IN RE: PETITIONS FOR SPECIAL EXCEPTION, * SPECIAL HEARING & VARIANCE Southwest Side of Dundalk Avenue, *705' west Oak Avenue *

12th Election District 7th Councilmanic District

(6601 Woods Parkway)

Mullan Enterprises, Norman Wilder, Pres. Legal Owner

and

Portside Apartments LLC

Lessee

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-223-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

 \star

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owner of the subject property, Portside Apartments LLC. The Petitioners are requesting special exception, special hearing and variance relief for property located at 6601 Woods Parkway at the southwest side of Dundalk Avenue in the eastern area of Baltimore County. The special exception request is to use the property for a community building within the DR Zone pursuant to Section 1B01.1.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, special hearing relief is requested in the addition to and in the alternative (from a parking variance), a modified parking plan pursuant to Section Finally, variance relief is requested from Sections 409.6.A.1, 409.12.B. of the B.C.Z.R. 1B01.2.C.1.a, and 1B01.2.C.1.e of the B.C.Z.R., to permit 177 existing parking spaces in lieu of 446, distances between buildings of 15 ft. and 30 ft. in lieu of 55 ft. and 55 ft. respectively, and, if necessary, a 0 ft. rear setback in lieu of 30 ft.

The property was posted with Notice of Hearing on November 28, 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 November 22, 2005 to notify any interested persons of the scheduled hearing date.

にうれて、エカスガニカリーで

CENTRA SOFOT AND TO SOFT AND T

Amended Petition

Initially the Petitioner requested to provide 177 parking spaces in lieu of the required 446 spaces. The 177 spaces represent existing conditions in this 1950's apartment complex. At the hearing the undersigned Deputy Commissioner requested that the Petitioner conduct a review of existing parking and to make a good faith effort to bring the parking up to present code to the extent possible including handicapped parking, etc. In response to this request the Petitioner submitted a revised parking plan in a redline site plan dated December 21, 2005 which provides updated design but with a loss of three spaces. Consequently the Petitioner proposes 174 spaces.

In addition the initial petition indicated that 446 spaces were required. Apparently this was based upon the number of apartments in the existing complex. However the interior redesign of the buildings has progressed to the point that the Petitioner will eliminate 27 one bedroom apartments, 89 two bedroom apartments but will add 8 three bedroom units. As a result the required parking spaces has fallen from 446 to 276 spaces.

Applicable Law

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

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

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated November 16, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

THE THE PARTY IN THE

Appearing at the hearing on behalf of the variance and special exception requests were ydia Clark and Brian Lopez of Portside Apartments LLC. Mitch Kellman and David Locke of Daft, McCune & Walker, Inc., who prepared the site plan, were also in attendance. Edward J. Gillis, Esquire represented the Petitioners. No protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

CALL TO MAN MONTH TO A PRINCE OF THE PARTY O

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 6.833 acres of land zoned DR 16 as shown in Petitioner's Exhibit 2, the Redline Plat to Accompany. The property is located between Dundalk Avenue and the City line. Osprey Properties and the Dundalk Renaissance Corporation are equal members of the Petitioner LLC.

Mr. Gilliss presented a letter of support from Councilman Olszewski in Exhibit 1 who noted the renovations planned by the Petitioner and how the project complimented the County's Dundalk Renaissance program.

He indicated that the subject property is improved by the Cummins Apartments complex, which was built in the early 1950's. He noted that these apartments were originally built to house military officers associated with then nearby Fort Holabird. As such, they do not meet the present zoning regulations in several regards. Since construction, the apartments have been rented to the public to generally low and moderate-income tenants.

Mr. Gilliss noted the challenges of renovating such a complex. He indicated the water, sewer, electrical wiring, central heating, and individual air conditioning systems have to be replaced. Kitchens and baths will be completely renovated. However, the apartment buildings will not be sprinklered. In addition, the facades of the brick buildings will be enhanced by architectural features, which upon completion will complement the streetscape being implemented on Dundalk Avenue by the County.

In regard to the community building proposed, Mr. Lopez indicated how important it is to have certain amenities provided for the tenants. He testified that the only way to provide these amenities in this situation was to build a new building to house conference rooms, exercise facilities, social gatherings, etc. In addition, the new building will house management offices and a computer facility in a central location accessible to the tenants. There is a possibility that the community college will hold classes in the new building. Community groups will be invited to

meet there. Mr. Lopez agreed to provide pedestrian access to the new building in accord with the Planning Office comment.

In regard to parking, the present complex has 177 spaces having been built before the County imposed the parking regulations. 446 spaces are needed under the present regulations for the existing apartment complex. Mr. Lopez testified from his personal knowledge of the complex that surprisingly there is no parking problem on site today. He believed this was because the majority of these low to moderate income tenants take public transportation. He noted that even those tenants with vehicles usually have only one (1) rather than the two (2) or three (3) vehicles. Mr. Kellman, the Petitioner's zoning consultant, indicated that he also experienced no parking problem when he visited the site.

Mr. Kellman also noted that community buildings in apartment complexes ordinarily are built as of right if they serve only the tenants. However, he indicated that nearby community associations could use the facility. Fortunately, there will be parking on Dundalk Avenue for these visitors so those community representatives coming for meetings will not occupy tenant parking. In any case, he opined that the community building meets every criteria of Section 502 of the B.C.Z.R. and will not adversely affect the community.

He noted that the heavy lines around the building shown on Exhibit 2 are the legal boundaries proposed for the special exception. He disagrees with the Zoning Office that the boundaries of the special exception are subject to the setback regulations. However, in an abundance of caution, the Petitioner requests a rear setback of 0 feet in lieu of the required 30 feet. In this case, the boundary nearly coincides with the rear wall of the building.

In regard to the distances between buildings, Mr. Kellman noted that many of the existing buildings are less than the required separation of 55 feet. Again, this is because the buildings were built before the regulations were imposed. The side of the proposed building is 15 feet from one of the three story apartment buildings while the other side is 30 feet from another existing building.

He noted that these dimensions are all internal to the site. This problem of space between buildings occurs because the new building has to hold many functions which in turn requires a building of this size. In addition there is no other place to put the new building on campus. He noted that there would be sidewalks around the new building, which will satisfy the Planning Office comments.

Finally, he presented a modified plan, which indicated the location of old, foundation, Exhibit 4, on which the new building will be erected. He opined that this made the property unique in a zoning sense, as there is no other place to locate the new building.

In regard to parking, Mr. Kellman supplemented other testimony by noting that ordinarily adding a new building would require more parking. However, as above, this building will be used primarily by the existing staff and existing tenants so that although 12 spaces are needed theoretically for the new building, present parking will be adequate. On the other hand, he opined that if these requests proceed under a modified parking plan of Section 409.12 the need to provide all spaces required would be an undue hardship on the Petitioner for the reasons given. The new community center could not be built if the parking requirements were strictly enforced.

At the hearing the Petitioner was asked if he would review the parking plan and bring it up to code as reasonable under the circumstances. This usually involves restripping the parking field for handicapped parking, etc. The Petitioner agreed. Also at the hearing, the Petitioner was asked to look again at the access emergency vehicles might have to the north side of the new building and south side of the existing apartment building. Again, the Petitioner agreed.

In response to these requests the Petitioner submitted a letter dated December 27, 2005 and revised site plan dated December 21, 2005 which have been admitted as Petitioner's exhibit 5. Initially the Petitioner requested to provide 177 parking spaces in lieu of the required 446 spaces. The 177 spaces represent existing conditions in this 1950's apartment complex. The revised parking plan shown in the redline site plan provides updated design but with a loss of three spaces. Consequently the Petitioner proposes 174 spaces.

STATE OF THE STATE

In addition the initial petition indicated that 446 spaces were required. Apparently this was based upon the number of apartments in the existing complex. However the interior redesign of the buildings has progressed to the point as shown in exhibit 5 that the Petitioner will eliminate 27 one bedroom apartments, 89 two bedroom apartments but will add 8 three bedroom units. As a result the required parking spaces has fallen from 446 to 276 spaces.

Finally the Petitioner indicated in its December 27, 2005 letter that access to the existing and proposed building was again reviewed by the Fire Department. The letter indicates that the 15 feet between buildings is adequate as long as the final plans show a fire rated wall on the north face of the new community building.

Findings of Fact and Conclusions of Law

Special Exception

I find that the proposed community center for this apartment complex satisfies each of the criteria of Section 502.1 of the B.C.Z.R. and will not create an adverse impact on the community. In fact, the opposite is true. The new building along with the renovations in this 1950's built apartment complex will enhance the community.

Special Hearing

As mentioned at the hearing, I much prefer to deal with parking in older neighborhoods by modified parking plan rather than variances. This allows the existing parking field to be brought up to date to the extent reasonable such as adding handicapped spaces, restripping, etc. The Petitioner has revised the parking plan as shown in exhibit 5 which results in an updated design but at the cost of three spaces. I accept the fact that there is no room on the property to locate more. I find that the Petitioner would suffer undue hardship if a modified parking plan were not accepted under these circumstances.

Variances

Having granted the modified parking plan, the request for parking variances is moot.

うとうとうのーケーへ

In regard to the setback variances, I find the property unique in a zoning sense. Section 307 of the B.C.Z.R. specifies that not only characteristics of the property itself make a property peculiar and therefore unique, but also structures can lead to similar findings of uniqueness. Here we have an entire 1950's apartment complex, which is all but built out save for the location chosen for the new community building. As such, I find the property unique.

I also find that the Petitioner would suffer practical difficulty if the regulations were strictly enforced. No new building could be built. There is no other place to locate the new building.

Zoning density will be greatly reduced as the redesign of the interior of the buildings eliminated 27 one bedroom apartments, 89 two bedroom apartments but added 8 three bedroom units.

Finally, I find that these setback variances can be granted within the spirit and intent of the regulations and will not adversely affect the community. This renovation is an essential part of the Dundalk Renaissance Program, which is sponsored by the County and will improve these existing apartments and the entire community.

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 Petitioners, I find that the Petitioners' requests for special exception, special hearing should be granted and the requests for variance should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, this <u>U</u> day of January, 2006, by the Deputy Zoning Commissioner, that the Special Exception request, to use the property for a community building within the DR Zone pursuant to Section 1B01.1.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as shown on the revised redline site plan, Petitioner's exhibit 5, is hereby GRANTED; and

IT IS FURTHER ORDERED THAT the special hearing relief request for a modified parking plan pursuant to Section 409.12.B. of the B.C.Z.R as shown on the revised redline site plan, Petitioner's exhibit 5, is hereby GRANTED; and

IT IS FURTHER ORDERED THAT the variance relief request from Sections 409.6.A.1, to permit 177 existing parking spaces in lieu of 446 is DENIED as moot; and

IT IS FURTHER ORDERED that the Petitioner's request to allow distances between buildings of 15 ft. and 30 ft. in lieu of 55 ft. and 55 ft. respectively, and 0 ft. rear setback in lieu of 30 ft. as required by Section 1B01.2.C.1.a, and 1B01.2.C.1.e of the B.C.Z.R, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their 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 comments submitted by the Office of Planning dated November 16, 2005, a copy of which is attached hereto and made a part hereof; and
- 3. Compliance with the Fire Department requirements for a fire rated wall on the north face of the community building; and
- 4. 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:dlw

FOR THOMSEN



JAMES T. SMITH, JR. County Executive

May 16, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

OFFICE OF THE PEOPLES COUNSEL FOR BALTIMORE COUNTY PETER MAX ZIMMERMAN MS 2188

Re: Petitions for Special Exception, Special Hearing & Variance
Motion for Reconsideration
Case No. 06-223-SPHXA
Property: 6601 Woods Parkway

Dear Mr. Zimmerman:

Enclosed please find the decision rendered in the above-captioned case.

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:pz Enclosure

Edward J Gilliss, Esquire, Royston Mueller Mclean & Reid LLP, 102 West Pennsylvania Ave Suite 600, Towson MD 21204

Norman Wilder, Mullan Enterprises, Inc, The Foxleigh Building Suite 210, Lutherville MD 21093



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 4, 2006

Edward J. Gilliss, Esquire Royston, Mueller, McLean & Reid, LLP 102 West Pennsylvania Avenue, Suite 600 Towson, Maryland 21204

Re: Petition for Special Exception, Special Hearing and Variance Case No. 06-233-SPHXA
Property: 6601 Woods Parkway

Dear Mr. Gilliss:

Enclosed please find the decision rendered in the above-captioned case.

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

for Baltimore County

JVM:dlw Enclosure

c: Norman Wilder, President, Mullan Enterprises, Inc., The Foxleigh Building, Suite 210, Lutherville, MD 21093

Brett Guy, Exec. V.P., Portside Apartments LLC, 175 Admiral Cochrane Dr., Suite 201, Annapolis, MD 21401

Lydia Clark/Brian Lopez, Portside Apartments LLC, 175 Admiral Cochrane Dr., Suite 201, Annapolis, MD 21401

Mitch Kellman/David Locke, Daft, McCune & Walker, Inc., 200 East Pennsylvania Avenue, Towson, MD 21286

People's Counsel; Case File



いいないないというでした。

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 6601 Woods Parkway

for the property located at <u>Dundalk</u>, <u>Maryland 21222</u> which is presently zoned <u>DR16</u>

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve in the addition to and in the alternative (from a parking variance), a modified parking plan pursuant to Section 409.12.B, BCZR.

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and alfirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:	Legal Owner(s):
Signature Doll Brett Guy Exec V. P.	Norman Wilder Fres. ype or Print Signature
175 Admiral Cochrane Dr #201 410-224-0100 Address Telephone No.	Mame - Type or Print
Annapolis MD 21401 City State Zip Code	Signature 416- 414
Attorney For Petitioner:	Suite Zio, The Foxleigh Bulling 9200 Address The Foxleigh Bulling 9200
Edward J. Gilliss Name - Type or Print City	2330 West Joppu Rd Lutherule IMD 21093 State Zip Code
Signature	Representative to be Contacted:
Signature Royston, Mueller, McLean & Reid, LLP Company 4/0-823-1800	Mitch Kellman Name 410. 291
102 West Pennsylvania Avenue, Suite 600 Address Telephone No.	Zoo East Pennsylvania Ave 3333 => Address Telephone No.
Towson, Maryland 21204-4575 City State Zip Code	Towson MD Z1286 City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Scase No. 06-223-SPHXA	UNAVAILABLE FOR HEARING
Neviewed	1 By LTM Date 10/25/05



SALE TO THE TOTAL STATE OF THE SALE OF THE

Petition for Special Exception

to the Zoning Commissioner of Baltimore County GGOI Woods Parkway

for the property located at Dundalk, Mary land 21222

Which is presently zoned DR 16
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a community building within the DR Zone pursuant to Section 1301,1.CH, BCZR.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

	to the oubject of this follows
Contract Purchaser/Lessee:	Legal Owner(s):
Signature 175 Admiral Cochrane Drive #201 410-224-0100	Norman Wilder, Pres. Type or Print Mullan Enterprises, Inc. Signature Wilder, Pres.
Address Telephone No.	Name - Type or Print
Annapetis WD 21401	
City State Zip Code	Signature 410 -494
Attorney For Petitioner:	Suite 210, The Foxleigh Builling 9200 Address Jelephone No
Edward J. Gilliss Name - Type or Print City	2330 West Joppa RL Lutheruille, MD 21073 State Zip Code
Signatura	Representative to be Contacted:
Signature Royston, Mueller, McLean & Reid, LLP Company 7/0-823-/800	Martal Kallman
·	
102 West Pennsylvania Avenue, Suite 600 Address Telephone No.	200 East Pennsylvania Au 3333 Address Telephone No.
Towson, Maryland 21204-4575	Towson MD 21286
Towson, Maryland 21204-4575 City State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 06-223-5PHXA	UNAVAILABLE FOR HEARING
	<u></u>
AEV 09/15/98	Reviewed By Con Date 10/25/05
· \]	



CANAL THE MAN TO A THE SECOND SECOND

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6601 Woods Parkway, Dundalk, MO 21222 which is presently zoned DR 16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.I., 1801.2.C.I.a, 1801.2.C.I.e

To permit 177 existing parking spaces in lieu of 446, distances between buildings of 15 ft. and 30 ft. in lieu of 55 ft. and 55 ft., respectively, and, if necessary, a 0 ft. rear setback in lieu of 30 ft.

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.

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:	Legal Owner(s):
Portside Apartments LLC Name - Type or Hant Name -	Type or Print away
Signature Broth Guy, Exec V.P.	Signature
175 Admiral Drive #201 410-224-0100 Address Telephone No.	Name - Type or Print
Annapolis MD 21461 City State Zip Code	Signature 410 - 444
Attorney For Petitioner:	Suite 210, The Faxleigh Bulling 9200 Address' Telephone No.
Edward J. Gilliss Name - Type or Print City	2330 West Joppe Rd Litherville, MD 2109 State Zip Code
	Representative to be Contacted:
Signature Waller Male S. David T. T.D.	los La la Vi llessan
Royston, Mueller, McLean & Reid, LLP Gompany 4/0.823-/600	Name Mitch Kellman 410-296
102 West Pennsylvania Ave., Suite 600 Address Telephone No.	200 East Pennsylvania Au 33.3.3.5 Address Telephone No.
Towson, Maryland 21204-4575 City State Zip Code	Towsun MD ZIZ86 City State Zip Code
	OFFICE USE ONLY
Case No. 06-223-SPHXA	ESTIMATED LENGTH OF HEARING
Davienced Dec	UNAVAILABLE FOR HEARING
REV 9/15/98	The state of the s

Description

6.833 Acre Parcel

Mullan Enterprises, Inc. Property

Southwest Side of Dundalk Avenue

Northwest Side of Oak Avenue

Twelfth Election District, Baltimore County, Maryland



Daft • McCune • Walker, Inc.

200 East Pennsylvania Avenue Towson, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at a 3/4-inch diameter pipe found on the southwest side of Dundalk Avenue at the end of the following course and distance: North 20 degrees 33 minutes 54 seconds West 705.64 feet from the northwest corner of Dundalk Avenue and Oak Avenue, said point being the end of the third or North 69 degrees 40 minutes 43 seconds East 362.24 foot line of the land which, by Quitclaim Deed dated June 26, 1997, recorded among the Land Records of Baltimore County, Maryland, in Liber S.M. 12288, Folio 349, was conveyed by the United States of America to Mullan Enterprises, Inc., thence binding on said southwest side of Dundalk Avenue and running with and, in part, binding on the fourth line and, in part, binding on the fifth line of the hereinmentioned deed, referring all courses of this description to the Maryland Coordinate System - NAD 83 (1991), in all, (1) South 20 degrees 33 minutes 54 seconds East 705.64 feet to intersect the northwest side of Oak Avenue (40 feet wide), thence running with and binding on the first or South 85 degrees 44 minutes 49 seconds West 586.37 foot line of the hereinmentioned deed and binding on the northwest side of said Oak Avenue, (2) South 85 degrees 30 minutes 11 seconds West 587.15 feet to intersect the eastern boundary line of Baltimore City, thence leaving said Oak Avenue and running with

and binding on the second or North 00 degrees 00 minutes 00 seconds East 579.41 foot line of the hereinmentioned deed and binding on the eastern boundary line of Baltimore City, (3) Due North 00 degrees 14 minutes 37 seconds West 579.18 feet to the beginning of the third line of the aforesaid deed and to the southwesternmost corner of Lot 9, as shown on the plat entitled "Holabird Industrial Park," which plat is recorded among the aforesaid Land Records in Plat Book E.H.K., Jr. 55, Folio 38, thence running with and binding on said third line and binding on the southeast side of Lot 9, (4) North 69 degrees 26 minutes 06 seconds East 363.08 feet to the point of beginning, passing over a 3/4-inch diameter iron pipe found at the distance of 0.09 feet from the beginning of said line; containing 6.833 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in July 2005.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

September 28, 2005

Project No. 97163.S (L97163.S)

DAVIO E DAVIO

OFFICE OF B	E COUNTY, MAI UDGET & FINANCE NEOUS RECEIPT		No.	, ('-)
DATE	136	_ ACCOUNT	18 10/1 006	6/50
	,	AMOUNT \$	250,00	}
RECEIVED FROM:	<u> </u>	· · · · · · /		<u>/ </u>
FOR:		/ •		
		23	<i>")</i>	
DISTRIBUTION WHITE - CASHIER	PINK - AGENCY	YELLOW - CI	JSTOMER	

ACTURE ATTIME FATER STATES	Ĭ ħŢ.
東京 (本)	G¶‡
第25章を手にといっていまった。 (1-12) 1 12 (1-12) 12 (1-12	

D6-1113

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: #06-223-SPH

6601 Words Parkway
Southwest side of Dundalk Avenue, 705 feet west Oak Avenue
12th Election District - 7th Councilmanic District
Legal Owner(s): Edward J: Gilliss

Special Hearing: in addition to and in the alternative (from a parking variance), a modified parking plan.

Special Exception: for a community building within the DR zone, Variance: to permit 177 existing parking spaces in lieu of 446, distances between buildings of 15 feet and 30 feet in lieu of 55 feet and 55 feet respectively and if necessary a 0 foot rear setback in ileu of 30 feet.

Hearing: Tuesday, December 13, 2006 at 10:00 a.m. In Room 106, Baltimore County Office Building, 111 West Chesapsake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

JT/11/708 Nov. 22 75943

CERTIFICATE OF PUBLICATION

11/23/,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
once in each ofsuccessive weeks, the first publication appearing on $\frac{1}{22}$, $\frac{2005}{}$.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
4

LEGAL ADVERTISING

7		જીવા કેલ્સી પુરસ્ત જો	the or the sail that is a continued in a land seem to
- 類	74 ₄ ተሮ		
-	gard mad garding garding garding garding	The same	
филь жү Син жү фил фил Мил			
1 WA	· · · · · · · · · · · · · · · · · · ·	1-44 1-44	
American State Sta	SE SE	12 - 22 - 1 - 4 - 5 - 5 - 1	≸
		San	Ħ
Manip en	THE RESERVE TO SERVE	1. T	登
			3
		1	
· · · · · · · · · · · · · · · · · · ·			
		-	
	1 1	١ ، ،	
		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
O-	٠	اب المويد -	
(*)			
7 A		a a	
Ž.		, "	
		, wer	
- r-		**************************************	
	4.5t.		N S S
AND			
3		ا الرام الآوا المحمود تا الرام الاستاد	
2			
MAR			
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	, A., .)	
OUNTY, IET & FIN. OUS REC			
S F S	200	" , "	
O 8 12	Sant Company		
ORE E BU	- 4100 Mariela		Market Ma
AT SE			
2 5 2 E) 🔰 kaz	¥¥.	

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.

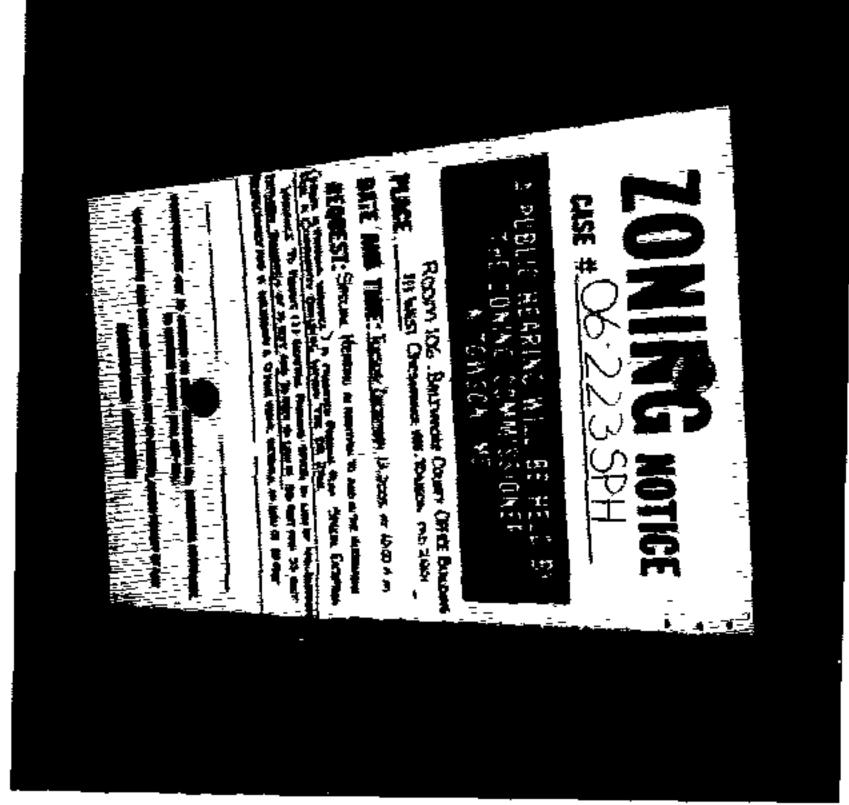
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: <u>OG-223-SPMXA</u> Petitioner: <u>Portside Apartmonts</u> , <u>LLC</u>
Address or Location: 6601 Woods Parkway
PLEASE FORWARD ADVERTISING BILL TO: Name: Edward J. Gilliss of Royston, Mucler, McLean, + Reid, LLA
Address: 102 West Pennsylvania Ave, Surte 600 Towson, Maryland
21204-4575
<u> </u>

CERTIFICATE OF POSTING

	RE: Case No.: 265 2,23 - 37 +1
	Petitioner/Developer: EDCUARD
	J. G111155
	Date of Hearing/Closing: DEC 13, 20
eltimore County Department of ermits and Development Management ounty Office Building, Room 111 1 West Chesapeake Avenue owson, Maryland 21204	
TTN: Kristen Matthews {(410) 887-3394}	
adies and Gentlemen:	
6601. WOODS	
	-28-05
(M	onth, Day, Year)
Siri	ecerely,
	(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)

BODS PARK WAY



Department of Permits del Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

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

November 8, 2005

Tel: 410-887-3353 • Fax: 410-887-5708 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: 06-223-SPH

6601 Woods Parkway
Southwest side of Dundalk Avenue, 705 feet west Oak Avenue.
12th Election District, 7th Councilmanic District
Legal Owner: Edward J. Gilliss

Special Hearing in addition to and in the alternative (from a parking variance), a modified parking plan.

Special Exception for a community building within the DR zone.

<u>Variance</u> to permit 177 exisiting parking spaces in lieu of 446, distances between buildings of 15 feet and 30 feet in lieu of 55 feet and 55 feet respectively and if necessary a 0 foot rear setback in lieu of 30 feet.

Hearing: Tuesday, December 13, 2005 at 10:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK: clb

C: Edward Gilliss 102 West Pennsylvania Avenue, Ste. 600 Towson 21204
Norman Wilder Mullan Enterprises 2330 W. Joppa Road, Ste. 210 Lutherville 21090
Portside Apartments 175 Admiral Cochrane Drive, # 201 Annapolis 21401
Mitch Kellman 200 E. Joppa Road Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 29, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

Edward J. Gilliss

410-823-1800

102 W. Pennsylvania Avenue, Ste. 600

Towson, Maryland 21204

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: 06-223-SPH

6601 Woods Parkway

IAM WASEMAN

Southwest side of Dundalk Avenue, 705 feet west Oak Avenue.

12th Election District, 7th Councilmanic District

Legal Owner: Edward J. Gilliss

Special Hearing in addition to and in the alternative (from a parking variance), a modified parking plan.

Special Exception for a community building within the DR zone.

<u>Variance</u> to permit 177 exisiting parking spaces in lieu of 446, distances between buildings of 15 feet and 30 feet in lieu of 55 feet and 55 feet respectively and if necessary a 0 foot rear setback in lieu of 30 feet.

Hearing: Tuesday, December 13, 2005 at 10:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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



Baltimore County

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

June 13, 2006

Brian Lopez Osprey Property Company 175 Admiral Cochrane Dr., Suite 201 Annapolis, MD, 21401

Re: Zoning Verification Letter
Cummins Apartments
6601 Woods Parkway
Dundalk, MD, 21222
12th Election District

Dear Mr. Lopez,

Your letter dated June 12, 2006 to Mr. Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply.

The above subject Property is currently zoned DR16 (Density Residential – 16 density units per acre). Uses are as permitted and restricted by the decision and order contain in zoning case #06-223-SPHXA. The current use of the property as 150 multifamily dwelling units is a permitted pursuant to said zoning case.

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

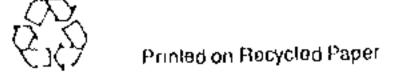
Very truly yours,

un R. Fernando

Planner I

Zoning Review

JLL/sma



Zoning Commissioner

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





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

December 13, 2005

Edward J. Gilliss, Esquire Royston, Mueller, McLean & Reid, LLP 102 West Pennsylvania Avenue, Suite 600 Towson, Maryland 21204

Dear Mr. Gilliss:

As discussed, I recently received the attached Joint Motion on Remand by the Petitioner and People's Counsel adding community uses for a catering hall approved as a special exception under the "community building" category. I understand that the new community building for the Cummins Apartment will be used primarily by the tenants and staff. However, you also explained that the Petitioner planned to invite community associations and community college to use the new facility.

I wanted to make you aware of this Motion.

Very truly yours,

Solument of the second of

John V. Murphy

Deputy Zoning Commissioner

JVM:dlw Attachment

People's Counsel



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

Department of Permits and Development Management

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





Baltimore County

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

December 12, 2005

Edward J. Gilliss Royston, Mueller, McLean & Reid, LLP. 102 West Pennsylvania Avenue, Ste. 600 Towson, Maryland 21204

Dear Mr. Gilliss:

RE: Case Number: 06-223-SPHXA, 6601 Woods Parkway

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

U. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Norman Wilder, Mullan Enterprises, Ste. 210 The Foxleigh Building 2330 W. Joppa
Road Lutherville 21093
Portside Apartments, LLC. Brett Buy 175 Admiral Cochraine Drive, # 201 Annapolis 21401
Mitch Kellman 200 E. Pennsylvania Avenue Towson 21286



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

BALTIMORE COUNTY, MARYLAND

NOV 2 3 2005

DATE: November 16, 2005

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6601 Woods Parkway

INFORMATION:

Item Number:

6-223

Petitioner:

Norman Wilder, President of Mullan Enterprises, Inc.

Zoning:

DR 16

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided pedestrian circulation and connections for the proposed community center are shown. This proposal allows for the appropriate rehabilitation of the subject property.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by:

Division Chief

AFK/LL: CM

をつれており河シアが

W:\DEVREV\ZAC\6-223.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 16, 2005

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

Department of Permits & Development

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2005 Item Nos/ 223, 224, 225, 227, 228, 233, 234, 235, 236, 238, 239,

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-11162005.doc

Fire Department

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



Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, (223,) 224, 225, 226, 227, 228, 229, 233, 234, 235, 236, 237, 238, 239, 241 and 242

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 Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

State Highway
Administration

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

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

Maryland Department of Transportation

Date:

11.15.05

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

RE:

Baltimore County
Item No. ZZ3

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 Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Boulh

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

6601 Woods Parkway; SW/S Dundalk

Avenue, 705 W Oak Avenue

12th Election & 7th Councilmanic Districts

Legal Owner(s): Norman Wilder

Contract Purchaser(s): Portside Apartments, *

Brett Guy, Executive V.P.

*

*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-223-SPHXA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to Mitch Kellman, 200 East Pennsylvania Avenue, Towson, MD 21286 and Edward Gillis, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

NOV 0 / 2006.
Per Class

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM E BLUE
THOMAS E McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
JOHN W. BROWNING
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD

LEANNE M. SCHRECENGOST DOUGLAS S. WALKER+ DAVID F. LUBY KELLEY M. JAMES* SUITE 600 THE ROYSTON BUILDING 102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800 FACSIMILE 410-828-7859 www.rmmi.com

April 12, 2006

OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

CARROLL W. ROYSTON 1913-1991

H. ANTHONY MUELLER 1913-2000

* ALSO ADMITTED IN D.C. +ALSO ADMITTED IN PA.

APR 1 0 2006

VIA HAND-DELIVERY

John V. Murphy, Esquire Deputy Zoning Commissioner County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re: Case No. 06-223-SPH

Hearing Date: December 13, 2005

6601 Woods Parkway

Southwest side of Dundalk Avenue, 705 feet west Oak Avenue

12th Election District, 7th Councilmanic District

Dear Mr. Murphy:

Tardily, I write in response to the People's Counsel's February 2, 2006 letter in this matter.

The property owner does not object to People's Counsel's request that your Findings of Fact and Conclusions of Law be revised to include a statement in item 3 of your conditions precedent (p. 9) that: "With respect to the new community building the installation of automatic sprinklers and/or other fire protection measures are subject to review and approval by the fire marshal's office, the chief fire protection engineer, and/or the building engineer."

Thank you for your cooperation.

Very truly yours,

Edward J. Gilliss

EJG/ges

cc: Peter Max Zimmerman, Esquire

Carole S. Demilio, Esquire

Mr. Brian P. Lopez

F \LITIGATIONS\BJG\Chents\Osprey\Murphy 04-12-06 doc

1956 · Celebrating 50 Years · 2006





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

February 2, 2006

CAROLE S. DEMILIO Deputy People's Counsel

HAND DELIVERED

John V. Murphy, Deputy Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

Re: Norman Wilder, President of Mullan Enterprises, Inc.

66601 Woods Parkway Case 06-223-SPHXA

EEB - 9 3006

Dear Mr. Murphy:

Please accept this letter as a Motion for Reconsideration, pursuant to Rule 4K, of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated January 4, 2005. It concerns the matter of automatic sprinkler systems for this major apartment renovation.

The concern is directed to the apparent acquiescence on Page 4 to the Petitioner's attorney's statement that "... the apartment buildings will not be sprinklered." Moreover, the Order on Page 9 includes a condition for a fire rated wall on the north side, but says nothing about sprinklers. The implication is that, by virtue of this Order, sprinklers shall not be required.

Because the opinion and order do not state any basis for the absence of sprinklers, we referred the opinion to E. John Bryan, Jr., the Chief Fire Protection Engineer, for review. Enclosed is his correspondence dated January 30, 2006.

Based on this correspondence, it appears to me that the opinion and order should be revised to say that the installation of automatic sprinklers and other fire protection measures are subject to review and approval by the fire marshal's office, the chief fire protection engineer, and the building engineer, consistent with Chief Bryan's correspondence (which should be attached to the opinion, so that there is no misunderstanding).

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Petr Max Dimmeryson

Carole S. Denfilio

Deputy People's Counsel

PMZ/CSD/rmw

Edward Gilliss, Esq. cc:

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT BUILDING PLANS REVIEW

PEOPLE'S (

INTER-OFFICE CORRESPONDEN

TO:

Peter Max Zimmerman, Peoples Counsel

E. John Bryan, Jr., Chief Fire Protection Engineer

DATE:

January 30, 2006

SUBJECT: Automatic Sprinkler Systems, 6601 Woods Parkway

Zoning Case No. 06-223-SPHXA

Existing apartment buildings in Baltimore County are required to comply at the minimum with the requirement of NFPA 101 "Life Safety Code" 2003 Edition and NFPA 1 "Uniform Fire Code", 2003 Edition for existing buildings. These codes are legally adopted by Baltimore County Bill 8-05 and the State of Maryland Fire Prevention Code, Title 29 Department of State Police Subtitle .06 Fire Prevention Commission. Baltimore County Bill 8-05, Section 1:1.6 Enforcement, as well as the State Fire Prevention Code (COMAR 29.06.01.04) Enforcement, clearly establish those persons who are authorized by statue to enforce these laws. In addition to the Fire Prevention Codes mentioned above, the Baltimore County Building Code, (Baltimore County Bill 1-05) as well as the Maryland Building Rehabilitation Code will also play a part in determining code compliance with the proposed renovations of the apartment complex. Depending on the scope of work there may be some requirements applied to this project that are applicable to new construction requirements vs. existing building requirements.

The statement that the proposed renovations would not require automatic sprinkler protection may be premature, unless the owner had a detailed code analysis conducted by a competent design professional or code consultant. It would certainly be recommended should the buildings not be required to be retrofitted with automatic sprinkler protection, that the developer consider the installation of automatic sprinkler protection to help ensure a fire safe environment for the building occupants.

EJB/jeg

Department of Permits and Development Management

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



Baltimore County

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

June 13, 2006

Brian Lopez Osprey Property Company 175 Admiral Cochrane Dr., Suite 201 Annapolis, MD, 21401

Re: Zoning Verification Letter Cummins Apartments 6601 Woods Parkway Dundalk, MD, 21222 12th Election District

Dear Mr. Lopez,

Your letter dated June 12, 2006 to Mr. Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply.

The above subject Property is currently zoned DR16 (Density Residential – 16 density units per acre). Uses are as permitted and restricted by the decision and order contain in zoning case #06-223-SPHXA. The current use of the property as 150 multi family dwelling units is a permitted pursuant to said zoning case.

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

Very truly yours,

Jun R. Fernando

Planner I

Zoning Review

JLL/sma



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

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

R. TAYLOR McLEAN
E HARRISON STONE
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
JOHN W. BROWNING
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD

à,

• •

LEANNE M. SCHRECENGOST DOUGLAS S. WALKER+ DAVID F. LUBY KELLEY M. JAMES* SUITE 600 THE ROYSTON BUILDING 102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800 FACSIMILE 410-828-7859 www.rmmr.com OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

CARROLL W. ROYSTON 1913-1991

H. ANTHONY MUELLER 1913-2000

* ALSO ADMITTED IN D.C. +ALSO ADMITTED IN PA.

December 27, 2005

VIA HAND-DELIVERY

John V. Murphy, Esquire Deputy Zoning Commissioner County Courts Building 401 Bosley Avenue Towson, Maryland 21204 DFC 2 ' 2005

Re:

Case No. 06-223-SPH

Hearing Date: December 13, 2005

6601 Woods Parkway

Southwest side of Dundalk Avenue, 705 feet west Oak Avenue

12th Election District, 7th Councilmanic District

Dear Mr. Murphy:

This letter follows the December 13, 2005 hearing at which you took testimony regarding requests for relief related to the re-development of the Cummins Apartments on Dundalk Avenue in Dundalk, Baltimore County, Maryland.

At the conclusion of the hearing, the record was kept open so that the applicants could provide you with additional information relating to Fire Department access to the proposed Community Building and so that the applicants could provide you with additional information regarding community use of the proposed Community Building.

I enclose with this letter a red-lined Zoning Petition Plan dated December 21, 2005. It reflects revised parking requirements (the prior plan had overstated the number of units in the Cummins complex). The revised plan also reflects minor adjustments to the existing parking on-site and notes the potential additional spaces on Dundalk Avenue expected as part of the Dundalk streetscape project.

ROYSTON, MUELLER, McLEAN & KEID, LLP

John V. Murphy, Esquire Page 2 December 27, 2005

With respect to the discussion at the hearing regarding Fire Department access to the Community Building, please be advised that Mitchel Kellman of DMW spoke with Baltimore County's John Bryant; Mr. Bryant advised that the proposed 15 foot space between the existing Apartment structure and the north face of the proposed Community Building is quite satisfactory, so long as the architect's plans (which will accompany the building permit application) show a fire rated wall on that north face. The applicants will ensure that the building plans show such a fire rated wall.

With respect to the planned use of the Community Building, please be advised that the applicants agree to make the classrooms and meeting areas of the proposed Community Building available to area community associations, civic organizations, and the community college for educational activities that primarily benefit low and moderate income persons, all at no charge, as frequently as one evening per month.

I trust that this information fully addresses the issues discussed at the conclusion of the December 13, 2005 hearing. If you desire to require additional information or desire the information contained in this letter to be delivered to you in a form more formal than this letter, please advise me of your needs.

On behalf of the applicants, I thank you for your consideration of the evidence presented on December 13, 2005, as well as of the additional information set out in this letter, and we look forward to receiving your Opinion granting the requested relief so that renovation of the Cummins Apartments may commence.

Very truly yours,

Edward J. Gilliss

EJG/ges Enclosure

cc: Mr. Brian P. Lopez (w/o encl.)

Mr. Mitchel Kellman (w/o encl.)

F\LITIGATIONS\BJG\Chents\Osprey\Murphy 12-23-05 doc



June 12, 2006

Mr. Timothy Kotroco
Baltimore County
Department of Permits and
Development Management
111 W. Chesapeake Avenue, Mailstop 1105
Towson, MD 21204

RE: Zoning Verification Letter

Cummins Apartments, Dundalk, MD

Dear Mr. Kotroco:

Please (et me Know)
if thir can emailed
or Forced to get me
Cetter even somer.

Marks,

We have purchased the Cummins Apartments in Dundalk and will rehabilitate the property with the assistance of low income housing tax credits. The project consists of 150 one, two, and three bedroom apartments and was built in 1950-1951.

Pursuant to zoning case number 06-223-SPHXA, heard before the Deputy Zoning Commissioner, we are requesting a letter which states that the current use of the property as 150 multifamily dwelling units is permitted as a matter of right.

We have enclosed \$250.00 to expedite this request. Please also fax back a copy of this letter.

The site is located at 6601 Woods Parkway

Dundalk, MD 21222 Map 103, Parcel 442

District 12 – Account Number 1203077430

Zoned DR16

Please mail letter to:

Brian Lopez

Vice President

Osprey Property Company LLC

175 Admiral Cochrane Drive, Suite 201

Annapolis, MD 21401

Thank you for your assistance. If you have any questions, please contact me.

Best regards,

Brian Lopez
Vice President

Enclosure

Osprey Property Company • 1212 York Road, Suite A302 • Timonium, MD 21093

Phone: 410-337-8240 • Fax: 410-337-8243

www.ospreypc.com

CASE NAME OG CASE NUMBER DATE 12-13-05

12-13-05

EET

1212 York Road, Suite A302 Timonium, MD 21093 www.ospreypc.com Phone: 410-337-8240 Cell: 410-935-8489 Fax: 410-337-8243 Email: blopez@ospreypc.com B	Brian Lopez 17. Marie Locker 20. Lydia Clark 178 Juansod Gunss 178
SPREY PROPERTY OMPANY Brian P. Lopez Vice President	ADDRESS ADDRESS Admiral Cochrace L E. Pensylvania Au Adm. Cochrace DR. Four U. PENNSYLVANIA #600
	CITY, STATE, ZIP 1, sute 201 Annapolis, MO Touson MO 21286 Touson MO 21401 Touson NO 21401
	E-MAIL BLOPE DAME. COM Color Con Con Color Con Con Color Con



COUNTY COUNCIL OF BALTIMORE COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

JOHN OLSZEWSKI, BR. COUNCILMAN, SEVENTH DISTRICT

December 12, 2005

DISTRICT OFFICE:
NORTH POINT GOVERNMENT CENTER
7701 WISE AVENUE
DUNDALK, MARYLAND 21222
410-887-7174
COUNCIL OFFICE: 410-887-3196

Edward J. Gilliss
Attorney at Law
Royston, Mueller, McLean & Reid
The Royston Building, Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Dear Mr. Gilliss:

I am writing to you regarding the issue of the Cummins Apartments. As you are aware, this apartment complex is within the 7th Councilmanic District of which I represent.

I have supported this project from the beginning when I was made aware that the buildings were being sold and renovations would be taking place.

A Community building is being planned and will be located within the apartment property. I wholly endorse this concept as well as the entire development plan.

I see this development as one more exciting step along the way in Dundalk's Renaissance. If I can offer any assistance or support, please get in touch with my office.

Best of luck.

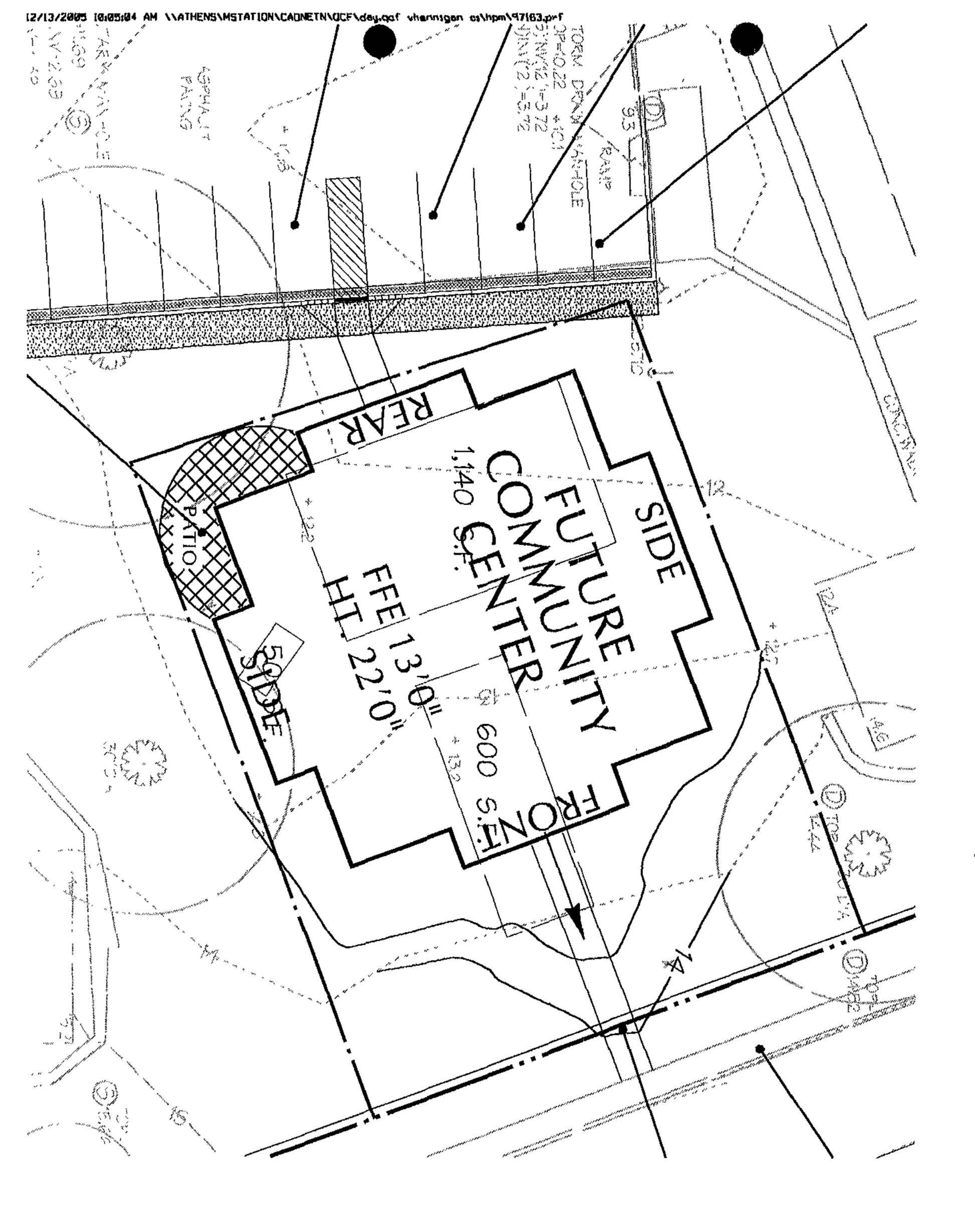
Sincerely,

John Olszewski, Sr.

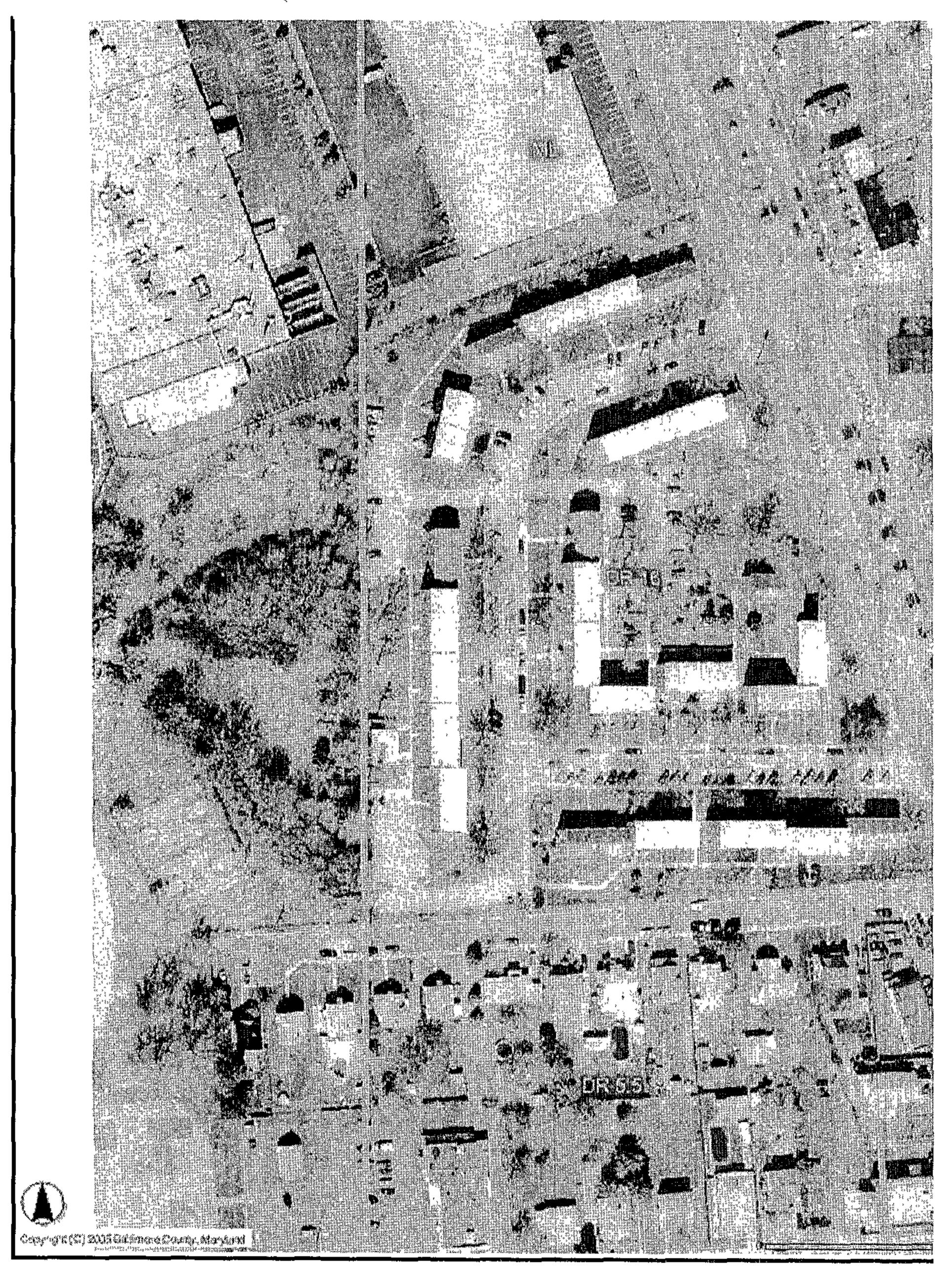
County Council, 7th District

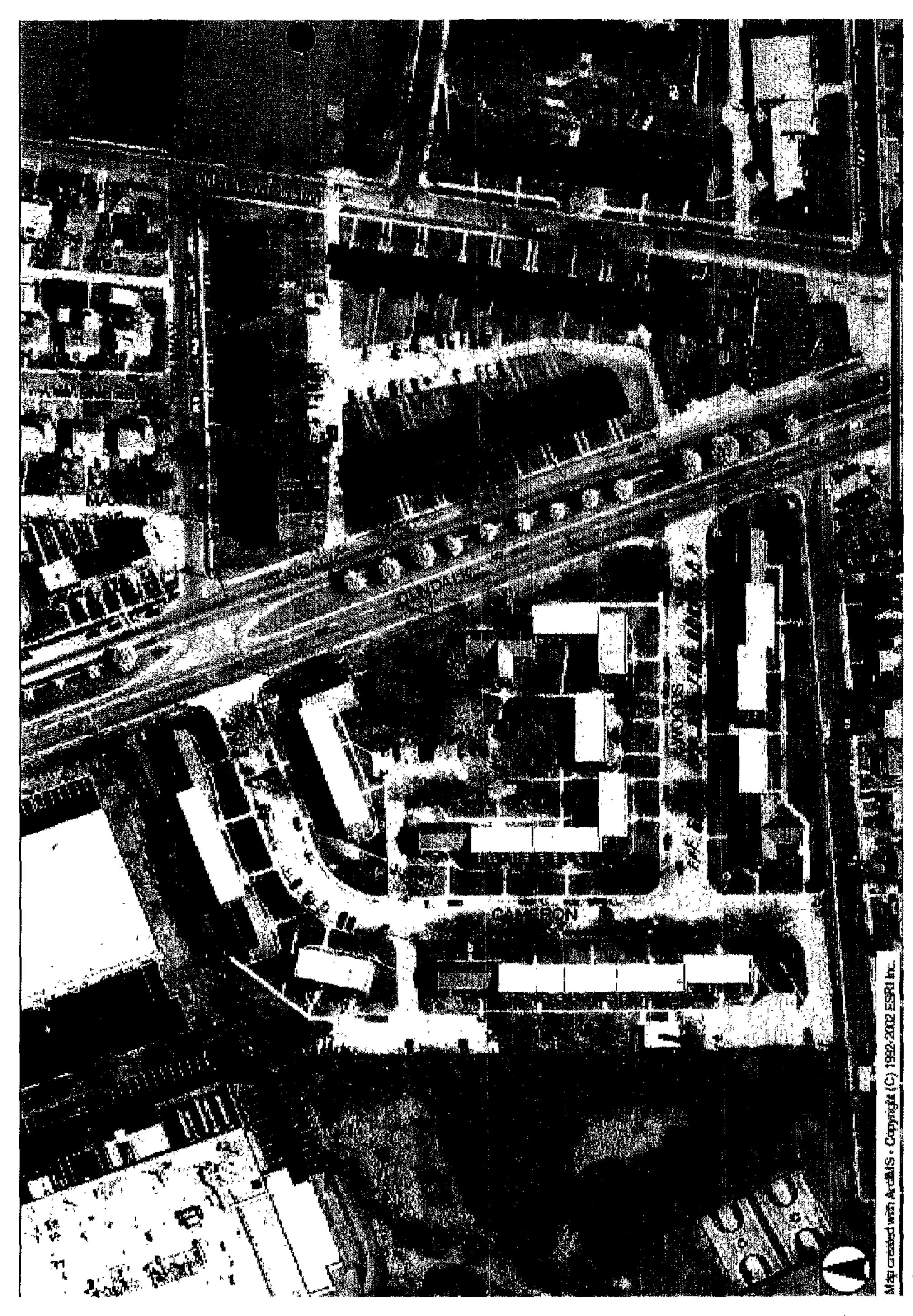
JAO:dmk

Put

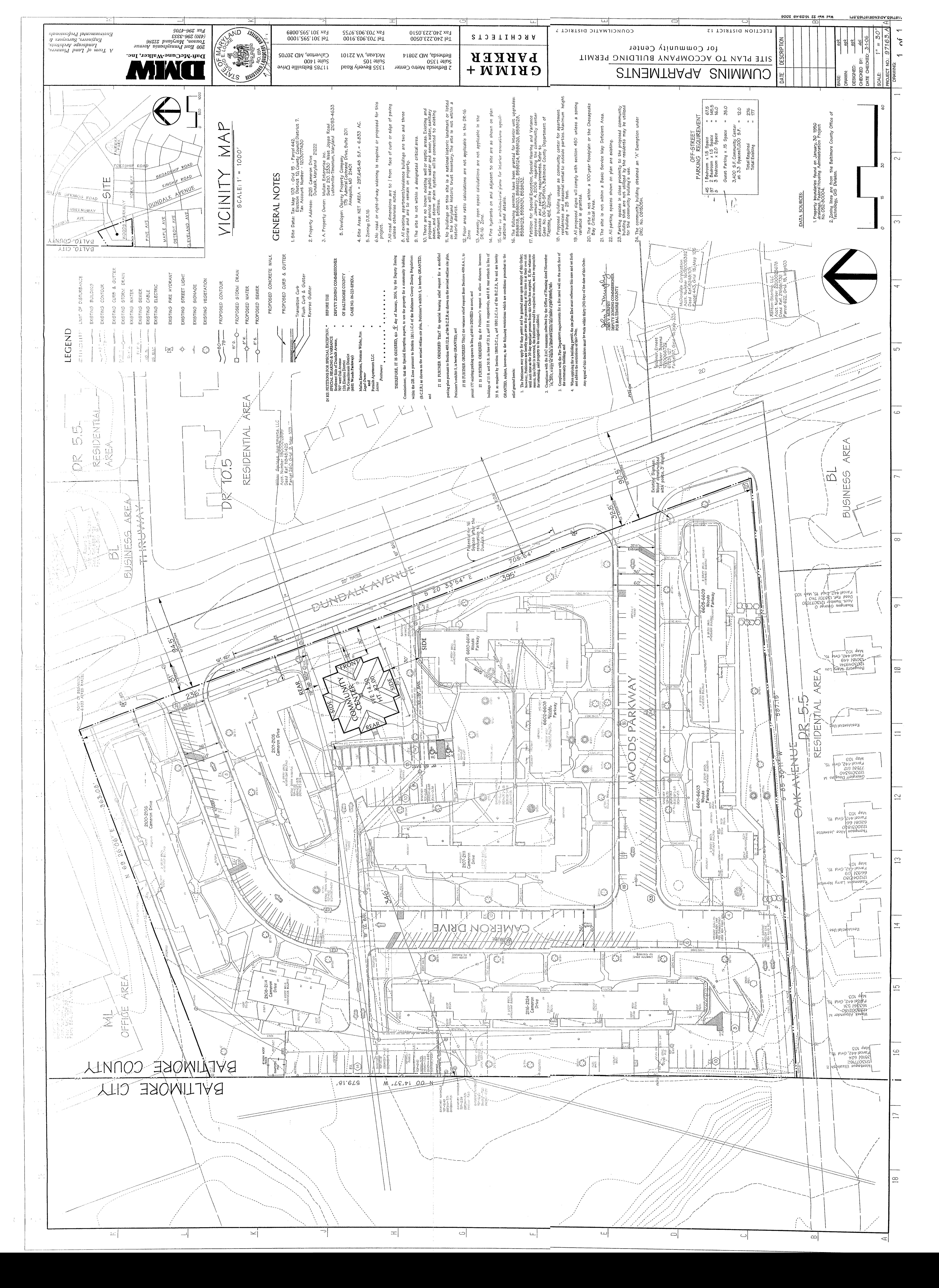


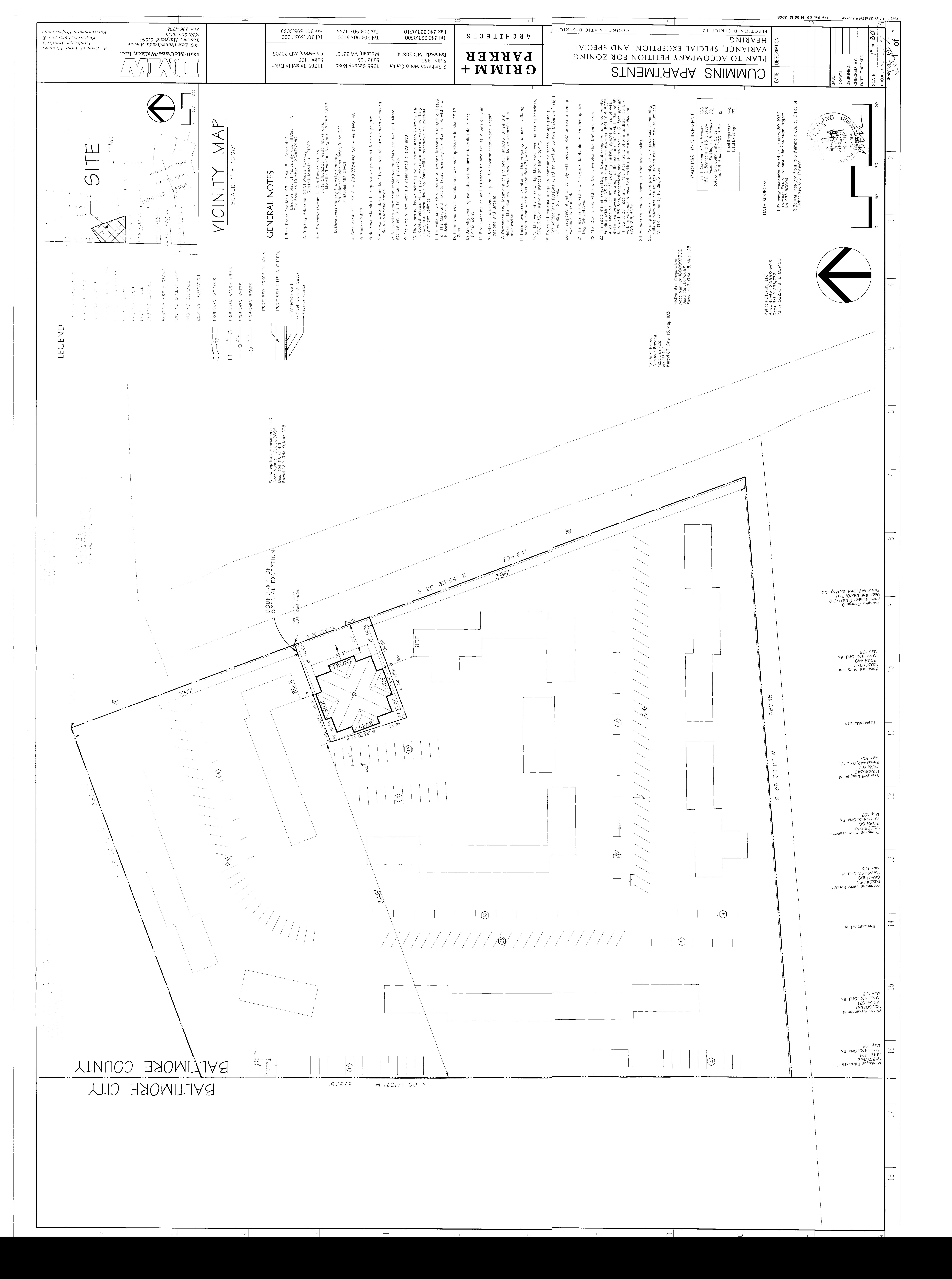
Dett





M





CONTRACTOR STATE E DIMESTO MINNONNON - 100.80 Million 1996 - 1996 - 19 THEGHOW DISTRICT 12 ARCHITECTS A VARIANCE, SPECIAL EXCEPTION, AND SPECIAL BINN TO ACCOMPANY PLTITION FOR ZONING ्रियाची माजनानेत देश । । । भटन्स मानग्रन देवता । भारते रामना प्राप्त प्रकार कारनाम् । Manager Manage कारत विभाग संभावका OOL STATE ्रेक्ट्रिक (स्ट्रिक्ट्रिक) २४०६ के स्ट्रिक्ट्रिक २५ सम्बद्धाः स्ट्रिक्ट्रिक्ट्रिक 4-----्राम् वेदास्य राम् १३३ राजस्य सम्बद्धाः 254 中国 (B. 34年) 253 $\mathcal{N} = \{ \{ \{ \{ \} \} \} \} \in \mathbb{N}$