

IN RE: **PETITION FOR VARIANCE**

NE Corner of Reisterstown &
Keller Roads
(1845, 1853 & 8000 Reisterstown Rd.)
3rd Election District
2nd Council District

Southwood Properties II, LLC
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2009-0021-A

* * * * *

ORDER OF DISMISSAL

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Southwood Properties II, LLC, by and through its attorney, Howard L. Alderman, Jr., Esquire. The Petitioner wanted relief to permit a Class B office building to be located 28 feet from the lot line (north side) in lieu of the 50 feet, 8 inches required by Section 206.4C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) by virtue of the proposed building's height as illustrated on the redlined site plan submitted at the hearing and accepted as Petitioner's Exhibit 1.

Appearing on September 11, 2008 in support of the request were Mark Gheiler and Moe Kazin, managing members of Southwood Properties II, LLC; G. Dwight Little, Jr., P.E., the consultant with Little & Associates, Inc., who prepared the site plan for this property; Isaac Gheiler, and Howard L. Alderman, Jr., Esquire of Levin & Gann, PA, attorney for the Petitioner. The development of the subject site generated significant public interest and several individuals from the surrounding locale appeared and testified in opposition to the request, namely: Neil K. Weber and Noel S. Weber on behalf of their mother Shirley G. Weber an adjacent property owner; David S. Thaler, P.E., of D.S. Thaler & Associates, Inc., retained by Greenebaum & Rose Associates, Inc's Vice President Mark Bennett as a consultant and Benjamin Bronstein, Esquire representing the interests of Greenebaum & Rose.

A significant amount of testimony and evidence was submitted at the public hearing held in this case including numerous photographs, plats, maps, studies, etc. submitted as

FILED FOR FILING
Date 11-14-08
By [Signature]

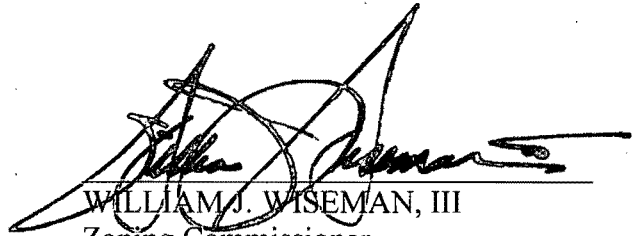
documentary evidence. Briefly, Mr. Little described the property and its proposed use as being an irregularly shaped lot (resembling an upside down "T") with frontage on the northeast side of Reisterstown Road (MD Rte. 140) just outside of the Baltimore Beltway (I-695) in Pikesville. The property contains a gross area of 2.598 acres, more or less, zoned OR-2 (Office Building – Residential) and is unimproved. As noted above, the Petitioner proposes developing the site with a four-story office building with a building envelope 50' wide x 150' deep. The building will also provide some retail use permitted by the regulations and elevation drawings of the structure were submitted into evidence as Petitioner's Exhibit 3. Variance relief is necessary given the difficulties of locating the building on this oddly shaped infill lot and the location of the Forest Buffer Easement approved by the Department of Environmental Protection and Resource Management (DEPRM). In this regard, a portion of the northwest side of the building comes as close as 28 feet from the rear lot line(s) of property owned by Roger and Clair Peterson.

Although the proposal meets all other "bulk" standards, the issues generated in this case are driven by the primary objection of environmental constraints and impacts. Mr. Thaler, who is familiar with the site and having done engineering and floodplain studies on this property, as well as others, including the adjacent Festival at Woodholme property in the immediate vicinity presented testimony that the site is encumbered by a regulated 100-year riverine floodplain. He opined that the building would be located within this floodplain and its associated parking would require filling in the floodplain to some extent. He described the outfall at Woodholme Circle from the underground cistern that holds as much as 3 ½ million gallons of water that runs through and uses the subject property "as a storm water management facility". Based upon the conflicting evidence presented, the record of the case was left open to allow Petitioner time to delineate the floodplain and determine whether a waiver was required to permit development of the site in a riverine floodplain. (See Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-107(a)(2), 32-4-414, and 32-8-301 of the Baltimore County Code).

RECEIVED FOR FILING
Date 11-14-08
By [signature]

Subsequently, after consultation with Messrs. Little, Gheiler and Kazin, the Petitioner's attorney, Howard L. Alderman, Esquire, advised that he had been authorized to withdraw the variance request. Thus, the matter shall be dismissed.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November 2008 that the Petition for Variance from Section 206.4C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Class B office building to be located 28 feet from the lot line in one area of the subject property, in lieu of the equivalent height of the building of 50 feet, 8 inches, be and the same is hereby DISMISSED without prejudice.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

- c: Howard L. Alderman, Jr., Esquire, Levin & Gann, PA, Suite 800, 502 Washington Avenue,
Towson, MD 21204
Mark Gheiler, Southwood Properties II, LLC, 6 Reservoir Circle, Suite 203,
Baltimore, MD 21208
Moe Kazin, Southwood Properties II, LLC, 6 Reservoir Circle, Suite 203,
Baltimore, MD 21208
G. Dwight Little, Jr., P.E., Little & Associates, Inc., 1055 Taylor Avenue, Suite 307,
Towson, MD 21286
Isaac Gheiler, 3403 Old Post Drive, Baltimore, MD 21208
Benjamin Bronstein, Esquire, Suite 205, Susquehanna Building, 29 W. Susquehanna Avenue,
Towson, MD 21204
Mark Bennett, Vice President, Greenebaum & Rose Associates, Inc., 1829 Reisterstown
Road, Suite 300, Baltimore, MD 21208
David S. Thaler, Box 47428, Baltimore, MD 21244-7428
Neil K. Weber, 931 Wesley Road, Finksburg, MD 21049
Noel S. Weber, 19 Keller Road, Pikesville, MD 21208
Steven D. Foster, Chief for Engineering Access Permits Division, SHA, Maryland
Department of Transportation, 707 North Calvert Street, Baltimore, MD 21202
People's Counsel; Development Plans Review; Office of Planning; File

RECEIVED FOR FILING
Date 11-14-08
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1845, 1853 & 8000 Reisterstown Road

which is presently zoned OR-2

Deed Reference: 13536 / 001 Tax Account # See Attach

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.)

See Attached

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:

Howard L Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Southwood Properties II, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

6 Reservoir Circle, Suite 203

410-484-9001

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Representative to be Contacted:

Aaron Kensinger - Little & Associates, Inc.

Name

1055 Taylor Avenue, Suite 307 410-296-1636

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

Case No. 2009-0021-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by Jim Date 7.25.08

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

11-14-08

By

[Signature]

**ATTACHMENT
PETITION FOR VARIANCE**

CASE NO: 08- -A

Legal Owner: Southwood Properties II, LLC

Addresses of Property: 1845, 1853 & 8000 Reisterstown Road

Tax Account Nos. of Property: 03-02-026440 03-02-069450 03-23-000879

Variance Relief Requested:

A Variance from BCZR § 206.4C.1 to permit a Class B office building to be located 28 feet from the lot line in one area of the subject property, in lieu of the equivalent height of the building of 50' 8"; and [2] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the proposed uses.

Justification:

- irregular shape of existing property;
- disproportionate impact of environmental features; and
- such further justification as will be presented at the time of the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

DESCRIPTION OF ACCOMPANY
PETITION FOR VARIANCE

NORTHEAST SIDE OF REISTERSTOWN ROAD
SOUTHEAST SIDE OF KELLER ROAD
NORTHWEST SIDE OF WOODHOLME CENTER DRIVE

THIRD ELECTION DISTRICT
SECOND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the intersection of the northeast side of Reisterstown Road (variable width) with the south east side of Keller Road (40 feet wide), thence binding on said southeast side of Keller Road, (1) North 47 degrees 15 minutes 35 seconds East 149.00 feet, thence running for the six following courses and distances, viz: (2) South 42 degrees 07 minutes 51 seconds East 154.00 feet, thence (3) North 47 degrees 15 minutes 35 seconds East 349.81 feet, thence (4) South 42 degrees 07 minutes 51 seconds East 120.70 feet, thence (5) South 47 degrees 15 minutes 35 seconds West 250.00 feet, thence (6) South 42 degrees 07 minutes 51 seconds East 120.70 feet, and thence (7) South 47 degrees 15 minutes 35 seconds West 248.81 feet to intersect the northeast side of Reisterstown Road, thence binding thereon, (8) North 42 degrees 07 minutes 51 seconds West 395.40 feet to the place of beginning; containing 113,177 square feet or 2.598 acres of land, more or less.



PAID RECEIPT

BUSINESS	ACTUAL	TIME	URL
25/2008	7/25/2008	09:24:41	
505	WOLFP	0011 1470	
CIPT # 414452	7/25/2008		0011
5	576	200803	VERIFICATION
010552			

Receipt Tot \$325.00
\$325.00 Cr 1.00 Cr
Baltimore County, Maryland

For: James Earl Ray

**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: # 2009-0021-A

1845, 1853 & 8000 Reisterstown Road

Being that property located at the north east corner of Reisters-town and Keller Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Southwood Properties II, LLC

Variance: to permit a Class B office building to be located 28 feet from the lot line in one area of the subject property, in lieu of the equivalent height of the building of 50' 8" and such additional relief as the nature of this case as presented at the time of the hearing on the petition may require.

Hearing: Thursday, September 11, 2008 at 10:00 a.m. in

Hearing Room 1, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 8/748 Aug. 26

181721

CERTIFICATE OF PUBLICATION

8/28, 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 8/26, 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

Date: 8-23-08

RE: Case Number: 2009-0021-A

Petitioner/Developer: Southwood Properties LLC

Date of Hearing/Closing: Thurs. Sept 11, 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 1845, 1853 + 8000

Reisterstown Rd

The signs(s) were posted on 8-23-08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2009-0021-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG, HEARING ROOM 1

PLACE: 105 N. CHESAPEAKE AVE Towson 21204

DATE AND TIME: THURS. SEPT 11, 2008 10AM

REQUEST: TO PERMIT A CLASS B OFFICE BLDG
TO BE LOCATED 28 FEET FROM THE LOT LINE IN ONE
AREA OF THE SUBJECT PROPERTY, IN LIEU OF THE
EQUIVALENT HEIGHT OF THE BUILDING OF 50' 8"
AND SUCH ADDITIONAL RELIEF AS THE NATURE
OF THIS CASE IS PRESENTED AT THE TIME OF
THE HEARING ON THE PETITION MAY REQUIRE.

WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
IF HEARING CALL 551-3331
CRIMINAL UNDER PENALTY OF LAW

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

September 2, 2008

Baltimore County Office of Zoning
Department of Permits and Development
Management
Attention: Ms. Kristin Matthews
111 W. Chesapeake Avenue, Room 109
Towson, Maryland 21204

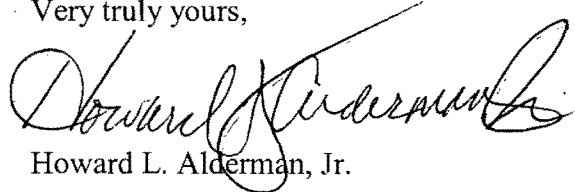
Re: 1845, 1853 and 8000 Reisterstown Road
Case No.: 2009-0021-A
Certificate of Posting

Dear Ms. Matthews:

I enclose with this letter a copy of the Certificate of Posting issued by J. Lawrence Pilson in connection with the above-referenced case. I have the original in my file should you require it.

Upon your receipt and review of this letter and the enclosure, should you need any additional information regarding the timely posting of the subject property, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/pal
Enclosure

c/enc: Southwood Properties, LLC

G:\Clients\Southwood Properties (15758)\balto co zoning.ltr - posting.wpd

TO: PATUXENT PUBLISHING COMPANY
Tuesday; August 26, 2008 Issue - Jeffersonian

Please forward billing to:
Little & Associates
1055 Taylor Avenue, Ste. 307
Towson, MD 21286

410-296-1636

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: 2009-0021-A

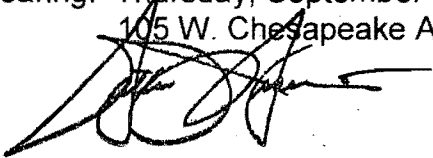
1845, 1853 & 8000 Reisterstown Road

Being that property located at the north east corner of Reisterstown and Keller Road
3rd Election District – 2nd Councilmanic District

Legal Owner: Southwood Properties II, LLC

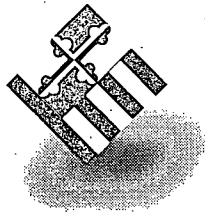
Variance to permit a Class B office building to be located 28 feet from the lot line in one area of the subject property, in lieu of the equivalent height of the building of 50' 8" and such additional relief as the nature of this case as presented at the time of the hearing on the petition may require.

Hearing: Thursday, September 11, 2008 at 10:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake 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 KOTROCO
~~AUGUST 13, 2008~~
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: 2009-0021-A

1845, 1853 & 8000 Reisterstown Road

Being that property located at the north east corner of Reisterstown and Keller Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Southwood Properties II, LLC

Variance to permit a Class B office building to be located 28 feet from the lot line in one area of the subject property, in lieu of the equivalent height of the building of 50' 8" and such additional relief as the nature of this case as presented at the time of the hearing on the petition may require.

Hearing: Thursday, September 11, 2008 at 10:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Towson 21204

Mark Gheiler, Southwood Properties II, LLC, 6 Reservoir Circle, Ste. 203, Baltimore 21208

Aaron Kensinger, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 27, 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.

**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: 2009-0021 -A

Petitioner: Southwood Properties II, LLC

Address or Location: 1845, 1853 and 8000 Reisterstown Road

PLEASE FORWARD ADVERTISING BILL TO:

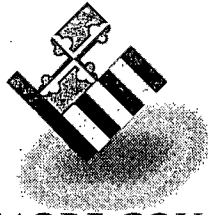
Name: Little & Associates, Inc.

Address: 1055 Taylor Avenue, Suite 307

Towson, MD 21286

Telephone Number: 410-296-1636

Revised 2/20/98 - SCJ



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

September 4, 2008

Howard L. Alderman Jr.
502 Washington Ave.
Towson, MD 21204

Dear: Howard L. Alderman Jr.

RE: Case Number 2009-0021-A, 1845, 1853 & 800 Reisterstown Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 25, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Southwood Properties II, LLC, 6 Reservoir Cir. Ste. 203, Baltimore, MD 21208
Aaron Kensinger-Little & Associates, INC, 1055 Taylor Ave. Ste. 307, Towson, MD 21286

BS 9-11
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 18, 2008

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

SUBJECT: 1845, 1853 and 8000 Reisterstown Road

INFORMATION:

Item Number: 9-021

Petitioner: Southwood Properties II, LLC

Zoning: OR 2

Requested Action: Variance

RECEIVED
AUG 26 2008

BY:

SUMMARY OF RECOMMENDATIONS:

The north end of the property is currently surrounded by residential uses, however is zoned OR 2. It is expected that in the future, these residentially used properties will redevelop utilizing the OR 2 zoning.

The Baltimore County Development Regulations, Zoning Regulations, and Comprehensive Manual of Development Policies (CMDP) requires the Director of Planning to make compatibility recommendations to the Hearing Officer for:

1. Development other than single family detached, semi-detached, or duplex housing that occurs in the RCC, RO, OR1, OR2, O3, SE, OT zones and CR districts:
2. Planned Unit Development Projects:
3. Single family detached or semi-detached housing that involves zero lot line or "Z" lot configuration; and,
4. Modifications to the Residential Transition Areas.

The Office of Planning has reviewed the petitioner's compatibility submissions dated June 2008 and recommends to the Zoning Commissioner that the following conditions be met in order for the Development to meet the Compatibility Objectives of the CMDP and Baltimore County Development Regulations:

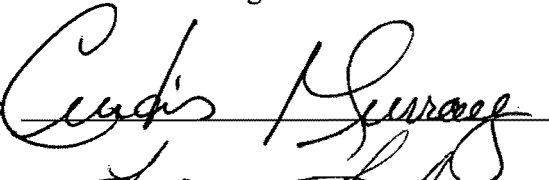
1. An access easement should be placed on the main driveway to the rear of the project to allow future road connections to the properties to the north and west. When they are redeveloped ultimately to the Woodholme Center these connections will be beneficial.

The desired end result is to provide connections (vehicular and pedestrian), to the various offices and businesses in the area.

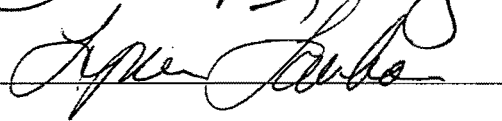
2. Staff has reviewed schematic building elevations submitted with the compatibility report. Materials were not labeled. Final building elevations that label the proposed building materials shall be reviewed and approved by the Office of Planning prior to the issuance of any building permits. Materials shall be consistent with that which exists in the area (i.e. primarily brick (rose to red color range) with cast stone accents etc...). Extend glass around on the first floor of the end elevation facing Reisterstown Road.
3. Move the building slightly to the south and east to allow for adequate width of pedestrian sidewalks around the building. The stairwells/elevator cores shown on the building floor plans extend out beyond the 150 foot building length shown on the site plan. Pedestrians would not be able to walk around the building as designed.

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

Reviewed by



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 6, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For August 11, 2008
Item Nos. 2009-0019, 0020, 0021, 0022,
0023, 0024, 0025, and 0027

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC- 08062008-NO COMMENTS

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



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

Maryland Department of Transportation

August 4, 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. 2009-0021-A
MD 140 (Reisterstown Road)
And Woodholme Center Drive
Southwood Properties
Variance
Special Exception

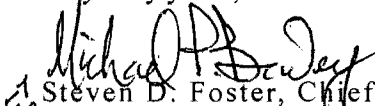
Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2009-0021- for the above captioned, which was received on August 1, 2008. We understand that this application illustrates a proposal to construct a 4-story office building (28,800 square feet) with infra structure improvements and surface parking for 100 vehicles.

We have completed a cursory review of the referenced plan as well as a field inspection. The results of the review reveal that a permit is required for improvements along the Southwood Property fronting MD 140 (Reisterstown Road). We recommend that as a condition of Variance Item No. 2008-0021-A approval the owner/builder be required to obtain a State Highway Administration (SHA) Access Permit. Coordination with Mr. Michael Bailey, of this office is necessary to insure the proposed improvements are consistent with State Highway Administration (SHA) Guidelines. Please include our comments in staff report to the Zoning Hearing Officer.

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

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

Cc: Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. G. Dwight Little, Engineer, Little & Associates, Inc.
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County
Mr. John Vananzo, Traffic Manager, SHA
Southwood Properties II, LLC Owner

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



RE: PETITION FOR VARIANCE * BEFORE THE
1845, 1853 & 8000 Reisterstown Road, *
NE corner of Reisterstown & Keller Roads * ZONING COMMISSIONER
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): Southwood Properties, II, LLC* FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 09-021-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

'AUG 04 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2008, a copy of the foregoing Entry of Appearance was mailed to Aaron Kensigner, Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, MD 21286 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BW

9-11-08

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED**
SEP 30 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 29, 2008

SUBJECT: Zoning Item # 09-021-A
Address 1845, 1853, 8000 Reisterstown Road
(Southwood Properties II, LLC)

Zoning Advisory Committee Meeting of August 4, 2008

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

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

 X 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).

 X 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
Environmental Impact Review

Date: September 16, 2008

Bill Wiseman - Southwood Properties

From: "Dwight Little" <Dwightl@littleassociates.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 10/17/08 10:33 AM
Subject: Southwood Properties
CC: ""Mark Gheiler"" <mark@worldwidetitlegroup.com>, ""Aaron Kensinger"" <aaronk@littleassociates.com>

Hi Bill:

First of all, I enjoyed being in your company last Friday, as always.

I want to let you know where we stand on the referenced matter (you currently have the record open). My clients are evaluating their options. I have asked them to keep me informed so that I, in turn, can keep you informed. I have asked them to not leave the matter hanging inordinately long in consideration of you, even though you have indicated that it is not a problem for you.

Please do not hesitate to call me at any time if you feel a need to bring closure to the matter.

Thanks.

G. Dwight Little, Jr., P.E., President
Little and Associates, Inc.
1055 Taylor Avenue, Suite 307
Towson, MD 21286

Bill Wiseman - Southwood - Reisterstown Road

From: "Howard Alderman" <halderman@levingann.com>
To: "Bill Wiseman" <wwiseman@baltimorecountymd.gov>
Date: 11/11/08 11:22 AM
Subject: Southwood - Reisterstown Road

Bill,

After input from Dwight Little and much discussion with my clients, I have been authorized to file a Withdrawal of Petition with respect to the variance relief on the Southwood property. Apparently, confirmation of whether or not there is a flooding issue. I will be requesting that the withdrawal be ordered without prejudice, unless you advise otherwise.

Thanks,
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
E-Mail Address: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: *If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:*  
<http://www.adobe.com/products/acrobat/readstep2.html>

**Bill Wiseman - Southwood Properties ZAC Item 2009-0021A**

---

**From:** Dennis Kennedy  
**To:** Wiseman, Bill  
**Date:** 09/17/08 3:28 PM  
**Subject:** Southwood Properties ZAC Item 2009-0021A  
**CC:** Thomas, David

---

Mr. Wiseman:

I have consulted with David Thomas and we both agree that this site is encumbered by a regulated 100-year riverine flood plain; however, the flood plain has not been delineated. Furthermore, the proposed building for which the setback variance is being sought and its associated parking would require filling in the flood plain to some extent. It is unlikely that the Director of Public Works would support filling the flood plain, so we would recommend that you deny the setback variance. Granting the variance would only further attempts to develop the property as proposed and would become moot if filling in the flood plain is denied at a subsequent hearing.  
Dennis Kennedy

HOWARD L. ALDERMAN, JR.  
halderman@LevinGann.com

DIRECT DIAL  
410-321-4640

LAW OFFICES  
**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION  
NOTTINGHAM CENTRE  
502 WASHINGTON AVENUE  
8<sup>th</sup> Floor  
TOWSON, MARYLAND 21204  
410-321-0600  
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)  
CALMAN A. LEVIN (1930-2003)

November 12, 2008

William J. Wiseman, III, Zoning Commissioner  
Baltimore County Hearing Officer  
The Jefferson Building, Suite 103  
105 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Southwood Properties II, LLC  
Petition for Variance  
Case No. 2009-0021-A  
Withdrawal of Petition

**RECEIVED**  
NOV 14 2008

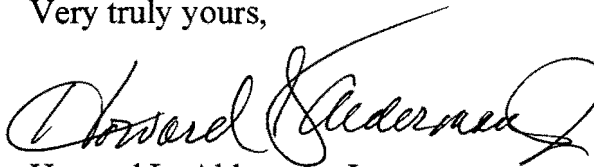
BY: .....

Dear Mr. Wiseman:

Having been authorized by my client, Southwood Properties II, LLC, Petitioner in the above-referenced case and owner of the subject property, please accept for filing the enclosed *Withdrawal of Petition Without Prejudice* and proposed Order. Should you need any additional information in this matter, please do not hesitate to contact me.

Thank you for your attention to this matter.

Very truly yours,

  
Howard L. Alderman, Jr.

HLA/gk

Enclosure

c (w/encl.): Southwood Properties II, LLC  
Benjamin Bronstein, Esquire  
Baltimore County Office of People's Counsel  
G. Dwight Little, PE

**IN RE:           IN THE MATTER OF PETITION  
FOR VARIANCE  
1845, 1853 & 8000 Reisterstown Road  
3<sup>rd</sup> Election District  
2<sup>nd</sup> Councilmanic District**

**Southwood Properties II, LLC,**

*Petitioner*

**BEFORE THE  
ZONING COMMISSIONER**

**FOR**

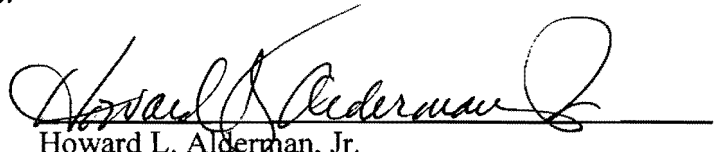
**BALTIMORE COUNTY**

**Case No.: 2009-0021-A**

---

**WITHDRAWAL OF PETITION WITHOUT PREJUDICE**

Southwood Properties II, LLC, a Maryland limited liability company, owner of the above-referenced property and Petitioner in the above-captioned case, has authorized its undersigned legal counsel to prepare and file this paper and hereby withdraws without prejudice the Petition for Variance filed in the above-captioned case.



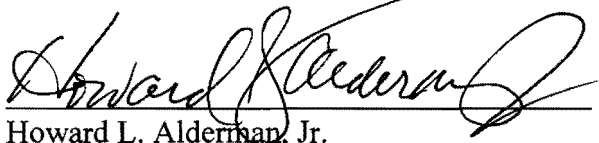
Howard L. Alderman, Jr.  
LEVIN & GANN, P.A.  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204  
(410) 321-0600

Attorneys for the Petitioner

Date: November 12, 2008

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12<sup>th</sup> day of November, 2008, a copy of the foregoing Withdrawal of Petition Without Prejudice and proposed Order was mailed, via First-Class, United States Mail, to: Benjamin Bronstein, Esquire, Susquehanna Bldg, Suite 205, 29 West Susquehanna Avenue, Towson, MD 21204-5218; and Peter Max Zimmerman, Esquire and Carole S. Demilio, Esquire, both of the Baltimore County Office of People's Counsel, The Jefferson Building, Suite 204, 105 West Chesapeake Avenue, Towson, Maryland 21204; and Southwood Properties II, LLC, Attn: Mark Gheiler, Managing Member, 6 Reservoir Circle, Suite 203, Baltimore, Maryland 21208.



Howard L. Alderman, Jr.

**BEFORE THE  
ZONING COMMISSIONER  
FOR  
BALTIMORE COUNTY  
Case No.: 2009-0021-A**

Peter Max Zimmerman, Esquire  
Carole S. Demilio, Esquire  
Baltimore County Office of People's Counsel  
The Jefferson Building, Suite 204  
105 West Chesapeake Avenue  
Towson, Maryland 21204

CASE NAME Southwood  
CASE NUMBER 2009-0021-A  
DATE 11 SEPT 08

| NAME                 | ADDRESS                                                                                     | CITY, STATE, ZIP     | E-MAIL                            |
|----------------------|---------------------------------------------------------------------------------------------|----------------------|-----------------------------------|
| MARK GHEILAN *       | 6 RESERVOIR CIR #203                                                                        | BALTIMORE MD 21208   | mark@WORLDWIDE<br>TITLE-GROUP.COM |
| Moe Kazin            | "                                                                                           | "                    |                                   |
| HOWARD L ALDERMAN JR | Levin & Gunn PA Suite 800<br>502 Washington Ave<br>Little + Assoc. 1055 Taylor Ave, Ste 307 | TOWSON MD 21286      | dwrightl@littleassociates.com     |
| Dwight Little        |                                                                                             | Baltimore, MD. 21208 | ichig@aol.com                     |
| ISAAC Gheiler.       | 3403 Old Post DR.                                                                           |                      |                                   |
| * Managing Members   |                                                                                             |                      |                                   |

CASE NAME SOUTHWOOD  
CASE NUMBER 2009-0021-A  
DATE 11 SEPT 08

[illegible]

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]

Case No.:

2009-0021-A

1845, 1853; 8000 Peristerstown Rd

## Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                                                 |                                                                                                                                  |
|--------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| No. 1  | Red lined Site Plan                                             | Flood Plain delineated on site Plan by D. Thaler                                                                                 |
| No. 2  | ZONING ADVISORY Committee<br>Check List - 100'-YEAR Flood Plain | PHOTOGRAPHS<br>A - standing water @ Rt 140<br>B - outfall @ Woodholme Circle<br>C - Area Subject to flooding on Subject Property |
| No. 3  | Block Elevations                                                | BALTO CO. GIS MAP<br>Traces drainage stream South Side<br>Rte 140                                                                |
| No. 4  |                                                                 |                                                                                                                                  |
| No. 5  |                                                                 |                                                                                                                                  |
| No. 6  |                                                                 |                                                                                                                                  |
| No. 7  |                                                                 |                                                                                                                                  |
| No. 8  |                                                                 |                                                                                                                                  |
| No. 9  |                                                                 |                                                                                                                                  |
| No. 10 |                                                                 |                                                                                                                                  |
| No. 11 |                                                                 |                                                                                                                                  |
| No. 12 |                                                                 |                                                                                                                                  |

## **ZONING ADVISORY COMMITTEE:**

A. The above information is to be used as a guide by the members of the Zoning Advisory Committee.

B. The Zoning Advisory Committee, as established by the County Administrative Officer in 1963, presently consists of ten (10) representatives of various county agencies. The committee reviews zoning petitions weekly.

C. The review by the Zoning Advisory Committee is aimed, not at making a judgment on the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

## **CHESAPEAKE BAY CRITICAL AREA (CBCA) REQUIREMENTS:**

The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA) and 100-year floodplain. (Map is available for review at Zoning Review, room 111 or room 311.) If the site is located in this area, the petitioner is required to meet critical area requirements. PDM must have the Department of Environmental Protection and Resource Management (DEPRM) comments concerning the request prior to holding a public hearing or making a decision. It is recommended that the petitioner hand-deliver an extra copy of the plat and zoning item number to DEPRM to speed up the review process.

## **100-YEAR FLOODPLAIN:**

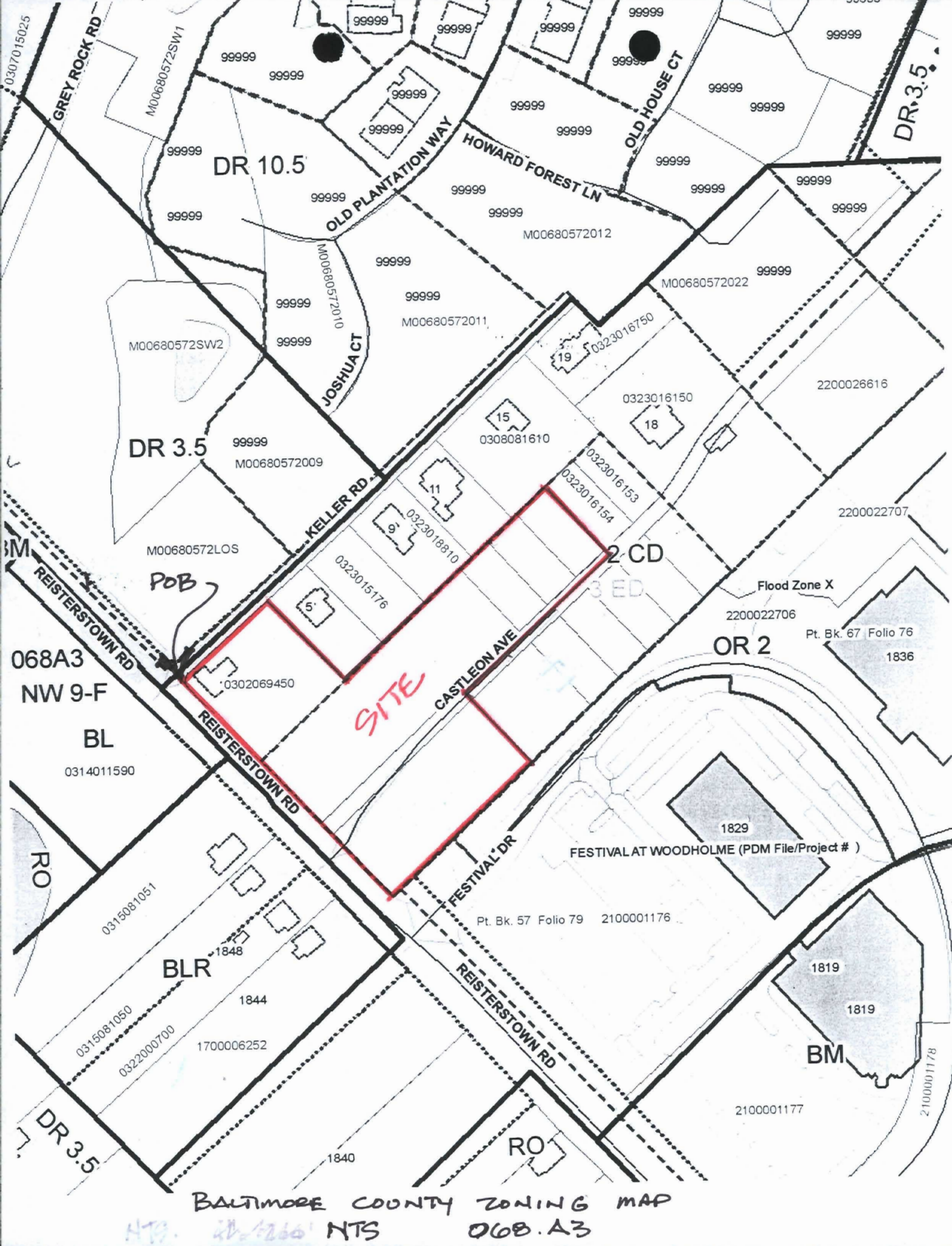
The 100-year floodplain requirements (Bill 173-93, 11/17/93) may be obtained in the Zoning Office (room 111) or Public Works (room 311).

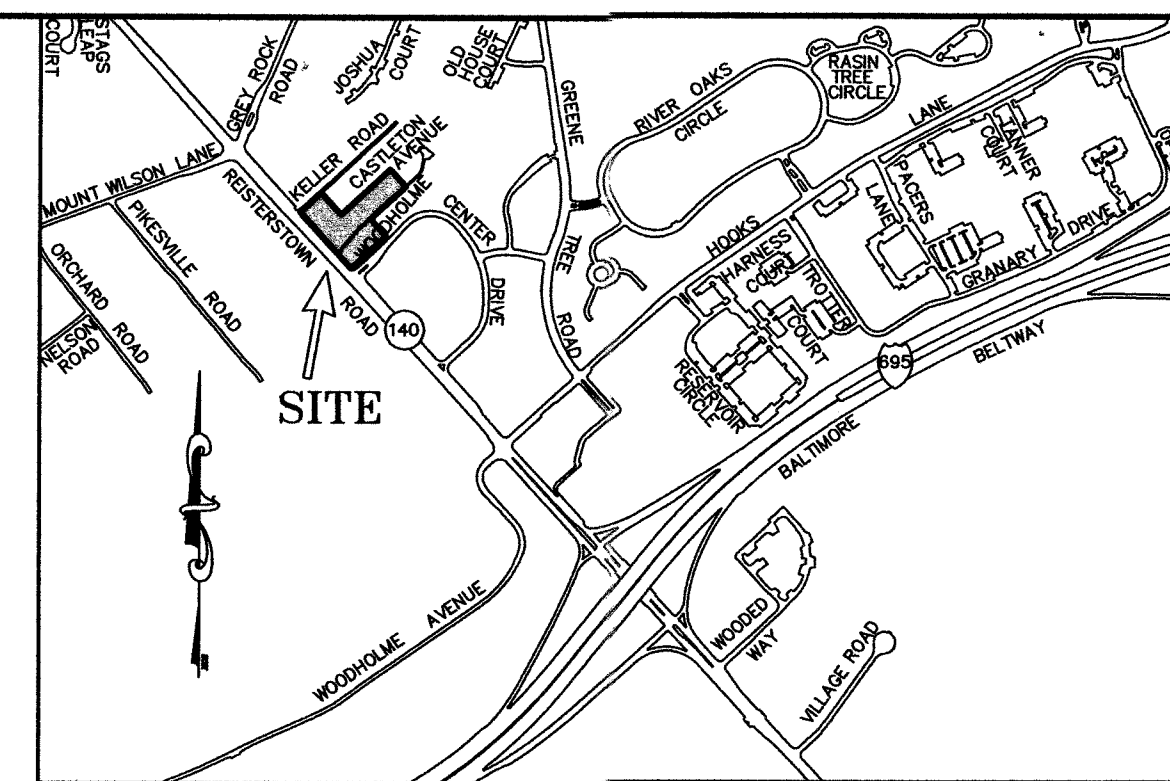
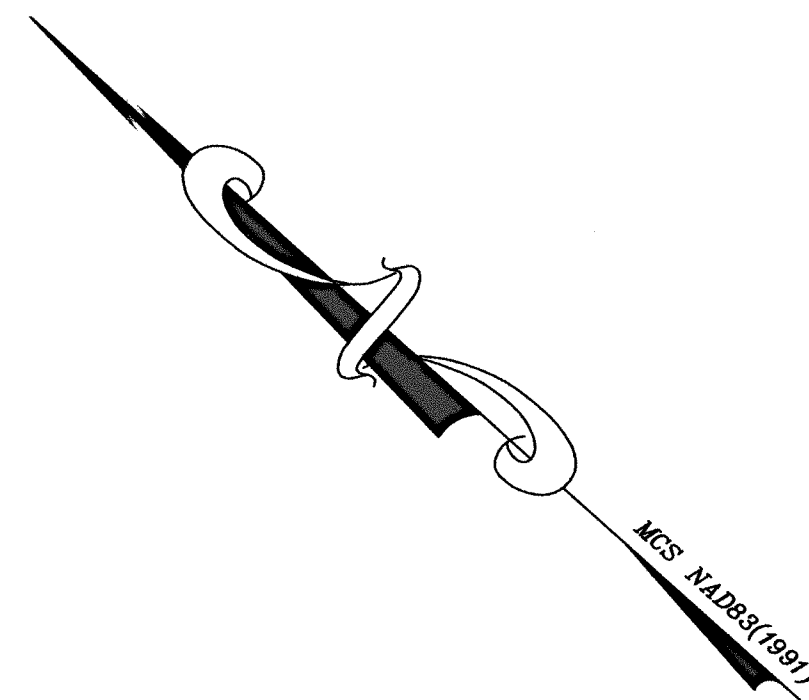
If the subject property is located in flood zone "A" on the FIRM maps and you propose construction, addition, or improvement to a structure and you cannot meet the floodplain requirements, you must request a waiver. If the property is located in flood zone "B" or "C" on the FIRM maps, no waiver is necessary.

**PETITIONER'S**

**EXHIBIT NO.**

2





VICINITY MAP

SCALE: 1"=1000'

LEGEND

|                         |        |
|-------------------------|--------|
| EXISTING CONTOUR        |        |
| EXISTING SPOT ELEVATION | 136.28 |
| PROPOSED CONTOUR        |        |
| PROPOSED SPOT ELEVATION | 136X3  |
| EXISTING WOODS          |        |
| PROPOSED WOODS          |        |
| PROPERTY LINE           |        |
| FOREST BUFFER           | FB FB  |
| RIGHT-OF-WAY            |        |
| EASEMENT                |        |
| OVERHEAD WIRE           | OW OW  |
| WETLANDS                | W      |
| TO BE REMOVED           | (TBR)  |

SITE DATA

SITE AREA: 2.598 AC± OR 113,177 SQ.FT.  
ZONING MAP: 68A3  
EXISTING ZONING: OR 2  
EXISTING USE: VACANT  
PROPOSED USE: OFFICE = 22,500 SF (GROSS) x 90% = 20,250 SF (NET)  
RETAIL = 6,300 SF (GROSS)  
PARKING REQUIRED: RETAIL: 5 P.S./1000 SF x 6,300 SF = 31.5 P.S.  
OFFICE: 3.3 P.S./1000 SF x 20,250 SF (NET) = 66.83 P.S.  
TOTAL PARKING REQUIRED: 32 P.S. + 67 P.S. = 99 P.S.  
AMENITY OPEN SPACE: OR 2 25% OF NET LOT AREA  
2.598 AC. - .254 AC. (HIGHWAY WIDENING) = 2.344  
2.344 AC. x 25% = 0.586 AC. REQUIRED  
0.596 AC. PROVIDED  
PARKING PROVIDED: 100 P.S.  
OWNER: SOUTHWOOD PROPERTIES II, LLC  
7954-STARBUCKS-DRIVE 6 RESERVOIR CIRCLE, SUITE 203  
BALTIMORE, MD 21208  
TAX ACCOUNT NUMBERS: 03-02-069450, 03-23-000879, 03-02-026440  
TAX MAP NO. 68 GRID 13 PARCELS 99 AND 513  
PROPERTY ADDRESSES: 1845, 1853 AND 8000 REISTERSTOWN ROAD  
DEED: LIBER S.M. 13536, FOLIO 001  
PLAT: 12/35  
CENSUS TRACT: 4034.01

NOTES

- TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 68A3.
- STORMWATER MANAGEMENT WILL BE REQUIRED, AND ANTICIPATED TO BE PROVIDED BENEATH PROPOSED PARKING AREAS. NO ANALYSIS HAS BEEN PERFORMED TO DETERMINE THE SIZE OF THE FACILITIES REQUIRED.
- THE SUITABILITY OF STORMWATER MANAGEMENT OUTFALLS HAS NOT BEEN DETERMINED.
- FOREST CONSERVATION REGULATIONS MUST BE MET. COMPUTATIONS AS TO THE AMOUNT OF CONSERVATION AND/OR MITIGATION REQUIRED HAVE NOT BEEN PERFORMED.
- THE LOCATION OF PUBLIC WATER AND SEWER HAS NOT BEEN FIELD VERIFIED.
- ZONING VARIANCES ARE REQUIRED FOR THE FOLLOWINGS:
  - TO ALLOW FOR A SIDE YARD SETBACK OF 28' IN-LIEU-OF THE REQUIRED 50'8"± (HEIGHT OF BUILDING)
- PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED ON F.I.R.M. COMMUNITY-PANEL NO. 240010 C240 B DATED MARCH 2, 1981 FOR BALTIMORE COUNTY, MARYLAND.
- PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED ON F.I.R.M. COMMUNITY-PANEL NO. 240010 C240 F DATED SEPTEMBER 26, 2008 FOR BALTIMORE COUNTY, MARYLAND.

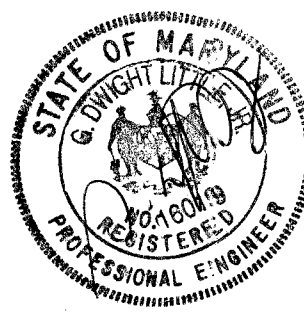
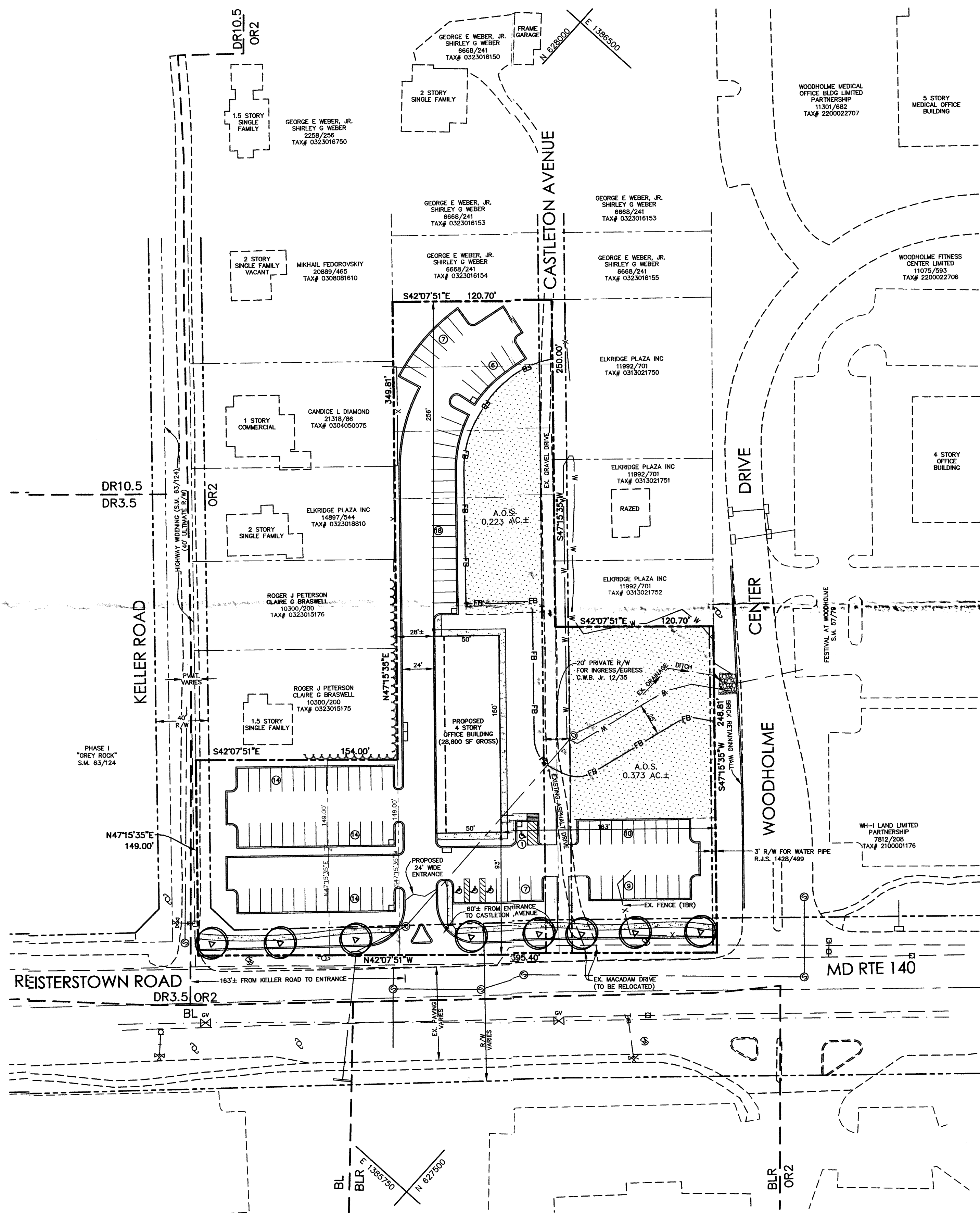
PETITIONER'S

EXHIBIT NO. 1

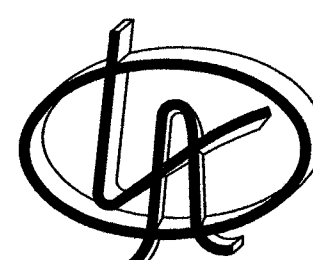
REDLINE AS PRESENTED AT  
ZONING HEARING 9/11/08

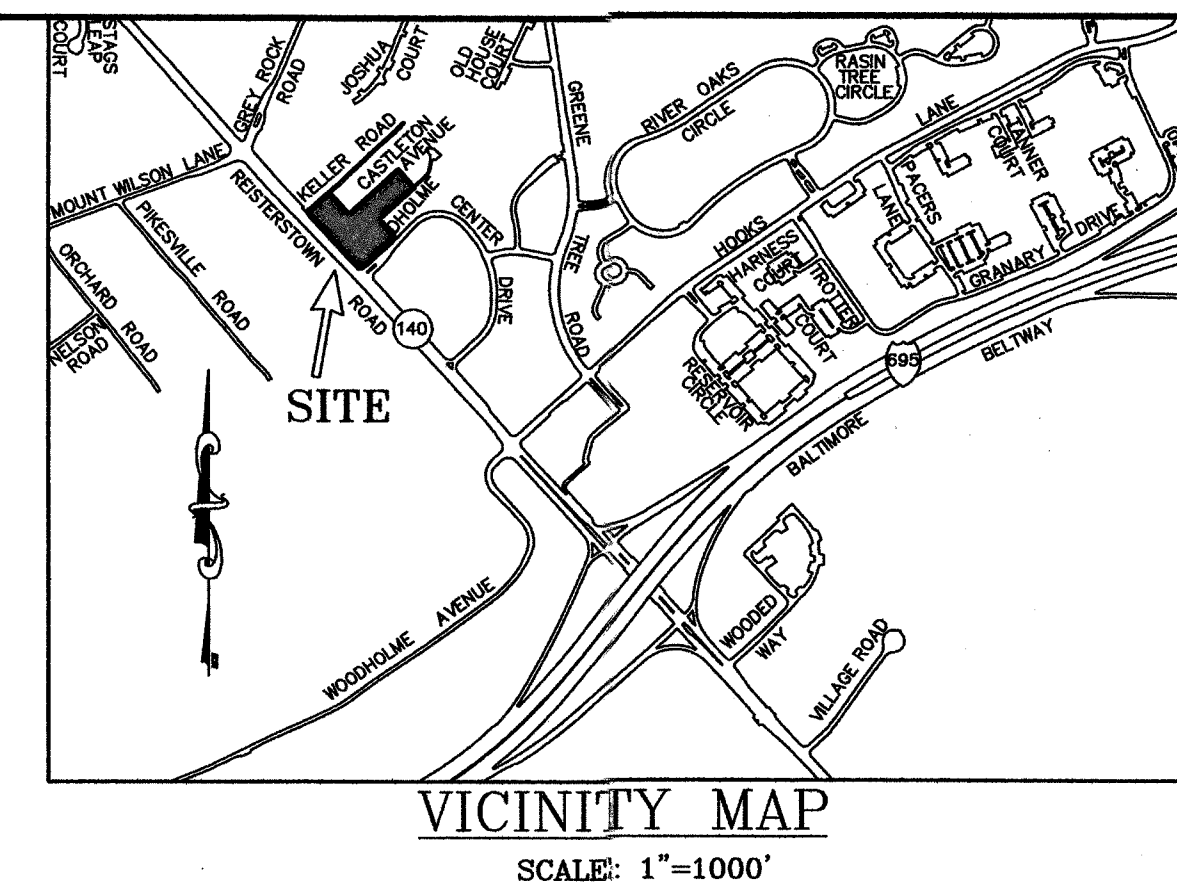
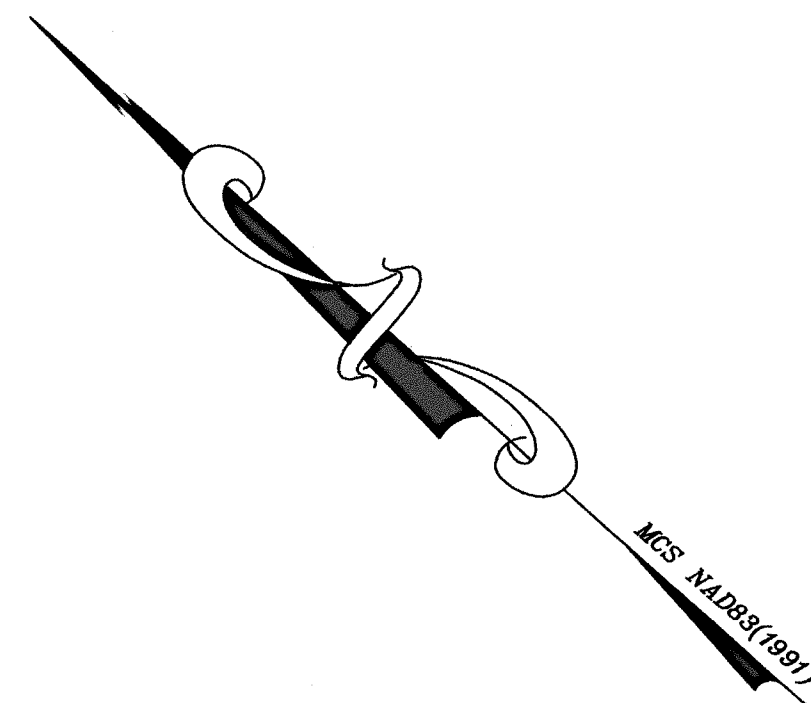
PLAT TO ACCOMPANY  
PETITION FOR VARIANCE  
SOUTHWOOD PROPERTIES

THIRD ELECTION DISTRICT  
SECOND COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 50' JULY 1, 2008



LITTLE & ASSOCIATES, INC.  
ENGINEERS~LAND PLANNERS~SURVEYORS  
1055 TAYLOR AVENUE, SUITE 307  
TOWSON, MARYLAND 21286  
PHONE: (410)296-1636 FAX: (410)296-1639





LEGEND

|                         |        |
|-------------------------|--------|
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| PROPOSED CONTOUR        |        |
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NOTES

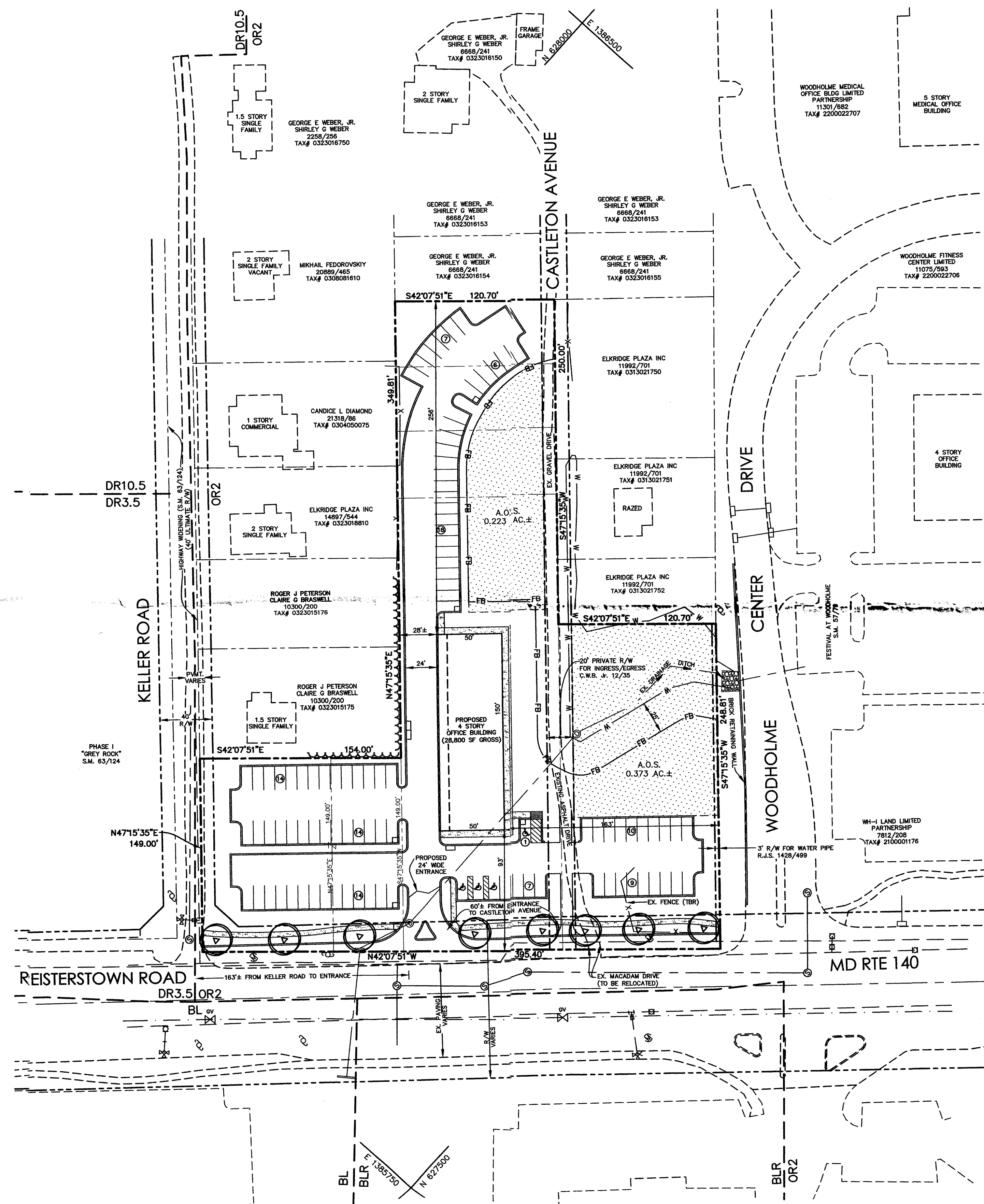
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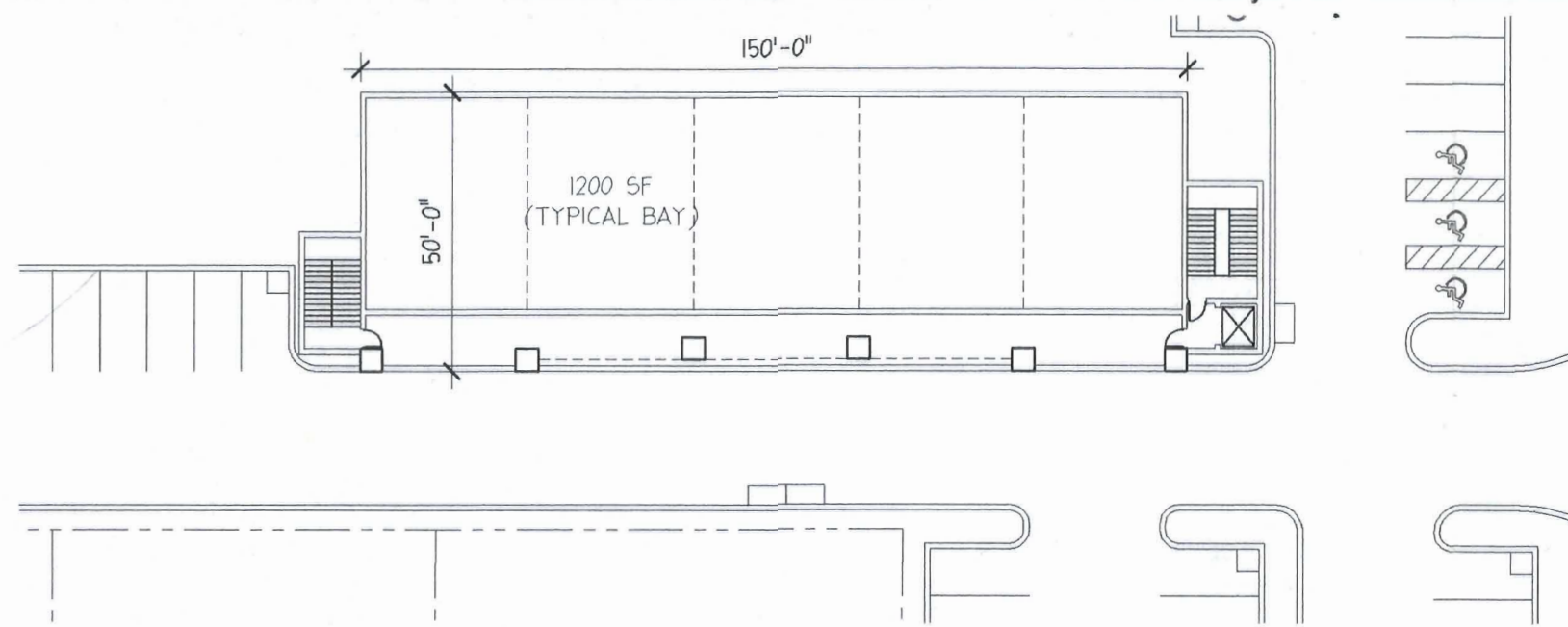
PLAT TO ACCOMPANY  
PETITION FOR VARIANCE  
SOUTHWOOD PROPERTIES

THIRD ELECTION DISTRICT  
SECOND COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 50' JULY 1, 2008

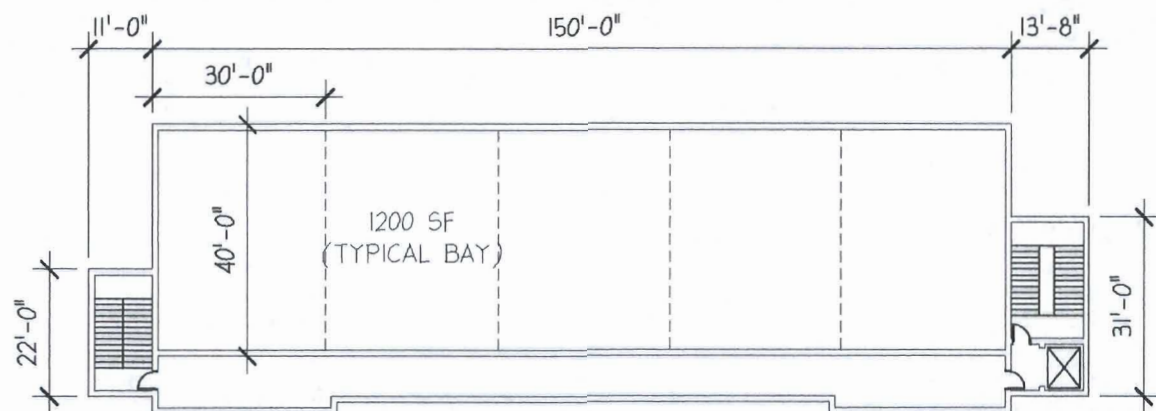


LITTLE & ASSOCIATES, INC.  
ENGINEERS~LAND PLANNERS~SURVEYORS  
1055 TAYLOR AVENUE, SUITE 307  
TOWSON, MARYLAND 21286  
PHONE: (410)296-1636 FAX: (410)296-1639

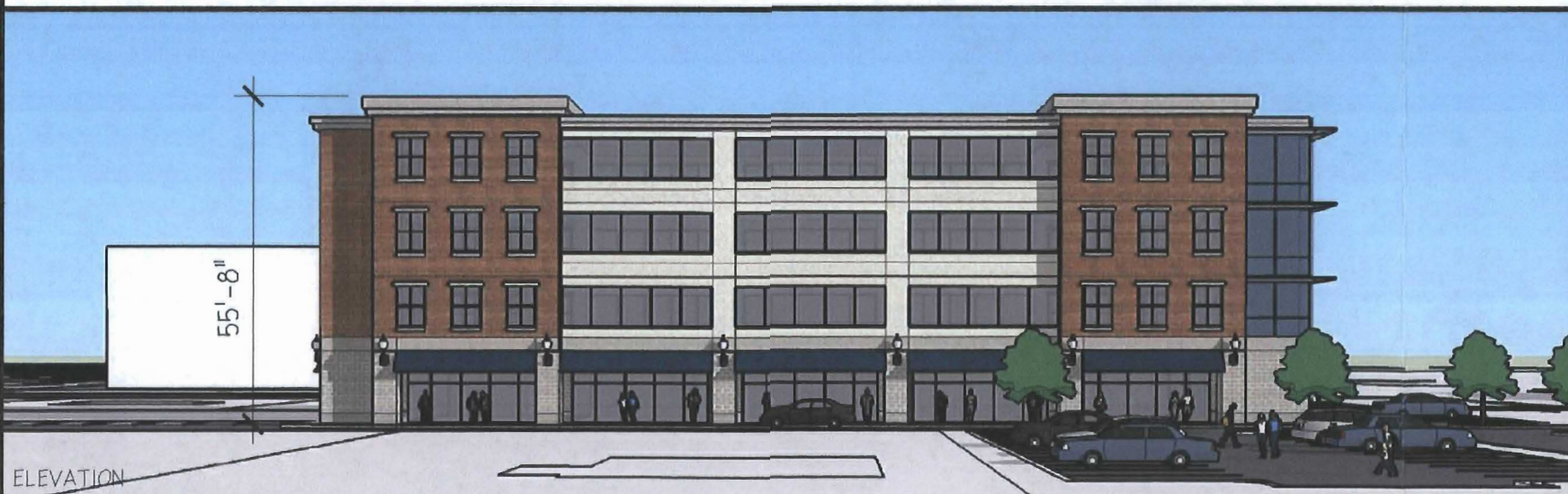




GROUND FLOOR PLAN



TYPICAL UPPER-LEVEL FLOOR PLAN



ELEVATION



VIEW FROM NORTH



VIEW FROM SOUTH

33 SOUTH GAY STREET, SUITE 400 • BALTIMORE, MD 21202



# **SOUTHWOOD PROPERTIES** PIKESVILLE, MD

PETITIONER'S

EXHIBIT NO.

3

KANN 3486

JUNE 03, 2008

1