

IN THE MATTER OF:
BAYWOOD HOTELS – C.P. /
PETITIONER
4508 – 4514 Painters Mill Road
2nd Election District
4th Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 08-234-SPHXA

* * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County as an appeal filed by Protestants, the Painters Mill Homeowners Association, Joi Ford-McClain, Lynnee Roane, David and Jacqueline Claxton, and Thomas and Fathim Craven, from a decision of the Zoning Commissioner, dated February 15, 2008, in which Petitioner's requested zoning relief was granted. Petitioner, Baywood Hotels, is the legal owner of two adjoining parcels of land located at 4508 – 4514 Painters Mill Road, in the Owings Mills area of Baltimore County. Petitions for Special Hearing, Special Exception, and Variance were filed for a hotel on the subject property, which is zoned OR-2 (Office Building – Residential). Specifically, Petitioner requested (1) a special hearing to amend the special exception previously approved in Case No. 91-447-SPHXA for a child care center on the property; (2) a special exception, pursuant to *Baltimore County Zoning Regulations* ("BCZR") Section 206.3.B.2.c, for a hotel; (3) a variance from BCZR Sections 206.4 and 1B02.2.A to permit a building height of 59 feet in lieu of the permitted 50 feet; and (4) a variance from BCZR Section 450.4.5(h) to permit three wall-mounted enterprise signs, with a maximum sign face area of 150 square feet each, in lieu of one permitted wall-mounted enterprise sign with a sign face area of 150 square feet. The Zoning Commissioner of Baltimore County granted the requested zoning relief by way of his Order, dated February 15,

2008, which Protestants appealed to this Board. A public hearing was held before this Board on October 16, 2008, and public deliberation was held by the Board at the conclusion of the hearing.

At the outset of the hearing, Thomas Craven reported that he was appearing on behalf of all Protestants who filed the appeal in this matter. Mr. Craven then withdrew the appeal, specifically stating that the Painters Mill Homeowners Association and the other individual Protestants no longer wished to challenge the Zoning Commissioner's approval of the zoning relief requested by Petitioner. Petitioner's attorney, Robert A. Hoffman, next addressed this Board. He explained that Petitioner no longer requires a building height variance to construct the hotel, which alleviates the need for the Petition for Variance, as it pertains to building height. He further explained that Petitioner was revising its Petition for Variance before this Board, in order to modify the wall-mounted signage proposed for the hotel, as discussed below. Mr. Hoffman also referenced a written agreement between Petitioner and Protestants concerning the proposed hotel.

With Protestants having withdrawn their appeal in this matter and with Mr. Hoffman having indicated the height variance is no longer required, the revised sign variance is the only issue that remains before this Board. Because Protestants' appeal from the grant of the Petition for Special Hearing and Petition for Special Exception are no longer before this Board, the Board will dismiss the appeal of those Petitions, with prejudice. The granting of the special exception and special hearing relief by the Zoning Commissioner is, therefore, final. With regard to the Petition for Variance, this Board will dismiss the building height variance as moot. The remaining modified sign variance proceeded with a proffer by Mr. Hoffman, as Mr. Craven did not indicate any opposition to this relief.

Mr. Hoffman began by explaining that Petitioner's initial Petition for Variance requested three signs, with a maximum sign face area of 150 square feet for each sign, in lieu of the permitted one 150 square foot sign. Petitioner now only requests two signs, with a maximum sign face area of 75 square feet each. Petitioner's Exhibit 1, a site plan for the subject property, indicates that the subject property is 2.17 acres, zoned OR-2, and is presently unimproved. Petitioner proposes to construct a hotel on the subject property, on which Petitioner intends to install wall-mounted enterprise signage for purposes of identifying the use. Mr. Hoffman introduced, as Petitioner's Exhibits 2 and 3, elevations of the proposed hotel building, which indicate the locations on the hotel façades where Petitioner proposes to install the two 75 square foot wall-mounted enterprise signs. However, because BCZR Section 450.4.5(h) only permits one wall-mounted enterprise sign, with a maximum sign face area of 150 square feet, for the entire hotel building, Petitioner has requested a variance.

Mr. Hoffman indicated the need for the variance in this case is driven by the uniqueness of the property. He referred to Petitioner's Exhibit 1 to demonstrate that the subject property is unique by virtue of its irregular shape and relationship to Painters Mill Road. Painters Mill Road, the subject property's only public road frontage, runs diagonally along the property's boundary, in a northeast-southwest direction. Visibility into the site is, therefore, limited for motorists travelling both northbound and southbound along that road; a motorist traveling northbound would only be able to clearly view the front (southern) façade of the proposed hotel, while a motorist traveling southbound would only be able to clearly view the side (eastern) façade of the hotel. Thus, as Mr. Hoffman explained, in order to adequately identify the hotel use to all motorists on the roadway, a sign on each of the two façades visible from the roadway is necessary. Mr. Craven verified this unique aspect of the property, and confirmed that there is, in

his opinion, a need for two separate wall-mounted signs rather than the one sign permitted by right.

Strict compliance with the BCZR would only permit Petitioner to install one wall-mounted enterprise sign on a single façade of the hotel. This would not allow Petitioner to identify the hotel for motorists travelling in both directions on Painters Mill Road. However, two signs (one on each façade visible from Painters Mill Road) would provide adequate identification of the use, and Mr. Hoffman noted that Petitioner's proposal to install two signs would not have an adverse impact on the surrounding neighborhood. First, the two 75 square foot signs would not exceed the total sign face area permitted under the regulations. In other words, even though Petitioner is proposing two separate signs, they are still not exceeding the 150 square foot limitation of the Zoning Regulations. Additionally, as Mr. Hoffman noted, by splitting the allotted square footage between two smaller signs, the signage will be more aesthetically pleasing to the surrounding area than if Petitioner installed one large sign on the proposed hotel building. Lastly, Mr. Hoffman observed that the proposed signage would be oriented in the direction of existing commercial uses along Painters Mill Road and not the residential uses to the west (or rear) of the subject property.

Having considered the evidence presented, this Board is persuaded that the variance should be granted. The test for a variance was enunciated in *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995), which holds:

The Baltimore County ordinance requires "conditions...peculiar to the land...and...practical difficulty...." Both must exist....However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of *that* piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties....

Id. at 698-99 (emphasis in original). In requiring a finding of “uniqueness,” the Court defined that term, stating:

“In the zoning context the ‘unique’ aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. ‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface conditions, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions....”

Id. at 710 (quoting *North v. St. Mary’s County*, 99 Md. App. 502, 514-15, 638 A.2d 1175 (1994)).

Following the test laid out in *Cromwell*, this Board finds that Petitioner’s Exhibit 1 clearly demonstrates the irregular shape of the subject property and the irregular nature of its frontage on Painters Mill Road. It is these site characteristics that render the property unique with regard to the requested sign variance. The Board also agrees that requiring Petitioner to adhere to the County’s sign regulations by installing only one sign would result in a practical difficulty for Petitioner. Furthermore, the grant of the relief will not be detrimental to the surrounding area – the proposed signage will face existing commercial uses across Painters Mill Road to the east and there will be no impact on the residential community to the west of the subject property. Additionally, the total square footage of both signs (75 square feet per sign x 2 = 150 square feet) will not exceed the 150 square foot limit for the one permitted sign in the zone. Therefore, the proposed signs are of an appropriate scale on the hotel building, and their size and location will not be visibly disruptive, as each sign is small in scale in comparison to the length of the building façades on which they are located. In this Board’s opinion, two smaller 75

square-foot signs installed on separate facades of the building will avoid any potential visual impact associated with one larger 150 square foot sign on a single façade of the building.

Pursuant to the Zoning Regulations of Baltimore County and public hearing held in this matter, for the reasons set forth above, the Petition for Variance shall be granted.

ORDER

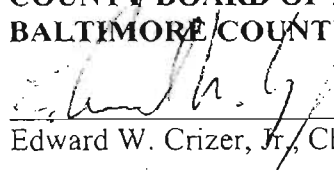
THEREFORE, IT IS ORDERED by the County Board of Appeals of Baltimore County this 4th day of ^{DECEMBER}~~November~~, 2008, that Protestants' appeal of the Petition for Special Hearing and Petition for Special Exception are hereby **DISMISSED**, with prejudice; and it is further

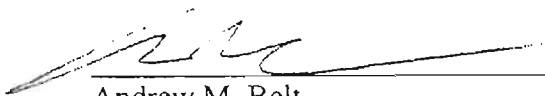
ORDERED that the Petition for Variance from BCZR Sections 206.4 and 1B02.2.A to permit a building height of 59 feet in lieu of the permitted 50 feet is hereby **DISMISSED AS MOOT**; and it is further

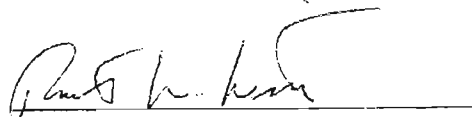
ORDERED that the revised Petition for Variance from BCZR Section 450.4.5(h) to permit two wall-mounted enterprise signs, a maximum of 75 square feet each, in lieu of one permitted 150 square foot sign is hereby **GRANTED**.

Any appeal of this decision must be taken within thirty (30) days.

**COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY**


Edward W. Crizer, Jr., Chairman


Andrew M. Belt


Robert W. Witt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
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TOWSON, MARYLAND, 21204
410-887-3180
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December 4, 2008

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Baywood Hotels - Petitioner*
Case No. 08-234-SPHXA

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen Bianco/sc

Kathleen C. Bianco
Administrator

Enclosure

c: Painters Mill Homeowners Assn.
Thomas and Faithim Craven
Joi Ford-McClain
Lynee Roare
David & Jacqueline Claxton
Baywood Hotels /Chet Patel; Kurt Blorstad
Gregory Paszkiewicz /Summit Capital LLC
Robert Capalongo /CNA, Inc.
Mickey A. Cornelius, P.E. /The Traffic Group
Paul Landry /RevPAR International
Rhett DeBuys /Phillips Partnership
Kacey T. Scott-Macomber /McDonogh School
Jay Canedo
Office of People's Counsel
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION AND VARIANCE
W/S of Painters Mill Road, 900' S of *
Lakeside Boulevard *
(4508 -4514 Painters Mill Road) *

BEFORE THE
ZONING COMMISSIONER
OF

2nd Election District *
4th Council District *

BALTIMORE COUNTY

Summit Capital LLC, *Legal Owner*
Baywood Hotels, *Contract Purchaser* *
Petitioners

Case No. 08-234-SPHXA

* * * * *

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 filed by Summit Capital LLC, legal owner, and Baywood Hotels, the contract purchaser, through their attorney Robert A. Hoffman, Esquire. Petitioners request a special exception for a hotel, pursuant to Section 206.3.B.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances for a building height of 59 feet in lieu of the permitted 50 feet, pursuant to B.C.Z.R. Sections 206.4 and 1B02.2.A, and for three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 square foot sign, pursuant to B.C.Z.R. Section 450.4.5(h). Additionally, a Petition for Special Hearing was filed to amend the special exception previously approved in Case No. 91-447-SPHXA for a child care center. This use is located adjacent to and south of the proposed hotel site. The subject property and requested relief are more particularly described on a site plan, which was submitted into evidence and marked as Petitioners' Exhibit 6. Color building elevations are shown on an exhibit submitted into evidence and marked as Petitioners' Exhibit 8, and color sign details are provided on an exhibit submitted and marked into evidence as Petitioners' Exhibit 9.

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Date 2-15-08
By [Signature]

At the requisite public hearing, Robert A. Hoffman and David Karceski appeared as attorneys for Petitioner(s) and Chet Patel and Kurt Blorstad as the owner's representatives. Also appearing in support of the requests were Robert Capalongo with CNA, Inc., the consulting firm that prepared the site plan; Mickey A. Cornelius, P.E., with The Traffic Group, Inc.; Paul Landry, a marketing analyst with RevPAR International; and Rhett DeBuys with Phillips Partnership, the architects for the proposed hotel improvements. I accepted Mr. Capalongo as a landscape architect, Mr. Cornelius as a professional traffic engineer, Mr. Landry as an expert in the preparation of market demand and feasibility analyses, and Mr. DeBuys as an expert in the field of architecture. Kacey T. Scott-Macomber, Director of Land Use for McDonogh School, attended as an interested person. A number of property owners in the vicinity of the site namely: Lynnee Roane, Rick Jordan, Denise Cabrera, who serves as the secretary of the Villages of Painters Mill, and Kevin Clark attended the hearing in opposition to the proposed hotel. Jay Canedo and his father appeared on behalf of the adjacent day care center approved in Case No. 91-447-SPHXA and informed me that they are not opposed to the requested relief and proposed hotel.

The testimony and evidence offered revealed that the subject property is an irregular-shaped parcel with frontage on Painters Mill Road just south of Red Run Boulevard and north of Lyons Mill Road in the Owings Mills area. As shown on Petitioners' Exhibit 6, the site is comprised of 3.66 acres, more or less, and improved with a single-family dwelling and day care facility (approved in Case No. 91-447-SPHXA). The entire site is zoned OR-2. An aerial photograph of the subject property and existing conditions site plan submitted into evidence as Petitioners' Exhibit 1 and 5 indicate these existing improvements.

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In redeveloping the site, the existing single-family dwelling, now vacant, will be razed. Mr. Chet Patel testified on behalf of Baywood Hotels providing details of the proposed hotel use. Mr. Patel described his company as specializing in the management and development of hotels, most of which are franchised hotel brands. Petitioner has identified a need for a hotel in this area of Owings Mills, and Mr. Patel explained that this market is currently underserved, due primarily to the demand generated by the Owings Mills Corporate Campus. In his opinion, the subject site is an ideal location for a hotel comprised of all suite rooms providing for the needs of individuals that do business at the Corporate Campus. It was explained that a suite room hotel offers larger rooms equipped with kitchen areas and can, therefore, accommodate extended-stay guests. As shown on Petitioners' Exhibit 6, a five (5) story, extended-stay Marriott "Residence Inn" hotel building with one hundred (100) guest suites is proposed. The site plan discloses that the building will be positioned on the northern portion of the site with its front façade facing on Painters Mill Road with landscaping planned around the building. Off-street surface parking will serve the hotel, the majority of which will be to the rear of the site, and access to it will be by way of Painters Mill Road. In addition to its site plan, Petitioner, as noted above, submitted color building elevations (Exhibit 8) that indicate the appearance of the hotel, its proposed building materials, and locations as illustrated on Exhibit 9 the proposed wall-mounted signage and color sign details.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agencies. The Office of Planning did issue a comment, dated January 22, 2008, confirming its support for the hotel on the property and the requested height and sign variances. Additionally, Planning requested pedestrian connectivity from Painters Mill Road into the site and the ability to review the final hotel building elevations prior to building permit

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application. I will incorporate these requests into my Order. Initially, the Office of Planning recommended that Petitioner re-file its Petition for Variance following the public hearing for an additional height variance to accommodate a "peaked roof." This would result in a taller structure than shown on Petitioners' building elevations exhibit. Following the public hearing in this case and receiving the communities input, the Planning Office issued a replacement comment withdrawing the request. As explained below, this revised comment was issued in response to citizen comments offered at the public hearing that the building height not be increased above the height shown on Petitioners' Exhibit 8. Planning withdrew its peaked roof recommendation based on this testimony offered at the hearing. Planning's revised ZAC comment does, however, continue to support the requested special exception and variances.

The community members in attendance would prefer not seeing the site developed but acknowledged, given the existing commercial zoning designation, that eventually it will be. These individuals point out that they reside to the west of the subject site and, due to their nearby location in relation to the property, their comments are briefly summarized as follows: (1) that additional landscaping be installed along the rear property line to provide screening from the hotel; (2) that a barrier fence be installed along the rear property line for security purposes to discourage hotel patrons from entering upon their properties; (3) that the hotel operator maintain an open line of communication with its residential neighbors once it is opened for business; and (4) that the hotels parking lot lighting be designed to minimize disturbance to their residences. Letters received from other residential property owners in the Village of the Painters Mill community are contained in the file and oppose the requested zoning relief and communicate many of these same concerns regarding the proposal. Following a discussion of these community identified concerns and requests, counsel proceeded with Petitioners case.

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In support of the special exception, Petitioner offered the testimony of Chet Patel, Robert Capalongo, and Mickey Cornelius. Mr. Patel, following his preliminary statements regarding the type of hotel proposed, identified the efforts made to minimize potential impacts on the residential properties to the rear of the site. The building is proposed to be located as far away from the site's rear property line as possible, more than one hundred and forty (140) feet from the rear lot line. The required rear yard setback is fifty (50) feet; the rear building line exceeds this minimum yard area by more than ninety (90) feet. Petitioner also selected the proposed building elevations with a parapet feature in order for the building to be as close to fifty (50) foot height allowance as possible and at the same time provide a residential-style roof treatment.¹ A peaked roof would require that the building be approximately six (6) to eight (8) feet taller than shown on the current building elevations. Additionally, within the property's rear yard, Petitioner volunteered to install a berm, three (3) feet in height, and supplement the existing vegetation with landscape plantings. With this berm and vegetative buffer, Petitioner would be able to provide a substantial screening of the proposed hotel. The citizens in attendance also were concerned that individuals may wander from the hotel property onto their residential properties. In response to and as recommended by Ms. Joy Ford, the Petitioner committed to installing a metal or aluminum, black-colored fence approximately six (6) feet in height along the shared property line (*See* fence panel exemplar – Exhibit 3). These citizens in attendance informed me that this landscaping and fence would be important to the adjacent property owners, and I will impose a condition requiring that Petitioner install these items.

In this regard, Mr. Patel indicated that Mr. Capalongo, Baywood's landscape architect, had investigated Petitioner's desire to provide additional plantings bordering along the fence line

¹ Mr. DeBuys, Petitioner's architect, pointed out other building features, including the proposed window treatments, that in addition to the peaked roof lend to it having a residential appearance. This design conceals rooftop located heating and air conditioning equipment.

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in advance of this hearing. Mr. Capalongo then testified regarding his involvement with the site, the physical characteristics of it, and his familiarity with the surrounding area. With that information, he was able to formulate an opinion that all the criteria set forth in B.C.Z.R. Section 502.1 have been complied with and that the building as sited on the property is appropriate. It was Mr. Capalongo's opinion that locating the proposed hotel at this location will not be detrimental to the health, safety, or general welfare of the single-family home residents or the surrounding area. In order to reach this conclusion, Mr. Capalongo stated he focused on the residential properties in the vicinity of the site. He carefully surveyed the site in order to understand the site's existing conditions and noted for the citizens in attendance that the topography of the site sloped in a downward direction from the rear property line into the site. He took an inventory of the existing vegetation located on site and presented to those citizens in attendance photographs (Petitioners' Exhibit 4) as well as a site plan labeling where these photos were taken (Petitioners' Exhibit 5) to illustrate the view from their properties into the site and to make clear the trees located along the rear property line that Petitioner would supplement and maintain. With a cross-section drawing Mr. Capalongo prepared (Petitioner's Exhibit 7), those in attendance were also able to understand the location where a three (3) foot berm and additional plantings would be installed and that their properties would be buffered by these items and the site's topography from the hotel.

Following Mr. Capalongo's presentation, those in attendance requested information concerning the site lighting to be installed. It was explained that lights to be installed on the surface parking lot behind the hotel building would be pole-mounted, cut-off fixture lighting and that the light poles will be limited to twenty (20) feet in height. I will require that Petitioner use this light fixture type on the surface parking lot and impose a condition to ensure this.

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Mr. Cornelius, Petitioner's traffic engineer, then addressed the traffic the hotel would generate at this location in the context of Section 502.1. He referred to the Institute for Traffic Engineers handbook in order to estimate the traffic to be generated and, on that basis, reached his conclusion that the amount of traffic associated with the use would not tend to create congestion, in the surrounding roads, streets or alleys. Additionally, the proposed access point into the site has adequate site distance in both directions on Painters Mill Road and will not conflict with the existing access to the day car center located to the south.

In addition to addressing the requirements of Section 502.1, it is noted that a special exception for a hotel in the OR-2 zone requires a finding that the hotel will primarily serve the uses of an office park. Petitioner's witness Paul Landry addressed this requirement for the proposed hotel. Mr. Landry's expertise is in the preparation of market demand and feasibility studies for all types of hotels. He has performed these analyses for hotels throughout the United States and has done so for hotels serving office parks similar to the Owings Mills Corporate Campus. He described the subject property as conveniently located adjacent to the Owings Mills Corporate Campus, one of the largest office parks in Baltimore County. He explained that, when built out, the campus will be comprised of more than 2,400,000 square feet of office space. It is now improved with approximately 1,200,000 square feet of office space, occupied by numerous businesses including T. Rowe Price. These businesses are highly valued by Baltimore County from an economic development perspective.

A large number of business travelers now visit the office park and that number will only increase with the planned expansion of the T. Rowe Price's facility. Mr. Landry explained that there is clearly a need for a hotel equipped to serve business travelers intending to stay for an extended period of time. He identified Petitioner's site as an ideal location for an extended-stay

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Date 2-15-08
By [signature]

hotel and opined that the proposed hotel would primarily serve the large employment base of the uses that make up the Owings Mill Corporate Campus and visitors to the park. In support of his conclusion, Mr. Landry offered a detailed explanation of how he determined that the hotel would primarily serve the office park. He based his opinion upon the size of the office park, the planned expansion of the park, and visitor demand for hotel rooms. Mr. Landry also considered that the rooms to be provided in this hotel are suite-style and intended for extended stay guests. This room type caters to business travelers like those that visit the office park. Based on Mr. Landry's research and testimony, I find that the proposed hotel will primarily serve the Owings Mills Corporate Campus, as required by B.C.Z.R. Section 206.3.B.2.

Turning next to the variance requests under B.C.Z.R. Section 450.4.5(h) - (table of sign regulations), one wall-mounted sign is permitted for the hotel, and, pursuant to Sections 206.4 and 1B02.2.A, the allowed building height is fifty (50) feet. Petitioner requests a building height of fifty-nine (59) feet. This is owing to, as shown on the proposed building elevations, the Petitioner's desire to install a parapet feature along the top of the building to avoid a flat roof appearance. With regard to signage, the site fronts on Painters Mill Road. Petitioner requests approval for wall-mounted signage on the building side facades (the north and south facades) and on its east (or front) façade. Each sign would not exceed one hundred and fifty (150) square feet, the maximum sign face area permitted in the zone. This variance would allow Petitioner to have three wall-mounted signs on the building to identify it as a hotel. Petitioner's color sign details (Exhibit 9) designates that the signage to be installed on the building side facades will be located at the front corners of the structure. These sign locations are consistent with the purpose of the signage, which is to assist motorists in locating the use as they approach it from either direction on Painters Mill Road.

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I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance. Specifically, with regard to the building height variance, the irregular shape of the property and its topography renders it unique. Mr. Capalonga testified that the rear building line for the hotel would be ten (10) feet lower in elevation than the adjacent residential properties. This, along with the site's irregular shape, makes it unique in a zoning sense. Further, I find that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. The purpose for the height variance is to accommodate a building architectural feature. This roof parapet would give the building a residential feel consistent with the nearby residential uses. Finally, I find that the variance can be granted in strict harmony with the regulations and without injury to the public health, safety, or general welfare of the surrounding area. Again, considering the site topography, the berm and landscape buffer to be installed, and proposed building architecture as described by Petitioner's architect, there will be no adverse impact on the surrounding area.

With regard to the proposed signage, having considered all the evidence and testimony on the issue, I am persuaded to grant this variance relief as well. Based on my review of the building elevations and sign details, I find that the requirements of Section 307.1 have also been satisfied. The proposed signs are appropriate given the size of the hotel building, its location on Painters Mill Road, and commercial nature of the uses along this section of Painters Mill Road. The signs are certainly not out of scale with the hotel building, their positioning on the front façade and front corners of the structure is appropriate, and they are not inappropriately large or visually disruptive. Additionally, the citizens in attendance had no concerns regarding this signage as it would be oriented away from their properties. Each sign is no larger than the maximum sign face area allowed and small in scale in comparison to the length of the building

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facades. Additionally, the signage will be oriented toward the eastern side of the site along Painters Mill Road; there will be no impact on the residential community west of this property.

I have considered all of the testimony and evidence presented by Petitioner as well as by those residents and community leaders in attendance. I do not take lightly the concerns raised by those in attendance that live in the nearby residential community and will be impacted by a five-story hotel next door. I appreciate their time taken to appear and testify before me. I recognize that there could be a potential for people to wander from the subject property into this established residential neighborhood. Additionally, a substantial screening between these properties and the hotel site and controls on the type of lighting that may be installed on the site are reasonable requests that should be accommodated. Those in attendance certainly deserve a substantial screening from the site under construction and I will, therefore, impose conditions to ensure that the proper screening, as discussed at the hearing will be installed on the site. I do, however, find that the instant special exception and variances to allow for Petitioner's hotel building at this location to be appropriate. I factor into my decision that no adverse Zoning Advisory Committee (ZAC) comments were issued in this case and that the Office of Planning supports the requested zoning relief for the proposed hotel at this particular location. I will also, therefore, approve the special hearing for an amendment to the special exception approval in Case No. 91-447-SHPXA that relates to the day care facility. As noted above, the day care operator was in attendance at the hearing in this case. He heard all the testimony relating to the proposed hotel, its site layout, and its operation. He confirmed that the day care facility has no opposition to the proposed hotel or any of the requested relief.

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

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Date 2-15-08
BY [signature]

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 15th day of February, 2008, that the Petition for Special Exception, to permit the use of the described property for a hotel, pursuant to Section 206.3.B.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with the plan to accompany the petitions and Exhibit 6, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition from the Baltimore County Zoning Regulations (B.C.Z.R.) Section 206.4 and 1B02.2.A, to permit a building height of 59 feet in lieu of the permitted 50 feet, and to allow three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 square foot sign, pursuant to B.C.Z.R. Section 450.4.5(h), in accordance with Petitioners' Exhibits 8 and 9, be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking to amend the Special Exception granted in Case No. 91-447-SPHXA is hereby APPROVED, subject to the following restrictions which are conditions precedent to the relief granted:

1. Petitioner shall submit to the Office of Planning for review a revised site plan providing a location for a pedestrian connection between the existing sidewalk along Painters Mill Road and the proposed hotel building prior to applying for a building permit.
2. Petitioner shall submit to the Office of Planning for review its final building elevations for the hotel building prior to applying for a building permit. These building elevations will identify the selected building materials for the hotel and location for those materials on each building façade.
3. Petitioner shall install a metal fence, preferable aluminum, approximately six (6) in height along its rear property line and also install additional landscaping along the rear property line consistent with Petitioner's fence detail (Exhibit 3) and Exhibit 6.
4. For any pole-mounted lighting to be installed on the surface parking area in the rear yard of the property, the light poles shall be limited to twenty (20) feet in height with cut-off light fixtures installed on top of the poles so that light emanating from the fixtures will be directed in a downward direction.

ORDER RECEIVED FOR PLANNING
Date 2-15-08
By OSJ

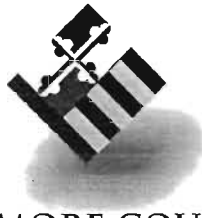
5. Petitioner may apply for its permits and be granted the same upon receipt of this Order. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appeal from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2-15-08
By 233



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 15, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
W/S Painters Mill Road, S of Red Run Boulevard
(4508-4514 Painters Mill)
2nd Election District - 4th Council District
Summit Capital, LLC, *Legal Owner*; Baywood Hotels, *Contract Purchaser* - Petitioners
Case No. 08-234-SPHXA

Dear Messrs. Hoffman and Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted with restrictions in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Robert D. Capalongo, RLA, CNA, Inc., 215 Bynum Road, Forest Hill, MD 21050
Mickey A. Cornelius, P.E., The Traffic Group, Inc., 9900 Franklin Square Drive,
Suite H, Baltimore, MD 21236
Paul Landry, RevPAR International, 8000 Towers Crescent Drive, Vienna, VA 21182
Rhett DeBuys, AIA, Vice President, Phillips Partnership, PC, 9000 Central Park West,
Suite 400, Atlanta, GA 30328

Robert A. Hoffman, Esquire
David Karceski, Esquire
February 15, 2008
Page 2

Kacey T. Scott-Macomber, Director, Land Use, McDonogh School,
8600 McDonogh Road, P.O. Box 380, Owings Mills, MD 21117-0380
Chetan D. Patel, Senior Vice President, Baywood Hotels, 7871 Belle Point Drive,
Greenbelt, MD 20770
Kurt Blorstad, Baywood Hotels, 7871 Belle Point Drive, Greenbelt, MD 20770
Gregory N. Paszkiewicz, P.O. Box 4674, Timonium, MD 21094
Lynnee Roane, 11 Saddlestone Court, Owings Mills, MD 21117
Rick Jordan, Tidewater Property Management, 3706 Crondall Lane, Suite 105,
Owings Mills, MD 21117
Denise Cabrera, 46 Saddlestone Court, Owings Mills, MD 21117
Kevin Clark, 41 Saddlestone Court, Owings Mills, MD 21117
Jay Canedo, 662 Tanglewood Drive, Eldersberg, MD 21784
David and Jacqueline Claxton, 17 Saddlestone Court, Owings Mills, MD 21117
Joy Ford, 9 Saddlestone Court, Owings Mills, MD 21117
Thomas Craven, 19 Saddlestone Court, Owings Mills, MD 21117
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4508-4514 Painters Mill Road
which is presently zoned OR-2

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

Special Hearing to Amend Special Exception granted in
Case Number 91-447-SPHX

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

I/We do solemnly declare and 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:

SEE ATTACHED

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue 410-494-6262

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue 410-494-6262

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-234-SPHX-A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 2-15-08

By [Signature]

Reviewed By [Signature] Date 11-19-07

PETITION FOR SPECIAL HEARING
SIGNATURE PAGE

4508-4514 Painters Mill Road

CONTRACT PURCHASER:



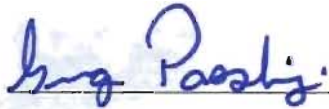
Chetan D. Patel, Senior Vice President
Baywood Hotels
7871 Belle Point Drive
Greenbelt, Maryland 20770
301-345-8700

TO1DOCS1/#252390v1

PETITION FOR SPECIAL HEARING
SIGNATURE PAGE

4508-4514 Painters Mill Road

LEGAL OWNER:

A handwritten signature in blue ink, reading "Greg Paszkiewicz", is written over a horizontal line.

Gregory N. Paszkiewicz, Member
Summit Capital LLC
6422 Frankford Avenue
Baltimore, Maryland 21206
(410) 828-6263



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4508-4514 Painters Mill Rd
which is presently zoned OR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, the owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use herein described property for

Special Exception for a hotel, pursuant to Section 206.3.B.2.c
of the Baltimore County Zoning Regulations.

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

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

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:

SEE ATTACHED
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print
Signature
Venable LLP
Company
210 Allegheny Avenue 410-494-6262
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED
Name - Type or Print
Signature
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name
210 Allegheny Avenue 410-494-6262
Address Telephone No.
Towson Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 11.19.07

Case No. 08-2345AHXA

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 2-15-08

By [Signature]

PETITION FOR SPECIAL EXCEPTION
SIGNATURE PAGE

4508-4514 Painters Mill Road

CONTRACT PURCHASER:



Chetan D. Patel, Senior Vice President
Baywood Hotels
7871 Belle Point Drive
Greenbelt, Maryland 20770
301-345-8700

PETITION FOR SPECIAL EXCEPTION
SIGNATURE PAGE

4508-4514 Painters Mill Road

LEGAL OWNER:

A handwritten signature in blue ink, reading "Gregory Paszkiewicz", is written over a horizontal line.

Gregory N. Paszkiewicz, Member
Summit Capital LLC
6422 Frankford Avenue
Baltimore, Maryland 21206
(410) 828-6263



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4508-4514 Painters Mill Road
which is presently zoned OR-2

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

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

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

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

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

Contract Purchaser/Lessee:

SEE ATTACHED

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Avenue 410-494-6262

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue 410-494-6262

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

11-19-07

Case No.

08-234-SPHXA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

2-15-08

By

WJ

PETITION FOR VARIANCE

4508-4514 Painters Mill Road

1. Variance to allow a building height of 59 feet in lieu of the permitted 50 feet, pursuant to Sections 206.4 and 1B02.2.A of the Baltimore County Zoning Regulations ("BCZR").
2. Variance to allow three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 square foot sign, pursuant to BCZR Section 450.4.5(h).

PETITION FOR VARIANCE
SIGNATURE PAGE

4508-4514 Painters Mill Road

CONTRACT PURCHASER:

A handwritten signature in blue ink, appearing to read 'Chetan D. Patel', is written over a horizontal line.

Chetan D. Patel, Senior Vice President
Baywood Hotels
7871 Belle Point Drive
Greenbelt, Maryland 20770
301-345-8700

PETITION FOR VARIANCE
SIGNATURE PAGE

4508-4514 Painters Mill Road

LEGAL OWNER:

A handwritten signature in blue ink, reading "Greg Paszkiewicz", is written over a horizontal line.

Gregory N. Paszkiewicz, Member
Summit Capital LLC
6422 Frankford Avenue
Baltimore, Maryland 21206
(410) 828-6263



Zoning Description for Special
Exception and Variances
4508-4514 Painters Mill Road

BEGINNING at a point in the Northeast corner of Tax Map 67, Parcel 272, Deed Ref. 15039/375, located West of Painters Mill Road, thence the following courses and distances:

For a curve to the right having a radius of 4548.66', an arc length of 156.57' and being subtended by a chord of South 27° 35' 19" West 156.56 Feet, South 89° 26' 06" West 9.77 Feet, South 89° 26' 06" West 43.26 Feet, South 20° 53' 02" West 34.01 Feet, South 22° 57' 18" West 28.91 Feet, North 89° 18' 57" West 134.29 Feet, North 88° 37' 43" West 78.25 Feet, North 90° 00' 00" West 174.17 Feet, North 02° 48' 14" West 27.91 Feet, North 02° 48' 14" West 23.00 Feet, North 02° 48' 14" West 150.00 Feet, South 89° 19' 14" East 473.40 Feet, South 89° 19' 14" East 42.90 Feet, South 89° 19' 14" East 29.16 Feet to the point of beginning.

Containing 2.17 acres of land more or less.



Robert D. Capalongo, RLA
Licensed Landscape Architect #3037

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: # 08-234-SPHX

4508-4514 Painters Mill Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Gregory Paskiewicz

Contract Purchaser: Chetan Patel

Special Hearing: to amend Special Exception granted in Case Number 91-447-SPHX. **Special Exception:** for a hotel, pursuant to Section 206.3.B.2.c of the Baltimore County Zoning Regulations. **Variance:** to allow a building height of 69 feet in lieu of the permitted 50 feet and to allow three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 foot sign.

Hearing: Wednesday, January 23, 2008 at 9:00 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) 887-3868.

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

JT 1/639 Jan. 8

159706

CERTIFICATE OF PUBLICATION

1/10/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/8/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **07690**

Date: **11/19/07**

PAID RECEIPT

BUSINESS ACTUAL TIME TRM
 11/20/2007 11/19/2007 14:32:08 1

RED 501 WALKIN JRIC JHR
 >>REIPT # 355241 11/19/2007 OFLN
 5 528 ZONING VERIFICATION
 007690

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
501	006		6150					800.00

Total: **800.00**

Rec

From: **VENABLE**

For:

DB-234-SHIXA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-234-SPHYA

Petitioner/Developer: CHETAN

PATEL

Date of Hearing/Closing: 1-23-08

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

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

Ladies and Gentlemen:

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

4508-4514 PAINTER'S MILL RD

The sign(s) were posted on

1-7-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

1-9-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-234-SPHXA
Petitioner: Baywood Hotels
Address or Location: 4508-4514 Painters Mill Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell
Address: 210 Allegheny Avenue
Towson, MD 21204

Telephone Number: 410-494-6200



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

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

December 11, 2007

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: 08-234-SPHXA

4508-4514 Painters Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Gregory Paskiewicz
Contract Purchaser: Chetan Patel

Special Hearing to amend Special Exception granted in Case Number 91-447-SPHX. Special Exception for a hotel, pursuant to Section 206.3.B.2.c of the Baltimore County Zoning Regulations. Variance to allow a building height of 59 feet in lieu of the permitted 50 feet and to allow three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 foot sign.

Hearing: Wednesday, January 23, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Avenue, Towson 21204
Chetan Patel, Baywood Hotels, 7871 Belle Point Drive, Greenbelt 20770
Gregory Paskiewicz, Summit Capital, 6422 Frankford Avenue, Baltimore 21206

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 8, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 8, 2008 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

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: 08-234-SPHXA

4508-4514 Painters Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Gregory Paskiewicz
Contract Purchaser: Chetan Patel

Special Hearing to amend Special Exception granted in Case Number 91-447-SPHX. Special Exception for a hotel, pursuant to Section 206.3.B.2.c of the Baltimore County Zoning Regulations. Variance to allow a building height of 59 feet in lieu of the permitted 50 feet and to allow three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 foot sign.

Hearing: Wednesday, January 23, 2008 at 9:00 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 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.

Requested: May 6, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-234-SPHXA

4508-4514 PAINTERS MILL ROAD

2ND ELECTION DISTRICT

APPEALED: 3/12/2008

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 6)

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

CERTIFICATE OF POST

TO: Baltimore County Board of Appeals
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-234-SPHXA

LEGAL OWNER: SUMMIT CAPITAL, LLC
CONTRACT PURCHASER: BAYWOOD HOTELS



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

4508-4514 Painters Mill Road

W/s Painters Mill Rd, 900' S of Lakeside Blvd.

The sign was posted on 5/29/8, 2008.

By: Chen
(Signature of Sign Poster)

J Chen
(Print Name)



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

**Hearing Room #2, The Jefferson Building
105 W. Cheapeake Avenue, Second Floor
(next to Suite 203)**

June 9, 2008

NOTICE OF ASSIGNMENT

CASE #: 08-234-SPHXA

IN THE MATTER OF: SUMMIT CAPITAL LLC – LEGAL OWNER;
BAYWOOD HOTELS – C.P. /Petitioners
4508-4514 Painters Mill Road 2nd E; 4th C

2/15/2008 – Z.C.'s decision in which requested zoning relief was GRANTED with conditions.

ASSIGNED FOR:

THURSDAY, AUGUST 14, 2008, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant /Protestant

: Painters Mill Homeowners Assn.

Thomas and Faithim Craven Joi Ford-McClain
Lynee Roare David & Jacqueline Claxton

Counsel for Petitioner /Legal Owner /CP
Legal Owner
C.P.

: Robert A. Hoffman, Esquire

: Summit Capital, LLC

: Baywood Hotels /Chet Patel; Kurt Blorstad

Robert Capalongo /CNA, Inc.
Mickey A. Cornelius, P.E. /The Traffic Group
Paul Landry /RevPAR International
Rhett DeBuys /Phillips Partnership

Kacey T. Scott-Macomber /McDonogh School
Jay Canedo

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*PP'd to 10/16/08 -
neg. of Appellants -
unavailability
of key witnesses*



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

**Hearing Room #2, The Jefferson Building
105 W. Cheapeake Avenue, Second Floor
(next to Suite 203)**

August 7, 2008

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 08-234-SPHXA

IN THE MATTER OF: SUMMIT CAPITAL LLC – LEGAL OWNER;
BAYWOOD HOTELS – C.P. /Petitioners
4508-4514 Painters Mill Road 2nd E; 4th C

2/15/2008 – Z.C.'s decision in which requested zoning relief was GRANTED with conditions.

which was assigned to be heard on 8/14/08 has been POSTPONED at the request of Appellants /Protestants due to unavailability of expert witness; and has been

REASSIGNED FOR: THURSDAY, OCTOBER 16, 2008, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant /Protestant : Painters Mill Homeowners Assn.
Thomas and Faithim Craven Joi Ford-McClain
Lynsee Roare David & Jacqueline Claxton

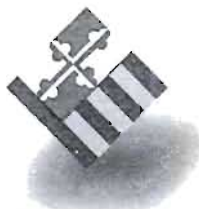
Counsel for Petitioner /Legal Owner /CP : Robert A. Hoffman, Esquire
Legal Owner : Summit Capital, LLC
C.P. : Baywood Hotels /Chet Patel; Kurt Blorstad

Robert Capalongo /CNA, Inc.
Mickey A. Cornelius, P.E. /The Traffic Group
Paul Landry /RevPAR International
Rhett DeBuys /Phillips Partnership

Kacey T. Scott-Macomber /McDonogh School
Jay Canedo

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 16, 2008

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

Dear Mr. Alderman:

RE: Case Number: 08-234-SPHXA, 4508-4514 Painters Mill Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 19, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures

c: People's Counsel
Chetan D. Patel, Senior Vice President Baywood Hotels 7871 Belle Point Drive
Greenbelt 20770
Gregory N. Paszkiewicz Summit Capital LLC 6422 Frankford Avenue Baltimore 21206

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item Nos. 08-219, 220, 225, 226, 227, 228,
229, 230, 232, 233, and 234

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-11282007.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: Nov. 26, 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. 8-234-SPHXA
4508-4515 PAINTERS MILL ROAD
SUMMIT CAPITAL, LLC
SPECIAL HEARING
SPECIAL EXCEPTION
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. 8-234-SPHXA.

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,

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



Baltimore County
Fire Department

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 221,230,233 234

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

BW 1/23
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 22, 2008

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

SUBJECT: 4508-4514 Painters Mill Road

INFORMATION:

Item Number: 8-234 AMENDED

Petitioner: Chetan D. Patel, Sr. Vice President

Zoning: OR 2

Requested Action: Special Hearing and Variance



BY: _____

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comment:

The subject property is within the *Master Plan 2010* designated Owings Mills Growth area and offers a use that will compliment the needs of the business and residential community. The Office of Planning supports the petitioner's request to construct and operate a 5-story hotel with requested height and sign variances.

However, every effort should be made to construct the building of high quality and design using complementary materials (i.e. mostly brick with stone accents) and existing architecture in the community.

After consideration of the adjacent residential communities' concerns regarding the building height, the Office of Planning finds that the building elevations with the articulated cornice are satisfactory and that the addition of a pitched roof would increase the building height and impact the adjacent residential property owners. Therefore the Office of Planning withdraws the comment requesting a subsequent petition to add a pitched roof and thereby increasing the building height.

The petitioner should make pedestrian connections between the existing sidewalk along Painters Mills road and the proposed project. Additionally, thought should be given to revising the size and location of the ingress/egress points on the site.

The petitioner must submit new building elevations and a revised plan to the Office of Planning prior to applying for a building permit.

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

Reviewed by:

A handwritten signature in cursive script, reading "Curtis Murray". The signature is written in dark ink and is positioned over a horizontal line.

Division Chief:
AFK/LL: CM

A handwritten signature in cursive script, appearing to read "Lynn Parker", is written over a horizontal line.

BW 1/23
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 22, 2008

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

RECEIVED
JAN 24 2008

SUBJECT: 4508-4514 Painters Mill Road

INFORMATION:

Item Number: 8-234

Petitioner: Chetan D. Patel, Sr. Vice President

Zoning: OR 2

Requested Action: Special Hearing and Variance

BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comment:

The subject property is within the *Master Plan 2010* designated Owings Mills Growth area and offers a use that will compliment the needs of the business and residential community. The Office of Planning supports the petitioner's request to construct and operate a 5-story hotel with requested height and sign variances.

However, every effort should be made to construct the building of high quality and design using complementary materials (i.e. mostly brick with stone accents) and existing architecture in the community. The Office of Planning has reviewed initial elevations of the proposed building and recommends the petitioner seek additional relief (via a subsequent petition) to accommodate a building with a peaked roof.

The petitioner should make pedestrian connections between the existing sidewalk along Painters Mills road and the proposed project. Additionally, thought should be given to revising the size and location of the ingress/egress points on the site.

The petitioner must submit new building elevations and a revised plan to the Office of Planning prior to applying for a building permit.

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

Reviewed by: Curtis Murray

Division Chief: Lynn Forham
AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	*	
4508 – 4514 Painters Mill Road; W/S	*	ZONING COMMISSIONER
Painters Mill Road, 900' S Lakeside Blvd	*	
2 nd Election & 4 th Councilmanic Districts	*	FOR
Legal Owner(s): Summit Capital LLC	*	
Contract Purchaser(s): Baywood Hotels	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	08-234-SPHXA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

NOV 29 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
April 25, 2008 *Department of Permits and
Development Management*

Robert Hoffman
David Karceski
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Messrs. Hoffman & Karceski:

RE: Case: 08-234-SPHXA, 4508-4514 Painters Mills Road

Please be advised that an appeal of the above-referenced case was filed in this office on March 12, 2008 by Thomas Craven. 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,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
-- Robert Capalongo, RLA, 215 Bynum Road, Forest Hill 21050
Mickey Cornelius, The Traffic Group, Inc., 9900 Franklin Square Dr., Ste. H, 21236
Paul Landry, RevPAR International, 8000 Towers Crescent Drive, Vienna VA 21182
Rhett DeBuys, AIA, 9000 Central Park West, Ste. 400, Atlanta GA 30328

APPEAL

Petition for Special Exception/Special Hearing/
4508-4514 Painters Mill Road
W/s Painters Mill Road, 900 S of Lakeside Blvd.
2nd Election District – 4th Councilmanic District
Legal Owners: Summit Capital, LLC
Contract Purchaser: Baywood Hotels

Case No.: 08-234-SPHXA

- ✓ Petition for Special Hearing/Special Hearing/Variance (November 19, 2007)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (December 11, 2007)
- ✓ Certification of Publication (The Jeffersonian – January 8, 2008)
- ✓ Certificate of Posting (January 7, 2008) by Robert Black
- ✓ Entry of Appearance by People's Counsel (November 29, 2007)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- ✓ Protestant(s) Sign-In Sheet None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED
MAY - 1 2008
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit

- ✓ 1. Aerial Photo
- ✓ 2. Cappalongo Resume
- ✓ 3. Fence Panel Exemplar
- ✓ 4. Photos
- ✓ 5. Existing Conditions
- ✓ 6. Proposed Conditions
- ✓ 7. Cross Section Elevation Example
- ✓ 8. Elevations (a & b)
- ✓ 9. Sign Detail
- ✓ 10. Traffic Study
- ✓ 11. Cornelius Resume
- ✓ 12. Paul Landry Resume
- ✓ 13. Owings Mills Corporate Campus Site Plan
- ✓ 14. Rhett DeBuys Resume

Protestants' Exhibits:

- ✓ 1. Cabrera Testimony Abstract
- ✓ 2. Craven Testimony

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Site Plan
- ✓ 2. Zoning Order for 91-447-SPHXA
- ✓ 3. Letters from affected neighbors

- ✓ Zoning Commissioner's Order (GRANTED – February 15, 2008)
- ✓ Notice of Appeal received on March 12, 2008 from Thomas Craven *

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See attached

APPEAL

Petition for Special Exception/Special Hearing/
4508-4514 Painters Mill Road
W/s Painters Mill Road, 900 S of Lakeside Blvd.
2nd Election District – 4th Councilmanic District
Legal Owners: Summit Capital, LLC
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Zoning Description of Property

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Entry of Appearance by People's Counsel (November 29, 2007)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

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3. Fence Panel Exemplar
4. Photos
5. Existing Conditions
6. Proposed Conditions
7. Cross Section Elevation Example
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Notice of Appeal received on March 12, 2008 from Thomas Craven

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See attached

date sent April 30, 2008, klm

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT Petitioner's request for variance for two signs on the property so that patrons have notice of the location of the hotel.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

Bill Wiseman - Curriculum Vitae - Residence Inn, Painters Mill Road

From: "Rhett DeBuys" <rdebuys@phillipspart.com>
To: <wwiseman@co.ba.md.us>
Date: 01/28/08 8:16 AM
Subject: Curriculum Vitae - Residence Inn, Painters Mill Road

Mr. Wiseman,

I hope to send the resume later today. I have not used a standardized resume format for a while now and need to update portions of it.

Thank you again for your time on Wednesday. We look forward to working with Baltimore County, Owings Mill and the neighborhood on this project.

Sincerely,

Rhett

Rhett C. DeBuys, AIA

Vice President

Phillips Partnership, PC

9000 Central Park West

Suite 400

Atlanta, Georgia 30328

770-394-1616 PH

770-394-1314 FX

678-438-3869 CL

www.phillipspart.com

From: rob@americanvillagehomes.com
To: tjcraven@comcast.net
Subject: Re: reminder of baltimore county department of appeals'scheduled meeting on august 14th, 2008
Date: Tuesday, July 29, 2008 6:05:41 PM

Thomas,

Unfortunately, I have an Historic Planning Commission hearing on one of my projects in Wilmington, NC on Thursday, August 14, 2008, and I cannot attend the appeals meeting in Baltimore.

Sincerely,

Robinson Brown

American Village Homes
Suite 207
470 Third Street
San Francisco, CA 94107

-----Original Message-----

From: tjcraven@comcast.net [mailto:tjcraven@comcast.net]
Sent: Tuesday, July 29, 2008 03:26 PM
To: rob@americanvillagehomes.com
Subject: reminder of baltimore county department of appeals'scheduled meeting on august 14th, 2008

Dear Rob,

Just a reminder of the scheduled appointment with the Baltimore County Department of Appeals (case # 8-234-SPHXA) scheduled on August 14th, 2008. Let us know when you will be in town, so we can converse about the appeal and our subsequent strategies.

Sincerely,

Tom Craven
19 saddlestone ct
owings mills, md 21117
410-363-0561

July 30, 2008

TO: Baltimore County Board of Appeals
RE: Request For Change in Appeal Date Hearing
Case # 8-234-SPHXA

Dear Appeal Administrator,

Robinson Brown, is a Registered Architect/Developer and has been functioning in the capacity of our "Expert Consultant", as we the Homeowners/HOA on Saddlestone Court/Painters Mill oppose Baywood Hotel's height and sign variance requests. Robinson Brown will be unable to make the appeal hearing due to a meeting with the "Wilmington Historic Planning Commission" located in Wilmington, North Carolina. Mr. Brown is our "Expert Witness", and this is why we are asking for the change in the appeal date as his absence will not be favorable for our party. In addition, two homeowners will not be present due to prior vacation arrangements. We ask the appeal hearing date to be re-scheduled to September when all parties will be available.

Sincerely,

Painters Mill Homeowners /HOA

Joi Ford-McClain, 9 Saddlestone Ct
Lynee Roare, 11 Saddlestone Ct
Guy, 15 Saddlestone Ct
David & Jacqueline Claxton, 17 Saddlestone Ct
Thomas & Fathim Craven, 19 Saddlestone Ct



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 7, 2008

Edward W. Crizer, Jr., Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204



Re: Summit Capital, LLC/Baywoods Hotels
4508-4514 Painters Mill Road
08-234-SPHXA

Dear Mr. Crizer,

Upon appeal by the Painters Mill Homeowners Association and individual residents from the Zoning Commissioner's February 15, 2008 approval of a special hearing, special exception, and variances, the County Board of Appeals has scheduled its *de novo* hearing for November 16, 2008. Our office is interested in this case. We entered our appearance on November 29, 2007, shortly after the petitions were filed.

Upon review of the record, Commissioner Wiseman's opinion, and the March 12, 2008 appeal correspondence from the citizens, we send this letter to underline our concerns about specific issues. We do not anticipate attending the hearing.

Petitioners are Summit Capital, LLC, the property owner, and Baywood Hotels, the contract purchaser. They propose to construct a Marriott Residence Inn Hotel in an O-2 (Office Building-Residential) Zone. Among other relief, Petitioners request variances for a hotel with a height of 59 feet in lieu of the maximum 50 feet and for three wall-mounted signs in lieu of the permitted one such sign, with a concomitant increase in wall mounted signage from 150 square feet to 450 square feet. The variance relief is particularly troubling. Here are our reasons.

1) The additional 9 feet in height for the hotel appears to be mainly for accommodation of a parapet façade design. The proposed site plan indicates the height from the ground to roof level is actually 50 feet, with the first floor height over 11 feet. Thus, 50 feet seems sufficient to accommodate a 5-story hotel. While we appreciate the desire for an aesthetically attractive building, we respectfully submit it can be accomplished within the

height limitations. The Marriott Hotel brand is and should be credited for adaptive use of unusual structures and unique designs for viable hotel sites around the world. Certainly, there are resources here to design an attractive, new hotel that does not overpower its residential neighbors. By all accounts, the parapet still makes the hotel appear as a larger structure, even if it is a design feature. Moreover the size, scale, and length of the hotel building -- 76,013 square feet, 255 feet at its greatest length, and about 120 feet in width -- magnify exponentially the impact of the additional height. As a result, the extra height is that much more imposing on the single-family residences in the immediate area.

The citizens claim the additional height causes the building to rise above the tree line, a natural screening at the site. This Board and the Zoning Commissioner have often required adequate screening as a condition to granting a requested use or structure. If the citizens are correct, the existing natural tree screening should be considered in the Board's decision on the variances. The zoning regulations are in accord. The Declaration of Findings in the OR-2 zone provides in BCZR 206.1 F:

"Development and maintenance of office building sites must be closely regulated to promote the establishment of amenities, to prevent traffic congestion and, in general, to protect the public interest, including the interests of citizens in nearby neighborhoods and the interests of firms and employees who will occupy the office buildings."

In addition, the Statement of Legislative Policy also emphasizes the landscaping component in BCZR 206.2 A. & B.:

"A. Pursuant to the findings declared above, the OR-2 zoning classification is established primarily to provide selectively for development of a limited number of well-landscaped office building developments. The OR-2 zoning classification also permits moderate density residential development or mixed office/residential uses. (emphasis added)

B. It is intended that any development in an OR-2 Zone be designed, built and maintained so that it will be compatible with the character of nearby residential neighborhoods so that it will enhance rather than detract from amenities and property values in those neighborhoods."

2) Moreover, it appears the additional height for the parapet is the specific area on which the additional oversized wall-mounted signage will be located. This is particularly intrusive to the surrounding residential neighborhood. It compounds the effect of the height variance. To grant both the additional height for the hotel and three signs amounting to 450 square feet of total signage appears to the citizens to be particularly heavy-handed. At the very least, the one permitted sign should be directed away from the neighborhood, especially if above the tree line. Better yet, any sign should be located below the tree line.

3) The hotel is requested at this site to accommodate the office park located in a different zone across the street. The proposal must satisfy the standards of uniqueness and resulting practical difficulty set forth in Cromwell v. Ward, 102 Md. App. 691 (1995). In this context, it is particularly important that a proposed use intended to serve exclusively off-site office or commercial uses should not be granted at the expense of the adjacent residential neighborhood. The Board should review the relief in light of the practical difficulty language in McLean v. Soley, 270 Md. 208, 213-15 (1973), which articulates the following criteria:

"(1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

"(2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

"(3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

3) Finally, the variances should not get a free pass for approval without the careful scrutiny and independent review under the standards in Cromwell v. Ward and McLean v. Soley even if the Board finds the special exception should be granted for the proposed hotel use. In support of this position, we underline Evans v. Shore Communications, Inc. 112 Md. App 284 (1996), which we have cited to this Board on previous occasions. There, the Court of Special Appeals approved a special exception for a wireless telecommunications tower but at the same time denied a requested height variance for the tower.

In People's Counsel v. Mangione 85 Md. App. 738, 751 (1991), the appellate court affirmed the Board's denial of a special exception for a nursing home, partly because "... the Board concluded that the proposed project would 'overwhelm and dominate the surrounding landscape,' and that it would represent 'the deepest intrusion into the residential community of Dulaney Valley.'" Judge Cathell's opinion specifically refers to the "size and scale of the project" as "relevant considerations." 85 Md. App. at 747, n.6. We believe a special exception is in a far better position to qualify where the Board can deny the accompanying variances, which is a feasible outcome here. The denial of the variances may sufficiently mitigate the impact. That, of course, is for the Board to decide based on its evaluation of the facts.

We assume the neighbors will present their own concerns about the Petitions for Special Exception, Special Hearing and Variances at the hearing.

Edward W. Crizer, Jr., Chairman

October 7, 2008

Page 4

We hope our comments will be helpful to the Board in this matter.

Respectfully,

Peter Max Zimmerman *by act*

Peter Max Zimmerman
People's Counsel for Baltimore County

C. S. Demilio

Carole S. Demilio
Deputy People's Counsel

cc: Robert A Hoffman, Esquire
David Karceski, Esquire
Joi Ford, 9 Saddlestone Court, Baltimore, MD 21117
Lynee Roare, 11 Saddlestone Court, Baltimore, MD 21117
David & Jacqueline Claxton, 17 Saddlestone Court, Baltimore, MD 21117
Thomas & Fathim, 19 Saddlestone Court, Baltimore, MD 21117

RECEIVED

MAR 12 2008

Per. *[Signature]*

3/12/08

To: Baltimore County Board of Appeals
Re: Case # 8 -234- SPHXA

Dear Board of Appeals,

Height Variance

When granting the variance on height from 50ft to 59ft, the Baltimore County Department of Zoning/Permits is violating the original principal of mixed zoning. There is no doubt that the hotel will be able to make money with a height restriction of 50 ft. With the additional 9ft of height (59ft) the hotel will be able to make more money. However, the additional 9 feet of height, will increase the hotels' visibility substantially throughout the homes in the Painters' Mill Community, not just those that abut the hotel property directly. **A Visual Eye Sore** – It is appropriate to say the hotel behind our residences will not increase our property values. An increase in the height restriction to 59 ft. will increase the structure well beyond the height of the tree line and will create a visual eye sore that will in turn decrease our property values. Thus, one neighbor is allowed to increase their revenues (via additional square footage) while the other neighbors are left with a depreciation in their property values. Has an appropriate environmental analysis on affect of this hotel and home property values been undertaken? A granting in the height variance will result in preferential treatment of one entity (commercial) over another entity (residential). The Baltimore County Codes were written to prevent this very situation from occurring.

Sign Variance/ Traffic

This hotel will be located between two traffic lights less than ½ mile apart, the posted speed limit is 40 mph. We fail to see the need for such large hotel display signs when cars will not be speeding by very quickly and cars will only be at most only 10 feet to 30 feet from the hotel entrance. Additionally, a large majority of the persons utilizing this hotel (as per prior need documentation for this hotel) will be T. Rowe Price staff and customers, repeat visitors to the campus and hotel, that over time will have little need for the additional/oversized signage. Hilton Hotel and Hyatt Hotel less than 1 mile from this hotel do not have overbearing signs and their occupancy rates have not suffered (per our discussion with Hilton Hotel manager on 3/12/08 – Hilton turns away customers due to lack of space).

Additionally, there are a number of commercial projects on Painters Mill Rd. that will be coming online at a similar time as this hotel, these are the following: 1200 New Jobs added to the T. Rowe Price Corporate Campus, Commercial Office/Condo Space Added at the corner of Painters Mill Rd. & McDonough Rd. (8890 McDonough Rd.), and the Metro Center Complex which will be developing commercial/retail space. We believe "The Cumulative Impact of New Development" in this area has not been adequately assessed by the company contracted to do so.

Work Conditions

In the original proposal submitted by the developer/builder there is no mention of: **Work Hours**, specifically start and stop times, and a failure to mention there will be no work done on Saturday or Sunday. Furthermore, What will be done to control dust? And noise? What will be done to curtail Noise? There is also no mention of flagging/monitoring existing mature trees so that they will not be removed when the 6 foot fence is installed.

Hotel Design

The Developer/Contractor have stated as the primary rational for this hotels' construction is the need to service T. Rowe Price's out of town staff and customers (currently not possible due to limited hotel space in the area). We question the 'condition of use' for this facility. We acknowledge 1200 sq. feet (or less) of meeting space as appropriate, while greater than 1200 sq. feet of meeting space will result in dual purpose usage (weddings, parties, etc). Usage of space for parties/weddings and the like may result in an excessive noise factor, how will this be monitored/cutailed to minimize its' affect on surrounding homes?

Developer/Contractor

We expect as a minimum that the Developer and Contractor have credible references that can attest to their abilities to do what they have proposed. Furthermore, we expect that past practices, references, and credibility (both inside and outside of Baltimore County) will be substantiated prior to granting final approval of any variances.

Corporate Growth Owings Mills 2010

We are not opposed to smart business growth in Baltimore County and specifically in Owings Mills. But a swift change in the zoning from residential to commercial (within the past two years), followed by a request for variances in existing codes for height and signage does not endear us to our newest neighbor, and leaves us questioning whether one entity (commercial/corporate) is being given preferential treatment over another (existing longtime homeowners). The Hyatt Hotel, and Hilton Hotel, both less than 1 mile away, have been good, responsible, corporate neighbors. The builders/developers of this hotel should follow the Hilton/Hyatt example.

Sincerely,

Painters Mill Homeowners / HOA

Joi Ford-McClain, 9 Saddlestone Ct.
Lynne Roare, 11 Saddlestone Ct.
David & Jacqueline Claxton, 17 Saddlestone Ct.
Thomas & Fathim Craven, 19 Saddlestone Ct

RECEIVED
MAR 12 2008
PER.....

NO FAST-TRACKING OF APPEAL, PLEASE
THANK-YOU.

Howard Management, Inc.

7871 Belle Point Drive * Greenbelt, MD 20770

Phone: 301-345-8700 Fax: 301-345-8701

Re: Case No. 08-234-SPHXA

Property: 4508-4514 Painters Mill Road

Dear Mr. Craven and Mr. Claxton:

If both of you and Ms. Roane and Ms. Ford-McClain agree to withdraw tomorrow's scheduled appeal to the County Board of Appeals filed in the above-referenced case and not oppose any other necessary governmental approvals for construction of the hotel, consistent with the items listed below, we will agree to this list of items.

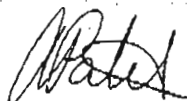
1. We agree to withdraw the current request for a building height variance of fifty-nine (59) feet.
2. We agree not to locate a dumpster within one hundred and twenty feet (120) feet of the western (or rear) property line of the property.
3. We agree to install a metal fence approximately six (6) feet in height on our property to be located along the western (or rear) property line of the property for an approximate length of two hundred and ten (210) feet, provided the necessary permits are issued by Baltimore County.
4. We agree to install or cause to be installed a board-on-board wood fence approximately six (6) feet in height on the Ford-McClain property and a portion of an adjacent HOA open space area within the Village of Painters Mill neighborhood extending an approximate length of one hundred and fifty (150) feet from the southeastern corner of the Ford-McClain property in a northward direction along the Ford-McClain property's eastern lot line and continuing onto a portion of the adjacent HOA open space area of the Village of Painters Mill neighborhood. This fence will be installed provided the necessary rights-of-way can be acquired and all required governmental approvals are obtained.
5. We agree to install a landscape buffer on our property along the western (or rear) boundary of the property, consisting primarily of evergreen trees, approximately eight (8) feet in height when planted, and evergreen shrubs.
6. We will seek to protect any existing trees located within approximately twenty (20) feet of the western (or rear) property line of the property.
7. For any pole-mounted lighting to be installed on the surface parking area in the rear yard of the property, we agree to limit the height of any light poles to twenty (20) feet with cut-off light fixtures installed on top of the poles.

8. We agree to modify the current request for a wall-mounted signage variance in Case No. 08-234-SPHXA and request approval to install only two (2) illuminated, wall-mounted signs, each with a maximum sign face area of seventy-five (75) square feet.

9. We agree to pay the total sum of fifteen thousand dollars (\$15,000.00) to make drainage improvements to your properties.

We appreciate your taking the time to come to this resolution.

Sincerely,



Al Patel
President

Kathleen Wrenco + David Karcecki
Howard Management, Inc.

7871 Belle Point Drive * Greenbelt, MD 20770
 Phone: 301-345-8700 Fax: 301-345-8701

BALTIMORE COUNTY
 BOARD OF APPEALS

OCT 16 2008

RECEIVED

Re: Case No. 08-234-SPHXA

Property: 4508-4514 Painters Mill Road

10:42 AM
 additional
 not on back
 regarding payment
 per yard etc.
 -LH

Dear Ms. Roane and Ms. Ford-McClain:

If both of you and Mr. Craven and Mr. Claxton agree to withdraw tomorrow's scheduled appeal to the County Board of Appeals filed in the above-referenced case and not oppose any other necessary governmental approvals for construction of the hotel, consistent with the items listed below, we will agree to this list of items.

1. We agree to withdraw the current request for a building height variance of fifty-nine (59) feet.

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6. We will seek to protect any existing trees located within approximately twenty (20) feet of the western (or rear) property line of the property.

Thank you very much for landscaping on

second
 to plans
 provided
 to date.
 -LH

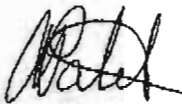
I shall
 pay for the
 owner for
 a proportional
 and whole
 amount to
 lower footage
 with about
 your prop.
 time - LH

7. For any pole-mounted lighting to be installed on the surface parking area in the rear yard of the property, we agree to limit the height of any light poles to twenty (20) feet with cut-off light fixtures installed on top of the poles.

8. We agree to modify the current request for a wall-mounted signage variance in Case No. 08-234-SPHXA and request approval to install only two (2) illuminated, wall-mounted signs, each with a maximum sign face area of seventy-five (75) square feet.

We appreciate your taking the time to come to this resolution.

Sincerely,



Al Patel
President

We agree to shut off any construction at
get a hard date job. ca

Monies for repairs of Rev. Cranes & Mr. Claxton's yard
work will be placed in lawn. -LR

I officially withdraw my appeal made on the
conditions outlined in this letter. ca

Lynna Loane

11 Saddestone Ct.

Dwight Mills (ny)

21117

BW
1-23-08

facsimile transmittal

To: **Kristen Matthews** Fax: (410)887-3048
From: Lynnee Roane Date: January 17, 2008
Re: Case # 8-234-SPHXA Pages: 4
CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes:

Kristen,

Please file these letters appropriately for **case****number 8-234-SPHXA**

Lynnee Roane
11 Saddlestone Court
Owings Mills, Maryland 21117
Home phone: 410-706-5689
Work phone: (410) 706-5689
Cell: 410-458-4424

January 17, 2008

Case Number: 8-234-SPHXA

To Whom It May Concern:

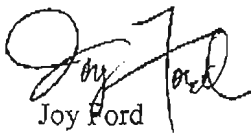
I live in the Village of Painters Mill community and my home adjoins the property which you plan to develop on Painters Mill Road. This proposed development and your request for a variance to build a 59ft. structure with three 150 ft signs is of great concern to me. My neighbors and I adamantly oppose any increase in height and/or additional signage. As it is, your commercial project greatly imposes on our residential community.

The nature of your development inherently poses an increased risk to our community's property value, quality of life and security. I am very concerned about how this project will impact my neighborhood's aesthetics. Such a large structure is sure to devalue the properties in this neighborhood.

Since it appears that the development of your hotel, in our back yard, is inevitable, we would appreciate it if you will work with this community to lessen the negative impact. It seems that in order to help ensure our community's quality of life, both ascetically and securely, it is imperative that an impenetrable barrier be installed to separate your property from the residential properties in our neighborhood. My neighbors and I would like to be involved in some way in order to help make sure steps are taken to address our concerns.

I will not be able to attend the hearing on January 23, 2008. Please let this letter serve as a representation of my concerns. I look forward to hearing from someone in your company regarding this matter.

Sincerely,



Joy Ford

9 Saddlestone Court

Owings Mills, Maryland 21117

Phone #: 443-744-8225

Case #
8-234-SPHXA.

January 15, 2008

To Whom It May Concern:

On January 13, 2008, while walking my dog in my neighborhood I noticed a sign on the property that backs up to my property. I live at 11 Saddlestone Court in Owings Mills. The address to the property behind my house is 4508-4514 Painters Mill Road. The sign states that a hearing will be held on January 23, 2008 regarding a variance to increase the building height from 50 feet to 59 feet and to allow three wall mounted signs which will be 150 sq ft each. As I stated previously, I live directly behind this property and I'm very concerned about the impact of such development for many reasons.

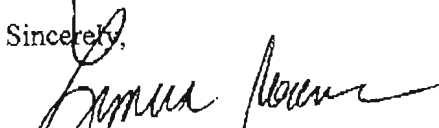
First, this is the first that I've learned of plans to build a hotel behind my property. I'm afraid that the zoning notice for the building of the hotel may not have been any more visible than the notice for the variance. The present sign is not visible from the street. I drive by the sign everyday and I am not able to see it from the street. I only saw the sign because I was actually walking on the side walk. A 59 foot structure would be an absolute eye sore from every angle on my property and the additional signage would only further detract from my property's visual aesthetic and thus property value. I'm a Registered Nurse and after working all day the last thing I want to do is come home and look at a parking lot and the back of a hotel. Honestly, I'm also afraid of the riff raff that could easily access my property from this hotel parking lot.

Secondly, a commercial property will likely bring increased traffic and of particular concern to me the potential for loss of privacy. Thirdly and probably most important, there is the issue of security. I'm really concerned about the transient nature of the clientele and their ability to access my property. The thought that just anyone, from unknown back grounds, could come on to my property from this hotel is very scary to me.

I'm writing in hopes that there can be some sort of resolution of my concerns. I appreciate your attention to this matter and I hope there is something that can be done to come to some sort of resolution.

The **case number** for the hearing on January 23, 2008 is **8-234-SPHXA**.

Sincerely,


Lynnee Roane

11 Saddlestone Court
Owings Mills, Maryland 21117
410-902-9282

✓

January 16, 2008

Case Number: 8-234-SPHXA

To Whom It May Concern:

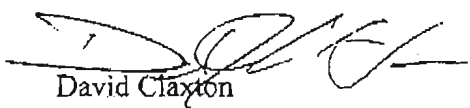
My property adjoins the proposed development on Painters Mill Road. I live at 17 Saddlestone Court. I am strongly opposed to the variance to increase the height of the building to 59 feet and to install three 150 ft. signs. A 59 building in my back yard would be an aesthetic nightmare. I also have many other concerns regarding how a commercial property will affect my quality of life, safety and security of me and my family. The affect that this will have on my property value is also of great concern.

Several of my neighbors and I are very interested to learn what plans this development project has established to address our concerns. Your proposed development has the potential to invade our privacy, decrease property values and pose a security hazard. Of particular interest what barrier method you plan to use to prevent someone from coming on to the residential properties behind your development. Unless an impermeable barrier is established your property has the potential to cause a threat to the safety of me, my family and neighbors. There has already been a serious problem in our neighborhood with unfamiliar individuals coming on to our property from the apartment complex behind our community. I am very concerned that your development will only contribute to this already serious problem.

At this time I am not certain that I will be able to attend the hearing on January 23, 2008 as I am scheduled to work. I am writing this letter to express my concerns in hope that you will be able to work with me and other members of my community to resolve these matters.

I look forward to hearing from someone working on this project.

Sincerely,


David Claxton
17 Saddlestone Court
Owings Mills, MD 21117
410-363-4026



DAVID J. AND JACQUELINE C. CLAXTON
17 SADDLESTONE COURT
OWINGS MILLS, MD 21117
(410) 363-4026

October 20, 2008

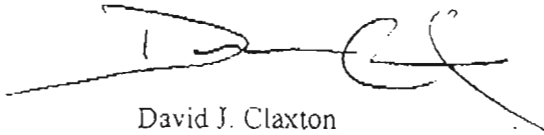
Howard Management, Inc.
7871 Belle Point Drive
Greenbelt, MD 20770

RE: Case No. 08-234-SPHXA
Property: 4508-4514 Painters Mill Road

Dear Mr. Al Patel,

Based on the list in the letter received from your office, which I have attached, I agree to withdraw our appeal to the County Board of Appeals filed in the above-referenced case and not oppose any other necessary governmental approvals for construction of the hotel.

Thank you,

A handwritten signature in black ink, appearing to be 'D J Claxton', written over a horizontal line.

David J. Claxton



Tidewater



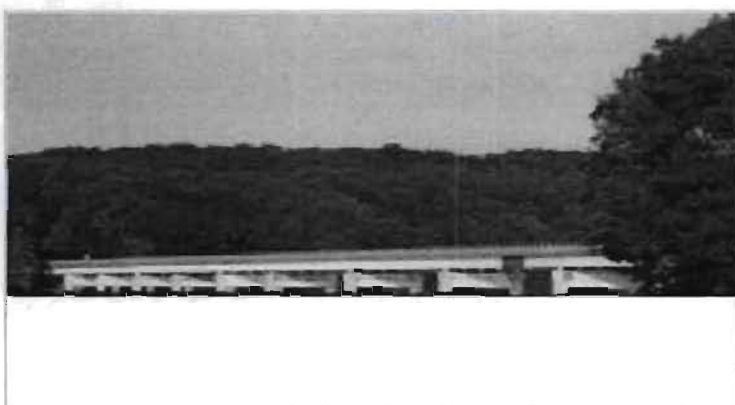
Home

About Us

Downloadable Forms

Useful Links

Co



Tidewater Property Management, Inc. management segment of the Real communities in the Baltimore/Wash years of experience, we have been al excellence in coordinating all phases (reputation was built on our dedicati courteous and professionally-trained support to meet your association's nee management of 130 properties, w providing personal, comprehensiv management to all Tidewater clients.

Tidewater Property Management, Inc. | 3706 Crondall Lane, Suite 105 | Owings Mills, Maryland 21117 | Phone (443) 548-0191 | Facsimile (443) 548-0196 | info@tidewaterproperty.com

Hours of Operation | Monday through Friday | 8:00 a.m. - 4:30 p.m. | 24 Hours 7 Days a Week Emergency Service

We have the experience and resources to handle any emergency.



Copyright (c) 2007 Tidewater Property Management, Inc. All rights reserved.

Rick Jordan

*Google Search for Tidewater
since ~~no~~
no address provided
on Sign-in Sheet.*

CASE NAME _____
CASE NUMBER 08-234-SPHKA .
DATE 1-23-08

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 4508-4514 Binknell
CASE NUMBER 08-234-SPHXA
DATE 1/23/08

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
✓ DAVID KARCESH	210 Allegheny	Towson	dkarcesh@vernet.net
✓ ROBERT HOFFMAN	Avenue	MD 21230	Rhoffman@vernet.net
✓ ROBERT CAPALONGO	215 Bynum Rd	Forest Hill 21050	Bob.Capalongo@cna-engineering.com
✓ PAUL LANDRY	8000 TOWERS CRESCENT DR.	URIENNA, VA 21182	p.landry@reuparinet.net
✓ KACEY CORNELIUS	3900 FRANKLIN SQ DR. STE. H	BALTIMORE, MD 21236	mcornelius@trafficgroup.com
✓ Kurt Blorstad	7871 Belle Point Dr Greenbelt	Greenbelt MD 20770	kurt@baywoodhotels.com
✓ Chet Patel	" " " "	" " "	
✓ Greg Paszkiewicz	P.O. Box 4674, ~~Timonium~~ 21094	Timonium, MD 21094	blakefield@comcast.net
✓ Rhett DeBuys	29000 CENTRAL PARK WEST #400	ATLANTA, GA 30328	rdebuys@phillipspar.com

Subject: please add me to the Baywood Hotel list
08-234-SPHXA

Thanks Rob.

My contact info is:

✓
Kacey T. Scott-Macomber
Director, Land Use
McDonogh School
8600 McDonogh Road
P.O. Box 380
Owings Mills, MD 21117-0380

THOMAS AND FATHIM CRAVEN
19 SADDLESTONE COURT
OWINGS MILLS MD 21117

JOI FORD-McCLAIN
9 SADDLESTONE COURT
OWINGS MILLS MD 21117

LYNEE ROARE
11 SADDLESTONE COURT
OWINGS MILLS MD 21117

DAVID AND JACQUELINE CLAXTON
17 SADDLESTONE COURT
OWINGS MILLS MD 21117

ROBERT A HOFFMAN ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON MD 21204

GREGORY N PASZKIEWICZ
SUMMIT CAPITAL LLC
6422 FRANKFORD AVENUE
BALTIMORE MD 21206

CHET PATEL AND KURT BLORSTAD
BAYWOOD HOTELS
7871 BELLE POINT DRIVE
GREENBELT MD 20770

ROBERT CAPALONGO
CNA INC
215 BYNUM ROAD
FOREST HILL MD 21050

MICKEY A CORNELIUS
THE TRAFFIC GROUP
9900 FRANKLIN SQUARE DRIVE
SUITE H
BALTIMORE MD 21236

PAUL LANDRY
RevPAR INTERNATIONAL
8000 TOWERS CRESCENT DRIVE
VIENNA VA 21182

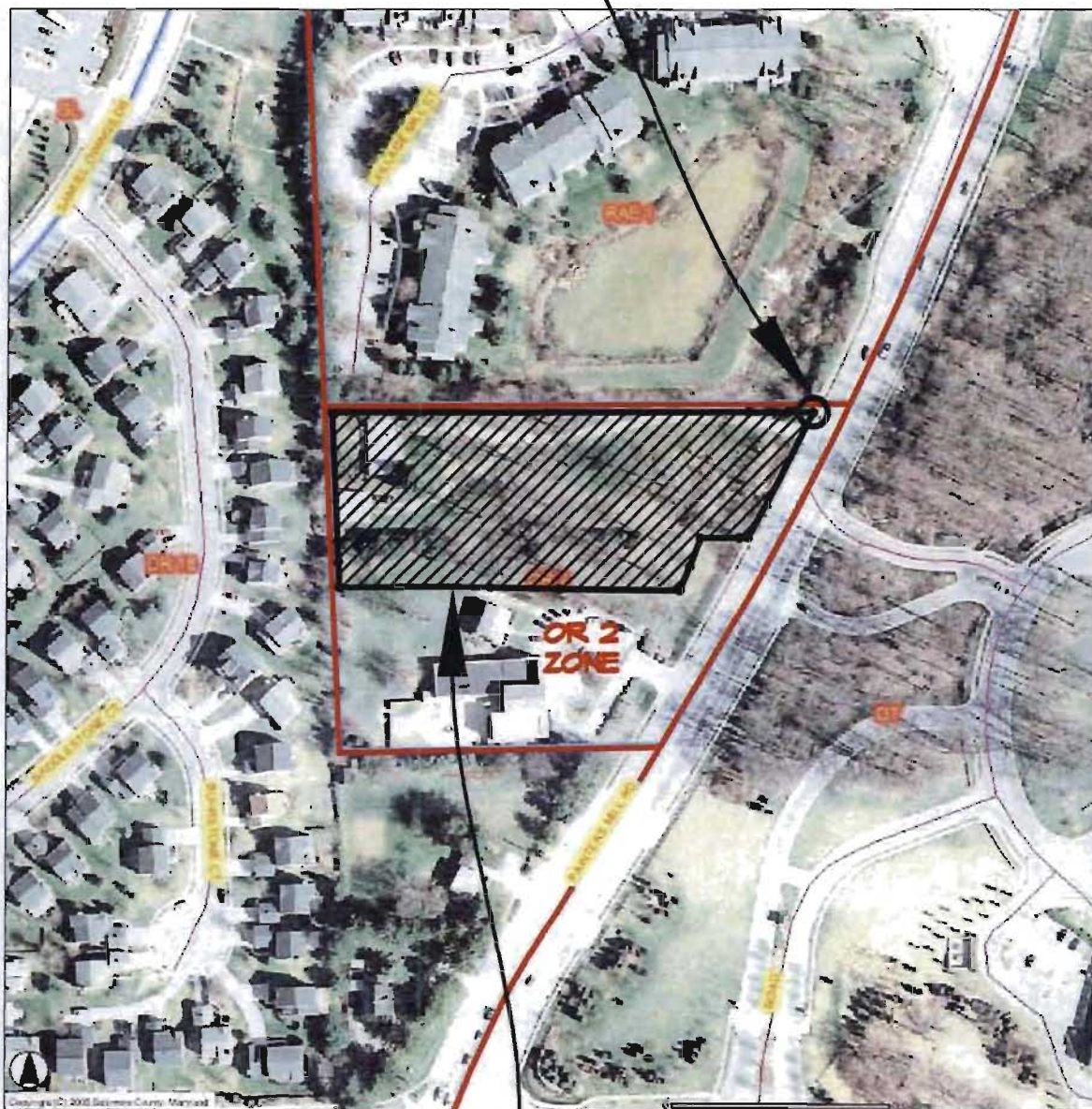
RHETT DeBUYS AIA
VICE PRESIDENT, PHILLIPS PARTNERSHIP
9000 CENTRAL PARK WEST
SUITE 400
ATLANTA GA 30328

KACEY T SCOTT-MACOMBER
DIRECTOR LAND USE
McDONOGH SCHOOL
PO BOX 380 8600 McDONOGH ROAD
OWINGS MILLS MD 21117

JAY CANEDO
662 TANGLEWOOD DRIVE
ELDERSBERG MD 21784

**POINT OF BEGINNING
COORDINATES FOR SPECIAL
EXCEPTION AND VARIANCES:**

**N 630,076
E 1,372,480**



SITE

ZONING LINE

DATE	SCALE	ZONING MAP FOR SPECIAL EXCEPTION AND VARIANCES	SHEET
© COPYRIGHT 2005 BALTIMORE COUNTY, MARYLAND	1" = 200'±	4508-4514 PAINTERS MILL ROAD	067A2 067B2

POINT OF BEGINNING

**COORDINATES FOR
SPECIAL HEARING:**

N 629,936

E 1,372,355



SITE

ZONING LINE

DATE

SCALE

**ZONING MAP FOR
SPECIAL HEARING**

SHEET

© COPYRIGHT 2005
BALTIMORE COUNTY,
MARYLAND

1" = 200'±

4508-4514
PAINTERS MILL ROAD

067A2
067B2

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
EXCEPTION & ZONING VARIANCE * ZONING COMMISSIONER
W/S Painters Mill Road, 500 ft. *
N of Lyons Mill Road * OF BALTIMORE COUNTY
4508 Painters Mill Road * Case No. 91-447-SPHXA
2nd Election District *
3rd Councilmanic District *
Stanley C.Miles, Legal Owner *
Janet Paszkiewicz, Contract *
Purchaser, Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to Petitions for Special Exception/Special Hearing, permission for a freestanding Class B Group Child Care Center in an RAE-1 zone and to permit a single family dwelling to remain in an RAE-1 zone; and, pursuant to a Petition for Zoning Variance, a variance from Section 200.3.C.1 of the B.C.Z.R. to permit a building setback and a property line setback of 0 ft. and 20 ft. in lieu of the required 45 ft. for new proposed building, and 10 ft. in lieu of the required 45 ft. for existing dwelling to lot lines and, a variance from Section 102.2 of the B.C.Z.R. to permit a building separation of 10 ft. in lieu of the required 90 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Contract Purchaser, Janet Paszkiewicz, appeared, testified and was represented by John Gontrum, Esquire. Appearing on behalf of the Petition were Dorothy Paszkiewicz, Norbert Paszkiewicz, Greg Paszkiewicz, Mary Beth Paszkiewicz, E.M. Ramm, Janet Quine, Richard Quine and Jacob E. Evans. Appearing as Protestants were Francis Prochazka, and Mary J. Beck. Appearing and testifying as a Protestant was David F. Beck.

The Petitioner is the Contract Purchaser of property known as 4508 Painters Mill Road. That property is improved with a single family detached dwelling house and several existing outbuildings, as indicated on

Petitioner's Exhibit No. 1.

The Petitioner has proposed to build a Class B child care center on this property and also maintain the single family dwelling house as the owner's residence. The current property contains 65,073 sq. ft. and the proposed child care center will cover 7,541 sq. ft. The proposed child care center will have a maximum of 10 employees on any given shift and is proposed for a maximum of 120 children. There are 21 parking spaces to be provided for the day care center and circular driveway for the day care traffic to pass in front of the building and ingress and egress through a singular access point onto Painters Mills Road. The property is currently zoned RAE-1 and could be developable as an apartment complex with appropriate densities within the RAE-1 zone.

The Petitioner testified regarding the criteria for a special exception and for the variances as listed in the Petitions.

Mr. Jacob Evans testified that, in his opinion, the proposed use at the subject property would not be detrimental to the health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.

The Petitioner testified that, based on her professional experience, it was her opinion that the business would not cause any adverse impact and would not create traffic congestion over and above what already exists. She testified that the conditions delineated in Section 502.1 (B.C.Z.R.) will be satisfied.

Mr. David Beck, a residential property owner next door to the proposed subject site, testified in opposition to the variances for the proposed Class B group child center which would place the structure closer to his adjoining property line than would be permitted by the Baltimore County

Zoning Regulations. Mr. Beck testified that he was opposed to the setback variances because of the intrusion that would be created by noise and light from the adjoining property onto his property. Mr. Beck testified in opposition to the intrusion of the child care center into this residential area.

The Petitioner is seeking a Class B group child care center within the RAE-1 zone, pursuant to Section 424.5.A of the B.C.Z.R. These regulations provide for group child care centers as a principal use by special exception in the RAE-1 and 2 zones.

It is clear that the B.C.Z.R. permits the use proposed in an RAE-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

A special exception is a granting by the Zoning Commissioner or Deputy Zoning Commissioner, pursuant to the existing provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). It is subject to the guidelines and standards contained in the provisions of the B.C.Z.R. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner or Deputy Zoning Commissioner must in each case, decide under the specific standards set forth in Section 502 of the B.C.Z.R. whether the presumptive compatibility does, in fact, exist in this case. See, Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Furthermore, ". . . there cannot be a grant of a Special Exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated. . ." Schultz v. Pritts 291 Md. 1, 432 A.2d 1319 (1981). The duty of the Zoning Commissioner or Deputy Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner has the burden of adducing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community and, furthermore, if the Petitioner shows to the satisfaction of the Zoning Commissioner or Deputy Zoning Commissioner that the proposed use would be conducted without real

Clearly, the single family dwelling house is a nonconforming use upon this site. The single family dwelling house was constructed and used as a matter of right within the zoning that existed on the land until 1984. The single family dwelling house has been used and occupied as a single family residence since the change in zoning in 1984 and there have been no lapses in the use of this nonconforming structure. Furthermore, there has been no change or expansion of the prior nonconforming use and the nature, extent and utilization of the nonconforming use has no substantial different impact upon the community and neighborhood either prior to the construction and use of the Class B child care center currently or in the future.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his

detriment to the neighborhood and would not actually adversely affect the public interest, then the Petitioner has met the burden of proof. See Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

In the opinion of the Zoning Commissioner, the Petitioner has provided detail evidence that the Class B child care center would be permissible in the RAE-1 zone and would not adversely affect the general neighborhood.

The Petitioner has requested certain variances in relationship to the establishment of the building which will serve as the proposed Class B group child care center and its relationship to the existing home.

The Petitioner has also requested certain relief, pursuant to a special hearing contained within the Petition for Special Exception to permit the detached single family dwelling house to remain as a second principal use upon the subject site as a nonconforming use.

The Petitioner has proposed that the existing two story brick and frame dwelling house known as 4508 Painters Mills Road be permitted to remain as a dwelling house for the Petitioner in conjunction with the operation of the proposed child care center.

The evidence and testimony clearly indicate that the existing dwelling house was established more than 30 years ago. That the existing dwelling house has remained as a residential property continuously every year since it was built until the present. The Petitioner has proposed that this dwelling house be used as a single family dwelling house in conjunction with the operation of the child care center.

The evidence and testimony indicate that in 1980 the subject site was zoned R.C.3 which permitted single family dwelling houses on a site of this size as a matter of right. That in 1984 the zoning of this property was changed to RAE-1 as part of the 1984 comprehensive rezoning process.

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances, special exception and special hearing relief were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances and special exception requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

Case No.: 08-234 - SPHXA

4508-4514

Panters Mill Rd.

Exhibit Sheet

Petitioner/Developer

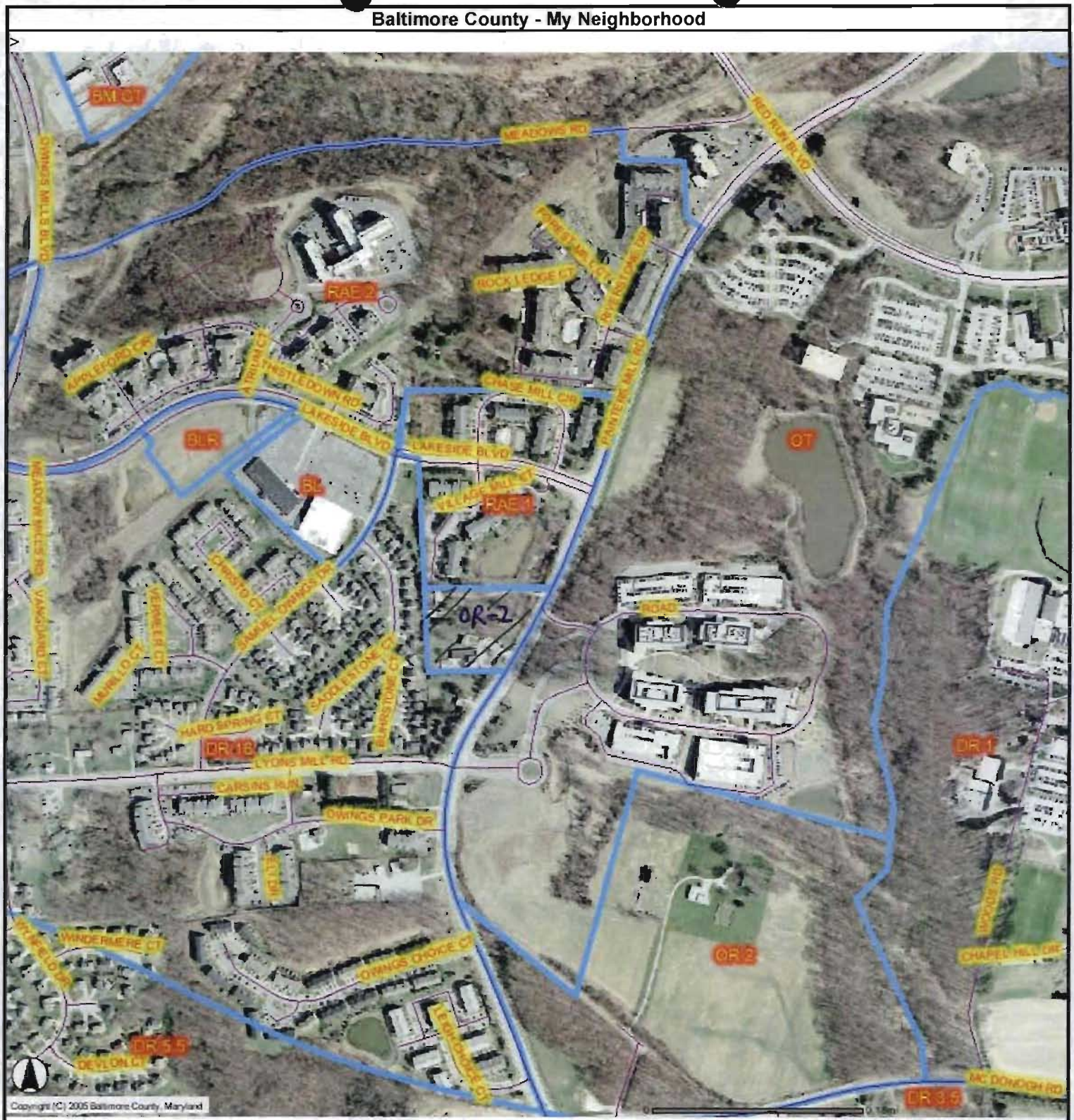
Protestant

No. 1	AERIAL VIEW PROVIDING AREA Surrounding Proposed Hotel	CARRERA testimony ABSTRACT
No. 2	CAPALONGO RESUME	CRAVEN testimony
No. 3	FENCE PANEL EXEMPLAR BLACK IN COLOR	
No. 4	Collectively NO. 4 Photo's - 15	
No. 5	Existing Conditions	
No. 6	PROPOSED CONDITIONS WITH FENCE PLACED ON BOUNDARY	→ To be posted
No. 7	CROSS SECTION ELEVATION EXAMPLE	
No. 8	8A - Elevations FRONT REAR 8B - " RT & LEFT SIDE	
No. 9	3 Page sign detail 9A - FRONT 9C - SIDE 9B - SIDE	
No. 10	Traffic Study	
No. 11	Cornelius Resume	
No. 12	PAUL LANDRY - Resume	

NO. 13

OWINGS Mills - CORPORATE CAMPUS
SITE PLAN

NO. 14 Rhett DeBry - Resume



PETITIONER' S

EXHIBIT NO.



Robert D. Capalongo, RLA

Work Experience:

August 2005 to Present: Associate of Planning and Landscape Architecture with C.N.A. Engineers, Inc. Managing and Designing Residential, Commercial, Institutional and Industrial Projects.

February 2001 to August 2005: Senior Project Manager for the Site Engineering Division and Department Head of the Landscape Architecture Department of Whitney, Bailey, Cox and Magnani, LLC in Baltimore, Maryland. Managed and Designed Institutional, Commercial, Residential and Industrial Projects.

January 1995 to February 2001: Project Manager and Senior Landscape Architect for the Land Planning and Development Engineering Division of Morris and Ritchie Associates, Inc. in Baltimore, Maryland. Managed and Designed Commercial, Residential and Industrial Projects.

May 1987 to January 1995: Project Manager and Landscape Architect for the Development Engineering Division of Greenhorne and O'Mara, Inc. in Greenbelt, MD. My responsibilities included site planning, grading, street grade establishment, earthwork analysis, sediment control design, public and private water and sewer design, construction cost estimation and site feasibility studies. Computer related work included CADD site planning, drafting, street grade establishment and earthwork analysis.

EDUCATION:

B.S. Landscape Architecture, College of Arts and Architecture
The Pennsylvania State University: Graduated May 1987.

PROFESSIONAL LICENSE:

Licensed Landscape Architect, Maryland License number 3037.
Also Licensed to Practice Landscape Architecture in Delaware, Pennsylvania and Virginia

REFERENCES:

Available upon request.

PETITIONER' S

EXHIBIT NO.

2

215 Bynum Road • Forest Hill, Maryland 21050 • 410-879-7200 • Fax: 410-838-1811
1667 Knecht Avenue • Suite A • Baltimore, Maryland 21227 • 410-242-1549 • Fax: 410-242-1745
22 S. Main Street • Selbyville, Delaware 19975 • 302-436-7295 • Fax: 302-436-7598
1040 Hardees Drive • Suite B • Aberdeen, Maryland 21001 • 410-273-9544 • Fax: 410-273-9545

Page 1 of 1
E-mail: cna@mail@cna-engineers.com



Fence-Depot.com
 (800)760-5170 toll free • (330)626.3331 fax • sales@fence-depot.com

Browse other products: [Aluminum Fence](#) | [Wrought Iron](#) | [Vinyl Fence](#) | [Deck Railing](#) | [Horse Fence](#) | [Driveway Gates](#) | [Automatic Gate Openers](#) | [Chain Link Screen](#) | [Clearance Sale](#)

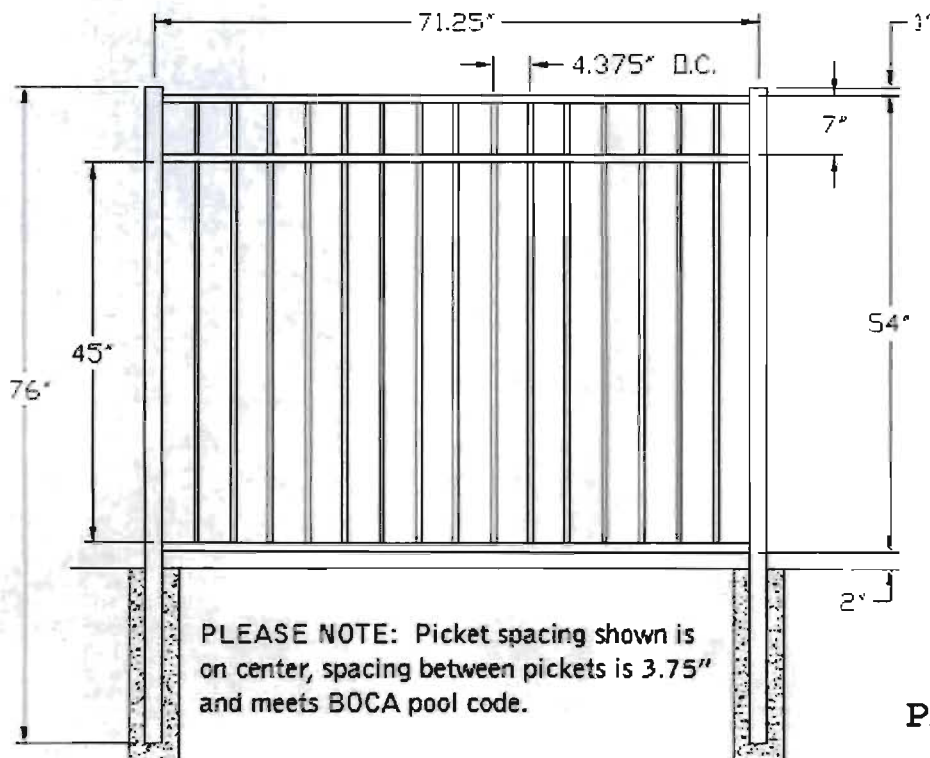
We were featured on **APPEAL**
 -be sure to check out the details by clicking here !!!

5% OFF
New Years Sale!

Storrs BOCA

[[click here to see prices](#)]

Fence Panel:



Colors Available:

(Colors may vary by computer, actual samples are available by request.)



PETITIONER' S

EXHIBIT NO. 3

Grades Available:

RESIDENTIAL		RESIDENTIAL WIDE		COMMERCIAL		INDUSTRIAL	
CHANNEL	PICKET	CHANNEL	PICKET	CHANNEL	PICKET	CHANNEL	PICKET

Common Residential Accessories:



Locinox Latch
\$22.08



Magna Latch
\$29.78



Ball Cap
\$5.13



Wall Bracket
\$2.05



Swivel Bracket
\$3.59

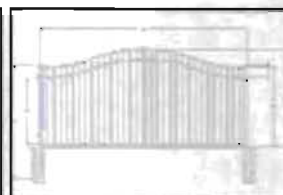
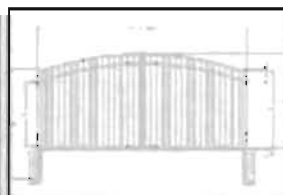
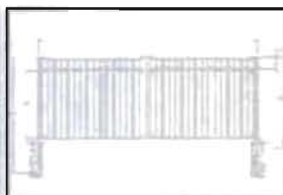
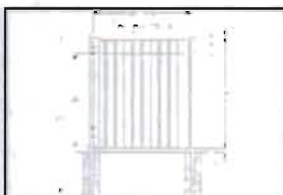
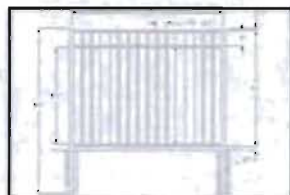


Deck Mount
\$9.24



Solar Caps
\$38.51

Shop Drawings & Installed Photos (Click to Enlarge):



Additional Resources:

[Installation Manual](#) | [Specifications](#) | [Warranty Card](#) | [Shopping Tips & FAQ's](#) | [Aluminum Fence Glossary](#)

Storrs BOCA Residential Fence Prices:

(Please call for prices on Residential Wide, Commercial, and Industrial Grades.)

PANEL PRICING		PANEL OPTIONS	POSTS			
Height	3 - Rail	Cost per panel	2"x 2"x.060"	2"x2"x.125"	2.5"x 2.5"x.075"	3"x 3 "x.125"
54" BOCA	\$71.88	Rings & X's: \$57.44	76"L: \$21.56	76"L: \$36.45	76"L: \$29.78	76"L: \$49.80
		Diamonds: \$57.44	1) .060" WALL ARE STANDARD FOR LINES, ENDS, & CORNERS. 2) .125" WALL ARE STANDARD FOR GATE POSTS.			
		Scrolls: \$65.76				

MATCHING GATES		GATE OPTIONS		
	54" High BOCA	Finials	Rings	Arched
3' Wide Single	\$182.26	\$17.99	\$28.72	\$104.73
3.5' Wide Single	\$191.50	\$20.56	\$32.31	\$104.73
4' Wide Single	\$204.85	\$23.13	\$35.90	\$104.73
5' Wide Single	\$226.41	\$30.84	\$46.67	\$104.73
6' Wide Single	\$244.38	\$38.55	\$57.44	\$104.73
6' Wide Double	\$364.52	\$38.55	\$57.44	\$209.47
7' Wide Double	\$383.00	\$41.12	\$64.62	\$209.47
8' Wide Double	\$409.70	\$46.26	\$71.80	\$209.47
10' Wide Double	\$452.82	\$61.68	\$93.34	\$209.47
12' Wide Double	\$488.76	\$77.10	\$114.88	\$209.47
*ALL GATES INCLUDE SELF-CLOSING HINGES.				

NEED A QUOTE? 1. Fax or email us a drawing of your layout.

2. Fax or email us a material list.
3. Call us toll free to discuss your project.

Toll Free: 1(800)760-5170 Fax: 1(330)626-3331 Email: sales@fence-depot.com

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Also visit our [Site Map](#) & [Resources](#) Page!



1-22-08

PETITIONER'S
15 Photos
EXHIBIT NO. 4

Photo 1



#9

#11

1-22-08

PHOTO 2



1-22-08

Photo 3



1-22-08

Photo 4

1-22-08

PHOTO 5





1-22-08

Photo 6



1-22-08

PHOTO 7



1-22-08

PHOTO 8



1-22-08

Photo 9



1-22-08

Photo 10



1-22-08

Photo 11

1-22-08

Photo 12





1-22-08

PHOTO 13



1-22-08

Photo 14



1-22-08

Photo 15



File # 1

Architecture • Interior Design • Planning

Phone 770.394.1616

Fax 770.394.1314

CURRICULUM VITAE

CONTACT INFORMATION

Name Rhett Charlton DeBuys
Address 2875 Roxburgh Drive
Telephone 770-619-3388
Cell Phone 678-438-3869
Email rcdebuys@phillipsart.com

PERSONAL INFORMATION

Date of Birth June 12, 1962
Place of Birth New Orleans, Louisiana
Citizenship United States of America
Visa Status N/A
Gender Male

Marital Status Married (19 years)
Spouse's Name M. Kathleen Joyce DeBuys
Children Four (4)

EMPLOYMENT HISTORY

2003 – Present The Phillips Partnership, PC Atlanta, GA
Vice President

Responsibilities include Project Management, Client Development, Code Review, Due Diligence, Design Development through Construction Documents, Construction Administration through Project Close-Out on Multi Family Apartment Projects, Limited Service Hospitality, Mixed-Use Developments, Retail Developments and Roll-Out Programs, Food services and Small Office Projects.

2001-2003 The Preston Partnership, LLC Atlanta, GA
Senior Project Manager

Responsibilities include Client Development, Code Review, Due Diligence, Design Development through Construction Documents, Construction Administration through Project Close-Out on Multi Family Apartment Projects, Mixed-Use Developments, Retail Developments and Roll-Out Programs, Food services and Small Office Projects.

PETITIONER' S

EXHIBIT NO.

14

ge 1 of 3



1996-2001 The Preston Phillips Partnership, Inc Atlanta, GA
Senior Project Manager
Responsibilities include Client Development, Code Review, Due Diligence, Design Development through Construction Documents, Construction Administration through Project Close-Out on Multi Family Apartment Projects, Limited Service Hospitality, Mixed-Use Developments, Retail Developments and Roll-Out Programs, Food services and Small Office Projects.

1991-1996 The Hauseman Group. Atlanta, GA
Project Manager
General Services Administration Fire Protection Surveys for over 450 buildings in the southeastern US – managed field personnel, performed code verification, and coordinated report data. Americans with Disabilities Act Surveys – conducted field surveys, performed code verification, and coordinated report data.

CADD Manager
Intergraph Microstation 4.0 and Sigma by Aris 5.7

Project Architect
Responsible for schematic design, design development, construction documents, construction administration, field verification, CADD design and product research for various government, educational and residential projects. Marketing proposal preparation and presentation, including fee proposals, graphics and spreadsheets.

1988-1990 Niles Bolton Associates Atlanta, GA
Project Designer
Responsible for presentation preparation, schematic design, client contacts, design and development, construction documents, construction administration, field verification, CADD design and product research for R-2 and R-3 zones multi-family developments.

1988 Van der Cleveland Design Consultants Atlanta, GA
Project Architect
Responsible for design development, construction documents, photography and field verification for a residential design group.

1986-1988 H. Hershberg & Associates New Orleans, LA
Clerk of the Work
Louisiana Superdome High Roof Repair Project- responsibilities include project management, daily on-site supervision, procedure verification, project and record drawing documentation

Project Designer
Responsible for presentation preparation, schematic design, design development, construction documents, photography, model design, and construction, record drawing documentation, and data processing for commercial and residential design firm.

All Suites Hotel

ITE Land Use Code: 311

Summary of Trip Generation Calculation
For 100 Rooms of All Suites Hotel
January 22, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	4.90	2.29	1.00	490
7-9 AM Peak Hour Enter	0.21	0.00	1.00	21
7-9 AM Peak Hour Exit	0.17	0.00	1.00	17
7-9 AM Peak Hour Total	0.38	0.62	1.00	38
4-6 PM Peak Hour Enter	0.18	0.00	1.00	18
4-6 PM Peak Hour Exit	0.22	0.00	1.00	22
4-6 PM Peak Hour Total	0.40	0.63	1.00	40
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.



PETITIONER'S

EXHIBIT NO. 10

EXHIBIT 8
TRIP GENERATION RATES AND
TOTALS FOR RESIDENCE INN

All Suites Hotel

ITE Land Use Code: 311

Summary of Trip Generation Calculation
For 100 Rooms of All Suites Hotel
January 22, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	4.90	2.29	1.00	490
7-9 AM Peak Hour Enter	0.21	0.00	1.00	21
7-9 AM Peak Hour Exit	0.17	0.00	1.00	17
7-9 AM Peak Hour Total	0.38	0.62	1.00	38
4-6 PM Peak Hour Enter	0.18	0.00	1.00	18
4-6 PM Peak Hour Exit	0.22	0.00	1.00	22
4-6 PM Peak Hour Total	0.40	0.63	1.00	40
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.



PETITIONER'S

EXHIBIT NO.

10

EXHIBIT 8
TRIP GENERATION RATES AND
TOTALS FOR RESIDENCE INN



19'-7"

2'-0" **Residence Inn**
1'-8" **Marriott**

PETITIONER'S

EXHIBIT NO. 9A

Customer: RESIDENCE INN	Date: 11-20-07	Prepared By: GJR	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.		DISTRIBUTED BY SIGN UP COMPANY 700 21st STREET SOUTHWEST PO BOX 210 WATERTOWN, SD 57201-0210
Location: OWNINGS MILL, MD	File Name:	48245 - R1 - (3) 24" CHL SETS IN (3) LOCATIONS			
				Ph / 1-800-843-9888	



19'-7"

2'-0" **Residence Inn**
1'-8" **Marriott**

93

Customer: RESIDENCE INN	Date: 11-20-07	Prepared By: GJR	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.		DISTRIBUTED BY SIGN UP COMPANY 700 21st STREET SOUTHWEST PO BOX 210 WATERTOWN, SD 57201-0210
Location: OWNINGS MILL, MD	File Name: 48245 - R1 - (3) 24" CHL SETS IN (3) LOCATIONS	ENG: X			



19'-7"

2'-0" **Residence Inn**
1'-8" **Marriott**

9C

Customer: RESIDENCE INN	Date: 11-20-07	Prepared By: GJR	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.	 PERSÖNA <i>Sign Makers / Image Builders</i> Ph./ 1-800-843-9888	DISTRIBUTED BY SIGN UP COMPANY 700 21st STREET SOUTHWEST PO BOX 210 WATERTOWN, SD 57201-0210
Location: OWNINGS MILL, MD	File Name: 48245 - R1 - (3) 24" CHL SETS IN (3) LOCATIONS	ENG: X			



Front Elevation



Rear Elevation

PETITIONER'S

EXHIBIT NO. 8A



Right Elevation



Left Elevation

PHILLIPS
PARTNERSHIP

PETITIONER' S

EXHIBIT NO. 8 B



Merging Innovation and Excellence

MICKEY A. CORNELIUS, P.E., PTOE

Senior Vice President

Mickey Cornelius, proudly one of the first certified Professional Traffic Operations Engineers (PTOE) in the nation, is Senior Vice President of the firm, responsible for managing various aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, geometric design, traffic signals and signal systems evaluation/design, parking and circulation, traffic calming, and transportation systems management.

As a registered Professional Engineer, Mr. Cornelius has over 23 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise in his field. Mr. Cornelius has conducted over 2,000 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies. His educational and professional background has qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and Municipal Planning and Zoning Boards in Maryland, as well as in Pennsylvania, New Jersey and New York.

Job History

1987 - Present

Traffic Engineering Consultant, The Traffic Group, Inc.

1984 - 1987

Traffic Engineering Consultant

1982 - 1984

Civil Engineer, Highway Construction

Educational Background

- *B.S. in Civil Engineering* with emphasis in Transportation
Pennsylvania State University
- *Traffic Engineering Courses*
Northwestern University Traffic Institute
Polytechnic Institute of New York

Affiliations

- Certified Professional Traffic Operations Engineer (PTOE)
- Registered Professional Engineer (P.E.)—DE, MD, NJ, PA, VA
- Institute of Transportation Engineers (I.T.E.)
- National Society of Professional Engineers (N.S.P.E.)
- Maryland Association of Engineers (M.A.E.)
- County Engineers Association of Maryland (CEAM)

Examples of places where Mr. Cornelius has testified as an expert witness

MARYLAND

City of Annapolis - City Council
Anne Arundel County - Board of Appeals;
Zoning Hearing Examiner
City of Baltimore - City Council; Planning Commission

Baltimore County - County Review Group, Zoning Commissioner,
Board of Appeals; Circuit Court; District Court

Town of Bel Air - Planning Board; Town Commissioners;
Zoning Hearing Examiner
Carroll County - Board of Appeals; County Commissioners;
Planning Board
City of Bowie - Planning Advisory Board; Mayor and City Council
Cecil County - Technical Advisory Committee
Charles County - Board of Appeals
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners;
Board of Appeals
Harford County - Zoning Hearing Examiner
Howard County - Planning Board; Zoning Board; Board of
Appeals; Hearing Examiner
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner;
Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council; Hearing
Examiner
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

NEW JERSEY

State Court of Administrative Law
Cumberland County - Manchester Township
Zoning Hearing Board
City of Millville - Planning Commission

PENNSYLVANIA

York County - Manchester Township Zoning Hearing Board
Shrewsbury Borough - Planning Commission

NEW YORK

Town of East Hampton - Planning Commission

The Traffic Group, Inc. v 9900 Franklin Square Drive v Suite H v Baltimore, Maryland 21236
410-931-6600 v Fax: 410-931-6601 v www.trafficgroup.com

(5/07)

PETITIONER'S

EXHIBIT NO. 11

Paul Landry, Business Analyst

Email: p.landry@revparintl.com

Professional History

Director, The Shelter Group, Washington, D.C.

Area General Manager, The Kimpton Hotel and Restaurant Group, Washington, D.C.

General Manager, ClubCorp, Inc., Jacksonville, FL

Major Projects

Prepared *market demand and feasibility studies* for all types of hotel products throughout the United States. Projects included determining the level of hotel/facility demand that currently and prospectively exists in the market and whether or not it is sufficient to support the development of the proposed project; verifying the size and type of facility that should be developed; determining franchise affiliation and other support services and amenities; estimating the future operating potential; estimating development costs, determining a fair lease structure and/or amount; and identifying appropriate hotel developers/operators.

Prepared *valuations and full narrative appraisals* for hospitality-related real estate located nationwide.

Undertook *due diligence* to ascertain the proper size and potential operating performance of a conference center to be developed alongside a 150-room full-service hotel on the main campus of George Mason University in Fairfax, Virginia. The analysis included determining the preferred site location based on the two sites provided; an appropriate size for the conference center at GMU to complement the 150-room hotel; indicated demand and quality level of facility; importance of branding versus independent hotel; usage estimates by segment for conference center; and pricing and top-line revenue estimates for the hotel/conference.

Prepared *market and financial reviews for several food and beverage facilities* with various ownership/operating options. Our studies included a review of appropriate (and non-appropriate) restaurant concepts under multiple ownership/operating options; trends in the national and local market regarding food and beverage to make sure that the concept applied maximizes its appeal to the targeted user population; competitive analysis; summary of pertinent lease terms and lease income; preparation of estimated financial operating performance including IRR and Net Present Value analysis; and listing the tangible and intangible factors affecting the various ownership/operating options that should be evaluated prior to making a final decision on which option is the most appropriate.

Redesigned restaurant operations in multiple upscale, full-service properties, which cut controllable costs by over 10 percent while increasing customer satisfaction and secret shopper reports.

Headed numerous opening and development teams for food and beverage operations at full-service hotel and restaurant properties.

PETITIONER'S

EXHIBIT NO. 12

Education

B.S., Business Administration with a Major in Hospitality Administration,
Florida State University



File # 1

Architecture • Interior Design • Planning

Phone 770.394.1616

Fax 770.394.1314

CURRICULUM VITAE

CONTACT INFORMATION

Name Rhett Charlton DeBuys
Address 2875 Roxburgh Drive
Telephone 770-619-3388
Cell Phone 678-438-3869
Email rcdebuys@phillipsart.com

PERSONAL INFORMATION

Date of Birth June 12, 1962
Place of Birth New Orleans, Louisiana
Citizenship United States of America
Visa Status N/A
Gender Male

Marital Status Married (19 years)
Spouse's Name M. Kathleen Joyce DeBuys
Children Four (4)

EMPLOYMENT HISTORY

2003 – Present The Phillips Partnership, PC Atlanta, GA
Vice President
Responsibilities include Project Management, Client Development, Code Review, Due Diligence, Design Development through Construction Documents, Construction Administration through Project Close-Out on Multi Family Apartment Projects, Limited Service Hospitality, Mixed-Use Developments, Retail Developments and Roll-Out Programs, Food services and Small Office Projects.

2001-2003 The Preston Partnership, LLC Atlanta, GA
Senior Project Manager
Responsibilities include Client Development, Code Review, Due Diligence, Design Development through Construction Documents, Construction Administration through Project Close-Out on Multi Family Apartment Projects, Mixed-Use Developments, Retail Developments and Roll-Out Programs, Food services and Small Office Projects.

PETITIONER'S

EXHIBIT NO.

14

Page 1 of 3



1996-2001 The Preston Phillips Partnership, Inc Atlanta, GA
Senior Project Manager
Responsibilities include Client Development, Code Review, Due Diligence, Design Development through Construction Documents, Construction Administration through Project Close-Out on Multi Family Apartment Projects, Limited Service Hospitality, Mixed-Use Developments, Retail Developments and Roll-Out Programs, Food services and Small Office Projects.

1991-1996 The Hauseman Group. Atlanta, GA
Project Manager
General Services Administration Fire Protection Surveys for over 450 buildings in the southeastern US – managed field personnel, performed code verification, and coordinated report data. Americans with Disabilities Act Surveys – conducted field surveys, performed code verification, and coordinated report data.

CADD Manager
Intergraph Microstation 4.0 and Sigma by Arris 5.7

Project Architect
Responsible for schematic design, design development, construction documents, construction administration, field verification, CADD design and product research for various government, educational and residential projects. Marketing proposal preparation and presentation, including fee proposals, graphics and spreadsheets.

1988-1990 Niles Bolton Associates Atlanta, GA
Project Designer
Responsible for presentation preparation, schematic design, client contacts, design and development, construction documents, construction administration, field verification, CADD design and product research for R-2 and R-3 zones multi-family developments.

1988 Van der Cleveland Design Consultants Atlanta, GA
Project Architect
Responsible for design development, construction documents, photography and field verification for a residential design group.

1986-1988 H. Hershberg & Associates New Orleans, LA
Clerk of the Work
Louisiana Superdome High Roof Repair Project- responsibilities include project management, daily on-site supervision, procedure verification, project and record drawing documentation

Project Designer
Responsible for presentation preparation, schematic design, design development, construction documents, photography, model design, and construction, record drawing documentation, and data processing for commercial and residential design firm.



EDUCATION

Ecole Classique High School <i>Valedictorian</i>	New Orleans, LA 1980
Tulane University School of Architecture <i>Masters of Architecture</i> <i>Bachelor of Architecture (Intensified 3 year program)</i>	New Orleans, LA 1988 1988
Tulane University School of Arts and Sciences <i>Bachelor of Arts in Economics</i>	New Orleans, LA 1984

PROFESSIONAL QUALIFICATIONS

Architectural Registrations in Georgia, Alabama, Louisiana, Virginia, Maryland, Florida, New York, Kentucky, Mississippi, Texas, North Carolina, and South Carolina.

*four additional States are pending reciprocity.

Proficient in MS OFFICE, Autocadd 2008, Microsoft Project, and Adobe Photoshop Elements.

AWARDS

-

PUBLICATIONS

-

BOOKS

-

PROFESSIONAL MEMBERSHIPS

Member of the American Institute of Architects

Member NCARB

Registrations in 12 States (including Maryland); four additional States are pending reciprocity.

INTERESTS

Various Ministries at Saint Andrews Catholic Church

Cubmaster – Boy Scouts of America (Godsend Award recipient 2007)

Case No.: 08-234 - SPHXA

4508-4514 Panthers Mill Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AERIAL VIEW PROVIDING AREA Surrounding Proposed Hotel	CARRERA testimony ABSTRACT
No. 2	CAPALONGO RESUME	CRAVEN testimony
No. 3	FENCE PANEL EXEMPLAR BLACK IN COLOR	
No. 4	collectively NO. 4 Photo's - 15	
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No. 9	3 Page sign detail 9A - FRONT 9C - SIDE 9B - SIDE	
No. 10	Traffic Study	
No. 11	Cornelius Resume	
No. 12	PAUL LANDRY - Resume	

NO. 13 OWINGS Mills - CORPORATE CAMPUS

NO. 14 Rhett DeBry - Resume

January 23, 2008

To: Baltimore County Zoning Commission
From: Villages of Painters Mill -Single Family Homes
Home Owners Association

We represent nearly 100 taxpaying homeowners in our community.

We have recently learned of plans to construct a 5-story Residence Inn hotel in our neighborhood. We also understand that there is a request to allow construction to exceed the 50-foot zoned height limit by 9 feet.

We want to strongly object and ask the commission not to allow construction of a hotel of either height to proceed. It would place a major business enterprise in the middle of a densely populated residential area.

A hotel in our community would bring a transient population to a residential area already struggling to build a cohesive community under the pressures of a residential mix of single-family homes, townhomes and apartments.

The hotel whose planned location would be between Lyons Mill Road and Lakeside Boulevard would literally be in the backyards of several of our single-family homes.

It would also abut A Small World Day Care Center and potentially create unnecessary security concerns for parents whose young children are enrolled there.

Additionally, we believe that a hotel built in the midst of our community also would threaten to decrease the resale values of our properties in an already ailing housing market.

While corporate neighbors like T. Rowe Price might welcome this hotel, we believe they are being sufficiently served already by other hotels in the area, including the Hilton Garden Inn on Owings Mills Boulevard and the Hyatt Place hotel on Painter's Mill Road.

Denise Cabrera
46 Saddlestone Court
Secretary HOA

PROTESTANT'S

EXHIBIT NO. 1 ✓

1/22/08

To Whom It May Concern:

We, the home owners in the Village of Painters Mill Community, will be adversely impacted by Baywood Hotels intentions to develop a new hotel on Painters Mill Rd (Case#: 8-234sphxa). As an example of an appropriate hotel development including a height variance just look ½ mile north on Painters Mill Road at The Hyatt Hotel. The Hyatt Hotel abuts a large apartment complex (Riverstone Apartments) and has no single family detached homes in its' shadow.

Baywood Hotels' development plans on the other hand abuts a number of single family houses in the Village of Painters' Mill. The decision to build a hotel on this property is a poor one, as it does not take into account the existing homes that about this property. The existing height restriction in Owings Mills (Baltimore County) was done so to allow for appropriate mixed use of residential & commercial properties. Granting a variance to allow for a greater hotel height (59'), will only increase the encroachment of this hotel onto our single family homes and circumvent the original primary intention of the height restriction.

The Village of Painters Mills Homeowners' that have resided in this neighborhood for more than ten years, should not bear the brunt of Baywood Hotels poor decision to build on this site, a site that **now** requires a **height variance and additional signage!**

Also, has an environmental impact study been undertaken regarding this increase in height and additional signage? If not, we would like one to be done before granting approval for the height variance and additional signage.

Please accept this petition as official documentation of our opposition.

Sincerely,

Thomas Craven
19 Saddlestone Court

Homeowners in the Village of Painters Mill



PROTESTANT' S

EXHIBIT NO. 2



Robert D. Capalongo, RLA

Work Experience:

August 2005 to Present: Associate of Planning and Landscape Architecture with C.N.A. Engineers, Inc. Managing and Designing Residential, Commercial, Institutional and Industrial Projects.

February 2001 to August 2005: Senior Project Manager for the Site Engineering Division and Department Head of the Landscape Architecture Department of Whitney, Bailey, Cox and Magnani, LLC in Baltimore, Maryland. Managed and Designed Institutional, Commercial, Residential and Industrial Projects.

January 1995 to February 2001: Project Manager and Senior Landscape Architect for the Land Planning and Development Engineering Division of Morris and Ritchie Associates, Inc. in Baltimore, Maryland. Managed and Designed Commercial, Residential and Industrial Projects.

May 1987 to January 1995: Project Manager and Landscape Architect for the Development Engineering Division of Greenhorne and O'Mara, Inc. in Greenbelt, MD. My responsibilities included site planning, grading, street grade establishment, earthwork analysis, sediment control design, public and private water and sewer design, construction cost estimation and site feasibility studies. Computer related work included CADD site planning, drafting, street grade establishment and earthwork analysis.

EDUCATION:

B.S. Landscape Architecture, College of Arts and Architecture
The Pennsylvania State University; Graduated May 1987.

PROFESSIONAL LICENSE:

Licensed Landscape Architect, Maryland License number 3037.
Also Licensed to Practice Landscape Architecture in Delaware, Pennsylvania and Virginia

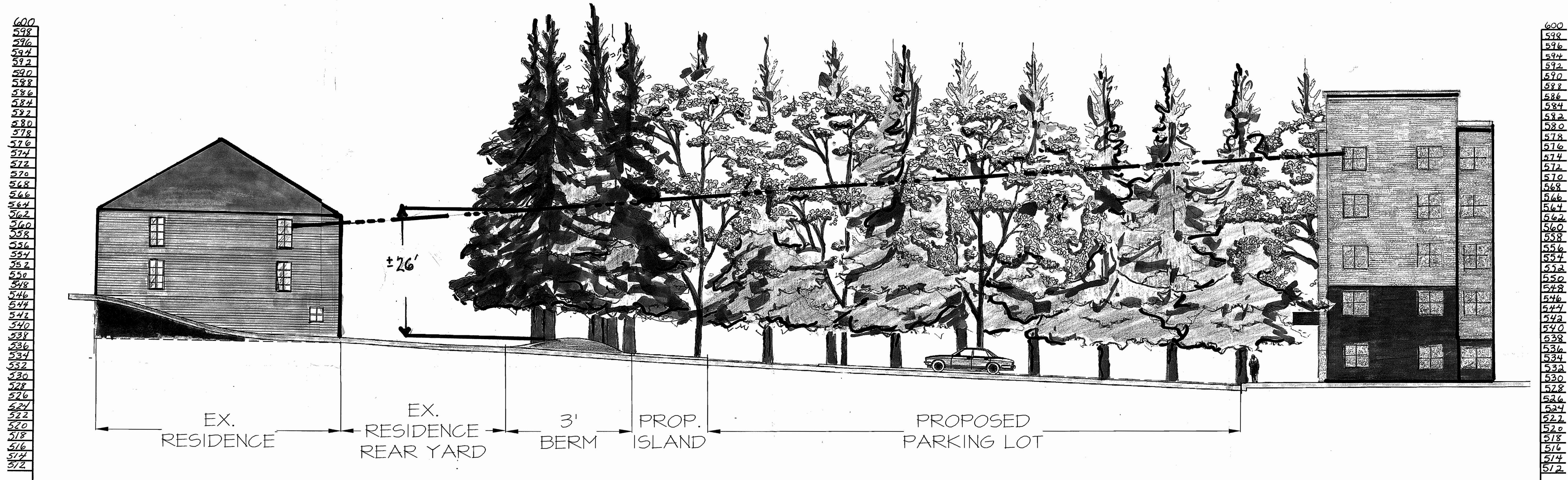
REFERENCES:

Available upon request.

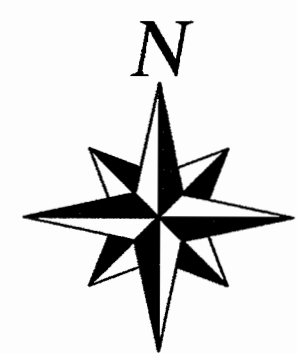
215 Bynum Road • Forest Hill, Maryland 21050 • 410-879-7200 • Fax: 410-838-1811
1667 Knecht Avenue • Suite A • Baltimore, Maryland 21227 • 410-242-1549 • Fax: 410-242-1745
22 S. Main Street • Selbyville, Delaware 19975 • 302-436-7295 • Fax: 302-436-7598
1040 Hardec Drive • Suite B • Aberdeen, Maryland 21001 • 410-273-9544 • Fax: 410-273-9545

Page 1 of 1
E-mail: cnaman@cna-engineers.com

CBA
P67. EXH
No. 4



SECTION A-A
SCALE: 1" = 10'



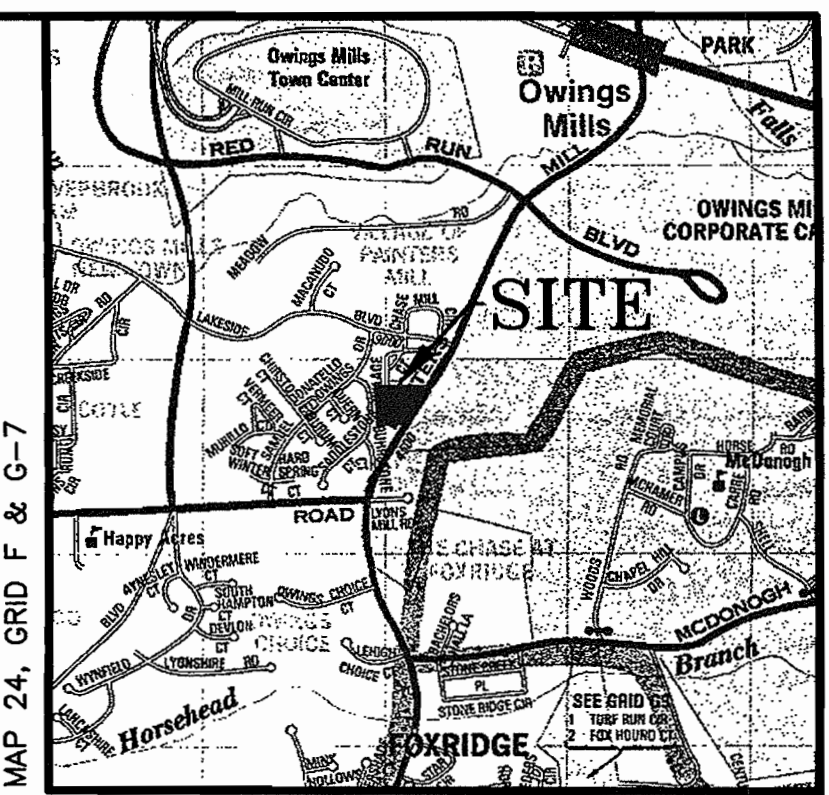
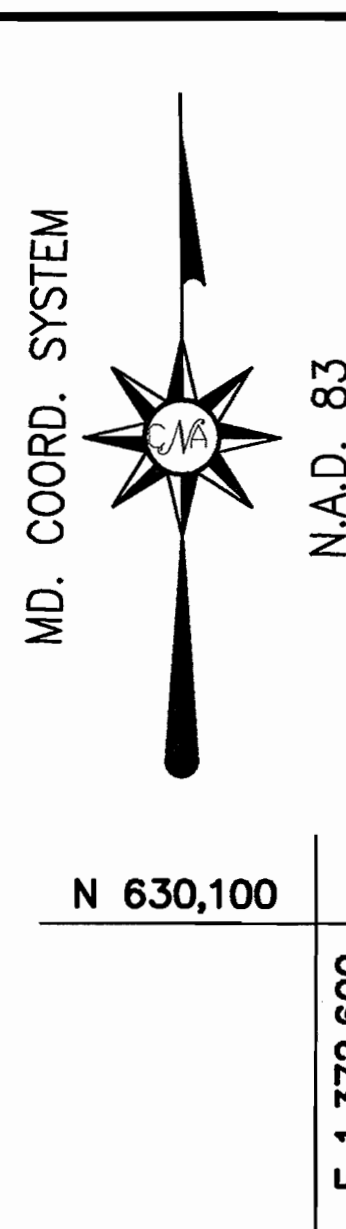
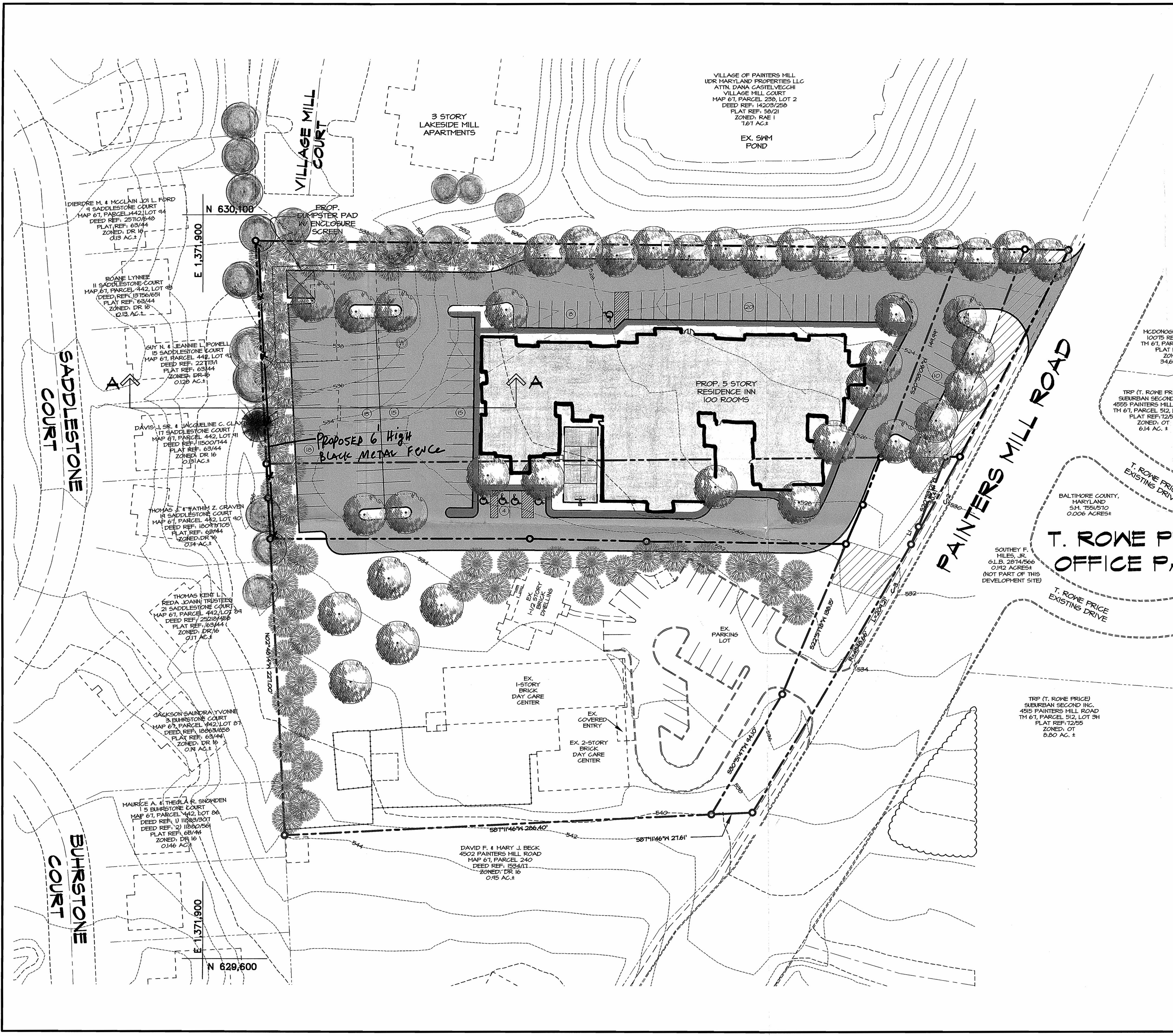
BAYWOOD HOTELS - OWINGS MILLS

ELEVATION

CNA
engineers, surveyors & landscape architects

PETITIONER'S
EXHIBIT NO. 7
Cross Section

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 819-1200 • Fax (410) 838-1811
E-mail: cnamall@cna-engineers.com



LOCATION MAP

SCALE: 1" = 2000'

SITE DATA

- 1. OWNER: SUMMIT CAPITAL LLC
PO BOX 4674
TIMONUM, MD 21094-4674
ATTN: GREGORY N. PASZKIEWICZ
- 2. DEVELOPER/ CONTRACT PURCHASER: BAYWOOD HOTELS
7871 BELLE POINT DRIVE
GREENBELT, MD 20770
ATTN: CHET PATEL
- 3. PROJECT ADDRESS: 4508-4514 PAINTERS MILL ROAD
OWINGS MILLS, MD 21117
- 4. TAX MAP INFO: TM 67 PARCEL 272
DEED REF. 15039/375
TM 67 PARCEL 468
DEED REF. 13187/634
- 5. ZONING: OR-2
- 6. EXISTING USES: RESIDENCE AND DAYCARE
- 7. PROPOSED USES: HOTEL AND DAYCARE
- 8. TOTAL SITE AREA: 159,429 SF = 3.66 AC.±
- 9. AREA OF SPECIAL EXCEPTION AND VARIANCES FOR THE HOTEL USE: 2.17 ACRES
- 10. PARKING REQUIRED: HOTEL/MOTEL: 1 SPACE/ROOM OR SUITE
HANDICAPPED SPACES: 101-150 = 5
TOTAL NUMBER OF SPACES: 100
- 11. PARKING PROPOSED: REGULAR PARKING PROP: 100 SPACES
HANDICAP PARKING PROP: 5 SPACES
TOTAL PARKING PROP: 105 SPACES
- 12. BULK REGULATIONS FOR HOTEL USE (D.R. 10.5):

	MINIMUM	PROP.
a. SETBACKS:		
FRONT YARD SETBACK:	25'	30'
SIDE YARD SETBACK:	20'	20' AND 55'
REAR YARD SETBACK:	50'	143'
b. MAXIMUM HEIGHT ALLOWED:	50'	
c. MAXIMUM HEIGHT PROPOSED:	59'	
- 13. BLDG. SQUARE FOOTAGE SHOWN: 76,013 SF.
- 14. BOUNDARY IS BASED ON LITTLE & ASSOCIATES, INC. PLAT OF SURVEY PAINTERS MILL DAY CARE INFORMATION. FIELD WORK FOR THIS SURVEY WAS COMPLETED DECEMBER 19, 2006.
- 15. THERE IS NO 100 YEAR FLOODPLAIN INDICATED, PER FEMA FLOODPLAIN MAP # 2400100220C, PANEL 220, EFFECTIVE SEPTEMBER 3, 1992
- 16. THIS SITE IS NOT LOCATED WITHIN THE CRITICAL AREAS DISTRICT.
- 17. THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
- 18. THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON THIS SITE.
- 19. CRG PLAN APPROVED DECEMBER 5, 1991, FOR PARCEL 468, DAYCARE PARCEL. CRG #91301 AND PLANNING CRG #11 - 477.
- 20. PROPOSED BUILDING WILL BE SERVED BY PUBLIC WATER AND SEWER.
- 21. ELECTION DISTRICT: 2. COUNCILMANIC DISTRICT 4.

PREVIOUS ZONING CASE:

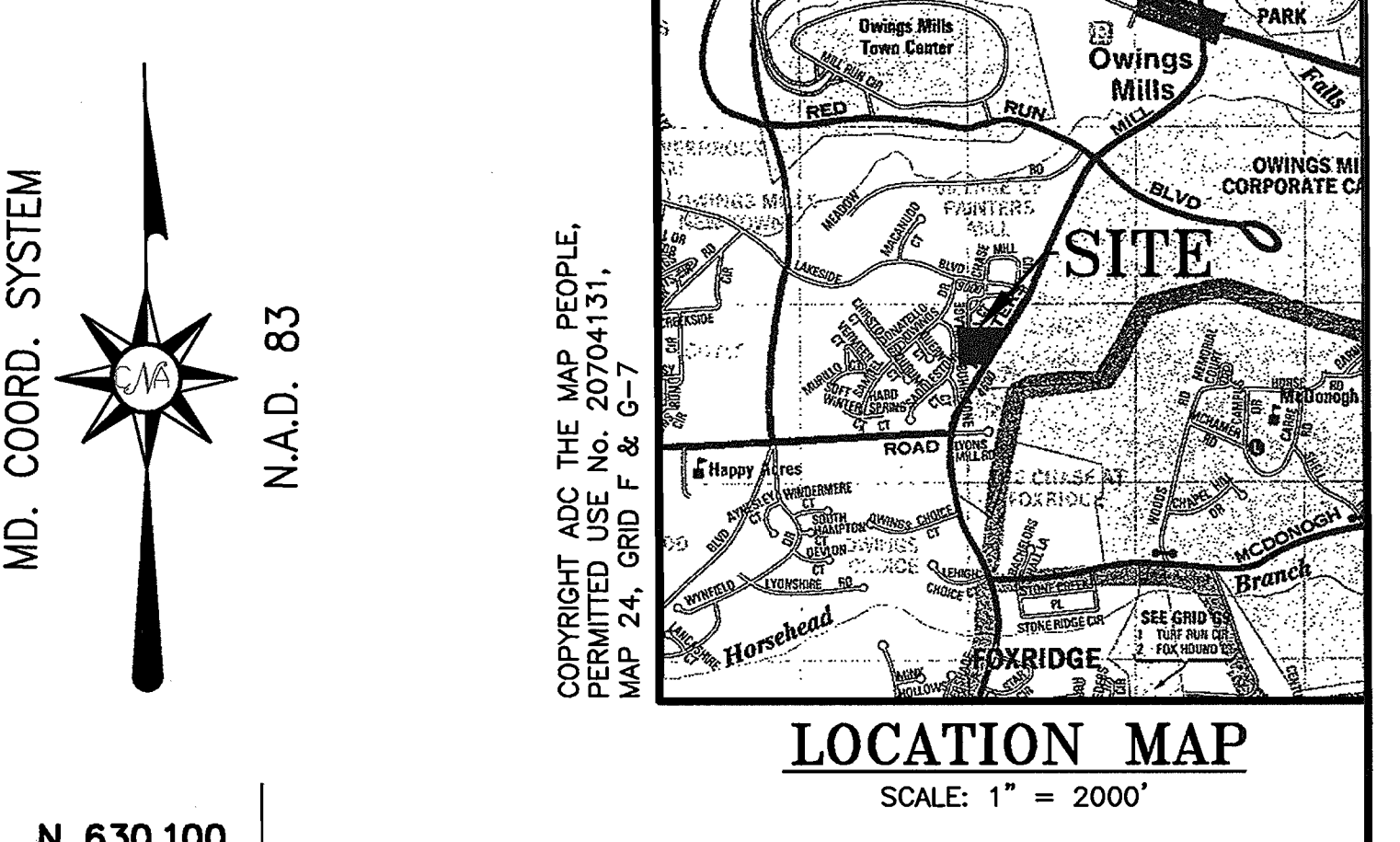
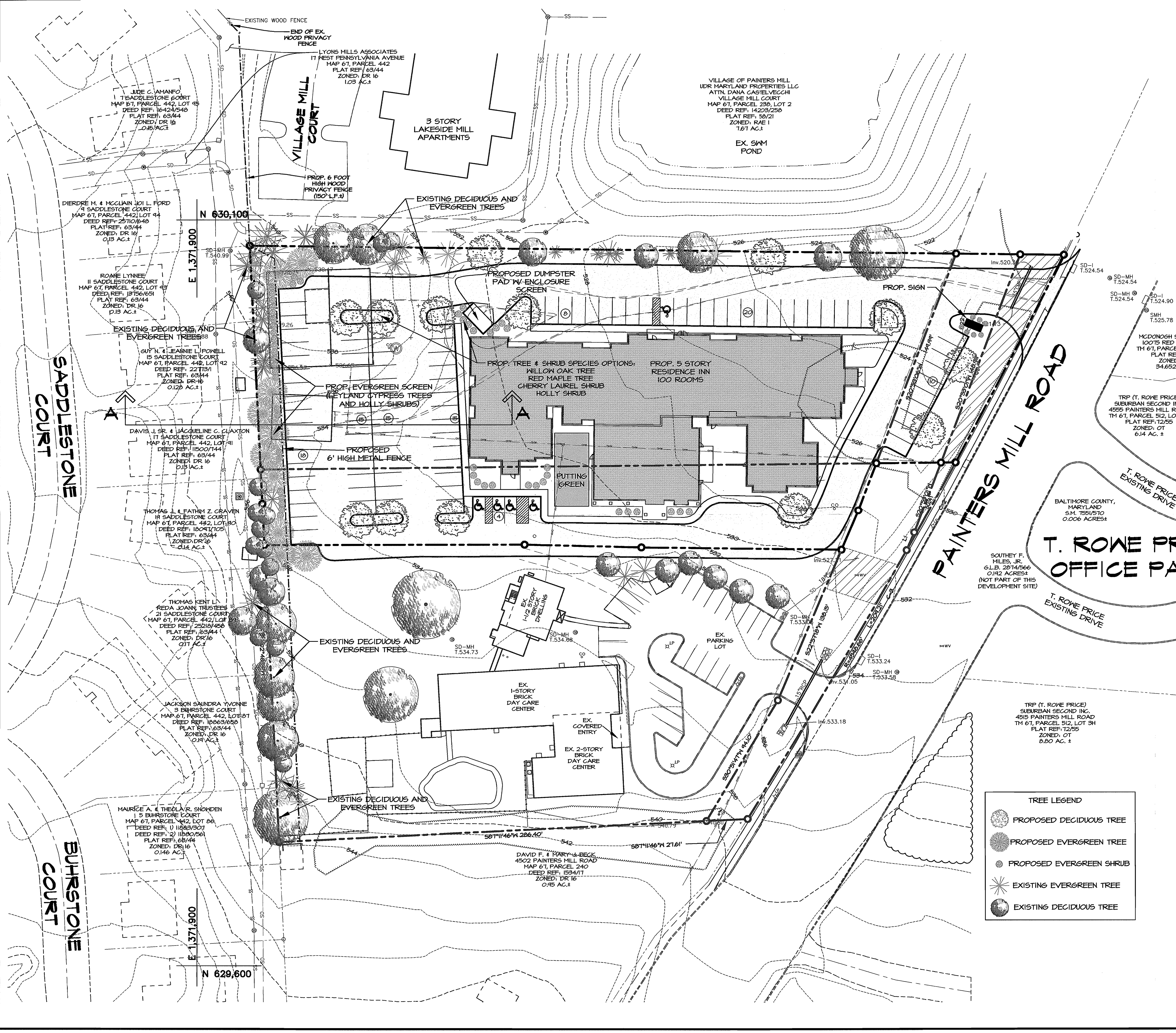
- 1.) NO PREVIOUS ZONING CASES FOUND FOR PARCEL 272, THE HOTEL PARCEL.
- 2.) DAYCARE USE, PARCEL 468: DATE OF ORDER-JULY 19, 1991, THAT PURSUANT TO A PETITION FOR SPECIAL EXCEPTION/SPECIAL HEARING, THE FOLLOWING WERE GRANTED:
 - a. PERMISSION FOR A FREESTANDING CLASS B GROUP CHILD CARE CENTER IN AN RAE-1 ZONE AND TO PERMIT A SINGLE FAMILY DWELLING, AS A NON-CONFORMING USE, MAY REMAIN IN A RAE-1 ZONE.
 - b. PETITION FOR ZONING VARIANCE: A VARIANCE FROM SECTION 200.3.C.1 OF THE B.C.Z.R. TO PERMIT A BUILDING SETBACK AND A PROPERTY LINE OF 0 FT. AND 20 FT. IN LIEU OF THE REQUIRED 45 FT. FOR NEW PROPOSED BUILDING, AND 10 FT. IN LIEU OF THE REQUIRED 45 FT. FOR EX. DWELLING TO LOT LINES.
 - c. VARIANCE FROM SECTION 102.2 OF THE BCZR TO PERMIT A BUILDING SEPARATION OF 10 FT. IN LIEU OF THE REQUIRED 90 FT.

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cna@mail@cna-engineers.com

PLAN TO ACCOMPANY A PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES FOR A NEW HOTEL AT 4508-4514 PAINTERS MILL ROAD

SEAL		2ND ELECTION DISTRICT		OWINGS MILLS, MARYLAND	
Date	Revisions	Date:	Scale:		
		11/14/07	1"=30'		
PETITIONER'S		Drawn By:	Job No:		
		JPT	07119		
EXHIBIT NO. 6		Design By:	Sheet:		
Proposed Conditions & Fence		BC	1 OF 1		
		Review By:			
		BC			

N:\Design\070200\07119-09wood-JobFile_Owings_Mills\Plan\07119-SE-PLAN-PHASE-1_REV-Graphic.dwg



SITE DATA AND GENERAL NOTES

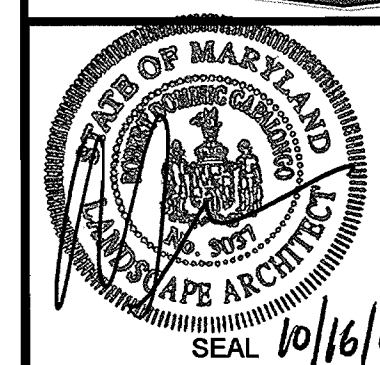
- OWNER AND DEVELOPER: HOWARD HOSPITALITY INCORPORATED
7871 BELLE POINT DRIVE
GREENBELT, MD 20770
ATTN: CHET PATEL
- PROJECT ADDRESS: 4508-4514 PAINTERS MILL ROAD
OWINGS MILLS, MD 21117
- TAX MAP INFO: TM 67 PARCEL 272
DEED REF. 15039/375
TM 67 PARCEL 468
DEED REF. 13187/634
OR-2
- ZONING: RESIDENCE AND DAYCARE
- EXISTING USES: HOTEL AND DAYCARE
- PROPOSED USES: HOTEL AND DAYCARE
- TOTAL SITE AREA: 159,429 SF = 3.66 AC.±
- AREA OF SPECIAL EXCEPTION AND VARIANCES FOR THE HOTEL USE: 2.17 ACRES
- PARKING REQUIRED: HOTEL/MOTEL: 1 SPACE/ROOM OR SUITE
HANDICAPPED SPACES: 101-150 = 5
TOTAL NUMBER OF SPACES: 100
- PARKING PROPOSED: REGULAR PARKING PROP: 100 SPACES
HANDICAP PARKING PROP: 5 SPACES
TOTAL PARKING PROP: 105 SPACES
- BULK REGULATIONS FOR HOTEL USE (D.R. 10.5):

	MINIMUM	PROP.
a. SETBACKS:		
FRONT YARD SETBACK:	25'	30'
SIDE YARD SETBACK:	20'	20' AND 55'
REAR YARD SETBACK:	50'	143'
b. MAXIMUM HEIGHT ALLOWED:	50'	
c. MAXIMUM HEIGHT PROPOSED:	50'	
12. BLDG. SQUARE FOOTAGE SHOWN:	76,013 SF.	
- BOUNDARY IS BASED ON LITTLE & ASSOCIATES, INC. PLAT OF SURVEY PAINTERS MILL DAY CARE INFORMATION. FIELD WORK FOR THIS SURVEY WAS COMPLETED DECEMBER 19, 2006.
- THERE IS NO 100 YEAR FLOODPLAIN INDICATED, PER FEMA FLOODPLAIN MAP # 2400100220C, PANEL 220, EFFECTIVE SEPTEMBER 3, 1992
- THIS SITE IS NOT LOCATED WITHIN THE CRITICAL AREAS DISTRICT.
- THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON THIS SITE.
- CRG PLAN APPROVED DECEMBER 5, 1991, FOR PARCEL 468, DAYCARE PARCEL CRG #91301 AND PLANNING CRG #11-477.
- PROPOSED BUILDING WILL BE SERVED BY PUBLIC WATER AND SEWER.
- ELECTION DISTRICT: 2. COUNCILMANIC DISTRICT 4.

PREVIOUS ZONING CASE:

- NO PREVIOUS ZONING CASES FOUND FOR PARCEL 272, THE HOTEL PARCEL.
- DAYCARE USE, PARCEL 468:
ZONING CASE NO. 91-447-SPHXA, DATE OF ORDER-JULY 19, 1991, THAT PURSUANT TO A PETITION FOR SPECIAL EXCEPTION/SPECIAL HEARING, THE FOLLOWING WERE GRANTED:
a. PERMISSION FOR A FREESTANDING CLASS B GROUP CHILD CARE CENTER IN AN RAE-1 ZONE AND TO PERMIT A SINGLE FAMILY DWELLING, AS A NON-CONFORMING USE, MAY REMAIN IN A RAE-1 ZONE.
b. PETITION FOR ZONING VARIANCE: A VARIANCE FROM SECTION 200.3.C.1 OF THE B.C.Z.R. TO PERMIT A BUILDING SETBACK AND A PROPERTY LINE OF 0 FT. AND 20 FT. IN LIEU OF THE REQUIRED 45 FT. FOR NEW PROPOSED BUILDING, AND 10 FT. IN LIEU OF THE REQUIRED 45 FT. FOR EX. DWELLING TO LOT LINES.
c. VARIANCE FROM SECTION 102 OF THE B.C.Z.R. TO PERMIT A BUILDING SEPARATION OF 10 FT. IN LIEU OF THE REQUIRED 90 FT.

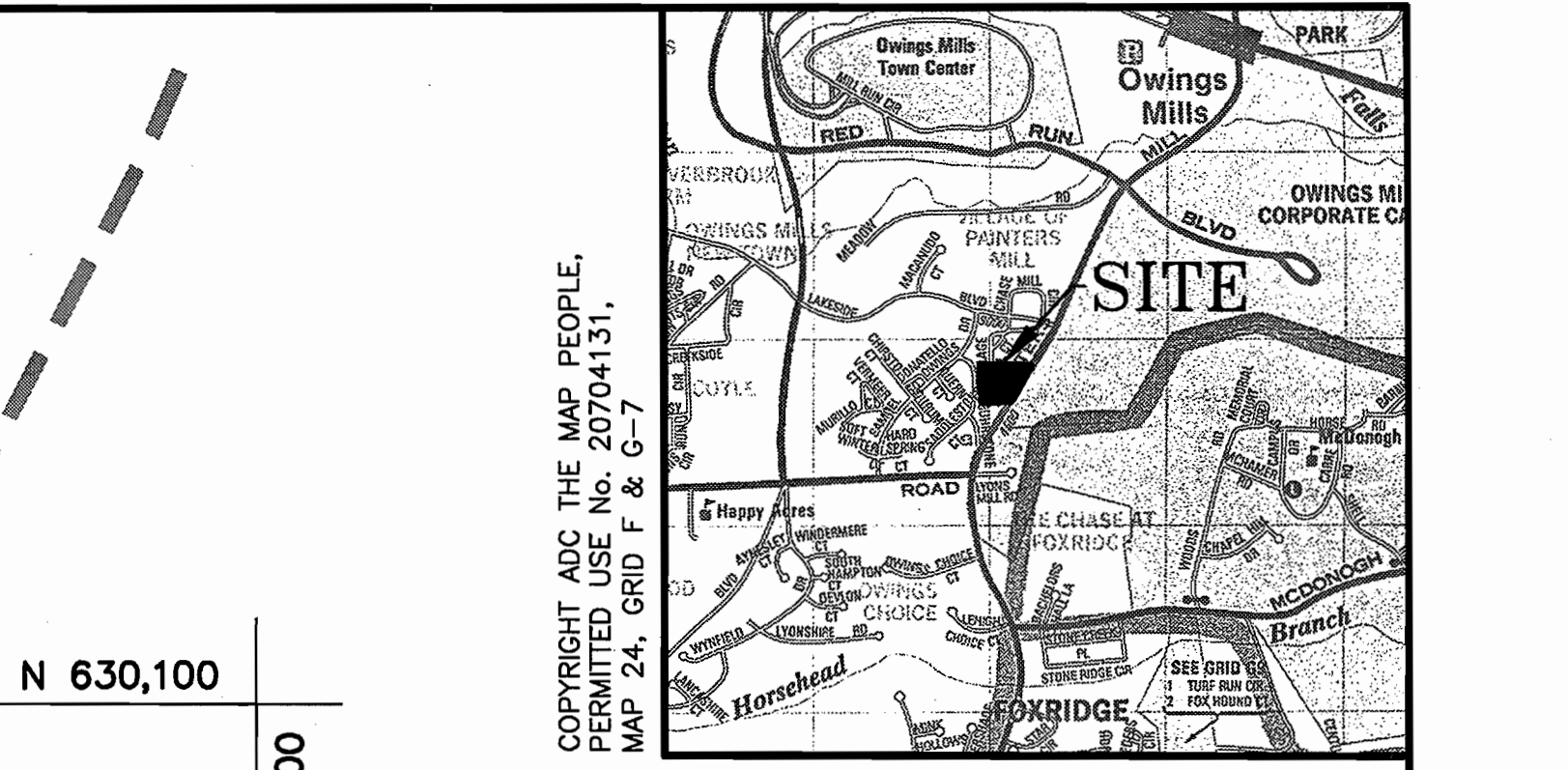
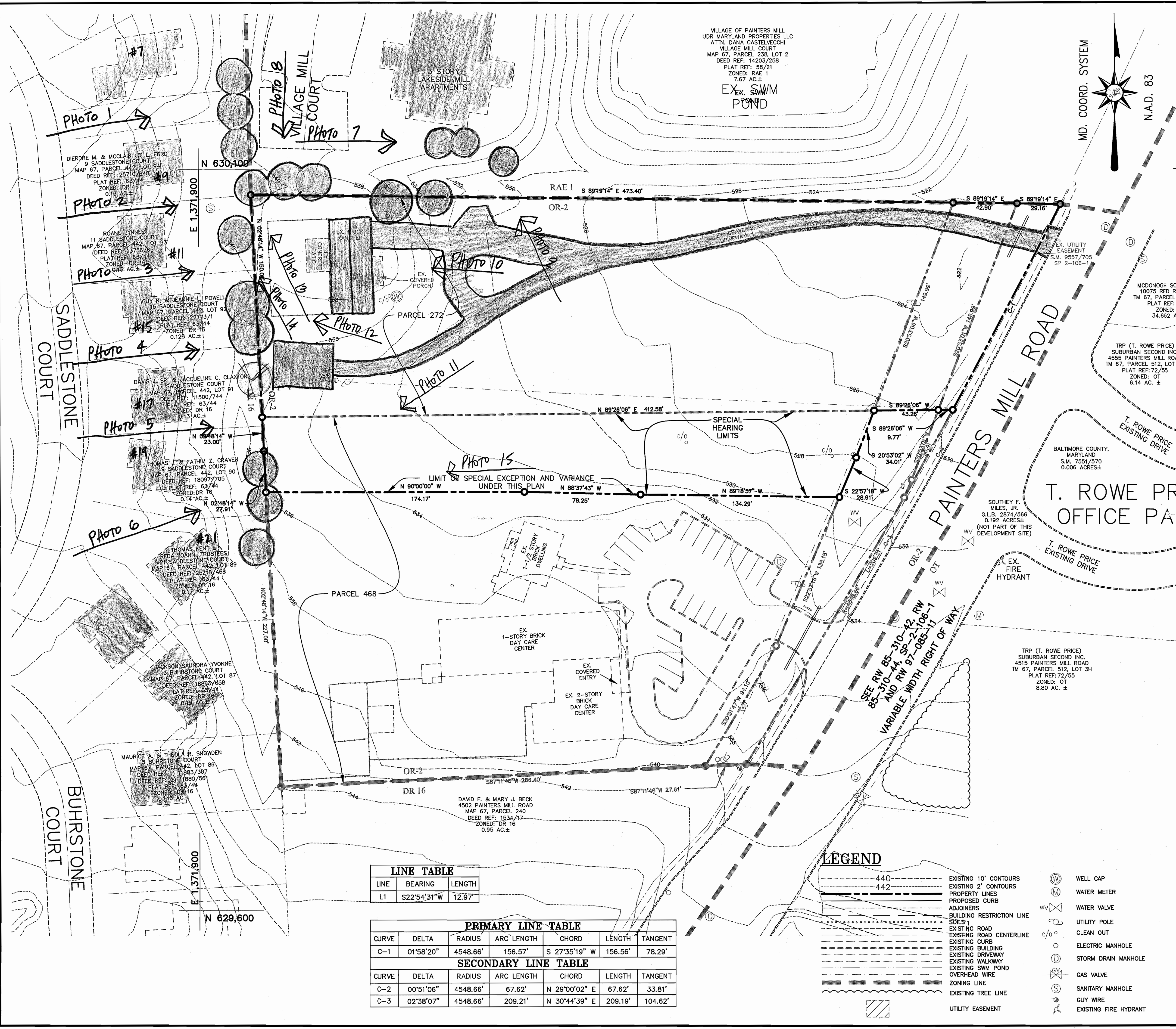
CNA
engineers, surveyors & landscape architects



PLAN TO ACCOMPANY A PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE FOR A NEW HOTEL AT 4508-4514 PAINTERS MILL ROAD

Date		Revisions		Date:	Scale:
				10/16/08	1"=30'
				Drawn By:	Job No:
				JPT	07119
				Design By:	Sheet:
				BC	1 OF 1
				Review By:	
				BC	

CNA PET. EXH. NO. 1



SITE DATA

- OWNER: SUMMIT CAPITAL LLC
PO BOX 4674
TIMONIUM, MD 21094-4674
ATTN: GREGORY N. PASZKIEWICZ
- DEVELOPER/
CONTRACT PURCHASER: BAYWOOD HOTELS
7871 BELLE POINT DRIVE
GREENBELT, MD 20770
ATTN: CHET PATEL
- PROJECT ADDRESS: 4508-4514 PAINTERS MILL ROAD
OWINGS MILLS, MD 21117
- TAX MAP INFO: TM 67 PARCEL 272
DEED REF. 15039/375
TM 67 PARCEL 468
DEED REF. 13187/634
- ZONING: OR-2
- EXISTING USES: RESIDENCE AND DAYCARE
- PROPOSED USES: HOTEL AND DAYCARE
- TOTAL SITE AREA: 159,429 SF = 3.66 AC.±
- AREA OF SPECIAL
EXCEPTION AND
VARIANCES FOR
THE HOTEL USE: 2.17 ACRES
- PARKING REQUIRED: HOTEL/MOTEL: 1 SPACE/ROOM OR SUITE
HANDICAPPED SPACES: 101-150 = 5
TOTAL NUMBER OF SPACES: 100
- PARKING PROPOSED:
REGULAR PARKING PROP: 100 SPACES
HANDICAP PARKING PROP: 5 SPACES
TOTAL PARKING PROP: 105 SPACES
- BULK REGULATIONS FOR HOTEL USE (D.R. 10.5):

	MINIMUM	PROP.
a. SETBACKS:		
FRONT YARD SETBACK:	25'	30'
SIDE YARD SETBACK:	20'	20' AND 55'
REAR YARD SETBACK:	50'	143'
b. MAXIMUM HEIGHT ALLOWED:	50'	
c. MAXIMUM HEIGHT PROPOSED:	59'	
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- BOUNDARY IS BASED ON LITTLE & ASSOCIATES, INC. PLAT OF SURVEY PAINTERS MILL DAY CARE INFORMATION. FIELD WORK FOR THIS SURVEY WAS COMPLETED DECEMBER 19, 2006.
- THERE IS NO 100 YEAR FLOODPLAIN INDICATED, PER FEMA FLOODPLAIN MAP # 2400100220C, PANEL 220, EFFECTIVE SEPTEMBER 3, 1992.
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- THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON THIS SITE.
- ORG PLAN APPROVED DECEMBER 5, 1991, FOR PARCEL 468, DAYCARE PARCEL ORG #91301 AND PLANNING ORG #11 - 477.
- PROPOSED BUILDING WILL BE SERVED BY PUBLIC WATER AND SEWER.
- ELECTION DISTRICT: 2. COUNCILMANIC DISTRICT 4.

PREVIOUS ZONING CASE:

- NO PREVIOUS ZONING CASES FOUND FOR PARCEL 272, THE HOTEL PARCEL.
- DAYCARE USE, PARCEL 468:
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b. PETITION FOR ZONING VARIANCE: A VARIANCE FROM SECTION 200.3.C.1 OF THE B.C.Z.R. TO PERMIT A BUILDING SETBACK AND A PROPERTY LINE OF 0 FT. AND 20 FT. IN LIEU OF THE REQUIRED 45 FT. FOR NEW PROPOSED BUILDING, AND 10 FT. IN LIEU OF THE REQUIRED 45 FT. FOR EX. DWELLING TO LOT LINES.
c. VARIANCE FROM SECTION 102.2 OF THE B.C.Z.R. TO PERMIT A BUILDING SEPARATION OF 10 FT. IN LIEU OF THE REQUIRED 90 FT.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S22°54'31" W	12.97'

PRIMARY LINE TABLE					
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	TANGENT
C-1	01°58'20"	4548.66'	156.57'	S 27°35'19" W 156.56'	78.29'

SECONDARY LINE TABLE					
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	TANGENT
C-2	00°51'06"	4548.66'	67.62'	N 29°00'02" E 67.62'	33.81'
C-3	02°38'07"	4548.66'	209.21'	N 30°44'39" E 209.19'	104.62'

LEGEND

- EXISTING 10' CONTOURS
- EXISTING 2' CONTOURS
- PROPERTY LINES
- PROPOSED CURB
- ADJOINERS
- BUILDING RESTRICTION LINE
- EXISTING ROAD
- EXISTING ROAD CENTERLINE
- EXISTING CURB
- EXISTING BUILDING
- EXISTING DRIVEWAY
- EXISTING WALKWAY
- EXISTING SWM POND
- OVERHEAD WIRE
- ZONING LINE
- EXISTING TREE LINE
- UTILITY EASEMENT
- WELL CAP
- WATER METER
- WATER VALVE
- UTILITY POLE
- CLEAN OUT
- ELECTRIC MANHOLE
- STORM DRAIN MANHOLE
- GAS VALVE
- SANITARY MANHOLE
- GUY WIRE
- EXISTING FIRE HYDRANT

CNA
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Byrum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cna@mail@cna-engineers.com

EXISTING CONDITIONS PLAN TO
ACCOMPANY A PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING AND
VARIANCES FOR A NEW HOTEL
AT 4508-4514 PAINTERS MILL ROAD

SEAL	2ND ELECTION DISTRICT	OWINGS MILLS, MARYLAND
Date	Revisions	Date: 11/14/07 Scale: 1"=30'
		Drawn By: JPT
		Design By: BC
		Review By: BC
		Job No: 07119
		Sheet: 1 OF 1

PETITIONER'S
EXHIBIT NO. 5
EXISTING CONDITIONS

BUHRSTONE COURT

SADDLESTONE COURT

VILLAGE MILL COURT

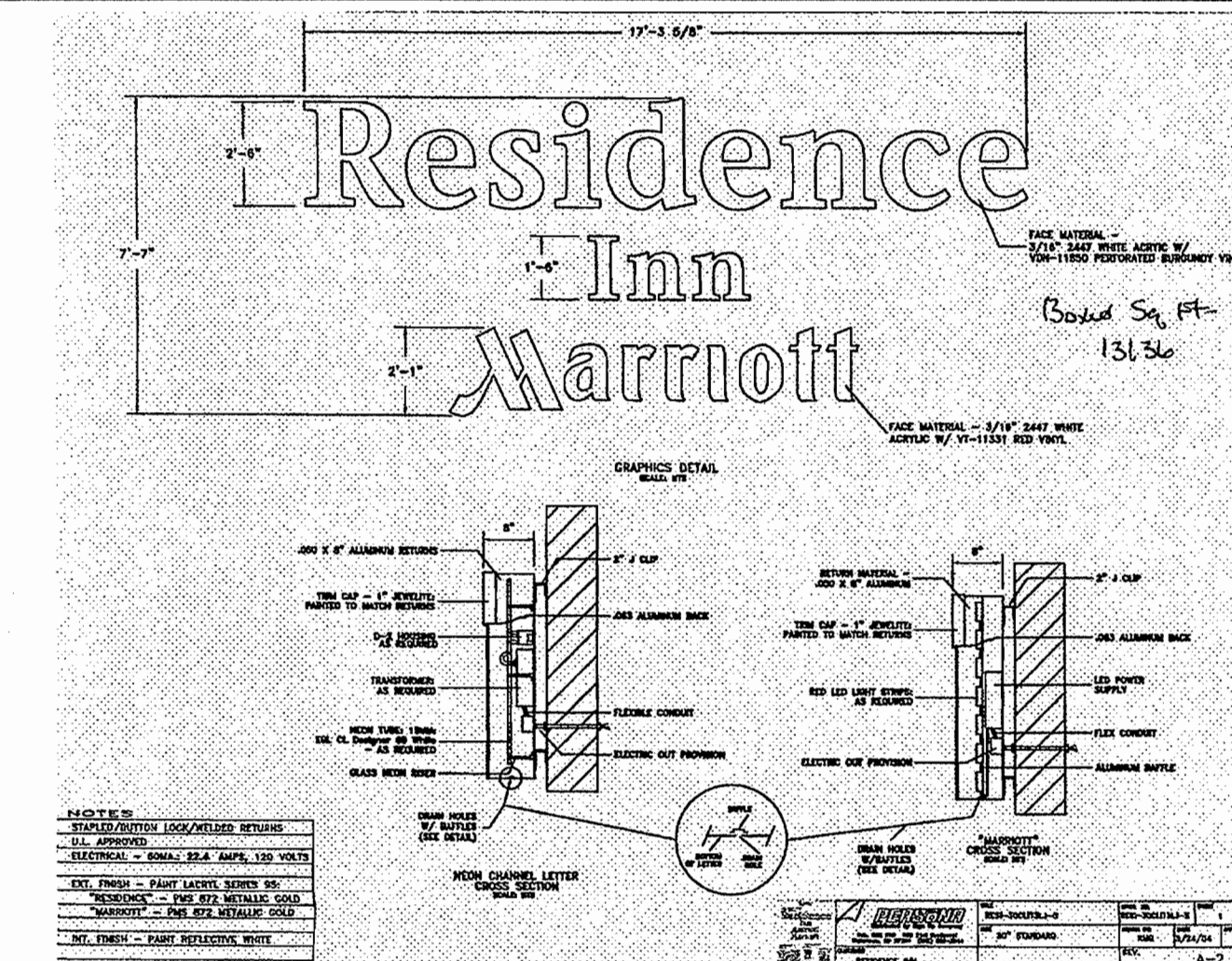
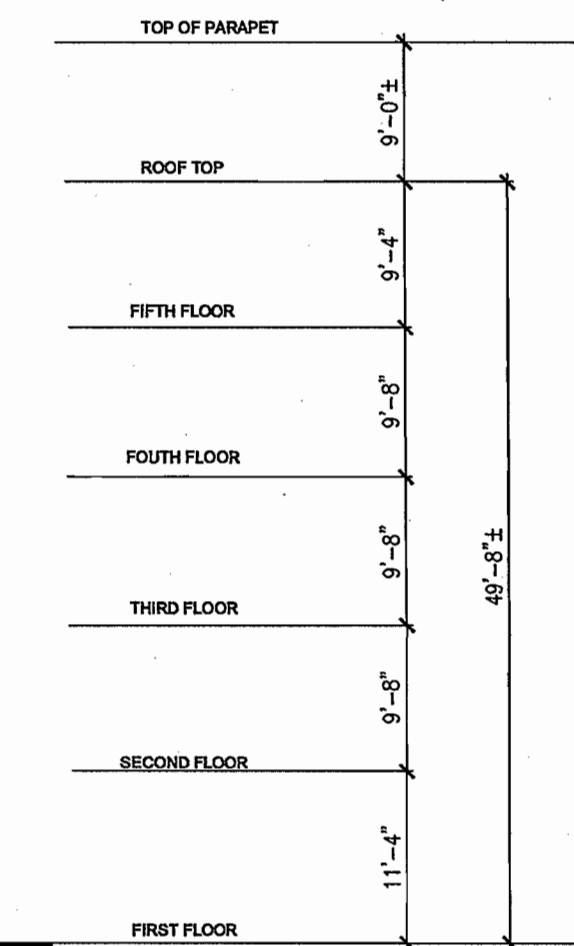
PAINTERS MILL ROAD

COPYRIGHT ADC THE MAP PEOPLE, PERMITTED USE NO. 20704131, MAP 24, GRID F & G-7

N:\Design\070000\07119-Baywood_Mills_Preliminary\07119-SE-PLAN-PHASE-1-REV.dwg



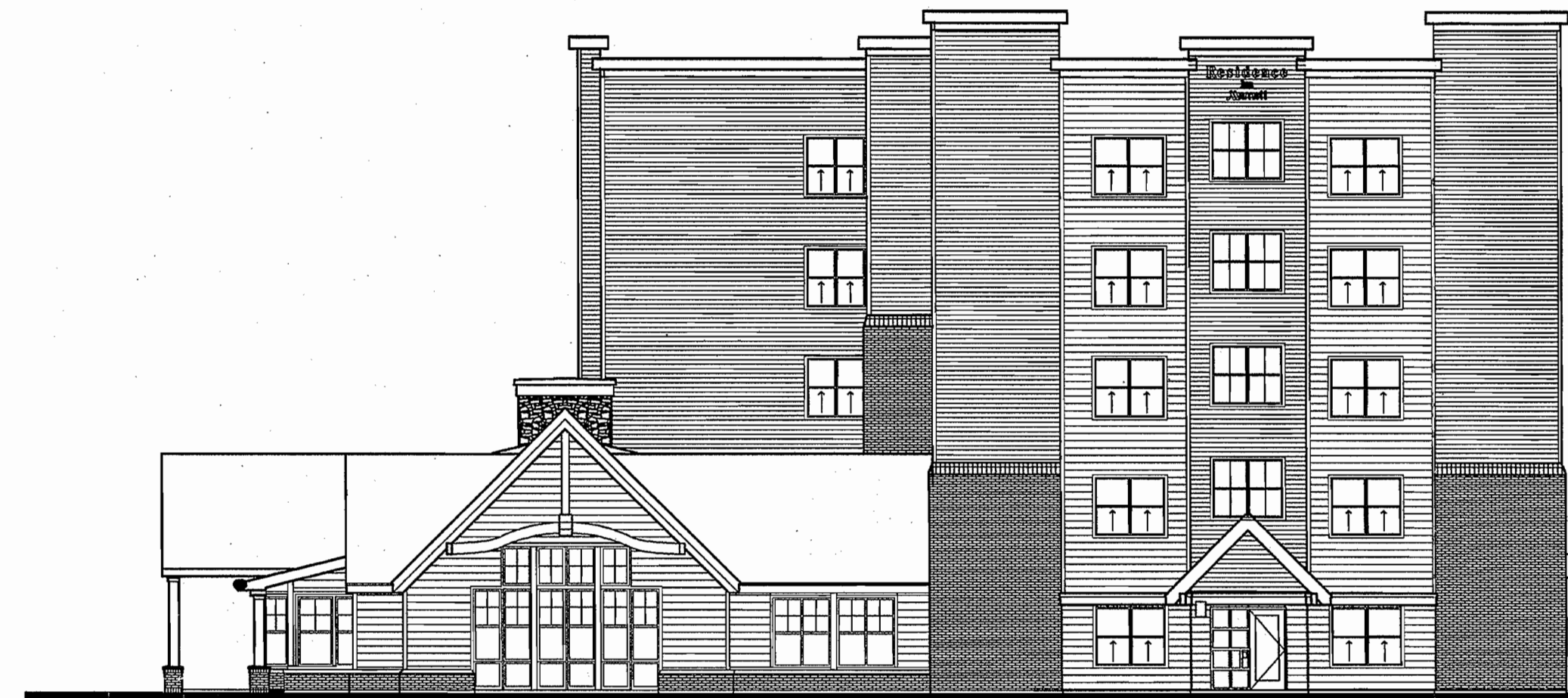
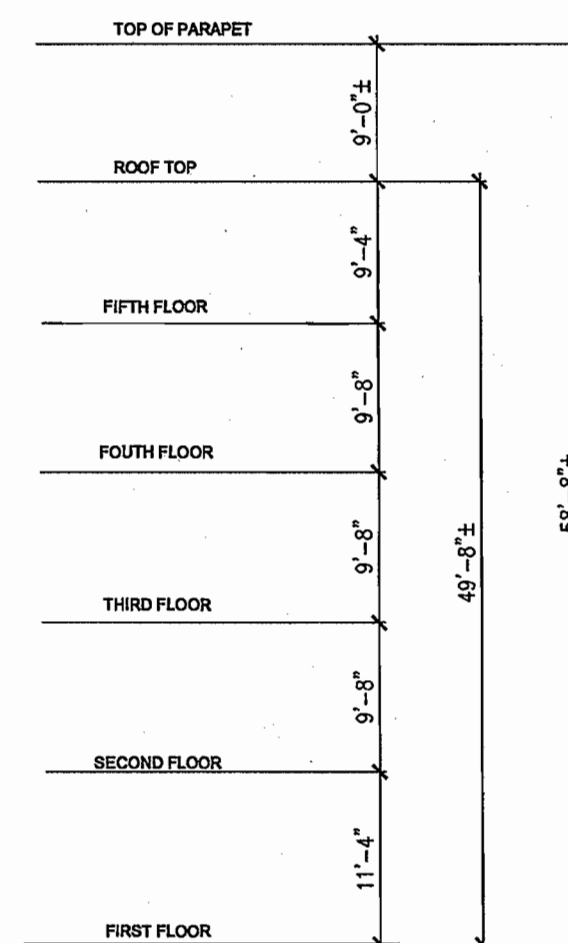
SOUTH ELEVATION
SCALE: NTS



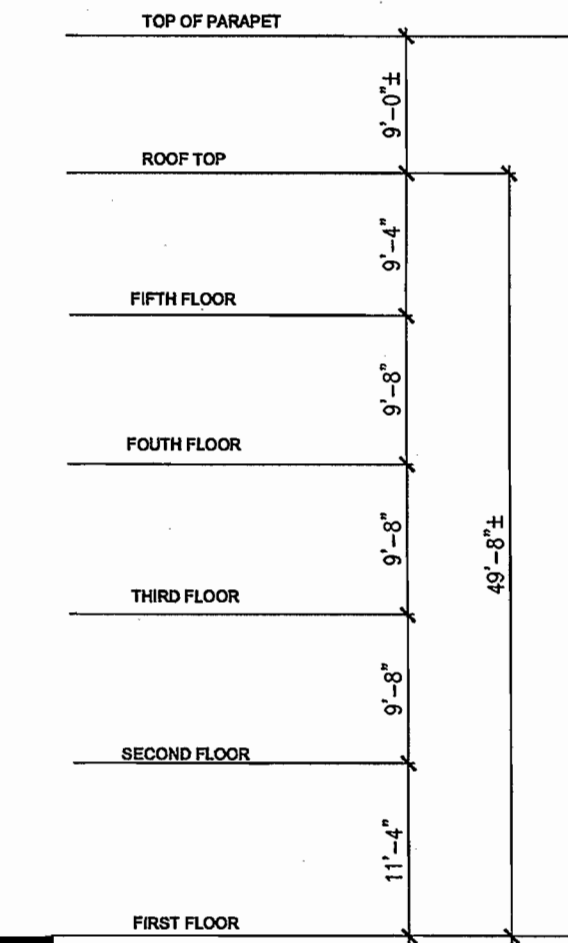
WALL MOUNTED SIGN
SCALE: NTS



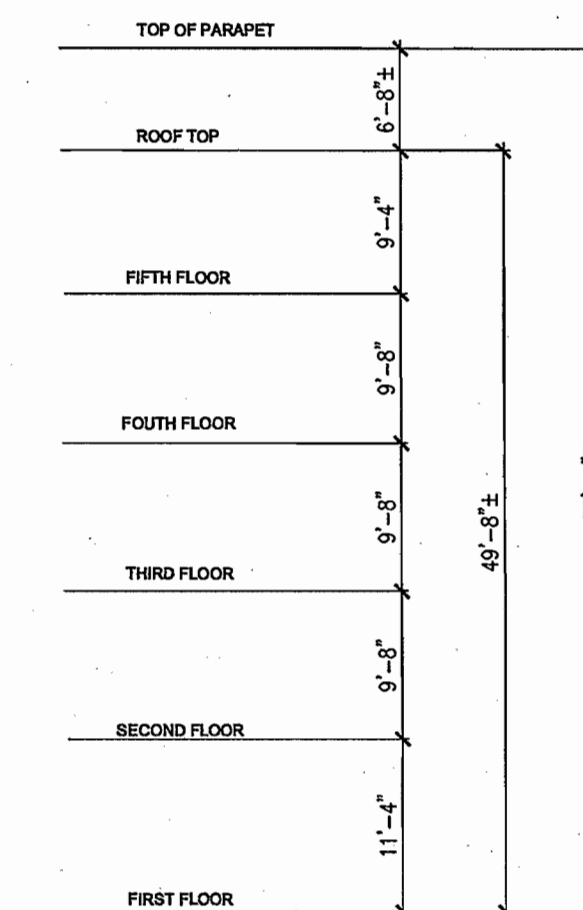
WEST ELEVATION
SCALE: NTS



EAST ELEVATION
SCALE: NTS

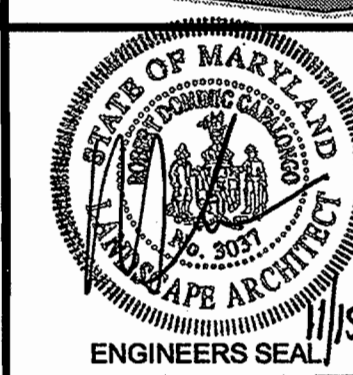


NORTH ELEVATION
SCALE: NTS



CNA
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Sycamore Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
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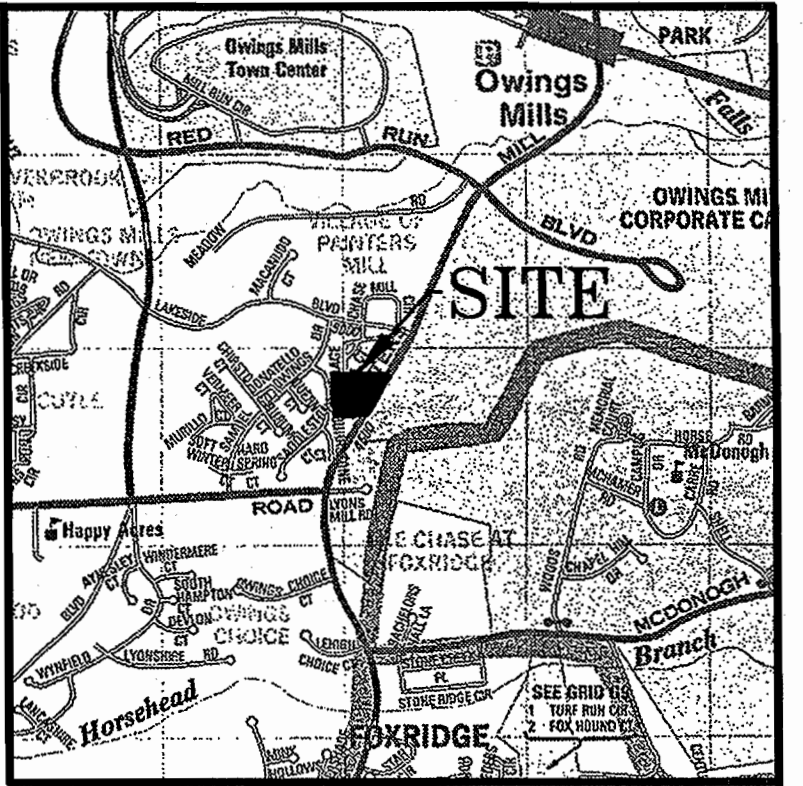
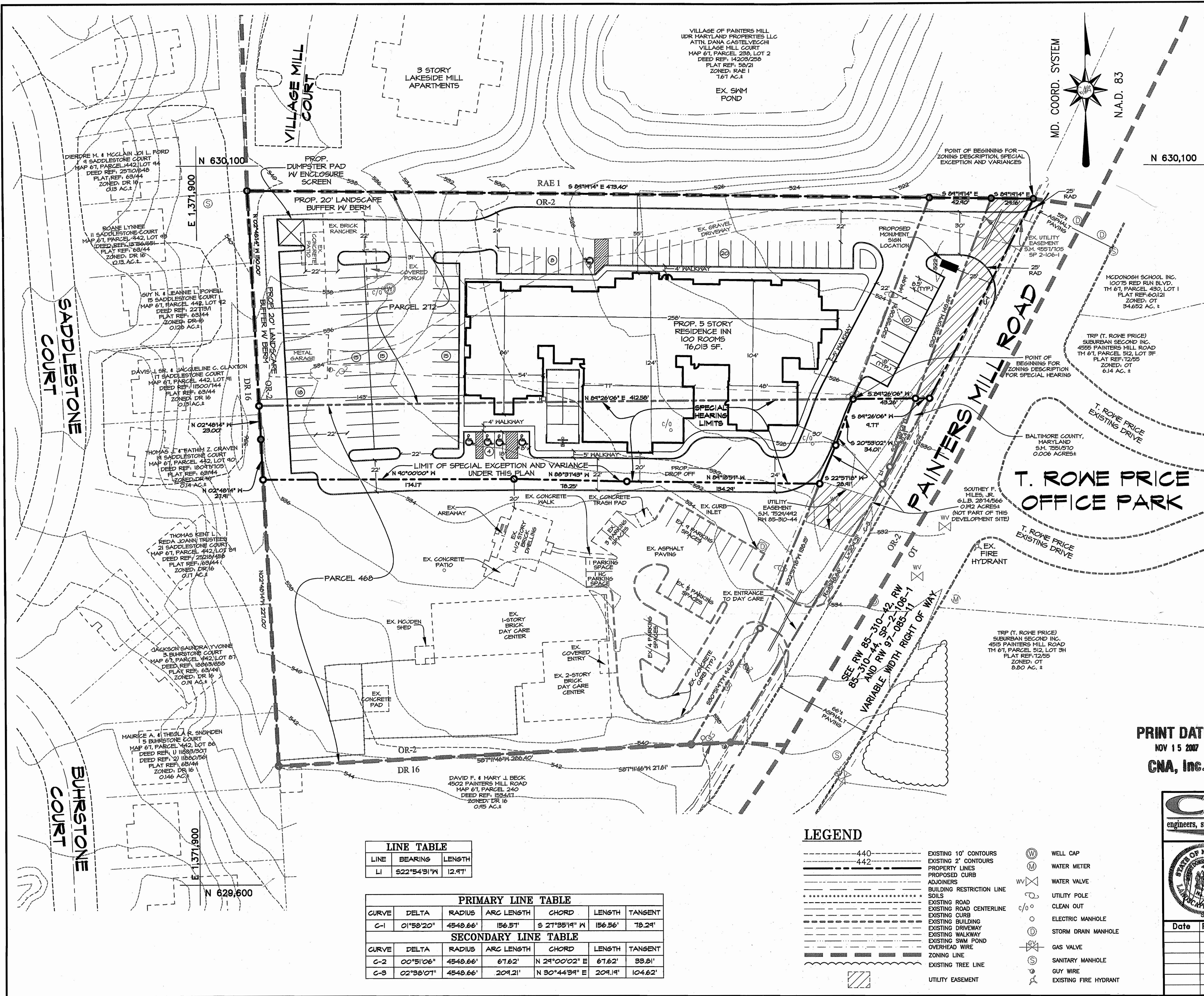


**BUILDING ELEVATIONS AND SIGN DETAILS
TO ACCOMPANY A PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING FOR SPECIAL
VARIANCES FOR A NEW HOTEL AT
4508-4514 PAINTERS MILL ROAD**

2ND ELECTION DISTRICT

OWINGS MILLS, MARYLAND

Date	Revisions	Date:	Scale:
		11/14/07	AS SHOWN
		Drawn By:	Job No:
		JPT	07119
		Design By:	Sheet:
		BC	2 OF 2
		Review By:	
		BC	



LOCATION MAP
SCALE: 1" = 2000'

SITE DATA

- OWNER: SUMMIT CAPITAL LLC
PO BOX 4674
TIMONUM, MD 21094-4674
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- DEVELOPER/
CONTRACT PURCHASER: BAYWOOD HOTELS
7871 BELLE POINT DRIVE
GREENBELT, MD 20770
ATTN: CHET PATEL
- PROJECT ADDRESS: 4508-4514 PAINTERS MILL ROAD
OWINGS MILLS, MD 21117
- TAX MAP INFO: TM 67 PARCEL 272
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TM 67 PARCEL 468
DEED REF. 13187/634
- ZONING: OR-2
- EXISTING USES: RESIDENCE AND DAYCARE
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- PARKING REQUIRED: HOTEL/MOTEL: 1 SPACE/ROOM OR SUITE
HANDICAPPED SPACES: 101-150 = 5
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c. MAXIMUM HEIGHT PROPOSED:	59'	
- BLDG. SQUARE FOOTAGE SHOWN: 76,013 SF.
- BOUNDARY IS BASED ON LITTLE & ASSOCIATES, INC. PLAT OF SURVEY PAINTERS MILL DAY CARE INFORMATION. FIELD WORK FOR THIS SURVEY WAS COMPLETED DECEMBER 19, 2006.
- THERE IS NO 100 YEAR FLOODPLAIN INDICATED, PER FEMA FLOODPLAIN MAP # 2400100220C, PANEL 220, EFFECTIVE SEPTEMBER 3, 1992
- THIS SITE IS NOT LOCATED WITHIN THE CRITICAL AREAS DISTRICT.
- THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON THIS SITE.
- CRG PLAN APPROVED DECEMBER 5, 1991, FOR PARCEL 468, DAYCARE PARCEL. CRG #91301 AND PLANNING CRG #1 - 477.
- PROPOSED BUILDING WILL BE SERVED BY PUBLIC WATER AND SEWER.
- ELECTION DISTRICT: 2. COUNCILMANIC DISTRICT 4.

PREVIOUS ZONING CASE:

- NO PREVIOUS ZONING CASES FOUND FOR PARCEL 272, THE HOTEL PARCEL.
- DAYCARE USE, PARCEL 468:
ZONING CASE NO. 91-447-SPHKA, DATE OF ORDER-JULY 18, 1991, THAT PURSUANT TO A PETITION FOR SPECIAL EXCEPTION/SPECIAL HEARING, THE FOLLOWING WERE GRANTED:
a. PERMISSION FOR A FREESTANDING CLASS B GROUP CHILD CARE CENTER IN AN RAE-1 ZONE AND TO PERMIT A SINGLE FAMILY DWELLING, AS A NON-CONFORMING USE, MAY REMAIN IN A RAE-1 ZONE.
b. PETITION FOR ZONING VARIANCE: A VARIANCE FROM SECTION 200.3.C.1 OF THE B.C.Z.R. TO PERMIT A BUILDING SETBACK AND A PROPERTY LINE OF 0 FT. AND 20 FT. IN LIEU OF THE REQUIRED 45 FT. FOR NEW PROPOSED BUILDING, AND 10 FT. IN LIEU OF THE REQUIRED 45 FT. FOR EX. DWELLING TO LOT LINES.
c. VARIANCE FROM SECTION 102.2 OF THE BCZR TO PERMIT A BUILDING SEPARATION OF 10 FT. IN LIEU OF THE REQUIRED 90 FT.

PRINT DATE
NOV 15 2007
CNA, Inc.

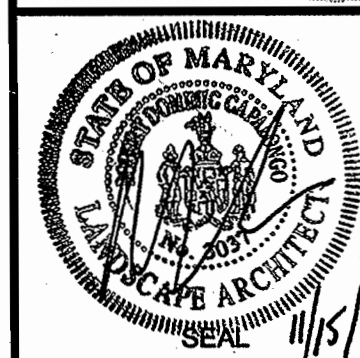
LINE TABLE		
LINE	BEARING	LENGTH
LI	S22°54'31"W	12.91'

PRIMARY LINE TABLE					
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	TANGENT
C-1	01°58'20"	4548.66'	156.57'	S 21°35'19" W	156.56'
SECONDARY LINE TABLE					
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	TANGENT
C-2	00°51'06"	4548.66'	67.62'	N 29°00'02" E	67.62'
C-3	02°38'07"	4548.66'	209.21'	N 30°44'39" E	209.19'

LEGEND

- | | | | |
|-----|---------------------------|---|-----------------------|
| 440 | EXISTING 10' CONTOURS | ⊙ | WELL CAP |
| 442 | EXISTING 2' CONTOURS | ⊙ | WATER METER |
| --- | PROPERTY LINES | ⊙ | WATER VALVE |
| --- | PROPOSED CURB | ⊙ | UTILITY POLE |
| --- | ADJOINERS | ⊙ | CLEAN OUT |
| --- | BUILDING RESTRICTION LINE | ⊙ | ELECTRIC MANHOLE |
| --- | SOILS | ⊙ | STORM DRAIN MANHOLE |
| --- | EXISTING ROAD | ⊙ | GAS VALVE |
| --- | EXISTING ROAD CENTERLINE | ⊙ | SANITARY MANHOLE |
| --- | EXISTING CURB | ⊙ | GUY WIRE |
| --- | EXISTING BUILDING | ⊙ | EXISTING FIRE HYDRANT |
| --- | EXISTING DRIVEWAY | | |
| --- | EXISTING WALKWAY | | |
| --- | EXISTING SWM POND | | |
| --- | OVERHEAD WIRE | | |
| --- | ZONING LINE | | |
| --- | EXISTING TREE LINE | | |
| --- | UTILITY EASEMENT | | |

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engineers, surveyors & landscape architects



PLAN TO ACCOMPANY A PETITION FOR
SPECIAL EXCEPTION, SPECIAL HEARING
AND VARIANCES FOR A NEW HOTEL
AT 4508-4514 PAINTERS MILL ROAD

Date	Revisions	Date	Scale:
		11/14/07	1"=30'
		Drawn By:	Job No:
		JPT	07119
		Design By:	Sheet:
		BC	1 OF 2
		Review By:	
		BC	

