IN RE: PETITION FOR VARIANCE
N/Side Old Padonia Road, 24' E c/line
Broad Avenue
(100-104 Old Padonia Road)
8<sup>th</sup> Election District
3<sup>rd</sup> Council District

Old Pad II, LLC, by Armando J. Cignarale Petitioner BEFORE THE

**ZONING COMMISSIONER** 

OF

**BALTIMORE COUNTY** 

Case No. 07-524-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Old Pad II, LLC, through its managing member, Armando J. Cignarale. The Petitioner requests variance relief from Section 238 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a side yard (east side) setback of 5 feet in lieu of the required 30 feet; from B.C.Z.R. Section 409.6 to permit 32 parking spaces in lieu of the required 47 parking spaces, and for such other and further relief as may be required by the Zoning Commissioner for Baltimore County. 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 in support of the request was Joe Maranto, Vice President of Cignal Corporation, James D. Grammer, on behalf of McKee & Associates, Inc., the consultants who prepared the site plan for this property, and Lawrence E. Schmidt, Esquire, attorney for the Petitioner. Appearing as Counsel for Fenwick Properties, LLC, an adjacent property owner and Protestant, was Richard C. Burch, Esquire. It is also to be noted that a letter of support was received from the other adjacent property owner, Dr. Vernon F. Ottenritter, Jr. (Petitioner's Exhibit 7). There were no other interested persons in attendance.

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The subject property, consisting of two old lots of record (Lots 17 and 18), contains a combined gross area of 0.67 acres (29,000 square feet), zoned M.L. and located in Timonium. As more particularly shown on the site plan, the property is rectangularly shaped (145′ x 200′) with frontage on Old Padonia Road. Old Padonia Road runs parallel to Padonia Road and the property is located just west of the York Road commercial core. The property abuts the rear property line of the Fenwick property (Valley Motors), which fronts York Road. The Petitioner, a subsidiary of the Cignal Corporation, razed the old residential dwellings on the property and is proposing a 1-story office building (65′ x 110′) with 32 parking spaces to be used exclusively by the Cignal Corporation as its new company headquarters. Other uses along Old Padonia Road are of similar character. (See e.g. Petitioner's Exhibits 4 & 5).

Testimony and evidence presented revealed that Cignal Corporation is a real estate developer/management company which presently is headquartered on York Road in a small, shared office building just south of the York and Padonia Road intersection. The present headquarters building abuts York Road and presently is too small for the company's operation. Cignal has acquired the subject site and proposes to construct a 110' by 65' 1-story office building on the property. The building will also feature a below-grade basement.

Building floor plan drawings (Petitioner's Exhibit 2) were submitted at the hearing, which show that the first floor will contain, among other things, offices, conference rooms and a reception area. The basement level will not contain office space, per se, but rather an amenity area for employees. Specifically, the floor plan shows that the basement will contain a multipurpose court (basketball/racquetball), an exercise room and locker room facilities. This area will not be open to the public and will be for the exclusive use and benefit of employees and clients of the company.

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As noted above, two variances are sought. The first is to permit a 5-foot side yard setback, towards the east site of the property. This side of the property abuts the Valley Motors dealership, most specifically the auto storage parking area that is behind the sales building which faces York Road. Additionally, immediately adjacent to the property line, is a private road (William Parks Road) which is actually located on the fee simple property occupied by the dealership.

The second variance relates to the number of parking spaces; specifically, that there are 38 spaces provided in lieu of the 47 required. These spaces are essentially grouped into two areas on the site; namely, eight (8) spaces along the front of the property and twenty-four (24) in the rear.

Addressing first the parking variance, Section 409 of the B.C.Z.R. calculates the number of parking spaces required, based on the square footage of the building, (i.e., 3.3 spaces/1,000 square feet). In this case, the proposed 14,719 square foot building requires 47 parking spaces. This number is actually misleading, given the circumstances of the proposed use. That is, the uncontradicted testimony and evidence offered was that Cignal Corporation employs but nine (9) people and the amount of clients and visitors is limited. Clearly, the number of spaces provided is more than sufficient for their business. The amount of parking required is skewed by the basement area, which contributes to the square footage of the building, but does not contain any offices. Moreover, it is clear that the 1-story building is appropriately sized for the site and neighborhood and will blend well with the vicinity. The Floor Area Ratio (the methodology used by the B.C.Z.R. to regulate building mass in relationship to the lot area) is well within limits (i.e., 0.49 in lieu of the maximum 2.0) and the elevation drawings submitted (Petitioner's Exhibit 6) show the building to be an attractive structure.

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Variances may be granted only in accordance with the provisions of B.Z.C.R. Section 307, as have been interpreted by the Court of Appeals in Cromwell v. Ward, 102 Md. 691 (1995). In order for a variance to be granted, it must be determined that the property at issue is unique. At first blush, it may seem that this rectangularly shaped property (145' x 200') is not unique, but upon closer inspection and consideration, it nevertheless is. I explain.

As noted above, the property is zoned M.L., a classification which permits manufacturing and similar uses, including office buildings (See B.C.Z.R. Section 253.1.A.34). The uses permitted within the M.L. (Manufacturing, Light) zone include activities that, by nature, require significant area. For example, automotive assembly plants, concrete products manufacture and lumberyards are all permitted as of right. By special exception, airports, excavations and sanitary or rubble landfills are allowed. Moreover, the setback regulations for M.L. properties are generous; 30-foot side yard setbacks and 50-foot setbacks from the centerline of a street are required. The uniqueness of this property originates from the small area of the site, and its relatively narrow width, when compared to other typical M.L. zoned properties. Simply stated, strict adherence to the M.L. area requirements at issue would result in a minimal building area which would be impractical and prevent a reasonable use. These factors contribute to the "practical difficulty" finding that is required for variance relief to be granted. That is, if strict adherence to the regulations were required, the property owner would have no reasonable use of the property for the permitted purposes listed.

Finally, I easily find that there will be no adverse impact caused by the proposed improvements upon adjacent properties and that the granting of the requested relief will be consistent with spirit and intent of the B.C.Z.R. There is no arguable adverse impact of this office use on the adjacent auto dealership, and the use fits in well with the other business uses in the locale. The aerial photo (Petitioner's Exhibit 5) and photos of the vicinity (Petitioner's

Exhibit 4) are persuasive in this regard. Mr. Burch, however, makes a point that while 32 parking spaces may be more than adequate for Cignal, the next tenant or owner should the property be sold, may require that which is required, i.e., 47 parking spaces. This argument while worthy of consideration is not supported by the evidence before me. The "headquarters" and "employee" amenities incorporated into the building design mitigate against a speculative motive to "flip" this property after its development and a change in mix of tenants is therefore unlikely.

For all of these reasons, I am persuaded to grant the relief requested. In so granting of the Petition, I will impose the reasonable conditions requested by the Office of Planning in its Zoning Advisory Committee (ZAC) comment. These conditions are implemented to ensure that

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the petition. I find that the Petitioners would suffer a practical difficulty if strict compliance with the regulations under the circumstances were required. Moreover, the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning does not oppose the Petitioner's request and one of the two adjacent property owners has no objection to the proposal. Thus, it appears that the relief requested should be granted.

the proposal is consistent with and will not detrimentally impact the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_\_ day of July 2007 that the Petition for Variance seeking relief from Sections 238.2 and 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a side yard setback of 5 feet (east side) in lieu of the required 30 feet and to permit 32 parking spaces in lieu of the

required 47 parking spaces, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

- 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner is 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. The Petitioner shall submit landscape plans to both Avery Harden, Baltimore County Landscape Architect, and to the Office of Planning, for review and approval prior to the issuance of any building permits.
- 3. Sidewalks are to be constructed on the southern side of the property (along Old Padonia Road); this will be in keeping with the established character of the area. Said sidewalks are to be connected to the building entrance.
- 4. This site is within the Hunt Valley Timonium Master Plan area guidelines adopted by the Baltimore County Council October 19, 1998. Petitioner is to submit architectural elevations and site plan that comply with the guidelines. See pages 41 through 47 of that plan.

5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:dlw

Zoning Commissioner

for Baltimore County

THE MATTER OF

THE APPLICATION OF
OLD PADONIA & OLD PADONIA II, LLC. \*
LEGAL OWNER /PETITIONER FOR
VARIANCE ON PROPERTY LOCATED ON \*
THE N/S OF OLD PADONIA RD, 24' E OF
C/L BROAD AVENUE 100-104 PADONIA RD)\*
8<sup>TH</sup> ELECTION DISTRICT
3<sup>RD</sup> COUNCILMANIC DISTRICT

AND
100-104 OLD PADONIA ROAD

\*
DRC NO. 43007C
8<sup>TH</sup> ELECTION DISTRICT

\*
3<sup>RD</sup> COUNCILMANIC DISTRICT

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3<sup>RD</sup> COUNCILMANIC DISTRICT

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3<sup>RD</sup> COUNCILMANIC DISTRICT

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3<sup>RD</sup> COUNCILMANIC DISTRICT

RE: APPROVAL OF LTD EXEMPTION

**BEFORE THE** 

COUNTY BOARD OF APPEALS

OF

**BALTIMORE COUNTY** 

CASE NO. 07-524-A

and

CASE NO. CBA-07-135

### ORDER OF DISMISSAL

These matters come to the Board of Appeals on appeals filed by Richard C. Burch, Esquire, and MUDD, HARRISON & BURCH, L.L.P., on behalf of Fenwick Properties, LLC from a July 19, 2007 decision of the Zoning Commissioner in which the requested variance relief was granted in Case No. 07-524-A; and from the August 31, 2007 letter from the Director of Permits & Development Management approving the requested limited exemption in Case No. CBA-07-135.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeals filed on March 18, 2008, by Richard C. Burch, Esquire, on behalf of Fenwick Properties, LLC, Appellant /Protestant, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant/Protestant requests that the appeals taken in Case No. 07-524-A and Case No. CBA-07-135 /DRC No. 043007C be withdrawn and dismissed as of March 18, 2008,

IT IS THEREFORE ORDERED this 27th day of March, 2008 by the

County Board of Appeals of Baltimore County that the appeals taken in Case No. 07-524-A and Case No.

CBA-07-135 /DRC No. 043007C be and the same are hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Robert W. Witt

IN RE: PETITION FOR VARIANCE
N/Side Old Padonia Road, 24' E c/line
Broad Avenue
(100-104 Old Padonia Road)
8th Election District – 3th Council District

Old Pad II, LLC, By Armando J. Cignarale

Zoning Case No. 07-524-A

\* BEFORE THE

\* BOARD OF APPEALS

\* OF BALTIMORE COUNTY

\* Case No.

### **NOTICE OF APPEAL**

Appellant/Protestant, Fenwick Properties, LLC, owner of property adjacent to, or in the immediate vicinity of, the subject property, hereby appeals the July 19, 2007 Findings of Fact and Conclusions of Law and Order of the Zoning Commissioner for Baltimore County which granted the Petition for Variance seeking relief from Sections 238.2 and 409.6 of the Baltimore County Zoning Regulations. The Appellant/Protestant is a party aggrieved by the Findings of Fact and Conclusions of Law and Order dated July 19, 2007. Appellant/Protestant's mailing address is Fenwick Properties, LLC, 9800 York Road, Cockeysville, Maryland 21030.

Please find enclosed the appeal filing fee of Four Hundred Dollars (\$400.00).

Richard C. Burch

Mudd, Harrison & Burch, L.L.P.

401 Washington Avenue, Suite 900

Towson, Maryland 21204

(410) 828-1335

Attorney for Appellant/Protestant

### CERTIFICATE OF SERVICE

HEREBY CERTIFY that on this day of August, 2007, a copy of the foregoing Notice of Appeal was mailed, first class, postage prepaid, to Lawrence E. Schmidt, Esquire, Gilday & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21286; Office of People's Counsel, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; Kathleen C. Bianco, Administrator, County Board of Appeals of Baltimore County, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204; William J. Wiseman, Zoning Commissioner for Baltimore County, County Courts Building, 401 Bosley Avenue, Suite 405, Towson, Maryland 21204, and Dr. Vernon F. Ottenritter, Jr., D.D.D.P.A., 106 Old Padonia Road, Cockeysville, Maryland 21030.

Richard C. Burch



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at: 100-104 Old Padonia Road which is presently zoned: M.L.

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. BCZR 238.2 for a side yard set back of five (5) feet in lieu of the required 30 feet; and
- 2. BCZR 409.6 to permit 32 parking spaces in lieu of the required 47 parking spaces; and
- 3. For such other and further relief as may be required by the Zoning Commissioner for Baltimore County.

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

To be presented at hearing

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

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

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

### Contract Purchaser/Lessee:

### Legal Owner(s):

			Please see attached.		
Name - Type or Print	<u> </u>	Na	me - Type or Print		
Signature			Signature	, <u></u>	<u> </u>
Address	<u>_</u> , .	Telephone No.	Name - Type or Print	. <u> </u>	<del></del>
City	State	Zip Code	Signature		<del></del>
Attorney For Petitioner:  Lawrence E. Schmidt			Address .	<u> </u>	Telephone No.
Name—Type or Print	-/10	City	y	State	Zip Code
Vanille S	MIII		Representative to	be Contacted:	
Signature	<u> </u>		- topi obbiitati i o to	<u> </u>	
Gildea & Schmidt, LLC			James Grammer		
Company			Name		
600 Washington Ave. Suite 200	(4	10) 821-0070	5 Shawan Road Suite	I	
Address	· <u>- · · · · · · · · · · · · · · · · · ·</u>	Telephone No.	Address		Telephone No.
Towson	MD	21204	Cockeysville,	MD	21030
City	State	Zip Code	City	State	Zip Code
			OFFIC	E USE ONLY	
Case No. 07-524	L-A		ESTIMATED LENGTH OF	HEARING	
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### ATTACHMENT TO PETITION FOR VARIANCE

Legal Owners

Old Pad, LLC 2331 York Road, Suite 102 Timonium, MD 21093

By: Armando J. Cignarale, Managing Member

Old Pad II, LLC 305 Washington Avenue, Suite 501 Towson, MD 21204

By: Armando J. Cignarale, Managing Member

Engineering • Surveying • Environmental Planning Real Estate Development

ZONING DESCRIPTION
100-104 OLD PADONIA ROAD
8<sup>TH</sup> ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING at a point on the North side of Old Padonia Road, 30 feet wide, said point being situated 24' easterly from the centerline extension of Broad Avenue, 70 feet wide. Being Part of Lot 17 and all of Lot 18 as shown on Plat of Land Belonging to Robert H. Bussey, recorded in Baltimore County Plat Book W.P.C. 4, page 155 and containing 29,000 sf or 0.67 acres of land, more or less.

Being known as 100-104 Old Padonia Road and lying in the 8<sup>th</sup> Election District, 3rd Councilmanic District.

Requested: Nov. 7, 2007

### APPEAL SIGN POSTING REQUEST

CASE NO. 07-524-A

100-104 Old Padonia Road

N/side of Old Padonia Road, 24' E c/line Broad Avenue

8<sup>TH</sup> ELECTION DISTRICT

APPEALED: 8/15/2007

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

\*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*

### **CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Attention: Kathleen Bianco

Administrator

CASE NO.: 07-524-A

LEGAL OWNER: Old Padonia & Old Padonia II, LLC

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

100-104 Old Padonia Road

N/side of Old Padonia Road, 24' E c/line Broad Avenue								
The sign was posted on	, 2007.							
By: (Signature of Sign Poster)	· 							
(Print Name)	<u></u>							

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	FOR. 07-524. A
THE PROPERTY OF THE PARTY OF TH	PROM: COLOCA TOLINGON CC
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	DATE S 1637 ACCOUNT POOL OOG (* 150
	MISCELLANEOUS RECEIPT
	BALTIMORE COUNTY, MARYLAND

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NOTICE OF ZOWING HEARING

thouty of the Zoning Act and Regulations of Baltimore Sounty, by augustive of the Zoning Act and Regulations of Baltimore Sounty will hold a public hearing in Towson, Maryland on the property identified herein as follows:

100-104 Old Padonia Road, 24 feet easterly centerline of Broad Avenue 8th Election District - 3rd Councilmanic District Legal Owner(s): Old Pad, LLC and Old Pad LLC, II by Armando J. Cignarale, Managing Member Variance: to permit a side yard setback of 5 feet in lieu of the required 30 feet and to permit 32 parking spaces in lieu of the required 47 spaces.

Hearing: Wednesday, June 27, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley 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-6/686 June 12

# ICATE OF PUBLICATION

G14 \_ 2002

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

₩ The Jeffersonian

🖵 Arbutus Times

Catonsville Times

Owings Mills Times Towson Times

Booster/Reporter ONE

North County News

Mulling

LEGAL ADVERTISING

### Engineering • Surveying • Environmental Planning Real Estate Development

		DATE: .	June 11, 2007
TO: Ba	altimore County, PDM	#100 -	ase No. : 07-524-A 104 Old Padonia Road b No. : 07-054
ATTEN	ITION:Mr. Timothy Kotro	-	
(X) We	are submitting	( ) We are returning	( ) We are forwarding
() Here	ewith	( ) Under separate cove	≱r 
No.		Desc	ription
1	Certificate Of Posting		
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(X) Fo	r processing	( ) For your use	( ) For your review
() Ple	ease call when ready	( ) Please return to this	office () In accordance with your request
Rema	rks:		
For fu	rther information, please	e contact the writer at this	
			McKee & Associates Inc.  McKee & Associates Inc.  McKee & Colink Inc.
cc: Fil	e		William D. Gulick, Jr.



### **CERTIFICATE OF POSTING**

Baltimore County Dept. of Permits & Development Management 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

Attention: Mr. Timothy Kotroco / Ms Kristen Matthews

MAI Job No: 07-054

Date: June 11, 2007

RE:Case Number: 07-524-A

SEE

ATTACH PHOTOGRAPH

OF

SIGN POSTED ON

**PROPERTY** 

Petitioner/Developer: Old Pad, LLC and Old Pad II, by Armando J. Cignarale

Date of Hearing/Closing: Wed. June 27, 2007 at 11:00 am

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 100 – 104 Old Padonia Road

The sign(s) were posted on

June 11, 2007

(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.

5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ



CASE # 07-524-A

## A PUBLIC HEARING WILL BE HELD BY THE ZOMING COMMISSIONER IN TOWSON, WO

COUNTY COURTS BUILDING ROOM 407
PLACE TOWSON, MD 21204

DATE AND TIME: JUNE 27, 2007 @11:00 AM

REQUEST: VARIANCE

TO PERMIT A SIDE YARD SETBACK OF 5

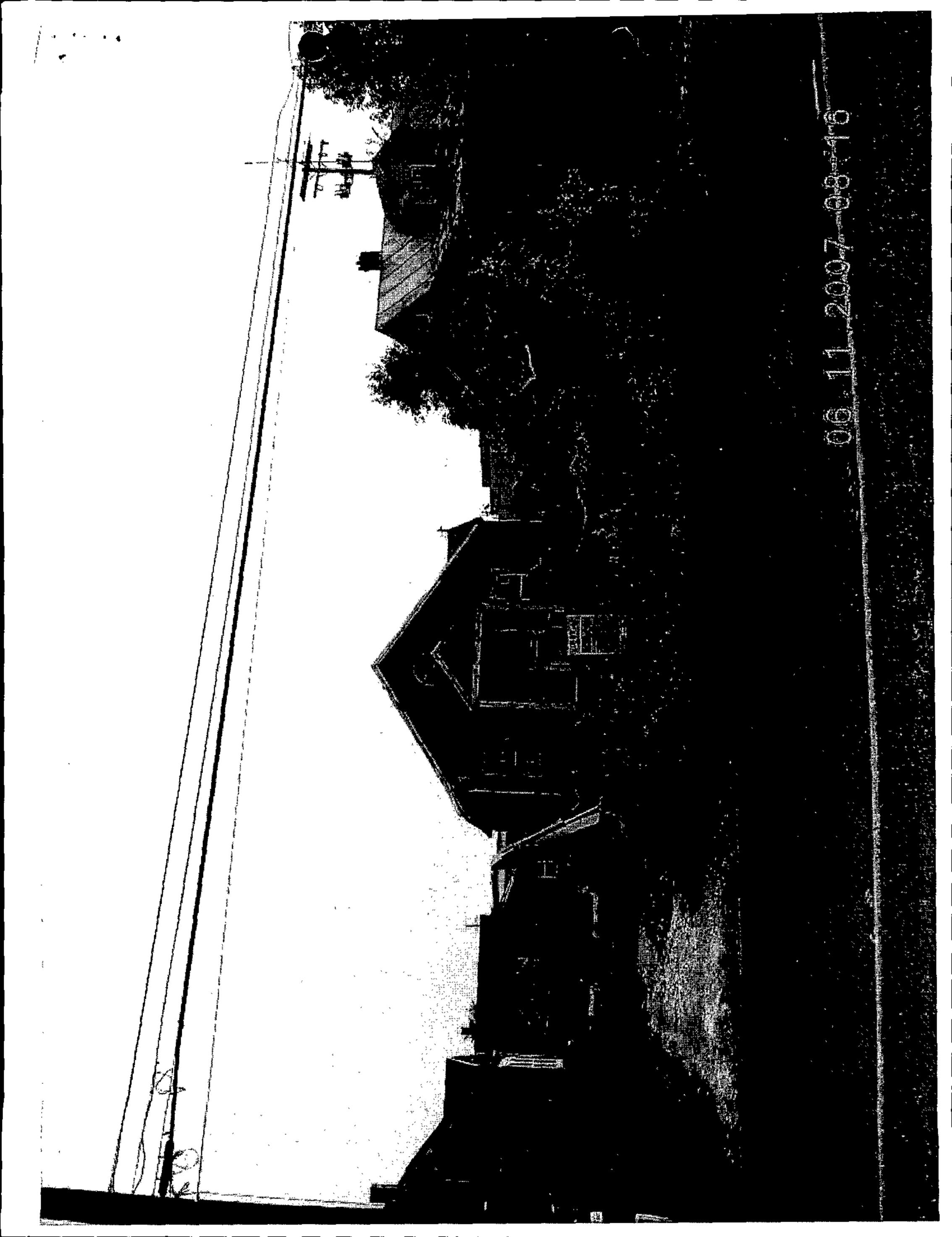
FEET IN LIEU OF THE REQUIRED 30 FEET AND

To Permit. 32 Parking Spaces in Lieu of

THE REQUIRED 47 SPACES.

POSTPONEMENTS DUE TO WEATHER ARTOTHER CONDITIONS ARE SOMETIMES HECESSARY. TO CONFIRM HEARING CALL 887-3391

do not remove this sign and post until day of hearing, under penalty of Law HANDICAPPED ACCESSIBLE



TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 12, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt Gildea & Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21204

410-821-0070

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-524-A

100-104 Old Padonia Road

N/side of Old Padonia Road, 24 feet easterly centerline of Broad Avenue

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

Legal Owners: Old Pad, LLC and Old Pad LLC, II by Armando J. Cignarale, Managing Member

<u>Variance</u> to permit a side yard setback of 5 feet in lieu of the required 30 feet and to permit 32 parking spaces in lieu of the required 47 spaces.

Hearing: Wednesday, June 27, 2007 at 11:00 a.m. in Room 407, County Courts Building,

01 Bosley 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:    Stem Number or Case Number:	
Petitioner: OD AD, LLC and Old JAPI, LL	
Address or Location: 100-104 Old PAPONIA ROAD	
PLEASE FORWARD ADVERTISING BILL TO:  Name: LAWRENCE E Schmidt	
Address: 600 WASHINGTON AVE, Suite 200	
Address: 600 WASHINGTON AVE, Suite 200 TO WSON, MD 21204	
Telephone Number: 110-821-0070	



JAMES T. SMITH, JR. County Executive

June 5, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

### **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: 07-524-A 100-104 Old Padonia Road

N/side of Old Padonia Road, 24 feet easterly centerline of Broad Avenue

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

Legal Owners: Old Pad, LLC and Old Pad LLC, II by Armando J. Cignarale, Managing Member

<u>Variance</u> to permit a side yard setback of 5 feet in lieu of the required 30 feet and to permit 32 parking spaces in lieu of the required 47 spaces.

Hearing: Wednesday, June 27, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 Armando Cignarale, 305 Washington Avenue, Ste. 501, Towson 21204 James Grammer, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 21, 2007

Lawrence E. Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Schmidt:

RE: Case Number: 07-524-A, 100-104 Old Padonia Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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 Rilla D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf Enclosures

c: People's Counsel

Old Pad, LLC Armando J. Cignarale, Managing Member 2331 York Road, Suite 102 Timonium 21093

James Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

### Fire Department



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





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 May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

5

524

Item Number: 512 through 529 and 522 and 523

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



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 24, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 28, 2007

Item Nos. 07-500, 512, 513,514, 515, 516, 517, 519, 520, 522, 523, 524, 525

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-05242007.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

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

### Maryland Department of Transportation

Date: MAY 22,2007

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

RE:

Baltimore County

Item No.7-524-4

100+04 adPadoNIARD CIGNARALEPROPERTY

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. 7-524-A

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,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** June 6, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-524- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The petitioner shall submit landscape plans to Avery Harden, Baltimore County Landscape Architect and this office for review and approval prior to the issuance of any building permits. Additionally, sidewalks are to be constructed on the southern side of the property (along Old Padonia Road), this will be in keeping with the established character of the area. Connect the said sidewalk to the building entrance.

This site is within the Hunt Valley Timonium Master Plan area guidelines adopted by the Baltimore County Council October 19,1998. Submit architectural elevations and site plan that comply with the guidelines. See pages 41 through 47 of that plan.

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

Prepared By: Music Aussauge

**Division Chief:** 

CM/LL



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director October Department of Permits and Development Management

Lawrence Schmidt Gildea & Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21286

Dear Mr. Schmidt:

RE: Case: 07-524-A, 100-104 Old Padonia Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 16, 2007 by Richard Burch. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely, Kotroco

Timothy Kotroco Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Joe Maranoto, Cignal Corporation, 2401 York Road, Timonium 21093 Armando Cignarale, Old Pad II, LLC, 305 Washington Ave. Ste. 501, Towson 21204 James Grammer, McKee & Associates, 5 Shawan Rd., Ste. 1, Cockeysville 21030 Richard Burch, 401 Washington Avenue, Ste. 900, Towson 21204 Dr. Vernon Ottenritter, Jr., 106 Old Padonia Road, Cockeysville 21030 Avery Harden, DPDM

### Dr. Vernon F. Ottenritter, Jr., D.D.S., P.A. 106 Old Padonia Road Cockeysville, Maryland 21030

June 26, 2007

Joseph V. Maranto Cignal Corp. 2401 York Road Timonium, Maryland 21093

Re: 100 Old Padonia Road building

To Whom It May Concern:

I have reviewed the plans for construction of the new Cignal Corp. building to be built at 100 Old Padonia Road. As an Adjacent Property owner, I do not oppose the setback, or parking variance that will pemit this project to be completed.

Respectfully

Dr. Vernon F. Ottenritter, Jr.

PETITIONER'S

EXHIBIT NO.

\$7



LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

JOSEPH R. WOOLMAN, III

### 600 WASHINGTON AVENUE SUITE 200

TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

BALTIMORE, MD OFFICE 300 EAST LOMBARD STREET SUITE 1440 BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND \$1401
TELEPHONE 410-295-0070

May 11, 2007

W. Carl Richards, Jr.
Zoning Review Supervisor
Permits and Development Management
111-W. Chesapeake Avenue
Towson MD 21204

Re: Drop off Petition for Variance/100-104 Old Padonia Road

Dear Carl:

Please find enclosed the required zoning packet for the attached Petition for Zoning Variance. Specifically, I have enclosed three signed originals of the Petition for Variance, twelve site plans, three zoning descriptions, one 200-scale zoning map, one advertising form, and my check to cover the requisite filing fee.

As noted on the attached plan, the subject Petition relates to a proposed one-story office building in Timonium. Variance relief is requested to permit a five-foot side yard setback, in lieu of the required thirty feet, and to permit thirty-two parking spaces in lieu of the required forty-seven parking spaces. The site plan has been prepared by McKee and Associates, Inc.

Please process this drop-off Petition in the usual course and advise the undersigned when this matter is scheduled for a public hearing.

Very truly yours

Lawrence E. Schmidt

LES/cjp

cc: Joe Maranto, Cignal Corporation James D. Grammar, McKee and Associates Charles B. Marek, III, Esq. From:

**Debra Wiley** 

To:

Wiseman, Bill

Date:

06/25/07 1:48:20 PM

Subject:

Addition of Zoning Case (07-524-A) for Wednesday, June 27th - 11 AM

Hi Bill,

When Amy Dontell came to our office today to view the contents of a file that we didn't have, it was discovered Kristen scheduled it for the above, however, it was not written on our calendar nor had we been advised.

Kristen delivered the file and Amy was able to get what she wanted. In any event, here is some background:

Case No. 07-524-A

100-104 Old Padonia Road, zoned M.L.

N/Side of Old Padonia Rd., 24 feet easterly centerline of Broad Avenue

8th Election District - 3rd Council District

Legal Owners: Old Pad, LLC & Old Pad LLC, II by Armando J. Cignarale, Managing Member

Attorney for Petitioner: Larry Schmidt

Consultant: James grammar, McKee & Assoc.

<u>Variance</u> from B.C.Z.R. 238.2 for a side yard setback of 5 feet in lieu of the required 30 feet; B.C.Z.R. 409.6 to permit 32 parking spaces in lieu of the required 47 spaces, and for such other and further relief as may be required by the Zoning Commissioner for Baltimore County

Notice of Zoning Hearing by PDM - dated June 5, 2007
Posting - June 11th
Publication (June 12th)
People's Counsel Appearance entered - May 22nd & rec'd May 23rd

Office of Planning comment rec'd & dated - June 6th

I did speak to Tom Bostwick today and mentioned to him about the addition and he said he'd play it by ear as to whether he'd stay for this or not.

Hope this helps!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, MD 21204
410-887-3868
dwiley@baltimorecountymd.gov





**RE: PETITION FOR VARIANCE** 

100-104 Old Padonia Road; N/S Old Padonia

Road, 24' E c/line Broad Avenue

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Old Pad, LLC & Old Pad II\*

by Armando Cignarale

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

07-524-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. 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 22nd day of May, 2007, a copy of the foregoing Entry of Appearance was mailed James James Grammer, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAY 2 3 2007

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# PETITIONER'S SIGN-IN SHEET

								SOE MARANTO	MES D. GRAMMED	NAME
								2401 YORK RO JANNUM ZIOGS	5 SHAWAN RD STE!	ADDRESS
								Je coo Touson mp 1109	CE MD	CITY, STATE, ZIP
								im a cynal corp. co.	Manmor Committeeine.com	F_ MA!!

CASE NUMBER 07 7 594 F

# CHARGE SIGN-IN SHEET

									0	ATTY for Lenwik	Radand C. BURCH	NAME
						•				Robertie LLC	Just 900, 401 Washingto	ADDRESS
											HORIE LANGE LOST	CITY, STATE, 2
					•						REBOMHBLAW, CO	E- MAIL

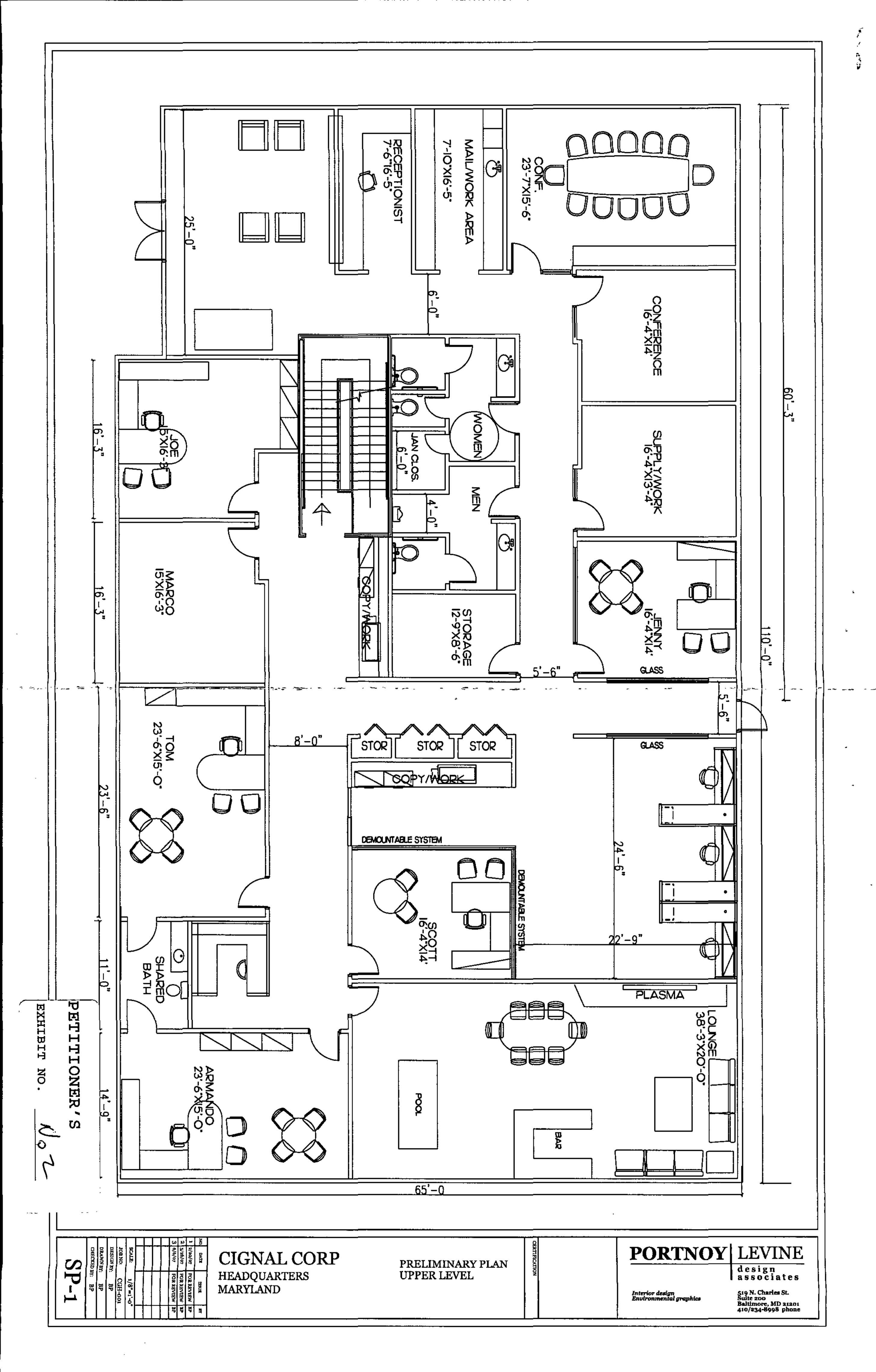
Case No.: 07-524 A 100-104 OLD PADONIA RD

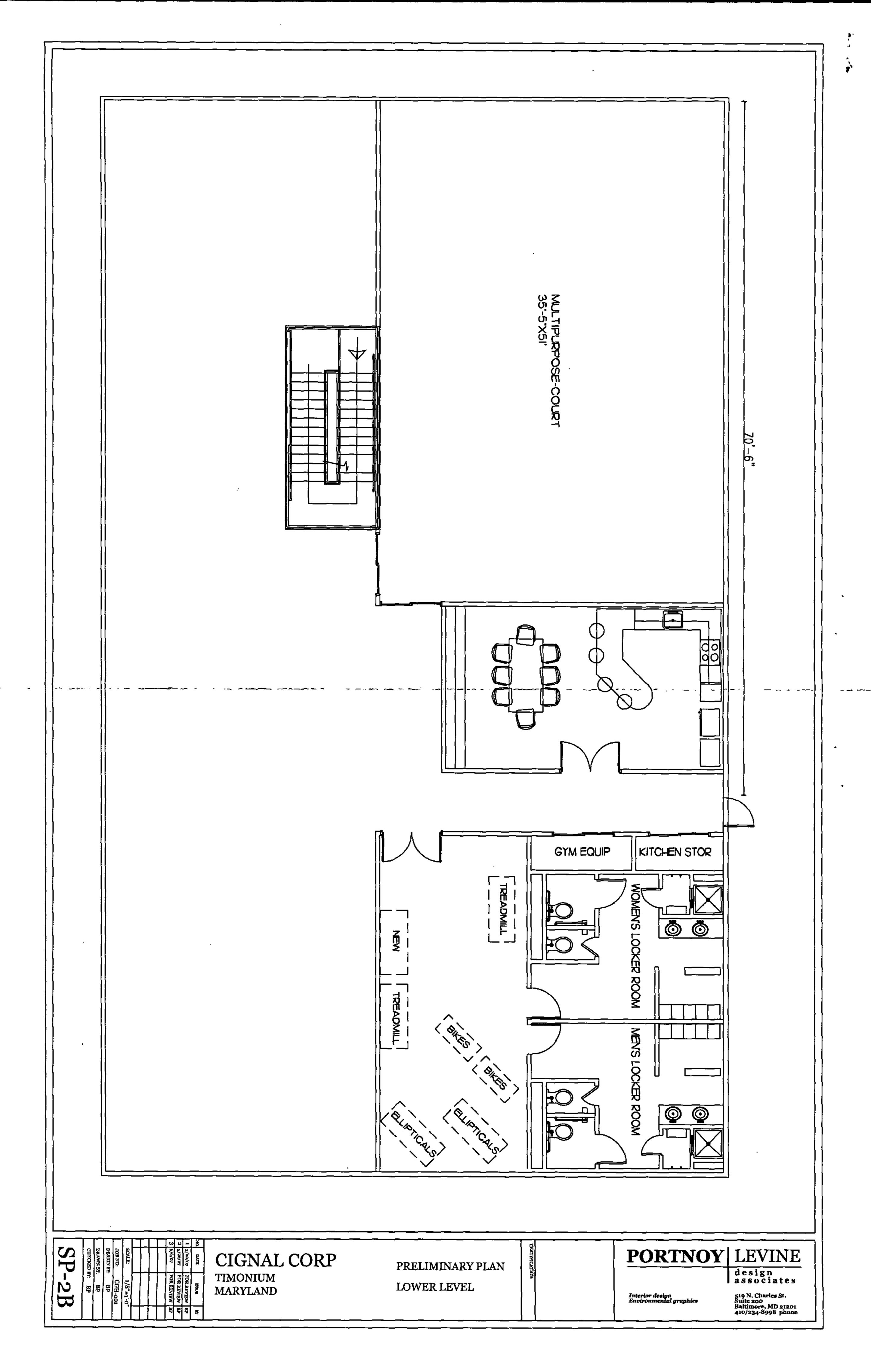
### **Exhibit Sheet**

### Petitioner/Developer

### **Protestant**

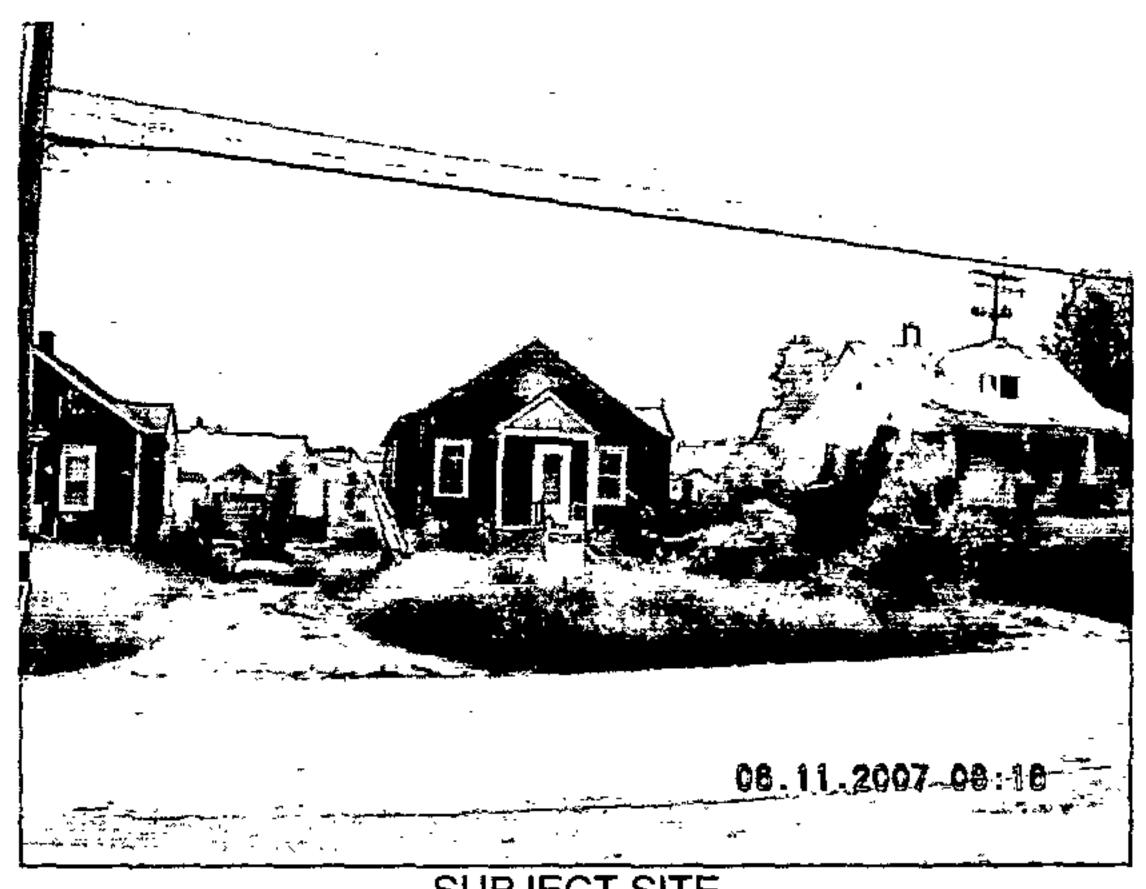
	······································
No. 1	SITE PLAN
No. 2	BLDG ELEVATION LAYOUT 1st FLOOR SECOND FLOOR
No. 3	ZONING MAP
	Collectivily Photographs
No. 5	615 acrual Photo
No. 6	BLDG PROPOSAL
No. 7	Letter of Support of from adjacent neighbor
No. 8	from adjacen Megroon
No. 9	
No. 10	
No. 11	
No. 12	



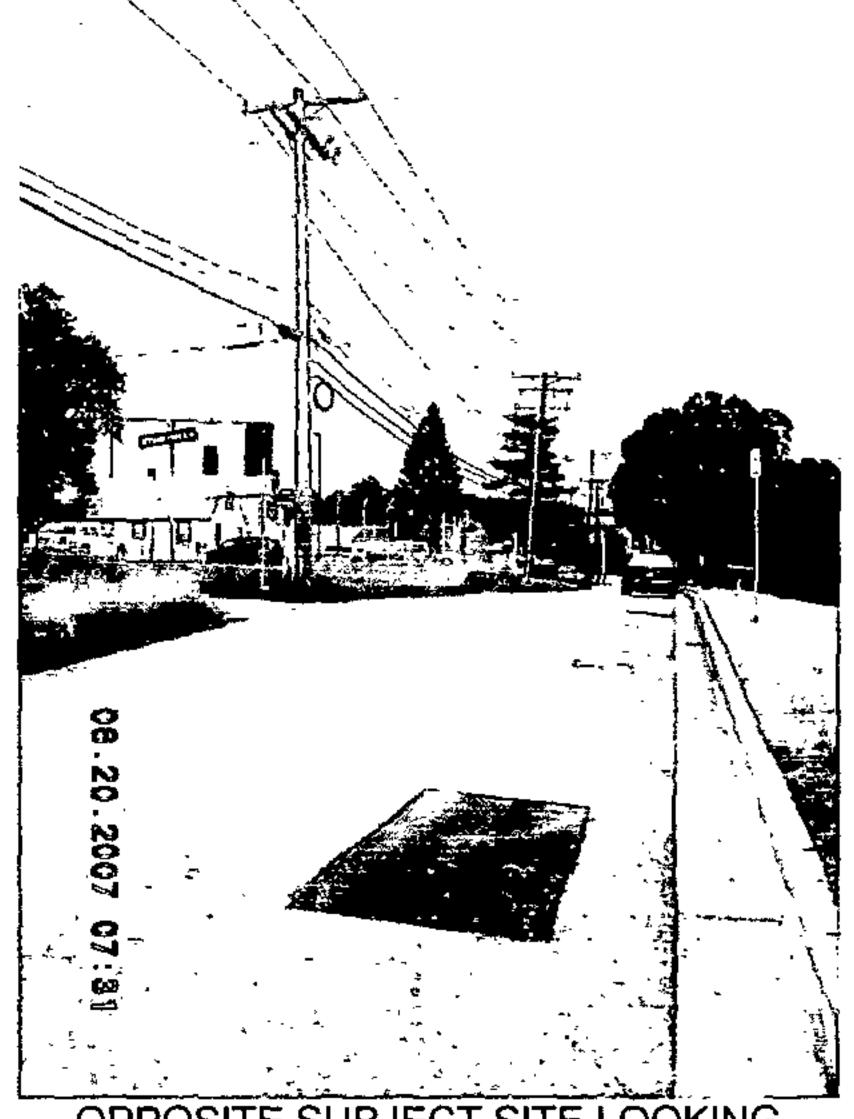


### McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning Real Estate Development

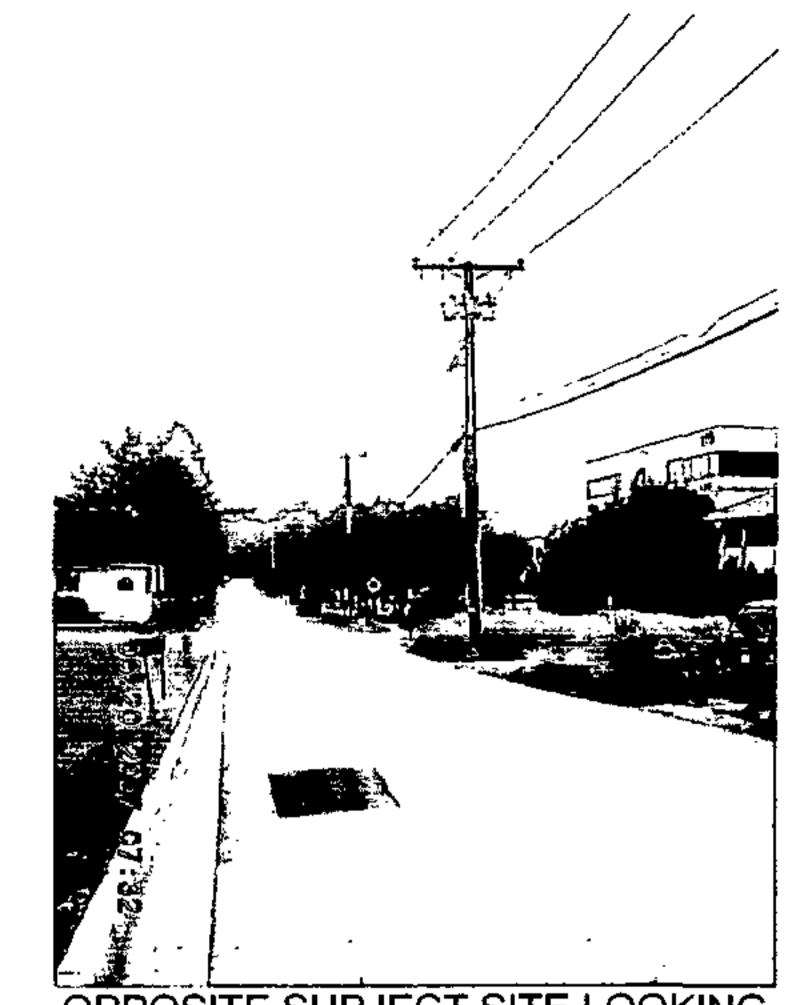


SUBJECT SITE

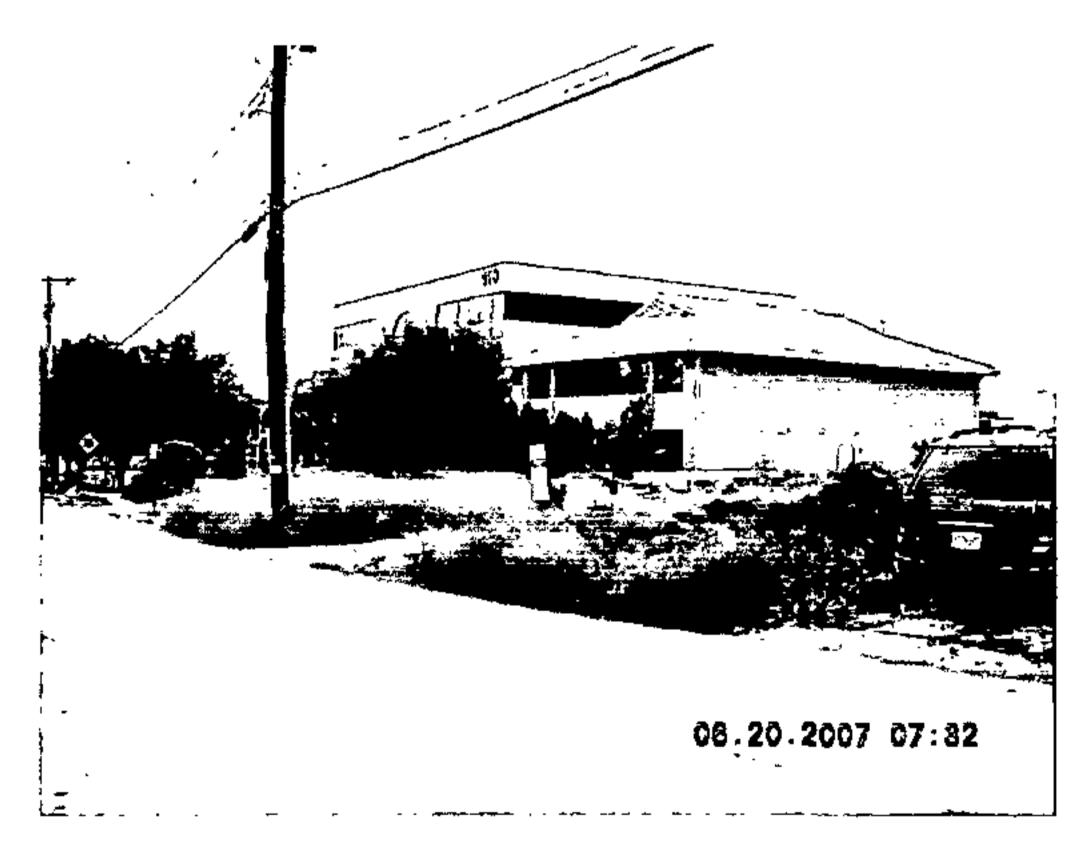


OPPOSITE SUBJECT SITE LOOKING EASTERLY ALONG OLD PADONIA ROAD

PICTURE EXHIBITS 100-104 OLD PADONIA ROAD CASE No. 07-524-A PETITIONER'S



OPPOSITE SUBJECT SITE LOOKING
WESTERLY ALONG OLD PADONIA ROAD

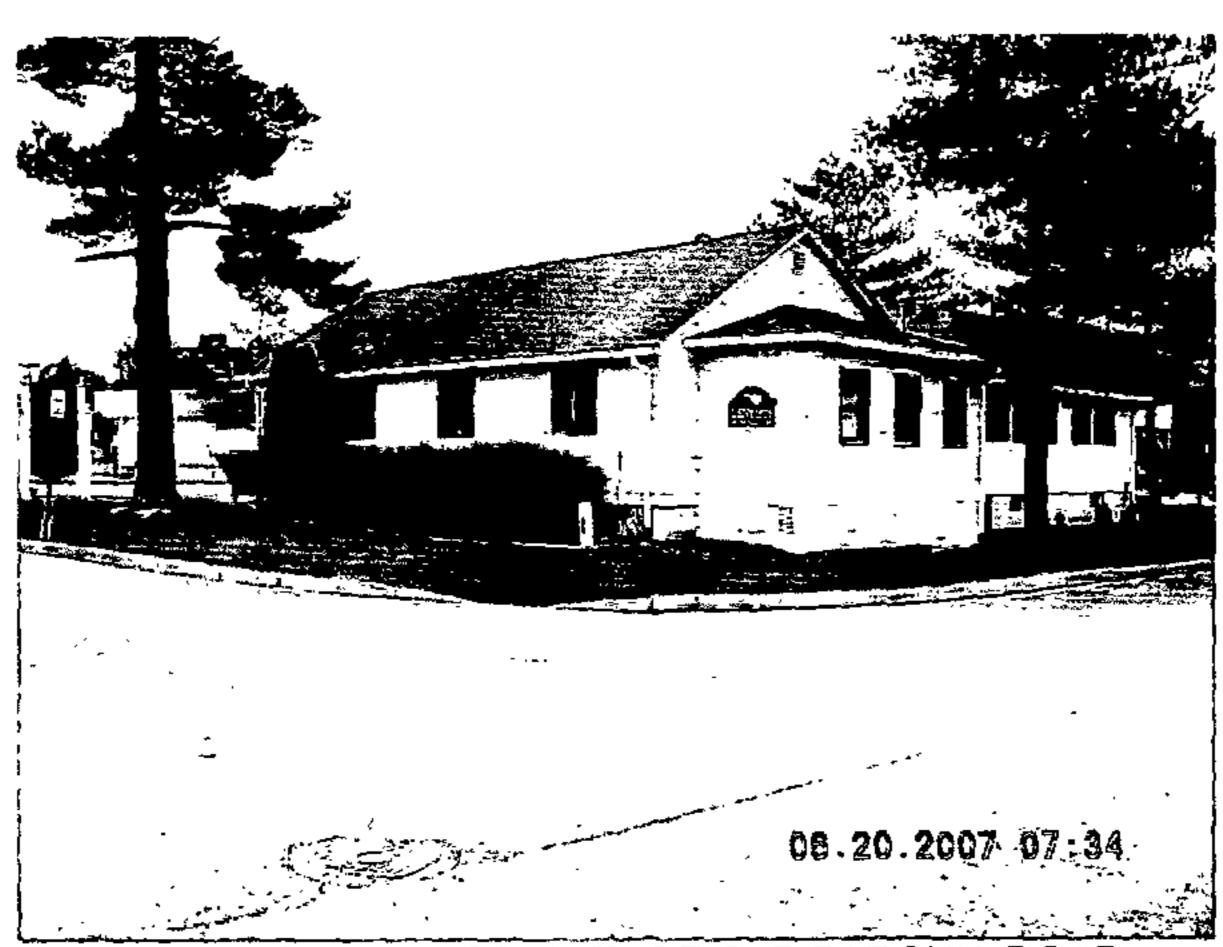


TOWARDS #106 OLD PADONIA ROAD(NEAREST)
AND #110 OLD PADONIA ROAD(FARTHEST)

PICTURE EXHIBITS 100-104 OLD PADONIA ROAD CASE No. 07-524-A

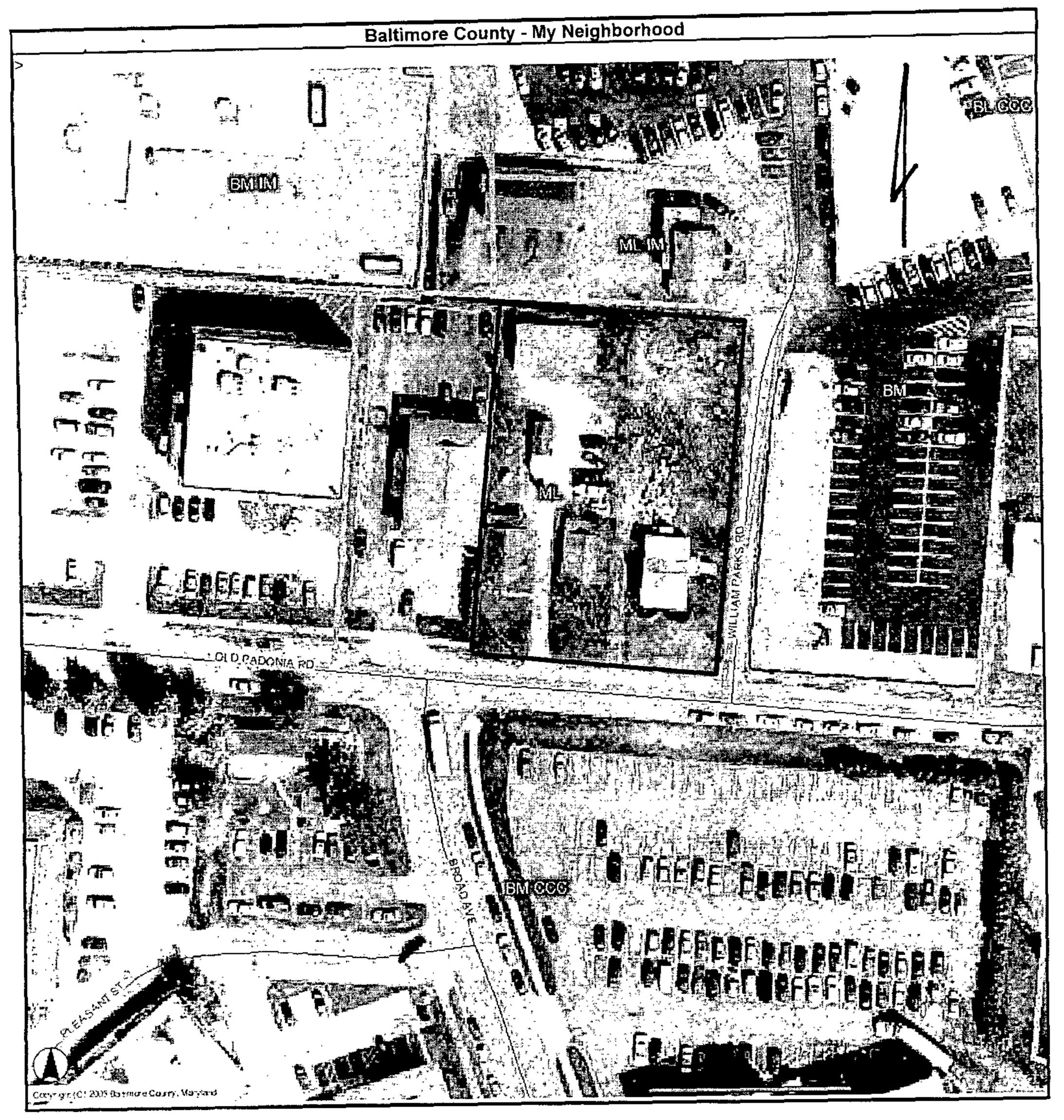


BUIDING LOCATED TO THE SOUTHEAST



BUILDING AT SW CORNER OF OLD PADONIA ROAD
AND BROAD AVENUE

PICTURE EXHIBITS 100-104 OLD PADONIA ROAD CASE No. 07-524-A



00-104 OLD PADONIA RD CASE NO. 07-524-A

AERIAL EXHIBIT

McKee & Associates, Inc. 5 Shawan Road Hunt Valley, Md 21030 Tel: 410-527-1555 Fax: 410-527-1563

PETITIONER'S

EXHIBIT NO.

NO SCALE

### Dr. Vernon F. Ottenritter, Jr., D.D.S., P.A. 106 Old Padonia Road Cockeysville, Maryland 21030

June 26, 2007

Joseph V. Maranto Cignal Corp. 2401 York Road Timonium, Maryland 21093

Re: 100 Old Padonia Road building

To Whom It May Concern:

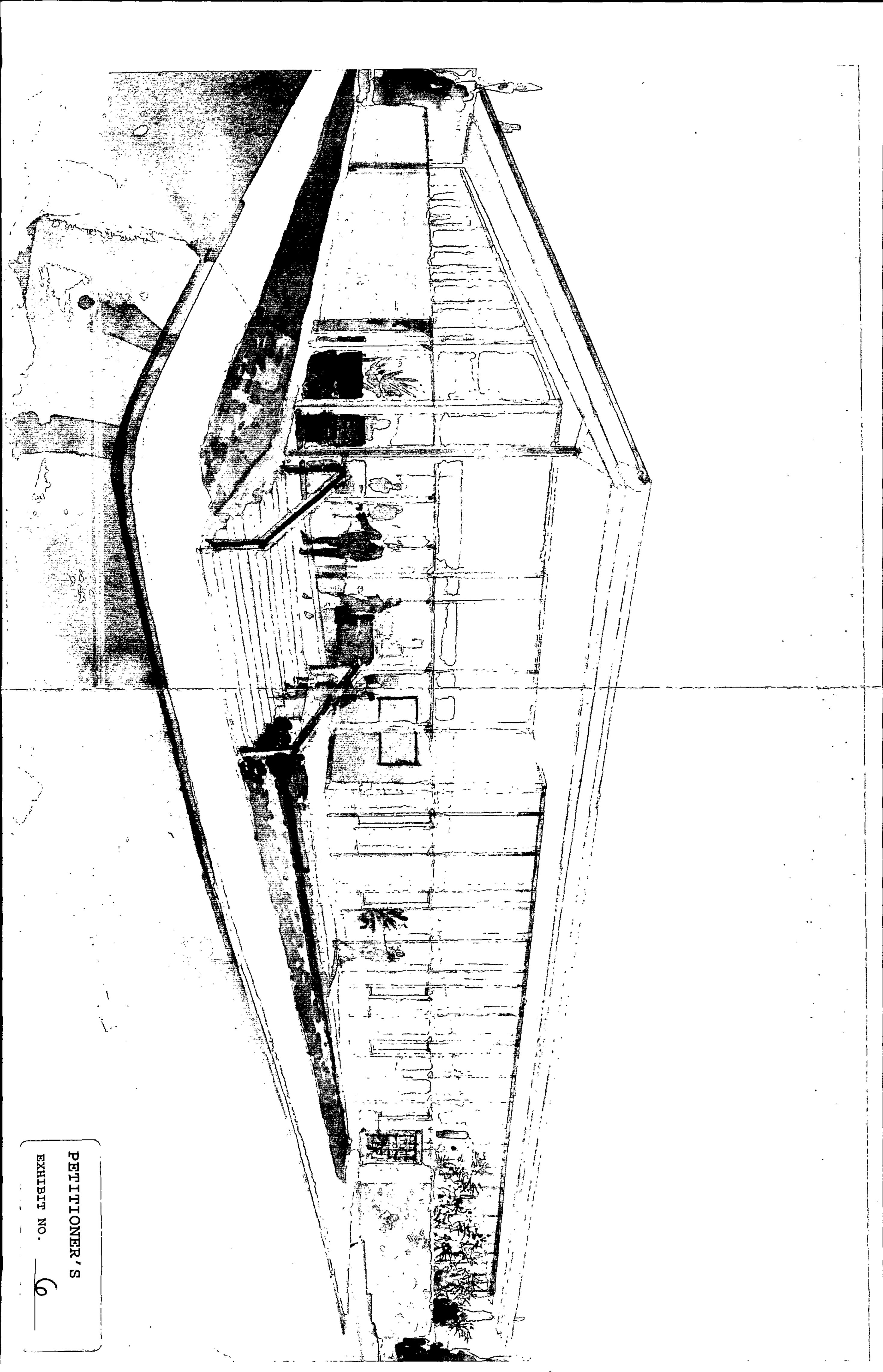
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
Respectfully


Dr. Vernon F. Ottenritter, Jr.


PETITIONER'S

EXHIBIT NO.









MUDD, HARRISON & BURCH, L.L.P.

ATTORNEYS AT LAW 401 WASHINGTON AVENUE SUITE 900 TOWSON, MARYLAND 21204-4835

410 828 1335 FAX 410 828 1042 JOHN E. MUDD (1928-2003)

T. Rogers Harrison (1949-1995)

JONATHAN E. C. MAY \*

RICHARD C. BURCH \*

Douglas W. Biser \*

ANDREW JANQUITTO \* \*

MATTHEW P. LALUMIA \*

\* Member of Maryland Bar

\* Member of District of Columbia Bar

March 14, 2008

Kathleen C. Bianco, Administrator County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

Re:

Old Padonia Road

100-104 Old Padonia Road

DRC Number 043007C; Dist. 8C3

Zoning Case No. 07-524-A

Dear Ms. Bianco:

By this correspondence, I wish to withdraw/dismiss the appeal which was filed in the captioned matter on behalf of my client, Fenwick Properties, LLC. Thank you for your kind attention to this matter. If anything further is required from me in order to close the file, please advise and I will gladly respond promptly to your request.

Once again, many thanks.

Very truly yours,

Richard C. Burch

RCB/tyj

cc: Charles C. Fenwick, Jr.

Lawrence E. Schmidt, Esquire