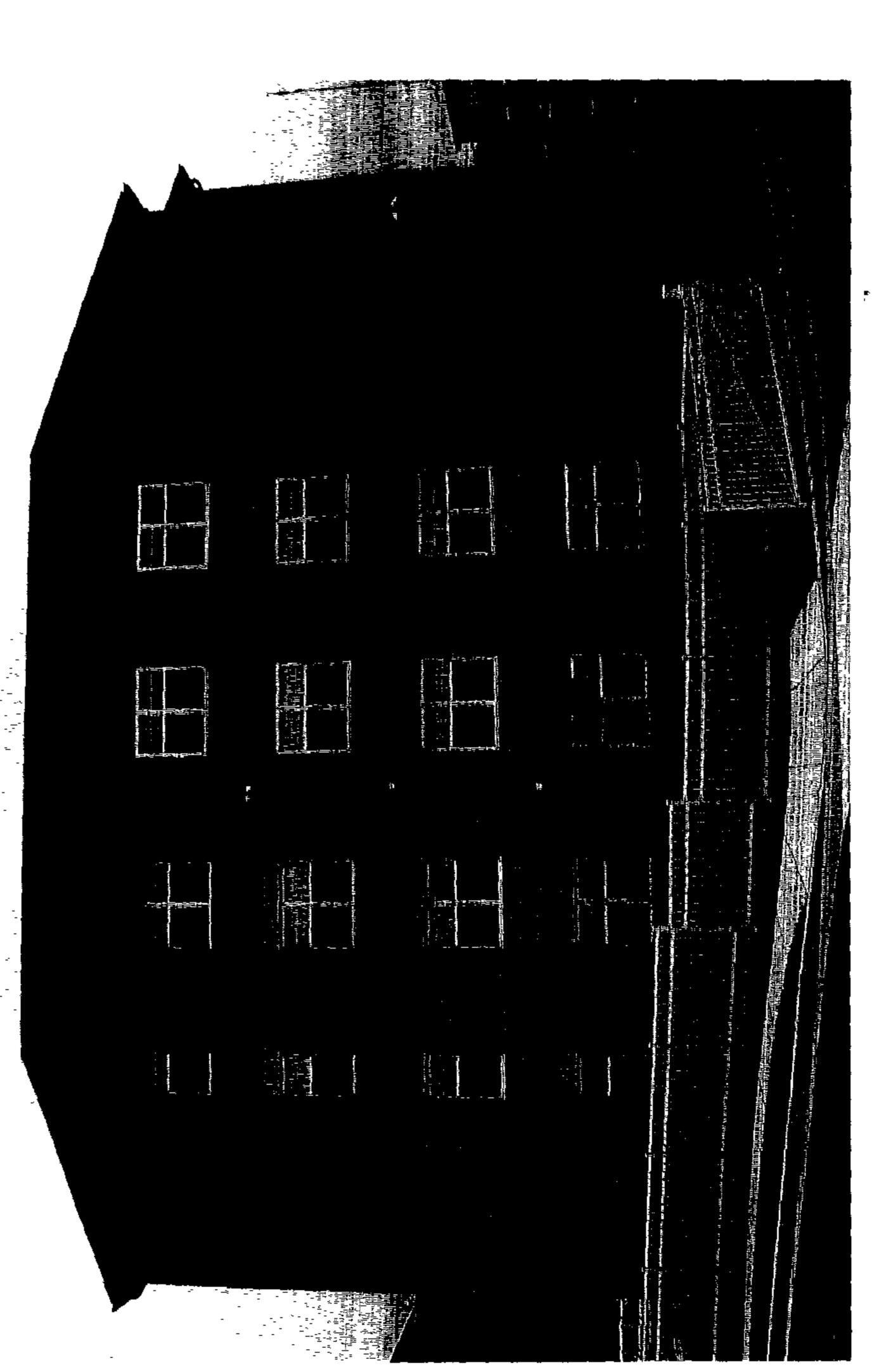
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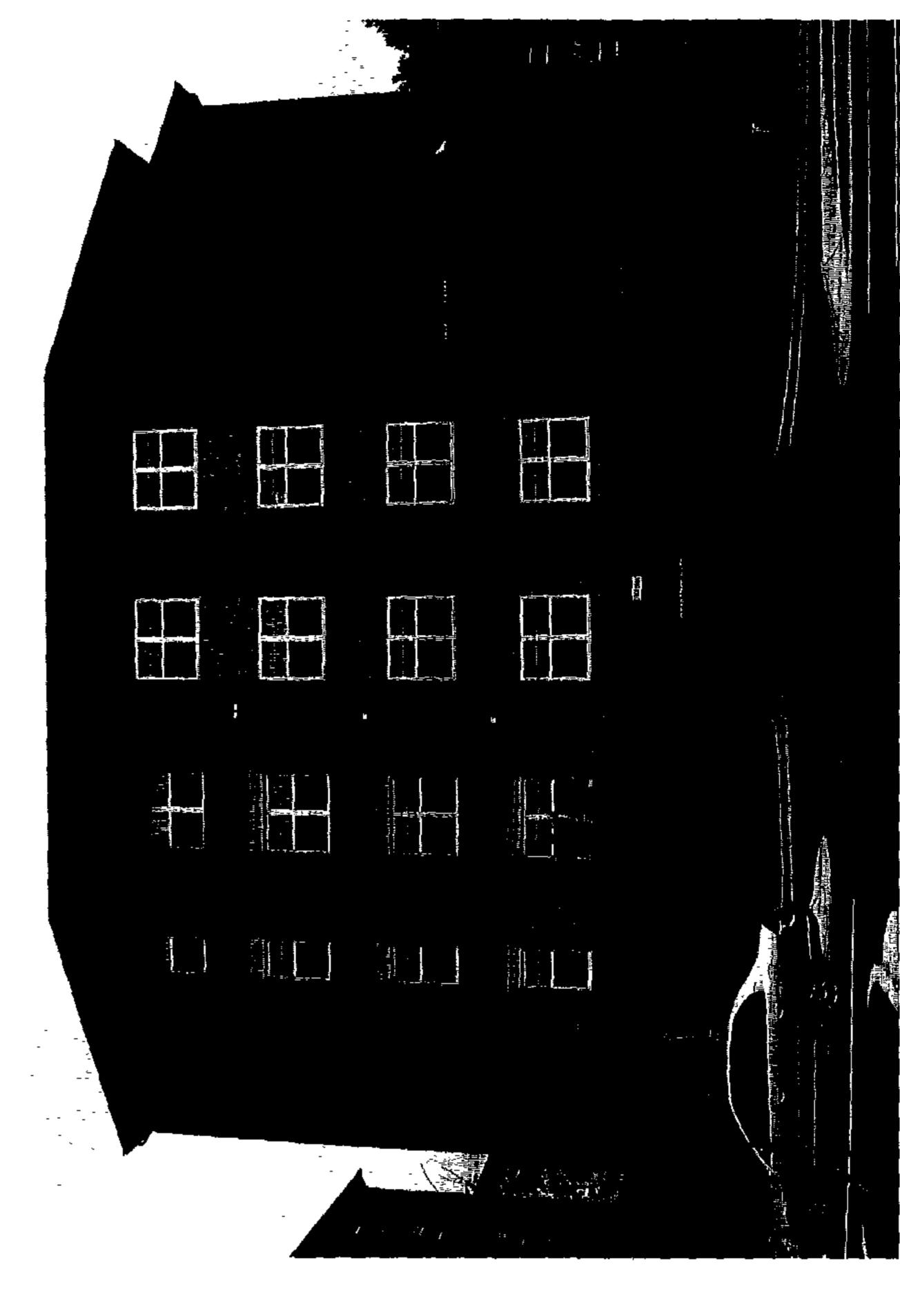


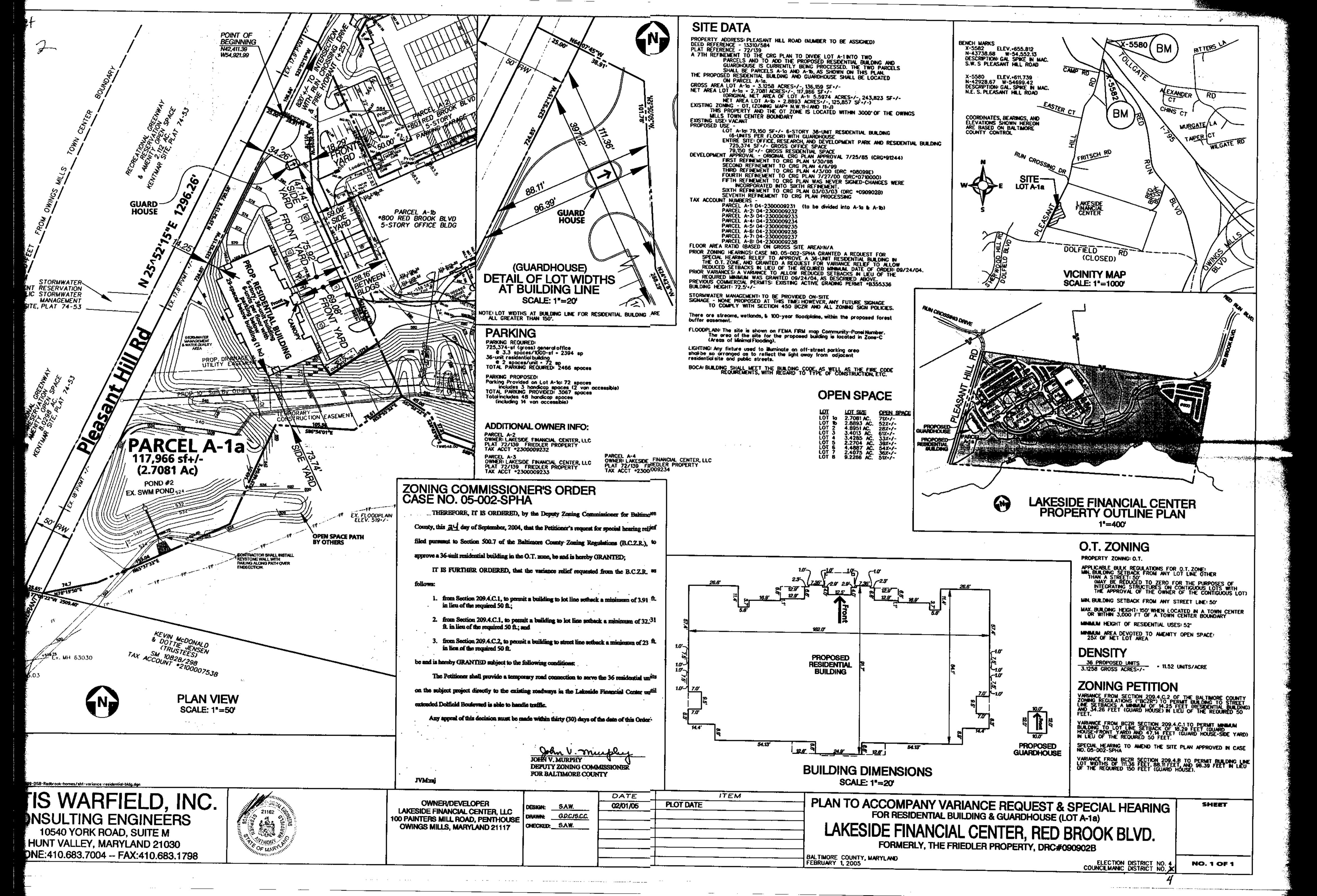
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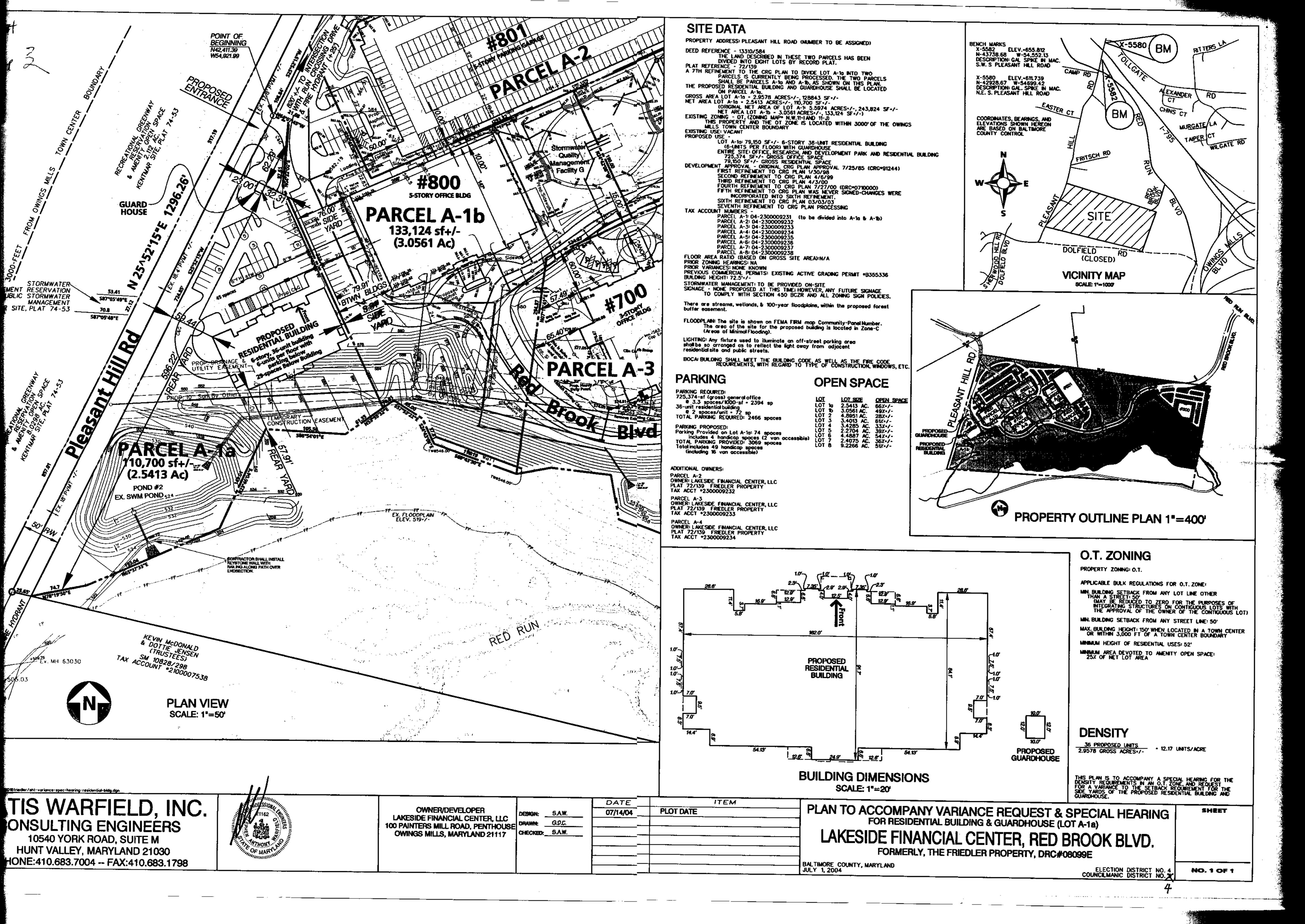
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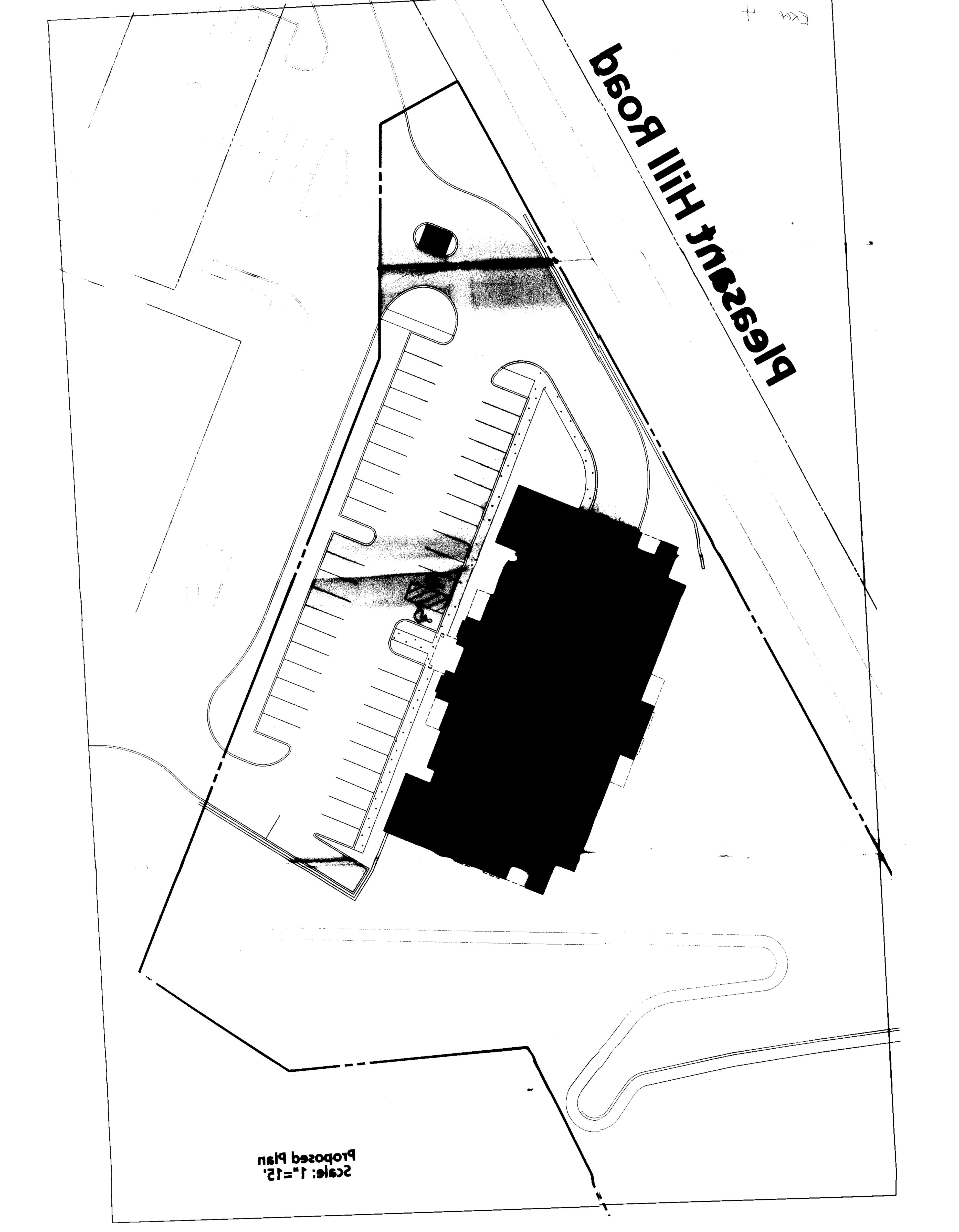












#800 Red Brook Boulevvard Previously Approved Plan Scale: 1"=15'

