

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

N side Cranbrook Road, 320 feet S c/l
Society Park Drive
8th Election District
3rd Councilmanic District
**(334 Cranbrook Road,
Briarcliff Apartments North)**

Briarcliff North Limited Partnership,
Alan Gebhart, Managing Member
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*

Case No. 08-337-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Alan Gebhart, Managing Member, on behalf of the legal owner of the subject property, Briarcliff North Limited Partnership. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve commercial parking in a residential zone. The Variance request is from Section 1B01.1.B.1.e(5) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction of the 75 foot Residential Transition Area setback to 51 feet for the proposed parking lot. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Charles E. Brooks, Esquire, attorney for Petitioner Briarcliff North Limited Partnership, and Rick Gabell, Director of Development, and Terry Arrington, Commercial Property Manager, with Gebhart Properties. Also appearing in support of the requested relief was Joseph Larson with Spellman, Larson & Associates, Inc., the engineering firm that prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

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Testimony and evidence offered revealed that the subject property is irregular-shaped and contains approximately 18.277 acres, more or less, and zoned D.R.3.5 and D.R.16. The property consists of the Briarcliff Apartments North and is located on the north side of Cranbrook Road, with Cockeysville Middle School to the west and Cranbrook Shopping Center to the east in the Cockeysville area of Baltimore County. To the north of the subject property is a residential neighborhood zoned D.R.3.5. It is also noteworthy that the adjacent Cranbrook Shopping Center property, which is also irregular-shaped and contains approximately 12.134 acres, more or less, and zoned B.M., is owned by Cranbrook Plaza Enterprises, LLC. Alan Gebhart is also the Managing Member of that entity, and oversees all of the named entities. According to Mr. Brooks, counsel for Petitioner, Mr. Gebhart is the ultimate owner of both Briarcliff North Limited Partnership and Cranbrook Plaza Enterprises, LLC, as well as a number of other business enterprises.

As shown on the site plan, Petitioner is requesting special hearing relief to expand its commercial parking into a residential zone. The reason for this request is that, according to Ms. Arrington, tenants of the shopping center have indicated they are in need of additional parking for their employees so that desirable parking spaces at the storefronts can be utilized more often by customers rather than employees. She also indicated that since the shopping center was refurbished several years ago, tenants have seen an increase in business and, hence, a desire for their customers to have ready access to parking close to the businesses. In addition, the variance request is for a reduction in the Residential Transition Area (RTA) setback from the required 75 feet to 51 feet. As shown on the site plan, the proposed parking area (which is shown as a shaded area on the site plan) will have a similar depth and configuration as the existing adjacent parking located behind the shopping center.

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In support of the requests for relief, Mr. Larson, Petitioner's engineering consultant, testified as to the unusual characteristics of the property. Initially, Mr. Larson indicated the subject property is split zoned D.R.3.5 and D.R.16. In addition, it is adjacent to B.M. and very close to D.R.2. Moreover, this particular area of Cranbrook Road where the Cranbrook Shopping Center is located -- between Ridgland Road and Greenside Drive -- is the only commercial/retail area in an otherwise residential area filled mostly with apartment complexes and some single-family neighborhoods.

The closest single-family neighborhood is to the north -- behind the shopping center and the subject property. Mr. Brooks submitted several photographs in support of the requested relief that were marked and accepted into evidence as Petitioner's Exhibits 2A through 2D. These photographs show the existing parking area behind the shopping center, and also show the woods and steep hill that buffer the rear of the shopping center and parking area from the adjacent residential area. Additional photographs were marked and accepted into evidence as Petitioner's Exhibits 3A through 3F. These photographs depict the area where the additional parking will be located on the subject property, adjacent to the existing parking to the rear of the shopping center. As shown in the photographs, the parking proposed on the subject property will be several feet further back from the Residential Transition Area ("RTA") buffer and setback lines than the existing parking to the rear of the shopping center. The photographs also show the heavily wooded area and steep hill that will continue to buffer the residential neighborhood to the north from view of the proposed parking below. Indeed, the height of the hill above the area of the proposed parking varies from approximately 20 to 25 feet.

Section 1B01.1.B.1.a(2) of the B.C.Z.R. states that "[t]he purpose of an RTA is to assure that similar housing types are built adjacent to one another or *that adequate buffers and screening*

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are provided between dissimilar housing types. (emphasis added). On this point, Mr. Larson indicated that although the proposed parking area would have a 51 foot RTA setback instead of the required 75 feet, the purpose of the RTA would be more than fulfilled because the heavily wooded area and exaggerated height of the hill above the proposed parking area would have at least the same or better screening effect than a full 75 foot setback without these built-in buffers.

As to the special hearing request, Petitioner proposes to locate the commercial parking area in a residential (D.R.) zone. Section 409.8.B.1 allows for the issuance of a use permit for business or industrial parking in a residential zone. Following a public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon: (1) his findings following the public hearing; (2) the character of the surrounding community and the anticipated impact of the proposed use on that community; (3) the manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and (4) any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations. Taking into account the aforementioned criteria, Mr. Larson testified that he is familiar with the site, the configuration and location of the proposed parking area, and the applicable zoning regulations. He testified that the proposed commercial parking area in the residential zone would be sufficiently small in size and have adequate buffering and screening to have virtually no impact on the nearby community. He also testified that the proposed parking would meet the requirements of Section 409.8.B.2 of the B.C.Z.R. and would not have any detrimental impacts on the criteria contained in Section 502.1 of the B.C.Z.R.

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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition to the requested relief. The only substantive comment was from the Office of Planning dated February 29, 2008 and it indicates that any proposed lighting should be reviewed and approved by the County Landscape Architect and should not reflect on adjacent residential properties.

In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the relief. The uncontroverted testimony indicates that the proposed commercial parking in the residential zone will not have negative impacts on the character of the surrounding community, will meet the requirements of Section 409.8.B.2 of the B.C.Z.R. and will not have any detrimental impacts on the 502.1 criteria. I shall also add conditions to ensure continued compliance with the requirements of Section 409.8.B.2 of the B.C.Z.R.

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land which is the subject of the variance request. The property is split zoned D.R.3.5 and D.R.16, is adjacent to B.M., and very close to D.R.2. The property also abuts a residential community located on a hill at least 20 feet above where the proposed parking area will be located. Hence, I find the property unique in a zoning sense.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Petitioner has shown that the need for the additional parking area is driven by the desire to accommodate tenants in the adjacent shopping center and their customers. Requiring strict compliance with RTA setback would result in significantly fewer parking spaces and frustrate the anticipated benefit to tenants and their customers. In my judgment, the wooded area and the steep hill between the proposed parking area

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and the residential area above will provide sufficient buffering and screening for the spirit and intent of the RTA setback in particular, and the zoning regulations in general, to be realized, and without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 21st day of May, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve commercial parking in a residential zone be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 1B01.1.B.1.e(5) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction of the 75 foot Residential Transition Area setback to 51 feet for the proposed parking lot be and is hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.
2. Any proposed lighting for the parking area is to be reviewed and approved by the County Landscape Architect and should not reflect on adjacent residential properties.
3. Only passenger vehicles, excluding buses, may use the proposed parking area.
4. No loading, service or any use other than parking shall be permitted.
5. In the event that the need for the proposed parking area for the adjacent Cranbrook Shopping Center ceases or in the event that the shopping center and the subject property (Briarcliff Apartments North) are no longer in common ownership, then the special hearing and variance relief granted hereunder shall be void and of no further force and effect.

ORDER RESERVED FOR FILE

5-21-08
[Signature]

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

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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JUL 21 2008
BY 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 21, 2008

CHARLES E. BROOKS, ESQUIRE
610 BOSLEY AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 08-337-SPHA
Property: 334 Cranbrook Road, Briarcliff Apartments North

Dear Mr. Brooks:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

- c: Alan Gebhart, Managing Member, Briarcliff North Limited Partnership, 334 Cranbrook Road, Cockeysville MD 21030
Rick Gabell, 599 Cranbrook Road, Cockeysville MD 21030
Terry Arrington, 334 Cranbrook Road, Cockeysville MD 21030
Joseph L. Larson, Spellman, Larson & Associates Inc., 222 Bosley Avenue, Suite B-3, Towson MD 21204



Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at * See attached sheet
which is presently zoned DR-7.5 DR-16

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

Commercial parking area in a residential zone

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

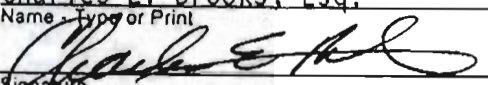
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

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

Attorney For Petitioner:

Charles E. Brooks, Esq.
Name - Type or Print

Signature
Company
610 Bosley Avenue 410-296-2600
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

* See attached sheet
Name - Type or Print
Signature
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Name
222 Bosley Ave. Suite B-3 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-337-SBHA

REV 9/15/98

Reviewed By BH Date 2/8/08

NOTED RECEIVED FOR FILING

5-21-08

BM

PETITION FOR SPECIAL HEARING

Property located at

Briarcliff Apartments North
334 Cranbrook Road
Existing Zoning-DR 16 & DR 3.5

Legal Owner

Briarcliff North Limited Partnership
334 Cranbrook Road
Cockeysville, MD 21030
410-666-7000



Alan Gebhart Managing Member

File#M12260701



Flood
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 334 Cranbrook Road
which is presently zoned DR 16 & DR 3.5

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 SHEET

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

The complete argument for Variance to include hardship, practical difficulty and uniqueness will be presented at the Zoning Hearing.

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

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

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

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

Charles E. Brooks, Esq.
Name - Type or Print Charles E. Brooks
Signature [Signature]
Company 610 Bosley Avenue 410-296-2600
Address Towson MD 21204
City Towson State MD Zip Code 21204

Legal Owner(s):

Alan Gebhart, Managing Member
Name - Type or Print Alan Gebhart
Signature [Signature]

Name - Type or Print 334 Cranbrook Road 410-666-3400
Signature Cockeysville MD 21030
Address Cockeysville MD 21030
City Cockeysville State MD Zip Code 21030

Representative to be Contacted:

Charles E. Brooks, Esq.
Name 610 Bosley Avenue 410-296-2600
Address Towson MD 21204
City Towson State MD Zip Code 21204

OFFICE USE ONLY

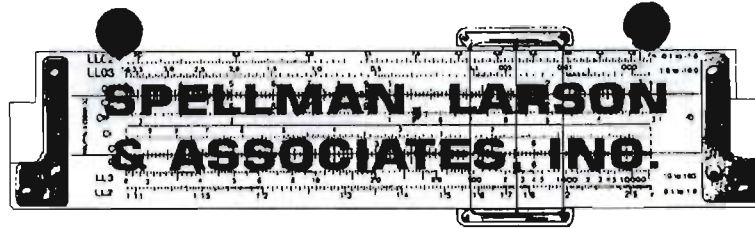
Case No. 08-337-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

VARIANCE TO SECTION 1B01B.1.e.(5)
of the BCZR

To permit a reduction of the 75' Residential Transition Area Setback to 51' for the proposed parking lot.



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

**LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION
COMMERCIAL PARKING AREA IN A RESIDENTIAL ZONE
BRIARCLIFF APARTMENTS NORTH**

BEGINNING for the same at the northeasternmost corner of the Briarcliff Apartments North Property being a common property corner between the Briarcliff Apartments North Property and the Cranbrook Shopping Center Property and being on the division line between said properties and running thence for a line of division south 5 degrees 29 minutes 10 seconds west 300.00 feet thence for a line of division north 84 degrees 30 minutes 50 seconds west 30.00 feet thence north 5 degrees 29 minutes 10 seconds east 180.00 feet thence north 84 degrees 30 minutes 50 seconds west 155.00 feet thence north 5 degrees 29 minutes 10 seconds east 120.00 feet to a point on the northernmost property line of the Briarcliff Apartments North Property and thence running along said northernmost property line south 84 degrees 30 minutes 50 seconds east 185.00 feet to the place of beginning.

SAID property being a part of the Briarcliff Apartments North Property and containing 0.63 acres of land more or less.

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: #08-337-SPHA

334 Cranbrook Road (Briarcliff Apartments North)
N/side of Cranbrook Road, 320 feet south of centerline
of Society Park Drive

8th Election District - 3rd Councilmanic District

Legal Owner(s): Briarcliff North Limited Partnership

Special Hearing: to approve commercial parking in a residential zone. **Variance:** to permit a reduction of the 75-foot Residential Transition Area Setback to 51 feet for the proposed parking lot.

Hearing: Thursday, April 10, 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/3/820 Mar. 25

167874

CERTIFICATE OF PUBLICATION

3/27/, 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 3/25/, 2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09770**

Date: 1/30/08

PAID RECEIPT

BUSINESS ACTUAL TIME PER
 1/31/2008 1/30/2008 14:40:14 2
 REC #002 MAIL JENIA JEE
 >>RECEIPT # 500367 1/30/2008 DEFLN
 Dept 5 528 FIDELITY VERIFICATION
 009770
 Recpt Tot 1470.00
 \$650.00 CK 1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount

Total: \$ 650.00

Rec

From: CIN 2004 INCORPORATED

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

537

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 03/24/08

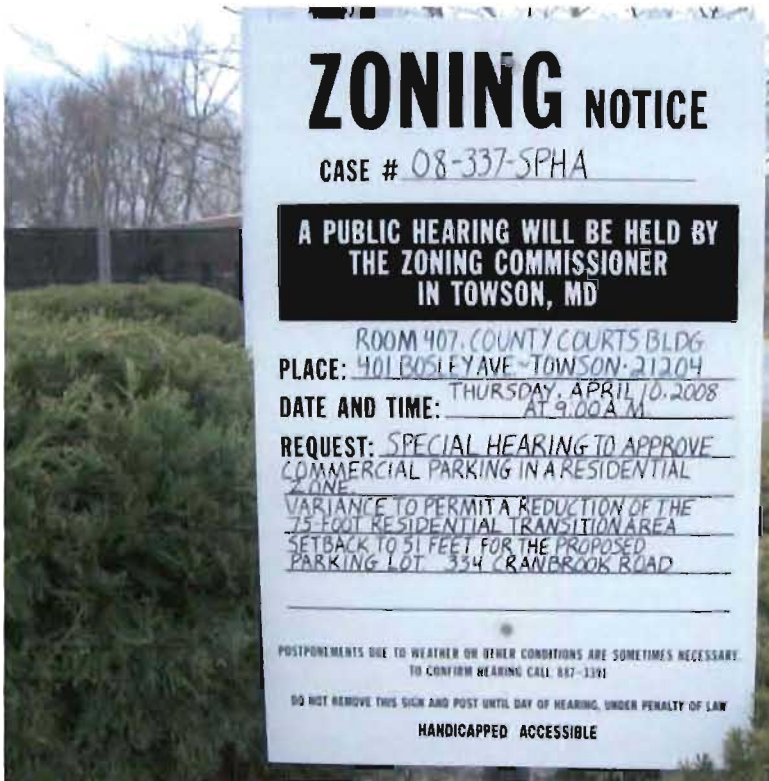
Case Number: 08-337-SPHA

Petitioner / Developer: CHARLES BROOKS, ESQ.~JOSEPH LARSON~
ALAN GEBHART

Date of Hearing (Closing): APRIL 10, 2008

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
334 CRANBROOK ROAD (BRIARCLIFF APARTMENTS NORTH)

The sign(s) were posted on: 03/22/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

**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: 08-337-SPHA
Petitioner: CRANBROOK PLAZA ENTERPRISES LLC
Address or Location: 334 + 594 CRANBROOK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRANBROOK PLAZA ENTERPRISES LLC
Address: 599 CRANBROOK RD
COCKEYSVILLE, MD 21030

Telephone Number: 410-666-3400



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-337-SPHA

334 Cranbrook Road (Briarcliff Apartments North)
N/side of Cranbrook Road, 320 feet south of centerline of Society Park Drive
8th Election District – 3rd Councilmanic District
Legal Owners: Briarcliff North Limited Partnership

Special Hearing to approve commercial parking in a residential zone. Variance to permit a reduction of the 75-foot Residential Transition Area Setback to 51 feet for the proposed parking lot.

Hearing: Thursday, April 10, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Charles Brooks, Esq., 610 Bosley Avenue, Towson 21204
Joseph Larson, 222 Bosley Avenue, Ste. B-3, Towson 21204
Alan Gebhart, 334 Cranbrook Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 26, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 25, 2008 Issue - Jeffersonian

Please forward billing to:

Cranbrook Plaza Enterprises, LLC
599 Cranbrook Road
Cockeysville, MD 21030

410-666-3400

NOTICE OF ZONING HEARING

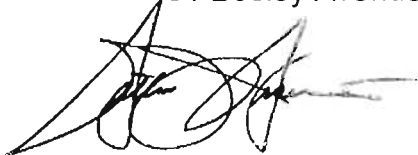
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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Hearing: Thursday, April 10, 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.



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

April 2, 2008

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, MD 21204

Dear Mr. Brooks:

RE: Case Number: 08-337-SPHA, 334 Cranbrook Road (Briarcliff Apartments North)

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 8, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures

c: People's Counsel
Briarcliff North Limited Partnership Alan Gebhart, Managing Member 334 Cranbrook
Road Cockeysville 21030
Joseph L. Larson 222 Bosley Avenue, Suite B-3 Towson 21204

TB 4/10
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 29, 2008

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

RECEIVED
MAR 14 2008

BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-337- Special Hearing and Variance**

The Office of Planning has reviewed the above referenced case(s) and suggests the following:

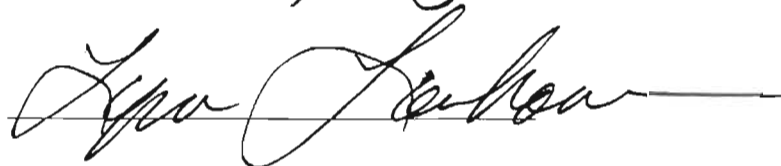
Any proposed lighting should be reviewed and approved by the County Landscape Architect and should not reflect on adjacent residential properties.

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

Prepared By:



Division Chief:



CM/LL



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

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

Maryland Department of Transportation

Date: 2/21/2008

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

RE: Baltimore County
Item No. 8-337SPH
N/S CRAWBROOK RD
320 S. OF SOCIETY PARK
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. 8-337SPH A.

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

Very truly yours,

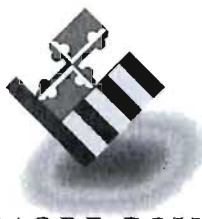

Steven D. Foster, Chief
Engineering Access Permits
Division

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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 337, 348, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369
373

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2008
Item Nos. 08-337, 341, 348, 355, 356, 358,
359, 360, 361, 362, 363, 365, and 373

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-02212008.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
334 Cranbrook Road; N/S Cranbrook Road, * ZONING COMMISSIONER
320' S c/line of Society Park Drive *
8th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Briarcliff North Limited *
Partnership, Alan Gebhart, Managing Member * BALTIMORE COUNTY
Petitioner(s) *
08-337-SPHA

* * * * *

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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to Joseph Larson, 222 Bosley Avenue, Suite B-3, Towson, Maryland 21204 and Charles Brooks, Esquire, 610 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
FEB 21 2008
Per.....

Peter Max Zimmerman

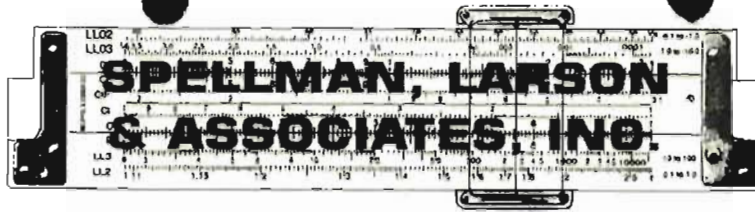
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMO TO THE FILE

General Note #2 on the subject site plan indicates that “there are no streams, bodies of water, or springs on or adjacent to the subject site” but our GIS-based map clearly indicates otherwise (copy enclosed).

The Zoning History listed on the supplemental page does not indicate which cases are specific to the Apartment complex, which is the subject of this hearing. It appears that the majority of cases pertain to the Cranbrook Shopping Center.

Mr. Larson was advised to include parking calculations for the Apartment complex to assure that there was no shortage and the tenants would not use the new spaces. Mr. Larson indicated that the development was not available for evaluation.



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

Ms. Kristen Matthews
Office of Zoning
Baltimore County

February 11, 2008

Re: Briarcliff Apartments North/Crambrook Shopping Center
Job No. 200081

Dear Kristen,

Last week we filed the plans and documents for the above captioned project for a Zoning Petition for Variance and a Zoning Petition for Special Hearing with Mr. Bruno Rudaitis with your office.

At this point prior to your scheduling of the Zoning Hearing I wish to respectfully request that this Hearing be scheduled in the morning hours due to scheduling conflicts that our attorney of record, Mr. Charles Brooks, has that will preclude him from attending Hearings in the afternoon.

I would appreciate your cooperation and indulgence with regard to this matter and hopefully you will find no problem with the morning scheduling.

Very truly yours,

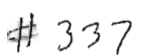
Joseph L. Larson, President
Spellman, Larson & Assoc., Inc.

cc: Chuck Brooks
Alan Gebhart

File#L02110802

CASE NAME _____
CASE NUMBER 08-337-SNA
DATE _____

[illegible]



051C1

DR 3.5

0802058265

3 CD

Flood Zone X

8-ED NW 16-A

Loch Raven Hydrology 100 Foot Stream Buffer

DR 5.5

051C2

0802000291

DR 3.5

#33

Case No.:

08-337-SPNA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>site plan</i>	
No. 2 <i>A-D</i>	<i>photographs</i>	
No. 3 <i>A-F</i>	<i>photo</i>	
No. 4 	<i>photos</i>	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



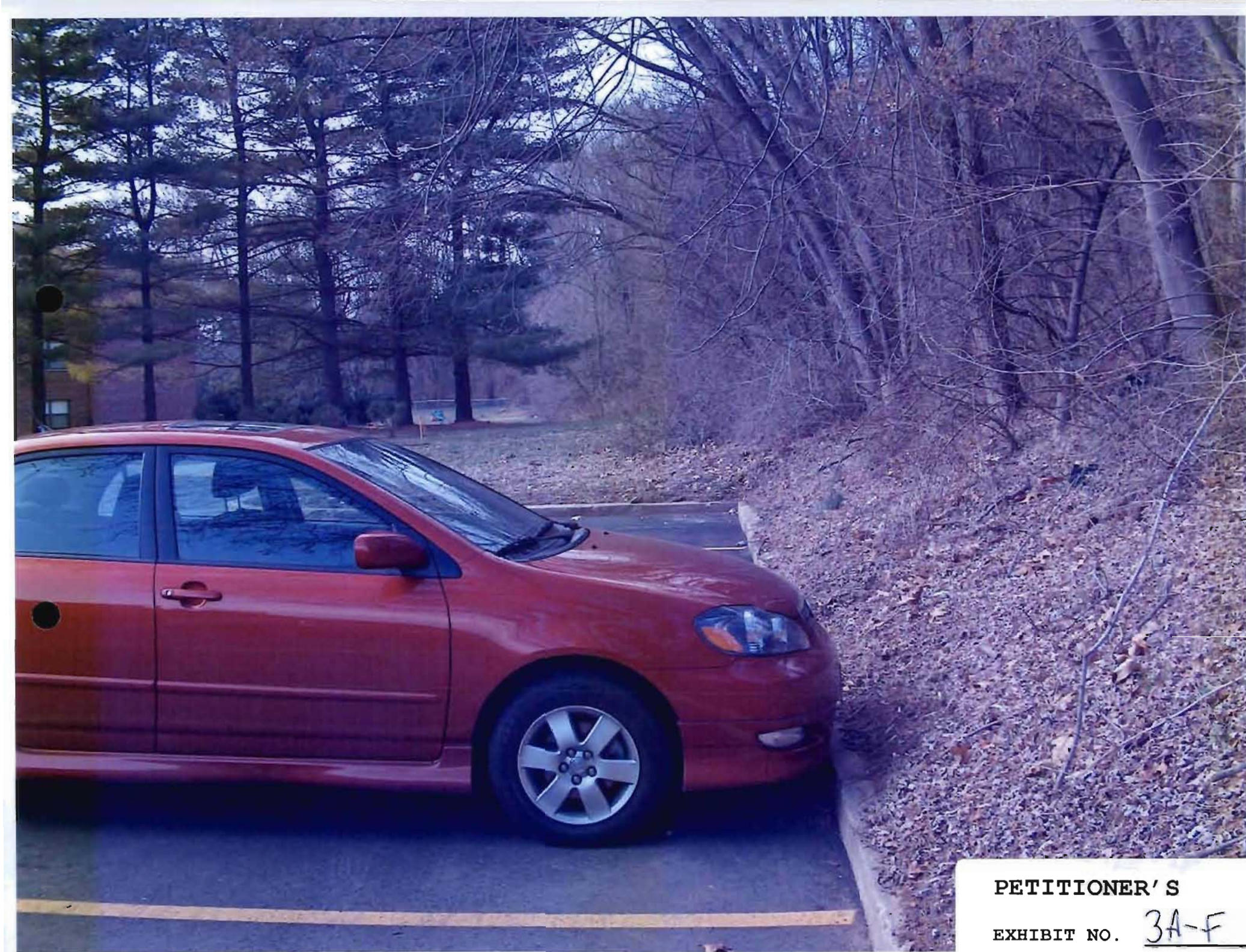
PETITIONER'S
EXHIBIT NO. 2A-D







2D



PETITIONER'S

EXHIBIT NO. 3A-F













PETITIONER'S

EXHIBIT NO.

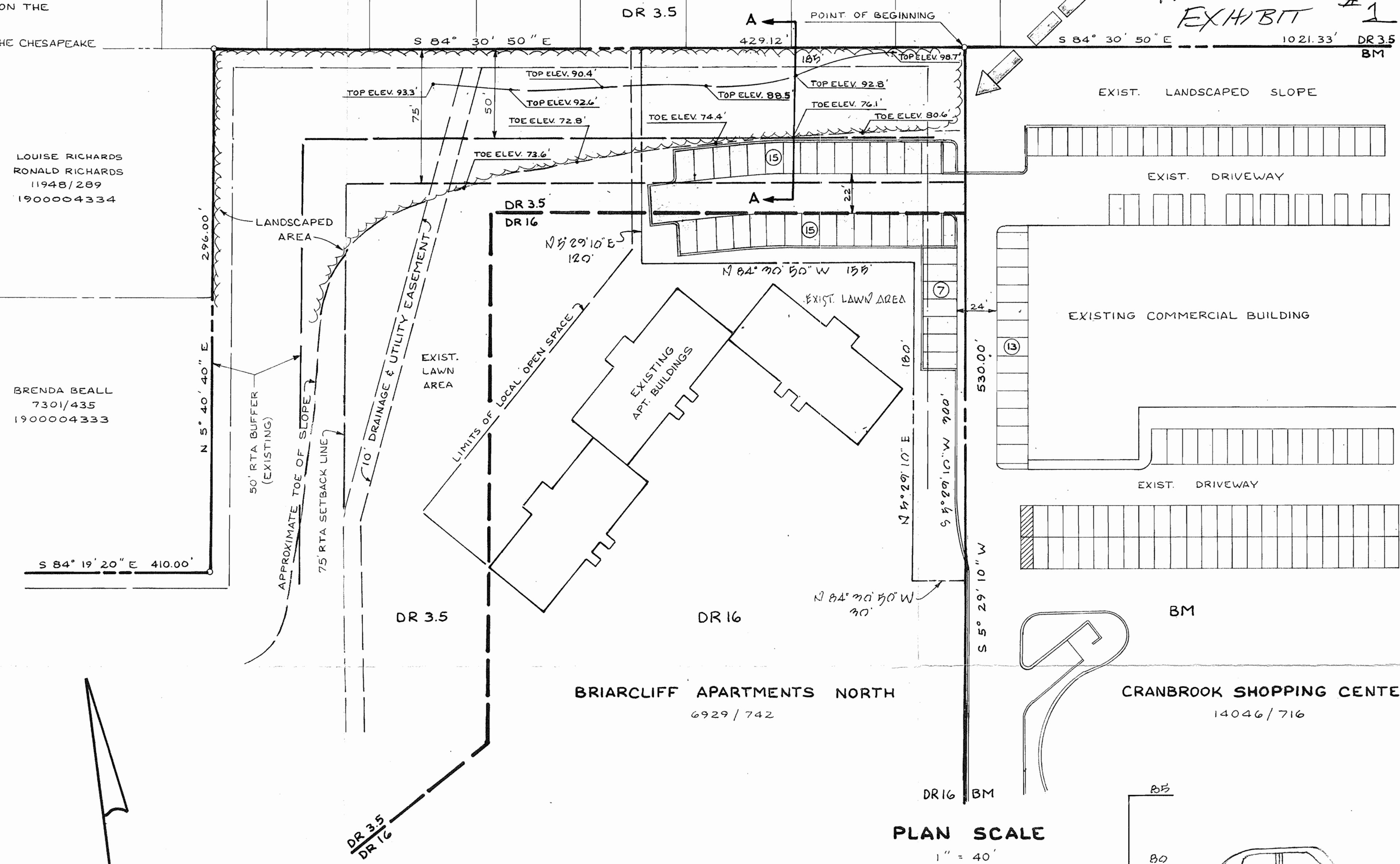
4

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, OR HISTORIC BUILDINGS OR LANDMARKS ON THE SUBJECT PROPERTY.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.
4. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

DAWN BENTZ 16817/640 0819000853	MAURICE BROWN FRANCES COLE 7363/648 0812061610	MICHAEL THOMAS CLARITA THOMAS 14647/179 0811067325	MATTHEW HELLMERS 21784/141 0813016040	KAREN PILECKI 16758/68 0816060750	HARRISON KLUG ELIZABETH KLUG 24378/591 0814010325	DONALD BECRAFT MARIE BECRAFT 7981/1 0823016030	HAROLD WALLACE JULIA WALLACE 5364/745 0813024490
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PROPOSED COMMERCIAL PARKING
IN A RESIDENTIAL ZONE
37 SPACES
PETITIONER'S
EXHIBIT #1



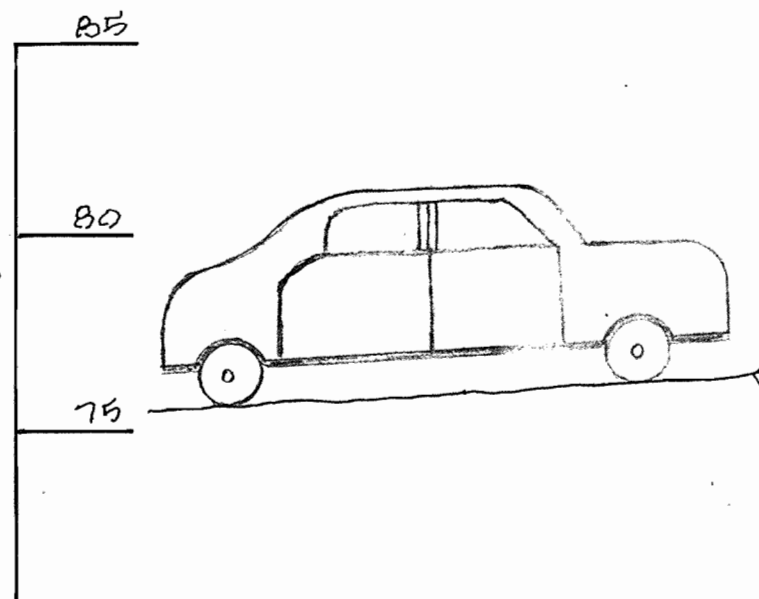
OUTLINE SCHEDULE		
NO.	DESCRIPTION	
1.	R = 1670'	L = 83.02'
2.	S 64° 27' 29" W	246.52'
3.	R = 750.00'	L = 593.00'
4.	S 19° 09' 20" W	111.73'
5.	R = 680.00'	L = 348.83'
6.	N 84° 04' 35" W	272.87'
7.	N 52° 12' 10" E	276.29'
8.	N 05° 39' 27" E	1171.70'
9.	S 84° 19' 20" E	410.00'
10.	N 05° 40' 40" E	296.00'
11.	S 84° 30' 50" E	429.12'
12.	S 84° 30' 50" E	1021.33'
13.	N 77° 13' 08" W	48.40'
14.	S 12° 46' 52" E	148.75'
15.	R = 500.00'	L = 294.82'
16.	S 21° 00' 08" W	28.39'
17.	S 64° 50' 01" W	216.2'
18.	R = 1410.00'	L = 601.72'
19.	R = 1670.00'	L = 483.99'
20.	N 22° 41' 37" W	93.21'
21.	N 05° 29' 10" E	530.00'

BRIARCLIFF APARTMENTS NORTH
6929 / 742

CRANBROOK SHOPPING CENTER
14046 / 716

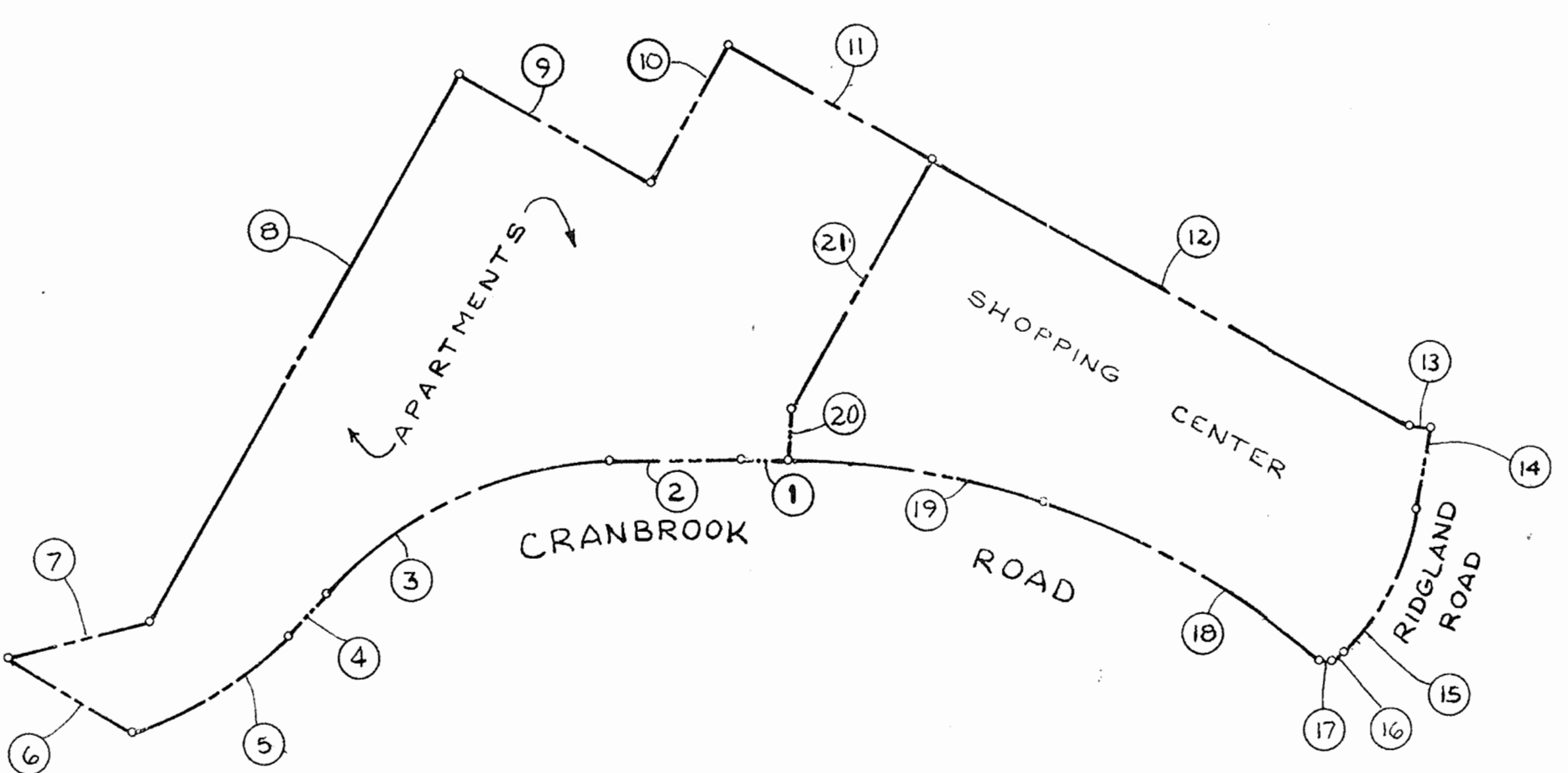
PLAN SCALE
1" = 40'

FOR DETAIL OF TOTAL PROPERTY OUTLINES
REFER TO PROPERTY INSET BELOW



SECTION A-A - SLOPE DETAIL

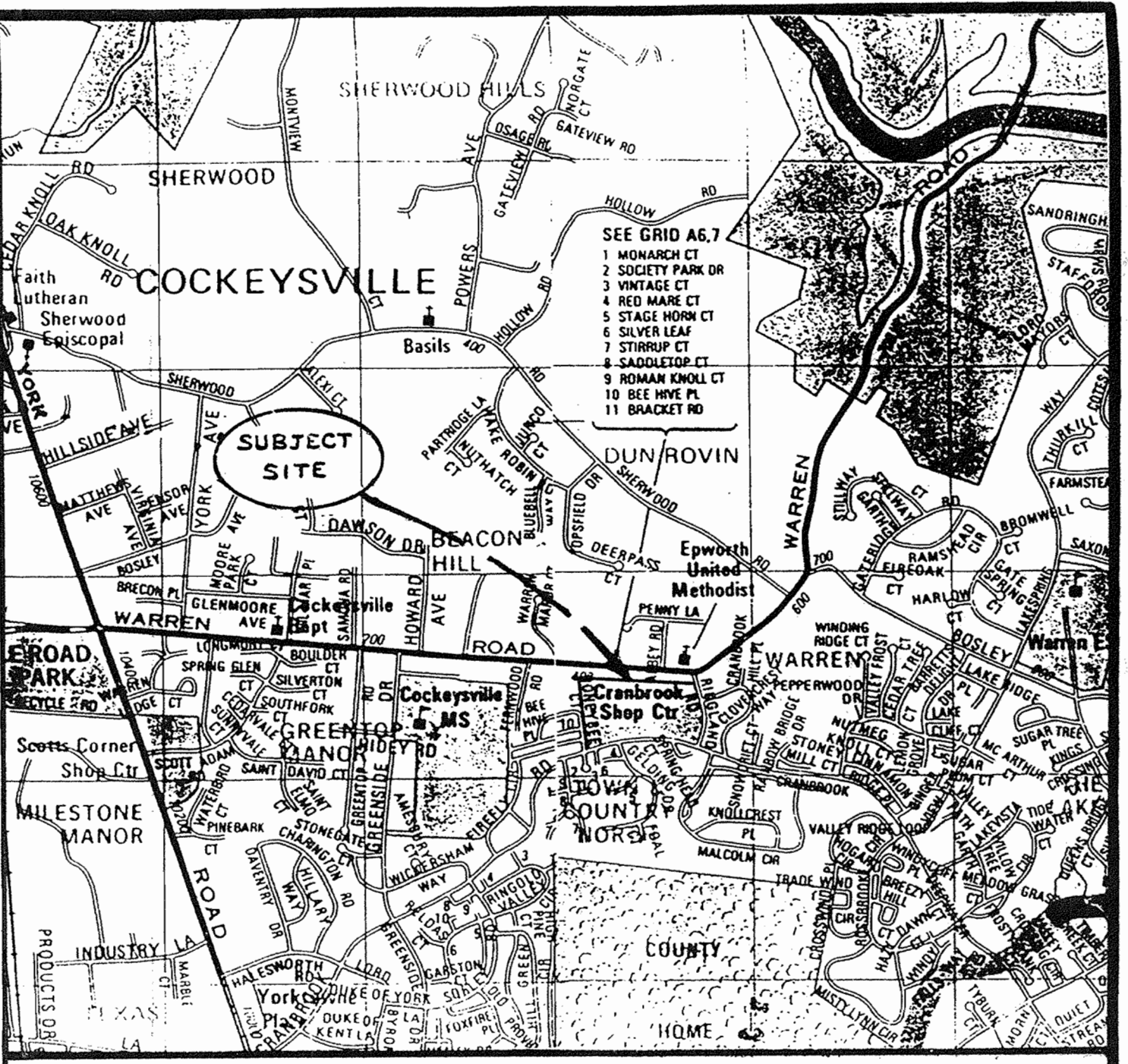
SCALE: 1" = 5'



PROPERTY INSET
SCALE: 1" = 300'

ZONING NOTE

THIS PLAT ACCOMPANIES A ZONING SPECIAL HEARING PETITION TO PERMIT COMMERCIAL PARKING IN A RESIDENTIAL ZONE AND A ZONING VARIANCE PETITION FOR A REDUCTION OF THE RESIDENTIAL TRANSITION AREA.



VICINITY MAP
NOT TO SCALE

PETITIONER'S
EXHIBIT NO. 1

SITE DATA

	SHOPPING CENTER	APARTMENTS
SITE AREA	12.134 AC +/-	18.277 AC +/-
EXISTING ZONING	BM	DR 3.5/DR 16
COUNCILMANIC DISTRICT	3RD	3RD
ZONING MAP	051C1	051C1 051C2
DEED REFERENCE	14046/716	6929/742
TAX MAP/GRID/PARCEL	51/12/520	51/12/543
TAX ACCOUNT NO.	2300003602	1600009869

OWNER INFORMATION

SHOPPING CENTER

CRANBROOK PLAZA ENTERPRISES LLC
599 CRANBROOK ROAD
COCKEYSVILLE, MD. 21030-3701
410 666-3400

APARTMENTS

BRIARCLIFF APARTMENTS NORTH
LIMITED PARTNERSHIP
599 CRANBROOK ROAD
COCKEYSVILLE, MD. 21030
410 666-3400

SPELLMAN, LARSON
&
ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE SUITE B-3 TOWSON, MD 21204
PHONE: 410-823-3535

SLOPE DETAIL EXHIBIT

BRIARCLIFF APARTMENTS NORTH
334 CRANBROOK ROAD

8TH ELECTION DISTRICT BALTIMORE COUNTY

SCALE: AS SHOWN DES. BY: SHT. 1 OF 2
DATE: 12-27-07 DWN. BY: TC

ZONING HISTORY

CASE NO. 71-281 ASPH

Variance granted to permit a 0' rear yard setback in lieu of 25' and a 0' sideyard setback in lieu of 25'.
Special Hearing granted to permit offstreet parking in a residential zone

CASE NO. 72-205 R

Reclassification granted from DR16 to BL

CASE NO. 74-96 XA

Special Exception granted to allow for the construction of a 2 story office building.
Variance granted to allow a sideyard setback of 5'and a rear yard setback of 2' in lieu of the required 25' & 30' respectively

CASE NO. 77-126A

Variance granted to permit 585 parking spaces in lieu of the required 634

CASE NO. 80-108 XASPH

Variance granted to permit 24 parking spaces in lieu of the required 33.
Special Exception denied to permit an artist's photo painting studio in an existing office building.
Special Exception granted to allow offices on the ground floor for general office use excluding medical and dental offices and artist's painting studio

CASE NO. 81-110

Special Exception granted for a community care center (Ground Floor)

CASE NO. 90-491 A

Petition to permit 519 parking spaces in lieu of 539 dismissed.
Petition for Zoning Variances to amend an approved plan, to permit drive thru lane, to permit direct access parking on a vehicular travelway, to permit a driveway 10' in width for one way movements, to permit landscaping as requested, to permit existing identification sign as shown on plan, to permit existing identification sign to have 177.2 sq. ft. in lieu of 150' and to permit said sign to be situated on the opposite side of the thoroughfare from residential land, to permit said sign to be situated on the frontage thoroughfare in lieu of the side thoroughfare all granted.

CASE NO. 02-019 X

Special Exception granted for approval of a service garage located at 528 Cranbrook Road

CASE NO. 03-246 SPHX

Special Hearing granted to approve an amendment to the last approved Site Plan.
Special Exception granted to approve a community building in a BL Zone

CASE NO. 03-529 X

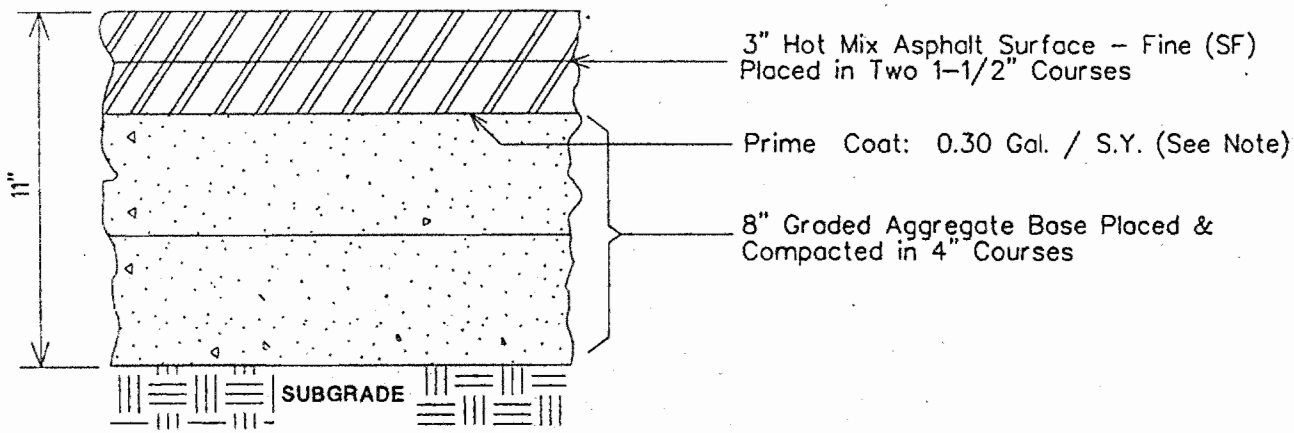
Special Exception granted to permit the use and operation of 30 amusement devices

CASE NO. 04-286 SPHX

Special Exception granted to allow a catering hall in a BL Zone and Special Hearing granted to amend a previously approved Site Plan

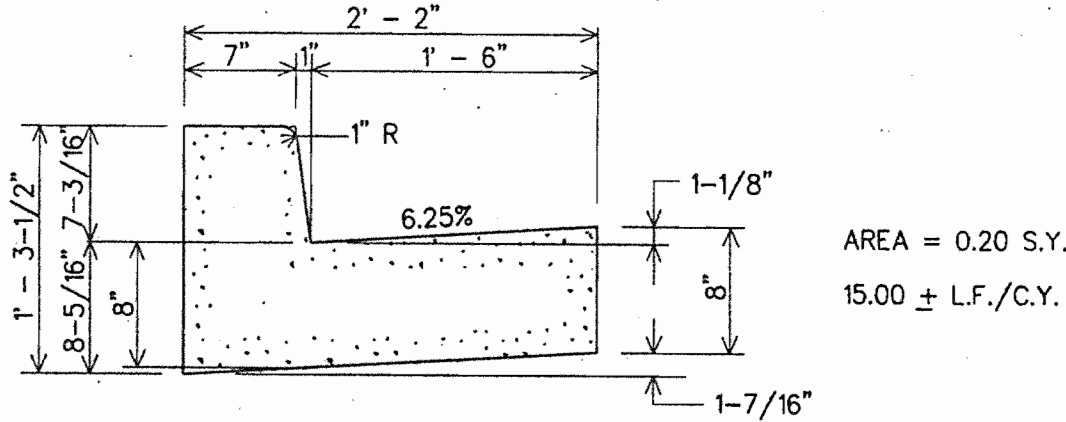
CASE NO. 07-055-SPHA

Special Hearing granted to amend a previously approved Site Plan.
Variance granted to permit three joint identification free standing signs (Sign A, Sign A-1 and Sign B) and to permit eleven lines of copy on Sign B.



TYPICAL PAVING SECTION

STANDARD 7" COMBINATION CURB & GUTTER:



NO.		DATE	REVISIONS	DESCRIPTION
SPELLMAN, LARSON & ASSOCIATES, INC.				
CIVIL ENGINEERS AND LAND SURVEYORS 222 BOSLEY AVENUE SUITE B-3 TOWSON, MD 21204 PHONE: 410-823-3535				
PLAT TO ACCOMPANY ZONING PETITIONS				
BRIARCLIFF APARTMENTS NORTH 334 CRANBROOK ROAD				
CRANBROOK SHOPPING CENTER 594 CRANBROOK ROAD				
8TH ELECTION DISTRICT BALTIMORE COUNTY				
SCALE:		DES. BY:		SHT. 2 OF 2
DATE: 12-27-07		DRN. BY: TC		

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PROPOSED COMMERCIAL PARKING IN A RESIDENTIAL ZONE

37 SPACES
(SHOWN SHADED)

LOUISE RICHARDS
RONALD RICHARDS
11948/289
1900004334

BRENDA BEALL
7301/435
1900004333

DR 3.5

POINT OF BEGINNING

DR 3.5
BM

EXIST. LANDSCAPED SLOPE

EXIST. DRIVEWAY

EXISTING COMMERCIAL BUILDING

EXIST. DRIVEWAY

BM

CRANBROOK SHOPPING CENTER
14046/716

BRIARCLIFF APARTMENTS NORTH
6929/742

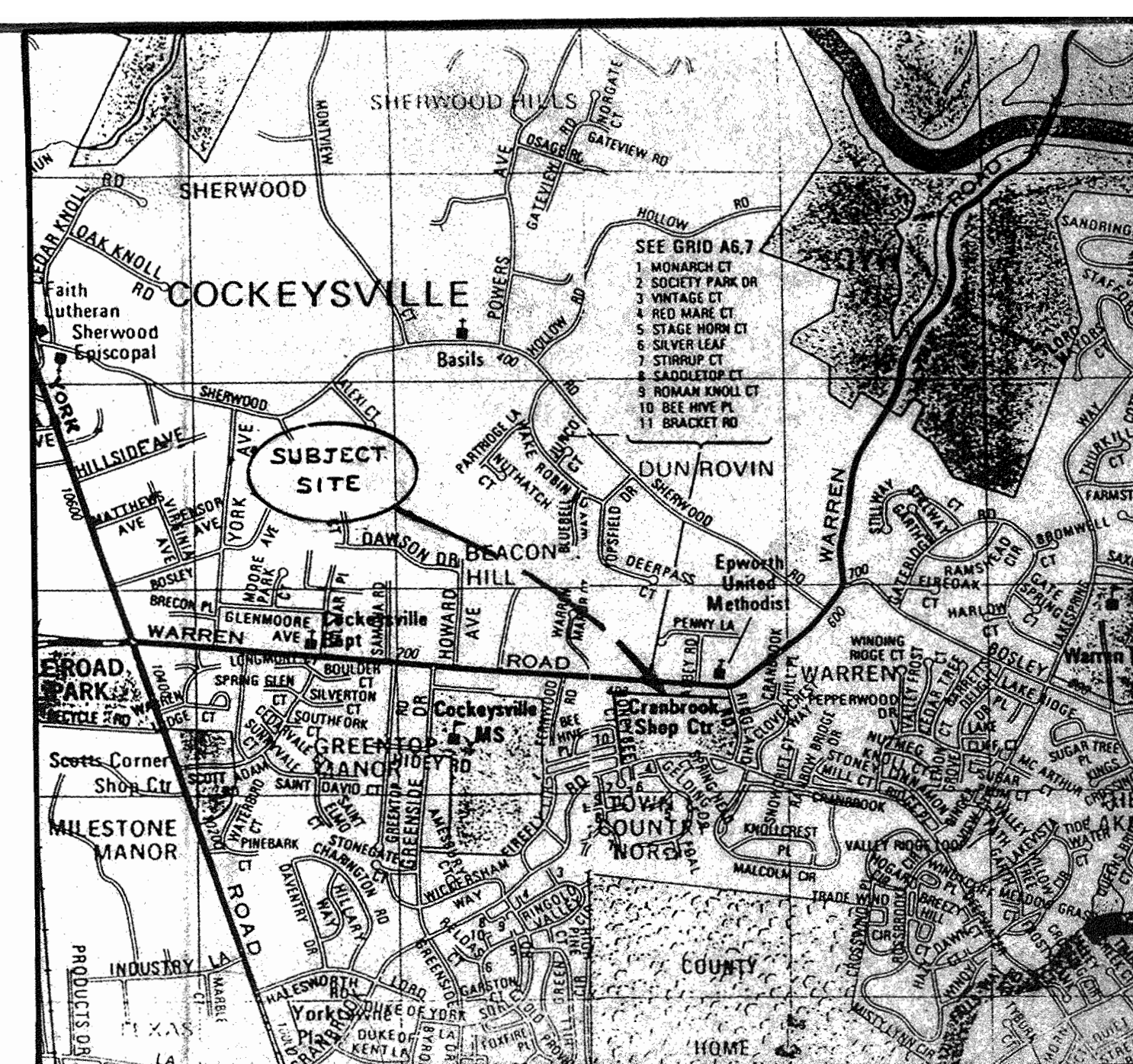
PLAN SCALE

1" = 40'

FOR DETAIL OF TOTAL PROPERTY OUTLINES
REFER TO PROPERTY INSET BELOW

PROPERTY INSET

SCALE: 1" = 300'



VICINITY MAP

NOT TO SCALE

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APARTMENTS

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599 CRANBROOK ROAD
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410 666-3400

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SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE SUITE B-3 TOWSON, MD 21204
PHONE: 410-823-3535

PLAT TO ACCOMPANY ZONING PETITIONS

BRIARCLIFF APARTMENTS NORTH
334 CRANBROOK ROAD

6TH ELECTION DISTRICT BALTIMORE COUNTY

SCALE: AS SHOWN DES. BY: SHT. 1 OF 2
DATE: 12-27-07 DRN. BY: TC