IN RE: PETITION FOR VARIANCE

S side Greenridge Road, at corner of the

W side of Tenbury Road

9<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

(1209 York Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Greenridge M-10, LLC; John D. Mangione, Agent

Legal Owners

Katzen Eye Group; Richard Edlow, Authorized Person

Lessee

CASE NO. 07-427-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Greenridge M-10, LLC; John D. Mangione, Agent, and Katzen Eye Group; Richard Edlow, Authorized Person, lessee. The Petitioners are requesting variance relief for property located at 1209 York Road. The variance request is from Section 450.4.I.5(m) to permit a 133.13 square foot and a 225.68 square foot wall mounted sign in lieu of the permitted 8 square feet each and to permit 2 signs per premises in lieu of 1 allowed.

The property was posted with Notice of Hearing on May 15, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on May 15, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

#### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the

subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, 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: **None** 

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Dr. Richard Edlow for the Katzen Eye Group, lessee and Wayne Bellsinger of Belsinger Sign Co. Lawrence Schmidt, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. Correspondence was received from Larry Townsend, President of the Dulaney Valley Improvement Association, in support of the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

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The subject property contains 2.5 acres zoned DR 5.5, OR-1 and RO and is improved by a three story class B office building. The subject property is lot 2 of a three lot assemblage of approximately 5 acres, which is improved by an existing four story office building fronting on York Road known as 1205 York Road and the new three story office building which is the subject of this case known a 1209 York Road.

The Petitioner proposes to lease the three story office building to Katze Eye Group who would like to erect two wall mounted identification signs as shown on exhibit 1. This

Commission approved the new office building by special exception and other relief in case no. 05-583 SPHXA, exhibit 2. Mr. Schmidt indicated that the Petitioner worked closely with the Dulaney Valley Improvement Association over many years entering into an agreement with the Association to allow medical offices in the new building as shown in exhibit 3.

Katzen Eye Group would like to erect two signs on the west and east faces of the building to identify their medical practice. The larger sign of 225 sq. feet will face west toward York Road (rear) providing identification and location for travelers on York Road which he noted was heavily traveled with a speed limit of 40 MPH. The subject office building is behind and to the side of the SEBCO Credit Union Building on York Road as shown in photograph exhibit 5. The second smaller sign of 133 sq. feet (front) will face the adjacent residential community and would identify the building for travelers coming off York Road onto Greenridge Road and the parking lot to the east. While both signs will be illuminated, the sign facing east toward the residential community (front) would be illuminated only during office hours which Dr. Edlow indicated were as late as 8 PM. This was a condition requested by the Dulaney Valley Improvement Association and agreed to by the Petitioner.

He opined that the property was unique from a zoning standpoint because of its "L" shape and the location of the new office building which is located 304 feet off York Road behind the Credit Union building. He indicated that the letter size proposed for the sign facing York Road was calculated by Dr. Edlow based on the distance from the roadway to the sign, height of the sign from ground level, minimum eyesight for driving, and speed of travel on York Road as shown on exhibit 4. This size letters are needed to safely identify the building for travelers along heavily traveled York Road. Having identified the building from York Road, those desiring to find the offices would see the second smaller sign as they enter the parking lot off Greenridge Road. The size is commensurate with the location on the top of the three story building.

Mr. Schmidt noted that the prior case allowed a three story office building in this RO zone but that the sign regulations of Section 450.4.I.5.(m) allowed only signs of 8 sq. ft. This size sign is reasonable for conversion of residential dwelling to a Class A office as envisioned in the RO zone but does not adequately provide for the large new Class B office building which is also allowed in the RO zone. Again he noted that one sign is adequate for the typical residential to office conversion but not adequate for the case as here where travelers are coming from two directions. Finally Dr. Edlow noted that "Katzen Eye Group" is the way his practice has been presented to the public for 30 + years. Consequently reducing the words in the sign would mislead the public who recognize this configuration.

Mr. Schmidt opined that this problem arises because of the RO zoning which considering the large number of large office buildings on this side of York Road north of the Beltway would be a good candidate for a staff recommended zoning change in the upcoming comprehensive rezoning process starting in September.

Mr. Townsend, president of the Dulaney Valley Improvement Association, came to the hearing on May 29 at 9 AM which he indicated was the time listed for this case on the County website. However the case was actually scheduled for 2 PM and he could not return to testify in favor of the request. Consequently he submitted written testimony which was accepted as Petitioner's exhibit 7. He noted that his organization supported the sign variance requests but requested a condition that the sign facing the residential community (front) be illuminated only during office hours.

#### Findings of Fact and Conclusions of Law

N-297-N

At first glance this is a difficult request to grant. The Petitioner is proposing signs twenty+ times larger than the regulations allow. Mr. Schmidt's argues that the 8 sq. ft sign size was intended for the conversion of dwellings to offices allowed in RO and not new three story

Class B office buildings which are also allowed in RO zones. I agree with Mr. Schmidt there is clearly an oversight in the sign regulations in cases in which new large Class B offices are allowed by special exception.

At second glance, the requested size seems excessively large. The maximum size for wall mounted signs in office zones is 150 sq. ft. While the sign facing the community meets this size, the sign facing York Road exceeds this standard by 50%. However I accept the calculation done by Dr. Edlow that the minimum letter size that can be safely read from York Road is 22 inches considering the large setback from York Road, the speed of travel, minimum sight for driving etc. In addition the words "Katzen Eye Group" require many letters. For example simply having "Katzen" on the sign, while it would reduce the size of the sign, would not adequately identify the medical offices.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. *Cromwell v Ward*, 102 Md App 691 (1995) indicates that there must be something unique about the property before a zoning variance can be granted. The Court of Special Appeals indicated that the subject property must be peculiar, unique or unusual when compared to other properties in the neighborhood such that the regulations impact the subject property differently than the regulation impacts other properties in the neighborhood. The Court directed that the subject property have inherent characteristics not shared by other properties in the neighborhood, such as shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, <u>practical restrictions imposed by abutting properties (such as obstructions)</u> or similar restrictions (emphasis supplied). The unusual condition does not have to be on site but rather can be on abutting properties. Obstructions are specific examples of off-site circumstances or conditions, which show uniqueness. In the subject case, the new building which needs to be identified by

the public from York Road physically sits 304 feet off the York Road and will be behind the SEBCO building of York Road. The existing four story office which fronts on York Road also blocks the view of the new building for travelers coming off the Beltway.

In addition the subject property is "L" shaped and the new building will be located in the rear portion of the property. Together with the noted obstructions, I find the configuration of the property and abutting obstructions qualify the property as unique.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The hardship will be on the public who need to find the new medical facility if a sign only eight sq. ft. is allowed.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Improvement Association is content with the proposed signs although they request a condition of approval regarding the time sign facing residential community be lit. I find this request most reasonable and will impose this condition.

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

THEREFORE, IT IS ORDERED, this \_\_\_\_\_\_ day of May, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 450.4.I.5(m) to permit a 133.13 square foot and a 225.68 square foot wall mounted sign in lieu of the permitted 8 square feet each and to permit 2 signs per premises in lieu of 1 allowed is hereby GRANTED subject to the following conditions:

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1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be

required to return, and be responsible for returning, said property to its original condition. The Petitioner's accepted the condition of approval that they could not obtain a building permit until the public sewer line was operational at their property: and

2. Sign B facing the residential community (front) may be illuminated only during building office hours or to 8 PM which ever is sooner.

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:pz



## Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at: 1209 York Road which is presently zoned: R.O.

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):

1. From Section 450.4.I.5.(m) to permit • 133.13 square foot and 225.68 square foot wall mounted signs in lieu of the permitted 8 sq.ft, and to permit 2 per premises in lieu of 1.

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 a is the subject of th	are the legal owner(s) on his Petition.	of the property which
Contract Purchaser/Lessee:		i	Legal Owner(	<u>s):</u>	
Katzen Eye Group	1 1	<u> </u>	Greenridge M=10	TLG	
Name - Type or Print		Name	- Type or Print	Dann i	me
Signature By: Richard Edle 901 Dulaney Valley Ro	ow, un Marized oad, Suite 210	(443) 632-2828	Signature John D. Mangion	e, Agent	
Address	····	Telephone No.	Name - Type or Print		
Towson	MD	21204			
City	State	Zip Code	Signature		
Attorney For Petitioner:			1205 York Road,	Penthouse	(410) 825-8400
	<del></del>		Address		Telephone No.
Sebastian A. Cross, Es	guire		Lutherville	MD	21093
Name - Type or Print	119	City	Representativ	State e to be Contacted	Zip Code
Signature		<del></del>			
Gildea & Schmidt, LLC	<u> </u>	: 	Sebastian A. Cros	ss, Esquire	<del></del>
Company 600 Washington Avenu	ie, Suite 200 (	(410) 821-0070	Name 600 Washington	Avenue, Suite 200	(410) 821-0070
Address	<del></del>	Telephone No.	Address	<del></del>	Telephone No.
Towson .	MD	21204	Towson	MD	21204
City	State	Zip Code	City	State	Zip Code
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Case No	17-427-	-A	ESTIMATED LENGT	H OF HEARING	_ <del></del>
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#### Description

To Accompany Special Hearing

5.70 Acre Parcel

South Side of Greenridge Road

West Side of Tenbury Road

946 **Elim** Election District, Baltimore County, Maryland

DMW

aft 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 the end of the second of the two following courses and distances measured from the intersection of the centerline of Greenridge Road (50 feet wide) and the centerline of Tenbury Road (50 feet wide), (1) Southeasterly along the centerline of Tenbury Road 45 feet, more or less, (2) Southwesterly 25 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the following sixteen courses and distances: (1) South 22 degrees 03 minutes 16 seconds East 150.93 feet, thence (2) Southeasterly by a line curving to the right, having a radius of 929.93 feet, for a distance of 157.34 feet (the arc of said curve being subtended by a chord bearing South 17 degrees 12 minutes 26 seconds East 157.15 feet), thence (3) Southeasterly by a line curving to the left, having a radius of 979.93 feet (the arc of said curve being subtended by a chord bearing South 16 degrees 51 minutes 15 seconds East 153.64 feet), thence (4) South 21 degrees 21 minutes 10 seconds East 33.88 feet, thence (5) South 68 degrees 37 minutes 31 seconds West 551.42 feet, thence (6) North 32 degrees 04 minutes 24 seconds West 10.27 feet, thence (7) North 30 degrees 56 minutes 44 seconds West 50.01 feet, thence (8) North 32 degrees 05 minutes 29 seconds West 100.00 feet, thence (9) North 30 degrees 56 minutes 45 seconds West 19.05 feet, thence (10) Northwesterly by a line curving to the right, having a radius of 2800.00 feet, for a

Page 1 of 2

#583 67-427-A distance of 89.49 feet (the arc of said curve being subtended by a chord bearing North 29 degrees 20 minutes 46 seconds West 89.48 feet), thence (11) North 67 degrees 56 minutes 11 seconds East 259.84 feet, thence (12) North 21 degrees 55 minutes 29 seconds West 265.94 feet, thence (13) North 68 degrees 04 minutes 31 seconds East 206.79 feet, thence (14) South 22 degrees 03 minutes 16 seconds East 23.62 feet, thence (15) North 67 degrees 48 minutes 35 seconds East 133.05 feet, thence (16) South 67 degrees 07 minutes 20 seconds East 28.19 feet to the place of beginning; containing 5.70 acres of land, more or less.

May 11, 2005

Project No. 94021.D (L94021.D-1)



Page 2 of 2

# 583

# **NOTICE OF ZONING HEARING**

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT 5/737 May 15

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\_,2007

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY

of each once in e <u>0</u>

The Jeffersonian

**Fimes** Arbutus Times

Catonsville

- Towson Times
- ls Times Owings Mill
- /Reporter NE Booster

North County News

Wulling

LEGAL ADVERTISING

# 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 County will hold a public hearing in Towson, Maryland on Case: #07-427-A
1209 York Road
1209 York R

WILLIAM J. WISEMAN, ItI
Zoning Commissioner for Baltimore County
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in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was successive weeks, the first publication appearing published

LEGAL ADVERTISIN

WELLESS AND THE	
E COUNTY, MARYLAND NO. 2507 NEOUS RECEIPT ACCOUNT & OUL OUT 6170  WANDINT & BOND OUT 6100  WANDING CONTROLL  WANDING CON	
DATE  DATE  PRECEIVED FROM: FOR: WHITE - CASHIER	

#### CERTIFICATE OF POSTING

	RE: Case No.: 07-427-A
	Petitioner/Developer: KATZEU
	EYE GROUP.
, + · · · · · · · · · · · · · · · · · ·	Date of Hearing/Closing: 5-29-07
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:	The state of the s
This letter is to certify under the penalties of posted conspicuously on the property located	f perjury that the necessary sign(s) required by law were d at:
. 1209 YORK	
The sign(s) were posted on	5-2-07 (Month, Day, Year)
·	Sincerely,
· · · · · · · · · · · · · · · · · · ·	Dollert Black 5-11-07
	(Signature of Sign Poster) (Date)  SSG Robert Black
70NING NOTICE	(Print Name)
07.421/	1508 Leslie Road
THE ZONING COMMISSIONER	(Address)
PLACE: HOT COUNTY COURTS BURELING	Dundalk, Maryland 21222
REQUEST: VARIANCE SECTION 450 415 (M) TO REST	(City, State, Zip Code)
5 her spains of the file as a	(410) 282-7940
of the mental and state and state for at against family and fine.  His contract of each and each fact that a the state of	(Telephone Number)

RE: PETITION FOR VARIANCE
1209 York Road; S/S Greenridge Road,
corner of W/S Tenbury Road
9<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts
Legal Owner(s): Greenridge M-10, LLC
Contract Purchaser(s): Katzen Eye Group
Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

BALTIMORE COUNTY

\* 07-427-A

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMÍLIO 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 5<sup>th</sup> day of April, 2007, a copy of the foregoing Entry of Appearance was mailed Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

APR 0 5 2007

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

May 14, 2007 TIMOTHY M. KOTROCO, Director

NEW NOTICE OF ZONING HEARING evelopment Management

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: 07-427-A

1209 York Road

S/side of Greenridge Road at corner of the west side of Tenbury Road

9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Greenridge M010, LLC Contract Purchaser: Katzen Eye Group

<u>Variance</u> (section 450.4.1.5 (m)) to permit 133.13 square foot and 225.68 square foot wall mounted sign in lieu of the permitted 8 square feet each and to permit 2 per premises in lieu of 1.

Hearing: Tuesday, May 29, 2007 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204

John Mangione, Greenridge M-10, LLC, 1205 York Rd., Penthouse, Lutherville 21093

Richard Edlow, Katzen Eye Group, 901 Dulaney Valley Rd., Ste. 210, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 14, 2007.

- (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

Tuesday, May 15, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt

600 Washington Avenue, Ste. 200

Towson, MD 21204

410-821-0070

#### **NEW NOTICE OF ZONING HEARING**

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JAMES T. SMITH, JR. County Executive

May 9, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and

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Hearing: Wednesday, May 23, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
John Mangione, Greenridge M-10, LLC, 1205 York Rd., Penthouse, Lutherville 21093
Richard Edlow, Katzen Eye Group, 901 Dulaney Valley Rd., Ste. 210, Towson 21204

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TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 15, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt

600 Washington Avenue, Ste. 200

Towson, MD 21204

410-821-0070

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#01 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

Department of Permits and Development Management

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NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 8, 2007.

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TO: PATUXENT PUBLISHING COMPANY

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S/side of Greenridge Road at corner of the west side of Tenbury Road

9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Greenridge M010, LLC Contract Purchaser: Katzen Eye Group

<u>Variance</u> (section 450.4.1.5 (m)) to permit 133.13 square foot and 225.68 square foot wall mounted sign in lieu of the permitted 8 square feet each and to permit 2 per premises in lieu of

Hearing: Nednesday, May 23, 2007 at 9:00 a.m. in Room 407, County Courts Building,

Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

#### ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

·
For Newspaper Advertising:
Item Number or Case Number $07-427-A$
Item Number or Case Number
Petitioner Fatton Freeritze M-10, 26
Address or Location: 1209 York Rd.
PLEASE FORWARD ADVERTISING BILL TO
Name Gildeat Schnidt LLC
Address 600 Washington Ave, Suite 200'
Tawsan, Md 21204
Telephone Number



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 23, 2007

Sebastian A. Cross, Esquire Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Cross:

RE: Case Number: 07-427-A, 1209 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 2007.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Call Rillal

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Katzen Eye Group Richard Edlow, Authorized Person 901 Dulaney Valley Road, Suite 210 Towson 21204

Greenridge M-10, LLC John D. Mangione, Agent 1205 York Road, Penthouse Lutherville 21093



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 9, 2007

LAWRENCE E. SCHMIDT, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

Re: Petition for Variance
Case No. 07-427-A
Property: 1209 York Road

Dear Mr. Schmidt:

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

c: Richard Edlow, 1209 York Road, Lutherville MD 21093 Wayne Bellsinger, 1300 Bayard Street, Baltimore MD 21230





### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** May 25, 2007

NECEIVE NAV 2 5 2007

BY:\_\_\_\_

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-427- Variance

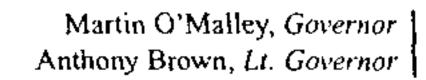
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By

**Deputy Director:** 

CM/JL





John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 3, 2007

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

RE: Baltimore County

Item No. 7-427-A

1209 YORK RID

GREENRIDGEM-10,LLC

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-Az7A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

1 Steven D. Foster,

Engineering Access Permits

Division

SDF/MB

#### 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 April 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 2, 2007

Item Number: 427 through 438

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



MAY 29, 2007

TO: BUTO. CO. ZONTING COMMISSIONOR

FROM: LINERY TOWNSEND, DUIT A PROSTDENT, OCCUMENTAL THE MOSA)

RE: 07-427A

WE HAVE REVIEWED THE PLAN FOR TWO(2)

SIGNS FOR 1209 YOKK RUAD, KATZEN EYE GROUP,

AND HAVE AGROOD WITH THEIR COUNSEL THAT

THE SIGNS ARE NEEDED TO FDONTIFY THE BUILDING.

OUR MAKERMENT IS THAT THE SIGN ON THE WEST (YORK ROAD) SIGN (AN) BE AS PROPOSED.

THE SIGN ON THE EAST (TENBURY RUAD) SIDE WILL BE SMULOK, AS PROPOSED, AND FURTHER WILL BE SMULOK, AS PROPOSED, AND FURTHER THAT IT WILL ONLY BE LIGHTED DURING HOURS THAT THE OFFICE IS OPEN - TO BE INCORPORATED IN THE ZONING COMMISSIONER'S DEZISION.

THANK YOU FOR THE OPPORTUNETY TO PMITCH ATE.

LARRY TOWNSEND

PRESIDENT, DUIMEY UPLLEY IMPROVEMENT ASSOCIATION

1111 LONGBROOK ROAD

CUTHERVILLE, MD 21093

410-321-8242

"prev. decission

IN RE: PETITIONS FOR SPECIAL HEARING, \*
SPECIAL EXCEPTION & VARIANCE

S/S Greenridge Road, E/S York Road

(1205 and 1209 York Road)

9<sup>th</sup> Election District

3<sup>rd</sup> Council District

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 05-583-SPHXA

Louis Mangione, et al Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance relief, filed by the owners of the subject property, Louis Mangione and Rosemary Mangione Juras, by their attorney, Joseph C. La Verghetta, Esquire. The Petitioners request a special exception to allow a Class B office building in the Residential-Office (R-O) zone, pursuant to Section 204.3.B.2 of the B.C.Z.R. In addition, special hearing relief is sought, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve: 1) 100% medical offices in lieu of the maximum allowed 25% (Lot 2), and 2) an amendment of all prior zoning relief and associated site plans and confirmation that a Residential Transition Area (RTA) is not applicable (Lots 1A, 1B and 2). Petitioners also request confirmation that the parking on Lot 1B is permitted and accessory to the two office buildings and that a use permit is not required for parking in a residential zone R-O and the Office Building-Residential (OR-1) zone for Lots 1A, 1B and 2. In the alternative, Petitioners request approval of a Use Permit for parking in a R-O zone and the OR-1 zone, pursuant to Sections 204.3.C.2 and 409.8.B of the B.C.Z.R. for Lots 1A, 1B and 2. Lastly, variance relief is requested from the B.C.Z.R. as follows: 1) From Section 204.3.B.2.a to permit up to 100% medical offices in lieu of the maximum allowed 25% for the proposed building on Lot 2; 2) from Section 204.3.C.2 to permit the parking on Lot 1B as accessory to the two office buildings and confirm that a Use Permit is not required for parking in a R-O and the OR-1 zones (Lots 1A, 1B,

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and 2); 3) from Section 204.4.C.5 to permit a rear yard setback of 15 feet in lieu of the required 30 feet (Lot 2); 4) from Section 204.4.C.7 to permit a 2.25-acre lot size in lieu of the maximum allowed 1.0 acre (Lot 2); 5) from Section 204.4.C.9.c(1) to permit a 10-foot side landscape buffer in lieu of the required 20 feet; 6) from Section 204.3.C.2, if necessary, to permit parking in the front yard in lieu of the side and rear yard (Lot 2); 7) from Section 204.4.C.2 to permit a building height of 42'-8" in lieu of the maximum allowed 35', or, if deemed necessary, a building height of 46'-8" in lieu of the maximum allowed 35' (Lot 2); and 8) for any other zoning relief as may be deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners were John D. Mangione; Rick Hoehn and Mitchell Kellman, representatives of Daft-McCune-Walker, Inc., the consultants who prepared the site plan for this property; and Joseph C. LaVerghetta, Esquire, attorney for the Petitioners. Also appearing in support of the request were Conrad Poniatowski and Larry Townsend, the President and Vice President of the Dulaney Valley Improvement Association (DVIA), the community in which the subject property(s) is located. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located near the southeast corner of the intersection of Greenridge Road and York Road in the heart of Lutherville. The property is located with frontage on York Road to the west, Greenridge Road to the north, and Tenbury Road to the east, and is situated just north of the Baltimore Beltway (I-695) exit for northbound York Road (Exit 26). The property is comprised of six contiguous parcels, which are collectively identified on the site plan as Lots 1A, 1B and 2, and contain a combined gross area of 5.70 acres, more or less, split zoned OR-1, R-O, and D.R.5.5. As shown on the site plan, Lot 1A is a rectangular shaped parcel containing 1.64 acres in area, located immediately adjacent to York Road. Lot 1A is improved with a 4-story brick building, known as 1205 York Road, which contains mostly medical offices, and the corporate business offices for the

Mangione Family. An accessory parking area is located to the rear of that structure. Lot 1B is a roughly P-shaped parcel, with narrow frontage on York Road; however, widens to the rear of Lot 1A. Lot 1B contains 1.81 acres in area and is improved with a building that is used for commercial purposes in conjunction with the Mangione Family business operations. Lot 2, which is located immediately adjacent to the southwest corner of Greenridge Road and Tenbury Road and abuts Lot 1B to the north, contains a gross area of 2.5 acres, entirely zoned R-O, and is improved with a dwelling.

The Petitioners propose to raze the existing dwelling on Lot 2 and construct a three-story office building on that portion of the property, to be known as 1209 York Road. In addition, the building on Lot 1B will be removed and the existing parking area expanded to provide additional parking that will be shared by both buildings. The proposal is more particularly shown on the site plan submitted into evidence as Petitioner's Exhibit 1, and the architectural rendering marked as Petitioner's Exhibit 2. Essentially, Lots 1A and 1B would be combined to serve both the existing and proposed office buildings. Together, these lots (1A and 1B) contain a gross area of 3.66 acres, split zoned OR-1, R-O and D.R.5.5, and provide the required Floor Area Ratio (FAR), amenity open space, parking and storm water management for the existing office building.

Mr. LaVerghetta proffered the testimony on behalf of John Mangione, Rick Hoehn and Mitchell Kellman. Testimony and evidence was presented regarding the surrounding locale and existing and proposed improvements. Testimony indicated that the property is bounded to the north, south and west with a combination of commercial retail and office uses, including the First Financial Credit Union, the Heaver Plaza and the Maryland Fire Museum. The western side of York Road between the Beltway and Seminary Avenue is also developed commercially. To the east, on the other side of Tenbury Road, is the residential community of Dulaney Valley. In this regard, the Petitioners have obtained the support for their development from the Dulaney Valley Improvement Association and presented into evidence an executed, written agreement between the parties, dated August 24, 2004, which stipulates certain terms and conditions of that support. Copies of both the Agreement and Amendment thereto, were submitted into evidence and marked

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as Petitioner's Exhibits 8 and 7, respectively, and are incorporated herein and made a part hereof. As evidenced by these Agreements, there have been extensive negotiations between the Petitioners and the community with respect to this project.

Special hearing relief is requested to approve 100% use of the proposed building for medical offices and to confirm that RTA is not applicable and that a use permit for parking is not necessary. In addition, alternative variance relief is requested to allow 100% medical office use in lieu of the maximum allowed 25%, and to permit parking on Lot 1B as accessory to the two office buildings and confirm that a use permit for same is not required. In this regard, testimony indicated that the existing building on Lot 1A is almost entirely used for medical offices. Moreover, it was indicated that other similar medical-use office buildings exist within the vicinity. Thus, the proposed use appears consistent and appropriate at this location. Further testimony indicated that the proposed building will be located on the lot in such a manner so as to be harmonious with its immediate neighbors and provide the least intrusive effect upon the neighboring residential properties to the east. Moreover, the large parking field that will serve the two buildings will be located in the center portions of the property on Lot 1B. Given the use of the buildings, the shared parking arrangement between the two, and the zoning of the various contiguous parcels, I find that RTA requirements are not applicable in this instance. I further find that a use permit for parking is unnecessary, given the combined use of the parcels and the location of shared parking areas. Thus, those portions of the Petitions for Special Hearing and Variance shall be dismissed as moot.

Finally, certain other variance requests were made, due to the unique configuration of the property, the location of existing improvements thereon, and its location immediately adjacent three public roadways. The variance request to permit a 15-foot rear yard setback is acceptable to the affected neighbor and will provide a benefit to the community by preserving and increasing he landscape buffer area along the west side of Tenbury Road. In addition, the variance to permit 10-foot landscape buffer is from an internal lot line between Lots 1B and 2 and thus, is Pappropriate. I also find that the area variance is appropriate in this instance and consistent with the R-O zoning classification for this property, which was established as the result of the 2004

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Comprehensive Rezoning Process. It is clear that without the requested variance relief, a practical difficulty and unreasonable hardship will result in that Lot 2 would otherwise not be developable consistent and appropriate with its underlying zoning classification.

Alternative variance relief is also requested relative to the height of the proposed building. In this regard, testimony indicated that the building has been designed with a 4-foot high parapet wall atop the roof to shield the HVAC system. Relief is requested if the height of the parapet wall must be considered when calculating the height of the building. Section 300.1 of the B.C.Z.R. states specifically that height limitations shall not apply to...parapet walls which extend not more than four feet above the limiting height...provided that any such structure shall not have a horizontal area greater than 25% of the roof area of the building. Thus, I find that the variance request to allow a 46'8" building height is not required as the additional height requested is for screening roof top equipment only and not enclosed building area. I further find that the variance request to permit a 42'8" building height in lieu of 35' should be granted. The proposed building height is compatible with the existing office uses in the area and the lot is proportionate in area with the building height.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the Petitioners have met the requirements of Section 502.1 for special exception relief to be granted. I find that the proposed medical office building is appropriate in this instance and consistent with existing uses in the area. I further find that the requested amendments are appropriate in order to reflect the proposed modifications. Finally, I find that the variance requests are appropriate and will not adversely impact adjacent properties. There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency and the neighboring community supports the proposal as evidenced by the Agreement/Amendment incorporated into the record of this case. Thus, I find that the relief requested will not be detrimental to the health, safety and general welfare of the surrounding locale and that the proposal meets the spirit and intend of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26 day of July 2005 that the Petition for Special Exception to allow a Class B office building in the R-O zone, pursuant to Section 204.3.B.2 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve: 1) 100% medical offices in lieu of the maximum allowed 25% (Lot 2), and 2) an amendment of all prior zoning relief and associated site plans and confirmation that RTA is not applicable (Lots 1A, 1B and 2), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking confirmation that parking on Lot 1B is permitted and accessory to the two office buildings and that a use permit is not required for parking in a residential zone R-O and the OR-1 zone for Lots 1A, 1B and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 2) from Section 204.3.C.2 to permit the parking on Lot 1B as accessory to the two office buildings and confirm that a Use Permit is not required for parking in a residential zone R-O and the OR-1 zone (Lots 1A, 1B, and 2), 3) from Section 204.4.C.5 to permit a rear yard setback of 15 feet in lieu of the required 30 feet (Lot 2); 4) from Section 204.4.C.7 to permit a 2.25-acre lot size in lieu of the maximum allowed 1.0 acre (Lot 2); 5) from Section 204.4.C.9.c(1) to permit a 10-foot side landscape buffer in lieu of the required 20 feet; 6) from Section 204.3.C.2 to permit parking in the front yard in lieu of the side and rear yard (Lot 2); and 7) from Section 204.4.C.2 to permit a building height of 42'-8" in lieu of the maximum allowed 35' (Lot 2), in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

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- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with all of the terms and conditions set forth in the Agreement entered into by and between the Petitioners and the Dulaney Valley Improvement Association, dated August 24, 2004 (Petitioner's Exhibit 8) and Amendment No. 1, dated June 24, 2005 (Petitioner's Exhibit 7). Copies of the Agreement and Amendment No. 1 have been incorporated into the record of this case and made a part of this Order.
- 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.

IT IS FURTHER ORDERED that the alternative special hearing relief seeking approval of a Use Permit for parking in a residential zone and the OR-1 Zone, pursuant to Sections 204.3.C.2 and 409.8.B of the B.C.Z.R. for Lots 1A, 1B and 2, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from, 1) Section 204.3.B.2.a to permit up to 100% medical offices in lieu of the maximum allowed 25% for the proposed building on Lot 2, as well as that portion of 7) from Section 204.4.C.2 pertaining to a building height of 46'8" which is deemed not necessary, be and are hereby DISMISSED AS MOOT.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within

thirty (30) days of the date hereof.

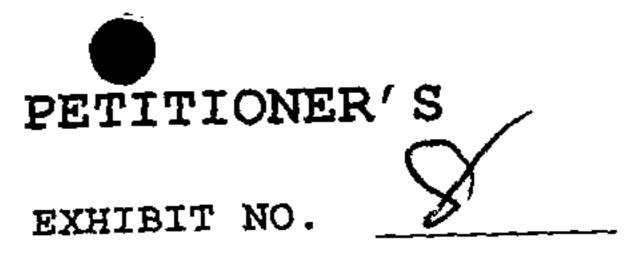
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WN LIAM J. WISEMAN, I Zoning Commissioner

for Baltimore County



#### **AGREEMENT**

THIS AGREEMENT (the "Agreement") is made this day of August 2004, by and between the following: DULANEY VALLEY IMPROVEMENT ASSOCIATION, INC., a Maryland corporation, hereinafter known as "DVIA", Party of the First Part, and NICHOLAS B. MANGIONE, SR. & MARY C. MANGIONE, his wife, residents of Baltimore County, Maryland, hereinafter known as "Mangione Senior", LOUIS MANGIONE, a resident of Baltimore County, Maryland, hereinafter known as "LM", ROSEMARY MANGIONE JURAS, a resident of Howard County, Maryland, hereinafter known as "RMJ", and M-10RESIDENTIAL LAND DEVELOPMENT, INC., a Maryland corporation, and hereinafter known as "M-10", (Mangione Senior, LM, RMJ and M-10 are sometime collectively referred to as "Mangione", and or their successors and assigns, Parties of the Second Part.

#### RECITALS

WHEREAS: DVIA, a legally chartered community association in the State of Maryland, is the authorized representative of the community neighborhood in the proximate vicinity of the Land (as hereinafter described) authorized and empowered to represent and bind the community on issues of interest and importance to the community including but not limited to zoning, land use and land development; and

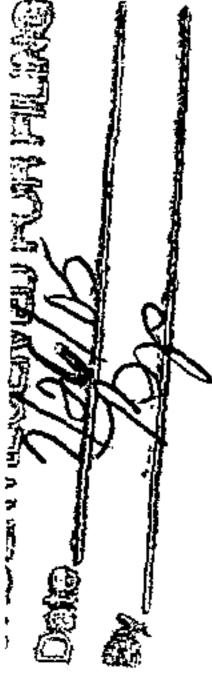
WHEREAS: Mangione Senior, LM and RMJ are the land owners of the Land (hereinafter described) forming the subject of this Agreement; and

WHEREAS: M-10 is a corporate entity owned and controlled by the ten children of Mangione Senior and engaged in the business of land development, and by a separate agreement will contract to acquire the development rights of the Land (hereinafter described) subject to this Agreement for the purpose of developing the Land; and

WHEREAS: The Land subject to the terms and conditions of this Agreement is identified and described as follows: all being shown on Baltimore County Tax Map 61, Grid 19, and located in Lutherville, Maryland 21093, east of York Road, south of Greenridge Road, and either immediately east or west of Tenbury Road:

- 1. Parcel 97, Tax # 09-0908300573 and owned by LM and RMJ
- 2. Parcel 98, Tax # 09-2100009770 and owned by LM and RMJ
- 3. Parcel 99, Tax # 09-0908300572 and owned by LM and RMJ
- 4. Parcel 99, Tax # 09-0908300571 and owned by LM and RMJ
- 5. Parcel 100, Tax # 09-0907000010 and owned by Mangione Senior
- 6. Parcel 124, Tax # 09-0903000120 and owned by Mangione Senior
- 7. Parcel 216, Tax # 09-0919270910 and owned by Mangione Senior and hereafter known as the "Land"; and

WHEREAS: Mangione Senior, LM and RMJ have applied for zoning reclassification of certain selected Parcels of the Land (a portion of those west of Tenbury



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Road), namely, Parcel 98, Pt. Parcel 99, and Parcel 100 through the Baltimore County CZMP-2004 process (Issues: 3-050 and 3-051) to change the zoning classification from DR5.5 to RO (the "Zoning Reclassification") for the purpose of erecting an office building and parking structure on these Parcels and to construct additional parking and new ingress and egress on Parcels 97, 99, 100 and 216 for the proposed new construction and the existing commercial operation at 1205 York Road, with all of the described improvements to be known as and hereafter described as the ("1205 Complex");

WHEREAS: Mangione Senior, LM, RMJ, and M-10 in consideration of DVIA's support and recommendation for approval of the Zoning Reclassification and the Commercial Renderings (hereinafter defined) agree to abandon any commercial use of Parcel 124 of the Land as provided for by the Baltimore County Zoning Code for DR3.5 zoned land, and to further enter into this Agreement to establish the agreements between the Parties for the development plans and schemes for the Land.

WHEREFORE the Parties upon the considerations of the promises, covenants and representations hereinafter provided in this Agreement, and other good and valuable considerations the receipt and sufficiency of which are hereby acknowledged, do for themselves and for their respective personal representatives, legatees, heirs, assigns, and successors enter this Agreement on the terms and conditions hereinafter stated to contract and bind themselves.

# TERMS and CONDITIONS

- 1. The above Recitals are hereby incorporated as if fully restated and form part of the material considerations of this Agreement.
- 2. Mangione will develop Parcel 124 (the 4.389A+- parcel east of Tenbury Road) as a residential sub-division consisting of no less than 14 and no more than 16 private duplex single-family residences in approximately the manner shown on the three drawings entitled: i) "Mangione Property, Lutherville, Maryland", dated August 2003 prepared by Daft-McCune-Walker, Inc. ("DMW"), the East Parcel, ii) "Base Plan NV Homes Mangione/Tenbury Option A", dated April 15, 2004, and prepared by DMW, iii) "Base Plan NV Homes Mangione/Tenbury Option B", dated April 15, 2004, and prepared by DMW (and hereinafter collectively referred to as the "Residential Renderings") (the "Residential Homes") and which have been previously provided to DVIA and are attached hereto as EXHIBIT A I, II, and III respectively). Mangione will memorialize this paragraph 2 by way of a Declaration to be filed in the Land Records of Baltimore County which shall run with and bind the land to said development restriction (in similar form to EXHIBIT B attached and incorporated hereto).
- 3. Mangione, with respect to the Residential Homes, will use reasonable efforts to create an architectural design to blend the Residential Homes as much as is reasonably possible with the proximate surrounding community.

- 4. Mangione will comply with all reasonable requirements imposed by Baltimore County government for development of a major residential sub-division, including among other aspects of development the management of the on-site storm water, the on-site landscaping of Parcel 124, and the Residential Performance Standards, Section 260 of the Baltimore County Zoning Code. The aggregate enclosed space, per lot for the Residential Development at the time of the subdivision process, shall not be less than 1,700 sq. feet, nor more than 3,400 sq. feet, excluding basement, garage, and non-living attic space, the "Enclosed Space". The Enclosed Space shall not be obtained by means of a height variance or by an area variance seeking to reduce the distance between the proposed Residential Homes and the common boundary line of Parcel 124 and McMullen's Green.
- 5. Mangione and DVIA will work together and support one another to have the government of Baltimore County, Maryland repair the existing public facilities and or construct new public facilities with respect to the following issues of community concern:
  - the existing storm water management system. This system has failed causing the storm water runoff from commercial properties north of Greenridge Road and west of the residential properties, along the north and south sides of Greenridge Road, to not be collected in the existing storm water management system, and as a result flows unimpeded across the private residential properties and Parcel 124 and into the stream bordering the southern boundary both Parcel 124 and the sub-division known as McMullen's Green immediately east of Parcel 124;
  - the intersection of Greenridge and Tenbury Roads. This intersection is the gateway entrance into the community for all traffic arriving via the intersection of Greenridge and York Roads and consequently, there is an existing traffic issue on Greenridge Road resulting in unabated vehicular traffic flow ingressing and egressing the community, especially on Greenridge Road.

DVIA believes these issues should be remedied, including the costs and expenses, by the governing authorities of Baltimore County, Maryland. Mangione's support will be in the form of reasonable cooperation with Traffic Engineering and the Public Works Departments of Baltimore County to affect remediation of these issues. With respect to issue ii) this may include among other things a reasonable contribution of land from the Land at the southeast and southwest corners of the intersection of Greenridge and Tenbury Roads. Any such reasonable land contribution by Mangione is conditioned upon said contribution in no way adversely affecting Mangione's Residential and Commercial Development Plans and Schemes, and the County performing all necessary and required work at its expense.

6. DVIA has expressed that it would like Mangione to be sensitive to the current landscaping on the Land during the respective development processes in order to preserve as much of the current character of the area. DVIA, however, acknowledges that there is a limited amount of preservation opportunity available and that a substantial amount of the vegetation will have to be removed to achieve the agreed upon Residential and

Commercial Development schemes. Mangione, mindful of DVIA's request, where possible and within reason, will try to preserve existing vegetation so long as said preservation in no way adversely affects the development processes and adds no additional financial burdens to the development processes. All Parties recognize and acknowledge that a part of the development process for the Land is the County's Landscaping regulations. These regulations will require Mangione to landscape, as part of the development plans, per landscaping plans for all disturbed areas of the Land as approved by the Baltimore County landscape architect. Mangione will abide by the Baltimore County Landscape regulations. Mangione, for themselves, and their successors and assigns, agrees to maintain and replace for the covenant period per those plans.

- The easternmost boundary of Parcel 124 borders the westernmost boundary of the 7. subdivision known as "McMullen's Green". Currently, at the execution of this Agreement, there exists a wooden stockade fence along the eastern side of this boundary line. The residents of McMullen's Green, who are represented by DVIA, would prefer that as much of the vegetative matter on Parcel 124 along the common boundary remain, nonetheless, it is recognized that this is not possible. As an alternative, DVIA on behalf of McMullen's Green, requests that Mangione install along this boundary line of Parcel 124 a new privacy fence 8 foot in height, if available but in no event less than 6 foot in height, consisting of white vinyl pre-built fencing consistent with EXHIBIT C attached hereto (the parties recognize that this Exhibit is by example only and is not meant to be restricted to those models pictured as models, styles and materials are subject to manufacturer's changes And vary among manufacturers) (the "Privacy Fence"). Mangione shall install, maintain and replace for the period of the Covenant, this Privacy Fence at such time that the Residential Homes are constructed on Parcel 124 along its boundary with McMullen's Green.
- 8. DVIA will support the proposed Mangione commercial development, consisting of, but not limited to, Building 2, the parking garage, and other impermeable surfaces on those portions of the Land lying to the west of Tenbury Road and as shown on the drawing identified as "1205 York Road, Maryland, dated August 2003, and numbered 93-16" prepared by Robert T. Hoffman &Assoc., Inc. (the "Commercial Rendering") previously provided to DVIA and attached hereto as EXHIBIT D (north/south orientation) and EXHIBIT E (east/west orientation) on condition that the proposed Building 2's and garage's elevations and footprints shall not change or exceed the dimensions as shown on the Commercial Rendering". Notwithstanding anything to the contrary herein stated DVIA agrees that the scope of the commercial development as shown on the Commercial Renderings can be less than shown and that Building 2 can be oriented as depicted on Exhibit D or E.
- 9. In consideration for DVIA's support for Mangione's Zoning Reclassification and Commercial and Residential Renderings, Mangione will continue to cooperate with DVIA during the County development review process by providing to DVIA, prior to submission to the County for approval, courtesy copies of engineering drawings showing elevations, entrances and exits to adjacent streets, structural characteristics, façade

features, landscaping, lighting and parking arrangements ("Development Drawings") to allow DVIA the opportunity for review and comment; however, nothing is intended by this gesture to suggest or to provide that DVIA has a right of approval. Providing copies of the Development Drawings is an aspect of the continuing spirit of cooperation and a manifestation of the support between Mangione and DVIA to achieve the respective goals of Parties. DVIA acknowledges that the development process is lengthy and costly and promises to timely provide comments on the Development Drawings, if any they may have, so that Mangione will not be delayed, hindered, impaired or adversely affected due to tardy responses. For this purpose DVIA agrees that if has not provided written comments to Mangione and or its representatives within 17 days of receipt of the Development Drawings that DVIA's non response shall be deemed as DVIA's approval of the drawings as presented. Notwithstanding anything to the contrary stated herein, Mangione shall have the right to submit the Development Drawings to Baltimore County at such times as is deemed necessary and required to manage the Development Drawings through the development process in an efficient, orderly and timely manner without the benefit or necessity of DVIA's comments. In the event that Development Drawings submitted to Baltimore County for approval, that have been reviewed and commented upon by DVIA or DVIA failed to comment in the time prescribed by this Agreement, are required by Baltimore County to be amended by "red-line" revisions Mangione shall be able to make the "red-line" revisions pursuant to the following:

- a) if the "red-line" revisions pertain to an aspect of construction below grade further DVIA review is not necessary;
- b) if the "red-line" revisions pertain to an aspect of construction above grade and do not materially change, alter, or amend the respective Commercial Renderings (Exhibit D or E) Mangione may "red-line" the Development Drawings on condition that DVIA: i) be provided a copy of the "red-line" revision/s, and ii) have five (5) working days counting from the date of receipt of the "red-line" revision/s to object to the revisions on the grounds that the revision/s materially alter, amend, or modify the respective Commercial Rendering. DVIA's failure to timely respond in the time herein provided for "red-line" revisions shall be deemed to be DVIA's irrevocable approval of the revisions.
- 10. DVIA has expressed concerns about delivery vehicles parking in front of 1205 York Road, along the east curb of north bound York Road and requests that Mangione in the development of the 1205 Complex give consideration to provide parking accommodations for these vehicles. DVIA acknowledges that Mangione has no control of these delivery vehicles and their drivers and that even with parking accommodations being provided delivery vehicles may continue to stop and park on York Road. DVIA will support requests by Mangione to the Baltimore County authorities for relief from zoning (including variances for setbacks) and or development regulations to permit Mangione to provide a parking area for delivery trucks along the north/south common boundary line separating the 1205 Complex and the First Federal Financial Credit Union property. If permitted by Baltimore County Mangione will provide designated delivery parking in this area for a minimum of 2 delivery trucks.

11. Mangione will cause the Declaration, Exhibit B hereto, to be recorded among the Land Records of Baltimore County 35 days after the last act of the Baltimore County Government finalizing and approving Mangione's Zoning Reclassification as a final and non-appealable action. In the event that Mangione fails to record the Declaration as required herein, and after a 10 day written notice from DVIA of the failure to record, DVIA shall have the right, but not the obligation, to record the Declaration.

WITNESS the hands and seals of the respective parties to this Agreement on the day first above written.

WITNESS:	PARTIES: Mangione
	Nicholas B. Mangione, Sr.
	Mary G. Mangione
	Louis Mangione Tourisman
HO LINE	Rosemary Mangione Juras
	M-10 Residential Land Development, Inc.
	BY: Louis Mangione, President  Dulaney Valley Improvement Association,
Mahal P. Tanagan	Inc. (DVIA)  BY: Concessor Some Surveyor 1
Mohal P. Tanent	Title: President  BY:
	Name: LETUINSEND DE Title: Vice President

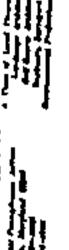
### AGREEMENT EXHIBIT A-I

Mangione Property, Lutherville, Maryland Dated August 2003, prepared by DMW, the East Parcel

YORK ROAD

# MANGIONE PE LUTHERVILE, MARYLAND



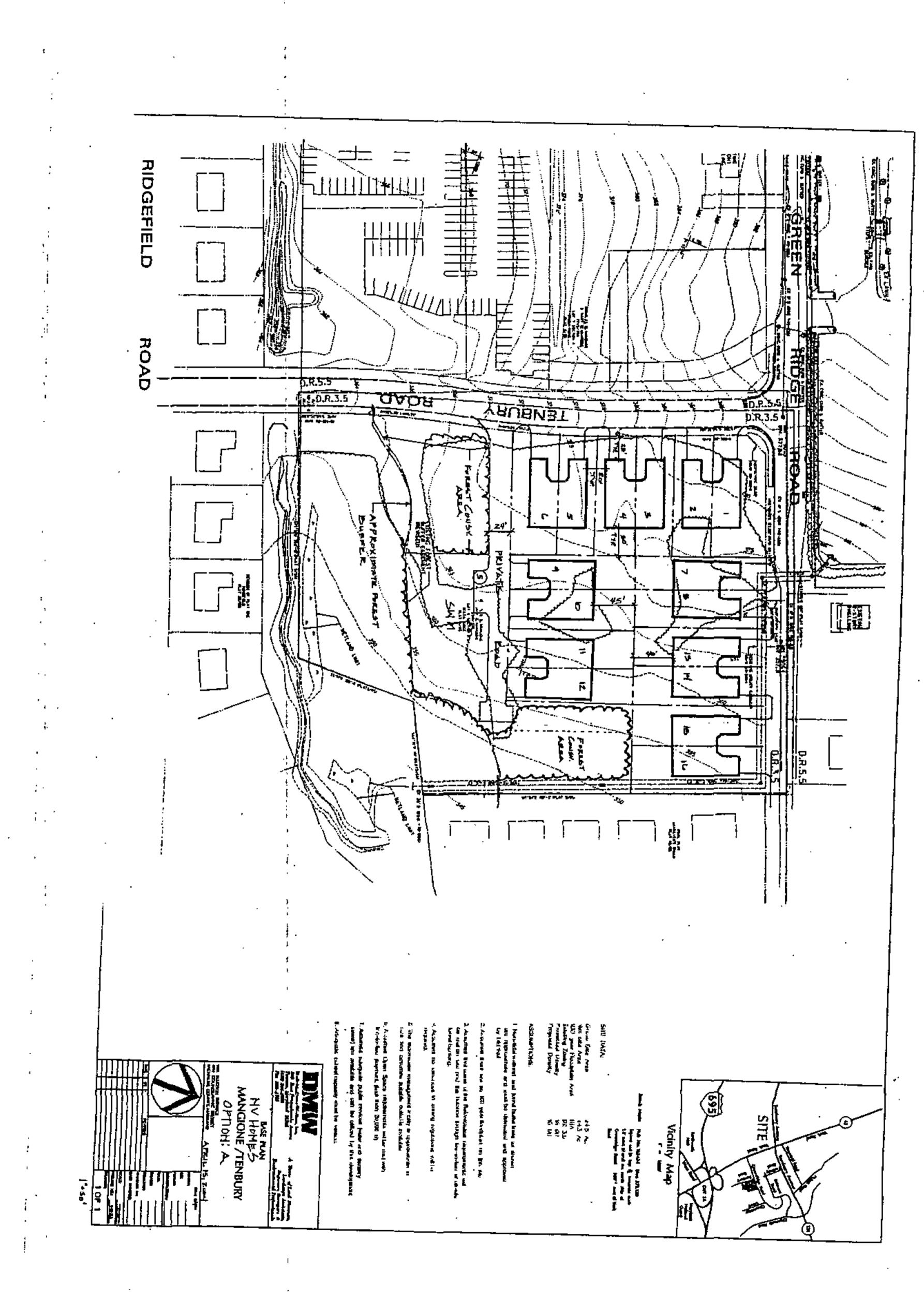


AUGUST 2003



# AGREEMENT EXHIBIT A-II

Base Plan NV Homes Mangione/Tenbury Option-A, Dated April 15, 2004, Prepared By DMW



## AGREEMENT EXHIBIT A-III

BASE PLAN NV HOMES MANGIONE/TENBURY OPTIONE-B, DATED APRIL 15, 2004, PREPARED BY DMW

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 4, 2007

Department of Permits & Development

Management

ORY

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For April 9, 2007,

Item Nos. 07-427, 429, 430, 431, 433,

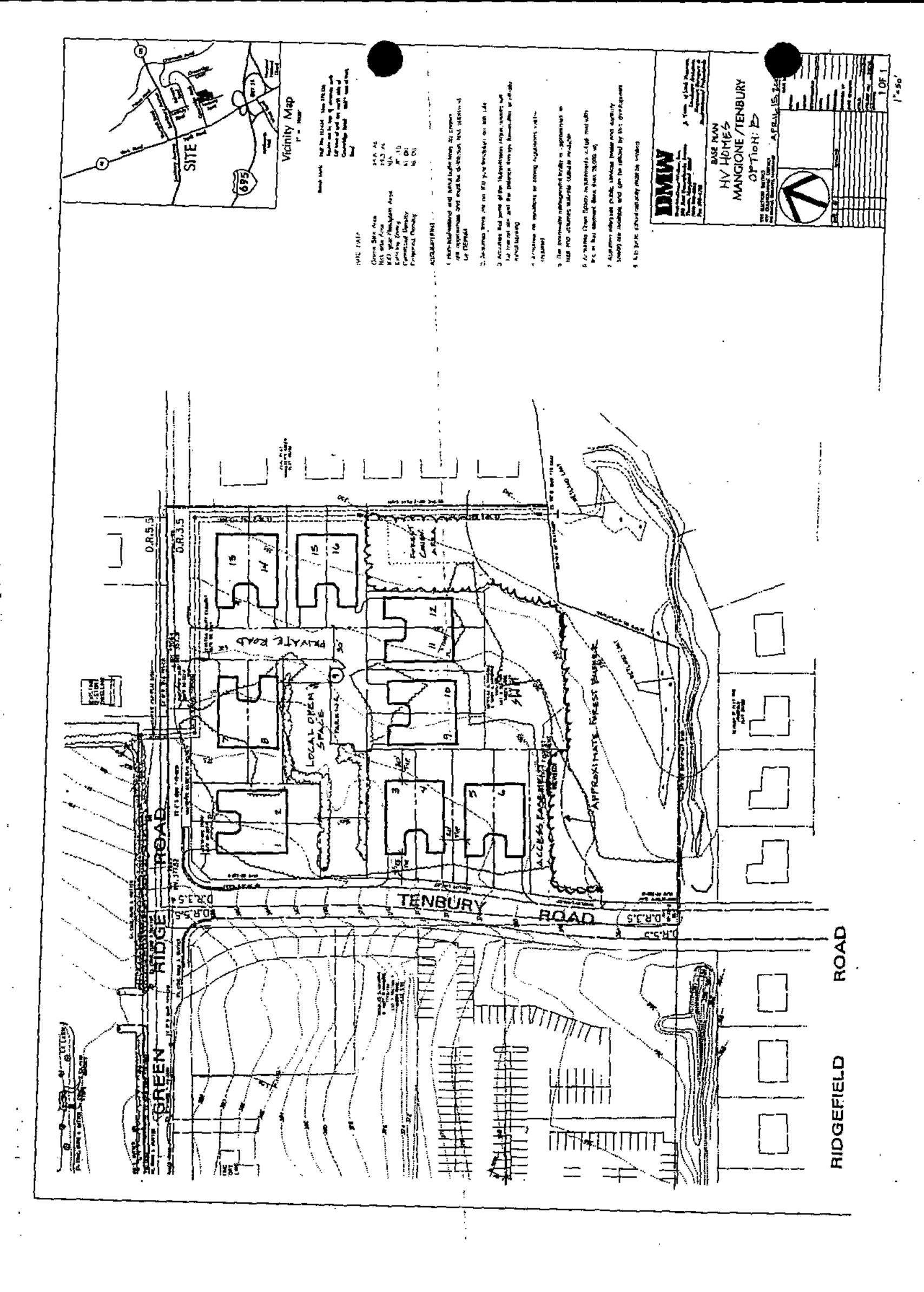
434, 435, 436, and 437'

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-03042007.doc



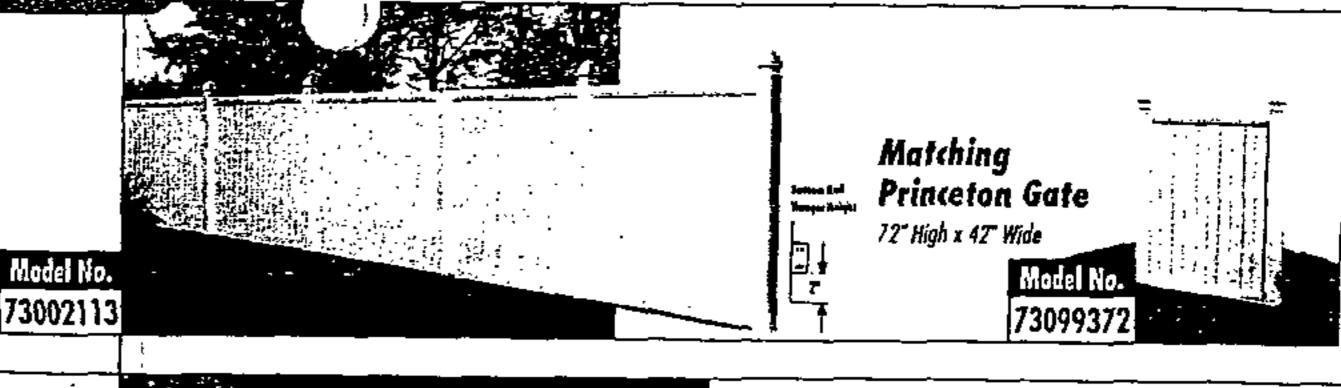
# AGREEMENT EXHIBIT B DECLARATION

# AGREEMENT EXHIBIT C PRIVACY FENCE EXEMPLARS

# PRINCETON 6'H X 6'W

72" High x 42" Wide

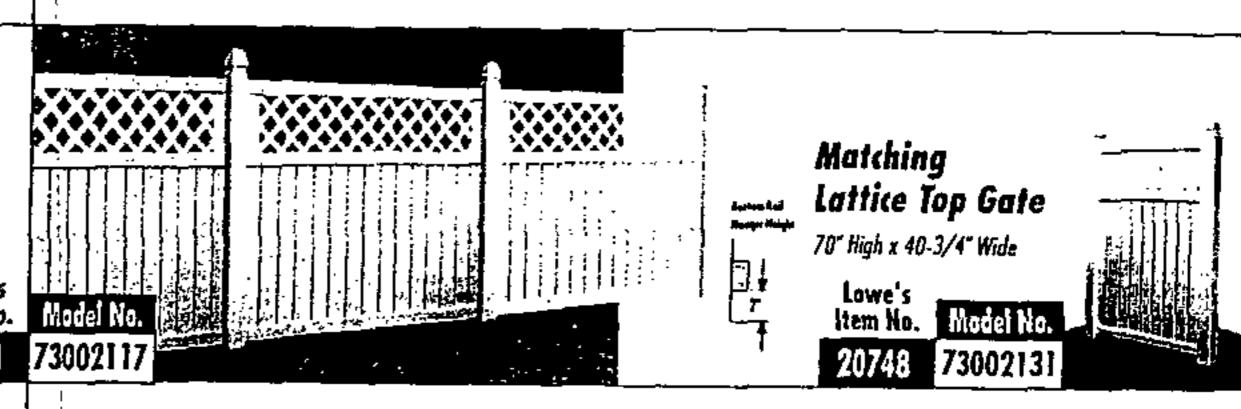
- Decorative Top & Bottom Rails
- Tongue & Groove Boards Provide Full Privacy



# LATTICE TOP 6'H X 6'W

70" High x 67-3/4" Wide

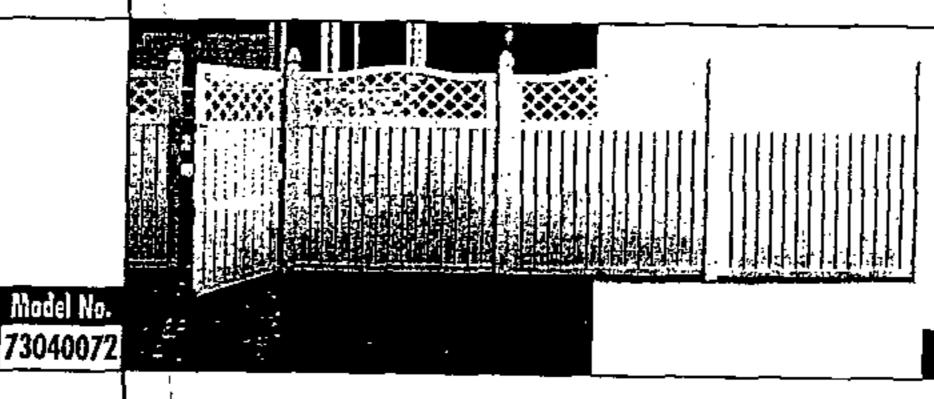
- Semi Privacy Lattice Design
- Ideal For Side & Backyards
- 1/4" Board Spacing



# ARCHED LATTICE TOP 6'H X 6'W

70" High x 67-3/4" Wide

- Semi Privacy Lattice Design
- Ideal For Side & Backyards
- 1/4" Board Spacing



Matching Lattice Top Gate 70" High x 40-3/4" Wide

Lowe's Model No. ltem No. 73002131 20748



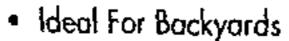
# ESTATE STYLE 6'H X 6'W

70" High x 67-3/4" Wide

Also available in:

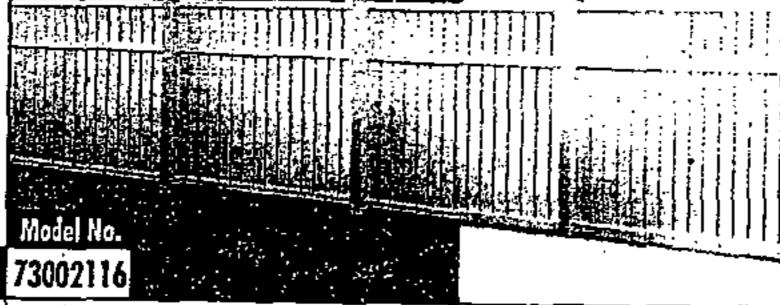
Wicker

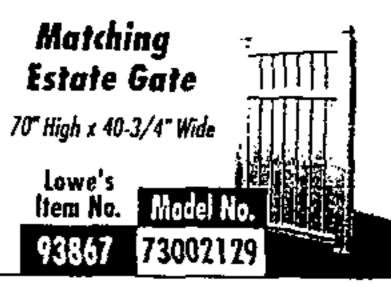
Popular Privacy Design



• 1/4" Board Spacing







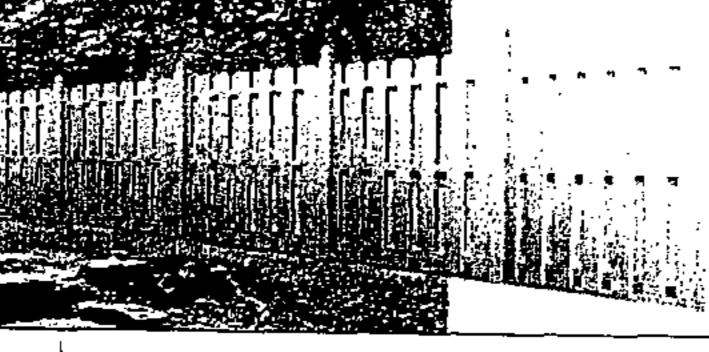
# SHADOWBOX 6'H X 6'W

70" High x 68-1/4" Wide

Gray

- Attractive Shadowbox Styling
- Ideal For Side & Backyards

# 73020872



Matching Dogear Gate 70" High x 42" Wide

Model No. 73002127



# ALL AMERICAN DOGEAR

6'H X 6'W 70" High x 68-1/4" Wide

Attractive Dogear Styling

Also available in:

Wicker

• Ideal For Side & Backyards Where Privacy Is Desired

• 5/16" Board Spacing

Lowe's Item No. Model No. 137055 73002114

Matching Dogear Gate 70" High x 42" Wide

Lowe's Item No. Model No. 137058 73002127

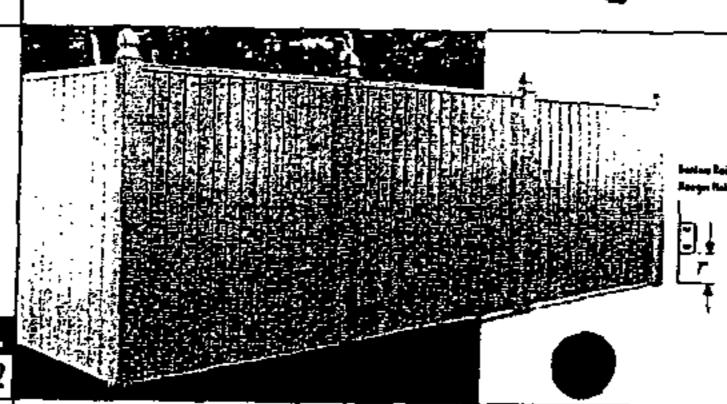


# WILLIAMSBURG 6'H X 6'W

70" High x 68-1/4" Wide

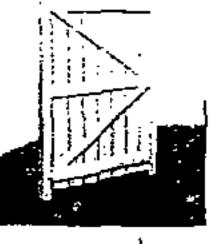
Gray

- Framed Styling For Privacy
- Ideal For Side & Backyards Where Privacy Is Desired



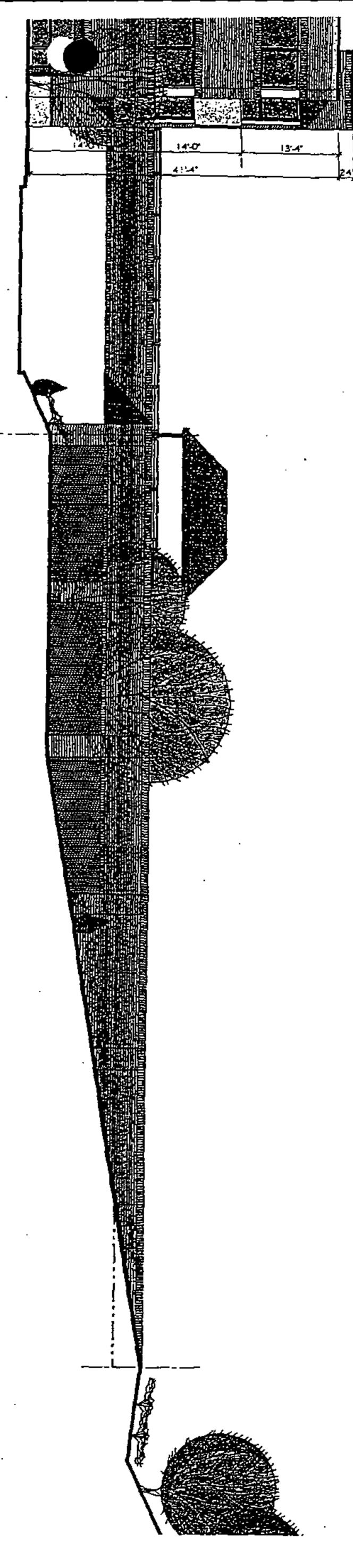
Matching Williamsburg Gate 70" High x 42" Wide







# AGREEMENT EXHIBIT D COMMERCIAL BUILDING ORIENTATION NORTH/SOUTH



# ARTIAL REAR ELEVATION



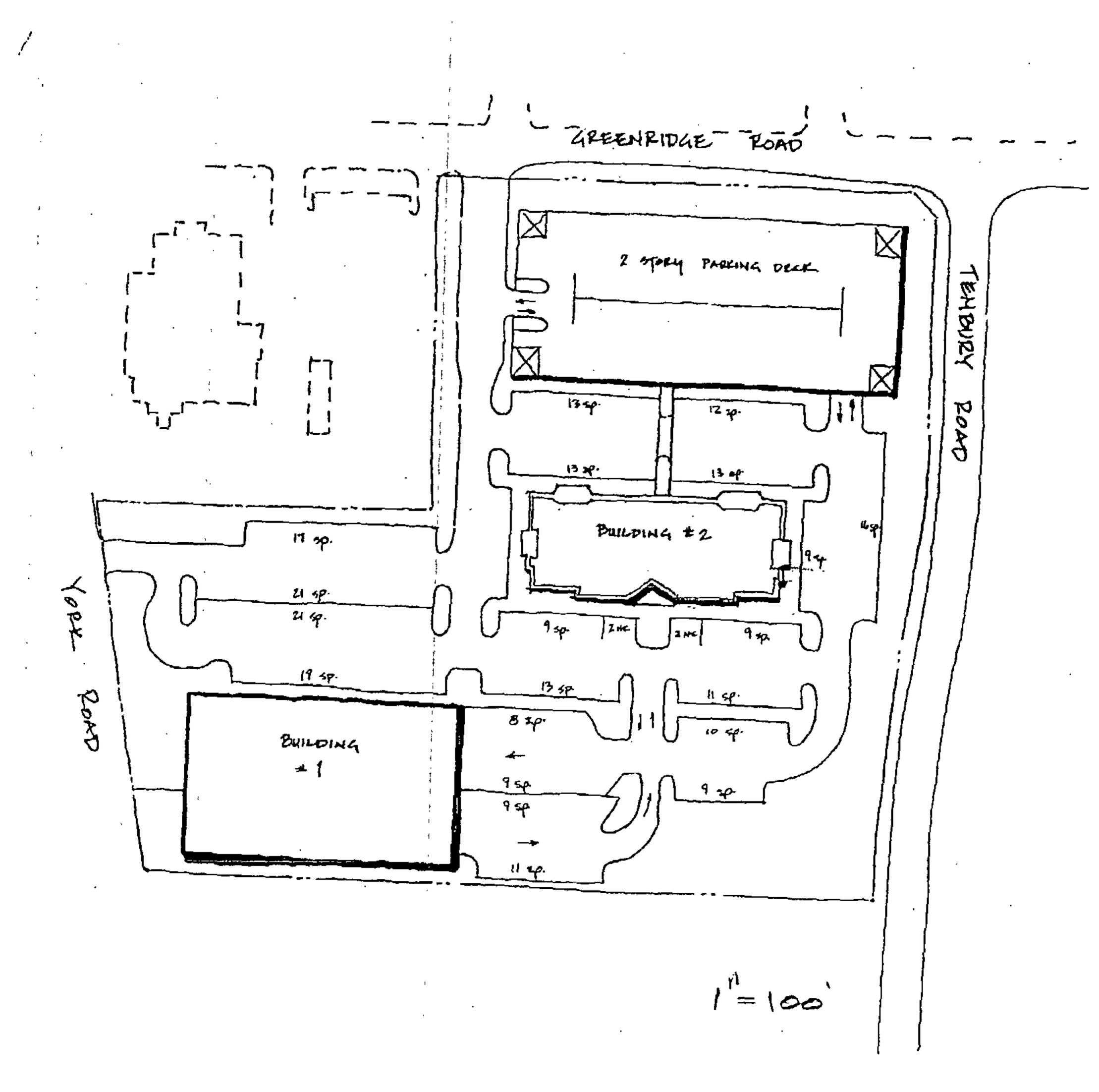


# TEAH ELEVATION

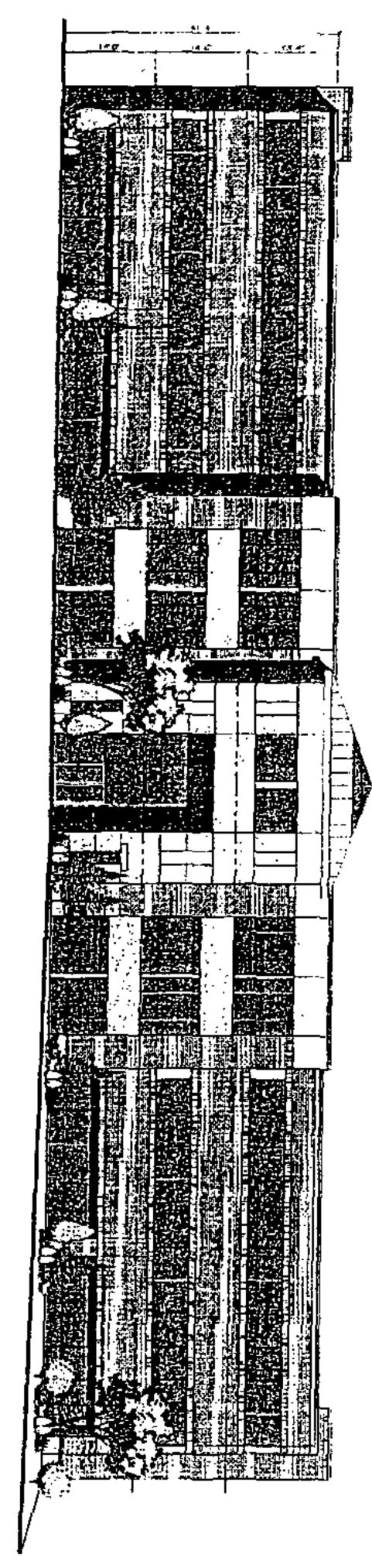
1205 York Road

Robert T. Hofmann & Assoc., Inc. - architect 93-61 / August 15, 2003

# AGREEMENT EXHIBIT E COMMERCIAL BUILDING ORIENTATION EAST/WEST







. 00-30

3 STORY OFFICE BUILDING
1209 YORK ROAD
BALTIMORE COUNTY, MARYLAND

DESTRUCE MANCPONE FAMILY ENTERPROBES

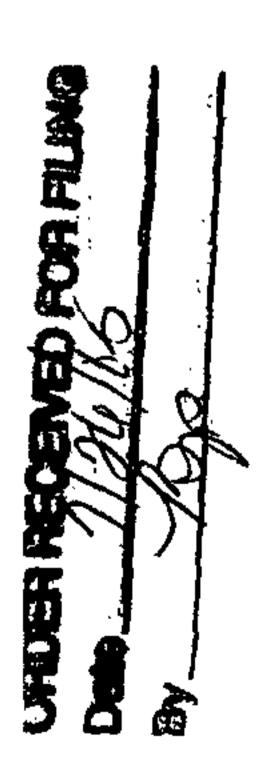
EXHIBIT NO.

### AMENDMENT NO. 1 TO AGREEMENT

This AMENDMENT NO. 1 TO AGREEMENT (this "Amendment") is made as of this the day of \_\_\_\_\_\_\_, 2005, by and between DULANEY VALLEY IMPROVEMENT ASSOCIATION, INC., ("DVIA") and NICHOLAS B. MANGIONE, SR., MARY C. MANGIONE, LOUIS MANGIONE, ROSEMARY MANGIONE JURAS, and M-10 RESIDENTIAL LAND DEVELOPMENT, INC., ("Mangione").

# EXPLANATORY STATEMENT

- A. By Agreement dated August 24, 2004 (the "Original Agreement"), the parties memorialized their agreements with respect to the real property identified therein and owned by Mangione for Commercial and Residential Development.
- B. Attached to the Original Agreement are Exhibits D and E that in part depict two (2) orientations and locations for Commercial Building 2.
- C. The Original Agreement further provided for the footprint size and total square footage of the Commercial Building 2.
- D. The Original Agreement further provided that DVIA would support Mangione's zoning request through the CZMP 2004 for RO zoning classification of certain portions of their land identified therein as the Zoning Reclassification, which support was provided by DVIA, and which zoning was granted to Mangione by the Baltimore County, Maryland.
- E. Mangione is moving forward on the development process for Commercial Building 2 and has presented to DVIA a new layout for Commercial Building 2 different then that shown on Exhibits D and E that reduces its footprint and square footage, and eliminates the parking structure, attached and incorporated hereto as Amendment Exhibit 1, and further herein in section 2, identified as the Plan.
- F. Mangione has also provided DVIA with two additional elevations for Commercial Building 2 at its new orientation and location, and depicting its footprint and height prepared by Hofmann Associates, Inc., architects and labeled as "Proposed Elevations A05 and A06 For Project 05-054" with a revision date of May 25, 2005, attached and incorporated hereto as Exhibits F and G, respectively (the "Elevations").
- G. Mangione has identified development and use issues that will require filing petitions for a hearing before the Baltimore County Zoning Hearing Officer (identified on the Plan in the section entitled "Zoning Requests" as items SE 1, SH 1 thru 3, and V 1 thru 6, that among other things will request a Special Exception for a Class B Office Building in the new RO zone, a Special Hearing/and or Variance to permit up to 100% medical offices in lieu of the maximum 25% in the RO Zone, to amend all prior zoning relief and associated site plans, and confirm that RTA does not apply, and that the parking on Lot 1B is permitted and accessory to the two office buildings and that a Use



permit is not required for parking in a residential zone (RO) and the OR-1 Zone IN THE ALTERNATIVE TO APPROVE A USE PERMIT TO ALLOW RO AND OR-1 LAND TO BE USED FOR PARKING TO SUPPORT THE MEDICAL OFFICE BUILDING UNDER SEC, BCZR 409.8, and Variances for: height allowance from the allowed 35 foot height restriction to permit a maximum height of 42' 8" for the building and/or if necessary for the rooftop screening a maximum height of 46' 8", a 15 foot rear yard in lieu of 30 feet, a 10 foot side landscape buffer in lieu of 20 foot, to permit a 2.25 acre lot in lieu of the maximum 1 acre, if necessary parking in the front yard in lieu of the side and rear yard in the RO Zone, and any other Zoning Variance or Zoning Relief as determined necessary by the Zoning Commission and subject to DVIA approval, Lots 1A, 1B and 2,(the "Zoning Relief"); all of which Mangione is requesting DVIA to support.

H. The parties now desire to amend portions of the Original Agreement and the Declaration of even date to the Original Agreement which has been recorded among the Land Records of Baltimore County in Liber SM, No. 21424, folio 457, with respect to the commercial building to memorialize their further agreements as hereinafter set forth below.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Explanatory Statement. The provisions of the foregoing Explanatory Statement are incorporated herein as if fully restated.
- Commercial Building-1209 York Road. The Commercial Building 2 orientation and location shall now be pursuant to the drawing attached hereto as Amendment Exhibit 1, and entitled "Plan To Accompany Variance, Special Hearing, and Special Exception Request, Mangione Property 1205 and 1209 York Road" dated and filed June 3, 2005, and prepared by Daft McCune Walker, Inc., and having a footprint of 12,075 square feet with 3 enclosed floors for a total of 36,225 square feet over a partial ground surface parking area for 21 vehicle parking space (the "Plan"), and the Elevations. Mangione does not anticipate any further changes to Commercial Building 2 with respect to orientation and height, except however minor revisions recommended by Daft McCune Walker, Inc., their civil and land design engineers. With respect to the Agreement and the original plan permitting elevated or decked parking, Mangione with the revised Plan attached hereto as Amendment Exhibit No. 1 is not pursuing installation of deck parking; however, in the event that deck parking in the future would be necessary for economic viability, and can be engineered for the site, and subject to DVIA approval, Mangione reserves the right after conferring with DVIA to apply for a building permit for elevated/decked parking.
- 3. <u>Commercial Building 2 Use</u>. The Commercial Building shall be used as medical offices offering a variety of medical services with affiliated administrative and other normal and customary ancillary uses associated with medical use. The Commercial Building will not have any veterinarian or veterinarian related uses. The roof top

screening will be an elevated wall built on an angle inward towards the roof's center and installed for the sole purpose of screening the rooftop mechanical equipment. It will not be occupied space without first obtaining the prior written consent and approval of DVIA, and approval from Baltimore County, Maryland. In conjunction with the medical use of the Commercial Building medical waste will not be stored or allowed to be stored outside of the Building.

- 4. Zoning Hearing. At the time of the execution of this Amendment No. 1 to the Original Agreement and with the knowledge of DVIA Mangione filed zoning petitions with the Baltimore County Office of Permits and Development Management requesting a hearing before the Zoning Hearing Officer for the Zoning Relief. Mangione has provided to DVIA a copy of the zoning petitions filed in Case No. 05-583 along with the Plan. DVIA with the execution of this 1<sup>st</sup> Amendment to the Agreement covenants and affirms it will support Mangione's Zoning Relief and development plans before any and all Baltimore County agencies and departments, including zoning hearings, DRC meetings, and if necessary, Community meetings. Mangione agrees that the Agreement and this 1<sup>st</sup> Amendment to the Agreement are to be made part of any zoning order granting Mangione's Zoning Request.
- 5. Storm Water Management Facility and the RTA area. There may be an opportunity for Mangione to utilize the existing RTA area that will encompassed in Lot 1B shown on Amendment Exhibit 1 for the storm water management facility or a portion of said facility serving the Commercial Building development. At the time of the signing of this Amendment No. 1 to the Original Agreement, Mangione's engineers have not determined whether the RTA can fulfill the required storm water management requirements of the Commercial Development, but in such event that it can be so utilized Mangione will follow and comply with all Baltimore County rules and regulations under the direction of the Baltimore County Department of Environment and Property Management. Nothing in this Section 5 is meant to modify, amend, or alter Section 5 of the Agreement. This section 5 is in addition to and not in lieu of Agreement section 5.
- 6. Traffic Control Intersection of Greenridge and Tenbury Roads. In addition to the provisions of Agreement Section 5 regarding traffic, and not in lieu thereof, Mangione in this section 6 agree to explore with Baltimore County of having adequate traffic device control management at the T-intersection of Greenridge and Tenbury Roads.
- 7. <u>DVIA Approval and Support.</u> DVIA approves of the changes proposed to Commercial Building 2 development as herein before set out, and will support Mangione at any and all Baltimore County hearings and or meetings, including but not limited to DRC meetings and the Zoning Hearing Officer hearings for the Zoning Relief. Additionally, in support of Mangione's proposals contained herein, DVIA will advise the Baltimore County Council person that it is in support of these proposed changes and will recommend to the Baltimore County Zoning Hearing Officer that the Commercial Development with the necessary Zoning Relief be approved.

- 8. Original Agreement Remains in Effect. To the extent the Original Agreement is not modified by this Amendment No.1, the balance of the terms and conditions of the Original Agreement not modified herein shall remain in full force and effect. With respect to any conflict or ambiguity between the Original Agreement, the Declaration (Exhibit B to the Original Agreement) and this Amendment No. 1 with respect to the subject matters contained in this Amendment No. 1, then in such event this Amendment No. 1 shall control.
- 9. <u>Declaration Amendment</u>. The parties agree to cooperate with one another in executing an amendment to the Declaration, which amendment shall be recorded among the Land Records of Baltimore County. Said Declaration shall be amended at such time as all matters with respect to Commercial Building 2 development have been identified to reflect the modifications agreed upon by the parties in this Amendment No. 1, and or any subsequent amendments executed by the parties.

  Mangione will cause the Amended Declaration to be recorded among the Land Records of Baltimore County thirty (30) days after the Zoning Hearing Officer's Opinion and Order approving the Zoning Requests becomes final and non-appealable.

WITNESS the hand and seals of the respective parties to this Amendment No. 1 to the Original Agreement on the day first above written.

WITNESS:	PARTIES:
	Nicholas B. Mangione, St.
	Mary Mangine
	Mary C. Mangione  Sours Mangione
	Louis Mangione  [Managione]  [M
	Rosemary Mangione Juras
	M-10 Residential Land Development, Inc.
	Louis Mangione, President

Mild PTamp

Mahal P Tang

Dulaney Valley Improvement Association,

Inc. (DVIA)

Name: Course J. Power rowser

Title: President

Name: LE TOUNSOND VE

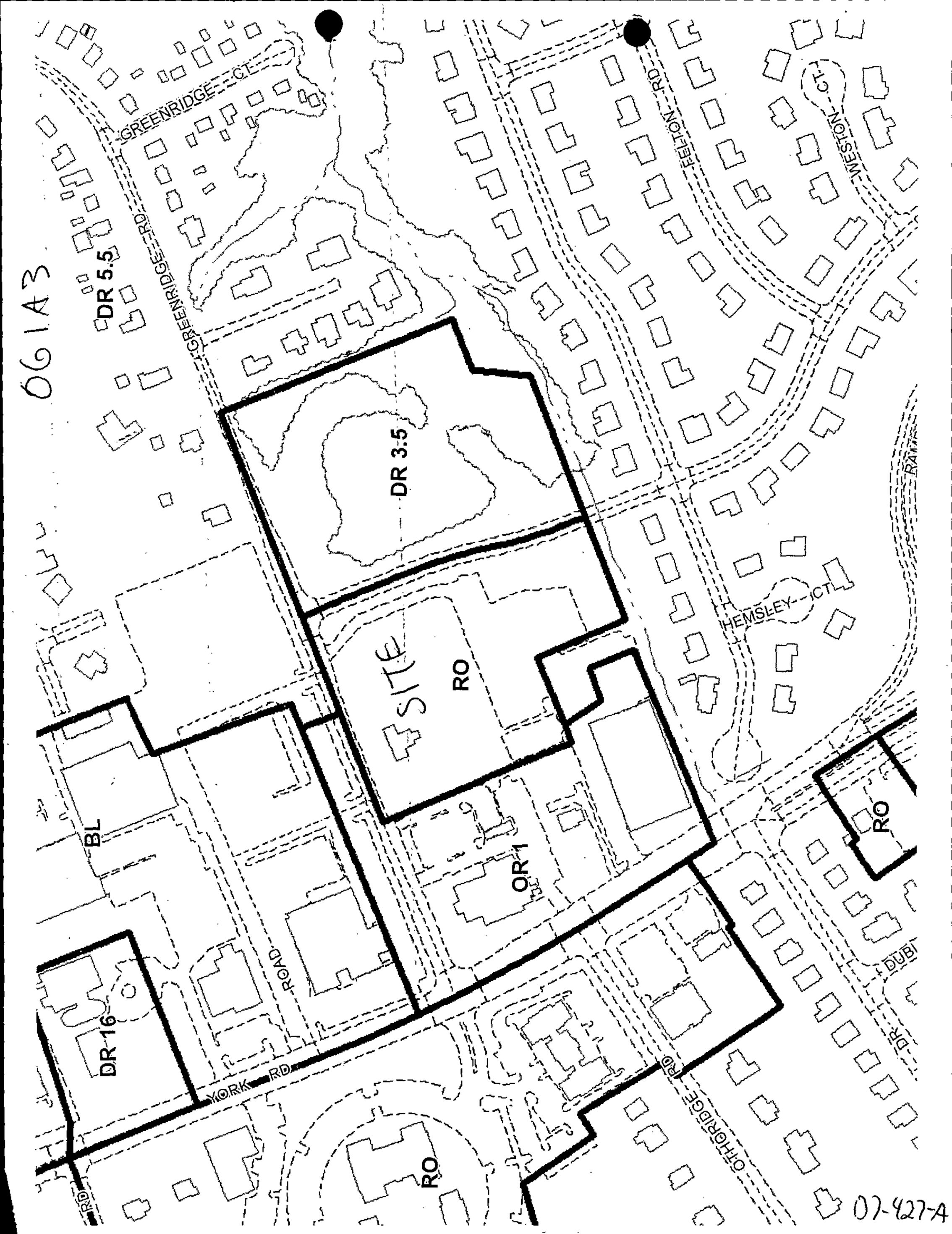
Title: Vice President

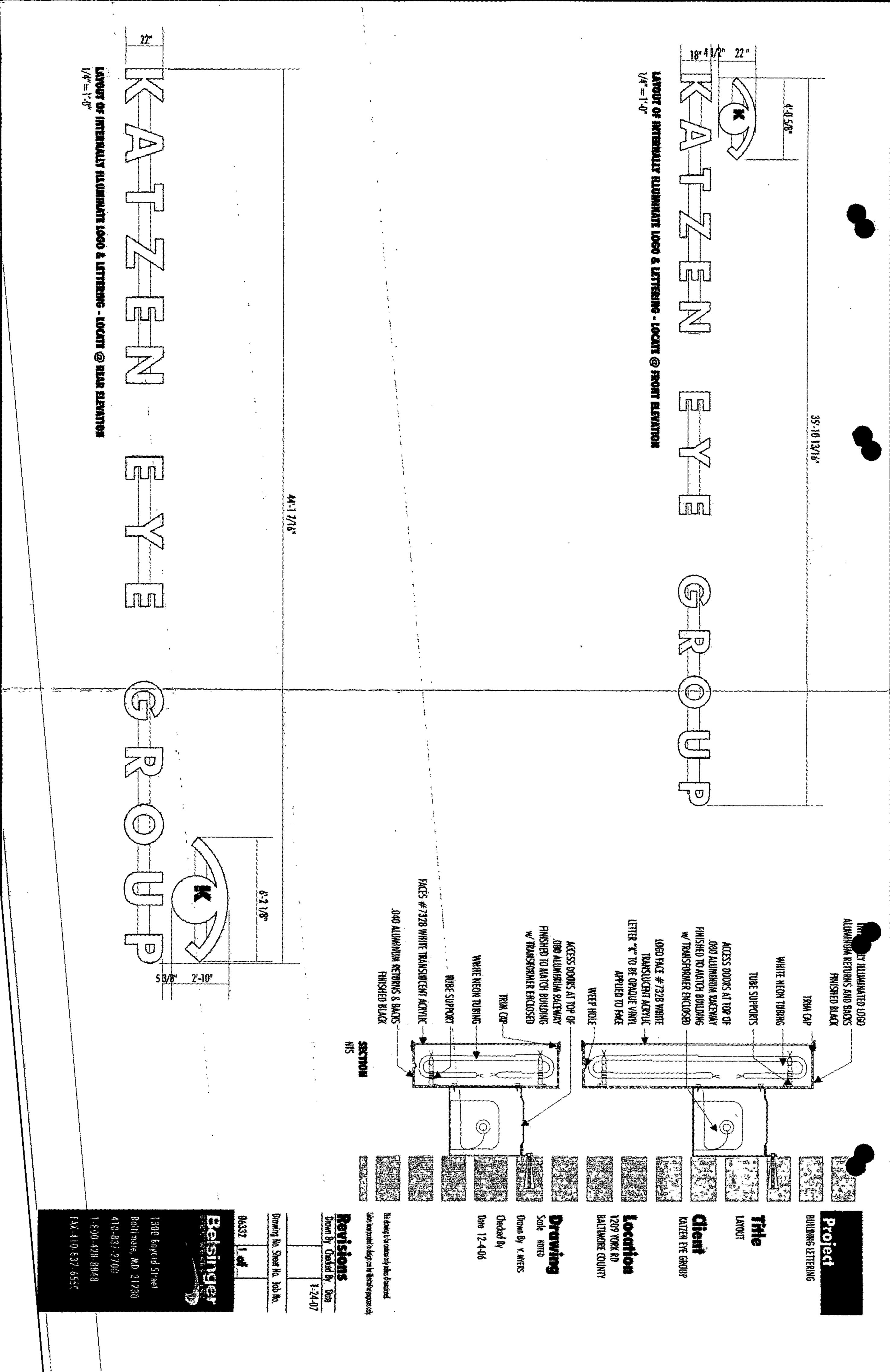
# PLEASE PRINT CLEARLY

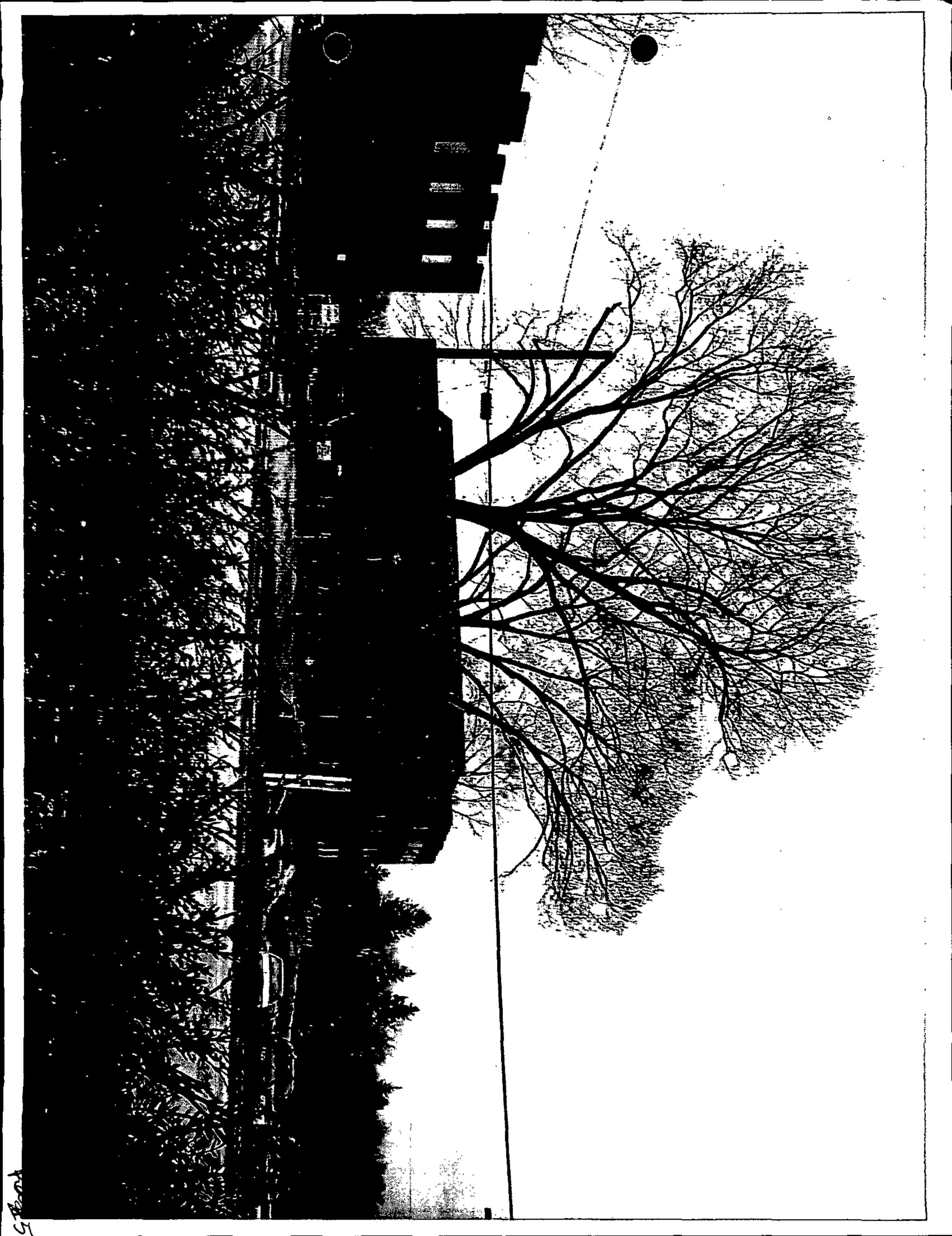
CASE NAME RATEURYOUNGER CASE NUMBER O7-42-7

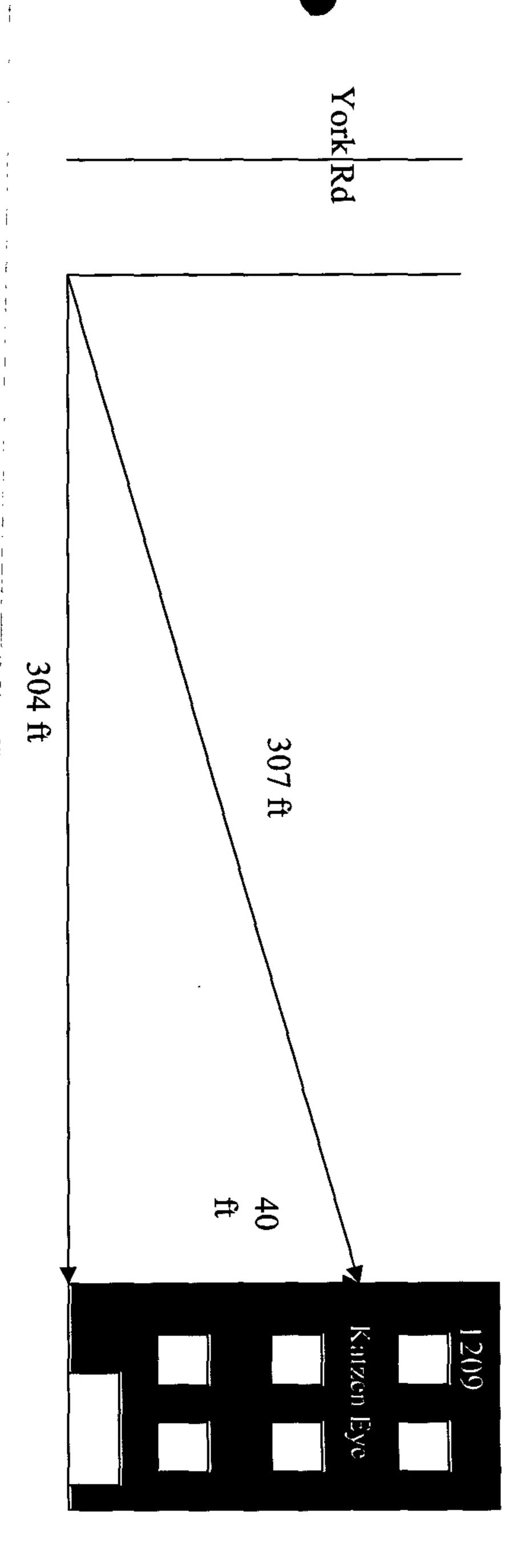
# PETITIONER'S SIGN-IN SHEFT

E- MAIL					
202	-				
E, ZIP N. M. 2109 Zizzo					
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ADDRESS WHINGAN GRE KINGAN BANGED YA					-
1209 YORK RESTANDENT					
Sell will					
MAME MULY Basinaga					
LAW MANUE BELS					









MVA Daylight minimum vision = 20/70

20/70 letter @ 20ft = 30.45 mm.

20/70 letter @ 307ft = 467.4mm Effect of motion reduces visual acuity (Image Shear) > 20%, therefore requires increased letter size >20% 18.4 inches + 20% = 22.08 inches minimum= 18.4 inches (minimum letter size, stopped, perfect lighting

0 XX

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 25, 2007

Department of Permits and: Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 07-427- Variance

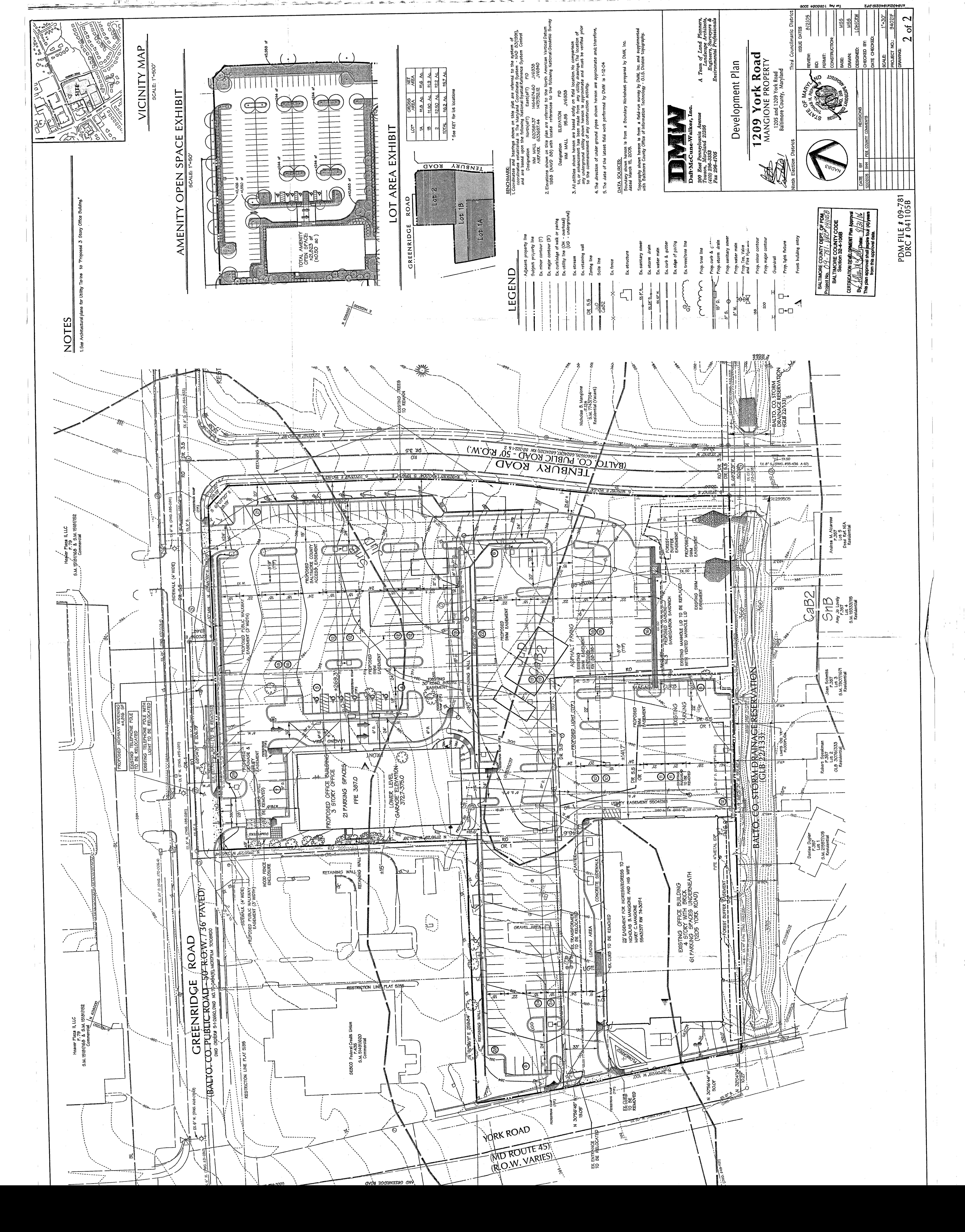
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

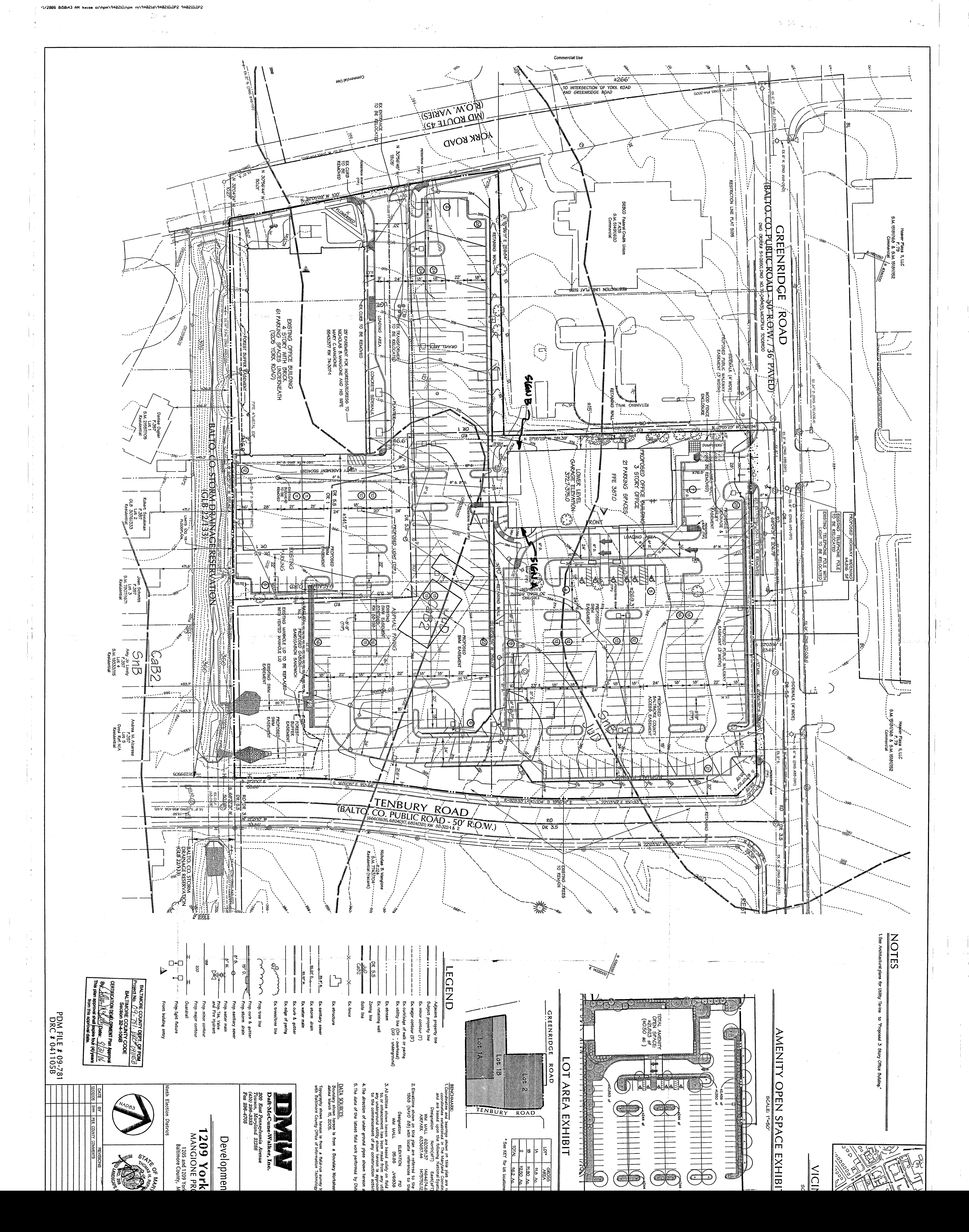
For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.


Prepared By

**Deputy Director:** 

CM/JL



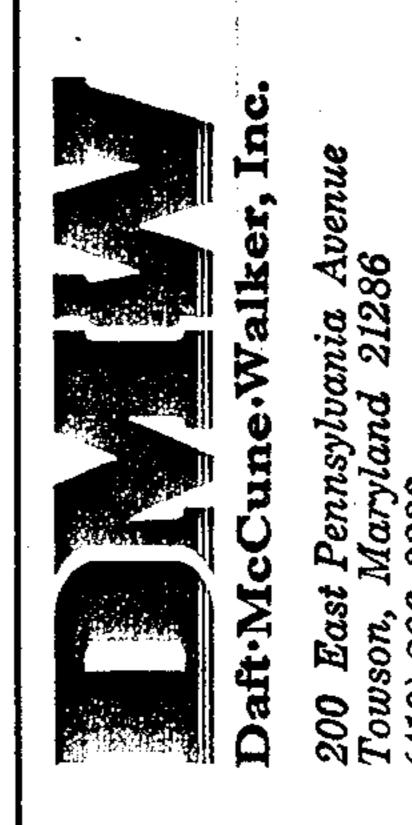


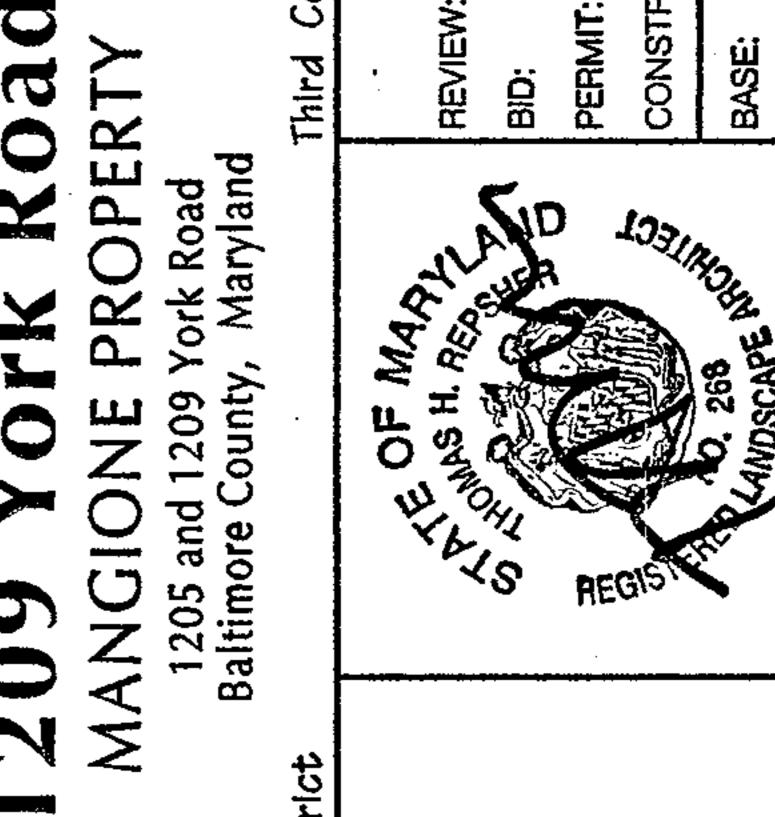


	UNITS PROPOSED		OPOSED			
	DENSITY UNITS		NO RESIDENTIAL IS PROPOSED		····	
SITE DATA	UNITS ALLOWED					
	ACRES (NET)	±0.41	±1.73	±3.56	£5.70	
	ZONED	DR-5.5	OR-1	RO	TOTAL	

						PROPOSI	PROPOSED LAND USE	SE		
ρj	EXISTING LAND USE	GROSS	NET	3 <del>9</del> 60	FAR**	Y08***	Parking Required	Parking Provided	Average Daily Trips (ADT)	Developme Schedule
*	Office Bldg.	±1.8 Ac.	±1.6 Ac.		Unchanged	Unchanged	324 PS	316 PS	2,334	Existing
<u>5</u>	Structure/ Commercial Use	±1.9 Ac.	±1.9 Ac.	Office Bidg. with Parking (Continued Use)			1,000 1,000 (F)	(4.5 rs/ 1,000 5F****)		-
~ ~ ~	Residential/ Structure Use	±2.5 Åā.	±2.2 Ac.	36,COC SF. Office Bldg. with Parking	0.33 Provided 0.329	Required Provided 5,480 5,913 SF SF	162 PS 143 (4.5 PS) 1,000 F SF)	183 PS (5.8 PSI 1,000 5F)	1,224	2,005/
•	Lots 1A and 1B combi	ned serve to the e	18 combined serve to the existing office building. The developer plans for continued use on these lots. Together, these lots	ng. The developer	plans for contin	iued use on the	se lots. Togethe	r, these lots		

building. The developer plans for continued use on these lots. Together, the snd Stormwater Management for the existing 72,000 office building.	
Lots 1A and 1B combined serve to the existing office building. The developer plans for continued use on these lots. Together, provide the required FAR, Amenity Open Space, Parking, and Stormwater Management for the existing 72,000 office building.	





REVIEW: BID: CONSTRUCTION: BASE:	DESIGNED:	CHECKED BY:	DATE CHECKED:	SCALE:	PROJECT NO.:	DRAWING:	
A SAMON SHEDING HEGIS LING SO	REVISIONS	PER COUNTY COM					
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LOCCATION 1209 YORK RD BALTIMORE COUNTY

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Drawn By

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Date 12-4-06

Checked By

**Client** Katzen eye Group

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**REAR ELEVATION**1/16"=1'-0'

161-0

1716"

Revisions
Drawn By Checked By Date Job No. Singe WORKS Baltimore, MD 21230 FAX-410-837-6550 1300 Bayard Street 1-800-428-8848 Drawing No. Sheet No. 410-837-2700 D S I G N 06332

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