

IN RE: PETITION FOR VARIANCE
NW/S of Old Court Road, 170 ft. SW
centerline of Grayfox Court
2nd Election District
4th Councilmanic District
(5330-5332 Old Court Road)

Creek Properties, LLC
By: James Wilson, Member
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-424-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 owner of the subject property, Creek Properties, LLC, by James Wilson, member. The variance requests are for property located at 5330-5332 Old Court Road in Baltimore County. The variance request is from Section 207.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a side yard setback of 28 ft. in lieu of 60 ft. and of 16 ft. in lieu of 60 ft. as required, and (2) from Section 207 (206.4C2) of the B.C.Z.R., to permit a setback from street line of 27 ft. in lieu of the required 35 ft.

The property was posted with Notice of Hearing on March 26, 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 24, 2005 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

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By: [Signature]

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 (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Bureau of Development Plans Review dated March 23, 2005, a copy of which is attached hereto and made a part hereof, wherein they request that parking space #31 be eliminated and other issues. In addition, a ZAC comment was submitted by the Office of Planning dated April 11, 2005, a copy of which is attached hereto and made a part hereof, giving compatibility and design comments.

Interested Persons

Appearing at the hearing on behalf of the variance request were Stan Serwatka, Planning Consultant and Andrew Dowd and James Wilson for the corporate Petitioner. Deborah C. Dopkin, Esquire represented the Petitioner. Emily Wolfson attended the hearing as an interested citizen. 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 21,136 sq. ft. and is zoned O-3. Two single-family dwellings improve the property on approximately one half-acre lots that are located across Old Court Road from Northwest Hospital. Ms. Dopkin proffered that the zoning of these lots were recently changed from residential to O-3 by the Council in hopes of attracting medical office buildings to the area to support Northwest Hospital. The Petitioners proposes a three-story, Class II, medical office building on the site with parking on the first level and offices on the second and third.

ORIGINAL FILED IN 507/105
DATE 4/21/05
BY Ray

As shown on Petitioner's Exhibit 1, the property is acutely triangular in shape. This exhibit reflects redline changes to accommodate the recommendations of the Bureau of Plans Review. While space #31 was not eliminated as recommended, it was relocated on the site as shown, so as not to require a parking variance. The handicapped parking and maneuvering areas are also shown on the plan.

Petitioner's Exhibit 2 shows the very small area that would be left on the property if the setback regulations were strictly enforced. See the small triangle in yellow on Exhibit 2. Ms. Dopkin proffered that it would be impractical to erect a medical office building on this small area which the O-3 zoning allows by right. She presented extensive photographs of the surrounding uses, which include an office building adjacent to the site to the east and apartment buildings to the west. See Exhibit 3. She noted that Old Court Road is four lanes at this location and all intersections nearby are level of service B or better. She noted that the plan calls for no parking variances.

In regard to the Planning Office comments, Ms. Dopkin noted that the zoning regulations do not require compatibility as defined in the regulations. However, she indicated the Petitioner would in fact design the building to be compatible for its own reasons and because these same criteria will arise when the building is reviewed by the Design Review Panel. This last review will occur because the property is in a designated revitalization area. Otherwise, she indicated that the plan would meet the design comments of the Planning Office.

Ms. Wolfson indicated that she supported the request for special hearing and welcomes the new medical office to the area. However, she requested that conditions be placed on the approval to insure; that the landscaping reflects the entrance to the hospital across the street; that the building uses compatible materials and design considering the apartments and office building adjacent to the site; and that no variances be granted for signage. Ms. Dopkin responded that no signage variances

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DATE 4/21/05
BY [Signature]

were requested and that the building would be compatible and the landscaping would reflect the hospital entrance.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure. The lot is acutely triangular in shape, which means that the setback requirements of the O-3 zone impact it more severely than other lots not so configured. I also find that strict enforcement of the regulations would result in practical difficulty for the Petitioner. The tiny area remaining if the setbacks are enforced are vividly shown on Petitioner's Exhibit 2. There would be no practical use for the property in the O-3 zone. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. The area is developed as offices and apartments. This building should be compatible with the community and certainly reflects the latest thinking of the Council as to uses of the property to support Northwest Hospital.

The Petitioner has accommodated the comments from the Bureau of Plans Review. However, Ms. Dopkin rightly points out that the Performance Standards given in O-3 regulations (Section 207.4) refers back to the O-2 regulations (Section 206.4). However, there are no compatibility standards in this section. While this is an interesting academic point, the Planning Office and Ms. Wolfson request the variance be approved subject to the compatibility and design standards of the Planning Office comments. Ms. Dopkin does not disagree in practice, but simply indicates what the regulations say. I will grant the variances subject to the Planning Office comments.

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 Petitioner, I find that the Petitioner's variance request should be granted.

ORDER RECEIVED FOR FILING
4/21/05
By: [Signature]

THEREFORE, IT IS ORDERED, this 21 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 207.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a side yard setback of 28 ft. in lieu of 60 ft. and of 16 ft. in lieu of 60 ft. as required, and (2) from Section 207 (206.4C2) of the B.C.Z.R., to permit a setback from street line of 27 ft. in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comment from the Office of Planning dated April 11, 2005, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING
4/21/05
Ray

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 21, 2005

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, Maryland 21204

Re: Petition for Variance
Case No. 05-424-A
Property: 5330-5332 Old Court Road

Dear Ms. Dopkin:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Stan Serwatka, 313 Najoles Road, #J, Millersville, MD 21108
Andrew Dowd, 2601 Halcyon Ave., Baltimore, MD 21214
James Wilson, 1030 Stonington Dr., Arnold, MD 21012
Emily Wolfson, 8506 Church La., Randallstown, MD 21133



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5330-5332 Old Court Road-

which is presently zoned O-3

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)

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.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esquire

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, #1000 410-821-0200

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Case No. 05-424-A

REV 9/15/98

Legal Owner(s):

Creek Properties, LLC

Name - Type or Print

By:

Signature

James Wilson, Member

Name - Type or Print

Signature

504 Tulip Road

410-269-9999

Address

Telephone No.

Annapolis, Maryland 21403

City State Zip Code

Representative to be Contacted:

Stan Serwatka

Chesapeake Land Consulting, Inc.

Name

313 Najoles Road, #J 410-729-5533

Address

Telephone No.

Millersville, Maryland 21108

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTm

Date 2/25/05

Petition for Variance
Attachment

A variance from Section 207.4 (206.4C.1) to permit a sideyard setback of 28' in lieu of 60' and of 16' in lieu of 60', as required, and from Section 207 (206.4C2) to permit a setback from a street line of 27' in lieu of the required 35'.

ZONING DESCRIPTION

PROPERTY OF
CREEK PROPERTIES, LLC.
MAP 77. GRID 15, PARCELS 572 AND 573
BALTIMORE COUNTY, MD.

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF OLD COURT ROAD (WHICH HAS A RIGHT-OF-WAY WIDTH OF 70 FEET) LOCATED 170 FEET± SOUTHWEST OF THE CENTER LINE OF THE NEAREST IMPROVED INTERSECTING STREET KNOWN AS GRAYFOX COURT (WHICH HAS A VARIABLE WIDTH RIGHT-OF-WAY)

THENCE FROM THE AFORESAID POINT OF BEGINNING THE FOLLOWING COURSES AND DISTANCES:

1. WITH THE NORTHWEST RIGHT-OF-WAY LINE OF OLD COURT ROAD S.57° 39' 07" W. 183.23' TO THE SOUTHEAST CORNER OF THE PROPERTY OF DULANEY PROFESSIONS ASSOCIATES.

2. THENCE DEPARTING OLD COURT ROAD AND RUNNING N.19° 20' 49' W. 236.77'

3. AND S.61° 44' 35" E. 264.79' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 21,136 SQUARE FEET OF LAND. ALSO KNOWN AS #5330 AND #5332 OLD COURT ROAD. RANDALLSTOWN, MD.. 21133: LOCATED IN THE SECOND ELECTION DISTRICT.



#424

E COUNTY, MARYLAND
BUDGET & FINANCE
NEOUS RECEIPT

No. 442707

2/2/05

ACCOUNT

2001 006 1-150

AMOUNT

\$ 375.00

CREEK PROPERTIES

05 424-A

PAID RECEIPT

DATE 2/2/05 TIME 1:00 PM

BY CASHIER NAME

RECEIPT NO. 442707

AMOUNT \$375.00

DATE 2/2/05

AMOUNT \$375.00

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

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: #05-424-A

5330-5332 Old Court Road

N/west side of Old Court Road, 170 feet s/west of centerline of Grayfox Court

2nd Election District - 4th Councilmanic District

Legal Owner(s): Creek Properties, LLC, James Wilson, Member

Variance: from section 207.4 (206.4C1) to permit a side yard setback of 28 feet in lieu of 60 feet and of 16 feet in lieu of 60 feet, as required, and from Section 207 (206.4C2) to permit a setback from street line of 27 feet in lieu of the required 35 feet.

Hearing: Tuesday, April 12, 2005 at 9:00 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.
3/320 Mar. 24 43811

CERTIFICATE OF PUBLICATION

3/24/2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/24/2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-424-A

Petitioner/Developer: CREEK

LLC
PROPERTIES JAMES WILSON

Date of Hearing/Closing: 4/12/05

APRIL 12, 2005

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

5330 - 5332 OLD COURT ROAD

The sign(s) were posted on

3/26/05
(Month, Day, Year)

Sincerely,

Robert Black 3/28/05
(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)

5330 - 5332 OLD COURT
RD



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

March 7, 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: 05-424-A

5330-5332 Old Court Road

N/west side of Old Court Road, 170 feet s/west of centerline of Grayfox Court

2nd Election District – 4th Councilmanic District

Legal Owners: Creek Properties, LLC, James Wilson, Member

Variance from section 207.4 (206.4C1) to permit a side yard setback of 28 feet in lieu of 60 feet and of 16 feet in lieu of 60 feet, as required, and from Section 207 (206.4C2) to permit a setback from street line of 27 feet in lieu of the required 35 feet.

Hearing: Tuesday, April 12, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, #1000, Towson 21204
James Wilson, 504 Tulip Road, Annapolis, 21403
Stan Serwatka, 313 Najoles Rd., #J, Millersville 21108

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 26, 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 24, 2005 Issue - Jeffersonian

Please forward billing to:
Deborah Dopkin
409 Washington Avenue
Towson, MD 21204

410-821-0200

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: 05-424-A

5330-5332 Old Court Road

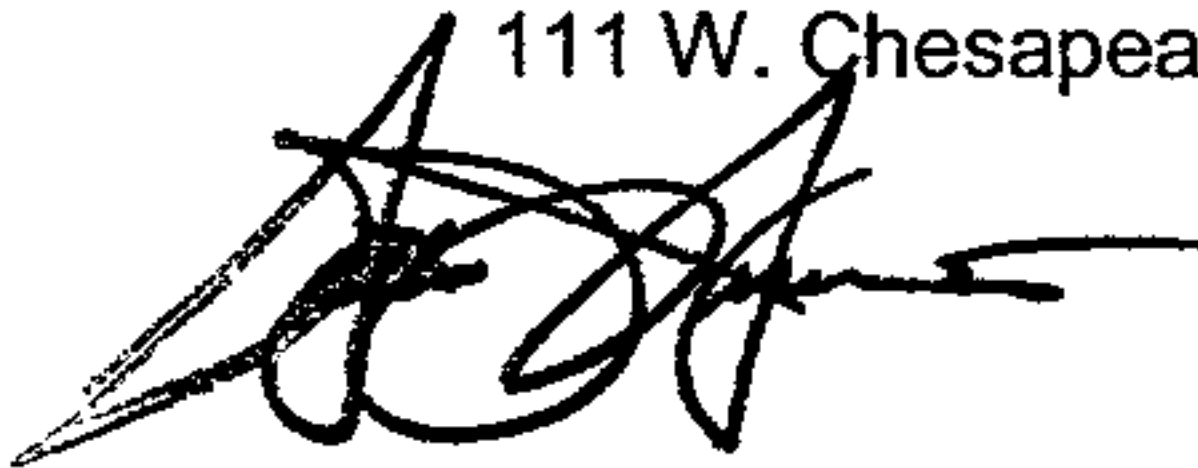
N/west side of Old Court Road, 170 feet s/west of centerline of Grayfox Court

2nd Election District – 4th Councilmanic District

Legal Owners: Creek Properties, LLC, James Wilson, Member

Variance from section 207.4 (206.4C1) to permit a side yard setback of 28 feet in lieu of 60 feet and of 16 feet in lieu of 60 feet, as required, and from Section 207 (206.4C2) to permit a setback from street line of 27 feet in lieu of the required 35 feet.

Hearing: Tuesday, April 12, 2005 at 9:00 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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: ~~05-242A~~ 05-424-A

Petitioner: CREEK PROPERTIES, LLC

Address or Location: 5330-5332 OLD COURT RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah C Dopkin

Address: 409 Washington Ave ST 1000
Towson MD 21204

Telephone Number: 410 821-0200

**Department of Permits
Development Management**

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



Baltimore County

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

April 5, 2005

Deborah C. Dopkin, Esquire
409 Washington Avenue # 1000
Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case Number: 05-424-A, 5330-5332 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 25, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Creek Properites, LLC. James Wilson 504 Tulip Road Annapolis 21403
Stan Serwatka Chesapeake Land Consulting, Inc. 313 Najoles Road, # J Millersville 21108

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

March 9, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 418, 419, 420, 422, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433.

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.

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

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 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: 3.8.05

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

RE: Baltimore County
Item No. 424 LTM

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 Grädlein 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 7, 2005

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

05-416

05-417

05-418

05-420

05-421

05-422

05-424

05-425

05-426

05-428

05-431

05-432

05-433

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 11, 2005

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

SUBJECT: 5330 – 5332 Old Court Road

INFORMATION:

Item Number: 5-424

Petitioner: Creek Property, LLC.

Zoning: O-3

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

COMPATIBILITY:

Section 32-4-402(c)(2) of the Baltimore County Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for any development in the O-3 zone. As such, the petitioner must submit a compatibility report and any supporting documents such as architectural elevations, landscape plan, etc., to this office indicating how the proposed development design will achieve the following compatible objectives:

1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;
2. (The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood;
3. (The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;

CASE FILED FOR FILING

Date 4/21/05

By Ray

4. (The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems;
5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;
6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;
7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood; and
8. The scale, proportions, massing, and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

The Compatibility Report shall be submitted to this office for review and approval prior to the issuance of any building permits.

DESIGN COMMENTS:

The subject property is located in a Master Plan designated revitalization area. The retention and expansion of the local business community without impacting adjacent residential uses is vital to the health of the Liberty Road community. As such, the Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Revise to plan to clearly differentiate between the proposed development and existing conditions.
2. Provide additional landscaping (canopy trees and evergreen shrubbery) along the front property line.
3. Provide a sign detail of any proposed sign.
4. Provide screening around the dumpster, and indicate how the dumpster will be accessed for trash disposal from the proposed location.
5. A revised plan addressing the above mentioned conditions shall be submitted to this office for review and approval prior to the issuance of any building permits.

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

Prepared by: Marta Coughlin

Division Chief:
AFK/LL:MAC:

[Signature]

CHUBB RECOVERED FOR PLANNING
4/21/05
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 23, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2005
Item No. 424

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

On-site maneuvering area for trash trucks and emergencies shall be addressed. Parking space # 31 shall be eliminated. Show handicap parking spaces and access to elevator.

RWB:CEN:cp

cc: File

RE: PETITION FOR VARIANCE

5330-5332 Old Court Road; NW/side Old
Court Road, 170' SW c/line Grayfox Court
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Creek Properties, LLC
by James Wilson, Member
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-424-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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 11th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Stan Serwatka, 313 Najoles Road, Suite #J, Millersville, MD 21108 and to Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Stanley J. Serwatka
313 Najoles Road
Millersville, MD 21108
410-729-5533

Cellular: 410-903-9899

e-mail: Serwatka@maxinter.net

OBJECTIVE

My objective is to organize and assist in project management in a Civil Engineering firm and manage different types of projects through to development completion.

WORK HISTORY

Chesapeake Land Consulting, Inc. "Owner/ President" March 1997-Present

CLC is a land consulting/permit expediting firm, working primarily in Anne Arundel County, Maryland. Their projects are primarily single-lot grading and development plans required to satisfy the requirements of approving agencies in securing a building permit for single-family residential and commercial construction. My duties include, first, to perform in the every day workings of the office, which include accounts payable, receivables, cash flow and client relations. Second, to perform various engineering duties such as processing plans through the County subdivision review agencies, grading/sediment control, storm water management design, storm drain, road improvements, water/sewer/utility extensions, variance/rezoning/special exceptions, critical area afforestation/reforestation measures and septic design.

Terrain, Inc. "Senior Project Manager" 1996-1997

Terrain Inc is a civil-engineering/surveying firm, working primarily in Anne Arundel County and the Easter Shore, Maryland, with a focus on land development projects. My responsibilities were to perform various engineering duties such as processing plans through the County subdivision review agencies, grading/sediment control, storm water management design, storm drain, road improvements, water/sewer/utility extensions, variance/rezoning/special exceptions, critical area afforestation/reforestation measures, septic design and Building permit approval.

Anarex, Inc. Project Manager/Senior Draftsperson 1983-1996

Anarex, Inc. Inc is a civil-engineering/surveying firm, working primarily in Anne Arundel County, Maryland, with a focus on land development projects. My responsibilities were to perform various engineering duties such as processing plans through the County subdivision review agencies, grading/sediment control, storm water management design, storm drain, road improvements, water/sewer/utility extensions, variance/rezoning/special exceptions, critical area afforestation/reforestation measures, Commercial and Residential septic design and Building permit approval.

EDUCATION

Architectural Technology Program

1979-1981

Anne Arundel Community College, Arnold, Maryland.

Arundel Institute Of Technology, Baltimore, MD

1982-1983

Obtained knowledge of architectural design, mechanical design, electrical engineering and structural design, Graduated in 1983 with a 4.0 grade point average.

Have attended numerous ongoing continuing education courses in civil engineering and design.

References available upon request.

- b. No single accessory commercial use other than a hotel, health and fitness club, conference facility, standard restaurant, carry-out restaurant or tavern may occupy more than 1,500 square feet of floor area. **[Bill Nos. 126-1986; 186-1994]**
 2. Signs are permitted, subject to Section 450. **[Bill No. 89-1997]**
 3. Unless expressly prohibited, the signs permitted under Paragraph 2 above may be illuminated, provided that the light from any illuminated sign or from any light source shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect the vision of motor vehicle operators. **[Bill No. 91-1985]**
 4. Signs for research institutes and laboratories shall be permitted in accordance with the provisions of Paragraphs 2 and 3 above. In the application of those provisions, a research institute or laboratory shall be considered as an office building. **[Bill No. 91-1985]**
- 206.4 Performance standards of OR-2 Zones **[Bill Nos. 122-1984; 186-1994]**
 - A. Uses permitted under Sections 206.3.A.2 and 206.3.B.1 are governed by the bulk regulations of D.R.10.5 Zones. Such uses are also subject to Section 1B01.1.B.1, Residential transition area restrictions, except in cases where a project is vested by law; has received a CRG, development plan or reclamation plan approval, or for which a development plan has been accepted for filing by the Department of Permits and Development Management before July 5, 1994. **[Bill Nos. 126-1986; 186-1994]**
 - B. Class A office buildings. New structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones. A Class A office building itself, which by definition may not be enlarged, is not subject to bulk regulations, nor is an unenlarged structure that was accessory to the building before it was converted to an office building. **[Bill No. 186-1994]**
 - C. Class B office buildings. **[Bill No. 186-1994]**
 1. Minimum setback from any lot line other than a street line: 20 feet or equal to the height of the building, whichever is greater, except that, from a residential or R-O Zone, the setback shall be two times the height of the building. **[Bill No. 186-1994]**
 2. Minimum setback from any street line: 35 feet.
 3. Minimum amenity open space: 25% of the net lot area. **[Bill No. 186-1994]**
 4. New structures accessory to Class B office buildings are governed by the bulk regulations of D.R.10.5 Zones for accessory buildings. **[Bill No. 126-1986]**
 5. Maximum floor area ratio: 0.50.

Section 207
O-3 (Office Park) Zone
[Bill No. 186-1994¹]

207.1 Declaration of findings.

- A. There are parts of the county suited for the Office Building ~ Residential (OR-2) Zone but where residential uses would not be desirable because the density permitted in the zone would not be in keeping with the density of the surrounding area or because the public facilities, such as schools and parks necessary to support residential uses, are not accessible or cannot accommodate additional residents.
- B. The zoning regulations do not include a zone which permits only office development, and it would be desirable for the zoning regulations to include such a zone classification.

207.2 Statement of legislative policy. Pursuant to the findings stated above, as well as to those declared in Section 206.2 (OR-2 Zone), the O-3 Zone is established to provide for office park development, with the intent that no residential uses shall be permitted.

207.3 Use regulations of O-3 Zones. Uses permitted by right, uses permitted by special exception and the supplementary use regulations of Section 206.3 (OR-2 Zone) shall apply, except that no dwellings or elderly housing facilities shall be permitted.

207.4 Performance standards for O-3 Zones. The performance standards of Section 206.4 (OR-2 Zone) shall apply.

Section 208
Plans for OR-1, OR-2 and O-3 Zones
[Bill Nos. 167-1980;² 56-1982;³ 186-1994]

In an OR-1, OR-2 and O-3 Zone, except as otherwise provided in Section 104.2 or 502.5, no building may be converted to an office building and no office building may be constructed or altered unless the building and its site conform to a plan approved by the hearing officer as provided in Title 26, Article V, of the Baltimore County Code, 1988 Edition, as revised. Except as otherwise provided, approval of the plan is a condition precedent to the issuance of a building permit or granting of any special exception that would authorize the proposed use or development.

¹ Editor's Note: This section was originally enacted as the O-2 Office Park Zone, Section 205, by Bill No. 167-1980. It was subsequently changed to O-3 and Section 207 by Bill No. 186-1994.

² Editor's Note: This bill enacted this section as Section 206, entitled "Plans for O-1 and O-2 Zones." It was subsequently amended and designated as Section 208 by Bill No. 186-1994.

³ Editor's Note: This bill also repealed former Section 206 in its entirety. Similar provisions detailing the content of development plans are now contained in Title 26 of the Baltimore County Code, 1988 Edition, as revised.

DATE _____

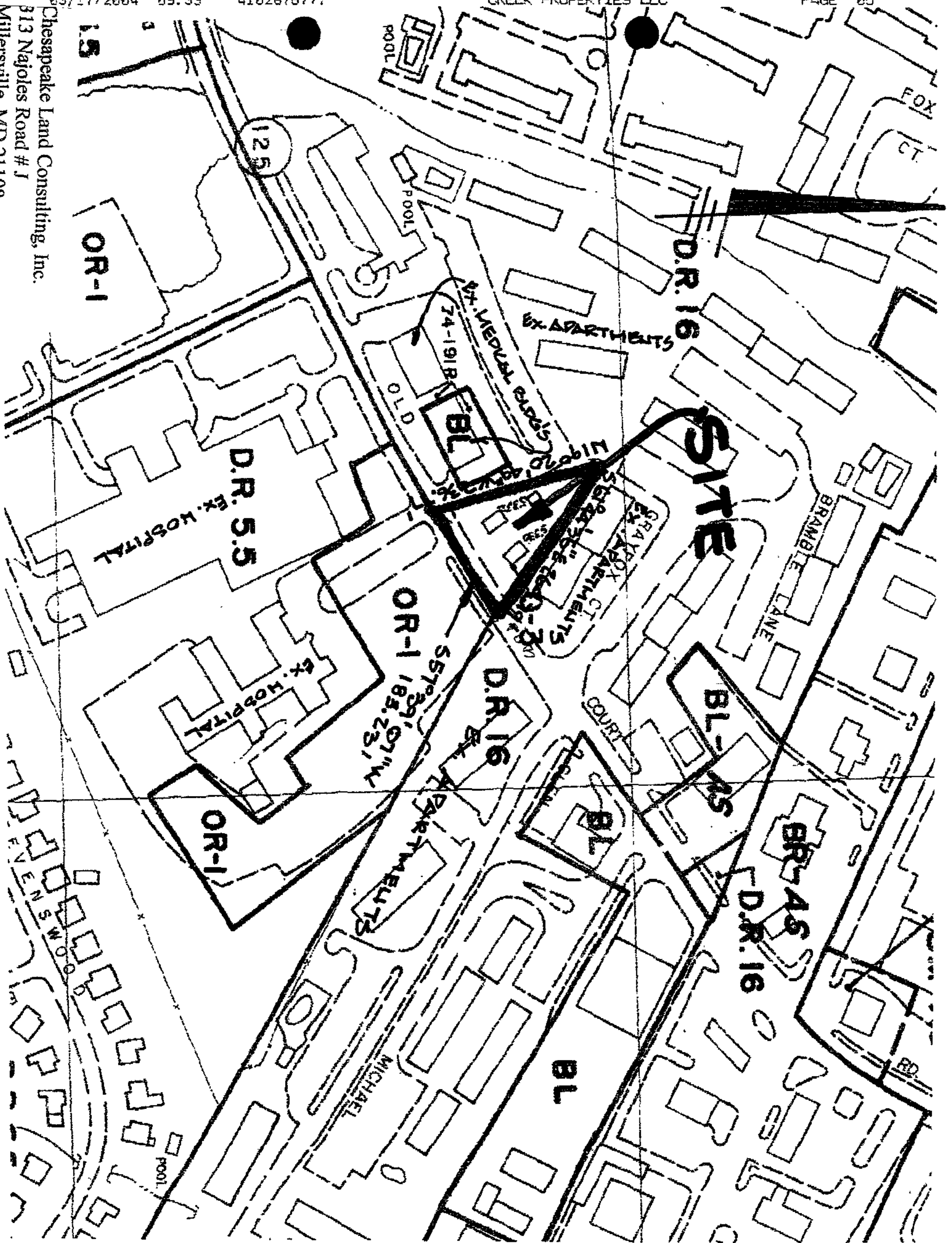
Jim L Wilson 74 WASH. COM.

DATE _____

E-MAIL

[illegible]

Chesapeake Land Consulting, Inc.
313 Najoles Road # J
Millersville, MD 21108



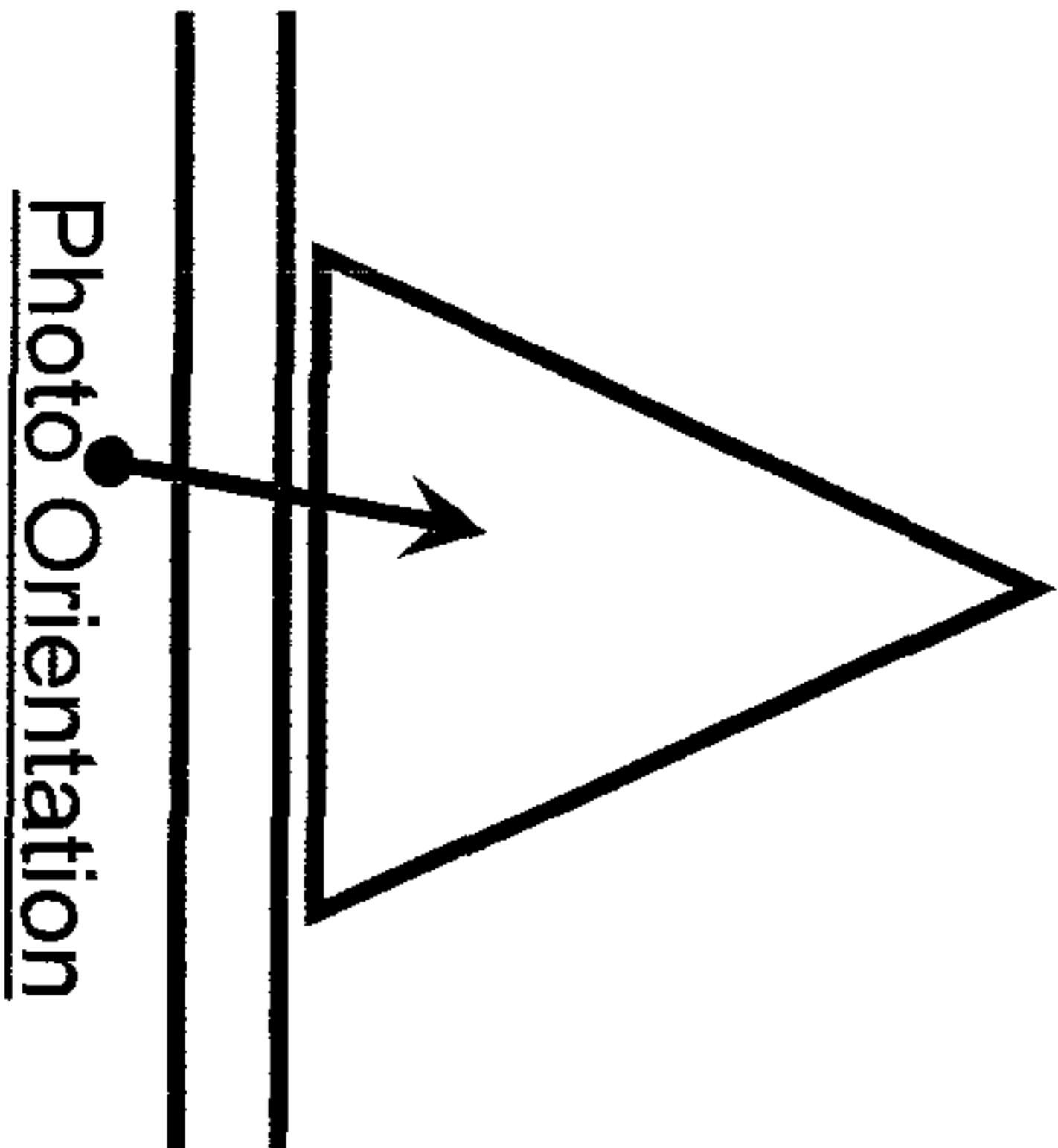
424

Northwest Professional Center



Across the Street

Creek Properties LLC.



Northwest Professional Center



Across the Street

Creek Properties LLC.

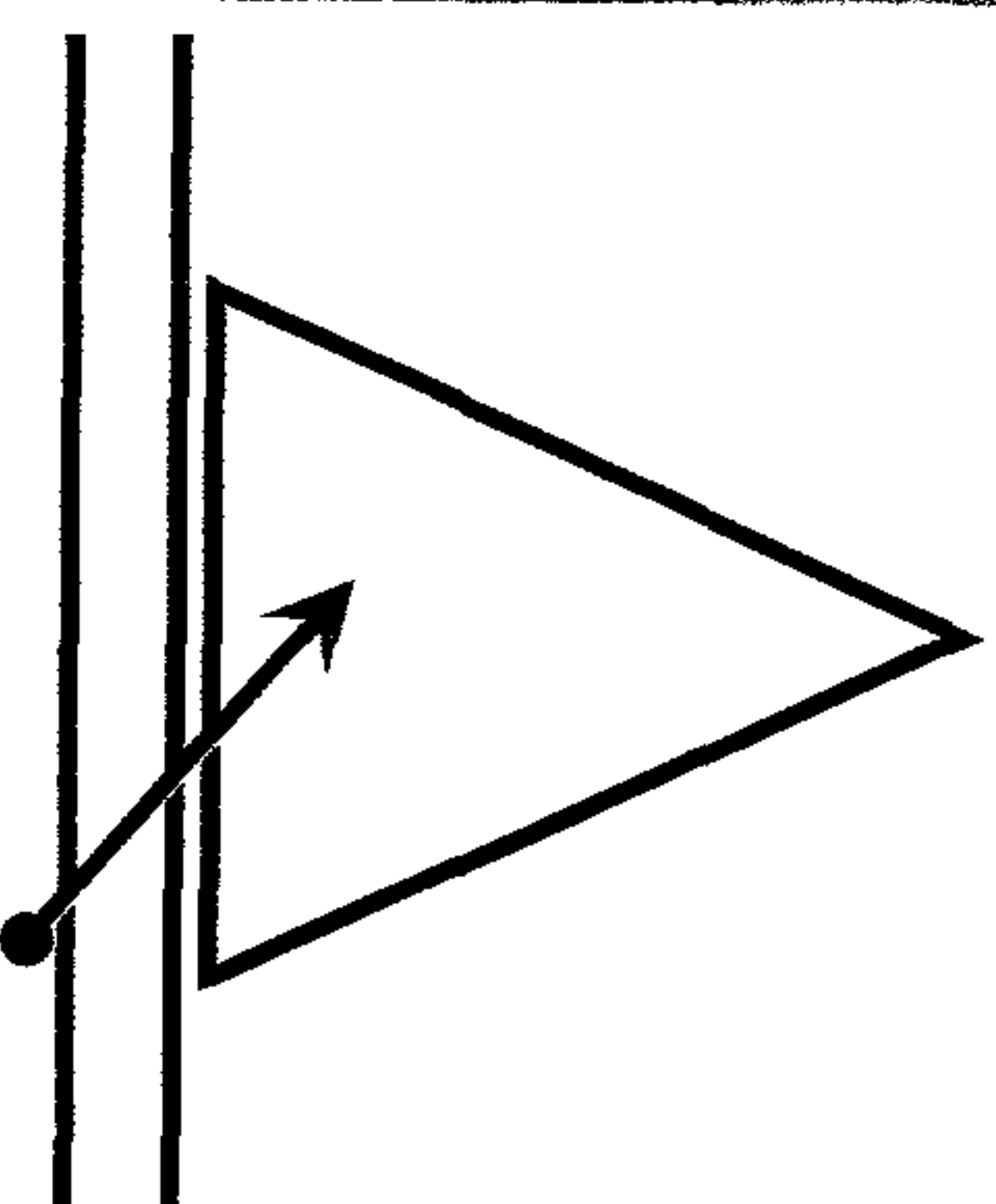
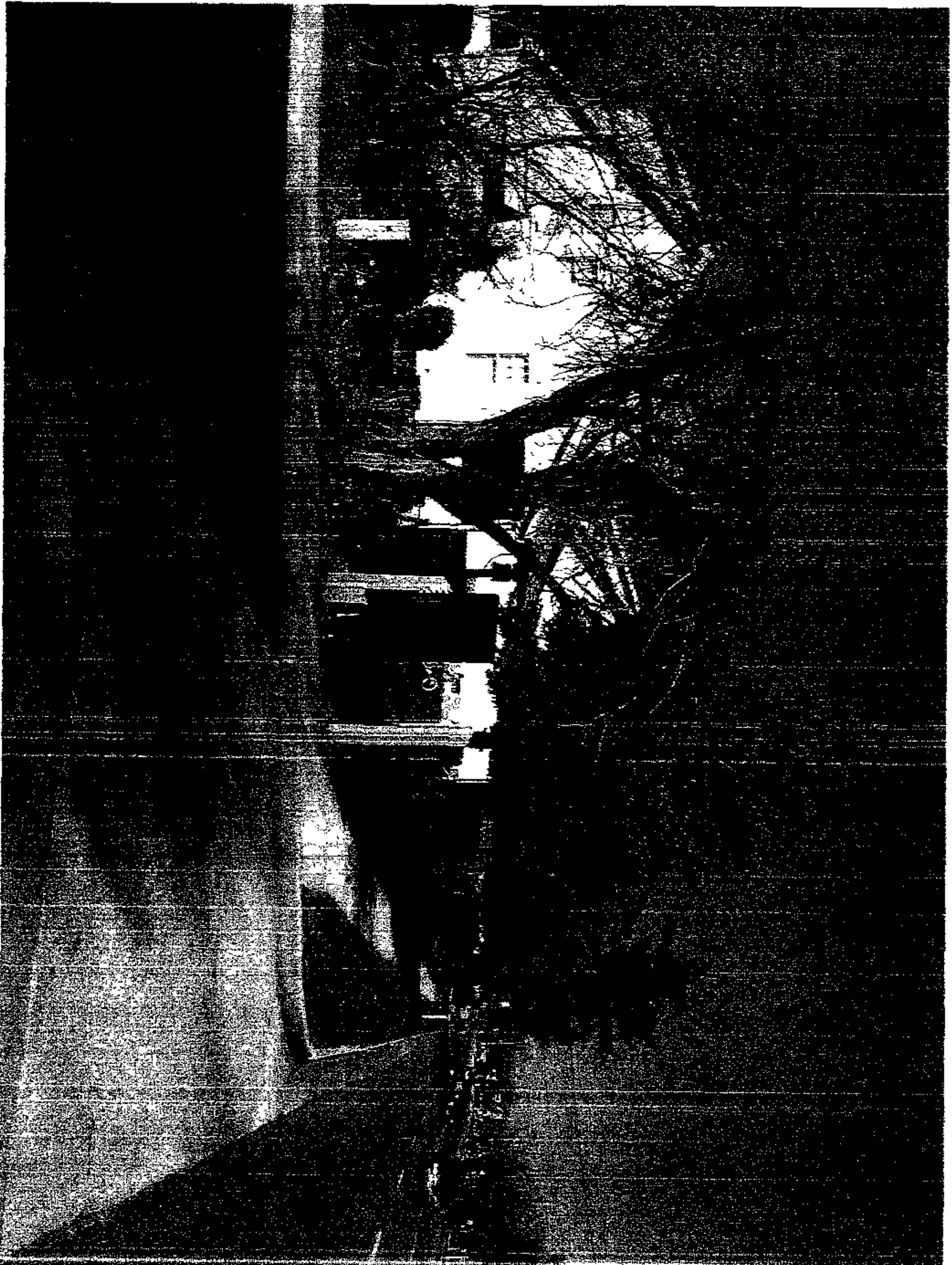


Photo Orientation

Northwest Professional Center



Left Property Corner -- Towards Liberty Rd

Creek Properties LLC.

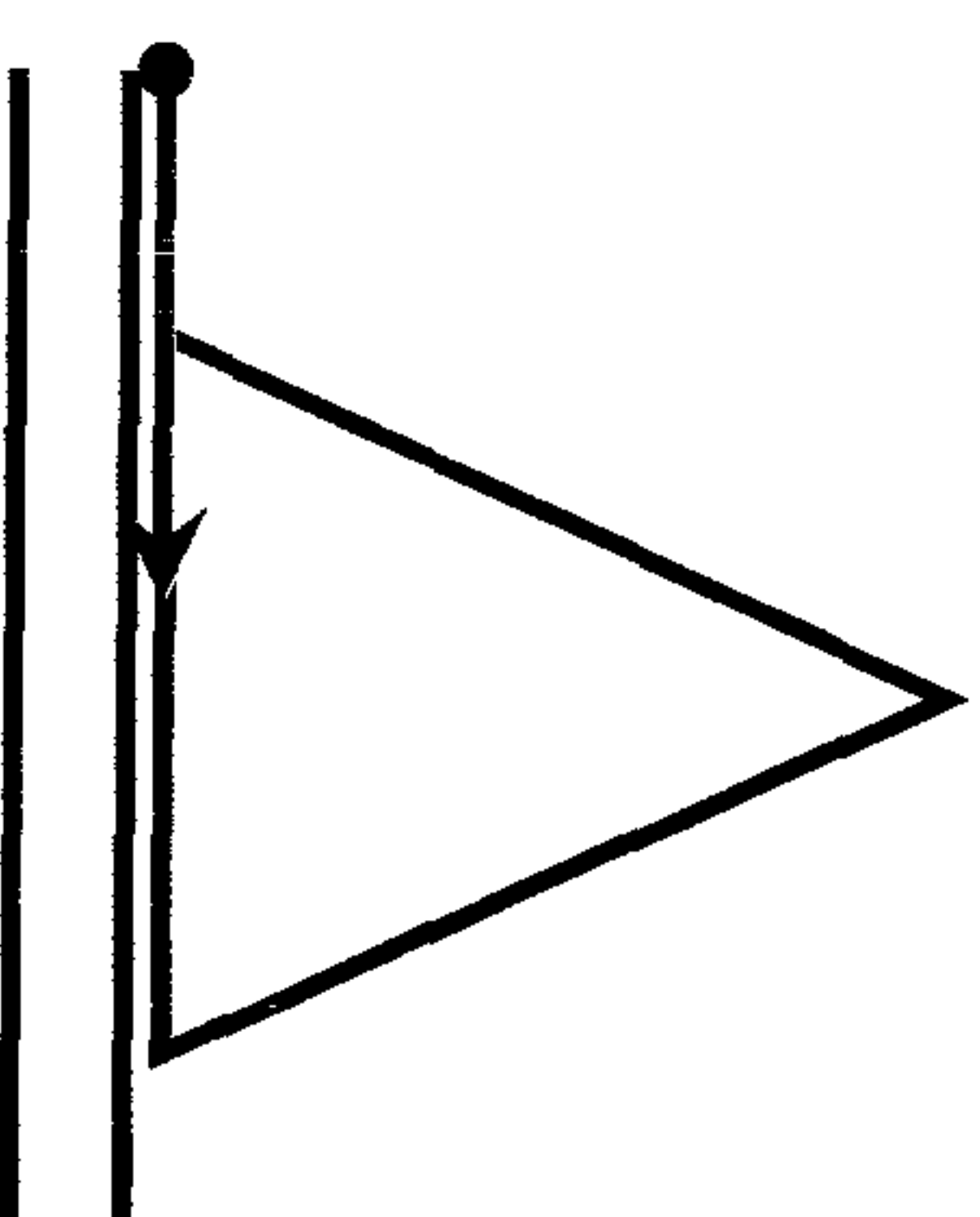
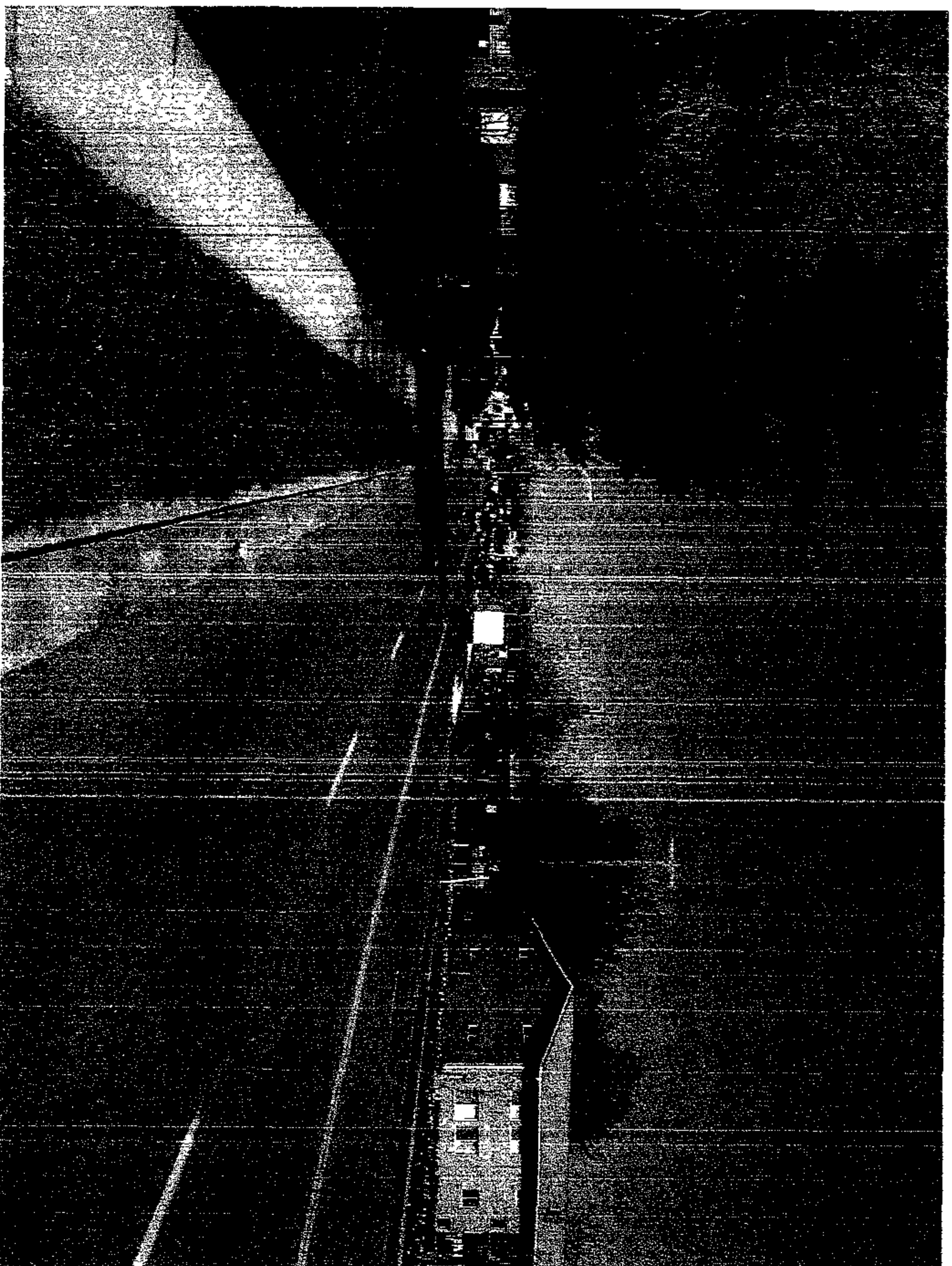


Photo Orientation

Northwest Professional Center



Right Property Corner – Facing Liberty Rd

Creek Properties LLC.

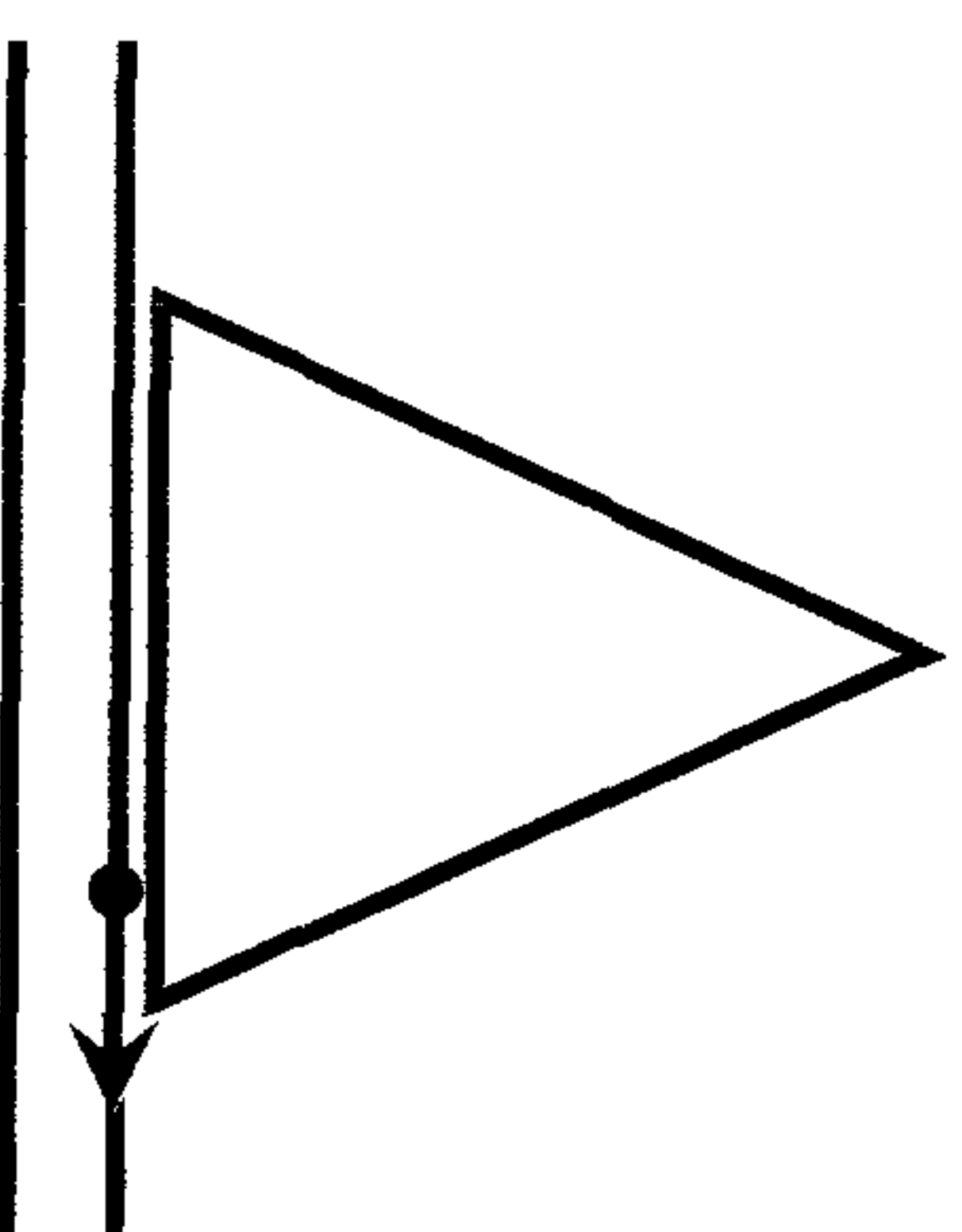
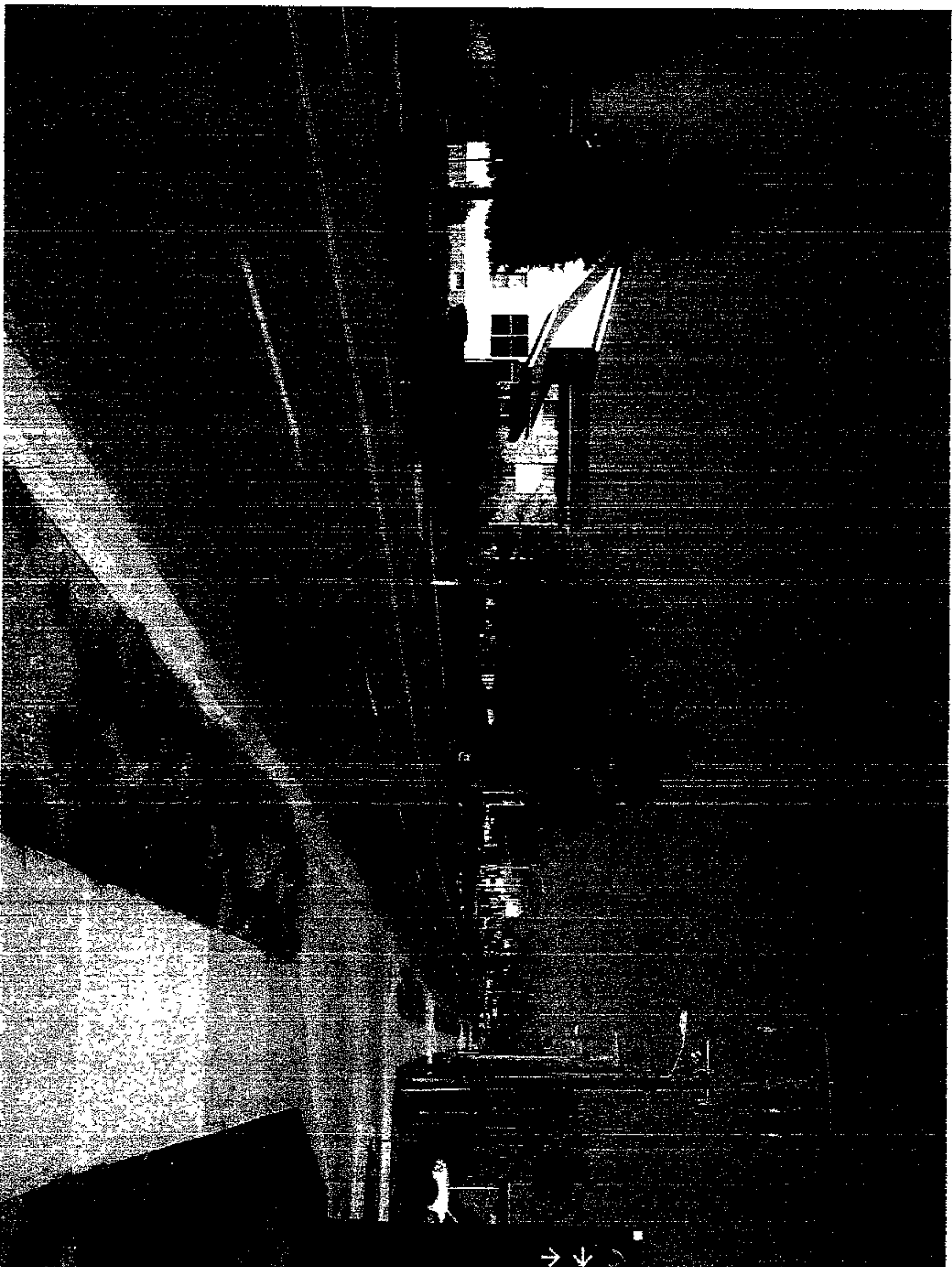


Photo Orientation

Northwest Professional Center



Across the Street – Facing Liberty Rd

Creek Properties LLC.

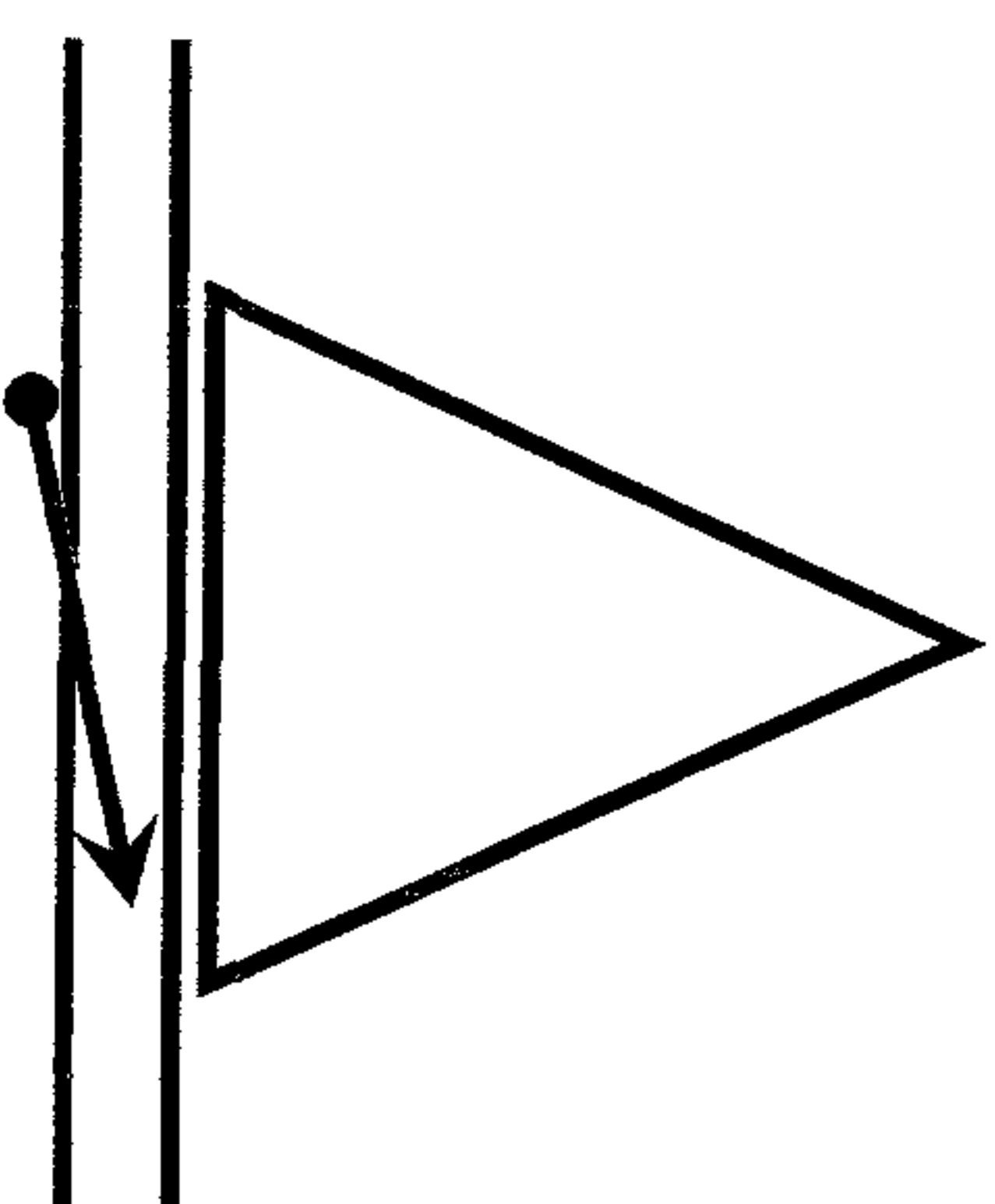
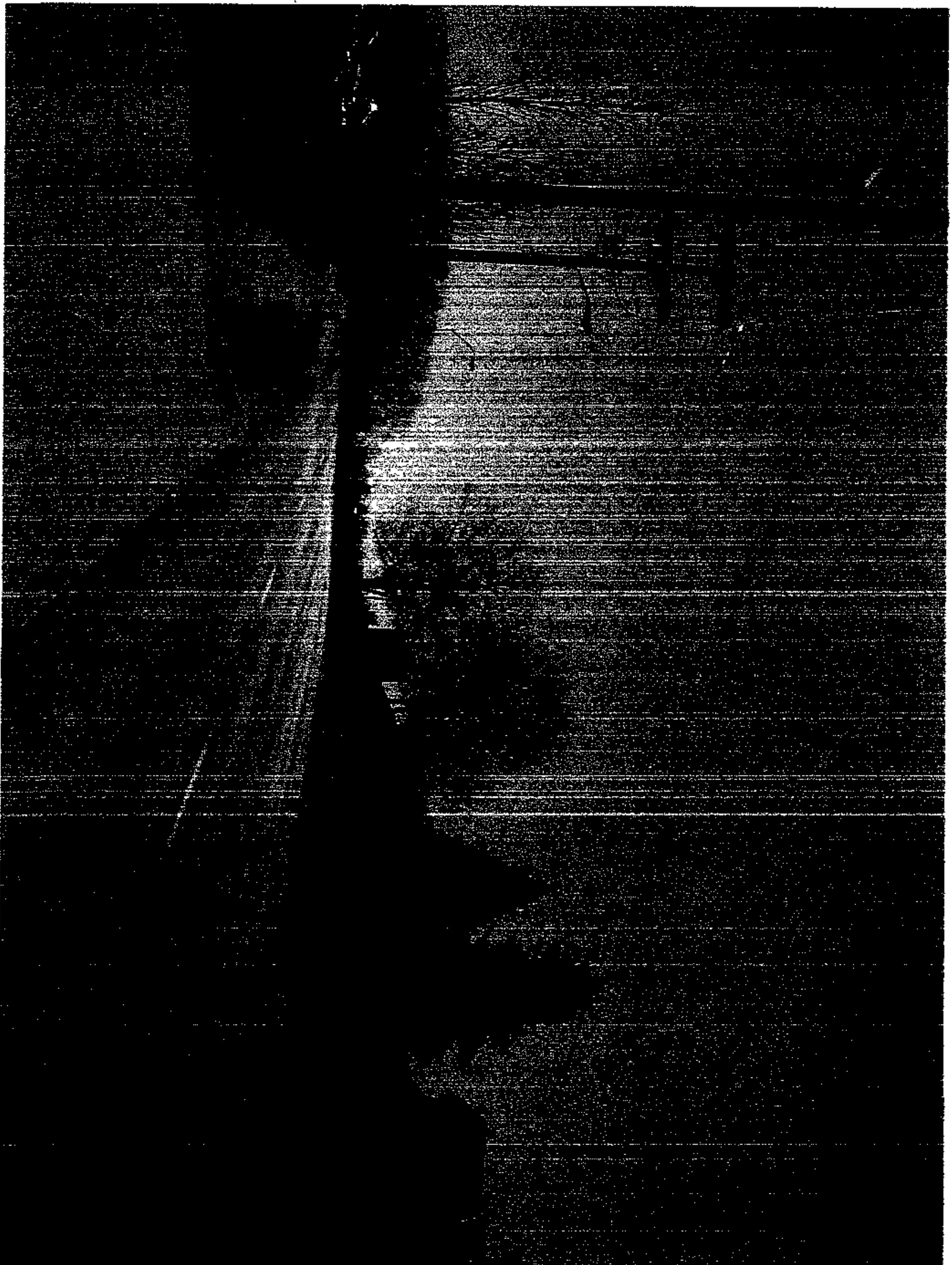


Photo Orientation

Northwest Professional Center



Across the Street – Away from Liberty Rd

Creek Properties LLC.

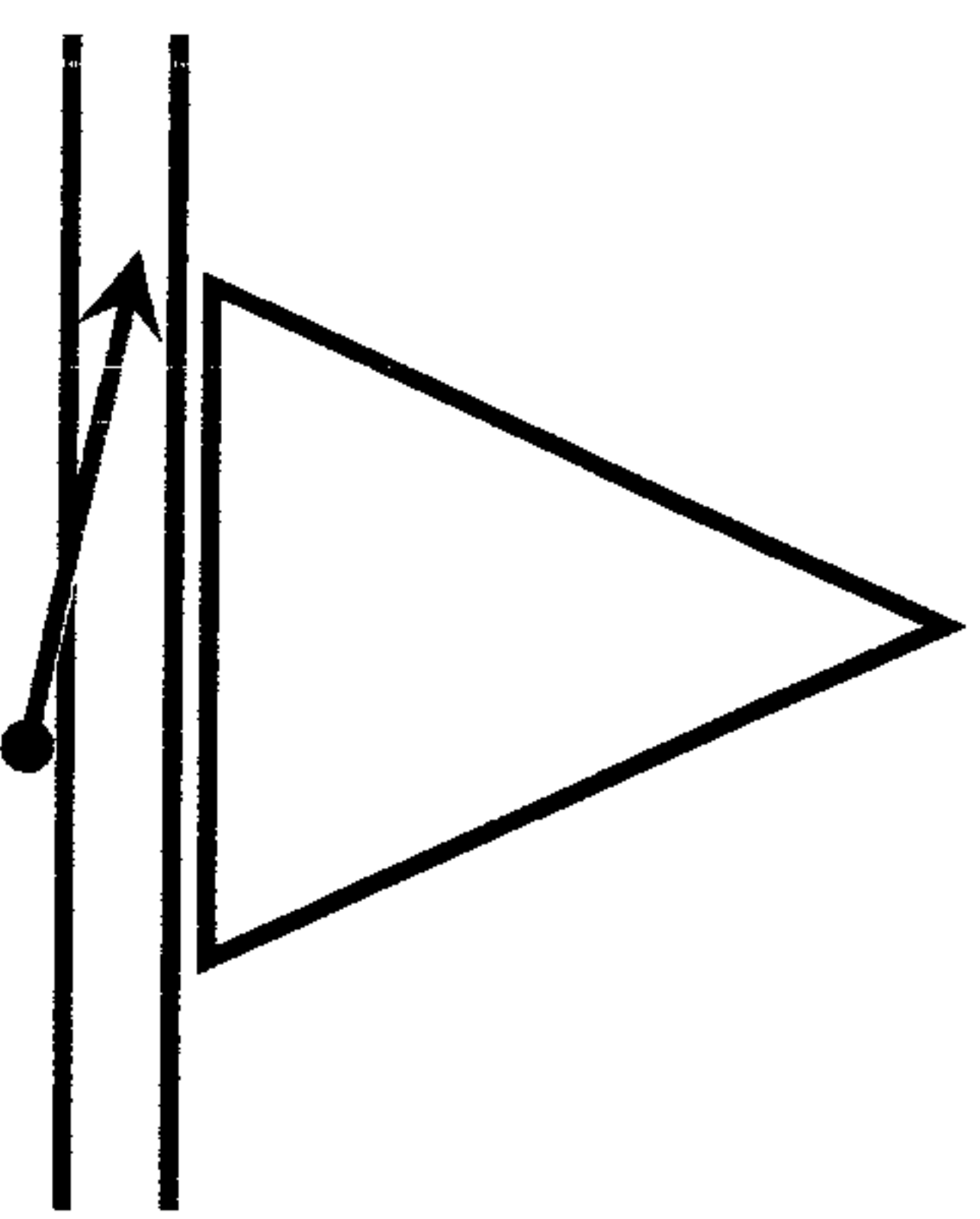
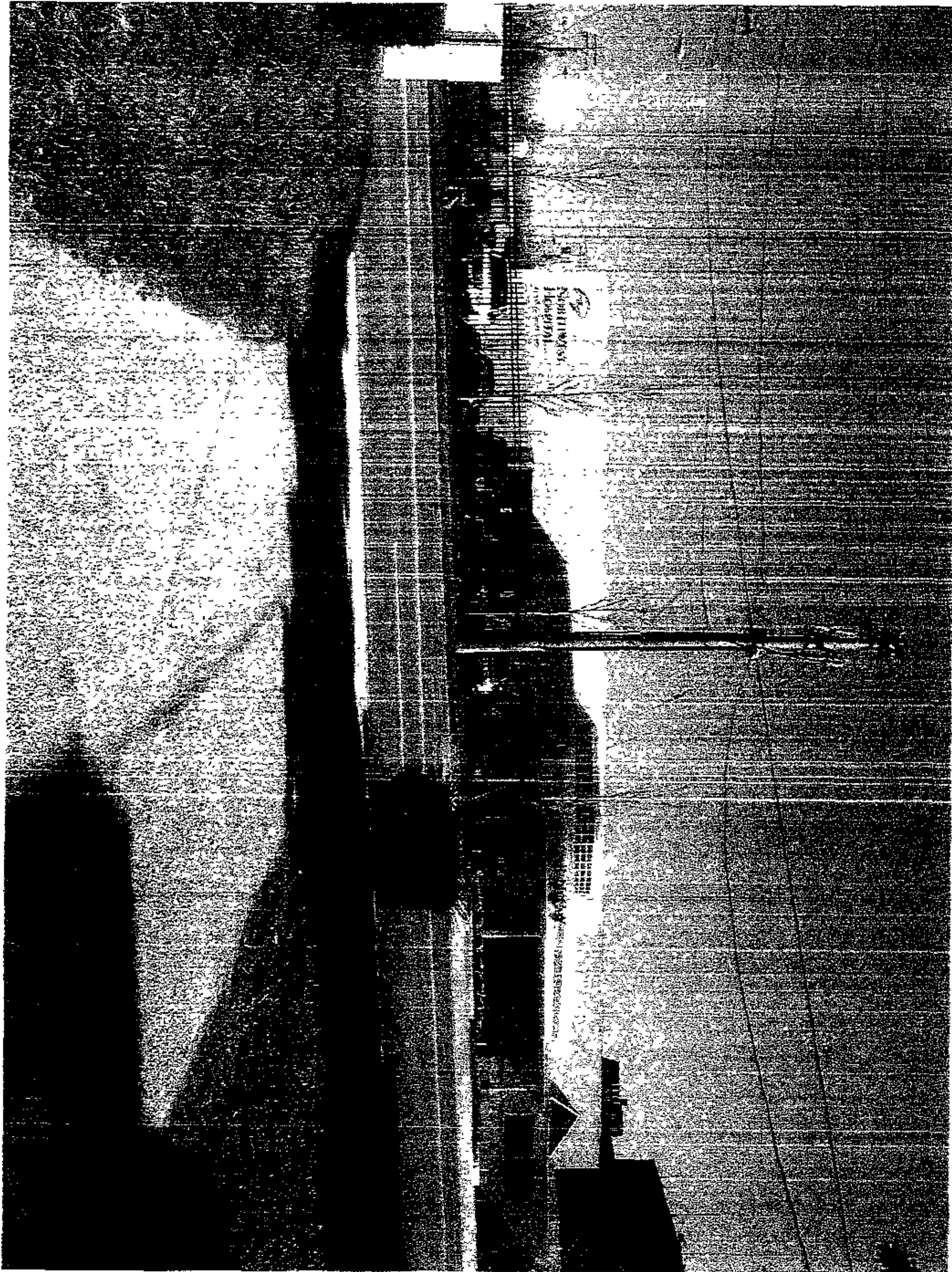


Photo Orientation

Northwest Professional Center



Facing Northwest Hospital

Creek Properties LLC.

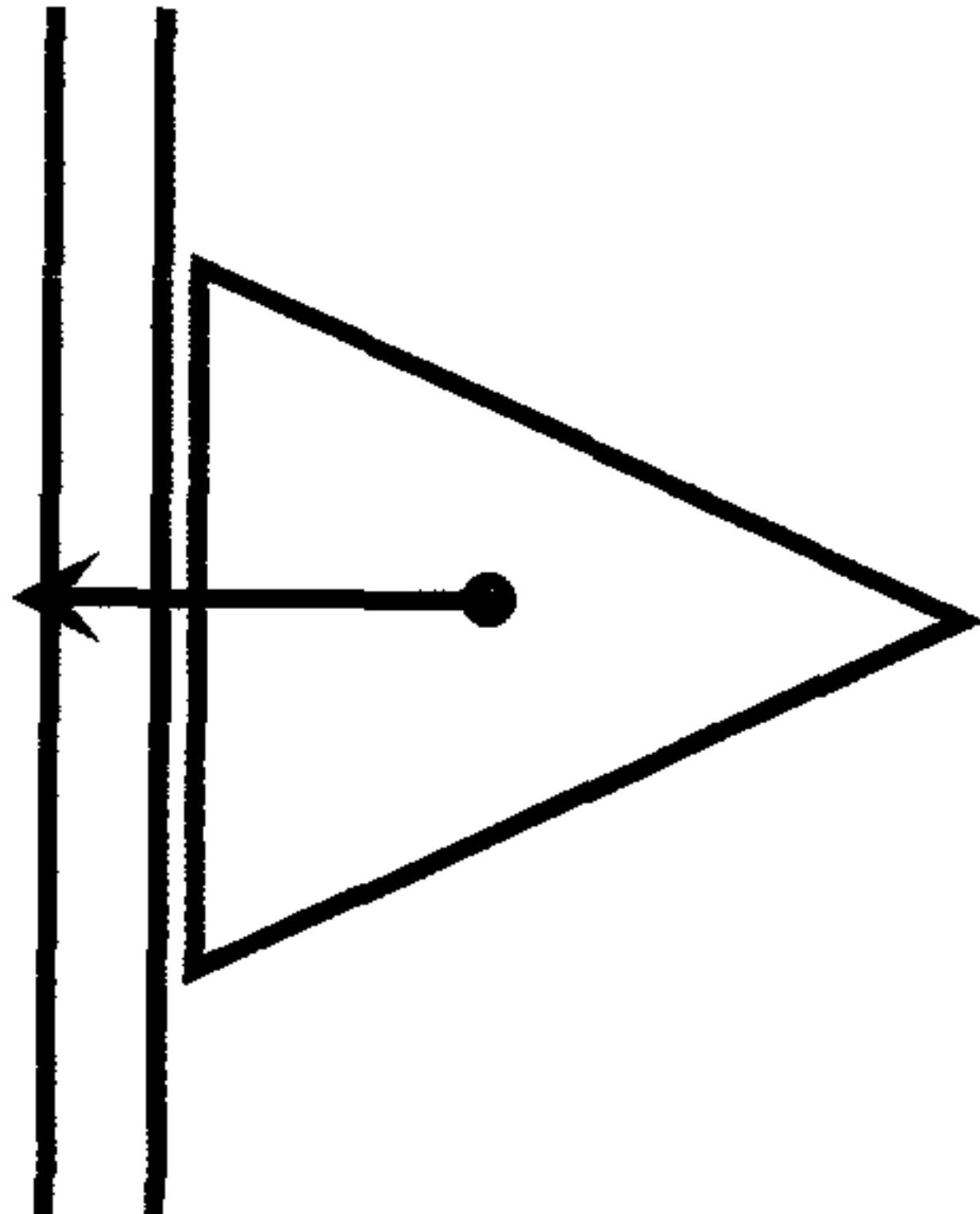
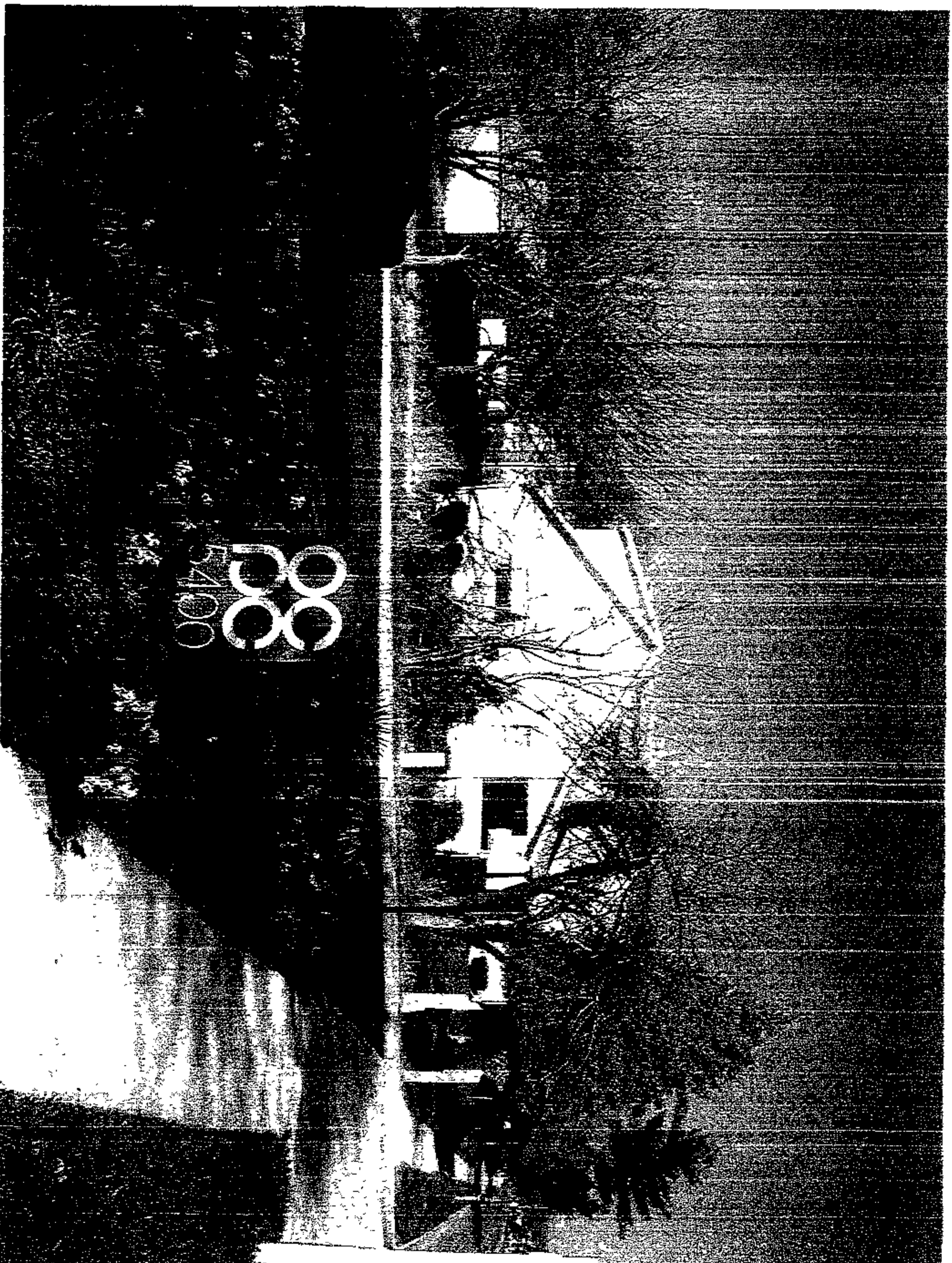


Photo Orientation

Northwest Professional Center



From Office Park West of Property

Creek Properties LLC.

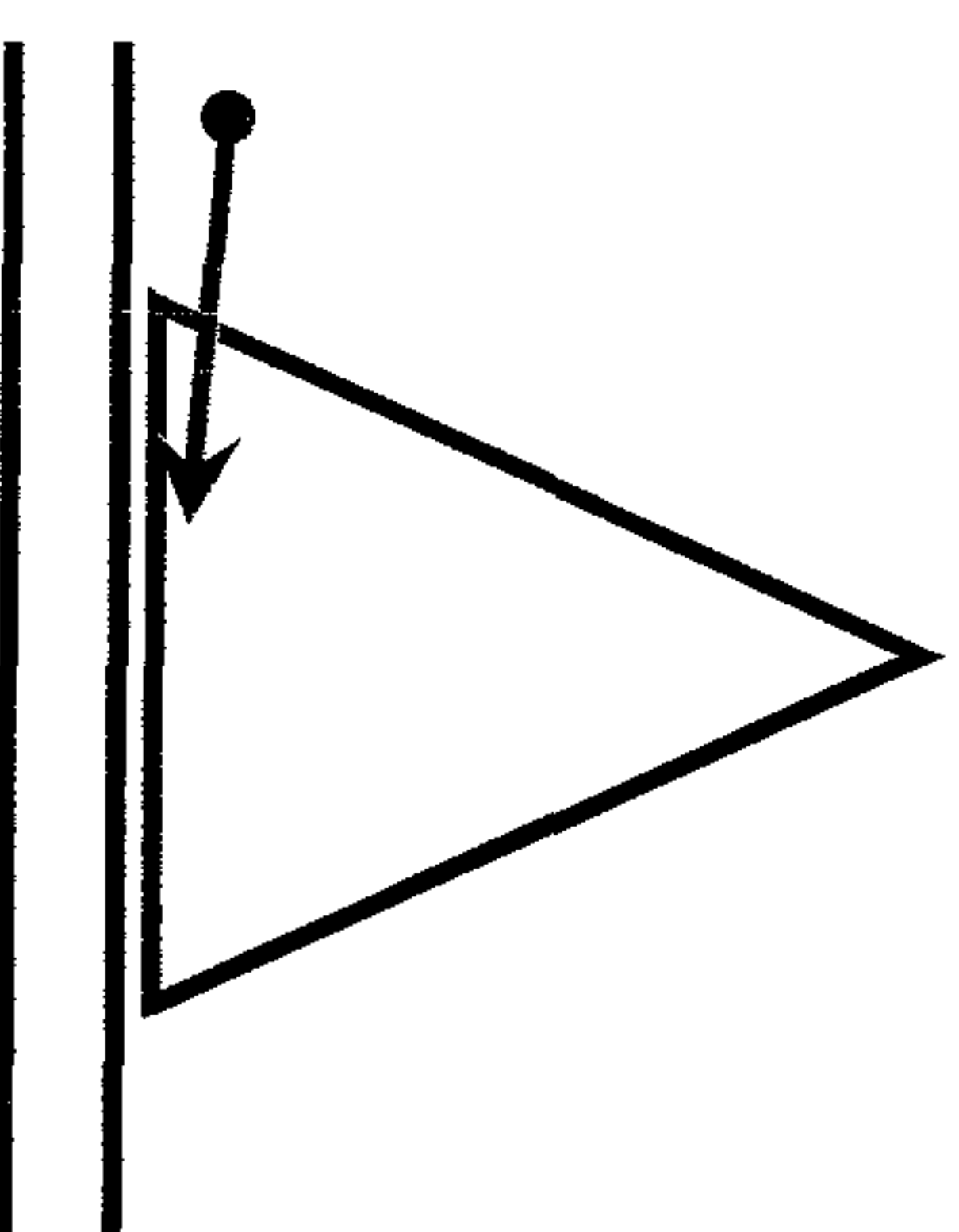


Photo Orientation

Northwest Professional Center



5330 Old Court

Creek Properties LLC.

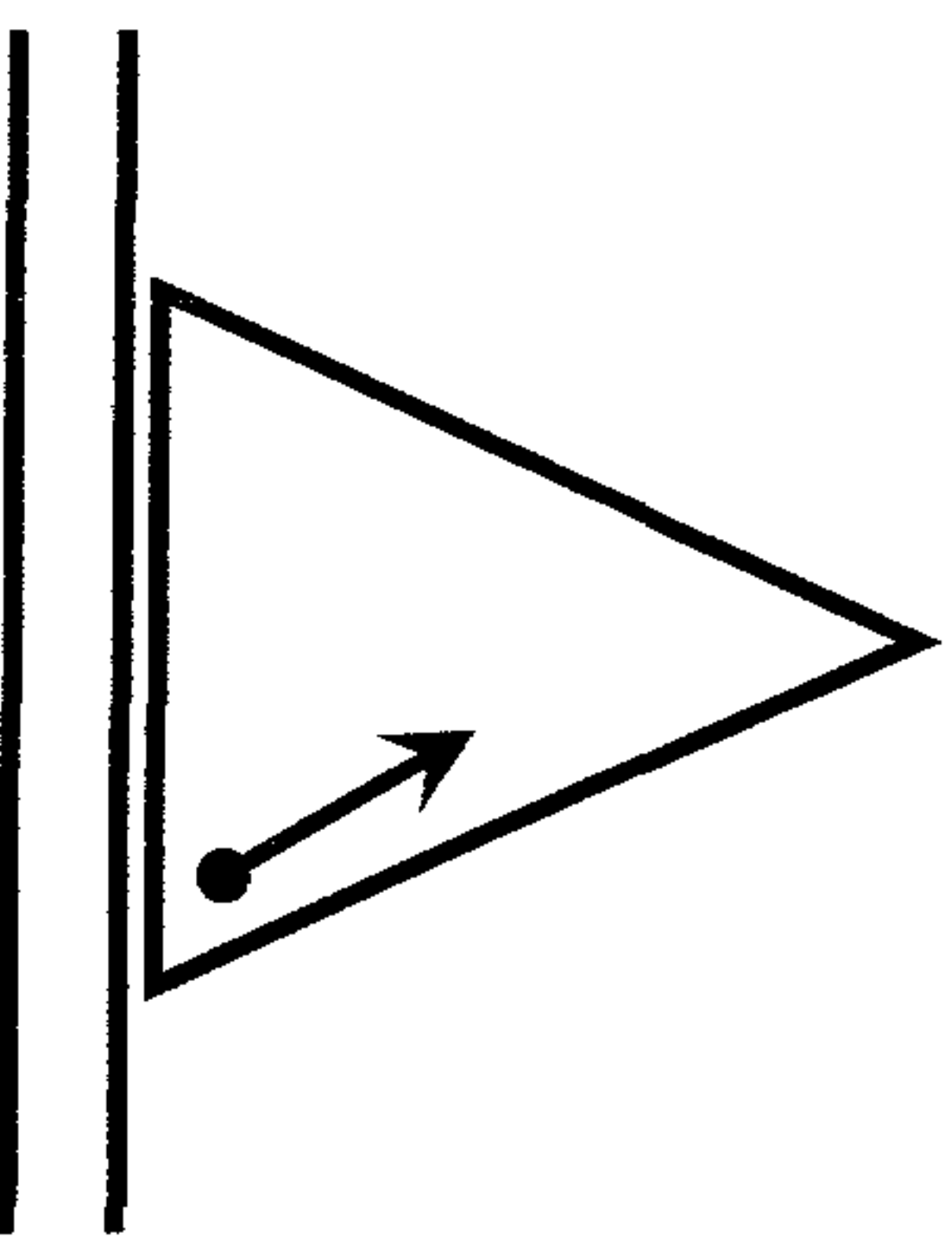
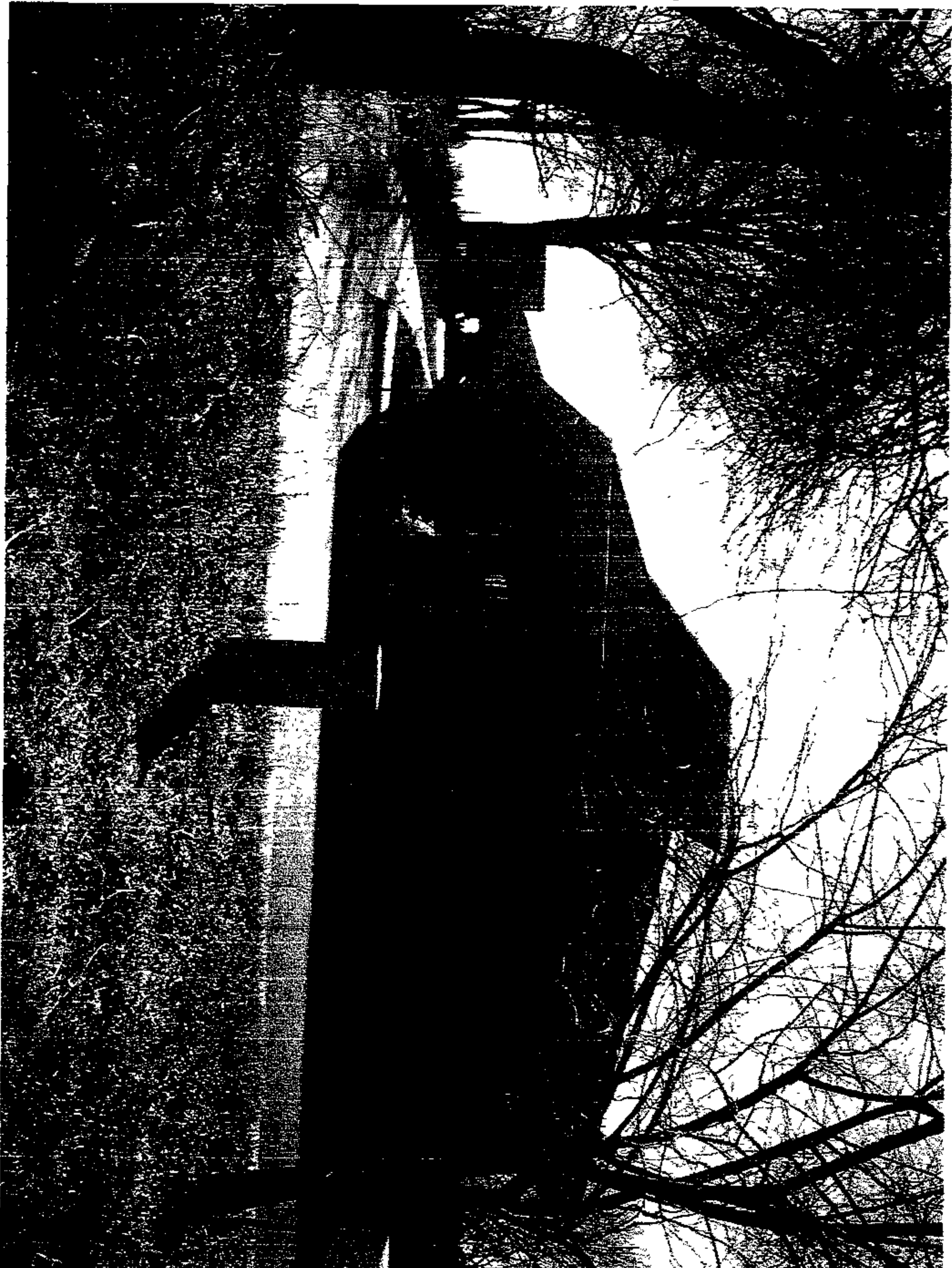


Photo Orientation

Northwest Professional Center



Facing Office Park West of Property

Creek Properties LLC.

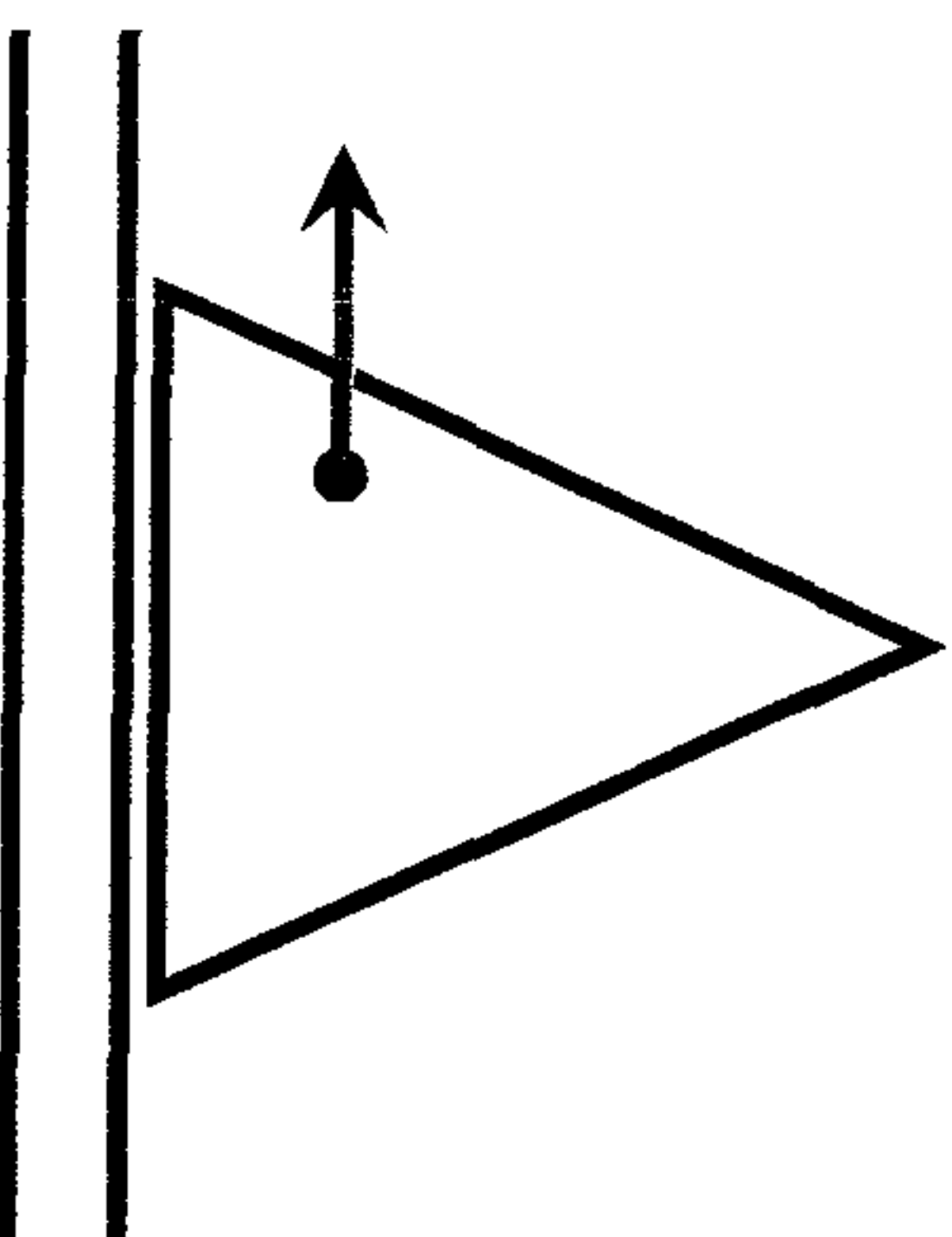


Photo Orientation

Northwest Professional Center



Behind 5332 Old Court -- West Property Line

Creek Properties LLC.

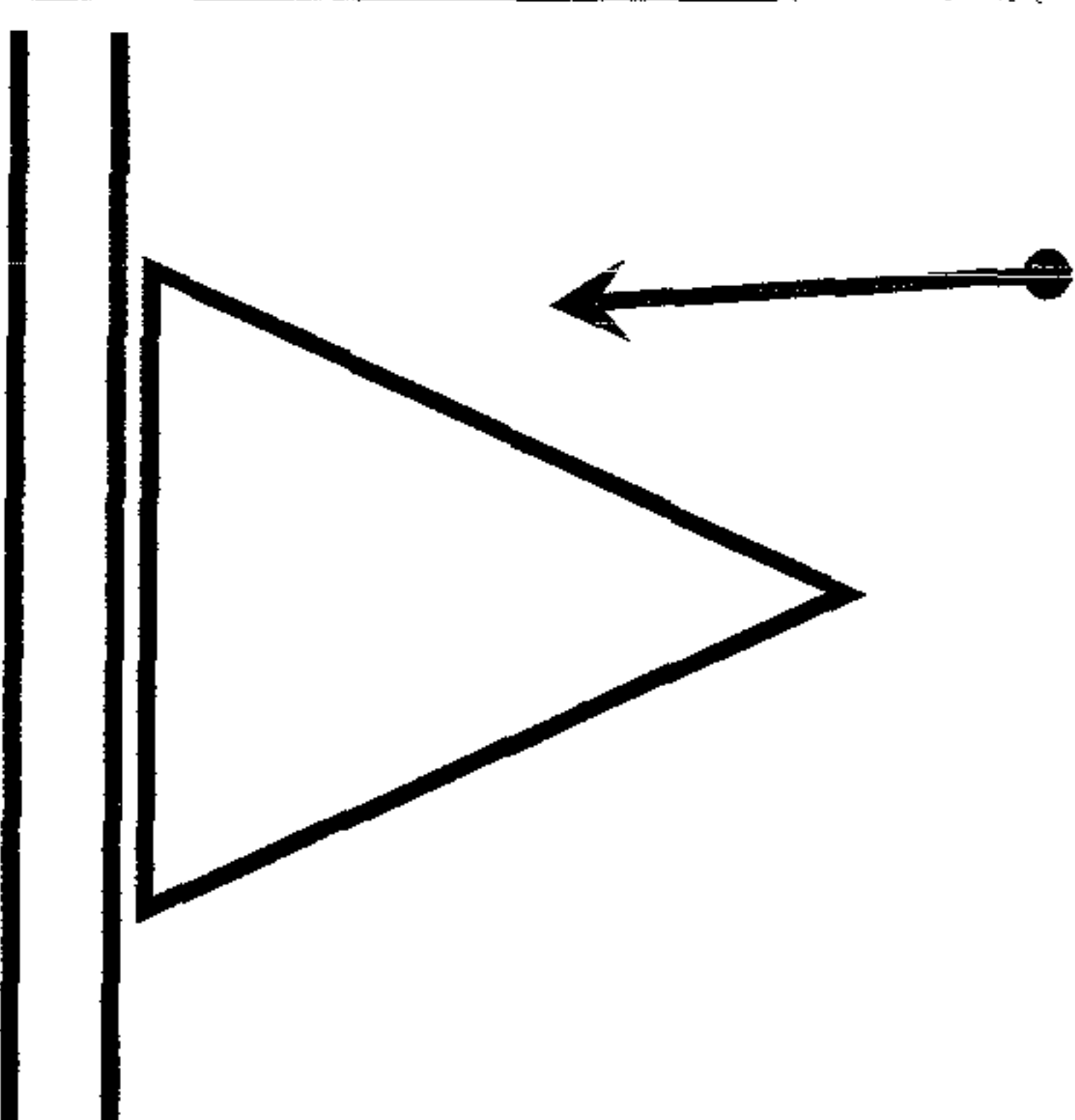
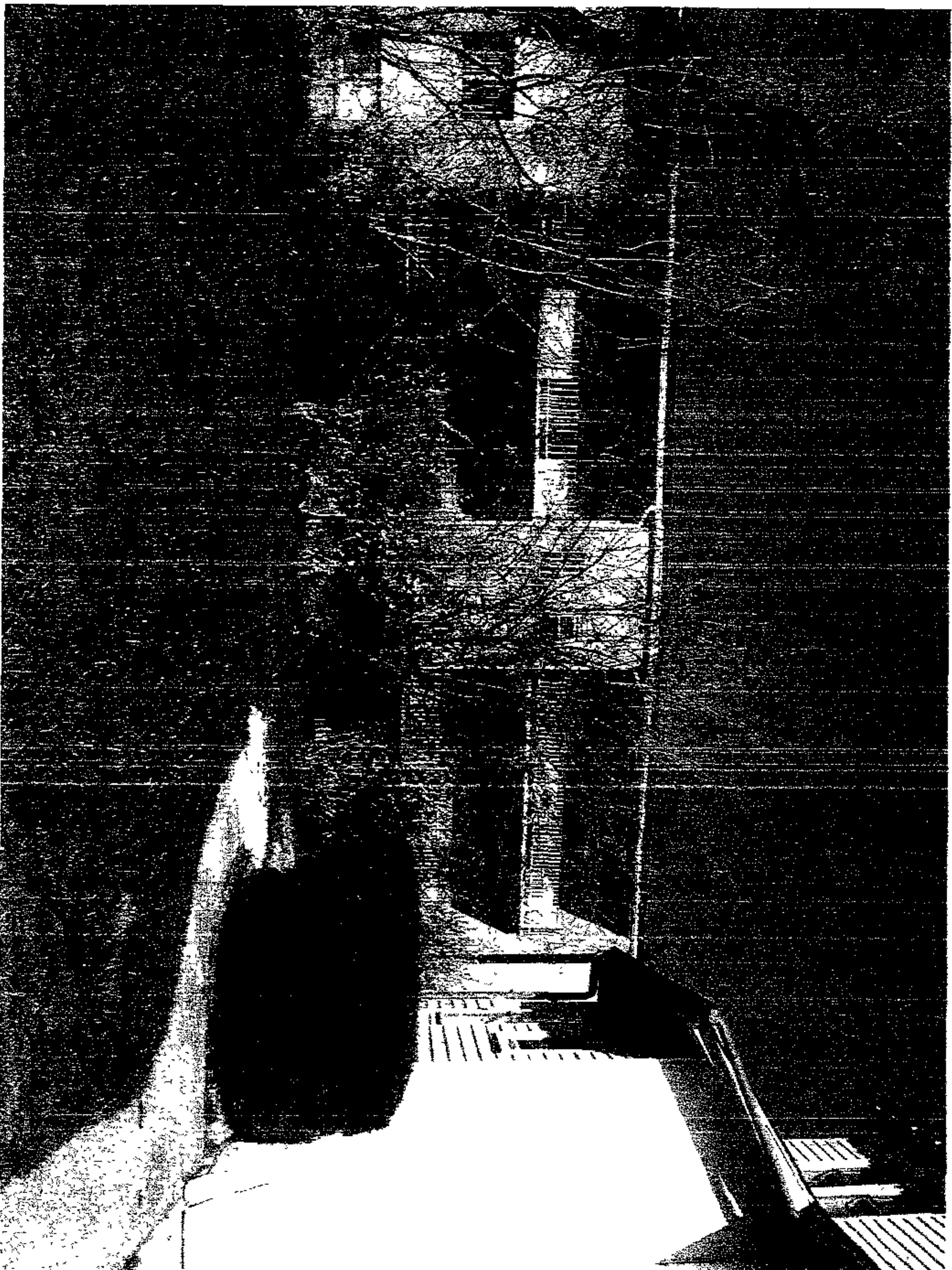


Photo Orientation

Northwest Professional Center



Facing Apartment Complex

Creek Properties LLC.

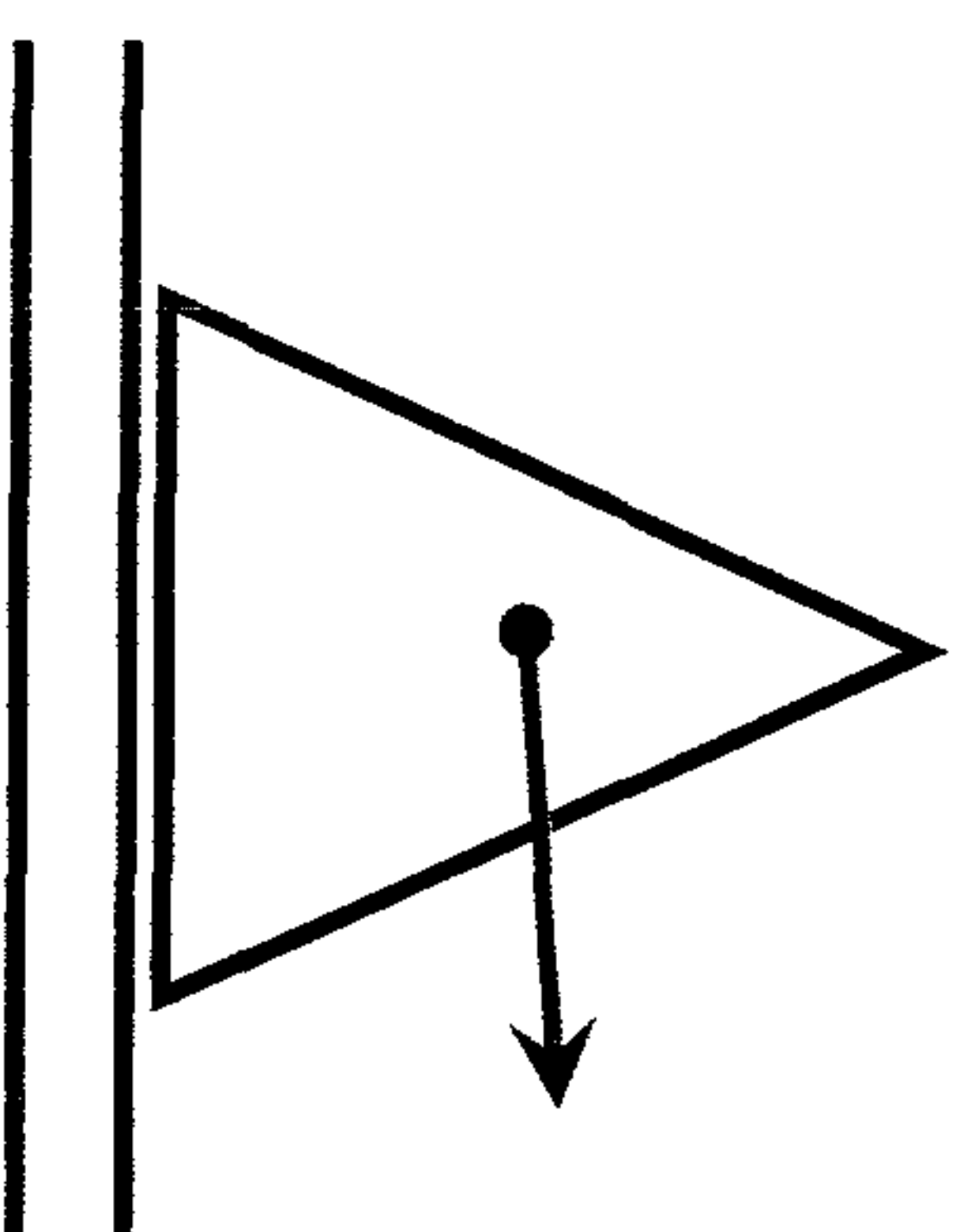
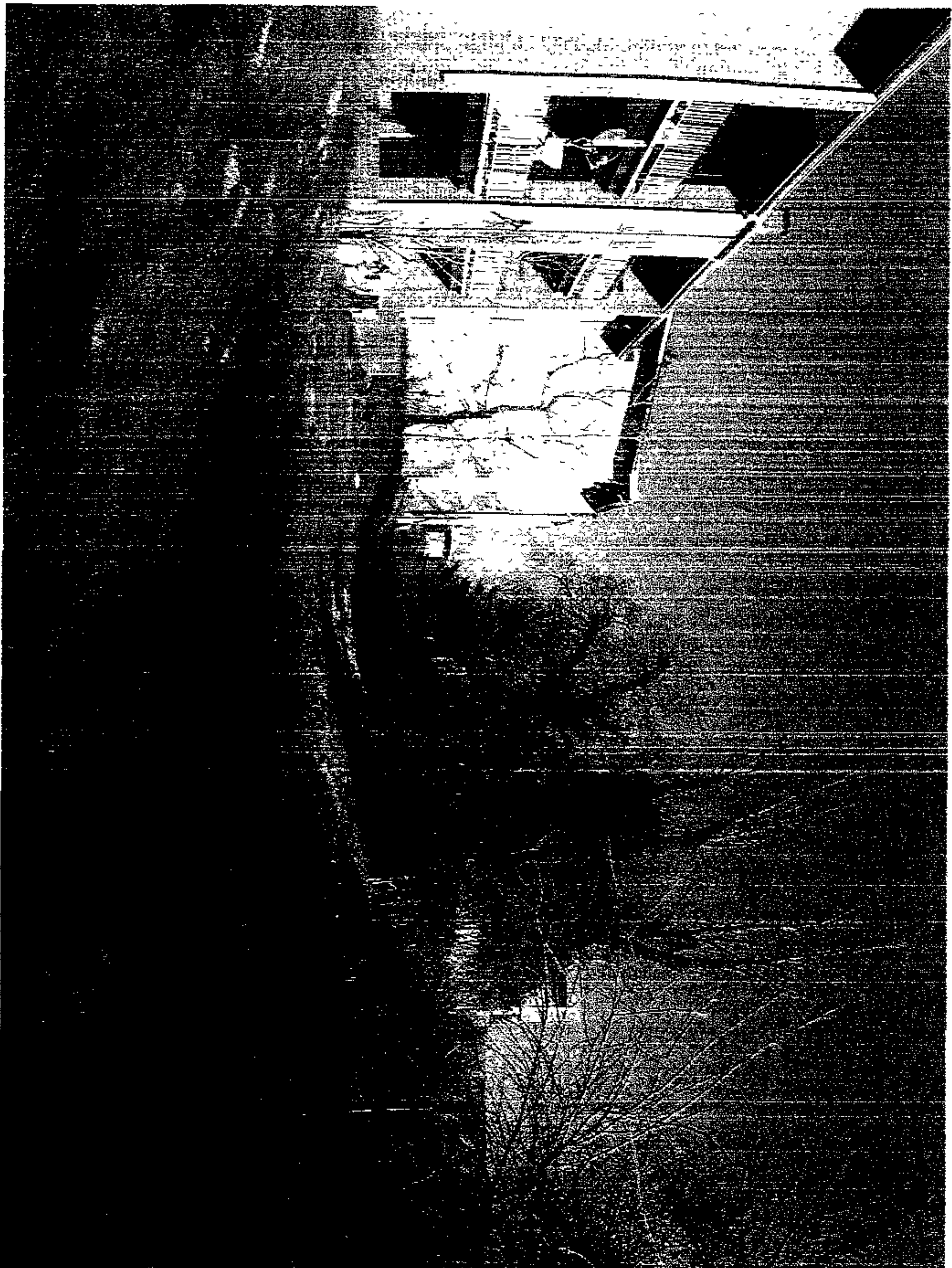


Photo Orientation

Northwest Professional Center



East of 5330 Old Court – Apartment Complex

Creek Properties LLC.

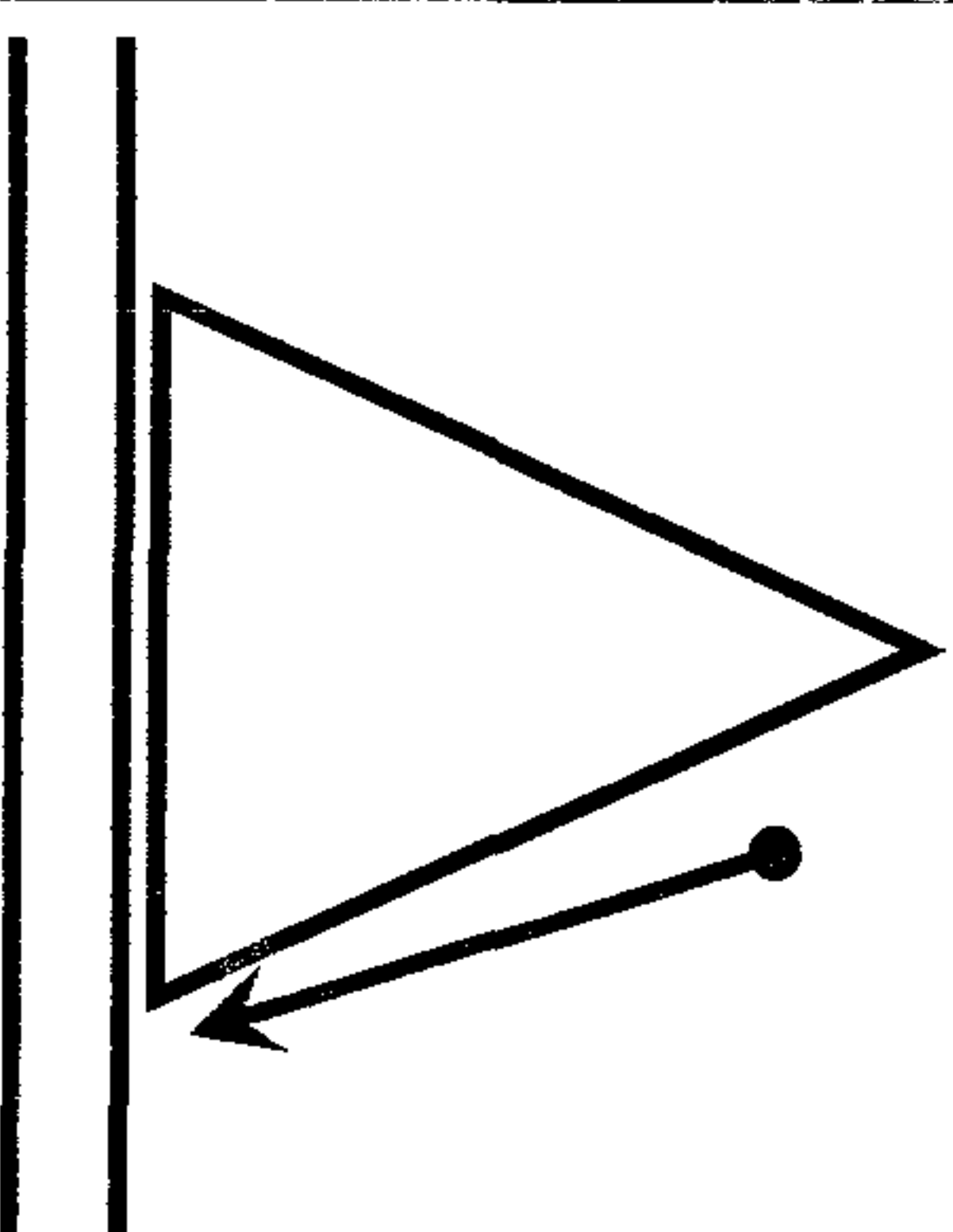
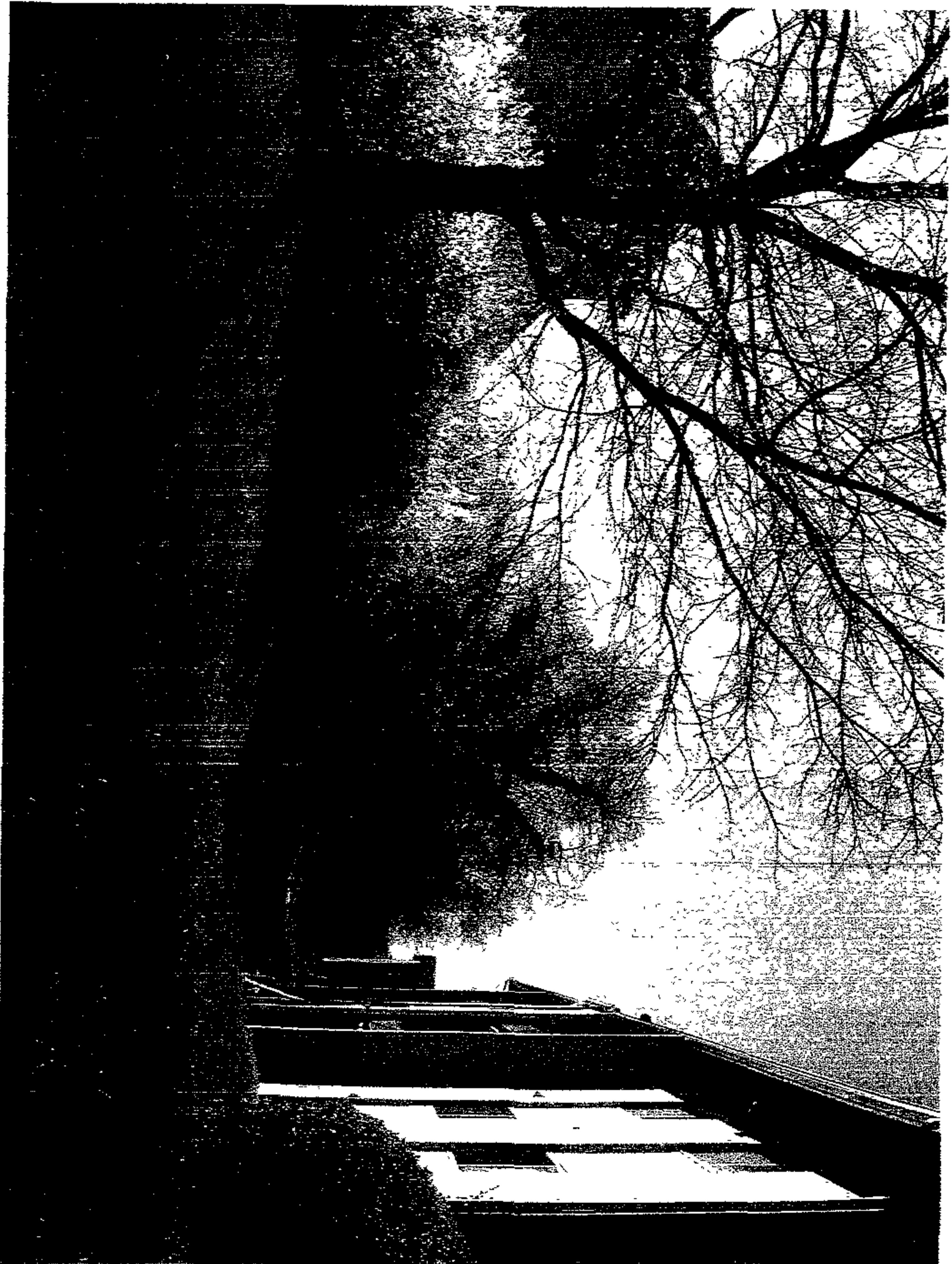


Photo Orientation

Northwest Professional Center



East of 5330 – Apartment Complex

Creek Properties LLC.

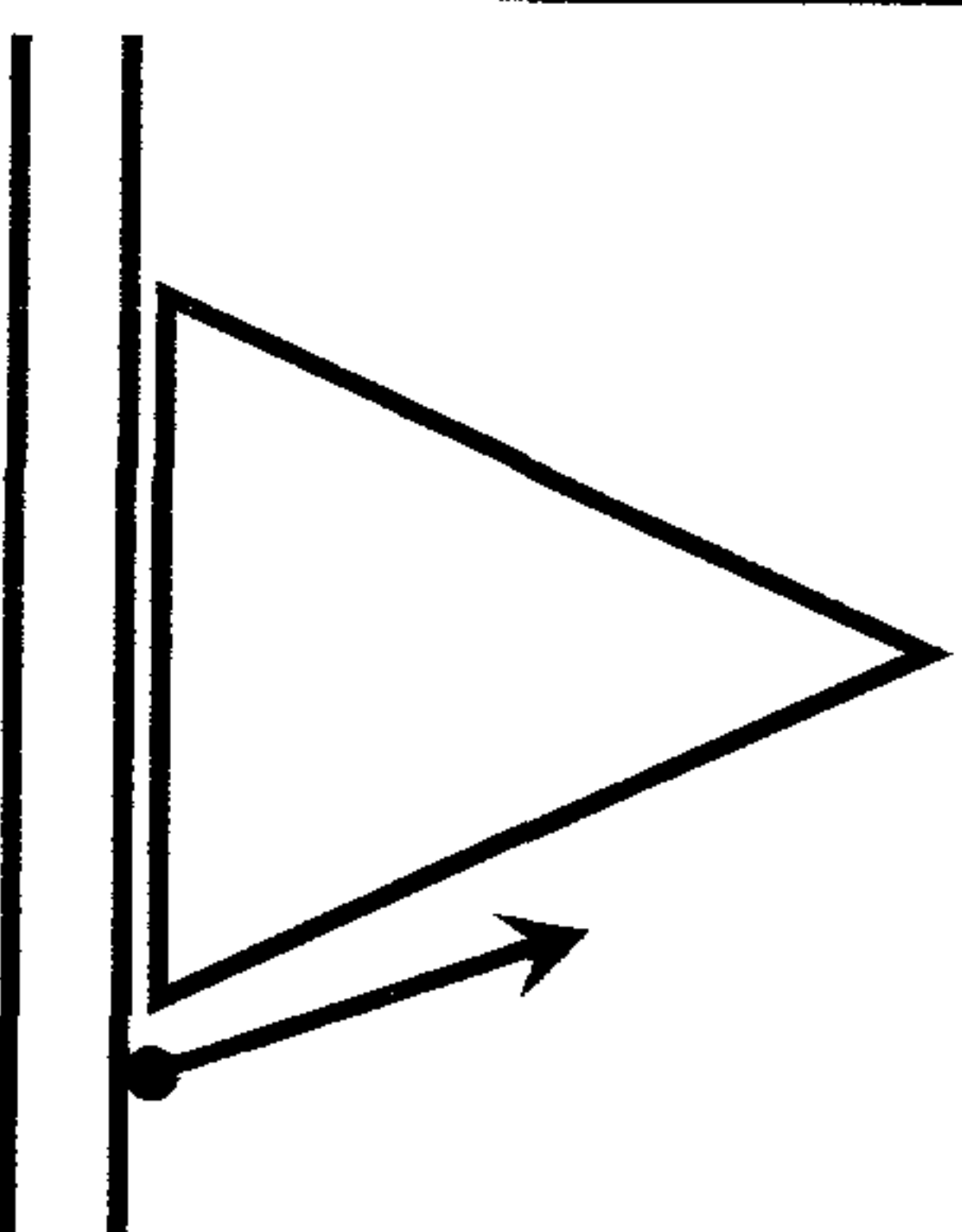
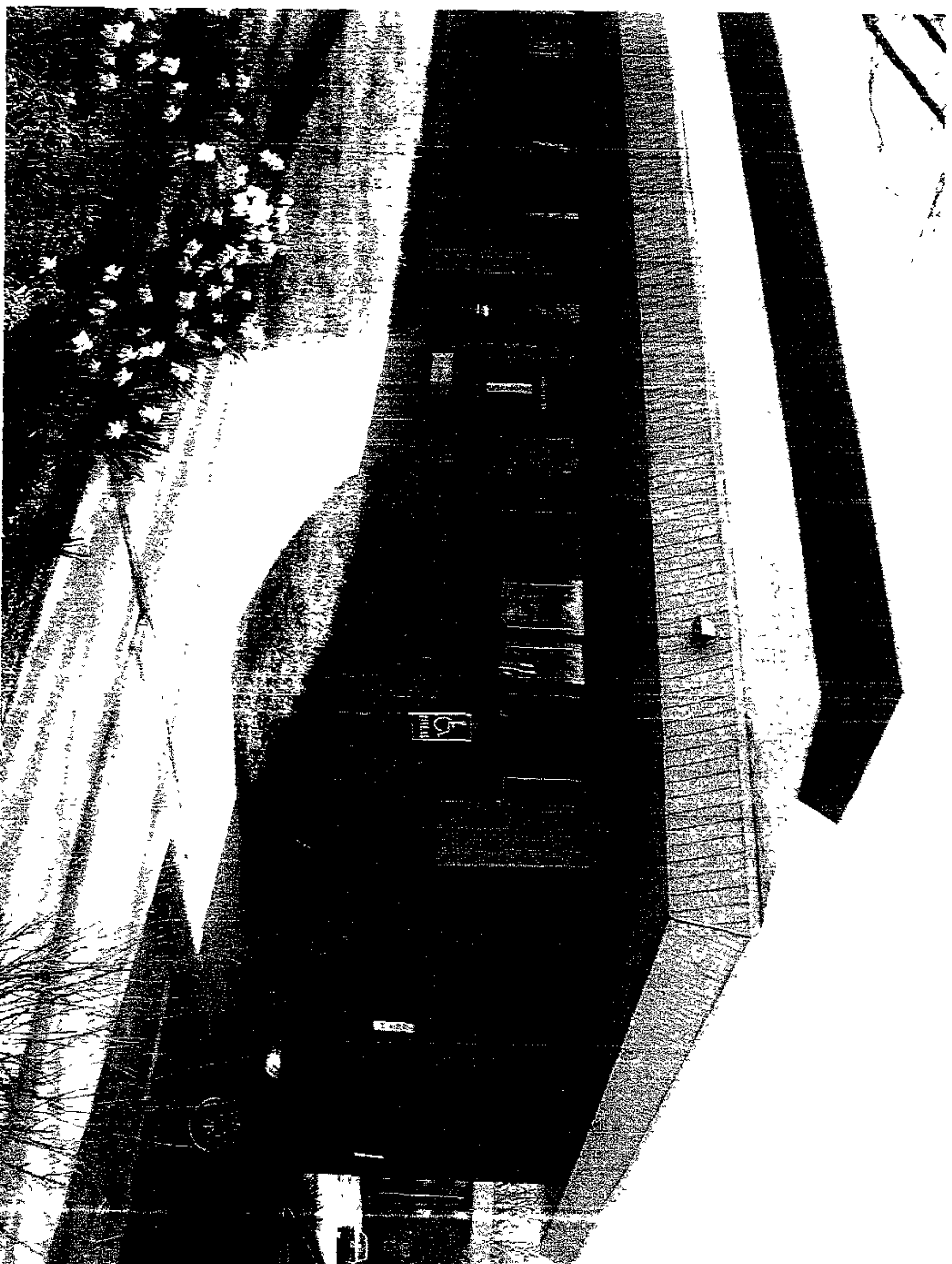


Photo Orientation

Northwest Professional Center



Front of Office Park West of Property

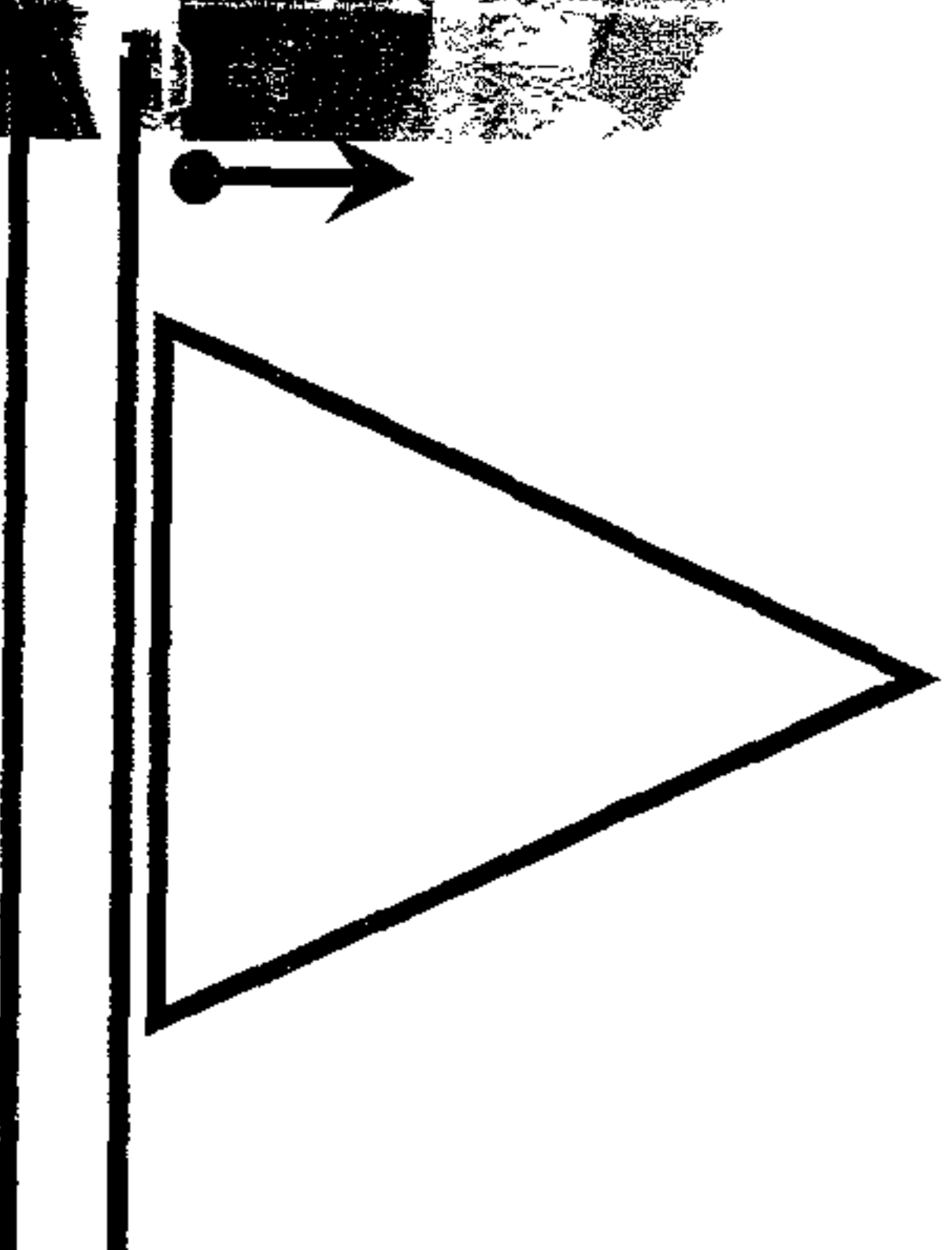


Photo Orientation

Northwest Professional Center



Rear of Office Park West of Property

Creek Properties LLC.

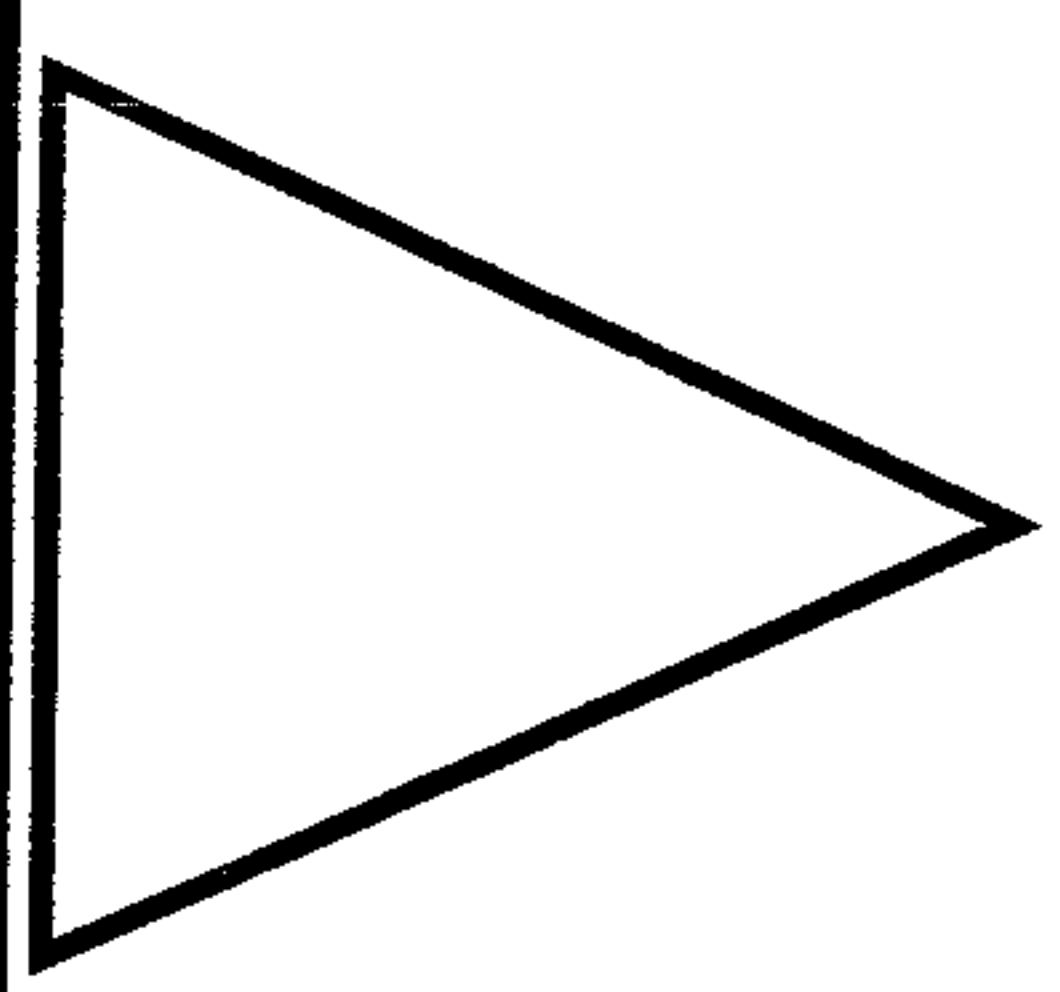
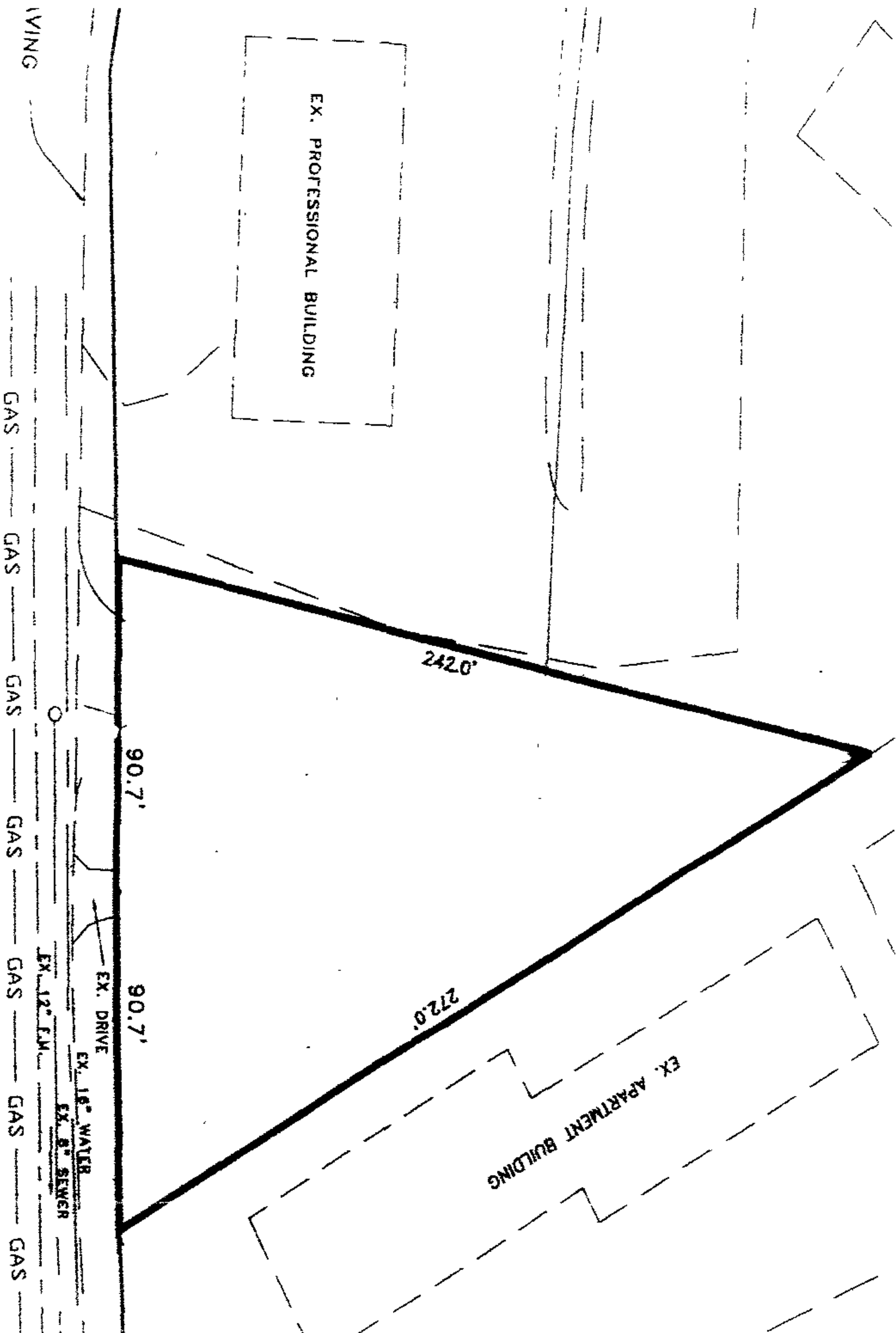


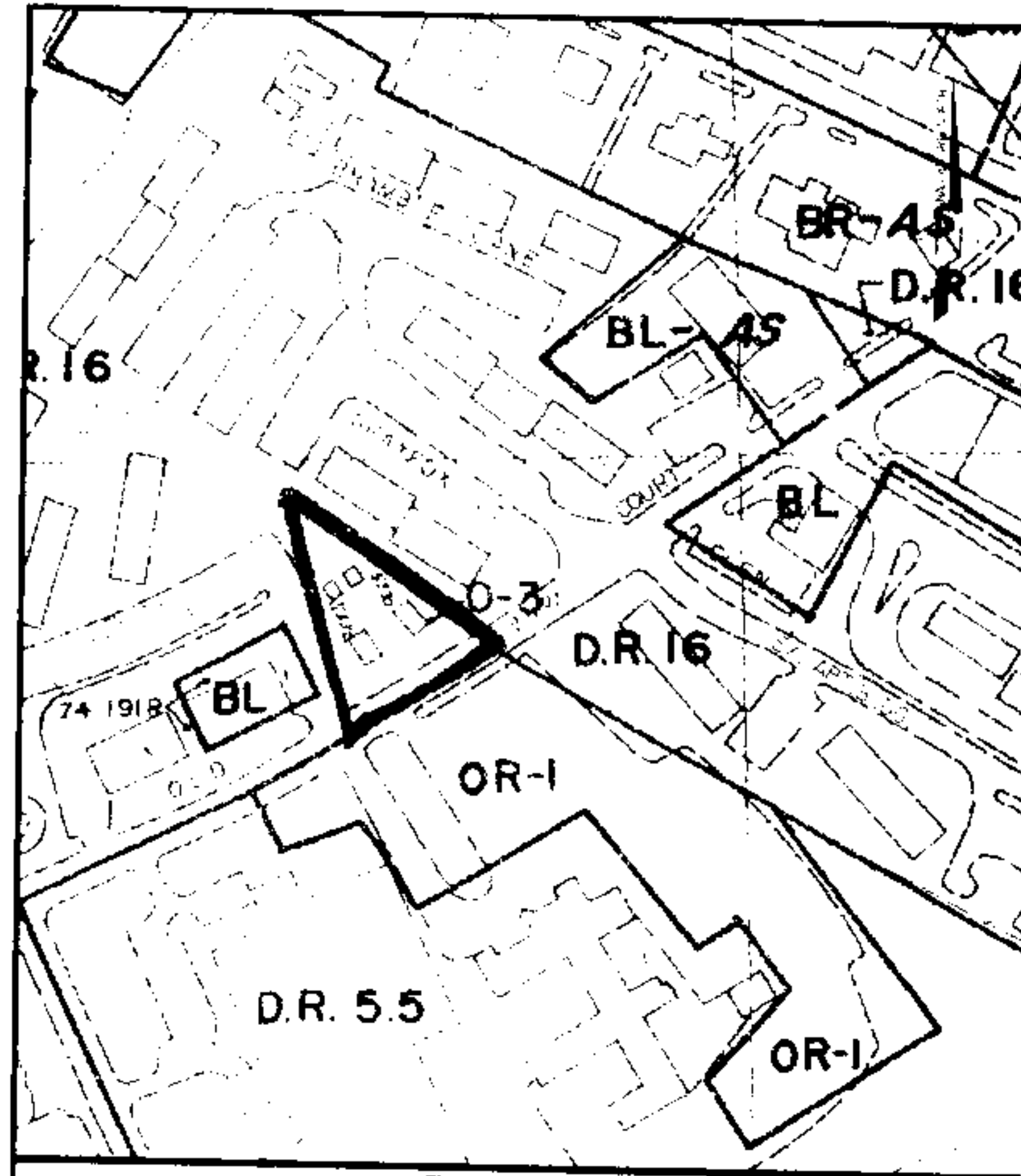
Photo Orientation

Backup Slides





Creek Properties LLC.

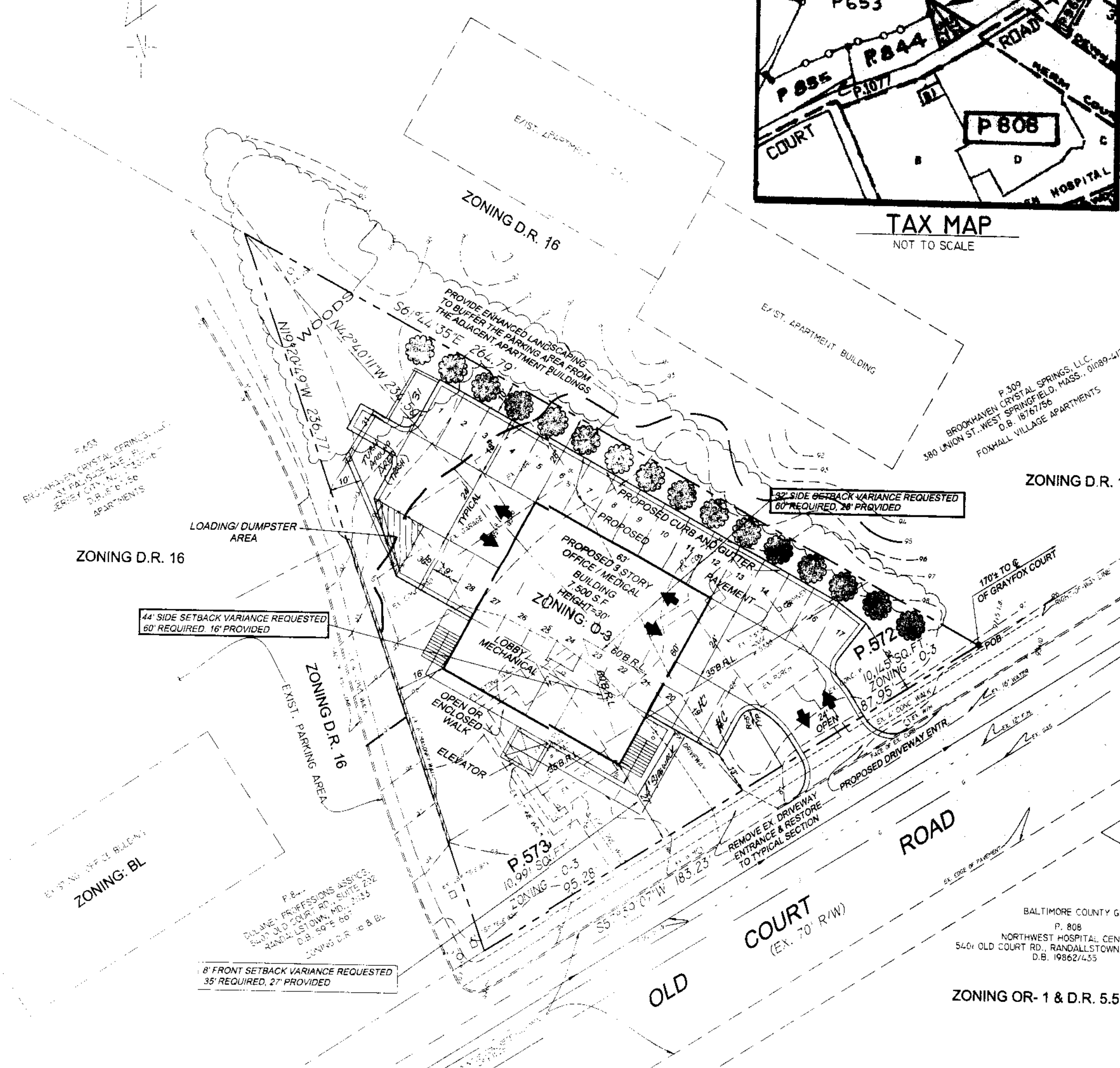


ZONING MAP

GENERAL NOTES

1. SITE AREA = 21,136 SQ. FT. OR 0.485 ACRES
2. F.O.R. AREA RATIO = 7,500 SQ. FT. / 21,136 SQ. FT. = 35% F.A.R. (36%)
3. SITE IS TO BE SERVED BY PUBLIC WATER AND SEWER.
4. COVERAGE BUILDING AND:
 - APPROXIMATE BUILDING AREA = 4,452 SQ. FT.
 - PARKING = 6,594 SQ. FT.
 - TOTAL COVERAGE = 11,046 SQ. FT.
 - 11,046 SQ. FT. / 21,136 SQ. FT. = 52% OF SITE
5. OPEN SPACE / GREEN AREA PROVIDED = 75% = 15,840 SQ. FT. / 21,136 SQ. FT. = 75% OF SITE
6. OPEN SPACE / GREEN AREA PROVIDED = 10,090 SQ. FT. / 21,136 SQ. FT. = 48% OF SITE
7. PARKING SPACES REQUIRED:
 - OFFICE / MEDICAL = 25 SPACES
 - OFFICE / RESIDENTIAL = 61 SPACES
 - TOTAL = 86 SPACES
8. PARKING PROVIDED: 31 SPACES
9. PLANNING TO BE IN ACCORDANCE WITH THE BALTIMORE CO. CODE
10. THIS SITE IS NOT WITHIN A HISTORICAL AREA
11. EXISTING ON-SITE IMPROVEMENTS ARE TO BE DEMOLISHED AND REPAIRED
12. MINIMUM BUILDING HEIGHT = 10' TO 12'

PARCEL OWNERS WITHIN 200'



PLAN
SCALE: 1" = 20'



OWNER/DEVELOPER
CREEK PROPERTIES, LLC
504 TULIP ROAD
ANNAPOLIS, MD., 21403
ZONING: O-3
D.B. 20197/605
D.B. 20038/717

CHESAPEAKE LAND
CONSULTING, INC.
Land Development and
Permit Services
313 NAJOLAS ROAD
Suite J
MILLERSVILLE, MD. 21108
Phone: 410-729-5533
Fax: 410-729-5533

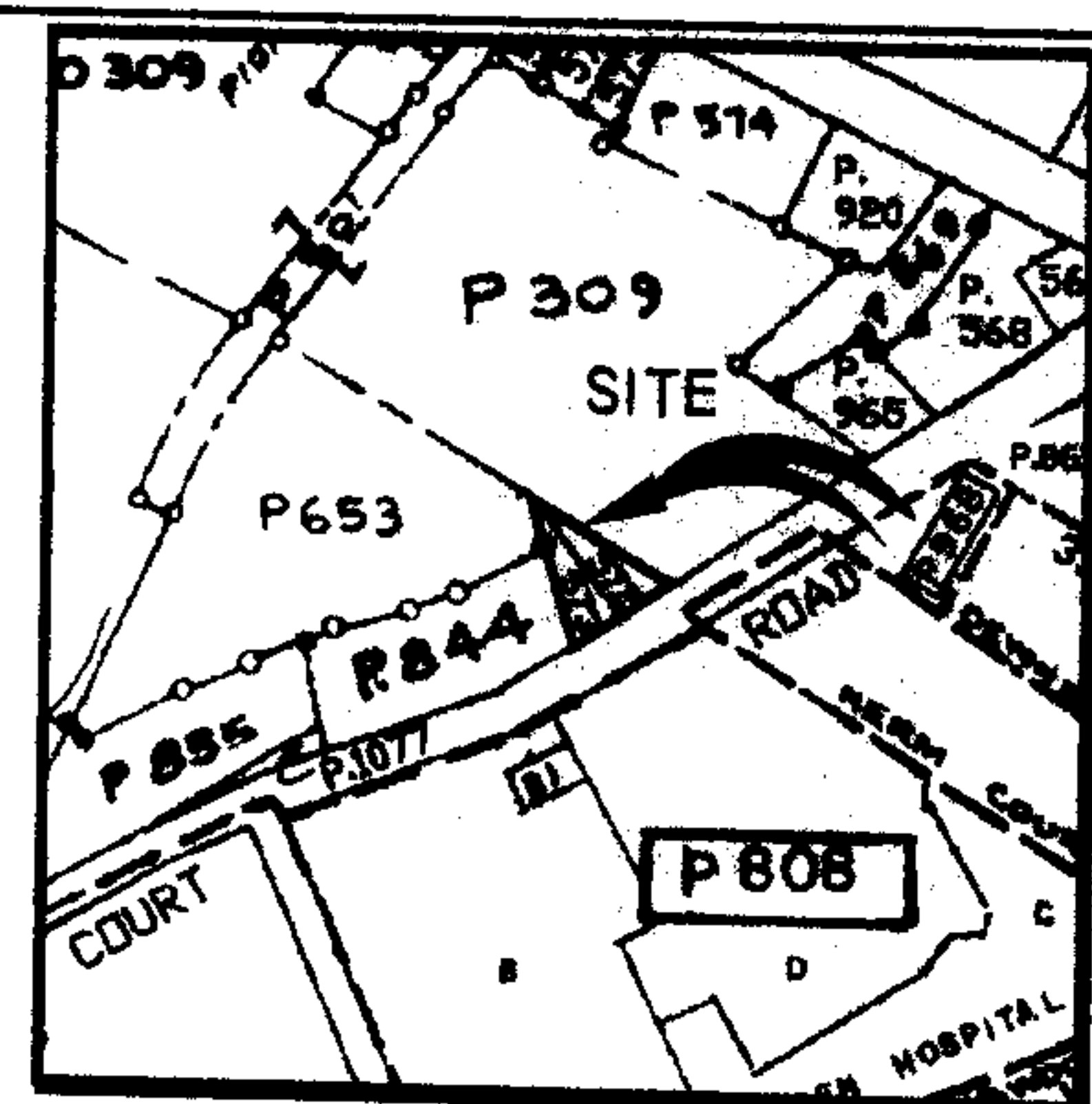
SOUTHWESTERN PROFESSIONAL CENTER
CREEK PROPERTIES, LLC
5330 AND 5332 OLD COURT ROAD
RANDALLSTOWN, MD. 21133
BALTIMORE COUNTY, MD.
TAX MAP: 77 GRID: 15 PARCELS: 572 & 573
TAX DISTRICT: 02 TAX ACCT. NOS.: 0218470020 & 0218470021
DRAWN BY: ARCH
CHECKED BY: S. J. S.
DATE: MARCH 2008

ALL SIGNS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING CODE.

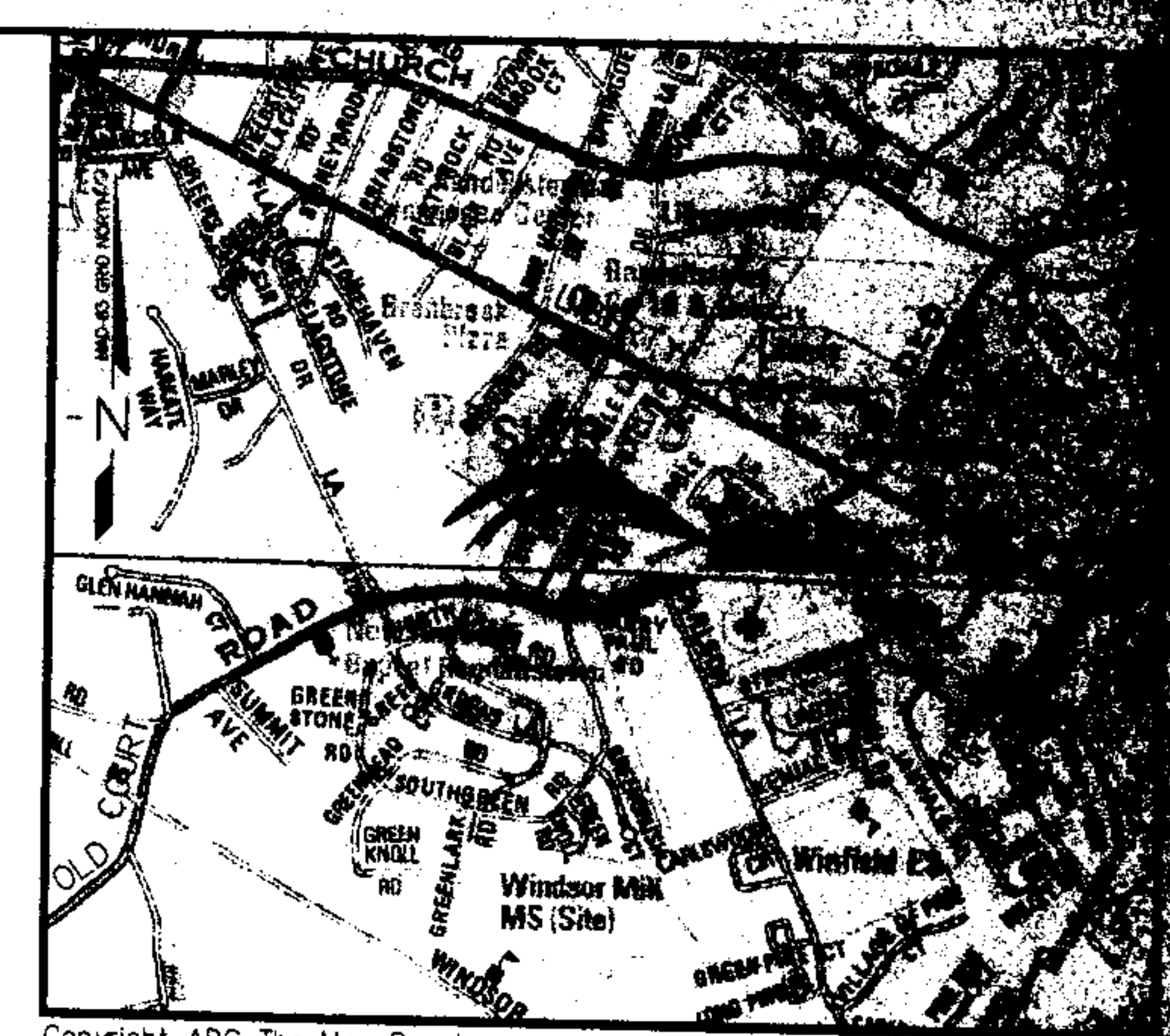
* A VARIANCE FROM SECTION 206.4C.1 AND 207 TO PERMIT A SIDEYARD SETBACK OF 28' IN LIEU OF 60' AND OF 16' IN LIEU OF 60', AS REQUIRED, AND FROM 206.4C2 AND SECTION 207 TO PERMIT A SETBACK FROM A STREET LINE OF 27' IN LIEU OF THE REQUIRED 35'

AREA TABULATION

PARCEL 572 = 10,145 SQ. FT.
PARCEL 573 = 10,991 SQ. FT.
TOTAL AREA = 21,136 SQ. FT.
OR/ 0.4852± AC.



TAX MAP
NOT TO SCALE



VICINITY MAP

SCALE: 1" = 1,000'
ADC MAP # 26832 GRID: G-138G-1

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Permitted Use Number 20802165

