

and zoned B.L.R. The property is located at the southeast corner of East Joppa Road and Oakleigh Road, just south of Interstate 695, in the Parkville area of Baltimore County. The property is improved with several existing structures, including a 2½-story building (to be removed) and a one-story block garage, in a state of disrepair (to be abandoned). At this juncture, Petitioner desires to construct an office building on the site to replace the existing building that is also in a state of disrepair. Mr. Jablon indicated that the office building is permitted as of right and all area requirements and building setbacks would be met and all parking calculations would comply with the applicable regulations. The only matter at issue is compliance with the growth management regulations contained in the Zoning Regulations. In particular, according to the Basic Services Map for transportation, the subject property is located within the shed of a failing intersection located at the intersection of Loch Raven Boulevard and East Joppa Road. This intersection has been assigned an “F” level of service, which constitutes a failing intersection. Thus, and as will be explained in more detail below, the instant Petition for Special Variance was filed.

The Petition for Special Variance is requested pursuant to Section 4A02.4.G of the B.C.Z.R. This section falls within the growth management regulations contained in Article 4A of the B.C.Z.R. Petitions for Special Variance under this section have rarely been considered by the Office of the Zoning Commissioner, thus a brief overview of the growth management regulations is appropriate.

Pursuant to Section 4A00.1 of the B.C.Z.R., the purpose and intent of Article 4A, entitled “Growth Management,” is to generally “implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development.” Additionally, the growth management regulations seek to encourage development patterns that are consistent with the preservation of the quality of life in existing neighborhoods, to ensure the adequacy of public

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facilities and infrastructure, the preservation of the natural, agricultural and environmental resources and to promote appropriate new growth and development. The purpose and intent of the Basic Service Maps of the growth management regulations is set forth in Section 4A02.1 of the B.C.Z.R. Therein, it is provided that Basic Service Maps are to be annually prepared by the County to ensure that public facilities are in place to adequately serve proposed development. Additionally, Section 4A02.2 of the B.C.Z.R. states that in the event of any conflict between the growth management regulations and any other provision of the B.C.Z.R., the provisions of the growth management regulations control. Thus, the Petition for Special Variance requested in this case is governed by the requirements in Article 4A and, hence, the variance provisions of Section 307 of the B.C.Z.R. are not applicable.

Section 4A02.3 of the B.C.Z.R. sets out in detail the adoption process for the Basic Services Maps. There are actually three maps adopted; one related to the supply of public water, the second related to public sewage, and the third related to transportation. Petitioner seeks relief in this case only as to the third map (transportation map). Section 4A02.3 of the B.C.Z.R. sets forth in full detail the methodology to be employed during the annual adoption of the three Basic Services Maps by the Baltimore County Council. Additionally, Section 4A02.3.G of the B.C.Z.R. provides that no building permit or subdivision approval can be granted unless the Director of the Office of Planning has issued a reserve capacity use certificate for the proposed development. That section goes on to state that a property owner/developer shall make application for a reserve capacity use certificate in a method to be set forth by the Office of Planning. In this case, Mr. Jablon indicated that the Office of Planning has not produced for public use any such "application form." Moreover, he indicated that notwithstanding the provisions of Section 4A02 of the B.C.Z.R., the Office of Planning does not maintain a list of the pending applications.

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Section 4A02.4 of the B.C.Z.R. sets out the Basic Services Mapping standards. The standards are individually established as they relate to water supply, sewage, and transportation. In addition, Section 4A02.4.E of the B.C.Z.R. sets forth certain exceptions to the Basic Services Mapping standards. For example, Section 4A02.4.E.1.a of the B.C.Z.R. provides that minor subdivisions of three or fewer single-family detached dwellings are exempted from certain provisions of the Basic Services Mapping statute. Finally, Section 4A02.4.G of the B.C.Z.R. provides that a Special Variance can be granted from a provision of this subsection. In order for special variance relief to be granted, the Zoning Commissioner must hold a public hearing and must determine that the granting will not violate the particular provision's purpose, pursuant to making certain findings -- effectively a two-prong test. First, the Zoning Commissioner must determine that the demand or impact of the proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal. Second, the Zoning Commissioner must find that the granting of a petition would not adversely affect a person whose application was filed prior to Petitioner's application.

In this case, relief is requested because the intersection of Loch Raven Boulevard and East Joppa Road is a failing intersection. It has been graded as an "F" level of service intersection and the "shed" of this intersection includes the subject property, as shown on the Basic Services Map for transportation that was marked and accepted into evidence as Petitioner's Exhibit 7. As the subject property is located within that shed, building permits cannot be issued nor development approval given until the intersection is improved and no longer failing or special variance relief is granted.

Addressing this second requirement for a Petition for Special Variance first, the uncontradicted testimony and evidence offered in this case was that the application submitted by

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pm

Petitioner would not adversely affect a person whose application was filed prior to Petitioner's application. As noted above, perhaps due to the rare utilization of the relief afforded by this special variance process, there is no list maintained by the Office of Planning and thus there is no "person whose application was filed prior to the petitioner's application." I therefore find that Petitioner has met this criteria by default. Thus, Petitioner has met its burden insofar as this prong of the test.

Turning next to the first prong identified, a finding must be made that the impact of the proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit the development; or that the district standard does not apply. Unfortunately, a review of the regulations at issue discloses that the "district standard" is neither a defined term nor is it described anywhere in Article 4A. In fact, testimony offered at the hearing is that the Baltimore County Bureau of Traffic Engineering has not defined the term and it is not a phrase used in the parlance of traffic engineers.

Although these special variance cases are rare, they are not altogether unfamiliar and a recent case of this type came before the Office of the Zoning Commissioner as Case No. 08-264-SA, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 2. That case involved a similar request for special variance and quoted from an earlier case (Case No. 05-336-SA) that was considered by former Deputy Zoning Commissioner John D. Murphy, wherein relief was granted on May 16, 2005. In that case, Deputy Commissioner Murphy analyzed the issue of the impact of the proposed development on proposed conditions as he formulated the "district standard." He considered whether the anticipated impacts on traffic as they related to such issues as volume, congestion, movement and timing of the proposed development would be less than the impact normally associated with a development of that type and size. He concluded that if the impacts were less, then relief could be granted pursuant to a petition for special

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variance. Specific factors such as the anticipated volume of traffic to be generated, the route (including access and exit) of traffic to and from the proposed development, anticipated road improvements in the area, the nature and timing of the traffic generated by the proposed development, existing potential development patterns in the area, the nature of the land use proposed for development and existing development in the area are all factors that need be considered in determining whether special variance relief should be granted.

In the instant case, a copy of the County's data collection sheet and traffic analysis for the intersection of Loch Raven Boulevard and East Joppa Road from May 2, 2007 and May 28, 2008 were marked and accepted into evidence as Petitioner's Exhibits 5 and 6, respectively. These exhibits depict traffic counts for the intersection and analyze the levels of service for respective movements through that intersection. For example, volumes and analysis are provided for straight (through) traffic patterns in each direction on both roads through the intersections, as well as left and right turning movements for each roadway. It is to be noted that an intersection is considered failing by Baltimore County if but one traffic movement reaches an unsatisfactory level. That is, an intersection might have adequate capacity for through traffic in all directions, but still be determined failing if a single turning movement capacity is inadequate. Obviously, the manner in which a proposed development will impact specific directions/movements in the intersection is a significant consideration in determining the merits of a special variance request.

In this case, there are several factors that support a finding that the impact of the proposed development will be less than anticipated and that the Petition for Special Variance should be granted. First, as shown on the aerial photograph marked and accepted into evidence as Petitioner's Exhibit 3, although the subject property is in the deficient traffic shed, it is located some distance to the east of the failing intersection of Loch Raven Boulevard and East Joppa Road. In addition, the only direction of travel that is "failing" is heading west and in the

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morning (AM) hours, away from the subject property. Hence the location of the subject property is largely unaffected by the failing intersection. On the other hand, traveling on Joppa Road from west to east toward the subject property is not at an "F" level of service and is also unaffected despite the overall "failure" status of the intersection. These conclusions were supported by the testimony of Petitioner's engineering experts, Paul Lee and George Lambros, as well as the email dated June 19, 2009 from Steve Weber, Chief of the County's Division of Traffic Engineering, to Dennis Kennedy with the County's Bureau of Development Plans Review in connection with that agency's Zoning Advisory Committee (ZAC) comments.

Thus, based on the above, it is clear there will be no impact from the development of the subject property on the failing intersection during its peak volume. It is equally clear that existing traffic patterns, anticipated road improvements, the contemplated volume direction and timing of traffic to and/or from the proposed development are all factors that weigh in favor of a finding that the anticipated impact of this development will be less than that assumed by the "district standard."

Based upon the foregoing, I find that the testimony and evidence that has been offered is sufficient to comply with the special variance standard set forth in Section 4A03.4.G of the B.C.Z.R. Thus, the Petition for Special Variance shall be granted and relief approved so that the proposed development may be approved and building permits issued for this project, notwithstanding its location within the shed of a failing intersection.

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


THEREFORE, IT IS ORDERED this 7th day of July, 2009 by this Deputy Zoning Commissioner, that Petitioner's Special Variance request from Section 4A02.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the proposed non-industrail

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development where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary be and is hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. Petitioner shall complete the Forest Buffer Protection Plan and the recordation of the Forest Buffer Easement for this project.
4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.
5. Prior to issuance of any building permits, Petitioner shall demonstrate compliance with the applicable Performance Standards for the B.L.R. Zone set forth in Section 229 of the B.C.Z.R.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

7-7-09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 7, 2009

ARNOLD JABLON, ESQUIRE
KEDRICK WHITMORE, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2009-0275-SA
Property: 1801 Joppa Road

Dear Messrs. Jablon and Whitmore:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick", written over a faint, larger version of the signature.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: F. Calvin Raver, Rave-On Enterprises, LLC, 2009 Pine Pep Road, Reisterstown MD 21136
Paul Lee and George Lambros, Century Engineering, Inc., 10710 Gilroy Road, Hunt Valley MD
21031



Petition for Special Variance

to the Zoning Commissioner of Baltimore County for the property located at 1801 JOPPA ROAD, S.E. CORNER OF OAKLEIGH & JOPPA ROADS which is presently zoned BLR

Deed Reference: 27604/I Tax Account # 1700000158
0916150300
0923500241

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

1. 4A02.4 to permit the proposed nonindustrial development where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A02.4.G; and
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

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

1. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal;
2. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b; and
3. For such other reasons as will be offered at the public hearing for this matter.

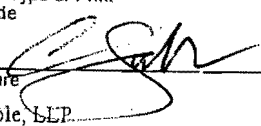
Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for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

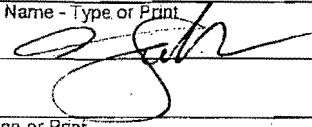
Contract Purchaser/Lessee:

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

Attorney For Petitioner:

Arnold Jablon
 Name - Type or Print _____
 Zip Code _____
 Signature 
 Venable, LLP
 Company _____
 210 Allegheny Avenue _____ 410-494-6298
 Address _____ Telephone No. _____
 Towson _____ MD _____ 21204
 City _____ State _____ Zip Code _____

Legal Owner(s): Rave-On Enterprises, LLC

F. Calvin Raver
 Name - Type or Print _____
 Signature 
 Name - Type or Print _____
 Signature _____
 2009 Pine Pep Road _____ 410-615-7963
 Address _____ Telephone No. _____
 Reisterstown _____ MD _____ 21136-5713
 City _____ State _____

Representative to be Contacted:

Arnold Jablon
 Name _____
 210 Allegheny Avenue _____ 410-494-6298
 Address _____ Telephone No. _____
 Towson _____ MD _____ 21204
 City _____ State _____ Zip Code _____

Case No. 2009-0275-SA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JF Date 4/16/09

REV 8/20/07

7.7.09

ps

10710 Gilroy Road
Hunt Valley, MD 21031

DESCRIPTION
1801 JOPPA ROAD
S.E. CORNER JOPPA & OAKLEIGH ROADS
ELECT. DIST. 9C5 BALTIMORE CO., MD

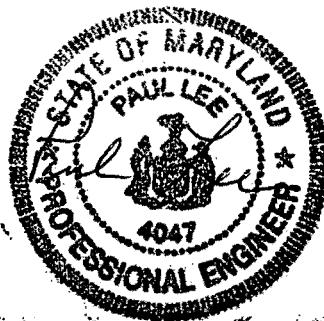
BEGINNING FOR THE SAME at a point on the South side of Joppa Road, said point located Easterly $75' \pm$ from the center of Oakleigh Road, thence leaving said South side of Joppa Road and running for the four following courses and distances:

- 1) South $16^{\circ} 51' 09''$ E - 167.69'
- 2) South $73^{\circ} 06' 51''$ W - 55.70
- 3) South $21^{\circ} 37' 25''$ E - 161.61' and
- 4) South $86^{\circ} 16' 54''$ W - 231.90' to intersect the East side of Oakleigh Road; thence running with and binding on the East side of Oakleigh Road the five following courses and distances;
- 5) North $22^{\circ} 11' 24''$ E - 36.61'
- 6) By a curve to the right $R=1,658.19'$ for a distance of 105.69' (chord bearing North $23^{\circ} 59' 41''$ E - 105.67'), thence,
- 7) By a curve to the left $R=1,678.19'$ for a distance of 94.34' (chord bearing North $23^{\circ} 48' 02''$ E - 94.33')
- 8) North $22^{\circ} 11' 24''$ E - 99.71',
- 9) By a curve to the right $R=50.00'$ for a distance of 44.54' (chord bearing North $47^{\circ} 37' 34''$ E - 43.08') to intersect the South side of Joppa Road, thence running with and binding on the South side of Joppa Road
- 10) North $72^{\circ} 31' 45''$ E - 12.78' to the point of beginning.

Containing 0.96 acres of land, more or less.

Project 28289.00

ITEM 2009-02755A



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: # 2009-0275-SA

1801 Joppa Road

S/east corner of Oakleigh Road and Joppa Road

9th Election District-5th Councilmanic District

Legal Owner(s): Rave-On Enterprises, LLC

Special Variance: to permit the proposed non-industrial development where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, and for such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Hearing: Monday, June 22, 2009, at 9:00 a.m. in Room 104, 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.

6/127 June 4

202961

CERTIFICATE OF PUBLICATION

6/4/2009

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 6/4/2009.

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

J. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT**

No. 39264
Date: APRIL 16, 2009

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
4/20/2009 4/16/2009 11:00 AM
MS01 WALKIN 3RD BRN
RECEIPT # 414749 4/16/2009 01:11
BY 528 ZUMINO VERTICONTI
NO. 039264
Recpt Tot \$325.00
\$325.00 CR \$.00 CR
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub-Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: \$325.00

Rec From: ARNOLD JABLON

For: 1801 JOPPA RD
2009 - 0275 - SA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: 2009-0275-SA

Petitioner/Developer: _____

Rave-ON Enterprises, LLC

Date of Hearing/Closing Jun22,2009

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

Attn: Kristin Matthews,

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, _____
1801 Joppa Road S/East corner of Oakleigh Road and Joppa
Road

The sign(s) were posted on _____ June6,2009 _____
(Month, Day, Year)

Sincerely,

Robert Black

(Signature of Sign Poster)

June 11 2009

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0275-SA

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

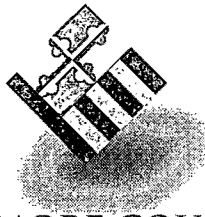
PLACE ROOM 104, JEFFERSON BUILDING
105 W CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME MONDAY, JUNE 22, 2009 AT 9:00 A.M.

REQUEST SPECIAL VARIANCE TO PERMIT THE PROPOSED NON-INDUSTRIAL DEVELOPMENT WHERE IT HAS BEEN DETERMINED THAT THE CAPACITY OF THE PUBLIC FACILITIES NECESSARY TO ACCOMMODATE SAME IS LESS THAN NECESSARY, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

TO CONFIRM HEARING CALL 307-3392

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



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

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: 2009-0275-SA

1801 Joppa Road
S/east corner of Oakleigh Road and Joppa Road
9th Election District – 5th Councilmanic District
Legal Owners: Rave-On Enterprises, LLC

Special Variance to permit the proposed non-industrial development where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, and for such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Hearing: Monday, June 22, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy M. Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
F. Calvin Raver, Rave-On Enterprises, LLC, 2009 Pine Pep Road, Reisterstown 21136

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 6, 2009.**
- (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
Thursday, June 4, 2009 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
Venable
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 2009-0275-SA

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Hearing: Monday, June 22, 2009 at 9:00 a.m. in Room 104, 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.

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/neighbor 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 2009-0275-SA

Petitioner: F. CALVIN RAVER (RAVE-ON ENTERPRISES, LLC)

Address or Location: 1801 JOPPA ROAD SE COR. OAKLEIGH & JOPPA RDS

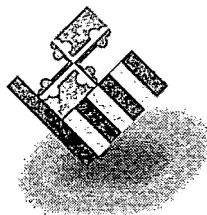
PLEASE FORWARD ADVERTISING BILL TO

Name: ARNOLD JABLON

Address: 210 ALLEGHENY AVE.

TOWSON MD 21284

Telephone Number: 410-494-6298



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

June 18, 2009

Arnold Jablon
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0275-SA, 1801 Joppa Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 16, 2009. 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 that reads "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
F. Calvin Raver: Rave-On Enterprises, LLC; 2009 Pine Pep Rd.; Reisterstown, MD 21136

TB
6/22/09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 26, 2009

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

RECEIVED

SUBJECT: 1801 Joppa Road

JUN 24 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-275

Petitioner: F. Calvin Raver

Zoning: DR 10.5

Requested Action: Special Hearing

The petitioner is seeking to permit a proposed non-industrial development where it has been determined the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A02.4.G.

SUMMARY OF RECOMMENDATIONS:

The proposed plan is within a scope of a failing intersection of Joppa Road and Loch Raven Boulevard. The proposed plan and land use should not present any further impact on the intersection provided that traffic restrictions are put in place. Due to the traffic volume at Oakleigh and Joppa Roads, traffic exiting the site should be restricted to right turn only. The use should be limited to that which is proposed on the plan, general office in order to limit the average daily trips generated.

In addition this site must conform to the performance standards of the BLR zone that seeks to protect adjacent communities from excessive vehicular congestion, use intensity and noise. The Performance Standards are outlined in Section 229.1-3 of the Baltimore County Zoning Regulations (BCZR). Section 229.3.A specifically addresses the following:

1. *Within 50 feet of a residential zone or use, lighting shall be on standards, which have a maximum height of 20 feet. Submit a lighting plan.*
2. *Rear and sides of buildings, which abut residential properties, shall be finished with materials that resemble the front of the building in color and texture. Submit elevations of the proposed building.*
3. *All signage within a commercial development shall be compatible in design, color, materials and location.*
4. *Uses may be located in separate freestanding buildings provided the style and building materials used create a uniform architectural theme. The dumpster pad should be enclosed and be of the same material as the proposed building.*

Also address the following comments:

1. Either retain as much of the existing vegetation on the south side of the property adjacent to 8649 Oakleigh Road or screen the southern boundary with a wood plank fence and deciduous trees to screen the residential properties to the south of the site.
2. Provide a landscape plan for the development.

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

Prepared by:

Curtis Murphy

Division Chief:

Lynn Larkin

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Tim Kotroco, Director
Department of Permits & Development
Management

DATE: June 19, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For **Item No. 09-275**

The intersection of Loch Raven Boulevard and Joppa Road is operating at an "F" level of service as shown on the Basic Services Transportation Map. This site is within the deficient intersection's trafficshed. The Bureau of Traffic Engineering and Transportation Planning has examined the affects that this proposed development would have on the deficient intersection and found them to be minimal. A copy of their analysis is attached. Therefore, the Department of Public Works does not object to approval of the petitioner's request.

DAK
attachment
cc:file

From: "Steve Weber" <steveweb@verizon.net>
To: <DKennedy@baltimorecountymd.gov>
CC: <dwiles@baltimorecountymd.gov>, "Gregory Carski" <gcarski@baltimorecou...>
Date: 6/19/2009 1:13 AM
Subject: TMI Office Complex - 1801 E. Joppa Rd @ Oakleigh Rd; Item 2009-0275 SA

Dennis -

At your request we did examine the request for approval of a special variance for the subject property, which is seeking relief from the Transportation element of the County's Basic Services legislation. This is due to the fact that the subject property is located within a failing trafficshed moratorium area of the intersection of Loch Raven Blvd & Joppa Rd E. due to it operating at a level-of-service "F". It is our understanding that this item is currently scheduled for a hearing on June 22, 2009.

This particular site is located on the very eastern edge of the Loch Raven Blvd & Joppa Rd E. trafficshed boundary, that boundary line following the centerline of the Beltway in this area. Therefore, if one were to examine properties on the other side of the Beltway around 300 feet to the east, they are not controlled by the moratorium area which controls the subject site. Because this site has negligible frontage to Joppa Rd E., its sole access is proposed via Oakleigh Rd. Therefore, the access on Oakleigh Rd provides good access to both Joppa Rd E. to the north as well as to Putty Hill Ave and Taylor Ave (other less-congested parallel east-west routes) to the south. Because of its access point and the surrounding available road network, it would be our estimation that 30% of the site traffic would be to/from the south via Oakleigh Rd while 35% of the site traffic would be oriented both to the east and west via Joppa Rd E. Therefore, only about 35% of the total site traffic would be expected to actually flow thru the failing intersection of Loch Raven Blvd & Joppa Rd E. For an office use, the Basic Services legislation specifies the number of peak-hour trips generated by the site, that being 2.34 peak-hour trips per 1000 sq. ft. Based on the 8,138 sq. ft. of office space for the subject site, this would then generate a total of 19 trips during the peak hour. Estimating that 35% of this amount travels thru the critical intersection of Loch Raven Blvd & Joppa Rd E., this would place 7 of the 19 trips thru the intersection. Based on those movements within the critical intersection which cause the failing condition during the morning peak hour, it is estimated that only 5 of the 7 trips would add to the critical movements. (This intersection does not fail during the afternoon peak hours.)

During the peak hour the critical intersection carries a total of about 4,375 vehicles. Adding 7 vehicles to this total would result in a nearly imperceptible 0.2% increase in total traffic volume. Given this extremely small increase and the fact that the subject site is located on the very boundary of the moratorium area nearly a 1/2 mile away from the critical intersection, we would not have any objections to the granting of the request for a special variance allowing the office building to be built within the moratorium area. The office use is far less of an impact than had the petitioner proposed a retail use which would generate 6 times more traffic. In addition, at this time there is no timetable for any improvements to the Loch Raven Blvd & Joppa Rd E. intersection. It is already widened and improved to its maximum potential and the only foreseeable improvement that will help the intersection will be the widening of the Beltway to 8 lanes between I-83 and White Marsh Blvd. This project is still a number of years off and only at that time is it likely that some of the east-west traffic will relocate off of Joppa Rd E. and back onto the Beltway. Therefore, considering all these factors, it would appear appropriate to approve the petitioner's request.

Should you have any questions regarding these comments or need further clarification, please feel free to give me a call.

Stephen E. Weber, Chief

Division of Traffic Engineering

111 W. Chesapeake Avenue, Room 326

Towson, MD 21204

Phone: 410-887-3554

Patricia Zook - Case 2009-0275--SA - hearing is Monday, 06/22/09 at 9:00:00 AM - COMMENTS NEEDED

From: Patricia Zook
To: Murray, Curtis
Date: 6/19/2009 10:00 AM
Subject: Case 2009-0275--SA - hearing is Monday, 06/22/09 at 9:00:00 AM - COMMENTS NEEDED
CC: Bostwick, Thomas

Curtis -

The below-described case is scheduled for a hearing on Monday and the file is missing Planning comments.

CASE NUMBER: 2009-0275--SA
1801 Joppa Road
Location: South East corner of Oakleigh Road and Joppa Road.
9th Election District, 5th Councilmanic District
Legal Owner: Rave-On Enterprise, LLC
Contract Purchaser:

SPECIAL VARIANCE 1) To permit the proposed nonindustrial development where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, and 2) For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Hearing: Monday, 06/22/09 at 9:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *DHL*
DATE: May 14, 2009
SUBJECT: Zoning Item # 09-275-SA
Address 1801 Joppa Rd.
(TMI Office Complex)

Zoning Advisory Committee Meeting of April 27, 2009

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).

Additional Comments:

Complete the Forest Buffer Protection Plan and the recordation of the Forest Buffer Easements for this project.

Reviewer: Paul A. Dennis

Date: April 30, 2009



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

June 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2009

Item Numbers 0221, 0275

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: JUNE 1, 2009

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

RE: Baltimore County
Item No 2009-0275-SA
1801 JOPPA ROAD
RAVE-ON ENTERPRISE, LLC
SPECIAL 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. 2009-0275-SA.

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

Very truly yours,

A handwritten signature in black ink that reads "Michael Bailey".

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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





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: APRIL 30, 2009

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

RE: Baltimore County
Item No. 2009-0275-SA
1801 JOPPA ROAD
RAVE-ON ENTERPRISES, LLC
SPECIAL VARIANCE

Dear Ms. Matthews:

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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



RE: PETITION FOR SPECIAL VARIANCE * BEFORE THE
 1801 Joppa Road; SE corner of Oakleigh Road * ZONING COMMISSIONER
 and Joppa Road *
 9th Election & 5th Councilmanic Districts *
 Legal Owner(s): Rave-On Enterprises, LLC * FOR
 Petitioner(s) *
 * BALTIMORE COUNTY
 *
 * 09-275-SA

* * * * *

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
 JUN 03 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

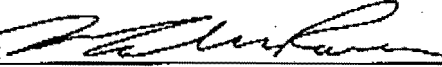
ITEM 2009-02755A

Zoning Office:

Please be advised that I, as Member of the undersigned owner, has authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petition(s) for zoning relief. I hereby understand that the relief requested is for property we own and I hereby and herewith acknowledge my express permission for said petition(s) to be filed on our behalf. The petition(s) filed are for property located at 1801 Joppa Rd, property I own.

Further, the undersigned as the owner of said property, and hereby and herewith authorize Mr. Jablon to be our attorney-in-fact and attorney-at-law and represent us in this matter.

Rave-On Enterprises, LLC

By: 

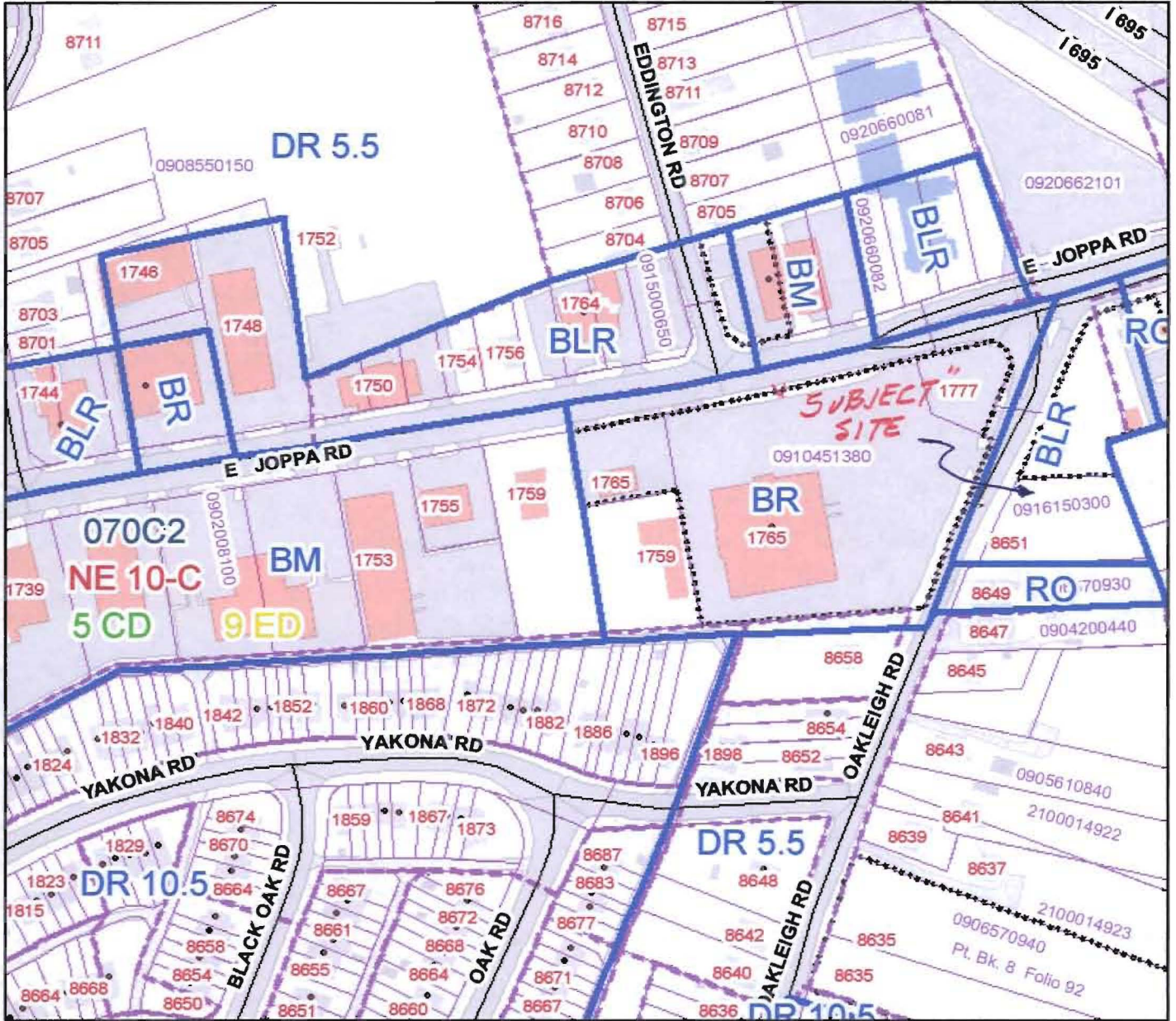
04/14/09 (Date)

F. Calvin Raver

Member

2009 Pine Pep Road, Reisterstown, Maryland 21136

8651 Oakleigh Rd



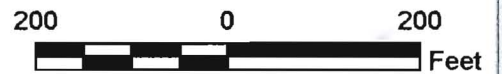
ITEM 2009-0275 SA

B.G.Z.M. 070C2

DQ Map Notes



Publication Date: April 07, 2009
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch equals 200 feet

Case No.: 2009-0725-SA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	Site Plan per SA order Case # 08-264-SA	
No. 3	Aerial Photograph	
No. 4	4-17-03 Traffic Study Joppa + Oakleigh Woods	
No. 5	5-2-07 Traffic Study Joppa + Loch Raven	
No. 6	5-28-08 - Traffic Study Joppa + Loch Raven	
No. 7	Basic Services Map - Transportation	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR SPECIAL VARIANCE

SE side of Transverse Avenue,
75 feet +/- NE of c/l of Corktree Road
15th Election District
6th Councilmanic District
(852 Middle River Road)

Jacqueline E. Stillerman
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-264-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Variance filed by the legal owner of the subject property, Jacqueline E. Stillerman. Petitioner is requesting special variance relief from Section 4A02.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the proposed non-industrial development where it has been determined that the capacity of the public facilities necessary to accommodate same (transportation) is less than necessary, and for such other and further relief that may be deemed necessary by the Zoning Commissioner for Baltimore County. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special variance request was Neil Stillerman, principal of Stillskyes Superior Builders. Mr. Stillerman is the proposed builder/developer of the site. The title of the subject property is in the name of his spouse, Jacqueline Stillerman. Also present at the hearing was Kenneth J. Wells with KJ Wells, Inc., the licensed property line surveyor who prepared the site plan. Petitioner was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested citizens in attendance at the hearing.

PETITIONER'S EXHIBIT 2

Testimony and evidence offered revealed that the subject property is an irregular-shaped unimproved parcel, consisting of approximately 1.27 acres and zoned D.R.5.5. The property has frontage on the unimproved roadbed of Transverse Avenue and abuts the Middle River Middle School campus, in eastern Baltimore County. The paved portion of Transverse Avenue ends immediately to the southwest side of the subject property. Mr. Stillerman proposes the development/subdivision of the property with five single-family detached homes. This is within the zoning density permitted.

In order to proceed with this proposed development, the developer has submitted a Concept Plan pursuant to the development review process contained in Article 32, Subtitle 2 of the Baltimore County Code ("BCC"). Concept Plan Comments were issued by the reviewing County agencies as a result of their respective reviews of the Concept Plan. One of the comments alerted Petitioner to the fact that the subject property is located within the shed of a failing intersection located at Middle River Road and Pulaski Highway (MD Route 40). This intersection has been assigned an "F" level of service pursuant to the current Basic Service Map for transportation. Thus, and as will be explained in more detail below, the instant Petition for Special Variance was filed.

The Concept Plan Comments also address the proposed access and road frontage issue as it relates to the development of the site. As is noted above, the property does not have frontage on any paved section of a public road as the paving for Transverse Avenue ends immediately adjacent to the southwest property line. It is also relevant that a proposed residential development has been approved across the bed of the unimproved section of Transverse Avenue from the subject property. This development will be a large subdivision of townhouses and is known as "Green Wood Manor."

In order to provide access to the five dwellings proposed on the subject site, the Department of Public Works has taken the position that Mr. Stillerman will be required to improve a portion of Transverse Avenue. As explained at the hearing by Mr. Wells, one-half of the ultimate width of the road on the subject property's "side" of the road will be improved by Mr. Stillerman and Stillskyes Superior Builders. This will permit the subject property to have access to a paved public road. Moreover, as is more particularly shown on the site plan, two of the proposed single-family dwellings will have direct access via driveway to the improved public road and the remaining three units will share a common driveway from the road. Petitioner anticipates moving forward through the development review process to resolve any additional County agency comments or concerns, pending the outcome of the instant Petition for Special Variance.

The Petition for Special Variance is requested pursuant to Section 4A02.4.G of the B.C.Z.R. This section falls within the growth management regulations contained in Article 4A of the B.C.Z.R. Petitions for Special Variance under this section have rarely been considered by the Office of the Zoning Commissioner and this is indeed a case of first impression so far as the undersigned is concerned. Thus, a brief overview of the growth management regulations is appropriate.

Pursuant to Section 4A00.1 of the B.C.Z.R., the purpose and intent of Article 4A, entitled "Growth Management," is to generally "implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development." Additionally, the growth management regulations seek to encourage development patterns that are consistent with the preservation of the quality of life in existing neighborhoods, to ensure the adequacy of public facilities and infrastructure, the preservation of the natural, agricultural and environmental resources and to promote appropriate new growth and development. The purpose and intent of the Basic Service Maps of the growth management regulations is set forth in Section 4A02.1 of the

B.C.Z.R. Therein, it is provided that Basic Service Maps are to be annually prepared by the County to ensure that public facilities are in place to adequately serve proposed development. Additionally, Section 4A02.2 of the B.C.Z.R. states that in the event of any conflict between the growth management regulations and any other provision of the B.C.Z.R., the provisions of the growth management regulations control. Thus, the Petition for Special Variance requested in this case is governed by the requirements in Article 4A and, hence, the variance provisions of Section 307 of the B.C.Z.R. are not applicable.

Section 4A02.3 of the B.C.Z.R. sets out in detail the adoption process for the Basic Services Maps. There are actually three maps adopted; one related to the supply of public water, the second related to public sewage, and the third related to transportation. Petitioner seeks relief in this case only as to the third map (transportation map). Section 4A02.3 of the B.C.Z.R. sets forth in full detail the methodology to be employed during the annual adoption of the three Basic Services Maps by the Baltimore County Council. Additionally, Section 4A02.3.G of the B.C.Z.R. provides that no building permit or subdivision approval can be granted unless the Director of the Office of Planning has issued a reserve capacity use certificate for the proposed development. That section goes on to state that a property owner/developer shall make application for a reserve capacity use certificate in a method to be set forth by the Office of Planning. In this case, Mr. Wells testified at the hearing that because development proposed pursuant to the provisions of the special variance regulation (Section 4A02.4.G) have rarely been sought, he was advised by the Office of Planning that it has not produced for public use any such "application form." Moreover, he was informed that notwithstanding the provisions of Section 4A02 of the B.C.Z.R., the Office of Planning does not maintain a list of the pending applications.

Section 4A02.4 of the B.C.Z.R. sets out the Basic Services Mapping standards. The standards are individually established as they relate to water supply, sewage, and transportation.

Moreover, Section 4A02.4.E of the B.C.Z.R. sets forth certain exceptions to the Basic Services Mapping standards. For example, Section 4A02.4.E.1.a of the B.C.Z.R. provides that minor subdivisions of three or fewer single-family detached dwellings are exempted from certain provisions of the Basic Services Mapping statute. Finally, Section 4A02.4.G of the B.C.Z.R. provides that a Special Variance can be granted from a provision of this subsection. In order for special variance relief to be granted, the Zoning Commissioner must hold a public hearing and must determine that the granting will not violate the particular provision's purpose, pursuant to making certain findings -- effectively a two-prong test. First, the Zoning Commissioner must determine that the demand or impact of the proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal. Second, the Zoning Commissioner must find that the granting of a petition would not adversely affect a person whose application was filed prior to Petitioner's application.

In this case, relief is requested because the intersection of Middle River Road and Pulaski Highway is a failing intersection. It has been graded as an "F" level of service intersection and the "shed" of this intersection is shown on Petitioner's Exhibit No. 4, which includes the subject property. As the subject property is located within that shed, building permits cannot be issued nor development approval given until the intersection is improved and no longer failing or special variance relief is granted.

Addressing this second requirement for a Petition for Special Variance first, the uncontradicted testimony and evidence offered in this case was that the application submitted by Petitioner would not adversely affect a person whose application was filed prior to Petitioner's application. As noted above, apparently due to the rare utilization of the relief afforded by this special variance process, there is no list maintained by the Office of Planning and thus there is no

“person whose application was filed prior to the petitioner’s application.” I therefore find that Petitioner has met this criteria in that its application is effectively first in line. I am cognizant of the fact there is other proposed development in the area, but that development is apparently not proceeding forward pursuant to the variance process set forth in growth management regulations as described herein. Thus, Petitioner has met its burden insofar as this test.

Turning next to the first prong identified, a finding must be made that the impact of the proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit the development; or that the district standard does not apply. Unfortunately, a review of the regulations at issue discloses that the “district standard” is neither a defined term nor is it described anywhere in Article 4A. In fact, testimony offered at the hearing is that the Baltimore County Bureau of Traffic Engineering has not defined the term and it is not a phrase used in the parlance of traffic engineers.

Although these special variance cases are rare, they are not altogether unfamiliar and the most recent case of this type came before the Office of the Zoning Commissioner as Case No. 05-336-SA, a copy of which was marked and accepted into evidence as Petitioner’s Exhibit 5. That case was considered by former Deputy Zoning Commissioner John D. Murphy and relief was granted by the approval of a Special Variance on May 16, 2005. The Findings of Fact and Conclusions of Law rendered therein is instructive. Deputy Commissioner Murphy analyzed the issue of the impact of the proposed development on proposed conditions as he formulated the “district standard.” He considered whether the anticipated impacts on traffic as they related to such issues as volume, congestion, movement and timing of the proposed development would be less than the impact normally associated with a development of that type and size. He concluded that if the impacts were less, then relief could be granted pursuant to a petition for special variance. Specific factors such as the anticipated volume of traffic to be generated, the route

(including access and exit) of traffic to and from the proposed development, anticipated road improvements in the area, the nature and timing of the traffic generated by the proposed development, existing potential development patterns in the area, the nature of the land use proposed for development and existing development in the area are all factors that need be considered in determining whether special variance relief should be granted.

In the instant case, a copy of the County's data collection sheet and traffic analysis for the intersection of Middle River Road and Pulaski Highway was marked and accepted into evidence as Petitioner's Exhibit 3. This exhibit depicts traffic counts for the intersection and analyzes the levels of service for respective movements through that intersection. For example, volumes and analysis are provided for straight (through) traffic patterns in each direction on both roads through the intersections, as well as left and right turning movements for each roadway. It is to be noted that an intersection is considered failing by Baltimore County if but one traffic movement reaches an unsatisfactory level. That is, an intersection might have adequate capacity for through traffic in all directions, but still be determined failing if a single turning movement capacity is inadequate. Obviously, the manner in which a proposed development will impact specific directions/movements in the intersection is a significant consideration in determining the merits of a special variance request.

In this case, there are several factors that support a finding that the impact of the proposed development will be less than anticipated and that the Petition for Special Variance should be granted. First, as shown on an aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, although the subject property is in the shed, it is located a significant distance to the southwest of the failing intersection of Middle River Road and Pulaski Highway and is not easily accessible thereto. As described above, the paved section of Transverse Avenue ends immediately to the southwest of the subject property. It will be extended to provide frontage

on the property; however, as a part of this development, that extension will not continue to the northeast and intersect with Middle River Road. Ultimately, that connection of Transverse Avenue and Middle River Road may be made not as part of this subject development, but rather due to the Green Wood Manor townhouse development. Thus, Transverse Avenue, even after the proposed improvements required as a part of this subdivision, will be a dead end street and will not provide direct access for the future residents of the subject property to Middle River Road.

Data was submitted from the Baltimore County Bureau of Traffic Engineering regarding traffic counts undertaken on June 6, 2007 and was marked and accepted into evidence as Petitioner's Exhibit 3. It was this investigation which lead to the designation of the Middle River Road and Pulaski Highway intersection as a failing intersection (Grade F) under the 2007 Basic Services Maps now in effect. That data shows that the highest volume of traffic, which contributed to the failing grade, resulted from the morning movement of through traffic westbound on Pulaski Highway. In fact, the data showed that 41,066 cars passed through that intersection westbound on Pulaski Highway during the morning peak hour.

The evidence indicates that if the residents of the proposed development were to travel westerly (toward the Baltimore beltway) in the AM hour, none would utilize the intersection. Rather, they would proceed southwesterly on Transverse Avenue to Honeycomb Road and ultimately intersect Pulaski Highway southwest of the failing intersection. Thus, due to these unusual circumstances, it is clear there will be no impact on the intersection during its peak volume. Similarly, traffic generated to and from this proposed development will not impact the intersection during the evening peak hour. Residents and visitors to the five homes proposed coming from the west (i.e. returning home from work) will not utilize the intersection. Thus, it is equally clear that existing traffic patterns, anticipated road improvements, the contemplated volume direction and timing of traffic to and/or from the proposed development are all factors that

weigh in favor of a finding that the anticipated impact of this development will be less than that assumed by the "district standard."

Secondly, the testimony offered by Stephen Weber, Chief of the Traffic Engineering Division of the Department of Public Works, to Deputy Commissioner Murphy and Deputy Commissioner Murphy's conclusions in Case No. 05-336-SA are also instructive. Therein, Mr. Weber opined and Deputy Commissioner Murphy agreed that the anticipated impact of a six lot subdivision would be negligible. Characterizing Mr. Weber's testimony, Deputy Commissioner Murphy wrote at page 4 that "[f]rom this data he concluded that the impact of these three additional homes on the intersection was imperceptible." In fact, he indicated the daily fluctuations of traffic using the intersection were greater from the added trips from the three homes. He also noted that "generally special variances are granted in failing traffic sheds when the number of lots is less than 10." These facts, opinions and conclusions are relevant to the instant case. The proposed subdivision is under ten units and the negligible amount of traffic to be generated to and from the subject site is insignificant when compared with the traffic volumes that utilize the subject intersection.

Based upon the foregoing, I find that the testimony and evidence that has been offered is sufficient to comply with the special variance standard set forth in Section 4A03.4.G of the B.C.Z.R. Thus, the Petition for Special Variance shall be granted and relief approved so that the proposed subdivision may be approved and building permits issued for this subdivision, notwithstanding its location within the shed of a failing intersection.

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

THEREFORE, IT IS ORDERED, this 25th day of April, 2008 by this Deputy Zoning Commissioner, that pursuant to a finding that the demand or impact of the development proposed

will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, and that the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application, Petitioner's request for Special Variance from Section 4A02.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) is hereby GRANTED subject to the following.

1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall improve Transverse Avenue in accordance with the requirements of the Department of Public Works. In particular, Petitioner agrees to improve one-half of the ultimate width of the road on Petitioner's "side" of the road.
3. The property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

SIGNED _____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

LOCATION JOPPA RD + OAKLEIGH

CO SIGNAL NUMBER TMC 61

RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M. CFB	CLOUDY	WET	THUR	4/17/03
P.M. CFB	CLOUDY	WET	THUR	4/17/03

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUME

ROAD NAME	OAKLEIGH				CHURCH LOT				JOPPA				JOPPA					
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND					
	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL		
%TURNING MOVEMENT	39%	2%	59%	100%	9%	18%	73%	100%	AM	1%	91%	8%	100%	2%	97%	0%	100%	N/A
	26%	0%	73%	100%	36%	23%	41%	100%	PM	0%	94%	6%	100%	###	85%	0%	100%	N/A
TOTAL VOLUMES	78	3	118	199	1	2	8	11	AM	5	490	42	537	60	2335	6	2401	3148
	98	1	274	373	8	5	9	22	PM	3	3372	198	3573	249	1407	4	1660	5628
GRAND TOTALS	176	4	392	572	9	7	17	33		8	3862	240	4110	309	3742	10	4061	8776
ESTIMATE ADTS	NORTH 180				SOUTH 3698				EAST 27292				WEST 26377					

ESTIMATED VEHICLES ENTERING THE INTERSECTION 28774

INTERSECTION JOPPA RD + OAKLEIGH

DESCRIPTION: JOPPA IS A FOUR LANE COUNTY RD WITH LEFT TURN LANES, AND LEFT ARROW E/B. OAKLEIGH IS A TWO LANE COUNTY RD WITH A RIGHT YIELD.

THE SIGNAL FUNCTIONS 3 PHASE LIGHT. THE CYCLE LENGTHS AVE 144 SECONDS IN THE MORNING, 141 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:15 TO 8:15 AND IN THE AFTERNOON IS 4:30 TO 5:30. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF JOPPA DURING THE AM AND IN THE E/B DIRECTION OF JOPPA IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOAD AM HOUR	*	*	*	*
% OF LOAD PM HOUR	*	*	16% 4:45-5:45	*

REMARKS BELTWAY BACKED UP INNER LOOP IN THE P.M. CAUSING TRAFFIC TO USE JOPPA.

THE LEVEL OF SERVICE IS C

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

PETITIONER'S EXHIBIT 4

TRAFFIC STUDY
JOPPA & OAKLEIGH

4-17-03

16% "C"

3 COPIES

LOCATION JOPPA RD- LOCH RAVENS BLVD

RECORDER WEATHER ROAD SURFACE DAY OF THE WEEK DATE OF COUNT

A.M. BH CLEAR DRY WED 5/2/2007
 P.M. BH CLEAR DRY WED 5/2/2007

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	LOCH RAVENS BLVD				LOCH RAVENS BLVD				JOPPA RD				JOPPA RD					
	NORTHBOUND		SOUTHBOUND		EASTBOUND		WESTBOUND		NORTHBOUND		SOUTHBOUND		EASTBOUND		WESTBOUND			
	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL		
%TURNING	12%	83%	5%	100%	10%	47%	43%	100%	AM	55%	37%	9%	100%	8%	67%	25%	100%	N/A
MOVEMENT	12%	77%	11%	100%	27%	50%	23%	100%	PM	33%	60%	8%	100%	15%	56%	28%	100%	N/A
TOTAL	217	1534	90	1841	300	1446	###	3086	AM	829	562	130	1521	174	1532	583	2289	8737
VOLUMES	153	989	137	1279	739	1391	639	2769	PM	692	1268	161	2121	230	848	426	1504	7673
GRAND TOTALS	370	2523	227	3120	###	2837	###	5855		###	1830	291	3642	404	2380	###	3793	16410
ESTIMATED ADTS	SOUTH LEG 21810				NORTH LEG 35764				WEST LEG 27446				EAST LEG 22587					

ESTIMATED VEHICLES ENTERING THE INTERSECTION -----> 53803

INTERSECTION: JOPPA RD- LOCH RAVENS BLVD

DESCRIPTION: JOPPA RD IS A FOUR LANE STATE RD. WITH LEFT TURN LANES AND ARROWS. LOCH RAVENS BLVD. IS A FOUR LANE STATE RD WITH LEFT TURN LANES AND ARROWS AND RIGHT TURN ONLY S/B.

THE SIGNAL FUNCTIONS AS A 8 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 124 SECONDS IN THE MORNING AND 180 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:30 TO 8:30 AND IS 5:00 TO 6:00 IN THE AFTERNOON. THE PEAK FLOW OCCURS IN THE S/B DIRECTION OF LOCH RAVENS BLVD DURING THE AM AND IN THE S/B DIRECTION OF LOCH RAVENS BLVD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS AM HOUR	33% 7:30-8:30	*	29% 7:30-8:30	96% 7:30-8:30
% OF LOADS PM HOUR	20% 5:00-6:00	15% 5:00-6:00	15% 5:00-6:00	*

REMARKS: *

THE LEVEL OF SERVICE IS: F

PETITIONER'S EXHIBIT 5

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-99%

FOR UPDATED LIST YES OR NO DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

TRAFFIC STUDY
JOPPA & LOCKRAVEN

5-2-07

96% "F"

3 COPIES

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

LOCATION JOPPA RD + OAKLEIGH										CO	SIGNAL NUMBER TMC				61					
ROAD NAI	OAKLEIGH				CHURCH LOT				JOPPA				JOPPA				E + W GRAND			
	NORTHBOUND				SOUTHBOUND				N + S	EASTBOUND				WESTBOUND				TOTAL	TOTAL	
AM	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL	
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	13	0	13	26	0	1	0	1	27	0	40	10	50	10	224	0	234	284	311	
7:15-7:30	6	0	18	24	0	0	0	0	24	0	61	4	65	8	298	0	306	371	395	
7:30-7:45	9	1	15	25	0	0	0	0	25	1	55	3	59	5	347	1	353	412	437	
7:45-8:00	7	0	11	18	0	0	2	2	20	0	64	4	68	4	288	0	292	360	380	
8:00-8:15	9	0	13	22	0	0	1	1	23	1	70	6	77	16	318	2	336	413	436	
8:15-8:30	11	1	10	22	1	0	2	3	25	1	73	5	79	4	271	1	276	355	380	
8:30-8:45	10	1	17	28	0	0	1	1	29	0	66	6	72	9	315	2	326	398	427	
8:45-9:00	13	0	21	34	0	1	2	3	37	2	61	4	67	4	274	0	278	345	382	
AM HOUR TOTAL																				
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:15-7:15	13	0	13	26	0	1	0	1	27	0	40	10	50	10	224	0	234	284	311	
6:30-7:30	19	0	31	50	0	1	0	1	51	0	101	14	115	18	522	0	540	655	706	
6:45-7:45	35	1	46	75	0	1	0	1	76	1	156	17	174	23	869	1	893	1067	1143	
7:00-8:00	35	1	57	93	0	1	2	3	96	1	220	21	242	27	1157	1	1185	1427	1523	
7:15-8:15	31	1	57	89	0	0	3	3	92	2	250	17	269	33	1251	3	1287	1556	1648	
7:30-8:30	36	2	49	87	1	0	5	6	93	3	262	18	283	29	1224	4	1257	1540	1633	
7:45-8:45	37	2	51	90	1	0	6	7	97	2	273	21	296	33	1192	5	1230	1526	1623	
8:00-9:00	43	2	61	106	1	1	6	8	114	4	270	21	295	33	1178	5	1216	1511	1625	
NORTHBOUND																				
PM	L	S	R	TOTAL	SOUTHBOUND				N + S	EASTBOUND				WESTBOUND				E + W GRAND		
	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL	
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:00-4:15	17	0	25	42	0	0	1	1	43	0	337	15	352	33	181	0	214	566	609	
4:15-4:30	12	1	36	49	1	0	0	1	50	0	359	18	377	32	189	0	221	598	648	
4:30-4:45	11	0	38	49	1	0	1	2	51	0	486	31	517	37	177	1	215	732	783	
4:45-5:00	15	0	31	46	0	0	1	1	47	1	470	19	490	25	168	1	194	684	731	
5:00-5:15	14	0	43	57	1	0	2	3	60	0	539	21	560	34	179	0	213	773	833	
5:15-5:30	9	0	47	56	3	2	2	7	63	1	428	31	460	32	187	1	220	680	743	
5:30-5:45	11	0	35	46	2	2	1	5	51	0	391	33	424	29	170	1	200	624	675	
5:45-6:00	9	0	19	28	0	1	1	2	30	1	362	30	393	27	156	0	183	576	606	
PM HOUR TOTAL																				
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3:15-4:15	17	0	25	42	0	0	1	1	43	0	337	15	352	33	181	0	214	566	609	
3:30-4:30	29	1	61	91	1	0	1	2	93	0	696	33	729	65	370	0	435	1164	1257	
3:45-4:45	40	1	99	140	2	0	2	4	144	0	1182	64	1246	102	547	1	650	1896	2040	
4:00-5:00	55	1	130	186	2	0	3	5	191	1	1652	83	1736	127	715	2	844	2580	2771	
4:15-5:15	52	1	148	201	3	0	4	7	208	1	1854	89	1944	128	713	2	843	2787	2995	
4:30-5:30	49	0	159	208	5	2	6	13	221	2	1923	102	2027	128	711	3	842	2869	3090	
4:45-5:45	49	0	156	205	6	4	6	16	221	2	1828	104	1934	120	704	3	827	2761	2982	
5:00-6:00	43	0	144	187	6	5	6	17	204	2	1720	115	1837	122	692	2	816	2653	2857	

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

LOCATION: JOPPA RD- LOCH RAVENS BLVD DATE OF COUNT: A.M. 5/2/2007
P.M. 5/2/2007

ROADS:	LOCH RAVENS BLVD				LOCH RAVENS BLVD				JOPPA RD				JOPPA RD				E + W TOTAL	GRAND TOTAL		
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND							
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL			
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	15	173	17	205	34	212	205	451	656	96	47	11	154	16	149	80	245	399	1055	
7:15-7:30	23	185	6	214	31	160	125	316	530	81	45	15	141	21	202	94	317	458	988	
7:30-7:45	31	217	5	253	24	206	170	400	653	112	61	12	185	22	218	92	332	517	1170	
7:45-8:00	21	221	5	247	42	192	219	453	700	121	76	19	216	22	193	69	284	500	1200	
8:00-8:15	19	194	12	225	42	159	193	394	619	122	93	21	236	31	228	76	335	571	1190	
8:15-8:30	33	194	14	241	40	177	180	397	638	117	88	20	225	30	191	51	272	497	1135	
8:30-8:45	47	217	22	286	47	168	128	343	629	88	78	15	181	14	182	58	254	435	1064	
8:45-9:00	28	133	9	170	40	172	120	332	502	92	74	17	183	18	169	63	250	433	935	

AM HOUR TOTALS

6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	15	173	17	205	34	212	205	451	656	96	47	11	154	16	149	80	245	399	1055	
6:30-7:30	38	358	23	419	65	372	330	767	1186	177	92	26	295	37	351	174	562	857	2043	
6:45-7:45	61	575	28	672	89	578	500	1167	1839	289	153	38	480	59	569	266	894	1374	3213	
7:00-8:00	90	796	33	919	131	770	719	1620	2539	410	229	57	696	81	762	335	1178	1874	4413	
7:15-8:15	94	817	28	939	139	717	707	1563	2502	436	275	67	778	96	841	331	1268	2046	4548	
7:30-8:30	104	826	36	966	148	734	762	1644	2610	472	318	72	862	105	830	288	1223	2085	4695	
7:45-8:45	120	826	53	999	171	696	720	1587	2586	448	335	75	858	97	794	254	1145	2003	4589	
8:00-9:00	127	738	57	922	169	676	621	1466	2388	419	333	73	825	93	770	248	1111	1936	4324	

PM	NORTHBOUND				SOUTHBOUND				N + S TOTAL	EASTBOUND				WESTBOUND				E + W TOTAL	GRAND TOTAL	
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL			
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	21	191	25	237	52	138	52	242	479	73	126	20	219	22	94	31	147	366	845	
4:15-4:30	22	114	14	150	90	201	92	383	533	88	139	15	242	23	111	54	188	430	963	
4:30-4:45	14	98	19	131	100	164	79	343	474	112	191	14	317	28	97	42	167	484	958	
4:45-5:00	15	98	19	132	100	159	91	350	482	67	140	28	235	33	104	59	196	431	913	
5:00-5:15	24	148	16	188	95	179	69	343	531	94	153	33	280	28	107	65	200	480	1011	
5:15-5:30	20	114	19	153	99	162	84	345	498	90	160	18	268	30	112	60	202	470	968	
5:30-5:45	15	136	19	170	113	210	98	421	591	90	169	21	280	37	117	63	217	497	1088	
5:45-6:00	22	90	6	118	90	178	74	342	460	78	190	12	280	29	106	52	187	467	927	

PM HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	21	191	25	237	52	138	52	242	479	73	126	20	219	22	94	31	147	366	845	
3:30-4:30	43	305	39	387	142	339	144	625	1012	161	265	35	461	45	205	85	335	796	1808	
3:45-4:45	57	403	58	518	242	503	223	968	1486	273	456	49	778	73	302	127	502	1280	2766	
4:00-5:00	72	501	77	650	342	662	314	1318	1968	340	596	77	1013	106	406	186	698	1711	3679	
4:15-5:15	75	458	68	601	385	703	331	1419	2020	361	623	90	1074	112	419	220	751	1825	3845	
4:30-5:30	73	458	73	604	394	664	323	1381	1985	363	644	93	1100	119	420	226	765	1865	3850	
4:45-5:45	74	496	73	643	407	710	342	1459	2102	341	622	100	1063	128	440	247	815	1878	3980	
5:00-6:00	81	488	60	629	397	729	325	1451	2080	352	672	84	1108	124	442	240	806	1914	3994	

LOCATION JOPPA RD + LOCH RAVEN BLVD

RECORDER WEATHER ROAD SURFACE DAY OF THE WEEK DATE OF COUNT

A.M. CFB CLEAR DRY WED 5/28/2008
 P.M. CFB CLEAR DRY WED 5/28/2008

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	LOCH RAVEN				LOCH RAVEN				JOPPA				JOPPA					
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND					
	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL		
%TURNING	10%	86%	4%	100%	11%	47%	42%	100%	AM	54%	37%	10%	100%	5%	72%	23%	100%	N/A
MOVEMENT	13%	70%	17%	100%	23%	51%	26%	100%	PM	29%	63%	8%	100%	21%	55%	24%	100%	N/A
TOTAL VOLUMES	246	2096	87	2429	260	1166	###	2465	AM	756	520	137	1413	146	2158	676	2980	9287
	226	1252	307	1785	563	1269	658	2490	PM	###	2459	310	3922	439	1162	517	2118	10315
GRAND TOTALS	472	3348	394	4214	823	2435	###	4955		###	2979	447	5335	585	3320	###	5098	19602
ESTIMATED ADTS	SOUTH LEG 25184				NORTH LEG 37393				WEST LEG 35489				EAST LEG 30472					

ESTIMATED VEHICLES ENTERING THE INTERSECTION -----> 64269

INTERSECTION: JOPPA RD + LOCH RAVEN BLVD

DESCRIPTION: LOCH RAVEN IS A SIX LANE STATE RD WITH LEFT TURN LANES AND ARROWS. JOPPA RD IS A FOUR LANE COUNTY RD WITH LEFT TURN LANES AND ARROWS.

THE SIGNAL FUNCTIONS AS A 8 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 164 SECONDS IN THE MORNING AND 167 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:45 TO 8:45 AND IS 4:45 TO 5:45 IN THE AFTERNOON. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF JOPPA DURING THE AM AND IN THE E/B DIRECTION OF JOPPA IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS AM HOUR	23% 7:30-8:30	*	23% 7:45-8:45	86% 7:30-8:30
% OF LOADS PM HOUR	33% 4:45-5:45	10% 4:30-5:30	38% 4:30-5:30	*

REMARKS: *

PETITIONER'S EXHIBIT

THE LEVEL OF SERVICE IS: F

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR NCDATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: 6

TRAFFIC STUDY
JOPPA & LOCKRAVEN

5-28-08

86% - "F"

3 COPIES

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

LOCATION JOPPA RD + LOCH RAVEN BLVD DATE OF COUNT A.M. 5/28/2008
P.M. 5/28/2008

ROADS:	LOCH RAVEN				LOCH RAVEN				N + S	JOPPA				JOPPA				E + W	GRAND	
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND						
AM	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL	
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	15	195	7	217	13	115	88	216	433	88	38	11	137	14	185	90	289	426	859	
7:15-7:30	22	255	10	287	17	98	106	221	508	96	51	13	160	16	212	103	331	491	999	
7:30-7:45	26	281	10	317	30	142	122	294	611	94	47	14	155	20	318	89	427	582	1193	
7:45-8:00	32	261	6	299	50	177	175	402	701	101	76	16	193	17	356	103	476	669	1370	
8:00-8:15	29	259	10	298	45	170	151	366	664	100	75	15	190	19	262	75	356	546	1210	
8:15-8:30	33	260	11	304	46	182	142	370	674	90	81	25	196	22	311	90	423	619	1293	
8:30-8:45	50	314	18	382	29	136	125	290	672	97	74	24	195	21	263	69	353	548	1220	
8:45-9:00	39	271	15	325	30	146	130	306	631	90	78	19	187	17	251	57	325	512	1143	

AM HOUR TOTALS

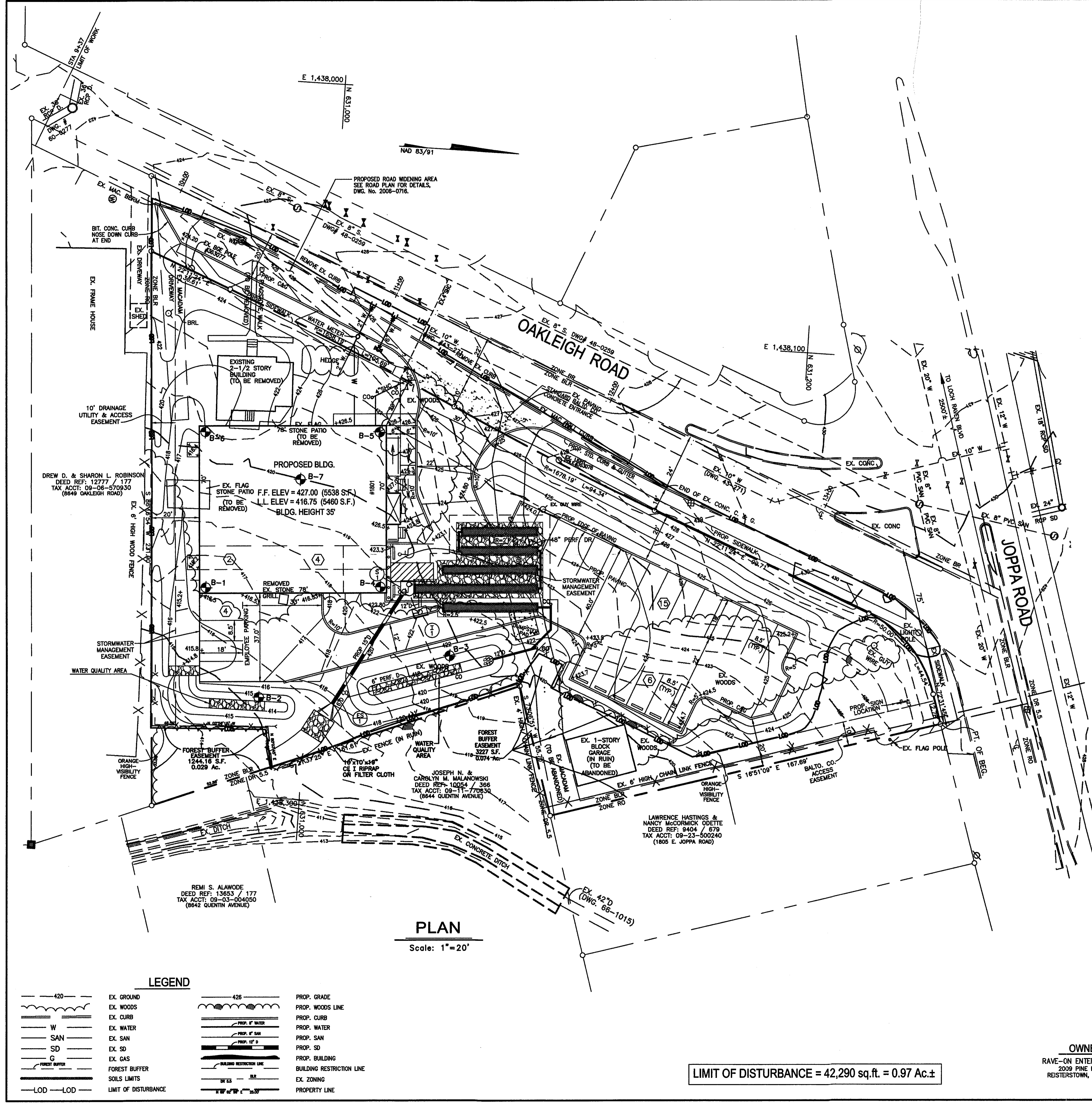
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	15	195	7	217	13	115	88	216	433	88	38	11	137	14	185	90	289	426	859	
6:30-7:30	37	450	17	504	30	213	194	437	941	184	89	24	297	30	397	193	620	917	1858	
6:45-7:45	56	731	27	821	60	355	316	731	1552	278	136	38	452	50	715	282	1047	1499	3051	
7:00-8:00	95	992	33	1120	110	532	491	1133	2253	379	212	54	645	67	1071	385	1523	2168	4421	
7:15-8:15	109	1056	36	1201	142	587	554	1283	2484	391	249	58	698	72	1148	370	1590	2288	4772	
7:30-8:30	120	1061	37	1218	171	671	590	1432	2650	385	279	70	734	78	1247	357	1682	2416	5066	
7:45-8:45	144	1094	45	1283	170	665	593	1428	2711	388	306	80	774	79	1192	337	1608	2382	5093	
8:00-9:00	151	1104	54	1309	150	634	548	1332	2641	377	308	83	768	79	1087	291	1457	2225	4866	

ROADS:	LOCH RAVEN				LOCH RAVEN				N + S	JOPPA				JOPPA				E + W	GRAND	
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND						
PM	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL	
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	27	132	29	188	79	139	59	277	465	129	290	22	441	68	190	78	336	777	1242	
4:15-4:30	21	118	33	172	65	131	88	284	456	113	274	35	422	42	125	59	226	648	1104	
4:30-4:45	35	173	34	242	61	117	81	259	501	141	289	33	463	70	138	66	274	737	1238	
4:45-5:00	27	187	54	268	78	170	99	347	615	143	321	41	505	62	165	70	297	802	1417	
5:00-5:15	27	151	39	217	59	178	75	312	529	160	316	48	524	65	159	72	296	820	1349	
5:15-5:30	33	187	33	253	78	182	86	346	599	148	300	39	487	44	129	57	230	717	1316	
5:30-5:45	24	163	36	223	73	185	93	351	574	168	353	52	573	42	120	60	222	795	1369	
5:45-6:00	32	141	49	222	70	167	77	314	536	151	316	40	507	46	136	55	237	744	1280	

PM HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	27	132	29	188	79	139	59	277	465	129	290	22	441	68	190	78	336	777	1242	
3:30-4:30	48	250	62	360	144	270	147	561	921	242	564	57	863	110	315	137	562	1425	2346	
3:45-4:45	83	423	96	602	205	387	228	820	1422	383	853	90	1326	180	453	203	836	2162	3584	
4:00-5:00	110	610	150	870	283	557	327	1167	2037	526	1174	131	1831	242	618	273	1133	2964	5001	
4:15-5:15	110	629	160	899	263	596	343	1202	2101	557	1200	157	1914	239	587	267	1093	3007	5108	
4:30-5:30	122	698	160	980	276	647	341	1264	2244	592	1226	161	1979	241	591	265	1097	3076	5320	
4:45-5:45	111	688	162	961	288	715	353	1356	2317	619	1290	180	2089	213	573	259	1045	3134	5451	
5:00-6:00	116	642	157	915	280	712	331	1323	2238	627	1285	179	2091	197	544	244	985	3076	5314	





PLAN
Scale: 1"=20'

LEGEND

	EX. GROUND		PROP. GRADE
	EX. WOODS		PROP. WOODS LINE
	EX. CURB		PROP. CURB
	EX. WATER		PROP. WATER
	EX. SAN		PROP. SAN
	EX. SD		PROP. SD
	EX. GAS		PROP. BUILDING
	FOREST BUFFER		BUILDING RESTRICTION LINE
	SOILS LIMITS		EX. ZONING
	LIMIT OF DISTURBANCE		PROPERTY LINE

LIMIT OF DISTURBANCE = 42,290 sq.ft. = 0.97 Ac.±

BENCHMARKS

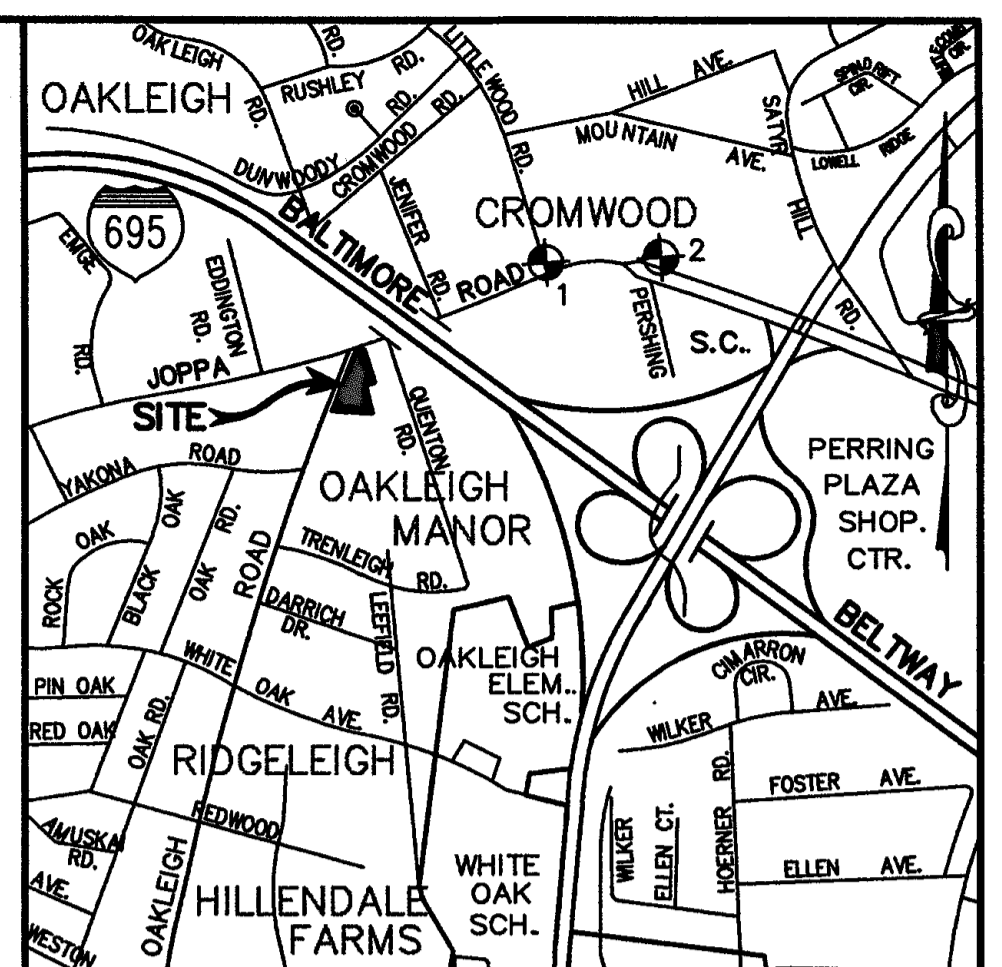
BOD PT.#568: BOLT LOCATED AT LITTLEWOOD ROAD AND JOPPA ROAD; LOCATED IN SIDEWALK 39' WEST OF LITTLEWOOD ROAD.
BOD PT.#567: R.R. SPIRE LOCATED AT JOPPA ROAD AND PERSHING ROAD; LOCATED IN DRIVEWAY DIRECTLY ACROSS JOPPA FROM PERSHING.

GENERAL NOTES:

- GROSS SITE ACREAGE = 1.23 Ac.
- NET SITE ACREAGE = 0.96 Ac.
- EXISTING ZONING = BLR
- DEED REFERENCE: = 27604/1
- PARCELS 640, 743 & 243; TAX MAP 70, GRID 12
- TAX ACCOUNT No.— 0916150300, 1700000158 & 0923500241
- WATERSHED: HERRING RUN/BACK RIVER
- SUBSEWERSHED: 68
- EXISTING USE OF PROPERTY: RESIDENTIAL AND VACANT
- PROPOSED USE OF PROPERTY: OFFICE & STORAGE & PARK = 10,998 S.F. (8,138 S.F.) (2,860 S.F.)
- PROPOSED BUILDING AREA = 5538 S.F.
- ON-SITE PARKING REQUIRED = 8138 / 3.3 / 1000 = 27 P.S.
- PARKING SPACES SHOWN = 33 P.S. (INCL. 2 HC & 6 P.S. IN BASEMENT)
- OBSTRUCTIONS ARE SHOWN ON THIS PLAN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CORRECTNESS OF THE INFORMATION GIVEN IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION. ANY DAMAGE DUE TO THE CONTRACTOR'S NEGLIGENCE WILL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING UTILITIES AT LEAST 3 DAYS BEFORE BEGINNING WORK:
MISS UTILITY 800-257-7777
LONG DISTANCE CABLE DIV 410-539-9900 EXT 553 OR 554
VERIZON 410-539-9900 EXT 649
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED PAVING, SIDEWALKS, OR LAWNS AFFECTED BY THE CONSTRUCTION SHOWN HEREON TO A CONDITION COMPARABLE TO THAT EXISTING PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS AND SPECIFICATIONS.
- ALL SIGNS TO COMPLY WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND ALL ZONING POLICIES.
- FAR = 10,998 / 41818 = 0.263 < 0.33
- PUBLIC UTILITIES ARE AVAILABLE TO THE SITE.
- PARKING SPACES TO BE 8.5 FT x 18 FT TYPICAL.
- SEDIMENT CONTROL DEVICES TO BE INSTALLED IN ACCORDANCE WITH BALTIMORE COUNTY NATURAL RESOURCES CONSERVATION SERVICE STANDARDS AND SPECIFICATIONS AND AS DIRECTED BY THE BALTIMORE COUNTY SEDIMENT CONTROL INSPECTOR.
- ZONING HISTORY - CASE #185 ZONING VARIANCE NOT PURSUED.
- ADT = 8138 SF OFFICE @ 23/1000 SF = 188
- DRC No. 032403, APPROVED 4/4/03

SPECIAL VARIANCE REQUEST:

- 4A02.4 TO PERMIT THE PROPOSED NONINDUSTRIAL DEVELOPMENT WHERE IT HAS BEEN DETERMINED THAT THE CAPACITY OF THE PUBLIC FACILITIES NECESSARY TO ACCOMMODATE SAME IS LESS THAN NECESSARY, PURSUANT TO SECTION 4A02.4.6; AND
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.
- PURSUANT TO:
- THAT THE DEMAND OR IMPACT OF THE DEVELOPMENT PROPOSED WILL BE LESS THAN THAT ASSUMED BY THE DISTRICT STANDARD THAT WOULD OTHERWISE RESTRICT OR PROHIBIT THE DEVELOPMENT, OR THAT THE STANDARD IS NOT RELEVANT TO THE DEVELOPMENT PROPOSAL;
 - THAT THE GRANTING OF THE PETITION WILL NOT ADVERSELY AFFECT A PERSON WHOSE APPLICATION WAS FILED PRIOR TO THE PETITIONER'S APPLICATION IN ACCORDANCE WITH SECTION 4A02.3.0.2.b; AND
 - FOR SUCH OTHER REASONS AS WILL BE OFFERED AT THE PUBLIC HEARING FOR THIS MATTER.

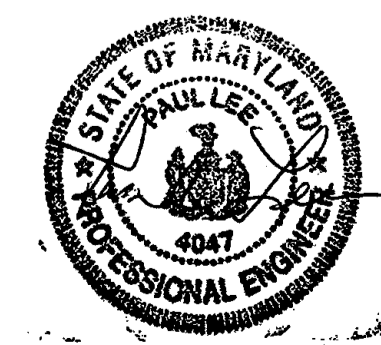


PETITIONER'S EXHIBIT 1

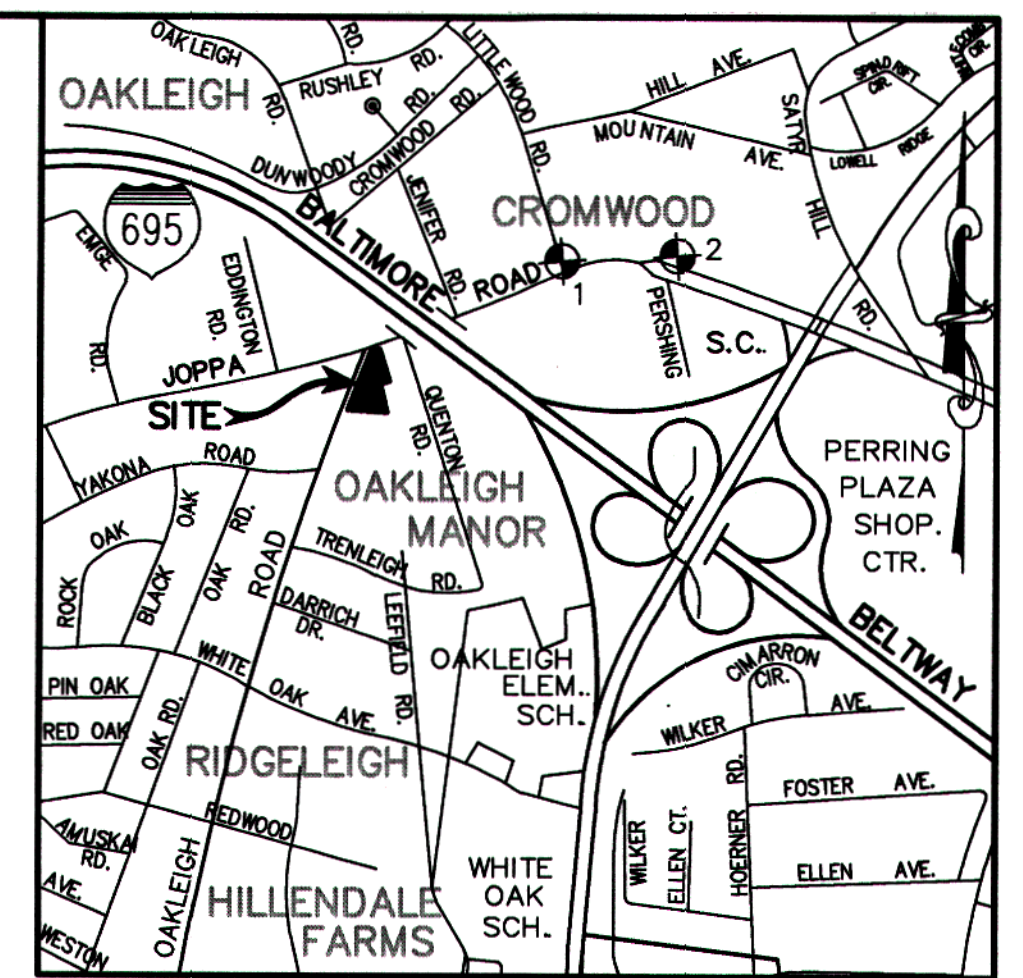
OWNER
RAVE-ON ENTERPRISES LLC
2009 PINE PEPP RD.
REISTERSTOWN, MD. 21136

KEY SHEET N-NE
POSITION SHEET 37 NE 12

DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
HORIZONTAL-NA D 83/91
VERTICAL-NAVD 88



Date	No	Revision Description
Plan to Accompany a Petition for a Special Variance of 1801 JOPPA ROAD		
CENTURY ENGINEERING, INC. CONSULTING ENGINEERS, PLANNERS, SURVEYORS 32 WEST ROAD TOWSON, MARYLAND 21284 (410) 823-8070 FAX (410) 823-8070		
TMI OFFICE COMPLEX OAKLEIGH ROAD AND JOPPA ROAD		
DISTRICT 9C5		BALTIMORE COUNTY, MD
Des By GL	Scale 1"=20'	Proj No 28289.00
Des By CRD	Date 3/17/09	Drawing No.
Des By	Approved	1 of 2



VICINITY MAP
SCALE: 1" = 1000'

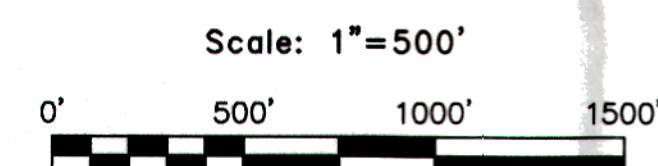


TRAFFIC ROUTES TO TMI OFFICE SITE

N → ROUTE 695 FROM PERRING PARKWAY N45° ~~W~~
NOT USING LOCH RAVEN BLVD. & JOPPA RD.

E → ROUTE 695 TO LOCH RAVEN BLVD. & JOPPA RD

TRAFFIC TO TMI SITE HAS NO IMPACT IN WESTBOUND
DIRECTION CAUSING THE "F" LEVEL AT LOCH RAVEN BLVD.
ALL OTHER DIRECTIONS ARE "D" OR LESS



Date	No	Revision Description

Aerial Image of the Neighborhood and
Road Network Surrounding
1801 JOPPA ROAD

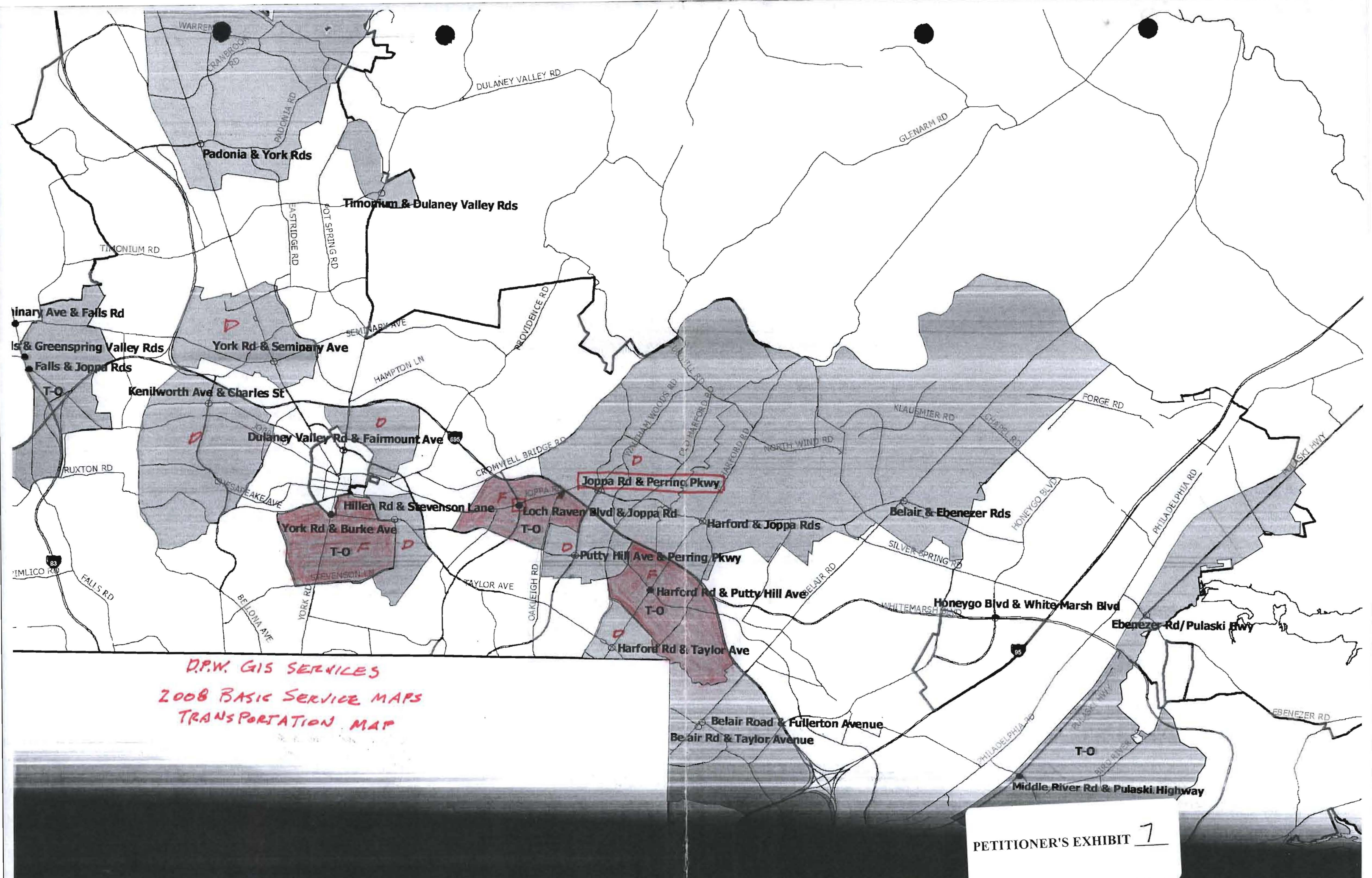
CENTURY ENGINEERING, INC.
CONSULTING ENGINEERS, PLANNERS, SURVEYORS
32 WEST ROAD
TOWSON, MARYLAND 21284
(410) 823-8070 FAX (410) 823-8070

TMI OFFICE COMPLEX
OAKLEIGH ROAD AND JOPPA ROAD

DISTRICT 9C5 BALTIMORE COUNTY, MD

Des By	GL	Scale	AS SHOWN	Proj No	28289.00
Des By	CEI	Date	3/25/09	Drawing No.	
Chk By		Approved			2 of 2

PETITIONER'S EXHIBIT 3



D.P.W. GIS SERVICES
2008 BASIC SERVICE MAPS
TRANSPORTATION MAP

PETITIONER'S EXHIBIT 7