

IN RE: PETITION FOR VARIANCE

S side of Baltimore National Pike; SW corner
of Baltimore National Pike and Geipe Road *
1st Election District
1ST Councilmanic District
(6333 Baltimore National Pike)

6333 Baltimore National Pike, LLC
Legal Owner
Patient First Corporation
Contract Purchaser

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY

CASE NO. 2010-0002-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, 6333 Baltimore National Pike, LLC and contract purchaser, Patient First Corporation. Petitioner is requesting Variance relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 30 feet and a rear yard setback of 19 feet in lieu of the required 30 feet. The subject property and requested relief are more fully depicted on the revised site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Jay Lustig, Director of Planning and Development for Petitioner Patient First Corporation, the contract purchaser, and Deborah C. Dopkin, Esquire, counsel for Petitioner. Also appearing in support of the requested relief was Timothy F. Madden with Morris & Ritchie Associates, Inc., who prepared the site plan for the subject property, and Lori Rogers with the Baltimore County Department of Economic Development. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular, trapezoid-shaped parcel that contains approximately 0.656 acre, more or less, zoned B.R.-C.C.C.

RECEIVED FOR FILED
8.13.09
m

The subject property is located on the south side of Baltimore National Pike (U.S. 40), a principle arterial divided state highway, and on the southwest corner of the intersection of Baltimore National Pike and Geipe Road in the Catonsville area of western Baltimore County. In addition, the subject property sits approximately 250 feet west of the intersection of Baltimore National Pike and Rolling Road, a major commercial intersection.

Further testimony and evidence was provided by Mr. Madden, who designed and prepared the site plan. His resume was marked and accepted into evidence as Petitioner's Exhibit 5 and he was accepted as an expert in land development, planning, landscape architecture, and interpretation of the Baltimore County Zoning Regulations. Mr. Madden indicated that the subject property is currently vacant but there have been various prior commercial uses on the property. Mr. Madden pointed to site photos marked and accepted into evidence as Petitioner's Exhibit 3 to identify the current state of the subject property and surrounding businesses. On Petitioner's Exhibit 3, Photo 1-C shows a car wash adjacent to the rear of the property, Photo 1-B shows an auto body shop located to the east of the property on the other side of Geipe Road, and Photo 2-A shows a local bank branch to the west of the subject property. The surrounding area can further be viewed from an aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2.

In continuing to describe the subject property, Mr. Madden pointed to its topography and referred to Photo 3-A on Petitioner's Exhibit 3 to show the steep slope on the western edge of the subject property. Mr. Madden offered his opinion that this extreme sloping contributes to the uniqueness of the property and creates practical difficulty and undue hardship in the development of the land. It was further noted that the subject property is served by public

8.13.09
13

utilities and services, as well as available public transportation with numerous bus stops located nearby on Geipe Road and Rolling Road.

Mr. Madden testified that the contract purchaser, Patient First Corporation, desires to construct a new Patient First medical services center on the subject property. Mr. Madden indicated that the proposed building, consisting of approximately 6,300 square feet, would be aesthetically pleasing and would be a welcome addition to the Baltimore National Pike commercial corridor. As shown in the architectural rendering marked and accepted into evidence as Petitioner's Exhibit 4, the proposed Patient First building will be visually pleasing, using glass and other materials and architectural features to aid in creating a streamlined appearance. Mr. Madden also indicated that although there are two current street entrances to the property, the entrance located on Baltimore National Pike is to be closed off with curb and gutter and a landscape buffer and sidewalk, making the entrance from Geipe Road the sole means of ingress and egress for the subject property. The current entrance is seen in Photo 1-A on Petitioner's Exhibit 3 and the proposed means of ingress and egress on Geipe Road is also shown on the site plan. In addition, the large car wash sign -- clearly visible in Photos 1-A and 1-B of Petitioner's Exhibit 3 -- will be replaced with a much smaller, less intrusive and visually appealing Patient First sign, as shown on the architectural rendering marked and accepted into evidence as Petitioner's Exhibit 7. Mr. Madden also noted that the development of this property would result in a 16% decrease in impervious surfaces.

Further, Mr. Madden offered his expert opinion that granting the variance request in order to permit the development of the subject property would be consistent with the 2010 Master Plan for commercial corridors, and within the spirit and intent of the B.C.Z.R. Ms. Dopkin submitted an excerpt from the 2010 Master Plan regulating land use of commercial

RECEIVED FOR PLANS
8-13-09
m

corridors adjoining Baltimore County's major arterial highways, which was marked and accepted into evidence as Petitioner's Exhibit 6. Two policies noted in the Master Plan are (1) to address common traffic and parking issues, including consolidating curb cuts, and (2) improving the appearance of properties within commercial corridors. Mr. Madden noted that Baltimore National Pike (U.S. 40) is a major arterial highway. He opined that eliminating the Baltimore National Pike entryway to the property and replacing it with curb and gutter and sidewalk, combined with the proposed aesthetic improvements to the property in connection with the proposed development and the addition of an important business serving the surrounding local community, meets the aforementioned Master Plan initiatives and requirements.

Jay Lustig, Director of Planning and Development for Patient First Corporation offered testimony regarding the proposed use of the subject property. He indicated that Patient First is a walk-in medical services facility that operates on a non-appointment basis. In Maryland, Patient First has eleven locations including four in Baltimore County as shown on the location map that was marked and accepted into evidence as Petitioner's Exhibit 9. The facility is open 365 days a year from 8 a.m. to 10 p.m. Mr. Lustig noted that it is Patient First's intention to open the subject location in the Fall 2010. A Patient First brochure outlining the company's mission and services was marked and accepted into evidence as Petitioner's Exhibit 8.

In concluding its presentation, Petitioner opined that the subject property is unique and that strict compliance with the B.C.Z.R. would cause practical difficulty and undue hardship. Ms. Dopkin stated that the property is unique because of its location in a designated commercial corridor, thus necessitating compliance with the 2010 Master Plan requirements; the corner site location of the subject property, thereby creating an irregularly shaped parcel and constraining the property's development capabilities; frontage on Baltimore National Pike; and the steep,

NOT RECORDED FOR FILING
8.13.09
m

dramatic sloping of the western portion of the property. Ms. Dopkin indicated that these circumstances render the property unique and if forced to strictly comply with the zoning regulations, would create practical difficulty and undue hardship for Petitioner.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 3, 2009, which recommends that certain restrictions should be placed on approval of the variance request. These restrictions relate to building elevations being reviewed by that Office prior to issuance of any building permits, that the County Landscape Architect review and approval all landscaping and lighting, and that a sidewalk be provided along the entire Geipe Road frontage as well as a sidewalk connection from the building entrance to the public sidewalk. Comments were received from the Bureau of Development Plans review dated July 27, 2009, which indicates that permanent structures may not be built in a drainage and utility easement. Petitioner shall either apply to the County for release of the easement or revise the site plan to remove all permanent structures from the easement. Further, a comment from the Maryland State Highway Administration dated July 22, 2009, indicates that the subject property is located in a designated commercial corridor and that closing of the existing U.S. 40/Baltimore National Pike entrance may be required, for which an access permit is necessary. In response to these ZAC comments, Ms. Dopkin and Mr. Madden indicated that Petitioner would comply with the conditions recommended by the various Baltimore County agencies.

Considering all the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, the subject property has several constraints, including its irregular shape and corner site location, which pose

81309
B

limitations on Petitioner's development options, and render the property unique in a zoning sense. Further, the property's location along a commercial corridor subjects the property to the requirements and policies of the 2010 Master Plan for commercial corridors. Clearly, this property's uniqueness -- combined with Petitioner's desire to move the proposed building further back from the busy highway -- drives the need for the variance. Moreover, if strict compliance with the zoning regulations for the property were required, Petitioner would suffer practical difficulty and undue hardship.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed Patient First medical services facility will provide an important service to the surrounding local community and contain attractive architectural features improving the aesthetics of the Baltimore National Pike commercial corridor. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

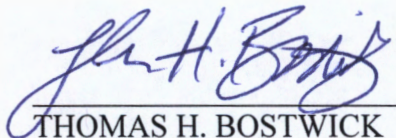
THEREFORE, IT IS ORDERED this 13th day of August, 2009 by this Deputy Zoning Commissioner, that Petitioner's request for Variance relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 30 feet and a rear yard setback of 19 feet in lieu of the required 30 feet be and is hereby GRANTED. The relief granted herein shall be subject to the following:

RECEIVED FOR FILING

8/13/09

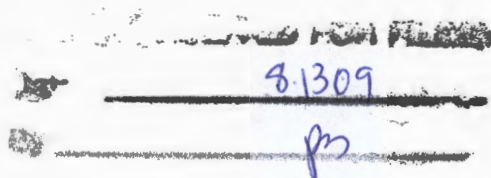
1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall provide a sidewalk along the entire Geipe Road frontage and a sidewalk connection from the building entrance to the public sidewalk.
3. Building elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.
4. Avery Harden, Baltimore County Landscape Architect, shall review and approval all landscaping and lighting.
5. In accordance with State Highway Access Manual guidelines, Petitioner must file an application and plan package with the State Highway Administration (SHA) in order to receive a permit for improvement of the entrance along Baltimore National Pike (U.S. 40).
6. As to the existing 10 foot drainage and utility easement running along the west side of the property, Petitioner shall either apply to Baltimore County for release of the drainage and utility easement or shall revise the site plan to remove all permanent structures from the easement.

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


8.1309
m



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 13, 2009

DEBORAH DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2010-0002-A
Property: 6333 Baltimore National Pike

Dear Ms. Dopkin:

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 dark ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jay Lustig, Director of Planning and Development, Patient First Corporation, 5000 Cox Road, Suite 100, Glen Allen VA 23060
Timothy F. Madden, Morris & Ritchie Associates, Inc., 14280 Laurel Center Drive, Laurel MD 20707



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 6333 Baltimore National Pike
which is presently zoned BR-CCC

Deed Reference: 23913 / 641 Tax Account # 0101020110

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

See attached.

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

To be presented at hearing.

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

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

Contract Purchaser/Lessee:

Patient First Corporation

Name - Type or Print

Signature [Signature] sr. v.p.

5000 Cox Road Ste. 100 804-822-4371

Address Telephone No.

Glen Allen, VA 23060
City State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin

Name - Type or Print

Signature [Signature]

Deborah C. Dopkin, PA

Company

409 Washington Ave. Ste. 1000 410-821-0200

Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

6333 Baltimore National Pike, LLC

Name - Type or Print

Signature [Signature]

Name - Type or Print

Signature

4837 Wisconsin Ave. Ste. 200

Address Telephone No.

Washington, DC 20016
City State Zip Code

Representative to be Contacted:

Matt Morgan

Name

14280 Park Center Dr. Ste. A 410-792-9792

Address Telephone No.

Laurel MD 20707
City State Zip Code

Case No. 2010-0002-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by A-Tau Date 07/01/09

Section 238.2. for a side yard setback of 12 feet in lieu of the required 30 feet; and for a rear yard setback of 19 feet in lieu of the required 30 feet.

2010-0002-A

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

BEGINNING for the same at a point on the southerly right of way line of Baltimore National Pike - US RTE 40 (150' wide), thence leaving said point and running with said southerly right of way line,

1. South 71°44'30" East 103.50 feet,
2. Easterly, by a curve to the left with a radius of 3894.72 feet and an arc length of 52.63 feet, said curve being subtended by a chord bearing South 72°07'43" East 52.63 feet to the westerly side of Geipe Road (70' wide), thence running thereon,
3. South 15°40'06" West 150.00 feet, thence leaving said road,
4. North 74°19'54" West 215.80 feet,
5. North 36°33'30" East 167.73 feet to the place of beginning.

CONTAINING 0.6562 acres of land, more or less.

BEING the land acquired by 6333 Baltimore National Pike, LLC from Rolling Road Realty Company by Special Warranty Deed dated May 17, 2006 and recorded among the Land Records of Baltimore County, Maryland in Liber 23913, folio 641, said land also being Lot 2 as shown on a plat of subdivision entitled "Plat of Section One, Geipe Tract" and recorded among the aforesaid land records in Plat Book WJR 28, Page 10.

The above described parcel has been compiled from deeds and plats of record and is not the result of an actual field survey by Morris and Ritchie Associates, Inc.



2010-0002-A

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

No. 39286
 Date: 7/1/09

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 7/02/2009 7/01/2009 11:23:28

NO. 039286 WALTON PROS LVR
 RECEIPT W 04/945 7/01/2009 OFFICE

Dept 5 728 ZONING VERIFICATION
 NO. 039286

Receipt Tot \$325.00
 \$325.00 CR 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325-

Total: \$325-

Rec From: 6333 BACTO NAT'L PIKE LLC

For: 6333 BALTIMORE NAT'L PIKE

2010 - 0002 - A

DISTRIBUTION

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

**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: # 2010-0002-A

6333 Baltimore National Pike
S/side of Baltimore National Pike, s/west corner of
Baltimore National Pike and Gelpie Road

1st Election District - 1st Councilmanic District
Legal Owner(s): 6333 Baltimore National Pike, LLC
Contract Purchaser: Patient First Corporation

Variance: to permit a side street setback of 12 feet in lieu of the required 30 feet, and for a rear yard setback of 19 feet in lieu of the required 30 feet.

Hearing: Wednesday, August 12, 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.

11/7/849 July 28

206677

CERTIFICATE OF PUBLICATION

7/30/2009

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 7/28/2009

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/26/09

Case Number: 2010-A

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~MATT MORGAN of MORIS RITCHIE & ASSOCIATES, INC.

Date of Hearing (Closing): AUGUST 12, 2009

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:

(1) SIGN POSTED @ 6333 BALTIMORE NATIONAL PIKE~(1) SIGN POSTED @ GEIPE ROAD (ON-SITE)

The sign(s) were posted on: JULY 25, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

6333 Baltimore National Pike

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/26/09

Case Number: 2010-0002-A

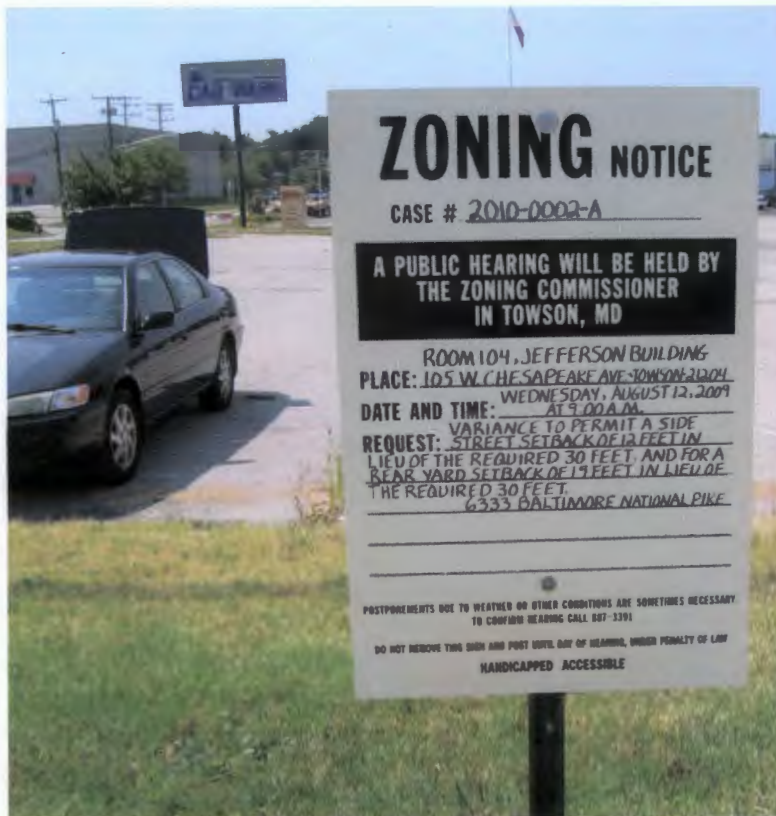
Petitioner / Developer: DEBORAH DOPKIN, ESQ.~MATT MORGAN of MORRIS RITCHIE & ASSOCIATES, INC.

Date of Hearing (Closing): AUGUST 12, 2009

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:

(1) SIGN POSTED @ 6333 BALTIMORE NATIONAL PIKE~(1) SIGN POSTED @ GEIPE ROAD (ON-SITE)

The sign(s) were posted on: JULY 25, 2009



Linda O'Keefe
(Signature of Sign Poster)

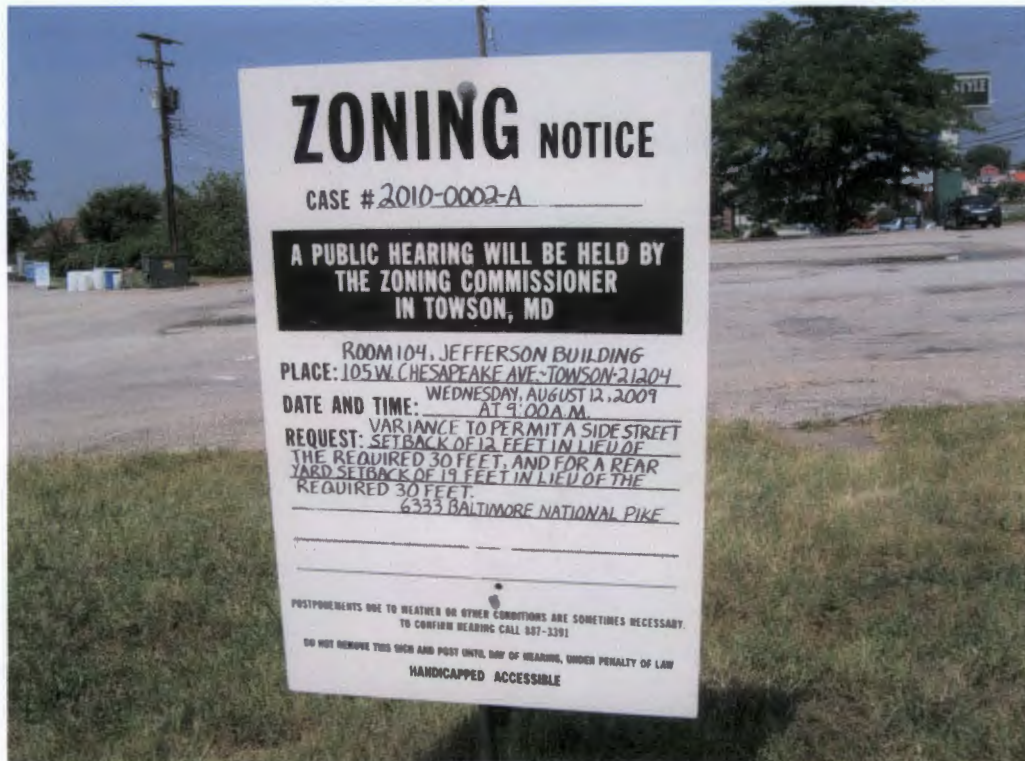
Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

6333 Baltimore National Pike



ZONING NOTICE

CASE # 2010-0002-A

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

ROOM 104, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. TOWSON 21204
DATE AND TIME: WEDNESDAY, AUGUST 12, 2009
AT 9:00 A.M.
REQUEST: VARIANCE TO PERMIT A SIDE STREET
SETBACK OF 12 FEET IN LIEU OF
THE REQUIRED 30 FEET, AND FOR A REAR
YARD SETBACK OF 19 FEET IN LIEU OF THE
REQUIRED 30 FEET.
6333 BALTIMORE NATIONAL PIKE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3291

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

GEIPE ROAD (ON-SITE)

**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: 2010-0002 - X

Petitioner: 6333 Baltimore National Pike LLC

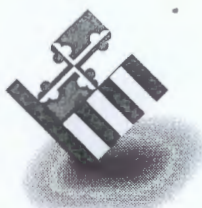
Address or Location: 6333 Baltimore National Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah C. Dapkin

Address: 409 Washington Avenue Ste. 1000
Towson MD 21204

Telephone Number: 410-821-0200



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY ~~July 22, 2009~~ ^{July 22, 2009} 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: 2010-0002-A

6333 Baltimore National Pike

S/side of Baltimore National Pike, s/west corner of Baltimore National Pike and Geipe Road

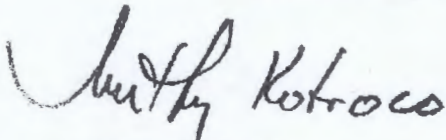
1st Election District – 1st Councilmanic District

Legal Owners: 6333 Baltimore National Pike, LLC

Contract Purchaser: Patient First Corporation

Variance to permit a side street setback of 12 feet in lieu of the required 30 feet, and for a rear yard setback of 19 feet in lieu of the required 30 feet.

Hearing: Wednesday, August 12, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Ave., Ste. 1000, Towson 21204
Patient First Corp., 5000 Cox Road, Ste. 100, Glen Allen VA 23060
6333 Baltimore National Pike, LLC, 4837 Wisconsin Ave., Ste. 200, Washington DC 20016
Matt Morgan, 14280 Park Center Dr., Ste. A, Laurel 20707

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 28, 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
Tuesday, July 28, 2009 Issue - Jeffersonian

Please forward billing to:
Deborah Dopkin
409 Washington Ave., Ste. 1000
Towson, MD 21204

410-821-0200

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: 2010-0002-A

6333 Baltimore National Pike

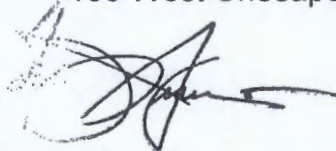
S/side of Baltimore National Pike, s/west corner of Baltimore National Pike and Geipe Road
1st Election District – 1st Councilmanic District

Legal Owners: 6333 Baltimore National Pike, LLC

Contract Purchaser: Patient First Corporation

Variance to permit a side street setback of 12 feet in lieu of the required 30 feet, and for a rear yard setback of 19 feet in lieu of the required 30 feet.

Hearing: Wednesday, August 12, 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 5, 2009

Deborah C. Dopkin
409 Washington Ave. Ste. 1000
Towson, MD 21204

Dear: Deborah C. Dopkin

RE: Case Number 2010-0002-A, 6333 Baltimore National Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 01, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
6333 Baltimore National Pike, LLC; 4837 Wisconsin Ave. Ste. 200; Washington, DC 20016
Matt Morgan; 14280 Park Center Dr. Ste. A; Laurel, MD 20707
Patient First Corporation; 5000 Cox Rd. ste. 100; Glen Allen, VA 23060

8-12-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 09 2009



ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 9, 2009

SUBJECT: Zoning Item # 10-002-A
Address 6333 Baltimore National Pike
(6333 Baltimore National Pike, LLC)

Zoning Advisory Committee Meeting of July 20, 2009

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

Reviewer: JWL

Date: 9/9/2009



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

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers:0001,0002,0003,0004,0005,0007,0008,0009,0010,0013,0014,0016,0017,0019

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 27, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2009
Item No. 2010-002

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Permanent structures may not be built in a drainage and utility easement. Either apply to the County for release of the easement or revise the plan to remove all permanent structures from the easement.

DAK:CEN:hta
cc: File
ZAC-ITEM NO 10-002-07272009.doc

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



Beverley K. Swaim-Staley, *Acting Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

July 22, 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. 2010-0002-A
US 40 (Balto. Nat. Pike)
6333 Baltimore National Pike
6333 Balto. Nat. Pike, LLC
Patient First Corporation
Mile Post 1.47
Variance –

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Plan 2010-0002-A on the subject of the above captioned, which was received on July 21st. The plan illustrates proposal for variance to permit a medical care facility with on-site parking and closing access to US 40 (Baltimore National Pike).

We have completed a cursory review of the site plan as well as existing field conditions. The following comments are offered for your consideration:

- The subject property is located on the south side of US 40 (Baltimore National Pike) at Geipe Road. Our State Highway Location Reference indicates that US 40 (Baltimore National Pike) is a principle arterial divided state highway. The Annual Average Daily Traffic volume on this section of US 40 is 39,582 vehicle trips per day. Geipe Road is identified as a local County Road. Improvements to the entrance at this location are subject to Baltimore County rules and regulations.
- We note that the applicant proposes closing the existing entrance shown on the plan along the property fronting US 40. In accordance with State Highway Access Manual guidelines a permit is necessary for improvements within the right-of-way. The applicant must file an application and plan package with SHA.
- Other improvements associated with this site maybe required up to and including closing the existing US 40 entrance, handicap accessibility and storm drain review maybe required.

In conclusion- We request that the above comments be a condition of 6333 Baltimore National Pike, LLC Item No. 2010-0002-A approval. Please include our remarks in your staff report to the Zoning Hearing Examiner.

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

TB 8/12
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 3, 2009

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

SUBJECT: 6333 Baltimore National Pike

RECEIVED

INFORMATION:

AUG 05 2009

Item Number: 10-002

Petitioner: 6333 Baltimore National Pike, LLC

ZONING COMMISSIONER

Zoning: BR-CCC

Requested Action: Variance

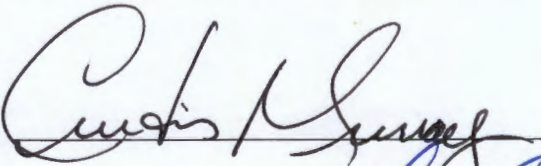
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office offers the following comments in response to the petitioner's request:

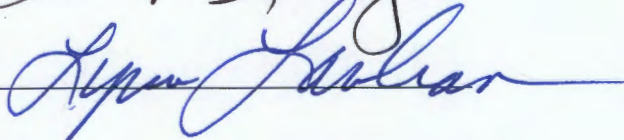
1. Provide a sidewalk along the entire Geipe Road frontage and a sidewalk connection from the building entrance to the public sidewalk..
2. Building elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.
3. Avery Harden, Baltimore County Landscape Architect shall review and approve all landscaping and lighting.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 13, 2009

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos. 2009-0326, 2010-002, 012, 027, 028,
029, 030, 031, 033 and 035

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08132009-NO COMMENTS.doc

CASE NAME 2010-0072-A
CASE NUMBER ~~2010-0072-A~~
DATE 8-17-09

NAME _____

Patient First

Monica Pachie

ADDRESS

CITY, STATE, ZIP

E-MAIL

JAY LUSTIG

5000 COX ROAD, SUITE 100

GLEN ALLEN VA 23060

jay.lustig@patientfirst.com

Tim madden

14280 Park Center Drive

Laurel, Md

tmadden@mra.org

Deborah C. Dopkin

409 Washington Ave

Towson MD 21204

ddoptkin@doptkin.law.com

RE: PETITION FOR VARIANCE * BEFORE THE
6333 Baltimore National Pike; SW corner *
of Baltimore National Pike and Geipe Road * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner: 6333 Baltimore Nat'l Pike, LLC* FOR
Contract Purchaser(s) Patient First Corp.
Petitioner(s) * BALTIMORE COUNTY
* 2010-002-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

JUL 28 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2009, a copy of the foregoing Entry of Appearance was mailed to Matt Morgan, 14280 Park Center Drive, Suite A, Laurel, MD 20707 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2010-0607-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amended Site Plan Revised	
No. 2	Aerial photograph of Site	
No. 3	Site Photos	
No. 4	Architectural Rendering of Proposed Building	
No. 5	Resume of Timothy F. Madden	
No. 6	2010 Master Plan Except	
No. 7	Rendering of Commercial Sign	
No. 8	Brochure of Patient First and its services	
No. 9	Location map of Patient First in Maryland	
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO.

4



TIMOTHY F. MADDEN, ASLA, AICP
Principal

Project Assignment:

Principal-In-Charge, Land Development
Engineering – Laurel Office
Expertise: Site Design, Land Use Planning,
Zoning, Landscape Architecture, Land
Reclamation, and Environmental Design

Years of Experience:

MRA:	16
Other Firms:	14

Education:

B.L.A., Environmental Design, 1977

Active Registration:

Certified Planner, AICP, 1984
Maryland, Landscape Architect, 1979,
#406
Delaware, Landscape Architect, 1986,
#154 (Inactive)
Virginia, Landscape Architect, 1982,
#00124 (Inactive)
North Carolina, Landscape Architect,
1990, #724 (Inactive)

Professional Affiliations:

Annapolis & Anne Arundel County
Chamber of Commerce, Inc.
Anne Arundel County Chapter,
Home Builders Association of
Maryland
Maryland Aggregates Association

The American Society of Landscape
Architects (ASLA) Former Maryland
Chapter President, 1983

Awards: 2001 Consultant of the Year
HBAM, Land Development
Council.



**MORRIS & RITCHIE
ASSOCIATES, INC.**

Qualifications:

Mr. Madden is Principal-in-Charge of MRA's Baltimore Washington corridor office, located in Laurel, Maryland. His management responsibilities extend over all Engineering, Land Planning and Survey activities within the office. In addition, He provides consulting Services in his fields of Technical Expertise. In this capacity as a registered Landscape Architect and a Certified Planner, Mr. Madden is responsible for the preparation of Site Plans, Subdivision Plans, Land Use Plans, Reports, Zoning Studies, Environmental Effects Reports, Forest Stand Delineations, Forest Conservation Program, Site Feasibility Studies, Concept Plans, Development Plans, Sketch Plans, and Special Exception Plans. He also provides consultation and expert witness testimony for projects on an as needed basis.

Mr. Madden has lengthy experience in providing master planning and site design services associated with institutional and special care facilities throughout the Baltimore-Washington region. He is thoroughly knowledgeable of institutional site functions and relationships, security, site lighting, entry treatment, pedestrian amenities, efficient vehicular access, service functions (i.e. deliveries, solid waste collection, recycling services, maintenance, visitation, buses, pick-up and arrival/departure areas), site layout, spatial formation, useable open space, "green" environmental sensitivity design, graphics, signage, and landscaping.

Mr. Madden is a Registered Landscape Architect in Maryland and holds a certificate as a Certified Planner from the American Institute of Certified Planners (AICP). His experience includes management of master planning and site design projects for institutional, industrial, residential, commercial, surface mining and mixed-use sites.

Mr. Madden's project experience includes adaptive reuse of existing structures and urban streetscape design.

Mr. Madden's military master planning experience has made him familiar with requirements for the preparation of future development and mobilization TAB's in accordance with the new AR 21-0-20 and AR 210-23. He has also utilized AR 200-1, AR 420-40, TM 5-803-4 and CEMOPS documents in the course of his military master planning work.

Mr. Madden has recognized expertise in zoning and site planning, as well as land reclamation projects.

Mr. Madden serves on the American Society of Landscape Architects' (ASLA) Open Committee on Reclamation and Restoration.

Projects Mr. Madden has successfully managed include the following projects:

PETITIONER'S

EXHIBIT NO.

5



Commercial Revitalization Tax Credit), and the enforcement of zoning regulations, building code, and other regulatory mechanisms.

6. Develop mechanisms to ensure that development standards are consistently followed, such as through agreements, overlay districts, and special review processes.
7. Explore the use of historic designations, loans, grants, and other special incentives to encourage reinvestment in older neighborhoods.

COMMERCIAL CORRIDORS

Commercial corridors are long strips of commercial land uses adjoining the county's major arterial highways, extending from Baltimore City to the URDL. The county's commercial corridors serve two vital functions: 1) as highways that carry through traffic; and 2) as access for neighboring residential areas to a wide range of shopping, dining, and other personal service opportunities.

Commercial corridors include low-density strip commercial development, accessible almost exclusively by automobile, and shopping centers, typically anchored by a large grocery store. The commercial corridors are the "faces" of the adjacent communities. The commercial corridors' appearance and liveliness influences perceptions about the adjoining neighborhoods. Well-designed and well-maintained commercial areas bring vitality to communities. Declining commercial areas and vacant storefronts hurt the image of adjacent communities and lower the quality of life for residents. The aesthetic appearance of commercial areas is as critical an issue as their economic viability.

The commercial corridors' appearance and liveliness influence perceptions about the adjoining neighborhoods.

Shopping habits are changing in terms of where and how people shop. Many purchases formerly made at department stores or discount variety stores are now being made at deep discount warehouse stores. Local market analysts agree that the deep-discount market is not built-out in Baltimore County, especially in the central corridor; several more of these types of projects are expected. There will also continue to be development of shopping centers anchored by grocery stores.

Continuing growth in mail order, television, and Internet shopping sales shows that the market remains convenience driven. Consumers want to spend less time getting to and from shopping places. They want to be able to get in and out of a shopping center quickly and park conveniently. Major drug store chains are responding to this demand with freestanding stores and

Patient First

Primary and Urgent Care  8am to 10pm Every Day

PETITIONER'S

EXHIBIT NO.

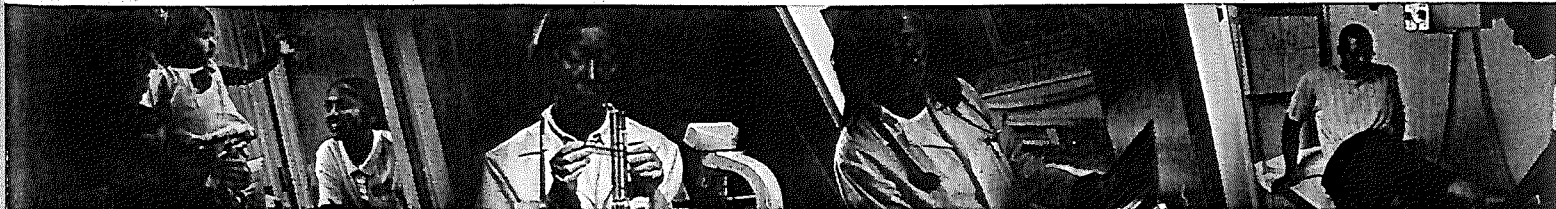
7

Advertisement
Brochure -
just scan cover

THE CARE YOU NEED.
WHEN YOU NEED IT.

PETITIONER'S

EXHIBIT NO. 8



Patient First[Contact Us](#) | [Privacy Practices](#) | [Media](#) | [Register](#) | [Login](#)[Search](#)[Home](#)[About Us](#)[Employment](#)[Physician Directory](#)[Center Locations](#)[On-Site Services](#)[Insurance Participation](#)[News & Community](#)[Health Care Links](#)[Occupational Health](#)[Forms](#)**Maryland: GREATER BALTIMORE**

- 1 Owings Mills
- 2 Green Spring Station
- 3 Bel Air
- 4 Aberdeen (Coming Soon)
- 5 Perry Hall
- 6 White Marsh
- 7 Bayview
- 8 Laurel
- 9 Glen Burnie
- 10 Pasadena
- 11 Waldorf

For a more detailed map, click on the location or number above.

PRACTIONERS IN THE GREATER BALTIMORE AREA

[Click here](#) to search for a physician in the greater Baltimore area, read bios, or view schedules.

PATIENT FIRST ON-SITE SERVICES

[Click here](#) for a list of on-site services available at every Patient First in the Greater Richmond, Greater Hampton Roads: Tidewater & Peninsula, Greater Baltimore, and Greater DC areas.

[Contact Us](#) | [Privacy Practices](#) | [Media](#)
 Copyright 2008 by Patient First | [Terms Of Use](#) | [Privacy Statement](#)

PETITIONER' SEXHIBIT NO. 9



PETITIONER'S
EXHIBIT NO. 2

AERIAL EXHIBIT

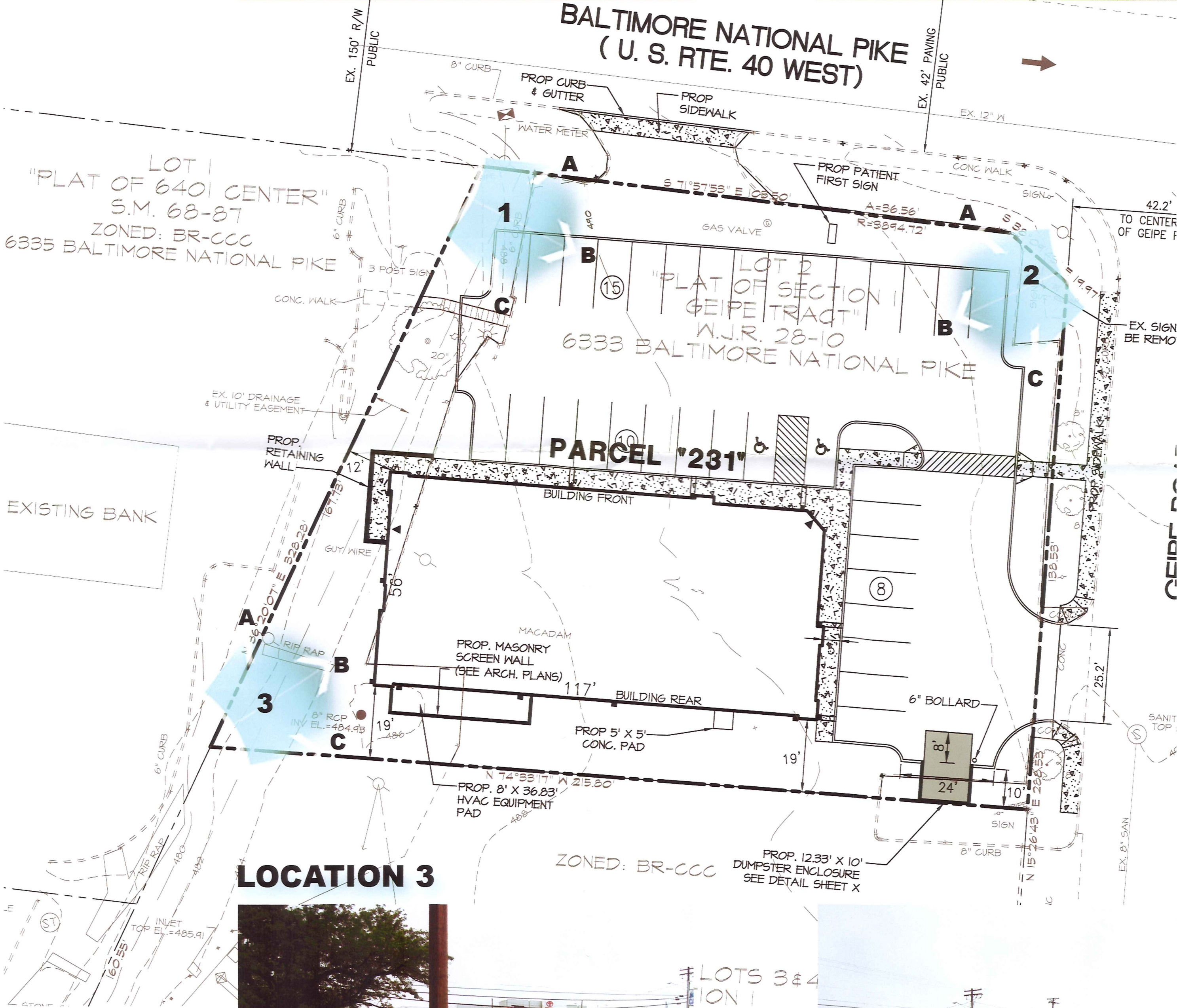
PATIENT FIRST

CATONSVILLE, MARYLAND

LOCATION 1



LOCATION 2

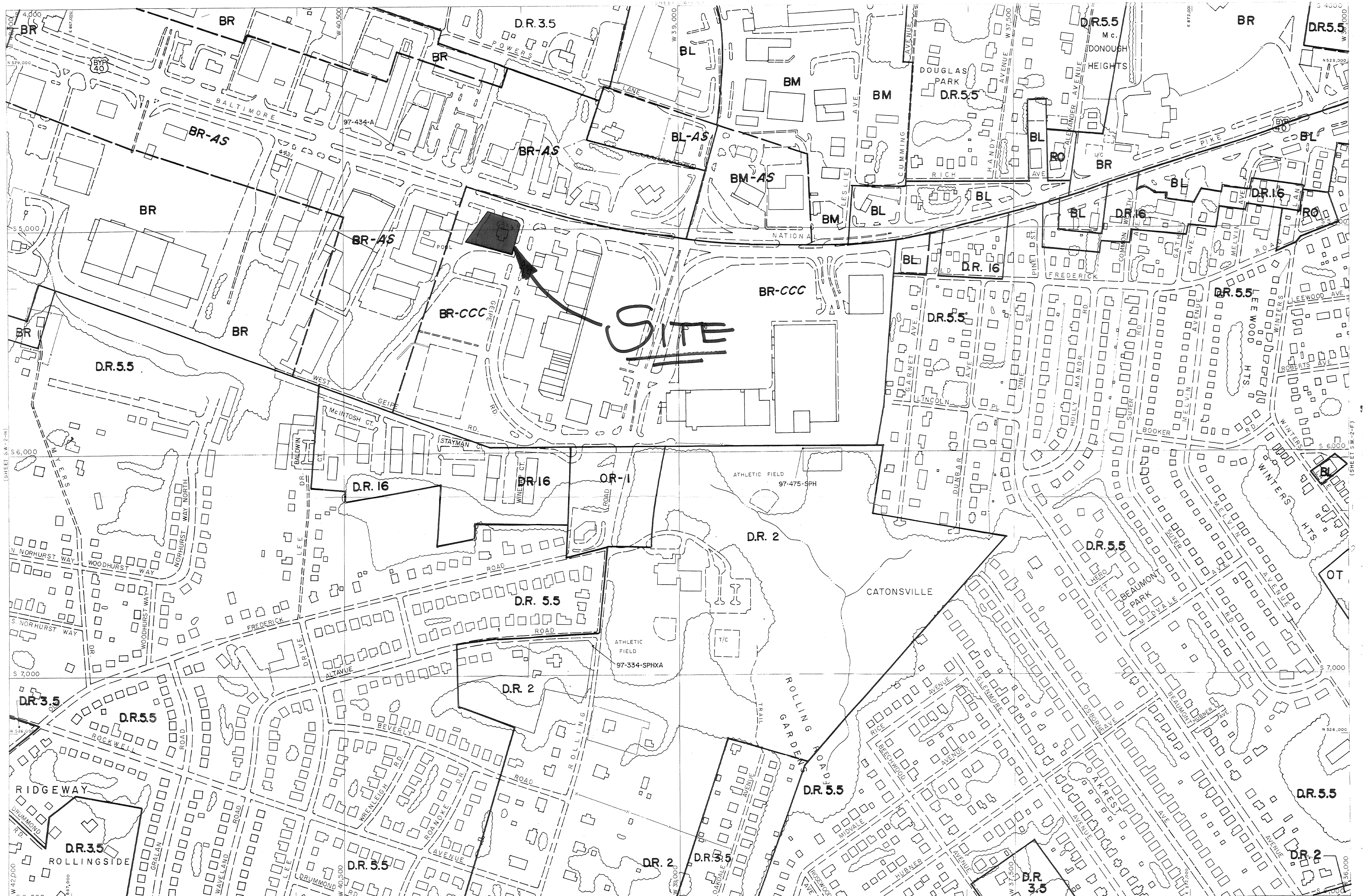


LOCATION 3



PETITIONER'S
EXHIBIT NO. 3

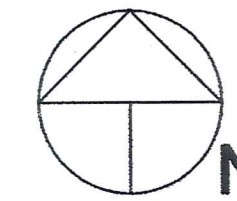
SITE PHOTOS
PATIENT FIRST
CATONSVILLE, MARYLAND



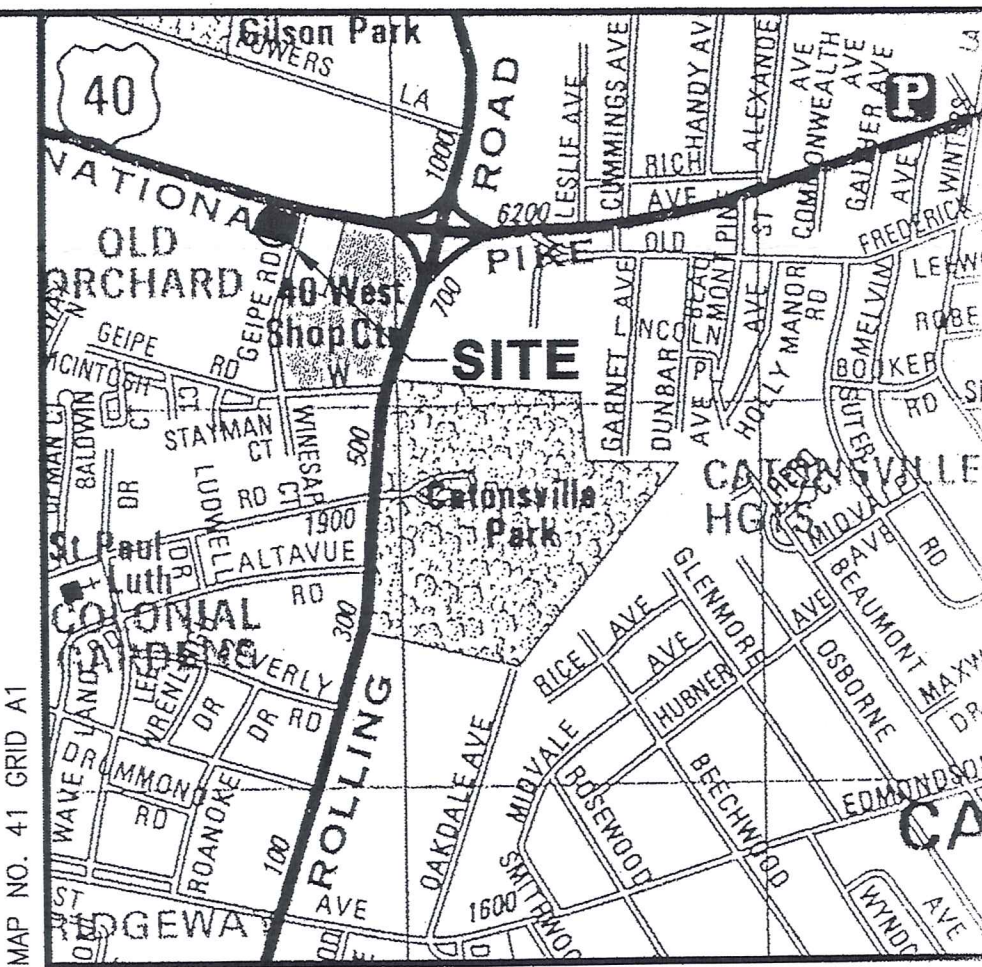
PATIENT FIRST - CATONSVILLE

6333 BALTIMORE NATIONAL PIKE, CATONSVILLE, MD

VARIANCE SITE PLAT

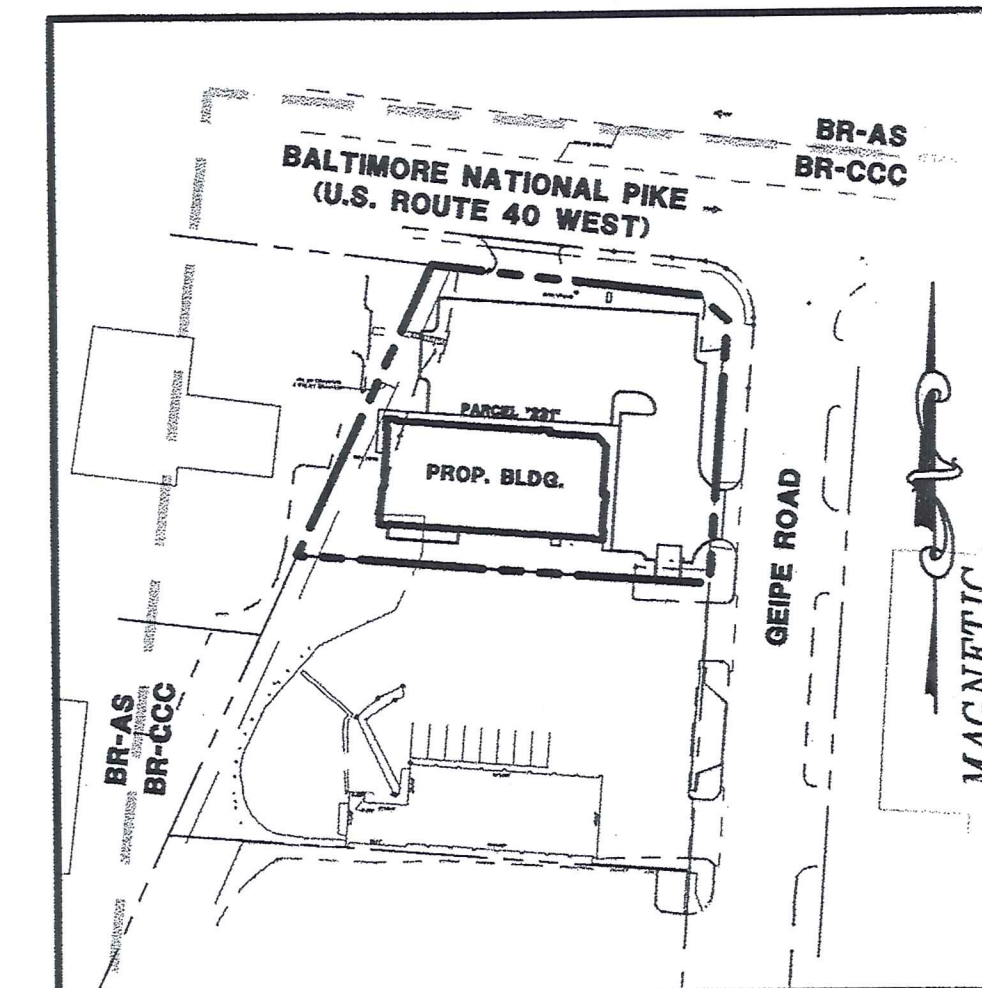


COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 20306155
MAP NO. 41 GRID A1



VICINITY MAP

SCALE: 1" = 1,000'



ZONING MAP

SCALE 1" = 100'

GENERAL NOTES

- FOR ZONING INFORMATION, REFER TO THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP "SW 2-G".
- THE HORIZONTAL AND VERTICAL CONTROL SHOWN ON THESE PLANS REFER TO THE MARYLAND STATE SYSTEM (NAD 83/ NAVD 91) OF PLANE COORDINATES.
- PER FEMA MAPS, BALTIMORE COUNTY, MARYLAND, THERE IS NO 100-YR FLOODPLAIN ON SITE.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO STREAMS OR WETLANDS ON OR ADJACENT TO THE SITE.
- RIGHT-OF-WAY WIDENING IS NOT REQUIRED.
- PRIOR BUILDING PERMIT # 8466363, NO PRIOR ZONING CASES.

PARKING TABULATION:

MEDICAL OFFICE (PARCEL 231)
4.5 PARKING SPACES PER 1,000 SQUARE FEET OF PROPOSED BUILDING AREA, OR;
6,300 SF / 100 X 4.5 = 28.35 SPACES = 29 SPACES
PARKING REQUIRED: 29 PARKING SPACES
PARKING PROVIDED: 33 PARKING SPACES

FLOOR AREA RATIO (FAR) CALCULATIONS:

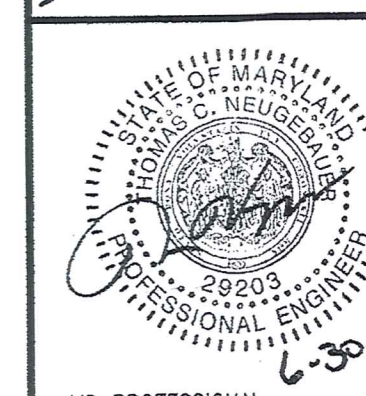
FLOOR AREA DIVIDED BY THE GROSS SITE AREA (PARCEL 231)
FAR PROVIDED: 6,300 SF / 28,584 = 0.22
FAR REQUIREMENTS: MAXIMUM 2.0

SHEET:
VSP-01



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
14280 PARK CENTER DRIVE
LAUREL, MD 20707
(410) 792-9792 / (301) 776-1690
FAX: (410) 792-7395

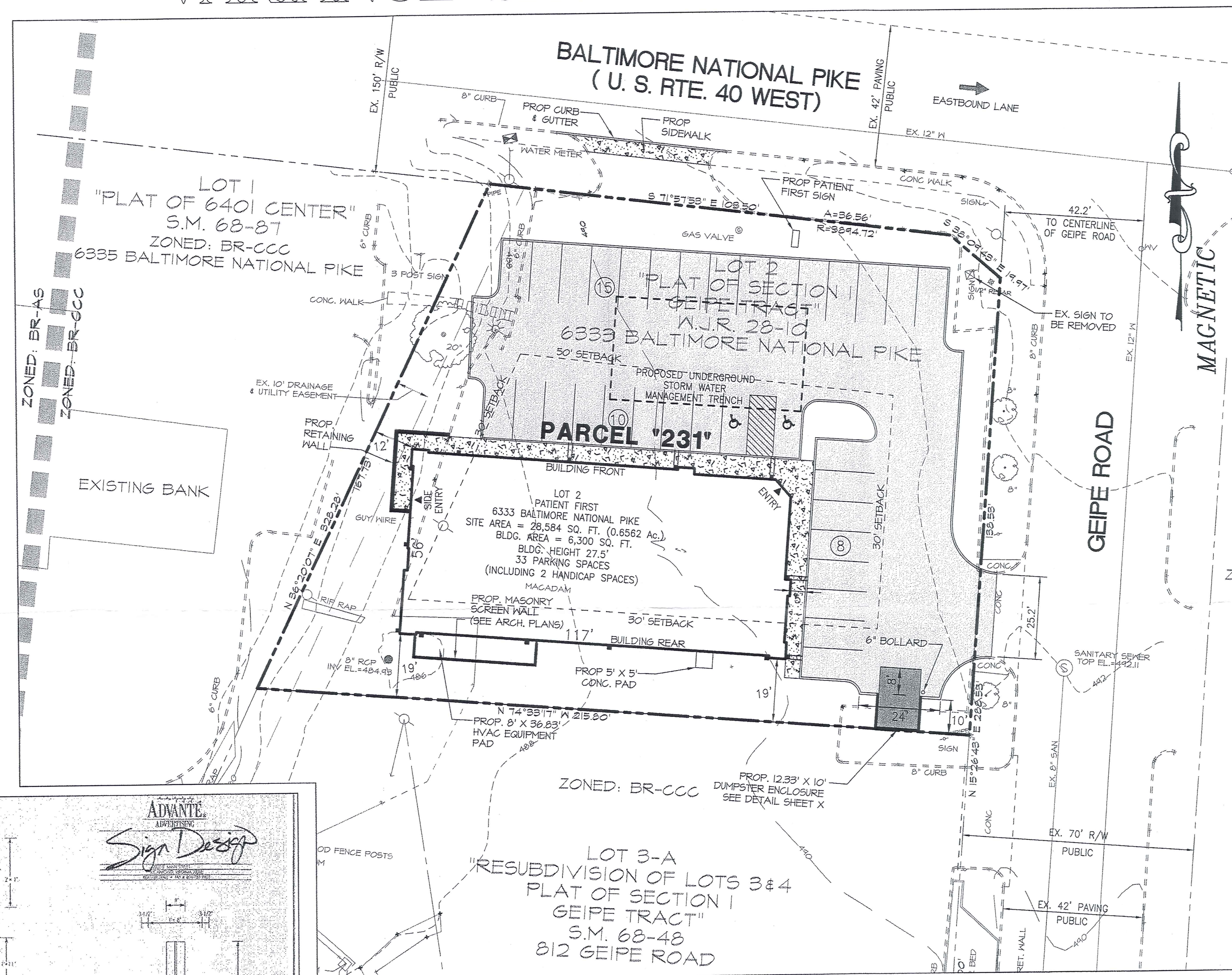
MRAGTA.COM



PATIENT FIRST
6333 BALTIMORE NATIONAL PIKE
PLAN TO ACCOMPANY VARIANCE HEARING
VARIANCE SITE PLAT

TAX ACCOUNT NO. 0101020110
ZONED: BR-CCC ~ TAX MAP 94 ~ GRID 23 ~ BLOCK 12 ~ PARCEL 231
ASSESSMENT AREA 3 ~ ELECTION DISTRICT 1 ~ COUNCILMANIC DISTRICT 1
CATONSVILLE, MARYLAND 21228 ~ BALTIMORE COUNTY

DATE	REVISIONS	JOB NO.: 16499
		SCALE: AS NOTED
		DATE: 06/19/2009
		DRAWN BY: MAM
		DESIGN BY: MAM
		REVIEW BY: TFM
		SHEET: 1 OF 1

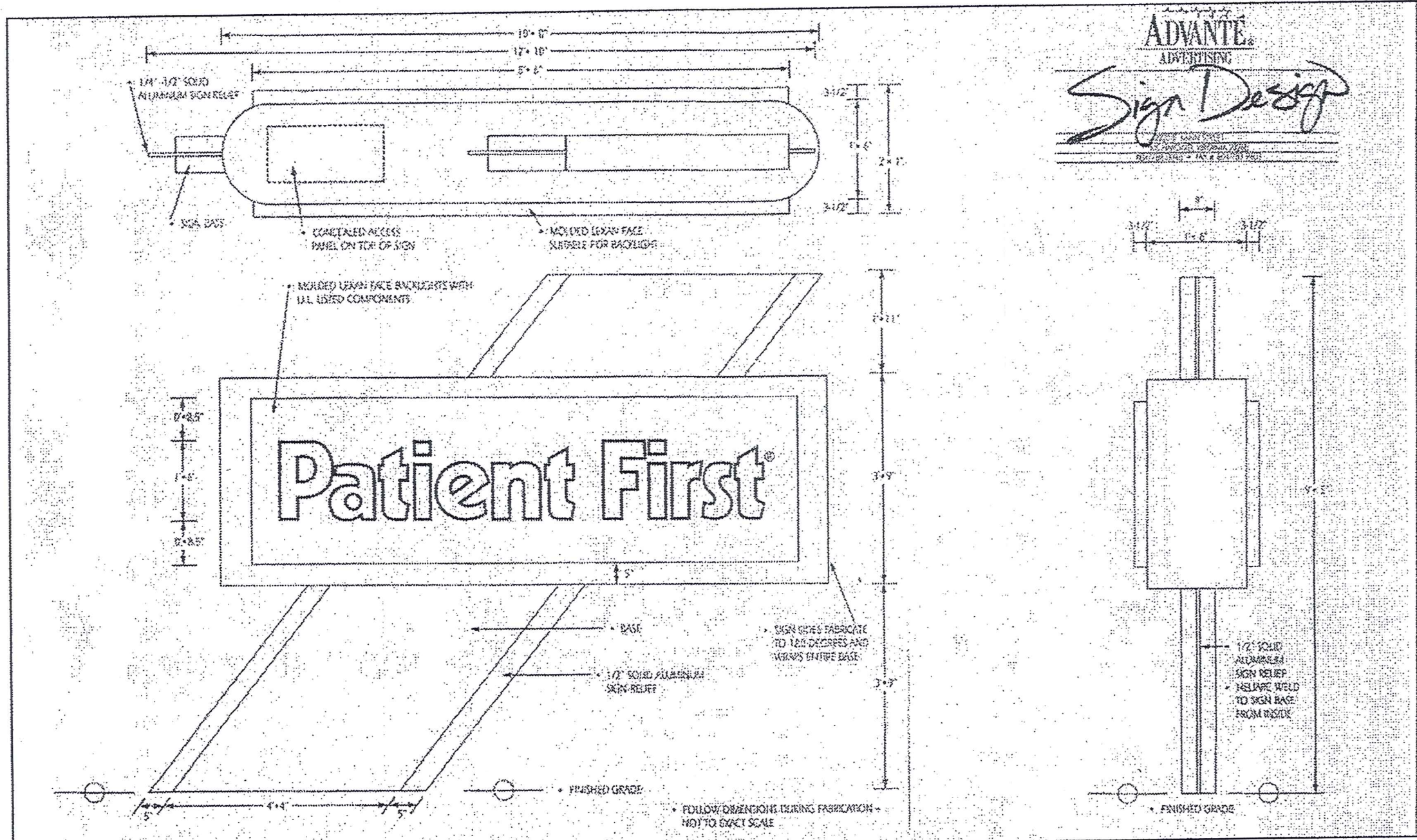


PLAN
SCALE 1" = 20'

DEVELOPER
PATIENT FIRST CORPORATION
5000 COX ROAD, SUITE 100
GLEN ALLEN, VA 23060
PHONE No. 804-822-4371
ATTN: JAY A. LUSTIG

OWNER INFORMATION
6333 BALTIMORE NATIONAL PIKE, LLC
c/o MR WASH
4837 WISCONSIN AVENUE, SUITE 200
WASHINGTON, DC 20016-4658
DEED No. LIBER 23913 FOLIO 641
PLAT No. WJR 28 FOLIO 10
SUBDIVISION: GEIPE TRACT, SECTION 1

SIGN DETAIL
N.T.S.



2010-0002-A

