

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE**

East side of Jarrettsville Pike; 562 feet from
Sweet Air Road

10th Election District

3rd Councilmanic District

(14333 Jarrettsville Pike)

Four Corners Square, LLLP

Legal Owner

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

* **Case No. 2010-0031-SPHXA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance, filed by Thomas Moore, Authorized Signatory, on behalf of the legal owner of the subject property, Four Corners Square, LLLP. The Special Exception is requested pursuant to Section 259.3.B.1 and Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a medical office use to occupy over 25% of the total adjusted gross floor area of an existing building which is permitted in the C.R. District but is not permitted by right in the underlying district. In the alternative, the Variance request is from Section 204.3.B.2.a of the B.C.Z.R. to permit a medical office to occupy up to 50% of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted 25%. The Special Hearing relief is requested in accordance with Section 500.7 of the B.C.Z.R. to amend the Order in Case No. 02-078-SPHX as may be required by the Zoning Commissioner; and, if necessary, to amend the previously approved Plan to Accompany the Petition for Special Exception/Development Plan in accordance with the newly requested relief. The subject property as it currently exists is shown on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

10-29-09

pm

Appearing at the requisite public hearing in support of the requested special exception, variance, and special hearing requests was Thomas Moore on behalf of Petitioner Four Corners Square, LLLP, and Lawrence E. Schmidt, Esquire, attorney for Petitioner. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is known as Lot No. 2 of a tract known as Four Corners Square. The property is owned by Petitioner and is approximately 3.3 acres in area, zoned R.O.-C.R. The property is located on the east side of Jarrettsville Pike (MD Route 146), just north of intersection known as "Four Corners" in the Jacksonville area of northern Baltimore County. "Four Corners" is the convergence of Paper Mill Road and Sweet Air Road running east-west, and Jarrettsville Pike running north-south. Surrounding Four Corners is a commercial village, with restaurants, retail shops, fuel service stations, and convenience stores.

As noted above, the subject lot is known as Lot No. 2 of the original tract. It is one acre in area and is improved with an existing two-story office building which is 4,866 square feet in area. Lot No. 1 is 2.31 acres in area and also contains an existing two-story office building, which is fully built out and occupied. Both lots are accessed by a single curb cut on Jarrettsville Pike.

The zoning history of the property is significant. In Zoning Case No. 96-269-XA and Development Plan Case No. X-326, Special Exception approval was granted for the property to permit a Class B office building. Additionally, certain setback and signage variances were granted. The zoning relief approved in that case was coupled with Development Plan approval for the subdivision of the overall tract. A copy of the Order for the Zoning/Development Plan cases was marked and accepted into evidence collectively as Petitioner's Exhibit 2.

NOT RECORDED FOR FILING

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A second zoning case was considered under Case No. 02-078-SPHXA. In that case, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 3, identical special exception approval was requested in that the original Special Exception had lapsed. Additionally, Special Hearing relief was requested to modify the initial Order. Identical variances were requested; however that Petition was ultimately dismissed as moot and as unnecessary. It was determined that the variances previously granted were still valid.

Although Lot No. 1 is built out and occupied, the instant petitions were filed for Lot No. 2. The building on Lot No. 2 has been constructed but is not fully occupied. The second floor of the building will be used for general office purposes (insurance business) and the first floor will be occupied by a dentist, Christopher Parsons, DDS. The instant petitions were filed to allow this occupancy.

The Petitions for Special Hearing and Variance were filed in the alternative. The Petition for Variance seeks an area variance; to permit 50% of the total adjusted floor area to be used for medical offices, in lieu of the maximum permitted 25%. Variances of this nature have been granted in the past (*See, e.g.*, Case No. 2003-0275-A and Case No. 1989-0554-SPHA). In *Balint vs. County Board of Appeals of Baltimore County*, Case No. 82-M-201, the Circuit Court for Baltimore County held that such an approval was not a use variance, but an area variance. The Court concluded that a restriction on percentage of occupancy could be varianced by the Zoning Commissioner.

The special exception relief, which is requested in the alternative, is based upon the language in Section 204.3.B.2(a) of the B.C.Z.R. (the R.O. zone use regulations) and Section 259.3.B.2 of the B.C.Z.R. (the C.R. District overlay regulations). Read in conjunction with one another, those regulations permit a medical office which occupies greater than 25% of the

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adjusted gross floor area in the R.O.-C.R. zone where Petitioner satisfies the special exception criteria set forth in Section 502.1.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Office of Planning dated August 20, 2009 indicates that they reviewed the request, site plan and visited the site on August 13, 2009. The comments correctly state that the exterior of the building has been completed and the parking lot has been paved. Although the exterior of the building is completed, construction on the property is not yet completed as landscaping is not installed and there is no dumpster or dumpster enclosure. There is also a free-standing monument sign advertising the building on the property and a temporary "for lease" sign. The comment states that the Greater Jacksonville Plan provides that trash containers and mechanical equipment be screened and not be audible to any adjacent residential property. Landscaping is also suggested given that nearby properties to the north and east are residential in nature. Finally, the comment recommends that Petitioner provide landscaping on the site, screening for the dumpster area when a dumpster is installed, and any signage shall be similar in size and style to the existing. Provided the aforementioned requests are adhered to, the Office of Planning does not oppose Petitioner's request.

In considering this comment, it is to be noted that the subdivision of the subject property was approved pursuant to the Development Plan submitted in Case No. 96-269-XA. That plan addressed the landscaping, signage and other issues. Rather than restate those requirements, Petitioner is reminded that the requirements as shown on the Development Plan remain applicable. Specifically, that Plan describes the landscaping requirements (See Note 18 and schematically shown as a 20 foot buffer), and requires that any dumpsters be screened (See Note 19), and that signage be in accordance with Section 450 of the B.C.Z.R. (See Note 16).

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A DEPRM comment was also submitted requiring that Petitioner submit a usage letter to the Ground Water Management division of DEPRM to determine the impact of the medical offices on the septic system. Petitioner indicated no objection to this requirement.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the requested relief under the Petition for Special Exception. I find that Petitioner has met the burden under Section 307.1 for a variance to be granted, but conclude that approval is more properly granted pursuant to the Petition for Special Exception. Given the locale, size of the lot, and existing conditions, I hereby find that the proposed dental office will not detrimentally impact the health, safety and personal welfare of the locale. This use is entirely consistent with others in the Four Corners commercial town center. Particularly given the subject lot and locale, I find that this request is consistent with the criteria set forth in Section 502.1 and approval of the use as a special exception is warranted.

I will also grant the special hearing to permit the plan to be amended to reflect the medical office use. This amendment is appropriate and the plan will properly reflect actual site conditions.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered, I find that Petitioner's requests for special exception, special hearing, and variance should be granted.

THEREFORE, IT IS ORDERED this 29th day of October, 2009, by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception pursuant to Section 259.3.B.1 and/or Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a medical office use to occupy over 25% of the total adjusted gross floor area of an existing building which is permitted in the C.R. District but is not permitted by right in the underlying district be and is hereby GRANTED; and

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[Signature]

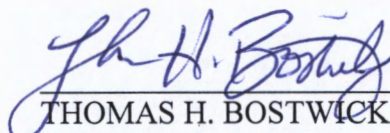
IT IS FURTHER ORDERED that Petitioner's request for Special Hearing to amend the Order in Case No. 02-078-SPHX as may be required by the Zoning Commissioner, and to amend the previously approved Plan to Accompany the Petition for Special Exception/Development Plan in accordance with the newly requested relief be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 204.3.B.2.a of the B.C.Z.R. to permit a medical office to occupy up to 50% of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted 25% be and is hereby DISMISSED AS MOOT.

The relief granted herein shall be subject to the following conditions:

1. Petitioner may apply for its 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 will be required to return, and be responsible for returning, said property to its original condition;
2. Petitioner shall provide landscaping on the site and screening for the dumpster as required under the Development Plan;
3. All signage shall be in compliance with the Section 450 of the B.C.Z.R. as shown/approved on the Development Plan and as modified in Zoning Case No. 96-269-XA and Development Plan Case No. X-326, and Case No. 02-078-SPHX; and
4. Petitioner shall submit a usage letter to DEPRM to determine the impact of the medical offices on the septic system.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 29, 2009

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petitions for Special Hearing, Special Exception and Variance
Case No. 2010-0031-SPHXA
Property: 14333 Jarrettsville Pike

Dear Mr. Schmidt:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Thomas Moore, Four Corners Square LLLP, PO Box 400, Phoenix MD 21131



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14333 Jarrettsville Pike

which is presently zoned RO-CR

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

PLEASE SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Four Corners Square, LLLP

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 400, 14346 Jarrettsville Pike

Address

Telephone No.

Phoenix

MD

21131

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0031-5PHXA

UNAVAILABLE FOR HEARING

Reviewed By

Date

7-28-09

REV 9/15/98

10-29-09

pm

ATTACHMENT TO PETITION FOR SPECIAL HEARING

14333 Jarrettsville Pike
10th Election District
3rd Councilmanic District

1. To amend the order in Case No. 02-078 SPHX as may be required by the Zoning Commissioner.
2. If necessary, to amend the previously approved Plan to Accompany the Petition for Special Exception/Development Plan in accordance with the newly requested relief.
3. For such other and further relief as may be required by the Zoning Commissioner.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 14333 Jarrettsville Pike

which is presently zoned RO-CR

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

I, or we, agree to pay expenses of above Special Exception, 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:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200 (410) 821 0070

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Four Corners Square, LLLP by: Thomas Moore

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 400, 14346 Jarrettsville Pike.

Address

Telephone No.

Phoenix

MD

21131

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 7.28.09

Case No. 2010-0031-SPHXA

REV 09/15/98

10-29-09

ms

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

14333 Jarrettsville Pike
10th Election District
3rd Councilmanic District

1. To permit a medical office use to occupy over twenty-five percent (25%) of the total adjusted gross floor area of an existing building, which is permitted in the C.R. District but is not permitted by right in the underlying district pursuant to BCZR Section 259.3.B.2 and/or pursuant to BCZR 204.3.B.2.a.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 14333 Jarrettsville Pike

which is presently zoned: RO-CR

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):

PLEASE 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Four Corners Square, LLLP

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 400, 14346 Jarrettsville Pike

Address

Telephone No.

Phoenix

MD

21131

City

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

2010-0031-SPH4A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

7-28-09

REV 9/15/98

10-29-09

pm

ATTACHMENT TO PETITION FOR VARIANCE

14333 Jarrettsville Pike
10th Election District
3rd Councilmanic District

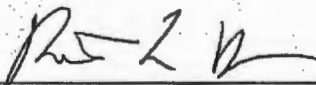
1. To permit a medical office to occupy up to fifty percent (50%) of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted twenty-five percent (25%) pursuant to BCZR Section 204.3.B.2.a.



July 22, 2009

DESCRIPTION TO ACCOMPANY ZONING PETITION

BEGINNING FOR THE SAME at a point on the Easterly Right-of-Way line of Jarrettsville Pike, (Maryland Route 146), said point being located North 562 feet more or less from the intersection of Jarrettsville Pike and Sweet Air Road, running thence on the Eastern Right-of-Way line of Jarrettsville Pike, binding on the outline as described in Liber S.M. 7894, folio 191: Place of Beginning, North 01° 55' 02" West 149.09 feet, thence by a curve to the right having a radius of 2,250.01 feet, for a distance of 134.32 feet, thence by curve to the right having a radius of 997.04 feet for a distance of 47.03 feet, thence leaving the Eastern Right-of-Way of Jarrettsville Pike, South 72° 37' 13" East 253.00 feet, thence South 03° 41' 26" East 21.43 feet, thence North 72° 37' 13" West 55.00 feet, thence South 25° 50' 11" West 274.66 feet, thence South 87° 50' 23" West 66.74 feet thence to the Place of Beginning, containing 1.000 Acres of land, more or less.


Robert L. Royer, RLA #1007



THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

14315 Jarrettsville Pike, P.O. Box 249 Phoenix, MD 21131-0249

(410) 683-3388 • fax (410) 683-3389

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: # 2010-0031-SPHX

14333 Jarrettsville Pike

E/side of Jarrettsville Pike, 562 feet +/- from Sweet Air Road

10th Election District — 3rd Councilmanic District

Legal Owner(s): Four Corners Square, LLLP

Variance: to permit a medical office to occupy up to 50% of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted 25%. **Special Hearing:** to amend the order in case 02-078-SPHX as may be required by the Zoning Commissioner, if necessary to amend the previously approved plan to accompany the petition for special exception/development plan in accordance with the newly required relief and for such other relief as may be required by the Zoning Commissioner. **Special Exception:** to permit a medical office use to occupy over 25% of the total adjusted gross floor area of an existing building, which is permitted in the C.R. district but is not permitted by right in the underlying district.

Hearing: Thursday, September 24, 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.

9/04/6 September 3

210603

CERTIFICATE OF PUBLICATION

9/3/, 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 9/3/, 2009.

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

J. Wilkins

LEGAL ADVERTISING

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

No. **43253**

Date: **7.28.09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 7/29/2009 7/28/2009 11:02:18 2

REG WSO2 WALKIN JEVA JEE

RECEIPT # 644398 7/28/2009 GFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 043253

Recpt Tot \$800.00

\$800.00 CK \$0.00 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				800.00

Total: **800.00**

Rec From: **FOUR CORNERS**

For: **2010-0031-SPHA**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: 2010-0031- SPHXA

Petitioner/Developer: __

Four Corners Square, LLP

Date of Hearing/closing: September 24, 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, _____
14333 Jarrettsville Pike

The sign(s) were posted on Sept. 5, 2009
(Month, Day, Year)

Sincerely,

Root Black Sept. 9, 2009

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0031 SPHXA

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204

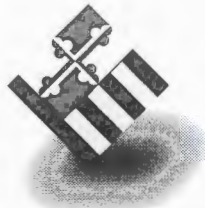
DATE AND TIME: THURSDAY, SEPTEMBER 24, 2009 AT 9:00 A.M.

REQUEST VARIANCE TO PERMIT A MEDICAL OFFICE TO OCCUPY UP
TO 50% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OF AN EXISTING
CLASS B OFFICE BUILDING IN LIEU OF THE PERMITTED 25% SPECIAL
HEARING TO AMEND THE ORDER IN CASE 02-078-SPHXA AS MAY
BE REQUIRED BY THE ZONING COMMISSIONER. IF NECESSARY TO AMEND THE
PREVIOUSLY APPROVED PLAN TO ACCOMPANY THE PETITION FOR SPECIAL
EXCEPTION/DEVELOPMENT PLAN IN ACCORDANCE WITH THE NEWLY

REQUIRED RELIEF AND FOR SUCH OTHER RELIEF AS MAY BE REQUIRED
BY THE ZONING COMMISSIONER. SPECIAL EXCEPTION TO PERMIT A
MEDICAL OFFICE USE TO OCCUPY OVER 25% OF THE TOTAL
ADJUSTED GROSS FLOOR AREA OF AN EXISTING BUILDING, WHEN
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 882-1101
IS PERMITTED IN THE CD DISTRICT BUT IS NOT PERMITTED BY RIGHT
IN THE UNDERLYING DISTRICT.

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



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 19, 2009

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: 2010-0031-SPHXA

14333 Jarrettsville Pike
E/side of Jarrettsville Pike, 562 feet +/- from Sweet Air Road
10th Election District – 3rd Councilmanic District
Legal Owners: Four Corners Square, LLLP

Variance to permit a medical office to occupy up to 50% of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted 25%. Special Hearing to amend the order in case 02-078-SPHX as may be required by the Zoning Commissioner; if necessary to amend the previously approved plan to accompany the petition for special exception/development plan in accordance with the newly required relief and for such other relief as may be required by the Zoning Commissioner. Special Exception to permit a medical office use to occupy over 25% of the total adjusted gross floor area of an existing building, which is permitted in the C.R. district but is not permitted by right in the underlying district.

Hearing: Monday, September 21, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

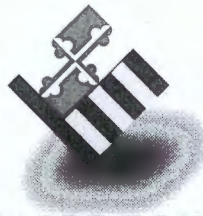
A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Four Corners Square, Thomas Moore, P.O. Box 400, 14346 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 5, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 31, 2009

NEW 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: 2010-0031-SPHXA

14333 Jarrettsville Pike

E/side of Jarrettsville Pike, 562 feet +/- from Sweet Air Road

10th Election District – 3rd Councilmanic District

Legal Owners: Four Corners Square, LLLP

Variance to permit a medical office to occupy up to 50% of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted 25%. Special Hearing to amend the order in case 02-078-SPHX as may be required by the Zoning Commissioner; if necessary to amend the previously approved plan to accompany the petition for special exception/development plan in accordance with the newly required relief and for such other relief as may be required by the Zoning Commissioner. Special Exception to permit a medical office use to occupy over 25% of the total adjusted gross floor area of an existing building, which is permitted in the C.R. district but is not permitted by right in the underlying district.

Hearing: Thursday, September 24, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Four Corners Square, Thomas Moore, P.O. Box 400, 14346 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 5, 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, September 3, 2009 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Gildea & Schmidt
600 Washington Ave., Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

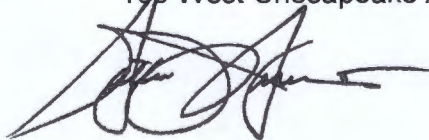
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0031-SPHXA

14333 Jarrettsville Pike
E/side of Jarrettsville Pike, 562 feet +/- from Sweet Air Road
10th Election District – 3rd Councilmanic District
Legal Owners: Four Corners Square, LLLP

Variance to permit a medical office to occupy up to 50% of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted 25%. Special Hearing to amend the order in case 02-078-SPHX as may be required by the Zoning Commissioner; if necessary to amend the previously approved plan to accompany the petition for special exception/development plan in accordance with the newly required relief and for such other relief as may be required by the Zoning Commissioner. Special Exception to permit a medical office use to occupy over 25% of the total adjusted gross floor area of an existing building, which is permitted in the C.R. district but is not permitted by right in the underlying district.

Hearing: Monday, September 21, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 3, 2009 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Gildea & Schmidt
600 Washington Ave., Ste. 200
Towson, MD 21204

410-821-0070

★ CORRECTED NOTICE OF ZONING HEARING ★

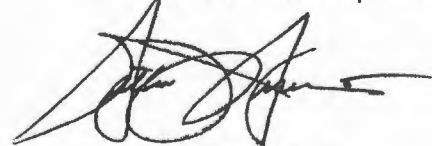
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CASE NUMBER: 2010-0031-SPHXA

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E/side of Jarrettsville Pike, 562 feet +/- from Sweet Air Road
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Legal Owners: Four Corners Square, LLLP

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Hearing: Thursday, September 24, 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.

Kristen Matthews - 14333 Jarrettsville Pike- Case No.: 2010-0031-SPHXA

From: "Kelly Benton" <kbenton@gildeallc.com>
To: <kmatthews@baltimorecountymd.gov>
Date: 8/31/2009 12:46 PM
Subject: 14333 Jarrettsville Pike- Case No.: 2010-0031-SPHXA
CC: "Larry Schmidt" <lschmidt@gildeallc.com>

Kristin:

This email is to confirm that the hearing previously scheduled for the above referenced matter has been rescheduled from September 21, 2009 to September 24, 2009 at 9:00 a.m. Larry spoke with Deputy Zoning Commissioner Bostwick this morning and he confirmed that he had no problem with that.

If you have any questions or need further assistance with this matter, please contact me.

Thank You,
Kelly

Kelly M. Benton
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax

This email contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Gildea & Schmidt, LLC by telephone immediately.

**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.

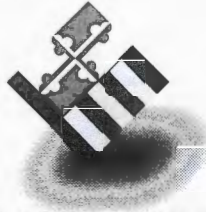
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010-0031-SPHXA
Petitioner: FOUR CORNERS SQUARE, LLC
Address or Location: 14333 JARRETTSVILLE PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE SCHMIOT, ESQ.
Address: GILDEA & SCHMIOT, LLC
600 WASHINGTON AVE., SUITE 200
TOWSON, MD. 21204
Telephone Number: 410-821-0070



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 18, 2009

Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Ave, Ste 200
Towson, MD 21204

Dear: Lawrence E. Schmidt

RE: Case Number 2010-0031-SPHXA, 14333 Jarrettsville 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 28, 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
Four Corner Square, LLLP; P.O. Box 400; 14333 Jarrettsville Pike; Phoenix, MD 21131

TB 9/21
9Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 20, 2009

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

SUBJECT: 1433 Jarrettsville Pike

INFORMATION:

Item Number: 10-031

Petitioner: Four Corners Square, LLP

Zoning: RO-CR

Requested Action: Special Hearing, Special Exception and Variance

RECEIVED
AUG 24 2009
ZONING COMMISSIONER

The petitioner requests a special exception from Section 259.3.B.2 and or 204.3.B.2.a to permit a medical office use to occupy over twenty-five percent (25%) of the total adjusted gross floor area of an existing building, which is permitted in the CR district, but is not permitted by right in the underlying district. The petitioner is also requesting a variance from Section 204.3.B.2.a of the BCZR to permit a medical office to occupy up to fifty percent (50%) of the total adjusted gross floor area of an existing Class B office building in lieu of the permitted twenty-five percent (25%). Lastly, the Petitioner is requesting a special hearing to amend the order in Case No. 02-078SPHX as may be required by the Zoning Commissioner, also if necessary, to amend the previously approved site plan to accompany the petition for special exception/development plan in accordance with the newly requested relief, finally, for such other and further relief as may be required by the Zoning Commissioner.

SUMMARY OF RECOMMENDATIONS:

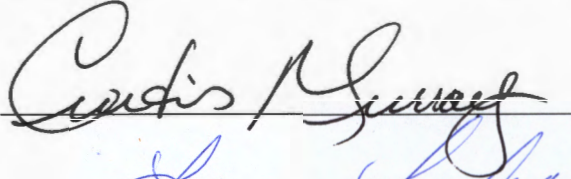
The Office of Planning has reviewed the petitioner's request, accompanying site plan and visited the site on August 13th. It appears that the exterior of the building has been completed and the parking lot has been paved. At this time there appears to be no landscaping, dumpster or dumpster enclosure. There is also a freestanding monument sign advertising the building on the property. There is also a temporary "for lease" sign that is also on the property. The Greater Jacksonville Plan emphasizes the need for landscaping as well as the need for trash containers and mechanical equipment be screened and not be audible to any residential property. Properties to the north and east are residential in nature.

The petitioner shall provide landscaping on the site, screening for the dumpster area when a dumpster is installed and any signage shall be similar in size and style to the existing. Provided

the aforementioned requests are adhered to, the Office of Planning does not oppose the petitioner's request for zoning relief.

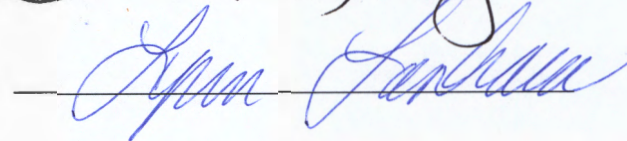
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to read "Curtis R. Givens", written over a horizontal line.

Division Chief:

AFK/LL: CM

A handwritten signature in blue ink, appearing to read "Sam Farham", written over a horizontal line.

TB
9-24-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 10 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 10, 2009

SUBJECT: Zoning Item # 10-031-SPHXA
Address 14333 Jarrettsville Pike
(Four Corners Square, LLP Property)

Zoning Advisory Committee Meeting of August 3, 2009

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

A usage letter must be submitted to GWM to determine the impact of the medical offices
on the septic system.

Reviewer: S. Farinetti

Date: 08/19/2009



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

State Highway
Administration

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

Maryland Department of Transportation

Date: AUGUST 4, 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. 2010-0031-SPHXA
MD 146
(14333 JARRETTVILLE PIKE)
FOUR CORNERS SQUARE, LLP
SPECIAL EXCEPTION -
SPECIAL HEARING -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8/4. A field inspection and internal review reveals that the existing entrance onto MD 146 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to FOUR CORNERS SQUARE, Case Number 2010-0031 approval.
SPHXA

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
14333 Jarrettsville Pike, E/S Jarrettsville Pike* ZONING COMMISSIONER
562' from Sweet Air Road
10th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Four Corners Square, LLLP
Petitioner(s) * BALTIMORE COUNTY
* 10-031-SPHXA

* * * * *

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

AUG 07 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 7th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

July 23, 2009

0031

Via Hand Delivery

Mr. John Lewis
Zoning Review
111 W. Chesapeake Ave.
Towson, MD 21204

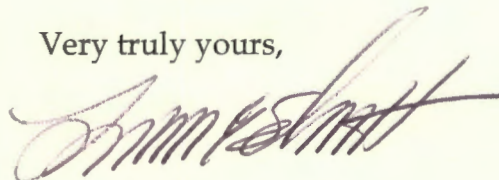
Re: Gaylord Brooks/Four Corners Square

Dear Mr. Lewis:

Attached please find the drop off petitions for the above referenced property previously the subject of a filing appointment on July 21, 2009. Included are three (3) copies of the Petition for Variance, three (3) copies of the Petition for Special Hearing, three (3) copies of the Petition for Special Exception, twelve (12) copies of the site plan, three (3) copies of the metes and bounds description, one (1) copy of the official zoning map and a check for the filing fees.

Please feel free to contact me with any additional information you may require. With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES: sf

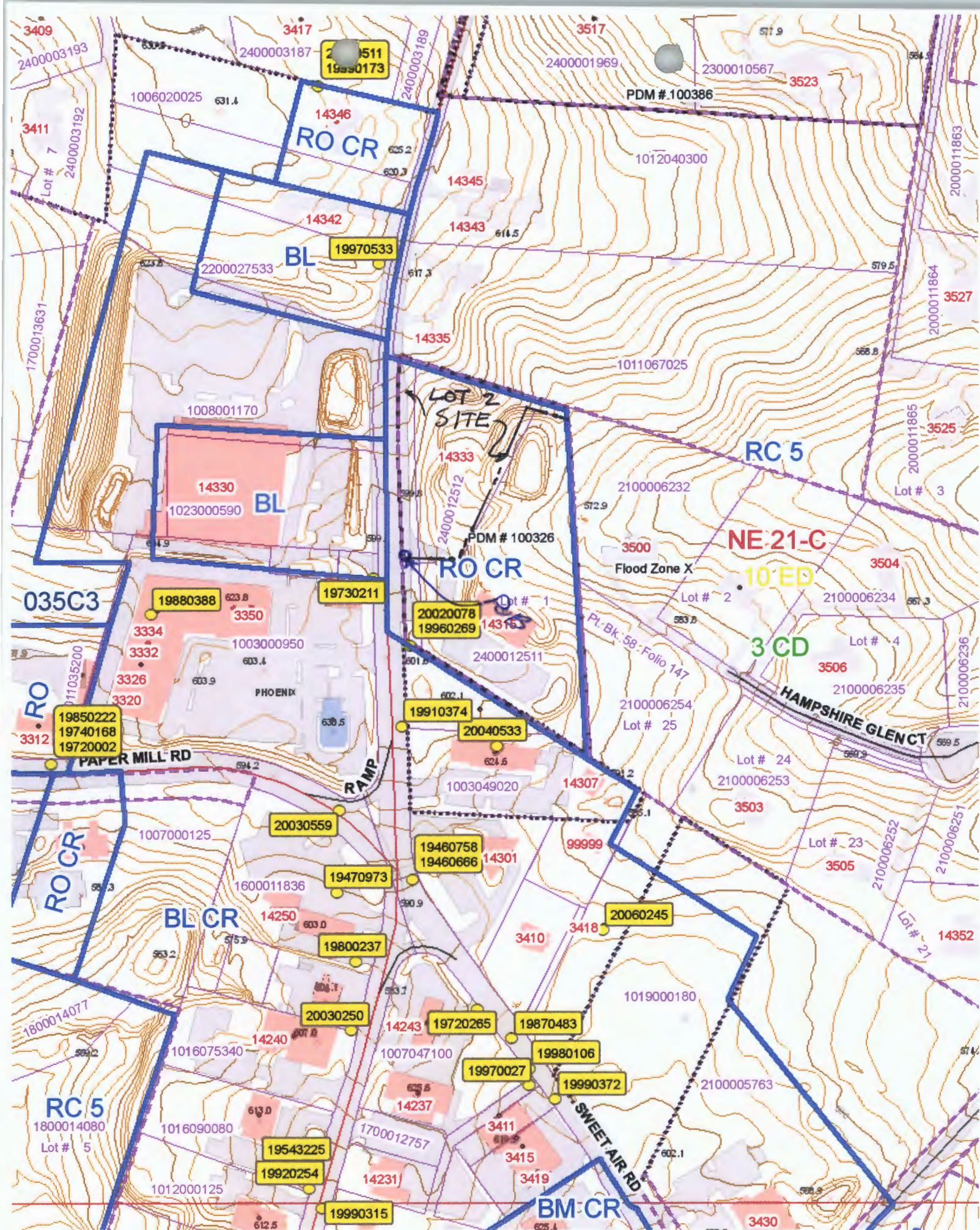
Enclosure

CC: Charles B. Marek, III, Esquire

2009 JUL 23

CASE NAME Fair Corners
CASE NUMBER 10-031-SPLXA
DATE 9/24/09

[illegible]



Case No.: 2010-0031-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	1996 Dev. Order and Special Ex. + Variance case	
No. 3	2002 - 0078 - SPHXA Case for property	
No. 4	12-28-01 letter from Jablon RE: submission to DRC	
No. 5	6-6-07 letter to Ketroco RE: vesting special exception for second building on Lot 2	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 14, 1996

PETITIONER'S

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

EXHIBIT NO. 2

RE: Case No. X-326 and 96-269-XA
Development Plan Order & Petitions for Special Exception
and Variance
Project: Four Corner Square Office Building
Four Corners Square Ltd. Partnership, Applicant/Developer

Dear Mr. Stone:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petitions for Special Exception and Variances have been approved.

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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

encl. *✓*

- c: E.G. Raphel and Associates
- c: Deborah Dopkin, Esq.
- c: Mitchell A. Daly, Jr.
- c: Mr. and Mrs. Herbert C. Lintz, Jr.
- c: Baltimore County Representatives



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 29, 2002

Patricia A. Malone, Esquire
Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

PETITIONER'S

EXHIBIT NO. 3

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
E/S Jarrettsville Pike, 420' N of the c/l Sweet Air Road
(14315 Jarrettsville Pike)
10th Election District - 6th Council District
Four Corners Square L.P., c/l Gaylord Brooks Realty Co. - Petitioners
Case No. 02-078-SPHXA

Dear Ms. Malone & Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted and the Petition for Variance dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: ✓ Mr. Richard A. Moore, P.O. Box 400, Phoenix, Md. 21131
Ms. Laurie McLain, 8212 Main Street, Ellicott City, Md. 21043
Mr. E. F. Raphel, 205 Courtland Avenue, Towson, Md. 21204
Mr. Curtis Way, 3531 Southside Avenue, Jarrettsville, Md. 21131
Ms. Betsy Lehmann, Greater Jacksonville Community Association
4104 Green Glade Road, Phoenix, Md. 21131
People's Counsel; Case File

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



Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

December 28, 2001

Four Corners Square
P.O. Box 400
Phoenix, MD 21131

RE: Four Corners Square
14315 Jarrettsville Pike
DRC Number 092401L; Dist. 10C6

Dear Sir or Madam:

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

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

The DRC has, in fact, met in an open meeting on December 10, 2001, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (B) (9).

PETITIONER'S
EXHIBIT NO. 4

Four Corners Square
Four Corners Square
December 28, 2001
Page 2

In order to further process your development plan, submit two check prints, of the plan, prepared in accordance with Section 26-203 of the development regulations, one completed, signed and sealed copy of the **Development Plan Checklist**, and a copy of this letter to this office.

Be advised that in addition to development review fees, Phase 2 review fees may apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 28th day of December 2001, ordered and decided that the recommendations of the DRC are hereby adopted.

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

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Larry Gredlein at 410-545-5600.

Sincerely,



Arnold Jablon
Director

AJ:DTR:dak

c: Kristin Weis
File
Larry Gredlein

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI
JOSEPH R. WOOLMAN, III

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

BALTIMORE, MD OFFICE
300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

June 6, 2007

Sent Via Hand Delivery

Timothy M. Kotroco
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

**Re: Four Corners Square Building/14315 Jarrettsville Pike
Case# 02-078-SPHXA**

Dear Mr. Kotroco:

This is to follow up our recent meeting regarding the above matter and the zoning relief granted in Case 02-078-SPHXA. As you are aware, Development Plan approval, Special Exception and Variance relief was originally granted for the subject property in Case 96-269-XA. In the Opinion and Order issued on that case by the office of the Zoning Commissioner on March 14, 1996, a Petition for Special Exception was granted to permit a Class B office building on the subject property. Additionally, development plan approval was granted pursuant to the development review regulations as codified in Article 32 Title 4 in the Baltimore County Code.

The Special Exception approval granted in that case ultimately lapsed before any construction was undertaken on the property. Thus, the petitioner filed new Petitions for Special Exception, Special Hearing, and Variance which were considered as Case 02-078-SPHXA. The Special Exception for the entire site was granted in accordance with the site plan reviewed in your office at our recent meeting. The order issued in that case, by the Zoning Commissioner on March 29, 2002, specifically referenced the construction of a second building on the property (see opinion attached hereto, page 2). After that relief was granted, the property was subsequently subdivided into two lots. Lot 1 was improved by the construction of an 8,400 square-foot office building. Additionally, access to the interior of the site was constructed, a septic reserve system installed, a parking lot built, etc. These improvements were to accommodate not only the then constructed building, but also the second building which at this time has not been constructed.

PETITIONER' S

EXHIBIT NO.

5

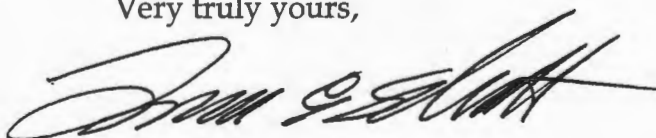
In addition to the specific reference to the second building in the decision, there were other documents which are part of the record of case 02-078-SPHXA which specifically indicate that the entire site and second building were part of the Special Exception approval. Specifically, the compatibility report references both buildings and the legal description references the entire 3.31 acre parcel. Finally, you are of course aware of Baltimore County Code Section 32-4-273, which, by analogy, states that the vesting of one lot within a subdivision vests the entire property. I enclose copies of all of those documents. Finally, I enclose a copy of the Court of Appeals decision entitled *Pemperton v. Montgomery County, Maryland* which provides that construction on a lot vests a Special Exception. This case is, I believe, an accurate statement of the current Maryland case law.

All of these documents are offered in support of my client's position that the Special Exception granted has vested and included all proposed improvements on the property, including the second building. I submit this information in view of the fact that your office has advised that permits will not be released because the Special Exception has either not vested or did not include the entire property. I believe that these documents unequivocally support our contention that the Special Exception is vested and encompasses the entire property.

If you are in agreement with our position, kindly countersign this letter where indicated below and return a copy to me at your earliest convenience.

Thank you for your cooperation regarding this matter and please do not hesitate to contact me should you have any questions.

Very truly yours,



Lawrence E. Schmidt

LES:jls

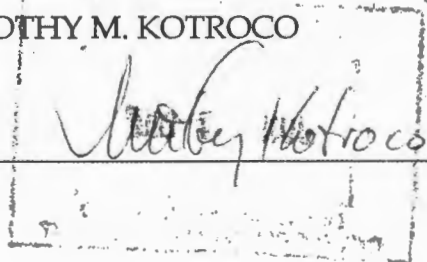
cc: Thomas Moore, Gaylord Brooks Realty Co., Inc.
Sebastian A. Cross, Esquire

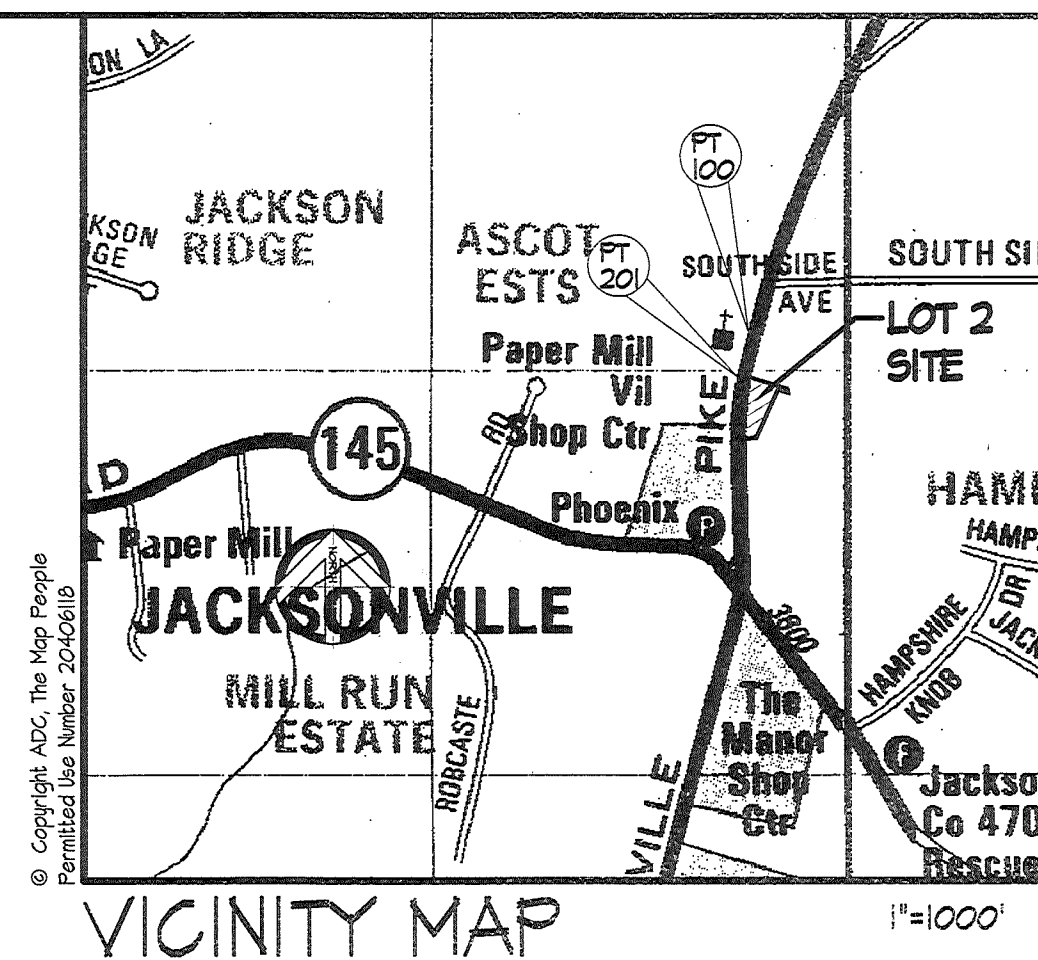
ACCEPTED AND AGREED TO:

TIMOTHY M. KOTROCO

By:

*gnd Bldg has vested
for the reasons stated
herein.*





o Case No. 02-078-SPHX-A: The Hearing Officer/Zoning Commissioner for Baltimore County granted that the Petition for Special Exception for a Class B Office Building on the subject property pursuant to Section 204-3B2 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- (1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 60-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief sought herein shall be null and void.
- (2) Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated January 23, 2002, and the Bureau of Development Plans Review, dated February 1, 2002, copies of which are attached hereto and made a part hereof.
- (3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

	 SITE RESOURCES incorporated Comprehensive Land Planning & Site Design Services
<i>This plan is sealed and certified as being in accordance with the approved Development Plan</i>	14915 Jarrettsville Pike • Phoenix, Maryland 21131 (410) 683-3388 • fax (410) 683-3389
DRAWN BY: C65 / RSN	CONTRACT NO.:
DESIGNED BY: RLR	SCALE: 1" = 30'
CHECKED BY: RLR	SRI PROJECT NO: 05004
DATE: 1/23/09	SHEET OF