

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
S/S East Joppa Road, 192.5' W c/line of	*	ZONING COMMISSIONER
LaSalle Road	*	
(8600 LaSalle Road)	*	OF
9 th Election District	*	
5 th Council District	*	BALTIMORE COUNTY
LaSalle Limited Partnership	*	Case No. 08-416-A
Petitioner		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject property, LaSalle Limited Partnership, by and through its attorney, Robert A. Hoffman, Esquire with Venable LLP. The Petitioner requests variances from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 29 feet for two buildings in lieu of the required 30 feet, and a rear yard setback of 29 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Tom Pilon and Sean Doordan, with St. John Properties, the company that owns the Petitioner's entity, and Nick Brader with Matis Warfield, the engineering firm that prepared the site plan. David H. Karceski and Christopher Mudd of Venable LLP entered their appearance as attorneys for the Petitioner. Attending as Protestants/interested persons were Leslea Knauff, board member of Loch Raven Village Associates, and Gretchen Sarkin. Both reside in the Loch Raven Village community, nearby the subject property. While the Protestants raised certain concerns relating to traffic safety on Joppa Road, which will be discussed below, they initially stated that they had no objections to the reduced setbacks requested in the variance petition.

CASE NO. 08-416-A
 Date 5-22-08
 By 123

The testimony and evidence offered disclosed that the 4.07-acre property is located southwest of the intersection of LaSalle and Joppa Roads, in the Towson area of the County. The subject property is part of the Maryland Executive Park (MEP), which is a well-known business park that has been in existence since the mid 1970's. Specifically, the 4+-acre property under consideration is located on a larger 10.9-acre lot within the MEP, known as "Parcel A", as shown on Petitioner's Exhibit 1 and Petitioner's Exhibit 4 (the most recently approved Joint Subdivision Planning Committee [JSPC] Plan for the MEP). Parcel A, which is zoned M.L.-I.M., is almost entirely built-out, containing seven buildings and one pad site; three of the existing buildings are located on the subject property.

As set forth above, the requested variances pertain to certain yard area setbacks which have been highlighted on Petitioner's Exhibit 1. As the testimony suggested, modern-day business parks are typically comprised of several lots, with fewer buildings per lot, each with a larger footprint. In an effort to bring the 30+ year old MEP property up to this standard, Petitioner intends to subdivide Parcel A into three lots to include the subject property (shown as "Proposed Lot 2" on Petitioner's Exhibit 1) and two other lots (Proposed Lot 1 contains the existing Applebee's Restaurant located on the northeastern most portion of Parcel A, and Proposed Lot 3 will encompass the southern-most portion of Parcel A, containing three buildings and a pad site).

When preparing the plan for the above-described subdivision, Mr. Brader discovered that two existing buildings on the subject property require side yard area setback variances. Specifically, while the M.L.-I.M. zone requires a 30 foot setback for both side and rear yards, the location of the existing as-built buildings now require variances in three places: (1) a 0.44 foot side yard setback variance and (2) a 0.15 foot rear yard setback variance for one building, and (3)

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Date 5-22-08
By [signature]

a 0.22 foot side yard setback variance for another building. As indicated above, these required variances are illustrated and are highlighted on Petitioner's Exhibit 1.

Testimony and evidence revealed that the specific need for the variances are generated by the uniqueness of the property. As discussed above, the subject property is part of an older business park that is almost entirely built-out. Unlike the modern-day business parks that contain fewer, large buildings, each on a separate lot, the MEP contains multiple smaller buildings, most of which are located on one large 10.9-acre lot. Additionally, the MEP has frontage on two public roads and is bifurcated by LaSalle Road (with Parcel A to the west of LaSalle Road, and a smaller parcel to the east of LaSalle). Furthermore, the aerial photograph submitted as Petitioner's Exhibit 2 helps to demonstrate the irregular shape of Parcel A and its unique positioning, where it is widest along its Joppa Road frontage and then narrows as it follows the contour of LaSalle Road southward. These two unique factors limit the Petitioner's ability to subdivide Parcel A, as would be necessary to renovate the MEP.

A strict interpretation of the zoning regulations would create a practical difficulty for Petitioner for several reasons. If Petitioner were required to respect all setbacks, it would not be able to subdivide the property into smaller lots consistent with modern-day business park models. Without the ability to subdivide Parcel A, the evidence presented revealed the Petitioner will have difficulty giving the buildings thereon the renovation and modernization they need. It was explained that lenders are less likely to loan funds for renovations to only *some* of the buildings on a large parcel, because they are unwilling to utilize the entire parcel as security for a partial renovation. Therefore, because Petitioner will likely undertake any potential renovation in phases, it stands to reason that it would need to create smaller parcels to obtain necessary financing. In other words, without variance relief, Petitioner would not be able to create smaller

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Date 5-22-08
By [signature]

parcels, in which case Petitioner would have difficulty obtaining financing for potential phased renovations.

As briefly mentioned above, the Protestants initially indicated that they had no objection to the reduced setbacks proposed by Petitioner, but instead raised an issue with which they were particularly concerned: the safety of a proposed entrance off of Joppa Road shown on the northwestern most portion of Petitioner's Exhibit 1. I explained to the Protestants, and will specifically note, that the propriety of that entrance is not before me here, as my review pertains only to the three internal variances requested by Petitioner. Regardless, I do not take lightly the Protestants' concern for the safety of the future entrance and permitted them to elaborate. Once the Protestants explained their specific concerns over the safety of the proposed entrance, counsel for Petitioner proffered that the appropriate County agencies have reviewed and approved the entrance and that certain grading and stacking elements have been incorporated by Petitioner's engineer, in order for the entrance plans to be approved. Understanding that the appropriate County agencies have reviewed the entrance, I indicated to the Protestants that I was satisfied that the County would not have approved the entrance if any unsafe condition existed. Upon hearing this, the Protestants shifted their position to object to the requested variances, and I noted their objection.

Having considered all of the evidence and proffered testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan, the aerial photograph, the site photographs, and the latest approved JSPC plan for the site, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The requested variances are appropriate, given the uniqueness of the site. The MEP is clearly an older business park that could stand some renovation, which would be difficult to accomplish without the subdivision of Parcel A. The requested zoning relief enables Petitioner to achieve its subdivision by facilitating potential

renovation of the newly created lots, which would be done without having any impact on the surrounding properties. Not only are the setback variances internal in nature in that they permit Petitioner's own buildings to be closer to internal lot lines, but, because the buildings already exist, the grant of the variances will have no effect on the existing conditions of the site. With or without the variances, the physical characteristics of the site will remain the same; the subdivision, in effect, will merely be lines shown on a plan. In this regard, I note that the County agencies that reviewed this matter have no objections, as there are no adverse Zoning Advisory Committee (ZAC) comments.

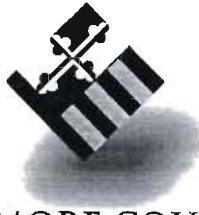
Pursuant to the advertisement, posting of the property and public hearing held on this petition, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of May, 2008, that the Petition for Variance, seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 29 feet for two buildings in lieu of the required 30 feet, and a rear yard setback of 29 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1. Petitioner may apply for building 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, the relief granted herein shall be rescinded.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5-22-08
By 193



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 22, 2008

David Karceski, Esquire
Christopher Mudd, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: PETITION FOR VARIANCE

S/S East Joppa Road, 192.5' W c/line of LaSalle Road
(8600 LaSalle Road)
9th Election District - 5th Council District
LaSalle Limited Partnership – Petitioner
Case No. 08-416-A

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Tom Pilon and Sean Doordan, St. John Properties, 2560 Lord Baltimore Drive,
Baltimore, MD 21244
Nick Brader, Matis Warfield, 10540 York Road, Suite M, Hunt Valley, MD 21030
Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
Gretchen Sarkin, 1308 Putty Hill Avenue, Towson, MD 21286
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 8600 LaSalle Road

which is presently zoned ML-IM

Deed Reference: 8158 / 714 Tax Account # 1700000754

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.)

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

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:

Robert A. Hoffman, Esquire

Name

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 08-416-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

5-22-08

By

120

PETITION FOR VARIANCE

Maryland Executive Park

8600 LaSalle Road

Variance from BCZR Sections 255.1 and 238.2 to permit side yard setbacks of 29 feet for two buildings, in lieu of the required 30 feet, and a rear yard setback of 29 feet, in lieu of the required 30 feet.

PETITION FOR VARIANCE

SIGNATURE PAGE

Maryland Executive Park
8600 LaSalle Road

Legal Owner:

LASALLE LIMITED PARTNERSHIP

By: MIE MD EXECUTIVE PARK, LLP, GENERAL PARTNER

By: 
Name: EDWARD ST. JOHN
Title: MANAGER

By: EDWARD ST. JOHN, LLC, LIMITED PARTNER

By: 
Name: EDWARD ST. JOHN
Title: MANAGER

Leo W. Rader

Richard A. Rader, MD Reg. No. 10106
VA Reg. No. 002431

LEO W. RADER SURVEYORS, INC.

STATE REGISTERED
ESTABLISHED IN 1948

HYDROGRAPHY
TOPOGRAPHY
GEODESY

SUBDIVISION ENGINEERING
TITLE SURVEYS
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093

Phone: (410) 252-2920
Fax: (410) 252-2920 or (410) 252-4115

ZONING DESCRIPTION

LOT 2 MARYLAND BUSINESS PARK

November 28, 2007

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows, to wit:

BEGINNING for the same on the southerly right of way line of Joppa Road (95 feet wide) at a point measured 192.56 feet westerly along said southerly right of way line from the centerline of La Salle Road, thence running by the five following courses and distances respectively, viz:

- (1) South 13 degrees 38 minutes 56 seconds West 335.93 feet,
- (2) North 76 degrees 16 minutes 48 seconds West 207.62 feet,
- (3) South 13 degrees 42 minutes 08 seconds West 187.25 feet,
- (4) North 76 degrees 16 minutes 48 seconds West 201.62 feet and
- (5) North 13 degrees 43 minutes 12 seconds East 541.00 feet to said southerly right of way line of Joppa Road; thence binding thereon by the two following lines respectively, viz:

(6) by a line curving to the left with a radius of 4065.49 feet, for a distance of 257.07 feet (the chord of said curving line bearing South 72 degrees 36 minutes 40 seconds East 257.03 feet) and

(7) by a line curving to the left with a radius of 3248.66 feet, for a distance of 152.28 feet (the chord of said curving line bearing South 75 degrees 45 minutes 56 seconds East 152.27 feet to the place of beginning.

CONTAINING 177,261 square feet or 4.0693 acres more or less.

BEING a part of the parcel of land described in a deed dated April 20, 1989 and recorded among the Land Records of Baltimore County, Maryland in Liber 8158, folio 714, which was conveyed from Rouse & Associates – Towson to LaSalle Limited Partnership.



Richard Rader

08-416-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

133

Date:

3/5/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	0016			6150				325.00

Total:

325.00

Rec

From:

Venable LLP

For:

8600 LaSalle Rd
Lanham, MD 20655
VLR 08-416-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

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: # 08-416-A

8600 LaSalle Road

S/side of East Joppa Road, 192.5 feet west of centerline of LaSalle Road

9th Election District - 5th Councilmanic District

Legal Owner(s): LaSalle Limited Partnership

Variance: to permit side yard setbacks of 29 feet for two buildings, in lieu of the required 30 feet, and a rear yard setback of 29 feet, in lieu of the required 30 feet.

Hearing: Thursday, May 1, 2008 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 4/744 Apr. 15

170223

CERTIFICATE OF PUBLICATION

4/18/2008

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 4/15/2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-416-A

Petitioner/Developer: LASALLE
LIMITED PARTNERSHIP

Date of Hearing/Closing: 5-1-08

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:

8600 LA SALLE ROAD

The sign(s) were posted on 4-16-08
(Month, Day, Year)

Sincerely,

Robert Black 4-11-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

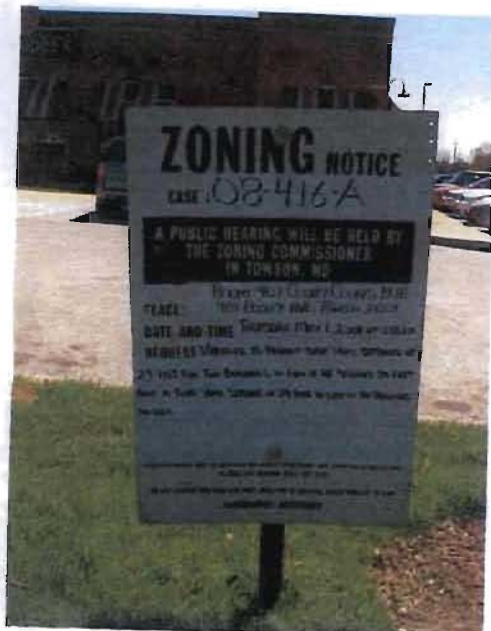
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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: 08-416-A
Petitioner: LaSalle Limited Partnership
Address or Location: 8600 LaSalle Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell
Address: 210 Allegheny Avenue
Towson, MD 21204
Telephone Number: 410-494-6200

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 19, 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: 08-416-A

8600 LaSalle Road

S/side of East Joppa Road, 192.5 feet west of centerline of LaSalle Road

9th Election District – 5th Councilmanic District

Legal Owners: LaSalle Limited Partnership

Variance to permit side yard setbacks of 29 feet for two buildings, in lieu of the required 30 feet, and a rear yard setback of 29 feet, in lieu of the required 30 feet.

Hearing: Thursday, May 1, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Edward St. John, MIE MD Exec. Park, LLP, 8600 LaSalle Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 16, 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, April 15, 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: 08-416-A

8600 LaSalle Road
S/side of East Joppa Road, 192.5 feet west of centerline of LaSalle Road
9th Election District – 5th Councilmanic District
Legal Owners: LaSalle Limited Partnership

Variance to permit side yard setbacks of 29 feet for two buildings, in lieu of the required 30 feet, and a rear yard setback of 29 feet, in lieu of the required 30 feet.

Hearing: Thursday, May 1, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 23, 2008

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

Dear Mr. Hoffman:

RE: Case Number: 08-416-A, 8600 LaSalle Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 5, 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
LaSalle Limited Partnership MIE MD Executive Park, LLP Edward St. John, Manager
8600 LaSalle Road Towson 21286



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: March 12, 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. B-416-A
8600 LASALLE RD.
LA SALLE PARTNERSHIP
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. B-416-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400,403,404,405,406,407,409,410,411,412,413,414,415,416 and 417

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

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 25, 2008

SUBJECT: Zoning Item # 08-416-A
Address 8600 LaSalle Road
(Maryland Executive Park)

Zoning Advisory Committee Meeting of March 10, 2008

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Michael S. Kulis, NRS
Environmental Impact Review

Date: March 19, 2008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 28, 2008

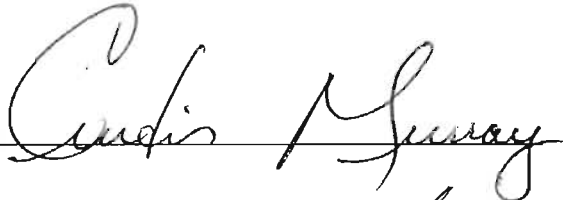
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-416- Variance**

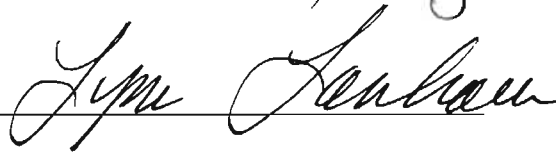
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.
The subject property is also part of the 2008 CZMP issue 5-006.

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

Prepared By:



Division Chief:



CM/LL

CASE NAME 0600 Casa 7
CASE NUMBER 08-416-A
DATE 5/1/08

[illegible]

CASE NAME _____
CASE NUMBER 08-416-A
DATE 5/1/08

NAME _____

CITY, STATE, ZIP

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 09 **Account Number -** 1700000754

Owner Information

Owner Name:	LASALLE LIMITED PARTNERSHIP	Use:	COMMERCIAL
Mailing Address:	2560 LORD BALTIMORE DRIVE BALTIMORE MD 21244-2666	Principal Residence:	NO
		Deed Reference:	1) / 8158/ 714 2)

Location & Structure Information

Premises Address	Legal Description
8600 LASALLE RD BALTIMORE MD 21286	10.945 AC PARCEL A WS LASALLE RD MARYLAND BUSINESS PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
70	16	634					A	2	Plat Ref: 38/ 12

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1997	5,319 SF	10.94 AC	15

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	4,378,000	6,567,000		
Improvements:	10,416,400	8,856,400		
Total:	14,794,400	15,423,400	14,794,400	15,004,066
Preferential Land:	0	0	0	0

Transfer Information

Seller: ROUSE & ASSOCIATES TOWSON	Date: 04/28/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8158/ 714	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

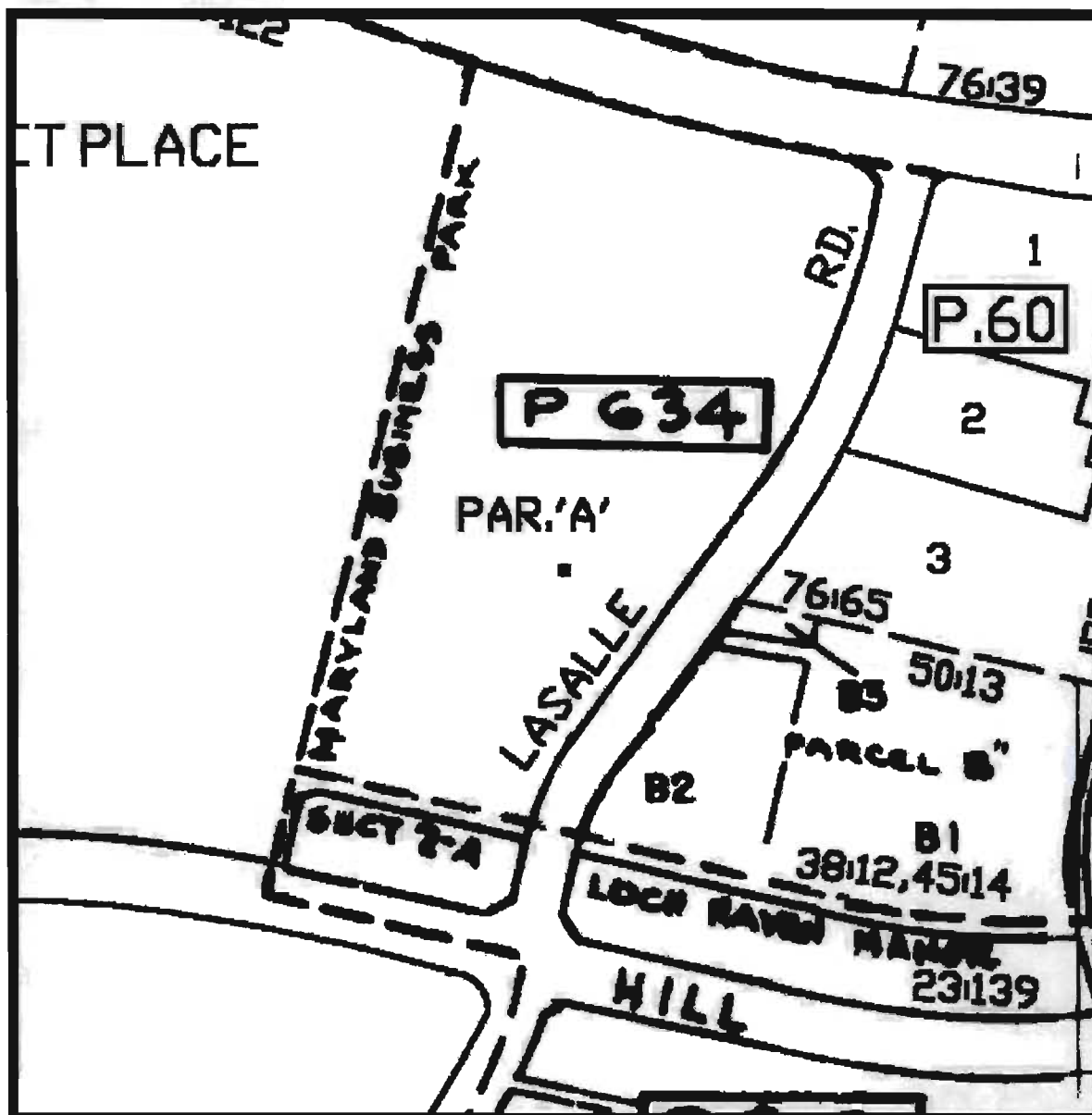
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 09 Account Number - 1700000754



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web
 site at www.mdp.state.md.us/tax_mos.htm



11/4

P. J. Case

IN RE: PETITION FOR ZONING VARIANCE	*	BEFORE THE
S/S Joppa Road, 91 ft. W of		
c/l LaSalle Road	*	ZONING COMMISSIONER
8600 LaSalle Road		
9th Election District	*	OF BALTIMORE COUNTY
4th Councilmanic District		
Legal Owner: LaSalle L.P.	*	Case No. 97-149-A
Lessee: Rose Casual Dining,		
Inc., Petitioner	*	
* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8600 LaSalle Road in Towson. The Petition is filed by the LaSalle Limited Partnership, property owner, and Rose Casual Dining, Inc. (t/a Applebee's), Lessee. The Petition seeks variance relief as follows:

1. A variance from Section 413.5.C of the Baltimore County Zoning Regulations (BCZR) to permit a free standing sign within 25 ft. of a road right of way; and,
2. A variance from Section 413.6.B.1 of the BCZR to permit a freestanding business sign having an area of 98 sq. ft. per face in lieu of the permitted 25 sq. ft. per face (a total of 196 sq. ft. in lieu of 50 ft.); and,
3. A variance from Section 413.6.B.2 of the BCZR to permit a maximum sign height of 14.75 ft. above the grade level of the lot on which is located and above the street which it faces in lieu of the 6 ft. permitted.

All of the above requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plan to accompany the Petitioner for Variance.

Appearing at the public hearing held for this case was John F. Gaburick, Director of Administrative Services for Rose Casual Dining, Inc. Also present was Frederick Thompson, the engineer who prepared the

The matter comes before the Zoning Commissioner as it relates to the proposed sign. As noted within the Petition the sign is larger than permitted, higher than allowed and closer to the road. A schematic representation of the proposed sign was presented.

Mr. Gaburick discussed the need for the sign and the requested variance. He noted that the site is unique in terms of its topography. As was shown in several photos of the property, this portion of the overall tract is at a significantly lower grade than Joppa Road. Mr. Gaburick explained that, because of the grade differential, the proposed sign needed to be the requested size, height and location. He also observed that the BCZR requires that the entire base on which the message board is located be considered in determining the area of the sign. As shown in the schematic drawing, the sign contains a sizable brick base along with the changeable message board and an area for the restaurant's logo. The sign will be internally lighted and will not be detrimental to traffic or interfere with the line of sight.

Mr. Thompson, the engineer for the project also testified. He discussed the standards at law upon which variance relief must be evaluated and opined that the Petition should be granted. He also noted that the Petitioner originally contemplated constructing a higher pylon sign but rejected same for reasons of esthetics. Mr. Thompson concluded that the subject sign was much preferable than what was initially proposed and would not be detrimental to the surrounding locale.

Messrs. Smith and Lowman presented testimony in opposition to the request. It is of note that neither of these gentlemen reside in the community immediately adjacent to the subject site. In this regard, the most immediate neighbors support the sign as evidenced by a letter from the Associates of Loch Raven Village Community Association (Petitioner's

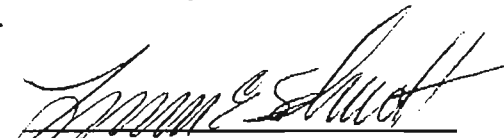
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of November, 1996 that a variance from Section 413.5.C of the Baltimore County Zoning Regulations (BCZR) to permit a free standing sign within 25 ft. of a road right of way, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6.B.1 of the BCZR to permit a freestanding business sign having an area of 98 sq. ft. per face in lieu of the permitted 25 sq. ft. per face (a total of 196 sq. ft. in lieu of 50 ft.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6.B.2 of the BCZR to permit a maximum sign height of 14.75 ft. above the grade level of the lot on which it is located and above the street which it faces in lieu of the 6 ft. permitted, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. All illegal signs on the premises shall be removed within 30 days of the application of the permit for the proposed sign, and other signage on the premises, be it temporary or permanent, shall be in accordance with the applicable provisions of the BCZR.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

Case No.: 08-416-A 8600 La Salle Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	AERIAL	
No. 3	Photo's Aerial	
No. 4	JSPC PLAN	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S
EXHIBIT NO. 3

(A)



B

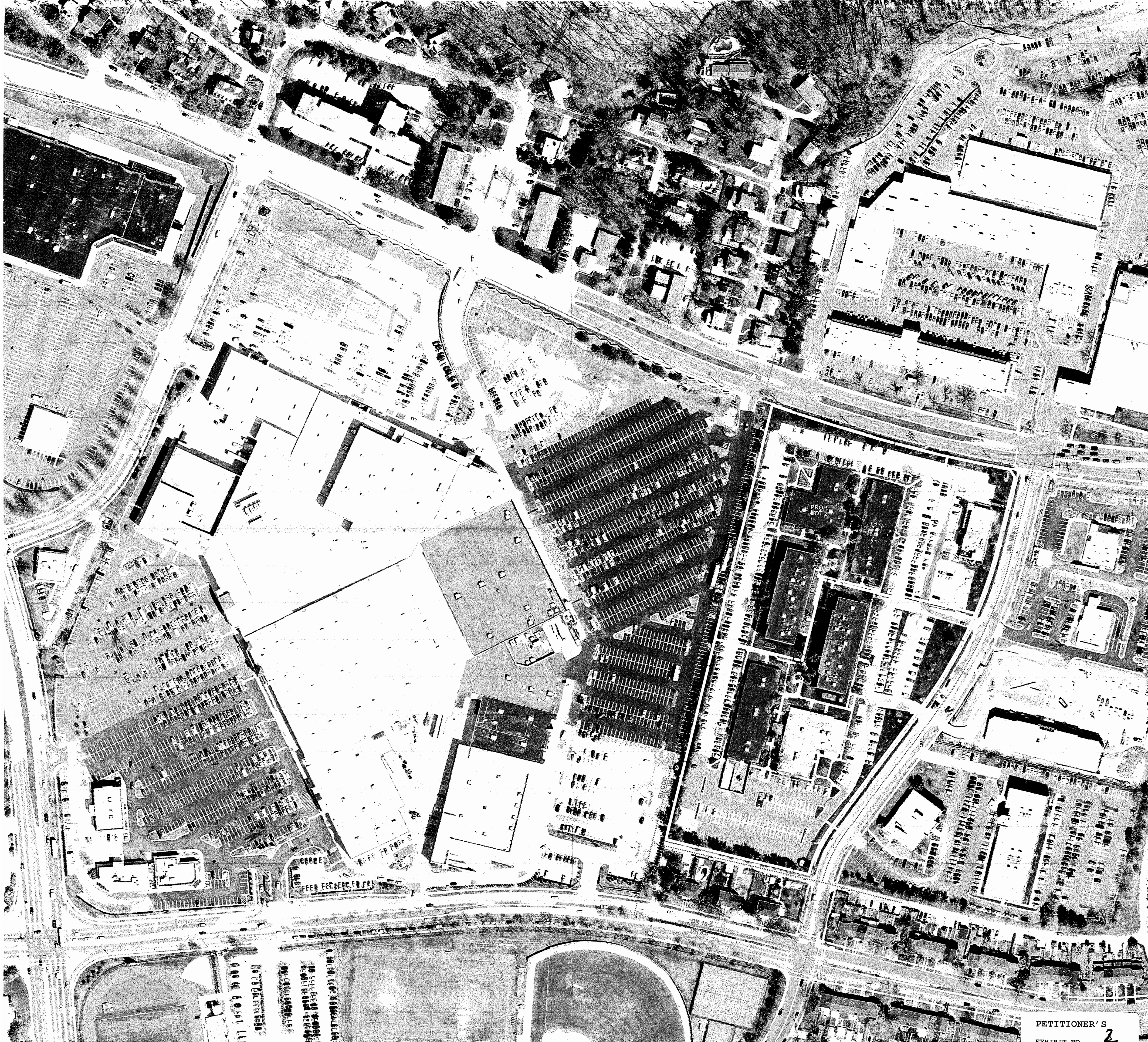


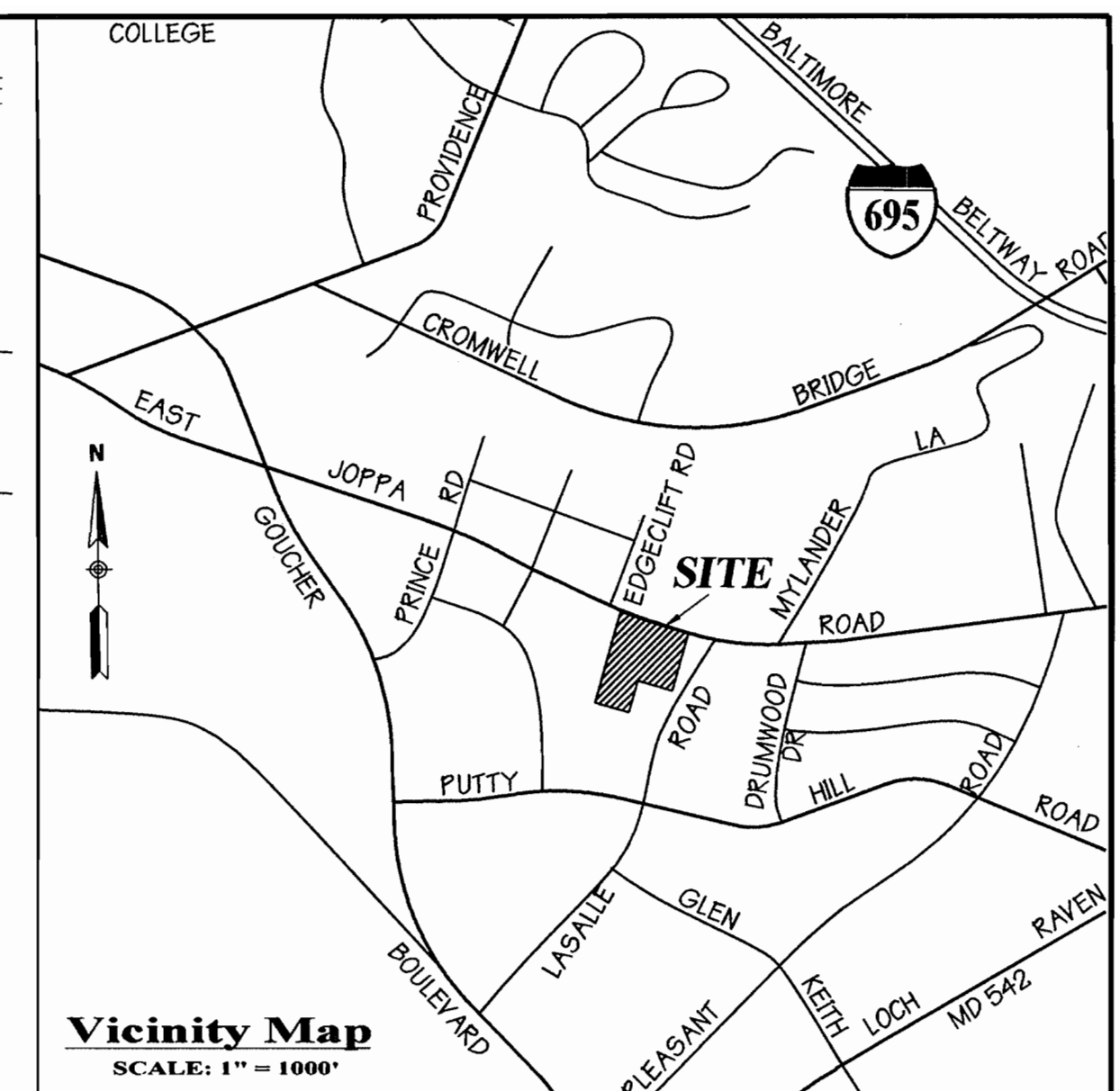
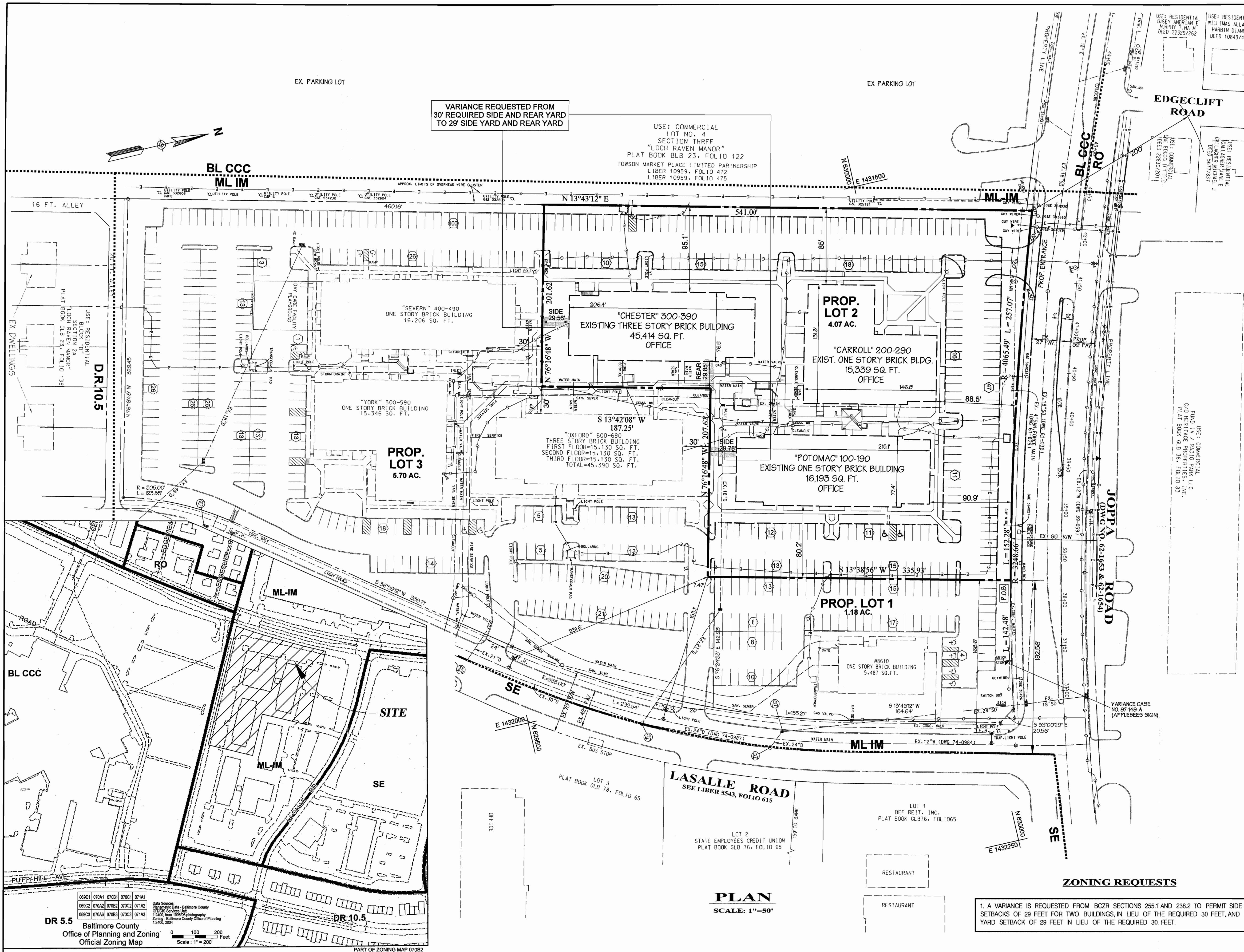












Legend

- Property Line
- Zoning Line
- Existing Concrete Curb
- Proposed Concrete Curb
- Existing Storm Drain
- Existing Sewer
- Existing Water
- Ex. Under Electricity
- Existing Gas

Site Data

- NET AREA OF PROPERTY 10.94 ACRES
- EXISTING ZONING - ML-IM
- EXISTING USE - OFFICE, PROFESSIONAL, RESTAURANT
- PROPOSED USE - OFFICE, PROFESSIONAL, RESTAURANT
- LOT 1 - 1.18 ACRES
- LOT 2 - 4.07 ACRES
- LOT 3 - 5.70 ACRES
- DEED REFERENCE - 8158/714
- DEED REFERENCE - 38/12 (PARCEL A, MARYLAND BUSINESS PARK)
- ZONING HISTORY: CASE NO. 97-149-A
- TAX ACCOUNT NUMBER - 09-1700000754
- COUNCILMANIC DISTRICT: 5
- FLOOR AREA RATIO: PERMITTED - 2.0
- PROPOSED - LOT 1 - 5,487 SF / 1.18 AC. - 0.11
- LOT 2 - 76,946 SF / 4.07 AC. - 0.43
- LOT 3 - 77,942 SF / 5.70 AC. - 0.31
- AMENITY OPEN SPACE - NONE REQUIRED
- BUILDING HEIGHT - 35.9' (CHESTER), 13.0' (CARROLL), 12.6' (POTOMAC)
- STORMWATER MANAGEMENT: VARIANCE REQUESTED FOR NEW ENTRANCE
- PUBLIC WATER FACILITIES - EXISTING
- PUBLIC SEWER FACILITIES - EXISTING
- PRIOR COMMERCIAL PERMITS: B672577, B666633, B665680, B624372
- LAST IMPROVEMENT DATED ON APRIL 28, 1989
- SIGNAGE - NO SIGNAGE PROPOSED AT THIS TIME. ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.
- FLOOD PLAN - THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN PER FEMA FLOODPLAIN MAP PANEL 2401002658 DATED ON MARCH 2, 1981.
- ANY FUTURE USED TO ILLUMINATE THE OFF-STREET PARKING AREA SHALL BE ERRECTED AS TO REFLECT LIGHT AWAY FROM ADJOINING RESIDENTIAL AREAS AND PUBLIC STREETS.
- THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS SUBJECT OF 2008 CZMP ISSUE 5-006.
- DRC 10305F, APPROVED PLAN REFINEMENT TO ADD RESTAURANT.
- DRC 102901C, APPROVED PLAN REFINEMENT TO ADD 5000 SF BUILDING.
- DRC 010208I, PENDING JSPC REFINEMENT TO CORRECT PREVIOUS PLAN

Parking Tabulation

PARKING REQUIRED:	
RESTAURANT	5,487 SF @ 16 SP. PER 1,000 SF = 88 SPACES
MEDICAL OFFICE	17,775 SF @ 4.5 SP. PER 1,000 SF = 80 SPACES
	80 SPACES x 0.95 (TRANSIT ADJUSTMENT) = 76 SPACES
DAYCARE CENTER	6,500 S.F.
	18 SPACES x 1 SP. PER 1,000 SF = 18 SPACES
GENERAL OFFICE	129,813 SF @ 3.3 SP. PER 1,000 SF = 428 SPACES
	428 SPACES x 0.95 (TRANSIT ADJUSTMENT) = 407 SPACES
SHARED PARKING ADJUSTMENT	
	WEEKDAY
	WEEKDAY
	WEEKDAY
	WEEKEND
	WEEKEND
RESTAURANT	44
OFFICE	483
DAYCARE CENTER	18
TOTAL	545
	154
	154
	130
	51

PARKING PROVIDED:
TOTAL PARKING PROVIDED - 612 SPACES
INCLUDING 15 HANDICAP PARKING SPACES
ALL PARKING SHALL BE PERMANENTLY STRIPED ON A DURABLE AND DUST FREE SURFACE.
LOTS 1, 2 & 3 TO HAVE A CROSS PARKING AGREEMENT.

PLAN
SCALE: 1"=50'

ZONING REQUESTS

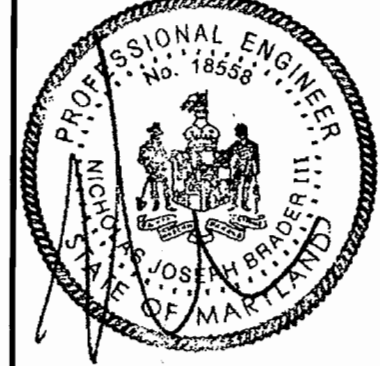
1. A VARIANCE IS REQUESTED FROM BCZR SECTIONS 255.1 AND 238.2 TO PERMIT SIDE YARD SETBACKS OF 29 FEET FOR TWO BUILDINGS, IN LIEU OF THE REQUIRED 30 FEET, AND A REAR YARD SETBACK OF 29 FEET IN LIEU OF THE REQUIRED 30 FEET.

Notes:

- Bearings and Distance shown hereon are based on survey by Leo W. Rader Surveyors, Inc. on October 3, 2007.
- This plot is for zoning purposes only and shall not be used for conveyance of land.
- All zone and district lines shown hereon are based on Baltimore County Zoning Map No. 070B2.

OWNER - PETITIONER

LaSalle Limited Partnership
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
Phone (410) 788-0100



Matis Warfield
consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21030
Phone 410-683-7004
Facsimile 410-683-1798
www.matiswarfield.com

Plat to Accompany Zoning Petition for Variance

LOT 2 (PROPOSED)
MARYLAND EXECUTIVE PARK

8600 LaSalle Road
PETITIONER'S

BALTIMORE COUNTY, MARYLAND
TAX MAP 70, PARCEL 634
SCALE: 1" = 50'

ELECTION DISTRICT NO. 9
COUNCIL DISTRICT NO. 5
JANUARY 10, 2008
SHEET 1 OF 1

EXHIBIT NO. 1

November 19, 2001

Matis Warfield, Inc.
10540-M York Road
Hunt Valley, MD 21030

RE: Maryland Business Park
PDM Number IX-277
DRC Number 102901C, Dist. 904

Dear Sir or Madam:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland, and as provided in Section 602 (b) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter continues an administrative order and decision on the request for insurance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designers of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on October 29, 2001, and made the following recommendations:

The DRC has determined that your project was originally approved by the Joint Subdivision Planning Committee (JSPC). You may process a plan with changes to the last approved JSPC in compliance with JSPC regulations. To submit a JSPC plan for consideration, please contact this office for a transmittal form. It is necessary to submit a plan to the Department of Public Works for further review. Please forward the plan along with a copy of this DRC letter, to Room 123, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

Matis Warfield, Inc.
PDM Number IX-277
November 19, 2001
Page 2

I have reviewed the recommendation carefully, and I have determined to adopt the recommendations set forth above. It is this 19th day of November 2001, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

Arnold Jablon

Arnold Jablon
Director

AJDTR:dkk

c: Kristin Weiss
File

Come visit the County's Website at www.co.ba.md.us

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.
4. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.
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10. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.

TABULATION

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.
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10. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.

PARKING DATA

FIRST FLOOR USES	SECOND FLOOR USES
Ex. Medical Office 1st Floor 6780 S.F. @ 13000 S.F. = 22.6 P.S.	Ex. General Office 30,180 S.F. @ 1500 S.F. = 60.40 P.S.
Ex. Day Care 6500 S.F. @ 1/Employee = 10 P.S.	THIRD FLOOR USES
Ex. Carwash 730 S.F. @ 51000 = 3.75 P.S.	General Office 29,978 S.F. @ 1500 S.F. = 59.96 P.S.
Ex. General Office 75,204 S.F. @ 1300 S.F. = 254.01 P.S.	

TOTAL REQUIRED EXISTING USES = 416.72 P.S.
PROPOSED ADDITION = 6,000 S.F. RESTAURANT
6000 S.F. @ 16/1000 = 96 P.S.
GRAND TOTAL PARKING SPACES REQUIRED = 506.72
507 P.S.
PARKING PROVIDED = 507 P.S.
PROPOSED 5000 S.F. BLDG. (USE RESTAURANT USE); 5000 S.F. @ 16 P.S./1000 S.F. = 80 P.S.

TOTAL REQUIRED FOR OFFICE USE = (297 LESS 5% MASS TRANSIT ADJ.) = 378 P.S.
TOTAL MISC. USES = 14 P.S.
TOTAL RESTAURANT USES = (176 LESS 50% FACTOR FOR DAYTIME PEAK) = 88 P.S.
TOTAL REQUIRED = 480 P.S.
TOTAL PROVIDED = 577 P.S.

TYPICAL LIGHT STANDARD

LIGHT STANDARDS DENOTED
ON PLAN THROUGHOUT

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP

This Plan Was Reviewed By The CRG On
10/27/01

JSPC With The Following Action Taken

3RD REFINEMENT PLAN APPROVED
DRC 102901C

Plan Approved DRC
Plan Approved G-2
Approval Date 10/19/02

Plan Disapproved
Continued Mfg. Required
Plan Returned To Plan. Bd.

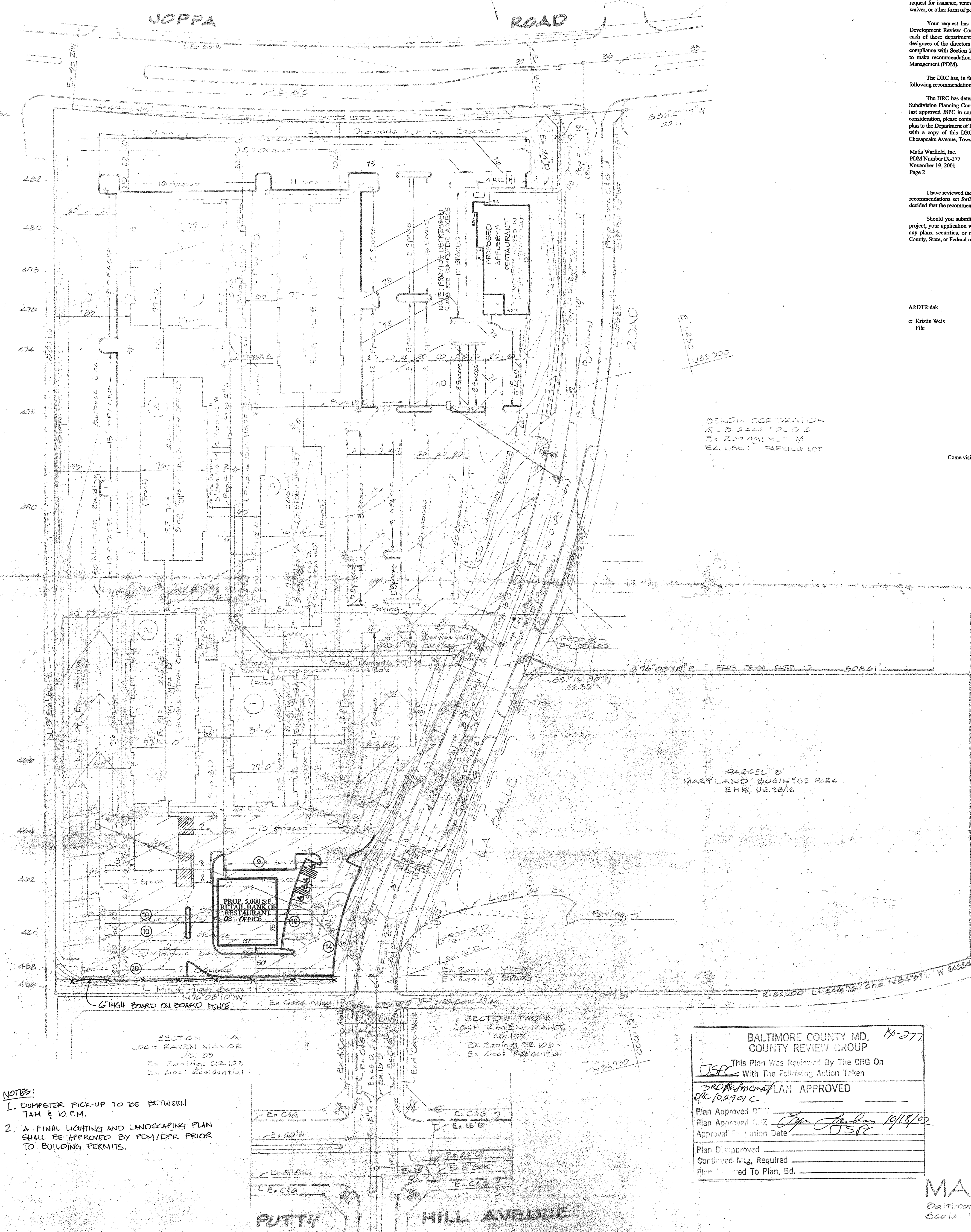
3RD REFINEMENT SITE PLAN MARYLAND BUSINESS PARK

Baltimore Co., Maryland
Scale: 1"=50'

RECEIVED
OCT 15 2002
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

PRINT DATE
OCT 23 1976
J. M. WILKINS, JR.
4 N. WILSON, MD.

3RD REFINEMENT 10/15/02
BY: MATIS WARFIELD, INC.
10540 YORK ROAD, SUITE M
HUNT VALLEY, MD 21030



- NOTES:
1. DUMPSTER PICK-UP TO BE BETWEEN 7 AM & 10 PM.
 2. A FINAL LIGHTING AND LANDSCAPING PLAN SHALL BE APPROVED BY PDM/DCR PRIOR TO BUILDING PERMITS.

ENGINEER
GEORGE W. STEPHENS, JR.
200 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

OWNER
DEVELOPER
ROUSE-JOPPA, INC.
SUITE 705 TWO DECKER RD.
BALDWIN PARK, PENNA. 19004

Charles Fick 9/27/14